



City Commission Agenda

for

October 3, 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

NEIGHBORHOOD COUNCILS

1. Swearing In Ceremony
 - A. Carole Gilmour – Neighborhood Council 5
 - B. Jean Stone – Neighborhood Council 5
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Mark No. 1B and a Portion of 10th Avenue South between 40th Street South and 47th Street South. **(Presented by: Ben Rangel)**
 - A. Res. 9610, Annexes subject Mark No. 1B. Action: Conduct public hearing and adopt or deny Res. 9610.
 - B. Res. 9611, Annexes a portion of 10th Avenue South between 40th Street South and 47th Street South. Action: Conduct public hearing and adopt or deny Res. 9611.
 - C. Ord. 2952, Assign zoning classification of C-2 General commercial district. Action: Conduct public hearing and adopt or deny Ord. 2952.
4. South ½ of Vacated Alley and Lots 7-12, Block 28, Highland Park Addition (located at the northwest corner of the intersection of 13th Street South and 21st Avenue South). **(Presented by: Ben Rangel)**
 - A. Res. 9593, Annexes subject property and Approves Amended Plat, Findings of Fact and the Annexation Agreement. Action: Conduct public hearing and adopt or deny Res. 9593 and approve or deny Amended Plat, Findings of Fact and the Annexation Agreement.
 - B. Ord. 2947, Assign zoning classification of I-1 Light industrial zoning district. Action: Conduct public hearing and adopt or deny Ord. 2947.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. Ord. 2953, Establish City Zoning Upon Minor Plat of East Ridge Addition Phase 4. Establishes zoning classification of PUD. Action: Accept Ord. 2953 on first reading and set public hearing for November 8, 2006. **(Presented by: Ben Rangel)**
6. Ord. 2954, Establish City Zoning Upon West Ridge Addition, Phase IV. Establishes zoning classification of R-3 Single-family high density district. Action: Accept Ord. 2954 on first reading and set public hearing for November 8, 2006. **(Presented by: Ben Rangel)**
7. Ord. 2955, Amending OCCGF 12.14 Pertaining to Temporary Street Closures. Amends OCCGF 12.14 pertaining to parades and street closures. Action: Accept Ord. 2955 on first reading and set public hearing for October 17, 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.*

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 \$5000, in the amount of \$1,152,453.
10. Contracts list.
11. Lien Release List.
12. Set public hearing for October 17, 2006, on Res. 9614, Establishing fees for Street Closure, Park Rental and Special Events with Alcoholic Beverage Permits.
13. Award bid 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. Award bid for the MAFB Outfall Sewer Upsizing and Replacement (Outfall to 57th Street) to Dave Kuglin Construction in the amount of \$186,490.
15. Award Engineering Services Contract for the Sunnyside Water Pressure Improvements—Piping project to Thomas, Dean & Hoskins, Inc., in an amount not to exceed \$30,000.
16. Approve Professional Services Contract to Tischler Bise, Inc. evaluating annual fiscal impacts as they relate to the construction and operation of the Highwood Generating Station in the amount of \$45,000.
17. Approve Professional Services Contract with Tischler Bise, 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.
18. Approve 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.

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

BOARDS & COMMISSIONS

19. Miscellaneous reports and announcements.

CITY MANAGER

20. Miscellaneous reports and announcements.

CITY COMMISSION

21. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

22. Miscellaneous reports and announcements.

ADJOURN

CITY OF GREAT FALLS, MONTANA

AGENDA # 3

AGENDA REPORT

DATE October 3, 2006

ITEM Public Hearing – Resolutions No. 9610 & 9611 to Annex and Ordinance No. 2952 to
Establish City Zoning for Parcel Mark No. 1B, and a Portion of 10th Avenue South, Sec
16, T20N, R4E

INITIATED BY City Administration

ACTION REQUESTED Commission Adopt Resolutions No. 9610 & 9611, and Ordinance No.
2952

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex Parcel Mark No. 1B and a portion of 10th Avenue South, Section 16, Township 20 North, Range 4 East, Cascade County, Montana, and the City Zoning Commission has recommended the City Commission apply a zoning classification of C-2 General commercial district to the same.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9610.”

and

“I move the City Commission adopt Resolution No. 9611.”

and

“I move the City Commission adopt Ordinance No. 2952.”

SYNOPSIS:

Resolution No. 9610 annexes subject Mark No. 1B. Resolution No. 9611 annexes a portion of 10th Avenue South between 40th Street South and 47th Street South. Ordinance No. 2952 assigns a zoning classification of C-2 General commercial district to subject properties upon annexation to the City.

BACKGROUND:

Parcel Mark No. 1B, which is being used as a sales lot for Travel Time RV, along with a portion of 10th Avenue South between 40th Street South and 47th Street South, are presently located outside the

City Limits. The unincorporated parcel and right-of-way are wholly surrounded by the incorporated area of the City.

Please refer to the map attached as Exhibit "A" to Resolutions No. 9610 & 9611.

It has been City Commission interest for some time, to annex unincorporated enclaves into the City. The Commission has been taking recent action to do so. These types of enclaves have been a source of confusion and inconsistent code application for some governmental entities and neighbors. Equity issues also arise where property in the middle of an urban area is not subject to the same code requirements or standards as surrounding properties. These properties also benefit from readily available public improvements, such as paved streets, curb, gutter, and sidewalks, which in many cases, have been paid for by City taxpayers. Although not all of these circumstances may apply to all parcels under consideration, they are examples of the basis for the City's interest to pursue these types of annexations.

In accordance with Title 7, Chapter 2, Part 45, MCA, the City has the authority to unilaterally annex an area that is wholly surrounded by the City. Further, according to Section 7-2-4501, MCA, a City may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city upon passing a resolution of intent, giving notice, and passing a resolution of annexation. Section 7-2-4502, MCA, provides wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object.

The City has obtained a Request for Annexation to annex the subject segment of 10th Avenue South between 40th Street South and 47th Street South from the Montana Department of Transportation. The Planning Office mailed a letter to Mr. Bruce Aafedt, owner of Mark 1B, informing him of the City's interest and purpose to annex subject parcel. Attached is an e-mail communication received August 7th, 2006, from Travel Time RV [information@traveltimervs.com] wherein Mr. Aafedt expresses his view point on the annexation.

Public infrastructure exists in the vicinity and is available to serve Mark 1B. The property is bordered on the south by 10th Avenue South, which is a paved, State maintained roadway. City water mains are located near the south boundary of subject property and sanitary sewer is located to the north of subject property in an existing utility easement.

Upon annexation, Parcel Mark No. 1B will be subject to city assessments.

Subject Mark No. 1B is presently zoned under the Cascade County Zoning District as "B-2" General Business District. In that the surrounding incorporated properties are zoned C-2 General commercial district, which allows RV display and sales, it is recommended subject Mark No. 1B, along with the subject right-of-way portion of 10th Avenue South, be zoned upon annexation to the City as C-2 General commercial district.

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

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

In summary, designating subject property and right-of-way for commercial use is consistent with property abutting and served by 10th Avenue South, a principal arterial. Therefore, staff concludes all of the above stated criteria are substantially met.

It has been an objective of the City Commission to address and eliminate wherever possible, enclaves that are completely surrounded by the incorporated area of the City. Each enclave has its own separate set of characteristics and issues. On a time available basis, staff has been directed to continue processing these types of wholly surrounded annexations.

The Planning Board/Zoning Commission on August 8, 2006, conducted a joint public hearing on the annexation and establishment of City zoning on Parcel Mark No. 1B and portion of 10th Avenue South between 40th Street South and 47th Street South. No proponents or opponents spoke at the public hearing. At the conclusion of the public hearing the Planning Board unanimously passed a motion recommending the City Commission annex Parcel Mark No. 1B and portion of 10th Avenue South between 40th Street South and 47th Street South and the Zoning Commission unanimously passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district upon annexation of subject property and right-of-way.

Attachments: Resolution. No. 9610
Resolution. No. 9611
Ordinance . No. 2952
E-mail communication dated Saturday, August 05, 2006

cc: Bruce A. Aafedt, 3925 18th Ave S
Michael Johnson, Dist. Admin., MDT, 200 Smelter Ave NE

From: Charlie Sheets
Sent: Monday, September 18, 2006 10:41 AM
To: Deborah McNeese
Subject: FW: GF Planning & Zoning - Annexing Sec.16, T20N, R4E (Travel Time RV)

From: Travel Time RV [mailto:information@traveltimers.com]
Sent: Saturday, August 05, 2006 8:37 AM
To: Jim Rearden; David Dobbs; Mike Rattray; Ben Rangel; Charlie Sheets; mijohnson@mt.gov
Subject: GF Planning & Zoning - Annexing Sec.16, T20N, R4E (Travel Time RV)

Thanks you the opportunity to comment and your time regarding this annexation.

Bottom line is, I understand this will affect the taxes on this property. While I'm not looking to pay more taxes, it only makes sense to me to incorporate all of these "islands". If I didn't oppose this action I felt I didn't necessarily need to comment.

I feel this should be applied fairly to all land owners of all "islands" of this type.

Thank you,
Bruce Aafedt

Travel Time RV
4035 10th Ave. S.
Great Falls, MT 59405
(406)454-0777
information@traveltimers.com

RESOLUTION NO. 9610

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PARCEL MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

WHEREAS, the following described unincorporated property is wholly surrounded by said City of Great Falls:

A tract of land in the Northwest Quarter (NW¹/₄) of Section 16, Township 20 North, Range 4 East, P.M.M., Great Falls, Cascade County, Montana, more particularly described as follows:

Beginning at the Southwest corner of Lot 21, Block 7, Sunrise Terrace Addition to the City of Great Falls, the True Point of Beginning; thence North 89°32' 15" East 160.79 feet; thence South 0°06'15" West 113.22 feet; thence North 89°51'45" West 192.77 feet; thence North 0°06'15" East 111.23 feet; thence North 89°32'15" East, 32.0 feet to the True Point of Beginning, containing in all 0.50 acres more or less; all as described on a Quit Claim Deed file as Reel 179, Document 688, July 8, 1985, in the Clerk and Recorder's Office of Cascade County, Montana; and

WHEREAS, Section 7-2-4501, Montana Code Annotated, provides a city may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city; and

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution No. 9608 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PARCEL MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY,

MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

Duly and regularly passed and adopted on the 5th day of September, 2006, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended to include "PARCEL MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 10th day of September, 2006; and,

WHEREAS, the City Clerk has received no expressions of approval or disapproval of the proposed alterations of the boundaries of the municipality, within the time allowed by said notice; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on October 3, 2006, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "PARCEL MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3RD 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. 9610 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of October, 2006, wherein it was approved by said City Commission.

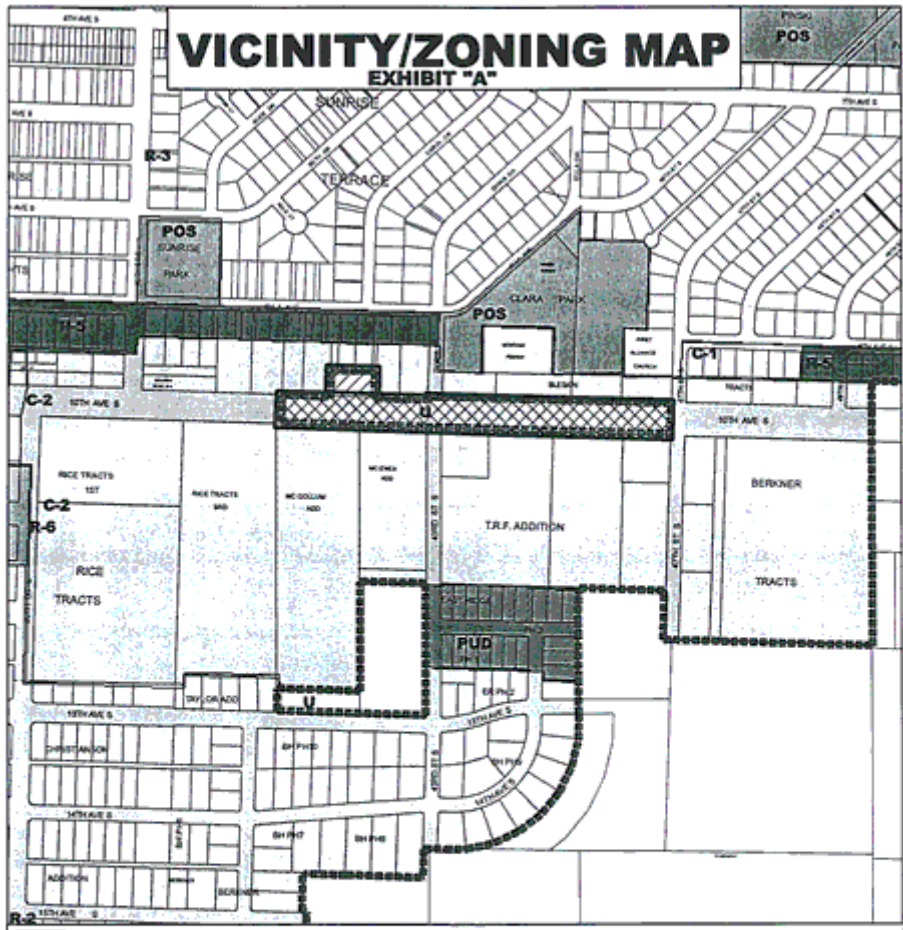
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of October, 2006.







Peggy J. Bourne, City Clerk










(SEAL OF CITY)


VICINITY/ZONING MAP

EXHIBIT "A"



 MARK 1B, SEC 16, T20N, R4E PROPOSED TO BE ANNEXED INTO THE CITY
 PORTION OF STATE HIGHWAY 87, (10TH AVENUE SOUTH) PROPOSED TO BE ANNEXED INTO THE CITY
 TRACTS OF LAND OUT OF CITY LIMITS
 SUBDIVISION BOUNDARY
 CITY LIMITS BOUNDARY


 R-2 Single-family medium density	 C-1 Neighborhood commercial
 R-3 Single-family high density	 C-2 General commercial
 R-5 Multi-family medium density	 POS Parks and Open Space
 R-6 Multi-family high density	 PUD Planned unit development
	 U Unincorporated Enclaves

 620 310 0 620 Feet
 STREETS

RESOLUTION NO. 9611

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A PORTION OF 10TH AVENUE SOUTH IN N½ SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

WHEREAS, the following described unincorporated properties are wholly surrounded by said City of Great Falls:

Montana Department of Transportation right-of-way for 10th Avenue South located in the North Half (N½) of Section 16, Township 20 North, Range 4 East, P.M.M., Great Falls, Cascade County, Montana, more particularly described as follows:

Beginning at the southeast corner of Lot 17, Block 7, Sunrise Terrace Addition; of the Amended Plat of Lots 17, 18 and East 58' of Lot 19, The West 41 Feet of Lot 22, Lots 22 thru 28, Block 7, Sunrise Terrace Addition, incorporating there in the Fifth Supplement to Sunrise Terrace Addition and the former portion of the abutting State Highway Roadway Easement, Filed with the Cascade County, Clerk and Recorder on February 25, 1986; thence N.0°06'30"E. 15.0 feet to a point along the west right-of-way line of Doris Drive; thence S.89°55'30"E. 1025.11 feet along the north right-of-way line of the existing State Highway, 10th Avenue South, to the southeast corner of Lot 4, Block 1, Bleskin Tracts Addition to Great Falls;

thence S.0°06'30"W. 140.0 feet to the northeast corner of Lot 4, Block 1, T.R.F. Addition to Great Falls and to a point on the south right-of-way of 10th Avenue South;
thence N.89°52'20"W. 1026.2 feet along the south right-of-way line of the existing State Highway, 10th Avenue South, to the northeast corner of Lot 1, Block 1, McEwen Addition to Great Falls;
thence N.89°52'20"W. 632 feet continuing along the south right-of-way line of the existing State Highway, 10th Avenue South, to the northeast corner of Lot 1, Block 1, Third Supplement to Rice Tracts Addition to Great Falls;
thence N.0°43'W. 124.18 feet to a point along the north right-of-way line of the existing State Highway, 10th Avenue South;
thence S.89°51'45"E. 634.85 feet along the north right-of-way line of the existing State Highway, 10th Avenue South, to the point of beginning, containing in all 5.071 acres more or less; and

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the State of Montana or a political subdivision of the state, such land may be incorporated and included in the municipality to which it is contiguous; and

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution No. 9609 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR 10TH AVENUE SOUTH LOCATED IN THE NORTH HALF (N½) OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

Duly and regularly passed and adopted on the 5th day of September, 2006, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended to include "MONTANA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR 10TH AVENUE SOUTH LOCATED IN THE NORTH HALF (N½) OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the

boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 10th day of September, 2006; and,

WHEREAS, the City Clerk has received no expressions of approval or disapproval of the proposed alterations of the boundaries of the municipality, within the time allowed by said notice; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on October 3, 2006, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MONTANA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR 10TH AVENUE SOUTH LOCATED IN THE NORTH HALF (N½) OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
on this 3RD 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. 9611 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of October, 2006, wherein it was approved by said City Commission.

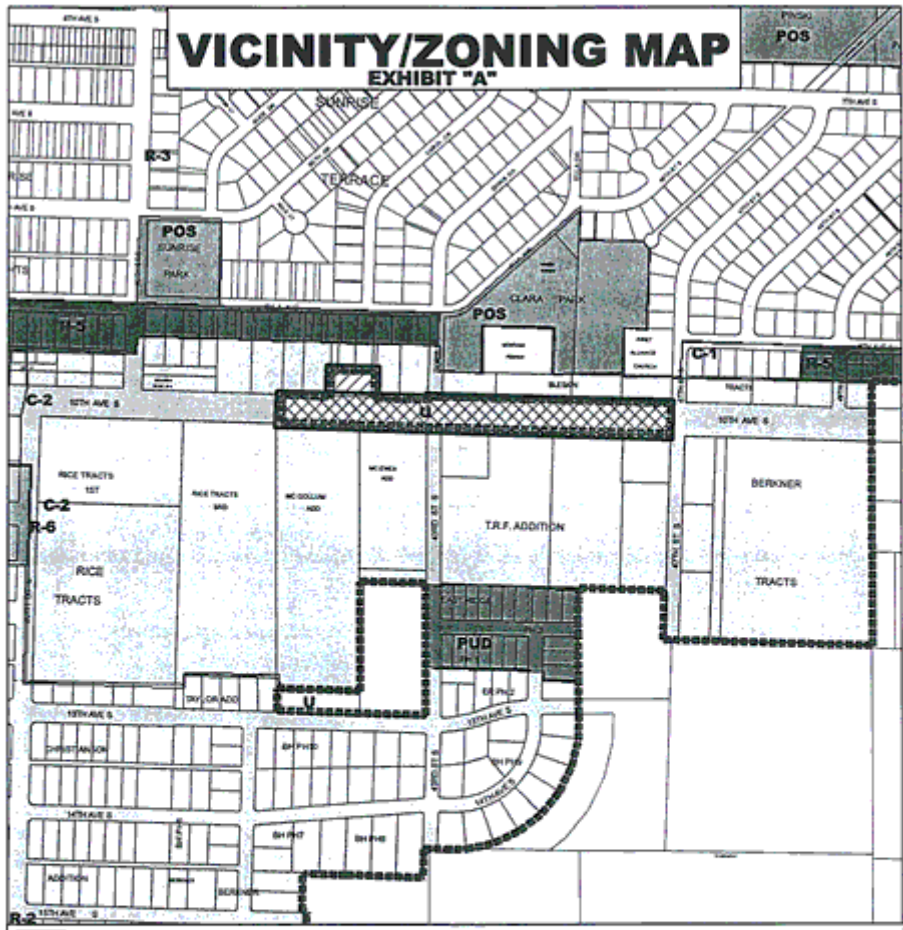
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of October, 2006.







Peggy J. Bourne, City Clerk










(SEAL OF CITY)

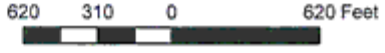
VICINITY/ZONING MAP

EXHIBIT "A"



 MARK 1B, SEC 16, T20N, R4E PROPOSED TO BE ANNEXED INTO THE CITY
 PORTION OF STATE HIGHWAY 87, (10TH AVENUE SOUTH) PROPOSED TO BE ANNEXED INTO THE CITY
 TRACTS OF LAND OUT OF CITY LIMITS
 SUBDIVISION BOUNDARY
 CITY LIMITS BOUNDARY


 R-2 Single-family medium density	 C-1 Neighborhood commercial
 R-3 Single-family high density	 C-2 General commercial
 R-5 Multi-family medium density	 POS Parks and Open Space
 R-6 Multi-family high density	 PUD Planned unit development
	 U Unincorporated Enclaves

 620 310 0 620 Feet
 STREETS

ORDINANCE NO. 2952

AN ORDINANCE ASSIGNING CITY ZONING TO PARCEL MARK NO. 1B AND A PORTION OF 10TH AVENUE SOUTH, BETWEEN 40TH STREET SOUTH AND 47TH STREET SOUTH, SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, a tract of land described as Parcel Mark No. 1B, NW¼, Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and as further described on a Quit Claim Deed filed January 15, 1986, in the Clerk and Recorder's Office of Cascade County, Montana, under Reel 179, Document 688, is an unincorporated enclave entirely surrounded by the incorporated area of the City of Great Falls; and,

WHEREAS, in accordance with Section 7-2-4501 MCA, a city may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city; and,

WHEREAS, being simultaneously annexed with said Parcel No. 1B is a portion of 10th Avenue South between 40th Street South and 47th Street South, in the North Half (N½) of Section 16, Township 20 North, Range 4 East, P.M.M., Great Falls, Cascade County, Montana, and further described as:

Beginning at the southeast corner of Lot 17, Block 7, Sunrise Terrace Addition; of the Amended Plat of Lots 17, 18 and East 58' of Lot 19, The West 41 Feet of Lot 22, Lots 22 thru 28, Block 7, Sunrise Terrace Addition, incorporating there in the Fifth Supplement to Sunrise Terrace Addition and the former portion of the abutting State Highway Roadway Easement, Filed with the Cascade County, Clerk and Recorder on February 25, 1986; thence N.0°06'30"E. 15.0 feet to a point along the west right-of-way line of Doris Drive; thence S.89°55'30"E. 1025.11 feet along the north right-of-way line of the existing State Highway, 10th Avenue South, to the southeast corner of Lot 4, Block 1, Bleskin Tracts Addition to Great Falls; thence S.0°06'30"W. 140.0 feet to the northeast corner of Lot 4, Block 1, T.R.F. Addition to Great Falls and to a point on the south right-of-way of 10th Avenue South; thence N.89°52'20"W. 1026.2 feet along the south right-of-way line of the existing State Highway, 10th Avenue South, to the northeast corner of Lot 1, Block 1, Mc Ewen Addition to Great Falls; thence N.89°52'20"W. 632 feet continuing along the south right-of-way line of the existing State Highway, 10th Avenue South, to the northeast corner of Lot 1, Block 1, Third Supplement to Rice Tracts Addition to Great Falls; thence N.0°43'W. 124.18 feet to a point along the north right-of-way line of the existing State Highway, 10th Avenue South; thence S.89°51'45"E. 634.85 feet along the north right-of-way line of the existing State Highway, 10th Avenue South, to the point of beginning, containing in all 5.071 acres more or less; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the State of Montana or a political subdivision of the state, such land may be incorporated and included in the municipality to which it is contiguous; and

WHEREAS, the City of Great Falls is undertaking the annexation of subject Parcel Mark No. 1B and a portion of 10th Avenue South between 40th Street South and 47th Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, in accordance with Sections 7-2-4501 and 7-2-4402, MCA, respectively; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to Parcel Mark No. 1B and a portion of 10th Avenue South between 40th Street South and 47th Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of October, 2006, before final passage of said Ordinance herein; and,

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

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

Section 1. It is determined assignment of a C-2 General commercial district zoning classification to the hereinabove described Parcel Mark No. 1B and a portion of 10th Avenue South between 40th Street South and 47th Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Parcel Mark No. 1B and a portion of 10th Avenue South between 40th Street South and 47th Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be designated as C-2 General commercial district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolutions annexing the hereinabove described Parcel Mark No. 1B and a portion of 10th Avenue South between 40th Street South and 47th Street South in Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 3rd 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 Ordinance No. 2952 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3rd 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 3rd day of October, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2952 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE October 3, 2006

ITEM Public Hearing – Resolution No. 9593, Ordinance No. 2947, Amended Plat and Annexation Agreement all related to the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition

INITIATED BY Dave Dickman, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9593, and Ordinance No. 2947, and Approve Findings of Fact, Amended Plat and Annexation Agreement

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

The Planning Board has recommended the City Commission approve the Amended Plat and Annexation of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition and Findings of Fact and the Zoning Commission has recommended the City Commission assign a zoning classification of I-1 Light industrial zoning district to same, upon annexation to the City.

MOTION: (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 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.”

and

“I move the City Commission adopt Ordinance No. 2947.”

SYNOPSIS:

Resolution No. 9593 annexes property at 2026 13th Street South.

Ordinance No. 2947 assigns a zoning classification of I-1 Light industrial zoning district, to same, upon annexation to the City. The Amended Plat consolidates half of the vacated alley and Lots 7-12, Block 28, Highland Park Addition into a single lot. The Annexation Agreement contains terms and conditions associated with annexation of same.

BACKGROUND:

Subject amended plat consists of the consolidation of the south ½ of the vacated alley and lots, located at the northwest corner of the intersection of 13th Street South and 21st Avenue South. The applicant intends to construct two warehouse/shop buildings to be leased for business use, similar to those the applicant owns immediately south and across 21st Avenue South.

City water and sanitary sewer mains are proposed to be installed to City standards. The owner's representative has been working with the City Engineer's Office concerning water mains, sanitary sewer mains and future utility connections and will be submitting plans for these utilities.

Surface drainage will flow to the southwest to the City-owned storm water detention, located just south of the Multi-Sports complex.

Mr. Dickman presented his preliminary plans to Neighborhood Council #6 and received a letter in support for the annexation of the property and proposed zoning designation of I-1 Light industrial district.

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

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

The proposed development will be similar to an existing developed area located immediately to the south, which is also along 13th Street South, a minor arterial.

Subject property is part of an existing unincorporated enclave. The City Commission is interested in annexing such enclaves. The City has the capability and capacity to provide necessary public services. Annexation of subject property will reduce the amount of unincorporated enclaves within the City and staff concludes the proposed project would not be out of character with the existing established use and will enhance health, safety and welfare through application of City Codes and provision of municipal services.

At the conclusion of a combined public hearing held July 11, 2006, the Planning Board/Zoning Commission made two separate recommendations, as follows:

The Planning Board unanimously recommended the City Commission approve Amended Plat of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, the accompanying Findings of Fact, and the annexation of the property contained therein, subject to the Zoning Commission adopting Recommendation II and fulfillment of the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City, including agreement:
 - to install public infrastructure within 2 years;
 - to pay proportionate share of water main, paving, curb, gutter and sidewalk in abutting portion of 21st Avenue South, when deemed necessary by the City;
 - to submit plans to the Design Review Board and build structures in accordance with approved plans;
 - to limitations on the number and location of driveway approaches to the site; and
 - to submit the appropriate supporting documents referenced in the agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the amended plat noted by staff shall be corrected.
- 4) Final engineering documents for required public improvements to serve the subdivision are subject to approval by the Public Works Department.

and;

The Zoning Commission unanimously recommended the City Commission approve establishing a City zoning classification of I-1 Light industrial district upon the Amended Plat of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition upon annexation to the City, subject to the Planning Board adopting Recommendation I. upon the annexation of the area contained therein.

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

Attachments: Resolution No. 9593, Ordinance. No. 2947, Findings of Fact, and Annexation Agreement (Annexation Agreement not available online.)

cc: Dave Dickman, 130 Gibson Flats Rd

**FINDINGS OF FACT
FOR AMENDED PLAT OF THE SOUTH ½ OF VACATED ALLEY
AND LOTS 7 – 12, BLOCK 28, HIGHLAND PARK ADDITION,
LOCATED IN SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST
TO GREAT FALLS
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The tracts of land being aggregated into one lot are part of an unincorporated enclave surrounded by the City of Great Falls. The most recent land use upon the lots was a mobile home. The aggregation of the vacated alley and lots will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

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

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

Public streets already serve the proposed business location, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving along 21st Avenue South abutting the subdivision.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any excess surface runoff will flow to the southwest to a City-owned storm water detention facility located south of the Multi-Sports complex.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

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

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

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

III. EASEMENT FOR UTILITIES

Within the subdivision, the subdivider will provide the necessary utility easements as a part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision are provided by the abutting 13th Street South and 21st Avenue South, which are improved public rights-of-way maintained by the City of Great Falls.

RESOLUTION NO. 9593

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE SOUTH ½ OF VACATED ALLEY AND LOTS 7 – 12, BLOCK 28, HIGHLAND PARK ADDITION, IN SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT “A” AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, located in Section 13, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing .573 acres,

all as shown on the map attached hereto marked Exhibit “A” and by this reference made a part hereof, and according to the Amended Plat of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition; and,

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

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

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

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the law and constitution of the State of Montana, and all conditions, acts, and things

required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "THE SOUTH ½ OF VACATED ALLEY AND LOTS 7 – 12, BLOCK 28, HIGHLAND PARK ADDITION, IN SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd 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)

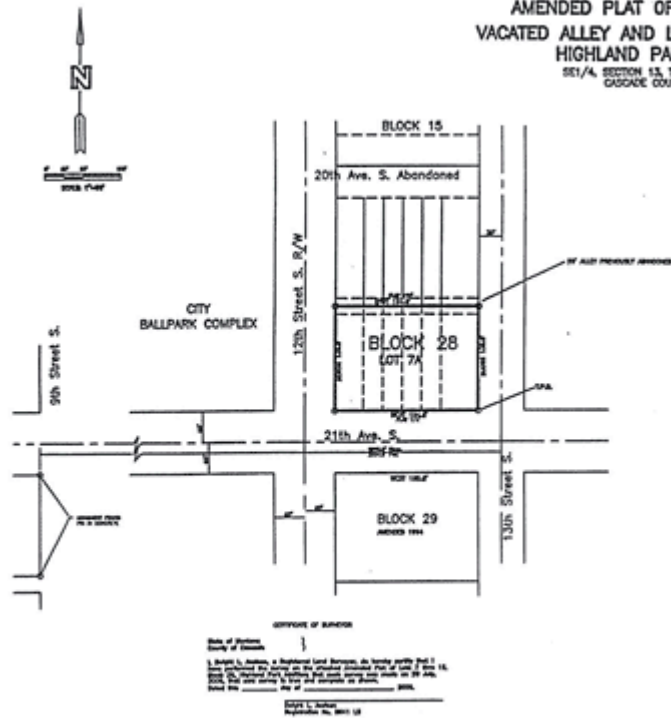
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9593 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of October, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of October, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

**AMENDED PLAT OF SOUTH HALF OF
VACATED ALLEY AND LOTS 7-12, BLOCK 28
HIGHLAND PARK ADDITION
SE1/4, SECTION 15, T 20 N, R 3 E, P.M.M.
CROCKE COUNTY, MONTANA**



CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of the City of Great Falls, Montana County, Montana, do hereby certify that the foregoing plat of the City of Great Falls, Montana, of a vacant alley and lots in Block 28, Highland Park Addition, City of Great Falls, Montana County, Montana, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024. For the City of Great Falls, Montana, I have caused this plat to be signed and sealed by me and the seal of the City of Great Falls, Montana, to be hereunto affixed.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, Public Safety Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of Block 28, Highland Park Addition, and the same is correct, and that I find the same conform to the laws of Montana, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, Public Safety Director, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that the above plat of Block 28, Highland Park Addition, and the same is correct, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of Block 28, Highland Park Addition, and the same is correct, and that I find the same conform to the laws of Montana, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that the above plat of Block 28, Highland Park Addition, and the same is correct, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that the above plat of Block 28, Highland Park Addition, and the same is correct, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that the above plat of Block 28, Highland Park Addition, and the same is correct, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that the above plat of Block 28, Highland Park Addition, and the same is correct, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

CITY OF GREAT FALLS, MONTANA
I, John H. Larson, City Manager of Great Falls, Montana, do hereby certify that the above plat of Block 28, Highland Park Addition, and the same is correct, and that I am duly qualified to do so. Witness my hand and the seal of the City of Great Falls, Montana, this 15th day of August, 2024.

JOHN H. LARSON, City Manager, City of Great Falls, Montana

EXHIBIT "A"

LEGEND	AMENDED PLAT OF SOUTH HALF OF VACATED ALLEY AND LOTS 7-12, BLK. HIGHLAND PARK ADDITION CROCKE COUNTY, MONTANA
● ROAD SYNCHRONIZATION	
○ GOVERNMENT	
— GOVERNMENT	
— BOUNDARY OF ADJACENT	
— LOT LINES	
— SPLIT UP LINE	
DATE: 8/15/24	DELTA ENGINEERING, P.C.
DRAWN BY: JH	
CHECKED BY: JH	
SCALE: AS SHOWN	
PROJECT: AMENDED PLAT OF SOUTH HALF OF VACATED ALLEY AND LOTS 7-12, BLK. HIGHLAND PARK ADDITION, CROCKE COUNTY, MONTANA	

ORDINANCE NO. 2947

AN ORDINANCE ASSIGNING A ZONING
CLASSIFICATION OF I-1 LIGHT INDUSTRIAL DISTRICT
TO THE AMENDED PLAT OF THE SOUTH ½ OF
VACATED ALLEY AND LOTS 7 – 12, BLOCK 28,
HIGHLAND PARK ADDITION, IN SECTION 13,
TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M.,
CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Dave Dickman has petitioned the City of Great Falls to annex the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, located in Section 13, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Dave Dickman has petitioned said South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, be assigned a City zoning classification of I-1 Light industrial district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of I-1 Light industrial district, to said South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of October, 2006, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, be designated as I-1 Light industrial district classification.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing the South ½ of Vacated Alley and Lots 7 – 12, Block 28, Highland Park Addition, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this 3rd 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 Ordinance No. 2947 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 3rd day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3rd 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 3rd day of October, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2947 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE October 3, 2006ITEM Ordinance No. 2953 to Establish City Zoning Upon Minor Plat of East Ridge
Addition Phase 4INITIATED BY C & W Development, Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2953 on First Reading and Set
HearingPREPARED BY Charles Sheets, Planner 1APPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of PUD Planned unit development district, to East Ridge Addition Phase 4, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2953 on first reading and set a public hearing for November 8, 2006, to consider adoption of Ordinance No. 2953."

SYNOPSIS:

Ordinance No. 2953 assigns a zoning classification of PUD Planned unit development district, to East Ridge Addition Phase 4, upon annexation to the City.

BACKGROUND:

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

The developer will install standard City paving, curb and gutter to extend 12th Avenue South. City water and sanitary sewer mains are proposed to be installed to City standards. The owner's representative has been working with the City Engineer's Office concerning water mains and sanitary sewer. The Minor Plat continues an existing 10-foot utility easement near the north boundary of Lot 1, Block 1, East Ridge Addition Phase 4.

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

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

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

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;

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

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

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

The Zoning Commission, at the conclusion of a public hearing held September 12, 2006, unanimously recommended the City Commission assign a zoning classification of PUD Planned unit development district to East Ridge Addition Phase 4 upon the annexation of the area contained therein.

It is anticipated the City Commission, following the public hearing on November 8, 2006, will consider an annexation resolution, Annexation Agreement and Minor Plat for East Ridge Addition Phase 4, simultaneously with Ordinance No. 2953.

Attachments: Ord. No. 2953
Vicinity/Zoning Map

cc: Woith Engineering, 1725 41st St S

ORDINANCE NO. 2953

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

* * * * *

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

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

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district, to said East Ridge Addition Phase 4, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 8th day of November, 2006, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of East Ridge Addition Phase 4, be designated as PUD Planned unit development district classification subject to the building envelopes and setbacks attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing East Ridge Addition Phase 4, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

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

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2953 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 8th day of November, 2006.

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

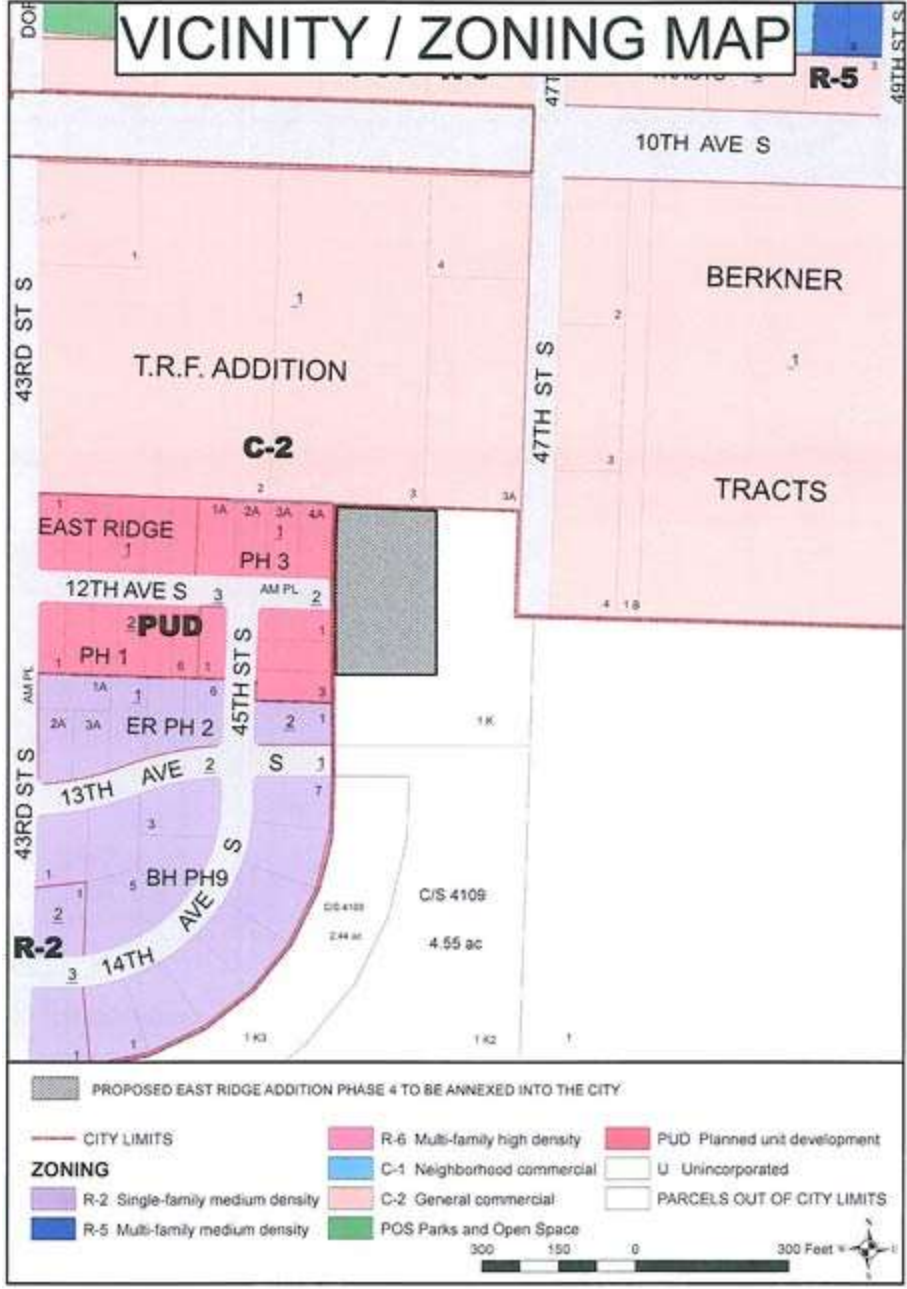
Peggy J. Bourne, being first duly sworn, deposes and says: That on the 8th day of November, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2953 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY / ZONING MAP



43RD ST S
43RD ST S
43RD ST S
43RD ST S

45TH ST S
47TH ST S
47TH ST S
47TH ST S

T.R.F. ADDITION
C-2

10TH AVE S
BERKNER TRACTS

EAST RIDGE PH 3
12TH AVE S
PH 1
ER PH 2
13TH AVE
BH PH 9
14TH AVE S



PROPOSED EAST RIDGE ADDITION PHASE 4 TO BE ANNEXED INTO THE CITY

C/S 4109
2.44 ac
C/S 4108
4.55 ac

AGENDA REPORT

DATE October 3, 2006ITEM Ordinance No. 2954 to Establish City Zoning Upon West Ridge Addition, Phase IVINITIATED BY S & L Development, L.L.C., Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2954 on First Reading and Set HearingPREPARED BY Bill Walters, Senior PlannerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

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

MOTION:

"I move the City Commission accept Ordinance No. 2954 on first reading and set a public hearing for November 8, 2006, to consider adoption of Ordinance No. 2954."

SYNOPSIS:

Ordinance No. 2954 assigns a zoning classification of R-3 Single-family high density district, to West Ridge Addition, Phase IV, upon annexation of same to City. The proposed development consists of 37 single-family residential lots located immediately northwest of Skyline Education Center.

BACKGROUND:

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

For additional information, please refer to the attached Vicinity/Zoning Map and Final Plat of West Ridge Addition Phase IV.

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

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

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

Storm drainage from the subdivision will be piped to the City's Northeast Regional Storm Water Retention Facility, located ½ mile to the northeast. The subdivision's proportionate share of the cost of the Retention Facility and the off-site piping system will be assessed. In light of the problems experienced at the Retention Facility this past Spring, the City on September 5, 2006, awarded a contract to more than double the capacity of the Retention Facility. The work will be completed this Fall. The City has also retained an engineering consultant to prepare a storm water master plan for the northern portion of the City which will eventually include piping excess runoff from the Retention Facility towards Watson Coulee.

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

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

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

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

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

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

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

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

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

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

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

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

It is anticipated the City Commission, following the public hearing on November 8, will consider an annexation resolution, annexation agreement and final plat for West Ridge Addition, Phase IV, simultaneously with Ordinance No. 2954.

Attach: Ord. No. 2954
Vicinity Map
Reduced Copy of Drawing Portion of Final Plat

cc: Delta Engineering, P.O. Box 1481

ORDINANCE NO. 2954

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

* * * * *

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

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

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

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

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

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

Section 2. That the zoning of West Ridge Addition, Phase IV, be designated as R-3 Single-family high density district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing West Ridge Addition, Phase IV, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

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

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2954 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 8th day of November, 2006.

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 8th day of November, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2954 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:










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

Peggy J. Bourne, City Clerk

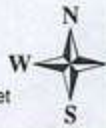
(SEAL OF CITY)

VICINITY / ZONING MAP

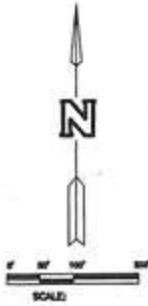


-  PROPOSED PRELIMINARY PLAT OF WEST RIDGE ADDITION PHASE IV TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY
-  City Limits
-  Streets
-  Tracts of land out of City Limits
-  R-2 Single-family medium density
-  PLI Public Lands and Institutional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

500 250 0 500 Feet



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



ROAD AREA= 130,442.0 SF
LOT AREA= 427,256.4 SF

PHASE IV
PHASE III
PHASE III
EX. PHASE I

W.P.C. GAS LINE
30" O. CONDUIT

- LEGEND**
- ◻ PLANNED SECTION CORNER
 - CONCRETE MONUMENT
 - WOODEN PIN / CAP
 - L. FONTANA PIN / CAP
 - EXISTING MONUMENT
 - ◆ NEW MONUMENT



N. WEST RIDGE C/S 3381
S & L DEVELOPMENT, UNPLATTED

Scale of Bearing
S 89°42' E
644.50'

N1/4 CORNER SEC. 35
1/4" IRON N. MONUMENT

FUTURE PHASE V
EX. PHASE II

SKYLINE PARK ADD. #9
JIM WORKMAN

ELECTRICAL

SKYLINE SCHOOL ADD.
LOT 1, BLK. 1

LOT 2, BLK. 1

LOT 2, BLK. 2

PARK
LOT 1, BLK. 2

BLOCK 7, 1st ADD. TO HENDERSON HE

BLOCK 8, 1st ADD. TO HENDERSON HEIGHTS

SKYLINE DRIVE

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

DATE: October 3, 2006

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

ACTION REQUESTED ACCEPT ORDINANCE 2955 ON FIRST READING AND SET PUBLIC HEARING FOR 7 PM OCTOBER 17, 2006

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends 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

“I move 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.

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 accept Ordinance 2955 on first reading and set a public hearing and final reading for October 17, 2006.

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.

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 and John Rosenbaum. Sandy Hinz was excused. Also present were the City Manager, Assistant City Manager, Acting City Attorney, Directors of Community Development, Fiscal Services, Planning, Public Works, Library, Police Chief, Fire Chief, the acting Park and Recreation Director and the City Clerk.

PROCLAMATIONS: Mayor Stebbins read a Proclamation acknowledging Constitution Week and National Good Neighbor Day.

NEIGHBORHOOD COUNCILS

- Good Neighbor Day**
1. Karen Grove, Neighborhood Council 8, invited the community to the Good Neighbor Day festivities to be held at Heren Park on Sunday, September 24.

PUBLIC HEARINGS

- Res. 9599, Levy and Assess Special Lighting Districts. Adopted.**
2. **RESOLUTION 9599, TO LEVY AND ASSESS SPECIAL MAINTENANCE LIGHTING DISTRICTS (SLD).**

Fiscal Services Director Coleen Balzarini reported on Items 2 – 5, stating that in order to legally provide necessary assessment support, State law requires the City Commission to conduct a public hearing and adopt authorizing assessment resolutions.

She added that Resolution 9599 authorizes staff to assess properties within Special Lighting Districts that were created prior to the current year. She explained that Resolutions 9601, 9602 and 9603 authorize staff to assess properties within Special Lighting Districts that were created this past year.

Mayor Stebbins declared the public hearing open for Resolution 9599, 9601, 9602 and 9603. No one appeared to speak in support of or opposition to the Resolutions. Mayor Stebbins declared the public hearings closed and asked for direction from the Commission.

Commissioner Rosenbaum moved, seconded by Commissioners Jovick-Kuntz and Beecher, that the City Commission adopt Resolution 9599.

Motion carried 4-0.

Res. 9601, Levy and Assess Special Lighting District 1302. Adopted.

3. **RESOLUTION 9601, TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING 1302 ALONG BEARGRASS DRIVE WITHIN MEADOWLARK ADDITION 3.**

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution 9601.

Motion carried 4-0.

Res. 9602, Levy and Assess Special Lighting District 1304. Adopted.

4. **RESOLUTION 9602, TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING 1304 WITHIN EAGLES CROSSING PHASE 1.**

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9602.

Motion carried 4-0.

Res. 9603, Levy and Assess Special Lighting District 1306. Adopted.

5. **RESOLUTION 9603, TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING 1306 ALONG CAMAS DRIVE WITHIN MEADOWLARK ADDITION 4.**

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9603.

Motion carried 4-0.

Res. 9607, To Levy and Assess Properties for Unpaid Utility Services. Adopted.

6. **RESOLUTION 9607, TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES.**

Fiscal Services Director Coleen Balzarini reported that properties which had utility services provided to them prior to June 30, 2006, but remain unpaid, were subject to the City's right to lien the property for the amount owed. The Fiscal Services Department reviews the accounts quarterly and notifies property owners of the delinquent charges and the right to lien the property.

Ms. Balzarini added that the legal owners of the properties were last notified in a letter dated July 6, 2006, that unless these charges were paid within 30 days, the amount owed would be levied as a tax against the property. These properties also receive the normal monthly billing

statements. A final letter stating the date and time of the public hearing was sent September 7, 2006, and a notice was published September 8 and 15, 2006, in the *Great Falls Tribune*.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of Resolution 9607. **John Hubbard** requested clarification on this issue. There being no one further to address the Commission, Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9607.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9615, Intent to Vacate an Unused Portion of 26th Street South Right-of-way. Amended Plat of T20N R4E Sec. 18, Parcel Mark 6B. Adopted.

7. RESOLUTION 9615, INTENT TO VACATE AN UNUSED PORTION OF 26th STREET SOUTH RIGHT-OF-WAY.

Planning Director Ben Rangel reported that adoption of Resolution 9615 would set a public hearing for October 17, 2006, to consider vacating an unused segment of 26th Street South right-of-way abutting Parcel Mark 6B, Section 18, T20N, R4E. 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, Block 1. The applicant desired to combine subject right-of-way and Parcel Mark 6B into Lot 1A, Block 1 of Forest Glen South. The vacated 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 road.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9615.

Motion carried 4-0.

Ord. 2951, Amending OCCGF 10.48.220 and 230 Pertaining to Bus and Passenger Loading Zones. Adopted.

8. ORDINANCE 2951, AMENDING OCCGF 10.48.220 AND 230 PERTAINING TO BUS AND PASSENGER LOADING ZONES.

Acting City Attorney Kory Larsen reported that several school bus drivers registered complaints about passenger vehicles parking in school bus zones adjacent to several area schools. The bus drivers raised safety and traffic flow concerns as a result of passenger cars parking in bus zones. After initially discussing the matter with the Great Falls Police

Department, the issue was turned over to the School Traffic Safety Committee which held several meetings to discuss the issue and propose these changes.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2951.

Motion carried 4-0.

Res. 9617, Assessing Business Improvement District. Adopted.

9. RESOLUTION 9617, ASSESSING BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that the Business Improvement District was created in 1989 and recreated in 1999 by petition of the property owners in the district. Assessments are levied upon properties in the district to fund the Business Improvement District (B.I.D.). As in prior years, the assessment requested for 2006/2007 is based on the assessment formula approved with the creation of the district, which will generate \$159,816.53 in assessment revenue.

Mrs. Balzarini added that the Business Improvement District provided the goal and financial information the City Commission requested.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9617.

Motion carried 3-0-1 (Commissioner Jovick-Kuntz abstaining).

Consent Agenda. Approved as printed.

CONSENT AGENDA

10. Minutes, September 5, 2006, Commission meeting.
11. Total expenditures of \$1,085,489 for the period of August 23 through September 12, 2006, to include claims over \$5,000 in the amount of \$862,024.
12. Contracts list.
13. Lien Release list.
14. Gift from the Walter and Lucille Elliott Revocable Trust and transfer to the Great Falls Public Library.
15. Contract for the 2006 CDBG Sidewalk Replacement to Lapke Construction LLC in the amount of \$110,827. (OF 1453.2)
16. Contract for the 2006 CDBG Handicap Ramp Replacement to Lapke Construction LLC in the amount of \$104,120. (OF 1453.1)
17. Contract for the Medical Technology Park, Lot 3, Utility and Street Improvements to Shumaker Trucking and Excavating Contractors, Inc. in the amount of \$403,635 and to United Materials of Great Falls, Inc. in the amount of \$460,850. (OF 1417.1)
18. Bid Award for the roof replacement on Fire Station 4 to Statewide Contracting Inc. in the amount of \$64,000. (OF 1493)

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

Motion carried 4-0.

PETITIONS AND COMMUNICATIONS

Street Assessment

22A. John Hubbard expressed concern about the increase in the Street Maintenance District, especially for those on a fixed income.

Library donation, sidewalks and the Fire Department.

22B. Mike Whitsoe asked what the dollar amount was on the Elliot Trust. Library Director Jim Heckel explained that the gift was an in-kind donation of stocks and the value was not known at this time. Mr. Whitsoe also expressed concern that the sidewalk contractor from last year’s CDBG sidewalk program did not do a good job with sodding needed areas. Finally, Mr. Whitsoe congratulated the Fire Department for a job well done on the B&B Rental fire.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of September 19, 2006, adjourned at 7:38 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 SEPTEMBER 20, 2006	504,154.63
MASTER ACCOUNT CHECK RUN FOR SEPTEMBER 27, 2006	457,696.94
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 8, 2006	2,931.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 15, 2006	55,640.92
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 22, 2006	3,877.00
WIRE TRANSFERS FROM SEPTEMBER 14, 2006 THRU SEPTEMBER 19, 2006	271,475.07
WIRE TRANSFERS FROM SEPTEMBER 27, 2006	<u>60,881.10</u>
TOTAL: \$	<u><u>1,356,656.66</u></u>

GENERAL FUND

POLICE

ADVANCED INTERACTIVE SYSTEMS	WEAPONS SIMULATOR	64,403.00
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PARK & RECREATION

MONTANA WASTE SYSTEMS	AUGUST FEES	64.84
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SPECIAL REVENUE FUND

PLANNING

LHEUREAUX PAGE WERNER	PROF SERVICES-MEDICAL DIST PLAN	12,429.08
LHEUREAUX PAGE WERNER	PROF SERVICES-MEDICAL DIST PLAN	1,716.30

POLICE SPECIAL

NEW WORLD SYSTEMS	SOFTWARE DOWN PAYMENT	6,750.00
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STREET DISTRICT

GREAT FALLS REDI MIX	ASPHALTIC CONCRETE	148,708.42
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**NATURAL RESOURCE
SPECIAL REVENUE FUND CONTINUED**

MONTANA WASTE SYSTEMS	AUGUST FEES	24.18
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ECONOMIC REVOLVING

JUST RITE ACOUSTICS	PATCH CEILING IN FAA BUILDING	5,750.00
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ENTERPRISE FUNDS

WATER

DAVID KUGLIN CONSTRUCTION	SLUDGE BASIN PROJECT	25,274.90
THATCHER CO	LIQUID ALUMINUM SULFATE	3,678.72
THATCHER CO	LIQUID ALUMINUM SULFATE	3,809.15
HUGHES SUPPLY INC	WATER/HYDRANT SUPPLIES	5,825.61
CRANE PRO SERVICES	6 TON CHAIN HOIST	8,552.77
GERANIOS ENTERPRISES INC	PMT # 1 13TH ST N WATER MAIN REPLAC	82,643.24

SEWER

VEOLIA WATER NORTH AMERICA	OPERATION AND MAINT WWTP	191,273.67
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SANITATION

MONTANA WASTE SYSTEMS	AUGUST FEES	74,393.18
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PARKING

CARDINAL TRACKING	PARKING SOFTWARE	1,802.20
CARDINAL TRACKING	PARKING SOFTWARE	23,644.00
APCOA/STANDARD PARKING	PARKING	21,824.99

SWIM POOLS

WELLS FARGO BANK	DEBT SERVICE	167,935.09
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CIVIC CENTER

BARBIZON LIGHT OF THE ROCKIES	LIGHTING EQUIPMENT	9,111.90
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS BLUE SHIELD	SEPTEMBER FEES	41,307.19
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 9/13/06 - 9/19/06	62,165.61
BLUE CROSS BLUE SHIELD	DRUG CLAIMS AUGUST 2006	44,262.15
BLUE CROSS BLUE SHIELD	GROUP & HMO CLAIMS 9/20/06 - 9/26/06	60,881.10

FISCAL SERVICES

POSTMASTER	BULK POSTAGE	13,221.33
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CENTRAL GARAGE

MOUNTAIN VIEW COOP	UNLEADED FUEL	17,689.00
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	53,310.92
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CLAIMS OVER \$5000 TOTAL: \$ 1,152,452.54

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

**AGENDA: 10
DATE: October 3, 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	Administration/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 RFP on Employee Health Benefits Third Party Claims Administration and Stop Loss Coverage.
B	Legal Department	Roger Doney 1830 Lacy Lane Whitefish MT 59937	Current		\$1.00	Release, Abandonment and Quit Claim of Rights-of-Way and Easements Lot 1, American Agri-Technology Addition to Great Falls
C	Park & Recreation Department	Poncelet Landscape & Excavating 410 34 Street NW Great Falls MT 59404	Commencing September 15, 2006		\$4,000	Demolition and Reclamation of the old BMX Park located in Sandhills Park. O.F. 1496

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

**AGENDA: 11
DATE: October 3, 2006**

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

PRESENTED BY: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Community Development	Marty & Deborah Williams (Current owner of record is Cordeiro Construction) Lot 8 & 37½ of Lot 9, Block 187, Great Falls Original Addition			\$25,332.50	Resolution #9372 for Assessing Costs Incurred in the Nuisance Abatement of Property located at 500- 510 5 th Street North in violation during calendar year 2004.

AGENDA REPORT

DATE: October 3, 2006

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

ACTION REQUESTED SET PUBLIC HEARING FOR 7 PM OCTOBER 17, 2006

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission set the public hearing on Resolution 9614, establishing street closure, park rental and special events with alcoholic beverage permit fees, for October 17, 2006 at 7:00 pm.

MOTION

I move the City Commission set a public hearing on Resolution 9614 for October 17, 2006 at 7:00 pm.

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	

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

DATE October 3, 2006

ITEM: TWO NEW TANDEM AXLE TRUCKS WITH
NEW SIDELOAD REFUSE PACKERS

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: BID AWARD

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for two new tandem axle trucks with new side-load refuse packers, to I-State Truck Center of Great Falls for \$344,100, including a receiving-hopper cover option and accepting the trade-in offers.

MOTION:

I move that the City Commission award the bid for two new tandem axle trucks with new side-load refuse packers, to I-State Truck Center of Great Falls for \$344,100, including a receiving-hopper cover option and accepting the trade-in offers.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to five prospective bidders with four bidders responding. The bids were opened on September 20, 2006.

Staff recommends accepting the option of receiving-hopper covers which were not specified for an additional cost of \$1,090 for each truck. This feature would help prevent debris from blowing out of the hopper while transporting waste to the landfill.

Staff recommends accepting the trade-in offers of \$12,500 each for the City's 1997 Volvo WX64 VIN# 4VMDCKPF7VR741560 with Heil 33 yd Formula 7000 (911) and the City's 1997 Volvo WX64 VIN# 4VMDCKPF9VR741561 with Heil 33 yd Formula 7000 (913).

BACKGROUND:

These units will be used for residential solid waste collection. Funds for their purchase are provided in the FY 2006-2007 Sanitation Budget.

**TANDEM AXLE REFUSE TRUCKS
BIDDERS LIST**

TRI-STATE EQUIPMENT
5024 TRI-HILL FRONTAGE ROAD
GREAT FALLS MT 59404

I STATE TRUCK CENTER
PO BOX 2472
GREAT FALLS MT 59403

KOIS BROTHERS EQUIPMENT
PO BOX 1728
GREAT FALLS MT 59403

MOTOR POWER GREAT FALLS
P.O. BOX 2264
GREAT FALLS MT 59403

SOLID WASTE SYSTEMS
ATTN: KEN REISTAD
PO BOX 4099
SPOKANE, WA 99202

CITY OF GREAT FALLS, MONTANA

AGENDA _____ 14 _____

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

DATE _____ October 3, 2006 _____

ITEM: CONTRACT BID AWARD: MALMSTROM AIR FORCE BASE OUTFALL SEWER UPSIZING & REPLACEMENT (OUTFALL TO 57th STREET), O.F. 1425.5

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Approve Contract between the City of Great Falls and Dave Kuglin Construction, for the MAFB Outfall Sewer Upsizing & Replacement (Outfall to 57th Street), O.F. 1425.5.

MOTION: "I move the City Commission award a contract in the amount of \$186,490 to Dave Kuglin Construction, for the MAFB Outfall Sewer Upsizing & Replacement (Outfall to 57th Street), O.F. 1425.5 and authorize the City Manager to execute the contract."

PROJECT TITLE: MAFB Outfall Sewer Upsizing & Replacement (Outfall to 57th Street), O.F. 1425.5

RECOMMENDED CONTRACTOR: Dave Kuglin Construction

CONTRACT AMOUNT: \$186,490

ENGINEERS ESTIMATE: \$168,500

BUDGETED FUND: Sewer Capital Funds

START DATE: October, 2006

COMPLETION DATE: November, 2006

PENALTY/INCENTIVE TERMS: Liquidated Damages, \$440.00/Day

SYNOPSIS: In late 2003, it was discovered that the Northeast Interceptor sanitary sewer was in need of major repairs or replacement. In the summer of 2004 a project to upgrade and upsize a portion of sewer was completed. This project is a continuation of the above mentioned project and will upgrade and upsize the existing sewer from just east of the 57th Street Northeast Bypass to the Malmstrom Air Force Base (MAFB) force main discharge manhole. This is the location in which

the City takes over operations and maintenance.

This contract will accomplish two main objectives. First, the deteriorated concrete sewer main will be replaced with a new PVC plastic main that will not deteriorate in the corrosive environment. Second, the new main will be larger than the current main, which will allow for future development of the ethanol plant, coal-fired power plant, and other growth.

Five bids were opened on September 20, 2006. The prices bid are within the project budget.

BACKGROUND: This project will upgrade a portion of the Northeast Interceptor Sewer that serves MAFB.

This project will install approximately 1,100 feet of new 30 inch diameter PVC sanitary sewer main and four new manholes from the east side of 57th Street (Northeast Bypass) to the MAFB force main discharge. The existing mains are made of reinforced concrete and have been greatly deteriorated by hydrogen sulfide gas over the last 25 years. The original portion of the main is also undersized and flowing near capacity.

City Engineering Staff completed the project design and will perform construction inspection and administration.

Attachment: Bid (Not Available on line. On file in the office of the City Clerk.)

AGENDA REPORT

DATE October 3, 2006

ITEM: ENGINEERING SERVICES CONTRACT: SUNNYSIDE WATER PRESSURE IMPROVEMENTS – PIPING, O.F. 1494.1

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE ENGINEERING CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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RECOMMENDATION: Approve Engineering Contract between the City of Great Falls and Thomas, Dean & Hoskins, Inc. (TDH) for engineering services to be performed for the Sunnyside Water Pressure Improvements – Piping, O.F. 1494.1 for a professional services fee not to exceed \$30,000.

MOTION: “I move the City Commission approve the Engineering Contract between the City of Great Falls and Thomas, Dean & Hoskins, Inc. for engineering services for the Sunnyside Water Pressure Improvements – Piping, O.F. 1494.1, and authorize the City Manager to execute the agreements.”

SYNOPSIS: City Staff has negotiated a professional engineering services contract (attached) with TDH to evaluate routes for new water transmission mains to improve water pressure and fire flows in the Sunnyside Heights, Fairview, Prospect Park, Finley Supplement, and Castle Pines Additions. Due to the higher elevation of the area, water pressures are lower than desired. This has been an ongoing problem for many years.

This engineering services contract will build upon recommendations and computer modeling generated in the new Water Master Plan. These pipeline improvements are recommended in the Master Plan. Upon the completion of this engineering contract, City Engineering Staff will design the specific improvements for construction.

BACKGROUND: The Sunnyside neighborhood is the largest of several areas in Great Falls that have lower than desired water pressure. The Master Plan has recommended that series of improvements be made to remedy this situation. The proposed water transmission mains will bring higher pressure water into the area from the East Booster District. Other future improvements could include a pump station, elevated water tank, and other transmission mains.

The area slated for pressure improvements is roughly bounded by 13th Street on the west, 11th Avenue South on the north, 20th Street on the east, and Castle Pines on the south.

The contract will evaluate potential routes; determine system modifications needed to change over from the Main to the East Booster pressure zone; provide hydraulic analysis to determine residual pressures for domestic and fire flows; generate construction cost estimates; and prepare a report summarizing findings and recommendations of the route evaluation. Staff will then design the pipeline improvements needed to improve water pressure. Construction is currently scheduled for 2007. Other projects will follow as designs are completed and funding becomes available.

Attachments: Engineering Services Contract (Not available online)

14941engAR

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

AGENDA# 16
DATE October 3, 2006

ITEM: PROFESSIONAL SERVICES CONTRACT WITH TISCHLER BISE, INC EVALUATING ANNUAL FISCAL IMPACTS AS THEY RELATE TO THE CONSTRUCTION AND OPERATION OF THE HIGHWOOD GENERATING STATION

INITIATED BY: CITY OF GREAT FALLS AND SME G&T

ACTION REQUESTED: APPROVE PROFESSIONAL SERVICES CONTRACT

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: Staff recommends the City Commission approve the following motion:

MOTION:

I move the City Commission approve a professional services contract with Tischler Bise, Inc. to evaluate annual fiscal impacts as they relate to the construction and operation of the Highwood Generating Station project in the amount of \$45,000 to be reimbursed by SME G&T, and authorize the City Manager to execute the contract.

SYNOPSIS:

The City of Great Falls and Southern Montana Electric G&T have been engaged in discussions regarding city services which are available and necessary to the operation of the Highwood Generating Plant. This discussion has also considered the impact on City services that will occur during the 4 year construction cycle when up to 550 construction workers will be onsite and during the operations phase which will require approximately 65 full time employees to run the plant. As an example, a primary need identified has been Fire/Rescue services. Because the plant will be located approximately 8 miles to the east of the eastern city limits, a request has been made of the City and SME, by Cascade County, to consider an option of providing City services to the plant by contractual arrangements rather than annexation.

Although no commitment regarding annexation has been made, analyses of the feasibility of such a request requires an evaluation of pertinent issues such as annual fiscal impacts from the plant, both during the plant construction phase and during the plant's 35+ year operating phase. Therefore, it is recommended that the City seek the services of a consultant knowledgeable in this specialized area of work. The total anticipated cost of the work will be \$45,000.

Tischler Bise will work with City staff and SME over a 3 month period to gather and analyze information with a presentation of the results upon completion. This cost will be

reimbursed to the City by SME as the developer requesting consideration for alternative options and therefore precipitating the need for the analyses.

**CONSULTANT AGREEMENT
BETWEEN TISCHLERBISE, INC. AND
CITY OF GREAT FALLS, MONTANA**

THIS AGREEMENT, entered into this ____ day of _____, 2006, by and between City of Great Falls, Montana hereinafter called the "City", and TischlerBise, Inc., hereinafter called the "Consultant".

WHEREAS the City is in need of certain services; and

WHEREAS the Consultant has expertise in fiscal impact analysis and related activities.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS HEREIN CONTAINED, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. The Consultant shall provide those services to the City as more particularly identified in the attached Exhibit "A".
2. In performing the services identified in the attached Exhibit "A", the Consultant shall perform all steps necessary to the full and effective performance of the tasks specifically referenced in Exhibit "A".
3. Consultant shall provide sufficient qualified personnel to perform all services as required herein, including but not limited to inspections and preparation of reports, as reasonably requested by representatives of the City.
4. The Consultant shall base the analysis on data and information available at the time of the study.
5. (A) The term of this agreement shall be from the date of execution of the Agreement, and shall terminate upon the completion of the appropriate tasks specified in Exhibit "A".

(B) Notwithstanding the foregoing, this Agreement may be terminated by the City upon ten (10) days written notice, with or without cause. If this Agreement is terminated, the Consultant shall be paid for services performed to the date of Consultant's receipt of such termination notice.

6. Any notices to be given by either party to the other must be in writing, and personally delivered or mailed by prepaid postage and certified mail, at the following address:

City: John Lawton, City Manager, City Manager's Office, #2 Park Drive South, P.O. Box 5021, Great Falls, MT 59403. Telephone Number (406) 455-8450. Facsimile number (406) 727-0005.

Consultant: Paul S. Tischler, TischlerBise, Inc., 4701 Sangamore Road, Suite S240, Bethesda, MD 20816. Telephone Number (800) 424-4318. Facsimile number (301) 320-4860.

7. This Agreement is non-assignable by the Consultant and its subcontractors.
8. The City shall pay to Consultant the amounts indicated in Exhibit "B" for those appropriate tasks identified in Exhibit "A". Invoices will be issued by the Consultant to the City on a percentage completion basis. Payment will be made by the City within 30 days of receipt of invoice.
9. This Agreement shall be construed under the laws of Montana.
10. This Agreement and Exhibits "A" and "B" represent the entire and integrated Agreement between the City and the Consultant and supersede all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and the Consultant. Written and signed amendments shall automatically become part of the Agreement, and shall supersede any inconsistent provision therein; provided, however, that any apparent inconsistency shall be resolved, if possible, by construing the provisions as mutually complementary and supplementary.
11. In the event any provision of the Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, terms, conditions, or covenant shall not be construed by the other party as a subsequent breach of the same by the other party.
12. The Consultant hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits caused by the Consultant's breach of contract or the negligent performance by Consultant (or by any person acting for the Consultant or for whom the Consultant is responsible).
13. The Consultant shall secure and maintain during the life of this Agreement, insurance coverage which shall include comprehensive general and automobile liability in the amount of at least \$1,000,000.00 coverage with an insurer acceptable to the City. Consultant shall also maintain errors and omissions insurance in the amount of at least \$250,000.00 for the duration of the contract and a period of two years after completion of the contract. Consultant shall provide the City with proof of such insurance in a form acceptable to the City upon request.

14. No oral orders, objection, claim, or notice by any party to the other shall affect or modify any of the terms or obligations contained in the Agreement, and none of the provisions of this Agreement shall be held to be waived or modified by reason of any act whatsoever, other than by a definitely agreed waiver or modification thereof in writing. No evidence of modification or waiver other than evidence of any such written notice, waiver, or modifications shall be introduced in any proceeding.

15. This Agreement is to be governed by the laws of the City of Great Falls. The venue for any litigation resulting out of this Agreement shall be in Great Falls, Montana.

IN WITNESS WHEREOF, the parties have caused the Agreement to be signed by their duly authorized representatives as of the _____ day of _____, 2006.

CITY: Great Falls, Montana

John Lawton, City Manager

CONSULTANT:

Paul S. Tischler
President
TischlerBise, Inc.

EXHIBIT A

Task 1: Assist in Defining Scenarios and Review of Population, Households and Employment Forecast

To assist the City and Southern Montana Electric G&T (SME) in defining the two scenarios, TischlerBise will conduct a "brainstorming" session during the afternoon of day one and on the morning of day two. The intent is to agree on the land use categories, scenarios, timeframe and other relevant topics. The population, household and employment projections should be made to the year 2010 or 2020. After SME completes the projections and prepares the accompanying narrative, the firm will prepare a memorandum reflecting the comments on projections for each scenario.

Task 2: Conduct Level of Service and Cost and Revenue Factor Interviews

In this task we will conduct onsite interviews with City personnel. The purpose of these onsite interviews is to provide TischlerBise with an understanding of the department structure and scope of operations, discuss facility-related variable costs and other operating expenses, as well as discuss and agree upon methodologies for forecasting future demand for services and facilities. The demand sources for the various services and facilities will vary by activity and department. The firm will supplement this task with our extensive national experience conducting fiscal impact analyses. This experience allows us to facilitate meaningful conversations with service providers and identify cost drivers for specific services that can vary due to the unique characteristics of a jurisdiction.

In discussing capital facility needs with SME, we are likely to utilize one of two approaches. One approach will be direct entry of capital facility information, if it is known through the CIP that the facility will be constructed and will partially or fully serve new growth. A second is for the fiscal impact model designed for this assignment to calculate the need for new capital facilities as a function of the existing available capacity.

Task 3: Prepare Level of Service and Cost and Revenue Factor Memorandum

Information obtained during the previous task will be prepared in a Level of Service, Cost and Revenue Factor Memorandum. This memorandum will show the different cost components for the various service providers, including both facility and non-facility related operating expenses, methodologies for forecasting future capital facility needs and associated operating expenses. The memorandum will also contain a separate chapter showing revenue sources and associated projection methodologies.

Task 4: Design Fiscal Impact Model

Based on the methodologies and factors contained in the Level of Service Memorandum prepared in the previous task, TischlerBise will develop the fiscal model for this assignment.

Task 5: Prepare Fiscal Impact Report

TischlerBise will prepare a draft fiscal impact report that describes in succinct fashion the fiscal findings for the different scenarios that are discussed. It is anticipated the report will have the following categories.

- Executive Summary
- Cumulative Fiscal Results By Alternative
- Annual Fiscal Results By Alternative
- Average Annual Fiscal Impact Results By Alternative
- Major Revenue Findings
- Major Capital Cost Findings
- Major Operating Expense Findings

The fiscal report will be a stand-alone document, which will be clearly understood by all interested parties. The analysis will address each scenario. The fiscal impact report will present all of the major findings and the reasons for the results. This will include issues regarding differences between the scenarios, staging, and other issues. After Client review, the final report will be issued.

Task 6: Presentation of Fiscal Impact Report

TischlerBise will present the findings of the fiscal impact report. (Additional meetings will be conducted on a per diem basis.)

— DELIVERABLES —

TASK	DELIVERABLE
Task 1: Assist in Defining Scenarios and Review of Population, Households and Employment Forecast	Memorandum Reflecting Comments on Projections for Each Scenario
Task 2: Conduct Levels of Service and Cost and Revenue Factor Interviews	See Below
Task 3: Prepare Level of Service and Cost and Revenue Factor Memorandum	Level of Service and Cost and Revenue Factor Memorandum
Task 4: Design Fiscal Impact Model	See Below
Task 5: Prepare Fiscal Impact Report	Draft and Final Fiscal Impact Report
Task 6: Presentation of Fiscal Impact Report	Appropriate Materials and Graphics

— SCHEDULE —

The time frame is estimated at about three months to complete this assignment.

TASK	MONTH 1	MONTH 2	MONTH 3
Task 1: Assist in Defining Scenarios and Review of Population, Households and Employment Forecast	■		
Task 2: Conduct Levels of Service and Cost and Revenue Factor Interviews		■	
Task 3: Prepare Level of Service and Cost and Revenue Factor Memorandum		■	
Task 4: Design Fiscal Impact Model			■
Task 5: Prepare Fiscal Impact Report			■
Task 6: Presentation of Fiscal Impact Report			■

EXHIBIT B

The cost for the fiscal impact analysis is \$45,000. This includes all travel and other expenses. The cost will be billed on a percentage completion basis.

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

AGENDA# 17
DATE October 3, 2006

ITEM: PROFESSIONAL SERVICES CONTRACT WITH TISCHLER BISE, 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

INITIATED BY: CITY OF GREAT FALLS AND SME G&T

ACTION REQUESTED: APPROVE PROFESSIONAL SERVICES CONTRACT

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: Staff recommends the City Commission approve the following motion:

MOTION:

I move the City Commission approve a professional services contract(s) with Tischler Bise, Inc. to evaluate water and sewer utility facility capacity as they relate to the construction and operation of the Highwood Generating Station project, and other future developments in and around Great Falls. And, authorize the City Manager to execute the contract in the amount of \$35,500.

SYNOPSIS:

The City of Great Falls and Southern Montana Electric G&T have been engaged in discussions regarding city services which are available and necessary to the operation of the Highwood Generating Plant. The need for city wastewater treatment and potable water to this industrial site, as well as future developments whether industrial, residential, commercial for wastewater treatment and potable water will put additional demands on the existing city facilities. Because the HGS plant will be located approximately 8 miles to the east of the eastern city limits, a request has been made of the City and SME, by Cascade County, to consider an option of providing these typical municipal services to the plant by contractual arrangements other than annexation.

Although no commitment regarding annexation has been made, analyses of the feasibility of such a request prompts the City to look at pertinent issues such as an evaluation of water and wastewater utility capacity which may need to be updated due to the incremental increase in demand from this and future growth potentials. Therefore, it is recommended that the City seek the services of a consultant knowledgeable in this specialized area of work. The total anticipated cost of the work will be \$35,500. This cost will be shared internally by the water and wastewater utility funds. The consultant

will work with City staff over a 4 month period to gather and analyze information with a presentation of the results upon completion.

This study is needed regardless of the power plant and will be funded from the water and wastewater funds.

**CONSULTANT AGREEMENT, FACILITY CAPACITY FEES ANALYSIS
BETWEEN TISCHLERBISE, INC. AND
CITY OF GREAT FALLS, MONTANA**

THIS AGREEMENT, entered into this ____ day of _____, 2006, by and between City of Great Falls, Montana hereinafter called the "City", and TischlerBise, Inc., hereinafter called the "Consultant".

WHEREAS the City is in need of certain services; and

WHEREAS the Consultant has expertise in impact fee preparation and related activities.

NOW, THEREFORE, IN CONSIDERATION OF THE COVENANTS HEREIN CONTAINED, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. The Consultant shall provide those services to the City as more particularly identified in the attached Exhibit "A".
2. In performing the services identified in the attached Exhibit "A", the Consultant shall perform all steps necessary to the full and effective performance of the tasks specifically referenced in Exhibit "A".
3. Consultant shall provide sufficient qualified personnel to perform all services as required herein, including but not limited to inspections and preparation of reports, as reasonably requested by representatives of the City.
4. The Consultant shall base the analysis on data and information available at the time of the study.
5. (A) The term of this agreement shall be from the date of execution of the Agreement, and shall terminate upon the completion of the appropriate tasks specified in Exhibit "A".

(B) Notwithstanding the foregoing, this Agreement may be terminated by the City upon ten (10) days written notice, with or without cause. If this Agreement is terminated, the Consultant shall be paid for services performed to the date of Consultant's receipt of such termination notice.
6. Any notices to be given by either party to the other must be in writing, and personally delivered or mailed by prepaid postage and certified mail, at the following address:

City: John Lawton, City Manager, City Manager's Office, #2 Park Drive South, P.O. Box 5021, Great Falls, MT 59403. Telephone Number (406) 455-8450. Facsimile number (406) 727-0005.

Consultant: Paul S. Tischler, TischlerBise, Inc., 4701 Sangamore Road, Suite S240, Bethesda, MD 20816. Telephone Number (800) 424-4318. Facsimile number (301) 320-4860.

7. This Agreement is non-assignable by the Consultant and its subcontractors.
8. The City shall pay to Consultant the amounts indicated in Exhibit "B" for those appropriate tasks identified in Exhibit "A". Invoices will be issued by the Consultant to the City on a percentage completion basis. Payment will be made by the City within 30 days of receipt of invoice.
9. This Agreement shall be construed under the laws of Montana.
10. This Agreement and Exhibits "A" and "B" represent the entire and integrated Agreement between the City and the Consultant and supersede all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the City and the Consultant. Written and signed amendments shall automatically become part of the Agreement, and shall supersede any inconsistent provision therein; provided, however, that any apparent inconsistency shall be resolved, if possible, by construing the provisions as mutually complementary and supplementary.
11. In the event any provision of the Agreement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provisions, terms, conditions, or covenant shall not be construed by the other party as a subsequent breach of the same by the other party.
12. The Consultant hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits caused by the Consultant's breach of contract or the negligent performance by Consultant (or by any person acting for the Consultant or for whom the Consultant is responsible).
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IN WITNESS WHEREOF, the parties have caused the Agreement to be signed by their duly authorized representatives as of the _____ day of _____, 2006.

CITY: Great Falls, Montana

John Lawton, City Manager

CONSULTANT:

Paul S. Tischler
President
TischlerBise, Inc.

EXHIBIT A

The tasks below are recommended for defensible water and sewer capacity fees.

Task 1: Recommend Land Use Assumptions

We will review projections of population; employment; housing; commercial, industrial and other nonresidential square footage data for at least five years to assess the demand generated by new development for capital facilities. Demographic data will be based on discussions with City staff and infrastructure plans for the City of Great Falls. We will prepare a memorandum discussing the recommended land use factors and projections.

Work Product: Memorandum Discussing Recommended Land Use Data

Task 2: Document Infrastructure Standards

We will review infrastructure plans and identify infrastructure standards for each facility type. Activities related to this task include:

- Review facility plans, fixed asset inventories, and other documents to establish the relationship between development and facility needs, by type
- Ascertain demand factors (measures of impact) for each type of facility to be addressed in the study
- Identify existing service level for each facility type
- Define infrastructure standard to be used in the fee analysis
- Determine appropriate geographic service areas for each fee category

Work Product: See Below

Task 3. Identify Cost of Growth – Related Capital Improvements

As an essential part of the analysis, we will evaluate the impact of development on the need for additional facilities and identify costs eligible for fee funding. Elements of that analysis include:

- Apply defined service standards to data on future development to identify the impacts of development on capital needs
- Identify facilities, vehicles, equipment, and other capital components eligible for fee funding
- Compile improvement costs, including debt service, if appropriate
- Adjust costs as needed to reflect other funding sources

Work Product: See Below

Task 4. Determine Need for and Calculate “Credits” to be Applied to Capital Costs

A consideration of “credits” is integral to the development of legally valid fee methodologies. There are, in fact, two types of “credits” each with specific, distinct characteristics, but both of which will be included in the development of capacity fees. The first is a revenue credit due to possible double payment situations. This could occur when a property owner will make future contributions toward the capital costs of a public facility covered by a capacity fee. The second is a credit toward the payment of a capacity fee for system improvements provided by the developer and for which the capacity fee is imposed. Both types of credits will be considered and addressed in the impact fee analysis.

Work Product: See Below

Task 5. Evaluate Different Allocation Methodologies

We will consider different possible allocation methodologies to determine which is the most appropriate for each component of the particular fee. Policy discussions will then be held with staff/consultants regarding the trade-offs associated with each allocation method prior to proceeding to the next task.

Work Product: See Below

Task 6. Conduct Funding and Cash Flow Analysis

In order to prepare a meaningful capital improvement plan, it is important to not only understand the gross revenues, but also the capital facility costs and any deficits. We will prepare a cash flow analysis reflecting impact fee amounts and the possible need for other funding sources. This calculation will allow the City to better understand the various revenue sources possible and the amount that would be needed if the impact fees were discounted. It will also provide a good understanding of the cash flow needed to cover the infrastructure costs both for existing and new development.

Work Product: Funding and Cash Flow Analysis

Task 7. Prepare Growth Related Capital Improvement Plan (CIP)

Based on the above tasks, we will identify the need for growth related improvements. We will prepare and submit draft Capital Improvements Plans for capacity fee projects. We will make

changes to draft Capital Improvements Plan as the other tasks are concluded and based on client comments. The final product will be the Final Capital Improvements Plan for Capacity Fee Projects.

Work Product: Capital Improvements Plan for Capacity Fee Projects

Task 8. Prepare Fee Reports

We will prepare the draft capacity fee report that summarizes the maximum supportable fees, the relevant methodologies employed, all assumptions and cost factors. Upon completion of the analysis and calculation of fees, a draft of the entire study, incorporating any previous staff comments, will be submitted for review by City staff.

Because of TischlerBise's extensive experience in calculating fees and preparing such reports, we have developed a succinct written product that leaves a well-understood paper trail. Following completion of the first draft, one round of additional changes will be incorporated to produce a final report. This proposal assumes that only minor changes will be required following completion of the first draft.

Work Product: Fee Reports

Task 9: Meetings with Advisory Committee (optional)

Montana requires an impact fee advisory committee. The purpose of this committee is to allow interested parties, designated by the City, to understand assumptions and raise any questions about the technical demographic, cost, revenue, credit and supporting documentation that is being used in the calculation of impact fees. This will not be a forum to discuss the political and/or philosophical use of fees. Rather it will be an opportunity for these interested parties to understand the soundness and the reasonableness of the impact fee methodology. We anticipate two meetings with this group. The first would be to discuss the initial data assumptions, after "sign-off" by the client. The second would be to discuss the draft report. Utilizing this forum will enable the focus of the public hearings to be on the political and economic issues of implementing fees, not the technical approach.

Task 10: Presentation

As part of this assignment, we will attend one public hearing to explain the analysis and conclusions.

Work Product: Material and Graphics as Appropriate.

— DELIVERABLES —

<i>Task</i>	<i>Deliverable</i>
Task 1 . Recommend Land Use Assumptions	Memorandum Discussing Recommended Land Use Data
Task 2 . Document Infrastructure Standards	See Below
Task 3 . Identify Cost of Growth – Related Capital Improvements	See Below
Task 4 . Determine Need for and Calculate “Credits” to be Applied to Capital Costs	See Below
Task 5 . Evaluate Different Allocation Methodologies	See Below
Task 6 . Conduct Funding and Cash Flow Analysis	Funding and Cash Flow Analysis
Task 7 . Prepare Growth Related Capital Improvement Plan (CIP)	Five-Year CIP
Task 8 . Prepare Fee Reports	Draft and Final Fee Reports
Task 9 . Meetings with Advisory Committee (optional)	Material and Graphics as Appropriate
Task 10 . Presentation	Material and Graphics as Appropriate

— SCHEDULE —

The time estimated to complete the impact fee report is approximately four months from the start of Task 1. This assumes prompt receipt of requested materials and data from the Client, as well as allowing sufficient time for City staff to review the appropriate products.

<i>Task</i>	<i>Month 1</i>	<i>Month 2</i>	<i>Month 3</i>	<i>Month 4</i>
Task 1 . Recommend Land Use Assumptions	██████████			
Task 2 . Document Infrastructure Standards		██████████		
Task 3 . Identify Cost of Growth – Related Capital Improvements		██████████		
Task 4 . Determine Need for and Calculate “Credits” to be Applied to Capital Costs			██████████	
Task 5 . Evaluate Different Allocation Methodologies			██████████	
Task 6 . Conduct Funding and Cash Flow Analysis			██████████	
Task 7 . Prepare Growth Related Capital Improvement Plan (CIP)			██████████	
Task 8 . Prepare Fee Reports			██████████	
Task 9 . Meetings with Advisory Committee (optional)				██████████
Task 10 . Presentation				

EXHIBIT B

The cost for the study is indicated below broken down by category.

Capacity Fee Category

Water Capacity Fee	\$17,500
(Includes supply, treatment, storage, distribution, buildings and vehicles)	
Sewer Capacity Fee	<u>\$17,500</u>
(Includes collection lines, stations and treatment, buildings and vehicles)	
TOTAL	\$35,500

AGENDA REPORT

DATE October 3, 2006

ITEM Amended Plat of Lot 3, Block 1, TRF Addition

INITIATED BY Huffine Partners II L.L.C., Property Owner and Developer

ACTION REQUESTED Approve Amended Plat and Findings of Fact

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the Amended Plat of Lot 3, Block 1, TRF Addition, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the 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.”

SYNOPSIS:

Subject Amended Plat subdivides Lot 3, Block 1, TRF Addition, located between the new Big R Supply Store and Conlin’s Furniture on 10th Avenue South, into two lots.

BACKGROUND:

NCI Engineering, representing Huffine Partners II LLC, has submitted an application to subdivide Lot 3, Block 1, TRF Addition, located along the south side of 10th Avenue South between the new Big R Supply Store and Conlin’s Furniture.

The applicants desire to subdivide the existing Lot 3 into Lot 3B consisting of 1.8 acres and Lot 3C consisting of 2.6 acres. Lot 3B is presently vacant and the Ashley Furniture Store is presently under construction on Lot 3C.

Please refer to the attached vicinity/zoning map and draft Amended Plat which also shows existing and proposed easements for utilities and access.

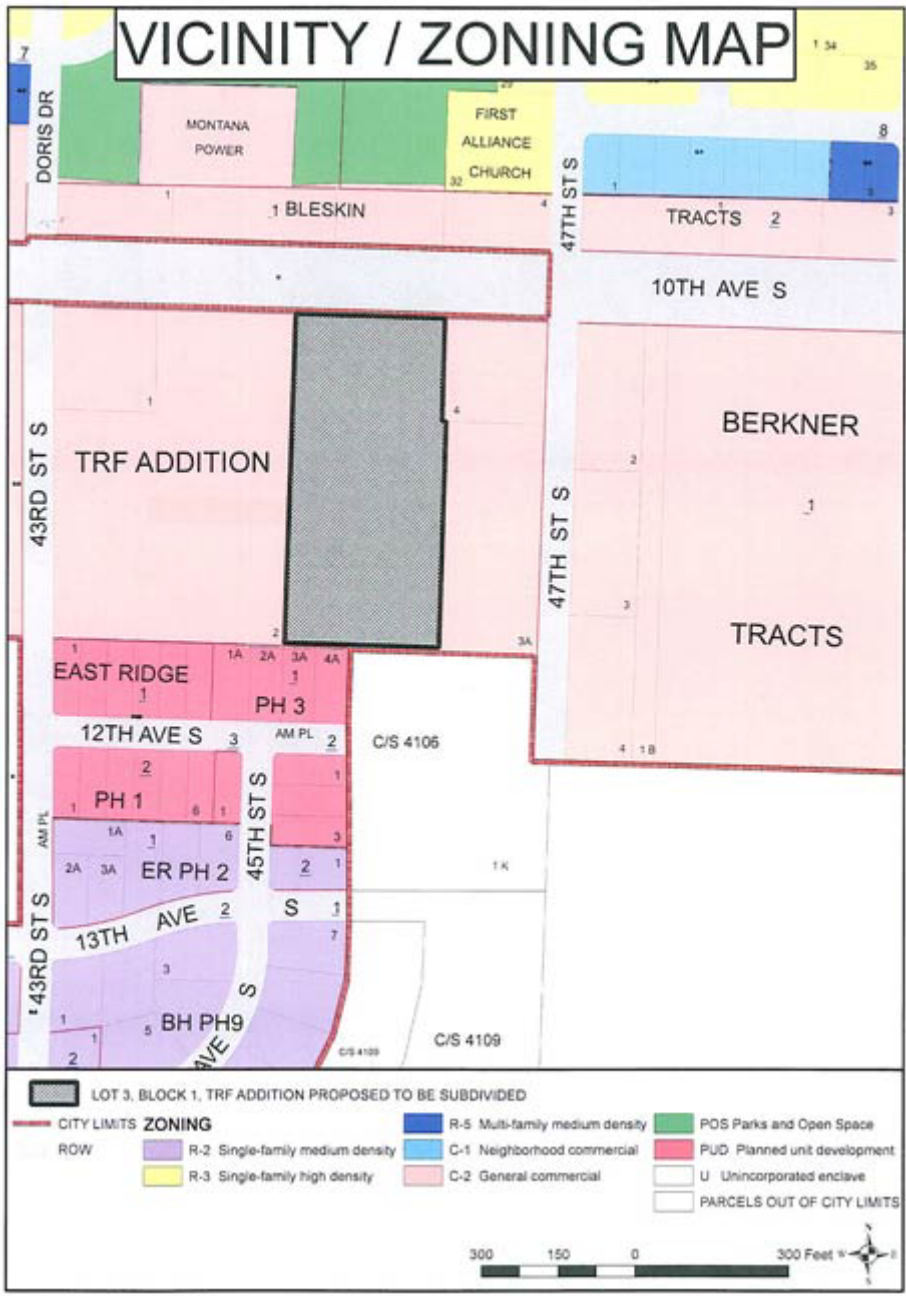
Lot 3B abuts 10th Avenue South and access to Lot 3C is provided by mutual vehicle access easements through abutting lots to the north, east and west. Private water mains connected to the City system are located along the south boundary and near the northwest corner of Lot 3C. A City sanitary sewer traverses the northerly portion of Lot 3C.

Subject property is presently zoned C-2 General commercial district.

The applicant has prepared a Shared Parking Agreement pertaining to 41 parking spaces which will be shared between both Lots 3B and 3C. (See attached Memorandum from Kim McCleary, City Parking Supervisor.) After considering the Amended Plat during a meeting held September 12, the Planning Board unanimously passed a motion recommending the City Commission approve the Amended Plat of Lot 3, Block 1, TRF Addition and the accompanying Findings of Fact subject to any errors or omissions on the Amended Plat noted by staff being corrected.

- Attach: Vicinity Map
- Reduced Copy of Amended Plat
- Memorandum dated September 5, 2006, from Kim McCleary, Parking Supervisor
- Findings of Fact

VICINITY / ZONING MAP




- LOT 3, BLOCK 1, TRF ADDITION PROPOSED TO BE SUBDIVIDED
- CITY LIMITS
- ROW
- ZONING R-3 Single-family high density
- R-2 Single-family medium density
- R-5 Multi-family medium density
- C-1 Neighborhood commercial
- C-2 General commercial
- POS Parks and Open Space
- PUD Planned unit development
- U Unincorporated enclave
- PARCELS OUT OF CITY LIMITS



Community Development Department

Memo

To: Bill Walters, Senior Planner
From: Kim McCleary, Parking Supervisor 
Date: September 5, 2006
Re: Amended Plat of Lot 3, Block 1, TRF Addition

As you mentioned in your memo, 41 parking spaces located on Lot 3B will be shared between the furniture store on Lot 3C and the future use on Lot 3B. The City Parking Code allows shared parking if there is no substantial conflict or overlap in the principal operating hours of the building or use. The use of Lot 3B will be limited to a use whose principal operating hours do not conflict with the furniture store hours, or the development will have to provide enough parking spaces for the determined use over and above the 41 shared spaces.

Additionally, development of the lot will need to meet the landscape code requirements. Any new development will be reviewed for compliance with parking and landscape codes through the design review process, and must be approved by the Design Review Board.



**FINDINGS OF FACT
FOR
AMENDED PLAT OF LOT 3, BLOCK 1,
TRF ADDITION
SECTION 16, T20N, R4E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

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

Effect on Local Services

The subdivision is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is two miles. City water mains exist along the south boundary and at the west boundary of the amended plat. A City sanitary sewer main traverses through the middle of the amended plat. Access to subject property is provided by the abutting 10th Avenue South, a fully improved public arterial roadway maintained by the Montana Department of Transportation and by mutual vehicle access easements through abutting lots to the north, east and west.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Development of subject property with large buildings and parking lots will generate significant storm water runoff which will be accommodated by the existing and planned storm sewer facilities serving TRF Addition.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rock slides, nor potential man-made hazards such as high voltage power lines, high pressure gas lines, and railroads, or nearby mining activity. The property being resubdivided does abut 10th Avenue South, an arterial roadway with high traffic volumes.

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

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

III. EASEMENT FOR UTILITIES

Utilities are and can be accommodated in the existing public street right of way abutting the Amended Plat as well as easements to be provided on the Amended Plat.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting 10th Avenue South, a fully improved public arterial roadway maintained by the Montana Department of Transportation and by mutual vehicle access easements through abutting lots to the north, east and west.