



City Commission Agenda

for

July 17, 2007

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

****REVISED****

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION

Friendship Force International

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Res. 9653, Create Special Improvement Lighting District – City Owned Residential Lighting No. 1308. Action: Conduct public hearing and adopt or deny Res. 9653. **(Presented by: Coleen Balzarini)**
3. Res. 9670, Nuisance Abatement, 4727 2nd Avenue North. Action: Conduct public hearing and adopt or deny Res. 9670. **(Presented by: Mike Rattray)**
4. Res. 9675, Cost Recovery, 510 11th Street South. Action: Conduct public hearing and adopt or deny Res. 9675. **(Presented by: Mike Rattray)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. Ord. 2973, Establish City Zoning Upon Property addressed as 1424 and 1426 14th Street Southwest (Herman's Flowers). Establishes zoning classification of R-1 single family suburban district. Action: Accept Ord. 2973 on first reading and set public hearing for August 7, 2007. **(Presented by: Ben Rangel)**
6. Ord. 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. Action: Accept

Ord. 2974 on first reading and set public hearing for August 7, 2007.

(Presented by: Ben Rangel)

7. Ord. 2977, Establish City Zoning to Northview Addition Phase 3. Assigns zoning classification of PUD Planned unit development district. Action: Accept Ord. 2977 on first reading and set public hearing for August 7, 2007. **(Presented by: Ben Rangel)**
8. Segment of Burlington Northern and Santa Fe Railroad Right-of-Way along West Bank Park. **(Presented by: Ben Rangel)**
 - A. Res. 9673, Annexes said property. Action: Adopt or deny Res. 9673 and set public hearing for August 21, 2007.
 - B. Ord. 2975, Assign Zoning classification of M-2 Mixed-use transitional and I-1 Light industrial. Action: Accept Ord. 2975 on first reading and set public hearing for August 21, 2007.

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

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 \$5000, 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 2nd Avenue North.
18. Approve Utilities Agreement with the Montana Department of Transportation for reconstruction of BNSF/MDT Overlook Drive.
19. Award contract for the Morony Natatorium Parking Lot to United Materials of Great Falls, Inc., in the amount of \$65,480.
20. Approve Change Order No. 2 – Renewable Energy Design Services to Stanley Consultants, inc., in the amount of \$34,900.
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.
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.

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

BOARDS & COMMISSIONS

25. Miscellaneous reports and announcements.

CITY MANAGER

26. Miscellaneous reports and announcements.

CITY COMMISSION

27. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

28. Miscellaneous reports and announcements.

MOTION TO ADJOURN

~~MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS LITIGATION STRATEGY – BELNAP, ET AL V. CITY, ET AL.~~

~~Motion: I move the Commission adjourn to executive session pursuant to 2-3-201, MCA, to discuss litigation strategy in Belnap, et al v. City, et al.~~

AGENDA REPORT

DATE July 17, 2007

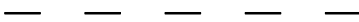
ITEM: RESOLUTION 9653 CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1308

INITIATED BY: FISCAL SERVICES DEPARTMENT

ACTION REQUESTED: CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9653

PREPARED BY: JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR



RECOMMENDATION:

Staff recommends the City Commission conduct the public hearing and adopt Resolution 9653 creating Special Improvement Lighting District – City Owned Residential Lighting No. 1308.

MOTION:

“I move the City Commission adopt Resolution 9653.”

SYNOPSIS:

Staff has received a signed letter/petition from the developer of the Eagles Crossing Phase II and Phase III Addition requesting street lights be installed. The letter/petition is for the installation of thirteen (13) 150 watt HPS street lighting units on 20 foot steel poles with underground wiring. There are forty-one (41) properties being constructed within the boundaries of the Special Improvement Lighting District in Eagles Crossing Phase II and Phase III – First Phase Construction. The boundary lines of the first phase construction area are outlined on the attached Exhibit “A”.

Staff mailed letters regarding the City’s intention to create Special Improvement Lighting District City-Owned Residential Lighting No. 1308 along with a copy of the published legal notice and outlined the protest procedures to each person, firm or corporation, or a known agent having property located within the boundaries of the proposed district. During the 15 day protest period, no protest letters were received by the City regarding the creation of a special improvement lighting district as presented in the Intent to Create Special Improvement Lighting District City-Owned Residential Lighting No. 1308 Resolution #9652.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. Initially, the estimated annual special improvement assessment (inclusive of capital, financing, operations and maintenance costs) in the newly created area will be \$191.42 for an average

lot of 11,023 square feet. Estimated costs per parcel are shown on the attached Exhibit "B". The property owners have the right to prepay the assessment as provided by law.

After the payment of construction costs are satisfied, there will continue to be an ongoing estimated annual maintenance assessment of \$67.75 for an average lot of 11,023 square feet for energy, transmission, distribution and other ongoing related costs as shown on the attached Exhibit "C".

BACKGROUND:

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

On July 19, 2005 the City Commissioners adopted Resolution No. 9506 creating the City's Street Light Policy, which established a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by state.

RESOLUTION NO. 9653

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1308 IN THE CITY OF GREAT FALLS, MONTANA, TO INSTALL THIRTEEN (13) 150 WATT HPS ON 20 FOOT STEEL POLES WITH UNDERGROUND WIRING TO INCLUDE PROPERTIES LOCATED WITHIN THE EAGLES CROSSING PHASE II AND PHASE III ADDITION – FIRST PHASE CONSTRUCTION

WHEREAS, the City Commission of the City of Great Falls, duly and regularly passed and adopted Resolution No. 9652 on the 19th day of June, 2007, which Resolution of Intention to Create Special Improvement Lighting District – City Owned Residential Lighting No. 1308 is now on file in the office of the City Clerk and to which reference is hereby made; and

WHEREAS, the City Commission caused notice of the passage of the Resolution of Intention to be published in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, in the manner and form and during the period as required by law and also caused the City Clerk on the 22nd day of June, 2007, that being the day of the first publication of the notice, to mail to each person, firm or corporation, or a known agent thereof, having property within the District, to the last known address of such person, firm or corporation or agent, a notice of the passage of the Resolution of Intention; and

WHEREAS, the City Commission having this day met in regular session, at the time and place fixed and mentioned in the Resolution of Intention and in said notices for a public hearing, and the passing upon protests, against the making of the proposed District therein; and the Commission having fully heard and considered all of such protests and other testimony.

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

Section 1. The City Commission does hereby find and determine that the protests and

each of them made against the creation of the District and against the making of the proposed improvements be and the same are hereby declared insufficient.

Section 2. There is hereby created a Special Improvement Lighting District to be known and designated as Special Improvement Lighting District – City Owned Residential Lighting No. 1308 of the City of Great Falls, Montana, and the improvements described in the Resolution of Intention are hereby ordered to be made.

Section 3. The boundaries of the District shall be the same as described in the Resolution of Intention to which reference is hereby made for a particular description thereof.

Section 4. The City Commission hereby makes reference to the Resolution of Intention for further particulars, including the method of assessing the costs of the improvements against the benefited properties.

Section 5. That the creation of this District will supercede and take precedence over any existing, overlapping street lighting district boundaries.

PASSED by the Commission of the City of Great Falls, Montana, on this 17th day of July, 2007.

Dona H. Stebbins, Mayor

ATTEST:

Acting City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

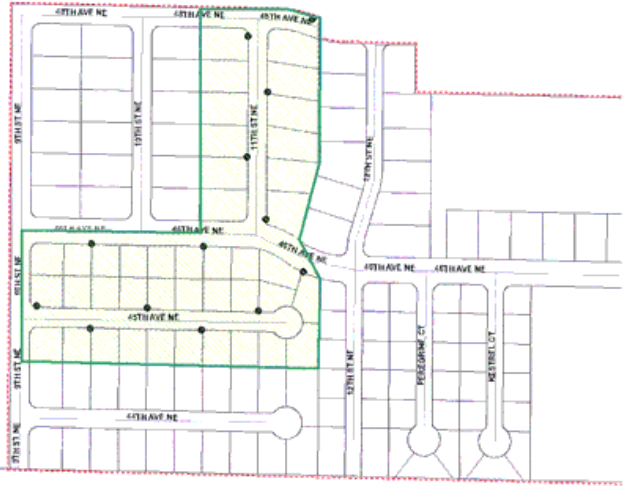
State of Montana)
County of Cascade : ss
City of Great Falls)

I, _____, Acting City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9653 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 17th day of July 2007, and approved by the Mayor of said City on the 17th day of July 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of July 2007.

Acting City Clerk

(SEAL OF CITY)



- ▲ City Limit
- ▲ Streets
FULLNAME Labels
- ▲ Airport
- ▨ Parcels
- ▨ Water Features
- 13 - 150Watt Light Poles



Res #9653 Exhibit "A" - Eagles Crossing II & III - 1st Phase Construction

1 in. = 351.6 feet



AGENDA REPORT

DATE July 17, 2007

ITEM Res. 9670, Nuisance Abatement, L3, B3, Heren Add., 4727 2nd Ave. N

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res. 9670

PREPARED & PRESENTED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

It is recommended that the City Commission conduct the public hearing on Resolution 9670, which will enable the Community Development Department staff to hire a contractor and abate the ongoing nuisance located at 4727 2nd Ave. N.

MOTION:

I move to adopt Resolution 9670.

SYNOPSIS:

As prescribed by Chapter 8.49.040, a "Notice of Hearing" before the City Commission was posted on the property July 6, 2007, and published in the GREAT FALLS TRIBUNE on July 7, 2007.

BACKGROUND

The following action has been taken:

<u>ACTION</u>	<u>DATE</u>
Initial complaint taken	3/22/2007
Initial inspection of property	3/23/2007
2 nd complaint taken	4/3/2007
Photographs taken	4/3/2007
3 rd complaint taken	4/6/2007
Photographs taken	4/6/2007

BACKGROUND CONTINUED

1 st letter sent certified, with 14 & 30-day time period	4/6/2007
Copy of letter sent regular mail, with 14 & 30-day time period	4/6/2007
Photographs of violations included in letter sent regular mail	4/6/2007
Copy of letter faxed to property owner, with 14& 30-day time period	4/6/2007
Mr. Frates called and discussed property	5/7/2007
Photographs taken	5/8/2007
Left a voicemail for Mr. Frates concerning re-inspection results and gave Extension until May 23, 2007	5/16/2007
4 th complaint taken	5/23/2007
Telephone message left on the property owners voice mail advising that a list of Contractors was faxed to him to move the mobile homes from the property, etc gave 7 day extension and then abatement proceedings would move forward	6/1/2007
Photographs taken	6/1/2007 6/8/2007 6/11/2007
Ownership and encumbrance report ordered	6/18/2007

BACKGROUND CONTINUED

<u>ACTION</u>	<u>DATE</u>
30-day inspection	5/8/2007
“Notice of Hearing” posted on property	7/6/2007
“Notice of Hearing” mailed certified to owner Larry Frates	7/6/2007
“Notice of Hearing” published in GF TRIBUNE	7/7/2007

RESOLUTION 9670

A RESOLUTION DETERMINING CERTAIN
PROPERTY LOCATED AT 4727 2nd Ave. N, LOT 3,
BLOCK 3, HEREN ADDITION, CASCADE
COUNTY, MONTANA, TO BE A NUISANCE

* * * * *

WHEREAS, Larry Frates, owner(s) of certain personal and real property located at 4727 2nd Ave. N, Lot 3, Block 3, Heren Addition, Cascade County, Montana, was given notice pursuant to Section 8.49.040, OCCGF, of a hearing before the City Commission on July 17, 2007, wherein said property owner was ordered to show cause why the alleged property should not be declared a nuisance and abated, and

WHEREAS, City staff presented photographs of the subject premises and gave testimony regarding the following described property alleged to be a nuisance under City Code, to wit:

1. Mobile Homes (dilapidated) – two mobile homes in poor condition that have had the exterior weatherproofing partially or totally removed (specifically trailer #10 & #112).
2. Rubbish – numerous items of rubbish throughout the mobile home park
3. Junk Vehicles

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

1. That the property owner(s), Larry Frates, has failed to show cause why the subject property should not be declared a nuisance and abated; and
2. Staff having presented evidence of the condition of the subject property and having described the illegal and deplorable condition of the subject property, the City Commission does hereby find the same to be a nuisance pursuant to Section 8.49.040, OCCGF, and hereby directs the owner(s) to commence the abatement within ten (10) days of the date of this resolution.

3. It is further ordered that, if owner(s) fails to abate said nuisance as ordered and within the time allowed, the City is directed to take any and all steps necessary to abate the nuisance with all expenses to attach as a lien against the personal and real property owner.

4. City staff shall serve said owner(s) with a copy of this resolution by regular mail as required by Section 8.49.050, OCCGF. This order shall be in effect for a six (6) month period from date of Resolution 9670.

PASSED by the Commission of the City of Great Falls, Montana, on this 17th day of July 2007.

Dona R. Stebbins, Mayor

ATTEST:

Cindy Kenczka, Deputy 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, Cindy Kenczka, Deputy Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9670 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 17 day of July 2007, and approved by the Mayor of said City, on the 17th day of July 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 17th day of July 2007.

Cindy Kenczka, Deputy Clerk

(SEAL OF CITY)

Date July 6, 2007

CERTIFIED MAIL

Name: Larry Frates
Address: PO Box 1493
City: Great Falls MT 59403

RE: Lot 3, Block 3, Heren Addition
4727 2nd Ave. N, Great Falls, Cascade County, Montana

NOTICE OF HEARING BEFORE CITY COMMISSION OF GREAT FALLS

The owner of the real property located at 4727 2nd Avenue North is hereby notified to appear before the City Commission of the City of Great Falls at a meeting to be held July 17, 2007, in the Commission Chambers, Civic Center Building, # 2 Park Drive, Great Falls, Montana, at the hour of 7:00 p.m., or as soon thereafter as he/she may be heard, and to show cause why the items listed in the City's letter of April 6, 2007, should not be declared a nuisance, the nuisance required to be abated by removal and the cost thereof charged to the owner.

The items listed are:

1. Dilapidated Mobile Homes
2. Rubbish – numerous items of rubbish throughout the property
3. Junk Vehicles

Consequently, you are hereby notified to appear before the City Commission at 7:00 p.m. on July 17, 2007.

Respectfully,

Heather Rohlf, Code Enforcement
Code Enforcement, Building Inspectors Office

cc: Read File
Property File
Post on Property

PUBLIC NOTICE

NOTICE of hearing before the City Commission of the City of Great Falls, Montana.

The owner of the real property located at 4727 2nd Ave N is hereby notified to appear before the City Commission of the City of Great Falls at a meeting to be held July 17, 2007 at the City Commission Chambers, Civic Center Building, Great Falls, Montana, at 7:00 p.m., and show cause why Lot 3, Block 3, Heren Addition, 4727 2nd Ave. N should not be declared a nuisance and the nuisance be abated by removal or other appropriate act and charge the cost thereof to the owner(s).

PUBLICATION DATE: July 7, 2007

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

DATE: July 17, 2007

ITEM Res. 9675, Cost Recovery, L7, B462, GF 1st Add., 510 11th St S

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res 9675

PREPARED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

After closing the public hearing staff recommends the City Commission adopt Resolution 9675 and assess the total charges of \$ 719.00 against the property itself with interest and penalties on the unpaid balance.

MOTION:

I move to adopt Resolution 9675.

SYNOPSIS:

The owner(s): Gary Witsoe (owner’s agent Michael Witsoe), of property at Lot 7, Block 462, Great Falls 1st Addition, Great Falls, Cascade County, Montana, was issued a “Notice of Hearing” before the City Commission of Great Falls to appear at 7:00 p.m., July 17, 2007. The hearing is to show cause why the owner of the property should not be liable for the costs incurred in abating the property known as 510 11th St S. The following expenses were incurred:

Administrative Fee	\$ 260.00
Recording Fee	\$ 24.00
Publishing – Legal Ad	\$ 35.00
Cleanup by Gordon Construction including landfill fee	\$ 400.00
TOTAL COSTS INCURRED	\$ 719.00

BACKGROUND:

Staff has taken the following action:

<u>Action</u>	<u>Date</u>
Initial complaint taken by staff	7/12/2006
Initial inspection of property	7/12/2006
1 st letter sent certified, with 14 & 30-day time period	7/13/2006
Copy of letter faxed to owner in Glendive, Gary Witsoe	8/11/2006
1 st 30 day Extension day given	8/18/2006
Final inspection and approval by staff	10/3/2006
Property abatement done by Gordon Construction	1/19/2007
Photograph's taken after the property abatement	1/19/2007
Received another property complaint and performed another property inspection and took photograph's	2/22/2007
Cost Recovery went before City Commission, Resolution 9625 assessing \$540 against the property; and in the event the City has to revisit the property, then the remaining \$539 would be assessed against the property	3/6/2007
2 nd property abatement done by Gordon Construction	6/8/2007
Photograph's taken before, during, and after property abatement	6/8/2007

ACTION**DATE**

Ownership and encumbrance report ordered	11/16/2006
"Notice of Hearing" posted on property	2/22/2007
"Notice of Hearing" mailed certified to owner's agent	2/22/2007
"Notice of Hearing" published in the GF TRIBUNE	2/24/2007
"Notice of Hearing" posted on property	7/6/2007
"Notice of Hearing" mailed certified to owner's agent	7/6/2007
"Notice of Hearing" published in the GF TRIBUNE	7/7/2007

Notification that a public hearing would be held on July 17, 2007 at 7:00 p.m., for the purpose of assessing said costs on the above-mentioned property was given to the property owner and published in the TRIBUNE on July 7, 2007.

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

RESOLUTION 9675

A RESOLUTION ASSESSING THE COSTS INCURRED IN THE NUISANCE ABATEMENT OF PROPERTY LOCATED AT LOT 7, BLOCK 462, GREAT FALLS 1ST ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 510 11TH ST S, AGAINST SAID PROPERTY.

WHEREAS, the owner of the property located at Lot 7, Block 462, Great Falls 1st Addition, Great Falls, Montana, 510 11th St S was issued a notice to abate the property.

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

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

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

WHEREAS, the City Commission set July 17, 2007, at 7:00 p.m. for this hearing, to show cause why the property owner(s): Gary Witsoe (owner's agent Michael Witsoe), should not be held liable for the costs incurred in abating and cleanup of said property.

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

The amount of \$ 719.00 cleanup costs incurred in the abatement of a nuisance at Lot 7, Block 462, Great Falls 1st Addition, Great Falls, Montana, described as 510 11th St S, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 17th day of July, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Acting 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, _____, Acting City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9675 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 17th day of July, 2007, and approved by the Mayor of said City, on the 17th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 17th day of July, 2007.

Acting City Clerk

(SEAL OF CITY)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on July 17, 2007, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing cleanup costs on the following property in the amount set forth:

510 11th St S \$ 719.00

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

BY ORDER OF THE CITY COMMISSION

Acting City Clerk

OFFICE USE ONLY

Publication July 7, 2007

cc: Acting City Clerk

Account # 451-7121-572-3599

Owner(s): GARY WITSOE & MICHAEL WITSOE (owner's agent)
510 11th St S
Great Falls MT 59405

(Attach itemized account)

Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the cleanup of property at Lot 7, Block 462, Great Falls 1st Addition, Great Falls, Montana, more commonly known as 510 11th St S.

Administrative Fee	\$ 260.00
Recording Fee	\$ 24.00
Publishing – Legal Ad	\$ 35.00
Cleanup by Gordon Construction including landfill fee	\$ 400.00
TOTAL EXPENSES INCURRED	<u>\$ 719.00</u>

CITY OF GREAT FALLS, MONTANA

AGENDA # 5

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

DATE July 17, 2007

ITEM Ordinance 2973 to Establish City Zoning Upon Mark L, Sec 15, T20N, R3E,
(Herman's Flowers)

INITIATED BY City Commission

ACTION REQUESTED Commission Accept Ordinance 2973 on First Reading & Set Hearing

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The City Zoning Commission has recommended the City Commission assign a zoning classification of R-1 Single-family suburban district, to Mark L, Sec 15, T20N, R3E, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance 2973 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2973."

SYNOPSIS:

Ordinance 2973 assigns a zoning classification of R-1 Single-family suburban district, to Mark L, Sec 15, T20N, R3E, upon annexation of same to City.

BACKGROUND:

Mark L is presently occupied by a single-family residence and Herman's Flowers addressed as 1424 and 1426 14th Street Southwest, respectively. The parcel receives water and sewer services from the City.

Please refer to the attached Vicinity/Zoning Map.

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 cost 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.

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.

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.

In summary, designating subject property for residential use is consistent with abutting properties. Therefore, staff concludes all of the above stated criteria are substantially met.

The Zoning Commission at the conclusion of a public hearing held June 12, 2007 passed a motion recommending the City Commission assign a zoning classification of R-1 Single-family suburban district to subject Mark L upon annexation to the City.

It is anticipated the City Commission, following the public hearing on August 7, will consider an annexation resolution for Mark L, Sec 15, T20N, R3E, simultaneously with Ordinance 2973.

Attach: Ordinance 2973
Vicinity/Zoning Map

cc: Constance Jean Smith, 1424 14th St SW, Great Falls MT 59404

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 7th 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 7th 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 7th day of August, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

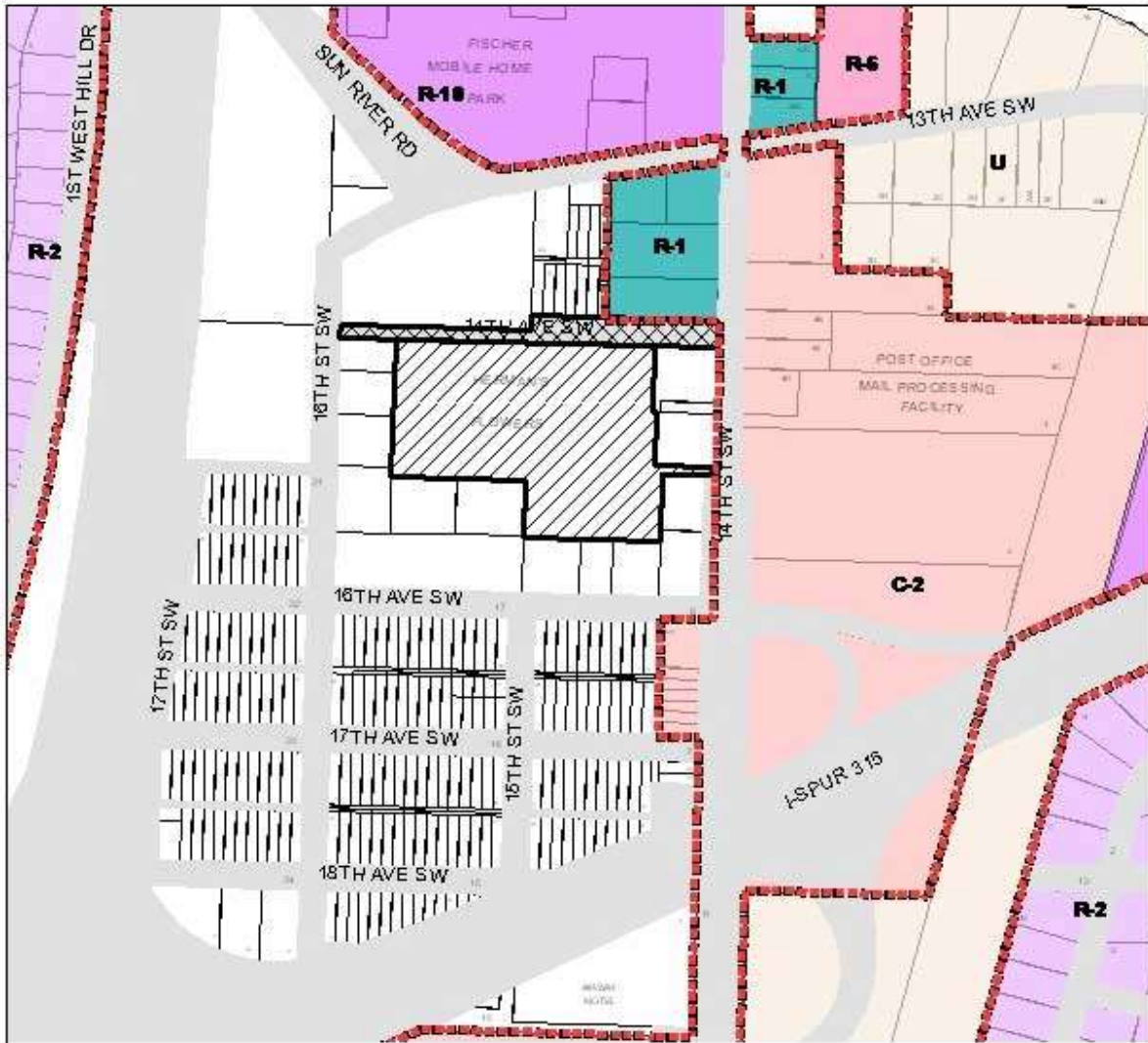
I, Lisa Kunz, being first duly sworn, deposes and says: That on the 7th day of August, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2973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

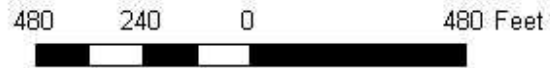
Lisa Kunz, City Clerk

(SEAL OF CITY)

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, MCA REGARDING INCLUSION OF ROADS AND RIGHTS-OF-WAY IN ANNEXATIONS
-  City Limits
-  R-1 Single-family suburban
-  R-2 Single-family medium density
-  R-6 Multi-family high density
-  R-10 Mobile home park
-  U Unincorporated enclaves
-  Tracts of land outside City
-  C-2 General commercial



CITY OF GREAT FALLS, MONTANA

AGENDA # 6

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

DATE July 17, 2007

ITEM Ordinance 2974 to Establish City Zoning Upon Lot 1, Block 8, University Addition,
NW¼, Sec 15, T20N, R3E, (Airway Motel & Howard's Pizza)

INITIATED BY City Commission

ACTION REQUESTED Commission Accept Ordinance 2974 on First Reading & Set Hearing

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission assign a zoning classification of 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, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance 2974 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2974."

SYNOPSIS:

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.

BACKGROUND:

Lot 1, Block 8, University Addition, currently occupied by a motel and restaurant/tavern/casino along 14th Street Southwest, is presently outside the City Limits. The parcel receives water and sewer services from the City.

Please refer to the attached Vicinity/Zoning Map.

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 costs 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.

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

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 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 uses, it is recommended subject property be zoned C-2 General commercial district upon annexation to the City.

In summary, designating subject property for commercial use is consistent with abutting property. Therefore, staff concludes all of the above stated criteria are substantially met.

The Zoning Commission at the conclusion of a public hearing held June 12, 2007 passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district to subject Lot 1, upon annexation to the City.

It is anticipated the City Commission, following the public hearing on August 7, will consider a resolution annexing Lot 1, Block 8, University Addition, simultaneously with Ordinance 2974.

Attach: Ordinance 2974
Vicinity/Zoning Map

cc: Tom Heisler, 1800 14th ST SW, Great Falls, MT 59404

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 7th 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 7th 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 7th day of August, 2007 and approved by the Mayor of said City on the 7th day of August, 2007.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

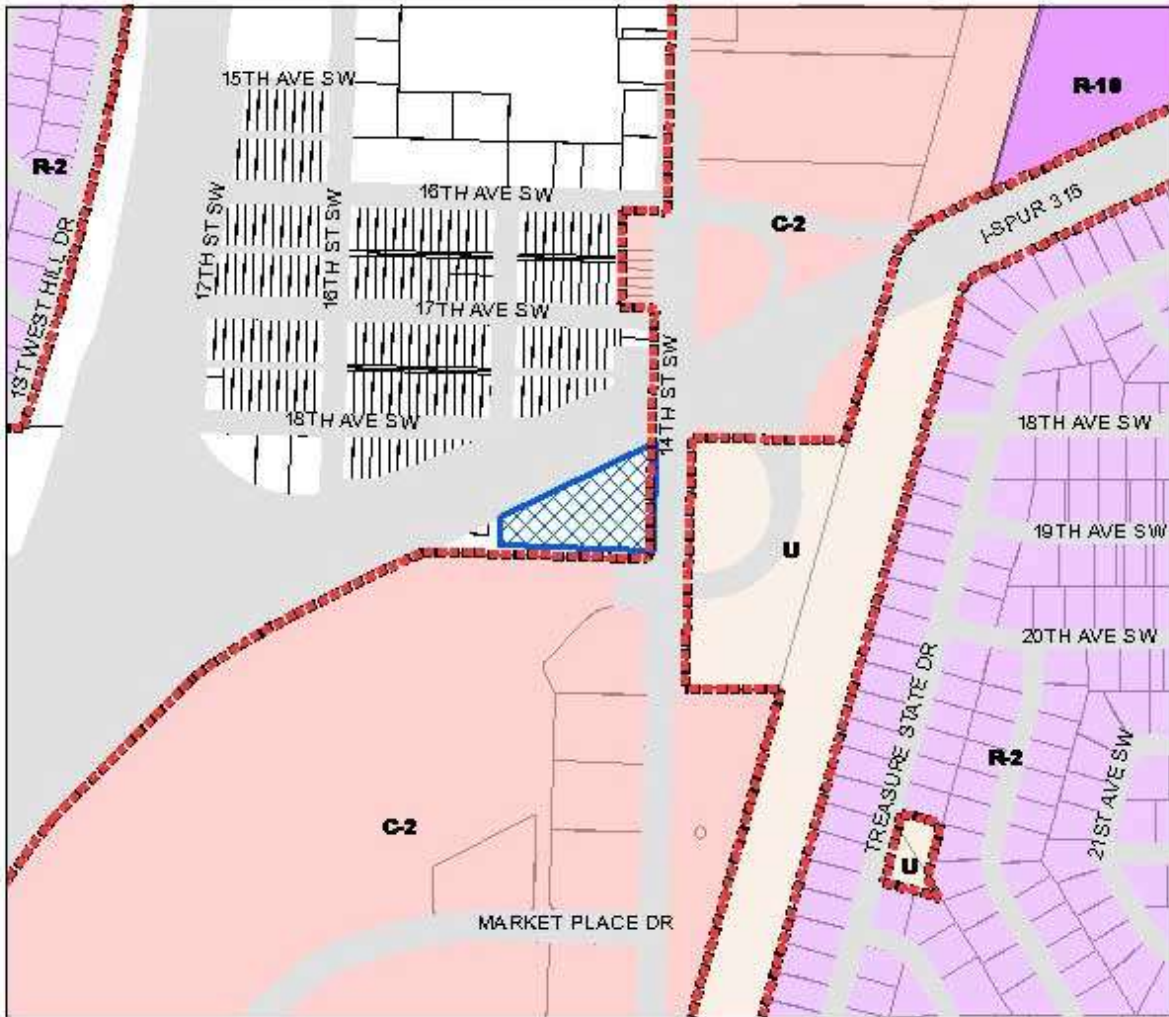
I, Lisa Kunz, being first duly sworn, deposes and says: That on the 7th day of August, 2007 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2974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

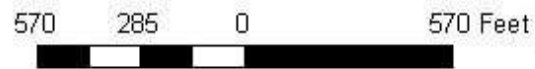
(SEAL OF CITY)

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



AGENDA REPORT

DATE July 17, 2007

ITEM Ordinance 2977 to Establish City Zoning Upon Northview Addition Phase 3

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

ACTION REQUESTED Commission Accept Ordinance 2977 on First Reading and Set Hearing

PREPARED BY Charles Sheets, Planner 1

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 Northview Addition Phase 3, upon annexation to the City.

MOTION:

“I move the City Commission accept Ordinance 2977 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2977.”

SYNOPSIS:

Ordinance No. 2977 assigns a zoning classification of PUD Planned unit development district to Northview Addition Phase 3, upon annexation of same to City. The proposed development consists of 18 residential lots along the easterly extension of 39th Avenue Northeast located immediately east of 9th Street Northeast.

BACKGROUND:

Phase 3 is a portion of the Preliminary Plat of Northview Addition Phases 2 thru 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 condos. 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.

The developer intends to build speculation homes and to sell other lots to custom home builders.

Access to subject property will be provided by 9th Street Northeast. It is anticipated Phase 3 will eventually be accessible via Bootlegger Trail and an extension of 12th Street Northeast to 36th 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 39th Avenue Northeast to the east for the future connection to 12th Street Northeast which is proposed to be part of Northview Addition 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.

The final engineering documents relative to the Final Plat of Northview Addition Phase 3 have been prepared by the project engineer and are in the process of being submitted to the City Engineer.

Staff concludes that the basic conditions set forth in the conditional approval of the Preliminary Plat of Northview Addition Phases 2 thru 7 are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Northview Addition Phase 3.

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 developer requested as part of the preliminary plat that upon annexation the 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 Great Falls Zoning Commission approved the PUD zoning request on January 9, 2007.

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.

It is anticipated the City Commission, following the public hearing on August 7, 2007 will consider an annexation resolution, annexation agreement and final plat for Northview Addition Phase 3, simultaneously with Ordinance 2977

Attach: Vicinity/Zoning Map

Reduced Copy of Final Plat

Ordinance 2977 with Exhibit "A" illustrating building envelopes, setbacks and height

cc: Jim Workman Construction Co., 1024 36th Ave NE
Woith Engineering, 1725 41st St S

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 7th 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 7th 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 7th day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 7th 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 7th 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

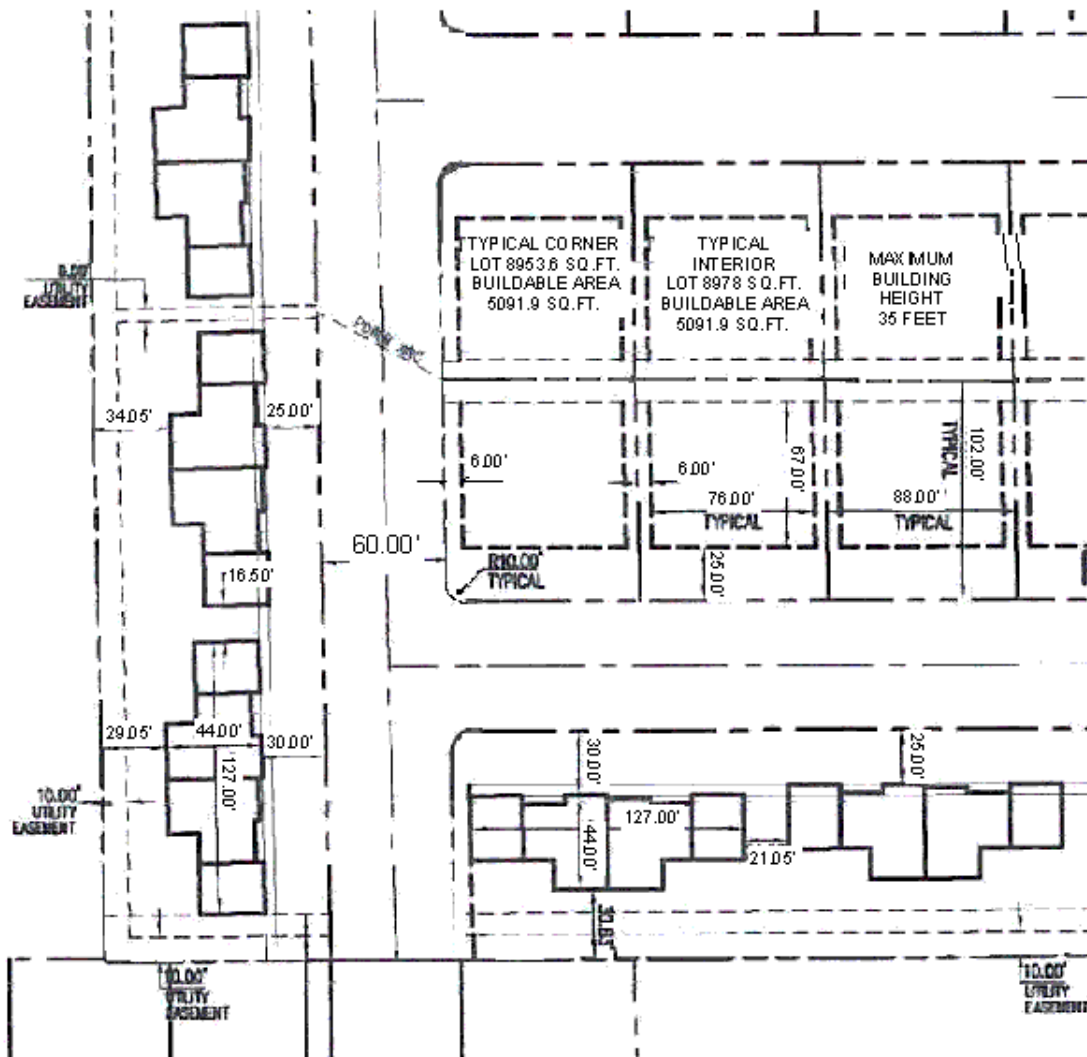
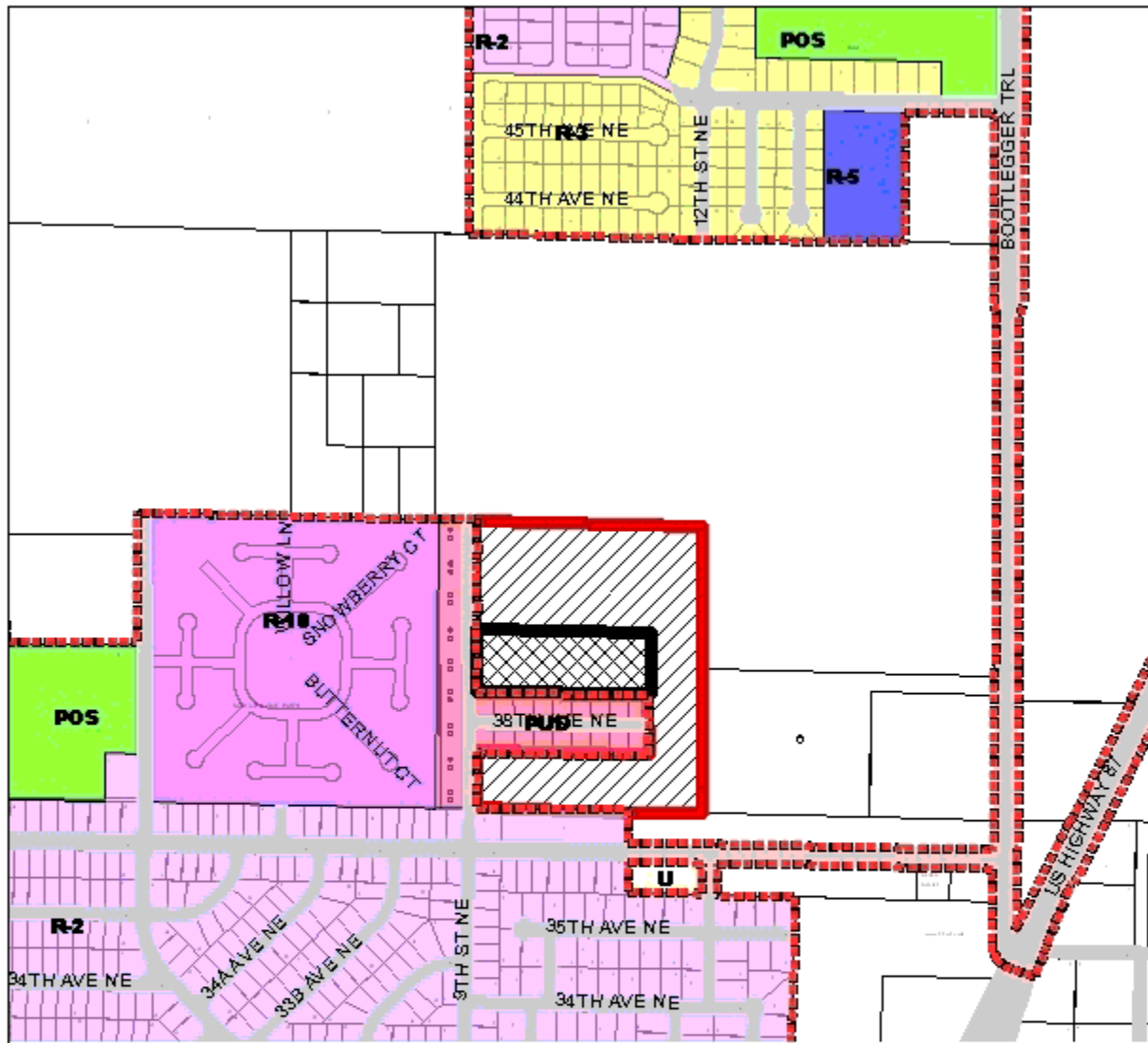




EXHIBIT "A"

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



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

DATE July 17, 2007

ITEM Resolution 9673, Intent to Annex Segment of Burlington Northern and Santa Fe Railroad Right-of-Way along West Bank Park and Ordinance 2975 to Assign City Zoning to Same

INITIATED BY: City Administration

ACTION REQUESTED Commission Adopt Resolution 9673, which sets Public Hearing for August 7, 2007, and Accept Ordinance 2975 on First Reading and Set Hearing

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex the segment of Burlington Northern and Santa Fe Railroad Right-of-Way (BNSF R/W) along West Bank Park and the City Zoning Commission has recommended the City Commission assign a zoning classification of M-2 Mixed-use transitional and I-1 Light industrial to the unincorporated segment of Burlington Northern and Santa Fe Railroad Right-of-Way located along West Bank Park upon annexation to the City.

MOTION: (Each motion to be separately considered)

“I move the City Commission adopt Resolution 9673.”

and

“I move the City Commission accept Ordinance 2975 on first reading and set a public hearing for August 21, 2007, to consider adoption of Ordinance 2975.”

SYNOPSIS:

Resolution 9673 sets a public hearing for August 21, 2007, to consider annexation of a segment of BNSF R/W to the City of Great Falls. Ordinance 2975 assigns a zoning classification of M-2 Mixed-use transitional and I-1 Light industrial to the unincorporated segment of BNSF R/W, upon annexation of same to City.

BACKGROUND:

A segment of Burlington Northern and Santa Fe Railroad right-of-way located along West Bank Park, between the 3rd Street NW and the Missouri River, has never been annexed into the City. The right-of-way is 6.49 acres in size and is contiguous to the City Limits.

Please refer to the attached reduced copy of the Certificate of Survey prepared for the annexation and Exhibit “A” attached to Ordinance 2975.

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

land used for railroad purposes (7-2-4314, M.C.A.).

The properties surrounding the unincorporated right-of-way are West Bank Park along the eastern boundary and a mix of business uses along the western boundary.

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

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

As the annexation involves an operating rail line, the zoning assignment is normally dictated by the most prevalent zoning districts bordering the corridor being annexed. Specifically, M-2 Mixed-use transitional zoning borders a majority of the right-of-way at the south end and I-1 Light industrial zoning borders the remainder at the north end of the right-of-way.

On June 12, 2007, the Planning Board/Zoning Commission conducted a joint public hearing on annexing and establishing City zoning on the segment of BNSF R/W. At the conclusion of the public hearing, the Planning Board unanimously recommended the City Commission approve the subject annexation and the Zoning Commission unanimously passed a motion recommending the City Commission approve establishing City zoning classifications of M-2 Mixed-use transitional and I-1 Light industrial to the unincorporated segment of BNSF R/W.

It is anticipated the City Commission, following the public hearing on August 21, will consider an annexation resolution, simultaneously with Ordinance 2975.

Attach: Resolution 9673

Ordinance 2975 with Exhibit "A"

Reduced Copy of Certificate of Survey

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

RESOLUTION 9673

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY IN LOT 1 AND LOT 5 OF SECTION 2 AND LOT 4 OF SECTION 1, ALL IN TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4311, MONTANA CODE ANNOTATED

* * * * *

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

WHEREAS, there is contiguous to said City, but outside the boundaries thereof, a segment of the Burlington Northern and Santa Fe Railroad Right-of Way in Lot 1 and Lot 5 of Section 2 and Lot 4 of Section 1, all in Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 6.49 acres, all as shown on the Certificate of Survey filed the _____ day of _____, 2007 under S-0000 _____ in the Clerk and Recorder's Office of Cascade County, Montana; and,

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

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof that the boundaries of said City of Great Falls shall be extended so as to include: "A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY IN LOT 1 AND LOT 5 OF SECTION 2 AND LOT 4 OF SECTION 1, ALL IN TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 21st day of August, 2007, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY IN LOT 1 AND LOT 5 OF SECTION 2 AND LOT 4 OF SECTION 1, ALL IN TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA."

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17th day of July, 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 9673 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 17th day of July, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of July, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

ORDINANCE 2975

AN ORDINANCE ASSIGNING ZONING CLASSIFICATIONS OF M-2 MIXED-USE TRANSITIONAL FOR THE MAJORITY OF THE RIGHT-OF-WAY AT THE SOUTH END AND I-1 LIGHT INDUSTRIAL FOR THE REMAINDER AT THE NORTH END OF A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, IN LOT 1 AND LOT 5 OF SECTION 2 AND LOT 4 OF SECTION 1, ALL IN TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the properties adjoining the unincorporated segment of Burlington Northern and Santa Fe Railroad right-of-way include West Bank Park along the eastern boundary and a mix of business uses along the western boundary; and,

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

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held June 12, 2007, passed a motion recommending the City Commission of the City of Great Falls assign zoning classifications of M-2 Mixed-use transitional for the majority of the right-of-way at the south end and I-1 Light industrial for the remainder at the north end, as depicted on the zoning map attached hereto as Exhibit "A" and by this reference made a part hereof.

WHEREAS, notice of assigning zoning classifications of M-2 Mixed-use transitional for the majority of the right-of-way at the south end and I-1 Light industrial for the remainder at the north end, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 17th 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 designations be made, NOW THEREFORE,

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

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

Section 2. That the zoning of a segment of the Burlington Northern and Santa Fe Railroad Right-of Way in Lot 1 and Lot 5 of Section 2 and Lot 4 of Section 1, all in Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 6.49 acres, be designated as M-2 Mixed-use transitional for the majority of the right-of-way at the south end and I-1 Light industrial for the remainder at the north end, as depicted on the attached Exhibit "A".

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing a segment of the Burlington Northern and Santa Fe Railroad Right-of Way in Lot 1 and Lot 5 of Section 2 and Lot 4 of Section 1, all in Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 6.49 acres, 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 17th 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 2975 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 17th day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th 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 17th 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 2975 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



PORTION OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF M-2 MIX-USE TRANSITIONAL AND I-1 LIGHT INDUSTRIAL, AS INDICATED

- | | | |
|----------------------------------|------------------------------------|----------------------|
| City Limits | C-2 General commercial | I-1 Light industrial |
| R-2 Single-family medium density | M-2 Mixed-use transitional | U Unincorporated |
| R-6 Multi-family high density | PLI Public Lands and Institutional | |
| C-1 Neighborhood commercial | POS Parks and Open Space | |



CERTIFICATE OF SURVEY

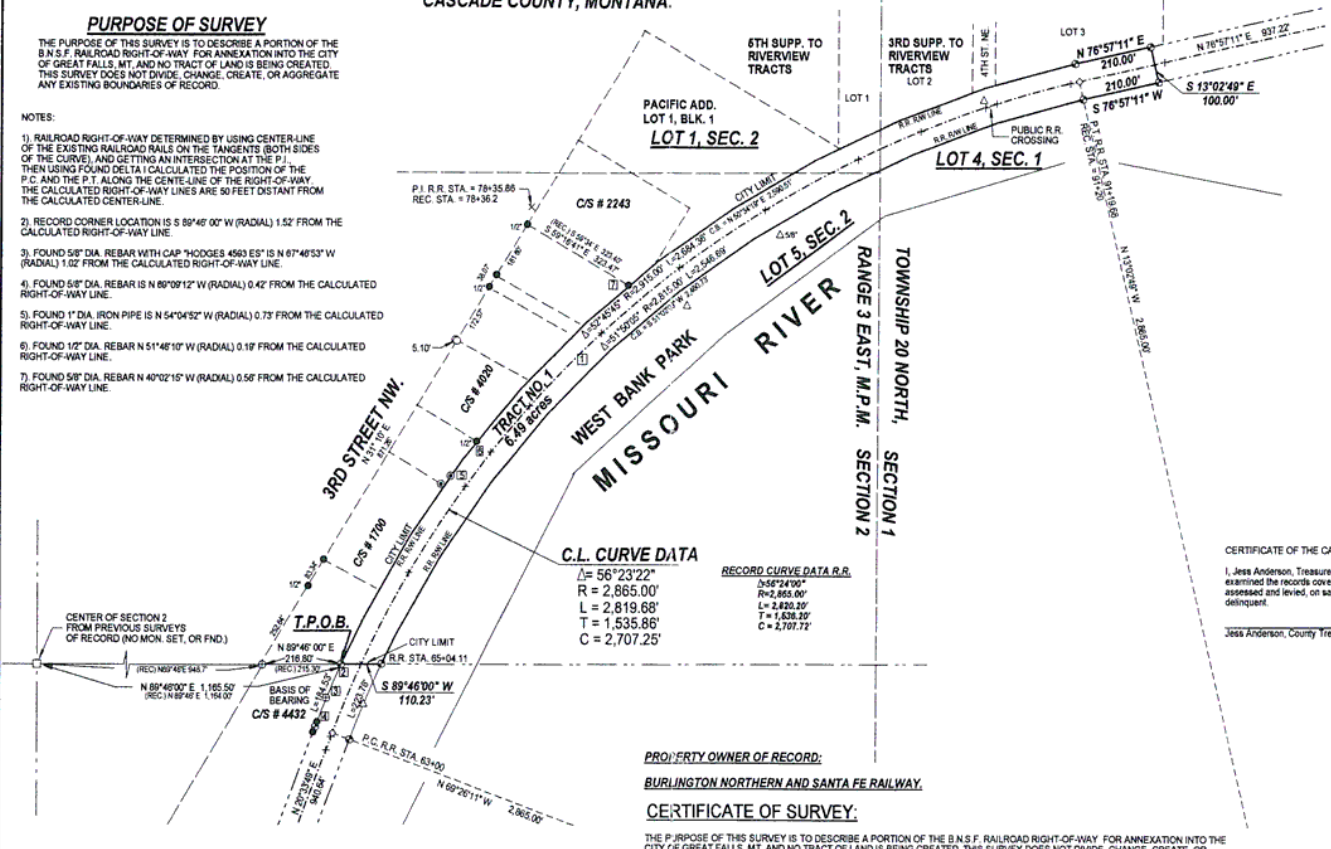
A PORTION OF THE BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY LOCATED IN LOT 1 AND LOT 5 OF SECTION 2 AND LOT 4 OF SECTION 1, ALL IN TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M., CASCADE COUNTY, MONTANA.

PURPOSE OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO DESCRIBE A PORTION OF THE B.N.S.F. RAILROAD RIGHT-OF-WAY FOR ANNEXATION INTO THE CITY OF GREAT FALLS, MT, AND NO TRACT OF LAND IS BEING CREATED. THIS SURVEY DOES NOT DIVIDE, CHANGE, CREATE, OR AGGREGATE ANY EXISTING BOUNDARIES OF RECORD.

NOTES:

- 1) RAILROAD RIGHT-OF-WAY DETERMINED BY USING CENTER-LINE OF THE EXISTING RAILROAD RAILS ON THE TANGENTS (BOTH SIDES OF THE CURVE), AND GETTING AN INTERSECTION AT THE P.I. THEN USING FOUND DELTA I CALCULATED THE POSITION OF THE P.C. AND THE P.T. ALONG THE CENTER-LINE OF THE RIGHT-OF-WAY. THE CALCULATED RIGHT-OF-WAY LINES ARE 90 FEET DISTANT FROM THE CALCULATED CENTER-LINE.
- 2) RECORD CORNER LOCATION IS S 89°46'00" W (RADIAL) 1.52' FROM THE CALCULATED RIGHT-OF-WAY LINE.
- 3) FOUND 58" DIA. REBAR WITH CAP "HODGES 4563 55" IS N 67°46'53" W (RADIAL) 1.02' FROM THE CALCULATED RIGHT-OF-WAY LINE.
- 4) FOUND 5.8" DIA. REBAR IS N 80°09'12" W (RADIAL) 0.42' FROM THE CALCULATED RIGHT-OF-WAY LINE.
- 5) FOUND 1" DIA. IRON PIPE IS N 54°04'52" W (RADIAL) 0.73' FROM THE CALCULATED RIGHT-OF-WAY LINE.
- 6) FOUND 12" DIA. REBAR N 51°46'10" W (RADIAL) 0.19' FROM THE CALCULATED RIGHT-OF-WAY LINE.
- 7) FOUND 5/8" DIA. REBAR N 40°02'15" W (RADIAL) 0.56' FROM THE CALCULATED RIGHT-OF-WAY LINE.



C.L. CURVE DATA
 $\Delta = 56^{\circ}23'22''$
 $R = 2,865.00'$
 $L = 2,819.68'$
 $T = 1,535.86'$
 $C = 2,707.25'$

RECORD CURVE DATA R.R.
 $\Delta = 56^{\circ}24'06''$
 $R = 2,855.00'$
 $L = 2,820.20'$
 $T = 1,526.30'$
 $C = 2,707.72'$

CERTIFICATE OF THE CASCADE COUNTY TREASURER
 I, Jess Anderson, Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the area included in this plat, and I find that all real taxes, assessed and levied, on said land to be subdivided have been paid to date, and are not delinquent.
 Date: _____
 Jess Anderson, County Treasurer of Cascade County, Montana.

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

CERTIFICATE OF SURVEY:

THE PURPOSE OF THIS SURVEY IS TO DESCRIBE A PORTION OF THE B.N.S.F. RAILROAD RIGHT-OF-WAY FOR ANNEXATION INTO THE CITY OF GREAT FALLS, MT, AND NO TRACT OF LAND IS BEING CREATED. THIS SURVEY DOES NOT DIVIDE, CHANGE, CREATE, OR AGGREGATE ANY EXISTING BOUNDARIES OF RECORD, THEREFORE THIS SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION.

LEGAL DESCRIPTION (B.N.S.F. RAILROAD RIGHT-OF-WAY, TRACT NO. 1)
 B.N.S.F. Railroad right-of-way located in government lots 1 and 5 of Section 2, and government lot 4 of Section 1, all in Township 20 North, Range 3 East, M.P.M., Cascade County, Montana, said tract being more fully described as follows, to-wit:

Commencing at the center of said Section 2, Thence N 89°46'00" E, 1,165.50 feet, along the east-west mid section line of said Section 2, to a point on the northwesterly right-of-way line of the Burlington Northern and Santa Fe Railroad, said point being the True Point of Beginning, EXTENDING THENCE 2,684.36 feet along a non-tangent curve to the right, said curve has a radius of 2,815.00 feet, a delta of 52°46'45" and a chord bearing and distance of N 50°34'19" E, 2,560.51 feet; Thence N 78°57'11" E, 210.00 feet, the last two courses being along the said northwesterly right-of-way line of the Burlington Northern and Santa Fe Railroad; Thence S 13°02'49" E, 100.00 feet, to a point on the southeasterly right-of-way line of the said Burlington Northern and Santa Fe Railroad; Thence 2,548.69 feet along a non-tangent curve to the left, said curve has a radius of 2,815.00 feet, a delta 51°50'02" and a chord bearing and distance of S 51°02'00" W, 2,460.73 feet, the last two courses being along the said southeasterly right-of-way line of the Burlington Northern and Santa Fe Railroad; to a point on the said east-west mid section line of Section 2, Thence S 89°46'00" W, 10.23 feet along said east-west mid section line, to the point of beginning, containing an area of 6.48 acres. Subject to all easements of record.

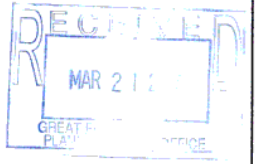
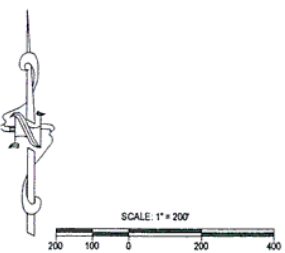
CERTIFICATE OF REGISTERED LAND SURVEYOR
 I, Michael E. Henen, Registered Professional Land Surveyor, Montana License No. 9523 L.S., do hereby certify that in March of 2007, I performed the land survey and created the accompanying plat as shown hereon, and that all was in accordance with the provisions of the laws of Montana in Sections 76-3-402 and 403, M.C.A., and that all monuments shown are of the character and occupy the positions shown hereon.

Michael E. Henen R. P. L. S.
 Montana License No. 9523 L.S.

LEGEND

- = FOUND 58" DIA. REBAR WITH P.C. "SMITH 4747"
- ⊕ = FOUND 58" DIA. REBAR WITH P.C. "HODGES 4563ES"
- = FOUND 58" OR 12" (IN NOTES) REBAR
- ⊙ = FOUND 1" DIA. IRON PIPE
- ⊕ = SET 58" DIA. X 20" REBAR WITH P.C. "HENEN 9523 L.S."
- △ = CONTROL POINT (SPK)
- ▽ = P.C. OR P.T. (SET SPK)
- (REC) = RECORD DATA
- CS = CERTIFICATE OF SURVEY
- Ⓜ = SEE NOTE NUMBER 2

HENEN LAND SURVEYING
 Michael E. Henen
 MT. Registered Land Surveyor No. 9523 L.S.
 Donald Henen
 MT. Registered Land Surveyor No. 9566 L.S.
 2322 1st Ave. South Great Falls, MT 59401
 Telephone: (406) 453-7820



SURVEY OF		B.N.S.F. R.W.	
PROJECT NAME:		WEST BANK PKGS	
1/4	SEC.	TWN.	RG.
NE	2	20 N.	3 E.
NW	1	20 N.	3 E.

COPY 3/21/07

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, Acting Fiscal Services Director, Police Chief, Fire Chief and the Acting City Clerk.

NEIGHBORHOOD COUNCILS**Police Response.
Ice Cream Social.**

1A. Sandy Guynn, NC 7, noted their neighborhood was impressed with the Police Department response time. Their Council typically meets the fourth Thursday of each month. For the month of July they will join NC 8 for the annual Ice Cream Social at Memorial Park. Ms. Guynn also reminded residents interested in serving on the Neighborhood Councils that they have until August 23, 2007, to file.

Fireworks.

1B. Mike Whitsoe, reported that fireworks were quiet in his neighborhood and the new Ordinance seems to be working.

PUBLIC HEARINGS**Res. 9658 Conditional
Use Permit for Duplex at
1401 1st Avenue NW,
West GF, B35, L14.
Adopted.****2. RESOLUTION 9658, CONDITIONAL USE PERMIT FOR DUPLEX
AT 1401 1st AVENUE NORTHWEST.**

Planning Director Ben Rangel reported that Robert and Jane Young had applied for a conditional use to permit construction of a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, addressed as 1401 1st Avenue Northwest.

Subject property was presently zoned R-3 single-family high density district wherein a two-family residence (duplex) was permitted upon processing and approval of a conditional use application.

At the conclusion of a hearing held May 8, 2007, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use to allow a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, subject to the applicant/property owner preparing a site plan drawn to scale and entering into an agreement with the City agreeing to develop subject property substantially in accordance with the site plan.

Mayor Stebbins declared the public hearing open.

There being no one to speak in support of or opposition to Resolution 9658, Mayor Stebbins declared the public hearing closed.

Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9658.

Motion carried 5-0.

Res. 9661, Intent to Increase Property Tax. Adopted.

3. RESOLUTION 9661, INTENT TO INCREASE PROPERTY TAX.

Budget Officer Melissa Kinzler reported that MCA 15-10-203, requires the City to hold a public hearing before passing a resolution stating its intent to increase property tax revenues. MCA 15-10-420, authorizes a property tax levy increase of "one-half of the average rate of inflation for the prior 3 years." The Consumer Price Index showed a 3.06% average increase. Therefore, the City is allowed and is proposing a 1.53% property tax levy increase.

Ms. Kinzler also noted MCA 15-10-420 and 2-9-212(2a), also allow property tax levy increases for premium contributions for group benefits. The City is proposing an additional 3.1% property tax levy increase for health insurance premiums.

The total proposed allowable property tax levy increase is 4.63%. The average cost of this increase for a house with a market value of \$100,000 would be approximately \$15 per year.

Mayor Stebbins declared the public hearing open. No one spoke in support of Resolution 9661. Those speaking in opposition to Resolution 9661 were as follows

Mary Jolley, 1910 2nd Avenue North, asked for clarification on several items contained within the budget including inflation adjustments and health insurance increases. Ms. Jolley also recommended the Commission table the decision in order to allow those traveling for the holiday an opportunity to share their thoughts on the budget.

Mike Whitsoe, 510 11th Street South, stated that with so many seniors and young people being affected, and with the 4th of July holiday, the Commission should postpone their decision for two weeks.

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

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9661.

Motion carried 5-0.

**Res. 9662, 2007/2008
Budget. Adopted.**

4. RESOLUTION 9662, 2007/2008 BUDGET.

Budget Officer Melissa Kinzler reported that this year's budget process emphasized maintaining most services at present levels; increased emphasis on public safety and continued recovery of "ailing" programs such as golf and swimming. Ms. Kinzler added that budget emphasis also included meeting commitments to employees for 4.0% salary increases and absorbing inflationary costs increases such as gasoline, diesel, construction and insurance costs.

Ms. Kinzler presented a detailed breakout of the 2007/2008 budget, which consisted of \$86,651,380 in revenue and total expenses of \$88,749,602.

Mayor Stebbins declared the public hearing open. Those speaking in support of Resolution 9662 were:

Bret Doney, 3048 Delmar Drive, on behalf of the Great Falls Development Authority, thanked the Commission for their continued support of their recent economic development activities.

Those speaking in opposition to Resolution 9662 were:

Andre Deligdish, 3016 Central, expressed her concern for considering a budget that noted items for animal control when it was not yet known how the City was handling the animal control issue.

Pam Hendrickson, 1321 5th Avenue North, expressed her concerns for "putting the cart before the horse" in regard to the budget and animal control discussions. Ms. Hendrickson also stated she didn't feel the budgeted \$115,000 for animal control was adequate.

Mary Jolley, 1910 2nd Avenue North, raised concerns about the ability of Electric City Power being able to sustain itself and the possibility of a small customer program. Ms. Jolley inquired about the status of the small customer program and Montana Public Power Inc. Ms. Jolley also requested the public be given notice prior to further supporting Montana Public Power Inc.

Mayor Stebbins closed the public hearing.

Commissioner Beecher moved, seconded by Commissioners Rosenbaum and Jovick-Kuntz, that the City Commission adopt Resolution 9662.

Commissioner Hinz inquired as to whether there was any kind of time crunch to get the budget passed.

City Manager Lawton, noted the Commission was free to take the time they needed, but there was no need to wait for resolution of the animal control issues prior to making a decision on the budget.

Commissioner Rosenbaum reiterated that oftentimes budget amendments were necessary.

Motion carried 5-0.

Business Improvement District 2007/2008 Budget and Work Plan. Approved.

5. BUSINESS IMPROVEMENT DISTRICT 2007/2008 BUDGET AND WORK PLAN.

Tonya Jorgensen of the Business Improvement District reported that the Business Improvement District submitted their 2007/2008 budget for approval by the City Commission. According to State statute, the City Commission must hold a public hearing to hear any objections to the budget. Following the public hearing, the City Commission could approve the plan or request that amendments be made to it prior to levying an assessment on all properties within the district to defray the costs. The assessment would be according to the formula approved with the creation of the district.

Ms. Jorgenson also gave a detailed update on new and ongoing B.I.D. projects such as their newsletter, website, revitalization plan catalyst areas and beautification efforts.

Mayor Stebbins declared the public hearing open. Those speaking in support of the 2007/2008 Budget and Work Plan were:

Bret Doney, 3048 Delmar Drive, on behalf of the Development Authority Mr. Doney commended the Business Improvement District for the great leadership and the working partnerships that they have established.

Aaron Weissman, 315 4th Avenue North, noted that Neighborhood Council 7 would be very interested in hearing more about the plans for changes to the one ways downtown, as 9th Street would have increased pressure.

No one spoke in opposition to the Business Improvement District 2007/2008 Budget and Work Plan. Mayor Stebbins closed the public hearing.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum that the City Commission approve the Business Improvement District 2007/2008 Budget and Work Plan.

Motion carried 5-0.

OLD BUSINESS

Animal Control Enforcement and Shelter Operations.

5A. ANIMAL CONTROL ENFORCEMENT AND SHELTER OPERATIONS.

Adopted. Authorization granted.

Jim Donahue, President of the Humane Society of Cascade County (HSCC) read a letter acknowledging that the Humane Society of Cascade County agreed that the City should assume control of the animal control and the animal shelter on a limited basis. Mr. Donahue added that this mutually acceptable relationship included the opportunity for the shelter employees to become City employees and the shelter would leave animal supplies and equipment in place. It was an agreement developed in a spirit of cooperation for the welfare of the animals and the good of the community.

City Manager Lawton added that the authorization being asked of the Commission this evening was an interim decision and the City would pledge to work with HCSS and others on any outstanding issues, to determine how the City could provide better support and how we can involve the community more.

Mayor Stebbins asked for comments from the public.

Rick Vell, 1606 Adams Boulevard, inquired whether the new animal shelter had a “no kill policy.”

Andre Deligdish, 3016 Central, inquired about the capability of the HCSS to read any microchipped animals that would come in. Ms. Deligdish also commented on the confusion over registration. She did not feel it was clear to anyone how to get their pets registered.

Gary Blatter, 1709 20th Avenue South, commended the shelter for their employees and animal care. He added that he hoped the City would run the shelter as well as the Humane Society had.

Nancy Lagoso, 3100 4th Avenue North, noted that in her past experiences with the HSCC, the staff and volunteers seem to know the animals. Ms. Lagoso added the cages and water were kept clean and animals were exercised.

Pam Hendrickson, 1321 5th Avenue North, inquired whether the existing board members of the HSCC would be required to resign. She cited a letter written by the City. Ms. Hendrickson also expressed her displeasure with the “despicable underground tactics” used by the City.

Jan Fager, 163 Sun Loop Lane, welcomed the City’s takeover and related her past experiences with the HSCC board.

Tim Gilligan, 3232 5th Avenue South, expressed concern with going back to the way the shelter used to be and urged the City to keep the current employees of the shelter.

Jan Gilligan, 3232 5th Avenue South, stated she was ashamed of the Mayor and related a recent experience with the dispatch handling of animals.

Christian Cornelius, 1122 4th Avenue NW, inquired about the urgency in taking over the shelter and shared her concern with the City making the animal shelter better without funding it.

Dr. Micki Lague, noted she was not happy with the way the shelter was run. Dr. League noted it was an exemplary job of the Mayor to get the animal shelter to this point. Dr. League commented on liability for bites from animals and disease within the shelter.

Jack Lagoso, 3100 4th Avenue North, gave a quote from Ghandi regarding the treatment of animals reflecting on the health of the society.

Aaron Weissman, 315 4th Avenue North, questioned the Commission why June 2007 was the first the public knew of the problems at the shelter, but encouraged the City to work with the HSCC to set quantifiable goals and performance objectives.

Commissioner Beecher reiterated the cooperation with the Humane Society and the City and urged the community to quit pointing fingers and work for a better arrangement for the animals.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission authorize the City Manager to take all steps necessary for the City to assume direct responsibility for animal control, enforcement and shelter operations for an interim period and to work with animal welfare groups and individuals to encourage a suitable community-based organization to take over animal welfare programs.

Commissioner Rosenbaum reiterated that this was two entities agreeing to work together, for one main reason – the animals.

Commissioner Jovick-Kuntz related she was treated very kindly upon her visit to the animal shelter. She looked forward to a good relationship between the City and the Humane Society of Cascade County. She emphasized the need for financing, finding a director and getting the Animal Foundation and Humane Society to work together.

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

**Ord. 2976,
Unincorporated Land
Being Combined with
the Incorporated Lots 3-
8, Block 3, 7th
Supplement to Skyline
Heights Addition.
Public hearing set for
August 7, 2007.**

6. ORDINANCE 2976, UNINCORPORATED LAND BEING COMBINED WITH THE INCORPORATED LOTS 3-8, BLOCK 3, 7th SUPPLEMENT TO SKYLINE HEIGHTS ADDITION.

Planning Director Ben Rangel reported that Ordinance 2976 assigns a zoning classification of R-2 Single-family medium density district upon the unincorporated land being combined with the incorporated Lots 3-8, Block 3, 7th Supplement to Skyline Heights Addition upon annexation of same to City.

Mr. Rangel further explained that the developer (Woith Engineering) had prepared an Amended Plat of Lots 3-8, Block 3, 7th Supplement to Skyline Heights Addition adding a narrow strip of land which was inadvertently not included on the original subdivision plat. The amended plat would not result in any additional lots.

Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 2976 on first reading and set a public hearing for August 7, 2007, to consider adoption of Ordinance 2976.

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

7. Minutes, June 19, 2007, Commission meeting.
8. Total Expenditures of \$2,264,329 for the period of June 5-27, 2007, to include claims over \$5000, in the amount of \$2,030,770.
9. Contracts List.
10. Set public hearing for July 17, 2007, on Resolution 9675, Cost Recovery at 510 11th Street South.
11. Set public hearing for July 17, 2007, on Resolution 9670, Nuisance Abatement at 4727 2nd Avenue North.
12. Award construction contract for Sunnyside Water Pressure Improvements – Piping, Phase 1, to United Materials in the amount of \$1,119,880.(O.F. 1494.1)
13. Award contract to Abaris Group in the amount of \$32,348, to develop plans, contracts, and ordinances for pre-hospital care.
14. Approve medical director contract with Dr. Vega in the amount of \$14,400 for the fiscal year 2007/2008.
15. Appoint B.A.S.E. Trust Fund Trustees.

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

Michael Whitsoe, 510 11th Street South, remarked on the public comment period that had been instituted for the Consent Agenda.

Kathleen Gessaman, 1036 36th Avenue NE, inquired what the acronym B.A.S.E. stood for.

Motion carried 5-0.

BOARDS & COMMISSIONS

**Advisory
Commission on
International
Relationships.
Appoint Lindseth
and Murray.**

**16. APPOINTMENTS, ADVISORY COMMISSION ON
INTERNATIONAL RELATIONSHIPS.**

There were currently four openings on the Advisory Commission on International Relationships. Vacancies were available for the following member positions: Robert Harris, Virginia “Lee” Niebuhr, Jamie C. Smith, and Sara Hopkins Schoenenberger (deceased). After advertising in the Tribune and on the City’s website, only two applications were received.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission appoint Carol Lindseth and Matthew Murray to the Advisory Commission on International Relationships for three-year terms through March 31, 2010.

Motion carried 5-0.

19. CITY COMMISSION

Fireworks.

Commissioner Beecher noted that in his conversations with Chief Grove, the community was using restraint with fireworks. Commissioner Beecher reiterated that fireworks could used only the next couple days – July 3rd and 4th.

3-Minute Rule.

Commissioner Beecher also gave a brief comparison to other communities that have time limits on public comment.

20. PETITIONS AND COMMUNICATIONS

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

**Highwood Generating
Station.**

20A. John Stephens commended the Commission for the job they have done. Mr. Stephens also reported there are two candidates running for Mayor that are against the gasification plant. Mr. Stephens thought cigarettes had done more harm than any gasification plant.

**Highwood Generating
Station.**

20B. Mary Jolley, 1910 2nd Avenue North, corrected Mr. Stephens ‘gasification plant’ noting it was a Circulating Fluidized Bed. She noted if it was a gasification plant, half the people against it wouldn’t be against it. Ms. Jolley also stated if the City hadn’t started out owning some of it she wouldn’t have been against it. Ms. Jolley continued to explain that she attend the June ECP Board Meeting and heard a statement that the City may not own any of the plant.

- Downtown Great Falls Association.** 20C. **Tonya Jorgenson** representing the Business Improvement District introduced Jenny Harrant the Downtown Great Falls Advertising Director.
- Fireworks.** 20D. **Andre Deligdish**, 3016 Central Avenue, noted the fireworks ordinance was really working and thanked the Commission and the citizens who were following the ordinance.
- Undercover police officers.
Greenhouse issues.** 20E. **Ron Gessaman**, 1036 36th Avenue NE, remarked on the microphones not working properly and the undercover police officers not being in uniform. He also emphasized the need for clean industry and shared up-to-date greenhouse issue information.
- Animal control.** 20F. **Ann Murand**, 1205 2nd Avenue North, thanked John Lawton for helping the Humane Society to get things squared away.
- Election.** 20G. **Susan Kahn**, 1708 Alder Drive, introduced herself and announced she would be running for Mayor.
- Fireworks.** 20H. **John Hubbard** commented on taxes and gasoline prices being increased. Mr. Hubbard also noted that closing River Drive for fireworks was an imposition to the handicapped.
- Highwood Generating Station.** 20I. **Michael M. Whitsoe**, 2612 1st Avenue South, remarked that the Great Falls Tribune had reported on the designation of the Lewis & Clark National Landmark status could be affected by the impending coal-fired plant.
- Highwood Generating Station.** 20J. **Bret Doney**, 3048 Delmar Drive, commended Southern Montana Electric for plans and offers they have made to put in interpretative signs to enhance visitor experiences along the Lewis & Clark portage trail.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum that the regular meeting of July 3, 2007, be adjourned at 8:50 p.m.**

Motion carried 5-0.

Mayor Stebbins

Acting 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 JUNE 29, 2007	504,607.40
MASTER ACCOUNT CHECK RUN FOR JULY 3, 2007	367,219.26
MASTER ACCOUNT CHECK RUN FOR JULY 11, 2007	475,263.09
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 22, 2007	5,227.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 29, 2007	60,767.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 6, 2007	2,937.00
WIRE TRANSFERS FROM JUNE 27, 2007	38,170.32
WIRE TRANSFERS FROM JUNE 29, 2007	925,978.91
WIRE TRANSFERS FROM JULY 5, 2007	47,679.54
WIRE TRANSFERS FROM JULY 11, 2007	<u>118,116.58</u>
TOTAL: \$	<u><u>2,545,966.10</u></u>

GENERAL FUND

CITY COMMISSION

MONTANA LEAGUE OF CITIES & TOWNS 2007, 2008 DUES 17,007.00

OTHER ADMIN

BIG SKY FIREWORKS INC FIREWORKS DISPLAY 13,000.00

POLICE

NORTHWESTERN ENERGY ELECTRICAL FOR OUTDOOR RANGE 5,470.00
 ENERGY WEST MONTHLY CHARGES SPLIT 1,292.69

FIRE

ENERGY WEST MONTHLY CHARGES SPLIT 2,641.55

PARK & RECREATION

WILLIAMSON FENCING INC CEDAR CHIP MULCH 5,075.00
 ENERGY WEST MONTHLY CHARGES SPLIT 1,018.08

SPECIAL REVENUE FUND

LIGHTING DISTRICT

NORTHWESTERN ENERGY	MONTHLY CHARGES	5,245.29
NORTHWESTERN ENERGY	MONTHLY CHARGES	7,702.62
NORTHWESTERN ENERGY	MONTHLY CHARGES	55,467.00

SUPPORT & INNOVATION FUND

CITY COUNTY HEALTH DEPT	1/2 PAYMENT FOR 2008 BUDGET	125,000.00
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FIRE SPECIAL

HEIMAN FIRE EQUIPMENT	FF TURNOUT COATS AND PANTS	21,120.00
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STREET DISTRICT

CONCRETE DOCTOR	1312 8TH AVE S, 207 30TH AVE NE 2737 DELMAR, OAKWOOD & 52ND ST N WOODBIRD & 52ND ST N	6,679.30
GREAT FALLS REDIMIX	ASPHALTIC CONCRETE	88,803.53

LIBRARY

SIRSI	SUBSCRIP/MAINTENANCE 7-1-07/6-30-08	22,557.00
ENERGY WEST	MONTHLY CHARGES SPLIT	1,791.51
OFFICE CENTER	PRINTER SCANNER	8,010.00

FEDERAL BLOCK GRANTS

NCI ENGINEERING	ENGINEERING, ULRR CDBG PROJECT	43,278.75
LAPKE CONSTRUCTION	PMT #3 OF 1453.1 CDBG HANDICAP RAMPS	7,019.75
LAABS CONSTRUCTION	PMT#1 ADA BATH, GOLDEN TRIANGLE	13,585.50
NCI ENGINEERING	PMT#5 ULRR WATER/SEWER CDBG 720622	69,884.50

ECONOMIC REVOLVING

GREAT FALLS DEVELOPMENT AUTHOR	PARTIAL SUPPORT PMT GFDA-FY 2008	50,000.00
ENERGY WEST	MONTHLY CHARGES SPLIT	37.60
GREAT FALLS DEVELOPMENT AUTHOR	FINAL, GFDA FY 2008	15,000.00

DEBT SERVICE

GENERAL DEBT FUND

USBANK NA	DEBT SERVICE PMT DNR WRF-06091	5,056.25
USBANK NA	DEBT SERVICE PMT DNR WRF-06088	11,806.25
USBANK NA	DEBT SERVICE PMT GEN OBILGATN 2004	138,037.50

SID BONDS

USBANK NA	DEBT SERVICE PMT SID1210	350.00
USBANK NA	DEBT SERVICE PMT SID1266	22,080.00

ENTERPRISE FUNDS

WATER

USBANK NA	DEBT SERVICE PMT, WRF-01024	109,640.00
USBANK NA	DEBT SERVICE PMT REVENUE BONDS	300.00
NORTHWESTERN ENERGY	MONTHLY CHARGES	10,989.39
PHILLIPS CONSTRUCTION	HORIZON PRK AND CENTRAL AVE OF1437	230,107.05
DICK ANDERSON CONSTRUCTION	PMT #5 OF 1332.2 WATER PLANT FLOCCULA	34,491.00
DANA KEPNER CO-BILLINGS	6" COMPACT FIRE LINE METERS	10,700.00
ENERGY WEST	MONTHLY CHARGES SPLIT	2,651.21
BLACK AND VEATCH	WTP HYDRAULIC MODELING	7,877.73
DANA KEPNER CO-BILLINGS	MXU SINGLE PORT METERS	7,614.00
DANA KEPNER CO-BILLINGS	3/4" SR11 METERS	28,300.00
DANA KEPNER CO-BILLINGS	3/4" PMM ECR METERS	6,475.00

SEWER

USBANK NA	DEBT SERVICE PMT SRF-02089	410,320.00
BISON MOTOR CO	3/4 TON PICK-UP	17,519.83

STORM DRAIN

USBANK NA	DEBT SERVICE PMT SRF-04121	156,500.00
USBANK NA	DEBT SERVICE PMT SERIES 2003	19,726.25

SANITATION

ENERGY WEST	MONTHLY CHARGES SPLIT	187.57
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ELECTRIC UTILITY

FIRST INTERSTATE BANK	DEBT SERVICE PMT, ELECTRIC UTILITY	50,662.66
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SAFETY SERVICES

ENERGY WEST	MONTHLY CHARGES SPLIT	323.17
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GOLF COURSES

K&M INC	CONCESSIONS PAYOUT 6/9TO6/25 2007	1,725.00
ENERGY WEST	MONTHLY CHARGES SPLIT	143.68

SWIM POOLS

ENERGY WEST	MONTHLY CHARGES SPLIT	6,394.66
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RECREATION

ENERGY WEST	MONTHLY CHARGES SPLIT	378.56
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS BLUE SHIELD	GROUP & HMO CLMS 6/19 TO 6/25 2007	36,445.32
BLUE CROSS BLUE SHIELD	GROUP & HMO CLMS 6/26 TO 6/30 2007	47,679.54
BLUE CROSS BLUE SHIELD	GROUP & HMO CLMS 7/3 TO 7/9 2007	61,500.35
BLUE CROSS BLUE SHIELD	DRUG CLAIMS JUNE 07	66,857.54

INFORMATION TECHNOLOGY

HTE	MAINTENANCE, 7-1-07/06-30-08	125,229.60
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CENTRAL GARAGE

MOUNTAIN VIEW COOP	UNLEADED AND DIESEL FUEL	30,023.80
MICHAEL TODD AND CO	SNOW PLOW BLADES	7,477.50

FACILITY SERVICES

ENERGY WEST	MONTHLY CHARGES SPLIT	478.00
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES	44,627.00
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CLAIMS OVER \$5000 TOTAL: \$ 2,297,362.08

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

**AGENDA: 11
DATE: July 17, 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: City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Community Development	Public Works Department	July 1, 2007 – June 30, 2008	272	\$75,000 \$50,000	Handicap ramps Sidewalk Replacement
B	Community Development	Casa-Can Children's Advocate Network	July 1, 2007 – June 30, 2008	272	\$ 7,300	Purchase projector, scanner, copies and training manuals.
C	Community Development	Great Falls Senior Citizens Center	July 1, 2007 – June 30, 2008	272	\$13,500	Sidewalk replacement at Senior Citizens Center.
D	Community Development	Paris Gibson Square Museum of Art	July 1, 2007 – June 30, 2008	272	\$12,382	Purchase Braille signage, adaptive equipment and materials for art classes.
E	Community Development	Neighborhood Housing Services, Inc.	July 1, 2007 – June 30, 2008	274	\$64,276	New construction or rehabilitation of three single family homes.
F	Community Development	Neighborhood Housing Services, Inc.	July 1, 2007 – June 30,	272	\$138,376	Homeownership assistance – purchase XRF paint

			2008			analysis tool.
G	Community Development	Boys and Girls Club of North Central Montana	July 1, 2007 – June 30, 2008	272	\$13,500 \$18,000	Building renovation scholarships.
H	Community Development	Quality Life Concepts	July 1, 2007 – June 30, 2008	272	\$ 5,274	Purchase three computers and software.
I	Community Development	Gateway Community Services	July 1, 2007 – June 30, 2008	272	\$68,975	Replace boiler including asbestos abatement and old boiler removal.
J	Library	SIRSIDynix	July 1, 2007 through June 30, 2008	251 6111 561 3516	\$17,854 – Software Maintenance \$3,600 – Datastream Subscription \$1,103.00 – On-Site Maintenance	One Year Maintenance Agreement for main software system at the library.
K	Park & Recreation	Allan Rohrback Hard Kore Gym	2006	564-0000-346-3011	\$6,850	Agreement to absolve rent owed by taking ownership of gym equipment.
L	Park & Recreation	Child's World Daycare	January 2007 through January 2011	564-0000-346-3011	\$1,000/month – 2007 \$1,200/month - 2008 \$1,200/month – 2009	Facility Lease – Community Recreation Center.
N	Park & Recreation/ Public Works	A.T. Klemens	Current	Project 650701 411-3452-565-9221	(TO BE ADDED)	Eagle Falls Clubhouse Reroof. (O.F. 1480.2)
O	Public Works	Montana Department of Transportation	May 2007 through December 2008	None	No cost unless work exceeds \$25,000.	Utilities agreement for adjusting water valves and manholes in 2 nd Avenue South during reconstruction from 7 th to 9 th Street (O.F. 1274)

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

**AGENDA: 12
DATE: July 17, 2007**

ITEM: LIEN RELEASE LIST
Itemizing liens not otherwise approved or ratified by City Commission Action
(Listed liens are available for inspection in the City Clerks Office.)

PRESENTED BY: City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Ronald J. Nelson, owner at time of recording (current owner of record is Adrian J. and Patricia A. Richard) 1408 8 Avenue NW Bloomingdale 1 st Addition, Block 10, Lot 13	Current		\$441.12	Resolution #9607 for Assessing Unpaid Sewer, Fire Hydrant, Storm Drain and Sanitation Charges located at 1408 8 th Avenue NW in violation during calendar year 2006.
B	Community Development	Cascade County, owner at time of recording (current owner of record is Neighborhood Housing Services)	Current		\$200.00	Resolution #9358 for Weed Removal for property located at 700 5 th Avenue South.
C	Community Development	Helena E. Yaw (and Keith L. Nichols), owners at the time of recording (current owner is Neighborhood Housing Services.)	Current		\$14,475.00	Resolution #9237 for Cost Recovery at 700 5 th Avenue South.

AGENDA REPORT

DATE July 17, 2007

ITEM SET PUBLIC HEARING FOR RESOLUTION 9664 TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION

Staff recommends the City Commission set a public hearing date for Resolution 9664 to levy and assess the Street Maintenance District.

MOTION

“I move to set the public hearing on Resolution 9664 for August 7, 2007 at 7:00p.m.”

SYNOPSIS

As part of the annual budget development and adoption procedures the Street Maintenance Assessment Resolution must be submitted for City Commission action.

A public notice and hearing is required prior to final passage of the assessment resolution. Staff is requesting the City Commission order publication of such notice and set a public hearing date for August 7, 2007.

BACKGROUND

The annual assessment resolution provides for the authorization of assessments, authorization to contract for maintenance of sections of City streets adjacent to land owned by other governments or their agencies, assessment option specification, total assessment amount and listing of assessed property.

ASSESSMENT ANTICIPATED

The FY 07/08 assessment 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 approximate assessment of \$73.80 for an average lot of 7,500 square feet an increase of \$6.71 from FY 06/07 (7,500 sq ft X 0.009840 factor = \$73.80).

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 7th 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 7th day of August 2007, and approved by the Mayor of said City on the 7th day of August 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th 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 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

AGENDA REPORT

DATE July 17, 2007

ITEM SET PUBLIC HEARING FOR RESOLUTION 9665 TO LEVY AND ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT NO. 3570

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Staff recommends the City Commission set a public hearing date for Resolution 9665 to Levy and Assess Special Improvement Boulevard Maintenance District No. 3570.

MOTION:

"I move to set the public hearing on Resolution 9665 for August 7, 2007 at 7:00 p.m."

SYNOPSIS:

As part of the annual budget development and adoption procedures the Boulevard Maintenance Assessment Resolution must be submitted for City Commission action.

A public notice and hearing is required prior to passage of the assessment resolution. Staff is requesting the City Commission order publication of such notice and set a public hearing date for August 7, 2007.

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.

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

Cc: Jon Thompson, City Forrester

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 7th 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 7th day of August, 2007, and approved by the Mayor of said City on the 7th day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th 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 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 July 17, 2007

ITEM SET PUBLIC HEARING FOR RESOLUTION 9666 TO LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Staff recommends the City Commission set a public hearing date for Resolution 9666 to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195.

MOTION:

"I move to set a public hearing on Resolution 9666 for August 7, 2007 at 7:00 p.m."

SYNOPSIS:

As part of the annual budget development and adoption procedures the Portage Meadows Maintenance Assessment Resolution must be submitted for City Commission action.

A public notice and hearing is required prior to passage of the assessment resolution. Staff is requesting the City Commission order publication of such notice and set a special public hearing date for August 7, 2007.

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.

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).

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 7th 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 7th day of August, 2007, and approved by the Mayor of said City on the 7th day of August, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th 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 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.

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

AGENDA # 16
DATE July 17, 2007

ITEM Addendum to the High Plains Development Authority Economic Development Loan Agreement establishing terms of repayment and transferring responsibility to the Great Falls Development Authority

INITIATED BY High Plains Development Authority and Great Falls Development Authority

ACTION REQUESTED Authorize the City Manager to execute the addendum to the High Plains Development Authority Economic Development Loan Agreement establishing terms of repayment and transferring responsibility to the Great Falls Development Authority

PREPARED BY Martha Cappis, Operations Supervisor

PRESENTED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATIONS

Staff recommends the City Commission authorize the City Manger to execute the addendum to the High Plains Development Authority Economic Development Loan Agreement

MOTIONS

“I move the City Commission authorize the City Manager to execute an addendum to the High Plains Development Authority Economic Development Loan Agreement establishing terms of repayment and transferring responsibility to the Great Falls Development Authority”

SYNOPSIS

The City of Great Falls, the High Plains Development Authority, and the Great Falls Development Authority have been working together to provide regional business development . By providing matching grant funds and assisting with operational costs, they have continued successful operation of an economic development revolving loan fund initially financed by the Economic Development Administration. The High Plains Development Authority and the Great Falls Development Authority are finalizing a merger of their operations. Loans the City provided to them are now due for repayment.

BACKGROUND

On April 15, 2003 the City Commission authorized the City Manager to execute an Economic Development Bridge Loan Agreement to the High Plains Development Authority to provide quarterly draws, up to a total of \$250,000 to provide funds for the first three years of operations at an interest rate of 3.48%, with the Great Falls Development Authority guaranteeing the loan. Repayment was to begin April 30, 2006,

at which time a fixed rate would be determined for the remaining life of the loan. On September 5, 2006, the City Commission agreed to release the available funds remaining of \$65,000 and extend the due date to April 30, 2007. Repayment terms negotiated at that time were monthly payments, beginning July, 2007, of the outstanding principal of \$250,000 and interest of \$25,951.16, at 5.0% on the total due, for a period of 5 years.

Also on September 5, 2006, the City Commission authorized the guarantee of a \$73,500 loan to the Great Falls Development Authority from First Interstate Bank. This loan provided partial matching funds necessary for an Economic Development Administration grant. The majority of the loan was paid off with the sale of their office building in 2006, with the current principal balance as of July 3, 2007 being \$26,731.02

AGENDA REPORT

DATE July 17, 2007

ITEM: CONSTRUCTION AGREEMENT, AND UTILITIES AGREEMENT FOR 2ND AVENUE NORTH RECONSTRUCTION, O.F. 992

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CONSTRUCTION AND UTILITIES AGREEMENTS

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends that the attached construction and utilities agreements with the Montana Department of Transportation (MDT) be approved.

MOTION: "I move the City Commission approve the Construction Agreement, and the Utilities Agreement with the Montana Department of Transportation for reconstruction of 2nd Avenue North and authorize the City Manager to execute the documents."

SYNOPSIS: As part of a coordinated effort with the City of Great Falls, MDT plans to reconstruct 2nd Avenue North from Park Drive to 15th Street North and 9th Street from 3rd Alley South to 3rd Alley North. These agreements further detail MDT and City responsibilities and costs. MDT requires execution of these agreements prior to construction.

The Construction Agreement is a two-party agreement between the City of Great Falls and MDT that allows the City to review and approve urban highway projects administered by MDT. The agreement also sets forth some general responsibilities and conditions.

The Utilities Agreement is a two-party agreement between the City of Great Falls and MDT that allows the construction of storm drain, sanitary sewer and water facilities to be included in the contract entered into between MDT and a private contractor. The City will pay for the actual cost of the utility work plus portions of the traffic control, mobilization and indirect cost charges. The total cost to the City of Great Falls is estimated to be \$1,145,038.74.

BACKGROUND: MDT and the City have been developing a reconstruction project for 2nd Avenue North from Park Drive to 15th Street for many years. The project has been driven by the need to upgrade the deteriorating road surface and storm drain system.

The Construction Agreement generally includes the following provisions: 1) City review and approval of the plans, 2) City and MDT maintenance and operation responsibilities for traffic devices, signing, sidewalks, and street lighting, 3) City's responsibility for enacting and enforcing some traffic ordinances, 4) MDT's jurisdiction over access control and right-of-way encroachment, and 5) City compliance with civil rights, disabilities, and governmental code of fair practices laws

while performing work covered under the Agreement.

The Utilities Agreement generally includes provisions to allow MDT to adjust, replace, repair or relocate those utilities under the jurisdiction of the City in accordance with the plans and specifications.

Attachments: Construction Agreement (2 Originals)
Utilities Agreement (2 Originals)

Attachments not available online; on file in City Clerk's Office.

AGENDA REPORT

DATE July 17, 2007

ITEM: UTILITIES AGREEMENT FOR BNSF/MDT OVERLOOK DRIVE RECONSTRUCTION, O.F. 1307

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE UTILITIES AGREEMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends that the attached utilities agreement with the Montana Department of Transportation (MDT) be approved.

MOTION: "I move the City Commission approve the Utilities Agreement with the Montana Department of Transportation for reconstruction of BNSF/MDT Overlook Drive and authorize the City Manager to execute the documents."

SYNOPSIS: As part of a coordinated effort with the City of Great Falls, MDT plans to reconstruct Overlook Drive from River Drive to Upper River Road. This agreement further details MDT and City responsibilities and costs. MDT requires execution of this agreement prior to construction.

The Utilities Agreement is a two-party agreement between the City of Great Falls and MDT that allows the construction of water facilities to be included in the contract entered into between MDT and a private contractor. The City will pay for the betterment costs of the water main work plus portions of the traffic control, mobilization and indirect cost charges. The total cost to the City of Great Falls is estimated to be \$402,012.63.

BACKGROUND: MDT and the City have been developing a reconstruction project for Overlook Drive for many years. The project has been driven by the need to replace the bridge and upgrade the deteriorating road surface.

The Utilities Agreement generally includes provisions to allow MDT to adjust, replace, repair or relocate those utilities under the jurisdiction of the City in accordance with the plans and specifications.

Attachments: Utilities Agreement (2 Originals)
Attachments not available online; on file in City Clerk's Office

CITY OF GREAT FALLS, MONTANA

AGENDA # 19

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

DATE July 17, 2007

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

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$65,480.00 to United Materials of Great Falls Inc. for the Morony Natatorium Parking Lot, O.F. 1393.3 and authorize the City Manager to execute the contract."

PROJECT TITLE: Morony Natatorium Parking Lot, O.F. 1393.3

RECOMMENDED CONTRACTOR: United Materials of Great Falls, Inc.

CONTRACT AMOUNT: \$65,480.00

ENGINEERS ESTIMATE: \$59,040.00

BUDGETED FUNDS: General Capital Projects Fund - \$65,000

START DATE: August 2007

COMPLETION DATE: August 2007 (30 Calendar Days)

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

SYNOPSIS: This project will resurface the parking lot in front (west side) of the Morony Natatorium building. The lot will be re-striped by City crews after paving is completed.

BACKGROUND: Currently, the parking lot surface is deteriorating and has poor drainage. The parking area is disorganized and therefore, space is not well used.

One bid was received and opened for this project on July 5, 2007. The attached bid tabulation summarizes this information. United Materials submitted the only bid.

The work on the site consists of excavation and grading; asphalt milling, and asphalt pavement. Construction will be completed during the month of August when the Natatorium is closed for its annual maintenance.

City engineering staff completed the project design in coordination with the Parks and Recreation Department. Engineering will perform construction inspection and contract administration duties.

Attachment: Bid Tabulation Summary

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

Project Number O.F. 1393.3
 Bids Taken at Civic Center
 Date: July 5, 2007
 Tabulated By: Jaqson Handl

	Name & Address of Bidder	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√	√	√	√	\$65,480.00
2						
3						
4						
5						
6						
7						
8						
9						
10	Engineer's Estimate					\$59,040.00

AGENDA REPORT

DATE July 17, 2007

ITEM: CHANGE ORDER NO. 2 – RENEWABLE ENERGY DESIGN SERVICES,
O.F. 1404

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER NO. 2

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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RECOMMENDATION: Staff recommends approval of Change Order No. 2 to Stanley Consultants Inc. for Renewable Energy Design Services, O.F. 1404.

MOTION: “I move the City Commission approve Change Order No. 2 for \$34,900 to Stanley Consultants Inc. for Renewable Energy Design Services, O.F. 1404, and authorize the City Manager to execute the agreements.”

SYNOPSIS: This change order covers two items. The first item is additional on-site construction and commissioning management. Stanley’s initial scope of work was to provide four months of on-site supervision. Because of time extensions for construction and change orders, Stanley’s inspector needed to be on-site an additional four weeks. This cost will be \$29,100. The second item of the change order is home office support to construction and commissioning. This support covers an additional 40 hours required for the project. Between the original contract and Change Order No. 1, Stanley’s contract was for 395 hours of home office support. Because of change orders and additional work Stanley spent a total of 435 hours on this project. The cost of these additional hours will be \$5,800. These two items come to a total of \$34,900 and brings Stanley’s contract from the original amount of \$351,500 to a total of \$446,566. In comparison, the two other engineering bids received for this project were \$491,056 by Veolia and \$449,176 by Black & Veatch.

BACKGROUND: On August 2, 2005, the City Commission awarded a contract to Stanley Consultants to complete the design begun by Veolia Water North America and provide construction management services for an electric generator to use methane gas produced by the anaerobic digesters at the wastewater treatment plant to produce electricity and heat for use at the plant. To date all equipment has been installed by the contractor and startup is scheduled for the end of the month.

Attachments: Change Order No. 2 (Not available online; on file in City Clerk’s Office)

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

DATE July 17, 2007

ITEM: _____ WATER METER EQUIPMENT PURCHASES FOR FY08

INITIATED BY: _____ PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: _____ APPROVE PURCHASE

PRESENTED BY: _____ JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission approve the purchase of water meter equipment for the 2008 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$235,000.

MOTION:

I move that the City Commission approve the purchase of water meter equipment for the 2008 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$235,000. Dana Kepner Co. of Billings is the sole source distributor for compatible parts and equipment for the City’s metering system.

SYNOPSIS:

During Fiscal Year 2008, the City Water Utilities Division will continue to purchase water meters, supplies and installation equipment from Dana Kepner Co. of Billings, the sole vendor for these items in the Great Falls area. Staff proposes to purchase radio read equipment and new meters totaling approximately \$160,000. Staff proposes to also purchase parts and installation materials including meter horns totaling approximately \$75,000.

BACKGROUND:

Over the last 10 years, the City Water Distribution Division has been converting old TTR meters, which are now obsolete, to ECR meters. The ECR meters are used with our new radio read equipment, which makes reading meters easier and less time consuming. In Fiscal Year 2007, Staff purchased \$227,017 worth of radio read equipment and new meters from Dana Kepner Co. Additionally, staff also purchased \$54,297 worth of meter parts and installation equipment, including meter horns in Fiscal Year 2007. Due to compatibility issues with different equipment, supplies, and suppliers, staff proposes to continue to purchase equipment from Dana Kepner Co.

cc: Mike Judge, Utility Systems Supervisor

AGENDA REPORT

DATE July 17, 2007

ITEM: FINAL PAYMENT: 2006 CDBG (COMMUNITY DEVELOPMENT BLOCK GRANT)
HANDICAP RAMP REPLACEMENT, O.F. 1453.1

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAYMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends approval of Final Payment to Lapke Construction LLC for the 2006 CDBG Handicap Ramp Replacement, O.F. 1453.1.

MOTION: "I move the City Commission approve Final Payments of \$3,386.44 to Lapke Construction LLC and \$34.20 to the State Miscellaneous Tax Division for the 2006 CDBG Handicap Ramp Replacement, O.F. 1453.1, and authorize the City Manager to execute the necessary documents and make the payments."

SYNOPSIS: Lapke Construction completed all contracted work and City Engineering staff recommends acceptance of the project and execution of the Final Payment.

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

The Commission approved the original contract price of \$104,120.00 on September 19, 2006. The final contract amount was \$68,413.00. The project was funded by CDBG and storm drain funds. The remaining funding was for storm drain work at the intersection of 35th Street and Central Avenue. That intersection will be completed in a future phase. All CDBG funding was expended. Substantial completion was reached on May 31, 2007, which was also the start of the 2 year warranty period.

The project consisted of the installation of 13 handicap ramps along Central Avenue at the intersections of 30th, 31st, 32nd, and 34th Street. Ramps were also installed at the intersection of 11th Street and 6th Avenue South (1), 11th Street and 7th Avenue South (1), 7th Street and 7th Avenue South (2), and at 26th Avenue and 8th Street Northeast (3). Including the handicap ramps, a total of 5297 square feet of sidewalk, and 686 lineal feet of curb and gutter were placed.

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

Attachment: Claim & Pay Estimate #4, Final (Not available online; on file in City Clerk's Office)

AGENDA REPORT

DATE July 17, 2007

ITEM 2007 Community Transportation Enhancement Program (CTEP) – Reserve “Set-Aside”

INITIATED BY Great Falls Planning Board

ACTION REQUESTED Approve CTEP Reserve Funds “Set-aside”

PREPARED & PRESENTED BY Andrew Finch, Senior Planner

REVIEWED & APPROVED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

It is recommended the City Commission approve the following motion.

MOTION:

“I move that the City Commission place in reserve, the uncommitted portion of the 2007 CTEP allocation to address and accommodate unexpected cost increases for current and future projects”.

SYNOPSIS:

The deadline of June 15, 2007 for receipt of 2007 Community Transportation Enhancement Program (CTEP) applications resulted in no responses. This may have been due to a number of factors, including methods for advertising. Although the same methods were used as in previous years, that is, e-mailings, newspaper advertisement, webpage advertisement and notification, staff will review the process and consider alternative methods for project solicitation in 2008.

The fact that no applications were received gives the Program a chance to establish a meaningful “set-aside” reserve for accommodating future unexpected project cost increases. Project development can take 2-6 years, depending upon the complexity of the project, problems that might arise during development, and the level of interest by the project sponsor to move the project forward.

Many CTEP projects built to-date have required additional funding for various reasons and some would not have been constructed if additional funds had not been available. As such, it is critical that a reserve of funds be maintained for this purpose.

Currently, the rapidly rising cost of asphalt and other construction materials is affecting most, if not all, City construction projects, including CTEP projects. In addition, the State will now be applying an extra 10.91% to all projects to pay for its overhead costs, which will automatically increase new CTEP project costs by that percentage.

The uncommitted portion of funds available this year (about \$115,000) will not be lost because no applications were received. Rather, it will be an opportunity to reserve this year’s allocation for existing project cost increases, as well as for possible allocation during next year’s solicitation process, if such use is warranted.

ITEM: AGREEMENT REGARDING SECURITY FOR POWER PURCHASES BY SOUTHERN MONTANA ELECTRIC G&T (SME) FOR CITY OF GREAT FALLS, ELECTRIC CITY POWER (ECP) CUSTOMERS

INITIATED BY: SECURITY REQUIREMENTS OF ENERGY SUPPLIER

ACTION REQUESTED: AUTHORIZE CITY MANAGER TO EXECUTE AGREEMENT BETWEEN CITY AND SME

PREPARED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

PRESENTED BY: JOHN LAWTON, CITY MANAGER

RECOMMENDATION:

Staff recommends the City Commission approve the agreement regarding security for power purchases to provide energy to its Electric City Power customers.

MOTION:

“I move the City Commission approve the agreement to provide security for power purchases entered into by SME; which in turn supply energy to Electric City Power energy utility customers; and, authorize the City Manager to execute the agreement.”

SYNOPSIS:

The energy supply needs of ECP customers are served through the city’s membership in Southern Montana Electric G&T. SME purchases ECP energy supply needs from PPL Montana. A standard industry practice requires security deposits equal to two months of energy supply costs. This agreement will authorize the City to provide the funds necessary for that security deposit on behalf of ECP customers in the current amount of \$1,400,000.

BACKGROUND:

The City Commission is requested to approve this agreement regarding security for energy purchases to serve ECP customers. The funds for the security will be derived from the pooled cash of the various City operations receiving electricity from ECP. The interest earnings from the security deposit will be credited to those funds. This deposit is a standard business practice in the energy industry and other industries as well. In May of 2006, the City Commission approved a financial security deposit as required by the Public Service Commission prior to ECP receiving approval to serve residential and small business customers through the Small Customer Pilot Program. A comparable situation occurs in regard to future bonded debt service obligations

where the City is required to demonstrate it has cash balances set aside as security for future debt service payments of its revenue and tax increment bonds. Deposits such as this are held by the City, managed and accounted for by the City, and the interest earnings accrue to the City.

Southern Montana Electric G&T has been entering into energy supply contracts with PPL Montana on behalf of Electric City Power customers since 2004. It is a standard business practice of the energy supplier to require a two month deposit as security for each of the blocks of power provided to SME for use by ECP customers. As the customer base of EC has grown so has the amount of the required security deposit. Until now, SME has provided the funds for the security deposit on behalf of ECP. Due to SME's own cash flow needs the City has now been requested to provide the security deposit backing its energy customers supply needs. The current deposit requirement is approximately \$1,400,000. The amount of this security will change in relation to the amount of energy acquired through supply contracts. The funds will be held by a third party banking institution for use in the event payment is not made to PPL Montana in accordance with the terms of the energy supply contracts entered into by SME on behalf of ECP customers.

The existing security deposit has not been used and it is not anticipated that it will be used in the future. The majority of the ECP customer base consists of very stable, financially secure businesses or governmental agencies with a long-time presence in this community. These include the City's operations, GF Airport Authority and its tenants, Benefis, Housing Authority, Montana Refinery and General Mills. It should be noted that ECP also has one new large customer located outside the community. Due to the size of their energy needs, and the fact the business is located outside of the City, terms of their contract included provision of a letter of credit to ECP equal to two months of energy supply. This company is also very stable with a long-time presence in Montana. Future customers will be evaluated on a case by case basis to determine the need for providing security to ECP, which in turn provides security to SME based on the terms and conditions of the energy supply.

AGREEMENT REGARDING SECURITY FOR POWER PURCHASES
FOR THE CITY OF GREAT FALLS

This Agreement above entitled is entered into this 17th day of July, 2007 by and between the **City of Great Falls** ("City") and **Southern Montana Electric Generation and Transmission Cooperative, Inc.** ("SME").

The City and SME have previously entered into a Wholesale Power Contract under which the City has agreed to purchase its power requirements from SME and SME has agreed to supply the City with power meeting its requirements. Pursuant to that Contract and further agreements executed between the parties, SME has entered into contracts with PPL Montana, LLC for PPL Montana to supply power to SME to meet the City's power requirements. The contracts with PPL Montana require SME to provide PPL Montana with cash or equivalent deposits as security for its purchases on behalf of the City. SME has heretofore met the requirement by pledging certificates of deposit in the amounts required by PPL Montana.

In light of the fact that the security required by PPL is to secure power supplied to the City, the City and SME agree as follows:

1. The City shall, as soon as practicable after the execution of this agreement, provide letters of credit or other security satisfactory to PPL Montana and SME to satisfy the security requirements under existing contracts between SME and PPL Montana for power purchased by SME on behalf of the City.

2. In the event SME purchases additional power to meet any additional requirements of the City, the City shall provide letters of credit or other security required by contracts for such purchases, provided that the security requirements have been approved by both the City and SME prior to SME's execution of the purchase contract.

3. This Agreement shall supplement and amend all previous power supply agreements between the City and SME.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day, month and year hereinafore written.



[REDACTED]

Printed Name: Joyce A Thoms
Notary Public for the State of Montana
Residing at: Great Falls, Montana
My Commission Expires: 3-14-2011