



City Commission Agenda

for

August 15, 2006

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Parcel Mark No. 4B, Section 4, Township 20 North, Range 4 East located at 4000 River Drive North (Western Ranch Supply).
(Presented by: Ben Rangel)
 - A. Res. 9604, Annexes referenced property. Action: Conduct public hearing and adopt or deny Res. 9604.
 - B. Ord. 2944, Establishes zoning classification of I-2 Heavy Industrial District to referenced property. Action: Conduct public hearing and adopt or deny Ord. 2944.
3. Res. 9592, Vacate a Segment of 20th Street South and Approve Amended Plat of Vo-Tech Addition. Vacates unimproved segments of 20th Street South, 19th Alley South, 19th Avenue South, 20th Alley South and 20th Avenue South dedicated on the original plat of Vo-Tech Addition. Action: Conduct public hearing and adopt or deny Res. 9592 and approve Amended Plat. **(Presented by: Ben Rangel)**
4. Addendum Agreement, Addition of Two Units to PUD in West Ridge Addition, Phase II. Approves Addendum Agreement to revise site plan for the PUD in West Ridge Addition Phase II incorporating two additional condominium units. Action: Conduct public hearing and approve or deny the Addendum Agreement. **(Presented by: Ben Rangel)**
5. Res. 9596, Assess Special Improvement Boulevard Maintenance District. Assesses General Boulevard Area for fiscal year 2006/2007. Action: Conduct public hearing and adopt or deny Res. 9596. **(Presented by: Melissa Kinzler)**
6. Res. 9598, Assess Street Maintenance District. Assesses Street Maintenance District for fiscal year 2006/2007. Action: Conduct public hearing and adopt or deny Res. 9598. **(Presented by: Melissa Kinzler)**

7. Res. 9597, Assess Special Improvement Portage Meadows Maintenance District. Assesses Portage Meadows Maintenance District for fiscal year 2006/2007. Action: Conduct public hearing and adopt or deny Res. 9597. **(Presented by: Melissa Kinzler)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

8. Ord. 2946, Amending OCCGF 13.06 Pertaining to Water Service Lines. Allows the use of High Density Polyethylene (HDPE) pipe for water services under certain circumstances. Action: Adopt or deny Ord. 2946. **(Presented by: Jim Rearden)**
9. Ord. 2949, Amending OCCGF 9.20 Pertaining to Intoxicating Beverages in Public Places. Action: Accept Ord. 2949 on first reading and set public hearing for September 5, 2006.
10. Res. 9579, Annual Tax Levy. Sets annual mill levy. Action: Adopt or deny Res. 9579. **(Presented by: Melissa Kinzler)**
11. Res. 9605, Submitting to the Electors the Request to Authorize General Obligation Bonds to Fund Swimming Pool Repairs. Action: Adopt or deny Res. 9605. **(Presented by: Jim Sullivan)**

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 1, 2006, Commission meeting.
13. Total Expenditures of \$2,189,736 for the period of July 21 thru August 2, 2006, to include claims over \$5000, in the amount of \$1,989,300.
14. Contracts list.
15. Set public hearing for September 19, 2006, on Res. 9599 to Levy and Assess Special Maintenance Lighting Districts.
16. Set public hearing for September 5, 2006, on Res. 9600, Establishing Sanitation Service Rates for FY 2006/2007.
17. Set public hearing for September 19, 2006, on Res. 9601, to Levy and Assess a Tax on All Real Estate in Special Improvement Lighting District – City-owned Lighting No. 1302 Along Beargrass Drive Within Meadowlark Addition No. 3.
18. Set public hearing for September 19, 2006, on Res. 9602 to Levy and Assess a Tax on all Real Estate in Special Improvement Lighting District – City-Owned Lighting No. 1304 within Eagles Crossing Phase I.
19. Set public hearing for September 19, 2006, on Res. 9603 to Levy and Assess a Tax on all Real Estate in Special Improvement Lighting District – City-Owned Lighting No. 1306 Along Camas Drive Within Meadowlark Addition No. 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. Award agreement for the Mansfield Theater Lobby Exclusive Concessions Agreement to Miss Linda's School of Dance.
23. Approve list of property declared as surplus to allow it to be sold at auction.
24. Approve agreement with the Montana Department of Transportation for Maintenance of Traffic Signals on State Routes.

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

BOARDS & COMMISSIONS

25. Miscellaneous reports and announcements.

CITY MANAGER

26. Miscellaneous reports and announcements.

CITY COMMISSION

27. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

28. Miscellaneous reports and announcements.

ADJOURN

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

DATE August 15, 2006

ITEM Public Hearing - Resolution No. 9604 to Annex and Ordinance No. 2944 to Establish City Zoning for Parcel Mark No. 4B, Section 4, T20N, R4E (Western Ranch Supply)

INITIATED BY Owners of Western Ranch Supply

ACTION REQUESTED Commission Adopt Resolution No. 9604 and Ordinance No. 2944 and Approve the Accompanying Annexation Agreement

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex the Parcel Mark No. 4B in Section 4, Township 20 North, Range 4 East, Cascade County, Montana, and the City Zoning Commission has recommended the City Commission apply a zoning classification of I-2 Heavy industrial district, to same.

MOTIONS (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9604 and approve the accompanying Annexation Agreement.”

and

“I move the City Commission adopt Ordinance No. 2944.”

SYNOPSIS:

Resolution No. 9604 annexes Parcel Mark No. 4B located at 4000 River Drive North. Ordinance No. 2944 assigns a zoning classification of I-2 Heavy industrial district to subject property upon annexation to the City. The Annexation Agreement contains terms and conditions associated with annexation.

BACKGROUND:

Western Ranch Supply has submitted applications regarding the following:

- 1) Annexation to the City of Great Falls of 5 acres of land contained in Parcel Mark No. 4B in the SW1/4 NW1/4 of Section 4, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Establishing a City zoning classification of I-2 Heavy industrial district on subject 5 acres upon annexation to the City.

Subject Parcel Mark No. 4B is located at 4000 River Drive North and Western Ranch Supply plans to convert the existing structure and premises to accommodate its business operation.

Attached to Resolution No. 9604 as Exhibit “A” is a vicinity/zoning map showing existing zoning in the area.

The project will include renovation of the existing building on the premises, provision of a large fenced exterior retail display area and a paved customer parking area. Subject property is a double frontage parcel with access being a single approach to River Drive North and two proposed approaches to North Star Boulevard. The abutting portion of River Drive North contains a City water main; the abutting portion of North Star Boulevard contains water and sanitary sewer mains; and the nearest storm sewer main is located approximately 1300 feet to the east.

The surrounding incorporated property is zoned I-2 Heavy industrial district. It is therefore being recommended subject Mark No. 4B be zoned upon annexation to the City as I-2 Heavy industrial district. 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.

Designating subject property for industrial use is consistent with property abutting and served by the involved portion of River Drive North (Northeast Bypass), a principal arterial. Subject property is entirely surrounded by the incorporated area of the City, which has the capability and capacity to provide necessary public related services. Staff concludes all of the above mentioned zoning 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. With the voluntary annexation of subject property by the new owner, the City is relieved of eventually unilaterally pursuing annexation of the wholly surrounded parcel.

The Planning Board/Zoning Commission on April 11, 2006, conducted a joint public hearing on annexing and establishing City zoning on subject Parcel Mark No. 4B. The only individuals who spoke during the hearing were Mr. Mark Macek representing the applicant and Mr. Pat Paul who recently sold subject property to the applicant. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve establishing a City zoning classification of I-2 Heavy industrial district on Parcel Mark No. 4B upon its annexation to the City and the Planning Board passed a motion recommending the City Commission annex said Parcel Mark No. 4B subject to the applicant:

- 1) paying all applicable fees owed as a condition of annexation;
- 2) providing an accurate metes and bounds or surveyed description of subject property to utilize in the final annexation resolution; and
- 3) entering into an agreement with the City, agreeing to the typical terms and conditions associated with annexation.

The three above mentioned conditions have been fulfilled by the applicant.

Attach: Res. No. 9604

Ord. No. 2944

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

cc: Western Ranch Supply, Attn: Keith Robison, PO Box 1497, Billings, MT 59103
Mark Macek, FAX 727-8803

RESOLUTION NO. 9604

A RESOLUTION BY THE CITY COMMISSION OF
THE CITY OF GREAT FALLS TO EXTEND THE
BOUNDARIES OF SAID CITY TO INCLUDE PARCEL
MARK NO. 4B IN SECTION 4, 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 NW1/4 of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and described as follows:

Beginning at SE corner of Block 6, of the Amended Plat of Block 6 in North Park Addition; Thence N 0°30'28" W, along the East boundary of said Block 6, 658.97 ft. to a point on the South right-of-way line of the Northeast Bypass; Thence N 89°03'40" E, 19.84 ft.; Thence along a nontangent curve in said R/W, with a Radius = 2925.0 ft., Dc = 1.95883°, Arc length = 334.97 ft.; Thence S 0°30'28" E along the West boundary of Block 7, North Park Addition, 611.27 ft.; Thence N 89°10'00" W, 350.0 ft. to the Point of Beginning and containing 5.091 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the Certificate of Survey filed under S0004383 in the Clerk and Recorder's Office of Cascade County, Montana; and,

WHEREAS, Section 7-2-4311, Montana Code Annotated, provides that whenever any unplatted land that has been surveyed and for which a certificate of survey has been filed, 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. 9586 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PARCEL MARK NO. 4B IN SECTION 4, 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 11th day of July, 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 "PARCEL MARK NO. 4B IN SECTION 4, 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 23rd day of July, 2006; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on August 15, 2006, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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

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

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

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

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 15th day of August, 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)

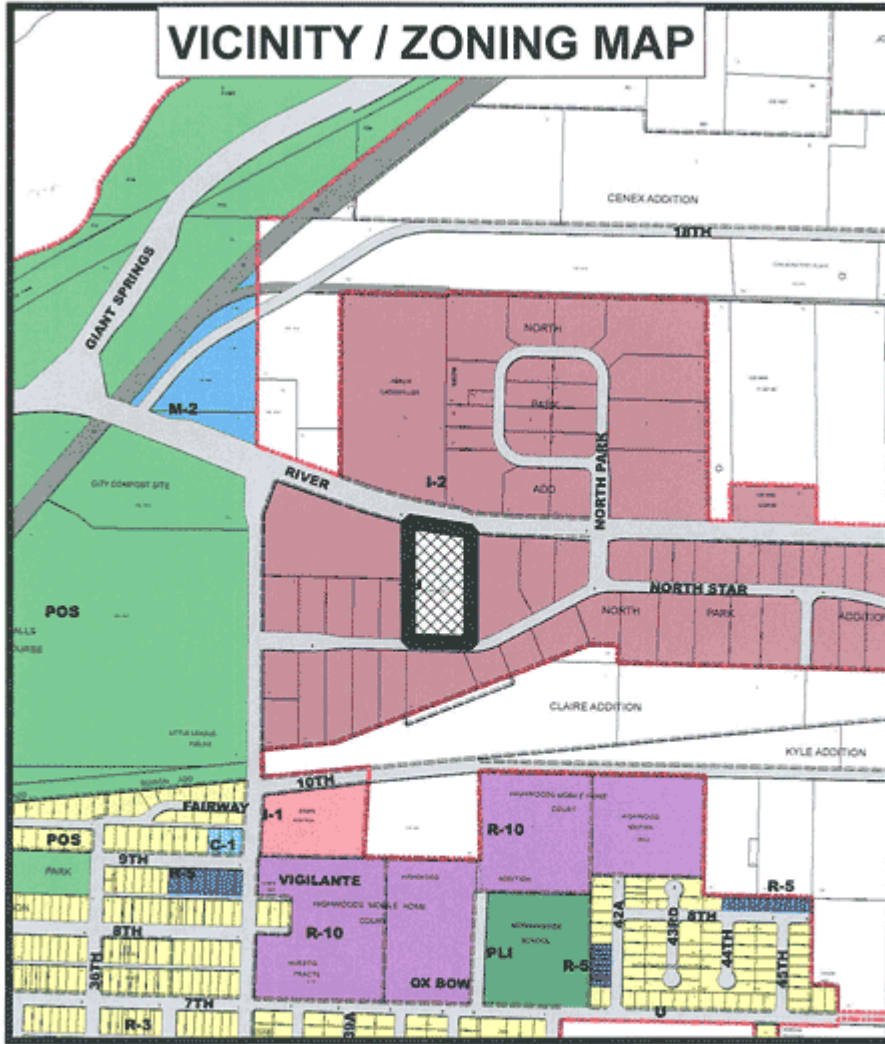
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9604 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 15th day of August, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of August, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

VICINITY / ZONING MAP



Legend

- M-2
- POS
- R-5
- R-10
- C-1
- PLI
- Ox Bow
- Vigilante
- River
- 10th
- 8th
- 7th
- 9th
- Fairway
- 4th
- 3rd
- 2nd
- 1st
- 0th
- Negative

PROPERTY REQUESTED TO BE ANNEXED INTO THE CITY AND ZONED I-2 HEAVY INDUSTRIAL

630 315 0 630 Feet



ORDINANCE NO. 2944

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT TO PARCEL MARK NO. 4B, IN SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the owner of Parcel Mark No. 4B, located in Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, has submitted a petition to annex to the City subject Parcel Mark No. 4B; and,

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held April 11, 2006, adopted a recommendation that subject Parcel Mark No. 4B, be assigned a City zoning classification of I-2 Heavy industrial district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of I-2 Heavy industrial district, to subject Parcel Mark No. 4B, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 15th day of August, 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 Parcel Mark No. 4B, located in Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana , be designated as I-2 Heavy industrial district classification, upon annexation of the City.

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 subject Parcel Mark No. 4B, 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 15th day of August, 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. 2944 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 15th day of August, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 15th day of August, 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 15th day of August, 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. 2944 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 August 15, 2006

ITEM Public Hearing - Resolution No. 9592 to Vacate a Segment of 20th Street South and to Approve Amended Plat of Vo-Tech Addition

INITIATED BY MSU-Great Falls College of Technology

ACTION REQUESTED Commission Conduct Public Hearing and Adopt Resolution No. 9592 and Approve Accompanying Findings of Fact and Amended Plat

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The City Planning Board has recommended the City Commission approve the vacation of the rights-of-way as indicated within Exhibit "A" attached to Resolution No. 9592 and approve the accompanying Findings of Fact and Amended Plat.

MOTION:

"I move the City Commission adopt Resolution No. 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."

SYNOPSIS:

Resolution No. 9592 vacates the unimproved segments of 20th Street South, 19th Alley South, 19th Avenue South, 20th Alley South and 20th Avenue South, dedicated on the original plat of Vo-Tech Addition and the accompanying Amended Plat shows the realignment of 20th Street.

BACKGROUND:

The MSU-College of Technology proposes the subject rights-of-way be vacated and be rededicated in the alignment shown on the attached Amended Plat. This realignment provides for an s-curve in the roadway to realign 20th Street South along the east boundary of Prospect Park Addition. In addition, the lots contained in the area are being aggregated from 7 lots to 4 lots.

The College of Technology representatives have stated that the smaller lots they currently own along the west side of 20th Street South have become a dumping ground for concrete rubble, tree limbs, grass clippings and some trash. The College of Technology would like to realign the street to aggregate much of the area into its larger lots to the east and to provide better site security and maintenance. Through an Agreement dated November 6, 1975, between School District # 1 and the City, the College of Technology (current land owner) assumes responsibility to install and pay for all infrastructure in the involved section of 20th Street South, when deemed necessary by the City.

For additional information, please refer to the attached Vicinity Map, reduced Amended Plat and Res. No 9592. The City Planning Board considered the vacation and Amended Plat during a meeting held July 11, 2006, wherein it unanimously passed a motion recommending the City Commission vacate subject rights-of-way and approve the amended plat. Due to Board Member Joe Schaffer's affiliation with the College of Technology, he recused himself from discussion and voting on the issue.

Attachments: Res. No. 9592, Vicinity Map, Amended Plat, and Findings of Fact

Cc: Mary Sheehy Moe, MSU-Great Falls College of Technology, 2100 16th Ave S
Stelling Engineers, 614 Park Dr. S.

**FINDINGS OF FACT
FOR AMENDED PLAT OF LOTS 2 AND 3, BLOCK 1,
AND BLOCKS 2, 3, & 4,
OF VO-TECH ADDITION,
TO GREAT FALLS
SECTION 18, T20N, R4E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

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

Effect on Local Services

The subdivision is within the city limits of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is three miles. The abutting 19th and 20th Avenues South as well as 19th and 20th Alleys South, which are gravel and maintained by the City, provide access to subject property. City water and sanitary sewer mains also exist in the abutting avenues and alleys.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Subject property is presently zoned as Public lands and institutional district. The purpose of the subdivision is to incorporate vacated rights-of-way into the abutting lots and realign 20th Street South.

Effect on Wildlife and Wildlife Habitat

The subdivision is within the city limits of Great Falls. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

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

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

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

III. EASEMENT FOR UTILITIES

Utilities can be accommodated in the realigned 20th Street South to serve all lots within the Amended Plat.

IV. LEGAL AND PHYSICAL ACCESS

All lots in the Amended Plat are accessible from the realigned 20th Street South which must be improved by the applicant when deemed necessary by the City.

RESOLUTION NO. 9592

A RESOLUTION BY THE CITY COMMISSION OF
THE CITY OF GREAT FALLS, MONTANA,
TO VACATE SEGMENTS OF 20TH STREET SOUTH,
19TH & 20TH AVENUES SOUTH, AND
19TH & 20TH ALLEYS SOUTH
WITHIN VO-TECH ADDITION TO GREAT FALLS,
IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 7-14-4114,
MONTANA CODE ANNOTATED

* * * * *

WHEREAS, unimproved segments of 20th Street South, 19th Alley South, 19th Avenue South, 20th Alley South and 20th Avenue South were dedicated as public rights-of-way as part of the Vo-Tech Addition to Great Falls; and

WHEREAS, the owner abutting said portions of subject rights-of-way has petitioned to have them vacated and rededicated in an alignment which provides for an s-curve in 20th Street South; and

WHEREAS, attached as Exhibit "A" and by this reference made a part hereof, is a display of the segments of rights-of-way to be vacated; and

WHEREAS, an Amended Plat of Lots 2 & 3, Block 1, and All of Blocks 2, 3, & 4, of the Amended Plat of Vo-Tech Addition, has been prepared which reflects the proposed rededication of 20th Street South in an alignment along the east boundary of Prospect Park Addition to Great Falls; and

WHEREAS, through an Agreement dated November 6, 1975, between School District # 1 and the City, the College of Technology (current land owner) assumes responsibility to install and pay for all infrastructure in the involved section of 20th Street South, when deemed necessary by the City; and

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 1st day of August, 2006, Resolution No. 9591 entitled:

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE A SEGMENT OF 20TH STREET SOUTH
WITHIN VO-TECH ADDITION TO GREAT FALLS,
IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 7-14-4114,
MONTANA CODE ANNOTATED, AND
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City, forthwith caused notice of said Resolution No. 9591 to be:

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

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 15th day of August, 2006, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of rights-of-way as indicated within Exhibit "A" attached hereto.

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

The rights-of-way comprising the unimproved segments of 20th Street South, 19th Alley South, 19th Avenue South, 20th Alley South and 20th Avenue South, dedicated on the original plat of Vo-Tech Addition are hereby vacated.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 15th day of August, 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. 9592 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on this 15th day of August, 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 15th day of August, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

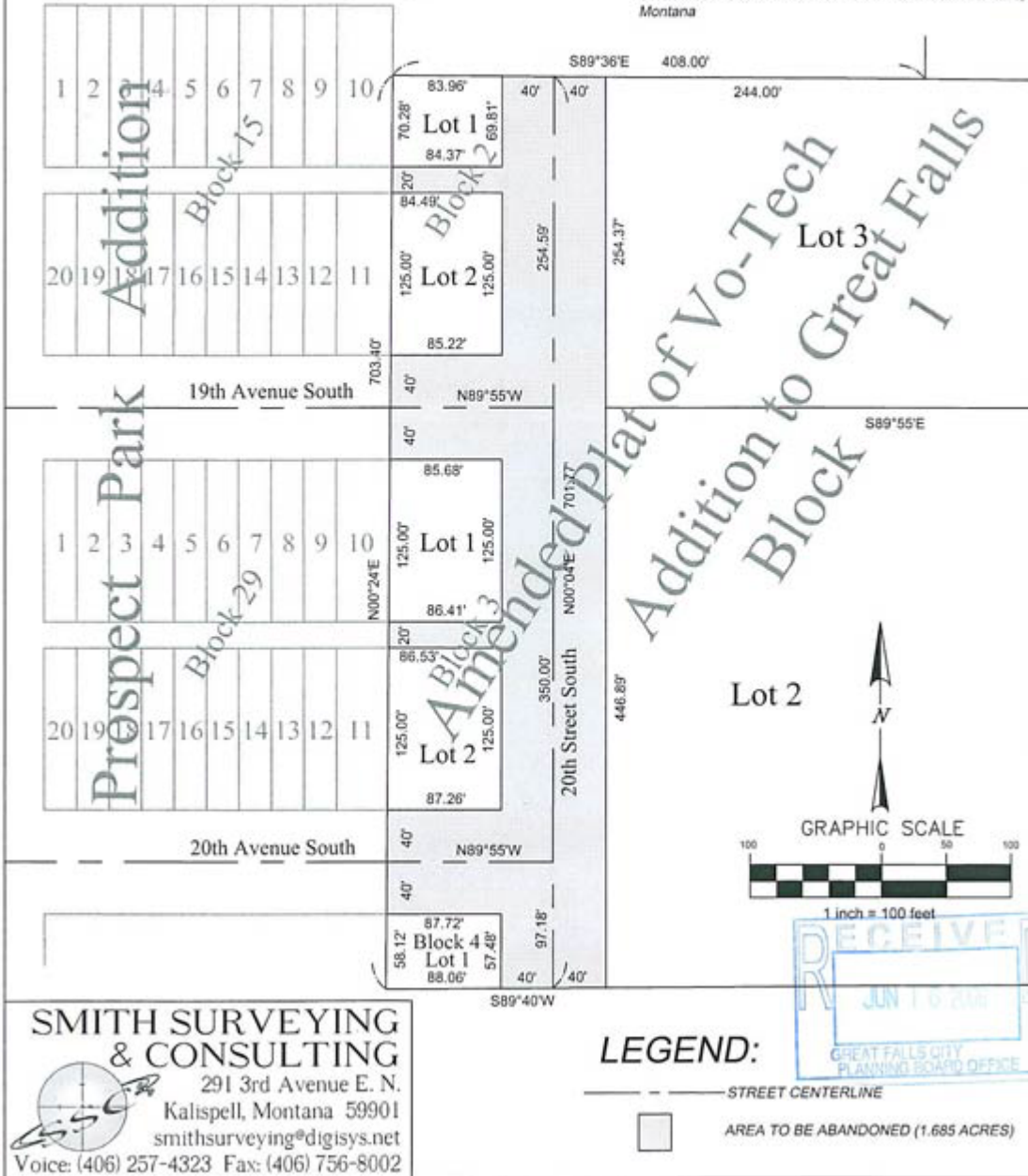
EXHIBIT "A"

May 23, 2006

Street & Alley Right-of-Way To Be Abandoned
 Lots 2 & 3, Block 1 and Blocks 2, 3, & 4 of the
 Amended Plat of Vo-Tech Addition to Great Falls
 E1/2 Section 18, T20N, R4E, P.M.,M.

Legal Description:

All of 20th Street South, 19th Alley South, 19th Avenue South, 20th Alley South, and 20th Avenue South, contained within the Amended Plat of Vo-Tech Addition to Great Falls, Montana





SMITH SURVEYING & CONSULTING



291 3rd Avenue E. N.
 Kalispell, Montana 59901
 smithsurveying@digisys.net

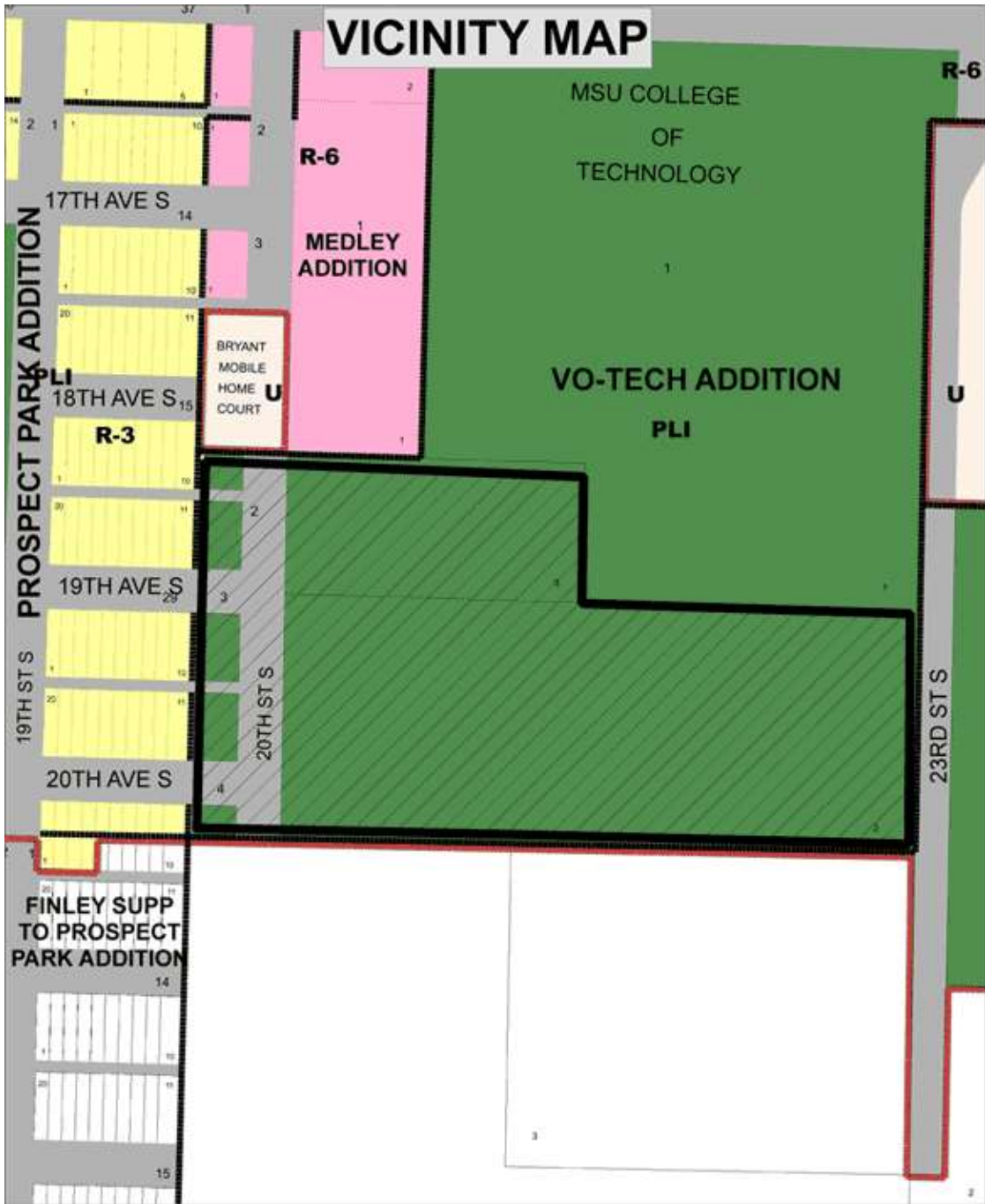
Voice: (406) 257-4323 Fax: (406) 756-8002

LEGEND:

-  STREET CENTERLINE
-  AREA TO BE ABANDONED (1.685 ACRES)



VICINITY MAP



LOTS 2 & 3, BLOCK 1, AND BLOCKS 2 - 4
AMENDED PLAT OF VO-TECH ADDITION



CITY LIMITS



PLI Public Lands and Institutional



SUBDIVISION BOUNDARY



POS Parks and Open Space



R-3 Single-family high density



U Unincorporated Enclave

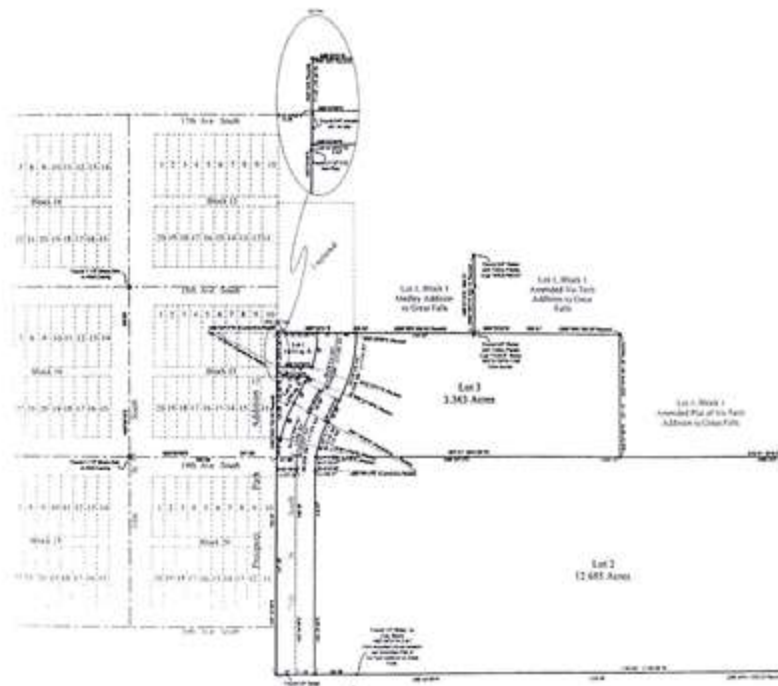


R-6 Multi-family high density



Properties out of City Limits

AMENDED PLAT OF LOTS 2 & 3 OF BLOCK 1, AND ALL OF BLOCKS 2, 3, & 4 OF THE AMENDED PLAT OF VO-TECH ADDITION TO GREAT FALLS PORTION OF THE EAST HALF OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M., M. CASCADE COUNTY, MONTANA.



SMITH SURVEYING & CONSULTING
201 3rd Avenue E. N.
Kalispell, Montana 59901

Line & Curve Table
 6.2402717' R 215.82' CUT 14
 6.2402717' R 215.82' CUT 14
 6.2402717' R 215.82' CUT 14
 6.2402717' R 215.82' CUT 14
 6.2402717' R 215.82' CUT 14

LEGEND:
 ○ AREA OF RECORD
 □ AREA OF RECORD
 ■ AREA OF RECORD

CERTIFICATE OF DESIGNER
 I, Gary Allen, State of Montana Licensed Professional Land Surveyor, do hereby certify that I have prepared the attached plat, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

The above described tract is to be shown and registered as described in the attached Plat of Lot 2, 3, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

Way Bill, State of Montana State University - Great Falls College of Technology

STATE OF MONTANA)
) ss.
 COUNTY OF CASCADE)

I, Gary Allen, do hereby certify that I have prepared the attached plat, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

NOTICE

REPORT PUBLIC for the State of Montana
 Reporting of Great Falls, Montana
 by _____

CERTIFICATE OF PROFESSIONAL LAND SURVEYOR
 I, G. A. Smith, a Licensed Professional Land Surveyor, do hereby certify that I have prepared the above shown plat and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

Dated the ____ day of _____, 2008.

Check _____ Date of Issuance _____
 Payment _____ Amended Plat No. _____
 Fee _____ Date of Issuance _____
 Date May 11, 2008

CERTIFICATE OF COUNTY TREASURER
 I, _____, Cascade County, Montana, do hereby certify that I have received the amount of _____ dollars and _____ cents from the applicant for the above described tract of land, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

CERTIFICATE OF CITY COMMISSION PLANNING BOARD
 I, _____, Cascade County, Montana, do hereby certify that I have received the amount of _____ dollars and _____ cents from the applicant for the above described tract of land, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

ATTEST:

 City Manager, City of Great Falls, Montana

CERTIFICATE OF ADEQUACY OF FINANCIAL RESOURCES
 I, _____, Cascade County, Montana, do hereby certify that I have received the amount of _____ dollars and _____ cents from the applicant for the above described tract of land, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

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

CERTIFICATE OF PLANNING BOARD DIRECTOR
 I, _____, Cascade County, Montana, do hereby certify that I have received the amount of _____ dollars and _____ cents from the applicant for the above described tract of land, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

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

CERTIFICATE OF CITY COMMISSION
 I, _____, Cascade County, Montana, do hereby certify that I have received the amount of _____ dollars and _____ cents from the applicant for the above described tract of land, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

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

CERTIFICATE OF RECORDING OFFICER
 I, _____, Cascade County, Montana, do hereby certify that I have received the amount of _____ dollars and _____ cents from the applicant for the above described tract of land, and that the same is a true and correct copy of the original plat as shown on the plat herein attached, the following described tract of land, to-wit:

The portion of the Vo-Tech Addition to Great Falls located in the Eastern Part of Section 18, Township 20 North, Range 4 East, Cascade County, Cascade County, Montana, described as follows:

All of Block 1, and Lot 2 and 3 of Block 1, and all of Block 2, 3, & 4 of the amended Plat of Vo-Tech Addition to Great Falls, Cascade County, Montana.

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



STATE OF MONTANA) ss.
 COUNTY OF CASCADE)
 FILED ON THE ____ DAY OF _____, 2008, AT ____
 COUNTY CLERK AND RECORDER) DEPUTY
 ATTESTMENT REC. NO. _____

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

DATE August 15, 2006

ITEM Public Hearing – Addition of Two Units to PUD in West Ridge Addition Phase II

INITIATED BY G & J Development, Property Owner & Developer

ACTION REQUESTED Commission Approve Addition of Two Units

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission, which consists of the same membership as the Planning Board, has recommended the City Commission approve the request to add two dwelling units to the Planned Unit Development (PUD) in West Ridge Addition Phase II.

MOTION:

“I move the City Commission approve the Addendum Agreement to add two dwelling units to the PUD in West Ridge Addition Phase II.”

SYNOPSIS:

The referenced Addendum Agreement acknowledges a revised site plan for the PUD in West Ridge Addition Phase II incorporating two additional condominium units.

BACKGROUND:

G & J Development has 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, located in Section 35, Township 21 North, Range 3 East, Cascade County, Montana. Said Block 11 is located between 35th and 36th Avenues NE and 2nd and 3rd Streets NE.

Attached is a vicinity map showing existing zoning in the area, the previously approved site plan for the PUD, and a communication from the project engineer explaining the rationale for adding the two units. Attached to the Addendum Agreement is the revised site plan containing the two additional condominium units.

The two units are being added in the north half of Block 11 along the south side of 36th Avenue NE. One of the additional units is proposed on the west side of the existing oil pipeline easement traversing Block 11 and the other is being added to the east side of the easement. Building setbacks on the north half of Block 11 are affected by the two additional proposed units.

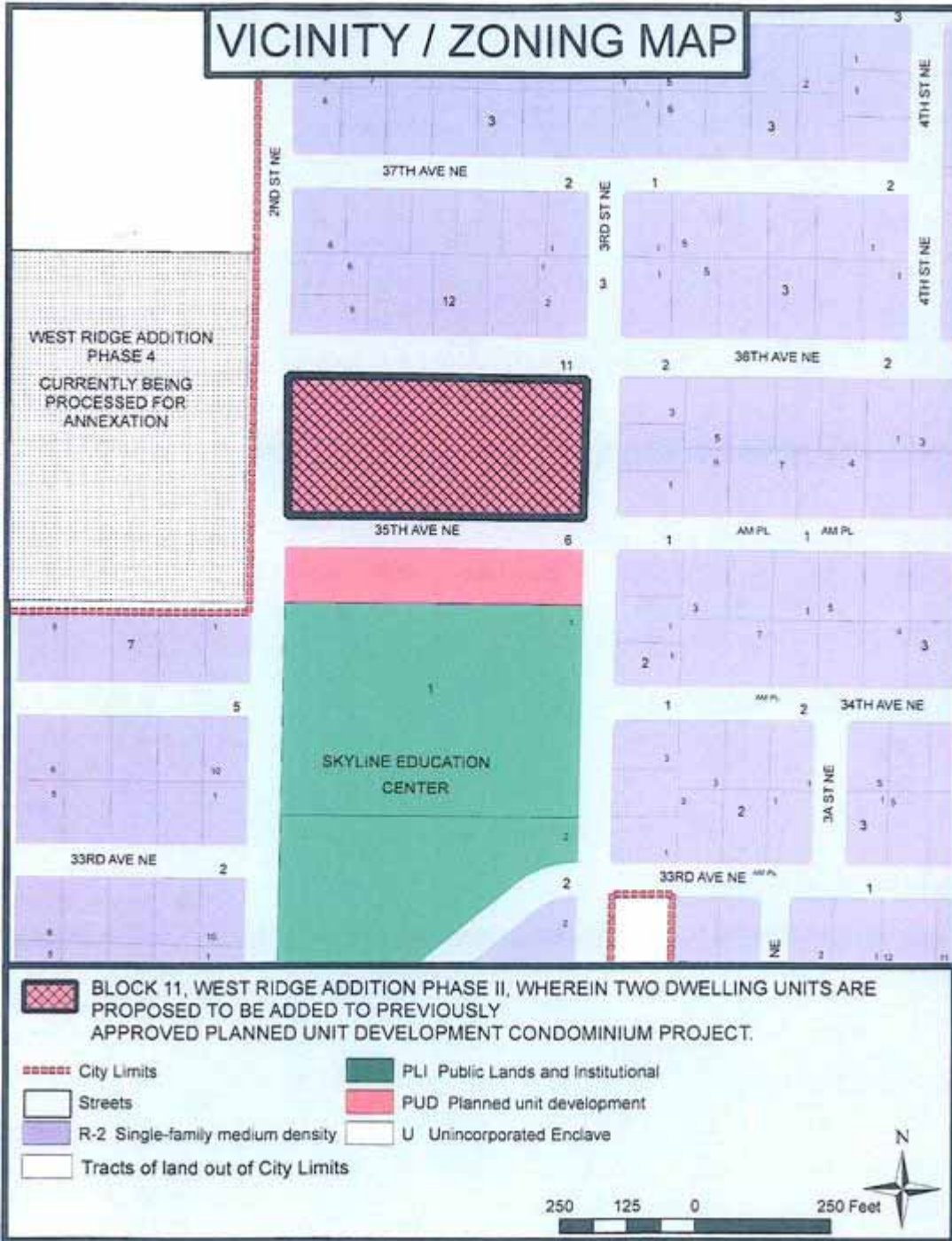
The original Annexation Agreement for West Ridge Addition Phase II, dated December 7, 2004, obligated the applicant to develop the PUD substantially in accordance with the attached site plan (Received date of Sept 27, 2004). Adding two units to a 32-unit condominium project would seem to be insignificant. 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.

On July 11, 2006, the City Zoning Commission, which consists of the same membership as the Planning Board, conducted a public hearing to consider the addition of two dwelling units to the previously approved PUD. The applicant, Mr. Gary Knudson spoke in support of the request. There were no other proponents or opponents who spoke at the Hearing. At the conclusion of the Hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve the request to add two dwelling units to the PUD in West Ridge Addition Phase II subject to the applicant entering into an addendum agreement to the original Annexation Agreement for West Ridge Addition Phase II acknowledging the revised site plan.

Attach: Addendum Agreement (Not available on line. On file in City Clerk's Office)
Vicinity/Zoning Map
Previously approved site plan for PUD w/received date of Sept 27, 2004
Communication dated June 19, 2006, from project engineer

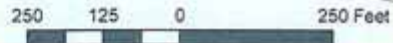
cc w/attach: Gary Knudson, 220 30th Ave NE, GF 59404

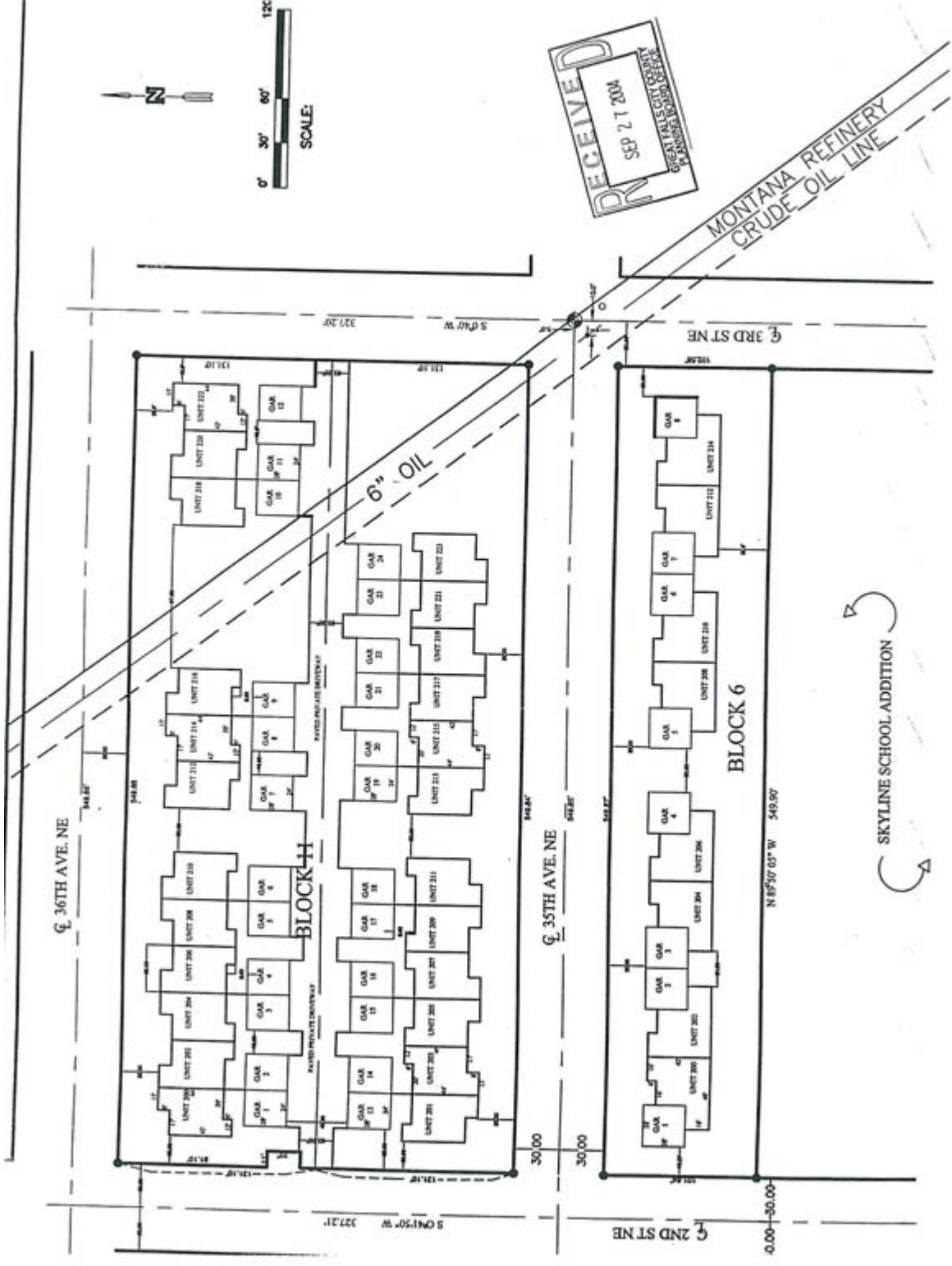
VICINITY / ZONING MAP



 **BLOCK 11, WEST RIDGE ADDITION PHASE II, WHEREIN TWO DWELLING UNITS ARE PROPOSED TO BE ADDED TO PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT CONDOMINIUM PROJECT.**

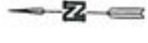
-  City Limits
-  PLI Public Lands and Institutional
-  Streets
-  PUD Planned unit development
-  R-2 Single-family medium density
-  U Unincorporated Enclave
-  Tracts of land out of City Limits





RECEIVED
 SEP 27 2004
 GREAT FALLS CITY CLERK
 PLANNING DEPARTMENT

MONTANA REFINERY
 CRUDE OIL LINE



SKYLINE SCHOOL ADDITION

G & J Development
220 30th Ave NE
Great Falls, MT 59404

June 19, 2006



Bill Walters
City County Planning Dept.
PO Box 5021
Great Falls, MT 59403

RE: West Ridge Phase II – Block 11 PUD Condominiums

Dear Mr. Walters,

Enclosed is a Development Review Application to modify the original site plan for the condo units in West Ridge Phase II – Block 11. Two copies of a full scale drawing (24 x 36) and two copies of a reduced drawing (11 x 17) for the proposed modification are also included. A check in the amount of \$400.00 for the application fee is also attached.

The original site plan for Block 11 included 24 condo units. The location of the units, the setbacks, and in general the layout were set based upon the large oil refinery easement extending through Block 11, the geometry of the units, garages, courtyards, and a plan to maintain similar setbacks.

Since that site plan was approved we have had some additional considerations develop which would enhance the project and improve a couple of negative issues regarding the building and looks of Units 212, 214, 216, and 218, 220, 222. These units consist of three attached units each. Building three units instead of four change the appeal and architecture of the project and other units and create further building considerations due to our standard construction, trusses, and buildings in general. Four units rather than three would be compatible with our project.

Our preliminary site plan did include four units each rather than three but when we actually were able to locate the 6-inch refinery oil line we had to relocate the easement which in turn eliminated two units (one on each set).

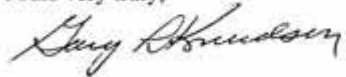
We have had considerable acceptance and interest in these units. There is increased demand for more units. As a consequence we have shifted the set of buildings along the west end to add a fourth unit to the initial set of three and also rearranged the northwest corner to eliminate one unit to end up with two rather than three and also added two larger units. We believe the overall concept and density have not been compromised. Further, we believe the latest layout is better for the overall plan since it does reduce some of the included large open area and the vacant look.

The density of the condominium project initially was projected to be about 1.75 persons per unit. In reality it is 1.25 person per unit.

Initial total density was 32 units x 1.75 = 56 persons. Current and project actual density if two units are added is 34 x 1.25 = 42 persons. Thus, there are significantly fewer persons occupying these units than earlier projected.

We ask that the planning staff and Planning Board favorably approve this change.

Yours very truly,

A handwritten signature in cursive script that reads "Gary L. Knudson".

Gary L. Knudson, P.E.

GLK/el WestRidgeCondo-GTF DevRevApp

AGENDA REPORT

DATE August 15, 2006

ITEM RESOLUTION 9596 TO ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENANCE DISTRICT

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9596

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends adoption of Resolution 9596.

MOTION:

“I move to adopt Resolution 9596.”

SYNOPSIS:

On August 4, 2006 and August 10, 2006, the City Clerk called for the publication of Notice in the Great Falls Tribune of the City Commission’s intent to hold a public hearing on August 15, 2006 to hear anyone wishing to speak for or against the Boulevard Maintenance Assessment.

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.

BACKGROUND:

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102 and 7-12-4176, M.C.A., authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

Cc: Jon Thompson, City Forester

RESOLUTION 9596

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007.

WHEREAS:

- A. the City Commission did create a General Boulevard Maintenance District by Resolution 3570 on January 2, 1946; and,
- B. the City Commission did amend and excluded Lots 8-14, Block 34 of Boston and Great Falls Addition from the boundaries of the General Boulevard District by Resolution 8132 on September 1, 1987 in accordance with MCA 7-12-4335, and;
- C. the City Commission intends to continue trimming, pruning, spraying, and otherwise maintaining the trees within said district; and,
- D. the City Commission estimates the assessable cost of such maintenance within the General Boulevard Maintenance District at a total of TWO HUNDRED EIGHTY NINE THOUSAND SEVEN HUNDRED TWENTY FIVE DOLLARS (\$289,725).

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

Section 1 – Continuance

The City of Great Falls continues to trim, prune, spray and otherwise care for and maintain the trees in the General Boulevard Maintenance District.

Section 2 – Costs Assessed

The costs of said care and maintenance in the Boulevard Maintenance District, totaling \$289,725 are hereby assessed upon the property in said district. Each lot and parcel within the district is hereby assessed in proportion to its square footage and that the procedure for determining the square footage to be assessed is the total square footage as set forth in Exhibit "A" of Resolution 6202 passed by the Great Falls City

Commission on July 22, 1968, and presently on file in the office of the City Clerk.

Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 and May 31, 2007.

Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 15, 2006 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

Section 5 – Notice of Hearing

The City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of August, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9596 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 15th day of August, 2006, and approved by the Mayor of said City on the 15th day of August, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of August, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission will hold a public hearing and consider Resolution 9596 on August 15, 2006, in the Commission Chambers located in the Civic Center, 2 Park Drive South. Resolution 9596 pertains to levying and assessing the cost of maintaining boulevards in the general boulevard district in Great Falls for the fiscal year beginning July 1, 2006 and ending June 30, 2007. Copies of the resolution and assessment list are available in the City Clerk's office and can be obtained by calling 406-455-8451, by picking it up in the Civic Center, 2 Park Drive South, Room 202 or from the City's website at www.ci.great-falls.mt.us

/s/ Peggy Bourne, City Clerk

Publication Date: Display Ad August 4, 2006 & Legal Ad August 10, 2006

AGENDA REPORT

DATE August 15, 2006

ITEM RESOLUTION 9598 TO ASSESS STREET MAINTENANCE DISTRICT

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9598

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends adoption of Resolution 9598.

MOTION:

"I move to adopt Resolution 9598."

SYNOPSIS:

On August 1, 2006 the City Commission set an August 15, 2006, public hearing date to hear anyone wishing to speak for or against the Street Maintenance District Assessment.

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

BACKGROUND:

Section 7-12-4421, MCA 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."

ASSESSMENT OPTION

Section 7-12-4425, MCA states: "...The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts..." Section 7-12-4422, MCA provides for "assessable area" to be one of the options.

The Assessable Area method, defining assessable area by square footage caps, has proven to be the

most equitable method of assessment. Assessment parameters are:

- a. Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code.
- b. A 'mixed use' category which consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed use' category, the Planning Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those properties shall be assessed 50% commercial and 50% at capped residential.
- c. 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.
- d. An 'interlocal contracted maintenance' category that designates properties owned by other governments or their agencies adjacent to City streets that are maintained by the other government or their agencies. This category's assessments include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

Cc: Jim Turnbow, Street Supervisor

RESOLUTION 9598

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET
MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT
FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2006
AND ENDING JUNE 30, 2007

WHEREAS:

- A. the Commission of the City of Great Falls did provide for street maintenance by Ordinance 1687 (12.16.010, et seq., OCCGF) on September 7, 1971 in accordance with Sections 11-2263 through 11-2268, RCM, 1947 (now Section 7-12-4401 through 7-12-4427, MCA, 1989); and,
- B. the Commission of the City of Great Falls did amend and expand the scope of Street Maintenance services authorized by final passage and adoption of Ordinance 2584 on February 5, 1991, in accordance with Sections 7-12-4401 through 7-12-4427, MCA, 1989; and,
- C. the Commission of the City of Great Falls hereby finds, fixes and determines that each and every lot or parcel within said district has been or will be specially benefited by said maintenance; and,
- D. on July 18, 2006, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of maintenance, not offset by other revenues, in the Street Maintenance District at TWO MILLION THREE HUNDRED EIGHTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-NINE DOLLARS (\$2,387,479).

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

Section 1 – Continuance

The City of Great Falls continue to maintain streets in the Street Maintenance Districts.

Section 2 – Assessment Authorization

Section 7-12-4428, M.C.A., authorizes the City Commission to assess the cost of the work, improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year.

Section 7-12-4404, M.C.A., authorizes the City Commission to provide maintenance by contract in such manner as the commission may elect. Accordingly, the City may opt to enter into an interlocal agreement for maintenance of sections of City streets adjacent to land owned by other governments or their agencies. Assessments in such areas include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

Section 3 – Assessment Option

In accordance with Sections 7-12-4422 and 7-12-4425, M.C.A., each lot or parcel of land within the Street Maintenance District shall be assessed according to its Assessable Area. Assessable area shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code, and a 1 million square feet cap for all other property. The Planning Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% capped residential.

Section 4 – Costs Assessed

The costs of said maintenance, not offset by other revenues, in the street maintenance district, totaling TWO MILLION THREE HUNDRED EIGHTY-SEVEN THOUSAND FOUR HUNDRED SEVENTY-NINE DOLLARS (\$2,387,479), are hereby levied and assessed upon the property in said district for the fiscal year ending June 30, 2007. The description of each lot or parcel of land within the street maintenance district and the respective assessments are set forth in the records of the Fiscal Services Department of the City of Great Falls, Montana and by this reference incorporated herein as if set forth in full.

Section 5 – Assessment Method

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps.

No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

Section 6 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 and May 31, 2007.

Section 7 – Assessment Hearing

On August 15, 2006 at 7:00 p.m., in the Commission Chambers of the Civic Center Building, Great Falls, Montana, the Commission shall meet and hear all objections to the final adoption of this resolution.

Section 8 – Notice of Hearing

In accordance with Section 7-1-4127, the City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment with at least six days separating each publication. This publication of the Notice of Resolution for Assessment also complies with Section 7-12-4426, MCA, which requires publication of notice within 5 days preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of August 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9598 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 15th day of August 2006, and approved by the Mayor of said City on the 15th day of August 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of August 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on August 1, 2006, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 15, 2006, prior to acting upon Resolution 9598 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET
MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT
FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2006
AND ENDING JUNE 30, 2007

The above-designated Resolution 9598 and the assessment list therein mentioned are on file in the office of the City Clerk, Peggy J. Bourne, (406) 455-8451 and the Fiscal Services Department, Judy Burg, (406) 455-8477 in the Civic Center Building, 2 Park Drive, Great Falls, MT and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9598 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 15, 2006, at 7:00 o'clock p.m. at which time and place the City Commission will consider Resolution 9598 for final adoption.

/s/ Peggy Bourne, City Clerk

Publication Date: **DISPLAY AD** August 4, 2006 and **LEGAL AD** August 10, 2006

CITY OF GREAT FALLS, MONTANA

AGENDA# 7

AGENDA REPORT

DATE August 15, 2006

ITEM RESOLUTION 9597 TO ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9597

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Following the public hearing and barring sufficient protest, staff recommends adoption of Resolution 9597.

MOTION:

"I move to adopt Resolution 9597."

SYNOPSIS:

On August 4, 2006 and August 10, 2006, the City Clerk called for the publication of Notice in the Great Falls Tribune of the City Commission's intent to hold a public hearing on August 15, 2006 to hear anyone wishing to speak for or against the Portage Meadows Maintenance Assessment.

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.

BACKGROUND:

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102 and 7-12-4176, M.C.A., authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such districts.

Cc: Giles Salyer, Park Maintenance Supervisor

RESOLUTION 9597

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007.

WHEREAS:

- A. the City Commission did create and amend Special Improvement Maintenance District 1195 by Resolutions 6913, 6980, and 8426 on February 15 and July 17, 1977, and July 16, 1991 respectively; and,
- B. the City Commission intends to continue maintaining the Green Belt Park of Portage Meadows addition within said district; and,
- C. the City Commission estimates the assessable cost of such maintenance within said district at a total of NINETEEN THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS (\$19,786).

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

Section 1 – Continuance

The City of Great Falls continues to care for and maintain the Green Belt Park in Special Improvement Maintenance District 1195.

Section 2 – Costs Assessed

The costs of said care and maintenance in the district, totaling \$19,786 are hereby assessed upon the property in said district.

The costs per property and the property list for Special Improvement District 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

Assessments for each year may be reviewed on an annual basis and may be revised in amount according to the following formula: cost plus ten percent (10%) divided by the total square feet of all of the lots within said district times the square feet of each lot. Costs shall be for expendable material costs, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning costs.

Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 and May 31, 2007.

Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 15, 2006, in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

Section 5 – Notice of Hearing

The City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of August, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9597 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 15th day of August, 2006, and approved by the Mayor of said City on the 15th day of August, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of August, 2006.

(SEAL OF CITY)

Peggy Bourne, City Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission will hold a public hearing and consider Resolution 9597 on August 15, 2006, in the Commission Chambers located in the Civic Center, 2 Park Drive South. Resolution 9597 pertains to levying and assessing the cost of maintaining the green belt of Portage Meadows Addition on all real estate in the Special Improvement Maintenance District 1195 for the fiscal year beginning July 1, 2006 and ending June 30, 2007. Copies of the resolution and assessment list are available in the City Clerk's office and can be obtained by calling 406-455-8451, by picking it up in the Civic Center, 2 Park Drive South, Room 202 or from the City's website at www.ci.great-falls.mt.us.

/s/ Peggy Bourne, City Clerk

Publication Date: Display Ad August 4, 2006 and Legal Ad August 10, 2006

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

DATE August 15, 2006

ITEM ORDINANCE 2946, AMENDING OCCGF 13.06 PERTAINING TO WATER SERVICE LINES

INITIATED BY CITY COMMISSION

ACTION REQUESTED ADOPT ORDINANCE 2946 AS AMENDED ON FINAL READING

PRESENTED BY JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION

Staff recommends the City Commission adopt Ordinance 2946 as amended on final reading.

MOTION

“I move the City Commission adopt Ordinance 2946 as amended.

SYNOPSIS

Ordinance 2946 would amend Ordinance 2714 which amended section H of OCCGF 13.06 in 1996. During late 2005/early 2006 the Upper and Lower River Road Water and Sewer District installed city water mains. During the water main installation for the Upper/Lower River Road Area the contractor made water taps and stubbed copper water services to a curb stop and box for each property. To complete the connection, property owners are now required to hire a licensed plumber to connect to the curb stop and install a water service to their residence. Numerous requests from the district, property owners, and contractors have been made asking permission to use High Density Polyethylene (HDPE) pipe for water services. This ordinance will allow HDPE pipe under certain circumstances.

Descriptions of changes between the first and second readings: Ordinance 2946 did not originally limit the length of the service line before the property owner would be allowed to use either HDPE or copper. However, since the first reading staff requested the City Commission to consider allowing this materials option for service lines longer than 100 feet only, if the meter is installed at the property line. An additional change in the ordinance, eliminates the requirement that the first 10 feet of pipe from the house is to be copper, if the owner uses HDPE pipe.

BACKGROUND

In recent months the price of copper pipe has increased by several dollars per foot. HDPE pipe is substantially less cost per foot than copper pipe.

Staff has researched to see what other municipalities allow and found the following:

Billings

- Copper pipe is the only material allowed in the public right-of-way
- Copper or HDPE is allowed outside the public right-of-way all the way to the meter

Kalispell

- HDPE, 200 psig is permitted from main to meter
- Tracer wire not required
- Mueller “Insta Tight” fittings mostly used

Missoula

- HDPE, 200 psig is permitted from main to meter
- Copper, Galvanized Iron, and PVC are also allowed
- Fittings must be all brass with O-ring (no irrigation barbed fittings). Mueller “Insta Tight” fittings mostly used
- #14 THNN copper tracer wire is required from corporation stop to meter.

Bozeman

- Copper pipe is required from the main to the building.

Helena

- Copper pipe is required from the main to the building.

This ordinance change will still require that all water services $\frac{3}{4}$ inch through two (2) inches continue to be Type K soft copper from the main to the curb stop. Water services less than 100 feet in length shall continue to be Type K soft copper from the curb stop to the entrance valve inside the building or residence. Water services greater than 100 feet in length from the curb stop to the house shall be Type K soft copper or HDPE, 200 psig meeting AWWA C-901 Standards.

ORDINANCE 2946 - AMENDED

**AN ORDINANCE AMENDING OCCGF TITLE 13.06.010(H) PERTAINING TO
WATER SERVICE LINES**

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

Section 1. That OCCGF Title 13 Chapters 6 Section H pertaining to water service lines be amended as depicted in Exhibit A which removes any language indicated by a strike-out code and adds any language which is bolded.

Section 2: The changes between the first and second reading are depicted wherein the language that was added have a gray shadow effect and any language indicated by a strike-out code removes language.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT
FALLS, MONTANA, this 15th day of August, 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 2946 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

15th day of August, 2006, and approved by the Mayor of said City on the 15th day of August, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of August, 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 15th day of August, 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 2946 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Exhibit A

13.06.010 Water: Service line--General regulations. A. Every person, firm, corporation, or licensee under this chapter wishing to install, repair, extend, alter, relocate, replace, or otherwise modify any water service line or pipe, or wishing to excavate any trench for the purpose of laying or repairing any water service line or pipe, shall obtain a proper license for such work from the Community Development Department. All the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer. (Ord. 2645, 1993; Ord. 2356 Exh B (part), 1984, §13.04.040).

B. No plumber or other person will be allowed to make a connection with any conduit, pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the Public Works Department. (Ord. 2645, 1993; Ord. 2356 Ex. B (part), 1984, §13.08.070).

C. Service pipes shall be so arranged that each separate building and/or house shall be supplied by a separate service line from the City main. A valve or curb stop (with box) shall be installed in each service line so that the supply may be controlled from the street side of the property line, under rules established by the City or civil authorities. This curb valve and box must be kept in repair and easily accessible to City utility crews. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #A and 13.08.040 (part)).

D. At no time will it be allowed to extend a water service which is intended to supply water to a property facing one avenue or street to another property facing another avenue or street if said water service has to cross a public right-of-way such as an avenue, street or alley. (Ord. 2645, 1993).

E. Where water is now supplied through one service to several houses, families, or persons, the City Manager may either decline to furnish water until separate services are provided, or may continue the supply on the condition that one person shall pay for all on the same service, and assume full responsibility for the maintenance and repair of the entire service line. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #B).

F. When the owner fails to properly maintain the curb valve and box and it becomes necessary for the City to shut off the water, necessary repairs or restoration will be made by the City, or if the service line fails between the City main and the curb shut off and the owner does not take prompt action for its repair, the City will shut the service line off at the corporation cock (connection to the main) but will not repair or replace the service line. In both of the foregoing instances reasonable written notice will be given the owner regarding the action to be taken by the City. The entire cost of time and materials will be charged to the owner. This charge shall be paid before the water service is restored. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #C).

G. Water will not be turned on at any new building until all water used during construction has been paid for. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.110 (part)).

H. ~~1. Water services 3/4 inch through two (2) inches shall be of Type K soft copper from the corporation stop (connection to the main) to the entrance valve in the building or residence. From the entrance valve to a point a minimum of one foot past the~~

meter setting, the service material shall be of type M or L hard copper pipe.

H. 1. Water services $\frac{3}{4}$ inch through two (2) inches shall be of Type K soft copper from the corporation stop (connection to the main) to the curb stop. ~~From the curb stop to ten (10) feet outside the foundation of the building or residence,~~ Water services less than one hundred (100) feet in length from the curb stop to the building or residence shall be Type K soft copper from the curb stop to the entrance valve inside the building or residence. ~~or HDPE, 200 psig meeting AWWA C-901 Standards. Type K soft copper shall run from ten (10) feet outside the building foundation to the entrance valve.~~ From the entrance valve to a point a minimum of one foot past the meter setting, the service material shall be of Type M or L hard copper pipe. Water services greater than one hundred (100) feet in length from the curb stop to the building or residence shall be Type K soft copper or HDPE, 200 psig meeting AWWA C-901 Standards. When HDPE, 200 psig is used a meter pit approved by the City shall be installed two feet from the curb stop on the property side of the curb stop at the property owner's expense. Type K soft copper shall connect the curb stop and the meter pit. Pipe from the meter pit to the entrance valve inside the building or residence can be HDPE, 200 psig. Fittings used to connect the copper pipe to HDPE, 200 psig shall be all brass similar to Mueller "Insta Tight" fittings. When HDPE, 200 psig is used # 14 THNN copper tracer wire shall be installed from the curb stop to the house in the trench with the service line.

I. The service pipe must be laid below final street grade and on the consumer's premises, at a standard depth (no less than six feet) as designated by the City to prevent freezing. If shallower at the water main, insulation, shall be used to protect the service pipe from freezing until the standard depth is obtained. (Ord. 2714, 1996).

J. Within two feet of the point of service entrance to a building, and from one to three feet above the floor, an approved valve of good quality and good hydraulic characteristics must be placed so that the water can be readily shut off from the building. Full way gate valves or rotary valves, which include ball, cone and plug types are recommended. However, better quality compression stops or globe valves are permissible. The inlet side of any entrance valve shall be mechanically joined to copper service lines three-fourths-inch through two-inches by means of copper flare connections. If inlet side of any entrance valve on service lines larger than two-inches diameter shall be mechanically joined to the service pipe and property supported and restrained against movement in accordance with Public Works Department specifications. (Ord. 2714, 1996; Ord. 2645, 1993; Ord. 2356 Exh. B(part), 1984, §13.08.050(A)).

K. No branch connection shall be made to a service line between the main and the entrance valve. Where a meter is required no branch connection shall be made between the main and the meter. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.050 #B).

L. In areas where water service lines have been stubbed to properties with established property lines and said properties are replatted in order to enlarge lot size, only one service line shall be used to supply the replatted property with water. (Ord. 2645, 1993).

M. All other service lines shall be abandoned at the City main. Excavating shall be done by a properly licensed and bonded person or firm. All cost for such work shall

be charged to the property owner. (Ord. 2645, 1993).

AGENDA REPORT

DATE: August 15, 2006

ITEM ORDINANCE 2949, AMENDING OCCGF 9.20 AND 12. 14
PERTAINING TO INTOXICATING BEVERAGES IN PUBLIC
PLACES

ACTION REQUESTED ACCEPT ORDINANCE 2949 ON FIRST READING AND SET
THE PUBLIC HEARING AND FINAL READING FOR
SEPTEMBER 5, 2006

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission accept Ordinance 2949 on first reading and set the public hearing and final reading for September 5, 2006.

MOTION

“I move the City Commission accept Ordinance 2949 on first reading and set the public hearing and final reading for September 5, 2006 at 7 pm.

SYNOPSIS

Ordinance 2949 modifies Ordinance 2854 and amends the Official Codes of the City of Great Falls (OCCGF) 9.20 pertaining to intoxicating beverages in public places. The ordinance also replaces the street closure policy established with Resolution 8504 which was found to conflict with the ordinances codified within OCCGF 9.20.

BACKGROUND

In 2003 the City Commission adopted Ordinance 2854 which established authority and procedures to hold events in public facilities which alcohol is served and/or sold. After implementation of the ordinance, staff found the procedure cumbersome and 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.

After reviewing ordinances from other Montana cities, staff proposes the City Commission adopt Ordinance 2949 which streamlines the process for obtaining a permit to have alcohol at an event in public places. The public places specifically included in the ordinance includes: the Civic Center, 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.

The new ordinance requires event planners who wish to use a city street, nine of our city parks, or a public parking lot for an event which alcohol will be served or sold to obtain a permit from the City Manager's office. While streamlining the process to obtain a permit, controls pertaining to serving alcohol to minors and litter control are still in place. Another significant change is that the event is no longer required to be open to the public, or designed to specifically promote recreational or cultural amenities in Great Falls. This change will allow for more events to be held in nine of the City parks which may include family reunions, wedding receptions and corporate picnics.

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.

ORDINANCE 2949

**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 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 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

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. 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).

12.14.020 Established and Designated Parade Routes. A. Parade to stage on Park Drive South and proceed north past the east side of the Police Department onto 1st Avenue South, then east to Park Drive, then North to Central, then east to 8th Street, disbanding on the north and/or south side of Central Avenue.

B. Parade to stage on the north and/or south side of Central Avenue at 8th Street and proceed west on Central Avenue to Park Drive, then south to 1st Avenue South, then west until disbanding. Any alternate route must be approved by the City.

C. Routes for other parades, processions or fun runs not requiring street closures can be designated at the discretion of the City. (Ord. 2734, 1998).

12.14.030 Public conduct during parades, processions and fun runs. A. Joining the parade. No person knowingly shall join or participate in any parade, procession or fun run conducted in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade or procession without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

B. Interference. No person shall hamper, obstruct, impede, or interfere with any parade or procession or with any person, vehicle or animal participation or used in a parade or procession.

C. Driving through parades or processions. No driver of a vehicle shall drive between the vehicles or persons comprising a parade or motorcade when such vehicles or persons are in motion and are conspicuously designated as a parade or procession. Nothing in this section shall prohibit an emergency vehicle from interrupting a parade or procession for the purpose of responding to an emergency.

D. Viewing the Parade or Procession. No person shall view, watch or observe the parade or procession from the street or beyond the sidewalk curb or beyond the imaginary curb line that, if it existed, would extend through the intersection from corner to corner of any street perpendicular to the parade route.

E. Parking on parade route.

1. No vehicle larger than an automobile or pickup truck shall park along the parade route during the parade.

2. The City Manager, or designee, shall have the authority, when reasonably necessary, to prohibit parking of vehicles along a parade route. Signs shall be posted to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (Ord. 2734, 1998).

12.14.040 Participants conduct during parades, processions or fun runs. A. It is unlawful for any persons in a parade or procession to deviate from the established or approved parade route.

B. No participant in a parade or procession shall throw, cast, or drop candy, trinkets, or any other articles. A violation of this provision shall be a misdemeanor punishable by a fine; as set forth OCCGF 1.04.070. This does not prohibit a parade participant from handing the candy or other articles directly to the spectators providing the parade participant is walking.

C. No participant in a parade or procession shall entice or lure, or attempt to entice or lure, any spectator to leave the designated viewing area.

D. No participant in a parade or procession shall operate any vehicle in a careless manner so as to endanger the safety and welfare of other parade participants or spectators.

E. Each permittee shall provide a person or a horse with a rider to walk or a person in a small motorized vehicle, such as a golf car, on both sides of any parade vehicle larger than an automobile or pickup as a condition to the permit.

F. Any person operating a motor vehicle in a parade or procession shall be a licensed driver. All applicable seat belt and/or helmet laws must be complied with by all participants.

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

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

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

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

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

F. Organizations sponsoring parades will be responsible for placing and removing barricades on the parade route side of the nearest designated alleys/streets no earlier than thirty minutes prior to the start of the parade and, in no case, longer than fifteen minutes following the end of the parade. Barricades are available at the Park and Recreation Department. It will be the responsibility of the sponsoring organization to pick up from and return to the Park and Recreation Department all barricades used and to contact the Park Supervisor at least two weeks in advance to discuss a barricading plan acceptable to the City.

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

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

I. The Police Department will provide one vehicle to escort the parade. All other traffic and

crowd control must be provided by the sponsoring organizations and, in no case, be less than two people for each block of parade or band practice length.

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

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

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

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

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

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

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

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

E. The 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. 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.

G. 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.

H. 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.

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

AGENDA REPORT

DATE August 15, 2006

Item Resolution 9579 - Annual Tax Levy
Initiated By Taxable Valuations from the Dept. of Revenue
Action Requested Adoption of the Annual Tax Levy Resolution
Prepared By Melissa Kinzler, Budget Officer
Reviewed & Approved By Cheryl Patton, Assistant City Manager

RECOMMENDATIONS

Staff recommends adoption of Resolution 9579 to fix the annual tax levy.

MOTIONS

I move the City Commission adopt Resolution 9579.

SYNOPSIS

We received the taxable valuation for the City of Great Falls from the Department of Revenue. Accordingly, the City can now compute and set its annual mill levy.

The proposed mill levy is 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.

The public hearing on our Intent to Increase Property Taxes by 1.424% was held on July 11, 2006, in accordance with MCA 15-10-203.

The total mill levy for 2006 is 140.94 mills totaling \$10,005,084. This includes a levy of 3.74 mills for soccer park debt service payment which is \$265,502 of the \$10.0 million.

The total mill levy for 2005 was 138.27 mills totaling \$9,486,705. The differences between the mill levy of \$10.0 million and \$9.4 million are:

- \$370,273 for newly taxable property, and,
- \$148,106 for inflation and changes in revenue from the state.

BACKGROUND

Section 15-10-202, MCA requires the Montana Department of Revenue to send 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.

Section 7-6-4036, MCA, Fixing tax levy, provides:

- (1) The governing body shall fix the tax levy for each taxing jurisdiction within the county or municipality:
 - (a) by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values;
 - (b) after the approval and adoption of the final budget; and
 - (c) at levels that will balance the budgets as provided in 7-6-4034.
- (2) Each levy:
 - (a) must be made in the manner provided by 15-10-201; and
 - (b) except for a judgment levy under 2-9-316 or 7-6-4015, is subject to 15-10-420.

ATTACHED are:

1. Tax Levy Resolution 9579, with Appendix A showing the tax calculation worksheet.

RESOLUTION 9597

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007.

WHEREAS:

- A. the City Commission did create and amend Special Improvement Maintenance District 1195 by Resolutions 6913, 6980, and 8426 on February 15 and July 17, 1977, and July 16, 1991 respectively; and,
- B. the City Commission intends to continue maintaining the Green Belt Park of Portage Meadows addition within said district; and,
- C. the City Commission estimates the assessable cost of such maintenance within said district at a total of NINETEEN THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS (\$19,786).

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

Section 1 – Continuance

The City of Great Falls continues to care for and maintain the Green Belt Park in Special Improvement Maintenance District 1195.

Section 2 – Costs Assessed

The costs of said care and maintenance in the district, totaling \$19,786 are hereby assessed upon the property in said district.

The costs per property and the property list for Special Improvement District 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

Assessments for each year may be reviewed on an annual basis and may be revised in amount according to the following formula: cost plus ten percent (10%) divided by the total square feet of all of the lots within said district times the square feet of each lot. Costs shall be for expendable material costs, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning costs.

Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 and May 31, 2007.

Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 15, 2006, in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

Section 5 – Notice of Hearing

The City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of August, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9597 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 15th day of August, 2006, and approved by the Mayor of said City on the 15th day of August, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15th day of August, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission will hold a public hearing and consider Resolution 9597 on August 15, 2006, in the Commission Chambers located in the Civic Center, 2 Park Drive South. Resolution 9597 pertains to levying and assessing the cost of maintaining the green belt of Portage Meadows Addition on all real estate in the Special Improvement Maintenance District 1195 for the fiscal year beginning July 1, 2006 and ending June 30, 2007. Copies of the resolution and assessment list are available in the City Clerk's office and can be obtained by calling 406-455-8451, by picking it up in the Civic Center, 2 Park Drive South, Room 202 or from the City's website at www.ci.great-falls.mt.us.

/s/ Peggy Bourne, City Clerk

Publication Date: Display Ad August 4, 2006 and Legal Ad August 10, 2006

AGENDA REPORT

DATE August 15, 2006

ITEM Resolution 9605 Submitting to the electors the request to authorize general obligation bonds to fund swimming pool repairs (OF 1484)

INITIATED BY Park and Recreation Department

ACTION REQUESTED Adopt Resolution 9605

PRESENTED BY James Sullivan, Park and Recreation Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution 9605 which authorizes submitting to the electors of the City of Great Falls a ballot question on the November 7, 2006, general election ballot pertaining to the issuance of General Obligation Bonds to fund improvements to Mitchell, Water Tower and Jaycee Swimming Pools.

MOTION:

I move the City Commission adopt Resolution 9605.

SYNOPSIS: Resolution 9605 would authorize 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.

The estimated tax increase for residential property with assessed value of \$100,000 would be approximately \$11 per year. The cost break outs are as follows:

\$ 998,500	Mitchell Pool Improvements
989,000	Rehabilitation of Jaycee and Water Tower Pools (with rehabilitated bathhouses)
37,200	Amenities
<u>40,000</u>	Bond Issuance Costs
\$2,064,700	
<u>202,470</u>	10% Contingency
\$2,267,170	

BACKGROUND: 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 that included the following:

Mitchell Pool: Complete rehabilitation needed which included a gutter system, pool floor and wall rehabilitation, filtration/recirculation system, concrete deck, electrical/mechanical systems, filter room, pool heater, and backwash balance tank system. The improvements would bring the Mitchell Pool up to the current codes and decrease the chemical, natural gas and electrical costs.

Water Tower and Jaycee Pools: Both pools have deteriorated gutter systems with broken grate tiles,

plaster spalling of the pool tank walls, heaving concrete decks, outdated and inefficient pool heaters, re-circulating pumps and systems were at the end of their useful life, restrooms were not ADA accessible, and the dressing rooms needed to be renovated. Improvements to each facility will include new filtration/recirculation system, chemical feed rehabilitation, new concrete deck and fencing, pool floor and wall rehabilitation, deck equipment, electrical work and bathhouse rehabilitation.

The "rehabilitation project" is estimated to cost just under \$2.3 million. General Obligation Bond financing in the entire amount for a ten-year term would be put to voter approval, in conjunction with the general election on November 7, 2006, if the City Commission adopts Resolution 9605.

Section 7-16-4104, M.C.A. authorizes cities or towns to incur indebtedness upon the credit of the city for procuring various cultural, social or recreational improvements provided the indebtedness does not exceed limits established by law. The City of Great Falls currently has outstanding general obligation indebtedness for the soccer park project. This project however would not cause the City to exceed its general statutory indebtedness limitation which is currently calculated at more than \$32.9 million or its debt limitation for recreational facilities which is currently at more than \$19.7 million.

On June 20, 2006, Interim Park and Recreation Director Patty Rearden reported to the City Commission about the condition of the pools at their work session and offered possible funding solutions and scenarios of projects to be funded. All the funding solutions involved the issuance of General Obligation Bonds. The City Commission directed staff to conduct an informal survey of the voters to determine if they would support a general obligation bond and if so at what level. Staff prepared the survey and sent it out 19,933 in the June/July utility bills. 4363 surveys were returned which equaled about 22 percent. The survey was also available on the City's website. 38 people completed the survey on-line. The results of the survey were as follows:

- 2212 selected Option I which included repairing the Mitchell, Water Tower and Jaycee Pools as well as adding a spray park at Meadowlark Park. Of those 110 crossed off "spray park at Meadowlark Park."
- 761 selected Option II which included repairing the Mitchell Pool and replacing the Water Tower and Jaycee Pools with spray parks as well as adding a spray park at Meadowlark Park
- 1074 selected the "no bond issue" option
- 470 offered other ideas and prices. Of those 146 specifically supported repairing Mitchell, Jaycee and Water Tower Pools

The results were presented to the City Commission at their work session on August 1. Based on these results, the City Commission directed staff to proceed with the necessary paperwork to place a ballot question on the November 7, 2006 general election ballot that would ask voters to fund repairing Mitchell, Water Tower and Jaycee Pools with general obligation funds.

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of a resolution, entitled: "A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF GREAT FALLS, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN AN AMOUNT OF UP TO TWO MILLION TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$2,270,000) FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND UPGRADING CERTAIN SWIMMING POOLS IN THE CITY, INCLUDING REHABILITATING AND DESIGNING, CONSTRUCTING AND EQUIPPING IMPROVEMENTS TO THE MITCHELL SWIMMING POOL, THE JAYCEE SWIMMING POOL AND RELATED RESTROOMS AND LOCKER ROOMS, THE WATER TOWER SWIMMING POOL AND RELATED RESTROOMS AND LOCKER ROOMS, AND RELATED AMENITIES AND IMPROVEMENTS, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on August 15, 2006, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this ____ day of August, 2006.

(SEAL)

City Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COMMISSION SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF GREAT FALLS, MONTANA, THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN AN AMOUNT OF UP TO TWO MILLION TWO HUNDRED SEVENTY THOUSAND AND NO/100 DOLLARS (\$2,270,000) FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING AND UPGRADING CERTAIN SWIMMING POOLS IN THE CITY, INCLUDING REHABILITATING AND DESIGNING, CONSTRUCTING AND EQUIPPING IMPROVEMENTS TO THE MITCHELL SWIMMING POOL, THE JAYCEE SWIMMING POOL AND RELATED RESTROOMS AND LOCKER ROOMS, THE WATER TOWER SWIMMING POOL AND RELATED RESTROOMS AND LOCKER ROOMS, AND RELATED AMENITIES AND IMPROVEMENTS, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS

RECITALS

WHEREAS, a city or town is authorized pursuant to Section 7-7-4221, M.C.A., to issue general obligation bonds pledging the general credit of the city or town for that purpose upon approval of the electorate of the city or town, provided that such indebtedness and all other indebtedness of the city or town does not exceed 1.51% of the total assessed value of taxable property within the city or town, calculated in accordance with Section 7-7-4201, M.C.A.; and

WHEREAS, a city or town is authorized pursuant to Section 7-16-4104, M.C.A., to incur indebtedness upon the credit of the city or town for the purpose of procuring by purchase, construction or otherwise various cultural, social and recreational facilities upon approval of the electorate of the of the city or town, provided that the amount of indebtedness contracted for that purpose, including any such existing indebtedness, does not exceed 0.90% of the total assessed value of taxable property within the city or town, calculated in accordance with Section 7-16-4104, M.C.A.; and

WHEREAS, a city council or commission is authorized pursuant to Section 7-7-4223, M.C.A., to call a bond election by adopting a resolution to that effect; and

WHEREAS, the City Commission (the "Commission") of the City of Great Falls, Montana (the "City"), has determined that there should be submitted to the electors of the City qualified to vote at bond elections the question of whether or not the Commission shall be authorized to issue and sell general obligation bonds of the City in order to obtain funds for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool and related restrooms and locker rooms, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements, and paying costs associated with the sale and issuance of the bonds; and

WHEREAS, the Commission has determined that the issuance of general obligation bonds in the amount of \$2,270,000 [, together with the City's General Obligation Bonds, Series 2004, issued in the original principal amount of \$2,500,000, of which \$2,330,000 in principal amount are outstanding (the "Series 2004 Bonds"),] will not cause the City to exceed its general statutory indebtedness limitation, which as currently calculated is \$32,983,689.98, i.e. \$2,184,350,330.00 x 1.51%; and

WHEREAS, the Commission has determined that the issuance of general obligation bonds in the aggregate principal amount of \$2,270,000, together with the outstanding principal amount of the Series 2004 Bonds, will not cause the City to exceed its indebtedness for the recreational facilities, which as currently calculated is \$19,659,152.97, i.e. \$2,184,350,330.00 x 0.90%; and

WHEREAS, it is the judgment and determination of the Commission that such bonds will be payable during a term not to exceed ten (10) years and shall be redeemable on any date after one-half of the term for which they are issued.

NOW, THEREFORE, BE IT RESOLVED By the Commission of the City as follows:

1. Calling of the Election. The Commission of the City hereby calls and directs a special election to be held in conjunction with the general election on November 7, 2006, for the purpose of voting on the following question:

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

2. Conduct of Election. All qualified electors of the City shall be entitled to vote at the bond election. The County Election Administrator is hereby requested and authorized to give proper notice of the close of registration and thereafter prepare printed lists of the electors in the City entitled to vote in the election in the City and to conduct the election in the form and manner prescribed by law.

3. Notice of Election. The County Election Administrator is hereby authorized and requested to cause notice of the call and holding of the election to be given by causing notice to be published at least once a week for the three consecutive weeks before the election in the *Great Falls Tribune*, a newspaper of general circulation in Cascade County. The notice of election as published shall read substantially as follows:

NOTICE OF GENERAL OBLIGATION BOND ELECTION
City of Great Falls, Montana
November 7, 2006

NOTICE IS HEREBY GIVEN by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), that pursuant to a certain resolution duly adopted at a regular meeting of the Commission on August 15, 2006, a special election of the registered voters of the City will be held on November 7, 2006, in conjunction with the general election, for the purpose of voting on the following question:

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

The polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., and the polling places for the election shall be the normal polling places for City residents during a general election. Absentee ballots may be obtained at the office of the Cascade County Election Administrator at 415 – 2nd Avenue North, Great Falls, Montana until 12:00 noon, November 6, 2006.

Cascade County Election Administrator

Publish: October 17, 2006
 October 24, 2006
 October 31, 2006

4. Ballots. The Election Administrator is hereby requested to prepare suitable ballots for use at the election at the polling places, together with the precinct lists.

5. Form of Ballot. The ballot shall be printed in substantially the following form:

OFFICIAL BALLOT
CITY OF GREAT FALLS, MONTANA
GENERAL OBLIGATION BOND ELECTION
NOVEMBER 7, 2006

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words “BONDS--YES” if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words “BONDS--NO”.

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

BONDS — YES

BONDS — NO

6. Notice to County Election Administrator. A copy of this resolution will be provided to the Cascade County Election Administrator as soon as possible after its adoption and approval in order to inform her of the details of the election and the pertinent requests and authorizations as to the conduct of the election.

7. Reimbursement Expenditures.

(a) The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the bonds, (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the project have been paid by the City before the date 60 days before the date of adoption of this resolution.

(c) The City reasonably expects to reimburse the expenditures made for costs of the project out of the proceeds of bonds in an estimated maximum aggregate principal amount of \$2,270,000 after the date of payment of all or a portion of the costs of the project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

(d) As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the project, other than pursuant to the issuance of the bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

(e) The City’s financial officer shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate

amount of proceeds of the bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the bonds or the project and shall specifically identify the actual original expenditure being reimbursed.

PASSED by the City Commission of the City of Great Falls, Montana, this 15th day of August, 2006.

Mayor

Attest: _____
City Clerk

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 City Manager, Assistant City Manager, Acting City Attorney, Directors of Community Development, Planning, Public Works, Park and Recreation, Library and Fiscal Services, Police Chief, Fire Chief, and the City Clerk.

PROCLAMATIONS: Mayor Stebbins presented Patty Rearden with a proclamation of appreciation and commendation for her contributions to the City as Interim Park and Recreation Director. Mayor Stebbins also read a proclamation regarding National Night Out.

NEIGHBORHOOD COUNCILS

- Ice cream social and swimming pools.**
1. **Karen Grove**, Neighborhood Council 8, reported on the ice cream social hosted by Neighborhood Council 8 last week. She added that during the social many people were talking about the pool issue and requested the City Commission repair the neighborhood pools.

PUBLIC HEARINGS

- Res. 9584, Nuisance Abatement, NRT 6th Add., B6, L10. Adopted.**
2. **RESOLUTION 9584, NUISANCE ABATEMENT, NRT 6th ADDITION, BLOCK 6, LOT 10.**

Community Development Director Mike Rattray reported that as prescribed by the Official Codes of the City of Great Falls 8.49.040, a "Notice of Hearing" was posted on the property July 21, 2006, and published in the Tribune on July 22, 2006. Adoption of Resolution 9584 would allow staff to hire a contractor and abate the ongoing nuisance located at 609 36th Ave NE and legally described as NRT 6th Addition, Block 6, Lot 10.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of Resolution 9584. **Nick Jeffries**, 812 54th Street South, explained that he has been cleaning up the property and the only items left were two vehicles. He added that the Police Department tagged the vehicles and they would be removed within the week. He reported that the notices sent to the property owner had been intercepted by the owner's son. **Mr. Scripundon** (the owner) explained to the City Commission that he did not speak English very well and that he was working to clean up the property. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

Mike Rattray asked the Commission to adopt Resolution 9584 just in case the property was not completely cleaned up. Adoption of the resolution would allow staff to take care of the problem.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9584.

Mayor Stebbins thanked Mr. Jeffries for helping out a neighbor.

Motion carried 5-0.

**Res. 9590 Vacate
10th Alley South GF
11th Add., B806,
Adopted.**

3. RESOLUTION 9590, VACATE 10th ALLEY SOUTH WITHIN GF 11th ADDITION, BLOCK 806, (WALGREEN'S PHARMACY).

Planning Director Ben Rangel reported that the Great Falls Planning Board recommended the City Commission vacate the subject alley and approve the Amended Plat of Block 806, Eleventh Addition to Great Falls as well as the Findings of Fact.

He explained that vacation of the alley was necessary to accommodate the proposed Walgreen's Pharmacy. An amended plat provides utility and public access easements through Block 806 to replace the functions the alley currently provides.

Mayor Stebbins declared the public hearing open. No one appeared to speak in opposition to Resolution 9590. **Shane Winters**, (Hawkins Companies) encouraged the City Commission to adopt the Resolution. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission approve Resolution 9590.

Motion carried 5-0.

**Res. 9571 Create
SLD 1306.
Adopted.**

4. RESOLUTION 9571, CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING 1306.

Fiscal Services Director Coleen Balzarini reported that Montana Code Annotated (MCA) 7-12-4301 and 7-12-4333 authorizes the City Commission to create lighting districts and to assess the cost of installing and/or maintaining the district to the owners of the property embraced within the boundaries of such district.

Staff received a signed petition from the developer of Meadowlark

Addition 4 requesting street lights be installed. The petition was for the installation of nine (9) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring. During the 15 day protest period, the City did not receive any protests.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9571. Mayor Stebbins declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission adopt Resolution 9571.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9572, MBOI Loan Agreement for Installation of Nine (9) City-Owned Residential Street Lights Along Camas Drive. Adopted.

5. RESOLUTION 9572, MONTANA BOARD OF INVESTMENTS LOAN AGREEMENT FOR INSTALLATION OF NINE (9) CITY-OWNED RESIDENTIAL STREET LIGHTS ALONG CAMAS DRIVE.

Coleen Balzarini, Fiscal Services Director, reported that the Montana Board of Investments agreed to loan the City up to \$23,000 for the installation costs of nine (9) city-owned residential street lights as specified in SLD 1306. The loan has a variable interest rate that changes annually and the current interest rate was 4.75 percent. The term of the loan would be 10 years.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9572.

Motion carried 5-0.

Res. 9594, Res. 9595 and Ord. 2948 intent to annex and establish zoning for East Great Falls Retail Center Addition. Adopted Resolutions 9594 and 9595 and accepted Ord. 2948 on first reading setting a public

6A. RESOLUTION 9594, ANNEXATION OF PORTIONS OF 10th AVENUE SOUTH, U.S. HIGHWAY 87/89, AND 50th AND 52nd STREET SOUTH.

6B. RESOLUTION 9595, ANNEXATION OF THE EAST GREAT FALLS RETAIL CENTER ADDITION LOCATED ALONG THE SOUTH SIDE OF 10th AVENUE SOUTH AT 57th STREET.

6C. ORDINANCE 2948, ZONING FOR EAST GREAT FALLS RETAIL CENTER ADDITION.

Planning Director Ben Rangel reported that adoption of Resolution 9594 would set a public hearing for September 5, 2006, to consider annexation

**hearing for
September 5, 2006.**

of portions of 10th Avenue South, U.S. Highway 87/89, and 50th and 52nd Streets South. Adoption of Resolution 9595 would set a public hearing for September 5, 2006, to consider annexation of the East Great Falls Retail Center Addition located along the south side of 10th Avenue South at 57th Street and Ordinance 2948 would assign the zoning classification of C-2 General commercial district to the property upon annexation.

Mr. Rangel also reported that 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 (associated with the East Great Falls Retail Center Addition). At the conclusion of the hearing, the motion to approve the annexation, zoning and a conditional use failed on a tie vote. This request before the City Commission did not include the conditional use, only the annexation and zoning. Should a large format retail store want to locate on the property, the City Commission would take separate action on the conditional use.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9594.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Hinz and Rosenbaum that the City Commission adopt Resolution 9595.

Motion carried 5-0.

Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 2948 on first reading and set a public hearing for September 5, 2006, to consider adoption of Ordinance 2948.

Motion carried 5-0.

Res. 9591, Intent to Vacate a Segment of 20th Street South within Vo-Tech Addition. Adopted setting a public hearing set for August 15, 2006.

7. RESOLUTION 9591, INTENT TO VACATE A SEGMENT OF 20th STREET SOUTH WITHIN VO-TECH ADDITION.

Planning Director Ben Rangel reported that adoption of Resolution 9591 sets a public hearing for August 15, 2006, to consider vacating the unimproved segments of 20th Street South, 19th Alley South, 19th Avenue South, 20th Alley South and 20th Avenue South which were dedicated on the original plat of Vo-Tech Addition.

The MSU-College of Technology proposes the rights-of-way be rededicated in the alignment shown on an Amended Plat. This realignment provides for an s-curve in the roadway to realign 20th Street

South along the east boundary of Prospect Park Addition. Additionally, the lots contained in the area will be aggregated from 7 lots to 4 lots.

Mr. Rangel added that the City Planning Board considered the vacation and amended plat during a meeting held July 11, 2006, and ultimately passed a motion recommending the City Commission vacate the rights-of-way and approve the amended plat.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9591.

Motion carried 5-0.

Ord. 2945, Zoning for South Park Addition, Phase 1. Accepted on first reading and set public hearing for September 5, 2006.

8. ORDINANCE 2945, ESTABLISHES ZONING UPON SOUTH PARK ADDITION, PHASE 1.

Planning Director Ben Rangel reported that upon adoption Ordinance 2945 assigns a zoning classification of R-3 Single-family high density district, to South Park Addition Phase 1. The proposed development consists of 18 single-family residential lots located between Grande Vista Park and Flood Road.

Mr. Rangel also reported that 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 the classification of the area would be "R-3" Single-family high density.

Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 2945 on first reading and set public hearing for September 5, 2006.

Motion carried 5-0.

Ord. 2946, Amending OCCGF 13.06 Pertaining to Water Service Lines. Accepted on first reading and second reading set for August 15, 2006.

9. ORDINANCE 2946, AMENDING OCCGF 13.06 PERTAINING TO WATER SERVICE LINES.

Public Works Director Jim Rearden reported that Ordinance 2946 would amend section H of OCCGF 13.06 to allow service lines to residences to be either copper or HDPE (high density polyethylene) pipe. He explained that due to the price of copper, service lines were expensive and allowing HDPE pipe would save homeowners money. He added that the connection to the water main at the curb stop and under all public rights-of-way, as well as the first 10 feet from the meter still had to be copper.

Commissioner Jovick-Kuntz moved, seconded by Commissioners

Rosenbaum and Beecher, that the City Commission accept Ordinance 2946 on first reading and set second reading for August 15, 2006.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA.

- 10.** Minutes, July 18, 2006, Commission meeting.
- 11.** Total expenditures of \$1,261,528 for the period of July 1-20, 2006, to include claims over \$5,000 in the amount of \$1,041,932.
- 12.** Contracts list.
- 13.** Approve an exception request to the Housing Loan Program Policies for the maximum loan to owner of the property at 316 Central Avenue, Dunn-Brown Building.
- 14.** Approve Change Order 1 to Forde Nursery in the amount of \$6,077 for the Bloomingdale Park Landscaping (OF 1306.6)
- 14A.** Set public hearing for August 15, 2006, on Resolution 9598, levy and assess the street maintenance district.

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

Motion carried 5-0.

BOARDS AND COMMISSIONS

**Great Falls Housing
Authority.
Appointed
McKittrick and
reappointed
Anderson and
McLean.**

15. APPOINTMENT, GREAT FALLS HOUSING AUTHORITY BOARD.

Curtis Thompson was appointed to the Housing Authority Board for a five-year term in 2001. His term expired on June 30, 2006. Mr. Thompson was not eligible for another term; therefore, it was necessary to appoint one member to fill his vacancy. Albert Anderson and Grace McLean serve as tenant members. They were both eligible and interested in serving another two-year term.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Tim McKittrick to the Great Falls Housing Authority Board for a five-year term through May 31, 2011; and reappoint Albert Anderson and Grace McLean as tenant members for two-year terms through May 31, 2008.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

**Lighting districts,
Environmental
Impact Statement
hearing, and the Pet
and Doll Parade.**

19. **Mike Whitsoe**, 510 5th Street South, asked several questions regarding lighting districts and maintenance of the lights within the districts. He also thanked those who attended the Environmental Impact Statement hearing and reminded everyone that there will be another hearing in Havre. Finally, he thanked the Park and Recreation staff for organizing another successful Pet and Doll Parade.

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of August 1, 2006, adjourned at 7:38 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk

ITEM: \$5000 Report
Budget or Contract Claims in Excess of \$5000

PRESENTED BY: City Controller

ACTION REQUESTED: Approval With Consent Agenda

APPROVAL: _____

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

MASTER ACCOUNT CHECK RUN FOR AUGUST 2, 2006	156,086.34
MASTER ACCOUNT CHECK RUN FOR AUGUST 9, 2006	130,701.51
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 31, 2006	77,770.39
WIRE TRANSFERS FROM JULY 21, 2006 THRU AUGUST 2, 2006	<u>1,825,178.18</u>
TOTAL: \$	<u>2,189,736.42</u>

GENERAL FUND

POLICE

NORTHWESTERN ENERGY	JULY CHARGES	883.66
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FIRE

NORTHWESTERN ENERGY	JULY CHARGES	686.74
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PARK & RECREATION

NORTHWESTERN ENERGY	JULY CHARGES	232.11
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SPECIAL REVENUE FUND

SUPPORT & INNOVATION FUND

HEWLETT PACKARD	LAPTOP COMPUTERS AND MISC FOR PW	1,039.00
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LIBRARY

NORTHWESTERN ENERGY	JULY CHARGES	1,143.51
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ECONOMIC REVOLVING

AT KLEMENS & SONS	FAA HEAT PUMPS	18,400.44
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DEBT SERVICE

SID BONDS

US BANK	DEBT SERVICES	102,978.75
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ENTERPRISE FUNDS

WATER

NORTHWESTERN ENERGY	JULY CHARGES	16,976.63
THOMAS DEAN & HOSKINS	PAYMENT #11 OF 1352	20,538.04
NEIL CONSULTANTS	PAYMENT #2 OF 1332.5 SLUDGE BASIN	5,839.10
US BANK	DEBT SERVICE	709,597.50
CONCRETE DOCTOR	MISC CONCRETE REPLACEMENT OF 1370.8	5,978.01

SEWER

US BANK	DEBT SERVICES	688,161.25
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STORM DRAIN

US BANK	DEBT SERVICES	248,340.00
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SANITATION

NORTHWESTERN ENERGY	JULY CHARGES	335.69
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SAFETY SERVICES

QWEST	JULY CHARGES	9,053.14
NORTHWESTERN ENERGY	JULY CHARGES	220.91

PARKING

NORTHWESTERN ENERGY	JULY CHARGES	435.69
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SWIM POOLS

NORTHWESTERN ENERGY	JULY CHARGES	323.08
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RECREATION

NORTHWESTERN ENERGY	JULY CHARGES	507.35
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CIVIC CENTER

PRETTY ONE PRODUCTIONS	PAY OUT TICKET PROCEEDS "BEAST"	44,823.10
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS BLUE SHEILD	GROUP AND HMO CLAIMS JULY 26, 2006 TO JULY 31, 20	10,637.80
BLUE CROSS BLUE SHEILD	GROUP AND HMO CLAIMS JULY 19, 2006 TO JULY 25, 20	19,675.03

INFORMATION TECHNOLOGY

HEWLETT PACKARD	LAPTOP COMPUTERS FOR PW	7,516.00
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PUBLIC WORKS

NORTHWESTERN ENERGY	JULY CHARGES	794.16
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PARK & RECREATION ADMINISTRATION

NORTHWESTERN ENERGY	JULY CHARGES	329.11
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FACILITY SERVICES

NORTHWESTERN ENERGY	JULY CHARGES	1,978.29
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	60,116.39
CASCADE COUNTY	FINES AND FORFEITURES	11,760.00

CLAIMS OVER \$5000 TOTAL: \$ 1,989,300.48

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

**AGENDA: 14
DATE: August 15, 2006**

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

PRESENTED BY: Peggy J. Bourne, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Community Development	Maxim Technologies	July 2006	279-7161-573-3599	\$4,595.81	Microbial Abatement FAA Station (On-Going)
B	Community Development	Montana Institute of Family Living	1 Year	272 7142 571 Project #720706	\$18,115	Remodel two restrooms on ground floor to meet ADA accessibility
C	Community Development	Children's Museum of Montana	1 Year	272 7142 571 Project #720705	\$55,985	Renovate south entry to meet handicap accessibility
D	Community Development	Neighborhood Housing Services, Inc.	1 Year	272 7142 571 Project #720701	\$140,000	Revolving loan fund for neighborhood services revitalization
E	Community Development	Neighborhood Housing Services, Inc.	18 Months	274 7152 571 Project #770700	\$8,226	Assist first-time homebuyers

F	Community Development	Neighborhood Housing Services, Inc.	18 Months	274 7152 571 Project #770701	\$293,846	Construct six new homes for LMI homebuyers and rehab two homes for same
G	Community Development	Habitat for Humanity	1 Year	272 7142 571 Project #720708	\$15,000	Upgrade residential infrastructure at 3020 2 nd Avenue North for Habitat House
H	Community Development	Easter Seals-Good Will Northern Rocky Mountain, Inc.	1 Year	272 7142 571 Project #720707	\$12,000	Remodel six bathrooms in client training area
I	Community Development	Salvation Army	1 Year	272 7142 571 Project #720727	\$4,040	Purchase reach-in freezer
J	Community Development	Consumer Credit Counseling Services of Montana	1 Year	272 7142 571 Project #720725	\$3,300	Purchase program materials to provide LMI financial literacy training
K	Community Development	Special Olympics Montana	1 Year	272 7142 571 Project #720726	\$8,890	Purchase six laptop computers and six monitors, one laser printer and projector
L	Community Development	Alliance for Youth	1 Year	272 7142 571 Project #720731	\$5,200	Purchase web-based evaluation software and pay for portion of copier costs
M	Community Development	Great Falls Baseball Foundation, Inc.	1 Year	272 7142 571 Project #720703	\$29,000	Provide handicap accessible restrooms for ball park
N	Community Development	For the Children Coalition	1 Year	272 7142 571 Project #720716	\$7,473	Purchase doors, screen door, sinks, refrigerators for AGAPE youth investment center
O	Community Development	The Center for Mental Health (Golden Triangle)	1 Year	272 7142 571 Project #720704	\$50,000	Renovate 2 sets of bathrooms for handicap accessibility at New Directions Center

P	Fiscal Services	NorthWestern Energy Company	06/01/06 – 05/31/09		\$192.00/year + city supplies energy	SLD 1294 NOR Contract 050632199
Q	Fiscal Services	Dorsey & Whitney, LLP		561-6451-562-3599 40% 562-6451-562-3599 60%	Not to exceed \$4,500	Golf Courses Management RFP services for tax-exempt guidelines and bond resolutions.
R	Public Works – Engineering	A.T. Klemens & Son, Inc.	8/3/2006 to 11/30/2006	Special Improvement Assessment	\$18,762	Meadowlark Addition #4 SLD-COR 1306
S	Police Department (Great Falls Weed and Seed Steering Committee)	Boys and Girls Clubs of North Central Montana	10/01/2006 to 09/30/2007	100-0000-331-2011	Not to exceed \$50,000	One designated police officer for Great Falls Housing Authority per contract Scope of Services.

AGENDA REPORT

DATE August 15, 2006

ITEM SET PUBLIC HEARING FOR RESOLUTION 9599 TO LEVY AND ASSESS SPECIAL MAINTENANCE LIGHTING DISTRICTS

INITIATED BY ANNUAL ASSESSMENT PROCESS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

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RECOMMENDATION:

Staff recommends the City Commission set a public hearing date for Resolution 9599 to assess Special Maintenance Lighting Districts.

MOTION:

“I move to set the public hearing on Resolution 9599 for September 19, 2006 at 7:00 p.m.”

SYNOPSIS:

As part of the annual budget development and adoption procedures the assessments to Special Maintenance Lighting Districts Resolution must be submitted for public hearing and City Commission action.

The Fiscal Services Department has finalized the Special Lighting District maintenance cost estimate which is reflected in Resolution 9599. Maintenance and an administrative fee equal to 10% of estimated costs for the districts as presented in the annual budget will remain the same. The \$1,165,547 assessment for fiscal year 06/07 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

BACKGROUND:

Sections 7-12-4301 and 7-12-4333, M.C.A., authorize the City Commission to create lighting districts and to assess the costs of installing and/or maintaining the districts to the owners of the properties embraced within the boundaries of such districts.

Continuation of street lighting in the SLD's requires special assessments for annual costs with

resolution adoption by the City Commission. Sections 7-12-4329 and 7-12-4330, M.C.A., require a public notice and hearing prior to passage of a resolution to levy and assess Special Lighting Districts. Such resolution is required before staff may authorize assessment of property owners within the lighting district to defray expenses of the Lighting Districts.

In accordance with Section 7-1-4127, staff is requesting the City Commission order two publications of the Notice of Resolution for Assessment. This publication of the Notice of Resolution for Assessment also complies with Section 7-12-4329, MCA, requires notice must be published twice with at least 6 days separating each publication preceding the assessment hearing.

A comparison of SLD annual assessments since 2003 is provided:

<u>BUDGETED</u>	<u>FISCAL YEAR</u>
<u>TOTAL ASSESSMENT</u>	
\$1,144,059	02/03 (18 Districts) ¹
\$1,183,037	03/04 (16 Districts) ²
\$1,117,034	04/05 (17 Districts) ³
\$1,151,930	05/06 (19 Districts)
\$1,165,547	06/07 (19 Districts) ⁴

¹ Twenty-four (24) districts were consolidated into three.

² Two districts SLD-C and SLD-R are being assessed individually with separate resolutions for FY 03/04, as modifications were completed to both districts. The assessment totals for these districts are indicated in the individual resolutions.

³ One new district was created – Special Lighting District – Industrial Lighting “SLD-I” No. 1298. First year using Electric City Power as the City’s default supplier for electric energy.

⁴ Modification to Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 – four new alley lights were added to the district.

The 06/07 assessment per district is indicated on the attached projection sheet.

RESOLUTION 9599

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297 AND 1298 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007.

WHEREAS, the City Commission or prior City Council of the City of Great Falls did create, by various resolutions on file and recorded in the Office of the City Clerk of the City of Great Falls, the special improvement lighting districts (SLD's) and such SLD's were subsequently consolidated into Special Improvement Lighting Districts No. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297 and 1298;

WHEREAS, the City Commission of the City of Great Falls declares the lighting systems were installed and the City Commission intends to continue maintenance of such lighting systems in said SLD's;

WHEREAS, the City Commission of the City of Great Falls declares that each lot or parcel of land contained in each of said SLD's will continue to be benefited by such lighting in the same manner as determined in the creation of each district;

WHEREAS, the City Commission of the City of Great Falls estimates the cost of such lighting system maintenance within said SLD's at a total of ONE MILLION ONE HUNDRED SIXTY-FIVE THOUSAND AND FIVE HUNDRED FORTY-SEVEN DOLLARS (\$1,165,547).

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

1. The City of Great Falls continue maintenance of lighting systems in said special improvement lighting districts (SLD's);
2. The cost of said lighting system maintenance in the SLD's totaling \$1,165,547 is hereby

assessed upon the property in said SLD's. Each lot and parcel within each SLD is hereby assessed a proportion of the maintenance costs attributed to the SLD in the proportion to which it's assessable area (individual square feet) bears to the area of the whole improvement district (total square feet), exclusive of streets, avenues, alleys and public places. An assessment projection summary of each district, describing total cost, is attached hereto and by this reference incorporated herein as set forth in full. The description of each lot or parcel of land within each SLD and the respective assessments are set forth in the records of the Fiscal Services Office of the City of Great Falls, Montana and by this reference is also incorporated herein as if set forth in full;

3. Starting September 2, 2006, for a period of five days before the related public hearing, this resolution shall be on file in the Office of the City Clerk and the assessment list, identified in Section 2, above, shall be on file in the Fiscal Services Office of the City of Great Falls;
4. These assessments are payable in two payments and will become delinquent at 5:00 P.M., on November 30, 2006 and May 31, 2007;
5. The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., September 19, 2006, in the Commission Chambers of the Civic Center Building, Great Falls, Montana;
6. In accordance with Section 7-1-4329, M.C.A., the City Clerk is hereby authorized and directed to provide for publication of the Notice of Resolution for Assessment within five days preceding the assessment hearing.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby passed and adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly, and that said assessments are payable in two payments and will become delinquent, as appears in this said Resolution.

PASSED by the Commission of the City of Great Falls, Montana, on this 19th day of September 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9599 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 19th day of September, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in Regular Session at 7:00 o'clock p.m. on the 15th day of August 2006, in the Commission Chambers did accept Resolution 9599 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297 AND 1298 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007.

The above-designated Resolution 9599 and the assessment list therein mentioned are on file in the office of the City Clerk, Peggy Bourne, (406) 455-8451 and the Fiscal Services Department, Judy Burg, (406) 455-8477 in the Civic Center Building, 2 Park Drive, Great Falls, MT 59401 and are subject to inspection up to a period of five days before the public hearing. The City Commission will hear objections to the final adoption of said Resolution 9599 or any part thereof and the assessments therein provided for when convened in special session in the Commission Chambers on September 19, 2006, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9599 for final adoption.

/s/Peggy Bourne, City Clerk

Publication Date: September 2, 2006 and September 9, 2006

**RESOLUTION #9599
SPECIAL LIGHTING DISTRICTS BUDGET FOR 2006/2007**

FISCAL YEAR 2005/2006										FISCAL YEAR 2006/2007																	
FY 05/06										FY 06/06																	
BUDGETED										PROJECTED																	
7/1/2005										6/30/2006																	
UTILITY										UTILITY																	
BEGINNING										ENDING																	
CASH										CASH																	
EXPENSE										CASH																	
SERV CHG										SERV CHG																	
MAINT & INSUR.										MAINT & INSUR.																	
REVENUE										REVENUE																	
INTEREST										INTEREST																	
TOTAL										TOTAL																	
TOTAL										TOTAL																	
18	STREET	902	2,338	1,616	2,259	218	0	2,555	20	1,716	1,716	179	2,344	223	2,567	2,344	223	0	2,567	1,444	2.00%	29	1,172	1,995	2,555	2,567	2
650	PERIOD	903	4,113	3,859	3,990	383	75	11,011	50	10,472	10,472	1,628	8,005	761	8,766	8,005	761	1,000	9,766	7,237	2.00%	145	4,003	2,152	11,011	11,011	1
651	STREET	904	1,873	2,457	1,867	175	0	2,047	30	2,493	2,493	21	1,992	189	2,181	1,992	189	0	2,181	1,744	2.00%	35	996	650	2,047	2,181	2
912	STREET	907	12,082	6,701	11,544	1,126	0	12,660	94	6,785	6,785	1,139	11,937	1,135	13,072	11,937	1,135	0	13,072	6,377	2.00%	128	5,968	12,127	12,660	12,660	1
973	STREET	909	393	24,605	410	37	0	430	36	24,625	24,625	151	441	42	483	441	42	0	483	12,423	2.00%	248	221	(24,169)	430	483	2
1067A	ALLEY	913	4,260	2,487	4,095	397	0	4,462	31	2,487	2,487	546	4,249	404	4,653	4,249	404	0	4,653	2,306	2.00%	46	2,124	4,244	4,462	4,653	2
1105	STREET	915	3,391	1,602	3,263	316	0	4,013	26	2,062	2,062	1,228	3,385	322	3,706	3,385	322	0	3,706	1,877	2.00%	38	1,692	3,298	4,013	4,013	1
1230	STREET	922	152	84	175	14	0	166	1	62	62	0	189	18	207	189	18	0	207	78	2.00%	2	94	237	166	237	3
1255	STREET	927	304	68	320	26	0	333	2	56	56	0	339	32	372	339	32	0	372	113	2.00%	2	170	483	333	483	3
1261	PERIOD	932	3,917	15,667	3,786	365	1,873	5,881	130	15,655	15,655	212	3,972	378	4,349	3,972	378	1,600	5,949	8,820	2.00%	176	1,986	(9,496)	5,881	5,949	2
1269	PERIOD	938	12,520	11,821	12,045	1,167	1,999	15,787	118	12,515	12,515	2,904	12,643	1,202	13,845	12,643	1,202	2,100	15,945	9,418	2.00%	188	6,322	7,463	15,787	15,945	2
1270	PERIOD	939	5,300	1,175	5,124	494	114	7,182	29	2,653	2,653	60	5,399	513	5,913	5,399	513	2,000	7,913	2,677	2.00%	54	2,700	5,905	7,182	7,913	2
1289	STREET	947	11,780	3,056	11,289	1,098	0	12,878	66	3,634	3,634	0	11,679	1,110	12,789	11,679	1,110	0	12,789	4,737	2.00%	95	5,839	14,899	12,878	12,878	1
1290	STREET	948	944	762	927	86	0	982	9	740	740	0	962	91	1,054	962	91	0	1,054	610	2.00%	12	481	783	982	1,054	2
1294	SLDA	961	120,397	65,982	115,196	11,217	0	128,854	918	69,341	69,341	6,344	119,381	11,349	130,730	119,381	11,349	0	130,730	64,516	2.00%	1,291	59,690	119,788	128,854	128,854	1
1298	SLDI	962	18,286	11,934	17,072	1,704	0	21,099	129	14,386	14,386	198	17,608	1,674	19,282	17,608	1,674	0	19,282	11,595	2.00%	233	8,804	13,467	21,099	21,099	1
1295	SLDC	963	50,397	(741)	48,034	4,695	0	55,093	169	1,792	1,792	3,242	49,839	4,738	54,577	49,839	4,738	0	54,577	13,356	2.00%	268	24,919	77,436	55,093	55,093	1
1296	SLDR	965	791,985	575,892	754,310	73,789	0	841,088	7,086	595,968	595,968	33,867	777,257	73,888	851,145	777,257	73,888	0	851,145	492,298	2.00%	9,847	388,628	633,959	841,088	841,088	1
1297	SLDT	967	25,256	4,652	24,381	2,353	0	25,408	120	3,446	3,446	888	25,702	2,443	28,145	25,702	2,443	0	28,145	8,149	2.00%	164	12,851	37,386	25,408	37,386	3
general		217	0	11,851	0	0	1,635	0	98	10,314	10,314	0	0	0	0	0	0	5,829	5,829	5,157	2.00%	99	0	0	0	0	3
	TOTAL		1,069,688	745,530	1,020,066	99,658	5,696	1,151,930	9,162	781,202	781,202	52,609	1,057,323	100,512	1,157,836	1,057,323	100,512	12,529	1,170,365	654,932		13,100	528,662	902,608	1,151,930	1,165,547	n/a

- 1) Assessment Revenue needed for desired ending cash balance is negative or considerably less than the 05/06 assessment. Last year's assessment amount selected to assess this year.
- 2) Assessment Revenue needed for desired ending cash balance is greater than or equal to the maximum assessment allowed. Maximum assessment amount selected.
- 3) Assessment Revenue needed for desired ending cash balance is less than the maximum assessment allowed. Assessment Revenue needed for desired ending cash balance selected.

AGENDA REPORT

DATE August 15, 2006

ITEM Set Public Hearing for Resolution 9600, Establishing Sanitation Service Rates

INITIATED BY Fiscal Services Department and Public Works Operations Department

ACTION REQUESTED Set Public Hearing for September 5, 2006

PREPARED BY Martha Cappis, Operations Supervisor

APPROVED & PRESENTED BY Coleen Balzarini, City Controller

RECOMMENDATION: Staff recommends the City Commission set a public hearing for September 5, 2006 for Resolution 9600, Establishing Sanitation Service Rates for FY 06/07.

MOTION: "I move the City Commission set a public hearing for September 5, 2006 for 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 were increase by 3% for FY 06/07. The requested increase is the same as the requested increase for FY 05/06. The attached Exhibit recaps existing and proposed rates. The rates were proposed, discussed and included in the FY 06/07 budget development process.

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

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

COMMERCIAL

per month	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

per pickup	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

per load	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 5th 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 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 5th day of September, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE August 15, 2006

ITEM SET PUBLIC HEARING FOR RESOLUTION 9601 TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING NO. 1302 ALONG BEARGRASS DRIVE WITHIN MEADOWLARK ADDITION NO. 3

INITIATED BY FINANCING INSTALLATION AND MAINTNENANCE OF CITY OWNED STREET LIGHTS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

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RECOMMENDATION:

Staff recommends the City Commission set a public hearing on Resolution 9601 which is a special assessment on properties within Special Improvement Lighting District – City Owned Lighting No. 1302 for the installation financing and annual maintenance costs of public roadway lighting along Beargrass Drive within Meadowlark No. 3.

MOTION:

“I move to set the public hearing on Resolution 9601 for September 19, 2006 at 7:00 p.m.”

SYNOPSIS:

Public roadway lighting for Special Improvement Lighting District 1302 has been completed as provided in Resolution 9498, for a total assessable cost of NINETEEN THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS, (\$19,332). The special assessment for the installation cost of the improvements plus interest shall be payable over a term not to exceed fifteen (15) years.

In addition, the ongoing annual energy and maintenance costs for said improvements for Fiscal Year 06/07 were determined to be ONE THOUSAND FOUR HUNDRED NINETY-EIGHT DOLLARS, (\$1,498).

Resolution 9601 effectively places a lien on each property within the district for the proportionate share of the installation costs as well as assesses each property for the annual energy and maintenance costs.

Sections 7-12-4301 and 7-12-4333, M.C.A., authorize the City Commission to create lighting districts and to assess the costs of installing and/or maintaining the districts to the owners of the properties embraced within the boundaries of such districts.

BACKGROUND

On July 19, 2005 the City Commission adopted Resolution 9506 creating the City's Street Light Policy, which established a policy that the City own and operate any new street lighting districts requested by property owners or developers as allowed by statute.

Staff received a signed petition from the developer of Meadowlark Addition No. 3 requesting street lights be installed along Beargrass Drive. The petition was for the installation of nine (9) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring, which met with the requirements set forth in the July 19, 2005 policy for new street lighting districts.

On October 18, 2005, the City Commission adopted Resolution 9498 which authorized the creation, installation and maintenance costs to be assessed for nine (9) 100 Watt HPS city-owned street lighting units along Beargrass Drive in Meadowlark Addition No. 3.

The City Commission also authorized the City to enter into a loan agreement with the Montana Board of Investments to fund the cost to install nine (9) 100 Watt HPS city-owned street lighting units on 17 foot fiberglass poles with underground wiring along Beargrass Drive in Meadowlark Addition No. 3.

RESOLUTION 9601

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING NO.1302, ALONG BEARGRASS DRIVE WITHIN MEADOWLARK ADDITION NO. 3

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1302, by Resolution 9498 duly passed on October 18, 2005, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements were paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located along Beargrass Drive within Meadowlark Addition No. 3, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of NINETEEN THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS (\$19,332); and,

WHEREAS, the City Commission has and does hereby find, fix and determine that each and every said several lots or parcels of land within said improvement lighting district will be specially benefited by all of the improvements; and,

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9497, Resolution of Intent to Create Special Improvement Lighting District 1302, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1302 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9497, Resolution of Intent to Create Special Improvement Lighting District 1302, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties located along Beargrass Drive within Meadowlark Addition No. 3, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1302, for the sum of NINETEEN THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS, (\$19,332) payable with interest over a term not to exceed fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties located along Beargrass Drive within Meadowlark Addition No. 3, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1302 will appear as assessments for Special Maintenance Lighting Districts and are annually submitted for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1302, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 through 2021 and May 31, 2007 through 2022. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as "Special Improvement Lighting District No. 1302 Fund – SILD-1302" for the installation costs referred to in Section 1, and "Special Maintenance Lighting District No. 1303 Fund – SMLD 1302" for the maintenance costs referred to in Section 2, and from which all eligible expenses will be paid.

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

THAT, the City Commission will hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 19, 2006 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk be, and is hereby authorized and directed, to publish twice, with at least 6

days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of installation and maintenance of said Special Improvement Lighting District is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 19th day of September, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9601 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 19th day of September, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1302**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9601 which pertains to levying and assessing properties within Special Improvement Lighting District No. 1302. The public hearing will be held on September 19, 2006 at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center located at 2 Park Drive South. Copies of Resolution 9601 are available in the City Clerk's office located at 2 Park Drive South, Room 202 or by calling 455-8451.

The lighting district is located along Beargrass Drive in Meadowlark Addition No. 3. The assessment will levy costs related to the installation and annual maintenance of the lighting district.

/s/ Peggy J. Bourne, City Clerk

Publication Date: September 2, 2006 and September 9, 2006

RESOLUTION NO. 9601 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1302 INSTALLATION COSTS

Total Construction Costs: \$ 19,332.00
 Improvements: NINE (9) - 100 WATT HPS ON 17' FIBERGLASS POLES
 WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING
 15 Year Assessment
 Beginning Nov: 2006
 Ending May: 2021
 Variable Interest Rate: 4.75%

Annual Square Footage Cost: 0.102188932

	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	INTEREST PER YEAR	1st Year TOTAL ANNUAL PYMT
1	1079008	1	1	Meadowlark #3	Joseph E & Lori A. Durocher	1301 Beargrass Dr.	10,237	1,046.11	69.74	2.65	72.39
2	1079010	1	2	Meadowlark #3	Mark Lyle & Jessica Lynn Paske	1305 Beargrass Dr.	10,454	1,068.28	71.22	2.71	73.93
3	1079012	1	3	Meadowlark #3	Christopher D & Janet S Alford	1309 Beargrass Dr.	9,278	948.11	63.21	2.40	65.61
4	1079014	1	4	Meadowlark #3	Thomas Clifford & Theresa Kay Walden	1313 Beargrass Dr.	11,631	1,188.56	79.24	3.01	82.25
5	1079016	1	5	Meadowlark #3	Mike & Diana Rydell	1317 Beargrass Dr.	10,454	1,068.28	71.22	2.71	73.93
6	1079018	1	6	Meadowlark #3	Leslie D. & Kristen M. Bruner	1321 Beargrass Dr.	9,278	948.11	63.21	2.40	65.61
7	1079020	1	7	Meadowlark #3	Burton R. & Peggy J. Geiger	1325 Beargrass Dr.	11,631	1,188.56	79.24	3.01	82.25
8	1079022	1	8	Meadowlark #3	Gladys S. Gibson Donnell	1329 Beargrass Dr.	10,454	1,068.28	71.22	2.71	73.93
9	1079024	1	9	Meadowlark #3	Dave & Theresa McCune	1333 Beargrass Dr.	11,500	1,175.17	78.34	2.98	81.32
10	1079026	2	1	Meadowlark #3	Keith & Andrea Hedges	1300 Beargrass Dr.	13,721	1,402.13	93.48	3.55	97.03
11	1079028	2	2	Meadowlark #3	Victor P. Shanks	1304 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
12	1079030	2	3	Meadowlark #3	Signature Homes LLC	1308 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
13	1079032	2	4	Meadowlark #3	Karl Birky	1312 Beargrass Dr.	10,367	1,059.39	70.63	2.68	73.31
14	1079034	2	5	Meadowlark #3	Rodney D & Kristy Ann Lance	1316 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
15	1079036	2	6	Meadowlark #3	Sidney S. Colla	1320 Beargrass Dr.	9,191	939.22	62.61	2.38	64.99
16	1079038	2	7	Meadowlark #3	David J & Sheri L. Jaraczski	1324 Beargrass Dr.	11,500	1,175.17	78.34	2.98	81.32
17	1079040	2	8	Meadowlark #3	Hugh & Teresa Reilly	1328 Beargrass Dr.	10,367	1,059.39	70.63	2.68	73.31
18	1079042	2	9	Meadowlark #3	Meadowlark Partners LLP	1332 Beargrass Dr.	11,543	1,179.57	78.64	2.99	81.63
TOTAL:							189,179	\$19,332.00	\$1,288.80	\$48.97	\$1,337.77

RESOLUTION NO. 9601 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1302 ANNUAL ASSESSMENT

9 - 100 WATT HPS ON 17' FIBERGLASS POLES WITH UNDERGROUND WIRING \$ 1,362.00

COST OF OPERATION AND ROUTINE MAINTENANCE	1,362.00
10% ADMINISTRATION FEE	<u>136.20</u>
TOTAL ANNUAL COST TO THE DISTRICT =	\$ <u>1,498.20</u>

ASSESSMENT BASED ON 12 MONTHS -
ANNUAL ASSESSMENT FOR AN AVERAGE
10,510 SQ.FT. LOT IS \$50.45.

ANNUAL SQUARE FOOT COST = 0.007919484

PETITION SIGNER	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP	ANNUAL COST
							AREA (SQUARE FEET)	
X	1079008	1	1	Meadowlark #3	Joseph E & Lori A. Durocher	1301 Beargrass Dr.	10,237	81.07
	1079010	1	2	Meadowlark #3	Mark Lyle & Jessica Lynn Paske	1305 Beargrass Dr.	10,454	82.79
	1079012	1	3	Meadowlark #3	Christopher D & Janet S Alford	1309 Beargrass Dr.	9,278	73.48
	1079014	1	4	Meadowlark #3	Thomas Clifford & Theresa Kay Walden	1313 Beargrass Dr.	11,631	92.11
	1079016	1	5	Meadowlark #3	Mike & Diana Rydell	1317 Beargrass Dr.	10,454	82.79
	1079018	1	6	Meadowlark #3	Leslie D. & Kristen M. Bruner	1321 Beargrass Dr.	9,278	73.48
X	1079020	1	7	Meadowlark #3	Burton R. & Peggy J. Geiger	1325 Beargrass Dr.	11,631	92.11
X	1079022	1	8	Meadowlark #3	Gladys S. Gibson Donnell	1329 Beargrass Dr.	10,454	82.79
	1079024	1	9	Meadowlark #3	Dave & Theresa McCune	1333 Beargrass Dr.	11,500	91.07
	1079026	2	1	Meadowlark #3	Keith & Andrea Hedges	1300 Beargrass Dr.	13,721	108.66
	1079028	2	2	Meadowlark #3	Victor P. Shanks	1304 Beargrass Dr.	9,191	72.79
X	1079030	2	3	Meadowlark #3	Signature Homes LLC	1308 Beargrass Dr.	9,191	72.79
X	1079032	2	4	Meadowlark #3	Karl Birky	1312 Beargrass Dr.	10,367	82.10
X	1079034	2	5	Meadowlark #3	Rodney D & Kristy Ann Lance	1316 Beargrass Dr.	9,191	72.79
	1079036	2	6	Meadowlark #3	Sidney S. Colla	1320 Beargrass Dr.	9,191	72.79
	1079038	2	7	Meadowlark #3	David J & Sheri L. Jaraczski	1324 Beargrass Dr.	11,500	91.07
X	1079040	2	8	Meadowlark #3	Hugh & Teresa Reilly	1328 Beargrass Dr.	10,367	82.10
X	1079042	2	9	Meadowlark #3	Meadowlark Partners LLP	1332 Beargrass Dr.	11,543	91.41

TOTAL: 189,179 \$1,498.20

AGENDA REPORT

DATE August 15, 2006

ITEM SET PUBLIC HEARING FOR RESOLUTION 9602 TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING NO. 1304 WITHIN EAGLES CROSSING PHASE I

INITIATED BY FINANCING INSTALLATION AND MAINTENANCE OF CITY OWNED STREET LIGHTS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

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RECOMMENDATION:

Staff recommends the City Commission set a public hearing on Resolution 9602 which is a special assessment on properties within Special Improvement Lighting District – City Owned Lighting No. 1304 for the installation financing and annual maintenance costs of public roadway lighting in the Eagles Crossing Phase I subdivision.

MOTION:

“I move to set the public hearing on Resolution 9602 for September 19, 2006 at 7:00 p.m.”

SYNOPSIS:

Public roadway lighting for Special Improvement Lighting District 1304 has been completed as provided in Resolution 9525, for a total assessable cost of SEVENTY-TWO THOUSAND SEVEN HUNDRED SEVENTY DOLLARS, (\$72,770). The special assessment for the installation cost of the improvements plus interest shall be payable over a term not to exceed fifteen (15) years.

In addition, the ongoing annual energy and maintenance costs for said improvements for Fiscal Year 06/07 were determined to be TWO THOUSAND NINE HUNDRED SEVENTEEN DOLLARS (\$2,917).

Resolution 9602 effectively places a lien on each property within the district for the proportionate share of the installation costs as well as assesses each property for the annual energy and maintenance costs.

Sections 7-12-4301 and 7-12-4333, M.C.A., authorize the City Commission to create lighting

districts and to assess the costs of installing and/or maintaining the districts to the owners of the properties embraced within the boundaries of such districts.

BACKGROUND

On July 19, 2005 the City Commission adopted Resolution 9506 creating the City's Street Light Policy, which established a policy that the City own and operate any new street lighting districts requested by property owners or developers as allowed by statute.

Staff received a signed petition from the developer of Eagles Crossing Phase I requesting street lights be installed within the Eagles Crossing Phase I subdivision. The petition was for the installation of twenty-one (21) 100 watt HPS street lighting units on 20 foot steel poles with underground wiring, which met with the requirements set forth in the July 19, 2005 policy for new street lighting districts.

On November 15, 2005, the City Commission adopted Resolution 9525 which authorized the creation, installation and maintenance costs to be assessed for twenty-one (21) 100 Watt HPS city-owned street lighting units within Eagles Crossing Phase I subdivision.

The City Commission also authorized the City to enter into a loan agreement with the Montana Board of Investments to fund the cost to install twenty-one (21) 100 Watt HPS city-owned street lighting units on 20 foot steel poles with underground wiring the Eagles Crossing Phase I subdivision.

RESOLUTION 9602

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING NO.1304 WITHIN EAGLES CROSSING PHASE I

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1304, by Resolution 9525 duly passed on November 15, 2005, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements were paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located within Eagles Crossing Phase I, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of SEVENTY-TWO THOUSAND SEVEN HUNDRED SEVENTY DOLLARS (\$72,770); and

WHEREAS, the City Commission has and does hereby find, fix and determine that each and every said several lots or parcels of land within said improvement lighting district will be specially benefited by said improvements; and,

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9524, Resolution of Intent to Create Special Improvement Lighting District 1304, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1304 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9524, Resolution of Intent to Create Special Improvement Lighting District 1304, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties located within Eagles Crossing Phase I, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1304, for the sum of SEVENTY-TWO THOUSAND SEVEN HUNDRED SEVENTY DOLLARS, (\$72,770) payable with interest over a term not to exceed fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties located within Eagles Crossing Phase I, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1304 will appear as assessments for Special Maintenance Lighting Districts and are annually submitted for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1304, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 through 2021 and May 31, 2007 through 2022. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1304 Fund – SILD-1304” for the installation costs and “Special Maintenance Lighting District No. 1304 Fund – SMLD 1304” for the maintenance costs from which all eligible expenses will be paid.

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

THAT, the City Commission will hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 19, 2006 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk be, and is hereby authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of

installation and maintenance of said Special Improvement Lighting District is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 19th day of September, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9602 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 19th day of September, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1304**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9602 which pertains to levying and assessing properties within Special Improvement Lighting District No. 1304. The public hearing will be held on September 19, 2006 at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center located at 2 Park Drive South. Copies of Resolution 9602 are available in the City Clerk's office located at 2 Park Drive South, Room 202 or by calling 455-8451.

The lighting district is located within Eagles Crossing Phase I subdivision. The assessment will levy costs related to the installation and annual maintenance of the lighting district.

/s/ Peggy J. Bourne, City Clerk

Publication Date: September 2, 2006 and September 9, 2006

RESOLUTION 9602 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1304 INSTALLATION COSTS

Total Construction Costs: \$ 72,770.25
 Improvements: TWENTY-ONE (21) - 150 WATT HPS ON 20' STEEL POLES
 WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING

15 Year Assessment
 Beginning Nov: 2006
 Ending May: 2021

Variable Interest Rate: 3.80%

Total Square Footage Cost: 0.086202189

	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	INTEREST PER YEAR	1st Year TOTAL ANNUAL PYMT
1	740500	1	1	Eagles Crossing Phase I	Eagles Crossing Inc	No Address Assigned	219,107	18,887.50	1,259.17	95.70	1,354.86
2	740520	2	1	Eagles Crossing Phase I	Eagles Crossing Inc	4509 Kestrel Court	7,500	646.52	43.10	3.28	46.38
3	740522	2	2	Eagles Crossing Phase I	Jason R & Terry A. McBee	4505 Kestrel Court	7,667	660.91	44.06	3.35	47.41
4	740524	2	3	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4501 Kestrel Court	7,667	660.91	44.06	3.35	47.41
5	740526	2	4	Eagles Crossing Phase I	Thomas B & Carmen M. Horne	4413 Kestrel Court	7,667	660.91	44.06	3.35	47.41
6	740528	2	5	Eagles Crossing Phase I	Eagles Crossing Inc	4409 Kestrel Court	7,579	653.33	43.56	3.31	46.87
7	740530	2	6	Eagles Crossing Phase I	Eagles Crossing Inc	4405 Kestrel Court	8,581	739.70	49.31	3.75	53.06
8	740532	2	7	Eagles Crossing Phase I	Eagles Crossing Inc	4400 Kestrel Court	8,930	769.79	51.32	3.90	55.22
9	740534	2	8	Eagles Crossing Phase I	Eagles Crossing Inc	4404 Kestrel Court	8,581	739.70	49.31	3.75	53.06
10	740536	2	9	Eagles Crossing Phase I	Darrin & Theresa Schreder	4408 Kestrel Court	7,579	653.33	43.56	3.31	46.87
11	740538	2	10	Eagles Crossing Phase I	John D. Dowson, Sr.	4412 Kestrel Court	7,667	660.91	44.06	3.35	47.41
12	740540	2	11	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4500 Kestrel Court	7,667	660.91	44.06	3.35	47.41
13	740542	2	12	Eagles Crossing Phase I	Robert & Jodi Warneke	4504 Kestrel Court	7,667	660.91	44.06	3.35	47.41
14	740544	2	13	Eagles Crossing Phase I	Timothy A & Joy J Taves	4508 Kestrel Court	7,536	649.62	43.31	3.29	46.60
15	740546	2	14	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4509 Peregrine Ct	7,500	646.52	43.10	3.28	46.38
16	740548	2	15	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4505 Peregrine Ct	7,667	660.91	44.06	3.35	47.41
17	740550	2	16	Eagles Crossing Phase I	Eagles Crossing Inc	4501 Peregrine Ct	7,667	660.91	44.06	3.35	47.41
18	740552	2	17	Eagles Crossing Phase I	David Ness	4413 Peregrine Ct	7,667	660.91	44.06	3.35	47.41
19	740554	2	18	Eagles Crossing Phase I	Paul W. O'Leary Etal	4409 Peregrine Ct	7,579	653.33	43.56	3.31	46.87
20	740556	2	19	Eagles Crossing Phase I	Eagles Crossing Inc	4405 Peregrine Ct	8,581	739.70	49.31	3.75	53.06
21	740558	2	20	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4400 Peregrine Ct	8,930	769.79	51.32	3.90	55.22
22	740560	2	21	Eagles Crossing Phase I	Eagles Crossing Inc	4404 Peregrine Ct	8,581	739.70	49.31	3.75	53.06
23	740562	2	22	Eagles Crossing Phase I	Bruce L & Terry L Bieber	4408 Peregrine Ct	7,580	653.41	43.56	3.31	46.87
24	740564	2	23	Eagles Crossing Phase I	Montana Pride Builders LLC	4412 Peregrine Ct	7,667	660.91	44.06	3.35	47.41
25	740566	2	24	Eagles Crossing Phase I	Robert F & Janet E Fairchild	4500 Peregrine Ct	7,667	660.91	44.06	3.35	47.41
26	740568	2	25	Eagles Crossing Phase I	Darci & Derrick Bernardi	4504 Peregrine Ct	7,667	660.91	44.06	3.35	47.41
27	740570	2	26	Eagles Crossing Phase I	Eagles Crossing Inc	4508 Peregrine Ct	7,536	649.62	43.31	3.29	46.60
28	740572	2	27	Eagles Crossing Phase I	Daniel J. O'Leary Etal	4509 12th St NE	7,500	646.52	43.10	3.28	46.38
29	740574	2	28	Eagles Crossing Phase I	Eagles Crossing Inc	4505 12th St NE	7,667	660.91	44.06	3.35	47.41
30	740576	2	29	Eagles Crossing Phase I	Paul O'Leary Etal	4501 12th St NE	7,667	660.91	44.06	3.35	47.41
31	740578	2	30	Eagles Crossing Phase I	Eagles Crossing Inc	4413 12th St NE	7,667	660.91	44.06	3.35	47.41
32	740580	2	31	Eagles Crossing Phase I	Barbara Gregory	4409 12th St NE	7,667	660.91	44.06	3.35	47.41
33	740582	2	32	Eagles Crossing Phase I	Montana Pride Builders LLC	4405 12th St NE	12,763	1,100.20	73.35	5.57	78.92
34	740584	3	1	Eagles Crossing Phase I	Eagles Crossing Inc	4404 12th St NE	7,797	672.12	44.81	3.41	48.21

RESOLUTION 9602 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1304 INSTALLATION COSTS

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Total Square Footage Cost: 0.086202189

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	INTEREST PER YEAR	1st Year TOTAL ANNUAL PYMT	
35	740586	3	2	Eagles Crossing Phase I	Eagles Crossing Inc	4408 12th St NE	7,797	672.12	44.81	3.41	48.21
36	740588	3	3	Eagles Crossing Phase I	Eagles Crossing Inc	4412 12th St NE	7,667	660.91	44.06	3.35	47.41
37	740590	3	4	Eagles Crossing Phase I	Eagles Crossing Inc	4500 12th St NE	7,667	660.91	44.06	3.35	47.41
38	740592	3	5	Eagles Crossing Phase I	Eagles Crossing Inc	4504 12th St NE	7,667	660.91	44.06	3.35	47.41
39	740594	3	6	Eagles Crossing Phase I	Eagles Crossing Inc	4508 12th St NE	12,763	1,100.20	73.35	5.57	78.92
40	740596	4	1	Eagles Crossing Phase I	Eagles Crossing Inc	4708 12th St NE	14,505	1,250.36	83.36	6.34	89.69
41	740598	4	2	Eagles Crossing Phase I	Darin & Judy K Werner	4704 12th St NE	15,812	1,363.03	90.87	6.91	97.77
42	740600	4	3	Eagles Crossing Phase I	Eagles Crossing Inc	4700 12th St NE	15,812	1,363.03	90.87	6.91	97.77
43	740602	4	4	Eagles Crossing Phase I	Cory T & Colleen K. Johnson	4608 12th St NE	19,123	1,648.44	109.90	8.35	118.25
44	740604	4	5	Eagles Crossing Phase I	John W & Christina W Eakle	4604 12th St NE	15,812	1,363.03	90.87	6.91	97.77
45	740606	4	6	Eagles Crossing Phase I	Montana Pride Builders LLC	4600 12th St NE	17,076	1,471.99	98.13	7.46	105.59
46	740608	5	1	Eagles Crossing Phase I	Eagles Crossing Inc	4709 12th St NE	14,854	1,280.45	85.36	6.49	91.85
47	740610	5	2	Eagles Crossing Phase I	Douglas L. Otto Etal	4705 12th St NE	17,293	1,490.69	99.38	7.55	106.93
48	740612	5	3	Eagles Crossing Phase I	John M. & Sonja Smart	4701 12th St NE	14,985	1,291.74	86.12	6.54	92.66
49	740614	5	4	Eagles Crossing Phase I	Paul W. & Vickie W. O'Leary	4609 12th St NE	15,290	1,318.03	87.87	6.68	94.55
50	740616	5	5	Eagles Crossing Phase I	Linda L Mitchell	4605 12th St NE	17,598	1,516.99	101.13	7.69	108.82
51	740618	5	6	Eagles Crossing Phase I	Philip L & Heidi J Stubbs	4601 12th St NE	20,168	1,738.53	115.90	8.81	124.71
52	740620	5	7	Eagles Crossing Phase I	James & Amy K Linder	1209 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
53	740622	5	8	Eagles Crossing Phase I	Eagles Crossing Inc	1213 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
54	740624	5	9	Eagles Crossing Phase I	John D. Dowson, Sr.	1301 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
55	740626	5	10	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	1305 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
56	740628	5	11	Eagles Crossing Phase I	Justin Luke Diekhans	1309 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
57	740630	5	12	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	1313 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
58	740632	5	13	Eagles Crossing Phase I	Devin & Susan Kitchell	1401 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
59	740634	5	14	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	1405 46th Ave NE	14,985	1,291.74	86.12	6.54	92.66
60	740635	5	Park	Eagles Crossing Phase I	City of Great Falls	Park	Exempt	0.00	0.00	0.00	0.00
						844,181	<u>\$72,770.25</u>	<u>\$4,851.35</u>	<u>\$368.70</u>	<u>\$5,220.05</u>	

RESOLUTION 9602 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1304 ANNUAL ASSESSMENT

21 - 150 WATT HPS ON 20' STEEL POLES WITH UNDERGROUND WIRING

\$ 2,652.00

COST OF OPERATION AND ROUTINE MAINTENANCE

2,652.00

10% ADMINISTRATION FEE

265.20

TOTAL ANNUAL COST TO THE DISTRICT =

\$ 2,917.20

ASSESSMENT BASED ON 12 MONTHS -

ANNUAL ASSESSMENT FOR AN AVERAGE

14,070 SQ.FT. LOT IS \$60.66.

ANNUAL SQUARE FOOT COST =

0.003455657

PETITION SIGNER	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP	ANNUAL COST
							AREA (SQUARE FEET)	
X	740500	1	1	Eagles Crossing Phase I	Eagles Crossing Inc	No Address Assigned	219,107	757.16
X	740520	2	1	Eagles Crossing Phase I	Eagles Crossing Inc	4509 Kestrel Court	7,500	25.92
	740522	2	2	Eagles Crossing Phase I	Jason R & Terry A. McBee	4505 Kestrel Court	7,667	26.49
	740524	2	3	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4501 Kestrel Court	7,667	26.49
X	740526	2	4	Eagles Crossing Phase I	Thomas B & Carmen M. Horne	4413 Kestrel Court	7,667	26.49
X	740528	2	5	Eagles Crossing Phase I	Eagles Crossing Inc	4409 Kestrel Court	7,579	26.19
X	740530	2	6	Eagles Crossing Phase I	Eagles Crossing Inc	4405 Kestrel Court	8,581	29.65
X	740532	2	7	Eagles Crossing Phase I	Eagles Crossing Inc	4400 Kestrel Court	8,930	30.86
X	740534	2	8	Eagles Crossing Phase I	Eagles Crossing Inc	4404 Kestrel Court	8,581	29.65
	740536	2	9	Eagles Crossing Phase I	Darrin & Theresa Schreder	4408 Kestrel Court	7,579	26.19
	740538	2	10	Eagles Crossing Phase I	John D. Dowson, Sr.	4412 Kestrel Court	7,667	26.49
	740540	2	11	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4500 Kestrel Court	7,667	26.49
	740542	2	12	Eagles Crossing Phase I	Robert & Jodi Warneke	4504 Kestrel Court	7,667	26.49
	740544	2	13	Eagles Crossing Phase I	Timothy A & Joy J Taves	4508 Kestrel Court	7,536	26.04
X	740546	2	14	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4509 Peregrine Ct	7,500	25.92
X	740548	2	15	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4505 Peregrine Ct	7,667	26.49
X	740550	2	16	Eagles Crossing Phase I	Eagles Crossing Inc	4501 Peregrine Ct	7,667	26.49
X	740552	2	17	Eagles Crossing Phase I	David Ness	4413 Peregrine Ct	7,667	26.49
X	740554	2	18	Eagles Crossing Phase I	Paul W. O'Leary Etal	4409 Peregrine Ct	7,579	26.19
X	740556	2	19	Eagles Crossing Phase I	Eagles Crossing Inc	4405 Peregrine Ct	8,581	29.65
X	740558	2	20	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	4400 Peregrine Ct	8,930	30.86
X	740560	2	21	Eagles Crossing Phase I	Eagles Crossing Inc	4404 Peregrine Ct	8,581	29.65
X	740562	2	22	Eagles Crossing Phase I	Bruce L & Terry L Bieber	4408 Peregrine Ct	7,580	26.19
X	740564	2	23	Eagles Crossing Phase I	Montana Pride Builders LLC	4412 Peregrine Ct	7,667	26.49
	740566	2	24	Eagles Crossing Phase I	Robert F & Janet E Fairchild	4500 Peregrine Ct	7,667	26.49
	740568	2	25	Eagles Crossing Phase I	Darci & Derrick Bernardi	4504 Peregrine Ct	7,667	26.49
X	740570	2	26	Eagles Crossing Phase I	Eagles Crossing Inc	4508 Peregrine Ct	7,536	26.04
X	740572	2	27	Eagles Crossing Phase I	Daniel J. O'Leary Etal	4509 12th St NE	7,500	25.92
X	740574	2	28	Eagles Crossing Phase I	Eagles Crossing Inc	4505 12th St NE	7,667	26.49
X	740576	2	29	Eagles Crossing Phase I	Paul O'Leary Etal	4501 12th St NE	7,667	26.49
X	740578	2	30	Eagles Crossing Phase I	Eagles Crossing Inc	4413 12th St NE	7,667	26.49

RESOLUTION 9602 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1304 ANNUAL ASSESSMENT

21 - 150 WATT HPS ON 20' STEEL POLES WITH UNDERGROUND WIRING

\$ 2,652.00

COST OF OPERATION AND ROUTINE MAINTENANCE

2,652.00

10% ADMINISTRATION FEE

265.20

TOTAL ANNUAL COST TO THE DISTRICT =

\$ 2,917.20

ASSESSMENT BASED ON 12 MONTHS -
ANNUAL ASSESSMENT FOR AN AVERAGE
14,070 SQ.FT. LOT IS \$60.66.

ANNUAL SQUARE FOOT COST =

0.003455657

PETITION SIGNER	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP	ANNUAL COST
							AREA (SQUARE FEET)	
X	740580	2	31	Eagles Crossing Phase I	Barbara Gregory	4409 12th St NE	7,667	26.49
X	740582	2	32	Eagles Crossing Phase I	Montana Pride Builders LLC	4405 12th St NE	12,763	44.10
X	740584	3	1	Eagles Crossing Phase I	Eagles Crossing Inc	4404 12th St NE	7,797	26.94
X	740586	3	2	Eagles Crossing Phase I	Eagles Crossing Inc	4408 12th St NE	7,797	26.94
X	740588	3	3	Eagles Crossing Phase I	Eagles Crossing Inc	4412 12th St NE	7,667	26.49
X	740590	3	4	Eagles Crossing Phase I	Eagles Crossing Inc	4500 12th St NE	7,667	26.49
X	740592	3	5	Eagles Crossing Phase I	Eagles Crossing Inc	4504 12th St NE	7,667	26.49
X	740594	3	6	Eagles Crossing Phase I	Eagles Crossing Inc	4508 12th St NE	12,763	44.10
X	740596	4	1	Eagles Crossing Phase I	Eagles Crossing Inc	4708 12th St NE	14,505	50.12
X	740598	4	2	Eagles Crossing Phase I	Darin & Judy K Werner	4704 12th St NE	15,812	54.64
X	740600	4	3	Eagles Crossing Phase I	Eagles Crossing Inc	4700 12th St NE	15,812	54.64
	740602	4	4	Eagles Crossing Phase I	Cory T & Colleen K. Johnson	4608 12th St NE	19,123	66.08
X	740604	4	5	Eagles Crossing Phase I	John W & Christina W Eakle	4604 12th St NE	15,812	54.64
X	740606	4	6	Eagles Crossing Phase I	Montana Pride Builders LLC	4600 12th St NE	17,076	59.01
X	740608	5	1	Eagles Crossing Phase I	Eagles Crossing Inc	4709 12th St NE	14,854	51.33
	740610	5	2	Eagles Crossing Phase I	Douglas L. Otto Etal	4705 12th St NE	17,293	59.76
	740612	5	3	Eagles Crossing Phase I	John M. & Sonja Smart	4701 12th St NE	14,985	51.78
	740614	5	4	Eagles Crossing Phase I	Paul W. & Vickie W. O'Leary	4609 12th St NE	15,290	52.84
X	740616	5	5	Eagles Crossing Phase I	Linda L Mitchell	4605 12th St NE	17,598	60.81
X	740618	5	6	Eagles Crossing Phase I	Philip L & Heidi J Stubbs	4601 12th St NE	20,168	69.69
X	740620	5	7	Eagles Crossing Phase I	James & Amy K Linder	1209 46th Ave NE	14,985	51.78
X	740622	5	8	Eagles Crossing Phase I	Eagles Crossing Inc	1213 46th Ave NE	14,985	51.78
	740624	5	9	Eagles Crossing Phase I	John D. Dowson, Sr.	1301 46th Ave NE	14,985	51.78
	740626	5	10	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	1305 46th Ave NE	14,985	51.78
	740628	5	11	Eagles Crossing Phase I	Justin Luke Diekhans	1309 46th Ave NE	14,985	51.78
X	740630	5	12	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	1313 46th Ave NE	14,985	51.78
	740632	5	13	Eagles Crossing Phase I	Devin & Susan Kitchell	1401 46th Ave NE	14,985	51.78
	740634	5	14	Eagles Crossing Phase I	Greg Stubbs Construction Inc.	1405 46th Ave NE	14,985	51.78
	740635	5	Park	Eagles Crossing Phase I	City of Great Falls	Park	Exempt	0.00

Total Petition Signers: 41

844,181

2,917.20

AGENDA REPORT

DATE August 15, 2006

ITEM SET PUBLIC HEARING FOR RESOLUTION 9603 TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING NO. 1306 ALONG CAMAS DRIVE WITHIN MEADOWLARK ADDITION NO. 4

INITIATED BY FINANCING INSTALLATION AND MAINTENANCE OF CITY OWNED STREET LIGHTS

ACTION REQUESTED SET PUBLIC HEARING

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

- - - - -

RECOMMENDATION:

Staff recommends the City Commission set a public hearing on Resolution 9603 which is a special assessment on properties within Special Improvement Lighting District – City Owned Lighting No. 1306 for the installation financing and annual maintenance costs of public roadway lighting along Camas Drive within Meadowlark Addition No. 4.

MOTION:

“I move to set the public hearing on Resolution 9603 for September 19, 2006 at 7:00 p.m.”

SYNOPSIS:

Public roadway lighting for Special Improvement Lighting District 1306 is currently in progress as provided in Resolution 9570. The total estimated assessable cost for the work in progress is TWENTY-THREE THOUSAND DOLLARS, (\$23,000). The special assessment for the installation cost of the improvements plus interest shall be payable over a term not to exceed fifteen (15) years.

In addition, the ongoing annual energy and maintenance costs for said improvements for Fiscal Year 06/07 were determined to be ONE THOUSAND TWO HUNDRED THIRTY-SEVEN DOLLARS (\$1,237).

Resolution 9603 effectively places a lien on each property within the district for the proportionate share of the installation costs as well as assesses each property for the annual energy and maintenance costs.

Sections 7-12-4301 and 7-12-4333, M.C.A., authorize the City Commission to create lighting districts and to assess the costs of installing and/or maintaining the districts to the owners of the properties embraced within the boundaries of such districts.

BACKGROUND

On July 19, 2005 the City Commission adopted Resolution 9506 creating the City's Street Light Policy, which established a policy that the City own and operate any new street lighting districts requested by property owners or developers as allowed by state.

Staff received a signed petition from the developer of Meadowlark Addition No. 4 requesting street lights be installed along Camas Drive within Meadowlark Addition No. 4. The petition was for the installation of nine (9) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring, which met with the requirements set forth in the July 19, 2005 policy for new street lighting districts.

On August 1, 2006, the City Commission adopted Resolution 9571 which authorized the creation, installation and maintenance costs be assessed for nine (9) 100 Watt HPS city-owned street lighting units along Camas Drive within Meadowlark Addition No. 4.

The City Commission also authorized the City to enter into a loan agreement with the Montana Board of Investments to fund the cost to install nine (9) 100 Watt HPS city-owned street lighting units on 17 foot fiberglass poles with underground wiring along Camas Drive within Meadowlark Addition No. 4.

RESOLUTION 9603

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED LIGHTING NO.1306 ALONG CAMAS DRIVE WITHIN MEADOWLARK ADDITION NO. 4

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1306, by Resolution 9571 duly passed on August 1, 2006, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements are to be paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located along Camas Drive within Meadowlark Addition No. 4, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements are currently in progress as provided for in said Resolution for the design and installation at a total anticipated costs of TWENTY-THREE THOUSAND DOLLARS (\$23,000); and,

WHEREAS, the City Commission has and does hereby find, fix and determine that each and every said several lots or parcels of land within said improvement lighting district will be specially benefited by said improvements; and,

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9570, Resolution of Intent to Create Special Improvement Lighting District 1306, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1306 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9570, Resolution of Intent to Create Special Improvement Lighting District 1306, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties located along Camas Drive within Meadowlark Addition No. 4, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1306, for the sum of TWENTY-THREE THOUSAND DOLLARS, (\$72,770) payable with interest over a term not to exceed fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties located along Camas Drive within Meadowlark Addition No. 4, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1306 will appear as assessments for Special Maintenance Lighting Districts and are annually submitted for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1306, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2006 through 2021 and May 31, 2007 through 2022. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1306 Fund – SILD-1306” for the installation costs and “Special Maintenance Lighting District No. 1306 Fund – SMLD 1306” for the maintenance costs from which all eligible expenses will be paid.

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

THAT, the City Commission will hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 19, 2006 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk be, and is hereby authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of

installation and maintenance of said Special Improvement Lighting District is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 19th day of September, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9603 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 19th day of September, 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1306**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9603 which pertains to levying and assessing properties within Special Improvement Lighting District No. 1306. The public hearing will be held on September 19, 2006 at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center located at 2 Park Drive South. Copies of Resolution 9603 are available in the City Clerk's office located at 2 Park Drive South, Room 202 or by calling 455-8451.

The lighting district is located along Camas Drive in Meadowlark Addition No. 4. The assessment will levy costs related to the installation and annual maintenance of the lighting district.

/s/ Peggy J. Bourne, City Clerk

Publication Date: September 2, 2006 and September 9, 2006

RESOLUTION 9603 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1306 INSTALLATION COSTS

Total Construction Costs: \$20,962.00
 Improvements: NINE (9) - 100 WATT HPS ON 17' FIBERGLASS POLES
 WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING
 15 Year Assessment
 Beginning Nov: 2007
 Ending May: 2022
 Variable Interest Rate: 4.75%

Annual Square Footage Cost: 0.110962892

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	INTEREST PER YEAR	TOTAL ANNUAL PYMT
2184800	Original Parcel		Meadowlark #4	1/1/2007 will be split into the following parcels:		188,910	20,962.00	977.10	982.87	1,959.97
1	1079044	2	10	Meadowlark #4	Meadowlark Partners LLP	1333 Camas Dr.	10,495	1,164.56	53.78	107.88
2	1079046	2	11	Meadowlark #4	Meadowlark Partners LLP	1329 Camas Dr.	10,119	1,122.83	54.23	108.78
3	1079048	2	12	Meadowlark #4	Meadowlark Partners LLP	1325 Camas Dr.	9,200	1,020.86	48.21	96.70
4	1079050	2	13	Meadowlark #4	Meadowlark Partners LLP	1321 Camas Dr.	11,500	1,276.07	60.26	120.87
5	1079052	2	14	Meadowlark #4	Lee A & Shonna L Johnson	1317 Camas Dr.	10,350	1,148.47	54.23	108.78
6	1079054	2	15	Meadowlark #4	Meadowlark Partners LLP	1313 Camas Dr.	9,200	1,020.86	48.21	96.70
7	1079056	2	16	Meadowlark #4	Meadowlark Partners LLP	1309 Camas Dr.	11,500	1,276.07	60.26	120.87
8	1079058	2	17	Meadowlark #4	Meadowlark Partners LLP	1305 Camas Dr.	10,350	1,148.47	54.23	108.78
9	1079060	2	18	Meadowlark #4	Meadowlark Partners LLP	1301 Camas Dr.	11,654	1,293.16	61.06	122.49
10	1079062	3	1	Meadowlark #4	Robert B & Ettasue Ferris	1300 Camas Dr.	10,264	1,138.92	53.78	107.88
11	1079064	3	2	Meadowlark #4	Meadowlark Partners LLP	1304 Camas Dr.	10,350	1,148.47	54.23	108.78
12	1079066	3	3	Meadowlark #4	Meadowlark Partners LLP	1308 Camas Dr.	9,200	1,020.86	48.21	96.70
13	1079068	3	4	Meadowlark #4	Meadowlark Partners LLP	1312 Camas Dr.	11,500	1,276.07	60.26	120.87
14	1079070	3	5	Meadowlark #4	Meadowlark Partners LLP	1316 Camas Dr.	10,350	1,148.47	54.23	108.78
15	1079072	3	6	Meadowlark #4	Meadowlark Partners LLP	1320 Camas Dr.	9,200	1,020.86	48.21	96.70
16	1079074	3	7	Meadowlark #4	Meadowlark Partners LLP	1324 Camas Dr.	11,500	1,276.07	60.26	120.87
17	1079076	3	8	Meadowlark #4	Meadowlark Partners LLP	1328 Camas Dr.	10,350	1,148.47	54.23	108.78
18	1079078	3	9	Meadowlark #4	Meadowlark Partners LLP	1332 Camas Dr.	11,828	1,312.47	61.98	124.32
TOTAL:						188,910	\$20,962.00	\$989.86	\$995.67	\$1,985.53

RESOLUTION 9603 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1306 ANNUAL ASSESSMENT

9 - 100 WATT HPS ON 17' FIBERGLASS POLES WITH UNDERGROUND WIRING \$ 1,125.00

COST OF OPERATION AND ROUTINE MAINTENANCE	1,125.00
10% ADMINISTRATION FEE	<u>112.50</u>
TOTAL ANNUAL COST TO THE DISTRICT =	\$ <u>1,237.50</u>

ASSESSMENT BASED ON 12 MONTHS -
ANNUAL ASSESSMENT FOR AN AVERAGE
10,510 SQ.FT. LOT IS \$50.45.

ANNUAL SQUARE FOOT COST = 0.006550738

PETITION SIGNER	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	PROPERTY ADDRESS	SET UP AREA (SQUARE FEET)	ANNUAL COST
	2184800	Original Parcel		Meadowlark #4	1/1/2007 will be split into the following - cost will be prorated:		188,910	1,237.50
X	1079044	2	10	Meadowlark #4	Meadowlark Partners LLP	1333 Camas Dr.	10,264	67.24
X	1079046	2	11	Meadowlark #4	Meadowlark Partners LLP	1329 Camas Dr.	10,350	67.80
X	1079048	2	12	Meadowlark #4	Meadowlark Partners LLP	1325 Camas Dr.	9,200	60.27
X	1079050	2	13	Meadowlark #4	Meadowlark Partners LLP	1321 Camas Dr.	11,500	75.33
X	1079052	2	14	Meadowlark #4	Lee A & Shonna L Johnson	1317 Camas Dr.	10,350	67.80
X	1079054	2	15	Meadowlark #4	Meadowlark Partners LLP	1313 Camas Dr.	9,200	60.27
X	1079056	2	16	Meadowlark #4	Meadowlark Partners LLP	1309 Camas Dr.	11,500	75.33
X	1079058	2	17	Meadowlark #4	Meadowlark Partners LLP	1305 Camas Dr.	10,350	67.80
X	1079060	2	18	Meadowlark #4	Meadowlark Partners LLP	1301 Camas Dr.	11,654	76.34
X	1079062	3	1	Meadowlark #4	Robert B & Ettasue Ferris	1300 Camas Dr.	10,264	67.24
X	1079064	3	2	Meadowlark #4	Meadowlark Partners LLP	1304 Camas Dr.	10,350	67.80
X	1079066	3	3	Meadowlark #4	Meadowlark Partners LLP	1308 Camas Dr.	9,200	60.27
X	1079068	3	4	Meadowlark #4	Meadowlark Partners LLP	1312 Camas Dr.	11,500	75.33
X	1079070	3	5	Meadowlark #4	Meadowlark Partners LLP	1316 Camas Dr.	10,350	67.80
X	1079072	3	6	Meadowlark #4	Meadowlark Partners LLP	1320 Camas Dr.	9,200	60.27
X	1079074	3	7	Meadowlark #4	Meadowlark Partners LLP	1324 Camas Dr.	11,500	75.33
X	1079076	3	8	Meadowlark #4	Meadowlark Partners LLP	1328 Camas Dr.	10,350	67.80
X	1079078	3	9	Meadowlark #4	Meadowlark Partners LLP	1332 Camas Dr.	11,828	77.48

TOTAL: 188,910 \$1,237.50

CITY OF GREAT FALLS, MONTANA

AGENDA # 20

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

DATE August 15, 2006

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

INITIATED BY Community Development Department

ACTION REQUESTED Set Public Hearing Date for September 5, 2006

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 set September 5, 2006, as the public hearing date for consideration of the sale of Lots 3A through 3H, Amended Plat of Lot 3, Medical Tech Park.

SYNOPSIS:

Within the past year two private parties have contacted city staff and expressed an interest in purchasing lots located in the recently created Medical Tech Park, located southwest of the Centene development site. To comply with our City ordinance concerning the sale of property, we must set a public hearing to consider the sale and provide the general public an opportunity to comment.

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. A public notice of this bid opening was placed in the newspaper on August 6, 2006, for a bid opening to be conducted on August 16, 2006.

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

AGENDA REPORT

DATE August 15, 2006

ITEM B.I.D. 2006/2007 Budget

INITIATED BY Business Improvement District

ACTION REQUESTED Set Public Hearing for September 5, 2006

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

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RECOMMENDATION: It is recommended that the City Commission set the public hearing for the 2006/2007 B.I.D. budget for September 5, 2006, at 7:00 p.m.

MOTION: I move the City Commission set a public hearing for September 5, 2003, at 7:00 P.M. regarding 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 and work plan. Following Commission approval, the Commission will be asked to levy an assessment on all properties within the district to defray the costs. The assessment will be according to the 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

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Commission of the City of Great Falls will conduct a Public Hearing on September 5, 2006 at 7:00 P.M. in the Commission Chambers, Civic Center Building for the purpose of considering the 2006/2007 budget submitted by the Business Improvement District. Any person interested in providing public comment may do so at the Public Hearing or may provide written comment by addressing said comments to the City Clerk, City of Great Falls, P.O. Box 5021, Great Falls, MT 59403.

/s/ Peggy J. Bourne
City Clerk

PUBLICATION DATE:
September 3, 2006

AGENDA REPORT

DATE August 15, 2006

ITEM Mansfield Theater Lobby Exclusive Food and Beverage Concessionaire Agreement

INITIATED BY Park & Recreation Department/Mansfield Events Center

ACTION REQUESTED Award Agreement

PREPARED BY Dona Hughes, Events Coordinator & Patty Rearden, Park & Rec Deputy Director

PRESENTED BY James Sullivan, Park & Recreation Director

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RECOMMENDATION:

Staff recommends that the City Commission award the Mansfield Theater Lobby Exclusive Concessions Agreement to Miss Linda’s School of Dance.

MOTION:

“I move the City Commission award Miss Linda’s School of Dance the Mansfield Theater Lobby Exclusive Concessions Agreement and authorize the City Manager to execute the agreement.”

SYNOPSIS:

The City of Great Falls Park and Recreation Department/Mansfield Events Office requested proposals for a three (3) year exclusive concession agreement for the Great Falls Civic Center Mansfield Theater lobby, and Gibson Room when used as a second lobby during events.

One proposal was received from Miss Linda’s School of Dance. The Miss Linda’s proposal met minimum requirements regarding menu and staffing of concession service. Miss Linda’s Performing Troupes will provide adult and teen staff and purchase and sell City/County Health approved foods and beverages pre-show and at intermission. Price of items will range from \$1 to \$4 for 2006-2007 season. Review of menu, product and prices will be made annually. Miss Linda’s School of Dance will pay a fee of 20% of gross sales to the Mansfield Events Office post show. Mansfield Events Office will provide a reasonable amount of tables, chairs, linens and ice as well as lobby space, storage and preparation space. Total revenue to be realized by the Mansfield Events Office is estimated at \$3,000 over the three-year period.

Based on their meeting the minimum requirement and their history of meeting the staffing and product requirements needed to provide concession service, City staff and Mansfield Center for the Performing Arts Advisory Board recommends awarding this agreement to Miss Linda’s School of Dance.

BACKGROUND:

Miss Linda’s School of Dance has been providing concession service for Mansfield Theater performances for three years. Since other organizations and businesses expressed interest in the concession business as well, the Mansfield Events Office sent out requests for proposals to area organizations and businesses. Due to the ratio of staff time needed to the amount of net revenue to be realized, Miss Linda’s School of Dance was the only organization submitting a proposal.

Staff feels concessions are part of the amenities a patron may expect when attending a performance at the Mansfield Theater. City staff also feels that there is a value to the storefront space provided to the concessionaire.

A selection committee consisting of Park & Recreation Interim Director, Mansfield Events Supervisor, Mansfield Box Office Specialist and members of the Mansfield Center for the Performing Arts Advisory Board reviewed the proposal from Miss Linda's and determined that all requirements of the RFP have been met. The proposal is beneficial to the Mansfield Events Office as Park and Recreation continues to look towards alternate revenue sources and expense savings through decreasing the need for staff time. The Mansfield Center for the Performing Arts Advisory Board recommended the City Commission award the contract to Miss Linda's School of Dance at their regular meeting on May 8, 2006.

MANSFIELD THEATER LOBBY EXCLUSIVE CONCESSION AGREEMENT

THIS EXCLUSIVE BEVERAGE AGREEMENT, made and entered into this ____ day of _____ 2006, by and between the City of Great Falls, Montana, a municipal corporation, hereinafter referred to as "City", and Miss Linda's School of Dance/Performing Troupes of Great Falls hereinafter referred to as "Miss Linda's".

WITNESSETH:

WHEREAS, after requesting proposals for exclusive concession agreement for the Mansfield Theater lobby and Gibson Room when used as a second lobby, the City has accepted the proposal and qualifications of ***Miss Linda's***, and,

WHEREAS, the parties hereto have reached an agreement of providing exclusive concession service rights for the Mansfield Theater lobby.

1. *PURPOSE*

It is the intent of the City to provide an exclusive concession operation in the Mansfield Theater lobby and Gibson Room when used as a second lobby for performances at the Mansfield Theater.

2. *TERM OF AGREEMENT*

The term of this agreement shall be for three (3) years, beginning September 1, 2006 through August 31, 2009. This agreement may be terminated with just cause prior to the expiration of the three year term by either party giving written notice not less than ninety (90) days prior to the annual anniversary date of this lease. Further, the City retains the right to terminate this contract after the completion of any season for any reason that is deemed necessary by the City with written notice. Verbal agreements with any employee or City staff member, either before or after execution date of this agreement, shall not affect or modify the terms of obligation contained in the agreement. Miss Linda's may not assign or sublet this agreement, or any right, privilege of interest, directly or indirectly, without prior approval and written permission from the City.

3. *PROPOSAL*

Miss Linda's agrees to:

a) Miss Linda's will provide staff, product, till, signage, cleaning supplies and other equipment as needed for lobby concession service for all Mansfield Theater activities. The City and Miss Linda's may agree that concession service is not necessary for a particular event.

b) When attendance warrants and the Gibson Room serves as a second lobby, Miss Linda's will also provide concessions service in that space.

c) Miss Linda's will pay a fee of 20% of gross sales to the Mansfield Events Office post intermission on day of event. An accounting record report, cash register tape or some other record of sales detailing the gross and percentage will be provided to City. Price of items will range from \$1 to \$4 for 2006-2007 season. Review of menu, product and prices will be made annually.

d) Miss Linda's will provide volunteer staff for set up, sales and clean up. Volunteer staff will consist of at least two adults for the Theater lobby and, when used, two adults for the Gibson Room. Middle and high school students may also assist. Volunteer staff will wear business casual attire. Aprons and other Miss Linda's logo wear and uniforms will also be acceptable and is encouraged by the Mansfield Center for the Performing Arts Advisory Board. When appropriate costumes consistent with the theme of the production will also be acceptable. No open-toed shoes will be allowed at any time.

e) Miss Linda's will be responsible for wiping off tables, putting away all merchandise,

removing any signage, placing all garbage in appropriate receptacles, and clean up of preparation space.

f) Miss Linda's will abide by all City/County Health codes requirements. Menu will consist of items from an appropriately licensed establishment and be prepackaged. Items such as cookies, grapes and crackers may be set on plates or in other appropriate containers as long as approved by City/County Health officials and City officials.

g) Miss Linda's is responsible for procuring, supplying and posting all permits and licenses necessary to offer and sell concessions.

h) Miss Linda's will be responsible for all taxes annexed or levied against concession business.

i) Miss Linda's will be responsible for any damage caused by volunteer staff.

j) Miss Linda's agrees that no display signs, menus or advertising materials of any kind shall be used or placed on the exterior of the building. Signage may be used at the designated concession sales area(s). There is absolutely no use of any tape, tacks, nails, screws or hooks on any walls, woodwork, furniture, doors, ceilings or floors. The only approved method to affix material is poster putty. Miss Linda's agrees to display signage that alerts patrons to the "No food or drink in Theater" policy.

k) Decoration may be considered with prior approval by City staff. There is absolutely no use of any "open flame" devices, which includes but are not limited to candles, lighters, lanterns or lamps.

l) No building exit may be blocked at any time.

The City agrees to:

a) The City shall grant to Miss Linda's the exclusive lobby concession rights to all Mansfield Theater activities.

b) The City will provide a reasonable amount of tables, chairs, linens and ice as well as lobby, storage and preparation space. City staff will be responsible for setting up and tearing down necessary furniture and linens.

c) The City will provide a schedule of events for the Mansfield Theater.

d) The City will provide a staff person to receive the payment of percentage and provide a receipt of payment at the conclusion of sales.

4. INDEMNITY

Miss Linda's shall indemnify and hold the City harmless from and against any loss, damage or liability occasioned by, arising or resulting from any default, or any tortuous or negligent act on the part of Miss Linda's or its agents or workers.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the persons duly authorized thereto the day and year first hereinabove written.

ATTEST

Peggy Bourne, City Clerk

John W. Lawton, City Manager

REVIEWED AS TO CONTENT

Miss Linda's School of Dance

David V. Gliko, City Attorney

CITY OF GREAT FALLS

AGENDA REPORT

DATE August 15, 2006

ITEM: AUCTION OF SURPLUS EQUIPMENT

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: DECLARE EQUIPMENT SURPLUS

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the attached list of property be declared surplus by the City Commission.

MOTION:

I move that the attached list of property be declared surplus.

SYNOPSIS:

City Code Section 3.04.070 requires that any property with an estimated value of \$1,000 or more be formally declared surplus by the City Commission before the property may be sold.

Attachment A is a list of all the property for the August 19, 2006 City Auction that may sell for \$1,000 or more.

BACKGROUND:

The City has held many auctions of surplus property over the years. Other government agencies are invited to participate, such as Cascade County, Great Falls Housing Authority and Great Falls School District.

This year's auction is scheduled for August 19, 2006 at the Public Works Complex, 1025 25th Avenue Northeast.

Attachment A – List of Property

cc: Corky Grove, Police Chief
Kelly Audet, Fiscal Services
Tom Hugg, Vehicle Maintenance Supervisor
Cheryl Lucas, Staff Accountant

**City of Great Falls
Public Works Department
INTER - OFFICE MEMORANDUM**

RE: CITY VEHICLES TO BE AUCTIONED AUGUST 19, 2006

**ATTACHMENT 'A'
CITY EQUIPMENT PROPOSED FOR SURPLUS DECLARATION**

YEAR	MAKE	MODEL	SERIAL NUMBER	TYPE	LATEST OLD UNIT #	ORIGINAL OWNING AGENCY
TRUCKS						
1988	Chevrolet	1/2 Ton	1GCDC14ZAJZ235988	Truck	900	Central Garage
1992	Chevrolet w/utility body	1 Ton	1GBHC34K6NE191333	Truck	102	Central Garage
1995	Ford, w/dump box	1 Ton	2FTJF35H9SCA26384	Truck	642	Water Distribution
EQUIPMENT						
1996	John Deere	F935	M0F935X160332	Mower	PM 9	Central Garage
1998	Jacobson Turfcut	T428D	66138-2332	Mower	PM 13	Central Garage
1998	John Deere	2653	M02653B040572	Mower	AC 6	Golf
1995	John Deere	2653	M0265313030705	Mower	AC 7	Golf
1998	John Deere	2653	M02653B040370	Mower	SC 7	Golf
860	Hyster		A9101671	Roller	860	Central Garage
875	Grimmer Schmidt	175	17512022Q780024	Air Compressor	875	Central Garage
CARS						
2000	Chevrolet	Impala	2G1WF55K0Y9235833		PD 53	Central Garage
2002	Chevrolet	Impala	2G1WF55K229298696		PD 3	Central Garage
2002	Chevrolet	Impala	2G1WF55K729293476		PD 29	Central Garage
2003	Dodge	Intrepid	2B3HD46V23H580743		PD 12	Central Garage

AGENDA REPORT

DATE August 15, 2006

ITEM: 2007 AGREEMENT WITH THE MONTANA DEPARTMENT
OF TRANSPORTATION FOR MAINTENANCE OF TRAFFIC
SIGNALS ON STATE ROUTES

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: APPROVE AGREEMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends approval of the attached Traffic Signal Maintenance Agreement with the Montana Department of Transportation for FY 2006/2007.

MOTION:

I move that the City Commission approve the FY 2006/2007 Traffic Signal Maintenance Agreement with the Montana Department of Transportation and authorize the City Manager to sign the agreement.

SYNOPSIS:

The attached agreement between the City of Great Falls and the Montana Department of Transportation outlines each agencies responsibilities and details the States reimbursement to the City for maintaining State Traffic Signals located within the City limits. The City is currently maintaining sixty-six (66) traffic signals in addition to those at twenty-three (23) City signalized intersections. Three (3) flashing signal lights are also maintained for the State. The agreement also provides for the City to maintain the over-height detection system located on US 87 by Fleet Supply. Maintenance on this system is on an on-call basis with reimbursement per event. This agreement includes a 3.52% cost decrease as compared to last years Traffic Signal Maintenance Agreement. Tools and test equipment included in this agreement are depreciated over a 7 year period. The decrease in cost is largely due to equipment which has been fully depreciated being removed from the agreement.

BACKGROUND:

The City has an annual agreement with the Montana Department of Transportation for Traffic Signal Maintenance. The City employs two Traffic Signal Technicians to maintain signals on State and City routes, as well as City owned signals.

PARTIES

This contract is entered into on this ____ day of _____, 2006. This contract is between the Montana Department of Transportation, hereinafter referred to as MDT, and the City of Great Falls, hereinafter referred to as CITY.

SCOPE OF WORK

This contract is for traffic signal maintenance. In consideration of the payments made to the CITY by MDT in accordance with this contract, the CITY agrees to provide all of the activities ordinarily associated with traffic signal maintenance for all traffic signals located within or near the CITY limits of Great Falls for which MDT has responsibility and as listed in Exhibit A. The contract covers all of the activities ordinarily associated with traffic signal maintenance including, but not limited to, those which follow:

a. MDT shall provide electrical power for the sixty-six (66) signals and three (3) flashers covered under this contract.

b. The CITY will provide all maintenance necessary to the operation of the Traffic Control System and MDT will reimburse the CITY in accordance with Exhibit B for costs of labor, equipment, engineering, and materials required for the maintenance of the Traffic Control System.

c. Out-of-town traffic signal maintenance as required by MDT may be performed if CITY workload permits. Costs shall be actual cost to the CITY and shall be billed separately at time of performance.

d. The CITY will maintain the overheight detection system located on U.S. 87 on an on call basis and bill separately at time of performance for actual costs.

TERM

This contract is effective _____ and terminates on _____ unless otherwise agreed by the parties in writing.

PAYMENT

It is agreed that the payments associated with this contract shall be as shown in Exhibit C. This shall be a lump sum cost for the entire agreement, and shall be paid to the CITY on a monthly basis on the schedule in Exhibit C.

TERMINATION AND DEFAULT

The parties mutually agree the contract may be terminated by either party giving 30 days written notice to the other party. Such notice must be delivered by certified mail. Upon service of such notice, MDT shall be liable only for the work completed as of the date of such notice.

LEGAL COMPLIANCE

During the performance of this Agreement, the City, for itself, its assignees and successors in interest agrees as follows:

A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The City shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations, Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even though only State funding is here involved.
- (2) Nondiscrimination: The City, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The City shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the City for work to be performed under a subcontract, including procurements of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the City of the City's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: City will provide all reports and information required by the Regulations or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Department or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the City is in the exclusive possession of another who fails or refuses to furnish this information, the City shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the City's noncompliance with the nondiscrimination provisions of this Agreement, Department may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,

- (a) withholding payments to the City under the Agreement until the City complies, and/or
 - (b) cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: City will include provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. City will take such action with respect to any subcontract or procurement as the Department or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event City is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the City may request the Department to enter into the litigation to protect the interests of the State, and, in addition, the City or the State may request the United States to enter into such litigation to protect the interests of the United States.
- B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, § 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, City agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

C) COMPLIANCE WITH AMERICANS WITH DISABILITES ACT (ADA)

- (1) City will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) City will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offering or other program outputs: **“City will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the City. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the City.”**

LAW AND VENUE

This contract is governed by the laws of Montana. The parties agree that any litigation concerning the contract must be brought in the First Judicial District, in and for the County of Lewis and Clark, State of Montana.

AUDIT AND RECORDS

The CITY shall maintain reasonable records of its performance under this contract. The CITY agrees that MDT, the Legislative Auditor, and/or the Legislative Fiscal Analyst may audit all records, reports, and other documents which the CITY maintains under the terms of the contract to ensure contract compliance. Such records, reports, and other documents may be audited at any reasonable time.

HOLD HARMLESS AND INDEMNITY

MDT agrees to protect the CITY and its employees against and defend any and all suits, action or actions at law, or in equity which may be brought against the CITY or any of its employees, individually or otherwise, to recover damages, for accidents occurring, growing out of, or arising from structural defects in any traffic control signal or device covered in this agreement, or because of the existence or non-existence of any traffic control signal or devices covered in this agreement, and to save them harmless therefrom.

The CITY agrees to protect, save and hold harmless the State (MDT) and its employees or representatives against any and all claims for damages by third persons or employees by way of suit, action or actions at law or equity arising from the alleged negligence, errors, or omissions of the CITY or its employees in performing the obligations and duties, including maintenance of traffic control signals or devices or failure to maintain traffic control signals or devices, required under the terms of the contract.

TIME OF ESSENCE

The parties to this contract understand and agree time is of the essence in completing the scope of work identified herein in the time set forth.

MONTANA PRODUCT PREFERENCE

The CITY agrees to provide Montana made goods where those goods are comparable in price and quality to those required by this contract, section 18-1-112(1), MCA.

MODIFICATION

This contract contains the entire terms of the agreement between the parties and no statements, promises, or inducements made by either party, or its agents which modifies, alters, or changes the scope and purpose of this contract is binding except as provided herein.

Upon written notice by either party that the scope of work or purpose of this contract is to be expanded or decreased, thereby necessitating an adjustment in payment, the parties agree that any modification will be done by separate written agreement.

COORDINATION MEETINGS

The CITY and MDT agree to meet as needed to discuss the performance of this contract.

COMPENSATED DAMAGES

It is understood that any damages that are caused by third parties will be repaired by the City, and a billing for these repairs shall be sent to MDT along with any documentation which the CITY has available to help MDT in seeking restitution. MDT shall pay the CITY's actual costs. Payment under this provision shall be in addition to the payment detailed in Exhibit C.

PRIORITIES FOR CONSTRUCTION OR RECONSTRUCTION

It is understood that the CITY uses a priority program which ranks all potential improvements. No special or different criteria will be used on the signals covered in this agreement.

IN WITNESS WHEREOF, the Director of the Department of Transportation or his authorized representative has hereunto subscribed his name on behalf of the State of Montana and the City Manager of the City of Great Falls on behalf of said City of Great Falls have subscribed their names and affixed hereto the seal of the City.

DATED this _____ day of _____, 2006.

CITY OF GREAT FALLS

JOHN LAWTON, City Manager

Approved as to form:

DAVID GLIKO, City Attorney

I, Peggy J. Bourne, Clerk of the City of Great Falls, do hereby certify that the above-mentioned agreement was regularly adopted by the Commission of Great Falls, at a meeting thereof held on the _____ day of _____, 2006, and that the Commission of Great Falls authorized the City Manager to sign this agreement on behalf of the Commission.

State of Montana
Department of Transportation

PEGGY J. BOURNE, City Clerk

MICHAEL P. JOHNSON, District Administrator
Great Falls District

Approved as to Form:

TIMOTHY W. REARDON, Chief Legal Counsel

Signed and sworn to before me on _____, by

_____.

Notary Public for the State of Montana
My Commission Expires: