



City Commission Agenda

for
July 18, 2006

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Res. 9578, Final Budget Adoption. Action: Conduct public hearing and adopt or deny Resolution 9578. **(Presented by: Melissa Kinzler)**
3. Preliminary Plat of Eagle's Crossing Phases II & III and Accompanying Variance. Action: Conduct public hearing and approve or deny the Preliminary Plat. **(Presented by: Ben Rangel)**
4. Amended Plat of Lot 3 of the Medical Tech Park Subdivision. **(Presented by: Ben Rangel)**
 - A. Res. 9587, Resolution to annex said property. Action: Conduct public hearing and adopt or deny Res. 9587.
 - B. Ord. 2943, Establish City Zoning of M-1 Mixed-use district and grants a conditional use permit to allow telecommunication facilities on proposed Lot 3H of the subdivision. Action: Conduct public hearing and adopt or deny Ord. 2943.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. Res. 9588, Intent to Vacate 10th Alley South in Block 806, Eleventh Addition to Great Falls (Walgreen's). Action: Adopt or deny Res. 9588 and set public hearing for August 1, 2006. **(Presented by: Ben Rangel)**

CONSENT AGENDA *The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

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 \$5000, in the amount of \$3,225,071.
8. Contracts list.
9. Lien Release list.
10. Set public hearing on Res. 9584, Nuisance Abatement, 609 36th Avenue NE, for August 1, 2006.
11. Approve 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. Approve 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 \$89,972.
13. Approve 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.
14. Approve Co-Sponsorship of the USMA West Point Military Academy Band Concert in an amount up to \$600 for use of the Mansfield Theater.

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

BOARDS & COMMISSIONS

15. Appointment, Great Falls Planning Advisory Board. Appoint one member to fill the remainder of a term through December 31, 2007.
16. Appointments, Parking Advisory Commission. Appoint one member for a three-year term through April 30, 2009; and appoint one member to fill the remainder of a three-year term through April 30, 2008.
17. Miscellaneous reports and announcements.

CITY MANAGER

18. Miscellaneous reports and announcements.

CITY COMMISSION

19. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

20. Miscellaneous reports and announcements.

ADJOURN

REVISED

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

**AGENDA # 2
DATE July 18, 2006**

ITEM Resolution 9578 - Final Budget Adoption

INITIATED BY Statutory Budget Requirements

ACTION REQUESTED Continue the Public Hearing and Adopt the Budget Resolution

PREPARED BY Melissa Kinzler, Budget Officer

REVIEWED & APPROVED BY Cheryl Patton, Assistant City Manager

RECOMMENDATIONS

Staff recommends the City Commission:

1. continue the budget hearing which was opened July 11, 2006;
2. close the annual budget hearing;
3. address any budget changes which are warranted; and,
4. adopt Resolution 9578 – the Annual Budget as finally determined.

MOTIONS

I move the City Commission adopt Resolution 9578 **as amended**.

SYNOPSIS

In accordance with state statutes the City Commission has:

- a. completed its preliminary budget for the upcoming fiscal year;
- b. placed the budget on file, open to public inspection;
- c. published notices of preliminary budget hearing;
- d. opened the public hearing on July 11, 2006; and,
- e. continued the hearing to July 18, 2006.

State statute requires the budget to be approved at a regularly scheduled Commission meeting on or before the second Monday in August or within 45 calendar days of receiving certified taxable values from the department of revenue.

BACKGROUND

Attached is Resolution 9578 - Annual Budget Resolution

All budgets will be closely administered to assure that the City will not deficit spend. There is always some flexibility when dealing with a large operation. The City conducts mid-year budget reviews to determine budget adjustments which may be needed. Careful administration and budget flexibility along with mid-year adjustment potential provide assurance that the City will avoid operation or service cuts.

In accordance with 7-6-4021 and 7-1-4127 MCA the City Commission has:

- a. completed its preliminary budget for the upcoming fiscal year;
- b. placed the budget on file, open to public inspection; and,
- c. published notices of preliminary budget hearing.

7-1-4131 and 7-6-4024, MCA prescribe the required public hearing process.

RESOLUTION 9578

ANNUAL BUDGET RESOLUTION REVISED

A RESOLUTION RELATING TO FINAL BUDGETS AND ANNUAL
APPROPRIATIONS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007

- A. Montana Code Annotated, 7-6-4024, requires that the budget be approved and adopted by resolution by the later of the second Monday in August or 45 calendar days of receiving certified taxable values from the Department of Revenue.
- B. the notice of hearing on budget increase from property taxes was published in accordance with MCA, 15-10-203,
- C. the notice of hearing on preliminary budget was published in accordance with MCA, 7-1-4127, as required by MCA, 7-6-4021; and,
- D. the hearing on preliminary budget and budget increase from property taxes was held in accordance with MCA, 7-1-4131 and 7-6-4024.

NOW, THEREFORE,

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

Section 1. - Legal Spending Limits

The legal spending limits of the City of Great Falls are established at the fund level.
Appendix A establishes each funds level. (7-6-4030, MCA)

Section 2. - Implementation Authority

- 2.1 The City Manager is hereby delegated appropriation authority for the expenditure of funds from any or all of the following:
- a. debt service funds;
 - b. trust funds;
 - c. federal, state, local or private grants accepted and approved by the governing body;
 - d. special assessments;
 - e. proceeds from the sale of land;
 - f. any fund for gifts or donations; and,
 - g. money borrowed during the fiscal year. (7-6-4006, MCA)

2.2 The City Manager is hereby delegated authority to adjust appropriations funded by fees throughout the fiscal year in any or all of the following:

- a. proprietary funds (enterprise and internal service funds);
- b. general fund for fee supported services;
- c. planning fund for fee supported mapping services;
- d. natural resources fund for fee supported forestry services;
- e. permits fund; and,
- f. licenses fund.

(7-6-4012, MCA)

2.3 The City Manager is hereby delegated the authority to make transfers or revisions within ~~or among~~ appropriations of any fund.

2.4 The City Manager may delegate to his department directors the authority to make transfers or revisions within or among appropriations of specific operations within a fund, limited to the division level of accountability.

2.5 Joint operating agreements approved by the governing body; insurance recoveries or dividends; hazardous material recoveries and, refunds or reimbursements of expenditures shall automatically amend the annual appropriations or reduce recorded expenditures whichever is correct in accordance with Generally Accepted Accounting Principles (GAAP).

Section 3. - Appropriation Carryovers

Generally accepted accounting principles (GAAP) require expenditures to be recognized in the fiscal year in which the goods or services are received.

3.1 Previous fiscal year appropriations for incomplete improvements in progress of construction, or segments thereof, are hereby declared authorized appropriations in addition to the appropriations set out in Appendix A., provided they meet the following criteria:

- a. related financing was provided in the prior fiscal year;
- b. the appropriations were not obligated by year end;
- c. the purpose was not included, or rejected, in current budget financing or appropriations; and,
- d. the City Manager determines the appropriation is still needed.

3.2 Outstanding purchase orders and other obligations, representing a City obligation to pay the claim after receipt of the goods or services, are recognized as "claims incurred". They are hereby declared authorized "carryover" appropriations in addition to the appropriations set out in Appendix A., provided they meet the following criteria:

- a. related financing was provided in the prior fiscal year;
- b. the appropriations were not otherwise obligated by year end;
- c. the purpose was not included, or rejected, in current budget financing or appropriations; and,

- d. the City Manager determines the appropriation is still needed.

Section 4. - Appropriated Reserves

Reserves which have been established for specific purposes, such as Equipment Revolving Scheduled (ERS) reserves, are hereby declared to be appropriations available for expenditure according to the reserve purpose. They shall be acknowledged as current appropriations upon the determination by the City Manager that they are currently needed to serve their intended purpose. Unexpended reserves shall be carried forward to meet future needs in accordance with their purpose.

Section 5. Contingency Account

5.1 Contingency account appropriations are provided by the City Commission as flexible appropriations. They are intended to provide the City Manager with an effective management tool for adjusting to changing circumstances throughout the budgetary year.

5.2 The City Manager is delegated the authority to transfer part or all of any contingency appropriation and related financing. Use of contingency appropriations is restricted to transfers of that appropriation authority to specific operating budgets. Proper classification of expenditures to specific operations is required. Accordingly, charging of expenditures directly to Contingency accounts is prohibited.

5.3 The Contingency appropriation is a two part authorization, determined on whether cash funding has been allocated in the General Fund during budget development:

- a. General Fund financed; and,
- b. Unfunded - a specific fund cash balance, additional revenue, or other funding source must be identified before the "unfunded" contingency appropriation may be used.

Section 6. - Classification and Pay Plan

6.1 The objective of the City's Classification and Pay Plan is to enable the City to retain, and when necessary, recruit competent employees. Therefore, the Plan must be a dynamic tool which is continuously updated.

6.2 The City Manager is authorized to administratively change the Classification and Pay Plan. Annual pay surveys, continual or periodic review of positions with changed duties or responsibilities, and additions to the classification plan of changed and new classes of work will assure that the Classification and Pay Plan remains current and equitably meets the needs of the City and its employees.

Section 7. - Budgetary Authority

References to statutes, or to consistency with statutory authority, are for information purposes only. Nothing in this resolution shall be considered to mitigate or compromise the City's self-governing authority.

Section 8. - Accounting Structure

Staff is hereby directed to establish and maintain City accounting structure in accordance with Generally Accepted Accounting Principles (GAAP). Statutes, ordinances, resolutions or other authoritative sources shall be implemented according to their intent and GAAP. Staff shall provide for conformance with the Commission's limits for financing and appropriation under authorized budgets whenever making proper modifications to accounting structure.

PASSED by the Commission of the City of Great Falls, Montana, on this 18th day of July, 2006.

Dona Stebbins, Mayor

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved as 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 9578 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 18th day of July, 2006, and approved by the Mayor of said City on the 18th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day July, 2006.

(SEAL OF CITY)

Peggy Bourne, City Clerk

NOTICE OF BUDGET HEARING

NOTICE is hereby given that the City Commission of the City of Great Falls has:

- completed its preliminary budget;
- placed the preliminary budget on file and open to public inspection at the City Clerk's Office, Room 202, Civic Center Building; and,
- set the public hearing on the City of Great Falls 2006 / 2007 Annual Operating Budget for 7 PM, Tuesday, July 11, 2006, at the City Commission Chambers, Civic Center Building.

All persons desiring to be heard are invited to appear and provide written or oral comments concerning the budget. For further information, please contact: City Clerk's Office, Room 202, Civic Center, 455-8451.

Peggy J. Bourne
City Clerk

FOR OFFICE USE ONLY

Publication Dates: July 2, 2006
 July 9, 2006

LEGAL AD

Appendix A. Balances & Changes by Fund for Year Ending June 30, 2006

	Estimated Beginning Balance	(+ Working Capital Sources			(-) Working Capital Uses			Estimated Ending Balance	Reserved Balance	Available Balance
		Revenue	Transfers In	Total Sources	Appropriations	Transfers Out	Total Uses			
General Fund	2,575,977	19,647,120	361,000	20,008,120	17,309,352	2,698,768	20,008,120	2,575,977	0	2,575,977
Special Revenue Funds										
Tax Increment Fund	0	472,966	0	472,966	201,031	271,935	472,966	0	0	0
Planning Fund	55,937	538,333	135,808	674,141	667,811	6,330	674,141	55,937	0	55,937
CTEP Projects Fund	253	0	0	0	10,738	0	10,738	(10,485)	0	(10,485)
Lighting Districts Fund	682,205	1,183,073	0	1,183,073	1,174,275	0	1,174,275	691,003	0	691,003
Historic Bridge Fund	(22,892)	0	0	0	0	0	0	(22,892)	0	(22,892)
Support & Innovation Fund	18,669	163,060	375,879	538,939	536,939	0	536,939	20,669	0	20,669
911 Special Revenue Fund	501,671	332,000	0	332,000	36,407	260,642	297,049	536,622	0	536,622
Police Special Revenue Fund	242,022	79,030	0	79,030	114,384	0	114,384	206,668	206,668	0
Fire Special Revenue Fund	19,626	2,900	0	2,900	494	0	494	22,032	0	22,032
Public Works Special Revenue Fund	51,936	0	0	0	4,210	0	4,210	47,726	0	47,726
Street District Fund	459,188	4,124,458	45,760	4,170,218	4,354,586	20,642	4,375,228	254,178	0	254,178
Library Fund	494,466	383,577	777,638	1,161,215	1,168,410	13,450	1,181,860	473,821	115,580	358,241
Library Foundation Fund	105,672	139,350	0	139,350	128,787	0	128,787	116,235	0	116,235
Park & Recreation Special Revenue Fund	405,062	88,300	25,000	113,300	133,246	0	133,246	385,116	294,996	90,120
River's Edge Trail Special Revenue Fund	25,252	0	0	0	59	0	59	25,193	0	25,193
Lewis & Clark Signature Event Fund	0	0	0	0	0	0	0	0	0	0
Multi-Sports Special Revenue Fund	0	0	0	0	0	0	0	0	0	0
Natural Resources Fund	21	336,325	250,433	586,758	582,011	4,747	586,758	21	0	21
Portage Meadows Fund	16,604	22,990	0	22,990	22,990	0	22,990	16,604	0	16,604
Housing Authority Fund	0	1,012,510	0	1,012,510	997,873	14,637	1,012,510	0	0	0
Federal Block Grants Fund	764,219	1,205,377	0	1,205,377	980,377	1,931	982,308	987,288	0	987,288
Federal Home Grant Fund	(30,264)	412,086	0	412,086	410,586	316	410,902	(29,080)	0	(29,080)
Special Development Grant Fund	0	0	0	0	0	0	0	0	0	0
Community Development Fund	84,362	219,715	0	219,715	240,115	1,851	241,966	62,111	0	62,111
Economic Revolving Fund	146,669	195,500	0	195,500	260,039	0	260,039	82,130	0	82,130
Permits Fund	211,891	704,879	15,000	719,879	844,070	7,754	851,824	79,946	0	79,946
Licenses Fund	164	191,423	0	191,423	190,600	823	191,423	164	0	164
Pasta Montana Tax Increment Fund	0	0	0	0	0	0	0	0	0	0
Ag Tech Park Fund	(5,050)	0	0	0	0	0	0	(5,050)	0	(5,050)
Total Special Revenue Funds	4,227,683	11,807,852	1,625,518	13,433,370	13,060,038	605,058	13,665,096	3,995,957	617,244	3,378,713
Debt Service Funds										
Master Debt SILD	0	12,208	0	12,208	5,265	0	5,265	6,943	0	6,943
Improvement Districts Revolving Fund	611,913	229,176	0	229,176	114,516	100,000	214,516	626,573	626,573	0
Soccer Park Bonds	106,942	194,900	0	194,900	186,326	0	186,326	115,516	0	115,516
Tax Increment Bond Fund	2,976,557	2,352,000	0	2,352,000	2,512,526	261,000	2,773,526	2,555,031	2,555,031	0
Total Debt Service Funds	3,695,412	2,788,284	0	2,788,284	2,818,633	361,000	3,179,633	3,304,063	3,181,604	122,459
Capital Project Funds										
General Capital Fund	69,969	44,502	104,040	148,542	47,245	0	47,245	171,266	0	171,266
City Lighting Construction	0	0	0	0	0	0	0	0	0	0
Improvement District Projects Fund	0	0	0	0	0	0	0	0	0	0
Hazard Removal Fund	63,679	50,000	0	50,000	52,047	0	52,047	61,632	0	61,632
Sidewalk Hazard Removal Fund	1,105	0	0	0	79	0	79	1,026	0	1,026
Total Capital Project Funds	134,753	94,502	104,040	198,542	99,371	0	99,371	233,924	0	233,924

Appendix A. Balances & Changes by Fund for Year Ending June 30, 2006

	Estimated Beginning Balance	(+ Working Capital Sources			(- Working Capital Uses			Estimated Ending Balance	Reserved Balance	Available Balance
		Revenue	Transfers In	Total Sources	Appropriations	Transfers Out	Total Uses			
Enterprise Funds										
Water Fund	7,416,510	8,370,929	0	8,370,929	9,797,978	24,100	9,822,078	5,965,361	3,712,980	2,252,381
Sewer Fund	7,943,694	6,586,550	0	6,586,550	7,560,008	8,181	7,568,189	6,962,055	4,790,738	2,171,317
Storm Drain Fund	3,834,306	1,735,000	0	1,735,000	2,367,989	158	2,368,147	3,201,159	1,028,595	2,172,564
Sanitation Fund	724,624	2,886,775	0	2,886,775	3,526,853	14,510	3,541,363	70,036	0	70,036
Electric Utility Fund	(179,804)	17,521,000	0	17,521,000	16,332,547	0	16,332,547	1,008,649	0	1,008,649
Safety Services Fund	228,570	929,501	250,440	1,179,941	1,178,487	14,503	1,192,990	215,521	0	215,521
Parking Fund	279,454	605,350	0	605,350	762,661	665	763,326	121,478	56,601	64,877
Golf Courses Fund	(948,147)	1,149,900	4,600	1,154,500	1,440,034	5,317	1,445,351	(1,238,998)	237,718	(1,476,716)
Swim Pools Fund	(372,592)	341,680	552,396	894,076	888,931	2,049	890,980	(369,496)	0	(369,496)
Recreation Fund	(86,107)	225,165	193,527	418,692	331,547	5,629	337,176	(4,591)	20,694	(25,285)
Civic Center Events Fund	64,984	299,110	216,000	515,110	512,693	2,326	515,019	65,075	16,406	48,669
Total Enterprise Funds	18,905,492	40,650,960	1,216,963	41,867,923	44,699,728	77,438	44,777,166	15,996,249	9,863,732	6,132,517
Internal Service Funds										
Administrative Services Fund	11,615	275,691	0	275,691	272,479	3,212	275,691	11,615	0	11,615
Central Communications Fund	23,021	84,309	0	84,309	84,309	1,028	85,337	21,993	0	21,993
Health and Benefits Fund	(861,112)	4,657,767	350,000	5,007,767	4,657,767	0	4,657,767	(511,112)	0	(511,112)
Insurance & Safety Fund	28,340	1,266,734	0	1,266,734	1,266,734	831	1,267,565	27,509	0	27,509
Fiscal Services Fund	128,926	1,579,519	0	1,579,519	1,565,453	14,067	1,579,520	128,925	0	128,925
Information Tech Fund	349,409	1,072,227	20,404	1,092,631	1,006,242	6,883	1,013,125	428,915	356,939	71,976
Central Garage Fund	712,114	1,443,583	0	1,443,583	1,732,864	53,839	1,786,703	368,994	113,562	255,432
Facilities Maintenance Fund	0	0	0	0	0	0	0	0	0	0
Engineering Fund	61,139	899,597	160,024	1,059,621	1,032,870	10,286	1,043,156	77,604	0	77,604
Public Works Fund	63,872	411,721	0	411,721	410,709	2,374	413,083	62,510	5,000	57,510
Park & Rec Admin Fund	0	0	0	0	0	0	0	0	0	0
Civic Center Facility Services Fund	210,465	415,621	0	415,621	415,621	3,165	418,786	207,300	97,116	110,184
Total Internal Service Funds	727,789	12,106,769	530,428	12,637,197	12,445,048	95,685	12,540,733	824,253	572,617	251,636
Trust & Agency Funds										
Trust & Agency Fund transactions are made in accordance with specific trust or agency agreements, covenants or other regulations. Accordingly, annual budgets are not prepared.	0		0	0		0	0	0	0	0
Total Trust & Agency Funds	0	0	0	0	0	0	0	0	0	0
Total All Budgeted Funds	30,267,106	87,095,487	3,837,949	90,933,436	90,432,170	3,837,949	94,270,119	26,930,423	14,235,197	12,695,226

AGENDA REPORT

DATE July 18, 2006

ITEM Public Hearing - Preliminary Plat of Eagle’s Crossing Phases II & III and Accompanying Variance

INITIATED BY Eagle’s Crossing Inc., Property Owner and Developer

ACTION REQUESTED Conduct Public Hearing and Approve Preliminary Plat, Requested Variance and Findings of Fact

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the preliminary plat of Eagle’s Crossing Phases II & III, 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.

MOTION:

“I move the City Commission approve the preliminary plat of Eagle’s Crossing Phases II & III, the request for variance for the cul-de-sac lengths on 44th and 45th Avenues NE within the subdivision and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

The Eagle’s Crossing Subdivision is located along the west side of Bootlegger Trail approximately 2800 feet north of 36th Avenue Northeast. Phase II will consist of 49 lots and Phase III will consist of 30 lots.

BACKGROUND:

Eagle’s Crossing, Inc., (Matt Rosendale), has submitted applications regarding the following:

- 1) Preliminary Plat of Eagles Crossing Phases II & III, located in the NE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana.
- 2) Annexation of the area contained in said Preliminary Plat, consisting of 31.4 acres, to the City of Great Falls.
- 3) Establishing a City zoning classification of R-3 Single-family high density district on Phase II and R-2 Single-family medium density district on Phase III of Eagle’s Crossing, upon annexation.

For additional information, please refer to the attached material.

- Vicinity Map
- Preliminary Plat
- Letter from Project Engineer discussing need for variance to cul-de-sac length

Access to subject property will be provided by Bootlegger Trail and 46th Avenue NE through Phase I of the project. As each phase is annexed to the City, the public roadways contained therein will be improved with standard City paving, curb and gutter.

City water, sanitary sewer, and storm sewer mains will be installed in the locations as shown on the attached Master Plan for Public Infrastructure.

Phases II and III's park obligations were fulfilled as part of the dedication of 11.14 acres of park land in Phase I.

The portions of 44th and 45th Avenues NE being dedicated in Phase II are cul-de-sacs 830 feet in length. The maximum length allowed by the Land Development Code is 500 feet. The attached letter from the project engineer dated May 5, 2006, requests a variance from the standard and explains the necessity for same.

According to Section 17.16.32.040 of the Land Development Code, a dimensional variance shall only be granted when the evidence shows and finding can be made that each of the following conditions exists:

1. The variance is not contrary to the public interest.
2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
3. The spirit of this Title (Land Development Code) would be observed and substantial justice done by granting the variance.

According to the project engineer, the longer cul-de-sacs are necessitated by limitations caused by the utility and roadway layout which occurred in Phase 1 of Eagle's Crossing and the need to align north-south streets with existing streets and the projected northerly extension of 9th Street NE. The Public Works Department has indicated the longer cul-de-sacs shouldn't present problems as utility mains are easily accessible and water mains are looped. The Fire Marshall has indicated that while the fire code requires provisions for turning around an apparatus should the dead end be longer than 150 feet, the code states no maximum limit. The Fire Marshall recommends the entrance to the cul-de-sac be appropriately signed such as "No Outlet" since the roadway name does not indicate a court, which usually infers a dead end or no additional street access. Staff concludes the above three criteria will not be compromised as a result of granting the variance.

The Planning Board conducted a public hearing on the preliminary plat on June 13, 2006. The development has generated no public comment. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the preliminary plat of Eagle's Crossing Phases II & III, the request for variance for the cul-de-sac lengths on 44th and 45th Avenues NE and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of each phase of Eagle's Crossing shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve Phases II & III shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat for each phase.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of each phase including agreement by the applicant to install, within two years of the date of annexation of the involved phase, the public improvements referenced in Condition 2) above.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation of each phase, including:

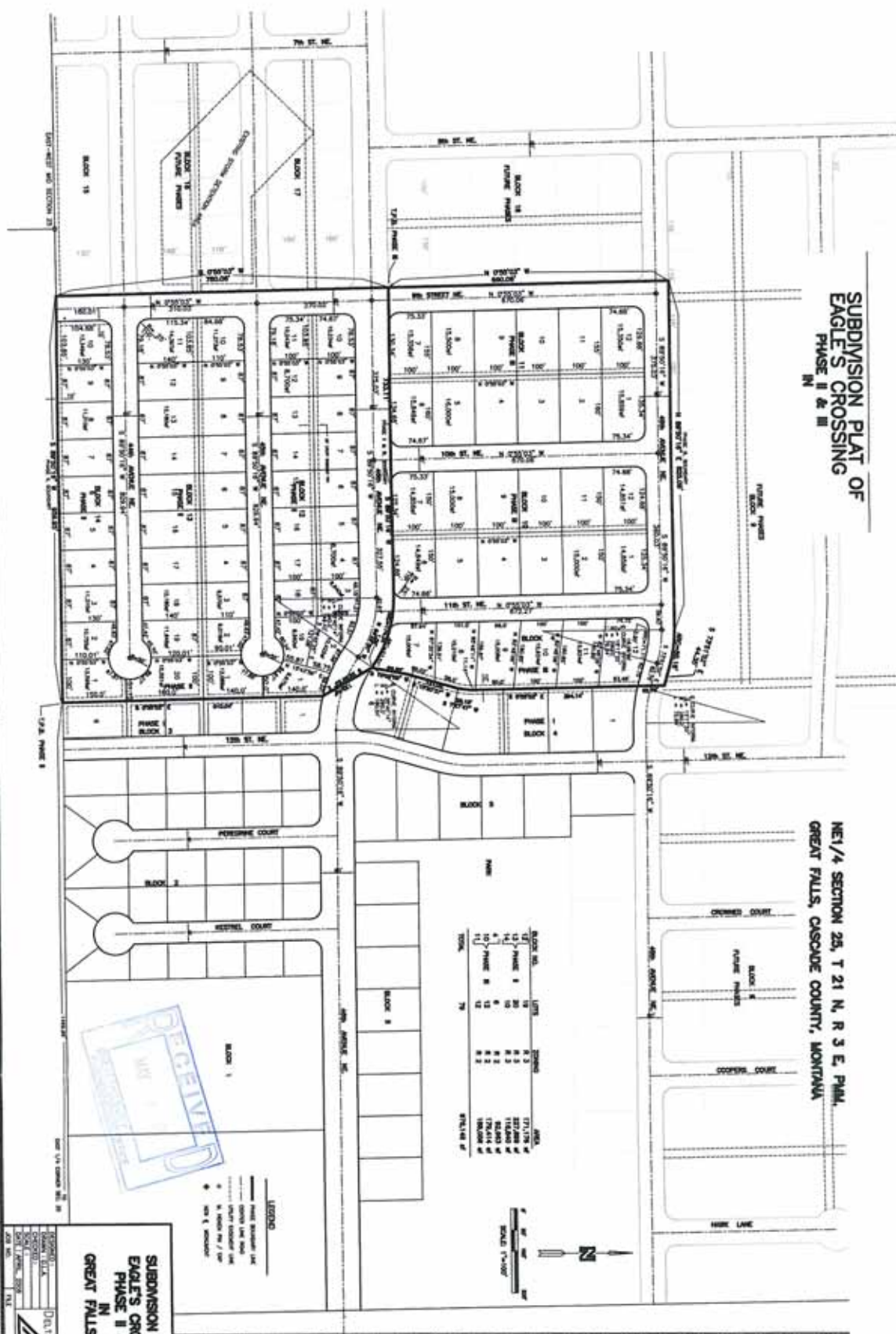
a) annexation resolution fee	\$100.00
b) annexation agreement fee	200.00
c) final plat fee	200.00
d) storm sewer fee (\$250/acre)	to be determined
f) recording fees for annexation documents (\$7 per page)	to be determined

Attach: Vicinity Map
Reduced Copy of Preliminary Plat
Letter from Project Engineer discussing need for variance to cul-de-sac length
Findings of Fact

cc w/o attach: Matt Rosendale, 1954 Hwy 16, Glendive, MT 59330
Delta Engineering, P O Box 1481, GF, 59403

**SUBMISSION PLAT OF
EAGLE'S CROSSING
PHASE II & III**

NE 1/4 SECTION 25, T 21 N, R 3 E, P4M,
GREAT FALLS, CASCADE COUNTY, MONTANA



Block No.	Lot	Area	Final
BLOCK 1	1	0.12	0.12
	2	0.12	0.12
	3	0.12	0.12
	4	0.12	0.12
BLOCK 2	5	0.12	0.12
	6	0.12	0.12
	7	0.12	0.12
	8	0.12	0.12
BLOCK 3	9	0.12	0.12
	10	0.12	0.12
	11	0.12	0.12
	12	0.12	0.12
BLOCK 4	13	0.12	0.12
	14	0.12	0.12
	15	0.12	0.12
	16	0.12	0.12
BLOCK 5	17	0.12	0.12
	18	0.12	0.12
	19	0.12	0.12
	20	0.12	0.12
BLOCK 6	21	0.12	0.12
	22	0.12	0.12
	23	0.12	0.12
	24	0.12	0.12



- LEGEND**
- Right of Way
 - Easement
 - Utility Line
 - Street
 - Lot
 - Block
 - Section
 - Township
 - Range
 - Meridian

**SUBMISSION PLAT OF
EAGLE'S CROSSING
PHASE II & III
IN
GREAT FALLS, MONTANA**

Prepared by:
D. J. A. ENGINEERING P.C.
1000 1st St. N.E.
Great Falls, MT 59401
Phone: (406) 761-1111
Fax: (406) 761-1112



May 5, 2006

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

RE: Eagles Crossing Subdivision – Phase II
Request for variance for cul-de-sac on 44th Avenue NE and 45th Avenue NE

Dear Bill,

On behalf of Matt Rosendale, President, Eagles Crossing, Inc., we request that the City of Great Falls grant a variance to exceed the standard 500 feet length of cul-de-sac for both 44th Avenue NE and 45th Avenue NE included in Eagles Crossing - Phase II.

Utilities (specifically the sanitary sewer main and manholes) storm drainage, and easements, and streets completed or provided in Eagles Crossing – Phase I limited or precluded any other viable options to located new streets and lots without east-west streets (44th and 45th). Moreover, locating streets in Phases II & III to align with the existing streets and the continuation of 9th Street NE did not allow for additional north-south alignments. Cul-de-sacs on 44th & 45th Avenues NE provide the most desirable layout in consideration of the above factors and also in meeting existing standards for street alignment, right-of-way, lot sizes, and utilities.

The two cul-de-sacs are about 750 feet in length excluding the cul-de-sac itself.

We would appreciate your assistance and favorable approval of the variance.

Thank you,

A handwritten signature in blue ink that reads "Gary L. Knudson".

Gary L. Knudson, P.E.

cc: Matt Rosendale

GLK/cml EglCsg GTF VarianceReq



**FINDINGS OF FACT
FOR
PRELIMINARY PLAT OF
EAGLE'S CROSSING, PHASES II & III
IN THE NE1/4 OF SECTION 25, T21N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3) MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site in previous years had been used for dryland crop production but that activity has diminished with the advent of urban development in the vicinity. 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 will connect to City water and sewer systems. The cost of extending the utility systems will be paid by the subdivider with some participation by the City for over sizing expense. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual residential units within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is three miles from the subdivision site. Providing these services to development in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Public streets will be extended into the subdivision to serve the proposed residential lots, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

The tract of land in which the proposed subdivision is located pays less than \$1000.00 annually in local property taxes. After full improvement of the subdivision including 79 single family residential lots, the development is expected to pay in excess of \$140,000 to \$150,000 annually in local property taxes to the County, City, State, School District and other taxing entities at current mill levies.

Effect on the Natural Environment

The subdivision, which consists of 79 single family residential lots ranging in area from 8,500 to 16,000 sq ft, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. The bulk of the surface runoff generated by the subdivision will be directed to the west to an existing detention facility.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

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

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

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations except for the length of two proposed cul-de-sacs for which a variance is being sought. 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

Off site easements necessary to accommodate City water and sanitary sewer mains to serve the subdivision are in place. Within the subdivision, the subdivider will provide the necessary utility easements as a part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

The sole source of access to the subdivision, at least for the foreseeable future is 46th Avenue NE, a dedicated, and paved, City maintained roadway connected to the

Bootlegger Trail, a paved roadway maintained by the Montana Department of Transportation. Within the subdivision, dedicated public roadways improved to municipal standards and maintained by the City will provide legal and physical access to each proposed lot.

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

DATE July 18, 2006

ITEM Public Hearing - Resolution No. 9587 to Annex and Ordinance No. 2943 to Establish City Zoning for Amended Plat of Lot 3 of the Medical Tech Park Subdivision

INITIATED BY City Administration

ACTION REQUESTED Commission Adopt Resolution No. 9587 and Ordinance No. 2943 and Approve Amended Plat of Lot 3 of the Medical Tech Park Subdivision

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission approve the annexation and the Amended Plat of Lot 3 of the Medical Tech Park Subdivision in Section 18, Township 20 North, Range 4 East, Cascade County, Montana, and the City Zoning Commission has recommended the City Commission apply a zoning classification of M-1 Mixed-use district, to same and grant a conditional use permit to allow telecommunication facilities on proposed Lot 3H of the subdivision.

MOTIONS (Each motion to be separately considered):

“I move the City Commission adopt annexation Resolution No. 9587 and approve the Amended Plat of Lot 3 of the Medical Tech Park Subdivision.”

and

“I move the City Commission adopt Ordinance No. 2943.”

SYNOPSIS:

Subject Amended Plat subdivides Lot 3 of the Medical Tech Park Subdivision into 8 lots to be served by a dedicated segment of 21st Avenue South. Resolution No. 9587 annexes the Amended Plat of Lot 3 of the Medical Tech Park Subdivision located south of the MSU College of Technology. Ordinance No. 2943 assigns a zoning classification of M-1 Mixed-use district to subject property upon annexation to the City and grants a conditional use permit to allow telecommunication facilities on proposed Lot 3H of the subdivision.

BACKGROUND:

The City Commission during a meeting held June 6, 2006, conditionally approved the preliminary Amended Plat of Lot 3 of the Medical Tech Park Subdivision.

For additional information, please refer to the attached material:

- Vicinity Map with zoning attached to Res. No. 9587 as Exhibit “A”
- Reduced Copy of drawing portion of Amended Plat

The City acquired subject Lot 3 a couple of years ago when the Minor Plat of the Medical Tech Park Subdivision was created with the intention of attracting businesses that would complement abutting development activity in the vicinity.

Access to the lots in the subdivision will initially be provided through the improvement of 23rd Street South from 16th Avenue South and the improvement of that portion of 21st Avenue South within the subdivision. It

is likely the subdivision will eventually be connected to 20th Street South to the west, 26th Street South to the east and 24th Avenue South to the south.

A City water main exists in 23rd Street South at the east boundary of the subdivision which will be stubbed to the south terminus of the Street and through the subdivision in 21st Avenue South to its west boundary. A City sanitary sewer main will be extended approximately 1950 feet from 20th Alley South near 20th Street through the subdivision to the intersection of 21st Avenue South and 23rd Street South. The portion of 23rd Street South between 16th and 21st Avenues South and the portion of 21st Avenue South within the subdivision will be improved to City standards with paving, curb and gutter. Sidewalk installation is the responsibility of the abutting property owner at such time the property is developed.

Approximately 2,825 feet of storm sewer main is proposed to be installed from the intersection of 18th Avenue South and 19th Street South to the middle of the subdivision.

Subject property is presently zoned in the County as R-2 Low Density Residential District and it was originally proposed the property be zoned C-2 General commercial district, upon annexation to the City.

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

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

Subject property borders the rear of the MSU College of Technology located to the north and the rear of property owned by the Centene Corporation which is partially occupied by a medical billing facility located to the east. Remaining property to the east, the south and the west are currently vacant and outside the City Limits. The nearest existing residential sites are located at least two blocks from the proposed subdivision.

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.

Attached is a Memorandum dated May 4, 2006, from the City Community Development Director, which was generated after it was determined a M-1 Mixed-use district could accommodate anticipated land uses in the subdivision instead of utilizing a C-2 General commercial district. The mixed-use district is intended to allow a balanced and harmonious mixture of commercial, residential, institutional uses, and public spaces.

Inappropriate uses that could result in the subdivision if it was zoned C-2 district include convenience and construction materials sales, equipment rental, general repair, vehicle sales and services, and gambling either in the form of a casino, type I or accessory gaming.

It is anticipated the planned use of the property primarily for office development will be compatible with neighboring uses. The City will control at least the initial ownership and use of lots in the subdivision through selective sales. Therefore, staff concludes, the above-cited criteria are substantially met with assigning a zoning classification of M-1 Mixed-use district to the above described subdivision upon annexation to the City.

In the attached Memorandum dated May 4, 2006, from the Community Development Director, it is noted the first potential occupant of the subdivision has expressed the need for a telecommunication facilities on proposed Lot 3H. Telecommunication facilities are allowed as conditional uses in the M-1 Mixed-use district. Therefore, it is necessary to consider a conditional use permit in conjunction with proposed Lot 3H.

The City Zoning Code lists the seven following criteria to be applied to a request for conditional use for evaluation purposes.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which is located, except as such regulations may in each instance, be modified by the City Commission.

The telecommunication facilities proposed for Lot 3H will be subject to extensive standards in the Land Development Code which cover structural requirements, tower and building design, setbacks, height, and visual compatibility and analysis. Additionally, telecommunication facilities are subject to review by the Design Review Board.

Improved access and extension of utilities necessary to serve the site are being designed. The telecommunication facilities on Lot 3H should not impede development and improvement of surrounding properties, some of which are publicly owned.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced.

The Planning Board/Zoning Commission on May 9, 2006, conducted a joint public hearing on subdividing, annexing and establishing City zoning on subject Lot 3. During the hearing, Mr. Sonny Heninger, 1917 20th Avenue South, asked for and was provided clarification on the location and type of project proposed. Ms. Daphne Hankins, 1902 25th Avenue South, expressed concerns about the original intent to assign a C-2 General commercial zoning classification to the subdivision upon annexation to the City. (The proposed zoning classification has been changed to M-1 Mixed-use district which is more restrictive than the C-2 classification.) At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve establishing a City zoning classification of M-1 Mixed-use

district on the subdivision upon its annexation to the City, and grant a conditional use permit to allow telecommunication facilities on proposed Lot 3H of the subdivision. The Planning Board during a meeting held June 13, 2006 passed a motion recommending the City Commission approve the final Amended Plat of Lot 3 of the Medical Tech Park Subdivision and annexation of the property contained therein subject to the following conditions:

- 1) The final Amended Plat of Lot 3, Medical Tech Park Subdivision, shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve the Amended Plat of Lot 3, Medical Tech Park Subdivision, shall be completed by the Public Works Department.
- 3) The appropriate off-site easements to accommodate utilities and the vehicle turnarounds at the termini of 21st Avenue South and 23rd Street South shall be secured.

Condition 1) will be fulfilled prior to filing of the Amended Plat and Conditions 2) & 3) are the responsibility of the City Public Works Department and should be completed prior to the July 18th hearing.

Attach: Res. No. 9587

Ord. No. 2943

Reduced copy of drawing portion of Amended Plat

Memorandum dated May 4, 2006, from Community Development Director

RESOLUTION NO. 9587

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, TO THE CITY OF GREAT FALLS, MONTANA; MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Amended Plat of Lot 3 of the Medical Tech Park Subdivision located in the SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 10.000 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the final Amended Plat of Lot 3 of the Medical Tech Park Subdivision; and,

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

WHEREAS, in the judgement of the City Commission of said City, expressed by Resolution No. 9585 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 20th day of June, 2006, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include "THE AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

WHEREAS, the first publication of said notice hereinbefore referred to was the 25th day of June, 2006; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on July 18, 2006, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "THE AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION IN SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of July, 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. 9587 was placed on its final passage and approved by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

ORDINANCE NO. 2943

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF M-1 MIXED-USE DISTRICT TO THE AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION, IN THE SE1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the City of Great Falls has submitted a petition to annex to the City the Amended Plat of Lot 3 of the Medical Tech Park Subdivision, located in the SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held May 9, 2006, adopted a recommendation that the Amended Plat of Lot 3 of the Medical Tech Park Subdivision, be assigned a City zoning classification of M-1 Mixed-use district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of M-1 Mixed-use district, to the Amended Plat of Lot 3 of the Medical Tech Park Subdivision, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 18th day of July, 2006, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of the Amended Plat of Lot 3 of the Medical Tech Park Subdivision, be designated as M-1 Mixed-use district classification with a conditional use allowing telecommunication facilities on Lot 3H within said Amended Plat.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing the Amended Plat of Lot 3 of the Medical Tech Park Subdivision, 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 18th day of July, 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. 2943 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 18th day of July, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 18th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

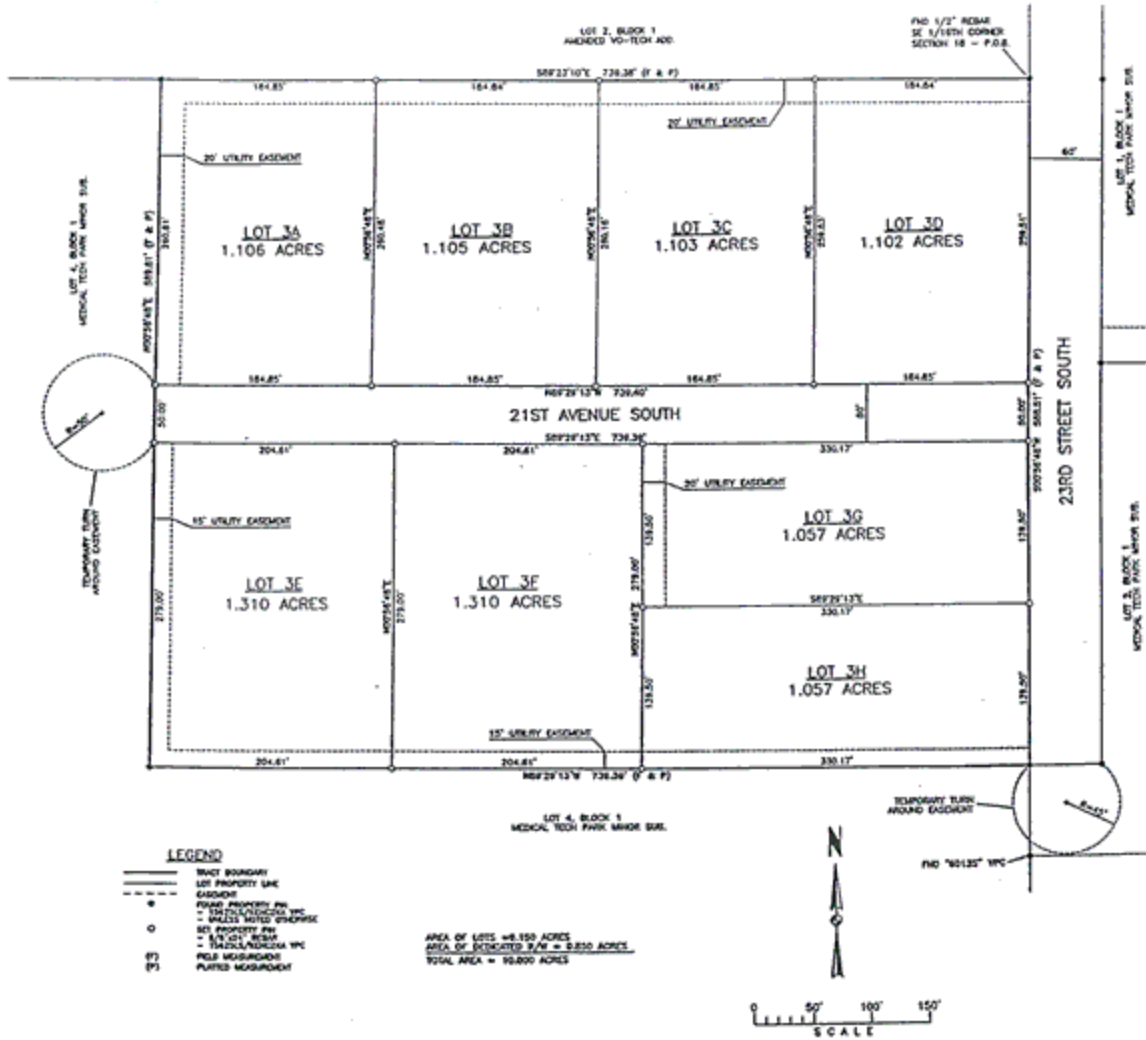
Peggy J. Bourne, being first duly sworn, deposes and says: That on the 18th day of July, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2943 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)

AMENDED PLAT OF LOT 3 OF THE MEDICAL TECH PARK SUBDIVISION
 LOCATED IN THE SE1/4 OF SECTION 18, T20N, R4E, P.M:M., CASCADE COUNTY, MONTANA
 LAND OWNER: CITY OF GREAT FALLS



BASES OF BEARING: WEST RIGHT-OF-WAY LINE OF 23RD STREET SOUTH AS SHOWN ON THE MEDICAL TECH PARK SUBDIVISION PLAT, BEING 80°54'48"W
 PURPOSE OF SURVEY: TO CREATE A MAJOR SUBDIVISION

**Community
Development
Department**

MEMO

To: Ben Rangel, Planning Director
From: Mike Rattray
Date: May 4, 2006
Re: Medical Tech Park Subdivision



In reviewing the listing of permitted land uses in the new Land Development Code, it appears the M-1 classification is probably more appropriate than the C-2 which was our original request. Our intention is to market the property as primarily a suitable location for office development, not commercial or retail development and certainly understand the concerns over some of the other permitted uses in the C-2 district. Our first potential client, interested in Lot 3H, has expressed a need for allowing telecommunication facilities on the parcel so we would appreciate processing the appropriate conditional use in conjunction with the initial zoning. I am not aware of any additional needs for similar conditional uses so we recognize any such requests would need to be processed on an individual basis. Thank you and the Planning Board for this late change in our request.

AGENDA REPORT

DATE July 18, 2006

ITEM Resolution No. 9588 Intent to Vacate 10th Alley South in Block 806, Eleventh Addition to Great Falls (Walgreens)

INITIATED BY Hawkins Companies, LLC

ACTION REQUESTED Adopt Resolution No. 9588 and Set Public Hearing for August 1, 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 abandonment of 10th Alley South in Block 806, Eleventh Addition to Great Falls.

MOTION:

“I move the City Commission adopt Resolution No. 9588.”

SYNOPSIS:

Resolution No. 9588 sets a public hearing for August 1, 2006, to consider vacating 10th Alley South between the east right-of-way of 23rd Street South and the centerline of the vacated 24th Street South.

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 24th Street South, will comprise Lot 1A where on a new Walgreens Pharmacy will be constructed and Lot 8A where on a 7000 s.f. commercial shop 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 9588 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.

Attach:Res. No. 9588
Vicinity Map

cc: Robert Peccia & Associates, P.O. Box 5653, Helena, MT 59604
Hawkins Companies, LLC, 8645 W. Franklin Rd. Boise, ID 83709

RESOLUTION NO. 9588

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

* * * * *

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

WHEREAS, the owners abutting said portion of 10th Alley South have 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

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

That Tuesday, the 1st 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 10th Alley South within Block 806, Eleventh 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 18th day of July, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

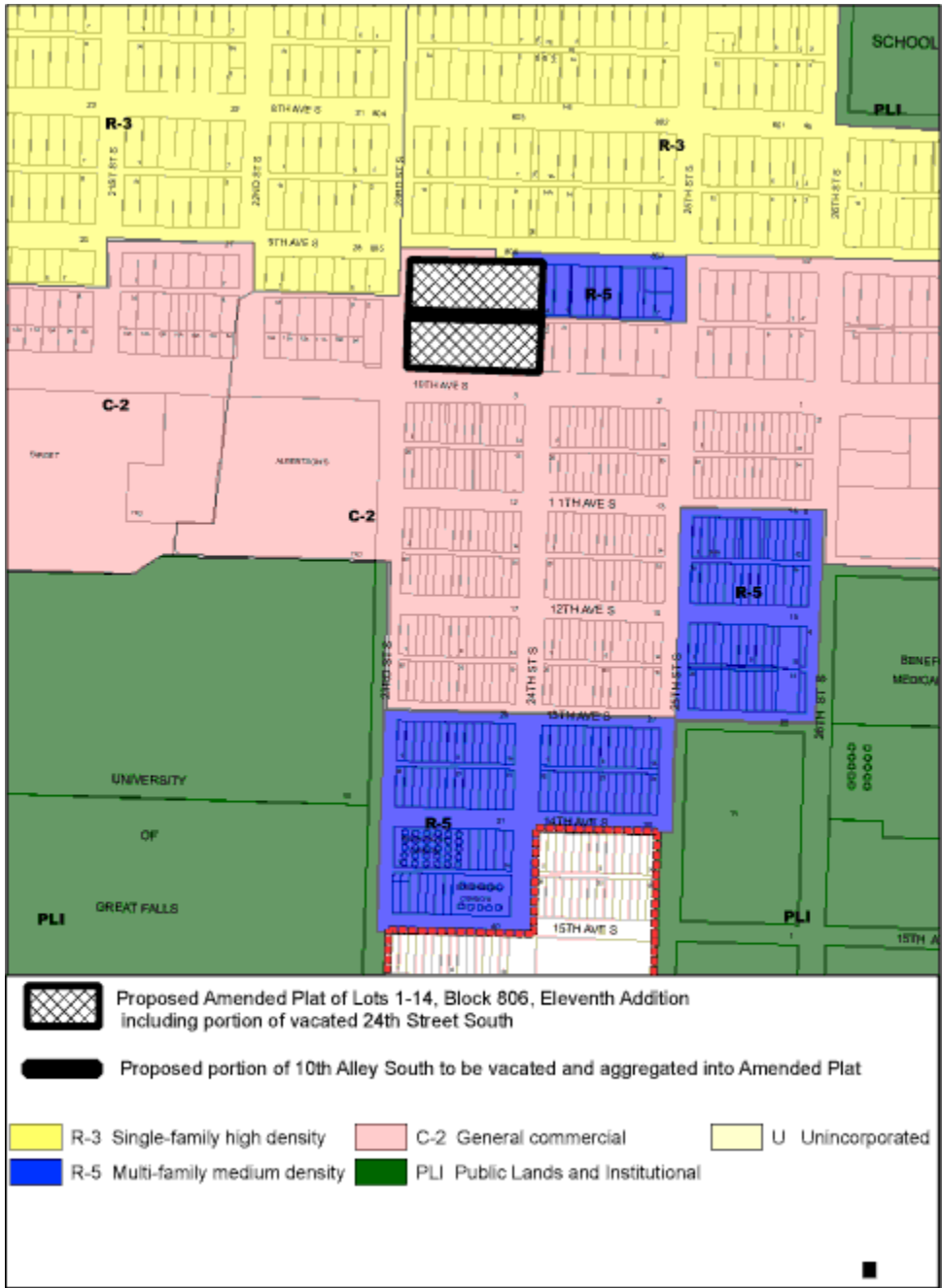
State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9588 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of July, 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 18th day of July, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

INVITATION: Interim Park and Recreation Director Patty Rearden invited the public to attend the 3rd Annual Riverfest Celebration to be held on July 15, 2006, at Sight and Sound Park, Elk's-Riverside Park and the Electric City Water Park.

NEIGHBORHOOD COUNCILS

- | | |
|---|---|
| Ice cream social. | 1A. Carl Donovan , Neighborhood Council 8, invited everyone to an Ice Cream Social at Memorial Park on July 25, 2006, at 6:30 pm. |
| Parking issue on 40th Street. | 1B. Audrey Finlayson , Neighborhood Council 4, thanked Public Works Director Jim Rearden and his staff for working on a parking issue along 40 th Street South. She also announced that Neighborhood Council 4 has combined their meetings with Neighborhood Councils 8 and 9 and the Neighborhood Watch Program. |
| Neighborhood pools. | 1C. Tim Austin , Neighborhood Council 3, stated that Neighborhood Council 3 voted to support neighborhood pools and encouraged the City Commission to do the same. |
| Swearing-In, Sadler. | 1D. Mayor Stebbins swore in Donna Sadler, the newest appointed member to Neighborhood Council 7. |

PUBLIC HEARINGS

- | | |
|--|--|
| Res. 9575 and Ordinance 2940 annexation, zoning and the final plat for Cottage Grove Addition Phase 1. Adopted. | 2A. <u>RESOLUTION 9575, ANNEXATION OF COTTAGE GROVE ADDITION PHASE 1.</u> |
| | 2B. <u>ORDINANCE 2940, ZONING FOR COTTAGE GROVE ADDITION PHASE 1.</u> |
| | Planning Director Ben Rangel reported that Resolution 9575 annexes Cottage Grove Addition Phase 1 which is located along the north side of 7 th Avenue North and the northerly extension of 49 th Street North. Ordinance 2940 assigns a zoning classification of PUD planned unit development district to the property. |

In 2001, the City and County Commissions conditionally approved the preliminary plat of Discovery Meadows Addition, consisting of 62 single-family residential lots. The applicant wanted to have Cottage Grove Addition Phase 1 (which was originally referred to as Discovery Meadows Addition Phase 3) zoned PUD planned unit development district to accommodate smaller residential lots ranging in size from 3,779 to 6,106 square feet.

The Planning Board/Zoning Commission conducted a combined public hearing on April 25, 2006 to consider the final plat, annexation and zoning request. At its conclusion, the Zoning Commission unanimously recommended the City Commission assign the requested zoning classification and the Planning Board unanimously recommended the City Commission approve the final plat and annexation provided that the applicant sign an annexation agreement; pay applicable fees, correct any errors or omissions noted by staff and obtain approval of engineering documents from Public Works.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9575 or Ordinance 2940. Mayor Stebbins declared the public hearing closed.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9575 and approve the final plat and Annexation Agreement all related to Cottage Grove Addition Phase 1.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Hinz, that the City Commission adopt Ordinance 2940.

Motion carried 5-0.

Res. 9580 and Ordinance 2941, annexation, zoning and the final plat for Whispering Ridge Addition, Phase 5. Adopted.

3A. RESOLUTION 9580 ANNEXATION OF WHISPERING RIDGE ADDITION PHASE 5.

3B. ORDINANCE 2941, ZONING FOR WHISPERING RIDGE ADDITION PHASE 5.

Planning Director Ben Rangel reported that Resolution 9580 annexes Whispering Ridge Addition Phase 5, which consists of 32 single-family lots along a portion of Whispering Ridge Drive. Ordinance 2941 assigns a zoning classification of R-2 single-family medium density district.

In February 2004, the City and County Commissions conditionally approved the preliminary plat of Whispering Ridge Addition, Phases 4-6,

consisting of 43 proposed single-family residential lots located on the upper portions of the coulee immediately east of Mountain View Terrace Addition. Phases 5 and 6, consisting of 32 residential lots, propose to be consolidated on one final plat, with the title being changed to just Phase 5.

At the conclusion of a Planning Board meeting held on April 25, 2006, the Board unanimously recommend the City Commission approve the final plat and the annexation to the City of Whispering Ridge Addition Phase 5, subject to the applicant signing an Annexation Agreement, pay applicable fees; correct any errors or omissions on the final plat noted by staff; and obtain approval of the final engineering documents.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9580 or Ordinance 2941. Mayor Stebbins declared the public hearing closed.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9580 and approve the final plat and Annexation Agreement all related to Whispering Ridge Addition Phase 5.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2941.

Motion carried 5-0.

Res. 9581 and Ordinance 2942, annexation, zoning and the minor plat for Northview Addition, Phase 1. Adopted.

4A. RESOLUTION 9581 ANNEXATION OF NORTHVIEW ADDITION PHASE 1.

4B. ORDINANCE 2942, ZONING FOR NORTHVIEW ADDITION PHASE 1.

Planning Director Ben Rangel reported that Resolution 9581 annexes Northview Addition Phase 1, which consists of a single 5-acre lot and the abutting portion of 9th Street Northeast. Ordinance 2942 assigns a zoning classification of PUD planned unit development district, to the property. The owner plans to build 9 two-unit residential structures to be sold as part of a condominium association.

On May 9, 2006, the Zoning Commission unanimously recommended that the City Commission approve the requested zoning. The Planning Board unanimously recommended the City Commission approve the Minor Plat and annexation of Northview Addition Phase 1, subject to the applicant signing an Annexation Agreement, paying applicable fees, correcting errors or omissions on the final plat and obtaining approval of

the final engineering documents.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9581 or Ordinance 2942. Mayor Stebbins declared the public hearing closed.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9581 and approve the minor plat and Annexation Agreement all related to Northview Addition Phase 1.

Commissioner Jovick-Kuntz asked if the storm water drainage from this addition would go into the retention pond the City was having problems with. Planning Director Ben Rangel stated that the storm water would not be routed to the retention pond in question.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Ordinance 2942.

Motion carried 5-0.

**Ordinance 2939,
Rezone Lot 1, Block
1, Montana
Addition (Elmer's).
Denied.**

5. ORDINANCE 2939, REZONE LOT 1, BLOCK 1, MONTANA ADDITION (ELMER'S RESTAURANT).

Planning Director Ben Rangel reported that, if adopted, Ordinance 2939 would rezone Montana Addition, Block 1, Lot 1 from C-1 neighborhood commercial district, to C-2 general commercial district with stipulations. The lot is currently occupied by Elmer's Restaurant and is addressed as 1600 Fox Farm Road. The owner requested the zone change to allow gaming on the premises.

Mr. Rangel stated that the property owner explained that potential purchasers of the property were interested in utilizing a liquor license with gaming machines in conjunction with a proposed restaurant business operation. The current C-1 neighborhood commercial zoning classification permits alcohol sales and consumption but prohibits gaming operations. The requested C-2 general commercial zoning classification permits casinos and accessory gaming.

On May 9, 2006 the Zoning Commission unanimously passed a motion recommending the City Commission approve the request with the following stipulations: casino, type I would not be allowed, accessory gaming, as defined and provided for in the Land Development Code, would be allowed; exterior signage indicating any form of gaming would not be allowed; only uses permitted in a C-1 neighborhood commercial

district other than accessory gaming would be allowed; and access to the subject from Fox Farm Road shall be modified to incorporate a joint use driveway with the adjoining property to the south.

Mayor Stebbins declared the public hearing open. Those speaking in support of Ordinance 2939 were as follows:

John Toenyes, 1600 Fox Farm Road, owner of the property, stated that in 1987 he successfully had the property rezoned to general commercial which allowed him to have gaming on the premises. However, when the City adopted the new Land Development Code, the zoning designation was changed. The new zoning designation would allow a liquor license but not gaming. He stated he was not notified that the zoning would be changed otherwise he would have fought the new zone designation. He added when his property was zoned to allow gaming he did not have any machines in the restaurant. However, in an effort to potentially sell the property to a national restaurant, the gaming provision needed to be added. He said that his intent was to bring in a better business and, he cautioned, that even if the Elmer's franchise remained in place, they too would want to have the option of gaming on the premises.

Ron Thornton, 5092 Fox Farm Road, presented 150 petitions signed supporting the rezoning request. He encouraged the City Commission to approve the rezoning request.

John Koslosky 38 Treasure State Drive, stated that this issue was not regarding gaming, it was an equity issue. He asked the Commission to restore the zoning Mr. Toenyes enjoyed for 19 years and was changed without notification.

Those speaking in opposition to Ordinance 2939 were as follows:

Randy Lyons, 1800 11th Street SW, stated he was not against Elmer's, but he was against gaming. He explained that many casinos have been robbed lately, and he did not want another casino close to his home increasing the chance that a robbery would occur. He added that it was well known gaming led to higher addiction rates in a community and that many citizens in Great Falls opposed additional gaming facilities.

Gloria Smith (address unknown) stated that Elmer's was a wonderful family restaurant. However, if the rezoning request was approved, it could become a bar and casino. She asked the Commission to deny the rezoning request because if they approve it, other rezoning requests will be made which would erode the zoning code that took two years to approve. She asked if this zone request was approved, could a porn shop be located there. Planning Director Rangel stated that it could not because that type of business was not allowed in C-1 neighborhood

commercial district. He reminded everyone that the proposal was to allow only those businesses that are permitted in a C-1 neighborhood commercial district except for accessory gaming which was allowed in a C-2 neighborhood district.

Ms. Smith also asked if the City Commission approved this rezoning request, would a precedent be set. Mr. Rangel stated that if other businesses asked, it would be difficult to deny their requests if the Commission approved this request tonight. However, he cautioned, similar stipulations would also apply to future requests.

Dan Treinan, 1201 24th Avenue SW, stated that a formal process was followed when the Land Development Code was adopted. Mr. Toenyese chose not to participate. Now his situation has changed and he wants to change the ordinance in order to capture additional revenue when he sells the restaurant. He added that granting this request would open the door for future rezoning requests from property owners and he opposed that.

Lynn Steinmetz, 1131 18th Avenue SW, Neighborhood Council 1 representative, asked the Commission to deny this request because the neighbors did not want another casino in their neighborhood. She asked the Commission to listen to Neighborhood Council 1 and to the residents of the area.

Ben Forsyth, 900 9th Street South, stated he, along with other volunteers, went to over 600 homes in the Fox Farm area to discuss this issue with the residents. He learned that many people were informed about the effects of gambling and that they wanted less of it in their community. He argued that property values in the Fox Farm area were not increasing at the same rate other areas were that did not have casinos at their entrance. He also learned that people were concerned about government officials who were sworn to save and protect the public but approved businesses that were known to increase crime and suicide rates.

Mr. Forsyth added that according to Montana Code Annotated 76-2-304, a zoning code was to promote health and the general welfare of the community. He argued that gambling does not accomplish that requirement. In closing Mr. Forsyth asked Mayor Stebbins to recuse herself from voting because she received campaign contributions from casino owners.

Bob Church, 715 55th Street South, asked how many casinos there were in Great Falls. Someone from the audience stated 107. Mr. Church suggested that was enough.

Art Dickhoff, 3027 3rd Avenue North, stated that people will not relocate to Great Falls with the detriment of gambling. He suggested that

approving this rezoning request would let the camel's nose into the tent and soon the whole camel would be in it.

Stuart Lewin, 615 3rd Avenue North, stated people cannot believe the number of casinos in Great Falls and that the community has to decide what we want it to look like which includes how many casinos there should be in the City.

Emmett Whalen, 605 Park Garden Road, stated he was opposed to gambling in Montana. He reminded the audience that the Legislature reinstated gambling to help fund education. Gambling harms people, he added.

Mike Whitsoe, asked the Commission to listen to the people. The residents do not want more gaming machines in the City.

Loran Keller, 25 Comanche Trail, read his statement into the record that focused on the promise the City Commission made to Fox Farm residents that that the new Land Development Code would preclude any new casino locations. Now, however, he added, a property owner has petitioned to the City Commission to change the zoning of his property so that a casino could be located in the restaurant. Mr. Keller stated that Mr. Toenyas would gain financially if the rezoning request was granted. He asked the Commission to keep the Land Development Code intact and deny the rezone request. He also asked Mayor Stebbins to recuse herself from the vote because of the campaign contributions she received from the casino owners.

William "Bill" Kuhr, 1917 Cherry, asked the City Commission to support the stance that the community does not want another casino in Great Falls.

Ben Forsyth, read a letter from Bryan Lockerby, into the record stating he opposed the rezoning request.

Warren Stam, 2223 Beech Drive, stated that gambling has ruined his life. He suggested the Commission was only interested in money and now, because of gaming, he was on a suicide watch. He added that if he killed himself, the Commission would know the reason why.

Kendra Owen, 1004 El Paso Drive, stated that the City spent a lot of time and effort on the Land Development Code. She requested the City Commission keep the zoning laws in place and deny this rezoning request. She added that gambling was bad for the community because it has a negative impact on the public's health and safety. She also expressed concern over setting a precedent and the fact that the gateway to the community would have a casino on it. She reminded the City

Commission that there were restaurants in Great Falls that were successful without gaming.

There being on one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

Commissioner Beecher asked Ben Rangel what the definition of accessory gaming was. Mr. Rangel stated it meant any land use that was clearly incidental and subordinate to and customarily found with a principal land use. Mr. Rangel also outlined the requirements of an accessory use which included a separate entrance to the area where gaming machines were located had to be at the back of the building. Commissioner Beecher also pointed out that the proposal included stipulations that would prohibit signing and any other uses that would be allowed in a C-2 neighborhood zoning.

Commissioner Beecher then moved, in order to put the issue on the table, that the City Commission adopt Ordinance 2939. Commissioner Rosenbaum seconded the motion.

Commissioner Beecher stated that there was a difference between a casino and accessory gaming. He added he had mixed feelings about this issue. He agreed there were too many casinos in Great Falls, but argued that it was the Legislature that needed to address this issue. He said that Mr. Toenyas was remiss in not following the impact the Land Development Code would have on his property. He added that he did not believe approving this would let the camel in the tent, because of the stipulations tied to the approval. He added that this action would not increase the number of casinos in Great Falls; it would relocate an existing one.

Commissioner Hinz stated that gaming was the most contentious issue the City Commission has had to deal with and was the driving force for the new Land Development Code. She added that in her opinion the community interest outweighed Mr. Toenyas' need and, therefore, could not support the motion.

Commissioner Jovick-Kuntz concurred with Commissioner Hinz. She added that this would be establishing a precedent and that full service restaurants were in Great Falls that included Applebee's and Tony Roma's, and they did not have gaming machines.

Commissioner Rosenbaum stated he concurred with Commissioner Beecher's statements. He added that Elmer's was not, in his opinion, neighborhood commercial and that he could support the zone change because of the business's location.

Mayor Stebbins stated she would not recuse herself on this issue because

she was not beholden to a special interest group. She added she supported the Land Development Code and that the Commission needed to tow the line.

There being no further discussion, the motion failed 0-5 (Mayor Stebbins, Commissioners Beecher, Hinz, Jovick-Kuntz and Rosenbaum dissenting).

**Resolution 9577,
Intent to Increase
Property Tax.
Adopted.**

6. RESOLUTION 9577, INTENT TO INCREASE PROPERTY TAX.

Melissa Kinzler, Budget Officer, reported that the City intended to budget an increase in revenue from property taxation by approximately 1.43 percent, as allowed by Montana Code Annotated (MCA) 15-10-420.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of Resolution 9577. **Mary Jolley**, 1910 2nd Avenue North, stated she opposed Resolution 9577 because the City needed to get a handle on its finances. She pointed out that the City could save over \$5 million if it eliminated some expenditures related to energy.

Stuart Lewin, 615 3rd Avenue North, stated that the direction this budget was taking the community was not correct. He added that the finances of the City had real problems and the problems were getting worse. He explained that reserves were going down, expenses were going up and the risks were greater. He asked the City Commission to deny the resolution.

There being no one further to address the Commission, Mayor Stebbins declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9577.

Commissioner Hinz asked what this increase would mean in dollars. Melissa Kinzler replied about \$123,000. Commissioner Jovick-Kuntz asked Ms. Kinzler to review some of the cost increases that had to be budgeted. Ms. Kinzler replied that worker's compensation increased 15 percent, liability insurance increased 10 percent, health insurance increased 15 percent and energy costs increased approximately 10 percent.

Motion carried 5-0.

**Res. 9578, Final
Budget Adoption.
Continued until**

7. RESOLUTION 9578, FINAL BUDGET ADOPTION.

Budget Officer Melissa Kinzler reported that in accordance with MCA 7-6-4021 and 7-1-4127 the City Commission completed its preliminary

July 18, 2006.

budget for the upcoming fiscal year; placed the budget on file and open for public inspection; and published notices for the preliminary budget hearing.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of Resolution 9578. Those speaking in opposition to the budget resolution included:

Tim Austin, 1302 Avenue B NW, stated that he hasn't seen the final budget proposal for the neighborhood pools. Budget Officer Melissa Kinzler explained that the detail in the budget before the Commission was by Fund rather than by line item. She added that she would provide Mr. Austin the information he requested; however, she did not have it with her at the time.

City Manager John Lawton added that the proposed budget included a budget for the swimming pools that was based on present assumptions. However, because of the current community discussion regarding the neighborhood pools, those assumptions might change. If that occurred, then the budget would change as well during the budget amendment process.

Mr. Austin reported that people in Great Falls supported the neighborhood pools and did not want spray grounds. He said he was disappointed in the survey that went out in the utility bill because it did not include an option that only related to repairing the neighborhood pools. All the options included repairs to Mitchell Pool as well as the addition of at least one spray park.

Stuart Lewin, 615 3rd Avenue North, stated that item 2.3 on page 34 of the budget stated that the City Manager was delegated the authority to make transfers or revisions within or among appropriations of any fund. He argued that statement gave Mr. Lawton the authority to move money around between funds and that he should not have that type of authority. Mr. Lewin then asked Commission Beecher about a specific "transfer-in" in the coal plant fund. Mr. Lawton suggested that because the budget contained thousands of unique numbers, staff would respond to each of Mr. Lewin's questions after verifying the information with the source documents.

Commissioner Hinz stated that the Commission did not operate in the dark regarding the budget, nor did they operate under an aura of suspicion. Commissioner Beecher reminded Mr. Lewin that the City was audited every year from an independent auditor. Mr. Lawton added that not only was the City audited by an independent auditor which is overseen by the State of Montana, the City must also follow the accounting principals for government. He stated that the audit verifies

that the City complies with state and federal laws and that the City follows the rules and has earned national recognition for the past 12 years because of it.

There being no further comment, Mayor Stebbins declared the public hearing closed.

Commissioner Rosenbaum moved, seconded by Commissioner Hinz that the City Commission continue the budget hearing until July 18, 2006.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9586 and Ordinance 2944, Intent to annex and zoning for Parcel Mark No. 4B, Section 4, T20N, R4E (Western Ranch Supply). Adopted Resolution 9586 and accepted Ord. 2944 on first reading setting the public hearing for August 15, 2006.

8A. RESOLUTION 9586, ANNEXATION OF PARCEL MARK NO. 4B, SECTION 4, T20N R4E (WESTERN RANCH SUPPLY).

8B. ORDINANCE 2944, ESTABLISH CITY ZONING ON PARCEL MARK NO. 4B, SECTION 4, T20N R4E (WESTERN RANCH SUPPLY).

Planning Director Ben Rangel reported that the owner of the property located at T20N, R4E, Section 4, Mark 4B petitioned to annex in the property and to zone it I-2 heavy industrial. The owner was remodeling an existing building for a new Western Ranch Supply retail store.

At the conclusion of the April 11, 2006 public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission approve the zoning request. On the same day the Planning Board passed a motion recommending the City Commission annex the property provided the applicant pay applicable fees; provide an accurate meets and bounds for the property and that the applicant sign an annexation agreement.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9586 and set public hearing for August 15, 2006.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Rosenbaum that the City Commission accept Ordinance

2944 on first reading and set public hearing for August 15, 2006.

Motion carried 5-0.

Res. 9570, Intent to Create Special Improvement Lighting District – City Owned Residential Lighting 1306. Adopted and set the public hearing for August 1, 2006.

9. RESOLUTION 9570, INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING 1306.

Melissa Kinzler, Assistant Fiscal Services Director, reported that staff received a petition from the developer of Meadowlark Addition No. 4 requesting street lights be installed along Camas Drive. The petition was for the installation of nine (9) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring. There are 18 properties within proposed district. She added that the special assessment for the installation cost of the improvements would be payable over a term not to exceed 15 years. The estimated annual special improvement assessment would be \$110.31 for an average lot of 10,495 square feet. After the street lights were installed there would also be an ongoing estimated annual maintenance assessment of \$70.53 for an average lot for energy, transmission, distribution and other ongoing related costs.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9570 and set public hearing for August 1, 2006.

Motion carried 5-0.

Consent Agenda. Approved as printed.

CONSENT AGENDA

10. Minutes, June 20, 2006, Commission meeting.
11. Total expenditures of \$786,752.58 for the period of June 14-27, 2006, to include claims over \$5,000 in the amount of \$590,018.61.
12. Contracts list.
13. Lien Release List
14. Engineering Services Contract with Stelling Engineers, Inc. for engineering services for the Giant Springs Storm Drain Outfall Rehabilitation in an amount not to exceed \$39,718. (OF 1458)
15. Bid award for modifications to the women's restroom on the first floor of the Civic Center to Dick Olson Contractors in the amount of \$77,000. (OF 1481.1)

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

Motion carried 5-0.

BOARDS AND COMMISSIONS

Preliminary Plat of West Ridge Addition Phase IV. Approved.

16. PRELIMINARY PLAT OF WEST RIDGE ADDITION, PHASE IV.

Planning Director Ben Rangel reported that the Great Falls Planning Board has recommended the City Commission approve the preliminary plat of West Ridge Addition, Phase IV which consists of 37 residential lots located immediately northwest of Skyline Education Center along the westerly extensions of 35th and 36th Avenues NE. He added that the subdivision was identical to the preliminary plat for West Ridge Addition conditionally approved by the City and County Commissions in November 2002. However, the three year approval period associated with that action had expired. As such, a preliminary plat must again be processed for review and approval.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission approve the preliminary plat of West Ridge Addition Phase IV and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.

Motion carried 5-0.

CITY COMMISSION

Pothole response.

19A. Mayor Stebbins thanked the Public Works staff for responding to a citizen concern regarding a pothole.

Fireworks.

19B. Commissioner Beecher stated that it was time the City did something regarding fireworks.

PETITIONS AND COMMUNICATIONS

Fireworks.

20A. **John Korst**, 118 16th Avenue NW, **Bob Church**, 715 55th Street, **Art Doleman**, 3016 Central, **Andre Doleman**, 3016 Central, and **Mike Whitsoe**, concurred with Commissioner Beecher and requested the City Commission change the fireworks law.

Tax increase for county residents.

20B. **John Hubbard** stated he was upset about the new county tax that would be imposed on county residents in order to clean up contaminated property. He suggested that if the Weissman family was held responsible for their contamination, funding would be available for this new issue. At that point Mayor Stebbins ruled Mr. Hubbard out of order and asked that he be removed from the Commission Chambers. She stated that he had been warned on previous occasions to limit his comments to issues the City

Commission had jurisdiction over.

Coal Plant.

20C. Stuart Lewin, stated he was actively involved in opposing the construction of the proposed coal fired plant to be located east of Great Falls. He stated that because of the late hour he would address the Commission more fully on that issue on a later date. He did, however, add, that the community did not have any input in the decision to build the plant and that he sent a letter recently with questions that needed to be addressed. Finally, he added that the Electric City Power Incorporated minutes were not thorough or reflect what occurred at the meetings.

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of July 11, 2006, adjourned at 10:24 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 JUNE 30, 2006	321,214.95
MASTER ACCOUNT CHECK RUN FOR JULY 5, 2006	289,137.05
MASTER ACCOUNT CHECK RUN FOR JULY 12, 2006	1,677,294.01
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 30, 2006	77,259.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 7, 2006	3,507.00
WIRE TRANSFERS FROM JUNE 28,2006 THRU JUNE 30, 2006	<u>1,048,977.46</u>
TOTAL:	\$ <u>3,417,389.47</u>

GENERAL FUND

CITY COMMISSION

MT LEAGUE OF CITIES 2006-2007 DUES MLCT 17,007.00

OTHER ADMIN

BIG SKY FIREWORKS FIREWORKS DISPLAY 5,000.00

SPECIAL REVENUE FUND

PLANNING

GREAT FALLS TRANSIT DIST 3RD QTR REIMBURSEMENT 18,027.46

CTEP PROJECT

FORDE NURSERY NORTH ENTRY PHASE II CTEP OF 1306.4 37,339.73

SUPPORT & INNOVATION FUND

GREAT FALLS BUSINESS MAY 06 TAX DIST 53,519.18

FIRE SPECIAL

HEIMAN FIRE EQUIPMENT THERMAL IMAGING CAMERA 5,058.50
 HEIMAN FIRE EQUIPMENT ISI SCBA PARTS 1,928.30

STREET DISTRICT

GREAT FALLS REDI MIX ASPHALT CONCRETE MIX 100,247.32

LIBRARY

SIRSI LIB SOFTWARE MAINTENANCE 18,383.00

FEDERAL BLOCK GRANTS

BEST VALUE ROOTER SERV NEW SEWER/WATER 1926 6TH AVE N 7,500.00

DEBT SERVICE

SID BONDS

US BANK	DEBT SERVICE	75,465.00
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SOCCER PARK BONDS

US BANK	DEBT SERVICE	139,725.00
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CAPITAL PROJECTS

GENERAL CAPITAL

M&D CONSTRUCTION	COMM REC EMERGENCY EXIT	20,834.54
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ENTERPRISE FUNDS

WATER

DANA KEPNER CO BILLINGS	3/4 SR CHAMBERS COMPLETE	5,437.50
DANA KEPNER CO BILLINGS	1" SR CHAMBERS COMPLETE	1,612.50
PHILLIPS CONSTRUCTION	1ST,2ND,3RD & 5TH AVE NW	118,322.61
DPC CHEMICAL CO	AMMONIA/CHLORINE	8,529.50
DAVID KUGLIN CONSTRUCTION	PMT #1 FOR SLUDGE BASIN OF 1332.5	222,264.60
THATCHER CO	ALUMINUM SULFATE-LIQUID	9,656.14
US BANK	DEBT SERVICE	110,100.00

SEWER

VEOLIA WATER NORTH AMERICA	OPERATION & MAIN OF WWTP JULY 06	178,773.67
VEOLIA WATER NORTH AMERICA	MINOR CAPITAL IMPROVEMENTS	12,500.00
US BANK	DEBT SERVICE	410,120.00

STORM DRAIN

US BANK	DEBT SERVICE	178,499.96
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ELECTRIC UTILITY

US BANK	DEBT SERVICE	54,971.10
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PARKING

APCOA/STANDARD PARKING	PARKING ENFORCEMENT	21,824.99
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS 6/21/06-06/27/06	77,682.40
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CENTRAL INSURANCE

MONTANA MUNICIPAL INS AUTH	GENERAL LIABILITY PREM FY 06/07	809,383.00
MONTANA MUNICIPAL INS AUTH	VEHICLE, EQUIP, REAL, PERS PREM	162,701.00
MONTANA MUNICIPAL INS AUTH	BOILER & MACHINERY COVERAGE	15,982.00
MONTANA MUNICIPAL INS AUTH	CRIME & FIDELITY PREMIUM	4,770.00

INFORMATION TECHNOLOGY

H T E INC	ANNUAL MAINTENANCE	111,055.00
H T E INC	ANNUAL MAINTENANCE	8,786.85
NEW WORLD SYSTEMS	ANNUAL MAINTENANCE	99,120.00

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	32,138.60
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MUNICIPAL COURT

CASCADE COUNTY TREASURER	COURT SURCHARGE	13,806.00
CITY OF GREAT FALLS	FINES & FORFEITURES TRANSFER	56,999.00

CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION

FINAL

AGENDA 7
DATE: 7/18/06

CLAIMS OVER \$5000 TOTAL:

\$ 3,225,071.45

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

**AGENDA: 8
DATE: July 18, 2006**

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

PRESENTED BY: Peggy J. Bourne, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works	Auction Way Services	August 2006		9.7% Commission	Surplus City property auction to be held August 19, 2006

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

**AGENDA: 9
DATE: July 18, 2006**

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

PRESENTED BY: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Charles Miesmer (owner at time of recording) 1242 8 th Ave NW Bloomingdale 1 st Addn., B9, L4			\$83.70	Resolution 9448, for Assessing Properties for Unpaid Sewer, Fire Hydrant, Storm Drain and Sanitation Charges during calendar year 2004.
B	Fiscal Services	Richard Grilley GF6, B546, NW/4 & S/2 of 1 & SW/4 of Lot 2			\$200.00	Resolution 9451, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in Violation during calendar year 2004.

C	Fiscal Services	Leonard D. Reed RIT, B3, L29			\$200.00	Resolution 9451, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2004
D	Fiscal Services	Richard Grilley GF6, B546, NW/4 & S/2 of 1 & SW/4 of Lot 2			\$200.00	Resolution 9358, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in Violation during calendar year 2003.
E	Fiscal Services	Kunthong Gaither SO5, B2, L14			\$100.00	Resolution 9358, for Assessing the Cost of Removal and Disposal of Nuisance Weeds in Violation during calendar year 2003.
F	Fiscal Services	Casey Cummings GF6, B554, L2			\$600.00	Resolution 9543 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.
G	Fiscal Services	Joshua L. Peterson GF6, B558, L14			\$300.00	Resolution 9543 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.
H	Fiscal Services	Marty D and Debbie Williams BO1, B5, L15			\$200.00	Resolution 9543 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.

I	Fiscal Services	Marty D and Debbie Williams BO1, B5, L17			\$200.00	Resolution 9543 for assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.
J	Fiscal Services	Marty D and Debbie Williams BO1, B5, L18			\$200.00	Resolution 9543 for assessing the Cost of Removal and Disposal of Nuisance Weeds in violation during calendar year 2005.
K	Fiscal Services	Owner at time of recording was James Adkins & Candy Brumbaugh (current owner is James Adkins) 3317 3 rd Avenue North Boston GF Addn, B20, L10			\$2,862.00	Resolution 9522 for Assessing the Costs Incurred in the Nuisance Abatement of Property during calendar year 2005.

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

DATE July 18, 2006

ITEM Res. 9584, Nuisance Abatement, L10, B6, NRT 6th Add., 609 36TH Ave NE

INITIATED BY Community Development Department

ACTION REQUESTED Set Public Hearing for August 1, 2006 at 7:00 p.m.

PREPARED & PRESENTED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

It is recommended the City Commission set the public hearing for August 1, 2006, on Resolution 9584, which will enable the Community Development Department staff to hire a contractor and abate the ongoing nuisance at 609 36th Ave NE

MOTION:

I move a public hearing be set for August 1, 2006, at 7:00 p.m., in the City Commission Chambers, on Resolution 9584.

SYNOPSIS:

As prescribed by Chapter 8.49.040, a "Notice of Public Hearing" before the City Commission was posted on the property July 21, 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

2nd complaint taken from GFPD 5/18/2006

Ownership and encumbrance report by Stewart Title 6/21/2006

Photographs taken of Junk Vehicle's & Rubbish 6/22/2006

BACKGROUND CONTINUED

<u>ACTION</u>	<u>DATE</u>
"Notice of Hearing" posted on property	7/21/2006
"Notice of Hearing" mailed certified Great Falls MT –	7/21/2006
"Notice of Hearing" published in GF Tribune	7/22/2006

RESOLUTION 9584

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

* * * * *

WHEREAS, Sangchan Sripundon, owner(s) of certain personal and real property located at 609 36th Ave NE, Lot 10, Block 6, Great Falls North Riverview Terrace 6th 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 1st day of August, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTANT:

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.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Date July 18, 2006

CERTIFIED MAIL

Name: Sangchan Sirpundon
Address: 609 36th Ave NE
City: Great Falls MT 59404

RE: Lot 10, Block 6, North Riverview Terrace 6th Addition
609 36th 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 36th 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 36th 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 6th Addition, 609 36th 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

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

DATE July 18, 2006

ITEM: WATER METER EQUIPMENT PURCHASES FOR FY07

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: APPROVE PURCHASE

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission approve the purchase of water meter equipment for the 2007 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$250,000.

MOTION:

I move that the City Commission approve the purchase of water meter equipment for the 2007 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$250,000. Dana Kepner Co. of Billings is the sole source distributor for compatible parts and equipment for the City's metering system.

SYNOPSIS:

During Fiscal Year 2007, the City Water Utilities Division will continue to purchase water meters, supplies and installation equipment from Dana Kepner Co. of Billings, the sole vendor for these items in the Great Falls area. Staff proposes to purchase radio read equipment and new meters totaling approximately \$170,000. Staff proposes to also purchase parts and installation materials including meter horns totaling approximately \$80,000.

BACKGROUND:

Over the last 10 years, the City Water Distribution Division has been converting old TTR meters, which are now obsolete, to ECR meters. The ECR meters are used with our new radio read equipment, which makes reading meters easier and less time consuming. In Fiscal Year 2006, Staff purchased \$168,636 worth of radio read equipment and new meters from Dana Kepner Co. Additionally, staff also purchased \$79,941.38 worth of meter parts and installation equipment, including meter horns in Fiscal Year 2006. Due to compatibility issues with different equipment, supplies, and suppliers, staff proposes to continue to purchase equipment from Dana Kepner Co.

cc: Mark Frahm, Utility Systems Supervisor

AGENDA REPORT

DATE July 18, 2006

ITEM: ENGINEERING SERVICES CONTRACT: NORTH GREAT FALLS
SANITARY SEWER AND STORM DRAINAGE MASTER PLAN, O. F. 1476

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE ENGINEERING CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION: Approve Engineering Contract between the City of Great Falls and Morrison-Maierle, Inc. for engineering services for the North Great Falls Sanitary Sewer and Storm Drainage Master Plan, O. F. 1476, with professional services fee not to exceed \$89,972.

MOTION: “I move the City Commission approve the Engineering Contract between the City of Great Falls and Morrison-Maierle, Inc. for engineering services on the North Great Falls Sanitary Sewer and Storm Drainage Master Plan, O. F. 1476, and authorize the City Manager to execute the contract.”

SYNOPSIS: The northern edge of Great Falls has been one of the fastest growing areas of the City in recent years. This growth trend is expected to continue and could accelerate. The joint sanitary sewer and storm drain master plan will examine current and future needs of these two utilities as the area develops. This is vital, since the area has no infrastructure at this time and drains mostly towards Watson Coulee. The currently developed areas north of Skyline Drive will also be evaluated since growth is using up remaining capacity in the storm and sewer systems in some cases.

City Staff has negotiated a professional engineering services contract (attached) with Morrison-Maierle in accordance with the City’s Architects Engineers Surveyors Selection Policy. Funding is available from the sanitary sewer and storm drain funds.

BACKGROUND: The ridge line that generally follows Skyline Drive and then cuts across to 36th Avenue Northeast separates property that slopes south towards the Missouri River from land that slopes north into Watson Coulee. New subdivisions have been served by gravity sanitary sewers that cut through this ridge or use lift stations. This has pushed the limits of existing mains, some of which have needed upsizing. Most storm water flow is directed to a retention pond in a closed basin, which has overflowed its banks during the last two seasons. Future subdivisions will mostly drain towards Watson Coulee, which has no sanitary sewers or storm drain facilities in place.

The undeveloped area to be studied is generally bounded on the east by Bootlegger Trail; on the north by section lines about a mile north of the Eagles Crossing subdivision; on the west by section lines just west of Watson Coulee Road; and on the south by the north City Limits. The developed area to be studied is generally north of 25th Avenue Northeast, and west of 6th Street Northwest, to the City Limits. Rather than apply a set time period, the area will be evaluated for needs when build out occurs. By using this method, a more accurate estimation of utility needs will be generated, without having to use estimated growth rates. The Master Plan will provide general plans and alternatives for serving the area. A capital improvements program will also be provided.

This area received minimal attention in the Waste Water Facilities Plan of 1998, and was not included in the Storm Drain Master Plan of 1989. It is included in the new Water Master Plan and the Transportation Master Plan of 2003. In fact, some of the data from the water and transportation plans will be used to help develop this master plan. Since some of the criteria for developing sewer and storm drain plans are the same, some savings will be realized by working on them simultaneously.

City engineering staff will manage the engineering contract and provide data. Public Works Utilities and City Planning will also be involved. The master plan is scheduled to be completed by December, 2006.

Attachments: Engineering Services Contract (2 each)
(Attachments not available online, but are on file in the City Clerk's Office.)

File: 1476enggAR

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

AGENDA _____ 13
DATE July 18, 2006

ITEM: FINAL PAY REQUEST: SLUDGE BASIN REHABILITATION PROJECT, PHASE ONE, (O.F. 1332.5)

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends that Final Payment to Dave Kuglin Construction for the Sludge Basin Rehabilitation Project, Phase One, (O.F. 1332.5) be approved and the necessary documents executed by the City Manager.

MOTION: "I move the City Commission approve the Final Pay Request for Dave Kuglin Construction in the amount of \$1,463.22 and payment of \$14.78 to the State Miscellaneous Tax Division for the Sludge Basin Rehabilitation Project, Phase One, (O.F. 1332.5), and authorize the City Manager to make the payments."

SYNOPSIS: This was the first of three similar sludge basin rehabilitation projects at the Water Treatment Plant. The other two sludge basins are currently being rehabilitated in the same manner. Three bids were opened on September 7, 2005 with Dave Kuglin Construction being the low bidder. The original bid was for \$195,200. Final construction costs were \$187,400. The two year warranty period began on November 11, 2005.

BACKGROUND: Sludge Basin Rehabilitation Project, Phase One, (O.F. 1332.5) is part of a series of Water Treatment Plant infrastructure upgrades.

The project consisted of excavation and backfill of the existing sludge drying basin back to its original contours, replacement of the under drain piping, and installation of a concrete liner in the bottom of the basin. This has greatly enhanced the ability of city staff to clean out the ponds. In the past, the ponds were over excavated when cleaned with a loader and track-type skid steer. It was difficult to maintain design elevations on the bottom of the ponds. In addition, excess water seeped between ponds and made it more difficult to de-water the sludge properly. Installing a concrete liner in the bottom of the sludge pond will make sludge removal easier and accelerate sludge de-watering.

Neil Consultants Inc. completed the project design and City Engineering staff performed construction inspection and project administration duties.

Attachment: Final Pay Estimate (Attachment not available online; on file in City Clerk's Office.)

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

DATE July 18, 2006

ITEM Co-Sponsorship of the USMA West Point Military Academy Band Concert

INITIATED BY Bill Larson

ACTION REQUESTED Co-Sponsor concert to be held on October 18, 2006

PRESENTED BY Peggy Bourne, City Clerk

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RECOMMENDATION: It is recommended that the City co-sponsor the USMA West Point Military Academy Band Concert on October 18, 2006, by contributing up to \$600 for the use of the Mansfield Theater.

MOTION: I move the City Commission that the City co-sponsor the USMA West Point Military Academy Band Concert on October 18, 2006, by contributing up to \$600 for the use of the Mansfield Theater.

SYNOPSIS: Bill Larson, retired Music Supervisor for the Great Falls Public Schools, requested the City Commission partner with the Great Falls Tribune and the Military Affairs Committee of the Great Falls Area Chamber of Commerce to bring the USMA West Point Military Academy Band to Great Falls to perform a concert on October 18, 2006. The co-sponsorship, or match amount requested was \$600. This request meets the co-sponsorship criteria established by the City Commission which includes:

- Requests should only be accepted from non-profit, public service organizations; and
- Requests will be granted only where the City Commission or another City agency finds a public purpose in co-sponsoring an event; and
- Requests will be considered when the event is to serve the public rather than to raise funds; and
- The event is free to the public; and
- The event benefits the youth of the community.

ITEM Appointment, Great Falls Planning Advisory Board

INITIATED BY City Commission

ACTION REQUESTED Appoint One Member

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission appoint one member to the Great Falls Planning Advisory Board.

MOTION: I move the Commission appoint _____ to the Great Falls Planning Advisory Board to fill the remainder of a term through December 31, 2007.

SYNOPSIS: 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 has resigned his position on the Board; therefore, it is necessary to appoint a replacement.

BACKGROUND: The Great Falls Planning Advisory Board was created in lieu of the Great Falls City-County Planning Board. Further, the advisory board has jurisdiction within the City limits; consists of nine citizen members appointed by the City Commission; and, performs and provides the duties, services and functions specified in Ordinance No. 2913, generally involving growth policies, subdivision applications and plats, annexation applications, zoning and rezoning petitions, conditional use permits, long range planning, transportation planning, Community Transportation Enhancement Program administration, historic preservation services, etc. Members must reside within the city limits.

Current members of the Great Falls Planning Advisory Board include:

William O. Bronson (term through December 31, 2008)
Gregory D. Madson (term through December 31, 2008)
John Harding (term through December 31, 2006)
William "Bill" Roberts (term through December 31, 2006)
Arthur E. Bundtrock (term through December 31, 2008)
Ron Kinder (term through December 31, 2006)
Joseph Schaffer (term through December 31, 2007)
Mark Gunderson (term through December 31, 2007)

Citizens interested in serving on Great Falls Planning Advisory Board include:

Danna Duffy
Ralph McGillivray
Gene Harrison
Joe Murphy
Donald Paulus

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

DATE July 18, 2006

ITEM Appointments, Parking Advisory Commission

INITIATED BY City Commission

ACTION REQUESTED Appoint Members

PRESENTED BY City Commission

- - - - -

RECOMMENDATION: It is recommended that the City Commission appoint two members to the Parking Advisory Commission.

MOTION: I move the City Commission appoint to the Parking Advisory Commission _____ for a three-year term through April 30, 2009; and appoint _____ to fill the remainder of a three-year term through April 30, 2008.

SYNOPSIS: Charles Bennett was appointed to the Parking Advisory Commission in April of 2003 for a three-year term. His term expired on April 30, 2006. Mr. Bennett is 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 has resigned from the Parking Advisory Commission. Therefore, it is necessary to appoint one member to fill the remainder of his term.

BACKGROUND: The Parking Advisory Commission is comprised of five members appointed by the City Commission. The Commission advises the City Commission, City Manager, and Community Development Staff on matters related to parking issues within the Parking Districts.

Continuing members of the Parking Advisory Commission include:

- Dave Hartford
- Jim Mintsiveris
- Fred Thiel

Citizens interested in this Board are:

- Stephen Gillespie
- Gene Harrison
- Edward McNamee
- Donald Sorte