



City Commission Agenda

for

November 6, 2007

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS

Great Falls Animal Shelter

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Castle Pines Phase IV consisting of 5 lots located along the south side of 27th Avenue South and the southerly extension of 15th Street South. **(Presented by: Ben Rangel)**
 - A. Res. 9689, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9689.
 - B. Ord. 2983, Establish City Zoning classification of R-3 Single-family high density district. Action: Conduct joint public hearing and adopt or deny Ord. 2983.
3. Lot 6A, Beebe Tracts, addressed as 5000 2nd Avenue North, currently occupied by Big Sky Miniature Golf. **(Presented by: Ben Rangel)**
 - A. Res. 9688, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9688.
 - B. Ord. 2982, Establishes zoning classification of C-2 General commercial district. Action: Conduct joint public hearing and adopt or deny Ord. 2982.
4. Marks T and IA, Section 15, Township 20 North, Range 3 East, addressed as 1400 14th Street Southwest. **(Presented by: Ben Rangel)**
 - A. Res. 9697, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9697.
 - B. Ord. 2986, Establish City Zoning classification of R-1 Single-family suburban district to said parcels. Action: Conduct joint public hearing and adopt or deny Ord. 2986.
5. Mark I, Section 15, Township 20 North, Range 3 East, addressed as 1420 14th Street Southwest. **(Presented by: Ben Rangel)**
 - A. Res. 9698, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9698.

- B. Ord. 2987, Establish City Zoning classification of R-1 Single-family suburban district to said parcel. Action: Conduct joint public hearing and adopt or deny Ord. 2987.
- 6. Marks J and J1, Section 15, Township 20 North, Range 3 East, and abutting unincorporated portion of 14th Street Southwest and a segment of 16th Avenue Southwest. **(Presented by: Ben Rangel)**
 - A. Res. 9699, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9699.
 - B. Ord. 2988, Establish City Zoning classification of R-1 Single-family suburban district upon Mark J and establish a zoning classification of C-2 General commercial district upon Mark J1. Action: Conduct joint public hearing and adopt or deny Ord. 2988.
- 7. Marks 7D and 7M, Section 9, Township 20 North, Range 4 East, currently occupied by John's Mobile Home Court along 2nd Avenue North. **(Presented by: Ben Rangel)**
 - A. Res. 9700, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9700.
 - B. Ord. 2989, Establish City Zoning classification of R-10 Mobile home park district. Action: Conduct joint public hearing and adopt or deny Ord. 2989.
- 8. Park Highway Garden Tracts, Lots 19 and 19B, currently occupied by Tolan Distributing. **(Presented by: Ben Rangel)**
 - A. Res. 9701, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9701.
 - B. Ord. 2990, Establish City Zoning classification of M-2 Mixed use transitional district. Action: Conduct joint public hearing and adopt or deny Ord. 2990.
- 9. Mark 11A, Section 3, Township 20 North, Range 3 East, presently occupied by a log home sales and construction office (Eagles Nest Log Homes) and a single-family residence, addressed as 1001 and 1011 Northwest Bypass. **(Presented by: Ben Rangel)**
 - A. Res. 9702, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9702.
 - B. Ord. 2991, Establish City Zoning classification of C-2 General commercial district. Action: Conduct joint public hearing and adopt or deny Ord. 2991.
- 10. Lot 5, Block 1, International Malting Company, LLC Addition and the abutting section of U. S. Highway 87. **(Presented by: Ben Rangel)**
 - A. Res. 9710, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9710.
 - B. Ord. 2985, Establishes zoning classification of I-2 Heavy industrial district. Action: Conduct joint public hearing and adopt or deny Ord. 2985.

OLD BUSINESS

NEW BUSINESS

11. Potable and Industrial Process Water Service and Sanitary Sewer Agreements with Montana Megawatts I, LLC. Action: Approve or deny agreements. **(Presented by: Coleen Balzarini)**

ORDINANCES/RESOLUTIONS

12. Amended Plat of Lot 2A, Block 1, Sand Hills Park Addition and Blocks 40 and 45, Replat of Lincoln Heights Addition. **(Presented by: Ben Rangel)**
 - A. Res. 9706, Intent to Annex said property. Action: Adopt Res. 9706 and set public hearing for December 4, 2007.
 - B. Res. 9707, Intent to Vacate 16th Alley South. Action: Adopt Res. 9707 and set public hearing for December 4, 2007.
 - C. Ord. 2994, Assigns zoning classification of R-5 Multi-family residential medium density district to Lots 2A-1 and 2A-2 and POS Parks and open space district to the unincorporated portion of Lot 2A-3. Action: Accept Ord. 2994 on first reading and set public hearing for December 4, 2007.

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.*

13. Minutes, October 16, 2007, Commission meeting.
14. Total Expenditures of \$2,148,459 for the period of October 9-31, 2007, to include claims over \$5000, in the amount of \$1,818,995.
15. Contracts list.
16. Lien Release list.
17. Set public hearing for November 20, 2007, on Res. 9711, Safety Inspection Certificate Fees.
18. Set public hearing for December 4, 2007, on Res. 9709, Conditional Use Permit for a Telecommunication Facility at 117 9th Street North.
19. Approve Change Order No. 1 in the amount of \$603 and Final Payment of \$19,069.13 to Dick Olson Construction and \$192.62 to the State Miscellaneous Tax Division for the Civic Center Men's Bathroom Project.
20. Award Bid for four new 2008 extended cab ¼ ton pickups to Bison Ford of Great Falls in the amount of \$62,710.80.
21. Award contract to United Electric, LLC, in the amount of \$40,007.88 for the Neighborhood Street Lighting – Eagles Crossing, Phases 2 & 3, SID 1308.
22. Award contracts to Membrane Concepts, LLC in the amount of \$144,430 for the pool liners at Jaycee, Water Tower and Mitchell Pools.
23. Approve final payment to Shumaker Trucking and Excavating and the State Miscellaneous Tax Division in the amount of \$14,016.22 for the Mount Olivet/Mountain View Water Main Loop.
24. Approve final payment to Dick Anderson Construction, Inc. and the State Miscellaneous Tax Division in the amount of \$5,490 for the Water Flocculation and Rapid Mix Improvements.
25. Approve Wadsworth Park Lease Addendum with the Sun River Skeet Club.

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

BOARDS & COMMISSIONS

26. Preliminary Plat, South Park Addition, Phase II. Approves Preliminary Plat consisting of 18 lots ranging in size from 9000 s.f. to 9557 s.f., located between Grande Vista Park and Flood Road.
Action: Approve or deny Plat.
27. Appointment, Great Falls Housing Authority Board. Appoint one returning member to the Great Falls Housing Authority Board for the remainder of a five-year term expiring June 30, 2009.
28. Miscellaneous reports and announcements.

CITY MANAGER

29. Miscellaneous reports and announcements.

CITY COMMISSION

30. Miscellaneous reports and announcements.

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

31. Miscellaneous reports and announcements.

MOTION TO ADJOURN

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9689 to Annex and Ordinance 2983 to Establish City Zoning Upon Castle Pines Phase IV

INITIATED BY Harold Poulsen, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9689 and Ordinance 2983 and approve Minor Plat, Annexation Agreement and Findings of Fact, all related to Castle Pines Phase IV

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the minor plat and annexation of Castle Pines Phase IV and assign a zoning classification of R-3 Single-family high density district, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9689 and approve the Minor Plat, Annexation Agreement and Findings of Fact, all related to Castle Pines Phase IV.”

and;

“I move the City Commission adopt Ordinance 2983.”

SYNOPSIS:

Resolution 9689 annexes Castle Pines Phase IV consisting of 5 lots located along the south side of 27th Avenue South and the southerly extension of 15th Street South.

BACKGROUND:

Lots within said minor plat will be sold by the developer to others to build single-family residences. Access to the lots in the subdivision will be from 15th Street South and 27th Avenue South. Roadways abutting and within the subdivision have already been improved to City standards with paving, curb and gutter. Water and sewer mains have been installed as a part of Castle Pines Phase III.

Based on land contours, the area generally slopes to the northwest. The Master Plan Agreement which accompanied Castle Pines Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of the Multi-Sports Complex) and storm drain piping in 13th Street South to serve the area being developed as Castle Pines Subdivision. City storm sewer mains were installed in previous phases of Castle Pines Subdivision.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Phase IV is included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Phase I wherein as each lot is sold a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13th Street South and 24th Avenue South, including water main installation and providing a secondary water source to the Castle Pines area.

Section 76-2-304 Montana Code Annotated lists 12 criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land. Subject property borders Castle Pines Phase III, which is being developed as a single-family residential subdivision. The Minor Plat of Castle Pines Phase IV generally adheres to a conceptual plan that was prepared in 1995 for the area, in conjunction with Castle Pines Phase I. The City has the capability and capacity to provide necessary public services. Staff concludes the criteria are substantially met.

At the conclusion of a combined public hearing held July 11, 2006, the Planning Board/Zoning Commission made two separate recommendations, as follows:

The Planning Board unanimously recommended the City Commission approve Minor Plat of Castle Pines Phase IV, the accompanying Findings of Fact, and the annexation of the property contained therein subject to fulfillment of the following conditions:

- 1) The final plat of Castle Pines Phase IV, shall incorporate correction of any errors or omissions noted by staff
- 2) An Annexation Agreement shall be prepared containing terms and conditions for annexation of Castle Pines Phase IV, including agreement by applicant to adhere to the Agreement dated November 7, 1995, pertaining to the previously mentioned Off-Site Improvement Trust Fund.
- 3) All applicable fees owed as a condition of plat or annexation approval shall be paid in conjunction with the consideration of the minor plat and annexation for Castle Pines Phase IV.

and;

The Zoning Commission unanimously recommended the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Phase IV upon the annexation.

Above stated conditions 2 & 3 have been fulfilled and condition 1 will be fulfilled prior to filing the Minor Plat.

Attach: Resolution 9689
Ordinance 2983
Reduced Copy of Drawing Portion of Minor Plat
Annexation Agreement (Not available online.)
Findings of Fact

Cc: Harold Poulsen, P O Box 1376
Woith Engineering, 1725 41st St S

**FINDINGS OF FACT
FOR
MINOR PLAT OF
CASTLE PINES PHASE IV
IN G.L.O. LOT 1, OF SECTION 19, T20N, R4E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is not used for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

The subdivision 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 three 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.

After full improvement of the subdivision involving five new single family residences, it is expected to pay in excess of \$7,000 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 is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will be directed to the northwest into a storm sewer main in 13th Street South which discharges into an existing storm water detention facility along the south side of 21st Avenue South and west of 13th Street South which is 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.

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 will conform to the design standards specified in the local subdivision regulations provided the applicant adheres to conditions stipulated by the Planning Staff. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

Utilities will be accommodated in dedicated public road right-of-way and utility easements either presently existing or provided as part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

Dedicated public roadways (27th Avenue South and 15th Street South) to be improved to municipal standards and maintained by the City will provide legal and physical access to the subdivision and to each proposed lot in the subdivision. Alternate access will eventually be provided through a 27th Avenue South connection to 13th Street South.

RESOLUTION 9689

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE CASTLE PINES ADDITION PHASE IV, LOCATED IN G.L.O. LOT 1 OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Castle Pines Addition Phase IV, located in G.L.O. Lot 1, Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 1.04 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the minor plat of Castle Pines Addition, Phase IV; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "CASTLE PINES ADDITION PHASE IV, LOCATED IN G.O.L. LOT 1, OF SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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 tracts of land; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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 9689 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

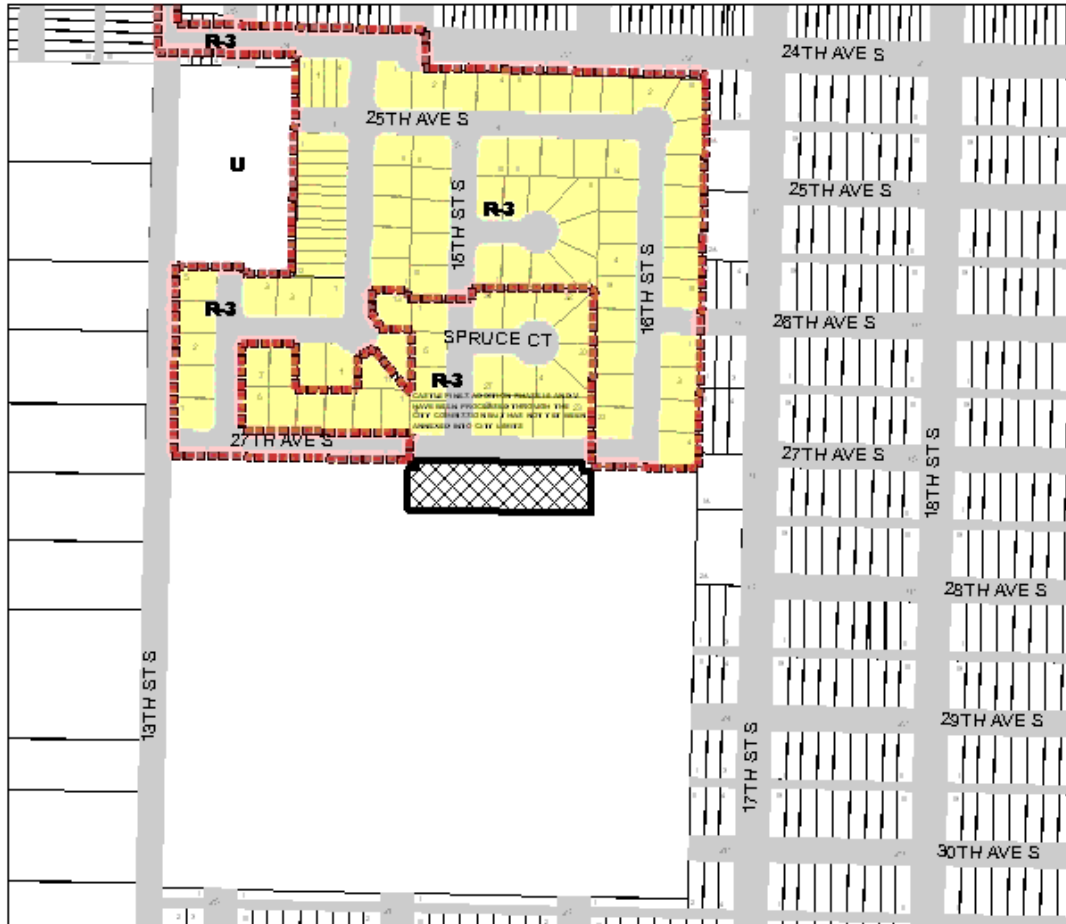
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.


Lisa Kuntz, City Clerk




(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



 MINOR PLAT OF CASTLE PINES PHASE IV TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY

 City Limits  R-3 Single-family high density  Tracts of land outside City

450 225 0 450 Feet




ORDINANCE 2983

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO MINOR PLAT OF CASTLE PINES PHASE IV, IN SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Harold Poulsen is the owner of record of Minor Plat of Castle Pines Phase IV, in Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Harold Poulsen has petitioned the City of Great Falls to annex Minor Plat of Castle Pines Phase IV; and,

WHEREAS, Harold Poulsen has petitioned said Minor Plat of Castle Pines Phase IV, be assigned a City zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to Minor Plat of Castle Pines Phase IV, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Minor Plat of Castle Pines Phase IV, be designated as R-3 Single-family high density district classification.

Section 3. The zoning being assigned by this ordinance for Minor Plat of Castle Pines Phase IV shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Minor Plat of Castle Pines Phase IV, 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 6th day of November, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2983 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 6th day of November, 2007 and approved by the Mayor of said City on the 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007 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 2983 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

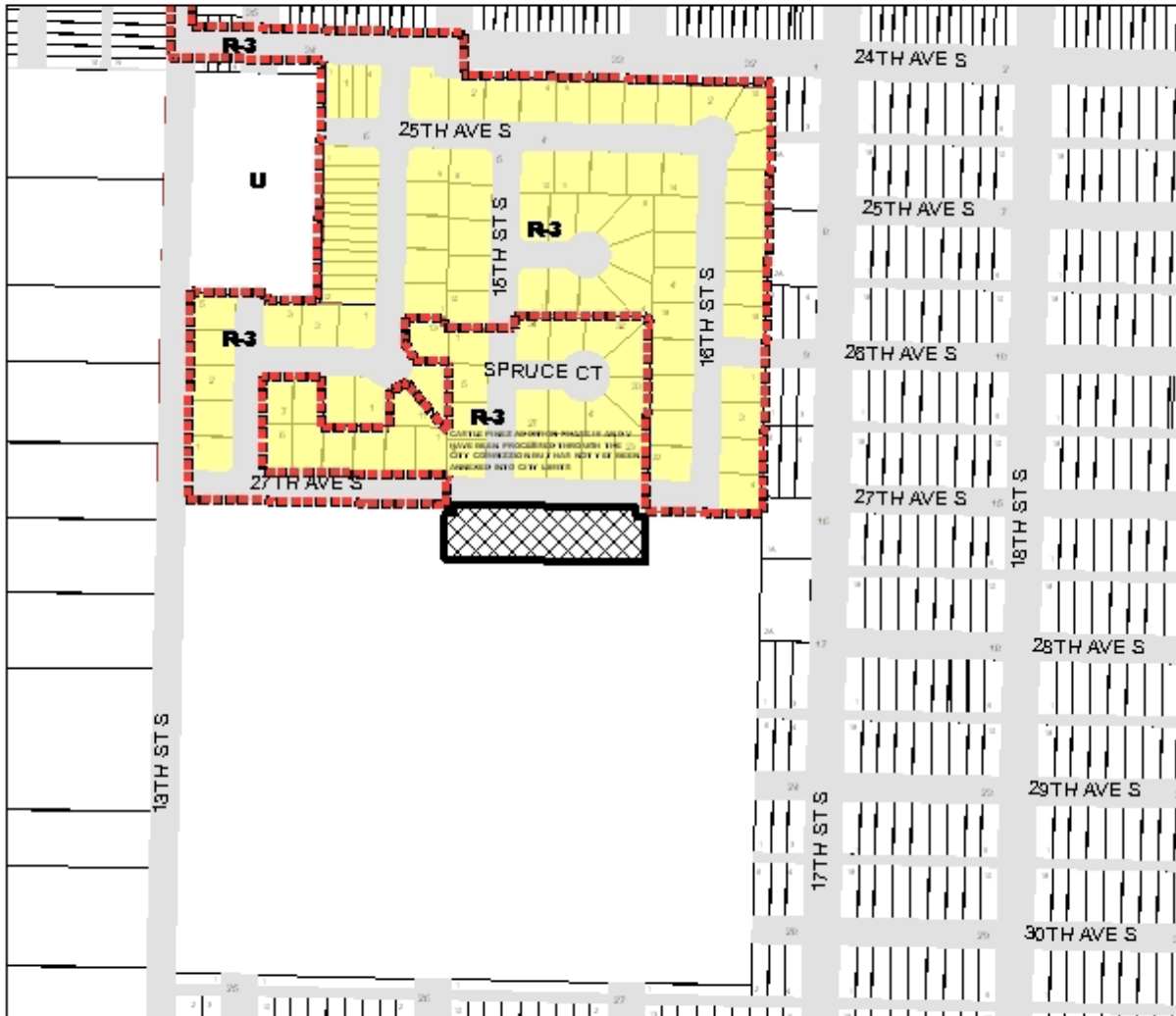
On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library


Lisa Kunz, City Clerk




(SEAL OF CITY)

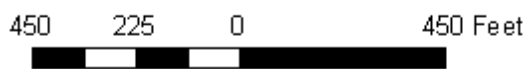
EXHIBIT "A"

VICINITY/ZONING MAP

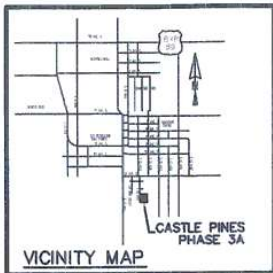


 MINOR PLAT OF CASTLE PINES PHASE IV TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY

 City Limits  R-3 Single-family high density  Tracts of land outside City



**MINOR PLAT OF
CASTLE PINES PHASE IV**
AN ADDITION TO THE CITY OF GREAT FALLS
A SUBDIVISION LOCATED IN G.L.O. LOT 1 OF SECTION 19,
T20N, R4E, P.M., MT, CASCADE COUNTY, MONTANA



LEGEND

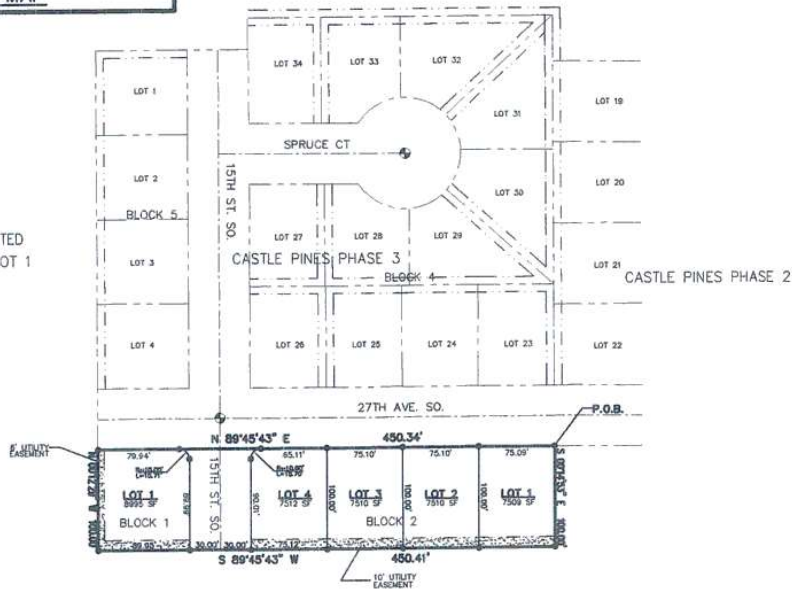
- CURRENT ADDITION BOUNDARY
- CURRENT ADDITION LOT LINES
- CENTERLINE
- - - EXISTING PROPERTY LINE
- UTILITY EASEMENT
- STREET MONUMENT
- P.O.B.
- SF
- SET IRON PIN AND CAP
- FOUND IRON PIN

AREAS

STREETS - 6,000 SF = 0.14 ACRES
 LOTS - 36,037.5 SF = 0.80 ACRES
 TOTAL AREA - 42,037.5 SF = 1.04 ACRES

SCALE: 1" = 50'

UNPLATTED
G.L.O. LOT 1



UNPLATTED G.L.O. LOT 1

CERTIFICATE OF VALIDATION

We, the undersigned property owner, do hereby certify that we have caused to be surveyed and plotted into lots, blocks, streets and avenues as shown by the attached plat, the tract of land to be known as the MINOR PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, a subdivision in G.L.O. Lot 1 of Section 19, T20N, R4E, P.M., MT, Cascade County, Montana, more fully described as follows:

Beginning at the Southeast corner of Castle Pines Phase 3 an addition to the City of Great Falls, Montana as filed in the office of the Clerk and Recorder of Cascade County, Montana, thence 200°14'43"E, 100.00 feet, thence 100°46'47", 450.41 feet, thence 100°22'07", 100.00 feet to the southwest right of way of 27th Avenue South; thence 100°40'42", 450.34 feet along said right of way to the POINT OF BEGINNING, containing 1.04 acres.

The above described tract of land is to be known and designated as the MINOR PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, Cascade County, Montana, and the land included in it; except that areas shown on said plat are hereby granted and devoted to the use of the public forever.

HAROLD POALSON
 STATE OF MONTANA: 155
 County of Cascade: 155

On this _____ day of _____, 200____, before me, a Notary Public, in and for the State of Montana, personally appeared, HAROLD POALSON, known to me to be the person who executed the foregoing Certificate of Validation and he acknowledged to me that he executed the same.

SEAL

CERTIFICATE OF SURVEY

DALE E. SCHEFFER, Professional Engineer and Land Surveyor, Montana Reg. No. 10065, do hereby certify that on June, 2001, I replotted the survey of the tract of land shown on the attached MINOR PLAT OF CASTLE PINES PHASE 4, an addition to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Validation, and that the survey was made in accordance with the provisions of Title 76, Chapter 3, Part 4-M.C.A.

SEAL



CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, WILLIAM O. BRIDGEMAN, President of the said Great Falls Planning Board, Great Falls, Cascade County, Montana, and BENJAMIN M. FANGEL, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying MINOR PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, Cascade County, Montana, has been submitted to the said Great Falls City Planning Board for examination by them and was found by them to conform to law and was approved at a meeting held on the _____ day of _____, 200____.

ATTEST:

WILLIAM O. BRIDGEMAN, President, Great Falls Planning Board BENJAMIN M. FANGEL, Secretary, Great Falls Planning Board

CERTIFICATE OF PUBLIC SERVICE DIRECTOR

I, JIM BEARDON, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying MINOR PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, Cascade County, Montana, and the survey that it represents, and I find the same conforms to the regulations governing the platting of land and to presently zoned adjacent land, so near as circumstances will permit as do hereby approve the same on this _____ day of _____, 200____.

JIM BEARDON, Public Service Director, City of Great Falls

CERTIFICATE OF CITY COMMISSION

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that this MINOR PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, Cascade County, Montana, has been examined and approved by the Commission of the City of Great Falls at its regular meeting held on the _____ day of _____, 200____.

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

CERTIFICATE OF AVAILABILITY OF MEMORIAL SERVICES

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the residents of the City of Great Falls, Cascade County, Montana, and that this certificate is made pursuant to Section 76-124, M.C.A., thereby permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying minor plat, dated on the _____ day of _____, 200____.

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

CERTIFICATE DEPENDING WITH PARK OR RECREATION

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, found that no cash deposit or dedication of any park or playground is required upon the platting of the MINOR PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, Cascade County, Montana, in accordance with Section 76-145(1) (b), M.C.A., on this _____ day of _____, 200____.

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

CERTIFICATE OF COUNTY TREASURER

I, JESS ANDERSON, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records regarding the amount included in the accompanying PLAT OF CASTLE PINES PHASE 4 an addition to the City of Great Falls, Cascade County, Montana, and find that the taxes on the same have been paid for the last five years. Dated this _____ day of _____, 200____.

JESS ANDERSON, Cascade County Treasurer



WORTH ENGINEERING, INC.
 ENGINEERS & SURVEYORS
 P.O. BOX 788, GREAT FALLS, MONTANA 59403

1

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9688 to Annex and Ordinance 2982 to Establish City Zoning to Lot 6A, Beebe Tracts, Cascade County Montana (Big Sky Miniature Golf)

INITIATED BY Rodney & Rose Borger, Applicants

ACTION REQUESTED Commission Adopt Resolution 9688, Ordinance 2982 and Approve Annexation Agreement and Easement agreements, all related to Lot 6A, Beebe Tracts

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the annexation of Lot 6A, Beebe Tracts and assign a zoning classification of C-2 General commercial district, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9688 and approve Annexation Agreement and Easements, all related to Lot 6A, Beebe Tracts, Cascade County, Montana.”

and;

“I move the City Commission adopt Ordinance 2982.”

SYNOPSIS:

Resolution 9688 annexes Lot 6A, which is addressed as 5000 2nd Avenue North and is currently occupied by Big Sky Miniature Golf. Ordinance 2982 assigns a zoning classification of C-2 General commercial district to Lot 6A, upon annexation to the City.

BACKGROUND:

The Borger’s have a “Contact for Deed” to purchase the property from Thomas D. Bleskin and Daniel D. Bleskin.

For additional reference please refer to Exhibit “A” attached to Resolution 9688.

The property is currently serviced by a well for water and septic tank for sanitation. The applicants have plans to expand customer concessions. The City-County Health Department has informed the applicants

they need to either expand the existing drain field or connect to City services. The applicants have chosen to petition for annexation in order to receive City water and sewer services.

Access to the property is from 2nd Avenue North. A City water main exists along the north side of 2nd Avenue North and a service line will be pushed or directionally drilled under the right-of-way. A sanitary sewer main exists 215 feet to the west, on a parcel owned by others. The applicant has obtained a utility easement from the abutting owners to install the sewer main across the property to service said Lot 6A. The City is a party to the utility easement after the annexation of the property.

Due to the lack of an adequately sized water main on the south side of 2nd Avenue North to provide fire flow to hydrants, and the lack of curb and gutter along the avenue, the applicants have agreed to waive their right to protest paying their proportionate share of the cost to install the water main, hydrants, paving, curb, gutter and curb cut approaches when deemed necessary by the City.

As a condition of annexation, the City will require the applicants to allow the City Building and Fire Officials to inspect the on-site structures to identify any health and life safety items that may be in violation of Building, Plumbing, Electrical, Mechanical, or Fire Safety Codes. If any are found, the applicants will be given a time frame to correct noted violations.

Surface drainage from the lot flows southeasterly to the open area at the southern boundary of the property.

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.

Subject property is currently zoned B-2 General Business in the County and bordered on the north by 2nd Avenue North, which also serves a variety of the commercial businesses between 42nd Street North and 57th Street North.

The City has the capability and capacity to provide necessary public services. Staff concludes the existing miniature golf business will be enhanced through the application of City Codes and provision of municipal services. Staff concludes the above cited criteria are substantially met.

The combined Planning Board and Zoning Commission, at the conclusion of a public hearing held August 14, 2007, unanimously recommended the City Commission assign a zoning classification of C-2 General commercial district to Lot 6A and that the City Commission approve the annexation resolution, annexation agreement, simultaneously with Ordinance 2982 subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City, including agreement to:
 - install public infrastructure within 2 years;
 - pay proportionate share of water main installation for fire flows and hydrants on the south side of 2nd Avenue North, when deemed necessary by the City;
 - pave, curb, and gutter in abutting portion of 2nd Avenue North;
 - install sidewalks along 2nd Avenue North, when deemed necessary by the City;
 - submit the appropriate supporting documents referenced in the agreement;
 - correct any code deficiencies associated with the structure on subject property noted by City Building and Fire Officials.
- 2) All applicable fees and charges due as a consequence of annexation approval shall be paid by the applicant.
- 3) Final engineering documents for required public improvements to serve the lot are subject to approval by the Public Works Department.

The above Conditions 1 & 2 have been fulfilled and Condition 3 will be fulfilled prior to connection of utilities.

Attach: Resolution 9688

Ordinance 2982

Annexation Agreement

Easement and Right of Access (Gray and City of Great Falls) (Not available online.)

Easement and Right of Access (Bleskin, Borger and City of Great Falls) (Not available online.)

Cc: Rodney & Rose Borger, 4408 14th Ave S, Great Falls MT 59405
NCI Engineering, Lyle Meeks, P.O. Box 6350, Great Falls, 59406

**ANNEXATION AGREEMENT
FOR
LOT 6A, BEEBE TRACTS,
IN THE NE¼ OF SECTION 9,
TOWNSHIP 20 NORTH, RANGE 4 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2007, between the sellers, Thomas D. Bleskin and Daniel D. Bleskin; and the purchasers, Rodney S. and Rose M. Borger, hereinafter referred to as “Owner”; and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City,” regarding the requirements for annexation of Lot 6A, Beebe Tracts, in the NE¼ of Section 9, Township 20 North, Range 4 East, Cascade County, Montana, to the corporate limits of City, hereinafter referred to as “Lot 6A, Beebe Tracts”.

2. PRIOR AGREEMENTS

Contact for Deed dated the 20th day of October 2006, between the sellers Thomas D. Bleskin and Daniel D. Bleskin and the purchasers Rodney S. Borger and Rose M. Borger.

3. SUPPORTING DOCUMENTS

- A. Final engineering drawings and specifications prepared by NCI Engineering consisting of documents for sanitary sewer main. Said drawings and specifications are on file in the City Engineer’s office.
- B. Easement and Right to Access between Randall H. and Jeffrey L. Gray and the City; attached as Exhibit “A”, and Easement and Right to Access between Rodney S and Rose M Borger and the City, attached as Exhibit “B”.

4. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City’s Engineer and City’s Public Works Department can be made as follows:

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

5. FEES AND CHARGES

- A. Prior to annexation of Lot 6A, Beebe Tracts, Owner shall, in addition to the Annexation Application Fee of \$100.00 and Zoning Application Fee of \$400.00, which have been paid, pay the following required fees and annexation charges as provided by City policy, ordinances and resolutions:

a) Annexation Agreement Fee	\$200.00
b) Resolution of Annexation Fee	\$100.00
c) Storm Sewer Fee (\$250/acre x 1 acre)	\$250.00
d) Recording fees for Agreement and Resolution (\$11 per page x 10 pages)	<u>\$121.00</u>
Total fees made payable to City of Great Falls	<u>\$671.00</u>
- B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

6. SANITARY SEWER IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer described in Paragraph 3.A. herein.

7. ROADWAY IMPROVEMENTS

Owner hereby agrees to waive right to protest any future special improvement district for paving, curb, gutter and sidewalk in the portion of 2nd Avenue North abutting Lot 6A, Beebe Tracts and further agrees to pay for proportionate share of the costs of said roadway improvements when deemed necessary by City that may be installed with or without a special improvement district.

8. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for proportionate share of any future storm drainage improvements which service Lot 6A, Beebe Tracts that may be installed with or without an area wide special improvement district. The term “area wide” as used herein, means any area larger than that covered by Lot 6A, Beebe Tracts which is a contributor to the drainage sub-basin of which Lot 6A, Beebe Tracts is a part.

9. WATER SERVICE AFTER ANNEXATION OF LOT 6A, BEEBE TRACTS

Water service will be available to Owner from the existing 12 inch City water main in the North right-of-way of Second Avenue North. Owner herein waives the right to protest the creation of a Special Improvement District, lawfully created under the laws of the State of Montana, to install fire hydrants and an 8-inch water main and appurtenances in the South right-of-way of Second Avenue North, if and when said improvements are deemed necessary by City; provided however, that owner’s share of the cost of said 8-inch water main and appurtenances shall not exceed the cost of said improvements installed in the right-of-way immediately adjacent to Lot 6A, Beebe Tracts and provided further that in the event that cross lines are required to tie the proposed water main in the South right-of-way of Second Avenue North to the existing water main in the North right-of-way of Second Avenue North as part of the S.I.D. to install the water main facilities required herein, then the cost of said cross lines shall be allocated between all properties which they will serve, whether or not all of said properties are included within the S.I.D. boundaries, and Owner will be required to pay that amount allocated to the property annexed under this agreement in accordance with this subparagraph.

10. FIRE PROTECTION

Owner acknowledges that no fire hydrant is presently located in near proximity to Lot 6A, Beebe Tracts and that as a result, the Great Falls Fire Department may encounter difficulty in providing fire protection to said lot until such time as fire hydrant protection is installed in near proximity to said lot or within the south right-of-way of 2nd Avenue North adjacent to said lot, Owner shall hold City harmless from any fire loss suffered on or to said lot as a result of the lack of fire hydrant service within or adjacent to Lot 6A, Beebe Tracts. City reserves the right to determine when the installation of fire hydrant protection is necessary and who is obligated to pay for said installation; provided however, that City shall not be entitled to require such installation unless and until a waterline has been installed in the south right-of-way of Second Avenue North abutting Parcels as provided for in Paragraph 9.

11. EXISTING STRUCTURES

Owner agrees to allow the City Building and Fire Officials to inspect the existing structures on Lot 6A, Beebe Tracts to identify any health and life safety items that may be in violation of Building, Plumbing, Electrical, Mechanical, or Fire Safety Codes. If any are found, the applicants will be given a time frame to correct noted any violations.

12. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Lot 6A, Beebe Tracts, as provided for by State law.

13. WARRANTY, OWNERSHIP AND INSPECTION OF SANITARY SEWER MAIN

- A. After the sanitary sewer main described in Paragraph 6 hereof has been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

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

14. ANNEXATION PREREQUISITES

Lot 6A, Beebe Tracts is contiguous to City; is not included within the boundary of any other incorporated municipality; and will not upon annexation to City, be a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Lot 6A, Beebe Tracts, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties with the exception noted in Paragraph 10, Fire Protection.

15. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to Lot 6A, Beebe Tracts.

16. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the property contained within the boundaries of Lot 6A, Beebe Tracts for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, as C-2 General commercial district zoning classification. It is hereby understood that the preceding language regarding zoning of Lot 6A, Beebe Tracts does not preclude City from reclassifying said lot if an area wide reclassification is undertaken, in which event City agrees to reclassify Lot 6A, Beebe Tracts as a conforming use.

17. BINDING EFFECT

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

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

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

City Manager

APPROVED FOR LEGAL CONTENT:

City Attorney

State of Montana)
 :ss.
County of Cascade)

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

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

Notary Public for the State of Montana

Notary Public for the State of Montana (Printed)
Residing at _____
My Commission Expires _____, 20_____

(NOTARIAL SEAL)

OWNER (SELLER)

By: _____

Thomas D. Bleskin

State of Montana)

:ss.

County of Cascade)

On this _____ day of _____, in the year A. D. Two thousand and seven, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Thomas D. Bleskin** known to me to the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Notary Public for the State of Montana

(NOTARIAL SEAL)

Notary Public for the State of Montana (Printed)
Residing at _____
My commission Expires _____, 20_____

OWNER (SELLER)

By: _____

Daniel D. Bleskin

State of Montana)

:ss.

County of Cascade)

On this _____ day of _____, in the year A. D. Two thousand and seven, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Daniel D. Bleskin** known to me to the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Notary Public for the State of Montana

(NOTARIAL SEAL)

Notary Public for the State of Montana (Printed)
Residing at _____
My commission Expires _____, 20_____

OWNER (PURCHASER)

By: _____
Rodney S. Borger

State of Montana)
:ss.

County of Cascade)

On this _____ day of _____, in the year A. D. Two thousand and seven, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Rodney S. Borger** known to me to the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Notary Public for the State of Montana

(NOTARIAL SEAL)

Notary Public for the State of Montana (Printed)
Residing at _____
My commission Expires _____, 20_____

OWNER (PURCHASER)

By: _____
Rose M. Borger

State of Montana)
:ss.

County of Cascade)

On this _____ day of _____, in the year A. D. Two thousand and seven, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Rose M. Borger** known to me to the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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

Notary Public for the State of Montana

(NOTARIAL SEAL)

Notary Public for the State of Montana (Printed)
Residing at _____
My commission Expires _____, 20_____

RESOLUTION 9688

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 6A, BEEBE TRACTS, IN NE1/4 OF SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Lot 6A, Beebe Tracts, in the NE1/4 of Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 1 acre,

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

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "LOT 6A, BEEBE TRACTS, IN NE1/4 OF SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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 9688 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

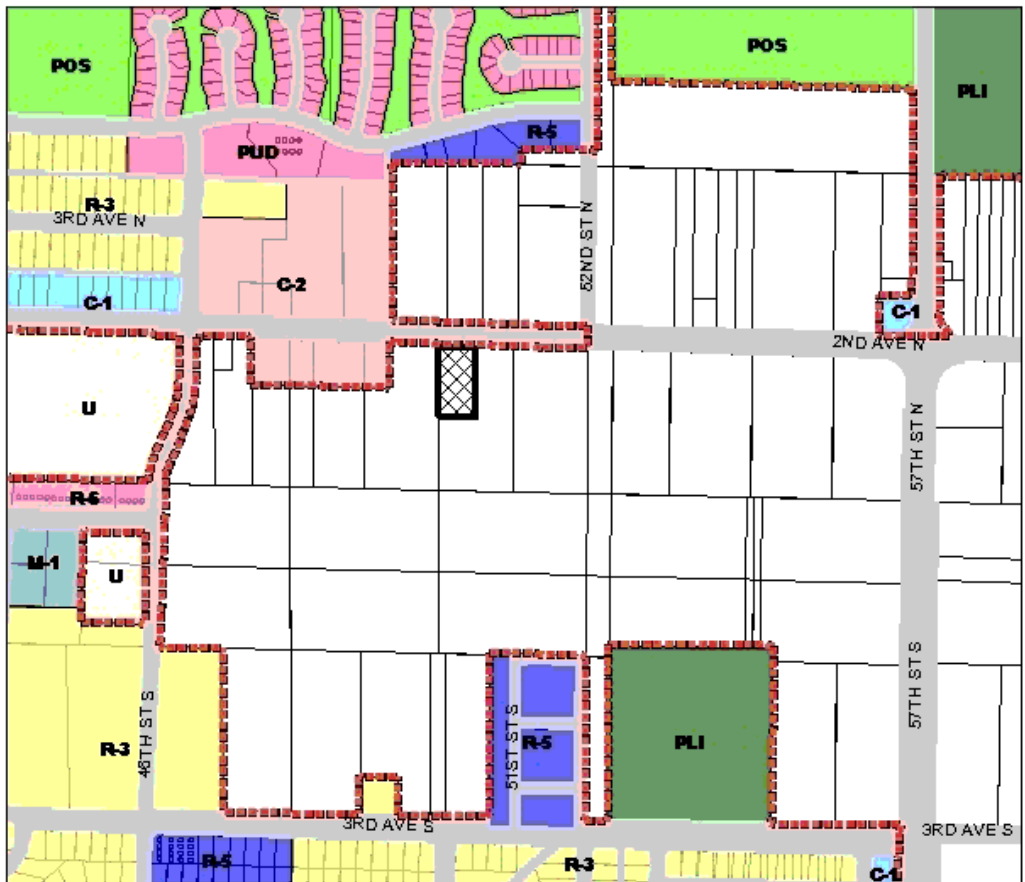
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.














Lisa Kuntz, City Clerk

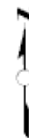
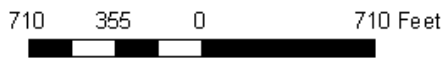
(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



- | | |
|---|--|
|  | LOT 6A, BEEBE TRACTS REQUESTED TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "C-2" GENERAL COMMERCIAL DISTRICT |
|  | City Limits |
|  | R-3 Single-family high density |
|  | R-5 Multi-family medium density |
|  | R-6 Multi-family high density |
|  | C-1 Neighborhood commercial |
|  | C-2 General commercial |
|  | M-1 Mixed-use district |
|  | PLI Public Lands and Institutional |
|  | POS Parks and Open Space |
|  | PUD Planned unit development |
|  | U Unincorporated enclave |
|  | Tracts of land outside City |



ORDINANCE 2982

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO LOT 6A, BEEBE TRACTS, IN NE¼, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Rodney and Rose Borger have executed a Contact for Deed to purchase Lot 6A, Beebe Tracts, located in the NE¼ of Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Rodney and Rose Borger have petitioned the City of Great Falls to annex Lot 6A, Beebe Tracts; and,

WHEREAS, Rodney and Rose Borger have petitioned said Lot 6A, Beebe Tracts, be assigned a City zoning classification of C-2 General commercial district, upon annexation to City; and,

WHEREAS, Rodney and Rose Borger operate a miniature golf enterprise upon Lot 6A, Beebe Tracts, which is permitted in the C-2 General commercial district; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district to said Lot 6A, Beebe Tracts, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Lot 6A, Beebe Tracts, be designated as C-2 General commercial district classification.

Section 3. The zoning being assigned by this ordinance for Lot 6A, Beebe Tracts, shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing said Lot 6A, Beebe Tracts, 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 6th day of November, 2007.

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 2982 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 6th day of November, 2007 and approved by the Mayor of said City on the 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007 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 2982 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)

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9697 and Ordinance 2986, related to Marks T and IA,
Section
15, Township 20 North, Range 3 East, Cascade County, Montana (Casey and Lisa
Scheerer, Owners)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9697 and Ordinance 2986, related to
Marks T and IA

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of R-1 Single-family suburban district, to Marks T and IA.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9697.”

and

“I move the City Commission adopt Ordinance 2986.”

SYNOPSIS:

Resolution 9697 annexes Marks T and IA, which are presently occupied by a single-family residence, addressed as 1400 14th Street Southwest.

Ordinance 2986 assigns a zoning classification of R-1 Single-family suburban district to said parcels.

The parcels receive water and sewer services from the City.

BACKGROUND:

On February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the burden of paying for them equitably.

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property owners have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Form, dated December 8, 2006.

Subject Marks T and IA are presently zoned in the County as "R-1" Suburban Residential District. In that the neighborhood is predominately residential, on larger lots, it is recommended subject parcels be zoned R-1 Single-family suburban district upon annexation to the City.

It is the City's intention to implement Ordinance 2930 such that parcels located outside the City limits receiving City water and/or sewer service must consent to annexation as a condition for the continued receipt of service. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, staff will process these as issues are resolved. The City Commission also acknowledges that nonconforming characteristics and standards of each property, regarding land use, parking, landscaping, signage, etc., will be grandfathered and allowed to remain, unless it poses a hazard to the public. It is also understood that code requirements and standards must be met if any future improvements or modifications are made on the property that would trigger application of the requirements and standards.

Attachments: Resolution 9697
Ordinance 2986
Copy of Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Casey and Lisa Schearer, 1400 14th St SW, Great Falls MT 59404



December 5, 2006

RESPONSE FORM

We, CASEY E & LISA SCHEARER, are the owners of record of property addressed as: 1400 14TH ST SW and legally described as: MARK T, SEC 15, T 20 N, R3E *MARK IA*

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we provide our consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

Casey E Schearer
CASEY E SCHEARER

12-8-06
Date

Lisa Schearer
LISA SCHEARER

12-8-06
Date

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we are advising that we do not want to annex and that we fully acknowledge City water and sewer services will be terminated in accordance with City Ordinance 2930.

CASEY E SCHEARER

Date

LISA SCHEARER

Date

RESOLUTION 9697

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARKS T AND IA, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Marks T and IA, Section 15, Township 20 North, Range 3 East, P.M.M.,
Cascade County, Montana, and containing 0.496 acres, more or less,

as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof;

and,

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Casey and Lisa Schearer, Owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MARKS T AND IA, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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)

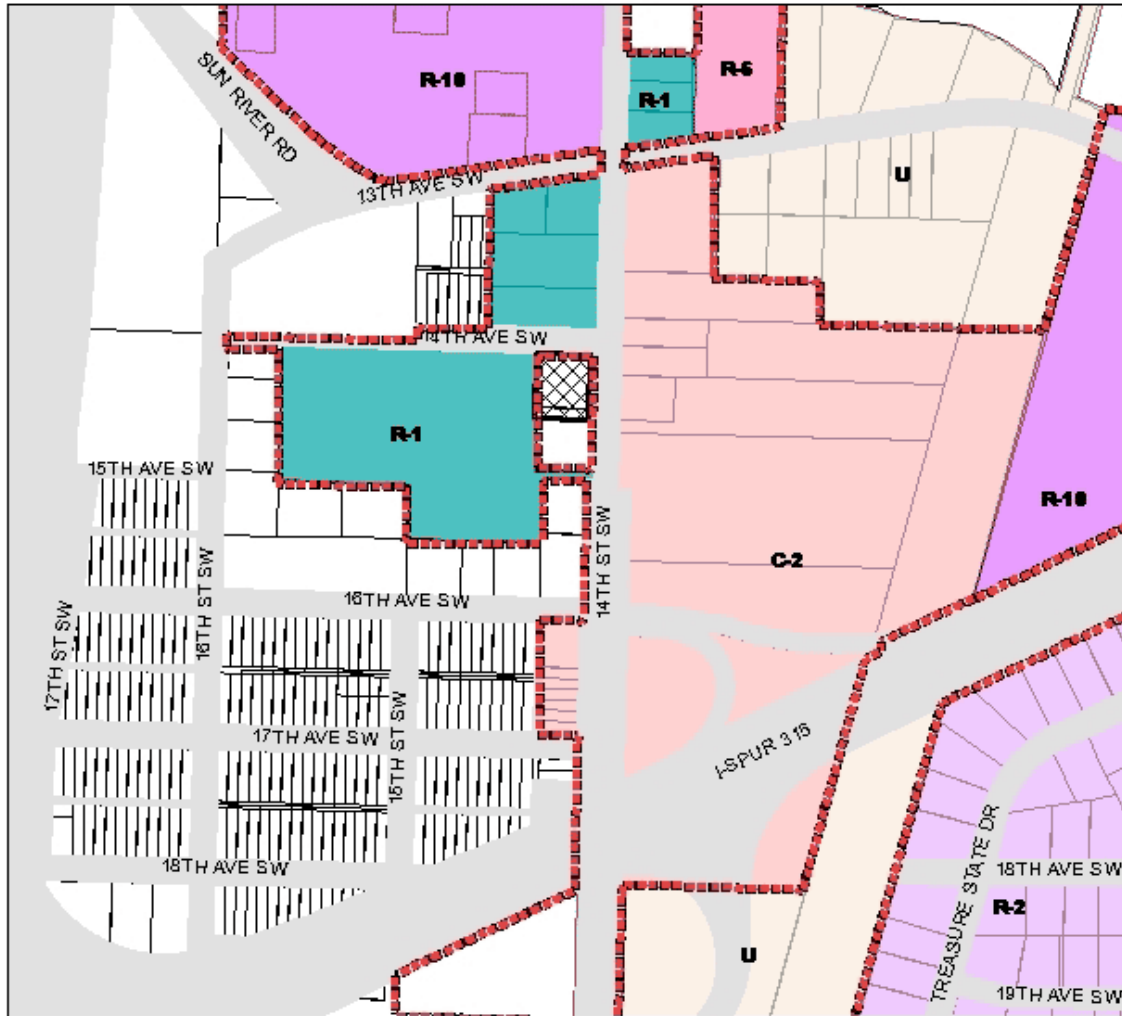
I, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9697 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.










IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

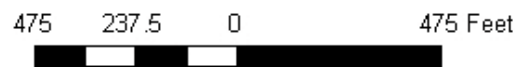
Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A" VICINITY/ZONING MAP



- | | |
|---|--|
|  | MARK T AND IA, SEC 15, T20N, R3E, CASCADE COUNTY, MONTANA PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN |
|  | City Limits |
|  | R-1 Single-family suburban |
|  | R-2 Single-family medium density |
|  | R-6 Multi-family high density |
|  | R-10 Mobile home park |
|  | C-2 General commercial |
|  | U Unincorporated enclaves |
|  | Tracts of land outside City |



ORDINANCE 2986

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO MARKS T AND IA, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Casey and Lisa Schearer, property owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of R-1 Single-family suburban district, to Marks T and IA, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, 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 Marks T and IA, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be designated as R-1 Single-family suburban district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Marks T and IA, in Section 15, Township 20 North, Range 3 East, P.M.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 6th day of November, 2007.

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 2986 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007, and prior thereto, she 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 2986 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)

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9698 and Ordinance 2987, related to Mark I, Section 15, Township 20 North, Range 3 East, Cascade County, Montana (Steven & Kelley Grubb, Owners)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9698 and Ordinance 2987, related to Mark I

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of R-1 Single-family suburban district, to Mark I.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9698.”

and

“I move the City Commission adopt Ordinance 2987.”

SYNOPSIS:

Resolution 9698 annexes Mark I, which is presently occupied by a single-family residence, addressed as 1420 14th Street Southwest.

Ordinance 2987 assigns a zoning classification of R-1 Single-family suburban district to said parcel.

The parcel receives water and sewer services from the City.

BACKGROUND:

On February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those

who use City services share the burden of paying for them equitably.

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property owners have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Form, dated January 2, 2007.

Subject Mark I is presently zoned in the County as "R-1" Suburban Residential District. In that the neighborhood is predominately residential, on larger lots, it is recommended subject parcels be zoned R-1 Single-family suburban district upon annexation to the City.

It is the City's intention to implement Ordinance 2930 such that parcels located outside the City limits receiving City water and/or sewer service must consent to annexation as a condition for the continued receipt of service. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, staff will process these as issues are resolved. The City Commission also acknowledges that nonconforming characteristics and standards of each property, regarding land use, parking, landscaping, signage, etc., will be grandfathered and allowed to remain, unless it poses a hazard to the public. It is also understood that code requirements and standards must be met if any future improvements or modifications are made on the property that would trigger application of the requirements and standards.

Attachments: Resolution 9698
Ordinance 2987
Copy of Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Steven and Kelley Grubb, 1420 14th St SW, Great Falls MT 59404



December 5, 2006

RESPONSE FORM

We, STEVEN L & KELLEY GRUBB, are the owners of record of property addressed as: 1420 14TH ST SW and legally described as: MARK I, SEC 15, T 20 N, R3E

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we provide our consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

Steven Grubb
STEVEN L GRUBB

1/2/07
Date

Kelley Grubb
KELLEY GRUBB

1/2/07
Date

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we are advising that we do not want to annex and that we fully acknowledge City water and sewer services will be terminated in accordance with City Ordinance 2930.

STEVEN L GRUBB

RECEIVED
Jan 10 2007
Date
CITY OF GREAT FALLS OFFICE

KELLEY GRUBB

Date

RESOLUTION 9698

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARK I, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA; AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Mark I, Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana, and containing 0.381 acres, more or less,

as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof;

and,

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Steven and Kelley Grubb, owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MARK I, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9698 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

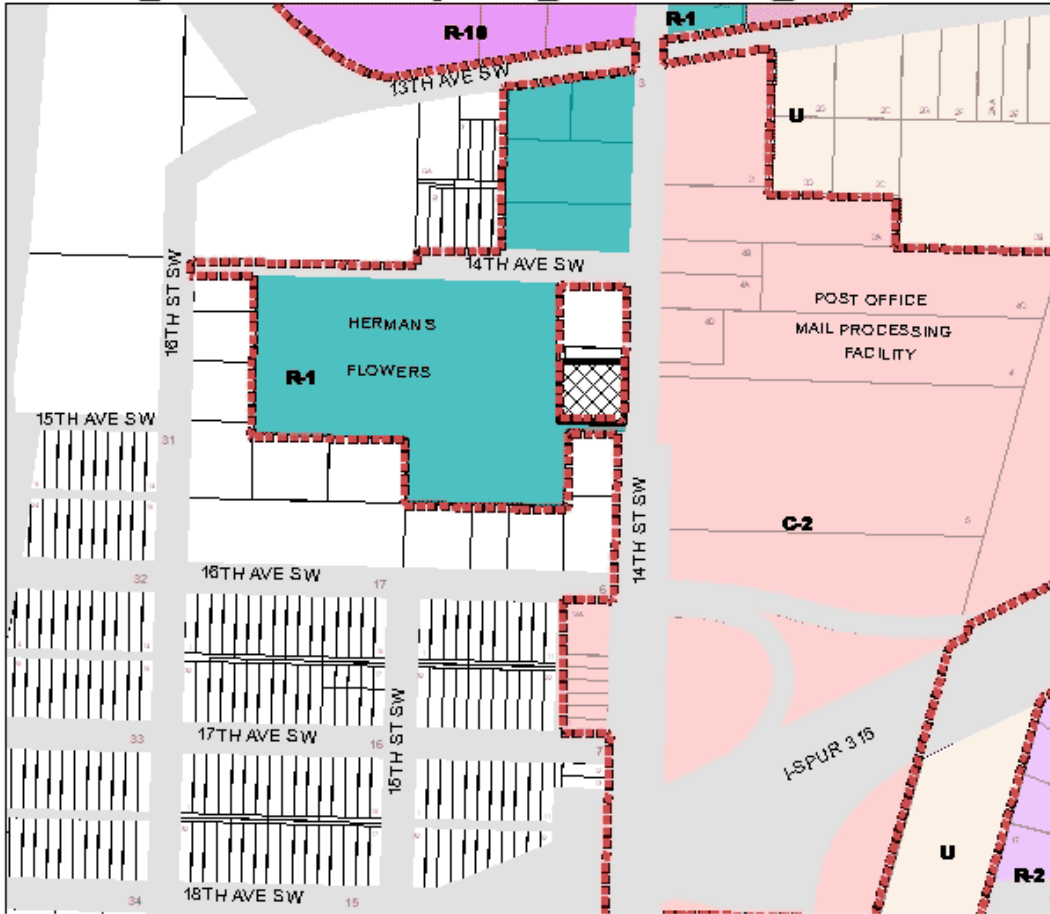
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.










Lisa Kunz, City Clerk

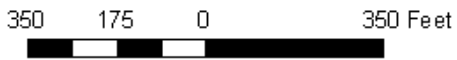
(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



-  MARK I, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY MONTANA, PROPOSED TO BE ANNEXED TO THE CITY OF GREAT FALLS AND ASSIGNED A CITY ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT
- | | | |
|--|---|--|
|  City Limits |  R-6 Multi-family high density |  U Unincorporated |
|  R-1 Single-family suburban |  R-10 Mobile home park |  Tracts of land outside City |
|  R-2 Single-family medium density |  C-2 General commercial | |



ORDINANCE 2987

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO MARK I, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Steven and Kelley Grubb, property owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of R-1 Single-family suburban district, to Mark I, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, 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 Mark I, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be designated as R-1 Single-family suburban district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Mark I, Section 15, Township 20 North, Range 3 East, P.M.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 6th day of November, 2007.

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 2987 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007, and prior thereto, she 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 2987 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)

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9699 and Ordinance 2988, related to Marks J and J1, Section 15, Township 20 North, Range 3 East, Cascade County, Montana (Eric & Lori Ellingson, Owners)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9699 and Ordinance 2988, related to Marks J and J1, a unincorporated portion of 14th Street Southwest and a segment of 16th Avenue Southwest

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the annexation of subject parcels and the City Zoning Commission has recommended the City Commission assign a zoning classification of R-1 Single-family suburban district, to Mark J, and a zoning classification of C-2 General commercial district, to Mark J1.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9699.”

and

“I move the City Commission adopt Ordinance 2988.”

SYNOPSIS:

Resolution 9699 annexes Marks J and J1, and abutting unincorporated portion of 14th Street Southwest and a segment of 16th Avenue Southwest. Mark J is presently occupied by a single-family residence, addressed as 1500 14th Street Southwest and Mark J1 is presently occupied by a general service warehouse business addressed as 1508 14th Street Southwest.

Ordinance No. 2988 assigns a zoning classification of R-1 Single-family suburban district upon Mark J and assigns a zoning classification of C-2 General commercial district upon Mark J1.

The parcels receive water and sewer services from the City.

BACKGROUND:

On February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits.

The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the burden of paying for them equitably.

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property owners have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Form, dated March 26, 2007.

Subject Marks J and J1 are presently zoned in the County as "R-1" Suburban Residential District. As the neighborhood to the north and west of Mark J is predominately residential with larger lots, it is recommended subject Mark J be zoned R-1 Single-family suburban district upon annexation to the City. Considering the existing land use of general service warehouse business and the neighboring incorporated parcels are zoned C-2 General commercial district, it is recommended subject Mark J1 be zoned C-2 General commercial district, upon annexation to the City.

It is the City's intention to implement Ordinance 2930 such that parcels located outside the City limits receiving City water and/or sewer service must consent to annexation as a condition for the continued receipt of service. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, staff will process these as issues are resolved. The City Commission also acknowledges that nonconforming characteristics and standards of each property, regarding land use, parking, landscaping, signage, etc., will be grandfathered and allowed to remain, unless it poses a hazard to the public. It is also understood that code requirements and standards must be met if any future improvements or modifications are made on the property that would trigger application of the requirements and standards.

Attachments: Resolution 9699
Ordinance 2988
Copy of Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Eric & Lori Ellingson, 1500 14th St SW, Great Falls MT 59404



MARCH 26, 2007

RESPONSE FORM

As the owner of record, please type or print your name in the following section:

I, ERIC J & LORI J ELLINGSON, am the owner of record of property
addressed as: 1500 14TH ST SW and
legally described as: MARK J & MARK J1, SEC 15, T 20 N, R3E

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With my signature below, I provide my consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

Eric J Ellingson
ERIC J ELLINGSON

3-26-07
Date

Lori J Ellingson
LORI J ELLINGSON

3-26-07
Date

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With my signature below, I am advising that I do not want to annex and that I fully acknowledge City water and sewer services will be terminated in accordance with City Ordinance 2930.

ERIC J ELLINGSON

Date

LORI J ELLINGSON

Date



RESOLUTION 9699

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARKS J AND J1, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND A PORTION OF 14TH STREET SOUTHWEST AND A SEGMENT OF 16TH AVENUE SOUTHWEST, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Marks J and J1, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 2.344 acres, more or less

and,

A portion of 14th Street Southwest and a segment of 16th Avenue Southwest, abutting Marks J and J1, Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana, described as follows:

Beginning at the southeast corner Mark I, being the point of beginning;

thence West along the south lot line 22 feet to a point on the south boundary of Mark I and the intersection of the east lot line of Mark J;

thence South along the east lot line of Mark J, extended 18 feet to the NE corner of Mark J;

continuing south along the east lot line of Marks J and J1, 278 feet to the SE corner of Mark J1;

thence west 97 feet, along the south lot line of Mark J1, to the SW corner of Mark J1;

thence south 61 feet, to the NW corner of Lot 12A, University Addition;

thence east 109 feet, along the north lot line of Lot 12A, extended, to the intersection with the existing City Limit Boundary Line;

thence north 356 feet, along the existing City Limit Boundary Line to the NE corner of Mark I, to the point of beginning;

containing 0.307 acres more or less,

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

and,

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Eric & Lori Ellingson, property owners of record, have provided written consent to annex said properties into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MARKS J and J1, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND A PORTION OF 14TH STREET SOUTHWEST AND A SEGMENT OF 16TH AVENUE SOUTHWEST."

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 tracts of land; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9699 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

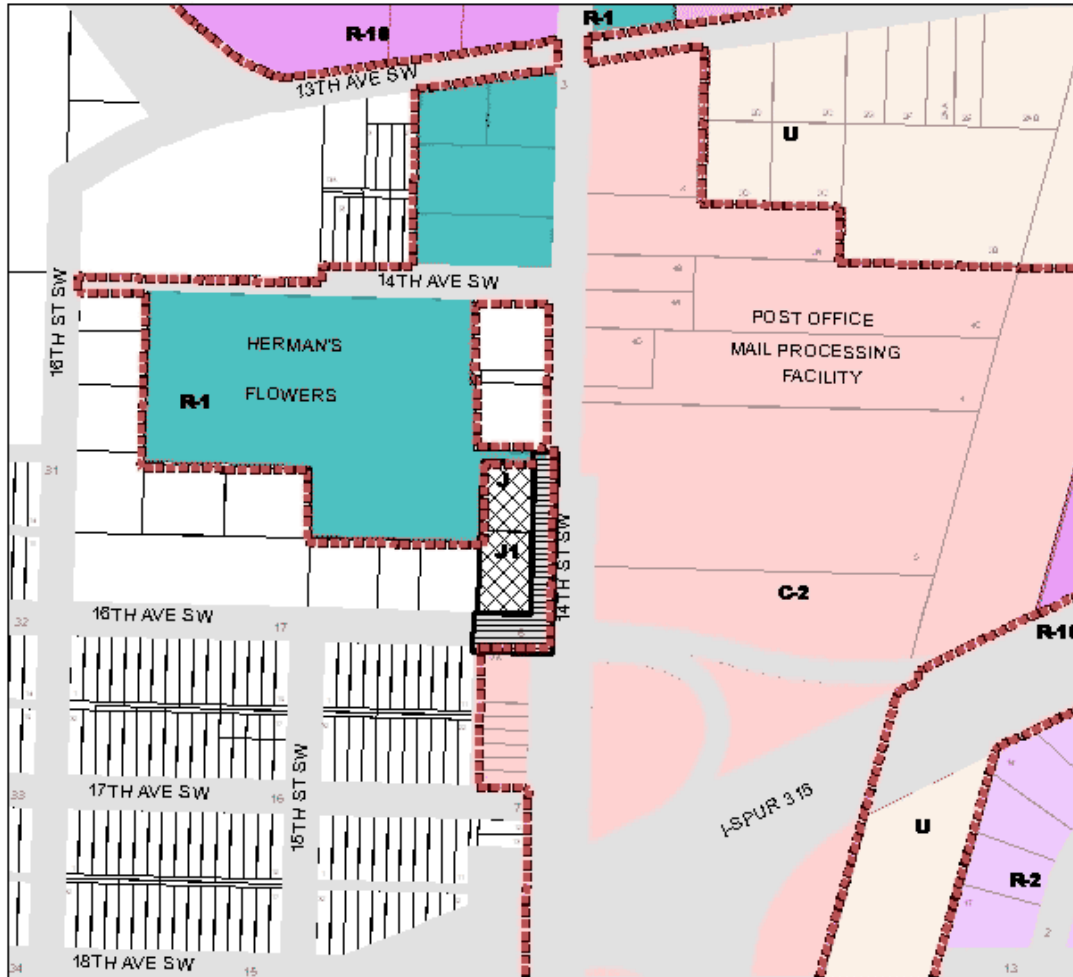
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"

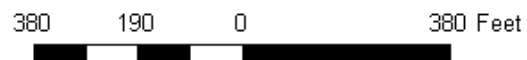
VICINITY/ZONING MAP



MARKS J & J1, SEC 15, T20N, R3E, CASCADE COUNTY, MONTANA PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN AND C-2 GENERAL COMMERCIAL DISTRICT, RESPECTIVELY

ABUTTING SEGMENT OF 14TH STREET SOUTHWEST AND 16TH AVENUE SOUTHWEST BEING ANNEXED INTO THE CITY IN ACCORDANCE WITH 7-2-4211, MCA REGARDING INCLUSION OF ROADS AND RIGHTS-OF-WAY IN ANNEXATIONS

- | | | |
|----------------------------------|-------------------------------|-----------------------------|
| City Limits | R-6 Multi-family high density | U Unincorporated enclave |
| R-1 Single-family suburban | R-10 Mobile home park | Tracts of land outside City |
| R-2 Single-family medium density | C-2 General commercial | |



ORDINANCE 2988

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO MARK J, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA AND A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO MARK J1, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Eric and Lori Ellingson, property owners of record, have provided written consent to annex said properties into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of R-1 Single-family suburban district to Mark J and assigning a zoning classification of C-2 General commercial district to Mark J1, both in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on these zoning designations would be held on the 6th day of November, 2007, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designations 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 designations 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 Mark J, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be designated as R-1 Single-family suburban district.

Section 3. That the zoning of Mark J1, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be designated as C-2 General commercial district.

Section 4. 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 Marks J and J1, in Section 15, Township 20 North, Range 3 East, P.M.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 6th day of November, 2007.

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 2988 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007, and prior thereto, she 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 2988 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)

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9700 and Ordinance 2989, related to Marks 7D and 7M,
Section 9, Township 20 North, Range 4 East, (John’s Mobile Home Court)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9700 and Ordinance 2989, related to
Marks 7D and 7M

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of R-10 Mobile home park district, to Marks 7D and 7M.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9700.”

and

“I move the City Commission adopt Ordinance 2989.”

SYNOPSIS:

Resolution 9700 annexes Marks 7D and 7M, which are primarily being used as a mobile home park along 2nd Avenue North.

Ordinance 2989 assigns a zoning classification of R-10 Mobile home park district upon annexation to the City.

The parcels receive water and sewer services from the City.

BACKGROUND:

On February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those

who use City services share the burden of paying for them equitably.

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property owners have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Form, dated December 18, 2006.

Subject Marks 7D and 7M are presently zoned in the County as “B-2” General Business District. Although the property contains a mixture of uses, it predominately has been used as a mobile home park for many years and the Montana Department of Revenue taxes the property as such. Therefore, it is recommended subject property be zoned R-10 Mobile home park district upon annexation to the City.

It is the City’s intention to implement Ordinance 2930 such that parcels located outside the City limits receiving City water and/or sewer service must consent to annexation as a condition for the continued receipt of service. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, staff will process these as issues are resolved. The City Commission also acknowledges that nonconforming characteristics and standards of each property, regarding land use, parking, landscaping, signage, etc., will be grandfathered and allowed to remain, unless it poses a hazard to the public. It is also understood that code requirements and standards must be met if any future improvements or modifications are made on the property that would trigger application of the requirements and standards.

Attachments: Resolution 9700
Ordinance 2989
Copy of Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Charles & Judith Ferguson, 4200 2nd Ave N, Great Falls, MT 59405



December 5, 2006

RESPONSE FORM

We, CHARLES & JUDITH R FERGUSON, are the owners of record of property addressed as: 4200 2ND AVE N and legally described as: MARK 7D, SEC 9, T 20 N, R4E

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we provide our consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

Charles R Ferguson
CHARLES FERGUSON

12/15/06
Date

Judith R Ferguson
JUDITH R FERGUSON

12/15/06
Date

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we are advising that we do not want to annex and that we fully acknowledge City water and sewer services will be terminated in accordance with City Ordinance 2930.

CHARLES FERGUSON

Date

JUDITH R FERGUSON

Date

RESOLUTION 9700

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARKS 7D AND 7M, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Marks 7D and 7M, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 2.93 acres,

as shown on the Vicinity/Zoning Map attached hereto marked Exhibit "A" and by this reference made a part hereof;

and,

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Charles & Judith Ferguson, owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MARKS 7D AND 7M, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9700 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

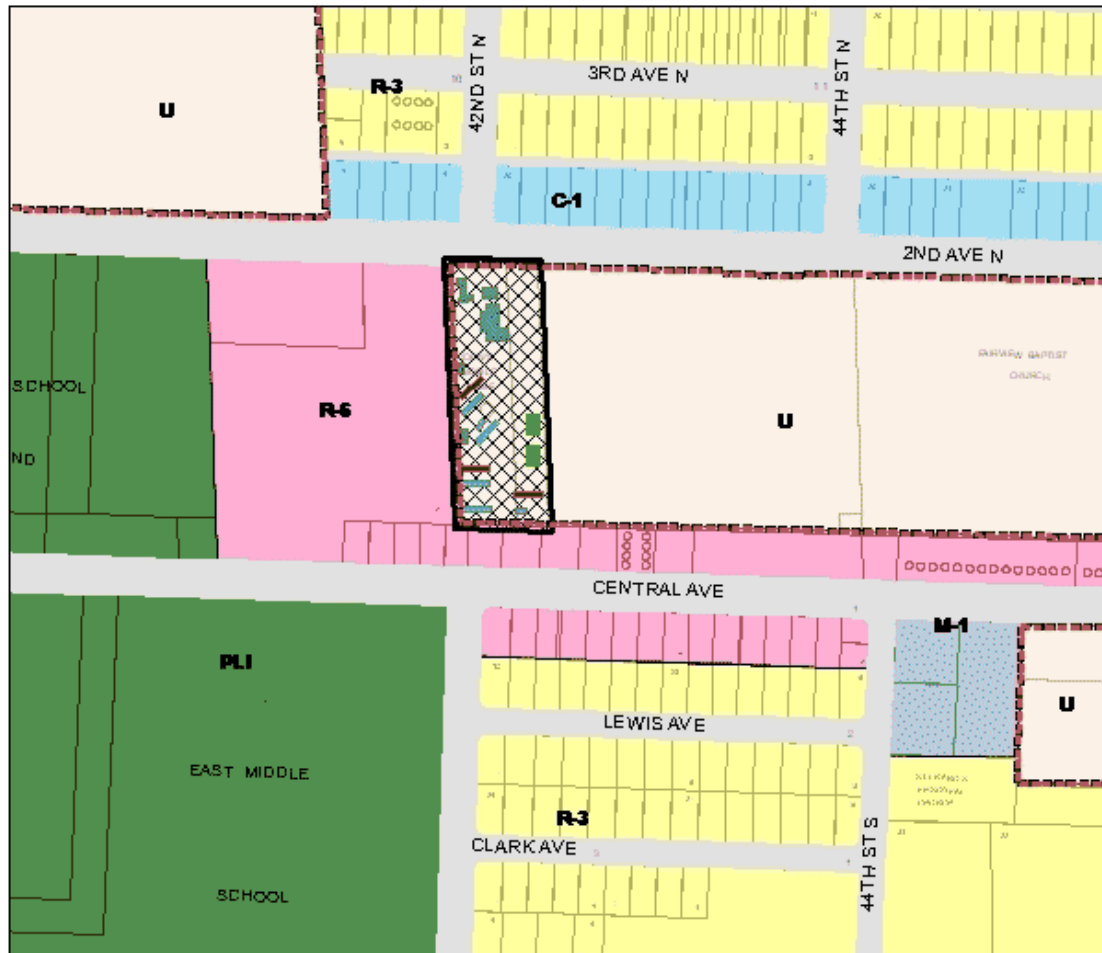
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.


Lisa Kunz, City Clerk














(SEAL OF CITY)

EXHIBIT "A"


VICINITY/ZONING MAP



 MARKS 7D & 7M, SEC 9, T20N, R4E, CASCADE COUNTY, MONTANA PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED AZONING CLASSIFICATION OF R-10 MOBILE HOME PARK DISTRICT

 City Limits	 Mobile home occupied pad	 C-1 Neighborhood commercial
 Shop	 RV occupied pad	 M-1 Mixed-use district
 Dwelling unit	 Vacant pad	 PLI Public Lands and Institutional
 R-3 Single-family high density	 I-2 Heavy industrial	 U Unincorporated enclave
 R-6 Multi-family high density		

440 220 0 440 Feet



ORDINANCE 2989

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-10 MOBILE HOME PARK DISTRICT UPON MARKS 7D AND 7M, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Charles & Judith Ferguson, property owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of R-10 Mobile home park district upon Marks 7D and 7M, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, 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 Marks 7D and 7M, Section 9, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be designated as R-10 Mobile home park district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Mark 7D and 7M, Section 9, Township 20 North, Range 4 East, P.M.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 6th day of November, 2007.

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 2989 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007, and prior thereto, she 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 2989 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)

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9701 and Ordinance 2990, related to Lots 19 and 19B,
Park Highway Garden Tracts, Cascade County Montana (Tolan Distributing)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9701 and Ordinance 2990, related to
Lots 19 and 19B, Park Highway Garden Tracts and unincorporated
portion of 22nd Street Northwest

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of M-2 Mixed-use transitional district, to Lots 19 and 19B.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9701.”

and

“I move the City Commission adopt Ordinance 2990.”

SYNOPSIS:

Resolution 9701 annexes Lots 19 and 19B, which are presently occupied by a bulk gasoline and oil sales business and a single-family residence and a unincorporated portion of 22nd Street Northwest.

Ordinance 2990 assigns a zoning classification of M-2 Mixed-use transitional district upon annexation to the City.

The parcels receive water and sewer services from the City.

BACKGROUND:

On February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those

who use City services share the burden of paying for them equitably.

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

Jack and Virginia Tolan have a “Contract for Deed” to purchase the Lot 19 and 19B from the estate of Adeline E. Wells. Both parties of the contract have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Forms, dated January 3, 2007 and June 11, 2007.

Lots 19 and 19B are presently zoned in the County as “I-1” Light Industrial District. In that the incorporated properties to the east are zoned M-2 Mixed-use transitional district, and the district is intended to promote a transition over time to a predominately mixed land use pattern, it is recommended subject properties be zoned M-2 Mixed-use transitional district upon annexation to the City. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. Current industrial uses and warehouses are not considered nonconforming. As such, current industrial uses and warehouses existing at the time the City Land Development Code was adopted are allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met.

It is the City’s intention to implement Ordinance 2930 such that parcels located outside the City limits receiving City water and/or sewer service must consent to annexation as a condition for the continued receipt of service. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, staff will process these as issues are resolved. The City Commission also acknowledges that nonconforming characteristics and standards of each property, regarding land use, parking, landscaping, signage, etc., will be grandfathered and allowed to remain, unless it poses a hazard to the public. It is also understood that code requirements and standards must be met if any future improvements or modifications are made on the property that would trigger application of the requirements and standards.

Attachments: Resolution 9701
Ordinance 2990
Copy of Response Form, Jack and Virginia Tolan
Copy of Response Form, Estate of Adeline E. Wells

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Jack and Virginia Tolan, P.O. Box 2923, Great Falls, MT 59403
Terry and Patricia Payne, 501 Pattee Canyon Dr, Missoula MT 59803

727-8390
Jim Reardon



December 5, 2006

RESPONSE FORM

We, ADELINE E WELLS, c/o JACK & VIRGINA ^{TOLAN} TALON, are the owners of record of property addressed as: 2201 VAUGHN RD and legally described as: LOT 19, PARK HIGHWAY GARDEN TRACTS

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we provide our consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

Purchasing Contract for deed from Mrs Wells approx 1997

ADELINE EWELLS _____ Date _____

JACK W. Tolan _____ Date 11/3/07

VIRGINA W. Tolan _____ Date 11/3/07

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we are advising that we do not want to annex and that we fully acknowledge City water and sewer services will be terminated in accordance with City Ordinance 2930.

ADELIN E WELLS _____ Date _____

JACK TALON ^{TOLAN} _____ Date _____

VIRGINA TALON _____ Date _____
TOLAN



May 15, 2007

RESPONSE FORM

As the owner of record, please type or print your name in the following section:

I, ADELINE E WELLS, am the owner of record of property
addressed as: 2201 VARGEN ROAD and
legally described as: LOT 19 & 19B, PAH

If your decision is to annex, please sign and date this section and return this form:

With my signature below, I provide my consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

X Patricia J. Payne
ADELINE E WELLS
by Patricia J. Payne
PERSONAL REPRESENTATIVE

6/11/07
Date



RESOLUTION 9701

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 19 AND 19B, PARK HIGHWAY GARDEN TRACTS, SECTION 4, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, AND AN UNINCORPORATED PORTION OF 22ND STREET NORTHWEST; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Lots 19 and 19B, Park Highway Garden Tracts, Section 4, Township 20 North, Range 3 East, Cascade County, Montana, and containing 1.782 acres,

and;

the west half of 22nd Street Northwest between the Northwest Bypass and Vaughn Roar, described as follows:

Beginning at the Quarter Section corner on the east boundary of Section 4, Township 20 North, Range 3 East, Cascade County, Montana;

thence south 0°22'00" east 15 feet along the east boundary to the True Point of Beginning;

thence south 0°22'00" east 395.9 feet along the east boundary;

thence north 69°47'00" west 32.1 feet;

thence north 0°22'00" west 385.6 feet;

thence east 0°00'00" east 30 feet to the True Point of Beginning, containing, 0.27 acres more or less.

as shown on the Vicinity/Zoning Map attached hereto marked Exhibit "A" and by this reference made a part hereof;

and,

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, The representative of the Estate of Adeline E. Wells and the purchasers, Jack and Virginia Tolan, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "LOTS 19 & 19B, PARK HIGHWAY GARDEN TRACTS, SECTION 4, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, AND A UNINCORPORATED PORTION OF 22ND STREET NORTHWEST."

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 tracts of land; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9701 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

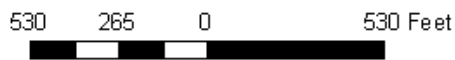
(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



- LOT 19 & 19B, PARK HIGHWAY GARDEN TRACTS PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A ZONING CLASSIFICATION OF "M-2" MIXED-USE TRANSITIONAL DISTRICT
- ABUTTING SEGMENT OF 21ST STREET NORTHWEST BEING ANNEXED INTO THE CITY IN ACCORDANCE WITH 7-2-4211, MCA REGARDING INCLUSION OF ROADS AND RIGHT-OF-WAYS IN ANNEXATIONS
- City Limits
- M-2 Mixed-use transitional
- I-2 Heavy industrial
- R-1 Single-family suburban
- POS Parks and Open Space
- U Unincorporated
- R-3 Single-family high density
- I-1 Light industrial
- Tracts of land outside City



ORDINANCE 2990

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF M-2 MIXED-USE TRANSITIONAL DISTRICT TO LOTS 19 & 19B, PARK HIGHWAY GARDEN TRACTS, SECTION 4, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, the representatives of the estate of Adeline E. Wells and the purchasers, Jack and Virginia Tolan, have provided written consent to annex said properties into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of M-2 Mixed-use transitional district upon Lots 19 & 19B, Park Highway Garden Tracts, Section 4, Township 20 North, Range 3 East, Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, 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 Lots 19 & 19B, Park Highway Garden Tracts, Section 4, Township 20 North, Range 3 East, Cascade County, Montana, be designated as M-2 Mixed-use transitional district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Lots 19 & 19B, Park Highway Garden Tracts, Section 4, Township 20 North, Range 3 East, Cascade County, Montana, upon annexation to the City, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 6th day of November, 2007.

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 2990 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007, and prior thereto, she 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 2990 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)

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

DATE November 6, 2007

ITEM Public Hearing – Resolution 9702 and Ordinance 2991, related to Mark 11A, Section 3, Township 20 North, Range 3 East, Cascade County, Montana (Eagles Nest Homes and Bohl)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9702 and Ordinance 2991, related to Mark 11A

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of C-2 General commercial district, to Mark 11A.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9702.”

and

“I move the City Commission adopt Ordinance 2991.”

SYNOPSIS:

Resolution 9702 annexes Mark 11A which is presently occupied by a log home sales and construction office (Eagles Nest Log Homes) and a single-family residence addressed as 1001 and 1011 Northwest Bypass, respectively.

Ordinance 2991 assigns a zoning classification of C-2 General commercial district upon annexation to the City.

The parcel receives water and sewer services from the City.

BACKGROUND:

On February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to

create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the burden of paying for them equitably.

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property owners have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Forms, dated December 7, 2006.

Mark 11A is presently zoned in the County as "I-1" Light Industrial District. In that access to the parcel is from the Northwest Bypass and the other incorporated properties along the north side of the Northwest Bypass are zoned C-2 General commercial district, which allows "General service" uses like log home sales, construction offices, and single-family residences, it is recommended subject property be zoned C-2 General commercial district upon annexation to the City.

It is the City's intention to implement Ordinance 2930 such that parcels located outside the City limits receiving City water and/or sewer service must consent to annexation as a condition for the continued receipt of service. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, staff will process these as issues are resolved. The City Commission also acknowledges that nonconforming characteristics and standards of each property, regarding land use, parking, landscaping, signage, etc., will be grandfathered and allowed to remain, unless it poses a hazard to the public. It is also understood that code requirements and standards must be met if any future improvements or modifications are made on the property that would trigger application of the requirements and standards.

Attachments: Resolution 9702
Ordinance 2991
Copy of Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Andrew & Mildred Bohl, 1011 NW BYP, Great Falls MT 59401



December 5, 2006

RESPONSE FORM

We, ANDREW X & MILDRED BOHL, are the owners of record of property addressed as: 1011 NW BYP and legally described as: MARK 11A, SEC 3, T 20 N, R3E

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we provide our consent to annex the property into the City of Great Falls as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930.

Andrew X Bohl 12-7-2006
ANDREW X BOHL Date

Mildred Bohl 12-7-2006
MILDRED BOHL Date

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With our signatures below, we are advising that we do not want to annex and that we fully acknowledge City water and sewer services will be terminated in accordance with City Ordinance 2930.

ANDREW X BOHL Date

MILDRED BOHL Date

RESOLUTION 9702

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARK 11A, SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Mark 11A, Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 0.78 acres, more or less,

as shown on the Vicinity/Zoning Map attached hereto marked Exhibit "A" and by this reference made a part hereof;

and,

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Andrew X and Mildred Bohl, owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MARK 11A, SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9702 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk











(SEAL OF CITY)

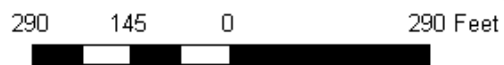
EXHIBIT "A"

VICINITY/ZONING MAP



 MARK 11A, SEC 3, T20N, R3E, CASCADE COUNTY, MONTANA PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT

- | | | |
|--|---|---|
|  City Limits |  R-5 Multi-family medium density |  PLI Public Lands and Institutional |
|  R-2 Single-family medium density |  R-6 Multi-family high density |  POS Parks and Open Space |
|  R-3 Single-family high density |  C-2 General commercial |  U Unincorporated enclaves |
| | |  Tracts of land outside City |



ORDINANCE 2991

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO MARK 11A, SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Andrew and Mildred Bohl, property owners of record, have provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district upon Mark 11A, Section 3, Township 20 North, Range 3 East, Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, 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 Mark 11A, Section 3, Township 20 North, Range 3 East, Cascade County, Montana, be designated as C-2 General commercial district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Mark 11A, Section 3, Township 20 North, Range 3 East, Cascade County, Montana, upon annexation to the City, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 6th day of November, 2007.

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 2991 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of November, 2007, and prior thereto, she 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 2991 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)

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

DATE November 6, 2007

ITEM Public Hearing - Resolution 9710 to Annex and Ordinance 2985 to Establish City Zoning for Lot 5, Block 1, International Malting Company, LLC Addition

INITIATED BY Montana Megawatts I LLC, (Montgomery Energy) Property Owner

ACTION REQUESTED Commission Adopt Resolution 9710 and Ordinance 2985 and Approve Annexation Agreement related to Lot 5, Block 1, International Malting Company, LLC Addition

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex Lot 5, Block 1, International Malting Company, LLC Addition and the abutting segment of U.S. Highway 87, and the City Zoning Commission has recommended a zoning classification of I-2 Heavy industrial district be assigned to same.

MOTIONS (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9710 and approve the Annexation Agreement related to Lot 5, Block 1, International Malting Company, LLC Addition.”

and

“I move the City Commission adopt Ordinance 2985.”

SYNOPSIS:

Resolution 9710 annexes Lot 5, Block 1, International Malting Company, LLC Addition and the abutting segment of U.S. Highway 87. Ordinance 2985 assigns a zoning classification of I-2 Heavy Industrial district to subject Lot 5 upon annexation to the City.

BACKGROUND:

Montana Megawatts I LLC, has submitted applications regarding the following:

- 1) Annexation to the City of Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, Cascade County, Montana.
- 2) Rezoning the above described Lot 5 from the current County “I-1” Industrial District to the City zoning classification of I-2 Heavy industrial district upon annexation to the City;

Subject Lot 5 totaling 54.86 acres is located between U.S. Highway 87 and the malt processing plant north of Black Eagle. The applicant intends to complete construction and activate a natural gas electric generator on the site. Also proposed to be annexed is the abutting right-of-way for U.S. Highway 87.

For additional information, please refer to the Vicinity/Zoning Map attached to Resolution 9710 as Exhibit “A”.

Lot 5 currently has access directly from U.S. Highway 87. There have been discussions with the applicant about providing access via an on-site driveway that would connect to the existing roadway paralleling the south boundary of Lot 5 and which also serves the malt processing plant. This existing access to U.S. Highway 87 was established with the intent to serve multiple proposed users in the area. The Montana

Department of Transportation is currently designing improvements to U.S. Highway 87, including turn lanes. Improvements are anticipated in 2009-10.

A main to provide potable water is proposed to be extended into the development site from the existing City main paralleling the south boundary of subject Lot 5. A sanitary sewer main will be extended westerly from the existing City sanitary sewer main near Black Eagle Road. Storm water retention areas are proposed within Lot 5. Operation of the energy power plant will require a significant amount of raw water that will be pumped and piped from the Missouri River.

Zoning Analysis:

Subject Lot 5 is presently zoned in the County as "I-1" Light Industrial District. It is proposed Lot 5 be zoned I-2 Heavy industrial district upon annexation to the City. Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with rezoning and 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.

Subject Lot 5 is essentially surrounded by dry land grain fields with the exception of U.S. Highway 87 bordering its west boundary and the barley malt plant located immediately to the southeast on a 40-acre tract which is presently within the City and zoned I-2 Heavy industrial district.

The overall area, in which subject Lot 5 is located, is being promoted as an extended industrial complex, with the existing malt plant being the first and most prevalent operation supported by the recent extension of City water and sewer services and a spur connection to the BNSF Railroad.

Goals of the Economic Element of the Great Falls Growth Policy include:

- Enhance, strengthen, and expand the existing economic base.
- Attract new businesses and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

The proposed industrial zoning classification is consistent with recent rezonings in the area including both incorporated and unincorporated properties. The proposed natural gas electric generating plant will have the capability to serve both existing and future industrial operations in the vicinity. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board/Zoning Commission conducted a public hearing on the applications on August 14, 2007. Mr. Taylor Cheek of Montgomery Energy, Mr. Brett Doney, president of the Great Falls Development Authority, and Mr. Lyle Meeks of NCI Engineering all spoke in support of the project and annexation. The applications have not generated any opposition to date. At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission approve the annexation of Lot 5, Block 1,

International Malting Company, LLC Addition, and the abutting portion of U.S. Highway 87 subject to the following conditions being fulfilled by the applicant:

- 1) An annexation agreement shall be prepared containing terms and conditions for annexation/rezoning of subject lot including agreement by the applicant:
 - a) to design and install, within two years of the date of annexation of subject Lot 5, the public water and sanitary sewer mains necessary to serve the development on the property;
 - b) to relocate, when deemed necessary by City, the primary access for Lot 5 from U.S. Highway 87 to the existing roadway paralleling the south boundary of the lot; and
 - c) to adhere to a parking and landscaping plan to be submitted for approval either in advance of or through the building permit application process; and
- 2) All applicable fees owed as a condition of annexation approval shall be paid prior to consideration of the annexation by the City Commission, including:
 - a) resolution of annexation fee \$100.00
 - b) storm sewer fee (\$250/acre x 54.86 acres) \$13,715.00
 - c) recording fees for annexation documents (\$11 per page x 10 pages) \$110.00

The Zoning Commission, at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission assign a zoning classification of I-2 Heavy industrial district to Lot 5, Block 1, International Malting Company, LLC Addition, being annexed to the City.

Attach: Resolution 9710 with Vicinity/Zoning Map
Ordinance 2985
Annexation Agreement

Cc: Taylor Cheek, Montgomery Energy Partners LP, 1250 Capital of Texas Hwy. South Bldg. 3, Ste. 400, Austin TX 78746

**ANNEXATION AGREEMENT
FOR
LOT 5, BLOCK 1,
INTERNATIONAL MALTING COMPANY,
LLC ADDITION,
IN SECTION 30,
TOWNSHIP 21 NORTH, RANGE 4 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2007, between the MONTANA MEGAWATTS I LLC, a Delaware limited liability company, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City," regarding the requirements for annexation to the corporate limits of City of Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, Cascade County, Montana, with said Lot 5 hereinafter referred to as "Lot 5."

2. SUPPORTING DOCUMENTS

A. The Minor Subdivision Plat of International Malting Company, LLC Addition, prepared by Babb Land Surveying, Inc., and filed under P-2005-0000058 in the office of the Clerk and Recorder of Cascade County, Montana, on the 17th day of November, 2005.

B. Water Service Agreement dated _____, 2007, between Owner and the City of Great Falls, Montana.

C. Sewer Service Agreement dated _____, 2007, between Owner and the City of Great Falls, Montana.

3. FEES AND CHARGES

A. Prior to annexation of Lot 5, Owner shall, in addition to the Annexation Application Fee of \$100.00, Zoning Application Fee of \$400.00 and Annexation Agreement Fee of \$200.00, which City hereby acknowledges have been paid in full by Owner, pay the following required fees:

a) Resolution of Annexation Fee	\$100.00
b) Storm sewer fee (\$250/acre x 54.86 acres)	\$13,715.00
c) Recording fees for Agreement and Resolution (\$11 per page x 10 pages)	<u>110.00</u>
Total fees made payable to City of Great Falls	\$13,925.00

B. The absence of any fee from this Agreement that otherwise may be lawfully charged by the City in connection with construction activity associated with Lot 5, shall not constitute a waiver by the City.

4. WATER AND SANITARY SEWER IMPROVEMENTS

Owner hereby agrees to complete within two (2) years of the date of this Agreement, the installation of water mains and sanitary sewer mains to serve Lot 5, according to engineering drawings and specifications caused to be prepared by Owner and approved by and filed in the City Engineer's Office.

5. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay a proportionate share of any future storm drainage improvements which service Lot 5 that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Lot 5 which is a contributor to the drainage sub-basin of which Lot 5 is a part.

6. INFRASTRUCTURE EASEMENTS

Owner hereby agrees to provide to City, prior to Owner receiving service from said water and sanitary sewer systems, reasonable appropriate easements to accommodate said water and sanitary sewer systems to serve Lot 5. Owner further agrees to provide, when reasonably deemed necessary by City, any additional easements within the Minor Plat of International Malting Company, LLC Addition, to accommodate future infrastructure, including, but not limited to, the water systems, sanitary sewer systems, roadways, utilities, etc., referenced in Paragraph 8 herein below, with the location of said easements to be determined mutually between Owner and City.

7. PERMIT COMPLIANCE

Owner hereby agrees to adhere to all parking, landscaping, signage, fire hydrant installation, and exterior lighting provisions stipulated by the City Community Development Department and City Fire Department in conjunction with permit issuance for development and construction on Lot 5.

8. MASTER PLAN AND RESULTANT INFRASTRUCTURE
Owner hereby agrees to cooperate and participate with development of an overall conceptual plan for the contemplated value added agricultural commodities park comprising in part the Minor Plat of International Malting Company, LLC Addition. Owner further agrees, if and when deemed necessary by City, to dedicate Lot 4 of the Minor Plat of International Malting Company, LLC Addition, as public road and utility right-of-way and to pay for proportionate share of the costs of paving said roadway to a standard determined by City.
9. VEHICULAR ACCESS
Lot 5 is presently accessible from U.S. Highway 87, a paved roadway maintained by the Montana Department of Transportation. Upon the natural gas electric generator on Lot 5 becoming operational, Owner hereby agrees to direct vehicular traffic to and from Lot 5, via the existing approach on U.S. Highway 87 located at the southwest corner of Lot 5. The sole exception to this provision shall be delivery of large equipment/long loads associated with construction activities on Lot 5 which shall be permitted to utilize (with the consent of the Montana Department of Transportation) the existing approach to U.S. Highway 87 along the west boundary of Lot 5.
10. WAIVER OF PROTEST OF ANNEXATION
Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Lot 5, as provided for by State law.
11. ANNEXATION PREREQUISITES
Lot 5 is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Lot 5, upon annexation to City and completion of the contemplated public water system to serve Lot 5, will be provided fire protection services by City comparable to that provided other incorporated properties.
12. MAINTENANCE DISTRICTS
In connection with the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance, Owner shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to Lot 5.
13. PUBLIC ROADWAY LIGHTING
In connection with the lawful implementation of any future special lighting district for public roadway lighting facilities that service Lot 5, Owner agrees to pay a proportionate share of the costs associated with roadway lighting which service Lot 5 that may be installed with or without a special lighting district.
14. CITY ACCEPTANCE AND ZONING
In consideration of the foregoing, City hereby accepts and approves Lot 5 for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, under an I-2 Heavy industrial district zoning classification. It is hereby understood that the preceding language regarding zoning of Lot 5 does not

preclude City from reclassifying Lot 5 if an area wide reclassification is undertaken, in which event City agrees to reclassify Lot 5 as a conforming use.

15. BINDING EFFECT

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

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

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

John W. Lawton, City Manager

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
 :ss.
County of Cascade)

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

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

Notary Public for the State of Montana

Notary Public (Printed or Typed)
Residing at _____
My commission expires _____, 20____

(NOTARIAL SEAL)

MONTANA MEGAWATTS I LLC

By: _____

State of _____)
 :ss.
County of _____)

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

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

Notary Public for the State of _____

Notary Public (Printed or Typed)

Residing at _____

My commission expires _____, 20____

(NOTARIAL SEAL)

RESOLUTION 9710

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts of land described as follows:

- ◆ Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 54.86 acres; and
- ◆ A Parcel of land being portions of U.S. Highway 87, Federal Aid Project No. 149-D(3) according to right-of-way plans in the records of the Montana Department of Transportation, said Parcel being situated in the Northwest Quarter (NW 1/4) of Section 30, in Township 21 North, Range

4 East of the Principle Meridian Montana, Cascade County, Montana, described as follows:

COMMENCING at the Southwest Corner of said Section 30;

THENCE S88°55'00"E along the south line of said Section 30, a distance of 407.16 feet (407.50 feet recorded) to the centerline of said U.S. Highway 87, at Station 67+57.29 (67+76.25 recorded);

THENCE N26°36'03"E (N26°35'47"E recorded) along said centerline, a distance of 3194.81 feet to Station 99+52.10 (99+52.99 recorded), which is the intersection of said centerline with a southerly line of said Lot 5, extended westerly and the POINT OF BEGINNING of the Parcel herein described;

THENCE N63°24'13"W along said southerly line extended, a distance of 70.00 feet to the northwesterly right-of-way line of said U.S. Highway 87;

THENCE along said northwesterly right-of-way on the following 3 courses:

THENCE N26°36'03"E (N26°35'47"E recorded) a distance of 113.21 feet (112.31 feet recorded) to the Point of Curvature of a circular curve to the right, with a radius point which bears S63°23'57"W (S63°24'13"E recorded) a distance of 11535.48 feet, said point being at Station 100+65.30, 70.00 feet left of centerline;

THENCE along last said curve, through a central angle of 4°16'48" an arc distance of 861.72 feet to the Point of Tangency of said curve at Station 109+21.79 (109+22.0 recorded). 70.00 feet left of centerline;

THENCE N30°52'51"E a distance of 822.86 feet to the north-south midsection line of said Section 30 at a point 70.00 feet left of centerline, from which point the Quarter Section Corner to said Section 30 and Section 19 bears N00°43'23"E a distance of 808.41 feet;

THENCE leaving said northwesterly right-of-way and along said midsection line, S00°43'23"W a distance of 139.34 feet to the intersection of said midsection line with said highway centerline at Station 116+24.17;

THENCE continuing along said midsection line, S00°43'23"W a distance of 119.43 feet to the southeasterly right-of-way of said U.S. Highway 87 at 60.00 feet right of centerline and the Northwest Corner of said Lot 5, from which point the Center Quarter Section corner of said Section 30 bears S00°43'23"W a distance of 1574.55 feet (1574.42 feet recorded);

THENCE along said southeasterly right-of-way and along the westerly boundary of Lot 5, on the following 3 courses:

THENCE S30°52'51"W (S30°52'46"W recorded) a distance of 599.12 feet (599.71 feet recorded) to the Point of Curvature of a circular curve to the left, with a radius point which bears S59°07'09"E a distance of 11405.48 feet, at Station 109+21.79 (109+22.0 recorded), 60.00 feet right of centerline;

THENCE along said curve, through a central angle of 4°16'48" (4°16'59" recorded) an arc distance of 852.01 feet (852.19 feet recorded) to the Point of Tangency at Station 100+65.30, 60.00 feet right of centerline;

THENCE S26°36'03"W (S26°35'47"W recorded) a distance of 113.20 feet (112.31 feet recorded) to a southwest corner of said Lot 5;

THENCE leaving said southeasterly right-of-way, along a southerly line of said Lot 5 extended westerly, N63°24'13"W a distance of 60.00 feet to the POINT OF BEGINNING of the Parcel herein described;

CONTAINING in all 218,538 square feet or 5.017 acres.

generally as shown on the vicinity map exhibit attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the minor subdivision plat of International Malting Company, LLC Addition; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the state of Montana or a political subdivision of the state, such land may be incorporated and included in the municipality to which it is contiguous; and,

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

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution 9696 entitled:

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, TO EXTEND THE BOUNDARIES OF
SAID CITY TO INCLUDE LOT 5, BLOCK 1,
INTERNATIONAL MALTING COMPANY, LLC

ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 2nd day of October, 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: "LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87."

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 14th day of October, 2007; and,

WHEREAS, the City Clerk has received no expressions of approval or disapproval of the proposed alterations of the boundaries of the municipality, within the time allowed by said notice; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on November 6, 2007, 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;

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

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

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

That the boundaries of said 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: "LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87."

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

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

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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 9710 was placed on its final passage and approved by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007.

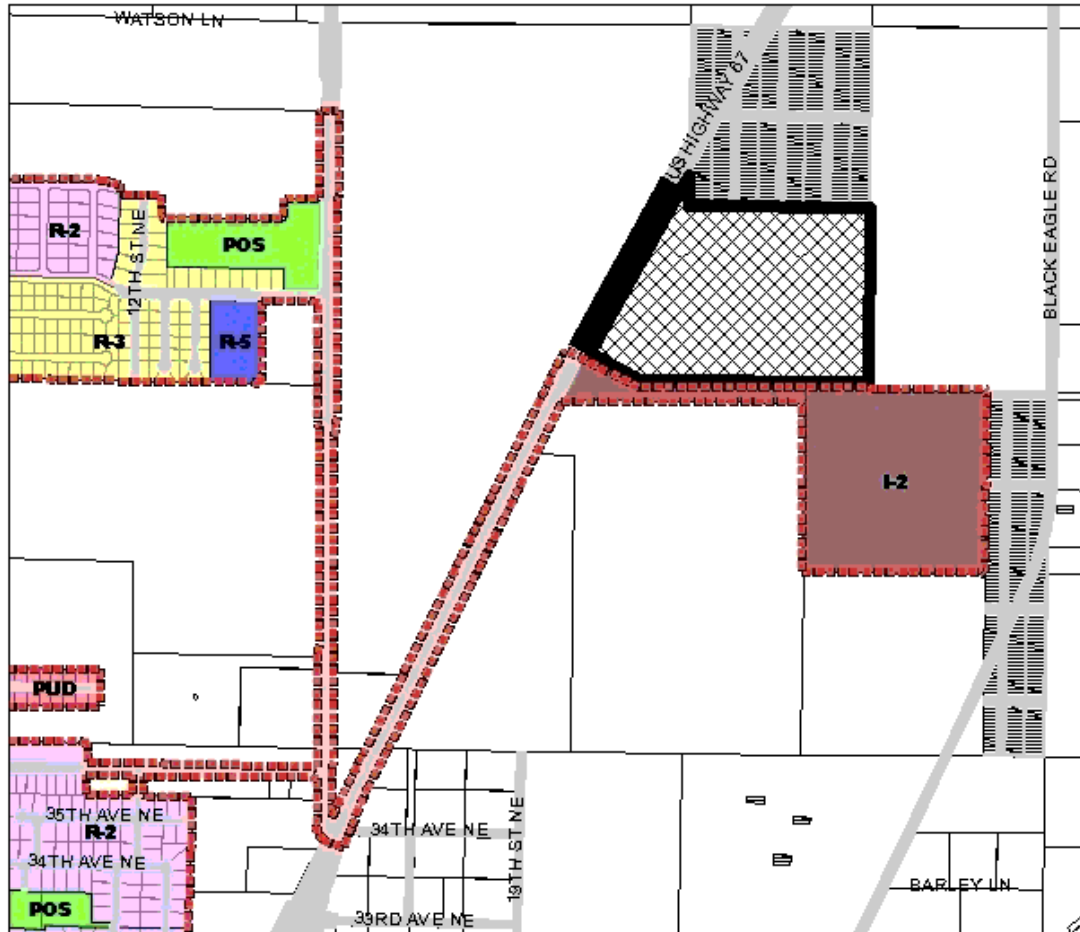
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.












Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



-  LOT 5, BLOCK 1 INTERNATIONAL MALTING COMPANY, LLC ADDITION REQUESTED TO BE ANNEXED AND ZONED "I-2" HEAVY INDUSTRIAL DISTRICT
-  PORTION OF U.S. HIGHWAY 87 PROPOSED TO BE ANNEXED
-  EXISTING CITY LIMITS
-  R-2 Single-family medium density
-  POS Parks and Open Space
-  U Unincorporated enclave
-  R-3 Single-family high density
-  PUD Planned unit development
-  Tracts of land outside City
-  R-5 Multi-family medium density
-  I-2 Heavy industrial



ORDINANCE 2985

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT TO INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Montana Megawatts I LLC, the owner of Lot 5, Block 1, International Malting Company, LLC Addition, located in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, has petitioned the City of Great Falls to annex said Lot 5; and,

WHEREAS, Montana Megawatts I LLC has petitioned said Lot 5 be assigned a City zoning classification of I-2 Heavy industrial district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of I-2 Heavy industrial district, to said Lot 5, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of November, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Lot 5, Block 1, International Malting Company, LLC Addition, be designated as I-2 Heavy industrial district classification.

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 Lot 5, Block 1, International Malting Company, LLC Addition, 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 6th day of November, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2985 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 6th day of November, 2007.

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 6th day of November, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2985 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)

CITY OF GREAT FALLS, MONTANA

AGENDA # 11

AGENDA REPORT

DATE November 6, 2007

ITEM Potable and Industrial Process Water Service and Sanitary Sewer Agreements with Montana Megawatts I, LLC

INITIATED BY Montana Megawatts I, LLC, developer

ACTION REQUESTED Approve Potable and Industrial Process Water Service and Sanitary Sewer Agreements and Authorize City Manager to Execute the Agreements

PREPARED BY Martha Cappis, Operations Supervisor, Fiscal Services

APPROVED & PRESENTED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATION: It is recommended the City Commission approve the Potable and Industrial Process Water Service and Sanitary Sewer Agreements with Montana Megawatts I, LLC.

MOTION: "I move the City Commission approve the Potable and Industrial Process Water Service and Sanitary Sewer Agreements with Montana Megawatts I, LLC and authorize the City Manager to execute the agreements."

SYNOPSIS: Montana Megawatts is in the process of developing, constructing, and operating a natural gas fired power plant which will be located north of Great Falls, near the malt barley facility. The agreements outline the rates charged for water and sewer service for potable and raw water, sanitary and industrial wastewater, and applicable fees. The agreements also outline the responsibilities of the parties in regards to the reporting of data, the ownership of the meters and system, and the payment requirements, along with addressing the water rights issue for raw water.

BACKGROUND: Montana Megawatts has requested potable water and sanitary wastewater service be available during construction and for facility operation. The City agrees to provide these services under terms including, but not limited to the following:

1. Provides for termination of agreements upon written notice to the City that the facility will not be built.
2. Montana Megawatts, in return for services provided, will be charged at the current service rates for such services, as established by the City pursuant to Great Falls City Code, Title 13, Water and Sewer and Storm Discharge, including all fees.
3. Montana Megawatts is responsible for the construction of all infra-structure necessary to provide services to the facility.
4. Montana Megawatts agrees to comply with all applicable Federal, State, and local regulations regarding the Water Service Line Permit and the Permit to Discharge Industrial Wastewater.

Attachments: Montana Megawatts I LLC & the City of Great Falls
Potable & Industrial Process Water Service Agreement
Sewer Service Agreement

MONTANA MEGAWATTS I LLC & the CITY OF GREAT FALLS
Potable & Industrial Process Water Service Agreement

This Potable and Industrial Process Water Service Agreement (the "Agreement") is made and entered into this _____ day of _____, 2007, by and between the City of Great Falls, Montana, a municipal corporation of the State of Montana, (hereinafter referred to as the "CITY"); and Montana Megawatts I LLC, a Delaware limited liability company (hereinafter referred to as the "DEVELOPER");

WHEREAS, the DEVELOPER desires to make connection to the CITY water system to serve the natural gas fired power plant (hereinafter referred to as the "Facility") which will be constructed and operated by the DEVELOPER at the location described as Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, Cascade County, Cascade County, Montana;

NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

A. System Requirements and Guarantees

- I. The CITY acknowledges that it has been informed of the DEVELOPER'S water requirements necessary to operate the Facility. The CITY shall make available to DEVELOPER the potable water necessary or desirable to operate the Facility. In addition, the CITY shall make available up to 46,500,000 gallons per month (based upon a 31 day month) of the CITY'S total water right from the Missouri River to provide industrial process water to the Facility.

- II. All water shall be metered through appropriately sized water meters selected by the CITY and reasonably acceptable to DEVELOPER. DEVELOPER shall provide appropriate pipes and fittings for the installation of the separate meters for potable and industrial process water. The CITY shall purchase and provide to DEVELOPER (subject to the reasonable approval of DEVELOPER) an appropriately sized potable water meter with register display that indicates total flow volume. The potable water meter shall be capable of field testing and repair made possible by an appropriately sized lockable by-pass installed as part of the potable meter setting. The industrial process water meter shall be an appropriately sized propeller meter with digital register display, showing rate of flow and total flow in gallons, purchased and provided by the CITY to DEVELOPER, subject to the reasonable approval of DEVELOPER. The propeller meter will not be capable of field testing and repair. DEVELOPER shall keep daily records of industrial process water passing through this meter. Both meters shall be installed by DEVELOPER in accordance with manufacturer's requirements. The meters shall be in an appropriate, accessible location that is agreeable to the CITY.

- III. DEVELOPER must apply and conform to all applicable requirements of the Water Service Line Permit. DEVELOPER must comply with all applicable requirements in accordance with the ordinances and resolutions described in Title 13, Official Code of the City of Great Falls (“OCCGF”).
- IV. In the event construction and operation does not commence by January 1, 2010, the Potable & Industrial Process Water Service Agreement shall be terminated.
- V. Point of Diversion. The preferred point of diversion from the Missouri River for industrial process water is in the Giant Springs area. If the DEVELOPER chooses to move this point of diversion, the costs associated with this relocation shall be the responsibility of the DEVELOPER.

B. System Ownership

- I. The CITY will own and maintain the potable water mains that provide water to the Facility. DEVELOPER shall provide utility easements for said mains, and shall own the water service line from the point at which it is attached to the CITY’S water main. The CITY is responsible for the ownership, maintenance and upkeep of potable water meter(s) noted in Section A.II.
- II. The DEVELOPER will design, install, own and maintain the industrial process water system that will provide water to the Facility. DEVELOPER shall secure the necessary easements to transport the industrial process water to the Facility. Upon request, CITY agrees to provide reasonable assistance in facilitating this undertaking including, but not limited to, providing assistance to DEVELOPER in securing easements and permits for the project. The CITY acknowledges that it and others are interested in possibly providing water to third party users via DEVELOPER’S planned industrial process water system. In light of this interest, CITY and DEVELOPER agree to work, in good faith, to analyze the possible upsizing of the planned DEVELOPER installation to facilitate additional third party use prior to DEVELOPER’S commencement of construction of the industrial process water system. To the extent CITY elects to proceed with the upsizing of DEVELOPER’S system, DEVELOPER will not be liable for the incremental costs associated with the industrial process water system upsizing or any other required infrastructure investment necessary to accommodate this upsizing.

C. Fees and Rates

- I. In consideration of receiving water provided by the CITY, DEVELOPER shall:
 - (a) pay to the CITY all connection charges, service fees and other applicable charges set forth on Exhibit A attached hereto, in accordance with the ordinances and resolutions described in Title 13, OCCGF, as the same may be amended from time to time; and
 - (b) comply with all applicable terms and conditions of Title 13, OCCGF; and by this reference such terms and conditions and related definitions and provisions are hereby incorporated herein as if set forth herein.

- II. DEVELOPER agrees to the rates and requirements for the use of the CITY'S water at the rates set forth on the attached Exhibit A (as may be amended through the Great Falls City Commission via the annual review process).

- III. Charges for potable water shall be based on the total volume of water passing through the potable water meter. Meter readings shall be taken by CITY personnel approximately once per month. Charges will be based on the CITY'S Commercial Water rate as described in the attached Exhibit A.

- IV. DEVELOPER shall keep daily detailed records of the amount of water passing through the industrial process water meter, and report that information in a fashion that is reasonably acceptable by the CITY. The volume of industrial process water will be billed under the Raw Water rate as set forth on the attached Exhibit A. The calculation for the billing of industrial process water shall be as follows:
 - (a) Base Fee. The estimated average daily usage, calculated from the "Great Falls Projected Monthly Dispatch for 2010", provided to the CITY by DEVELOPER on April 10, 2007, and reproduced on attached Exhibit B, is 780,000 gallons per day ("gpd"). This volume of water, converted to the annualized monthly average of 21,840,000 gallons for the month of February; 22,620,000 gallons for the month of February during Leap Years; 23,400,000 gallons for the months of April, June, September, and November; and 24,180,000 gallons for the months of January, March, May, July, August, October, and December, shall be billed to the DEVELOPER each month, whether the water is pumped or not.
 - (b) If monthly water usage exceeds the annualized monthly average, the volume in excess of that amount shall be billed to the DEVELOPER each month.
 - (c) Water rights acquisition or wastewater enhancement fee. DEVELOPER acknowledges that the CITY may exercise its right to acquire additional water rights or develop a tertiary treatment facility in the future for the benefit of all water users in the Great Falls area. If the CITY succeeds in purchasing these additional or develops a tertiary

treatment system in lieu or in addition thereto, the DEVELOPER acknowledges that the rates and fees set forth on Exhibit A (as may be amended through the Great Falls City Commission via the annual review process) shall be adjusted to reflect an allocated increase associated with the contemplated CITY transaction.

D. Billing

- I. Each month the CITY will invoice DEVELOPER for services provided during the prior month in accordance with the attached Exhibit A (as may be amended through the Great Falls City Commission via the annual review process). Payment shall be due and payable fifteen (15) days from each invoice date. Late payment penalties are charged at 1.5% of the balance over sixty (60) days past due.
- II. Pursuant to the OCCGF, water service may be discontinued by the CITY upon continued non-payment of service fees for a period of sixty (60) days or for such other period as may hereafter be established pursuant to any section of or amendment to the OCCGF (after written notice and an opportunity to remedy has been provided by the CITY).

E. Term of Agreement

- I. The initial term of this Agreement shall commence on a date declared by DEVELOPER in writing to the CITY (which date will occur during the construction process) and continue through June 30, 2010. Thereafter, this Agreement shall automatically renew on each June 30th anniversary up through June 30, 2035, unless DEVELOPER notifies CITY on or before December 31st of DEVELOPER'S intention to terminate the Agreement as of the next June 30th anniversary date.
- II. If either party defaults in its material obligations under this Agreement and such default remains unremedied for a period of sixty (60) days after written notice from the non-defaulting party (or for such other time as mutually agreed by the parties), then the non-defaulting party may terminate this Agreement; provided, however, that so long as the party in default is working diligently to correct the default condition, the non-defaulting party may not terminate this Agreement.

F. Provisions

- I. The CITY shall not be liable for any failure in the water system, unless such failure shall have been caused by the gross negligence or willful misconduct of the CITY, its employees, agents or contractors. DEVELOPER shall hold the CITY harmless and indemnify the CITY for any and all claims and actions for property damage or personal injury

arising from any acts or omissions of DEVELOPER and with respect to DEVELOPER'S construction and use of pipelines and buildings located upon realty or rights-of-way of the CITY unless such damage or injury shall arise from the gross negligence or willful misconduct of the CITY, its employees, agents or contractors.

- II. No delay by the CITY or DEVELOPER in exercising any right or power or in enforcing any of its remedies hereunder shall be deemed a waiver of such default of the rights, power and remedies herein provided.
- III. The provisions of this Agreement will be binding upon and inure to the benefit of the successors and assignees of each of the parties hereto. Neither party shall assign any of its rights or obligations hereunder without the consent of the other party. Any consent required by this Section shall not be unreasonably withheld.
- IV. The Agreement shall be interpreted according to the laws of the State of Montana.
- V. Any notice, demand, request, statement or correspondence provided for in this Agreement, or any notice which a party may desire to give to the other, shall be in writing (unless otherwise provided elsewhere in this Agreement) and shall be considered duly delivered when received by mail, facsimile or overnight courier, at the address below unless otherwise required or directed in this Agreement:
 - a. To CITY:
City of Great Falls
Fiscal Services Director
P. O. Box 5021
Great Falls, MT 59403-5021
Fax Number: (406) 452-8048
 - b. To DEVELOPER:
Montana Megawatts I LLC
403 Corporate Woods Drive
Magnolia, TX 77354
Attn: Frank Giacalone
Fax Number: (832) 442-3259

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED this Agreement to be executed by persons duly authorized on this ____ day of _____, 2007.

John W. Lawton, City Manager
City of Great Falls

Developer

David V. Gliko
City Attorney

File: 1327WagmtA revised

MONTANA MEGAWATTS I LLC & the CITY OF GREAT FALLS
Sewer Service Agreement

This Sewer Service Agreement (the “Agreement”) is made and entered into this _____ day of _____, 2007, by and between the City of Great Falls, Montana, a municipal corporation of the State of Montana, (hereinafter referred to as the “CITY”); and Montana Megawatts I LLC, a Delaware limited liability company (hereinafter referred to as the “DEVELOPER”);

WHEREAS, the DEVELOPER desires to make connection to the CITY’S sanitary sewer system and sewer service provided by the CITY to serve the natural gas fired power plant (hereinafter referred to as the “Facility”) which will be constructed and operated by the DEVELOPER at the location described as Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, Cascade County, Cascade County, Montana;

NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

A. System Requirements and Guarantees

- I. The CITY acknowledges that it has been informed of the DEVELOPER’S wastewater requirements necessary to operate the Facility. The CITY shall make available to DEVELOPER at all times the wastewater capacity necessary or desirable to operate the Facility. All discharged wastewater must be in compliance with applicable local, state and federal laws.
- II. Wastewater from sanitary facilities shall be discharged separately from Industrial Process Wastewater. Industrial Process Wastewater shall be metered through an appropriately sized magnetic flow meter or a similar meter acceptable to the CITY. The meter shall have a digital display that indicates current flow rate and total flow volume. The meter will be purchased and owned by the DEVELOPER and shall be installed in accordance with the manufacturer’s requirements and be factory calibrated. The meter shall not be capable of field calibration. DEVELOPER shall record daily flow volumes and report them to the CITY pursuant to mutually acceptable procedures. Sanitary wastewater shall be discharged without passing through a meter and shall be billed based on potable water usage.
- III. DEVELOPER must make application for and, upon receipt, comply with all applicable requirements of the Permit to Discharge Industrial Wastewater as issued by the CITY. DEVELOPER must comply with all applicable requirements regarding discharging wastewater in accordance with the ordinances and resolutions described in Title 13, Official Code of the City of Great Falls (“OCCGF”). Violation of the material terms of the

permit will be considered a breach of terms of this Agreement in addition to any enforcement actions resulting from the violation.

- IV. DEVELOPER must annually obtain independent certification of the accuracy of the meter. This information and findings shall be forwarded to the CITY'S Public Works Director within 30 days of this determination.
- V. This Sewer Service Agreement shall terminate prior to the date stated in Section E only upon written notice from DEVELOPER that the Facility will not be built.

B. System Ownership

- I. The CITY owns and maintains the existing lift station near the Facility. The CITY will also own and maintain any gravity sewer mains necessary to convey DEVELOPER'S sanitary and Industrial Process Wastewater to the CITY'S lift station. DEVELOPER shall provide utility easements for said mains. DEVELOPER shall provide a meter for measuring Industrial Process Wastewater discharged as described above. The meter shall be properly maintained by DEVELOPER in accordance with manufacturer's recommendations and shall be accessible to the CITY during normal working hours.

C. Fees and Rates

- I. In consideration of receiving wastewater processing provided by the CITY, DEVELOPER shall:
 - (a) pay to the CITY all sewer connection charges, service fees and other applicable charges set forth on Exhibit A attached hereto, in accordance with the applicable ordinances and resolutions described in Title 13, OCCGF, as the same may be amended from time to time; and
 - (b) comply with all applicable terms and conditions of Title 13, OCCGF; and by this reference such terms and conditions and related definitions and provisions are hereby incorporated herein as if set forth herein.
- II. Charges for service shall be based on total monthly discharge of Industrial Process Wastewater and discharge from sanitary facilities. Industrial Process Wastewater shall be measured through the meter described in Section A.II of this Agreement. Discharge from sanitary facilities shall be assumed to be equal to the consumption of potable water measured by the City's water meter. Meter readings shall be taken by CITY personnel approximately once per month.
- III. DEVELOPER agrees to the rates and requirements for the use of the CITY'S sewer service at the rates set forth on the attached Exhibit A (as

may be amended through the Great Falls City Commission via the annual review process).

D. Billing

- I. Each month the CITY will invoice DEVELOPER for services provided during the prior month in accordance with the attached Exhibit A (as may be amended through the Great Falls City Commission via the annual review process). Payment shall be due and payable fifteen (15) days from each invoice date. Late payment penalties are charged at 1.5% of the balance over sixty (60) days past due.
- II. Pursuant to the OCCGF, sewer service may be discontinued by the CITY upon continued non-payment of service fees for a period of sixty (60) days or for such other period as may hereafter be established pursuant to any section of or amendment to the OCCGF (after written notice and an opportunity to remedy has been provided by the CITY).

E. Term of Agreement

- I. The initial term of this Agreement shall commence during the course of construction and will be fully implemented upon plant commissioning. It will continue throughout the operating life of the plant.

F. Provisions

- I. The CITY shall not be liable for any failure in the sewer system, unless such failure shall have been caused by the gross negligence or willful misconduct of the CITY, its employees, agents or contractors. DEVELOPER shall hold the CITY harmless and indemnify the CITY for any and all claims and actions for property damage or personal injury arising from any acts or omissions of DEVELOPER and with respect to DEVELOPER'S construction and use of pipelines and buildings located upon realty or rights-of-way of the CITY unless such damage or injury shall arise from the gross negligence or willful misconduct of the CITY, its employees, agents or contractors.
- II. No delay by the CITY or DEVELOPER in exercising any right or power or in enforcing any of its remedies hereunder shall be deemed a waiver of such default of the rights, power and remedies herein provided.
- III. The provisions of this Agreement will be binding upon and inure to the benefit of the successors and assignees of each of the parties hereto. Neither party shall assign any of its rights or obligations hereunder without the consent of the other party. Any consent required by this Section shall not be unreasonably withheld.

IV. The Agreement shall be interpreted according to the laws of the State of Montana.

V. Any notice, demand, request, statement or correspondence provided for in this Agreement, or any notice which a party may desire to give to the other, shall be in writing (unless otherwise provided elsewhere in this Agreement) and shall be considered duly delivered when received by mail, facsimile or overnight courier, at the address below unless otherwise required or directed in this Agreement:

a. To CITY:
City of Great Falls
Fiscal Services Director
P. O. Box 5021
Great Falls, MT 59403-5021
Fax Number: (406) 452-8048

b. To DEVELOPER:
Montana Megawatts I LLC
403 Corporate Woods Drive
Magnolia, TX 77354
Attn: Frank Giacalone
Fax Number: (832) 442-3259

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED this Agreement to be executed by persons duly authorized on this ____ day of _____, 2007.

John W. Lawton, City Manager
City of Great Falls

Developer

David V. Gliko
City Attorney

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

DATE November 6, 2007

ITEM Resolution 9706, Intent to Annex, Resolution 9707, Intent to Vacate 16th Alley South, and Ordinance 2994 to Establish City Zoning, all pertaining to the Amended Plat of Lot 2A, Block 1, Sand Hills Park Addition and Blocks 40 and 45, Replat of Lincoln Heights Addition

INITIATED BY 1st Liberty Federal Credit Union and the City of Great Falls

ACTION REQUESTED Commission Adopt Resolutions 9706 and 9707, which set Public Hearing for December 4, 2007, and Accept Ordinance 2994 on First Reading and Set Hearing

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex the unincorporated area contained in the Amended Plat of Lot 2A, Block 1, Sand Hills Addition and Blocks 40 and 45, Replat of Lincoln Heights Addition, and the City Zoning Commission has recommended the City Commission approve establishing a City zoning classification of R-5 Multi-family residential medium density district on Lots 2A-1 and 2A-2 and POS Parks and open space district on the unincorporated portion of Lot 2A-3 of said Amended Plat, upon annexation to the City.

MOTIONS (Each motion to be separately considered):

“I move the City Commission adopt Resolutions 9706 and 9707.”

and

“I move the City Commission accept Ordinance 2994 on first reading and set a public hearing for December 4, 2007, to consider adoption of Ordinance 2994.”

SYNOPSIS:

Resolution 9706 sets a public hearing for December 4, 2007, to consider annexation of the unincorporated area contained in the Amended Plat of Lot 2A, Block 1, Sand Hills Addition and Blocks 40 and 45, Replat of Lincoln Heights Addition. Resolution 9707 sets a public hearing for December 4, 2007, to consider vacation of 16th Alley South between 23rd Street South and the projected southerly extension of the east right-of-way of 24th Street South. Ordinance 2994 assigns a zoning classification of R-5 Multi-family residential medium density district to Lots 2A-1 and 2A-2 and POS Parks and open space district to the unincorporated portion of Lot 2A-3 of said Amended Plat, upon annexation to the City.

BACKGROUND:

1st Liberty Federal Credit Union and the City of Great Falls have submitted applications regarding the following:

- 1) Amended Plat of Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition, located in the SE1/4NE1/4 of Section 18, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of the unincorporated area contained in said Amended Plat, consisting of 11.37 acres, to the City of Great Falls.

- 3) Establishing a City zoning classification of R-5 Multi-family residential medium density district on Lots 2A-1 and 2A-2 and POS Parks and open space district on the unincorporated portion of Lot 2A-3 of said Amended Plat, upon annexation.
- 4) Vacation of 16th Alley South between 23rd Street South and the projected southerly extension of the east right-of-way of 24th Street South.

Said Amended Plat consolidates 42 lots and abandoned right-of-way in Lincoln Heights Addition and Lot 2A of Sand Hills Park Addition into three lots. Proposed Lot 2A-1 is located at the southeast corner of the intersection of 15th Avenue South and 23rd Street South upon which a retirement home facility is planned. Proposed Lot 2A-2 is located along the east side of 23rd Street South upon which the Great Falls Housing Authority intends to construct a 16-unit residential facility. Proposed Lot 2A-3 will remain as park land partially utilized as a storm water detention facility.

For additional information, please refer to the Vicinity/Zoning Map attached to Resolution 9706 as Exhibit "A" and the reduced copy of the Amended Plat of the involved portions of Sand Hills Park Addition and Replat of Lincoln Heights Addition.

23rd Street South abutting the Amended Plat is improved to City standards as is that portion of 15th Avenue South abutting Lot 2A-1.

City water and storm sewer mains are located in the abutting portions of 23rd Street and 15th Avenue South. A sanitary sewer main is located in 16th Alley South for which reimbursement is owed.

A 20 foot access easement will be provided along the south side of Lot 2A-2 to allow limited access between Sand Hills Park and 23rd Street. Additional access to the Park will be along 15th Avenue South at 25th Street and a bike/pedestrian corridor connecting the southeast corner of the Park with 26th Street.

Zoning Analysis:

Subject property is presently zoned in the County as "R-4" High Density Residential District and "OS" Open Space District and it is proposed the property to be annexed to the City be zoned R-5 Multi-family residential medium density district and POS Parks and open space district.

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.

Subject property is bordered on the north and south sides by existing multi-family residential and condominium development, on the west side by the University of Great Falls and McLaughlin Research Center and on the east side by the Juvenile Detention Facility.

Goals of the economic element of the Great Falls Growth Policy include:

- Enhance, strengthen, and expand the existing economic base
- Attract new business and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Goals of the land use element include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To preserve and enhance the character, quality, and livability of existing neighborhoods.
- To support and encourage a compatible mix of land uses in newly developing areas.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is anticipated the planned retirement home facility on Lot 2A-2 and the 16-unit multi-family residential facility on Lot 2A-3 will be compatible with neighboring uses and the 10 acres comprising the park on Lot 2A-3, a portion of which is currently used as a storm water detention facility, will gradually be upgraded for the use and enjoyment of the surrounding community. Therefore, staff concludes the above-cited criteria are substantially met.

The annexation incorporates a portion of a larger unincorporated enclave which the City Commission has expressed an interest in eliminating. Development of the non-park area requested to be annexed with residential related facilities is in character with this area of the community. The proposed development is also in concert with the overall vision presented in the Medical District Master Plan prepared for the area.

The Planning Board/Zoning Commission conducted a public hearing on the applications on September 25, 2007. Ms. Mary Brown, 1521 23rd Street South, manager of the Portage Apartments, explained how the abutting Sandstone Apartment tenants have caused problems with vandalism and disturbances and expressed concern about another low-income housing project locating on the other side of the Portage Apartments. Ms. Brown submitted letters of opposition from the Portage Apartment residents. Ms. Lori Taylor, 2321 15th Avenue South, opposed another low-income housing project in the neighborhood and expressed concerns about garbage, parking, traffic and vandalism. At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission approve: 1) the vacation of 16th Alley South between 23rd Street South and the projected southerly extension of the east right-of-way of 24th Street South; 2) the Amended Plat of Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition; and 3) the accompanying Findings of Fact; subject to the Zoning Commission adopting Recommendation II (below) and the following conditions being fulfilled by the applicants:

- 1) The Amended Plat of Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition shall incorporate correction of any errors or omissions noted by staff including provision of a 20-foot utility easement in place of the vacated alley.
- 2) An annexation agreement shall be prepared containing terms and conditions for annexation of Lot 2A-1 in the Amended Plat.

- 3) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation of the involved lots, including:
- | | | |
|----|--|------------------|
| a) | annexation resolution fee | \$100.00 |
| b) | annexation agreement fee | \$200.00 |
| c) | storm sewer fee owed by Credit Union
(\$250/acre x 1.262 acres) | \$315.50 |
| d) | reimbursement for sanitary sewer owed by City | \$11,138.91 |
| e) | reimbursement for sanitary sewer owed by
Credit Union | \$5,209.14 |
| f) | recording fees for annexation documents
(\$11 per page) | to be determined |

The Zoning Commission, at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission assign a zoning classification of R-5 Multi-family residential medium density district to Lots 2A-1 and 2A-2 and POS Parks and open space district to the unincorporated portion of Lot 2A-3 of said Amended Plat, upon annexation to the City.

It is anticipated the City Commission, following the public hearing on December 4, will consider a final annexation resolution, a final resolution to vacate 16th Alley South, the involved Amended Plat and accompanying Findings of Fact and annexation agreement, simultaneously with Ordinance 2994.

Attach: Resolution 9706 with Vicinity/Zoning Map
 Resolution 9707
 Ordinance 2994
 Reduced Copy of Amended Plat

Cc: Kevin Hager, GF Housing Authority
 Steve Grooms, 1st Liberty Federal Credit Union

RESOLUTION 9706

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 2A-1 AND 2A-2 AND THE UNINCORPORATED PORTION OF LOT 2A-3, BLOCK 1, OF THE AMENDED PLAT OF LOT 2A, BLOCK 1, OF AN AMENDED PLAT OF LOT 2, BLOCK 1, SAND HILLS PARK ADDITION; AND OF BLOCKS 40 AND 45, AND VACATED PORTIONS OF 24TH STREET SOUTH, MONROE AVENUE, 16TH ALLEY SOUTH AND 17TH ALLEY SOUTH, REPLAT OF LINCOLN HEIGHTS ADDITION, IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts of land described as follows:

Lots 2A-1 and 2A-2 and that portion of Lot 2A-3 excepting the easterly 70 feet which was previously annexed, Block 1, of the Amended Plat of Lot 2A, Block 1 of an Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition, in Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 11.158 acres; and

generally as shown on the vicinity map exhibit attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the hereinabove mentioned Amended Plat; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the state of Montana or a political subdivision of the state, such land may be incorporated and included in the municipality to which it is contiguous; and,

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

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: "LOTS 2A-1 AND 2A-2 AND THE UNINCORPORATED PORTION OF LOT 2A-3, BLOCK 1, OF THE AMENDED PLAT OF LOT 2A, BLOCK 1, OF AN AMENDED PLAT OF LOT 2, BLOCK 1, SAND HILLS PARK ADDITION; AND OF BLOCKS 40 AND 45, AND VACATED PORTIONS OF 24TH STREET SOUTH, MONROE AVENUE, 16TH ALLEY SOUTH AND 17TH ALLEY SOUTH, REPLAT OF LINCOLN HEIGHTS ADDITION, IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 4th day of December, 2007, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "LOTS 2A-1 AND 2A-2 AND THE UNINCORPORATED PORTION OF LOT 2A-3, BLOCK 1, OF THE AMENDED PLAT OF LOT 2A, BLOCK 1, OF AN AMENDED PLAT OF LOT 2, BLOCK 1, SAND HILLS PARK ADDITION; AND OF BLOCKS 40 AND 45, AND VACATED PORTIONS OF 24TH STREET SOUTH, MONROE AVENUE, 16TH ALLEY SOUTH AND 17TH ALLEY SOUTH, REPLAT OF LINCOLN HEIGHTS ADDITION, IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall, at the aforesaid public hearing before the said City Commission and after expiration of a twenty (20) day period following the first publication of notice of passage of this Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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 9706 was placed on its final passage and approved by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of November, 2007.

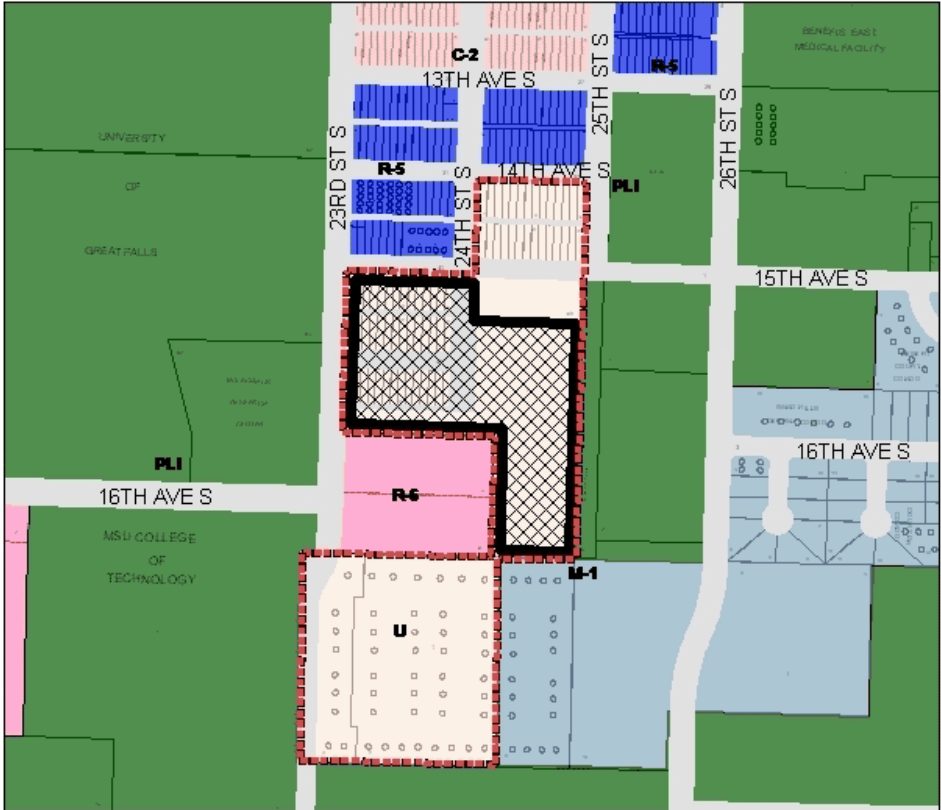
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.









Lisa Kunz, City Clerk

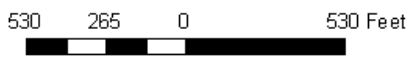
(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



-  UNINCORPORATED AREA PROPOSED TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-5" MULTI-FAMILY RESIDENTIAL DENSITY DISTRICT AND POS PARK AND OPEN SPACE DISTRICT
- | | | |
|---|--|---|
|  City Limits |  C-2 General commercial |  U Unincorporated enclave |
|  R-5 Multi-family medium density |  M-1 Mixed-use district | |
|  R-6 Multi-family high density |  PLI Public Lands and Institutional | |



RESOLUTION 9707

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE 16TH ALLEY SOUTH BETWEEN
23RD STREET SOUTH AND THE PROJECTED SOUTHERLY
EXTENSION OF THE EAST RIGHT-OF-WAY OF 24TH STREET SOUTH,
IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 7-14-4114, MONTANA CODE ANNOTATED, AND
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

* * * * *

WHEREAS, the Replat of Lincoln Heights dedicated what is presently commonly referred to as 16th Alley South between 23rd and 24th Streets South as public right-of-way; and

WHEREAS, subject alley right-of-way has never been improved or utilized for vehicular access and presently is a dead end at its eastern terminus; and

WHEREAS, subject segment of 16th Alley South is deemed not to be needed for public roadway purposes; and

WHEREAS, the two lot owners abutting subject segment of 16th Alley South have petitioned to have it vacated; and

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

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

That Tuesday, the 4th day of December, 2007, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the Great Falls City Commission shall hear all persons relative to the proposed vacation of 16th Alley South between 23rd Street South and the projected southerly extension of the east right-of-way of 24th Street South; and

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of November, 2007.

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 9707 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 6th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of November, 2007.

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 6th day of November, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Resolution 9707 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)

ORDINANCE 2994

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT TO LOTS 2A-1 AND 2A-2, AND POS PARKS AND OPEN SPACE DISTRICT TO LOT 2A-3, AMENDED PLAT OF LOT 2A, BLOCK 1 OF AN AMENDED PLAT OF LOT 2, BLOCK 1, SAND HILLS PARK ADDITION; AND BLOCKS 40 AND 45, AND VACATED PORTIONS OF 24TH STREET SOUTH, MONROE AVENUE, 16TH ALLEY SOUTH AND 17TH ALLEY SOUTH, REPLAT OF LINCOLN HEIGHTS ADDITION, IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, 1st Liberty Federal Credit Union, the owner of Lot 2A-1, Block 1, Amended Plat of Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition, located in Section 18, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, has petitioned the City of Great Falls to annex said Lot 2A-1; and,

WHEREAS, 1st Liberty Federal Credit Union has petitioned said Lot 2A-1 be assigned a City zoning classification of R-5 Multi-family residential medium density district, upon annexation to City; and,

WHEREAS, the City of Great Falls is the owner of Lots 2A-2 and 2A-3 of the hereinabove mentioned Amended Plat and desires to annex and assign a City zoning classification of R-5 Multi-family residential medium density district to said Lot 2A-2 and POS Parks and open space district to said Lot 2A-3; and,

WHEREAS, notice of assigning a zoning classification of R-5 Multi-family residential medium density district, to said Lots 2A-1 and 2A-2, and POS Parks and open space district to said Lot 2A-3, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 4th day of December, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Lots 2A-1 and 2A-2 of the Amended Plat of Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition, be designated as R-5 Multi-family residential medium density district and Lot 2A-3 of said Amended Plat be designated as POS Parks and open space district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Lots 2A-1, 2A-2 and 2A-3 of the Amended Plat of Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition; and of Blocks 40 and 45, and Vacated Portions of 24th Street South, Monroe Avenue, 16th Alley South and 17th Alley South, Replat of Lincoln Heights Addition, 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 4th day of December, 2007.

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 2994 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 4th day of December, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 4th day of December, 2007.

Lisa Kunz, City Clerk

(CITY SEAL)

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

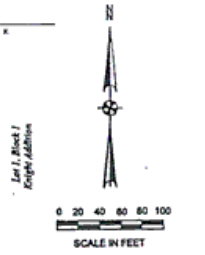
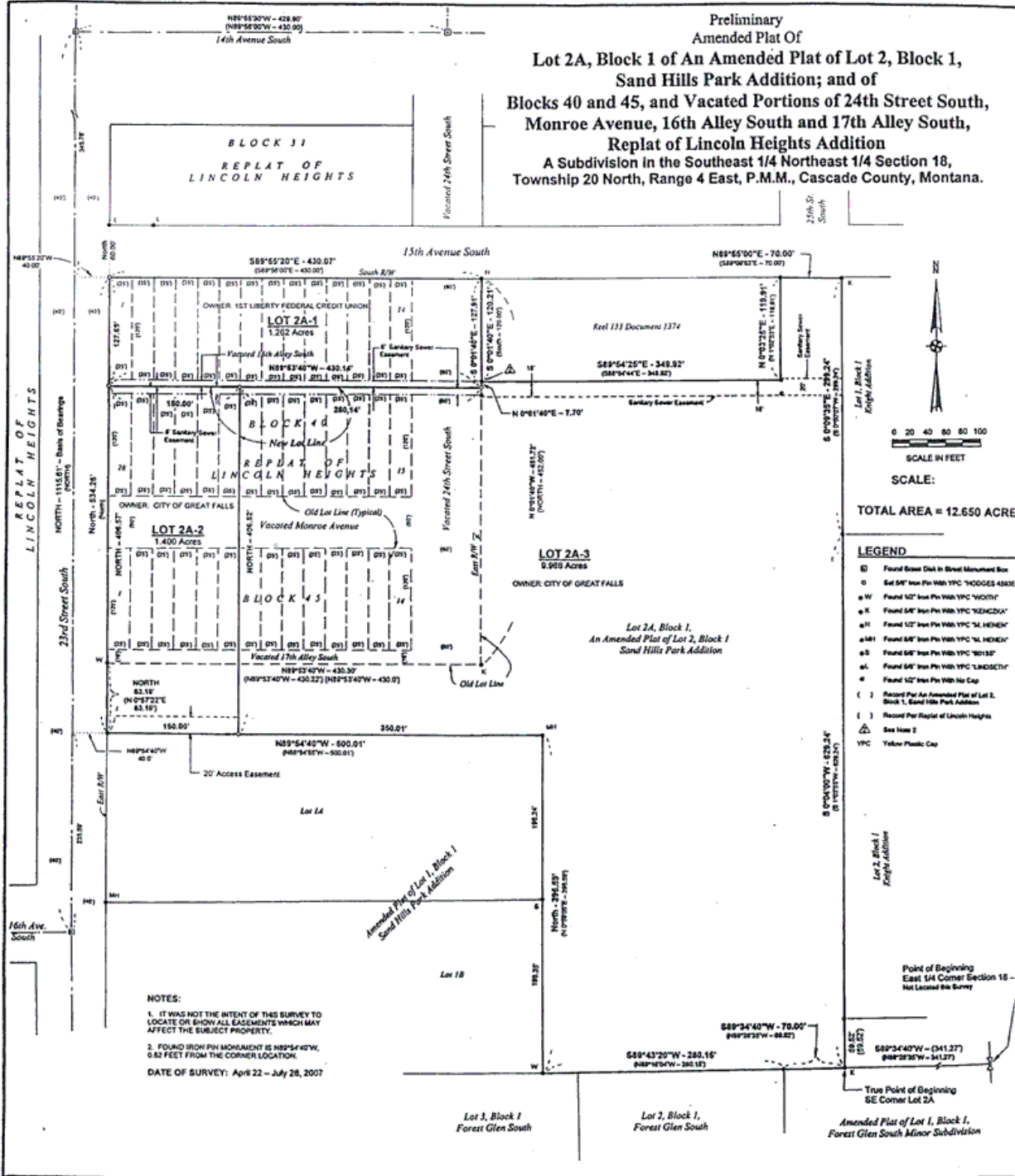
Lisa Kunz, being first duly sworn, deposes and says: That on the 4th day of December, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2994 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)

Preliminary
Amended Plat Of
**Lot 2A, Block 1 of An Amended Plat of Lot 2, Block 1,
Sand Hills Park Addition; and of
Blocks 40 and 45, and Vacated Portions of 24th Street South,
Monroe Avenue, 16th Alley South and 17th Alley South,
Replat of Lincoln Heights Addition**
A Subdivision in the Southeast 1/4 Northeast 1/4 Section 18,
Township 20 North, Range 4 East, P.M.M., Cascade County, Montana.



TOTAL AREA = 12.650 ACRE

- LEGEND**
- (D) Found Brass Disk in Street Monument Box
 - o 5/8" Iron Pin With YPC "HODGES 4582"
 - W Found 1/2" Iron Pin With YPC "WORTH"
 - K Found 5/8" Iron Pin With YPC "KENDRICK"
 - M Found 1/2" Iron Pin With YPC "M HENRY"
 - M Found 5/8" Iron Pin With YPC "M HENRY"
 - S Found 5/8" Iron Pin With YPC "S 1013"
 - e Found 5/8" Iron Pin With YPC "LINDSEY"
 - e Found 1/2" Iron Pin With No Cap
 - () Record Plat An Amended Plat of Lot 2, Block 1, Sand Hills Park Addition
 - () Record Plat Replat of Lincoln Heights
 - () See Note 2
 - YPC Yellow Plastic Cap

NOTES:

1. IT WAS NOT THE INTENT OF THIS SURVEY TO LOCATE OR SHOW ALL EASEMENTS WHICH MAY AFFECT THE SUBJECT PROPERTY.
2. FOUND IRON PIN MONUMENT IS N89°54'40"W, 0.83 FEET FROM THE CORNER LOCATION.

DATE OF SURVEY: April 22 - July 26, 2007

Point of Beginning
East 1/4 Corner Section 18 -
Not Located the Survey

True Point of Beginning
SE Corner Lot 2A

Amended Plat of Lot 1, Block 1,
Forest Glen South Minor Subdivision

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

PROCLAMATIONS: Mayor Stebbins read proclamations for YWCA Week Without Violence and Red Ribbon Week.

PRESENTATION: Lynn Turville, Mercy Home Coordinator, presented Officer Jonathan Runner with this year’s law enforcement award for outstanding service to victims of domestic violence.

NEIGHBORHOOD COUNCILS

1. There were no reports or announcements from Neighborhood Council representatives.

PUBLIC HEARINGS

Res. 9690 and Ord. 2984, annexation and zoning for Lots 1A and 10A, Block 14, Finlay’s Supplement to Prospect Park Addition. Adopted.

- 2A. **RESOLUTION 9690 ANNEXES LOTS 1A AND 10A, BLOCK 14, FINLAY’S SUPPLEMENT TO PROSPECT PARK ADDITION.**
- 2B. **ORDINANCE 2984 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY, HIGH-DENSITY DISTRICT.**

Planning Director Ben Rangel reported that Michael & Tammy Gittins and Earl & Helen Burow are the owners of property near 19th Street and 21st Avenue South. This year, the City installed a water main in a portion of 21st Avenue South. These owners would like to annex their property to receive City water services.

On September 18th, the City Commission set the public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the Commission adopt Resolution 9690, which would annex the subdivision and adopt Ordinance 2984, which would assign a zoning classification of R-3 Single family residential, and approve the annexation agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9690 and Ordinance 2984.

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

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9690 and approve the Annexation Agreement.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2984.

Motion carried 5-0.

Res. 9692, Create Special Improvement Lighting District. Adopted.

3. RESOLUTION 9692, CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1310.

Fiscal Services Operations Supervisor Martha Cappis reported that adoption of Resolution 9692 allows the City to proceed with the installation of 12 street lights in Meadowlark Addition No. 5, as requested by the developer in September of 2007. It is expected to go out to bid in mid-November and the cost of construction and the ongoing maintenance will be assessed against the properties within the district.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9692.

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

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9692.

Motion carried 5-0.

Res. 9678, Cost Recovery, 826 2nd Avenue South. Adopted.

4. RESOLUTION 9678, COST RECOVERY, 826 2ND AVENUE SOUTH.

Community Development Director Mike Rattray reported that approval of Resolution 9678 will result in placing a lien on the property located at 826 2nd Avenue South, as a result of a condemnation action taken by the City building official, in the amount of \$9,128.

Mayor Stebbins declared the public hearing open. No one spoke in favor of

Resolution 9678. City Clerk Lisa Kunz stated that Mr. Robert Mullens filed his written objection to Resolution 9678 on October 15, 2007. Copies of said objection were provided to the commissioners, along with his evidence index and supporting documentation.

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

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution 9678.

Motion carried 5-0.

Res. 9703, Cost Recovery, 1416 4th Avenue North. Adopted.

5. RESOLUTION 9703, COST RECOVERY, 1416 4TH AVENUE NORTH.

Community Development Director Mike Rattray reported that approval of Resolution 9703 will result in placing a lien on the property located at 1416 4th Avenue North in the amount of \$5,823. This was a residence condemned by the City building official.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9703.

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

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9703.

Commissioner Hinz asked Mr. Rattray to explain under what circumstances properties are condemned. Mr. Rattray complied and stated his staff receives a complaint or numerous complaints about the property from the neighbors, his office verifies whether the complaints are legitimate, requests entry into the residence and then conducts a formal inspection of the residence. The property owner is sent a detailed letter listing the conditions that need repair. They are given 60 days to obtain a building permit to complete the repairs. The building permit is good for six months to complete the repairs. If the property owner challenges the condemnation and opts not to conduct the repairs, they have 30 days to challenge the condemnation, and they can file an appeal with the Board of Appeals.

Motion carried 5-0.

Justice Assistance Grant (JAG) Recommendation. Approved.

6. JUSTICE ASSISTANCE GRANT (JAG) RECOMMENDATION.

Captain Carpenter reported that this grant allows the police department to

continue purchasing the mobile data terminals for the patrol cars, which is an extremely vital function of law enforcement.

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

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

Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Jovick-Kuntz, that the City Commission accept the recommendation and approve the Memorandum of Understanding for execution by the City Manager.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9704 and Ord. 2992, Intent to Annex and Zoning for Segments of 6th Street SW and Interstate Spur 315, in NE1/4, Section 15, Township 20 North, Range 3 East. Adopted Res. 9704 and accepted Ord. 2992 on first reading and set joint public hearing for November 20, 2007.

7A. RESOLUTION 9704, INTENT TO ANNEX SEGMENTS OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315, NE1/4, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST.

7B. ORDINANCE 2992, ASSIGNS ZONING CLASSIFICATION IN ACCORDANCE WITH TITLE 17-LAND DEVELOPMENT CODE, CHAPTER 8, SECTION 60.

Planning Director Ben Rangel reported that a segment of 6th Street SW, near the Sun River Bridge and a segment of Interstate Spur 315 located between Exit 0 and Fox Farm Road, are currently located outside of the City limits. These roadway rights of way are contiguous to the City limits. As such, State statute allows cities to annex government land, if the land is adjacent to the City. This action will also address the Commission's interest to annex unincorporated enclaves into the City.

The City has a request to annex the rights of way from the State Department of Transportation.

The action requested this evening is to adopt Resolution 9704, intent to annex, which sets public hearing for November 20th to consider annexation, and to accept Ordinance 2992 on first reading and to set public hearing for November 20th to consider assignment of City zoning.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution

9704 and set public hearing for November 20, 2007.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2992 on first reading, and set public hearing for November 20, 2007.

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

8. Minutes, October 2, 2007, Commission meeting.
9. Total Expenditures of \$1,037,004 for the period of September 28-October 10, 2007, to include claims over \$5,000, in the amount of \$799,165.
10. Contracts list.
11. Grants list.
12. Approve Professional Services Agreement with NCI Engineering Co. in the amount of \$121,070 for the 4th Avenue Northwest Improvements. OF 1488.
13. Award contract to Dick Anderson Construction in the amount of \$422,455 for the Giant Springs Storm Drain Outfall Rehabilitation. OF 1458.
14. Approve Interlocal Agreement with the Montana Law Enforcement Testing Consortium.
15. Approve Labor Agreement with the Great Falls Police Protective Association.

Commissioner Beecher moved, seconded by Commissioners Hinz and Rosenbaum, 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. No one responded.

Motion carried 5-0.

BOARDS & COMMISSIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Rosenbaum commented on the job well done on the highway between Ulm and Emerson Junction.

PETITIONS AND COMMUNICATIONS**19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

Breast Cancer. Wind Power.

19A. Kathleen Gessaman, 1006 36th Avenue N.E., pointed out that October is Breast Cancer Awareness Month. Ms. Gessaman thanked Sletten Cancer Institute and Benefis Healthcare Foundation and generous donors for promoting the sixth annual breast cancer awareness dinner on October 9th. Ms. Gessaman stated that she met with investors yesterday regarding wind power in Cascade County.

HGS.

19B. Robert Boettcher, Big Sandy, stated he wanted to make a comment about the Highwood Generating Plant. Mr. Boettcher referred to Cheryl Reichert's guest opinion in the Tribune on Sunday. He stated there is a non-profit organization in Helena called Arrow that recently completed a study called Repowering Montana and encouraged the Commission to read it.

ECP.

19C. Ed McKnight, 906 3rd Avenue North, stated he took exception to something that happened at the last commission meeting. He opined that it is deceptive for the City to base the rate that it is saving on Electric City Power by claiming that the City uses a residential rate, and refuted by Tim Gregori. He stated that he assumed nobody made any effort to find out which one of them is right. Mr. McKnight asked Commissioner Kuntz where she received the information that ECP has saved us one million dollars. Commissioner Kuntz answered that it was from documentation received from Fiscal Services Director Coleen Balzarini.

Vote.

19D. John Hubbard, 615 7th Avenue South, stated he is satisfied the country is run by criminals, the power company is run by extortionists, and the community is run by fools. He encouraged people to get out and vote.

Tribune Articles. ECP.

19E. Ron Gessaman, 1006 36th Avenue N.E., referred to Tribune articles regarding a business in Bozeman, four billion dollars being paid as a settlement associated with American Electric Power Company, and what he took exception to at the last meeting by Mr. Gregori. Mr. Gessaman used his electric bill as an example to point out distribution and transmission charges.

Community Development.

19F. Morgan Holly, 715 11th Street South, stated that he is doing the best he can to raise his 10 kids, and every one has been in trouble and in jail. Mr.

Holly said every house he has lived in people from Community Development have written him up to clean up his property. He couldn't pay the fines because he had too many kids to get out of jail. He stated he lost his house that was foreclosed on and he lost his job, and had to live in a tent behind his kid's house.

HGS.

19G. George Golie, 316 20th Avenue South, stated he supports the Highwood Generating Plant. Mr. Golie said people are still arguing over the rates. Mr. Golie read a list of Electric City Power customers. He said it was the customer's choice to get power from ECP, because the supply of power costs less.

**NC. 9th Street Divider.
Transportation to Vote.**

19H. Mike Witsoe, 2612 1st Avenue South, stated that he is the new representative for the south side neighborhood council. Mr. Witsoe thanked the City for the divider on 9th Street, and would like to see one installed on 3rd Avenue South. Mr. Witsoe stated that the bus station will give people a free ride to the fairgrounds to vote, and thanked the Great Falls transit system.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of October 16, 2007, be adjourned at 7:55 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 OCTOBER 17, 2007	711,460.88
MASTER ACCOUNT CHECK RUN FOR OCTOBER 24, 2007	347,445.33
MANUAL CHECK RUN OCTOBER 25, 2007	31,134.37
MANUAL CHECK RUN OCTOBER 25, 2007	400,715.74
MASTER ACCOUNT CHECK RUN FOR OCTOBER 31, 2007	363,303.74
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 16, 2007	63,674.17
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 19, 2007	5,405.60
WIRE TRANSFERS FROM OCT 9-OCT 15 2007	43,471.35
WIRE TRANSFERS FROM OCT 16-22, 2007	60,316.47
WIRE TRANSFERS FROM OCT 23-29, 2007	121,531.33
	TOTAL: \$ <u>2,148,458.98</u>

GENERAL FUND

CITY COMMISSION

MONTANA SPAY NEUTER TASK FORCE	SPAY/NEUTER CLINIC	5,000.00
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POLICE

ENERGY WEST	MONTHLY CHARGE SPLIT	115.20
BANICK COMMUNICATIONS	0013 WEB SITE DEVELOPMENT	11,880.00

FIRE

ENERGY WEST	MONTHLY CHARGE SPLIT	1,772.17
HEWLETT PACKARD	ADD-ON DC5700	793.00

PARK & RECREATION

ENERGY WEST	MONTHLY CHARGE SPLIT	691.28
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SPECIAL REVENUE FUND

LIGHTING DISTRICT

NORTHWESTERN ENERGY	OCTOBER CHARGES	63,111.35
CARTEGRAPH SYSTEMS	SOFTWARE MAINTENANCE SPLIT	1,513.41

STREET DISTRICT

GREAT FALLS SAND & GRAVEL	1 1/2 CRUSHED BASE COURSE	6,134.02
S & L DEVELOPMENT LLC	OF #1341.4 WEST RIDGE ADDITION	40,121.00
JIM WORKMAN CONSTRUCTION	OF #1382.4 SKYLINE PARK ADDITIONS	33,829.40
CARTEGRAPH SYSTEMS	SOFTWARE MAINTENANCE SPLIT	6,227.49

LIBRARY

ENERGY WEST	MONTHLY CHARGE SPLIT	149.36
SIRSI	ENVISIONWARE SOFTWARE	9,604.00
ENTERPRISE ELECTRIC	CABLING FOR NEW COMPUTERS	5,700.00

HOUSING AUTHORITY

GF HOUSING AUTHORITY	JULY USBC CREDITS	6,024.16
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FEDERAL BLOCK GRANTS

KUGLIN DAVID W	OF 1507.1 CDBG ADA RAMPS SPLIT	54,894.16
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ECONOMIC REVOLVING

ENERGY WEST	MONTHLY CHARGE	23.51
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CAPITAL PROJECTS

GENERAL CAPITAL

JAMES TALCOTT CONSTRUCTION INC	OF #1501 NEIGHBORHOOD POOLS	370,763.91
INTERSTATE ENGINEERING INC	PMT #4 OF 1501 POOLS	9,715.93

ENTERPRISE FUNDS

WATER

ENERGY WEST	MONTHLY CHARGES SPLIT	990.22
THATCHER CO	LIQUID ALUMINUM SULFATE	7,849.69
DANA KEPNER CO-BILLINGS	3/4" SR11 100 CF METER	28,300.00
JIM WORKMAN CONSTRUCTION	OF #1382.4 SKYLINE PARK ADDITIONS	45,567.31
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	10,138.53
CARTEGRAPH SYSTEMS	SOFTWARE MAINTENANCE SPLIT	5,861.49

ENTERPRISE FUNDS CONTINUED

SEWER

JIM WORKMAN CONSTRUCTION	OF #1382.4 SKYLINE PARK ADDITIONS	720.00
ROWELL SPRAY SYSTEMS INC	DIGESTER ROOFS REPAIR	40,300.00
WW-TP SETTLEMENT	WW-TP LABOR RATE SETTLEMENT	292,162.74
L. ANDERSON- ATTORNEY FEES	WW-TP LABOR RATE SETTLEMENT	108,553.00
CARTEGRAPH SYSTEMS	SOFTWARE MAINTENANCE SPLIT	3,347.07
NCI ENGINEERING	OF 1374.5 LIFT STATION	39,806.50

STORM DRAIN

KUGLIN, DAVID W	OF #1528 1ST LIBERTY FCU INLETS	9,108.00
MORRISON MAIERLE CORP	OF #1476 N SANITARY & SC MASTER	5,749.82
KUGLIN DAVID W	OF 1507.1 CDBG ADA RAMPS SPLIT	188.10

SANITATION

ENERGY WEST	MONTHLY CHARGES SPLIT	104.05
MONTANA WASTE SYSTEMS	SEPT LANDFILL CHARGES	68,960.86
OLYMPIC SALES INC	3 YD CONTAINERS W/ LIDS	26,550.00

SAFETY SERVICES

ENERGY WEST	MONTHLY CHARGES SPLIT	28.80
QWEST	OCTOBER CHARGES	6,013.30

PARKING

APCOA/STANDARD PARKING	NOV 2007 COMPENSATION DUE	18,508.67
ENTRANCE CONTROLS INC	8 COUNTERS FOR S PRK RAMP	5,355.34

GOLF COURSES

ENERGY WEST	MONTHLY CHARGES SPLIT	112.74
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SWIM POOLS

ENERGY WEST	MONTHLY CHARGES SPLIT	9,052.79
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RECREATION

ENERGY WEST	MONTHLY CHARGES SPLIT	294.84
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CIVIC CENTER

CLUB BIGHOUSE	CONTRACT #08-27 TAYLOR SWIFT	31,134.37
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD	BCBS ADMIN & REINS FEES	40,199.97
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 10-9/10-15 2007	43,471.35
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 10-16/10-22 2007	60,316.47
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 10-23/10-29 2007	121,531.33

INTERNAL SERVICES FUND CONTINUED

CENTRAL INSURANCE

MONTANA MUNICIPAL INS AUTH GEN LIABILITY DEDUCTIBLES 9/07 11,104.67

FISCAL SERVICES

JUNKERMIER CLARK CAMPANELLA AUDIT OF CAFR STATEMENT 15,000.00

INFORMATION TECHNOLOGY

HEWLETT PACKARD REPLACEMENT 15 DC5700 12,272.00

CENTRAL GARAGE

INLAND TRUCK PARTS CO REBUILT DIFFERENTIAL UNIT 916 6,313.00

MOUNTAIN VIEW COOP DIESEL FUEL 18,547.90

MOUNTAIN VIEW COOP DIESEL FUEL 19,566.40

ENGINEERS

JARDINE STEPHENSON BLEWETT & WEAVER PC 620 3RD AVE N CURB DAMAGES 6,771.49

PUBLIC WORKS

ENERGY WEST MONTHLY CHARGES SPLIT 753.96

WILLIAMSON FENCING INC INSTALL DOORKING OPERATOR 5,300.00

CARTEGRAPH SYSTEMS SOFTWARE MAINTENANCE SPLIT 1,350.54

BLANKET PURCHASE ORDERS

MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES 63,674.17

CLAIMS OVER \$5000 TOTAL: \$ 1,818,994.83

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

**AGENDA: 15
DATE: November 6, 2007**

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	Park & Recreation	American Little League	Jan. 1, 2007 – Dec. 31, 2009	100-0000-346-4029	\$200.00.	Lease of little league fields at 38 th Street and River Drive
B	Park & Recreation	K & J Convention Services	Feb. 29 – Mar. 2, 2008	571-6272-562-5359	\$9,890.00	140 booths for Made in Montana Market Place
C	Police	Great Falls Public School District	2007/2008 School Year	Police Department	Contract Rate of \$42.50 per Hour at a four hour minimum	Contract Extension for School Security
D	Public Works	Lacy & Ebeling Engineering, Inc.	Winter 2007	2005 Sewer Bond Fund 513-3195-535-9319	\$900.00	Sulfur Removal Vessel Ladder and Platform Access, OF 1404
E	Public Works/ Engineering	Connie & Albert Kunesh	October 2007	N/A	N/A	Storm Drain Easement granted to City OF 1458
F	Public Works/	Mountain View Coop	October 2007	N/A	N/A	Storm Drain Easement

	Engineering					granted to City OF 1458
G	Public Works/ Engineering	Seventh Day Adventist Church	Immediate	N/A	N/A	Storm Drain Easement granted to City OF 1441

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

**AGENDA: 16
DATE: November 6, 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	Robert L. Bransford at time of recording Lot 1, Blk 11, West Great Falls			\$300.00	Resolution #9663 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1000 6 th Avenue Northwest in violation during calendar year 2006.
B	Fiscal Services	Francis A. Walton Trust S50' 1- S50' of W1/2 of Lot 2, Blk 256, GFO			\$400.00	Resolution #9543 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year 2005.
C	Fiscal Services	Richard and Kathleen Keferink Lot 7, Blk 458, GFO			\$200.00	Resolution #9543 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year 2005.

D	Fiscal Services	Ole & Tammy Johnson (formerly Kevin M. Bluto) Lot 11, Blk 127, GFO			\$200.00	Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year January 1, 2006 to June 30, 2007.
E	Fiscal Services	James Lautenschlager (formerly Sarah Cameron, Etal) Lot 11, Blk 474, GFO			\$200.00	Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year January 1, 2006 to June 30, 2007.
F	Fiscal Services	Michael Sackman Etal (formerly Deutsche Bank National Trust Co.) EE1, Unit 4			\$200.00	Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year January 1, 2006 to June 30, 2007.
G	Fiscal Services	Heidi Harberson (formerly Robert & Natalie Steinmetz) Lot 7, Blk 3, GR2			\$800.00	Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year January 1, 2006 to June 30, 2007.
H	Fiscal Services	Gilbert & Brenda Bailey Joyce Stokes Lot 23, Blk 28, NR2			\$400.00	Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds during calendar year January 1, 2006 to June 30, 2007.
I	Fiscal Services	Roger & Lavonne Winterrowd (formerly Velma Herrera) Lots 1 & 2, Blk 311, GFO			\$755.21	Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services during calendar year 2006.

J	Fiscal Services	Roger & Lavonne Winterrowd (formerly Velma Herrera) Lots 1 & 2, Blk 311, GFO			\$381.70	Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services during calendar year 2006.
K	Fiscal Services	Kathleen & Nicholas Bagierek (formerly Joseph & Megan Bourne) N1/2 of Lot 1, Blk 444, GF1			\$ 53.42	Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services during calendar year 2006.
L	Fiscal Services	Ronald Carpenter Lot 14, Blk 485, GFO			\$540.77	Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services during calendar year 2006.
M	Fiscal Services	Ronald Carpenter Lot 14, Blk 485, GFO			\$170.05	Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services during calendar year 2006.
N	Fiscal Services	Ronald R. Bowers Lot 3, Blk 480, GFO			\$97.81	Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services during calendar year 2006.

AGENDA REPORT

DATE November 6, 2007

ITEM Resolution 9711 Safety Inspection Certificate Fees

INITIATED BY Fire Department

ACTION REQUESTED Set Public Hearing for November 20, 2007

PREPARED & PRESENTED BY Fire Marshal Le Lievre

REVIEWED & APPROVED BY Fire Chief Randy McCamley

RECOMMENDATION:

Staff recommends that the City Commission set a public hearing for November 20, 2007, on Resolution 9711 for Safety Inspection Certificate Revised Fees.

MOTION:

I move that the City Commission set a public hearing on Resolution 9711 for Safety Inspection Certification Revised Fees for 7:00 p.m., November 20, 2007.

SYNOPSIS:

Safety Inspection Certificate (SIC) fees cover a portion of cost for the approximately 3,200 fire code inspections conducted on an annual basis. They have seen minimal increases since inception.

Staff is recommending to increase Safety Inspection Certificate fees for the first time since 2004. All other fees in the resolution remain the same as in 2004. Fees for renewals are proposed to be increased 5% for each of the past four years. This will equate to the vast majority of occupancies (90%) paying an additional \$10 or \$15 next year.

BACKGROUND:

Great Falls Fire Rescue has been providing occupancy inspections for fire and life safety code compliance for many years. Prior to 1996, the City used a business license fee structure which provided limited funding. Some occupancies also claimed a state exemption from such licensing. In 1996 the City instituted a Safety Inspection Certificate program, which removed those exemptions and based the fees for inspections on the square footage of the occupancies. The State Supreme Court supported the City's position on removal of the exemptions. The City designated five tier levels, with tier 1 being occupancies up to 2,000 square feet, and tier 5 being those over 50,000 square feet.

Since 2004, all churches are included in the tier 1 category regardless of square footage.

Other communities in the region use a variety of formulas to impose similar fees. Missoula and Helena base their fees on the number of employees, while the fees in Billings are based on gross business revenue with additional surcharges. Our proposed increase is in line with their current fees.

Attachment: Exhibit A

**SAFETY INSPECTION CERTIFICATE (SIC)
PROPOSED RENEWAL FEES - FY 2008**

	TIER	QUANTITY	1996	2002	2003	2004	Proposed Fee Increase 2008	Projected Revenue Increase 2008
<u>OPTION 1</u>								
Sq. Ft. New Issuance Increases								
0 - 2,000	1	180	90			95	115	3,600.00
2,001 - 10,000	2	15	120			125	150	375.00
10,001 - 25,000	3	2	160			165	200	70.00
25,001 - 50,000	4	2	210			215	260	90.00
> 50,000	5	1	300			320	385	65.00
								<hr/>
								\$ 4,200.00
 <u>ADD: OPTION 2</u>								
Sq. Ft. Renewal Increases								
Churches*	1 (a)	74*	30	30	30	45	55	
0 - 2,000	1	1442	35	40	45	45	55	14,420.00
2,001 - 10,000	2	585	55	60	65	70	85	8,775.00
10,001 - 25,000	3	143	80	85	90	105	125	2,860.00
25,001 - 50,000	4	72	115	120	125	150	180	2,160.00
> 50,000	5	13	195	200	205	250	300	650.00
								<hr/>
								\$ 28,865.00

* Since 2004 churches are included in tier 1 category regardless of square footage.

\$33,065

RESOLUTION 9711

A RESOLUTION FIXING THE RATES OF ALL FEES ASSOCIATED WITH TITLE 5 OF THE OFFICIAL CODES OF THE CITY OF GREAT FALLS THAT INCLUDES SAFETY INSPECTION CERTIFICATE FEES AND SPECIAL BUSINESS LICENSE FEES

WHEREAS, Title 5 in the Official Code of The City of Great Falls provides for various license and certificate fees to be established by resolution; and

WHEREAS, the fees set by this Resolution supercede all fees set previously.

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

Section 1. – Supercedes and Takes Effect

- A. The Certificate Fees addressed in this resolution establish new issuance fees, renewal fees and supercede previous fees.

Section 2. – Certificate Fees

- A. Safety Inspection Issuance fees (effective upon adoption) shall be:
(Calendar Year '08)

1. Tier 1 – 0 to 2,000 sq ft - includes all churches	\$115
2. Tier 2 – 2,001 to 10,000 sq ft	\$150
3. Tier 3 – 10,001 to 25,000 sq ft	\$200
4. Tier 4 – 25,001 to 50,000 sq ft	\$260
5. Tier 5 – Over 50,000 sq ft	\$385

- B. Safety Inspection Renewal fees (effective upon adoption) shall be:
(Calendar Year '08)

1. Tier 1 – 0 to 2,000 sq ft - includes all churches	\$55
2. Tier 2 – 2,001 to 10,000 sq ft	\$85
3. Tier 3 – 10,001 to 25,000 sq ft	\$125
4. Tier 4 – 25,001 to 50,000 sq ft	\$180
5. Tier 5 – Over 50,000 sq ft	\$300

- C. Federal, State and Local Government Agencies are exempt

- D. Home Occupation Certificate fees shall be:

1. New Issuance	\$55
2. Renewals	\$35

Section 3. – Special License Fees

- A. Coin-operated Devices Depicting Sexual Activities
per Device \$300
- B. Commercial Garbage License \$100

- | | | |
|----|---|----------------------------------|
| | Special/Private Garbage Collection | \$10 |
| C. | Alcoholic Beverages | |
| | Will follow the same fee structure as the State of Montana | |
| D. | Non-Resident Vendor (must move from location every 4 hours) | |
| | 1. Short Term | Per Week \$25 |
| | 2. Long Term | Remainder of Calendar Year \$150 |
| | Non-Resident Merchant (only good for 90 calendar days in a 12-month period) | |
| | 1. Short Term | Per Week \$25 |
| | 2. Long Term | Remainder of Calendar Year \$150 |
| E. | False Alarms | |
| | Alarm Agent Permit | \$15 |

Section 4. – Other License or Permit Fees

- | | | |
|----|--|------------------------|
| A. | Change of Location | |
| | 1. Alcoholic Beverage Licenses | \$30 |
| | 2. All Other Licenses or Certificates | “New” Fee |
| B. | Transfer of License or Certificate Ownership (same location) | |
| | 1. Alcoholic Beverage Licenses | Match State Fee |
| | 2. All Other Licenses or Certificates | \$30 |
| C. | Delinquent Charge | \$15 + 10 percent rate |

Passed by the Commission of the City of Great Falls, Montana, on this 20th day of November, 2007.

Dona 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 9711 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 20th day of November, 2007, and approved by the Mayor of said City, on the 20th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 20th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

CITY OF GREAT FALLS, MONTANA

AGENDA # 18

AGENDA REPORT

DATE November 6, 2007

ITEM Resolution 9709 for a Conditional Use Permit for a Telecommunication Facility at 117 9th St N

INITIATED BY Craig Barber, Property Owner & Alltel Communications

ACTION REQUESTED Commission Set Hearing for Resolution 9709

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission grant a conditional use permit to allow a cell tower to be placed on the roof of the building at 117 9th Street North, subject to specified terms and conditions.

MOTION:

"I move the City Commission set a public hearing for December 4, 2007, to consider adoption of Resolution 9709."

SYNOPSIS:

Resolution 9709 grants a conditional use permit to allow a cell tower to be placed on the roof of the building occupying Lots 1 - 6, Block 303, Great Falls Original Townsite, addressed as 117 9th Street North.

BACKGROUND:

Craig Barber, property owner, and Alltel Communication have applied for a conditional use to permit placement of a telecommunication tower on the roof of an existing building on Lots 1 - 6, Block 303, Great Falls Original Townsite, addressed as 117 9th Street North.

Subject property, is presently zoned C-5 Central business periphery district wherein a telecommunication facility is permitted upon processing and approval of a conditional use application.

The accompanying site plan outlines the existing building on subject Lots 1 – 6 and the location of the proposed telecommunication facility on the rooftop. The antennas will rise 10 feet above the roof of the two story portion of the involved building to a maximum height of 45 feet as represented on the attached north elevation view. The maximum structure height allowed in the C-5 district is 55 feet. The equipment room for the facility will be located in the basement of the building directly below the cell tower.

Attached is a copy of the Vicinity/Zoning Map, a site plan and a north elevation view. Additional material and information regarding the application will be submitted to the Commission prior to the public hearing on the issue.

Neighborhood Council 7 considered the proposed cell tower during a meeting held May 14, 2007, and reacted favorably to the application.

The Zoning Commission on September 25, 2007, conducted a public hearing to consider the conditional use application. The only citizen who spoke at the Hearing was Ursula Turner, 1308 Westbrook Terrace, Norman, Oklahoma, representing Alltel Communication. At the conclusion of the Hearing, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use to allow a ten foot high telecommunication facility on the roof of the building on Lots 1- 6, Block 303, Great Falls Original

Townsite, addressed as 117 9th Street North, subject to the applicant/property owner entering into an agreement with the City agreeing to erect the proposed telecommunication facility substantially in accordance with the attached site plan, that it be concealed and that other telecommunication companies not be prohibited from co-locating facilities on the tower.

The above mentioned agreement has been drafted by staff and executed by the applicants. It is anticipated the agreement and the Staff Report and Recommendation including communications received to date, will be provided to the Commission prior to the December 4 hearing.

Attach: Resolution 9709
 Vicinity/Zoning Map
 Site Plan
 North Elevation View

Cc: Craig Barber, 117 9th St No, G F, 59401-2617
 Denise Cardinal, 1519 Magnolia, Norman, OK 73072

RESOLUTION 9709

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW A TELECOMMUNICATION FACILITY TO BE PLACED
ON THE ROOF OF THE BUILDING
ON LOTS 1- 6, BLOCK 303, ORIGINAL TOWNSITE

* * * * *

WHEREAS, the current owner of Lots 1 - 6, Block 303, Great Falls Original Townsite, addressed as 117 9th Street North, is Craig R. Barber; and

WHEREAS, said Lots 1 - 6 are occupied by a concrete block commercial building; and

WHEREAS, Alltel Communication has made arrangements with Owner to place a telecommunication facility on the roof of the building currently occupying said Lots 1 - 6; and

WHEREAS, said Lots 1 - 6 are presently zoned as C-5 Central business periphery district wherein a telecommunication facility is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow a telecommunication facility to be placed on the roof of the building located on subject Lots 1 - 6; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on September 25, 2007, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending City grant a conditional use permit to allow a telecommunication facility to be placed on the roof of the building on Lots 1 - 6, Block 303, Great Falls Original Townsite, subject to terms and conditions;

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

That a conditional use permit to allow placement of a telecommunication facility on the roof of the building located on Lots 1 - 6, Block 303, Great Falls Original Townsite, is hereby approved; and,

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

That placement of a telecommunication facility on the roof of the building on said Lots 1 - 6 shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2007, between the City of Great Falls and Craig Barber and Alltel Communication; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 4th day of December, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

Approved for legal content:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9709 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 4th day of December, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 4th day of December, 2007.









Lisa Kunz, City Clerk

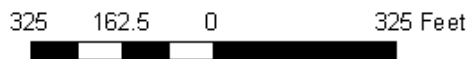
(CITY SEAL)

EXHIBIT "A"

VICINITY/ZONING MAP



-  REQUESTED CONDITIONAL USE TO PERMIT A CELL TOWER TO BE ERECTED ON THE ROOF OF THE BUILDING ON LOTS 1-6, BLOCK 303, GREAT FALLS ORIGINAL TOWNSITE
- | | | |
|--|--|---|
|  R-3 Single-family high density |  C-1 Neighborhood commercial |  PLI Public Lands and Institutional |
|  R-6 Multi-family high density |  C-4 Central business core | |
|  R-9 Mixed residential |  C-5 Central business periphery | |

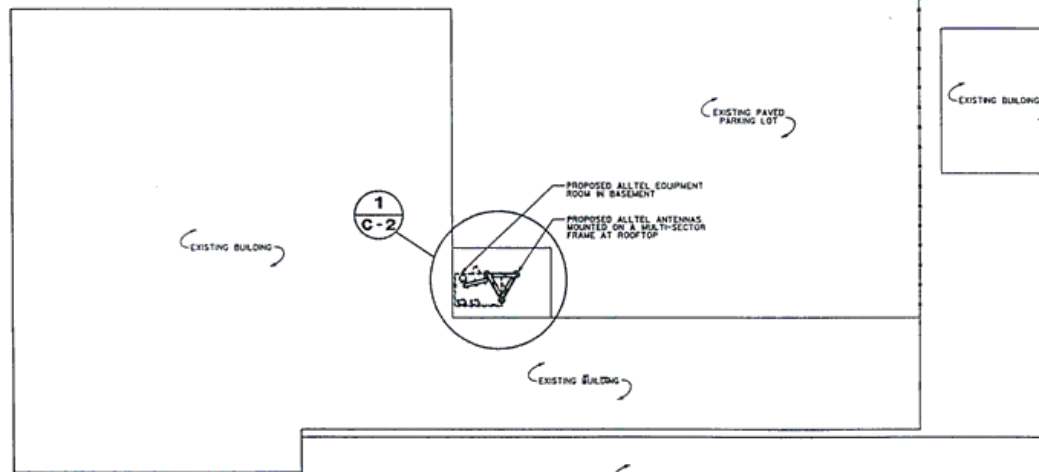




2ND AVENUE NORTH

9TH STREET NORTH

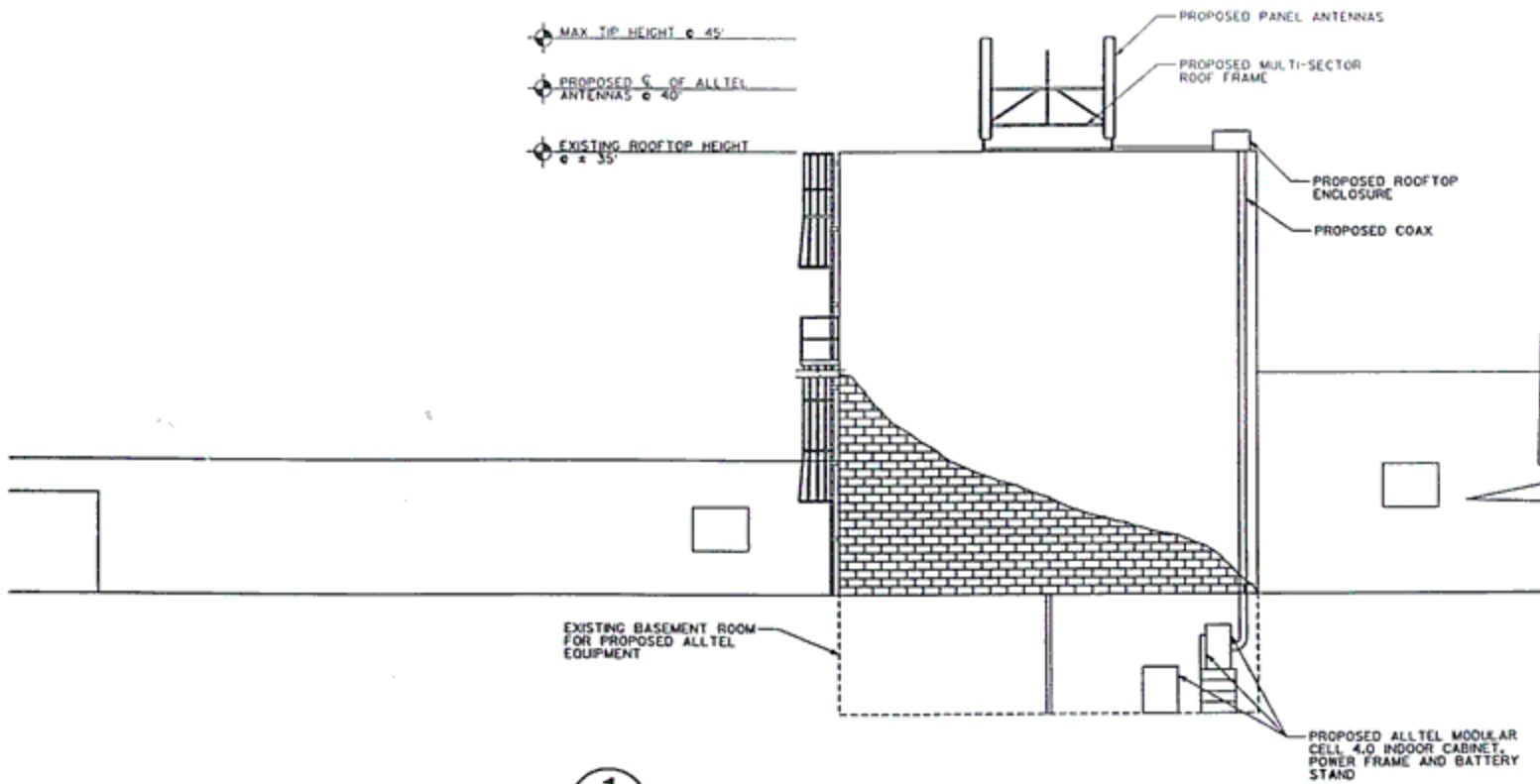
10TH STREET NORTH



SITE PLAN



1
C-1



NORTH ELEVATION 1



C-4

CITY OF GREAT FALLS, MONTANA

AGENDA # 19

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

DATE November 6, 2007

ITEM Change Order No.1 and Final Payment to Dick Olson Construction

INITIATED BY Community Development Department

ACTION REQUESTED Approve Change Order No.1 and Final Payment to Dick Olson Construction

PREPARED & PRESENTED BY Mike Rattray, C.D. Director

REVIEWED & APPROVED BY Mike Rattray, C.D. Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission approve the following motion.

MOTION:

I move the City Commission approve Change Order No. 1 in the amount of \$603.00 and final payment of \$19,069.13 to Dick Olson Construction, Inc. and \$192.62 to the State Miscellaneous Tax Division for the Civic Center Men's Bathroom Project.

SYNOPSIS:

The Civic Center Men's Bathroom Project has been completed with one Changer Order in the amount of \$603 and final payment of \$19,069.13 is now due to Dick Olson Construction, Inc. and \$192.62 is due to the State Miscellaneous Tax Division.

BACKGROUND:

This past spring the City Commission awarded the contract for the Civic Center Men's Bathroom Project to Dick Olson Construction, Inc. for \$49,995. Included in the project was improvement of the air ventilation system in the restroom and during construction it was noted that this improvement may result in additional noise in the City Court area in the lower level. To provide additional sound proofing to this area, staff implemented Change Order No. 1 which cost a total of \$603.

Attach: Application and Certificate for Final Payment. (Not available online; on file in City Clerk's Office.)

CITY OF GREAT FALLS, MONTANA

AGENDA # 20

AGENDA REPORT

DATE: November 6, 2007

ITEM: FOUR NEW 2008 EXTENDED CAB 1/4 TON PICKUPS

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for four new 2008 extended cab 1/4 ton pickups to Bison Ford of Great Falls for \$62,710.80.

MOTION:

I move that the City Commission award the bid for four new 2008 extended cab 1/4 ton pickups to Bison Ford of Great Falls for \$62,710.80.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune, placed on the City of Great Falls website, and mailed to four prospective bidders, with three bidders responding. The bids were opened on October 17, 2007. Bison Ford was the low bidder and had no exceptions. In order to obtain maximum value, trade-ins will be used as fleet replacements or sold at auction.

BACKGROUND:

Two of these units will be used in the Utilities Division, one in Engineering and one in Community Development. Funds for their purchase are provided in the FY 2008 Utilities, Engineering and Central Garage Budgets.

Extended Cab Quarter Ton Pickups Bid List

City Motor Company
PO Box 6727
Great Falls, MT 59406
761-4900, Fax 455-8311, Ivan Holland

Bison Motors
500 10th Ave. South
Great Falls, MT 59405
727-2552, Fax 727-9587, Ingrid Johnson

Bennett Pontiac GMC Subaru
#26 9th Street South
Great Falls, MT 59405
727-2100, Fax 727-2183, Scott Millard

Lithia Dodge
4025 10th Ave. South
Great Falls, MT 59406
791-8600, Fax 791-8665

CITY OF GREAT FALLS, MONTANA
A G E N D A R E P O R T

AGENDA # 21
DATE November 6, 2007

ITEM: CONTRACT BID AWARD, NEIGHBORHOOD STREET LIGHTING – EAGLES CROSSING,
PHASE 2 & 3, S.I.D. 1308

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$40,007.88 to United Electric LLC. for the Neighborhood Street Lighting – Eagles Crossing, Phases 2 & 3, S.I.D. 1308 and authorize the City Manager to execute the contract."

PROJECT TITLE: Neighborhood Street Lighting – Eagles Crossing, Phases 2 & 3, S.I.D. 1308

RECOMMENDED CONTRACTOR: United Electric, LLC

CONTRACT AMOUNT: \$40,007.88

ENGINEERS ESTIMATE: \$55,929.50

BUDGETED FUNDS: Special Lighting Assessment

START DATE: November 2007

COMPLETION DATE: April 2008

SYNOPSIS: The Eagles Crossing Street Lighting project is a continuation of the City of Great Falls' venture into the electrical utility business. This project will install 13 street lights in portions of the second and third phases of the Eagles Crossing subdivision north of Great Falls.

BACKGROUND: Staff received a request from the developer of Eagles Crossing to install street lights along the presently developed streets in the subdivision. On July 19, 2005, the City Commission adopted a resolution creating a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by the state.

Three bids were received and opened for this project on October 24. The attached bid tabulation summarizes this information.

Attachment: Bid Tabulation Summary

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

BID TABULATION SUMMARY
 Neighborhood Lighting - Eagles Crossing
 SID 1308

Project Number _____
 Bids Taken at Civic Center
 Date: October 24, 2007
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Enterprise Electric 1324 13th Avenue SW Great Falls, MT	√		√	√	√	√	\$63,954.01
2	United Electric PO Box 6916 Great Falls, MT	√		√	√	√	√	\$40,007.88
3	A T Klemens 814 12th Street North Great Falls, MT	√		√	√	√	√	\$58,070.00
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$55,929.50

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

DATE November 6, 2007

ITEM Contract Bid Award: Membrane Concepts, LLC, O.F. 1501

INITIATED BY Park & Recreation Department

ACTION REQUESTED Award Contract

PREPARED BY Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY Marty Basta, Interim Park & Recreation Director

- - - - -

RECOMMENDATION:

Staff recommends the City approve the Contract between the City of Great Falls and Membrane Concepts, LLC in the amount of \$144,430 for the pool liners at Jaycee, Water Tower and Mitchell Pools, O.F. 1501.

MOTION:

“I move the City Commission award a contract in the amount of \$ \$144,430 for the pool liners at Jaycee, Water Tower and Mitchell Pools, O.F. 1501 to Membrane Concepts, LLC, and authorize the City Manager to execute the contract.”

PROJECT TITLE: Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501.

RECOMMENDED CONTRACTOR: Membrane Concepts, LLC.

START DATE: November 7, 2007

COMPLETION DATE: July 1, 2008

PENALTY/INCENTIVE TERMS: Liquidated Damages, \$500/day

SYNOPSIS:

On October 2, 2007 the City Commission approved Change Orders No. SI-2 and No. SII-2 removing the installation of PVC membrane liners from the Talcott Construction’s contract and adding modifications to the Jaycee and Water Tower bathhouses. The reduction in scope of work resulted in deductions in the amounts of \$53,500.00 and \$99,708.00, respectively for the Mitchell Pool contract and for Jaycee and Water Tower Pools contract.

Membrane Concepts, LLC was the original low bidder to the pool contractor. Their bid includes \$37,960 for the Water Tower pool liner, \$37,960 for the Jaycee pool liner, and \$68,510 for the Mitchell Pool liner for a total of \$144,430. This change does not affect the quality or scheduling of the liner installation, it simply eliminates the contractors’ mark up on this item. Membrane Concepts, LLC will provide the same bonds and insurance as the general contractor. The advertisement for the liner installation was the same as the original contract, that being advertised in

the Great Falls paper as well as regional and national builders exchanges.

BACKGROUND:

The community swimming pools were built and/or renovated in the 1960s. The pools systems and infrastructures have deteriorated over time and the City was faced with significant capital and maintenance issues. The "rehabilitation project" was estimated to cost just under \$2.3 million.

A General Obligation Bond in the amount of \$2,270,000 for a ten-year term was placed on the November 7, 2006 ballot. The General Obligation Bond passed with 15,158 voting to approve the bonds and 5,648 voting against approval. At the December 5, 2006 City Commission Meeting, the Commission approved Resolution #9627 to establish compliance with reimbursement bond regulations under the Internal Revenue Code. On December 19, 2006, the City Commission approved the Professional Services Agreement with Interstate Engineering, Inc., in the amount of \$217,500 for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, O. F. 1501.

The decision was also made to pursue funding and construction of spray parks/splash decks for the community. It was determined that the best locations for the spray parks, were Jaycee and Water Tower Pools, creating a complex and expanded entertainment for the community. Although funding is different for the two projects, for efficiency and cost savings, both projects were bid together and are being constructed at the same time.

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

AGENDA REPORT

DATE November 6, 2007

ITEM: FINAL PAYMENT – MOUNT OLIVET / MOUNTAIN VIEW WATER MAIN LOOP,
O. F. 1492.1

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends approval of Final Payment to Shumaker Trucking and Excavation, Inc. (Shumaker) and the State Miscellaneous Tax Fund for the Mount Olivet / Mountain View Water Main Loop, O. F. 1492.1.

MOTION: "I move the City Commission approve Final Payment for the Mount Olivet / Mountain View Water Main Loop, O.F. 1492.1 in the amount of \$13,876.06 to Shumaker Trucking and Excavating, and \$140.16 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

SYNOPSIS: The City Commission awarded a contract on August 7, 2007 in the amount of \$139,899.00 for the Mount Olivet / Mountain View Water Main Loop, O.F. 1492.1.

City staff has verified that Shumaker has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The final project cost is \$130,718.30, which is \$9,180.70 under the amount awarded and approved. The lack of import material and miscellaneous work items contributed to the lower final contract amount. The project was completed within the contract time.

BACKGROUND: The 2006 Water Master Plan recommended that this project be done as a part of a series of improvements to the area. With the Sunnyside neighborhood being added to the East Booster District for water service, improvements are needed to provide for this expansion. This water main loop will provide for more constant water pressure and higher fire flows in the neighborhoods south of 10th Avenue South, including the new Central High School. This project also allows for growth of the City to the south and ultimately will help support the installation of a new water tower and pump station in this part of the system.

Thomas, Dean & Hoskins, Inc. provided the preliminary route design and water pressure studies. City Engineering Staff completed the project design and performed construction inspection and administrative duties. The two year warranty period started on September 14, 2007.

Attachments: Application for Payment No. Two and Final (Not available online; on file in City Clerk's Office.)

AGENDA REPORT

DATE November 6, 2007

ITEM: FINAL PAYMENT- WATER PLANT FLOCCULATION BASIN AND RAPID MIX IMPROVEMENTS, O. F. 1332.2

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAYMENT REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION: Staff recommends approval of Final Payment to Dick Anderson Construction Inc. for Water Flocculation Basin and Rapid Mix Improvements, O. F. 1332.2.

MOTION: “I move the City Commission approve Final Pay Request for \$5,435.10, to Dick Anderson Construction Inc. and payment of \$54.90 to the State Miscellaneous Tax Division for Water Flocculation Basin and Rapid Mix Improvements, O. F. 1332.2, and authorize the City Manager to make the payments.”

SYNOPSIS: Bids were opened on December 20, 2006 with Dick Anderson Construction Inc. submitting the lowest responsible bid of \$1,098,000. The other bid submitted was in the amount of \$1,338,000. City Commission awarded the construction contract to Dick Anderson on January 2, 2007. Substantial completion of the project occurred on May 22, 2007. Final cost of the project was \$1,098,000.

This project accomplished two main objectives. First, all of the rapid mix equipment was replaced with new, more efficient equipment. Second, the existing flocculation paddle system was removed and replaced with a new central mixing system with diffuser walls to increase the capability of the flocculation tanks.

BACKGROUND: The existing flocculation and rapid mix equipment was nearing fifty years old and reliability had become an issue. The water plant could not function without this equipment so it was important to ensure that it continued to function properly. This replacement was a recommendation of the Water Master Plan.

Thomas, Dean & Hoskins, Inc. completed the project design and performed construction inspection and contract administration duties. City engineering and water treatment plant staff assisted with project administration duties.

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

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

DATE November 6, 2007

ITEM Sun River Skeet Club Lease Addendum

INITIATED BY Park & Recreation Department

ACTION REQUESTED Approve Lease Addendum

PREPARED BY: Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY: Marty Basta, Interim Park & Recreation Director

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RECOMMENDATION:

Staff recommends the City Commission approve the Wadsworth Park Lease Addendum with the Sun River Skeet Club.

MOTION:

“I move the City Commission approve the Wadsworth Park Lease Addendum with the Sun River Skeet Club.”

SYNOPSIS:

The Sun River Skeet Club has requested that the City grant a nine month extension to their lease of Wadsworth Park. The Skeet Club has made a good faith effort to relocate to the Great Falls Shooting Complex and are nearing completion of their new facilities. Staff recommends the extension of the lease to allow them to complete their project.

BACKGROUND:

In 1998 the City Commission approved Resolution 9873, Wadsworth Park Master Plan. The recommendation at that time was: “The Sun River Skeet Club will be allowed to continue their existing lease (expires September 5, 2000) and if requested, will be granted a three (3) year extension. After that time, a lease could be granted annually, at the discretion of the City. Eventually, the Sun River Skeet Club will be required to relocate its facility. It is recommended that the Skeet Club be proactive in their pursuit of alternate facility locations. The Skeet Club’s current area of impact is in conflict with other park uses, as determined by observed shot fall north of the levee. Because of this, it is necessary that the Skeet Club be relocated.”

On September 5, 1995, the City Commission approved a five (5) year lease. On September 2000, the City Commission renewed the existing lease on a year to year basis up to a maximum of five (5) years.

With proposed improvements to Wadsworth Park, it was recommended that the lease be awarded for two years, with no renewal clause. The two year lease was approved by the City Commission at the February 7, 2006 Commission Meeting

The Park and Recreation board approved the nine (9) month renewal at its October 8, 2007 board meeting.

**WADSWORTH PARK LEASE
ADDENDUM**

THIS AGREEMENT, made and entered into this ____day of _____ 2007, by and between the City of Great Falls, Montana, a municipal corporation, hereinafter referred to as "City", and Sun River Skeet Club of Great Falls, Montana, hereinafter referred to as "Lessee".

WHEREAS, the Lessee has made a good faith effort to relocate;

WHEREAS, the City recognizes that effort and agrees to extend the term of the lease;

NOW THEREFORE, the parties mutually agree as follows:

1. The City, at its sole discretion, grants a nine (9) month extension of the Wadsworth Park Lease, for a period of October 1, 2007 to June 30, 2008. There will be no rental fee for the period of this addendum.
2. All other conditions and covenants of the contract agreement will not be affected by this addendum.

IN WITNESS WHEREOF, the parties hereto have caused their hands and seal to be fixed the day and year hereinabove written.

ATTEST:

CITY OF GREAT FALLS

Lisa Kunz, City Clerk

John Lawton, City Manager

REVIEWED AS TO FORM:

Lessee

David V. Gliko, City Attorney

SEAL OF CITY

AGENDA REPORT

DATE November 6, 2007

ITEM Preliminary Plat of South Park Addition Phase II

INITIATED BY North Park Investments, 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 South Park Addition Phase II, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

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

SYNOPSIS:

South Park Addition Phase II is located between Grande Vista Park and Flood Road.

BACKGROUND:

Owner/developer Ed Boland, representing North Park Investments, LLC, has submitted applications regarding the following:

- 1) Preliminary Plat of South Park Addition Phase II, located in the N1/2 of Section 22, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Annexation of said Addition, consisting of 6.26 acres including an abutting portion of Flood Road to the City of Great Falls.
- 3) Rezoning the area requested to be annexed to the City from the current County “R-2” Low Density Residential District to the City R-3 Single-family high density district.

South Park Addition Phase II consists of 18 lots ranging in size from 9000 sq ft to 9557 sq ft.

For additional information, please refer to the attached Vicinity/Zoning Map and Preliminary Plat of South Park Addition Phase II.

Lots in the subdivision will be accessed by Ferguson Drive from the east and Flood Road from the west. The developer does intend to install standard City paving, curb and gutter in the east-west roadway (Dixie Lane) within the subdivision and in the abutting southern 265 foot portion of Ferguson Drive. The remaining 311 foot northern portion of Ferguson Drive, being dedicated on the subdivision plat, will remain unimproved and barricaded until the abutting property to the west is developed.

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

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

It is proposed the portion of Flood Road abutting the development be annexed simultaneously with the subdivision. In addition, it is recommended the developer escrow sufficient funds to pay for 50% of the costs of a standard City minor roadway section and 8 inch water main to be installed in the abutting portion of Flood Road when deemed necessary by the City.

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

Annexation of subject property is a natural progression of the City's growth and will enhance health, safety and welfare through application of City Codes and provision of municipal services.

The Planning Board conducted a public hearing on the preliminary plat on October 23, 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 South Park Addition Phase II and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of South Park Addition Phase II 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 South Park Addition Phase II 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 South Park Addition Phase II, including agreement by applicant to:
 - a) install, within two years of the date of annexation of South Park Addition Phase II, the public improvements referenced in Paragraph 2) above with the City fronting the cost for the water main in the northerly 300 feet of Ferguson Drive; and
 - b) prohibit private driveway approaches to Flood Road from abutting lots in South Park Addition Phase II.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation.
- 5) A financial surety (i.e. certificate of deposit) shall be established in the name of the owner/developer and City to cover the Subdivision's assessment for off site storm drainage improvements and proportionate share of the costs for future roadway and remaining water main in the abutting portion of Flood Road. The amount of said surety shall be based upon 50 percent of the estimated costs of a standard City minor roadway section and remaining segment of 8-inch water main bordering the 264.56 foot west boundary of South Park Addition Phase II.

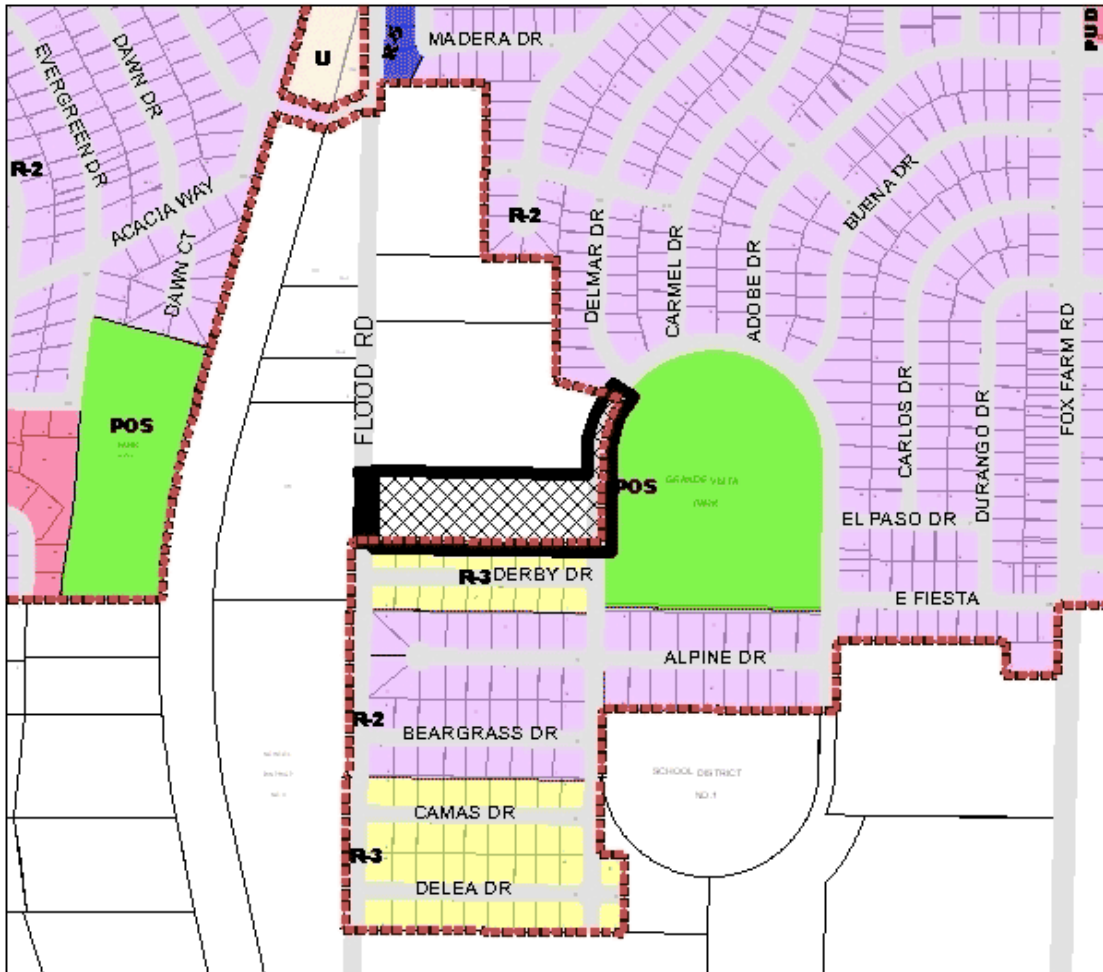
The zoning for the subdivision will be further addressed as the final plat and accompanying annexation documents are considered.

Attach: Vicinity/Zoning Map
Preliminary Plat
Findings of Fact

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

EXHIBIT "A"

VICINITY/ZONING MAP



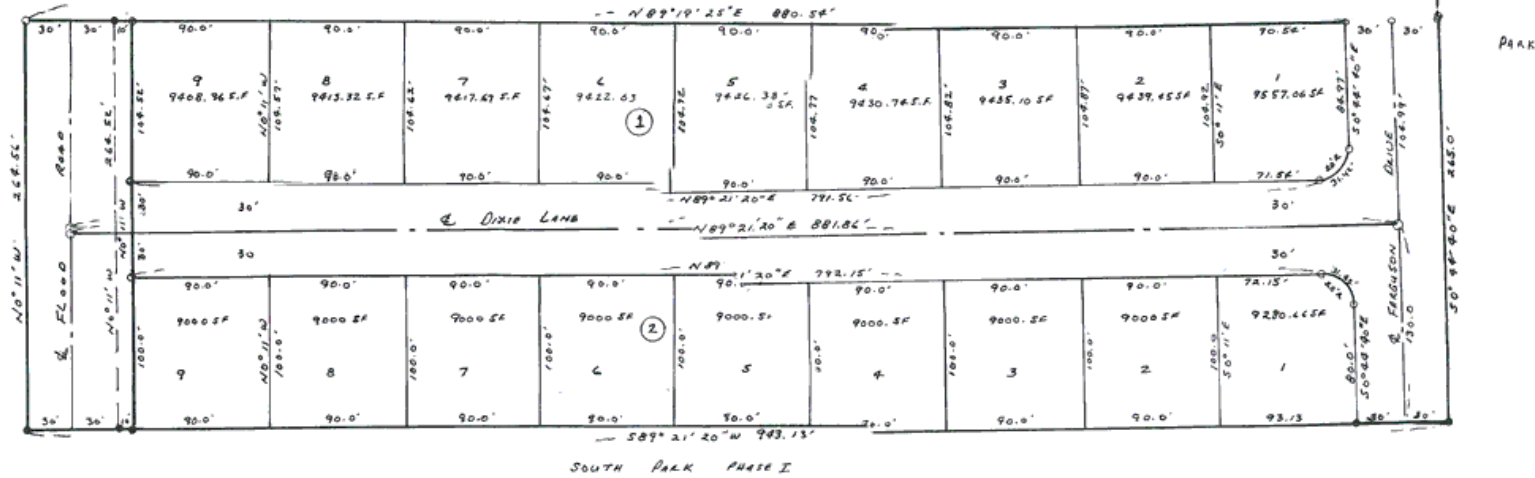
- PROPOSED PRELIMINARY PLAT OF SOUTH PARK ADDITION PHASE II
- PORTION OF FLOOD ROAD PROPOSED TO BE ANNEXED SIMULTANEOUSLY WITH SOUTH PARK ADDITION PHASE II
- City Limits
- R-5 Multi-family medium density
- PUD Planned unit development
- R-2 Single-family medium density
- POS Parks and Open Space
- U Unincorporated endave
- R-3 Single-family high density
- PLI Public Lands and Institutional
- Tracts of land outside City

500 250 0 500 Feet



**A SUBDIVISION PLAT
OF THE
SOUTH PARK ADDITION - PHASE II
TO THE
CITY OF GREAT FALLS**

IN THE N1/2 OF SECTION 22, T. 20 N., R. 3 E., P.M.M.
CASCADE COUNTY, MONTANA



LEGEND:

OWNERS: NORTHSIDE INVESTMENTS LLC
 REASON FOR SURVEY: SOUTH PARK ADDITION - PH II
 BASIS OF BEARINGS: PLAT #348
 ● FOUND CORNERS BY MOORE (9522LS)
 ○ SET 5/8" X 3/4" REBAR (9522LS)

TOTAL NET LOT AREA 166,216.25 SQ FT or 3.8155 ACRES
 DEDICATED STREET AREA 106,457.71 SQ FT or 2.4439 ACRES
 TOTAL AREA OF SUBDIVISION 272,673.96 SQ FT or 6.2597 ACRES

AREAS:

Block	Lot #	Area (SF)
BLOCK 1	LOT #1	9,557.66 SF
	LOT #2	9,435.45 SF
	LOT #3	9,435.10 SF
	LOT #4	9,420.74 SF
	LOT #5	9,426.38 SF
	LOT #6	9,422.03 SF
	LOT #7	9,417.87 SF
	LOT #8	9,413.32 SF
	LOT #9	9,408.96 SF
BLOCK 2	LOT #1	9,280.66 SF
	LOT #2	9,000.00 SF
	LOT #3	9,000.00 SF
	LOT #4	9,000.00 SF
	LOT #5	9,000.00 SF
	LOT #6	9,000.00 SF
	LOT #7	9,000.00 SF
	LOT #8	9,000.00 SF
	LOT #9	9,000.00 SF

CERTIFICATE ACCEPTING A CASH DONATION IN LIEU OF PARK DEDICATION

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the _____ day of _____, 2007, found no necessity due to the size and location of the proposed residential subdivision for the setting aside or dedication of any park or playground within the platted area of the PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, and instead accepted a cash donation in the sum of \$_____ park fund in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 75 - 3 - 621 (1) (a), MCA.

_____, City Manager, City of Great Falls, Montana

CERTIFICATE OF COLLECTOR

I, JESS ANDERSON, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas include ADDITION - PHASE NO. II to the City of Great Falls, Montana, and find that the taxes on the same have been paid for the last five years. I

Treasurer

_____,
 Cascade County, Montana

CERTIFICATE OF DEDICATION

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

Beginning at NE corner of the South Park Addition - Phase I, the true point of beginning; thence S 89° 21' 20" W, 943.13 feet to the westerly r/w of Flood Road; thence along said westerly r/w, N 00° 11' W, 264.52 feet; thence N 89° 19' 25" E, 880.54 feet to the westerly r/w of Ferguson Drive; thence N 00° 44' 40" W, 62.26 feet to the PC of a curve to the right with the following datum: R = 470.00 feet & L = 258.44 feet for a Chord Bearing of N 15° 02' 32" E, and for a Chord Distance of 255.73 feet; thence S 45° 49' 27" E, 60.47 feet to the easterly r/w of Ferguson Drive and a point in a curve to the left with the following datum: R = 410.00 & L = 232.49 feet for a Chord Bearing of S 15° 31' 57" W and a Chord Distance of 225.82 feet to the PC; thence S 00° 44' 40" E, 62.26 feet; thence S 00° 44' 40" E, 285.00 feet to the true point of beginning, containing in all 0.5597 more or less.

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

NORTH PARK INVESTMENTS LLC (ED BOLAND)
 LANCE OLSON, CHAIRMAN
 BOARD OF COUNTY COMMISSIONERS

TRINA FONTANA MOORE, CLERK & RECORDER
 CASCADE COUNTY, MONTANA

STATE OF MONTANA }
 COUNTY OF CASCADE }

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

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

CERTIFICATE OF SURVEYOR

I, ANZARINA FONTANA MOORE, Professional Land Surveyor, Montana Registration No. 9522LS, do hereby certify that in August of 2007, I surveyed the tract of land shown on the attached PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Dedication, and that the survey was made in accordance with the provisions of Title 75, Chapter 3, Part 4, MCA.

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

CERTIFICATE OF GREAT FALLS CITY PLANNING BOARD

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

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

CERTIFICATE OF PUBLIC SERVICE DIRECTOR

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

JIM REARDEN, Public Service Director, City of Great Falls

CERTIFICATE OF CITY COMMISSION

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

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

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the facilities of the City of Great Falls, Cascade County, Montana, and that this certificate is made pursuant to Section 75 - 4 - 124, MCA, thereby permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat. Dated this _____ day of _____, 2007.

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



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

SCALE: 1" = 30'
 DATE: 08/22/2007
 DRAWN BY: LF
 REVISION:

**FINDINGS OF FACT
FOR
PRELIMINARY PLAT OF
SOUTH PARK ADDITION PHASE II, IN NORTH ½,
SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST
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 one and a half miles from the subdivision site. Providing these services to the single family residential 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 subdivider will also incur an obligation to participate in the costs of improving the abutting portion of Flood Road.

The tract of land upon which the proposed subdivision is located pays a little more than \$400.00 annually in local property taxes. After full improvement of the subdivision, the 18 involved lots, each with a new single family residence, are expected to pay in excess of \$36,000 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 18 lots averaging 9200 sq ft in area, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any

excess surface runoff will flow northeasterly ultimately to the City storm sewer system at the intersection of Buena Drive and Ferguson Drive.

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, or 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, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, nearby industrial or mining activity, or high traffic volumes. The subdivision does border open fields which under certain conditions (high, dry grass) creates potential for prairie fires.

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 well as dedication of public right-of-way 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. A secondary access to the subdivision is provided by Flood Road that is maintained at rural standards by Cascade County.

AGENDA REPORT

DATE November 6, 2007

ITEM Great Falls Housing Authority Board Appointment

INITIATED BY GFHA Board of Commissioners

ACTION REQUESTED Make Appointment

PRESENTED BY John Lawton, City Manager

* * * *

RECOMMENDATION: The GFHA Board of Commissioners recommends that Curtis Thompson be appointed to fill the remaining term vacated by the resignation of Kelly Martinez through June 30, 2009.

MOTION: I move the City Commission appoint Curtis Thompson to fill the remaining term of Kelly Martinez through June 30, 2009.

SYNOPSIS: Due to personal circumstances Kelly Martinez has resigned her term on the GFHA Board of Commissioners. Kelly would have served through June 30, 2009. The GFHA Board recommends that Curtis Thompson be appointed to fill the remaining 19 months of the term. Curtis previously fulfilled a 5 year term ending in 2006.

BACKGROUND: The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, Section 8 vouchers, and 16 apartments owned by the Authority that are affordable. Terms of Commissioners are limited by their by-laws to one full term and any remaining period of another's term.

Curtis Thompson completed a 5 year term as GFHA Commissioner in 2006. His attendance was regular, he had completed NAHRO Commissioner Fundamentals training, was a valuable contributor and often served as a tenant advocate. The Board of Commissioners recommends that the City Commission appoint Curtis to complete the unexpired term vacated by the resignation of Kelly Martinez due to problems recently encountered with having a quorum at meetings. Mr. Thompson is willing to serve the additional 19 months and he would be able to immediately contribute to the board's business as he has already completed national training.

Continuing members of this board are: Albert Anderson (tenant), Grace McLean, (tenant), Joe Boyle, Tim McKittrick, Dan Sullivan and Howard Corey.