



# City Commission Agenda

for

## September 5, 2006

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

**CALL TO ORDER:** 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION**

Addiction Counselors' Day  
Proclamation of Appreciation for Kris Dunn

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. East Great Falls Retail Center Addition and Accompanying Public Road Rights-of-Way. **(Presented by: Ben Rangel)**
  - A. Res. 9612, Annexes portions of 10<sup>th</sup> Avenue South, U.S. Highway 87/89, and 50<sup>th</sup> and 52<sup>nd</sup> Streets South. Action: Conduct joint public hearing and adopt or deny Res. 9612.
  - B. Res. 9613 and accompanying Minor Subdivision Plat and Annexation Agreement. Annexes the East Great Falls Retail Center Addition located along the south side of 10<sup>th</sup> Avenue South at 57<sup>th</sup> Street. Action: Conduct joint public hearing and adopt or deny Res. 9613 and approve or deny the accompanying agreement and plat.
  - C. Ord. 2948, Assigns zoning classification of C-2 General commercial district. Action: Conduct joint public hearing and adopt or deny Ord. 2948.
3. South Park Addition Phase 1, located between Grande Vista Park and Flood Road. **(Presented by: Ben Rangel)**
  - A. Res. 9589, Annexes referenced property. Action: Conduct joint public hearing and adopt or deny Res. 9589 and approve Final Plat and Annexation Agreement.
  - B. Ord. 2945, Assigns zoning classification of R-3 Single-family high density district. Action: Conduct joint public hearing and adopt or deny Ord. 2945.
4. Business Improvement District 2006/2007 Budget. Approves the annual 2006/2007 budget for the Business Improvement District. Action: Conduct public hearing and approve or deny budget. **(Presented by: Bill Stuff)**

5. Sale of City-Owned Land, L3A through 3H, Amended Plat of L3, Medical Tech Park. Approves the sale of land to SBC Archway, LLC, in the amount of \$192,013. Action: Conduct public hearing and approve or deny sale of land. **(Presented by: Mike Rattray)**
6. Res. 9600, Establishing Sanitation Service Rates. Establishes sanitation service rates for Fiscal Year 2006/2007. Action: Conduct public hearing and adopt or deny Res. 9600. **(Presented by: Coleen Balzarini)**
7. Ord. 2949, Amending OCCGF 9.20 and 12.14 Pertaining to Alcoholic Beverages in Public Places. Action: Conduct public hearing and adopt or deny Ord. 2949. **(Presented by: Peggy Bourne)**

## **OLD BUSINESS**

## **NEW BUSINESS**

8. Financial Commitments, Great Falls Development Authority & High Plains Financial Inc. Reauthorizes High Plains Financial Line of Credit to utilize remaining balance of \$65,000 and extends due date to April 30, 2007; and authorizes the City to be the guarantor to a \$73,500 loan to Great Falls Development Authority. Action: Approve or deny financial commitments. **(Presented by: Mike Rattray)**

## **ORDINANCES/RESOLUTIONS**

9. Parcel Mark No. 1B, and a Portion of 10<sup>th</sup> Avenue South, Sec. 16, T20N, R4E, (A Portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South). **(Presented by: Ben Rangel)**
  - A. Res. 9608, Annexes subject Mark No. 1B. Action: Adopt Res. 9608 and set public hearing for October 3, 2006.
  - B. Res. 9609, Annexes a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South. Action: Adopt Res. 9609 and set public hearing for October 3, 2006.
  - C. Ord. 2952, Assigns zoning classification of C-2 General Commercial district. Action: Accept Ord. 2952 on first reading and set public hearing for October 3, 2006.
10. Ord. 2951, Amending OCCGF 10.48.220 and 230 Pertaining to Bus and Passenger Loading Zones. Action: Accept Ord. 2951 on first reading and set final reading for September 19, 2006. **(Presented by: Kory Larsen)**
11. Ord. 2947, Establish City Zoning Upon Amended Plat of South ½ of Vacated Alley and Lots 7-12, Block 28, Highland Park Addition (located at the northwest corner of the intersection of 13<sup>th</sup> Street South and 21<sup>st</sup> Avenue South). Establishes zoning classification of I-1 Light industrial district. Action: Accept Ord. 2947 on first reading and set public hearing for October 3, 2006. **(Presented by: Ben Rangel)**

**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.*

12. Minutes, August 15, 2006, Commission meeting.
13. Total Expenditures of \$3,472,835 for the period of August 16-22, 2006, to include claims over \$5000, in the amount of \$3,185,543.
14. Contracts list.
15. Set public hearing for September 19, 2006, on Res. 9607 To Levy and Assess Properties for Unpaid Utility Service.
16. Awards contract for Northeast Regional Stormwater Retention Pond Extension to Wickens Construction, Inc. in the amount of \$122,650.
17. Approve Change Order No. 1 in the amount of \$2,875.30 and Final Payment in the amount of \$34,366.47 to Great Falls Sand & Gravel, Inc. and the State Miscellaneous Tax Division for the Community Recreation Center Parking Lot.
18. Approve Prioritized List of 2006 Community Transportation Enhancement Program projects for use of Great Falls CTEP allocations.
19. Approve support of Military Appreciation Picnic in the amount of \$500.

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

**BOARDS & COMMISSIONS**

20. Miscellaneous reports and announcements.

**CITY MANAGER**

21. Miscellaneous reports and announcements.

**CITY COMMISSION**

22. Miscellaneous reports and announcements.

**PETITIONS AND COMMUNICATIONS**

23. Miscellaneous reports and announcements.

**ADJOURN**

**A G E N D A   R E P O R T**

**DATE** September 5, 2006

**ITEM** Public Hearing - Resolutions No. 9612 & 9613 to Annex, and Ordinance No. 2948 to Establish City Zoning for East Great Falls Retail Center Addition and Accompanying Public Road Rights-of-Way

**INITIATED BY** Property Owners

**ACTION REQUESTED** Commission Adopt Resolutions No. 9612 & 9613 and Ordinance No. 2948 and Approve Minor Subdivision Plat and Annexation Agreement all pertaining to East Great Falls Retail Center Addition

**PREPARED BY** Bill Walters, Senior Planner

**APPROVED & PRESENTED BY** Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

The following motions will conclude the annexation of the East Great Falls Retail Center Addition and accompanying public road rights-of-way and the establishment of City zoning on same upon annexation .

**MOTIONS** (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9612.”

and

“I move the City Commission adopt Resolution No. 9613 and the accompanying Minor Subdivision Plat and Annexation Agreement all pertaining to East Great Falls Retail Center Addition.”

and

“I move the City Commission adopt Ordinance No. 2948.”

**SYNOPSIS:**

Resolution No.9612 annexes portions of 10<sup>th</sup> Avenue South, U.S. Highway 87/89, and 50<sup>th</sup> and 52<sup>nd</sup> Streets South. Resolution No. 9613 annexes the East Great Falls Retail Center Addition located along the south side of 10<sup>th</sup> Avenue South at 57<sup>th</sup> Street. Ordinance No. 2948 assigns a zoning classification of C-2 General commercial district to subject property upon annexation to the City. The accompanying Annexation Agreement contains conditions and terms associated with the annexation.

**BACKGROUND:**

Earlier this year, several property owners, through their engineering consultant, petitioned to subdivide and annex approximately 50 acres of land along the south side of 10<sup>th</sup> Avenue South at 57<sup>th</sup> Street for a two lot commercial subdivision titled, East Great Falls Retail Center Addition. At that time, the applications also included a request for a conditional use permit to allow a Wal-Mart Supercenter on one of the two lots in the subdivision. However, in April, Wal-Mart chose to withdraw its plans. Regardless, the property owners, KYSO Corporation, Prairie Kraft Specialties, Anna Sherer, Charles Wiley and Marilyn Wiley would like to proceed by completing the subdivision, annexation and zoning processes for East Great Falls Retail Center Addition. They have, however, withdrawn the application for the conditional use permit for the large format retail store (Wal-Mart Supercenter).

For additional information, please refer to the attached Vicinity/Zoning Map (attached to the Resolutions as Exhibit "A") and the Minor Subdivision Plat of East Great Falls Retail Center Addition.

To provide contiguity, the annexation also involves approximately 21 acres of Montana Department of Transportation rights-of-way for 10<sup>th</sup> Avenue South and U.S. Highway 87/89 and short segments of rights-of-way for 50<sup>th</sup> and 52<sup>nd</sup> Streets South.

The Minor Plat consists of Lot 1 (26 acres) and Lot 2 (21.5 acres) with the southerly extension of 57<sup>th</sup> Street South located between the two lots.

A user for either lot has not been identified and therefore, specific development plans are unknown. However, if either or both lots are used in the future for a retail store in excess of 60,000 square feet, separate conditional use permits, involving public hearings before the Zoning Commission and City Commission, will be required .

The property owners have requested the preparation, submittal and review of the final engineering documents for required public roadway, water main, sanitary sewer main and storm drainage improvements associated with the two lot subdivision and installation of same be delayed until such time plans for development of any portion of the Minor Plat are known. Owners have executed an Annexation Agreement wherein they acknowledge that the City will not permit the occupancy of any structure in the subdivision until roadway improvements and water, sanitary sewer and storm sewer mains necessary to serve the subdivision have been installed, tested and accepted by the City.

To meet subdivision and annexation requirements, access to the lots in the subdivision can be provided by approaches to 10<sup>th</sup> Avenue South and/or 57<sup>th</sup> Street South and water, sanitary sewer and storm sewer can be extended to the subdivision from Berkner Tracts to the west and/or Sunrise Terrace Addition to the north.

The applicants have requested a City zoning classification of C-2 General commercial district be established on the subject property 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.

Commercial use of subject property is consistent with other existing uses to the west on 10<sup>th</sup> Avenue South and to the north along 57<sup>th</sup> Street South. As the nearest existing uses in the vicinity are commercial in nature, the property abuts 10<sup>th</sup> Avenue South, a principal arterial, and the site is relatively level, subject property is particularly suitable for commercial zoning and use.

Goals of the economic element of the Great Falls Growth Policy include:

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

Goals of the land use element include:

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

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

Designating subject property for commercial use is consistent with property abutting and served by 10<sup>th</sup> Avenue South, a principal arterial. Therefore, staff concludes all of the above mentioned zoning criteria are substantially met, provided the conditions and terms in the Annexation Agreement for the project are adhered to.

A traffic impact analysis (TIA) was previously prepared by the engineering consultants working for Wal-Mart. The Annexation Agreement continues to obligate the property owners to a level of traffic improvements similar to those recommended in the above referenced TIA.

The easterly boundary of the subdivision is parallel to the boundary of restrictive easements acquired in 1958 by the United States government for flight path operations at Malmstrom Air Force Base. In this area, the boundary of the easement is 1100 feet from and runs parallel to the centerline of the now closed runway. The entire subdivision is located outside of this existing restrictive easement.

Earlier this year there had been a great deal of public discussion and debate about development projects proposed in this area and the former accident potential zones, as described in a 1994 Air Installation Compatible Use Zone (AICUZ) Study prepared for MAFB by the Air Force. Because of that discussion, the City of Great Falls and the Chamber of Commerce spearheaded efforts to identify several key issues and requirements that would need to be met in order to support and/or allow commercial and residential development in the area. That process is still underway. However, as noted above, this proposed subdivision is not located in any existing restrictive easement. Additionally, the applicant has included on the draft minor plat of the subdivision a statement entitled "NOTICE OF PROXIMITY TO A MILITARY INSTALLATION" which is intended to disclose to purchasers and occupants in the subdivision they may be subject to noise and vibrations from aircraft operations associated with a nearby military air force facility.

On February 28, 2006, the Planning Board/Zoning Commission conducted a joint public hearing on subdividing, annexing, establishing City zoning and granting a conditional use permit for a large format retail store (Wal-Mart Supercenter) associated with the East Great Falls Retail Center Addition. During the hearing, numerous Wal-Mart representatives spoke, four proponents spoke, 23 opponents spoke and numerous petitions were submitted opposing construction of a second Wal-Mart Store in the community. Nearly all of the testimony involved the conditional use permit for the proposed Wal-Mart Supercenter. At the conclusion of the public hearing, motions by the Planning Board to conditionally approve the minor plat and annexation and by the Zoning Commission to establish a City zoning classification of C-2 General commercial district and to grant a conditional use permit for the Wal-Mart Supercenter failed on a tie vote of 4 – 4. It appeared most of the negative votes were associated with the conditional use permit for the Wal-Mart Supercenter.

Attach: Res. No. 9612

Res. No. 9613

Ord. No. 2948

Reduced copy of drawing portion of the Minor Plat of East GF Retail Center Addition

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

Minutes of February 28, 2006, Planning Board/Zoning Commission Hearing (Not available online. On File in City Clerk's Office)

cc: Dan Huestis, 1001 River Drive North, Great Falls, MT 59405



RESOLUTION NO. 9612

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

\* \* \* \* \*

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:

Montana Department of Transportation rights-of-way for 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89 situated in the NE1/4 NE1/4 of Section 16 and the NW1/4 of Section 15, all in T20N, R4E, PMM, Cascade County, Montana, described as follows:

COMMENCING at the Northwest Corner of said Northeast Quarter of the Northeast Quarter (NE1/4 NE1/4) of said Section 16;



THENCE S01°27'15"E along the west line of said NE1/4 NE1/4, a distance of 117.69 feet (117.54 feet recorded) to the north right-of-way of State Highway 87, otherwise known as 10<sup>th</sup> Avenue South, and the POINT OF BEGINNING of the parcel herein described;

THENCE along said north right-of-way on the following 5 courses:

S89°30'37"E a distance of 722.20 feet (723.25 feet recorded) to an angle point in Tract 4 of Certificate of Survey number 2069;

THENCE N00°30'39"E a distance of 25.00 feet to an angle point in said Tract 4;

THENCE S89°30'37"E a distance of 150.00 feet to an angle point in said Tract 4;

THENCE S00°30'39"W a distance of 25.00 feet to an angle point in said Tract 4;

THENCE S89°30'37"E a distance of 378.06 feet (376.15 feet recorded) to the east line of said Section 16;

THENCE N01°01'22"W along said east line, a distance of 129.69 feet to the Section Corner common to Sections 9, 10, 15 and 16;

THENCE N89°54'26"E along the north line of said Section 15, a distance of 489.68 feet to the intersection of said line with the west right-of-way of 54<sup>th</sup> Street South;

THENCE continuing along said north line, N89°54'26"E a distance of 60.00 feet to the east right-of-way of said 54<sup>th</sup> Street South and the Northwest Corner of a roadway and utilities easement annexed by the City of Great Falls as recorded in Reel 118, Document 532 in the records of Cascade County;

THENCE along the perimeter of said annexed easement on the following 3 courses:

S00°30'49"W a distance of 70.00 feet;

THENCE N89°54'26"E a distance of 721.13 feet;

THENCE N00°51'07"W a distance of 70.01 feet to the north line of said Section 15 at the intersection of said line with the west right-of-way of a U.S. Highway 87 Bypass, otherwise known as 57<sup>th</sup> Street South, and the Northeast Corner of said easement;

THENCE N89°54'26"E along said north line of Section 15, a distance of 170.02 feet to the east right-of-way of said U.S. Highway 87 Bypass;

THENCE S00°51'07"E along said east right-of-way, a distance of 395.23 feet (394.8 feet recorded) to the intersection of said east right-of-way with the northeasterly right-of-way U.S. Highways 87 and 89;

THENCE along said northeasterly right-of-way on the following 4 courses:

S60°31'18"E a distance of 871.53 feet (871.2 feet recorded) to an angle point therein;

THENCE S29°29'15"W a distance of 21.33 feet;

THENCE S72°28'24"E a distance of 71.79 feet to a Point of Curvature of a non-tangent circular curve to the left, at highway station 18+66.44 (18+68.4 recorded) according to right-of-way plans for M.D.O.T. project number F 60-2(18)81, with a radius point which bears N31°53'27"E a distance of 11399.20 feet;

THENCE along said curve, through a central angle of 01°43'14", an arc distance of 340.53 feet to a Point of Tangency in said right-of-way at highway station 22+12.44 (22+12.62 recorded);

THENCE leaving said northeasterly right-of-way, along said station 22+12.44 on a radial bearing to last said curve, S29°16'37"W a distance of 120.00 feet to a M.D.O.T. 2" diameter aluminum cap marking said Point of Tangency at project centerline;

THENCE continuing along said station, S29°16'37"W a distance of 130.00 feet to the southwesterly right-of-way of said U.S. Highway 87 & 89 at a Point of Curvature of a circular curve to the right, with a radius point which bears N29°16'37"E a distance of 11589.19 feet;

THENCE along said southwesterly right-of-way on the following 8 courses:

THENCE along said curve, through a central angle of 00°03'15", an arc distance of 10.93 feet;

THENCE continuing along said curve, through a central angle of 02°03'44", an arc distance of 417.11 feet to a point a highway station 17+89.77 (17+88.4 recorded);

THENCE N58°21'22"W a distance of 546.80 feet to an angle point in said right-of-way at highway station 12+42.97 (12+43.06 recorded);

THENCE N47°25'23"W a distance of 141.71 feet to an angle point in said right-of-way at highway station 11+00.00;

THENCE N60°31'18"W a distance of 374.75 feet to the Point of Curvature of a circular curve to the left, at highway station 7+24.76 (7+25.0 recorded) according to M.D.O.T. right-of-way plans for project number 64-A, with a radius point which bears S29°28'42"W a distance of 1332.50 feet;

THENCE along said curve, through a central angle of 28°59'18", an arc distance of 674.17 feet to the Point of Tangency at highway station 0+00;

THENCE N00°29'23"E along last said station, a distance of 20.00 feet to the southeast corner of the parcel described in Book 190, Page 529 in the records of Cascade County and a point on the southerly right-of-way of said U.S. Highway 87 & 89;

THENCE N89°30'37"W along said southerly right-of-way and along the southerly line of the parcel described in Book 190, Page 529, a distance of 520.09 feet to the west line of said Section 15;

THENCE S89°30'37"E along said south right-of-way, a distance of 1249.21 feet to the west line of said NE1/4 NE1/4 of Section 16;

THENCE N01°27'15"W along said west line, a distance of 140.08 feet to the POINT OF BEGINNING of the parcel herein described;

and containing 21.961 acres, and

a 123.39 foot segment of 50<sup>th</sup> Street South measured along its centerline between 9<sup>th</sup> and 10<sup>th</sup> Avenues South and containing 0.23 acres, and

a 128.87 foot segment of 52nd Street South measured along its centerline between 9<sup>th</sup> and 10<sup>th</sup> Avenues South and containing 0.18 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the Minor Subdivision Plat of East Great Falls Retail Center Addition; 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.

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution No. 9594 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF 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 1st day of August, 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 so as to include "PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF 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 13th day of August, 2006; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on September 5, 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: "PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of September, 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   )

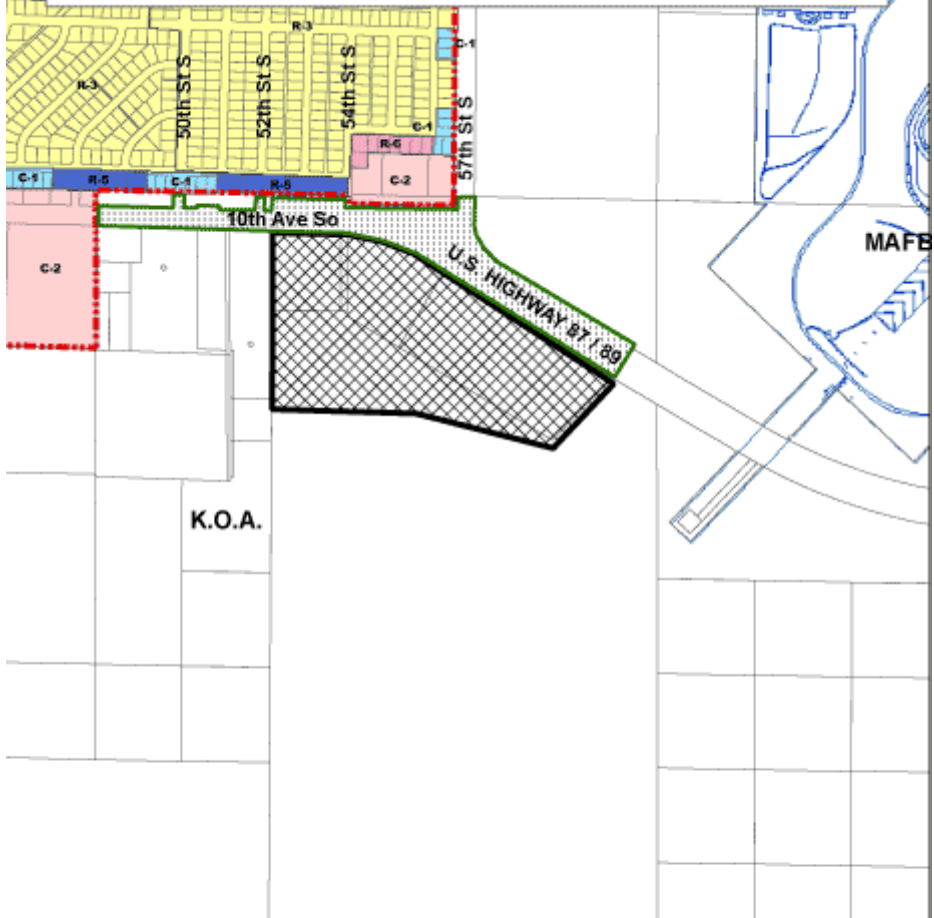
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9612 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of September, 2006, wherein it was approved by said Commission.






IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of September, 2006.

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)

# VICINITY / ZONING MAP



-  PROPOSED AREA TO BE SUBDIVIDED AND ANNEXED TO THE CITY AS EAST GREAT FALLS RETAIL CENTER ADDITION
-  EXISTING RIGHT-OF-WAY PROPOSED TO BE ANNEXED TO THE CITY AS PART OF EAST GREAT FALLS RETAIL CENTER ADDITION
-  PARCELS
-  CITY LIMITS
-  MAFB







- Base Zoning Districts**
-  R-3 Single-family high density
  -  R-5 Multi-family medium density
  -  R-6 Multi-family high density
  -  C-1 Neighborhood commercial
  -  C-2 General commercial
  -  PCS Parks and Open Space

EXHIBIT "A"



RESOLUTION NO. 9613

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

\* \* \* \* \*

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

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

East Great Falls Retail Center Addition located in the NW1/4 of Section 15, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 50.095 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the Minor Subdivision Plat of East Great Falls Retail Center Addition, Cascade County, Montana; and,

WHEREAS, Section 7-2-4311, Montana Code Annotated, provides that any tracts or parcels of land that have been or may be platted into lots or blocks and streets, may be incorporated and included in the municipality to which it is contiguous.



WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution No. 9595 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, 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 1st day of August, 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 so as to include "EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, 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 13th day of August, 2006; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on September 5, 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: "EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of September, 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    )

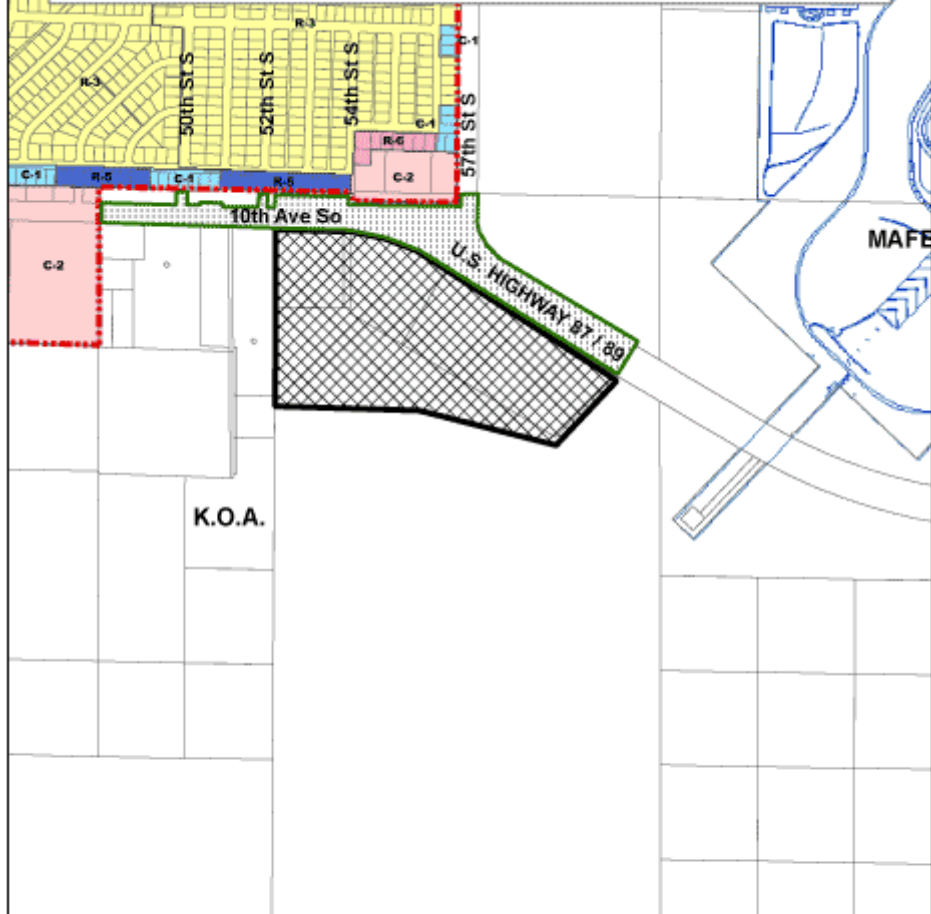
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9613 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of September, 2006, wherein it was approved by said Commission.






IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of September, 2006.

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)

# VICINITY / ZONING MAP



-  PROPOSED AREA TO BE SUBDIVIDED AND ANNEXED TO THE CITY AS EAST GREAT FALLS RETAIL CENTER ADDITION
-  EXISTING RIGHT-OF-WAY PROPOSED TO BE ANNEXED TO THE CITY AS PART OF EAST GREAT FALLS RETAIL CENTER ADDITION
-  PARCELS
-  CITY LIMITS
-  MAFB







- Base Zoning Districts**
-  R-3 Single-family high density
  -  R-5 Multi-family medium density
  -  R-6 Multi-family high density
  -  C-1 Neighborhood commercial
  -  C-2 General commercial
  -  POS Parks and Open Space

EXHIBIT "A"



ORDINANCE NO. 2948

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO EAST GREAT FALLS RETAIL CENTER ADDITION, PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL IN THE NW1/4 OF SECTION 15 AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA,

\* \* \* \* \*

WHEREAS, multiple property owners have petitioned the City of Great Falls to annex East Great Falls Retail Center Addition, located in the NW1/4 of Section 15, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, being annexed simultaneously with said East Great Falls Retail Center Addition, are portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89 and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, all as shown on the Minor Subdivision Plat of East Great Falls Retail Center Addition; and,

WHEREAS, it is proposed said East Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, be assigned a City zoning classification of C-2 General commercial district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to said East Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th day of September, 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 Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, all as described on the Minor Subdivision Plat East Great Falls Retail Center Addition, be designated as C-2 General commercial 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 resolutions annexing East Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, 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 5th day of September, 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. 2948 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 5th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 5th day of September, 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 5th day of September, 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. 2948 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** September 5, 2006

**ITEM** Public Hearing – Resolution No. 9589, Ordinance No. 2945, Final Plat and Annexation Agreement all related to South Park Addition Phase 1

**INITIATED BY** North Park Investments, LLP, Property Owner and Developer

**ACTION REQUESTED** Commission Adopt Resolution No 9589 and Ordinance No. 2945 and Approve Final Plat and Annexation Agreement

**PREPARED BY** Bill Walters, Senior Planner

**APPROVED & PRESENTED BY** Benjamin Rangel, Planning Director

**RECOMMENDATION:**

The Planning Board has recommended the City Commission approve the final plat and annexation of South Park Addition Phase 1. It is recommended the City Commission assign a zoning classification of R-3 Single-family high density district to South Park Addition Phase 1, upon annexation to the City.

**MOTION** (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9589 and approve the final plat and Annexation Agreement all related to South Park Addition Phase 1.”

and

“I move the City Commission adopt Ordinance No. 2945.”

**SYNOPSIS:**

Resolution No. 9589 annexes South Park Addition Phase 1, which consists of 18 single-family residential lots located between Grande Vista Park and Flood Road. Ordinance No. 2945 assigns a zoning classification of R-3 Single-family high density district, to South Park Addition Phase 1, upon annexation of same to City. The accompanying Agreement contains terms and conditions associated with annexation.

**BACKGROUND:**

In October, 2004, the City and County Commissions conditionally approved the preliminary plat of South Park Addition, an 18 lot single family residential subdivision located between Grande Vista Park and Flood Road.

For additional information, please refer to the Vicinity/Zoning Map attached to Resolution No. 9589 as Exhibit “A” and the attached reduced copy of the drawing portion of Final Plat of South Park Addition

Lots in the subdivision will be accessed by Ferguson Drive from the east and Flood Road to the west. Standard City paving, curb and gutter will be installed in the east-west roadway and Ferguson Drive being dedicated on the subdivision plat.

City water mains will be installed in the east-west roadway, Ferguson Drive and a segment of Flood Road being dedicated on the subdivision plat. A City sanitary sewer will be installed in the east-west roadway within the subdivision as well as in the northerly projection of Ferguson Drive to the existing sewer main near the southerly end of Delmar Drive.

Surface drainage from the subdivision will flow northeasterly ultimately to the City storm sewer system at the intersection of Buena Drive and Ferguson Drive.

The portion of Flood Road abutting the development will be platted and annexed simultaneously with the subdivision. The developer has escrowed sufficient funds to pay for 50% of the costs of a standard City minor roadway section in the abutting portion of Flood Road and for a proportionate share of the cost of a projected storm sewer main across Grande Vista Park, to be installed when deemed necessary by the City.

To fulfill the subdivision's park obligation, the developer, after discussing and getting the acceptance of the City Park & Recreation Department, will pay a fee in lieu of dedicating land.

The final engineering documents relative to the final plat of South Park Addition have been prepared by the project engineer and submitted to and reviewed by the Public Works Department. The annexation agreement has been prepared 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 South Park Addition.

The City-County Planning Board at the conclusion of a public hearing held September 14, 2004, recommended the subdivision be assigned a zoning classification of "A" Residence Use, "B" Area District on the preliminary plat. With the adoption of the Unified Land Development Code approved by the City Commission September 6, 2005, the classification of the area would be "R-3" Single-family high density.

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

- a) is designed in accordance with the 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.

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 all of the above mentioned zoning criteria are substantially met.

The Planning Board during a regular meeting held June 13, 2006, unanimously passed a motion recommending the City Commission approve the final plat of South Park Addition and the annexation of the property contained therein subject to the following conditions:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City of Great Falls and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.
- 4) Final engineering documents for required public improvements to serve the subdivision are subject to approval by the Public Works Department.

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

Attach: Resolution No. 9589

Ordinance No. 2945

Reduced copy of drawing portion of Final Plat of South Park Addition

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

cc: North Park Investments, LLC, 4701 North Star Blvd



# A SUBDIVISION PLAT OF THE SOUTH PARK ADDITION TO THE CITY OF GREAT FALLS

IN THE S<sup>1</sup>/<sub>2</sub> OF SECTION 22, T. 20 N., R. 3 E., P.M.M.  
CASCADE COUNTY, MONTANA



**LEGEND:**

OWNERS: *NOKEYDEDE INVESTMENTS LLC*

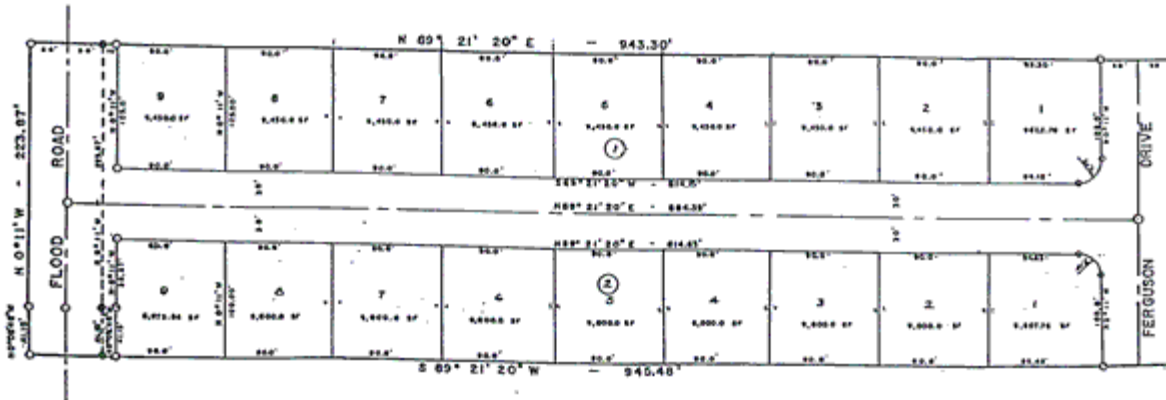
REASON FOR SURVEY: SOUTH PARK ADDITION

BASIS OF BEARINGS: PLAT #3488

● FOUND CORNERS BY MOORE (#4215)

○ SET 68" X 24" REBAR (#4215)

TOTAL NET LOT AREA	.....	166,903.
DEDICATED STREET AREA	.....	83,353.
TOTAL AREA OF SUBDIVISION	.....	250,257.



RESOLUTION NO. 9589

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE SOUTH PARK ADDITION PHASE 1, LOCATED IN THE N/2 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

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

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

South Park Addition Phase 1, located in the N/2 of Section 22, Township 20 North, Range 3 East, Cascade County, Montana, and containing 5.75 acres, and

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the final plat of South Park Addition Phase 1; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "SOUTH PARK ADDITION PHASE 1, LOCATED IN THE N/2 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of September, 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    )

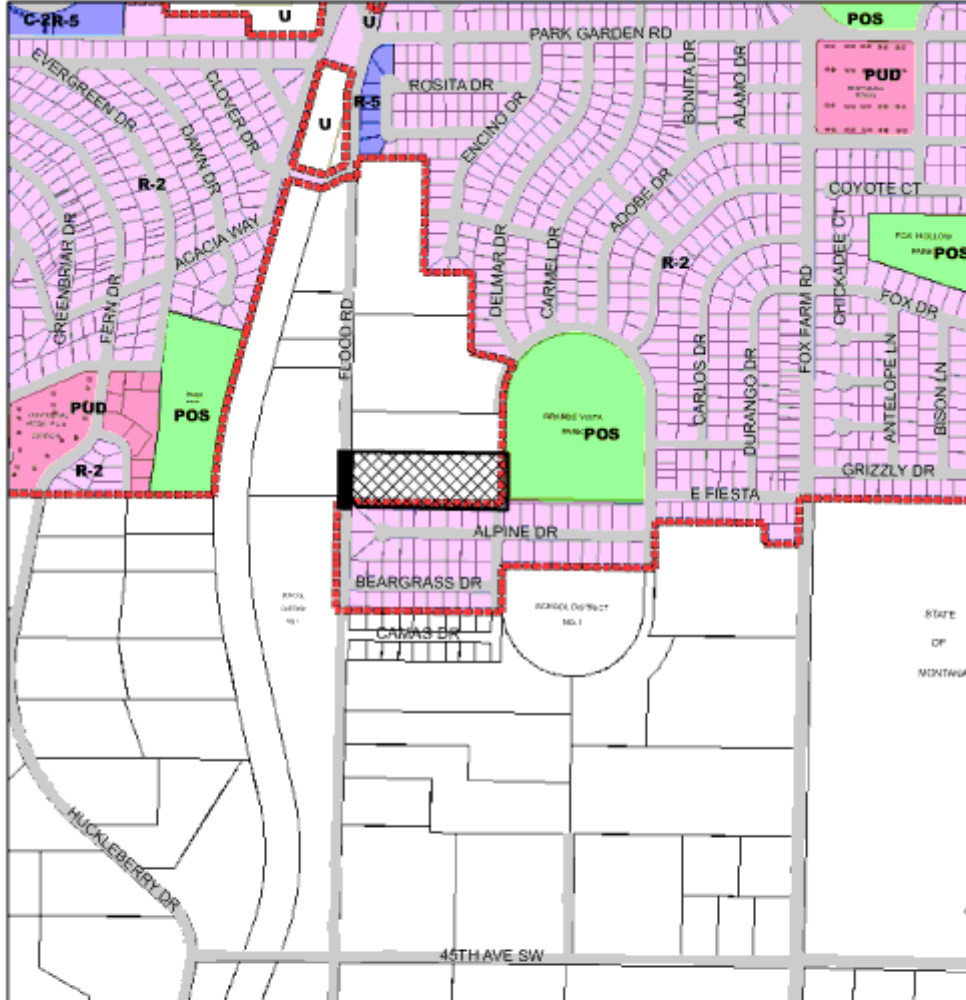
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9589 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of September, 2006, wherein it was approved by said Commission.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of September, 2006.

\_\_\_\_\_  
Peggy J. Bourne, City Clerk











(SEAL OF CITY)

# VICINITY/ZONING MAP




 PROPOSED SOUTH PARK ADDITION TO BE ANNEXED TO THE CITY AND BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY

 PORTION OF FLOOD ROAD PROPOSED TO BE ANNEXED

 CITY LIMITS	 R-5 Multi-family medium density
 TRACTS OF LAND OUT OF CITY	 PLI Public Lands and Institutional
 R-2 Single-family medium density	 POS Parks and Open Space
 R-3 Single-family high density	 PUD Planned unit development
 STREETS	 U Unincorporated Enclaves

1,000    500    0    1,000 Feet




ORDINANCE NO. 2945

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO SOUTH PARK ADDITION PHASE 1, IN THE N/2 OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, North Park Investments, LLP, has petitioned the City of Great Falls to annex South Park Addition Phase 1, located in the N/2 of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, North Park Investments, LLP, has petitioned said South Park Addition Phase 1, be assigned a City zoning classification to accommodate conventional single family residential development, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to said South Park Addition Phase 1, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th day of September, 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 South Park Addition Phase 1, be designated as R-3 Single-family high density 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 South Park Addition Phase 1, 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 5th day of September, 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. 2945 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 5th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 5th day of September, 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 5th day of September, 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. 2945 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 September 5, 2006

ITEM B.I.D. 2006/2007 Budget

INITIATED BY Business Improvement District

ACTION REQUESTED Conduct Public Hearing and approve the 2006/2007 BID Budget

PRESENTED BY Business Improvement District Board/Peggy Bourne, City Clerk

- - - - -

**RECOMMENDATION:** It is recommended that the City Commission conduct a public hearing on the 2006/2007 B.I.D. budget.

**MOTION:** I move the City Commission approve the 2006/2007 Business Improvement District budget.

**SYNOPSIS:** The Business Improvement District submitted their 2006/2007 budget for approval by the City Commission. According to State statute, the City Commission must hold a public hearing on objections to the budget. Following the approval of the budget, the Commission will be asked to levy an assessment to all properties within the district to defray all costs. The assessment requested is according to the assessment formula approved with the creation of the district.

It should be noted that statute also requires the City Commission to review and approve a work plan associated with the budget. However, a work plan was not submitted because of the transition between executive directors at the B.I.D.

cc: Coleen Balzarini, Fiscal Services Director



**CITY OF GREAT FALLS, MONTANA**

**AGENDA #** 5

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

**DATE** September 5, 2006

**ITEM** Sale of City-Owned Land, L3A through 3H, Amended Plat of L3, Medical Tech Park

**INITIATED BY** Community Development Department

**ACTION REQUESTED** Conduct Public Hearing and Approve Sale of Land

**PREPARED & PRESENTED BY** Mike Rattray, C.D. Director

**REVIEWED & APPROVED BY** Mike Rattray, C.D. Director

- - - - -

**RECOMMENDATION:**

Staff recommends the City Commission approve the following motion:

**MOTION:**

I move the City Commission approve the sale of Lot 3D, Amended Plat of Lot 3, Medical Tech Park, to SBC Archway, LLC, in the amount of \$192,013.00.

**SYNOPSIS:**

City staff advertised a notice to bidders in the GREAT FALLS TRIBUNE on August 6, 2006. City staff accepted bids through 3:00 p.m., August 16, 2006, at which time only one bid was submitted and opened from SBC Archway, LLC, in the amount of \$192,013.00. SBC Archway, LLC plans to construct and lease a new 10,160 square foot, Class-A, office facility to be located on the subject site. The start date for construction is approximately October 1, 2006, and completion date is estimated July 1, 2007.

**BACKGROUND:**

In 2004, in conjunction with development of the Centene project, the City of Great Falls purchased an additional ten acres for the purpose of creating a subdivision that would provide office development sites that would be in harmony with the institutional type development currently taking place in this part of the community. On July 18, 2006, the City Commission approved the final plat of the ten acre site which created eight lots of approximately 1.1 acre in size. The Department of Public Works is in the process of advertising for bids to install the necessary public improvements which should be completed within 90 to 120 of the award of bid to a contractor. Because of the two parties interested in purchasing lots, staff has obtained an appraisal which establishes the fair market value of the land at a minimum of \$4.00 per square foot which is being used as the minimum bid price.

Attach: Public Notice

**NOTICE TO ALL BIDDERS**  
**SALE OF CITY-OWNED PROPERTY**

NOTICE IS HEREBY GIVEN that the City of Great Falls, Montana, will receive sealed bids at the City Clerk's Office, Room 202, Civic Center Building, #2 Park Drive, Great Falls, Montana, until 3:00 p.m., August 16, 2006, at which place and time they will be publicly opened, read and considered, together with all bidding for the sale and development of the City-owned land more particularly described as follows:

Lots 3A through 3H, Amended Plat of Lot 3, Medical Tech Park, Great Falls, MT

Each and every bid shall be accompanied by a cashier's check, drawn on a responsible bank, payable to the City of Great Falls, for an amount which will be not less than ten percent (10%) of the aggregate of the enclosed bid. Minimum bid for the land shall not be less than the appraised value as indicated below:

The minimum bid price shall be \$4.00 per square foot and shall include as an addition thereto a draft plan for a development project that would constitute a minimum of 7,000 square feet of building construction.

The bids shall be marked on the outside: "Bid on City-owned land to be opened August 16, 2006.

Map exhibits of the land to be sold are on file in the Community Development Department of the City of Great Falls. Potential bidders are encouraged to contact Mike Rattray, Community Development Director, for additional information prior to submitting a bid.

The City Commission of the City of Great Falls reserves the right to reject any or all bids and accept any bid should it be deemed in the public interest to do so.

BY ORDER OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA.

Peggy J. Bourne, City Clerk

PUBLICATION DATE: August 6, 2006

CITY OF GREAT FALLS, MONTANA

AGENDA # 6

AGENDA REPORT

DATE September 5, 2006

ITEM Resolution 9600, Establishing Sanitation Service Rates

INITIATED BY Fiscal Services Department and Public Works Operations Department

ACTION REQUESTED Conduct Public Hearing and Adopt Resolution 9600

PREPARED BY Martha Cappis, Operations Supervisor

APPROVED & PRESENTED BY Coleen Balzarini, Fiscal Services Director

\*\*\*\*\*

**RECOMMENDATION:** Following the public hearing and barring sufficient protest, staff recommends the City Commission adopt Resolution 9600, Establishing Sanitation Service Rates for FY 06/07.

**MOTION:** "I move the City Commission adopt Resolution 9600, Establishing Sanitation Service Rates for FY 06/07."

**SYNOPSIS:** OCCGF 8.32.350 requires the Commission to adopt a resolution establishing rates to defray the costs of sanitation services for the fiscal year. All sanitation rates will increase by approximately 3%. These rates will go into effect September 6, 2006.

**BACKGROUND:** Staff proposes adjusting the sanitation rates to adequately provide sanitation service while covering the expenses largely due to the increase in fuel costs. Staff recommends the residential sanitation rates increase \$.25 per month and commercial sanitation rates increase by 3% for FY 06/07. The attached Exhibit recaps existing and proposed rates. The rates were proposed, discussed and included in the FY 06/07 budget development process.

**SANITATION RATES  
COMPARATIVE  
EFFECTIVE SEPTEMBER 6, 2006**

	<u>CURRENT</u>	<u>PROPOSED</u>
<b><u>RESIDENTIAL</u></b>		
<b>per month</b>		
Regular 65 Gallon	7.50	7.75
Regular 96 Gallon	8.98	9.25
Additional 96 Gallon	5.00	5.25
Senior Citizen	6.25	6.45
<b>Extra Pickup</b>		
96 Gallon	5.00	5.00
<b><u>COMMERCIAL</u></b>		
<b>per month</b>		
90 Gallon	17.00	17.50
300 Gallon (shared) or 1 yard	23.40	24.15
300 Gallon (sole use) or 1.5 yard	27.40	28.25
2 yard	32.80	33.80
3 yard	47.20	48.60
Over 3 yard (per yard)	15.60	16.05
6 yard loose	93.60	96.30
6 yard compacted	210.00	216.30
8 yard loose	124.80	128.55
<b>Extra Pickup</b>		
300 Gallon	7.50	7.50
plus extra's - 1.50/minute		
<i>Charges for other commercial pickup frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charge to the customer @ \$1.50 per minute if it takes longer than 2 minutes to load the material.</i>		
<b>Special Pickup</b>		
Large appliances	5.00	5.00
Large appliances-with freon	25.00	25.00
<b><u>DROP BOX</u></b>		
<b>per pickup</b>		
3 yard loose	30.00	31.00
20 yard loose	215.00	225.00
30 yard loose	250.00	255.00
40 yard loose	275.00	280.00
30 yard compacted	165.00	170.00
40 yard compacted	165.00	170.00
<b>Per Day Rental</b>		
permanent w/ fixed pickup schedule	2.00	2.00
short term rental	4.00	4.00
after 5 days	2.00	2.00
<i>Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.</i>		
<b><u>CONVENIENCE CENTER</u></b>		
<b>per load</b>		
Car (minimum)	2.00	2.00
Truck (1/2 cubic yard)	3.00	3.00
Truck (1 cubic yard)	6.00	7.00
Truck (1.5 cubic yard)	9.00	10.00
Trailer (single axle)	6.00	7.00
Trailer (large load - 12' limit)	8.75	9.00
Handling Fee	15.00	15.00
Heavy or Bulky Loads (asphalt shingles)		
Refrigerators & Air Conditioners	20.00	20.00
Used Oil (5 gallon limit)	1.00	1.00
White Goods	2.00	2.00

## RESOLUTION 9600

### A RESOLUTION TO ESTABLISH RATES IN ACCORDANCE WITH TITLE 8, CHAPTER 8.32, OCCGF, FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE COLLECTED FROM CUSTOMERS OF THE CITY OF GREAT FALLS EFFECTIVE SEPTEMBER 6, 2006

WHEREAS, The City Commission of the City of Great Falls, having met and conducted the hearing this day in regular session at the Civic Center, Great Falls, Montana, at 7:00 p.m., and having considered the cost of operation, equipment and facilities for the solid waste collection and disposal system do hereby establish the basic monthly collection rates charged City customers for, once per week, full service, as follows:

#### RESIDENTIAL

<b>per month</b>	Regular 65 Gallon	7.75
	Regular 96 Gallon	9.25
	Additional 96 Gallon	5.25
	Senior Citizen	6.45
	<b>Extra Pickup</b>	
	96 Gallon	5.00

#### COMMERCIAL

<b>per month</b>	90 Gallon	17.50
	300 Gallon (shared) or 1 yard	24.15
	300 Gallon (sole use) or 1.5 yard	28.25
	2 yard	33.80
	3 yard	48.60
	Over 3 yard (per yard)	16.05
	6 yard loose	96.30
	6 yard compacted	216.30
	8 yard loose	128.55

#### **Extra Pickup**

300 Gallon	7.50
------------	------

plus extra's - 1.50/minute

*Charges for other commercial pickup frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charge to the customer @ \$1.50 per minute if it takes longer than 2 minutes to load the material.*

#### **Special Pickup**

Large appliances	5.00
Large appliances-with freon	25.00

#### DROP BOX

<b>per pickup</b>	3 yard loose	31.00
	20 yard loose	225.00
	30 yard loose	255.00
	40 yard loose	280.00
	30 yard compacted	170.00
	40 yard compacted	170.00

#### **Per Day Rental**

permanent w/ fixed pickup schedule	2.00
short term rental	4.00
after 5 days	2.00

*Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.*

**CONVENIENCE CENTER**

<b>per load</b>	Car (minimum)	2.00
	Truck (1/2 cubic yard)	3.00
	Truck (1 cubic yard)	7.00
	Truck (1.5 cubic yard)	10.00
	Trailer (single axle)	7.00
	Trailer (large load - 12' limit)	9.00
	Handling Fee	15.00
	Heavy or Bulky Loads (asphalt shingles)	
	Refrigerators & Air Conditioners	20.00
	Used Oil (5 gallon limit)	1.00
	White Goods	2.00

PASSED by the Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of September, 2006.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

\_\_\_\_\_  
Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved as to form:

\_\_\_\_\_  
City Attorney

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

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9600 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 5<sup>th</sup> day of September, 2006, and approved by the Mayor of said City on the 5<sup>th</sup> day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5<sup>th</sup> day of September, 2006.

---

Peggy Bourne, City Clerk

(SEAL OF CITY)

**AGENDA REPORT**

**DATE:** September 5, 2006

**ITEM** ORDINANCE 2949, AMENDING OCCGF 9.20 AND 12. 14  
PERTAINING TO ALCOHOLIC BEVERAGES IN PUBLIC  
PLACES AND TEMPORARY STREET CLOSURES

**ACTION REQUESTED** CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE  
2949 AS AMENDED ON FINAL READING

**PRESENTED BY** PEGGY BOURNE, CITY CLERK

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**RECOMMENDATION**

Staff recommends the City Commission conduct a public hearing and barring any protest adopt Ordinance 2949 on final reading as amended.

**MOTION**

“I move the City Commission adopt Ordinance 2949 **as amended**.”

**SYNOPSIS**

Ordinance 2949 amends the Official Codes of the City of Great Falls (OCCGF) 9.20 pertaining to alcoholic beverages in public places. The ordinance also removes all conflicts found in the street closure policy which was established with Resolution 8504 and codifies it within OCCGF 9.20.

**BACKGROUND**

In 2003 the City Commission adopted Ordinance 2854 which established authority and procedures to hold events in public facilities at which alcohol is served and/or sold. After implementation of the ordinance, staff found the ordinance did not represent the community needs or desires for the use of public property, specifically parks. Therefore, while keeping certain controls in place, staff requests the City Commission consider Ordinance 2949 which would make it easier for people to enjoy Great Falls parks and other public places at events where alcohol may be served and/or sold.

Staff also found that the current ordinance conflicted with a resolution establishing a street closure policy. In order to remedy this conflict, Staff also proposed to bring the street closure policy into compliance with the ordinance allowing alcohol in public places and to adopt the policy in ordinance form.



After reviewing ordinances from other Montana cities, staff determined the current Great Falls ordinance was out-of-date and too restrictive. In fact, the current ordinance on serving alcohol at special events was so restrictive it inhibited street celebrations. Streamlining the process "would encourage people gathering" in parks for everything from downtown celebrations to class reunions and wedding receptions.

The public places specifically included in the ordinance includes: Odd Fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions and West Kiwanis Parks; streets and avenues, publicly owned parking lots, and privately owned parking lots open to the public for parking in the City.

Finally, the ordinance allows the Commission to set a fee to help cover administrative costs associated with issuing the permit; provides for requiring a damage deposit or other means to cover costs associated with damage or extensive clean-up costs following an event.

**Amendment Explanation:**

Since the Commission accepted Ordinance 2949 on first reading on August 15, 2006, staff heard from a concerned downtown business owner who requested specific language requiring approval from property owners when a street in the downtown business district is closed temporarily due to an event be added to the ordinance. The property owner also submitted petition with 31 signatures on requesting the same.

After considering the request, staff proposes the Commission consider such an amendment and added section F and G of OCCGF 12.14.060 which states that for events held within the boundaries of the Downtown Central Business District, the event organizer must demonstrate that 75 percent of adjacent property owners and/or commercial tenants support the temporary street closure request and that they have been notified of the maximum amount of time the street will be closed including set-up time. And similarly for events held in residential areas, the event organizer must demonstrate that the adjacent residents have been notified.

One final amendment gives Staff the authority to tow vehicles that may be parked in the area designated for a special event. This issue has come up several times during the Taste of Great Falls, the 4<sup>th</sup> of July Celebration and other events. While staff will make every attempt to first contact the owner of a vehicle, this amendment does allow for the safe method of removing the vehicle thus removing a potential conflict between moving vehicles and attendees at special events.

**ORDINANCE 2949**  
**Amended**

**AN ORDINANCE AMENDING OCCGF TITLE 9.20 AND 12.14 PERTAINING TO  
INTOXICATING BEVERAGES IN PUBLIC PLACES**

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

Section 1. That OCCGF Title 9 Chapter 20 and Title 12, Chapter 14 pertaining to intoxicating beverages in public places 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 5th day of September, 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 2949 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 5th day of September, 2006, and approved by the Mayor of said City on the 5th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5<sup>th</sup> day of September, 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 5<sup>th</sup> day of September, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2949 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

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

## EXHIBIT A

### IV. OFFENSES AGAINST PUBLIC PEACE

#### Chapter 9.20

#### INTOXICATING BEVERAGES

##### **Sections:**

- 9.20.010 Definitions.
- 9.20.020 Unlawful within City limits.
- 9.20.030 Exceptions—~~Public facilities.~~
- 9.20.040 Requirements of **Special Event Permit for Alcohol**
- 9.20.050 ~~Criteria for Public Interest~~ **Permit Denial - Appeal**
- ~~9.20.060 Conditions for Permit Public Facility (except Civic Center)~~
- ~~9.20.070 Conditions for Permit Civic Center Use~~
- 9.20.080 Violation--Penalty.

**9.20.010 Definitions.** For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops or any similar products, containing not more than four percent of alcohol by weight.

B. "Liquor" means any alcoholic, spirituous, vinous, fermented, malt or other liquor which contains more than one percent of alcohol by weight.

C. "Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer or the carrying and exhibition of glasses or other types of containers for beer, wine, or liquor, even though empty, on or within any public place as defined herein or on or within any vehicle that is upon a public place as defined herein. This definition does not include carrying or transporting beer, wine, or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons, or other similar containers if the seal for the alcoholic beverage container is unbroken; nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of the vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.

D. "Public drinking" means the drinking or consuming of beer, wine or liquor within or upon any vehicle that is upon a public place as defined herein or upon any public place in the City.

E. "**Public places**" means **all streets, avenues, alleys, eligible publicly owned parking lots and privately owned parking lots open to the public for parking in the City, approved City-owned facilities, and the following City parks: Odd Fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions and West Kiwanis. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of**

Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open-air restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building. "Public places" means all streets, avenues, alleys, city parks publicly owned parking lots, and privately owned parking lots open to the public for parking in the City. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open air restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building. (Ord. 2854, 2003)

F. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

G. "Wine" means an alcoholic beverage made from the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains not less than seven percent or more than twenty-four percent of alcohol by volume. Other alcoholic beverages made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine. (Ord. 2342 §2(part), 1983).

**9.20.020 Unlawful within City limits.** A. Except as provided in ~~subsections A, B, C and D of Section 9.20.030~~, public drinking and public display and exhibition of beer, wine or liquor as defined in this chapter are prohibited. Except as provided for herein, it is unlawful for any person to engage in public drinking, public display or exhibition of beer or liquor within the City limits. (Ord. 2525 §1, 1988: Ord. 2453 §1(part), 1987: Ord. 2342 §2(part), 1983).

**9.20.030 Exceptions—Public facilities.** A. Individuals, members of groups or organizations who wish to consume, sell or give away alcoholic beverages in public places as defined in 9.20.010 may do so provided they obtain a special event permit as specified in 9.20.040 or are otherwise excluded from that requirement.

B. A fee to cover administrative costs for such permit shall be charged and set by Commission resolution.

~~A. A long term lease with any individual, association, organization or corporation for use of public facilities who desires to serve beer, wine or liquor in a public facility may do so by including the necessary language within the lease document. The long term lease must specifically mention alcohol consumption; provide proof of general liability insurance in the minimum amount of one million dollars coverage per occurrence; and the individual, association, organization or corporation must indemnify and hold the City harmless for any and all liability arising out of the leased use of such facility. The lease must contain the following information: proof of compliance with state and local alcohol licensing if alcohol is to be served, certification that alcohol will be provided only to persons of legal age and that the City will be held harmless for any liability. (Ord. 2647 (part), 1994).~~

~~\_\_\_\_\_ B. Where any of the Civic Center facilities are reserved for a special event by any person or organization, and that person or organization desires to serve beer, wine or liquor, an application for a permit to serve such alcoholic beverage must accompany the application for the reservation of such facilities. Requirements for this permit are set out in section 9.20.050 of this chapter. (Ord. 2647 (part), 1994).~~

~~C. Any individual, association, organization or corporation desiring to serve beer, wine or liquor upon a public place as defined in this chapter may obtain a permit for each use from the City Manager for one day in accordance with the requirements herein. Further limitations for the use of parks include:~~

~~1. Any alcohol possession allowed in any city park pursuant to this chapter shall be permitted only during the hours designated in the permit. Applicant must make known upon application what the intended hours of the event will be.~~

~~2. No glass alcohol beverage containers shall be allowed in the city parks.~~

~~C. Organizers for special events held in city parks users must clean up the park to a state at least as clean as when they arrived and permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permit is issued within the park. (Ord. 2647 (part), 1994).~~

**D. A special event may require closure of a public parking lot or temporary closure of a street. For such an event a sign designating the street closure and removal of vehicles will be prominently posted no less than 4 hours in advance of the event. Parking in an area that has been designated and blocked off for a special event is a misdemeanor and such vehicle may be impounded and towed. The owner will be responsible for all towing and impounding fees.**

**E. The Civic Center and** designated areas of the "State Fair" grounds shall be exempt from the prohibition of Section 9.20.020. (Ord. 2854, 2003; Ord. 2525 §2, 1988; Ord. 2453 §1(part), 1987; Ord. 2399 §1, 1985; Ord. 2342 §2(part), 1983).

**9.20.040 Requirements for a Special Event Permit for Alcohol.** ~~A. The application for a special event permit under this chapter shall be obtained~~ from the City Manager's office **and** shall contain the name **and contact information** of the person or entity requesting the permit, the location of the proposed event, ~~the permission of the city department head responsible for the public land involved to utilize the land for the requested function,~~ **the anticipated number attending the event,** and 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 ~~to allow for adequate review time.~~ (Ord. 2854, 2003)

**B. The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and provide copies of all applicable state and local liquor permits.**

**C. 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, or designee, 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.**

D. Applicants for a special event 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.

E. The Police Department may revoke the special event permit should those in attendance become unruly, property is damaged or for other reasons that adversely affect the public health, safety and welfare of those attending the event and the citizens of Great Falls.

**9.20.050 Permit Denial – Review.** If an applicant is denied a special event permit under 9.20.040, the applicant may appeal the decision to the City Commission who shall review the application in a public meeting and may direct the City Manager's office to issue said permit based upon their review.

**9.20.050 Criteria for Public Interest.** In reviewing the application for a permit to serve alcoholic beverages in public facilities, the City Manager shall consider the following factors:

— A. Whether the proposed activity contributes to the cultural, recreational or entertainment opportunities available to the community;

— B. The appropriateness (inclusive of zoning restrictions) of the public land or facility for the proposed use.

— C. Any negative impact on adjacent property the proposed use might have;

— D. What security, crowd control and litter control measures the applicant will be utilizing for the event or activity;

— E. What the hours of the proposed use are and whether there are any residences nearby that could be disturbed by late night conduct, noise and activity;

— F. Whether the proposed activity is sponsored in whole or in part by a public agent or entity; and,

— G. The City Manager is further authorized some discretion and flexibility for determining the amount of the damage deposit or bond in Section 9.020.060 of this code. Criteria for setting the amount of the deposit shall be anticipated number of people attending the event; estimated amount of alcohol likely to be available for consumption; applicant's demonstration of crowd control and a litter plan; and numbers of past events on public property where there were no damage or litter issues after the completion of the event. The manager's determination may be appealed to the City Commission. (Ord. 2854, 2003)

**9.20.060 Conditions for Permit for Alcohol – Public Facilities (Except the Civic Center).** In no event shall a permit to serve alcohol on/at a public facility be issued unless the following conditions are met:

— A. The event for which the permit is authorized is open to, or may be attended by members of the general public.

— B. A refundable damage deposit in a range between five hundred and one thousand five hundred dollars shall be charged to cover against damage, destruction, vandalism, and litter at or adjacent to the location of the event or activity. The amount shall be determined pursuant to Section 9.20.050(G) of this chapter. The bond may not be returned until at least ten calendar days after the conclusion of the event and the City Manager may deduct from any damage deposit or make claim

against any bond for any reasonable city expense for cleaning up litter and/or repairing or replacing damaged or destroyed public property or public land.

~~\_\_\_\_\_ C. Issuance of this permit shall be made by the City Manager only after such use of the public place has been approved by the Police Chief, Fire Chief and Department Head responsible for the public facility, and the owner or lessee of any parking lot or space open to the public.~~

~~\_\_\_\_\_ D. Permit holder is required to fence or otherwise contain the area in which the alcohol is consumed, and provide measures for ensuring that alcohol will not be available for purchase or consumption by persons under the age of twenty one. For purposes of this section, a roped area is not considered an adequate barrier.~~

~~\_\_\_\_\_ E. The individual or group in whose name the permit is issued shall be responsible for having the permit present at the site as well as any applicable state permits, informing and supervising others with respect to the compliance with city ordinances and state law, the safety, sobriety, conduct and behavior of each member of the group.~~

~~\_\_\_\_\_ F. All state and local liquor control regulations have been complied with by the applicant and proof of all applicable state and local liquor permits must be provided.~~

~~\_\_\_\_\_ G. The person or organization must provide proof of general liability insurance and liquor liability insurance in the minimum amount of one million dollars coverage per occurrence, and must indemnify and hold the City harmless for any and all liability arising out of the reserve use of such facility. (Ord. 2854, 2003)~~

**9.20.070 Conditions for Permit for Alcohol—Civic Center use.** A. An applicant wishing to use the Civic Center facilities for an event which involves the consumption, ~~sale~~ or possession of but not the sale of, alcohol shall provide with their application for reservation notification of the intent to have alcohol at their event ~~a copy of the Special Event Permit as provided for in 9.20.040~~ as well as pay a damage deposit in the amount specified in the rental contract. The deposit may not be returned until at least ten days after the conclusion of the event and the City Manager or his designee may deduct for any reasonable city expenses for cleaning up litter and/or repairing or replacing damaged or destroyed property within the Civic Center or immediate area.

B. An applicant wishing to use the Civic Center facilities for a function which involves the sale of alcohol as part of their event must first apply for a permit under the same conditions as those uses authorized under Section 9.20.060.

**9.20.080 Violation--Penalty.** Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be **as specified in 1.40.070.** ~~fined a sum not exceeding five hundred dollars, or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment. (Ord. 2854, 2003; Ord. 2342 §2(part), 1983).~~



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).

**12.14.060 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. **Parades and/or processions are excluded from the requirements set forth in 12.14.060.**

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 Police Chief, and other appropriate staff, shall review, approve or deny the permit application and has the authority to require additional information from the applicant.

**F. For events held within the boundaries of the Downtown Central Business District, the event organizer must demonstrate that 75 percent of adjacent property owners and/or commercial tenants support the temporary street closure request and that they have been**

**notified of the maximum amount of time the street will be closed including set-up time. As used herein “adjacent property” shall mean those owners along the same street or avenue as the temporary street closure request.**

**G. For events held in residential areas, the event organizer must demonstrate that the adjacent residents have been notified.**

**H. 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.**

**I. 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.**

**J. Applicants for a special event 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.**

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

**A G E N D A   R E P O R T**

**DATE** September 5, 2006

**ITEM** Financial Commitments for Great Falls Development Authority & High Plains Financial, Inc.

**INITIATED BY** Community Development Department

**ACTION REQUESTED** Approve Financial Commitments

**PREPARED & PRESENTED BY** Mike Rattray, C.D. Director

**REVIEWED & APPROVED BY** Mike Rattray, C.D. Director

- - - - -

**RECOMMENDATION:**

Staff recommends the City Commission approve the following motion:

**MOTION:**

I move the City Commission: 1) reauthorize the High Plains Financial, Inc. Line of Credit to utilize the remaining balance of \$65,000 and extend the due date to April 30, 2007, and; 2) authorize the City to be the guarantor to a \$73,500 loan to the Great Falls Development Authority from First Interstate Bank.

**SYNOPSIS:**

The Great Falls Development Authority has requested that the City of Great Falls assist in providing some of the local matching funds necessary for the Economic Development Administration revolving loan fund. The two financial commitments outlined in this report will satisfy this need.

**BACKGROUND:**

For a number of years the Great Falls Development Authority has operated a successful economic development revolving loan fund that was initially financed by the Economic Development Administration. Currently this loan fund has a net worth of approximately \$5.5 million. One of the requirements of the Economic Development Administration is that all their loan funds receive a local match of funds. A past audit of the revolving loan fund noted a deficiency in the matching funds which must be provided as soon as possible. The Development Authority has resolved all the matching funds necessary, with the exception of \$138,500 which can be resolved by approval of the two financial commitments outlined above.

In May, 2003, the City set up a Line of Credit (Promissory Note) for \$250,000 with a maturity date of April 30, 2006. To date, High Plains Financial, Inc. has drawn \$185,000. The Development Authority is requesting that High Plains Financial, Inc. be allowed to draw the balance of \$65,000, however, to do so

the City Commission needs to take official action to reauthorize the Line of Credit because the maturity date has expired.

The Development Authority is negotiating a \$73,500 loan from First Interstate Bank to provide the remaining balance required for the matching funds. The bank has requested that the City guarantee the loan. The Development Authority plans on paying off the majority of the loan within the next 60 days from proceeds received from the sale of their current office building. As of the date of this report, the Development Authority has authorized sale of the building for \$240,000. After paying off the building and other debt, sufficient funds are expected to be available to pay the First Interstate Bank loan down to approximately \$35,000. The closing on the sale of the building is scheduled to take place by September 30, 2006. The remaining balance is to be financed over a five year period.

**Attachment: Request from GFDA** (Not available online. On-file in the City Clerk's Office)

**Promissory Note** (Not available online. On-file in the City Clerk's Office)

**First Interstate Bank letter** (Not available online. On-file in the City Clerk's Office)

**A G E N D A   R E P O R T**

**DATE** September 5, 2006

**ITEM** Resolutions No. 9608 & 9609, Intent to Annex, and Ordinance No. 2952 to Establish City Zoning for Parcel Mark No. 1B, and a Portion of 10<sup>th</sup> Avenue South, Sec 16, T20N, R4E

**INITIATED BY** City Administration

**ACTION REQUESTED** Commission Adopt Resolutions No. 9608 & 9609, and Accept Ordinance No. 2952 on First Reading and Set Hearing

**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 10<sup>th</sup> 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. 9608.”

and

“I move the City Commission adopt Resolution No. 9609.”

and

“I move the City Commission accept Ordinance No. 2952 on first reading and set a public hearing for October 3, 2006, to consider adoption of Ordinance No. 2952.”

**SYNOPSIS:**

Resolution No. 9608 sets a public hearing for October 3, 2006, to consider annexation of subject Mark No. 1B. Resolution No. 9609 sets a public hearing for October 3, 2006, to consider annexation of a portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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. 9608 & 9609.

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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 7<sup>th</sup>, 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 10<sup>th</sup> 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, subject property 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South. No proponents or opponents spoke at the public hearing. At the conclusion of the public hearing the Planning Board passed a motion recommending the City Commission annex Parcel Mark No. 1B and portion of 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> Street South and the Zoning Commission 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: Res. No. 9608  
Res. No. 9609  
Ord. No. 2952  
E-mail communication dated Saturday, August 05, 2006

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

**From:** Travel Time RV [information@traveltimervs.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@traveltimervs.com](mailto:information@traveltimervs.com)



RESOLUTION NO. 9608

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

\* \* \* \* \*

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:

A tract of land in the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) 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, January 15, 1986, 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

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

That in its judgment it will be in the best interest of said City of Great Falls and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: PARCEL MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that on Tuesday, the 3<sup>rd</sup> day of October, 2006, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed annexation of PARCEL MARK NO. 1B IN SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA; and

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of September, 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. 9608 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5<sup>th</sup> day of September, 2006, wherein it was approved by said City Commission.

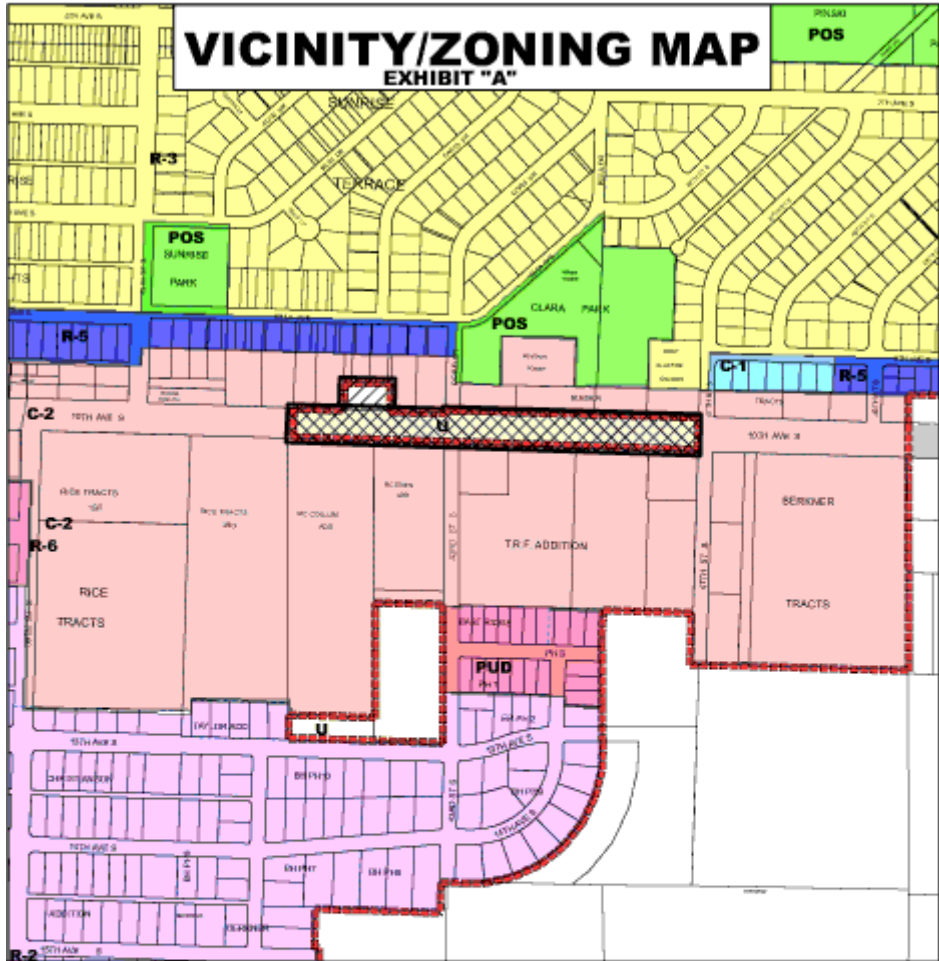
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5<sup>th</sup> day of September, 2006.
















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



RESOLUTION NO. 9609

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A PORTION OF 10<sup>TH</sup> AVENUE SOUTH IN N½ SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY MONTANA AND DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

\* \* \* \* \*

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 10<sup>th</sup> 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, 10<sup>th</sup> 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 10<sup>th</sup> Avenue South; thence N.89°52'20"W. 1026.2 feet along the south right-of-way line of the existing State Highway, 10<sup>th</sup> 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, 10<sup>th</sup> 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, 10<sup>th</sup> Avenue South; thence S.89°51'45"E. 634.85 feet along the north right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South, to the point of beginning, containing in all 5.071 acres more or less,

all as shown on the attached Exhibit "A" and by this reference made a part hereof; 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.

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

That in its judgment it will be in the best interest of said City of Great Falls and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include:

“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, 10<sup>th</sup> 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 10<sup>th</sup> Avenue South; thence N.89°52’20”W. 1026.2 feet along the south right-of-way line of the existing State Highway, 10<sup>th</sup> 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, 10<sup>th</sup> 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, 10<sup>th</sup> Avenue South; thence S.89°51’45”E. 634.85 feet along the north right-of-way line of the existing State Highway, 10<sup>th</sup> Avenue South, to the point of beginning, containing in all 5.071 acres more or less.”

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that on Tuesday, the 3<sup>rd</sup> day of October, 2006, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed annexation of “MONTANA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY FOR 10<sup>TH</sup> 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”; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall at the aforesaid public hearing before the said City Commission and after

expiration of a twenty (20) day period following the publication of notice of passage of said Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of September, 2006.

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Dona R. Stebbins, Mayor

ATTEST:

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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. 9609 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5<sup>th</sup> day of September, 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 5<sup>th</sup> day of September, 2006.

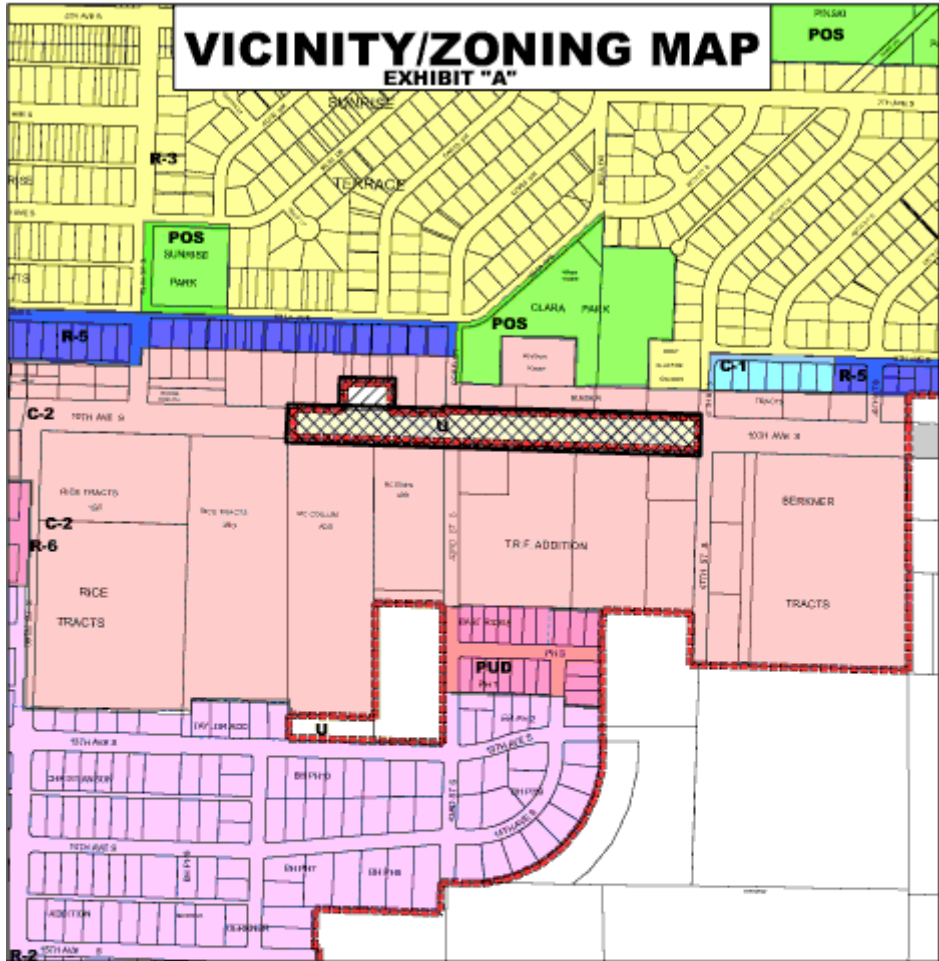
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Peggy J. Bourne, City Clerk

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



ORDINANCE NO. 2952

AN ORDINANCE ASSIGNING CITY ZONING TO PARCEL MARK NO. 1B AND A PORTION OF 10<sup>TH</sup> AVENUE SOUTH, BETWEEN 40<sup>TH</sup> STREET SOUTH AND 47<sup>TH</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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, 10<sup>th</sup> 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 10<sup>th</sup> Avenue South; thence N.89°52'20"W. 1026.2 feet along the south right-of-way line of the existing State Highway, 10<sup>th</sup> 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, 10<sup>th</sup> 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, 10<sup>th</sup> Avenue South; thence S.89°51'45"E. 634.85 feet along the north right-of-way line of the existing State Highway, 10<sup>th</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 3<sup>rd</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 10<sup>th</sup> Avenue South between 40<sup>th</sup> Street South and 47<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3<sup>rd</sup> 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 3<sup>rd</sup> 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)

**CITY OF GREAT FALLS, MONTANA**

**AGENDA#** 10

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

**DATE** September 5, 2006

**ITEM** Ordinance 2951, Amending OCCGF 10.48.220 and 230 pertaining to bus and passenger loading zones.

**INITIATED BY** Kory Larsen, Assistant City Attorney

**ACTION REQUESTED** Accept Ordinance 2951 on first reading and set the second and final reading for September 19, 2006 at 7 pm.

**PREPARED BY:** Kory Larsen, Assistant City Attorney

**PRESENTED BY:** David V. Gliko, City Attorney

**RECOMMENDATION:**

It is recommended the City Commission accept Ordinance 2951 on first reading and set the second and final reading for September 19, 2006. Ordinance 2951 pertains to bus and passenger loading zones.

**MOTION:**

I move the City Commission accept Ordinance 2951 on first reading and set the second and final reading for September 19, 2006 at 7 pm.

**SYNOPSIS:**

Ordinance 2951 would make enforcement of bus zone and passenger zone parking violations around schools easier for all parties.

**BACKGROUND:**

Several school bus drivers registered complaints about passenger vehicles parking in school bus zones adjacent to several area schools. The bus drivers raised safety concerns and also were concerned about traffic flow 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 changes. The result of the committee's decision is contained in the amended sections attached hereto. These changes will ease enforcement of the ordinances related to parking in school bus zones and passenger zones while addressing the safety concerns and traffic flow issues. As an added benefit, the changes also make these sections easier to explain to the public.

**ORDINANCE 2951**

**AN ORDINANCE AMENDING OCCGF TITLE 10.48.220 and 10.48.230  
PERTAINING TO BUS AND PASSENGER LOADING ZONES**

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

Section 1. That OCCGF Title 10 Chapter 48 sections 220 and pertaining to bus and passenger loading zones 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 19th day of September, 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 2951 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 19th day of September, 2006, and approved by the Mayor of said City on the 19th day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 19<sup>th</sup> day of September, 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 19<sup>th</sup> day of September, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2951 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)

**Ordinance 2951**  
**EXHIBIT A**

**10.48.220 Bus zone.** A. The driver of a bus shall not park same upon any traffic way within that area herein defined as the parking meter district at any place other than at a bus zone, except a driver of any bus may temporarily stop in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers; provided, that it is unlawful for any bus to cruise in and upon any traffic way for the purpose of soliciting passengers. It is unlawful for any person to stop, stand or park a vehicle other than a bus in a bus zone when any such zone has been officially designated and appropriately signed, ~~except a driver of a passenger vehicle or taxicab may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any bus waiting to enter or about to enter such zone.~~

**B. The only buses allowed in bus zones adjacent to schools are those authorized by the Great Falls School District.**

**C. Bus zones adjacent to schools shall only be enforceable between 7 am to 5 pm when school is in session.**

**D. Any violation of this section in a school bus zone shall be punished as a misdemeanor and shall be punished by a fine of not less than one-hundred dollars or more than five-hundred dollars.**

~~B. The applicant for a bus zone permit is herein defined as the owner(s)/lessee of the buses intending to use the zone. (Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).~~

~~C. Bus zones adjacent to schools shall only be enforceable between 7:30 a.m. to 5:00 p.m. when school is in session or during special school events. (Ord. 2762, 1995; Ord. 2646 §(part), 1994)~~

**10.48.230 Passenger loading zone.** A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading of passengers in a passenger zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed three minutes. **A driver of a taxicab or bus may not stop, stand or park in a school passenger zone. In any other passenger zone a driver of a taxicab or bus may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any passenger vehicle waiting to enter or about to enter such zone.** ~~except a driver of a taxicab or bus may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any passenger vehicle waiting to enter or about to enter such zone.~~

**B. School passenger loading zone means an appropriately signed passenger zone located adjacent to a school.**

~~B. C. No special designation of passenger vehicles is required.~~

~~C. D. The applicant for a passenger loading zone permit is herein defined as the~~

owner(s)/lessee of the property(ies) that front the zone. (Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

**D. E.** Passenger loading zones adjacent to schools shall only be enforceable between 7:30 a.m. to 5:00 p.m. when school is in session.

**F.** Any violation of this section in a school bus zone shall be punished as a misdemeanor and shall be punished by a fine of not less than one-hundred dollars or more than five-hundred dollars.

CITY OF GREAT FALLS, MONTANA      AGENDA # 11

A G E N D A   R E P O R T                      DATE September 5, 2006

ITEM Ordinance No. 2947 to Establish City Zoning Upon Amended Plat of 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 Accept Ordinance No. 2947 on First Reading and Set Hearing

PREPARED BY Charles Sheets, Planner 1

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of 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.

**MOTION:**

“I move the City Commission accept Ordinance No. 2947 on first reading and set a public hearing for October 3, 2006, to consider adoption of Ordinance No. 2947.”

**SYNOPSIS:**

Ordinance No. 2947 assigns 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, upon annexation to the City

**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 13<sup>th</sup> Street South and 21<sup>st</sup> Avenue South. The applicant intends to construct two warehouse/shop buildings to be leased for business use, similar to those owned immediately south and across 21<sup>st</sup> Avenue South.

Find attached a vicinity/zoning map and a reduced copy of the preliminary amended plat.

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.



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 13<sup>th</sup> Street South, a minor arterial.

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. Staff concludes all of the above listed criteria are substantially met.

The Zoning Commission, at the conclusion of a combined public hearing held July 11, 2006, unanimously recommended the City Commission assign a 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 the annexation of the area contained therein.

Attachments: Vicinity Map  
Reduced Copy of Drawing Portion of Amended Plat  
Ordinance. No. 2947

Cc: Dave Dickman, 130 Gibson Flats Rd

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 3<sup>rd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> day of October, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3<sup>rd</sup> 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 3<sup>rd</sup> 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:

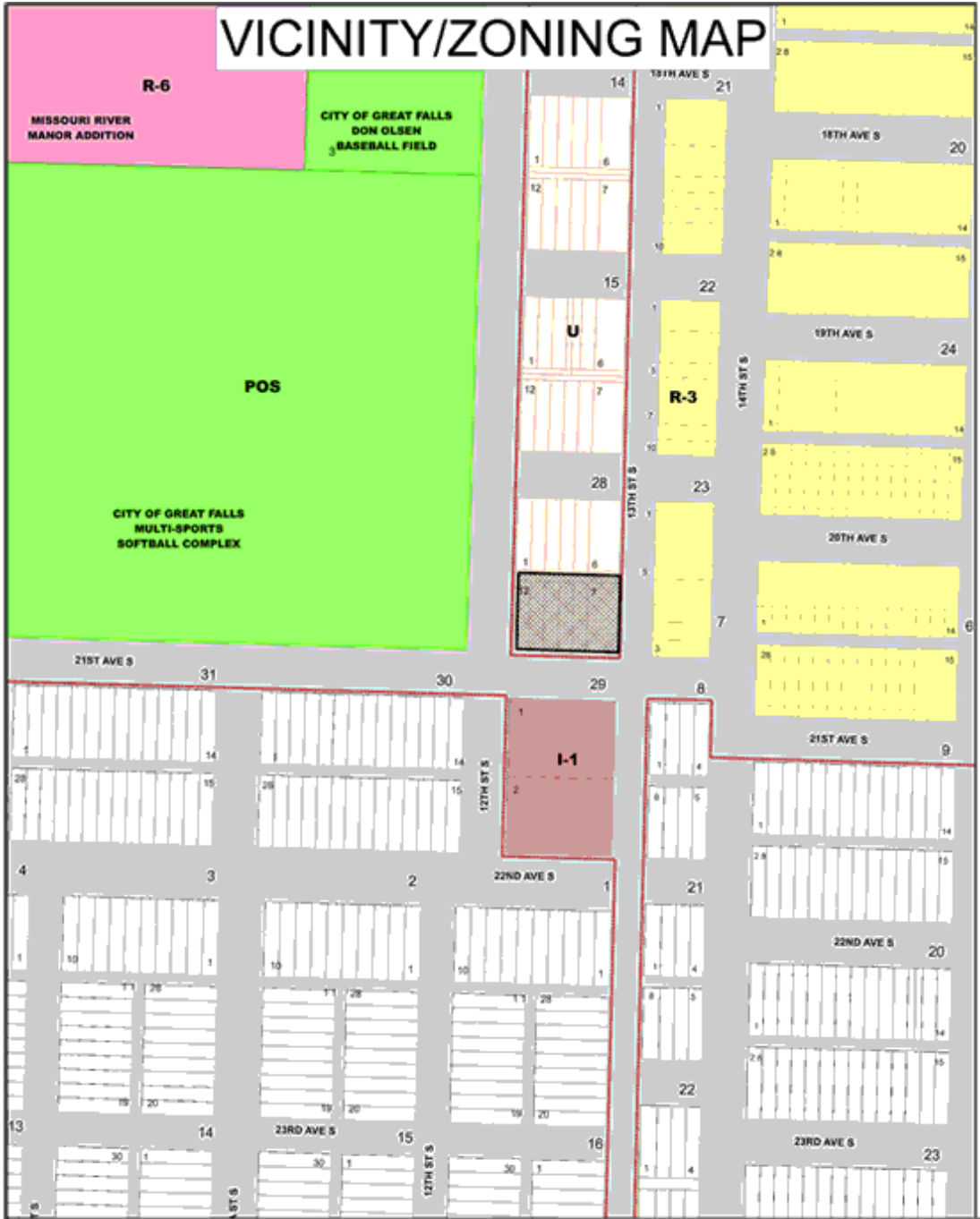
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

# VICINITY/ZONING MAP



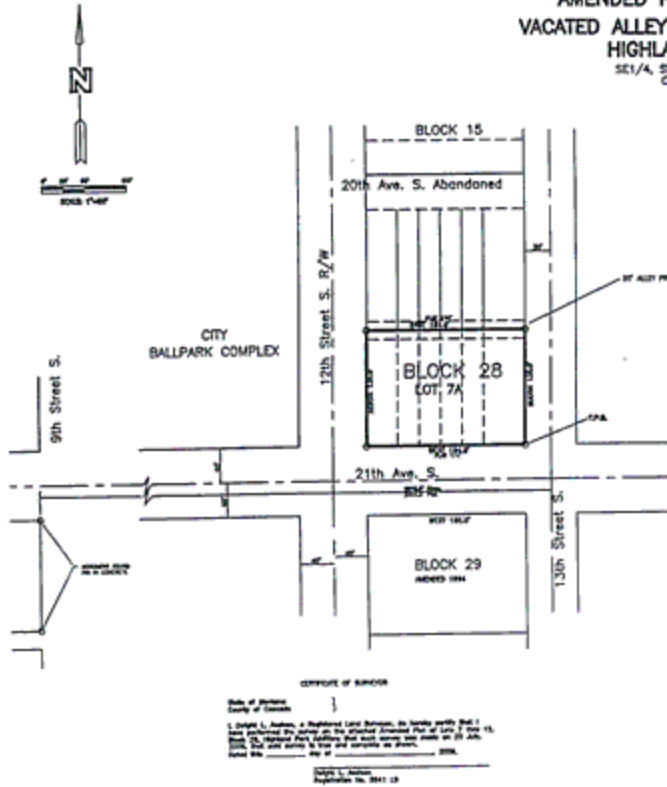
**ZONING DISTRICTS**

- R-3 Single-family high density
- R-6 Multi-family high density
- POS Parks and Open Space
- I-1 Light industrial
- U Unincorporated Enclaves
- CITY LIMIT BOUNDARY
- PARCELS OUT OF CITY LIMITS

South 1/2 of Vacated Alley and Lots 7-12, Block 28, Highland Park Subdivision  
 Property proposed to be Annexed to the city and assigned a zone classification of I-1 Light industrial district.

250    125    0    250 Feet

**AMENDED PLAT OF SOUTH HALF OF  
VACATED ALLEY AND LOTS 7-12, BLOCK 28  
HIGHLAND PARK ADDITION  
SE1/4, SECTION 13, T 20 N, R 3 E, P.M.M.  
CASCADE COUNTY, MONTANA**



**CERTIFICATE OF RECORDING OF PLAT**  
I, John W. Linton, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commissioners of the City of Great Falls, Montana, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, passed and approved the following plat of \_\_\_\_\_, Block 28, Highland Park Addition, City of Great Falls, Cascade County, Montana, and defined contained a north-south line in the year of \_\_\_\_\_ for the part that is in the block that is shown hereon and that a subdivision was made, in accordance with Section 79-3-811(1)(a), MCA.

John W. Linton, City Manager, City of Great Falls, Montana

**CERTIFICATE OF PUBLIC NOTICE**  
I, John B. Anderson, Public Notice Officer for the City of Great Falls, Montana, do hereby certify that I have published the accompanying Amended Plat of SE1/4, Block 28, Highland Park Addition, City of Great Falls, Montana, at \_\_\_\_\_ o'clock \_\_\_\_\_ of the \_\_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_, Montana, in accordance with the provisions of the Montana Code Annotated, Title 79, Chapter 3, Part 3, Section 79-3-811(1)(a), MCA.

John B. Anderson, Public Notice Officer, City of Great Falls, Montana

**CERTIFICATE OF CITY ENGINEER**  
I, John W. Linton, City Manager of Great Falls, Montana, do hereby certify that the accompanying plat was duly prepared and approved by the City Commissioners of the City of Great Falls, at the regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

John W. Linton, City Manager, City of Great Falls, Montana

**CERTIFICATE OF AUTHORITY OF GENERAL SERVICES**  
I, John W. Linton, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commissioners of the City of Great Falls, Montana, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, passed and approved the accompanying Amended Plat of SE1/4, Block 28, Highland Park Addition, City of Great Falls, Montana, and defined contained a north-south line in the year of \_\_\_\_\_ for the part that is in the block that is shown hereon and that a subdivision was made, in accordance with Section 79-3-811(1)(a), MCA.

John W. Linton, City Manager, City of Great Falls, Montana

**CERTIFICATE OF COUNTY TREASURER**  
I, John B. Anderson, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records pertaining to the above plat and the accompanying Amended Plat of Lots 7 and 8, Block 28, Highland Park Addition and that said plat has been duly recorded in the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

John B. Anderson, County Treasurer, Cascade County, Montana

**GENERAL NOTES**  
1. The undersigned engineer certifies that he has verified the plat and the accompanying Amended Plat of SE1/4, Block 28, Highland Park Addition, Cascade County, Montana, in accordance with the provisions of the Montana Code Annotated, Title 79, Chapter 3, Part 3, Section 79-3-811(1)(a), MCA.

**SECTION 17**  
A boundary adjustment for the appropriation of the South half of vacated alley and Lots 7 and 8, Block 28, Highland Park Addition to Great Falls, SE1/4, Block 15, T 20 N, R 3 E, P.M.M., Cascade County, Montana.

**SECTION 18**  
Area Lot 7, Block 28 beginning at SE corner of original Block 28, Highland Park Addition, Thence South, along the South boundary of 13th Avenue South, 1862.62 to Station North, 1362.42, Thence East, 1862.62 to Thence South, 1362.42 to the Point of Beginning. North-south distance Lot 7, section 21,408.00 sq. ft.

Date: \_\_\_\_\_  
\_\_\_\_\_

State of Montana  
County of Cascade

Do hereby certify that I am a duly licensed Professional Engineer in the State of Montana, and that I am the author of the accompanying Amended Plat of SE1/4, Block 28, Highland Park Addition, City of Great Falls, Montana, and that I have verified the same.

\_\_\_\_\_

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**  
We, the undersigned, William A. Brown, President of the Great Falls (City-County) Planning Board, David J. DeLoach, Vice President, and Jennifer A. Kemp, Secretary of the Great Falls (City-County) Planning Board, do hereby certify that the accompanying Amended Plat of SE1/4, Block 28, Highland Park Addition to Great Falls, Cascade County, Montana, has been approved by the Great Falls (City-County) Planning Board of Great Falls, Cascade County, Montana, for distribution to them and are approved of a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

William A. Brown, President, Great Falls Planning Board  
David J. DeLoach, Vice President  
Jennifer A. Kemp, Secretary, Planning Board

<p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li>--- FOUND SYSTEMS (WITH DISTANCE)</li> <li>--- CENTERLINE ALIGNMENT</li> <li>--- CENTERLINE STREET</li> <li>--- BOUNDARY OF ADJACENT</li> <li>--- LOT LINES</li> <li>--- BEARED LOT LINE</li> </ul>	<p><b>AMENDED PLAT OF SOUTH HALF OF VACATED ALLEY AND LOTS 7-12, BLK. HIGHLAND PARK ADDITION CASCADE COUNTY, MONTANA</b></p> <p>PROJECT: BLK 28 SCALE: AS SHOWN DATE: 10/15/24</p> <p><b>DELTA ENGINEERING P.C.</b> 1111 14th Street S. Great Falls, MT 59404 406.761.1111</p>
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Regular City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

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

**NEIGHBORHOOD COUNCILS**

1. No reports or announcements.

**PUBLIC HEARINGS**

**Res. 9604 and Ord. 2944 annexation, zoning and the amended plat of T20N R4E Sec. 4, Parcel Mark No. 4B. Adopted.**

**2A. RESOLUTION 9604, ANNEXATION OF PARCEL MARK NO. 4B, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST.**

**2B. ORDINANCE 2944, ZONING FOR PARCEL MARK NO. 4B, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST.**

Planning Director Ben Rangel reported the owners of Western Ranch Supply requested to annex a wholly surrounded 5 acre enclave which is located at 4000 River Drive North. The project includes the renovation of an existing building on the premises, provision of a large fenced exterior retail display area and a paved customer parking area.

The surrounding incorporated property is zoned I-2 Heavy industrial district and Staff, therefore, recommended this land be zoned the same.

On April 11, 2006, the Planning Board/Zoning Commission conducted a joint public hearing on the annexation and zoning requests. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission zone the property I-2 heavy industrial district and the Planning Board passed a motion recommending the City Commission approve the annexation request subject to the applicant pay all applicable fees, provide an accurate metes and bounds survey description of the property, and sign an annexation agreement.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to Resolution 9604 or Ordinance 2944. **Mark Macek**, 801 9<sup>th</sup> Street South, spoke in support. There being no one

further to address the City Commission, Mayor Stebbins declared the public hearing closed.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9604 and approve the accompanying Annexation Agreement.**

Motion carried 5-0.

**Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz that the City Commission adopt Ordinance 2944.**

Motion carried 5-0.

**Res. 9592, Vacate a Segment of 20<sup>th</sup> Street South in Vo-Tech Add., B1, L2-3, and B2-4. Adopted.**

**3. RESOLUTION 9592, VACATE A SEGMENT OF 20<sup>th</sup> STREET SOUTH IN VO-TECH ADDITION, BLOCK 1, LOTS 2 AND 3, AND BLOCKS 2, 3, AND 4.**

Planning Director Ben Rangel reported that staff at the MSU-College of Technology proposed that the City vacate a segment of 20<sup>th</sup> Street South right-of-way and rededicate and realign the roadway as shown on an amended plat. Mr. Rangel added that this realignment provided for an s-curve in the roadway to realign 20<sup>th</sup> Street South along the east boundary of Prospect Park Addition. In addition, the lots contained in the area were being aggregated from 7 lots to 4 lots. MSU-College of Technology representatives stated that the smaller lots have become a dumping ground for concrete rubble, tree limbs, grass clippings and some trash.

The Planning Board considered the vacation and Amended Plat during a meeting held July 11, 2006, and unanimously passed a motion recommending the City Commission vacate subject rights-of-way and approve the amended plat.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to Resolution 9592. **Jason Gerard**, 1500 2<sup>nd</sup> Avenue South, spoke in support. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

**Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9592 and approve the Amended Plat of Lots 2 and 3, Block 1 and Blocks 2, 3, and 4, of Vo-Tech Addition and the accompanying Findings of Fact.**

Motion carried 5-0.

**Addendum  
Agreement, West  
Ridge Addition,  
Phase II. Adopted.**

**4. ADDENDUM AGREEMENT, ADDITION OF TWO UNITS TO PUD IN WEST RIDGE ADDITION, PHASE II.**

Planning Director Ben Rangel reported that G & J Development submitted a request to add two dwelling units to the previously approved planned unit development (PUD) condominium project currently under construction on Block 11, West Ridge Addition Phase II, which is located between 35<sup>th</sup> and 36<sup>th</sup> Avenues NE and 2<sup>nd</sup> and 3<sup>rd</sup> Streets NE. Mr. Rangel explained that the original Annexation Agreement for West Ridge Addition Phase II obligated the applicant to develop the PUD substantially in accordance with the site plan. Adding two units to a 32-unit condominium project would seem to be insignificant. However, to accommodate the two additional units, some building setbacks from roadways and between structures would be reduced. Staff determined this increase in density to be a significant enough change that it should be subject to the same review and approval as the original PUD. He added that the Planning Board recommended the City Commission approve the request.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to the Addendum Agreement. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission approve the Addendum Agreement to add two dwelling units to the PUD in West Ridge Addition Phase II.**

Motion carried 5-0.

**Res. 9596 - Assess  
the Boulevard  
Maintenance  
District. Adopted.**

**5. RESOLUTION 9596, ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT.**

Budget Officer Melissa Kinzler reported that State law requires the City Commission to conduct a public hearing and adopt a resolution in order to assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

The General Boulevard Area assessment for fiscal year 06/07 will be \$289,725 the same amount assessed in FY 05/06. This will result in an assessment of \$61.71 for an average lot of 7,500 square feet.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9596. Mayor Stebbins declared the public hearing closed.



**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9596.**

Motion carried 5-0.

**Res. 9598 - Assess  
the Street  
Maintenance  
District. Adopted.**

**6. RESOLUTION 9598, ASSESS STREET IMPROVEMENT MAINTENANCE DISTRICT.**

Budget Officer Melissa Kinzler reported that in order to provide for the necessary assessment support, State law requires the City Commission to conduct a public hearing and adopt a resolution authorizing and setting the assessment. MCA 7-12-4421, states: "...assessments for the costs and expenses of maintaining streets, alleys and public places shall be made against all of the property embraced within each district by one of the methods provided in 7-12-4422."

The Street Maintenance assessment for fiscal year 06/07 will increase by 10 percent, which was recommended to finance street reconstruction projects. The anticipated collections would total \$2,387,479 resulting in an assessment of \$67.09 for an average lot of 7,500 square feet.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9598. Mayor Stebbins declared the public hearing closed.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9598.**

Motion carried 5-0.

**Res. 9597 - Assess  
Portage Meadows  
Maintenance  
District. Adopted.**

**7. RESOLUTION 9597, ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT.**

Budget Officer Melissa Kinzler reported that State law requires the City Commission to conduct a public hearing and adopt a resolution in order to assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

The Portage Meadows Area assessment for fiscal year 06/07 will remain at \$19,786, the same amount assessed in FY 05/06. This will result in an assessment of \$105.81 for an average lot of 4,503 square feet.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9597. Mayor Stebbins declared the public hearing closed.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9597.**

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**Ord. 2946,  
Amending OCCGF  
13.06 Pertaining to  
Water Service  
Lines. Adopted.**

**8. ORDINANCE 2946, AMENDING 13.06 PERTAINING TO WATER SERVICE LINES.**

Public Works Director Jim Rearden reported that Ordinance 2946 would amend OCCGF 13.06 Section H. He explained that the Ordinance would allow water service lines from a meter pit to the building be either copper or HDPE, 200 psig meeting AWWA C-901 Standards. Since the first reading of the Ordinance, staff requested the Ordinance be changed to allow the materials option only for service lines longer than 100 feet if the meter is installed at the property line. Additionally, the requirement that the first 10 feet of pipe from the house is to be copper, if the owner uses HDPE pipe, was eliminated.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2946.**

Commissioner Hinz asked what the difference was in longevity between the copper and the HDPE pipe. Mr. Rearden stated that copper had a great track record and there was limited information regarding HDPE pipe.

Motion carried 5-0.

**Ord. 2949,  
Amending OCCGF  
9.20 and 12.14  
pertaining to  
intoxicating  
beverages in public  
places. Accepted on  
first reading and  
public hearing set  
for September 5,  
2006 at 7 pm.**

**9. ORDINANCE 2949, AMENDING OCCGF 9.20 AND 12.14 PERTAINING TO INTOXICATING BEVERAGES IN PUBLIC PLACES.**

City Clerk Peggy Bourne reported that Ordinance 2949 amends the existing city code that pertains to events held on public lands where alcohol is to be consumed. The proposed ordinance eliminates a conflict with a resolution that established the street closure policy and provides for more events to be held in City parks such as corporate picnics, wedding receptions, family reunions and class reunions.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that Ordinance 2949 be accepted on first reading and the public hearing and final reading be set for September 5, 2006, at 7 p.m.**

Motion carried 5-0.

**Res. 9579, Annual Tax Levy. Adopted.****10. RESOLUTION 9579, ANNUAL TAX LEVY.**

Budget Officer Melissa Kinzler reported that MCA 15-10-202 requires the Montana Department of Revenue send a certification to each taxing authority of the total taxable value within the jurisdiction of the taxing authority by the first Monday of August. The statement and the certified millage are necessary for the City to determine compliance with MCA 15-10-420.

She added that the proposed mill levy was 140.94 mills, which provides for the same mills levied in the previous year plus:

- a 1.424% tax levy increase as allowed by MCA 15-10-420 for inflation; and,
- tax revenue growth from the \$2,873,541 in newly taxable property resulting from new construction.

**Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9579.**

Motion carried 5-0.

**Res. 9605, Submitting to the Electors the Request to Authorize General Obligation Bonds to Fund Swimming Pool Repairs. Adopted.****11. RESOLUTION 9605, SUBMITTING TO THE ELECTORS THE REQUEST TO AUTHORIZE GENERAL OBLIGATION BONDS TO FUND SWIMMING POOL REPAIRS.**

Assistant City Manager Cheryl Patton reported that the community swimming pools were built and/or renovated in the 1960s. Due to the fact that the pools systems and infrastructure have deteriorated over time, the City was faced with significant capital and maintenance issues. The "rehabilitation project" was estimated to cost just under \$2.3 million and General Obligation Bond financing was necessary to fund it. She added that adoption of Resolution 9605 authorizes submitting to the electors of the City of Great Falls a ballot question on November 7, 2006, in conjunction with the general election. The election would determine whether or not to issue \$2,270,000 of General Obligation Bond financing over a term of ten years to fund repairing and rehabilitating the Mitchell, Water Tower and Jaycee Pools.

**Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9605.**

Commissioner Hinz explained that this action allowed the citizens to make the decision. Mayor Stebbins concurred stating that the survey showed that the Great Falls citizens were willing to embrace clean activities for the kids.

Motion carried 5-0.

**Consent Agenda.  
Approved as  
printed.**

**CONSENT AGENDA.**

12. Minutes, August 1, 2006, Commission meeting.
13. Total expenditures of \$2,189,736 for the period of July 21 through August 2, 2006, to include claims over \$5,000 in the amount of \$1,989,300.
14. Contracts list.
15. Set public hearing for September 19, 2006, on Resolution 9599 to Levy and Assess Special Maintenance Lighting Districts.
16. Set public hearing for September 5, 2006, on Resolution 9600, Establishing Sanitation Service Rates for FY 2006/2007.
17. Set public hearing for September 19, 2006, on Resolution 9601, to Levy and Assess a Tax on All Real Estate in Special Improvement Lighting District – City-owned Lighting 1302 Along Beargrass Drive within Meadowlark Addition 3.
18. Set public hearing for September 19, 2006, on Resolution 9602 to Levy and Assess a Tax on all real estate in Special Improvement City-Owned Lighting District 1304 within Eagles Crossing Phase I.
19. Set public hearing for September 19, 2006, on Resolution 9603 to Levy and Assess a Tax on all real estate in Special Improvement City-Owned Lighting District 1306 along Camas Drive within Meadowlark Addition 4.
20. Set public hearing for September 5, 2006, for consideration of the sale of city-owned land located at Lots 3A through 3H, Amended Plat of Lot 3, Medical Tech Park (located southwest of the Centene development site).
21. Set public hearing for September 5, 2006, for the 2006/2007 Business Improvement District Budget.
22. Contract for the Mansfield Theater Lobby Exclusive Concessions Agreement to Miss Linda's School of Dance.
23. List of property declared as surplus to allow it to be sold at auction.
24. Agreement with the Montana Department of Transportation for Maintenance of Traffic Signals on State Routes.

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

Motion carried 5-0.

**CITY COMMISSION**

**School Zones and  
Cross Walks.**

27. Commissioner Beecher reminded everyone that school would be starting soon and to pay special attention to the speed limit in school zones and to the cross walk activity.

**PETITIONS AND COMMUNICATIONS**

28. John Hubbard expressed concern about the increase in taxes especially for those on fixed incomes.

**Adjourn**

**ADJOURNMENT**

There being no further business to come before the Commission, the regular meeting of August 15, 2006, adjourned at 7:37 p.m.

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Mayor Dona R. Stebbins

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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 AUGUST 16, 2006	818,906.14
MASTER ACCOUNT CHECK RUN FOR AUGUST 23, 2006	546,669.87
MASTER ACCOUNT CHECK RUN FOR AUGUST 30, 2006	721,520.82
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 4, 2006	2,940.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 11, 2006	3,280.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 18, 2006	60,320.72
WIRE TRANSFERS FROM AUGUST 9, 2006 THRU AUGUST 17, 2006	1,150,544.17
WIRE TRANSFERS FROM AUGUST 16, 2006 THRU AUGUST 22, 2006	168,652.89
<b>TOTAL: \$</b>	<b><u>3,472,834.61</u></b>

**GENERAL FUND**

**POLICE**

ENERGY WEST	JULY CHARGES	182.02
NORTHWESTERN ENERGY	JULY CHARGES-SPLIT	837.10

**FIRE**

ENERGY WEST	JULY CHARGES	1,064.41
NORTHWESTERN ENERGY	JULY CHARGES-SPLIT	812.50

**PARK & RECREATION**

MONTANA WASTE SYSTEMS	PARK AREA SANITATION	100.51
ENERGY WEST	JULY CHARGES	472.88
NORTHWESTERN ENERGY	JULY CHARGES-SPLIT	230.35
NORTHWESTERN ENERGY	JULY CHARGES-SPLIT	332.70

**SPECIAL REVENUE FUND**

**CTEP PROJECT**

FORDE NURSERY	CONST BLOOMINGDALE PARK CTEP	54,496.28
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**LIGHTING DISTRICT**

NORTHWESTERN ENERGY	AUGUST CHARGES	54,133.26
NORTHWESTERN ENERGY	AUGUST CHARGES	7,523.59
NORTHWESTERN ENERGY	AUGUST CHARGES	5,121.59

**STREET DISTRICT**

GREAT FALLS REDI-MIX INC	ASPHALTIC CONCRETE	93,451.02
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**LIBRARY**

ENERGY WEST	JULY CHARGES	213.32
NORTHWESTERN ENERGY	JULY CHARGES	1,170.96
OCLC	TOTAL CATALOGING & METADATA	9,984.93

**SPECIAL REVENUE FUND CONTINUED**

MONTANA WASTE SYSTEMS	BOULEVARDS	263.16
<b>FEDERAL BLOCK GRANTS</b>		
BOYS AND GIRLS CLUB	SCHOLARSHIPS FILE #720728	8,820.00
CLAY LONEY CONCRETE CONST	FOUNDATION REPLACEMENT	12,725.00
NCI TECH	SERV PHASE 2 STUDY DESIGN WORK	37,404.72
<b>ECONOMIC REVOLVING</b>		
CAPITOL DECISIONS INC	AUG 2006 RETAINER	8,800.00
ENERGY WEST	JULY CHARGES	31.35
<b>DEBT SERVICE</b>		
<b>TAX INCREMENT BOND</b>		
US BANK	DEBT SERVICES	1,073,634.23
<b>CAPITAL PROJECTS</b>		
<b>GENERAL CAPITAL</b>		
GREAT FALLS SAND AND GRAVEL	PMT #1 COMM REC PARKING LOT	38965.54
<b>ENTERPRISE FUNDS</b>		
<b>WATER</b>		
DANA KEPNER CO-BILLINGS	1" SR II 100CF ECR METER	8,670.00
ED BOLAND CONSTRUCTION	PMT FOR 1ST AND 2ND AVE N MAIN	225,256.33
ENERGY WEST	JULY CHARGES	1,513.52
THOMAS, DEAN & HOSKINS	BNRR/RIVER DR	7,572.35
PHILLIPS CONSTRUCTION	1ST 2ND 3RD & 5TH AVE NW	207,655.93
NORTHWESTERN ENERGY	JULY CHARGES	24,020.74
THATCHER CO	LIQUID ALUMINUM SULFATE	17,736.41
<b>SEWER</b>		
VEOLIA WATER NORTH AMERICA	OPERATION AUG 2006	178,773.67
VEOLIA WATER NORTH AMERICA	IMPROVEMENTS	12,500.00
UTILITY SPECIALTIES INC	SEWER JET-TRAILOR	241,409.00
SMITH POWER PRODUCTS	PMT FOR WWTP CO-GEN PROJECT	113,261.59
STANLEY CONSULTANTS INC	PMT FOR WWTP CO-GEN PROJECT	5,374.51
FALLS CONSTRUCTION	SEWER REPAIRS OFFICE FILE # 1425.1	44,134.20
GODWIN PUMPS OF AMERICA INC	RENTAL FOR PUMP RETENTION POND	23,168.00
<b>SANITATION</b>		
MONTANA WASTE SYSTEMS	COMMERCIAL SANITATION	17,671.69
MONTANA WASTE SYSTEMS	RESIDENTIAL SANITATION	40,488.56
MONTANA WASTE SYSTEMS	SANITATION	9,418.78
SOLID WASTE SYSTEMS INC	300 GALLON CONTAINERS	10,892.50
ENERGY WEST	JULY CHARGES	121.62
NORTHWESTERN ENERGY	JULY CHARGES	181.42
<b>SAFETY SERVICES</b>		
ENERGY WEST	JULY CHARGES	45.51
QWEST	AUGUST CHARGES	6,256.95
NORTHWESTERN ENERGY	JULY CHARGES	209.27

**ENTERPRISE FUNDS CONTINUED**

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**PARKING**

APCOA/STANDARD PARKING	SEPT 2006 COMPENSATION DUE	21,824.99
NORTHWESTERN ENERGY	JULY CHARGES	377.29

**GOLF COURSES**

ENERGY WEST	JULY CHARGES	94.47
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**SWIM POOLS**

ENERGY WEST	JULY CHARGES	18,421.94
NORTHWESTERN ENERGY	JULY CHARGES	308.82

**RECREATION**

ENERGY WEST	JULY CHARGES	301.43
NORTHWESTERN ENERGY	JULY CHARGES	509.29

**INTERNAL SERVICES FUND**

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**HEALTH INSURANCE**

BLUE CROSS/BLUE SHIELD	BCBS ADMIN FEES 06/07	83,106.97
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 8-01-06 TO 8-8-06	27,030.11
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 8-09-06/ 8-15-06	18,588.62
BLUE CROSS/BLUE SHIELD	DRUG CLAIMS	30,237.86
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 8-16-06/8-22-06	168,652.89

**INFORMATION TECHNOLOGY**

HEWLETT PACKARD	DESKTOP PC'S	28,325.00
HTE INC	INFORMATION TRAINING	5,652.69

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	UNLEADED	13,773.50
MOUNTAIN VIEW CO-OP	DIESEL FUEL	17,305.40
MOUNTAIN VIEW CO-OP	FUEL	44,758.20

**PUBLIC WORKS**

ENERGY WEST	JULY CHARGES	662.30
NORTHWESTERN ENERGY	JULY CHARGES	771.00

**PARK & RECREATION ADMINISTRATION**

MERCER GROUP INC	PARK AND REC DIRECTOR SEARCH	5,028.06
ENERGY WEST	JULY CHARGES	231.68

**FACILITY SERVICES**

ENERGY WEST	JULY CHARGES	316.02
DICK OLSON CONSTRUCTION	WOMEN'S RESTROOM	11,286.00
NORTHWESTERN ENERGY	JULY CHARGES	1,890.70
DICK OLSON CONSTRUCTION INC	MODIFICATION TO WOMEN'S BATH	21,749.00

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**MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES AND FORFEITURES	57,234.72
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**CLAIMS OVER \$5000 TOTAL:** \$ 3,185,542.92



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

**AGENDA: 14  
DATE: September 5, 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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Community Development	A.T. Klemens	Current through completion	279-7161-573-3599	\$4,500	Repair the remaining sections of rake on AFSS vent and shingles
<b>B</b>	Public Works	Kuglin Construction	Fall 06	Water Capital	\$13,640	2006 Misc. Concrete Replacement Phase 2 – Quote (O.F. 1485)
<b>C</b>	Fiscal Services	Dorsey & Whitney	Current through completion	2007 Swim Pool General Obligation Debt	Not to Exceed \$10,250	Bond Counsel Services with respect to the proposed issuance of general obligation bonds for the purpose of rehabilitating and improving the City's swim pools. O.F. 1484
<b>D</b>	Fiscal Services	D. A. Davidson	Current through completion	2007 Swim Pool General Obligation Debt	\$18,000 + costs	Swimming Pool Debt Issuance Financial Advisors O.F. 1484

<b>E</b>	Great Falls Fire and Rescue	Montana Department of Public Health and Human Services	July 1, 2005 through June 30, 2007	100-0000-331-2010 Project #240301	Not to Exceed \$6,000 for July 1, 2005 through June 30, 2006 Not to Exceed \$7,500 for July 1, 2006 through June 30, 2007	Amendment Number One to Contract #06-07-3-11-020-0 to perform various grant-related activities, including smoke alarm installations.
<b>F</b>	Public Works	Steel Etc. LLP	Current through completion	N/A	N/A	Removal of pipe and wire from 9 <sup>th</sup> Street Bridge in exchange for the same material. O.F. 979.6

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

DATE September 5, 2006

ITEM: Set Public Hearing for Resolution 9607 To Levy and Assess Properties for Unpaid Utility Services

INITIATED BY: Fiscal Services Department and Delinquent Utility Accounts

ACTION REQUESTED: Set Public Hearing

PREPARED BY: Martha Capps, Operations Supervisor

REVIEWED & APPROVED BY: Coleen Balzarini, Fiscal Services Director

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**RECOMMENDATION:**

Staff recommends the City Commission set a public hearing date for Resolution 9607, to levy and assess charges of unpaid utility services against the properties listed in Exhibit A.

**MOTION:**

"I move to set the public hearing on Resolution 9607 for September 19, 2006 at 7:00 p.m."

**SYNOPSIS:**

Sections 7-12-4611 and 4612, Section 7-13-128, Section 7-13-4309, M.C.A., and City of Great Falls Municipal Codes 8.32.332 and 13.26.060 authorize the City Commission to assess lienable charges against a property to which utility services were furnished and for which payment is delinquent.

**BACKGROUND:**

Properties in the City of Great Falls which had utility services provided to them prior to June 30, 2006, but remain unpaid, are 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. 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, they would be levied as a tax against the lot or parcel. These properties also receive the normal monthly billing statements. A final letter stating the date and time of the Public Hearing will be sent September 7, 2006. This tax will appear on the property tax bill received from Cascade County.

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 19<sup>th</sup> day of September, 2006 at 7:00 p.m., the City Commission will hold a public hearing in the Commission Chambers of the Civic Center for Resolution 9607, To Levy and Assess Properties For Unpaid Utility Services on various properties in the total amount of \$12,742.10.

Any person interested or affected by the proposed charge may file a written protest or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing. Any questions may be directed to Martha Capps, Operations Supervisor, Fiscal Services, City of Great Falls at 406-455-8484 or at the Civic Center, Room 104.

BY ORDER OF THE CITY  
COMMISSION  
Peggy J. Bourne, City Clerk

OFFICE USE ONLY  
Publication September 8 and 15, 2006  
cc. Peggy J. Bourne, City Clerk

**RESOLUTION 9607**

**A RESOLUTION TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES IN THE CITY OF GREAT FALLS, MONTANA.**

**WHEREAS:**

A. The properties listed on the attached Exhibit A were issued a notice of delinquent amounts; and

B. After due notice and review, the accounts have not been paid and are outstanding to the City.

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

1. The costs of said charges are hereby assessed upon the aforementioned properties in accordance with Montana Code Annotated Sections 7-12-4611, 4612, Sections 7-13-128, and Section 7-13-4309, and City of Great Falls Municipal Code 8.32.332 and 13.26.060.

2. The description of each lot or parcel of land which is hereby levied upon and assessed, with the name of the owner, the amount of each assessment to be made, is as set out in the assessment List, attached as Exhibit A, which said list is incorporated herein and made a part of this resolution by reference;

PASSED by the Commission of the City of Great Falls, Montana, on this 19<sup>TH</sup> day of September 2006.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

Attest:

\_\_\_\_\_  
Peggy J. Bourne, City Clerk  
(SEAL OF CITY)

Approved for Legal Content:

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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 99607 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 19<sup>th</sup> day of September, 2006 and approved by the Mayor of said City on the 19<sup>th</sup> day of September, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 19<sup>th</sup> day of September, 2006.

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

RESOLUTION 9607 - EXHIBIT A

9/19/2006

A RESOLUTION TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICE CHARGES  
IN THE CITY OF GREAT FALLS, MONTANA.

OWNER	OWNER2	SERVICE	SERVICE2	LPARCL	BALANCE
GROTHE JUDY L TOCCO		1120 10TH AVE N		3750	52.11
RAPLEY MICHAEL W & TATUM S		810 8TH ST N		5300	191.72
STREETER ELIZABETH L	BOLAND JERRY	826 8TH AVE N		37600	66.12
HUNTSBERGER PENNY M		605 7TH AVE N		40050	83.99
HANDL RACHEL R		614 7TH ST N		41900	271.55
COOPER NEIL D		817 6TH AVE N		44250	74.69
KINDER RONALD L		1711 6TH AVE N		51200	180.95
MCGEE CHAD & BROOKE		716 6TH AVE N		76850	110.55
WALTON FRANCIS A TRUST		213 7TH ST N		123050	41.74
ADMINISTRATOR OF VETERAN AFFAIRS	WINSHIP LARRY & CHERYL	916 3RD AVE N		124650	110.55
REED LEN D		1415 2ND AVE N		129150	435.54
MOORE BARRY E		2921 1ST AVE N		141050	320.46
TOKERUD MEREDITH L		109 18TH ST N		149450	77.87
FRATES LARRY E		115 15TH ST N		151200	74.45
FRATES LARRY E		113 15TH ST N		151200	2,078.68
HERRERA VILMA A		102 2ND AVE N		158550	755.21
HERRERA VILMA A		117 PARK DR N		158550	381.70
ODEGARD EDITH S	TENNEY SHARON	1712 2ND AVE S		213950	51.84
HUNTSBERGER PENNY M		925 3RD AVE S		219800	427.03
LYNCH MURIEL C	ROBERTS PAT	911 4TH AVE S		229750	348.86
BOURNE JOSEPH A & MEGAN N		401 11TH ST S		233050	53.42
HUNTSBERGER PENNY M		706 5TH AVE S		244050	1,549.58
HUNTSBERGER PENNY M		704 5TH AVE S		244100	79.09
BOWERS RONALD R		308 7TH AVE S		256600	97.81
CARPENTER RONALD M		713 8TH ST S		261350	540.77
CARPENTER RONALD M		717 8TH ST S		261350	170.05
KASHNER ROBERT W		1101 8TH AVE S		263600	106.24
PETERSON JOSHUA L		725 4TH AVE SW		289000	454.19
HENDERSON SCARLET LEANOR		817 CENTRAL AVE W		312150	322.95
SCHUTZ RICK L & LARAE		1426 1ST AVE NW		315100	255.44
BLACKWELL DAVID		308 15TH ST S		317555	57.10
EDMONDS VELMA W		3004 1ST AVE S		369200	287.64
MATTESON KENDALL R & LAURA M		2601 6TH AVE S		397100	327.71
MIESMER CHARLES		1242 8TH AVE NW		449300	97.38
NELSON RONALD J		1408 8TH AVE NW		453100	442.12
GREER RICHARD L ETAL		1235 8TH AVE NW		459100	144.97
HENRY CHARLES & KAYLEE		1900 11TH AVE S		790400	302.86
STEINMETZ ROBERT H JR & NATALIE S		1300 MADERA DR		940665	51.23
WASHINGTON MUTUAL BANK		1901 17TH AVE S		1268300	410.83
WALTON FRANCES A LIVING TRUST		1506 16TH ST S		1506900	54.59
					<u>11,941.58</u>

**CITY OF GREAT FALLS, MONTANA**

**AGENDA #** 16

**A G E N D A   R E P O R T**

**DATE** September 5, 2006

**ITEM:** CONTRACT AWARD: NORTHEAST REGIONAL STORMWATER RETENTION POND EXTENSION - O.F. 1058.2

**INITIATED BY:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**ACTION REQUESTED:** CONSIDER BIDS AND AWARD CONTRACT

**PRESENTED BY:** JIM REARDEN, PUBLIC WORKS DIRECTOR

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**MOTION:** "I move the City Commission award a contract in the amount of \$122,650 to Wickens Construction, Inc. for the Northeast Regional Stormwater Retention Pond Extension - O.F. 1058.2, and authorize the City Manager to sign the contract documents."

**PROJECT TITLE:** Northeast Regional Stormwater Retention Pond Extension - O.F. 1058.2

**RECOMMENDED CONTRACTOR:** Wickens Construction, Inc.

**CONTRACT AMOUNT:** \$122,650

**ENGINEERS ESTIMATE:** \$282,000

**BUDGETED FUND:** Storm Drain

**START DATE:** September, 2006

**COMPLETION DATE:** November, 2006 (60 Calendar Days)

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

**SYNOPSIS:** The City's 2006 Storm Drain capital improvements budget includes a project and funding to expand the storage capacity of the Northeast Regional Retention Pond. This project will increase storage capacity of the retention pond by 125 percent.

Five bids were received (See attached Bid Tabulation Summary) on August 23, 2006. Wickens Construction, Inc. of Lewistown submitted the low bid. Sufficient storm drain funding is budgeted for the contract award amount.

**BACKGROUND:** The project work scope involves excavating approximately 25,000 cubic yards of



earth from the unused portion of the pond site and hauling that material to two off-site embankment areas. One of those areas is the site of the new Cascade County Humane Society Animal Shelter. The material at that site will be used to fill a storm water detention pond that is no longer needed. The balance of the material will be used to raise a low lying area of agricultural land located just west of the pond.

City engineering staff completed the design, prepared the plans and contract documents, and will provide construction phase engineering and inspection.

Attachments: Bid Tabulation Summary

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

BID TABULATION SUMMARY  
 NE Regional Stormwater Retention Pond Extension  
 O.F. 1058.2

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: August 23, 2006  
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Falls Construction 1001 River Drive Great Falls, MT 59401	√	√	√	√	√	√	<b>\$188,070.00</b>
2	LO-N-BRO Enterprises 63 Adams Rd Sun River, MT 59483	√	√	√	√	√	√	<b>\$276,857.00</b>
3	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√	√	√	√	√	√	<b>\$207,858.00</b>
4	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279	√	√	√	√	√	√	<b>\$173,515.00</b>
5	Wickens Construction PO Box 746 Lewistown, MT	√	√	√	√	√	√	<b>\$122,650.00</b>
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$282,000.00</b>

AGENDA REPORT

DATE September 5, 2006

ITEM: CHANGE ORDER NO. 1 AND FINAL PAYMENT: COMMUNITY RECREATION CENTER PARKING LOT, O.F. 1443

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER NO. 1 AND FINAL PAYMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** Staff recommends approval of Change Order No. 1 and Final Payment to Great Falls Sand & Gravel Inc. for the Community Recreation Center Parking Lot, O.F. 1443.

**MOTION:** "I move the City Commission approve Change Order No. 1 for \$2,875.30, and final payments of \$34,022.81 to Great Falls Sand & Gravel, Inc. and \$343.66 to the State Miscellaneous Tax Division for the Community Recreation Center Parking Lot, O.F. 1443 and authorize the City Manager to execute the necessary documents and make the payments."

**SYNOPSIS:** Great Falls Sand & Gravel completed all contracted work and the City Engineering staff recommends approval of the change order, acceptance of the project, and execution of the Final Payment. Great Falls Sand & Gravel advertised in the Great Falls Tribune certifying that all contracted labor and materials have been paid to date.

Change Order No. 1 provides compensation for installing additional asphalt pavement, concrete sidewalk, and curb and gutter along 2<sup>nd</sup> Avenue North at the contract unit prices. The additional work results in an increase of \$2,875.30, for a final total contract price of \$73,725.60.

**BACKGROUND:** The parking lots were gravel surfaced and had poor drainage. The parking areas were disorganized and therefore, space was not well used. The work consisted of excavation and grading; new concrete sidewalks, curb and gutter; asphalt pavement; storm water detention pond construction; and placement of topsoil.

The Commission approved the original contract for \$70,850.30 on April 4, 2006. The project was funded by the tax increment fund.

City engineering staff completed the project design and performed construction inspection and contract administration duties. The two-year warranty period began on July 28, 2006 when the project was substantially complete.

Attachment:\* Change Order No. 1  
Claim & Pay Estimate #2, Final

\*Attachments not available online. Attachments are on file in the City Clerk's Office.

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

**DATE** September 5, 2006

**ITEM** 2006 Community Transportation Enhancement Program (CTEP) - Prioritized Projects

**INITIATED BY** Great Falls Planning Board

**ACTION REQUESTED** Approve Prioritized List of CTEP Projects

**PREPARED & PRESENTED BY** Andrew Finch, Senior Planner

**REVIEWED & APPROVED BY** Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

It is recommended the City Commission approve the following motion.

**MOTION:**

"I move the City Commission approve the prioritized list of 2006 Community Transportation Enhancement Program projects for use of Great Falls CTEP allocations."

**SYNOPSIS:**

The Great Falls Planning Board has solicited and reviewed proposals for use of the City’s 2006 CTEP funds. These funds are Federal transportation funds, provided through the Montana Department of Transportation for use on eligible projects. This year, as in past years, a joint solicitation for project proposals was conducted for consideration of both City of Great Falls and Cascade County funds. Of the eight proposals received, four were found to be appropriate for consideration by the City, while the other four were for projects outside the City limits or for a County supported organization. The County projects are being considered by the County Planning Board for funding, through a separate process.

The projects recommended by the Planning Board for funding by the City are listed below, in order of preference, with recommended CTEP funding amounts:

1. The final phase of a pedestrian and bicycle trail along Bay Drive and under the west end of the Central Avenue West Bridge (\$505,023);
2. Streetscape improvements, including street trees, decorative concrete and pedestrian benches at the northeast corner of 5<sup>th</sup> Street South and 1<sup>st</sup> Avenue South (\$132,150);
3. A new, street-level pedestrian plaza, with a water feature and landscaping, at the entrance to the Great Falls Public Library (\$91,492); and,
4. An historic building assessment and first phase of restoration of the Civic Center/Mansfield Center for the Performing Arts (\$64,935).

Of the \$793,600 available to the City this year, the recommended projects would commit the entire amount. The financial impact to the City would be commitment of \$10,065 in matching funds for the Civic Center assessment project. The Bay Drive trail project will be matched by Recreational Trails, Inc.; the 5<sup>th</sup> St. S. streetscape project will be matched by the Business Improvement District; and, the Library pedestrian plaza project would be matched by the Great Falls Public Library Foundation.

**BACKGROUND:**

Each year, the City of Great Falls receives CTEP allocations from the Montana Department of Transportation to apply toward eligible projects. Due to delays in approving a new Federal transportation bill and authorization of funds, solicitation for new projects has not occurred since 2003. This year, three years’ worth of funding is being considered.

The Planning Board solicits applications for eligible projects on the City's behalf and recommends a list of projects for approval. In April of this year, the Planning Board solicited proposals from organizations and others with a possible interest in the Program. Proposals were solicited through direct e-mailings as well as paid advertisements in the Great Falls Tribune and all other area newspapers. Review of the applications began shortly after the June 16 submittal deadline. The proposal review and prioritization process involved a special Planning Board meeting to hear presentations from the applicants, as well as time spent by Board members reviewing each of the proposals and completing an evaluation sheet. As a result of the review process, the Planning Board approved the attached list of projects (Exhibit 1) for recommendation to the City Commission.

If approved by the City Commission, the projects will be sent to the Montana Department of Transportation (MDT) in mid-September for final approval. The Planning staff would then work closely with both MDT and the applicants to develop and implement the projects.

Attachment: Exhibit 1: 2006 Prioritized List of CTEP Projects – City of Great Falls

<b>2006 PRIORITIZED LIST OF CTEP PROJECTS - CITY OF GREAT FALL</b>				<b>\$793,600</b>
				<b>available</b>
				<b>for allocation</b>
<b>PROJECT DESCRIPTION</b>	<b>RANK</b>	<b>PROJECT \$</b>	<b>MATCH \$</b>	<b>CTEP \$</b>
BAY DRIVE TRAIL, PHASE III Construct the second segment of the Bay Drive Trail portion of River's Edge Trail	1	\$599,400	\$94,377	\$505,023
5TH STREET SOUTH STREETScape Install street trees, decorative sidewalks, period street lighting, benches	2	\$152,633	\$20,483	\$132,150
LIBRARY PEDESTRIAN PLAZA Remove and replace plaza with landscaping, pathways, water feature and direct access to Library	3	\$105,673	\$14,181	\$91,492
CIVIC CENTER RESTORATION Perform needs assessment for restoration of exterior of Civic Center; construct first phase	4	\$75,000	\$10,065	\$64,935
<b>TOTALS:</b>		<b>\$932,707</b>	<b>\$139,107</b>	<b>\$793,600</b>
<b>2006 FUNDS TO BE LEFT UNALLOCATED:</b>				<b>\$0</b>

CITY OF GREAT FALLS, MONTANA

AGENDA # 19

A G E N D A   R E P O R T

DATE September 5, 2006

ITEM Military Appreciation Support

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INITIATED BY Military Affairs Committee

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ACTION REQUESTED Support Military Appreciation Picnic

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PRESENTED BY John W. Lawton, City Manager

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**RECOMMENDATION:** It is recommended that the City Commission encourage community support of the Military Appreciation Picnic and make a donation to the Military Affairs Committee.

**MOTION:** I move the City Commission declare its support of the Military Appreciation Picnic by making a \$500 donation to the Military Affairs Committee in support of the MAC Picnic.

**SYNOPSIS:** Representatives from the Military Affairs Committee are requesting contributions from the community to help offset the costs of the annual Military Appreciation Picnic. This is an annual event designed to show community support for the military presence in and the impact on our community.

In past years the Fairgrounds was operated by the City of Great Falls through an inter-local agreement with Cascade County and the cost of using the Fairgrounds for the MAC Picnic was underwritten by the City Commission. The Inter-local agreement expired in December 2002 and the Fairgrounds is now owned and operated by Cascade County. Since 2002, the City Commission contributed \$500 to the event. It is recommended the City Commission continue its demonstration of support for our military personnel by contributing \$500.