



City Commission Agenda

for

September 18, 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

PRESENTATIONS

Welcome – Russian delegation

PROCLAMATION

Constitution Week

American Indian Heritage Day

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Meadowlark Addition No. 5, consisting of 20 single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road. **(Presented by: Ben Rangel)**
 - A. Res. 9682, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9682 and approve the final plat and Annexation Agreement.
 - B. Ord. 2979, Establish zoning classification of R-3 Single-family high-density district. Action: Conduct joint public hearing and adopt or deny Ord. 2979.
3. Flying J Travel Plaza Addition, Phase II, located atop Gore Hill southeast of the Flying J Truckstop. **(Presented by: Ben Rangel)**
 - A. Res. 9687, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9687 and approve the Minor Plat, Findings of Fact and Agreement.
 - B. Ord. 2981, Establish zoning classification of C-2 General Commercial District. Action: Conduct joint public hearing and adopt or deny Ord. 2981.
4. Ord. 2980, Prairie Ridge Estates Subdivision, Formerly Processed as Upper River Road Estates Subdivision, consisting of 20 single-family residential lots and one lot wherein 12 residential condominium units are proposed. Action: Conduct public hearing and adopt or deny

Ord. 2980 as revised and approve the Final Plat and Development Agreement. **(Presented by: Ben Rangel)**

5. Res. 9681, To Levy and Assess Special Maintenance Lighting Districts. Assesses Special Lighting Districts for Fiscal Year 2007/2008. Action: Conduct public hearing and adopt or deny Res. 9681. **(Presented by: Coleen Balzarini)**

OLD BUSINESS

6. Ord. 2972, Amending OCCGF 13, Chapter 2, Section 070(C) Permitting the Extension of Utility Services Beyond City Limits. Action: Remove Ord. 2972 from the Table and adopt or deny Ord. 2972 as revised. **(Presented by: Cheryl Patton)**

NEW BUSINESS

ORDINANCES/RESOLUTIONS

7. Ord. 2984, Establish City Zoning Upon Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition. Assigns zoning classification of R-3 Single-family high density district upon annexation to the City. Action: Accept Ord. 2984 on first reading and set public hearing for October 16, 2007. **(Presented by: Ben Rangel)**
8. Res. 9691, Intent to Create Special Improvement Lighting District – City-Owned Residential Lighting No. 1310. Creates Special Improvement Lighting District for Meadowlark Addition No. 5 along DeLea Drive. Action: Adopt Res. 9691 and set public hearing for October 16, 2007. **(Presented by: Coleen Balzarini)**
9. Res. 9693, Set Mobile Home Park License Fees. Action: Adopt or deny Res. 9693. **(Presented by: Mike Rattray)**

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.*

10. Minutes, September 4, 2007, Commission meeting.
11. Total Expenditures of \$1,293,189 for the period of August 31 – September 18, 2007, to include claims over \$5000, in the amount of \$1,150,318.
12. Contracts list.
13. Set public hearing for October 20, 2007, on the Justice Assistance Grant recommendation.
14. Set public hearing for October 2, 2007, on Res. 9694, Cost Recovery for Hazardous Sidewalk at 325 1st Avenue North.
15. Set public hearing for October 2, 2007, on Res. 9695, Cost Recovery for Hazardous Sidewalk at 1100 1st Avenue South.
16. Approve short term construction loan to Great Falls Port Authority in an amount not to exceed \$491,372 related to the final phase of Centene facility construction.

17. Approve final payment to Shumaker Trucking and Excavating and the State Miscellaneous Tax Division in the amount of \$12,484.34 for the 25th Avenue Northeast Water Main Extension.
18. Approve final payment to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division in the amount of \$3,624.07 for the Morony Natatorium Parking Lot.
19. Approve construction contract award for the 2007 Community Development Block Grant Sidewalk Replacement Program to Kuglin Construction in the amount of \$62,286.
20. Award bid for 25 In-Car Video Camera Systems to ICOP Digital Incorporated in the amount of \$126,400.
21. Approve amended plat of Lot 13A, Block 1, Riverside Townehomes Addition which subdivides property located along the east bank of the Missouri River into two lots.

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

BOARDS & COMMISSIONS

22. Miscellaneous reports and announcements.

CITY MANAGER

23. Miscellaneous reports and announcements.

CITY COMMISSION

24. Miscellaneous reports and announcements.

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

25. Miscellaneous reports and announcements.

MOTION TO ADJOURN

AGENDA REPORT

DATE September 18, 2007

ITEM Public Hearing – Resolution 9682 to Annex and Ordinance 2979 to Establish City Zoning Upon Meadowlark Addition No. 5

INITIATED BY Meadowlark Partners, LLP, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9682 and Ordinance 2979 and Approve Final Plat and Agreement related to Meadowlark Addition No. 5

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the final plat and annexation of Meadowlark Addition No. 5, 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 9682 and approve the final plat and Annexation Agreement all related to Meadowlark Addition No. 5.”

and

“I move the City Commission adopt Ordinance 2979.”

SYNOPSIS:

Resolution 9682 annexes Meadowlark Addition No. 5, which consists of 20 single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road. Ordinance 2979 assigns a zoning classification of R-3 Single-family high density, to Meadowlark Addition No. 5, upon annexation of same to City.

BACKGROUND:

On May 15, 2007, the City Commission conditionally approved the Preliminary Plat of Meadowlark Addition No. 5 located southwest of Grande Vista Park and immediately east of Flood Road. Lots in the subdivision will be accessed by Ferguson Drive to the north and Flood Road to the west. The developer will install standard City paving, curb and gutter in DeLea Drive and Ferguson Drive being dedicated on the subdivision plat.

City water and sanitary sewer mains will be installed in DeLea Drive and Ferguson Drive. A water main will also be installed in Flood Road right-of-way to loop the water mains in DeLea Drive and Camas Drive.

Surface drainage from the subdivision will flow northeasterly on Ferguson Drive and Alpine Drive to the nearest storm sewer main in Buena Drive at the northeast side of Grande Vista Park.

The portion of Flood Road abutting the development will be annexed simultaneously with the subdivision. In addition, the developer will dedicate an additional 10 feet for Flood Road and will escrow sufficient funds to pay for 50 percent of the costs of a standard City minor roadway section and the remaining segment of an 8 inch water main to be installed in the abutting portion of Flood Road when deemed necessary by the City. The developer will be entitled to reimbursement of a proportionate share of the water main installed in Flood Road from the owner of the parcels abutting the west side of Flood Road when it is annexed to the City.

To fulfill the park obligation, the developer will pay a fee in lieu of dedicating land.

The final engineering documents relative to the final plat of Meadowlark Addition Phase 5 have been approved by the Public Works Department.

Staff concludes that the basic conditions set forth in the conditional approval of the Preliminary Plat of Meadowlark Addition No. 5 are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation.

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

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

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

Subject property is a natural progression of the City's growth and borders Meadowlark Addition No. 4, which also is being developed as a single-family residential subdivision.

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

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

The combined Planning Board and Zoning Commission, at the conclusion of a public hearing held April 24, 2007, unanimously recommended the City Commission assign a zoning classification of R-3 Single-family high density to Meadowlark Addition No. 5 and that the City Commission approve the annexation resolution, annexation agreement and final plat for Meadowlark Addition No. 5, simultaneously with Ordinance 2979 subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.

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

Attach: Resolution 9682
Ordinance 2979
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement

Cc with attach: Meadowlark Partners, 1333 Alpine Dr., Great Falls MT 59404
William Miller, HKM Engineering, P.O. Box 49, Black Eagle MT 59403

RESOLUTION 9682

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MEADOWLARK ADDITION NO. 5, IN SE1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Meadowlark Addition No. 5, located in the SE1/4 of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 6.551 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the final plat of Meadowlark Addition No. 5; 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: "MEADOWLARK ADDITION NO. 5, IN THE SE1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of September, 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 9682 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007, wherein it was approved by said Commission.

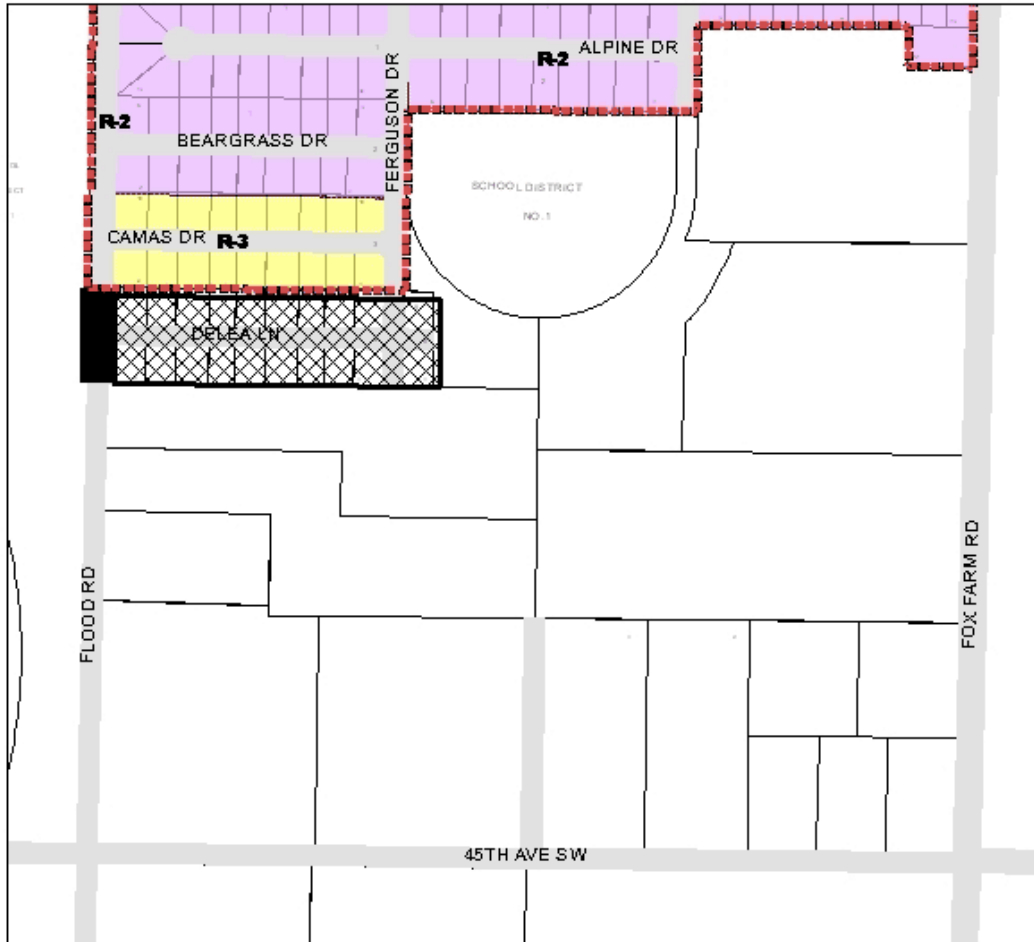
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of September, 2007.







Lisa Kuntz, City Clerk

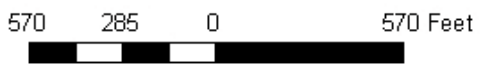
(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



-  MEADOWLARK ADDITION NO. 5
-  PORTION OF FLOOD ROAD TO BE ANNEXED SIMULTANEOUSLY WITH MEADOWLARK ADDITION NO. 5
-  City Limits
-  Tracts of land outside City
-  R-2 Single-family medium density
-  R-3 Single-family high density



ORDINANCE 2979

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF
R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO
MEADOWLARK ADDITION NO. 5,
IN THE SE1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST,
P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Meadowlark Partners, LLP, have petitioned the City of Great Falls to annex Meadowlark Addition No. 5, located in the SE1/4 of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Meadowlark Partners, LLP, have petitioned said Meadowlark Addition No. 5, be assigned a City zoning classification to accommodate single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to said Meadowlark Addition No. 5, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 18th day of September, 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 Meadowlark Addition No. 5 be designated as R-3 Single-family high density 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 Meadowlark Addition No. 5, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 18th day of September, 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 2979 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 18th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 18th day of September, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

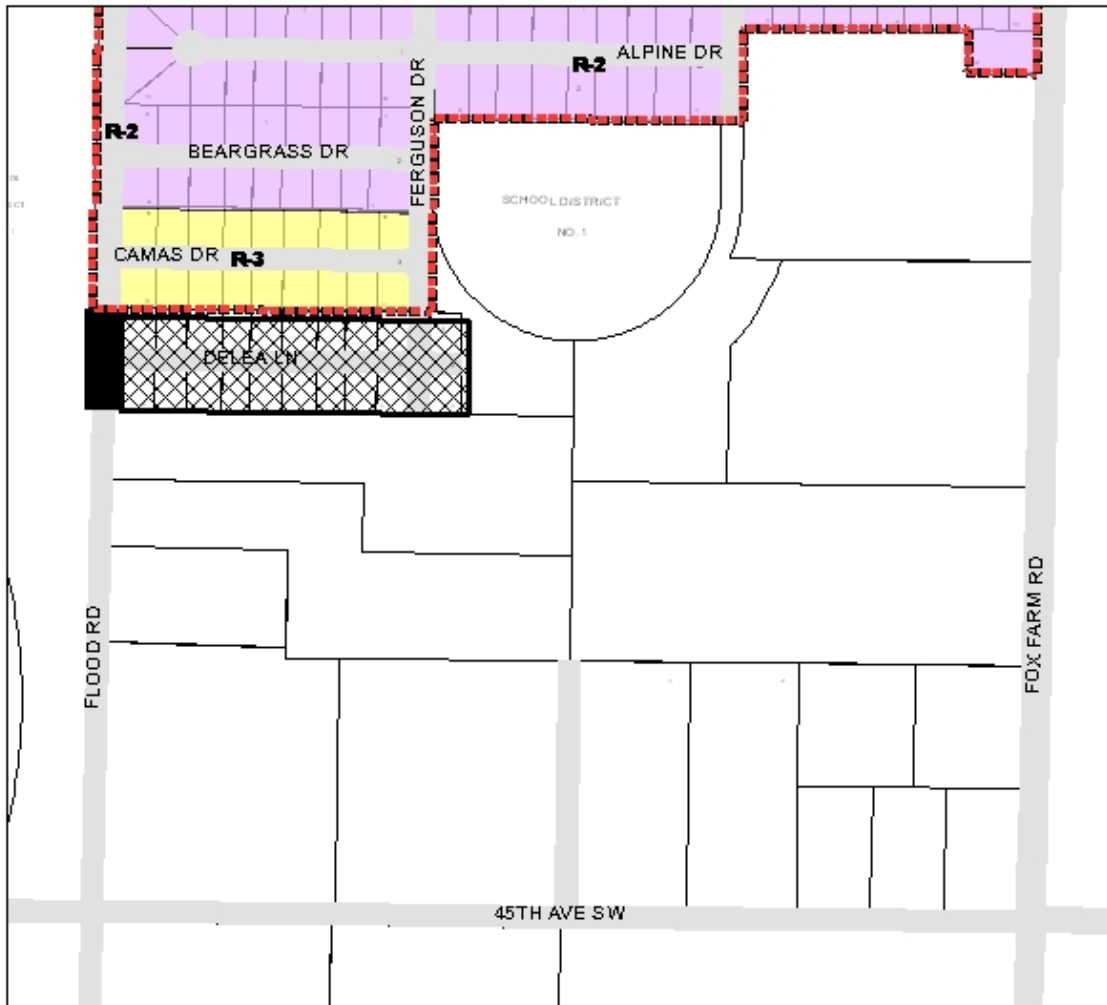
Lisa Kunz, being first duly sworn, deposes and says: That on the 18th day of September, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2979 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

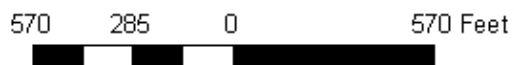
Lisa Kunz, City Clerk

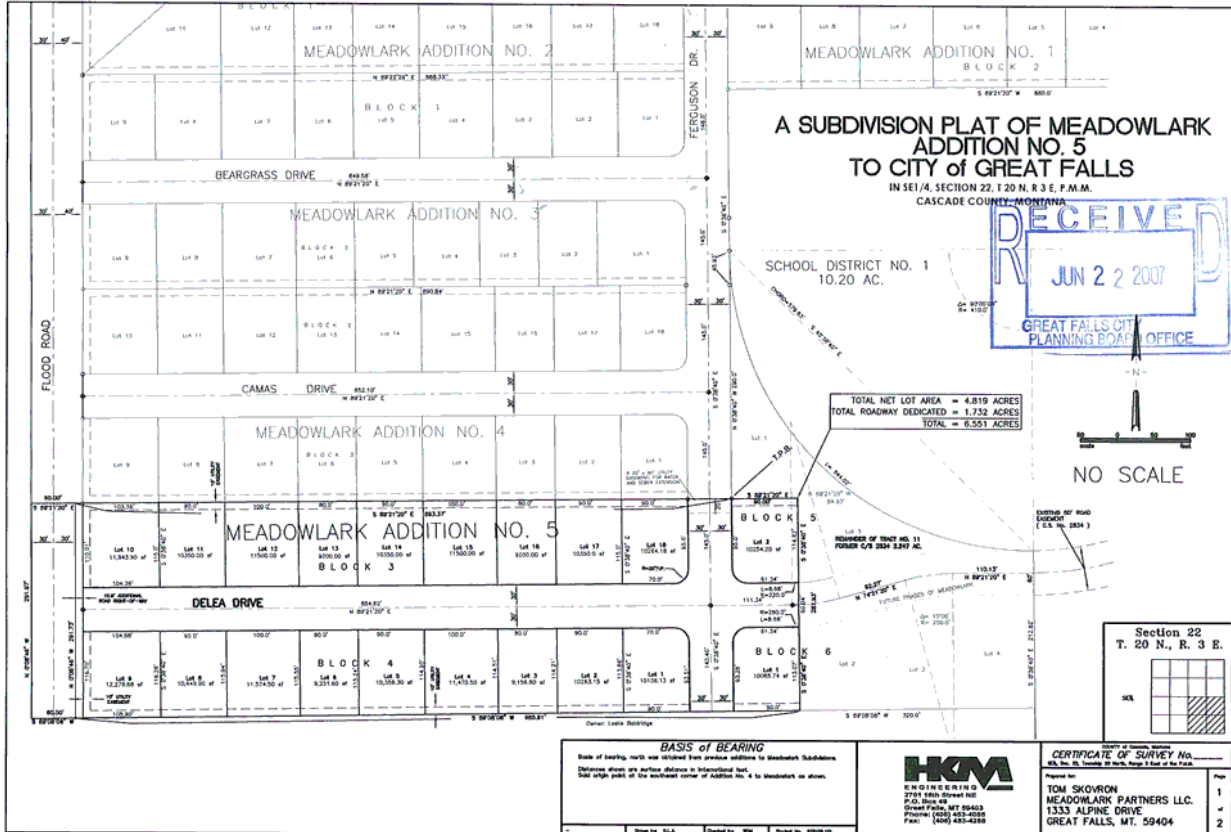
(SEAL OF CITY)

VICINITY/ZONING MAP



-  MEADOWLARK ADDITION NO. 5
-  PORTION OF FLOOD ROAD TO BE ANNEXED SIMULTANEOUSLY WITH MEADOWLARK ADDITION NO. 5
-  City Limits
-  Tracts of land outside City
-  R-2 Single-family medium density
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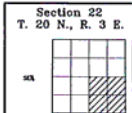
A SUBDIVISION PLAT OF MEADOWLARK ADDITION NO. 5 TO CITY OF GREAT FALLS
 IN SE1/4, SECTION 22, T. 20 N. R. 3 E. P.M.M.
 CASCADE COUNTY, MONTANA

RECEIVED
 JUN 22 2007
 GREAT FALLS CITY PLANNING BOARD OFFICE

SCHOOL DISTRICT NO. 1
 10.20 AC.

TOTAL NET LOT AREA = 4.819 ACRES
 TOTAL ROADWAY DEDICATED = 1.732 ACRES
 TOTAL = 6.551 ACRES

NO SCALE



BASIS OF BEARING
 Basis of bearing, north, was obtained from previous addition to Meadowlark Subdivision.
 Optimum angles are neither obtained in mathematical form.
 All other points of the southeast corner of Addition No. 4 to Meadowlark as shown.

HCM
 620 S. 10th St. Ste. 100
 2701 Main Street Ste.
 Great Falls, MT 59403
 Phone: (406) 463-0006
 Fax: (406) 463-4288

CERTIFICATE OF SURVEY No. _____
 Prepared for:
 TOM SKOVRON
 MEADOWLARK PARTNERS LLC.
 1333 ALPINE DRIVE
 GREAT FALLS, MT. 59404

Page
 1
 2

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

DATE September 18, 2007

ITEM Public Hearing – Resolution 9687 to Annex and Ordinance 2981 to Establish City Zoning Upon Flying J Travel Plaza Addition, Phase II

INITIATED BY Great Falls Community Ice Foundation, Property Owner

ACTION REQUESTED Commission Adopt Resolution 9687 and Ordinance 2981 and Approve Minor Plat and Annexation Agreement related to Flying J Plaza Addition, Phase II

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

— — — — —

RECOMMENDATION:

It is recommended the City Commission approve the minor plat and annexation of Flying J Travel Plaza Addition, Phase II 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 9687 and approve the minor plat, Findings of Fact and Agreement all related to Flying J Travel Plaza Addition, Phase II.”

and

“I move the City Commission adopt Ordinance 2981.”

SYNOPSIS:

Resolution 9687 annexes Flying J Travel Plaza Addition, Phase II, and Ordinance 2981 assigns a zoning classification of C-2 General commercial district to same, upon annexation of same to City.

Flying J Travel Plaza Addition, Phase II, is located atop Gore Hill southeast of the Flying J Truck Stop near the Interstate 15 interchange for Great Falls International Airport. The Minor Subdivision Plat consists of a 790 foot southerly extension of 29th Street SW and a single 7.2-acre lot upon which the applicant is constructing an ice arena.

BACKGROUND:

The Planning Office is in receipt of applications involving the platting, annexation, and rezoning of 8.275 acres of land atop Gore Hill upon which the new ice arena is being constructed.

For additional information, please refer to the Vicinity/Zoning Map attached to Resolution 9687 as Exhibit “A” and a reduced copy of the Minor Subdivision Plat of Flying J Travel Plaza Addition, Phase II.

Access to the subdivision will be from 31st Street SW and 38th Avenue SW to 29th Street SW. A 790-ft segment of 29th Street SW is proposed to be dedicated with the northerly portion to be paved in the near term to City standards to provide access to the ice arena parking lot.

Water main improvements include extension of the 16-inch main in 31st Street SW, installation of a 12-inch main in 38th Avenue SW between 29th and 31st Streets SW, and installation of an 8-inch main in 29th Street SW. Approximately 1300 feet of 8-inch sanitary sewer main will be installed in 29th Street SW to serve the ice arena. The lot proposed for development generally slopes to the east. The project engineer is proposing a storm water detention facility in the southeast corner of subject lot.

The City Commission on August 7, 2007, approved a grant to the Ice Foundation in an amount not to exceed \$150,000.00 and approved City funding of the portion of utility infrastructure costs for oversizing and extensions beyond the facility that will be reimbursable at some future date when other adjoining properties request annexation to the City. The total cost of the utility improvements is estimated at \$400,000.00.

Zoning Analysis:

Subject property is presently zoned in the County as “A-1” Agricultural District and it is proposed the property be zoned C-2 General Commercial District upon annexation to the City.

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

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

Subject property is surrounded by vacant undeveloped land. The nearest development is the Flying J Travel Plaza Addition located a few hundred feet to the northwest which consists of the Crystal Inn, the Country Market Restaurant and the Flying J Truck Stop. There are no projected land uses for the area immediately surrounding the ice arena site. However, the area to the west toward 31st SW could be expected to develop in a commercial nature.

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 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.

The proposed City zoning classification of C-2 General commercial district permits indoor sports and recreation facilities.

Although no development currently abuts the proposed ice arena site, the facility should be compatible with the nearest existing developed land uses which are also commercial. Therefore, staff concludes the above-cited criteria are substantially met.

Conclusion:

Staff has been working with representatives of the Community Ice Foundation the last couple of years on sites that have been proposed for the new ice arena. Every alternative has had its advantages and drawbacks. The

current site which was donated to the Foundation by Flying J Inc., although not centrally located in the community, is readily accessible from Interstate 15, is in close proximity to a motel, restaurant, and fueling facilities, would not conflict with existing neighboring land uses, and has good soil conditions. Disadvantages primarily involve the costs to extend public infrastructure (water, sanitary sewer and roadway improvements) to the site and the unknown obligations and costs associated with potential future additional utility and roadway costs that may abut the ice arena lot.

On September 26, 2006, the Planning Board/Zoning Commission held a public hearing on the development application. Allen Meadors and Andrea Hedges of the Great Falls Community Ice Foundation spoke in support of the application. The project has not generated any opposition.

At the conclusion of the public hearing held September 26, 2006, the Planning Board unanimously passed a motion recommending the City Commission approve the Minor Subdivision Plat of Flying J Travel Plaza Addition, Phase II, the accompanying Findings of Fact, and the annexation of the area contained therein, subject to the following conditions being fulfilled by the applicant:

- 1) correcting any errors or omissions on the minor plat noted by staff;
- 2) submitting and obtaining approval of the City Public Works Department of the final engineering documents for the required public improvements to serve the project;
- 3) entering into an annexation agreement containing terms and conditions for annexation/rezoning of subject property; and
- 4) paying applicable fees owed as a condition of plat or annexation approval.

The Zoning Commission, at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district to Flying J Travel Plaza Addition, Phase II, being annexed to the City.

Attach: Resolution 9687
Ordinance 2981
Reduced Copy of Minor Plat
Findings of Fact
Annexation Agreement (Not available online)

Cc: Andrea Hedges, President of Ice Foundation, P O Box 2869, G F, MT 59403
Allen Meadors, CTA Architects, 701 2nd St So, G F 59405
Alan Frohberg, Glacier Engineering, 124 1st Ave So, G F 59401

**FINDINGS OF FACT
FOR
FLYING J TRAVEL PLAZA ADDITION, PHASE II
SECTION 21, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site has previously been used as dry land grain production but is in close proximity to urban 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 is in the process of being annexed to the City of Great Falls and will be served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is two miles. A City water main will be extended about 1500 feet and a sanitary sewer main about 1260 feet to serve the lot being created by the subdivision which is to be annexed to the City. Access to subject property will be from 31st Street SW and 38th Avenue SW to 29th Street SW. A 790-ft segment of 29th Street SW is proposed to be dedicated with 200 plus feet to be improved immediately.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Development of subject property with a large building and parking lots will generate significant storm water runoff which is intended to be accommodated by a proposed storm water detention facility to be constructed in the southeast corner of subject lot.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rock slides, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, railroads, and high traffic volumes or nearby mining activity.

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

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

III. EASEMENT FOR UTILITIES

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

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the extension of 29th Street SW, which will be a dedicated right of way maintained by the City upon improvement to an acceptable standard.

RESOLUTION 9687

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE FLYING J TRAVEL PLAZA ADDITION, PHASE II, LOCATED IN THE W1/2 SE1/4 OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as the Minor Subdivision Plat of Flying J Travel Plaza Addition, Phase II, located in the W1/2 SE1/4 of Section 21, Township 20 North, Range 3 East, containing 8.275 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 Subdivision Plat of Flying J Travel Plaza Addition, Phase II, filed in the Clerk and Recorders Office of Cascade County, Montana; 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: "FLYING J TRAVEL PLAZA ADDITION, PHASE II, LOCATED IN THE W1/2 SE1/4 OF SECTION 21, 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:

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 18th day of September, 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)

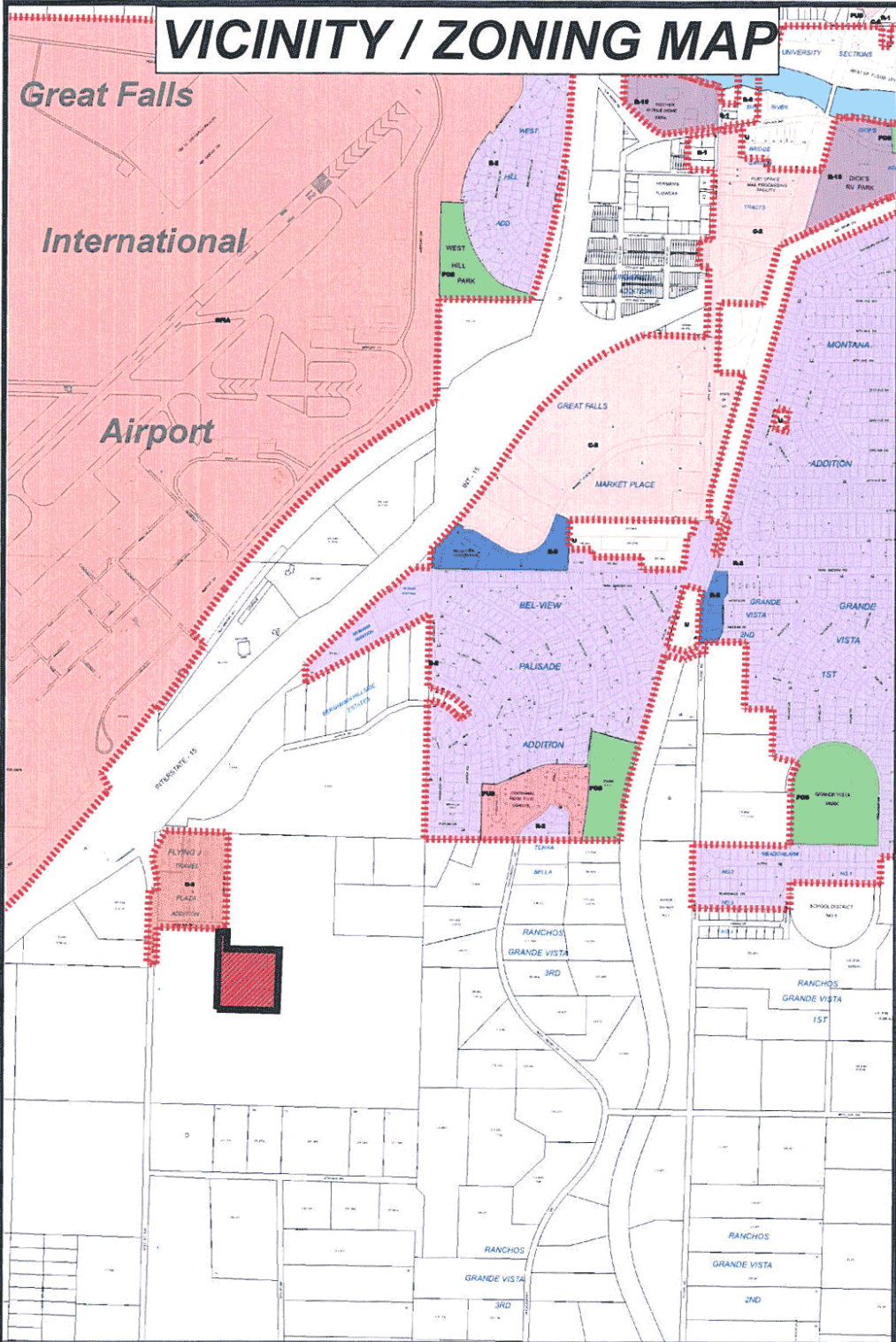
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9687 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of September, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

VICINITY / ZONING MAP



City of Great Falls
Great Falls City Planning
Department
Civic Center Bldg

This map is published for
reference only.



Legend

- Parcels
- R-2 Single-family medium density
- C-2 General commercial
- PUD Planned unit development
- City Limit Line
- R-5 Multi-family medium density
- C-3 Highway commercial
- GFIA Great Falls International Airport
- R-10 Mobile home park
- POS Parks and Open Space
- U Unincorporated



August 29, 2006

ORDINANCE 2981

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO FLYING J TRAVEL PLAZA ADDITION, PHASE II, IN SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the Great Falls Community Ice Foundation, the owner of a tract located in Section 21, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, being platted as Flying J Travel Addition, Phase II, has petitioned the City of Great Falls to annex said Addition; and,

WHEREAS, the Great Falls Community Ice Foundation has petitioned said Flying J Travel Plaza Addition, Phase II, be assigned a City zoning classification of C-2 General commercial district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to said Flying J Travel Plaza Addition, Phase II, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 18th day of September, 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 Flying J Travel Plaza Addition, Phase II, be designated as C-2 General commercial 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 Flying J Travel Plaza Addition, Phase II, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 18th day of September, 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 2981 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 18th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 18th day of September, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

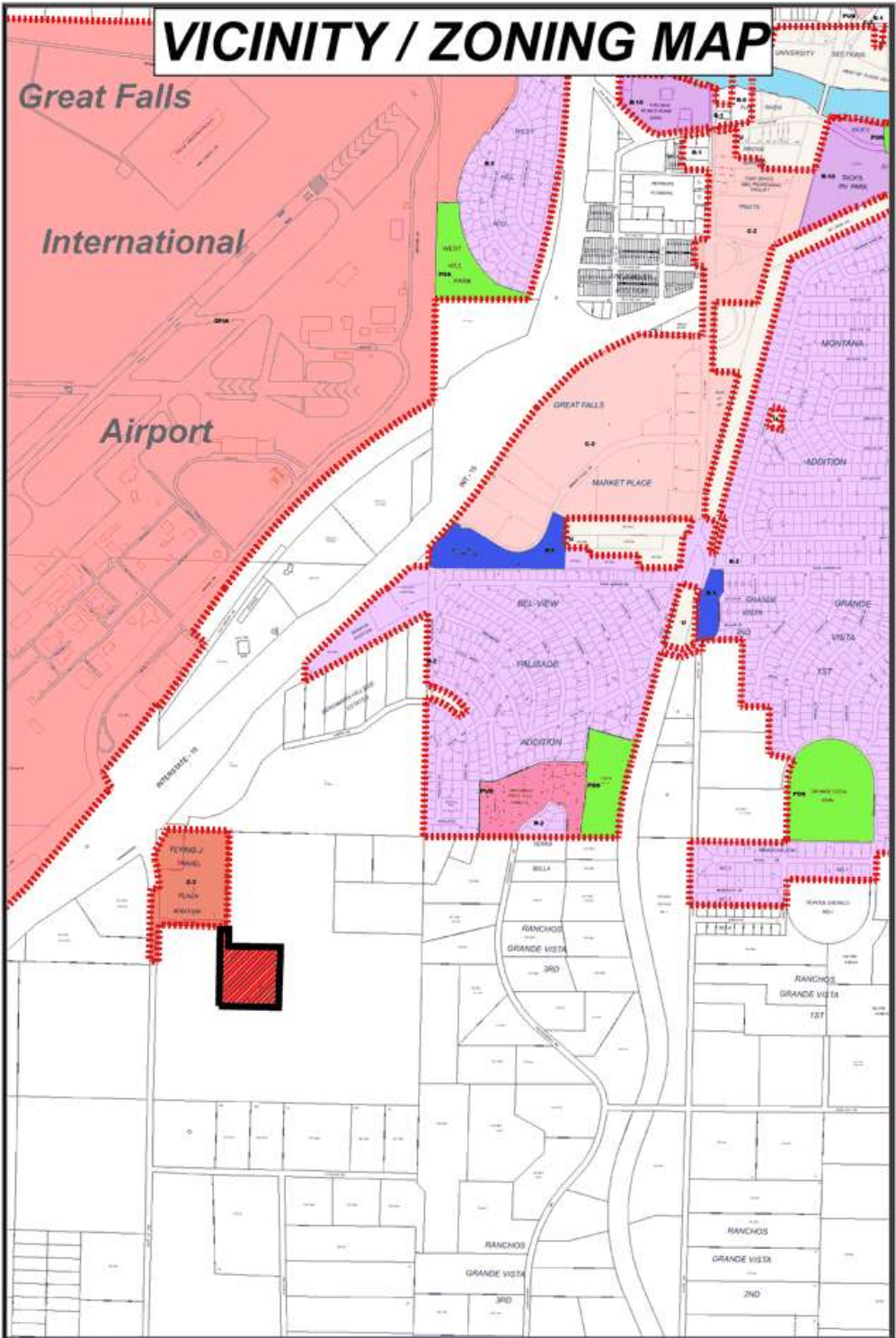
Lisa Kunz, being first duly sworn, deposes and says: That on the 18th day of September, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2981 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)

VICINITY / ZONING MAP



City of Great Falls
 Great Falls City Planning
 Department
 Civic Center Bldg
 This map is published for
 reference only.



Proposed Minor Plat of Flying J Travel Plaza Addition Phase 2 to be annexed and assigned a C-2 General commercial zoning classification.

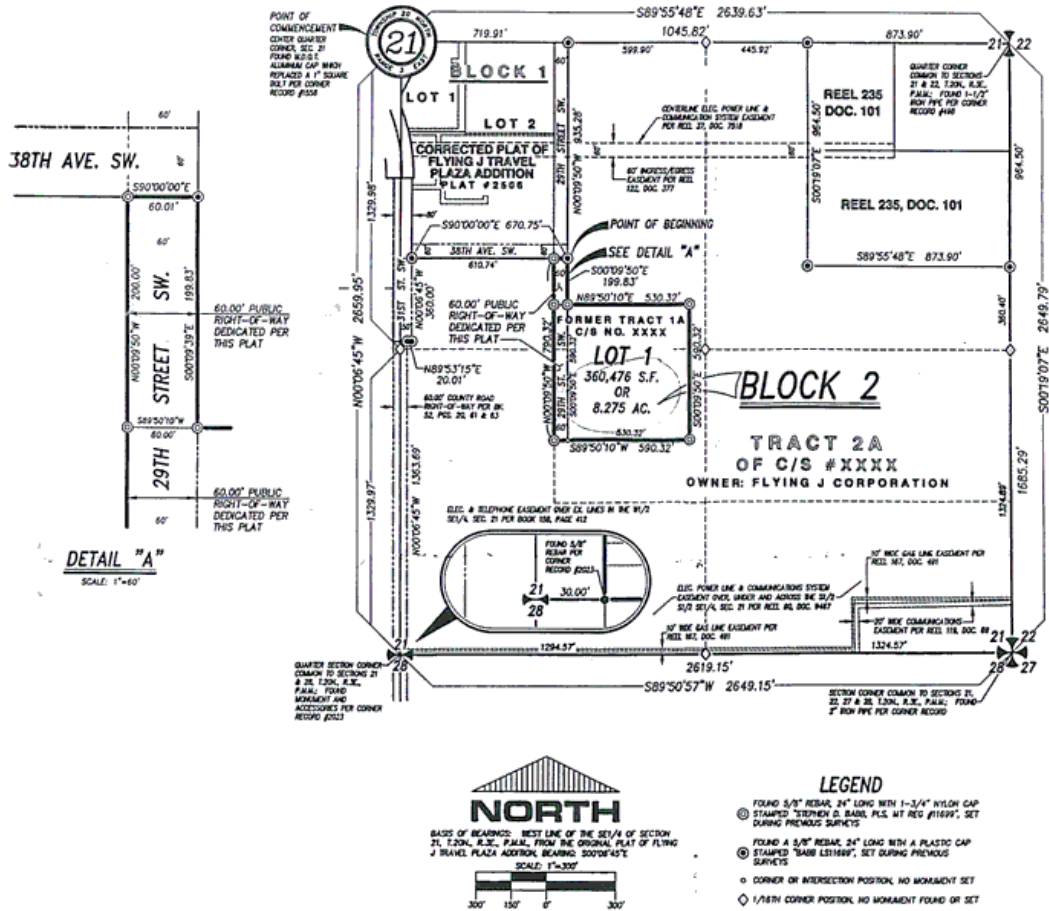
Legend

- ▭ Parcels
- ▭ R-2 Single-family medium density
- ▭ R-5 Multi-family medium density
- ▭ R-10 Mobile home park
- ▭ City Limit Line
- ▭ C-2 General commercial
- ▭ C-3 Highway commercial
- ▭ POS Parks and Open Space
- ▭ PUD Planned unit development
- ▭ GFIA Great Falls International Airport
- ▭ U Unincorporated

August 29, 2006

A MINOR SUBDIVISION PLAT OF FLYING J TRAVEL PLAZA ADDITION, PHASE II

A RETRACEMENT OF TRACT 1A OF CERTIFICATE OF SURVEY NO. XXXX
SITUATED IN THE W1/2 SE 1/4 OF SEC. 21, T.20N., R.3E., P.M.M., CASCADE COUNTY, MONTANA



AGENDA REPORT

DATE September 18, 2007

ITEM Public Hearing – Revised Ordinance 2980, Final Plat and Development Agreement all related to Prairie Ridge Estates Subdivision, (Formerly processed as Upper River Road Estates Subdivision); Lot 4, Block 1, Southridge First Addition; and, Portion of Certificate of Survey 3391

INITIATED BY Gene Thayer, Property Owner and Developer and John Stewart, Property Owner

ACTION REQUESTED Commission Adopt Revised Ordinance 2980, Approve Final Plat and Development Agreement

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the final plat of Prairie Ridge Estates Subdivision (formerly processed as Upper River Road Estates Subdivision) and the City Zoning Commission has recommended the City Commission rezone said development from R-1 Single-family suburban district to PUD Planned unit development.

MOTION: (Each motion to be separately considered):

“I move the City Commission approve the Final Plat and Development Agreement all related to Prairie Ridge Estates Subdivision (formerly processed as Upper River Road Estates Subdivision); Lot 4, Block 1, Southridge First Addition; and, portion of Certificate of Survey 3391.”

and

“I move the City Commission adopt Ordinance 2980 as revised.”

SYNOPSIS:

Ordinance 2980 rezones said development from R-1 Single-family suburban district to PUD Planned unit development district.

BACKGROUND:

On August 21, 2007, the City Commission accepted Ordinance 2980 on first reading and set public hearing for September 18, 2007. Since that time, the developer has requested the subdivision be renamed to Prairie Ridge Estates Subdivision. The name change constitutes the basis for the revision to Ordinance 2980.

Prairie Ridge Estates Subdivision (formally known as Upper River Road Estates Subdivision) includes 20 single-family residential lots and one lot wherein 12 residential condominium units are proposed. Said Lot 4, Block 1, Southridge First Addition and remainder portion of the property described in Certificate of Survey 3391 consisting of 5.25± acres is to be rezoned simultaneously with Prairie Ridge Estates Subdivision.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Final Plat.

Access to the lots in the subdivision will be from Upper River Road and 40th Avenue South. Within the subdivision, Prairie Ridge Drive will be dedicated as public right-of-way and will provide access to all of the single-family lots. The cul-de-sacs are proposed to add curb length to accommodate access to the lots in the corners of the subdivision. The roadway within the subdivision will be improved to City standards with paving, curb and gutter with the exception of the driveways within Southridge Condominiums and the private drives to the two existing homes that are provided by existing easements.

The developer has been advised of a feasibility study and the current route alignment study being conducted by the Montana Department of Transportation for the South Arterial. Until the study is completed, staff does not know

what direct impact, if any, a future possible South Arterial may have on the site or the subdivision. The site was within the alignment recommended in a previous route study conducted in 1979-80.

City water and sewer mains were extended into the vicinity as part of the Upper/Lower River Road Water and Sewer District, Phase 1 project and will be extended to provide services to all parcels within this subdivision. The proposed subdivision generally slopes from east to west. Surface drainage collected in the subdivision roadway will be directed to the southwest corner of the subdivision. The developer will be required to prepare a storm drainage plan to the satisfaction of the Public Works Department.

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

The developer intends to retain ownership of a larger remainder parcel, described in Certificate of Survey 3391. He proposes to combine a portion of the parcel with Lot 4, Block 1, Southridge First Addition, upon which his home site is located. The remainder will be retained as an undeveloped area to preserve views from the two existing home sites.

It is recommended, in conjunction with approval of this subdivision, that the owners be required to waive their rights to protest creation of any future special improvement district to assist in financing their proportionate share of the cost to improve Upper River Road and 40th Avenue South, when deemed necessary by the City.

Speaking at the public hearing in support of the subdivision were Mr. Roland Leitheiser and Mr. John Stephenson-Love, stating the subdivision would be an asset to the area and that the development will benefit the surrounding area, as well as, be an additional source of revenue for the Upper Lower River Road Water and Sewer District.

Subject property is presently zoned "R-1" Single-family suburban district. It is proposed the property be rezoned PUD Planned unit development district simultaneously with approval of the subdivision. The owners have provided building envelopes for each lot.

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 was annexed into the City as part of the Upper/Lower River Road Water and Sewer District, Phase 1 project. Prairie Ridge Estates Subdivision abuts Southridge Condos which were assigned a zoning classification of PUD when annexed into the City.

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

Staff concludes that the basic conditions set forth in the conditional approval of the Preliminary Plat of Upper River Road Estates, now known as Prairie Ridge Estates Subdivision, are being met by the developer in the overall process of Final Plat, Certificate of Survey, Amended Plat, Final Engineering and Development Agreement.

The Planning Board during a meeting held April 24, 2007 unanimously recommended the City Commission approve the Final Plat and its development for 20 single-family residences and 12 residential condominium units, subject to the following conditions:

- 1) The final plat 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 development shall be submitted to the City Public Works Department for review and approval.
- 3) A revised building envelope plan showing maximum building heights and lot coverage, as well as, the setbacks for principal and accessory buildings shall be submitted to the City Planning Department for review and approval prior to consideration of the final plat.
- 4) Combining a portion of the large remainder parcel of property in Certificate of Survey 3391 with Lot 4, Block 1, Southridge First Addition.
- 5) A Development Agreement shall be prepared containing terms and conditions for the development, including agreement by applicant to:
 - a) install within two years of the filing of the final plat, the public improvements referenced in Paragraph 2) above;
 - b) waive right to protest creation of any future special improvement district for improvements to Upper River Road and 40th Avenue South;
 - c) hold the City harmless for any fire damage resulting from substandard water pressure and volumes associated with the water system serving the subdivision.
- 6) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting.

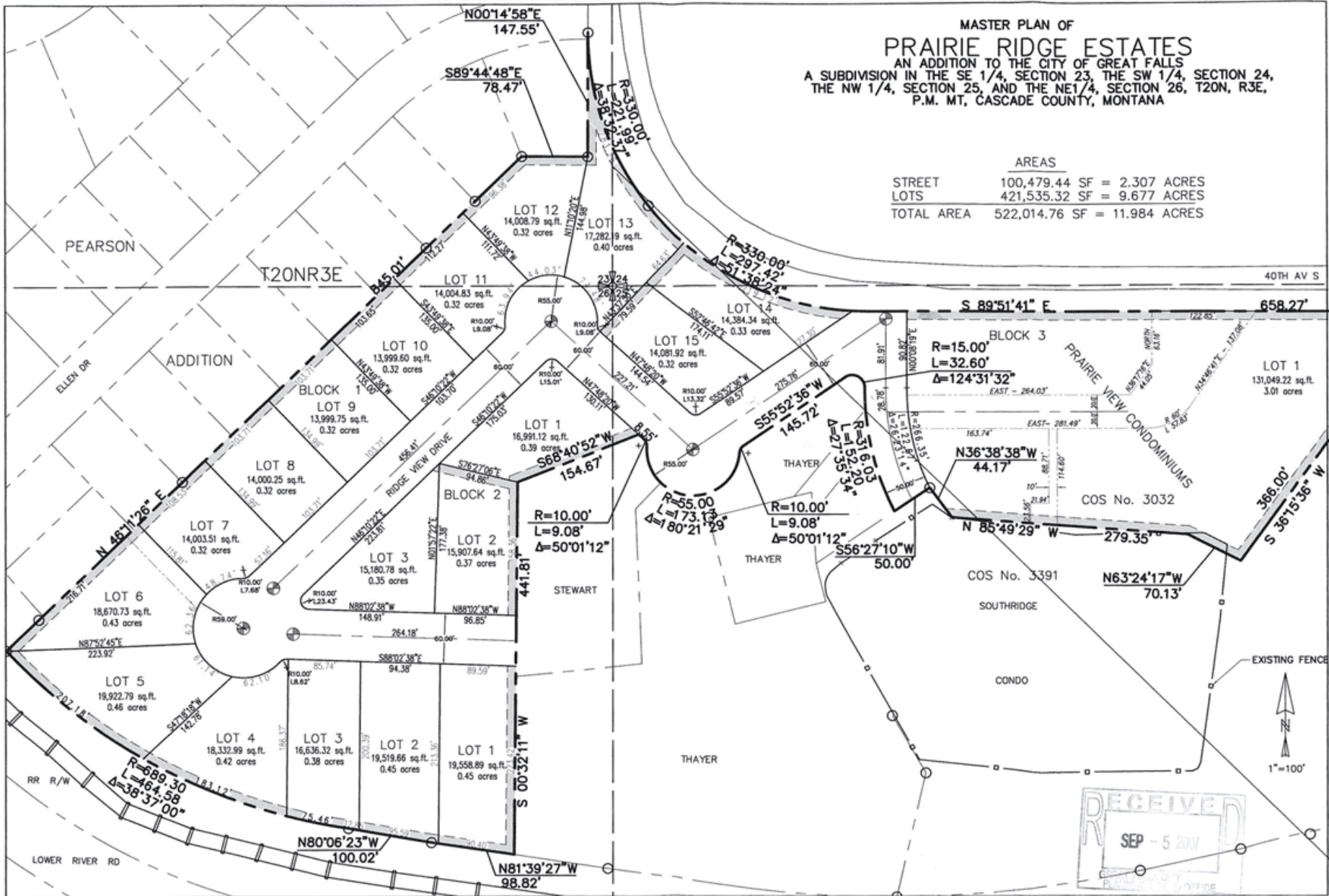
The above stated conditions 2), 3), 5) & 6) have been fulfilled and conditions 1) & 4) will be fulfilled prior to filing the final plat.

Attach: Revised Ordinance 2980
Reduced Copy of Drawing Portion of Final Plat
Development Agreement (Not available online)

Cc: Eugene & Jane Thayer, 220 40th Ave S
Woith Engineering, 1725 41st St S

MASTER PLAN OF
PRAIRIE RIDGE ESTATES
 AN ADDITION TO THE CITY OF GREAT FALLS
 A SUBDIVISION IN THE SE 1/4, SECTION 23, THE SW 1/4, SECTION 24,
 THE NW 1/4, SECTION 25, AND THE NE 1/4, SECTION 26, T20N, R3E,
 P.M. MT, CASCADE COUNTY, MONTANA

AREAS	
STREET	100,479.44 SF = 2.307 ACRES
LOTS	421,535.32 SF = 9.677 ACRES
TOTAL AREA	522,014.76 SF = 11.984 ACRES



PEARSON

T20NR3E

ADDITION

BLOCK 1

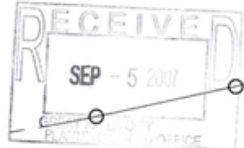
BLOCK 2

BLOCK 3

PRAIRIE VIEW CONDOMINIUMS
 COS No. 3032
 COS No. 3391
 SOUTHRIDGE
 CONDO

EXISTING FENCE

1"=100'



REVISED
ORDINANCE 2980

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF THE AREA BEING PLATTED AS PRAIRIE RIDGE ESTATES SUBDIVISION (PREVIOUSLY KNOWN AS UPPER RIVER ROAD ESTATES SUBDIVISION); LOT 4, BLOCK 1, SOUTHRIDGE FIRST ADDITION; AND, THE REMAINDER PORTION OF PROPERTY DESCRIBED IN CERTIFICATE OF SURVEY 3391 FROM R-1 SINGLE-FAMILY SUBURBAN ZONING DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT

* * * * *

WHEREAS, on the 6th day of March, 2006, the City Commission of the City of Great Falls, Montana, adopted a certain Ordinance designated as Ordinance 2960 entitled: “AN ORDINANCE ASSIGNING ZONING CLASSIFICATIONS OF R-1 SINGLE-FAMILY SUBURBAN, R-10 MOBILE HOME PARK, R-3 SINGLE-FAMILY HIGH DENSITY AND PUD PLANNED UNIT DEVELOPMENT, FOR PORTIONS OF SERVICE DISTRICT NO. 1 WITHIN UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, IN SECTIONS 23, 24, 25, AND 26, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY MONTANA”; and,

WHEREAS, said Ordinance No. 2960 became effective the 5th day of April, 2007; and,

WHEREAS, said Ordinance No. 2960 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a R-1 SINGLE-FAMILY SUBURBAN DISTRICT, as defined therein:

the area being platted as Prairie Ridge Estates Subdivision; Lot 4, Block 1, Southridge First Addition; and, the remainder portion of property described in Certificate of Survey 3391 in the SE¼, Section 23, the SW¼, Section 24, NW¼, Section 25, and the NE¼, Section 26, Township 20 North, Range 3 East, P.M. MT. Cascade County, Montana, as depicted on the zoning map attached hereto as Exhibit “A” and by this reference made a part hereof.

WHEREAS, notice of rezoning the above-mentioned property from the existing R-1 Single-family suburban district to a PUD Planned unit development district was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 18th day of September, 2007, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zone change be made, provided the applicant for the zone change and the owners of the said area being platted as Prairie Ridge Estates Subdivision; Lot 4, Block 1, Southridge First Addition; and, the remainder portion of property described in Certificate of Survey 3391 in the SE¼,

Section 23, the SW¹/₄, Section 24, NW¹/₄, Section 25, and the NE¹/₄, Section 26, Township 20 North, Range 3 East, P.M. MT. Cascade County, Montana, enter into an agreement with the City containing specified terms and conditions, NOW THEREFORE,

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

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

Section 2. That the zoning designation on the property hereinabove described be changed from R-1 SINGLE-FAMILY SUBURBAN ZONING DISTRICT to PUD PLANNED UNIT DEVELOPMENT DISTRICT.

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

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 18th day of September, 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 2980 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of September, 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 18th day of September, 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 2980 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

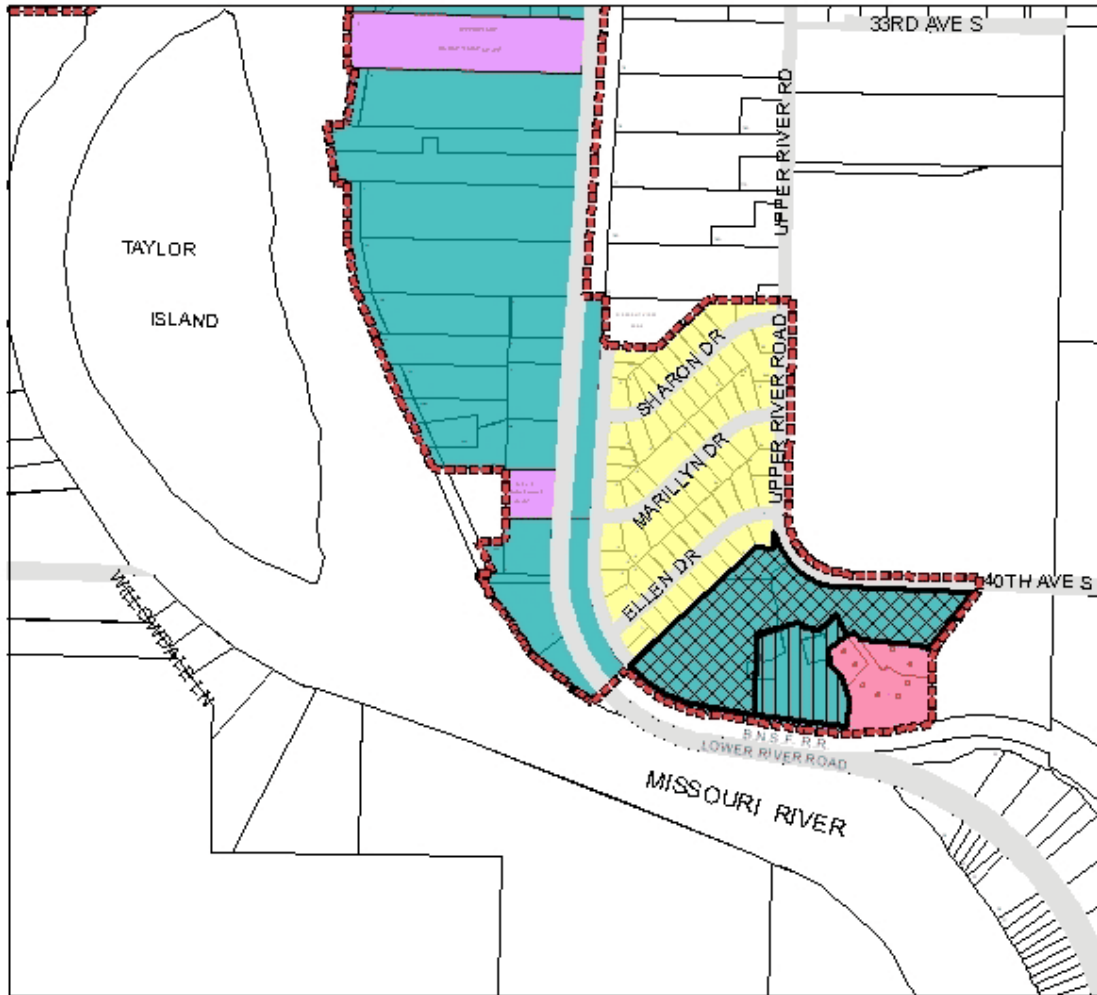
On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

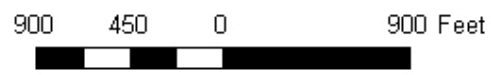
(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



- PROPOSED PRAIRIE RIDGE ESTATES SUBDIVISION AND REZONING FROM "R-1" SINGLE-FAMILY SUBURBAN TO "PUD" PLANNED UNIT DEVELOPMENT
- LOT 4, BLOCK 1, SOUTHRIDGE FIRST ADDITION AND REMAINDER OF CERTIFICATE OF SURVEY 3391 TO BE REZONED FROM "R-1" SINGLE-FAMILY SUBURBAN TO "PUD" PLANNED UNIT DEVELOPMENT
- CITY LIMITS
- R-1 Single-family suburban
- R-10 Mobile home park
- R-3 Single-family high density
- Tracts of land outside City



AGENDA REPORT

DATE September 18, 2007

ITEM RESOLUTION 9681 TO LEVY AND ASSESS SPECIAL MAINTENANCE LIGHTING DISTRICTS

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9681

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends the City Commission adopt Resolution 9681 to assess Special Maintenance Lighting Districts.

MOTION:

“I move to adopt Resolution 9681.”

SYNOPSIS:

On August 21, 2007 the City Commission set a September 18, 2007 public hearing date to hear anyone wishing to speak for or against Special Maintenance Lighting Districts Assessments.

The Fiscal Services Department has finalized the Special Lighting District maintenance cost estimate which is reflected in Resolution 9681. The maintenance and administrative fee equal to 10% of estimated costs for the districts as presented in the annual budget will remain the same. The \$1,180,235 assessment for fiscal year 07/08 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

BACKGROUND:

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. In accordance with Section 7-12-4329, M.C.A., publication of the Notice of Resolution for Assessment was made within 5 days preceding the Public Hearing.

Sections 7-12-4301 and 7-12-4333, M.C.A., authorize the City Commission to create lighting districts and to assess the costs of installing and/or maintaining the districts to the owners of the properties embraced within the boundaries of such districts.

Continuation of street lighting in the SLD's requires special assessments for annual costs with resolution adoption by the City Commission. Sections 7-12-4329 and 7-12-4330, M.C.A., require a public notice and hearing prior to passage of a resolution to levy and assess Special Lighting Districts. Such resolution is required before staff may authorize assessment of property owners within the lighting district to defray expenses of the Lighting Districts.

In accordance with Section 7-1-4127, staff requested the City Commission order two publications of the Notice of Resolution for Assessment. This publication of the Notice of Resolution for Assessment also complies with Section 7-12-4329, MCA, requires notice must be published twice with at least 6 days separating each publication preceding the assessment hearing.

A comparison of SLD annual assessments since 2004 is provided:

<u>BUDGETED TOTAL ASSESSMENT</u>	<u>FISCAL YEAR</u>
\$1,183,037	03/04 (16 Districts) ¹
\$1,117,034	04/05 (17 Districts) ²
\$1,151,930	05/06 (19 Districts)
\$1,165,547	06/07 (19 Districts) ³
\$1,180,235	07/08 (22 Districts) ⁴

¹ Two districts SLD-C and SLD-R are being assessed individually with separate resolutions for FY 03/04, as modifications were completed to both districts. The assessment totals for these districts are indicated in the individual resolutions.

² One new district was created – Special Lighting District – Industrial Lighting “SLD-I” No. 1298. First year using Electric City Power as the City’s default supplier for electric energy.

³ Modification to Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 – four new alley lights were added to the district.

⁴ Three new City-owned Residential Lighting Districts were created in FY 06/07 – Special Improvement Lighting Districts No. 1302, No. 1304 and No. 1306.

The 07/08 assessment per district is indicated on the attached projection sheet.

RESOLUTION 9681

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304 AND 1306 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

WHEREAS, the City Commission or prior City Council of the City of Great Falls did create, by various resolutions on file and recorded in the Office of the City Clerk of the City of Great Falls, the special improvement lighting districts (SLD's) and such SLD's were subsequently consolidated into Special Improvement Lighting Districts No. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304 and 1306;

WHEREAS, the City Commission of the City of Great Falls declares the lighting systems were installed and the City Commission intends to continue maintenance of such lighting systems in said SLD's;

WHEREAS, the City Commission of the City of Great Falls declares that each lot or parcel of land contained in each of said SLD's will continue to be benefited by such lighting in the same manner as determined in the creation of each district;

WHEREAS, the City Commission of the City of Great Falls estimates the cost of such lighting system maintenance within said SLD's at a total of ONE MILLION ONE HUNDRED EIGHTY THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS (\$1,180,235).

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

1. The City of Great Falls continue maintenance of lighting systems in said special improvement lighting districts (SLD's);
2. The cost of said lighting system maintenance in the SLD's totaling \$1,180,235 is hereby assessed upon the property in said SLD's. Each lot and parcel within each SLD is hereby assessed a proportion of the maintenance costs attributed to the SLD in the proportion to which it's assessable area (individual square feet) bears to the area of the whole improvement district (total square feet), exclusive of streets, avenues, alleys and public places. An assessment projection summary of each district, describing total cost, is attached hereto and by this reference incorporated herein as set forth in full. The description of each lot or parcel of land within each SLD and the respective assessments are set forth in the records of the Fiscal Services Office of the City of Great Falls, Montana and by this reference is also incorporated herein as if set forth in full;

3. Starting September 13, 2007, for a period of five days before the related public hearing, this resolution shall be on file in the Office of the City Clerk and the assessment list, identified in Section 2, above, shall be on file in the Fiscal Services Office of the City of Great Falls;
4. These assessments are payable in two payments and will become delinquent at 5:00 P.M., on November 30, 2007 and May 31, 2008;
5. The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., September 18, 2007, in the Commission Chambers of the Civic Center Building, Great Falls, Montana;
6. In accordance with Section 7-12-4329, M.C.A., the City Clerk is hereby authorized and directed to provide for publication of the Notice of Resolution for Assessment within five days preceding the assessment hearing.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby passed and adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly, and that said assessments are payable in two payments and will become delinquent, as appears in this said Resolution.

PASSED by the Commission of the City of Great Falls, Montana, on this 18th day of September 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9681 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007, and approved by the Mayor of said City on the 18th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of September, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in Regular Session at 7:00 o'clock p.m. on the 21st day of August 2007, in the Commission Chambers did accept Resolution 9681 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304 AND 1306 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

The above-designated Resolution 9681 and the assessment list therein mentioned are on file in the office of the City Clerk, Lisa Kunz, (406) 455-8451 and the Fiscal Services Department, Judy Burg, (406) 455-8477 in the Civic Center Building, 2 Park Drive, Great Falls, MT 59401 and are subject to inspection up to a period of five days before the public hearing. The City Commission will hear objections to the final adoption of said Resolution 9681 or any part thereof and the assessments therein provided for when convened in special session in the Commission Chambers on September 18, 2007, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9681 for final adoption.

/s/Lisa Kunz, City Clerk

Publication Date: August 31, 2007 and September 7, 2007

CITY OF GREAT FALLS, MONTANA
A G E N D A R E P O R T

AGENDA # 6
DATE September 18, 2007

ITEM Ordinance 2972 amending OCCGF 13, Chapter 2, Section 070 (C) permitting the extension of utility services beyond City limits.

INITIATED BY City Staff

ACTION REQUESTED Remove from the Table and Adopt Ordinance 2972 as revised

PRESENTED BY John Lawton, City Manager

RECOMMENDATION:

Staff recommends the City Commission remove Ordinance 2792 from the Table and adopt Ordinance 2972 on final reading as revised.

MOTION:

I move the City Commission remove Ord. 2972 from the Table.

and

I move the City Commission adopt Ordinance 2972 as revised.

SYNOPSIS:

Because of the increasing demand for development located beyond City limits that desires City utility services and because of uniquely exceptional circumstances where such development may not be conducive to immediate annexation, it is deemed necessary to amend 13.02.070 (C), OCCGF, to permit such extension of City utility services beyond City limits conditioned upon the developer/land owner agreeing to sixteen criteria inclusive of written consent to annexation on the City's initiative; and, payment for the costs of such extension, service fees and fees in lieu of taxes; and, agreeing to be bound by the rules and regulations of the City's utility system.

BACKGROUND:

Currently, 13.02.070, OCCGF, restricts the City's utility service area to property within City limits and property annexed to the City. However, the City is experiencing development beyond City limits that requires City utility services but that are uniquely exceptional and therefore, not immediately conducive to annexation.

Ordinances in Billings, Missoula, Bozeman and Helena have permitted the extension of their utility services beyond their city limits based on certain criteria agreed to in writing by a developer/land owner. The aforesaid cities are all high growth communities mandating

such flexibility to accommodate growth with a reasonable expansion of utility services, albeit, within the utility's capacity for such growth. Likewise, the City of Great Falls is experiencing increased growth with more industrial requests for utility services beyond City limits that may not be conducive to immediate annexation. To stifle such growth merely because the City's ordinance does not permit extension of utility services beyond City limits is unconscionable where the City utility system has the capacity to provide such service.

It is important to note that State Statutes authorizing a city to establish and operate utility services also authorize cities to furnish such water and sewer services to "any person, factory or other industry located outside the corporate limits of the city." See 7-13-4311 and 7-3-4312, MCA.

Ordinance 2972 would permit the extension of the City's utility services (water and sewer) beyond City limits where there are uniquely exceptional circumstances that are not conducive to immediate annexation; and, where the City utility system has the capacity to serve such extension; and, where appropriate, the party requesting services provides an engineering analysis demonstrating the feasibility of the extension; and, where the developer/ land owner enters into a contract with the City based on sixteen conditional criteria that would include but not be limited to: a written consent to annexation on the City's initiative; and, payment for the costs of such extension, service fees and fees in lieu of taxes; and, agreement to be bound by the rules and regulations of the City's utility system.

ORDINANCE 2972

**AN ORDINANCE AMENDING OCCGF 13 CHAPTER 2 SECTION 070(C)
PERTAINING TO THE UTILITY SERVICE AREA**

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

Section 1. That OCCGF Title 13, Chapter 2, Section 070(C) is amended as depicted in Exhibit A wherein all language with a bold-face font will be added and all language with a strikeout is removed.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this 18th day of September, 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 2972 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007, and approved by the Mayor of said City on the 18th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City

this 18th day of September, 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 18th day of September, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2972 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

13.2.070 Service Area

The utility system service area shall be:

- A. Inclusive of all premises annexed to the City and bounded by the incorporated City limits, as such limits may be adjusted by the City Commission; and
- B. Restricted to those premises abutting a public right-of-way or easement and directly adjacent to a sanitary sewer or water main location therein. The sole exception thereto shall be those buildings and service lines in place and legally existing prior to the adoption of the ordinance codified in this section. (Ord. 2645, 1993; Ord. 2529 (part), 1989), §13.24.040 (part); Ord. 2386 Exh. A (part), 1985, prior code §13.20.160 (part); Ord. 2356 Exh. B (part), 1984, prior code §13.08.020 (part)).
- C. ~~Notwithstanding the limitation of the service area described in paragraph A and B, the service area may be extended beyond the corporate City limits by a contract for utility and all other City services until an election satisfies the requirements of Article VIII, Section 17, of the Montana Constitution, whereupon, the extended area of service must be annexed to the City. Paragraph C, hereof, shall expire and be of no effect should Article VIII, Section 17, of the Montana Constitution be held unconstitutional or otherwise abrogated.~~

Notwithstanding the limitations of the service area described in paragraph A and B, the City Commission may extend the service area beyond City limits where there are uniquely exceptional circumstances that are not conducive to immediate annexation; and, where the City utility system has the capacity to serve such extension; and, where appropriate, the party requesting services provides an engineering analysis demonstrating the feasibility of the extension. Such an extension of utility services shall be by written contract and contain the following conditions:

- 1. All parties must execute written consent of annexation forms, as a condition precedent to the extension of requested services. The consent forms shall be made a part of the contract for use whenever the City initiates such annexation of the extended service area; and,**
- 2. All parties must agree to be bound by all the rules and regulations of the City's utility system and all Federal and State requirements related thereto; and,**
- 3. All parties must agree to pay such other fees for service and/or fees in lieu of taxes, as deemed necessary and appropriate by the City; and,**
- 4. All parties must agree to restrictions on future subdivision of the property or expanded development of property that increases demand for City services; and,**
- 5. All parties must agree on rezoning of property and compliance with zoning regulations applicable to rezoning designation; and,**
- 6. All parties must agree on compliance with City building and fire codes, plan approval, payment of fees, and submission to inspection of improvements where permissible under state statutes; and,**
- 7. All parties must agree on financial responsibility, including consent to and waiver of protest for creation of special improvement districts, for the installation, construction and reconstruction of infrastructure to City standards, including, but not limited to, water mains and hydrants, sewer mains and lifts stations, storm water facilities, streets, curbs and gutters, and sidewalks; and,**
- 8. All parties must agree on compliance with any City Code applicable to any service provided by the City; and,**
- 9. All parties must agree on plan approval, construction oversight, final acceptance, easements, and ownership by City of infrastructure installed for the City service being provided; and,**

- 10. All parties must agree on legal and physical access provided to the property being served; and,**
- 11. All parties must agree to upgrade and transfer public utility systems and appropriate utility easements to the City.**
- 12. All parties agree such an extension of utility services shall be constructed in accordance with the design and specifications approved by the City Engineer.**
- 13. All parties agree the cost of such an extension of utility services shall be borne by the owners of the property to be served.**
- 14. Upon annexation, all parties agree that Title 17, OCCGF, Land Development Code requirements must be met inclusive of signage, parking, landscaping, lighting.**
- 15. All parties must agree to utilize the City's Fire Department for fire protection services. The Fire Marshall will be required to review and approve area site plans to ensure sufficient access and other fire department considerations.**
- 16. All parties must agree that all right-of-way, easement, or land dedication necessary for construction, installation and maintenance of the extension of utility service shall be obtained by the requesting party at the expense of the requesting party.**

The contract for extension of the service area must be in legal form, as approved by the city attorney; run with the land; be signed by owners of the land area to be considered for inclusion in the water or sewer service area; and be recorded with the County Clerk and Recorder of Cascade County. (Ord. 2972, 2007; Ord. 2749, 1999)

Memo

To: Honorable Mayor and City Commission
From: John Lawton and Ben Rangel
Date: September 14, 2007
Re: Questions Concerning Ordinance 2972

At the last commission meeting a number of questions were asked about Ordinance 2972. The purpose of this memorandum is to answer as many of them as possible. The questions were often repetitive, so rather than going through them speaker by speaker we will try to capture the essence of the questions, observations and complaints as topics and provide answers to respond to them.

Tischler Bise Study and City Costs

One line of questions and observations had to do with the Tischler Bise study and their finding that city services required as a result of the presence of HGS would increase city cost by about \$100,000 per year. The questions and complaints seemed to be based on the assumption that the city would not collect taxes if the plant remains outside the city and that the general taxpayers would have to pick up the tab. Several speakers alluded to a "deficit" of \$1.2 to \$1.9 million over a several year period.

The ordinance is simple and clear concerning responsibility for costs to the city. It covers the cost of city services for any recipient of water and wastewater services in several ways as set out below:

- *Section C. 3. states: All parties must agree to pay such other fees for service and/or fees in lieu of taxes, as deemed appropriate by the City; and*
- *C. 7. states: All parties must agree on financial responsibility, including consent to and waiver of protest for creation of special improvement districts, for the installation, construction and reconstruction of infrastructure; and*
- *C. 13. states: All parties agree the cost of such an extension of utility services shall be borne by the owners of the property to be served.*

Any extension of utilities outside the city boundaries will require negotiated agreements between the city and the property owner setting forth the amounts and the terms for paying the costs of services, including police and fire, as well as infrastructure. All such agreements would come before the City Commission.

The Tischler Bise study simply identified the costs to be recovered by whatever means the city has available, not to say that we could not recover them.

Ordinance 2972 and Other City Annexations: Double Standard?

Two speakers drew a parallel between the properties the city is annexing that presently receive water and sewer and properties we might allow to delay annexation while providing these services. The implication was that these things are inconsistent. Actually, they are consistent. Ordinance 2972 requires nearly everything annexation requires including payment of all city costs and a commitment to future annexation. The properties presently receiving services that have been outside the city have not paid property taxes to the city and they have made no commitment to future annexation. The city's annexation program aims to correct these inequities. Ordinance 2972 would prevent these situations from happening in the first place.

Wastewater Treatment Plant Capacity and Load Requirements

An assertion was made that it is not clear that the wastewater treatment plant (WWTP) can handle the type and volume of effluent coming from Highwood Generating Station. The effluent will consist of returned cooling water and domestic wastewater from the plant offices and employee facilities. Preliminary analysis of return flow indicates that all substances are within appropriate limits for wastewater returned to the WWTP. SME will be responsible for making sure that the actual flow continues to comply with established limits. The only problem may be that the wastewater will be too clean to allow the biological digestion processes to work efficiently. If this turns out to be the case, it will be easily remedied through adjusting the treatment process.

As for capacity, the WWTP's rated capacity is 21 mm gallons per day. Presently, the average flow is about 10mm gallons per day. The return from Highwood will be less than one million gallons per day. Plant capacity is more than sufficient.

It should also be noted that the point explained above has nothing whatsoever to do with the proposed ordinance. Issues of WWTP capacity, and wastewater flow and processing requirements are technical issues dealt with by engineers for the property owners, city engineers, and WWTP contractor staff when a project is being considered. Everyone must follow state and federal requirements. The ordinance does require that all parties agree "to be bound by all the rules and regulations of the City's utility system and all Federal and State requirements related thereto."

Planning and Zoning Issues

Another line of questions and observations had to do with differences between Ordinance 2972 and other Montana city ordinances and growth policies. Seven specific points were stated as follows: (Responses are provided in italics.)

1) In Helena and Billings, the purpose in extending their services is to prompt annexation;

Although not specifically stated in proposed Ordinance 2972, the City's primary interest and preferred alternative is to annex before providing water and wastewater services. However, the proposed ordinance attempts to consider uniquely exceptional circumstances where proposed development may not be conducive to immediate annexation.

It appears the above comment was based on a reference to Billings' code which is structured differently than Ordinance 2972. Billings' code talks first of how its utility service area can be enlarged through annexation, but then describes how the area can also be

enlarged into an unannexed area. Therefore, the reference appears to have been taken out of context.

2) Ordinance 2972 does not include language to require an applicant to waive their right to protest future annexation and the only language regarding waivers is for the creation of special improvement districts;

Section C.1. states: All parties must execute written consent of annexation forms, as a condition precedent to the extension of requested services. The consent forms shall be made a part of the contract for use whenever the City initiates such annexation of the extended service area; and, (This language is stronger than waiving their right to protest annexation).

3) Ordinance 2972 does not require an applicant to apply for annexation prior to receiving services, unlike Missoula and Billings;

Again, reference is made to Section C.1. as presented in #2, above.

4) Ordinance 2972 does not require the property to conform to local plans, like the growth policy, water services or facility plan;

Section C.4. states: All parties must agree to restriction on future subdivision of the property or expanded development of property that increases demand for City services; and

Section C.5. states: All parties must agree on rezoning of property and compliance with zoning regulations applicable to rezoning designations; and,

Section C.8. states: All parties must agree on compliance with any City Codes applicable to any service provided by the City; and,

Section C.14. states: Upon annexation, all parties agree that Title 17, OCCGF, Land Development Code requirements must be met inclusive of signage, parking, landscaping, lighting.

Additionally, the properties being considered for provision of City services will be subject to all applicable provisions, guidelines and requirements included in Cascade County zoning regulations, subdivision regulations, growth policy and related development plans. The provision of City services would not preclude these requirements. As such, the development project requesting City services will be required to meet all applicable local planning requirements, plans, growth policies, etc.

5) Ordinance 2972 does not require consideration for orderly growth and development of the City;

Again, reference is made to the information presented in # 4, above.

6) According to Ordinance 2972, property need not be contiguous with City property, unlike Billings;

Again, reference is made to the last statement presented in #1, above, but restated here: It appears the above comment was based on a reference to Billings' code which is structured differently than Ordinance 2972. Billings' code talks first of how its utility service area can be enlarged through annexation, but then describes how the area can also be enlarged into an unannexed area. Therefore, the reference appears to have been taken out of context.

7) Property does not have to comply with existing County zoning.

Again, reference is made to the information presented in # 4, above, part of which is restated here: the properties being considered for provision of City services will be subject to all applicable provisions, guidelines and requirements included in Cascade County zoning regulations, subdivision regulations, growth policy and related development plans. The provision of City services would not preclude these requirements. As such, the development project requesting City services will be required to meet all applicable local planning requirements, plans, growth policies, etc.

Other Comments

One commenter made extensive quotes of "City Code" regarding annexation and the requirement that annexation be a condition for receipt of City water and waste water services. Staff conducted a review of City Code and could not find any of the specific references or quotes. However, the language is reflective of existing City policy regarding provision of utilities outside the City. The policy would remain relevant and stay intact, even with possible approval of Ordinance 2972. The purpose of Ordinance 2972 is to specifically address the types of issues or problems that would occur from the provision of City utilities without any conditions.

Finally, a couple of questions were raised about the potential impact of the ordinance on a County tax increment district. If the County set up a tax increment district around an unannexed property receiving water and wastewater services from the City under this ordinance, there would be no impact on the district. If the City annexed later, there would still be no impact. The district would still get whatever share of taxation was allocated to it.

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

DATE September 18, 2007

ITEM Ordinance 2984 to Establish City Zoning Upon Lots 1A and 10A, Block 14, Finlay’s Supplement to Prospect Park Addition

INITIATED BY Michael and Tammy Gittins and Earl and Helen Burow, Property Owners

ACTION REQUESTED Commission Accept Ordinance 2984 on First Reading and Set Hearing

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district, to Lots 1A and 10A, Block 14, Finlay’s Supplement to Prospect Park Addition, upon annexation to the City.

MOTION:

“I move the City Commission accept Ordinance 2984 on first reading and set a public hearing for October 16, 2007, to consider adoption of Ordinance 2984.”

SYNOPSIS:

Ordinance 2984 assigns a zoning classification of R-3 Single-family high density district, to Lots 1A and 10A, Block 14, Finlay’s Supplement to Prospect Park Addition, upon annexation of same to City.

BACKGROUND:

Michael and Tammy Gittins and Earl and Helen Burow reside at 1902 and 1926 21st Avenue South, respectively. Their homes are currently served by cisterns for water and septic tanks/drain fields for sanitation. In the past it was cost prohibitive to extend City utilities to their properties. With a City water main being installed in the abutting portion of 21st Avenue South this year, the owners would like to annex to receive water service. Sanitary sewer service is not readily available in the area.

A Vicinity/Zoning Map is attached for reference.

To provide contiguity and adhere to State Law, it will be necessary to annex the road and alley rights-of-way as depicted on the attached Vicinity/Zoning Map. A three lot, unincorporated enclave will be created. The current owners of subject three lots are not interested in annexation at this time.

Finlay’s Supplement to Prospect Park was originally subdivided in the late 1800’s. The lots within the subdivision are platted at less than 7500 square feet, which is the minimum lot size required by the Unified Land Development Code. As the applicants owned multiple lots and built their respective homes across lot lines, they recently caused to be prepared amended plats to aggregate their respective lots into one lot each. The lots are now in conformance with the Unified Land Development Code.

Roadways serving the involved area are graveled. The applicants will waive their rights to protest creation of special improvement districts and agree to pay their proportionate share of the costs to install additional utilities, (street lighting, sanitary sewer, storm drainage) and street improvements when deemed necessary by the City.

The applicants have requested subject properties be zoned R-3 Single-family high density district upon annexation to the City.

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

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

Subject property is within the Finlay's Supplement to Prospect Park Addition and surrounded by a predominately single-family residential neighborhood located outside the City limits with some rural characteristics.

Staff concludes establishing residential zoning upon the lots would not be out of character with the existing uses and will enhance health, safety and welfare through application of City Codes. Staff concludes the above listed zoning criteria are substantially met.

The Zoning Commission on June 12, 2007 recommended assigning a zoning classification of R-3 Single-family high density upon annexation to the City.

It is anticipated the City Commission, at the conclusion of the public hearing on October 16, will consider an annexation resolution and annexation agreement, related to Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition, simultaneously with Ordinance 2984.

Attach: Ordinance 2984
Vicinity/Zoning Map

cc: Michael & Tammy Gittins, 1902 21st Ave S
Earl & Helen Burow, 1926 21st Ave S

ORDINANCE 2984

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO LOTS 1A AND 10A, BLOCK 14, FINLAY'S SUPPLEMENT TO PROSPECT PARK ADDITION, IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Michael and Tammy Gittins and Earl and Helen Burow, have petitioned the City of Great Falls to annex Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition, located in SW¹/₄, Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Michael and Tammy Gittins and Earl and Helen Burow, have petitioned said Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition, 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 said Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 16th day of October, 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 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition, be designated as R-3 Single-family high density district classification.

Section 3. The zoning being assigned by this ordinance for Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park Addition, 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 Lots 1A and 10A, Block 14, Finlay's Supplement to Prospect Park 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 16th day of October, 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 2984 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 16th day of October, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 16th day of October, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

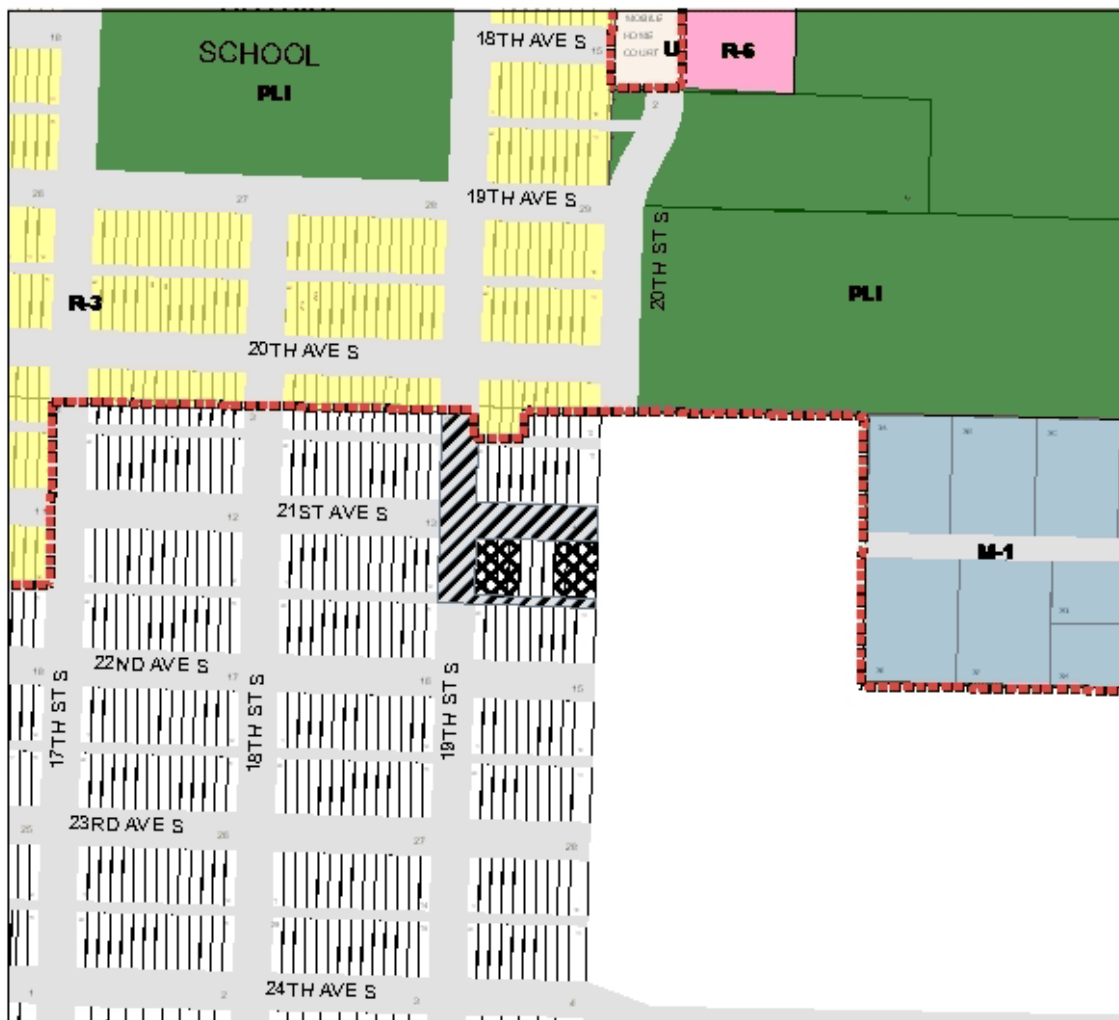
Lisa Kunz, being first duly sworn, deposes and says: That on the 16th day of October, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2984 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)

VICINITY/ZONING MAP



-  LOTS 1A AND 10A, BLOCK 14, FINLAYS SUPP TO PROSPECT PARK ADDITION PROPOSED TO BE ANNEXED INTO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY
-  SEGMENTS OF RIGHT-OF-WAY PROPOSED TO BE ANNEXED INTO THE CITY PER 7-2-4211 M.C.A. REGARDING INCLUSION OF ROADS AND RIGHTS-OF-WAY
-  City Limits
-  R-3 Single-family high density
-  R-6 Multi-family high density
-  M-1 Mixed-use district
-  PLI Public Lands and Institutional
-  U Unincorporated enclave
-  Tracts of land outside City



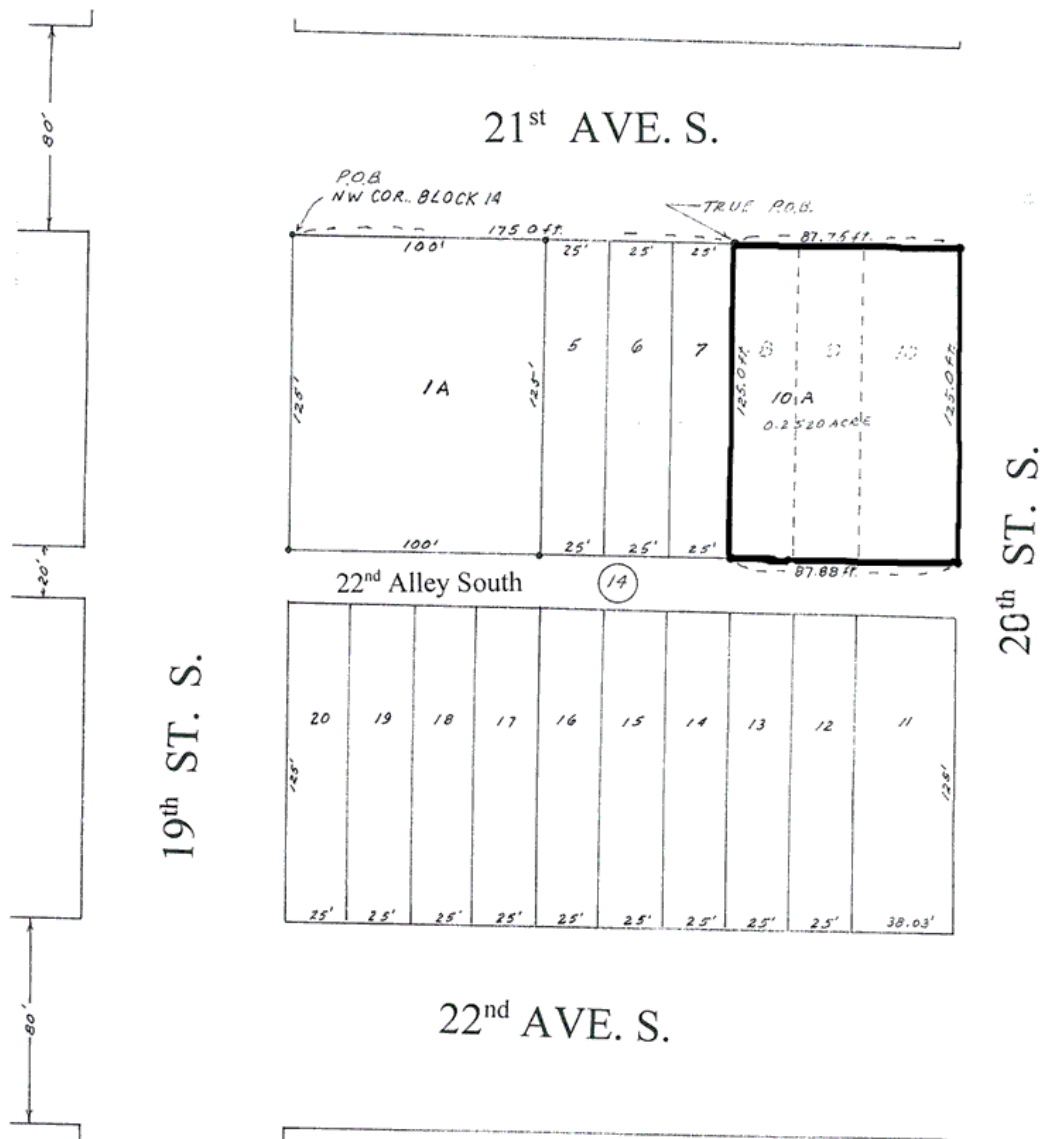
AMENDED PLAT

OF

LOTS 8, 9, AND 10, BLOCK 14, FINLAY
SUPPLEMENT TO PROSPECT PARK
ADDITION, GREAT FALLS, CASCADE
COUNTY, MONTANA

PURPOSE OF SURVEY

To amend the plat of Block 14, Finlay Supplement to Prospect Park Addition, Great Falls, Cascade County, Montana, by aggregating Lots 8, 9, and 10 into a single lot. This new lot is to be known as Lot 10A, Block 14.



AGENDA REPORT

DATE September 18, 2007

ITEM: RESOLUTION 9691 INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1310

INITIATED BY: FISCAL SERVICES DEPARTMENT

ACTION REQUESTED: ADOPT RESOLUTION OF INTENT AND SET PUBLIC HEARING

PREPARED BY: JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution 9691 and set a public hearing date.

MOTION:

I move the City Commission adopt Resolution 9691 and set a public hearing for October 16, 2007 at 7:00 p.m.

SYNOPSIS:

Staff has received a signed petition from the developer of Meadowlark Addition No. 5 requesting street lights be installed along DeLea Drive. The petition is for the installation of twelve (12) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring. There are 20 properties within Meadowlark Addition No. 5. The boundary lines of this area are outlined on the attached Exhibit "A".

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. The estimated annual special improvement assessment in the newly created area will be \$200.34 for an average lot of 10,495 square feet are shown on the attached Exhibit "B". The property owners have the right to prepay the assessment as provided by law.

After the street lights are installed there will also be an ongoing estimated annual maintenance assessment of \$60.80 for an average lot of 10,495 square feet for energy, transmission, distribution and other ongoing related costs as shown on the attached Exhibit "C".

MCA 7-12-4301, 7-12-4329 and 7-12-4333 authorizes the City Commission to create lighting districts and to assess the cost of installing and/or maintaining the district to the owners of the property embraced within the boundaries of such district.

BACKGROUND:

On July 19, 2005 the City Commissioners adopted Resolution No. 9506 creating the City's Street Light Policy, which establishes 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 state statute.

The signed petition from the developer of Meadowlark Addition No. 5 requesting street lights be installed along DeLea Drive meets the requirements as set forth in the policy for new street light districts.

RESOLUTION NO. 9691

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT CITY-OWNED RESIDENTIAL LIGHTING NO. 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF TWELVE (12) 100 WATT HPS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING ALONG DELEA DRIVE TO INCLUDE PROPERTIES LOCATED WITHIN MEADOWLARK ADDITION NO. 5

WHEREAS, the City Commission of the City of Great Falls, is authorized to create special improvement districts embracing any street or streets or public highway therein or portion thereof and property adjacent thereto or property which may be declared by said City Commission to be benefited by the improvements to be made for the purpose of lighting such street or streets or public highway.

WHEREAS, the City Commission of the City of Great Falls, is authorized to require that all or any portion of the cost of installing and maintaining such lighting system be paid by the owners of the property embraced within the boundaries of such special improvement district.

WHEREAS, the City Commission of the City of Great Falls, is authorized to assess and collect the costs for installation and maintenance by special improvement assessment against the property within the district.

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

Section 1. That public interest and convenience requires and it is deemed necessary to create, and the City Commission of the City of Great Falls, Montana, intends to order and create a Special Improvement Lighting District – City Owned Residential Lighting No. 1310 to

finance the installation of the improvements hereinafter described as authorized by 7-12-4301 MCA.

Section 2. That the general character of the improvements to be made within or for the benefit of the District is the installation of twelve (12) 100 Watt HPS street lighting units mounted on 17 foot fiberglass poles with underground wiring.

Section 3. That the number of said Special Improvement Lighting District is hereby designated as Special Improvement Lighting District – City Owned Residential Lighting No. 1310 of the City of Great Falls, Montana.

Section 4. That the boundaries of said Special Improvement Lighting District are hereby declared to be as follows:

Beginning at the intersection of the extended north boundary line of Lot 18, Block 3 of Meadowlark Addition No. 5 and the centerline of Ferguson Drive; thence proceed west along the extended north boundary line of Meadowlark Addition No. 5 to its intersection with the centerline of Flood Road; thence proceed south along the centerline of Flood Road to its intersection with the extended south boundary line of Meadowlark Addition No. 5; thence proceed east along the extended south boundary line of Meadowlark Addition No. 5 to the southeast corner of Lot 1, Block 6 of Meadowlark Addition No. 5; thence proceed north along the east boundary line of Lot 1, Block 6 of Meadowlark Addition No. 5 to the northeast corner of Lot 2, Block 5 of Meadowlark Addition No. 5; thence proceed west along the extended north boundary line of Lot 2, Block 5 of Meadowlark Addition No. 5 to its intersection with the centerline of Ferguson Drive, the point of beginning.

And the lands included in the District are shown on the map attached as Exhibit “A,” and that the legal descriptions of the lots, parcels and tracts of land within the District are shown on Exhibit “B” attached hereto.

Section 5. The City Commission hereby finds and determines that all real estate situated in said district will be especially benefited and affected by such improvement and the property included within the boundaries of said district is hereby declared to be the property assessed for the cost and expense of making said improvements. The installation, utility and administrative costs will be assessed against benefited properties within the District on the following basis pursuant to Section 7-12-4323 MCA:

Each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. The installation costs are estimated to be **\$.019088** per square foot assessable area and the property owners have the right to prepay the assessment as provided by law.

The ongoing annual assessment for the utility and administrative costs is estimated to be \$0.005792 per square foot assessable area.

The assessable area and related costs of construction for each lot or parcel of land is shown on Exhibit "B" and, the assessable area and estimated costs of maintenance for each lot or parcel of land is shown on Exhibit "C" attached hereto.

Section 6. That on Tuesday the 16th day of October, 2007, at the City Commission Chambers in the Civic Center in the City of Great Falls, Montana, at 7:00 o'clock p.m., the Commission will conduct a public hearing on the creation of the Special Improvement Lighting District and pass upon any written protests timely filed against creation of the Special Improvement Lighting District. Within 15 days after the date of the first publication of the notice of passage of this resolution of intention, any property owner liable to be assessed for the cost of the improvements may make written protest against the proposed work or against the extent or creation of the Improvement District.

Section 7. The City Clerk is hereby authorized and directed to publish notice of the adoption of this Resolution twice in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, with at least six (6) days separating each publication.

The Clerk of said City is hereby further directed to mail a copy of said notice to every person, firm or corporation or the agent of such person, firm or corporation having property within the proposed district, at their last known address, upon the date of the first publication of said notice. The letter is attached as Exhibit "D" and the notice is attached as Exhibit "E."

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 18th day of September, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

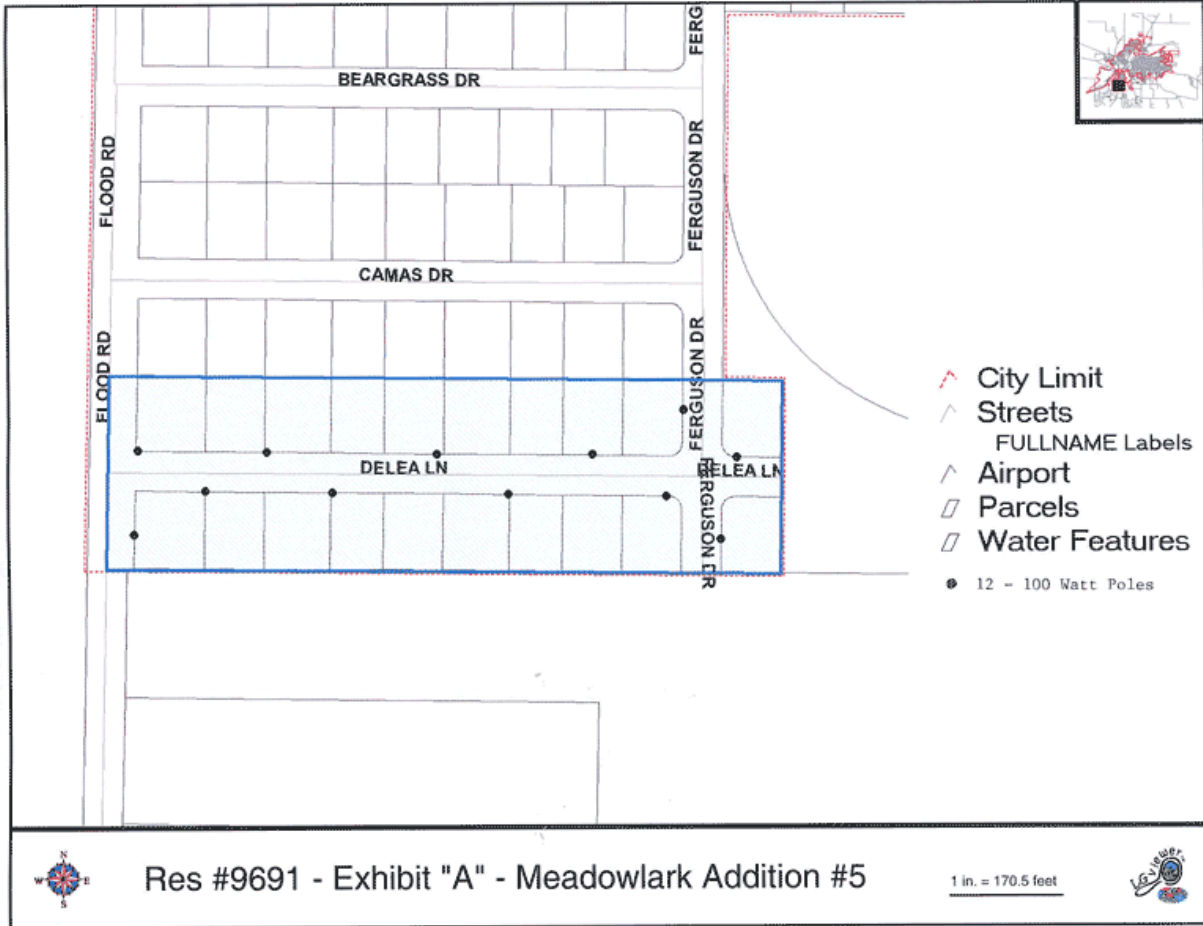
State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9691 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September 2007, and approved by the Mayor of said City on the 18th day of September 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of September 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)



Res #9691 - Exhibit "A" - Meadowlark Addition #5

1 in. = 170.5 feet



RESOLUTION 9691 - EXHIBIT "B"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1310 INSTALLATION COSTS

Total Construction Costs: \$ 29,500.00

Improvements: **TWELVE (12) 100 WATT HPS UNITS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING**

15 Year Assessment

Beginning Nov: 2009

Ending May: 2024

Variable Interest Rate: 4.85%

Total Square Footage Cost: 0.140538429

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
2184800	Original Parcel		Meadowlark #5	Meadowlark Partners LLP	209,907	\$ 29,500.00	1,966.67	1,430.75	3,397.42
1/1/2008 will be split into the following:									
NA	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	1,678.45	111.90	81.40	193.30
NA	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	1,454.57	96.97	70.55	167.52
NA	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	1,616.19	107.75	78.39	186.13
NA	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	1,292.95	86.20	62.71	148.91
NA	3	14	Meadowlark #5	Meadowlark Partners LLP	10,350	1,454.57	96.97	70.55	167.52
NA	3	15	Meadowlark #5	Meadowlark Partners LLP	11,500	1,616.19	107.75	78.39	186.13
NA	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	1,292.95	86.20	62.71	148.91
NA	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	1,454.57	96.97	70.55	167.52
NA	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	1,442.49	96.17	69.96	166.13
NA	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	1,424.50	94.97	69.09	164.05
NA	4	2	Meadowlark #5	Meadowlark Partners LLP	10,263	1,442.35	96.16	69.95	166.11
NA	4	3	Meadowlark #5	Meadowlark Partners LLP	9,156	1,286.77	85.78	62.41	148.19
NA	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	1,611.98	107.47	78.18	185.65
NA	4	5	Meadowlark #5	Meadowlark Partners LLP	10,356	1,455.42	97.03	70.59	167.62
NA	4	6	Meadowlark #5	Meadowlark Partners LLP	9,231	1,297.31	86.49	62.92	149.41
NA	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	1,626.59	108.44	78.89	187.33
NA	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	1,468.49	97.90	71.22	169.12
NA	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	1,725.25	115.02	83.67	198.69
NA	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	1,441.08	96.07	69.89	165.96
NA	6	1	Meadowlark #5	Meadowlark Partners LLP	10,085	1,417.33	94.49	68.74	163.23
					209,907	\$29,500.00	\$1,966.67	\$1,430.75	\$3,397.42

RESOLUTION 9691 - EXHIBIT "C"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1310 ANNUAL ASSESSMENT

12 - 100 WATT HPS ON 17' FIBERGLASS POLES WITH UNDERGROUND WIRING \$ 1,105.43

COST OF OPERATION AND ROUTINE MAINTENANCE 1,105.43
 10% ADMINISTRATION FEE 110.54
 TOTAL ANNUAL COST TO THE DISTRICT = \$ 1,215.97

ASSESSMENT BASED ON 12 MONTHS -
 ANNUAL ASSESSMENT FOR AN AVERAGE
 10,495 SQ.FT. LOT IS \$60.80.

ANNUAL SQUARE FOOT COST = 0.0057929

PETITION SIGNER	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	ANNUAL COST
	2184800	Original Parcel		Meadowlark #5	1/1/2008 will be split into the following - c	209,907	1,215.97
X	NA	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	69.18
X	NA	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	59.96
X	NA	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	66.62
X	NA	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	53.29
X	NA	3	14	Meadowlark #5	Meadowlark Partners LLP	10,350	59.96
X	NA	3	15	Meadowlark #5	Meadowlark Partners LLP	11,500	66.62
X	NA	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	53.29
X	NA	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	59.96
X	NA	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	59.46
X	NA	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	58.72
X	NA	4	2	Meadowlark #5	Meadowlark Partners LLP	10,263	59.45
X	NA	4	3	Meadowlark #5	Meadowlark Partners LLP	9,156	53.04
X	NA	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	66.44
X	NA	4	5	Meadowlark #5	Meadowlark Partners LLP	10,356	59.99
X	NA	4	6	Meadowlark #5	Meadowlark Partners LLP	9,231	53.47
X	NA	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	67.05
X	NA	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	60.53
X	NA	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	71.11
X	NA	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	59.40
X	NA	6	1	Meadowlark #5	Meadowlark Partners LLP	10,085	58.42

TOTAL: 209,907 \$1,215.97

September 19, 2007

EXHIBIT "D"

Property Owner
123 Anywhere Street
Great Falls, MT 59404

Parcel No.: XXXXXX

INTENT TO CREATE RESOLUTION #9691

Dear Property Owner:

The creation of Special Improvement Lighting District – City Owned Residential Lighting No. 1310 is being considered as petitioned by the developer along DeLea Drive in Meadowlark Addition No. 5. This petition has started the process to install twelve (12) 100 Watt HPS street lighting units on 17 foot fiberglass poles with underground wiring along DeLea Drive.

If the proposed resolution is adopted by the City Commission, it would result in an **estimated** annual lighting maintenance and installation assessment cost of \$XX.XX for your property. This amount will be split proportionately to the 20 parcels contained within Meadowlark Addition No. 5 and will appear on their property tax bill beginning with the 2008/2009 assessment year.

Montana State Law requires sending individual notices of intent to each affected property owner in addition to the publication of the legal notice relating to the creation and assessment of the district. The enclosed notice is scheduled to be published in the *Great Falls Tribune* on Friday, September 21, 2007 and the following Friday, September 28, 2007.

At any time within 15 days after the date of the first publication of the notice of the resolution of intent, any owner of property liable to be assessed for said work may make written protest against the creation of the district. Such notice must be in writing, must list the property address and parcel number if known, must include signatures of all owners of the property, must indicate the resolution number being protested and may be mailed or hand-delivered to the City Clerk, 2 Park Drive, Great Falls, MT 59401 who shall endorse thereon the date of its receipt.

Each protest shall be weighted in proportion to the amount of the assessment to be placed upon the lot or parcel of property. If the City Commission finds that such protests constitute a majority of the total assessments, the resolution will be denied. The City Commission shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive.

You are invited to attend the public hearing for the creation of Special Improvement Lighting District – City Owned Residential Lighting No. 1310 on October 16, 2007 at 7:00 o'clock p.m. in the Commission Chambers in the Civic Center.

Re: Intent to Create Resolution #9691
Page 2

If you have any questions regarding the modification of SLD No. 1310, please call me at 455-8477.

Sincerely,

Judy Burg
Taxes & Assessments

Enc: Legal Notice

EXHIBIT “E”

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 18th day of September, 2007, the City Commission of the City of Great Falls, Montana, adopted a Resolution of Intent to Create No. 9691 entitled:

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF TWELVE (12) 100 WATT HPS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING ALONG DELEA DRIVE TO INCLUDE PROPERTIES LOCATED WITHIN MEADOWLARK ADDITION NO. 5

Resolution of Intent to Create No. 9691 is on file in the office of the City Clerk, Lisa Kunz, (406) 455-8541, Civic Center, 2 Park Drive, Great Falls, Montana, to which reference is hereby made for a full description of the boundaries of said district.

That the City Commission of the City of Great Falls, Montana, recognizes a need for a special improvement lighting district for the installation of street lighting. This will result in an estimated annual assessment during the first fifteen (15) years in the newly created area of \$200.34 for an average lot of 10,495 square feet for the construction and installation of the lights. After installation of the street lights there will be an ongoing initial estimated annual maintenance assessment of \$60.80 for an average lot of 10,495 square feet for energy and distribution costs of the lights.

That the City Commission of the City of Great Falls, Montana, will be in session on the 16th day of October, 2007, at 7:00 o'clock p.m., in the Commission Chambers in the Civic Center, at which time and place the City Commission will hear objections to the intent to create said Special Improvement Lighting District – City Owned Residential Lighting No. 1310. Any person or persons, who are owners of any lot or parcel of land within said Special Improvement Lighting District No. 1310, who shall, within 15 days after the first publication of this notice have delivered to the City Clerk of the City of Great Falls, a protest in writing against the proposed creation of said special improvement lighting district, shall have the right to appear at said meeting in person or by counsel, and show cause, if any there be, why such special lighting district should not be created.

Publication Dates: September 21, 2007 and September 28, 2007.

AGENDA REPORT

DATE September 18, 2007

ITEM Res. 9693, Set Mobile Home Park License Fees

INITIATED BY Community Development Department

ACTION REQUESTED Adopt Resolution 9693

PREPARED & PRESENTED BY Kim McCleary, Parking/Licensing Supervisor

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

Staff recommends that the City Commission review the proposed mobile home park license fees, and adopt Resolution 9693.

MOTION:

I move to adopt Resolution 9693.

SYNOPSIS:

Resolution 9693 reinstates the mobile home park license fees. Section 17.20.6.010 (G) of the Land Development Code states that prior to the establishment of a mobile home park and before January 2 of each calendar year thereafter, the operator of the mobile home park shall obtain a license from the City. This resolution reinstates the fees which were omitted from Chapter 17 of the City code upon adoption of the Land Development Code.

BACKGROUND:

The City Commission adopted the current mobile home park license fees by ordinance in 1975. The fees were included in O.C.C.G.F. Chapter 17 prior to the adoption of the Land Development Code, but were omitted from the Land Development Code, which replaced Chapter 17 in 2005. Staff is proposing no change to the fee amounts.

Current Fees

One to ten mobile home sites	\$25.00
Ten & over	\$25.00 plus \$2.50 per site

RESOLUTION NO. 9693

A RESOLUTION SETTING MOBILE HOME PARK LICENSE FEES

WHEREAS, O.C.C.G.F. Section 17.20.6.010 (G) sets forth that prior to the establishment of a mobile home park and before January 2 of each calendar year thereafter, the operator of the mobile home park shall obtain a license from the City; and

WHEREAS, the City Commission requested that all fees be set by resolution; and

WHEREAS, staff is recommending that the fee shall be for the calendar year in which the original license is obtained and shall be paid to the Community Development Department on or before the second calendar day of each year thereafter: and

WHEREAS, staff is recommending that the City Commission approve the following mobile home park license fees for each mobile home court:

One to ten mobile home sites	\$25.00
Ten and over	\$25.00 plus \$2.50 per site

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

That the City Commission of the City of Great Falls does hereby establish said annual licensing fees for mobile home parks.

PASSED by the Commission of the City of Great Falls, Montana, on this 18th day of September, 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 No. 9693 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007, and approved by the Mayor of said City, on the 18th day of September, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

PROCLAMATION: Mayor Stebbins read a proclamation for National Alcohol and Drug Addiction Recovery Month.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Res. 9680 and Ord. 2978, annexation and zoning for Pine Hill Minor Subdivision, consisting of two lots. Adopted.

2A. RESOLUTION 9680 ANNEXES PINE HILL MINOR SUBDIVISION, CONSISTING OF TWO LOTS LOCATED ALONG THE WEST SIDE OF HUCKLEBERRY DRIVE, IMMEDIATELY SOUTH OF BEL-VIEW PALISADE ADDITION.

2B. ORDINANCE 2978, ASSIGNS ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT.

Planning Director Ben Rangel reported that Nancy Clough is the owner and developer of property located along the west side of Huckleberry Drive, just south of Bel-View Palisade. Mrs. Clough proposes to develop a two lot subdivision consisting of an existing home and 13 new single-family homes titled Pine Hill Addition. Mrs. Clough's overall proposal includes the referenced subdivision, its annexation and the establishment of City zoning.

On August 7th, the Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the Commission adopt Resolution 9680, which would annex the subdivision and to adopt Ordinance 2978, which would assign a City zoning classification of PUD Planned unit development, and approve the subdivision, the Findings of Fact and the annexation agreement.

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

Mayor Stebbins declared the public hearing open. Speaking in favor of Resolution 9680 and Ordinance 2978 was:

James Clough, 3700 Huckleberry Drive, stated that he and his wife are proud to present this plan to the City Commission and they feel this will be an asset to the City of Great Falls, and will be a natural extension of the City borders.

Speaking in opposition to Resolution 9680 and Ordinance 2978 was:

Sheila Sorenson, 3800 Huckleberry Drive, stated that when this was proposed she spoke with the neighbors in the area and no one is for this subdivision. Ms. Sorenson opined that this will totally change their “ranchette” style homes on acres with deer. She does not want the City extended to that area. Ms. Sorenson stated that 90 percent of the people in the area signed a Petition, but the person that has it is not here this evening.

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 9680 and approve the Minor Plat, Findings of Fact and Agreement.

Commissioner Hinz stated that this is logical, rational growth, is contiguous with the current City limits, and will be a natural extension of the City limits.

Mayor Stebbins stated that she has reservations because there appears to be some opposition by the neighbors. However, lacking any evidence thereof, she called for a vote.

Motion carried 4-0.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2978.

Motion carried 4-0.

Ord. 2972, Amending OCCGF 13, Chapter 2, Section 070(c), tabled until September 18, 2007.

3. ORDINANCE 2972, AMENDING OCCGF 13, CHAPTER 2, SECTION 070(C), PERMITTING EXTENSION OF UTILITY SERVICES BEYOND THE CITY LIMITS.

City Manager John Lawton reported that, because of the increasing growth in the recent past, the City is receiving increasing numbers of requests for

annexation and utility projects from residential subdivisions and commercial properties. Unique or exceptional circumstances where such development may not be conducive to immediate annexation, deems it necessary to amend 13.02.070 (C), OCCGF, to permit such extension of City utility services beyond City limits conditioned upon the developer/land owner agreeing to sixteen criteria inclusive of written consent to annexation on the City's initiative; and, payment for the costs of such extension, service fees and fees in lieu of taxes; and, agreeing to be bound by the rules and regulations of the City's utility system.

Ordinances in Billings, Missoula, Bozeman and Helena have permitted the extension of their utility services beyond their city limits based on certain criteria agreed to in writing by a developer/land owner. Likewise, the City of Great Falls is experiencing increased growth with more industrial requests for utility services beyond City limits that may not be conducive to immediate annexation.

State Statutes authorize a city to establish and operate utility services and also authorize cities to furnish such water and sewer services to "any person, factory or other industry located outside the corporate limits of the city."

The City is simply catching up with State code and what other communities in growth mode are doing.

This will apply to Highwood and will also apply to a number of other special situations in the future.

Mr. Lawton recommended the City Commission adopt Ordinance 2972 on second reading.

Mayor Stebbins declared the public hearing open. No one spoke in favor of Ordinance 2972. Those speaking in opposition to Ordinance 2972 were:

Richard Liebert, 289 Boston Coulee Road, stated that he farms and ranches in Cascade County. Mr. Liebert stated that Great Falls is a good city, but thinks it can be greater - that we can make the best better. The City does need to deal with growth, and he thinks it is a tragedy that we no longer have a City/County Planning Board. Mr. Liebert opined that, at face value, Ordinance 2972 is attractive on its merits, but he urged caution that the Commission measure twice and cut once. He stated that the staff report does not articulate the consequences of this decision. He finds missing from the report the \$45,000 Tischler Bise fiscal impact study. He stated that he has the draft copy of the report that was due last January and shows over 14 years a net loss of 1.2 million dollars. In his 30 years in government experience, Mr. Liebert said that he finds it striking that it does not address the study or the consequences or impacts on the county. He stated he is the chair for the Citizens for Clean Energy. Mr. Liebert submitted that it is time

for the community to create a new vision, 20/20 perhaps, to deal with growth. Mr. Liebert urged the Commission to not make ordinances before change in policy, and to work towards a strategic harmony and vision 20/20 for the City and let the County be involved as well.

Charles Bocoek, 57 Prospect Drive, asked the Commissioners to allow more time to study the ordinance before them as it does pertain to the Highwood coal plant. Mr. Bocoek asked questions of the City Council regarding City services and especially the ordinance before them tonight. Mr. Bocoek stated that on October 3, 2006, the Commission voted to commission a study about the City services regarding the water, sewage, fire department and police department as it pertained to the coal fired plant. In January 2007, the Commission received this lengthy, detailed report from Tischler Bise concerning the City services. The Commission voted on April 17th to pay for this service in the amount of \$40,500. The Commission received additional information from Tischler Bise concerning the water and sewer services and paid them an additional \$5,000 on May 1, 2007. That same evening the Commission voted to pay Tischler Bise for the sewer services study. Mr. Bocoek stated the studies don't seem to appear for the public to look at. Mr. Bocoek inquired if the Commissioners had reviewed these three studies that they paid for before tonight.

Commissioner Hinz stated that she had not reviewed the studies before tonight's meeting, but had in the past.

Mr. Bocoek asked for some more study time and to not vote on this tonight. He stated that when the Commission votes on agreements or ordinances that lock in the City for decades, it has an impact on the future generations within the City. These three studies show an incredible cost to the City. Besides the City water and sewer services, the Fire Department and Police Department will have to answer calls to the Highwood Generating Station. Because of the City only having a contractual agreement with SME, it can't collect any taxes until the coal plant is operational and, more importantly, until it is annexed into the City. The Tischler Bise study was for a 14 year period and covers lots of problems. Mr. Bocoek stated that, for these three reports, the City paid a total of \$51,000. He asked the City Commissioners to look at this information pro and con before voting on the ordinance before them tonight. Mr. Bocoek urged the Commissioners not to hurry and that there is no reason not to use the information that they paid for.

Kathleen Gessaman, 1006 36th Avenue N.E., stated she is opposed to Ordinance 2972, which could permit unlimited extension of utilities beyond the City limits. The Tischler Bise report shows that the City of Great Falls will lose money on any utility extensions that are not annexed to the City. Mrs. Gessaman opined that at past City Commission meetings the City has taken on a program to force annexation on over 100 properties that receive City services but were not annexed. She considers it to be poor public policy to provide City services to properties without annexation and, at the

same time, forcing annexation of other property that receive services. Ordinance 2972 does not address how developers will pay for extensions. Mrs. Gessaman stated that the citizens of Great Falls should not float along for development outside the City limits that may or may not provide future tax revenue. She inquired if the City is planning to require developers to set up escrow accounts like the 1.4 million account that ECP and the City had to provide SME for its power purchases for the City. She stated it doesn't seem to be outlined in the 16 points. It does say the developer will be responsible, but will the taxpayers have to fund approximately 7 million dollars up front in the case of Highwood or will the developer set up an escrow account.

City Manager John Lawton answered that in the case of each annexation, each one will be evaluated on its merits. The financial requirements will be imposed by the City to cover all costs. So, the City has not negotiated the details of any such agreement at this time. In the agreement with SME, they have agreed to pay the costs for any services they receive – all engineering costs, all costs of utility extensions and so forth. The City will not have to front any of those costs.

Fiscal Services Director Coleen Balzarini stated that there were two Tischler Bise studies that the Commission approved. The first one was a fiscal impact study to evaluate what the impact would be of the Highwood Generating Station on the City on an annual basis. That evaluation looked at annexation versus not annexing. In the event of HGS not annexing, those costs that the City would be impacted by would be repaid to it by SME in an agreement that would give the City payments in lieu of taxes. Rather than just taxes themselves, the City would get a payment that would cover those costs. She stated that the Tischler Bise study was commissioned to find out by somebody else what those costs might be. The second study that Mr. Boccock referred to actually had water and sewer together. That was called the facilities impact study. The City did make two payments on that of \$5,000 for water, and \$5,000 from the sewer fund. Tischler Bise actually determined that there is no facility impact from Highwood Generating Station when you look at the capacity of our water treatment plant and our wastewater treatment plant. The City has the ability to take their return at this point. There was no fee charged by them for the water and wastewater facilities themselves. They actually never really finished that report. They started and they looked at all the information that we sent them, but the fact is they said there is no impact because the City has adequate capacities within those facilities already.

Mr. Lawton stated that when it gets to the point of finalizing these agreements with SME, HGS will have to pay for specific things. One of the things that was discussed is that it may require another fire engine and, if it did, HGS would have to pay for that. At the time those costs are determined and the exact level of services that the City will provide, HGS will have to pay for all of the costs and that will come back before the Commission for

approval.

Commissioner Jovick-Kuntz asked Mr. Lawton if Highwood Generating Station was taken out of this, and if another business outside the City limits wants to use this, is there a public process. Will every one of these need to come before the Commission as far as a public hearing process or is this something the Planning Board would do on their own.

Mr. Lawton answered that each agreement would have to come before the City Commission. Even though it didn't involve annexation, it would require going through the public process and each agreement would have to be approved by the City Commission. The City Commission is the only one that can commit to providing the services and agreements necessary in order for somebody to connect to water and sewer. Each one is treated individually and would be the subject of the public process.

Mrs. Gessaman stated this ordinance doesn't address what happens if the County allows developers to set up a tax increment financing district. Mrs. Gessaman inquired if the City will be able to annex property that has a County TIF on it. In the case of Highwood Generating Station, the County had worked to get a TIF on that piece of property. If it had gone through, could the City annex that property with a county TIF on it.

Mr. Lawton answered that the City could annex a property with a County TIF on it, but the City could not affect that district. The City would not be able to affect their revenues.

Ron Gessaman, 1006 36th Avenue N.E., stated he is opposed to the passage of Ordinance 2972 in its present format and in the format originally presented on first reading. Mr. Gessaman stated that, despite presentations and protestations by City staff to the contrary, he believed the only reason the City is attempting to relax the current limitations on extensions of utility services beyond City boundaries is to permit the providing of such services to the proposed Highwood Generating Station. Mr. Gessaman stated that the public was left at the August 21st meeting with the impression that residential developments were involved. He stated he did not think this was true because in the background section of today's agenda report the comment says the City of Great Falls is experiencing increased growth with more industrial requests for utility service beyond City limits. The Tischler Bise report has a direct connection with Ordinance 2972. The study results were due June 3rd, but few members of the public have seen this report. He stated it is not posted on the City's website. However, some of us have seen this and found a few very applicable points. The City is losing money on residential development. If the City is already losing money on every residential development, why would the City consider providing services without annexation and the corresponding collection of tax revenues. The City of Great Falls is expecting to lose about \$90,000 per year for the first 14 years it provides services to the Highwood Generating Station without

annexation. By comparison, the City is estimated to net a little over \$300,000 annually for providing the same service under annexation. Mr. Gessaman stated that he presumes any prudent and fiscally responsible government official would have no problem deciding which scenario to provide services under. During the lengthy construction phase of the proposed Highwood Generating Station, or any other large industrial facility, no tax revenues are collectable. The services must be provided and paid for during the construction period – the result that net annual deficits to the City must be covered by other generous City taxpayers during the construction period. The tax revenues are only collectible after the industrial facility is operational. If the City delays annexation, the possibility exists for the County to create the tax increment financing district and potentially deprive the City in the future of any tax revenue once the industrial facility is annexed. This is not addressed in the ordinance. Mr. Gessaman stated that the passage of this ordinance will not result in a better situation for the citizens of Great Falls.

Aart Doleman, 3016 Central Avenue, stated that he opposed the ordinance. Mr. Doleman stated that he is confused because the old version says there are 15 articles, and in reality there are 16. Mr. Doleman suggested that the Commission hold a hearing on the separate article at the next meeting. He stated that changes cannot be made to a public document without notifying the public. Mr. Doleman stated that he was not reassured by Mr. Lawton saying rezoning is perfectly legal because several organizations sought litigation, which resulted in the County Commissioners revising their zoning procedures. Mr. Doleman pointed out that the citizens have lived here as a planned community with the City/County Planning Board. He concludes that the City is having a blank check on expansion. Mr. Doleman stated that it concerns him that this opens the door for litigation and the City should not expose the community to that. He stated that Great Falls citizens live in a great community that has a County growth plan and a City growth plan and wants to know why the two institutions cannot cooperate. He urged the Commissioners that, before the ordinance is passed, a public hearing be held on article 16.

Commissioner Jovick-Kuntz asked Commissioner Rosenbaum if he was the one that suggested the addition of number 16.

Commissioner Rosenbaum stated that he asked about it at the last meeting if the right-of-way easements for utilities language was strong enough. It was discussed and staff thought that it wasn't as complete as it might be. Not that it wasn't there, it just wasn't that complete. Staff decided to do that and add the fire district language for anything that was annexed.

Commissioner Jovick-Kuntz added that this was put on the City's website when it was corrected. Ms. Jovick-Kuntz stated that it was in her Friday packet, so it was made available to the public on the website. Ms. Jovick-Kuntz then asked Planning Director Ben Rangel to give the public a history

of what happened between the City and County, stating she is tired of being blamed for the dissolution of the City/County Planning Board.

Mr. Rangel reported that, in essence, it was a decision made by the County Commissioners to withdraw its support to the former City/County Planning Board operations. They chose to provide their County Planning Board and County staff the authority and responsibility for what was previously referred to as the Four and One-Half Mile Planning Jurisdictional Area.

Mr. Doleman stated regarding item 16, it was Sunday night when he first read it on the internet and thought that was not enough public notice. He thanked Mr. Rangel for explaining the differences between the City and the County.

Jayme Watson, 2912 2nd Avenue North, stated that she grew up in Great Falls, moved away and did some traveling for awhile, and decided that Great Falls is the best fit for the values she has. She stated she opposes the proposed coal plant. Ms. Watson stated that, even if SME wasn't involved or the coal plant wasn't an issue, she believes this sort of change to a code or ordinance doesn't do anything to benefit the citizens of Great Falls, and only benefits a business, industrial or otherwise. She stated she knows how to balance a checkbook and this doesn't make sense to her. Ms. Watson stated she has attended City and County meetings and believes she is the sort of person this ordinance change will affect, and it worries her. The growth policy that the City has in place is sound. Ms. Watson asked that the Commission wait and do some more research. She stated that she believes decisions have been made when all of the information wasn't available and processed. She quoted E.B. Cummings as saying nothing beautiful ever hurries. She opined that too many things have been changed in our City Charter because of SME's requirements. Ms. Watson asked the Commission to take some time and consideration of this issue.

James Bull, 2708 4th Avenue South, stated that he has lived here since 1975 and has practiced urology in the community since that time. Mr. Bull has also served as an adjunct professor at the University of Great Falls for several years, and currently is volunteering in microbiology to help them out. He stated that he has reservations about Ordinance 2972. The preface of this ordinance states that ordinances in Billings, Missoula, Bozeman and Helena have permitted the extension of their utility services beyond their City limits based on certain criteria agreed in writing between developers and owners. The aforementioned cities are high growth communities mandating such flexibility to accommodate growth with a reasonable expansion of utility services. Mr. Bull stated that it appears to the casual observer that they are doing it, so why can't we do the same. He stated that he is a physician and not a City planner, but he offered an analysis from the four sister cities' regulations regarding extension of services outside their city limits. Despite the language in the Great Falls ordinance that Billings, Missoula, Helena and Bozeman allow this, he stated that the Great Falls proposed ordinance is significantly different. The primary difference in

Ordinance 2972 is (1) the language regarding future annexation is confusing. To him, it seems poorly crafted and vague. In Helena and Billings the purpose in extending their services is to promote annexation; (2) this ordinance does not include language to require an applicant to waive the right to protest future annexation. The only language in the Great Falls ordinance concerning the waiver is in regards to creation of a special improvement district and not annexation; (3) Ordinance 2972 does not require an applicant to apply for annexation prior to receiving City services, unlike Missoula and Billings; (4) the proposed ordinance does not require the property to conform to local plans, like the growth policy, water services or facility plan, unlike Helena, Missoula or Billings; (5) this ordinance does not require consideration for orderly growth and development of the City, unlike Bozeman, Missoula, Helena and Billings; and (6) according to the proposed ordinance, it needn't be contiguous with City property, unlike Billings. Furthermore, to be in compliance with the proposed ordinance, the property does not have to comply with existing County zoning, unlike Missoula. Mr. Bull provided copies of the relevant sections of the ordinances from the other cities. Mr. Bull requested that the Commissioners table Ordinance 2972 until further studies from these documents and other information can be accomplished.

Roger Norguaard, 221 Glenwood Court, stated that he opposes Ordinance 2972. He stated that in the Tribune on November 13, 2006, Richard Ecke wrote an article about annexing property outside the City. He stated that City Planning Director Ben Rangel argued that it is unfair for businesses to use City water or sewer lines without paying City property taxes. Mr. Norguaard stated that this seems to be a gross lack of consistency and fairness if this Commission approves billing City sewer and water to the Highwood Generating Station if they don't pay City taxes. He asked that the Commission take more time in considering passing this ordinance until they have all the facts before them.

Jeff Monheim, 3709 20th Avenue South, stated that he has lived in Great Falls since 1971. He stated he opposes Ordinance 2972. He quoted from the City Code regarding annexation. The introduction states that, like many other cities, Great Falls has restricted the provision of water and wastewater services to customers inside the City. If anyone outside the City boundaries wants service, annexation is required. This is accomplished by the following language in the City Code. Reasons for the existing policy – City residents have bought and paid for the wastewater treatment plant and the water treatment plant storage facilities and transmission means. The plants at other facilities do not run at full capacity and have room to accommodate growth. If these facilities were used to serve areas outside the City, inequities would be created. First, excess capacity could be used up for people outside the City inhibiting growth inside the City or eventually creating a major cost for plant expansion. Second, there would be no means of buying into a capital plant already paid for by City residents. Next, the basic City services come in a package to a large extent as there are more

homes and businesses to share the cost of this package of services, the cost will be distributed more equitably, and the quality of services will be better. It is fair to all citizens if those who benefit from water and sewer also receive and help share the costs of police services, fire protection, parks and streets. As it is many residents on the fringe of the City use the City services without having to share the cost. Extension and replacement of water and sewer lines requires careful planning consistent with the growth patterns, zoning, and other public infrastructure, such as streets and storm drainage. Having all of these things under the control of one jurisdiction makes orderly growth and development possible. Having them under the control of more than one jurisdiction often encourages disorderly growth and substandard systems that may create health, safety and cost problems later on. Once an individual obtains City water and/or sanitary sewer service independent of annexation, any interest or need in ever joining the City is lost. This creates a formal barrier to future annexation even when it is overwhelmingly in the public interest. An increase in development outside the City, combined with barriers to annexation, could have a long term affect of stifling the City's tax base. Finally, construction, operation and maintenance of the City's water and sewer systems require ordinances covering such things as special improvement districts, connection requirements, and collection and payment procedures. City ordinances are not enforceable outside the City limits, thereby complicating utility operations.

Stuart Lewin, 615 3rd Avenue North, stated that this particular issue and ordinance goes to the heart of one of the complaints that he has been raising for quite awhile and believes it is an offshoot of what happened with the City and the County splitting up their combined planning. Mr. Lewin stated that we get stuck with the question of what growth policy plan is going to really be applied to make the decision about whether the City services should be extended outside the City limits. This deals with whether or not the citizens have any control about what they want to see the future of the community to look like. He stated when development takes place around us, it should fit in to some kind of an all over plan. That is the purpose of a growth policy plan. Now that we no longer have a City/County Planning Board, the question comes to the City if this ordinance gets passed - how does the City know whether to provide those services. The only growth policy plan to look at is the City's growth policy plan. It can no longer address any of the development questions outside the City limits. Mr. Lewin stated that he asked if he could sit on the County Planning Board and was told no because he lives in the City and cannot get involved in planning in the County. Mr. Lewin stated, if the Highwood Generating Station came to the City to provide services, it is up to the County. Mr. Lewin asked that the Commission hold back on agreeing to this kind of ordinance. He stated that HGS would have to come to the City for those services if they want to build it. He stated that if the City holds off it could force them to come up with a plan where we could have a planning arrangement that is not under the control of just the County outside the City. By passing the ordinance

now, he stated that the City foregoes that opportunity to have that discussion. Mr. Lewin read part of Attorney General Opinion 43, No. 37 (1990). Point 3 of that conclusion states that a municipal governing body may not extend municipal boundaries pursuant to the Planned Community Development Act of 1973 without conforming to a growth policy. Mr. Lewin stated that, to him, before an ordinance can be passed like this and be sure that it would be legal, the City would need the opinion of the Attorney General. He stated that this requirement is not being met. Mr. Lewin asked that the City Attorney submit to the Attorney General a request to determine if he is right in this analysis and whether the City has authority to go forward and pass an ordinance outside its jurisdictional area. Mr. Lewin stated that he has a problem with the study not being open to the public, so that the public would also know what the costs would be. Mr. Lewin stated that still today the public does not know the amount spent by this City on the development of this project. Mr. Lewin further stated that also, the electric corporation set up has been losing money by selling power below cost, and covering it up with future contracts. He stated that the contracts with SME are benefiting private businesses and do not help the taxpayers who may have to pick up millions of dollars to cover this fiasco. Mr. Lewin opined that this ordinance is foolishness and does not fit in the direction the City is heading.

Carol Fisher, 500 53rd Street South, stated she is confused about things that happened prior to the ordinance being passed. Ms. Fisher stated it is her understanding that City government is designed to work on a set of orderly procedures – before “b” can happen, “a” must happen. In October 2006, the Commission approved a contract for the Tischler Bise study to evaluate the fiscal impacts of extending City services to the Highwood Generating Station. She thinks the order from there would be to get the final study, evaluate the findings, bring a proposal before the Commission, and after receiving approval from the Commissioners the City Manager would sign an agreement with SME to extend the services. She stated the ordinance has to be passed before an agreement could be reached. She stated she wants to know why this order isn’t being followed. She stated this has to do with an agreement that was ratified at the last meeting. She stated that she doesn’t understand how the agreement can be ratified before the ordinance is passed. Agreements have been passed or ratified for water service and wastewater treatments with SME. There was no final report from the Tischler Bise study. There was a draft dated January 3, 2007, indicating a cumulative net deficit of 1.2 million dollars for maintaining those services if annexation doesn’t occur. Ms. Fisher stated there is not a set date for annexation to happen, and that is extremely vague in the ordinance. She thinks that big of a possible deficit would be a huge red flag. But, on May 30, 2007, Mr. Lawton signed agreements with SME to extend those services. On June 5, 2007, the City Commission voted to approve those agreements. She stated she wants to know if it is legal for the City Manager to sign those types of agreements prior to Commission approval and, if so, why even go through the pretense of having a Commission vote. She asked how can agreements

be made before an ordinance allowing it having not been passed.

Cheryl Reichert, 51 Prospect Drive, stated that after leaving for a couple of decades she came back in 1987 to practice pathology and to serve as a Deputy Medical Examiner for North Central Montana. Ms. Reichert stated she believes that we live in the best of the last best places, and that is why she chose to come home. Ms. Reichert stated the decision that the Commission makes tonight about future growth will determine our quality of life for ourselves and future generations. She stated that she knows the Commission's intentions are good, but it is the unintended consequences that she fears. She appreciates the dedicated public servants. She submits that this is democracy in action. Not always comfortable, but certainly superior to other systems of government. She appreciates the hard work of the City administration. She gives credit to many improvements to the town to City Manager John Lawton. She recognizes the rights of individuals to come to different conclusions regarding the best course of the future of Great Falls. The underlying assumption is that everyone has access to all of the relevant information. The process of serving the public good is in good faith, and that it is honest and transparent. Ms. Reichert stated sadly, that is not the case for this issue. She stated the Commission heard today about a dozen problems with this ordinance. First, the rules are being written three months after the June 5th contracts to supply water and sewer were authorized for SME, having been buried as Consent Agenda Item 21 to that agenda. Two, the contracts to provide the services may not be legal, because they were signed by the City Manager six days before the Commission voted on them. Next, the conclusion of the Tischler Bise studies that the Commission authorized actually authorized a total of \$80,500 on October 3, 2006, weren't made available to the public, possibly because during the 14 years of their projection the City would suffer from a cumulative net deficit by their figures of 1.2 million dollars under the contracted services scenario as opposed to annexation that would bring in the property taxes. The separate Tischler Bise study about the water and sewer capacity was never made public and it is not even clear if it was given to the Commission, even though the fees for a portion of that \$10,500 were paid to the consultants on the Consent Agenda on May 1st. Although the synopsis of this ordinance states that our City is just catching up to Missoula, Billings, Bozeman and Helena regarding extension of City services, the reality is quite different. Fifth, there is no mention of utilizing City police as part of the City services even though in the Tischler Bise study it is anticipated that the City will respond to 15% of the calls, even though they are covered by the Sheriff's Department, possibly adding another police officer. The overall volume of police calls can be expected to go up substantially. In one community in Wyoming it went up 30%, given the experience of other boom and bust communities with construction phase man camps. Sixth, it is far from clear that our City wastewater plant can handle this type and volume of industrial effluent. She stated she is in the process of studying that issue with the Department of Environmental Quality at this time. Seven, the ordinance that appears before the Commission today is different than the ordinance that

was accepted on first reading on August 21, 2007. Eighth, it is unclear whether the proposed ordinance conforms with Montana Code Annotated and other legal precedence cited by the Attorney General. Nine, the ordinance is not in conformance with City codes that currently exist nor with the growth policy. Ten, it is far from clear how such a ruling will affect Cascade County and the TIF district that it is trying to create to pay for coal plant infrastructure. Eleven, in the event of a bankruptcy, and that is a real possibility with a financially risky thing like a coal plant, the present policy of providing City services on contract puts the City in a weaker position than services provided through annexation. Twelve, this ordinance is unfair and creates a double standard and contradicts the Commission policy as recently at 10 months ago when there were 138 business and residential properties in the County receiving City services and they were forced to choose between being annexed because they were receiving water and sewer, or not getting those services. Finally, there is no need to rush to judgment. On October 31st an Associated Press article appeared across the state, except it wasn't published in Great Falls, and it was acknowledged that funding from the coal plant will be delayed while it is in litigation at the State and Federal levels. The coal plant is under litigation in Federal Court and the air quality permit is being challenged in State Court. It is not like this thing is going to disappear tomorrow. The issue will come indirectly before the voters of Great Falls on November 6th where there is a potential of electing a new majority of commissioners or not. Ms. Reichert opined that it would be prudent to have such long term decisions made after the election. She provided a conclusion of an independent study commissioned by Citizens for Clean Energy. Private citizens paying for this study to give the Commission a different perspective. Ms. Reichert requested that the Commission delay action on this ordinance until they have the opportunity to study the materials.

Brett Doney, 3048 Delmar Drive, stated that, from an economic development perspective, the more that can be preplanned regarding the ring around the City so that developers can anticipate what the future zoning would be, the better it will help the City secure development. Mr. Doney stated positive steps have been taken in that direction with the City and County planning staff working together on the proposed Industrial Park area by the Malt Plant and with the Malmstrom Runway Protection Zone. The pre-development monies are the hardest to come by because it is the riskiest. Mr. Doney stated that there are areas by Centene where there will be growth, but there is some ambiguity as to what the zoning will be. If the City can do a ring plan so that investors can anticipate what the zoning will be, it would fuel the investments they are trying to attract. Mr. Doney opined that all will be glad when the Highwood issue gets resolved because it colors everything. He stated this is a very useful tool for economic development. Obviously, it should be used sparingly. There will be circumstances where we want to attract an investment and we will want some flexibility. It has to be carefully considered. Each deal would come before the City Commission and the 16 points would be looked at. Mr. Doney stated there are

possibilities for investment that we want to attract and this will give us some flexibility. They are rare, but when they come up this is a useful tool. Mr. Doney stated he thinks that is why the other cities have put this in place so they can foster development, particularly phase development. The Industrial Park is a good example of that, where we are trying to work in partnership with the City and the County, but we are looking at a phased plan and we want to know what the zoning is going to be in the future. So we want an agreement with the City, but it may not be time to annex because of the cost of annexation.

Gloria Smith, 8 Cheyenne Drive, stated she is not opposed to growth. She is opposed to the wrong kind of growth. She is opposed to little pockets of industrial areas around the City, where you will have to go outside the City to build residential. She stated that these people are not going to be allowed to protest annexation. Ms. Smith asked what are the people going to be allowed to do. She stated that we are talking about a 30 year commitment, signing an agreement to deliver. Ms. Smith asked how many gallons of water per minute is the City going to commit to this plant.

Mayor Stebbins informed Ms. Smith that her question has nothing to do with the matter that is before us right now.

Ms. Smith stated that it does because we are going to sign an agreement to give them – passing an ordinance to allow these people to have City water. Ms. Smith stated that (he) already signed an agreement with them that we are going to do this. Ms. Smith asked if the City doesn't have enough water to provide in 30 years, can the City be sued for not providing the full amount? Ms. Smith stated this doesn't apply to just this plant, it applies to other plants coming in.

Mayor Stebbins answered that this will be on a case by case basis. Whether the City decides to use this as a growth tool or not, it will be decided case by case and all those things will be considered.

Ms. Smith asked if she heard right that (he) signed something already. Ms. Smith asked if HGS would buy a fire truck, would they pay the salaries of the extra firemen that the City will need to man those fire trucks?

Mr. Lawton answered that if we are talking about the power plant itself, that project will be required to pay the costs of all City services that they use. That means everything. Mr. Lawton stated that an agreement has not yet been negotiated, that we have not yet analyzed what they need. He stated that we have only kicked this around in a very conceptual way. None of those issues have been decided. It states in the agreement with SME and in this ordinance that the costs of services and facilities will have to be paid by the developer. Those costs are costs determined by the City and not the developer.

Ms. Smith stated that it seems to her the cart is being put before the horse.

Mike Witsoe, 615 3rd Avenue North, stated that this sounds a lot like “Randyland” – speaking about the casino where the neighbors complained about on the west side. Mr. Witsoe stated there is a conspiracy – a blanket word that can cover one and all, the City, County, SME and developers to develop a large industrial complex at the Highwood Generating site. The County made a mistake and then backed up, and this is going to cost big bucks. Mr. Witsoe stated that he has recorded testimony from people years ago at the sewer plant that tell him about the malt plant problems that were never brought to the public about pumping the residue. He stated a recorded statement on video is subject to testimony in court and this is a public hearing and the Commission is all subject to such.

Commissioner Hinz asked Mr. Gliko about the Attorney General Opinion that Mr. Lewin eluded to wherein the AG ruled that we can’t do what we are trying to do.

City Attorney Dave Gliko stated that when the City adopted its growth policy, he did review all of the Attorney General Opinions relative to it and he believes that the AG’s point was that the City had to adopt, by a certain date, a growth policy. After that, unless they hadn’t adopted a growth policy, annexation might be challenged. But the City has adopted a growth policy. Mr. Gliko stated he doesn’t think that the issue is relevant at this point since the City has adopted a growth policy.

Commissioner Hinz inquired about waiving the right to protest and doesn’t see that in the 16 points.

City Manager John Lawton read paragraph 1 of the revised Ordinance.

Commissioner Hinz stated that, essentially, they are waiving their right to protest.

City Attorney Dave Gliko stated that the fact that the applicant must give consent is actually stronger than waiving protest. At the outset in making an agreement they do agree to annexation. He submits that it is stronger than waiving protest.

Commissioner Jovick-Kuntz inquired about why there are no time lines for annexation. She inquired if it should be made more formal as to a specific time frame.

City Manager John Lawton answered that there could be a number of reasons for not putting a time line on it. He stated, for example, if we annexed an area to provide water and sewer to an industrial facility and the growth of the City boundary was not really close enough so that the planning department was comfortable in annexing at a certain time, we

might set criteria when annexation reaches such and such a point, then the City might annex. That probably would be the case with the power plant where we would set criteria in the agreement with SME as to when annexation might take place. The other issue is to coordinate and consult with the County. The circumstances may vary regarding these kinds of service provisions and we want to leave ourselves the flexibility to coordinate and consult with the County on these issues.

Commissioner Hinz asked if it was urgent that they deal with this issue tonight.

City Manager John Lawton stated there is no particular urgency. There is no immediate decision on the horizon. On the other hand, it needs to be considered in a reasonable time frame.

Commissioner Jovick-Kuntz stated she wanted time to get Mr. Bull's questions answered concerning other cities' ordinances and the things, perhaps, we didn't take into consideration when we drafted this ordinance. Commissioner Jovick-Kuntz stated that she wants to look at the different ordinances. Also, if the public doesn't feel they had enough time with the addition of #16 and wants time to read and study it, she has no problem moving it to another date. Commissioner Jovick-Kuntz stated she also wants the legal staff to make sure this ordinance is perfectly legal, so as not to open the City to a lawsuit.

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

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission table Ordinance 2972 for September 18, 2007.

Commissioner Rosenbaum opposed resetting this matter. He stated that the anti-coal plant folks have drawn their conclusions and have modeled this to meet their needs. They had ample time for the last two weeks to call. Commissioner Rosenbaum stated that he did not receive any calls. He stated to come to these meetings and expect service immediately is a lot of what we are seeing here of late, and that it is frustrating to him to not have the information in front of him. He stated all have researched this, staff researched it, and he has researched it and he knows as much about water extensions and subdivision development as anybody. Commissioner Rosenbaum stated it is one that fits a lot of other things besides the coal plant, but that is the agenda these folks have and two weeks is not going to change anything either way.

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

Res. 9684, To Levy and Assess Properties for Unpaid Utility Services. Adopted.

4. RESOLUTION 9684, TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES.

Fiscal Services Director Coleen Balzarini reported that properties in the City of Great Falls which had utility services provided to them prior to June 30, 2007, but remain unpaid, are subject to the City's right to lien the property for the amount owed. The Fiscal Services Department reviews the accounts quarterly and notifies property owners of the delinquent charges and the right to lien the property. The legal owners of the properties were last notified in a letter dated July 5, 2007 that, unless these charges were paid within 30 days, they would be levied as a tax against the lot or parcel. These properties also receive the normal monthly billing statements. A final letter stating the date and time of the Public Hearing was sent August 22, 2007, and a public notice was published August 24 and 31, 2007. This tax will appear on the tax bill received from Cascade County.

Ms. Balzarini recommended that, after conducting the public hearing, the City Commission adopt Resolution 9684 to levy and assess charges of unpaid utility services against certain properties.

No one spoke in favor of or opposition to Resolution 9684.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Resolution 9684.

Motion carried 4-0.

Res. 9685, Cost Recovery, 2608 1st Avenue North. Adopted.

5. RESOLUTION 9685, COST RECOVERY, 2608 1ST AVENUE NORTH.

Community Development Director Mike Rattray reported that the owners of property at Lot 3, Block 337, Great Falls 11th Addition, Great Falls, Cascade County, Montana, were issued a "Notice of Hearing" before the City Commission of Great Falls to appear at 7:00 p.m., September 4, 2007. The hearing is to show cause why the owners of the property should not be liable for the costs incurred in abating property known as 2608 1st Ave N. This property has been a problem property for the neighborhood for the past year. Four citations were issued for junk vehicles and rubbish. The property owner refused to clean up the property and the City was forced to hire a contractor to clean up the property.

Mr. Rattray recommended that, after closing the public hearing, the City Commission adopt Resolution 9685 and assess the total charges of \$ 709 against the property itself with interest and penalties on the unpaid balance.

No one spoke in favor of or opposition to Resolution 9685.

Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Jovick-Kuntz, that the City Commission adopt Resolution 9685.

Motion carried 4-0.

Res. 9686, Cost Recovery, 4747 2nd Avenue North. Adopted.

6. RESOLUTION 9686, COST RECOVERY, 4747 2nd AVENUE NORTH.

Community Development Director Mike Rattray reported the owner of property at Lot 3, Block 3, Great Falls Heren Addition, Great Falls, Cascade County, Montana, was issued a "Notice of Hearing" before the City Commission of Great Falls to appear at 7:00 p.m., September 4, 2007. The hearing is to show cause why the owner of the property should not be liable for the costs incurred in abating property known as 4727 2nd Ave N. This is a trailer that has been a nuisance to the neighborhood for an extended period of time. The property owner refused to cooperate in any clean up efforts and staff was forced to hire a contractor.

Mr. Rattray recommended that, after closing the public hearing, the City Commission adopt Resolution 9686 and assess the total charges of \$1,329.00 against the property itself with interest and penalties on the unpaid balance.

No one spoke in favor of or opposition to Resolution 9686.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9686.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

7. Minutes, August 21, 2007, Commission meeting.
8. Total Expenditures of \$1,739,980 for the period of August 14 through August 29, 2007, to include claims over \$5,000, in the amount of \$1,542,360.
9. Contracts list.
10. Approve agreement with Great Falls Community Ice Foundation concerning cost sharing and responsibilities for the extension of City utilities.
11. Approve Change Order No. 1 and Final Payments of \$2,778.54 to Lapke Construction LLC and \$28.06 to the State Miscellaneous Tax Division for the 2006 CDBG Sidewalk Replacement.

12. Award construction contract to Kuglin Construction in the amount of \$75,215 for the 2007 CDBG Handicap Ramps.

Mayor Stebbins inquired if there was any comment from the public regarding the consent agenda. No one spoke with regard to any item on the consent agenda.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission approve the Consent Agenda as presented.

Motion carried 4-0.

13. BOARDS & COMMISSIONS MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

14. CITY MANAGER MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

15. CITY COMMISSION MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins commented that she attended the Labor Day picnic and it was very well attended.

PETITIONS AND COMMUNICATIONS

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

Highwood Generating Station.

16A. Gudren Linden, 1019 5th Avenue North, stated that she has been following the debate on the Highwood Coal Plant. She stated she doesn't pretend to know all the angles of this very involved and complicated issue. Ms. Linden stated this is where we sadly stand now with attorneys involved on both sides at the highest level and judges to be leveling decisions at a considerable price, monetarily and emotionally. Ms. Linden opined that this was caused by big corporations and City officials and aligned and locked itself in with big money and in the process involved the unwilling citizens of Great Falls in this unfortunate situation. Ignoring that in a democracy every citizen is entitled to an informed choice. The subject of this magnitude should have been totally transparent, debated right from the start, and after that brought up for a vote. Don't forget that corporations look at the bottom line first and foremost. That is the obligation to their stock holders. Never mind the quality of life or health concerns for those that have to live with the consequences of their ambitions. After the facts of the proposed coal plant became known to the public, a few alert citizens understood what was at stake and formed a grass roots organization to bring some light to this murky situation.

Knowledgeable professionals and concerned citizens who have the health and welfare of the population of our City and beyond in mind made it their goal to speak out for that. The dedication and volunteer hours that the Citizens for Clean Energy have donated to this cause have been remarkable and should be appreciated, not ignored. CCE members have shown the Commissioners many red flags, that should have given pause, the serious health issues, environmental issues, monetary issues, etc. Ms. Linden asked who is going to pay for all of this when the coal plant does not fly. Are the Great Falls citizens going to be responsible for the considerable amount already spent. Bozeman, Helena and Missoula all have declined this venture and we don't want this coal plant either. She stated the intentions may have been well meaning, but very little thought has been given to the above-mentioned. She stated she read in the paper that a new City Manager is to be elected by December of this year. She asked why is this issue being forced now. She stated she wants the election to happen first, then let the new members of the commission get acquainted. Let them take their time in the search for a new qualified City Manager with a clean slate and no agenda, so he or she can serve the citizens of Great Falls in an unbiased way.

**Electric City Water Park.
Fortune 500 Company.
SME.**

16B. Brett Doney, 3048 Delmar Drive, stated that he and his son helped close out the Electric City Water Park yesterday and commended the City Park and Recreation Department and their wonderful staff. Mr. Doney stated that the Great Falls Development Authority is in competition for a Fortune 500 company and is competing with a community with a bigger labor market than ours. He stated the company consistently ranks as one of the leading employers in the country. He encouraged people to network and get the word out that these opportunities could be coming. He said they are in partnership with the Job Service and they are taking applications. Mr. Doney responded to a comment made about SME that let's remember that we can disagree about the coal plant, but let's remember SME is not big business. It is Montanans taking care of their own power needs. This is not being driven by any nefarious agenda. These are rural coops that are a part of us in Montana.

SME.

16C. Jeff Chafey, stated he works for Bison Engineering out of the Helena office, and he works for SME for the Highwood Generating Station project. Mr. Chafey commented about the status of the air permitting process for the Highwood station. He stated they are fairly far along in that permitting process. An air quality permit has been issued for the project. It has been challenged and will go before the Board of Environmental Review at the State level in January, 2008, to be further considered in terms of those challenges. An Environmental Impact Statement was jointly issued by the Rural Utility Services of the Federal Government and the Montana Department of Environmental Quality this May, and that has also been the subject of a Federal lawsuit in July, which will wind its way through the process as well. A number of other water, voluntary solid waste license, and other issues have been worked through. Now we are in the mode right now where the challenges are being brought, which isn't uncommon with energy projects. We expect to work through those and follow the process to its conclusion. He

commented about the carbon capture and storage strategy that SME has been working on. There is a team in place working actively on that issue. There isn't any technology right off the shelf for a coal fired plant or a natural gas plant. There are a lot of things under development being worked on and they are working hard with the Big Sky Carbon Sequestration Partnership out of the University of Montana, Bozeman, on finding potential storage sites for that carbon. They have good options and will do their best to work pro-active and work forward on that.

**Forest Fires. HGS.
Global Warming.**

16D. John Hubbard, 615 7th Avenue South, read a portion of a newspaper article on August 13, wherein it showed images taken from the space shuttle of the forest fires that can be seen from outer space. Mr. Hubbard stated that the trees are the lungs of the world and if the City builds this choking monster it will cause global warming. He stated that Montana had 17 days of over 100 degree weather. Mr. Hubbard stated that greedy Northwestern Energy is seeking a 42 million rate hike, and that is what happens when you let greedy people have a free hand in the market. They take advantage of you and they keep pushing. People on a fixed income cannot live. Mr. Hubbard opined that the power companies are still getting their way and (you) won't arrest them. If you can repeal prohibition, you can repeal that. All the money goes to fuel terrorism.

Autism Walk. HGS.

16E. Mike Witsoe, 615 3rd Avenue North, stated that a good thing will be happening on September 23 – the 3rd annual autism walk. Autism is caused by mercury poisoning, like the coal plant is going to put out. Mr. Witsoe asked if the City would sponsor a group meeting with all the incumbents and non-incumbents at a speaking fest.

Commissioner Jovick-Kuntz informed Mr. Witsoe that is not the way the City does business.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum that the regular meeting of September 4, 2007, be adjourned at 9:15 p.m.**

Motion carried 4-0.

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 SEPTEMBER 5, 2007	232,705.55
MASTER ACCOUNT CHECK RUN FOR SEPTEMBER 18, 2007	433,341.79
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 31, 2007	77,318.00
WIRE TRANSFERS FROM AUGUST 31, 2007	193,160.00
WIRE TRANSFERS FROM SEPTEMBER 5, 2007	42,640.22
WIRE TRANSFERS FROM SEPTEMBER 6, 2007	50,000.00
WIRE TRANSFERS FROM SEPT 12 THRU SEPT 10 2007	96,088.81
WIRE TRANSFERS FROM SEPTEMBER 14, 2007	<u>167,935.09</u>
TOTAL: \$	<u>#####</u>

GENERAL FUND

POLICE

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	877.85
BANK COMMUNICATIONS	PRODUCTION FOR 0013 WEBSITE	5,000.00

FIRE

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	814.01
MEALEY CONSTRUCTION INC	EPO OFFICE CONSTRUCTION	5,046.00
ABARIS GROUP	ORDINANCE REVIEW	10,291.00

PARK & RECREATION

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	550.46
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SPECIAL REVENUE FUND

LIGHTING DISTRICT

GREAT FALLS BUSINESS IMP DISTRICT	REPAIRS & SPARE POLES FOR SIDS	12,120.00
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SUPPORT & INNOVATION FUND

GREAT FALLS BUSINESS IMP DISTRICT	JULY 2007 TAX DIST	4,866.17
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LIBRARY

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	1,402.14
PLUM STREET STUDIOS INC	WATER FOUNTAIN	20,000.00

FEDERAL BLOCK GRANTS

LACY & EBELING ENGINEERING	PMT #1 OF 1443.4 LULA ELEVATOR	5,328.75
BOYS AND GIRLS CLUB	AUG 2007 SCHOLARSHIPS	6,480.00

CAPITAL PROJECTS**GENERAL CAPITAL**

DOORS & HARDWARE UNLIMITED INC	OF #1393.2 DOORS FOR POOLS	7,608.00
UNITED MATERIALS	PMT # 1 OF #1393.3 NAT PARKING LOT	68,168.71
MOUNTAIN WEST BANK	SIEBEL SOCCER PARK CAPITAL NEED	50,000.00

ENTERPRISE FUNDS**WATER**

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	27,632.78
UNITED MATERIALS	ROAD MATERIALS	3,047.16
DICK ANDERSON CONSTRUCTION	PMT #6 OF 1332.2 FLOCCULATION	48,915.90
PHILLIPS CONSTRUCTION	PMT #1 OF 1464 7TH & 3RD AVE N MAIN	123,891.97
SMITH POWER PRODUCTS	ELECTRICAL RELAY STUDY	12,853.00

SEWER

UNITED MATERIALS	ROAD MATERIALS	3,047.16
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STORM DRAIN

MT DEPT OF TRANSPORTATION	6TH ST NW TO SMELTER AVE OF #1250	38,205.51
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SANITATION

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	78.08
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SAFETY SERVICES

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	219.46
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PARKING

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	399.67
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GOLF COURSES

US BANK N.A.	DEBT SERV PMT REVENUE BOND SERIES 1998	193,160.00
US BANK N.A.	DEBT SERV PMT REVENUE BOND SERIES 1999	35,362.50
BISON MOTOR CO	2007 3/4 TON PICKUP	17,519.83

SWIM POOLS

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	304.54
WELLS FARGO BANKS	DEBT SERV MITCHELL POOL IMP	94,079.22
WELLS FARGO BANKS	SPECIAL IMP DIST 1268 BONDS SERIES 1995	73,855.87

RECREATION

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	583.71
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INTERNAL SERVICES FUND**HEALTH INSURANCE**

BLUE CROSS/BLUE SHIELD OF MT	GROUP & HMO CLAIMS 8-28 THRU 8-31	42,640.22
BLUE CROSS/BLUE SHIELD OF MT	GROUP & HMO CLAIMS 9-4 THRU 9-10	96,088.81

FISCAL SERVICES

POSTMASTER	BULK POSTAGE	14,048.03
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INTERNAL SERVICES FUND CONTINUED

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	DIESEL FUEL	16,482.90
MOUNTAIN VIEW CO-OP	UNLEADED & DIESEL FUEL	17,897.90

ENGINEERS

DAVIS BUSINESS MACHINES	NEW COPIER	10,349.00
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PUBLIC WORKS

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	757.08
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FACILITY SERVICES

NORTHWESTERN ENERGY	JULY MONTHLY CHARGES	1,912.74
DICK OLSON CONSTRUCTION	PMT #3 MEN'S RESTROOM CIVIC CTR	10,010.13

BLANKET PURCHASE ORDERS

MUNICIPAL COURT

CASCADE COUNTY TREASURER	COURT SURCHARGES	9,554.00
CITY OF GREAT FALLS	FINES AND FORFEITURES	58,868.00

CLAIMS OVER \$5000 TOTAL:

\$ #####

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

**AGENDA: 12
DATE: September 18, 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	Great Falls Home School	2007	100-0000-346-4029	\$100/mo	Use of West Kiwanis for soccer.
B	Park & Recreation	Riverside Little League Association	01/01/2007 – 12/31/2009	100-0000-346-4029	\$250/yr	Use of Little League fields.
C	Park & Recreation	Westside Little League Association	01/01/2007 – 12/31/2009	100-0000-346-4029	\$200/yr	Use of Little League fields.
D	Police Department	Cascade County Humane Society	08/14/2007 – 02/15/2008	100-2141-522-2299	\$5.00	Allows the City to use the vehicles owned by the CCHS for Animal Shelter Operations.
E	Public Works	Montana Department of Transportation	09/2003 – 12/2010	No funding required at this time. Future cost share to be	None.	Amendment #1 to the Project Development and Construction Agreement with MDT originally

				determined.		entered into on September 17, 2003. Intersection improvements along 10 th Avenue South. OF 1252.
F	Public Works	Montana Department of Transportation	01/2002 – 12/2010	No funding required at this time. Future cost share estimated at around \$450,000.	Estimated approx. cost to the City is \$450,000.	Amendment #2 to the Project Development and Construction Agreement with MDT originally entered into on March 17, 2002. Construct sidewalks along school routes throughout the City. OF 1254.1.
G	Public Works	Montana Department of Transportation	06/2003 – 12/2012	No funding required at this time. Future cost share to be determined.	None.	Amendment #1 to the Project Development and Construction Agreement with MDT originally entered into on February 23, 2004. Bicycle/pedestrian improvements along 38 th Street, 6 th Street SW, and 8 th Avenue N. OF 1402.
H	Community Development	Ursuline Historical Foundation	07/01/07 – 06/30/08	272	\$22,189	Purchase and install light fixtures, backboards and scoreboards in gym.
I	Fiscal Services	GPD, Inc.	09/18/07 – 08/18/08	417-1556-515-9316	\$2,500	Meadowlark Addition #5 residential roadway lighting for 12 light poles, electrical design and construction. SLD 1310.

CITY OF GREAT FALLS, MONTANA

AGENDA# 13

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

DATE: September 18, 2007

ITEM Set a public hearing for Justice Assistance Grant.

INITIATED BY Police Department.

ACTION REQUESTED Set a date for public comment on the recommended use of the Justice Assistance Grant (JAG) for 2007.

PRESENTED BY Chief of Police, Cloyd Grove.

RECOMMENDATION:

It is recommended the City Commission accept staff's recommendation to set a public hearing to receive public comment on staff's recommendation to expend the funds to purchase Mobile Data Terminals and related equipment for the Great Falls Police Department and the Cascade County Sheriff's Office.

MOTION:

I move that the City Commission set a public hearing on the Justice Assistance Grant recommendation for October 20, 2007.

SYNOPSIS:

The Justice Assistance Grant (JAG) has allocated a grant in the amount of **\$67,692.00** for a joint application between the Great Falls Police Department and the Cascade County Sheriff's Office. The staff at both agencies feels that it is important to continue both agencies growth in data communication. Both agencies currently use the same mobile data equipment and the same communications center. They are currently attempting to adopt a communication system, both voice and data, that will provide easy interoperable communication between street officers.

The proposed use of JAG grant funding will be used to purchase associated equipment, software, and installation of that equipment. The funds may also be used to make technological improvements to the existing system and to expand the systems capabilities. These may include but will not be limited to; mobile data terminals, equipment and software. Once the system is fully operational it will improve crime response capabilities. The application process allows 30 days for the review by the governing bodies (City and County) and provides an opportunity for public comment on the grant application.

BACKGROUND:

Congress allocated funds to be dispersed under the Justice Assistance Grant Program, established within the Bureau of Justice Assistance (BJA), US Department of Justice. The allocation is based on the following formula.

FORMULA

The JAG formula includes a *state allocation* consisting of a minimum base allocation with the remaining amount determined on population and Part 1 violent crime statistics, and a *direct allocation* to units of local government. Once the state allocation is calculated, 60% of the funding is awarded to the state and 40% to eligible units of local government. State allocations also have a *variable pass through* requirement to locals, calculated by the Bureau of Justice Statistics (BJS) from each state's crime expenditures.

JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas:

- Law enforcement programs
 - Prosecution and court programs
 - Prevention and education programs
 - Corrections and community corrections programs
 - Drug treatment programs
 - Planning, evaluation, and technology improvement programs
- *Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

MATCH

While a match is not required with the JAG Program, a match is an effective strategy for states and units of local government to expand funds and build buy-in for law enforcement and criminal justice initiatives.

TRUST FUND

The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.

PROHIBITED

JAG funds cannot be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. Based on extraordinary and exigent circumstances making the use of funds essential, BJA may certify a unit of local government's request to use funds for:

- Vehicles, vessels, or aircraft
- Luxury items
- Real estate
- Construction projects, other than penal or correctional institutions

AGENDA REPORT

DATE September 18, 2007

ITEM: RESOLUTION 9694, COST RECOVERY FOR HAZARDOUS SIDEWALK,
Great Falls Original Townsite Lot 9 Block 309 (325 1st Avenue North)

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: SET PUBLIC HEARING FOR ASSESSING THE COSTS
INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK
AGAINST PROPERTY OWNER (MICHAEL HANSON)

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: It is recommended that the City Commission set the public hearing for October 2, 2007, on Resolution 9694, to assess the total charges of \$1,700.78 against the property with interest and penalties on the unpaid balance.

MOTION: "I move that a public hearing be set for October 2, 2007, at 7:00 p.m., in the City Commission Chambers for Resolution 9694."

SYNOPSIS: Great Falls Municipal Code 12.28.120 and State Statute Montana Code Annotated, sections 7-14-4109, 7-14-4110, 7-12-4169, and 7-12-4181 authorize the City to condemn sidewalks that become dangerous to public safety. These codes allow for the repair and collection of repair costs from property owners.

BACKGROUND: The City Engineering Office received a complaint of a tripping hazard at 325 1st Avenue North, owned by Michael Hanson, on July 5, 2006. A pedestrian was walking, tripped, and fell at the above address. She was concerned that she had re-injured her back after recently having back surgery.

A subsequent inspection found 514 square feet of sidewalk adjacent to this property to be heaved, cracked and broken.

The owner of the property was notified of the hazardous situation at least twice with the final notice sent by certified mail. The owner contracted with The Concrete Doctor to mudjack 359 square feet of the sidewalk, but neglected to have the remainder removed and replaced with new concrete. Engineering Staff then received three bids to repair the remaining sidewalk. The purpose of this action is to recover the cost of the repairs.

The following is a list of actions and events Staff took to eliminate the hazard:

- | <u>Action</u> | <u>Date</u> |
|---------------------------------------|--------------|
| • Initial complaint received by staff | July 5, 2006 |

<u>Action (continued)</u>	<u>Date</u>
• Initial inspection of property, photographs taken	July 5, 2006
• Initial 30-day repair notice mailed	July 5, 2006
• 30-day follow-up inspection (no repairs made)	September 5, 2006
• Second notice sent that repairs will be made and billed to property owner within 30 days after date of certified notice.	September 5, 2006
• Signed confirmation received from USPS	September 6, 2006
• Request for bids	September 6, 2006
• Award bid to lowest bidder	September 10, 2006
• Contractor started repairs	September 14, 2006
• Contractor finished repairs	September 19, 2006
• Final inspection for completion of work	September 20, 2006

The following is a list of costs incurred in making the repairs:

• Removal and Replacement of 155 sf of 4" Sidewalk	\$ 1,240.00
• Inspector, 4.5 hours at \$ 45.00 per hour	\$ 202.50
• City Engineer, 1 hour at \$ 65.00 per hour	\$ 65.00
• Administrative, 3 hours at \$ 30.00 per hour	\$ 90.00
• Publishing of Legal Ad (Notice of Public Hearing)	\$ 50.00
• Recording fee, 2 of pages at \$ 7.00 each	\$ 14.00
• Permit Fee	\$ 30.00
• Certified mail	\$ 9.28
Total Costs Incurred	\$ 1,700.78

cc: Coleen Balzarini, Fiscal Services Director
Kelly Audet, Risk Manager
Judy Burg, Fiscal Services Tax/SID

RESOLUTION NO. 9694

A RESOLUTION ASSESSING THE COSTS INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK AGAINST SAID PROPERTY LOCATED AT Great Falls Original Townsite Lot 9 Block 309, ADDRESSED AS 325 1st Avenue North, GREAT FALLS, CASCADE COUNTY, MONTANA.

WHEREAS, the owners of the said property located at Great Falls Original Townsite Lot 9 Block 309, addressed as 325 1st Avenue North, Great Falls, Montana was issued a notice to repair sidewalk;

WHEREAS, after due notice the property owner did not repair the sidewalk;

WHEREAS, City staff hired a contractor to repair the sidewalk;

WHEREAS, contractor completed removal and replacement of dangerous sidewalk;

And WHEREAS, the City Commission set October 2, 2007 for this hearing, to show cause why the property owner should not be held liable for the costs incurred in repairing of said property in keeping with MCA 7-12-4177 and MCA 7-12-4178.

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

The amount of \$ 1,700.78 for repairing sidewalk incurred in the repair of dangerous sidewalk on Great Falls Original Township Lot 9 Block 309, described at 325 1st Avenue North, Great Falls, Cascade County, Montana, be assessed against the property itself, with interest and penalties on the unpaid balance. MCA 7-14-4109; 7-14-4110; 7-12-4169 and 7-12-4181; Chapter 12.28.120 of the Great Falls Municipal Code.

PASSED by the Commission of the City of Great Falls, Montana, on the _____ day of _____, 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 9694 was placed on its final passage and adoption, and was passed and adopted by the City Commission and said City at a regular meeting thereof held on the _____ day of _____, 2007, and approved by the Mayor of City on the _____ day of _____, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE September 18, 2007

ITEM: RESOLUTION 9695, COST RECOVERY FOR HAZARDOUS SIDEWALK, Great Falls First Addition to the Original Townsite, North 103 feet of Lot 1 Block 378 (1100 1st Avenue South, Great Falls, MT)

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: SET PUBLIC HEARING FOR ASSESSING THE COSTS INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK AGAINST PROPERTY OWNER (WILLIAM O'NEIL)

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: It is recommended that the City Commission set the public hearing for October 2, 2007, on Resolution 9695, to assess the total charges of \$ 1,003.28 against the property with interest and penalties on the unpaid balance.

MOTION: "I move that a public hearing be set for October 2, 2007, at 7:00 p.m., in the City Commission Chambers for Resolution 9695.

SYNOPSIS: Great Falls Municipal Code Chapter 12.28.120 and State Statute Montana Code Annotated, sections 7-14-4109, 7-14-4110, 7-12-4169 and 7-12-4181 authorize the City to condemn sidewalks that become dangerous to public safety, and allows for the repair and collection of repair costs.

BACKGROUND: The City Engineering Office received an email from the City's Risk Specialist that a tripping and falling incident had occurred between 11th and 12th Street South on 1st Avenue South, owned by William O' on May 1, 2006. The email noted that a sign reading Antiques was in front of the address.

Upon inspection, it was determined that the address was 1100 1st Avenue South. The property is owned by William O'Neil, and that 25 square feet of sidewalk adjacent to this property was heaved, cracked and broken.

The owner of the property was notified of the hazardous situation at least twice with the final notice sent by certified mail. On May 4, the City received a letter from the property owner stating that a tree had fallen, damaging his house and he included a bill for \$7,886.40 for repairs. This was forwarded to the City's Risk Specialist.

On July 6, 2006, a follow up inspection was performed. The hazardous concrete had not been removed and replaced.

The following is a list of actions and events Staff took to eliminate the hazard:

<u>Action</u>	<u>Date</u>
• Initial complaint received by staff	May 1, 2006
• Initial inspection of property, photographs taken	May 1, 2006
• Initial 30-day repair notice mailed	May 1, 2006
• 30-day follow-up inspection (no repairs made)	June 6, 2006
• Second notice sent that repairs will be made and billed to property owner within 30 days after date of certified notice.	June 7, 2006
• Signed confirmation received from USPS	Letter was refused/returned June 23, 2006
• Request for bids	August 21, 2006
• Award bid to lowest bidder	September 13, 2006
• Contractor started repairs	September 18, 2006
• Contractor finished repairs	September 19, 2006
• Final inspection for completion of work	September 19, 2006

The following is a list of costs incurred in making the repairs:

• Removal and Replacement of 25 sf of 4" Sidewalk	\$ 475.00
• Inspector, 6 hours at \$ 45.00 per hour	\$ 270.00
• City Engineer, 1 hour at \$ 65.00 per hour	\$ 65.00
• Administrative, 3 hours at \$ 30.00 per hour	\$ 90.00
• Publishing of Legal Ad (Notice of Public Hearing)	\$ 50.00
• Recording fee, 2 of pages at \$ 7.00 each	\$ 14.00
• Permit Fee	\$ 30.00
• Certified mail	\$ 9.28
Total Costs Incurred	\$ 1,003.28

cc: Coleen Balzarini, Fiscal Services Director
Kelly Audet, Risk Manager
Judy Burg, Fiscal Services Tax/SID

RESOLUTION NO. 9695

A RESOLUTION ASSESSING THE COSTS INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK AGAINST SAID PROPERTY LOCATED AT Great Falls First Addition to the Original Townsite, North 103 feet of Lot 1 Block 378, ADDRESSED AS 1100 1st Avenue South, GREAT FALLS, CASCADE COUNTY, MONTANA.

WHEREAS, the owners of the said property located at Great Falls First Addition to the Original Townsite, North 103 feet of Lot 1 Block 378, addressed as 1100 1st Avenue South, Great Falls, Montana was issued a notice to repair sidewalk;

WHEREAS, after due notice the property owner did not repair the sidewalk;

WHEREAS, City staff hired a contractor to repair the sidewalk;

WHEREAS, contractor completed removal and replacement of dangerous sidewalk;

And WHEREAS, the City Commission set October 2, 2007 for this hearing, to show cause why the property owner should not be held liable for the costs incurred in repairing of said property in keeping with MCA 7-12-4177 and MCA 7-12-4178.

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

The amount of \$ 1,003.28 for repairing sidewalk incurred in the repair of dangerous sidewalk on Great Falls First Addition to the Original Townsite, North 103 feet of Lot 1 Block 378, described at 1100 1st Avenue South, Great Falls, Cascade County, Montana, be assessed against the property itself, with interest and penalties on the unpaid balance. MCA 7-14-4109; 7-14-4110; 7-12-4169 and 7-12-4181; Chapter 12.28.120 of the Great Falls Municipal Code.

PASSED by the Commission of the City of Great Falls, Montana, on the _____ day of _____ 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 9695 was placed on its final passage and adoption, and was passed and adopted by the City Commission and said City at a regular meeting thereof held on the _____ day of _____, 2007, and approved by the Mayor of City on the _____ day of _____, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE September 18, 2007

ITEM SHORT TERM CONSTRUCTION LOAN TO GREAT FALLS PORT AUTHORITY IN AN AMOUNT NOT TO EXCEED \$491,372 RELATED TO THE FINAL PHASE OF CENTENE FACILITY CONSTRUCTION

INITIATED BY GREAT FALLS PORT AUTHORITY

ACTION REQUESTED APPROVE SHORT TERM CONSTRUCTION LOAN TO GREAT FALLS PORT AUTHORITY AND AUTHORIZE CITY MANAGER TO EXECUTE THE AGREEMENT

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:
Staff recommends the City Commission approve a short term construction loan to Great Falls Port Authority in an amount not to exceed \$491,372 related to the final phase of Centene facility construction.

MOTION:
"I move the City Commission approve a short term construction loan to Great Falls Port Authority in an amount not to exceed \$491,372 to fund the final phase of Centene facility construction and authorize the City Manager to execute the agreement."

SYNOPSIS:
Great Falls Port Authority has approached the City to consider providing a short term construction loan for the final phase of Centene facility construction and improvements. A local bank has offered to provide this funding but would require an origination fee between \$2,500 and \$3,000. These dollars could be used for miscellaneous related expenses such as legal fees and consultant fees if the City would approve a short term loan between September 18 and November 1, 2007. Cash is available from the economic development funds of the City. Interest would be charged on the short term loan at the annualized rate of 7%.

The source of repayment of the short term loan will be from a previously approved Montana Board of Investment "take-out" loan. The January 24, 2005 Letter of Approval is for a total of \$4,999,800 of which \$670,000+ is still available for the final phase of construction now underway.

It is worthy to note that the total cost of the multi-phased project is estimated to be \$ 8.3 million; total debt (including the City loan) of \$ 5.8 million; equity of \$2.5 million, which includes the City \$1 million contribution and Centene tenant improvements & principal paydown on the

loans totaling an estimated \$ 1.5 million. Centene is in compliance with its Development Agreement and has already created 120 jobs of the 250 they committed to create.

BACKGROUND:

The short term loan agreement will define terms such as:

Amount - Not to exceed \$491,372.

Estimated Draws - September 19, October 10 and possibly at the end of October/early November 2007.

Interest and Terms – Interest will be at 7%. Payment of Principal and Interest will occur in full at the time the Montana Board of Investments accepts the completed project. Maturity of this short term loan is anticipated to be 11/1/07 and will occur no later than 12/1/07. Closeout is dependent upon the finalization of all construction related expenses.

Security – Montana Board of Investments Letter of Approval, Dated January 24, 2005 and related debt service schedule indicating remaining draws are available in excess of the requested amount of \$491,372.

cc: Bob Pancich, Great Falls Port Authority, Consultant
Martha Capps, City of Great Falls Operations Supervisor

PROMISSORY NOTE: Great Falls Port Authority

Amount not to Exceed \$ 491,372.00

September 18, 2007
2 Park Drive S, Great Falls, MT

For value received to provide short term financing of final phase construction of the Centene complex prior to receipt of available "take out" financing from Montana Board of Investments, the Great Falls Port Authority, Inc, of Great Falls, Cascade County, MT, promises to pay City of Great Falls, MT, PO Box 5021, Great Falls, Cascade County, MT, on or before December 1, 2007, the total amount drawn, up to a sum not to exceed \$491,372.00, with interest at the rate of 7% *annually*.

Bill Beecher, Chairman
Great Falls Port Authority

John Lawton, City Manager
City of Great Falls

Attachment: Montana Board of Investment Letter of Approval, January 24, 2005

MONTANA BOARD OF INVESTMENTS

Department of Commerce

Street Address:
2401 Colonial Drive, 3rd Floor
Helena, MT 59601

Mailing Address:
P.O. Box 200126
Helena, MT 59620-0126

Phone: 406/444-0001
Facsimile: 406/449-6579
Rateline: 406/444-3557
Website: www.investmentmt.com



January 24, 2005

Letter of Approval

Mr. William Beecher, City Manager
Great Falls Port Authority
PO Box 5021
Great Falls, MT 59403

RE: Great Falls Port Authority
Infrastructure Loan Application No. 724-8185

Dear Mr. Beecher:

We are pleased to advise you that based on the statements contained in your application and supporting documents, the Board of Investments (the Board) has agreed to participate in your BOI Infrastructure Loan Application on behalf of the **Great Falls Port Authority**. The loan request was approved by the Board at its January 20, 2005 Board Meeting. This approval is contingent upon agreement to the terms and conditions set forth herein and on any exhibits attached hereto which are hereby incorporated by reference and upon the timely performance of such terms and conditions. *If the terms of the letter are acceptable, please sign, have the User Business sign, and return the original copy of the letter to our office.* Retain one copy for yourself and one for your borrower.

Borrower: Great Falls Port Authority

Amount of Loan: \$4,999,800

Term of Loan: 240 months

Interest Rate: 4.43%

Repayment Schedule: Monthly

Frequency of Interest Payments: Monthly

Purpose of the Loan: The loan proceeds will be used to construct a new 43,633 sq. ft. two-story office building and a 5,000 sq. ft. Day Care Center.

Security: Primary: Lease payments from Centene.

Secondary: Pay off by Centene; Lease to another tenant; Sale of collateral.

INFRASTRUCTURE PROGRAM
Montana Board of Investments

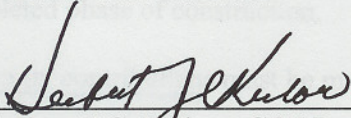
General Term, Condition and Security: See Attached Schedule A

Prior to disbursement, the Applicant and Great Falls Port Authority shall perform or satisfy each of the additional conditions to the satisfaction of the Board, and provide each of the additional items, shown on Schedule A hereto.

It is a condition of this Letter of Approval that Great Falls Port Authority accepts the terms and conditions of this Approval in writing and return a signed copy of this Approval to the Board prior to the close of business on February 25, 2005.

Sincerely,

BOARD OF INVESTMENTS



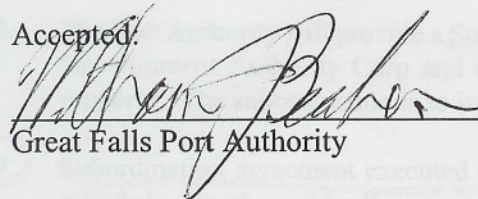
By Herbert J.C. Kulow, C.M.B.
Its Senior Portfolio Manager
Montana Board of Investments

Accepted:

Applicant

Date: _____

Accepted:



Great Falls Port Authority

Date: _____

Phase I (7-31-05) 10,580 sq	\$9,136,500 (estimate)
Phase II (10-1-06) 12,197 sq	\$4,381,045 (estimate)
Phase III (10-1-07) 15,273 sq	\$6,413,520 (estimate)
Phase IV (10-1-08) 10,687 sq	\$4,463,491 (estimate)

Assignment of Leasehold interest in lease(s) and rent(s) which lease shall be for a term of not less than 20 years and shall cover subject property.

Assignment of lease with right of reassignment and lessor's consent interest, which lease shall be for a term of not less than 20 years and shall cover subject property.

Current Survey of subject property.

AGENDA REPORT

DATE September 18, 2007

ITEM: FINAL PAYMENT – 25TH AVENUE NORTHEAST WATER MAIN EXTENSION, O. F. 1442

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends Final Payment to Shumaker Trucking and Excavation and the State Miscellaneous Tax Fund for the 25TH AVENUE NORTHEAST WATER MAIN EXTENSION, O. F. 1442.

MOTION: "I move the City Commission approve Final Payment for the 25th Avenue Northeast Water Main Extension, O. F. 1442, in the amount of \$12,359.50 to Shumaker Trucking and Excavating, and \$124.84 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

SYNOPSIS: The City Commission awarded a contract on June 5, 2007 in the amount of \$222,166.00 to Shumaker Trucking and Excavating for the 25th Avenue Northeast Water Main Extension, O. F. 1442.

City staff has verified that Shumaker Trucking and Excavating 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 \$207,145.80, which is \$15,020.20 under the amount awarded and approved. The lack of import material, concrete work and miscellaneous work items contributed to the lower final contract amount. The project was completed within the contract time.

BACKGROUND: This water main project is the first step needed to provide a looped water system with Riverview, provide an additional future feed to Black Eagle, and allow properties along 25th Avenue Northeast to have the option of annexing into the City. The project will be paid for with Unscheduled Development and Capital Improvement funds. An estimated \$33,000 will be recovered from Tobacco Construction reimbursements at the time of connection and annexation. A total of 1,440 lineal feet of 12-inch and 8-inch water main was installed.

This project extended the water main from the intersection of 15th Street Northeast (U.S. Highway 87) and 28th Avenue Northeast to 25th Avenue Northeast then west approximately 430 lineal feet on 25th Avenue Northeast. The property to be served by this project is zoned commercial and light industrial.

City staff designed the project, performed contract management, and construction inspection. The two year warranty period started on August 6, 2007.

Attachments: Final Pay Request (Not Available Online)

AGENDA REPORT

DATE September 18, 2006

ITEM: FINAL PAYMENT: MORONY NATATORIUM PARKING LOT, O.F. 1393.3

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE AND FINAL PAYMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends approval of Final Payment to United Materials of Great Falls, Inc. for the Morony Natatorium Parking Lot, O.F. 1393.3.

MOTION: "I move the City Commission approve final payments of \$3,587.83 to United Materials of Great Falls, Inc. and \$36.24 to the State Miscellaneous Tax Division for the Morony Natatorium Parking Lot, O.F. 1393.3 and authorize the City Manager to execute the necessary documents and make the payments."

SYNOPSIS: United Materials of Great Falls, Inc. completed all contracted work. The City Engineering staff recommends acceptance of the project, and execution of the Final Payment. United Materials advertised in the Great Falls Tribune certifying that all contracted labor and materials have been paid to date.

BACKGROUND: The parking lot surface was deteriorating and had poor drainage. The parking area was also disorganized and therefore, space was not well used. The work consisted of excavation and grading, gravel base, asphalt pavement, and installation of parking blocks. The lot was re-striped by City crews after paving was completed.

The Commission approved the original contract for \$65,480.00 on July 17, 2007. Change Order No. 1 in the amount of \$8,000.00 was approved by the commission on August 21, 2007. It provided compensation for removal of soft, saturated soils and the placing of pit run gravel to provide a firmer base for the asphalt pavement. The additional work resulted in a total contract price of \$73,480.00. The project was funded by the tax increment fund.

City engineering staff completed the project design and performed construction inspection and contract administration duties. The two-year warranty period began on August 24, 2007 when the project was substantially complete.

Attachment: Claim & Pay Estimate #2, Final (Not Available Online)

CITY OF GREAT FALLS, MONTANA

AGENDA # 19

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

DATE September 18, 2007

ITEM: CONSTRUCTION CONTRACT AWARD: 2007 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) SIDEWALK REPLACEMENT, O.F. 1507.2

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$62,286.00 to Kuglin Construction for the 2007 CDBG Sidewalk Replacement, O.F. 1507.2, and authorize the City Manager to sign the construction contract documents."

PROJECT TITLE: 2007 CDBG Sidewalk Replacement, O.F. 1507.2

RECOMMENDED CONTRACTOR: Kuglin Construction

CONTRACT AMOUNT:	\$62,281.00	Base Bid
	<u>\$ 5.00</u>	Additive Bid Item
	\$62,286.00	Total Contract Amount

ENGINEER'S ESTIMATE:	\$59,180.00	Base Bid
	<u>\$ 3,596.00</u>	Additive Bid Item
	\$62,776.00	Total Contract Amount

BUDGETED FUNDS: Community Development Block Grant (CDBG), \$63,500.

START DATE: October 1, 2007

COMPLETION DATE: November 15, 2007 (45 Calendar Days)

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

SYNOPSIS: This project will replace sidewalk that has been damaged by tree roots, natural deterioration, or other destructive forces that have left the sidewalk dangerous for pedestrians. The grant will pay all of the costs of the sidewalk replacement for low to moderate income homeowners. The 2007 CDBG project area is generally bounded by River Drive South on the west, 26th Street on the east, 8th Avenue North on the North, and 10th Avenue South on the south. In addition, sidewalks

will be repaired at the Great Falls Senior Center located on Central Avenue. The Engineering Division applied for and was awarded the grant for the city-wide sidewalk program. The Great Falls Senior Center applied for and was awarded the grant to replace sidewalks around their building. All the grant money was incorporated into a single bid package.

The bid opening was held on September 5, 2007 with two bids submitted. Kuglin Construction submitted a low bid of \$62,286.00. The bid tabulation summary is attached.

BACKGROUND: Over the last seven years, the City has been formulating a program to repair or replace dangerous sidewalks, which have become an increasingly common problem around the City. This is the seventh phase of an ongoing series of projects to replace hazardous sidewalks on a citywide basis. These projects are related to a program to install handicap ramps.

This contract was bid as a “unit bid” contract. This means that the price paid is based on the actual amount of work completed, which allows flexibility and minimizes the amount of detailed design that must be completed up front. The contract is being awarded based on the low bid for a basic amount of work. An alternate bid item is included to allow for the replacement of as much additional sidewalk as available funding will allow. In this way, the full amount of the grant can be invested into the City’s infrastructure.

City Engineering designed the project and will perform inspection and contract administration duties. The Community Development Department administers the CDBG program and will perform grant and other administrative duties.

Attachment: Bid Tabulation Summary

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

BID TABULATION SUMMARY
 2007 CDBG Sidewalk Replacement
 O.F. 1507.2

Project Number _____
 Bids Taken at Civic Center
 Date: September 5, 2007
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	10% Bid Security	Aff. Of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Schedule One PW Sidewalk Replacements	Schedule Two GF Senior Citizens Center
1	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414	n/a	√	√	√	√	\$49,646.00	\$12,640.00
2	Lapke Construction, LLC Box 111 Simms, MT 59477	n/a	√	√	√	√	\$52,150.00	\$12,970.00
3								
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							

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

**AGENDA # 20
DATE September 18, 2007**

ITEM: 25 IN-CAR VIDEO SYSTEMS FOR LAW ENFORCEMENT FLEET VEHICLES.

INITIATED BY: Captain Tim Shanks, Support Services Bureau, Police Department

ACTION REQUESTED: Award the bid for 25 In-Car Video Camera Systems

PRESENTED BY: Captain Tim Shanks, Support Services Bureau, Police Department

REVIEWED AND APPROVED BY: Chief Cloyd Grove

RECOMMENDATION:

Staff recommends awarding the bid for 25 In-Car Digital Camera Systems.

MOTION:

I recommend awarding the bid for 25 In-Car Digital Camera Systems (Model 20/20-W in dash) to ICOP Digital Incorporated, for the sum of \$126,400.00.

SYNOPSIS:

On August 8, 2007 bids were received from 7 vendors who supply In-Car Cameras to law enforcement agencies. Initially the awarding of the bid was postponed until staff reviewed the bids to determine if the bid specifications had been met. The awards were reviewed and the recommendation was made.

BACKGROUND:

The Great Falls Police Department received and manages a \$350,000 Federal Discretionary Grant to assist in reducing underage drinking, targeting military personnel. This Grant was recently extended for two additional years. The Great Falls Police Department formed a partnership with the Cascade County Sheriffs Office, Malmstrom Air Force Base and the Cascade County DUI Task Force. Some of the grant money can be used to purchase equipment for the agencies to assist in enforcing underage drinking of military personnel and Cascade County residents. The in-car camera systems will be distributed to the Great Falls Police Department, Cascade County Sheriffs Office and Malmstrom Air Force Base.

In-Car Camera Systems assists in visualizing the probable cause for the traffic stop. Traffic stops have the potential to develop into lawsuits. With in-car camera evidence available it will help alleviate some of that potential. In-car camera evidence can save the Agencies from false accusations and consequently the legal costs associated with false accusations.

In-Car Cameral Systems are a tremendous tool for law enforcement but also assist in the prosecution of alcohol related incidents.

AGENDA REPORT

DATE September 18, 2007

ITEM Amended Plat of Lot 13A, Block 1, Riverside Townehomes Addition

INITIATED BY Roy and Diane Volk, Property Owners

ACTION REQUESTED Approve Amended Plat and Findings of Fact

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the Amended Plat of Lot 13A, Block 1, Riverside Townehomes Addition, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the Amended Plat of Lot 13A, Block 1, Riverside Townehomes Addition and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

Subject Amended Plat subdivides Lot 13A, Block 1, Riverside Townehomes Addition, located along the east bank of the Missouri River about one mile upstream from the City Water Treatment Plant, into two lots.

BACKGROUND:

Roy and Diane Volk have submitted a petition to subdivide Lot 13A, Block 1, Riverside Townehomes Addition, located along the east bank of the Missouri River about one mile upstream from the City Water Treatment Plant.

Riverside Townehomes Addition is a planned unit development consisting of: 1) existing residential condominium units on Lots 1-12 and 14-17; 2) the existing Lot 13A which includes the access and utility corridors serving the existing 16 residential units in the Addition together with a vacant interior area previously proposed for another phase of residential development; and 3) Lot 13B whereon are located garage units owned by some of the residential occupants in the Addition.

The applicants desire to subdivide the existing Lot 13A which consists of 4.94 acres into two lots to create: 1) Lot 13C to consist of 2.609 acres and contain existing access and utility corridors; and, 2) a revised Lot 13A to consist of 2.331 acres which is the vacant interior area previously proposed for residential development. The existing residents in Riverside Townehomes Addition intend to purchase the revised Lot 13A from the applicants and retain it as landscaped open space.

Please refer to the attached vicinity/zoning map and draft Amended Plat which also shows existing and proposed easements for utilities and access.

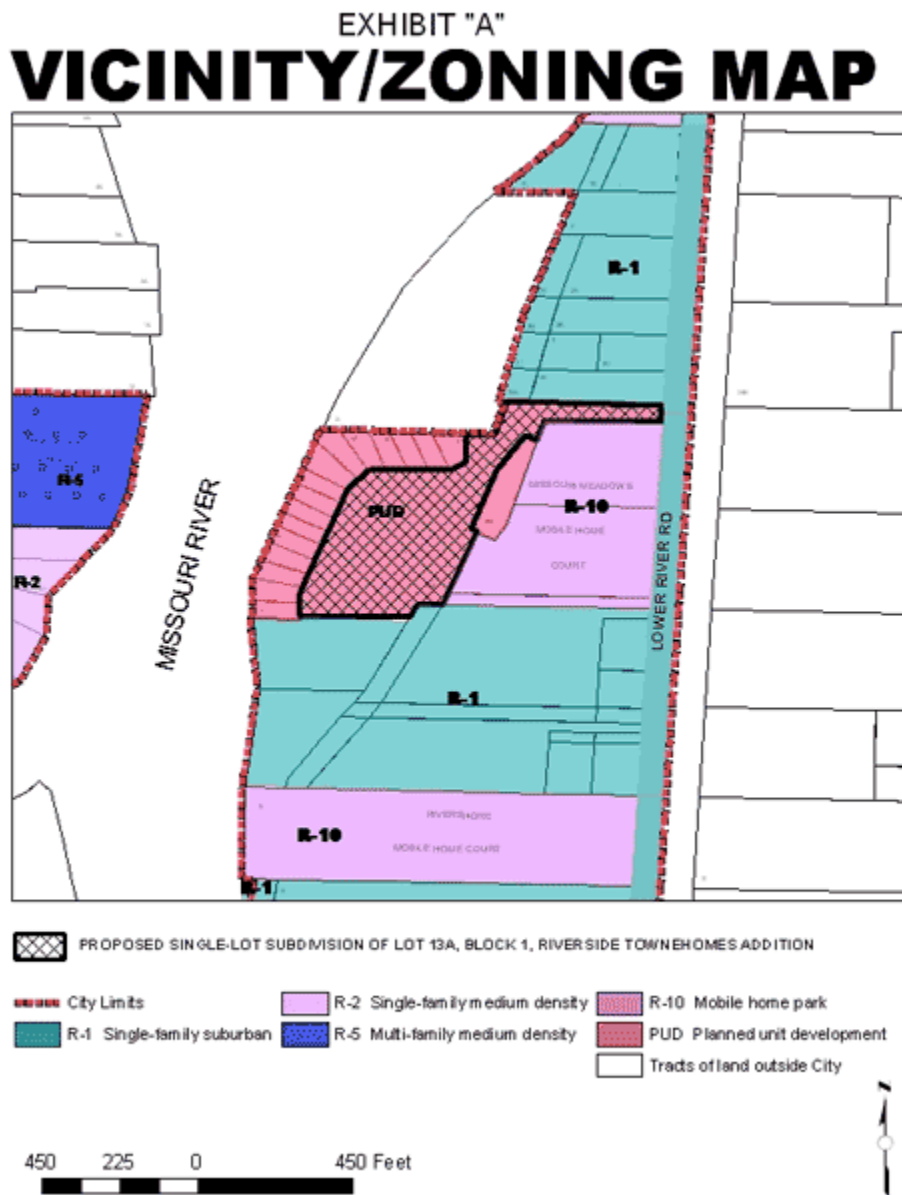
The existing water and sanitary sewer mains within the Addition are owned and maintained by the City. The access road connected to Lower River Road and serving the Addition is private with maintenance being the responsibility of the Riverside Townehomes Property Owners Association.

Subject property is presently zoned PUD Planned unit development district.

After considering the Amended Plat during a meeting held September 11, the Planning Board unanimously passed a motion recommending the City Commission approve the Amended Plat of Lot 13A, Block 1, Riverside Townhomes Addition and the accompanying Findings of Fact subject to any errors or omissions on the Amended Plat noted by staff being corrected including acceptance of utility easements by the Public Works Department.

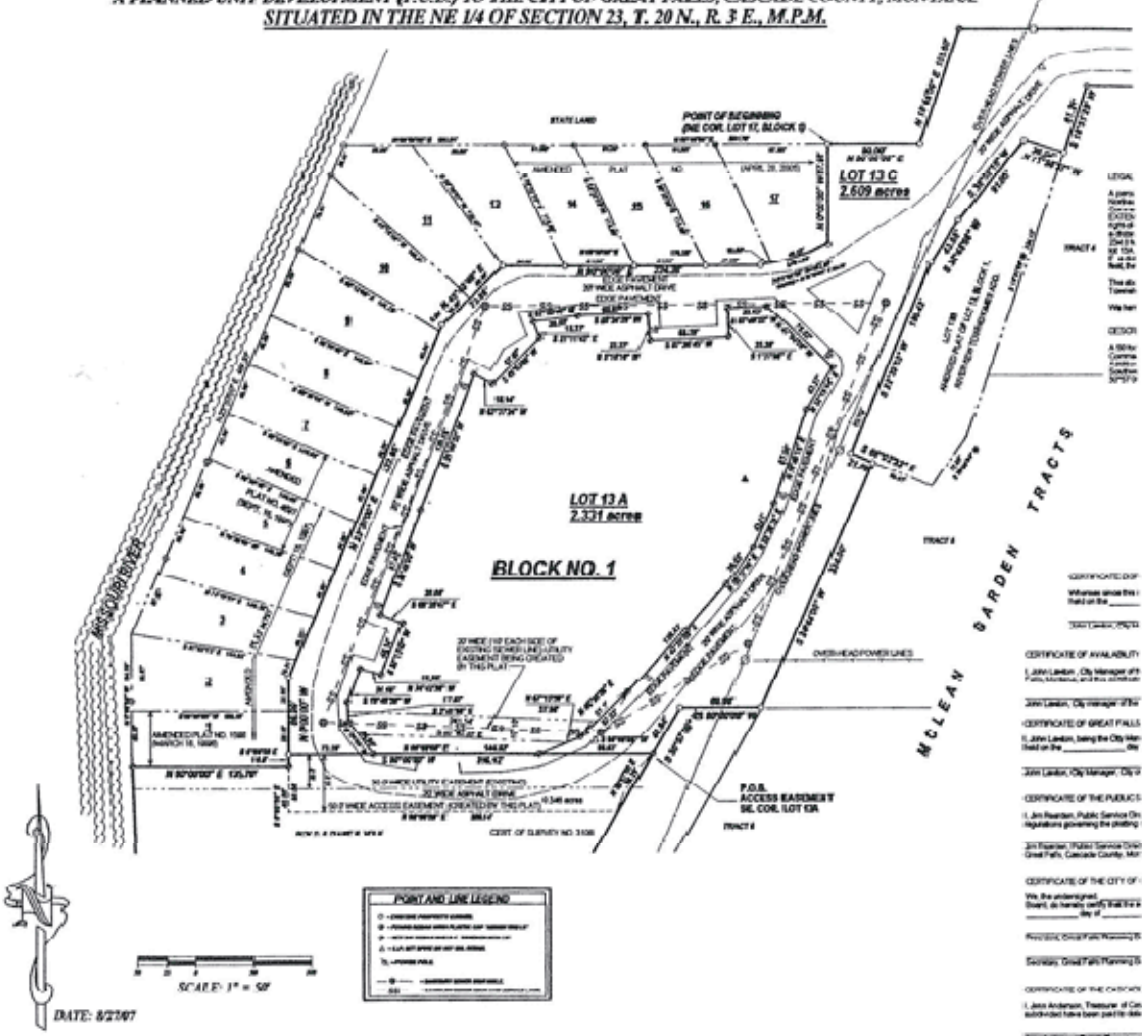
Attach: Vicinity/Zoning Map
 Reduced Copy of Amended Plat
 Findings of Fact

Cc w/o attach: Roy Volk, 301 Big Bend LN, G F, MT. 59404-6466



AMENDED PLAT

OF LOT 13A, BLOCK NO. 1, RIVERSIDE TOWNHOMES ADDITION OF THE AMENDED PLAT OF LOT 13A, BLOCK 1, RIVERSIDE TOWNHOMES ADDITION OF THE AMENDED PLAT OF LOT 13, BLOCK NO. 1, RIVERSIDE TOWNHOMES ADDITION, A PLANNED UNIT DEVELOPMENT (P.U.D.) TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, SITUATED IN THE NE 1/4 OF SECTION 23, T. 20 N., R. 3 E., M.P.M.



PORTLAND L&L LEGEND

1	EXISTING TOWNHOMES
2	PROPOSED TOWNHOMES
3	EXISTING DRIVEWAYS
4	PROPOSED DRIVEWAYS
5	EXISTING SIDEWALKS
6	PROPOSED SIDEWALKS
7	EXISTING UTILITIES
8	PROPOSED UTILITIES
9	EXISTING EASEMENTS
10	PROPOSED EASEMENTS
11	EXISTING ENCUMBRANCES
12	PROPOSED ENCUMBRANCES

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HENEN LAND SURVEYING

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David Henen
 Registered Professional Land Surveyor
 License No. 82215

Michael E. Henen
 Registered Professional Land Surveyor
 License No. 82215

DATE: 8/27/07

CERTIFICATE OF REGISTERED LAND SURVEYOR

I, Michael E. Henen, Registered Professional Land Surveyor, Montana License No. 82215, do hereby certify that on August 21, 2007, I performed the land survey and created this accompanying plat as shown herein, and that all measurements were taken in accordance with the provisions set forth in Sections 15-2-402 and 403, M.C.A., and that all measurements shown are of the shoreline and comply with the public domain Bureau.

BEFORE ME, Notary Public,
 Montana License No. 82215

- CERTIFICATE OF AVAILABILITY**
- 1. John Larson, City Manager of the City of Great Falls, Montana, do hereby certify that the proposed development is in compliance with the provisions of the City of Great Falls, Montana, and the surrounding area.
- CERTIFICATE OF GREAT FALLS**
- 1. John Larson, City Manager of the City of Great Falls, Montana, do hereby certify that the proposed development is in compliance with the provisions of the City of Great Falls, Montana, and the surrounding area.
- CERTIFICATE OF THE PUBLIC**
- 1. John Larson, Public Service Officer, do hereby certify that the proposed development is in compliance with the provisions of the City of Great Falls, Montana, and the surrounding area.
- CERTIFICATE OF THE CITY OF GREAT FALLS**
- 1. John Larson, City Manager of the City of Great Falls, Montana, do hereby certify that the proposed development is in compliance with the provisions of the City of Great Falls, Montana, and the surrounding area.
- CERTIFICATE OF THE CHAIRMAN**
- 1. John Larson, Chairman of the Board of the City of Great Falls, Montana, do hereby certify that the proposed development is in compliance with the provisions of the City of Great Falls, Montana, and the surrounding area.

**FINDINGS OF FACT
FOR
AMENDED PLAT OF LOT 13A, BLOCK 1, RIVERSIDE TOWNEHOMES ADDITION
SECTION 23, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. **PRIMARY REVIEW CRITERIA**

Effect on Agricultural

The subdivision will have no effect on agricultural production as there are no such operations located in the vicinity of the subdivision and therefore the subdivision will not interfere with any irrigation system or present any interference with agricultural operations.

Effect on Local Services

The properties within the Amended Plat contain and are served by private water and sewer systems connected to the City of Great Falls' public water and sewer systems.

The subdivision receives law enforcement and fire protection services from the City of Great Falls. Response distance for emergency fire vehicles is three miles.

No extension of public streets or roads will be needed, and the subdivision, resulting in no additional structures, will have no impact on the cost of road maintenance. The subdivider has installed an on-site private roadway system capable of accommodating emergency and service vehicles.

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. The subdivision is within the designated floodplain of the Missouri River. Significant amounts of fill material have been added to the site. With the subdivision's close proximity to the River, special consideration must be given surface drainage plans.

Effect on Wildlife and Wildlife Habitat

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 high winds, wildfire or excessive slopes, snow or rock slides, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, high traffic volumes, nearby industrial or mining activity. The subdivision is located in the designated floodplain of the Missouri River and could be affected by high water resulting from flooding or ice jams. However, no additional building is contemplated in conjunction with the resubdivision.

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

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

III. **EASEMENT FOR UTILITIES**

Utilities are and can be accommodated in the existing public roads in the vicinity of the Amended Plat, and within easements provided on the Amended Plat.

IV. **LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the subdivision is provided by dedicated public roadways improved to either municipal or county standards and maintained by the respective governmental entities. A privately owned and maintained roadway within the subdivision provides access to the individually owned lots and structures therein.