



REVISED

City Commission Agenda

for

October 17, 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

FIREFIGHTER OATHS

Jeremy Virts
Troy Weir
Adam Marsh

PROCLAMATION

Freedom From Bullying Week
Red Ribbon Week
YWCA Week Without Violence
Officer of the Year

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.
1A. Swearing In: Jean Stone – Neighborhood Council 5

PRESENTATION

Water and Sewer Annexation Policy – Ben Rangel

PUBLIC HEARINGS

2. Ord. 2955, Amending OCCGF 12.14 Pertaining to Temporary Street Closures. Action: Conduct public hearing and adopt or deny Ord. 2955. **(Presented by: Peggy Bourne)**
3. Res. 9614, Establishing Street Closure, Park Rental and Special Events with Alcoholic Beverage Permit Fees. Action: Conduct public hearing and adopt or deny Res. 9614. **(Presented by: Peggy Bourne)**
4. Res. 9616, To Vacate an Unused Portion of 26th Street South Right-of-Way. Approves the abandonment of an unused portion of 26th Street South Right-of-Way. Action: Conduct public hearing and adopt or deny Res. 9616. **(Presented by: Ben Rangel)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. Ord. 2956, Repealing OCCGF 5.07 Pertaining to Smoking in Places of Employment and Public Places Except for Designated Smoking Area Distance Requirements. Action: Accept Ord. 2956 on first reading and set final reading for November 8, 2006. **(Presented by: Peggy Bourne)**

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 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 \$5000, in the amount of \$976,645.
8. Contracts list.
9. Grants list.
10. Set public hearing for November 21, 2006, on Res. 9557 for Water, Sewer, and Storm Drain Rate and Fee Changes.
11. Award bid for one new large rotary mower to Midland Implement Co. Inc of Billings in the amount of \$57,652.
12. Approve 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.
13. Award Construction Contract for the 2nd Avenue Southwest Sanitary Sewer Main Extension to Phillips Construction in the amount of \$179,748.
14. Approve use of \$101,820 in Community Transportation Enhancement Program (CTEP) funds to fully fund the monument lighting of the Historic 10th Street Bridge.

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

BOARDS & COMMISSIONS

15. Reappointments, Board of Adjustment/Appeals. Reappoint Robert Haffner and John Kunz to the Board of Adjustment/Appeals for three-year terms through September 30, 2009.
16. Miscellaneous reports and announcements.

CITY MANAGER

17. Miscellaneous reports and announcements.

CITY COMMISSION

18. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

19. Miscellaneous reports and announcements.

ADJOURN

AGENDA REPORT

DATE: October 17, 2006

ITEM ORDINANCE 2955, AMENDING OCCGF 12.14 PERTAINING TO TEMPORARY STREET CLOSURES

ACTION REQUESTED CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE 2955

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission conduct the public hearing and adopt Ordinance 2955 on final reading.

MOTION

“I move the City Commission adopt Ordinance 2955.

SYNOPSIS

Ordinance 2955 amends the Official Codes of the City of Great Falls (OCCGF) 12.14 pertaining to parades and street closures. Adoption of this ordinance would eliminate a conflict found in the street closure policy which was established with Resolution 8504 and an existing ordinance pertaining to events in public places.

BACKGROUND

At the September 5, 2006 City Commission meeting, the City Commission adopted Ordinance 2949 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 took into consideration all temporary street closures, including parades and residential block parties, and propose a procedure that was fair and balanced.

Ordinance 2955 requires parade and event organizers requesting a parade permit or a temporary street closure permit to submit documentation as to how they notified property/ business owners and tenants along the parade route or adjacent to the street closure. Because the permit applications must be submitted at least 2 weeks prior the event, those individuals or businesses affected by the street closure will have at least that amount of time to become aware of the event.

Staff is requesting the City Commission to conduct a public hearing and adopt Ordinance 2955.

ORDINANCE 2955

**AN ORDINANCE AFFECTING OCCGF TITLE 12.14 PERTAINING TO
STREET CLOSURES**

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

Section 1. That OCCGF Title 12, Chapter 14 pertaining to street closures be amended as depicted in Exhibit A which removes any language indicated by a strike-out code and adds any language which is bolded.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this 17th day of October, 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 2955 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 17th day of October, 2006, and signed by the Mayor of said City on the 17th day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of October, 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 17th day of October, 2006, 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 2955 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
Chapter 12.14

PARADES, PROCESSIONS, FUN RUNS AND OTHER STREET CLOSURES

Sections:

- 12.14.010 Definitions
- 12.14.020 Established and Designated Parade Routes
- 12.14.030 Public Conduct during Parades, Processions and Fun Runs
- 12.14.040 Participants' Conduct during Parades, Processions and Fun Runs
- 12.14.050 Application-Contents
- 12.14.060 Street Closure Permits for Public Events and Block Parties**

12.14.010 Definitions. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them.

A. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations and controls and is expressly designed for the enjoyment of the public as well as the participants.

B. "Motorcade" means an organized procession containing twenty-five (25) or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

C. "Parade Route" means the route of travel of any parade, motorcade or fun run to include the assembly, staging and disbanding areas.

D. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State. (Ord. 2734, 1998).

12.14.050 Application, Contents. A. Any person who wants to conduct a parade, procession, band practice, or fun run, shall apply to the Park and Recreation Department for a permit at least one month in advance of the event date. The application shall designate the intended route, date and time of the event.

B. Following approval from the City, the requesting organization will be responsible for notifying news media in order to inform the public of the date, time and parade route.

C. The organization sponsoring the parade will designate a person who can be contacted by the City to coordinate plans for the parade or band practice.

D. The parade or band practice shall not deviate from the designated route, time or date approved in the permit. If, for any reason, the event is postponed, or canceled, the City shall immediately be notified.

E. Parades shall be scheduled between the hours of 9:00 a.m. and noon. When parades cannot be held in the mornings and during this time period, special requests will be considered provided arrangements can be made which will not impede normal traffic conditions or inhibit business in the downtown area.

F. Organizations sponsoring parades will be responsible for placing and removing barricades on the parade route side of the nearest designated alleys/streets no earlier than thirty minutes prior to the start of the parade and, in no case, longer than fifteen minutes following the end of the parade.

Barricades are available at the Park and Recreation Department. It will be the responsibility of the sponsoring organization to pick up from and return to the Park and Recreation Department all barricades used and to contact the Park Supervisor at least two weeks in advance to discuss a barricading plan acceptable to the City.

G. No sales/solicitations will be permitted by parade participants without proper licensing.

H. Organizations sponsoring parades or band practices will be required to remove all trash, paper and litter from the streets and sidewalks. Street cleaning arrangements must be made with the Public Works Street Division within two weeks of the event date.

I. The Police Department will provide one vehicle to escort the parade. All other traffic and crowd control must be provided by the sponsoring organizations and, in no case, be less than two people for each block of parade or band practice length.

J. Sponsoring organizations will hold the City harmless from any and all claims, damages, losses and expenses arising from the parade or band practice or created by any of the participants. The sponsoring organization shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of \$1,000,000 per occurrence and \$1,000,000 aggregate, and list the City as an additional insured.

K. If determined necessary due to the type, length, time or date of the parade or band practice, the City may require additional provisions and safeguards deemed in the public interest.

L. Failure to comply with these and other permit requirements will be cause for rejection of future parade or band practice permits requested by the sponsoring organizations.

M. Any organization requesting a permit for other events such as motorcades, processions or fun runs will comply with any and all specific rules and requirements promulgated by the City. (Ord. 2734, 1998).

N. The parade organizer must submit with the permit request information as to how property owners, tenants, and or business owners along the parade route were notified of parade, procession, band practice or fun run.

12.14.060 Street Closure Permits for Public Events and Block Parties. A. Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets.

B. Organizers of an event that require the temporary closure of a public street must obtain a street closure permit. The application for the permit shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event.

C. During the review, city staff will develop a street closure plan the applicant must follow. Staff will also make available the necessary street closure equipment and charge a fee set by Commission resolution.

D. If the event involves the sale, possession and/or consumption of alcohol, the event organizer must also obtain a special event permit as stipulated in 9.20.040.

E. The City Manager, or designee, shall review, approve or deny the permit application and has the authority to require additional information from the applicant.

F. The event organizer must submit with the permit application information as to how property owners, business owners and tenants adjacent to the temporary street closure were notified of special event or activity that required a temporary street closure.

G. A fee for the street closure permit shall be set by Commission resolution to cover administrative time and any additional costs incurred by the City to ensure the event is safe and the area returned back into the same condition it was prior to the event.

H. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event.

I. Applicants for a temporary street closure permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.

J. Permit Denial – Appeal. If an applicant is denied a temporary street closure permit, the applicant may appeal by to City Commission.

AGENDA REPORT

DATE: October 17, 2006

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

ACTION REQUESTED CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9614

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission conduct a public hearing and adopt Resolution 9614.

MOTION

I move the City Commission adopt Resolution 9614.

SYNOPSIS

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. Additionally, it adds a deposit requirement should an event planner want to provide alcoholic beverages at an event held in a City park.

BACKGROUND

At the September 5, 2006 City Commission meeting, the City Commission adopted Ordinance 2949 pertaining to alcoholic beverages in public places. Additionally, the City Commission is considering Ordinance 2955 which pertains to parades and temporary street closures for events. Staff requests that the City Commission adopt fees that would help offset costs associated with administering the permits and for the additional maintenance of the public areas where events are held. Staff requests the fees be set at a nominal amount except for the clean up fee. Staff requests this fee be set at a level to encourage event planners to clean up after their own events.

RESOLUTION 9614

A RESOLUTION TO ESTABLISH STREET CLOSURE, PARK RENTAL AND SPECIAL EVENTS WITH ALCOHOLIC BEVERAGE PERMIT FEES

Whereas, Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets; and

Whereas, Events in public facilities where alcohol is consumed require additional staff time for set up and clean up; and

Whereas, Many groups, corporations and families wish to use our City parks for events such as wedding receptions, picnics and reunions.

BE IT RESOLVED by the City Commission of the City of Great Falls, Cascade County, Montana fees are established for street closures, park rentals and special events with intoxicating beverages as set forth in Exhibit A.

BE IT FURTHER RESOLVED THAT: The City Manager or designee has the right to waive the fees and damage deposits.

This resolution supersedes all other resolutions pertaining to these fees.

PASSED by the City Commission of the City of Great Falls, Montana, this 17th day of October, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(Seal of the City)

Reviewed 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 9614 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 17th day of October, 2006, and approved by the Mayor of said City, on the 17th day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 17th day of October, 2006.

Peggy J. Bourne, City Clerk

(Seal of City)

EXHIBIT A

Fee Type	Number of People	Fee to be used for	Fee Amount	Damage Deposit
Street Closure	n/a	Equipment Use	\$35	None
Street Closure	n/a	Administration	0	0
Daily Park Rental	1-75	Admin/Maintenance	\$35	0
Daily Park Rental	76-150	Admin/Maintenance	\$50	0
Daily Park Rental	151-250	Admin/Maintenance	\$75	0
Daily Park Rental	251 and more	Admin/Maintenance	\$100	0
Daily Park Rental with alcohol	1-75	Admin/Maintenance	\$35	\$35
Daily Park Rental with alcohol	76-150	Admin/Maintenance	\$50	\$50
Daily Park Rental with alcohol	151 – 250	Admin/Maintenance	\$75	\$75
Daily Park Rental with Alcohol	251 and more	Admin/Maintenance	\$100	\$100
Daily Gibson Park Bandshell without electricity	n/a	Admin/Maintenance	\$50	0
Daily Gibson Park Bandshell with electricity	n/a	Admin/Maintenance	\$75	0
Gibson Park Flower Garden (no alcohol) First 2 hours	n/a	Admin/Maintenance	\$75	0
Gibson Park Flower Garden (no alcohol) Additional hours	n/a	Admin/Maintenance	\$25	0
Gibson Park Flower Garden (with alcohol) First 2 hours	n/a	Admin/Maintenance	\$75	\$75
Gibson Park Flower Garden (with alcohol) Additional hours	n/a	Admin/Maintenance	\$25	\$25
Daily Other public places (parking lots) with alcohol	n/a	Equipment use and maintenance	\$50	0
Clean up costs for streets, parking lots and parks when areas are left in a condition other than stipulated in the permit	n/a	Staff time and equipment	\$200/hour	

CITY OF GREAT FALLS, MONTANA

AGENDA # 4

AGENDA REPORT

DATE October 17, 2006

ITEM Public Hearing - Resolution No. 9616 to Vacate an unused portion of 26th Street South
Right-of-way

INITIATED BY Forest Glen, LLC, Abutting Property Owner and Developer

ACTION REQUESTED Conduct Public Hearing and Adopt Resolution No. 9616

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the abandonment of an unused portion of 26th Street South right-of-way.

MOTION:

“I move the City Commission adopt Resolution No. 9616 and authorize the appropriate City officials to execute the involved Amended Plat.”

SYNOPSIS:

Resolution No. 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.

BACKGROUND:

The involved portion of 26th Street South was dedicated and annexed to the City as part of the Stites Memorial Addition Phase 1 in 1993. The applicant desires to combine subject right-of-way and Parcel Mark 6B into Lot 1A, Block 1 of Forest Glen South.

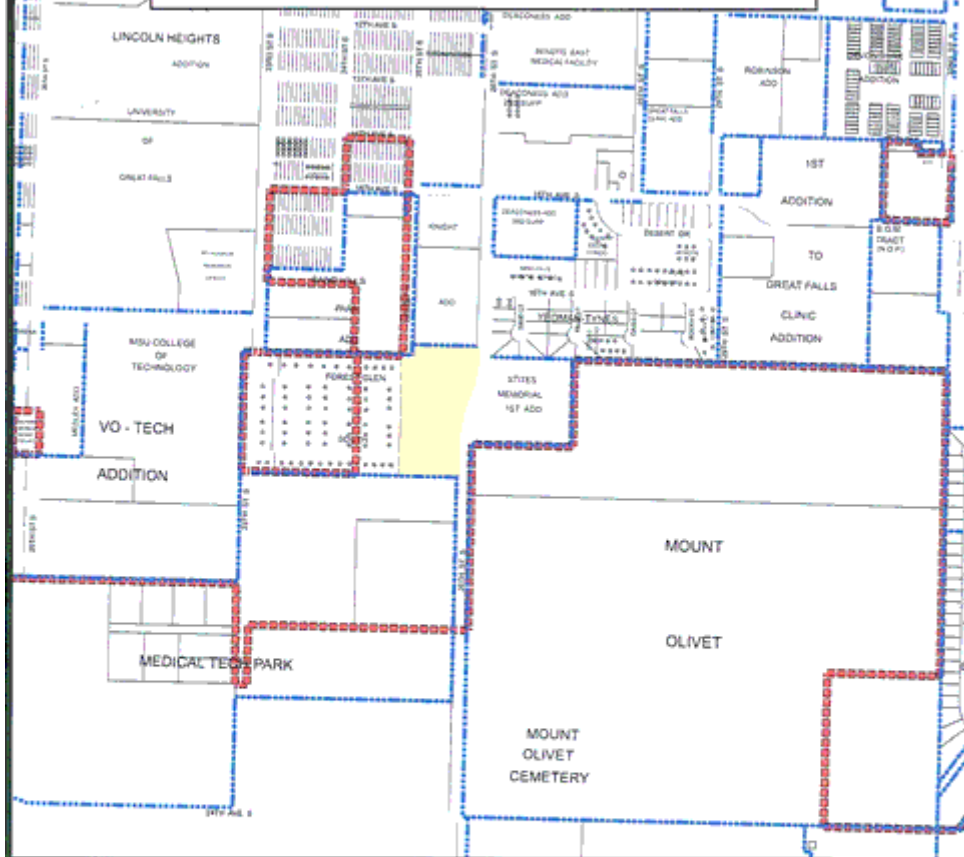
The vacation of subject right-of-way would leave a full 80 foot right-of-way for the s-curve of 26th Street South which was reconstructed to a four lane minor arterial in 1996. No public roadway improvements are currently or proposed to be located within the subject right-of-way requested to be vacated. It has been determined retention nor eventual improvement of subject right-of-way serves any practical or functional public purpose.

For additional information, please refer to the attached Vicinity Map, reduced Preliminary Amended Plat and Exhibit 1 attached to Resolution No. 9616.





Attachments: Resolution No. 9616
Vicinity Map
Preliminary Amended Plat

cc : Forest Glen, LLC, P.O. Box K, Black Eagle, MT 59414
Woith Engineering, P.O. Box 7326, Great Falls MT 59406

VICINITY MAP



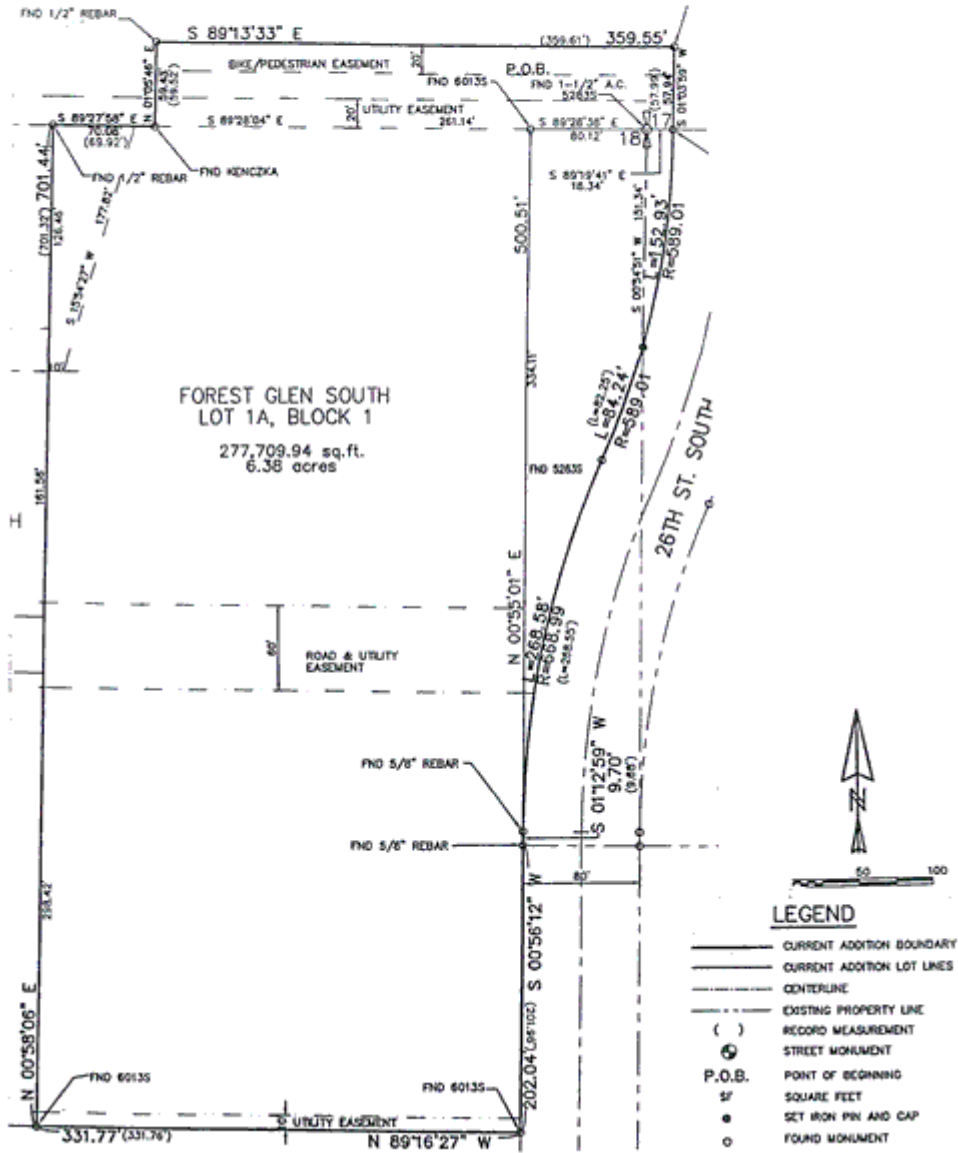
 Amended Plat of Lot 1A, Block 1, Forest Glen South Addition, incorporating proposed vacated right-of-way and Parcel Mark 6B.

-  City Limits
-  Property Lines
-  Subdivision Boundary
-  Roadways



AMENDED PLAT OF
FOREST GLEN SOUTH
MINOR SUBDIVISION LOT 1A

AN ADDITION TO THE CITY OF GREAT FALLS
 A SUBDIVISION LOCATED IN THE SE 1/4, SECTION 18, SW 1/4, SECTION 17,
 T 20N, R 4E, P.M., MT, CASCADE COUNTY, MONTANA
 INCORPORATING THEREIN THE VACATED PORTION OF 26TH STREET SOUTH



RESOLUTION NO. 9616

A RESOLUTION BY THE CITY COMMISSION OF
THE CITY OF GREAT FALLS, MONTANA,
TO VACATE AN UNUSED PORTION OF 26TH STREET SOUTH,
IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 7-14-4114,
MONTANA CODE ANNOTATED

* * * * *

WHEREAS, the right-of-way of 26th Street South in the vicinity of 17th Avenue South was dedicated and annexed to the City as part of the Stites Addition Phase 1, in 1993; and

WHEREAS, a segment of the westerly right-of-way of 26th Street South abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East presently contains no roadway improvements; and

WHEREAS, it has been determined retention nor eventual improvement of the segment of the westerly right-of-way of 26th Street South abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East serves any practical or functional public purpose; and

WHEREAS, Forest Glen LLC., which owns Parcel Mark 6B, Section 18, Township 20 North, Range 4 East desires to aggregate the unused right-of-way and Parcel Mark 6B into Lot 1A, Block 1, Forest Glen South Addition; and

WHEREAS, subject right-of-way proposed to be vacated is further described by the survey drawing attached as Exhibit 1 and by this reference made a part hereof; and

WHEREAS, an Amended Plat of Lot 1A, Block 1 Forest Glen South Addition, has been prepared which reflects the proposed disposition of the right-of-way requested to be vacated; and

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 19th day of September, 2006, Resolution No. 9615 entitled:

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE AN UNUSED SEGMENT OF 26TH STREET SOUTH
RIGHT-OF-WAY ABUTTING PARCEL MARK 6B, SECTION 18,
TOWNSHIP 20 NORTH, RANGE 4 EAST,
CASCADE, MONTANA, IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 7-14-4114,
MONTANA CODE ANNOTATED

WHEREAS, the City Clerk, forthwith caused notice of said Resolution No. 9616 to be:

- 1) published in the Great Falls Tribune, the newspaper published nearest the rights-of-way proposed for vacation; and
- 2) posted in three public places, stating therein the time and place the City Commission shall hear all persons relative to said proposed vacation.

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 17th day of October, 2006, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of a portion of 26th Street South.

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

That the segment of the westerly right-of-way of 26th Street South abutting Parcel Mark 6B, Section 18, Township 20 North, Range 4 East, as described in the attached Exhibit 1 is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17th day of October, 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. 9616 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on this 17th day of October, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of October, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

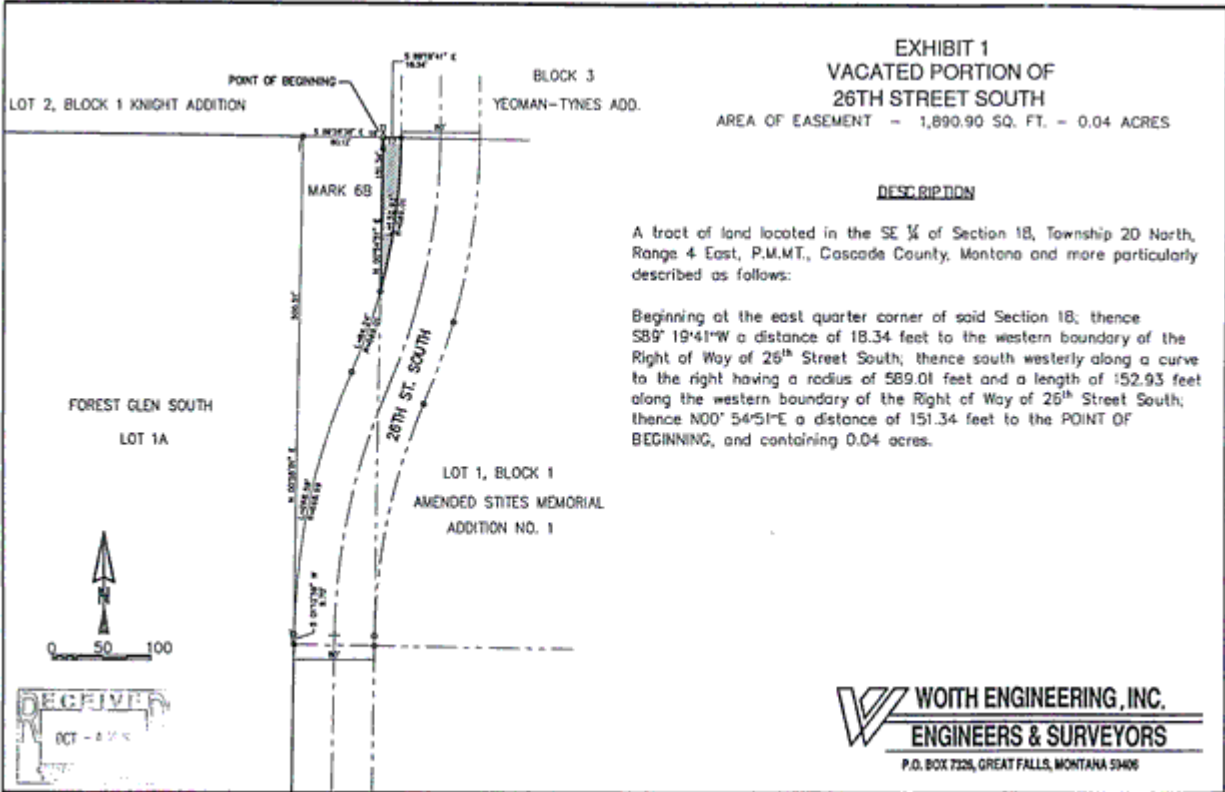


EXHIBIT 1
VACATED PORTION OF
26TH STREET SOUTH
 AREA OF EASEMENT - 1,890.90 SQ. FT. - 0.04 ACRES

DESCRIPTION

A tract of land located in the SE ¼ of Section 18, Township 20 North, Range 4 East, P.M.M.T., Cascade County, Montana and more particularly described as follows:

Beginning at the east quarter corner of said Section 18; thence S89° 19' 41" W a distance of 18.34 feet to the western boundary of the Right of Way of 26th Street South; thence south westerly along a curve to the right having a radius of 589.01 feet and a length of 152.93 feet along the western boundary of the Right of Way of 26th Street South; thence N00° 54' 51" E a distance of 151.34 feet to the POINT OF BEGINNING, and containing 0.04 acres.

WOTH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 P.O. BOX 7226, GREAT FALLS, MONTANA 59406

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

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 ACCEPT ORDINANCE 2956 ON FIRST READING AND SET THE FINAL READING FOR NOVEMBER 8, 2006

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission accept Ordinance 2956 on first reading and set the final reading for November 8, 2006.

MOTION

“I move the City Commission accept Ordinance 2956 on first reading and set the final reading for November 8, 2006 at 7 pm.”

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).

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

NEIGHBORHOOD COUNCILS**Swearing-in
NC 5**

1. Mayor Stebbins presided over the Swearing-in of Carole Gilmour, Neighborhood Council 5.
- 2A. **Ken Robinson**, Neighborhood Council 6, congratulated Public Works Director Jim Rearden for working toward resolving the low water pressure issues in the Sunnyside area.
- 2B. **George Littlefield**, Neighborhood Council 4, thanked Public Works employee Jerry McKinley for his quick, efficient and professional response to school zone safety issues.
- 2C. **Tawny Newt**, Neighborhood Council 5, explained that Council 5 changed its meeting location to the GF Clinic Specialty Center Conference Room. Their next meeting will be held on October 23, 2006.

PUBLIC HEARINGS

Res. 9610, Res. 9611 and Ord. 2952 annexation and zoning of T20N, R4E, Sec. 16, Mark 1B and portion of 10th Avenue South between 40th Street and 47th Street South. Adopted.

- 3A. **RESOLUTION 9610, ANNEXATION OF A PORTION OF T20N R4E SECTION 16, MARK 1B.**
- 3B. **RESOLUTION 9611, ANNEXATION OF A PORTION OF T20N R4E SECTION 16, MARK 1B (10th AVENUE SOUTH BETWEEN 40th STREET SOUTH AND 47th STREET SOUTH).**
- 3C. **ORDINANCE 2952, ZONING FOR T20N R4E SECTION 16, MARK 1B AND A PORTION OF 10th AVENUE SOUTH BETWEEN 40th STREET SOUTH AND 47th STREET SOUTH.**

Planning Director Mr. Rangel stated that the parcel proposed to be annexed was being used as a sales lot for Travel Time RV. The annexation also involves a portion of 10th Avenue South between 40th Street South and 47th Street South. The unincorporated enclave and right-of-way were wholly surrounded by the incorporated area of the City.

Mr. Rangel explained that Resolution 9610 annexes a portion of T20N R4E Section 16, Mark 1B; Resolution 9611 annexes a portion of 10th Avenue South between 40th Street South and 47th Street South and Ordinance 2952 assigns a zoning classification of C-2 General commercial district to subject properties.

On August 8, 2006, the Planning Board/Zoning Commission unanimously passed a motion recommending the City Commission annex the property and the Zoning Commission unanimously passed a motion recommending the City Commission assign the requested zoning classification to it.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9610, Resolution 9611 or Ordinance 2952. Mayor Stebbins declared the public hearing closed and asked for direction from the Commission.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9610.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9611.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Ordinance 2952.

Motion carried 5-0.

Res. 9593 and Ord. 2947 annexation and zoning of a portion of Highland Park Add., B28, L7-12, and the south ½ of a vacated alley. Adopted.

4A. RESOLUTION 9593, ANNEXATION HIGHLAND PARK ADDITION, BLOCK 28, LOTS 7-12 AND THE SOUTH ½ OF A VACATED ALLEY.

4B. ORDINANCE 2947, ZONING HIGHLAND PARK ADDITION, BLOCK 28, LOTS 7-12 AND THE SOUTH ½ OF A VACATED ALLEY.

Planning Director Ben Rangel reported that Resolution 9593 annexes property at 2026 13th Street South and legally described as Highland Park Addition, Block 28, Lots 7-12 and the south ½ of a vacated alley in that vicinity. Ordinance 2947 assigns a zoning classification of I-1 Light industrial zoning district to the property. Additionally, the Commission was asked to approve an Amended Plat which consolidated half of the vacated alley and Lots 7-12, Block 28, Highland Park Addition into a single lot.

At the conclusion of a combined public hearing held July 11, 2006, the Planning Board unanimously recommended the City Commission approve the Amended Plat, the accompanying Findings of Fact and the annexation subject to the applicant signing an annexation agreement; paying all fees; correcting any errors or omissions on the amended plat; and final engineering documents meet Public Works expectations.

The Zoning Commission unanimously recommended the City Commission approve establishing the requested zoning classification.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9593 or Ordinance 2947. 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 9593 and approve the Amended Plat, Findings of Fact and Annexation Agreement all related to the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz that the City Commission adopt Ordinance 2947.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 2953, Zoning East Ridge Addition Phase 4. Accepted on first reading and public hearing set for November 8, 2006.

5. ORDINANCE 2953, ESTABLISH CITY ZONING UPON THE MINOR PLAT OF EAST RIDGE ADDITION PHASE 4.

Planning Director Ben Rangel reported that Ordinance 2953 assigns a zoning classification of PUD planned unit development district, to East Ridge Addition Phase 4, upon annexation to the City. He added that the 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. The 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.

On September 12, 2006, the Zoning Commission unanimously recommended that upon annexation, the City Commission assign the requested zoning.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission accept Ordinance 2953 on first reading and set a public hearing for November 8, 2006, to consider adoption of Ordinance 2953.

Motion carried 5-0.

Ord. 2954, Zoning West Ridge Addition, Phase IV. Accepted on first reading and public hearing set for November 8, 2006.

6. ORDINANCE 2954, ESTABLISH CITY ZONING UPON WEST RIDGE ADDITION, PHASE IV.

Planning Director Ben Rangel reported that Ordinance 2954 assigns a zoning classification of R-3 Single-family high density district to West Ridge Addition, Phase IV upon annexation. The proposed development consists of 37 single-family residential lots located immediately northwest of Skyline Education Center. He added that on July 11, 2006, the City Commission conditionally approved the preliminary plat of the subdivision and that on June 13, 2006, the Zoning Commission unanimously recommended the City Commission assign a zoning classification of R-3 Single-family high density district.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission accept Ordinance 2954 on first reading and set a public hearing for November 8, 2006, to consider adoption of Ordinance 2954.

Motion carried 5-0.

Ord. 2955, Amending OCCGF 12.14 Pertaining to Temporary Street Closures. Accepted on first reading and set the public hearing for October 17, 2006.

7. ORDINANCE 2955, AMENDING OCCGF 12.14 PERTAINING TO TEMPORARY STREET CLOSURES.

City Clerk Peggy Bourne reported that Ordinance 2955 amends the Official Codes of the City of Great Falls (OCCGF) 12.14 pertaining to parades and street closures. Ordinance 2955 requires parade and event organizers requesting a parade permit or a temporary street closure permit submit documentation as to how they notified property/business owners and tenants along the parade route or adjacent to the street closure. Because the permit applications must be submitted at least 2 weeks prior the event, those individuals or businesses affected by the street closure will have at least that amount of time to become aware of the event.

Commissioner Beecher moved, seconded by Commissioner Hinz, that

the City Commission accept Ordinance 2955 on first reading and set the public hearing and final reading for October 17, 2006, at 7:00 pm.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

- 8.** Minutes, September 19, 2006, Commission Meeting
- 9.** Total Expenditures of \$1,356,657 for the period of September 14-27, 2006, to include claims over \$5,000 in the amount of \$1,152,453.
- 10.** Contracts List.
- 11.** Lien Release List.
- 12.** Set public hearing for October 17, 2006, on Resolution 9614, fees for street closure, park rental and special events with alcoholic beverage permits.
- 13.** Bid award for two new tandem axle trucks with new side load refuse packers to I-State Truck Center of Great Falls in the amount of \$344,100 including a receiving-hopper cover option and accepting trade-in offers.
- 14.** Bid award for the MAFB Outfall Sewer Upsizing and Replacement (Outfall to 57th Street) to Dave Kuglin Construction in the amount of \$186,490. (O.F. 1425.5)
- 15.** Contract Award for Engineering Services for the Sunnyside Water Pressure Improvements – Piping project to Thomas, Dean & Hoskins, Inc. in an amount not to exceed \$30,000. (O.F. 1494.1)
- 16.** Professional Services Contract to TischlerBise, Inc. evaluating annual fiscal impacts as they relate to the construction and operation of the Highwood Generating Station in the amount of \$45,000. (O.F. 1472)
- 17.** Professional Services Contract with TischlerBise, Inc. evaluating water and sewer utility facility capacity fees as they relate to the construction and operation of the Highwood Generating Station and other future developments in and around Great Falls in the amount of \$35,500. (O.F. 1472)
- 18.** Amended Plat of Lot 3, Block 1, TRF Addition and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.

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

Commissioner Hinz asked the City Manager to explain items 16 and 17. Mr. Lawton responded stating that Items 16 and 17 were two consulting contracts with a firm that specializes in developing systems that affect growth in a community. He explained that there was more than one big project on the horizon that would affect the growth of the City and now it was time to assess the cost impact of that growth and who should pay for it. He added that the first contract (Item 16) was triggered by the

Highwood Generating Station because the County requested a delayed annexation of the property. Mr. Lawton explained that before Staff could consider that request, the cost of the plant on the City's capital facilities would need to be analyzed. He said that SME will reimburse the full amount of the contract which was \$45,000. The purpose of the second contract (Item 17) was to determine growth impacts on water and sewer extensions in order for Staff to know what costs developers should pay for the impact the development would have on the City's utilities.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

Highwood Generating Station EIS process.

22A. Mike Whitsoe, 2612 1st Avenue South, explained that the Department of Agriculture and the Montana Department of Environmental Quality (DEQ) provided a wrong address to send comments to on the draft Environmental Impact Statement. He asked the Commission to request an extension to the comment period in order to provide more time for people who received their comments back because of the wrong address. Mr. Lawton explained that this process was not related to the City Commission and suggested that Mr. Whitsoe contact the Department of Agriculture or the DEQ with that request.

Driving with cell phones.

Mr. Whitsoe also asked the Commission to consider an ordinance banning the use of cell phones when people are driving. Chief Grove suggested that this law would be stronger if it was a state law rather than an ordinance and encouraged Mr. Whitsoe to contact his legislator.

Street issue.

22B. Clay Braden, 2708 4th Avenue NW, expressed concern about 26th Street near 10th Avenue South. He explained that it should be widened slightly and leveled out.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of October 3, 2006, adjourned at 7:45 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 4, 2006	335,485.17
MASTER ACCOUNT CHECK RUN FOR OCTOBER 11, 2006	626,267.68
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 29, 2006	64,591.00
WIRE TRANSFERS FROM OCTOBER 4, 2006	42,984.83
WIRE TRANSFERS FROM OCTOBER 11, 2006	<u>79,803.91</u>
TOTAL: \$	<u><u>1,149,132.59</u></u>

SPECIAL REVENUE FUND

LIGHTING DISTRICT		
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	54,133.26
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	7,523.59
NORTHWESTERN ENERGY	SEPTEMBER CHARGES	5,121.59
CARTEGRAPH	SOFTWARE	1,155.00
STREET DISTRICT		
ARROW CONSTRUCTION SUPPLY	PAVING FABRIC	14,375.25
CARTEGRAPH SYSTEMS	SOFTWARE	5,490.00
FEDERAL BLOCK GRANTS		
ALLIANCE FOR YOUTH	COPIER, PARTIAL PAYMENT	5,200.00
OTHER GUYS WOOD FLOORING	URSULINE CENTER WOOD FLOOR	6,250.00
PAT SCHOENEN REMODELING	URSULINE CENTER CEILING	8,639.00
CAPITAL PROJECTS		
SID PROJECTS		
AT KLEMENS	PMT#1 MEADOWLARK #4 SID 1306	6,860.70

ENTERPRISE FUNDS

WATER

NORTHWESTERN ENERGY	SEPTEMBER CHARGES	15,977.05
THOMAS DEAN & HOSKINS	PMT#13, WATER MASTER PLAN	5,678.50
DPC INDUSTRIES INC	CHLORINE AND AMMONIA	10,187.97
DANA KEPNER CO	WATER METER EQUIPMENT	13,650.00
DEQ	PUBLIC WATER SUPPLY, ANNUAL FEE	39,600.00
CARTEGRAPH	SOFTWARE	3,495.00
DAVID KUGLIN	CONCRETE REPLACEMENT OF 1485	13,503.60
THOMAS DEAN & HOSKINS	PMT #5, FLOCCULATION BASIN	5,543.75
THATCHER CO	LIQUID ALUMINUM SULFATE	13,686.49
ED BOLAND CONSTRUCTION	PMT#2 WATER MAIN REPLACEMENT	326,501.16

SEWER

CARTEGRAPH	SOFTWARE	3,495.00
STANLEY CONSULTANTS INC	PMT# 11 WWTP, CO-GEN PROJECT	24,908.30
SMITH POWER PRODUCTS	PMT#3 WWTP CO GEN PROJECT	113,261.59

SAFETY SERVICES

QWEST	PHONE SERVICES FOR SEPTEMBER	6,256.95
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INTERNAL SERVICES FUND

HUMAN RESOURCES

NEXT GENERATION CONSULTING	REBECCA RYANS PRESENTATION	5,500.00
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HEALTH INSURANCE

BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 9/27-9/30/06	29,050.92
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 10/1-10/4/06	14,127.40
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 10/4-10/10/06	37,994.53
BLUE CROSS BLUE SHIELD	DRUG CLAIMS SEPTEMBER 2006	46,818.49

INFORMATION TECHNOLOGY

INTEGRATED INFO SOLUTIONS	SOFTWARE MAINTENANCE	11,250.00
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CENTRAL GARAGE

MOUNTAIN VIEW COOP	7001 GAL DIESEL FUEL	14,693.00
MOUNTAIN VIEW COOP	UNLEADED/DIESEL FUEL	12,718.20

PUBLIC WORKS

CARTEGRAPH	SOFTWARE	1,365.00
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FACILITY SERVICES

DICK OLSON CONSTRUCTION	PMT# 3 RESTROOM, CIVIC CENTER	31,163.47
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	43,790.00
VICTIM WITNESS ASSISTANCE	DISBURSEMENT FOR VICTIM WITNESS	7,285.00
CASCADE COUNTY TREASURER	FINES AND FORFEITURES	10,395.00

CLAIMS OVER \$5000 TOTAL: \$ 976,644.76

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

**AGENDA: 8
DATE: October 17, 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	Dick Olson, Construction, Inc.	Current	#615-1564-511-2499	\$1,250.00	Remove existing drop box, finish new concrete and install a new security cabinet with protector pads.
B	Park & Recreation	Central Flooring Covering Inc.	Beginning October 23, 2006		\$19,255.00	Flooring for basement of Great Falls Community Recreation Center. (O.F. 1443.3)
C	Park & Recreation	Ingraham Environmental, Inc.	Beginning October 9, 2006		\$25,304.50	Removal and disposal of flooring and ceiling material from basement of Great Falls Community Recreation Center. (O.F. 1443.3)
D	Police Department	New World Systems	Current	Weed & Seed Grant	\$23,800.00	Software installation, training and support fees in accordance with contract.

E	Administrative/Human Resources	Charlynn Harless Legacy Enterprises 4382 Pebble Beach Dr. Stockton, CA 95219	Approximately 3-4 weeks	611-1481-511-3599	Not to Exceed \$3,451	Professional services to further evaluate proposals received for the RFP on Employee Health Benefits Third Party Claims Administration and Stop Loss Coverage.
F	Community Development	J & L Maintenance		551	\$16,595	Crack Seal/Seal Coat and Stripe City Park Lot 4
G	Public Works	Quality Plumbing & Heating, Inc.	Immediate	237-313-1532-9499	\$36,999.00	Install Heating and Ventilation System – Street Division, Public Works (O.F. 1455.1)
H	Public Works	Kuglin Construction	Fall 06	Storm Drain Maintenance	\$14,982.00	2006 Misc. Storm Drain Improvements, Phase 1 7 th Avenue South – Quote (O.F. 1483)
I	Public Works	Kuglin Construction	Fall 06	Sewer Maintenance	\$3,600.00	2006 Misc. Storm Drain Improvements, Phase 2 River's Edge Trail – Quote (O.F. 1483)
J	Park and Recreation/RiverFest	LiveTour Artists	07/14/07	261	\$5,000 (of which \$2,500 is funded by WESTAF grant)	Entertainment for RiverFest 2007

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

**AGENDA: 9
DATE: _____**

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

PRESENTED BY: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR'S SIGNATURE: _____

GRANTS

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Police Department	Board of Crime Control Department of Justice State of Montana	10/01/2006 through 9/30/2007	Grant #06-C01- 82348-Great Falls P.D./Malmstrom Air Force/Cascade Co.	\$321,797.00	Underage Drinking Laws Discretionary

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

**AGENDA # 10
DATE: October 17, 2006**

ITEM Set Public Hearing on Resolution 9557 for Water, Sewer, and Storm Drain Rate and Fee Changes

INITIATED BY Bond Covenant Requirements and Capital Improvement Needs

ACTION REQUESTED Set the Public Hearing On Resolution 9557 for Water, Sewer, and Storm Drain Rate and Fee Changes

PREPARED BY Martha Capps, Operations Supervisor

APPROVED BY Coleen Balzarini, Fiscal Services Director

-F-I-N-A-L

RECOMMENDATIONS:

Staff recommends the City Commission set a Public Hearing on proposed Water, Sewer, and Storm Drain rate increases for the regular commission meeting on November 21, 2006.

MOTIONS:

I move the City Commission set a Public Hearing for 7:00p.m. at the November 21, 2006 regular commission meeting to receive public comment on Resolution 9557, addressing the proposed rate and fee increases for the water, sewer and storm drain systems.

SYNOPSIS:

Each year, staff reviews and analyzes the financing needs of the Water, Sewer, and Storm Drain Funds. The review allows us to insure the City has the funding necessary to finance day to day operations, and provide for any capital improvements, emergency main breaks, or replacements. These funds also provide the financing to run the Water and Waste Water Treatment Plant effectively. Adjustments in utility rates are necessary to provide adequate revenue to meet annual operating requirements, finance the capital improvements program, meet debt service coverage requirements and to maintain appropriate reserves.

The Black & Veatch Management Consultants study done in April of 2001 provided the City with a ten year guideline of minimal, but necessary rate increases, based on annual averages of 3.0% inflation, 0.5% growth, capital reserves of \$500,000 and required minimum debt service coverage of 125%. The annual growth of consumption (system usage) is based on recent historical trends.

The proposed water, sewer, and storm drain charges, rate structure, and fees are attached in the Appendixes A, B, and C. With the proposed rates starting January 1, 2007, the average residential utility bill will increase approximately 4% or \$1.79. This is derived from a water increase of 5.0%, a sewer increase of 5.0%, and a storm drain increase of 0%.

BACKGROUND:

Attached are:

1. Calendar for Water, Sewer and Storm Drain Review
2. Rate Increase History for the Water, Sewer and Storm Drain Funds, and Ordinance 2623 excerpts, showing the bond covenants for reporting and maintenance of rates
3. The Proposed Notice for Publication
4. Resolution 9557 to Establish Water, Sewer, and Storm Drain Rates
5. Comparisons of current versus proposed charges, rate structures, and fee structures are shown in Appendixes A, B, and C of the resolution.

RESOLUTION 9557
TO ESTABLISH WATER, SEWER, AND STORM DRAIN RATES AND FEES

A RESOLUTION TO ESTABLISH WATER, SEWER, AND STORM DRAIN RATES AND FEES IN ACCORDANCE WITH 13.02.040 OCCGY, EFFECTIVE JANUARY 1, 2007

WHEREAS:

The City Commission of the City of Great Falls, met and conducted the hearing in regular session on Tuesday, November 21, 2006 at the Civic Center, Great Falls, Montana, at 7:00 p.m. and did consider the cost of operation, equipment, facilities, debt service, and capital improvements for the Water, Sewer, Storm Drain systems;

13.02.040 OCCGF states: "All rates or fees for use of the utility systems or for permits, licenses, connections or inspections shall be defined by resolution and approved by the City Commission. . ."

NOW, THEREFORE:

The City Commission of the City of Great Falls does hereby establish water, sewer, and storm drain rates and fees for City customers as follows:

Water and Sewer Rates as shown in Appendix A
Water and Sewer Service Fees as shown in Appendix B
Storm Drain Service Rates as shown in Appendix C

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

Dona R. Stebbins Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

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

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9557 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 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 Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content

City Attorney

CITY OF GREAT FALLS, MONTANA
Resolution No 9557, Appendix B
2007 Utility Rates Effective 1/1/2007

		Water Service Line Size (inches)										
		(3/4") 0.75	1.00	1.25	1.50	2.00	3.00	4.00	6.00	8.00	10.00	12.00
CONNECTION FEES												
WATER												
2007	\$	289	321	-	391	423	637	819	1,269	2,121	-	4,252
Fee shall be ADDED TO: General Plumbing Permit for extension to new buildings; or, Inspection Permits for larger diameter pipe.												
SEWER												
Single Family Residential												
2007	\$	159										
Commercial & Multi Family Units												
2007	\$	159	297	-	583	1,225	2,333	4,205	6,077	9,322	12,890	17,933
Fee is IN ADDITION TO the Inspection Fee, and is for connection of service line to sewer line, which does not include installation. There is no fee for STORM SEWER connection. Where one meter serves one multi-purpose development, either mobile home, multiple family housing units, local business, commercial, industrial, residential use zones or variance, the connection charge will be based upon the size of the water tap. If there is no water tap, the charge will be based upon the the sewage being discharged on the same ratio as for other sewer connections.												
TAPPING FEES (Water) Fee for any new or replacement tap being made on a water main.												
1 to 5 taps Fee per Tap:												
2007	\$	311	327	-	493	621						
6 or more taps Fee per Tap:												
2007	\$	278	305	-	493	621						
INCLUDED in this fee is installation of a corporation stop on the main, and furnishing of corporation stop, curb stop and box. NOT INCLUDED, and to be BILLED EXTRA, is the cost of saddles, clamps and other extraneous fitting required for the tap.												
INSPECTION FEES Fees for inspection and approval of all water service work and all sewer connections under Title 13 OCCGF.												
WATER Flat fee of :												
2007	\$	100	PLUS costs for test taps, testing equipment, overtime, and chemicals.									
SEWER Flat fee of :												
2007	\$	100										
RIGHT OF WAY PERMIT (Water & Sewer)												
Flat fee of :												
2007	\$	35										
Fee for the Permit to be issued for any excavation in a dedicated right-of-way. (Formerly the Street Opening Permit.)												
FIRE LINES												
NEW Flat fee of :												
2007	\$	100										
REPAIR Flat fee of :												
2007	\$	100										
LICENCES -- DRAINLAYER (Sewer)												
Flat fee of :												
2007	\$	60										

Fee for License to excavate, construct, or connect and sewer, drain or cesspool.

TURN ON/OFF

Flat fee of :
 2007 \$ 35 After Hours 2007 \$ 60

WATER TREATMENT PLANT (WTP)

Laboratory Fees	Akalinity	Fecal Coliform	Hardness	pH	Specific Conductance	Total Coliform	Turbidity	HPC	E. coli, Quantitray Method
2007 \$	16.50 \$	25 \$	21 \$	7.50 \$	7 \$	21 \$	8 \$	28 \$	25

WASTEWATER TREATMENT PLANT (WWTP)

Industrial Discharge Permit Application Fees (Based upon Wastewater Discharge Quantity)

Gallons per Day (GPD)

2007 \$	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS	per 100,000 GPD, or portion thereof
\$	83	\$ 133	\$ 171	\$ 171	\$	51

Hauled Waste Disposal Fees

0 to 100 Gallons 2007 No Charge Disposal of wastes from holding tanks of privately owned recreational vehicles must be

Over 100 Gallons 2007 \$ 18.00 per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.

Additional Fees

Additional fees may be charged for necessary testing prior to acceptance of wastes classified as non-domestic or industrial in nature.

CITY OF GREAT FALLS, MONTANA
Resolution No 9557, Appendix C
2007 Utility Rates Effective 1/1/2007

Rates
(per month)

A Single Family

1	Base Rate	\$	1.3198680000
2	Rate per Square Foot	\$	0.0003959604
3	Sq Ft Cap		15,000

B Multiple Resid.

1	Base Rate	\$	1.3198680000
2	Rate per Square Foot	\$	0.0004949505
3	Sq Ft Cap		0

C Commercial ++

1	Base Rate	\$	1.3198680000
2	Rate per Square Foot	\$	0.0006434357
3	Sq Ft Cap		0

D Heavy Commercial

1	Base Rate	\$	1.3198680000
2	Rate per Square Foot	\$	0.0008909109
3	Sq Ft Cap		0

E Unimproved Areas

1	Base Rate	\$	1.3198680000
2	Rate per Square Foot	\$	0.0000989901
3	Sq Ft Cap		10,000

FY 2006/2007 Water, Sewer, and Storm Drain

Rate Review Calendar

Staff Meeting Analysis

Tuesday, February 17, 2006

Staff Presentation to City Manager

Wednesday, March 1, 2006

Initial Presentation of Rate Analysis

Tuesday, March 7, 2006

Commission Work Session

Presentation of Water Master Plan

Tuesday, April 18, 2006

Secondary Presentation of Rate Analysis

Tuesday, September 19, 2006

Commission Work Session

Set Public Hearing

Tuesday, OCTOBER 17, 2006

City Commission Meeting

Publish Public Notices

1st Notice – Friday, OCTOBER 27, 2006

2nd Notice – Friday, NOVEMBER 3, 2006

3rd Notice – Friday NOVEMBER 10, 2006

Mailed Notices

To the various utility billing districts during the period of
OCTOBER 31, 2006 THRU NOVEMBER 9, 2006

Public Hearing

Tuesday, NOVEMBER 21, 2006

City Commission Meeting

Commission Final Action

Tuesday, NOVEMBER 21, 2006

Water, Sewer, and Storm Drain Rates Take Effect

At Least ten days after final approval

JANUARY 1, 2007

**WATER, SEWER, STORM DRAIN FUNDS
REVENUE RATE INCREASE HISTORY**

	Water(%)	Rate Increase	
		Sewer(%)	Storm Drain(%)
1997	4.0	3.0	na
1998	4.0	3.0	na
1999	0.0	0.0	na
2000	2.7	4.75	na
2001	3.0	8.1	na
2002	2.5	8.1	10.0
2003	2.0	8.1	10.0
2004	2.0	2.0	8.0
2005	2.0	1.0	1.0
2006	0.0	0.0	0.0

For the 10 year period 1997-2006, the average rate increase is:

Water(%)	Sewer(%)	Storm Drain(%)
2.22	3.81	2.9

Rate Change Comparison

It is City practice to constantly keep up to date with regular, incremental rate changes while keeping in mind the difficulty that many customers have in making ends meet. Postponing rates often create a sudden return to reality when rates can no longer be ignored, and large rate increases are suddenly imposed.

	FY99	FY00	FY01	FY02	FY03	FY04	FY05	FY06
(in %)								
Special Assessments:								
Street Districts	10.0	na	10.0	na	3.2	10.0	10.0	10.0
Boulevard Districts	na	na	5.0	na	na	na	na	na
Sanitation								
Residential	7.0	na	na	na	3.0	na	3.0	3.0
Commercial	7.0	na	3.0	3.0	na	3.0	3.0	3.0

Other Charges and Fees Included

The water rate change also applies to Fire Hydrant charges. Fire hydrants are integral to the water system as a whole, and included as a monthly charge within the rate structure rather than a once a year special assessment. These water and sewer rate changes include water and sewer fees. Unlike other rates, fees do not have any impact upon monthly water and sewer bills. They are one time charges, such as; construction, repair or replacement of water services, fire lines, and sewer, water lab services, or repair of business fire lines.

Capital Improvement Program

The City maintains meticulous records, schedules and monitoring of the water and sewer systems. Theoretically, repair and replacement should be done according to the Capital Improvement Program (CIP). While the CIP is a useful benchmark and indicator of priorities, it is not the only consideration. The City combines the CIP with maintenance records and current condition analysis to determine current financing needs.

Rate Change Notice

A Public Notice for utility rate changes must be published. 69-7-111, M.C.A requires a municipal rate hearing whenever municipal utility rates, charges, or classifications are to be changed, with procedures as follows:

1. Publish notice of hearing in a newspaper
 - a. First publication no more than 28 days prior to the public hearing
 - b. Publish at least 3 times at least 6 days apart
 - c. Last publication no less than 3 days prior to the hearing
2. Mail a notice of hearing to each utility customer and the Montana Consumer Counsel
 - a. At least 7 and no more than 30 days prior to hearing
 - b. Include an estimate of increase in the customer's average bill
3. Published Notice must contain
 - a. Date, time, and place of the hearing
 - b. Brief statement of the proposed action
 - c. Address and telephone number to contact for further information

Resolution 9226, Resolution 9227, Resolution 9334 Provides Terms and Conditions relating to the Water & Sewer Revenue Bonds, including:

Section 10.10 Rates and Charges

. . .The City covenants and agrees that the rates, charges and rentals to be charged to all users shall be maintained and shall be revised whenever and as often as may be necessary, according to schedules such that (i) the Revenues for each Fiscal Year will be at least sufficient to pay the principal and interest on all Bonds to become due in such Fiscal Year, to establish and maintain the Reserve Requirement, to pay promptly the reasonable and current Operating Expenses and to provide reserves for the repair and replacement of the System, and (ii) the Net Revenues for each Fiscal year will be at least equal to 125% of the maximum Principal and Interest Requirements for all future Fiscal Years. In the event the City does not demonstrate full compliance with the rate covenant prescribed herein for any Fiscal Year, the City shall retain a nationally recognized independent Consultant within 60 days of the day of the applicable Fiscal Year for the purpose of reviewing the existing rates and charges and making Bondholder recommendations for compliance with the covenant. The City covenants and agrees to implement the recommended rate changes and other recommendations of such Consultant within six months of the delivery of the applicable Consultants report.

**PUBLIC NOTICE
PUBLIC HEARING ON RESOLUTION 9557
WATER, SEWER, AND STORM DRAIN RATE INCREASE**

The City of Great Falls is proposing to raise, water, sewer and storm drain utility rates, effective 10 days after final approval by the City Commission. The increases are necessary to meet bonded debt coverage, to keep up with inflation, to cover the cost of service, and provide for necessary capital improvements. A public hearing will be held on October 17, 2006 at 7:00 p.m. in the Civic Center Commission Chambers.

Residential customers typically have a ¾" meter and use 1300 cubic feet of water per month with a winter average of 750 cubic feet of water per month. A typical residential customer would see rate increases as follows:

A water bill increase from \$20.56 to \$21.55 per month

A sewer bill increase from \$15.87 to \$16.68 per month, and

A storm drain bill will not increase.

These monthly bills include base service charges of \$4.15 for water, \$1.47 for fire hydrant, \$5.14 for sewer, and \$1.32 for storm drain

The metered water rates would increase:

From \$0.77 to \$0.81 per hundred cubic feet for the first 300 cubic feet per month, and from \$1.29 to \$1.35 per hundred cubic feet for all water over 300 cubic feet per month.

The sewer rates would increase:

From \$1.05 to \$1.10 per hundred cubic feet for the first 300 cubic feet per month, and from \$1.74 to \$1.83 per hundred cubic feet for all water over 300 cubic feet per month.

The storm drain rates would not increase.

For further information contact a Utilities Customer Service Representative at 727-7660 or in Room 104 of the Civic Center, 8:00 am to 5:00pm

AGENDA REPORT

DATE October 17, 2006

ITEM: LARGE ROTARY MOWER

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 one new large rotary mower to Midland Implement Co. Inc of Billings Montana for \$57,652.00.

MOTION:

I move that the City Commission award the bid for one new large rotary mower to Midland Implement Co. Inc of Billings Montana for \$57,652.00.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to five prospective bidders with three bidders responding. The bids were opened on October 4, 2006.

The bid submitted by Midland Implement Co. Inc was the low bid, met all specifications and was under the amount budgeted for this purchase.

Staff recommends rejecting the trade-in offer of \$2000.00 for the City's 1992 Toro Groundsmaster 580D (PM-6). The unit's serial number is 30580-10134. This trade-in offer is substantially less than has been obtained in similar mower purchases. In order to obtain maximum value for the trade-in staff will offer the equipment up for auction in 2007.

BACKGROUND:

This unit will be used in the Park Department. Funds for its purchase were provided in the FY 2006-2007 Central Garage Budget.

Large Rotary Mower Bidders List

Midland Implement
PO Box 30358
Billings MT 59107

Yellowstone County Implement
5121 Midland Road
Billings MT 59101

Power Pro
1712 3rd Street NW
Great Falls MT 59405

Hoven Equipment
4181 North Park Trail
Great Falls MT 59405

TurfCare and Specialty Products
5450 Holiday Ave
Billings MT 59101-6310

AGENDA REPORT

DATE October 17, 2006

ITEM: FINAL PAYMENT – 1ST, 2ND, 3RD, AND 5TH AVENUES NORTHWEST WATER MAIN REPLACEMENT, O. F. 1435

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends Final Payment to Phillips Construction and the State Miscellaneous Tax Fund for the 1st, 2nd, 3rd, and 5th, Avenues Northwest Water Main Replacement, O. F. 1435.

MOTION: "I move the City Commission approve Final Payment for the 1st, 2nd, 3rd, and 5th, Avenues Northwest Water Main Replacement, O. F. 1435, in the amount of \$28,600.32 to Phillips Construction, and \$288.89 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

SYNOPSIS: The City Commission awarded a contract on April 4, 2006 in the amount of \$673,125.00 to Phillips Construction for the 1st, 2nd, 3rd, and 5th, Avenues Northwest Water Main Replacement, O. F. 1435.

City staff has verified that Phillips Construction has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The final project cost is \$610,084.12, which is \$63,040.88 under the amount awarded. The lack of water service work and very little miscellaneous work contributed to the low final contract amount. The project was completed within the contract time.

BACKGROUND: The project was initiated by the Utilities Division to replace the deteriorating water mains in the area. This water main replacement project was funded through the City's Water Capital Improvement Plan. A total of 5,715 lineal feet of 8-inch and 12-inch water main was replaced.

The replaced water mains are located in 1st Avenue NW from 8th Street NW to 11th Street NW; 2nd Avenue NW from 9th Street NW to 11th Street NW; 3rd Avenue NW from 8th Street NW to 11th Street NW; and 5th Avenue NW from 9th Street NW to 13th Street NW.

City staff designed the project, performed contract management, and construction inspection. The two year warranty period started on September 5, 2006.

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

AGENDA REPORT

DATE October 17, 2006

ITEM: CONSTRUCTION CONTRACT AWARD: 2ND AVENUE SOUTHWEST SANITARY SEWER MAIN EXTENSION, O. F. 1391.1

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 \$179,748.00 to Phillips Construction for the 2nd Avenue Southwest Sanitary Sewer Main Extension, O. F. 1391.1, and authorize the City Manager to execute the construction contract documents."

PROJECT TITLE: 2nd Avenue Southwest Sanitary Sewer Main Extension, O. F. 1391.1

RECOMMENDED CONTRACTOR: Phillips Construction

CONTRACT AMOUNT: \$179,748.00

ENGINEER'S ESTIMATE: \$220,236.25

START DATE: Projected for November 2006

COMPLETION DATE: January 2007 (90 Calendar Days)

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

SYNOPSIS: This project will extend the sanitary sewer main from the intersection of 12th Street SW and 3rd Alley SW west to the intersection of 14th Street SW and 2nd Alley SW. The 12-inch water main in 2nd Avenue SW from 11th Street SW to 13th Street SW will also be replaced. This area, within the City limits, currently has no sewer service. This project will provide service to approximately 26 lots.

Three bids were received and opened for this project on October 4, 2006. The bids ranged from \$179,748.00 to \$224,805.00. The attached bid tabulation summarizes this information. Sewer and Water utility funds are available for this project.

BACKGROUND: This project covers approximately two and a half city blocks located in Fifth Addition to Great Falls. There are approximately 26 lots that are zoned light industrial and residential which currently have no sewer service. This project will extend an existing 8-inch sanitary sewer main from the intersection of 3rd Alley SW and 12th Street SW to 2nd Avenue SW

and 12th Street SW; 2nd Avenue SW from 12th Street SW to 13th Street SW; 13th Street SW from 2nd Avenue SW to 2nd Alley SW; and finally 2nd Alley SW from 13th Street SW to 14th Street SW for a total of approximately 1,145 lineal feet of 8-inch main and 5 manholes. The new gravity sewer main will promote growth and development in this area once it is installed. The costs will be recovered through reimbursements at the time of connection.

This project will also replace existing 6-inch and 12-inch cast iron water mains with a single 12-inch PVC water main located on 2nd Avenue SW from 11th Street SW to 13th Street SW. Two fire hydrants will be replaced, all services will be connected to the new 12-inch PVC water main and non-copper water services will be replaced to the curb stop with new copper pipe. The water main work will replace an aging main, eliminate an unneeded redundant main and will allow the sewer main to be graded to better serve lots to the west in the future.

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

Attachment: Bid Tabulation Summary

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

BID TABULATION SUMMARY

2nd Avenue Southwest Sanitary Sewer Main Extension
 OF 1391.1

Project Number _____
 Bids Taken at Civic Center
 Date: October 4, 2006
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414	√		√	√	√	√	\$224,805.00
2	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√		√	√	√	√	\$209,650.00
3	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√		√	√	√	√	\$179,748.00
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$220,236.25

AGENDA REPORT

DATE October 17, 2006

ITEM Use of Additional CTEP Funding for Lighting Historic 10th St. Bridge; O.F. 1180.6

INITIATED BY Preservation Cascade, Inc./Bridge Rehabilitation Advisory Group

ACTION REQUESTED Approve Use of Additional CTEP Funds for Historic 10th Street Bridge Lighting Project

PREPARED & PRESENTED BY Andrew Finch, Senior Planner

REVIEWED & APPROVED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the following motion.

MOTION:

"I move the City Commission approve the use of \$101,820 in Community Transportation Enhancement Program (CTEP) funds to fully fund the monument lighting of the Historic 10th Street Bridge."

SYNOPSIS:

A CTEP project to light the Historic 10th Street Bridge has been designed by an internationally recognized lighting consultant, in cooperation with the Great Falls engineering consulting firm, Gordon Prill Drapes. The engineer's estimate for installing "monument lighting" of the Bridge is around \$142,000. The initial estimate and current budget for construction, prepared in 1999, is inadequate at only \$24,400 – a difference of \$117,600. Although some of the difference is due to increases in material costs, the uncertainty of the cost of labor and equipment to install the wiring and lights is a large part of the final estimated construction cost.

The project engineer and the 10th St. Bridge Rehabilitation Advisory Group has reviewed the design and considered a number of different options for construction, including alternate designs and phasing the project. The Group decided that the best option would be to construct the full project, as designed. To that end, Preservation Cascade, Inc. (PCI), the original project applicant, has provided a letter requesting an additional \$101,820 in CTEP funds, to be matched with \$15,780 from PCI.

In past years, these funds have come from extra, or "unallocated" funds, set aside by the Commission for such requests. However, there are no such funds available. Therefore, this request, if approved, would come out of the 2007 CTEP allocation (expected to be around \$267,000). The CTEP Program allows local agencies to "borrow" from future years.

BACKGROUND:

In 2000, the City Commission approved a \$68,690 CTEP project for accent (monument) lighting of and period lighting on the Historic 10th Street Bridge. While eligible for CTEP funding, the period

lights could only be constructed after reconstruction of the bridge deck which has not yet occurred. One element, "monument" lighting of the bridge, was able to proceed, and did so in 2003. At that time, the Commission also approved the use of an additional \$43,290 for removal of the utilities under the 10th Street Bridge, revising the scope of the project and increasing the budget to \$96,660.

After initially approving the utility removal work, the Montana Department of Transportation and Federal Highway administration deemed the utility removal to be ineligible for use of CTEP funds. Therefore, this work was removed from the project scope and budget. A final project budget was set at \$40,000 in 2004 - \$15,600 of which has been committed to design of the project.

An internationally renowned lighting consultant (Robert Daniels) was hired in October 2005 to design the lighting, with Gordon Prill Drapes contracted at the same time to perform the engineering and prepare bidding documents.

After the design was complete and preliminary costs were known, a number of different options for construction were considered to attempt to reduce the anticipated cost of the project.

1. While most of the bridge would be lighted blue, white light would illuminate the piers. Removing the white lighting fixtures would save around \$15,000.
2. The greatest lighting impact would likely be from the downriver side, although the upriver side will be very visible from the adjacent 9th St Bridge. Eliminating lighting of one side of the Bridge would reduce construction costs to around \$102,500, saving around \$39,500. However, this would leave the project half-finished. The cost to re-mobilize and light the second side later would be much more than the saved \$39,500.
3. Alternate locations for providing the electrical service were investigated, but any cost savings would be minimal.

After considering options, the Bridge Rehabilitation Advisory Group felt that the project should be allowed to provide the fullest impact as the professional lighting designer intended, and has recommended the City Commission consider additional funding of \$101,820 for the project.

The City Commission received a presentation on October 3, 2006 from Preservation Cascade, Inc. on the status of the Bridge rehabilitation work. Ellen Sievert, Historic Preservation Officer for the City and County, indicated that the group intends to investigate the feasibility of a capital campaign, and would like to have the lighting completed before that takes place. It is intended that the lighting will refocus the Bridge and the restoration effort in the public's eye.

Attachment: PCI Letter, dated August 28, 2006.



PRESERVATION CASCADE, INC.

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August 24, 2006

Andrew Finch, Senior Planner
Great Falls Planning Department
P.O. Box 5021
Great Falls, MT 59403

Dear Mr. Finch,

Thank you for your insights and comments during the Bridge Rehab Committee meeting the end of July. As you are aware, the lighting project for the Tenth Street Bridge is now at the point of implementation. As we reviewed the funding for the project, the original grant was found to be inadequate for the project. Primarily this is due to the lapse in time since the original estimates. This project has been found to be worthy of funding and so we would like to request the additional funds to complete the project.

The city has recently done some excellent work in improving the appearance of the northern entrance to the city. The Tenth Street Bridge stands at the gateway to Great Falls along this approach. A well-lit architectural showpiece would greatly enhance the current efforts. Further, this lighting project is a visible statement of the progressive thinking of our current city government. This bridge is also a reminder of our beginnings, as it was the last project of our founder Paris Gibson. It links the industrial town of Black Eagle to the business area of downtown and hence is a symbol of the unity of all Great Falls workers, blue collar and white.

A recent review of the estimated cost to complete the lighting project came to approximately \$150,000.00 total, with contingency due to the uncertain nature of the labor costs over water. We currently have \$24,400.00 from the original grant. We have the ability to offer \$15,000.00 in matching funds. We are also pursuing other funding, including a Town Pump grant for \$1,000.00. We were recently able to broker an agreement to have the service pipe and copper wiring removed from under the bridge (part of the project at one time) for no other monies besides the salvage worth of the metals. We also conducted trials of less expensive options to see if the costs could be reduced. However, the results were not satisfactory aesthetically. We also considered doing the east side of the Bridge at this time, leaving the west for later. As most of the cost is labor and this would require the safety provisions on two separate occasions, it would drastically increase the overall cost of the project.



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We are therefore asking for CTEP funds of \$115,000.00 to complete the project as soon as possible. We are eager to add this showpiece to our city, and plan to use the dedication ceremonies to launch a major fundraising drive to complete the Bridge. The 125th anniversary of the incorporation of Great Falls is not far off, and it would be wonderful to be able to have the Bridge done by that time.

Thank you very much for your cooperation and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Calanthe Wilson-Pant". The signature is written in a cursive style and is positioned above the typed name.

M. Calanthe Wilson-Pant, M.D.
Secretary
Preservation Cascade, Inc. Board.

CITY OF GREAT FALLS, MONTANA
AGENDA REPORT

AGENDA # 15
DATE October 17, 2006

ITEM Reappointments, Board of Adjustment/Appeals

INITIATED BY City Commission

ACTION REQUESTED Reappoint Two Members

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission reappoint two members to the Board of Adjustment/Appeals.

MOTION: I move 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.

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

BACKGROUND: The Board of Adjustment/Appeals consists of five members appointed by the City Commission. The Board hears and decides appeals regarding zoning, housing, and building codes and ordinances; hears and decides, requests for variances from standards set forth in zoning ordinances; hears and decides all other matters referred to the Board regarding zoning, housing, and building ordinances. Members serve three-year terms and, per Municipal Code, must reside within the City limits.

The 2003 International Building Code requires the Board of Adjustment's membership to be qualified by experience and training to pass on matters pertaining to building construction. The 2003 International Mechanical Code requires the Board of Adjustment's membership to include a registered design professional with structural engineering or architectural experience. The current composition of the Board is a Judge, a builder, a real estate salesman and a restaurant owner.

Continuing City appointed members of this board are:

Anthony D. Houtz
Kathleen Jensen
Jeff Witte