



REVISED

# City Commission Agenda

for

## August 1, 2006

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

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATIONS/PRESENTATIONS**

Proclamation of Appreciation – Patty Rearden  
National Night Out

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. Res. 9584, Nuisance Abatement, 609 36<sup>th</sup> Avenue NE. Allows staff to hire a contractor and abate the ongoing nuisance. Action: Conduct public hearing and adopt or deny Res. 9584. ***(Presented by Mike Rattray)***
3. Res. 9590, Vacate 10<sup>th</sup> Alley South within Block 806, Eleventh Addition to Great Falls (Walgreens Pharmacy). Vacates 10<sup>th</sup> Alley South between the east right-of-way of 23<sup>rd</sup> Street South and the centerline of the previously vacated 24<sup>th</sup> Street South. Action: Conduct public hearing and adopt or deny Res. 9590. ***(Presented by Ben Rangel)***
4. Res. 9571, Create Special Improvement Lighting District – City Owned Residential Lighting No. 1306. Action: Conduct public hearing and adopt or deny Res. 9571. ***(Presented by Coleen Balzarini)***

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

5. Res. 9572, Montana Board of Investments Loan Agreement for Installation of Nine (9) City-owned Residential Street Lights Along Camas Drive. Action: Adopt or deny Res. 9572. ***(Presented by Coleen Balzarini)***
6. East Great Falls Retail Center Addition and Accompanying Public Road Right-of-Way. ***(Presented by Ben Rangel)***

- A. Res. 9594, Annexes portions of 10<sup>th</sup> Avenue South, U.S. Highway 87/89, and 50<sup>th</sup> and 52<sup>nd</sup> Streets South. Action: Adopt Res. 9594, and set public hearing for September 5, 2006.
- B. Res. 9595, Annexes the East Great Falls Retail Center Addition located along the south side of 10<sup>th</sup> Avenue South at 57<sup>th</sup> Street. Action: Adopt Res. 9595 and set public hearing for September 5, 2006.
- C. Ord. 2948, Establish zoning classification of C-2 General commercial district. Action: Accept Ord. 2948 on first reading and set public hearing for September 5, 2006.
- 7. Res. 9591, Intent to Vacate a Segment of 20<sup>th</sup> Street South within Vo-Tech Addition. Action: Adopt Res. 9591 and set public hearing for August 15, 2006. **(Presented by Ben Rangel)**
- 8. Ord. 2945, Establish City Zoning Upon South Park Addition Phase 1. Establishes zoning classification of R-3 Single-family high density district. Action: Accept Ord. 2945 on first reading and set public hearing for September 5, 2006. **(Presented by Ben Rangel)**
- 9. Ord. 2946, Amending OCCGF 13.06 Pertaining to Water Service Lines. Allows the use of High Density Polyethylene pipe for water services. Action: Accept Ord. 2946 on first reading and set second reading for August 15, 2006. **(Presented by Jim Rearden)**

**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.*

- 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 \$5000, in the amount of \$1,041,932.
- 12. Contracts list.
- 13. Approves 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 No. 1 to Forde Nursery in the amount of \$6,077 for the Bloomingdale Park Landscaping (CTEP).
- 14A. **Set public hearing on Resolution 9598, levying and assessing the street maintenance district, for August 15, 2006, at 7 pm.**

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

#### **BOARDS & COMMISSIONS**

- 15. Appointments, Great Falls Housing Authority Board. Appoints one member 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.
- 16. Miscellaneous reports and announcements.

#### **CITY MANAGER**

17. Miscellaneous reports and announcements.

**CITY COMMISSION**

18. Miscellaneous reports and announcements.

**PETITIONS AND COMMUNICATIONS**

19. Miscellaneous reports and announcements.

**ADJOURN**

**CITY OF GREAT FALLS, MONTANA**

**AGENDA #**  2

**A G E N D A   R E P O R T**

**DATE**  August 1, 2006

**ITEM**  Res. 9584, Nuisance Abatement, L10, B6, GF NRT 6th Add., 609 36<sup>TH</sup> Ave NE

**INITIATED BY**  Community Development Department

**ACTION REQUESTED**  Conduct Public Hearing and Adopt Res. 9584

**PREPARED & PRESENTED BY**  Heather Rohlf, Code Enforcement

**REVIEWED & APPROVED BY**  Mike Rattray, Community Development Director

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**RECOMMENDATION:**

It is recommended that the City Commission conduct the public hearing on Resolution 9584, which will enable the Community Development Department staff to hire a contractor and abate the ongoing nuisance located at 609 36<sup>th</sup> Ave NE.

**MOTION:**

I move to adopt Resolution 9584.

**SYNOPSIS:**

As prescribed by Chapter 8.49.040, a "Notice of Hearing" before the City Commission was posted on the property July 21, 2006, and published in the GREAT FALLS TRIBUNE on July 22, 2006.

**BACKGROUND**

The following action has been taken:

<u>ACTION</u>	<u>DATE</u>
Initial complaint taken for Junk Vehicle & Rubbish	2/1/2005
Initial inspection of property	2/1/2005
Letter personally served with 14 & 30 day time period	2/1/2005
Citations Issued for Junk Vehicle & Rubbish	4/1/2005
Photographs taken of Junk Vehicle & Rubbish	4/1/2005

Request for Entry by Certified Mail	9/22/2005
2 <sup>nd</sup> complaint taken from GFPD	5/18/2006

**BACKGROUND CONTINUED**

<u>ACTION</u>	<u>DATE</u>
Ownership and encumbrance report ordered	6/21/2006
“Notice of Hearing” posted on property	7/21/2006
“Notice of Hearing” mailed certified Great Falls MT- address	7/21/2006
“Notice of Hearing” published in GF Tribune	7/22/2006

RESOLUTION 9584

A RESOLUTION DETERMINING CERTAIN  
PROPERTY LOCATED AT 609 36<sup>TH</sup> AVENUE  
NORTHEAST, LOT 10, BLOCK, 6, NORTH  
RIVERVIEW TERRACE 6<sup>TH</sup> ADDITION, GREAT  
FALLS, CASCADE COUNTY, MONTANA, TO BE  
A NUISANCE

\* \* \* \* \*

WHEREAS, Sangchan Sripundon, owner(s) of certain personal and real property located at 609 36<sup>th</sup> Ave NE, Lot 10, Block 6, Great Falls North Riverview Terrace 6<sup>th</sup> Addition, Great Falls, Cascade County, Montana, was given notice pursuant to Section 8.49.040, OCCGF, of a hearing before the City Commission on August 1, 2006, wherein said property owner was ordered to show cause why the alleged property should not be declared a nuisance and abated, and

WHEREAS, City staff presented photographs of the subject premises and gave testimony regarding the following described property alleged to be a nuisance under City Code, to wit:

1. Junk Vehicles – Burned dismantled purple car, white Mercury Sable, gold four door car.
2. Rubbish – Used auto parts, front fence, furniture, back and side fence.

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

1. That the property owner(s), Sangchan Sripundon, has failed to show cause why the subject property should not be declared a nuisance and abated; and

2. Staff having presented evidence of the condition of the subject property and having described the illegal and deplorable condition of the subject property, the City Commission does hereby find the same to be a nuisance pursuant to Section 8.49.050, OCCGF, and hereby directs the owner(s) to commence the abatement within ten (10) days of the date of this resolution.

3. It is further ordered that, if owner(s) fails to abate said nuisance as ordered and within the time allowed, the City is directed to take any and all steps necessary to abate the nuisance with all expenses to attach as a lien against the personal and real property owner.

4. City staff shall serve said owner(s) with a copy of this resolution by regular mail as required by Section 8.49.050, OCCGF. This order shall be in effect for a six (6) month period from date of Resolution 9584.

PASSED by the Commission of the City of Great Falls, Montana, on this 1<sup>st</sup> day of August, 2006.

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Dona R. Stebbins, Mayor

ATTEST:

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTANT:

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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 9584 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 1st day of August 2006, and approved by the Mayor of said City, on the 1st day of August, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 1st day of August, 2006.

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)





Date July 18, 2006

CERTIFIED MAIL

Name: Sangchan Sirpundon  
Address: 609 36<sup>th</sup> Ave NE  
City: Great Falls MT 59404

RE: Lot 10, Block 6, North Riverview Terrace 6<sup>th</sup> Addition  
609 36<sup>th</sup> Ave NE, Cascade County, Montana

Dear Mr. Sirpundon,

**NOTICE OF HEARING BEFORE CITY COMMISSION OF GREAT FALLS**

The owner of the real property located at 609 36<sup>th</sup> Ave NE is hereby notified to appear before the City Commission of the City of Great Falls at its meeting to be held August 1, 2006, in the Commission Chambers, Civic Center Building, # 2 Park Drive, Great Falls, Montana, at the hour of 7:00 p.m., or as soon thereafter as he/she may be heard, and to show cause why the items listed in the City's letter of February 1, 2005, should not be declared a nuisance, the nuisance required to be abated by removal and the cost thereof charged to the owner.

The items listed are:

1. Junk Vehicles - Burned dismantled purple car, white Mercury Sable, gold four door car.
2. Rubbish - Used auto parts, front fence, furniture, back and side fence, and any other miscellaneous rubbish on the property.

Consequently, you are hereby notified to appear before the City Commission at 7:00 p.m. on August 1, 2006

Respectfully,

Heather Rohlf, Code Enforcement  
Building Inspectors Office

cc: Read File  
Property File  
Post on Property

## PUBLIC NOTICE

NOTICE of hearing before the City Commission of the City of Great Falls, Montana.

The owner of the real property located at 609 36<sup>th</sup> Avenue Northeast is hereby notified to appear before the City Commission of the City of Great Falls at its meeting to be held August 1, 2006 at the City Commission Chambers, Civic Center Building, Great Falls, Montana, at 7:00 p.m., and show cause why Lot 10, Block 6, GF North Riverview Terrace 6<sup>th</sup> Addition, 609 36<sup>th</sup> Avenue Northeast should not be declared a nuisance and the nuisance be abated by removal or other appropriate act and charge the cost thereof to the owner(s).

PUBLICATION DATE: July 22, 2006

AGENDA REPORT

DATE August 1, 2006

ITEM Public Hearing - Resolution No. 9590 to vacate 10<sup>th</sup> Alley South within Block 806, Eleventh Addition to Great Falls

INITIATED BY Hawkins Companies, LLC.

ACTION REQUESTED Conduct Public Hearing and Adopt Resolution No. 9590

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 10<sup>th</sup> Alley South in Block 806 and approve the Amended Plat of Block 806, Eleventh Addition to Great Falls.

**MOTION:**

“I move the City Commission adopt Resolution No. 9590 and approve the Amended Plat and Findings of Fact.”

**SYNOPSIS:**

Resolution No. 9590 vacates 10<sup>th</sup> Alley South between the east right-of-way of 23<sup>rd</sup> Street South and the centerline of the previously vacated 24<sup>th</sup> Street South. The Amended Plat of Block 806, Eleventh Addition provides for the disposition of the vacated right-of-way and provides utility and public access easements.

**BACKGROUND:**

All parcels abutting the portion of alley to be vacated are owned by Hawkins Companies LLC. Vacation of the alley is necessary to accommodate the proposed Walgreens Pharmacy. An amended plat prepared by the applicant provides utility and public access easements though Block 806 to replace the functions the alley currently provides. Lots 1 – 5, Block 806, were recently rezoned from R-3 Single-family residential district to C-2 General commercial district. These lots, combined with Lots 8 – 14, and the previously vacated west half of 24<sup>th</sup> Street South, will comprise Lot 1A where on a new Walgreens Pharmacy will be constructed and Lot 8A where on a 7000 s.f. retail center building will be constructed. Lots 6A, 7A1 & 7B1 will accommodate single-family residences.

For additional information, please refer to the attached Vicinity Map and reduced Amended Plat attached to Res. No 9590 as Exhibit “A”.

The City Planning Board considered the alley vacation and amended plat during a meeting held June 11, 2006, wherein it unanimously passed a motion recommending the City Commission vacate subject alley and approve the Amended Plat of Block 806, Eleventh Addition to Great Falls and the Findings of Fact.

Attachments: Vicinity Map  
Findings of Fact  
Res. No. 9590



**FINDINGS OF FACT  
FOR AMENDED PLAT OF BLOCK 806,  
ELEVENTH ADDITION  
TO GREAT FALLS  
SECTION 7 & 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 is surrounded by urban development and has not been used for agricultural purposes. 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 one mile. 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 General commercial district. The purpose of the subdivision is to consolidate existing lots, to distribute a vacated portion of 10<sup>th</sup> Alley South and to provide a utility/access easement.

**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, or mining activity. The subdivision does abut 10<sup>th</sup> Avenue South, designated a principal arterial.

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

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

III. EASEMENT FOR UTILITIES

Utilities are accommodated in existing public rights-of-way abutting the Amended Plat and in proposed easements within the Amended Plat.

IV. LEGAL AND PHYSICAL ACCESS

All lots within the amended plat abut existing improved public rights-of-way .

RESOLUTION NO. 9590

A RESOLUTION BY THE CITY COMMISSION OF  
THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE 10<sup>TH</sup> ALLEY SOUTH IN BLOCK 806, ELEVENTH  
ADDITION TO GREAT FALLS,  
IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, 10<sup>th</sup> Alley South in Block 806, between the east right-of-way of 23<sup>rd</sup> Street South and the centerline of the vacated 24<sup>th</sup> Street South was dedicated as public right-of-way within Eleventh Addition to Great Falls; and

WHEREAS, the owner abutting said portion of 10<sup>th</sup> Alley South has petitioned to have it vacated to accommodate construction of a new Walgreens Pharmacy; and

WHEREAS, attached as Exhibit "A" and by this reference made a part hereof, is an Amended Plat of Block 806 illustrating the existing alley alignment, realigned utility and public access easement, disposition of the right-of-way requested to be vacated, consolidation of lots and relocated common boundaries; and

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 11<sup>th</sup> day of July, 2006, Resolution No. 9588 entitled:

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE 10<sup>TH</sup> ALLEY SOUTH IN BLOCK 806, ELEVENTH  
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. 9590 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 1<sup>st</sup> 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 10<sup>th</sup> Alley South in Block 806.

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

The right-of-way, comprising of the segment of 10<sup>th</sup> Alley South in Block 806 between the east right-of-way of 23<sup>rd</sup> Street South and the centerline of the vacated 24<sup>th</sup> Street South, is hereby vacated.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1<sup>st</sup> 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     )

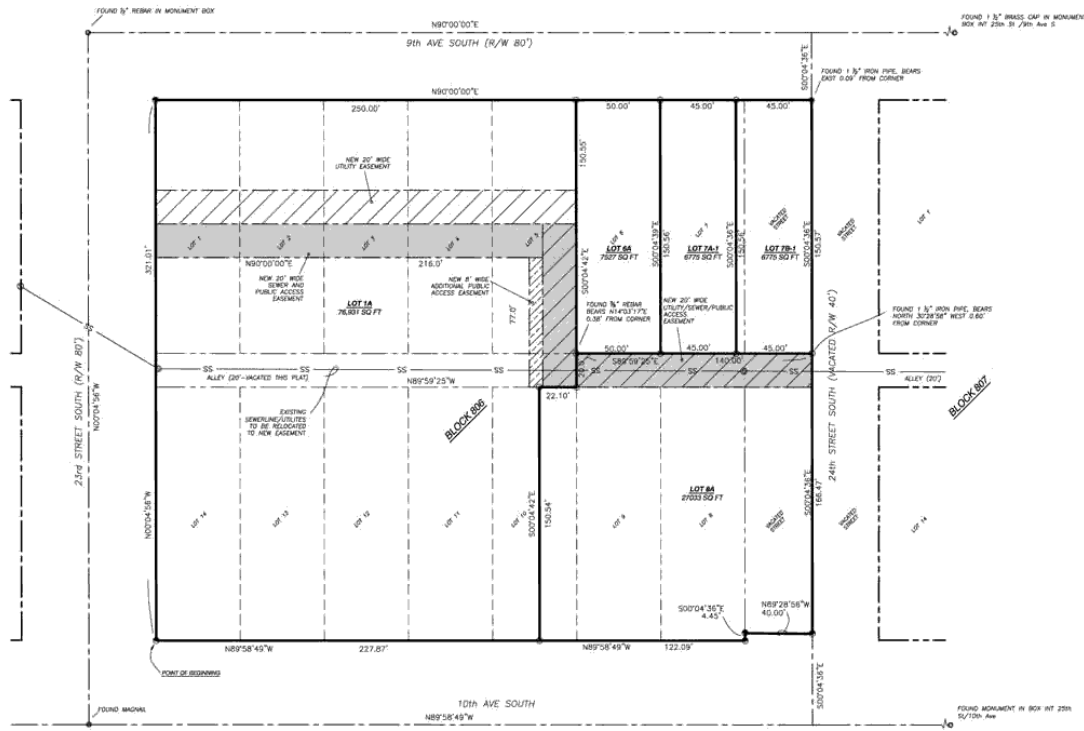
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9590 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1<sup>st</sup> day of August, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1<sup>st</sup> day of August, 2006.

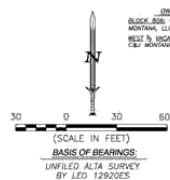
\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)

**AMENDED PLAT OF  
BLOCK 806, AND VACATED 24TH STREET,  
OF THE ELEVENTH ADDITION TO GREAT FALLS TOWNSITE  
SE 1/4 SECTION 7, NE 1/4 SECTION 18 T20N R4E, P.M.M.  
CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA**



- LEGEND**
- FOUND AS NOTED
  - FOUND 1 1/2" IPC "LED 129202S"
  - SET 3/4" X 24" REBAR WITH 2" ALUMINUM CAP MARKED "STARK 12249LS"
  - OLD LOT LINES
  - ▨ NEW UTILITY EASEMENT
  - ▨ NEW PUBLIC ACCESS EASEMENT
  - ▨ NEW SEWER AND PUBLIC ACCESS EASEMENT
  - SS SANITARY SEWER LINE



**ADDITIONAL INFORMATION:**  
BLOCK 806, ORN GLENWOOD, LLC AND ORN MONTANA, LLC. (2004 801215)  
WEST 1/4 VACATED 24th STREET, BLOCK 806: ORN GLENWOOD, LLC AND ORN MONTANA, LLC. (2004 801215)

**AREA BREAKDOWN**  
LOT 8A: 27033 SQ.FT.  
LOT 7A: 70331 SQ.FT.  
LOT 7B-1: 6775 SQ.FT.  
LOT 7A, 7B-1, 8A: 25227 SQ.FT.  
**TOTAL: 128067 SQ.FT.**

**CERTIFICATE OF PROFESSIONAL LAND SURVEYOR:**  
I, THOMAS E. STARK, A REGISTERED LAND SURVEYOR IN THE STATE OF MONTANA, DO HEREBY CERTIFY THAT I HAVE PERFORMED THE SURVEY AS SHOWN ON THE ATTACHED CERTIFICATE OF SURVEY. PROPERTY, PLOTS AND ORIGINAL ACCESSORIES, ADJACENT AND LOTS FOUND OR SET, ARE AS SHOWN.  
THOMAS E. STARK DATE  
MONTANA REG. NO. 12249LS

**DEFINITIONS OF COUNTY TERRITORY:**  
I HEREBY CERTIFY THAT PURSUANT TO 87A-3-811(1)(3) OF M.C.A. THAT ALL REAL PROPERTY, PLOTS AND ORIGINAL ACCESSORIES, ADJACENT AND LOTS FOUND OR SET, ARE AS SHOWN.  
DATE: 2006 DASHBOARD COUNTY TREASURER

**CERTIFICATE OF ASSURANCE:**  
I, THE UNDERSIGNED PROPERTY OWNER, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED, SUBDIVIDED AND PLATTED INTO LOTS, CORNERS, AND OTHER DIMENSIONS AND IDENTIFIERS, AS SHOWN BY THE PLAT HEREBY AMENDED, THE FOLLOWING DESCRIBED LANDS IN CASCADE COUNTY, TO WIT:  
**LEGAL DESCRIPTION:**  
A TRACT OF LAND SITUATED IN THE SOUTHWEST 1/4 OF SECTION 7 AND THE NORTHEAST 1/4 OF SECTION 18, T20N R4E, P.M.M., AND THE UNDIVIDED PART OF THESE LOTS OR BLOCK 806 OF THE ELEVENTH ADDITION TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SOUTHWEST CORNER OF LOT 14, BLOCK 806 OF THE ABOVE ADDITION TO GREAT FALLS, MONTANA, THENCE NORTH 07°04'37" WEST ALONG THE WEST LINE OF SAID BLOCK 806 221.01 FEET;  
THENCE SOUTH 89°58'42" EAST ALONG THE NORTH LINE OF SAID BLOCK 806 250.00 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF INCISED 24th STREET SOUTH;  
THENCE SOUTH 02°04'37" EAST ALONG SAID CENTERLINE 377.04 FEET;  
THENCE SOUTH 89°58'42" EAST 4.83 FEET TO THE SOUTH LINE OF THE PORTION OF THE INCISED 24th STREET DEDICATED TO ORN GLENWOOD, LLC AND ORN MONTANA, LLC, 67.75 FEET;  
THENCE SOUTH 02°04'37" EAST 4.83 FEET TO THE SOUTH LINE OF SAID BLOCK 806;  
THENCE NORTH 89°58'42" WEST ALONG SAID SOUTH LINE 248.84 FEET TO THE POINT OF BEGINNING, CONTAINING 125041 SQUARE FEET (2.92) ACRES OF LAND, MORE OR LESS, ALL AS SHOWN ON THE ATTACHED DRAWING WHICH IS HEREBY INCORPORATED IN AND MADE A PART OF THIS LEGAL DESCRIPTION AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY PERTAINING TO THIS TRACT.

**CERTIFICATE OF EASEMENTS:**  
EXEMPTION (7): THE UNDERSIGNED, HEREBY CERTIFY THAT THE DIVISION OF LAND SHOWN ON THIS AMENDED PLAT IS EXEMPT FROM REVIEW BY A SUBCOMMISSION IN ACCORDANCE WITH THE PROVISIONS OF 87A-3-202 M.C.A. ... (DIVISION OF LOTS THAT REQUIRES OR REQUIRES SIX OR MORE LOTS MUST BE REVIEWED AND APPROVED BY THE GOVERNING BODY AND AN AMENDED PLAT MUST BE FILED).  
EXEMPTION (2): THE UNDERSIGNED, HEREBY CERTIFY THAT THE LOTS SHOWN ON THIS PLAT ARE EXEMPT FROM OLD REVIEW IN ACCORDANCE WITH 87A-3-202(2) M.C.A. BECAUSE IF IT OCCURS WITHIN THE AMENDMENT AREA OF THE CITY OF GREAT FALLS, MONTANA, WHICH HAS ADOPTED A GROWTH POLICY PURSUANT TO TITLE 82, CHAPTER 1, M.C.A. AND WHICH IS A FIRST CLASS MUNICIPALITY, THE CITY COMMISSION HAS DECEASED TO DEEL PROVISION TO 87A-4-122, M.C.A. THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED.  
**NOTATION (1):**  
THE UNDERSIGNED HEREBY GRANTS UNTO ALL PUBLIC UTILITY COMPANIES, AS SUCH ARE DEFINED AND ESTABLISHED BY MONTANA LAW, AN UNDERGROUND UTILITY EASEMENT FOR THE CONSTRUCTION, REPAIR AND REMOVAL OF THEIR LINES WITHIN THE DESCRIBED RIGHT OF WAY.

**CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES:**  
I, John W. Leavins, City Manager of City of Great Falls, Montana, do hereby certify that the City of Great Falls, Montana, is not providing and will not provide any services available in the above described property, namely the vital facilities of the City of Great Falls, Montana, and that the plat is valid pursuant to section 7-4-124 M.C.A., permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat.  
John W. Leavins, City Manager, City of Great Falls, Montana

**CERTIFICATE OF CITY COMMISSION:**  
I, John W. Leavins, City Manager of City of Great Falls, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Commission of Great Falls in a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.  
John W. Leavins, City Manager, City of Great Falls, Montana

**CERTIFICATE OF PUBLIC SERVICE DIRECTOR:**  
I, Lisa Brantley, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of \_\_\_\_\_ of the City of Great Falls, Montana, and that the same conforms to regulations governing the platting of lots, and is properly platting adjacent land, as near as circumstances will permit and is hereby approved as same.  
Lisa Brantley, Public Service Director, City of Great Falls, Montana

**CERTIFICATE OF SURVEY NO. \_\_\_\_\_**  
I, \_\_\_\_\_, Surveyor, do hereby certify that I have examined the accompanying plat of \_\_\_\_\_ of the City of Great Falls, Montana, and that the same conforms to regulations governing the platting of lots, and is properly platting adjacent land, as near as circumstances will permit and is hereby approved as same.  
\_\_\_\_\_, Surveyor

**CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES:**  
I, John W. Leavins, City Manager of City of Great Falls, Montana, do hereby certify that the City of Great Falls, Montana, is not providing and will not provide any services available in the above described property, namely the vital facilities of the City of Great Falls, Montana, and that the plat is valid pursuant to section 7-4-124 M.C.A., permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat.  
John W. Leavins, City Manager, City of Great Falls, Montana

**CERTIFICATE OF SURVEY NO. \_\_\_\_\_**  
I, \_\_\_\_\_, Surveyor, do hereby certify that I have examined the accompanying plat of \_\_\_\_\_ of the City of Great Falls, Montana, and that the same conforms to regulations governing the platting of lots, and is properly platting adjacent land, as near as circumstances will permit and is hereby approved as same.  
\_\_\_\_\_, Surveyor





AGENDA REPORT

DATE August 1, 2006

**ITEM:** RESOLUTION 9571 CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1306

**INITIATED BY:** FISCAL SERVICES DEPARTMENT

**ACTION REQUESTED:** CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION 9571

**PREPARED BY:** JUDY BURG, ACCOUNTING TECHNICIAN

**PRESENTED BY:** COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

— F-I-N-A-L —

RECOMMENDATION:

Staff recommends the City Commission conduct the public hearing and adopt Resolution No. 9571 creating Special Improvement Lighting District – City Owned Residential Lighting No. 1306.

MOTION:

“I move the City Commission adopt Resolution No. 9571.”

SYNOPSIS:

Staff received a signed petition from the developer of Meadowlark Addition No. 4 requesting street lights be installed. The petition is for the installation of nine (9) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring. There are eighteen (18) properties within the Meadowlark Addition No. 4. Boundaries and the positions of the street lighting for the petitioned area are outlined on Exhibit “A” included in the Intent to Create Resolution No. 9570.

Staff mailed letters regarding the City’s intention to create Special Improvement Lighting District – City Owned Residential Lighting No. 1306 along with a copy of the published legal notice and outlined the protest procedures to each person, firm or corporation, or a known agent having property located within the boundaries of the proposed district. During the 15 day protest period, no protest letters were received by the City regarding the creation of a special improvement lighting district as presented in the Intent to Create Special Improvement Lighting District – City Owned Residential Lighting No. 1306.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years. The estimated annual special improvement assessment (inclusive of capital, financing, operations and maintenance costs) in the newly created area will be \$110.31 for an average lot of 10,495 square feet. The estimated installation costs per parcel are shown on Exhibit “B” included in the Intent to Create Resolution No.9570. The property owners have the right to prepay the installation assessment as provided by law.

After the payment of construction costs are satisfied, there will continue to be an ongoing estimated annual maintenance assessment of \$70.53 for an average lot of 10,495 square feet for energy, transmission, distribution and other ongoing related costs as shown on Exhibit "C" included in the Intent to Create Resolution No. 9570.

**BACKGROUND:**

MCA 7-12-4301 and MCA 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.

On July 19, 2005 the City Commissioners adopted Resolution No. 9506 creating the City's Street Light Policy, which established a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by state.

## **RESOLUTION NO. 9571**

### **A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1306 IN THE CITY OF GREAT FALLS, MONTANA, TO INSTALL NINE (9) 100 WATT HPS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING TO ALONG CAMAS DRIVE TO INCLUDE PROPERTIES LOCATED IN MEADOWLARK ADDITION NO. 4**

WHEREAS, the City Commission of the City of Great Falls, duly and regularly passed and adopted Resolution No. 9570 on the 11<sup>th</sup> day of July, 2006, which Resolution of Intention to Create Special Improvement Lighting District – City Owned Residential Lighting No. 1306 is now on file in the office of the City Clerk and to which reference is hereby made; and

WHEREAS, the City Commission caused notice of the passage of the Resolution of Intention to be published in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, in the manner and form and during the period as required by law and also caused the City Clerk on the 14<sup>th</sup> day of July, 2006, that being the day of the first publication of the notice, to mail to each person, firm or corporation, or a known agent thereof, having property within the District, to the last known address of such person, firm or corporation or agent, a notice of the passage of the Resolution of Intention; and

WHEREAS, the City Commission having this day met in regular session, at the time and place fixed and mentioned in the Resolution of Intention and in said notices for a public hearing, and the passing upon protests, against the making of the proposed District therein; and the Commission having fully heard and considered all of such protests and other testimony.

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

Section 1. The City Commission does hereby find and determine that the protests and each of them made against the creation of the District and against the making of the proposed

improvements be and the same are hereby declared insufficient.

Section 2. There is hereby created a Special Lighting District to be known and designated as Special Improvement Lighting District – City Owned Residential Lighting No. 1306 of the City of Great Falls, Montana, and the improvements described in the Resolution of Intention are hereby ordered to be made.

Section 3. The boundaries of the District shall be the same as described in the Resolution of Intention to which reference is hereby made for a particular description thereof.

Section 4. The City Commission hereby makes reference to the Resolution of Intention for further particulars, including the method of assessing the costs of the improvements against the benefited properties.

Section 5. That the creation of this District will supercede and take precedence over any existing, overlapping street lighting district boundaries.

PASSED by the Commission of the City of Great Falls, Montana, on this 1<sup>st</sup> day of August, 2006.

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Dona R. Stebbins, Mayor

ATTEST:

---

Peggy Bourne, City Clerk

(SEAL OF CITY)

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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 9571 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1<sup>st</sup> day of August 2006, and approved by the Mayor of said City on the 1<sup>st</sup> day of August 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1<sup>st</sup> day of August 2006.

---

Peggy Bourne, City Clerk

(SEAL OF CITY)

A G E N D A   R E P O R T

DATE August 1, 2006

**ITEM:**                                    RESOLUTION 9572 MONTANA BOARD OF INVESTMENTS LOAN AGREEMENT FOR INSTALLATION OF NINE (9) CITY-OWNED RESIDENTIAL STREET LIGHTS ALONG CAMAS DR

**INITIATED BY:**                        FISCAL SERVICES DEPARTMENT

**ACTION REQUESTED:**                ADOPT RESOLUTION 9572

**PREPARED BY:**                        JUDY BURG, ACCOUNTING TECHNICIAN

**PRESENTED BY:**                       COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

— — — — —

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution 9572, authorizing 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 in Meadowlark Addition No. 4.

MOTION:

I move the City Commission adopt Resolution 9572 and authorize the City Manager to execute the loan documents.

SYNOPSIS:

The Montana Board of Investments has agreed to loan the City of Great Falls up to \$23,000 for the installation costs of nine (9) city-owned residential street lights along Camas Drive in Meadowlark Addition No. 4. The loan has a variable interest rate that changes annually in February and the current interest rate is 4.75%. The term of the loan will be 10 years.

On July 19, 2005 the City Commissioners adopted Resolution No. 9506 creating the City’s Street Light Policy, which establishes a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by state statute.

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



(Shaded Area For Board Use Only)

<b>Send Application and Exhibits To:</b> INTERCAP Loan Program Montana Board of Investments P.O. Box 200126 Helena, Mt. 59620-0126 Phone (406) 444-0001 Fax (406) 449-6579	Board Loan #
	Type Local Government
	Date Received:
	By:
<b>Application must be submitted by authorized local government representative</b>	

**Section 1. Applicant Information Summary**

Applicant Name →	City of Great Falls		
Mailing Address →	P. O. Box 5021		
Contact , Name and Title →	Coleen Balzarini, Fiscal Services Director		
Telephone number →	(406) 455-8478	Fax Number →	(406) 452-8048 e-mail → cbalzarini@ci.great-falls.mt.us
Federal Employer Identification Number →	81-6001269		

**Section 2. Loan Type information**

<b>Check One</b>	<b>Type of Loan Applied For – Based on term or repayment type</b>
<input type="checkbox"/>	1. Short Term Loan
<input checked="" type="checkbox"/>	2. General Fund Debt Loan (no obligation of full faith and credit of issuer)
<input type="checkbox"/>	3. Enterprise Debt Loan
<input type="checkbox"/>	4. General Obligation Loan (requires backing of full faith and credit of issuer)
<input type="checkbox"/>	5. Fire District and Fire Service Area Loan
<input type="checkbox"/>	6. Special or Rural Improvement District Loan

**Section 3. Project Information**

<b>A. Project Description and costs (Please provide specific details, e.g., type of vehicles, equipment, improvements, construction, etc. If more than one project is contemplated, please describe separately.)</b>			
1 <sup>st</sup> Project Description →	Design & Installation of nine (9) City-Owned Residential Street Lights – Meadowlark No. 4		
	Total 1 <sup>st</sup> Project Cost	\$ 23,000.00	
2 <sup>nd</sup> Project Description →			
	Total 2 <sup>nd</sup> Project Cost	\$	
<b>B. Project Funding (Please enter <u>all</u> sources of funding for each project described).</b>			
1 <sup>st</sup> Project Funding			
INTERCAP Portion of Loan →			\$ 23,000.00
Borrower Portion of loan , if any →			\$
Other Funding Sources (please specify) →			\$
	Total 1 <sup>st</sup> Project Cost	\$ 23,000.00	
2 <sup>nd</sup> Project Funding			
INTERCAP Portion of Loan →			\$
Borrower Portion of loan , if any →			\$
Other Funding Sources (please specify) →			\$
	Total 2 <sup>nd</sup> Project Cost	\$	
<b>C. Requested INTERCAP Loan Amount →</b>			<b>\$23,000.00</b>
<b>D. Requested Loan Term (years) →</b>	10 years		
<b>E. Desired INTERCAP Loan Funding Date →</b>	8/15/06		
<b>F. Environmental Impact of Project. Please describe the environmental impact of the proposed project and indicate whether any environmental review or permits are required for this project. If permits, review or approval is required, please indicate the type of approval required and the date on which approval is expected to be obtained.</b>			



### Section 4. References

<b>A. Project Attorney</b>					
Name →	David Gliko	Legal Firm →	City of Great Falls		
Complete Address →	P. O. Box 5021, Great Falls, MT 59403				
Telephone →	(406) 455-8441	Fax Number →	(406) 727-0181	e-mail →	<a href="mailto:dgliko@ci.great-falls.mt.us">dgliko@ci.great-falls.mt.us</a>
<b>B. Consulting Engineer (if applicable)</b>					
Name →	David Dobbs	Company →	City of Great Falls		
Complete Address →	P. O. Box 5021, Great Falls, MT 59403				
Telephone →	(406) 771-1258	Fax Number →	(406) 771-0700	e-mail →	<a href="mailto:ddobbs@ci.great-falls.mt.us">ddobbs@ci.great-falls.mt.us</a>
<b>C. Accounting Firm</b>					
Name →	Daniel J. Konen, CPA	Firm →	JCCS, P.C.		
Complete Address →	501 Park Drive South, Great Falls, MT 59405				
Telephone →	(406) 761-2820	Fax Number	(406) 761-2825	e-mail	<a href="mailto:dkonen@jccscca.com">dkonen@jccscca.com</a>

### Section 5. Authorized Representatives/Disbursement of Funds

<b>A. The individuals listed below are legally authorized to act on behalf of the Local Government with respect to the execution and delivery of all documents, certificates, or materials necessary to be provided to the Board of Investments in order to execute this loan agreement.</b>					
Name→	Coleen Balzarini	Title →	Fiscal Services Director		
Complete Address→	P. O. Box 5021, Great Falls, MT 59403				
Name→	John Lawton	Title →	City Manager		
Complete Address→	P. O. Box 5021, Great Falls, MT 59403				
Name→		Title →			
Complete Address→					
Name→		Title →			
Complete Address→					
<b>B. Loan proceeds are ordinarily disbursed by wire transfer. Please provide the following information.</b>					
Bank Name→	First Interstate Bank	Bank ABA Number →	[REDACTED]		
Applicant's Account Number→	[REDACTED]				

### Section 6. Financial Statement

1. Unless applying for a short-term interim financing loan (7A), please attach a copy of the Applicant's most recent audited financial statement. If the audited financial statement is not for the most recent completed fiscal year, please included a copy of the balance sheet and statement of revenues and expenditures for that fiscal year. Also include a copy of the current budget. Please include any additional information that would clarify or enhance the financial circumstances of the applicant or better describe the source of repayment of the loan.

### Section 7. Short Term Loans

There are two types of loans available for short term financing: 7A.) Interim financing in anticipation of Rural Development, TSEP, CDBG, or other state or federal loan or grant; and 7B.) Temporary cash flow borrowing.	
<input type="checkbox"/> 7A. Interim Financing	Please describe anticipated funding and attach verification of loan or grant.
<input type="checkbox"/> 7B. Temporary Cash Flow	On next line, please describe cash flow needs.
If loan request is 7A, go directly to Section 10. If loan request is 7B, complete the remaining sections of the application including an identified source of funding (Section 9).	

**Section 8. Property Value and Indebtedness**

**A. Property Value. Please use the most recent assessed value of taxable property under the applicant’s jurisdiction beginning with the most recent year.**

Fiscal Year →		ASSESSED (Market) VALUE			
Real Property →	\$	Personal Property →	\$	Total Assessed Value →	\$

**B. Indebtedness Capacity**

Statutory indebtedness limitation: _____% X assessed value	\$
Current outstanding indebtedness subject to limitations →	\$
Available debt authority →	\$

**Section 9. Source of Repayment of Loan**

Please complete only the appropriate section based on the source of repayment.

**9A. General Fund (general operating fund of the applicant).**

1. Please provide the general fund revenues for the current fiscal year and two preceding years. Please indicate if revenues are estimated. **\*\*Repayment will be from the Annual Assessment for Special Improvement Lighting Districts\*\***

	Fiscal Year	Revenue	Expense	Fund Balance
Current Year	2006	\$1,156,336.93	\$1,127,543.46	\$722,262.29
Prior Year	2005	\$1,172,367.86	\$1,088,105.55	\$693,468.82
Prior Year	2004	\$1,201,269.89	\$1,090,370.05	\$609,206.51

2. Is the applicant, levying taxes for its general fund up to the maximum permitted mill levy authorized by Title 15, Chapter 10, Part 4, Montana Code Annotated, as amended (“the Property Tax Limitation Act”)?

Yes  No

3. Is the applicant currently delinquent, in default, or in arrears on any bond, loan, lease or any other type of obligation or agreement, payable from any source?

Yes  No

4. If the prior question is affirmative, please indicate the nature of the extent of such delinquency, default or arrears. Please indicate what action the applicant is taking to correct such delinquency, default or arrearage.

5. Has an amount necessary to pay the first installment on the loan been included in the budget for the current fiscal year?

Yes  No

6. If no funds are currently budgeted, will a budget amendment include this financing?

Yes  No

**9B. Enterprise Fund or Revenue Financing.**

1. Please provide the projected rates and charges to support the loan repayment.

Name of Enterprise →		Billing Frequency →	
Rates/charges Residential →	\$	Number Residential Users →	
Rates/charges Commercial →	\$	Number Commercial Users →	

2. List the outstanding debt of the enterprise fund from which the loan is to be repaid (include bonds, lease purchase agreements or installment purchase contracts). Please attach a copy of the resolution authorizing the outstanding debt.

Purpose of Debt	Beginning date of debt	Final Year of Maturity	Debt Amount Outstanding	Maximum Debt Service (excluding INTERCAP Loan)	Debt Payment Dates
			\$	\$	
			\$	\$	
			\$	\$	

3. Please show revenues and Operations & maintenance expenses **excluding debt service or depreciation expense** for the last four fiscal years beginning with the current fiscal year.

Fiscal Year	#1: Revenues	#2: Operation & Maintenance Expense	#3: Revenues less Operations & Maintenance Expense (#1 - #2)	#4: Debt Service Expense	#5: Ratio of Net Revenues (#3 / #4)
Current FY	\$	\$	\$	\$	\$
Prior FY	\$	\$	\$	\$	\$
Prior FY	\$	\$	\$	\$	\$
Prior FY	\$	\$	\$	\$	\$

4. Please show estimated budget for next two years. **Projected expenses are for operations & maintenance (do not include debt service or depreciation expenses)** Include INTERCAP loan debt service (at assumed loan rate of 5.4%) in projected expenses for debt service.

Fiscal Year	Projected Revenues	Projected Expense	Projected Debt Service Expense
	\$	\$	\$
	\$	\$	\$

5. If the budget data shown in #4 above reflects an increase in the enterprise rate or charges please show increases

Fiscal Year	No. Residential Users	Projected Rate	No. Commercial Users	Projected Rate
		\$		\$
		\$		\$

**9C. General Obligation Loan**

1. If the loan is to be a general obligation of the applicant, payable from an ad valorem property tax levied on all property within its jurisdiction without limitation as to rate or amount, please complete the following.

Date Voters Authorized Debt →	Amount of Debt Authorized →	\$
-------------------------------	-----------------------------	----

2. Purpose of Borrowing as indicated on Ballot:  
 3. Term over which loan is to be repaid (5 year limit for school building reserve loans) →

4. Please provide the following information regarding the total revenue and expenditures

Fiscal Year	Anticipated Revenue over next three years	Anticipated Expenditures over next three years	Fiscal Year	Annual Revenues for last three years	Annual expenditures for last three years
	\$	\$		\$	\$
	\$	\$		\$	\$
	\$	\$		\$	\$

5. If the new revenue source is also pledged for other projects or purposes, please specify.

6. If the source of new revenue were lost, could general fund repay the loan? Yes  No

**9D. Fire District and Fire Service Area Loans**

1. Please provide the following information regarding applicant's general fund.				Fire District
Fiscal Year	Revenues	Expenses	Fund Balance	# Authorized Mills
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	

2. For Fire Service Area: Fee per structure → \$ # Structures in area →

3. Is applicant levying taxes up to the maximum mill levy authorized by Title 15, Chapter 10, Part 4, Montana Code Annotated, as amended (the "Property Tax Limitation Act")? Yes  No

List the outstanding debt of the fund from which the loan is to be repaid (include bonds, lease purchase agreements or installment purchase contracts):

Purpose of Debt	Beginning Date of Debt	Final Year of Maturity	Debt Amount Outstanding	Maximum Debt Service (excluding INTERCAP loan)	Debt Payment Dates
			\$	\$	
			\$	\$	
			\$	\$	

4. On the next line, please indicate if the applicant is currently delinquent, in default, or in arrears on any bond, loan, lease or any other type of obligation or agreement, and the nature and extent of such delinquency, default or arrears. Also please indicate what action the applicant is taking to correct such delinquency, default or arrears.

5. Has an amount necessary to pay the first installment of the project to be financed from the loan been included in the budget for the current fiscal year?

Yes  No

6. If no funds are currently budgeted, will a budget amendment include this financing?

Yes  No

**9E. Special or Rural Improvement District Loan**

1. Has the District been created? Yes  No

2. If the district has been created, please enclose with the application the transcript of proceedings creating the district. (A list of items constituting the transcript includes: Resolution of Intent to Create, Resolution to Create, Resolution Creating Revolving Fund).

3. Approximate size of District in acres → 4. Number of Parcels assessed in District →

5. Method of Assessment → Assessable Area  Area  Ad Valorem  Unit Cost Assessment

6. Taxable Valuation of the District → \$

7. Estimated average annual per property assessment needed to repay loan (5.4% interest rate) → \$

8. Allocation of property within District (based on method of assessment):

Category	Developed	Undeveloped	
Commercial	%	%	
Industrial	%	%	
Single-Family Residential	%	%	
Multi-Family residential	%	%	
Agricultural	%	%	

9. On the line below, please describe the location of the district within the boundaries of the applicant.

10. If there are currently any bonds, notes, or warrants payable from special assessments please complete:

No. of SID/RID's Outstanding	Total Original Amount	Total Principal Amount Outstanding	Term Remaining	Amount of Delinquent Assessments if Any
	\$	\$		\$

11. If any SID/RID's have a delinquency of assessments greater than 5% , please provide the following information

District No.	Original Amount Assessed	Total Principal Amount Outstanding	Original Term of Debt	Amount of Delinquent Assessment	Percent of Delinquent Assessment
	\$	\$		\$	%
	\$	\$		\$	%

12. Do any of the above districts overlap with the district boundaries from which the loan is payable?

Yes  No

13. What is the current balance in the Revolving Fund securing those bonds or notes → \$

**9F. Other Repayment Sources**

1. If the loan is to be repaid from sources other than those listed above, please provided the following information (if more than one request is to be repaid from such sources, please make additional pages as needed.

Please indicate the source of the other revenue:

Fiscal Year	Anticipated Revenue over next three years	Anticipated Expenditures over next three years	Fiscal Year	Annual Revenues for last three years	Annual Expenditures for last Three Years
	\$	\$		\$	\$
	\$	\$		\$	\$
	\$	\$		\$	\$

2. If the source(s) of revenue is pledged for other projects please indicate the amount pledged → \$

3. If the source of revenue were lost, could the applicant repay loan from general fund? Yes  No

**Section 10. Endorsement**

I hereby certify as preparer of this application on behalf of the applicant that all of the information contained herein is true, accurate and complete as of the date hereof

Dated this 1<sup>st</sup> Day of August 2006

By \_\_\_\_\_ Title: City Manager

Please print or type name John Lawton

(GENERAL FUND LOAN)

RESOLUTION AUTHORIZING PARTICIPATION IN THE INTERCAP PROGRAM

CERTIFICATE OF MINUTES RELATING TO  
RESOLUTION NO. 9572

Issuer: City of Great Falls

Kind, date, time and place of meeting: A City Commission meeting held on August 1, 2006 at 7 o'clock p.m. in Great Falls, Montana.

Members present:

Members absent:

RESOLUTION NO.9572

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

I, the undersigned, being the fully qualified and acting recording officer of the public body issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of the public body in my legal custody, from which they have been transcribed; that the documents are a correct and complete transcript of the minutes of a meeting of the governing body at the meeting, insofar as they relate to the obligations; and that the meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this \_\_\_\_ day of \_\_\_\_\_, 2006.

By \_\_\_\_\_  
Its \_\_\_\_\_

RESOLUTION NO. 9572

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

BE IT RESOLVED BY THE CITY COMMISSION (the Governing Body) OF THE CITY OF GREAT FALLS (the Borrower) AS FOLLOWS:

ARTICLE I

DETERMINATIONS AND DEFINITIONS

Section 1.01. Definitions. The following terms will have the meanings indicated below for all purposes of this Resolution unless the context clearly requires otherwise. Capitalized terms used in this Resolution and not defined herein shall have the meanings set forth in the Loan Agreement.

Adjusted Interest Rate means the rate of interest on the Bonds determined in accordance with the provisions of Section 3.03 of the Indenture.

Authorized Representative shall mean the officers of the Borrower designated and duly empowered by the Governing Body and set forth in the application.

Board shall mean the Board of Investments of the State of Montana, a public body corporate organized and existing under the laws of the State and its successors and assigns.

Board Act shall mean Section 2-15-1808, Title 17, Chapter 5, Part 16, MCA, as amended.

Bonds shall mean the Bonds issued by the Board pursuant to the Indenture to finance the Program.

Borrower shall mean the Borrower above named.

Indenture shall mean that certain Indenture of Trust dated March 1, 1991 by and between the Board and the Trustee pursuant to which the Bonds are to be issued and all supplemental indentures thereto.

Loan means the loan of money by the Board to the Borrower under the terms of the Loan Agreement pursuant to the Act and the Borrower Act and evidenced by the Note.

Loan Agreement means the Loan Agreement between the Borrower and the Board, including any amendment thereof or supplement thereto entered into in accordance with the provisions thereof and hereof.

Loan Agreement Resolution means this Resolution or such other form of resolution that the Board may approve and all amendments and supplements thereto.

Loan Date means the date of closing a Loan.

Loan Rate means the rate of interest on the Loan which is initially 4.75% per annum through February 15, 2007 and thereafter a rate equal to the Adjusted Interest Rate on the Bonds and up to 1.5% per annum as necessary to pay Program Expenses.



Note means the promissory note to be executed by the Borrower pursuant to the Loan Agreement, in accordance with the provisions hereof and thereof, in substantially the form set forth in the Promissory Note, or in such form that may be approved by the Board.

Program shall mean the INTERCAP Program of the Board pursuant to which the Board will issue and sell Bonds and use the proceeds to make loans to participating Eligible Government Units.

Project shall mean those items of equipment, personal or real property improvements to be acquired, installed, financed or refinanced under the Program as set forth in the Description of the Project/Summary of Draws.

Trustee shall mean U.S. Bank Trust National Association MT (formerly known as First Trust Company of Montana National Association) and its successors.

Section 1.02. Authority. The Borrower is authorized to undertake the Project and is further authorized by the Borrower Act to enter into the Loan Agreement for the purpose of obtaining a loan to finance or refinance the acquisition and installation costs of the Project.

Section 1.03. Execution of Agreement and Delivery of Note. Pursuant to the Indenture and the Board Act, the Board has issued and sold the Bonds and deposited a part of proceeds thereof in the Loan Fund held by the Trustee. The Board has, pursuant to the Term Sheet, agreed to make a Loan to the Borrower in the principal amount of \$23,000.00 and upon the further terms and conditions set forth herein, and as set forth in the Term Sheet and the Loan Agreement.

## ARTICLE II

### THE LOAN AGREEMENT

Section 2.01. Terms. (a) The Loan Agreement shall be dated as of the Loan Date, in the principal amount of \$23,000.00 and shall constitute a valid and legally binding obligation of the Borrower. The obligation to repay the Loan shall be evidenced by a Promissory Note. The Loan shall bear interest at the initial rate of 4.75% per annum through February 15, 2007 and thereafter at the Adjusted Interest Rate, plus up to 1.5% per annum as necessary to pay the cost of administering the Program (the Program Expenses). All payments may be made by check or wire transfer to the Trustee at its principal corporate trust office.

(b) The Loan Repayment Dates shall be February 15 and August 15 of each year.

(c) The principal amount of the Loan may be prepaid in whole or in part provided that the Borrower has given written notice of its intention to prepay the Loan in whole or in part to the Board no later than 30 days prior to the designated prepayment date.

(d) The Prepayment Amount shall be equal to the principal amount of the Loan outstanding, plus accrued interest thereon to the date of prepayment.

(e) Within fifteen days following an Adjustment Date, the Trustee shall calculate the respective amounts of principal and interest payable by each Borrower on and with respect to its Loan Agreement and Note for the subsequent August 15 and February 15 payments, and prepare and mail by first class mail a statement therefor to the Borrower.

Section 2.02. Use and Disbursement of the Proceeds. The proceeds of the Loan will be expended solely for the purposes set forth in the Description of the Project/Summary of Draws. The proceeds from the sale of the Note to the Board shall remain in the Borrower's Account pending disbursement at the request of the Borrower to pay the budgeted expenditures in anticipation of which the Note was issued. Requests for disbursement of the Loan shall be made to the Board. Prior to the closing of the Loan and the first disbursement, the Borrower shall have delivered to the

Trustee a certified copy of this Resolution, the executed Loan Agreement and Note in a form satisfactory to the Borrower's Counsel and the Board's Bond Counsel and such other certificates, documents and opinions as set forth in the Loan Agreement or as the Board or Trustee may require. The Borrower will pay the loan proceeds to a third party within five business days after the date they are advanced (except for proceeds to reimburse the Borrower for previously paid expenditures, which are deemed allocated on the date advanced).

Section 2.03. Payment and Security for the Note. In consideration of the making of the Loan to the Borrower by the Board, the provisions of this Resolution shall be a part of the Agreement of the Borrower with the Board. The provisions, covenants and Agreements herein set forth to be performed by or on behalf of the Borrower shall be for the benefit of the Board. The Loan Agreement and Note shall constitute a valid and legally binding obligation of the Borrower and the principal of and interest on the Loan shall be payable from the general fund of the Borrower, and any other money and funds of the Borrower otherwise legally available therefor. The Borrower shall enforce its rights to receive and collect all such taxes and revenues to insure the prompt payment of the Borrower obligations hereunder.

Section 2.04. Representation Regarding the Property Tax Limitation Act. The Borrower recognizes and acknowledges that the amount of taxes it may levy is limited by the state pursuant to Section 15-10-402, et. seq. (the Property Tax Limitation Act). The Borrower is familiar with the Property Tax Limitation Act and acknowledges that the obligation to repay the Loan under the Agreement and Note are not exceptions to the provisions of the Property Tax Limitation Act. The Borrower represents and covenants that the payment of principal of and interest on the Loan can and will be made from revenues available to the Borrower in the years as they become due, notwithstanding the provisions of the Property Tax Limitation Act.

Section 2.05. Levy and Appropriate Funds to Repay Loan. The Borrower agrees that in order to meet its obligation to repay the Loan and all other payments hereunder that it will budget, levy taxes for and appropriate in each fiscal year during the term of the Loan an amount sufficient to pay the principal of and interest hereon within the limitations of the Property Tax Limitation Act, as may be amended, and will reduce other expenditures if necessary to make the payments hereunder when due.

### ARTICLE III

#### CERTIFICATIONS, EXECUTION AND DELIVERY

Section 3.01. Authentication of Transcript. The Authorized Representatives are authorized and directed to prepare and furnish to the Board and to attorneys approving the validity of the Bonds, certified copies of this Resolution and all other resolutions and actions of the Borrower and of said officers relating to the Loan Agreement, the Note, and certificates as to all other proceedings and records of the Borrower which are reasonably required to evidence the validity and marketability of the Note. All such certified copies and certificates shall be deemed the representations and recitals of the Borrower as to the correctness of the statements contained therein.

Section 3.02. Legal Opinion. The attorney to the Borrower is hereby authorized and directed to deliver to the Board at the time of Closing of the Loan his or her opinion regarding the Loan, the Loan Agreement, the Note and this Resolution in substantially the form of the opinion set forth in the Attorney's Opinion.

Section 3.03. Execution. The Loan Agreement, Note, and any other document required to close the Loan shall be executed in the name of the Borrower and shall be executed on behalf of the Borrower by the signatures of the Authorized Representatives of the Borrower.

PASSED AND APPROVED by the CITY COMMISSION this 1<sup>st</sup> day of August, 2006.

By \_\_\_\_\_  
Its \_\_\_\_\_

Attest:

By \_\_\_\_\_  
Its \_\_\_\_\_

**A G E N D A   R E P O R T**

**DATE** August 1, 2006

**ITEM** Resolutions No. 9594 & 9595, Intent to Annex, and Ordinance No. 2948 to Establish City Zoning for East Great Falls Retail Center Addition and Accompanying Public Road Rights-of-Way

**INITIATED BY** Property Owners

**ACTION REQUESTED** Commission Adopt Resolutions No. 9594 & 9595, which sets Public Hearing for September 5, 2006, and Accept Ordinance No. 2948 on First Reading and Set Hearing

**PREPARED BY** Bill Walters, Senior Planner

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

- - - - -

**RECOMMENDATION:**

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

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

“I move the City Commission adopt Resolution No. 9594.”

and

“I move the City Commission adopt Resolution No. 9595.”

and

“I move the City Commission accept Ordinance No. 2948 on first reading and set a public hearing for September 5, 2006, to consider adoption of Ordinance No. 2948.”

**SYNOPSIS:**

Resolution No.9594 sets a public hearing for September 5, 2006, to consider annexation of portions of 10<sup>th</sup> Avenue South, U.S. Highway 87/89, and 50<sup>th</sup> and 52<sup>nd</sup> Streets South. Resolution No. 9595 sets a public hearing for September 5, 2006, to consider annexation of the East Great Falls Retail Center Addition located along the south side of 10<sup>th</sup> Avenue South at 57<sup>th</sup> Street. Ordinance No. 2948 assigns a zoning classification of C-2 General commercial district to subject property upon annexation to the City.

**BACKGROUND:**

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

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

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

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

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

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

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

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

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

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

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

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

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

Goals of the land use element include:

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

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

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

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

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

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

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

A copy of the Planning Board/Zoning Commission Hearing Minutes of February 28, 2006, and the Annexation Agreement for East Great Falls Retail Center Addition will be provided to the Commission prior to the September 5, 2006, public hearing.

Attach: Res. No. 9594

Res. No. 9595

Ord. No. 2948

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

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

RESOLUTION NO. 9594

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

\* \* \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

S00°30'49"W a distance of 70.00 feet;

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

THENCE N00°29'23"E along last said station, a distance of 20.00 feet to the southeast corner of the parcel described in Book 190, Page 529 in the

records of Cascade County and a point on the southerly right-of-way of said U.S. Highway 87 & 89;

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

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

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

and containing 21.961 acres, and

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

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

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

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

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: "PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 5th day of September, 2006, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "PORTIONS OF 10<sup>TH</sup> AVENUE SOUTH AND U.S. HIGHWAY 87 & 89 AND SEGMENTS OF 50<sup>TH</sup> AND 52<sup>ND</sup> STREETS SOUTH, ALL SITUATED IN THE NW1/4 OF SECTION 15, AND THE

NE1/4 OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M.,  
CASCADE COUNTY, MONTANA.”

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1st 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   )

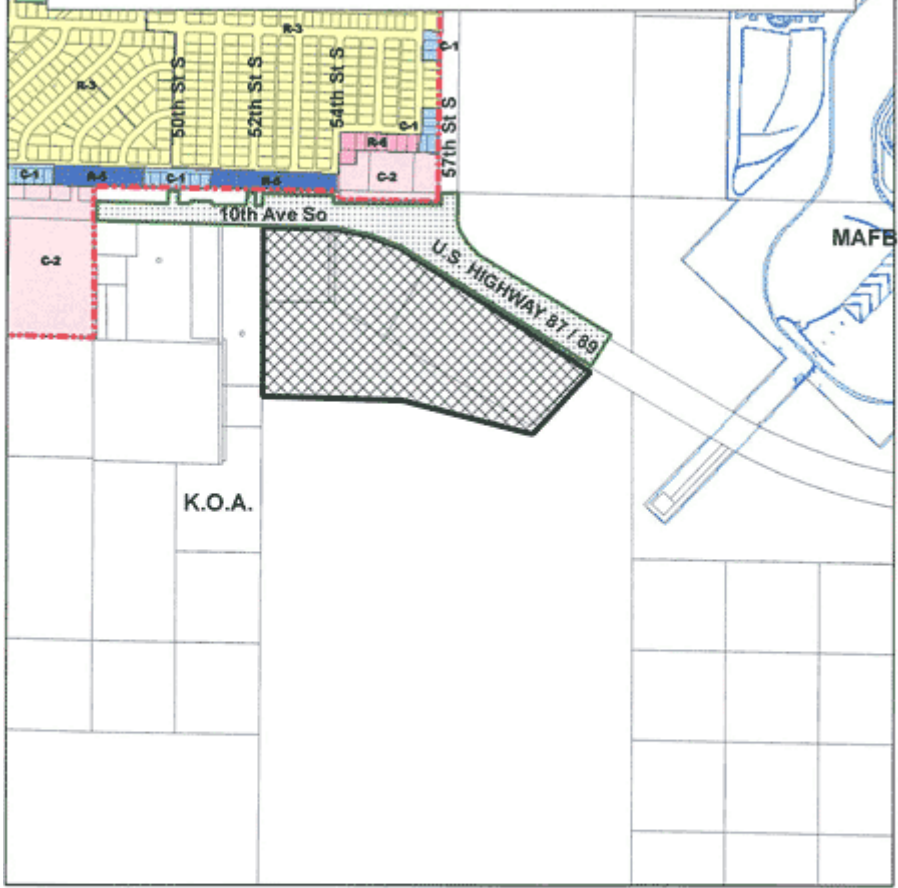
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9594 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1<sup>st</sup> day of August, 2006, wherein it was approved by said Commission.






IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of August, 2006.

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

(SEAL OF CITY)

# VICINITY / ZONING MAP



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









- Base Zoning Districts**
-  R-3 Single-family high density
  -  R-5 Multi-family medium density
  -  R-6 Multi-family high density
  -  C-1 Neighborhood commercial
  -  C-2 General commercial
  -  POS Parks and Open Space
-   
N
-  Feet  
0 230 460 920 1,380 1,840

EXHIBIT "A"

RESOLUTION NO. 9595

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

\* \* \* \* \*

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

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

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

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

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

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof that the boundaries of said City of Great Falls shall be extended so as to include: "EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 5th day of September, 2006, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons

and all things relative to the proposed annexation of "EAST GREAT FALLS RETAIL CENTER ADDITION IN THE NW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1st 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   )

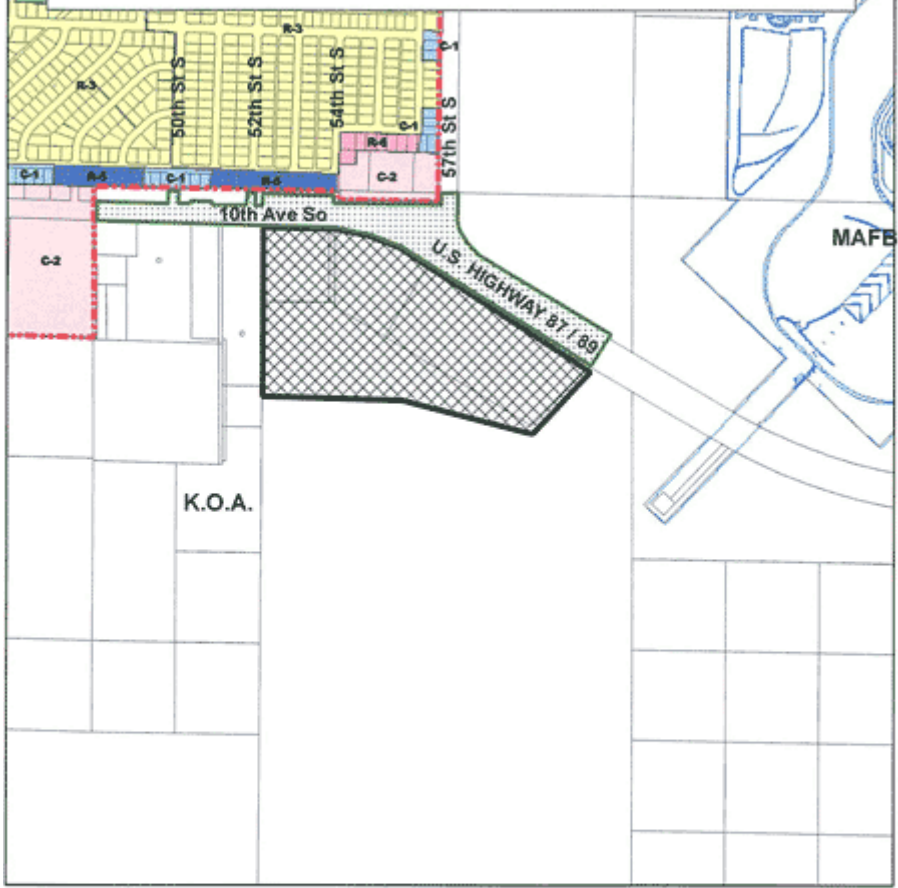
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9595 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1<sup>st</sup> day of August, 2006, wherein it was approved by said Commission.






IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of August, 2006.

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

(SEAL OF CITY)

# VICINITY / ZONING MAP



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









- Base Zoning Districts**
-  R-3 Single-family high density
  -  R-5 Multi-family medium density
  -  R-6 Multi-family high density
  -  C-1 Neighborhood commercial
  -  C-2 General commercial
  -  POS Parks and Open Space
-   
 Feet  
 0 230 460 920 1,380 1,840

EXHIBIT "A"

ORDINANCE NO. 2948

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

\* \* \* \* \*

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

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

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

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to said East Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th day of September, 2006, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of East Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, all as described on the Minor Subdivision Plat East Great Falls Retail Center Addition, be designated as C-2 General commercial district classification.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolutions annexing East Great Falls Retail Center Addition, portions of 10<sup>th</sup> Avenue South and U.S. Highway 87 & 89, and segments of 50<sup>th</sup> and 52<sup>nd</sup> Streets South, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.



PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 5th day of September, 2006.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2948 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 5th day of September, 2006.

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

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

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 5th day of September, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2948 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

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

(SEAL OF CITY)



AGENDA REPORT

DATE August 1, 2006

ITEM Resolution No. 9591 Intent to vacate a segment of 20<sup>th</sup> Street South within Vo-Tech Addition

INITIATED BY MSU-Great Falls College of Technology

ACTION REQUESTED Adopt Resolution No. 9591 and Set Public Hearing for August 15, 2006

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

**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. 9591.

**MOTION:**

"I move the City Commission adopt Resolution No. 9591."

**SYNOPSIS:**

Resolution No. 9591 sets a public hearing for August 15, 2006, to consider vacating the unimproved segments of 20<sup>th</sup> Street South, 19<sup>th</sup> Alley South, 19<sup>th</sup> Avenue South, 20<sup>th</sup> Alley South and 20<sup>th</sup> Avenue South, dedicated on the original plat of Vo-Tech Addition.

**BACKGROUND:**

The MSU-College of Technology proposes the subject rights-of-way be vacated and rededicated in the alignment shown on the attached Amended Plat. This realignment provides for an s-curve in the roadway to realign 20<sup>th</sup> Street South along the east boundary of Prospect Park Addition. In addition, the lots contained in the area 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 20<sup>th</sup> 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 20<sup>th</sup> Street South, when deemed necessary by the City.

For additional information, please refer to the attached Vicinity Map, reduced Amended Plat and Res. No 9591.

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 Schafer's affiliation with the College of Technology, he recused himself from discussion and voting on the issue.

- Attachments: Vicinity Map
- Amended Plat
- Res. No. 9591

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

RESOLUTION NO. 9591

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE A SEGMENT OF 20<sup>TH</sup> STREET 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 20<sup>th</sup> Street South, 19<sup>th</sup> Alley South, 19<sup>th</sup> Avenue South, 20<sup>th</sup> Alley South and 20<sup>th</sup> 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 20<sup>th</sup> 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

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

That Tuesday, the 15<sup>th</sup> day of August, 2006, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of unimproved segments of 20<sup>th</sup> Street South, 19<sup>th</sup> Alley South, 19<sup>th</sup> Avenue South, 20<sup>th</sup> Alley South and 20<sup>th</sup> Avenue South within Vo-Tech Addition; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of this Resolution to be: (1) published once in the Great Falls Tribune, the newspaper published nearest such land; and, (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1<sup>st</sup> day of August, 2006.

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Dona R. Stebbins, Mayor

ATTEST:

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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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. 9591 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1<sup>st</sup> 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 1<sup>st</sup> day of August, 2006.

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Peggy J. Bourne, City Clerk

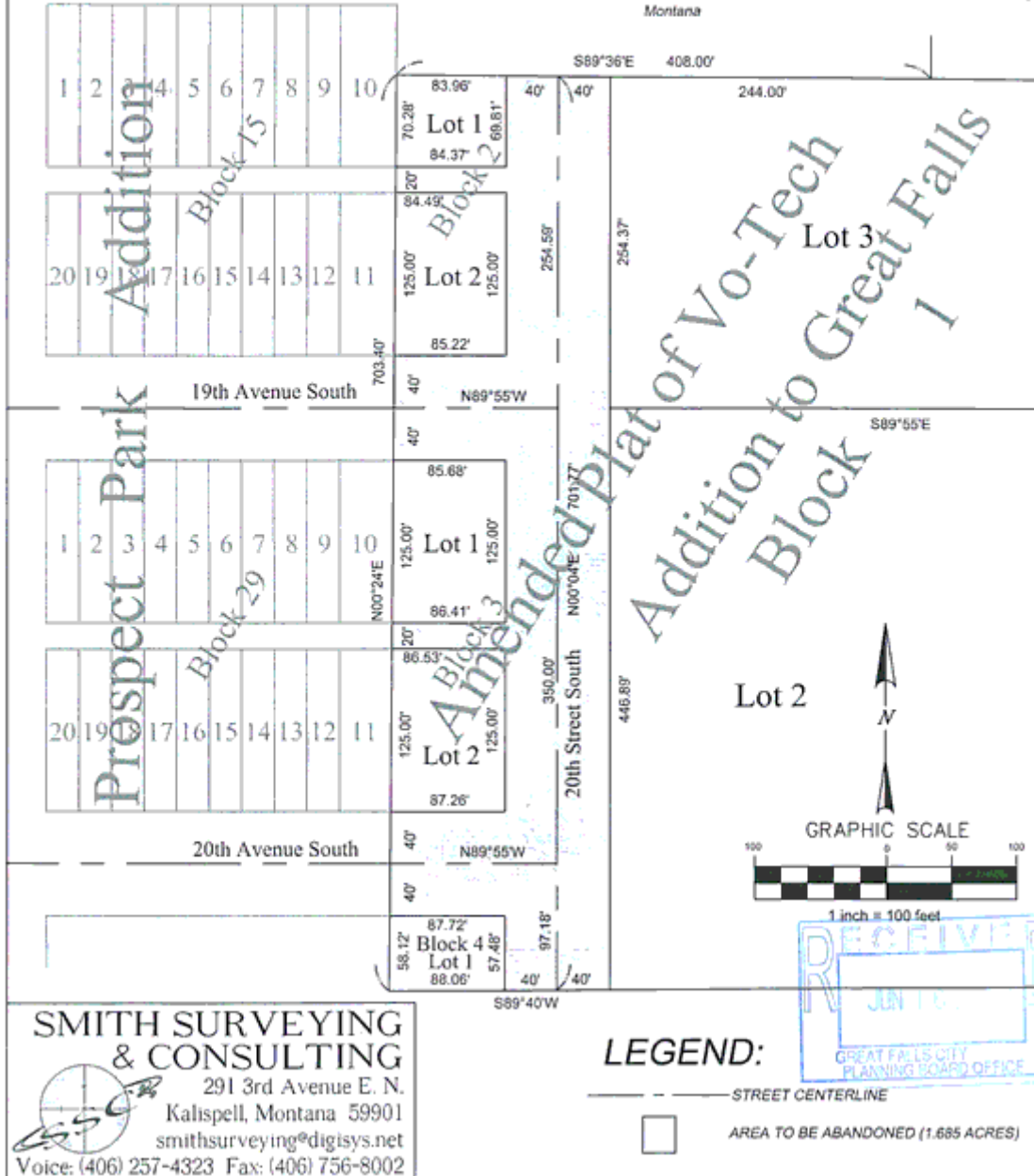
(SEAL OF CITY)

# 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**



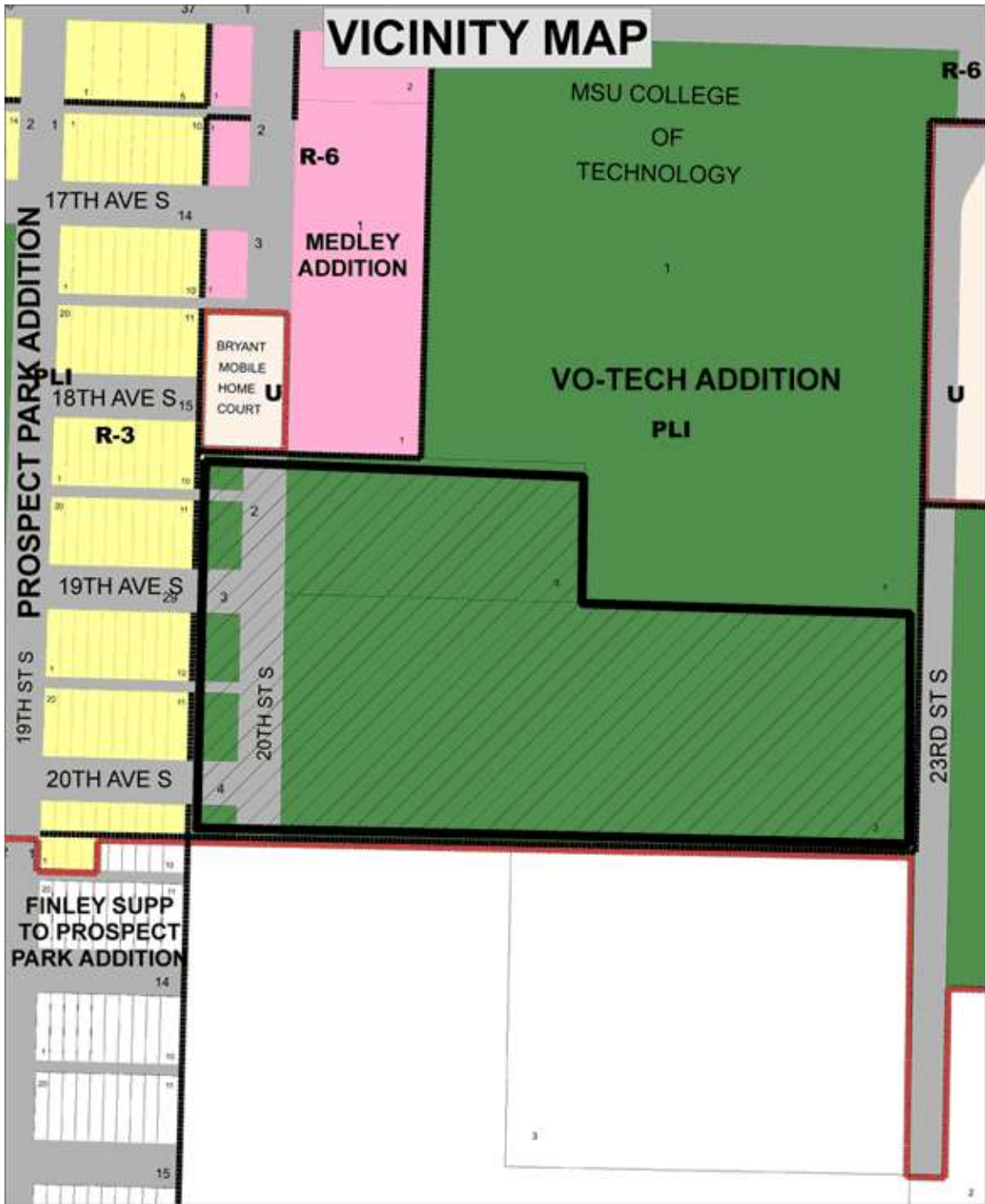
291 3rd Avenue E. N.  
 Kalispell, Montana 59901  
 smithsurveying@digisys.net  
 Voice: (406) 257-4323 Fax: (406) 756-8002

**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

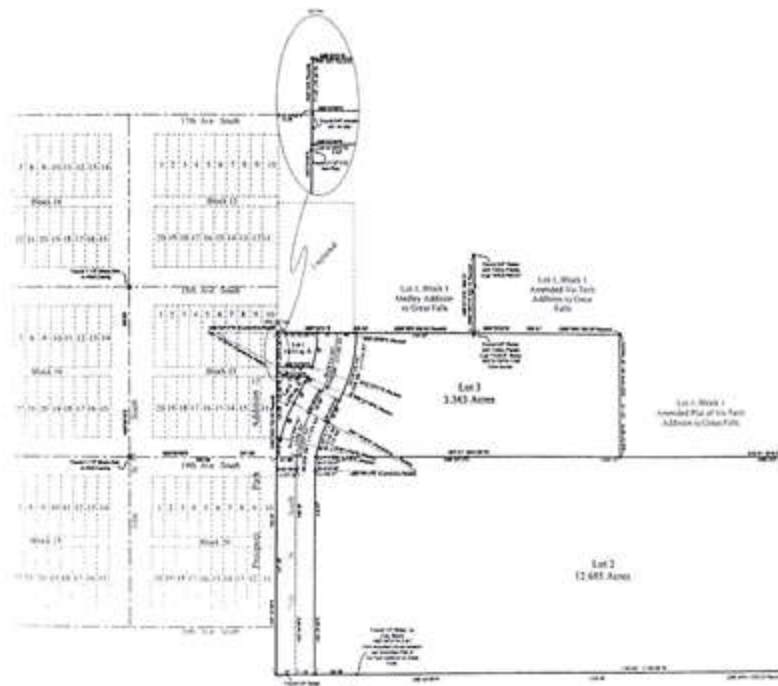


R-6 Multi-family high density



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 DESCRIPTION**  
 I, Gary Allen, Clerk of Cascade County, Cascade County, Montana, do hereby certify that the plat 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 Amended 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, Clerk of Cascade County, Cascade County, Montana

STATE OF MONTANA )  
 ) ss.  
 COUNTY OF CASCADE )

I, Gary Allen, Clerk of Cascade County, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

NOTICE

NOTARY PUBLIC for the State of Montana  
 Gary Allen, Notary Public, Cascade County, Montana

**CERTIFICATE OF PROFESSIONAL LAND SURVEYOR**  
 I, G. A. Smith, a Licensed Professional Land Surveyor, do hereby certify that I have performed the survey shown on the attached amended plat, that such survey was performed in May of 2008, that said survey is true and complete as shown, and that the monuments found and set are of the character and quantity the plat shows shown thereon.

G. A. Smith  
 License Registration No. 47408  
 Dated the \_\_\_\_ day of \_\_\_\_\_, 2008.

Checked: \_\_\_\_\_ Date of Review: \_\_\_\_\_  
 Prepared: \_\_\_\_\_ Amended Plat No.: \_\_\_\_\_  
 For: \_\_\_\_\_ Date of Submission: \_\_\_\_\_  
 Date: May 11, 2008

**CERTIFICATE OF COUNTY TREASURER**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that I have reviewed the above plat and find that the same is a true and correct copy of the original plat as shown on the plat herein attached.

\_\_\_\_\_  
 Cascade County Treasurer

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that I have reviewed the above plat and find that the same is a true and correct copy of the original plat as shown on the plat herein attached.

\_\_\_\_\_  
 Cascade County Commissioners

ATTEST:  
 \_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF ADEQUACY OF FINANCIAL RESOURCES**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF PLANNING BOARD**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF PUBLIC SAFETY**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk

**CERTIFICATE OF CITY COMMISSIONERS**  
 I, \_\_\_\_\_, Cascade County, Montana, do hereby certify that the above described tract is to be shown and registered as described in the Amended 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.

\_\_\_\_\_  
 Cascade County City Clerk



STATE OF MONTANA ) ss.  
 COUNTY OF CASCADE )  
 FILED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2008, AT \_\_\_\_  
 COUNTY CLERK AND RECORDER ) DEPUTY  
 ATTEST: \_\_\_\_\_



## AGENDA REPORT

DATE August 1, 2006ITEM Ordinance No. 2945 to Establish City Zoning Upon South Park Addition Phase 1INITIATED BY North Park Investments, LLP, Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2945 on First Reading and Set HearingPREPARED BY Bill Walters, Senior PlannerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of R-3 Single-family high density district to South Park Addition Phase 1, upon annexation to the City.

**MOTION:**

"I move the City Commission accept Ordinance No. 2945 on first reading and set a public hearing for September 5, 2006, to consider adoption of Ordinance No. 2945."

**SYNOPSIS:**

Ordinance No. 2945 assigns a zoning classification of R-3 Single-family high density district, to South Park Addition Phase 1, upon annexation of same to City. The proposed development consists of 18 single-family residential lots located between Grande Vista Park and Flood Road.

**BACKGROUND:**

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

For additional information, please refer to the attached material.

- Vicinity/Zoning Map
- Reduced copy of drawing portion of Final Plat of South Park Addition

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

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

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

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

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

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

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

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

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

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

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

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

It is anticipated the City Commission, following the public hearing on September 5, will consider an annexation resolution, annexation agreement and final plat for South Park Addition Phase 1, simultaneously with Ordinance No. 2945.

Attach: Ord. No. 2945  
Vicinity/Zoning Map  
Reduced copy of drawing portion of Final Plat of South Park Addition

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

ORDINANCE NO. 2945

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

\* \* \* \* \*

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

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

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

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

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

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

Section 2. That the zoning of South Park Addition Phase 1, be designated as R-3 Single-family high density district classification.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing South Park Addition Phase 1, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 5th day of September, 2006.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2945 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 5th day of September, 2006.

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

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

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 5th day of September, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2945 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

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

(SEAL OF CITY)

# VICINITY/ZONING MAP



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

PORTION OF FLOOD ROAD PROPOSED TO BE ANNEXED

<span style="display: inline-block; width: 15px; border-bottom: 1px dashed red;"></span> CITY LIMITS	<span style="display: inline-block; width: 15px; height: 10px; background-color: blue;"></span> R-5 Multi-family medium density
<span style="display: inline-block; width: 15px; border: 1px solid black;"></span> TRACTS OF LAND OUT OF CITY	<span style="display: inline-block; width: 15px; height: 10px; background-color: gray;"></span> PLI Public Lands and Institutional
<span style="display: inline-block; width: 15px; height: 10px; background-color: purple;"></span> R-2 Single-family medium density	<span style="display: inline-block; width: 15px; height: 10px; background-color: green;"></span> POS Parks and Open Space
<span style="display: inline-block; width: 15px; height: 10px; background-color: yellow;"></span> R-3 Single-family high density	<span style="display: inline-block; width: 15px; height: 10px; background-color: pink;"></span> PUD Planned unit development
	<span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black;"></span> U Unincorporated Enclaves

STREETS

1,000    500    0    1,000 Feet



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

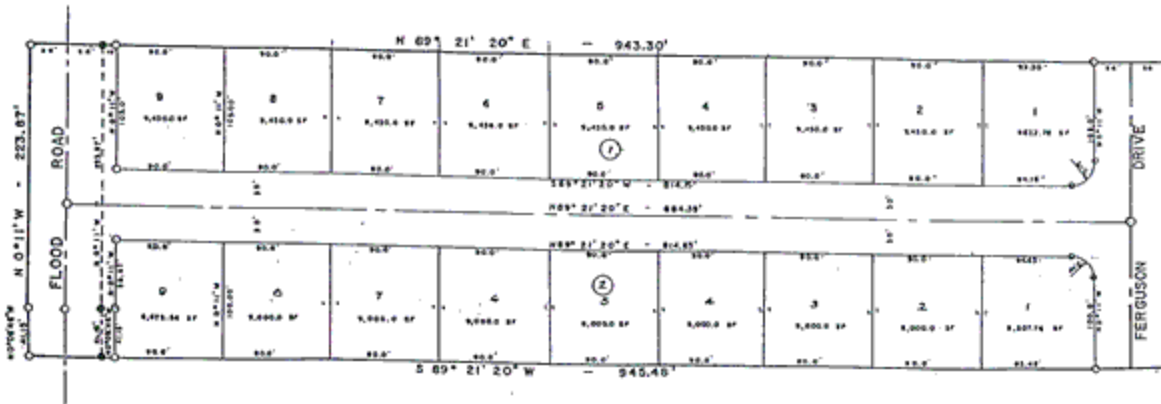
IN THE  $\frac{1}{2}$  OF SECTION 22, T. 20 N., R. 3 E., P.M.M.  
CASCADE COUNTY, MONTANA



**LEGEND:**

OWNERS: *MOORE INVESTMENTS LLC*  
 REASON FOR SURVEY: SOUTH PARK ADDITION  
 BASIS OF BEARINGS: PLAT #3488  
 ● FOUND CORNERS BY MOORE (4421LS)  
 ○ SET 64" X 24" REBAR (4421LS)

TOTAL NET LOT AREA	.....	166,903.
DEDICATED STREET AREA	.....	83,253.
TOTAL AREA OF SUBDIVISION	.....	250,257.



**AGENDA REPORT**

**DATE August 1, 2006**

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

**INITIATED BY** CITY COMMISSION

**ACTION REQUESTED** ACCEPT ORDINANCE 2946 ON FIRST READING

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

-----

**RECOMMENDATION**

Staff recommends the City Commission accept Ordinance 2946 on first reading and set final reading for August 15, 2006.

**MOTION**

“I move the City Commission accept Ordinance 2946 on first reading and set the second and final reading for August 15, 2006.

**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.

**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.

We are proposing 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 shall be either Type K soft copper or HDPE, 200 psig meeting AWWA C-901 Standards. Copper pipe shall also be used from the entrance valve to a point ten (10) feet outside the building foundation for the purpose of electrical grounding.



**ORDINANCE 2946**

**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 3 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.

**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 15<sup>th</sup> 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 15<sup>th</sup> 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 ¾ 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 shall be Type K soft copper 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. 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. 2. Fire lines and domestic lines over 2 inches in diameter shall be of C900 Class 200 PVC or ductile or iron. When C900 Class 200 pipe is used, it can run to a point ten feet outside the building foundation. From that point the material used shall be of ductile iron the remainder of the way into the building up to the water meter or fire system apparatus. (Ord. 2714, 1996; Ord. 2645, 1993; Ord 2356 Exh. B(part), 1984, §13.08.040(part)).**

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).

Regular City Commission Meeting

Mayor Stebbins presiding

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

**PLEDGE OF ALLEGIANCE**

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

**NEIGHBORHOOD COUNCILS**

**Neighborhood Pools.**

1. **Tim Austin**, Neighborhood Council 3, encouraged the City Commission to save the neighborhood pools.

**PUBLIC HEARINGS**

**Res. 9578 Final Budget Adoption. Adopted.**

**2. RESOLUTION 9578, FY 06/07 BUDGET.**

Budget Officer Melissa Kinzler reported that in accordance with Montana Code Annotated (MCA) 7-6-4021 and 7-1-4127 the City Commission completed its preliminary budget for the upcoming fiscal year; placed the budget on file for public inspection; and published notices for the public hearing. At their meeting held July 11, 2006 and following the public hearing, the City Commission voted to continue the public hearing until July 18, 2006.

Mayor Stebbins declared the public hearing reopened. No one appeared to speak in support of Resolution 9578. **Tim Austin**, Neighborhood Council 3, asked that the Commission ensure there was funding for the neighborhood pools that included staff and maintenance. 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 adopt Resolution 9578.**

Commissioner Hinz explained that after the budget was adopted, it could be amended. So, she added, if the voters did not approve a bond levy to repair the neighborhood pools, the City Commission could revisit the budget and make changes to it.

Motion carried 5-0.

**Preliminary Plat of Eagle's Crossing, Phases II and III. Approved.**

**3. PRELIMINARY PLAT OF EAGLE'S CROSSING, PHASES II and III.**

Planning Director Ben Rangel reported that the Great Falls Planning Board recommended the City Commission approve the preliminary plat of Eagle's Crossing Phases II and III, as well as the request for variance on the lengths of two proposed cul-de-sacs and the accompanying Findings of Fact subject to fulfillment of stipulated conditions. The Eagle's Crossing Subdivision is located along the west side of Bootlegger Trail. Phase II will consist of 49 lots and Phase III will consist of 30 lots.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Eagle's Crossing, Phases II and III. Mayor Stebbins declared the public hearing closed.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Preliminary Plat of Eagle's Crossing, Phases II and III.**

Motion carried 5-0.

**Res. 9587 and Ordinance 2943 annexation, zoning and the amended plat for Lot 3 of the Medical Tech Park Subdivision. Adopted.**

**4A. RESOLUTION 9587, ANNEXATION OF LOT 3, MEDICAL TECH PARK SUBDIVISION.**

**4B. ORDINANCE 2943, ZONING FOR LOT 3, MEDICAL TECH PARK SUBDIVISION.**

Planning Director Ben Rangel reported that the Planning Board recommended the City Commission approve the annexation and the Amended Plat of Lot 3 of the Medical Tech Park Subdivision. The Zoning Commission recommended the City Commission apply a zoning classification of M-1 mixed-use district to it and grant a conditional use permit to allow telecommunication facilities on proposed Lot 3H. The property borders MSU-College of Technology and Centene Corporation.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of Resolution 9587 or Ordinance 2943. **Mary Jolley**, 1910 2<sup>nd</sup> Avenue North, asked for clarification regarding the funding for the infrastructure for this project. Community Development Director Mike Rattray provided the information she requested. There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

**Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9587 and approve the amended plat and Annexation Agreement all related to Lot 3,**

**Medical Tech Park Subdivision.**

Motion carried 5-0.

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2943.**

Motion carried 5-0.

**OLD BUSINESS****NEW BUSINESS****ORDINANCES/RESOLUTIONS**

**Res. 9588, Intent to Vacate 10<sup>th</sup> Alley South, GF 11<sup>th</sup> Add., B806. Adopted.**

**5. RESOLUTION 9588, INTENT TO VACATE 10th ALLEY SOUTH IN BLOCK 806, ELEVENTH ADDITION TO GREAT FALLS (WALGREEN'S).**

Planning Director Ben Rangel reported that on June 11, 2006, the Planning Board considered the alley vacation and amended plat and ultimately passed a motion recommending the City Commission vacate subject alley.

Mr. Rangel also reported that all parcels abutting the portion of alley to be vacated were owned by Hawkins Companies LLC and that the vacation of the alley was necessary to accommodate a proposed Walgreens Pharmacy.

**Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Beecher, that the City Commission adopt Resolution 9588 and set the public hearing for August 1, 2006.**

Motion carried 5-0.

**Consent Agenda. Approved as printed.**

**CONSENT AGENDA.**

6. Minutes, July 11, 2006, Commission meeting.
7. Total expenditures of \$3,417,389 for the period of June 28 through July 12, 2006, to include claims over \$5,000 in the amount of \$3,225,071.
8. Contracts list.
9. Lien Release List
10. Set public hearing for August 1, 2006, on Resolution 9584, Nuisance Abatement, 609 36<sup>th</sup> Avenue NE (legally described as NRT 6<sup>th</sup> Addition, B6, L10).
11. Purchase of water meter equipment for the 2007 Fiscal Year from Dana Kepner Co. of Billings, Montana, in an amount not to exceed \$250,000.
12. Engineering contract with Morrison-Maierle, Inc., for engineering

services for the North Great Falls Sanitary Sewer and Storm Drainage Master Plan in an amount not to exceed \$250,000. (OF 1476)

13. Final payment to Dave Kuglin Construction and the State Miscellaneous Tax Division for the Sludge Basin Rehabilitation Project, Phase One in the amount of \$1,478. (OF 13432.5)
14. Co-Sponsorship of the USMA West Point Military Academy Band Concert in an amount up to \$600 for use of the Mansfield Theater.

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

Motion carried 5-0.

### **BOARDS AND COMMISSIONS**

**Great Falls  
Planning Advisory  
Board.  
Appointed Duffy.**

#### **15. APPOINTMENT, GREAT FALLS PLANNING ADVISORY BOARD.**

Joshua S. DeNully was appointed to the Great Falls Planning Advisory Board on August 16, 2005, for a term through December 31, 2007. Mr. DeNully resigned from the Board; therefore, it was necessary to appoint a replacement.

**Commissioner Rosenbaum moved, seconded by Commissioner Hinz, that the City Commission appoint Danna Duffy to the Great Falls Planning Advisory Board to fill the remainder of a three-year term through December 31, 2007.**

Motion carried 5-0.

**Parking Advisory  
Board.  
Appointed Harrison  
and McNamee.**

#### **16. APPOINTMENTS, PARKING ADVISORY BOARD.**

Charles Bennett was appointed to the Parking Advisory Commission in April of 2003 for a three-year term. His term expired April 30, 2006. Mr. Bennett was not interested in reappointment. Anthony Longin was appointed to the Parking Advisory Commission on September 6, 2005, for a term through April 30, 2008. Mr. Longin was recently appointed to the Business Improvement District and resigned from the Parking Advisory Commission. Therefore, it was necessary to appoint two members to the Parking Commission.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Gene Harrison to the Parking Advisory Commission for a three-year term through April 30, 2009; and appoint Ed McNamee to fill the remainder of a three-year term through April 30, 2008.**



Motion carried 5-0.

**CITY MANAGER**

**Welcome to new  
Park and  
Recreation Director  
Sullivan.**

**19A.** Assistant City Manager Cheryl Patton welcomed Park and Recreation Director Jim Sullivan to his first commission meeting.

**PETITIONS AND COMMUNICATIONS**

**Highwood Coal  
Generating Plant.**

**20A. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated he wanted to address the Commission regarding the coal plant. He questioned where the funds for a \$395,000 transfer into the coal plant fund came from and added that he sent a list of questions to the City Commission and had not received a response. He said there had not been an opportunity to publicly debate the construction of the plant and encouraged the City Commission to provide answers to the questions asked. Mr. Lewin then read his letter into the record. Mayor Stebbins asked Mr. Lewin to provide a copy of the letter to the City Clerk and staff would prepare a response.

**Riverfest and Coal  
plant.**

**20B. Mike Whitsoe**, 511 5<sup>th</sup> Street, congratulated Patty Rearden on an excellent Riverfest and encouraged the City Commission to listen to the people who opposed the coal plant.

**Coal plant.**

**20C. John Hubbard**, stated he was concerned about the price of energy and that he was against the coal plant.

**ADJOURNMENT**

There being no further business to come before the Commission, the regular meeting of July 18, 2006, adjourned at 7:48 p.m.

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

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

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

PRESENTED BY: City Controller

ACTION REQUESTED: Approval With Consent Agenda

APPROVAL: \_\_\_\_\_

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

MASTER ACCOUNT CHECK RUN FOR JULY 19, 2006	286,875.91
MASTER ACCOUNT CHECK RUN FOR JULY 26, 2006	750,613.12
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 14, 2006	68,211.28
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 21, 2006	2,850.00
WIRE TRANSFERS FROM JULY 1, 2006 THRU JULY 20, 2006	<u>152,977.78</u>
TOTAL:	\$ <u>1,261,528.09</u>

**GENERAL FUND**

<b>OTHER ADMIN</b>			
MONTANA EXPOPARK	REIM FOR MATERIALS HORSE BARNS		10,317.00
<b>POLICE</b>			
JOHNSON CONTROLS INC	AGREEMENT FOR YEAR 7/06-6/07		7,336.00
ENERGY WEST	JUNE CHARGES		634.54
<b>FIRE</b>			
ENERGY WEST	JUNE CHARGES		1,526.18
<b>PARK &amp; RECREATION</b>			
MONTANA WASTE SYSTEMS	PARK AREA SANITATION		65.05

**SPECIAL REVENUE FUND**

<b>LIGHTING DISTRICT</b>			
NORTHWESTERN ENERGY	JULY CHARGES		5,096.80
NORTHWESTERN ENERGY	JULY CHARGES		7,520.22
NORTHWESTERN ENERGY	JULY CHARGES		54,119.14
<b>SUPPORT &amp; INNOVATION FUND</b>			
HUMANE SOCIETY OF CASCADE CO	BUDGETED AMOUNT FISCAL YR 06/07		115,000.00
CITY COUNTY HEALTH DEPARTMENT	BUDGETED AMT HALF FOR FISCAL 07		125,000.00
<b>POLICE SPECIAL</b>			
ROBERT LOPEZ	NARCOTICS INVESTIGATIVE MONEY		8,000.00
MOTOROLA INC	COMPUTER EQUIPMENT		84,942.00
<b>LIBRARY</b>			
ENERGY WEST	JUNE CHARGES		981.21
<b>NATURAL RESOURCE</b>			
MONTANA WASTE SYSTEMS	BOULEVARDS		476.10
<b>FEDERAL BLOCK GRANTS</b>			
MR LIFTERS CONCRETE RAISING CO	PROGRESS DRAW 4227 8TH AVE N		5,347.40
<b>HOME GRANTS</b>			
NEIGHBORHOOD HOUSING SERVICES	DRAWDOWN #5 File # 770402		6,095.00
<b>ECONOMIC REVOLVING</b>			
ENERGY WEST	JUNE CHARGES		37.54
A T KLEMENS & SONS	EMERGENCY REPAIR HEAT PU MPS		8,936.33
CAPITOL DECISIONS INC	JULY 06 RETAINER INVOICE #5663		8,800.00

**ENTERPRISE FUNDS**

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**WATER**

THOMAS DEAN & HOSKINS	PMT#7 FOR BNRR/RIVER DR OF 1307	11,745.65
ENERGY WEST	JUNE CHARGES	1,919.32
FALLS CONSTRUCTION	EMERGENCY SEWER REPAIR MAFB	17,002.31
DANA KEPNER CO-BILLINGS	1" PMM ECR METERS	4,075.00
DANA KEPNER CO-BILLINGS	1" PDVHC48820-72 PIT W/W3 LID	4,188.00
PHILLIPS CONSTRUCTION	PMT #2 FOR 1ST,2ND,3RD & 5TH AVE NW	131,372.61

**SANITATION**

MONTANA WASTE SYSTEMS	COMMERCIAL SANITATION	21,858.11
MONTANA WASTE SYSTEMS	RESIDENTIAL SANITATION	56,623.10
MONTANA WASTE SYSTEMS	SANITATION	10,875.00
ENERGY WEST	JUNE CHARGES	129.04

**SAFETY SERVICES**

ENERGY WEST	JUNE CHARGES	158.64
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**PARKING**

APCOA/STANDARD PARKING	PARKING ENFORCEMENT	21,824.99
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**GOLF COURSES**

BIRKENBUEL CONSTRUCTION	CONST FOR SAND BUNKER & MOUNDS	20,691.00
ENERGY WEST	JUNE CHARGES	101.10

**SWIM POOLS**

MONTANA ELASTOMERS INC	ECWP FLOWRIDER PROJECT#3632	13,005.00
ENERGY WEST	JUNE CHARGES	4,905.91

**RECREATION**

ENERGY WEST	JUNE CHARGES	372.63
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**INTERNAL SERVICES FUND**

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**HEALTH INSURANCE**

BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 6/28/06 - 7/18/06	151,260.03
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**FISCAL SERVICES**

POSTMASTER	BULK POSTAGE	10,476.41
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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	DIESEL FUEL	17,130.40
MOUNTAIN VIEW CO-OP	UNLEADED	18,932.90
MOUNTAIN VIEW CO-OP	DIESEL FUEL	4,866.83

**PUBLIC WORKS**

ENERGY WEST	JUNE CHARGES	591.00
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**PARK & RECREATION ADMINISTRATION**

ENERGY WEST	JUNE CHARGES	305.64
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**FACILITY SERVICES**

ENERGY WEST	JUNE CHARGES	448.60
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**MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES	66,842.28
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**CLAIMS OVER \$5000 TOTAL:**

\$ 1,041,932.01

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

**AGENDA: 12  
DATE: August 1, 2006**

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

**PRESENTED BY:** Peggy J. Bourne, City Clerk

**ACTION REQUESTED:** Ratification of Contracts through the Consent Agenda

**MAYOR'S SIGNATURE:** \_\_\_\_\_

**CONTRACT LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Community Development	Eagle Mount- Great Falls	1 Year	272 7142 571 Project 720730	\$5,000	Recreational Scholarships and Materials
<b>B</b>	Community Development	Victim-Witness Assistance Services	1 Year	272 7142 571 Project 720717	\$10,000	Purchase Computer Hardware and Software
<b>C</b>	Community Development	Ursuline Historical Foundation	1 Year	272 7142 571 Project #720709	\$26,000	Refinish Hardwood Floors and Repair Ceilings
<b>D</b>	Community Development	Casa-Can Children's Advocate Network	1 Year	272 7142 571 Project #720721	\$4,552	Purchase Three Laptop Computers and Training Materials
<b>E</b>	Community Development	Family Connections	1 Year	272 7142 571 Project #720718	\$6,000	Provide Child Care Scholarships for Low Income Families

<b>F</b>	Community Development	HANDS, Inc.	1 Year	272 7142 571 Project #720723	\$18,500	Provide Child Care Scholarships for Low Income Families
<b>G</b>	Community Development	Park and Recreation Department –Great Falls	1 Year	272 7142 571 Project #720710 Project #720711 Project #720714 Project #720732	\$22,500 \$37,730 \$28,684 \$ 5,000	Accessible Play Structure Noah’s Ark Handicapped Accessibility for Water Park Sidewalk Replacement for Morony Natatorium Scholarships for Low Income Children for Summer Recreation Program and After-School Program
<b>H</b>	Community Development	Boys & Girls Club of North Central Montana	1 Year	272 7142 571 Project #720702 Project #720728	\$21,156 \$16,500	Building Renovation Project Low Income Children Scholarships for Summer Program
<b>I</b>	Community Development	Great Falls Senior Citizens Center	1 Year	272 7142 571 Project #720722	\$ 800	Purchase Water Filter System
<b>J</b>	Community Development	Young Parents Education Center	1 Year	272 7142 571 Project #720724	\$13,500	Emergency Housing and Daycare Scholarships for Low Income Teen Parents
<b>K</b>	Community Development	Area VIII Agency on Aging	1 Year	272 7142 571 Project #720715	\$25,000	Purchase Food for Meals on Wheels Program
<b>L</b>	Community Development	Big Brothers Big Sisters of Great Falls, Inc.	1 Year	272 7142 571 Project #720720	\$ 2,687	Purchase Computers and Printer
<b>M</b>	Community Development	Great Falls Public Works Department	1 Year	272 7142 571 Project #720712 Project #720713	\$75,000 \$50,000	Handicap Curb Cuts Central Avenue 30 <sup>th</sup> to 47 <sup>th</sup> Streets Low Income Home Owner Sidewalk Replacement

<b>N</b>	Community Development	Girls Scouts of Big Sky Council	1 Year	272 7142 571 Project #720719	\$ 5,145	Scholarships for Low Income Girl Scouts to Participate In Activities
<b>O</b>	Community Development	Indian Family Health Clinic	1 Year	272 7142 571 Project #720729	\$ 5,470	Purchase Treadmill Photo ID, System Door Alarms, Carpet for Clinic
<b>P</b>	Fiscal Services	Opportunities, Inc.	7/1/2006-6/30/2008	Water, Sewer, Storm Drain	NA	Assist Eligible Households in Offsetting the Cost of City Utilities During Extreme Financial Hardship
<b>R</b>	Human Resouces	Painters' Local #260	7/1/2006	N/A	N/A	Addendum to Labor Agreement effective until July 2007 reflecting the desire to participate in a retirement enhancement option.
<b>S</b>	Public Works	Cascade County	15 Years	517	\$43,150 Equipment Costs; Lease Amounts noted in Contract	Interlocal Agreement for Refuse Collection at the Cascade County Regional Adult Detention Center.
<b>T</b>	Library	SIRSI	July 1, 2006- June 30, 2007	251 6111 561 3516	\$3,600	Maintenance Agreement for Library's Main Computer Software
<b>U</b>	Community Development	Just Rite Acoustics, Inc.		279 7161 573 3599	\$5,750	FAA Building – Insulate Roof, Sheet Rocking, Acoustic Celing

CITY OF GREAT FALLS, MONTANA

AGENDA # 13

**A G E N D A   R E P O R T**

DATE August 1, 2006

**ITEM** Exception Request to the Housing Loan Policies for the Maximum Loan to Owner of Property, 316 Central Avenue, Dunn-Brown Building, L4-5, B365, GFO

**INITIATED BY** Community Development Department

**ACTION REQUESTED** Approve Exception to the Policy

**PREPARED & PRESENTED BY** Bruce Haman, CDBG Housing Rehab Specialist

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

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**RECOMMENDATION:**

The Housing Loan Board and Staff recommend that the City Commission approve the following motion:

**MOTION:**

I move that the City Commission approve the loan to Steve Alley for the rehabilitation of the Dunn-Brown Apartments at 316 Central Avenue.

**SYNOPSIS:**

The Rental Improvement Loan program policies state the following: "For the Rental Improvement Loan Program the maximum loan is \$10,000 per unit with a maximum of \$30,000 to any one owner, plus the cost of the testing and monitoring of lead based paint if applicable". Mr. Steve Alley, owner of the Dunn-Brown apartments, is requesting a loan of \$120,000.00 to rehabilitate 30 units at this location. The Housing Authority acting as Loan Committee recommends the exception to the policy and recommends approval of the loan.

**BACKGROUND:**

The Rental Improvement Loan Program allows property owners to improve the quality of their properties by bringing them up to current codes. HUD fair market rent guidelines are used to establish rents that are affordable for low to moderate income tenants. The owner must agree not to raise rents for the two year period. The loan is required to be paid back monthly at 0% interest. The term of the loan is established on a case by case basis depending on each projects feasibility or ability to pay back. Traditionally, the term of the loans range from 5 to 15 years.

Traditionally the RIL Program has been funded annually with Community Development Block Grant funds. The repaid funds revolve back into the program for future projects. For the past five years no

funds have been requested from the Community Development Block Grant Program. The program is revolving money back at a greater rate than is currently being allocated out. With this positive net flow, the RIL program is able to fund larger projects as well as keeping up with the smaller rehab requests.

The Dunn-Brown currently has 30 units. There are only 24 that are currently rented. Six of the units are in the process of a complete rehab and are not on the rental market. The owner is using his positive net cash flow to rehab each unit and bring them up to current code requirements.

Initially, the owner only wanted to upgrade the incoming electrical service into the building. Upon further inspection by City Staff and an interview with the owner, we came to the conclusion to replace the entire electrical service to the building and upgrade the electrical in each apartment as well as upgrade the plumbing in each successive apartment as rehab continues. This will bring the entire building up to current code requirements for both plumbing and electrical.

The rehabilitation cost for the Dunn-Brown apartments is estimated to be \$120,000.00. The new apartments will provide much needed housing to low and moderate income individuals in the downtown area. The upgrade will also provide a positive visual impact to the downtown.



CITY OF GREAT FALLS, MONTANA

AGENDA # 14

**AGENDA REPORT**

**DATE** August 1, 2006

**ITEM** Change Order No. 1 Bloomingdale Park Landscaping-GTF, O.F. 1306.6;

**INITIATED BY** Park and Recreation Department

**ACTION REQUESTED** Approve Change Order No.1

**PREPARED BY** Sherry Marshall, Planner I, City Planning Department

**PRESENTED BY** Jim Sullivan, Park and Recreation Manager

**RECOMMENDATION:**

It is recommended the City Commission approve the following motion.

**MOTION:**

“I move the City Commission approve Change Order No. 1 to Forde Nursery of Great Falls in the amount of \$6,077.00, for the project titled, “Bloomingdale Park Landscaping-GTF”.

**PROJECT TITLE:** Bloomingdale Park Landscaping-GTF; O.F. 1306.6

**ORIGINAL CONTRACT AMOUNT:** \$154,611.00

**CHANGE ORDER AMOUNT:** \$6,077.00

**FINAL CONTRACT AMOUNT:** \$160,677.00

**FUNDING SOURCES:** Community Transportation Enhancement Program (CTEP); Sewer Funds; General Capital Projects Fund.

**SYNOPSIS:**

Change Order No. 1 is for additional work needed to mitigate problems resulting from excess standing water in portions of the ditch. The project manager, contractor, project architect and City Engineer determined that an additional twelve inches of excavation and infill of gravel is needed to provide an adequate sub-base for the storm water drain pipe to be installed as part of this contract. The cost of this additional work will add \$6,077.00 to the existing contract amount. In addition, the contract time needs to be extended due to a delay in the start of construction because of soggy ground conditions produced by heavy rain events in May and June.

Adjustment of funding sources is as follows:

- The Community Transportation Enhancement Program, or CTEP, (federal transportation funds, provided through the Montana Department of Transportation) will contribute an additional \$5,261.47
- Park and Recreation Department will contribute \$815.53

Attachment: Change Order No. 1

cc: Giles Salyer, Park Supervisor: Jason Handl, Engineering; Mark Frahm, Utility Systems Supervisor



CHANGE ORDER No. 1

Page 1 of 2

PROJECT Bloomington Park Landscaping and Sign, O.F. 1306.

DATE OF ISSUANCE July 24, 2006 EFFECTIVE DATE July 20, 2006

OWNER City of Great Falls OWNER'S Contract No. O.F. 1306.6

CONTRACTOR Forde Nursery ENGINEER L'Heureux Page Werner/City  
Engineers Office

You are directed to make the following changes in the Contract Documents.

Description: **Add** One Foot of Pipe Bedding and Geotextile to Storm Drain Trench. Excavate an additional foot of material from the bottom of the storm drain trench below the new pipe along the Northwest Bypass. Provide, and install woven geotextile fabric on the bottom of the excavation, place an additional foot of pipe bedding below the pipe (total 18 inches). Bed pipe, cover with 6 inches of pipe bedding and wrap fabric over bedding prior to backfilling with soil fill and topsoil.

Reason for Change Order: The bottom of the trench as excavated according to the plans and specifications is deemed too soft for pipe installation; as such, fabric, over-excavation and backfill are required.

Attachments: (List documents supporting change)

<p>{PRIVATE }CHANGE IN CONTRACT PRICE: Original Contract Price</p> <p><u>\$ 154,611.00</u></p>	<p>CHANGE IN CONTRACT TIMES: Original Contract Times Substantial Completion: <u>60 days</u> Ready for final payment: <u>60 days</u> days or dates</p>
<p>Net changes from previous Change Orders No. _____ to _____ \$ <u>0</u></p>	<p>Net change from previous Change Orders No. _____ to No. _____ <u>0</u> days</p>
<p>Contract Price prior to this Change Order</p> <p><u>\$ 154,611.00</u></p>	<p>Contract Times prior to this Change Order Substantial Completion: <u>60 days</u> Ready for final payment: <u>60 days</u> — days or dates</p>
<p>Net Increase (decrease) of this Change Order</p> <p><u>\$ 6,077.00</u></p>	<p>Net Increase (decrease) of this Change Order <u>41</u> days</p>
<p><u>Contract Price with all approved Change Orders</u></p> <p><u>\$160,688.00</u></p>	<p>Contract Times with all approved Change Orders Substantial Completion: <u>August 31, 2006</u> Ready for final payment: <u>September 29,</u> <u>2006</u> days or dates</p>

**CHANGE ORDER No. 1**

Page 2 of 2

Date: July 24, 2006

Agreement Date: March 22, 2006

Requested by: \_\_\_\_\_  
Project Manager

Recommended by: \_\_\_\_\_  
Engineer

Accepted by: \_\_\_\_\_  
Contractor (Authorized Signature)

Approved by: \_\_\_\_\_  
John W. Lawton, City Manager

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

(Seal of the City)

Approved for Legal Content: \_\_\_\_\_  
David Gliko, City Attorney

AGENDA REPORT

DATE August 1, 2006

**ITEM** SET PUBLIC HEARING FOR RESOLUTION 9598 TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT

**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 9598 to levy and assess the Street Maintenance District.

MOTION

“I move to set the public hearing on Resolution 9598 for August 15, 2006 at 7:00p.m.”

SYNOPSIS

As part of the annual budget development and adoption procedures the Street Maintenance Assessment Resolution must be submitted for City Commission action.

A public notice and hearing is required prior to final passage of the assessment resolution. Staff is requesting the City Commission order publication of such notice and set a public hearing date for August 15, 2006.

BACKGROUND

The annual assessment resolution provides for the authorization of assessments, authorization to contract for maintenance of sections of City streets adjacent to land owned by other governments or their agencies, assessment option specification, total assessment amount and listing of assessed property.

ASSESSMENT ANTICIPATED

The FY 06/07 assessment 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 an increase of \$6.10 from FY 05/06.

## 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

CITY OF GREAT FALLS, MONTANA  
AGENDA REPORT

AGENDA # 15  
DATE August 1, 2006

ITEM Appointments, Great Falls Housing Authority Board

INITIATED BY City Commission

ACTION REQUESTED Appoint Members

PRESENTED BY City Commission

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**RECOMMENDATION:** It is recommended that the City Commission appoint one member to the Great Falls Housing Authority Board for a five-year term through May 31, 2011, and reappoint two tenant members for additional two-year terms through May 31, 2008.

**MOTION:** I move the City Commission appoint \_\_\_\_\_ 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.

**SYNOPSIS:** 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 is not eligible for another term; therefore, it is necessary to appoint one member to fill his vacancy. Albert Anderson and Grace McLean serve as tenant members. They are both eligible and interested in serving another two-year term.

**BACKGROUND:** The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents of the Housing Authority properties. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, HUD, Section 8 program and other affordable housing programs. The board is also responsible for providing safe, decent, sanitary, and affordable housing for the community's low-income residents.

Continuing members of this board are:

Boyle, Joseph  
Gilbert, Cal  
Martinez-Delano, Kelly A.  
Sullivan, Daniel K.

Citizens interested in serving on this board are:

Timothy J. McKittrick  
Christopher Ward