



City Commission Agenda

for

January 8, 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

INTRODUCTION

Cub Scout Pack 26

NEIGHBORHOOD COUNCILS

1. Swearing In Ceremony
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Segment of Burlington Northern and Santa Fe Railroad Right-of-Way Along 14th Street Southwest. **(Presented by: Ben Rangel)**
 - A. Res. 9715, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9715.
 - B. Ord. 2995, Assigns zoning classification of C-2 General commercial district to the unincorporated segment of BNSF R/W. Action: Conduct joint public hearing and adopt or deny Ord. 2995.
4. Res. 9721, Building, Plumbing, Electrical and Mechanical Permit Fee Increase. Action: Conduct public hearing and adopt or deny Res. 9721. **(Presented by: Mike Rattray)**
5. Ord. 2993, Amending OCCGF Title 5.3.7.720 Special Business License and Create OCCGF 8.9 Emergency Medical Services. Action: Conduct public hearing and adopt or deny Ord. 2993. **(Presented by: Randy McCamley)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

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

6. Minutes, December 18, 2007, Commission meeting.

7. Total Expenditures of \$3,094,847 for the period of December 11-28, 2007, to include claims over \$5000, in the amount of \$2,915,158.
8. Contracts list.
9. Lien Release list.
10. Set public hearing for January 22, 2008, on sale of city-owned property located in Sand Hills Park.
11. Reaffirm the CDBG Policies and Citizen Participation Plan and approve the 2008-2009 Community Development Block Grant Funding Priorities.
12. Approve request for the City to co-sponsor the North-Central Montana MathCounts Chapter Competition by waiving the rental rates for use of the Missouri and Rainbow Rooms.

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

BOARDS & COMMISSIONS

13. Preliminary Plat, Cottage Grove Addition Phase 3 located along the northerly extension of 50th Street North from 7th Avenue North. Action: Approve Preliminary Plat and Accompanying Findings of Fact.
14. Preliminary Plat, Bootlegger Addition, Phases I and II, consisting of 51 proposed single family residential lots located between Northview Addition and Eagle's Crossing Addition. Action: Approve Preliminary Plat and Accompanying Findings of Fact.
15. Preliminary Plat, West Ridge Addition, Phases V and VI, located along the west boundary of 2nd Street Northeast between 37th and 40th Avenues Northeast. Action: Approve Preliminary Plat and Accompanying Findings of Fact.
16. Appointments, Mansfield Center for the Performing Arts Advisory Board. Action: Reappoint Edward Larry Gomoll and appoint two new members to the Mansfield Center for the Performing Arts Advisory Board for three-year terms through December 31, 2010.
17. Appointment, Great Falls Planning Advisory Board. Action: Appoint one member to the Great Falls Planning Advisory Board to fill the remainder of a three-year term through December 31, 2008.
18. Appointments, Regional Airport Authority Board. Action: Reappoint James Morin and appoint one new member to the Regional Airport Authority Board for three-year terms through December 31, 2010.
19. Miscellaneous reports and announcements.

CITY MANAGER

20. Miscellaneous reports and announcements.

CITY COMMISSION

21. Appointment, Mayor Pro Tempore. Action: Appoint Mayor Pro Tempore for a two-year term.
22. Miscellaneous reports and announcements.

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

23. Miscellaneous reports and announcements.

MOTION TO ADJOURN

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

DATE January 8, 2008

ITEM Public Hearing - Resolution 9715 to Annex Segment of Burlington Northern and Santa Fe Railroad Right-of-Way Along 14TH Street Southwest and Ordinance 2995 to Assign City Zoning to Same

INITIATED BY: City Administration

ACTION REQUESTED Commission Adopt Resolution 9715 and Ordinance 2995

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex a segment of Burlington Northern and Santa Fe Railroad Right-of-Way (BNSF R/W) along 14th Street Southwest and the City Zoning Commission has recommended the City Commission assign a zoning classification of C-2 General commercial district to the unincorporated segment of BNSF R/W, upon annexation to the City.

MOTION: (Each motion to be separately considered)
“I move the City Commission adopt Resolution 9715.”

and

“I move the City Commission adopt Ordinance 2995.”

SYNOPSIS:

Resolution 9715 annexes the unincorporated segment of BNSF R/W to the City of Great Falls. Ordinance 2995 assigns a zoning classification of C-2 General commercial district upon annexation of same to City.

BACKGROUND:

A segment of BNSF R/W located along 14th Street Southwest, between Interstate Spur 315 and Park Garden Road, and described in Certificate of Survey S-0004499, has never been annexed into the City. The right-of-way is 11.762 acres in size and is contiguous to the City Limits.

Please refer to the attached reduced copy of the Certificate of Survey prepared for the annexation and Exhibit “A” attached to Ordinance 2995.

Although annexation of the right-of-way will also address the City Commission interest to annex unincorporated enclaves into the City, Section 7-2-4301, M.C.A., “Annexation of Contiguous Land” will be applied. The statute allows city’s to annex land, if the land is adjacent to the city, including land used for railroad purposes (7-2-4314, M.C.A.).

The properties surrounding the unincorporated right-of-way are single-family residences along the eastern boundary and a motel and road right-of-way along the western boundary.

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.

As the annexation involves an operating rail line, the zoning assignment doesn't have too much application. However, it does make sense to assign zoning classifications that are compatible with the most prevalent zoning districts bordering the corridor being annexed, specifically, C-2 General commercial district.

On November 13, 2007, the Planning Board/Zoning Commission conducted a joint public hearing on annexing and establishing City zoning on the segment of BNSF R/W. At the conclusion of the public hearing, the Planning Board unanimously recommended the City Commission approve the subject annexation and the Zoning Commission unanimously passed a motion recommending the City Commission approve establishing a City zoning classification of C-2 General Commercial district to the unincorporated segment of BNSF R/W.

Attach:Resolution 9715
Ordinance 2995
Reduced Copy of Certificate of Survey

Cc: Burlington Northern and Santa Fe Railroad Co., C/O Source Net Solutions, P.O. Box 3004,
College Station, TX 77842-3054
Burlington Northern and Santa Fe Railroad Co., C/O David Pavlicek - Roadmaster, 620 5th
Avenue SW, Great Falls, MT 59404

RESOLUTION 9715

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY LOCATED ALONG 14TH STREET SOUTHWEST, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4311, MONTANA CODE ANNOTATED

* * * * *

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 outside the boundaries thereof, a segment of the Burlington Northern and Santa Fe Railroad Right-of-Way, located along 14th Street Southwest, in Section 15, Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 11.762 acres, all as shown on the Certificate of Survey filed the 15th day of October, 2007 under S-0004499 in the Clerk and Recorder's Office of Cascade County, Montana; and,

WHEREAS, Section 7-2-4311, Montana Code Annotated, provides that whenever any unplatted land that has been surveyed and for which a certificate of survey has been filed, may be incorporated and included in the municipality to which it is contiguous; and,

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution 9714 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG 14TH STREET SOUTHWEST, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA, IN

ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4311, MONTANA CODE ANNOTATED

duly and regularly passed and adopted on the 4th day of December, 2007, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include "A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG 14TH STREET SOUTHWEST, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 16th day of December, 2007; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on January 8, 2008, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property; and,

WHEREAS, 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 right-of-way 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: "SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG 14TH STREET SOUTHWEST, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.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 right-of-way; and,

That this Resolution shall become effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 8th day of January, 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 9715 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 8th day of January, 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 8th day of January, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

ORDINANCE 2995

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2
GENERAL COMMERCIAL DISTRICT TO A SEGMENT OF
BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-
OF-WAY ALONG 14TH STREET SOUTHWEST, IN SECTION 15,
TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE
COUNTY, MONTANA

* * * * *

WHEREAS, a segment of Burlington Northern and Santa Fe Railroad right-of-way located along 14th Street Southwest, between Interstate Spur 315 and Park Garden Road, and described in Certificate of Survey S-0004499, has never been annexed into the City; and,

WHEREAS, the annexation involves an operating rail line, wherein zoning is normally dictated by the most prevalent zoning districts bordering the corridor being annexed; and,

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held November 13, 2007, passed a motion recommending the City Commission of the City of Great Falls assign a zoning classification of C-2 General commercial district, as depicted on the zoning map attached hereto as Exhibit "A" and by this reference made a part hereof; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district to the segment of railroad right-of-way, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 8th day of January, 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 a segment of the Burlington Northern and Santa Fe Railroad Right-of-Way, in Section 15, Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 11.762 acres, be designated as C-2 General commercial district, as depicted on the attached Exhibit "A".

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 a segment of the Burlington Northern and Santa Fe Railroad Right-of-Way, in Section 15, Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, 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 8th day of January, 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 2995 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 8th day of January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 8th day of January, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 8th day of January, 2008, and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2995 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

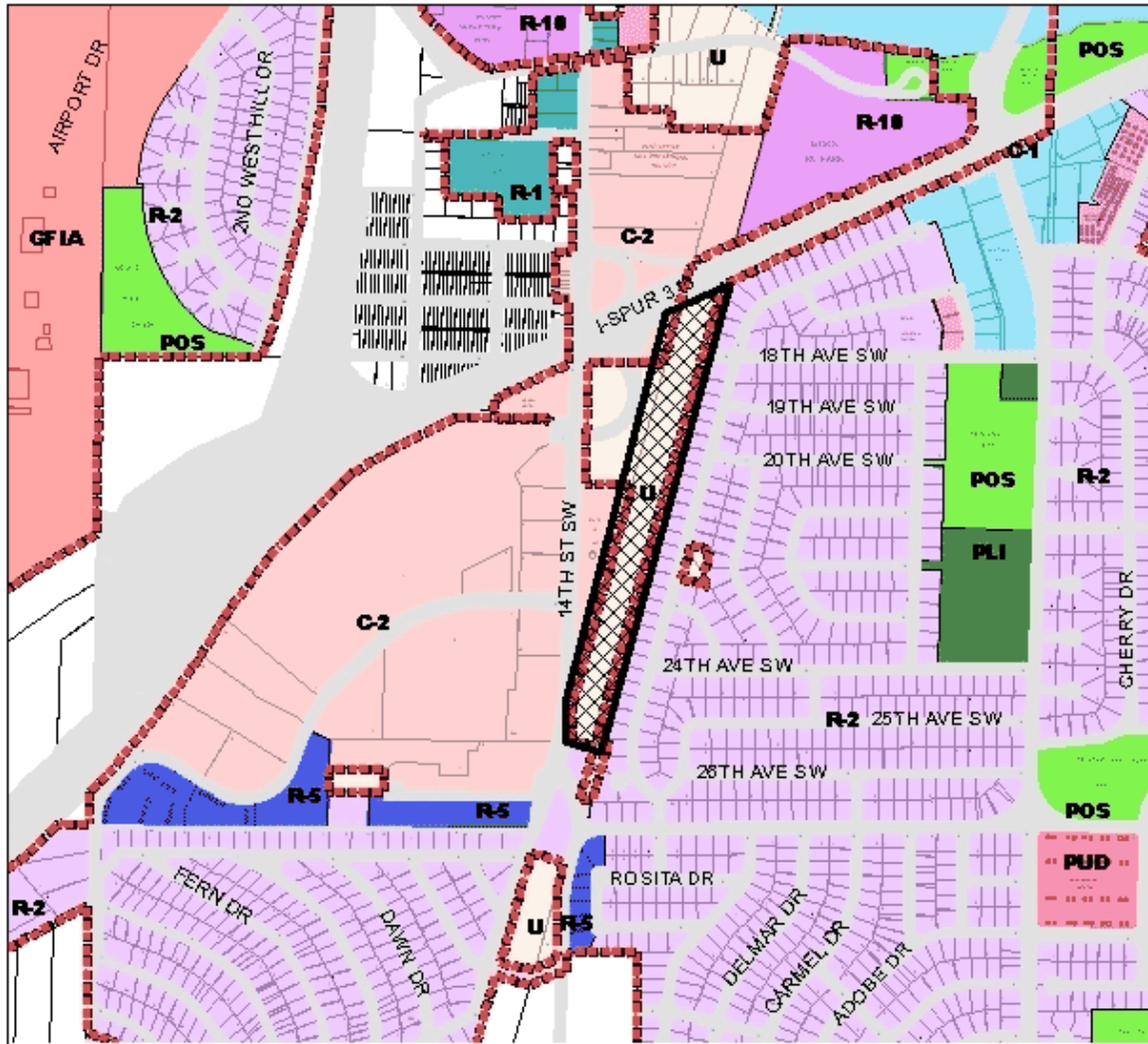
- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

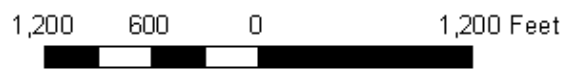
(CITY SEAL)

EXHIBIT "A"

VICINITY/ZONING MAP



- | | | | |
|---|---|--|--|
|  | PORTION OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT | | |
|  | City Limits |  | R-10 Mobile home park |
|  | R-1 Single-family suburban |  | C-1 Neighborhood commercial |
|  | R-2 Single-family medium density |  | C-2 General commercial |
|  | R-5 Multi-family medium density |  | PLI Public Lands and Institutional |
|  | R-6 Multi-family high density |  | POS Parks and Open Space |
| | |  | PUD Planned unit development |
| | |  | GFIA Great Falls International Airport |
| | |  | U Unincorporated enclaves |
| | |  | Tracts of land outside City |



CERTIFICATE OF SURVEY

**A PORTION OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY
LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M.,
CASCADE COUNTY, MONTANA.**

THE PURPOSE OF THIS SURVEY IS TO DESCRIBE A PORTION
OF THE BNSF RAILROAD RIGHT-OF-WAY FOR ANNEXATION TO
THE CITY OF GREAT FALLS.

PROPERTY OWNER OF RECORD, BURLINGTON NORTHERN AND SANTA FE RAILWAY.

The purpose of this survey is to describe a portion of the B. N. S. F. railroad right-of-way for annexation into the city of Great Falls and no tract of land is being created. This survey does not divide, change or aggregate any existing boundaries of record, therefore this survey is exempt from review as a subdivision.

LEGAL DESCRIPTION (B. N. S. F. Railroad right-of-way, Tract No. 1)

B. N. S. F. Railroad right-of-way located in Section 15, Township 20 North, Range 3 East, M.P.M., Cascade County, Montana, said tract being more fully described as follows, to-wit:
Commencing at the South ¼ Corner of Section 15, Thence N. 19°47'37" E. a distance of 499.06 feet, to a point on the easterly right-of-way line of the said Burlington Northern and Santa Fe Railroad right-of-way, and the southerly line of an abandoned county road;
Thence N. 14°00'00" E. a distance of 2,654.26 feet, along said easterly right-of-way line, and the west line of the Montana Addition to the City of Great Falls, to a point on the southerly right-of-way line of US Highway No. 91;
Thence S. 63°12'30" W. a distance of 264.17 feet, along said southerly right-of-way line of US Highway No. 91, to a point on the westerly right-of-way line of the said Burlington Northern and Santa Fe Railroad right-of-way line;
Thence S. 14°00'00" W. a distance of 2,469.15 feet, along said westerly right-of-way line, to the south line of the said abandoned county road.
Thence S. 72°25'00" E. a distance of 200.39 feet, along said northerly line, to the point of beginning, containing an area of 11.762 acres.

CERTIFICATE OF THE CASCADE COUNTY TREASURER

I, Jess Anderson, Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the area included in this plat, and I find that all real taxes, assessed and levied, on said tract to be subdivided have been paid to date, and are not delinquent.

Date: 10/15/07
Jess Anderson, County Treasurer of Cascade County, Montana.



CERTIFICATE OF REGISTERED LAND SURVEYOR

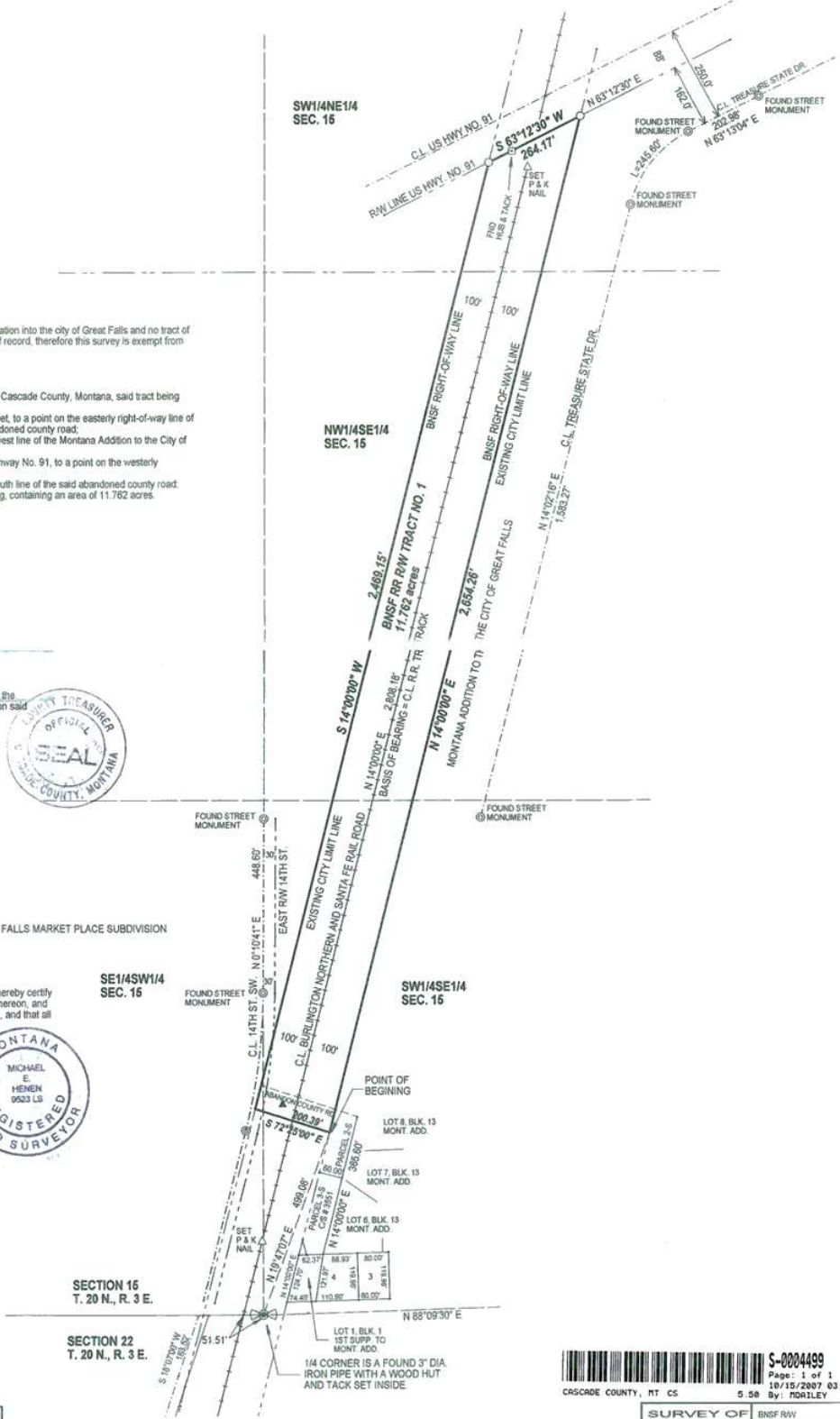
I, Michael E. Henen, Registered Professional Land Surveyor, Montana License No. 9523 L.S., do hereby certify that in August of 2007, I performed the land survey and created the accompanying plat as shown hereon, and that all was done in accordance with the provisions set forth in Sections 76-3-402 and 403, M.C.A., and that all monuments shown are of the character and occupy the position shown thereon.

Date: 8/20/07
Michael E. Henen, R. P. L. S.
Montana License No. 9523 L.S.



POINT LEGEND
○ = CALCULATED POSITION (NO MON. SET)
⊙ = 1/4 CORNER, AS NOTED.

DATE: 06/25/07



SECTION 15
T. 20 N., R. 3 E.

SECTION 22
T. 20 N., R. 3 E.

APPROVED
City-County Health Dept.
Great Falls, Montana
Date: 10-15-07

**APPROVED FOR COMPLIANCE WITH
SUBDIVISION REQUIREMENTS ONLY**

CRASCAD COUNTY, MT CS 5.50
S-0004499
Page: 1 of 1
10/15/2007 03:02
By: FORBLEY

SURVEY OF		BNSF RW	
PROJECT NAME:		RR RW MONT ADD. PCS	
1/4	SEC.	TWN.	RG.
NE	15	20 N.	3 E.

HENEN
Michael E. Henen
MT Registered Land Surveyor No. 9523 L.S.
Donald Henen
MT Registered Land Surveyor

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

DATE January 8, 2008

ITEM Res. 9721, Building, Plumbing, Electrical and Mechanical Permit Fee Increase

INITIATED BY Community Development Staff

ACTION REQUESTED Conduct Public Hearing and Adopt Res. 9721

PRESENTED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission approve the following motion:

MOTION:

I move to adopt Resolution 9721.

SYNOPSIS:

Resolution 9721 sets new rates for building, plumbing, electrical and mechanical permit fees that were established in 2006. The proposed fee schedule generally represents a 3% increase. Permit fees are calculated based on value of construction. The fee increase is proposed to be effective March 1, 2008.

BACKGROUND:

An increase in fees is necessary to cover the cost of service delivery and keep with inflation.

In order to support this enterprise fund, staff will review fee schedules annually to be certain cost of providing the services are recovered. Annual adjustments will avoid the necessity of a large percentage increase at any point in the future.

If approved, the fees for service addressed in Resolution 9721 support the cost of service at existing staffing levels.

BUILDING PERMIT VALUATIONS	CURRENT	PROPOSED
\$1,000	\$49.00	\$51.00
\$10,000	\$154.00	\$159.20
\$30,000	\$378.00	\$391.70
\$100,000	\$854.00	\$887.70

The basic fee for issuing an electrical, plumbing and mechanical permit increases from \$27 to \$28.

RESOLUTION NO. 9721

A RESOLUTION TO ESTABLISH RATES IN ACCORDANCE WITH TITLE 15, O.C.C.G.F., RELATING TO PERMIT FEES FOR BUILDING, PLUMBING, MECHANICAL, AND ELECTRICAL PERMITS IN THE CITY OF GREAT FALLS EFFECTIVE MARCH 1, 2008.

* * * * *

WHEREAS, the City Commission of the City of Great Falls having met and conducted the hearing this day in regular session at the Civic Center, Great Falls, Montana, at 7:00 p.m., and having considered the cost of service to promote safe buildings for the citizens of Great Falls, do hereby establish and approve the fee schedule, attached as Exhibit A, for the City of Great Falls, Montana.

PASSED by the Commission of the City of Great Falls, Montana, on this 8th day of January, 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 No. 9721 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 8th day of January, 2008, and approved by the Mayor of said City, on the 8th day of January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 8th day of January, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT A

BUILDING PERMIT FEES Effective March 1, 2008

VALUE	PERMIT	VALUE	PERMIT
\$1	\$1,000	\$51.00	\$50,001
\$1,001	\$2,000	\$61.00	\$51,001
\$2,001	\$3,000	\$72.40	\$52,001
\$3,001	\$4,000	\$84.80	\$53,001
\$4,001	\$5,000	\$97.20	\$54,001
\$5,001	\$6,000	\$109.60	\$55,001
\$6,001	\$7,000	\$122.00	\$56,001
\$7,001	\$8,000	\$134.40	\$57,001
\$8,001	\$9,000	\$146.80	\$58,001
\$9,001	\$10,000	\$159.20	\$59,001
\$10,001	\$11,000	\$171.60	\$60,001
\$11,001	\$12,000	\$184.00	\$61,001
\$12,001	\$13,000	\$196.40	\$62,001
\$13,001	\$14,000	\$208.80	\$63,001
\$14,001	\$15,000	\$221.20	\$64,001
\$15,001	\$16,000	\$233.60	\$65,001
\$16,001	\$17,000	\$246.00	\$66,001
\$17,001	\$18,000	\$258.40	\$67,001
\$18,001	\$19,000	\$270.80	\$68,001
\$19,001	\$20,000	\$283.20	\$69,001
\$20,001	\$21,000	\$295.60	\$70,001
\$21,001	\$22,000	\$308.00	\$71,001
\$22,001	\$23,000	\$320.40	\$72,001
\$23,001	\$24,000	\$332.80	\$73,001
\$24,001	\$25,000	\$345.20	\$74,001
\$25,001	\$26,000	\$357.60	\$75,001
\$26,001	\$27,000	\$370.00	\$76,001
\$27,001	\$28,000	\$382.40	\$77,001
\$28,001	\$29,000	\$394.80	\$78,001
\$29,001	\$30,000	\$407.20	\$79,001
\$30,001	\$31,000	\$419.60	\$80,001
\$31,001	\$32,000	\$432.00	\$81,001
\$32,001	\$33,000	\$444.40	\$82,001
\$33,001	\$34,000	\$456.80	\$83,001
\$34,001	\$35,000	\$469.20	\$84,001
\$35,001	\$36,000	\$481.60	\$85,001
\$36,001	\$37,000	\$494.00	\$86,001
\$37,001	\$38,000	\$506.40	\$87,001
\$38,001	\$39,000	\$518.80	\$88,001
\$39,001	\$40,000	\$531.20	\$89,001
\$40,001	\$41,000	\$543.60	\$90,001
\$41,001	\$42,000	\$556.00	\$91,001
\$42,001	\$43,000	\$568.40	\$92,001
\$43,001	\$44,000	\$580.80	\$93,001
\$44,001	\$45,000	\$593.20	\$94,001
\$45,001	\$46,000	\$605.60	\$95,001
\$46,001	\$47,000	\$618.00	\$96,001
\$47,001	\$48,000	\$630.40	\$97,001
\$48,001	\$49,000	\$642.80	\$98,001
\$49,001	\$50,000	\$655.20	\$99,001
			\$100,000

	<p style="text-align: center;">\$100,001 to \$500,000: \$887.70 for the first \$100,000 plus \$5.20 for each additional \$1000 or portion thereof.</p>
	<p style="text-align: center;">\$500,000 to \$1,000,000 \$2967.70 for the first \$500,000 plus \$4.10 for each additional \$1000 or portion thereof.</p>
	<p style="text-align: center;">\$1,000,000 and up: \$5017.70 for the first \$1,000,000 plus \$3.10 for each additional \$1000 or portion thereof</p>
	<p style="text-align: center;">RESIDENTIAL Plan review = 12.5% of permit fee</p>
	<p style="text-align: center;">COMMERCIAL Plan review = 25% of permit fee</p>

ELECTRIC PERMIT FEES.

Table No. 3-B

For issuing each permit.....\$ **28.00**

Temporary Power Service: For temporary service pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each.....\$ **28.00**

System Fee Schedule

(Note: the following do not include permit issuing fee).

New Residential Buildings

The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time.

1. ***Residential**: new construction and extensive remodeling based on square foot area. Included shall be all finished and unfinished rooms, including basements and residential garages. Multifamily dwellings or apartments, up to and including four units within a single structure, come under this section and each unit shall be counted as an individual residence.
 - a. 0 – 750 sq. ft.....\$ **42.20**
 - 751 – 4,000 sq. ft.....\$ **.08sq. ft.**
 - over 4,000 sq. ft.....\$ **222.50 plus \$.06 per sq. ft. over 4000 sq. ft.**
2. Mobile or Manufactured Homes: each connection or reconnection.....\$ **22.70**
3. Water pumps: any type
 - a. up to 25 h.p.....\$ **24.70**
 - b. over 25 h.p.....\$ **24.00 plus \$.08 per h.p. over 25 h.p.**
4. Private Swimming Pools & Hot Tubs: for new private, residential, in-ground, swimming pools & hot tubs for single-family, multi-family occupancies including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool or hot tub, each..... \$ **22.70**
5. Carnivals, Fairs, Outdoor Concerts and Similar Amusement Establishments and Other Public Assemblies of a Temporary Nature: Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable type rides, booths, displays and attractions.

The electrical inspection fee for each temporary installation shall be **\$53.60** for the entirety of the temporary installation, provided that such inspection can be completed within one hour. If additional inspection time is required, it will be charged at the rate of **\$26.80** for each additional 30 minutes or fractional parts thereof.

6. All Other: fees listed in this section shall apply to any and all electrical installations not specifically mentioned elsewhere in this rule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. For uniformity of fee, when labor is performed by the owner, such labor cost shall be based at actual cost. The value of factory installed wiring, switches, and controls on equipment shall be included in wiring costs. Value of motors and appliances need not be included. Multifamily dwellings or apartments with five or more dwellings come under this schedule. Mobile Home Parks – distribution wiring including pedestal or service is under this schedule. This does not include or permit the connection of the mobile home. Recreational Vehicle Parks – service conductors distribution and lot supply to individual units come under this schedule plus **\$7.00** per lot.

<u>Total Job Cost</u>	<u>Inspection Fee</u>
\$ 0 - \$ 1,000	\$ 50.50
\$ 1,001 - \$5,000	\$111.20
\$ 5,001 - \$10,000	\$212.20
\$10,001 - \$50,000	\$278.10 for first \$10,000 plus ½ of 1% of balance
More than \$50,000	\$502.60 for first \$50,000 plus ¼ of 1% of balance

7. Residential Appliances: For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges, self-contained room, console, or through-wall air conditions; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating, each.....\$ **17.50**

Note: for other types of air conditioners and other motor driven appliances having larger electrical ratings, see Power Apparatus.

8. Nonresidential Appliances: For residential appliances and self-contained factory-wired, nonresidential appliances not exceeding one horsepower (HP), kilowatt (KW), or kilovolt-ampere (KVA), in rating including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each.....**\$17.50**

Note: for other types of air conditioners and other motor-driven appliances have larger electrical ratings, see Power Apparatus.

9. Power Apparatus: For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW), kilovolt-amperes (KVA), or kilovolt-amperes reactive (KVAR):

Up to and including 10, each.....	\$17.50
Over 10 and not over 50, each.....	24.70
Over 50 and not over 100, each.....	50.50
Over 100, each.....	75.20

- Note: a. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
 b. These fees include all switches, circuit breakers, contractors, thermostats, relays and other directly related control equipment.

10. Services: For services of six hundred volts or less and not over two hundred amperes in rating, each.....**\$31.90**
0
 For services of six hundred volts or less and over two hundred amperes to one thousand amperes in rating, each.....**\$61.80**
 For services over six hundred volts or over one thousand amperes in rating, each.....**\$124.60**

Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, bus ways, signs or other equipment.

11. Option to Permitting Commercial Work under \$100.00 Per Job Cost. As an option to individual permits for work \$100.00 or under, total electrical job cost, a licensed electrical contractor may purchase an annual permit to cover all jobs of this description for the calendar year. The cost of this permit shall be**\$333.70**

Other Inspections and Fees:

12. Inspections outside of normal business hours (minimum charge – two hours)**Actual Cost to the Jurisdiction**
13. ****Reinspections**: A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made (minimum charge – one half hour).....**\$51.00/hr**
14. Inspections for which no fee is specifically indicated.....(minimum charge – one half hour).....**\$51.00/hr**
15. Additional plan review required by changes, additions or revisions to approve plans (minimum charge - one half hour).....**\$51.00/hr**

* Includes a maximum of three (3) inspections.

** This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

PLUMBING PERMIT FEES

Permit Issuance

1. For the issuance of each plumbing permit.....	\$28.00
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Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. Fixtures and Vents	
For each plumbing fixture or trap or set of fixtures on one trap	10.30
For repair of alteration of drainage or vent piping, each fixture.....	6.20
2. Water Service	
For repair, replacement or new (1only).....	22.70
Utility stubs---2 or more water services ----9.00 ea. plus 25.00 per trip.....	
If included in plumbing/gas permit	10.30
For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps.....	20.60
Rainwater systems—per drain (inside building).....	10.30
3. Water Piping and Water Heaters	
For installation, alteration, or repair of water piping or water-treating equipment or both, each.....	6.20
For each water heater.	13.40
4. Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices	
For each lawn sprinkler system on any one meter, including backflow protection devices therefore.....	15.50
For atmospheric-type vacuum breakers or backflow protection devices not included in Item 1:	
1 to 5 devices.....	13.40
Over 5 devices, each.....	3.60
For each backflow protective device other than atmospheric-type vacuum breakers:	
2 inches (50.8mm) and smaller.....	12.40
Over 2 inches.....	24.70
5. Swimming Pools	
For each swimming pool or spa:	
Public pool.....	91.70
Public spa.....	61.80
Private pool.....	61.80
Private spa.....	30.90
6. Miscellaneous	
For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or which no other fee is listed.....	10.30

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours)	Actual cost to jurisdiction
2. ** Re-inspection fees may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Minimum charge – ½ hour.....	51.00/hr
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—1/2 hour).....	51.00/hr
4. Additional plan review required by changes, additions, or revisions to plans for which an initial review has been completed (minimum charge—1/2 hour).....	51.00/hr

**This provision is not to be interpreted as requiring reinspection fee the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Effective date March 1, 2008

MECHANICAL PERMIT FEES

Permit Issuance

1. For the issuance of each mechanical permit..... **\$28.00**

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. Furnaces

For the installation or relocation of each forced-air of gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h (29.3kW)..... **15.50**

For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW)..... **18.50**

For the installation or relocation of each floor furnace, including vent..... **15.50**

For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater **15.50**

2. Gas Piping Systems

For each outlet..... **5.70**

3. Mobile/Manufactured Home hookup..... **15.50**

4. Appliance Vents

For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit..... **8.20**

5. Repairs of Additions

For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code..... **14.40**

6. Boilers, Compressors and Absorption Systems

For the installation or relocation of each boiler or compressor to and including three horsepower (10.6kW), or each absorption system to and including 100,000 Btu/h (29.3kW)..... **15.50**

For the installation or relocation of each boiler or compressor over three horsepower (10.6 kW) To and including 15 horsepower (52.7kW), or each absorption system over 100,000 Btu/h (29.3kW) to and including 500,000 Btu/h (146.6kW)..... **27.80**

For the installation or relocation of relocation of each boiler or compressor over 15 horsepower (52.7kW) to and including 1,000,000 Btu/h (293.1kW)..... **38.10**

For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) To and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9kW)..... **55.60**

For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9kW)..... **92.70**

7. Air Handlers

For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719L/s), including ducts attached thereto..... **11.30**

Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.

For each air-handling unit over 10,000 cfm. (4719L/s)..... **18.50**

8. Evaporative Coolers

For each evaporative cooler other than portable type..... **11.30**

9. Ventilation and Exhaust

For each ventilation fan connected to a single duct..... **8.20**

For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit..... **11.30**

For the installation of each Type I commercial kitchen hood..... **51.00**

For the installation of each Type II commercial kitchen hood..... **11.30**

10. Incinerators

For the installation or relocation of each domestic-type incinerator..... **18.50**

For the installation or relocation of each commercial or industrial-type incinerator..... **74.20**

11. Miscellaneous

For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other Appliance categories, or for which no other fee is listed..... **11.30**

Other Inspection and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours)..... **Actual cost of jurisdiction**

2. ** Re inspection fee may be assessed for each inspection of reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Minimum charge – one-half hour..... **51.00/hr**

3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour).. **51.00/hr**

4. Additional plan review required by changes, additions, or revisions to plans for which an initial review has been completed (minimum charge—one-half hour)..... **51.00/hr**

**This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

AGENDA REPORT *REVISED (1-07-2008)

DATE January 8, 2008

ITEM: Ordinance 2993, Amending OCCGF TITLE 5.3.7.720 & Create OCCGF 8.9

INITIATED BY: RANDY MCCAMLEY, FIRE CHIEF

ACTION REQUESTED: Conduct Public Hearing and adopt Ordinance 2993

PRESENTED BY: RANDY MCCAMLEY, FIRE CHIEF

RECOMMENDATION:

It is recommended that the City Commission conduct a public hearing and adopt Ordinance 2993.

MOTION:

I move the City Commission adopt Ordinance 2993, and that Great Falls Emergency Services (GFEMS) and Montana Community Ambulance (MCA) are appointed the interim provider of emergency ambulance services during the negotiation of the performance contract with GFEMS.

SYNOPSIS:

Ordinance 2993 would revise the current Special Business License Title 5.3.7.720 for ambulance transport companies and create a new article 8.9 entitled Emergency Medical Services. The new code will establish provisions for an ambulance performance contract with a private ambulance provider as well as develop training standards, safety requirements, and an ambulance fee schedule. These changes will results in a more cohesive emergency medical system to serve the public.

* A small housekeeping revision was added to address language no longer required in Title 5.3.7.760

BACKGROUND:

The final version of Ordinance 2993 is a result of numerous revisions over the last few weeks. Staff has worked diligently with our consultant Abaris Group, local ambulance company owners, and their representatives to develop an EMS ordinance that comprehensively improves the EMS system serving the citizens of Great Falls.

The ordinance presented for first reading on December 18, 2007 included the latest recommendations from the incumbent ambulance company. First, they requested a "Conflict Resolution" process be added to the ordinance to help address conflicts or disputes that might arise regarding the interpretation or application of the ordinance. Secondly, they requested greater involvement with the selection of the City's EMS

system medical director. Additional language was included that satisfies both of their concerns.

Adoption of Ordinance 2993 will provide the City of Great Falls with formal authority to properly manage the City's 911 emergency medical service. Once this ordinance is adopted the city can begin drafting a performance contract that shall be negotiated with the incumbent ambulance provider, Great Falls Emergency Services.

Recently there have been some comments from the public about the lack of detail in parts of the ordinance. These comments lack the specificity of what should be added or what may be missing which makes amendments difficult. However, the ordinance was never intended to encompass every detail, role or aspect of how the EMS system will function. The performance contract between the City and the incumbent 911 ambulance provider, joint standard operational guides and EMS system protocols will specify roles, responsibilities and system functional details for the EMS system. These details will be determined in cooperation with the EMS Advisory Committee which is governed by this ordinance.

Additionally, any attempt to add more detail and specific procedure to the ordinance would result in a voluminous document that would be difficult to administer and also subject to frequent City Commission review and revision. This is due to the dynamic and ever changing technology and practice that occurs in emergency medicine.

Also, in order for the 911 EMS system to meet community demand and allow for the flexibility needed to embrace EMS best practices the System Administrator, EMS Advisory Board and Medical Director must have the ability to make needed improvements when necessary.

In closing, while Great Falls may be the first major city in Montana to promulgate an EMS ordinance of this magnitude, most areas outside of Montana have addressed these issues long ago. The City's leadership and vision in this matter will no doubt be followed by other Montana communities in the future.

ORDINANCE 2993

AN ORDINANCE AMENDING OCCGF TITLE 5 CHAPTER 3 ARTICLE 7 SECTION 720 PERTAINING TO EMERGENCY MEDICAL LICENSES AND CREATING TITLE 8 CHAPTER 9 SECTION 8 EMERGENCY MEDICAL SERVICES

WHEREAS, the City of Great Falls is responsible for ensuring the citizens of Great Falls receive prompt prehospital emergency care during medical emergencies; and

WHEREAS, the State of Montana allows cities to provide ambulance services in a manner set forth in MCA 7-34-103; and

WHEREAS, the foundational strength of any Emergency Medical Services system is based on strong collaboration and coordination among system components; and

WHEREAS, comprehensive policies and procedures along with performance contracting are necessary to standardize the individual system components and promote a more safe and stable system.

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

That OCCGF Title 5, Chapter 3, Article 7, Section 720 is amended as depicted in Exhibit A wherein all language with a bold-face font will be added and all language with a strikeout is removed, and OCCGF Title 8, Chapter 9, Section 8 is created as depicted in Exhibit B.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 8th day of January, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE 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 2993 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 8th day of January, 2008, and approved by the Mayor of said City on the 8th day of January, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 8th day of January 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 8th day of January, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2993 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

Title 5, Chapter 3, Article 7,
Section 720

Article 7
EMERGENCY MEDICAL SERVICES LICENSES

Sections

5.3.7.700	Definitions.
5.3.7.710	License required
5.3.7.720	Criteria for license
5.3.7.730	Cancellation of license
5.3.7.740	Notice and hearing required
5.3.7.750	Existing services
5.3.7.760	Exemptions

5.3.7.700 Definitions

For the purpose of this chapter, the following terms and words shall have the meanings set forth in this section, unless the context requires otherwise.

“Ambulance” means a privately or publicly owned motor vehicle or aircraft that is maintained and used for the transportation of patients.

“Emergency Medical Services” means a pre-hospital emergency medical transportation or treatment service provided by an ambulance service.

“License Certificate” means the City emergency services license issued or renewed to any person to engage in the ambulance service business. A new ambulance service business license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.

“License Year” means a fiscal year from July 1 through June 30.

“Patient” means an individual who is sick, injured, wounded or otherwise incapacitated or helpless. The term does not include a person who is non-ambulatory and who needs transportation assistance solely because that person is confined to a wheel chair as the person’s usual means of mobility.

“Person” means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.

“Public Convenience and Necessity” means qualified, fit, able and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City. (Ord. 2743, 1998)

5.3.7.710 License required

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining a license as provided in this chapter.
- B. All such license certificate(s) shall be for a City license year or for the remainder thereof. A license certificate shall expire at the conclusion of each licensure year and shall be renewable subject to the

ability to meet the standards set by the City and the State Department of Health and Human Services as to fitness and ability to operate an emergency ambulance service.

- C. No license shall be issued under this chapter to any new applicant unless the City Commission shall, after conducting a public hearing and review, find that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing and able to perform such public transportation, and to operate in compliance with Montana State Law and the provisions of this chapter.
- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of a License Certificate of public convenience and necessity stating the name and address of the applicant, the location of the ambulance service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another ambulance service, the application shall be denied. Existing ambulance services may continue to operate within the City as long as they comply with the provisions of this chapter and are in compliance with Montana State Law.
- E. There must be paid to the City, with each application for a license or for renewal of a license, a license fee that shall be set by resolution.
- F. The license is not transferable.
- G. The license is non-exclusive. (Ord. 2743, 1998)

5.3.7.720 Criteria for license

Any person desiring to obtain a license required by this chapter shall demonstrate the ability to meet the following requirements according to Title 8, Chapter 9.

- ~~A. The applicant must possess a current license from the Department of Health and Environmental Sciences to provide emergency medical services, both transport and treatment at the Advanced Life Support level.~~
- ~~B. The applicant must provide emergency medical services at the Advanced Life Support level, throughout the City, twenty four (24) hours per day, seven (7) days per week.~~
- ~~C. Each responding ambulance shall be staffed with a minimum of one National Registry Paramedic and one EMT.~~
- ~~D. The applicant must have adequate personnel, vehicles, equipment and facilities to respond at the Advanced Life Support level to emergency calls to all locations within the City within eight (8) minutes or less on at least ninety percent (90%) of such calls. The applicant must take into consideration emergency responses outside the City limits, to ensure they have adequate staffing, vehicles and equipment to meet the response requirements as outlined in this chapter.~~
- ~~E. The applicant must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services and the Board of Medical Examiners as outlined in the Administrative Rules of Montana.~~
- ~~F. All emergency medical services providers must have a signed agreement with the City of Great Falls 911 Dispatch Center for providing dispatch services. All emergency medical providers shall abide by the rules and procedures as outlined in the City of Great Falls 911 Center Policy Manual.~~
- ~~G. The applicant must have a commercial general liability, including auto, insurance policy, in a form acceptable to the City, insuring the applicant for not less than the \$1 million per occurrence, for bodily injury or death and \$1 million per occurrence for loss or damage to property; and \$2 million aggregate. Said policy shall name the City as an additional named insured. The applicant must provide proof of such insurance coverage prior to issuance of the license. (Ord. 2743, 1998)~~

5.3.7.730 Cancellation of license

The City may cancel a license if it finds that the licensee has:

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls 911 Center Policy Manual; and,

- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City. (Ord. 2743, 1998)

5.3.7.740 Notice and hearing required

- A. The City shall not deny or cancel a license without:
 - 1. Delivery to the applicant or licensee of a written statement of the grounds for denial or cancellation of the charge involved;
 - 2. An opportunity to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or canceled.
- B. After receipt of written notice of grounds for denial or cancellation or charges, any applicant or licensee desiring a hearing before the City Commission must make written application within (10) days of such notice. (Ord. 2743, 1998)

5.3.7.750 Existing services

Any person providing emergency medical services with the City as of the effective date of this chapter shall have a period of one hundred twenty (120) days to meet the requirements and obtain the license required by this article, exclusive of the public hearing and City Commission determination of public convenience and necessity as stated in 5.3.7.710(C). (Ord. 2743, 1998)

5.3.7.760 Exemptions

The provisions and requirements of this chapter shall not apply to:

- A. The Great Falls Fire Department except as provided in ~~5.3.7.720(A) through 5.3.7.720(E)~~. **Montana state licensing requirements from the States Board of Medical Examiners and the Department of Health and Environmental Services.**
- B. Any person providing emergency medical services outside the City who, in the course of providing such services, transports a patient from outside the City into or through the City.
- C. Any person providing emergency medical services within the City who is providing such services at the request of the City pursuant to a written mutual aid agreement between the City and the person. (Ord. 2743, 1998)

Title 8

Chapter 9

EMERGENCY MEDICAL SERVICES

Sections:

8.9.010	Purpose
8.9.020	Authority
8.9.030	Definitions
8.9.100	Emergency medical services (EMS) system
8.9.105	EMS system administrator
8.9.110	EMS system components
8.9.115	EMS system medical direction
8.9.120	Establishment of an EMS Advisory Board
8.9.200	City of Great Falls EMS responsibilities
8.9.205	Replacement of fire department items
8.9.300	Emergency medical services license required
8.9.310	Ambulance service performance contract required
8.9.315	Issuance of ambulance service performance contract
8.9.320	Transferability of ambulance service performance contract
8.9.325	Extension of ambulance service performance contract
8.9.330	Breach of contract and default
8.9.335	Criteria for ambulance service performance contract
8.9.340	Ambulance service performance requirements
8.9.345	Conflict Resolution
8.9.350	Penalties
8.9.355	Performance security
8.9.360	Submittal of reports for requests for service
8.9.365	Release of information
8.9.370	Confidentiality of records
8.9.375	Ambulance service rates
8.9.380	Right of property not granted
8.9.385	City to be held harmless
8.9.390	Ambulance service provider bound by City, State, and Federal regulations

8.9.010 Purpose.

The purposes of this Chapter are:

- A. To allow for the orderly and lawful operation of the emergency medical services (EMS) system in the City;
- B. To enact regulations, policies, and procedures, which are necessary for the public health and safety regarding first response and 911 emergency ambulance service in the City;
- C. To enact regulations, policies, and procedures for issuing contracts and regulating 911 emergency ambulance services to ensure safe, competent, efficient and adequate care is provided within the City; and
- D. To allow for adequate 911 emergency ambulance services and to establish ambulance service rates recommended by the City's contracted ambulance service and approved by the City Commission.

8.9.020 Authority.

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this Chapter. (Ord. 2672, 1995)

8.9.030 Definitions.

For the purpose of this Chapter, the following terms and words shall have the meanings set forth in this Section, unless the context requires otherwise:

- A. "Advanced life support (ALS)" shall mean an advanced life support provider as defined in the Administrative Rules of Montana 24.156.2701.
- B. "Advanced life support service" shall mean an ambulance service or non-transporting medical unit that has the capacity and is licensed by the State of Montana to provide care at the EMT-Paramedic equivalent level 24 hours a day, seven days a week.
- C. "Ambulance" shall mean a privately or publicly owned motor vehicle that is maintained and used for the transportation of patients and that meets all Montana ambulance licensure requirements.
- D. "Ambulance service" shall mean an emergency medical service that utilizes an ambulance to respond to 911 emergency calls.
- E. "Ambulance service performance contract" shall mean an agreement between the City and an ambulance service provider used as an instrument to authorize and regulate ambulance service in the City.
- F. "Ambulance service provider" shall mean the business of, or a person owning, operating, managing, or maintaining as principal or agent of one or more ambulances for the purpose of providing 911 emergency ambulance services within the City EMS system. The ambulance service provider may be a public or private entity.
- G. "Ambulance service rates" shall mean any monetary charge, fare, fee, rate, or other consideration or compensation for ambulance service.
- H. "Approved" shall mean acceptable to the authority having jurisdiction.
- I. "City" shall mean the incorporated area of the City of Great Falls and the Fire Districts served by Great Falls Fire Rescue.
- J. "Emergency medical services (EMS)" shall mean the services, personnel, resources, equipment, and supporting administration and infrastructure used in responding to medical emergencies, providing emergency medical care, first response services, the transporting of patients, while rendering emergency medical treatments.
- K. "Emergency medical services (EMS) call" shall mean first responder and ambulance service provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled care is required.
- L. "Emergency medical services (EMS) system" shall mean the interrelated but separate public and private entities including, but not limited to, ambulance service providers, and fire

departments, which, optimally, work together in the timely and appropriate provision of emergency medical services to the citizens and visitors of the City.

- M. "Fire department" shall mean Great Falls Fire Rescue (GFFR).
- N. "First response service" shall mean the provision of EMS provided by a responder prior to the arrival of the ambulance service.
- O. "Grandfathering" shall mean the City Commission may contract with an existing ambulance service provider without conducting a competitive process for ambulance service providers.
- P. "Patient" shall mean any person in need of or in the process of receiving emergency medical care.
- Q. "Person" shall mean an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.
- R. "Public convenience and necessity" shall mean qualified, fit, able, and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City. (Ord. 2743, 1998)

8.9.100 Emergency medical services (EMS) system.

The public welfare requires the providing of assistance and encouragement for the development of a comprehensive emergency medical services program for the City of Great Falls. The City shall establish and administer an emergency medical services (EMS) 911 system. The City may contract with a private ambulance service provider to provide emergency medical treatment and transportation of patients within the City.

8.9.105 EMS system administrator.

The City shall establish an EMS system administrator appointed by the City Manager to represent the City and the City Commission. The duties and responsibilities of the EMS system administrator shall include, but not be limited to, the following:

- A. Development and implementation of a comprehensive EMS system planning process.
- B. Develop guidelines and performance standards for each component of the City EMS system.
- C. Establish and articulate the roles and responsibilities for EMS system participation.
- D. Coordinate with the EMS system medical director on issues related to medical procedures, EMS protocols, and quality improvement processes.
- E. Coordinate with all EMS system participants to develop and ensure a management structure and accountability process for the EMS system.
- F. Serve as the chair of the City's EMS Advisory Board.
- G. Provide mechanisms for the continuous evaluation of the EMS system including a comprehensive quality improvement program.
- H. Establish an EMS system quality improvement committee in consultation with the EMS system medical director and other EMS system participants.
- I. Administer and supervise the ambulance service performance contract.
- J. Establish procedures, and policies in consultation with the EMS Advisory Board to ensure a safe, stable, and effective EMS system throughout the City.
- K. Any other duties as needed to ensure a safe, stable, and effective EMS system throughout the City.

8.9.110 EMS system components.

The EMS system of the City shall include the participation of the following components:

- A. Cascade County Consolidated Dispatch Center.
- B. Fire department.
- C. Ambulance service provider.

- D. Air ambulance service provider.
- E. Local and regional medical facilities.
- F. Any other entity or agency that may be required for the safe, stable, and effective delivery of EMS in the City as identified by the EMS system administrator.
- G. The public at large.

8.9.115 EMS System Medical Direction.

The City shall provide for an EMS 911 system medical director to provide overall medical direction for the City EMS 911 system. The duties and responsibilities for the EMS system medical director shall include, but is not be limited to, the following:

- A. Review and approval of all EMS training programs that are necessary for operation of the EMS 911 response system.
- B. Development and implementation of medical protocols for all EMS personnel.
- C. Serve as the vice-chair of the City's EMS Advisory Board.
- D. Serve as the chair of the EMS system's quality improvement committee.
- E. Conduct periodic quality improvement reviews as is dictated based on EMS system needs
- F. The EMS system medical director shall serve as the medical director for the fire department and the 911 emergency ambulance service provider.
- G. The cost of the EMS system medical director will be shared by both the fire department and ambulance service provider. The City will administer any contract with the EMS system medical director.
- H. The EMS 911 system medical director shall not have oversight over the non-emergent and inter-facility transport services that may be provided by the contracted ambulance service.
- I. Medical Director Selection Process: When the Medical Director's position becomes vacant, the System Administrator in conjunction with an ambulance company representative will collaborate to recruit and interview a physician to serve as the system's Medical Director.

8.9.120 Establishment of an EMS Advisory Board.

- A. The City Commission shall establish an EMS Advisory Board representative of the EMS system participants.
- B. The City Commission shall appoint the members of the EMS Advisory Board. Members of the EMS Advisory Board should include, but not be limited to, the following representatives:
 - (1) EMS system administrator (chair).
 - (2) EMS system medical director (vice-chair).
 - (3) Emergency Department manager.
 - (4) Neighborhood Council Coordinator.
 - (5) Cascade County Consolidated Dispatch Center Supervisor.
 - (6) Fire department EMS Coordinator.
 - (7) Ambulance service provider administrator or manager.
 - (8) Fire department EMT or paramedic.
 - (9) Ambulance service EMT or paramedic.
- C. Other EMS Advisory members may be appointed by the City Commission as needed to ensure all EMS system participants affected by the decisions of the EMS Advisory Board are represented.
- D. The EMS Advisory Board will provide input and discuss issues related to the City's EMS system and serve in an advisory capacity to the City's EMS administrator.
- E. The EMS administrator will have the authority regarding EMS system operational issues on behalf of the City and the City Commission and the EMS system medical director will have the final authority regarding medical procedures, protocols, or practices.
- F. The City Commission will have oversight responsibility for the EMS Administrator and the EMS Advisory Board.

- G. The EMS Advisory Board will meet on a regular basis, not less than 4 times a year, to address issues affecting the EMS system, to ensure the performance of the EMS system and that the EMS system is safe, stable, and effective.

8.9.200 City of Great Falls EMS responsibilities.

- A. The City has the primary responsibility to ensure that effective, safe, and reliable EMS is provided to the City.
- B. The fire department shall provide EMS first response services to all EMS calls within the City and other areas and locations that they may respond.
- C. The fire department may transport patients when it is in the interest of the patient's health and safety. Standard operating guidelines or protocols shall be established by the EMS system medical director in conjunction with the EMS Advisory Board to determine when this is appropriate. The Fire Department may transport when time is critical to patient care and when the patient is packaged and ready for transport and when an ambulance is not immediately available or shall be delayed.

8.9.205 Replacement of fire department items.

Disposable items used by the fire department in providing patient care and treatment shall be replaced at the incident by the ambulance service provider. If it is not in the best interest of patient care to complete the replacement of disposable items at the incident, the fire department will furnish the ambulance service provider with a list of items to be replaced accompanied by the name, if known, and incident number of the patient for whom the items were used. The ambulance service provider shall, within 48 hours of receipt of the list of items, resupply fire department with all items on such list to be delivered them at Fire Station 1, 105 9th Street South. All brand name specific supplies as identified by all EMS participants and approved by the EMS Advisory Board shall be replaced with said brand name. Otherwise, a brand name equivalent replacement may be used but shall be approved by the medical director. Within 24 hours, or such longer period as has been established as policy by the EMS Advisory Board, the ambulance service provider will retrieve and return to the fire department all durable equipment supplied by the fire department in providing EMS and any other fire department equipment which has come into the ambulance service provider's possession.

8.9.300 Emergency medical services license required.

No person shall conduct or operate an ambulance service within the City without first obtaining a license as required in Title 5, Chapter 3, Article 7 of the City Code.

8.9.310 Ambulance service performance contract required.

- A. All persons who wish to operate, conduct, advertise, engage in or profess to be engaged in the 911 emergency ambulance business or service of the transportation of any patient by ambulance upon the streets or any public way or place within the City, shall only do so upon the execution of an ambulance service performance contract issued by the City.
- B. Any City ambulance service contractor is required by this Chapter to obtain an ambulance service performance contract from the City to provide 911 emergency ambulance services within the City's jurisdiction.
- C. Upon recommendation of the City Manager, the City Commission shall make the final determination to execute an ambulance service performance contract with an ambulance service provider for ambulance service to City 911 emergency calls.
- D. No ambulance service performance contract will be approved under this Chapter to any new ambulance service unless the City Commission shall, after conducting a public hearing and review, find that another ambulance service is in the public interest, for the public convenience

and necessity, and that the ambulance service provider is fit, willing and able to perform such public service, and to operate in compliance with Montana state law, the Administrative Rules of Montana, and the provisions of this Chapter.

- E. No unauthorized ambulance service shall be dispatched to 911 emergency calls or allowed to transport patients within the City except during a catastrophic incident or disaster if demand for resources overwhelms the EMS system.
- F. Nothing in this Chapter shall be construed to modify or in any way affect existing state laws concerning ambulance services.

8.9.315 Issuance of ambulance service performance contract.

An ambulance service performance contract can only be issued by the City Commission by “grandfathering” or completion of a competitive process in accordance with Montana state law. The City reserves the right to issue an interim contract to any ambulance service provider for the City under emergency circumstances such as when the contracted ambulance service provider fails to perform the services they had agreed to under the performance contract and this ordinance. If during an exceptional event as judged by the City Manager that the health and safety of the residents of the City is threatened or jeopardized, he or she shall take such actions necessary to alleviate that threat. Such action may include, but is not limited to, temporary assignment of an ambulance service provider to provide services in the City. Emergency action taken by the City Manager must be ratified and approved by the City Commission within 30 calendar days to remain valid. The City Commission will determine the term of the action, and the City Commission may issue an interim ambulance service performance contract for a specified term.

8.9.320 Transferability of ambulance service performance contract.

- A. An ambulance service performance contract shall not be transferable by the ambulance service provider to another person, party or business, for the purpose of providing ambulance service within the City unless formally approved by the City Commission.
- B. The City Manager, at his/her discretion, may allow the contracted ambulance service provider to subcontract for ambulance services. Any subcontractor must comply with the provisions of this Chapter and all other appropriate City Codes.
- C. If the City approves the use of a subcontractor, the primary contractor shall retain accountability for delivering the required contract performance. The inability or failure of any subcontractor to perform any duty or deliver contracted performance will not excuse the primary contractor from any responsibility in this Chapter or in the ambulance service performance contract.

8.9.325 Extension of ambulance service performance contract.

The City Commission will determine the length of an ambulance service performance contract. At the discretion of the City Commission, contract extensions may be granted, or the contract may provide for automatic annual renewals based on achievement of performance measures and customer service requirements specified by the City.

8.9.330 Breach of contract and default.

- A. An ambulance service performance contract issued by the City Commission may be suspended or terminated by the City Commission for non-compliance with this Chapter, the terms of the ambulance service performance contract, or the performance standards specified in the ambulance service performance contract as agreed to by both parties.
- B. An ambulance service performance contract shall contain performance criteria and provisions for the suspension or termination of the contract for failure to meet the performance criteria or other provisions, including response time standards.
- C. The ambulance service performance contract shall contain provisions defining major and minor breach of contract infractions and specified time periods for correcting infractions.

- D. An ambulance service performance contract shall contain provisions designed to assure continuity of ambulance service in the event of default or breach of contract by the ambulance service provider and any subsequent suspension or termination by the City.

8.9.335 Criteria for ambulance service performance contract.

Any person desiring to obtain an ambulance service performance contract with the City as required by this Chapter shall demonstrate the ability to meet the following requirements:

- A. The ambulance service provider must possess a current license from the State of Montana, Department of Health and Human Services to provide emergency medical services, both transport and treatment at the advanced life support (ALS) level.
- B. The ambulance service provider must provide emergency medical services at the ALS level, throughout the City, 24 hours per day, and seven days per week.
- C. Each responding ambulance shall be staffed with a minimum of one Montana Certified Paramedic and one Montana certified Emergency Medical Technician (EMT).
- D. The ambulance service provider must have adequate personnel, vehicles, equipment, and facilities to respond to all locations within the City to meet the response time standards specified in the ambulance service performance contract.
- E. The ambulance service provider must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services and the Board of Medical Examiners as specified in the Administrative Rules of Montana.
- F. The emergency medical providers to include the contracted ambulance service will use the Cascade County Consolidated Dispatch Center. They shall abide by the rules and procedures as outlined in the CCCDC policy manual.
- G. The ambulance service provider must have a commercial general liability insurance policy, including automobile coverage, in a form acceptable to the City, insuring the ambulance service provider for not less than \$2,000,000.00 per occurrence for bodily injury or death, and \$2,000,000.00 per occurrence for loss or damage to property; and \$4,000,000.00 aggregate. All policies of insurance under this chapter shall be issued by insurance companies licensed to do business in the State of Montana. Proof of coverage shall be evidenced by submitting an insurance certificate, or certificates, to the City, which names the City as an additional insured and indicates that the City will be notified no less than 30 days prior to alteration, cancellation, termination, or non-renewal of coverage.
- H. The ambulance service provider shall provide the City a list of the full names of all ambulance drivers and attendants, identifying each person's EMS certification level; certification number or paramedic license number; issuing jurisdiction; CPR certification, Montana Drivers License number, and Ambulance Driver Certificate, as well as the expiration dates for each. The list shall be updated and provided to the City on an annual basis and any changes (including additions or deletions) will be provided on a quarterly basis or as requested by the City. The City shall take reasonable steps to protect confidentiality and security of the individual certification and license number of the contracted ambulance staff.

8.9.340 Ambulance service performance requirements.

- A. The ambulance service performance contract shall include specific response time standards for 911 EMS calls.
- B. Additional performance requirements related to personnel, vehicles, equipment, and patient care shall also be included in the ambulance service performance contract.

8.9.345 Conflict Resolution.

Conflicts or disputes related to the operation of emergency services involving the Great Falls 911 Emergency Services System will be resolved between the system participants as expeditiously and as cooperatively as possible. The conflict/issue should be resolved at the lowest level possible. Conflict resolution will follow this general format wherever possible:

If the issue cannot be resolved at this initial level, the issue should be submitted in writing by either party to the EMS Administrator within five (5) business days (Monday – Friday) of first occurrence or first knowledge. The party carrying the issue forward must include their requested remedy.

The EMS Administrator has ten (10) business days from receipt of the written conflict/issue to investigate the matter, take the appropriate corrective action, if any, and provide a written response to the parties involved.

If the EMS Administrator's decision does not resolve the issue, then either party may submit the issue in writing to the City Manager within five (5) business days of receipt of the EMS Administrator's decision. The City Manager, or designee, shall investigate the issue and render a decision within ten (10) business days.

If the City Manager's decision does not resolve the issue, then either party may submit the issue in writing to the City Commission within five (5) business days of receipt of the City Manager's decision.

The City Commission may choose to affirm the decision of the City Manager, further investigate the issue, or reject or modify the decision of the City Manager.

This last step in the conflict resolution process must be completed within thirty (30) calendar days from the time the written issue is presented to the City Commission.

Nothing in this conflict resolution procedure is intended as the waiver of any legal rights that either the City or the contracted ambulance provider may have or as an alternative to the right to sue or seek court action. It is not intended to be the exclusive remedy or the sole remedy for any dispute for which there may be a viable legal claim. This conflict resolution procedure is specifically not intended to be the final resolution of any disputes that may arise under the ambulance performance contract and the contracted ambulance provider does not relinquish any right to sue with respect to contract disputes.

8.9.350 Penalties.

- A. An ambulance service performance contract shall provide for penalties and remedies in the event the ambulance service provider fails to comply with personnel, equipment and reporting requirements of this Chapter and the ambulance service performance contract, including response time standards for 911 emergency responses.
- B. The penalties paid to the City shall be used to pay for EMS related expenses, including public education programs, and administrative oversight of ambulance service providers.

8.9.355 Performance security.

- A. The 911 emergency ambulance service provider shall provide security in an amount equal to the City's reasonably anticipated operating costs for two months of 911 emergency ambulance services.
- B. Security shall be provided in the form of:

- 1) Cash,
 - 2) An irrevocable letter of credit issued by a financial institution rated at least “A” by Moody’s or Standard & Poor’s,
 - 3) An irrevocable guaranty issued by an entity rated at least “A” by Moody’s or Standard & Poor’s,
 - 4) A surety bond issued by an insurance company rated at least “A” by Moody’s, Standard & Poor’s or A.M. Best or,
 - 5) Such other forms of security as may be agreed to by the City and the ambulance service provider in writing.
- C. An ambulance service performance contract may include provisions that protect the interests of the City and provides for continued ambulance services in the event of a suspension or termination of the contract, the failure of any ambulance service provider and any takeover of services that may be enacted by the City.

8.9.360 Submittal of reports for requests for service.

- A. At the request of City, the ambulance service provider shall submit reports, records and other information regarding emergency transports that are necessary to verify the ambulance service provider’s compliance with this ordinance and the ambulance service performance contract executed pursuant to this Chapter. These reports, records, and information shall be submitted in the format and on the date requested by the City. The specific information that is to be provided in these reports will be clearly set forth in the performance contract, including when and how often such reports will be submitted to the City.
- B. The ambulance service provider may keep records using account numbers or patient numbers rather than names and addresses; provided that such records shall include the fire department incident number.

8.9.365 Release of information.

Upon receipt of a written request from any patient who has been transported by the ambulance service contractor, they shall provide to the patient all information related to the transport in question, to the extent permitted by the federal HIPAA Privacy Regulations or state law including but not limited to all of its billing records relating to patient and supported by the account number and/or patient number. Additionally at the City’s request and if so authorized by the patient, the ambulance service contractor shall provide all information related to the transport in question to the City.

8.9.370 Confidentiality of records.

- A. Except as otherwise provided in this Section, information provided by the ambulance service provider to the City for purposes of determining compliance with the requirements of this Chapter and the ambulance service performance contract shall be considered public records.
- B. An ambulance service provider may seek and the City shall provide confidential treatment to protect against the disclosure or public inspection of commercially valuable or proprietary information, such as commercially valuable or proprietary information related to performance.
- C. Any information provided to the City which contains a natural person’s name, address, medical condition or diagnosis, incident location, social security number, personal financial records, telephone number, home address, e-mail address, names of family members, or work history, or which otherwise constitutes “protected health information” as that term is applied in the Federal Health Insurance Portability and Accountability Act of 1996, and regulations under (“HIPAA”), shall be considered confidential. Such confidential information shall not be released by the City to the public unless the person to whom the information applies has first agreed in writing, in a format which complies with HIPAA requirements, to release of the information. To the extent permitted by HIPAA and other applicable law, reports containing confidential information and information deemed to be public may be released if such confidential information is first redacted.

8.9.375 Ambulance service rates.

- A. The contracted ambulance service shall submit to the EMS administrator a proposed ambulance fee schedule that will be approved by the City Commission if said fees are consistent with industry best practices, the market, and applicable federal and state laws.
- B. The ambulance service may not refuse transport based on the patient's inability to pay.

8.9.380 Right of property not granted.

Any ambulance service performance contract granted pursuant to this Chapter shall not impart to the ambulance service provider any right of property in any City rights-of-way or other City property. The ambulance service performance contract shall be construed to have granted nonexclusive permission and authority to operate within the City.

8.9.385 City to be held harmless.

The contracted ambulance service provider agrees to defend, indemnify, protect and hold the City, its officers, employees and agents harmless from and against any and all claims asserted, or liability established for injuries or damages to any person or property, or losses and causes of action which may arise from or in connection with the services provided under the ambulance service performance contract, except to the extent any such claims, liability, losses, or causes of action arise from the acts or omissions of the City.

8.9.390 Ambulance service provider bound by City, State, and Federal regulations.

The ambulance service provider shall be subject to all requirements of the City's ordinances, rules, regulations and specifications insofar as the regulations and specifications are not in violation of any applicable State or Federal regulations. The City reserves every right and power to exercise any requirement of the Great Falls Municipal Code, and the ambulance service provider, by its acceptance of the ambulance service performance contract, agrees to be bound thereby and to comply with any action under (or requirement) of the Great Falls Municipal Code, as it exists now or as amended in the future.

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Sandy Hinz, Diane Jovick-Kuntz, John Rosenbaum and Bill Beecher. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Fiscal Services, Library, Planning and Public Works, Acting Director of Park and Recreation, the Police Chief, Fire Chief, and City Clerk.

**Neighborhood Council
Members Swearing In
Ceremony.**

NEIGHBORHOOD COUNCILS

1. Swearing In Ceremony of Neighborhood Council members.

**Fred Rauch appointed to
Neighborhood Council
District 1.**

2. Appointment, Neighborhood Council District No. 1. Due to tie votes between the write-in candidates for the fifth seat on the council, a drawing was held on December 4, 2007. Fred Rauch's name was drawn. He was subsequently contacted and has agreed to the appointment.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Fred Rauch to Neighborhood Council District 1 for a two year term effective January 1, 2008.

Motion carried 5-0.

**Steve Carpenter
appointed to
Neighborhood Council
District 4.**

3. Drawing for Appointment, Neighborhood Council District No. 4. Due to tie votes between the write-in candidates for the fifth seat on the council, a drawing was held on December 4, 2007. Roberta Bigelow's name was drawn. She was subsequently contacted and declined to serve as a member of the council. Commissioner Hinz drew Steve Carpenter's name.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission appoint Steve Carpenter to Neighborhood Council District 4 for a two year term effective January 1, 2008.

Motion carried 5-0.

**NC 2, Dog/Cat
Ordinance.**

4A. Bob Mehlhoff, NC 2, thanked the outgoing Commissioners for their service, and thanked the voters of the west side for electing a full council. Mr. Mehlhoff discussed the lack of compliance with the dog/cat ordinance and recommended the committee reconvene and readdress the issues for compliance.

NC 8, Meeting dates/times, flag for Memorial Park.

4B. Karen Grove, NC 8, stated that Neighborhood Council 8 meets the third Thursday of each month at 6:30 p.m. at the Pre-Release Center. Ms. Grove stated the council is working on getting a new flag and is applying for a grant for a new flag pole for Memorial Park. Ms. Grove stated the council appreciates the Commission.

OLD BUSINESS

Ord. 2993, Amending OCCGF Title 5.3.7.720 Emergency Medical Services Licenses and Create OCCGF 8.9 Emergency Medical Services. Accepted on first reading and set public hearing and final reading for January 8, 2008.

5. ORDINANCE 2993, AMENDING OCCGF TITLE 5.3.7.720 EMERGENCY MEDICAL SERVICES LICENSES AND CREATE OCCGF 8.9 EMERGENCY MEDICAL SERVICES.

Fire Chief Randy McCamley reported that, due to a slight procedural error with the motion to accept this ordinance as amended at the December 4th Commission meeting, it is before the Commission again for first reading. This additional time was used to review a recommendation from the ambulance company to insert a conflict resolution process into the ordinance. This process has been included in the ordinance. Ordinance 2993 would revise the current Special Business License for ambulance transport companies which is Title 5.3.7.720 and create Title 8.9 Emergency Medical Services. EMS consultants are recommending the changes to help improve the overall safety and stability of the 911 emergency care system. The new ordinance more clearly spells out how the City will manage and provide oversight of the EMS system within the City of Great Falls and its contracted fire districts. Chief McCamley requested the Commission accept Ordinance 2993 on first reading and set a public hearing and final reading on January 8, 2008.

City Manager John Lawton added that he met with Ellen Stinar and Dave Kuhn this morning regarding the proposed conflict resolution language. Their attorneys reviewed it. Suggested changes were requested this morning and were adopted verbatim. Mr. Lawton advised that Ms. Stinar and Mr. Kuhn assured him that they would give their support to the passage of this ordinance.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2993 on first reading and set public hearing and final reading for January 8, 2008.

Commissioner Rosenbaum commented that this was a long process and he is pleased this ordinance is finally something that will work for everyone.

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

Mary Jolley, 1910 2nd Avenue North, commented that no other city in Montana has this ordinance, and does not think Great Falls should be the

first. Before this ordinance is passed, Ms. Jolley said the administrative rules and procedures should be filled in.

Motion carried 5-0.

NEW BUSINESS

**2006/2007
Comprehensive Annual
Financial Report and
Independent Auditor's
Report. Accepted.**

6. COMPREHENSIVE ANNUAL FINANCIAL REPORT, FISCAL YEAR 2006-2007.

Fiscal Services Director Coleen Balzarini reported that the 2007 Comprehensive Annual Financial Report provides an overview of the City's financial position as a whole entity and within each of its individual funds. The audit process begins each year with a meeting with the independent auditors, the City audit committee and Fiscal Services' staff. Upon completion of the audit the three groups meet again to review the draft report. This year the audit committee is recommending that the City Commission accept the 2007 Annual Financial Report as presented. Fiscal Services' staff involved in preparing the financial report and the annual audit are the Assistant Fiscal Services Director, Staff Accountant and Accounting Technician Senior. The final step in this six month process occurs tonight as the Commission is asked to accept the 2007 Report. Upon acceptance, the Annual Report will be submitted to the Montana Department of Revenue, the Central Clearing House for Federal Granting Agencies, and other entities that have provided debt financing for City projects and will be made available to the citizens of Great Falls. The City voluntarily submits the Annual Report to the Government Finance Officers Association for an additional level of peer review.

Loran Stensland, partner with Junkermier, Clark, Campanella, Stevens, P.C., Certified Public Accountants, provided background information about the audit process. Mr. Stensland stated they engage in a three entity contract - the City of Great Falls, JCCS, and the State of Montana. The State of Montana issues compliance requirements that the City has to comply with in their fiscal services to be in compliance with state law. That brings the auditors into it, and they issue compliance requirements that JCCS has to use in their audit tests and procedures. Mr. Stensland reported that there are no findings in the State compliance area that will be reported with this year's audit. As part of the audit process, JCCS plans and performs its audit to obtain reasonable assurance about whether the financial statements are free of material misstatement and are fairly presented in accordance with United States Generally Accepted Accounting Principles. Mr. Stensland reviewed page 7 of the Audit Report and stated JCCS issued a clean, unqualified audit opinion. Page 186 summarizes the audit process. There were no significant deficiencies related to the audit of the financial statements in accordance with government auditing standards, no instances of non-compliance material to the financial statements of the City of Great Falls, which would be required to be reported under

government auditing standards, and there were no significant deficiencies related to the major federal award program.

Mr. Stensland pointed out that the operating results of the general fund this year were roughly \$186,000, with revenues exceeding expenditures for the City for 2007. That is a positive trend in the right direction. Mr. Stensland discussed the golf course fund and stated it is getting closer to being in compliance. Mr. Stensland complimented the City on receiving the GFOA Certificate of Achievement for excellence in financial reporting for the past fiscal year.

Commissioner Hinz asked what could happen to the City by the golf course funds not being in compliance. Coleen Balzarini responded that the worst case scenario would be that the bonds would be called and immediately payable. Ms. Balzarini stated what is more likely, is it would be very difficult to issue more golf course debt.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept the 2006-2007 Comprehensive Annual Financial Report and Independent Auditor's Report as presented, as well as the responses to the Audit Management letter recommendations as presented, and authorize staff to submit the responses to the State of Montana, Department of Administration and other government agencies as necessary.

Commissioner Beecher commented that when you have an agency, the one thing that the body depends on is an independent audit to insure the organization's financial operations are conforming to generally accepted accounting principles and that there isn't anything remiss in the report. This is a clean audit for the preceding year. The City is properly accounting for things in accordance with generally accepted accounting principles. He emphasized that this is what bond rating agencies look at to rate the City's credit worthiness to borrow money down the road. Commissioner Beecher commended the staff and stated that the Commission can take this as a sense of satisfaction and assurance that the organization is running financially as it should.

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

Kathleen Gessaman, 1006 36th Avenue N.E., commented that the report should also contain an asset statement.

Motion carried 5-0.

**Pledge to McLaughlin
Research Institute.
Approved.**

7. PLEDGE TO MCLAUGHLIN RESEARCH INSTITUTE.

Assistant City Manager Cheryl Patton reported that this project would meet the requirements established in Resolution 9351. That resolution

established criteria that should be met before City assistance on community projects. The expansion of the Institute would provide jobs, create economic development, leverage state dollars to benefit the economy and enhance the Institute's importance as a biomedical research facility nationwide. Staff recommends that the Commission approve a pledge of \$84,000 toward the two million dollar match requirement of the McLaughlin Institute.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission approve a pledge of \$84,000 to McLaughlin Research Institute toward the necessary community match in order to secure state funding to expand and enhance the facility.

Commissioner Hinz commented that Mr. Lawton assured them that the pledge could be stretched out a couple of years. City Manager John Lawton suggested that half be taken out this fiscal year, and budget for the rest of it the next fiscal year.

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

George Carlson, Director of the McLaughlin Research Institute, thanked the Commission for considering this pledge.

Ron Gessaman, 1006 36th Avenue N.E., stated the agenda report does not state where the money will come from. Mr. Gessaman pointed out that \$84,000 will go to McLaughlin, this joins the \$1.4 million set aside for the Highwood Generating Station, yet the City would not budget \$50,000 to front costs for a bicycle path for Riverview School on a reimbursable basis.

Brett Doney, 3048 Delmar Drive, on behalf of the Great Falls Development Authority, spoke in support of further expansion of the McLaughlin Research Institute. Mr. Doney stated this is a wonderful economic development project and puts Great Falls on the map internationally as a high-end research facility.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Res. 9720, Montana Board of Investments Loan Agreement. Adopted.

8. RESOLUTION 9720, MONTANA BOARD OF INVESTMENTS LOAN AGREEMENT FOR INSTALLATION OF TWELVE (12) CITY-OWNED RESIDENTIAL STREET LIGHTS IN MEADOWLARK ADDITION NO. 5.

Fiscal Services Director Coleen Balzarini reported that the Commission is asked to approve the loan agreement between the City and the Montana Board of Investments. The funds will be used to install 12 City-owned

residential street lights. The repayment will be from the property owners in the district receiving the benefit of the lights.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission adopt Resolution 9720, and authorize the City Manager to execute the loan documents.

Motion carried 5-0.

Res. 9722, Relating to \$5,500,000 Multifamily Housing Revenue Bonds, Approving a First Supplement to the Indenture of Trust. Adopted.

9. RESOLUTION 9722, RELATING TO \$5,500,000 MULTIFAMILY HOUSING REVENUE BONDS (AUTUMN RUN APARTMENTS PROJECT), APPROVING A FIRST SUPPLEMENT TO THE INDENTURE OF TRUST.

Fiscal Services Director Coleen Balzarini reported this supplement to indenture of trust is related to the Autumn Run housing complex. This project was approved in 1997. After 10 years the Autumn Run corporation has the option to revise the indenture of trust. The City gets involved because it provides low to moderate income housing in an area that is needed. Because the City is involved on a pass through basis, this financing has a tax exempt component to it. The City has no obligation other than reviewing and relying on bond counsel review to make sure it meets that tax exempt status.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9722.

Mayor Stebbins asked if there were any comments from the public. No one responded.

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

10. Minutes, December 4, 2007, Commission meeting.
11. Total Expenditures of \$869,956 for the period of November 27 - December 12, 2007, to include claims over \$5,000, in the amount of \$674,118.
12. Contracts list.
13. Lien Release list.
14. Grants list.
15. Set public hearing for January 8, 2008, on Res. 9721, Building, Plumbing, Electrical and Mechanical Permit Fee Increase.
16. Payoff of short term construction loan to Great Falls Port Authority in an amount of \$382,392.05 related to the final phase of Centene Facility Construction.
17. Approve City co-sponsorship in an amount up to \$500 for use of the Mansfield Theatre for the Montana String Teachers Association-

BARRAGE.

18. Approve Right-of-Way Agreement with the Montana Department of Transportation for the reconstruction of Overlook Drive.
19. Approve purchase of RecTrac and WebTrac by Vermont Systems in the approximate amount of \$63,390.
20. Approve Funding Agreement with the Montana Department of Transportation for Air Quality Equipment.
21. Approve Interlocal Agreement with Cascade County and the Montana Department of Transportation for the MPDES Storm Water Permit.
22. Approve Final Payment to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division in the amount of \$23,489.98 for Schedule Two of the Medical Technology Park, Lot 3, Utility and Street Improvements.
23. Approve Final Payment to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$2,300.29 for the Milwaukee R.O.W. Storm Drainage Improvements – Phase II.
24. Award bid for six new 2008 police pursuit vehicles to City Motor Company in the amount of \$120,259.

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

Mayor Stebbins inquired if there was any comment from the public regarding the consent agenda.

Ron Gessaman, 1006 36th Avenue N.E., commented that Agenda 19 is for computer software that he opined is a convenience for people who play golf. Mr. Gessaman stated that on Agenda 20, the City is buying equipment to sweep up dust, but the City is simultaneously building a coal plant.

Motion carried 5-0.

BOARDS & COMMISSIONS**Reappointments - Great Falls Planning Advisory Board.****25. REAPPOINTMENTS, GREAT FALLS PLANNING ADVISORY BOARD.**

Reappoint Danna Duffy, Joseph Schaffer, and Terry Hilgendorf to the Great Falls Planning Advisory Board for three-year terms through December 31, 2010.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that Danna Duffy, Joseph Schaffer and Terry Hilgendorf be reappointed to the Great Falls Planning Advisory Board for three-year terms through December 31, 2010.

Motion carried 5-0.

26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION

28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Thank you and farewell to Commissioners Hinz and Jovick-Kuntz.

Commissioner Jovick-Kuntz thanked City staff, fellow Commissioners and the Mayor.

Commissioner Hinz read a poem she wrote.

Mayor Stebbins presented Sandy Hinz and Diane Jovick-Kuntz with plaques honoring them for eight years of public service. Mayor Stebbins personally thanked them both.

Commissioner Beecher mirrored all comments, and added that he has trust and respect for them both and has enjoyed working with them.

Commissioner Rosenbaum stated they have learned a lot from each other, and have done it with respect. He thanked them for their years of service.

PETITIONS AND COMMUNICATIONS

29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

ECP, SME.

29A. Ed McKnight, 906 3rd Avenue North, thanked the Commission for their service. Mr. McKnight read a newspaper quote from Coleen Balzarini regarding the refinery. Mr. McKnight asked why money was transferred from the general fund to the electric fund. He opined that all the money, time and effort is to save \$20,000 per year, and doesn't think it will be worthwhile in the future.

Gas Prices.

29B. John Hubbard, 615 7th Avenue South, still angry that he can't afford to fill up at the gas pumps. Politicians vote themselves cost of living raises. Mr. Hubbard stated he believes the judicial system in this country does not work.

Code of Ethics.

29C. Ron Gessaman, 1006 36th Avenue N.E., read Item L of the Code of Ethics, and stated that he quotes this because some City employees are using vehicles to purchase and transport liquor, and he believes there is a liability

problem.

**Merry Christmas and
Happy New Year.**

29D. Brett Doney, 3048 Delmar Drive, wished everyone a Merry Christmas and a Happy New Year. Mr. Doney thanked Sandy Hinz and Diane Jovick-Kuntz for supporting economic development in the City and the County.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum that the regular meeting of December 18, 2007, be adjourned at 8:10 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

ITEM: \$5000 Report
 Budget or Contract Claims in Excess of \$5000

PRESENTED BY: City Controller

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 DECEMBER 19, 2007	623,037.49
MASTER ACCOUNT CHECK RUN FOR DECEMBER 26, 2007	841,303.22
MASTER ACCOUNT CHECK RUN FOR JANUARY 2, 2007-2008	441,844.65
MUNICIPAL COURT ACCOUNT CHECK RUN FOR 12-21-08 12-21-07	2,550.00
MUNICIPAL COURT ACCOUNT CHECK RUN 12-31-07	51,248.00
WIRE TRANSFERS FROM DEC 11-17, 2007	15,360.03
WIRE TRANSFERS FROM DEC 18-24 2007	90,749.86
WIRE TRANSFERS FROM DEC 28, 2007	<u>1,028,753.26</u>
TOTAL: \$	<u>3,094,846.51</u>

GENERAL FUND

POLICE		
B PAD GROUP	LEASE AGREEMENT RENEWAL	5,250.00
FIRE		
HEIMAN FIRE EQUIPMENT	BOOTS,GLOVES,COATS, MASKS MISC	8,847.92
PARK & RECREATION		
MONTANA WASTE SYSTEMS INC	NOV LANDFILL CHARGES SPLIT	172.69

SPECIAL REVENUE FUND

LIGHTING DISTRICT		
NORTHWESTERN ENERGY	DECEMBER 2007 CHARGES	72,594.64
SUPPORT & INNOVATION FUND		
CITY COUNTY HEALTH DEPT	PART PMT FISCAL YR 2008 GRANTS	125,000.00
STREET DISTRICT		
GREAT FALLS REDI-MIX INC	ASPHALTIC CONCRETE MATERIAL	15,188.79
GREAT FALLS INTERNATIONAL	1ST 1/2 07/08 MAINTENANCE	14,491.11
UNITED MATERIALS	PMT #5 FINAL OF 1417.1 MED TECH	23,255.08

SPECIAL REVENUE FUND CONTINUED

WEST BANK URBAN RENEWAL

NCI ENGINEERING PMT #1 OF 1488 4TH AVE NW IMPROVE 18,871.60

FEDERAL BLOCK GRANTS

ANDERSON GLASS KEITH DUPLEX WINDOW INSTALL 5,322.00
 AGENCY ON AGING FOOD PURCHASE FOR HOME DELIVERY 8,067.50
 HANDS PROGRAM OCT 2007 SCHOLARSHIPS 2,723.78
 HANDS PROGRAM NOV 2007 SCHOLARSHIPS 3,022.23

ECONOMIC REVOLVING

CAPITOL DECISIONS INC FINAL EXPENSE PMT 12,000.00

DEBT SERVICE

GENERAL DEBT FUND

SID BONDS

US BANK NA DEBT SERV PMT #1210 SERIES 1993 650.00
 US BANK NA DEBT SERV PMT #1266 SERIES 1992 1,740.00

SOCCER PARK BONDS

US BANK NA DEBT SERV PMT SERIES 2004 46,350.00

SWIM POOL BONDS

US BANK NA DEBT SERV PMT SERIES 2007 57,002.23

CAPITAL PROJECTS

GENERAL CAPITAL

JAMES TALCOTT CONSTRUCTION INC JAYCEE & WATER TOWER OF 1501 156,273.48
 INTERSTATE ENGINEERING INC JAYCEE & WATER TOWER OF 1501 9,985.82
 HEWLETT PACKARD 7 DC5700 PC'S, 1 PROLIANT SERVER 10,200.00

HAZARD REMOVAL

PHILLIPS CONSTRUCTION 308 7TH AVE S HOME DEMOLITION SPLIT 4,348.00

ENTERPRISE FUNDS

WATER

PHILLIPS CONSTRUCTION 308 7TH AVE S HOME DEMOLITION SPLIT 2,979.50
 UNITED MATERIALS PMT#5 OF #1494.1 SUNNYSIDE 107,216.93
 GRT FALLS COMMUNITY ICE FOUNDATION OF #1495 UTILITY EXTENSIONS 121,835.00
 US BANK NA DEBT SERV PMT WRF-01024 109,380.00

SEWER

PALAGI PLUMBING & HEATING 4108 6TH AVE SEWER REPAIR OF1425.8 7,115.13
 APPLE VALLEY BACKHOE SERVICE 4108 6TH AVE SEWER REPAIR OF1425.8 11,237.98
 GRT FALLS COMMUNITY ICE FOUNDATION OF #1495 UTILITY EXTENSIONS 188,940.00
 VEOLIA WATER NORTH AMERICA OPERATION & MAIN DEC 2007 225,071.08
 US BANK NA DEBT SERVICE PMT SRF-02089 409,780.00

ENTERPRISE FUNDS CONTINUED

STORM DRAIN

DICK ANDERSON CONSTRUCTION	GIANT SPRINGS OF 1458	153,896.13
VICK'S HOUSE MOVING	GIANT SPRINGS OF 1458	16,137.00
US BANK NA	DEBT SERVICE PMT SRF-04121	156,943.75
US BANK NA	DEBT SERV MT STORM DRAIN SYSTE	199,726.25
	REV REFUNDING BONDS SERIES 2003	

SANITATION

MONTANA WASTE SYSTEMS INC	NOV LANDFILL CHARGES SPLIT	65,209.58
I STATE TRUCK CENTER	2007 REAR LOADING REFUSE TRUCK	149,609.00
AMERI-KART	96 GALLON REFUSE CONTAINERS	16,068.00

SAFETY SERVICES

QWEST	DECEMBER 2007 CHSRGES	6,116.34
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PARKING

APCOA/STANDARD PARKING	JAN 08 COMPENSATION	22,369.33
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SWIM POOLS ELECTRIC UTILITY

US BANK NA FIRST INTERSTATE BANK	DEBT SERV PMT ELECTRIC UTILITY DEBT SERV PMT 1ST INTERSTATE BK	50,941.03
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CIVIC CENTER

GREAT FALLS SYMPHONY	BABES IN TOYLAND #08-67	14,204.00
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD OF MT	BCBS ADMIN & REINS FEES	40,755.41
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS DEC 11-17, 2007	15,360.03
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS DEC 18-24, 2007	90,749.86

FISCAL SERVICES

JUNKERMIER CLARK CAMPNAELLA	PMT #3-CAFR- AUDIT SERVICES	13,000.00
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INFORMATION TECHNOLOGY

NEW WORLD SYSTEMS INC	ERS REPLACEMENT	7,475.00
SOFTWARE HOUSE INTERNATIONAL	SYMANTEC MAIN LICENSES	5,910.55

CENTRAL GARAGE

BISON MOTOR CO INC	3/4 TON UTILITY BOX PICK UP	20,388.08
MOUNTAIN VIEW CO-OP	DIESEL FUEL	20,581.40

TRUST AND AGENCY

US BANK NA	DEBT SERV PMT WRF-06088 2005	12,737.50
US BANK NA	DEBT SERV PMT WRF-06091 2006	5,018.75

BLANKET PURCHASE ORDERS

MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	38,559.00
CASCADE COUNTY TREASURER	COURT SURCHARGES	8,490.00

CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION

AMENDED

AGENDA 7
DATE: JANUARY 8, 2008

CLAIMS OVER \$5000 TOTAL:

\$ 2,915,158.48

COMMUNICATION TO THE CITY COMMISSION

DATE: January 8, 2008

ITEM: CONTRACT LIST
 Itemizing contracts not otherwise approved or ratified by City Commission Action
 (Listed contracts are available for inspection in the City Clerks 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 Engineering	GPD, PC	10/2007 - 05/2008	Tax Increment	\$2,300	Community Recreation Center Electrical Upgrade OF 1443.5 Electrical Design
B	Public Works Engineering	Montana Department of Transportation	06/2007 - 12/2008	N/A	None	Vaughn Road – Central Avenue West to NW Bypass Mill and Overlay OF 1531
C	Public Works Engineering	Montana Department of Transportation	06/2007 – 12/2008	N/A	None	NW Bypass – 3 rd to 9 th Streets Northwest Mill and Overlay OF 1531
D	Park and Recreation	Holiday Village Mall	11/01/2007 – 12/31/2007	100-6411-561-39779	\$4,000	Kiosk – Holiday Village Mall Project #610801

E	Park and Recreation Mansfield Events Office	Montana Repertory Theatre	February 4, 2008	571-6272-562-3561	\$3,500	“Cat on a Hot Tin Roof” performance and workshop
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**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 9
DATE: January 8, 2007**

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 at time of recording was in the name of Angie G. Azure	Current		\$265.82	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 1309 6 th Avenue South in violation during calendar year 2007. Great Falls 10 th Addition, Block 753, Lot 12.

AGENDA REPORT

DATE January 8, 2008

ITEM: Sale of City Owned Park Land: Lot 2A-2, Block 1, of the Amended Plat of Lot 2A, Block 1 of an Amended Plat of Lot 2, Block 2, Sandhills Park Addition

INITIATED BY: Park & Recreation Department

ACTION REQUESTED: Set Public Hearing

PREPARED AND PRESENTED BY: Martin Basta, Interim Park and Recreation Director

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RECOMMENDATION:

Staff recommends that the City Commission set a public hearing for the consideration of the sale of a portion of Sandhills Park property for January 22, 2008.

MOTION:

“I move the City Commission set a public hearing for 7:00 p.m., January 22, 2008, for consideration of the sale of City owned parkland: Lot 2A-2, Block 1, of the Amended Plat of Lot 2A, Block 1 of an Amended Plat of Lot 2, Block 2, Sandhills Park Addition.”

SYNOPSIS:

The City of Great Falls, according to Chapter 3.04 OCCGF, established a fair market value for the park property, based on an appraisal prepared in accordance with Uniform Standards of Professional Appraisal practices.

The Great Falls Housing Authority has expressed interest in purchasing 1.38 acres for the appraisal value of \$228,000. The Housing Authority intends to construct 16 affordable housing units on the property. The City supports the Housing Authority’s efforts to provide affordable housing in Great Falls in accordance with Montana Codes Annotated section 7-15-4416.

The City Code, section 3.04.080, allows for the sale of City land without bids to a governmental entity. The Great Falls Housing Authority is a municipal housing authority created under Title 7, Chapter 15, parts 44 and 45 M.C.A.

BACKGROUND:

Sandhills Park is the location of a storm water detention basin. All but approximately 3 acres of the 13.15 acre park is within the storm water detention basin. The “Park and Recreation Master Plan” has given priority to nearby Sunnyside Park which is surrounded by existing homes and is fully developed.

Reserves from the sale of the park land will be used to fund the construction of the community splash parks located in Jaycee Park and Dudley Anderson Park (Water Tower Pool). The estimated cost of the splash parks is \$260,000, with the balance being paid out of the Park Trust Fund.

The Park & Recreation Board, at its December 20th meeting, approved the sale of the property.

AGENDA REPORT

DATE January 8, 2008

ITEM 2008/2009 Community Development Block Grant Policies and Funding Priorities

INITIATED BY Community Development Staff

ACTION REQUESTED Approve Motion

PREPARED & PRESENTED BY Chris Imhoff, CDBG Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

Staff recommends the City Commission reaffirm the Community Development Block Grant (CDBG) Policies and Citizen Participation Plan and approve the 2008-2009 CDBG Funding Priorities.

MOTION:

I move to reaffirm the CDBG Policies and Citizen Participation Plan, and approve the 2008-2009 Community Development Block Grant Funding Priorities.

SYNOPSIS:

The CDBG policies, adopted in previous years and amended in December 2005 by the City Commission, are attached for the Commission's review, as is the Citizen Participation Plan adopted in February of 2005. Staff is asking acceptance of these policies and the Plan for use in the 2008-2009 CDBG allocation process.

Based on testimony given at the Community Needs Public Hearing held by the City Commission on December 4, 2007, staff is recommending the attached priorities for the 2008 program year. There are changes recommended in the funding priorities as compared to the 2007 program year. The changes primarily accommodate funding for economic development through job creation. The recommendations include 29% of the grant allocated to Public Facility Improvements/Handicap Accessibility, 25% allocated to Housing, 11% allocated to economic development, 15% allocated to Public Services, and 20% allocated to Administration.

BACKGROUND:

The majority of the current CDBG policies were adopted by the City Commission during the block grant allocation process in 1994. The policies were amended in 2005, and have been reaffirmed annually.

The City Commission conducted a Community Issues and Needs Public Hearing on December 4, 2007. Based on the input from that hearing, and the objectives of the Community Development Block Grant Program, funding priorities have been prepared.

This year's recommendation to fund the Public Facility Improvements/Handicap Accessibility allocation could support projects that provide handicap accessibility in public facilities and/or general public facility improvement projects. The Administration priority includes funding administrative costs for the CDBG and HOME grant programs and fair housing activities. Funding priorities will lay out the base for the Annual Action Plan required by HUD as part of the Consolidated Plan. Projects will be considered that fall into the guidelines established by these funding priorities.

The Citizen Participation Plan was adopted with the Consolidated Plan in 2005. It has been reaffirmed annually.

Attachments: CDBG Policies

2008-2009 CDBG Funding Priorities

Community Needs Public Hearing Minutes

Citizen Participation Plan

City of Great Falls Community Development Block Grant
2008/2009 Funding Priorities

We are expecting the budget to be approximately 3.2% less than the 2007-2008 allocation of \$983,697. The budget amount will not be announced until after the new Congress convenes.

<u>08/09 CDBG Priorities</u>	<u>Funding Percentage</u>	<u>08/09 Funding Amount</u>
Public Facility Improvements/ Handicap Accessibility (Includes Infrastructure, Park Facilities, Public Building Rehab)	29%	\$280,900
Affordable Housing (Housing for low/moderate income Families: Rehab Services, New Construction, Rehabilitation including Historic Preservation)	25%	\$238,050
Economic Development (Includes Infrastructure Improvements resulting in Job Creation for low/moderate income persons)	11%	\$100,000
Public Service Activities (maximum) (Benefiting low/moderate income persons)	15%	\$142,830
Administration (maximum) (Includes Grant Administration & Fair Housing)	20%	\$190,440
Total Allocation	100%	\$952,220

**City of Great Falls
Community Development Block Grant
City Commission Policies
January 8, 2008**

1. City Commission will determine the allocation of all CDBG projects.
2. The City Commission will conduct a Community Needs public hearing to allow citizens (especially low/moderate income persons) and city staff the opportunity to express their opinion as to the needs of the community that should be addressed with block grant funding.
3. The City Commission will determine priorities and allocate funding percentages to priority categories following the Community Needs public hearing.
4. The Community Development Department will make recommendations to the City Commission for any grant proposal applications not reviewed by the Community Development Council.
5. The Community Development Council will review and make funding recommendations for grant proposal applications, as directed by the City Commission.
6. The Community Development Council will review, prioritize, and make funding recommendations to the City Commission for all public service grant applications based on solicitation for proposals in an amount to be approximately 15% of the grant entitlement amount. The minimum grant request will be for \$5,000.
7. The City Commission will not fund proposals from agencies/departments whose last fiscal year or older CDBG funded projects will not be 75% complete by March 31st of the current year, unless a special public purpose exists for waiving the policy.

8. Private non-profit agencies will not be funded for staff salaries, benefits, office consumables, and rent payments for agency office space or utility costs.
9. City Commission will fund activities to further fair housing as a part of block grant administration.
10. Projects that leverage and/or match the CDBG funds will be given priority consideration for funding.
11. Handicap accessible projects that serve the largest number of the public will be given priority consideration for funding.

Previous version 12-19-2006

CITY COMMISSION PUBLIC MEETING
December 4, 2007

A public meeting was held as part of the regular City Commission meeting on December 4, 2007, at 7 p.m. in the Commission Chambers at the Civic Center. The meeting was held to provide an opportunity for citizens to advise the City Commission on what the needs are of low income people in the community and how CDBG and HOME grant funds could be used to address those issues and eliminate community needs.

The following listing is a summary of the comments involving current community needs which were expressed in the meeting.

Nancy O'Brien, board chair, McLaughlin Research Center (MRC)

Ms. O'Brien stated MRC will be undertaking a \$6 million multi-phase expansion project to develop lab space for three additional scientists. Each scientist requires five support staff, therefore, a total of 18 new jobs will be created. The new support staff jobs will include animal technician and maintenance positions. Jobs will also be created during the construction phase. MRC currently has four scientists and a total of 41 employees. Their mean income is \$27,000 plus full benefits. Ms. O'Brien provided a history of the funding initially obtained when MRC was built. She also described the educational component of MRC which many people are not aware of. She requested the City Commission support funding for match requirements for this project as it will create new jobs in Great Falls which pay well above minimum wage and have full benefits.

Dan Sullivan, board commissioner, Great Falls Housing Authority

Mr. Sullivan thanked the City Commission for their support for affordable housing projects they have funded in the past. He reported the Great Falls Housing Authority waiting list reflects the most pressing needs for affordable housing are one and two bedroom units. Mr. Sullivan requested continued support for affordable housing projects in Great Falls.

Allene Mares, Community Health Care Center (CHCC), City-County Health Department

Ms. Mares stated the CHCC provides medical and dental care for people with the lowest incomes in the community. She described the funding sources they currently have and reported they serve 5,000+ people and have 15,000 patient visits per year. Ms. Mares noted they are seeing an increase in new patients each month and have a target of obtaining \$1.6 million in additional funding to increase services at the CHCC. She requested the City Commission consider supporting a portion of the additional funding they are seeking.

Brett Doney, director, Great Falls Development Authority and national development council member, McLaughlin Research Center

Mr. Doney thanked the City Commission for the \$68,000 in CDBG revolving loan funds

which were given to the GFDA in the past. He noted these funds were used by Dimitris, a new restaurant which moved into a vacant building. Mr. Doney described how MRC has facilities in other cities and those facilities are rapidly expanding and benefiting the communities where they are located. Mr. Doney requested support for matching funding for the MRC expansion project in Great Falls as it would bring primary money to the community and would be of benefit to the overall economic development of the city.

Jerome Patton, member, Imagine Downtown housing group and Downtown Task Force

Mr. Patton reported there is currently strong interest in revitalizing downtown and he requested the City Commission support funding requests which address downtown revitalization.

Audrey Finlayson, Cascade County Aging Services

Ms. Finlayson thanked the City Commission for their past support of the Meals on Wheels program through Aging Services. She noted this program serves 150 elderly people a day but there are approximately 300 elderly people who need food delivery services. Ms. Finlayson requested continued support for these important senior services.

* * * * *

Attached are public comments which were received via letter, email, and/or telephone.

From: Patricia Cadwell
Sent: Tuesday, December 04, 2007 3:54 PM
To: Chris Imhoff
Subject: FW: December 4th Commission Meeting

Chris,

Tawny Newth from Council #5 sent her concern below.

Patty

From: Tawny Newth [mailto:tnewth@hotmail.com]
Sent: Tuesday, December 04, 2007 3:25 PM
To: Patricia Cadwell
Cc: Diane Gelernter
Subject: Dec. 4th Commission Meeting

Patty and Diane,

Just to let you know that I will probably not be attending tonight's City Commission meeting. I had planed to attend as the Commission had presented that request to the Neighborhood Councils to give input on Low Income issues for our community. My only contribution is concern

for the transportation issues of some of our low income citizens. Some hold jobs that require extended hours or holidays/weekends that the city bus service does not cover.

I am feeling pretty "sickly" today and have been fighting off something since Saturday. Sorry to not be available for this meeting.

Thanks,

Tawny

Citizen Participation Plan
for the
Consolidated Plan or the Annual Action Plan
January 2008

PURPOSE OF CITIZEN PARTICIPATION IN DEVELOPING THE CONSOLIDATED PLAN:

A key component in creating the HUD required Consolidated Plan is citizen participation in all steps of the planning development process. To ensure citizens in Great Falls have the opportunity to take part in creating the Consolidated or the Annual Action Plan, the City of Great Falls has developed and commits to follow these elements of the Citizen Participation Plan.

THE CITIZEN PARTICIPATION PLAN:

PARTICIPATION: The City of Great Falls will provide for, and encourage, citizen participation emphasizing the involvement of low, very low, and poverty income residents in areas where housing and community development funds may be spent. The City of Great Falls will also inform and offer opportunities for comment to residents of low, very low and poverty income neighborhoods. The City of Great Falls will encourage the participation of the Great Falls Housing Authority and public and assisted housing residents of the Great Falls Housing Authority, and of Opportunities, Inc., and their assisted housing residents in Great Falls. The City will provide Consolidated Plan or Annual Action Plan development information to the Great Falls Housing Authority that will be available at the public hearing required for the Public Housing Agency Plan.

The City of Great Falls will make reasonable efforts to consult with other public, private, and non-profit agencies that provide housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities - including physical, mental and developmental disabilities as well as other persons in need of services). When preparing the portion of the Consolidated Plan or Annual Action Plan concerning lead-based paint hazards, the City of Great Falls will consult with the City/County Health Department in order to examine data identifying the addresses of housing units with children as containing lead. The City of Great Falls will encourage input and solicit information from each of the nine neighborhood councils, notify of all of the public hearings and the Consolidated Plan or the Annual Action Plan development process, and solicit comments.

The City Commission appoints ten citizens who reside within Great Falls to a voluntary advisory board that reviews public service and public facility projects submitted for CDBG funding. This advisory board, the Community Development Council, recommends project funding to the City Commission under the public service and public facility portions of the CDBG funding. The encouragement of lower income, minority, and disabled citizens or their representatives to apply for Community Development Council positions occurs annually;

through advance notice of board openings and application information with have adequate time to apply.

ACCESS TO MEETINGS: The City of Great Falls will afford adequate, timely notification of meetings so all citizens can attend the public hearings. This will include, as appropriate, legal notices, advertisements, press releases, public service announcements, letters or other means of notifying interested parties. The City of Great Falls will also provide reasonable accommodations for persons with disabilities to all public hearings, and local meetings. Reasonable accommodations include but are not limited to holding meetings in handicapped accessible buildings, providing for sign language interpreters, and language interpreters, etc. when requested.

ACCESS TO INFORMATION: The City of Great Falls will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan or annual Action Plan and all of its components and the City's planned use of financial assistance received under the relevant federal programs during the next year. The public will have the opportunity to receive information, review and submit comments on any proposed submission including the Consolidated Plan adoption by the City of Great Falls City Commissioners and any Plan amendments and its performance reports. The required 30-day comment period on any proposed submission, adoption of the Consolidated Plan or Annual Action Plan submission, and any plan amendments is available as occurring. Information will also be available on the range of programs, the amount of assistance the City expects to receive, the amount of funds available and the estimated amount proposed to benefit low, very low and poverty income residents. These groups will also have access to the City's plans to minimize displacement of residents and businesses and assist those displaced because of these activities. Information and public records will be available during regular business hours in the City Community Development Department. Special arrangements are available to accommodate access to information for persons with disabilities.

TECHNICAL ASSISTANCE: The City of Great Falls will provide appropriate technical assistance to all groups that request assistance in developing proposals for financial assistance under any of the programs covered by the Consolidated Plan.

PUBLIC HEARINGS: To obtain citizens views the City holds at least two public hearings conducted at a minimum of two different stages of the program. The City of Great Falls program year begins July 1 and ends June 30. These public hearings will address and respond to proposals and comments on:

1. Housing and community development needs
2. Development of proposed activities
3. Review of proposed uses for funds
4. Review of program performance

The City of Great Falls attempts to provide public meetings conveniently timed for people who might or will benefit from program funds, accessible to people with disabilities and adequately publicized with sufficient information about the subject of the hearing to permit informed comment. The public hearings occur on a weekday evening in the Civic Center Building, which is centrally located, easily accessible with adequate parking, and handicap accessible.

Throughout the year, citizens may attend the City Commission meetings and public hearings to provide input as to the distribution of federal funds into the City. There will be two public hearings conducted by the City Commission annually. The first public hearing will give citizens the opportunity to comment and provide input on the following:

- Any housing and non-housing community development needs that they have identified and wish addressed
- How funding proposals may meet community development needs in Great Falls
- Performance of the City in administering and distributing federal funds
- Every five years, or anytime the Citizen Participation Plan has substantial revisions or re-written, citizens may comment on the adoption of the Citizens Participation Plan. Prior to adopting the plan, the City distributes the plan for review and comment for a full 15 days.

The second public hearing will offer the opportunity for the citizens to comment on the following:

- Adoption of the Consolidated or Annual Action Plan
- Use of federal funds
- Performance of the administration and implementation of funded projects

TIMELY RESPONSE: The City of Great Falls will consider any comments or views of citizens, agencies, units of general local government, or other interested parties concerning the Consolidated Plan or Annual Action Plan, any amendments to the Plan and all performance reports. The Community Development Department will address any complaints with written responses to written complaints within 15 working days, where practical. Depending on the nature of the complaint, staff may refer the issue to the City Manager or the City Commission if the response from staff is unsatisfactory to the complainant. As appropriate, an attachment of summary of comments and responses to complaints to the final submission of the Consolidated Plan, the Consolidated Plan Amendments, or the Annual Performance Report will take place.

NON-ENGLISH SPEAKING RESIDENTS: In the event that a significant number of non-English speaking residents can reasonably be expected to participate, the City will provide accommodations for non-English speaking residents in the case of public hearings, if such accommodations are available.

SUBSTANTIAL AMENDMENTS: Substantial changes in the City's planned or actual activities will require an amendment to the Consolidated Plan or Annual Action Plan. The following criterion determines substantial change and governs Consolidated Plan or Annual Action Plan amendments:

1. If a new project that has not previously received funding, is being created with unprogrammed funds, or created from financial changes from other funded projects.
2. If there is a change in the project site location, or the project affects an area, an amendment will be required if the project location changes to a different census tract.
3. If there is a change in project purpose or beneficiaries, such as a project eliminates or reduces by over 50% the proposed impact on the original beneficiaries, and/or if less than 51% of the beneficiaries are determined to be low, very low, or poverty income an amendment will be required. The CDBG administrator will determine on a case-by-case basis if an Amendment is required when the beneficiaries change from one targeted group to another.
4. If the project changes in scope the activity from the original proposal.
5. If a project budget increases by twice the total allocation and the increase exceeds 10% of the City's total current Block Grant allocation.

The City will advertise a notice in the *Great Falls Tribune* and make available any amendments to the Consolidated Plan for citizen comment for a 30-day period.

ANNUAL PERFORMANCE EVALUATION REPORT

The Annual Performance Report is available to all citizens at the Public Library and the City Community Development Office through a notice in the daily newspaper notifying the public of the availability of this report for review and comment for a minimum of 15 days. Any comments received regarding the Annual Performance Report are considered and a summary of all comments is attached to the performance report.

SOLICITATION OF CITIZEN COMMENTS ON THE CITIZEN PARTICIPATION PLAN:

Prior to its adoption and approval by the Great Falls City Commission, the City of Great Falls will publish a legal notice in the *Great Falls Tribune* and *Consumer's Press*. The notices of the plan and/or any amendments to this plan are available for a 15-day comment listing the sites that a citizen may obtain a copy of the plan. The plan and any amendments to this plan are available to citizens at the Great Falls Public Library, the Great Falls city web page (www.ci.great-falls.mt.us) and the City Community Development Office in the Civic Center.

SOLICITATION OF CITIZEN COMMENTS IN PREPARING THE CONSOLIDATED OR THE ANNUAL ACTION PLAN:

1. The City of Great Falls will contact local agencies, the housing authority, the local neighborhood revitalization agency, and the neighborhood councils to obtain information and comments to make citizens aware of the Consolidated or Annual Action Plan process.
2. The proposed Consolidated Plan or Annual Action Plan is available to all citizens at the Public Library, the City Community Development Office, the City's web page (www.ci.great-falls.mt.us) and the Housing Authority. To inform the citizens of the proposed Consolidated Plan or Annual Action Plan, a notice published in the daily newspaper, the free weekly publication, and distributed to various agencies describes the availability of this plan and the 30-day period to receive public comment.
3. City Commission will conduct two public hearings requesting input from the citizens and representatives of low, very low and poverty level people as to the needs of the community, including but not limited to housing, community development, infrastructure, economic development and homeless assistance. A second public hearing conducted to receive citizen comments on the proposed Consolidated Plan or Annual Action Plan occurs after completion of the Plan.

The City will provide a reasonable number of free copies of the Consolidated Plan or Annual action Plan to citizens and groups upon request.

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

DATE January 8, 2008

ITEM Use of Missouri Room Without Charge for Math Competition

INITIATED BY Society of Professional Engineers, Bill Burkland

ACTION REQUESTED Approve Free Use of Missouri & Rainbow Rooms Feb. 20, 2008

PRESENTED BY Cheryl Patton, Assistant City Manager

- - - - -

RECOMMENDATION: The Society of Professional Engineers request that the City co-sponsor the North-central Montana MathCounts Chapter competition, a national competition for 6-8 grade math students by foregoing the rental rates of the Missouri and Rainbow Rooms.

MOTION: I move the City Commission to approve the request that the City co-sponsor the MathCounts Competition on February 20, 2008 by waiving the rental rates for the use of the Missouri and Rainbow Rooms.

SYNOPSIS: In a letter dated January 2, 2008, the Society of Professional Engineers requested free use of the Missouri and Rainbow Rooms on February 20, 2008 to hold an annual, national math competition for 6-8 grade students of north-central Montana. The society sponsors the competition and usually uses Heritage Hall at MSU-COT which is not available this year due to construction. Normal rent for the two rooms would be \$375 for one day.

BACKGROUND:

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

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

This request meets all of the above-referenced requirements. The students are not charged a fee to compete, except the schools sending competitors pay for the testing materials that are used.

attachment

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

DATE January 8, 2008

ITEM Preliminary Plat of Cottage Grove Addition Phase 3

INITIATED BY Discovery Meadows Inc., Property Owner and Developer

ACTION REQUESTED Commission Conditionally Approve Preliminary Plat and Findings of Fact

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the Preliminary Plat of Cottage Grove Addition Phase 3, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the Preliminary Plat of Cottage Grove Addition Phase 3 and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

Cottage Grove Addition Phase 3 is located along the northerly extension of 50th Street North from 7th Avenue North.

BACKGROUND:

Owner/developer Discovery Meadows Inc., has submitted applications regarding the following:

- 1) Preliminary Plat of Cottage Grove Addition Phase 3, located in Section 4, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of said Addition, consisting of 5.19 acres to the City of Great Falls.
- 3) Rezoning the area requested to be annexed to the City from the current County “A-1” Agriculture to the City PUD Planned unit development district.

Cottage Grove Addition Phase 3 consists of 28 single-family lots ranging in size from 4686 sq. ft. to 9742 sq. ft.

For additional information, please refer to the attached Vicinity/Zoning Map and Preliminary Plat of Cottage Grove Addition Phase 3.

Lots in the subdivision will be accessed by 7th Avenue North. The developer does intend to install standard City paving, curb and gutter in 50th Street North, 8th Ave North and the north ½ of the abutting portion of 7th Avenue North. The south ½ of 7th Avenue North was improved as a part of the development of Portage Meadows Addition.

City water and sanitary sewer mains are proposed to be installed in 50th Street North, being dedicated on the subdivision plat.

Surface drainage from the subdivision will flow southerly to a low spot within the subdivision and piped to the existing City storm sewer system in 7th Avenue North. The applicant will be obligated to pay for a proportionate share of the cost of extending the storm sewer system to the east side of Phase 3 for future connections.

To fulfill the subdivision's park obligation, the developer proposes to pay a fee in lieu of dedicating land.

The Planning Board conducted a public hearing on the preliminary plat on December 11, 2007. The development has generated no public comment. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Plat of Cottage Grove Addition Phase 3 and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of Cottage Grove Addition Phase 3 shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve Cottage Grove Addition Phase 3 shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of Cottage Grove Addition Phase 3.
- 4) 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) to be determined
 - e) park fee (11% x 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

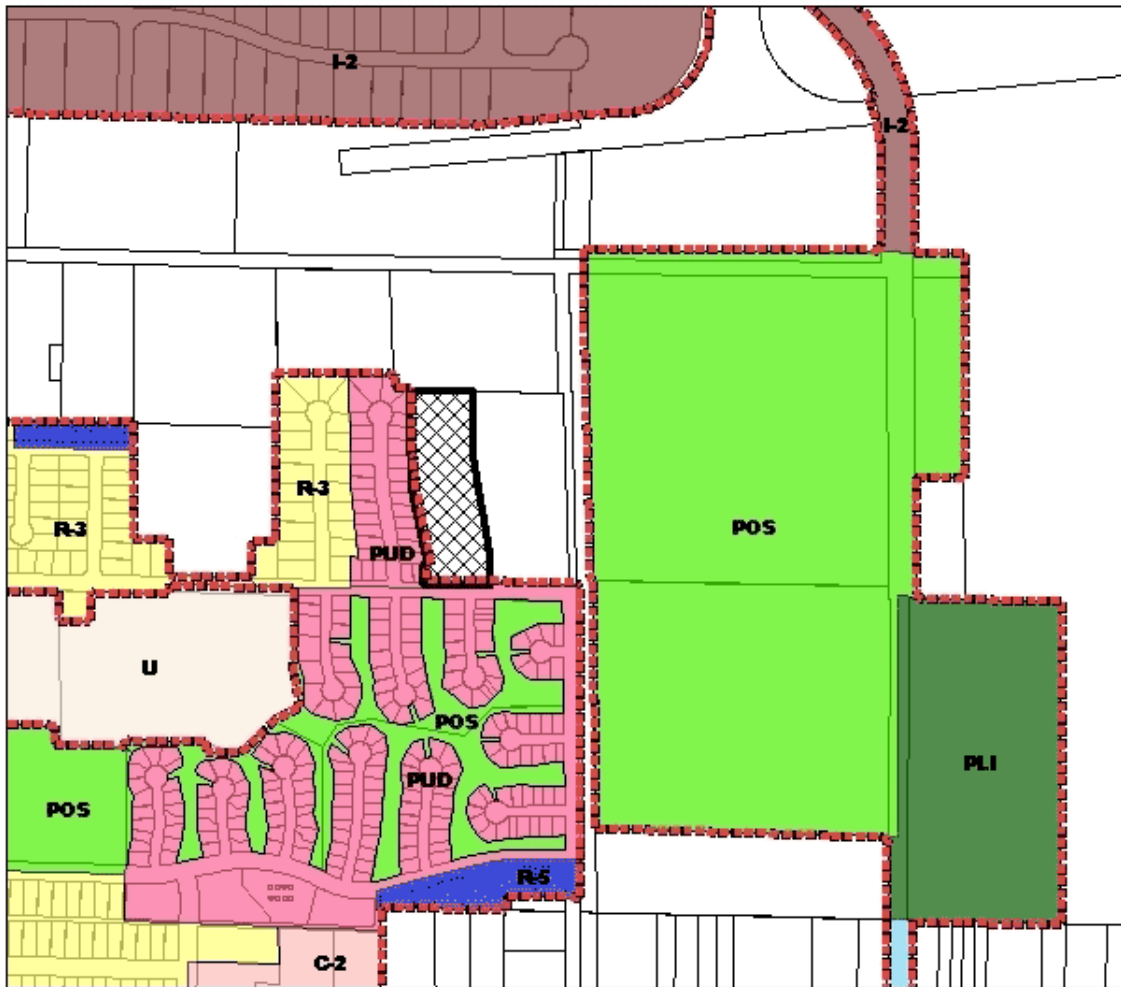
The zoning for the subdivision will be further addressed as the final plat and accompanying annexation documents are considered.

Attach: Vicinity/Zoning Map
Reduced Copy of Preliminary Plat with building setbacks
Findings of Fact












Cc: Discovery Meadows Inc., 1725 41st St S

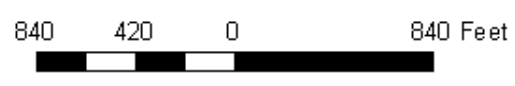
EXHIBIT "A"

VICINITY/ZONING MAP

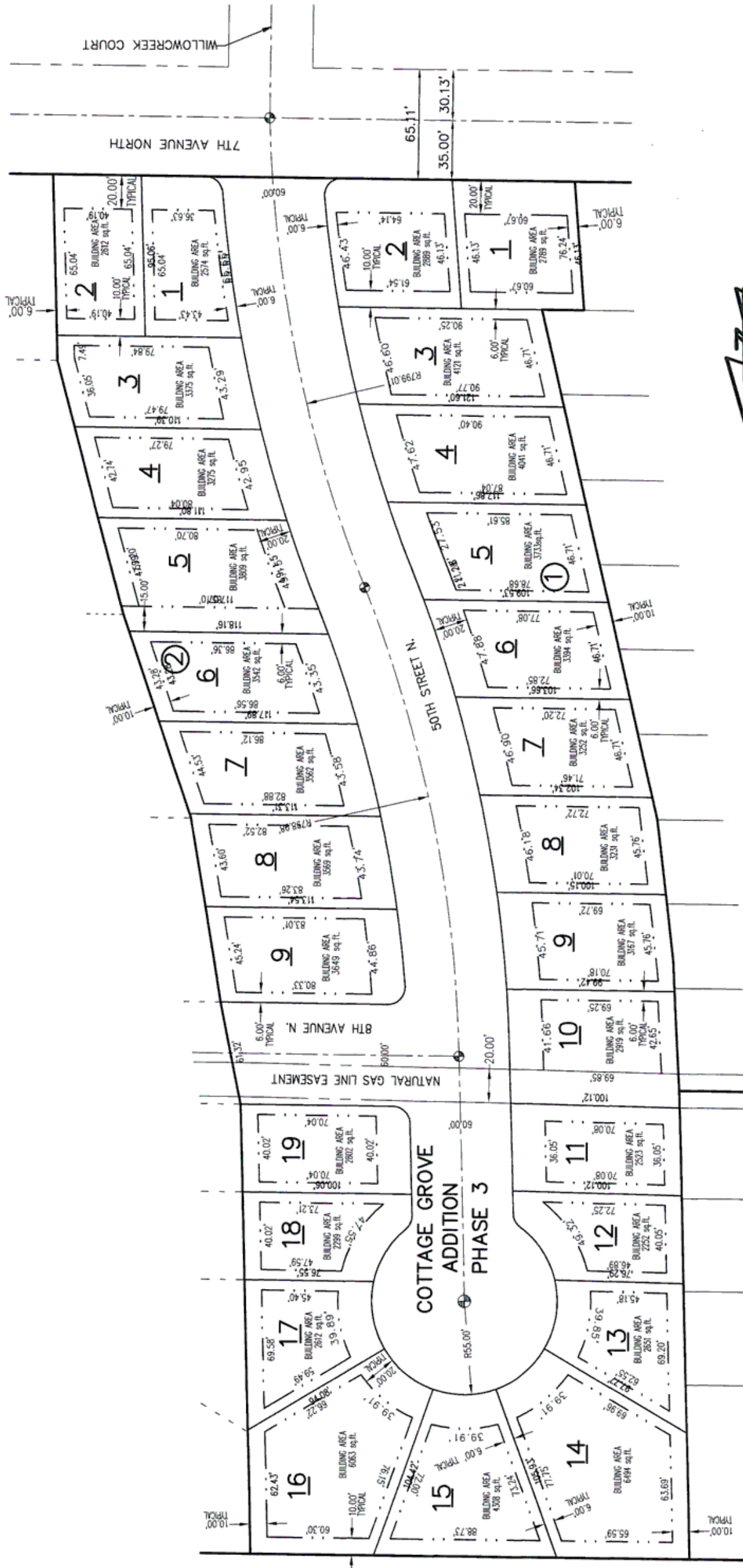


 PROPOSED PRELIMINARY PLAT OF COTTAGE GROVE ADDITION PHASE 3 TO BE ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT UPON ANNEXATION

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



MAXIMUM BUILDING HEIGHT OF PRINCIPAL BUILDING IS 35 FEET.
 MAXIMUM BUILDING HEIGHT OF DETACHED ACCESSORY BUILDINGS IS 24 FEET.



COTTAGE GROVE ADDITION PHASE 3

BUILDING ENVELOPE SETBACKS AND HEIGHTS

REVISION 4
 DATE: DEC 4
 PROJECT: COTTAGE GROVE ADDITION PHASE 3



WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 P.O. BOX 7326, GREAT FALLS, MONTANA 59406

**FINDINGS OF FACT
FOR PRELIMINARY PLAT OF COTTAGE GROVE ADDITION PHASE 3, IN
SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST TO
GREAT FALLS, CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

Utilization of the subdivision site for dry land crop production has diminished due to its proximity to urban residential development. 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 will connect to City water and sewer systems. The subdivider will pay the cost of extending the utility system. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is one and three quarter miles from the subdivision site. Providing these services to the single-family residences in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increased costs.

Public streets will be extended into the subdivision to serve the proposed residential units, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

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. Any excess surface runoff will flow southerly, ultimately into the City storm sewer system.

Effect on Wildlife and Wildlife Habitat

The subdivision is in close proximity to 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 flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high voltage power lines, high traffic volumes, or mining activity. A high-pressure gas line does traverse 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

Within the subdivision, the subdivider will provide the necessary utility easements as a part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting 7th Avenue North, which is public right-of-way maintained by the City of Great Falls. Within Cottage Grove Phase 3, right-of-way will be dedicated and improved to provide access to each lot being created.

CITY OF GREAT FALLS, MONTANA

AGENDA # 14

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

DATE January 8, 2008

ITEM Preliminary Plat of Bootlegger Addition, Phases I & II

INITIATED BY McIntyre Enterprises., Inc. & Murphy Real Estate L.L.C., Property Owners and Developers

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 Bootlegger Addition, Phases I & II, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the preliminary plat of Bootlegger Addition, Phases I & II and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

Bootlegger Addition, Phases I & II, consists of 51 proposed single family residential lots located between Northview Addition and Eagle’s Crossing Addition.

BACKGROUND:

McIntyre Enterprises, Inc. and Murphy Real Estate LLC, have submitted applications regarding the following:

- 1) Preliminary Plat of Bootlegger Addition, Phases I and II, located in the NW1/4SE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana.
- 2) Separate annexation of each phase contained in said Preliminary Plat, consisting of 7.244 acres, to the City of Great Falls.
- 3) Establishing a City zoning classification of R-3 Single-family high density district on each phase of said Preliminary Plat, upon annexation.

Said Preliminary Plat consists of 51 lots ranging in size from 8,000 sq ft to 12,474 sq ft located between Northview Addition and Eagle’s Crossing Addition. Phase I includes 24 lots and Phase II includes 27 lots.

Please refer to the attached Vicinity/Zoning Map and a reduced copy of the drawing portion of the Preliminary Plat of Bootlegger Addition, Phases I and II.

Access to the subdivision will initially be provided by 9th Street NE with eventual roadway connections to 12th Street NE, the Bootlegger Trail and streets in Eagle’s Crossing Addition. Roadways within the subdivision will be improved to City standards with paving, curb and gutter. City water and sanitary sewer mains will be installed in the roadways within the subdivision. As much of the subdivision as possible will drain by gravity into the existing sanitary system at the southwest corner of the subdivision with the reminder draining into the existing City sewer lift station in Eagle’s Crossing Addition.

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

The applicant intends to fulfill the subdivision’s park obligation by escrowing the applicable park fee. As the remaining 90 acres to the north and east of Phases I and II are subdivided and developed by the applicant, a centrally located area is planned to be dedicated as park land to serve the overall project.

Traffic Analysis:

Daily Trip Generation Calculation (Phases 1 & 2)

- Proposed land use: Single Family Detached Housing (Land Use 210, ITE Trip Generation, 7th edition, 2003). This land use is defined as including “...all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.”
- Average daily trip rate (weekday): 9.57 trips ends per dwelling unit (ITE Trip Generation, 7th edition, 2003)
- Daily trip generation calculation for Phases I & II: 51 Single Family dwelling units x 9.57 average daily trips ends/dwelling unit = 488 trips per day

Trip Distribution:

All traffic from this subdivision will initially enter from and exit to 36th Avenue Northeast using 9th Street Northeast. Future access to these lots/dwelling units, through subsequent phases, will also be provided via Bootlegger Trail to the east. One additional future access will also be through an extension of 12th Street Northeast, when access becomes available to 36th Avenue Northeast through development of lots adjoining the avenue. However, this is dependant upon development of the parcels immediately adjoining 36th Avenue NE, whereas the Bootlegger Trail access will be directly from the subdivider’s property.

Depending upon driver destinations, it is anticipated a majority of the trips to and from Phases I & II of the proposed subdivision would use 36th Avenue NE, east of its intersection with 9th Street NE and 9th/8th Streets NE south of its intersection with 36th Avenue NE, with a lesser number of trips using 36th Avenue NE to the west.

Nearby Average Daily Traffic Counts:

Count ID Number	Count Location Description	Daily Traffic	Year
109	Bootlegger Trail, just south of 36th Avenue NE	3,330	2004
268	36th Avenue NE, just west of Bootlegger Trail	2,981	2006
248	8 th Street NE, between 26 th and 27 th Avenues NE	4,075	2006

Functional Classification:

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

- 9th Street NE Collector
- 36th Avenue NE Collector
- Bootlegger Trail Collector
- 8th St NE Collector

Existing Traffic Control:

The intersection of 9th Street NE and 36th Avenue NE is controlled on the north and south legs by yield signs. The intersection of Bootlegger Trail and 36th Avenue NE is stop-controlled on the west leg (36th Avenue NE).

Conclusion/Recommendations:

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

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

The Planning Board conducted a public hearing on the preliminary plat on December 11, 2007. One citizen spoke, Mr. Paul Lloyd-Davies, 1216 1st Avenue South, who asked if the proposed park is in accordance with City standards and if sidewalks would be installed. The amount of park land to be dedicated would be in accordance with State statutes and sidewalks would be installed in public road right-of-way when the adjoining lot is developed. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the preliminary plat of Bootlegger Addition, Phases I & II and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of each phase of Bootlegger Addition shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve Phases I & II shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat for each phase.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of each phase including agreement by the applicant to install, within two years of the date of annexation of the involved phase, the public improvements

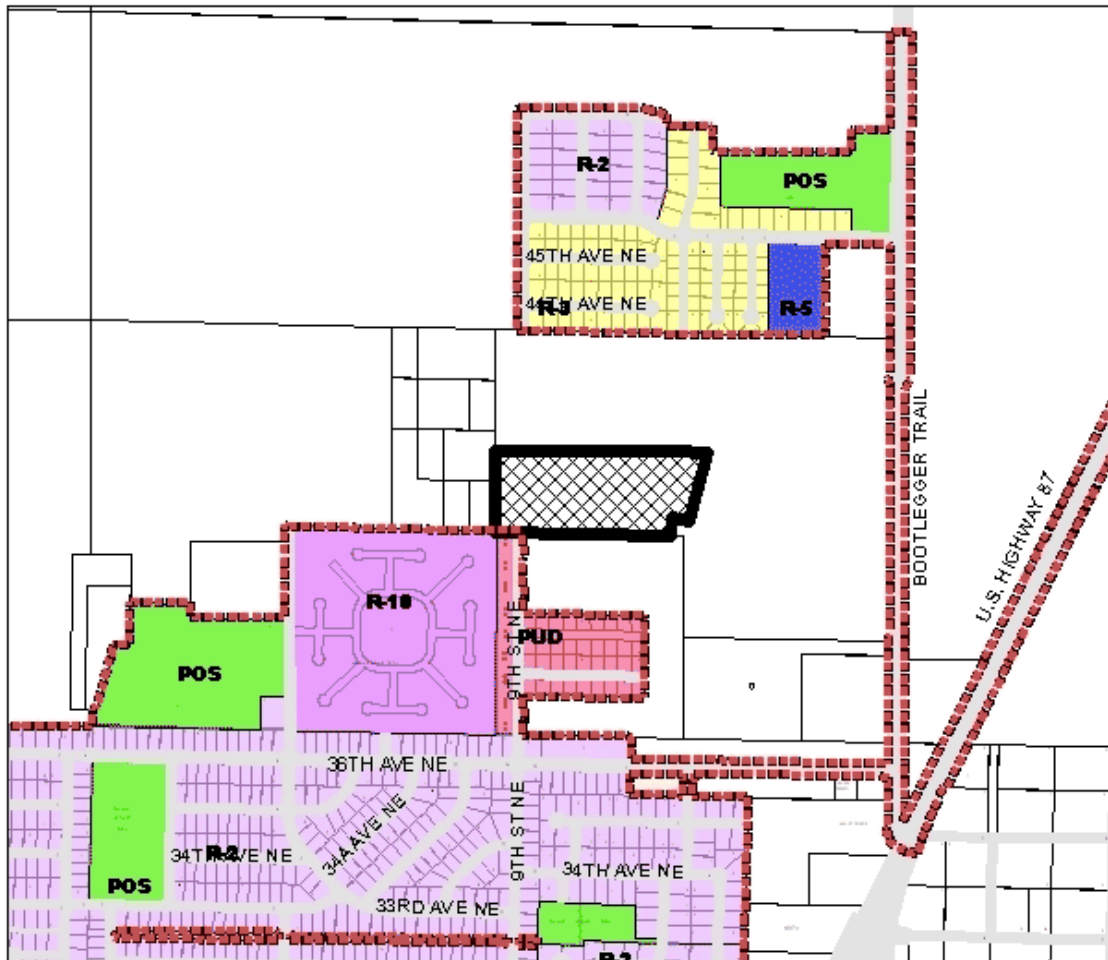
referenced in Condition 2) above. (As clarified during the Planning Board public hearing, the applicable traffic analysis recommendations presented in the staff Agenda Report shall also be included as conditions of annexation approval.)


- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation of each phase, including:
- | | | |
|----|--|------------------|
| a) | annexation resolution fee | \$100.00 |
| b) | annexation agreement fee | 200.00 |
| c) | final plat fee | 200.00 |
| d) | proportionate share of the cost of storm sewer main and detention facility serving subdivision | to be determined |
| e) | storm sewer fee (\$250/acre) | to be determined |
| f) | recording fees for annexation documents (\$11 per page) | to be determined |
- 5) Addressing the subdivision's park obligation by escrowing the applicable park fee with eventual dispensation to be mutually agreed upon by City and applicant.
- 6) Any additional off-site easement(s) to accommodate infrastructure necessary to serve subdivision shall be provided by applicant.










Attach: Vicinity/Zoning Map
Reduced Copy of Preliminary Plat
Memorandum from City Engineer dated December 4, 2007
Findings of Fact

Cc w/o attach: McIntyre Enterprises, Inc., 719 3rd St W, Whitefish MT 59937
Murphy Real Estate LLC, P O Box 2972, G F 59403-2972
HKM Engineering, P O Box 49, G F 59403

VICINITY/ZONING MAP



 PRELIMINARY PLAT OF BOOTLEGGERS ADDITION PHASES I AND II TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY

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

1,300 650 0 1,300 Feet



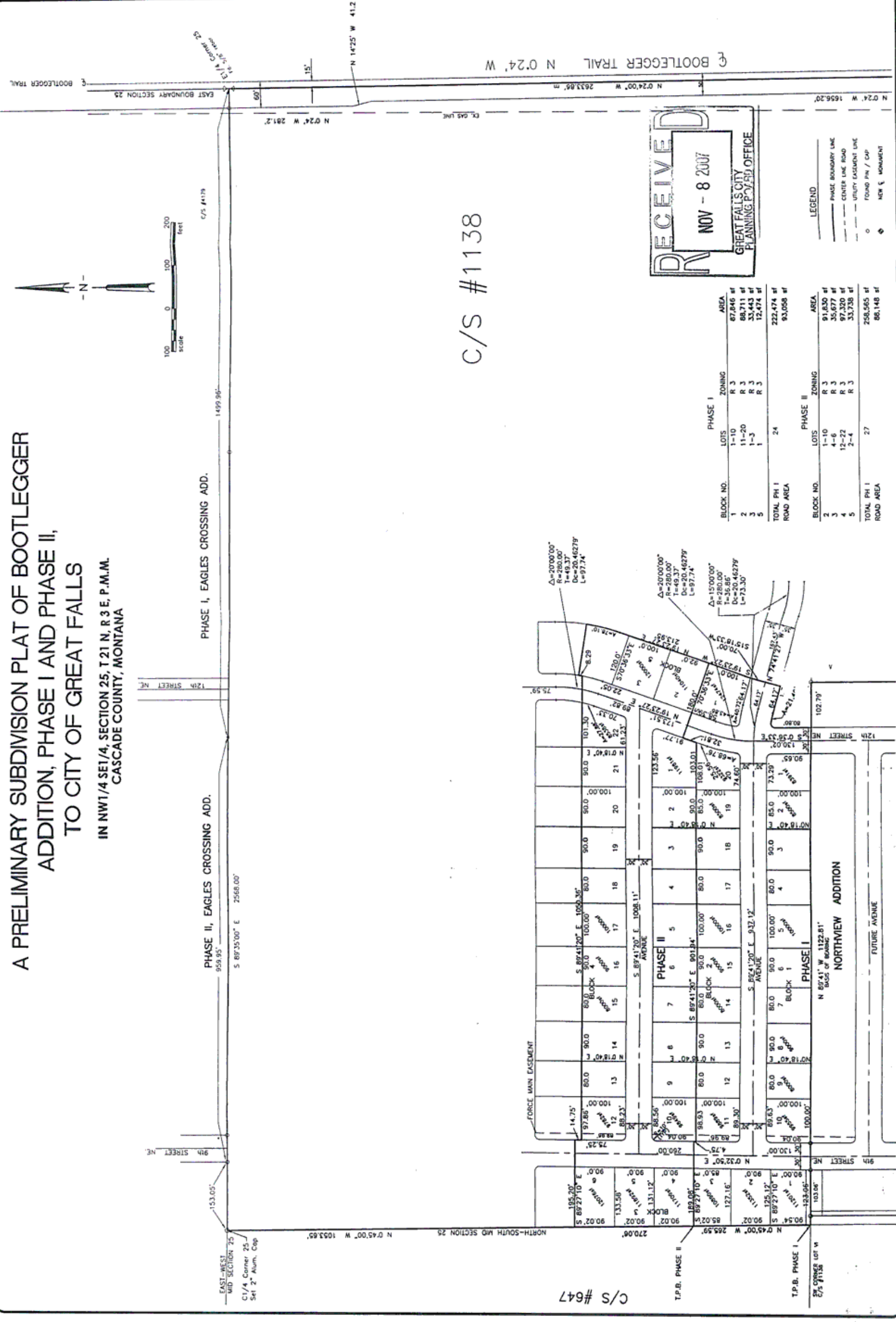
BOOTLEGGER ADDITION SUBDIVISION
GREAT FALLS, MONTANA
PLAT

Project No. 625 166.101 • Date OCTOBER 2007

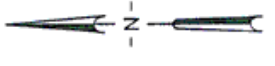
PRELIMINARY
NOT FOR CONSTRUCTION

HMM
ENGINEERING
P.O. Box 49
2701 16th Street NE
Great Falls, MT 59403
Phone: (406) 453-4288
Fax: (406) 453-4288

Sheet No. **1**
of 2



**A PRELIMINARY SUBDIVISION PLAT OF BOOTLEGGER
ADDITION, PHASE I AND PHASE II,
TO CITY OF GREAT FALLS**
IN NW1/4 SE1/4, SECTION 25, T21 N, R3 E, P.M.M.
CASCADE COUNTY, MONTANA



C/S #1138

RECEIVED
NOV - 8 2007
GREAT FALLS CITY
PLANNING & PERMITS OFFICE

BLOCK NO.	LOTS	ZONING	AREA
1	1-10	R 3	67,846 sf
2	11-20	R 3	68,711 sf
3	1-3	R 3	33,443 sf
5	1	R 3	12,474 sf
TOTAL PH I	24		222,474 sf
ROAD AREA			93,058 sf

BLOCK NO.	LOTS	ZONING	AREA
2	1-10	R 3	91,830 sf
3	4-6	R 3	35,677 sf
5	12-22	R 3	97,320 sf
5	2-4	R 3	33,738 sf
TOTAL PH I	27		258,565 sf
ROAD AREA			86,148 sf

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

INTER-OFFICE MEMORANDUM

December 4, 2007

TO: Bill Walters, Senior Planner

FROM: Dave Dobbs, City Engineer

SUBJECT: Public Works Department Comments – Bootlegger Phases I & II
Preliminary Plat, O. F. 1475

Public Works has reviewed the proposed subdivisions. A number of discussions have already taken place with the developers and their consultants. And some issues seem to have been worked out. Since this is a preliminary plat, the comments are rather general and limited at this time.

1. The North Great Falls Storm Drainage Master Plan is nearing completion. We are thus able to calculate costs that development in this basin will incur to cover needed storm drain improvements. The developers were notified of these costs and various related items in a letter from Jim Young dated December 3, 2007.
2. It is anticipated that the unpaved portion of 9th Street NE in the Northview Subdivision, immediately south of Bootlegger, will be completed in the spring of 2008. This will allow good access to the above proposed subdivisions for infrastructure construction and access.
3. As a point of information, a construction contract for the needed storm drain in this region of 9th Street NE will be awarded at this evenings Commission meeting. This has been the primary holdup to completing the building of the north end of 9th Street NE in Northview.

It is anticipated that more detailed comments will come when the final plats are submitted for review. Please feel free to contact me if any question arise.

**FINDINGS OF FACT
FOR
PRELIMINARY PLAT OF
BOOTLEGGER ADDITION, PHASES I & II
IN THE NW1/4SE1/4 OF SECTION 25, T21N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3) MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site in previous years had been used for dryland crop production but that activity has diminished with the advent of urban development in the vicinity. 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 will connect to City water and sewer systems. The cost of extending the utility systems will be paid by the subdivider with some participation by the City for over sizing expense. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual residential units within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is three miles from the subdivision site. Providing these services to development in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Public streets will be extended into the subdivision to serve the proposed residential lots, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

The tract of land in which the proposed subdivision is located pays less than \$1000.00 annually in local property taxes. After full improvement of the subdivision including 51 single family residential lots, the development is expected to pay in excess of \$100,000 annually in local property taxes to the County, City, State, School District and other taxing entities at current mill levies.

Effect on the Natural Environment

The subdivision, which consists of 51 single family residential lots ranging in area from 8,000 to 12,000 sq ft, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. The bulk of the surface runoff generated by the subdivision will be directed to the north to an existing detention facility.

Effect on Wildlife and Wildlife Habitat

The subdivision is in close proximity to 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 flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, nearby industrial or mining activity, or high traffic volumes.

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

An existing off site easement containing a sanitary sewer force main will be expanded to accommodate storm drainage improvements. Within the subdivision, the subdivider will provide the necessary utility easements as a part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

The sole source of access to the subdivision, at least for the foreseeable future, is 9th Street NE, a dedicated roadway which is expected to be fully improved in 2008. Other eventual roadway connections include 12th Street NE, the Bootlegger Trail and streets in a developing subdivision to the north. Within the subdivision, dedicated public roadways improved to municipal standards and maintained by the City will provide legal and physical access to each proposed lot.

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

DATE January 8, 2008

ITEM Preliminary Plat of West Ridge Addition, Phases V and VI

INITIATED BY S & L Development, LLC, Property Owner and Developer

ACTION REQUESTED Commission Conditionally Approve Preliminary Plat and Findings of Fact

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the Preliminary Plat of West Ridge Addition, Phases V and VI, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the Preliminary Plat of West Ridge Addition, Phases V and VI and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

West Ridge Addition, Phases V and VI are located along the west boundary of 2nd Street Northeast, between 37th and 40th Avenues Northeast

BACKGROUND:

Owner/developer S & L Development, LLC, has submitted applications regarding the following:

- 1) Preliminary Plat of West Ridge Addition, Phases V and VI, located in Section 26, Township 21 North, Range 3 East, Cascade County, Montana.
- 2) Zone the area within said Preliminary Plat to a City zoning classification of R-3 Single-family high density district, as it is annexed to the City.

West Ridge Addition, Phases V and VI consist of 48 single-family lots ranging in size from 10,569 sq. ft. to 13,056 sq. ft.

For additional information, please refer to the attached Vicinity/Zoning Map and Preliminary Plat of West Ridge Addition, Phases V and VI.

Access to subject property will be provided by 2nd Street Northeast and 37th thru 40th Avenues Northeast. The public roadways contained therein will be improved with standard City paving, curb and gutter. Temporary, graveled cul-de-sacs will be required at the west terminus of each of the avenues as they are developed and until the adjoining property is developed. The developer will be required to reimburse the City a proportionate share of paving, curb and gutter and water main previously installed in 2nd Street

Northeast. The developer has adjusted lot lines within the subdivision to provide buildable areas on the lots affected by the easement for the Montana Refinery Crude Oil Line.

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

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

The developer intends to fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land.

The Planning Board conducted a public hearing on the preliminary plat on December 11, 2007. The development has generated no public comment. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Plat of West Ridge Addition, Phases V and VI and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of West Ridge Addition, Phases V and VI shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve West Ridge Addition, Phases V and VI shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of West Ridge Addition, Phases V and VI.
- 4) 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) to be determined
 - e) park fee (11% x 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

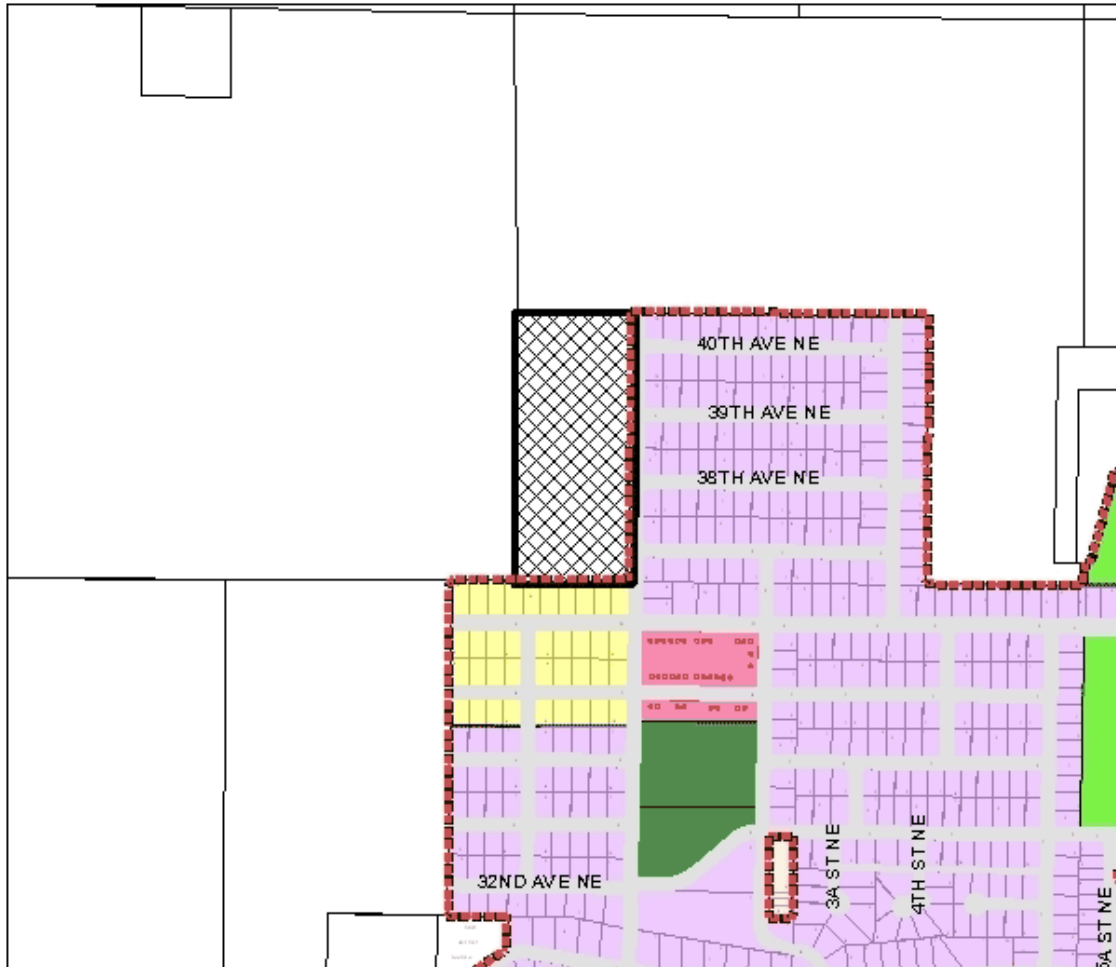
The zoning for the subdivision will be further addressed as the final plat and accompanying annexation documents are considered.


Attach: Vicinity/Zoning Map
Reduced Copy of Preliminary Plat
Findings of Fact




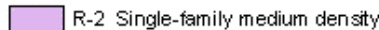
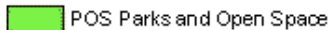
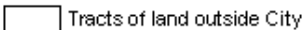

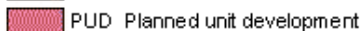
Cc : S & L Development LLC, 221 30th Ave NE, G F MT 59404
HKM Engineering, P O Box 49, G F, 59403

EXHIBIT "A"

VICINITY/ZONING MAP



 PROPOSED PRELIMINARY PLAT OF WEST RIDGE ADDITION, PHASES V AND VI TO BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY UPON ANNEXATION

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

890 445 0 890 Feet



**FINDINGS OF FACT FOR
PRELIMINARY PLAT OF
WEST RIDGE ADDITION PHASES V AND VI
IN SECTION 26, T21N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

Utilization of the subdivision site for dryland crop production has diminished due to its proximity to urban residential development. 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 will connect to City water and sewer systems. The cost of extending the utility systems will be paid by the subdivider. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is two and a half miles from the subdivision site. Providing these services to the single family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Public streets will be extended into the subdivision to serve the proposed residential lots, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

The tract of land (total 7.75 acres) in which the proposed subdivision is located, pays \$414.00 annually in local property taxes. After full improvement of the subdivision, covering the 48 involved lots, each with a new single family residence, are expected to pay in excess of \$100,000 annually in local property taxes to the County, City, State, School District and other taxing entities at current mill levies.

Effect on the Natural Environment

The subdivision, which consists of 48 lots ranging in area from 10,569 to 13,056 sq ft, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from a majority of the subdivision will be directed toward an existing storm water retention facility owned and maintained by the City.

Effect on Wildlife and Wildlife Habitat

The subdivision is in close proximity to 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 flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, nearby industrial or mining activity, or high traffic volumes. A petroleum pipeline does traverse 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 subdivisions regulations.

III. EASEMENT FOR UTILITIES

Necessary utilities exist at the boundary of the proposed subdivision. Within the subdivision, the subdivider will provide the necessary utility easements as a part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

Dedicated public roadways improved to municipal standards and maintained by the City provide legal and physical access to the subdivision and to each proposed lot in the subdivision.

CITY OF GREAT FALLS, MONTANA

AGENDA # 16

AGENDA REPORT

DATE January 8, 2008

ITEM Appointments, Mansfield Center for the Performing Arts Advisory Board

INITIATED BY City Commission

ACTION REQUESTED Reappoint One Member and Appoint Two New Members

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission reappoint Edward Larry Gomoll and appoint two new members to the Mansfield Center for the Performing Arts Advisory Board to three-year terms through December 31, 2010.

MOTION: I move the City Commission reappoint Edward Larry Gomoll and appoint _____ and _____ to the Mansfield Center for the Performing Arts Advisory Board for three-year terms through December 31, 2010.

SYNOPSIS: Edward Larry Gomoll was appointed to the Mansfield Center for the Performing Arts Advisory Board in December of 2004. Mr. Gomoll is interested in and eligible for reappointment. The terms of Robert Kampfer and Judith Sargent expire on December 31, 2007. Neither Mr. Kampfer nor Ms. Sargent are eligible to be reappointed; therefore, it is necessary to appoint new members to fill the vacancies.

BACKGROUND: The Civic Center Advisory Board was created in 1997 and was amended by Ord. 2928 in February of 2006 to change the name to the Mansfield Center for the Performing Arts Advisory Board. The Board acts in an advisory capacity to the City Commission and the City Manager on matters related to the successful operation of the Civic Center as the Mansfield Center for the Performing Arts and public meeting rooms. The Board consists of five to seven members with an attempt to have representation from the areas of performing arts, conventions and meetings, and civic leaders.

Continuing members of this board are:

- Casey Kelly Buckingham
- Carl Donovan
- Laura Flaherty
- Rick Tryon

Citizens interested in serving on this board are:

- Carol Cassie
- Joe R. Fontana
- Allene Mares
- Jesse O'Hara

AGENDA REPORT

DATE January 8, 2008

ITEM Appointment, Great Falls Planning Advisory Board

INITIATED BY City Commission

ACTION REQUESTED Appoint One Member

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission appoint one member to the Great Falls Planning Advisory Board to fill the remainder of a three-year term through December 31, 2008.

MOTION: I move the Commission appoint _____ to the Great Falls Planning Advisory Board to fill the remainder of a three-year term through December 31, 2008.

SYNOPSIS: Planning Board member Bill Bronson was elected to the Great Falls City Commission in the November 2007 election. Therefore, Mr. Bronson has resigned from the Board and it is necessary to appoint one member to fill the remainder of his term.

BACKGROUND: The Great Falls Planning Advisory Board was created in lieu of the Great Falls City-County Planning Board. Further, the advisory board has jurisdiction within the City limits; consists of nine citizen members appointed by the City Commission; and, performs and provides the duties, services and functions specified in Ordinance No. 2913, generally involving growth policies, subdivision applications and plats, annexation applications, zoning and rezoning petitions, conditional use permits, long range planning, transportation planning, Community Transportation Enhancement Program administration, historic preservation services, etc. Members must reside within the city limits.

Current members of the Great Falls Planning Advisory Board include:

- Gregory D. Madson (term through December 31, 2008)
- Arthur E. Bundtrock (term through December 31, 2008)
- John Harding (term through December 31, 2009)
- William Roberts (term through December 31, 2009)
- Ron Kinder (term through December 31, 2009)
- Danna Duffy (term through December 31, 2010)
- Terry Hilgendorf (term through December 31, 2010)
- Joseph Schaffer (term through December 31, 2010)

Citizens interested in serving on this board include:

- J. Scot Davis
- Wyman Taylor

AGENDA REPORT

DATE January 8, 2008

ITEM Appointments Regional Airport Authority

INITIATED BY City Commission

ACTION REQUESTED Reappoint One Member and Appoint One Member

PRESENTED BY City Commission

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RECOMMENDATION: It is recommended that the City Commission reappoint James Morin and appoint one new member to the Regional Airport Authority for three-year terms through December 31, 2010.

MOTION: I move the City Commission reappoint James Morin and appoint _____ to the Regional Airport Authority for three-year terms through December 31, 2010.

SYNOPSIS: James Morin was appointed to the Regional Airport Authority Board in August of 2007 to fill the remainder of a three-year term through December 31, 2007. Ben Ives was appointed to the Board in 2002 and is not eligible to be reappointed. Therefore, it is necessary to reappoint James Morin and appoint one member for three-year terms.

BACKGROUND: The Regional Airport Authority consists of seven members, four appointed by the City Commission and three appointed by the Cascade County Commission. The Authority serves as the governing and policy setting body for the operation and management of the Great Falls International Airport. Its duties include employing the Airport Director, who hires staff and oversees the day-to-day operations of the Great Falls International Airport.

Continuing members on this board are

- Jeff Mangan (City)
- Raymond Wahlert (City)
- Ed Buttrey (County)
- Susan Humble (County)
- Daniel Johannes (County)

Citizens interested in serving on this board include:

- Michael Flaherty
- Elna Hensley
- Jeff Jaraczski
- John Koslosky
- Gary Lowry
- David Madson
- Owen Robinson

CITY OF GREAT FALLS, MONTANA

AGENDA # 21

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

DATE January 8, 2008

ITEM Appointment, Mayor Pro Tempore

INITIATED BY City Commission

ACTION REQUESTED Appoint Mayor Pro Tempore

PRESENTED BY Lisa Kunz, City Clerk

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RECOMMENDATION: According to the City Charter, the City Commission must appoint a Commissioner to serve as Mayor Pro Tempore.

MOTION: I move the Commission to appoint _____ to serve as Mayor Pro Tempore for a two year term effective immediately.

SYNOPSIS: The City Charter states that (t)he Mayor Pro Tempore shall serve in the absence of the elected Mayor. The City Commissioners shall elect from among themselves a Mayor Pro Tempore no later than one month after taking office. The Mayor Pro Tempore shall serve a term of two years or until the City Commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining City Commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term which the vacancy occurred.