



Revised

# City Commission Agenda

for

## March 7, 2006

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

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION**

National Association of Women in Construction Week  
American Red Cross Month

**PRESENTATION**

Made in Montana Marketplace

**PUBLIC HEARINGS**

1. Res. 9548, Vacate the Northerly Segments of 3<sup>rd</sup> Avenue South. Vacates two segments of the unused right-of-way of 3<sup>rd</sup> Avenue South abutting the south boundary of Sunrise Court Addition. Action: Conduct public hearing and adopt or deny Res. 9548. **Staff Report – Ben Rangel**
2. Ord. 2929, Rezone Lots 1-5, Block 806, Eleventh Addition (Proposed Walgreens Pharmacy). Rezones property from R-3, Single-family high density district to C-2 General commercial district. Action: Conduct public hearing and adopt or deny Ord. 2929. **Staff Report – Ben Rangel**

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

3. Res. 9555, Creation of a Police Department Advisory Board. Creates an advisory board to advise the Police Department on community relations, planning, police programming and public education. Action: Adopt or deny Res. 9555. **Staff Report – Corky Grove**
4. Res. 9556, Annual Special Improvement District (SID) Revolving Fund Analysis. Authorizes 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. Action: Adopt or deny Res. 9556. **Staff Report – Coleen Balzarini**

**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, February 21, 2006, Commission meeting.
6. Total Expenditures of \$818,557 for the period of February 15-22, 2006, to include claims over \$5000, in the amount of \$640,306.
7. Contracts list.
8. Lien Release list.
9. Approve final payment to Planned & Engineered Construction, Inc. and the State Miscellaneous Tax Division in the amount of \$20,289.50 for the Trenchless Sewer Rehabilitation, Phase 10.
10. Approve 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.

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

**BOARDS & COMMISSIONS**

11. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

12. Miscellaneous reports and announcements.

**CITY MANAGER**

13. Miscellaneous reports and announcements.

**CITY COMMISSION**

14. Miscellaneous reports and announcements.

**PETITIONS AND COMMUNICATIONS**

15. Miscellaneous reports and announcements.

**ADJOURN**

AGENDA REPORT

DATE March 7, 2006

ITEM Public Hearing - Resolution No. 9548 to vacate the northerly segments of 3<sup>rd</sup> Ave So

INITIATED BY Great Falls Housing Authority

ACTION REQUESTED Conduct Public Hearing and Adopt Resolution No. 9548

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

It is recommended the City Commission approve the abandonment of the northerly segments of 3<sup>rd</sup> Avenue South that abut Sunrise Court Addition.

**MOTION:**

“I move the City Commission adopt Resolution No. 9548 and authorize the appropriate City officials to execute the involved Amended Plat.”

**SYNOPSIS:**

Resolution No. 9548 vacates two segments of the unused right-of-way of 3<sup>rd</sup> Avenue South abutting the south boundary of Sunrise Court Addition. The Amended Plat of Sunrise Court Addition will add the vacated rights-of-way to the abutting Blocks 3 and 4, Sunrise Court Addition.

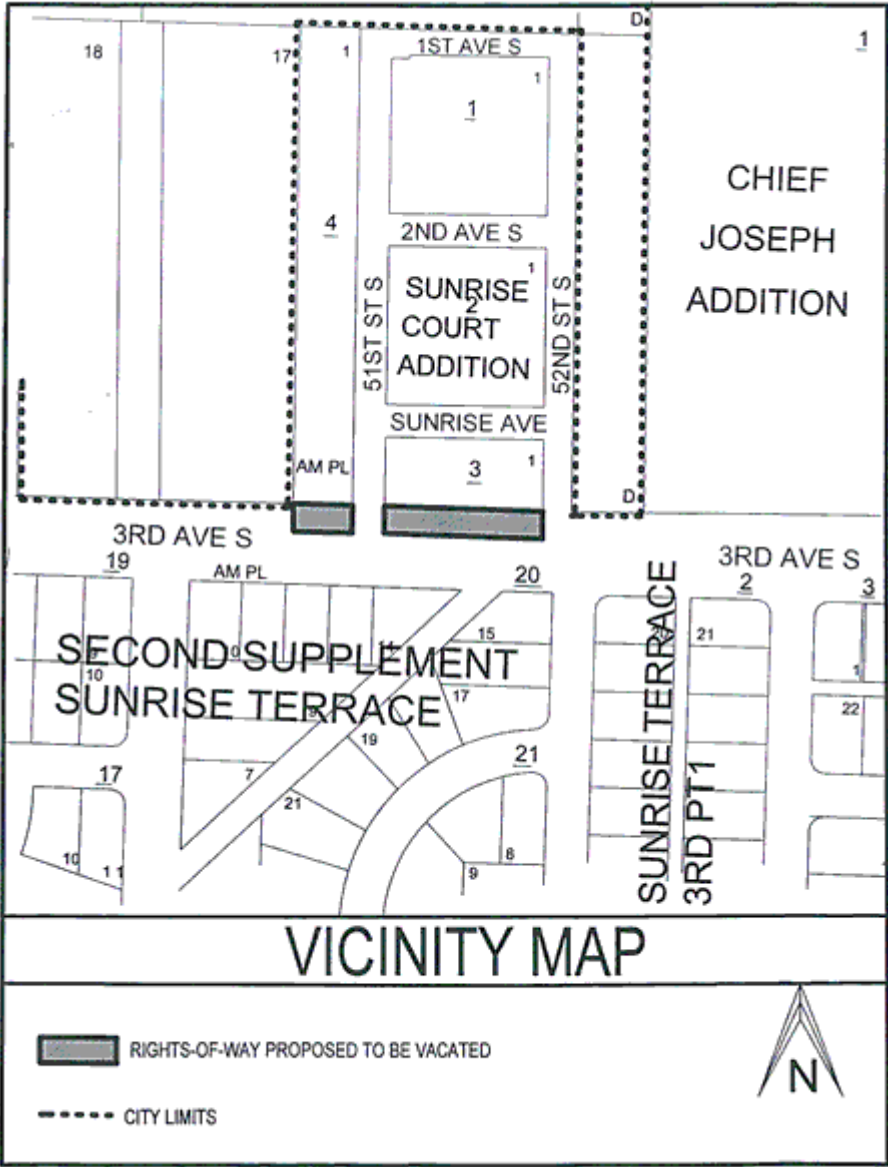
**BACKGROUND:**

The involved portion of 3<sup>rd</sup> Avenue South was dedicated and annexed to the City as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976. No public roadway improvements are located within the rights-of-way requested to be vacated and it has been determined retention and eventual improvement of subject rights-of-way serves no practical or functional purpose. The Great Falls Housing Authority is 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 both of which are owned by the Great Falls Housing Authority. The southern 20 feet of the vacated rights-of-way will be designated as a utility easement to accommodate existing utilities.

For additional information, please refer to the attached Vicinity Map and reduced survey drawing attached to Res. No 9548 as Exhibit “A”.

Attach: Res. No. 9548  
Vicinity Map

cc w/o attach: Hessler Architects, 12 6<sup>th</sup> St S, Great Falls MT 59401  
Great Falls Housing Authority, Great Falls MT 59405



RESOLUTION NO. 9548

A RESOLUTION BY THE CITY COMMISSION OF  
THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE UNUSED RIGHTS-OF-WAY OF 3<sup>RD</sup> AVENUE SOUTH,  
IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, the right-of-way of 3<sup>rd</sup> Avenue South in the vicinity of 51<sup>st</sup> & 52<sup>nd</sup> Streets was dedicated and annexed to the City as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976; and

WHEREAS, the northerly right-of-way of 3<sup>rd</sup> Avenue South abutting Sunrise Court Addition presently contains no roadway improvements; and

WHEREAS, it has been determined retention and eventual improvement of the northerly right-of-way of 3<sup>rd</sup> Avenue South abutting Sunrise Court Addition serves no practical or functional purpose; and

WHEREAS, the Great Falls Housing Authority, which owns and operates the public housing complex comprising Sunrise Court Addition desires to use the vacated right-of-way to improve the parking arrangement for the complex; and

WHEREAS, subject right-of-way proposed to be vacated is further described by the survey drawing attached as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, an Amended Plat of Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition, has been prepared which reflects the proposed disposition of the right-of-way requested to be vacated; and

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 21<sup>st</sup> day of February, 2006, Resolution No. 9547 entitled:

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE TWO SEGMENTS OF 3<sup>RD</sup> AVENUE SOUTH  
RIGHT-OF-WAY ABUTTING SUNRISE COURT ADDITION,  
IN ACCORDANCE  
WITH THE PROVISIONS OF SECTION 7-14-4114,  
MONTANA CODE ANNOTATED, AND  
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City, forthwith caused notice of said Resolution No. 9547 to be:

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

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 7<sup>th</sup> day of March, 2006, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of unused portions of rights-of-way abutting Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition.

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

The rights-of-way comprising of the unused portions of rights-of-way of 3<sup>rd</sup> Avenue South abutting Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition are hereby vacated.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> 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

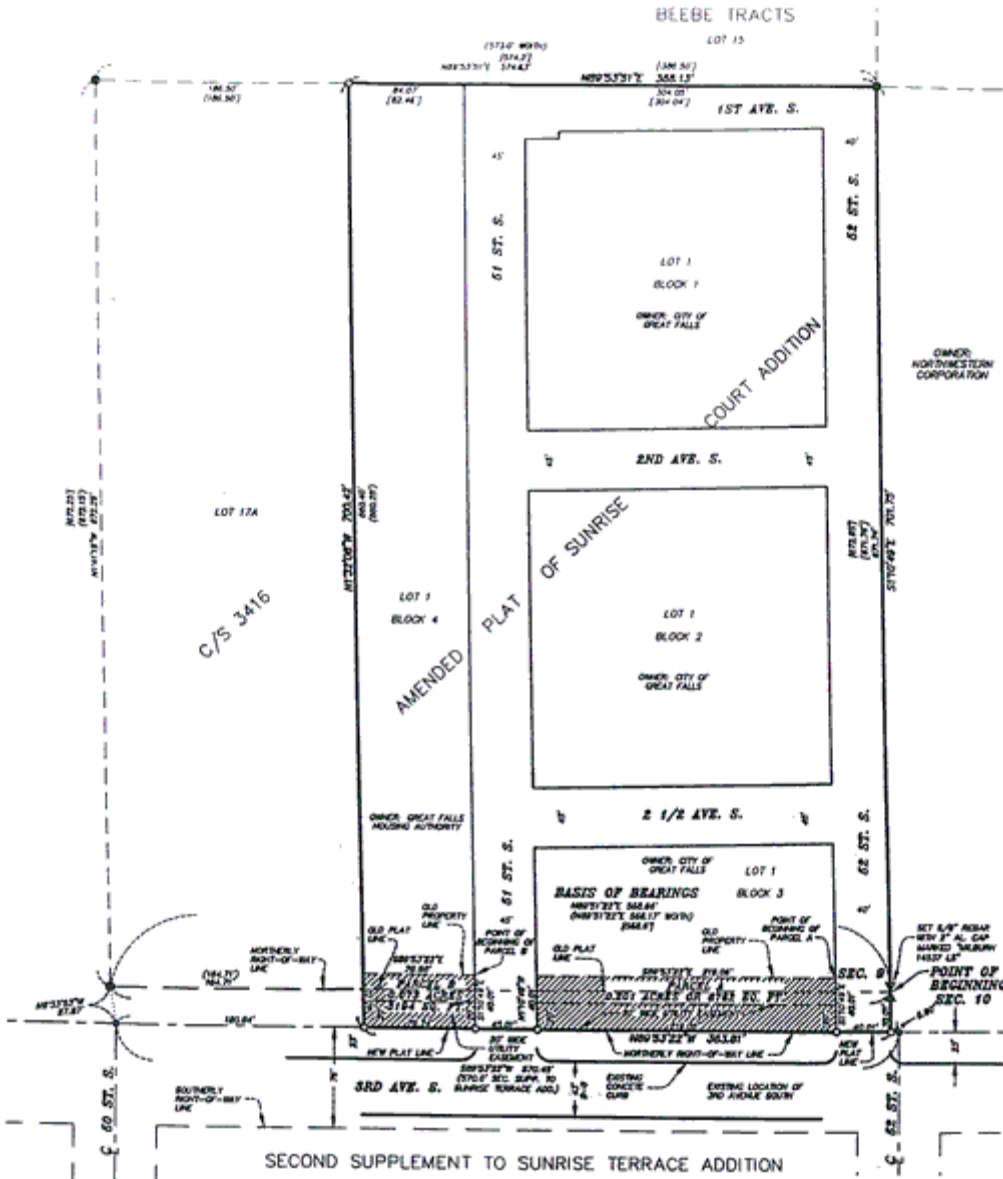
State of Montana        )  
County of Cascade       :ss  
City of Great Falls     )

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9548 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 7<sup>th</sup> 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 7<sup>th</sup> day of March, 2006.

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

(SEAL OF CITY)



**RIGHT-OF-WAY TO BE VACATED**

PARCEL A: Beginning at the southeast corner of Lot 1, Block 3, AMENDED PLAT OF SUNRISE COURT ADDITION; thence S110°49'E, 40.01 feet; thence N89°53'22"W, 383.81 feet; thence N110°49'W, 40.01 feet; thence S89°53'22"E, 219.08 feet along the south line of said Lot 1, Block 3 to the POINT OF BEGINNING, containing 0.201 acres.

PARCEL B: Beginning at the southeast corner of Lot 1, Block 4, AMENDED PLAT OF SUNRISE COURT ADDITION; thence S110°49'E, 40.01 feet; thence N89°53'22"W, 79.74 feet; thence N132°08'W, 40.02 feet along the west line and its southerly extension of said AMENDED PLAT OF SUNRISE COURT ADDITION; thence S89°53'22"E, 79.98 feet along the south line of said Lot 1, Block 4 to the POINT OF BEGINNING, containing 0.073 acres.

EXHIBIT "A"

**A G E N D A   R E P O R T**

**DATE** March 7, 2006

**ITEM** Public Hearing - Ordinance No. 2929 to Rezone Lots 1 through 5, Block 806, Eleventh Addition

**INITIATED BY** Hawkins Companies

**ACTION REQUESTED** Commission Adopt or Deny Ordinance No. 2929

**PREPARED BY** Bill Walters, Senior Planner

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

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**RECOMMENDATION:**

The City Zoning Commission, which consists of the same membership as the Planning Board, has recommended the City Commission deny the request to rezone Lots 1 through 5, Block 806, Eleventh Addition, from R-3 Single-family high density district, to C-2 General commercial district.

**MOTIONS:** (Two alternate motions are provided for Commission consideration. Alternate Motion (A) approves the Ordinance with conditions and Alternate Motion (B) denies the Ordinance.)

**ALTERNATE MOTION (A):** "I move the City Commission adopt Ordinance No. 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 of this Agenda Report."

*(Be advised that due to the amount of legal protest by property owners within 150 feet of the requested zone change, the above stated motion requires a favorable vote by two-thirds of the present and voting members of the Commission in order to pass.)*

or,

**ALTERNATE MOTION (B):** "I move the City Commission deny Ordinance No. 2929."

**SYNOPSIS:**

Ordinance No. 2929 rezones Lots 1 through 5, Block 806, 11th Addition, from R-3 Single-family high density district, to C-2 General commercial district. Subject Lots 1 – 5 are addressed as 2300, 2304, 2308, 2312 & 2316 9<sup>th</sup> Avenue South and the purpose of the rezoning is to accommodate construction of a Walgreens Pharmacy.

**CONDITIONS FOR APPROVAL:**

The agreement referenced in Alternate Motion (A) shall obligate the applicant and owners of subject Lots 1- 5 to agree:

- 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 9<sup>th</sup> 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 9<sup>th</sup> 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.

**BACKGROUND:**

The owners of Lots 1 – 5, Block 806, Eleventh Addition, have applied through their representative, the Hawkins Companies, to rezone subject lots from R-3 Single-family high density district to C-2 General commercial district. The applicant intends to remove the existing residential structures on subject Lots 1 – 5 and combine subject lots with adjoining property to the south to accommodate a proposed 14,820 sq ft Walgreens Pharmacy.

Attached for City Commission information and review is a copy of the Staff Report and Recommendation to the Zoning Commission (Planning Board) on the subject with a vicinity/zoning map, a preliminary site plan and a preliminary section and elevation.

On January 10, 2006, the City Zoning Commission, which consists of the same membership as the Planning Board, conducted a public hearing to consider the rezoning for Lots 1 - 5, Block 806, 11th Addition. Mr. Colby Halker from the Hawkins Companies explained the proposed project and what procedural steps they had undertaken to date. Speaking in opposition to the rezoning were Mr. Phil Faccenda, 2104 4<sup>th</sup> Avenue South, Ms. Lee Withrow, 2301 3<sup>rd</sup> Avenue South, Mr. Don LeBar, 2300 5<sup>th</sup> Avenue South, Dr. Shel Ivers, 2808 Bonita Drive, Ms. Linda Bennetts, 2304 6<sup>th</sup> Avenue South, Ms. Kim Jones, 2213 9<sup>th</sup> Avenue South, Mr. Marty Johnson, 2305 9<sup>th</sup> Avenue South, and Mr. Steve Wadsworth, 2212 9<sup>th</sup> Avenue South. Most of the individuals speaking in opposition expressed concerns about the potential increased traffic that could result from the proposed project. Some expressed concerns with depreciation of property values. In addition, the Zoning Commission was provided copies of numerous petitions protesting the rezoning signed by parties involved in the businesses which would be displaced by the new development resulting from the rezoning and by the owners and occupants of residential property in the vicinity. At the conclusion of the Hearing and after considering several different motions ranging from approval of the request with conditions, to tabling the request until a traffic study could be conducted, the Zoning Commission passed a motion recommending the City Commission deny the request to rezone Lots 1 - 5, Block 806, 11th Addition, from R-3 Single-family high density district, to C-2 General-commercial district. During the hearing, it appeared that 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. Nonetheless, its official motion was for denial.

Although there is no amount of protest that can automatically terminate a rezoning request, Montana Code Annotated, Section 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 is signed by the owners of 25% or more of those lots 150 feet from a lot included in a proposed change. Staff has determined 45% of the owners of lots within the 150 foot legal protest area have objected to the rezoning. See attached display. Therefore a super majority vote of the City Commission will be needed to approve the rezoning ordinance. Otherwise it fails.

After the Zoning Commission Hearing, the applicant hired the transportation/traffic engineering firm of Robert Peccia & Associates of Helena to conduct a traffic analysis for the proposed project. Attached is a

copy of the analysis, as documented in a report titled, "Walgreens Traffic Impact Study, Great Falls, Montana," dated February 2006, as well as a staff summary of the report and recommended improvements.

Also attached is a copy of protest petitions received to date, and a copy of the minutes of the January 10, 2006, Zoning Commission Hearing.

Attach: Ordinance No. 2929  
Staff Report and Recommendation\* (including Vicinity/Zoning Map, Preliminary Site Plan, & Preliminary Section and Elevation)  
Map Exhibit with Protest within 150ft of Rezoning\*  
Walgreens Traffic Impact Study, dated February 2006\*  
Staff Summary of the Walgreens Traffic Impact Study, dated February 27, 2006  
Protest Petitions\*  
Zoning Commission Hearing minutes dated January 10, 2006\*

cc w/o Traffic Study: Hawkins Companies, 8645 W. Franklin Rd., Boise, ID 83709

\* On file in the City Clerk's Office

## STAFF SUMMARY OF WALGREENS TRAFFIC IMPACT STUDY

- I. **INTRODUCTION.** Robert Peccia and Associates (RPA) was retained by Hawkins Companies to prepare a traffic impact study to analyze traffic issues associated with a proposed Walgreens pharmacy and adjoining specialty retail center. In this section of the report, RPA described the proposed project, its location, and that it would replace several existing commercial/office buildings.
- II. **EXISTING CONDITIONS.** RPA describes the existing transportation system and roadways that would serve the development site. These primarily include 10<sup>th</sup> Avenue South, 23<sup>rd</sup> Street South and 9<sup>th</sup> Avenue South. RPA collected traffic counts, turning movement counts and developed intersection Levels of Service using existing conditions and data. Levels of Service (LOS) analysis determine how well intersections are functioning. Their analysis found that all of the intersections within the study area presently function quite well. The Montana Department of Transportation proposes to widen 10<sup>th</sup> Avenue South to six lanes within the next few years from 20<sup>th</sup> to 26<sup>th</sup> Street and to add a right turn lane on the south approach of the intersection of 23<sup>rd</sup> Street and 10<sup>th</sup> Avenue South. These two projects will significantly improve all travel movements along 10<sup>th</sup> Avenue South and bring most movements to a LOS C or better.
- III. **PROPOSED DEVELOPMENT.** In this section RPA quantifies the trip generation characteristics of the proposed development project and determines the adequacy of the transportation system to accommodate the additional traffic to be generated by the project. A trip generation analysis was conducted to determine future traffic volumes attributable to the proposed Walgreens pharmacy and associated specialty retail center. The analysis determined the “net” difference in traffic volumes generated by the existing businesses on the site and the proposed pharmacy and retail center. The new net traffic increases, due to the pharmacy and retail center, were 21 morning peak hour trips, 80 evening peak hour trips, and 542 daily weekday trips. This new/additional traffic was then distributed and assigned to the transportation system serving the site to determine traffic impacts.
- IV. **TRAFFIC IMPACTS WITH DEVELOPMENT.** Using the trip generation, assignment and distribution information from the previous section, RPA determined the future Levels of Service for the intersections around the development site. A comparison was then made between existing Levels of Service and anticipated Levels of Service for intersections in the project area. The proposed development project does result in a slight deterioration of two specific turning movements at the intersection of 10<sup>th</sup> Avenue South and 23<sup>rd</sup> Street. These movements, both during the evening peak hour period, are for the northbound left/through/right combined traffic movement on 23<sup>rd</sup> Street, as well as the southbound left/through/right combined traffic movement on 23<sup>rd</sup> Street. The deterioration in Level of Service and corresponding delay time for the southbound movement is relatively minor and should not deteriorate any further since no other land use changes in the immediate area are anticipated. The northbound movement will be addressed with the proposed MDT project for this intersection approach. RPA also evaluated the eastbound left-turn movement at the intersection of 10<sup>th</sup> Avenue South and 23<sup>rd</sup> Street. They determined there was no quantifiable need for a protected left-turn phase, that is, a left-turn arrow from 10<sup>th</sup> Avenue South onto 23<sup>rd</sup> Street to the north.
- V. **RECOMMENDATIONS.** RPA concluded that the proposed Walgreens pharmacy and associated specialty retail center “will have very negligible impacts to the overall operation of the transportation

system that will require mitigation.” They identified several mitigation measures to address identified project impacts. The following measures were recommended by RPA: (These are stated verbatim from the report.)

1. Consolidate the three (3) existing “right-in, right-out” accesses fronting the property on 10<sup>th</sup> Avenue South into one (1) “right-in, right-out” access. The “right-in, right-out” access will be controlled by the raised median currently in place on 10<sup>th</sup> Avenue South.
2. Widen the shared approach with the Stockman’s Bank to better accommodate delivery truck movements and better align the approach opposite the existing 24<sup>th</sup> Street South on the south side of 10<sup>th</sup> Avenue South.
3. Install “Two-Way Stop Control” at the intersection of 23<sup>rd</sup> Street South and 9<sup>th</sup> Avenue South to better meter traffic flow and improve pedestrian safety at this intersection. The Stop signs should be placed on the west and east legs of 9<sup>th</sup> Avenue South. “Four-Way Stop Control” was also evaluated, but the minimum volume criteria are not met in accordance with the *Manual on Uniform Traffic Control Devices (MUTCD)*. Although there are no “fatal flaws” with the installation of a “Four-Way Stop Control,” it is not recommended at this time.
4. The proposed development results in a very minor deterioration of Level of Service and increased delay for the southbound movement at this (23<sup>rd</sup> St/10<sup>th</sup> Ave So) intersection. In fact, the delay falls from an average of 34.7 seconds per vehicle to 35.6 seconds per vehicle during the PM peak hour. Although technically a Level of Service of D with the proposed development (due to the movement exceeding the threshold of 35.0 seconds), it is questionable whether this slight deterioration necessitates any mitigation. It is our opinion that this minor overlap into the LOS D threshold is not significant enough to warrant mitigation or adversely affect the intersection operation.
5. Ensure that all permanent features associated with the proposed site construction and site work are placed at least 9 feet behind the existing “top back of curb” line. This will ensure that future construction for the widening of 10<sup>th</sup> Avenue South will not impact permanent features associated with the Walgreens site. Also note that during the reconstruction, radii around the intersection of 10<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South will need to be much larger to accommodate truck turning movements, so permanent features should be located accordingly.
6. There are no recommendations at this time for the intersections of 22<sup>nd</sup> and 25<sup>th</sup> Streets South with 9<sup>th</sup> Avenue South. Based on existing and proposed traffic volumes resulting from this project, the intersections will continue to operate at an acceptable level of service. Although on the fringe of a residential/commercial area, there are some issues with vehicle speeds and the prevalence of “cut-thru” traffic on the route. The “Two-Way Stop Control” at the intersection of 23<sup>rd</sup> Street South and 9<sup>th</sup> Avenue South will help this to some extent (although STOP signs are technically not to be used as a speed control measure). This existing neighborhood issue could be mitigated in the future through the City’s traffic calming program.

ORDINANCE NO. 2929

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION ON LOTS 1 THROUGH 5, BLOCK 806, ELEVENTH ADDITION TO GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 2300, 2304, 2308, 2312, & 2316 9<sup>TH</sup> AVENUE SOUTH, RESPECTIVELY, FROM R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT

\* \* \* \* \*

WHEREAS, on the 6<sup>th</sup> day of September, 2005, the City Commission of the City of Great Falls, Montana, adopted a certain Ordinance designated as Ordinance No. 2923 entitled: "AN ORDINANCE ADOPTING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS, MONTANA, PERTAINING TO LAND DEVELOPMENT CODES AND REPEALING ANY AND ALL PREVIOUS ORDINANCES OR INTERIM ORDINANCES,"; and,

WHEREAS, said Ordinance No. 2923 became effective the 6<sup>th</sup> day of October, 2005; and,

WHEREAS, said Ordinance No. 2923 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT, as defined therein:

Lots 1 through 5, Block 806, Eleventh Addition to Great Falls, Cascade County, Montana, addressed as 2300, 2304, 2308, 2312 & 2316 9th Avenue South, respectively.

WHEREAS, notice of rezoning the above-mentioned property from the existing R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT to a C-2 GENERAL COMMERCIAL DISTRICT was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 7th day of March, 2006, before final passage of said Ordinance herein; and,

WHEREAS, pursuant to said Ordinance No. 2923, a hearing was duly held after notice thereof was first duly given according to said Ordinance No. 2923, for the purpose of considering changing said zoning designation on said property to a C-2 GENERAL COMMERCIAL DISTRICT; and,

WHEREAS, following said public hearing, it was found and recommended that the said zone change be made, provided the applicant for the zone change and the owners of said Lots 1 – 5 enter into an agreement with the City containing specified terms and conditions, NOW THEREFORE,

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

Section 1. It is determined that the herein requested zone change will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls, provided the terms and conditions in the heretofore mentioned agreement are adhered to and fulfilled.

Section 2. That the zoning designation on the property hereinabove described be changed from a R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT to a C-2 GENERAL COMMERCIAL DISTRICT.

Section 3. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 7th day of March, 2006.

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Dona R. Stebbins, Mayor

ATTEST:

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City Clerk, Peggy J. Bourne

(SEAL OF CITY)

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APPROVED FOR LEGAL CONTENT: City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2929 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 7th day of March, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 7th day of March, 2006.

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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 7th 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. 2929 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

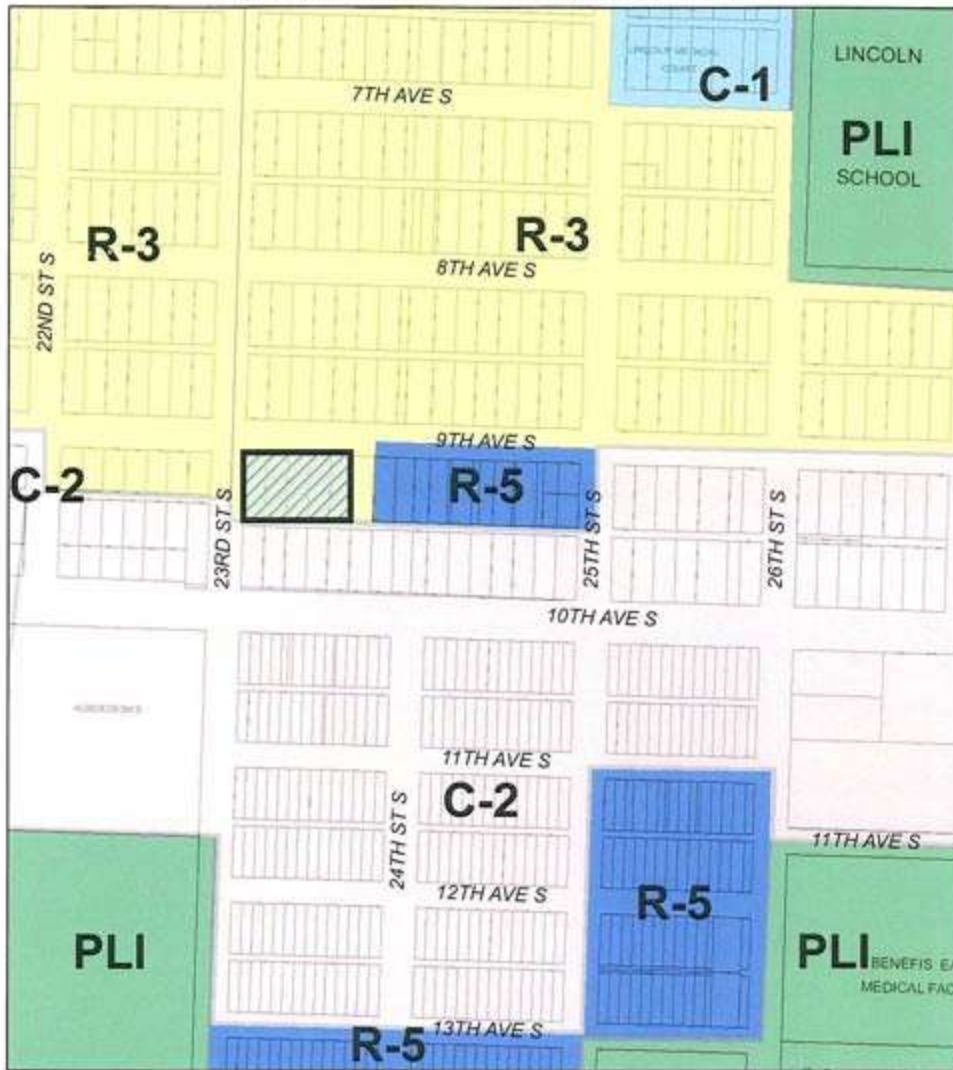
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Peggy J. Bourne, City Clerk

(SEAL OF CITY)

# VICINITY / ZONING MAP



## LEGEND

### ZONING DISTRICTS

- C-1 Neighborhood commercial
- C-2 General commercial
- PLI Public lands institutional
- R-3 Single-family high density
- R-5 Multi-family medium density
- Parcels



Subject parcels proposed to be rezoned to C-2



0 90 180 360 Feet



**SITE ANALYSIS**

SITE AREA	80,000 S.F. / 1.8 AC.		
WALGREENS	14,820 S.F. / 0.34 AC.		
SHOPS	7,000 S.F.		
TOTAL	21,820 S.F. / 0.5 AC.		
<b>LANDSCAPING</b>			
PLANTING	9554		
WALGREENS	14,820 S.F.		
SHOPS	7,000 S.F.		
TOTAL	21,820 S.F.		
<b>LANDSCAPING</b>			
BUILDING	LAND	REQUIRED	SHOWN
WALGREENS	20 + 11,500 S.F.	53	51
SHOPS	(OVER 5K S.F.)	21	25
TOTAL		80	108

LANDSCAPING SHOPS 24,000 S.F.

**VICINITY MAP**



**PROJECT NOTES**  
 The preliminary site plan is for informational purposes only. Site specific information such as boundary, existing conditions, zoning, parking, etc. will be provided in the final site plan and landscape site plan. Contact the architect for more information.

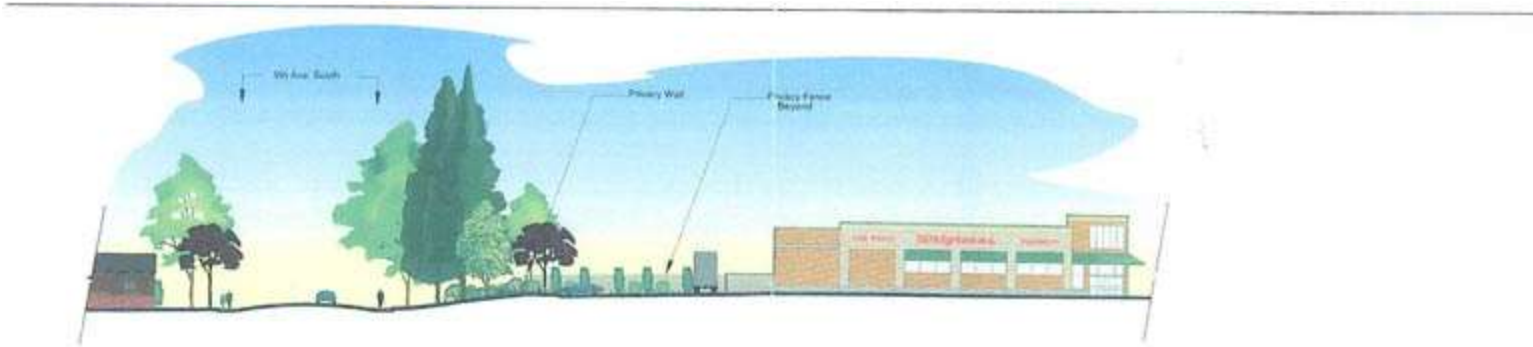
**HAWKINS COMPANIES**  
 ARCHITECTS & PLANNERS  
 1100 10TH AVENUE SOUTH, SUITE 100, GREAT FALLS, MT 59404  
 TEL: (406) 761-1100 FAX: (406) 761-1101

**PRELIMINARY SITE PLAN**

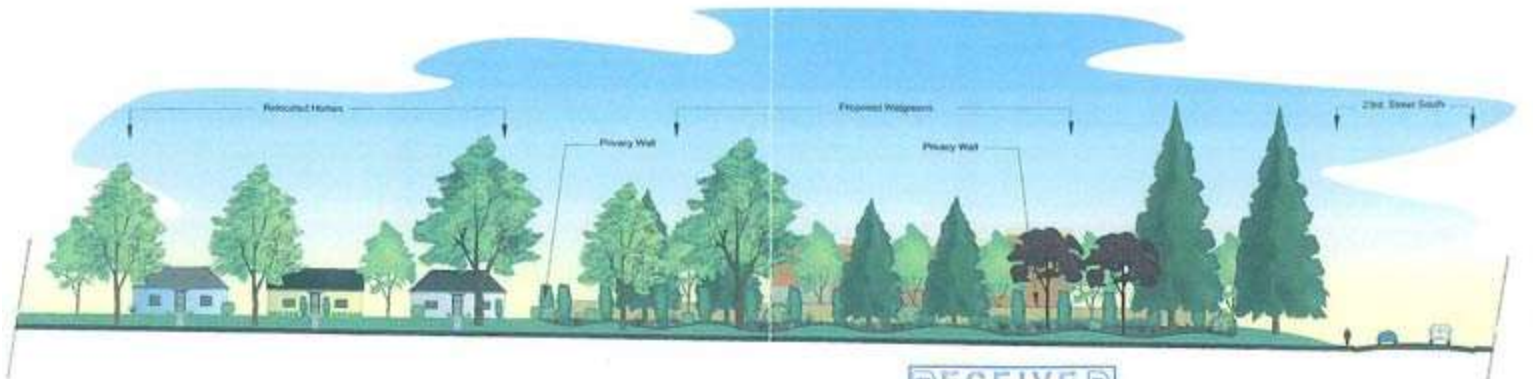
**10TH AVE. & 23RD ST.  
 GREAT FALLS, MT**

**MT-727e**





SECTION  
LOOKING EAST



ELEVATION  
LOOKING SOUTH FROM 9TH AVE



THIS PLAN AND SPECIFICATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED. THE DESIGNER DOES NOT WARRANT THAT THE INFORMATION PROVIDED IS COMPLETE, ACCURATE, OR THAT THE DESIGNER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED.

**HAWKINS COMPANIES**  
ARCHITECTS & PLANNERS  
1000 W. 10TH AVENUE, SUITE 100  
GREAT FALLS, MONTANA 59404

PRELIMINARY SECTION & ELEVATION

10TH AVE & 23RD ST.  
GREAT FALLS, MT

MT-727e

**A G E N D A   R E P O R T**

**DATE** March 7, 2006

**ITEM**        RESOLUTION 9555, CREATION OF A POLICE DEPARTMENT ADVISORY BOARD

**INITIATED BY**    CLOYD ‘CORKY’ GROVE, CAPTAIN OF OPERATIONS

**ACTION REQUESTED** ADOPT RESOLUTION 9555

**PRESENTED BY** CAPTAIN CLOYD ‘CORKY’ GROVE, POLICE DEPARTMENT

- - - -

**RECOMMENDATION:**

Staff recommends the Commission adopt Resolution 9555, creating a Police Department Advisory Board.

**MOTION:**

I move that the City Commission adopt Resolution 9555.

**SYNOPSIS:**

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

**BACKGROUND:**

The Great Falls Police Department believes that more citizen input is vital in today’s policing efforts in community safety and requests the City Commission establish a citizen advisory board made up of fourteen representatives from:

- Each neighborhood council (9)
- Malmstrom Air Force Base (1)
- The Native American Local Government Commission (1)
- 2 Individuals representing different minority groups (2) and,
- A youth, chosen (for their leadership abilities) by the Great Falls School District (1).

The mission of the Advisory Board is to represent the Great Falls community to the Great Falls Police Department as advisors for the Chief of Police. The board will have a number of duties as they relate to police/community relations, planning, police programming, and public education.

The Police Department has been working closely with the community for several years and feels that an advisory board will be a great extension of the commitment to work with our community to reduce crime and fear of crime. The establishment of this Board also fits into CALEA accreditation guidelines.

**BEFORE THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**

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In the Matter Creating )  
A Great Falls Police Department ) RESOLUTION 9555  
Advisory Board )

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**Whereas**, The Police Department has been working closely with the community for several years and feels that an advisory board will be a great extension of the commitment to work with our community to reduce crime and fear of crime; and

**Whereas**, The establishment of this Board also fits into CALEA accreditation guidelines; and

**Whereas**, The Great Falls Police Department believes that more citizen input is vital in today's policing efforts in community safety and requests the City Commission establish a citizen advisory board; and

Whereas, The mission of the Advisory Board is to represent the Great Falls community to the Great Falls Police Department as advisors for the Chief of Police; and

**Whereas**, The board will have a number of duties as they relate to police/community relations, planning, police programming, and public education.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSIONERS OF THE CITY OF GREAT FALLS, MONTANA THAT**

A Great Falls Police Department Advisory Board is hereby created and that the make-up of the 14-member board shall be:

- Each neighborhood council (9)
- Malmstrom Air Force Base (1)
- The Native American Local Government Commission (1)
- 2 Individuals representing different minority groups (2) and,
- A youth, chosen (for their leadership abilities) by the Great Falls School District (1).

The purpose and function of the board shall be to advise the Police Department on community relations, planning, police programming and public education.

The mission, structure, duties and responsibilities of the Great Falls Police Department shall be as depicted in Exhibit A.

**PASSED** by the Commission of the City of Great Falls, Montana, on this 7th day of March, 2006.

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

ATTEST:

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

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko

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 9555 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 7th day of March, 2006, and signed by the Mayor of said City on the 7th day of March, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th day of March, 2006.

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

(SEAL OF THE CITY)

### **Mission of the Advisory Board**

To represent the Great Falls' community to the Great Falls Police Department as advisors for the Chief of Police. The board will have a number of duties as they relate to police/community relations, planning, police programming and public education.

### **Compensation**

No member of the Board shall receive compensation for services performed.

### **Duties of the Board**

- A. The duties of the Board shall include, but not be limited to, advising and making recommendations via the Chief of Police on issues concerning public safety and police services within the City, such as:
1. The enhancement of police-community relations;
  2. To review and provide a community perspective and recommendations concerning procedures, programs, and the effectiveness of the police service;
  3. To promote public awareness of the City's police services and programs including, but not limited to, business and residential community safety, crime prevention programs, and general police activities;
  4. To hold public meetings from time to time to solicit public input regarding police services and programs;
  5. To serve as a liaison between the Police Department and the Community;
  6. To encourage individuals and community groups to assist the Police Department in the implementation of police programs and services; and
  7. To review and make recommendations concerning such other and further matters as may be referred to the Board, from time to time, via the Chief of Police, by the City Manager, the City Commission or the Chief of Police.
- B. The Board shall make an annual report to the City Manager, Mayor and City Council regarding its activities.
- C. Notwithstanding, the duties of the Board shall have no power or authority to investigate, review, or otherwise participate in matters involving specific police personnel or specific police-related incidents. The Board in no way shall receive or stand in review of complaints initiated against personnel of the Police Department, nor play any role in civil or criminal litigation.

### **Membership**

The citizen advisory board made up of fourteen representatives which will be recommended from:

- Each neighborhood council
- Malmstrom Air Force Base
- The Native American Local Government Commission
- 2 Individuals representing different minority groups
- A youth, chosen (for their leadership abilities) by the Great Falls School District.

### **Officer Responsibilities**

- A. Chair Person shall preside at meetings of the Board and Executive Committee; appoint sub committees as needed and has general supervision of the operation of the Board. The chair shall be an ex-officio member of all committees formed by the Board. The Chair shall transmit to the Board for its approval or disapproval all ideas and plans proposed by the Executive Committee which affect the Board or its members; and shall take no action binding upon the Board without specific prior authorization.
- B. Vice-Chair Person shall preside in the absence of the Chair, and performs duties assigned by the Chair.
- C. Secretary shall preside in the absence of the chair and Vice-Chair, and performs duties assigned by the Chair as well as keep minutes and prepare written communication for the Board.

### **Meetings and Procedure**

- A. The Board shall have at least one regular meeting every two months on such day of the month and at such time as may be determined by the Board. Special meetings may be held as often as the Board deems necessary. All meetings of the Board shall be open to the public, except as otherwise provided in the Montana Open Public Meeting law. (2-3-203), 2005 MCA.
- B. For purposes of conducting the Board's business, exercising its powers and for all other purposes, a quorum of the Board shall consist of seven or more members. Any action taken by a majority of those present, when those present constitute a quorum at any regular or special meeting of the Board, shall be deemed and taken as the action and decision of the Board.
- C. The Board shall elect such officers, as it deems necessary in order to conduct its business. The Board shall adopt such rules of procedure, as it deems necessary.
- D. The Board shall tape record or keep minutes of all meetings held and all business transacted. All records of the Board shall be open for public inspection, except those that may be exempt from public disclosure under State law. Minutes shall be distributed, at a minimum, to the members of the Board, the Chief of Police, the City Manager and City Commission.

#### **Confidentiality Statement**

From time to time members of this Board may become aware of sensitive law enforcement information and they must keep this information in strict confidence. Releasing any information to other persons or public may be used as grounds for removal from the Board. All members will be required to sign a Confidentiality Statement.

#### **Severability**

If any section, subsection, paragraph, sentence, clause or phrase of this resolution or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this resolution or its application to any other person or situation.

AGENDA REPORT

DATE March 7, 2006

ITEM Resolution No. 9556 Annual Special Improvement District (SID) Revolving Fund Analysis

INITIATED BY Fiscal Services Department

ACTION REQUESTED Approval of Closure of One (1) Sub-Fund to SID Revolving, a Loan to One(1) Sub-Fund from SID Revolving, and Report on Status of SID Revolving Fund.

PREPARED BY Judy Hardinger, Accounting Technician Sr.

REVIEWED & APPROVED BY Coleen Balzarini, Fiscal Services Director

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RECOMMENDATION:

Staff recommends the City Commission adopt Resolution No. 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 No. 9556

SYNOPSIS:

Analysis of the Special Improvement Distirct (SID) Revolving Fund and Subsidiary Debt Service Funds show that one (1) SID subsidiary fund (SID 1271) is complete and needs to be closed to the Revolving Fund in the amount of \$26,384.42 and that one (1) subsidiary fund (SID 1248) requires a loan from the Reolving Fund in the amount of \$21,005.78.

The projected June 30, 2005 SID Revolving Fund balance will be \$285,755. This is \$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. Staff feels this balance provides adequate reserves within the SID Revolving Fund.

Existing SID policies, along with retained SID debt service and revolving fund balances, will continue to provide security for the City’s SID bonded debt.

## BACKGROUND:

### Maximum Reserves:

We have been advised by bond counsel that the IRS considers any SID Revolving Fund balance over 10% of the original issue amounts of current outstanding bonds to be excessive, and subject to arbitrage. Accordingly, the City is currently limited to a maximum balance of \$425,390 in the SID Revolving Fund.

### Minimum Reserves:

§7-12-4222 (a)(ii) & (b) provides for deposits equal to 5% of the original SID bond issue amounts to secure the SID Revolving Fund and the authority to transfer monies or levy taxes on all taxable property in the city as necessary to increase the balance in the SID Revolving Fund to 5% of the then-outstanding special improvement district bonds and warrants secured by the revolving fund. Accordingly, the City is currently required to have a minimum balance of \$56,250 in the SID Revolving Fund.

### Revolving Fund Lending Authority:

§7-12-4223 states: “Whenever any special improvement district bond . . . or any interest thereon shall be due and payable and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the council be loaned by the revolving fund to such a district fund.”

### Revolving Fund Surplus Release Authority:

§7-12-4227 states: “Whenever there is an amount in the revolving fund in excess of the amount deposited in the revolving fund under §7-12-4169(2) and in excess of 5% of the outstanding special improvement district bonds and warrants and the council considers any part of the excess to be greater than the amount necessary for payment or redemption of maturing bonds or warrants secured thereby or interest thereon, the council may: (1) by vote of all its members at a meeting called for that purpose order the amount of excess that is greater than the amount necessary for the payment or redemption of maturing bonds or warrants secured thereby or interest thereon or any part thereof transferred to the general fund of the city or town.”

§7-12-4229 authorizes a municipality to transfer the funds placed in the revolving fund as a result of §7-12-4169(2) to the general fund after final payment of the district’s bonds or warrants are paid.

### SID Revolving Fund and SID Subsidiary Cash Balances:

The SID Revolving Fund and the SID debt service funds retain security as follows:

1. \$236,886 Projected ending cash balances in excess of current debt service obligations for active SIDs (excludes Revolving Fund loan proceeds).
2. \$285,755 SID Revolving Fund balance retained as additional security for outstanding bonds, which reflects a 25.40% coverage on Current SID Bonds Outstanding.



**RESOLUTION NO. 9556**

**A RESOLUTION AUTHORIZING 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
Monies in excess of 10% of Original Issue of Current Bonds outstanding (\$484,744 - \$604,390)	None
Monies in excess of 5% of Current SID Bonds Outstanding (\$484,744 - \$92,875)	\$ 229,505

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 7th day of March, 2005

\_\_\_\_\_  
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 No. 9208 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 7th day of March 2006, and approved by the Mayor of said City on the 7th day of March 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th day of March 2006.

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

(SEAL OF CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER:** 7:00 PM**PLEDGE OF ALLEGIANCE**

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

**PRESENTATION:** Proclamation of Commendation and Appreciation to Chief Jones upon his retirement.

**PRESENTATION:** Electric City Soccer Park Update. Public Works Director Jim Rearden and representative from the Soccer Foundation, Kreg Jones, updated the Commission on the Electric City Soccer Park.

**PUBLIC HEARINGS**

**Res. 9542, Cost Recovery, GF Townsite, Addition, B472, L4. Adopted.**

**1. RESOLUTION 9542, COST RECOVERY, GF TOWNSITE ADDITION, BLOCK 472, LOT 4.**

The owner of the property at 714 6<sup>th</sup> Avenue South was issued a "Notice of Hearing" to show cause why he should not be liable for the costs incurred in razing and cleanup of a structure located on the property. The total cost for the removal was \$4,602.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9542. Mayor Stebbins closed the public hearing.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9542.**

Motion carried 5-0.

**Wadsworth Park Lease. Sun River Skeet Club. Approved.**

**2. LEASE, WADSWORTH PARK (PORTION) WITH SUN RIVER SKEET CLUB.**

Interim Park and Recreation Director Patty Rearden reported that the Sun River Skeet Club requested to continue their lease for a portion of Wadsworth Park. Staff proposed a two-year lease that included a fee increase from \$300 to \$450 annually. Staff also recommended that this be the final lease with the Sun River Skeet Club because the use was in conflict with other park uses, as evidenced by observed shot fall north of the levee. Therefore, the lease did not include a renewal clause. It was

recommended in the lease that the Club be proactive in developing new facilities at the Great Falls Shooting Sports Complex.

Further, Mrs. Rearden stated that in 1998 the City Commission approved Resolution 9873, Wadsworth Park Master Plan. It was recommended at that time that the Sun River Skeet Club be allowed to continue their existing lease which expired September 5, 2000, and if requested, grant a three year extension. After that time, a lease could be granted annually, at the discretion of the City. Eventually, the Sun River Skeet Club would be required to relocate its facility due to the conflict with other park uses.

The Park and Recreation Board approved the two year renewal at its September 21, 2005, board meeting.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to the proposed lease. **Ted VanTighem**, President of the Skeet Club, asked the City to consider extending the lease if the Skeet Club demonstrated a good faith effort to relocate.

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

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission approve a two year lease of a portion of Wadsworth Park with the Sun River Skeet Club.**

Commissioner Jovick-Kuntz explained that she met with several members of the Skeet Club and they expressed concern that the board of the Great Falls Shooting Sports Complex would not enter into a lease with them. Chief Jones explained that the Board was made up of representatives from each of the shooting clubs located at the Great Falls Shooting Sports Complex, and they decided to enter into Memorandums of Understanding rather than leases. He added that could be changed, but the current make up of the board did not feel it was necessary.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 5-0.

## **NEW BUSINESS**

### **ORDINANCES AND RESOLUTIONS**

**Ord. 2928, Amend  
OCCGF 2.26  
pertaining to the  
Civic Center  
Advisory Board.  
Adopted.**

**3. ORDINANCE 2928, AMEND OCCGF 2.26 PERTAINING TO  
THE CIVIC CENTER ADVISORY BOARD.**

City Clerk Peggy Bourne reported that in 1997 the City Commission created the Civic Center Advisory Board. Since that time, some of the responsibilities that were originally incorporated into the Board's scope

of duties have changed. The proposed ordinance eliminates the specific list of duties and replaces it with broad language pertaining to the overall function and operation of the Civic Center as the Mansfield Center for the Performing Arts as well as a convention center. This broad language allows the advisory board to be flexible and adapt to issues as they arise. Additionally, she added, the original ordinance included language that would insinuate the board was a governing board rather than an advisory board. Staff proposed eliminating that language in order to bring the Board in line with the City Commission's other advisory boards.

Finally, Mrs. Bourne reported that the ordinance would change the name of the board to be the Mansfield Center for the Performing Arts Advisory Board.

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Ordinance 2928 on final reading.**

Motion carried 5-0.

**Ord. 2930,  
Annexation to  
continue water  
and/or sewer  
service. Adopted.**

**4. ORDINANCE 2930, ANNEXATION TO CONTINUE WATER  
AND/OR SEWER SERVICE.**

City Attorney Dave Gliko stated that staff presented Ordinance 2930 for consideration which would require property owners who receive city water and/or services on parcels outside the city limits to consent to annexation of such parcels as a requirement for continuation of water and/or sewer service. It was the intention of the City to implement such annexation on several parcels located outside city limits.

Mr. Gliko added that it has been the policy not to allow water and/or sewer services outside the City limits without annexation. However, a number of parcels located outside the city limits have received such services through utility connections made over 20 years ago. To remain consistent with the City policy of requiring annexation before the extension of water and/or sewer service, it was deemed necessary to annex all parcels located outside the city limits receiving such utility service. MCA 69-7-201 authorizes cities to require annexation of such parcels as a condition of the continuation of existing water and/or sewer service. The Montana Attorney General opined the city must adopt an ordinance requiring such annexation as a condition for the continuation of water and/or sewer services before taking action on such annexation. Therefore, it was recommended the City Commission adopt Ordinance 2930 prior to annexation of those parcels located outside the city limits as a condition of the continuation of city water and/or sewer service.

**Commissioner Rosenbaum moved, seconded by Commissioner**

**Beecher, that the City Commission adopt Ordinance 2930 on final reading.**

**Suzann Kummert**, 5817 2<sup>nd</sup> Avenue North, stated she received City water and was not annexed into the City. She added she did not oppose this Ordinance as long as she received additional City services after she paid City property tax. City Manager John Lawton responded stating that this ordinance did not annex or target specific properties. Rather, it gave the City Commission another tool to address issues of wholly surrounded properties within the City that were not annexed. He explained that when specific properties were identified, Staff would go through the formal annexation process which included public hearings and official notifications.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 5-0.

**Ord. 2931, Zoning for Meadowlark 4 Addition. Set public hearing for March 21, 2006.**

**5. ORDINANCE 2931, ESTABLISH ZONING UPON MEADOWLARK 4 ADDITION.**

Planning Director Ben Rangel reported that upon annexation, Ordinance 2931 would assign a zoning classification of R-3, single-family, high-density district, to Meadowlark 4 Addition. The proposed development consisted of 18, single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road.

The Zoning Commission, at the conclusion of a public hearing held June 14, 2005, unanimously recommended the City Commission assign the requested zoning classification at such time the City approved the final plat and the annexation.

**Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 2931 on first reading and set a public hearing for March 21, 2006, to consider adoption of Ordinance 2931.**

Motion carried 5-0.

**Ord. 2932, Zoning for West Ridge Addition, Phase III. Set public hearing for March 21, 2006.**

**6. ORDINANCE 2932, ESTABLISH ZONING UPON WEST RIDGE ADDITION, PHASE III.**

Planning Director Ben Rangel reported that upon annexation Ordinance 2932 would assign a zoning classification of R-2, single-family, medium density district, to West Ridge Addition, Phase III. The proposed development consisted of 18, single-family, residential lots located immediately west of Skyline Education Center.

The Planning Board, at the conclusion of a public hearing held October 22, 2002, unanimously recommended the City Commission assign the requested classification.

**Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission accept Ordinance 2932 on first reading and set a public hearing for March 21, 2006, to consider adoption of Ordinance 2932.**

Motion carried 5-0.

**Res. 9547, Intent to Vacate northerly segments of 3<sup>rd</sup> Ave South abutting Sunrise Court. Adopted.**

**7. RESOLUTION 9547, INTENT TO VACATE NORTHERLY SEGMENTS OF 3<sup>RD</sup> AVENUE SOUTH ABUTTING SUNRISE COURT.**

Planning Director Ben Rangel reported that adoption of Resolution 9547 would set a public hearing for March 7, 2006, to consider vacating two segments of unused right-of-way on 3<sup>rd</sup> 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 3<sup>rd</sup> 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 requested to be vacated and it was determined retention and eventual improvement of subject rights-of-way 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 owned by the Great Falls Housing Authority. The southern 20 feet of the vacated rights-of-way would be designated as a utility easement to accommodate existing utilities.

**Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9547.**

Motion carried 5-0.

**Res. 9554, Rescinding approvals associated with Source Giant Springs Addition.**

**8. RESOLUTION 9554, RESCINDING APPROVALS ASSOCIATED WITH SOURCE GIANT SPRINGS ADDITION.**

Planning Director Ben Rangel reported that adoption of Resolution 9554 would rescind City Commission action taken on May 7, 1996, adopting

**Adopted.**

Resolution 8799, annexation of Source Giant Springs Addition and approval of an annexation agreement and Minor Plat.

Mr. Rangel explained that Source Giant Springs conducts a bottled water operation from a building located in the proposed Source Giant Springs Addition and in 1996, in order to qualify for a \$100,000 economic development loan, Source Giant Springs, Inc., represented by David F. Brown, submitted a petition to annex approximately 5.5 acres.

None of the legal documents associated with the subdivision and annexation were filed with the Cascade County Clerk and Recorder's Office. Without recordation the subdivision plat and annexation of Source Giant Springs Addition has not been recognized or considered validated.

Source Giant Springs bottled water operation presently receives no City utility services including water or sanitary sewer.

David F. Brown, President of Source Giant Springs, Inc., indicated that the \$100,000.00 economic development loan had been paid back and requested the City rescind the annexation actions taken.

**Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher and Rosenbaum, that the City Commission adopt Resolution 9554.**

Motion carried 5-0.

**Consent Agenda.  
Approved as  
printed.**

**CONSENT AGENDA**

9. Minutes, February 7, 2006, Commission meeting.
10. Total expenditures of \$1,054,083 for the period of January 27 – February 13, 2006, to include claims over \$5,000 in the amount of \$877,276.
11. Contracts list.
12. 2006 Citizen Participation Plan for use in funding HUD programs.
13. Engineering Services Contract with Thomas, Dean and Hoskins in an amount not to exceed \$69,000 for engineering services to be preformed on the Water Treatment Plant Upgrades. (OF 1332.2).
14. Contract with McLees, Inc., in the amount of \$50,894 for the Community Recreation Center Roof. (OF 1443.1).
15. Engineering Services Amendment 3 with Neil Consultants in the amount of \$9,315 for additional engineering design services and construction management services for the Agricultural Business Park Sanitary Sewer Main Extension. (OF 1348.1)
16. Engineering Services Amendment 1 with Neil Consultants in the amount of \$44,640 for engineering services to be performed on the Water Treatment Plant Sludge Basin Rehabilitation Phases II and



## III. (OF 1332.5)

17. Bid award for one new 2006 sewer-jet cleaner, truck mounted, to the lowest responsible bidder meeting qualifications, Utility Specialties, Inc., of Butte, Montana, in the amount of \$161,990.
18. Bid award for one new 2006 sewer-vacuum, trailer mounted, to the lowest responsible bidder meeting qualifications, Utility Specialties, Inc., of Butte, Montana, in the amount of \$79,419.
19. Bid award for three new front deck mowers to the lowest responsible bidder meeting qualifications, Midland Implement of Billings, Montana, in the amount of \$47,913.
20. Purchase of Golf Course Management Software and Point of Sale System from Vermont Systems.

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

Motion carried 5-0.

### **BOARDS AND COMMISSIONS**

**Park and  
Recreation Board.**

**Appointed  
Knudson and  
Thies.  
Reappointed  
Trovatten.**

**21. APPOINTMENT, PARK AND RECREATION BOARD.**

The terms of Scot Vance and Sue Hennessey expired on December 31, 2005. Mr. Vance served on the board since 2000 and was not eligible for reappointment. Ms. Hennessey was originally appointed on October 21, 2003, but was not interested in reappointment. Therefore, it was necessary to appoint two new members to fill their positions. The term of John Trovatten expired on December 31, 2005. Mr. Trovatten was eligible for and interested in reappointment

**Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission appoint Ruthann Knudson and Bryan Thies for three-year terms, expiring December 31, 2008; and reappoint John Trovatten for a three-year term expiring December 31, 2008.**

Motion carried 5-0.

**Business  
Improvement  
District.  
Appointed  
Longin.**

**22. APPOINTMENT, BUSINESS IMPROVEMENT DISTRICT.**

Joseph Boyle was appointed to the Business Improvement District on March 3, 2005, for a four-year term. Mr. Boyle was appointed to the Great Falls Housing Authority Board on February 7, 2006; therefore, he resigned from the Business Improvement District.

At the time of Mr. Boyle's appointment to the BID, Anthony J. Longin's

application was the only other application considered. Due to a clerical error, Mr. Longin was informed by letter that he was appointed to the BID when in fact, the Commission actually appointed Mr. Boyle. It was recommended that the Commission consider the appointment of Mr. Longin to the BID to replace the vacancy created by the recent resignation of Mr. Boyle. The Business Improvement District supported this appointment.

**Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission appoint Anthony Longin to the Business Improvement District to fill the remainder of a four-year term through June 30, 2007.**

Motion carried 5-0.

### **NEIGHBORHOOD COUNCILS**

**NC 8 February  
meeting**

24. Karen Grove, Neighborhood Council 8, reported that they cancelled their next meeting in order for the members to attend a Meth Conference at the University of Great Falls.

**Adjourn**

**ADJOURNMENT**

There being no further business to come before the Commission, the regular meeting of February 21, 2006, adjourned at 7:48 p.m.

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Mayor Dona R. Stebbins

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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:**

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MASTER ACCOUNT CHECK RUN FOR FEBRUARY 15, 2006	424,892.61
MASTER ACCOUNT CHECK RUN FOR FEBRUARY 22, 2006	315,129.21
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 10, 2006	4,374.00
WIRE TRANSFERS FROM FEBRUARY 15, 2006 THRU FEBRUARY 22, 2006	<u>74,161.19</u>
TOTAL: \$	<u>818,557.01</u>

**GENERAL FUND**

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**POLICE**

LAMAR COMPANIES	ADVERTISING-UNDERAGE DRINKING	5,992.00
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	1,709.94
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	477.75

**FIRE**

HEIMAN FIRE EQUIPMENT INC	SAFETY EQUIPMENT CLOTHING	16,521.00
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	4,879.31
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	648.62

**PARK & RECREATION**

MONTANA WASTE SYSTEMS	LANDFILL FEES-JAN 2006-SPLIT	198.70
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	1,531.42
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	285.16

**SPECIAL REVENUE FUND**

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**STREET DISTRICT**

MONTANA WASTE SYSTEMS	LANDFILL FEES-JAN 2006-SPLIT	160.71
DICKMAN EXCAVATING	SCREENING PLANT-SPLIT	12,500.00

**LIBRARY**

ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	2,867.10
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	759.80

**FEDERAL BLOCK GRANTS**

ALL STEEL BUILDING CO	CDBG ALLOCATION-URSULINE CENTRE	10,965.74
ALLIANCE FOR YOUTH	CDBG ALLOCATION	6,039.00

**HOME GRANTS**

NEIGHBORHOOD HOUSING SERVICES	HOME ALLOCATION	81,250.25
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**ECONOMIC REVOLVING**

GF DEVELOPMENT AUTHORITY	REIMBURSE BRAC STUDY	10,000.00
CAPITOL DECISIONS INC	FEBRUARY RETAINER	8,800.00
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	124.39

**CAPITAL PROJECTS**

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**CITY LIGHTING**

A T KLEMENS	PMT#3-ST LIGHTS EAGLES CROSSING	10,109.43
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**ENTERPRISE FUNDS**

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**WATER**

THATCHER COMPANY OF MONTANA	ALUMINUM SULFATE-LIQUID	7,298.40
ENTERPRISE ELECTRIC	INSTALL NEW WATER PLANT PANEL	5,750.00
BENNETT MOTORS INC	2006 1/2 TON GMC PICKUP	11,556.00
DICKMAN EXCAVATING	SCREENING PLANT-SPLIT	12,500.00
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	6,772.36
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	595.82

**SEWER**

VEOLIA WATER NORTH AMERICA	WWTP OPER & MAINT-FEBRUARY 2006	181,300.00
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**SANITATION**

SOLID WASTE SYSTEMS INC	SANITATION CONTAINERS	21,785.00
MONTANA WASTE SYSTEMS	LANDFILL FEES-JAN 2006-SPLIT	54,146.51
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	787.07

**ENTERPRISE FUNDS(CONT)**

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**SAFETY SERVICES**

ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	427.48
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	119.44

**GOLF COURSES**

MONTANA WASTE SYSTEMS	LANDFILL FEES-JAN 2006-SPLIT	250.26
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	614.81

**SWIM POOLS**

ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	4,136.59
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	322.72

**RECREATION**

ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	1,491.43
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	454.50

**INTERNAL SERVICES FUND**

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**HEALTH INSURANCE**

BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-2/8/06-2/14/06	54,091.72
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-2/15/06-2/21/06	20,069.47
BLUE CROSS/BLUE SHIELD	ADMIN & REINS FEES-FEB 2006	36,405.60

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	DIESEL FUEL	13,540.42
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**PUBLIC WORKS**

ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	3,641.61
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**PARK & RECREATION ADMINISTRATION**

ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	2,226.24
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**FACILITY SERVICES**

FACILITY IMPROVEMENT CORP	AUDITORIUM AIR CONDITIONING	18,344.70
ENERGY WEST RESOURCES	JAN 2006 CHARGES-SPLIT	4,467.68
NORTHWESTERN ENERGY	JAN 2006 CHARGES-SPLIT	1,389.48

CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION

**FINAL**

AGENDA 6  
DATE: MAR 7, 2006

CLAIMS OVER \$5000 TOTAL:

\$ 640,305.63

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

**AGENDA: 7  
DATE: March 7, 2006**

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

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

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

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

**CONTRACT LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Park & Recreation Department	LCD Exposition Services	March 10-11, 2006	571	\$7,572.00	Made in Montana Trade Show Decorating Services
<b>B</b>	Legal Department	MRC Construction			\$7,880.60	Office Remodel per February 16, 2006 Proposal
<b>C</b>	Legal Department	Pierce Flooring and Design			\$2,789.00	Carpet for Office Remodel per February 10, 2006 Proposal

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

**AGENDA: 8  
DATE: March 7, 2006**

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

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

**ACTION REQUESTED:** Ratification of Lien Releases through the Consent Agenda

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

**LIEN RELEASES**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Fiscal Services	Formerly Patricia K. Kramarich, Owner of Record now is Raymond C & Brooke A Wrobel Jr. N Riverview Terrace 4 <sup>th</sup> , Part 3 B8, L18.			\$200.00	Resolution 9451, for Assessing the Cost of Removal and Disposal of Weeds at 728 27 <sup>th</sup> Avenue Northeast during calendar year 2004.
<b>B</b>	Fiscal Services	Mount Powell Enterprise Inc. GF 11 <sup>th</sup> Addn, B99 L9			\$400.00	Resolution 9358, for Assessing the Cost of Removal and Disposal of Weeds at 2621 8 <sup>th</sup> Avenue North during calendar year 2003.
<b>C</b>	Fiscal Services	Formerly David T. & Sandra L. Weisbarth, Owner of Record now is Kevin & Miechelle L. Cook GF 1 <sup>st</sup> Addn, B259, L1, West 2' of L2			\$83.08	Resolution 9448, for Assessing Properties for Unpaid Sewer, Fire Hydrant, Storm Drain and Sanitation Charges located at 1000 3 <sup>rd</sup> Avenue North during calendar year 2004.



AGENDA REPORT

DATE March 7, 2006

**ITEM:** FINAL PAY REQUEST: TRENCHLESS SEWER REHABILITATION, PHASE 10, (10<sup>TH</sup> AVENUE NORTH), O.F. 1174.5

**INITIATED BY:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**ACTION REQUESTED:** APPROVE FINAL PAY REQUEST

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

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**RECOMMENDATION:** Staff recommends that Final Payment to Planned & Engineered Construction, Inc. (PEC) on the Trenchless Sewer Rehabilitation, Phase 10, (10<sup>th</sup> Avenue North), O.F. 1174.5 be approved and the necessary documents executed by the City Manager.

**MOTION:** "I move the City Commission approve the Final Pay Request for Planned & Engineered Construction, Inc. in the amount of \$20,086.60 and payment of \$202.90 to the State Miscellaneous Tax Division for the Trenchless Sewer Rehabilitation, Phase 10, (10<sup>th</sup> Avenue North), O.F. 1174.5, and authorize the City Manager to make the payments."

**SYNOPSIS:** This project was a continuation of an ongoing program to rehabilitate existing sewer mains utilizing trenchless technology methods. This project rehabilitated an interceptor main that had severely deteriorated over the years. The project installed an interior liner in 6,000 feet of main, greatly extending the life and reducing routine maintenance costs. In addition, a portion of the existing interceptor sewer main was converted to a storm main to assist in the development of the Electric City Soccer Park and adjacent areas.

**BACKGROUND:** This project made use of trenchless technology installation methods. In this case, a Cured-In-Place-Pipe (CIPP) liner was placed inside the existing pipes.

This project rehabilitated approximately 6,000 feet of 15, 18 and 24 inch diameter mains on 10<sup>th</sup> Avenue North between 38<sup>th</sup> Street and 57<sup>th</sup> Street (Northeast Bypass). The existing mains were made of reinforced concrete and had been severely deteriorated by hydrogen sulfide gas over the years. The new CIPP liner is not affected by the corrosive environment. This main serves all of Malmstrom Air Force Base and the Portage Meadows area.

PEC completed a required one-year post rehabilitation television inspection in January of 2006. Final video tapes have been viewed by Engineering Staff to validate workmanship and liner integrity. Final construction was complete June of 2004 with a five year warranty period through June of 2009. Final project cost is \$481,401.50. This is \$11,000 under the original bid.

City Engineering Staff performed all project design, construction inspection, and administration duties.

Attachment: Final Pay Estimate

AGENDA REPORT

DATE March 7, 2006

ITEM Agreement Between the City of Great Falls and Upper/Lower River Road Water and Sewer District (ULRRWSD) with respect to Rehabilitation of the Pearson Addition Sewer System and the BNSF Right-of-Way Survey

INITIATED BY ULRRWSD

ACTION REQUESTED Approve Agreement

PRESENTED BY Cheryl Patton, Assistant City Manager

**RECOMMENDATION:** Staff recommends that the City Commission approve the attached agreement with Upper/Lower River Road Water and Sewer District.

**MOTION:** I move the City Commission approve the attached agreement between the City and Upper/Lower River Road Water and Sewer District and authorize the City Manager to execute the agreement.

**SYNOPSIS:** The City has approved both a Memorandum of Understanding, dated November 3, 2004, and an Interlocal Agreement, dated October 3, 2005, which relate to the construction, operation and maintenance of water and sewer improvements for Upper Lower River Road Water and Sewer District. This third agreement deals specifically with rehabilitation of the Pearson Addition Sewer System and the costs of surveying the BNSF Railroad right-of-way for annexation.

**BACKGROUND:** Over the last several years the Upper/Lower Water and Sewer District has pursued actions to provide acceptable water and sewer service in the area which includes the district property owners annexing into the City of Great Falls and receiving municipal water and sewer service. The District has designed three phases of construction of improvements and phase 1 is under construction currently.

Due to funding limitations this agreement postpones rehab of the existing 50 year old Pearson Sewer System until phase 3 and specifically declares that the old system will remain owned and maintained by the property owners with no City responsibility for the system until it is improved to City standards.

The agreement also defines the responsibilities for paying for surveying the BNSF Railroad right-of-way which will be necessary for annexation between the City and the District.

Attachment: Agreement

**AGREEMENT BETWEEN THE CITY OF GREAT FALLS, MONTANA  
AND THE UPPER AND LOWER RIVER ROAD COUNTY WATER AND SEWER  
DISTRICT WITH RESPECT TO REHABILITATION OF THE PEARSON ADDITION  
SEWER SYSTEM AND SURVEY OF BNSF RIGHT-OF-WAY**

This agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Great Falls, Cascade County, a municipal corporation duly authorized and organized under the laws of the State of Montana and its home rule charter (the City), and the Upper and Lower River Road County Water and Sewer District, a duly organized and incorporated County Water and Sewer District (the District) collectively, the "Parties.":

**Section 1 - Recitals**

WHEREAS, the parties have previously entered into a Memorandum of Understanding dated as of November 3, 2004 (MOU) and an Interlocal Agreement dated October 3, 2005 (Interlocal Agreement) which are incorporated herein by reference, both of which relate to the construction, operation and maintenance of water and sewer improvements in Service District No. 1, which constitute Phase One of a multi-year project for providing water and sewer service to the entire District; and

WHEREAS, the District received construction bids on August 24, 2005, and awarded contracts for the construction of the water and sewer improvements in Service District No. 1 on September 19, 2005; and

WHEREAS, it was contemplated that the water and sewer improvements would include the rehabilitation of the existing sewer system in the Pearson Addition which is approximately 50 years old (herein "existing sewer system"); and

WHEREAS, the District does not have sufficient funds to award that portion of the improvements relating to the rehabilitation of the existing Pearson sewer system set forth on Schedule 4 of the construction contract bid schedule; and

WHEREAS, it is in the best interests of the parties that construction proceed with Schedules 1, 2 and 3 of the construction contract bid schedule; and

WHEREAS, it is contemplated that the Burlington Northern Santa Fe Right-of-Way through Service District No. 1 will be annexed to the City in conjunction with the annexation of Service District No. 1.

IT IS THEREFORE AGREED AS FOLLOWS:

**Section 2 – Pearson Addition Sewer**

1. The existing sewer system in the Pearson Addition will remain a "private system" and shall not become part of the City sewer system until rehabilitation of said existing sewer system has occurred and residents who are served by the existing sewer system shall remain responsible for the maintenance and repair of such system including those portions of the existing sewer system which are located within the public right-of-way.

2. It is the intent of the parties that the existing sewer system be rehabilitated and the parties agree to continue to work cooperatively to secure funding and to explore methods for accomplishing such rehabilitation. In this connection the District agrees that any funds remaining for construction after the completion of Schedules 1, 2 and 3 shall be applied toward the rehabilitation of the existing Pearson sewer system. Furthermore, the District agrees that when it applies for grant and loan funds to construct Phase Three of the water and sewer improvements for the District that funding for the rehabilitation of the existing sewer system in the Pearson Addition shall be included, and that such rehabilitation shall be included in Schedule 1 of the construction contract bid schedule for Phase Three.

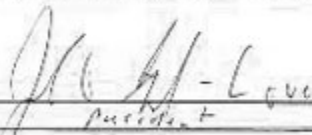
3. It is understood that nothing herein will affect new sewer improvements to be constructed in the Pearson Addition as part of Schedules 1, 2, and 3 of the Phase One construction contract to serve previously unserved properties, and that such new sewer improvements to previously unserved properties shall comply with present city standards.

**Section 3 – Survey of BNSF Right-of-Way**

The City intends to annex the right-of-way of the Burlington Northern Santa Fe Railroad (herein "right-of-way") beginning at the point where the right-of-way exits the City limits at the City water plant to the point where the right-of-way exits the District immediately south of the Pearson Addition. Portions of the right-of-way lie within the District and portions lie outside of the District. In order to facilitate the annexation of Service District No. 1 to the City of Great Falls the District agrees to provide and pay for, as part of the Phase One improvements, a survey and a certificate of survey for that portion of the right-of-way within Service District No. 1. The District further agrees that it will provide and pay for surveys and certificates of survey for those portions of the right-of-way which lie within Service District No. 2 and within Service District No. 3 from funds for Phase Two and Three respectively. It is understood that the boundaries for Phases Two and Three are not yet defined. The City agrees to provide and pay for a survey and certificate of survey for that portion of the right-of-way which lies between the City boundary immediately south of the City water treatment plant and the northern boundary of the District.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2006.

UPPER AND LOWER RIVER ROAD WATER AND SEWER DISTRICT

By   
Its: President

CITY OF GREAT FALLS

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