



City Commission Agenda

for

March 21, 2006

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

****REVISED****

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

NEIGHBORHOOD COUNCIL REPORTS

1. Swearing In - Sally Schlim--Council #9
Aaron Weissman--Council #7
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Meadowlark Addition No. 4. Action: Conduct joint public hearing.
Staff report – Ben Rangel.
 - A. Res. 9551, Annexes Meadowlark Addition No. 4 consisting of 18 single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road. Action: After conducting joint public hearing adopt or deny Res. 9551.
 - B. Ord. 2931, Assigns zoning classification of R-3 Single-family high density district. Action: After conducting joint public hearing adopt or deny Ord. 2931.
4. West Ridge Addition, Phase III. Action: Conduct joint public hearing.
Staff Report – Ben Rangel.
 - A. Res. 9553, Annexes West Ridge Addition, Phase III, consisting of 18 single-family residential lots located immediately west of Skyline Education Center. Action: After conducting joint public hearing adopt or deny Res. 9553.
 - B. Ord. 2932, Assigns zoning classification of R-2 Single-family medium density district. Action: After conducting joint public hearing adopt or deny Ord. 2932.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

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.*

5. Minutes, March 7, 2006, Commission meeting.
6. Total Expenditures of \$733,116 for the period of February 28--March 8, 2006, to include claims over \$5000, in the amount of \$599,881.
7. Contracts list.
8. Accept proposed use of funds for the 2006/2007 Community Development Block Grant Program and HOME Program for inclusion in the Annual Consolidated Plan and set public hearing for April 4, 2006, on the proposed Annual Plan.
9. Adopt Res. 9560 which rescinds and replaces Res. 9556 authorizing the closure of one SID Subsidiary Debt Service Fund to the Revolving Fund and a Loan to one SID Subsidiary Debt Service Fund from the Revolving Fund.
10. Approve Change Order 1 to United Materials of Great Falls in the amount of ~~\$156,343.50~~ \$184,115.50 and final payments in the amount of ~~\$156,343.50~~ \$184,115.50 for the West Bank Trail Connection/Agri-Business Park Sewer Main Extension - Phase I.
11. Approve Final Payment of \$2,509.05 to A.T. Klemens, Inc. and the State Miscellaneous Tax Division for the Neighborhood Street Lighting – Eagles Crossing SID 1304.
12. Award bid for three new rotary trim mowers to Midland Implement of Billings, Montana, in the amount of \$87,750.

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

BOARDS & COMMISSIONS

13. Appointment, Mansfield Center for the Performing Arts Advisory Board. Appoint one member for a three-year term through December 31, 2009.
14. Appointment, Design Review Board. Appoint one member for a three-year term through March 31, 2009.
15. Appointments, Advisory Commission on International Relationships. Reappoint two members and one new member for three-year terms through March 31, 2009.
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

AGENDA REPORT

DATE March 21, 2006

ITEM Public Hearing – Resolution No. 9551 to Annex and Ordinance No. 2931 to Establish City Zoning Upon Meadowlark Addition No. 4

INITIATED BY Meadowlark Partners, LLP, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9551 and Ordinance No. 2931 and Approve Final Plat and Agreement related to Meadowlark Addition No. 4

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission approve the final plat and annexation of Meadowlark Addition No. 4, and assign a zoning classification of R-3 Single-family high-density district, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9551 and approve the final plat and Annexation Agreement all related to Meadowlark Addition No. 4.”

and

“I move the City Commission adopt Ordinance No. 2931.”

SYNOPSIS:

Resolution No. 9551 annexes Meadowlark Addition No. 4, which consists of 18 single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road. Ordinance No. 2931 assigns a zoning classification of R-3 Single-family high density, to Meadowlark Addition No. 4, upon annexation of same to City.

BACKGROUND:

Last July, the City Commission conditionally approved the preliminary plat of Meadowlark Addition No. 4, an 18 lot single-family residential subdivision southwest of Grande Vista Park.

For review purposes, please refer to the vicinity map attached to Resolution No. 9551 as Exhibit “A” and the reduced copy of the final plat of Meadowlark Addition No. 4.

Lots in the subdivision will be accessed by Alpine Drive and West Ferguson Drive to the north and Flood Road to the west. The developer will install standard City paving, curb and gutter in Camas Drive and West Ferguson Drive being dedicated on the subdivision plat. City water and sanitary sewer mains are proposed to be installed in Camas Drive and West Ferguson Drive being dedicated on the subdivision plat. A water main will also be installed in Flood Road right-of-way to loop the water mains in Beargrass Drive and Camas Drive. Surface drainage from the subdivision will flow northeasterly to Alpine Drive and then east to Ferguson Drive on the east side of Grande Vista Park. The final engineering documents relative to the final plat of Meadowlark Addition No. 4 have been prepared by the project engineer and are in the process of being submitted to the City Engineer. Staff concludes that the developer in the overall process of final plat is meeting the basic conditions set forth in the conditional approval of the preliminary plat, final engineering and Annexation Agreement preparation for Meadowlark Addition No. 4.

Subject property is presently zoned in the County as R-2 Low Density Residential District and the applicant has requested the property be zoned R-3 Single-family high-density district, upon annexation to the City.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines, which must be considered in

conjunction with establishing municipal zoning on land:

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

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

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

The combined Planning Board and Zoning Commission, at the conclusion of a public hearing held June 14, 2005, unanimously recommended the City Commission assign a zoning classification of "A" Residence Use, "A" Area District (which is comparable to R-3 Single-family high density under the new Unified Land Development Code) to Meadowlark Addition No. 4 and that the City Commission approve the annexation resolution, annexation agreement and final plat for Meadowlark Addition No. 4, simultaneously with Ordinance No. 2931 subject to the following conditions:

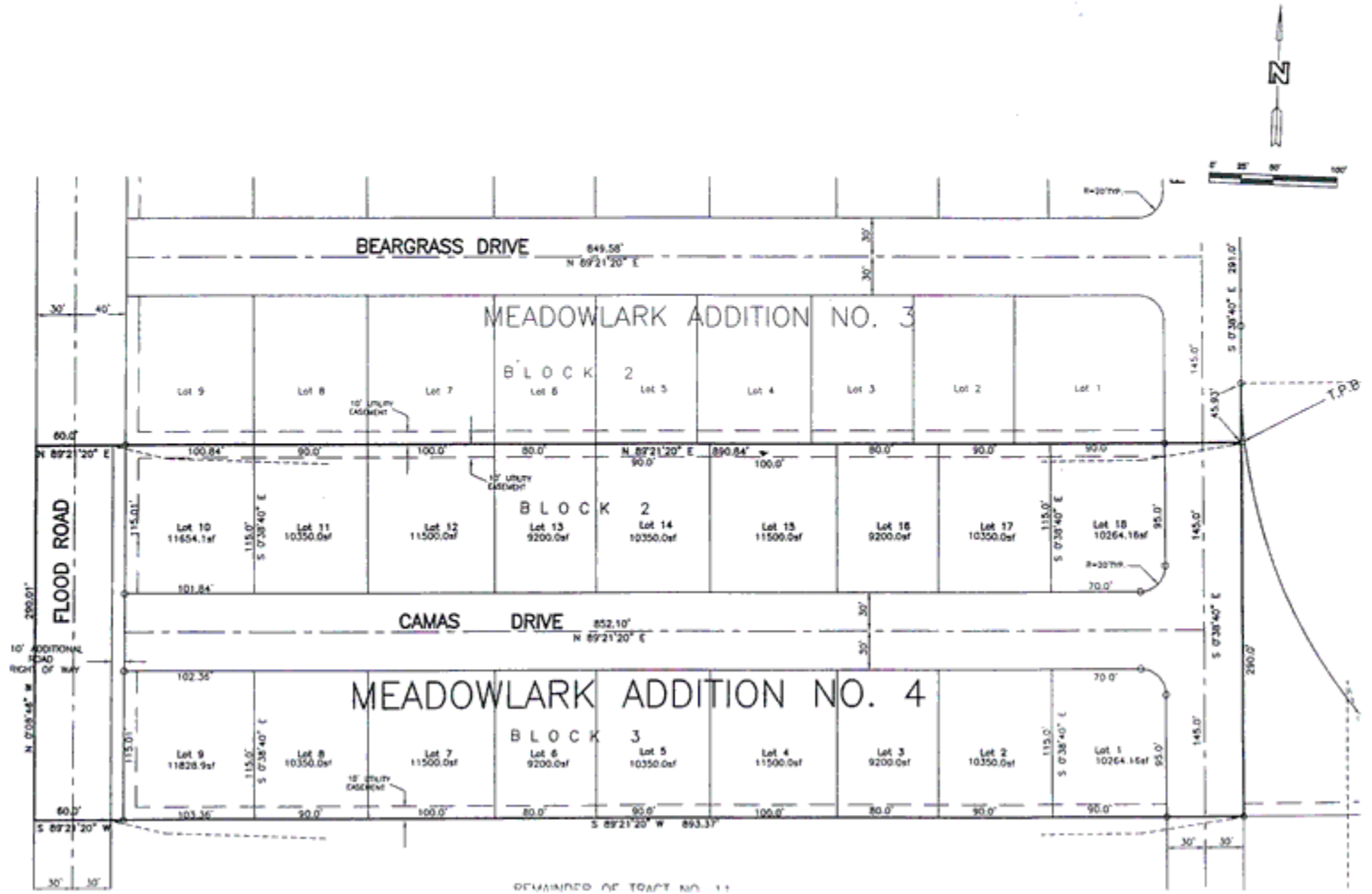
- 1) The applicant shall execute an Annexation Agreement acceptable to the City and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.
- 3) Any errors or omissions on the final plat noted by staff shall be corrected.

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

Attach: Resolution No. 9551
Ord. No. 2931
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement

cc w/o attach: Meadowlark Partners, 608 Robin Court
Gary Knudson, Delta Engineering, P.O. Box 1481

A SUBDIVISION PLAT OF MEADOWLARK ADDITION NO. 4
 TO CITY OF GREAT FALLS
 IN S1/2, SECTION 22, T 20 N, R 3 E, P.M.M.
 CASCADE COUNTY, MONTANA



RESOLUTION NO. 9551

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE MEADOWLARK ADDITION NO. 4, LOCATED IN SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

Meadowlark Addition No. 4, located in Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 6.338 acres,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof, and according to the final plat of Meadowlark Addition No. 4; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "MEADOWLARK ADDITION NO. 4, LOCATED IN SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 21st day of March, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content:

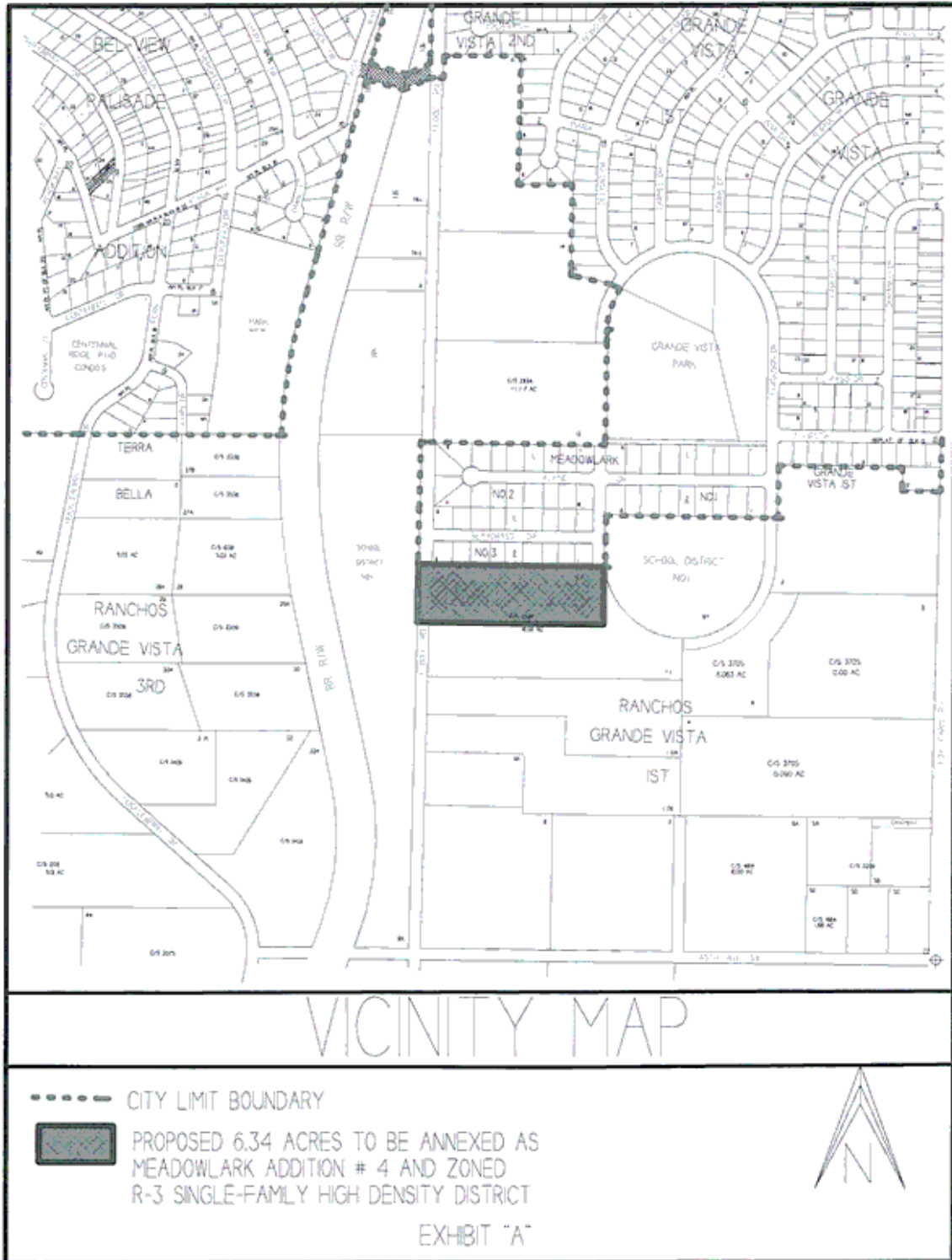
David V. Gliko, City Attorney

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. 9551 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of March 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 21st day of March, 2006.

(SEAL OF CITY)



ORDINANCE NO. 2931

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT, TO MEADOWLARK ADDITION NO. 4, IN SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

● * * * * *

WHEREAS, Meadowlark Partners, LLP, have petitioned the City of Great Falls to annex Meadowlark Addition No. 4, located in the S1/2 of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Meadowlark Partners, LLP, have petitioned said Meadowlark Addition No. 4, be assigned a City zoning classification to accommodate single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to said Meadowlark Addition No. 4, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 21st day of March, 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. That the zoning of Meadowlark Addition No. 4, be designated as R-3 Single-family high-density district classification.

Section 2. 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 Meadowlark Addition No. 4 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 21st day of March, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2931 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 21st day of March, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of March, 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 21st day of March, 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. 2931 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 March 21, 2006

ITEM Public Hearing – Resolution No. 9553 to Annex and Ordinance No. 2932 to Establish City Zoning Upon West Ridge Addition, Phase III

INITIATED BY S & L Development, L.L.C., Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution No. 9553 and Ordinance No. 2932 and Approve Final Plat and Agreement related to West Ridge Addition, Phase III

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission approve the final plat and annexation of West Ridge Addition, Phase III, and assign a zoning classification of R-2 Single-family medium density district, upon annexation to the City.

MOTIONS (Each motion to be separately considered):

“I move the City Commission adopt Resolution No 9553 and approve the final plat and Annexation Agreement all related to West Ridge Addition, Phase III.”

and

“I move the City Commission adopt Ordinance No. 2932.”

SYNOPSIS:

Resolution No. 9553 annexes West Ridge Addition, Phase III, which consists of 18 single-family residential lots located immediately west of Skyline Education Center. Ordinance No. 2932 assigns a zoning classification of R-2 Single-family medium density district, to West Ridge Addition, Phase III, upon annexation of same to City.

BACKGROUND:

In November 2002, the City and County Commissions conditionally approved the preliminary plat of West Ridge Addition, a 113 lot single family residential subdivision located on the north and west sides of Skyline Education Center.

The applicant has completed the platting and annexation of Phase I, consisting of 34 lots and Phase II, consisting of a 32-unit residential condominium Planned Unit Development and 6 conventional single-family residential lots. S & L Development, L.L.C., represented by Gary Knudson, now desires to proceed in finalizing the plat of West Ridge Addition, Phase III, located immediately west of Skyline Education Center. Phase III consists of 18 single family residential lots and extensions of 1st Street NE and 34th Avenue Northeast.

For review purposes, please refer to the vicinity map attached to Resolution No. 9553 as Exhibit “A” and the reduced copy of final plat of West Ridge Addition, Phase III.

The applicant will install standard City paving, curb and gutter, and 8-inch water and sanitary sewer mains in the involved segments of 34th Avenue NE and 1st Street NE.

Surface runoff from Phase III will drain north to a recently installed storm sewer system in 2nd Street Northeast and 37th Avenue Northeast ultimately discharging into the City’s Northeast Regional Storm Water Retention Facility.

The final engineering documents relative to the final plat of Phase III have been prepared by the project engineer and reviewed and approved by the City Engineer's Office. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Phase III.

Subject property is presently zoned in the County as R-2 Low Density Residential District and it is proposed the property be zoned R-2 Single-family medium density district, upon annexation to the City.

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

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

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

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

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

The Planning Board, at the conclusion of a public hearing held October 22, 2002, unanimously recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District, to West Ridge Addition, Phase III, upon annexation of the area contained therein. In light of the recently adopted Unified Land Development Code which includes new zoning districts and map, Phase III will be zoned R-2 Single-family medium density district upon annexation to the City which matches that classification assigned to Phase I and the conventional portion of Phase II. The Planning Board during a meeting held November 8, 2005, passed a motion recommending the City Commission approve the final plat of West Ridge Addition, Phase III, and that the City Commission approve the annexation of the property contained therein subject to the following conditions:

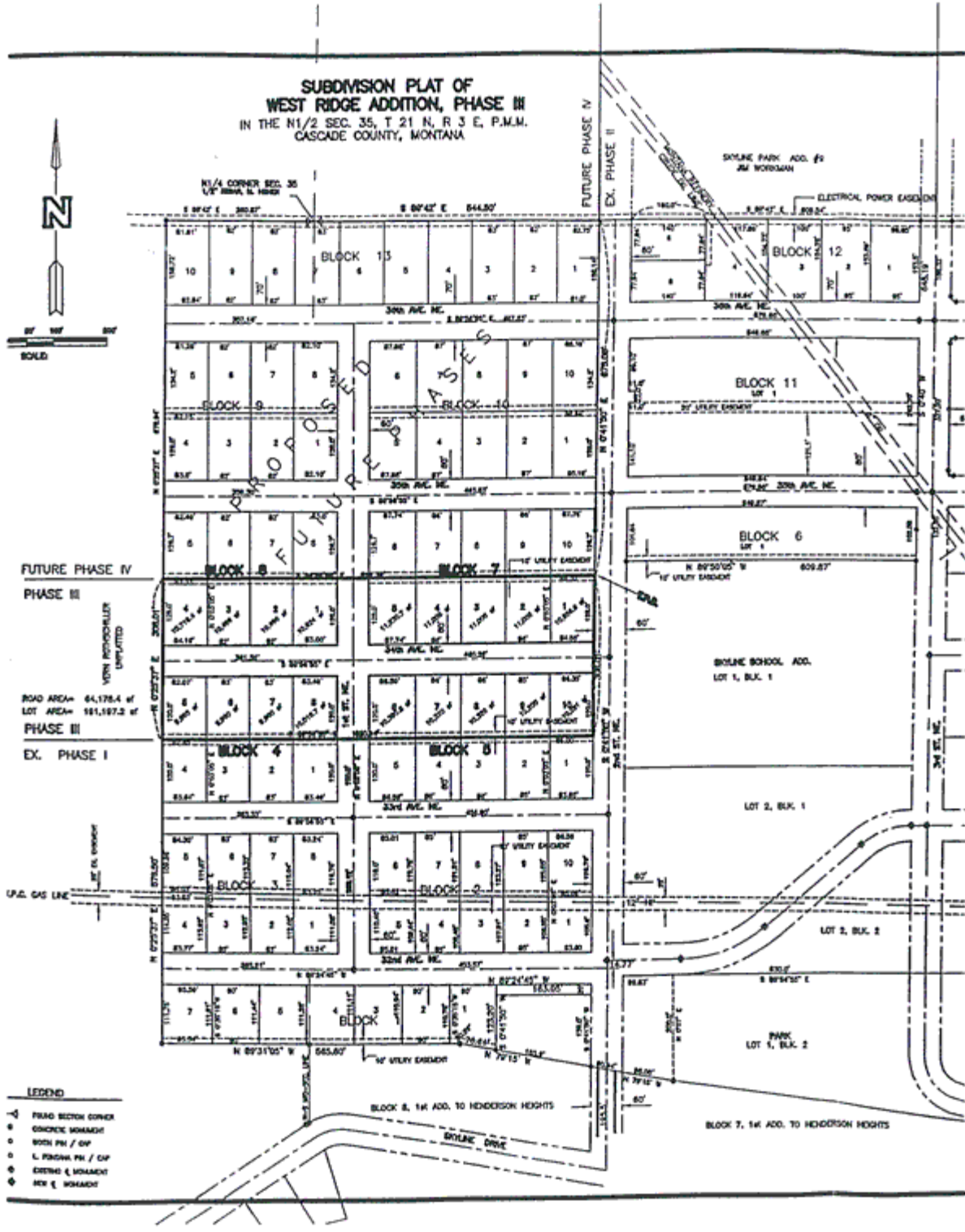
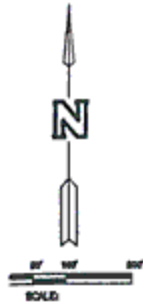
- 1) The applicant shall execute an Annexation Agreement acceptable to the City of Great Falls and shall submit the appropriate supporting documents referenced in the Agreement.
- 2) All applicable fees and charges due as a consequence of either plat or annexation approval shall be paid by the applicant.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

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

Attach: Resolution No 9553
Ord. No. 2932
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement

cc w/o attach: Delta Engineering, P.O. Box 1481

**SUBDIVISION PLAT OF
WEST RIDGE ADDITION, PHASE III
IN THE N1/2 SEC. 35, T. 21 N., R. 3 E., P.M.M.
CASCADE COUNTY, MONTANA**



ROAD AREA= 64,178.4 sf
LOT AREA= 181,187.3 sf

- LEGEND**
- ▲ PRISM SECTION CORNER
 - CONCRETE MONUMENT
 - BOUNDARY PIN / O.P.
 - L. PEGGING PIN / O.P.
 - EXISTING E. MONUMENT
 - NEW E. MONUMENT

RESOLUTION NO. 9553

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE WEST RIDGE ADDITION, PHASE III, LOCATED IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

West Ridge Addition, Phase III, located in Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 5.862 acres,

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

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "WEST RIDGE ADDITION, PHASE III, LOCATED IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 21st day of March, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

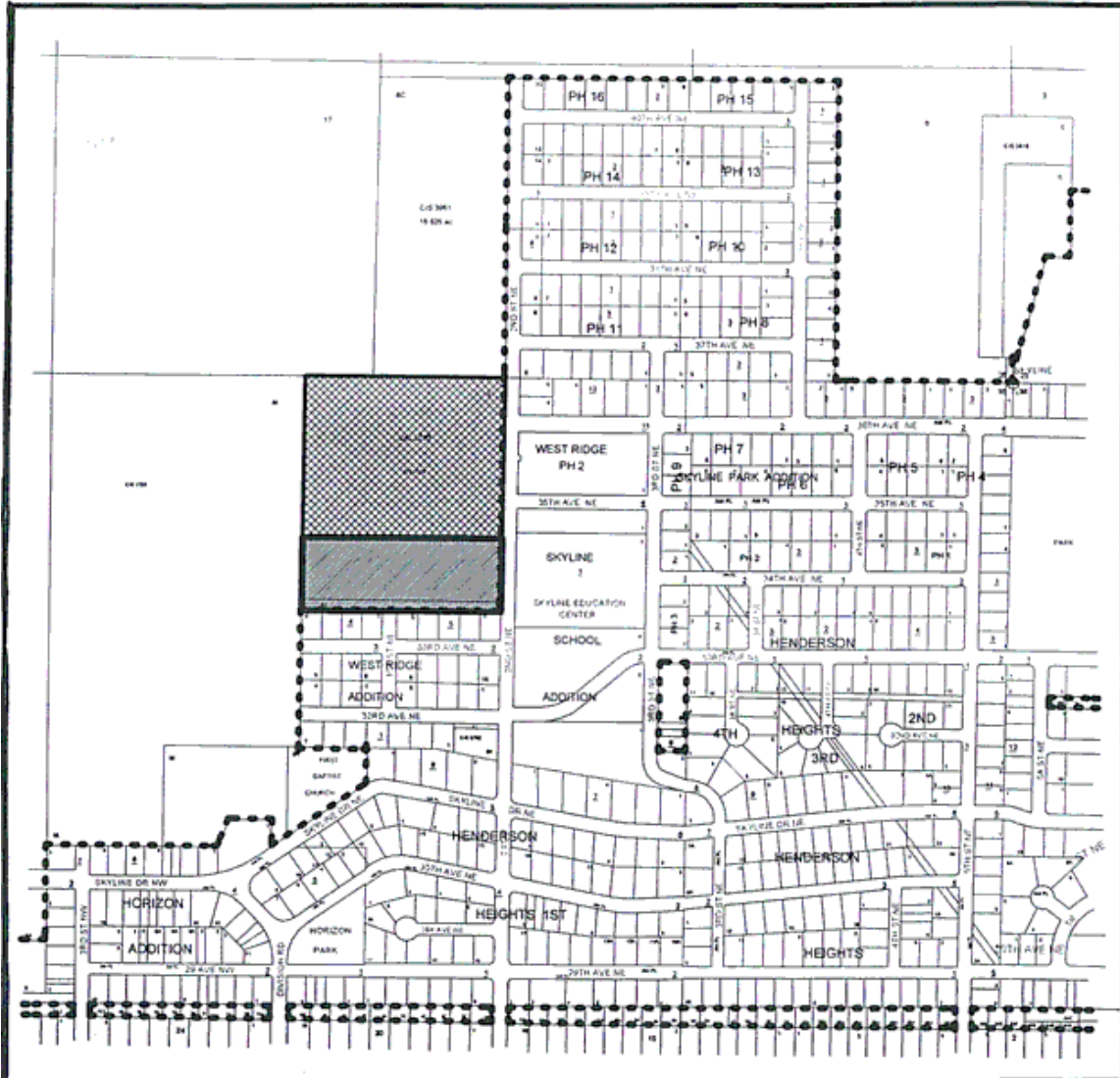
State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9553 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of March, 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 21st day of March, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



VICINITY MAP



- CITY LIMIT BOUNDARY
-  WEST RIDGE ADDITION PHASE III
-  REMAINDER OF PRELIMINARY PLAT WEST RIDGE ADDITION



EXHIBIT "A"

ORDINANCE NO. 2932

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO WEST RIDGE ADDITION, PHASE III, IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, S & L Development L.L.C., (Shawna K. Rothwell and Leanne K. Bailly) has petitioned the City of Great Falls to annex West Ridge Addition, Phase III, located in the N1/2 of Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, S & L Development L.L.C., (Shawna K. Rothwell and Leanne K. Bailly), has petitioned West Ridge Addition, Phase III, be assigned a single family residential zoning classification, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-2 Single-family medium density district to West Ridge Addition, Phase III, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 21st day of March, 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. That the zoning of West Ridge Addition, Phase III, be designated as R-2 Single-family medium density district.

Section 2. 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 West Ridge Addition, Phase III, 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 21st day of March, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2932 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 21st day of March, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 21st day of March, 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 21st day of March, 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. 2932 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)

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS: Women in Construction Week; American Red Cross Month

PRESENTATION: Made in Montana Market Place

PUBLIC HEARINGS

Res. 9548, Vacate northerly segments of 3rd Avenue South. Adopted.

1. RESOLUTION 9548, VACATE NORTHERLY SEGMENTS OF 3RD AVENUE SOUTH ABUTTING SUNRISE COURT.

Planning Director Ben Rangel reported that adoption of Resolution 9548 would vacate two segments of unused rights-of-way on 3rd Avenue South abutting the south boundary of Sunrise Court Addition. The Amended Plat of Sunrise Court Addition would add the vacated rights-of-way to the abutting Blocks 3 and 4.

The involved portion of 3rd Avenue South was dedicated and annexed as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976. No public roadway improvements were located within the rights-of-way and it was determined retention and eventual improvement of them served no practical or functional purpose. The Great Falls Housing Authority was interested in using the vacated rights-of-way to improve the parking arrangement for the Sunrise Court public housing complex. Upon vacating the two rights-of-way, the segments shall become a part of Lot 1, Block 3 and Lot 1, Block 4, Sunrise Court Addition. The southern 20 feet of the vacated rights-of-way would be designated as a utility easement to accommodate existing utilities.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9548. Mayor Stebbins closed the public hearing.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9548.

Motion carried 5-0.

**Ord. 2929, Rezone
GF 11th Add., B806,
L1-5. Adopted.**

**2. ORDINANCE 2929, REZONE GF 11TH ADDITION, BLOCK
806, LOTS 1-5.**

Planning Director Ben Rangel reported that the owners of Lots 1 – 5, Block 806, Eleventh Addition, applied through their representative, the Hawkins Companies, to rezone the lots from R-3 single-family high density district to C-2 general commercial district. The applicant intended to remove existing residential structures and combine them with the adjoining property to the south to accommodate a proposed 14,820 square foot Walgreens Pharmacy.

On January 10, 2006, the City Zoning Commission conducted a public hearing to consider the rezoning request. Most of the individuals speaking in opposition expressed concern about the potential increased traffic that could result from the project as well as depreciation of property values. The Zoning Commission received copies of numerous petitions protesting the rezoning signed by parties involved in the businesses which would be displaced by the new development and occupants of residential property in the vicinity. At the conclusion of the hearing and after considering several different motions, the Zoning Commission recommended the City Commission deny the request. Mr. Rangel added that during the hearing, it appeared most Zoning Commission members did not oppose the Walgreens project but were uncomfortable voting in favor of the rezoning without more information being available about possible traffic volume increases and ways to mitigate any potential traffic volume problems.

Mr. Rangel added that Montana Code Annotated, 76-2-305, provides that a zoning amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city council if a protest against the change was signed by the owners of 25 percent or more of those lots 150 feet from a lot included in a proposed change. Staff determined 45 percent of the owners of lots within the 150 foot legal protest area have objected to the rezoning. Therefore a super majority vote was necessary to approve the rezoning ordinance.

Mayor Stebbins declared the public hearing open. Those speaking in support were:

Colby Halker, 8645 West Franklin, Boise, Idaho, representative of Hawkins Companies, explained this was an excellent opportunity to redevelop an area of Great Falls with a neighborhood- friendly business. He explained that he met with the property owners in the area as well as the Neighborhood Council to explain the proposed project and to ask if they had any concerns regarding it. Several concerns were raised, and he worked to mitigate them prior to submitting the rezoning application.

He added that their research indicated property values did not decrease when adjacent to commercial development. In fact, in their research of the area, they found property values for homes located near businesses were higher than those located further away from commercial property.

He said that they were working to mitigate concerns regarding the residence across 23rd Street and directly across from the ingress/egress to the store. The ingress/egress could not be relocated due to delivery needs and traffic flow in the parking lot.

Finally, he added that after the Zoning Commission Hearing, Hawkins Companies hired the transportation/traffic engineering firm of Robert Peccia & Associates (RPA) of Helena to conduct a traffic analysis for the proposed project. RPA concluded that the proposed Walgreens Pharmacy and associated specialty retail center would have very negligible impacts to the overall operation of the transportation system that will require mitigation.

Arthur Bundtrock, 3906 7th Avenue South, explained that he is a member of the Planning Board and he was speaking as an individual rather than as a Planning Board member. He supported the project and thought the buffering was a fantastic situation for the residents. Great Falls needed to grow and this was a good project.

Tom Alfrey, Chamber of Commerce, stated that the Chamber Board endorsed the project stating that it would improve an area without negative impact on the neighbors and it should be used as a model for further development.

Mark Macek, 801 Fox Drive, explained that this project was a chance to improve and upgrade commercial building stock in Great Falls. He added that this company was of the highest caliber and that their request was a proactive consistent zone change. He said that the tenants in the existing structure were finding places to relocate. He added that the community supported the project and it was good for everyone.

Aaron Weissman, 315 4th Avenue North, explained that Great Falls is a population center for the area and that the City must allow and nurture growth. He added that if the Commission denied this request, a message would be that Great Falls does not welcome growth and it would continue to decline. He encouraged the City Commission to allow for growth and adopt the ordinance.

Greg Smith, (lives outside the City limits) reminded the City Commission that they don't just represent the residents in the area of the requested zone change, they represent everyone in Great Falls. He added that somewhere the community turned and allowed a few vocal

opponents to affect community-wide issues. He said the City could not afford the NIMBY (not in my back yard) attitude and encouraged the Commission to help move this community forward by approving the development request.

Those speaking in opposition were:

Stuart Lewin, 615 3rd Avenue North, stated he was concerned about the community and how important planning was. Tenth Avenue South, he said, was an example of poor planning because proper buffers were not put into place. He supported economic development but the community needed to remain livable. He encouraged the City Commission to send this issue back to the Planning Board for additional review on issues such as lighting impacts on the neighborhood.

Phil Faccenda, 2104 4th Avenue South, explained that he had been a resident of the neighborhood for many years and was speaking as an unpaid representative for many of the affected property owners. He said that he opposed this rezoning request because it would lead to property devaluation, it was spot zoning and it was a contradiction to the Growth Plan. Transitional zoning has worked and the Growth Plan was working, and this proposal went against both of them. He expressed concern that the City was violating state law by using the Planning Board as the Zoning Commission and that the Growth Policy was not adopted according to statute. He said he would file an injunction against this project and the application of the Growth Policy if the City Commission adopted the Ordinance.

Mr. Faccenda added that this was not a question about economic development it was a question about eroding an established neighborhood. As an architect he saw no need to develop the amount of land Hawkins Companies was proposing for the size of store to be built on the property. He suggested turning the structure a different way on the property which would use less land and eliminate the need for this rezoning request.

Mr. Faccenda refuted the staff report that forty-five percent of the property owners protested the rezone request. He believed one hundred percent of the property owners protested the proposal if those who were selling their property were removed from the equation. He also suggested that the Commission allow the neighbors to have an opportunity to retain their own traffic consultant and do their own traffic impact study.

Mr. Faccenda stated that zoning should be consistent with the Growth Policy and this wasn't. It was an example of spot zoning and was precedent setting.

Mayor Stebbins asked Mr. Faccenda to conclude his comments in order to give others an opportunity to speak. Mr. Faccenda stated that cutting him off was a mistake and left the podium.

Lee Withrow, 2300 3rd Avenue South, stated her business was located on the proposed lot and would have to relocate if this rezoning request was approved. She opposed the rezoning request.

Steve Wadsworth, 2212 9th Avenue South, explained that residents west of the project were not incorporated into the protest area therefore the Commission had not heard from anyone from that area. He expressed concern about the increased traffic especially down 9th Alley South which would come as a result of this project. He concurred with the other speakers opposing the project and asked the Commission to deny the ordinance.

Linda Bennetts, 2304 6th Avenue South, asked if anyone considered what would happen when Paris Gibson Middle School reopened. She suggested the traffic study was skewed because it was paid for by the people who were proposing the project. She added that lighting will have a negative impact on the neighborhood and questioned if the community needed another pharmacy. She encouraged the Commission to bring businesses into Great Falls that would leave the revenue here and not funnel it out of state. In closing, she added she was offended Mr. Faccenda was asked to conclude his remarks before he was completed with his presentation.

George Paul, 407 5th Street South, encouraged the Commission to listen to what was being said. He explained that after listening to the testimony at the public hearing, he heard that a company was willing to work with the neighborhood and find a way to mitigate concerns and that some of the neighbors still had concerns. He suggested the City Commission table action and give the Hawkins Companies more time to work with the neighbors.

There being no one further to address the City Commission, Mayor Stebbins asked for the direction of the Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2929 provided the applicant and the owners of subject Lots 1 – 5 enter into an agreement with the City agreeing to provisions (1) through (5) enumerated in the section titled, Conditions For Approval which were: 1) the commercial development upon subject Block 806 shall be required to comply substantially with the site plan submitted by applicant on December 2, 2005; 2) to preclude any vehicular approaches from subject Lots 1 – 5 directly to 9th Avenue South; 3)

to install and adequately maintain landscaping in accordance with a final landscape plan to be submitted to and approved by the City Community Development Department, Design Review Board and the City Forester incorporating at least a 57 foot landscaped buffer along the south side of 9th Avenue South bordering subject Lots 1 – 5; 4) to comply with and fulfill the provisions stipulated by the City Engineer in a Memorandum, dated December 26, 2005; and 5) to pay for traffic and transportation improvements attributable to their proposed project, as recommended in the report, titled “Walgreens Traffic Impact Study, Great Falls, Montana,” dated February 2006.

Commissioner Hinz asked Mr. Halker if the site plan could be changed as suggested in the public hearing. Mr. Halker explained that if that layout would have worked, they would have proposed it initially. He added that Hawkins Companies will do light studies to protect the neighborhood from spillage of lights onto the neighborhood.

Commissioner Beecher stated he supported the motion because it was a quality, low-impact project with a lot of concessions built into it and that the project would enhance the neighborhood. He added that the City has retained Peccia and Associates on numerous occasions to do traffic studies and they were a reputable firm with high integrity. Commissioner Beecher continued stating that precedents are already in place along 10th Avenue South whereby the entire block between 9th and 10th Avenues was zoned General Commercial. This was not an example of spot zoning as several opponents stated.

Commissioner Jovick-Kuntz asked who was going to construct the building; how many staff would be employed; and what types of salary and benefits would be paid. She also asked that Hawkins Companies agree to address the lighting issues. Mr. Halker replied stating that construction for the building would be bid out and local contractors would be encouraged to bid on the project. The store would employ 20 – 24 people, two of which would be pharmacists, three pharmacy technicians, a general manager and other staff; the salaries would be competitive and Hawkins Companies would agree to do the lighting studies.

Commissioner Rosenbaum stated that the neighborhood concerns have been addressed. He added that property values would not deteriorate due to the commercial construction.

Commissioner Hinz stated this was a top-notch redevelopment and that Walgreens was a neighborhood pharmacy. However, she stated, it was incumbent upon the Commission to hold them to the terms of the agreement.

Mayor Stebbins stated she supported this redevelopment project.

Motion carried 5-0.

NEW BUSINESS

ORDINANCES AND RESOLUTIONS

Res. 9555. Create Police Advisory Board. Adopted.

3. RESOLUTION 9555, CREATE A POLICE DEPARTMENT ADVISORY BOARD.

Interim Police Chief Corky Grove reported that the Police Department requested the City Commission create an advisory board made up of neighborhood council representatives, representatives from Malmstrom, Native American Local Government Commission, two individuals representing different minority groups and a youth representative. The purpose and function of the board was to advise the Police Department on community relations, planning, police programming and public education.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9555.

Motion carried 5-0.

Res. 9556, Annual SID Revolving Fund Analysis. Adopted.

4. RESOLUTION 9556, ANNUAL SPECIAL IMPROVEMENT DISTRICT REVOLVING FUND ANALYSIS.

Fiscal Services Director Coleen Balzarini, reported that analysis of the Special Improvement District (SID) Revolving Fund and Subsidiary Debt Service Funds showed that one SID subsidiary fund (SID 1271) was complete and needed to be closed to the Revolving Fund in the amount of \$26,384.42 and that one subsidiary fund (SID 1248) required a loan from the Revolving Fund in the amount of \$21,005.78.

The projected June 30, 2005 SID Revolving Fund balance would be \$285,755. This was \$229,505 above the minimum balance required by State Statute, and \$139,635 below the maximum amount allowed by IRS Arbitrage Standards related to maximum debt service reserves which provided adequate reserves within the SID Revolving Fund.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9556.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

- 5. Minutes, February 21, 2006, Commission meeting.
- 6. Total expenditures of \$818,557 for the period of February 15-22, 2006, to include claims over \$5,000 in the amount of \$640,306.
- 7. Contracts list.
- 8. Lien Release List.
- 9. Final payment to Planned and Engineered Construction, Inc., and the State Miscellaneous Tax Division in the amount of \$20,289.50 for the Trenchless Sewer Rehabilitation Phase 10. (OF 1174.5)
- 10. Agreement with the Upper/Lower River Road Water and Sewer District with respect to rehabilitation of the Pearson Addition Sewer System and the BNSF right-of-way survey. (OF 1354).

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

Motion carried 5-0

NEIGHBORHOOD COUNCILS

**Commission
Agenda format.**

12A. Karen Grove, Neighborhood Council 8, asked the City Commission to have reports from the Commission, Neighborhood Councils and the City Manager at the beginning of the agenda. She expressed concern that most of the audience leaves the meeting following the issue they came to hear and were not in the room when important announcements were made. The City Commission agreed to consider this request.

**Good Neighbor
Awards.**

12B. Bob Stubbs, Neighborhood Council 4, concurred with Mrs. Grove. He also announced that Neighborhood Council 4 was accepting nominations for the “Good Neighbor” Award.

School zone safety.

12C. George Littlefield, Neighborhood Council 4, stated that he was continuing to work on improving school zone safety by developing information to be included in the drivers training manuals throughout the State.

CITY MANAGER

Budget Sessions.

13. Assistant City Manager Cheryl Patton reminded the City Commission of the budget sessions that would be held from 8 am to noon on March 8 and 9, 2006.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of March 7, 2006, adjourned at 9:07 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 MARCH 1, 2006	250,873.51
MASTER ACCOUNT CHECK RUN FOR MARCH 8, 2006	170,761.10
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEB 24, 2006	3,140.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEB 28, 2006	74,291.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 3, 2006	1,363.33
WIRE TRANSFERS FROM FEBRUARY 28, 2006 THRU MARCH 8, 2006	<u>232,687.02</u>
TOTAL: \$	<u>733,115.96</u>

GENERAL FUND

LEGAL

MRC LLC	LEGAL DEPARTMENT REMODEL	9,032.00
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SPECIAL REVENUE FUND

LIGHTING DISTRICT

NORTHWESTERN ENERGY	FEBRUARY CHARGES	62,307.88
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POLICE SPECIAL

MOTOROLA	PORTABLE RADIOS	9,643.74
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FEDERAL BLOCK GRANTS

HOME RENOVATIONS	CDBG DEFERRED PMT LN-EWERT	6,000.00
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CAPITAL PROJECTS

GENERAL CAPITAL

WADSWORTH BUILDERS	PMT#8-SOCCER PARK TURF SEEDING	7,185.53
LACY & EBELING ENGINEERING	COMMUNITY REC CENTER ROOF	5,760.00

ENTERPRISE FUNDS

WATER

THOMAS DEAN & HOSKINS	PMT#6-WATER MASTER PLAN	43,836.00
NORTHWESTERN ENERGY	JANUARY CHARGES-SPLIT	6,082.95

SEWER

NEIL CONSULTANTS	PMT#2-SEWER LIFT STATIONS IMP	39,908.00
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SANITATION

NORTHWESTERN ENERGY	JANUARY CHARGES-SPLIT	152.44
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ELECTRIC UTILITY

LUXAN & MURFITT PLLP	PROFESSIONAL SERVICES	6,050.81
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PARKING

APCOA/STANDARD PARKING	MARCH 2006 COMPENSATION	23,424.99
NORTHWESTERN ENERGY	JANUARY CHARGES-SPLIT	534.06

GOLF COURSES

US BANK NA	DEBT SERVICE PAYMENT	35,647.50
US BANK NA	DEBT SERVICE PAYMENT	10,987.50

INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-2/22/06-2/28/06	97,456.75
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-3/1/06-3/7/06	88,595.27

FISCAL SERVICES

AMERICAN SOLUTIONS FOR BUSINESS	WINDOW & REGULAR ENVELOPES	6,600.00
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INFORMATION TECHNOLOGY

HTE INC	C2G INSTALLATION CHARGES	5,120.00
HTE INC	LOOKING GLASS CHARGES	9,783.09

INTERNAL SERVICES FUND(CONT)

CENTRAL GARAGE

MOUNTAIN VIEW COOP	UNLEADED FUEL	13,536.44
MOUNTAIN VIEW COOP	UNLEADED & DIESEL FUEL	25,432.50
TRACTOR & EQUIPMENT	TRAILER MOUNT AIR COMPRESSOR	12,062.00

PUBLIC WORKS

NORTHWESTERN ENERGY	JANUARY CHARGES-SPLIT	757.50
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PARK & RECREATION ADMINISTRATION

NORTHWESTERN ENERGY	JANUARY CHARGES-SPLIT	242.84
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MUNICIPAL COURT

CASCADE COUNTY TREASURER	COURT SURCHARGES	15,697.00
CITY OF GREAT FALLS	FINES & FORFEITURES TRANSFER TO MASTER ACCOUNT	52,544.00
VICTIM WITNESS ASSISTANCE SVCS	DISBURSEMENT	5,500.00

CLAIMS OVER \$5000 TOTAL: \$ 599,880.79

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

**AGENDA: 7
DATE: March 21, 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	Fiscal Services	SESAC	1/1/06- 12/31/06	Insurance and Safety 614-1566-511-5111	\$753.00	Allows the City to provide America's best music to our patrons legally.
B	Fire Department	MTANG				Bi-annual Mutual Aid Agreement

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

**AGENDA # 8
DATE March 21, 2006**

ITEM CDBG and HOME Program Proposed Use of Funds and Set the Public Hearing Date for HUD Annual Plan

INITIATED BY Community Development Staff

ACTION REQUESTED Approve Motion to Accept Recommendations for 2006/2007 CDBG & HOME Programs and Set Public Hearing Date

PREPARED & PRESENTED BY Mary Anne Aafedt, CDGB/HOME Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

RECOMMENDATION:

Staff recommends the City Commission (1) accept recommendations for funding 2006/2007 Community Development Block Grant projects; (2) accept funding recommendations for the HOME program projects; and (3) set April 4, 2006 as the public hearing date for the Proposed Annual Plan.

MOTION:

I move to accept the proposed use of funds for the 2006/2007 Community Development Block Grant Program and HOME Program for inclusion in the Annual Consolidated Plan, and set the public hearing for April 4, 2006 on the Proposed Annual Plan.

SYNOPSIS:

Federal regulations require that the proposed use of Community Development Block Grant funds and HOME Program funds are included in the Annual Plan. The 2006/2007 Annual Plan will be available for public review and comment during a 30-day period beginning March 24, 2006 through April 22, 2006. A public hearing on the Proposed Annual Plan will be held during this comment period.

BACKGROUND:

On April 19, 2005, the City Commission approved the 5 year Consolidated Plan. Each year an Annual Plan is required to 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. Community Development Block Grant project proposals were received in February, 2006. The Community Development Council met one time in February and twice in March to hear oral presentation from the public service agency applicants and applicants applying under the public facility priority. On March 9, 2006 the Community Development Council formulated its recommendations, and met with the City Commission during the March 21, 2006 work session to present their recommendations. Staff recommendations for the remainder of the CDBG project proposal submitted were also presented to the City Commission during the March 21, 2006 work session.

The HOME Program project proposals were also received in February, 2006. HOME Program funding recommendations were presented to the City Commission during the work session on March 21, 2006. The City Commission will make funding decisions on the HOME proposals at the May 2, 2006 City Commission meeting.

The Proposed Annual Consolidated Plan will be made available to the citizens of Great Falls for review and comment for a 30-day period beginning March 24, 2006 and ending April 22, 2006. The public hearing on April 4 is a forum set to allow the citizens of Great Falls the opportunity to express their views on the proposed use of Community Development Block Grant and HOME Program dollars and each program's policies and performance.

The City Commission must officially adopt the Annual Plan and submit it to HUD before May 15, 2006.

Attachment: CDBG and HOME Program Proposed use of funds

**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 \$43,577 \$28,684</p> <p>Replace sidewalk around Morony Park and in front of Natatorium Pool building located at 111 12th Street North.</p> <p>Fully fund sidewalk in front of pool building and partially fund around park</p>		
<p>PARK & RECREATION—GRANDE VISTA PARK \$25,000 \$0</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>		
<p>PUBLIC WORKS—1st AVENUE SOUTHWEST \$262,800 \$0</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>		
PUBLIC SERVICE ACTIVITIES		
<p>AREA VIII AGENCY ON AGING \$25,000 \$25,000</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>		
<p>FOR THE CHILDREN COALITION \$7,473 \$7,473</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>		
<p>VICTIM-WITNESS ASSISTANCE SERVICES \$10,000 \$10,000</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>		
<p>FAMILY CONNECTIONS \$6,000 \$6,000</p> <p>Provide child care scholarships for low income families administered through agency located at 600 Central Plaza.</p>		
<p>GIRL SCOUTS OF BIG SKY COUNCIL \$5,145 \$5,145</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>		

	<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 March 21, 2006

ITEM Resolution 9560 Rescinds and Replaces Resolution 9556 Annual Special Improvement District (SID) Revolving Fund Analysis

INITIATED BY Fiscal Services Department

ACTION REQUESTED Adopt Resolution 9560

PREPARED BY Judy Hardinger, Accounting Technician Sr.

REVIEWED & APPROVED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution 9560 which rescinds and replaces Resolution 9556 authorizing the closure of one SID Subsidiary Debt Service Fund to the Revolving Fund and a Loan to one SID Subsidiary Debt Service Fund from the Revolving Fund.

MOTION:

I move the City Commission adopt Resolution 9560.

SYNOPSIS:

On March 7, 2006, the City Commission adopted Resolution 9556 which authorized the transfer of monies to and from the SID Revolving Fund. On March 8, 2006, staff found a substantive clerical error and requests the City Commission adopt Resolution 9560 which corrects it.

Loan, repayment of loan amounts and analysis of cash balances remain the same as originally presented in Resolution 9556.

RESOLUTION 9560

A RESOLUTION RESCINDING AND REPLACING RESOLUTION 9556 WHICH AUTHORIZED THE TRANSFER OF MONIES TO/FROM THE SID REVOLVING FUND.

WHEREAS, the following Special Improvement District (SID) requires a loan from the Revolving Fund as shown:

1248- \$ 21,005.78

WHEREAS, the following Special Improvement District (SID) Subsidiary Fund is completed and needs to be closed to the Revolving Fund as shown:

1271 - \$ 26,384.42

WHEREAS, monies in excess of 10% of Original SID Bonds issues must be transferred and monies in excess of 5% of Current Bonds Outstanding may be transferred by vote of the City Commission from the SID Revolving Fund to the General Fund and it has been determined:

SID Revolving Fund Projected Cash Balance	\$ 285,755
Original Issue of Current SID Bonds Outstanding	\$4,253,900
Current SID Bonds Outstanding	\$ 425,390 \$1,125,000.00
Monies in excess of 10% of Original Issue of Current Bonds outstanding (\$484,744 — \$604,390)	None
	(\$285,565 - \$425,390)
Monies in excess of 5% of Current SID Bonds Outstanding (\$484,744 — \$92,875)	\$ 229,505
	(\$285,525-\$56,250)

WHEREAS, sufficient monies exist in the Revolving Fund and the purpose of the Revolving Fund is to provide a source for necessary SID Debt Service loan payments and the City Commission has determined an amount of \$285,755 currently in the SID Revolving Fund to be an adequate reserve in the SID Revolving Fund to ensure sufficient money available for SID Bond Debt:

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, that pursuant to 7-12-4222, 7-12-4223, 7-12-4227, and 7-12-4229 MCA, transfers between the Revolving Fund, and the SID Debt Service Funds be made in the amounts shown above.

PASSED by the Commission of the City of Great Falls, Montana, on this 21st day of March, 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 9560 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 21st day of March 2006, and approved by the Mayor of said City on the 21st day of March 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st, day of March 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

*** REVISED ***

CITY OF GREAT FALLS, MONTANA AGENDA # 10

AGENDA REPORT DATE March 21, 2006

ITEM Change Order 1 & Final Payment – West Bank Trail Connection/Agri-Business Park
Sewer Main Extension - Phase I; O.F. 1306.0 & 1348.1

INITIATED BY Planning/Public Works Departments

ACTION REQUESTED Approve Change Order 1 & Final Payment

PREPARED BY Andrew Finch, CTEP Coordinator

PRESENTED BY Ben Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission approve the following motion.

MOTION:

“I move the City Commission approve Change Order No. 1 to United Materials of Great Falls in the amount of ~~\$156,343.50~~ \$184,115.50, and approve final payment for the project titled, “West Bank Trail Connection/Agri-Business Park Sewer Main Extension-Phase I” to United Materials of Great Falls, Inc. in the amount of ~~\$154,780.06~~ \$182,274.35 and ~~\$1,563.44~~ \$1,841.15 to the State Miscellaneous Tax Division.”

PROJECT TITLE: WEST BANK TRAIL CONNECTION/AGRI-BUSINESS PARK SEWER MAINEXTENSION-PHASE I, O.F. 1306.0 & 1348.1

ORIGINAL CONTRACT AMOUNT: \$1,384,137.95

CHANGE ORDER AMOUNT: ~~\$156,343.50~~ \$184,115.50

FINAL CONTRACT AMOUNT: ~~\$1,540,481.45~~ \$1,568,243.45

FUNDING SOURCES: Community Transportation Enhancement Program (CTEP); Montana Air and Congestion Initiative (MACI); Recreational Trails, Inc.; Sewer Capital Funds; MT Dept. of Fish, Wildlife & Parks Recreational Trails Program

SYNOPSIS:

Change Order Number 1 includes a number of changes that occurred during the course of construction. The largest groups of changes occurred due to the following:

- **Retaining walls.** Additional and more substantial retaining wall and rock faced reinforced embankment construction was needed due to the narrowness and steepness of the site, and because of its nearness to the River. This also included a substantial amount of additional sheet piling.
- **Environmental protection and remediation.** During the course of excavation for the trail a petroleum leakage was uncovered. This required soil removal and treatment, pumping and other remediation. The steepness of the River bank in some portions also required additional riprap.
- **Proximity to the Refinery.** A number of small, additional measures were needed to protect and allow for effective continued operation of the nearby Refinery. These included additional drainage and access modifications, fence relocations, additional grading and retaining walls etc.

Proximity to the Historic 10th Street Bridge. A grant was awarded through the Montana Department of Fish, Wildlife and Park's Recreational Trails Program to construct a connection from the new trail to the Bridge, and to also construct a small plaza area at the north end of the Bridge. This award was timely due to the construction project already underway, and allowed the connection to be constructed at the same time as the rest of the work.

Since this was a combined trail and sewer project, the final quantities have adjusted the proportional share of the various funding sources. The adjustments and sources are as follows:

- Sewer Capital Funds will contribute \$25,322.67 less than anticipated, for a total contribution of \$596,031.28.
- The Community Transportation Enhancement Program, or CTEP, (federal transportation funds, provided through the Montana Department of Transportation) will contribute an additional \$40,737.22.
- The Montana Air and Congestion Initiative (MACI) program (another source of federal transportation funds, provided through the Montana Department of Transportation) will contribute an additional \$116,549.35.
- An additional \$16,756.05 is needed to match the federal dollars. This will be provided by Recreational Trails, Inc.
- The Montana Department of Transportation will provide \$7,623.55 in state dollars to match its share of the MACI funds.
- The Montana Recreational Trails Program will contribute \$27,772 in federal grant dollars for the 10th St. Bridge access trail and plaza area.

There are ample funds available for the increased contributions.

BACKGROUND:

The combined project included a new segment of River's Edge Trail, connecting the paved trail just east of the Wastewater Treatment Plant with the new segment of Trail east of the 15th Street North Bridge. This new trail extends eastward under the Eagle Falls Memorial Bridge (9th St Bridge), behind the bulkhead of the Historic 10th Street Bridge, parallels North River Road and then connects to the downriver segment of trail under the 15th Street Bridge.

The project also included the first phase of the sewer main extension project to the Agri-Business Park. Both the trail and sewer line partially follow the same alignment, so the projects were combined to save on construction costs as well as to reduce the amount of disruption to either, should they have been constructed separately.

Construction was awarded to the low bidder, United Materials of Great Falls, on September 21, 2004, and was substantially complete on June 9, 2005. The work was considered finally complete in late November 14, 2005 with the final change order, punch-listed and cleanup work completed. The trail segment and sewer line are functional, and the trail is actively being used by the public. River's Edge Trail on the north and west sides of the Missouri River is now fully paved from the Central Avenue West Bridge north and east to Black Eagle Island.

Attachments: Change Order No. 1; Final Application for Payment: United Materials of Great Falls, Inc.

cc: Dave Dobbs, City Engineer

DATE OF ISSUANCE March 21, 2006

EFFECTIVE DATE March 21, 2006

OWNER City of Great Falls
 CONTRACTOR United Materials of Great Falls
 Contract: West Bank Trail Connection/Agri-Business Park Sewer Main Extension - Phase I; CM-STPE 5299 (33)
 OWNER'S Contract No. O.F. 1306.0 & 1348.1 ENGINEER'S Contract No. 01-086
 ENGINEER Neil Consultants, Inc.

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

Description: Increase contract price by ~~\$156,343.50~~ **\$184,115.50** to a final price of ~~\$1,540,481.45~~ **\$1,568,243.45**. Increase contract time by 105 days.

Reason for Change Order: Pay for additional work on the project and make adjustments to the final contract price and extend contract time. Additional work performed, identified through course of construction, include: +/- 800lf of asphalt overlay; additional fence relocation and conduit work; excavation and treatment of contaminated soils, including long-term prevention of further damage; unanticipated water main and storm sewer work; Additional rock faced reinforced embankment; additional sheet piling for wall and embankment support; additional riprap to prevent bank erosion; additional linear feet of 8 foot trail; pave inside the box culvert tunnel; re-slope, fill and compact refinery access impacted by the project; additional tunnel face concrete detail work; improve drainage affecting refinery operations; modify location and height of electrical service pedestal; extend type 2 retaining wall; **add an access trail and plaza area to the 10th St. Bridge**; and, other miscellaneous items necessary during the course of construction.

CHANGE IN CONTRACT PRICE:
Original Contract Bid Price \$ <u>1,384,137.95</u>
Net Increase (Decrease) from previous Change Orders: \$ <u>0.00</u>
Contract Price prior to this Change Order: \$ <u>1,384,137.95</u>
Net increase (decrease) of this Change Order: \$ 156,983.50 184,115.50
Contract Price with all approved Change Orders: \$ 1,541,121.45 1,568,243.45

CHANGE IN CONTRACT TIMES:
Original Contract Times: Substantial Completion: <u>150 days</u> Ready for final payment: _____ (days or dates)
Net change from previous Change Orders No. <u>0</u> to No. <u>1</u> : Substantial Completion: <u>0</u> Ready for final payment: _____ (days)
Contract Times prior to this Change Order: Substantial Completion: <u>150 days</u> Ready for final payment: _____ (days or dates)
Net increase (decrease) this Change Order: Substantial Completion: <u>105</u> Ready for final payment: _____ (days)
Contract Times with all approved Change Orders: Substantial Completion: <u>255 days</u> Ready for final payment: _____ (days or dates)

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
ENGINEER (Authorized Signature)

By: _____
OWNER (Authorized Signature)

By: _____
CONTRACTOR (Authorized Signature)

Date: _____

Date: _____

Date: _____

EJCDC 1910-8-B (1996 Edition)

Prepared by the Engineers Joint Contract Document Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.

APPLICATION FOR PAYMENT NO. FINAL

To: City of Great Falls _____ (OWNER)
 From: United Materials of Great Falls, Inc. _____ (CONTRACTOR)
 Contract: West Bank Trail Connection & Agri Business Park Sewer Est.
 Project: CM STP# 5799 (33) OF 1306 & 1348.1
 OWNER's Contract No. _____ ENGINEER's Project No. 356505
 For Work accomplished through the date of: March 2, 2006

1.	Original Contract Price:	\$ 1,384,137.95
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ 155,343.50
3.	Current Contract Price (1 plus 2):	\$ 1,540,481.45
4.	Total completed and stored to date:	\$ 1,540,481.45
5.	Retainage (per Agreement):	
	<u>0</u> % of Completed Work: \$ _____	
	_____ % of stored material: \$ _____	
	Total Retainage:	\$ 0.00
6.	Total completed and stored to date less retainage (4 minus 5):	\$ 1,540,481.45
7.	Less previous Applications for Payments:	\$ 1,384,137.95
8.	Gross Amount Due this application: (6 minus 7):	\$ 155,343.50
9.	Less 1% State Gross Receipts Tax:	\$ 1,553.44
10.	DUE THIS APPLICATION (8 MINUS 9):	\$ 153,789.06

Accompanying Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through Final inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated March 2, 2006 _____ United Materials of Great Falls, Inc.
 CONTRACTOR

By: Robert Stewart, Project Administrator

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated March 2, 2006 _____ City of Great Falls
 ENGINEER

By: [Signature] 3-3-06

BJCDC No. 1910-8-E (1996 Ed./rev)
 Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.

AGENDA REPORT

DATE March 21, 2006

ITEM: Final Payment: Neighborhood Street Lighting – Eagles Crossing, S.I.D. 1304

INITIATED BY: Public Works Department/Engineering Division

ACTION REQUESTED: Approve Final Payment

PRESENTED BY: Jim Rearden, Public Works Director

RECOMMENDATION: Staff recommends approval of Final Payment to A.T. Klemens, Inc. for the Neighborhood Street Lighting – Eagles Crossing, S.I.D. 1304.

MOTION: "I move the City Commission approve final payment of \$2,483.96 to A.T. Klemens, Inc. and \$25.09 to the State Miscellaneous Tax Division for the Neighborhood Street Lighting – Eagles Crossing, S.I.D. 1304, and authorize the City Manager to execute the necessary documents and make the payments."

SYNOPSIS: A.T. Klemens completed all contracted work and the City Engineering staff recommends acceptance of the project, and execution of the Final Payment. A.T. Klemens advertised in the Great Falls Tribune certifying that all contracted labor and materials have been paid to date.

BACKGROUND: Staff received a request from the developer of Eagles Crossing to install street lights along the developed streets in the subdivision. On July 19, 2005, the City Commission adopted a resolution creating a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by the state.

On October 18, 2005, the Commission approved the original unit price contract for \$51,181.00. The project was started in November 2005 and completed in February 2006 at a total cost of \$50,181.00

Gordon-Prill-Drapes Engineering completed the design. City Engineering Staff performed construction inspection and administered the contract.

The two-year warranty period began on February 17, 2006, when the project was substantially complete. This is the second lighting district to be completed under the City's 2005 policy for subdivision lighting districts.

Attachments: Claim & Pay Estimate #5, Final (Not available online; on file in City Clerk's Office.)

CITY OF GREAT FALLS, MONTANA

AGENDA # 12

AGENDA REPORT

DATE March 21, 2006

ITEM: THREE NEW ROTARY TRIM MOWERS

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for three new rotary trim mowers to Midland Implement of Billings, Montana for \$87,750.00.

MOTION:

I move that the City Commission award the bid for three new rotary trim mowers to Midland Implement of Billings, Montana for \$87,750.00.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to five prospective bidders, with one bidder responding. The bids were opened on March 8, 2006. The bid submitted by Midland Implement met the specifications for the rotary trim mowers.

Staff recommends rejecting the trade-in offers of \$500.00 for the 1995 John Deere 2653 SN M02653B030705, \$750.00 for the 1998 John Deere 2653 SN M02653B040572 and \$750.00 for the 1998 John Deere 2653 SN M02653B040370. In order to obtain maximum value for the trade-ins, staff will attempt to sell the units by sealed bids or auction.

BACKGROUND:

These units will be used in the Park & Recreation Golf Division. Funds for their purchase were provided in the FY 2006-2007 Golf Course Fund.

**NEW ROTARY TRIM MOWERS
BID LIST**

1. Midland Implement
P.O. Box 30358
Billings, MT 59107

2. Power Pro
1712 3rd Street NW
Great Falls, MT 59405

3. Yellowstone County Implement
5121 Midland Road
Billings, MT 59101

4. TurfCare and Specialty Products
5450 Holiday Avenue
Billings, MT 59101-6310

5. Hoven Equipment
4181 North Park Trail
Great Falls, MT 59405

CITY OF GREAT FALLS, MONTANA

AGENDA # 13

AGENDA REPORT

DATE March 21, 2006

ITEM Appointment, Mansfield Center for the Performing Arts Advisory Board

INITIATED BY City Commission

ACTION REQUESTED Appoint One New Member

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission appoint one new member to the Mansfield Center for the Performing Arts Advisory Board for a three-year term through December 31, 2009.

MOTION: I move the City Commission appoint _____ to the Mansfield Center for the Performing Arts Advisory Board for a three-year term through December 31, 2009.

SYNOPSIS: Mollie Anne Pugh was appointed to fill the remainder of a three-year term on June 15, 2004. Ms. Pugh's term expired on December 31, 2005, and she is not interested in serving another term. Therefore, it is necessary to appoint a new member.

BACKGROUND: The Civic Center Advisory Board was created in 1997 and was amended by Ord. 2928 in February of 2006 to change the name to the Mansfield Center for the Performing Arts Advisory Board. The Board acts in an advisory capacity to the City Commission and the City Manager on matters related to the successful operation of the Civic Center as the Mansfield Center for the Performing Arts and public meeting rooms. The Board consists of five to seven members with an attempt to have representation from the areas of performing arts, conventions and meetings, and civic leaders.

Continuing members of this board are:

- Carl Donovan
- Al Faechner
- Larry Gomoll
- Robert Kampfner
- Judith Sargent
- Rick Tryon

Citizens interested in serving on this board:

- Donn C. Bailey*
- Laura E. Flaherty
- Kay Silk
- Adrianna Thiel Standiford

* Also has application in for Design Review Board

CITY OF GREAT FALLS, MONTANA

AGENDA # 14

AGENDA REPORT

DATE March 21, 2006

ITEM Appointment, Design Review Board

INITIATED BY City Commission

ACTION REQUESTED Appoint One New Member

PRESENTED BY City Commission

RECOMMENDATION:

It is recommended that the City Commission appoint one member to the Design Review Board for a three-year term through March 31, 2009.

MOTION:

I move the City Commission appoint _____ to the Design Review Board for a three-year term though March 31, 2009.

SYNOPSIS:

Cliff Garness was appointed to the Design Review Board in August of 2001 to fill the remainder of a three-year term. He was reappointed for another three-year term in April of 2004. Mr. Garness is eligible to serve an additional three-year term; however, he is not interested in continuing to serve on this Board. Therefore, it is necessary to appoint one member to fill his vacancy.

BACKGROUND:

Ordinance 2722 was approved at the March 18, 1997, Commission meeting which amended Titles 2 and 15 of the Official Codes of the City of Great Falls and established the Design Review Board. The adoption of Ord. 2923 in September of 2005, the Land Development Code, re-established the Design Review Board.

The purpose of the Board is to further promote the health, safety and general welfare of the City. The Board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in Title 17. The Board's composition should achieve a diversity of expertise, background, and interest. It is recommended to include two architects and three individuals chosen for their demonstrated interest in and expertise in design or community aesthetics.

Members must reside in the City of Great Falls.

Continuing members of this board are:

Martin Byrnes (architect)
Ryan L. Smith (architect)
Bill Stuff (alternate architect)
Ronald Yates

Citizens interested in serving on this Board:

Donn C. Bailey*

* Also has application in for Mansfield Center for the Performing Arts Advisory Board

CITY OF GREAT FALLS, MONTANA
AGENDA REPORT

AGENDA # 15
DATE March 21, 2006

ITEM Appointments, Advisory Commission on International Relationships

INITIATED BY City Commission

ACTION REQUESTED Reappoint Two Members and Appoint One New Member

PRESENTED BY City Commission

- - - -

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****REVISED****

RECOMMENDATION: It is recommended that the City Commission reappoint two members and appoint one new member to the Advisory Commission on International Relationships.

MOTION: I move the City Commission reappoint Aart Dolman and Vandana Damany to three-year terms through March 31, 2009, and appoint _____ for a three-year term through March 31, 2009, to the Advisory Commission on International Relationships.

SYNOPSIS: The terms of Aart Dolman and Vandana Damany expire on March 31, 2006. Mr. Dolman and Ms. Damany are both eligible for and interested in being reappointed to the Advisory Commission on International Relationships. The term of Judith McKay also expires on March 31, 2006. Ms. McKay is not interested in serving another term; therefore, it is necessary to appoint one new member.

BACKGROUND: International programs are growing for many reasons. Rapid changes in communications technology, globalization of the marketplace, and political changes in the last decade have all contributed to an increasing awareness these trends will accelerate in the future. Communities, as well as individuals, businesses, and institutions will need to learn to participate in the "global village," or be left behind economically or in other ways. In order for the City to take a leadership role in nurturing and coordinating some of the international efforts, the Advisory Commission on International Relationships was created by Ordinance 2788 on November 8, 2000, and amended by Ordinance 2863 on October 21, 2003. The Commission provides support, coordination, and exchange of information for international programs in the community. The Commission consists of nine to eleven members.

Current members include:

Robert E. Harris
Virginia "Lee" Niebuhr
Sandra Erickson
Patricia Craumer

Citizens interested in serving on this board:

Jamie C. Smith
Robin Baker