



City Commission Agenda

for

May 2, 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

PROCLAMATION

National Preservation Month
National Police Week

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Parcel Mark Nos. 10 and 10B in Section 17, Township 20 North, Range 4 East (along the south side of 10th Avenue South between 26th and 29th Streets South). **(Presented by Ben Rangel)**
 - A) Res. 9565, Resolution to annex said property. Action: Conduct public hearing and adopt or deny Res. 9565.
 - B. Ord. 2935, Establishes City zoning of C-2 General Commercial District to property. Action: Conduct public hearing and adopt or deny Ord. 2935.
3. Res. 9559, Modification of Special Lighting District – Alley Lighting “SLD-A” No. 1294. Action: Conduct public hearing and adopt or deny Res. 9559. **(Presented by: Coleen Balzarini)**
4. Res. 9564, Cost Recovery, 1418 8th Avenue NW. Assesses total charges of \$5,448.09 against property for razing and cleanup. Action: Conduct public hearing and adopt or deny Res. 9564. **(Presented by: Mike Rattray)**
5. Lease Agreement, Portion of Clara Park. Approves a lease agreement with Chinook Wireless for a portion of Clara Park. Action: Conduct public hearing and approve or deny lease agreement. **(Presented by: Jim Rearden)**
6. Lease Agreement, Property Adjacent to the Gore Hill Water Tower. Approves a lease agreement with Chinook Wireless for property adjacent to the Gore Hill Water Tower. Action: Conduct public hearing and approve or deny lease agreement. **(Presented by: Jim Rearden)**

7. Justice Assistance Grant (JAG) for 2006. Approves recommendation to purchase mobile data terminals and equipment. Action: Conduct public hearing and approve or deny purchase. **(Presented by: Corky Grove)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

8. Res. 9566, Apply for designation as a *Preserve America* community. Action: Adopt or deny Res. 9566. **(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.*

9. Minutes, April 18, 2006, Commission meeting.
10. Total Expenditures of \$1,019,927 for the period of April 12-24, 2006, to include claims over \$5000, in the amount of \$844,751.
11. Contracts list.
12. Set public hearing for June 6, 2006, on Res. 9567 for a Conditional Use Permit for Central Plumbing and Heating.
13. Approve 2006/2007 Annual Action Plan including use of the Community Development Block Grant and HOME Investment Partnership Program funds.
14. Approve Procurement Contract with Smith Power Products for procurement and delivery of engine, generator and gas equipment to the Wastewater Treatment Plant Co-Generation Project.
15. Award a five-year Swimming Pool Exclusive Beverage Contract to Pepsi-Cola Bottling Company.

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

BOARDS & COMMISSIONS

16. Miscellaneous reports and announcements.

CITY MANAGER

17. Miscellaneous reports and announcements.

CITY COMMISSION

18. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

19. Miscellaneous reports and announcements.

ADJOURN

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

DATE May 2, 2006

ITEM Public Hearing – Annexation Resolution No. 9565, and Ordinance No. 2935 to Establish City Zoning for Parcel Mark Nos. 10 and 10B, Section 17, T20N, R4E

INITIATED BY City Administration

ACTION REQUESTED Commission Conduct Public Hearing and Adopt Resolution No. 9565 and Ordinance No. 2935

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex Parcel Mark Nos. 10 and 10B in Section 17, Township 20 North, Range 4 East, Cascade County, Montana, and the City Zoning Commission has recommended the City Commission apply a zoning classification of C-2 General commercial district, to same.

MOTIONS (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9565.” (*Annexation becomes effective June 2, 2006.*)

or

“I move the City Commission adopt Resolution No. 9565 with the effective date to be July 5, 2006, with the requirement that any sale of fireworks on said parcels, prior to July 5, 2006, shall be limited to five days from June 30 through midnight on July 4, 2006, similar to the timeframe specified in City code regarding fireworks policy.”

and

“I move the City Commission adopt Ordinance No. 2935.”

SYNOPSIS:

Resolution No. 9565 annexes subject Parcel Mark Nos. 10 and 10B located along the south side of 10th Avenue South between 26th and 29th Streets South. Ordinance No. 2935 assigns a zoning classification of C-2 General commercial district to subject property upon annexation to the City.

BACKGROUND:

A portion of the block of land located along the south side of 10th Avenue South and between 26th and 29th Streets South has never been annexed to the City. The unincorporated enclave, comprising 2.0 acres, is entirely surrounded by the incorporated area of the City.

The unincorporated area consists of two parcels owned by Zollie Kelman and is legally described as Parcel Mark Nos. 10 & 10B, Section 17, Township 20 North, Range 4 East, Cascade County, Montana. Please refer to the attached vicinity zoning map.

The City Commission has expressed an interest in annexing unincorporated enclaves to the City. For some governmental entities and neighbors these types of unincorporated enclaves have been a source of confusion

and inconsistent code application. An example is the fireworks issue where County requirements differ significantly from the City in the type of fireworks that can be sold, the time period during when they may sold and the type of fireworks that are allowed to be discharged. Equity issues also arise where property in the midst of an urban setting is not subject to the same code requirements or standards as surrounding properties when it comes to community decay, weed control, signage requirements, etc. These properties also benefit from readily available public improvements, such as paved roadways, curb and gutter, and sidewalks which in many cases have been funded by taxpayers within the City.

According to Section 7-2-4501, MCA, a city may include as part of the city any platted or unplatted tract or parcel of land that is wholly surrounded by the city upon passing a resolution of intent, giving notice, and passing a resolution of annexation. Further, Section 7-2-4502, MCA, provides that wholly surrounded land is annexed, if so resolved by the city or town council, whether or not a majority of the real property owners of the area to be annexed object.

Public infrastructure exists to serve the 2.0 acres being considered for annexation. The property is bordered on the north by 10th Avenue South which is improved with paving, curb and gutter and sidewalk. City water mains are located near the northwest and northeast corners of subject property and sanitary sewer is located near the southeast corner in 29th Street South.

Upon annexation, subject property will be subject to City assessments. The existing vehicle display and sales lot is a permitted use in the proposed C-2 General commercial district and would be allowed to continue following annexation. Fireworks stands could continue to operate from the site in accordance with City standards.

Attached is a communication dated February 28, 2006, from Steven Potts, attorney representing the property owner, Zollie Kelman, asking that the annexation process be postponed until a declaratory judgment can be decided. After reviewing Mr. Potts' letter and definitions and land use designations in the Unified Land Development Code, the City Attorney has directed staff to proceed with processing the annexation unless directed otherwise by a court of competent jurisdiction.

Also attached is a communication dated March 16, 2006, from Michael Maeder, Liberty Fireworks, Inc., essentially requesting any action to annex subject property not become effective until after July 4.

Subject Mark Nos. 10 & 10B are presently zoned under the Cascade County Zoning District as "B-2" General Business District. The surrounding incorporated property, as well as the entire frontage on 10th Avenue South, is zoned C-2 General commercial district. It is therefore being recommended subject Mark Nos. 10 & 10B be zoned upon annexation to the City as C-2 General commercial district.

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

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

Designating subject property for commercial use is consistent with property abutting and served by 10th Avenue South, a principal arterial. Staff concludes all of the above mentioned zoning criteria are substantially met.

The City's new Unified Land Development Code (ULDC) also lists the following criteria to be considered in conjunction with annexation:

- 1) The subject property is contiguous to the existing city limits.
- 2) The proposed annexation is consistent with the city's growth policy.
- 3) The proposed annexation is consistent with applicable neighborhood plans, if any.
- 4) The proposed annexation is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans.
- 5) The City has, or will have, the capacity to provide public services to the subject property.
- 6) The subject property has been or will be improved to City standards.
- 7) The owner(s) of the subject property will bear all the cost of improving the property to City standards and/or the owner(s) has signed an agreement waiving the right to protest the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.
- 8) The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.
- 9) The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and wastewater treatment and disposal.
- 10) The subject property is not located in an area the City Commission has designated as unsuitable for annexation.
- 11) The subject property is not located in another city or town.
- 12) The subject property is not used in whole or in part for agricultural, mining, smelting, refining, transportation or any other industrial or manufacturing purpose incidental thereto.

Subject property is entirely surrounded by the incorporated area of the City, which has the capability and capacity to provide necessary public related services. Staff concludes all of the above mentioned annexation criteria are substantially met.

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

The Planning Board/Zoning Commission on March 14, 2006, conducted a joint public hearing on the annexation and establishment of City zoning on subject Parcels Mark Nos. 10 & 10B. No proponents or opponents spoke at the public hearing. At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission annex subject Parcel Mark Nos. 10 and 10B and the Zoning Commission passed a motion recommending subject Parcel Mark Nos. 10 and 10B be assigned a City zoning classification of C-2 General commercial district upon annexation.

Attach: Res. No. 9565

Ord. No. 2935

Vicinity/Zoning Map

Letter dated Feb 28, 2006, from Steven Potts (Not available online; On file in the City Clerk's Office)

Letter dated March 16, 2006, from Michael Maeder, Liberty Fireworks, Inc. (Not available online;

On file in the City Clerk's Office)

cc: Zollie Kelman, PO Box 2651 GF 59403-2651
Dave Pierce, 2720 10th Ave So
Steve Potts, Attorney, 600 Central Plaza
Mike Maeder, 2407 Central Avenue West

TRACTS OF LAND PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS



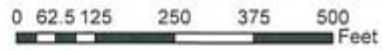
Legend

----- CITY LIMITS

Base Zoning Districts

- U Unincorporated
- R-3 Single-family high density
- R-5 Multi-family medium density
- R-6 Multi-family high density
- PLI Public Lands and Institutional
- POS Parks and Open Space
- C-1 Neighborhood commercial
- C-2 General commercial
- BASEMAP

PROPOSED TRACTS TO BE ANNEXED



RESOLUTION NO. 9565

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE 2.00 ACRES OF LAND IN THE NW1/4NW1/4 OF SECTION 17, 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, the following described unincorporated properties are wholly surrounded by said City of Great Falls:

Two tracts of land in the NW1/4NW1/4 Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, more fully described as follows: Beginning at the NE corner of COS #1991 the true point of beginning; thence S00°02'E, 209.00 feet; thence N89°56'W, 418.00 feet; thence N00°02'W, 209.00 feet; thence S89°56'E, 418.00 feet to the true point of beginning, containing in all 2.00 acres more or less; all as described on a survey document filed August 13, 1999, in the Clerk and Recorder's Office of Cascade County, Montana, under CS# 3674;

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof; and,

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

WHEREAS, in the judgement of the City Commission of said City, expressed by Resolution No. 9561 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE 2.00 ACRES OF LAND IN THE NW1/4NW1/4 OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 4th day of April, 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 "TWO TRACTS OF LAND CONSISTING OF 2.00 ACRES LEGALLY DESCRIBED AS PARCEL MARK NOS. 10 AND 10B IN THE NW1/4NW1/4 OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, AS DESCRIBED ON A SURVEY DOCUMENT FILED AUGUST 13, 1999, IN THE CLERK AND RECORDER'S OFFICE OF CASCADE COUNTY, MONTANA, UNDER CS# 3674."

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 9th day of April, 2006; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on May 2, 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: "TWO TRACTS OF LAND CONSISTING OF 2.00 ACRES LEGALLY DESCRIBED AS PARCEL MARK NOS. 10 AND 10B IN THE NW1/4NW1/4 OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, AS DESCRIBED ON A SURVEY DOCUMENT FILED AUGUST 13, 1999, IN THE CLERK AND RECORDER'S OFFICE OF CASCADE COUNTY, MONTANA, UNDER CS# 3674."

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 July 5, 2006.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 2nd day of May, 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)

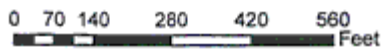
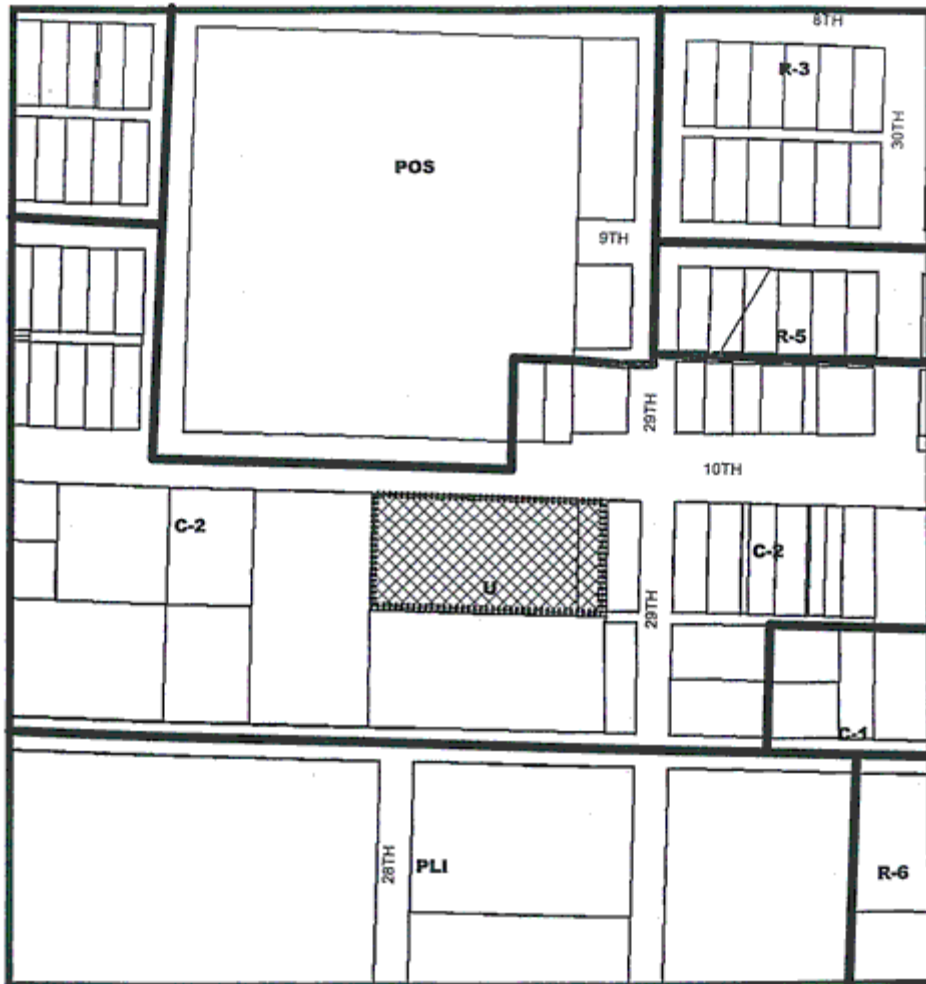
I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9565 was placed on its final passage and approved by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2nd day of May, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of May, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

PROPOSED TRACTS OF LAND TO BE ANNEXED
INTO THE CITY OF GREAT FALLS



Legend

- CITY LIMITS
- ▣ PROPERTY TO BE ANNEXED TO CITY

EXHIBIT "A"

ORDINANCE NO. 2935

AN ORDINANCE ASSIGNING CITY ZONING TO 2.00 ACRES OF LAND
LEGALLY DESCRIBED AS PARCEL MARK NOS. 10 AND 10B
IN THE NW1/4NW1/4 OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M.,
CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, the two tracts of land legally described as Parcel Mark Nos. 10 and 10B in the NW1/4NW1/4 of Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and as further described on a survey document filed August 13, 1999, in the Clerk and Recorder’s Office of Cascade County, Montana, under CS # 3674, is an unincorporated enclave entirely surrounded by the incorporated area of the City of Great Falls; and,

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

WHEREAS, the City of Great Falls is undertaking the annexation of subject Parcel Mark Nos. 10 and 10B in the NE1/4 NW1/4 of Section 17, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, in accordance with Section 7-2-4501 MCA; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to Parcel Mark Nos. 10 and 10B, Section 17, Township 20 North, Range 4 East, Cascade County, Montana, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 2nd day of May, 2006, before final passage of said Ordinance herein; and,

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

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

Section 1. It is determined assignment of a C-2 General commercial district zoning classification to the hereinabove described Parcel Mark Nos. 10 and 10B will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Parcel Mark Nos. 10 and 10B, of Section 17, Township 20 North, Range 4 East, Cascade County, Montana, be designated as C-2 General commercial district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing the hereinabove described Parcel Mark Nos. 10 and 10B 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
2nd day of May, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2935 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 2nd day of May, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 2nd day of May, 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 2nd day of May, 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. 2935 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE May 2, 2006

ITEM: RESOLUTION 9559 MODIFICATION OF SPECIAL LIGHTING DISTRICT - ALLEY LIGHTING "SLD-A" NO. 1294

INITIATED BY: FISCAL SERVICES DEPARTMENT

ACTION REQUESTED: CONDUCT PUBLIC HEARING ON RESOLUTION 9559 TO MODIFY SPECIAL LIGHTING DISTRICT – ALLEY LIGHTING "SLD-A" NO. 1294

PREPARED BY: JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

— — — — —

RECOMMENDATION:

Conduct public hearing and adopt Resolution 9559, Modification of Special Lighting District – Alley Lighting "SLD-A" No. 1294.

MOTION:

"I move the City Commission adopt Resolution 9559."

SYNOPSIS:

MODIFICATION #1

A modification to the boundary lines of Special Improvement Lighting District – Alley Lighting "SLD-A" No.1294 has been petitioned by the property owners in the general location of 4th Avenue North between 38th Street North and 40th Street North for the installation of four (4) 70 watt HPS alley lighting units on 28 foot distribution poles with overhead wiring. Boundaries and the positions of the lighting for the petitioned area are outlined on "Modification #1 Exhibit" included in Resolution 9558.

After receipt of the petition, staff reviewed the possibility of installing city owned fixtures to Northwestern Energy’s distribution poles located along the alley. At the present time, Northwestern Energy’s position on the attachment of city owned fixtures to its distribution poles is not favorable or recommended. In order to provide alley lighting for the petitioned area within a timely manner, staff purposes to enter into a lease agreement with Northwestern Energy rather than City ownership of the alley lights.

Staff mailed letters regarding the City’s intention to modify Special Improvement Lighting District – Alley Lighting "SLD-A" No. 1294 along with a copy of the published legal notice and outlined the protest procedures to each person, firm or corporation, or a known agent having property located

within the boundaries of the proposed district. During the 15 day protest period, the City received **1 valid protest** which represents 1 parcel or 8% of the amount of the assessment to be levied against the parcels within the district on the intent to modify Special Improvement Lighting District- Alley Lighting “SLD-A” No. 1294.

With the modification mentioned above, the estimated annual assessment for consolidated Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 will result in \$12.22 for an average lot size of 7,925 square feet as set forth on Exhibit “B” included in Resolution 9558. All light fixtures, poles, and wiring, existing are of similar size, type and material found within the alley lighting areas throughout the City.

MODIFICATION #2

In addition, research regarding alley lighting was initiated by a property owner who lives on 5th Avenue Northwest. It was determined Lots 1 through 16, Block 12, West Great Falls Addition do not have alley lighting. During the original consolidation of Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 these properties were included in the district in error. To correct the boundaries of the “SLD-A” No. 1294, the properties located at Lots 1 through 16, Block 12, West Great Falls Addition will be removed from the district. The boundaries of the removed block are outlined on “Modification #2 Exhibit” included in Resolution 9558.

A modification to the boundary lines of Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 as shown on Exhibit 2006A included in Resolution 9558 would remove the properties Lots 1 through 16, Block 12, West Great Falls Addition.

M.C.A.7-12-4335 authorizes once a year boundary changes to existing special lighting districts, providing the change does not affect the existing costs in the district. There would be no increase to properties existing in the proposed modified district, as the service in those areas would not change.

BACKGROUND:

On April 4, 2006, the City Commission adopted Resolution 9558 of Intent to Modify the Boundaries of Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 and to Install Four (4) 70 Watt HPS Alley Lighting Units on Distribution Poles to include Properties between 38th Street North and 40th Street North along 4th Alley North and set the public hearing for May 2, 2006.

CONSOLIDATION

On August, 6, 2002, Resolution 9213 to Consolidate Special Improvement Lighting District – Alley Lighting “SLD-A” No.1294 was adopted consolidating Special Lighting Districts No. 1061, 1165, 1222, 1226, 1258, 1259, 1273, 1276 and 1288 into a single alley lighting district in accordance with 7-12-4354, MCA.

On July 19, 2005, the City Commission adopted Resolution No. 9506 establishing a policy for new street lighting districts. The Commission determined it was in the best interest of the citizens of Great Falls to own and maintain the infrastructure necessary for any street and roadway lighting systems whenever possible.

Since the adoption of Resolution No. 9506, staff continues to refine the procedures related to the installation of street lighting, and will continue to work on possible solutions for the installation of alley lighting.

RESOLUTION NO. 9559

A RESOLUTION TO MODIFY THE BOUNDARIES OF SPECIAL IMPROVEMENT LIGHTING DISTRICT - ALLEY LIGHTING "SLD-A" NO. 1294 AND TO INSTALL FOUR (4) 70 WATT HPS ALLEY LIGHTING UNITS ON DISTRIBUTION POLES TO INCLUDE PROPERTIES BETWEEN 38TH STREET NORTH AND 40TH STREET NORTH ALONG 4TH ALLEY NORTH

WHEREAS, the City Commission of the City of Great Falls, duly and regularly passed and adopted Resolution No. 9558 on the 4th day of April, 2006, which Resolution of Intent to Modify Special Lighting District – Alley Lighting "SLD-A" No. 1294 is now on file in the office of the City Clerk and to which reference is hereby made; and

WHEREAS, the City Commission caused notice of the passage of the Resolution of Intent to Modify to be published in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, in the manner and form and during the period as required by law and also caused the City Clerk on the 4th day of April, 2006, that being three days prior to the first publication of the notice, to mail to each person, firm or corporation, or a known agent thereof, having property within the modification area of the District, to the last known address of such person, firm or corporation or agent, a notice of the passage of the Resolution of Intent to Modify; and

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

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

Section 1. The City Commission does hereby find and determine that the protests and each of them made against the modification of the District and against the making of the proposed improvements be and the same are hereby declared insufficient.

Section 2. There is hereby modified a Special Lighting District to be known and designated as Special Lighting District – Alley Lighting “SLD-A” No. 1294 of the City of Great Falls, Montana, and the improvements described in the Resolution of Intent to Modify are hereby ordered to be made.

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

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

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

PASSED by the Commission of the City of Great Falls, Montana, on this 2nd day of May, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9559 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2nd day of May 2006, and approved by the Mayor of said City on the 2nd day of May 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of May 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

DATE: May 2, 2006

ITEM Res. 9564, Cost Recovery, L11, B10, GF Bloomingdale 1st Add., 1418 8 Ave NW

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res. 9564

PREPARED BY Jay Parrott, Building Inspector

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

After closing the public hearing staff recommends the City Commission adopt Resolution 9564 and assess the total charges of \$ 5,448.09 against the property with interest and penalties on the unpaid balance.

MOTION:

I move to adopt Resolution 9564.

SYNOPSIS:

The owner of the property at Lot 11, Block 10, Great Falls Bloomingdale 1st Addition, Great Falls, Cascade County, Montana, was issued a “Notice of Hearing” before the City Commission of Great Falls to appear at 7:00 p.m., May 2, 2006. The hearing is to show cause why the owner of the property should not be liable for the costs incurred in razing and cleanup of the structure known as 1418 8th Avenue Northwest. The following expenses were incurred:

Administrative Fee	\$ 260.00
Recording Fee	\$ 12.00
Publishing – Legal Ad	\$ 35.00
Razing Fee	\$ 45.00
Dirt fill for illegal basement	\$ 1,595.00
City vacuum truck for removal of water, sludge & sewage	\$ 601.09
Demolition & cleanup by <i>MRTF, Inc.</i>	<u>\$ 2,900.00</u>
TOTAL COSTS INCURRED	<u>\$ 5,448.09</u>

BACKGROUND:

Staff has taken the following action:

<u>Action</u>	<u>Date</u>
Abate property	06-03-97
Abate property	06-16-98
Abate property	05-04-99
Abate property	11-02-05
Agreement between City of Great Falls and Cascade County to raze residence	11-03-05
Razing started	11-03-05
Illegally dug basement found	11-03-05
Public Works Department removes 5500 gallons of water, sludge and sewage from basement	11-03-05
Razing completed and approved by staff	11-13-05

Notification that a public hearing would be held on at 7:00 p.m., for the purpose of assessing said costs on the above-mentioned property was given to the property owner and published in the TRIBUNE on April 22, 2006.

cc: Coleen Balzarini, Controller
Judy Burg, Fiscal Control/Tax

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on May 2, 2006, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing razing and cleanup costs on the following property in the amount set forth:

1418 8th Avenue Northwest \$ 5,448.09

Any person interested or affected by the proposed charge may file written protests or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing.

BY ORDER OF THE CITY COMMISSION

Peggy J. Bourne, City Clerk

OFFICE USE ONLY

Publication Date: April 22, 2006

cc: Account # 451-7121-572-3599
Peggy J. Bourne, City Clerk
Itemized Account
Owner: Cascade County
c/o Jess Anderson
P.O. Box 2549
Great Falls MT 59403-2549
Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing and cleanup of property at Lot 11, Block 10, Great Falls Bloomingdale 1st Addition, Great Falls, Montana, more commonly known as 1418 8th Avenue Northwest.

Administrative Fee	\$ 260.00
Recording Fee	\$ 12.00
Publishing – Legal Ad	\$ 35.00
Razing Fee	\$ 45.00
Dirt fill for illegal basement	\$ 1,595.00
City vacuum truck for removal of water, sludge & sewage	\$ 601.09
Demolition & cleanup by <i>MRTF, Inc.</i>	<u>\$ 2,900.00</u>
TOTAL EXPENSES INCURRED	<u>\$ 5,448.09</u>

RESOLUTION 9564

A RESOLUTION ASSESSING THE COSTS INCURRED IN RAZING AND CLEANING OF THE PROPERTY LOCATED AT LOT 11, BLOCK 10, GREAT FALLS BLOOMINGDALE 1ST ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 1418 8 AVENUE NORTHWEST, AGAINST SAID PROPERTY.

WHEREAS, the owner of the property located at Lot 11, Block 10, Great Falls Bloomingdale 1st Addition, Great Falls, Cascade County, Montana, was issued a notice to raze the structure.

WHEREAS, after due notice the property owner did not raze the structure.

WHEREAS, staff hired a contractor to raze the structure and clean the property.

WHEREAS, the contractor completed razing & cleanup with staff approving the work.

WHEREAS, the City Commission set May 2, 2006, at 7:00 p.m. for this hearing, to show cause why the property owner should not be held liable for the costs incurred in razing and cleanup of said property.

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

The amount of \$ 5,448.09 for razing and cleanup costs incurred in the abatement of a nuisance at Lot 11, Block 10, Great Falls Bloomingdale 1st Addition, Great Falls, Cascade County, Montana, described as 1418 8th Avenue Northwest, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 2 day of May, 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 the foregoing Resolution 9564 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 2 day of May 2006, and approved by the Mayor of said City, on the 2 day of May, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 2 day of May, 2006.

Peggy J. Bourne, City Clerk

CITY OF GREAT FALLS, MONTANA

AGENDA # 5

AGENDA REPORT

DATE May 2, 2006

ITEM LEASE AGREEMENT: PORTION OF CLARA PARK

INITIATED BY PUBLIC WORKS DEPARTMENT

ACTION REQUESTED CONDUCT PUBLIC HEARING AND AWARD LEASE

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION:

Staff recommends the City Commission conduct a public hearing and, barring significant protest, award a lease agreement for a portion of Clara Park to Chinook Wireless.

MOTION:

“I move the City Commission award a lease agreement for a portion of Clara Park to Chinook Wireless.”

SYNOPSIS:

The City received a request from Chinook Wireless, a telecommunications company, requesting to use a vacated building in Clara Park that was leased in the past to Voice Stream Corporation. Since the request includes the lease of park property, City Code 3.04 requires that the City advertise for bids, conduct a public hearing and award the lease to the highest responsible bidder. Bids were opened Wednesday, April 19, 2006 at 3 pm and Chinook Wireless was the only bidder. The bid amount was \$12,000 for the first year with the lease amount increasing 3% per year for the remainder of the 10 year contract.

The proposed lease also includes the installation of cellular antenna equipment on the water tower. The installation will not exclude other parties from locating similar equipment on the tower. Chinook Wireless currently leases space on the water tower for wireless communication equipment. If the proposed lease is accepted, Chinook Wireless will install new equipment on the tower, install equipment in the building south of the tank and remove the existing equipment. Staff’s interpretation of City Code was that we were unable to simply amend the existing lease because of the expansion to the City-owned building and the requirement to allow for alternate proposals for that space.

CITY OF GREAT FALLS, MONTANA

AGENDA # 6

AGENDA REPORT

DATE May 2, 2006

ITEM LEASE AGREEMENT: PROPERTY ADJACENT TO THE GORE HILL WATER TOWER

INITIATED BY PUBLIC WORKS DEPARTMENT

ACTION REQUESTED CONDUCT PUBLIC HEARING AND AWARD LEASE

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION:

Staff recommends the City Commission conduct a public hearing and, barring significant protest, award a lease agreement for a portion of City property adjacent to the Gore Hill water tower to Chinook Wireless.

MOTION:

“I move the City Commission award a lease agreement for a portion of City property adjacent to the Gore Hill water tower to Chinook Wireless.”

SYNOPSIS:

The City received a request from Chinook Wireless, a telecommunications company, requesting to use the fenced enclosure, concrete pad and existing conduit previously leased to Voice Stream Corporation. Since the request includes the exclusive lease of City property, City Code 3.04 requires that the City advertise for bids, conduct a public hearing and award the lease to the highest responsible bidder. Bids were opened on Wednesday, April 19, 2006 at 3 pm and Chinook Wireless was the only bidder. The bid amount was \$12,000 for the first year with the lease amount increasing 3% per year for the remainder of the 10 year contract.

The proposed lease also includes the installation of cellular antenna equipment on the water tower. The installation will not exclude other parties from locating similar equipment on the tower. Chinook Wireless currently leases space on the water tower for wireless communication equipment. If the proposed lease is accepted, Chinook Wireless will install new equipment on the tower, install equipment in the fenced enclosure at the base of the tank and remove the existing equipment. Staff’s interpretation of City Code was that we were unable to simply amend the existing lease because of the expansion to the City-owned space at the base of the tank and the requirement to allow for alternate proposals for that space.

CITY OF GREAT FALLS, MONTANA

AGENDA# 7

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

DATE May 2, 2006

ITEM Take public comment, accept the recommendation of staff and authorize a Memorandum of Understanding between the City and Cascade County.

INITIATED BY Police Department.

ACTION REQUESTED Seek public comment on the recommended use of the Justice Assistance Grant (JAG) for 2006. The JAG replaces the previous Local Law Enforcement Block Grant funding. Accept the recommendation of made by staff.

PRESENTED BY Interim Chief of Police, Cloyd A. Grove.

RECOMMENDATION:

It is recommended the City Commission accept staffs recommendation to expend the funds to purchase Mobile Data Terminals and equipment for the Great Falls Police Department and the Cascade County Sheriff's Office.

MOTION:

I move the City Commission accept the recommendation of staff and approve the Memorandum of Understanding for execution by the City Manager.

SYNOPSIS:

A new grant process has been developed for the administration of the previous Local Law Enforcement Block Grant. The program is now identified as the Justice Assistance Grant (JAG) and it has a new application process and new rules governing the distribution. The new allocation is \$47,030 and it must be a joint application between the Great Falls Police Department and the Cascade County Sheriff's Office. The staff at both agencies feel that it is important to continue both agencies growth in data communication. Both agencies currently use the same mobile data equipment and the same communications center. They are currently attempting to adopt a communication system, both voice and data, that will provide easy interoperable communication between street officers.

The proposed use of JAG grant funding will be used to purchase associated equipment, software, and installation of that equipment. The funds may also be used to make technological improvements to the existing system and to expand the systems capabilities. These may include but will not be limited to; mobile data terminals, and bar coding equipment and software. Once the system is fully operational it will improve crime response capabilities.

The application process allows 30 days for the review by the governing bodies (City and County) and provides an opportunity for public comment on the grant application.

BACKGROUND:

Congress allocated funds to be dispersed under the Justice Assistance Grant Program, established within the Bureau of Justice Assistance (BJA), US Department of Justice. The allocation is based on the following formula.

FORMULA

The JAG formula includes a *state allocation* consisting of a minimum base allocation with the remaining amount determined on population and Part 1 violent crime statistics, and a *direct allocation* to units of local government. Once the state allocation is calculated, 60% of the funding is awarded to the state and 40% to eligible units of local government. State allocations also have a *variable pass through* requirement to locals, calculated by the Bureau of Justice Statistics (BJS) from each state's crime expenditures.

JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas:

- Law enforcement programs
 - Prosecution and court programs
 - Prevention and education programs
 - Corrections and community corrections programs
 - Drug treatment programs
 - Planning, evaluation, and technology improvement programs
- *Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

MATCH

While match is not required with the JAG Program, match is an effective strategy for states and units of local government to expand funds and build buy-in for law enforcement and criminal justice initiatives.

TRUST FUND

The unit of local government must establish a trust fund in which to deposit JAG funds. The trust fund may or may not be an interest bearing account.

PROHIBITED

JAG funds cannot be used directly or indirectly for security enhancements or equipment to nongovernmental entities not engaged in criminal justice or public safety. Based on extraordinary and exigent circumstances making the use of funds essential, BJA may certify a unit of local government's request to use funds for:

- Vehicles, vessels, or aircraft
- Luxury items
- Real estate
- Construction projects, other than penal or correctional institutions

GMS APPLICATION NUMBER 2006- _____ (Mandatory)

CITY SECRETARY
CONTRACT NO. _____

THE STATE OF Montana

KNOW ALL BY THESE PRESENT

COUNTY OF Cascade

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF Great Falls, AND COUNTY OF Cascade,**

2006 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 4th day of April, 2006, by and between The COUNTY of Cascade, acting by and through its governing body, the Commissioners Board, hereinafter referred to as COUNTY, and the CITY of Great Falls, acting by and through its governing body, the City Commission, hereinafter referred to as CITY, both of Cascade County, State of Montana, witnesseth:

WHEREAS, this Agreement is made under the authority of Sections title 7, Chapter 11 of the Montana Code Annotated, 2005

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the CITY agrees to provide the COUNTY one half of the equipment purchased (in bulk) with the JAG funds which will equate to approximately \$47,030.00 from the JAG award for the _____ Program: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of one half of the equipment purchased (in bulk) with the JAG funds which will equate to approximately \$23,515.00 .

Section 2.

COUNTY agrees to use one half of the equipment purchased (in bulk) with the JAG funds which will equate to approximately \$23,525.00.

GMS APPLICATION NUMBER 2006 - _____ (Mandatory)

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Montana Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Montana Tort Claims Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto

CITY OF Great Falls, and COUNTY OF Cascade, Montana

City Manager, Great Falls, Montana

City Clerk

City Attorney

Chairperson Cascade County Board of Commissioners

Clerk of the Cascade County Commission

County Attorney, Cascade County

By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

AGENDA REPORT

DATE May 2, 2006ITEM Apply for designation as a *Preserve America* communityINITIATED BY Great Falls/Cascade County Historic Preservation Advisory CommissionACTION REQUESTED Adopt Resolution No. 9566PREPARED BY Ellen Sievert, Historic Preservation OfficerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended that the City Commission adopt Resolution 9566.

MOTION

“I move the City Commission adopt Resolution No. 9566”

SYNOPSIS:

Resolution No. 9566 recognizes the commitment by the City of Great Falls and the work accomplished by the Great Falls/Cascade County Historic Preservation Advisory Commission to meet the requirements for designation as a *Preserve America* community.

BACKGROUND: *Preserve America* is a funded White House initiative developed in cooperation with the Advisory Council on Historic Preservation and the U.S. Departments of the Interior, Commerce, Agriculture, and Housing and Urban Development. The designation is given to communities that meet three general criteria:

- The community has recently supported a historic or cultural preservation project that promotes heritage tourism or otherwise fosters economic vitality, and involves a public-private partnership between government entities and at least one civic association, nonprofit, and/or business enterprise.
- The governing body of the community has adopted a resolution indicating its commitment to the preservation of its heritage assets.
- The community meets at least five criteria specified in three broad categories; discovering heritage through historic places, protecting historic resources, and promoting historic assets.

Benefits of designation include:

- White House recognition
- A certificate of recognition
- A *Preserve America* Community road sign
- Authorization to use the *Preserve America* logo on signs, flags, banners, and promotional materials;
- Listing in a web-based *Preserve America* Community directory;
- Inclusion in national and regional press releases;
- Official notification of designation to state tourism and visitors bureaus;
- Enhanced community visibility and pride; and
- Access to *Preserve America* grant funding.

RESOLUTION NO. 9566

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO MAKE APPLICATION TO BECOME A *PRESERVE AMERICA* COMMUNITY AND TO REAFFIRM ITS COMMITMENT TO THE PRESERVATION OF ITS HERITAGE ASSETS.

* * * * *

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the goals of this initiative include a greater shared knowledge about our Nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's irreplaceable cultural and natural heritage assets, and support for the economic vitality of communities; and

WHEREAS, this initiative is compatible with our community's interests and goals related to historic preservation; and

WHEREAS, designation as a *Preserve America* Community will improve our community's ability to protect and promote its historical resources;

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

The City of Great Falls will apply for the designation of the City of Great Falls as a *Preserve America* Community; and

BE IT FURTHER RESOLVED THAT: The City of Great Falls will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 2nd day of May, 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. 9566 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2nd day of May, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of May, 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, City Attorney, Directors of Community Development, Planning, Library, Fiscal Services, Interim Police Chief, Fire Chief, Public Works, Interim Park and Recreation Director and the City Clerk.

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from Neighborhood Council members.

PUBLIC HEARINGS

**Res. 9549,
Mansfield Theater
Fees and Rates.
Adopted.**

2. RESOLUTION 9549, MANSFIELD THEATER FEES AND RATES.

Patty Rearden, Interim Park and Recreation Director, reported that Resolution 9549 sets the rates and fees for the Mansfield Theater. A change in the rate structure involved calculating the fee as 8 percent of gross admission charges with a minimum rent of \$900 and a maximum rent of \$4,000 rather than a set per day fee. Also built into the rate structure was an annual increase based on the Consumer Price Index as well as including the box office services and use of all Theater equipment owned by the City in the rate structure. The former rate and fee structure required users of the theater to pay additional costs for box office services and equipment. In order to phase in the new rate structure, staff proposed that for Fiscal Year 2007, the Great Falls Symphony would be offered a 20 percent discount and Great Falls School District would be offered a 40 percent discount.

The Mansfield Center for the Performing Arts Advisory Board approved the rate structure and recommended the City Commission approve it as well.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9549.

Commissioner Rosenbaum moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9549.

Motion carried 5-0.

NEW BUSINESS

Contract, pre-hospital emergency care system evaluation. Approved.

3. CONTRACT AWARD, PRE-HOSPITAL EMERGENCY CARE SYSTEM EVALUATION.

Fire Chief Randy McCamley reported that the City Commission expressed interest in a third party evaluation of the emergency medical system currently serving Great Falls citizens. Staff developed a Request for Proposals which identified eight areas of examination and analysis including: State Licensing/Local Transport Agreement, City Regulations/Ordinances, Compliance with Federal Regulations and Nationally Recognized Response Standards, Local Response Agencies, Emergency Room Interface, 911 Dispatch Procedures, Cost/Revenue Impact On System Participants and Contracting Ambulance Services.

Four qualified proposals from consulting firms were received ranging in price from \$32,525 to \$35,705. A review panel consisting of Commissioner Beecher, Assistant City Manager Patton and Fire Chief McCamley reviewed and ranked each proposal. The review panel unanimously recommended the City Commission contract with The Abaris Group who submitted the superior proposal, detailing a very comprehensive work plan and had an experienced and diverse consultant workforce.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission approve the contract submitted by the Abaris Group and the City Manager be authorized to execute the same.

David Kumn, Great Falls Emergency Service, encouraged the City Commission to approve the agreement and that the Ambulance company would support anything that would improve the quality of patient care.

Motion carried 5-0.

Golf Courses, funding request. Approved.

4. FUNDING REQUEST, GOLF COURSE CAPITAL NEEDS.

City Manager John Lawton reported that the City committed to make improvements to both municipal golf courses this season to attract past and new golfers, and to improve satisfaction of the continuing golfers. Staff compiled a capital improvement list containing items that would make visible improvements to the golf courses which totaled \$95,000.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission approve activating general fund reserves in the amount of \$95,000 for golf capital improvements identified in the Staff report.

Commissioner Beecher stated he supported these improvements and believed that upon their completion, more golfers would be attracted to the courses.

Mayor Stebbins thanked Commissioner Jovick-Kuntz for her work with the ad-hoc golf committee.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Ord. 2936, zoning for Discovery Meadows, Phase 2. Accepted on first reading and set public hearing for May 16, 2006.

5. ORDINANCE 2936, ESTABLISH ZONING UPON DISCOVERY MEADOWS ADDITION, PHASE 2.

Planning Director Ben Rangel reported that, upon annexation, Ordinance 2936 assigns a zoning classification of R-3 single-family high-density district, to Discovery Meadows Addition Phase 2 which is located along 48th Street North. Additionally, the Commission would be asked to consider a conditional use permit which would allow two-family residences to be constructed on the lots.

During approval of the preliminary plat, the former City-County Planning Board recommended the subdivision be assigned a zoning classification of "A" Residence Use District, "B" Area District. With the adoption of the Unified Land Development Code the most appropriate zoning classification would now be "R-3" single-family high density.

The applicant changed the development plans for Phase 2 and instead of constructing single-family units, wanted to construct two-family residences. Two-family residences are allowed in the R-3 zoning district upon approval of a conditional use permit.

The Zoning Commission, at the conclusion of a public hearing held March 14, 2006, recommended the City Commission assign a recommended zoning classification and approve a conditional use permit to allow two-family residences to be constructed on the lots, when the City approved the final plat and the annexation of the area.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission accept Ordinance 2936 on first reading and set a public hearing for May 16, 2006, to consider adoption of Ordinance 2936.

Motion carried 5-0.

Ordinance 2937, zoning for Beebe Tracts 22, 23 and the western portion of 21. Accepted on first reading and set public hearing for May 16, 2006.

6. ORDINANCE 2937, ESTABLISH CITY ZONING UPON BEEBE TRACTS 22 & 23 AND THE WESTERN PORTION OF TRACT 21.

Planning Director Ben Rangel reported that, upon annexation, Ordinance 2937 assigns a zoning classification of R-3 single-family high density district, to Beebe Tracts 22 and 23 and the westerly portion of Tract 21. The property is located along the north side of 3rd Avenue South between 44th and 46th Streets and the Catholic Church intended to construct a worship facility on the property.

The Planning Board conducted a public hearing on the annexation and rezoning requests and at the conclusion of the hearing, passed a motion recommending the City Commission annex Beebe Tracts 22 and 23 and the westerly portion of Tract 21, rezoning subject parcels to "B" Residence Use, "B" Area District (now R-3 Single-family high density district with a conditional use permit allowing a worship facility), subject to the applicant paying all applicable fees and agreeing to the terms and conditions in the annexation agreement. The applicant has met both conditions.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2937 on first reading and set a public hearing for May 16, 2006, to consider adoption of Ordinance 2937.

Motion carried 5-0.

Consent Agenda. Approved as printed.

CONSENT AGENDA

7. Minutes, April 4, 2006, Commission meeting.
8. Total expenditures of \$992,863 for the period of March 29-April 10, 2006, to include claims over \$5,000 in the amount of \$856,482.
9. Contracts list.
10. Lien Release List.
11. Set public hearing for May 2, 2006, on Resolution 9564, Cost Recovery at 1418 8th Avenue NW (GF Bloomingdale 1st Add., B10, L11).
12. Inter-local agreement with Cascade County for Fire Protection and Emergency Medical Services.
13. Postponement of a contract award for the Wastewater Treatment Plant Co-generation project. (OF 1404)
- 13A. Purchase of Mobile Data Terminals to be used by the Great Falls Police Department and the Cascade County Sheriff's office with Motorola in the amount of \$87,942.

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

Motion carried 5-0.

CITY MANAGER’S REPORT

**Public Service
Commission and
energy regulation.**

15. City Manager John Lawton reported that he, along with Fiscal Services Director Balzarini and Administrative Officer Love, attended a presentation by the Public Service Commission staff that pertained to energy regulation and deregulation in Montana. He added that the presentation focused on possible legislation designed to reverse elements of the energy deregulation act approved by the legislature several years ago and that he offered to work with the Public Service Commission staff in drafting legislation that would focus on the issues that have developed as a result of deregulation and to protect public power options as well. He explained that Montana was the only State in the area that did not have legislation that supported the public power concept.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of April 18, 2006, adjourned at 7:28 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 APRIL 12, 2006	135,233.47
MASTER ACCOUNT CHECK RUN FOR APRIL 19, 2006	585,538.58
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 14, 2006	67,590.57
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 21 2006	5,210.00
WIRE TRANSFERS FROM APRIL 11, 2006 THRU APRIL 24, 2006	<u>226,353.94</u>
TOTAL: \$	<u>1,019,926.56</u>

GENERAL FUND

MUNICIPAL COURT

GREAT FALLS PRE-RELEASE CENTER FEB 06 & MAR 06 SERVICES 6,578.98

POLICE

ENERGY WEST MAR 06 CHARGES-SPLIT 1,512.71

FIRE

ENERGY WEST MAR 06 CHARGES-SPLIT 4,139.08
 FICO STATION 4 HEATING REPAIR 7,100.00

PARK & RECREATION

ENERGY WEST MAR 06 CHARGES-SPLIT 1,627.86

SPECIAL REVENUE FUND

911 SPECIAL REVENUE

QWEST MAR 06 CHARGES-SPLIT 632.62

LIBRARY

ENERGY WEST MAR 06 CHARGES-SPLIT 2,607.60

FEDERAL BLOCK GRANTS

H J GILCHRIST COMPANY 1/2 PAYMENT FOR MATERIALS 6,500.00

ECONOMIC REVOLVING

ENERGY WEST MAR 06 CHARGES-SPLIT 115.89
 CAPITOL DECISIONS INC APRIL 06 RETAINER 8,800.00

ENTERPRISE FUNDS

WATER

ENERGY WEST MAR 06 CHARGES-SPLIT 6,019.93
 DANA KEPNER CO - BILLINGS WATER METERS 12,740.00
 SPARLING INSTRUMENTS PROPROMETER & TRANSMITTER 7,420.02

SEWER

VEOLIA WATER NORTH AMERICA MAR 06 SERVICES 372,573.67

ENTERPRISE FUNDS

SANITATION

ENERGY WEST MAR 06 CHARGES-SPLIT 962.48

SAFETY SERVICES

ENERGY WEST MAR 06 CHARGES-SPLIT 378.18
 QWEST MAR 06 CHARGES-SPLIT 14,139.72

GOLF COURSES

ENERGY WEST MAR 06 CHARGES-SPLIT 666.45

SWIM POOLS

ENERGY WEST MAR 06 CHARGES-SPLIT 3,534.35

RECREATION

ENERGY WEST MAR 06 CHARGES-SPLIT 1,283.73

INTERNAL SERVICES FUND

CENTRAL COMMUNICATIONS

QWEST MAR 06 CHARGES-SPLIT 675.16

HEALTH INSURANCE

BLUE CROSS BLUE SHIELD ADMIN & REINS. FEES FOR APR 06 36,528.80
 BLUE CROSS BLUE SHIELD GROUP & HMO CLAIMS 4-5-06-04-11-06 151,545.55
 BLUE CROSS BLUE SHIELD GROUP & HMO CLAIMS 4-12-06-04-18-06 74,808.39

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTH GEN LIAB DEDUCTIBLE MAR 06 8,664.67

INFORMATION TECHNOLOGY

ELECTRONIC DATA SOLUTIONS GPS SYSTEM 7,047.00
 HEWLETT PACKARD SERVER 5,046.00

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP UNLEADED & DIESEL FUEL 25,513.64

PUBLIC WORKS

ENERGY WEST MAR 06 CHARGES-SPLIT 5,777.15

PARK & RECREATION ADMINISTRATION

ENERGY WEST MAR 06 CHARGES-SPLIT 2,229.46

FACILITY SERVICES

ENERGY WEST MAR 06 CHARGES-SPLIT 4,050.35

MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES TRANSFER TO MASTER ACCOUNT 63,531.57

CLAIMS OVER \$5000 TOTAL: \$ 844,751.01

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

**AGENDA: 11
DATE: May 2, 2006**

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

PRESENTED BY: Peggy J. Bourne, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Community Development	Great Falls Tribune	2006		\$4,000	Contract for "City News"
B	Park and Recreation	Photo Plus	February 1, 2006 to December 31, 2006	N-A	None	Finisher Photographs for 2006 Ice Breaker Road Race

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

DATE May 2, 2006

ITEM Resolution No. 9567 for a Conditional Use Permit for Central Plumbing & Heating

INITIATED BY Mike and Stacy Waldenberg, Property Owner

ACTION REQUESTED Commission Set Hearing for Resolution No. 9567

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission grant a conditional use permit to allow a contractor yard, type II, on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, subject to specified terms and conditions.

MOTION:

“I move the City Commission set a public hearing for June 6, 2006, to consider adoption of Resolution No. 9567.”

SYNOPSIS:

Resolution No. 9567 grants a conditional use permit to allow a contractor yard, type II, to be placed on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, addressed as 3701 River Drive North.

BACKGROUND:

Mike and Stacy Waldenberg have applied for a conditional use to permit the placement of a contractor yard, type II, on 5 acres of land along the north side of River Drive North at 38th Street North. The applicants, the owners of Central Plumbing and Heating, plan to relocate the business to the involved site.

Subject property, legally described as Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, is presently zoned M-2 Mixed-use transitional district wherein a contractor yard, type II is permitted upon processing and approval of a conditional use application.

Contractor yard means a place and/or building that is used by a contractor/builder for: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space. A “contractor yard, type I” means a contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards and a “contractor yard, type II” means a contractor yard that would be compatible in size and cope with industrial and commercial activities.

Attached is a copy of the Vicinity/Zoning Map and a preliminary site plan. Additional material and information regarding the application will be submitted to the Commission prior to the public hearing on the issue.

The Zoning Commission on April 11, 2006, conducted a public hearing to consider the conditional use application. The only citizens who spoke at the Hearing were Mike Waldenberg, the applicant, and Marty Byrnes, the project architect. Neighborhood Council No. 8 submitted a letter expressing support for the

project and the conditional use permit. At the conclusion of the Hearing, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use to allow a contractor yard, type II, on Parcel Mark Nos. P2 and P2A in Section 5, T20N, R4E, subject to the applicant and property owner entering into an agreement with the City, wherein, the property owner would agree to:

- 1) develop subject property substantially in accordance with the attached preliminary site plan dated February 3, 2006 by CTA Architects Engineers; and
- 2) submit the plans for the project to and obtain the approval of the City's Design Review Board which will consider such features as building architecture, exterior materials, colors, façade design, and elevation, and signage, outdoor lighting and landscaping.

The above mentioned agreement has been drafted by staff and executed by the applicant. It is anticipated the agreement, the Staff Report and Recommendation including communications received to date, and minutes of the April 11, 2006, Zoning Commission Hearing will be provided to the Commission prior to the June 6 hearing.

Attach: Resolution No. 9567
Vicinity/Zoning Map
Preliminary Site Plan

cc: Jesse Waldenberg, 1520 River Drive North
Marty Byrne, CTA Architects Engineers, 701 2nd Street South

RESOLUTION NO. 9567

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW A CONTRACTOR YARD, TYPE II,
UPON PARCEL MARK NOS. P2 AND P2A,
SECTION 5, TOWNSHIP 20 NORTH, RANGE 4 EAST,
CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Michael and Stacy Waldenberg own Parcel Mark Nos. P2 and P2A, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, addressed as 3701 River Drive North; and

WHEREAS, Owner has prepared plans to utilize and construct a contractor yard, type II, upon subject Parcel Mark Nos. P2 and P2A; and

WHEREAS, subject Parcel Mark Nos. P2 and P2A are presently zoned as M-2 Mixed-use transitional district wherein a contractor yard, type II, is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow placement and construction of a contractor yard, type II, upon subject Parcel Mark Nos. P2 and P2A; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 11, 2006, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow a contractor yard, type II, on subject Parcel Mark Nos. P2 and P2A subject to terms and conditions contained in the Agreement referenced hereinbelow.

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

That a conditional use permit to allow a contractor yard, type II, to be constructed upon and operated from subject Parcel Mark Nos. P2 and P2A is hereby approved; and,

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

That the use of subject Parcel Mark Nos. P2 and P2A as a contractor yard, type II, shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2006, between the City of Great Falls and Michael and Stacy Waldenberg; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

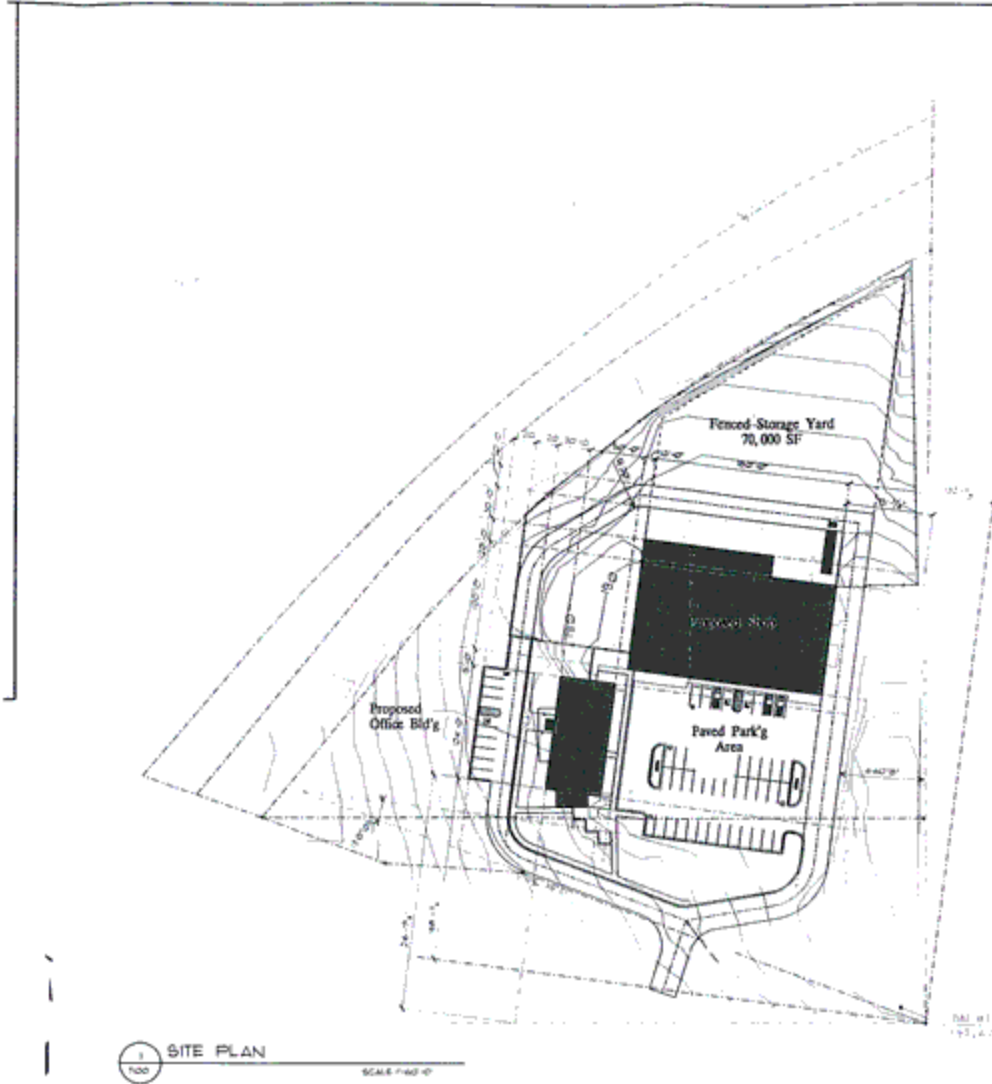
State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9567 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of June, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of June, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



4817-04-04

Proposed New Shop / Office for
Central Plumbing and Heating
Great Falls, Montana

PRELIMINARY

COPYRIGHT 2006
CTA
ARCHITECTS
ENGINEERS
PLANNERS & INTERIORS
LLC • 1000 11TH STREET
GREAT FALLS, MONTANA 59401
ALL RIGHTS RESERVED

DRAWN BY: _____
CHECKED BY: _____
DATE: FEB 21, 2006
STA #: _____
CADD FILE: _____
SITE: 4817-04-04

SITE REQUIREMENTS	
LEGAL DESCRIPTION SECTION 5, TOWNSHIP 20, RANGE 4A, 5TH RIVER DRIVE NORTH	
<p>LANDSCAPING - REQUIREMENTS</p> <p>GROSS LOT AREA 23,303 SF = 0.53 ACRES</p> <p>LANDSCAPING REQUIRED 10% OF GROSS PROPERTY AREA 10% OF PARKING AREA MUST BE PROVIDED LANDSCAPING WITHIN THE PARKING AREA LANDSCAPING REQUIRED 2,330 SF</p> <p>PARKING AREA LANDSCAPE REQUIREMENT 10% LANDSCAPE REQUIRED WITHIN PARKING AREA TOTAL VEHICLE USE AREA 1,226 SF 10% = 122.6 SF</p> <p>WOODY VEGETATION REQUIREMENTS TREES 1" DBH @ 4.0' SP OF REQUIRED LANDSCAPE TREES REQUIRED 3 TREES @ 4.0' DBH @ 4.0' SP</p> <p>SHRUBS REQUIRED PER TREE 87 TREES 1" DBH @ 4.0' DBH @ 4.0' SP</p> <p>SEE LANDSCAPE PLAN FOR CITY PROVIDED TREES AND PLANTING</p>	<p>PARKING - REQUIREMENTS</p> <p>REQUIRED PARKING OFFICE STALLS PER 250 SF OF GROSS FLOOR AREA OR 1 PER EMPLOYEE</p> <p>SHOP PER EMPLOYEE PER SHIFT BLDG 1 OFFICE 3 STORY 10 TO 24 BLDG 2 SHOP 10 EMPLOYEE PER SHIFT</p> <p>REQUIRED PARKING STALLS</p> <p>OFFICE 10 TO 24 122.6 43 STALLS</p> <p>SHOP 10 EMPLOYEE PER SHIFT 10</p> <p>TOTAL STALLS REQUIRED 53 STALLS</p> <p>MIN STALLS REQUIRED 43 TO 24 STALLS 43 MIN REQUIRED 1 PER STALL PROVIDED - VAN ACCESSIBLE STALL</p>



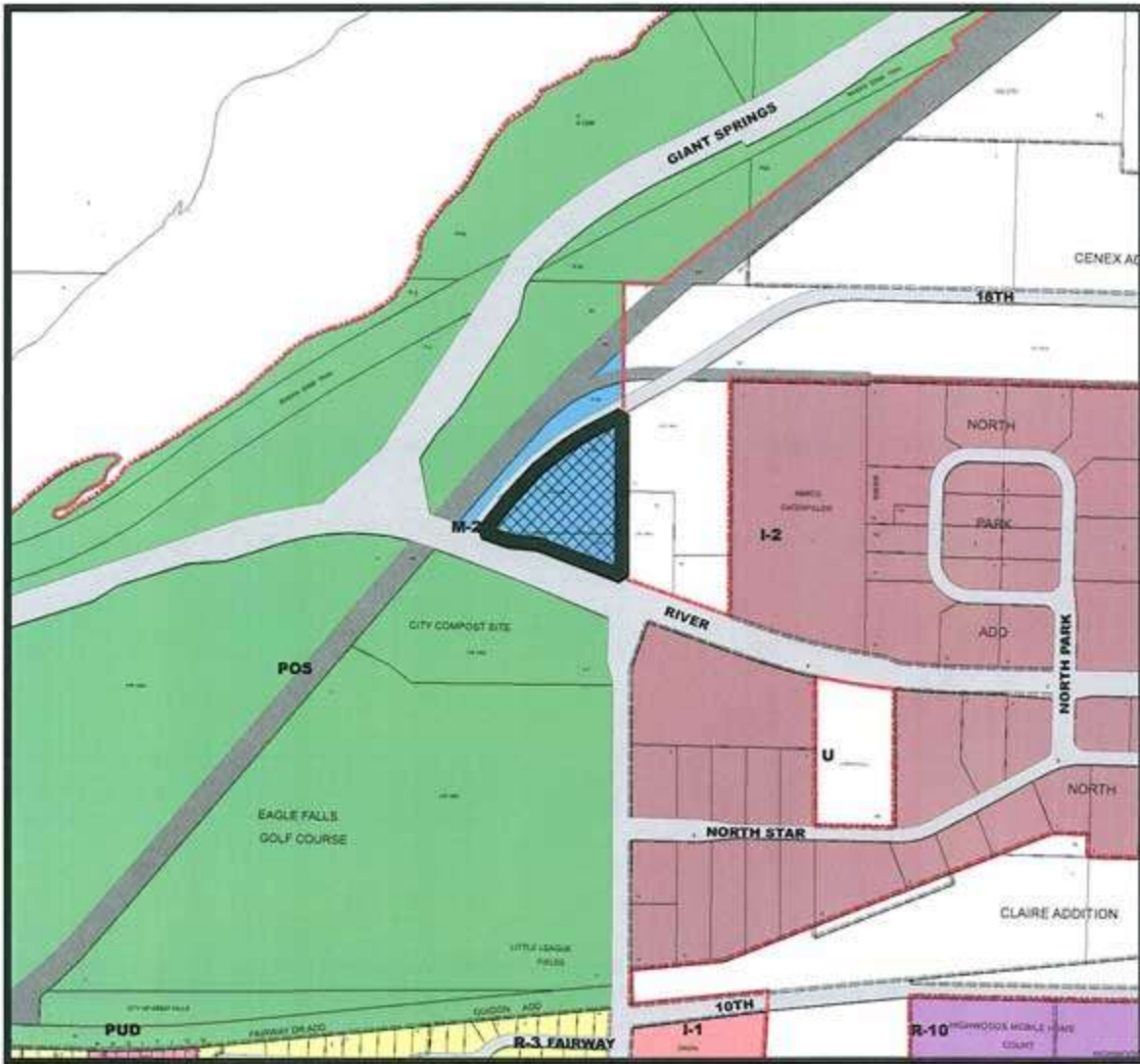
NOT FOR CONSTRUCTION



COVER SHEET
SITE PLAN

SHEET
T100 OF

VICINITY / ZONING MAP



Legend

- City Limits
 - STREETS
 - RAIL ROAD ROW
 - PARCELS OUT OF CITY LIMITS
- Zoning**
- Base Zoning Districts**
- R-3 Single-family high density
 - R-10 Mobile home park
 - M-2 Mixed-use transitional
 - POS Parks and Open Space
 - PUD Planned unit development
 - I-1 Light industrial
 - I-2 Heavy industrial
 - U Unincorporated



PROPERTY BEING CONSIDERED FOR A
CONDITIONAL USE TO PERMIT A
CONTRACTOR YARD, TYPE II



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

DATE May 2, 2006

ITEM 2006/2007 Annual Action Plan, including use of 2006/2007 CDBG & HOME funds

INITIATED BY Community Development Department

ACTION REQUESTED Approve Motion

PREPARED & PRESENTED BY Mike Rattray, Community Development Director

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission adopt the 2006/2007 Annual Action Plan, including use of the 2006/2007 Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds, and authorize submittal to the U.S. Department of Housing and Urban Development.

MOTION:

I move to adopt the 2006/2007 Annual Action Plan, including use of the 2006/2007 CDBG and HOME funds.

SYNOPSIS:

The City Commission must adopt as recommended, or amend and adopt, the final 2006/2007 Annual Action Plan for submittal to the U.S. Department of Housing & Urban Development in order for the City of Great Falls to continue to receive CDBG and HOME program funds.

BACKGROUND:

On April 19, 2005, the City Commission approved the 5 year Consolidated Plan. Each year an Annual Action Plan must be submitted to the U.S. Department of Housing and Urban Development. This document contains the proposed use of CDBG and HOME funds for the coming fiscal year, 2006/2007. CDBG and HOME project proposals were received in February 2006. A 30 day comment period running from March 24 through April 22, 2006, was established to receive citizens views on the proposed 2006/2007 Annual Action Plan, the proposed use of 2006/2007 CDBG and HOME funds, and program policies and performances. A copy of the proposed Annual Action Plan was available for review in the City Community Development Office, the Great Falls Public Library, and on the City of Great Falls web page.

At the end of the 30 day comment period, the City Commission must accept or amend the proposed

Annual Action Plan and authorize submittal of the Action Plan which HUD must receive on or before May 15, 2006. The final 2006/2007 Annual Action Plan is on file in the City Clerk's office, the City Community Development Department, and on the City web page.

Attachments: Proposed CDBG & HOME Funding List
Public Hearing Comments (Not available online; on file in the City Clerk's office)

**2006/2007 PROPOSED USE OF FEDERAL GRANT FUNDS
COMMUNITY DEVELOPMENT BLOCK GRANT**

AFFORDABLE HOUSING

	<u>Requested</u>	<u>Proposed</u>
NEIGHBORHOOD HOUSING SERVICES, INC. A revolving loan fund for neighborhood revitalization activities including new construction and purchase and rehabilitation of blighted properties and other activities addressing affordable housing and neighborhood revitalization on citywide basis.	\$140,000	\$140,000
COMMUNITY DEVELOPMENT—RENTAL IMPROVEMENT LOAN City-wide no interest loan program for rental property owners to upgrade code requirements and energy efficiency in rental units.	\$100,000	\$0
COMMUNITY DEVELOPMENT REHABILITATION SERVICES Provision of rehab counseling, loan processing, inspections and construction monitoring for all CDBG-funded city housing rehab programs for low income people.	\$56,000	\$56,075

PUBLIC FACILITY IMPROVEMENTS/HANDICAP ACCESSIBILITY

	<u>Requested</u>	<u>Proposed</u>
BOYS & GIRLS CLUB OF NORTH CENTRAL MONTANA Renovations in building located at 600 1 st Avenue Southwest which has programs to serve at-risk youth; renovations to include replacing 9 windows, purchasing and installing 4 electric hand dryers and repairing ceiling.	\$21,156	\$21,156
GREAT FALLS BASEBALL FOUNDATION Construct handicap accessible restrooms at visitor's clubhouse as part of ADA compliance project at Centene Stadium located at 1015 25 th Street North.	\$29,000	\$29,000
GOLDEN TRIANGLE COMMUNITY MENTAL HEALTH CENTER Renovate two sets of bathrooms and replace all interior door latch sets to provide handicap accessibility at facility located at 915 1 st Avenue South.	\$50,000	\$50,000
CHILDREN'S MUSEUM OF MONTANA Renovate east entry to provide main handicap accessible entrance to Children's Museum of Montana, a nationally recognized historic building, located at 22 Railroad Square.	\$55,985	\$55,985

	<u>Requested</u>	<u>Proposed</u>
<p>MONTANA INSTITUTE OF FAMILY LIVING/PARK MANOR Remodel two restrooms on ground floor to provide handicap accessibility at Park Manor, an elderly/handicapped subsidized apartment building located at 100 Central Avenue.</p>	\$18,115	\$18,115
<p>EASTER SEALS--GOODWILL INDUSTRIES Remodel 6 bathrooms in client training areas of adult training center located at 4400 Central Avenue where life skills training and supported employment are provided to adults with developmental disabilities.</p>	\$12,000	\$12,000
<p>GREAT FALLS HABITAT FOR HUMANITY Upgrade residential infrastructure at 3020 2nd Avenue North in preparation for new house to be constructed for low income homebuyer; upgrade to include replacing water, sewer and gas lines and front sidewalk.</p>	\$15,000	\$15,000
<p>URSULINE HISTORICAL FOUNDATION Refinish hardwood floors and repair deteriorating ceilings on second, third and fourth floors of Ursuline Centre, a nationally recognized historic building, located at 2300 Central Avenue.</p>	\$26,000	\$26,000
<p>PARK & RECREATION—NOAH'S ARK PARK Purchase and install handicap accessible play structure, border materials and wood chips at Noah's Ark Park located at 13th Street and 29th Avenue Northeast.</p>	\$22,500	\$22,500
<p>PARK & RECREATION—ELECTRIC CITY WATER PARK Install sidewalk with ramp handicap accessibility and sod to all attractions in the Electric City Water Park located at 21 River Drive South.</p>	\$37,730	\$37,730
<p>PUBLIC WORKS—HANDICAP RAMPS Install handicap ramps (curb cuts) on Central Avenue from 30th Street to 47th Street and other areas at request of disabled citizens to provide handicap accessibility.</p>	\$75,000	\$75,000
<p>PUBLIC WORKS—SIDEWALK REPLACEMENT Grant program to provide assistance to low income homeowners to remove and replace hazardous sidewalks in Census Tracts 7, 8 & 9 (2nd to 20th Street South between 6th and 9th Avenue South) and other areas at request of low income homeowners.</p>	\$50,000	\$50,000

	<u>Requested</u>	<u>Proposed</u>
<p>PARK & RECREATION—NATATORIUM POOL & MORONY PARK</p> <p>Replace sidewalk around Morony Park and in front of Natatorium Pool building located at 111 12th Street North. Fully fund sidewalk in front of pool building and partially fund around park</p>	\$43,577	\$28,684
<p>PARK & RECREATION—GRANDE VISTA PARK</p> <p>Purchase and install handicap accessible play structure, border materials and wood chips at Grande Vista Park located at Ferguson and Adobe Drive.</p>	\$25,000	\$0
<p>PUBLIC WORKS—1st AVENUE SOUTHWEST</p> <p>Reconstruct 1 block on 1st Avenue SW between 12th and 13th Streets SW, 1 block on 12th Street SW and 1 block on 13th Street SW between Central Avenue West and 1st Avenue SW; construction to include asphalt roadway, curb and gutter, sidewalks with handicap ramps and driveway approaches.</p>	\$262,800	\$0
PUBLIC SERVICE ACTIVITIES		
<p>AREA VIII AGENCY ON AGING</p> <p>Purchase food for Meals on Wheels, a citywide home delivery meal program for seniors who are handicapped or unable to prepare meals.</p>	\$25,000	\$25,000
<p>FOR THE CHILDREN COALITION</p> <p>Replace exterior doors, screen doors, door knobs, sinks and refrigerators in transitional housing for young adults at Agape Youth Investment Center located at 626 Central Avenue West.</p>	\$7,473	\$7,473
<p>VICTIM-WITNESS ASSISTANCE SERVICES</p> <p>Purchase computer hardware and software and provide web-based programming, maintenance fees and technological support for database program for agency that provides assistance for victims of crimes and their families. Agency located at 112 1st Street South.</p>	\$10,000	\$10,000
<p>FAMILY CONNECTIONS</p> <p>Provide child care scholarships for low income families administered through agency located at 600 Central Plaza.</p>	\$6,000	\$6,000
<p>GIRL SCOUTS OF BIG SKY COUNCIL</p> <p>Provide scholarships for girls from low income families to attend activities teaching life skills, citizenship and positive role modeling through agency located at 4930 9th Avenue South.</p>	\$5,145	\$5,145

	<u>Requested</u>	<u>Proposed</u>
<p>BIG BROTHERS BIG SISTERS OF GREAT FALLS Purchase desktop computer, laptop computer, software, printer and provide technical support to increase professionally supported volunteer mentoring program to prevent risk factors in children. Program located at 801 2nd Avenue North.</p>	\$5,230	\$2,687
<p>CASA-CAN CHILDREN'S ADVOCATE NETWORK Purchase 3 laptop computers, scanner/copier, training materials and provide registration fees for training to expand volunteer program located at 325 2nd Avenue North which provides advocates for abused and neglected children in the legal system. Fund computers, training materials and registration fees</p>	\$9,552	\$4,552
<p>GREAT FALLS SENIOR CITIZENS CENTER Purchase 3 wheel handicap travel scooter and purchase and install stair lift and water filter system at center which serves the elderly located at 1004 Central Avenue. Fund water filter system</p>	\$6,900	\$800
<p>HANDS, INC. Provide child care scholarships for children from low income families for before school, after school, and summer child care. Program offered at all Great Falls elementary schools.</p>	\$20,000	\$18,500
<p>YOUNG PARENTS EDUCATION CENTER Provide emergency housing scholarships and day care scholarships to low income teen or young adult parents completing high school or GED programs. Programs located at alternative high school at 3300 3rd Street Northeast.</p>	\$15,000	\$13,500
<p>CONSUMER CREDIT COUNSELING SERVICES OF MONTANA Purchase laptop computer, projector, printer and program materials to provide financial literacy training to low income people who are working toward becoming first time home buyers. Agency located at 2022 Central Avenue. Fund program materials</p>	\$6,500	\$3,300
<p>SPECIAL OLYMPICS MONTANA Purchase 6 laptop computers, 6 monitors, laser printer and projector to improve services of agency who provides people with disabilities with year round sports training and competitions.</p>	\$14,381	\$8,890
<p>SALVATION ARMY Purchase 2 freezers for charitable, faith-based agency which provides a wide variety of services for people in need. Social service department of this agency located at 616 1st Avenue Northwest. Purchase reach-in freezer</p>	\$5,000	\$4,040

	<u>Requested</u>	<u>Proposed</u>
<p>BOYS & GIRLS CLUB OF NORTH CENTRAL MONTANA Recreational/educational scholarships for summer program for children from low income families; programs administered at Housing Authority (1722 Chowen Springs Loop), Whittier (305 8th Street North) and Longfellow (1100 6th Avenue South) Elementary Schools.</p>	\$18,000	\$16,500
<p>INDIAN FAMILY HEALTH CLINIC Purchase treadmill, photo ID system, door alarms and carpeting to increase and improve services to low to moderate income people at the Indian Family Health Clinic located at 1220 Central Avenue. Fund treadmill, photo ID system, door alarms and partial carpeting</p>	\$9,144	\$5,470
<p>EAGLE MOUNT Provide therapeutic recreational scholarships, equipment, uniforms, facility rental and program materials for low income people with physical, developmental, emotional and behavioral disabilities. Program administered through agency located at #9 3rd Street North. Fund any portion except karate facility rental and uniforms</p>	\$7,950	\$5,000
<p>ALLIANCE FOR YOUTH Purchase copier and web-based evaluation software to be used by agency and its partners to improve materials distribution and to perform in-house program and service evaluations to coordinate youth services. Program located at 5305 3rd Avenue South. Fund software and partial copier</p>	\$7,700	\$5,200
<p>PARK & RECREATION—COMMUNITY RECREATION CENTER Provide scholarships for low income children to attend after school and summer programs which provide structured recreational/physical activities for children. Programs offered at community center located at 801 2nd Avenue North.</p>	\$5,920	\$5,000
<p>SKYLINE ALTERNATIVE HIGH SCHOOL Purchase passenger van and license vehicle to provide transportation to develop career opportunities for low and middle income students who attend alternative high school located at 3300 3rd Street Northeast.</p>	\$17,500	\$0
<p>GREAT FALLS COMMUNITY FOOD BANK Purchase newer used truck to increase food pick up and delivery capacity at agency located at 1620 12th Avenue North which gathers food from wholesalers and distributes it to community agencies who then redistribute the food to low income people.</p>	\$35,000	\$0

ADMINISTRATION

CDBG PROGRAM ADMINISTRATION	\$196,075	\$196,075
General oversight, management, promotion, monitoring, and coordination of the CDBG program including activities to further fair housing and the Continuum of Care for Homelessness		
TOTAL CDBG FUNDING REQUESTED	1,473,333	
TOTAL ANTICIPATED CDBG GRANT		\$980,377
TOTAL CDBG FUNDS PROPOSED ALLOCATION		\$980,377

**2006/2007 PROPOSED USE OF FEDERAL GRANT FUNDS
HOME INVESTMENT PARTNERSHIP PROGRAM**

	<u>Requested</u>	<u>Proposed</u>
NEIGHBORHOOD HOUSING SERVICES, INC. Owners in Partnership XIV—construct six single family houses, reconstruct two houses through major rehabilitation and provide subsidies to assist low income buyers, single heads of households and disabled people to purchase these homes.	\$247,275	\$262,346
NEIGHBORHOOD HOUSING SERVICES, INC. Down payment and closing cost assistance to help low income first time homebuyers purchase houses city wide.	\$103,071	\$0
NEIGHBORHOOD HOUSING SERVICES, INC. Purchase/construct and install reusable handicap accessible ramps to allow residents with disabilities to remain in their homes city wide.	\$31,500	\$31,500
CARRY FORWARD FUNDS Funds reserved to balance account for previously allocated project.	\$88,000	\$88,000
HOME PROGRAM ADMINISTRATION General oversight, management, promotion, monitoring, and coordination of the HOME program.	\$28,740	\$28,740
TOTAL HOME FUNDING REQUESTED	\$498,586	
TOTAL ANTICIPATED HOME GRANT		\$410,586
TOTAL HOME FUNDS PROPOSED ALLOCATION		\$410,586

AGENDA REPORT

DATE May 2, 2006

ITEM: WASTEWATER TREATMENT PLANT COGENERATION PROJECT, (O.F. 1404),
CONTRACT 01 – SUPPLY OF ENGINE / GENERATOR / GAS TREATMENT
EQUIPMENT

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE PROCUREMENT CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Approve Procurement Contract between the City of Great Falls and Smith Power Products for procurement and delivery of engine, generator and gas equipment to the Wastewater Treatment Plant (O.F. 1404).

MOTION: "I move the City Commission approve the Procurement Contract between the City of Great Falls and Smith Power Products for procurement and delivery of engine, generator and gas equipment to the Wastewater Treatment Plant and authorize the City Manager to execute the contract."

CONTRACT AMOUNT: \$750,302.00 Base Bid plus \$4,775.27 Spare Parts Additive

ENGINEERS ESTIMATE: \$936,700.00

BUDGETED FUND: Sewer Bond

SYNOPSIS: Stanley Consultants, Inc. was hired to provide procurement documents to furnish and deliver a digester gas and natural gas fueled reciprocating engine generator, gas treatment equipment, and other auxiliary equipment. This equipment will be installed during the project's upcoming construction phase. The construction phase will begin late fall 2006 with completion slated for early 2007. The project will utilize digester gas produced during the solids treatment process to generate electricity and heat to meet over half of the plant's energy requirements.

BACKGROUND: Bids were opened on March 22, 2006, with one equipment supplier submitting a bid. Smith Power Products submitted a base bid of \$750,302 and an alternate bid of \$852,546. The reason for the bid alternates were two different size engine generators. Both bids came in significantly lower than the engineer's estimate of \$936,700. City staff is making the recommendation to award the smaller 540 kilowatt engine generator. Stanley Consultants, Inc. provided the Procurement Project Manual and conducted a thorough review of the bid proposal.

Attachment: Bid Tabulation (Not available online; on file in the City Clerk's Office)

AGENDA REPORT

DATE May 3, 2006

ITEM Swimming Pool Exclusive Beverage Agreement

INITIATED BY Park & Recreation Department

ACTION REQUESTED Award Agreement

PREPARED AND PRESENTED BY Patty Rearden, Interim Park & Recreation Director

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RECOMMENDATION:

Staff recommends that the City Commission award the Swimming Pool Exclusive Beverage Agreement to Pepsi Cola Company of Montana.

MOTION:

“I move the City Commission award Pepsi Cola Bottling of Great Falls the Swimming Pool Exclusive Beverage Agreement and authorize the City Manager to execute the agreement.”

SYNOPSIS:

The City of Great Falls Park and Recreation Department requested proposals for a five (5) year exclusive beverage agreement at City of Great Falls swimming pools, including the Electric City Water Park, Morony Natatorium Pool, Jaycee Pool, and Water Tower Pool.

One Proposal was received from Pepsi Cola Bottling Company of Montana. The Pepsi Cola proposal met minimum requirements regarding providing pool paint and signage. Pepsi Cola’s proposal also includes “summer swim season” promotional beverage cups to be distributed throughout the Gold Triangle for 12 weeks, June-August, umbrellas and other aquatic amenities, staff t-shirts, “Summer swim Sweepstakes”, a summer long sweepstakes program, and radio advertising for park and recreation activities. Total value of the proposal is estimated at \$168,380 over five years.

Based on their meeting the minimum requirement, and an excellent package of additional items, financial incentives, and marketing and advertising services, staff is recommending awarding this agreement to Pepsi Cola.

BACKGROUND:

A previous agreement with Coca Cola existed at swimming pool facilities relating to exclusive beverage rights and sponsorship of Park and Recreation “Super Summer” program. Because of corporate changes, Coca Cola was unable to meet the deadline for the proposals.

Park and Recreation feels the exclusive beverage rights at the swimming pools have a value and by requesting formal RFP this value would be discovered.

A selection committee consisting of Park & Recreation Interim Director, Aquatic Supervisor, and a member of the Park Board reviewed the proposal from Pepsi Cola and have determined that all requirements of the RFP have been met, and the proposal is very beneficial to the aquatics division. Park and Recreation continues to look towards alternate revenue sources and expense reductions to keep citizens’ admission costs affordable.

SWIMMING POOL EXCLUSIVE BEVERAGE AGREEMENT

THIS EXCLUSIVE BEVERAGE AGREEMENT, made and entered into this ___ day of _____ 2006, by and between the City of Great Falls, Montana, a municipal corporation, hereinafter referred to as "City", and Pepsi Cola of Great Falls hereinafter referred to as "Pepsi".

WITNESSETH:

WHEREAS, after requesting proposals for exclusive beverage agreement for the swimming pools, the City has accepted the proposal and qualifications of ***Pepsi***, and,

WHEREAS, the parties hereto have reached an agreement of providing exclusive beverage distribution rights for the City swimming pools.

1. PURPOSE

It is the intent of the City to provide an exclusive beverage operation at the Electric City Water, Natatorium Swimming Pool, Jaycee Pool and the Water Tower Pool.

2. TERM OF AGREEMENT

The term of this agreement shall be for five (5) years, beginning May, 2006 through 31st of April, 2011. This agreement may be terminated with just cause prior to the expiration of the five year term by either party giving written notice not less than ninety (90) days prior to the annual anniversary date of this lease. Further, the City retains the right to terminate this contract after the completion of any season for any reason that is deemed necessary by the City with written notice.

3. PROPOSAL

Pepsi agrees to:

a) Pepsi agrees to provide funding for the purchase of 80 gallons of chlorinated rubber pool paint, as per City specifications. In 2006, Pepsi agrees to provide \$3,500 with an increase of 2% annually.

b) Pepsi agrees to provide uniform signage for the Mitchell Pool facility per the RFP, for installation in 2006, at an estimated value of \$1,500-\$2,000 with touch up or replacements as needed in years two through five.

c) Pepsi agrees to provide umbrella's and other aquatic amenities in the amount of \$500 per season.

d) Pepsi agrees to provide 7 dozen assorted brand and Park and Recreation identified t-shirts per year for use by Pool staff at an estimated value of \$750 per year.

e) Pepsi will annually create a "summer swim season" beverage cup to promote the City's aquatic facilities. The cups (estimated 160,000 cups) will be used throughout the Golden triangle market area for 12 weeks, beginning in June and ending in late August.

f) Pepsi will work with local radio and/or television stations to put together a summer long sweepstakes, Pepsi will work with the City as well as other venues to provide prizes and execute the program.

g) Pepsi will commit to utilizing 20% of their entire summer radio buys (June-August) to "tag" a Park and Recreation Department message.

The City agrees to:

a) The City shall cause the products purchased from Pepsi to be exclusively available at the Facilities, including all concessions and vending machine locations. No competitive products shall be made available in the facilities.

b) The City shall cause all menu boards and concession dispensing beverages on the

premises of the facility to carry advertising panels provided by Pepsi mentioning products that are clearly visible to the purchasing public.

c) The City shall grant to Pepsi the exclusive concession rights to all city swimming activities. Require all outside parties serving premix fountain products to use Pepsi Cola trademark cups and carbon dioxide supplied only from Pepsi.

d) The City shall grant to Pepsi the exclusive vending rights at the facilities. City agrees that Pepsi shall have the right to place and keep on location, a minimum of 2 (two) vending machines in mutually agreed upon locations at the swimming pools.

4. EQUIPMENT AND PRICING

Pepsi will place two 20 oz. plastic bottle vendors at the Water Park and the Natatorium; one 20 oz. bottle vendor each at the Water Tower and Jaycee pools.

Pepsi will provide one 8 valve post mix machine and one Lipton Brewed Ice Tea machine at the water park concessions. Pepsi will also provide visa coolers for bottled product. Pepsi will continually monitor sales, and work with the Park and Recreation Department to determine any additional equipment needs.

Package	Price
5 gallon post mix	\$52
3 gallon post mix	\$34
1.5 liter Lipton Iced Tea post mix	\$45
20 oz. Aquavista water 24 count	\$14
20 oz. CSD	\$18
20 oz. XZUDE 24 count	\$18
Rockstar 24 count	\$36
50 count 16 oz cups	\$3
50 count 22 oz cups	\$3
40 count 32 oz cups	\$4
120 count 16-22oz lids	\$2.50
120 count 32 oz kids	\$3
CO2	\$15

Vending Machine Commission: 20% plus rebate of \$4.80/case in years one through two and \$6.00/case in years three through five.

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

ATTEST

Peggy Bourne, City Clerk

John W. Lawton, City Manager

Pepsi Cola of Great Falls

REVIEWED AS TO CONTENT

David V. Gliko, City Attorney

CITY OF GREAT FALLS