

Revised



City Commission Agenda

for

November 8, 2006

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

PROCLAMATION

Appreciation and Commendation for Audrey Finlayson
Children's Book Week
National Adoption Month

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. East Ridge Addition Phase 4, consisting of two lots and a 210' extension easement of 12th Avenue South between 45th and 47th Streets South. **(Presented by: Ben Rangel)**
 - A. Res. 9618 and Minor Plat, Findings of Fact and Annexation Agreement. Annexes property. Action: Conduct joint public hearing and adopt or deny Res. 9618.
 - B. Ord. 2953, Assigns zoning classification of PUD Planned unit development zoning district. Action: Conduct joint public hearing and adopt or deny Ord. 2953.
3. West Ridge Addition, Phase IV, consisting of 37 single-family residential lots located immediately northwest of Skyline Education Center. **(Presented by: Ben Rangel)**
 - A. Res. 9619, Annexes property. Action: Conduct joint public hearing and adopt or deny Res. 9619.
 - B. Ord. 2954, Assigns zoning classification of R-3 Single-family high density district. Action: Conduct joint public hearing and adopt or deny Ord. 2954.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

4. Ord. 2956, Repealing OCCGF 8.07 Pertaining to Smoking in Public Places Except for Designated Smoking Area Distance Requirements. Action: Adopt or deny Ord. 2956. **(Presented by: Peggy Bourne)**

5. Res. 9621, Remodel Tax Benefits Application, 502 2nd St. S. Approves remodeling tax benefit application. Action: Adopt or deny Res. 9621. (**Presented by: Mike Rattray**)

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

6. Minutes, October 17, 2006, Commission meeting.
7. Total Expenditures of \$1,757,264 for the period of October 6 through November 1, 2006, to include claims over \$5000, in the amount of \$1,437,824.
8. Contracts list.
9. Lien Release list.
10. Set public hearing for November 21, 2006, on Res. 9620, Cost Recovery at 509 15th Street North.
11. Set public hearing for November 21, 2006, on Res. 9622, Cost Recovery at 609 36th Avenue NE.
12. Approve Power Purchase Agreement Addendum #2 with Southern Montana Electric Generation and Transmission Cooperative.
13. Approve Change Order No. 2 and final payment to Forde Nursery in the amount of \$7,828.87 and the State Miscellaneous Tax Division in the amount of \$79.08 for the Bloomingdale Park Landscaping CTEP Project.
14. Reject proposal for Golf Course Management.
15. Award Contract for the 2006 CDBG Natatorium Pool Liner to Thompson Pools in the amount of \$63,859.
16. Award contract for the 10th Avenue North Storm Drain to Falls Construction Company in the amount of \$137,892.
17. Approve Change Order No. 1 to Boland Construction, Inc., in the amount of \$95,765 for the 1st and 2nd Avenues North Water Main Replacement.
18. Award bid for three new dual-control hydrostatic drive street sweepers to Western Plains Machinery of Great Falls in the amount of \$347,125 including trade-ins.
19. Award bid for six new 2007 police pursuit vehicles to City Motor Company of Great Falls in the amount of \$118,507.
20. Approve final payment to Geranios Enterprises, Inc. in the amount of \$3,699.13 and the State Miscellaneous Tax Division in the amount of \$37.37 for the 13th Street North Water Main Replacement.
21. Approve Professional Services Agreement with Stelling Engineers, Inc. for engineering services for the West Bank Storm Drain Outfall Improvements in the amount of \$25,149.
22. Approve Consultant Services Agreement in the amount of \$19,250 with Community Development Services of Montana to prepare an Urban Renewal Plan for the Great Falls West Bank Revitalization Program.
23. Approve deed of City-owned land to Animal Foundation.

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

BOARDS & COMMISSIONS

24. This Item was pulled from the Agenda.

~~Appointment, Great Falls Transit District Board. Appoint one new member to the Great Falls Transit District Board for a four-year term beginning on December 1, 2006, and expiring on November 30, 2010.~~

25. Miscellaneous reports and announcements.

CITY MANAGER

26. Miscellaneous reports and announcements.

CITY COMMISSION

27. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

28. Miscellaneous reports and announcements.

ADJOURN

AGENDA REPORT

DATE November 8, 2006

ITEM Public Hearing – Resolution No. 9618, Ordinance No. 2953, Minor Plat and Annexation Agreement all related to East Ridge Addition Phase 4

INITIATED BY C & W Development, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9618, and Ordinance No. 2953, and Approve Findings of Fact, Minor 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 Minor Plat of East Ridge Addition Phase 4 and Findings of Fact and the Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development zoning district to same, upon annexation to the City.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9618 and approve the Minor Plat, Findings of Fact and Annexation Agreement all related to East Ridge Addition Phase 4.”

and

“I move the City Commission adopt Ordinance No. 2953.”

SYNOPSIS:

Resolution No. 9618 annexes 1.638 acres comprising of East Ridge Addition Phase 4.

Ordinance No. 2953 assigns a zoning classification of PUD Planned unit development zoning district, to same, upon annexation to the City. The Annexation Agreement contains terms and conditions associated with annexation.

BACKGROUND:

Said Minor Plat consists of two lots and a 210 foot extension of 12th Avenue South between 45th and 47th Streets South. The applicant intends to construct 6 duplex structures containing a total of 12 dwelling units to be sold separately as part of a condominium association.

The developer will install standard City paving, curb and gutter to extend 12th Avenue South. 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 and sanitary sewer. The Minor Plat continues an existing 10-foot utility easement near the north boundary of Lot 1, Block 1, East Ridge Addition Phase 4.

Surface drainage from the subdivision will flow southeasterly to a City owned parcel at the east terminus of 13th Avenue South where a storm water detention facility is planned to be constructed.

The final engineering documents relative to the Minor Plat of East Ridge Addition Phase 4 have been prepared by the project engineer and a substantial portion of the infrastructure has been installed.

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

- a) is designed in accordance with the growth policy (comprehensive plan);

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

Subject property is located on the fringe of the City, which has been attracting development. The subdivision is a natural projection of urban growth. It is bordered on two sides by the incorporated area of the City, which has the capability and capacity to provide necessary public related services.

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

At the conclusion of a combined public hearing held September 12, 2006, the Planning Board/Zoning Commission made two separate recommendations, as follows:

The Planning Board unanimously recommended the City Commission approve Minor Plat of East Ridge Addition Phase 4, the accompanying Findings of Fact, and the annexation of the property contained therein subject to fulfillment of the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City.
- 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 minor 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.

and;

The Zoning Commission unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district to East Ridge Addition Phase 4 upon the annexation of the area contained therein.

Above stated conditions 1) & 2) have been fulfilled and condition 3) will be fulfilled prior to filing the Amended Plat and Annexation Agreement.

Attachments: Resolution No. 9618
Ordinance No. 2953
Findings of Fact
Annexation Agreement (Not available online. On file in City Clerk's Office.)
Minor Plat of East Ridge Addition Phase 4

cc: Woith Engineering, 1725 41st St S

FINDINGS OF FACT
FOR MINOR PLAT OF THE EAST RIDGE ADDITION PHASE 4, A
SUBDIVISION LOCATED IN THE N½, SECTION 16, TOWNSHIP 20,
NORTH, RANGE 4 EAST TO GREAT FALLS
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is surrounded on three sides by urban development and has not been used for agricultural purposes for many years. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

The subdivision will connect to City water and sewer systems. The subdivider will pay the cost of extending the utility system. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual condominium homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is two miles from the subdivision site. Providing these services to the condominiums in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increase costs.

Public streets will be extended into the subdivision to serve the proposed residential units, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadway within the subdivision.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any excess surface runoff will flow southeasterly to a City owned parcel at the east terminus of 13th Avenue South where a storm water detention facility is planned to be constructed.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

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

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

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

III. **EASEMENT FOR UTILITIES**

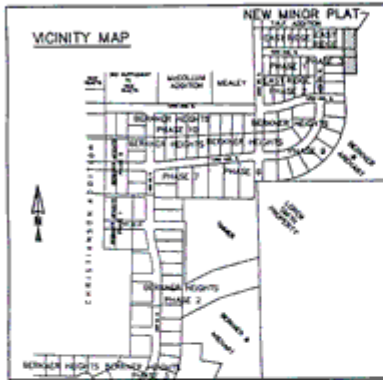
Within the subdivision, the subdivider will provide the necessary utility easements as a part of the subdivision plat. The subdivider grants those duly licensed persons providing or offering to provide telephone, electric power, natural gas, cable television, water and sewer service, or other similar service, the right to the joint use of the utility easements shown on said plat for the construction, maintenance, repair, or removal of their lines and other facilities upon advance notice to the affected landowners and consistent with requirements as may be imposed by the City of Great Falls now or in the future.

IV. **LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the subdivision is provided by the easterly extension of 12th Avenue South, which is public right-of-way maintained by the City of Great Falls.

MINOR PLAT OF EAST RIDGE ADDITION PHASE 4

AN ADDITION TO THE CITY OF GREAT FALLS
A SUBDIVISION LOCATED IN THE N1/2, SECTION 16, T20N, R4E,
P.M.M., CASCADE COUNTY, MONTANA



LEGEND

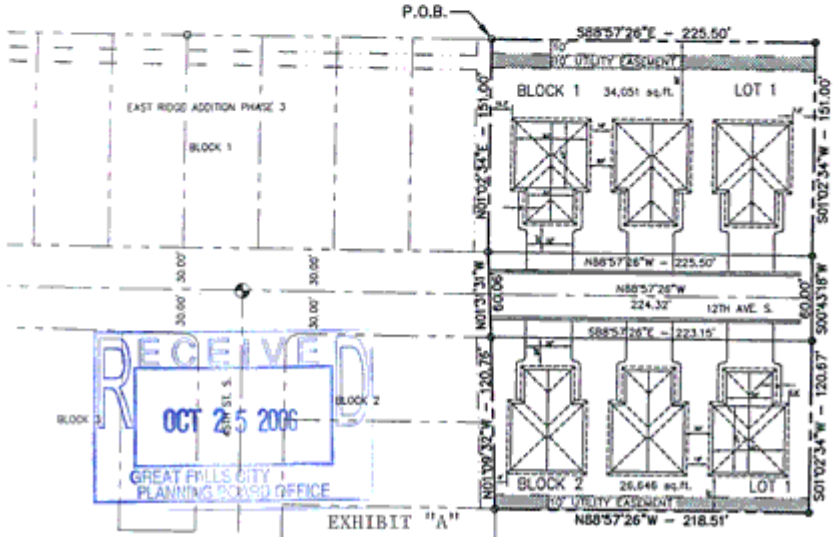
- CURRENT ADDITION BOUNDARY
- CURRENT ADDITION LOT LINES
- CENTERLINE
- EXISTING PROPERTY LINE
- ▨ UTILITY EASEMENT
- STREET MONUMENT
- ⊙ P.O.B.
- SF SQUARE FEET
- SET IRON PIN AND CAP
- FOUND IRON PIN



AREAS

STREETS - 13,459 SF = 0.31 ACRES
 LOTS - 60,697 SF = 1.39 ACRES
 TOTAL AREA - 74,156 SF = 1.70 ACRES

T.R.F. ADDITION



RESOLUTION NO. 9618

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE EAST RIDGE ADDITION PHASE 4, LOCATED IN SECTION 16, 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:

East Ridge Addition Phase 4, located in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 1.638 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the minor plat of East Ridge Addition Phase 4; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "EAST RIDGE ADDITION PHASE 4, LOCATED IN SECTION 16, 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:

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 8th day of November, 2006

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. 9618 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 8th day of November, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 8th day of November, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

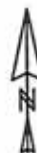
MINOR PLAT OF EAST RIDGE ADDITION PHASE 4

AN ADDITION TO THE CITY OF GREAT FALLS
A SUBDIVISION LOCATED IN THE N1/2, SECTION 16, T20N, R4E,
P.M.M., CASCADE COUNTY, MONTANA



LEGEND

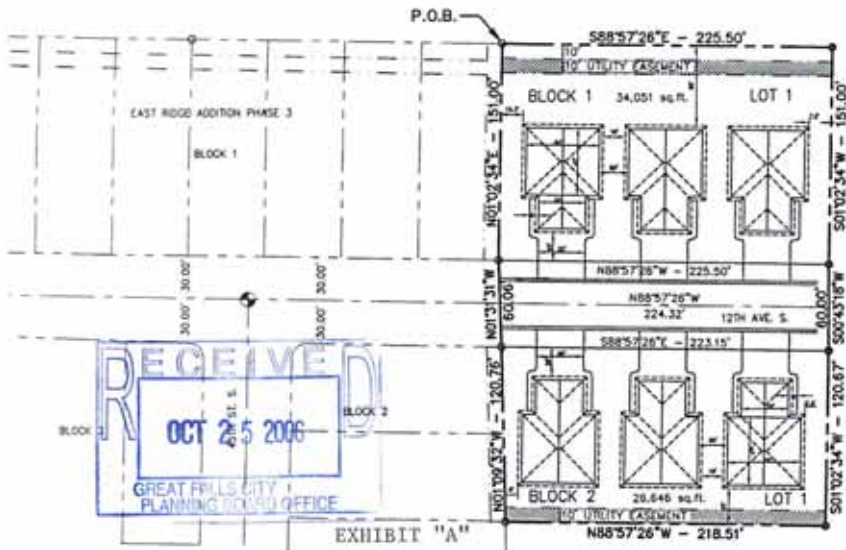
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 TOTAL AREA - 74,156 SF = 1.70 ACRES

T.R.F. ADDITION



ORDINANCE NO. 2953

AN ORDINANCE ASSIGNING A ZONING
CLASSIFICATION OF PUD PLANNED UNIT
DEVELOPMENT DISTRICT TO EAST RIDGE ADDITION
PHASE 4, IN THE N½ OF SECTION 16, TOWNSHIP 20
NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY,
MONTANA

* * * * *

WHEREAS, C & W Development, has petitioned the City of Great Falls to annex East Ridge Addition Phase 4, located in the N½ of Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, C & W Development, has petitioned the City of Great Falls to assign a City zoning classification of PUD Planned unit development district, upon annexation of East Ridge Addition Phase 4 to City; and,

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district, to said East Ridge Addition Phase 4, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 8th day of November, 2006, 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 East Ridge Addition Phase 4, be designated as PUD Planned unit development district classification subject to the building envelopes and setbacks attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing East Ridge Addition Phase 4, 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 8th day of November, 2006.

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. 2953 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 8th day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 8th day of November, 2006.

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 8th day of November, 2006, 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. 2953 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)

AGENDA REPORT

DATE November 8, 2006

ITEM Public Hearing – Resolution No. 9619 to Annex and Ordinance No. 2954 to Establish City Zoning Upon West Ridge Addition, Phase IV

INITIATED BY S & L Development, L.L.C., Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9619 and Ordinance No. 2954 and Approve Final Plat and Agreement related to West Ridge Addition, Phase IV

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission approve the final plat and annexation of West Ridge Addition, Phase IV, and assign a zoning classification of R-3 Single-family high density district, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9619 and approve the final plat and Annexation Agreement all related to West Ridge Addition, Phase IV.”

and

“I move the City Commission adopt Ordinance No. 2954.”

SYNOPSIS:

Resolution No. 9619 annexes West Ridge Addition, Phase IV, which consists of 37 single-family residential lots located immediately northwest of Skyline Education Center. Ordinance No. 2954 assigns a zoning classification of R-3 Single-family high density district, to West Ridge Addition, Phase IV, upon annexation of same to City. The accompanying Agreement contains terms and conditions associated with annexation of the subdivision.

BACKGROUND:

On July 11, 2006, the City Commission conditionally approved the preliminary plat of West Ridge Addition, Phase IV consisting of 37 residential lots located immediately northwest of Skyline Education Center along the westerly extensions of 35th and 36th Avenues NE. Proposed lots range in size from 10,389 to 13,153 sq ft.

For additional information, please refer to the Vicinity/Zoning Map attached to Resolution No. 9619 as Exhibit “A” and the reduced copy of the final plat of West Ridge Addition, Phase IV.

Access to subject property will be provided by 2nd and 3rd Streets NE and 35th and 36th Avenues NE. The public roadways contained therein will be improved with standard City paving, curb and gutter. The segment of 36th Avenue NE through the subdivision will be oversized.

Regarding sanitary sewer service, all lots in the subdivision will drain into a recently installed lift station in the abutting portion of 2nd St. NE which pumps effluent into an existing City main in 2nd St. NE further south.

City water mains will be located in 35th and 36th Avenues NE within the subdivision.

Storm drainage from the subdivision will be piped to the City’s Northeast Regional Storm Water Retention Facility, located ½ mile to the northeast. The subdivision’s proportionate share of the cost of the Retention Facility and the off-site piping system will be assessed. In light of the problems experienced at the Retention Facility this past

Spring, the City on September 5, 2006, awarded a contract to more than double the capacity of the Retention Facility. The work will be completed this Fall. The City has also retained an engineering consultant to prepare a storm water master plan for the northern portion of the City which will eventually include piping excess runoff from the Retention Facility towards Watson Coulee.

The developer intends to fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land. The City Park & Recreation Department accepted a cash donation for the first three phases of West Ridge and has not indicated anything to the contrary regarding the last phase of West Ridge Addition.

The final engineering documents relative to the final plat of West Ridge Addition Phase IV have been prepared by the project engineer and submitted to and reviewed by the Public Works Department. The annexation agreement has been drafted and executed by the applicant. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for West Ridge Addition Phase IV.

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

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

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

Subject property is located on the fringe of the City, which has been attracting high quality single family dwelling units. The subdivision is a natural projection of urban growth.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include "residential land uses should be planned and located so that they do not result in adverse impacts upon one another" and "Annexations should be logical and efficient extensions of the City's boundaries and service areas".

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

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

The City Zoning Commission, at the conclusion of a public hearing held June 13, 2006, unanimously recommended the City Commission assign a zoning classification of R-3 Single-family high density district, to West Ridge Addition, Phase IV, upon annexation of the area contained therein.

The Planning Board during a meeting held September 19, 2006, passed a motion recommending the City Commission approve the final plat of West Ridge Addition, Phase IV and the annexation of the property contained therein subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City of Great Falls 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.

The above Conditions 1, 2 & 4 have been fulfilled and Condition 3 will be fulfilled prior to filing of the plat.

Attach: Resolution No. 9619

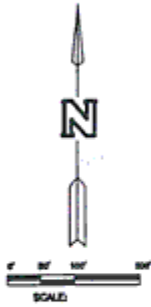
Ord. No. 2954

Reduced Copy of Drawing Portion of Final Plat

Annexation Agreement (Not available online. On file in City Clerk's Office.)

cc: Delta Engineering, P.O. Box 1481

**PLAT OF
WEST RIDGE ADDITION, PHASE IV**
IN THE N1/2 SEC. 35, T 21 N, R 3 E, P.M.M.
CASCADE COUNTY, MONTANA

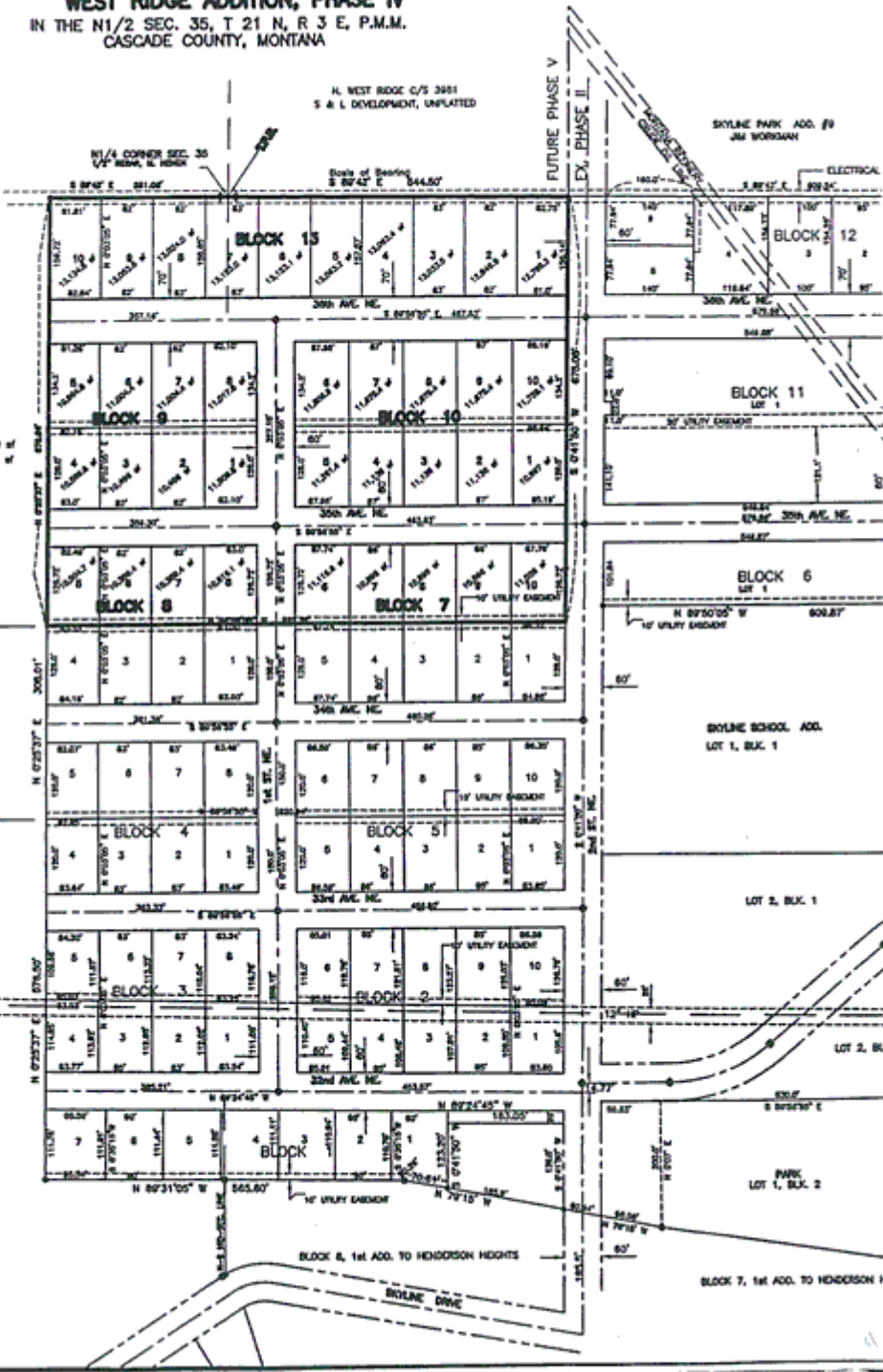


ROAD AREA= 130,442.0 S.F.
LOT AREA= 427,256.4 S.F.

PHASE IV
PHASE III
PHASE II
PHASE I
EX. PHASE I

VERM. INTERCHANGER
UNPLATTED

- LEGEND**
- ROAD SECTION CENTER
 - CONCRETE MONUMENT
 - WOODEN PVI / C/P
 - L. FORMER PVI / C/P
 - EXISTING MONUMENT
 - ◆ NEW MONUMENT



RESOLUTION NO. 9619

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE WEST RIDGE ADDITION, PHASE IV, LOCATED IN SECTION 35, 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:

West Ridge Addition, Phase IV, located in Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 12.803 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 West Ridge Addition, Phase IV; 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: "WEST RIDGE ADDITION, PHASE IV, LOCATED IN SECTION 35, 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 8th day of November, 2006.

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. 9619 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 8th day of November, 2006, wherein it was approved by said Commission.










IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 8th day of November, 2006.


Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY / ZONING MAP



	WEST RIDGE ADDITION PHASE IV TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY		PLI Public Lands and Institutional
	City Limits		POS Parks and Open Space
	Streets		PUD Planned unit development
	Tracts of land out of City Limits		U Unincorporated Enclave
	R-2 Single-family medium density		



ORDINANCE NO. 2954

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO WEST RIDGE ADDITION, PHASE IV, IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, S & L Development L.L.C., (Shawna K. Rothwell and Leanne K. Bailly) has petitioned the City of Great Falls to annex West Ridge Addition, Phase IV, located in the N1/2 of Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, S & L Development L.L.C., (Shawna K. Rothwell and Leanne K. Bailly), has petitioned West Ridge Addition, Phase IV, be assigned a zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district to West Ridge Addition, Phase IV, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 8th day of November, 2006, 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 West Ridge Addition, Phase IV, be designated as R-3 Single-family high density district.

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 West Ridge Addition, Phase IV, 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 8th day of November, 2006.

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. 2954 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 8th day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 8th day of November, 2006.

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 8th day of November, 2006, 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. 2954 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)

AGENDA REPORT

DATE: November 8, 2006

ITEM ORDINANCE 2956, REPEALING OCCGF 8.07 PERTAINING TO SMOKING IN PUBLIC PLACES EXCEPT FOR DESIGNATED SMOKING AREA DISTANCE REQUIREMENTS

INITIATED BY PEGGY BOURNE, CITY CLERK

ACTION REQUESTED ADOPT ORDINANCE 2956 ON FINAL READING

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission adopt Ordinance 2956 on final reading.

MOTION

“I move the City Commission adopt Ordinance.”

SYNOPSIS

In 1999, the City Commission adopted Ordinance 2753 which prohibited smoking in public places and places of employment. In 2005, a state law went into effect which also prohibited smoking in public places and places of employment and supersedes City ordinance. The state law differs from the City ordinance causing confusion between Great Falls residents, business owners and the general public. If adopted, Ordinance 2956 would repeal, for the most part, the City ordinance and businesses and places of employment would then follow the guidelines set forth in state law. One section Staff proposes, at the concurrence of the City/County Health Officer Cherry Loney and City Attorney Dave Gliko, is to require that designated smoking areas be at least 20 feet from a public building.

ORDINANCE 2956

AN ORDINANCE REPEALING TITLE 8.07 PERTAINING TO SMOKING IN INDOOR PLACES OF EMPLOYMENT AND PUBLIC PLACES

Whereas, the citizens of the State of Montana incorporated a statewide law pertaining to smoking in indoor places of employment and public places; and

Whereas, some language in the State statute conflicts with the existing City ordinance and otherwise supersedes City ordinances; and

Whereas, in order to streamline enforcement and education regarding smoking in public places and indoor places of employment it became necessary to repeal the City ordinance.

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

Section 1. That the language contained within OCCGF Title 8 Chapter 7 pertaining to Smoking in Indoor Places of Employment and Public Places as depicted in Exhibit A with a strike-out format is hereby repealed and that any language depicted with a bold font is hereby adopted.

ADOPTED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 8th day of November, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2956 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 8th day of November, 2006, and approved by the Mayor of said City on the 8th day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 8th day of November, 2006.

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 8th day of November, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2956 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)

Exhibit A
Language to be Repealed

Chapter 8.07

SMOKING IN INDOOR PLACES OF EMPLOYMENT AND PUBLIC PLACES

Sections:

- 8.07.010 — Findings and purpose.
- 8.07.020 **8.7.010** Definition.
- 8.07.030 — Prohibition of smoking in public places.
- 8.07.040 — Regulation of smoking in place of employment.
- 8.07.050 **8.7.020** Reasonable Distance.
- 8.07.060 — Where smoking is not regulated.
- 8.07.070 — Posting of signs.
- 8.07.080 — Enforcement.
- 8.07.090 — Violation and penalties.
- 8.07.100 — Non-retaliation.
- 8.07.120 — Public education.
- 8.07.150 — Other applicable laws.
- 8.07.180 — Severability.

~~**8.07.010 Findings and Purpose.** An ordinance prohibiting tobacco smoking in public places and places of employment. (Ord. 2763, 1999)~~

~~A. Pursuant to Article II, Section 3 of Montana's Constitution, all persons have certain inalienable rights that include a constitutional right to a clean and healthful environment.~~

~~B. The Americans with Disability Act which requires access of handicapped persons in public places and work places deems impaired respiratory functions a disability.~~

~~C. The National Institute for Occupational Safety and Health has recommended that all preventable measures should be used to minimize occupational exposure to environmental tobacco smoke.~~

~~D. Numerous studies have found that tobacco smoke is a major contributor to indoor pollution, and that breathing secondhand smoke is a cause of disease, including lung cancer in nonsmokers.~~

~~E. People at special risk to secondhand smoke are children, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.~~

~~F. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, and broncho-spasm.~~

~~G. The City Commission and the City/County Health Department finds and declares that the purposes of this chapter are: (1) to protect public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breath smoke free air, and to recognize that the need to breath smoke free air shall have priority over the desire to smoke. (Ord. 2763, 1999; Ord. 2753,~~

1999)

~~8.07.020~~ 8.7.010 Definition. As used in this chapter, the following terms have the meanings indicated unless the content clearly requires otherwise:

A. ~~“Bar” means an area which is devoted to the serving of alcoholic beverages for the consumption by patrons on the premises and in which food is only incidental to the consumption of such beverages.~~

B. ~~“Bar Restaurant” means any place devoted to serving alcoholic beverages for the consumption by patrons on the premises in which food is also served to the patrons.~~

C. ~~“Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.~~

D. ~~“Cabaret License” is a license issued by the State Liquor Control Authority to be used for the purpose of beer and wine sales. There is no gambling allowed with this type of license. (Ord. 2763, 1999).~~

E. ~~“Casino” means an establishment where gaming machines are available for public use.~~

F. ~~“Dining area” means any area containing a counter or tables upon which meals are served.~~

G. ~~“Employee” means any person who is employed by an employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her service for a non-profit entity.~~

H. ~~“Employer” means any person, partnership, corporation, including a municipal corporation, or non profit entity, who employs the services of one or more individual persons.~~

I. ~~“Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, “office landscaping” or similar structures.~~

J. ~~“Independently Ventilated” shall mean that the ventilation system for the area in which smoking is permitted and the ventilation system for any non-smoking area do not have a connection which allows the mixing of air into the smoking and non-smoking areas. (Ord. 2763, 1999).~~

K. ~~“Licensed all beverage establishment” means a business licensed by the State of Montana to serve alcoholic beverages.~~

L. ~~“No Smoking” means no lighting, smoking, exhaling or carrying a lighted cigar, cigarette, or pipe is allowed within an enclosed building.~~

M. ~~“Place of employment” means any enclosed area under control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways. A private residence is not a “place of employment” unless it is used as a child care, adult day care or health facility. Family-owned and operated businesses with only related employees, and offices of self-employed persons with only related employees shall not be considered an “indoor public~~

place or place of employment” when the indoor space that they occupy is not in the same building with other public places subject to this regulation. A private residence remains exempt from this provision when an employee of another business is providing services in the private residence, such as, but not limited to, housecleaning and home maintenance services.

N. ~~“Physically Separated” means that there are physical barriers such as walls and doors extending from floor to ceiling that prohibit smoke from entering a non-smoking area. (Ord. 2763, 1999)~~

O. ~~“Public place” means any enclosed area to which the public is invited or in which the public is permitted or generally that is open to the public regardless of whether such building is owned in whole or in part by a private person or entities or by the City of Great Falls or other public entity, and regardless whether a fee is charged for admission to the place. (Ord. 2763, 1999)~~

P. ~~“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria and dining area which gives or offers for sale, food to the public.~~

Q. ~~“Service Line” means any indoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money. (Ord. 2753, 1999)~~

8.070.030 Prohibition of Smoking in Public Places. A. ~~Smoking shall be prohibited in all enclosed public places within the City including, but not limited to, the following places:~~

- ~~1. Elevators.~~
- ~~2. Buses, taxicabs, and other means of public transit.~~
- ~~3. Restrooms.~~
- ~~4. Service lines.~~
- ~~5. Retail stores.~~
- ~~6. All areas available to the general public without express invitation or permission in all businesses and non-profit entities.~~
- ~~7. Museums, galleries and libraries when open to the public.~~
- ~~8. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital, or other similar performance, except when smoking is part of a stage production.~~
- ~~9. Sports arenas and convention halls.~~
- ~~10. Every room, chamber, place of meeting or public assembly, including school buildings, under control of any board, council, commission, committee, including joint committees, or agencies of the City or any political subdivision of the State.~~
- ~~11. Waiting rooms, hallways, wards and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors’ offices, chiropractors’ offices and dentists offices.~~
- ~~12. Lobbies, hallways and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes, and other multiple unit residential facilities.~~
- ~~13. Lobbies, hallways, and other common areas in multiple unit commercial facilities.~~
- ~~14. Polling places.~~

——— 15. Laundromats. (Ord. 2763, 1999; Ord. 2753, 1999)

~~B. Restaurants must declare their intent to become a smoking or non smoking establishment. If a restaurant has a physically separated independently ventilated bar or smoking area, the remaining portion shall be designated Non Smoking.~~

~~1. When restaurants are sold and continue in the same location, new owners will have a choice to be smoking or non smoking; however, non smoking establishments cannot revert to allow smoking.~~

~~2. New established restaurants must be non smoking establishments. (Ord. 2763, 1999).~~———

~~**8.07.040 Regulation of Smoking in Place of Employment.** It shall be the responsibility of employers to provide a smoke free workplace for employees as follows:~~

~~A. Smoking shall be prohibited in all enclosed areas within a place of employment including common work areas, auditoriums, classrooms, conference and meeting rooms, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, and all other enclosed areas including work and office spaces.~~

~~B. All employers shall offer employees in restaurants with designated smoking areas, the option to work in non smoking areas to the extent practicable (Ord. 2763, 1999; 2753, 1999)~~

~~**8.07.050 8.7.020 Reasonable Distance.** Smoking shall occur outside any enclosed area where smoking is prohibited to insure that tobacco smoke does not enter through the entrances, windows, ventilation system or other means with no re-circulation to other non smoking areas. The Montana Smoking In Public Places statute (MCA 50-40) requires all public places to be smoke-free. It does not specify the distance designated smoking areas should be from a public place. This section is meant to augment state law by prohibiting smoking within presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means. (Ord. 2753, 1999)~~

~~**8.07.060 Where Smoking is Not Regulated.** A. Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restriction of this chapter.~~

~~1. Private functions, parties, or gatherings not advertised or accessible to the general public. (Ord. 2758, 1999)~~

~~2. Private residences, except when used as child care or health care facilities.~~

~~3. Commercial motor vehicles, not engaged in the public transportation of passengers.~~

~~4. Retail tobacco shops.~~

~~5. All hotel and motel guest rooms or suites.~~

~~6. Any establishment with a cabaret, beer, wine, or all beverage license that have their license for the consumption of alcohol on the premises. (Ord. 2763, 1999)~~

~~7. Any restaurant or bar restaurant that have designated and non-~~

~~designated areas for smoking will be considered smoking establishments. (Ord. 2763, 1999)~~

~~8. Bingo halls.~~

~~9. A designated smoking room or other enclosed area within a public place otherwise regulated and subject to this non-smoking ban provided that such area is completely enclosed and separate from the remainder of the smoke free enclosed areas of the facility, by solid floor to ceiling walls and doors and/or windows which must remain closed except for entry and exit of persons to and from the room or where a window or door ventilates to the outside of the building. No public place covered by this chapter shall be designated a smoking area in its entirety.~~

~~10. Bowling centers are exempt from this chapter during bowling activities specifically organized for juvenile bowlers. (Ord. 2763, 1999)~~

~~B. Notwithstanding any other provision of this section, any owners, operator, manager, or other person who controls any establishment described in this section may declare a portion of, or the entire establishment, as a non-smoking establishment. (Ord. 2763, 1999; Ord. 2753, 1999)~~

~~**8.07.070 Posting of Signs.** A. “No Smoking” signs or the international “No Smoking” symbol shall be clearly, sufficiently, and conspicuously posted in every building, and at every entrance, or other place where Smoking is regulated by this chapter, by the owner, operator, manager or other person having control of such building or other place. (Ord. 2763, 1999) —~~

~~B. In public places, enclosed areas or other facilities affected by this chapter, where certain areas are designated as smoking areas pursuant to OCCGF 8.07.060(A)(9), the statement “No Smoking Except in Designated Areas,” shall be conspicuously posted on all public entrances or in a position clearly on entry into the establishment. (Ord. 2763, 1999)~~

~~C. Restaurants which provide for smokers and non-smokers, and do not have two separate ventilation systems must be posted as smoking establishments. (Ord. 2763, 1999)~~

~~D. All ashtrays shall be removed from any area where smoking is prohibited by this chapter, by the owner, operator, manager or other person having control of such area.~~

~~E. The Great Falls Fire Department will inspect for signage as they do their annual inspections. (Ord. 2753, 1999).~~

~~**8.07.080 Enforcement.** A. Enforcement of this chapter shall be implemented by the City/County Health Department. This chapter is intended to be self enforcing however, owners, operators, managers or other persons having control over a public place, enclosed area or other area where smoking is prohibited hereunder and any citizen who desires to register a complaint under this chapter may initiate enforcement by calling the City/County Health Department. A representative of the Health Department will first attempt to resolve the complaint through education but will also have the discretionary authority to issue a citation when educational efforts are insufficient to resolve the complaint. The Great Falls Police Department will assist in the enforcement of this chapter when requested by the City/County Health Department.~~

~~B. The owner, operator or manager of a business shall not be responsible for~~

violations of this chapter within their premises by patrons or citizens, provided that such patrons or citizens have been adequately informed that their actions may be in violation of the chapter. Any owner, operator, or manager of a business shall have adequately informed patrons or citizens if he or she has posted signs on the premises in accordance with this chapter.

C. Enforcement of this chapter will be further governed by a written policy on file at the City/County Health Department. (Ord. 2753, 1999).

8.07.090 Violations and Penalties. A. It shall be unlawful for any person who owns, operates, manages or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

B. It shall be unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter shall be guilty of an infraction, punishable by:

1. A fine not exceeding One Hundred Dollars (\$100.00) for a first violation.

2. A fine not exceeding Two Hundred Dollars (\$200.00) for a second violation of this chapter within one (1) year.

3. A fine not exceeding Five Hundred Dollars (\$500.00) for each additional violation of this chapter within one (1) year. (Ord. 2753, 1999).

8.07.100 Non-Retaliation. No person or employers shall discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment or customer because such employee, applicant, or customer exercises any right to a smoke free environment afforded by this chapter. (Ord. 2753, 1999).

8.07.120 Public Education. The City/County Health Department shall explain and clarify the purposes and requirements of this chapter to citizens affected by it, and shall provide guidance to owners, operators, and managers in their compliance with it, upon request of such explanation or guidance. Such explanation may include publication of a brochure for affected businesses and individuals explaining the provisions of this chapter. (Ord. 2753, 1999).

8.07.150 Other Applicable Laws. This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 2753, 1999).

8.07.180 Severability. If any provisions, clauses, sentence or paragraph of this chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. (Ord. 2753, 1999).

AGENDA REPORT

DATE November 8, 2006

ITEM Res. 9621, Remodel Tax Benefits Application, 501 2nd St S,
GF Vacated ST, Ally, 1-2, 13-14, W47.35' of 3, L12, B477, GFO and
GF Vacated ST, Ally, 1-2, 13-14, W45.15' of 3, L13, B454, GFO

INITIATED BY Dan Brown, President, DBA DMW, Inc.

ACTION REQUESTED Adopt Resolution No. 9621

PREPARED & PRESENTED BY Mike Rattray, Community Development Director

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

On September 1, 1981, the City Commission approved Resolution No. 7561 implementing the remodeling tax benefit program for Great Falls as a means of encouraging redevelopment and providing financial assistance to property owners. Staff recommends approval of the following motion:

MOTION:

I move to adopt Resolution 9621.

SYNOPSIS:

The property owner, Dan Brown, DBA DMW, Inc., is renovating the building at 501 2nd Street South. The building permit was issued September 1, 2006, and the project will be completed in October 2006, at an estimated cost of \$800,000. The applicant is requesting approval of the tax benefits and Resolution No. 9621 has been prepared to comply with the requirement that all applications be approved by resolution. Approval of the application will allow for the taxes generated from the expansion to be added to the existing taxes over a five-year period in increments of 20 percent each year.

BACKGROUND:

Section 15-24-1501, MCA, provides the local government option of giving Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures. The law governing this incentive was amended in 1985 requiring that each local governing body (City and County) approve the Tax Benefit on a project by project basis. If one local government body approves the tax benefit and the other does not, the benefit will apply only to the mills levied by the approving governing body. In addition, tax benefits do not include any relief from state-wide levies and local government approval of the application must be by resolution.

The City Commission's policy regarding the approval of remodeling tax benefits was established in the late 1980's and requires that all property taxes on all property owned by the applicant be current and that the applicant be allowed to take advantage of only one City program available to provide

local development assistance. This policy came about as a result of concern that certain projects were taking advantage of extremely low interest rate, City sponsored new construction or rehabilitation loan programs designed to improve building conditions, improve blighted areas and expand the tax base. After receiving the low interest loans, some developers were then applying for the reduction in property taxes, which had the net effect of canceling some of the benefits the City was supposed to derive from making the original loan.

In applying this policy to the application received from the current owners, we find that all property taxes are current and that the applicants have not received City financial assistance from other programs.

Attach: Resolution No. 9621

Application (Not available online. On file in City Clerk's Office.)

cc: Dan Brown, DBA DMW, Inc.
501 2nd Street South
Great Falls, MT 59405

RESOLUTION NO. 9621

A RESOLUTION APPROVING THE APPLICATION FOR
TAX BENEFITS FOR THE REMODELING, RECONSTRUCTION,
OR EXPANSION OF EXISTING BUILDINGS OR STRUCTURES
FOR DAN BROWN, DBA DMW, INC., 501 SECOND STREET SOUTH,
GREAT FALLS VACATED ST, ALLY, 1-2, 13-14, W47.35' OF 3, L12, B477,
GREAT FALL ORIGINAL AND GREAT FALLS VACATED ST, ALLY, 1-2, 13-14,
W45.15' OF 3, L13, B454, GREAT FALLS ORIGINAL TOWNSITE,
CASCADE COUNTY, GREAT FALLS, MONTANA

* * * * *

WHEREAS, State Statutes (15-24-1501, MCA), as amended provide the opportunity for local governing bodies to give Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures; and

WHEREAS, the local governing body must review each application and determine if it is to be approved or denied; and

WHEREAS, a copy of the processed application form, reflecting the governing body's decision, must be mailed to the Department of Revenue before April 1 of the tax year for which the benefits are sought; and

WHEREAS, Dan Brown, DBA DMW, Inc. has submitted an application for renovation to the building located at 501 Second Street South, Great Falls Vacated St, Ally, 1-2, 13-14, W47.35' of 3, Lot 12, Block 477, Great Falls Original Townsite, and Great Falls Vacated St, Ally, 1-2, 13-14, W45.15' of 3, Lot 13, Block 454, Great Falls Original Townsite, Great Falls, Montana,

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

That the City Commission of the City of Great Falls does hereby approve said application for remodeling tax benefit as submitted.

PASSED by the Commission of the City of Great Falls, Montana, on this 8th day of November, 2006.

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. 9621 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 8th day of November, 2006, and approved by the Mayor of said City, on the 8th day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 8th day of November, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

FIREFIGHTER OATHS were given to Jeremy Virts, Troy Weir and Adam Marsh.

PROCLAMATIONS: Mayor Stebbins read proclamations for Freedom from Bullying Week, Red Ribbon Week and YWCA Week Without Violence. Police Officer Steve O’Brien was presented with the Officer of the Year Award by Gayle Carlson of the YWCA and Chief Grove.

NEIGHBORHOOD COUNCILS

School Zone Fines. **1A.** **Audrey Finlayson**, NC 4, asked if the money received from fines for school zone violations assisted paid for Police Officers to receive school zone related training. Fiscal Services Director Coleen Balzarini explained that the money received from fines went into the General Fund and the Police Department is funded by the General Fund.

Problem Property. Ms. Finlayson also reported that NC 4 has been working with Cascade County to improve the property located at 4300 2nd Avenue North.

Swearing-in of Jean Stone, NC 5. **1B.** Mayor Stebbins swore in Jean Stone, a new Neighborhood Council 5 representative.

PRESENTATION

Water and Sewer Annexation Policy. Planning Director Ben Rangel provided an overview on the Water and Sewer Annexations Policy.

PUBLIC HEARINGS

Ord. 2955, Amends OCCGF 12.14 Pertaining to Temporary Street Closures and Parades. Adopted. **2. ORDINANCE 2955, AMENDING OCCGF 12.14 PERTAINING TO TEMPORARY STREET CLOSURES.**
 City Clerk Peggy Bourne explained that the City Commission adopted Ordinance 2949 on September 5, 2006, excluding the section pertaining to temporary street closures. The Commission indicated that the petition requirement for temporary street closures for events in the downtown area

appeared unfair when compared to the requirements to close off most of the downtown area for parades. The Commission directed staff to propose another ordinance that established a fair and balanced procedure for all temporary street closures, including parades, residential block parties and downtown events.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Ordinance 2955. Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Ordinance 2955.

Motion carried 5-0

**Res. 9614,
Establishing Street
Closure, Park
Rental and Special
Events with
Alcoholic Beverage
Permit Fees.
Adopted.**

3. RESOLUTION 9614, ESTABLISHING STREET CLOSURE, PARK RENTAL AND SPECIAL EVENTS WITH ALCOHOLIC BEVERAGE PERMIT FEES.

City Clerk Peggy Bourne reported that Resolution 9614 establishes fees associated with permits established by Ordinances 2949 and 2955 relating to alcoholic beverages in public places, temporary street closures, events in city parks, and parades.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9614. Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9614.

Motion carried 5-0.

**Res. 9616, To
Vacate An Unused
Portion of 26th
Street South Right-
of-Way in T20N
R4E Sect. 18 Mk
6B. Adopted.**

4. RESOLUTION 9616, TO VACATE AN UNUSED PORTION OF 26th STREET SOUTH RIGHT-OF-WAY (T20N R4E SECTION 18 Mk 6B).

Planning Director Ben Rangel reported that Resolution 9616 vacates an unused segment of 26th Street South right-of-way abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East. The Amended Plat of Lot 1A, Block 1, Forest Glen South will add the vacated right-of-way and Parcel Mark 6B to the abutting Lot 1A. The vacation of subject right-of-way would leave a full 80 foot right-of-way for the s-curve of 26th Street South which was reconstructed to a four-lane minor arterial in 1996.

Mayor Stebbins declared the public hearing open. No one spoke in

support of or opposition to Resolution 9616. Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission adopt Resolution No. 9616 and authorize the appropriate City officials to execute the involved Amended Plat.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

**Ord. 2956
Repealing OCCGF
8.07 Pertaining to
Smoking in Places
of Employment and
Public Places
Except for
Designated Smoking
Area Distance
Requirements.
Accepted on first
reading and final
hearing set for
November 8, 2006.**

5. ORDINANCE 2956, REPEALING OCCGF 8.07 PERTAINING TO SMOKING IN PLACES OF EMPLOYMENT AND PUBLIC PLACES EXCEPT FOR DESIGNATED SMOKING AREA DISTANCE REQUIREMENTS.

City Clerk Peggy Bourne reported that in 1999 the City Commission adopted an ordinance prohibiting smoking in public places and places of employment. In 2005, a state law went into effect superseding the City ordinance. Upon adoption, Ordinance 2956 would repeal most of the City ordinance and businesses and places of employment would then follow the guidelines set forth in state law. One section Staff proposed the City retain was requiring designated smoking areas be placed at least 20 feet from a public building.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2956 on first reading and set the final reading for November 8, 2006.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

- 6.** Minutes, October 3, 2006, Commission Meeting.
- 7.** Total Expenditures of \$1,149,133 for the period of September 29 through October 11, 2006, to include claims over \$5,000 in the amount of \$976,645.
- 8.** Contracts List.
- 9.** Grants List.
- 10.** Set public hearing for November 21, 2006, on Resolution 9557 for Water, Sewer, and Storm Drain Rate and Fee Changes.
- 11.** Bid award for one new large rotary mower to Midland Implement Co. Inc. of Billings in the amount of \$57,652.

12. Final Payment for the 1st, 2nd, 3rd and 5th Avenues Northwest Water Main Replacement Project to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$28,889.21 (OF 1435).
13. Construction Contract for the 2nd Avenue Southwest Sanitary Sewer Main Extension to Phillips Construction in the amount of \$179,748. (OF 1391.1)
14. Use of \$101,820 in Community Transportation Enhancement Program (CTEP) funds to fully fund the monument lighting of the Historic 10th Street Bridge. (OF 1180.6)

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

Motion carried 5-0.

BOARDS & COMMISSIONS

**Board of
Adjustment
/Appeals.
Reappointed
Haffner and Kunz.**

15. REAPPOINTMENTS, BOARD OF ADJUSTMENT.

Robert Haffner was appointed in October of 2003 and John Kunz was appointed in May of 2005. Mr. Haffner and Mr. Kunz were both interested in and eligible for reappointment.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum that the City Commission reappoint Robert J. Haffner and John A. Kunz to the Board of Adjustment/Appeals for three-year terms expiring September 30, 2009.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

**Boys and Girls Club
Activities.**

19A. Keri Pepos, reported on the Boys and Girls Club activities she participated in this past summer.

19B. John Hubbard thanked the Fish and Game for offering hunters safety courses. He also provided two DVDs for the City Commission to view pertaining to emissions from coal fired plants. Finally, he expressed concern of the cost of living and the fact that many people must work two or three jobs to make ends meet.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of October 17, 2006, adjourned at 7:48 p.m.

Mayor Dona R. Stebbins

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 OCTOBER 18, 2006	486,873.76
MASTER ACCOUNT CHECK RUN FOR OCTOBER 25, 2006	522,377.39
MASTER ACCOUNT CHECK RUN FOR NOVEMBER 1, 2006	448,031.31
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 06 TO NOVEMBER 1, 2006	156,082.77
WIRE TRANSFERS FROM OCTOBER 11, 2006 THRU OCTOBER 17, 2006	38,040.19
WIRE TRANSFERS FROM OCTOBER 18, 2006 THRU OCTOBER 23, 2006	60,002.94
WIRE TRANSFERS FROM OCTOBER 24, 2006 THRU OCTOBER 31, 2006	45,855.85
TOTAL: \$	<u>1,757,264.21</u>

GENERAL FUND

POLICE

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	750.62
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FIRE

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	665.70
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PARK & RECREATION

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	206.91
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SPECIAL REVENUE FUND

CSTEP PROJECT

FORDE NURSERY & LANDSCAPE	BLOOMINGDALE PARK OF# 1306.6	94,252.26
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LIGHTING DISTRICT

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	7,523.59
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	54,133.26

STREET DISTRICT

LAPKE CONSTRUCTION	ADDITIONAL HANDICAP RAMP REQ	43,773.34
GREAT FALLS REDI-MIX	FLOWABLE FILL	1,443.00
GREAT FALLS REDI-MIX	ASPHALTIC CONCRETE	100,350.61
CASCADE SIGNAL CORP	CONFLICT MONITOR TESTER	10,233.00

SPECIAL REVENUE FUND CONTINUED

LIBRARY

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	
DELL MARKETING LP	5 COMPUTERS	5,591.30

FEDERAL BLOCK GRANTS

PARK SUPPLY OF AMERICA INC	DUNN BROWN BUILDING, 316 CENTRAL AVE	11,317.16
NEIGHBORHOOD HOUSING SERV	INSTITUTION GRANTS /SUBS	10,000.00
APPLE VALLEY BACKHOE SERVICE	DEMOLISH /FILE #720708	8,682.00

ECONOMIC REVOLVING

CAPITOL DECISIONS INC	SEPT 2006 RETAINER	8,800.00
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CAPITAL PROJECTS

GENERAL CAPITAL

KOCH'S TENNIS COURT SERVICE	REPAIR AND RESURFACE 2 TENNIS COURTS	9,950.00
CENTRAL FLOOR COVERING	PMT ON COMMUNITY REC CENTER	14,930.00
INGRAHAM ENVIRONMENTAL INC	REMOVE & DISPOSE ACM CEILING	24,454.50

HAZARD REMOVAL

MONTANA WASTE SYSTEMS	WASTE & ASBESTOS REMOVAL	2,404.00
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ENTERPRISE FUNDS

WATER

THATCHER CO	LIQUID ALUMINUM SULFATE	7,463.34
PHILLIPS CONSTRUCTION	OF 1435, REPLACING WATER SYST FINAL PMT	28,889.21
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	12,465.94
THOMAS, DEAN & HOSKINS	PMT #4 OF 1352	6,762.50
DPC INDUSTRIES INC	CHLORINE & AMMONIA	14,143.97
GERANIOS ENTERPRISES INC	PMT #2 OF 1446	17,517.75

SEWER

VEOLIA WATER NORTH AMERICA	WWTP OPERATION OCTOBER	191,273.67
SMITH POWER PRODUCTS	PMT #4 WWTP OF #1404	113,261.59

STORM DRAIN

FALLS CONSTRUCTION	OF 1474, 4TH ALLEY NORTH STORM DRAIN	9,705.00
DAVID KUGLIN	OF 1483/7TH AVE S & 22ND STREET	16,315.20

SANITATION

MONTANA WASTE SYSTEMS	COMMERCIAL SANITATION	19,311.50
MONTANA WASTE SYSTEMS	RESIDENTIAL SANITATION	39,216.70
MONTANA WASTE SYSTEMS	SANITATION	9,802.09
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	253.13

SAFETY SERVICES

QWEST	MONTHLY CHARGES	6,114.72
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ENTERPRISE FUNDS CONTINUED

PARKING

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	491.96
APCOA/STANDARD PARKING	NOV 2006 COMPENSATION	21,824.99

SWIM POOLS

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	322.82
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RECREATION

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	469.41
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS BLUE SHIELD	OCTOBER 2006 ADMIN & REINS FEES	41,659.04
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 10/11-10/17/06	38,040.19
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 10/18-10/23/06	60,002.94
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 10/24-10/31/06	45,855.85

CENTRAL INSURANCE

MONTANA MUNICIPAL INS AUTH	GEN LIABILITY DEDUCTIBLE	9,232.66
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FISCAL SERVICES

JUNKERMIER CLARK CAMPANELLA	AUDIT OF CAFR STMT	15,000.00
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INFORMATION TECHNOLOGY

HEWLETT PACKARD	5 -CNC8430 LAPTOPS	9,355.00
HEWLETT PACKARD	6-PC'S FOR FD	4,194.00

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	28,030.80
MODERN MACHINERY	2006 FRONT END LOADER	126,215.00
MICHAEL TODD & CO	SNOW PLOW BLADE, CUTTING EDGE	7,920.00

PUBLIC WORKS

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	734.13
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FACILITY SERVICES

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	1,415.99
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	58,349.77
CITY OF GREAT FALLS	FINES AND FORFEITURES	66,752.00

CLAIMS OVER \$5000 TOTAL: \$ 1,437,824.11

CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION

FINAL

AGENDA 7
DATE: NOVEMBER 8, 2006

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

**AGENDA: 8
DATE: November 8, 2006**

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

PRESENTED BY: Peggy J. Bourne, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Junkermier, Clark, Campanella, Stevens, P.C.	Current	281-7128-571-3599	\$1,640 plus expenses	Audit of Building Related Code Enforcement Program.
B	Park & Recreation	Lloyd's Painting	Beginning October 19, 2006	411-6462-565-9399	\$2,850.00	Materials and labor for painting in Community Recreation Center basement. (O.F. 1443.3)
C	Park & Recreation	Great Falls Home School	September and October 2006	100-0000-346-4029	\$300.00	Home School Soccer – Park Usage
D	Police Department	Great Falls Housing Authority	October 23, 2006 to October 22, 2007		\$4,920.49/month	Community Policing role at the Great Falls Housing Authority projects. One dedicated officer for the purpose of enforcement and investigations in the GFHA projects.

E	Public Works – Engineering	Falls Construction	Current	515-5375-535-9319	\$9,705.00	4 th Alley North Storm Drain Extension from 4 th Avenue North and 38 th Street for Condominiums. (O.F. 1474)
F	Public Works – Engineering	John Sheffels etal.	Current	513-3165-535-9319	\$0 (other than recording fees)	Utility Easements for Medical Tech Park, Lot 4 (O.F. 1417.1)
G	Public Works – Engineering	Sletten Construction	Fall 06	Sewer Plant Maintenance	\$7,599.00	2006 WWTP Chlorine Building Trolley Beam Repair – Quote (O.F. 1490)
H	Public Works – Water	Industrial Automation Consulting	Flocculator Replacement Project	Water	\$7,340 Est.	Perform Preliminary Engineering for Control System Associated with Flocculator Replacement (O.F. 1332.2)
I	Public Works – Water	Industrial Automation Consulting	Open-Ended	Water	Time Materials	Provide Routine SCADA System Maintenance as Needed. (O.F. 1332.2)
J	Public Works – Engineering	MCM Commercial Properties	Perpetual	Storm Drain 515-3175-535-9319	\$1.00	Utility Easement (O.F. 1440)
K	Park & Recreation	Central Flooring	ASAP	Community Recreation Center	\$13,935.75	Flooring for Community Recreation Center (O.F. 1443.3)
L	Park and Recreation Mansfield Events Office	K & J Convention Services, LLC	February 28 – March 3, 2007	571 Project #620701	\$6,510.50	Made in Montana Marketplace Booths, tables and minor signage
M	Public Works	Phillips Construction	Fall 06	Sewer Capital	\$20,865.00	2006 Sewer Extension 2 nd Avenue Northwest – Quote (O.F. 1368.1)

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

**AGENDA: 9
DATE: November 8, 2006**

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

PRESENTED BY: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Hackwith, John P. (formerly Secretary of Housing & Urban Development) Lot 8, Blk 18, CET			\$800.00	Resolution #9543, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.
B	Fiscal Services	US Bank National Assoc. (formerly Nowacki, Joseph E.)			\$200.00	Resolution #9543, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.
C	Fiscal Services	Lindseth, Ronald A Etal In NE NW, Sec 15, T20N, R3E, Mark M			\$600.00	Resolution #9543, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.

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

DATE: November 8, 2006

ITEM Res. 9620, Cost Recovery, N37 ½' of L14, B176, GF 3 Add. 509 15 St. N.

INITIATED BY Community Development Department

ACTION REQUESTED Set Public Hearing for November 21, 2006

PREPARED BY Jay Parrott, Building Inspector

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission set November 21, 2006, at 7:00 P.M. for a public hearing to assess costs for razing and clean-up of the condemned property located on the North 37 ½' of Lot 14, Block 176, Great Falls 3rd Addition, Great Falls, Cascade County, Montana and that the charge shall be assessed against the property.

A public hearing for assessing said costs is mandated by the Official Codes for the City of Great Falls, Nuisance Abatement Code, Chapter 8, Section 8.49.070.

MOTION:

I move a public hearing be set for November 21, 2006, at 7:00 P.M., on Resolution 9620.

SYNOPSIS:

The owners: Alfred and Naomi Kleinert, of the property on the North 37 ½' of Lot 14, Block 176, Great Falls 3rd Addition, Great Falls, Cascade County, Montana, were issued a notice of hearing before the City Commission of Great Falls to appear at 7:00 P.M., November 21, 2006. The hearing is to show cause why the owners of the property should not be held liable for the costs incurred in razing and clean-up of the structure known as 509 15th Street North.

BACKGROUND:

Staff has taken the following action:

<u>Action</u>	<u>Date</u>
• Initial inspection of property	04-13-06
• Condemned with sixty-day notice mailed	04-19-06
• State of Montana, Department of Public Health and Human Services, Adult Protective Services, gives permission to enter property	05-03-06

- Asbestos inspection completed by staff 05-19-06
- Razing & asbestos abatement completed by staff 10-20-06

Cost for cleanup as follows:

Asbestos sampling & testing by <i>City of Great Falls</i> staff	\$ 203.30
Asbestos permit from State of Montana, Department of Environmental Quality	\$ 304.00
Removal of asbestos from site	\$ 1,114.00
Administrative Fee	\$ 260.00
Ownership and encumbrance report by <i>Stewart Title</i>	\$ 110.00
Recording Fees	\$ 24.00
Publishing Legal Ad (TRIBUNE)	\$ 35.00
Dump fees	\$ 1,290.00
Demolition & cleanup by <i>Wayne Riley Excavating</i>	<u>\$ 4,647.00</u>
TOTAL COSTS INCURRED	<u>\$ 7,987.30</u>

Resolution 9620 would allow staff to assess the razing cost against the property itself.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on November 21, 2006, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing razing and cleanup costs on the following property in the amount set forth:

509 15th Street North \$ 7,987.30

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

BY ORDER OF THE CITY COMMISSION

Peggy J. Bourne, City Clerk

OFFICE USE ONLY

Publication Date: November 11, 2006

cc: Account # 451-7121-572-3599
Peggy J. Bourne, City Clerk
Itemized Account
Owner: Alfred & Naomi Kleinert
c/o Senior & Long Term Care Division
Cathy Satra
201 1st South, Suite 3
Great Falls, MT 59405
Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing and cleanup of property on the North 37 ½' of Lot 14, Block 176, Great Falls 3rd Addition, Great Falls, Montana, more commonly known as 509 15th Street North.

Asbestos sampling & testing by <i>City of Great Fall</i> staff	\$ 203.30
Asbestos permit from State of Montana, Department of Environmental Quality	\$ 304.00
Removal of asbestos from site by <i>Montana Waste Systems</i>	\$ 1,114.00
Administrative Fee	\$ 260.00
Ownership and encumbrance report by <i>Stewart Title</i>	\$ 110.00
Recording Fee	\$ 24.00
Publishing – Legal Ad	\$ 35.00
Dump fees at <i>High Plains Landfill</i>	\$ 1,290.00
Demolition & cleanup by <i>Wayne Riley Excavating</i>	<u>\$ 4,647.00</u>
TOTAL EXPENSES INCURRED	<u>\$ 7,987.30</u>

RESOLUTION 9620

A RESOLUTION ASSESSING THE COSTS INCURRED IN RAZING AND CLEANING OF THE PROPERTY LOCATED ON THE NORTH 37 ½' OF LOT 14, BLOCK 176, GREAT FALLS THIRD ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 509 15 STREET NORTH, AGAINST SAID PROPERTY.

WHEREAS, the owners: Alfred and Naomi Kleinert, of the property located on the North 37 ½' of Lot 14, Block 176, Great Falls 3rd Addition, Great Falls, Montana, was issued a notice to raze the structure.

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

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

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

WHEREAS, the City Commission set November 21, 2006, at 7:00 p.m. for this hearing, to show cause why the property owner should not be held liable for the costs incurred in razing and cleanup of said property.

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

The amount of \$ 7,987.30 for razing and cleanup costs incurred in the abatement of a nuisance on the North 37 ½' of Lot 14, Block 176, Great Falls 3rd Addition, Great Falls, Montana, described as 509 15th Street North, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 21 November, 2006.

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 the foregoing Resolution 9620 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 21 day of November, 2006, and approved by the Mayor of said City, on the 21 day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 21 day of November, 2006.

Peggy J. Bourne, City Clerk

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

DATE: November 8, 2006

ITEM Res. 9622, Cost Recovery, L10, B6, NRT 6TH, 609 36th Ave NE

INITIATED BY Community Development Department

ACTION REQUESTED Set Public Hearing for November 21, 2006

PREPARED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

Staff recommends the City Commission set November 21, 2006, at 7:00 P.M. for a public hearing to assess costs for abatement and clean up of the nuisance property located at 609 36th Ave. N.E., Lot 10, Block 6, Great Falls North Riverview Terrace 6th Addition, Great Falls, Cascade County, Montana and that the charge shall be assessed against the property itself.

A public hearing for assessing said costs is mandated by the Official Codes for the City of Great Falls, Nuisance Abatement Code, Section 8.49.070.

MOTION:

I move a public hearing be set for November 21, 2006, at 7:00 P.M., on Resolution 9622.

SYNOPSIS:

The owner: Sangchan Sirpundon, of the property at Lot 10, Block 6, Great Falls North Riverview Terrace 6th Addition, Great Falls, Cascade County, Montana, was issued a notice of hearing before the City Commission of Great Falls to appear at 7:00 P.M., November 21, 2006. The hearing is to show cause why the owner of the property should not be held liable for the costs incurred in abating the property known as 609 36th Ave. N.E.

BACKGROUND:

Staff has taken the following action:

<u>Action</u>	<u>Date</u>
Initial complaint taken by staff	2/1/2005
Initial inspection of property	2/1/2005
Letter personally served with the 14 & 30 day time period	2/1/2005

Citations issued for Junk Vehicle & Rubbish	4/1/2005
Photographs taken of Junk Vehicle & Rubbish	4/1/2005
2 nd complaint taken from GFPD	5/18/2006
Ownership and encumbrance report by <i>Stewart Title</i>	6/21/2006
Photographs taken of Junk Vehicle's & Rubbish	6/22/2006
Final inspection and approval by staff	8/17/2006
Cleanup and removal of 2 vehicles by S&C Auto Inc	8/17/2006

Cost for cleanup as follows:

Administrative Fee	\$ 260.00
Ownership and encumbrance report by <i>Stewart Title</i>	\$ 110.00
Recording Fees	\$ 24.00
Publishing – Legal Ad	<u>\$ 35.00</u>
TOTAL COSTS INCURRED	<u>\$ 429.00</u>

Resolution 9622 would allow staff to assess the abatement cost against the property itself.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on November 21, 2006, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing abating and cleanup costs on the following property in the amount set forth:

609 36th Ave NE \$ 429.00

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

BY ORDER OF THE CITY COMMISSION

Peggy J. Bourne, City Clerk

OFFICE USE ONLY

Publication November 11, 2006,

cc: Peggy J. Bourne, City Clerk

Account # 451-7121-572-3599

Owner(s): SANGCHAN SIRPUNDON
609 36TH AVE NE
Great Falls MT 59404

(Attach itemized account)

Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing and cleanup of property at Lot 10, Block 6, Great Falls North Riverview Terrace 6th Addition, Great Falls, Montana, more commonly known as 609 36th Ave NE.

Administrative Fee	\$ 260.00
Ownership and encumbrance report by <i>Stewart Title</i>	\$ 110.00
Recording Fee	\$ 24.00
Publishing – Legal Ad	<u>\$ 35.00</u>
TOTAL EXPENSES INCURRED	<u>\$ 429.00</u>

RESOLUTION 9622 -- DENIED

A RESOLUTION ASSESSING THE COSTS INCURRED IN THE NUISANCE ABATEMENT OF PROPERTY LOCATED AT LOT 10, BLOCK 6, GREAT FALLS NORTH RIVERVIEW TERRACE 6TH ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 609 36TH AVE NE, AGAINST SAID PROPERTY.

WHEREAS, the owner of the property located at Lot 10, Block 6, Great Falls North Riverview Terrace 6th Addition, Great Falls, Montana, 609 36th Ave NE, was issued a notice to abate the property.

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

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

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

WHEREAS, the City Commission set November 21, 2006, at 7:00 p.m. for this hearing, to show cause why the property owner(s): Sangchan Sirpundon, should not be held liable for the costs incurred in cleanup of said property.

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

The amount of \$ 429.00 for abating and cleanup costs incurred in the abatement of a nuisance at Lot 10, Block 6, Great Falls North Riverview Terrace 6th Addition, Great Falls, Montana, described as 609 36th Ave NE, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 21st day of November, 2006.

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 9622 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 21st day of November, 2006, and approved by the Mayor of said City, on the 21st day of November, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 21st day of November, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE November 8, 2006

ITEM: ELECTIC CITY POWER (ECP) AND SOUTHERN MONTANA ELECTRIC GENERATION AND TRANSMISSION (SMEG&T) POWER PURCHASE AGREEMENT, ADDENDUM #2

INITIATED BY: LONG-TERM STABLE ELECTRIC SUPPLY NEEDS IN GREAT FALLS

ACTION REQUESTED: AUTHORIZE THE CITY MANAGER TO EXECUTE ADDENDUM#2

PREPARED BY: MARTHA CAPPIS, OPERATIONS SUPERVISOR

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION:

It is recommended that the City Commission authorize the City Manager to execute the Electric City Power and Southern Montana Electric Generation and Transmission Power Purchase Agreement Addendum #2.

MOTION:

"I move the City Commission authorize the City Manager to execute the Electric City Power and Southern Montana Electric Generation and Transmission Power Purchase Agreement Addendum #2."

SYNOPSIS:

ECP continues to build a customer base and is becoming better known by local businesses as an affordable stable electricity supplier in the city. Discussions and contract negotiations are on-going with numerous businesses for our stable power supply. As the City moves forward with the Highwood Station, a long-term, stable customer base is necessary. This block of power provides an additional 7 MWh's block of power beginning January 1, 2007 through December 31, 2008 increasing to 12 MWh's of power beginning January 1, 2009 through March 31, 2011 for Electric City Power.

BACKGROUND:

The City entered into a Wholesale Power Purchase Contract with SME on September 21, 2004. This Contract, along with the Agreement signed October 22, 2004 clarified the terms and prices of the first 5 MWh block of power through December 31, 2008. It also included the option for ECP and SME to negotiate an addendum to the terms to purchase additional power. This has proven to be a very fiscally wise transaction for ECP. ECP has in turn entered into contracts at the initial price of \$37.60 per MWh, increasing to \$40 per MWh on October 1, 2005, through December 31, 2008, with the Great Falls Public Schools, Great Falls Airport Authority, MANG, and Federal Express. On October 18, 2005, addendum #1 allowed the purchase of an additional shaped 6 MWh's of power to cover the occasional over usage of the first block of power and the usage required by the addition of Benefis Healthcare, General Mills, and Meadowgold Dairies to our customer base. These three customers have entered into contracts with ECP for the term of September 1, 2005, beginning at \$43.90 per MWh through June 30, 2011, at \$46.14 per MWh. Montana Refining Company entered into a contract with similar terms, beginning July 1, 2006. The contracts have yearly 1% increases built into the rates. The proposed Residential and Small Commercial pilot program was recently approved by the Montana Public Service Commission, and services will begin in the near future.

**AGREEMENT, ADDENDUM #2
ELECTIC CITY POWER (ECP) AND SOUTHERN MONTANA ELECTRIC GENERATION AND
TRANSMISSION (SMEG&T) POWER PURCHASE AGREEMENT**

THIS ADDENDUM #2, made and entered into this ____ day of _____, 2006, by and between **SOUTHERN MONTANA ELECTRIC GENERATION AND TRANSMISSION COOPERATIVE, INC.**, corporation organized and existing under the laws of the State of Montana, with its principal place of business at 3521 Gabel Road – Suite #5, Billings, Montana 59102, (hereinafter referred to as Southern Montana), and **CITY OF GREAT FALLS, dba Electric City Power**, an incorporated city with its principal place of business at City Hall, 2 Park Drive South, Great Falls, Montana, 59403, (hereinafter referred to as City). The City and Southern Montana are collectively referred to hereinafter as the Parties.

WHEREAS, the Parties entered into the **AGREEMENT** on October 22, 2004, to allow the City to purchase a 5 MWh flat block of power,

WHEREAS, the above mentioned contract, in Section 2, allows the Parties to negotiate an addendum hereto which will identify the terms additional power is needed; and

WHEREAS, the City purchased an additional 6 MWh shaped block of power, with a delivery term of September 1, 2005 through June 30, 2006, increasing to a 10 MWh shaped block of power with a delivery term of July 1, 2006 through September 30, 2011; and

WHEREAS, the City has a need to purchase an additional 7 MWh block of power, with a delivery term of January 1, 2007 through December 31, 2008, increasing to a 12 MWh block of power with a delivery term of January 1, 2009 through March 31, 2011, to provide electric energy and related transmission services for the purpose, among other things, of supplying wholesale electric energy to additional customers.

NOW, THEREFORE, in exchange for good and valuable consideration, the parties agree as follow:

1. The City agrees to pay Southern Montana at a rate of \$52.80 per MWh for the additional 7 MWh block of power during the delivery term of January 1, 2007 through December 31, 2008.
2. The City agrees to pay Southern Montana at a rate of \$47.45 per MWh for the additional 12 MWh block of power during the delivery term of January 1, 2009 through March 31, 2011.
3. The Parties agree Southern Montana will provide separate billing records and invoices for each block of power.
4. All payment terms previously agreed to will apply to the second and third blocks of power, with the exception of the raw water credit.

This agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

EXECUTED the day and year first hereinabove written.

SOUTHERN MONTANA ELECTIC GENERATION AND TRANSMISSION COOPERATIVE, INC.

By: _____ Attest: _____
President Vice-President

CITY OF GREAT FALLS

By: _____ Attest: _____
City Manager Fiscal Services Director

STATE OF MONTANA)
 : ss.
COUNTY OF _____)

On this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for said state, personally appeared _____ and _____ the President and Vice-President, respectively, of Southern Montana Electric Generation and Transmission Cooperative, Inc., a Montana corporation, each known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same, on behalf of said corporation, for the purposes therein expressed.

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

(Notary Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing in: _____
My Commission Expires: _____

STATE OF MONTANA)
 : ss.
COUNTY OF _____)

On this _____ day of _____, 2006, before me, the undersigned, a Notary Public in and for said state, personally appeared _____ and _____ the City Manager and Fiscal Services Director, respectively, of the City of Great Falls, an incorporated city, each known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same, on behalf of said corporation, for the purposes therein expressed.

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

(Notary Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing in: _____
My Commission Expires: _____

CITY OF GREAT FALLS, MONTANA

AGENDA # 13

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

DATE November 8, 2006

ITEM Change Order No. 2 and Final Payment – Bloomingdale Park Lscape-GTF, O.F. 1306.6

INITIATED BY Park & Recreation Department

ACTION REQUESTED Authorize Final Payment to Forde Nursery

PREPARED BY Sherry Marshall, Planner I

APPROVED AND PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

It is recommended the City Commission approve the following motion.

MOTION:

“I move the City Commission approve Change Order No. 2 and authorize final payment to Forde Nursery in the amount of \$7,828.87 and to the Montana Department of Revenue in the amount of \$79.08 for completion of the Bloomingdale Park Landscaping CTEP project.”

PROJECT TITLE: BLOOMINGDALE PARK LANDSCAPING-GTF O.F. 1306.6

ORIGINAL CONTRACT AMOUNT: \$154,611.00

CHANGE ORDER AMOUNT: \$6,077.00

FINAL CONTRACT AMOUNT: \$160,688.00

FUNDING SOURCES: Community Transportation Enhancement Program (CTEP) with Park and Recreation Department match.

BACKGROUND:

Bloomingdale Park is located at the corner of the Northwest Bypass and Watson Coulee Road. This project continues the City’s effort to beautify the entrances to Great Falls. The project included irrigation, landscaping, seeding, installation of storm water pipe and covering an open drainage ditch; and construction of a “Welcome to Great Falls” sign at the northwestern gateway to Great Falls.

The construction contract was awarded to Forde Nursery. Project design and some construction oversight were performed by the Great Falls architectural firm of L’Heureux Page Werner. Most construction oversight was performed by City Park and Recreation and City Engineering Department staffs. The City Planning Department provided project administration.

Change Order No.2 includes a time extension of 25 days due to delayed construction because of wet weather conditions.

To date, Forde Nursery has been paid \$150,251.05, with a final payment request for \$7,907.95 submitted on October 26, 2006. The remaining contract balance of \$2,529.00 was not needed to complete the project and will not be used. Therefore, the total amount paid to Forde under this contract will be \$158,159.00.

Cc: Giles Salyer, Park Supervisor; Jason Handl, Engineering; Mark Frahm, Utility System Supervisor

APPLICATION FOR PAYMENT NUMBER 3 FINAL Page 1 of 1

Project Name: Bloomington Park Landscaping Contract No. STPE 5299(53)
 For Period: 9/15/06 to 9/25/06 Project Completion: 9/25/06

	Page(s)	Amount
Original Contract Price:		\$154,611.00
Total Approved Change Orders:		\$6,077.00
Total Contract Price and Approved Change Orders:		\$160,688.00
Total Contract Work Completed to Date:		\$158,159.00
Material Suitably Stored, not incorporated into work:		\$0.00
Total Amount Due to Date:		\$158,159.00
Total Amount Due to Date less 5% Retainage:		\$158,159.00
Less previous Applications for Payments:		\$150,251.05
Gross Amount Due to Date:		\$7,907.95
1% State Gross Receipts Tax:		\$79.08
Amount Due this Application:		\$7,828.87

Certification:

The undersigned Contractor affirms and certifies that the work covered for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that the current payment shown herein is now due.

Contractor: Forde Nursery

Signature:  Date: 10/25/06

Typed/Printed

Name & Title: Kevin Vining, Project Manager

Approval & Certification of Review by Project Engineer or Other Authorized Project Manager:

The above Application for Payment and attached documentation has been reviewed and verified, and the above AMOUNT DUE THIS APPLICATION is recommended for payment.

Signature: 

Typed/Printed Name & Title: Giles R. Salys Date: 10-27-06





Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: Agency Prime Contractor

Federal Identification Number (FEIN): 81-6001269		
Name: City of Great Falls		
Address: P.O. Box 5021		
City: Great Falls	State: MT	Zip Code: 59403

2. Contract Awarded to: Prime Contractor Sub Contractor

Federal Identification Number (FEIN): 81-0405800		
Name: Forde Nursery		
Address: 2025 2nd Ave NW		
City: Great Falls	State: MT	Zip Code: 59404

3. Government Issued Contract Number	3.	O.F. 1306.6
4. Contract Award Date	4.	4-Apr-06
5. Month and year increment payment earned	5.	Sep-06
6. Gross amount due prime contractor or sub-contractor at the time of this report	6.	\$7,907.95
7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report)	7.	\$79.08
8. Net amount paid prime contractor or sub-contractor at the time of this report	8.	\$7,828.87
9. Check proper box for type of return being filed:		
<input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid)	9a.	\$79.08
<input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty. Date payment made to sub-contractor	9b.	n/a

10. Description of work to be performed:
Improvements to Bloomingdale Park

11. Location of work to be performed (be specific):
Intersection of Watson Coulee Road and Northwest Bypass, Great Falls, Montana

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from sub-contractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the sub-contractor.

Return Submitted by: Agency Prime Contractor Sub-Contractor

Award Authorization

Preparer's Signature: _____

Preparer's Title: **Senior Planner** Date: _____

Phone: **(406) 455-8434** Fax: **(406) 452-6256**

AGENDA REPORT

DATE November 8, 2006

ITEM Proposal for Golf Courses Management

INITIATED BY Golf Ad-Hoc Committee

ACTION REQUESTED Reject Proposal

PRESENTED BY Jim Sullivan, Park & Recreation Director

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RECOMMENDATION:

The Golf Ad-Hoc Committee recommends the City Commission reject the Proposal for Golf Courses Management submitted by Great Falls Golf Clubs Group, Inc.

MOTION:

"I move the City Commission reject the Proposal for Golf Courses Management submitted by Great Falls Golf Clubs Group, Inc."

SYNOPSIS:

The Golf Ad-Hoc Committee met on October 20, 2006 to review proposals submitted for Golf Courses Management for the two City golf courses. One proposal was submitted by Great Falls Golf Clubs Group, Inc. The Golf Ad-Hoc Committee determined that the proposal was non-responsive and is therefore recommending that the City Commission reject the proposal. In addition, the Golf Ad-Hoc asked the City to prepare a plan for operations of the golf courses and present it to them within 30 days.

BACKGROUND:

On February 7, 2006, the City Commission appointed members to the Golf Ad-Hoc Committee. The Golf Ad-Hoc Committee was asked to prepare recommendations to the City Commission cover the following:

1. Develop a Mission Statement for the operation of the municipal golf courses.
2. Advise the City Manager and staff on the development of a Request for Proposals (RFP) for Management and Operation of the two municipal courses.
3. Assist in reviewing and evaluating any proposals received.
4. Prepare a recommendation to the City Manager and the City Commission for their consideration concerning future management of the courses.

The Golf Ad-Hoc Committee had previously accomplished #1-3 (including writing the RFP). This recommendation is a part of #4.

City of Great Falls

Golf Ad-Hoc Committee

PO Box 5021
Great Falls, MT 59403

November 3, 2006

Great Falls City Commission
PO Box 5021
Great Falls, MT 59403

Dear Great Falls City Commission:

The Great Falls City Commission appointed the Golf Ad-Hoc Committee the tasks of: 1) developing a mission statement for the golf courses 2) advising the City Manager and staff on the development of a Request for Proposals (RFP) for Management and Operation of the courses 3) assisting and reviewing any proposals received, and 4) preparing a recommendation to the City Manager and the City Commission for their consideration concerning future management of the courses.

I am writing to you on behalf of the Golf Ad-Hoc Committee in regards to the following tasks: 3) assisting and reviewing any proposals received, and 4) preparing a recommendation to the City Manager and the City Commission for their consideration concerning future management of the courses.

Great Falls Golf Clubs Group Inc. submitted a proposal for the management of the City of Great Falls golf courses that the Golf Ad-Hoc Committee has concluded was non-responsive. The committee is recommending to you that the proposal be rejected on those grounds.

While the committee members concurred that the RFP was non-responsive, they feel the Great Falls Golf Clubs Group Inc. has valuable input on the future management and operation of the golf courses. The committee scheduled a meeting with this group to discuss the group's ideas concerning management of the courses. A meeting date of November 1, 2006 at 10:00 a.m. at the Park and Recreation Conference Room at 1700 River Drive North has been tentatively set.

Sincerely,

Diane Jovick-Kuntz
Chairman, Golf Ad-Hoc Committee
Great Falls City Commissioner

AGENDA REPORT

DATE November 8, 2006

ITEM Contract Bid Award: 2006 CDBG Natatorium Pool Liner, O.F. 1393.1

INITIATED BY Park & Recreation Department

ACTION REQUESTED Consider Bids and Award Contract

PREPARED BY Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY Jim Sullivan, Park & Recreation Director

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RECOMMENDATION:

Staff recommends the City approve the Contract between the City of Great Falls and Thompson Pools for the 2006 CDBG Natatorium Pool Liner, O.F. 1393.1.

MOTION:

“I move the City Commission award a contact in the amount of \$63,859 to Thompson Pools for the 2006 CDBG Natatorium Pool Liner, O.F. 1393.1. and authorize the City Manager to execute the contract.

PROJECT TITLE: 2006 CDBG Natatorium Pool Liner, O.F. 1393.1.

RECOMMENDED CONTRACTOR: Thompson Pools

BUDGETED FUND: Community Development Block Grant

START DATE: December 1, 2006

COMPLETION DATE: December 23, 2006

PENALTY/INCENTIVE TERMS: Liquidated Damages, \$400/day

SYNOPSIS:

This project will include the installation of a PVC liner in the Morony Natatorium Pool, which will also include installation of hydrostatic relief valves in the two drains.

The project is being funded by CDBG funds. The grant is in the amount of \$104,601.

BACKGROUND: For a number of years there has been concern about the condition and age of the City’s aquatic facilities. Most are at least 40 years old and are reaching the point where significant maintenance is required to arrest deterioration and allow continued safe operation into the future. In early 2005, the City

hired Interstate Engineering, Inc. of Billings and Sidney to evaluate the aquatic facilities, identify the needs of each facility, and estimate the costs of repairs and/or upgrades. A report of their findings and recommendations was presented to the City Commission in June of 2005.

For the Natatorium, the report recommended the installation of a PVC liner to seal pits and cracking and extend the useful life of the pool tank. The project was advertised on October 8 & 10, 2006 and bids were due on October 18, 2006. Three options were bid: 1) Pneumatic chipping and painting of the pool, to also include a new overflow grate system and installation of two hydrostatic relief valves, 2) a PVC membrane system (liner) to include the two hydrostatic relief valves, and 3) Spray on liner, to also include a new overflow grate system and installation of two hydrostatic relief valves. Three contractors responded. None of the contractors submitted a bid on the spray on liner, reducing the options to #1 and #2 aforementioned. The cost of the PVC membrane system and installation of the hydrostatic relief valves was considerably less than the option of pneumatic chipping and painting the pool including the grate system and the hydrostatic relief valves. In addition, the life of the PVC membrane system is much longer than the painting option. The PVC membrane system has warranty of one year for workmanship and a ten year manufacturer's warranty on the PVC membrane system. The painting option carries a warranty of one year for workmanship. In addition, it is estimated that the pool would have to be repainted every 3-4 years. Construction is scheduled from December 1 - 23, 2006. Prior to commencement of this project, a separate contractor will clean and re-line the main drain to the pool. The main drain work will also be paid out of the CDBG funds awarded for the Morony Natatorium Pool.

Attachments: Bid Tab

CITY OF GREAT FALLS
 PO BOX 5021
 GREAT FALLS MT 59403

**2006 CDBG NATATORIUM POOL LINER
 AND GRATE SYSTEM**

Project Number
 Bids Taken at Civic Center
 Date: October 18, 2006
 Tabulated By: Kelly Audet
 Page 1 of 1

NAME & ADDRESS OF BIDDER →	Thompson Pools	Watco Pools	Associated Pool Builders				
DESCRIPTION ↓							
Bid Security	BB 10%	BB 10%	BB 10%				
Affidavit of Non- Collusion	√	√	√				
Certificate of Nonsegregated Facilities	√	√	√				
Certificate of Compliance with Insurance Requirements	√	√	√				
<u>SCHEDULE I</u>							
Pneumatic Chipping & Paint	NO BID	\$48,609.81	\$75,500.00				
Pool P.V.C. Membrane System	\$63,259.00	\$80,151.90	\$87,700.00				
Spray on Liner <u>SCHEDULE II</u>	NO BID	NO BID	NO BID				
Hydrostatic Relief Valves <u>SCHEDULE III</u>	\$600.00	\$5,446.35	\$1,800.00				
Install New Overflow Grate System	NO BID	\$37,121.48	\$16,800.00				

CITY OF GREAT FALLS, MONTANA

AGENDA # 16

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

DATE November 8, 2006

ITEM: CONTRACT AWARD: 10TH AVENUE NORTH STORM DRAIN - O.F. 1440

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$137,892.00 to Falls Construction Company for the 10th Avenue North Storm Drain - O.F. 1440, and authorize the City Manager to sign the contract documents."

PROJECT TITLE: 10th Avenue North Storm Drain - O.F. 1440

RECOMMENDED CONTRACTOR: Falls Construction Company

CONTRACT AMOUNT: \$137,892.00

ENGINEERS ESTIMATE: \$154,000

BUDGETED FUND: Storm Drain

START DATE: November of 2006

COMPLETION DATE: Spring 2007 (45 Calendar Days)

PENALTY/INCENTIVE TERMS: Unspecified Liquidated Damages - \$500/Day

SYNOPSIS: This project was initiated to alleviate localized flooding that is occurring on several properties in the North Park industrial area. Storm water runoff from areas located south of North Park is currently conveyed by a ditch and old railroad culverts into the North Park Addition. This project will construct an underground storm drain to intercept the existing drainage ditch located near the northeast corner of Highwoods Addition Phase 2 and 10th Avenue North (near Bundi Gardens) and convey that drainage to a major City storm drain located to the east.

Nine bids were received (See attached Bid Tabulation Summary) on October 18, 2006. Falls Construction Company submitted the low bid.

Storm drain funding is budgeted for the contract award amount.

BACKGROUND: The project work scope includes construction of approximately 1,300 lineal feet of 36-inch diameter pipe along with appurtenant manholes, inlets, and inlet piping. The new storm drain will be located in a utility easement located just to the north and parallel with 10th Avenue North. That easement was obtained from adjacent properties.

The improvements will convey runoff from both developed and undeveloped areas inside and outside the City. The areas inside the City include most of the Highwoods Additions and portions of Northridge and Dawn Additions.

City engineering staff completed the project design including preparation of plans, contract documents and easements, and will provide contract management, and construction phase engineering and inspection.

Attachments: Bid Tabulation Summary

AGENDA REPORT

DATE November 8, 2006

ITEM: CHANGE ORDER NO. 1 – 1ST AND 2ND AVENUES NORTH WATER MAIN REPLACEMENT, O. F. 1450

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER NO. 1

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends approval of Change Order No. 1 to Boland Construction, Inc. for the 1st and 2nd Avenues North Water Main Replacement, O. F. 1450.

MOTION: “I move the City Commission approve Change Order No. 1 for \$95,765.00 to Boland Construction, Inc. for the 1st and 2nd Avenues North Water Main Replacement, O. F. 1450, and authorize the City Manager to execute the necessary documents.”

SYNOPSIS: This project has replaced portions of the water system located in 1st Avenue North from 19th to 21st Street North; 2nd Avenue North from 15th to 23rd Street North; 18th Street from 1st Avenue North to 2nd Avenue North; and 9th Street from 1st Avenue North to 2nd Avenue North. The number of main breaks in these areas is among the highest in the system.

This change order is necessary to provide compensation and time for additional 16-inch water main replacement in 23rd Street North from 3rd Avenue North to 2nd Alley North, and additional 6-inch and 8-inch water main throughout the project.

The original contract amount was \$824,100.00 and 91 calendar days. Change order number one is for \$95,765.00 and 14 calendar days, bringing the total contract amount to \$921,865.00 and 105 calendar days. Funding is available through Water Utility Capital Improvement Funds

BACKGROUND: The project was initiated by the Water Distribution Division in order to replace aging 6-inch and 8-inch cast iron water main with 8-inch PVC main. Also, 16-inch cast iron water main was moved from the boulevard area and replaced with 16-inch PVC main in the street. The water main failures over the years caused disruptions to traffic and water service to residents and businesses.

The original contract included 120 lineal feet of 16-inch main replacement in the intersection of 2nd Avenue North and 23rd Street. When the Contractor began excavation in 23rd Street it was decided to expand the scope of the project by adding 425 lineal feet to include the area between 3rd Avenue North to 2nd Alley North. Factors used to determine the change order were the existing 16-inch water main being located under the boulevard sidewalk; there was new 16-inch main installed in 3rd

Avenue North and 23rd Street to connect to; new main will alleviate future problems due to the age and conditions of the pipe; and prices received for this item were favorable. Therefore it was decided to replace the main and relocate it in the roadway.

There is also approximately 300 lineal feet of additional 6-inch and 8-inch water main replaced in several areas throughout the project. When connecting new PVC water main to existing mains, we discovered that it was necessary to go further in order to connect to sound pipe. This particular project required more connections to existing mains than past projects.

City Engineering staff is performing contract management, and construction inspection for the project.

Attachment: Change Order No.1

Change Order

No. ONE

Date of Issuance: September 20, 2006 Effective Date: November 7, 2006

Project: 1 st and 2 nd Avenues North Water Main Replacement (O.F. 1450)	Owner: City of Great Falls	Owner's Contract No.: O.F. 1450
Contractor: Ed Boland Construction, Inc.		Date of Contract: May 16, 2006
Contractor: Ed Boland		Engineer's Project No.: 350602

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Additional 425 LF of 16" water main replacement in 23rd Street was added, and approximately 300 LF of 8" and 6" water main replacement was added through out the project to replace deteriorated pipe.

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 824,100.00

[Increase] [Decrease] from previously approved Change

Orders No. 0 to No. _____:

\$ _____

Contract Price prior to this Change Order:

\$ 824,100.00

[Increase] [Decrease] of this Change Order:

\$ +95,765.00

Contract Price incorporating this Change Order:

\$ 919,865.00

CHANGE IN CONTRACT TIMES:

Original Contract Times:

Working days Calendar days

Substantial completion (days or date): 14

Ready for final payment (days or date): _____

[Increase] [Decrease] from previously approved Change Orders

No. 0 to No. _____:

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial completion (days or date): 91

Ready for final payment (days or date): _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 14

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial completion (days or date): 105

Ready for final payment (days or date): _____

RECOMMENDED:

By: _____
Engineer (Authorized Signature)

Date: _____

Approved by Funding Agency (if applicable): _____

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)

Date: _____

Date: _____

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directives must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

CITY OF GREAT FALLS, MONTANA

AGENDA # 18

AGENDA REPORT

DATE November 8, 2006

ITEM: THREE NEW DUAL-CONTROL
HYDROSTATIC DRIVE STREET SWEEPERS

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for three new dual-control hydrostatic drive street sweepers to Western Plain Machinery of Great Falls for \$347,125.00, including trade-ins.

MOTION:

I move that the City Commission award the bid for three new dual-control hydrostatic drive street sweepers to Western Plains Machinery of Great Falls for \$347,125.00, including trade-ins.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to four prospective bidders. The bids were opened on October 18, 2006 with two bidders responding.

The low bid from Kois Brothers did not meet several bid specifications, including dual controls which are used for sweeping one-way streets. The cost of the three new street sweepers is less than the amount budgeted for the purchase.

Staff recommends accepting the trade-in offers of \$3,000 for the City's 1997 Athey H10C, Unit #837, serial number 1A9W23DF4R059001, \$10,000 for the City's 1998 Elgin Whirlwind, Unit #839, serial number L2559D, and \$7,000 for the City's 1996 Elgin Pelican, Unit #842, serial number P1930D.

BACKGROUND:

These units will be used by the Street Division. Funds for their purchase were provided in the FY 2006-2007 Central Garage Budget.

**SWEEPER
BIDDERS LIST**

WESTERN PLAINS MACHINERY
P.O. BOX 2507
GREAT FALLS, MT 59403

INTERMOUNTAIN SWEEPER CO.
3881 PARIS STREET UNIT A
DENVER, CO 80239

KOIS BROTHERS
P.O. BOX 1728
GREAT FALLS, MT 59403

CLYDE-WEST
3107 EAST TRENT AVE.
SPOKANE, WA 99202

CITY OF GREAT FALLS, MONTANA

AGENDA # 19

AGENDA REPORT

DATE November 8, 2006

ITEM: SIX NEW 2007 POLICE PURSUIT VEHICLES

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for six new 2007 police pursuit vehicles to City Motor Company of Great Falls for \$118,507.00

MOTION:

I move that the City Commission award the bid for six new 2007 police pursuit vehicles to City Motor Company of Great Falls for \$118,507.00

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to seven prospective bidders. The bids were opened on October 18, 2006 with two bidders responding. Staff recommends accepting the low bid submitted by City Motor Company of Great Falls. Costs compared to last years purchase of six police pursuit vehicles increased \$66.33 per vehicle or .336%. The cost of the six new police pursuit vehicles is less than the amount budgeted for the purchase.

BACKGROUND:

These units will be used by the Police Department. Funds for their purchase are provided in the FY 2006-2007 Central Garage Budget.

**POLICE PURSUIT VEHICLES
BIDDERS LIST**

City Motor Company
P.O. Box 6727
Great Falls MT 59406

Bison Motors
500 10th Ave. South
Great Falls MT 59405

Bennett Pontiac GMC Subaru
#26 9th Street South
Great Falls MT 59405

Pierce's Superstores
2720 10th Ave. S.
Great Falls MT 59406

Lithia Chrysler
4025 10th Ave. S.
Great Falls MT 59405

Ronan Auto Body & Sales
Box T
Ronan MT 59864

Helena Motors
3365 Highway 12 East
Helena MT 59601

AGENDA REPORT

DATE November 8, 2006

ITEM: FINAL PAYMENT – 13TH STREET NORTH WATER MAIN REPLACEMENT, O. F. 1446

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 Geranios Enterprises, Inc. and the State Miscellaneous Tax Fund for the 13th Street North Water Main Replacement, O. F. 1446.

MOTION: "I move the City Commission approve Final Payment for the 13th Street North Water Main Replacement, O. F. 1446, in the amount of \$3,699.13 to Geranios Enterprises, Inc., and \$37.37 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

SYNOPSIS: The City Commission awarded a contract on June 20, 2006 in the amount of \$108,791.00 to Geranios Enterprises, Inc. for the 13th Street North Water Main Replacement, O. F. 1446.

City staff has verified that Geranios Enterprises, Inc. 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 \$104,909.22, which is \$3,881.78 under the amount awarded. The project was completed within the contract time.

BACKGROUND: The project was initiated by the Utilities Division to replace deteriorating water mains in the area. This water main replacement project was funded through the City's Water Capital Improvement Plan. The project included installing 100 lineal feet of 16-inch steel casing under the railroad right-of-way, 951 lineal feet of 8-inch water main, and two new fire hydrants.

The replaced water main is located in 13th Street North from 8th Avenue North to 10th Avenue North.

City staff designed the project, performed contract management, and construction inspection. The two year warranty period started on September 18, 2006.

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

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

DATE November 8, 2006

ITEM: PROFESSIONAL SERVICES AGREEMENT FOR WEST BANK PARK STORM DRAIN
OUTFALL IMPROVEMENTS - O.F. 1482

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE AGREEMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Approve the attached professional services agreement between the City of Great Falls and Stelling Engineers, Inc. for engineering services for the West Bank Storm Drain Outfall Improvements - O.F. 1482.

MOTION: "I move the City Commission approve the attached professional services agreement in the amount of \$25,149.00 with Stelling Engineers, Inc. for the West Bank Storm Drain Outfall Improvements - O.F. 1482."

SYNOPSIS: Three storm drains currently outfall into ditches that cut across the northeast end of West Bank Park before out falling into the Missouri River. The banks of the largest ditch have been continually eroding causing damage to a bridge on the City's trail system and also leaving abrupt banks through the middle of the park. Additionally, all three ditches make park maintenance more difficult, have necessitated locating the park access roadway on BNSF Railroad right-of-way, and have exposed unsightly utility lines running through them.

The project was initiated to correct all of the above problems by extending the storm drain piping through the park to the river bank and filling the existing ditches.

Engineering services includes design, preparation of plans and contract documents, and performing construction staking.

City staff and Stelling Engineers, Inc. have negotiated the proposed agreement (attached). The total estimated cost of Stelling's services is \$25,149.

BACKGROUND: Earlier this year, storm runoff severely eroded the ditch banks, undermining a trail bridge. The bridge structure became unstable at the end supports, creating a hazard to the public. City staff and trail representatives discussed options to correct the problem and decided that extension of the storm drain to the river bank, filling of the ditch, and removing the bridge was the best remedial action. At present all vehicles have been restricted from the bridge and some work has

been done to correct settlement problems. It was also decided that two other smaller storm drain ditches should be eliminated because of similar reasons listed above.

The engineering work scope will involve a special design consideration of extending the existing storm drain conduits to the river bank around a conflicting large diameter high pressure gas line. The services will also include all environmental permitting to work near and around the river.

The completion of the design and preparation of plans and specifications is scheduled for completion in mid January 2007. A bid letting and construction are anticipated in spring of 2007.

Attachments: Professional Services Agreement (2 originals) (Not available online. On file in City Clerk's Office)

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

DATE November 8, 2006

ITEM Consultant Services Agreement for the West Bank Urban Renewal Plan (OF 1499)

INITIATED BY City Administration

ACTION REQUESTED Approve Agreement

PREPARED AND PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the agreement with Community Development Services of Montana for consultant services to prepare an Urban Renewal Plan for the Great Falls West Bank Revitalization Program.

MOTION:

“I move the City Commission approve the consultant services agreement with Community Development Services of Montana and authorize the City Manager to execute the agreement.”

SYNOPSIS:

In conjunction with several area property owners, the City is interested in the revitalization and redevelopment of an area located near the west bank of the Missouri River, generally north and south of Central Avenue West. Initial steps have already been taken by various entities to address contamination in the area with an assessment of environmental conditions and with the development of a conceptual master plan, under the U.S. Environmental Protection Agency Brownfields Program.

To give the City an additional tool in this redevelopment effort, it proposes that an urban renewal plan be prepared under Montana’s urban renewal authority, including a tax increment financing provision. The preparation of urban renewal plans and the creation and administration of tax increment financing districts are generally the responsibility of local governments. Conversely, the private sector and area property owners are generally, and will be in this case, responsible for the preparation of a development master plan for the urban renewal area.

Because the dollar amount of the contract was anticipated to be below the amount State statutes allow for direct negotiations for professional services, City staff conducted direct negotiations with and recommends the hiring of Community Development Services of Montana. The contract is for \$19,250. Ms. Janet Cornish, independent contractor, will be CDS of Montana’s liaison.

BACKGROUND:

For a number of years there has been interest to redevelop and revitalize the area generally located between the west bank of the Missouri River and 3rd Street NW. This interest has been documented in the Great Falls *Growth Policy* and subsequently addressed in the *Missouri River Urban Corridor Plan*, which included a number of concepts, strategies and recommendations for redevelopment of

the area. The plan recommended the establishment of mixed land uses, including retail, office space, residential and parks. Steps have also been taken and documented in Phase I and Phase II environmental assessments and master plans to address contamination in the area under EPA Brownfields Program guidelines. There is now interest to carry the program to the next level involving clean-up and redevelopment.

The City has chosen to participate in this redevelopment effort through creation of an urban renewal program, including a tax increment financing (TIF) provision. Redevelopment of the area will involve the participation of both the public and private sectors. The City's contribution will be in the form of assisting with some public infrastructure (streets, curb and gutters, sidewalks, water systems, sewer systems, storm drainage systems, parking and related improvements) to encourage, facilitate and enhance private investment in the area. As such the City proposes to have prepared an urban renewal plan for what is being called the Great Falls West Bank Urban Renewal Program. The TIF element of the plan will 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.

In general, the planning process will address and produce the following:

1. Define, describe and map the boundaries of the urban renewal district;
2. Prepare a "finding of blight" report, as required and defined in Montana Statute;
3. Prepare a resolution of blight for consideration by the City Commission;
4. Prepare an urban renewal plan;
5. Make a findings by the City Planning Board that the urban renewal plan conforms with the *City Growth Policy*; and,
6. File the urban renewal plan, with the tax increment financing provision, with the Montana Department of Revenue.

Because the dollar amount of the contract was anticipated to be below the amount State statutes allow for direct negotiations for professional services, City staff conducted direct negotiations with and recommends the hiring of Community Development Services of Montana. The contract is for \$19,250. With the successful negotiation of a final scope of services, cost and timeframe with Janet Cornish of Community Development Services of Montana, the attached agreement was prepared for City Commission approval.

Ben Rangel will administer the contract on behalf of the City.

Attachment: Consultant Agreement

Cc w/o attachment: Janet Cornish, Community Development Services of Montana
954 West Caledonia, Butte, MT 59701

AGREEMENT

THIS AGREEMENT is entered into as of the ____ day of _____, 2006, by and between the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City," and Community Development Services of Montana, hereinafter referred to as "CDS of Montana," 954 West Caledonia, Butte, Montana, 59701.

WITNESSETH THAT City and CDS of Montana mutually agree as follows:

1. **PURPOSE:** The City of Great Falls is embarking on the revitalization of the area known as the West Bank, along the Missouri River, generally between Central Avenue West on the south and just north of 14th Avenue NW on the north. The first step in the development process is to prepare an urban renewal plan that will enable the local government to proceed, under Montana's urban renewal authority, with the revitalization of the West Bank area. The plan will include a Tax Increment Financing provision, establishing the base year, for the purposes of calculating the increment, as January 1, 2007. The City of Great Falls requires the services of a consultant to assist in the preparation of the urban renewal plan and associated tasks.
2. **SCOPE OF SERVICES:** CDS of Montana will provide services per Attachment A to this Agreement to prepare an Urban Renewal Plan for the Great Falls West Bank Revitalization Program.
3. **TIME OF PERFORMANCE:** The services provided by CDS of Montana under this Agreement will commence upon the signing of this Agreement and continue in accordance with the timeline per Attachment B to this Agreement. Completion of services shall be no later than June 30, 2007.
4. **COMPENSATION AND METHOD OF PAYMENT.** City agrees to compensate CDS of Montana in accordance with the cost estimate per Attachment C to this Agreement. The total cost for services will not exceed \$19,250. Compensation will be made within thirty (30) days after submittal of each invoice regarding work completed by CDS of Montana. Invoices will be submitted to City on a monthly basis, on the first day of each month.
5. **ADDITIONAL SERVICES:** CDS of Montana will provide any additional services not defined in this Agreement and requested in writing by City at an hourly rate of \$50.00 per hour plus expenses.
6. **LLAISON:** Ben Rangel, Planning Director of City will supervise services to be performed under this Agreement. Janet Cornish of CDS of Montana is CDS of Montana's liaison with City.
7. **INDEPENDENT CONTRACTOR-WORKER'S COMPENSATION COVERAGE:** CDS of Montana is an independent contractor, and neither it nor its employees are employed by City for purposes of taxes, retirement system, social security, and unemployment insurance. It is understood by the parties that CDS of Montana will for the term of this Agreement carry Worker's Compensation coverage for its employees as is required by Section 39-71-401 Montana Code Annotated. A copy of the statement of exemption regarding workers compensation coverage for independent contractors from the State of Montana is attached.

8. AMENDMENTS: This Agreement contains the entire Agreement between the parties, and no statement, promises, or inducement made by either party, or agent of either party, which are not contained in the written agreement are valid or binding. This Agreement may not be enlarged, modified, or altered except upon written agreement signed by both parties hereto. CDS of Montana may not assign its rights or duties arising herewith without the prior written consent of City.

9. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS: CDS of Montana or any subcontractor will comply with all applicable state and local laws.

10. TERMINATION: Either party may terminate this Agreement in whole or in part for any reason at any time upon giving written notice. Such termination shall be effective in the manner specified in said notice. City will compensate CDS of Montana for the reasonable value of work satisfactorily completed at the time of termination.

11. CONSTRUCTION AND VENUE: This Agreement will be construed under and governed by the laws of the State of Montana. In the event of litigation concerning it, venue is the Second Judicial District in and for the City and County of Butte-Silver Bow, State of Montana.

12. LIABILITY: CDS of Montana will be held harmless in any question of liability in conjunction with the services rendered if those services are performed in compliance with the terms and conditions of this Agreement and in compliance with all applicable state and local laws.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

Janet A. Carnish October 19, 2006
CDS of Montana Date

John W. Lawton, City Manager Date
City of Great Falls, Montana

Attachment A
Scope of Work - Urban Renewal Plan - Great Falls West Bank Revitalization Program

Urban Renewal Planning in Montana

The preparation and adoption of an urban renewal plan by a municipality, according to the Montana Urban Renewal Law (7-15-4201, MCA), requires four critical components as follows:

- 1) A finding of blight – According to Montana Statute, “the prevention and elimination of [blighted] areas is a matter of state policy and state concern...” Blight may be defined with respect to public health concerns, decline in property value, public safety issues, obstacles to community growth, substandard housing, traffic problems and/or infrastructure deficiencies.
- 2) The development of a workable urban renewal program that utilizes appropriate public and private resources
 - o A municipality may develop programs which:
 - Eliminate and prevent the development or spread of blighted areas
 - Encourage needed urban rehabilitation
 - Provide for the overall redevelopment
 - o An urban renewal program may include:
 - Regulatory measures
 - Public improvements
 - Voluntary rehabilitation provisions
 - Provisions that compel the repair and rehabilitation of deteriorated structures
 - Neighborhood development programs to implement the urban renewal plan.
- 3) The review of the urban renewal plan by the planning commission to determine its conformity with the growth policy of the municipality
- 4) The holding of a public hearing on the urban renewal plan with proper public notice

In addition, if the municipality wishes to employ Tax Increment Financing (TIF) as part of its urban renewal program, it must:

- 1) Include a specific TIF provision in the Urban Renewal Plan that identifies a base year for the purposes of segregating incremental increases in the taxable value
- 2) File a certified copy of the Urban Renewal Plan, outlining the Renewal district boundaries with the Montana Department of Revenue

West Bank Urban Renewal Project

The City of Great Falls is embarking on the revitalization of the area known as the West Bank, along the Missouri River, generally between Central Avenue West on the south and just north of 14th Avenue NW on the north. The revitalization of the West Bank area is being undertaken in cooperation with efforts to address contamination of an area formerly occupied by a brewery and an oil refinery and currently occupied by the county shop complex and a specialty seed mill. The Great Falls Development

Authority and the local government are working with the U.S. Environmental Protection Agency to obtain restoration funding for the site through the EPA's Brownfields Program. Brownfields are defined as those properties for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.¹ To date the Development Authority has prepared preliminary planning documents for the area which include designs for an improved city park and a mixed-use development incorporating residential, retail and office uses as well as hotel accommodations. In addition, a new Federal Building is slated to be constructed on the site.

West Bank Urban Renewal Plan - Scope of Work

The first step in the development process is to prepare an urban renewal plan that will enable the local government to proceed, under Montana's urban renewal authority, with the revitalization of the West Bank area. The plan will include a TIF provision, establishing the base year, for the purposes of calculating the increment, as January 1, 2007. Funds derived through the increment program will be used for public improvements. 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.

The City of Great Falls proposes to retain a consultant to assist in the preparation of an urban renewal plan. The consultant will provide the following services:

- Task 1 – Prepare a “finding of blight” report to be incorporated into the urban renewal plan that provides:
 - Justification for the district boundaries, as defined and described by the City
 - Information pertaining to the nature of the blight either through direct incorporation of the information or reference to other documents (e.g. engineering reports, environmental reports, master plans, capital improvement plans, census information, etc.). The City will provide all relevant documents, data, and information required of the consultant to prepare the report with the exception of current census data which the consultant will access directly.
- Task 2 – Review a resolution of blight, as prepared by the City, for adoption by the City Commission per 7-15-4210, MCA
- Task 3 – Work in cooperation with local government officials and other planning and development entities in developing concepts for the urban renewal plan, including, but not limited to:
 - The Great Falls Development Authority
 - The Great Falls City Commission
 - The Great Falls Planning Department
 - The Great Falls Community Development Department
 - The Great Falls Public Works Department

¹ US Environmental Protection Agency, Brownfields Cleanup and Development, September 8th, 2006, <http://www.epa.gov/brownfields/>

- Private developers/property owners
- Task 4 – Review other planning documents, as provided by the City, including the Missouri River Urban Corridor Plan; Great Falls West Bank Redevelopment Conceptual Master Plan; West Bank Park Conceptual Master Plan; Phase I and II Brownfield Site Assessments; Missouri River Urban Corridor Inventory & Assessment, utility master plans, etc. and incorporate them into the Urban Renewal Plan, as appropriate.
- Task 5 – Prepare a draft urban renewal plan that will address, but not be limited to, the following:
 - Public Improvements of infrastructure and community facilities, including sewer, water and storm drain utilities, streets, traffic control devices and signs, lighting, public area landscaping, railroad crossings, parking facilities, parkland facilities, etc.
 - Restoration of contaminated sites, in association with EPA Brownfields programs and other related programs
 - Economic and Community Development Activities
 - Housing
 - Cultural/Historical Resources
 - Natural Resources associated with the Missouri River and its environs
 - Implementation Tools
 - Programmatic Tools
 - Regulatory Programs
 - Voluntary Programs
 - Incentive Programs
 - Neighborhood Development Programs (7-15-4220, MCA), as appropriate
 - Financial Tools
 - Tax Increment Financing (Note: include a policy to retain a minimum of 30% of the incremental tax by the taxing jurisdictions)
 - Special Improvement Districts
 - Business Improvement District
 - Community Development Block Grant funding
 - Public-Private Partnerships
 - EPA/EDA/HUD funding
 - Congressional earmarks
 - Other public and private sources
- Task 6 – Prepare a Final Urban Renewal Plan based on comments received
- Task 7 – Review the ordinance by which the City of Great Falls will adopt the West Bank Urban Renewal Plan
- Task 8 – Implement a Public Participation Program that includes, at a minimum, attending, participating in and making presentations at :
 - A City Commission Work Session, prior to the preparation of the draft urban renewal plan, to serve as a “kick-off” of the planning process, to discuss the proposed plan and to learn of public interests and/or concerns

- A working group meeting(s) of key individuals, entities and focus groups to develop planning concepts and identify implementation resources (these might include local government staff, representatives from the business community, housing and social services agencies and others, as defined jointly by the City and the consultant)
- A City Planning Board meeting to present the draft urban renewal plan, to get concurrence that the plan conforms with the Great Falls Growth Policy, and to get a recommendation that the City Commission approve the draft plan
- A City Commission Work Session to present the urban renewal plan to the Commission, the public, and others
- A City Commission public hearing to fulfill the public hearing requirements for the adoption of the Urban Renewal Plan, per 7-15-4214, MCA (The City will be responsible for providing proper notice of the hearing per State Statute.)
- The preparation and/or review of press releases or other materials as needed to communicate with the public regarding the planning process

Deliverables

The consultant will provide the following deliverables:

- A “finding of blight” report, based on documents, data and information provided by the City
- A draft and final urban renewal plan, including a Tax Increment Financing provision
- Regular progress reports in association with invoices submitted to the City of Great Falls

City Responsibilities

The City will be responsible for:

- Providing all relevant documents, data and information to the consultant
- Defining, describing and mapping the boundaries of the urban renewal district
- Printing draft and final versions of the Urban Renewal Plan
- Providing any maps that will be included in the plan documents or used for public meetings
- Advertising and mailing all meeting and hearing notices, as required
- Providing venues for public meetings and hearings
- Determining and documenting that the Urban Renewal Plan conforms with the Growth Policy
- Preparing resolutions and ordinances for City Commission approval
- Posting relevant information and documents on the City Website
- Filing the Urban Renewal Plan, with the Tax Increment Financing provision, with the Montana Department of Revenue

**Attachment B
CDS of Montana ~ Time Line**

Following is a proposed time line for the preparation of an urban renewal plan for the Great Falls West Bank Revitalization Program. Task Numbers refer to the consultant's proposed scope of work.

Attach B. Proposed Time Line ~ Great Falls West Bank Urban Renewal Plan ~ 2006-2007						
Task/Activity	October	November	December	January	February	March
Orientation Meeting (October 20 th) (all Tasks)						
Initial City Commission Work Session (November 8 th) (Task 8)						
Preparation of Finding of Blight (Task 1)						
Review Resolution of Blight (Task 2)						
Working Group Meetings (December 12, 13, and/or 14) (Task 8)						
Preparation of Draft Urban Renewal Plan (Task 3, 4 and 5)						
Presentation of Draft Plan to the City Planning Board (Task 8)						
Presentation of Draft Plan to City Commission (Task 8)						
Preparation of Final Urban Renewal Plan (Task 6)						
Public Hearing on the Plan (Task 8)						
Review Adopting Ordinance (Task 7)						

Attachment C
CDS of Montana ~ Project Cost

Following is a table of proposed Costs for the preparation of the Great Falls West Bank Urban Renewal Plan. Please note that the total figure is an "upset" or "not to exceed" cost. Line item costs may vary somewhat, but the total cost will not exceed \$19,250.

Attachment C. Cost Estimates ~ Great Falls West Bank Urban Renewal Plan ~ 2006-2007	
Task/Activity	Estimated Cost/Assumptions
Orientation Meeting (October 20 th) (all Tasks)	\$500 (includes travel and per diem costs)
Initial City Commission Work Session (November 8 th) (Task 7)	\$800 (includes travel and per diem costs)
Preparation of Finding of Blight (Task 1)	\$4,500
Review Resolution of Blight (Task 2)	\$100
Working Group Meetings (Task 7)	\$1,000 (includes travel and per diem costs)
Preparation of Draft Urban Renewal Plan (Task 3, 4 and 5)	\$8,000
Presentation of Draft Plan to the City Planning Board (Task 7)	\$750 (includes travel and per diem costs)
Presentation of Draft Plan to City Commission (Task 7)	\$750 (includes travel and per diem costs)
Preparation of Final Urban Renewal Plan (Task 6)	\$2,000
Public Hearing on the Plan (Task 7)	\$750
Review Adopting Ordinance (Task 7)	\$100
TOTAL COST	\$19,250

City of Great Falls ~ Urban Renewal Plan Scope of Work ~ Prepared by CDS of Montana ~ October, 2006

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

AGENDA# 23
DATE November 8, 2006

ITEM: DEED LAND TO THE ANIMAL FOUNDATION OF GREAT FALLS FOR USE IN DEVELOPING A NEW ANIMAL SHELTER FOR GREAT FALLS

INITIATED BY: THE ANIMAL FOUNDATION OF GREAT FALLS

ACTION REQUESTED: APPROVE DEED

PREPARED BY: JORDAN LOVE, ADMINISTRATIVE OFFICER

PRESENTED BY: PEGGY BOURNE, CITY CLERK

RECOMMENDATION:

Staff recommends the City Commission approve the following motion:

MOTION:

I move the City Commission approve the deed of approximately one acre of City-owned land to the Animal Foundation of Great Falls for the public purpose of constructing a new animal control facility in Great Falls.

SYNOPSIS:

In January of 2006, the Commission adopted an amended plat pursuant to the Memorandum of Understanding accepted by the City Commission on July 19, 2005 between the City of Great Falls, Robert Sletten, and the Animal Foundation of Great Falls. The agreement provided that the City deed approximately 55 feet of the west side of the aforementioned Lot 4 to Robert Sletten and Robert Sletten deed approximately 55 feet of land lying directly to the east of Lot 4 to the City or the Animal Foundation of Great Falls in order to make the property more usable for a new animal shelter facility. The amended plat adjusted the particular boundaries accordingly.

As we enter into the next phase for the development of a new animal shelter, the Animal Foundation requested the City deed the property to them. This will assist them with their capital drive by providing an asset (donation) they use to leverage additional dollars. Staff recommends the City Commission approve the deed of the lot to the Animal Foundation with the stipulation that the deed be used for the animal shelter or revert back to the City.