



# City Commission Agenda

for

## August 7, 2007

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

**CALL TO ORDER:** 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATIONS**

Sacred Web Recovery  
National Night Out

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. 1424 and 1426 14<sup>th</sup> Street Southwest, consisting of a single-family residence and Herman's Flowers. **(Presented by: Ben Rangel)**
  - A. Res. 9671, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9671.
  - B. Ord. 2973, Assigns Zoning Classification of R-1 Single-family suburban district. Action: Conduct joint public hearing and adopt or deny Ord. 2973.
3. Lot 1, Block 8, University Addition, currently occupied by the Airway Motel and Classic 50's business. **(Presented by: Ben Rangel)**
  - A. Res. 9672, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9672.
  - B. Ord. 2974, Assigns zoning classification of C-2 General commercial district. Action: Conduct joint public hearing and adopt or deny Ord. 2974.
4. Narrow Strip of Land Abutting the South Boundary of Lots 3-8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition. **(Presented by: Ben Rangel)**
  - A. Res. 9676, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9676.
  - B. Ord. 2976, Establishes zoning classification of R-2 Single-family medium density district. Action: Conduct joint public hearing and adopt or deny Ord. 2976.
5. Northview Addition Phase 3, consisting of 18 single-family lots along a portion of 39<sup>th</sup> Avenue Northeast. **(Presented by: Ben Rangel)**

- A. Res. 9677, Annexes said property. Action: Conduct public hearing and adopt or deny Res. 9677.
- B. Ord. 2977, Assigns zoning classification of PUD Planned unit development. Action: Conduct joint public hearing and adopt or deny Ord. 2977.
6. Res. 9664, Levy and Assess Street Maintenance District. Annual street maintenance assessment for Fiscal Year 2007-2008. Action: Conduct public hearing and adopt or deny Res. 9664. **(Presented by: Coleen Balzarini)**
7. Res. 9665, Levy and Assess Special Improvement Boulevard Maintenance District No. 3570. Annual Boulevard Maintenance Assessment for Fiscal Year 2007-2008. Action: Conduct public hearing and adopt or deny Res. 9665. **(Presented by: Coleen Balzarini)**
8. Res. 9666, Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195. Annual Portage Meadows Maintenance Assessment for Fiscal Year 2007-2008. Action: Conduct public hearing and adopt or deny Res. 9666. **(Presented by: Coleen Balzarini)**

## **OLD BUSINESS**

### **NEW BUSINESS**

9. Grant Funds to Great Falls Community Ice Foundation to Assist in Bringing Public Water and Sewer Services to the New Ice Rink Facility. Action: Approve or deny grant. **(Presented by: Coleen Balzarini)**

### **ORDINANCES/RESOLUTIONS**

10. Ord. 2978, Establish zoning upon Pine Hill Minor Subdivision. Assigns zoning classification of PUD Planned unit development district to Pine Hill Minor Subdivision. Action: Accept Ord. 2978 on first reading and set public hearing for September 4, 2007. **(Presented by: Ben Rangel)**
11. Res. 9679, Amending Resolution 9634 to Establish Five Minute Public Comment Period and Prohibiting Racist, Discriminatory and Incitingly Violent Speech. Action: Adopt or deny Res. 9679. **(Presented by: Chad Parker)**

**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.*

12. Minutes, July 17, 2007, Commission meeting.
13. Total Expenditures of \$4,212,987 for the period of July 18 through August 1, 2007, to include claims over \$5000, in the amount of \$3,865,771.
14. Contracts list.

15. Award construction contract to Shumaker Trucking & Excavating for the Mount Olivet/Mountain View Water Main Loop in the amount of \$139,899.
16. Award construction contract to Phillips Construction for the 7<sup>th</sup> and 3<sup>rd</sup> Avenues North Water Main Replacement in the amount of \$931,824.
17. Award construction contract to Phillips Construction for the Milwaukee Right-of-Way Storm Drainage Improvements, Phase 2 in the amount of \$48,321.
18. Approve Change Order No. 1 to Phillips Construction for the Horizon Park and Central Avenue West Water Main Replacements in the amount of \$25,000.
19. Approve Change Order No. 5 to NewMech Companies, Inc. for the Contract 02—General Construction for the Wastewater Treatment Plant Cogeneration Project in the amount of 73,507.
20. Approve emergency purchase of one tandem axle truck with sideload refuse packer.
21. Award contract to Talcott Construction for the Mitchell Pool Renovation in the amount of \$1,083,985.
22. Approve Change Order No. SI-1 to Talcott Construction for the Mitchell Pool Renovation in the credit amount of \$96,100.
23. Approve Change Order No. SII-1 to Talcott Construction for the Jaycee and Water Tower Rehabilitation in the credit amount of \$46,800.
24. Declare property surplus to allow it be sold at auction.
25. Approve increase in annual funding commitment to Great Falls Development for a total of \$100,000 through debt reduction.
26. Approve Management and staff agreement with the Great Falls Housing Authority.
27. Approve contract for Employee Group Health Insurance Specific Stop Loss Coverage.
28. Approve Engineering Services Agreement for an extension to River's Edge Trail adjacent to Bay Drive with Thomas Dean and Hoskins, Inc. in the amount of \$19,720.

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

#### **BOARDS & COMMISSIONS**

29. Reappointments, Great Falls Development Authority. Action: Confirm reappointments of Bill Beecher and Diane Jovick-Kuntz as ex-officio members of the Great Falls Development Authority and Mike Rattray as the Staff Liaison.
30. Appointment, Regional Airport Authority. Appoint one member to fill remainder of three-year term through December 31, 2007.
31. Miscellaneous reports and announcements.

#### **CITY MANAGER**

32. Miscellaneous reports and announcements.

**CITY COMMISSION**

33. Miscellaneous reports and announcements.

**PETITIONS AND COMMUNICATIONS**

34. Miscellaneous reports and announcements.

**MOTION TO ADJOURN**

**A G E N D A   R E P O R T**

**DATE** August 7, 2007

**ITEM** Public Hearing – Resolution 9671 and Ordinance 2973, related to Mark L, Sec 15, T20N, R3E, (Herman’s Flowers)

**INITIATED BY** City Commission

**ACTION REQUESTED** Commission Adopt Resolution 9671 and Ordinance 2973, related to Mark L, Sec15, T20N, R3E, and a segment of 14<sup>th</sup> Avenue Southwest

**PREPARED BY** Charles Sheets, Planner 1

**APPROVED & PRESENTED BY** Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of R-1 Single-family suburban district, to Mark L, in NW¼, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, and a segment of 14<sup>th</sup> Avenue Southwest between 14<sup>th</sup> Street Southwest and 16<sup>th</sup> Street Southwest.

**MOTION:** (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9671.”

and

“I move the City Commission adopt Ordinance 2973.”

**SYNOPSIS:**

Resolution 9671 annexes Mark L, which is presently occupied by a single-family residence and Herman’s Flowers addressed as 1424 and 1426 14<sup>th</sup> Street Southwest, respectively and the abutting segment of 14<sup>th</sup> Avenue Southwest.

Ordinance No. 2973 assigns a zoning classification of R-1 Single-family suburban district to said parcel and segment of right-of-way in order to remain consistent with the parcel’s existing classification and that of the immediately adjoining properties, upon annexation to City.

The parcel receives water and sewer services from the City.

**BACKGROUND:**

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

Pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a

condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property owner has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Form, dated January 17, 2007.

Upon annexation, subject property will be subject to City taxes and assessments.

Mark L is presently zoned in the County as "R-1" Suburban Residential District. The notice published in the Tribune on May 27, 2007 listed the proposed zoning as C-2 General Commercial. However, in that the neighborhood is predominately residential, on larger lots, Staff recommended at the Zoning Commission public hearing, that Mark L should more appropriately be zoned R-1 Single-family suburban district in order to remain consistent with the parcel's existing classification and that of the immediately adjoining properties.

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

Attachments: Resolution 9671  
Ordinance 2973  
Copy of Response Form

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Constance Jean Smith, 1424 14<sup>th</sup> St SW, Great Falls MT 59404



December 5, 2006

**RESPONSE FORM**

I, CONSTANCE JEAN SMITH, am the owner of record of property  
addressed as: 1424 14TH ST SW and  
legally described as: MARK L, SEC 15, T 20 N, R3E

\*\*\*\*\*

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

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

Constance Jean Smith  
CONSTANCE JEAN SMITH

1-17-07  
Date

\*\*\*\*\*

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

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

\_\_\_\_\_  
CONSTANCE JEAN SMITH

\_\_\_\_\_  
Date



RESOLUTION 9671

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MARK L, NORTHWEST ¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND A SEGMENT OF 14<sup>TH</sup> AVENUE SOUTHWEST, BETWEEN 14<sup>TH</sup> STREET SOUTHWEST AND 16<sup>TH</sup> STREET SOUTHWEST, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

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

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

Mark L, Northwest ¼, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 5.33 acres,

and,

A segment of 14<sup>th</sup> Avenue Southwest, between 14<sup>th</sup> Street Southwest and 16<sup>th</sup> Street Southwest, in the Northwest ¼ Section 15, Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, described as follows:

Beginning at the southeast corner Block 3, University Addition to Great Falls, being the point of beginning;

thence West along the south lot line 425 feet to a point on the east boundary of Mark V, in E½NW, Sec 15, T20N, R3E, M.P.M.;

thence South along the east lot line 31.5 feet to the SE corner of Mark V;



thence West along the south lot line 436.75 feet to the SW corner of Mark V;

thence South along the east right-of-way of 16<sup>th</sup> Street Southwest to the NW corner of Mark 8, in SENW, Sec 15, T20N, R3E, M.P.M.;

thence East along the North lot line 861.75 feet to the NE corner of Mark T, in SENW, Sec 15, T20N, R3E, M.P.M.;

thence North along the west right-of-way of 14<sup>th</sup> Street Southwest to the SE corner of Block 3, University Addition to Great Falls, to the point of beginning;

containing 0.87 acres more or less,

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

and,

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

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

WHEREAS, Constance Jean Smith, property owner of record, has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MARK L, NORTHWEST ¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND A SEGMENT OF 14<sup>TH</sup> AVENUE SOUTHWEST, BETWEEN 14<sup>TH</sup> STREET SOUTHWEST AND 16<sup>TH</sup> STREET SOUTHWEST."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney

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

I, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9671 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7<sup>th</sup> day of August, 2007, wherein it was approved by said Commission.

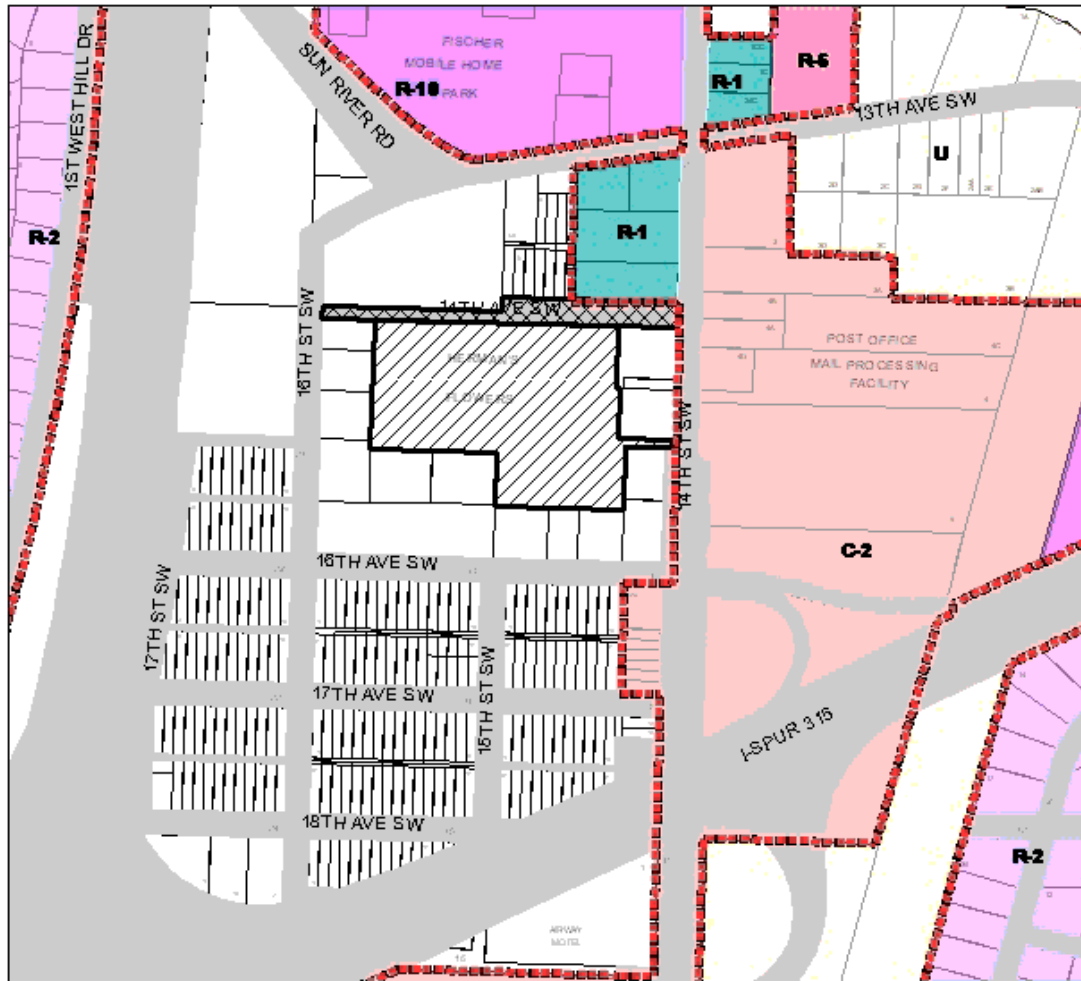
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"

# VICINITY/ZONING MAP



MARK L, IN NW¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA PROPOSED TO BE ANNEXED INTO CITY OF GREAT FALLS AND ASSIGNED A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN



ABUTTING SEGMENT OF 14TH AVENUE SOUTHWEST BEING ANNEXED INTO THE CITY IN ACCORDANCE WITH 7-2-4211, M.C.A. REGARDING INCLUSION OF ROADS AND RIGHTS-OF-WAY IN ANNEXATIONS

--- City Limits

R-6 Multi-family high density

U Unincorporated enclaves

R-1 Single-family suburban

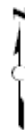
R-10 Mobile home park

Tracts of land outside City

R-2 Single-family medium density

C-2 General commercial

480 240 0 480 Feet



ORDINANCE 2973

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO MARK L, SEC 15, T20N, R3E, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

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

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

WHEREAS, Constance Jean Smith, property owner of record, has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of R-1 Single-family suburban district, to Mark L, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of August, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Mark L, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be designated as R-1 Single-family suburban district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Mark L, in Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 7<sup>th</sup> day of August, 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 2973 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 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 7<sup>th</sup> day of August, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2973 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)

AGENDA REPORT

DATE August 7, 2007

ITEM Public Hearing – Resolution 9672 and Ordinance 2974, related to Lot 1, Block 8, University Addition, NW¼ Sec 15, T20N, R3E, (Airway Motel & Classic 50’s businesses)

INITIATED BY City Commission

ACTION REQUESTED Commission Adopt Resolution 9672 and Ordinance 2974, related to Lot 1, Block 8, University Addition, NW¼ Sec 15, T20N, R3E

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

**RECOMMENDATION:**

The Planning Board has recommended the City Commission approve the annexation and the City Zoning Commission has recommended the City Commission assign a zoning classification of C-2 General commercial district, to Lot 1, Block 8, University Addition, in NW¼, Section 15, Township 20 North, Range 3 East, Cascade County, Montana.

**MOTION:** (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9672.”

and

“I move the City Commission adopt Ordinance 2974.”

**SYNOPSIS:**

Resolution 9672 annexes Lot 1, Block 8, University Addition, currently occupied by a motel and restaurant/tavern/casino along 14<sup>th</sup> Street Southwest.

Ordinance 2974 assigns a zoning classification of C-2 General commercial district, to Lot 1, Block 8, University Addition, upon annexation of same to City.

The parcel receives water and sewer services from the City.

**BACKGROUND:**

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

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

The property owner has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and sewer services in accordance with City Ordinance 2930. See the attached Response Form, dated January 4, 2007.

Upon annexation, subject property will be subject to City taxes and assessments.

Subject Lot 1, Block 8, University Addition is presently zoned in the County as "B-2" General Business District. In that the surrounding incorporated properties are zoned C-2 General commercial district, which allow Hotel/Motel and Restaurant/Tavern/Casino uses, it is recommended subject property be zoned C-2 General commercial district upon annexation to the City.

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

Attachments: Resolution 9672  
Ordinance 2974  
Copy of Response Form

cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Tom Heisler, 1800 14<sup>th</sup> ST SW, Great Falls, MT 59404



December 5, 2006

**RESPONSE FORM**

I, TOM R HEISLER, am the owner of record of property  
addressed as: 1800 14TH ST SW and  
legally described as: LOT 1, BLK 8, UNIVERSITY ADDITION

\*\*\*\*\*

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

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

*Tom Heisler*  
TOM R HEISLER

*Jan 4, 2007*  
Date

\*\*\*\*\*

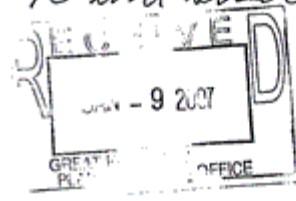
If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

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

\_\_\_\_\_  
TOM R HEISLER

\_\_\_\_\_  
Date

*On condition that we reach agreement on parking, landscaping, signage, drainage and street taxes.*





RESOLUTION 9672

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 1, BLOCK 8, UNIVERSITY ADDITION, NORTHWEST ¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

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

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

Lot 1, Block 8, University Addition, Northwest ¼, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and containing 0.80 acres,

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

and,

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

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

WHEREAS, Tom Heisler, property owner of record, has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and/or sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "LOT 1, BLOCK 8, UNIVERSITY, NORTHWEST ¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney

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

I, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9672 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7<sup>th</sup> day of August, 2007, wherein it was approved by said Commission.

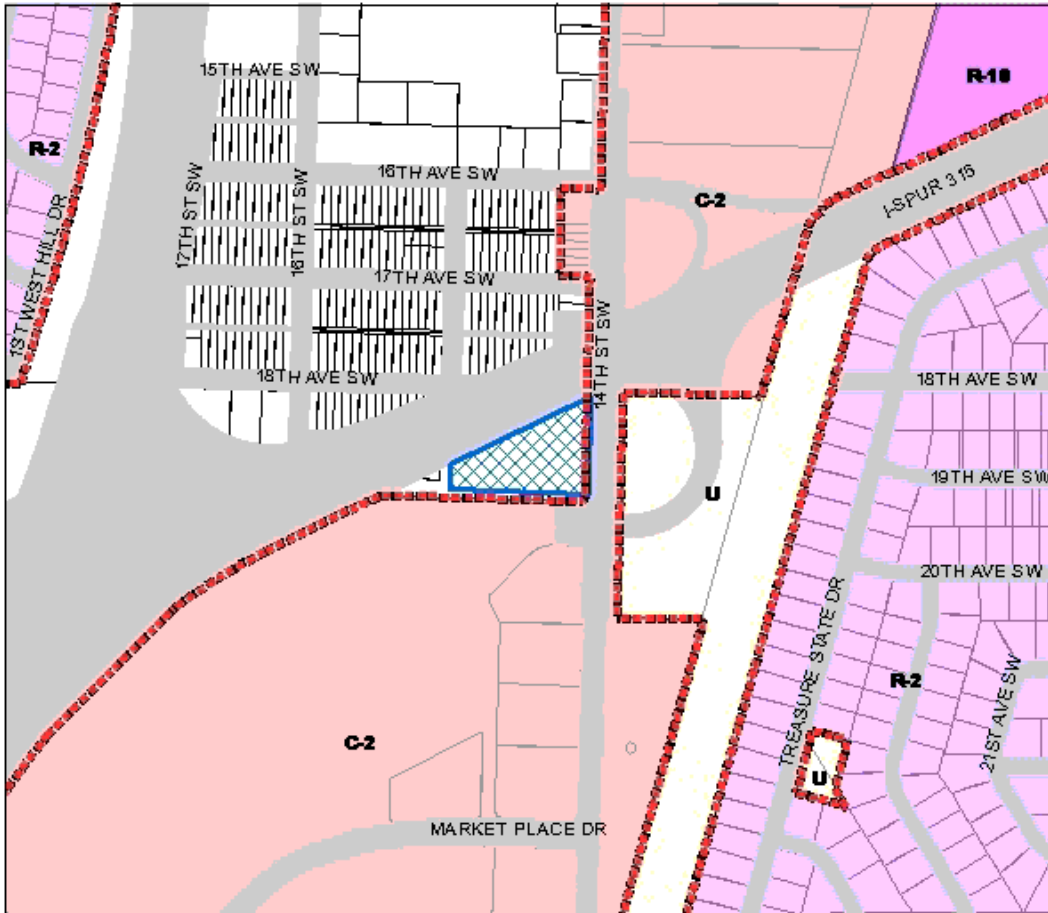
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.


\_\_\_\_\_  
Lisa Kunz, City Clerk







(SEAL OF CITY)

# EXHIBIT "A"

## VICINITY/ZONING MAP



 LOT 1, BLOCK 8, UNIVERSITY ADDITION PROPOSED TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "C-2" GENERAL COMMERCIAL

-  City Limits
-  C-2 General commercial
-  Tracts of land outside City
-  R-2 Single-family medium density
-  U Unincorporated enclaves
-  R-10 Mobile home park



ORDINANCE 2974

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO LOT 1, BLOCK 8, UNIVERSITY ADDITION, IN NW¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

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

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

WHEREAS, Tom Heisler, property owner of record, has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and/or sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to said Lot 1, Block 8, University Addition, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of August, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Lot 1, Block 8, University Addition, be designated as C-2 General commercial district classification.

Section 3. The zoning being assigned by this ordinance for Lot 1, Block 8, University Addition, shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing said Lot 1, Block 8, University Addition, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 7<sup>th</sup> day of August, 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 2974 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 7<sup>th</sup> day of August, 2007 and approved by the Mayor of said City on the 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 7<sup>th</sup> day of August, 2007 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2974 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)

AGENDA REPORT

DATE August 7, 2007

ITEM Public Hearing – Resolution 9676 to Annex and Ordinance 2976 to Establish City Zoning Upon a Narrow Strip of Land Abutting the South Boundary of Lots 3 – 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition

INITIATED BY Skyline Heights Addition, LLP., Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9676 and Ordinance 2976 and Approve Amended Plat of Lots 3 – 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

**RECOMMENDATION:**

It is recommended the City Commission approve the amended plat and annexation of the unincorporated land being combined with the incorporated Lots 3 - 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition and assign a zoning classification of R-2 Single-family medium density district upon unincorporated land being annexation to the City.

**MOTION** (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9676 and approve the Amended Plat of Lots 3 – 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition.”

and

“I move the City Commission adopt Ordinance 2976.”

**SYNOPSIS:**

Resolution 9676 annexes a narrow strip of land abutting Lots 3-8. Ordinance 2976 assigns a zoning classification of R-2 Single-family medium density district upon the unincorporated land.

**BACKGROUND:**

Woith Engineering has prepared an Amended Plat of Lots 3 - 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition adding a narrow strip of land which was inadvertently not included on the original subdivision plat. The amended plat will not result in any additional lots.

Please refer to the attached reduced copy of the amended plat.

As the annexation and accompanying zoning of the narrow strip of land will be identical to the balance of the lots to which the strip is added, whose zoning assignment was previously evaluated and approved in conjunction with the original plat of 7<sup>th</sup> Supplement to Skyline Heights Addition, staff concludes that the 12 criteria listed in Section 76-2-304 Montana Code Annotated, are substantially met.

The Planning Board and Zoning Commission, at the conclusion of a combined public hearing held June 26, 2007, unanimously recommended the City Commission assign a zoning classification of R-2 Single-family medium density to a narrow strip of land being combined with the incorporated Lots 3 - 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition, via an amended plat, and the City Commission annex the narrow strip of land to the City, subject to any errors or omissions on the amended plat being corrected.

Attach: Resolution 9676, Ordinance 2976, Reduced copy of drawing portion of the amended plat

cc: Skyline Heights Addition LLP, P.O. Box 7326, Great Falls MT 59403  
Woith Engineering, P.O. Box 7326, Great Falls MT 59406

RESOLUTION 9676

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A NARROW STRIP OF LAND ABUTTING THE SOUTH BOUNDARY OF LOTS 3 – 8, BLOCK 3, 7<sup>TH</sup> SUPPLEMENT TO SKYLINE HEIGHTS ADDITION, GREAT FALLS, 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:

A narrow strip of land abutting the south boundary of Lots 3 – 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition and containing 0.095 acres, located in Section 36, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, as described on the Amended Plat of Lots 3-8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition,

all as shown on the map attached hereto marked Exhibit “A” and by this reference made a part hereof, and according to the Amended Plat of Lots 3 – 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition; 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; and,

WHEREAS, the City Commission now finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said 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 a narrow strip of land abutting the south boundary of Lots 3 – 8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition and containing 0.095 acres: “NARROW STRIP OF LAND ABUTTING THE SOUTH BOUNDARY OF LOTS 3 – 8, BLOCK 3, 7<sup>TH</sup> SUPPLEMENT TO SKYLINE HEIGHTS ADDITION, GREAT FALLS, MONTANA.”

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>TH</sup> day of August, 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 Resolution 9676 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7<sup>th</sup> day of August, 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 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Lisa Kunz City Clerk

(SEAL OF CITY)

EXHIBIT "A"

# VICINITY/ZONING MAP



LOTS 3-8, BLOCK 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION



UNINCORPORATED STRIP OF LAND TO BE COMBINED WITH ABUTTING LOTS 3-8 AND ASSIGNED R-2 SINGLE-FAMILY MEDIUM DENSITY ZONING DISTRICT TO MATCH SAID LOTS



City Limits



PLI Public Lands and Institutional



Tracts of land outside City



R-2 Single-family medium density



POS Parks and Open Space

510 255 0 510 Feet



ORDINANCE NO. 2976

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT, TO THE NARROW STRIP OF LAND ABUTTING THE SOUTH BOUNDARY OF LOTS 3 – 8, BLOCK 3, 7<sup>TH</sup> SUPPLEMENT TO SKYLINE HEIGHTS ADDITION, GREAT FALLS, MONTANA

\* \* \* \* \*

WHEREAS, Skyline Heights Addition, LLP., represented by Woith Engineering, has petitioned the City of Great Falls to annex the unincorporated land being combined with the incorporated Lots 3-8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition; and,

WHEREAS, Skyline Heights Addition, LLP., has petitioned the said unincorporated land being combined with the incorporated Lots 3-8, be assigned a City zoning classification to accommodate single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-2 Single-family medium density district on the unincorporated land being combined with the incorporated Lots 3-8, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of August, 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 the unincorporated land being combined with the incorporated Lots 3-8, be designated as R-2 Single-family medium density district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing unincorporated land being combined with the incorporated Lots 3-8, Block 3, 7<sup>th</sup> Supplement to Skyline Heights Addition into the corporate limits of the City of Great Falls, Montana whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 7<sup>th</sup> day of August, 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 2976, was placed on its final passage and passed by the Commission of the City of Great Falls, Montana and approved by the Mayor of said City on the 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 7<sup>th</sup> day of August, 2007, and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2976 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

# VICINITY/ZONING MAP





 LOTS 3-8, BLOCKS 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION


 UNINCORPORATED STRIP OF LAND TO BE COMBINED WITH ABUTTING LOTS 3-8 AND ASSIGNED R-2 SINGLE-FAMILY MEDIUM DENSITY ZONING DISTRICT TO MATCH SAID LOTS

 City Limits

 PLI Public Lands and Institutional

 Tracts of land outside City

 R-2 Single-family medium density

 POS Parks and Open Space

510 255 0 510 Feet



**AMENDED PLAT OF  
LOTS 3, 4, 5, 6, 7 & 8, BLOCK 3,  
7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION  
TO THE CITY OF GREAT FALLS  
A SUBDIVISION IN THE NE1/4, SECTION 36  
T.21N, R.3E., P.M.M.T., CASCADE COUNTY, MONTANA**



- LEGEND**
- Subdivision Boundary
  - New Lot Line
  - Existing Property Line
  - Utility Easement Line
  - Street Centerline
  - Natural Gas Pipe Line
  - Old Boundary Line
  - Found Iron Pin



Note: 1/8" = 20' for pin and cap set at all new property corners.

AREA ADDED BY THIS AMENDED PLAT  
4163 sq. ft. = 0.095 acres

AMENDED PLAT TOTAL AREA  
87,221 sq. ft. = 2.00 acres



**CERTIFICATE OF SURVEY**

We, the undersigned property owners, do hereby certify that we have caused to be surveyed and plotted into lots and blocks, as shown by the attached plat, the most of land as hereinafter described in the AMENDED PLAT OF LOTS 3, 4, 5, 6, 7, & 8, BLOCK 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION to the City of Great Falls, a subdivision in the NE1/4, Section 36, T21N, R3E, P.M.M.T., Cascade County, Montana, more fully described as follows:

Beginning at the Southeast corner of Lot 2, Block 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION, an addition to the City of Great Falls, Montana, as well in the office of the Clerk and Recorder of Cascade County, Montana, thence S02°28'45" W 142.50 feet, thence N05°18'00" W 326.43 feet, thence S88°18'03" W 526.43 feet to the westerly Right of Way of 11th Street NE, thence westerly along said Right of Way and along a circular curve to the left with a radius of 10.00 feet, a distance of 63.50 feet, thence N05°18'03" W 55.01 feet, thence along a circular curve to the right with a radius of 10.00 feet, a distance of 14.12 feet to the southerly Right of Way of Skyline Drive NE, thence N05°18'03" W 322.61 feet, thence along a circular curve to the right with a radius of 10.00 feet, a distance of 9.00 feet, thence along a circular curve to the left with a radius of 55.00 feet, a distance of 132.99 feet, the previous three curves being along said Right of Way of Skyline Drive NE, thence S07°15'00" W 125.78 feet, and thus to the POINT OF BEGINNING containing 2.00 acres.

The above described tract of land is to be known and designated as the AMENDED PLAT OF LOTS 3, 4, 5, 6, 7, & 8, BLOCK 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION to the City of Great Falls, Cascade County, Montana, and the land enclosed in all streets and easements shown on said plat are hereby granted and conveyed to the use of the public forever.

**SKYLINE HEIGHTS ADDITION, L.L.P.**

GENE SHUMAKER \_\_\_\_\_ JOE ALINE \_\_\_\_\_

STATE OF MONTANA \_\_\_\_\_

County of Cascade \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ 2007, by GENE SHUMAKER and JOE ALINE as owner of the above described property.

SEAL

NOTARY PUBLIC, State of Montana  
Residing at Great Falls, Montana  
My Commission Expires \_\_\_\_\_  
Print Notary Public Name \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

I, DALE E. SCHAMPFER, Professional Engineer and Land Surveyor, Montana Reg. No. 52065, do hereby certify that in July, 2005, I supervised the survey of the tract of land shown on the attached AMENDED PLAT OF LOTS 3, 4, 5, 6, 7, & 8, BLOCK 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Declaration and that the survey was made in accordance with the provisions of Title 82, Chapter 3, Part 4, MCA.

SEAL



DALE E. SCHAMPFER P.E. & L.S.  
Montana Reg. No. 52065

**CERTIFICATE OF COUNTY TREASURER**

I, JESS ANDERSON, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the taxes included in the accompanying AMENDED PLAT OF LOTS 3, 4, 5, 6, 7, & 8, BLOCK 3, 7TH SUPPLEMENT TO SKYLINE HEIGHTS ADDITION to the City of Great Falls, Cascade County, Montana, and find that the taxes on the same have been paid for the last five years. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

JESS ANDERSON Cascade County Treasurer



AGENDA REPORT

DATE August 7, 2007

ITEM Public Hearing – Resolution 9677, Ordinance 2977, Final Plat and Annexation Agreement all related to Northview Addition Phase 3

INITIATED BY Jim Workman Construction Co., Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9677 and Ordinance 2977, Approve Final Plat and Annexation Agreement

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

**RECOMMENDATION:**

The Planning Board has recommended the City Commission approve the final plat and annexation of Northview Addition Phase 3 and the City Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development to same, upon annexation to the City.

**MOTION:** (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9677 and approve the Final Plat and Annexation Agreement all related to Northview Addition Phase 3.”

and

“I move the City Commission adopt Ordinance 2977.”

**SYNOPSIS:**

Resolution 9677 annexes Northview Addition Phase 3, which consists of 18 single-family lots along a portion of 39<sup>th</sup> Avenue Northeast.

Ordinance 2977 assigns a zoning classification of PUD Planned unit development, to Northview Addition Phase 3, upon annexation to the City.

**BACKGROUND:**

Subject Phase 3 consists of 18 lots for single-family residences. Phase 3 is a portion of the Preliminary Plat of Northview Addition Phases 2 – 7 which was conditionally approved by the Planning Board on January 9, 2007 and by the City Commission on February 6, 2007. The preliminary plat consisted of 80 internal lots for single-family residences and 3 lots around the perimeter to contain a total of 21 duplex condominiums. As part of the preliminary plat approval process, the developer requested that zoning be changed from the current County “A” Agricultural District to the City zoning classification of PUD Planned unit development, as each phase is annexed to the City. The Zoning Commission approved the PUD zoning request on January 9, 2007. Phases 1 & 2 were previously annexed in July 2006 and April 2007, respectively. Both phases are being built as planned with condominiums and single-family residences.

Access to subject property will be provided by 9<sup>th</sup> Street Northeast. It is anticipated Phase 3 will eventually be accessible via Bootlegger Trail and an extension of 12<sup>th</sup> Street Northeast to 36<sup>th</sup> Avenue Northeast, as future phases and other properties in the vicinity are subdivided and developed.

The developer will install standard City paving, curb and gutter to extend 39<sup>th</sup> Avenue Northeast to the east to eventually connect with 12<sup>th</sup> Street Northeast, which is a part of Phase 7.

City water and sanitary sewer mains are proposed to be installed to City standards. The owner’s representative has been working with the City Engineer’s Office concerning water mains, sanitary sewer and future connections. The final plat will contain utility easements at the rear of each lot.



Surface drainage from the subdivision will flow northwesterly. The City Engineer is in the process of creating a regional storm water detention pond to serve this and future development in the area.

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.

The primary reason the applicant is requesting the PUD Planned unit development district zoning classification is to provide for a larger front yard setback than the minimum front yard setback (20 ft.) required by the R-3 zoning district.

Staff concludes all of the above mentioned zoning criteria are substantially met.

The Planning Board during a meeting held June 26, 2007 unanimously recommended the City Commission approve the Final Plat and its Annexation to the City of Great Falls of Northview Addition Phase 3, subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.
- 4) Final engineering documents for required public improvements to serve the subdivision shall be prepared for approval by the Public Works Department.
- 5) A financial surety (i.e. certificate of deposit) shall be established in the name of the owner/developer and City to cover the costs for City roadway section and 8-inch water main, for extending 12<sup>th</sup> Street Northeast to 36<sup>th</sup> Avenue Northeast, across Mark 14E1, Section 36, Township 21 North, Range 3 East.

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

Attach: Resolution 9677  
Ordinance 2977  
Reduced Copy of Drawing Portion of Final Plat  
Annexation Agreement

Cc: Jim Workman Construction Co., 1024 36<sup>th</sup> Ave NE  
Woith Engineering, 1725 41<sup>st</sup> St S

RESOLUTION 9677

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE NORTHVIEW ADDITION PHASE 3, LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 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:

Northview Addition Phase 3, located in the SE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana, and containing 4.79 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the final plat of Northview Addition Phase 3; 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: "NORTHVIEW ADDITION PHASE 3, LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of August, 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 9677 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7<sup>th</sup> day of August, 2007, wherein it was approved by said Commission.

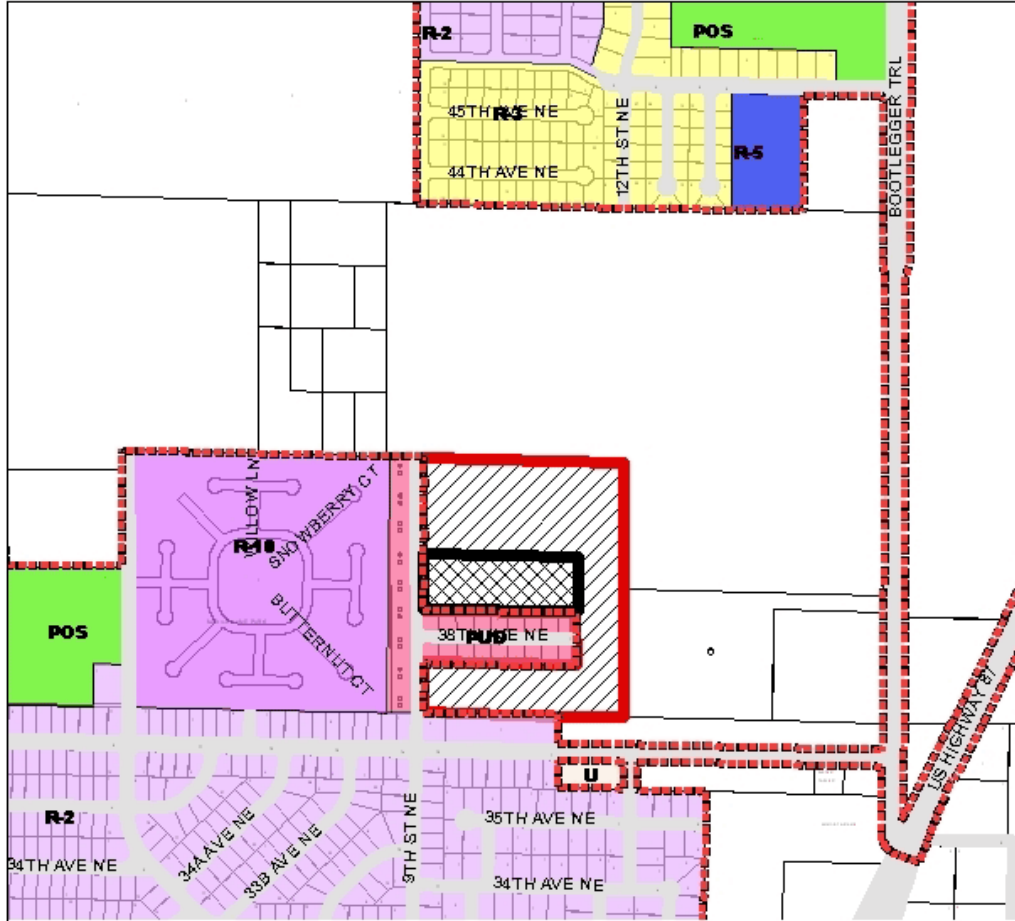
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.


\_\_\_\_\_  
Lisa Kuntz, City Clerk

(SEAL OF CITY)


EXHIBIT "A"


# VICINITY/ZONING MAP





 NORTHMEAD ADDITION PHASE 3

 REMAINDER OF PRELIMINARY PLAT NORTHMEAD ADDITION

 City Limits


 R-2 Single-family medium density

 R-3 Single-family high density


 R-5 Multi-family medium density

 R-10 Mobile home park

 POS Parks and Open Space

 PUD Planned unit development

 U Unincorporated enclave

 Tracts of land outside City

910 455 0 910 Feet



ORDINANCE 2977

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF  
PUD PLANNED UNIT DEVELOPMENT DISTRICT TO  
NORTHVIEW ADDITION PHASE 3,  
IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST,  
P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, Jim Workman Construction Co., has petitioned the City of Great Falls to annex Northview Addition Phase 3, located in the SE1/4 of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Jim Workman Construction Co., has petitioned said Northview Addition Phase 3, 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 Northview Addition Phase 3, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of August, 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 Northview Addition Phase 3, be designated as PUD Planned unit development district classification subject to the building envelopes, setbacks and height attached hereto as Exhibit "A" and by this reference made a part 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 Northview Addition Phase 3, 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 7<sup>th</sup> day of August, 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 2977 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 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 7<sup>th</sup> day of August, 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 7<sup>th</sup> day of August, 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 2977 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)

# NORTHVIEW ADDITION PLANNED UNIT DEVELOPMENT BUILDING ENVELOPES, SETBACKS AND HEIGHT

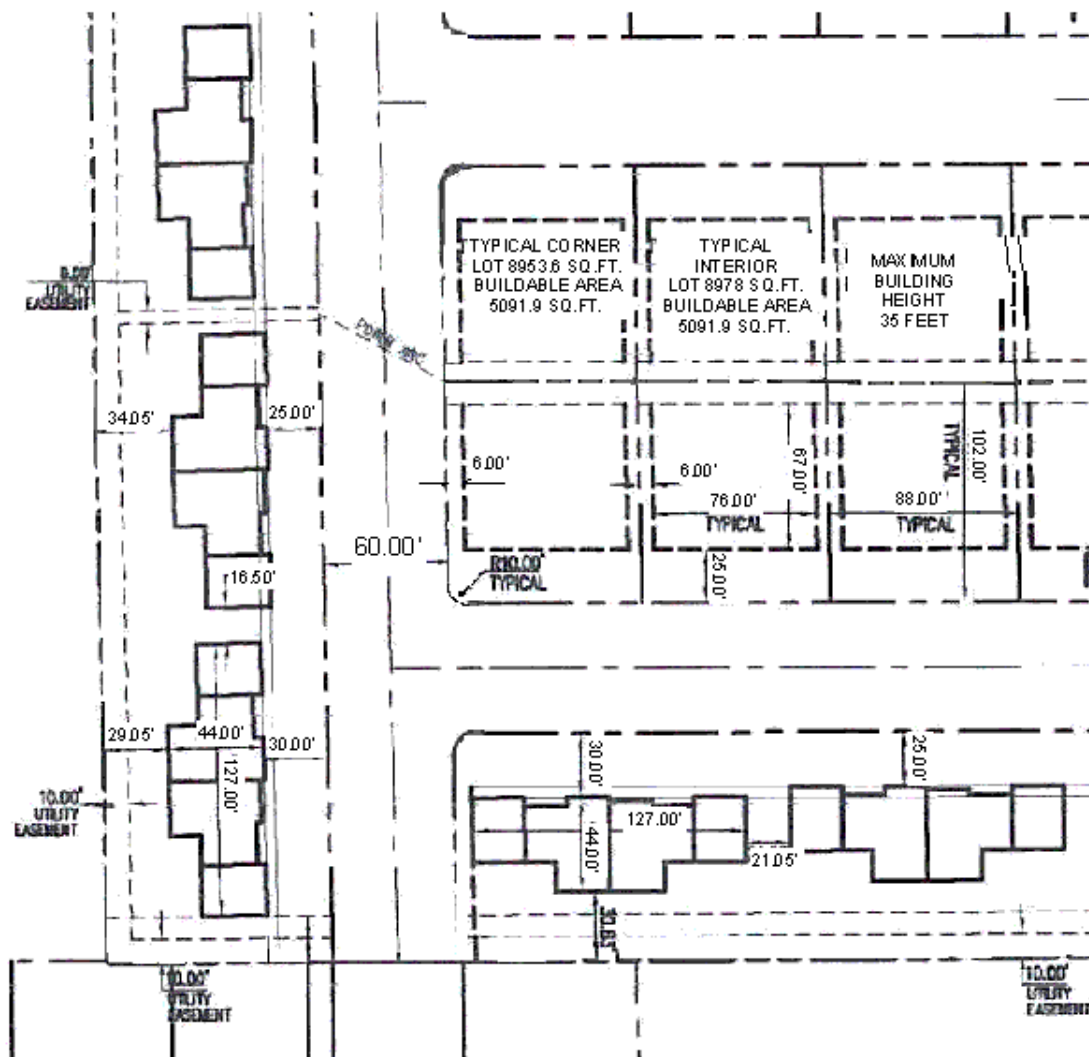
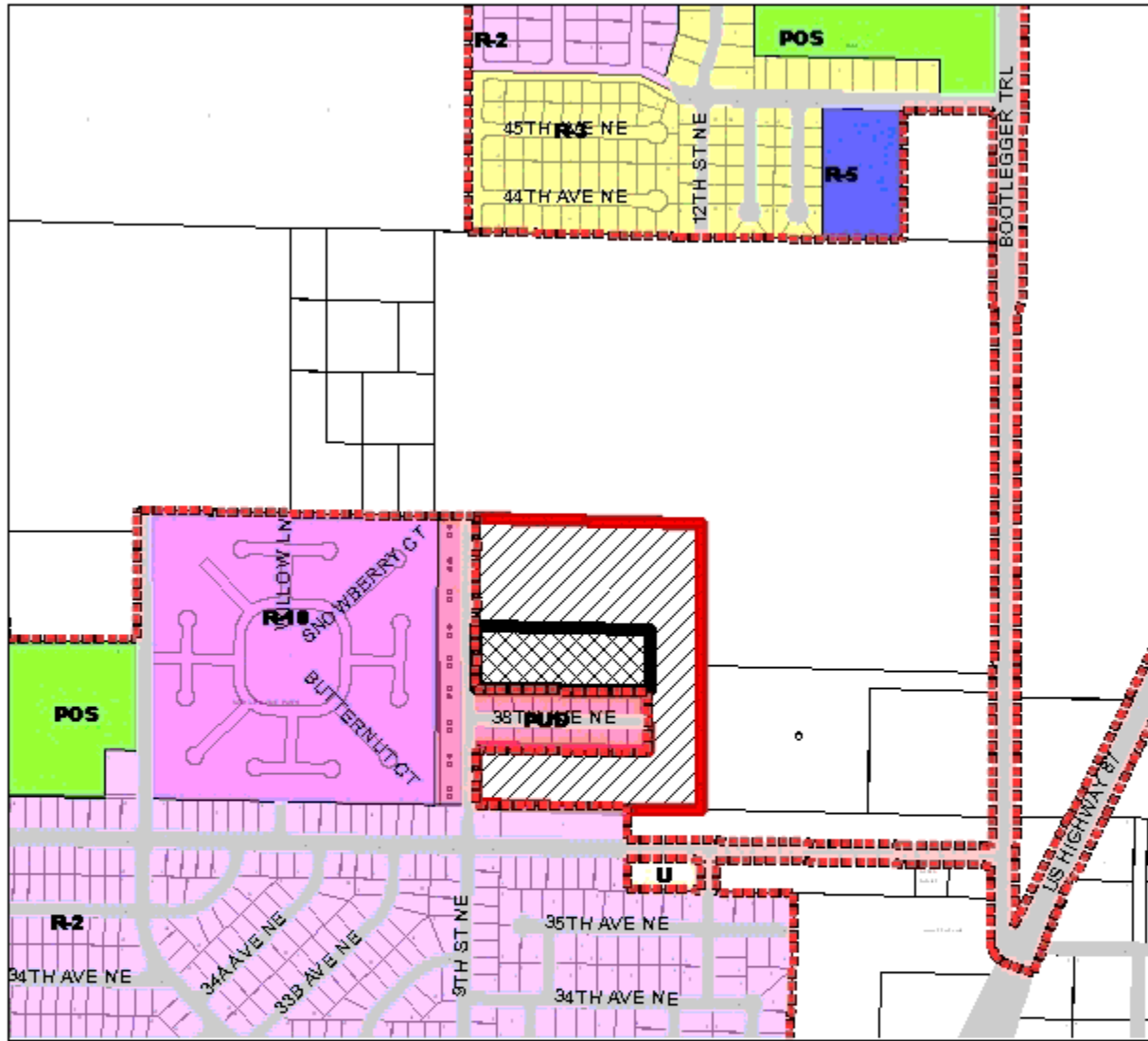



EXHIBIT "A"





# VICINITY/ZONING MAP





 NORTHMEOW ADDITION PHASE 3

 REMAINDER OF PRELIMINARY PLAT NORTHMEOW ADDITION


 City Limits

 R-2 Single-family medium density


 R-3 Single-family high density


 R-5 Multi-family medium density

 R-10 Mobile home park

 POS Parks and Open Space

 PUD Planned unit development

 U Unincorporated enclave

 Tracts of land outside City

910 455 0 910 Feet





AGENDA REPORT

DATE August 7, 2007

**ITEM** RESOLUTION 9664 TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT

**INITIATED BY** ANNUAL ASSESSMENT PROCESS

**ACTION REQUESTED** CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9664

**PREPARED BY** JUDY BURG, ACCOUNTING TECHNICIAN

**PRESENTED BY** COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends adoption of Resolution 9664.

MOTION:

"I move to adopt Resolution 9664."

SYNOPSIS:

On July 17, 2007 the City Commission set an August 7, 2007, public hearing date to hear anyone wishing to speak for or against the Street Maintenance District Assessment.

The Street Maintenance assessment for fiscal year 07/08 will increase by 10%, which is being recommended to finance street maintenance activities; anticipated collections will total \$2,626,235. This will result in an assessment of \$73.80 for an average lot of 7,500 square feet an increase of \$6.71 from FY 06/07 (7,500 square feet X 0.009840 factor = \$73.80.)

BACKGROUND:

Section 7-12-4421, MCA states: "...assessments for the costs and expenses of maintaining streets, alleys, and public places shall be made against all of the property embraced within each district by one of the methods provided in 7-12-4422."

ASSESSMENT OPTION

Section 7-12-4425, MCA states: "...The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts..." Section 7-12-4422, MCA provides for "assessable area" to be one of the options.

The Assessable Area method, defining assessable area by square footage caps, has proven to be the

most equitable method of assessment. Assessment parameters are:

- a. Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code.
- b. A 'mixed use' category which consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed use' category, the Planning Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those properties shall be assessed 50% commercial and 50% at capped residential.
- c. 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.
- d. An 'interlocal contracted maintenance' category that designates properties owned by other governments or their agencies adjacent to City streets that are maintained by the other government or their agencies. This category's assessments include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

Cc: Jim Turnbow, Street Supervisor

## RESOLUTION 9664

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008

### WHEREAS:

- A. the Commission of the City of Great Falls did provide for street maintenance by Ordinance 1687 (12.16.010, et seq., OCCGF) on September 7, 1971 in accordance with Sections 11-2263 through 11-2268, RCM, 1947 (now Section 7-12-4401 through 7-12-4427, MCA, 1989); and,
- B. the Commission of the City of Great Falls did amend and expand the scope of Street Maintenance services authorized by final passage and adoption of Ordinance 2584 on February 5, 1991, in accordance with Sections 7-12-4401 through 7-12-4427, MCA, 1989; and,
- C. the Commission of the City of Great Falls hereby finds, fixes and determines that each and every lot or parcel within said district has been or will be specially benefited by said maintenance; and,
- D. on July 3, 2007, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of maintenance not offset by other revenues, in the Street Maintenance District at TWO MILLION SIX HUNDRED TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS (\$2,626,235).

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

#### Section 1 – Continuance

The City of Great Falls continue to maintain streets in the Street Maintenance Districts.

#### Section 2 – Assessment Authorization

Section 7-12-4428, M.C.A., authorizes the City Commission to assess the cost of the work, improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year.

Section 7-12-4404, M.C.A., authorizes the City Commission to provide maintenance by contract in such manner as the commission may elect. Accordingly, the City may opt to enter into an interlocal agreement for maintenance of sections of City streets adjacent to land owned by other governments or their agencies. Assessments in such areas include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

### Section 3 – Assessment Option

In accordance with Sections 7-12-4422 and 7-12-4425, M.C.A., each lot or parcel of land within the Street Maintenance District shall be assessed according to its Assessable Area. Assessable area shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code, and a 1 million square feet cap for all other property. The Planning Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% at capped residential.

### Section 4 – Costs Assessed

The costs of said maintenance, not offset by other revenues, in the street maintenance district, totaling TWO MILLION SIX HUNDRED TWENTY-SIX THOUSAND TWO HUNDRED THIRTY-FIVE DOLLARS (\$2,626,235), are hereby levied and assessed upon the property in said district for the fiscal year ending June 30, 2008. The description of each lot or parcel of land within the street maintenance district and the respective assessments are set forth in the records of the Fiscal Services Department of the City of Great Falls, Montana and by this reference incorporated herein as if set forth in full.

### Section 5 – Assessment Method

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps.

No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

### Section 6 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2007 and May 31, 2008.

### Section 7 – Assessment Hearing

On August 7, 2007 at 7:00 p.m., in the Commission Chambers of the Civic Center Building, Great Falls, Montana, the Commission shall meet and hear all objections to the final adoption of this resolution.

### Section 8 – Notice of Hearing

In accordance with Section 7-1-4127, the City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment with at least six days separating each publication. This publication of the Notice of Resolution for Assessment also complies with Section 7-12-4426, MCA, which requires publication of notice within 5 days preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of August 2007.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
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 9664 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 7<sup>th</sup> day of August 2007, and approved by the Mayor of said City on the 7<sup>th</sup> day of August 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August 2007.

\_\_\_\_\_  
City Clerk

(SEAL OF CITY)

## NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on July 17, 2007, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 7, 2007, prior to acting upon Resolution 9664 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET  
MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT  
FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2007  
AND ENDING JUNE 30, 2008

The above-designated Resolution 9664 and the assessment list therein mentioned are on file in the office of the City Clerk, Cindy Kenczka, Acting City Clerk, and can be obtained by calling 406-455-8451, by picking it up in the Civic Center Building, 2 Park Drive, Great Falls, MT or from the City's website at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us) and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9664 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 7, 2007, at 7:00 o'clock p.m. at which time and place the City Commission will consider Resolution 9664 for final adoption.

/s/ Cindy Kenczka, Acting City Clerk

Publication Date: July 20, 2007 & July 27, 2007



CITY OF GREAT FALLS, MONTANA

AGENDA# 7

AGENDA REPORT

DATE August 7, 2007

**ITEM** RESOLUTION 9665 TO LEVY AND ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT NO. 3570

**INITIATED BY** ANNUAL ASSESSMENT PROCESS

**ACTION REQUESTED** CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9665

**PREPARED BY** JUDY BURG, ACCOUNTING TECHNICIAN

**PRESENTED BY** COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends adoption of Resolution 9665.

MOTION:

“I move to adopt Resolution 9665.”

SYNOPSIS:

On July 17, 2007 the City Commission set an August 7, 2007 public hearing date to hear anyone wishing to speak for or against the Boulevard Maintenance Assessment.

The General Boulevard Area assessment for fiscal year 07/08 will be \$289,725 the same amount assessed in FY 06/07. This will result in an assessment of \$61.23 for an average lot of 7,500 square feet (7,500 square feet X 0.008163 factor = \$61.23.)

BACKGROUND:

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102, 7-12-4176 and 7-12-4179, M.C.A., authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

Cc: Jon Thompson, City Forester

## RESOLUTION 9665

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

### WHEREAS:

- A. the City Commission did create a General Boulevard Maintenance District No. 3570 by Resolution 3570 on January 2, 1946; and,
- B. the City Commission did amend and excluded Lots 8-14, Block 34 of Boston and Great Falls Addition from the boundaries of the General Boulevard District by Resolution 8132 on September 1, 1987 in accordance with MCA 7-12-4335; and,
- C. the City Commission intends to continue trimming, pruning, spraying, and otherwise maintaining the trees within said district; and,
- D. the City Commission estimates the assessable cost of such maintenance within the General Boulevard Maintenance District No. 3570 at a total of TWO HUNDRED EIGHTY NINE THOUSAND SEVEN HUNDRED TWENTY-FIVE DOLLARS (\$289,725).

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

#### Section 1 – Continuance

The City of Great Falls continues to trim, prune, spray and otherwise care for and maintains the trees in the General Boulevard Maintenance District.

#### Section 2 – Costs Assessed

The costs of said care and maintenance in the Boulevard Maintenance District No. 3570, totaling \$289,725 are hereby assessed upon the properties in said district. Each lot and parcel within the district is hereby assessed in proportion to its square footage and that the procedure for determining the square footage to be assessed is the total square footage as set forth in Exhibit “A” of Resolution 6202 passed by the Great Falls City Commission on July 22, 1968, and presently on file in the office of the City Clerk.

#### Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2007 and May 31, 2008.

#### Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 7, 2007 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

Section 5 – Notice of Hearing

The City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
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 9665 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 7<sup>th</sup> day of August, 2007, and approved by the Mayor of said City on the 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
City Clerk

(SEAL OF CITY)

## NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on July 17, 2007, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 7, 2007, prior to acting upon Resolution 9665 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

Copies of the above-designated Resolution 9665, and the assessment list therein mentioned are available in the office of the City Clerk, Cindy Kenczka, Acting City Clerk, and can be obtained by calling 406-455-8451, by picking it up in the Civic Center Building, 2 Park Drive, Room 202, Great Falls, MT or from the City's website at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us) and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9665 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 7, 2007, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9665 for final adoption.

/s/ Cindy Kenczka, Acting City Clerk

Publication Date: July 20, 2007 & July 27, 2007.

AGENDA REPORT

DATE August 7, 2007

**ITEM** RESOLUTION 9666 TO LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195

**INITIATED BY** ANNUAL ASSESSMENT PROCESS

**ACTION REQUESTED** CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9666

**PREPARED BY** JUDY BURG, ACCOUNTING TECHNICIAN

**PRESENTED BY** COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends adoption of Resolution 9666.

MOTION:

"I move to adopt Resolution 9666."

SYNOPSIS:

On July 17, 2007 the City Commission set an August 7, 2007, public hearing date to hear anyone wishing to speak for or against the Portage Meadows Maintenance Assessment.

The Portage Meadows Area assessment for fiscal year 07/08 will remain at \$19,786 the same amount assessed in FY 06/07. This will result in an approximate assessment of \$105.85 for an average lot of 4,503 square feet (4,503 sq ft X 0.023506 factor = \$105.85.)

BACKGROUND:

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102, 7-12-4176 and 7-12-4179, M.C.A., authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

Cc: Giles Salyer, Park Maintenance Supervisor

**RESOLUTION 9666**

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

WHEREAS:

- A. the City Commission did create and amend Special Improvement Maintenance District No. 1195 by Resolutions 6913, 6980, and 8426 on February 15 and July 17, 1977, and July 16, 1991 respectively; and,
- B. the City Commission intends to continue maintaining the Green Belt Park of Portage Meadows addition within said district; and,
- C. the City Commission estimates the assessable cost of such maintenance within said district at a total of NINETEEN THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS (\$19,786).

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

Section 1 – Continuance

The City of Great Falls continues to care for and maintain the Green Belt Park in Special Improvement Maintenance District No. 1195.

Section 2 – Costs Assessed

The costs of said care and maintenance in the district, totaling \$19,786 are hereby assessed upon the properties in said district.

The costs per property and the property list for Special Improvement District No. 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

Assessments for each year may be reviewed on an annual basis and may be revised in amount according to the following formula: cost plus ten percent (10%) divided by the total square feet of all of the lots within said district times the square feet of each lot. Costs shall be for expendable material costs, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning costs.

Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2007 and May 31, 2008.

Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 7, 2007, in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

Section 5 – Notice of Hearing

The City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
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 9666 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 7<sup>th</sup> day of August, 2007, and approved by the Mayor of said City on the 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

\_\_\_\_\_  
City Clerk  
(SEAL OF CITY)

## NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on July 17, 2007, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 7, 2007, prior to acting upon Resolution 9666 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008.

Copies of the above-designated Resolution 9666 and the assessment list therein mentioned are available in the office of the City Clerk, Cindy Kenczka, Acting City Clerk, and can be obtained by calling 406-455-8451, by picking it up in the Civic Center Building, 2 Park Drive, Room 202, Great Falls, MT or from the City's website at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us) and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9666 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 7, 2007, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9666 for final adoption.

/s/ Cindy Kenczka, Acting City Clerk

Publication Date: July 20, 2007 & July 27, 2007.



AGENDA REPORT

DATE August 7, 2007

**ITEM:** Grant Funds to Great Falls Community Ice Foundation to Assist in Bringing Public Water and Sewer Services to the New Ice Rink Facility

**INITIATED BY:** Great Falls Community Ice Foundation

**ACTION REQUESTED:** Approve Grant and Cost Sharing Assistance to Great Falls Community Ice Foundation Related to the Extension and the Installation of Public Water and Sewer Lines to Serve the Ice Rink Facility

**PREPARED AND PRESENTED BY:** Coleen Balzarini, Fiscal Services Director

— — — — —

**RECOMMENDATION:** Staff recommends the City Commission consider the following motion:

**MOTION:** “I move the City Commission approve the Great Falls Community Ice Foundation Phase I Ice Rink Facility Construction as a Community Project; and, approve a grant to Great Falls Community Ice Foundation in an amount not to exceed \$150,000; and, approve City funding of reimbursable utility extensions and oversizing as further defined in the Annexation Agreement.”

**SYNOPSIS:** Consistent with City Policy, as established via Resolution 9351, approved by the City Commission on November 4, 2003, Staff recommends the City Commission approve a grant to the Great Falls Community Ice Foundation in an amount not to exceed \$150,000; and authorize City funding of the portion of infrastructure costs for water and sewer lines necessary to connect the facility to existing lines; and authorize City funding of the portion of infrastructure costs for oversizing and extensions beyond the facility that will be reimbursable at some future date when other adjoining properties request annexation to the City. The total cost of the above improvements is estimated at \$400,000. Upon approval, the annexation agreement will be finalized for Commission action and incorporate the final terms and conditions of each of the parties.

**BACKGROUND:** Great Falls ice users have been traveling to other communities for ice related events since the closure of the 4 Seasons ice facilities. This situation prompted the Great Falls Community Ice Foundation (GFCIF) to actively pursue fundraising efforts for the construction of a new Ice Facility in Great Falls. The first phase of the project includes the construction of a facility, with one sheet of ice with plans for future expansion of an additional sheet of ice. Costs for the first phase of the project are in excess of \$2.5 Million. Land for the new facility has been donated by Flying J, Inc., and cash and in-kind donations have exceeded \$500,000 to date. GFCIF requested annexation of the facility in order to receive

City services including but not limited to water and sewer services, as well as fire protection/suppression services. Representatives of GFCIF have met with City Staff to define the terms and conditions of an annexation agreement. GFCIF is a grassroots not-for-profit (501 (c)(3)) organization formed for the purpose of enhancing ice related activities in the Great Falls community. The Foundation has held a number of fundraising events and received donations from individuals within the Great Falls community applied towards the successful completion of this project. GFCIF representatives have kept City staff informed regarding items such as project progress and operational cost projections.

Typically a developer is required to fund and construct the public water and sewer lines to serve their facility as well as to provide utility extensions to the edges of their property in anticipation of future development needs. The City may share in the costs of the public infrastructure when oversizing for future expansion is deemed appropriate. The costs incurred by the developer or the City that will benefit future developments are reimbursed to the appropriate party at the time the future annexation occurs. The estimated costs for the public utility portion of this project are \$400,000.

For many years the City Commission has acknowledged the value of and encouraged community projects that provide enhanced amenities to the greater Great Falls region. At the same time, the City has limited financial resources available to participate in these projects. In November of 2003, the City Commission approved Resolution 9351, establishing a policy for criteria on City assistance for community projects. This resolution provides guidelines to use in evaluating its level of participation in a particular project.

- Eligible projects must have an established organization set up as a 501 (c)(3) with a charter and by-laws or some other appropriate structure; and
- The requesting organization must have a recognized leadership structure and spokesperson(s); and
- A coherent and realistic vision of what the organization wants to do, not relying on the City to define or complete the vision; and
- A strong component of cost sharing is a requirement for any project to be considered as well as identifying fundraising structure and strategies; and
- An overall financial plan including the extent of requested City involvement identified; and
- Present and future costs must be identified and estimated; and
- Location of the amenity must be identified along with an acquisition plan.

This GFCIF project has met the criteria noted above. And, it has also been determined that City funds are available for financial participation in the public infrastructure related costs.

Cc: Jim Rearden, Public Works Director  
Ben Rangel, Planning Director  
Dave Dobbs, City Engineer  
Bill Walters, Senior Planner

**A G E N D A   R E P O R T**

**DATE** \_\_\_\_\_ August 7, 2007 \_\_\_\_\_

**ITEM** \_\_\_\_\_ Ordinance 2978 to Establish City Zoning Upon Pine Hill Minor Subdivision \_\_\_\_\_

**INITIATED BY** \_\_\_\_\_ Nancy Clough, Property Owner and Developer \_\_\_\_\_

**ACTION REQUESTED** \_\_\_\_\_ Commission Accept Ordinance 2978 on First Reading and Set Hearing \_\_\_\_\_

**PREPARED BY** \_\_\_\_\_ Bill Walters, Senior Planner \_\_\_\_\_

**APPROVED & PRESENTED BY** \_\_\_\_\_ Benjamin Rangel, Planning Director \_\_\_\_\_

**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of PUD Planned unit development district to Pine Hill Minor Subdivision being annexed to the City.

**MOTION:**

“I move the City Commission accept Ordinance 2978 on first reading and set a public hearing for September 4, 2007, to consider adoption of Ordinance 2978.”

**SYNOPSIS:**

Ordinance 2978 assigns a zoning classification of PUD Planned unit development district to the Pine Hill Minor Subdivision, 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 attached Vicinity/Zoning Map, 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 intends to fulfill the park obligation for the 13-unit development by paying a fee in lieu of land dedication. The fee will be 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 14<sup>th</sup> St. SW on the north, and to a lesser extent via 45<sup>th</sup> Ave SW and Flood Rd. or Fox Farm Rd. on the south and east.

Functional Classification:

Huckleberry Drive/Acacia Way	Local
45 <sup>th</sup> Ave. SW	Local
Flood Rd.	Collector
14 <sup>th</sup> St. SW	Minor Arterial

Nearby Traffic Counts: (Average Daily Traffic)

Flood Rd. just north of 45 <sup>th</sup> Ave. SW	1,414 (2006)
14 <sup>th</sup> 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, 7<sup>th</sup> 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 45<sup>th</sup> 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 45<sup>th</sup> Ave. SW at its intersection with Flood Rd. This has been done, and stop signs are in place on 45<sup>th</sup> 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 8<sup>th</sup>, 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.

It is anticipated the City Commission, following the public hearing on September 4, will consider an annexation resolution, annexation agreement, the Plat of the Pine Hill Minor Subdivision and accompanying Findings of Fact, simultaneously with Ordinance 2978. Copies of the minutes of the May 8, 2007, Planning Board/Zoning Commission public hearing will also be provided.

Attach: Ordinance 2978  
Vicinity/Zoning Map  
Reduced Copy of Minor Plat

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

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)











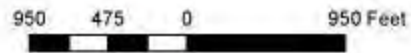




# VICINITY/ZONING MAP



-  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 #** 11  
**DATE** August 7, 2007

**ITEM** Resolution 9679 Amending Resolution 9634 to Establish a Five Minute Public Comment Period and Prohibiting Racist, Discriminatory and Incitingly Violent Speech.

**INITIATED BY** David V. Gliko, City Attorney

**ACTION REQUESTED** Adopt Resolution#9679 on First Reading.

**PRESENTED BY** David V. Gliko, City Attorney.

**RECOMMENDATION:**

Staff recommends the City Commission adopt Resolution 9679.

**MOTION:**

I move the City Commission adopt Resolution 9679.

**SYNOPSIS:**

The three minute limit for public comment during the Petitions and Communications Agenda period has appeared too restrictive and therefore, it is deemed necessary to amend the limit to five minutes; and recent public comments require the prohibition of certain types of speech to include any racist, discriminatory and incitingly violent speech.

**BACKGROUND:**

Because of the many occasions when the Mayor and Commission have found it necessary to extend a public speaker's time beyond the three minute limit and in the spirit of allowing full public participation, it is deemed proper to amend Resolution 9634 to change the three minute limitation to five minutes unless specially authorized to exceed such five minute limit by the Mayor with the concurrence of the City Commission.

Also and in addition to the prohibitions stated in Resolution 9634, it is deemed proper to prohibit racist, discriminatory and incitingly violent speech because of recent loud, outrageous and heinous comments made during the Petitions and Communications Agenda period.

RESOLUTION 9679

A RESOLUTION AMENDING RESOLUTION 9634 TO ESTABLISH A FIVE MINUTE TIME LIMIT FOR PERSONS ADDRESSING THE CITY COMMISSION DURING THE PUBLIC COMMENT (PETITIONS AND COMMUNICATIONS) PERIOD; AND, ALSO PROHIBITING RACIST, DISCRIMINATORY AND INCITINGLY VIOLENT SPEECH

BE IT RESOLVED, By the City Commission of the City of Great Falls, Cascade County, Montana as follows:

WHEREAS, on January 16, 2007, the City Commission adopted Resolution 9634 establishing a three minute time limit for the public comment (petitions and communications) period and prohibiting vulgar, profane or impertinent speech; and,

WHEREAS, it is deemed necessary to allow a longer public comment time limit, i.e., five minutes; and to also prohibit racist, discriminatory and incitingly violent speech;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Commission of the City of Great Falls, Montana:

That Resolution 9634 be amended to allow five minutes for each person speaking during the public comment (Petitions and Communications) period of the City Commission Agenda unless specially authorized to exceed such limit by the Mayor with the concurrence of the City Commission; and also to prohibit any racist, discriminatory and incitingly violent speech.

PASSED AND ADOPTED, by the City Commission of the City of Great Falls, Montana, on the 7th day of August 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 No. 9679 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 7<sup>th</sup> day of August, and approved by the Mayor of said City on the 7<sup>th</sup> day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7<sup>th</sup> day of August, 2007.

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Lisa Kunz, City Clerk

(SEAL OF CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** City Commissioners present: Dona Stebbins, 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, Acting Police Chief, Fire Chief, City Clerk and the Acting City Clerk.

**PROCLAMATION:** Mayor Stebbins read a proclamation for Friendship Force International.

**NEIGHBORHOOD COUNCILS**

**West Bank Park  
Signage, Water Lines,  
Boulders, Federal  
Bldg. Trees.**

**1A. Phyllis Hemstad**, NC 2, requested signage for West Bank Park on 3<sup>rd</sup> Street. She also suggested that when the additional work was done that City sewer and water lines be installed on the park side. She stated the members of their council were shocked about the boulders placed in the park and hoped they would be removed eventually. NC 2 would like to be involved in the planning of the park. Additionally, she expressed concern of removing trees at the Federal Building. She thanked commissioners for passing the firework ordinance.

**Banner.**

**1B. Rick Kavulla**, NC 4, requested two 3' x 8' banners to use at events to provide signage for the neighborhood councils.

**PUBLIC HEARINGS**

**Res. 9653 Create Special  
Improvement Lighting  
District. Adopted.**

**2. RESOLUTION 9653, CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL NO. 1308.**

Fiscal Services Director Coleen Balzarini recommended the City Commission approve the creation of Special Lighting District in Eagles Crossing, Phases 2 & 3. The request consists of purchasing, installing and owning thirteen 150 watt, high pressure sodium lights that will benefit 41 properties.

Mayor Stebbins declared the public hearing open.

No one spoke in support of Resolution 9653. Speaking in opposition to Resolution 9653 was:

**Kathleen Gessaman**, 1006 36<sup>th</sup> Avenue N.E., stated she opposed the proposed lighting because she is a breast cancer survivor. She discussed an ongoing study regarding the effect that light at night has on people



developing breast cancer. At night people need darkness to release melatonin. If lights were left on during the night it reduces the amount of melatonin released. She requested whatever lighting is produced be directed downward. Ms. Balzarini responded that the specialty lights are built to industry standards and she believed they are directed downward but would have to look into it.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9653.**

Motion carried 5-0

**Res. 9670, Nuisance Abatement, 4727 2<sup>nd</sup> Avenue North. Adopted.**

**3. RESOLUTION 9670, NUISANCE ABATEMENT, 4727 2<sup>ND</sup> AVENUE NORTH.**

Community Development Director Mike Rattray requested approval of the resolution to allow staff to hire a contractor to abate the ongoing nuisance at 4727 2<sup>nd</sup> Avenue North, consisting of two dilapidated trailers and considerable rubbish in the trailer park.

Mayor Stebbins declared the public hearing open. Those speaking in favor of Resolution 9670 were as follows:

**Rick Kavulla**, 725 49<sup>th</sup> Street South, NC 4, read a letter he wrote to NC 4 members requesting that action be taken regarding this property. He stated the City had been working diligently to make Great Falls a community to be proud of. However, this property was an exception. Its deplorable condition created a safety hazard, and decreased the value of nearby businesses and homes.

**Michael Witsoe**, 2612 1<sup>st</sup> Avenue South, stated that he had been “junking” there and suggested the firework stand owners take the trailers for the axles. Mr. Witsoe noted it was a definite nuisance.

There being no one further to address the Commission, Mayor Stebbins closed the public hearing.

**Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9670.**

Motion carried 5-0.

**Res. 9675, Cost Recovery, 510 11<sup>th</sup> Street South. Adopted.**

**4. RESOLUTION 9675, COST RECOVERY, 510 11<sup>TH</sup> STREET SOUTH.**

Community Development Director Mike Rattray requested approval of the resolution to place a lien on the property relative to the recent nuisance abatement. This is the second abatement this year.

Mayor Stebbins declared the public hearing open. Those speaking in support of Resolution 9675 were:

**Lucinda Torres**, 615 12<sup>th</sup> Street South, owns 25 rental properties, and stated she understood she had a 30 day time limit to comply with the law and wondered why this matter hadn't been cleaned up more expeditiously. She expressed a safety concern for her grandchildren and the other children of the neighborhood. She strongly urged the City to clean this property up.

**Sally Schlim**, 1104 8<sup>th</sup> Avenue South, NC 9 area coordinator for the lower south side, expressed too many neighbors were worried about their kids and property. Ms. Schlim urged Mr. Whitsoe to quit doing this and to work with the other neighbors.

**Mike Lewis**, 823 2<sup>nd</sup> Avenue South, expressed concern that the residence is to the point of overflowing, and he recently had observed a rat eating trash on the property. Mr. Lewis stated he would appreciate any help getting this matter rectified.

**Don Calkins**, 1530 5<sup>th</sup> Avenue South, Parkdale, NC 9 area coordinator for Parkdale Watch, heard grumbling about this property four years ago. He believed assessing the owner of the property for the costs was only appropriate. He stated it could make a difference in making the south side a decent place for ourselves and our grandkids.

**Colanth Wilson Pont**, Cascade, is a friend of Mike's through the Cascade County Conservation Council. Ms. Pont stated she sees this as a push-pull power struggle. She proposed that, in addition to whatever was done legally, it be looked at through a solution standpoint. Mike's business is collecting junk. The City should work with him to get a fence that hides some of the clutter, and work with him on how to keep it safe. Neighborhood council could be a help to him.

Those speaking in opposition to Resolution 9675 were:

**Jane Witsoe**, 510 11<sup>th</sup> Street South, stated that she realized she is not supposed to have a junk yard without a license. Ms. Witsoe stated she dreams about this happening over and over. She thanked Commissioner Hinz for having an open mind and was sorry she was leaving. She requested the weeds be cut and the horse manure cleaned up at the fairgrounds.

**Michael M. Witsoe**, 510 11<sup>th</sup> Street South, discussed his recent jail stay and read a list of items removed from his property.

Mayor Stebbins closed the public hearing.

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9675.**

Commissioner Hinz explained that compassion and leniency was shown to the Witsoes with the first abatement. However, in fairness to the neighborhood, the second abatement needed to proceed. It was important to be equitable and fair with other neighbors.

Mayor Stebbins added that this could have been prevented. Thirty day notices were sent out. The neighborhood should not be forced to live like that with those surroundings.

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Ord. 2973, zoning for property addressed as 1424 and 1426 14<sup>th</sup> Street Southwest (Herman's Flowers). T20N, R3E, Sec. 15, Mark L. Accepted on first reading and set public hearing for August 7, 2007.**

5. **ORDINANCE 2973, ESTABLISH CITY ZONING UPON PROPERTY ADDRESSED AS 1424 AND 1426 14<sup>th</sup> STREET SOUTHWEST (HERMAN'S FLOWERS). ESTABLISHES ZONING CLASSIFICATION OF R-1 SINGLE FAMILY SUBURBAN DISTRICT.**

Planning Director Ben Rangel reported that in February of last year the City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the cost of paying for them equitably. A number of properties were involved in this annexation program. This item, as well as the next, presents the first of these properties. This item involves a residence and Herman's Flowers business. The property owners have provided written consent to annex said property into the City of Great Falls.

**Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission accept Ordinance 2973 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2973.**

Motion carried 5-0.

**Ord. 2974, zoning for Lot 1, Block 8, University Addition (Airway Motel and Classic 50's).**

**Accepted on first reading and set public hearing for August 7, 2007.**

**6. ORDINANCE 2974, ESTABLISH CITY ZONING UPON LOT 1, BLOCK 8, UNIVERSITY ADDITION (AIRWAY MOTEL AND CLASSIC 50'S). ESTABLISHES ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT.**

Planning Director Ben Rangel noted that this is the second property being annexed under Ordinance 2930. This item involves the Airway Motel and the Classic 50's businesses located along 14<sup>th</sup> Street Southwest near Market Place. As a condition of the continued receipt of City water and sewer services the property owners have provided written consent to annex said property into the City of Great Falls.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2974 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2974.**

Motion carried 5-0.

**Ord. 2977, zoning for Northview Addition Phase 3. Accepted on first reading and set public hearing for August 7, 2007.**

**7. ORDINANCE 2977, ESTABLISH CITY ZONING TO NORTHVIEW ADDITION PHASE 3. ASSIGNS ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

Planning Director Ben Rangel reported that in February of this year the Commission approved the preliminary plat of Northview Addition Phases 2 thru 7. The subdivision is located just east of Countryside Village Mobile Home Park. It consists of 80 single-family residential lots and 21 duplex condominiums located on three large lots. Jim Workman Construction Company received approval for Phases 1 & 2 and is now ready to proceed with Phase 3, which consists of an additional 18 single family residential lots.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 2977 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2977.**

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented about selective enforcement. Mr. Gessaman said the weeds in Phases 1 and 2 of the subdivision are now waist high. The City enforces mowing and clean up, but the same restrictions are not being enforced on contractors. He stated it should make no difference if the property is under construction or not, and the contractors should have to abide by the same rules. He further noted in a recent trip that the same situation applied around the business properties when entering Great Falls. The properties are junky and unacceptable. He stated that situation does not exist in Missoula.

Motion carried 5-0.

**Annexation and zoning for segment of Burlington Northern and Santa Fe Railroad Right-of Way along West Bank. Accepted on first reading and set public hearing for August 21, 2007.**

**8A. RESOLUTION 9673, ANNEX SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY ALONG WEST BANK PARK.**

**8B. ORDINANCE 2975, ZONING CLASSIFICATION OF M-2 MIXED-USE TRANSITIONAL AND L-1 LIGHT INDUSTRIAL.**

Planning Director Ben Rangel reported that the segment of Burlington Northern and Santa Fe Railroad being proposed for annexation is contiguous to the City limits, as State statute allows cities to annex land, if the land is adjacent to the city, including land used for railroad purposes. Although not an intent, this action will also address the Commission's interest to annex unincorporated enclaves into the City.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission accept Resolution 9673 on first reading, and set a public hearing for August 21, 2007.**

Motion carried 5-0.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2975 on first reading, and set a public hearing for August 21, 2007.**

Motion carried 5-0.

**Consent Agenda.  
Approved as printed.**

**CONSENT AGENDA**

9. Minutes, July 3, 2007, Commission meeting.
10. Total Expenditures of \$2,545,966 for the period of June 29 through July 11, 2007, to include claims over \$5,000, in the amount of \$2,297,362.
11. Contracts list.
12. Lien Release List.
13. Set public hearing for August 7, 2007, on Res. 9664 to levy and assess the Street Maintenance District.
14. Set public hearing for August 7, 2007, on Res. 9665 to levy and assess Special Improvement Boulevard Maintenance District No. 3570.
15. Set public hearing for August 7, 2007, on Res. 9666 to levy and assess Special Improvement Portage Meadows Maintenance District No. 1195.
16. Approve Addendum to the High Plains Development Authority Economic Development Loan Agreement establishing terms of repayment and transferring responsibility to the Great Falls Development Authority.

17. Approve Construction Agreement and Utilities Agreement with the Montana Department of Transportation for reconstruction of 2<sup>nd</sup> Avenue North. (OF 992)
18. Approve Utilities Agreement with the Montana Department of Transportation for reconstruction of BNSF/MDT Overlook Drive. (OF 1307)
19. Award contract for the Morony Natatorium Parking Lot to United Materials of Great Falls, Inc., in the amount of \$65,480. (OF 1393.3)
20. Approve Change Order No. 2 – Renewable Energy Design Services to Stanley Consultants, Inc., in the amount of \$34,900. (OF 1404)
21. Approve purchase of Water Meter Equipment for Fiscal Year 2008 from Dana Kepner Co. of Billings in an amount not to exceed \$235,000.
22. Approve Final Payment for the 2006 CDBG Handicap Ramp Replacement to Lapke Construction LLC and the State Miscellaneous Tax Division in the amount of \$3,420.64. (OF 1453.1)
23. Approve the reserve placement of the uncommitted portion of the 2007 Community Transportation Enhancement Program (CTEP) allocation to address and accommodate unexpected cost increases for current and future projects.
24. Approve Agreement with Southern Montana Electric G & T Regarding Security for Power Purchases for Electric City Power utility customers. (OF 1472)

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

Commissioner Hinz requested an explanation with regard to Item #24 and what the agreement entails.

City Manager John Lawton explained that this amounts to a deposit. The City buys electricity and then resells it. The City buys electricity from Southern Montana Electric G & T. Southern Montana buys electricity from PPL Montana and other sources. It is standard industry practice to have two months deposit on hand to secure the City's electricity payments to SME and PPL. Up to this point, Southern Montana has been carrying those deposits on the City's behalf at no cost. Southern Montana has fluctuating cash needs and has requested that the City take over handling those deposits itself. This deposit stays with the City, in City accounts owned by the City, and the interest accrues to the City as any other investment. The interest accrues to the fund from which the cash came. Theoretically, these deposits could be tapped in the case of non-payment. The quality of our customer base is such that a default should not occur. If the unthinkable did happen, the electricity would simply be sold to somebody else for a profit. This is simply an accounting transaction. All investments are held by banking institutions or other financial institutions and that will not change.

**Mary Jolley**, 1910 2<sup>nd</sup> Avenue North, restated the funds are from various

City operations. Ms. Jolley inquired what funds the 1.4 million dollars will come from to put into this third party banking account.

City Manager John Lawton answered that most of the funds are from electricity users. It will not come from anyone's budget. It will come from the various funds of the City and it will come in proportion to the electricity uses of those funds. All investments are held by third party institutions.

Ms. Jolley inquired if this is a separate fund for this account - the two months in advance payment for electricity.

Mr. Lawton explained that a fund is a separate set of accounts for a City activity. This will be a series of accounts, and will not be a fund in a technical sense.

Ms. Jolley inquired when would this 1.4 million have to be deposited to satisfy SME and PPL.

Mr. Lawton explained that no date has been set at this point. If and when approved, arrangements would be made with SME to release their deposits, and the City's deposits would go into effect.

Ms. Jolley compared this to the proposed small customer electricity program that never did get off the ground. Ms. Jolley suggested that the City wait until an agreement is negotiated and is clear with dates and from which funds the money will come from.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, requested that this item be pulled off the consent agenda and be open to full debate and should be postponed. He stated that he has read all agreements with SME and noted the original agreement is ambiguous as to exactly what the price is going to be for the energy we are buying and reselling. The various amendments seem to indicate that we are buying power at a fixed price. Mr. Lewin urged the Commission to look into the dealings going on with the City and SME.

**Susan Kahn**, 1708 Alder Drive, inquired if other clients of Electric City are required to make this same deposit.

City Manager John Lawton answered that this is a deposit that the City is putting up from its own accounts for the purchase of electricity from SME and PPL. The City is not requiring deposits from customers because of their credit worthiness criteria as previously discussed. Each customer is being evaluated. Customers outside the area that are not too familiar or new customers could be required to provide a letter of credit to back the deposit.

Ms. Kahn asked if other clients purchasing this power are required to make this deposit.

Mr. Lawton answered this is a standard requirement of PPL Montana and major power generators.

Ms. Kahn asked what happens to the funds if this project never comes to fruition.

Mr. Lawton answered this has nothing to do with Highwood Generating Station.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented on Agenda Report #24, that reports Electric City Power had been selling electricity since 2004. Mr. Gessaman stated that he thinks Electric City Power should have some profits generated from its sales that it could use to provide as a security fund for the purpose requested here. He also noted that the report doesn't list who all the customers of Electric City Power are, and why hide the name of the customer, which he believed is Barrett Minerals, in Dillon.

Mr. Lawton addressed Mr. Gessaman's concern that the City has revealed its complete customer list many times. It is part of the public record. Barretts Minerals is new. It has been discussed very openly. It has been discussed at the Electric City Power board meetings.

Mr. Gessaman requested a comment on the profits that ECP should have after three years of operation.

Mr. Lawton responded that he is not prepared to go through the costs and what the City is selling electricity for at this time. Mr. Lawton restated that has already been done in public, on the public record. The City has been open about what it is paying SME and what the City is charging customers.

**Colanth Wilson Pont**, Cascade, commented about requiring letters of credit from customers who are out of the area or not as well known and feels everyone should be treated equally.

**Carol Fisher**, 500 53<sup>rd</sup> Street South, made reference that the reason the City needs to make this deposit is because of SME's cash flow. Ms. Fisher stated she is nervous about what SME's financial standing is right now that they need to come to the City for 1.4 million dollars.

**Michael M. Witsoe**, 2612 5<sup>th</sup> Avenue South, inquired how many days and how much money is in arrears. Mr. Witsoe wanted to know how the power is paid to PPL through Highwood Generating.

Mayor Stebbins informed Mr. Witsoe that this is not about the Highwood Generating Station.



Mr. Witsoe then inquired what the daily rate is the City pays, how much in arrears are these other people that the City has to put the money up front, if the City is charging late fees, and if it is built into the budget.

Fiscal Services Director Coleen Balzarini responded that the number of electricity customers in arrears is zero. Ms. Balzarini explained the City receives the electricity, the consumers use it, Northwestern Energy reads the meters and sends the information and then, in turn, customers are billed. No electric customers of Electric City Power are in arrears, and the City of Great Falls is not in arrears with its payments to Southern Montana, and Southern Montana is not in arrears in its payments to PPL.

Motion carried 5-0.

## **BOARDS & COMMISSIONS**

### **25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

#### **CITY MANAGER**

### **26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

#### **New City Clerk.**

City Manager John Lawton introduced and welcomed Lisa Kunz as the new City Clerk.

### **27. CITY COMMISSION**

#### **RiverFest.**

Commissioner Jovick-Kuntz thanked all of the City employees with their involvement in RiverFest.

#### **Correction/Time Limits.**

Commissioner Beecher made a correction to a statement he made at the last meeting regarding time limits. He used as an example the City of Atlanta regarding their limitation of four people to an issue for a set time limit, which is actually the City of Augusta, Georgia. Mr. Beecher apologized for the error and stated he made the correction known to Mr. Ecke.

#### **Condolences.**

Commissioner Hinz expressed condolences to the family of former commissioner, Mr. Bill Downer, who recently passed away.

### **28. PETITIONS AND COMMUNICATIONS**

Mayor Stebbins opened the meeting to Petitions and Communications, and asked that comments be confined to three minutes.

#### **Highwood Generating Station, Trade Access.**

**28A. Colanth Wilson Pont**, Cascade, compared Mammoth Hot Springs and the proposed plant regarding mercury in our ecosystem, and mercury being cumulative. Ms. Pont explained that there are natural sources and manmade sources. The higher the natural sources, the lower the

manmade sources have to be. She also pointed out that Great Falls has history of being a center of trade. Ms. Pont stated that she wants more energy put into developing more access to trade through North America. Specifically, between Great Falls and Havre and Billings.

**Coordinate  
Development Efforts.**

**28B. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, discussed county subdivisions and the lack of adequate coordination between the City and the County as to the important matters dealing with development. Mr. Lewis urged coordination efforts between the City and the County.

**Noise/Air Control.**

**28C. Kevin Willems**, 207 30<sup>th</sup> Avenue N.E., expressed his frustration with the City after following the chain of command that nothing is being done to stop his neighbor from operating a motorcycle track in the middle of Great Falls on three privately owned lots.

Community Development Director Mike Rattray explained that the primary concern he has heard are complaints of blowing dust into neighbors' homes. Mr. Rattray explained that there is nothing in the City ordinances that required a property owner of a vacant lot to provide ground cover. If Mr. Willems' neighbor is not violating any ordinance, Mr. Rattray stated he doesn't believe there is cause to provide citations.

Mr. Willems then asked about the Air Quality Control Act that covers the State of Montana. He stated his pictures show the dust blowing so bad that you can't see the neighbor's house.

Mr. Lawton suggested that a group of staff people get together in a few days and get back to Mr. Willems with a report and their recommendations.

Mr. Willems expressed frustration that this has been going on for 10 years. This is money out of his pocket.

Mayor Stebbins stated that another ordinance may have to be passed.

**Lottery Money.  
Missiles.**

**28D. John Hubbard**, (615 7<sup>th</sup> Avenue South?), still wondered about lottery money for the schools. Mr. Hubbard was upset that his tax money paid for 50 missiles that are being removed from the United States.

**Highwood Generating  
Station.**

**28E. Carol Fisher**, 500 53<sup>rd</sup> Street South, commented on the mercury comparison and stated that the mercury out of Yellowstone is created by nature. Ms. Fisher suggested that the matter be researched to clarify the comparison of mercury. She also noted that the number of employees reported was different and inquired if that expense was added into the budget for Highwood Generating Plant.

**Animal Shelter.**

**28F. Michael Witsoe**, 2612 5<sup>th</sup> Avenue South, inquired who is the head of the City managed Humane Society/Animal Shelter if Cathy Kennedy is not.

Mayor Stebbins answered that Cathy Kennedy chose not to apply, and that the Great Falls Police Department took over the operations.

**Southern Montana Electric.**

**28G. Olaf Stimac, Jr.,** 57 Country Lane, announced that the local unions have signed an agreement with Southern Montana Electric. Mr. Stimac reiterated that the plant will mean jobs, health insurance, pensions, and the increased tax revenue will support schools, roads and healthcare.

**Southern Montana Electric.**

**28H. Neil Taylor,** 3417 4<sup>th</sup> Avenue South, commented in response to Mr. Stimac that ACM also injected money into our economy and produced many jobs in the community, but left us with a superfund site.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of July 17, 2007, be adjourned at 9:00 p.m.**

Motion carried 5-0.

\_\_\_\_\_  
Mayor Stebbins

\_\_\_\_\_  
City Clerk

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

**PRESENTED BY:** City Controller

**ACTION REQUESTED:** Approval With Consent Agenda

APPROVAL: \_\_\_\_\_

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

MASTER ACCOUNT CHECK RUN FOR JULY 18, 2007	591,693.47
MASTER ACCOUNT CHECK RUN FOR JULY 25, 2007	1,461,714.58
MASTER ACCOUNT CHECK RUN FOR AUGUST 1, 2007	275,141.76
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 13, 2007	51,291.62
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 20, 2007	4,140.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 27, 2007	3,660.00
WIRE TRANSFERS FROM JULY 11, 2007	2,648.00
WIRE TRANSFERS FROM JULY 17, 2007	1,221.90
WIRE TRANSFERS FROM JULY 18, 2007	38,496.43
WIRE TRANSFERS FROM JULY 24, 2007	18,062.93
WIRE TRANSFERS FROM JULY 25, 2007	1,763,260.00
WIRE TRANSFERS FROM JULY 31, 2007	<u>1,656.05</u>
<b>TOTAL:</b>	<b>\$ <u>4,212,986.74</u></b>

**GENERAL FUND**

**POLICE**

JOHNSON CONTROLS INC	SERVICE AGREEMENT HEATING/AIR	7,556.00
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**PARK & RECREATION**

2M COMPANY INC	HUNTER ROTORS	5,644.14
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**SPECIAL REVENUE FUND**

**PLANNING**

GREAT FALLS TRANSIT DISTRICT	REIMBURSEMENT 3RD QUARTER	17,686.37
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**POLICE SPECIAL**

SOUTHERN POLICE CANINE INC	PATROL/NARCOTICS K-9	13,877.50
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**STREET DISTRICT**

ROAD KARE INTERNATIONAL	SPEED CUSHIONS	11,725.00
MONTANA REFINING CO	CRS2P CHIPSEALING EMULSION	15,123.75

**FEDERAL BLOCK GRANT**

CABIN FEVER BUILDERS	LABOR 1509 5TH AVE N KIAMAS RES	5,263.00
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**DEBT SERVICE**

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**SID BONDS**

US BANK	DEBT SERVICE SID #1268 SERIES 1995 BI#4167	33,180.00
US BANK	DEBT SERVICE SID #1275 BOND SERIES 1997 10-97 BE	13,275.00
US BANK	DEBT SERVICE DISTRICT NO 1301 BOND SERIES 2005	48,171.25
US BANK	DEBT SERVICE SID #1301 SERIES 2005	250.00

**CAPITAL PROJECTS**

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ADVANTAGE TENNIS COURTS	RESURFACE , REPAIR TENNIS COURTS	27,050.00
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**ENTERPRISE FUNDS**

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**WATER**

SHUMAKER TRUCKING & EXCAVATING	PMT#1 25TH AVE NE, OF1442	74,207.33
INDUSTRIAL AUTOMATION CONSULTING	OF1332.2 CONTROL SYSTEM DESIGNS	7,630.25
NORTHWEST PIPE FITTINGS INC	PIPE SPOOL	5,500.00
THATCHER CO	ALUMINUM SULFATE	17,274.69
US BANK	DEBT SERVICE BOND SERIES 2002A	719,397.50
NORTHWESTERN ENERGY	JUNE 2007 CHARGES	23,358.60
THATCHER CO	ALUMINUM SULFATE	7,273.83

**SEWER**

VEOLIA WATER NORTH AMERICA	OPERATION & MAINT JULY 2007	204,781.92
SMITH POWER PRODUCTS	TRAINING FOR WWTP NEW EQUIPMENT	11,760.00
US BANK	DEBT SERVICE BOND SERIES 2002A	703,046.25
US BANK	DEBT SERVICE BOND SERIES 2005	245,940.00

**SANITATION**

MONTANA WASTE SYSTEMS	JUNE CHARGES	83,211.07
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**ELECTRIC UTILITY**

R W BECK INC	PROFESSIONAL SERVICES	20,932.79
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**PARKING**

APCOA/STANDARD PARKING	AUG 2007 COMPENSATION	18,508.67
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**GOLF COURSES**

K&M INC	PAY OUT CONCESSIONS	2,648.00
K&M INC	PAY OUT CONCESSIONS	1,221.90
BISON MOTOR CO INC	2007 1/2 TON PICKUP	15,237.72
MIDLAND IMPLEMENT CO INC	48" SWATH WALK AERATOR	20,660.00
MIDLAND IMPLEMENT CO INC	TOP DRESSER	9,776.00

**RECREATION**

CENTRAL FLOOR COVERING	REC CENTER CARPET,	5,546.25
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**CIVIC CENTER**

DICK OLSON CONSTRUCTION	MENS RESTROOM PMT#2	15,691.50
PRETTY ONE PRODUCTIONS	PAYOUT FOR SECRET GARDENS	18,062.93



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

**AGENDA: 14  
DATE: August 7, 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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	City Manager	The Waters Consulting Group	Immediate	100-1499-512-3794	\$29,000	Executive search for the position of City Manager.
<b>B</b>	Community Development	Family Connections	July 1, 2007 – June 30, 2008	272	\$13,500	Provide child care scholarships for low income families.
<b>C</b>	Community Development	Young Parents Education Center	July 1, 2007 – June 30, 2008	272	\$15,000	Provide emergency housing scholarships and day care scholarships.
<b>D</b>	Community Development	Big Brothers Big Sisters of Great Falls, Inc.	July 1, 2007 – June 30, 2008	272	\$6,000	Purchase three (3) computer stations, a printer and software.

<b>E</b>	Community Development	Hands, Inc.	July 1, 2007 – June 30, 2008	272	\$20,000	Provide child care scholarships.
<b>F</b>	Community Development	Area VIII Agency on Aging	July 1, 2007 – June 30, 2008	272	\$25,000	Purchase food for Meals on Wheels.
<b>G</b>	Community Development	Cascade County Retired and Senior Volunteer Program	July 1, 2007 – June 30, 2008	272	\$6,250	Purchase Neighborhood Watch and Business Watch materials.
<b>H</b>	Community Development	Park and Recreation Dept.	July 1, 2007 – June 30, 2008	272	\$154,039	Bloomingtondale Park Handicap Accessible Play Structure Project; Gibson Park Sidewalk and Curb Project; Community Recreation Center Elevator Project; Community Recreation Center Scholarships.
<b>I</b>	Planning	NorthWestern Energy	Ongoing	213-1811-512-3599	\$1.00	Amendment to September 3, 1999 trail easement agreement - Grants the City a perpetual bike/pedestrian trail easement over land owned by NorthWestern Energy.
<b>J</b>	Public Works Engineering and Park & Recreation	A to Z Masonry	August 6, 2007 – September 4, 2007	411-6473-565-9399	\$8,250	Concrete block and brick construction to close in the north and south arch ends of Morony Natatorium and install new doors. OF 1393.2
<b>K</b>	Public Works Engineering and Park & Recreation	A T Klemens & Sons	July 23, 2007 – August 24, 2007	411-6452-565-9221	\$49,945.00	Install new roof on the Eagle Falls Golf Clubhouse. OF 1480.2



<b>L</b>	Public Works Engineering	ServiceMaster	July 1, 2007 – June 30, 2008	639-3111-531-3691	\$2,275.00/month	Janitorial Services for Public Works Complex.
<b>M</b>	Fiscal Services	Innovative Postal Services, Inc.	August 1, 2007 – August 1, 2010	615-1568-511-3111	Letter size envelopes - .395/piece Non-Letter size envelopes - .05/piece	Mail processing.

**CITY OF GREAT FALLS, MONTANA**

**AGENDA #** 15

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

**DATE** August 7, 2007

**ITEM:** CONSTRUCTION CONTRACT AWARD: MOUNT OLIVET / MOUNTAIN VIEW WATER MAIN LOOP, O.F. 1492.1

**INITIATED BY:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**ACTION REQUESTED:** AWARD CONTRACT

**PRESENTED BY:** JIM REARDEN, PUBLIC WORKS DIRECTOR

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**MOTION:** “I move the City Commission award a contract in the amount of \$139,899.00 to Shumaker Trucking & Excavating for the Mount Olivet / Mountain View Water Main Loop, O.F. 1492.1, and authorize the City Manager to sign the construction contract documents.”

**PROJECT TITLE:** Mount Olivet / Mountain View Water Main Loop, O.F. 1492.1

**RECOMMENDED CONTRACTOR:** Shumaker Trucking & Excavating

**CONTRACT AMOUNT:** \$139,899.00

**ENGINEER’S ESTIMATE:** \$145,374.00

**START DATE:** Fall 2007

**COMPLETION DATE:** November 15, 2007

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

**SYNOPSIS:** This project will install approximately 1,780 lineal feet of new 12-inch water main in the Mount Olivet Subdivision and Russell Park to create a loop to help maintain water pressures and improve fire flows in conjunction with the Sunnyside water pressure improvement project (O.F. 1494.1).

The bid opening was held on July 25, 2007 with four bids submitted. Shumaker Trucking & Excavating submitted the low bid for the project in the amount of \$139,899. The bid tabulation summary is attached. Funding for this project will come from the Water Fund.

**BACKGROUND:** With the Sunnyside neighborhood being added to the East Booster District for water service, improvements are needed to provide for this expansion. The 2006 Water Master Plan recommended that this project be done as a part of a series of improvements to the area. This water main loop will provide for more constant water pressure and higher fire flows in the neighborhoods south of 10<sup>th</sup> Avenue South. This project also allows for growth of the City to the south and ultimately will help support the installation of a new water tower and pump station in this part of the system.

Thomas, Dean & Hoskins, Inc. provided the preliminary route design and water pressure studies. City Engineering Staff completed the project design and will perform construction inspection and administrative duties.

Attachment: Bid Tabulation Summary

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

BID TABULATION SUMMARY  
 Mount Olivet/Mountain View Water Main Loop  
 O.F. 1492.1

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: July 25, 2007  
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Ed Boland Construction 4601 7th Ave. So. Great Falls, MT 59405	√		√	√	√	√	\$174,790.00
2	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414	√		√	√	√	√	\$189,150.00
3	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√		√	√	√	√	\$161,085.00
4	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279	√		√	√	√	√	\$139,899.00
5								
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$145,374.00</b>

AGENDA REPORT

DATE August 7, 2007

ITEM: CONSTRUCTION CONTRACT AWARD: 7<sup>TH</sup> AND 3<sup>RD</sup> AVENUES NORTH WATER MAIN REPLACEMENT, O. F. 1464

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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MOTION: "I move the City Commission award a contract in the amount of \$931,824.00 to Phillips Construction for the 7<sup>th</sup> and 3<sup>rd</sup> Avenues North Water Main Replacement, O. F. 1464, and authorize the City Manager to execute the construction contract documents."

PROJECT TITLE: 7<sup>th</sup> and 3<sup>rd</sup> Avenues North Water Main Replacement, O. F. 1464

RECOMMENDED CONTRACTOR: Phillips Construction

CONTRACT AMOUNT: \$931,824.00

ENGINEER'S ESTIMATE: \$999,636.25

START DATE: Projected for August 20, 2007

COMPLETION DATE: Late fall 2007/early spring 2008 (120 Calendar Days)

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

SYNOPSIS: This project will replace portions of the water system located in 7<sup>th</sup> Avenue North, 3<sup>rd</sup> Avenue North, 24<sup>th</sup> Street North, 2<sup>nd</sup> Avenue South, and 9<sup>th</sup> Street North. Most of these water mains were installed in the 1890's and 1920's. The number of main breaks in these areas is among the highest in the water system.

Four bids were received and opened for this project on July 18, 2007. The bids ranged from \$931,824.00 to \$1,138,600.00. The attached bid tabulation summarizes this information. Water utility funds are available for this project.

BACKGROUND: This project is part of a continuing improvement program to replace old and deteriorated water mains in many areas around the City. Water main breaks have damaged the roadway and disrupted water service to local residences. The breaks are primarily due to corrosive soils, age, and the type of pipe material used. This project, which is identified in the City's Water Capital Improvement Plan, will replace approximately 2,850 lineal feet of 6- and 8-inch, and 3,085

lineal feet of 12-inch deteriorated cast iron pipe with PVC water main. Other improvements include installation of new fire hydrants and replacement of non-copper water services.

The mains are located in 7<sup>th</sup> Avenue North from 20<sup>th</sup> Street to 22<sup>nd</sup> Street, 7<sup>th</sup> Avenue North from 27<sup>th</sup> Street to 32<sup>nd</sup> Street, 3<sup>rd</sup> Avenue North from 27<sup>th</sup> Street to 30<sup>th</sup> Avenue North, 24<sup>th</sup> Street from 5<sup>th</sup> Avenue North to 4<sup>th</sup> Avenue North, 2<sup>nd</sup> Avenue South from 21<sup>st</sup> Street to 22<sup>nd</sup> Street, and 9<sup>th</sup> Street North from 2<sup>nd</sup> Avenue North to 3<sup>rd</sup> Avenue North.

City engineering staff completed the project design and will perform construction inspection and contract administration duties.

Attachment: Bid Tabulation Summary

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

BID TABULATION SUMMARY  
 7th and 3rd Avenues North Water Main Replacement  
 OF 1464

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: July 18, 2007  
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√		√	√	√	√	\$931,824.00
2	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279	√		√	√	√	√	\$1,138,600.00
3	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√		√	√	√	√	\$952,973.75
4	Swank Enterprises PO Box 568 Valier, MT 59486	√		√	√	√	√	\$958,190.00
5								
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$999,636.25</b>

**CITY OF GREAT FALLS, MONTANA**

**AGENDA** \_\_\_\_\_ 17 \_\_\_\_\_

**AGENDA REPORT**

**DATE** August 7, 2007

**ITEM:** CONTRACT BID AWARD: MILWAUKEE RIGHT-OF-WAY STORM DRAINAGE IMPROVEMENTS, PHASE 2 O.F. 1246.1

**INITIATED BY:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**ACTION REQUESTED:** CONSIDER BIDS AND AWARD CONTRACT

**PRESENTED BY:** JIM REARDEN, PUBLIC WORKS DIRECTOR

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**MOTION:** "I move the City Commission award a contract in the amount of \$48,321.00 to Phillips Construction, for the Milwaukee R.O.W. Storm Drainage Improvements, Phase 2, O.F. 1246.1 and authorize the City Manager to execute the contract."

**PROJECT TITLE:** Milwaukee R.O.W. Storm Drainage Improvements, Phase 2, O.F. 1246.1

**RECOMMENDED CONTRACTOR:** Phillips Construction

**CONTRACT AMOUNT:** \$48,321.00

**ENGINEERS ESTIMATE:** \$52,655.00

**BUDGETED FUND:** Storm Drain

**START DATE:** September, 2007

**COMPLETION DATE:** October, 2007

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

**SYNOPSIS:** A segment of a former railroad spur line originally owned by the Chicago, Milwaukee and St. Paul Railroad (referred to as Milwaukee R.O.W.) located south of the Eagle Falls Golf Course/Legion Ball Park between 25<sup>th</sup> and 38<sup>th</sup> Streets North, is situated in a low lying area that collects storm water runoff from adjacent residential and industrial. Poor drainage along the segment of right-of-way has resulted in ponding, stagnant water and wet conditions, which have generated complaints about mosquitoes from the public in recent years.

Phase 1 of the Milwaukee R.O.W Storm Drainage Improvements, constructed in 2003, connected to an abandoned sanitary sewer main that was converted into a storm drain located in the same railroad right-of-way. Phase 1 connected the converted storm drain, that terminated at 34<sup>th</sup> Street, and



extended the storm drain another 950 feet east to 36<sup>th</sup> Street. Phase 2 will extend the storm drain another 872-feet east from 36<sup>th</sup> to 38<sup>th</sup> Street. Phase 2 will collect storm water from the industrial area and the continuing railroad right-of-way on the east side of 38<sup>th</sup> Street as well as storm water from Fairway Drive and 38<sup>th</sup> Street.

Five bids were opened (see attached Bid Tabulation Summary) on July 25, 2007. The prices bid are within the project budget. Phillips construction submitted the low bid in the amount of \$48,321.00.

Funding is available from storm drain funds for the project.

**BACKGROUND:** Burlington Northern Santa Fe Railroad (BNSF) stopped using the tracks from 27<sup>th</sup> Street eastward in the late 1990's and decided to abandon and sell the property. The City subsequently purchased the right-of-way for the purpose of maintaining a corridor for existing and future utilities and other purposes. The right-of-way purchase also afforded the City the opportunity to address storm water drainage problems farther east. The City Commission approved purchase of the railroad right-of-way from BNSF in 2002.

The restored sanitary sewer was abandoned in the mid-1980's when the new Northeast Sanitary Sewer Interceptor was constructed. The Northeast Interceptor construction cut through the old sanitary sewer at several locations along the railroad. Several small projects including installation of an inverted siphon, reconnection of severed pipe ends and extension of the storm drain line to an existing highway drain at River Drive were undertaken to facilitate drainage along the railroad corridor.

This project will install approximately 872 feet of new 18 inch diameter PVC sanitary sewer main and two new manholes with inlets in the former Milwaukee railroad right-of-way located between 36<sup>th</sup> and 38<sup>th</sup> Streets North.

City Engineering Staff completed the project design and prepared plan and contract documents, and will perform construction engineering, inspection and administration.

Attachment: Bid Tabulation Summary



AGENDA REPORT

DATE August 7, 2007

ITEM: CHANGE ORDER NO. 1: HORIZON PARK AND CENTRAL AVENUE WEST WATER MAIN REPLACEMENTS, O. F. 1437

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER NO. 1

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** Staff recommends that Change Order No. 1 for the Horizon Park and Central Avenue West Water Main Replacements, O. F. 1437 be approved.

**MOTION:** "I move the City Commission approve Change Order No. 1 for the Horizon Park and Central Avenue West Water Main Replacements, O. F. 1437 to Phillips Construction, and authorize the City Manager to sign the contract documents."

**SYNOPSIS:** On March 20, 2007, the City Commission awarded a contract in the amount of \$596,855.00 to Phillips Construction for the Horizon Park and Central Avenue West Water Main Replacements. The project replaced water mains in several areas along with minor storm drainage improvements. Additional storm sewer funding is needed for work on 9<sup>th</sup> Street Northwest, and 2<sup>nd</sup> Avenue Southwest.

The major items in Change Order No. 1 include replacing four inlets on 9<sup>th</sup> Street NW, along with approximately 64 lineal feet of 18-inch pipe; and a new storm drain inlet along with approximately 40 lineal feet of 12-inch pipe on 2<sup>nd</sup> Avenue SW. The work will increase the contract price by \$25,000.00 to \$621,855.00 and increase the time by 10 days to 108 days. Funding for the additional work is available from the Storm Sewer Fund.

**BACKGROUND:** Phillips Construction's contract was to replace deteriorating water mains on 29<sup>th</sup> Avenue NE from Horizon Park to 3<sup>rd</sup> Street NW, 30<sup>th</sup> Avenue NE from Horizon Park to Division Road, Division Road from 29<sup>th</sup> Avenue NE to Skyline Drive, 9<sup>th</sup> Street Northwest from Northwest Bypass to 10<sup>th</sup> Avenue Northwest, Central Avenue West from 23<sup>rd</sup> Street to 25<sup>th</sup> Street, and 21<sup>st</sup> Street NW from Central Avenue West to 2<sup>nd</sup> Avenue NW. Staff feels it is highly desirable to add this additional storm sewer work due to the deteriorating inlets and piping that was discovered during construction. This addition to the existing contract is the most expedient and economical method of improving the storm drainage system.

City staff designed the project and is performing contract management and construction inspection on the project.

Attachments: Change Order No. 1

## CHANGE ORDER

No. ONE

**PROJECT** Horizon Park and Central Avenue West Water Main Replacements, O. F. 1437  
**DATE OF ISSUANCE** August 7, 2007      **EFFECTIVE DATE** August 7, 2007  
**OWNER** City of Great Falls      **OWNER'S Contract No.** O. F. 1437

**CONTRACTOR** Phillips Construction  
**ENGINEER** Richard Johnson

**You are directed to make the following changes in the Contract Documents.**

**Description:** Increase the contract amount by \$25,000.00 to \$621,855.00

**Reason for Change Order:** Addition of storm inlet work and piping was needed on 9<sup>th</sup> Street NW and 2<sup>nd</sup> Avenue SW.

**Attachments: (List documents supporting change)**

<p><b>{PRIVATE }CHANGE IN CONTRACT PRICE:</b>                  Original Contract Price                  \$ <u>\$596,855.00</u></p>	<p style="text-align: center;"><b>CHANGE IN CONTRACT TIMES:</b></p> Original Contract Times: Substantial Completion: <u>98 days</u> Ready for final payment: <p style="text-align: right;">days or dates</p>
Net changes from previous Change Orders No. _____ to _____	Net change from previous Change Orders No. _____ to No. _____ <p style="text-align: center;"><u>0</u> Days</p>
Contract Price prior to this Change Order \$ <u>596,855.00</u>	Contract Times prior to this Change Order Substantial Completion: <u>98 days</u> Ready for final payment: <p style="text-align: right;">days or dates</p>
Net Increase (decrease) of this Change Order \$ <u>25,000.00</u>	Net <b><u>Increase</u></b> (decrease) of this Change Order <p style="text-align: center;"><u>10 days</u></p>
Contract Price with all approved Change Orders \$ <u>621,855.00</u>	Contract Times with all approved Change Orders Substantial Completion: <u>108 days</u> Ready for final payment: <p style="text-align: right;">- days or dates</p>

**RECOMMENDED:**

**APPROVED:**

**ACCEPTED:**

By: \_\_\_\_\_  
 Engineer (Authorized Signature)

By: \_\_\_\_\_  
 Owner (Authorized Signature)

By: \_\_\_\_\_  
 Contractor (Authorized Signature)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved this 7<sup>th</sup> day of August 2007

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John W. Lawton, City Manager

ATTEST:

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Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

ATTACHMENT TO CHANGE ORDER NO. 1

For

HORIZON PARK AND CENTRAL AVENUE WEST WATER MAIN REPLACEMENTS  
O.F. 1437

Prepared By City Engineer's Office

August 7, 2007

**CHANGES IN PROJECT SCOPE/CONTRACT TIME**

**ITEM/JUSTIFICATION/COST:**

1. Remove and replace four inlets located between 9<sup>th</sup> Street NW and 10<sup>th</sup> Avenue NW. Cost \$2,640.00 each.  

ADD..... \$10,560.00
2. Remove existing corrugated metal pipe and install new 18-inch concrete pipe. Approximately 64 lineal feet of pipe is needed to install at \$46.00/ft.  

ADD..... \$ 2,944.00
3. Install new inlet at 2<sup>nd</sup> Avenue SW and 13<sup>th</sup> Street SW. Cost \$2,640.00 each.  

ADD..... \$ 2,640.00
4. Install approximately 40 lineal feet of 12-inch SDR 35 at \$40.00/ft.  

ADD..... \$ 1,600.00
5. Miscellaneous work to include asphalt removal and replacement; gravel placement; sod; concrete for floors, aprons, and curb, saw cutting and other items as needed to complete the work.  

ADD..... \$ 7,256.00

**NET ADD ITEMS 1-5 ..... \$25,000.00**

AGENDA REPORT

DATE August 7, 2007

**ITEM:** CHANGE ORDER NO. 5 – CONTRACT 02, GENERAL CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT COGENERATION PROJECT, O. F. 1404

**INITIATED BY:** PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

**ACTION REQUESTED:** APPROVE CHANGE ORDER NO. 5

**PRESENTED BY:** JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** Staff recommends approval of Change Order No. 5 to NewMech Companies, Inc. (NewMech) for Contract 02 – General Construction for the Wastewater Treatment Plant Cogeneration Project, O. F. 1404.

**MOTION:** “I move the City Commission approve Change Order No. 5 for \$73,507 to NewMech Companies, Inc. for Contract 02 – General Construction for the Wastewater Treatment Plant Cogeneration Project, O. F. 1404, and authorize the City Manager to execute the contract.”

**SYNOPSIS:** At the contractor’s request and with our consultant’s (Stanley Group) concurrence, \$73,507 is requested to be added to the contract for a number of change orders required to complete the project. These change orders mainly involve the rerouting of pipe from the original designed layout and providing additional piping not originally called for. Other changes include electrical work required for the completion of the project and additional supervision needed by the contractor due to change orders. Change Order No. 5 also includes a credit for \$3,000 due to the rerouting of pipe that eliminated the need to go underneath two building foundations. The original contract price of \$1,143,000.00 which was increased by \$70,370.85 with change orders Nos. 2, 3, and 4 will be increased by \$73,507 for a total contract price of \$1,286,877.85. In comparison, the only other bid, submitted by Sletten Construction, was \$1,921,700.00.

**BACKGROUND:** On November 21, 2006, the City Commission awarded a contract to NewMech for general construction and installation of equipment that will use methane gas produced in the treatment process at the wastewater treatment plant to generate electricity and heat to meet part of the plant’s energy requirements. To date, construction is complete on the project, and the equipment supplier is scheduled to arrive at the end of the July to start up the generator.

Attachments: Change Order No. 5 (Not available online; on file in City Clerk’s Office.)

AGENDA REPORT

DATE: August 7, 2007

ITEM: EMERGENCY REPLACEMENT OF ONE  
TANDEM AXLE TRUCK WITH SIDELOAD  
REFUSE PACKER

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: APPROVE PURCHASE OF SANITATION TRUCK

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

**RECOMMENDATION:**

Staff recommends that the City Commission approve the emergency purchase of a tandem axle truck with side-load refuse packer.

**MOTION:**

I move that the City Commission approve the emergency purchase of a tandem axle truck with side-load refuse packer.

**SYNOPSIS:**

The tandem axle truck with side-load refuse packer was destroyed by fire while traveling to the landfill on July 6, 2007. (Photo attached (photo not available online)) This truck is vital to providing sanitation services to commercial customers.

The destroyed City vehicle (#915) is VIN# 4V2DC6LF13N353007

**BACKGROUND:**

The approval for the purchase of a tandem axle truck with side-load refuse packer is based on Montana Code Annotated 2003 7-5-4303, (attached) which provides for exemptions from bidding or advertising requirements for certain contracts, in emergency situations and which will best serve the public interest. Staff is conducting a nation-wide search for a replacement for the destroyed sanitation truck. Staff further requests authorization to purchase a suitable replacement truck when located. The estimated cost of the sanitation truck is \$180,000. Funds for the purchase will be provided by the Montana Municipal Insurance Authority.



AGENDA REPORT

DATE August 7, 2007

ITEM Contract Bid Award: Mitchell Pool Renovation, O.F. 1501

INITIATED BY Park & Recreation Department

ACTION REQUESTED Award Contract

PREPARED BY Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY Jim Sullivan, Park & Recreation Director

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**RECOMMENDATION:**

Staff recommends the City approve the Contract between the City of Great Falls and Talcott Construction, Inc. in the amount of \$1,083,985 for the Mitchell Pool Renovation, O.F. 1501.

**MOTION:**

“I move the City Commission award a contract in the amount of \$1,083,985 to Talcott Construction, Inc. for the Mitchell Pool Renovation, O.F. 1501 and authorize the City Manager to execute the contract.”

**PROJECT TITLE:** Mitchell Pool Renovation, O.F. 1501.

**RECOMMENDED CONTRACTOR:** Talcott Construction, Inc.

**START DATE:** September 2007

**COMPLETION DATE:** July 1, 2008

**PENALTY/INCENTIVE TERMS:** Liquidated Damages, \$500/day

**SYNOPSIS:**

The rehabilitation of the Mitchell, Jaycee and Water Tower Pools bid on May 16, 2007. The rehabilitation of the Jaycee and Water Tower Pools and the two new splash decks at Jaycee and Water Tower Pools (Schedule II) was awarded to Talcott Construction at the June 5, 2007 Commission Meeting. Award of Schedule I, Mitchell Pool, was postponed.

This contract is for Schedule I for the rehabilitation of the Mitchell Pool at the Electric City Water Park. Funding for the project is from the \$2,270,000 General Obligation Bond Series 2007.

Based on the fact that the overall project was over budget by \$287,980, Schedule I was value engineered to allow the entire pools project to be completed with the project budgeted revenue. Interstate Engineering made modifications to the project that will result in the necessary cost savings

and will still meet the requirements of the bond election held in November of 2006. Those changes include the following:

Original Shortfall	(\$287,980)
Change Order No. SII-1	46,800
Proposed Change Order SI-1	96,100
Reduce NTE in Construction Administration	45,080
Bond Proceed Interest & Other City Sources	<u>99,000</u>
Net	\$ 0

**BACKGROUND:**

The community swimming pools were built and/or renovated in the 1960s. Due to the fact that the pools systems and infrastructures have deteriorated over time, the City was faced with significant capital and maintenance issues that included the following:

Mitchell Pool: Complete rehabilitation needed which included a gutter system, pool floor and wall rehabilitation, filtration/recirculation system, concrete deck, electrical/mechanical systems, filter room, pool heater, and backwash balance tank system. The improvements would bring the Mitchell Pool up to the current codes and decrease the chemical, natural gas and electrical costs.

Water Tower and Jaycee Pools: Both pools have deteriorated gutter systems with broken grate tiles, plaster spalling of the pool tank walls, heaving concrete decks, outdated and inefficient pool heaters, re-circulating pumps and systems were at the end of their useful life, restrooms were not ADA accessible, and the dressing rooms needed to be renovated. Improvements to each facility will include new filtration/recirculation system, chemical feed rehabilitation, new concrete deck and fencing, pool floor and wall rehabilitation, deck equipment, electrical work and bathhouse rehabilitation.

The "rehabilitation project" was estimated to cost just under \$2.3 million. General Obligation Bond financing in the entire amount for a ten-year term was placed on the November 7, 2006 ballot. The General Obligation Bond passed with 15,158 voting to approve the bonds and 5,648 voting against approval. At the December 5, 2006 City Commission Meeting, the Commission approved Resolution #9627 to establish compliance with reimbursement bond regulations under the Internal Revenue Code. On December 19, 2006, the City Commission approved the Professional Services Agreement with Interstate Engineering, Inc., in the amount of \$217,500 for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, O. F. 1501.

The decision was also made to pursue funding and construction of spray parks/splash decks for the community. It was determined that the best locations for the spray parks, were Jaycee and Water Tower Pools, creating a complex and expanded entertainment for the community. Although funding is different for the two projects, for efficiency and cost savings, both projects were bid together and will be constructed at the same time.

On March 6, 2007, the City Commission approved Amendment No. 1 in the amount of \$19,700.00 with Interstate Engineering, Inc., for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, O. F. 1501.

Attachments: Contract (Not available online; on file in City Clerk's Office)

AGENDA REPORT

DATE August 7, 2007

ITEM Change Order No. SI-1 – Talcott Construction, O.F. 1501

INITIATED BY Park & Recreation Department

ACTION REQUESTED Approve Change Order No. SI-1

PREPARED BY Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY Jim Sullivan, Park & Recreation Director

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**RECOMMENDATION:**

Staff recommends approval of Change Order No. SI-1 to Talcott Construction for Mitchell Pool Renovation, O.F. 1501.

**MOTION:**

“I move the City Commission approve Change Order No. SI-1 to Talcott Construction for a credit in the amount of \$96,100 for Mitchell Pool Renovation, O.F. 1501, and authorize the City Manager to execute the documents.”

**SYNOPSIS:**

Change Order No. SI -1 includes changes in the filtering and treatment systems, some reductions in piping sizes, a reduction in the size of the building addition, and other minor miscellaneous changes resulting in cost reductions

**BACKGROUND:**

Schedule I will include rehabilitation of the Mitchell Pool at the Electric City Water Park. Funding from the project is from the \$2,270,000 General Obligation Bond Series 2007.

Based on the fact that the overall project was over budget by \$287,980, Schedule I was value engineered to allow the entire pools project to be completed with the project budgeted revenue. Interstate Engineering made modifications to the project that will result in the necessary cost savings and will still meet the requirements of the bond election held in November of 2006. Those changes include the following:

Original Shortfall	(\$287,980)
Change Order No. SII-1	46,800
Proposed Change Order SI-1	96,100
Reduce NTE in Construction Administration	45,080
Bond Proceed Interest & Other City Sources	<u>99,000</u>
Net	\$ 0

Attachments: Change Order No. SI-1 (Not available online; on file in City Clerk's Office)

AGENDA REPORT

DATE August 7, 2007

ITEM Change Order No. SII-1 – Talcott Construction, O.F. 1501

INITIATED BY Park & Recreation Department

ACTION REQUESTED Approve Change Order No. SII-1

PREPARED BY Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY Jim Sullivan, Park & Recreation Director

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**RECOMMENDATION:**

Staff recommends approval of Change Order No. SII-1 to Talcott Construction for Jaycee and Water Tower Rehabilitation, O.F. 1501.

**MOTION:**

“I move the City Commission approve Change Order No. SII-1 to Talcott Construction for a credit in the amount of \$46,800 for Jaycee and Water Tower Rehabilitation, O.F. 1501, and authorize the City Manager to execute the documents.”

**SYNOPSIS:**

Change Order No. SII -1 reduces the amount of work to be completed by the contractor which includes: The existing plumbing, mechanical and electrical systems in each bath house change room are to remain and be reconnected to the new water service and water heater, and the new electrical feed and panels. There will be no painting in the existing change rooms.

**BACKGROUND:**

Schedule II includes rehabilitation of the Jaycee and Water Tower Pools. Funding from the project is from the \$2,270,000 General Obligation Bond Series 2007.

Based on the fact that the overall project was over budget by \$287,980, the above modifications were made to Schedule II and Schedule I was value engineered to allow the entire pools project to be completed with the project budgeted revenue. Interstate Engineering made modifications to the project that will result in the necessary cost savings and will still meet the requirements of the bond election held in November of 2006. Those changes include the following:

Original Shortfall	(\$287,980)
Change Order No. SII-1	46,800
Proposed Change Order SI-1	96,100
Reduce NTE in Construction Administration	45,080
Bond Proceed Interest & Other City Sources	<u>99,000</u>
Net	\$ 0

AGENDA REPORT

DATE August 7, 2007

ITEM: AUCTION OF SURPLUS EQUIPMENT

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: DECLARE EQUIPMENT SURPLUS

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

**RECOMMENDATION:**

Staff recommends that the attached list of property be declared surplus by the City Commission.

**MOTION:**

I move that the attached list of property be declared surplus.

**SYNOPSIS:**

City Code Section 3.04.070 requires that any property with an estimated value of \$1,000 or more be formally declared surplus by the City Commission before the property may be sold.

Attachment A is a list of all the property for the August 11, 2007 City Auction that may sell for \$1,000 or more.

**BACKGROUND:**

The City has held many auctions of surplus property over the years. Other government agencies are invited to participate, such as Cascade County, Great Falls Housing Authority and Great Falls School District.

This year's auction is scheduled for August 11, 2007 at the Public Works Complex, 1025 25<sup>th</sup> Avenue Northeast.

Attachment A – List of Property

cc: Corky Grove, Police Chief  
Kelly Audet, Fiscal Services  
Tom Hugg, Vehicle Maintenance Supervisor  
Cheryl Lucas, Staff Accountant

**City of Great Falls  
Public Works Department  
INTER - OFFICE MEMORANDUM**

RE: CITY VEHICLES TO BE AUCTIONED AUGUST 11, 2007

**ATTACHMENT 'A'  
CITY EQUIPMENT PROPOSED FOR SURPLUS DECLARATION**

YEAR	MAKE	MODEL	SERIAL NUMBER	TYPE	LATEST OLD UNIT #	ORIGINAL OWNING AGENCY	SALE PRICE	AUCTIONEER COMMISSION	SALE PRICE AFTER COMMISSION	ACCOUNT NUMBER TO BE CREDITED
<b>TRUCKS</b>										
1989	Chevrolet	Blazer	1GNCT18Z2K0185353	SUV	PD - 38	Police				
1996	Ford	F150	1FTEF15Y0TLA61487	Pick up	626	Water Distribution				
1991	Chevrolet	G 30	2GBHG31K1M4135209	Van	707	Central Garage				
1996	Ford	F150	1FTEF15Y4TLA61489	Pick up	316	Golf				
<b>EQUIPMENT</b>										
1992	Toro	580D	30580-10134	Mower	PM 6	Central Garage				
1997	Kawasaki	Mule	JK1AFG815JB509437	Work cart	AC 6	Golf				
1990	Toro		09110-00265	Aerator	SC 21	Golf				
<b>CARS</b>										
1993	Ford	Crown Vic	2FACP71W5PX147887	Sedan	451	Central Garage				
1997	Plymouth	Neon	3P3ES47Y9VT532960	Sedan	PD 47	Police				
2001	Chevrolet	Impala	2G1WF55K119285016	Sedan	PD 49	Central Garage				
2001	Chevrolet	Impala	2G1WF55K819284171	Sedan	PD 15	Central Garage				
2002	Chevrolet	Impala	2G1WF55K729299844	Sedan	PD 2	Central Garage				
2002	Chevrolet	Impala	2G1WF55K729297155	Sedan	PD 6	Central Garage				
2003	Dodge	Intrepid	2B3HD46V43H580744	Sedan	PD 17	Central Garage				
2003	Dodge	Intrepid	2B3HD46V63H580745	Sedan	PD 59	Central Garage				

AGENDA REPORT

DATE August 7, 2007

ITEM Great Falls Development Authority Funding

INITIATED BY GFDA

ACTION REQUESTED Approve Funding

PRESENTED BY John Lawton, City Manager

\* \* \* \*

**RECOMMENDATION:** Staff recommends the City Commission consider the following motion.

**MOTION:** I move the City Commission increase its annual funding commitment to Great Falls Development Authority by \$15,000 for a total of \$100,000. The additional \$15,000 to be provided by debt reduction.

**SYNOPSIS:** The GFDA has requested an increase in the City's annual funding commitment. It is recommended that the City Commission approve an increase of \$15,000 making the annual contribution to the economic development agency \$100,000. The funds for this increase were budgeted in the 2007/2008 City Budget.

**BACKGROUND.** When the Golden Triangle Economic Development Authority was formed at the end of the 1980's the City of Great Falls committed to annual funding of \$100,000 for the first three (3) years. After that time the City's funding commitment to the economic development agency has been at \$85,000 per year. Golden Triangle changed its name to High Plains Development Authority in 1991. In 2002 the name was changed to Great Falls Development Authority (GFDA). The City has continued to fund the agency at \$85,000 per year.

The GFDA has requested an increase in the City's funding commitment for 2007/2008 and staff has identified resources expected into the Economic Revolving Fund to meet a proposed commitment of \$100,000. Staff recommends this level as an appropriate demonstration of public commitment to economic development efforts in our community.

Funds have been reserved in the City's Economic Revolving Fund for 2007/2008 fiscal year.

AGENDA REPORT

DATE August 7, 2007

ITEM Management and Staff Agreement - The Great Falls Housing Authority

INITIATED BY Great Falls Housing Authority

ACTION REQUESTED Approve Agreement

PREPARED BY Cheryl Patton, Assistant City Manager

- - - - -

**RECOMMENDATION:** The Board of Commissioners of the Great Falls Housing Authority and staff recommend the Commission approve the following motion:

**MOTION:** I move the City Commission approve the Management and Staff Agreement with the Great Falls Housing Authority.

**SYNOPSIS:** This agreement with the Great Falls housing Authority provides for continuing operation and management of the Housing Authority by the City of Great Falls. The proposed agreement continues the Management Fee at twenty-five percent (25%) of the personnel cost of the city staff person assigned to serve as Executive Director to the GFHA, currently the Assistant City Manager. The Management Fee covers Executive Director’s time and other services supplied to other city departments without direct or indirect charge. The personnel costs of the staff members assigned to serve the GFHA would continue to be reimbursed to the City monthly by the Authority. Other charges for services are outlined. The agreement is for a three year term.

**BACKGROUND:** In 1978 the Great Falls Housing Authority requested management services be provided by the City of Great Falls. The original agreement to provide all staff as well as management services to the Great Falls Housing Authority was approved in the early 1980’s. Other versions of the agreement were approved in 1990 and 1999. This proposed agreement updates the 1999 agreement to allow for the City to charge internal service charges for Human Resource and Payroll services and allows for other services that would be mutually desired. The new agreement specifies a three year term in place of automatic renewals. The current agreement was recommended to be reviewed and updated by the auditor hired by GFHA.

The Board of Commissioners of the Housing Authority reviewed and approved the agreement on July 19, 2007.



## AGREEMENT

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the GREAT FALLS HOUSING AUTHORITY BOARD OF COMMISSIONERS, hereinafter called the *Housing Authority* and the CITY COMMISSION OF THE CITY OF GREAT FALLS, hereinafter called the *City*.

WHEREAS, the *Housing Authority* desires to continue to contract with the *City* for professional management, staffing and supportive services; and

WHEREAS, the *City* agrees to provide, professional management, adequate staff and supportive services to the *Housing Authority*.

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

### I. HOUSING AUTHORITY POWERS

The Great Falls Housing Authority shall retain all authorities, powers and duties which it possesses at the time of execution of this agreement in accordance with existing Montana statutes, City ordinances, Great Falls Housing Authority Bylaws and other such documents including the power to make and execute contracts and other instruments necessary and convenient to exercise the powers of the Authority as stated in Section 7-15-4451, MCA, 2005.

### II. CITY POWERS/RESPONSIBILITIES

The *City* herein agrees to exert best efforts faithfully and diligently to provide for management, maintenance and operation of the projects

owned by the *Housing Authority* pursuant to the provisions of the Montana Landlord Tenant Act and the United States Housing Act, the stated purpose of which is to provide decent, safe and sanitary housing for families of low income. The *City* further agrees to faithfully and diligently manage any and all contracts with the U.S. Department of Housing and Urban Development.

### **Executive Director**

The City Manager, in agreement with the Housing Authority Board of Commissioners, shall appoint the Executive Director whose duties will be as provided under the statutes of the State of Montana.

The Executive Director is responsible for providing staff and management to the *Housing Authority* in a manner satisfactory to the *Housing Authority* and the U.S. Department of Housing and Urban Development.

### **Personnel Services**

The *City* will provide the staffing and support services required by the *Housing Authority* and the Department of Housing and Urban Development including, but not limited to, the development and maintenance of a budget and other reports and records of operations; the supervision of the certification of tenant eligibility and the annual re-examination of income; responsibility for leasing and prompt rental of units; collection of rents, security deposits, and other charges; evictions; procurement; routine maintenance; tenant services; personnel

management; labor relations, comprehensive grant administration, routine legal services and the management of all future housing developments.

The *City* will abide by all instructions relative to the management, rental and maintenance of the *Housing Authority* projects issued by the *Housing Authority*, and adhere to all operating policies that have been or may be adopted and promulgated by the *Housing Authority* Board of Commissioners.

### III. CONSIDERATION

#### **Management Fee**

For executive management services rendered in accordance with this agreement, the *Housing Authority* shall pay the *City* an amount monthly based on 25 percent of the personnel budget for the Executive Director assigned to the *Housing Authority*. This amount shall be known as the Management Fee and shall include executive management service as well as support services provided to departments of the *City* without indirect or direct charge. Such services could include legal services and review of financial reports prepared by staff located at the *Housing Authority*.

#### **Staff Services**

The *Housing Authority* shall reimburse the *City* for all personnel costs (salary and fringes) for staff, excluding Executive Director, assigned to the *Housing Authority*. These amounts will be adjusted subject to

normal increments for City employees. These costs and any other payment to the *City* authorized by this agreement shall be considered to be an operating expense of the Housing Authority Projects.

### **Support Services**

The *Housing Authority* shall reimburse the City for providing Human Resource and Payroll services under the same internal service charge structure as is afforded other City departments. If the *Housing Authority* determines it may become beneficial to receive Information Technology services from the City, an internal service charge would be established based on the same methodology as other City departments. The Housing Authority may also purchase gasoline and automotive services from the City under the same methodology afforded other City departments.

#### IV. CHANGE IN LEVEL OF SERVICES

In the event of a change in level of services related to the *Housing Authority*, the City Manager or Executive Director shall first obtain the consent of the *Housing Authority* prior to enacting changes.

#### V. ADDITIONAL DUTIES

In addition to responsibilities for providing low income housing, the *Housing Authority* will act as an advisory body to the City Commission in all areas of Housing including, but not limited to, the following:

- A. Housing Rehabilitation Loan Programs. The Board shall serve as loan review committee.
- B. Housing Policy and Goals
- C. Future Development of Assisted Housing.
- D. Other Federal Housing Programs.

#### VI. HOUSING STAFF COMPENSATION

As provided for in Section III above, employees shall be governed by City Personnel Programs, Practices and Procedures. The employees are City employees with all rights, benefits and responsibilities. Employees shall be compensated as determined by the *City* and any applicable collective bargaining agreement.

#### VII. HOUSING BOARD PROPERTY

All equipment, furniture, files, records, library publications, maps, real estate, etc., which are *Housing Authority* property shall remain the property of the *Housing Authority*. Any disposal or change in ownership or condition of said above-described items shall require *Housing Authority* action.

#### VIII. CONTRACTS AND OBLIGATIONS

This agreement shall not abrogate or prejudice any contract or obligation of the *Housing Authority* with other parties and sufficient staff

shall be provided to service such contracts and obligations.

IX. TERM

This agreement shall continue for a term of three years unless terminated in accordance with the provisions below and may be renewed by mutual agreement.

X. TERMINATION

Either party to this agreement may elect to cancel or terminate this contract by giving the other party not less than sixty (60) days written notice of the decision to so terminate this contract. In the event the *City* would cancel this agreement, the *City* agrees to continue to provide services until staff and management are replaced by the *Housing Authority*.

CITY OF GREAT FALLS, MONTANA

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Dona R. Stebbins, Mayor

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John W. Lawton, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David Gliko, City Attorney

GREAT FALLS HOUSING AUTHORITY BOARD

\_\_\_\_\_  
Kelly Martinez, Chairman

ATTEST:

\_\_\_\_\_  
Cheryl Patton, Secretary

CITY OF GREAT FALLS, MONTANA

AGENDA # 27

**AGENDA REPORT**

**DATE August 7, 2007**

**ITEM CONTRACT FOR EMPLOYEE GROUP HEALTH INSURANCE SPECIFIC STOP LOSS COVERAGE**

**INITIATED BY BENEFIT COMMITTEE**

**ACTION REQUESTED APPROVE CONTRACT**

**PREPARED & PRESENTED BY LINDA WILLIAMS, HUMAN RESOURCES MANAGER**

**REVIEWED & APPROVED BY CHERYL PATTON, ASSISTANT CITY MANAGER**

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**RECOMMENDATION:**

The recommendation is to approve the contract for specific stop loss coverage between the City of Great Falls and Blue Cross and Blue Shield of Montana.

**MOTION:**

I move the City Commission approve the contract for specific stop loss coverage between the City of Great Falls and Blue Cross and Blue Shield of Montana, and authorize the City Manager to execute the contract.

**BACKGROUND:**

Specific stop loss coverage is re-insurance purchased to limit the City's liability on a per person basis during the contract period up to a certain dollar amount. The City's current specific stop loss attachment point is \$150,000. This means the City is responsible for claims up to \$150,000 per person per plan year. Anything over \$150,000 is the reinsurance carrier's responsibility. Over the past 11 years, the City's specific stop loss coverage has saved the City over \$1.4 million.

The City has contracted with Blue Cross and Blue Shield of Montana (BCBSMT) for claims administration and stop loss coverage of its self-insured employee group health insurance plan since January of 1991. Each year the decision to renew the contract is based upon successful negotiation of the renewal terms and conditions, including any fee increases. The City was notified in May that BCBSMT was increasing specific stop loss premiums by 25%. Therefore, an RFP was advertised in June to assess the market and allow other carriers an opportunity to bid on the stop loss coverage BCBSMT had been providing for the past 16 years. Four underwriters submitted proposals.



Our current specific stop loss contract with BCBSMT covers any claims incurred **and paid** prior to 6/30/07. Any claims incurred but not paid prior to 6/30/07 would not be covered (referred to as “run-out” claims).

The RFP required bidders to quote rates for claims incurred starting 8/1/07 for twelve, fifteen and eighteen months of coverage. BCBSMT quoted rates that **included** all claims incurred but not paid prior to 6/30/07 as well as claims incurred after 7/1/07. This would provide continuity of coverage, with no lapse or gap in coverage. Changing carriers would require the City to incur the additional risk of run-out claims as well as any claims incurred in July.

In addition, all of the other carriers’ quotes allowed the carrier to “laser” claims. Lasering means the carrier can designate a higher individual deductible/attachment point on claimants with large claims or those having the potential to have large claims. We have several large on-going claims. For those individuals, the carrier could require attachment points above the current specific attachment point of \$150,000. The City would be responsible for all claims on those individuals up to whatever the carrier set the attachment point at. This additional risk was deemed excessive and inadvisable considering the financial situation of our health plan.

In summary, although BCBSMT is not the low bidder on a fixed cost basis, overall their proposal has the least amount of risk and potential liability. The Benefit Committee recommends renewing the specific stop loss contract with BCBSMT.

Summary of proposals attached.

CITY OF GREAT FALLS

REQUEST FOR PROPOSAL ~ SPECIFIC STOP LOSS (SSL) COVERAGE  
FOR EMPLOYEE HEALTH CARE BENEFITS

COMPANY	12/12 Contract (Claims Incurred and Paid in a 12 month period)
<b>Blue Cross Blue Shield of Montana</b>	<b>*BLUE CROSS BLUE SHIELD OF MONTANA</b>
• \$150,000	
Composite	\$40.87
* The above "12/12" number is a mature, paid, "24/12" contract – no gap or lapse of coverage	
<b>Companion Life Insurance Company</b>	<b>BID BY HCH ADMINISTRATION, INC.</b>
• \$150,000	
Composite Rate	\$37.06
<b>Unimerica Insurance Company</b>	<b>BID BY HCH ADMINISTRATION, INC.</b>
• \$150,000	
Composite Rate	\$40.82
<b>American Stop Loss – Combined Insurance</b>	<b>AMERICAN STOP LOSS – COMBINED INSURANCE</b>
• \$150,000	
Composite Rate	\$36.58
<b>Companion Life</b>	<b>Bid by International Specialty Underwriters – Bid was not complete</b>

A G E N D A   R E P O R T

DATE August 7, 2007

ITEM Engineering Services Agreement for Bay Drive Trail CTEP Project O.F. 1306.5

INITIATED BY Planning Department

ACTION REQUESTED Approve Agreement

PREPARED & PRESENTED BY Andrew Finch, Senior Planner

REVIEWED & APPROVED BY Benjamin Rangel, Planning Director

- - - - -

**RECOMMENDATION:**

It is recommended the City Commission approve the engineering services agreement with Thomas Dean and Hoskins, Inc. for an extension to River’s Edge Trail adjacent to Bay Drive.

**MOTION:**

“I move the City Commission approve the engineering services agreement with Thomas Dean and Hoskins, Inc. in the amount of \$19,720, and authorize the City Manager to execute the agreement.”

**SYNOPSIS:**

Under the Community Transportation Enhancement Program (CTEP), funds were allocated for River’s Edge Trail improvements. Delta Engineering, P.C. was hired in 2003 to provide engineering services including pre-design, design, bidding and construction engineering. Although design of the project was essentially completed, Delta Engineering went out of business before construction of the project. Approximately \$6,220 remained on Delta’s \$33,479 contract. Thomas Dean and Hoskins (TD&H) would be hired under this contract to finalize the design, update cost estimates, and perform construction phase engineering services.

**BACKGROUND:**

In 2002, the City Commission allocated Community Transportation Enhancement Program funds to River’s Edge Trail for further improvements. The general scope of work is to construct a bicycle/pedestrian trail along the west bank of the Missouri River and generally parallel to Bay Drive. This project is the first phase of plans to link River’s Edge Trail to southwest area neighborhoods and destinations. The long-term objective is to link River’s Edge Trail from the west end of the Weissman Bicycle/Pedestrian Bridge to the bicycle/pedestrian facilities located along the east side of 6<sup>th</sup> Street SW. The project will consist of a 10 foot paved trail about 2,290 feet in length, to include a trailhead parking area, riprap, chain link fencing, drainage culverts, and topsoil/seedling.

Delta Engineering, P.C. was hired in 2003 to design the trail and provide construction phase engineering services. However, Delta Engineering ceased to exist in late 2006, and was unable to complete the project.

TD&H will finalize the design, prepare an updated cost estimate, and perform construction-phase services. Construction is expected in early 2008, and the Great Falls Planning Staff will administer the consultant agreement.

**FINANCIAL IMPACT:**

The funds for this contract will come from reserve Community Transportation Enhancement Program (CTEP) funds and Recreational Trails, Inc. (RTI). The CTEP portion will be \$17,074, with matching dollars provided by Recreational Trails, Inc. in the amount of \$2,646. There will be no financial impact to the City.

Attach: Professional Services Agreement

cc (w/o attachment): Doug Wicks, Recreational Trails, Inc.; John Juras, TD&H, Inc.

## CONSULTANT SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2007, by and between the **City of Great Falls**, Cascade County, Montana, from now on referred to as the “**Local Agency**”, and **Thomas, Dean and Hoskins, Inc.**, from now on referred to as the “**Consultant**”, whose principal office is located at 1200 25<sup>th</sup> Street South, Great Falls, Montana 59405.

The **Montana Department of Transportation**, herein referred to as the “**MDT**”, has approved the proposed Local Agency’s enhancement project funded under Montana’s federal-aid Community Transportation Enhancement Program (CTEP) and the Local Agency desires to employ the Consultant to furnish certain specific services of an *engineering* nature as described below; and,

The Consultant agrees to provide such services in accordance with the conditions provided and to carry out all the duties and obligations imposed by the Agreement; and,

The parties agree as follows, subject to the terms, conditions, and provisions and in consideration of the mutual covenants contained herein, the Consultant agrees to perform for the Local Agency, and the Local Agency agrees to accept from the Consultant, the following services: pre-design and design.

The project development includes evaluations, surveys, environmental research and documentation, design for a construction contract, and any other specified items, except as explicitly stated otherwise. Federal-aid project **STPE 5229(61), BAY DRIVE BIKE/PED PATH - GTF, CONTROL NO. 5050** is located adjacent to Bay Drive, along the west bank of the Missouri River in Great Falls.

This project will involve design and construction of a 10 foot wide paved bicycle/pedestrian trail approximately 2,290 feet in length, to include a trailhead parking area, rip rap, approximately 150 feet of chain link fencing, drainage culvert, topsoil/seeding and retaining wall. All work will be in accordance with current design standards and ADA requirements.

All referenced documents are current and updated as of the date of this Agreement. In addition, the Consultant may obtain copies of all manuals, guidelines, and other MDT documents from MDT’s Community Transportation Enhancement Program Office. The Consultant may be charged for copies of documents.

### **ARTICLE I SCOPE OF WORK**

#### SECTION 1 - STANDARD OF CARE

The Consultant’s performance of all services, obligations, and responsibilities under this Agreement will be in a manner that is consistent with that degree of care and skill ordinarily exercised by members of the engineering profession currently practicing under similar circumstances.

#### SECTION 2 - GENERAL

The Consultant, in performance of all work called for under this Agreement, will furnish all services for pre-design, and design and some construction engineering. The Consultant must become familiar with the written standard practices before beginning any of the work on this Project. All work required under this Consultant Services Agreement must be performed by the Consultant in accordance with these standard practices and any special requirements contained in this document. Specific project scope is outlined in Section 4 of this Article.

### SECTION 3 - PROJECT DEVELOPMENT AND DESIGN

The Consultant will develop the project, conduct all necessary surveys, evaluations, and analyses, perform designs, and prepare project manuals for a transportation enhancement project.

Development of the Project will be in accordance with MDT's CTEP Guidelines. The Consultant's work will be performed in accordance with the most current version of the following books or manuals, as applicable. MDT specific CADD (microstation) and other software requirements do not apply to work performed under this Agreement.

MDT CTEP Guidelines

Appendix CTEP Guidelines of CSA

Montana Road Design Manual

Montana Bridge Design Manual

Hydraulics Manual

Survey Manual

Right-of-Way Manual

Traffic Manual

Construction Manual

AASHTO Standard Specifications for Highway Bridges

Montana Detailed Drawings

Project Development Procedures

Montana Standard Specifications for Road and Bridge Construction

Consultant Users Manual & Activity Descriptions

Manual on Uniform Traffic Control Devices (MUTCD)

American Society for Testing and Materials (ASTM)

Montana Materials Manual of Test Procedures

MDT CADD Standards Manual

Approach Standards for Montana Highways

Public Involvement Handbook

AASHTO Guide for the Development of Bicycle Facilities

AASHTO Guide Specification for Design of Pedestrian Bridges

Montana Public Works Standard Specifications

### SECTION 4 – SPECIFIC PROJECT SCOPE

The Consultant will perform the services itemized in Exhibit "D", as attached and by this reference made a part of this Agreement.

### SECTION 5 - REPORTS

- A. The Consultant will prepare the minutes for all meetings involved with the Project and will provide a copy of each to the Local Agency.
- B. The Consultant will identify and justify all exceptions to design standards (see Art. I, Sec. 3) that are found to be necessary during the design of the Project. The justification must include economic analysis. The Consultant will submit a Design Exception Request to the Local Agency for approval by the MDT.

### SECTION 6 - OBLIGATIONS OF THE LOCAL AGENCY TO THE CONSULTANT

In addition to the obligations of the Local Agency to the Consultant listed elsewhere in this agreement, the Local Agency will:

- A. As far as possible cooperate with the Consultant in making necessary arrangements with public officials and with such individuals as the Consultant may need to contact for advice, counsel, and information.
- B. Provide timely approvals of the Consultant's formal submittals in writing in all instances. If verbal approvals are first given in the interest of progressing the work, the Local Agency shall confirm such verbal approvals in writing at the earliest possible time.

- C. The Consultant must provide to the Local Agency a list of the information needed by the Consultant for rendering the services required under this Agreement. The Local Agency will provide the Consultant such information as is available to the Local Agency and the Local Agency's consultants and contractors. If materials prepared by the Local Agency or its consultants or contractors are incomplete or erroneous, the Local Agency will compensate the Consultant for any work required to correct them. Information generated by sources other than the Local Agency, MDT or their consultants or contractors may be utilized by the Consultant, but the Local Agency and MDT assumes no liability for its accuracy or completeness.
- D. Furnish copies of the Local Agency's existing as-built construction and right-of-way plans (as available).
- E. The Local Agency will not reuse or make or permit to be made any modifications to the Consultant's final design and drawings without the prior written authorization of the Consultant. The Local Agency shall make no claim against the Consultant arising from any unauthorized reuse or modification of the design and drawings.
- F. Give prompt written notice to the Consultant of any development that affects the scope or time of performance of the Consultant's services, or any defect or nonconformance in the Consultant's services or in the work of any subconsultant.

#### SECTION 7 - CONFERENCES, PROGRESS REPORTS, AND LIAISON

- A. Conferences will be held as necessary between representatives of the Local Agency and the Consultant to review and discuss progress and any matters pertinent to any phase of work. Additional compensation will not be made for those conferences.
- B. The Consultant will be responsible to and will report to *Andrew Finch* the Local Agency's liaison, for payment, submission of information, etc. All submittals will be made through *John Juras*, who will be the Consultant's liaison.
- C. Requests for visits to the site or at the office of the Consultant may be made by the Local Agency, representatives of the MDT, Federal Highway Administration, or the Consultant in conjunction with any other party or parties for the purpose of review or inspection of the work.
- D. The Consultant will furnish to the Local Agency a brief narrative progress report on the first day of each month showing the status of the work on the Project. The report will cover all phases of work accomplished during the period of the report and show the percentage of work completed for each phase of the Project. Mention should be made of any matters that may have adversely affected the progress of the work.
- E. The Consultant, upon Local Agency's direction, will confer with public agencies, including planning authorities, giving consideration to suggestions and plans of such agencies.
- F. The Consultant will submit to the Local Agency the professional history, classification, and salary of each person to be assigned to the Project. The Local Agency will reserve the right to approve all such personnel and will so inform the Consultant of such approval in writing.

#### SECTION 8 - PERSONNEL

The Consultant must have in its employ a registered Professional Engineer in the State of Montana.

#### SECTION 9 - ENDORSEMENTS

The Consultant will furnish professional stamps, statements, or other suitable means to signify responsible endorsement of work.

## **ARTICLE II TIME OF BEGINNING AND COMPLETION**

### SECTION 1 - PROJECT COMPLETION TIME

- A. The Consultant agrees to start work on the professional services outlined in Article I of this Consultant Services Agreement within **ten (10)** days after receipt of written notice to proceed from the Local Agency.
- B. Design phase services will be completed no later than 6 months after notice to proceed is given.
- C. **Except as provided below, all work as specified in Article I of this Agreement must be completed by December 1, 2008.**
- D. If during the Project development, the Consultant becomes aware of circumstances that have or may have an adverse affect on the scheduled completion of any or all phases of the Project, or that the Consultant will be unable to meet any schedule deadlines or submittal dates, the consultant will immediately notify the Local Agency in writing. The Local Agency and the Consultant will together take the steps necessary to maintain the Project on schedule. The Project completion schedule will be adjusted only if necessary.
- E. The Consultant is not responsible for delays caused by factors beyond the Consultant's control, including delays because of strikes, lockouts, work slowdowns, or stoppages, accidents, acts of God, failure of any governmental or other regulatory authority to act in a timely manner, failure of the Local Agency to furnish timely information or approve or disapprove of the Consultant's services or work product promptly, or delays caused by faulty performance by the Local Agency.
- F. The Consultant submits the final contract plans package to the Local Agency and MDT for review. The Consultant will make any revisions to the plans that are required as a result of this review.
- G. Any alteration in the time schedule under Article II, Section 1C, shall be subject to the provisions of Article II, Section 2B.

### SECTION 2 - CHANGES

- A. If the Local Agency determines it to be necessary in the execution of the work to make any alteration that will increase the scope of work outlined in this Agreement, the time limits specified herein will be adjusted as provided in Article II, Section 2B.
- B. If additional work is requested by the Local Agency or delays beyond the control of the Consultant prevent completion of the services to be performed under this Agreement in the time specified, the Local Agency will grant an equitable adjustment of the Agreement amount and/or time for performance for all affected phases of the work. The Consultant shall provide a written request for an adjustment within **ten (10)** days from the date the Consultant receives notice of the reasons for the requested adjustment.

## **ARTICLE III PAYMENT**

### SECTION 1 - PAYMENT FOR SERVICES

This Agreement will be administered on a cost plus fixed fee basis. The salaries, overhead rate, salary additive rate, and other compensatory rates, as included in the Consultant's cost proposal (Exhibit "E"), will remain fixed through May 31, 2008. Work performed after that date will continue to be billed on the cost plus fixed fee basis but will be billed at Consultant's current rate schedule on file and approved by MDT.

### SECTION 2 - DEFINITIONS

- A. Payroll Costs

1. Payroll costs shall be defined as the actual salaries and fringe benefit cost of all personnel working on the Project. The Local Agency agrees to pay such actual payroll items as Social Security, Unemployment Compensation, excise and payroll taxes, employees' compensation insurance, sick leave, vacation, holiday pay and employees' retirement, employee medical and disability insurance, in addition to actual salaries. The Local Agency agrees to reimburse the Consultant for overtime at the rate of one and one-half (1½) times the hourly rate paid each employee. Requests for authorization of overtime will require prior written approval of the Local Agency.
2. Overtime is all hours worked in excess of forty (40) hours per week.
3. The hourly rate for salaried employees shall be determined from their annual salary divided by two thousand eighty (2080) hours.

B. General Administrative Overhead

General administrative overhead of the Consultant is applicable to the payroll costs described in Paragraph A. Payroll Costs. Such overhead may include, but not be limited to, the following: administrative, clerical, and unallocated labor; employee bonuses and incentive awards; general travel expenses; depreciation; dues and subscriptions; computer and equipment expenses; equipment rental; freight; general business insurance; employee travel accident and life insurance; legal and accounting; office, drafting room, and laboratory supplies; professional society fees; recruiting; rent; building and equipment repairs and maintenance; taxes and licenses; telephone and telegraph (except toll charges specifically related to each individual project); general travel and employee relocation; utilities and janitorial services; and office miscellaneous expenses. Specifically excluded are bad debts and interest on borrowed capital.

C. Out-of-Pocket and Subcontract Costs

1. Out-of-Pocket expenses directly related to the Project shall be reimbursed at cost. They will include all travel and subsistence. All out-of-pocket costs shall require approval of the Local Agency. It must not include regular office expenses such as rent, light, normal equipment, and similar expenses. It will include the cost of printing.
2. Subcontractor charges directly related to the Project shall be reimbursed at cost. All subcontract costs shall require approval of the Local Agency.

D. Payment of Services

Payment will be made on the basis of and in accordance with the following schedules:

1. The Consultant will be reimbursed for the actual payroll costs as set forth in Article III, Section 2, Paragraph A, for the time such employees are directly utilized on work necessary to fulfill the terms of this Agreement. To this amount will be added the general administrative overhead costs as set forth in Article III, Section 2, Paragraph B.
2. The Consultant shall be reimbursed for actual out-of-pocket expenses and subcontract costs as specified in Article III, Section 2, Paragraph C.
3. The Consultant will be paid a lump sum fixed fee not to exceed One Thousand Seven Hundred and Seventy Five dollars and zero cents (\$1,775).
4. The total payment to the Consultant (including the lump sum fixed fee) for the work covered under this Agreement will not exceed Nineteen Thousand Seven Hundred and Twenty dollars and zero cents (\$19,720), as specified in the consultant's cost proposal, attached as Exhibit "E", which by reference, is hereby made a part of this Agreement.
5. All costs related to this project are to be in conformance with 48 CFR 31.2 of the Code of Federal Regulations.

E. Partial and Final Payments

Partial payments of the foregoing will be made at monthly intervals as the work progresses, based upon certified invoices received, compatible with current practices and acceptable to the Local Agency. Payments will be based upon the estimated percentage of completion of work. ***Every request for payment must include one original of the certified invoice, along with one original of the progress report.***

Whenever the Consultant completes the work in accordance with the terms of the Agreement, the Local Agency's Liaison will certify to the completion and recommend to the Local Agency that



final acceptance be made. The Local Agency will notify the Consultant that acceptance has been made.

The Local Agency reserves the right to withhold payment of the Consultant's final payment until any and all just claims filed with the Local Agency against the Agreement have been settled. Accomplishment of an affidavit on the final claim by the Consultant shall constitute full acceptance by the Consultant of the total amount shown as the entire amount due the Consultant under the agreement.

F. Consultant's Cost Proposal

The attached Consultant's Cost Proposal, Exhibit "E", by this reference is made a part of this Agreement. If this document conflicts with the Agreement, the Agreement will govern.

SECTION 3 - INSPECTION AND AUDIT

All books, papers, records, payrolls, vouchers, and invoices relating to costs and expenditures incurred as to the performance of the services specified in Article I by the Consultant or any of its subcontractors shall be made available to the Local Agency, MDT, the Legislative Auditor and Legislative Fiscal Analyst, the Federal Highway Administration or their authorized representatives, for audit and review, at the Consultant's respective offices, at all reasonable times during the Agreement period and for three years from the date of final MDT payment.

SECTION 4 - TYPE OF CONTRACT

The Consultant agrees that this is a Consultant Services Agreement and that the Consultant is an independent contractor and not an employee of the Local Agency or MDT. It is further understood by the Consultant that no deductions from the payments under this Agreement for federal or state income tax, FICA (social security), retirement, or other reasons will be withheld by the Local Agency or MDT.

**ARTICLE IV  
MISCELLANEOUS PROVISIONS**

SECTION 1 - TERMINATION OR ABANDONMENT

The Local Agency may terminate this Agreement at any time upon **fifteen (15)** days written notice to the Consultant, for any of the following:

- A. Due to unforeseen circumstances it is possible that it could be in the best public interest to abandon, reduce, or change the Project covered by this Agreement. If the Local Agency believes that is appropriate, this Consultant Agreement will be terminated.
- B. Due to adverse weather, flood, earthquake, etc., or any other condition or conditions beyond the control of the Local Agency and/or Consultant, which may adversely affect the work to be performed, this Agreement may be terminated by the Local Agency.
- C. Due to a change in the scope, character, or complexity of all or any part of the work under this Agreement, the Local Agency may decide that it is in the best public interest to terminate this Agreement.
- D. Should the services of the Consultant prove unsatisfactory or because of the failure of the Consultant to perform its work with due diligence or to complete the required services or any part of it within the time limits specified, this Agreement may be terminated.

In any such case, however, the Consultant shall be paid the reasonable value of such services rendered up to the time of termination. The reasonable value of such services shall be based on the method of payment as defined in the Agreement. The approved percentage of completion will be determined by mutual agreement between the Local Agency and the Consultant.

SECTION 2 - GENERAL COMPLIANCE WITH LAWS

- A. The Consultant will observe and comply with existing laws, ordinances, and regulations.

- B. The Consultant agrees to indemnify and hold harmless the Local Agency, state and MDT, their officials, agents, and employees, while acting within the scope of their duties as such, from and against all claims, demands, and causes of action of any kind or character (including reasonable attorneys fees and costs of defense), to the extent caused by the Consultant's negligent acts, errors, or omissions arising out of services performed, or in any way resulting from a negligent act, error, or omission of the Consultant and/or its agents, employees, subcontractors, or its representatives under this Agreement.
- C. The Consultant agrees to indemnify and hold harmless the Local Agency, state and MDT, their officials, agents, and employees, while acting within the scope of their duties as such, from and against all claims, demands, and causes of action of any kind or character (including reasonable attorneys fees and costs of defense), to the extent caused by the Consultant's non-negligent but wrongful acts, errors, or omissions arising out of services performed, or in any way resulting from a non-negligent but wrongful act, error, or omission of the Consultant and/or its agents, employees, subcontractors, or its representatives under this Agreement.
- D. The Local Agency agrees to indemnify and hold harmless the Consultant from and against all claims, demands, and causes of action of any kind or character (including reasonable attorneys fees and costs of defense), to the extent caused by the Local Agency's negligent acts, errors, or omissions arising out of services performed, or in any way resulting from a negligent act, error, or omission of the Local Agency and/or its agents or employees under this Agreement.
- E. The Local Agency agrees to indemnify and hold harmless the Consultant from and against all claims, demands, and causes of action of any kind or character (including reasonable attorneys fees and costs of defense), to the extent caused by the Local Agency's non-negligent but wrongful acts, errors, or omissions arising out of services performed, or in any way resulting from a non-negligent but wrongful act, error, or omission of the Local Agency and/or its agents or employees under this Agreement.

### SECTION 3 - OWNERSHIP OF DOCUMENTS

Upon completion of services or termination of this Agreement, all drawings, map originals, survey notes, field books, calculations, reports, and all data used will become the property of the Local Agency.

Following the Local Agency's acceptance of such documents, the Consultant will be indemnified, defended, and held harmless only for any changes or revisions to the plans and related documents that the Consultant prepares under this Agreement that are made without Consultant's knowledge and written consent.

### SECTION 4 - SUBCONTRACTING, ASSIGNMENT OR TRANSFER

The subcontracting, assignment, or transfer of any part of this Agreement, except as shown in the Consultant's proposal, is prohibited unless prior written approval is obtained from the Local Agency.

Subcontracts that exceed \$10,000 in cost will contain all required provisions of the prime agreement.

### SECTION 5 - CHANGES OF WORK

If, during the term of the Agreement, additional services are required, other than those services specified above, or major changes in the work become necessary or desirable, the Local Agency may make written request to the Consultant to perform such services or make such changes. If the Consultant is of the opinion that any work it has been requested to perform is beyond the scope of this Agreement and constitutes extra work, the Consultant will promptly notify the Local Agency in writing prior to performing such work. If the Local Agency agrees that such work does constitute extra work, the Consultant shall be reimbursed on a mutually agreed basis, and additional time for completion of the Agreement shall be given. Before such work is undertaken, the Consultant and

the Local Agency will, by mutual written agreement, determine the scope of the work and the cost thereof.

Compensation will be determined before the operations begin and as soon as circumstances permit. If a mutual agreement is not reached in negotiations for an increase in such work, the Local Agency will use other methods to accomplish the work.

#### SECTION 6 - MEETINGS AND PRESENTATIONS

The Consultant and its subcontractors, when directed by the Local Agency, will attend and make appropriate presentations at meetings conducted for the purpose of discussing with the public or local, state, and federal officials the effect and objectives of the proposed Project or other matters pertaining to the Project.

The Consultant will prepare exhibits and visual aids necessary to clarify the proposed Project to the participants of the meetings.

#### SECTION 7 - ACCURACY OF WORK

The Consultant will make necessary revisions or corrections resulting from errors and omissions on the part of the Consultant without additional compensation (see Article I, Sec.1).

If any errors are made by the Consultant in any phase of its work under this Agreement that may require additional field or office work, the Consultant will be promptly notified in writing and will be required to perform such additional work as may be necessary to correct these errors without undue delay and without additional cost to the Local Agency. Acceptance of its work will not relieve the Consultant of the responsibility for subsequent correction of any such errors and the clarification of any known ambiguities.

Construction problems or conflicts arising as a result of design or plan errors or omissions will be considered the Consultant's responsibility. The Local Agency will be responsible for any unreasonable interpretation it makes of the Consultant's design, drawings, and plans. The Consultant will be notified of all such errors and omissions and will meet with Local Agency representatives to assist in determining corrective action at no cost to the Local Agency. If design errors are found to be a cause of the construction problem or conflict, the Consultant will have the opportunity to be involved in discussions to determine the desired corrective action. Following discussions between the Local Agency and the Consultant, the Local Agency will provide the Consultant with its written demand letter for the total costs of the corrective action.

The Consultant agrees to provide proof of errors and omissions insurance coverage not less than **One-Half Million Dollars (\$500,000)** for the entire period of the Project for which consultant services are required under this Agreement.

#### SECTION 8 - VENUE

In the event of litigation, venue shall be the 8<sup>th</sup> Judicial District in and for the County of Cascade, State of Montana, and the Agreement shall be interpreted according to the laws of Montana.

#### SECTION 9 - NONDISCRIMINATION

Reference is made to Exhibit "C", which by this reference is hereby made a part of this Agreement.

#### SECTION 10 - CERTIFICATION

The parties to this Agreement have each executed a certification. The certification of the Consultant, labeled Exhibit "A", is attached and by this reference made a part of this Agreement. The certification of the Local Agency, labeled Exhibit "B", is attached and by this reference made a part of this Agreement.

#### SECTION 11 - DBE GOAL

The Consultant will make all reasonable efforts to utilize the MDT's currently certified DBE firms for applicable subcontracting services that are necessary. The Appendix CTEP Guidelines of Consultant Services Agreement contains instructions for accessing the current Internet listing of MDT's certified DBE firms. Darren Kaihlanen, Compliance Specialist will be contacted at (406) 444-9229, should subcontracting opportunities arise.

**Each invoice submitted in accordance with Article III, Section 2E, must state the established DBE goal for the project and the current and cumulative amounts expended to date towards that goal.**

#### SECTION 12 – WORKERS’ COMPENSATION COVERAGE

The Consultant agrees to provide proof that it has a policy for Workers’ Compensation Insurance or proof that it has elected to be exempt from such coverage and its election has been approved by the Department of Labor and Industry. The Consultant agrees to maintain Workers’ Compensation Coverage for the entire period of this Agreement.

#### SECTION 13 - CONSULTANT'S PLANS RESPONSIBILITY

The Consultant will be responsible for the quality of the final plans package (see Article I, Sec. 1), as the Local Agency will not make a detailed check of the plans. The Consultant will stamp and sign the title sheet of the final contract plans package. The Consultant's name will be shown on all plan sheets of the Project. If Specialty Plans are involved (for example, Bridge Plans, Sewer/Water Plans prepared for a city and included into the Local Agency's plan package, or similar plans), the Consultant will stamp and sign each page of the plans.

The final plans package will be assembled and shall take on the form of a Project Manual and drawings as defined in the CTEP Guidelines.

#### SECTION 14 - ENTIRE AGREEMENT & MODIFICATIONS

This Agreement, including the documents referenced or attached here, is the entire agreement of the parties. Any modification requires a written amendment signed by authorized representatives of both parties.

#### SECTION 15 – THIRD PARTY BENEFICIARIES

This Agreement is not intended to create anyone as a third party beneficiary or to authorize anyone not a party to the Agreement to maintain an action for damages pursuant to the terms or provisions of this Agreement.

#### SECTION 16 - CONFIDENTIALITY OF INFORMATION

The Consultant understands that the information contained in and created by this Agreement will be part of the public bidding process, and that it must remain confidential between the Consultant and the Local Agency until the Project has been awarded. Failure by the Consultant or its employees to keep that information confidential will be considered a breach of this Agreement, and may require the Local Agency to have another consultant rework the work product of this Agreement, potentially delaying the Project and costing the Local Agency additional funds. Such an act by the Consultant will be a violation of Article IV, Sec. 2, and subject all persons or parties involved to possible debarment under ARM Sec. 18.d.101 *et seq.*

IN WITNESS, the parties involved have sealed this Agreement by their signatures.

APPROVED FOR  
THOMAS, DEAN AND HOSKINS, INC.

APPROVED FOR  
THE CITY OF GREAT FALLS

By: \_\_\_\_\_  
Dave Zahller, President

By: \_\_\_\_\_  
John W. Lawton, City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

ATTEST:

By: \_\_\_\_\_

By \_\_\_\_\_  
Lisa C. Kunz, City Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

FEDERAL EMPLOYER'S I.D. NO.

APPROVED FOR LEGAL CONTENT

\_\_\_\_\_ 81-0295283

By: \_\_\_\_\_  
David V. Gliko, City Attorney

Date: \_\_\_\_\_

**EXHIBIT "A"**

## CERTIFICATE OF CONSULTANT

I am a duly authorized representative of the firm of Thomas Dean and Hoskins, whose address is 1200 25<sup>th</sup> Street South, Great Falls, Montana 59405 and I hereby certify as follows:

1. That neither the firm nor any person associated therewith in a management capacity:
  - (a) has employed or retained for commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this Agreement;
  - (b) has agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement; or,
  - (c) has paid or agreed to pay to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant), any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement; with no exceptions.
  
2. That neither the firm, nor any person who has critical influence on or substantial control in the firm, nor any person associated therewith in a management or supervisory capacity:
  - (a) is currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency or any agency of any state government;
  - (b) has, within a three-year period preceding this Agreement, been convicted of or had a civil judgement rendered against them for commission of fraud; a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction or contract under a public transaction; violation of antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) is currently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses listed in paragraph 2(b) of this certification;
  - (d) has had one or more public transactions terminated for cause or default within a three-year period preceding this Agreement.
  
3. That to the best of my knowledge and belief:
  - (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative

agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

I acknowledge that this certificate is to be furnished to the City of Great Falls, State of Montana, Department of Transportation, and the Federal Highway Administration, in connection with this Agreement involving participation of Federal-Aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dave Zahller, President  
Thomas Dean and Hoskins, Inc.

**EXHIBIT "B"**  
**CERTIFICATE OF THE CITY OF GREAT FALLS**

I hereby certify that I am the City Manager of the City of Great Falls, Montana, and that the above consulting firm, or his representatives, has not been required, directly or indirectly, as an express or implied condition in connection with obtaining or carrying out this Agreement, to:

- (a) employ or retain, or agree to employ or retain, any firm or person; or
- (b) pay, or agree to pay to any firm, person or organization, any fee, contribution, donation or consideration of any kind; with no exceptions.

I acknowledge that this certificate is to be furnished the Montana Department of Transportation and Federal Highway Administration in connection with this Agreement involving participation of Federal-Aid highway funds, and is subject to applicable state and federal laws, both criminal and civil.

\_\_\_\_\_  
Date

\_\_\_\_\_  
John W. Lawton, City Manager  
City of Great Falls



**EXHIBIT "C"**  
**NOTICE TO CONSULTANTS**

During the performance of this Agreement, the Consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "Consultant"), agrees as follows:

**A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS**

- (1) Compliance with Regulations: The Consultant shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations, Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even though only State funding is here involved.
- (2) Nondiscrimination: The Consultant, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subconsultants, including procurement of materials and leases of equipment. The Consultant shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, any potential subconsultant or supplier shall be notified by the Consultant of the Consultant's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: Consultant will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Local Agency, MDT or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the Local Agency, MDT or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Consultant's noncompliance with the nondiscrimination provisions of this Agreement, Local Agency or MDT may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
  - (a) withholding payments to the Consultant under the Agreement until the Consultant complies, and/or
  - (b) cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: Consultant will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. Consultant will take such action with respect to any subcontract or procurement as the Local Agency, MDT or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event Consultant is sued or is threatened with litigation by a

subconsultant or supplier as a result of such direction, the Consultant may request the Local Agency to enter into the litigation to protect the interests of the Local Agency or State, and, in addition, the Consultant or the Local Agency may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, Consultant agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

- (1) Consultant will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) Consultant will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: **"The Consultant will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Consultant. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Consultant."**
- (3) All video recordings produced and created under the Agreement will be closed-captioned.

**D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR 26.**

Each Agreement the Local Agency signs with a Consultant (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: **"The Consultant, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Consultant shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate."**

## **EXHIBIT "D"** **SCOPE OF WORK**

**Project Title:** Bay Drive Bike/Ped Path - GTF; Great Falls, Montana

**Location:** Adjacent to Bay Drive, along the west bank of the Missouri River in Great Falls.

### **General Project Description:**

This project is the first phase of plans to link River's Edge Trail to southwest area neighborhoods and destinations. The long-term objective is to link River's Edge Trail from the west end of the Weissman Bicycle/Pedestrian Bridge to the bicycle/pedestrian facilities located along the east side of 6<sup>th</sup> Street SW. This will include several project phases and will include following along the westside of the Missouri River, paralleling Bay Drive and passing under the Weissman Bridge, 1<sup>st</sup> Ave. N. Bridge and BNSF Bridge.

City-owned land in the project area consists of two riverfront parcels bisected at their narrowest points by the BNSF tracks and bridge. For years the southern parcel, known as Garden Home Park, has been impacted by indiscriminant dumping and damage caused by off-road vehicles. Over the last two years, the City Parks & Recreation Department, with the help of the Montana Conservation Corps and local Audubon Society Chapter, have fenced the park, scarified and top-soiled compacted areas, removed debris and added a wood chip walking path around the large storm water retention pond located on the property. These efforts have transformed it from an eyesore into an attractive and natural open space area.

The parcel north of the BNSF Bridge has suffered similar abuses over the years. A parcel "in-holding", fronting Bay Drive, is owned by the Montana Electric Cooperative Association. It includes an office building, parking areas and landscaping on its northern portion. The City owns the land between the east boundary of this in-holding and the Missouri River.

Along a segment of the proposed trail, there is a concrete retaining wall between Bay Drive and the River. There appears to be sufficient width to construct a trail. The retaining wall footings are 18"-24" below the grade of an existing rip rap area which then tapers to a vegetated shoreline. Trail width and elevation can be accomplished through this area by removing some of the rip rap and installing the trail between the removed rip rap area and the edge of the footing. It appears this can be done without impacting water or shoreline.

The existing terrain of the preferred alignment is predominantly level with little or no cross slope along 1,510 LF; <5% cross slope along 365 LF; and, >5% cross slope along 415 LF.

The project will provide fully handicap accessible trail and trailhead facilities. It will compliment efforts by the Park & Recreation Department and others to transform the area into an integral part of the urban park and open space greenway along the west bank of the Missouri River and will provide a safe transportation alternative for bicyclist and pedestrians.

The project will involve clearing, grubbing and stockpiling of topsoil and the compaction of native soils to create a base to accept a 4" thick x 10' wide mat of compacted base course gravel and a top mat of 3" thick asphalt. Base course gravel will be 6" thick for the trailhead parking area, the vehicle access apron from Bay Drive, and the concrete segment of the trail. The trailhead parking area, the access apron and the portions of trail not paved in concrete will be paved with a 3" mat of 1/2" minus asphalt. The paved segment of the trail will be 10' wide with additional 2' wide gently sloped and vegetated shoulders on each side.

PCC concrete will be used to pave approximately 340 Lineal Feet of trail from the south end of the Bay Drive retaining wall to about 50 feet north of the BNSF Bridge. Due to site constraints, it is anticipated the concrete trail along the retaining wall will be 10 feet wide, with a 1 foot shoulder on the river side and no shoulder next to the retaining wall. Some portions will require stabilization on the river side. After consulting with engineers and the Cascade County Conservation District, it is assumed the stabilization can be done with stone rip rap. The toe of the rip rap will not be in the water at any location. Galvanized posts will also be incorporated near the east edge of some of the concrete trail segment. These will support a 4 foot tall vinyl-coated chain-link fence along the narrowest trail sections and in the vicinity of the BNRR Bridge. Drainage culverts on each side of the Bridge will direct storm water under the trail and away from shallow drainage ditches along the west shoulder of the trail to the river, thus eliminating any pooling of water near the stone blocks of the BNSF Bridge pier.

The only significant areas of anticipated excavation are the removal of some of the existing armor gravel next to the roadway retaining wall and the day-lighting of an area north of the BNSF Bridge, as needed to accommodate the trail approach in this area.

Using stockpiled and imported topsoil, all areas impacted by construction will be fine graded and prepared for dry land seed. In addition, abandoned double track roads in the project area will be scarified, top soiled and seeded. Specifically, these are areas between the trail and Bay Drive in Garden Home Park and along the riverfront east of the Co-op building. Seed will be the standard trail mix of native grasses and wildflowers that has been used successfully on other trail segments. Other areas in the project and “viewscape” will be re-vegetated by others. The installation of trees, shrubs, kiosks, shelters, benches, tables and a drinking fountain will be by others.

Construction shouldn't impact Bay Drive traffic, BNSF traffic or ingress and egress at the Co-op building. Some construction activities along the Bay Drive retaining wall, such as removal of armor gravel and delivery of base course gravel and concrete may be done advantageously from the east side of Bay Drive. As such, traffic control may be needed in this area.

The project will begin and end at existing lay-down curb sections on Bay Drive. The south end is in Garden Home Park and the other is just north of the Co-op building. Signing for the project will include 18 inch “Stop Ahead” and “Stop” signs at both connections of the trail to Bay Drive and a handicap parking sign at the trailhead. Project striping will include 150 feet of 4” yellow centerline striping at each end of the trail, at the curved trail section near the Co-op retention pond, along the Bay Drive retaining wall and at both approaches to the BNSF Bridge.

Additional design features such as a protective “cage” under the BNSF bridge and an unspecified amount of fencing between the trail and Bay Drive may be required by BNSF.

### **Specific Work Elements:**

#### **Final Design Phase**

##### **1. Submit Permits/Legal Documents**

Prepare any permits that may be required for construction of the project. Acquisitions of easements or rights of way are not anticipated. The necessary “Joint Application for Proposed Work in Montana’s Streams, Wetlands, Floodplains, and other Water Bodies” has been prepared. Owner will submit the application with fees. Consultant will coordinate review agency approval process. A “Stormwater Discharge Permit Associated with Construction Activities” has been determined to be unnecessary for this project.

2. Submit electronic copies of updated plans and specs to MDT/CTEP for review of updates. Incorporate MDT comments into final bid package, as well as any final BNSF comments. Bid package changes requiring more than 8 hours of combined Engineer/CAD time will be considered additional work and will be completed under an Addendum.

3. Submit Final Plans/Specifications/Project Manual

- Update Project Manual for Delta to TD&H changes.
- Prepare updated Construction Cost Estimate to reflect current construction prices.
- Prepare sufficient sets of the final project manual, including plans, specifications, contractor agreement, standard Federal/State forms, bidder information, etc. for provision to potential bidders.

4. Coordinate with BNSF concerning final design and pre-bid issues.

### **Bidding Phase**

1. Bid Advertising

- Advertising to be done by and cost to be borne by City
- Conduct Pre-Bid Conference
- Distribute bid package, respond to questions, and issue approved addenda

2. Bid Opening

- Conduct Bid Opening
- Review Bids
- Make Award Recommendation

### **Construction Engineering Services**

1. Conduct Pre-Construction Conference and prepare minutes.

2. Provide four (4) sets of Construction Plans and Specifications to Contractor.

3. Provide Construction Surveying.

Provide offset stakes, with cut/fill to finish grade, for centerline of trail at all PC, PT, PI, VPC, VPI, VPT and on tangents no greater than 50 feet apart. One time only, contractor pays for replacement of offset stakes.

4. Provide Project Representative including part-time inspection or site visits.

At a minimum, Project Representative would visit the project daily or coordinate with the Contractor daily whenever work is in progress for inspection and coordination of additional testing and inspection. A daily diary of site visits, conditions, conversations with contractor, weather notes, etc. will be kept.

5. Review and approve Submittal and Shop Drawings.

6. Perform Quality Control Testing

- Standard proctor analysis of subgrade soils and crushed gravel
- Nuclear density of subgrade, base course, pavement

- Strength of concrete
  - Marshall extraction of asphalt mix
7. Review and Process Contractor Payment Claims. Submit with recommendations to City Planning.
  8. Facilitate coordination meetings with Contractor and Trails Working Group, as needed.
  9. Prepare and Submit Reproducible "As-built" Drawings.
  10. Prepare and Process Work Directives and Change Orders. Submit to City Planning.
  11. Perform Inspection for Substantial Completion with contractor and City Planning. Prepare "punch list" of outstanding items.
  12. Perform Final Inspection and project closeout with Trails Working Group.
  13. Participate in Warranty Inspection at 1 year with contractor and Trails Working Group and/or City Planning, prepare punch list of warranty items.







CITY OF GREAT FALLS, MONTANA

AGENDA # 29

AGENDA REPORT

DATE August 7, 2007

ITEM Great Falls Development Authority Board Re-Appointments

INITIATED BY City Commission

ACTION REQUESTED Confirm Re-appointments

PRESENTED BY John Lawton, City Manager

\* \* \* \*

**RECOMMENDATION:** Staff recommends the City Commission confirm the re-appointments of the following to annual terms as ex-officio members of the Great Falls Development Authority Board of Directors.

**MOTION:** I move the City Commission re-appoint Commissioners Bill Beecher and Diane Jovick-Kuntz, as ex-officio members to the Great Falls Development Authority, Inc. Board. The City Commission acknowledges the City Manager's appointment of Mike Rattray as staff liaison to GFDA as an ex-officio member.

**SYNOPSIS:** The Bylaws of the Great Falls Development Authority require ex-officio board members to be appointed by their nominating agencies annually. Commissioners Beecher and Jovick-Kuntz are agreeable to serving another term. Mike Rattray, Community Development Director, is appointed as the staff liaison.

**FINANCIAL INVOLVEMENT:** The City of Great Falls contributes annually to the Great Falls Development Authority as the community's Economic Development agency.

AGENDA REPORT

DATE August 7, 2007

ITEM Appointment Regional Airport Authority

INITIATED BY City Commission

ACTION REQUESTED Appoint One Member

PRESENTED BY City Commission

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**RECOMMENDATION:** It is recommended that the City Commission appoint one member to the Regional Airport Authority to fill the remainder of a three-year term through December 31, 2007.

**MOTION:** I move the City Commission appoint \_\_\_\_\_ to the Regional Airport Authority to fill the remainder of a three-year term through December 31, 2007.

**SYNOPSIS:** JoAnn Hogan was appointed to the Regional Airport Authority Board in 2002. Ms. Hogan has moved to Missoula and has resigned her position on the board. Therefore, it is necessary to appoint one member to fill the remainder of her term on the Board.

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

Continuing members on this board are

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

Citizens interested in serving on this board include:

- Charles Bennett
- Jay Buckley
- Edward Cogswell
- William Fitzgerald
- Michael Flaherty
- John Koslosky
- James Morin
- Owen Robinson
- John Summerhays