



City Commission Agenda

for

April 3, 2007

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission discussion. We encourage your participation.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS

2007 Days of Remembrance
Community Development Week
Donate Life Month
Fair Housing Month

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Northview Addition Phase 2, consisting of 18 single-family lots along a portion of 38th Avenue Northeast. **(Presented by: Ben Rangel)**
 - A. Res. 9641, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9641.
 - B. Ord. 2963, Assigns zoning classification of PUD Planned unit development. Action: Conduct joint public hearing and adopt or deny Ord. 2963.
3. Cottage Grove Addition Phase 2, consisting of 10 single-family residential lots located along the northerly extension of 49th Street North. **(Presented by: Ben Rangel)**
 - A. Res. 9642, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9642.
 - B. Ord. 2964, Assigns zoning classification of PUD Planned unit development district. Action: Conduct joint public hearing and adopt or deny Ord. 2964.

OLD BUSINESS

ORDINANCES/RESOLUTIONS

4. Ord. 2970, Establish City Zoning Upon Portion of Hilton Garden Inn Minor Subdivision Being Annexed and Rezone Portion of Subdivision Presently Within City. Action: Accept Ord. 2970 on first reading and set public hearing for May 1, 2007. **(Presented by: Ben Rangel)**

5. Res. 9647, Relating to \$2,270,000 General Obligation Swim Pool bonds, Series 2007; Authorizing the Issuance and public sale.
Action: Adopt or deny Res. 9647. **(Presented by: Coleen Balzarini)**

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.*

6. Minutes, March 20, 2007, Commission meeting.
7. Total Expenditures of \$1,089,505 for the period of March 16-23, 2007, to include claims over \$5000, in the amount of \$1,014,468.
8. Award bid for City towing to S & C Auto, Inc.
9. Approve Final Payment to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$1,616.56 for the 2nd Avenue Southwest Sanitary Sewer Main Extension.
10. Extend Annual Audit contract services performed by Junkermier, Clark, Campanella, and Stevens for three years.

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

BOARDS & COMMISSIONS

11. Appointments, Advisory Commission on International Relationships. Appoint one member to fill the remainder of a three-year term through March 31, 2008, and appoint one member for a three-year term through March 31, 2010.
12. Appointment, Library Board. Appoint one member to the Library Board to fill the remainder of a five-year term through June 30, 2007.
13. Miscellaneous reports and announcements.

CITY MANAGER

14. Miscellaneous reports and announcements.

CITY COMMISSION

15. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

16. Miscellaneous reports and announcements.

MOTION TO ADJOURN

AGENDA REPORT

DATE April 3, 2007ITEM Public Hearing – Resolution No. 9641, Ordinance No. 2963, Final Plat and Annexation Agreement all related to Northview Addition Phase 2INITIATED BY Jim Workman Construction Co., Property Owner and DeveloperACTION REQUESTED Commission Adopt Resolution No. 9641 and Ordinance No. 2963, Approve Final Plat and Annexation AgreementPREPARED BY Charles Sheets, Planner 1APPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

The Planning Board has recommended the City Commission approve the final plat and annexation of Northview Addition Phase 2 and the City Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development to same, upon annexation to the City.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9641 and approve the final plat and Annexation Agreement all related to Northview Addition Phase 2.”

and

“I move the City Commission adopt Ordinance No. 2963.”

SYNOPSIS:

Resolution No. 9641 annexes Northview Addition Phase 2, which consists of 18 single-family lots along a portion of 38th Avenue Northeast.

Ordinance No. 2963 assigns a zoning classification of PUD Planned unit development, to Northview Addition Phase 2, upon annexation to the City.

BACKGROUND:

Phase 2 is a portion of the Preliminary Plat of Northview Addition Phases 2 – 7 which was conditionally approved by the Planning Board on January 9, 2007 and by the City Commission on February 6, 2007. The preliminary plat consisted of 80 internal lots for single-family residences and 3 lots around the perimeter to contain a total of 21 duplex condos. 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 Zoning Commission approved the PUD zoning request on January 9, 2007. The Minor Plat of Northview Addition Phase 1 was annexed in July of 2006 and is being built as planned with 9 duplex condos along the west side of 9th Street Northeast.

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 eventually Phase 2 will be accessible from Bootlegger Trail and an 11th Street Northeast connection to 36th Avenue Northeast as future phases and other properties in the vicinity subdivide and develop.

The developer will install standard City paving, curb and gutter to extend 38th Avenue Northeast to the east for the future connection to 11th 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 to existing private retention ponds. The owner will be required to obtain signed agreements with the pond owners to utilize the retention ponds.

The final engineering documents relative to the Final Plat of Northview Addition Phase 2 have been prepared by the project engineer and are in the process of being submitted to the City Engineer.

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

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

The primary reason the applicant is requesting the PUD Planned unit development district zoning classification is to provide for a larger front yard setback than the minimum front yard setback (20 ft.) required by the R-3 zoning district which Phase 2 would normally be based upon proposed lot sizes.

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

The Planning Board during a meeting held February 13, 2007 unanimously recommended the City Commission approve the Final Plat and its Annexation to the City of Great Falls of Northview Addition Phase 2, subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.
- 4) Final engineering documents for required public improvements to serve the subdivision are subject to approval by the Public Works Department.
- 5) A financial surety (i.e. certificate of deposit) shall be established in the name of the owner/developer and City to cover the costs for City roadway section and 8-inch water main, for extending 11th Street Northeast to 36th Avenue Northeast, across Mark 14E1, Section 36, Township 21 North, Range 3 East.

The Zoning Commission at the conclusion of a public hearing held January 9, 2007, unanimously recommended the City Commission approve establishing a City zoning classification of PUD Planned unit

development district upon the Final Plat of Northview Addition Phase 2, upon annexation of the area contained therein.

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

Attachments: Resolution No. 9641
Ordinance No. 2963
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement (Not available online; on file in City Clerk's Office.)

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

RESOLUTION NO. 9641

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE NORTHVIEW ADDITION PHASE 2, LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Northview Addition Phase 2, located in the SE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana, and containing 4.79 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the final plat of Northview Addition Phase 2; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "NORTHVIEW ADDITION PHASE 2, LOCATED IN THE SE1/4 OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of April, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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)

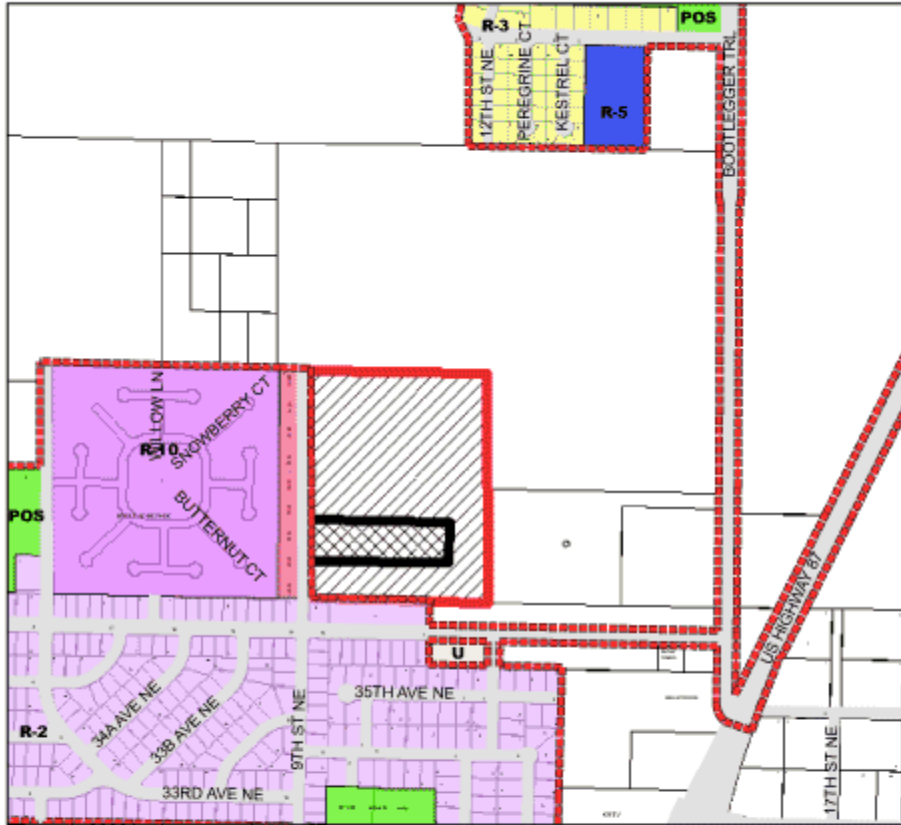
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9641 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of April, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of April, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY/ZONING MAP



 NORTHVIEW ADDITION PHASE 2

 REMAINDER OF PRELIMINARY PLAT NORTHVIEW 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

950 475 0 950 Feet



ORDINANCE NO. 2963

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF
PUD PLANNED UNIT DEVELOPMENT DISTRICT TO
NORTHVIEW ADDITION PHASE 2,
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 2, 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 2, 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 2, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of April, 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 2, 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 of hereof.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Northview Addition Phase 2, 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 3rd day of April, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2963 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 3rd day of April, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3rd day of April, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 3rd day of April, 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 No. 2963 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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

NORTHVIEW ADDITION PLANNED UNIT DEVELOPMENT BUILDING ENVELOPES, SETBACKS AND HEIGHT

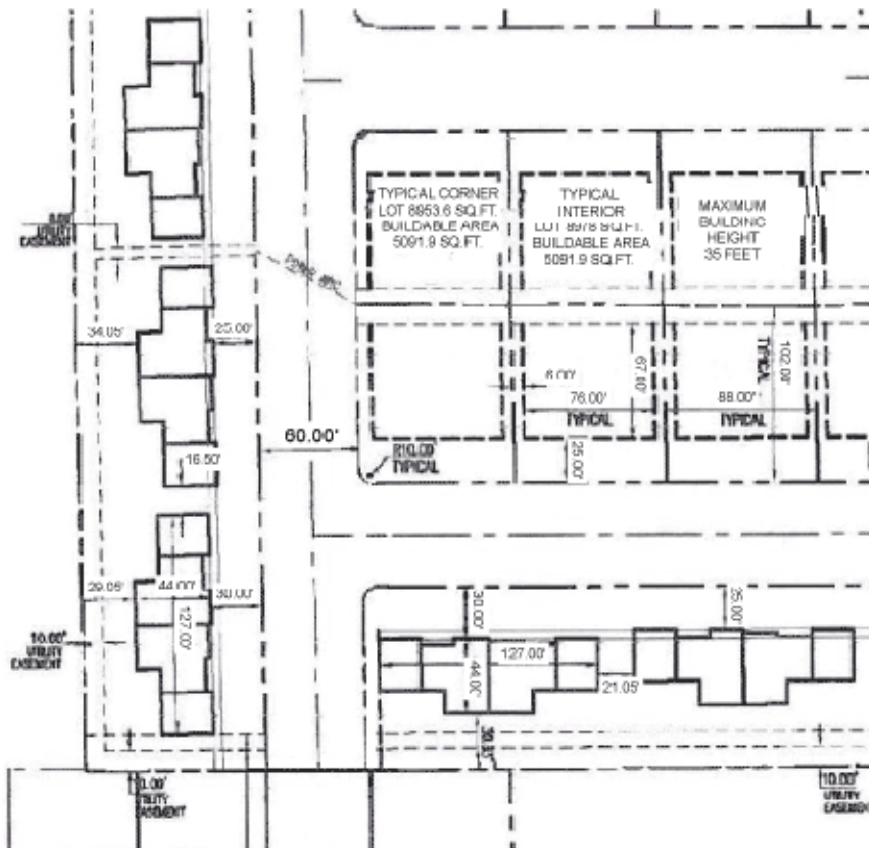


EXHIBIT "A"

VICINITY/ZONING MAP




 NORTHVIEW ADDITION PHASE 2

 REMAINDER OF PRELIMINARY PLAT NORTHVIEW 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

950 475 0 950 Feet



PLAT OF
NORTHVIEW ADDITION – PHASE 2
 TO THE CITY OF GREAT FALLS
 A SUBDIVISION IN THE SE 1/4, SECTION 25, T21N, R3E.,
 P.M. MT, CASCADE COUNTY, MONTANA

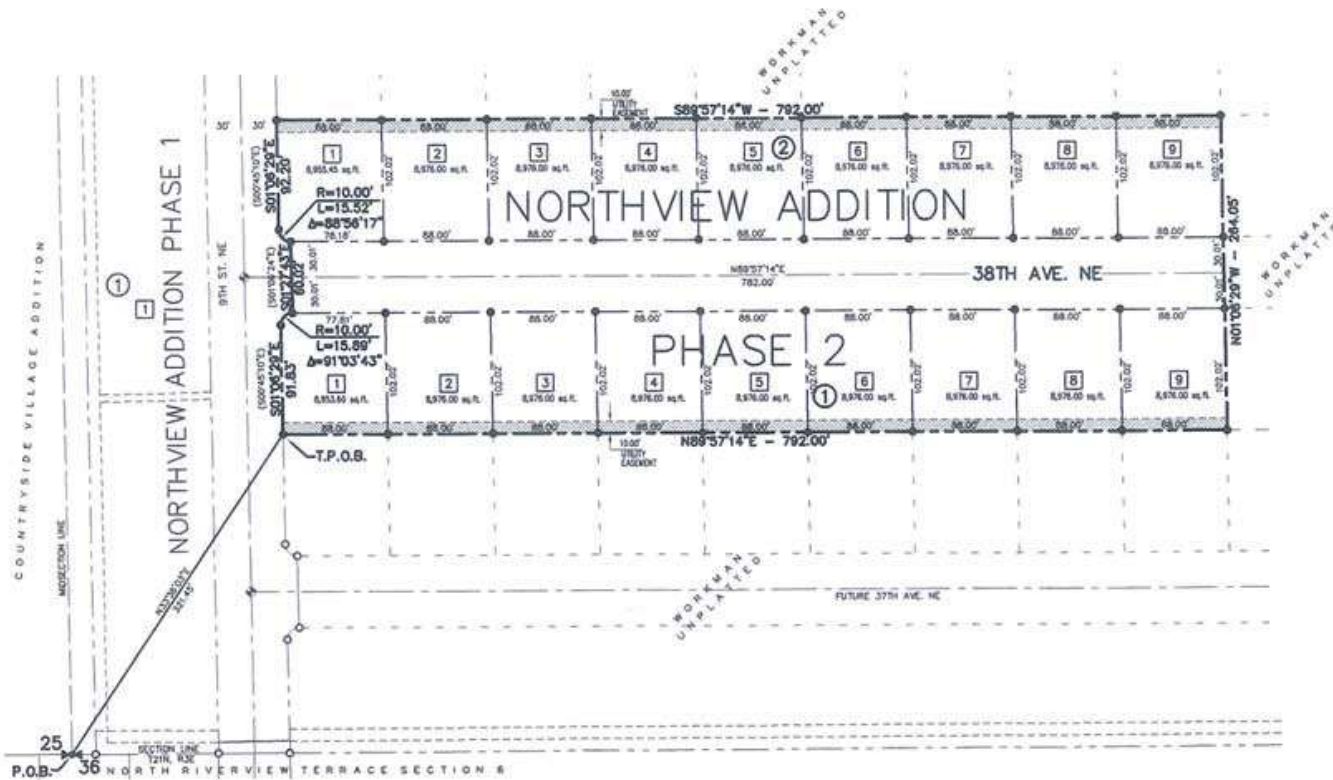


BASIS OF BEARING

BASIS OF BEARING IS TRUE NORTH
 BASED ON GEODETIC INVERSES USING
 SURVEY GRADE G.P.S. SYSTEM.

AREAS

STREET	46,919.90 SF = 1.08 ACRES
LOTS	161,525.05 SF = 3.71 ACRES
TOTAL AREA	208,444.95 SF = 4.79 ACRES



LEGEND

- FOUND QUARTER CORNER
- SET 5/8" x 24" IRON PIN AND CAP
- FOUND IRON PIN AND CAP
- STREET MONUMENT
- BLOCK NUMBER
- LOT NUMBER
- P.O.B.** POINT OF BEGINNING
- T.P.O.B.** TRUE POINT OF BEGINNING
- SF** SQUARE FEET
- (0°00'00")** RECORD BEARING
- ADDITION BOUNDARY
- NEW PROPERTY LINES
- EXISTING PROPERTY LINES
- EXISTING SECTION LINES
- STREET CENTER LINES
- FUTURE DEVELOPMENT
- UTILITY EASEMENTS

AGENDA REPORT

DATE April 3, 2007

ITEM Public Hearing – Resolution No. 9642, Ordinance No. 2964, Final Plat and Annexation Agreement all related to Cottage Grove Addition Phase 2

INITIATED BY Discovery Meadows Inc., Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9642 and Ordinance No. 2964 and Approve Final Plat and Annexation Agreement

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the final plat and annexation of Cottage Grove Addition Phase 2. The City Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development district, to Cottage Grove Addition Phase 2, upon annexation to the City.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9642 and approve the final plat and Annexation Agreement all related to Cottage Grove Addition Phase 2.”

and

“I move the City Commission adopt Ordinance No. 2964.”

SYNOPSIS:

Resolution No. 9642 annexes Cottage Grove Addition Phase 2, which consists of 10 single-family residential lots located along the northerly extension of 49th Street North. Ordinance No. 2964 assigns a zoning classification of PUD Planned unit development district, to Cottage Grove Addition Phase 2, upon annexation of same to City. The accompanying Agreement contains terms and conditions associated with annexation.

BACKGROUND:

In 2001, the City and County Commissions conditionally approved the preliminary plat of Discovery Meadows Addition, located immediately north of Portage Meadows Addition and west of 52nd Street North, consisting of 62 single-family residential lots to be brought into the City in phases.

Discovery Meadows Addition Phase 1, consisting of 10 residential lots along 48th Street North, was final platted and annexed to the City in 2001. The Planning Board/Zoning Commission on March 14, 2006, conditionally approved the final plat, annexation and conditional use allowing duplexes for Discovery Meadows Addition Phase 2 consisting of 10 more lots located immediately north of Phase 1. Cottage Grove Addition Phase 1 (formerly a portion of Discovery Meadows Addition Phase 3) was final platted, granted a change in zoning and annexed to the City in July 2006. The applicant now wants to proceed with the final portion of the Discovery Meadows Addition Phase 3 under the new title of Cottage Grove Addition Phase 2 consisting of 10 lots along the northerly extension of

49th Street North. The applicant also desires to have Cottage Grove Addition Phase 2 zoned PUD, Planned unit development district upon annexation to the City to accommodate a mix of residential lots ranging in size from 4,608 to 11,107 sq ft.

Please refer to the vicinity/zoning map attached to Resolution No. 9642 as Exhibit "A", the reduced copy of the drawing portion of the final plat and Exhibit "A" attached to Ordinance No. 2964 illustrating building envelopes, setbacks, and heights.

City water and sanitary sewer mains and paving, curb and gutter are proposed to be installed to City standards in the extension of 49th Street North and 8th Avenue North abutting the south boundary of the subdivision.

Surface drainage from the subdivision will flow southerly to 7th Avenue North to the existing storm sewer drains.

The final engineering documents relative to the final plat of Cottage Grove Addition Phase 2 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 Discovery Meadows Addition are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Cottage Grove Addition Phase 2.

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 Great Falls City–County Planning Board had previously recommended the subdivision be assigned a zoning classification of "A" Residence Use, "B" Area District on the preliminary plat. With the adoption of the Unified Land Development Code by the City Commission on September 6, 2005, the compatible classification would be "R-3" Single-family high density. However, the applicant has instead requested Cottage Grove Addition Phase 2, be assigned a PUD Planned unit development.

The primary reason the applicant is requesting the PUD Planned unit development district zoning classification is to allow more flexibility in lot sizes in order to accommodate more affordable housing. The applicant is proposing the same setbacks as those approved for Cottage Grove Addition Phase 1. The proposed lot sizes range from 4,608 to 11,107 sq ft and the minimum setbacks are: front – 20ft; side – 5ft; and rear – 10ft. The lot sizes in Phase 1 are 3,779 to 6,106 sq. ft. For comparison, the R-3 Single-family high density district has a minimum lot size of 7500 sq ft with minimum setbacks of: front – 20ft; side – 5ft; and rear – 10ft. Assuming equal building sizes, the main difference between the proposed PUD lots in Cottage Grove Addition Phase 2 and a conventional R-3 zoning district is less yard space. Also, for comparison

purposes, the lots in the Portage Meadows PUD, located directly to the south of Cottage Grove, range in size from 3,000 to 6,000 sq ft.

Considering the proposed PUD zoning designation is similar to an adjoining phase of Cottage Grove Addition and an abutting existing large PUD zoning district, it is not out of character for the neighborhood. Staff concludes the above-cited criteria are substantially met.

At the conclusion of a combined public hearing held February 13, 2007, the Planning Board/Zoning Commission made two separate recommendations, as follows:

The Planning Board unanimously recommended the City Commission approve the Final Plat and its Annexation to the City of Great Falls of Cottage Grove Addition Phase 2, subject to the following conditions:

- 1) executing an Annexation Agreement acceptable to the City of Great Falls and submitting the appropriate supporting documents referenced in the Agreement.
- 2) paying all applicable fees and charges due as a consequence of either plat or annexation approval.
- 3) correcting any errors or omissions on the final plat noted by staff.
- 4) submitting and obtaining approval of the Public Works Department of the final engineering documents for required public improvements to serve the subdivision.

and;

The Zoning Commission unanimously recommended the City Commission approve establishing a City zoning classification of PUD Planned unit development district upon the Final Plat of Cottage Grove Addition Phase 2, upon annexation of the area contained therein.

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

Attachments: Resolution No. 9642
Ordinance. No. 2964
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement (Not available online; on file in City Clerk's Office)

cc: Discovery Meadows, Inc., 1725 41st St S

RESOLUTION NO. 9642

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE COTTAGE GROVE ADDITION PHASE 2, LOCATED IN THE NE1/4SE1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Cottage Grove Addition Phase 2, located in the NE1/4SE1/4 of Section 4, Township 20 North, Range 4 East, Cascade County, Montana, and containing 1.82 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the final plat of Cottage Grove Addition Phase 2; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "COTTAGE GROVE ADDITION PHASE 2, LOCATED IN THE NE1/4SE1/4 OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of April, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9642 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of April, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of April, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY/ZONING MAP



 COTTAGE GROVE PHASE 2 TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT

 REMAINDER OF PRELIMINARY PLAT OF DISCOVERY MEADOWS ADDITION

 City Limits

 R-3 Single-family high density

 R-5 Multi-family medium density

 POS Parks and Open Space

 PUD Planned unit development

 U Unincorporated

 Tracts of land outside City



EXHIBIT "A"  580 290 0 580 Feet

ORDINANCE NO. 2964

AN ORDINANCE ASSIGNING
A ZONING CLASSIFICATION OF
PUD PLANNED UNIT DEVELOPMENT DISTRICT
TO COTTAGE GROVE ADDITION PHASE 2,
IN SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST,
P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Discovery Meadows Inc., has petitioned the City of Great Falls to annex Cottage Grove Addition Phase 2, located in Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Discovery Meadows Inc., has petitioned said Cottage Grove Addition Phase 2, be assigned a City zoning classification PUD Planned Unit Development to accommodate affordable single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district on the lots within said Cottage Grove Addition Phase 2, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of April, 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 Cottage Grove Addition Phase 2, be designated as PUD Planned unit development district classification subject to the building envelopes, setbacks and heights attached hereto as Exhibit "A" and by this reference made a part of hereof.

Section 3. This ordinance shall be in full force and effect 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 Cottage Grove Addition Phase 2 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 3rd day of April, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2964 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 3rd day of April, 2007, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of April, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 3rd day of April, 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 No. 2964 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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY/ZONING MAP




 COTTAGE GROVE PHASE 2 TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT


 REMAINDER OF PRELIMINARY PLAT OF DISCOVERY MEADOWS ADDITION

 City Limits


 R-3 Single-family high density

 R-5 Multi-family medium density

 POS Parks and Open Space

 PUD Planned unit development

 U Unincorporated

 Tracts of land outside City

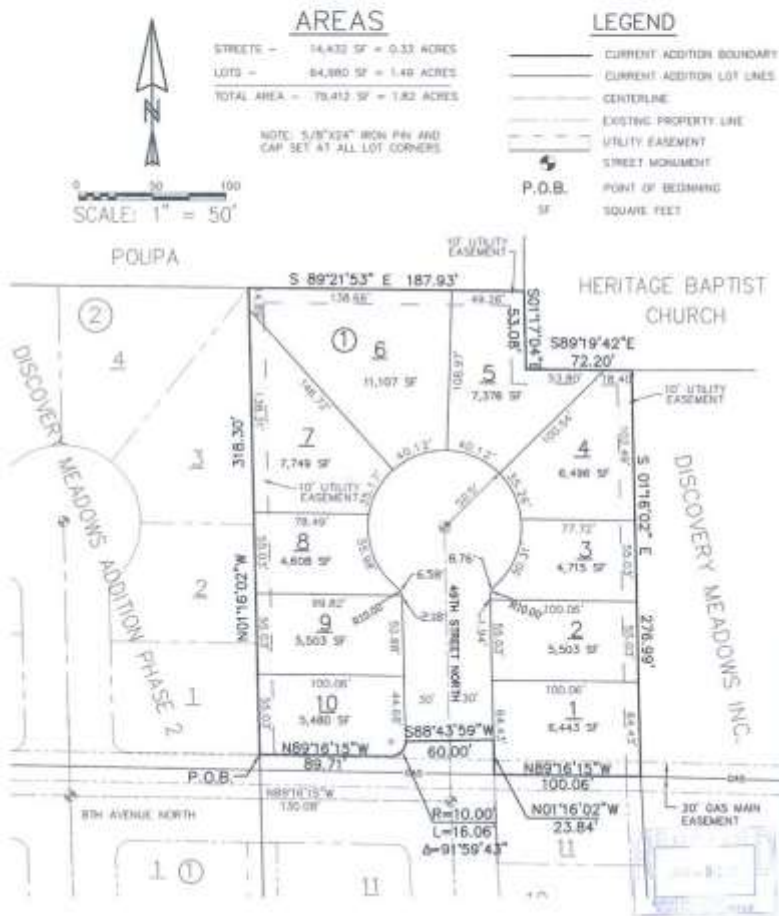
580 290 0 580 Feet



PLAT OF COTTAGE GROVE ADDITION PHASE 2

TO THE CITY OF GREAT FALLS

A SUBDIVISION IN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 4, T20N, R4E,
P.M., MT, CASCADE COUNTY, MONTANA



AGENDA REPORT

DATE April 3, 2007

ITEM Ordinance No. 2970 to Establish City Zoning Upon Portion of Hilton Garden Inn Minor Subdivision Being Annexed and Rezone Portion of Subdivision Presently Within City

INITIATED BY Erck Limited Partnership and Peter D. Bleskin, Property Owners and Developers

ACTION REQUESTED Commission Accept Ordinance No. 2970 on First Reading and Set Hearing

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission assign a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision being annexed to the City and rezone the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district.

MOTION:

"I move the City Commission accept Ordinance No. 2970 on first reading and set a public hearing for May 1, 2007, to consider adoption of Ordinance No. 2970."

SYNOPSIS:

Ordinance No. 2970 assigns a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the unincorporated portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision, upon annexation of same to City, and rezones the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district.

Hilton Garden Inn Minor Subdivision, located along the west side of 14th Street Southwest between the Home Depot and Bel-View Palisade Addition, dedicates a segment of 26th Avenue Southwest and consists of one lot to accommodate a proposed convention facility, a second lot to accommodate a proposed Hilton Garden Inn and a third lot to accommodate a proposed multi-family residential development.

BACKGROUND:

The Planning Office is in receipt of applications involving the platting, annexation, and rezoning of property totaling 11.311 acres located along the west side of 14th Street Southwest between Market Place Subdivision and Bel-View Palisade Addition. Erck Hotels proposes to construct a 118-room Hilton Garden Inn on the property being platted as Lot 2, Block 1, Hilton Garden Inn Minor Subdivision and a convention center upon the property being platted as Lot 1, Block 1. Both Lots 1 and 2, Block 1, are proposed to be zoned C-2 General Commercial District. Pete Bleskin is interested in eventually constructing multi-family residential upon the property being platted as Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, which is proposed to be zoned R-5 Multi-family residential medium density district. The existing covenants on subject property restrict any building construction to a maximum 20ft height. Considering a 20ft height restriction and a 60% limitation on building lot coverage, the actual density on Lot 1, Block 2, will be significantly less than the maximum permitted density in R-5 which is one dwelling unit per 1875 sq ft of lot area.

For additional information, please refer to the attached Vicinity/Zoning Map, vicinity aerial photo overlaid with site plan for the Hilton Garden Inn and convention center, and a reduced copy of the Plat of the Hilton Garden Inn Minor Subdivision.

Access to the Hotel and convention center (Lots 1 and 2, Block 1) will be through:

- extension of a private road (Market Place Road) between Home Depot and Tony Romas Restaurant;
- driveway connection to 14th Street SW at the northeast corner of Lot 2, Block 1, restricted to right turn in only;
- public access to Market Place Drive at the northwest corner of Lot 1, Block 1;
- the proposed segment of 26th Avenue SW which will replace an existing private road between Blocks 1 and 2 which is connected to 14th Street SW.

Access to the proposed multi-family residential development (Lot 1, Block 2) will be provided by the proposed segment of 26th Avenue SW. This proposed segment of 26th Avenue SW also is the sole access for the existing single family residences on Parcel Mark No's E1 and E2.

Water mains are proposed to be extended into the development from existing mains in Market Place Road and 14th Street SW. A sanitary sewer main will be extended from 14th Street SW to serve the Hilton Garden Inn and the convention facility. An existing sanitary sewer main along the south boundary of Lot 1, Block 2 is intended to serve the proposed multi-family residential development. A storm sewer main is proposed to be extended from Market Place Road to serve the Hilton Garden Inn and the convention facility. Although not yet designed or defined, the property proposed for multi-family residential development will probably incorporate on-site detention with ultimate discharge into the storm sewer system in Park Garden Road.

Reimbursement is owed for the existing sanitary sewer main bordering the south boundary of the area requested to be annexed and for the existing water and sanitary sewer mains in the abutting portion of 14th Street SW. According to a Memorandum from the City Engineer dated Nov 6, 2006, the total reimbursement owed for the sanitary sewer main is \$17,933.53 and the water main is \$16,847.11.

Traffic Analysis:

Daily Trip Generation Calculation (Hilton Garden Inn & convention facility)

- Proposed land use, Lots 1 and 2, Block 1: Hotel (Land Use 310, ITE Trip Generation, 7th edition, 2003). This land use is defined as including "...places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room) and/or other retail and service shops."
- Average daily trip rate (weekday): 8.17 trips ends per room (ITE Trip Generation, 7th edition, 2003)
- Daily trip generation: 118 rooms x 8.17 average daily trips ends/room = 964 trips per day

Daily Trip Generation Calculation (Proposed multi-family residential)

- Proposed land use, Lot 1, Block 2: Residential Condominium/Townhouse (Land Use 230, ITE Trip Generation, 7th edition, 2003) (Lot 1, Block 2 is proposed for low-rise residential condominiums, although no development plans have been submitted. In the absence of a formal development proposal, staff has estimated that no more than 30 single-story condominiums could be constructed on the lot, especially considering existing height-restricting covenants on the lot.)
- Average daily trip rate (weekday): 5.67 trip ends per dwelling unit. (ITE Trip Generation, 7th edition, 2003)
- Daily trip generation: 30 units x 5.67 average daily trip ends/unit = 310 trips per day

Trip Distribution: (Assumption)

The Hilton Garden Inn development is proposed to have the following four access points: two accesses to 14th St. SW; one from the north from Marketplace Dr. via an extension of the private Market Place Rd; and, one from the west through an existing public easement to the property.

Lot 1, Block 2 will not be immediately developed, but will be accessed by the newly dedicated segment of 26th Avenue SW which connects to 14th St. SW.

The estimated distribution is as follows:

Hilton Garden Inn

- Ingress/egress via 14th St. SW (east): 50%
- Ingress/egress via Market Place Dr. (west): 20%
- Ingress/egress via Market Place Rd. (north): 30%

Residential Condominiums

- Ingress/egress via 14th St. SW: 100%

Traffic Growth Summary Due to Proposed Developments

- 14th St. SW south of the development is not expected to see any noticeable growth in traffic.
- Flood Rd. is not expected to see any noticeable growth in traffic.
- Market Place Drive is expected to see a growth in traffic of around 482 vehicles per day immediately west of its intersection with 14th St. SW.
- Approximately 20% (around 193 vehicles per day) of the hotel/convention center traffic is expected to use the west access road.
- Approximately 50% of the hotel/convention center traffic is expected to use the 14th St. SW accesses (either the one shared with the future condos or the right-in driveway).
- 14th St. SW south of Market Place Dr. is expected to see a growth in traffic of around 658 vehicles per day.
- 14th St. SW near Exit 0 is expected to see a growth of approximately 991 vehicles per day.
- Approximately 30% of the vehicles projected to use 14th St. SW as the ingress/egress point are expected to also use the segment of Park Garden Road east of Flood Road. This equates to an estimated growth of about 134 vehicles per day on this segment of Park Garden Rd.

Nearby Average Daily Traffic Counts:

Count ID Number	Count Location Description	Daily Traffic	Year
135	14 th St. SW just south of Exit 0	9,295	2005
197	Park Garden Rd. just east of Flood Rd.	4,618	2006
277	Flood Rd. just north of 45 th Ave. SW	1,256	2004
281	Market Place Dr. just north of Park Garden Rd.	397	2004

Functional Classification:

The functional classification of roadways that would serve the proposed development are:

- 14th Street SW Minor Arterial (north of intersection with Flood Rd.)
- 14th Street SW Local (south of intersection with Flood Rd.)
- Market Place Drive Local
- Market Place Road Private Drive (Local)
- Park Garden Road Collector (east of intersection with Flood Rd.)
- Flood Road Collector

Existing Traffic Control:

The intersection of Market Place Dr. and 14th St. SW is signalized.

Traffic entering the intersection of 14th St. SW and Flood Rd. from the southeast (Flood Rd. or Park Garden Rd.) is stop controlled. Traffic on 14th St. SW is not stop controlled.

The intersection of Market Place Rd. and Market Place Dr. is stop controlled on Market Place Rd.

Traffic Conclusions and Recommendations:

Adequate capacity exists on the area roadways to accommodate the projected additional traffic, and the traffic generated by the proposed development should be dispersed enough to have little impact at the access points to the adjoining roadways. However, the following recommendations could improve vehicular and pedestrian safety and flow, and should be considered:

1. To prevent the use of the development's internal roadways by through-traffic as a shortcut, the developer should consider the design and installation of deterrents. This could include traffic calming devices or designs, examples of which are shown in Appendix C of the City of Great Falls Land Development Code, found at:
http://www.ci.great-falls.mt.us/city_codes/landsign/00-5-AppendixC.pdf
2. The proposed northern driveway access to Lot 2, Block 1 from 14th Street SW should be a right-in access only, due to the close proximity of the access to the intersection with Flood Rd/Park Garden Rd and the multiple lanes and complex turning movements associated with the intersection. The hotel's main entrance, building frontage, signage and parking lot could be designed to encourage use of Market Place Road as the main entrance.
3. Extension of the sidewalk on the east side of Market Place Road from the end of the existing sidewalk to the site, and the extension and construction of Market Place Road to conform with Chapter 32, Title 17 of the Official Code of the City of Great Falls, and to requirements of the Great Falls Public Works Department.
4. Design and construction of internal, on-site sidewalks sufficient to provide for full and safe pedestrian access to Market Place Drive on the west; Market Place Drive on the north (via Market Place Road); and, 14th Street SW. With the close proximity of restaurants, theaters and shopping, pedestrian movements to and from the Hotel and Convention Center are anticipated.
5. The west access driveway/easement should be improved/upgraded, including installation of a sidewalk on at least one side of the easement.
6. The signalized intersection of 14th Street SW and Market Place Drive should be monitored periodically by the City to determine in particular if a left turn arrow is justified to accommodate north bound traffic on 14th Street SW turning onto Market Place Drive.

Zoning Analysis:

The portion of subject property presently outside the City is zoned in the County as "R-1" Suburban Residential District and it is proposed the property be zoned C-2 General commercial district and R-5 Multi-family residential medium density district upon annexation to the City. The portion of subject property presently within the City is zoned R-2 Single-family Medium Density District and it is proposed to be rezoned to R-5 Multi-family residential medium density district.

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

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

Subject property is bordered on the north by Home Depot, Golden Corral Restaurant, and currently vacant properties abutting 14th Street SW which are proposed restaurant sites; bordered on the east by the intersection

of 14th Street SW/Flood Road/Acacia Way and BNSF Railroad right-of-way; bordered on the south by single family residential; and, bordered on the west by single family residential and a church.

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

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

Goals of the Land Use Element include:

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

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

The proposed City zoning classification of C-2 General commercial district permits hotels/motels and indoor entertainment facilities inclusive of a convention center. The R-5 Multi-family residential medium density district allows a maximum density of one dwelling unit per 1875 sq ft of lot area meaning up to 74 units could be placed on proposed Lot 1, Block 2. However, the existing 20 ft maximum height covenant essentially would limit building construction to a single story which significantly reduces the density. The maximum building height allowed in the R-5 District is 45 feet. A concern arises if the 20 ft height covenant was to be eliminated. Therefore, staff has proposed a condition to be included in the Agreement between the City and the applicants that perpetuates the maximum building height restriction of 20 feet for all of the area to be zoned R-5 District.

Situated between a major commercial development (Market Place Subdivision) and an established single family residential neighborhood (Bel-View Palisade), it is expected the subject properties would act as a transitional area or buffer. Placement of a hotel/convention center on the northerly portion of the property proposed to be zoned C-2 General commercial, would be a less intense use than a retail facility similar to those existing immediately to the north. Residential use on the southerly parcel, although higher in density than conventional single family development, should also serve as a buffer for existing residences in Bel-View Palisade.

The planned uses on subject property should be compatible with commercial uses to the north and residential uses to the south. Therefore, staff concludes the above-cited criteria are substantially met.

Conclusion:

The subject property, which consists of three parcels totaling more than 11 vacant acres, is surrounded by urban development. Over the past several years, staff met several times with the previous owners of the property to discuss development alternatives. To date, development of the area has been stymied due to the lack of a cohesive comprehensive development plan. The current proposal including material and information on parcel resubdivision, land use, site development, interconnectivity, access, utilities, etc., provides such a comprehensive plan. In order for development on subject property to be successful and viable, it will require the cooperation of neighboring owners primarily through the sharing of access corridors.

The City Zoning Commission on November 14, 2006, conducted a public hearing on the request to assign a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision being annexed to the City and rezone the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district. Representatives of the applicants who spoke during the hearing were Mr. Mark Macek, realtor, Mr. Jack Fisher, Thomas, Dean & Hoskins Engineering, Mr. Dustin Williams representing Erck Hotels, Ms. Laurie Price, General Manager of the Great Falls Hampton Inn, and Ms. Linda Sterling, whose family has since sold their property interests in the project to Erck Limited Partnership and Peter D. Bleskin. Mr. Richard Wallace, who owns the residence immediately west of proposed Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, spoke in opposition expressing concerns about increased traffic, parking and the height of the proposed hotel.

Mr. Bob Duty, 1419 Park Garden Road, expressed concerns about storm drainage and inquired about the buffer along the south side of the proposed multi-family residential development. Mr. Steve Martin, 1455 Park Garden Road, stated the proposed residential development would be an appropriate buffer provided the 20 foot building height limitation is recognized. Mr. Howard McFerrin, 1401 Park Garden Road, had concerns about the use and maintenance of the 20-foot right-of-way between the north boundary of Bel-View Palisade Addition and the project site. Mr. Jason Purpura, 2761 Evergreen Drive, questioned if enough thought had been given to changing the zoning on the property abutting Bel-View Palisade Addition from single family to multi-family. The Zoning Commission, at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision being annexed to the City and rezone the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district.

The Planning Board at the conclusion of the public hearing held November 14, 2006, unanimously passed a motion recommending the City Commission annex the unincorporated portion of what is now being platted as Hilton Garden Inn Minor Subdivision, subject to the following conditions being fulfilled by the applicant:

- 1) providing the appropriate easements to accommodate necessary utilities;
- 2) submitting and obtaining approval of the City Public Works Department of the final engineering documents for the required public improvements to serve the project;
- 3) entering into an annexation agreement containing terms and conditions for annexation/rezoning of subject property; and
- 4) paying applicable fees and reimbursements.

In addition, the Planning Board during a meeting held March 27, 2007, passed a motion recommending the City Commission approve the Plat of the Hilton Garden Inn Minor Subdivision and the accompanying Findings of Fact subject to correction of any errors or omissions noted by staff.

It is anticipated the City Commission, following the public hearing on May 1, will consider an annexation resolution, annexation agreement, the Plat of the Hilton Garden Inn Minor Subdivision and accompanying Findings of Fact, simultaneously with Ordinance No. 2970. Copies of the minutes of the November 14, 2006, Planning Board/Zoning Commission public hearing and communications/letters regarding the project received to date will also be provided.

Attach: Ord. No. 2970

Vicinity/Zoning Map

Vicinity aerial photo overlaid with site plan for Hilton Garden Inn and convention facility

Reduced Copy of Drawing Portion of Minor Plat

cc: Erck Hotels, 14 Carriage Way, Missoula, MT 59802
Pete Bleskin, PO Box 6483, GF 59406-6483
Anna Johns, Dahlquist Realtors, 500 Country Club Blvd, GF 59404
Jack Fisher, TD & H, 1200 25th St So, 59405

ORDINANCE NO. 2970

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO LOTS 1 AND 2, BLOCK 1, AND R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT TO LOT 1, BLOCK 2, HILTON GARDEN INN MINOR SUBDIVISION, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Erck Hotels, Jay and Renee Russell and the Deloris M. Russell Bypass Trust have petitioned the City of Great Falls to annex the unincorporated portion of Hilton Garden Inn Minor Subdivision, located in the SW1/4 of Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Erck Hotels has petitioned Lots 1 and 2, Block 1, Hilton Garden Inn Minor Subdivision, be assigned a zoning classification of C-2 General commercial district and Jay and Renee Russell and the Deloris M. Russell Bypass Trust have petitioned the unincorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, be assigned a zoning classification of R-5 Multi-family residential medium density district, upon annexation to City and the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, be rezoned from R-2 Single-family medium density district to R-5 Multi-family residential medium density district; and,

WHEREAS, since petitioning for the hereinabove described annexation and assignment/change of City zoning, Peter D. Bleskin has acquired and assumed the interest of Jay and Renee Russell and the Deloris M. Russell Bypass Trust in Lot 1, Block 2, Hilton Garden Inn Minor Subdivision; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, Hilton Garden Inn Minor Subdivision, and R-5 Multi-family residential medium density district to the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, upon annexation to the City and rezoning the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, from R-2 Single-family medium density district to R-5 Multi-family residential medium density district, was published in the Great Falls Tribune advising that a public hearing on this zoning designation/change would be held on the 1st day of May, 2007, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation/change 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/change will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Lots 1 and 2, Block 1, Hilton Garden Inn Minor Subdivision, be designated C-2 General commercial district and the unincorporated portion of

Lot 1, Block 2, Hilton Garden Inn Minor Subdivision be designated as R-5 Multi-family residential medium density district and the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, be rezoned from R-2 Single-family medium density district to R-5 Multi-family residential medium density district with the maximum height for any building to be placed on subject Lot 1, Block 2, limited to twenty (20) feet.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing the unincorporated portion of the Hilton Garden Inn Minor Subdivision, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 1st day of May, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2970 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 1st day of May, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 1st day of May, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 1st day of May, 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 No. 2970 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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



VICINITY / ZONING MAP

-  AREA ENCOMPASSED BY HILTON GARDEN INN MINOR SUBDIVISION
-  AREA TO BE ZONED C-2 GENERAL COMMERCIAL DISTRICT
-  AREA TO BE ZONED R-5 MULTI-FAMILY RESIDENTIAL
-  CITY LIMITS
-  C-2 General commercial
-  R-2 Single-family medium density
-  U Unincorporated Enclave
-  R-5 Multi-family medium density
-  TRACTS IN THE COUNTY





ERCK DEVELOPMENT
 GREAT FALLS, MONTANA

MARKETPLACE SITE

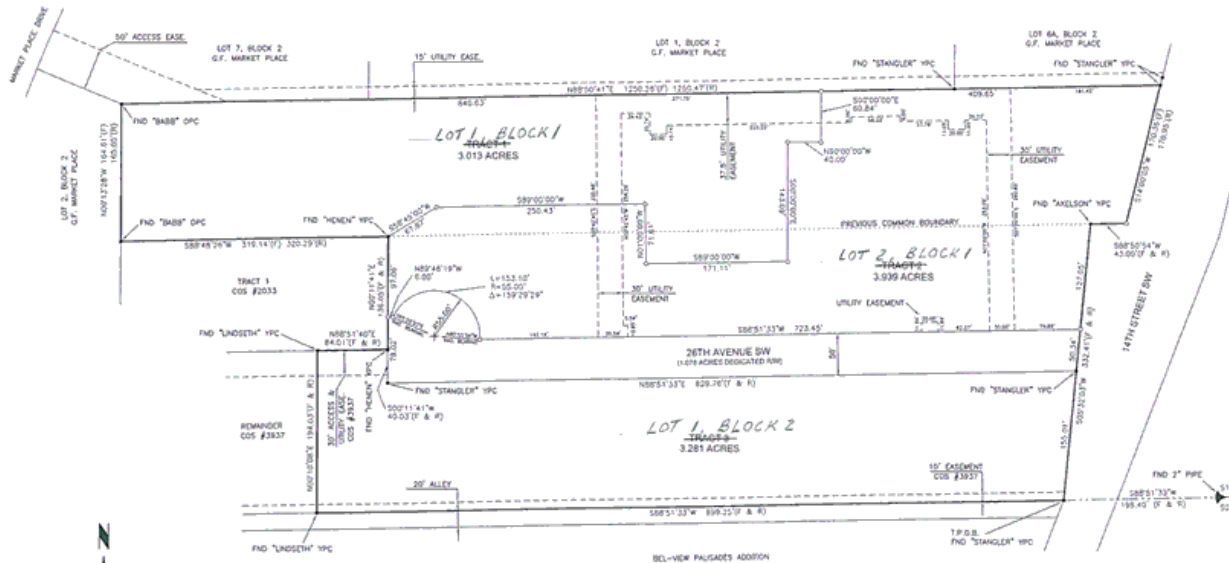
DATE: 10/13/06
 TIME: 11:12:49 AM
 PROJECT: MARKETPLACE SITE
 SHEET: 1 OF 1

REVISIONS	
BY	DATE / DESC

TD&H THOMAS, DEAN & HOSKINS, INC.
 ENGINEERING CONSULTANTS

GREAT FALLS, MONTANA

A PLAT OF THE HILTON GARDEN INN MINOR SUBDIVISION
 A TRACT OF LAND BEING TRACTS 1A AND 2A OF CERTIFICATE OF SURVEY NO. S-0004435, AND THE REMAINDER OF CERTIFICATE OF SURVEY NO. 3346, LOCATED IN THE SW1/4 OF SECTION 15, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA
 LAND OWNER: ERICK LIMITED PARTNERSHIP & PETER D. BLESKIN



- LEGEND**
- TRACT BOUNDARY
 - LOT LINE
 - EASEMENT
 - FOUND PROPERTY PIN AS NOTED
 - SPT PROPERTY PIN - 5/16\"
 - FOUND QUARTER CORNER
 - SECTION LINE
 - (S) FOUND MONUMENT
 - (B) RECORD/PLAT MEASUREMENT

AREA OF LOTS = 10.233 ACRES
 AREA OF DEDICATED R/W = 1.679 ACRES
 TOTAL AREA = 11.912 ACRES

BASE OF BEARING: THE NORTHERLY LINE OF C.S. 3346, BEING N89°52'40\"

CERTIFICATE OF CITY COMMISSION
 I, the undersigned, John W. Landon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, was duly examined and approved by the City Commission of the City of Great Falls, at their regular meeting held on the _____ day of _____, A.D. 20____.

City Manager, City of Great Falls, Montana

CERTIFICATE OF CITY PLANNING BOARD
 We, the undersigned, William G. Bronson, President of the City Planning Board of the City of Great Falls, Cascade County, Montana, and Benjamin M. Rangel, Secretary of said City Planning Board, do hereby certify that the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, has been submitted to the said City Planning Board for examination by them, and was found by them to conform to law, and was approved at their regular meeting held on the _____ day of _____, A.D. 20____.

President, Great Falls City Planning Board

Secretary, Great Falls City Planning Board

CERTIFICATE OF PUBLIC SERVICE DIRECTOR
 I, Jim Reppien, Public Service Director for City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, and the survey it represents, and find the same conforms to regulations governing the platting of lots, and to presently stated adjacent land, as near as circumstances will permit, and I hereby approve the same.
 Dated this _____ day of _____, A.D. 20____.

Public Works Director, City of Great Falls, Montana

CERTIFICATE CONCERNING WITH BANK OR PLAYGROUND
 Whereas, since the Hilton Garden Inn Minor Subdivision is a minor subdivision, the City Commission of the City of Great Falls, Cascade County, Montana, in accordance with Section 76-2-621(3)(A), M.C.A. dispensed with any park or playground requirements, during its regular meeting held on the _____ day of _____, A.D. 20____.

City Manager, City of Great Falls, Montana

CERTIFICATE OF EXEMPTION
 This division of land is exempt from subdivision review, pursuant to 76-4-125(2)(G) M.C.A., divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or other first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided, therefore this division of land is not subject to review.

Dated this _____ day of _____, A.D. 20____.

CERTIFICATE OF COUNTY TREASURER
 I, Jess Anderson, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the Hilton Garden Inn Minor Subdivision, Cascade County, Montana, and find that taxes in some have been paid for the last two years.
 Dated this _____ day of _____, A.D. 20____.

County Treasurer, Cascade County, Montana

CERTIFICATE OF COUNTY COMMISSIONERS
 We, the undersigned, _____, Chairman of the Board of County Commissioners of Cascade County, Montana, and _____, County Clerk and Registrar of said County, do hereby certify that the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, has been submitted to the Board of County Commissioners of Cascade County, Montana, for examination by them, and has been found by them to conform to law, and was approved at their regular meeting held on the _____ day of _____, A.D. 20____.

County Clerk and Recorder, Cascade County, Montana

Chairman, Board of County Commissioners

CERTIFICATE OF SURVEYOR
 I, the undersigned, Robert F. Stangler, Professional Land Surveyor, Montana registration No. 909413, do hereby certify that on March 20, 2007, I supervised the survey of this Hilton Garden Inn Minor Subdivision, Cascade County, Montana, and plotted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-2-101 through 76-2-114, M.C.A., and Cascade County.
 Dated this _____ day of _____, A.D. 20____.

Robert F. Stangler, Montana Reg. No. 909413

CERTIFICATE OF RECORDATION
 We, the undersigned property owners, do hereby certify that we have caused to be surveyed, subdivided and plotted into lots, blocks, streets, and easements as shown by the within described plat, the following described tract of land to wit: a tract of land being Tracts 1A and 2A of Certificate of Survey No. S-0004435, and the remainder of Certificate of Survey No. 3346, located in the SW1/4 of Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana, and more particularly described as follows:
 Beginning at the South Quarter Corner of said Section 15; thence South 88°51'33\"

Dated this _____ day of _____, A.D. 20____.

ERICK LIMITED PARTNERSHIP
 STATE OF MONTANA)
) ss
 County of Cascade)
 This Certificate of Exemption was acknowledged before me on _____ by _____.

Notary Public for the State of Montana (Notarial Seal)
 Print name: _____
 Residing at: _____
 My commission expires: _____
 Dated this _____ day of _____, A.D. 20____.

PETER D. BLESKIN
 STATE OF MONTANA)
) ss
 County of Cascade)
 This Certificate of Exemption was acknowledged before me on _____ by Peter D. Ble skin.

Notary Public for the State of Montana (Notarial Seal)
 Print name: _____
 Residing at: _____
 My commission expires: _____
 Dated this _____ day of _____, A.D. 20____.

PETER D. BLESKIN
 STATE OF MONTANA)
) ss
 County of Cascade)
 This Certificate of Exemption was acknowledged before me on _____ by _____.

Notary Public for the State of Montana (Notarial Seal)
 Print name: _____
 Residing at: _____
 My commission expires: _____
 Dated this _____ day of _____, A.D. 20____.

TD&H
 THOMAS, DEAN & HOSKINS, INC.
 ENGINEERING CONSULTANTS
 GREAT FALLS - BOZEMAN - SPOKANE
 (406) 733-8200



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

DATE: April 3, 2007

ITEM: Resolution No. 9647, Relating to \$2,270,000 General Obligation Swim Pool Bonds, Series 2007; Authorizing the Issuance and Calling for the Public Sale Thereof. (O.F. 1484)

INITIATED BY: The Great Falls City Commission

PREPARED BY: Jordan Love, Administrative Officer

PRESENTED BY: Coleen Balzarini, Fiscal Services Director

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution No. 9647, Relating to \$2,270,000 General Obligation Swim Pool Bonds, Series 2007; Authorizing the Issuance and Calling for the Public Sale Thereof.

MOTION:

“I move the Great Falls City Commission adopt Resolution No. 9647.”

SYNOPSIS:

The City of Great Falls owns and operates four swimming facilities that were constructed in the 1960s. These facilities have aged and now require substantial investment for renovation and rehabilitation if they are to continue to serve the citizens of Great Falls. This Resolution calls for the issuance and public sale of \$2,270,000 of general obligation bonds to repair and improve certain pool facilities, as approved by a majority of the qualified voters of the City of Great Falls on November 7, 2006.

All sealed bids for the Bonds must be submitted to the Director of Fiscal Services by May 1, 2007 at 12:00 PM. The Bonds, and all other indebtedness of the City, will not exceed 1.51% of the total assessed valuation of taxable property within the City of Great Falls.

BACKGROUND

The City of Great Falls’ swimming facilities have been in need of substantial repairs for some years, but because of financial constraints, declining pool attendance, and the large scope of necessary repairs, no clear internal financial solution emerged. City staff conducted a survey via its monthly utility bills to identify community priorities regarding the swimming facilities. A City Commission Work Session presentation by Interstate Engineers on July 5, 2006 helped to quantify the investment needed to repair and update the pools and to prioritize which facilities required attention most urgently. Based on the engineer’s analysis and staff discussions, the City Commission decided to submit a general obligation bond question to the community.

On August 15, 2006, the Great Falls City Commission adopted Resolution No. 9605 on a 5-0 vote. Resolution No. 9605 called for the submission of the question of issuing up to \$2,270,000 of general obligation bonds to pay for the costs of improving and upgrading to facilities at the Jaycee, Mitchell, and Water Tower facilities to the qualified voters of the City of Great Falls. The question was:

“Shall the Commission be authorized to issue and sell general obligation bonds of the City in the amount of up to Two Million Two Hundred Seventy Thousand and No/100 Dollars (\$2,270,000), bearing interest at a rate to be determined by the Commission at a competitive sale, payable semiannually during a term not to exceed ten (10) years and redeemable on any date after one-half of their term, for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool and related restrooms and locker rooms, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements, and paying costs associated with the sale and issuance of the bonds?”

15,158 of voters (or 72.85%) voted “Yes” to this question and 5,648 (or 27.15%) voted “No.”

On December 5, 2006, the Great Falls City Commission adopted Resolution No. 9627, establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

CERTIFICATE AS TO RESOLUTION AND VOTE

I, the undersigned, being the duly qualified and acting recording officer of City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO \$2,270,000 GENERAL OBLIGATION BONDS, SERIES 2007; AUTHORIZING THE ISSUANCE AND CALLING FOR THE PUBLIC SALE THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on April 3, 2007, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this _____ day of April, 2007.

(SEAL)

City Clerk

RESOLUTION NO. ___9647__

RESOLUTION RELATING TO \$2,270,000 GENERAL
OBLIGATION BONDS, SERIES 2007; AUTHORIZING THE
ISSUANCE AND CALLING FOR THE PUBLIC SALE
THEREOF

BE IT RESOLVED by the City Commission (the "Commission") of the City of Great Falls, Montana (the "City"), as follows:

Section 1. Recitals. The electors of the City at the general election duly called, noticed and held on November 7, 2006, at which 30,694 of the 50,132 registered electors voted (61.2% of the registered electors voted), by a vote of 21,934 in favor, and 7,986 opposed (73.3% of the votes cast were in favor), authorized this Commission to issue and sell \$2,270,000 principal amount of general obligation bonds of the City, for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements (the "Project") and paying costs associated with the sale and issuance of the bonds. The City has determined that it is necessary and desirable and in the best interests of the City to issue the Bonds at this time in the aggregate principal amount of \$2,270,000 (the "Bonds").

The indebtedness to be evidenced by the Bonds, together with all other indebtedness of the City, will not exceed 1.51% of the total assessed valuation of taxable property of the City, determined as provided in Section 15-8-111, M.C.A., ascertained by the last assessment for state and county taxes. Moreover, the indebtedness to be evidenced by the Bonds together with other indebtedness of the City for various cultural, social and recreational purposes will not exceed 0.9% of the total assessed value of taxable property of the City, determined as provided in Section 15-8-111, M.C.A., as ascertained by the last completed assessment for state and county taxes prior to this date.

Section 2. Term of the Bonds. Pursuant to the authority described in Section 1, this Commission hereby authorizes the issuance and sale of the Bonds of the City in the aggregate principal amount of \$2,270,000 for the purpose of financing the costs of the Project and costs associated with the sale and issuance of the Bonds. The Bonds shall be dated, as originally issued, as of May 15, 2007, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2008, at a rate or rates designated by the successful bidder at public sale and approved by this Commission; provided that no rate of interest shall exceed five and one-half percent (5.50%) per annum, the difference between the highest and lowest rates of interest shall not exceed two percent (2.00%) per annum and no supplemental or "B" coupons or additional interest certificates shall be permitted. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. The Bonds shall be offered and sold in accordance with the terms and conditions of sale which are set forth on Exhibit A hereto (the "Official Terms and Conditions"), which is incorporated by reference and made a part hereof.

The Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in each of the following years and amounts (unless combined into one or more term bonds):

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2008	\$170,000	2013	\$235,000
2009	195,000	2014	245,000
2010	205,000	2015	250,000
2011	215,000	2016	260,000
2012	225,000	2017	270,000

Bidders will have the option of combining the Series 2007 Bonds maturing on and after 2008 through and including 2012 and on and after 2013 through and including 2017 into one or more term bonds. If any Series 2007 Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than 2017, at a redemption price equal to the principal amount of such Series 2007 Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Series 2007 Bonds would have matured if they were not included in a term bond.

The Bonds with stated maturities on or after July 1, 2013 will be subject to redemption on July 1, 2012, and any date thereafter, at the option of the City, in whole or in part, at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium. If less than all of the Bonds are to be redeemed, the Bonds to be redeemed shall be from such stated maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair).

The Bonds shall be issuable as fully registered bonds only, in the denomination of \$5,000 each or any integral multiple thereof of single maturities. The Bonds shall be issued only in “book entry” form.

Section 3. Public Sale. All sealed bids for the Bonds shall be submitted to the City Controller or bids for the purchase of the Bonds shall be received by the City by electronic transmission through Parity™, in either case on or before May 1, 2007, at 12:00 noon, M.T. The City will receive sealed or electronic bids for the Bonds in accordance with the Official Terms and Conditions. The City Clerk is hereby authorized and directed to cause notice of the sale to be published, as required by Montana Code Annotated, Sections 7-7-4252 and 17-5-106, in the *Great Falls Tribune*, Great Falls, Montana, once each week for two successive weeks preceding the week which contains the date of sale. The notice of sale shall be published in substantially the form set forth as Exhibit B to this resolution, which is hereby incorporated herein and made a part hereof.

Section 4. Official Statement. The City Controller and other officers of the City, in cooperation with D.A. Davidson & Co., financial consultants to the City, are hereby authorized and directed to prepare on behalf of the City a preliminary official statement to be distributed to potential purchasers of the Bonds. Such official statement shall contain the Official Terms and Conditions and such other information as shall be advisable and necessary to describe accurately the City and the security for, and terms and conditions of, the Bonds.

Section 5. Continuing Disclosure. In order to permit bidders for the Bonds and other participating underwriters in the primary offering of the Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), the City will covenant and agree, for the benefit of the registered holders and beneficial owners from time to time of the outstanding Bonds, in the resolution prescribing the terms of the Bonds, to provide annual reports of specified information and notice of the occurrence of certain events, if material. The City is the only "obligated person" in respect of the Bonds within the meaning of the Rule for the purposes of disclosing information on an ongoing basis. A description of the undertaking is set forth in the Official Statement. Failure of the City to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Bonds.

Section 6. Proceedings to the Attorney General. The City Clerk is hereby authorized and directed to furnish a certified copy of all proceedings taken by the City with respect to the issuance of the Bonds to the Attorney General for examination and request a report as to the validity of the Bonds, as required by Montana Code Annotated, Section 7-7-101.

PASSED by the City Commission of the City of Great Falls, Montana, this 3rd day of April, 2007.

Mayor

Attest:

City Clerk

(SEAL)

EXHIBIT A

TERMS AND CONDITIONS OF SALE

\$2,270,000 General Obligation Bonds, Series 2007
City of Great Falls, Montana

NOTICE IS HEREBY GIVEN by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), that the City will receive sealed bids for the purchase of general obligation bonds in the office of the City Controller, City of Great Falls, 2 Park Drive South, Great Falls, Montana, in the total principal amount of \$2,270,000 (the “Bonds”), or bids for the purchase of the Bonds will be received by the City by electronic transmission through Parity™, in either case until 12:00 noon, M.T., on May 1, 2007. The bids will be opened and tabulated and presented to the City Commission at its regular meeting at 7:00 P.M., M.T., on the same day, in the City Commission Chambers, at which time the Commission will consider the bids received, and if a responsive and acceptable bid is received, award sale of the Bonds to the responsive bidder whose bid reflects the lowest true interest cost (TIC).

THE BONDS

The Bonds will bear an original issue date of May 15, 2007, and will bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2008, to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month, at a rate or rates designated by the successful bidder at public sale and approved by the Commission; provided that no rate of interest shall exceed five and one-half percent (5.50%) per annum and the difference between the highest and lowest rates of interest shall not exceed two percent (2.00%) per annum. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. No supplemental or “B” coupons or additional interest certificates are permitted. All Bonds of the same stated maturity must bear interest from date of original issue until paid at a single, uniform rate. Interest will be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in each of the following years and amounts (unless combined into one or more term bonds):

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2008	\$170,000	2013	\$235,000
2009	195,000	2014	245,000
2010	205,000	2015	250,000
2011	215,000	2016	260,000
2012	225,000	2017	270,000

Bidders will have the option of combining the Bonds maturing from and after 2008 through and including 2012 and from and after 2013 through and including 2017 into one

or more terms bonds. If any Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than 2017, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Bonds would have matured if they were not included in a term bond.

The Bonds shall be in the denomination of \$5,000 each or any integral multiple thereof of single maturities. The Bonds will be issued as fully registered bonds only and shall be executed by the manual or facsimile signatures of the Mayor, City Manager and City Controller.

The Bonds with stated maturities on or after July 1, 2013 will be subject to redemption on July 1, 2012, and any date thereafter, at the option of the City, in whole or in part, and if in part from such stated maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a stated maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair), at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium.

BOOK ENTRY

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity, through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The purchaser, as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

PURPOSE AND SECURITY

The Bonds will be issued for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements and paying costs associated with the sale and issuance of the Bonds, in accordance with the provisions of Montana Code Annotated, Title 7, Chapter 7, Part 42, as amended. The Bonds will be general obligations of the City to the payment of which the full faith, credit and taxing power of the City will be pledged. Bidders should consult a copy of

the Preliminary Official Statement for a discussion of the security for the Bonds and the form of opinion of bond counsel relating to the Bonds.

CONTINUING DISCLOSURE

In order to permit bidders for the Bonds and other participating underwriters in the primary offering of the Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the "Rule"), the City will covenant and agree, for the benefit of the registered holders and beneficial owners from time to time of the outstanding Bonds, in the resolution prescribing the terms of the Bonds, to provide annual reports of specified information and notice of the occurrence of certain events, if material. The City is the only "obligated person" in respect of the Bonds within the meaning of the Rule for the purposes of disclosing information on an ongoing basis. A description of the undertaking is set forth in the Official Statement. Failure of the City to enter into an undertaking substantially similar to that described in the Official Statement would relieve the successful bidder of its obligation to purchase the Bonds.

BIDDING AND SALE PROCEDURES

Submission of Bids. Unless bids are transmitted electronically as hereafter provided, bids must be on the Official Bid form, a copy of which may be obtained from the City Controller and enclosed in a sealed envelope marked as follows: "Bid for \$2,270,000 General Obligation Bonds, Series 2007, City of Great Falls, Montana" and delivered to the City Controller. Each envelope when delivered must indicate on the outside the name and address of the bidder, or in the case of a group of bidders, of the representative. Bids may be transmitted electronically through Parity™ in accordance with these terms and conditions. The bids shall be delivered to the City Controller no later than 12:00 noon, M.T., on May 1, 2007.

Basis of Award. The Bonds will be sold for not less than \$2,270,000 with accrued interest to the date of delivery, and all bidders must state the lowest rate or rates of interest at which they will purchase the Bonds at par. Bids will be compared on the basis of true interest cost (TIC) and awarded to the responsive bidder whose bid reflects the lowest TIC. The TIC is the net present value of total interest on all Series 2007 Bonds from dated date to their maturities, less any premium or plus any discount. In the event that two or more bids state the lowest true interest cost, the sale of the Bonds will be awarded by lot. The Commission will consider sealed bids or bids transmitted electronically through the Parity™ system. The Commission reserves the right to reject any and all bids and to sell the Bonds at private sale and to waive any informality and irregularity in any and all bids. Bidders must bid for all or none of the Bonds. Each bid must be unconditional (or conditioned on only those items specified in these Official Terms and Conditions of Sale). No bid may be altered or withdrawn after the time specified above for opening bids without the express consent of the Commission.

Electronic Transmission. To the extent any instructions or directions set forth in Parity™ conflict with these Terms and Conditions of Sale, the terms of these Terms and Conditions of Sale shall control. For further information about Parity™, potential bidders may contact the Financial Advisor, D.A. Davidson & Co. at (406) 791-7210 (Aaron Rudio), or Parity™ at (212) 849-5021. In the event of a malfunction in the electronic bidding process,

bidders may submit their bids by sealed bid including facsimile transmission to the City Controller, Coleen Balzarini, at facsimile number (406) 452-8048 (phone (406) 455-8478).

Good Faith Deposit. A good faith deposit (the “Deposit”) in the form of money, cashier’s check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of \$45,400 payable to the order of the City of Great Falls, Montana is required for each bid to be considered. If money, cashier’s check, certified check, bank money order, or bank draft is used, it must accompany each bid and be delivered to the City Controller. If a financial surety bond is used, it must be from an insurance company licensed and qualified to issue such a bond in the State of Montana and such bond must be submitted to the City Controller, prior to the opening of the bids. The financial surety bond must identify each bidder whose Deposit is guaranteed by such financial surety bond. If the Bonds are awarded to a bidder utilizing a financial surety bond, then that purchaser is required to submit its Deposit to the City in the form of a cashier’s check (or wire transfer such amount as instructed by the City) not later than 1:00 P.M., M.T., on the next business day following the award. If such Deposit is not received by that time, the financial surety bond may be drawn by the City to satisfy the Deposit requirement. No interest on the Deposit will accrue to the purchaser. The Deposit will be applied to the purchase price of the Bonds. In the event the purchaser fails to honor its accepted bid, the Deposit will be retained by the City. The Deposit of the unsuccessful bidders will be returned immediately on award of sale of the Bonds or after rejection of all bids.

Instructions for wiring a Deposit may be obtained from the City Controller, 2 Park Drive South, Great Falls, Montana 59403, (406) 455-8478.

BOND REGISTRAR, TRANSFER AGENT AND PAYING AGENT

The City will designate and contract with a suitable bank or trust company to act as bond registrar, transfer agent and paying agent (the “Registrar”). The City intends to retain U.S. Bank National Association, Seattle, Washington, as the initial Registrar. The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Bonds will be paid by the Registrar. The City will pay the charges of the Registrar for such services. The City reserves the right to remove the Registrar and to appoint a successor.

LEGAL OPINION

An opinion as to the validity of the Bonds and the exclusion from gross income for federal income tax and Montana individual income tax purposes of the interest thereon will be furnished by Dorsey & Whitney LLP, of Missoula, Montana, and Minneapolis, Minnesota, as Bond Counsel. The legal opinion will be delivered at the time of closing. The legal opinion will state that the Bonds are valid and binding general obligations of the City enforceable in accordance with their terms, except to the extent to which enforceability thereof may be limited by the exercise of judicial discretion or by state or federal laws relating to bankruptcy, reorganization, moratorium or creditors’ rights.

DELIVERY

Within 40 days after the sale, the City will deliver to the Registrar the printed Bonds ready for completion and authentication. The original purchaser of the Bonds must notify the Registrar, at least five business days before issuance of the Bonds, of the persons in whose names the Bonds will be initially registered and the denominations of the Bonds to be originally issued. If notification is not received by that date, the Bonds will be registered in the name of the original purchaser and will be issued in denominations corresponding to the principal maturities of the Bonds. On the day of closing, the City will furnish to the purchaser the opinion of Bond Counsel described above, an arbitrage certification and a certificate stating that no litigation in any manner questioning the validity of the Bonds is then pending or, to the best knowledge of officers of the City, threatened. Payment for the Bonds must be received by the City in immediately available funds at its designated depository on the day of closing. The successful bidder shall submit to the City Controller not earlier than 48 hours after the award of sale and not later than the date of closing a certificate, in form satisfactory to Bond Counsel, as to the initial reoffering prices of each stated maturity of the Bonds and stating that at least ten percent of the principal amount of the Bonds of each stated maturity has been sold at such prices.

OFFICIAL STATEMENT

The City will prepare an Official Statement relating to the Bonds which the City will deem to be final as of its date. The City will deliver, at closing, a certificate executed by the Mayor, City Manager and City Controller to the effect that, to the best of their knowledge, as of the date of closing, the information contained in the Official Statement, including any supplement thereto, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances in which they are made, not misleading; provided that no comment will be made with respect to any information provided by the successful bidder for inclusion in any supplement to the Official Statement.

By submitting a bid for the Bonds, the successful bidder agrees: (1) to disseminate to all members of the underwriting syndicate copies of the Official Statement, including any supplements prepared by the City, (2) to file promptly a copy of the Official Statement, including any supplement prepared by the City, with a nationally recognized municipal securities repository, and (3) to take any and all other actions necessary to comply with applicable rules of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board governing the offering, sale and delivery of the Bonds to ultimate purchasers.

Within seven business days after the sale the City will furnish to the successful bidder without charge 100 copies of the final Official Statement relating to the Bonds. The successful bidder must notify the City Controller in writing within two business days after the award of sale of the Bonds if it requires additional copies of the Official Statement. The cost of additional copies shall be paid by the successful bidder.

COSTS; CUSIP NUMBERS

The City will pay for the cost of issuing the Bonds, including costs of bond counsel, the financial advisor, and printing and distribution costs of the Preliminary Official Statement and Official Statement, and the fees and charges of the Registrar and rating agency. The City will apply for CUSIP numbers but will assume no cost or obligation for the printing of CUSIP numbers on the Bonds or for the correctness of any numbers printed thereon.

RATING

The City will apply for a rating on the Bonds from Moody's Investors Service. Rating agency fees of Moody's will be the responsibility of the City.

BOND INSURANCE AT PURCHASER'S OPTION

The City will provide information concerning the Bonds and the City to insurers. If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds, such as ratings besides the rating of Moody's Investors Service to extent obtained by the City, resulting from such purchase of insurance shall be paid by the purchaser.

Failure or refusal of a municipal bond insurer to issue the policy after the Bonds have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery of the Bonds.

BY ORDER OF THE CITY COMMISSION

City Clerk

EXHIBIT B

NOTICE OF BOND SALE

\$2,270,000 General Obligation Bonds, Series 2007
City of Great Falls, Montana

NOTICE IS HEREBY GIVEN that the City Commission (the "Commission") of the City of Great Falls, Montana (the "City"), will receive sealed bids for the purchase of \$2,270,000 General Obligation Bonds, Series 2007 (the "Bonds") at the office of the City Controller, City of Great Falls, 2 Park Drive South, Great Falls, Montana, or bids for the purchase of the Series 2007 Bonds will be received by the City by electronic transmission through Parity™, in either case until 12:00 noon, M.T., on May 1, 2007. The bids will be opened and tabulated by the City Controller and presented to the Commission at its regular meeting at 7:00 P.M., M.T., on the same day in the City Commission Chambers. The Bonds will be awarded to the responsive bidder whose bid reflects the lowest true interest cost (TIC).

The Bonds will be issued for the purpose of paying the costs of improving and upgrading certain swimming pools in the City and paying costs associated with the sale and issuance of the Bonds. Bonds will be issuable in the denominations of \$5,000 or any integral multiple thereof of single maturities, and will mature on July 1, subject to redemption as hereinafter described, in the following years and amounts (unless combined into one or more term bonds):

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2008	\$170,000	2013	\$235,000
2009	195,000	2014	245,000
2010	205,000	2015	250,000
2011	215,000	2016	260,000
2012	225,000	2017	270,000

Bidders will have the option of combining the Bonds maturing from and after 2008 through and including 2012 and from and after 2013 through and including 2017 into one or more terms bonds. If any Bonds are issued as term bonds, such term bonds will be subject to annual mandatory sinking fund redemption in the principal amount set forth in the foregoing schedule on each July 1, concluding no later than 2017, at a redemption price equal to the principal amount of such Bonds or portions thereof to be redeemed with interest accrued thereon and payable on January 1 and July 1 to the redemption date, in installments and in the same amounts and on the same dates as the Bonds would have matured if they were not included in a term bond.

The Bonds will be issued in "book entry" only form.

The Bonds shall be issuable as fully registered bonds only, shall bear an original issue date of May 15, 2007, and shall bear interest payable semiannually on January 1 and July 1 of each year, commencing January 1, 2008, to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. No interest rate may exceed five and one-half percent (5.50%) per annum, and the difference between the highest and lowest rate of interest may not exceed two percent (2.00%) per annum. Each rate must be expressed in an integral multiple of 1/8 or 1/20 of 1%. No supplemental

or “B” coupons or additional interest certificates are permitted. The Bonds with stated maturities on or after July 1, 2013 are subject to redemption on July 1, 2012, and any date thereafter, at the option of the City, in whole or in part, and if in part from such stated maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a stated maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair), at a redemption price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium.

The Bonds will be sold for not less than \$2,270,000 with accrued interest, if any, on the principal amount of the Bonds to the date of their delivery. The Commission reserves the right to reject any and all bids and to sell the Bonds at private sale.

A good faith deposit in the form of money, cashier’s check, certified check, bank money order, or bank draft drawn and issued by a federally chartered or state chartered bank insured by the Federal Deposit Insurance Corporation or a financial surety bond in the sum of \$45,400 payable to the order of the City of Great Falls, Montana, is required for each bid to be considered, as further specified in the Official Terms and Conditions of Sale.

Copies of a statement of the Official Terms and Conditions of Sale and additional information may be obtained from the City Controller, 2 Park Drive South, Great Falls, Montana 59403, (406) 455-8478. Prospective bidders should consult the Official Terms and Conditions of Sale and the Preliminary Official Statement for a description of the Bonds, the security therefor, ratings, if any, and the form of legal opinion proposed to be rendered by Dorsey & Whitney LLP, of Missoula, Montana, as bond counsel. For further information about Parity™, potential bidders may contact the Financial Advisor, D.A. Davidson & Co. at (406) 791-7210 (Aaron Rudio), or Parity™ at (212) 404-8102 (Client Services). In the event of a malfunction in the electronic bidding process, bidders may submit their bids by sealed bid including facsimile transmission to the City Controller, Coleen Balzarini, at facsimile number (406) 452-8048 (phone (406) 455-8478).

Dated: April 3, 2007.

BY ORDER OF THE CITY COMMISSION

City Clerk
City of Great Falls, Montana

Publish: April 15, 2007
April 22, 2007

Regular City Commission Meeting

Mayor Pro-tempore Hinz presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

SWEARING IN: Mayor Pro-tempore Hinz swore in Neighborhood Council Member Sandra Gynn (Council 4).

PROCLAMATION: Mayor Pro-tempore Hinz presented a Proclamation for CROP HUNGER WALK DAY.

NEIGHBORHOOD COUNCILS

- Park Master Plan and Park Trust Fund.** **1A. Karen Grove, Tim Austin, Bill Stubbs and Tawny Newt,** Council of Councils representatives, read a letter requesting the City review and update the Park Master Plan since the document was over 10 years old as well as revisit the Park Trust Fund disbursement policy.
- Noah’s Ark Park.** **1B. Tim Austin, NC3,** thanked the Park and Recreation for new playground equipment at Noah’s Ark Park.
- Heren Park and Good Neighbor Award.** **1C. Bob Stubbs, NC4,** reminded the City Commission of the Good Neighbor Award to Lee Hickey at their meeting March 22, 2007. He also thanked Park and Recreation for their work at Heren Park.
- Neighborhood Council Funding and signage.** **1D Bob Mehlhoff, NC2,** asked the City to consider providing a small operating budget for each of the Councils of \$200 annually. Additionally, he’d like the City to purchase sandwich board signs for Councils to use to better advertise meeting times and locations.

PUBLIC HEARINGS

- Ord. 2965, Amending OCCGF 9.90 Fireworks Policy. Adopted.** **2. ORDINANCE 2965, AMENDING OCCGF 9.90 FIREWORKS POLICY.**
 Fire Chief Randy McCamley reported that Ordinance 2965 would revise the current fireworks Ordinance the city operates under. These revisions were an attempt to address issues the public raised relating to the use of fireworks within the city limits. More specifically the revisions include: reducing the number of days fireworks can be sold and discharged; setting the time of day fireworks may be discharged; expanding the types of fireworks permitted;

prohibiting the discharge of fireworks from any public property; increasing the fees for fireworks stands; and establishing a fine schedule for fireworks violations.

Mayor Pro-Tempore Hinz declared the public hearing open. Those speaking in support of Ordinance 2965 were as follows:

Mike Sullivan, 2004 3rd Avenue North, stated he supported the Ordinance and added that people need to take more responsibility when it comes to discharging and cleaning up after fireworks.

Bob Church, 715 55th Street South, stated that during the past year four independent polls were taken, three by the Tribune and one by the City. All four polls indicated the citizens wanted more restrictions on fireworks. He urged the City Commission to listen to the citizens.

John Korst, 118 6th Avenue NW, stated he would favor a total ban of fireworks but understood that this ordinance represented compromises between those who supported a ban and those who want to discharge fireworks.

Sue Strickland, 609 2nd Avenue SW, supported the Ordinance and suggested that firework stand owners be required to hand out information regarding the Ordinance to all patrons.

Those speaking in opposition to Ordinance 2965 were as follows:

Mary Ann Aafedt, (unknown address) strongly opposed the ordinance asking the Commission for a total ban. She explained that her neighbor lit off fireworks all night leaving the debris scattered on her front and back lawns. She stated that besides littering, fireworks also led to public endangerment.

Ralph Sutich, 1209 6th Avenue South #7, asked the Commission to ban fireworks like the City of Helena.

Rosemarie Robertson, Sand Coulee, explained that on July 5 she had to avoid driving on some streets in Great Falls because of the large amount of firework debris on the streets. She added that fireworks today have more power and cause more noise. She suggested the City allow citizens to light fireworks off in parks and on the golf courses leaving the residential areas alone.

Aart Doleman, 1316 Central, stated he supported a complete ban on fireworks.

Andree Deligdisch, 1316 Central, asked if fireworks that went over fifty feet in the air and had a loud noise were legal. Chief McCamley stated it would be difficult to answer without seeing the firework. However, he did say that

generally fireworks that went high in the air with a loud noise or report were legal in the State of Montana and with the adoption of this Ordinance, legal in the City.

Ms. Aafedt asked if someone could send her the State statute regarding fireworks. Mayor Pro-tempore Hinz stated staff would send her the requested information.

Ron Gessaman, 1006 36th Avenue NE, opposed the Ordinance stating that this situation should be addressed at the State level. He added that this Ordinance was not enforceable. He suggested giving firework stand operators a price break if they agreed to hand out information regarding the ordinance.

Mike Maeder, 2407 Central Avenue West, sympathized with people who oppose the Ordinance. He agreed with the littering provision of the ordinance and the requirement for children under age 7 to be supervised.

There being no one further to address the City Commission, Mayor Pro-Tempore Hinz declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2965.

Commissioner Beecher stated he would support a total ban on fireworks but recognized this Ordinance represented a good compromise. He emphasized the need to create an educational piece to be distributed at each of the firework stands. He hoped that between the educational efforts and enforcement, Great Falls residents will see a change. However, if there was not and the number of complaints continued, then the City Commission would revisit the ordinance and perhaps adopt a stricter law.

Commissioner Rosenbaum explained there was a bill in the legislature that would allow counties to adopt fireworks restrictions. However, that bill died in committee. He added that enforcement becomes futile with differences between County and City laws. He hoped that neighbors would respect one another and follow the new ordinance. If the ordinance does not work, then the Commission can always revisit it.

Mayor Pro-tempore Hinz stated that the City Commission and staff looked at this issue thoroughly and that the Ordinance represented a good compromise.

Commissioner Jovick-Kuntz stated that the City has been developing enforcement strategies that included teaming firefighters with police officers, stricter fines and education efforts.

There being no further discussion, Mayor Pro-tempore Hinz called for the vote. Motion carried 4-0.

Ord. 2967, Great Falls West Bank Urban Renewal Plan. Adopted as amended.

3. ORDINANCE 2967, GREAT FALLS WEST BANK URBAN RENEWAL PLAN.

Planning Department Director Ben Rangel reported that on November 8, 2006, the Commission hired Ms. Janet Cornish of Community Development Services of Montana, to help prepare an urban renewal plan for what was being called the Great Falls West Bank Urban Renewal Program. The Tax Increment Financing (TIF) element of the plan would establish a “base year” of January 1, 2007, for the purpose of segregating and calculating the incremental increase in the taxable value of the district. The funds derived through the increment program will be used for public improvements. Additionally, future EPA funding, private investment and other public and private funding will be used in conjunction with the increment program funding to implement the Urban Renewal Plan.

On February 27, 2007, the City Planning Board reviewed the Urban Renewal Plan and compared it with the Growth Policy. The Planning Board unanimously recommended that the West Bank Urban Renewal Plan conforms to the Growth Policy.

Mayor Pro-Tempore Hinz declared the public hearing open. No one spoke in opposition to Ordinance 2967. Those speaking in support were as follows:

Bob Mehlhoff, Sue Strickland and Kelly Manzer, representatives from Neighborhood Council 2, supported the West Bank Urban Renewal Project. They encouraged the City Commission to develop West Bank Park rather than keep it in its native grasses and to involve Neighborhood Council 2 in any discussions involving parks in that district.

Brett Doney, Great Falls Development Authority, stated that this Urban Renewal District would open many more opportunities for the area.

There being no one further to address the Commission, Mayor Pro-Tempore Hinz declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2967 as amended.

Motion carried 4-0.

OLD BUSINESS

Ord. 2968, Amending OCCGF Title 2, Chapter 50, Section 040 pertaining to Neighborhood Council candidate

4. ORDINANCE 2968, AMENDING OCCGF TITLE 2, CHAPTER 50, SECTION 040 PERTAINING TO NEIGHBORHOOD COUNCIL CANDIDATE REQUIREMENTS.

City Attorney David Gliko reported that the Cascade County Election Office requested the City Commission change the election requirements for neighborhood council members so they were the same as those for mayoral

requirements.
Adopted.

and commission candidates. Currently, the only requirement was that they live in the district for the council they want to be elected to. Requiring neighborhood council candidates to be qualified electors would assist the election office with authenticating write-in candidates for neighborhood council positions.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2968 on final reading.

Ron Gessaman, 1006 36th Avenue NE, stated that this Ordinance took away freedoms of individuals to file for office. He did not support it. City Attorney Gliko responded stating that the City Commission candidates and Municipal Judge candidates were required to be qualified electors as well and that requirement has been in place for many years.

Motion carried 4-0.

NEW BUSINESS

CDBG and HOME Program Proposed Use of Funds and HUD Required Annual Action Plan. Accepted use of funds and public hearing set for April 17, 2007.

5. CDBG AND HOME PROGRAM PROPOSED USE OF FUNDS AND HUD REQUIRED ANNUAL ACTION PLAN.

Chris Imhoff, CDBG Grant Administrator, reported that Federal regulations require that the proposed use of Community Development Block Grant funds and HOME Program funds are included in the Annual Action Plan. The 2007/2008 Annual Action Plan would be available for public review and comment during a 30 day period beginning March 23 through April 21, 2007.

The public hearing on April 17, 2007 will be a forum allowing citizens the opportunity to express their views on the proposed use of federal Community Development Block Grant and HOME Program dollars and each program's policies and performance.

Dale Schwanke, Community Development Council member, thanked staff for making the process easy. Mayor Pro-tempore Hinz thanked him and the other committee members for their work.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission accept the use of funds and set a public hearing for April 17, 2007, on the Proposed Annual Action Plan.

Motion carried 4-0.

ORDINANCES AND RESOLUTIONS

Ord. 2966, Establish City Zoning on Minor Plat of Fair

6. ORDINANCE 2966, ESTABLISHING CITY ZONING UPON MINOR PLAT OF FAIR GUYS ADDITION.

Planning Director Ben Rangel reported Ordinance 2966 assigns a zoning

**Guys Addition.
Accepted on first
reading and public
hearing set for
April 17, 2007.**

classification of I-1 light industrial zoning district, to Fair Guys Addition. The minor plat is located on the south boundary of Interstate 15 and just west of Forde’s Nursery and consists of a single 3.57 acre lot. The plat also dedicates a segment of right-of-way for the abutting portion of 22nd Street Northwest.

Mr. Rangel added that at the conclusion of a public hearing held November 14, 2006, the City Zoning Commission unanimously recommended the City Commission assign the requested zoning classification.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2966 on first reading and set a public hearing for April 17, 2007, to consider adoption of Ordinance 2966.

Motion carried 4-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

- 7. Minutes, March 6, 2007, Commission meeting.
- 8. Total Expenditures of \$1,362,167 for the period of February 28 through March 14, 2007, to include claims over \$5000, in the amount of \$1,148,285.
- 9. Contracts list.
- 10. Lien Release List
- 11. Contribution to the Sun River Watershed Group in the amount of \$3,000.
- 12. Change Order 3 to NewMech Companies, Inc., in the amount of \$21,489.07 for the Contract 02-General Construction for the Wastewater Treatment Plant Cogeneration Project. (OF 1404)
- 13. Construction contract for Horizon Park and Central Avenue West Water Main Replacements to Phillips Construction of Great Falls in the amount of \$596,855. (OF 1437)
- 14. Bids rejected for one new 2007 Tandem Axle Roll-Off Cab and Chassis.

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

Motion carried 4-0.

BOARDS & COMMISSIONS

**Mansfield Center
for the
Performing Arts
Advisory Board.
Appointed
Buckingham.**

15. APPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.

Al Faechner was originally appointed to the Mansfield Center for the Performing Arts Advisory Board to fill the remainder of a three-year term on October 5, 2004. He was reappointed for a three-year term on December 5, 2006. Mr. Faechner resigned from the Board; therefore, it was necessary to appoint one member to fill the remainder of his term.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Casey Buckingham to fill the remainder of a three-year term through December 31, 2009, to the Mansfield Center for the Performing Arts Advisory Board.

Motion carried 4-0.

Highwood
Generating Station.

19. PETITIONS AND COMMUNICATIONS.

The following people provided testimony in opposition to the Highwood Generating Station. **Ken Thornton** (31 Paradise Road); **Ron Gessaman** (1006 36th Avenue NE); **Tim Brown** (2736 Carmel Drive) and **John Hubbard**. The comments generally pertained to the alternative energy sources, pollution, CO2 capture, operating costs and technology to be used at the Highwood Generating Station.

Brett Doney and **Owen Robinson** spoke in support of the Highwood Genrating Station stating that it will have a positive impact on the local economy. They also praised the Commission and staff for visionary thinking.

Adjourn.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Rosenbaum moved, seconded by Commission Beecher that the regular meeting of March 20, 2007, be adjourned at 8:38 p.m.**

Motion carried 4-0.

Mayor Pro-tempore Sandy Hinz

Peggy Bourne, 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 MARCH 21, 2007	392,985.45
MASTER ACCOUNT CHECK RUN FOR MARCH 28, 2007	564,595.26
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 16, 2007	63,097.53
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 23, 2007	3,979.00
WIRE TRANSFERS FROM MARCH 21, 2007	62,122.26
WIRE TRANSFERS FROM MARCH 22, 2007	<u>2,725.71</u>
TOTAL: \$ <u>1,089,505.21</u>	

GENERAL FUND

POLICE

ILF MEDIA PRODUCTIONS	PRODUCTION SERV 0-0-1-3 CAMPAIGN	8,317.00
-----------------------	----------------------------------	----------

CAPITAL PROJECTS

GENERAL CAPITAL

SOUND PRO	PROJECT SYSTEM, GIBSON/ CHAMBER	7,750.00
-----------	---------------------------------	----------

ENTERPRISE FUNDS

WATER

THOMAS DEAN & HOSKINS	PMT #17 WATER MASTER PLAN OF 1352	8,270.33
-----------------------	-----------------------------------	----------

SEWER

MORRISON MAIERLE	PMT#6 N GF SEWER AND STORM DRAIN	11,067.89
VEOLIA WATER NORTH AMERICA	MARCH WWTP OPERATION/MAINT	204,781.92
MT DEPT OF ENVIRONMENTAL QUALITY	MPDES ANNUAL WASTEWATER FEE	25,075.00

ENTERPRISE FUNDS CONTINUED

STORM DRAIN

MORRISON MAIERLE	PMT#6 N GF SEWER AND STORM DRAIN	1,995.00
STELLING ENGINEERS INC	PMT #1 WEST BANK PARK OF#1482	5,182.75
STELLING ENGINEERS INC	PMT #1 GIANT SPRINGS OF #1458	7,434.75

SANITATION

MONTANA WASTE SYSTEMS	MARCH CHARGES	46,757.88
SOLID WASTE SYSTEMS INC	300 GALLON CONTAINERS	11,488.00

SAFETY SERVICES

QWEST	MARCH CHARGES	6,256.02
-------	---------------	----------

PARKING

APCOA/STANDARD PARKING	APRIL 2007 ENFORCEMENT	22,650.01
------------------------	------------------------	-----------

GOLF COURSES

CONNIE'S GOLF SHOP	PRIOR YEAR INVENTORY	11,256.39
--------------------	----------------------	-----------

INTERNAL SERVICES FUND

HEALTH INSURANCE

LEGACY ENTERPRISES INS	HEALTH INS EVALUATIONS	5,385.44
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 3/7/07-3/13/07	43,378.02
BLUE CROSS BLUE SHIELD	DRUG CLAIMS FEBRUARY 2007	62,088.96
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 3/14/07-3/20/07	62,122.26

FISCAL SERVICES

POSTMASTER	BULK POSTAGE	13,404.51
------------	--------------	-----------

INFORMATION TECHNOLOGY

ST BERNARD SOFTWARE	3 YEAR FILTERING/SOFTWARE	7,945.01
---------------------	---------------------------	----------

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	DIESEL FUEL	15,362.90
WESTERN PLAINS MACHINERY CO	HYDROSTATIC STREET SWEEPERS	347,125.00
MOUNTAIN VIEW CO-OP	UNLEADED/DIESEL FUEL	18,560.51

MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	60,812.53
---------------------	-----------------------	-----------

CLAIMS OVER \$5000 TOTAL: \$ 1,014,468.08

AGENDA REPORT

DATE: April 3, 2007

ITEM CITY TOWING CONTRACT

INITIATED BY POLICE DEPARTMENT/CAPTAIN SHANKS

ACTION REQUESTED AWARD BID

PREPARED BY CAPTAIN TIM SHANKS, SUPPORT SERVICES BUREAU

PRESENTED BY CLOYD GROVE, CHIEF OF POLICE

RECOMMENDATION

Staff recommends the City Commission award the bid to S&C Auto Inc., for the City Towing contract for a period of 5 years.

MOTION

“I move the City Commission award the bid for a five-year Towing Contract to S&C Auto Inc. of Great Falls for \$1,281 per quarter the first year and \$1,281 per quarter for the successive four years for a total of \$5124 per year.

SYNOPSIS

The specifications were advertised three times in the Great Falls Tribune and mailed to prospective bidders. The bids were opened on March 21, 2007 with one bidder. The bidder meets specifications.

BACKGROUND

The contract provides the City of Great Falls with towing service and S&C Auto Inc agreed to abide by the terms of the contract.

This bid will be for a term of 5 years.

The current contract is with McCullough’s Wrecker Service and was extended to April 1, 2007 in order for the bid process to take place.

AGENDA REPORT

DATE April 3, 2007

ITEM: FINAL PAYMENT – 2ND AVENUE SOUTHWEST SANITARY SEWER MAIN EXTENSION, O. F. 1391.1

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends Final Payment to Phillips Construction and the State Miscellaneous Tax Fund for the 2nd Avenue Southwest Sanitary Sewer Main Extension, O. F. 1391.1.

MOTION: "I move the City Commission approve Final Payment for the 2nd Avenue Southwest Sanitary Sewer Main Extension, O. F. 1391.1, in the amount of \$1,600.39 to Phillips Construction, and \$16.17 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

SYNOPSIS: The City Commission awarded a contract on October 17, 2006 in the amount of \$179,748.00 to Phillips Construction for the 2nd Avenue Southwest Sanitary Sewer Main Extension, O. F. 1391.1.

City staff has verified that Phillips Construction has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The final project cost is \$161,655.85, which is \$18,092.15 under the amount awarded. The lack of water service work and very little miscellaneous work contributed to the low final contract amount. The project was completed within the contract time.

BACKGROUND: This project was needed to extend sanitary sewer into approximately two and a half city blocks located in Fifth Addition to Great Falls. There are approximately 26 lots that are zoned light industrial and residential which had no sewer service. The project started from an existing manhole in the intersection of 3rd Alley SW and 12th Street SW and went north to 2nd Avenue SW and 12th Street SW; then west on 2nd Avenue SW from 12th Street SW to 13th Street SW; north on 13th Street SW from 2nd Avenue SW to 2nd Alley SW; and finally west on 2nd Alley SW from 13th Street SW to 14th Street SW for a total of 1,141 lineal feet of 8-inch PVC main plus 5 manholes.

This project also replaced 920 lineal feet of existing 6-inch and 12-inch cast iron water mains installed in 1949 with a single 12-inch PVC water main. This portion of the project is located on 2nd Avenue SW from 11th Street SW to 13th Street SW. Two fire hydrants were replaced, and all

existing water services were connected to the new 12-inch PVC water main.

City staff designed the project, handled contract management, and performed construction inspection. The two year warranty period started on December 21, 2007.

Attachments: Final Pay Request (Not available online. On file in the City Clerk's Office.)

AGENDA REPORT

DATE April 3, 2007

ITEM Three Year Audit Contract with JCCS

INITIATED BY Fiscal Services Department

ACTION REQUESTED Approve Three Year Audit Contract

PRESENTED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATION:

Staff recommends the City Commission approve a three year contract for Audit Services with Junkermier, Clark, Campanella, Stevens, PC (JCCS) at a cost of \$40,000.00 per year. The contract also includes an option of a two-year extension of the contract at the mutual agreement of the City and JCCS.

MOTION:

I move the City Commission approve a three year contract with JCCS for audit services with an option of a two-year extension.

SYNOPSIS:

Fiscal Services has requested a three year contract with JCCS for audit services to assure continuity during the City’s transition to the GASB 34 financial reporting model.

BACKGROUND:

Annual audits are a professional service, exempt from statutory bidding requirements. The Government Finance Officers Association (GFOA) and The State of Montana Department of Administration provide similar guidance for local governments in selecting professional auditing services. The State of Montana provides guidance under the **Administrative Rule of Montana (ARM) 2.4.407 Criteria for the Selection of the Independent Auditor**. The rule states:

- (1) In selecting an independent auditor to perform an audit under 2-7-503, MCA, a local government entity shall consider the following criteria:
 - a. Listing on department’s roster of independent auditors authorized to conduct local government audits;
 - b. Independence, as defined by applicable auditing standards;
 - c. Demonstrated understanding of the work to be performed;
 - d. Technical experience of the independent auditor to conducting similar types of local government entity audits;
 - e. Qualifications of staff to be assigned to the audit;
 - f. Work history of the independent auditors; and
 - g. The proposed audit fee.

When using the criteria in ARM 2.4.407 the options for selection of an independent auditor are narrowed down considerably. The Department of Administration – Local Government Services Bureau Roster of Independent Auditors Authorized to Conduct Audits of Montana Local Governments for State Fiscal Year of 2007 includes 55 qualified auditing firms. Of those 55 firms, only 4 local firms are included.

Of the four local firms, two of the firms would have potential independence issues as defined by auditing standards. One of the firms has a partner married to a Fiscal Service staff. The other firm does accounting for Southern Montana Electric. A third firm does not appear to have the work history to perform the City of Great Falls audit.

Following these guidelines the only local firm to perform the City of Great Falls audit is the current firm that the City of Great Falls contracts with, Junkermeir, Clark, Campanella, Stevens, PC (JCCS).

The alternative would be to seek out of city but in state auditing services. Even then the City's options would be limited as very few audit firms actually perform audits of the size of the City of Great Falls and have the work history needed to perform the City of Great Falls audit.

Two issues are to be considering with this alternative. One, the GASB 34 financial reporting model was required to be implemented in Fiscal Year 2003 with the exception of Infrastructure Asset Reporting which has an additional phase in time of four years (Fiscal Year 2006/2007). Since JCCS is knowledgeable of the City's initial transition to the GASB 34 reporting model, as well as our current Infrastructure Asset Reporting methods, that knowledge will ensure a smoother transition when integrating Infrastructure Asset Reporting into the GASB 34 reporting model.

The last issue would be paying the travel of an out of City auditing services. The current audit performed at the City, takes approximately 430 hours. That is with an auditing firm that has been with the City of Great Falls since 1999. A new firm would probably mean additional hours needed to complete the audit, which means that the City would have to pay for at least 12 weeks of travel for an out of City firm. So, an out of City auditing service may be cost prohibitive.

The current cost proposed by JCCS, for the audit of Fiscal Years 2007, 2008, and 2009 of \$40,000 a year, is the same cost that the City of Great Falls paid for Fiscal Years 2005 and 2006. This is actually a reduction for the cost that was paid for Fiscal Years 2003 and 2004 of \$50,000 per year. Even though the contract for Fiscal Years 2005 and 2006 was \$50,000 JCCS worked with the City of Great Falls to reduce the audit costs by \$10,000 a year. This was due to the City of Great Falls staff preparing the annual report.

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

**AGENDA # 11
DATE April 3, 2007**

ITEM Appointments, Advisory Commission on International Relationships

INITIATED BY City Commission

ACTION REQUESTED Appoint Two Members

PRESENTED BY City Commission

- - - -

RECOMMENDATION: It is recommended that the City Commission appoint two members to the Advisory Commission on International Relationships.

MOTION: I move the City Commission appoint _____ to the Advisory Commission on International Relationships to fill the remainder of a three-year term through March 31, 2008, and appoint _____ for a three-year term through March 31, 2010.

SYNOPSIS: Marilyn Swenson resigned her position on the Advisory Commission on International Relationships. Ms. Swenson was appointed on August 3, 2004, for a three-year term through March 31, 2008. Patricia Craumer also resigned her position. Ms. Craumer was appointed in August of 2004. Ms. Craumer resigned from the board in August of 2006.

BACKGROUND: International programs are growing for many reasons. Rapid changes in communications technology, globalization of the marketplace, and political changes in the last decade have all contributed to an increasing awareness these trends will accelerate in the future. Communities, as well as individuals, businesses, and institutions will need to learn to participate in the "global village," or be left behind economically or in other ways. In order for the City to take a leadership role in nurturing and coordinating some of the international efforts, the Advisory Commission on International Relationships was created by Ordinance 2788 on November 8, 2000, and amended by Ordinance 2863 on October 21, 2003. The Commission provides support, coordination, and exchange of information for international programs in the community. The Commission consists of nine to eleven members.

Current members include:

Robin Baker
Robert E. Harris
Virginia "Lee" Niebuhr
Sandra Erickson
Ella Mae Howard
Aart Dolman
Vandana Damany
Jamie Smith

Citizens interested in serving on this board:

Charles Tyler
Jay Buckley

AGENDA REPORT

DATE April 3, 2007

ITEM Appointment, Library Board

INITIATED BY City Commission

ACTION REQUESTED Appoint One Member

PRESENTED BY City Commission

- - - - -

RECOMMENDATION: It is recommended that the City Commission appoint one new member to the Library Board to fill the remainder of a five-year term through June 30, 2007.

MOTION: I move the City Commission appoint _____ to the Library Board to fill the remainder of a five-year term through June 30, 2007.

SYNOPSIS: Library Board member Paul Comer passed on December 17, 2006. Therefore, it is necessary to appoint one member to fill his position on the board.

BACKGROUND: The Library Board oversees the Library policies and operations including book policies and service to the City, County, and pathfinder Federation of Libraries. Members serve for five-year terms, but no more than two full terms in succession, exclusive of time served on any unexpired term.

Continuing members on this board are:

- Penny A. Hughes-Briant
- Mark Meyer
- Bunny Albers
- Judy K. Riesenber

Citizens interested in serving on this board are:

- Dean M. Holskey, Sr.
- Sheila Kelly
- Randy Kuiper
- Rod Lukasik