



City Commission Agenda

for

January 17, 2006

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

SWEARING IN

Neighborhood Council

PROCLAMATION

Groundhog Job Shadow Day

PUBLIC HEARINGS

1. Res. 9538, Conditional Use Permit for Charlie Russell Manor, 825 4th Avenue North. Grants conditional use permit to allow use as a community center to host special events. Action: Conduct public hearing and adopt or deny Res. 9538.
2. Res. 9540, Conditional Use Permit for Collins Mansion, 1003 2nd Avenue NW. Grants conditional use permit to allow use as a community center to host special events. Action: Conduct public hearing and adopt or deny Res. 9540.
3. Ord. 2926, Amending Title 15, Chapter 15.30, Section 15.30.051, Pertaining to the Medical Gas Requirements. Action: Conduct public hearing and adopt or deny Ord. 2926.
4. Wadsworth Park Leases. Approves leases of Wadsworth Park with the Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers, and Missouri River Shooters. Action: Conduct public hearing and adopt or deny leases.
5. Res. 9545, Golf Fees. Approves proposed golf fees for municipal golf courses. Action: Conduct public hearing and adopt or deny Res. 9545.

OLD BUSINESS

NEW BUSINESS

6. Contract Addendum, Consultant Services for Request for Proposals for Golf Course Management. Approves a contract addendum with National Golf Foundation for RFP services related to the management and operation of the City's two municipal golf courses. Action: Approve or deny addendum.

ORDINANCES/RESOLUTIONS

7. Res. 9543, Levy and Assess the Cost of Removal and disposal of Nuisance Weeds. Action: Adopt or deny Res. 9543.

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.*

8. Minutes, January 3, 2006, Commission meeting.
9. Total Expenditures of \$1,812,678 for the period of December 28, 2005, through January 4, 2006, to include claims over \$5000, in the amount of \$1,720,848.
10. Contracts list.
11. Lien Release list.
12. Approve the Certificate of Completion for \$12,100,000 Sanitary Sewerage System Revenue Bonds, DNRC Revolving Loan Program Series 2002B.
13. Accept Deed of American Avenue as Right-of-Way and Approve Revised Improvements Agreement for Emerald Green PUD.
14. Approve Final Payment for Water Treatment Plant Chlorination Systems Upgrade Project to A.T. Klemens, Inc. and the State Miscellaneous Tax Division in the amount of \$1,500.

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

BOARDS & COMMISSIONS

15. Appointments, Community Development Council. Reappoint Shannon Hoiland, and two new members for three-year terms through January 31, 2009.
16. Appointment, Policy Coordinating Committee. Appoint one member to the Policy Coordinating Committee.
17. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

18. Miscellaneous reports and announcements.

CITY MANAGER

19. Miscellaneous reports and announcements.

CITY COMMISSION

20. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

21. Miscellaneous reports and announcements.

ADJOURN

PROCLAMATION

GROUNDHOG JOB SHADOW DAY



- Whereas, the Great Falls Public School District is committed to providing students with an academically motivating educational activity dedicated to giving an up-close look at the world of work and making classwork more relevant; and
- Whereas, Groundhog Job Shadow Day was first conducted by the Boston Private Industry Council in 1996 as part of its school-to-work effort; and
- Whereas, Job Shadowing gives over one million students across America the opportunity to “shadow” a workplace mentor as he or she goes through a normal day on the job; and
- Whereas, Job Shadowing provides a fun and unusual experience and gives young people a chance to see how the skills learned in school relate to the workplace; and
- Whereas, Job Shadowing builds community partnerships between schools and businesses; and
- Whereas, Job Shadowing encourages ongoing relationships between young people and caring adults and are unique to every person who participates.

NOW, THEREFORE, I Dona Stebbins, Mayor of the City of Great Falls, do hereby declare February 2nd, 2006 as Groundhog Job Shadow Day and call on the citizens of Great Falls to assist in providing learning opportunities for our youth where knowledge and skills needed to achieve their dreams will become a reality.



IN WITNESS WHEREOF,
I hereto set my hand and
cause the Great Seal of the
City to be affixed this 17th day
of January, 2006.

Dona R. Stebbins, Mayor

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

DATE January 17, 2006

ITEM Public Hearing - Resolution No. 9538 for a Conditional Use Permit for Charlie Russell Manor

INITIATED BY Channing J. Hartelius, Proprietor of Charlie Russell Manor

ACTION REQUESTED Commission Adopt Resolution No. 9538 & Approve Accompanying Agreement

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The City Planning Board has recommended the City Commission grant a conditional use permit to allow the Charlie Russell Manor on Lots 8 & 9, Block 195, Great Falls Original Townsite, to serve as a community center subject to specified terms and conditions.

MOTION:

“I move the City Commission adopt Resolution No. 9538 and the accompanying Agreement.”

SYNOPSIS:

Resolution No. 9538 grants a conditional use permit to allow the Charlie Russell Manor at 825 4th Avenue North to serve as a community center to host special event functions such as weddings, receptions, dinners and anniversaries. Charlie Russell Manor has been licensed for the last several years to permit a bed and breakfast, but that does not include special event functions such as receptions and weddings. The accompanying Agreement contains terms and conditions pertaining to the conditional use permit.

BACKGROUND:

Channing J. Hartelius has applied for a conditional use permit to allow the Charlie Russell Manor at 825 4th Avenue North to also serve as a community center. Subject property, legally described as Lots 8 & 9, Block 195, Great Falls Original Townsite, is presently zoned R-9 Mixed residential use district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use application.

Attached is a copy of the Staff Report and Recommendation to the Planning Board, including the vicinity/zoning map and communications and petitions received to date.

The Planning Board on November 22, 2005, conducted a public hearing to consider the conditional use application. Citizens speaking at the Hearing included Bob McGregor, 813 4th Avenue North, and Linda Lewis, 820 4th Avenue North, who did not oppose the application, but who did express concerns about the parking problems created when the Charlie Russell Manor hosts large special events. Mr. Tom Crane, 1027 4th Avenue North, opposed the conditional use as he felt it amounts to further incremental degradation of zoning in the residential neighborhood. Neighborhood Council No. 7 provided a letter stating its support for the conditional use permit based on assurances by Mr. Hartelius that he would “find and utilize off-street

parking in and around the neighborhood...” At the conclusion of the Hearing, the Planning Board unanimously passed a motion recommending the City Commission grant a conditional use to allow the Charlie Russell Manor on Lots 8 & 9, Block 195, Great Falls Original Townsite, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

The above mentioned agreement, drafted by staff and executed by the applicant, is attached. Also attached are the minutes of the November 22, 2005, Planning Board Hearing.

Attach: Resolution No. 9538
Agreement (not available online)
Staff Report and Recommendation
Planning Board Hearing Minutes, November 22, 2005

cc w/o attach: Channing Hartelius, 825 4th Avenue North

RESOLUTION NO. 9538

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW THE CHARLIE RUSSELL MANOR
ON LOTS 8 & 9, BLOCK 195, ORIGINAL TOWNSITE,
TO SERVE AS A COMMUNITY CENTER

* * * * *

WHEREAS, the current owner of Lots 8 & 9, Block 195, Great Falls Original Townsite, addressed as 1601 825 4th Avenue North, is Charlie Russell Manor LLC; and

WHEREAS, said Lots 8 & 9 are occupied by an approximate 2200 square foot three story residential structure commonly referred to as the Charlie Russell Manor and which has a permit to operate as a bed and breakfast facility; and

WHEREAS, Owner desires to use the Charlie Russell Manor as a community center to host special event functions such as weddings, receptions, rehearsals, birthday & retirement parties, breakfasts, luncheons, dinners, retreats, business meetings and anniversaries; and

WHEREAS, said Lots 8 & 9 are presently zoned as R-9 Mixed residential use district wherein a community center which accommodates special event functions is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow the Charlie Russell Manor on subject Lots 8 & 9 to serve as a community center; and

WHEREAS, the Great Falls Planning Board conducted a public hearing on November 22, 2005, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow the Charlie Russell Manor on Lots 8 & 9, Block 195, Great Falls Original Townsite, to serve as a community center subject to specified terms and conditions.

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

That a conditional use permit to allow the Charlie Russell Manor located on Lots 8 & 9, Block 195, Great Falls Original Townsite, to serve as a community center is hereby approved; and,

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

That the use of the Charlie Russell Manor as a community center shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated

_____, 2006, between the City of Great Falls and Charlie Russell Manor LLC; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17th day of January, 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. 9538 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 17th day of January, 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 17th day of January, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA ITEM 2.F.

HRG. DATE November 22, 2005

GREAT FALLS PLANNING BOARD

STAFF REPORT AND RECOMMENDATION

ITEM: Conditional Use for Charlie Russell Manor on Lots 8 & 9, Block 195, Original Townsite

INITIATED BY: Channing Hartelius dba Charlie Russell Manor LLC

PRESENTED BY: Bill Walters, Senior Planner

GENERAL INFORMATION:

Owner:	Charlie Russell Manor LLC P O Box 1629 Great Falls, MT 59403-1629
Applicant:	Channing J. Hartelius 825 4 th Avenue North Great Falls, MT 59401-1511
Location of Subject Property:	Northwest corner of the intersection of 9 th Street No and 4th Avenue No
Legal Description of Property Affected by Conditional Use:	Lots 8 & 9, Block 195, Great Falls Original Townsite
Area of Subject Property:	100ft x 150ft = 15,000 sq ft = 0.34 acres
Zoning:	R-9 Mixed Residential District
Land Use:	Single family residence licensed as a bed and breakfast
Requested Action and Purpose:	Grant conditional use to permit the residential structure upon the premises to serve as a community center, in addition to the bed and breakfast use.

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u> (Original Townsite)	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	Lots 6 & 7, Blk 195	R-9 Mixed residential	Single Family Dwelling & 4-Plex Apartment
East	Lot 14, Blk 196	R-9 Mixed residential	Single Family Dwelling
South	Lots 6 & 7, Blk 242	R-9 Mixed residential	Single Family Dwelling & Apartment Building
West	Lot 10, Blk 195	R-9 Mixed residential	Single Family Dwelling

Attachments:

Development Review Application for Conditional Use
Letter from Applicant dated October 26, 2005
Site Plan
Vicinity Zoning Map
Memo from Parking Supervisor in Comm. Dev. Dept. dated Nov 9, 2005
Memo from City Engineer dated Nov 14, 2005
Letter from Neighborhood Council No. 7 dated October 13, 2005
Petition from Neighborhood Property Owners supporting conditional use application
Letter dated Oct 9, 2005, from Wayne Thares, 808 5th Ave No, favoring conditional use

INFORMATION:

1. Channing J. Hartelius has applied for a conditional use to permit the Charlie Russell Manor at 825 4th Avenue North to also serve as a community center.
2. Subject property, legally described as Lots 8 & 9, Block 195, Great Falls Original Townsite, is presently zoned R-9 Mixed residential use district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use application.
3. The definition in the Unified Land Development Code for community center is “a place and/or building, or portion thereof that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.”
4. Charlie Russell Manor has been licensed for the last several years to permit a bed and breakfast, but that does not include special event functions such as receptions and weddings. In an effort to legalize the catering portion of the business, the owner, under the provisions of the new Land Development Code, has applied for a conditional use to allow the premises to be utilized as a community center.

5. The applicant has prepared the attached site plan showing the size and configuration of subject property together with the location of the primary residential structure and garage serving the property.
6. As the catering portion of the business has also been in operation for the last several years, the applicant has provided the following description for same.

Types of functions: Weddings, receptions, rehearsals, birthday & retirement parties, breakfasts, luncheons, dinners, retreats, business meetings and anniversaries.

Frequency or number of functions: Two to three functions per week.

Hours & duration of functions: Breakfast 6:00 a.m. to 9:00 a.m.; luncheons 11:30 a.m. to 2:00 p.m.; dinners 5:00 p.m. to 10:00 p.m.; retreats – all day and sometimes overnight; outdoor summer functions terminate at 10:00 p.m.; and indoor functions terminate at 11:00 p.m. although special occasions like New Years may go longer.

Average number of individuals attending functions: Board meetings, luncheons, and dinners average 10 – 20 people, weddings average 30 – 50 individuals and larger functions will attract up to 100 people.

7. The applicant resides on the third floor of the Manor. A part-time chef and part-time housekeeper are employed to assist with functions.
8. Regarding vehicular parking, the applicant has indicated approximately 10 vehicles can park on the premises utilizing the through driveway along the west side of the involved structure. An additional 7 vehicles can utilize the driveway on the adjoining premises to the west currently owned by the applicant. Six vehicles can park on 4th Avenue North in front of the Manor and 9 can park on 9th Street North adjacent to the Manor. Approximately 20 vehicles can park on or adjacent to the Whittier School property when the School is not in use. The Heisey parking lot can also accommodate at least 30 vehicles.
9. Attached is a Memorandum from the Parking Supervisor in the Community Development Department dated November 9, 2005, stating the need for 40 off-street parking spaces plus 1 per employee to accommodate functions involving up to 100 people. The Memo discusses some options to fulfill the requirement including the possibility of shared parking with the school district.
10. The Notice of Public Hearing was mailed to neighborhood property owners on November 4, 2005, and was published in the Great Falls Tribune on November 6, 2005. A sign containing copies of the Notice of Public Hearing was placed on the property on November 14, 2005. The attached petition signed by some neighborhood property owners supporting the conditional use permit and the letter dated October 9, 2005, from Wayne and Sandra Thares supporting the Manor and the functions conducted therein were submitted by the applicant.

CONDITIONAL USE PERMIT:

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Planning Board, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

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

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

A goal in the land use element of the Growth Policy is "to preserve and enhance the character, quality, and livability of existing neighborhoods". The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected which in this case is established and stable. Land use changes should be compatible with type, scale, and physical character of the neighborhood.

The primary adverse feature associated with the application is the inadequacy of off-street parking. The ability to park up to 10 vehicles on the premises and 7 vehicles on the adjoining premises currently owned by the applicant is too optimistic and not realistic. Therefore, the streets in the vicinity of the Mansion must absorb the parking demand which is legal but has generated numerous complaints from neighbors. The on-street parking situation is exasperated in this neighborhood with the elementary school on the block across the street and apartment buildings in the vicinity.

Staff concludes no significant negative aspects associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced. However, the ability to provide sufficient off street parking is a primary concern.

CONCLUSION:

Retaining and maintaining the Charlie Russell Manor landmark involve extraordinary measures. For an owner to sustain the facility strictly as a single family residence would involve considerable assets. The applicant has stated that the bed and breakfast business alone cannot support the maintenance and upkeep of the facility and therefore the income generated from the special events is vital.

The applicant has conducted special events at the Charlie Russell Manor for the last five years and according to the Community Development Department, larger events tend to generate parking related complaints from the neighborhood. The attached letter from Neighborhood Council No. 7 expresses support for the operation, provided the applicant secures and utilizes off-street parking in and around the neighborhood.

The applicant has indicated the physical size of the facility controls the size of the functions that can be held.

RECOMMENDATION:

It is recommended that the Planning Board recommend to the City Commission that a conditional use be **granted** to allow the Charlie Russell Manor on Lots 8 & 9, Block 195, Great Falls Original Townsite, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

Note: The conditional use for Charlie Russell Manor to serve as a community center would not become effective until the above stated condition b) is fulfilled.

Prepared by: Bill Walters, Senior Planner
Concurrence by: Ben Rangel, Planning Director

Attach: As noted hereinabove

cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Channing Hartelius, 825 4th Avenue North

GREAT FALLS PLANNING BOARD

MINUTES OF THE PUBLIC HEARING ON CONDITIONAL USE PERMIT CHARLIE RUSSELL MANOR

November 22, 2005

The public hearing on the Conditional Use Permit for the Charlie Russell Manor was called to order at 3:37 p.m. in the Commission Chambers of the Civic Center by Planning Board Chairman Bill Bronson.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Bill Bronson
Mr. Art Bundtrock
Mr. Mark Gunderson
Mr. John Harding
Dr. Greg Madson
Mr. Bill Roberts
Mr. Joe Schaffer

Planning Board Members absent:

Mr. Josh DeNully
Mr. Ron Kinder

Planning Staff Members present:

Ms. JoAnn Painter, Admin. Asst.
Mr. Ben Rangel, Planning Director
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer
Mr. Channing Hartelius, Petitioner

A copy of the attendance list as signed by those present is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Bronson advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. Staff will make its presentation followed by the petitioner's presentation. He stated that there will be an opportunity for proponents as well as opponents to speak. There will also be a time for public comments after which the applicant will be given the opportunity to make any final comments. Anyone wishing to speak should come to the rostrum, state their name, address and whom they represent. The Planning Board is advisory to the City Commission, and the Board's recommendation will be forwarded to the Commission for final decision. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Bronson's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Walters said this public hearing involves a request for a conditional use to permit the Charlie Russell Manor to serve as a community center in addition to the bed and breakfast use. The property is located at the northwest corner of the intersection of 9th Street North and 4th Avenue North.

A copy of the vicinity/zoning map was displayed.

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

Mr. Roberts referred to the staff's recommendation and the statement that "The conditional use for Charlie Russell Manor to serve as a community center would not become effective until the above stated condition b) is fulfilled." He asked if that meant the Manor would be shut down for use during the Holiday season. Mr. Walters replied that the Planning Department is not an enforcement agency. It was his understanding that this operation had been occurring for the last five years and that the Community Development Department will not take steps to shut down functions at the Manor as long as the applicant is working towards a solution of the issues.

PETITIONER'S PRESENTATION

Mr. Channing Hartelius, petitioner, said it has been a pleasure to own his house as a historical site and share it with others. In anticipation of the question asked at the last public hearing as to whether he was in agreement with the conditions under staff's recommendation, he said he was willing to abide by and agree to those conditions without any reservation. He believed that the Charlie Russell Manor was an asset to the City of Great Falls, as well as the businesses. There are only two bed and breakfasts in Great Falls. He thought they were important because a good amount of people like to stay in bed and breakfasts. To answer the question from the last public hearing about whether the

wedding and functions were illegal, he explained that when he first went to all the neighbors and got their consent, it was with the understanding that he planned to have weddings and other functions. Bed and breakfasts are considered to be places that you have those functions. Every year he had catering licenses as well as the bed and breakfast license and complied with everything from a public safety standpoint. It was when the City's new code went into effect that he was asked to go through the conditional use permit process to continue with the weddings and other functions.

Mr. Hartelius said his parking situation is of concern to his neighbors as well as himself. In the past two years, he has limited the functions and has tried hard to make sure the neighbors know what is taking place. He has a parking agreement with the Heisey. He has very few large functions. With the last function, he had a person stand outside to make sure that people didn't park in front of Mr. Lewis' house or block the driveway of the McGregors. He has arranged 10 to 12 parking spots at the Whittier School and parking at the nearby automotive service station when it is not in operation. He was willing to work with the Parking Supervisor and agree with whatever restrictions are placed in terms of size of functions.

He said he would be happy to answer any questions.

Mr. Roberts stated that what Mr. Hartelius has done with the property is a real tribute to him. It is an outstanding corner. Mr. Roberts lives in the general neighborhood and it was a joy to drive by and see what was done with the outside and inside. But, parking is a real problem.

Mr. Hartelius said he appreciated the comments. He will do his best to resolve the problem.

PROPONENTS OPPORTUNITY TO SPEAK

Mr. Bob McGregor, 813 4th Avenue North, said he and his wife signed the petition Mr. Hartelius brought around for the reasons of what Mr. Hartelius has done with the house, the nature of the house, and what that house means to the lower north side. How well he keeps the house is a testament to Mr. Hartelius. However, as a neighbor, he has some concerns. In the first few years, Mr. Hartelius was not all that approachable. The events were much larger and there was a significant parking issue. This past year, Mr. Hartelius has been very approachable and concerned about the neighbors. Mr. McGregor was concerned about the long-term impact of a community center and what that meant if the house was sold. Could a new owner do any business they wanted? What are the conditions connected with the conditional use? Does the neighborhood have recourse if parking gets much more severe? Does the property have to be owner occupied?

Mr. Walters replied he didn't believe there was any intent to require the owner to actually live in the facility. The living quarters of that facility could be leased. He was not familiar with the bed and breakfast conditions. If there was a condition as part of that particular license or permit that requires the owner to occupy the Manor then that may trump anything he said.

Mr. McGregor said he wanted to be clear he was a proponent of the conditional use permit but wanted to know what the community center meant in the long term and the impact if the facility was sold, does that designation go to whatever business wants to be in there. Could it be something like a law office?

Mr. Walters replied the community center conditional use permit goes with the property. It is not tied to the owner. There is a provision in the code that should the uses under the community center cease for a period of 6 months, then the conditional use terminates. The bed and breakfast is already permitted under separate provisions in the code. The community center portion is what is being considered today with this conditional use application. Law offices or professional offices are allowed in the R-9 zoning district, but that requires a separate conditional use process.

Mr. Rangel added that under the previous code, the only way we might have been able to accommodate this type of operation for special events would have involved a zone change to a commercial classification. It might have been deemed a spot zone and would probably not have met the muster in terms of public review because it opens up the property to a number of other ventures that would have been allowed under a commercial zoning district. However, under the new Land Development Code, we have this conditional use permit mechanism so it becomes very specific in terms of the additional allowed use over and above the single-family residence and the bed and breakfast operation. If the community center use goes away over a 6-month period, that conditional use goes away. If somebody has interest in placing a law office there, they would have to go through a specific conditional use permit process for that type of operation. This mechanism allows for additional uses but provides for a public hearing so there is public scrutiny and opportunity to provide comment before the Planning Board and the City Commission and provides more flexibility.

Mr. Walters further added that staff did consider, as part of this conditional use agreement, specifically dictating the number of functions, the maximum number of people attending, hours of the operation, or what types of functions could be accommodated at the facility. But that gets into a policing matter. He didn't know how the City would go about enforcing those provisions that get that specific.

Mr. Bronson said that if the Board approves staff's recommendation, Mr. Hartelius would have to develop, in conjunction with Planning staff and other City departments, an appropriate off-street parking plan. In that sense, that would be the neighbor's recourse. As a member of the advisory committee that worked on the new land use code, he said the members of that committee went through the same struggling process that Mr. McGregor is going through now. Typically, the buildings that are sought out to be a bed and breakfast have some historical significance to the community. Great Falls has a policy expressed in its Growth Policy to do whatever we can to preserve these historic structures. Quite often, the only way that can be done is if individuals are willing to make the investment to try to utilize the structure, for example as a bed and breakfast. The conditional use permit process is to work out concerns, such as parking, on a case-by-case basis.

Mr. McGregor said that there is no solution to Mr. Hartelius' parking problem. People will not use the Heisey parking lot if there are parking spots on the street. He said he was a proponent, and hopefully Mr. Hartelius will continue to have success and will continue to get more acquainted as a good neighbor.

OPPONENTS OPPORTUNITY TO SPEAK

Mr. Tom Crane, 1027 4th Avenue North, said he and his wife, Sarah Bower, own additional property at 1024 4th Avenue North and 512 7th Street North. He was speaking in opposition because they are opposed to any further incremental degradation of zoning in the residential neighborhood. There is additional traffic on 4th Avenue North, as well as parking issues. This is a residential area and should remain a residential area.

PUBLIC COMMENTS

Ms. Linda Lewis, 820 4th Avenue North, said she and her husband live directly across the street from the Charlie Russell Manor. They purchased their home because it was an historic home in a residential neighborhood. Their home has been encroached upon by the School District when the District purchased the two homes directly to the west. They now have a school immediately beside their property and the Charlie Russell Manor across the street. As with any business, the increased congestion, litter, noise and notoriety follow. While all of those things increased greatly after the opening of the Manor, they have been held to an acceptable level in the past six months. They appreciate Mr. Hartelius' care and upkeep of his property and his attempt to find suitable parking for his customers. Mr. Hartelius has asked his customers not to park in two spaces immediately in front of their house. If parking is used at the Whittier School, there will be congestion in the alley behind their house. That alley is not a through alley and that will cause additional congestion. If they could be assured that the level of business would be limited to what it has been this past summer and a contract would be signed for additional off-street parking with Mr. Hartelius offering valet parking, they would feel comfortable supporting this conditional use.

Mr. Clint Johnson said he and his father are rebuilding the house at 212 7th Street North. They want to rebuild that house because they want the downtown area to improve and become a more beautiful place. Houses that are turned into apartments because people can't afford to live by themselves are another reason for the residential parking problem. That starts to tear down and tear apart downtown. Places like the Charlie Russell Manor inspired him and his father to rebuild downtown.

PETITIONER'S RESPONSE

Mr. Hartelius said he appreciated his neighbors' opinions. The last thing he wants to do is have difficulty with his neighbors. If his neighbors ever want to talk to him, he has an open door. He wants to get along with his neighbors. He is in conflict every day in his law practice and doesn't want conflict in his neighborhood. He stated a quote from Abraham Lincoln, "It's not the years in your life that count, it's the life in your years." He said that is what he is about. He will strive to make everybody happy.

PLANNING BOARD DISCUSSION & ACTION

Mr. Roberts said he expressed himself on the joy of seeing what Mr. Hartelius has done with the property, but in reading Ms. Johnson's letter and the hoops Mr. Hartelius has to jump through, Mr. Hartelius will have to be athletic.

Mr. Schaffer inquired about the process of the development of the formal off-street parking plan, whether there were certain requirement criteria in place or was it just working with the Parking Supervisor. Mr. Rangel replied it was primarily working with the Parking Supervisor.

Dr. Madson spoke to his neighbors since he lived in the neighborhood. He said they have a very historic neighborhood but it is also very diverse. They have people in varying socio-economic status and are close to downtown. That is what makes the neighborhood unique and special. Several homes are being preserved, but there are churches, a museum, and schools. They are heterogeneous and they are not sterile homogeneous neighborhoods on the urban periphery. We are preserving the neighborhood and have a sense of community. He supports the conditional use permit. He knows that Mr. Hartelius has made a strong effort to meet with his neighbors.

MOTION: That the Planning Board recommend to the City Commission that a conditional use be granted to allow the Charlie Russell Manor on Lots 8 and 9, Block 195, Great Falls Original Townsite, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

Made by: Mr. Roberts
Second: Dr. Madson

Vote: The motion carried unanimously.

Mr. Walters said staff will formulate an agreement for Mr. Hartelius' consideration. The agreement will be forwarded along with the Board's recommendation to the City Commission. The conditional use permit will go through two readings, one month apart, before the City Commission.

ADJOURNMENT

The hearing adjourned at 4:31 P.M.

PRESIDENT

SECRETARY

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

DATE January 17, 2006

ITEM Public Hearing - Resolution No. 9540 for a Conditional Use Permit for Collins Mansion

INITIATED BY Michael and Kristina Hengenius, Owners and Proprietors of the Collins Mansion

ACTION REQUESTED Commission Adopt Resolution No. 9540 & Approve Accompanying Agreement

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission grant a conditional use permit to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center subject to specified terms and conditions.

MOTION:

“I move the City Commission adopt Resolution No. 9540 and the accompanying Agreement.”

SYNOPSIS:

Resolution No. 9540 grants a conditional use permit to allow the Collins Mansion at 1003 2nd Avenue Northwest to serve as a community center to host special event functions such as weddings, receptions, dinners and anniversaries. The Collins Mansion has been licensed for the last several years to permit a bed and breakfast, but that does not include special event functions such as receptions and weddings. The accompanying Agreement contains terms and conditions pertaining to the conditional use permit.

BACKGROUND:

The owners of the Collins Mansion at 1003 2nd Avenue NW have applied for a conditional use permit to allow the premises to also serve as a community center. Connie Romain owned the Mansion at the time the application for the conditional use permit was submitted, but has since sold the property to Mike and Kristina Hengenius. Subject property, legally described as Lots 12 - 14, Block 28, West Great Falls Addition, is presently zoned R-3 Single-family high density district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use application.

Attached is a copy of the Staff Report and Recommendation to the Planning Board, including the vicinity/zoning map and communications received to date.

The Planning Board on November 22, 2005, conducted a public hearing to consider the conditional use application. Mr. Dennis Kuether, 926 2nd Avenue Northwest, spoke as an opponent noting several years ago he signed a consent form to allow a bed and breakfast at the Mansion but adequate parking does not exist to accommodate such functions as weddings and receptions. Neighborhood Council No. 2 provided a letter which was generally supportive of the Collins Mansion and its operation. They viewed the Mansion as “a well kept asset to the City as well as the Westside” and did not voice any concerns with its operation as a bed and breakfast or as a community center. At the conclusion of the Hearing, the Planning Board unanimously passed

a motion recommending the City Commission grant a conditional use to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

The above mentioned agreement, drafted by staff and executed by the applicant, is attached. Also attached are the minutes of the November 22, 2005, Planning Board Hearing.

Attach: Resolution No. 9540
Staff Report and Recommendation
Agreement
Planning Board Hearing Minutes, November 22, 2005

cc w/o attach: Michael & Kristina Hengenius, 1003 2nd Ave NW

RESOLUTION NO. 9540

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW THE COLLINS MANSION
ON LOTS 12 - 14, BLOCK 28, WEST GREAT FALLS ADDITION,
TO SERVE AS A COMMUNITY CENTER

* * * * *

WHEREAS, Michael T. and Kristina K. Hengenius presently own Lots 12 - 14, Block 28, West Great Falls Addition, addressed as 1003 2nd Avenue Northwest; and

WHEREAS, said Lots 12 - 14 are occupied by an approximate 2300 square foot three story residential structure commonly referred to as the Collins Mansion and which has a permit to operate as a bed and breakfast facility; and

WHEREAS, Owner desires to use the Collins Mansion as a community center to host special event functions such as weddings, receptions, rehearsal dinners, birthday & retirement parties, special luncheons, and anniversaries; and

WHEREAS, said Lots 12 - 14 are presently zoned as R-3 Single-family high density use district wherein a community center which accommodates special event functions is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow the Collins Mansion on subject Lots 12 - 14 to serve as a community center; and

WHEREAS, the Great Falls Planning Board conducted a public hearing on November 22, 2005, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center subject to specified terms and conditions.

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

That a conditional use permit to allow the Collins Mansion located on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center is hereby approved; and,

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

That the use of the Collins Mansion as a community center shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2006, between the City of Great Falls and Micheal T. Hengenius and Kristina K. Hengenius; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 17th day of January, 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. 9540 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 17th day of January, 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 17th day of January, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA ITEM 1.F. _____

HRG. DATE November 22, 2005

GREAT FALLS PLANNING BOARD

STAFF REPORT AND RECOMMENDATION

ITEM: Conditional Use for Collins Mansion on Lots 12–14, Block 28, West Great Falls Addition

INITIATED BY: Connie Romain, Property Owner

PRESENTED BY: Bill Walters, Senior Planner

GENERAL INFORMATION:

Owner and Applicant:	Connie Romain 1003 2 nd Avenue NW Great Falls, Montana
Location of Subject Property:	Northwest corner of the intersection of 10 th Street NW and 2nd Avenue NW
Legal Description of Property Affected by Conditional Use:	Lots 12 – 14, Block 28, West Great Falls Addition
Area of Subject Property:	175ft x 125ft = 21,875 sq ft = 0.50 acres
Zoning:	R-3 Single-family High Density District
Land Use:	Single family residence licensed as a bed and breakfast
Requested Action and Purpose:	Grant conditional use to permit the residential structure upon the premises to serve as a community center, in addition to the bed and breakfast use.

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	Lots 1A – 4, Block 28, WGF Add.	R-3 Single-family	Single Family Dwelling & Vacant Parcel
East	Lots 9, Block 27, WGF Add.	R-3 Single-family	Single Family Dwelling
South	Lots 1 & 2, Block 39, WGF Add. & Lots 2 & X, Crutchers Res.	R-3 Single-family	Single Family Dwellings
West	Lot 11, Block 28, WGF Add.	R-3 Single-family	Single Family Dwelling

Attachments:

Development Review Application for Conditional Use
Letter from Applicant dated October 20, 2005
Site Plan
Vicinity Zoning Map
Memo from City Engineer, dated November 2, 2005
Memo from Parking Supervisor in Comm. Dev. Dept. dated Nov 10, 2005
Letter from Neighborhood Council No. 2 dated September 28, 2005

INFORMATION:

1. Connie Romain, owner of the Collins Mansion at 1003 2nd Avenue NW, has applied for a conditional use to permit the large dwelling unit to also serve as a community center.
2. Subject property, legally described as Lots 12 – 14, Block 28, West Great Falls Addition, is presently zoned R-3 Single-family high density use district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use application.
3. The definition in the Unified Land Development Code for community center is “a place and/or building, or portion thereof that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.”
4. The Collins Mansion has been licensed for the last several years to permit a bed and breakfast, but that does not include special event functions such as receptions and weddings. In an effort to legalize the catering portion of the business, the owner, under the provisions of the new Land Development Code, has applied for a conditional use to allow the premises to be utilized as a community center.

5. The applicant has prepared the attached site plan showing the size and configuration of subject property together with the location of the primary residential structure and driveways serving the property.
6. As the catering portion of the business has also been in operation for the last several years, the applicant has provided the following description for same.

Types of functions: weddings, receptions, rehearsal dinners, birthday & retirement parties, special luncheons, and anniversaries.

Frequency or number of functions: 60 functions are booked for the 2005 year. (Averages five per month.)

Hours & duration of functions: Luncheon functions typically last approximately 2½ hours and evening functions normally run from 6:00 p.m. to no later than 10:00 p.m.

Average number of individuals attending functions: 25 – 30 people. The premises can accommodate a maximum of 40 people for a full sit-down meal and 65 for a cocktail party.

7. Besides the applicant who resides on the premises, two or three part-time employees are usually retained to assist in preparation and cleaning associated with functions.
8. Regarding vehicular parking, the applicant has indicated a total of 20 vehicles can park on the premises utilizing four parking stalls off 3rd Alley NW, the circular driveway at the front of the facility and the through driveway along the west side of the involved structure. An additional 7 vehicles can park on 10th Street NW and 8 vehicles can park on 2nd Avenue NW adjoining the premises.
9. Attached is a Memorandum from the City Engineer dated November 2, 2005, primarily offering comments concerning the parking situation associated with the proposal.
10. Attached is a Memorandum from the Parking Supervisor in the Community Development Department dated November 10, 2005, stating the need for 26 off-street parking spaces plus 1 per employee to accommodate functions involving up to 65 people. The Memo discusses some options to fulfill the requirement including the possibility of shared parking with the school district.
11. The Notice of Public Hearing was mailed to neighborhood property owners on November 4, 2005, and was published in the Great Falls Tribune on November 6, 2005. A sign containing copies of the Notice of Public Hearing was placed on the property on November 14, 2005. At the time of this writing, no public comment on the conditional use had been provided to the Planning Office.

CONDITIONAL USE PERMIT:

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Planning Board, the City Commission shall conduct a

public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

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

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

A goal in the land use element of the Growth Policy is "to preserve and enhance the character, quality, and livability of existing neighborhoods". The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected which in this case is established and stable. Land use changes should be compatible with type, scale, and physical character of the neighborhood.

The primary adverse feature associated with the application is the inadequacy of off-street parking. The ability to park up to 20 vehicles on the premises is too optimistic as the City Engineer discusses in his Memo. Therefore, the streets in the vicinity of the Mansion must absorb the parking demand which is legal but can generate concerns from neighbors. However, the infrequency of the functions held at the Mansion and their short duration should limit complaints.

Staff concludes no significant negative aspects associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced. However, the ability to provide sufficient off street parking is a primary concern.

CONCLUSION:

Retaining and maintaining the Collins Mansion landmark involves some extraordinary measures. For an owner to sustain the facility strictly as a single family residence would involve considerable assets. The applicant has stated in the attached letter that the bed and breakfast business alone cannot support the maintenance and upkeep of the facility and therefore the income generated from the special events is vital.

It is also noted that the applicant has conducted special events at the Collins Mansion for the last eight years and staff is not aware of any complaints from the neighborhood. The attached letter from Neighborhood Council No. 2 expresses support for the operation.

Questions or concerns could arise about limiting the number of people attending functions, but the applicant has indicated the size of the facility (kitchen and floor gathering area) controls the size of the functions that can be held.

RECOMMENDATION:

It is recommended that the Planning Board recommend to the City Commission that a conditional use be **granted** to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

Note: The conditional use for Collins Mansion to serve as a community center would not become effective until the above stated condition b) is fulfilled.

Prepared by: Bill Walters, Senior Planner
Concurrence by: Ben Rangel, Planning Director

Attach: As noted hereinabove

cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer

Mike Rattray, Comm Dev Director
Connie Romain, 1003 2nd Ave NW

GREAT FALLS PLANNING BOARD

MINUTES OF THE PUBLIC HEARING ON CONDITIONAL USE PERMIT COLLINS MANSION

November 22, 2005

The public hearing on the Conditional Use Permit for the Collins Mansion was called to order at 3:02 p.m. in the Commission Chambers of the Civic Center by Planning Board Chairman Bill Bronson.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Bill Bronson
Mr. Art Bundtrock
Mr. Mark Gunderson
Mr. John Harding
Dr. Greg Madson
Mr. Bill Roberts
Mr. Joe Schaffer

Planning Board Members absent:

Mr. Josh DeNully
Mr. Ron Kinder

Planning Staff Members present:

Ms. JoAnn Painter, Admin. Asst.
Mr. Ben Rangel, Planning Director
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer
Mr. Mike Hengenius, purchaser of the property

A copy of the attendance list as signed by those present is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Bronson advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. He stated that after the staff makes its presentation, there will be opportunity for the petitioner's presentation, as well as an opportunity for any proponents and opponents to speak. There will also be a time for public comments, after which the petitioner can respond. Anyone wishing to speak should come to the rostrum, state their name, address and whom they represent. The Planning Board is advisory to the City Commission and the Board's recommendation will be forwarded to the Commission for final decision. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Bronson's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Walters said this public hearing involves a request for a conditional use to permit the Collins Mansion to serve as a community center in addition to the bed and breakfast use. The property is located at the northwest corner of the intersection of 10th Street Northwest and 2nd Avenue Northwest. The application was submitted by Ms. Connie Romain, who was the property owner at that time. The property was recently sold to Mr. Mike Hengenius. Mr. Hengenius is aware of the application.

A copy of the vicinity/zoning map was displayed.

Mr. Walters advised the Board to ignore the memorandum from Mr. Jeff Jenkins, Building Official, attached to the staff report as Mr. Jenkins withdrew his communication.

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

PETITIONER'S PRESENTATION

Mr. Mike Hengenius said he and his wife were the new owners of the Collins Mansion. They are looking forward to working in Great Falls. He said he would be glad to respond to any questions from the Board.

PROponents OPPORTUNITY TO SPEAK

There were no proponents to speak.

OPPONENTS OPPORTUNITY TO SPEAK

Mr. Dennis Kuether, 926 2nd Avenue Northwest, said a number of years ago he signed a consent form to allow a bed and breakfast. At that time, the owners of the Collins Mansion said there would be ample parking. There was no mention of it being used for weddings or receptions. There is no off-street parking. Both sides of the street are filled with parking. He could not park in front of his house. He asked if the owners have been illegally holding weddings and receptions.

Mr. Rangel responded that the owners received approval for the bed and breakfast. The nature of that operation is different from the nature of what is being proposed under a community center, which is allowing for receptions, wedding parties, etc. In essence, they have been doing the receptions and other activities without a permit for about eight years.

Mr. Kuether further stated his opposition because of the lack of parking.

PUBLIC COMMENTS

There were no public comments.

PETITIONER'S RESPONSE

Mr. Hengenius said in terms of the illegality, it was his understanding that the zoning prior to the new zoning code did not prohibit the events taking place. But, the new code was why they had to apply for the conditional use permit. They have only been in the building for two weeks and have not had the opportunity to meet their new neighbors. He understands the neighbor's concerns. He has room for 18 cars on his side of the street. He will work with his clients to insure they park on his property or in the street abutting the Mansion. He has visited with Ms. Kim Johnson, Parking Supervisor, about how to add parking to his property and will continue to work with her. He said they are looking forward to making things better as well as keeping business coming into Great Falls.

Mr. Harding asked how Mr. Hengenius felt about the staff's conditional recommendation. Mr. Hengenius replied he met with Ms. Johnson last week and she suggested pursuing the use of the school parking lot within one-half block of the Mansion, which he intends to do.

Mr. Bronson asked if Mr. Hengenius understood that if the Board recommends approval in accordance with staff's conditions, a conditional use permit would not be issued until a plan is put in place for some type of off-street parking. Mr. Hengenius understood.

Mr. Roberts asked if most of the functions were before or after dinner. Mr. Hengenius replied that he thought they were 50-50. He added their main concern was the bed and breakfast and the community center activities were supplemental to help sustain the Mansion.

Mr. Roberts said that prior to the hearing he drove by the property and noted there wasn't a single car parked on the streets in the immediate area. He felt the problem of crowded parking was not a daytime problem but an evening problem.

There was further discussion about the parking including off-street parking in the neighborhood by property owners and making additional parking on Mr. Hengenius' property.

PLANNING BOARD DISCUSSION & ACTION

Mr. Schaffer said he was glad to see the condition for an approved parking plan in place because parking is going to be an issue. He asked that when a business is operated out of a residence or home, if it is required that a safety certificate be obtained along with signatures of immediate surrounding property owners.

Mr. Bronson replied signatures were not required for a safety certificate.

Mr. Rangel added that a home based business license is a home occupation and is different from a bed and breakfast or this type of community center. The community center operation does not require signatures from the neighbors.

Mr. Bundtrock said that as long as the conditions were met, he didn't see a problem with the conditional use.

MOTION: That the Planning Board recommend to the City Commission that a conditional use be granted to allow the Collins Mansion on Lots 12 – 14, Block 28, West Great Falls Addition, to serve as a community center provided the applicant enters into an agreement with the City agreeing:

- a) that first and foremost the primary use of the property shall be as a single family residence, with the bed and breakfast and community center operations being considered secondary or accessory in nature; and,
- b) to prepare and formulate a formal off-street parking plan satisfactory to the City Community Development Parking Supervisor.

Made by: Mr. Bundtrock

Second: Mr. Roberts

Vote: The motion carried unanimously.

Mr. Walters said the Planning Board is advisory to the City Commission. Staff will draft the agreement containing the two provisions and once that is completed, forward the agreement and the Board's recommendation to the City Commission. This request will have to go through two readings, one month apart, before the City Commission and the applicant can continue working with the Parking Supervisor on the parking arrangement.

ADJOURNMENT

The hearing adjourned at 3:37 P.M.

PRESIDENT

SECRETARY

CITY OF GREAT FALLS, MONTANA

AGENDA # 3

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

DATE January 17, 2006

ITEM Ord. 2926, Amending Title 15, Chapter 15.30, Section 15.30.051, Pertaining to the Medical Gas Requirements

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Ord. 2926 on Final Reading

PREPARED BY Jeff Jenkins, Building Official

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

- - - - -

RECOMMENDATION:

Staff recommends the City Commission adopt Ordinance 2926 on final reading.

MOTION:

I move to adopt Ordinance 2926 on final reading.

SYNOPSIS:

The change is editorial in nature by deleting the edition year of the code.

BACKGROUND:

State law mandates that certified jurisdictions adopt the same code editions as those adopted by the State. We comply with this requirement through administrative action. We have adopted the 2003 Uniform Plumbing Code which references the **current** edition of the NFPA 99C Gas and Vacuum Systems. The code development cycle is three years. Substituting the word “current” in place of the edition year in the municipal ordinance will eliminate taking the commission’s time to change a date every three years.

ORDINANCE NO. 2926

AN ORDINANCE AMENDING TITLE 15,
CHAPTER 15.30.051 OF THE OFFICIAL CODES
OF THE CITY OF GREAT FALLS, MONTANA,
PERTAINING TO MEDICAL GAS
REQUIREMENTS CODE

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

WHEREAS, the City of Great Falls is a certified code enforcement jurisdiction registered
with the State of Montana; and

WHEREAS, the codes adopted by the City of Great Falls are applicable to all structures
within the incorporated city limits; and

WHEREAS, the City of Great Falls is mandated to adopt the same code editions with the
same amendments as those adopted by the State.

Section 1. That Title 15, OCCGF, Chapter 15.30, Section 15.30.051, pertaining to the
Medical Gas Requirements Code, be amended as depicted in Exhibit A in its entirety, which
removes any language indicated by a strike-out code, and adds any language which is in bold type.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this 17th day of January, 2006.{PRIVATE }

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. 2926 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 17th day of January, 2006, and approved by the Mayor of said City on the 17th day of January, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 17th day of January, 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 17th day of January, 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. 2926 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 January 17, 2006

ITEM Wadsworth Park Leases

INITIATED BY Golden Triangle Sporting Dog Club; Great Falls Saddle Club; Electric City Archers; Missouri River Shooters

ACTION REQUESTED Conduct Public Hearing and Approve Leases

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

- - - - -

RECOMMENDATION:

Staff recommends that the City Commission conduct a public hearing and barring sufficient protest approve the leases for Wadsworth Park with the Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers, and Missouri River Shooters.

MOTION:

“I move the City Commission approve the leases of Wadsworth Park with the Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers, and Missouri River Shooters.”

SYNOPSIS:

As required by Title 3, Chapter 12, OCCGF, before final consideration of lease of City property, the City Commission shall hold a public hearing to receive comment regarding such a lease.

The Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers, and Missouri River Shooters have requested the City continue their leases of Wadsworth Park. The two year leases include an increase in fee for Golden Triangle Sporting Dog Club from \$150 to \$225 per year; Great Falls Saddle Club from \$250 to \$375; Electric City Archers from \$100 to \$150; and Missouri River Shooters from \$120 to \$180. All leases are modified with a renewable clause up to a maximum of two additional years.

BACKGROUND:

In 1998 the City Commission approved Resolution 9873, Wadsworth Park Master Plan. It was recommended at that time that “all existing leases continue in Wadsworth Park, renewable on a year to year basis, until the City is ready to begin actual physical implementation of the Master Plan”.

On September 5, 1997, the City Commission approved a five (5) year lease for portions of Wadsworth Park. On September 2000, those leases were all renewed on a year to year basis up to a maximum of five (5) years. All Wadsworth Park leases have expired September 30, 2005.

With proposed improvements to Wadsworth Park it is recommended that the leases be awarded for two years with a two year renewable clause. This will allow time for the City to secure financing through grants and cooperative agreements to support improvements.

The Park & Recreation Board, at its September 21, 2005 Board Meeting, recommended that the leases be renewed for two years with a year to year renewable clause for an additional two years.

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

DATE January 17, 2005

ITEM Resolution 9545 Golf Fees

INITIATED BY Park & Recreation Department & Golf Advisory Board

ACTION REQUESTED Conduct Public Hearing and Approve Resolution 9545

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

- - - - -

RECOMMENDATION:

Staff recommends the City Commission conduct a public hearing and approve Resolution 9545 Golf Fees.

MOTION:

“I move the City Commission conduct a public hearing and approve Resolution 9545 Golf Fees.

SYNOPSIS:

The City Commission is asked to conduct a public hearing on Resolution 9545 to hear comments regarding the attached proposed fees. Resolution 9545 would repeal Resolution 9352 and set fees for the 2006 golf season.

City staff’s recommendations are based on the Operational Review and Recommendations Report prepared by the National Golf Foundation (NGF). In addition to the fees recommended by NGF, staff is proposing a season cart rental pass in the amount \$600. Richard Singer of NGF was consulted on the addition of the season cart rental pass and recommended that it be added to the list of fees. All season passes (greens fees, cart rental and trail fee) will be valid March 15 through October 31.

The Park & Recreation Advisory Board voted to support staff recommendations on proposed golf fees at their December, 12, 2006 meeting

The Golf Advisory Board approved season passes, punch cards, daily greens fees, daily trail fees, and cart rental fees as recommended by NGF and City staff at their December 19 Board Meeting.. The Board did not approve the recommended season trail fee, cart storage fees, or tournament fees. The Board recommended phasing in the fees as follows:

- Season Trail Fee: \$290 in year 2006, \$340 in year 2007, and \$390 in year 2008.
- Gas Cart Storage: \$220 in year 2006, \$295 in year 2007, and \$375 in year 2008.
- Electric Cart Storage: \$300 in year 2006, \$375 in year 2007, \$450 in year 2008.

In addition, the Board made the following recommendations for golf tournament fees:

Board Recommendation:

\$150 Fee (non-refundable)

\$5.00 per player assessment

Season Passes Honored

Greens Fees:

Anaconda Hills:

\$16 weekdays, \$19 weekends

Eagle Falls:

\$18 weekdays, \$22 weekends

Staff Recommendation:

\$150 Deposit (refundable)

N/A

No Season Passes

Tournament Greens Fees: (all pay)

Anaconda Hills:

\$16 weekdays, \$19 weekends

Eagle Falls:

\$18 weekdays, \$22 weekends

In addition, the Golf Advisory Board recommended that the State Two Man Best Ball Tournament hosted by the Men's Association not be charged the regular fees for tournaments. They recommended that they be charged the Board proposed \$5.00 per player assessment fee and the \$150 tournament fee only. No players would be charged for green fees whether they had a season pass or not.

NGF recommended eliminating the \$150 tournament fee and replacing it with a per person charge. The per person charge would be based on tournament size, course, day and time. The charge is in addition to green fees (Anaconda Hills: \$21 weekdays, \$25 weekends; Eagle Falls, \$24 weekdays, \$29 weekends). NGF recommended that all players pay full green fees (no season passes honored). In addition, 50% of the tournament fee (based on person charge) would be due when submitting tournament application. The minimum deposit would be \$50. 50% of the deposit fee would be non-refundable upon cancellation.

BACKGROUND:

The City issued a Request for Proposals for a Golf Course Management and Operations Study July 1, 2005. Three proposals were received and reviewed by the Selection Committee. It was the unanimous opinion of the committee that the proposal submitted by NGF was the best proposal that would meet the needs and provide the requested information for the City of Great Falls. The City Commission approved the contract with National Golf Foundation to perform a Management and Operations Study of the City golf course operation on September 6, 2005.

On Tuesday, December 6, 2005, Richard Singer of NGF made a presentation on the Operational Review and Recommendations Study at the City Commission Work Session. The proposed fees are a part of the recommendations found in NGF's report.

The City golf courses are currently operating at a deficit. In addition, there is not enough revenue being generated to meet bond covenants. Both of these factors are very serious and could jeopardize the future of the City-run courses. These funds have been monitored closely; expenses have been controlled and modest fee increases have been implemented. Last fall, the City took further steps to reduce expenses including: elimination of the golf superintendent position, recalculation of the personnel budget, reduction in temporary hours, operating cost reductions, and deferment of both principal and interest on internal debt for a yearly savings of \$160,774. It is imperative that further changes/improvements are implemented to improve the financial health of the golf courses. The study was solicited to provide the City staff and City Commission a professional perspective with statistical basis.

RESOLUTION 9545

Amended

**A RESOLUTION TO ESTABLISH GOLF FEE RATES FOR
EAGLE FALLS GOLF CLUB AND ANACONDA HILLS GOLF COURSE**

NOW THEREFORE, BE IT RESOLVED BY THE GREAT FALLS CITY COMMISSION THAT: All past fee structures for green fees, cart storage, yearly and daily trail fees and cart rental as established in Resolution 9352 hereby amended.

AH: Anaconda Hills Golf Course		EF: Eagle Falls Golf Club			
	AH	EF	Joint	weekdays	anytime
SEASONAL PASS					
Adult Full Season Pass	400.00	450.00	525.00		
Adult Full Couple Season Pass	750.00	825.00	950.00		
Adult Restricted Season Pass	300.00	350.00	400.00		
Adult Restricted Couple Season Pass	550.00	625.00	700.00		
Junior Full Season Pass	190.00	200.00	225.00		
Junior Restricted Season Pass	150.00	160.00	170.00		
Family Season Pass					
PACKAGE GREEN FEE					
Anaconda 10 play 18 hole package (Get 10 for price of 9)				189.00	202.00 215.00
Anaconda 10 play 9 hole package (Get 10 for price of 9)				117.00 122.00	126.00 130.00
Anaconda or Eagle Falls 10 play 18 hole package (Get 10 for price of 9)				202.00 215.00	216.00 250.00
Anaconda or Eagle Falls 10 play 9 holes package (Get 10 for price of 9)				126.00 130.00	133.00 145.00
TRAIL FEE					
Daily Trail Fee					12.00
Season Trail Free			250.00 390.00		
CART STORAGE FEE					
Storage Cart Gas		220.00 375.00			
Storage Cart Electric		250.00 425.00			
	AH	EF	AH	EF	
	weekday	weekday	weekend	weekend	anytime
GREEN FEES					
18 Hole Green Fee	21.00	24.00 24.00	24.00 25.00	27.00 29.00	
9 Hole Green Fee (60% of 18 hole green fee)	13.00 14.00	15.00	15.00	16.00 17.00	
Junior Green Fee 18 Hole (18 holes for the price of 9)	13.00 11.00	15.00 12.00	15.00 19.00	16.00 22.00	
GREEN FEE SPECIALS					
Weekday Swing Time 1:00-4:00	16.00	18.00			
Weekend Swing Time 3:00-on			19.00	22.00	
Swing Time Cart Rental Per Person*			*9.00	*9.00	
CART RENTAL					
Cart Rental 9 Hole Per Person*					*7.00
Cart Rental 18 Hole Per Person*					*12.00
Annual Cart Pass					600.00

TOURNAMENT					
Tournament Fee 29+ Players (non-refundable deposit)					100.00 150.00
Tournament Green Fee 18 Hole for Season Pass holders only	14.00 19.00	14.00 22.00			
Tournament Green Fee 9 Hole for Season Pass holders only	8.00 12.00	8.00 14.00			

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

Peggy J. Bourne, City Clerk

Dona R. Stebbins, Mayor

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 9545, was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 7th day of February, 2006, and approved by the Mayor of said City, on the 7th day of February, 2006.

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

(Seal of City)

Peggy J. Bourne, City Clerk

2006 PROPOSED GOLF FEES

Description	NGF Proposed					Staff Recommends					Current
	AH	EF	Joint	weekdays	anytime	AH	EF	Joint	weekdays	anytime	
Adult Full Season Pass	400.00	450.00	525.00			400.00	450.00	525.00			450.00
Adult Full Couple Season Pass	750.00	825.00	950.00			750.00	825.00	950.00			850.00
Adult Restricted Season Pass	300.00	350.00	400.00			300.00	350.00	400.00			340.00
Adult Restricted Couple Season Pass	550.00	625.00	700.00			550.00	625.00	700.00			630.00
Junior Full Season Pass	190.00	200.00	225.00			190.00	200.00	225.00			215.00
Junior Restricted Season Pass	150.00	160.00	170.00			150.00	160.00	170.00			165.00
Family Season Pass	1,000.00	1,075.00	1,200.00								1200.00
Anaconda 10 play 18 hole package				189.00	215.00				189.00	215.00	220.00
Anaconda 10 play 9 hole package				122.00	130.00				122.00	130.00	135.00
Anaconda or Eagle Falls 10 play 18 hole package				215.00	250.00				215.00	250.00	220.00
Anaconda or Eagle Falls 10 play 9 holes package				130.00	145.00				130.00	145.00	135.00
Daily Trail Fee					12.00					12.00	12.00
Season Trail Fee	390.00	390.00						390.00			220.00
Storage Cart Gas		375.00					375.00				145.00
Storage Cart Electric		425.00					425.00				200.00
Description	NGF Proposed					Staff Recommends					Current
	AH	EF	AH	EF	anytime	AH	EF	AH	EF	anytime	
	weekday	weekday	weekend	weekend		weekday	weekday	weekend	weekend		
18 Hole Green Fee	21.00	24.00	25.00	29.00		21.00	24.00	25.00	29.00		25.00
9 Hole Green Fee	13.50	15.00	15.00	17.00		14.00	15.00	15.00	17.00		15.00
Junior Green Fee 18 Hole						11.00	12.00	19.00	22.00		11.00
Weekday Swing Time 1:00-4:00pm	15.50	17.50				16.00	18.00				
Weekend Swing Time 3:00-on			19.00	22.00				19.00	22.00		15.00
Swing Time Cart Rental Per Person*								*9.00	*9.00		13.00
Cart Rental 9 Hole Per Person*					*7.00					*7.00	13.00
Cart Rental 18 Hole Per Person*					*12.00					*12.00	20.00
Season Cart Pass										600.00	600.00
TOURNAMENTS											
Tournament Fee 29+ Players	**see	**see				150.00	150.00				150.00 not
Refundable deposit	below	below				refundable	refundable				refundable
Tournament Fee Per Player											
Tournament Green Fee 18 Hole	21.00	24.00				19.00	22.00				
Tournament Green Fee 9 Hole	14.00	15.00				12.00	14.00				

***Tournament Fee: NGF recommends eliminating the \$150 tournament fee and replacing with a per person charge. The charge is in addition to green fees. The fee is based on tournament size, golf course, day, and time of tournament. 50% of tournament fee is due when submitting tournament application. Deposit would equal 50% of tournament fee, minimum of \$50. 50% of deposit fee is non refundable upon cancellation.*

*Fee applies per person.

AGENDA REPORT

DATE January 17, 2006

ITEM Consultant Services for Request for Proposals For Golf Course Management

INITIATED BY Park & Recreation Department

ACTION REQUESTED Award Contract Addendum

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

- - - - -

RECOMMENDATION:

It is recommended that the City Commission approve the contract addendum with National Golf Foundation to prepare a formal Request for Proposals for services related to the management and operation of the City's two municipal golf courses.

MOTION:

"I move the City Commission approve the contract addendum with National Golf Foundation to prepare a Request for Proposals for management of the City golf course operation and authorize the City Manager to execute the agreement."

SYNOPSIS:

National Golf Foundation will prepare a formal Request for Proposals for services related to the management and operation of the City's two municipal golf courses. The lead NGF consultant will work with City staff to define the terms and then prepare an RFP document for the City's use in selecting a firm or individual to manage the City's golf courses. NGF will provide consultant services as required throughout the process, as well as the production of the actual RFP. The cost of National Golf Foundation's services will be \$125 per hour, with a total not-to-exceed price of \$5,000, plus reimbursement for any direct expenses incurred. All work will be performed from NGF's office in Jupiter, Florida. If travel to Great Falls and additional hours are required as a result, the total may exceed the \$5,000 cap.

BACKGROUND:

The city awarded the contract for a Golf Course Management and Operations Study to National Golf Foundation on September 6, 2005. Richard Singer of NGF made a presentation to the City Commission on the final report at the December 6, 2005 City Commission Work Session. City staff has been working on a plan for implementing the recommendations made by NGF. Staff has broken the recommendations down in to five basic categories: 1) Point of sales system and controls, 2) Marketing and advertising, 3) Fees, 4) Management structure, and 5) Capital improvements. Staff is taking steps to implement the recommendations in the first three items as quickly as possible. The last two items, management structure and capital improvements, will take longer and will involve more

public discussion. However, plans are moving forward to work on these two items. The proposed RFP for management of the golf courses is a beginning step to look at the management structure of the golf courses.

The City golf courses are currently operating at a deficit. In addition, there is not enough revenue being generated to meet bond covenants. Both of these factors are very serious and could jeopardize the future of the City-run courses. These funds have been monitored closely; expenses have been controlled and modest raises in fees have been implemented. Last fall, the City took further steps to reduce expenses including: elimination of the golf superintendent position, recalculation of the personnel budget, reduction in temporary salaries, operating cost reductions, and deferment of both principal and interest on internal debt for a yearly savings of \$160,774. It is imperative that further changes/improvements are implemented to improve the financial health of the golf courses.

Attachments: Contract (Not available on-line; on file in City Clerk's office.)

AGENDA REPORT

DATE January 17, 2006

ITEM RESOLUTION 9543 TO LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS

INITIATED BY FISCAL SERVICES DEPARTMENT

ACTION REQUESTED ADOPT RESOLUTION 9543

PREPARED BY JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY COLEEN BALZARINI, CITY CONTROLLER

~~-R-E-V-I-S-E-D-~~

RECOMMENDATION

Staff recommends adoption of Resolution 9543 to assess the cost of removal and disposal of nuisance weeds to owners of properties listed on **Revised** Exhibit A and included with Resolution 9543.

MOTION

“I move to adopt Resolution 9543 as revised.”

SYNOPSIS

Resolution 9543 will assess costs incurred by the City in removing nuisance weeds from private properties during 2005. The individual properties are listed on **Revised** Exhibit A.

BACKGROUND

In accordance with the City of Great Falls Municipal Code 8.44.040, property owners were notified in writing of weed violations. Determinations of the existing violations were made by the City Weed Inspector. Re-inspections confirmed the weeds had not been removed and were subsequently cut by City crews. Property owners have been billed for the charges numerous times and payment has not been received.

During the spring and summer season of 2005, 2660 notices of weed violations were mailed to individual property owners. After re-inspections and subsequent cutting by City crews, 57 property owners were billed for the costs associated with the removal of those weeds. **Revised** Exhibit “A” lists the 33 **(payment received from one property owner)** 32 remaining property owners to be assessed for non-payment after numerous billings.

Section 7-22-4101, MCA, authorizes the City Commission to levy the cost of removing nuisance weeds against the properties if payment is not made.

Cc: Debbie Kimball, Program Specialist

RESOLUTION 9543

A RESOLUTION LEVYING AND ASSESSING THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS IN THE CITY OF GREAT FALLS, MONTANA DURING CALENDAR YEAR 2005.

WHEREAS:

- A. The properties listed on the attached **Revised** Exhibit A were issued a notice of weed violation; and,
- B. After due notice and re-inspection, the weeds had not been removed and were subsequently cut by the City.

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

- 1. The costs of said weed removal and disposal are hereby assessed upon the aforementioned properties in accordance with City of Great Falls Municipal Code 8.44.040 and Section 7-22-4101, MCA.
- 2. The description of each lot or parcel of land which is hereby levied upon and assessed, with the name of the owner, the amount of each assessment to be made, is as set out in the Assessment List, attached as **Revised** Exhibit A, which said list is incorporated herein and made a part of this Resolution by this reference.

PASSED by the Commission of the City of Great Falls, Montana, on this 17th day of January 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy 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 Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9543 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 17th day of January, 2006, and approved by the Mayor of said City on the 17th day of January 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17th day of January 2006.

Peggy Bourne, City Clerk

(SEAL OF CITY)

EXHIBIT "A" **REVISED** - Resolution #9543

TO COUNTY FOR LIEN FILING ON NUSIANCE WEEDS REMOVAL - CALENDAR YEAR 2005

	PARCEL #	LOT	BLOCK	SUB-DIV.	PARCEL ADDRESS	PARCEL OWNER	TYPE	TOTAL CHARGE
1	24350	2	113	GF11	2304 8th Ave N	Wenzel, Belva	Weeds	200.00
2	36950	9	127	GFO	921 7th Ave N	Gardenhire, David G.	Weeds	200.00
3	49650	4	143	GF3	1514 7th Ave N	Deronda, Timothy J. & Kimberly J.	Weeds	400.00
4	76850	5	184	GFO	716 6th Ave N	McGee, Chad & Brooke	Weeds	500.00
		S50' 1 - S50' of						
5	123050	W1/2 Lot 2	256	GFO	213 7th St N	Walton, Francis A Trust	Weeds	400.00
6	125250	1 - W2' Lot 2	259	GF1	1000 3rd Ave N	Northwest Seminars Inc.	Weeds	600.00
7	125450	W 1/2 Lot 4	259	GF1	1012 3rd Ave N	US Bank National Association ND	Weeds	500.00
8	141050	9	283	GF12	2921 1st Ave N	Moore, Barry E.	Weeds	200.00
9	197350	10	376	GFO	917 2nd Ave S	Friese, Betty J.	Weeds	600.00
10	219800	S75' of Lot 8 N1/2 of E4.85' 6 -	409	GFO	925 3rd Ave S	Huntsberger, Penny M.	Weeds	300.00
11	220600	N1/2 Lot 7	410	GFO	826 2nd Ave S	Mullins, Daniel G.	Weeds	200.00
12	229800	W 1/2 Lot 12	425	GFO	909 4th Ave S	Federal Home Loan Mortgage Corporation	Weeds	200.00
13	243500	7	458	GFO	624 5th Ave S	Leferink, Richard J. & Kathleen J.	Weeds	200.00
14	256600	3	480	GFO	308 7th Ave S	Bowers, Ronald R.	Weeds	500.00
15	263800	4	489	GF1	1214 7th Ave S	Citifinancial Inc.	Weeds	500.00
16	285650	2	554	GF6	320 3rd Ave SW	Cummings, Casey	Weeds	600.00
17	289000	14	558	GF6	725 4th Ave SW	Peterson, Joshua L.	Weeds	300.00
18	314150	11	607	GF5	1115 Central Ave W	Myhre Advertising	Weeds	400.00
19	440200	15	5	BO1	1613 5th Ave NW	Williams, Marty D & Deborah K	Weeds	200.00
20	440300	16	5	BO1	1617 5th Ave NW	Williams, Marty D & Deborah K	Weeds	200.00
21	440400	17	5	BO1	1621 5th Ave NW	Williams, Marty D & Deborah K	Weeds	200.00
22	440500	18	5	BO1	1625 5th Ave NW	Williams, Marty D & Deborah K	Weeds	200.00
23	450700	19	9	BO1	1215 7th Ave NW	Ward, Kenneth & Barbara	Weeds	350.00
24	452900	11	10	BO1	1418 8th Ave NW	Cascade County	Weeds	400.00
25	459100	7 - 8	13	BO1	1235 8th Ave NW	Greer, Richard L. Etal	Weeds	1,100.00
26	541900	8	18	CET	3025 5th Ave S	Secretary of Housing & Urban Development	Weeds	800.00
27	717600	17A		CRU	1023 1st Ave NW	Rea, Sunnye J	Weeds	200.00
28	761300	S 1/2 Lot 5	2	FAI	1824 6th St NW	Rodriquez, Louis A & Patricia G.	Weeds	600.00
29	1506900	16	9	SHE	1506 16th St S	Walton, Frances A Living Trust	Weeds	500.00
30	1732500	8	1	TY1	213 14th Ave S	Nowacki, Joseph E	Weeds	200.00
31	1734200	7	3	UNA	1416 13th Ave SW	Blasiak, Chester	Weeds	200.00
32	1847600	2	3	WHS	1912 W Hill Pl	Secretary of Housing & Urban Development	Weeds	600.00
33	1897852	IN NENW Sec 15 Twnship 20, R3E	Mark M		1501 13th Ave SW	Lindseth, Ronald A Etal	Weeds	600.00
TOTAL								\$12,650.00

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PRESENTATION OF THE COLORS: Boy Scout Troop 26

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, Acting Police Chief, Fire Chief, Acting Director Park and Recreation, and the City Clerk.

PROCLAMATION: Martin Luther King Day Celebration

PUBLIC HEARINGS

NRT 7 B1 L4 (portion). Land exchange with Sletten Ranch. Approved.

- 1. LAND EXCHANGE, NORTH RIVERVIEW TERRACE, SECTION 7, BLOCK 1, LOT 4.
- 1A. AMENDED PLAT, NORTH RIVERVIEW TERRACE, SECTION 7, BLOCK 1, LOTS 1 AND 4.

Amended Plat, NRT 7, B1, L1&4. Approved.

City Manager John Lawton reported that the City was assisting the Animal Foundation of Great Falls in identifying a location for its proposed animal shelter facility. A suitable site located near the existing animal control facility was identified. Because the lot did not have straight lot lines, staff proposed the land exchange and the amended plat. The land exchange involves trading 55 feet of property on the west side of Lot 4, of the Amended Plat of Block 1, North Riverview Terrace—Section 7 for approximately 55 feet of land of the east side which was owned by Robert Sletten. The amended plat adjusts the particular boundaries accordingly. Language in a Memorandum of Understanding between the City and the Animal Foundation of Great Falls, previously approved by the City Commission, outlined these two items.

Mayor Stebbins declared the public hearing open. No one spoke in opposition to or in support of the proposed land exchange and amended plat. Mayor Stebbins closed the public hearing.

Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission approve the land exchange with Robert Sletten and authorize the Mayor to sign the deed.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Beecher that the Commission approve the amended plat of Lot 1 and Lot 4, of Block 1, North Riverview Terrace—Section 7.

Motion carried 5-0.

NEW BUSINESS

ORDINANCES AND RESOLUTIONS

**Ord. 2926,
Amending OCCGF
15.30.51 pertaining
to medical gas
requirements.
Accepted on first
reading and set
public hearing for
January 17, 2006.**

**2. ORDINANCE 2926, AMENDING OCCGF 15.30.51
PERTAINING TO MEDICAL GAS REQUIREMENTS.**

Community Development Director Mike Rattray reported that State law requires certified jurisdictions to adopt the same code editions as those adopted by the State. The City complies with this requirement through administrative action. The City adopted the 2003 Uniform Plumbing Code which references the current edition of the NFPA 99C Gas and Vacuum Systems. However, the City code book states that the City uses the 1999 edition of the NFPA 99C Gas and Vacuum Systems. Since the code development cycle is three years. Substituting the word "current" in place of the edition year in the municipal ordinance will eliminate taking the commission's time to change a date every three years.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission accept Ordinance 2926 on first reading and set the public hearing for 7:00 p.m., January 17, 2006.

Motion carried 5-0.

**Ord. 2927, City
zoning for Castle
Pines Add., Phase
III. Accepted on
first reading and set
public hearing for
February 7, 2006.**

**3. ORDINANCE 2927, ESTABLISHING CITY ZONING UPON
CASTLE PINES ADDITION, PHASE III.**

Planning Director Ben Rangel reported that upon annexation Ordinance 2927 would assign a zoning classification of R-3 Single-family high density district, to Castle Pines Addition, Phase III. The proposed development consists of 16 single-family residential lots located in the vicinity of 27th Avenue South and 15th Street South.

In September 2005 the City Commission conditionally approved the preliminary plat of Castle Pines Phase III, a 16 lot single family residential subdivision located in the vicinity of 27th Avenue South and 15th Street South.

Neighborhood Housing Services (NHS) is working with NeighborWorks to acquire at least twelve and possibly all sixteen of the lots in the subdivision to accommodate construction of self-help homes. Funding arrangements stipulate the homes be constructed outside the city limits, but NHS indicated once the homes were completed and ready for occupancy, they could be annexed. Therefore, although the subdivision and annexation would be processed simultaneously, upon filing the final

plat, the lots will be sold, homes constructed and infrastructure installed, with annexation becoming effective when the homes are ready for occupancy.

The Planning Board, at the conclusion of a public hearing held August 9, 2005, unanimously recommended the City Commission assign a zoning classification as recommended.

Commissioner Hinz moved, seconded by Commissioners Rosenbaum and Beecher, that the City Commission accept Ordinance 2927 on first reading and set a public hearing for February 7, 2006, to consider adoption of Ordinance 2927.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

4. Minutes, December 20, 2005, Commission meeting.
5. Total expenditures of \$1,720,731 for the period of December 14-21, 2005, to include claims over \$5,000 in the amount of \$1,564,935.
6. Contracts list.
7. Set public hearing for January 17, 2006, on Resolution 9545, pertaining to golf fees.
8. Set public hearing for January 17, 2006, on Wadsworth Park Leases with Golden Triangle Sporting Dog Club, Great Falls Saddle Club, Electric City Archers and Missouri River Shooters.
9. Release of the North Park Property Management Agreement.
10. Labor agreement with the International Brotherhood of Electrical Workers, Local 233.

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

Motion carried 5-0

BOARDS AND COMMISSIONS

**Electric City
Power Inc., Board
of Directors.
Appointed
Pancich, Golie,
Gray, Willey and
Ryan.**

11. ELECTRIC CITY POWER INC., BOARD OF DIRECTORS APPOINTMENTS.

City Manager John Lawton reported that on November 1, 2005, the City Commission adopted Ordinance 2925 which restructured Electric City Power, Inc., as a non-profit organization. On November 15, 2005, the City Commission adopted Resolution 9529 - the Articles of Incorporation and Resolution 9530 - the Bylaws. The Bylaws state that the five member Board of Directors shall be appointed by the City

Commission and that the term of office will be six years, with initial appointments to be staggered terms.

Commissioner Hinz moved, seconded by Commissioner Rosenbaum that the City Commission make the following appointments to the Electric City Power, Inc., Board of Directors: Bob Pancich for a two-year term through December 31, 2007; George Golie for a four-year term through December 31, 2009; Randy Gray for a four-year term through December 31, 2009; Dawn Willey for a six-year term through December 31, 2011; and William Ryan for a six-year term through December 31, 2011.

Motion carried 5-0.

NEIGHBORHOOD COUNCILS

Public Power Meetings scheduled.

13A. Robert Stubbs, Neighborhood Council 4, announced that the Neighborhood Councils will be hosting three public meetings pertaining to power issues. He stated that Mr. Lawton, Coleen Balzarini and Cheryl Patton would be the presenters and that the meetings will be held on January 5 at East Middle School; February 2 at West Elementary School and February 22 at Great Falls High. He thanked Neighborhood Council Coordinator Patty Cadwell for organizing the meetings and encouraged everyone to attend.

Weissman pollution.

13B. John "Angry" Hubbard, explained that he was going to repeat the presentation he made at the December 20, 2005, Commission meeting because the cameras were turned off and the public did not have a chance to hear it. Mayor Stebbins asked him what he thought the Commission could do regarding his issues with Mr. Weissman. Mr. Hubbard explained he wanted to explain how he lost his arm at this meeting that was televised because a lot of people ask him. Mayor Stebbins explained that this meeting was not the proper venue for that. Mr. Hubbard stated he wanted everyone in Great Falls to know how much pollution Mr. Weissman has caused.

CITY COMMISSION

Appointed Hinz as Mayor Pro-Tempore.

15. MAYOR PRO-TEMPORE

The City Charter states that the Mayor Pro Tempore shall serve in the absence of the elected Mayor. The City Commissioners shall elect from among themselves a Mayor Pro Tempore no later than one month after taking office. The Mayor Pro Tempore shall serve a term of two years or until the City Commission has held an election. Any vacancy in this

office shall be filled by a special election among the remaining City Commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term which the vacancy occurred.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission appoint Commissioner Sandy Hinz to serve as Mayor Pro Tempore for a two year term effective immediately.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

Public comment at meetings.

17. Herb Soboczek, 121 11th Street NE, noticed that the Mayor did not ask for public comment on agenda items 2 – 11. Mayor Stebbins stated she thought she had asked for public comment and apologized explaining that this was the first time she presided at a Commission meeting.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of January 3, 2006 adjourned at 7:32 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 DECEMBER 28, 2005	425,737.83
MASTER ACCOUNT CHECK RUN FOR JANUARY 4, 2006	198,500.18
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 3, 2006	62,501.00
WIRE TRANSFERS FROM DECEMBER 28, 2005 THRU JANUARY 4, 2006	<u>1,125,939.44</u>
TOTAL: \$	<u><u>1,812,678.45</u></u>

GENERAL FUND

CITY COMMISSION

CASCADE COUNTY ELECTION DEPT	GENERAL ELECTION 11/8/05	28,441.09
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SPECIAL REVENUE FUND

LIGHTING DISTRICT

NORTHWESTERN ENERGY	DECEMBER CHARGES	60,201.13
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STREET DISTRICT

UNITED MATERIALS	PMT#3-CENTRAL AVE WMR-SPLIT	6,676.30
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HOME GRANTS

NEIGHBORHOOD HOUSING SERVICES	HOME ALLOCATION-ADDI	68,698.53
WADSWORTH BUILDERS CO INC	HOME ALLOCATION-EAGLE PROP	8,900.00

DEBT SERVICE

SID BONDS

US BANK NA	DEBT SERVICE PAYMENT	10,300.00
US BANK NA	DEBT SERVICE PAYMENT	11,225.00
US BANK NA	DEBT SERVICE PAYMENT	17,131.25
US BANK NA	DEBT SERVICE PAYMENT	49,462.50
US BANK NA	DEBT SERVICE PAYMENT	49,725.00

CAPITAL PROJECTS

GENERAL CAPITAL

UNITED MATERIALS	PMT#11-EAGLE FALLS PARKING LOT	7,226.75
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CITY LIGHTING CONSTRUCTION

NORTHWESTERN ENERGY	SID 1302 MEADOWLARK #3	15,633.00
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ENTERPRISE FUNDS

WATER

US BANK NA	DEBT SERVICE PAYMENT	109,280.00
UNITED MATERIALS	PMT#3-3RD ST NW & SMELTER WMR	34,418.38
UNITED MATERIALS	PMT#3-3RD-4TH & 5TH AVE S WMR	21,055.02
ANIXTER INC	FIBEROPTIC MULTIPLEXERS	5,196.27
UNITED MATERIALS	PMT#3-CENTRAL AVE WMR-SPLIT	17,497.00
NORTHWESTERN ENERGY	NOVEMBER CHARGES-SPLIT	5,824.37

SEWER

US BANK NA	DEBT SERVICE PAYMENT	410,400.00
UNITED MATERIALS	PMT#2-RIVERVIEW SANITARY SEWER	183,602.05
UNITED MATERIALS	PMT#3-RIVERVIEW SANITARY SEWER	19,768.25

STORM DRAIN

US BANK NA	DEBT SERVICE PAYMENT	157,027.96
US BANK NA	DEBT SERVICE PAYMENT	193,126.25

SANITATION

NORTHWESTERN ENERGY	NOVEMBER CHARGES-SPLIT	179.68
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ELECTRIC

DORSEY & WHITNEY	BOND LEGAL SERVICES	5,000.00
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SAFETY SERVICES

QWEST	PHONE CHARGES-SPLIT	6,268.28
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ENTERPRISE FUNDS(CONT)

PARKING

APCOA/STANDARD PARKING	JAN 2006 COMPENSATION	21,024.99
NORTHWESTERN ENERGY	NOVEMBER CHARGES-SPLIT	580.08

CIVIC CENTER

UPTOWN OPTIMISTS	TICKET PROCEEDS-BRITTA	5,986.58
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INTERNAL SERVICES FUND

CENTRAL COMMUNICATIONS

QWEST	PHONE CHARGES-SPLIT	850.08
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HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-12/21/05-12/27/05	33,072.98
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-12/28/05-12/31/05	60,699.66
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS-1/1/06-1/3/06	24,488.84

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	DIESEL FUEL	13,400.62
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PUBLIC WORKS

NORTHWESTERN ENERGY	NOVEMBER CHARGES-SPLIT	835.08
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PARK & RECREATION ADMINISTRATION

NORTHWESTERN ENERGY	NOVEMBER CHARGES-SPLIT	286.31
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MUNICIPAL COURT ACCOUNT

CASCADE COUNTY TREASURER	COURT SURCHARGES	11,195.00
CITY OF GREAT FALLS	FINES & FORFEITURES TRANSFER TO MASTER ACCOUNT	46,164.00

CLAIMS OVER \$5000 TOTAL: \$ 1,720,848.28

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

**AGENDA: 10
DATE: January 17, 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 Bourne City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works	CTA Architects	Present	Public Works	\$6,000	OF 1455 – Architect services for engineering division office expansion design.
B	Community Development	ACE Electric, Inc.	Present	Community Development	\$12,580	Purchase cash register for N. Parking Ramp

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

**AGENDA: 11
DATE: January 17, 2006**

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

PRESENTED BY: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Christopher K. Capozzoli, GF Townsite B136, L1.			\$636.65	Resolution 9448, for unpaid sewer, fire hydrant, storm drain and sanitation charges at 615 7 th Street North during calendar year 2005.
B	Fiscal Services	Lawhon, Everett, GF Townsite, B136 L1			\$500	Resolution 9451, for assessing the costs incurred removing nuisance weeds.
C	Fiscal Services	Hall, Scott T. GF Townsite B137 L9			\$500	Resolution 9451, for assessing the costs incurred removing nuisance weeds.
D	Fiscal Services	Fish, Andrew J Sunnyside Heights B10 L12			\$400	Resolution 9451, for assessing the costs incurred removing nuisance weeds.
E	Fiscal Services	DeShaw, Kevin &			\$200	Resolution 9358, for

		Monica GF 12 th Add., B107 L1				assessing the cost of removal and disposal of nuisance weeds during calendar year 2003.
F	Fiscal Services	Lawhon, Evett E GF Townsite B136 B1			\$200	Resolution 9358, for assessing the cost of removal and disposal of nuisance weeds during calendar year 2003.

CITY OF GREAT FALLS, MONTANA

AGENDA# 12

AGENDA REPORT

DATE January 17, 2006

ITEM APPROVE THE CERTIFICATE OF COMPLETION FOR \$12,100,000 SANITARY SEWERAGE SYSTEM REVENUE BONDS, DNRC REVOLVING LOAN PROGRAM, SERIES 2002B

INITIATED BY FISCAL SERVICES AND THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ACTION REQUESTED APPROVE CERTIFICATE OF COMPLETION

PREPARED BY MARTHA CAPPIS, OPERATIONS SUPERVISOR

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: Staff recommends approval of the Certificate of Completion

MOTION: "I move the City Commission approve the Certificate of Completion for the \$12,100,000 Sanitary Sewerage System Revenue Bonds, DNRC Revolving Loan Program, Series 2002B."

SYNOPSIS:

The Certificate of Completion is the final step in the DNRC process to close the loan on the Sanitary Sewerage System Revenue Bonds, Series 2002B. The funds were used to construct a new solids handling system at the wastewater treatment plant. The final draw request, dated 6/30/04, made the total borrowed amount \$11,295,267.

BACKGROUND:

On May 15, 2005 the City Commission approved Resolution 9228, which authorized the issuance and fixed the terms on \$12,100,000 Sanitary Sewerage System Revenue Bonds through the Montana Department of Natural Resources. Notice was sent to DNRC on December 23, 2004, stating that the project was complete and \$804,733 of unused funds be released back to the program. This Certificate will officially close this debt between the City and the DNRC. Repayment has already begun.

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

DATE January 17, 2006

ITEM Accept Deed of American Avenue, Sec. 10 & 11, T20N, R3E & Approve Revised Improvements Agreement for Emerald Green PUD

INITIATED BY Public Works Department & Planning Department

ACTION REQUESTED Accept American Avenue as Right-of-way & Approve Revised Agreement

PREPARED & PRESENTED BY Jim Rearden, Public Works Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission approve the following motion:

MOTION:

I move the City Commission accept the deed of right-of-way of the existing roadway, known as American Avenue, depicted on Exhibit A, from Jerry and Julie Bass and approve the attached revised Improvements Agreement for the Emerald Green PUD, authorizing the Mayor and/or City Manager and staff to execute the necessary documents.

SYNOPSIS:

The City has been trying for many years to obtain American Avenue as dedicated right-of-way. Jerry Bass and Julie Bass, as part of the conditions of the Jewel Addition Amended Plat and rezoning, negotiated a purchase of the right-of-way from Burlington Northern Santa Fe (BNSF). That purchase was completed on October 13, 2005. The Real Estate Purchase and Sales Agreement executed between BNSF and Jerry and Julie Bass specifies that: ‘Buyer (Bass) shall transfer, assign and dedicate this Property unto the City of Great Falls for its continued use as a public street and for utility purposes.’ By executing this warranty deed, the transfer of American Avenue to the City will be completed. The revised Improvements Agreement for the Emerald Green PUD has been revised to delete reference to a utility easement that no longer is necessary as a result of the deed for American Avenue.

BACKGROUND:

Jerry Bass and Julie Bass, owners of the Emerald Green Golf Course, initiated Ordinance No. 2903 which rezoned Lot 1, Block 1, Jewel Addition, from 1st Industrial, “D” Area District, to “PUD” Planned Unit Development District. At the same time (April 5, 2005), an amended plat of Lot 1 was approved. Lot 1 is 90 acres in area and is presently occupied by the Emerald Green Golf Course. The Amended Plat subdivided subject Lot 1 into three lots: one lot to accommodate 32 residential condominium units, a second lot for a proposed 64 unit assisted living facility and a third lot to accommodate the existing golf course and accessory uses.

One of the conditions of approval of the Emerald Green PUD was that, short of a dedication or deed to the City for sufficient right of way for American Avenue, the City be provided an easement for the right-of-way corridor. American Avenue, between 6th and 14th Streets Southwest, is the sole

source of access to the subdivision. The roadway, except for the far easterly segment was, as of recently, on property owned by Burlington Northern Santa Fe Railway Company (BNSF) and the City possessed neither an easement nor deed for the roadway. One of the primary criteria that is a basis for a governing body approving a subdivision is that legal (public right-of-way) and physical access are provided to each parcel within the subdivision. A planned private roadway system connected to American Avenue will provide access to the development from American Avenue.

American Avenue also is in need of repair or reconstruction in the near future. As part of the Improvements Agreement, the owner/developer:

‘agrees to waive its right to protest any future special improvement or lighting district for installation of standard City roadway improvements, roadway lighting and railroad crossing facilities in American Avenue between 6th and 14th Streets Southwest and further agrees to pay its proportionate share of said roadway improvements, roadway lighting and railroad crossing facilities that may be installed with or without special improvement or lighting districts.’

Attached: Exhibit A
Improvements Agreement (Revised)

EXHIBIT "A"

A road right-of-way in the NE1/4 Section 10 and the NW1/4 Section 11, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, said right-of-way being a 60 feet wide strip of land lying along the northerly (left) side of the following described line, more fully described as follows:

Beginning at a point on the easterly right-of-way line of 14th Street S.W. the northwest corner of Certificate of Survey No. 3018, the northerly line of the described strip to be lengthened or shortened to begin at the east right-of-way line of 14th Street S.W.; thence South $80^{\circ}40'00''$ East, 740.8 feet; thence easterly 363.7 feet along a curve to the right ($R=1607.0$ feet, chord=South $74^{\circ}11'$ East, 362.9 feet); thence South $67^{\circ}42'00''$ East, 376.0 feet; thence easterly, 461.0 feet along a curve to the left ($R=1667.0$ feet, chord=South $75^{\circ}37'20''$ East, 459.5 feet); thence South $83^{\circ}32'44''$ East, 255.0 feet, the last five courses being along the northerly lines of Certificate of Survey No. 3018, Lot 1, Block 1, Jewel Addition and Certificate of Survey No. 3923; thence South $79^{\circ}18'$ East, 290.65 feet; thence easterly, 168.4 feet along a curve to the left ($R=1637.0$ feet, chord=South $82^{\circ}14'50''$ East, 168.35 feet) to a point of reverse curve; thence easterly, 91.2 feet along a curve to the right ($R=208.7$ feet, chord=South $72^{\circ}40'15''$ East, 90.5 feet), the last three courses do not follow the north property lines shown on Certificates of Survey No. 3923, 2558 and 2794 but are located so that the north line of the described strip is a minimum of 50 feet from the centerline of a spur track of the BNSF Railway; thence South $60^{\circ}08'50''$ East, 6.3 feet; thence easterly, 160.4 feet along a curve to the left ($R=357.4$ feet, chord=South $73^{\circ}00'25''$ East, 159.1 feet); thence South $85^{\circ}52'00''$ East, 386.2 feet to the end of the right-of-way, the northerly line of the described strip to be lengthened or shortened to terminate at the extended westerly line of Certificate of Survey No. 495, the last three courses being along the northerly lines of Certificate of Survey No. 2794 and Lot 1, Block 1, Jewel Addition.

EXCLUDING from the above described right-of-way that portion of said land owned by Thomas Heisler lying inside of Certificates of Survey No. 2558 and 3923.

CS# 5-0004322

(REVISED)
IMPROVEMENTS AGREEMENT
FOR
1ST AMENDED PLAT OF
LOT 1, BLOCK 1,
JEWEL ADDITION

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2005, between J. L. BASS and JULIE M. BASS, individuals residing in Great Falls, Montana, hereinafter referred to as “Owner”, and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City”, regarding the requirements associated with approval of the 1st Amended Plat of Lot 1, Block 1, Jewel Addition, Cascade County, Montana, and rezoning the property therein to Planned Unit Development (PUD) District.

2. SUPPORTING DOCUMENTS

- A. 1st Amended Plat of Lot 1, Block 1, Jewel Addition to Great Falls, Cascade County, Montana, filed July 27, 2005, in the Clerk and Recorder’s Office of Cascade County, Montana.
- B. Site Plan for the Emerald Greens Planned Unit Development proposed to be constructed upon Lot 3 of the 1st Amended Plat of Lot 1, Block 1, Jewel Addition to Great Falls, dated September 23, 2005, prepared by L’Heureux Page Werner PC Architects Engineers, filed in the office of the Great Falls City-County Planning Board.
- C. Legal documents, including articles of incorporation, bylaws and covenants, establishing and outlining responsibilities of the Emerald Greens Homeowner’s Association, shall be filed in the Clerk and Recorder’s Office of Cascade County, Montana.

3. AMENDMENTS TO AGREEMENT

All amendments to this Agreement shall be in writing and approved by City and Owner.

4. FEES AND CHARGE

A. Owner shall, in addition to the rezoning fee of \$400.00 and minor plat fee of \$300.00, which have been paid previously, pay the following required fees and charges as provided by City policy, ordinances and resolutions:

a)	Improvements Agreement Fee	\$200.00
b)	Filing Fee for Agreement (\$6 per page)	60.00
	Total	\$260.00

B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve the Emerald Greens PUD at the rates charged by City for said work at the time performed.

C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.

5. PUBLIC IMPROVEMENT OBLIGATION

Owner hereby agrees to install the public utilities necessary to serve the planned dwelling units within Lot 3 of the 1st Amended Plat of Lot 1, Block 1, Jewel Addition, within two years of the date of this Agreement in accordance with plans and specifications approved by the City Public Works Department. Building permits for planned dwelling units in said Lot 3 shall not be issued until the contracts for installation of the public utilities to serve said dwelling units have been executed. Owner acknowledges that City will not permit the occupancy of said dwelling units until said public utilities have been installed, tested and accepted by City.

6. ADHERENCE TO SITE PLAN

Owner hereby agrees development of the Emerald Greens PUD shall be substantially in accordance with the site plan referenced in Paragraph 2.B. hereinabove. Major changes as defined by the City's PUD Code shall only occur after reconsideration and approval by the Great Falls City-County Planning Board and the City Commission of the City of Great Falls. Minor changes may be approved by the City's Zoning Administrator or Director of the Great Falls City-County Planning Board following approval of such change by the Emerald Greens Homeowner's Association if applicable.

7. FENCE (WALL) ALONG WEST AND NORTH BOUNDARIES OF LOT 3

Owner intends to construct a minimum six (6) foot high solid fence or wall along the west and north boundaries of Lot 3 of the 1st Amended Plat of Lot 1, Block 1, Jewel Addition. Prior to initiating construction of said fence or wall, Owner hereby agrees to have design features of the fence or wall, including height, texture, color, alignment and any appropriate openings and accompanying landscaping to be reviewed and approved by the City Public Works Department, City Community Development Department, the staff of the Great Falls City-County Planning Department and the City Forester. Owner intends to construct the dwelling units on said Lot 3, in four phases as depicted in the site plan referenced in Paragraph 2.B. hereinabove. Owner further agrees to complete the construction of said fence or wall in each particular phase prior to occupancy of any dwelling unit within subject phase.

8. AMERICAN AVENUE IMPROVEMENTS

Owner hereby agrees to waive its right to protest any future special improvement or lighting district for installation of standard City roadway improvements, roadway lighting and railroad crossing facilities in American Avenue between 6th and 14th Streets Southwest and further agrees to pay its proportionate share of said roadway improvements, roadway lighting and railroad crossing facilities that may be installed with or without special improvement or lighting districts.

9. INTERNATIONAL AIRPORT HOLD HARMLESS STATEMENT

Owner and their assigns hereby agree to hold the City and the Great Falls Airport Authority harmless for any damages caused by noise and vibrations from normal and anticipated normal operations associated with Great Falls International Airport.

10. INDEMNIFICATION OF BNSF RAILROAD

Owner and their assigns hereby indemnify the Burlington Northern Santa Fe Railroad and its assigns regarding any negative impact resulting from the operation of a switchyard immediately north of the 1st Amended Plat of Lot 1, Block 1, Jewel Addition.

11. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITIES

A. After the public utilities necessary to serve the planned dwelling units in Lot 3 of the 1st Amended Plat of Lot 1, Block 1, Jewel Addition, have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

B. Installation of the public utilities referenced in Paragraph 11.A. hereinabove, shall be subject to City's infrastructure inspection policy in place at the time of said installation.

12. CITY ACCEPTANCE AND ZONING

City hereby accepts and approves:

a) the 1st Amended Plat of Lot 1, Block 1, Jewel Addition, referenced in Paragraph 2.A herein;

b) the site plan for the Emeralds Greens PUD referenced in Paragraph 2.B. herein; and,

c) the rezoning of the area contained within the 1st Amended Plat of Lot 1, Block 1, Jewel Addition, from 1st Industrial District, "D" Area District, to "PUD" Planned Unit Development District.

13. BINDING EFFECT

The provisions covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns;

and any and all parties claiming by, through, or under them, shall be taken to
agree and covenant with each of the parties to the Agreement, their devisees,
heirs, successors and assigns, to conform to the provisions, covenants and terms of this
Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year
first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

City Manager

APPROVED FOR LEGAL CONTENT:

City Attorney

State of Montana)
 :ss.
County of Cascade)

On this _____ day of _____, in the year A. D. Two thousand and five, before me, the
undersigned, a Notary Public for the State of Montana, personally appeared John W. Lawton
known to me to be the City Manager of the City of Great Falls, Montana, is the person whose
name is subscribed to the instrument within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and
year first above written.

(NOTARIAL SEAL)

Notary Public for the State of Montana
Residing at _____
My Commission Expires _____, 20____

AGENDA REPORT

DATE January 17, 2006

ITEM: FINAL PAY REQUEST: WATER TREATMENT PLANT CHLORINATION
SYSTEMS UPGRADE PROJECT, O.F. 1199.4

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends that Final Payment to A.T. Klemens, Inc., for the Water Treatment Plant Chlorination Systems Upgrade Project, O.F. 1199.4, be approved and the necessary documents executed by the City Manager.

MOTION: "I move the City Commission approve the Final Pay Request for A.T. Klemens, Inc., in the amount of \$1,485.00 and payment of \$15.00 to the State Miscellaneous Tax Division for the Water Treatment Plant Chlorination Systems Upgrade Project, O.F. 1199.4, and authorize the City Manager to make the payments."

SYNOPSIS: Bids were opened on October 8, 2003, with three contractors submitting bids. A.T. Klemens, Inc., submitted the lowest responsible bid of \$246,461. The engineer's estimate for the project was \$359,000.

Change Order No. 1 was approved by the City Commission on July 20, 2004. The reason for change order #1 was to relocate an existing fan from the chlorine storage room to the northeast corner of the pump station. The fan relocation provided additional ventilation to the pump station building during the summer months. These changes increased the contract to \$264,091, which is also the final cost. The delay in final project completion was due to difficulty in locating approved special hydraulic oil for an old freight elevator and locating licensed personnel to work on the old elevator. In addition, two fan guards were improperly installed and were not corrected in a timely manner. Two year project warranty started July 9, 2004.

BACKGROUND: The Water Treatment Plant Chlorination Systems Upgrade Project, O.F. 1199.4 was part of a series of Water Treatment Plant (WTP) infrastructure upgrades. The project consisted of demolition and installation of ductwork, installation of fire protection equipment, installation of electrical and instrumentation controls, installation of a new external chlorine gas scrubber, and miscellaneous site drainage corrections.

Morrison Maierle, Inc. completed the project design and provided field inspection services. City Engineering Staff assisted with contract administration and with inspection duties.

Attachment: Final Pay Estimate

AGENDA REPORT

DATE January 17, 2006

ITEM Appointments, Community Development Council

INITIATED BY City Commission

ACTION REQUESTED Reappoint One Member and Appoint Two New Members

PRESENTED BY Mike Rattray, Community Development Director

RECOMMENDATION:

It is recommended that the City Commission reappoint one member and appoint two new members to the Community Development Council.

MOTION:

I move the City Commission reappoint Shannon Hoiland, and appoint _____ and _____ for three-year terms through January 31, 2009, to the Community Development Council.

SYNOPSIS:

Shannon Hoiland was appointed for a three-year term to the Community Development Council on February 4, 2003. Ms. Hoiland's term expires January 31, 2006. She interested in and eligible for reappointment.

Cathy Aitken was appointed to the CDC February 1, 2000. Ms. Aitken's term would expire January 31, 2006. Chris McGregor was appointed to the CDC on February 18, 2003. Mr. McGregor's term would expire January 31, 2007. Both Ms. Aitken and Mr. McGregor have moved out of town; therefore it is necessary to appoint two new members to the Community Development Council.

BACKGROUND:

To ensure citizen participation in the CDBG allocation process, a ten-member volunteer advisory board is appointed by the City Commission. The Community Development Council makes funding recommendations for projects applying for CDBG funding to the City Commission. Members must live within the city limits.

Continuing members of this board are:

- Arthur Bundtrock
- David L. Davis
- Mary Dupuis
- John Martin
- Dale Schwanke
- Fred Shauer
- Sandra Wittke

Citizens interested in serving on this board are:

- Aaron Kueffler
- Elmer Feldman

AGENDA REPORT

DATE January 17, 2006

ITEM Appointment, Policy Coordinating Committee

INITIATED BY Planning Department

ACTION REQUESTED Appoint PCC Representative

PREPARED BY Peggy J. Bourne, City Clerk

PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION: In accordance with the recently adopted Cooperative Agreement for urban area transportation planning, the City Commission shall appoint a designee to the PCC.

MOTION: "I move the City Commission appoint _____ to serve as our representative on the Policy Coordinating Committee."

SYNOPSIS: The Policy Coordinating Committee (PCC) is responsible for overseeing transportation planning within the Great Falls Urbanized Area. The PCC includes representatives from the City of Great Falls, Cascade County, Great Falls Transit District, the Montana Department of Transportation (MDT), the Great Falls City Planning Board, the Cascade County Planning Board, and the Federal Highway Administration (FHWA). The purpose of this agenda item is for the City Commission to appoint one of its members as a representative to the PCC.

BACKGROUND: In the Cooperative Agreement approved by the City Commission on December 6, 2005, the Urban Transportation Planning Process was re-established by acknowledging that both the City Planning Board and the County Planning Board have responsibility for comprehensive and long range planning in the Great Falls urban area. This acknowledgement was primarily reflected in changes to membership on both the Policy Coordinating Committee and the Technical Advisory Committee.

With the dissolution of the Great Falls City-County Planning Board on July 1, 2005, both the City Commission and the County Commission took steps to reestablish planning programs within each of their jurisdictional areas. The City-County Planning Board dissolution and resulting organizational changes also created the need to restructure the Technical Advisory Committee and the Policy Coordinating Committee of the Great Falls Metropolitan Transportation Planning Process.

There was a need to reflect two separate entities having responsibility for comprehensive and long range planning in the Great Falls urban area. This restructuring resulted in the need to modify the Cooperative Agreement between the City, the County, the Planning Board, the Transit District Board and the Department of Transportation to expand membership on both TAC and PCC.