



Board of Adjustment / Appeals - August 5, 2021 Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
3:00 PM

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- Effective May 4, 2021 Board of Adjustment/Appeals and City staff will be attending the meeting in person.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Thursday, August 5, 2021, to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
 - Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties

OPEN MEETING

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions
Joe McMillen - Chair
Krista Smith - Vice Chair
Aspen Northerner
Christian Stone
Jule Stuver
3. Recognition of Staff
4. Approval of Meeting Minutes - January 28, 2021

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. 1020 Valley View Drive – Appeal of Interim City Engineer’s Determination and Denial of Encroachment Permit Application

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

6. Recommendation of Board Application received from Antoinette Collins
7. Reappointment for term on Board - Joe McMillen and Aspen Northerner

COMMUNICATIONS

PUBLIC COMMENT

Public Comment on any matter and that is within the jurisdiction of the Board of Adjustment/Appeals. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk’s Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Board of Adjustment/Appeals meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Friday morning at 10 a.m.

MINUTES OF THE MEETING
OF THE
GREAT FALLS BOARD OF ADJUSTMENT/APPEALS
January 28, 2021

CALL TO ORDER

The meeting of the Great Falls Board of Adjustment/Appeals was called to order by Chair Jule Stuver at 3:04 p.m. via Zoom.

ROLL CALL & ATTENDANCE

Great Falls Board of Adjustment/Appeals members present:

Mr. Jule Stuver, Chair
Ms. Krista Smith, Vice Chair
Mr. Joe McMillen
Ms. Aspen Northerner
Ms. Christian Stone

Great Falls Board of Adjustment/Appeals members absent:

None

Planning Staff members present:

Mr. Thomas Micuda, Deputy Director Planning & Community Development
Ms. Jamie Nygard, Sr. Admin Assistant

Others present:

Mr. Joseph Cik, Assistant City Attorney

Mr. Micuda affirmed a quorum of the Board was present.

MINUTES

Chair Stuver asked if there was a motion to approve the meeting minutes as stated for November 5, 2020. Ms. Smith` moved to approve the minutes, seconded by Ms. Northerner. All in favor, the minutes were approved.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS

None.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

ELECTION OF OFFICERS FOR THE 2021 CALENDAR YEAR

Mr. Micuda explained that every January, election of new officers for the Board of Adjustments/Appeals is required for the upcoming calendar year. Mr. Micuda stated that Mr. Stuver's term with the Board of Adjustment/Appeals was up at the end of 2020, but that he has agreed to stay on the Board until a replacement is found. Mr. Micuda also stated that the City is currently accepting applications for Mr. Stuver's opening and when applications are received they will need to be voted on by the Board. Mr. Micuda explained that because the Board is small, that board members can vote for themselves and anyone that gets voted for Chair or Vice Chair, will need to consent to accepting the position.

MOTION: To elect Joe McMillen as Chair of the Board of Adjustment/Appeals

MADE BY: Ms. Northerner
 SECOND BY: Ms. Smith

Mr. McMillen stated that he would accept the position, but wanted to know about a script on how to run the meetings. Mr. Micuda responded that City staff would send him some guidelines on how to run a public meeting. Mr. Cik stated that there is also yearly training for Board members that is put on by the City. Procedurally, the main thing is that the Chair is asking for public input at the right times during the meetings.

VOTE: All in favor, the motion passed

MOTION: To have Ms. Smith retain her seat as Vice Chair in 2021 on the Board of Adjustment/Appeals

MADE BY: Mr. Stuver
 SECOND BY: Mr. McMillen
 VOTE: All in favor, the motion passed

COMMUNICATIONS

Mr. Micuda let the Board know that there has been an application filed for an appeal of a City decision to deny a request for a fence encroachment in the public right of way at 1020 Valley View Drive. The applicant has a medical issue and as a result City staff has wanted to give the applicant enough time to be ready to present to the Board. This is why there has been a delay, and the request will probably be delayed until March. They are no other applications currently.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Chair McMillen adjourned the meeting at 3:14 p.m.



Date: Aug. 5, 2021

**CITY OF GREAT FALLS
BOARD OF APPEALS AGENDA REPORT**

Item: 1020 Valley View Drive – Appeal of Interim City Engineer’s Determination and Denial of Encroachment Permit Application

Applicant: John & Brenda Mizelle

Representative: John & Brenda Mizelle, 1020 Valley View Drive - Property Owner

Presented By: Debbie Kimball, Program Specialist, Public Works and Ken Jorgensen, Street Foreman, Public Works

Action Requested: Affirm the Interim City Engineer’s Determination and Denial of the Application for an Encroachment Permit

Public Hearing:

1. Chairman calls for Staff presentation.
2. Chairman calls for Applicant’s presentation.
3. Chairman calls for questions and answers.
4. Chairman conducts public hearing, calling three times each for proponents and opponents.
5. Chairman closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:
 - I. “I move that the Board of Appeals, based on the Findings for the Basis of Decision and the matters presented today (affirm / modify / reverse) the Interim City Engineer’s decision to deny the application for the Encroachment Permit.”
 2. Chairman calls for a second, discussion, and calls for the vote.
-

Synopsis:

John & Brenda Mizelle, owners of the property located at 1020 Valley View Drive, have taken an appeal (Attached) from the Interim City Engineer’s denial of their application for an Encroachment Permit to allow an ornamental fence to be placed at the edge of the sidewalk in the boulevard space. Per the Official Code of the City of Great Falls (OCCGF) Title 12, Chapter 1, Section 12.1.050, the encroachment, as proposed, must not be detrimental to the health, safety, or welfare of the public as a whole and any permits issued for fencing part of the boulevard area shall ensure that no fence is within two (2) feet of any sidewalk.

Background Information:

Per the letter prepared by Debbie Kimball dated June 18, 2020, the property owners were notified that the fence installed on their property extended into the City right-of-way and that the fence needed to be moved back to the property line located approximately 12.5 feet behind the back of the curb along Valley View Drive. As a result, the property owners submitted a Boulevard Encroachment Application on July 20, 2020. After review by the Interim City Engineer, it was determined that the proposed Boulevard Encroachment was not an allowable encroachment per OCCGF 12.1.050(H). Subsequently, a letter dated August 13, 2020, was sent to the applicant informing them that the Boulevard Encroachment Application was denied. This resulted in the submission of the owners' Encroachment Permit Denial Appeal on August 27, 2020.

On October 13, 2020, Eric Peterson, the Secretary for Neighborhood Council 3, sent a letter to the property owners stating: "it appears to the members of our council that the City of Great Falls is following its established procedures and has not acted improperly in the boulevard encroachment issue of your new fence." The letter is included as an attachment to this agenda report. Also included as an attachment are twelve (12) letters sent to Great Falls homeowners requesting removal of fences or objects extending into the City right-of-way.

Section 12.1.050 of the OCCGF designates the Board of Adjustment as the Board empowered to hear and decide appeals in any case where a party objects to the decision of the City Manager or designee regarding a Boulevard Encroachment Permit Application. The Great Falls City Engineer serves as the City Manager's designee in the administration of applications for Boulevard Encroachment Permits.

Findings for the City's Basis of Decision to deny the requested Appeal:

In this particular case, the Board of Adjustment is acting as an appeals body (Board of Appeals) to consider whether the City Engineer's decision to deny the Encroachment Permit should be affirmed, reversed or modified. To assist the Board in this decision, staff provides the following Basis of Decision for consideration of this appeal by the Board:

1. **The Encroachment Request from the applicant is contrary to the public interest. The boulevard area (the area within any City street, avenue, or highway right-of-way, not occupied by street paving, curb and gutter, and sidewalks) is reserved for multiple uses. For example, most domestic water curb stops are typically located in the boulevard area. The boulevard area is set aside and needed to ensure that there is space within the right-of-way should an expansion of the paved surface be needed in the future. Dry utilities (power, gas, and fiber) can also be located in this area. The City has received numerous requests from multiple entities looking to install fiber optic lines to every resident in the City. If property owners are allowed to construct fences within the right-of-way, these fences create obstacles making it difficult to access the boulevard area for both City workers and companies installing dry utilities.**
2. **The property owner has a legitimate option to install the fence in a complying location. There is nothing in the City code that restricts the owner's ability to install the fence in a complying location within the front yard area. The property owner is allowed to install the proposed "curb appeal" improvements within the front yard, which is located approximately 7.5 feet back from the current installed location. This would ensure that the proposed improvements will not be disturbed by future construction activity within the right-of-way.**

3. **Allowing the applicant's request would be inconsistent with the policy of the City on requests for right of way encroachments. The OCCGF defines an obstacle as "any strung wire or netting, any fence or railing, or any barrier or structure of any kind whatsoever. Obstacle does not include trees, or the following: 1. Ornamental lamp-posts...". The Applicant is requesting that a variance be granted to allow Ornamental Fencing within the boulevard area because Ornamental Lamp Posts are allowed. The difference between the fencing and a lamp post is that the fence acts as a barrier along an extended area of the boulevard. Whereas a lamp post is contained within a much smaller area and can be worked around. This is why the City code prohibits fences from being installed next to sidewalks within the right-of-way.**

Recommendation:

It is Staff's position that the review and denial of the Boulevard Encroachment Permit by the City Engineer was consistent with and in accordance with the requirements of the OCCGF and that the Board should affirm the decision and deny the appeal.

Attachments:

1. Sections of the OCCGF related to the appeal
2. June 18 Letter to Property Owner
3. July 20 Boulevard Encroachment Application
4. August 13 Letter to Property Owner
5. August 27 Encroachment Permit Denial Appeal
6. October 8 Neighborhood Council 3 meeting minutes
7. October 13 Neighborhood Council Letter
8. Historic Encroachment Letters

12.1.010 - Definitions.

Unless otherwise specified in this chapter the following definitions shall apply:

- A. "Boulevard" is that area within any City street, avenue, or highway right-of-way, not occupied by street paving, curb and gutter, and sidewalks.
- B. "Inside Boulevard" is the boulevard area on the property line side of the sidewalk.
- C. "Outside Boulevard" is the boulevard area on the street side of the sidewalk. Except as permitted under Section 12.1.050, no boulevard area may be encumbered by any obstacle whatsoever.
- D. "Obstacle" means any strung wire or netting, any fence or railing, or any barrier or structure of any kind whatsoever. Obstacle does not include trees, or the following:
 - 1. Ornamental lamp-posts;
 - 2. Telephone or electric light poles;
 - 3. United States government mailboxes;
 - 4. Signage for structures on the National Historical Register provided by the Montana Historical Society;
 - 5. Other structures erected by permit to aid owners in caring for the boulevards adjoining their property.

(Ord. 3170, 2018)

12.1.050 - Boulevard encroachment permit—issuance conditions.

A temporary and revocable permit to allow encroachments upon any inside boulevard area or other public grounds within any area of the City may be granted to the owner or lessee of the adjoining property, or a permitted owner or operator of bench signs or transit shelters, by the City Manager or designee. Any such Boulevard Encroachment permit must comply with all of the following conditions:

- A. The encroachment, as proposed, must not be detrimental to the health, safety, or welfare of the public as a whole;
- B. Payment to the City of a one -time application fee set by City Commission resolution to defray administrative costs must be paid prior to construction;
- C. Payment to the City of an annual encroachment rental fee set by City Commission resolution based upon the square footage of encroachment. Non-advertising transit shelters and non-advertising bicycle racks may be exempted from this annual fee, at the discretion of the City Manager or designee.
- D. No encroachment permit may be granted to allow parking necessary to fulfill the off-street parking requirements of the off-street parking code as set forth in OCCGF Title 17;
- E. Parking blocks shall be placed in the boulevard area for any permit issued for vehicle parking under this section, and blocks must be placed sufficiently back from the sidewalk area to keep parked vehicles at least two (2) feet from the sidewalk;
- F. The Boulevard Encroachment permit may be issued by the City Manager or designee, at the permit holder's risk, upon receipt of a completed application and the processing fee. Subject to the provisions of subsection (K) of this part, should the City deem it necessary, the Boulevard Encroachment permit may be revoked upon giving thirty (30) days' notice in writing to the permit holder;
- G. The City Manager or designee shall have authority to deny or immediately revoke any such permit wherever the public safety may be jeopardized or other traffic, utility or other public concerns are paramount
- H. Any permits issued for fencing part of the boulevard area shall ensure that no fence is installed within two (2) feet of any sidewalk, and if a sidewalk does not exist, the Public Works Director or designee shall determine the location of the fence;
- I. The requirements of OCCGF 12.1.030, clear vision triangle, must be met for any permit involving a corner lot;
- J. Any violation of the terms of the boulevard encroachment permit shall be cause for immediate revocation at the time of the violation. If the permit holder chooses to reapply for a new permit, the entire permit process including any charges, must be

- D. As permitted under this chapter, boulevard encroachment permits.
- E. Handicap ramps, railing, and related improvements which comply with Americans With Disabilities Act requirements. Such improvements shall be approved by the Public Works Director or designee prior to construction. Prior to approval, the owner of the property shall make reasonable efforts to locate handicap ramps outside of the boulevard.
- F. Where setbacks do not allow adequate space for steps to access doorways, steps placed in the boulevard if no other reasonable option exists.

(Ord. 3170, 2018)

12.3.010 - Prohibited—applicability.

- A. Except as provided in this Title, it is unlawful for any person, persons, corporations, or other entities to erect, place, locate, or cause to be erected, placed, or located, any building, fence or obstruction of any kind , in whole or in part, upon any street, right-of-way (developed or undeveloped), avenue, alley, or other public grounds within the City.
- B. In the interest of the public health, welfare and safety, the City may remove any such obstruction violating this chapter and assess the costs of removal to the property owner; or where circumstances permit, and the public interest is not greatly jeopardized, notice may be given to the violator for removal of the obstruction, subject to the following conditions:
1. Such notice shall provide the time allowed for removal, include the Public Works Director's address and telephone number for information or hearing thereon, briefly describe the nature of the violation and the possible sanctions; and
 2. If removal is not completed in compliance with the notice, the City's costs of removal shall be assessed against the property.

(Ord. 3170, 2018)



PO Box 5021, 59403

June 18, 2020

MIZELLE JOHN & BRENDA
1020 VALLEY VIEW DR
GREAT FALLS, MT 59404

Dear JOHN & BRENDA MIZELLE

RE: Boulevard Encroachment

It was brought to the City's attention that the fence at 1020 Valley View Drive extends into the City street right-of-way. The fence must be moved back to the 12.5 feet requirement from the back of curb. (See attached City Codes involving right-of-way encroachments).

An inspection will be made on June 30, 2020 to insure corrective action has taken place. If you have any questions, I can be reached at 455-8158, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

ENC: City Code



CITY OF GREAT FALLS
P.O. Box 5021, GREAT FALLS, MT 59403
Phone: 406-771-1258 Fax: 406-771-0700

BOULEVARD ENCROACHMENT APPLICATION AND PERMIT

\$50.00 / Application Annual Fee Parcel Number

APPLICATION FOR PERMIT TO

Install an Ornamental Fence in Boulevard (Nature of Permit)

- 1. Name of Applicant: John Mizelle
2. Address of Applicant: 1020 Valley View Drive, Great Falls
3. Telephone Number of Applicant: (406) 453-2251
4. Legal Description of Property Abutting Boulevard: Lots: 03A Block: 017
Subdivision: Valley View Homes 6th Addition Address: 1020 Valley View Drive
5. Property Owner: John Mizelle
6. Property Owner's Address: 1020 Valley View Drive
7. If Applicant is a Corporation, give State of Incorporation and names of President and Secretary:
8. Nature of Permit Desired: (Give sufficient detail to permit thorough understanding, and submit blue prints or scaled site plan, in duplicate). Blvd. Encroachment Permit to Install an Ornamental Fence along sidewalk for aesthetics and lighting.
8A. Square Footage of Encroachment: 140 sq ft. west, 94 sq ft. east of driveway.
9. Location of installations or structures to be installed: Across northwest face of encroachment area, except driveway. See Attachment 1 for detailed location.
10. For how long a period is the permit desired: Until termination by either city or self.
11. REMARKS: Fence would be for safety as sidewalk edge marker and low-volt lighting, for aesthetics and to restrict nighttime foot traffic between lots.
12. Applicant acknowledges this application is for a temporary and revocable permit. Applicant agrees to remove any structure or encroachment from the area upon notice by

the City of Great Falls and to restore the boulevard at no expense to the City of Great Falls.

Dated at 3:20 pm, Montana, this 17th Day of July, 2020.



(Signature of Applicant)

PERMIT

Subject to the following terms and conditions, this provision is included and is part of the attached permit, is hereby granted:

ADDRESS: 1020 Valley View Drive, GREAT FALLS, MONTANA

LEGAL DESCRIPTION: Valley View Homes 6th Addition, S03, T20 N, R03 E, CASCADE COUNTY Block 017, Lot 03A, AMPL 5797

1. TERM. This permit shall be in full force and effect from the date hereof until revoked as herein provided.
2. RENTAL OR FEES. Fees shall be \$50 per year plus \$1.00/sq. ft. in excess of 50 sq. ft. or as established by Resolution of the City Commission.
3. REVOCATION. This permit may be revoked by the City upon written notice to Permittee, at the address shown in the application hereto attached, but the City reserves the right to revoke this permit without giving said notice in the event Permittee breaks any of the conditions or terms set forth herein.
4. COMMENCEMENT OF WORK. No work shall be commenced until Permittee notifies the office of the City Engineer at 771-1258 when he proposes to commence work.
5. CHANGES IN STREET. If City changes street necessitating changes in structure or installations installed under this permit, Permittee shall make necessary changes without expense to City.
6. CITY SAVED HARMLESS FROM CLAIMS. In accepting this permit the Permittee, its/his successors or assigns, agree to protect the City and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used or manner of installations, maintenance and operation or by the improper occupancy of said street right-of-way, and in case any suit or action is brought against the City and arising out of, or by reason of, any of the above causes, the Permittee, its/his successors or assigns, will, upon notice to it/him of the commencement of such action defend the same at its/his sole cost and expense and satisfy and judgement which may be rendered against the City in any such suit or action.
7. PROTECTION OF TRAFFIC. Insofar as the interests of the City and the traveling public are concerned, all work performed under this permit shall be done under the supervision of the City Engineer of the City of Great Falls and his authorized representatives, and

he/they shall indicate barriers to be erected, the lighting thereof at night, placing of flagmen and watchmen, manner in which traffic is to be handled, and shall specify to Permittee how road surface is to be handled, and shall specify to Permittee new road surface is to be replaced if it is disturbed during operations, but said supervision shall in no way operate to relieve or discharge Permittee from any of the obligations assumed by acceptance of this permit, and especially those set forth under Section 6, hereof.

- 8. **STREET AND DRAINAGE.** If the work done under this permit interferes in any way with the drainage of the City streets or alleys affected, Permittee shall, at their own expense, make such provisions as the City may direct to take care of said drainage.
- 9. **RUBBISH AND DEBRIS.** Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and boulevard left in a neat and presentable condition satisfactory to the City.
- 10. **WORK TO BE SUPERVISED BY THE CITY.** All work contemplated under this permit shall be done under the Supervision of and to the satisfaction of and to the authorized representative of the City, and the City hereby reserves the right to order the change of location or removal of any structure or installation authorized by this permit at anytime, said changes or removal to be made at the sole expense of the Permittee.
- 11. **CITY RIGHT NOT BE INTERFERED WITH.** All such changes, reconstruction or relocation shall be done by Permittee in such a manner as will cause the least interference with any of the City's work, and the City shall not be liable for any damage to the Permittee by reason of any such work by the City, its agents, contractors or representatives, or by the or structures placed under this permit.
- 12. **REMOVAL OF INSTALLATIONS OR STRUCTURES.** Unless waived by the City upon termination of this permit, the Permittee shall remove the installations or structures contemplated by this permit and restore the premises to the condition existing at the time of entering upon the same under this permit. If the Permittee fails to remove or restore the premises the City may do so and assess costs of removal against the property.
- 13. **MAINTENANCE AT EXPENSE OF PERMITTEE.** Permittee shall maintain, at its/his sole expense the installations and structures for which this permit is granted, in a condition satisfactory to the City.
- 14. **CITY NOT LIABLE FOR DAMAGE TO INSTALLATIONS.** In accepting this permit, the Permittee agrees to any damage or injury done to said installations or structures by a City employee engaged in construction, alteration, repair, maintenance or improvement of the City street or alleys.
- 15. **CITY TO BE REIMBURSED FOR REPAIRING ROADWAY.** Upon being billed therefore Permittee agrees to promptly reimburse City for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway or structure as a result of the work performed under this permit.
- 16. **OTHER CONDITIONS AND/OR REMARKS.** _____

APPROVED BY:

City of Great Falls, City Engineering Office, Department of Public Works

Dated this _____ day of _____, 20____, at the Department of Public Works, Great Falls, Cascade County, Montana.

BY: _____ DATE: _____
(City Engineer)

.....

The undersigned, the Permittee mentioned in the foregoing instrument, hereby accepts this permit, together with all of the terms and conditions set forth therein.

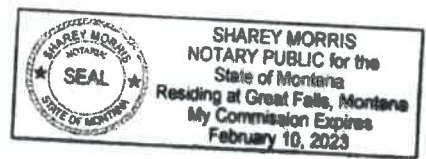
[Signature]
(Permittee)

17 July 2020
(Date)

State of Montana
:ss.
County of Cascade

On this 17th day of July, 2020 a Notary Public for the State of Montana, personally appeared John Edward Mizelle known to me the undersigned to be the person whose names subscribed to the within instrument, and acknowledge to me that they respectively, executed the same.

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



[Signature]
Notary Public for the State of MT
Printed or Typed Name Sharey Morris
Residing at Great Falls
My Commission Expires 2-10, 2023

PROCEDURE FOR ENCROACHMENT PERMIT APPLICATION

CITY OF GREAT FALLS

EFFECTIVE DATE APRIL 24, 2001

1. Application and Permit form can be obtained at the City Engineering Office, Public Works Complex, 1025 25th Avenue NE.
2. Original form must be completed, notarized and returned to the City Engineering Office with the \$50.00 application fee (non-refundable) to cover administrative review costs.
3. At least two weeks review time by the Engineers Office with coordination of Utilities should be allowed. (The application fee of \$50.00 and the annual fee of \$1.00 per square foot of encroachment area must be inserted on both the application and permit form before submittal to the City Engineer.) *
4. If the Engineers Office recommends approval of the application, we will contact the applicant. The pro-rated first year rental fee is due upon issuance of the permit.
5. If the Engineers Office recommends denial of the application, the original will be returned to the applicant, who may elect to appeal the denial to the City Commission upon payment of \$100 appeal fee (non-refundable).
6. If either Engineering or the City Commission approves the Encroachment Permit, the City will: 1) forward an executed copy of the Permit to Fiscal Services (miscellaneous receivables) for annual billing; 2) copy to Community Development to be placed in property file; 3) copy to the permit applicant; 4) Engineering; and 5) record original notarized permit with Clerk & Recorders office with cover sheet.

* If any information is missing from the application, it will be returned to the applicant before any Engineering review is performed.

Boulevard Encroachment Permit Application

Property Owners: John & Brenda Mizelle

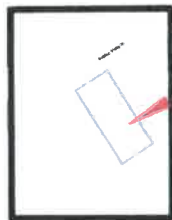
Property Address: 1020 Valley View Drive
Great Falls, MT 59404

Property Legal Desc.: Valley View Homes 6th Addition, S03, T20 N, R03 E,
Block 017, Lot 03A, Amended Plat 5797

Geocode: 02-3015-03-1-14-47-0000

Assessment Code: 0001776050

Vicinity Map:



1020 Valley View Drive

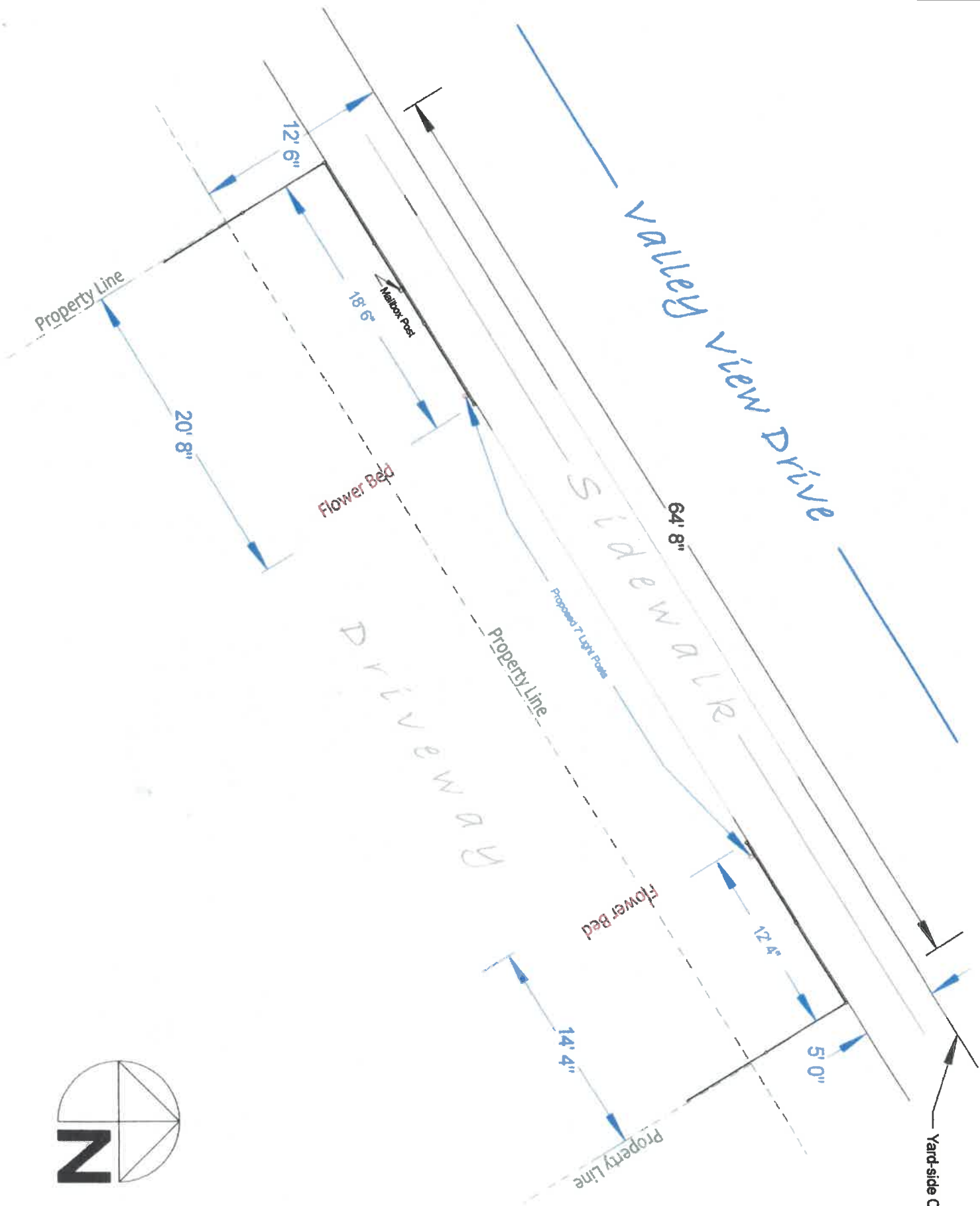
Project Description: The attached Boulevard Encroachment Permit Application is being submitted to allow for the installation of an Ornamental Fence to be placed along the property side of the sidewalk on either side of the driveway.

The primary purpose of the fence is not to enclose, but as a safety measure to provide a trip-free, sidewalk edge marker and potentially as a mounting platform for a low-voltage system to compliment the style of outside lights already in use on the house. Lighting is important because there are no streetlights on Valley View Drive, and we're not complaining. Another purpose of the fence would be as a "security barrier" to restrict foot traffic between lots at night, when there should be no legitimate foot traffic. And lastly, the fence would be an aesthetic enhancement to the property and neighborhood; a potential effect from that would be increased property values.

Attachment #1 is the Site Plan depicting 12' 4" of fence on the east side of the driveway and 18' 6" to the west side of the driveway. Although there would only be fencing on just two sides of the boulevard areas on either side of the driveway, the square footage calculated in the application reflects the entire 7' 6" depth from the sidewalk to the property line. As indicated on the Site Plan, one on either side of the driveway is two 7' tall Light Posts which would be part of the low-voltage lighting system, of 'dual-brite' technology and operation.

Attachment #2 is a collection of photos of a variety of fences, barriers and sidewalk edge markers we have seen throughout the Riverview and Valley View neighborhoods. We designed our installation to address the requirements noted above in a positive manner, and not distract from our or any other property in our area. We also designed our installation to be quickly and easily removed or relocated if, and when, the boulevard area is needed to widen the street or provide diagonal parking in the area.

We completely understand we have taken the second step before taking the first, and as such have open ourselves to fines from the City by doing so. We ask that our application be judged on our design, intentions and intent, and that it be granted and used as a design acceptable by the City to allow others in our and other neighborhoods to enhance the aesthetics and increase property values.



Yard-side Curb Edge











PO Box 5021, 59403

August 13, 2020

MIZELLE JOHN & BRENDA
1020 VALLEY VIEW DR
GREAT FALLS, MT 59404

Dear JOHN & BRENDA MIZELLE

RE: Boulevard Encroachment

You applied for a boulevard encroachment permit, which was reviewed by City staff and has been denied. The fence currently in the public right-of-way at 1020 Valley View Drive must be removed. The fence must be moved back to the 12.5 feet requirement from the back of curb.

An inspection will be made on August 20, 2020 to insure corrective action has taken place. If you have any questions, I can be reached at 455-8158, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

27 August 2020

TO:
City Commission
City of Great Falls,
Great Falls, MT



FROM:
John & Brenda Mizelle
1020 Valley View Drive
home: (406) 453-2251
cell: (406) 868-4255
Email: johnem@bk-n-j.com

RE: Encroachment Permit Denial Appeal

Honorable City Commissioners,

We are presenting this appeal to the Commission in accordance with item 5 of the "Procedure for Encroachment Permit Application" as outlined on page 5 of the "Boulevard Encroachment Application and Permit", page 5 follows. We are appealing because we want nothing more than to be treated like so many other homeowners in Great Falls.

In Valley View alone, there are several instances of boulevard encroachments that have existed for some time, as is obvious by their condition. And it's safe to say that throughout Great Falls proper there is a far greater number of encroachments, and I doubt if even a few of the all the existing encroachments are permitted.

I have no doubt that there was a point in time when such an ordinance was necessary, but that time has long since past. Today homeowners are more in tune with the "curb appeal" of their properties and they aren't afraid to pay considerable amounts to get the appeal they desire. The more aesthetically pleasing properties that exist in a city gives people a more positive impression of that city. So, it really is in Great Falls' best interest to have its' citizens make improvements, especially in the boulevard area as that is the very front of our properties.

Thank you for your time and for your fair and honest evaluation of our requests.

John & Brenda Mizelle

PROCEDURE FOR ENCROACHMENT PERMIT APPLICATION

CITY OF GREAT FALLS

EFFECTIVE DATE APRIL 24, 2001

1. Application and Permit form can be obtained at the City Engineering Office, Public Works Complex, 1025 25th Avenue NE.
2. Original form must be completed, notarized and returned to the City Engineering Office with the \$50.00 application fee (non-refundable) to cover administrative review costs.
3. At least two weeks review time by the Engineers Office with coordination of Utilities should be allowed. (The application fee of \$50.00 and the annual fee of \$1.00 per square foot of encroachment area must be inserted on both the application and permit form before submittal to the City Engineer.) *
4. If the Engineers Office recommends approval of the application, we will contact the applicant. The pro-rated first year rental fee is due upon issuance of the permit.
5. If the Engineers Office recommends denial of the application, the original will be returned to the applicant, who may elect to appeal the denial to the City Commission upon payment of \$100 appeal fee (non-refundable).
6. If either Engineering or the City Commission approves the Encroachment Permit, the City will: 1) forward an executed copy of the Permit to Fiscal Services (miscellaneous receivables) for annual billing; 2) copy to Community Development to be placed in property file; 3) copy to the permit applicant; 4) Engineering; and 5) record original notarized permit with Clerk & Recorders office with cover sheet.

* If any information is missing from the application, it will be returned to the applicant before any Engineering review is performed.

27 August 2020

TO:

City Commission
City of Great Falls,
Great Falls, MT

FROM:

John & Brenda Mizelle
1020 Valley View Drive
home: (406) 453-2251
cell: (406) 868-4255
Email: johnem@bk-n-j.com

RE: Encroachment Permit Denial Appeal
OCCGF Variance

Appeal Request -

We are appealing the August 13th, 2020 denial of the Encroachment Permit application for an ornamental fence to be placed at the edge of the sidewalk which was submitted on 31 July 2020; a copy of the denial letter is attached; and we request the Commission's APPROVAL and authorization. Further, we are asking that the information put forth in this appeal concerning other encroachments in the City is not used against those homeowners who, as we, were and are attempting to make our properties as aesthetically pleasing as possible.

Additionally, we are seeking a variance, as stated below, from Title 12, Chapter 1, Article 050 of the OCCGF, in that Ornamental Fencing be permitted as are Ornamental Lamp Posts; 12.1.010 (D) - Definitions, thereby eliminating the need for a permit.

Basis for Appeal Request -

In Valley View, and other parts of the city, the City has set a precedence of allowing encroachment within the boulevard up to the edge of the sidewalk with fences, boulders and other objects, photographs of many obvious examples are attached. In some cases, fences have been placed approximately two (2) feet or less from the edge of the sidewalk, in other cases, trip hazards have been placed at the edge of the sidewalk, and in other cases tree branches are so low to the ground, it is all but impossible to even walk on the sidewalk.

No one in the PW's Engineering office was familiar with the Permit Application when I submitted it, which is why I doubt whether any of the encroachments that do exist have been permitted. And since these encroachments continue to exist, it is apparent their owners have not been asked or told to remove them, it clearly indicates their acceptance by the City. We believe all people are equal in the eyes of the law and therefore this Section of the OCCGF applies to everyone, and all departments of the City of Great Falls, Cascade County, State of Montana, and the Federal government.

We ask the Commission that we be granted the same latitude and privilege as the homeowners of the examples shown in the attached photographs and that we be allowed to implement our planned landscaping project as designed.

Requested Variance from -

Title 12, Chapter 1, Article 050 - Boulevard Encroachment Permit - Issuance Conditions.

Basis for Variance Request -

We are not seeking this variance out of hardship, but rather out of the accepted definition and uses of a "fence". Around Great Falls there are numerous instances where fencing is used to a) protect the public from hazardous materials or objects behind the fence, b) protect pedestrians from uneven surfaces between the sidewalk and the grass, gravel or other surfaces abutting the sidewalk, c) protect buildings, statues, plants and other objects installed, planted, built, or created so they might be enjoyed by all who pass by, d) define a boundary between two properties, e) protect property, f) define playing fields, and many other uses. Fences are used by the City as well as the US Gov't, State, County, businesses, and private citizens, and in all cases, none are looked on as obstacles, rather as necessities.

It is not our intention or design to merely install a "fence", but rather to install a landscaping feature that will visually enhance the aesthetic appeal of the area and maybe even entice others to create similar features in their yards of the neighborhood. Our design is to utilize the fence posts as lamp posts, and to install ornamental solar LED lighting on each to illuminate not only the roses, but the sidewalk as well, increasing the safety for those that may be walking in the evening when the summer temperatures are more favorable. A photo of the lights that have been purchased and will be installed is attached to this Request.

Several years ago while I was working on a project in the Portland, OR area, we were greatly impressed with the enormous number of rose bushes, of all varieties and colors, throughout the city and suburbs, in beds of all sizes and a variety of shapes, reflecting the varying degrees of care and pride. But the larger beds, with the biggest and most vibrant plants and blossoms, were protected from dogs, both on and off leashes, skateboarders, bicyclists and pedestrians by fences, which in many cases, enhanced their overall beauty. It is our desire to recreate a small example of what exists elsewhere and to share it with those that see it, either by walking, biking, or driving.

Property Description -

Lot 03A, Section 03, Township 20 N, Range 03 E, Block 017, VALLEY VIEW HOMES 6TH ADDITION

Address -

1020 VALLEY VIEW DRIVE

Zoning - (per OCCGF)

R-2 Single-family medium density. This district is intended to accommodate medium-density, single-family residential development on moderate-sized lots. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.

Land Use -

Single family residence.

Project Description -

1. To create three foot (3') wide flower beds along the south side of the sidewalk on either side of the driveway, Fourteen feet Four inches (14' 4") on the east side and Twenty feet Eight inches (20' 8") on the west side.
2. To plant a total of at least 15 Rose bushes, seven (7) in the East Bed and eight (8) in the West Bed, and to cover the beds with white marble chips.
3. To install a black ornamental fence at the edge of the sidewalk, between the rose beds and sidewalk to protect pedestrians and roses alike.
4. To install solar LED ornamental lighting, as seen in attached photo, atop each fence post to light both the sidewalk and the roses at night.
5. To install a drip watering system for the rose beds and adjoining flower beds.

**Minutes Neighborhood Council 3 (NC3) Special Meeting
October 8, 2020, 4 p.m.
Great Falls Civic Center - Gibson Room**

CALL TO ORDER: at 4 p.m. by Sue Dickenson, Chair.

Council members present: Sue Dickenson, Kathleen Gessaman, Sharron Mashburn, Eric Peterson.

Council members excused: Joanne Thompson.

UNFINISHED BUSINESS

- **Skyline Heights Apartments annexation traffic and road concerns:** Sue Dickenson said Neighborhood Council 3 is supportive of the project and Great Falls needs affordable housing. City Transportation Department Planner Andrew Finch said upper 6th Street N.W. is an old county road that was paved. Sections of the road has been rebuilt are called "urban sections." When road is improved, developers do pay their fair share of the cost of construction. Traffic has been growing on 6th Street. There is a concern about the road carrying a large volume of traffic. 6th Street can see 1700 cars per day, which is low volume for a roadway classification. Local roadways feed into collector roadways, which feed into arterials (using the creek and stream analogy). 6th Street is the only through street that takes traffic in the city from north to south. At some point, the road needs to be upgraded. There are projections to 3000 vehicles per day for the future. The apartment project is a small development and 6th Street has the capacity to handle it. Interim City Engineer Jesse Patton said the property owner will be responsible for the curb, gutter and roadway costs in front of his property. He said the road issue is on the radar. Issues include the steepness of the hill, retaining walls, and water mains needing lowering. Portions of the road from James Street to Skyline Avenue are still in the county. Funding is an issue, it may cost \$4-5 million to complete. he said it would take several years of dedicated street department work to get this completed and it is hard to justify. As more portions are annexed, more road is developed. The east side of 6th Street from James Street to Skyline Avenue are in the city limits. Two properties are not. The properties on the west side of the road from Smelter Avenue to Skyline Avenue are in the county. Development on the west side of 6th Street would help the process. Sue Dickenson asked if there was money available through the CARES Act. Andrew Finch said there is money available to mitigate a loss in transit revenue, but it is hard to make a tie-in with this project. There is federal money available to help with major street networks, but it stops on 6th Street at Smelter Avenue N.W. Kathy Gessaman asked what would happen if a bypass was built north of the city. The character of the road would change and improvements would have to be made. Kathy Gessaman suggested placing a roundabout at the intersection of Smelter Avenue and 6th Street N.W. Vehicle parking in the proposed subdivision is at 1 1/2 parking spots per unit, and there will be 48 units in the project.
- **Neighborhood concern on boulevard encroachment:** Mr. John Mizelle of 1020 Valley View Drive has gone through the process to apply for a permit. There is a 12 1/2 foot right-of-way existing in homeowner's yards. The space gives contractors room to access and repair utilities. The permit has a yearly fee which is revocable, should the area be deemed needing to be used for the public good. Sue Dickenson asked Eric Peterson to contact Mr. Mizelle inviting him to our next meeting. She would like Peterson to write a letter to him stating that it appears the city has not acted in an improper way. Andrew Finch said an official board of appeals will hear his case, and the neighborhood council has no part in the process, as it is a judicial process. NC3 voted in favor of Eric Peterson sending a letter to Mr. Mizelle.

- **Vision and goal setting follow-up:** Neighborhood Council 3 representatives will work on two or three objectives during the next 12-18 months. We should hand out copies of our NC3 brochures to all attending our meetings. During the next year we need to schedule two opportunities to meet with residents and hand out materials. Great Falls Communications Specialist Lanni Klasner said we could ask if neighborhood schools would be willing to share our video on their Facebook pages. Sue Dickenson said we shouldn't judge our success by the number of people attending our meetings. Mark Willmarth said to focus our education events at businesses that attract local residents. He also suggested members commit to handing out brochures to five neighbors each month. Lanni Klasner said she has a vinyl banner available. Sue Dickenson suggested attending local school open houses and setting up information tables at local businesses in the spring. Mark Willmarth said we could add a piece to our agenda each meeting to brainstorm ideas on future meeting topics or guest speakers. Sue Dickenson said we should hold our public comment to five minutes per speaker during our meetings, as per our bylaw guidance.

NEW BUSINESS

Eric Peterson suggested using "Neighborhood Council 3: A View and a Vision" for our council motto or catchphrase. NC3 voted in favor of using the phrase.

ADJOURN

The next regular NC3 meeting will be held at 7 p.m. Thursday, November 5, 2020. Due to COVID-19 restrictions with Riverview Elementary School the meeting place is to be determined.

The meeting was adjourned at 5:55 p.m. Respectfully submitted, Eric Peterson, secretary.

Neighborhood Council 3
c/o Eric Peterson, Secretary
932 Avenue D N.W.
Great Falls, MT 59404

October 13, 2020

Mr. John Mizelle
1020 Valley View Drive
Great Falls, MT 59404

Dear Mr. Mizelle,

Thank you very much for attending our neighborhood council meeting on Thursday, October 1, 2020. The council members appreciate your participation in our meeting and the sharing of your neighborhood concerns.

During the meeting you stated you were requesting a Boulevard Encroachment Permit for your front yard fence. This process is described in the Official Code of the City of Great Falls, Title 12, Chapter 1.050, Boulevard encroachment permit-issuance conditions.

The members of Neighborhood Council 3 met with city staff members on Thursday, October 8, 2020 and discussed your issue. We were told by city staff that since the issue is a judicial matter being heard before the City of Great Falls Board of Adjustments/Appeals our council has no part in the process.

The city provided us with copies of 12 letters sent to Great Falls homeowners requesting removal of fences or objects extending into the city street right-of-way. It appears to the members of our council that the City of Great Falls is following its established procedures and has not acted improperly in the boulevard encroachment issue of your new fence.

Please feel free to come to our next meeting at 7 p.m., November 5, 2020, to update our council on the status of the permit you've requested.

Sincerely,

Eric Peterson
Neighborhood Council 3 Secretary

Jesse Patton

From: Debbie Kimball
Sent: Monday, October 5, 2020 2:25 PM
To: Jesse Patton
Subject: Fence ROW Letters Other Property Owners
Attachments: 212 14th St. N..pdf; 213 2nd St. N.W..pdf; 400 Riverview Dr E.pdf; 516 4th Ave. S.W. - Fence.docx.pdf; 513 38th St. N. - Fence & Shrubs.pdf; 701 13th St. S. Blvd - Fence.pdf; 636 25th Ave. N.E. Fence.docx.pdf; 712 4th Ave. S. - Fence.pdf; 1704 Central Ave - Fence ROW letter.pdf; 3425 5th Ave N.pdf

10/05/20

Jesse,

Attached are letters sent to property owners regarding fence ROW encroachments.

- 212 14th St. N.
- 213 2nd St. N.W.
- 400 Riverview Dr. E.
- 516 4th Ave. S.W.
- 513 38th St. N.
- 701 13th St. S.
- 636 25th Ave. N.E.
- 712 4th Ave. S.
- 1704 Central Ave.
- 3425 5th Ave. N.

Debbie

Debbie Kimball, Program Specialist
City of Great Falls Public Works
P.O. Box 5021
Great Falls, MT 59403
Phone 406-771-1401
Direct 406-455-8158
Fax 406-771-0700



PO Box 5021, 59403

COPY

May 15, 2015

Dustin Sem
PO Box 65
Roundup, MT 59072

Dear Dustin Sem:

RE: Boulevard Encroachment

It was brought to the City's attention that the fence at 212 14th St. N. along 14th St. N. extends into the City street right-of-way. The wire fence and metal stakes must be removed. There is a 22.5 feet requirement from the back of curb. (See attached City Codes involving right-of way encroachments).

An inspection will be made on May 20, 2015 to ensure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works
dkimball@greatfallsmt.net

ENC: City Code, Picture



PO Box 5021, 59403

COPY

April 10, 2019

Jereme & Lourdes Babb
213 2nd St. N.W.
Great Falls, MT 59404

Dear Jereme & Lourdes Babb:

RE: Boulevard Encroachment

It was brought to the City's attention that the fencing at 213 2nd St. N.W. extends into the City street right-of-way. The vinyl fence panels must be removed from the right-of-way. There is a 12.5 feet requirement from the back of curb. New fencing in a residential area can only be 4' tall, until the you reach the front of the house, then it can be 6' tall. (See attached City Codes involving right-of way encroachments). Calls were made to Great Falls Fence on 3/28 and 4/10.

An inspection will be made on April 30, 2019 to ensure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works
dkimball@greatfallsmt.net

ENC: City Code



PO Box 5021, 59403

September 8, 2015

Nita & Brian Jackson
400 Riverview Dr. E.
Great Falls, MT 59404

COPY

Dear Nita & Brian Jackson:

RE: Boulevard Encroachment

It was brought to the City's attention that the fence at 400 Riverview Dr. E. is in need of repair. This fence extends into the City street right-of-way. It has been grandfathered until the fence was in need of repair or in need of replacement. There is a 12.5 foot requirement from the back of curb. (See attached City Codes involving right-of way encroachments and CVT).

When the repairs are made to the fence it must be moved back 12.5' on 4th St. N.E. and on Riverview Dr. E. I have attached information on the CVT (Clear Vision Triangle) as well. An inspection will be made on October 1, 2015 to ensure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works
dkimball@greatfallsmt.net

ENC: City Codes



PO Box 5021, 59403

March 21, 2013

Mr. Robert P. Gaither
 P.O. Box 6246
 Great Falls, MT 59406-6426

COPY

Dear Mr. Gaither:

RE: Boulevard Encroachment

On March 9, 2007, it was brought to the City's attention that the fence and shrubs located at 513 38th St. N. are in the City street right-of-way. When a vehicle traveling westbound stops at the stop sign on 6th Ave. N. and 38th St. N. the Clear Vision Triangle view is blocked by the fence and shrubs. A hazard is created when a vehicle must pull out onto 38th St. N. in order to see if there is oncoming traffic headed northbound.

The records on this property show we have received complaints regarding the Clear Vision Triangle in the past. It was agreed that the fence could stay in place if no other complaints were received and the shrubs were trimmed regularly.

The fence will now need to be moved back on 38th St. N. to the 22.5 feet requirement from the back of curb, 14.0 feet on 6th Ave. N., and the shrubs trimmed. The Clear Vision Triangle measurement is 45 feet on each side of the street and avenue. (See attached City Codes involving right-of way encroachments, the definition of a clear vision triangle and landscaping design standards).

Please contact me about this encroachment and let me know when the aforementioned fence will be moved and scrubs trimmed. An inspection will be made in 30 days to insure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
 City of Great Falls Public Works

cc: Marty Basta, Operations Branch Chief
 Todd Seymanski, Park & Recreation

ENC:



PO Box 5021, 59403

COPY

March 21, 2013

Adam V & Renee A Evalt
516 4th Ave. S.W.
Great Falls, MT 59404-2932

Dear Adam & Renee Evalt:

RE: Boulevard Encroachment

On August 11, 2009, it was brought to the City's attention that the fence at 516 4th Ave. S.W. along 4th Ave. S.W. extends into the City street right-of-way. The fence must be moved back to the 15 feet requirement from the back of curb on the avenue. (See attached City Codes involving right-of way encroachments).

Please contact me about this encroachment and let me know when the aforementioned fence will be moved. An inspection will be made in 30 days to insure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

cc: Jim Rearden, Public Works Director

ENC:



PO Box 5021, 59403

December 27, 2012

Bonnie J. Sears
636 25th Ave. N.E.
Great Falls, MT 59404

COPY

Dear Ms. Sears:

RE: Boulevard Encroachment

I received a copy of the letter you sent to the City Attorney's Office today regarding City fence ordinances.

On February 24, 2010, it was brought to my attention that the fence at 636 25th Ave. N.E. had been heavily damaged and was laying on the sidewalk. The portion of the fence along 25th Ave. N.E. is in the City street right-of-way.

Fences that were installed before 1984 have been grandfathered from being moved to the correct right-of-way placement, unless there are repairs or maintenance done to the fencing or if there is a Clear Vision Triangle issue. Your property is not on a corner so the Clear Vision Triangle does not come into play.

Because repairs will need to be made to the damaged fence it must now be moved back to the 12.5 feet requirement from the back of curb on the avenue. (See attached City Codes involving right-of way encroachments).

You could apply for a boulevard encroachment permit, through the Engineering Department, which would cost you \$1 per square foot for the right-of-way area (70 sq ft x 12.5' = \$875.00). This would be a yearly fee.

An inspection will be made the first part of May 2010 to insure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

cc: Neil Anthon, Chief Prosecutor
Dave Dobbs, City Engineer
Jim Rearden, Public Works Director

ENC:



PO Box 5021, 59403

COPY

March 21, 2013

Comforts of Home
c/o Dava Bliss
701 13th St. S. Unit A
Great Falls, MT 59405-2343

Dear Dava Bliss:

RE: Boulevard Encroachment

On May 15, 2006, it was brought to the City's attention that the fence at 701 13th St. S. along 7th Avenue South and 13th Street South extends into the City street right-of-way. The fence must be moved back to the 22.5 feet requirement from the back of curb on the avenue and the street side. This fence is also 6 feet tall, the height for new fences in the City is 4 feet in the front yard, 5 feet on the side of a residence, and 6 feet in the back yard. (See attached City Codes involving right-of way encroachments and the definition of a clear vision triangle).

Please contact me about this encroachment and let me know when the aforementioned fence will be shortened and moved. An inspection will be made in 30 days to insure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

cc: Marty Basta, Operations Branch Chief

ENC:



PO Box 5021, 59403

COPY

April 10, 2018

Barbara J Peninger
712 4th Ave. S.
Great Falls, MT 59405

Dear Barbara J Peninger

RE: Boulevard Encroachment

On June 18, 2012 it was brought to the City's attention that the fence located at 712 4th Ave. S. along 4th Avenue South extends into the City street right-of-way. The fence must be moved back to the 22.5 feet requirement from the back of curb. (See attached City Codes involving right-of way encroachments and fencing).

Please contact me about this encroachment and let me know when the aforementioned fence will be moved. An inspection will be made in 30 days to insure corrective action has taken place. If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

cc: Jim Rearden, Public Works Director

ENC:



PO Box 5021, 59403

COPY

February 19, 2015

Liz Rice
1704 Central Avenue
Great Falls, MT 59401

Dear Liz Rice:

RE: Boulevard Encroachment

It was brought to the City's attention in September of 2014 that the fence posts at 1704 Central Avenue along Central Avenue extend into the City street right-of-way. After several conversations it was determined that these posts must be moved back to the 22.5 feet requirement from the back of curb. (See attached City Codes involving right-of way encroachments). As of 2/18/15 this had not been completed. There is now an entry arch and rocks that have also been placed in the right-of-way that must be also be removed.

An inspection will be made May 1, 2015 to insure corrective action has taken place. If the posts, entry arch and rocks are not removed by this date; City crews will remove them and bill the property owner for that removal.

If you have any questions, I can be reached at 771-1401, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works

ENC:



PO Box 5021, 59403

August 19, 2020

Gregory M. Sutphin
3425 5th Ave. N.
Great Falls, MT 59401

COPY

Dear Gregory M. Sutphin

RE: Boulevard – Rebar

It was brought to the City's attention that rebar has been placed in the boulevard right-of-way at 3425 5th Ave. N. This is a violation of City Code 17.44.2.010. The rebar must be removed from the boulevard.

An inspection will be made on August 31, 2020 to ensure corrective action has taken place. If you have any questions, I can be reached at 455-8158, Monday through Friday, 7:00 AM to 4:00 PM.

Sincerely,

Debbie Kimball, Program Specialist
City of Great Falls Public Works
dkimball@greatfallsmt.net

ENC: City Code



BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)

RECEIVED
APR 9 2021
CITY MANAGER

Thank you for your interest. Citizen volunteers are regularly appointed to various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: <i>Board of Adjustments / Appeals</i>		Date of Application: <i>4-8-2021</i>	
Name: <i>Antoinette Collins</i>			
Home Address: <i>1213 2/6th Ave NE</i>		Email address: <i>Antoinette@1.7estyle.com</i>	
Home Phone: <i>406-452-0210</i>	Work Phone: <i>406-452-1445</i>	Cell Phone: <i>406-799-5502</i>	<i>Fiern, Com</i>
Occupation: <i>Realtor / SA on owner</i>		Employer: <i>Self</i>	
Would your work schedule conflict with meeting dates?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)	
Related experiences or background: <i>I am a Realtor and would be interested to know more of building Code & Ordinances</i>			
Educational Background: <i>Highest Assoc. in Accounting</i>			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: <i>NA</i>			
Previous and current public experience (elective or appointive): <i>NA</i>			
Membership in other community organizations: <i>YWCA - Board Member</i>			

Have you ever worked for or are you currently working for the City of Great Falls? Yes No If yes, where and when?

Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes No If yes, who, which department, and relationship?

Have you ever served on a City or County board? Yes No If yes, what board and when did you serve?

Are you currently serving on a Board? Yes No If yes, which board?
YWCA Board

Please describe your interest in serving on this board/commission?
Very interested in knowing about codes & Ordinances as a Realtor. I believe it can be vital knowledge for my clients.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?
My husband + I designed and had our own home built and builder did share with us some protocols about homebuilding

Additional comments:

Signature: *Antonette Collins* Date: *4/8/2021*

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

Return this form to:
City Manager's Office
P.O. Box 5021
Great Falls, MT 59403

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net