



City Commission Agenda

for

September 4, 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

PROCLAMATION

National Alcohol and Drug Addiction Recovery Month

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Pine Hill Minor Subdivision, consisting of two lots located along the west side of Huckleberry Drive immediately south of Bel-View Palisade Addition. **(Presented by: Ben Rangel)**
 - A. Res. 9680, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9680.
 - B. Ord. 2978, Establishes zoning classification of PUD Planned Unit Development. Action: Conduct joint public hearing and adopt or deny Ord. 2978.
3. Ord. 2972, Amending OCCGF 13, Chapter 2, Section 070(C) permitting the extension of utility services beyond City limits. Action: Conduct public hearing and adopt or deny Ord. 2972 as revised. **(Presented by: John Lawton)**
4. Res. 9684, To Levy and Assess Properties for Unpaid Utility Services. Action: Conduct public hearing and adopt or deny Res. 9684. **(Presented by: Coleen Balzarini)**
5. Res. 9685, Cost Recovery, 2608 1st Avenue North. Assesses total charges of \$709 against the property for costs associated with nuisance abatement. Action: Conduct public hearing and adopt or deny Res. 9685. **(Presented by: Mike Rattray)**
6. Res. 9686, Cost Recovery, 4727 2nd Avenue North. Assesses total charges of \$1,329 against property for costs associated with nuisance abatement. Action: Conduct public hearing and adopt or deny Res. 9686. **(Presented by: Mike Rattray)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

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

7. Minutes, August 21, 2007, Commission meeting.
8. Total Expenditures of \$1,739,980 for the period of August 14-29, 2007, to include claims over \$5000, 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.

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

BOARDS & COMMISSIONS

13. Miscellaneous reports and announcements.

CITY MANAGER

14. Miscellaneous reports and announcements.

CITY COMMISSION

15. Miscellaneous reports and announcements.

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

16. Miscellaneous reports and announcements.

MOTION TO ADJOURN

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

DATE September 4, 2007

ITEM Public Hearing – Resolution 9680 to Annex and Ordinance 2978 to Establish City Zoning Upon Pine Hill Minor Subdivision

INITIATED BY Nancy Clough, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9680 and Ordinance 2978 and Approve Minor Plat and Agreement related to Pine Hill Minor Subdivision

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 Pine Hill Minor Subdivision and assign a zoning classification of PUD Planned unit development district to same, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9680 and approve the minor plat, Findings of Fact and Agreement all related to Pine Hill Minor Subdivision.”

and

“I move the City Commission adopt Ordinance 2978.”

SYNOPSIS:

Resolution 9680 annexes Pine Hill Minor Subdivision and Ordinance 2978 assigns a zoning classification of PUD Planned unit development district to same, upon annexation of same to City.

Said Minor Plat consists of two lots located along the west side of Huckleberry Drive immediately south of Bel-View Palisade Addition. Proposed Lot 2 is occupied by the applicant’s residence addressed as 3700 Huckleberry Drive and proposed Lot 1 is the site for 13 proposed detached single family dwelling units.

BACKGROUND:

The Planning Office is in receipt of applications involving the platting, annexation, and rezoning of 8.746 acres of land located immediately south of Bel-View Palisade Addition along the west side of Huckleberry Drive.

For additional information, please refer to the Vicinity/Zoning Map attached to Resolution 9680 as Exhibit “A”, the site development plan attached to Ordinance 2978 as Exhibit “A”, and a reduced copy of the Plat of the Pine Hill Minor Subdivision.

Access to the development will be from Huckleberry Drive to the private interior roadways designated Big Sky Drive and Red Fox Drive which will be improved to a total width of 25 feet with pavement and curb and gutter both sides. The applicant intends to improve the abutting portion of Huckleberry Drive, which will be annexed to the City, to City standards with curb, gutter, and sidewalk along the west side.

City water mains will be installed in the abutting portion of Huckleberry Drive and in Big Sky Drive and Red Fox Drive within proposed Lot 1. Five fire hydrants are planned. A City sanitary sewer main will be extended from its existing terminus in Huckleberry Drive along Big Sky Drive and Red Fox Drive and through easements traversing Lot 1.

Storm drainage will be directed to a proposed subsurface detention vault in the southeast corner of the development with a discharge rate equal to the current discharge from the site.

The applicant is fulfilling the park obligation for the 13-unit development by paying a fee in lieu of land dedication. The fee is based upon the unimproved value of proposed Lot 1.

Traffic Analysis:

Trip Generation:

- 9.57 trips/weekday/single family (detached) unit (Source: ITE Trip Generation Manual, 7th Edition 2003)
- 9.57 trips x 13 single family (detached) units = 125 trips per weekday

Trip Distribution:

Sole access to the proposed development would be from a single access point onto/from Huckleberry Drive, which is accessed via Acacia Way and 14th St. SW on the north, and to a lesser extent via 45th Ave SW and Flood Rd. or Fox Farm Rd. on the south and east.

Functional Classification:

| | |
|------------------------------|----------------|
| Huckleberry Drive/Acacia Way | Local |
| 45 th Ave. SW | Local |
| Flood Rd. | Collector |
| 14 th St. SW | Minor Arterial |

Nearby Traffic Counts: (Average Daily Traffic)

| | |
|---|--------------|
| Flood Rd. just north of 45 th Ave. SW | 1,414 (2006) |
| 14 th St. SW, just south of I-315 Exit 0 | 9,295 (2005) |

Estimated Traffic Volume for Huckleberry Drive at current City Limits:

Although traffic counts are not taken on Huckleberry Drive, the daily traffic can be estimated by taking the number of existing residences on the road multiplied by the average trips generated by single-family dwelling units (from the ITE Trip Generation Manual, 7th Edition 2003).

The maximum estimated daily traffic on Huckleberry Drive at the City Limits is calculated assuming that all of the traffic generated by the homes on Huckleberry Drive will go to and from the north.

$$(9.57 \text{ trips per single-family dwelling unit}) \times (22 \text{ units}) = \underline{210 \text{ trips per day}}$$

Residents along the southern portion of Huckleberry Drive are certainly also (and probably mainly) using 45th Avenue SW, so the typical traffic volume along the roadway is something less than this number – perhaps even half this amount.

Recent Improvements:

An overlay of Flood Road was undertaken by Cascade County a few years ago and Huckleberry Drive has been improved to City standards to the current City Limit line, immediately to the north of the proposed subdivision.

Recommended Improvements:

The 2003 Transportation Plan recommends the following improvements in the area:

- Installation of stop controls (stop signs) on 45th Ave. SW at its intersection with Flood Rd. This has been done, and stop signs are in place on 45th Ave. SW.
- Upgrading Flood Road south of Park Garden Rd. to a collector street standard is recommended, but there are no immediate plans or funding sources for this improvement.
- As this area of the City grows, and as rural areas to the south develop, additional traffic pressure will be put onto the area collector and arterial roadways – mainly, Fox Farm Road, Flood Road/14th Street SW and their intersections with I-315/Country Club Boulevard. The addition of

a South Arterial and associated river crossing and connection to Gore Hill is anticipated to alleviate some of this pressure.

Conclusion:

Although access to the site from the north is through a somewhat circuitous route of streets via 14th Street SW, Acacia Way and Fern Drive, it is still anticipated that the majority of the traffic going to and exiting from the proposed PUD will use that route. Some traffic may also choose to use Huckleberry Drive to the south and travel 45th Avenue SW and Flood Road or Fox Farm Road, though this is not the shortest route.

Huckleberry Drive and the area roadways have adequate capacity to accommodate the estimated 125 additional daily trips that will be generated by the development. Adding this figure to estimated current maximum daily traffic volume, a total of 335 vehicles per day could be seen on Huckleberry Drive in front of the proposed subdivision. Huckleberry Drive carries traffic similar to a local roadway, but functions as a collector for all the houses that it serves, since these residents have little alternatives for access. This volume is less than other similar local/collector streets around the City, and about the same as a local roadway such as 5th Avenue South.

If additional development occurs to the south along Huckleberry Drive, there may be a future need for stop controls at some intersections to the north leading to 14th Street SW. However, current traffic volumes, even with the addition of this development, are not expected to warrant such controls.

As stated above, the additional 125 trips/day estimated to be generated by the proposed development can be easily accommodated by the existing street network. Vacant, developable lots to the south of the site along Huckleberry Drive are limited as most existing parcels are larger acre lots with existing homes, and redevelopment of such lots into higher density developments do not occur with frequency. It is anticipated that limited new development will occur along the roadway. There is the possibility of property owners re-developing their lots into higher densities as City services become closer and extension becomes more affordable. Roadway improvements to City standards should ensure that there is adequate capacity and safety features to accommodate future growth along the roadway. Specific attention should be given the width of the roadway and to pedestrian needs, especially in this urban-rural transitional area with no street lighting. Sidewalks along Huckleberry Drive must be provided, and on-site pedestrian facilities are encouraged.

Zoning Analysis:

Subject property is presently zoned in the County as “A-1” Agricultural District and it is proposed the property be zoned PUD Planned unit development 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 bordered on the north by the Centennial Ridge Condominiums which are within the City Limits and bordered on the east, south and west by suburban tracts ranging in area between 2½ to 10 acres.

Goals of the Land Use Element of the City Growth Policy include:

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

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

The proposed development of subject property, which adjoins the City Limits and existing public infrastructure, is a reasonable and planned progression of urban growth. The density associated with the proposed development is comparable to that in the abutting Bel-View Palisade Addition and the proposed PUD has similarities to the adjoining Centennial Ridge Condominiums. Therefore, the proposed development is not out of character at least in regard to the neighboring urban development. Staff concludes the above-cited criteria are substantially met.

Conclusion:

On February 13, 2007, the Planning Board/Zoning Commission held a public hearing during which several neighbors expressed opposition to the development project. Subsequently, the applicant withdrew the project application and met with many of the neighbors who had expressed opposition. To address many of their concerns, the applicant revised her development plans by reducing the density by 35% (20-units to 13-units) on Lot 1; switching from duplex structures to detached single family units; and incorporating a subsurface storm water detention vault to address concerns expressed about open standing water.

There appears to be two viewpoints regarding this proposed development project. One, where the development site can be considered a reasonable and planned progression of urban growth and where the City has the capacity and capability to adequately serve the development including an existing roadway network. The other, where the subject property is a part of the Ranchos Grande Vista Subdivision which includes several hundred acres originally divided into 10 acre and larger tracts in 1973 and where the owners of the tracts are protective of and accustomed to the semi-rural/suburban character of the area.

On May 8, 2007, the Planning Board/Zoning Commission conducted another public hearing on the new/revised development plans and the request to assign a zoning classification of PUD Planned unit development district to Pine Hill Minor Subdivision being annexed to the City. Representatives of the applicant who spoke during the hearing were Dr. Jim Clough, Mr. Jack Fisher, Thomas, Dean & Hoskins Engineering, and Mr. Bill Stuff, WRS Architecture and Design. Mr. John Popa, 4001 Huckleberry Drive, Mr. Tom Gerrity, 4004 Huckleberry Drive, and Ms. Sheila Sorensen, 3800 Huckleberry Drive, spoke in opposition to the proposed development project. Opponents argued the City's expansion is being forced upon County residents and City growth should only occur where it does not conflict with rural residents' wishes or affect rural area interests.

At the conclusion of the public hearing held May 8th, the Planning Board unanimously passed a motion recommending the City Commission approve the Pine Hill Minor Subdivision, the accompanying Findings of Fact, and the annexation of the area contained therein, including the abutting portion of Huckleberry Drive, 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 PUD Planned unit development district to Pine Hill Minor Subdivision being annexed to the City.

Attach: Resolution 9680
Ordinance 2978
Reduced Copy of Minor Plat
Findings of Fact
Annexation Agreement
Minutes of May 8, 2007, Planning Board/Zoning Commission public hearing

Cc: WRS Architecture & Design, 412 Central Ave. 59401
TD&H, Inc., Attn: Jack Fisher, 1200 25th St So. 59405
Nancy Clough, 3700 Huckleberry Dr. 59404

**FINDINGS OF FACT
FOR
PINE HILL MINOR SUBDIVISION
SECTION 22, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is on the side slope of a hill possibly conducive for grazing of farm animals 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 less than two miles. A City water main and sanitary sewer main will be extended to serve planned development within the subdivision which is to be annexed to the City. Access to subject property will be from the abutting Huckleberry Drive, a paved public roadway currently maintained by Cascade County but planned to be improved to City standards and subsequently maintained by the City.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Development of subject property with thirteen additional building sites and interior private roadways will generate storm water runoff which is intended to be accommodated by a proposed subsurface detention vault to be constructed in the southeast corner of subject property.

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. Segments of the private interior roads will contain a 10% grade, the maximum allowable design standard.

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

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

III. EASEMENT FOR UTILITIES

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

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting Huckleberry Drive, a public roadway planned to be improved to City standards and subsequently maintained by the City.

**ANNEXATION AGREEMENT
FOR
PINE HILL MINOR SUBDIVISION AND
PLANNED UNIT DEVELOPMENT
IN THE SW¼ OF SECTION 22,
TOWNSHIP 20 NORTH, RANGE 3 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2007, between NANCY T. CLOUGH, hereinafter referred to as “Owner,” and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City,” regarding the requirements for filing the Minor Plat and the annexation to the corporate limits of City, of PINE HILL MINOR SUBDIVISION, in the SW¼ of Section 22, Township 20 North, Range 3 East, Cascade County, Montana, hereinafter referred to as “Subdivision.”

2. SUPPORTING DOCUMENTS

A. A minor plat of Subdivision, prepared by Thomas, Dean & Hoskins, Inc., Engineering Consultants, and filed of record in the Clerk and Recorder’s Office of Cascade County, Montana.

B. Final engineering drawings and specifications prepared by Thomas, Dean & Hoskins, Inc., Engineering Consultants, consisting of documents for sanitary sewer mains, water mains, drainage improvements, paving, sidewalk, conduit for wiring for potential future public roadway lighting facilities, curb and gutter. Said drawings and specifications are on file in the City Engineer’s office.

C. Site Development Plan for Subdivision dated July 30, 2007, prepared by WRS Architecture and Design, filed in the office of the Great Falls Planning Department.

D. Loan commitment letter dated July 24, 2007, by Stockman Bank of Great Falls, to indicate the capability of Owner to pay for the public improvements referenced in Paragraph 2.B. hereinabove. A copy of the same is filed in the office of the Great Falls Planning Department.

3. AMENDMENTS

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

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

4. FEES AND CHARGES

A. Prior to annexation of Subdivision, Owner shall, in addition to the Minor Plat Fee of \$300.00, Zoning Application Fee of \$400.00, and Annexation Application Fee of \$100.00, which have been paid, pay the following required fees and annexation charges as provided by City policy, ordinances and resolutions:

| | |
|---|-----------------|
| a) Annexation Agreement Fee | \$200.00 |
| b) Resolution of Annexation Fee | \$100.00 |
| c) Storm Sewer Fee (\$250/acre x 8.746 acres) | \$2186.50 |
| d) Park Fee in Lieu of Land Dedication (\$5624.00 /acre x 8.746 acres x 11%) | \$5411.00 |
| e) Recording fees for Agreement and Resolution (\$11 per page x 10 pages) | <u>\$110.00</u> |
| Total fees made payable to City of Great Falls | \$8,007.50 |

B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.

C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.

D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

5. PUBLIC IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer, storm sewer and water improvements, street paving, conduit for wiring for potential future public roadway lighting facilities, curb and gutter to serve Subdivision, according to plans referenced in Paragraph 2.B. above and filed in the City Engineer's office and in accordance with standards of City.

6. RESTRICTIONS ON BUILDING PERMITS AND OCCUPANCY

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

7. ADHERANCE TO SITE PLAN AND DESIGN REVIEW BOARD

Development of Subdivision shall be substantially in accordance with the Site Development Plan referenced in Paragraph 2.C. hereof. Prior to initiating building development in Subdivision, Owner hereby agrees to submit appropriate building and site plans to the City's Design Review Board and adhere to any stipulated provisions contained in Exhibit 28-1 of the City's Unified Land Development Code including exterior building features, landscaping, parking, and outdoor lighting.

8. FUTURE STORM DRAINAGE FACILITIES

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

9. PUBLIC ROADWAY LIGHTING

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

10. WAIVER OF PROTEST OF ANNEXATION

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

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

A. After the public utilities, drainage and street improvements described in Paragraph 4.B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

B. Installation of the public utilities and street improvements described in Paragraph 5. hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

12. ANNEXATION PREREQUISITES

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

13. MAINTENANCE DISTRICTS

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

14. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the minor plat of Subdivision and will approve the property contained within the boundaries of Subdivision for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, as a PUD Planned unit development district. It is hereby understood that the preceding language regarding zoning of Subdivision does not preclude City from reclassifying Subdivision if an area wide reclassification is undertaken, in which event City agrees to reclassify uses in Subdivision as a conforming use.

15. BINDING EFFECT

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

OWNER

By: _____
Nancy T. Clough

State of Montana)
 :ss.
County of Cascade)

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

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

(NOTARIAL SEAL)

Notary Public for the State of Montana
Residing at _____
My commission Expires _____, 20__

GREAT FALLS PLANNING BOARD & ZONING COMMISSION

MINUTES OF THE COMBINED PUBLIC HEARING FOR PINE HILL MINOR SUBDIVISION AND PLANNED UNIT DEVELOPMENT

May 8, 2007

The public hearing was called to order at 3:02 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

ROLL CALL & ATTENDANCE

Planning Board/Zoning Commission Members present:

Mr. Art Bundtrock
Ms. Danna Duffy
Mr. John Harding
Mr. Terry Hilgendorf
Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts
Mr. Joe Schaffer

Planning Board/Zoning Commission Members absent:

Mr. Bill Bronson

Planning Staff Members present:

Mr. Andrew Finch, Senior Transportation Planner
Ms. Deb McNeese, Administrative Assistant
Mr. Ben Rangel, Planning Director
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Walters said this request involves a reconsideration of Pine Hill Minor Subdivision. The original application was withdrawn after the Planning Board/Zoning Commission public hearing in February. After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

Mr. Schaffer asked if the cul-de-sac size, as noted in the report from Dave Dobbs, had been addressed.

Mr. Walters said that as the project progresses, some adjustments in the radius or diameter of the cul-de-sac may be needed.

PETITIONER'S PRESENTATION

Dr. Jim Clough, 3700 Huckleberry Drive, said he has met with his neighbors in an attempt to address issues brought up in the first public hearing. The density of the development was lowered from 20 to 13 units, and an underground storm drain system will now be incorporated to control water runoff. Dr. Clough said the only other concern that could not be addressed was generally increasing the density of the area. Dr. Clough views this project as a natural progression of the City, becoming an asset to both the City and community. Dr. Clough also stated his attorney had researched the covenant issue brought up at the hearing in February, and in his attorney's legal opinion, the project currently being submitted did not create any conflicts with the existing covenants.

Mr. Bill Stuff, 412 Central Avenue, of WRS Architecture and Design, reviewed a map illustrating approximate locations of the proposed units.

Mr. Jack Fisher, 1200 25th Street South, of Thomas, Dean and Hoskins, said that all utilities will meet or exceed City standards. Mr. Fisher further explained how the underground storm water system will work.

PROPOSERS OPPORTUNITY TO SPEAK

There were no proponents.

OPPOSERS OPPORTUNITY TO SPEAK

Mr. John Popa, 4001 Huckleberry Drive, spoke at length against the project. Mr. Popa said the City's expansion is being forced upon County residents. City growth should only occur where it does not conflict with the rural residents' wishes. He stated that the loss of a combined City-County Planning Board, has left county residents unrepresented.

Mr. Tom Gerrity, 4004 Huckleberry Drive, was asked if there were objections to the Centennial Ridge project. Mr. Gerrity said the project area was within City limits before construction.

PETITIONER'S RESPONSE

Bill Stuff said, although parcels in the subdivision of Rancho Grande Vista were originally 10 and 20-acre lots, the covenants clearly allow three units per acre, possibly envisioning future annexation to the City.

Dr. Clough added that he had met with the Centennial Ridge residents and found no opposition to this project. Being located on the northern most edge of Rancho Grande Vista, Dr. Clough did not expect this project to impact the neighbors to the south.

OTHER PUBLIC COMMENT

Ms. Sheila Sorensen, 3800 Huckleberry Drive, said that the conflict with the covenants is that each dwelling is to be 30 feet from an adjoining property line. This should make the distance between the proposed residences a minimum of 60 feet.

PLANNING BOARD DISCUSSION & ACTION

Mr. Bundtrock said the Planning Board does not decide legal issues, such as covenants, and the natural progression of City growth will continue.

There followed further discussion regarding covenants, and continued City growth as property owners request annexation.

MOTION: That the Planning Board recommend the City Commission approve the Pine Hill Minor Subdivision, the accompanying Findings of Facts, and the annexation of the area contained therein including the abutting portion of

Huckleberry Drive, subject to the Zoning Commission adopting Recommendation II (below) and the applicant fulfilling the conditions listed on the Staff Report.

Made by: Mr. Bundtrock
Second: Mr. Roberts

Vote: The motion carried unanimously.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend the City Commission approve establishing a City zoning classification of PUD Planned unit development district upon the above described areas requested to be annexed to the City subject to the Planning Board adopting Recommendation I (above).

Made by: Mr. Roberts
Second: Mr. Kinder

Vote: The motion carried unanimously.

Mr. Walters said the Planning Board/Zoning Commission is advisory to the City Commission. Once the conditions in Recommendation I are fulfilled, the Planning Board/Zoning Commission recommendations will be forwarded to the City Commission for its consideration.

ADJOURNMENT

The hearing adjourned at 4:07 p.m.

CHAIRMAN

SECRETARY

RESOLUTION 9680

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PINE HILL MINOR SUBDIVISION AND THE ABUTTING SEGMENT OF HUCKLEBERRY DRIVE, LOCATED IN THE SW1/4 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:

- 1) The Plat of Pine Hill Minor Subdivision, located in the SW1/4 of Section 22, Township 20 North, Range 3 East, Cascade County, Montana, containing 8.746 acres; and
- 2) The segment of Huckleberry Drive abutting Pine Hill Minor Subdivision containing 0.92 acres, and

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the Plat of Pine Hill Minor Subdivision; 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: "PINE HILL MINOR SUBDIVISION AND THE ABUTTING SEGMENT OF HUCKLEBERRY DRIVE, LOCATED IN THE SW1/4 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:

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 4th 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)

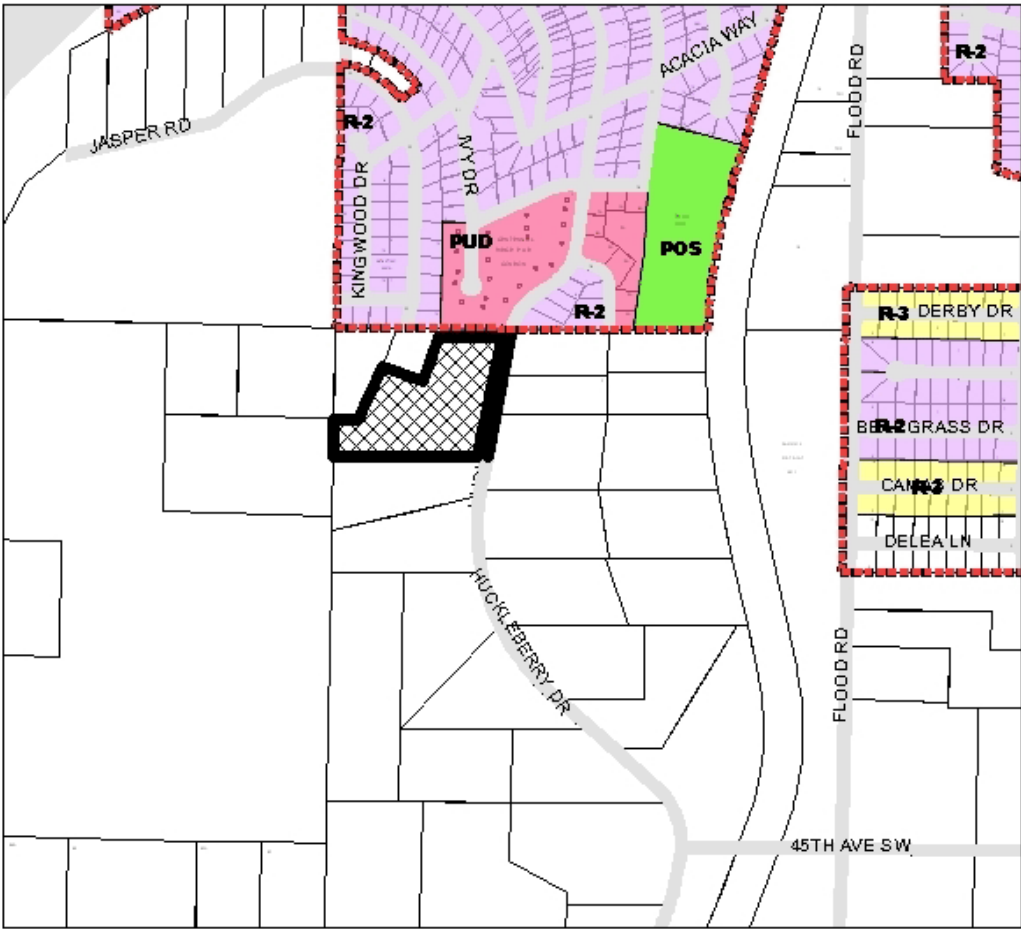
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9680 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 4th day of September, 2007, wherein it was approved by said Commission.


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

Lisa Kunz, City Clerk

(SEAL OF CITY)

VICINITY/ZONING MAP



 PROPOSED PINE HILL ADDITION TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT

 PORTION OF HUCKLEBERRY DRIVE PROPOSED TO BE ANNEXED







-  City Limits
-  R-3 Single-family high density
-  PUD Planned unit development
-  R-2 Single-family medium density
-  POS Parks and Open Space
-  Tracts of land outside City

EXHIBIT "A"



ORDINANCE 2978

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO PINE HILL MINOR SUBDIVISION, IN THE SW1/4 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, property owner Nancy T. Clough has petitioned the City of Great Falls to annex Pine Hill Minor Subdivision, located in the SW1/4 of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, property owner Nancy T. Clough has petitioned said Pine Hill Minor Subdivision, be assigned a City zoning classification of PUD Planned unit development district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district, to said Pine Hill Minor Subdivision, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 4th 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 Pine Hill Minor Subdivision, be designated as PUD Planned unit development district classification subject to the density and building locations, setbacks and maximum height presented on the site development plan attached hereto as Exhibit "A" and by this reference made a part of hereof.

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 Pine Hill Minor Subdivision, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 4th day of 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 2978 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 4th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 4th 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 4th 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 2978 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

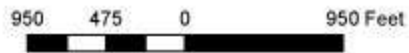
Lisa Kunz, City Clerk

(SEAL OF CITY)

VICINITY/ZONING MAP



-  PROPOSED PINE HILL ADDITION TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT
-  PORTION OF HUCKLEBERRY DRIVE PROPOSED TO BE ANNEXED
-  City Limits
-  R-3 Single-family high density
-  PUD Planned unit development
-  R-2 Single-family medium density
-  POS Parks and Open Space
-  Tracts of land outside City



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

AGENDA # 3
DATE September 4, 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 Conduct public hearing and Adopt Ordinance 2972 as revised to add Item 16

PRESENTED BY John Lawton, City Manager

RECOMMENDATION:

Staff recommends the City Commission adopt Ordinance 2972 on final reading as revised to add Item 16.

MOTION:

I move the City Commission adopt Ordinance 2972 as revised to add Item 16.

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)

AGENDA REPORT

DATE September 4, 2007

ITEM: Resolution 9684 To Levy and Assess Properties for Unpaid Utility Services

INITIATED BY: Fiscal Services Department and Delinquent Utility Accounts

ACTION REQUESTED: Conduct Public Hearing and Adopt Resolution 9684

PREPARED BY: Martha Cappis, Operations Supervisor

REVIEWED & APPROVED BY: Coleen Balzarini, Fiscal Services Director

RECOMMENDATION:

Staff recommends the City Commission conduct the public hearing for Resolution 9684, and barring sufficient protest, levy and assess charges of unpaid utility services against the properties listed in Exhibit A.

MOTION:

"I move to adopt Resolution 9684"

SYNOPSIS:

Sections 7-12-4611, 4612, Sections 7-13-128, and Section 7-13-4309, M.C.A., and City of Great Falls Municipal Codes 8.32.332 and 13.26.060 authorize the City Commission to assess lienable charges against a property to which utility services were furnished and for which payment is delinquent.

BACKGROUND:

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.

RESOLUTION 9684

A RESOLUTION TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES IN THE CITY OF GREAT FALLS, MONTANA.

WHEREAS:

A. The properties listed on the attached Exhibit A were issued a notice of delinquent amounts; and

B. After due notice and review, the accounts have not been paid and are outstanding to the City.

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

1. The costs of said charges are hereby assessed upon the aforementioned properties in accordance with Montana Code Annotated Sections 7-12-4611, 4612, Sections 7-13-128, and Section 7-13-4309, and City of Great Falls Municipal Code 8.32.332 and 13.26.060.

2. The description of each lot or parcel of land which is hereby levied upon and assessed, with the name of the owner, the amount of each assessment to be made, is as set out in the assessment List, attached as Exhibit A, which said list is incorporated herein and made a part of this resolution by reference;

PASSED by the Commission of the City of Great Falls, Montana, on this 4TH 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 9684 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 4TH day of September, 2007 and approved by the Mayor of said City on the 4TH day of September, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9684 - EXHIBIT A --REVISED--
A RESOLUTION TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICE CHARGES
IN THE CITY OF GREAT FALLS, MONTANA.

| OWNER | OWNER1 | LPARCL | LOT | BLOCK | SUB | SERV | SERV ADD1 | BALANCE |
|----------------------------------|------------------------|---------|-----|-------|------|------|----------------|----------|
| ADMINISTRATOR OF VETERAN AFFAIRS | WINSHIP LARRY & CHERYL | 124650 | 5 | 258 | GFO | 916 | 3RD AVE N | 58.94 |
| ANDERSON DOROTHY M | | 1519900 | 18 | 3 | SHG | 3905 | 9TH AVE S | 418.55 |
| AZURE ANGIE G | | 324200 | 12 | 753 | GF10 | 1309 | 6TH AVE S | 265.82 |
| BARICK PAUL D & SHELLY | | 481700 | 7 | 16 | BOS | 414 | 35TH ST N | 71.52 |
| BOWERS RONALD R | | 256600 | 3 | 480 | GFO | 308 | 7TH AVE S | 75.56 |
| CARTER DANIEL D | | 195000 | 3 | 373 | GFO | 608 | 1ST AVE S | 454.73 |
| COLLINS CAROL ANN | | 336750 | 4 | 784 | GF11 | 2512 | 3RD AVE S | 264.58 |
| CRANE SUSAN ETAL | | 233100 | 1 | 444 | GF1 | 411 | 11TH ST S | 514.38 |
| FANYAK JAMES R | | 428250 | 17A | 11 | BEP | 2724 | HUCKLEBERRY DR | 416.61 |
| FRATES LARRY E | | 151200 | 1 | 297 | GF3 | 113 | 15TH ST N | 54.34 |
| FULTS HAROLD S & LENA E | | 328050 | 8 | 762 | GF10 | 716 | 19TH ST S | 176.44 |
| GRIFFIN THOMAS A & ANGELIA D | | 136700 | 9 | 277 | GF12 | 2821 | 2ND AVE N | 682.61 |
| HENGENIUS MICHAEL T & KRISTINA K | | 1828100 | 14 | 28 | WGF | 1003 | 2ND AVE NW | 167.97 |
| HERRERA VILMA A | | 121250 | 12 | 251 | GFO | 209 | 2ND AVE N | 1,377.27 |
| JUSTUS NICHOLAS & LEAHA | | 238425 | 13 | 450 | GFO | 505 | 5TH AVE S | 409.60 |
| MALONE JACK G & LILLIE M | | 247450 | 14 | 462 | GF1 | 513 | 10TH ST S | 315.60 |
| MCGEE CHAD & BROOKE | | 76850 | 5 | 184 | GFO | 716 | 6TH AVE N | 78.73 |
| MOORE BARRY E | | 141050 | 9 | 283 | GF12 | 2921 | 1ST AVE N | 70.20 |
| NICHOLLS DUANE P & DEBORAH A | | 1508600 | 7 | 10 | SHE | 1507 | 15TH ST S | 538.89 |
| REAUGH CLARITA | | 1834900 | 5 | 36 | WGF | 1316 | 2ND AVE NW | 318.85 |
| ROCKWELL PAUL F & YVONNE F | | 262850 | 1 | 488 | GF1 | 1100 | 7TH AVE S | 2,531.97 |
| SORENSEN GARY | SORENSEN J | 1294300 | 2 | 6 | FIN | 1400 | 20TH AVE S | 349.97 |

9,613.13

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

DATE: September 4, 2007

ITEM Res. 9685, Cost Recovery, L3, B337, GF 11th Add., 2608 1st Ave N

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res 9685

PREPARED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

After closing the public hearing staff recommends the City Commission adopt Resolution 9685 and assess the total charges of \$ 709.00 against the property itself with interest and penalties on the unpaid balance.

MOTION:

I move to adopt Resolution 9685.

SYNOPSIS:

The owner(s): Dan and Maria Laverdure, of property at Lot 3, Block 337, Great Falls 11th 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 known as 2608 1st Ave N. The following expenses were incurred:

| | |
|--|-----------|
| Administrative Fee | \$ 260.00 |
| Ownership and encumbrance report by <i>Stewart Title</i> | \$ 110.00 |
| Recording Fee | \$ 24.00 |
| Publishing – Legal Ad | \$ 35.00 |
| Cleanup by Wayne Riley Excavating | \$ 280.00 |
| TOTAL COSTS INCURRED | \$ 709.00 |

BACKGROUND:

Staff has taken the following action:

| <u>Action</u> | <u>Date</u> |
|--|-------------|
| Initial complaint taken by staff | 7/11/2006 |
| Initial inspection of property | 7/11/2006 |
| Letter personally served with 14 & 30 day time period | 7/18/2006 |
| Posted Notice on Property, took photographs | 8/11/2006 |
| 1 st 30 day Extension given until | 9/15/2006 |
| Citations Issued for Junk Vehicle & Rubbish to Dan Laverdure | 9/22/2006 |
| Citations Issued for Junk Vehicle & Rubbish to Maria Laverdure | 3/17/2007 |
| Photographs taken | 4/24/2007 |
| Property abatement done by Wayne Riley Excavating | 7/2/2007 |
| Photographs taken after the property abatement | 7/2/2007 |
| Final inspection and approval by staff | 7/2/2007 |

Notification that a public hearing would be held on September 4, 2007, at 7:00 p.m., for the purpose of assessing said costs on the above-mentioned property was given to the property owner and published in the TRIBUNE on August 25, 2007.

cc: Coleen Balzarini, Controller
 Judy Burg, Fiscal Control/Tax

RESOLUTION 9685

A RESOLUTION ASSESSING THE COSTS INCURRED IN THE NUISANCE ABATEMENT OF PROPERTY LOCATED AT LOT 3, BLOCK 337, GREAT FALLS 11TH ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 2608 1ST AVE N, AGAINST SAID PROPERTY.

WHEREAS, the owner of the property located at Lot 3, Block 337, Great Falls 11th Addition, Great Falls, Montana, 2608 1st Ave N was issued a notice to raze the structure.

WHEREAS, after due notice the property owner did not abate the structure.

WHEREAS, staff hired a contractor to abate and clean the property.

WHEREAS, the contractor completed abating & cleanup with staff approving the work.

WHEREAS, the City Commission set September 4, 2007, at 7:00 p.m. for this hearing, to show cause why the property owner(s): Dan and Maria Laverdure, should not be held liable for the costs incurred in abating and cleanup of said property.

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

The amount of \$ 709.00 for abating and cleanup costs incurred in the abatement of a nuisance at Lot 3, Block 337, Great Falls 11th Addition, Great Falls, Montana, described as 2608 1st Ave N, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 4th day of September 4, 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 9685 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 4th day of September, 2007, and approved by the Mayor of said City, on the 4th day of September, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on September 4, 2007, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing abating and cleanup costs on the following property in the amount set forth:

2608 1st Ave N \$ 709.00

Any person interested or affected by the proposed charge may file written protests or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing.

BY ORDER OF THE CITY COMMISSION

Lisa Kunz, City Clerk

OFFICE USE ONLY

Publication August 25, 2007

cc: Lisa Kunz, City Clerk

Account # 451-7121-572-3599

Owner(s): DAN AND MARIA LAVERDURE
2608 1ST AVE N
Great Falls MT 59401

(Attach itemized account)

Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the abating and cleanup of property at Lot 3, Block 337, Great Falls 11th Addition, Great Falls, Montana, more commonly known as 2608 1st Ave N.

| | |
|--|------------------|
| Administrative Fee | \$ 260.00 |
| Ownership and encumbrance report by <i>Stewart Title</i> | \$ 110.00 |
| Recording Fee | \$ 24.00 |
| Publishing – Legal Ad | \$ 35.00 |
| Cleanup by Wayne Riley Excavating | \$ 280.00 |
| | |
| TOTAL EXPENSES INCURRED | <u>\$ 709.00</u> |

CITY OF GREAT FALLS, MONTANA

AGENDA # 6

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

DATE: September 4, 2007

ITEM Res. 9686, Cost Recovery, L3, B3, Heren Add., 4727 2nd Ave N

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res 9686

PREPARED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

After closing the public hearing staff recommends 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.

MOTION:

I move to adopt Resolution 9686.

SYNOPSIS:

The owner(s): Larry Frates, 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 known as 4727 2nd Ave N. The following expenses were incurred:

| | |
|--|--------------------|
| Administrative Fee | \$ 260.00 |
| Ownership and encumbrance report by <i>Stewart Title</i> | \$ 110.00 |
| Recording Fee | \$ 24.00 |
| Publishing – Legal Ad | \$ 35.00 |
| Cleanup by Wayne Riley Excavating | \$ 900.00 |
| TOTAL COSTS INCURRED | \$ 1,329.00 |

BACKGROUND:

Staff has taken the following action:

| <u>Action</u> | <u>Date</u> |
|---|----------------------|
| Initial complaint taken by staff | 3/22/2007 |
| Initial inspection of property | 3/23/2007 |
| 2 nd complaint taken | 4/3/2007 |
| Photographs taken | 4/3/2007 |
| 3 rd complaint taken | 4/6/2007 |
| Photographs taken | 4/6/2007 |
| 1 st letter sent certified, with 14 & 30-day time period | 4/6/2007 |
| Copy of letter faxed to property owner, with 14 & 30-day time period | 4/6/2007 |
| Mr. Frates called and discussed property | 5/7/2007 |
| Photographs taken | 5/8/2007 |
| Left a voicemail for Mr. Frates concerning re-inspection results and gave extension until May 23, 2007 | 5/16/2007 |
| 4 th complaint taken | 5/23/2007 |
| Telephone message left on the property owners voice mail advising that a list of Contractors was faxed to him to move the mobile homes from the property, etc. gave him 7 day extension and then abatement proceedings would move forward | 6/1/2007 |
| Property abatement done by Wayne Riley Excavating | 8/1/2007 8/2/2007 |
| Photograph's taken after the property abatement | 8/2/2007 |
| Final inspection and approval by staff | 8/2/2007 |
| Ownership and encumbrance report ordered | 6/18/2007 |
| "Notice of Hearing" posted on property | 7/6/2007 |

“Notice of Hearing” mailed certified to owner Larry Frates

7/6/2007

“Notice of Hearing” published in the GF TRIBUNE

7/7/2007

Notification that a public hearing would be held on September 4, 2007, at 7:00 p.m., for the purpose of assessing said costs on the above-mentioned property was given to the property owner and published in the TRIBUNE on August 25, 2007.

cc: Coleen Balzarini, Controller
Judy Burg, Fiscal Control/Tax

RESOLUTION 9686

A RESOLUTION ASSESSING THE COSTS INCURRED IN THE NUISANCE ABATEMENT OF PROPERTY LOCATED AT LOT 3, BLOCK 3, GREAT FALLS HEREN ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 4727 2ND AVE N, AGAINST SAID PROPERTY.

WHEREAS, the owner of the property located at Lot 3, Block 3, Great Falls Heren Addition, Great Falls, Montana, 4727 2nd Ave N was issued a notice to abate the structure.

WHEREAS, after due notice the property owner did not abate the structure.

WHEREAS, staff hired a contractor to abate and clean the property.

WHEREAS, the contractor completed abating & cleanup with staff approving the work.

WHEREAS, the City Commission set September 4, 2007, at 7:00 p.m. for this hearing, to show cause why the property owner(s): Larry Frates, should not be held liable for the costs incurred in abating and cleanup of said property.

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

The amount of \$ 1,329.00 for abating and cleanup costs incurred in the abatement of a nuisance at Lot 3, Block 3, Great Falls Heren Addition, Great Falls, Montana, described as 4727 2nd Ave N, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 4th 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 9686 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 4th day of September, 2007, and approved by the Mayor of said City, on the 4th day of September, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on September 4, 2007, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing abating and cleanup costs on the following property in the amount set forth:

4727 2nd Ave N \$ 1,329.00

Any person interested or affected by the proposed charge may file written protests or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing.

BY ORDER OF THE CITY COMMISSION

Lisa Kunz, City Clerk

OFFICE USE ONLY

Publication August 25, 2007

cc: Lisa Kunz, City Clerk

Account # 451-7121-572-3599

Owner(s): LARRY FRATES
PO Box 1493
Great Falls MT 59403

(Attach itemized account)

Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the abating and cleanup of property at Lot 3, Block 3, Great Falls Heren Addition, Great Falls, Montana, more commonly known as 4727 2nd Ave N.

| | |
|--|--------------------|
| Administrative Fee | \$ 260.00 |
| Ownership and encumbrance report by <i>Stewart Title</i> | \$ 110.00 |
| Recording Fee | \$ 24.00 |
| Publishing – Legal Ad | \$ 35.00 |
| Cleanup by Wayne Riley Excavating | \$ 900.00 |
| | |
| TOTAL EXPENSES INCURRED | <u>\$ 1,329.00</u> |

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

PROCLAMATION: Mayor Stebbins read a proclamation for Recognition for Outstanding Volunteer Service.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Res. 9674 and Ord. 2975, annexation and zoning for segment of Burlington Northern and Santa Fe Railroad Right-of-Way along West Bank Park, between 3rd Street NW and the Missouri River. Adopted.

- 2A. RESOLUTION 9674 ANNEXES A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY ALONG WEST BANK PARK, BETWEEN 3RD STREET NW AND THE MISSOURI RIVER.
- 2B. ORDINANCE 2975, ASSIGNS ZONING CLASSIFICATION OF M-2 MIXED USE TRANSITIONAL AND I-1 LIGHT INDUSTRIAL.

Planning Director Ben Rangel reported that a segment of Burlington Northern and Santa Fe Railroad right of way located along West Bank Park between 3rd Street Northwest and the Missouri River had never been annexed into the City. This particular right of way is contiguous to the City limits. As such, State statute allows the annexation of land, if the land is adjacent to the City, including any lands used for railroad purposes. This action will also address the Commission's interest to annex unincorporated enclaves into the City.

On July 17th, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested the Commission adopt Resolution 9674, which would annex the parcel and to adopt Ordinance 2975, which would assign zoning classifications of M-2 mixed-use transitional and I-1 light industrial.

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

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9674 or Ordinance 2975. Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9674.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Ordinance 2975.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

**Long Term Power
Supply Agreements.
Approved.**

3. LONG TERM POWER SUPPLY AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND ELECTRIC CITY POWER, INC.

Fiscal Services Director Coleen Balzarini recommended that the City Commission approve the Long Term Power Supply Agreement with Electric City Power, Inc., and authorize the City Manager to execute the agreements. Ms. Balzarini explained that the reason for the request for approval is because HB 25 requires businesses and entities to make a decision prior to October 1st to continue with Northwestern Energy as their energy supplier, continue with their electricity supplier such as Electric City Power, or move off of Northwestern Energy and start getting their energy from an electricity supplier. The City offices and operations are currently being served by ECP and contracts are in place through 2011. Ms. Balzarini stated this **new** Agreement will reaffirm **the existing** contract and carry it through 2012 (five years for the short term). Ms. Balzarini **stated** approval of this contract **also provides** for a 30 year period that will take effect when Highwood Generating Station comes on line and will act as part of the security for the financing that will be used to construct the City's portion of Highwood Generating Station.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission approve the Electric City Power, Inc., Long Term Power Supply Agreements and authorize the City Manager to execute the agreements.

Commissioner Hinz inquired how much money ECP saved its contractual partners since it started supplying electricity.

Fiscal Services Director Coleen Balzarini answered the energy supply for two years was over 1.2 million in savings to all of the customers, including the City, and that figure does not take into account the average 15% savings the City has seen on the transmission side.

Commissioner Hinz stated that she has opposed the Highwood Generating Station, but supports the City's public power, Electric City Power, and that by securing the long term contracts it will help ensure its success. Commissioner Hinz stated that it is her understanding that if Highwood Generating Station is not built, the City will have to go shopping for power. Commissioner Hinz stated that she sees this as a positive move.

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

Larry Rezendes, 2208 1st Avenue North, stated that he opposes the Long Term Power Agreement between the City of Great Falls and Electric City Power. Mr. Rezendes read an article from the July 20th Great Falls Tribune. Mr. Rezendes suggested the Commission disapprove and not go forward with further relationship lengthening the commitment of the City to Electric City Power.

Ken Thornton, 31 Paradise Lane, stated the Commission does not know the cost of this power. A 30 year contract is an incredible long time. Mr. Thornton referred to articles in the Wall Street Journal about problems with coal. He expressed the Commission has not done its homework, and his children will pay for the mistake.

Aart Doleman, 3016 Central Avenue, stated he is confused about the whole process. Mr. Doleman referred to a newspaper article about a representative of the City going to Helena and Missoula. Mr. Doleman stated that it is obvious that ECP is doing business and if the City owns ECP, why does it need to have a contract.

Stuart Lewin, 615 3rd Avenue North, stated he is opposed to the coal plant. Mr. Lewin stated the Commission has not allowed a vote of the people and has gone down a very expensive road. He stated this project looks backwards to him and inquired who wrote this contract. Mr. Lewin read an article written by Tom Powers regarding Missoula buying into the Great Falls coal plant.

Kathleen Gessaman, 1006 36th Avenue N.E., stated she hopes the Commission would vote against the Long Term Power Supply Agreement between the City of Great Falls and Electric City Power. Ms. Gessaman stated the power that will be purchased from ECP is 100% coal tagged. She stated she is looking out for the health of our children and citizens whose

immune systems are at risk.

Ron Gessaman, 1006 36th Avenue N.E., stated he wanted to clarify points made with regard to the coal tax, and that Representative Dingleman of Michigan proposed a \$100 a ton tax on Co2. That amount would more than double the cost of this power plant. Mr. Gessaman stated that Wall Street is taking this into account.

John Hubbard, 615 7th Avenue South, read a portion of an April 9, 2007, Tribune article.

Motion carried 4-1 (Hinz dissenting).

ORDINANCES/RESOLUTIONS

Ord. 2979, zoning upon Meadowlark Addition No. 5. Accepted on first reading and set public hearing for September 18, 2007.

4. ORDINANCE 2979, ESTABLISH CITY ZONING UPON MEADOWLARK ADDITION NO. 5.

Planning Director Ben Rangel reported that property owner and developer, Tom Skovron, proposes to develop a 20 unit single family residential subdivision, titled Meadowlark Addition No. 5. The subdivision is located in southwest Great Falls and is more specifically located southwest of Grande Vista Park and immediately east of Flood Road.

Mr. Skovron's overall proposal included the referenced subdivision, its annexation and the establishment of City zoning.

Mr. Rangel recommended the City Commission accept Ordinance 2979 on first reading and set public hearing for September 18, 2007, to consider assignment of City zoning, and approve the final plat, the subdivision and its annexation.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Rosenbaum and Hinz, that the City Commission accept Ordinance 2979 on first reading and set a public hearing for September 18, 2007, to consider adoption of Ordinance 2978.

Motion carried 5-0.

Ord. 2980, rezoning Upper River Road Estates Subdivision, Lot 4, Block 1, Southridge First Addition and portion of Certificate of Survey 3391. Accepted on first reading and set public hearing for

5. ORDINANCE 2980, REZONE UPPER RIVER ROAD ESTATES SUBDIVISION, LOT 4, BLOCK 1, SOUTHRIDGE FIRST ADDITION AND PORTION OF CERTIFICATE OF SURVEY 3391.

Planning Director Ben Rangel reported that Gene Thayer is the owner and developer of property located near the corner of Upper River Road and 40th Avenue South. Mr. Thayer proposes 20 single-family homes and 12 residential condominiums in an area being platted as Upper River Road

September 18, 2007.

Estates Subdivision, including an adjoining lot in Southridge First Addition and a portion of property described by Certificate of Survey.

Mr. Thayer is requesting to rezone the area from R-1 single-family suburban residential to PUD Planned unit development. The property was previously annexed into the City as a part of the Upper/Lower River Road Water and Sewer District, Phase 1 project.

Mr. Rangel recommended the City Commission accept Ordinance 2980 on first reading, and set a public hearing for September 18, 2007, to consider the rezoning request, and approve the subdivision and a development agreement.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2980 on first reading and set a public hearing for September 18, 2007, to consider adoption of Ordinance 2980.

Motion carried 5-0.

Ord. 2981, establish zoning upon Flying J Travel Plaza Addition, Phase II. Accepted on first reading and set public hearing for September 18, 2007.

6. ORDINANCE 2981, ESTABLISH CITY ZONING UPON FLYING J TRAVEL PLAZA ADDITION, PHASE II.

Planning Director Ben Rangel reported that the Great Falls Community Ice Foundation is the owner and developer of property being platted as Flying J Travel Plaza Addition, Phase II. The property is located on top of Gore Hill, just southeast of the Flying J Truck Stop, near the Interstate 15 interchange for the airport. The Ice Foundation is currently building an ice arena on the site. The Foundation's overall proposal includes the referenced subdivision, its annexation and the establishment of City zoning.

Mr. Rangel recommended the City Commission accept Ordinance 2981 on first reading, and set a public hearing for September 18, 2007, to consider assignment of City zoning, and to approve the final plat of the subdivision and its annexation.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2981 on first reading and set a public hearing for September 18, 2007, to consider adoption of Ordinance 2981.

Commissioner Rosenbaum announced that, after a tour of the facility, it is nice to see it moving along for the youth and adults of the community.

Mayor Stebbins added that it is nice that today's kids will have the same advantages and practice area that yesterday's kids had. She commended the members of the ice foundation.

Motion carried 5-0.

Ord. 2972, amending OCCGF 13, Chapter 2, Section 070(c). Accepted on first reading and set public hearing for September 4, 2007.

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

Mr. Lawton recommended the City Commission accept Ordinance 2972 on first reading and set a public hearing for September 4, 2007.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2972 on first reading and set a public hearing for September 4, 2007, to consider adoption of Ordinance 2972.

Commissioner Rosenbaum commented that the easement part of the 15 conditions may not be defined well enough.

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

Aart Doleman, 3016 Central Avenue, stated he is puzzled as to whether this is in cooperation with the Cascade County Commissioners and the growth

policy.

Larry Rezendes, 2208 1st Avenue North, asked how this relates to the Highwood Generating facility.

Mayor Stebbins answered she would get an answer to his comment.

Stuart Lewin, 615 3rd Avenue North, stated he is concerned that the City and County have not been working together with a common growth policy plan.

Brett Doney, 3048 Delmar Drive, stated that some of the points raised are good. The 15 points that we have to work out means the City has to carefully look at things. Mr. Doney compared this to the large area by the Malt Plant that the Great Falls Development Authority is looking at for an industrial park. The Great Falls Development Authority has had meetings with City and County officials, folks from the Department of Transportation, and different State and Federal agencies. He opined that this could be a model of how this could work. Mr. Doney expressed that the City is growing outward. The Great Falls Development Authority started a Downtown Revitalization effort, and he opined that the City needs to look at how it can facilitate more development inward.

Motion carried 5-0.

Res. 9633, to levy and assess the cost of removal and disposal of nuisance weeds. Adopted.

8. RESOLUTION 9633, LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS.

Fiscal Services Director Coleen Balzarini reported that this process is typically done once a year. The City is realigning when it sends this to the County for the assessment. Ms. Balzarini stated that this assessment is for weeds cut by City staff from January, 2006, through June 30, 2007. There were 3,660 notices sent out to property owners to take care of their weed violations. Of those, the City crews had to cut 66. Of those, 33 property owners opted not to pay. Ms. Balzarini requested the Commission approve this lien on the nuisance weeds to be sent to the County for further collection process.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9633.

Motion carried 5-0.

**Res. 9663, Annual Tax Levy.
Adopted.**

9. RESOLUTION 9663, ANNUAL TAX LEVY.

Fiscal Services Budget Officer Melissa Kinzler reported this is the last step of the fiscal year 2008 budget process. The City received the taxable valuation for the City of Great Falls from the Department of Revenue. Accordingly, the City can now compute and set its annual mill levy.

The proposed mill levy is 158.21 mills, which provides for the same revenue levied in the previous year plus inflation, newly taxable property, swim pool bonds and a minor increase for health insurance.

The public hearing on our Intent to Increase Property Taxes by 4.63% was held on July 3, 2007, in accordance with § 15-10-203, MCA.

Ms. Kinzler recommended the City Commission adopt Resolution 9663 to fix the annual tax levy.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9663.

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

Ron Gessaman, 1006 36th Avenue N.E., stated that at the last commission meeting he commented on how the City's budget had risen nearly twice the consumer price index rate indicating to him that the City has not been fiscally responsible. Mr. Gessaman read a portion of a Helena newspaper article.

Motion carried 5-0.

**Res. 9683, Assessing Business Improvement District.
Adopted.**

10. RESOLUTION 9683, ASSESSING BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that on July 3, 2007, the Commission approved the work plan and proposed budget for the Business Improvement District after a public hearing was conducted. Ms. Balzarini recommended the Commission approve the assessment that will be levied against those properties within the Business Improvement District that they have voluntarily committed to have levied against themselves. The amount is \$163,000.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9663.

Motion carried 5-0.

Consent Agenda.
Approved as printed.

CONSENT AGENDA

11. Minutes, August 7, 2007, Commission meeting.
12. Total Expenditures of \$2,391,444 for the period of July 31 through August 14, 2007, to include claims over \$5,000, in the amount of \$2,153,163.
13. Contracts list.
14. Lien Release List.
15. Set public hearing for September 18, 2007, on Res. 9681 to assess Special Improvement Maintenance Lighting Districts.
16. Set public hearing for September 4, 2007, on Res. 9684 to Levy and Assess Properties for Unpaid Utility Service.
17. Set public hearing for September 4, 2007, on Res. 9685, Cost Recovery at 2608 1st Avenue North.
18. Set public hearing for September 4, 2007, on Res. 9686, Cost Recovery at 4727 2nd Avenue North.
19. Postpone bid award for twenty-five in-car digital cameras.
20. Approve Engineering Services Contract with Brown and Caldwell for Air Permitting Services at the Great Falls Wastewater Plant in an amount not to exceed \$26,900.
21. Approve Change Order No. 1 to United Materials of Great Falls, Inc. for the Morony Natatorium Parking Lot in the amount of \$8,000.
22. Approve final payment to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$22,545.95 for the Horizon Park and Central Avenue West Water Main Replacements.
23. Approve a two-year Labor Agreement with the Painters Local #260.
24. Uphold Home Occupation Certificate issued to Chinook Winds Counseling located at 4700 12th Street NE.

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

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

Michael M. Witsoe, 2612 1st Avenue South, inquired about item 16 and asked how long the City retains the lien.

Mayor Stebbins answered until it is paid.

Mr. Witsoe asked if someone else can pay the lien.

Fiscal Services Director Coleen Balzarini told Mr. Witsoe he could get that answer from the County Treasurer.

Mr. Witsoe then inquired about item 20, and asked if it was for an air permit or a piece of equipment.

Public Works Director Jim Reardon answered that the consultant will look at the entire plant, including boilers, new engine facility, digesters and all potential sources of emissions.

Mr. Witsoe asked if the minutes were available for the public to read the comments and the questions asked in paper form and on-line.

Mayor Stebbins answered yes.

Motion carried 5-0.

BOARDS & COMMISSIONS

**Sandra Erickson
reappointed.**

25. REAPPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission reappoint Sandra C. Erickson to a three year term expiring March 31, 2010, to the Advisory Commission on International Relationships.

Mayor Stebbins stated that she attended a function with Sandra and it was beautifully handled, and that she does a great job facilitating that commission.

Motion carried 5-0.

26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION

28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

- Correct Agenda. Global Warming.** 29A. **Aart Doleman**, 3016 Central Avenue, suggested the on-line agenda be corrected because it still says three minutes. Mr. Doleman apologized to the Commission regarding wrong information he reported on global warming. He explained that he previously stated 240 cities, and it is actually 648 communities think global warming in a local issue. Mr. Doleman referred to a map of 648 cities identified, which included Missoula, Bozeman and Billings. Mr. Doleman thinks it is embarrassing that the City of Great Falls is in opposition to the communities on global warming.
- Public Comment Period.** 29B. **Stuart Lewin**, 615 3rd Avenue North, stated it is his impression that it is with long teeth that the Commissioners allow public comment. Mr. Lewin referred to a prior interaction between himself and the City Manager. Mr. Lewin stated he is disappointed and that it is time for a change.
- City/County Growth Plan.** 29C. **Colanth Wilson-Pont**, announced that she will soon open her practice of occupational medicine and clinical genetics. Ms. Pont stated that the City and County should put together a growth plan. She stated that we are in the middle of the traffic pattern and believes that is why Great Falls is growing.
- Coal Companies.** 29D. **John Hubbard**, 615 7th Avenue South, stated that the company that shut down coal companies was Texacan because it was a global disaster.
- Factories. Agenda Item 7.** 29E. **Gloria Smith**, 8 Cheyenne Drive, referred to item 7 and expressed concern that it will be factories coming up in our community. Ms. Smith stated there already is a place on the north side and on the Havre road that is an area for factories, and thinks that now we will have a circle of factories being incorporated into the City. Ms. Smith suggested that the factories be put somewhere else and not in the City, and to plan the zoning first.
- Industrial Park.** 29F. **Brett Doney**, 3048 Delmar Drive, stated that he wanted to clarify that the idea of the industrial park is to master plan an area in cooperation with the City, County, and property owners to save money in the long term. Mr. Doney stated that he takes exception to two things said, one being he thinks the Great Falls region has a tremendous amount to offer, and second, he hopes people respect that people need to make a living and factories are not a thing of the past. It is the future of Great Falls.
- Ice Rink. Skate Park. ECP.** 29G. **Carol Fisher**, 500 53rd Street South, thanked the Commissioners for their support with the ice rink. Ms. Fisher also suggested that a concession stand be opened and a security firm hired at the skate park to monitor vandalism. She also stated she is disappointed that the City is going to be a customer of Electric City Power.

Mr. Lawton stated that the subject of the September 4th work session is the skate park. Staff has been working on the difficulties that the City is encountering there and will have some alternatives to discuss.

Industrial Park. Agenda Item 20. **29H. Ron Gessaman**, 1006 36th Avenue N.E., reminded the Commission about the controversy of ownership of the industrial park. Mr. Gessaman opined that a coal fired power plant does not qualify as a precision manufacturing facility. Mr. Gessaman stated that the explanation the public received for item 20 is pathetic. The permit issue should have been settled before the cogeneration plant was built, and inquired if competitive bidding took place for the consultant contract.

ECP. **29I. Ed McKnight**, 906 3rd Avenue N., inquired about the electrical cost of the City at the last meeting and was given a rounded figure of a three million annual bill. Mr. McKnight asked how it was rounded, up or down.

Mayor Stebbins directed Mr. McKnight to contact Ms. Balzarini at her office to get accurate information since she doesn't have the information with her tonight.

Mr. McKnight asked how much of that was transmission cost and how much was generation cost. Since Great Falls is in the electric power business, Mr. McKnight asked for a rough estimate of how much the transmission cost was on the total electric bill of the City.

Mayor Stebbins again requested that he contact Ms. Balzarini at her office for detailed answers.

Mr. McKnight stated in the future electric prices will go up, and inquired if the cost of Electric City Power will go up too or remain the same. Mr. McKnight inquired if ECP uses Northwestern for the transmission. He stated that this was presented as no risk, not costing the City any money. Yet, the City has several million dollars spent and committed to future costs and, in the contract, the City acknowledges the risk that Highwood Generating Station may not be built.

Commissioner Jovick-Kuntz instructed Mr. McKnight to put his questions in writing so that they could be answered intelligently. Neither the Commission nor the Budget Director have the budget figures in front of them. Ms. Kuntz asked that he put the questions in a proper manner to the Budget Director and she will respond.

Mr. McKnight asked for a round number.

Commissioner Jovick-Kuntz stated they would not answer questions in round numbers, and for him to contact Coleen Balzarini and she would be happy to answer these questions.

**Thanked
Commissioners.**

29J. Karen Grove, 1816 1st Avenue North, commented that she has lived in Great Falls all her life and is proud of this City. Ms. Grove thanked the Commissioners for improving the south side of Great Falls. She opined that no other city has a neighborhood housing program for low income people better than Great Falls. Ms. Grove commented that it is great to obtain another five year weed and seed grant. She stated that it is her hope to have her son reside here in Great Falls and make a living here where his roots are.

**Coal Plants/Renewable
Energy.**

29K. Ken Thornton, 31 Paradise Lane, thanked the Commissioners for what they have done with the River's Edge Trail and the changes to the City for the best, even ECP. Mr. Thornton opined that the coal plant is a bad decision. He stated that he has taken all of the engineering skills he has learned building power plants and has switched them over to renewable energy. Mr. Thornton stated for the money going in to the plant, the City could take thousands of houses in Great Falls to covert to energy from the sun and the wind. He stated if ECP went to solar and wind energy, the City could use net metering and have no transmission costs.

HGS.

29L. David Warner, 321 8th Avenue South, talked about the manufacturing of the power plant. Mr. Warner stated that Alstom Power will purchase the turbine which will be manufactured in the United States, and that this power plant will be one of the cleanest coal fired power plants in this time. He stated that the sequestration of Co2 should achieve 90% and that will meet the requirements of California. Mr. Warner stated that one of the biggest advantages is the development opportunity. The long term electrical generation for stable power is a good advantage. The factories that we are talking about bringing in will be interested in that long term. That means jobs. All of our children will be able to work for a decent wage right here.

City Manager Search.

29M. Mike Witsoe, 2612 1st Avenue South, read the last paragraph of the Tom Powers' letter. Mr. Witsoe then asked if the City is currently searching for a City Manager and if the meetings are open to the public.

Mayor Stebbins answered that meetings have occurred with a member of the Waters Consulting Group and the community leaders.

Mr. Witsoe asked if anyone from the public, or anyone that votes, was present.

Mayor Stebbins answered that they all vote.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of August 21, 2007, be adjourned at 9:05 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

SPECIAL REVENUE FUND CONTINUED

STREET DISTRICT

| | | |
|---------------------------|--------------------------------------|-----------|
| MONTANA REFINING CO | ASPHALT | 19,331.25 |
| MT DEPT OF TRANSPORTATION | PMT #9 OF 1254.1 MT AIR & CONGESTION | 6,062.30 |

LIBRARY

| | | |
|----------|-------------------------------|-----------|
| OCLC INC | TOTAL CATALOGING AND METADATA | 10,374.98 |
|----------|-------------------------------|-----------|

FEDERAL BLOCK GRANTS

| | | |
|-----------------------------|---------------------------------|-----------|
| JURASEK CONSTRUCTION INC | BATHROOMS AT EASTER SEALS | 12,000.00 |
| LAPKE CONSTRUCTION | PMT #6 CDBG SIDEWALK OF #1453.2 | 5,109.28 |
| NATIONAL NEIGHBORHOOD WATCH | SIGNS, HANDBOOKS DECALS MISC | 5,805.50 |

HOME GRANTS

| | | |
|---------------|-------------------------|-----------|
| NEIGHBORWORKS | DRAWDOWN #2 FILE 770701 | 12,365.00 |
|---------------|-------------------------|-----------|

ECONOMIC REVOLVING

| | | |
|-----------------------------------|-----------------------------|-----------|
| GREAT FALLS DEVELOPMENT AUTHORITY | REIM TRUST FUND MAFB RUNWAY | 16,800.00 |
|-----------------------------------|-----------------------------|-----------|

CAPITAL PROJECTS

GENERAL CAPITAL

| | | |
|-----------------------------|------------------------------|-----------|
| JAMES TALCOTT CONSTRUCTION | PMT #1 NEIGHBORHOOD POOLS | 47,025.00 |
| DICK OLSON CONSTRUCTION INC | 1ST PMT INSTALL UPSTAGE DOOR | 9,632.20 |

ENTERPRISE FUNDS

WATER

| | | |
|-----------------------|----------------------------------|------------|
| BISON MOTOR CO INC | 2008 FORD 1 TON W/UTILITY BODY | 32,211.07 |
| THATCHER CO | ALUMINUM SULFATE | 15,328.49 |
| CONCRETE DOCTOR | FINAL PMT OF #1485.2 CONCRETE | 7,316.84 |
| THOMAS DEAN & HOSKINS | PMT #16 OFFICE FILE #1494.2 | 5,246.20 |
| UNITED MATERIALS | PMT #1 OF 1494.1 SUNNYSIDE WATER | 240,633.49 |
| DPC INDUSTRIES INC | CHLORINE | 7,428.00 |
| THATCHER CO | LIQUID ALUMINUM SULFATE | 24,693.85 |
| PHILLIPS CONSTRUCTION | FINAL PAY OF #1437 HORIZON PARK | 22,320.49 |

SEWER

| | | |
|----------------------------|------------------------------------|------------|
| STANLEY CONSULTANTS INC | PMT #20 OF 1404 ENERGY DESIGN SERV | 34,877.40 |
| NEWMECH COMPANIES INC | OF 1404 WWTP CO-GEN | 148,104.53 |
| VEOLIA WATER NORTH AMERICA | OPERATION & MAINT AUGUST 2007 | 192,281.92 |
| VEOLIA WATER NORTH AMERICA | MISC MINOR CAPITAL IMPROVEMENTS | 12,500.00 |

STORM DRAIN

| | | |
|------------------------|------------------------------------|----------|
| STELLING ENGINEERS INC | OF #1458 GIANT SPRINGS STORM DRAIN | 6,512.00 |
| HKM ENGINEERING | PMT #1&2 9TH ST NE STORM DRAIN | 7,668.25 |

SANITATION

| | | |
|-----------------------|--------------|-----------|
| MONTANA WASTE SYSTEMS | JULY CHARGES | 79,326.37 |
|-----------------------|--------------|-----------|

ENTERPRISE FUNDS CONTINUED

| | | |
|------------------------|------------------------------------|-----------|
| R W BECK INC | TASK ORDER 2,3,4 ASSIST | 5,851.20 |
| SAFETY SERVICES | | |
| QWEST | AUGUST CHARGES | 6,154.08 |
| PARKING | | |
| APCOA/STANDARD PARKING | SEPT 2007 COMPENSATION | 18,508.67 |
| GOLF COURSES | | |
| K & M INC | PAY OUT CONCESSIONS 8-11 THRU 8-26 | 1,867.50 |
| CIVIC CENTER | | |
| CORPORATE EXPRESS INC | 80551445 CORP EXPRESS FURNITURE | 5,106.50 |

INTERNAL SERVICES FUND

| | | |
|-------------------------------|-----------------------------------|------------|
| HEALTH INSURANCE | | |
| BLUE CROSS/BLUE SHIELD OF MT | BCBS ADMIN & REINS FEES JULY PYMT | 40,942.38 |
| BLUE CROSS/BLUE SHIELD OF MT | GROUP & HMO CLAIMS 8-14 THRU8-20 | 188,240.45 |
| BLUE CROSS/BLUE SHIELD OF MT | GROUP & HMO CLAIMS 8-21 THRU8-27 | 92,439.50 |
| INFORMATION TECHNOLOGY | | |
| HEWLETT PACKARD | 3 XW4400/ 20 DC5700 PC-REPLACEMEN | 17,375.00 |
| CENTRAL GARAGE | | |
| SIX ROBBLES INC | STATIONARY AIR COMPRESSOR | 8,331.05 |
| MOUNTAIN VIEW CO-OP | UNLEADED AND DIESEL FUEL | 32,758.53 |

BLANKET PURCHASE ORDERS

| | | |
|------------------------|-----------------------|-----------|
| MUNICIPAL COURT | | |
| CITY OF GREAT FALLS | FINES AND FORFEITURES | 53,394.52 |

CLAIMS OVER \$5000 TOTAL: \$ 1,542,359.64

COMMUNICATION TO THE CITY COMMISSION

DATE: September 4, 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 | Engineering | David Kuglin Const. | 09/04/2007 – 09/19/2007 | 515 3175 535 9319 | \$9,200 | Construction of Storm Drain Inlet. OF 1528. |

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

DATE Sept. 4, 2007

ITEM: AGREEMENT: GREAT FALLS COMMUNITY ICE FOUNDATION
UTILITY EXTENSIONS

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: APPROVE AGREEMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends the Agreement be approved.

MOTION:

“I move the Agreement between the City of Great Falls and the Great Falls Community Ice Foundation concerning cost sharing and responsibilities for the extension of City Utilities be approved and the City Manager be authorized to sign the agreement.”

SYNOPSIS:

This Agreement provides for an agreement between the City of Great Falls and the Great Falls Community Ice Foundation regarding Public Utility extensions.

BACKGROUND:

The Great Falls Community Ice Foundation has submitted an annexation application for a proposed ice skating facility. The extension of municipal facilities is required to serve the area and the development. This Agreement outlines the responsibilities and cost sharing involved with the water main and sanitary sewer extensions. The current need for the utilities is to serve the development with the long term benefits of serving the entire area.

The Great Falls Community Ice Foundation development is located on Gore Hill southwest of the Flying J Travel Plaza along the east side of 29th Street SW, just south of 38th Avenue SW. The annexation of the Great Falls Community Ice Foundation project is currently in process and is expected to go before the Commission on September 18, 2007.

The utility extensions are designed and construction is intended to begin in the fall of 2007.

The Great Falls Community Ice Foundation is the Developer of this project and will pay to have the utilities installed into their development site. The City will reimburse the Great Falls Community Ice Foundation for the utility installation. The total financial impact to the City is approximately \$400,000 of which \$250,000 is reprogrammed from Utility Funds. The City will be partially reimbursed for the cost of the water main and sewer main as adjacent properties are annexed to the City.

AGREEMENT
Between
THE CITY OF GREAT FALLS
And
THE GREAT FALLS COMMUNITY ICE FOUNDATION

THIS AGREEMENT is made this ____ day of _____, 2007 between the City of Great Falls (hereinafter called City) and The Great Falls Community Ice Foundation, (hereinafter called Owner).

WHEREAS, Owner wishes to develop and annex to the City a portion of land situated in the “W1/2 SE1/4 of Section 21, T20N., R.3E., M.P.M. Cascade County, Montana.” The proposed name of the subdivision, after annexation, is the “Flying J Travel Plaza Addition, Phase II.”

Now, therefore the parties agree to the following conditions:

- 1) Owner agrees to furnish and install approximately 1,262 lineal feet of 8 inch diameter gravity sewer main and 588, 641 and 275 lineal feet of 8, 12 and 16 inch diameter water main, respectively, with appurtenances.
- 2) City agrees to pay Owner for the cost of the utilities installed to a maximum of \$400,000. Payment shall be per actual costs incurred on the project and as detailed later in this agreement.
- 3) The water main and sewer main to the Ice Foundation site will service future property owners along each side of the project. The method for reimbursement to the City for any other land owners wishing to annex and connect to either the watermain or the sanitary sewer shall be addressed in the annexation agreement. The owner agrees to waive it's rights to future reimbursements.
- 4) The Owner is to hire a Registered Professional Engineer to design the complete water and sanitary sewer systems. The Professional Engineer is to survey, prepare easements and design the entire project, which will include but not be limited to topographic elevations, property lines, right-of-way, existing easements and future easements as required for watermain and sanitary sewer main installation. Design & Specifications approval will be required by the City and the State of Montana Water Quality Bureau. City Engineering will perform inspection and compaction testing on the project with costs to perform these services paid by the City. The inspection will be performed on a full time basis for the duration of the project. Project time is estimated to be 45 working days for the watermain installation and 30 days for the sanitary sewer main installation.
- 5) The Owner is the sponsor of the watermain and sewer extensions with the City funding 100% of the utilities, but not to exceed \$400,000. The City needs reasonable assurance that the projects will be installed at a fair and reasonable price. In order to determine a “reasonable price”, the following process is suggested:

The City has in its possession historical estimates for projects prior to and after construction which will provide one estimate for the entire project. Glacier Engineering will also provide an estimate of project costs for water and sanitary sewer installations. The contractor will also provide an estimate of the proposed work scope. The project cost to be determined based upon composite of the three estimates and acceptance of the construction plans.

6) City and Owner will jointly review each contractor progress payment to verify work performed. City will then wire transfer agreed upon amount to Owner.

7) All future reimbursements received from third parties located along the utilities shall be to the City.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as the last written date above.

SIGNED:

John W. Lawton, City Manager

Andrea Hedges, President

Dated: _____

Dated: _____

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED AS TO FORM:

David V. Gliko, City Attorney

AGENDA REPORT

DATE September 4, 2007

ITEM: CHANGE ORDER NO. 1 AND FINAL PAYMENT: 2006 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) SIDEWALK REPLACEMENT, O.F. 1453.2

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER AND FINAL PAYMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends approval of Change Order No. 1 and Final Payment to Lapke Construction LLC for the 2006 CDBG Sidewalk Replacement, O.F. 1453.2.

MOTION: "I move the City Commission 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, O.F. 1453.2, and authorize the City Manager to execute the necessary documents and make the payments."

SYNOPSIS: Lapke Construction completed all contracted work and City Engineering staff recommends acceptance of the project and execution of the Final Payment. Change Order No. 1 provides compensation for additional sidewalk along 9th Avenue South. The additional work results in an increase of \$1,437.20, for a final total contract price of \$112,264.20.

BACKGROUND: The City has been replacing sidewalks as a part of street rehabilitation projects for a number of years. This is the sixth phase of an ongoing series of CDBG funded projects to replace hazardous sidewalks citywide. This sidewalk project is related to a program to install handicap ramps.

The Commission approved the original contract price of \$110,827.00 on September 19, 2006. The final contract amount was \$112,264.20. The project was funded by CDBG funds. The additional \$1,437.20 to complete the project was transferred from the handicap ramp project. All but \$70.60 of the total amount awarded was expended on the CDBG sidewalk and ramp projects. Substantial completion was reached on July 27, 2007, which was also the start of the 2 year warranty period.

The Engineering Division applied for and was awarded the grant, designed the project, and performed the inspection and contract administration duties. The Community Development Department administered the CDBG program and performed grant and other administrative duties.

Attachment: Change Order #1
Claim & Pay Estimate #7, Final (Not available online)

CHANGE ORDER

Order No. 1
Date: August 22, 2007
Agreement Date: September 20, 2006

NAME OF PROJECT 2006 CDBG Sidewalk Replacement, O.F. 1453.2
OWNER City of Great Falls
CONTRACTOR Lapke Construction LLC

The following changes are hereby made to the CONTRACT DOCUMENTS.

Justification: Installation of additional sidewalk along 9th Avenue South was requested by the City to maximize the use of CDBG funding.

Change to CONTRACT PRICE:

Original CONTRACT PRICE \$ 110,827.00

Current CONTRACT PRICE adjusted by previous CHANGE ORDER \$ 110,827.00

The CONTRACT PRICE due to this CHANGE ORDER will be increased by \$ 1,437.20

The new CONTRACT PRICE including this CHANGE ORDER will be \$ 112,264.20

Requested by: _____
Project Manager

Recommended by: _____
City Engineer

Accepted by: _____
Contractor (Authorized Signature)

Approved by: _____
John Lawton, City Manager

Attest: _____
Lisa Kunz, City Clerk

(Seal of the City)

Approved for Legal Content: _____
David Gliko, City Attorney

CITY OF GREAT FALLS, MONTANA

AGENDA # 12

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

DATE September 4, 2007

ITEM: CONSTRUCTION CONTRACT AWARD: 2007 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT) HANDICAP RAMPS O.F. 1507.1

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 \$75,215.00 to Kuglin Construction for the 2007 CDBG Handicap Ramps, O.F. 1507.1, and authorize the City Manager to sign the construction contract documents."

PROJECT TITLE: 2007 CDBG Handicap Ramps, O.F. 1507.1

RECOMMENDED CONTRACTOR: Kuglin Construction

CONTRACT AMOUNT: \$75,215.00

ENGINEER'S ESTIMATE: \$74,875.00

START DATE: September 17, 2007

COMPLETION DATE: October 31, 2007 (45 Calendar Days)

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

SYNOPSIS: The 2007 CDBG project was designed to install Americans with Disabilities Act (ADA) compliant ramps down 8th Avenue North at the intersections of 16th, 17th, 18th, 19th, 20th, and 21st Street. This is the seventh phase of a series of Community Development Block Grant (CDBG) projects to install handicap ramps around the City. The Public Works Department applied for this grant through the CDBG program, and was successful in being awarded funding. Storm drain funds are being added to provide for storm water inlet replacements for the Utility Department.

The bid opening was held on August 22, 2007 with two bids submitted. Kuglin construction submitted a low bid of \$75,215.00. The bid tabulation summary is attached.

BACKGROUND: The City has been installing handicap ramps as a part of street rehabilitation

projects or as ramp-only projects for a number of years. Ramps are also required in new developments. This is the seventh phase of what is hoped to be an ongoing series of CDBG funded projects to install handicap ramps on a citywide basis. These projects are related to a program to repair hazardous sidewalks.

This project 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. The alternate bid items are included to allow for the installation of as many ramps and sidewalk as available funding will allow. In this way, the full amount of the grants can be invested into the City’s infrastructure.

The Engineering Division applied for and was awarded the grant, 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 ADA Handicap Ramps
 OF 1507.1

Project Number _____
 Bids Taken at Civic Center
 Date: August 22, 2007
 Tabulated By: Kari Wambach

| | Name & Address of Bidder | Acknowledge Addendum #1 | 10% Bid Security | Affidavit of Non-Coll. | Certificate of Non-Segregated Facilities | Certificate of Compliance with Insurance Req. | Schedule 1 Handicap Ramps | Schedule 2 Misc. Work |
|----|---|-------------------------|------------------|------------------------|--|---|---------------------------|-----------------------|
| 1 | David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414 | N/A | √ | √ | √ | √ | \$69,500.00 | \$5,440.00 |
| 2 | Lapke Construction, LLC Box 111 Simms, MT 59477 | N/A | √ | √ | √ | √ | \$77,620.00 | \$5,000.00 |
| 3 | | | | | | | | |
| 4 | | | | | | | | |
| 5 | | | | | | | | |
| 6 | | | | | | | | |
| 7 | | | | | | | | |
| 8 | | | | | | | | |
| 9 | | | | | | | | |
| 10 | Engineer's Estimate | | | | | | | |