



City Commission Agenda

for

June 16, 2009

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission action. We encourage your participation. Please keep your remarks concise and to the topic under consideration.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION

Alma Smith Jacobs Week
20th Annual Lewis and Clark Festival

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Lease Agreement, Great Falls Soccer Complex. Action: Conduct public hearing and approve or deny Lease. (**Presented by: Marty Basta**)
3. Res. 9836, Conditional Use Permit to allow a Day Care Center on Lot 1A, Block 3, Sunrise Court Addition (5115 3rd Avenue South). Action: Conduct public hearing and adopt or deny Res. 9836. (**Presented by: Bill Walters**)

OLD BUSINESS

NEW BUSINESS

4. Prepayment of Debt Service Interest Payable to Great Falls Development Authority for N.E.W. Loan and Annual Release of Urban Renewal Tax Increment District Surplus Funds. Action: Approve or deny Prepayment and Release. (**Presented by: Coleen Balzarini**)

ORDINANCES/RESOLUTIONS

5. Ord. 3034, to add provisions for Wind-powered Electricity Systems to the Land Development Code. Action: Accept Ord. 3034 on first reading and set public hearing for July 7, 2009. (**Presented by: Bill Walters**)

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.

6. Minutes, June 2, 2009, Commission meeting.
7. Total Expenditures of \$1,251,594 for the period of May 28 through June 10, 2009, to include claims over \$5000, in the amount of \$1,037,684.
8. Contracts list.

9. Approve Change Order No. 1 in the amount of \$389.38 and Final Payment to United Materials and the State Miscellaneous Tax Fund in the amount of \$1,568.15 for the 2008 CDBG Sidewalk Replacement.
10. Award construction contract to River City Concrete in the amount of \$56,320 for the 2009 Valley Gutter and Handicap Ramps.
11. Approve Final Payment in the amount of \$12,727.08 to Phillips Construction LLC and the State Miscellaneous Tax Fund for the 14th Street Southwest and 5th Avenue Southwest Water Main Replacements.
12. Approve Final Payment in the amount of \$22,856.93 to Phillips Construction and the State Miscellaneous Tax Fund for the West Bank Park Storm Drain Outfall Improvements.

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

BOARDS & COMMISSIONS

13. Appointment, Great Falls Housing Authority Board. Appoint one member for a five-year term through May 31, 2014.
14. Appointment, Library Board. Appoint one member for a five-year term through June 30, 2014.
15. Miscellaneous reports and announcements.

CITY MANAGER

16. Appoint Acting City Manager for June 19, 2009.
17. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS (*Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 5 minutes*)

18. Miscellaneous reports and announcements.

CITY COMMISSION

19. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Lease Agreement: Great Falls Soccer Complex
From: Park & Recreation Department
Prepared By: Marty Basta, Park & Recreation Director
Presented By: Marty Basta, Park & Recreation Director
Action Requested: Conduct Public Hearing for Great Falls Soccer Park Lease Agreement

Suggested Motion:

1. Mayor conducts public hearing, calling three times each for opponents and proponents
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commission moves:

“I move that the City Commission (approve/deny) the lease agreement for the Great Falls soccer park with the Great Falls Soccer Foundation.”
 2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission approve the Great Falls Soccer Park lease agreement.

Background: On November 4, 2003 the voters approved a \$2,500,000 General Obligation Bond for the construction of a soccer complex. On June 1, 2004 the City entered into a lease agreement with the Great Falls School District for 30 acres of property for an annual cost of One Dollar (\$1.00) per year for 25 years for the use of a soccer park complex. Terms of the lease included the City’s right to assign the lease or sub-lease the subject premises.

It was anticipated at the time that the soccer complex would require approximately 60+ acres to accommodate the construction of 10 soccer fields. On September 2, 2003, the City Commission approved the purchase of 37.6 acres of land located at the SW corner of the intersection of 10th

Avenue North and 57th Street North. This property acquisition purchase combined with the School District Lease provided the necessary property for the soccer complex.

The proposed Soccer Park Lease agreement is between the City of Great Falls and the Great Falls Soccer Foundation for establishing and operating a soccer park. The initial term of the soccer park complex lease is for 25 years at a cost to the Soccer Foundation of One Dollar (\$1.00) per year for 25 years. As a condition of the lease agreement the Great Falls Soccer Foundation will be responsible for maintenance and upkeep of all property and buildings, and be responsible for all associated costs.

Concurrences: The soccer park Foundation approved the Soccer Park Lease agreement at their Wednesday May 27, 2009 Board meeting.

The School District has also given its consent to the City of Great Falls as written in the 2004 Lease Agreement to sub-lease the Soccer Park Complex to the Great Falls Soccer Foundation.

Fiscal Impact: The City of Great Falls will receive One Dollar (\$1.00) per year for the 25 year term of the agreement.

Alternatives: To not approve the lease agreement with the Great Falls Soccer Foundation for establishing and operating a soccer park.

Attachments/Exhibits:

1. 2004 lease agreement: City of Great Falls and the Great Falls School District
2. Proposed lease agreement: City of Great Falls and the Great Falls Soccer Foundation
(Attachments/Exhibits not available online; on file in the City Clerk's Office.)



Item: Resolution 9836 for Conditional Use Permit to allow a Day Care Center on Lot 1A, Block 3, Sunrise Court Addition (5115 3rd Avenue South)

From: Charles Sheets, Planner 1

Initiated By: Great Falls Housing Authority, Cheryl Patton, Executive Director

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission adopt Resolution 9836.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9836.”

2. Mayor calls for a second, discussion and calls the vote.
-

Zoning Commission Recommendation: At the conclusion of a public hearing held April 28, 2009, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow the building on Lot 1A, Block 3, Sunrise Court Addition, addressed as 5115 3rd Avenue South, to serve as a day care center.

Background: Great Falls Housing Authority intends to lease the existing community center, addressed as 5115 3rd Avenue South, to Play’N’Learn Daycare, Inc. Ms. Raegen Breeden, Director, intends to operate a day care center for up to 38 children, between 0 to 12 years of age. (See attached application and business proposal) According to the lessee, the proposed day care center will have an owner/director and employ four to five primary care givers, four to five aides, and one cook.

For additional information, please refer to the attached Vicinity/Zoning Map. Also attached is a site plan that shows the size and configuration of subject property, together with the location of the primary structure, Building E, and accompanying parking.

Subject property is zoned R-5 Multi-family residential medium density district wherein a day care center is permitted upon processing and approval of a conditional use permit. The definition in the Unified Land Development Code for day care center is a place and/or building, or portion thereof that is used or is intended to provide day care to children on a regular basis. (Source: 52-2-703.3, Montana Code Annotated, "Day care center" means an out-of-home place in which day care is provided to 13 or more children on a regular or irregular basis.)

Neighborhood Council No. 4 discussed the subject conditional use permit on April 21, 2009. The Council Chairman, Sandra Guynn, attended the Zoning Commission Public Hearing and stated the council did not have a quorum present but those present were in favor of granting a conditional use permit for a day care center.

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 plan, 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 the type, scale, and physical character of the neighborhood.

Establishing a day care center at this location would not be intrusive to the neighborhood. The existing parking lot serving the facility should allow for adequate drop off and pick up of children without disrupting the neighborhood or traffic flow. The Great Falls Housing Authority maintains a play area within the apartment complex that the day care center will be able to utilize.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit, provided the property otherwise stays in compliance with City code.

The only individuals who spoke during the Zoning Commission public hearing held April 28, 2009 were Ms. Cheryl Patton, Executive Director of the Great Falls Housing Authority and Sandra Guynn, Chairman of Neighborhood Council No. 4. There has been no opposition expressed to the requested conditional use permit for the day care center. The Zoning Commission at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow the building on Lot 1A, Block 3, Sunrise Court Addition, addressed as 5115 3rd Avenue South, to serve as a day care center.

Concurrences: The Community Development Department has been involved throughout the review and approval process for this project.

Fiscal Impact: Granting the conditional use permit allowing the Housing Authority to lease 5115 3rd Avenue South to accommodate a day care center, will be a source of revenue for the Housing Authority.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Resolution 9836
2. Vicinity/Zoning Map
3. Development Review Application for Conditional Use Permit
4. Site Plan provided by applicant
5. Letter to Great Falls Housing Authority, business proposal from Play’N’Learn Daycare, Inc.

Cc: Cheryl Patton, Executive Director, Great Falls Housing Authority
Mike Rattray, Community Development Director
Kim McCleary, City Parking Supervisor

RESOLUTION 9836

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW THE BUILDING ON LOT 1A, BLOCK 3,
SUNRISE COURT ADDITION TO GREAT FALLS,
ADDRESSED AS 5115 3RD AVENUE SOUTH,
TO SERVE AS A DAY CARE CENTER

* * * * *

WHEREAS, the Great Falls Housing Authority owns Lot 1A, Block 3, Sunrise Court Addition to Great Falls; and,

WHEREAS, the Housing Authority intends to lease a building on said Lot 1A, addressed as 5115 3rd Avenue South for the operation of a day care center; and,

WHEREAS, said building addressed as 5115 3rd Avenue South, previously served as a community center and a day care center; and,

WHEREAS, said Lot 1A is presently zoned as R-5 Multi-family residential medium density district, wherein a day care center may operate upon processing and approval of a conditional use permit application; and,

WHEREAS, the Housing Authority has applied for a conditional use permit to allow the building on Lot 1A, Block 3, Sunrise Court Addition to Great Falls, addressed as 5115 3rd Avenue South, to serve as a day care center; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 28, 2009, 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 building on Lot 1A, Block 3, Sunrise Court Addition to Great Falls, addressed as 5115 3rd Avenue South, to serve as a day care center.

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

That a conditional use permit to allow the building on Lot 1A, Block 3, Sunrise Court Addition to Great Falls, addressed as 5115 3rd Avenue South, to serve as a day care center is hereby approved; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
on this 16th day of June, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lucy Hallett, Acting City Clerk


(SEAL OF CITY)









Approved for legal content:

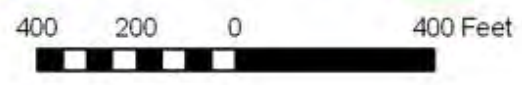
David V. Gliko, City Attorney

VICINITY/ZONING MAP



 LOT 1A, BLOCK 3, SUNRISE COURT ADDITION REQUESTING A CONDITIONAL USE PERMIT BE GRANTED TO ALLOW A LAND USE OF A DAY CARE CENTER

-  City Limits
-  R-3 Single-family high density
-  R-5 Multi-family medium density
-  C-1 Neighborhood commercial
-  PLI Public Lands and Institutional
-  POS Parks and Open Space
-  U Unincorporated enclave
-  Tracts of land outside City



Development Review Application for Conditional Use Permit



P. O. Box 5021, 59403-5021

Planning Department

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: SUNRISE COURT DAYCARE FACILITY

Owner(s): GREAT FALLS HOUSING AUTHORITY

Mailing Address: 1500 CHOWEN SPRING LOOP

Phone: (406) 452-4311 FAX: X 304

E-mail: _____

Agent(s): NONE

Mailing Address: _____

Phone: _____ FAX: _____

E-mail: _____

Legal Description: LOT 1, BLOCK 3, SUNRISE COURT ADDITION

Section: 9 Township: 20 N Range: 3 E

Street Address: 5115 3RD AVENUE SOUTH

Zoning: Current: R-6 MULTI-FAMILY Proposed: R-6 & CONDITIONAL USE

Land Use: Current: MULTI-FAMILY Proposed: MULTI-FAMILY & DAYCARE FACILITY

Covenants or Deed Restriction on Property: Yes No
(If yes, please attach to application)

Application Type (please check all that apply):

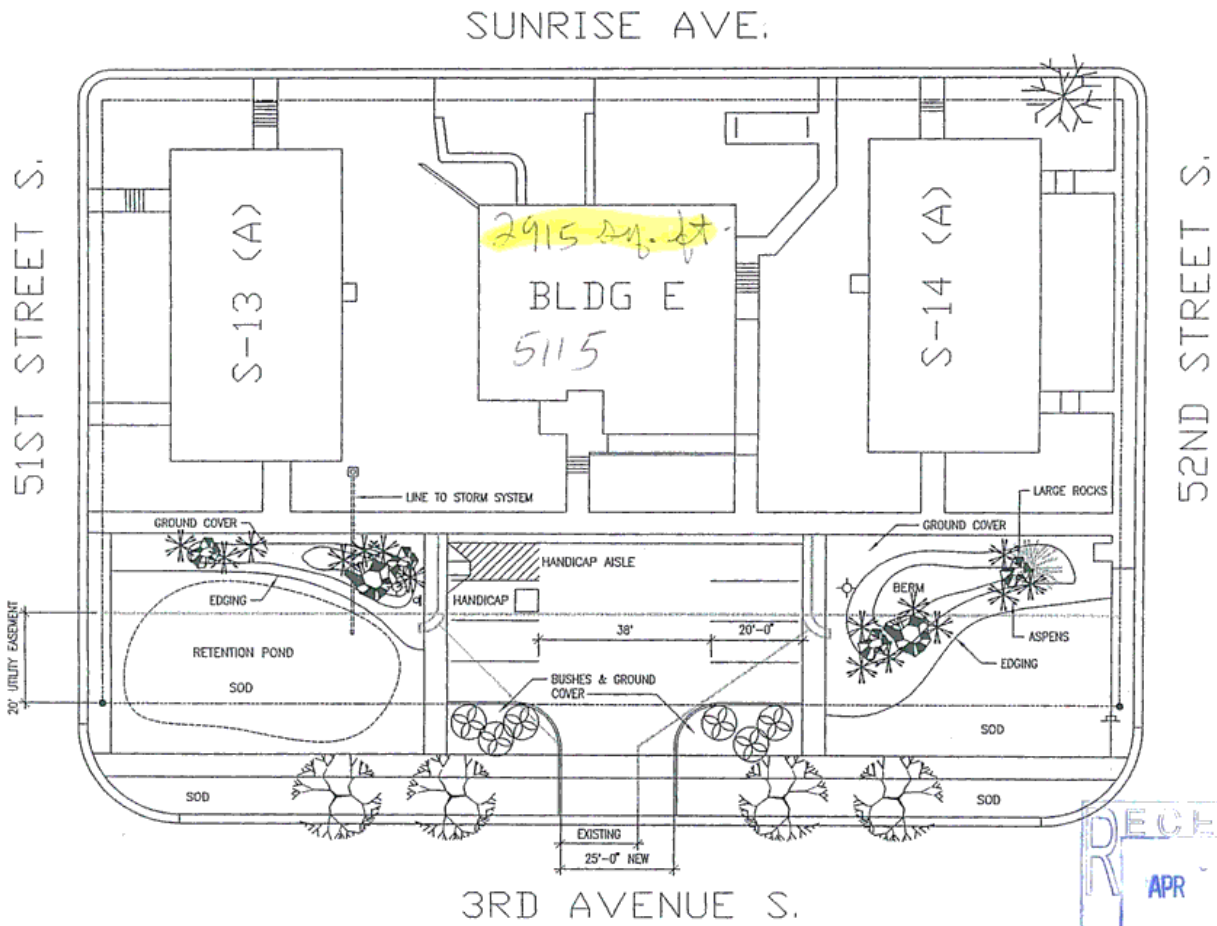
- Subdivision Preliminary Plat-\$800
- Subdivision Minor Plat-\$600
- Conditional Use Permit-\$700
- Establishment of Zoning with Annexation-\$700
- Annexation-\$400
- Zoning Map Amendment-\$700
- Subdivision Final Plat-\$300

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: Cheryl Foster Date: 4/11/2009
Executive Director

Property Owner's Signature: _____ Date: _____

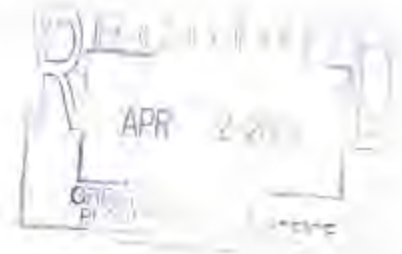


1 **REVISED SITE PLAN**
SCALE: 1"=20'



Letter to Great Falls Housing Authority, business proposal from Play'N'Learn Daycare, Inc.

Play 'N' Learn Daycare, Inc.
Raegen Breeden
3305 12th Ave S
Great Falls, MT 59405
(406) 771-7183



February 3, 2009

Attn: Director and Deputy Director
Great Falls Housing Authority
1500 Chowen Springs Loop
Great Falls, MT 59405

RE: Childcare Center Business Proposal

To Whom It May Concern:

For the past twelve years, I have served the community of Great Falls in the childcare industry. My services have been provided primarily to low income families. My program is based out of my home and is structured for most age groups and schedules. Currently, I offer programs for infants, toddlers and pre-school aged children. All the programs strive to ensure that the needs of each child are being met and to support the children's developmental processes. The goal is to promote early childhood education and school readiness. Services are also provided to school aged children up to the age of twelve. In order to accommodate the scheduling needs of the families, my facility operates on a twenty-four hour per day Monday through Friday basis. As a result of my commitment to the childcare industry, I am continuously aware of the increasing demands for daycare centers, particularly in the Sunrise Court Complex. Therefore, I am proposing to operate a childcare facility in this area to provide childcare services to the large number of children that range in age from 0 to 12 years who reside in this housing complex and the surrounding area.

If my proposal were accepted, I feel I would be providing a great service to these individuals, but more importantly quality childcare services. It is my belief that it takes a community to raise a child and it is my passion and desire to be part of this process. My role is to continuously build on this community to not only provide positive experiences for children, but to support families to allow children to reach their potential physically, emotionally and morally.

A childcare facility in the Sunrise Court Complex would provide many exciting opportunities to this community. This facility would include wonderful educational opportunities, field trips, healthy meals and snacks, arts/crafts, opportunities for positive play with other children and support for families. This program would be directly serving infants, toddlers, preschoolers, before and after school children, special needs, and drop-

in care. There will be a number of slots guaranteed (as determined by the Great Falls Housing Authority) and will be held daily for families that are involved with the Great Falls Housing Authority in order to meet the childcare demands. I would propose that the facility operate from 5:30 am to 5:30 pm Monday through Friday. However, once the facility is established, I would review these hours and determine if they are sufficiently meeting the needs of the families. I am also proposing that the facility would be open one Friday evening a month from 5:30-10:00pm with no costs to the parents. This would provide a safe place for children in the Sunrise Court complex to participate in positive activities and interaction with peers. This would also allow parents to attend to their personal needs and engage in self-care strategies.

This facility would also provide many additional benefits to the community. For example, currently I provide transportation to and from several area schools including Chief Joseph, East Middle School, Lewis and Clark, and Mountainview. In the new facility, I would continue to provide this service. There are several developments owned by the Great Falls Housing Authority that would be able to utilize this transportation service. There have also been times where parents have used my transportation service due to an inability to provide the transportation themselves or due to being single parent households.

This facility would also offer employment opportunities to the parents or tenants of the Great Falls Housing Authority as they would be encouraged to apply first before the job opening would be posted to outside sources. It is my strong belief that if parents are healthy both emotionally and physically, then children will be too. Part of fostering healthy children is encouraging healthy parenting. By providing employment opportunities or childcare opportunities for parents to seek or maintain other employment, is empowering parents and instilling a sense of hope and self-worth, which will ultimately benefit the children and future generations to come.

In my current role as a childcare provider, I have established many positive connections with various state agencies such as, DPHHS, Head Start, Childcare Food Program Office and Family Connections. Therefore, I will also be able to provide parents and staff with educational materials and support in the various state-funded programs available for them to succeed. These programs can offer positive programs for low income families. My experience in this field thus far, has helped me to understand the financial situation of these families; therefore, this new facility would support families in accordance with Montana State guidelines. The financial situations a majority of my clientele experience will not allow for extra costs that are unnecessary financial strains. Therefore, I will not charge additional paperwork fees, transportation fees, for two week notices based on circumstances, and I will not charge a block rate. To best support families, I will provide fulltime, part time, and drop in care. Families will only be billed for time scheduled and not be expected to pay any more than what is agreed upon. Most of my clientele receive assistance for child care, I will follow their certification plans to lower their out of pocket expense. Four meals per day will also be provided including breakfast, am snack, lunch and pm snack. In the event that I lengthen the hours of operation after review, I will also

provide dinner and an evening snack. All meals will be well balanced and nutritional in accordance with the Childcare Food Program.

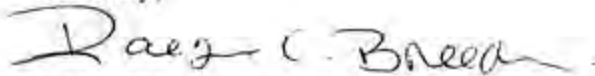
If this proposal is approved by the Great Falls Housing Authority, this will be providing the community with an amazing service. This is a service that not only benefits our children, but also benefits our families as a whole unit. My job is very rewarding and I have positively impacted many families along the way. Serving children and low income families is my number one priority. In your facility, I will be able to continue serving families from the Great Falls Housing Authority complexes.

Thank you for giving me the opportunity to present this proposal. I would like to offer all involved the opportunity to see the facility I am currently working out of. It is my belief that this will show work ethic and the quality of care I would be providing.

Please see the attached petition supporting the need for childcare in this area, as well as documentation of families I already serve.

Thank you for your consideration and I look forward to hearing from you. If you have any further questions, please contact me at (406)771-7183.

Sincerely,



Raegen Breeden

Director of Play'N'Learn Daycare Inc.



Western States
Insurance Agency

400 W Main Ste #102
P.O. Box 1800
Hamilton MT 59840 1800

406 363 3543
Fax 406 363 2890

www.wsiagency.com

Peace of mind from people you trust.

March 4, 2009

Great Falls Housing Authority
1500 Chowen Springs Loop
Great Falls, MT 59405

RE: Raegen Breeden

To Whom it May Concern:

Raegen Breeden has been a customer of Western States Insurance since 2001. She has carried her business property and child care liability with our agency, through Capitol Indemnity.

Raegen has an excellent payment history and is knowledgeable about the coverages that are needed.

We have discussed her business expanding to the Sunrise Court Community Center and approval is in place for 38 children at this location. Liability limits of \$1,000,000 have also been approved, along with Great Falls Housing Authority as an additional insured on her policy.

Upon occupancy of this location, we will issue a certificate of insurance, naming the Great Falls Housing Authority as an additional insured on her policy.

If you have any further questions or need any additional information, please feel free to contact me.

Sincerely,

Beth Eggleston, CIC
Western States Insurance Agency



Item: Prepayment of Debt Service Interest Payable Through 2020 to Great Falls Development Authority for N.E.W. Loan; and Annual Release of Urban Renewal Tax Increment District Surplus Funds

From: Coleen Balzarini, Fiscal Services Director

Initiated By: Analysis of Urban Renewal Tax Increment District Revenue Collections and Bond Covenant Reserve Requirements

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Authorize the use of available Tax Increment funds to prepay Loan Interest Payable to the Great Falls Development Authority related to City participation in loan to N.E.W.; and, Authorize release of Surplus Tax Increment Funds to the State, City, County, and School District

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (authorize/deny) the use of available tax increment funds to prepay \$280,324 in loan interest payable at the discounted amount of \$235,000 to the Great Falls Development Authority, as it relates to City participation in an economic development loan to N.E.W.; and, (authorize/deny) the release and distribution of \$1,000,000 of surplus tax increments from the Tax Increment Debt Service Fund to the City, Cascade County, School District 1, and the State”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Background:

At this time there is one principle payment remaining on the Urban Renewal Tax Increment Bonds, due August 15, 2009. The Urban Renewal Tax Increment District will cease to exist when all bonded debt is satisfied. Reductions in the amount of required reserves are attributable to the minimal amount of debt service payments remaining on the Tax Increment Bonds. Funds no longer required to be held in reserve are available for other purposes: including payment of finance costs incurred to promote construction of eligible projects, and release of funds back to the County, School District, State, and City of Great Falls.

Use of Tax Increment Funds to Prepay \$235,000 in loan interest payable to the Great Falls Development Authority related to City participation in an economic development loan to N.E.W.:

Tax increment debt reserve funds are now available to spend on eligible expenditures within the Urban Renewal Tax Increment District. It is Staff's recommendation that \$235,000 of available funds be used to prepay loan interest payable to Great Falls Development Authority. Doing so will relieve the Economic Development Fund of future interest payment obligations through July 1, 2020.

On January 18, 2000, the Commission voted to approve a Development Agreement between the City of Great Falls, High Plains Development Authority (now the Great Falls Development Authority), National Electronics Warranty Corporation, and 321 Associates LLC. The agreement provided for the redevelopment of the former Bon Building. Application for an EDA loan of \$2,000,000 was granted to assist in funding the extensive remodeling. The City agreed to pay the portion of the EDA loan interest payments that exceeded 2%. The final interest rate on the loan was 4.75%, resulting in an annual City obligation to pay GFDA \$25,484/year. The final City payment is due in 2020, and if carried to term would result in a total cash expenditure of \$280,324. Benefits derived from N.E.W.'s location and expansion in the Bon building, include annual incremental property tax increases of \$14,000, a total annual property tax payment of \$36,000, retention of a major employer in Great Falls with over 560 employees, and attractive rehabilitation of a prominent downtown facility.

City and GFDA Staff have developed a plan in which GFDA would receive \$235,000 on June 30, 2009, as payment in full of the City's obligation, utilize the \$235,000 to pay down a portion of the outstanding principal on the N.E.W. loan, which in turn reduces future interest expense, which then frees up approximately \$75,000 to put out into a new loan. The long term savings to the City is \$45,324 in total cash outlay. The immediate benefit to the City is in the retirement of a long term debt obligation that has placed budgetary limitations on its small, but important Economic Development Fund. This plan is mutually beneficial to the City and to GFDA.

Annual Analysis and Release of Surplus Tax Increment Funds:

The annual analysis of the Urban Renewal Tax Increment Debt Service Fund indicates there is \$1,000,000 in surplus tax increment revenue available for release to the various taxing jurisdictions. The existence of this surplus is proof positive that the use of tax increment financing works to increase the taxable value of areas such as downtown Great Falls. The community benefits from the development activities in the form of infrastructure upgrades and improved aesthetics in a previously blighted area of the community. The willingness of the taxing jurisdictions to forego receipt of incremental tax revenues during the period in which the district exists indicates a commitment to invest in development today in order to increase tax revenues in the future.

When a tax increment district is created, two basic conditions are met:

1. the determination that "but for" tax increment financing, desired development would not occur in the area; and,
2. agreement that local taxing entities will receive the same "base year" level of taxes, but dedicate any incremental tax increases to financing the development of the area.

The FY 2008/2009 surplus release allocation is based upon 2008 mill levies.

	<u>% Share</u>	<u>Surplus Share</u>
City	25.16 %	\$ 251,600
Library	2.04 %	20,400
County	20.47 %	204,700
School	29.89 %	298,900
State (for schools)	<u>22.44 %</u>	<u>224,400</u>
Total	100.00 %	<u>\$ 1,000,000</u>

Concurrences: A tax increment surplus release cannot occur unless all reserve requirements contained within the bond resolution are met. An analysis of existing funds, anticipated funds, and the amount of required reserves confirms compliance with the requirements.

Fiscal Impact:

Prepayment of \$235,000 in discounted debt obligation to Great Falls Development Authority, with existing, eligible to be expended, and no longer required to be held as tax increment reserve funds, will relieve the Economic Development Fund of future interest payment obligations through July 1, 2020.

The taxing jurisdictions, including the City, will apply the released surplus funds of \$1,000,000 to needs specific to that governmental entity. For example, in recent years the City has used the surplus release to fund operational expenses of the General Fund.

Alternatives:

Debt Prepayment: If prepayment of the debt obligation is not authorized there will continue to be an annual obligation of \$25,484 and a total remaining payment amount of \$280,324 through 2020.

Surplus Release: The Commission may opt to delay release of surplus funds back to the taxing jurisdictions.

Attachments/Exhibits:

1. Tax Increment Surplus – Analysis
2. Tax Increment Surplus – History of Distributions
3. The Urban Renewal Tax Increment District, Related Debt Financings, and Release of Tax Increment Surplus Funds

CITY OF GREAT FALLS TAX INCREMENT SURPLUS								
Sources								
1	Cash Balance	11-Jun-2009					\$ 1,772,415	
	Add: Estimated Tax Collections thru	15-Aug-2009					973,180	
	Add: Estimated Interest thru	15-Aug-2009					8,000	
	Total Estimated Sources @	15-Aug-2009					2,753,595	
Uses								

1	Debt Service Payment @	15-Aug-2009	15-Feb-2010	15-Aug-2010	Total			
a	Principal	1,105,000	0	0	1,105,000			
b	Interest	19,799	0	0	19,799			
c	Fees	750	0	0	750			
	Debt Payment Subtotal						1,125,549	
2	Reserve Requirements @	15-Aug-2009						
a	Reserve Account - L-T Debt Service Reserve				0			
	Bond Account - Current Debt Service Reserve (Resets to \$ 0 at August 15th)							
b	Principal	0 X 50%			0			
c	Interest (see payment above)				0			
d.	Development Account -- "Release Reserve"				0			
e.	Restricted for Broadwater Landscaping (52,000), Misc Development (388,919 Water Attraction D/S 2010 (168,000)				608,919			
	Reserves Required Subtotal						608,919	
	Debt Payment and Reserve Requirements	15-Aug-2009					1,734,468	
Potential Surplus							\$ 1,019,127	
Amount of Surplus to be Released							\$ 1,000,000	
Distribution								
		Total	City of Great Falls	Great Falls Library	Cascade County	Great Falls School District	State of Montana	Transit District
2009	Mill Levy	598.51	150.56	12.20	122.54	178.89	134.32	Note 1
	Percentage Share	100.00%	25.16%	2.04%	20.47%	29.89%	22.44%	na
	Surplus Distributor	1,000,000	251,600	20,400	204,700	298,900	224,400	na
Note 1	Contrary to statute, tax increments related to the Great Falls Transit District were not remitted to the tax increment fund prior to FY 99. T. I. surplus totalling \$152,221 was distributed to the Transit District from FY 92 through FY 97 before the increment error was discovered. Starting in FY 98 Transit District increments will be received and fully retained to recover the increment deficiencies of prior years.							

CITY OF GREAT FALLS									
TAX INCREMENT SURPLUS									
HISTORY OF DISTRIBUTIONS BY THE CITY									
Distribution Date	Fiscal Year	Levy Year	Totals Distributed	\$ AMOUNT DISTRIBUTED TO TAXING ENTITIES					
				City of Great Falls	Great Falls Library	Cascade County	Great Falls School Distr.	State of Montana	G.F. Transit District
								Exclude Univ. Mills	
18-Jun-1991	FY 1990 / 91	1990	180,786.00	59,659.38	5,423.58	43,388.64	72,314.40	0.00	0.00
16-Feb-1993	FY 1991 / 92	1991	113,012.00	21,942.27	1,807.86	16,397.30	31,281.17	38,670.16	2,913.24
16-Feb-1993	FY 1992 / 93	1992	628,220.01	115,537.21	9,519.31	87,523.25	194,289.10	206,011.45	15,339.69
05-Apr-1994	FY 1993 / 94	1993	675,000.00	121,500.00	13,500.00	108,000.00	195,750.00	216,000.00	20,250.00
05-Jul-1995	FY 1994 / 95	1994	1,111,000.00	209,000.00	22,000.00	176,000.00	308,000.00	363,000.00	33,000.00
02-Apr-1996	FY 1995 / 96	1995	1,970,197.00	376,664.00	32,308.00	322,292.00	527,369.00	659,556.00	52,008.00
15-Jul-1997	FY 1996 / 97	1996	1,100,000.00	198,770.00	17,050.00	189,090.00	323,400.00	342,980.00	28,710.00
03-Feb-1998	FY 1997 / 98	1997	706,588.00	143,976.00	4,952.00	134,863.00	257,016.00	165,781.00	0.00
15-Jun-1999	FY 1998 / 99	1998	549,945.00	94,655.00	8,085.00	81,015.00	196,790.00	169,400.00	0.00
15-Aug-2000	FY 1999/00	1999	1,000,000.00	180,600.00	15,500.00	157,000.00	357,500.00	289,400.00	0.00
19-Jun-2001	FY 2000/01	2000	850,000.00	163,795.00	15,895.00	145,350.00	273,870.00	251,090.00	0.00
17-Sep-2002	FY 2001/02	2001	1,051,000.00	199,690.00	21,020.00	189,180.00	357,340.00	283,770.00	0.00
24-Jun-2003	FY 2002/03	2002	1,640,000.00	314,880.00	36,080.00	298,480.00	574,000.00	416,560.00	0.00
24-Jun-2004	FY 2003/04	2003	1,500,000.00	288,000.00	31,500.00	286,500.00	535,500.00	358,500.00	0.00
21-Jun-2005	FY 2004/05	2004	960,000.00	193,601.00	19,775.00	174,572.00	339,597.00	232,455.00	0.00
06-Dec-2005	FY 2005/06	2005	1,000,000.00	214,500.00	20,760.00	183,690.00	339,390.00	241,660.00	0.00
19-Jun-2007	FY 2006/07	2006	1,000,000.00	217,140.00	20,580.00	205,010.00	317,470.00	239,800.00	0.00
17-Jun-2008	FY 2007/08	2007	1,000,000.00	239,970.00	20,050.00	200,550.00	302,970.00	236,460.00	0.00
16-Jun-2009	FY 2008/09	2008	1,000,000.00	251,600.00	20,400.00	204,700.00	298,900.00	224,400.00	0.00
			\$ 18,035,748.01	\$ 3,605,479.86	\$ 336,205.75	\$ 3,203,601.19	\$ 5,802,746.67	\$ 4,935,493.61	\$ 152,220.93

THE URBAN RENEWAL TAX INCREMENT DISTRICT, RELATED DEBT FINANCINGS, AND RELEASE OF TAX INCREMENT SURPLUS FUNDS

What is Tax Increment?

This *Urban Renewal Tax Increment District* is most of the area in the oldest part of Great Falls

It was *Established in 1979* and will *End in FY 2010*

The *Tax Increment* is the increase in property taxes since the District was created.

What is Tax Increment Used For?

The City has *Issued Bonds for Public Improvements* in the District.

The *Tax Increment Is Used to Pay Back the Bonds or to directly finance eligible activities*

The City, County and School are investing taxes to *Restore the City Center*

What is Tax Increment Surplus?

Tax Increment now generates *More tax revenue than Needed to Pay Bonds -- A Surplus*

The Surplus is returned to tax entities in proportion to their mill levies

Surplus has been released annually since 1987.

Tax Increment District History

The city center Tax Increment District was created in 1979. In FY 86/87 the City initiated annual releases of a portion of the Tax Increments determined to be unnecessary for urban renewal plans. The released levies totaled:

\$ 96,591 for FY 86/87;

\$ 114,845 for FY 87/88; and,

\$ 123,989 for FY 88/89.

All of these releases were made by annual resolutions instructing the County to release any tax increments in excess of \$2,029 per mill.

In 1989 the City issued its major Tax Increment Bond, and in 1993 most of the 1989 Tax Increment Bond was refunded. Bond covenants contain Debt Service Reserve requirements, and include a requirement that the City **directly receive** 100% of all tax increments. The purpose was to assure bond holders that first priority for all tax increments would be bond payments and required reserves. The covenants also stipulate additional reserves before any release of tax increment surplus.

Due to new bond covenants, no Tax Increment release was provided for FY89/90. Since FY 90/91, analysis has shown that the City is able to:

- a. meet Debt Service Reserve requirements;
- b. issue additional bonds for construction of the Health Department Building;
- c. make current bond payments; and,
- d. annually release surplus tax increment.

Bond covenants authorize the City to use the surplus for further urban renewal, debt retirement, and/or distribution to the taxing bodies. When the Tax Increment District was created, the understanding among local government taxing bodies was that any surplus tax collections would be distributed.

A new City/County/School agreement provided for additional tax increment bonds to be issued in FY 97/98 for a City-County Health Building. The surplus distributions for FY 98/99 and thereafter are reduced due to the increased debt service obligations.

Additional debt service savings occurred in November 2002 when the 1993 T/I bonds were refunded. Reserves were built up to required balances through past levies or directly through debt financing. The "surplus" is derived from the most current tax levies. Accordingly, the proposed surplus distribution is based upon the current annual mill levies of the taxing jurisdictions.

Release Of Tax Increments - Relevant Bond Covenants Review

Section 8 of Resolution No. 8245 was amended with the adoption of Resolution No. 9268. This section prescribes the details related to required reserves, which are bond covenants, for the 1989 Tax Increment Bond issue.

Page 51 of the resolution sets the requirements which must be met before release of tax increments to taxing bodies. Funding of three reserves are required before any release:

1. RESERVE ACCOUNT - Section 8.04 (Long-term Debt Service Reserve)
This reserve is set at \$771,000, and relates to an amount equal to the lesser of (1) the maximum Principal and Interest Requirements on outstanding bonds for the then current or any future calendar year or (2) ten percent (10%) of the aggregate original principal amount of all series of bonds then outstanding....NOTE: THE RESERVE ACCOUNT IS NO LONGER REQUIRED, ONLY CURRENT DEBT SERVICE OBLIGATIONS REMAIN
2. BOND ACCOUNT - Section 8.03 (Current Debt Service Reserve)
This reserve varies relative to both the principal & interest paid per year as well as the point in time during the year when the balance is reviewed. The reserve amount is the interest due at the next interest payment date plus either:
 - a. 100% of the interest due within the next six (6) months; or,
 - b. 50% of the principal due within the next twelve (12) months.

NOTE: ALL FUNDS NECESSARY FOR THE FINAL DEBT SERVICE PAYMENT DUE AUGUST 15, 2009, HAVE BEEN RESERVED IN THE BOND ACCOUNT.

3. DEVELOPMENT ACCOUNT - Section 8.05(e) (Release Reserve)

In addition to other permitted uses, including the payment of eligible project expenditures, provision is made in the Development Account section for release of surplus increments. However, before any release can be made another reserve requirement is added. This additional release reserve is set at 50% of the principal and interest due in the next succeeding fiscal year. NOTE: THIS ACCOUNT IS NO LONGER REQUIRED, ALL REMAINING DEVELOPMENT ACCOUNT FUNDS ARE AVAILABLE FOR ELIGIBLE PROJECT EXPENDITURES.

On page 49 of Resolution No. 8245, Section 8.03 makes specific reference to "all tax increment estimated to be received ... prior to the next succeeding Interest Payment Date" as a factor in measuring conformance with the Bond Account reserve requirement. Accordingly, both cash and estimated revenues should be used to analyze the potential to release tax increments to the taxing bodies. This was also verified through Bond Counsel.



Item: Ordinance 3034 to add provisions for Wind-powered Electricity Systems to the Land Development Code

From: Bill Walters, Interim Planning Director

Initiated By: City Staff

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission accept Ordinance 3034 on first reading and set a public hearing for July 7, 2009.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3034 on first reading and set a public hearing for July 7, 2009.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held March 10, 2009, unanimously passed a motion recommending the City Commission adopt the ordinance (3034) to amend the Land Development Code to permit certain types of wind-powered electricity systems within the City subject to compliance with specified standards and conditions.

Background: As interest and inquiries are increasing regarding wind turbines, ranging in size from the one recently approved through the conditional use process for MSU COT to smaller units that can be mounted on residential rooftops, Staff has drafted amendments to the Land Development Code which will permit certain types of wind-powered electricity systems in all zoning districts, subject to compliance with specified standards and conditions.

In preparing the attached material, Staff started with a ‘wind-powered generator’ ordinance that the City adopted in October, 2001, and upgraded it based upon review of recent publications on the subject, codes from other communities and input from local individuals to date.

A significant factor that influences energy production associated with wind-powered electricity systems is the speed and consistency of the wind. Variations in topography and obstructions such as buildings and trees slow the wind and add turbulence near the ground. Therefore, adequate

height is a critical factor in wind-powered electricity system effectiveness. In order to function well, the lowest part of systems with rotor blades must be a minimum of 25 to 35 feet higher than surrounding obstructions.

Ordinance 3034 essentially allows small wind-powered electricity systems (up to 10 kW and 80 feet in height) as accessory uses in all residential zoning districts and systems (up to 100kW and 125 feet in height) in all other zoning districts subject to setback and other standards. The proposed minimum setbacks of 110% of the tower height for systems 80 feet or less in height and 200% of the tower height of systems more than 80 feet in height are reasonable requirements. Structure failure in wind-powered electricity systems is extremely unlikely. Systems are installed on engineered towers and poles and rooftop models must be installed on structures that are engineered to accommodate the additional weight and stress. Even so, such setbacks of 1.1 to 2 times the tower height address a range of potential impacts including safety, noise, and aesthetics, and can give neighbors peace of mind. Based upon the proposed standards, a standalone 60-foot tall wind-powered electricity system would require a minimum 66 foot (110% x 60ft) setback from any property line. With the vast majority of the lots in the City being less than 80 feet in width, they would be precluded from accommodating such a system. A standalone wind-powered electricity system placed on a typical 50-foot wide lot could not be more than 22.7 feet in height.

Opinions vary widely about whether wind-powered electricity systems are attractive, based largely on personal taste. And there are a variety of different wind-powered electricity systems as is evident from reviewing the attached photo collage. Some would be considered rather innocuous and appear more like ornamental art instead of an energy producing system. However, most systems are usually quite visible because they must be placed high enough to access good wind. The community has to decide if the aesthetic impact is serious enough to enforce height standards that would compromise a system's functionality. The appearance of a turbine is an aesthetic issue which staff has attempted to address through the color, signs and lighting provisions in the attached ordinance.

Noise generated by a wind-powered electricity system is often a first concern of neighbors. Small systems that would be used in a residential setting (up to 10kW) can be compared to a flag flapping in the wind. To further illustrate, the noise level measured 50 feet away from a wind-powered electricity system (up to 10kW) on an 80-foot tower is approximately 45 decibels which is under the maximum 50 decibel limitation in residential areas stipulated by the City's noise ordinance. Of course, the greater the distance between the listener and the turbine, the less the noise level. Off-property noise intrusion from a residential turbine system is typically very limited. The slow-spinning blades on large wind-powered electricity systems can cause thumping vibrating acoustical effects. Faster rotating, smaller systems do not cause the same effects.

Following are some comparative figures for energy production associated with wind turbines.

- ◆ Typical residential roof mounted unit will generate about 500W or .5kW.
- ◆ Models used by Cascade County at its new County shop Complex and to be built at MSU COT are rated about 50kW with an approximate height of 120 feet.
- ◆ The six United Materials' turbines west of International Airport are each rated 1.5mW or 1500kW with a height of about 220 feet.
- ◆ 1mW will power 250 – 300 homes.

During the Public Hearing before the Zoning Commission on March 10, 2009, Mr. Ken Thornton, 31 Paradise Lane, spoke as a proponent, Mr. Joe McMahon, 3121 2nd Avenue South, spoke as an opponent, and Mr. Ronald Gessaman, 1006 36th Avenue NE, spoke under public comment. A copy of the Minutes of the Zoning Commission Public Hearing will be provided to the City Commission prior to the public hearing on May 5, 2009.

Concurrences: Other City Departments including Public Works, Community Development, and Administration have been involved in the drafting of Ordinance 3034.

Fiscal Impact: Adoption of Ordinance 3034 allowing certain types of wind-powered electricity systems subject to specific standards could eventually result in energy cost savings for the user/owner of the systems.

Alternatives: The City Commission could deny acceptance of Ordinance 3034 on first reading and not set the public hearing. However, such action would preclude or delay due process and consideration of a public hearing, a vital and critical step to adopt an ordinance to more easily accommodate wind-powered electricity in the City.

Attachments/Exhibits:

Ordinance 3034

Photo Collage of wind-powered electricity systems (3 pages)

Examples of Minimum Setbacks based upon tower height

ORDINANCE 3034

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE
TO GOVERN WIND-POWERED ELECTRICITY SYSTEMS AS AN
ACCESSORY USE SUBJECT TO SPECIFIC STANDARDS AND
ADDING NEW DEFINITIONS FOR WIND-POWERED SYSTEMS

* * * * *

WHEREAS, the City of Great Falls Land Development Code allows wind-powered generators in all zoning districts through a conditional use process, but lacks standards for the erection and operation of such generators; and,

WHEREAS, the City of Great Falls desires to establish standards for the erection and operation of wind-powered systems within the City limits of Great Falls, Montana; and,

WHEREAS, the City of Great Falls further desires to allow wind-powered systems as an accessory use in all zoning districts; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing and has recommended standards for wind-powered systems so as to protect the public health and safety; and,

WHEREAS, notice of amending the Land Development Code to add provisions for wind-powered systems was published in the Great Falls Tribune, advising that a public hearing on these proposed amendments would be held on the 7th day of July, 2009, before final passage of said Ordinance herein.

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

Section 1. Exhibit 20-2 of Chapter 20 of the Land Development Code is hereby amended to add wind-powered systems as accessory uses permitted in all zoning districts.

Section 2. That new definitions for wind-powered systems as presented in attached Exhibit "A", Paragraph A. are hereby added to Section 17.8.120 General definitions and Appendix F Land Use Definitions of the Land Development Code.

Section 3. That a new Section 17.20.7.110 is hereby added to the Land Development Code providing specific standards for wind-powered systems as presented in attached Exhibit "A", Paragraphs B. through K.

Section 4. That the term "wind turbines" shall be deleted from the definition of "Utility installation" as contained in Section 17.8.120 General definitions and Appendix F Land Use Definitions of the Land Development Code.

Section 5. It is determined that the herein proposed zoning amendments will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 6. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 7. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading June 16, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading July 21, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3034 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

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT A

17.20.7.110 Wind-powered electricity systems

A. Definitions.

- 1) **Small wind-powered electricity systems** have a rated capacity of up to and including 100 kilowatts (kW) and are incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind-powered electricity system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company as may be governed by applicable state statutes.
- 2) **Large wind-powered electricity systems** have a rated capacity of over 100 kilowatts (kW) and are intended to produce electricity for use on-site and/or sale to a rate regulated utility company or other off-site provider of electric power. Such systems may also be termed as “commercial wind-powered electricity systems”.
- 3) **Tower height** means the vertical measurement from the base of the tower to the top of the tower itself or the tip of the highest piece of equipment attached thereto. In the case of building-mounted towers the height of the tower does not include the height of the building on which it is mounted.

B. Siting. Small wind-powered electricity systems are allowed as accessory uses in all zoning districts provided the following standards are met:

- 1) In residential districts (R-1, R-2, R-3, R-5, R-6, R-9, and R-10), wind-powered electricity systems rated up to and including 10 kW are allowed. The maximum height shall be eighty (80) feet, as measured from finished ground level to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors.
- 2) In all other districts (C-1, C-2, C-3, C-4, C-5, M-1, M-2, POS, PLI, IA, I-1, and I-2), wind-powered electricity systems up to and including 100 kW are allowed. The maximum height shall be one-hundred and twenty-five (125) feet, as measured from finished ground level to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors.
- 3) On parcels greater than one acre in size, except within residential districts, wind-powered electricity systems up to and including 100 kW are also allowed as a primary use provided all other applicable provisions of this section are met.

C. Minimum Setback Requirement.

Minimum setback from any property line for wind-powered electricity systems 80 feet or less in height above the ground shall be 110% of the tower height (i.e. $110\% \times \text{tower height} = \text{minimum setback}$). Minimum setback from any property line for wind-powered electricity systems more than 80 feet in height above the ground shall be 200% of the tower height (i.e. $200\% \times \text{tower height} = \text{minimum setback}$).

D. Permits. All wind-powered electricity system installations are subject to applicable building, electrical, and mechanical permits issued by the City and shall be located in compliance with any applicable Federal Aviation Administration regulations and guidelines.

E. Noise. All wind-powered electricity systems are subject to noise standards set forth in Chapter 8.56, Official Code of the City of Great Falls, and it is incumbent upon the property owner to demonstrate compliance prior to the issuance of any permits by the City.

- F. **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Gray, including naturally darkening galvanized gray, is also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.
- G. **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.
- H. **Lighting.** The system shall be unlit unless required to meet Federal Aviation Administration regulations in which case tower lighting shall be shielded or directed to the greatest extent possible to minimize the amount of light that falls onto nearby properties, particularly residences.
- I. **Anti-climbing Measures.** All tower systems with climbable features shall be enclosed by a fence or shall incorporate other effective anti climbing measures to discourage unauthorized climbing of the tower and reduce potential for trespass and injury.
- J. **Removal.** Tower systems that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.
- K. **Prohibited Systems.** Large or commercial wind-powered electricity systems shall not be allowed, erected, operated or maintained within the City.





Dongtan Eco-City, Shanghai,
masterplanning and engineering by Arup.



VDA Photo - C. Blumie





Page 2 of 6



Page 5 of 6



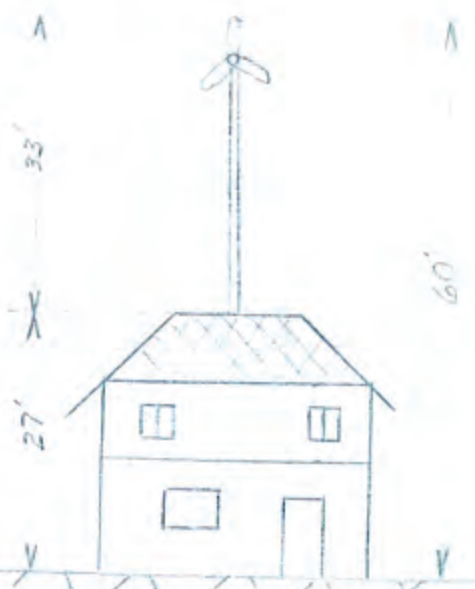
10/16/2008



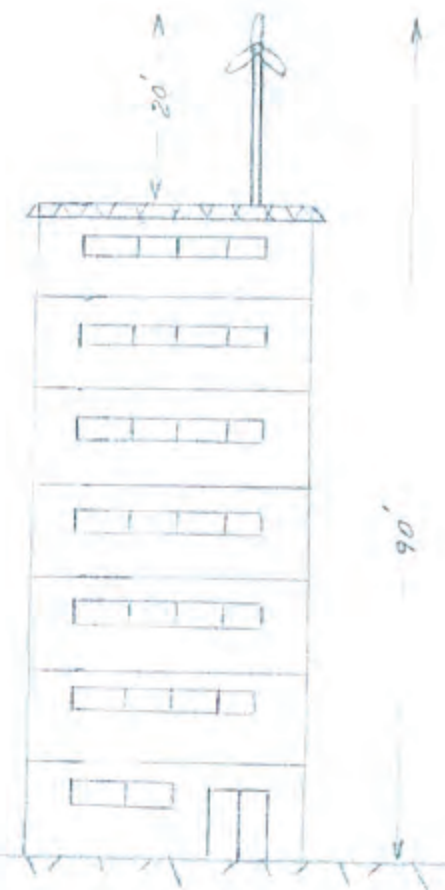
10/16/2008



MINIMUM SETBACK
 $110\% \times 60' = 66'$



MINIMUM SETBACK
 $110\% \times 33' = 36.3'$



MINIMUM SETBACK
 $200\% \times 20' = 40'$

GREAT FALLS ZONING COMMISSION

MINUTES OF THE PUBLIC HEARING FOR AMENDING THE LAND DEVELOPMENT CODE TO PERMIT CERTAIN TYPES OF WIND-POWERED ELECTRICITY SYSTEMS AND PROVIDING SPECIFIC STANDARDS FOR SUCH SYSTEMS

March 10, 2009

The public hearing was called to order at 3:25 p.m. in the Commission Chambers of the Civic Center by Vice Chairman Joe Schaffer.

ROLL CALL & ATTENDANCE

Zoning Commission Members present:

Mr. Michael Bates
Mr. Terry Hilgendorf
Mr. Ron Kinder
Mr. Bill Roberts
Mr. Joe Schaffer
Mr. Wyman Taylor

Zoning Commission Members absent:

Mr. Art Bundtrock
Ms. Danna Duffy
Mr. John Harding

Planning Staff Members present:

Mr. Andrew Finch, Senior Transportation Planner
Ms. Deb McNeese, Administrative Assistant
Mr. Charlie Sheets, Planner I
Mr. Bill Walters, Interim Planning Director

Others present:

Mr. Bill Bronson, City Commissioner
Mr. Dave Dobbs, City Engineer
Ms. Mary Jolley, City Commissioner
Mr. John Rosenbaum, City Commissioner

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

EXPLANATION OF HEARING PROCEDURES

Mr. Schaffer 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. There will be an opportunity for proponents and opponents to speak. Mr. Schaffer asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. 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. Schaffer's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board. He added that because some folks do not support wind power in urban residential areas and others believe new standards may be too restrictive, he hopes that some consensus can be arrived at in order to allow this draft ordinance to move forward. He reminded the Board that should issues and/or questions arise today that cannot be addressed, the Zoning Commission has the option to continue this hearing to a specific future date.

Mr. Schaffer questioned the statement that systems need the lowest part of the unit with rotor blades to be 25 to 35 feet higher than surrounding structures in order to function properly, and asked where this information was taken. Mr. Walters responded that it was stated in several publications regarding wind turbines.

PROponents OPPORTUNITY TO SPEAK

Mr. Ken Thornton, 31 Paradise Lane, plans to install wind energy in Great Falls. He shared his experience in owning and installing windmills and said that after reading through the ordinance he is happy with it. He remarked that noise levels vary with each model, and

aesthetics is in the eye of the beholder. Mr. Thornton added that the ordinance may need to be reviewed in a year or two, as wind turbine technological is rapidly advancing.

OPPONENTS OPPORTUNITY TO SPEAK

Mr. Joe McMahon, 3121 2nd Avenue South, said he is in favor of wind power, but is in opposition of the setback requirements for all four property lines. He asked if written agreements from neighboring property owners could waive the required setbacks.

Mr. Walters explained that the setback distance of 110% of tower height was used in a number of reviewed publications and ordinance standards. In the event of a mishap, it would create a clear zone 360 degrees around the tower. Mr. Walters said that the ordinance is not constructed to waive setbacks, and would spare neighboring property owners from unsafe and/or unwanted proximity to a wind tower.

OTHER PUBLIC COMMENT

Mr. Ronald Gessaman, 1006 36th Avenue NE, commented on portions of Exhibit A. He said that the state legislature uses 50 kW as the rated capacity of a "small system", while A. 2) considers systems up to 100 kW. In section B, the height requirement description is not the same as used in the recent City Commission hearing regarding the MSU COT wind turbine. Mr. Gessaman said a single definition needs to be adopted. He was not in favor of minimum setback requirements using a "stepping system", whereas an 80-foot tower would require 110% of the tower height and an 81-foot tower would require 200%. He also questioned how the "property owner must demonstrate compliance" in regard to noise standards.

ZONING COMMISSION DISCUSSION & ACTION

There followed a lengthy discussion regarding maximum height measurement standards, noise compliance, restriction of the number of towers per lot, the possibility of appearance being controlled by the Design Review Board, and removal of inoperable systems. The consensus was to not make any amendments to the draft ordinance and forward it to the City Commission as presented.

MOTION: That the Zoning Commission recommend the City Commission adopt the ordinance to amend the Land Development Code to permit certain types of wind-powered electricity systems within the City, subject to compliance with specified standards and conditions.

Made by: Mr. Hilgendorf

Minutes of the March 10, 2009

Public Hearing

Amending the Land Development Code to Permit Certain Types of Wind-Powered Electrical Systems and
Providing Specific Standards for Such Systems

Page 4

Second: Mr. Roberts

Vote: The motion carried unanimously.

Mr. Walters said the Zoning Commission's recommendation will be presented to the City Commission, with the possibility of the initial consideration in April and a public hearing in May.

ADJOURNMENT

The hearing adjourned at 4:12 p.m.

CHAIRMAN

SECRETARY

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning, Public Works, the Fire Marshal, Police Chief, and the City Clerk.

NEIGHBORHOOD COUNCILS

NC 5.

1A. Tawny Newth, Chair NC 5, reported that the council is involved in a special noxious weed pull event scheduled for June 13th. The event will be held in Russell Park from 9-11 a.m. The focus of the event is education. The Council is partnering with the City Park & Recreation Department and Cascade County Weed Control. The council hopes this will inspire other neighborhood councils to sponsor weed pull events.

Ms. Newth also reported that the Russell Park Committee is working on a long term project for playground equipment at Russell Park. That committee is also working with the City Park & Recreation Department for funding and matching grants for the project. The focus is to replace the outdated and unsafe equipment with play equipment geared for five years of age and younger.

NC 4.

1B. Sandra Guynn, Chair NC 4, thanked Great Falls Pre-Release Director Paul Cory for hosting the council's July meeting. She extended an open invitation to attend the July 23rd council meeting at the Pre-Release Center. She also thanked Debbie Kimball for her presentation on City recycling.

Ms. Guynn discussed the council's issues with 10th Avenue North. Neighbors have complained about the 45 mph speed limit and expressed safety concerns. The City's traffic supervisor explained to the council at its recent meeting that a traffic study was done on June 25, 2008, that didn't indicate any problems. Ms. Guynn reported that the meeting then turned contentious because there wasn't any leeway. She believes government should be working together to resolve something of concern to its citizens. She also asked about "children at play" signs near the Soccer Park, but was told the study didn't indicate a problem that warranted signs. After the recent State soccer tournament, the traffic supervisor did report that the City would be looking into the parking problem at the soccer park and cars parking along both sides of 10th Avenue North to 57th Street. Ms. Guynn requested a report by June 25th regarding what the City plans to do about the parking problem. She reported that the council is in the process of collecting signatures and letters of support to attempt to get the speed limit

reduced to 35 mph.

PUBLIC HEARING

**Sale of City property.
Approved.**

2. SALE OF CITY PROPERTY, LOT 3H OF AMENDED PLAT OF LOT 3, MEDICAL TECH PARK.

Community Development Director Mike Rattray reported that on May 20, 2009, the City conducted a bid opening for the purpose of selling Lot 3H of Medical Tech Park. One bid was received in the amount of \$195,683 from Premier Care Pediatrics. Staff recommends the City Commission approve this sale.

Mayor Stebbins declared the public hearing open.

Mike Witsoe, 510 11th Street South, asked questions about the City's original purchase of the property, improvements, lot sales, and whether or not the City has profited. Mr. Rattray responded that the City purchased ten acres for \$200,000. Sewer, water, storm sewer, curb and gutter drainage and street improvements were added. After the four lot sales, there will be a remaining balance of \$385,000. After the sale of two more lots, the debt will be paid. The sale of the last two lots will be profit for the City. Based on land sales, he anticipates net profiting \$575,000. Mr. Witsoe asked if the property was appraised. Mr. Rattray responded that an appraisal was obtained from a local appraiser. This property is not within a tax increment district.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the sale of Lot 3H of the Amended Plat of Lot 3, Medical Tech Park, to Premier Care Pediatrics in the amount of \$195,683.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 5-0.

**Res. 9828 and Ord. 3037.
Adopted.**

3A. RESOLUTION 9828, ANNEXES NORTHVIEW ADDITION, PHASE 4, LOCATED ALONG A SEGMENT OF 37TH AVENUE NORTHEAST IMMEDIATELY EAST OF 9TH STREET NORTHEAST.

3B. ORDINANCE 3037, ASSIGNS CITY ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT.

Interim Planning Director Bill Walters reported that on February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition, Phases 2 - 7. The developer of Northview Addition, Jim Workman Construction Co., has requested approval of the final plat and annexation of Phase 4 of the Preliminary Plat. The subdivision consists of two lots on either side of 37th Avenue Northeast immediately east of 9th Street Northeast with each lot to contain six residential condominium units. Following the public hearing, Mr. Walters requested that the City Commission adopt Ordinance 3037, which assigns a City zoning classification of PUD Planned Unit Development district; adopt Resolution 9828, which annexes the two involved lots to the City; and, approve the final plat and Annexation Agreement all pertaining to Northview Addition, Phase 4.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Resolution 9828 and Ordinance 3037 was **Ron Gessaman**, 1006 36th Avenue NE. Mr. Gessaman wished the City Commission would adopt the same policy as the County Commission and have a segment at each public hearing for those who desire information. Mr. Gessaman noted that the developers are half way through the phases of the development of Northview Addition. He inquired what “eventually” meant on page 2 of the agenda report regarding 37th Avenue NE being accessible via an extension of 12th Street NE. Mr. Gessaman expressed concerns regarding traffic, safety and lack of access. He also encouraged the City Engineer to get a regional storm water detention pond in place sooner rather than later. With regard to the applicant conditions in the annexation agreement, Mr. Gessaman expressed concerns regarding the soil conditions. Mr. Gessaman inquired about the connection of eight inch water main in the segment of 12th Street NE referenced in the agenda report. Mr. Walters clarified that item relates to when 12th Street NE will be installed to 36th Avenue. There is separate ownership between the south boundary of Northview Addition and 36th Avenue. This developer doesn’t have the capability of getting across that particular piece of property. At some point, the City will have to obtain that right-of-way. The monies mentioned in the agenda report are to cover the costs for the stub-street across that property for water main and street improvements. Mr. Gessaman again asked what “eventually” meant and if the City had a plan. Mr. Walters responded that the preferred approach would be to wait for the development along 36th Avenue, and then as a condition of annexation it will be required to dedicate that right-of-way.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9828, and approve the final plat and annexation agreement all pertaining to Northview Addition, Phase 4.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. Commissioner Rosenbaum added that the area is developing as growth occurs. If warranted, a traffic study could be done at some point.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3037.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9832. Adopted and set public hearing for July 7, 2009.

4. RESOLUTION 9832, INTENT TO RECREATE THE BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that the Business Improvement District has voluntarily assessed itself since 1989 for programs conducted in the downtown business district area. The Business Improvement District is only allowed to exist for 10 years. Then a petition needs to be circulated and re-creation needs to occur. The first re-creation was in 1999. Petitions have now been received by 72% of the property owners requesting that the BID be recreated. Passage of this resolution is the first step to the public hearing and adoption.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9832 on first reading, and set a public hearing for July 7, 2009.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 5-0.

Consent Agenda. Approved.

CONSENT AGENDA

- 5. Minutes, May 19, 2009, Commission meeting.
- 6. Total expenditures of \$761,074 for the period of May 13-27, 6/02/2009

- 2009, to include claims over \$5,000, in the amount of \$511,887.
7. Contracts list.
 8. Lien Release list.
 9. Set public hearing for June 16, 2009, to consider approval of the Great Falls Soccer Park lease agreement. **OF 1397**
 10. Approve Mutual Aid and Assistance Agreement for Water and Wastewater Utilities.
 11. Award construction contract to Coleman Construction, Inc. in the amount of \$44,500 for the Agri-Business Park Sewer Lift Station #30 Generator Slab and Drainage Improvements. **OF 1348.8**
 12. Approve Change Order No. 1 to Planned and Engineered Construction, Inc. in the amount of \$16,980 for the Sanitary Sewer Trenchless Rehabilitation, Phase 13. **OF 1566**
 13. Approve Change Order No. 2 to Dick Anderson Construction, Inc. in the amount of \$57,832.50 for the Water Treatment Plant Headhouse Floor Replacement. **OF 1332.6**
 14. Approve Change Order No. 2 in the amount of \$1,560.80 to Kuglin Construction and final payment in the amount of \$2,475 to Kuglin Construction and \$25 to the State Miscellaneous Tax Division for the 2008 CDBG Handicap Ramps project. **OF 1537.1**

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

Mayor Stebbins asked if there were any inquiries from the public.

Mike Witsoe, 510 11th Street South, inquired if Item 6 was for a two week period and was responded to affirmatively. He also asked what the payment was to SME out of Item 6 and was told none.

Ron Gessaman, 1006 36th Avenue NE, noted that Item 6 contained a payment for verbenone pouches for the Pine Beetle problem. He inquired when the public should be placing pouches in their trees. Park and Recreation Director Marty Basta responded that the pouches purchased by the Park and Recreation Department are going to supplement spraying on public trees. The pouches will be installed in areas when spraying isn't an option. That will be started early this month and be completed by the 1st of July. Mr. Gessaman discussed Item 11 and wondered why that work didn't occur when the Sewer Lift Station was built. Similarly, with regard to Item 13, Mr. Gessaman commented that the taxpayers deserve to get what they are paying for.

Motion carried 5-0.

BOARDS & COMMISSIONS

**Martin Sinclair
reappointed to the Police
Commission.**

15. REAPPOINTMENT, POLICE COMMISSION.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission reappoint Martin Sinclair to the Police Commission for a three-year term beginning July 1, 2009, through June 30, 2012.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 5-0.

**Hayley Lennington-
Leray reappointed to the
Business Improvement
District.**

16. REAPPOINTMENT, BUSINESS IMPROVEMENT DISTRICT.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission reappoint Hayley Lennington-Leray to the Business Improvement District for a four-year term through June 30, 2013.

Mayor Stebbins commented that the City is very fortunate to have her on the Board. Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 5-0.

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

**Commission/ECP
meetings.**

19A. Ed McKnight, 906 3rd Avenue North, played portions of recordings of the last Commission meeting and stated, for a dramatic effect, that he edited the audio. Mr. McKnight opined that the blended rate and losses cut to SME were to his credit after a year of badgering the Commission. He also read a quote by former Mayor Gray.

Pine Beetles, coal plants.

19B. John Hubbard, 615 7th Avenue South, commented that he heard discussion tonight about the trees, and stated he hasn't received answers to his questions. He reported he had his trees sprayed and was told the beetles only fly up to 15 feet high. He referenced a Supreme Court ruling that ordered the EPA not to build coal plants due to the detrimental effect to the

environment.

Filed for seat on City Commission.

19C. Donna May Zook, 2718 Carmel Drive, announced that as of today she filed to run for a seat on the Commission. She reported that she is concerned with the City's leadership. She wants to bring about government integrity that is based on information that reflects public participation; promote City/County relationships to work together in developing smart and responsible growth; advance a clean, safe, productive and self-sustaining community; and, provide children with the necessary advantages to meet the challenges of the future.

ECP/YVEC lawsuit.

19D. Ron Gessaman, 1006 36th Avenue NE, commented that he learned at last night's ECP Board meeting that YVEC filed an Amended Complaint adding the City of Great Falls as a defendant, and discussed the conversations of that meeting regarding insurance coverage.

Election, pool passes.

19E. Mike Witsoe, 510 11th Street South, physically took his hat off his head and tossed it towards the Commissioners stating that in thirty days he may "throw his hat in the ring." He asked to set up an appointment with the City Attorney to discuss if Mr. Bronson gets elected as Mayor, how will his Commissioner seat be filled. Mr. Witsoe stated that he just got back from another six month bipolar trip from the Antarctic. He also wants to set up an appointment with the Park & Recreation Department to discuss season or discount passes for children to use the pools, as well as golf rates.

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins reported that earlier this evening she had toured the Siebel Soccer Park. After the Memorial Day tournament held there she received half a dozen phone calls reporting how nice the facility was, how happy they were with the well run tournament, and she continues to receive comments from people on the street saying how nice an addition it is to this community. Mr. Jones estimated that approximately \$2.5 million dollars was spent locally during that tournament. The volunteers deserve a great commendation.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Bronson, that the regular meeting of June 2, 2009, be adjourned at 8:00 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: June 16, 2009



ITEM: \$5,000 Report
 Invoices and Claims in Excess of \$5,000

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

MASTER ACCOUNT CHECK RUN FOR MAY 28 TO JUNE 3, 2009	281,359.55
MASTER ACCOUNT CHECK RUN FOR JUNE 4 TO JUNE 10, 2009	724,484.34
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 27 TO JUNE 2, 2009	63,798.50
WIRE TRANSFERS FROM MAY 29 TO JUNE 3, 2009	179,451.34
WIRE TRANSFERS FROM JUNE 4 TO JUNE 8, 2009	<u>2,500.11</u>
TOTAL: \$	<u><u>1,251,593.84</u></u>

GENERAL FUND

POLICE

COOL GUY GEAR LLC	10 VISION KEVLAR VESTS	7,495.00
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SPECIAL REVENUE FUND

POLICE SPECIAL REVENUE

LAW ENFORCEMENT ASSOCIATES INC	VIDEO MICROWAVE CLOCK RADIO SYSTEM	5,047.00
COBHAM TRACKING & LOCATING	GUARDIAN REAL TIME GPS & MISC	5,780.00

STREET DISTRICT

UNITED MATERIALS	ASPHALT	6,999.60
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HOUSING AUTHORITY

GREAT FALLS HOUSING	REIMBURSEMENT FOR SAND HILLS IMPROVEMENTS-SEWER	26,094.14
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FEDERAL BLOCK GRANTS

HOME RENOVATIONS	1/2 PAYMENT FOR WINDOW MATERIAL #10 - 25TH ST SW	5,000.00
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ENTERPRISE FUNDS

WATER

PHILLIPS CONSTRUCTION	PMT #4 14TH ST SW & 5TH AVE SW WATER MAIN REPLACEMENT OF1436	129,259.75
UNITED MATERIALS	PMT #1- 1ST AVE N & 5TH AVE S WATER MAIN REPLACEMENT	144,829.37

ELECTRIC

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE APR 09 CASH ON DEPOSIT APR 09	76,825.16 55,408.96
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SWIM POOLS

BIRDTAIL ELECTRIC	ECWP ELECTRICIAN WORK CONCESSIONS	11,450.00
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAY 26 - JUNE 1, 2009	45,515.22
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	DIESEL FUEL	12,151.30
MOUNTAIN VIEW CO-OP	UNLEADED FUEL	16,177.42
I STATE TRUCK CENTER	5-2009 SINGLE AXLE DUMP TRUCKS	352,890.00

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	39,787.50
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	5,781.00
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	5,839.42

UTILITY BILLS

NORTHWESTERN ENERGY	MAY CHARGES	71,086.91
NORTHWESTERN ENERGY	APRIL CHARGES	14,266.14

CLAIMS OVER \$5000 TOTAL: \$ 1,037,683.89

CITY OF GREAT FALLS, MONTANA

AGENDA: 8

COMMUNICATION TO THE CITY COMMISSION

DATE: June 16, 2009

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

PRESENTED BY: Lucy Hallett, Acting 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 Engineering	Montana Department of Environmental Quality (DEQ)	07/01/2009 – 06/30/2010	DEQ to reimburse City for engineering services. Reimbursement payments to be credited to engineering revenue fund.	Maximum amount of reimbursement up to \$26,000 for contract year.	Extend the existing DEQ Agreement No. 506023 for the next fiscal year. The existing agreement between the City and DEQ authorizes the City to perform DEQ design review of public utility improvements.

B	Park & Recreation	Great Falls Farmer's Market	06/2009 – 10/2009	100-0000-346-4029	\$250	Use Permit - Conduct Farmers Market - Whittier Park and Park Drive
C	Public Works	*Great Falls Redi-Mix	FY 09/10	237	*Clerical Correction	*The City Commission approved the annual contract bid award to supply asphaltic concrete material to Great Falls Sand & Gravel on May 5, 2009 (Agenda Item 15). Great Falls Sand & Gravel is the sister company of Great Falls Redi-Mix. The purpose herein is to correct a clerical mistake naming Great Falls Sand and Gravel on the agenda report and motion, instead of Great Falls Redi-Mix (original bidder).
D	Park & Recreation Community Recreation Center	NorthWestern Energy 40 East Broadway Butte, MT 59701	06/2009 – 07/2009	CDBG	\$1,874	Customer Agreement to install, operate and maintain utility facilities to provide services to Community Recreation Center at 801 2 nd Avenue North. Project #720905
E	Park & Recreation Community Recreation Center	NorthWestern Energy 40 East Broadway Butte, MT 59701	06/2009	N/A	N/A	Underground electric easement for services set forth in "D" above, in T20N, R3E, S12. Project #720905
F	Fiscal Services	Innovative Postal Solutions (IPS)	07/2009 – 07/2011	615-1564-511-3111	\$2,062/month	Utility bill printing & mail processing.



Item: Change Order No. 1 and Final Payment – 2008 CDBG (Community Development Block Grant) Sidewalk Replacement, O. F. 1537.2

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Change Order No. 1 and Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Change Order No. 1 in the amount of \$389.38 and Final Payment for the 2008 CDBG Sidewalk Replacement, O. F. 1537.2, in the amount of \$1,552.47 to United Materials of Great Falls, Inc. and \$15.68 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve Change Order No. 1 and Final Payment Request.

Background:

Significant Impacts

This change order involves additional sidewalk and sod replacement added to the project to maximize the benefits of the CDBG grant.

Citizen Participation

Not applicable

Workload Impacts

City engineering staff applied for and was awarded the CDBG grant, designed the project, and performed construction inspection and contract administration duties. The Community Development Department is administering the CDBG program and is performing grant and other administrative duties.

Purpose

This project replaced sidewalks that had been damaged by tree roots, natural deterioration, or other destructive forces that had left the sidewalk dangerous for pedestrians. The CDBG grant paid for all of the costs of the sidewalk replacement for low to moderate income homeowners.

Project Work Scope

This project replaced sidewalks at 35 residences. Approximately 6,250 square feet of new 4-inch and 6-inch thick sidewalk, and 2,500 square feet of new sod were installed. This project area was generally bounded by 8th Avenue North to 6th Avenue North from 15th Street to 26th Street.

Evaluation and Selection Process

Four bids were received and opened for this project on September 10, 2008. United Material of Great Falls, Inc. submitted the low bid of \$45,625. An additive bid item brought the final bid to \$49,000. The City Commission awarded the contract on September 16, 2008. Change Order No. 1 will increase the final contract value to \$49,389.38. The CDBG grant amount was \$50,000 with \$49,500 available for the project after bid advertisement costs.

Conclusion

City staff recommends approving Change Order No. 1 to United Materials of Great Falls, Inc. in the amount of \$389.38 and making the Final Payments. City staff has verified that United Materials of Great Falls, Inc. has completed all work and punch-list items in accordance with the plans and contract.

Concurrences:

Not Applicable.

Fiscal Impact:

The additional funding of \$389.38 will come from the CDBG grant.

Alternatives:

The City Commission could vote to deny Change Order No. 1 and Final Payment.

Attachments/Exhibits:

1. Change Order No. 1 and Application for Final Pay is attached.
(Not available online; on file in City Clerk's Office.)



Item: Construction Contract Award: 2009 Valley Gutter and Handicap Ramps, O.F. 1485.7

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$56,320.00 to River City Concrete for the 2009 Valley Gutter and Handicap Ramps, O. F. 1485.7, and authorize the City Manager to execute the agreements.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project involves installing five valley gutters and constructing ADA Handicap Ramps along 9th Street NW and Riverview Drive East.

Citizen Participation

Not Applicable

Workload Impacts

City engineering staff completed the project design and will perform construction inspection and contract administration duties.

Purpose

Asphalt pavement in the intersections along 9th Street NW and Riverview Drive East has become damaged due to storm water runoff draining across the intersections. Once installed, the concrete valley gutters will better divert the storm water and runoff through the intersections and minimize further damage to the asphalt paving.

Project Work Scope

Valley gutters will be installed on the intersections of 9th Street NW and Avenue B, C, D and E. A valley gutter will also be installed at the intersection of Riverview Drive East and Riverview 2E. A total of ten ADA handicap ramp corners will be constructed along with the five valley gutters. Approximately 2,000 square feet of 4 and 6 inch thick sidewalk will be replaced, 100 feet of additional curb and gutter will be replaced, 80 square feet of truncated domes will be installed, and 1,800 square feet of sod will be replaced.

Evaluation and Selection Process

4 bids were received and opened for this project on June 3, 2009. The bids ranged from \$56,320.00 to \$79,725.00. The engineer's estimate was \$64,200.00. River City Concrete submitted the low bid and executed all the necessary bid documents.

Conclusion

City staff recommends awarding the construction contract to River City Concrete in the amount of \$56,320.00.

Concurrences:

Not Applicable.

Fiscal Impact

The attached bid tabulation summarizes bids that were received. This project will be funded through Street Maintenance and Repair Funds.

Alternatives:

The City Commission could vote to deny award of the construction contract.

Attachments/Exhibits:

1. Bid tabulation is attached.

CITY OF GREAT FALLS
 P.O. BOX 5021
 GREAT FALLS, MT 59403

BID TABULATION SUMMARY
 2009 Valley Gutters and Handicap Ramps
 O.F. 1485.7

Project Number _____
 Bids Taken at Civic Center
 Date: June 3, 2009
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414	n/a	n/a	√	√	√	√	\$61,050.00
2	Lapke Construction, LLC Box 111 Simms, MT 59477	n/a	n/a	√	√	√	√	\$69,500.00
3	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	n/a	n/a	√	√	√	√	\$79,725.00
4	River City Concrete 2010 River Dr. N #32 Great Falls, MT 59401	n/a	n/a	CC	√	√	√	\$56,320.00
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$64,200.00



Item: Final Payment – 14th Street and 5th Avenue Southwest Water Main Replacements, O. F. 1436

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Final Payment for the 14th Street Southwest and 5th Avenue Southwest Water Main Replacements, O. F. 1436, in the amount of \$12,599.81 to Phillips Construction, LLC and \$127.27 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project replaced portions of the water system located in 14th Street Southwest, 16th Street Southwest, 20th Street Southwest, and 5th Avenue Southwest. Most of these water mains were installed in the late 1960's and 1938.

Citizen Participation

This project is being completed in cooperation with the Department of Environmental Quality (DEQ) and using the Drinking Water State Revolving Fund (DWSRF) for financing.

Workload Impacts

City engineering staff designed the project, performed construction inspection and contract administration duties. Utilities Division personnel operated valves, provided locates, taps, and test for water purity.

Purpose

The project replaced water mains that have been failing and have damaged roadways and

private property, and disrupted water service to local residences and business. The breaks are primarily due to corrosive soils, age, and the type of pipe material used.

Project Work Scope

This project replaced 2,809 lineal feet of 6- and 8-inch water main, 3,169 lineal feet of 12-inch water main, 249 lineal feet of 16-inch water main, 10 fire hydrants and 20 water service connections.

This project was originally scheduled to replace 2,150 lineal feet of 6- and 8-inch water main. An additional 659 lineal feet of water main was added due to the low contract price for water main replacement. The added location required no asphalt replacement. This, coupled with the fact that less type II pipe bedding, 2" water services, and miscellaneous work was required enabled the replacement of additional pipe and also enabled completion of this project below the original contract price.

The mains are located in 14th Street from 5th Avenue Southwest to approximately 623 feet north of 2nd Avenue Southwest; 16th Street from 5th Avenue Southwest north approximately 570 feet; 20th Street from 5th Avenue Southwest north approximately 260 feet; and 5th Avenue Southwest from 14th Street to 20th Street.

Evaluation and Selection Process

The City accepted four bids for this project on September 5, 2008 and the City Commission awarded the contract to Phillips Construction on September 16, 2008 in the amount of \$644,485.00.

Conclusion

City staff has verified that Phillips Construction has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was May 22, 2009.

Concurrences:

Not Applicable.

Fiscal Impact:

Replacement of these mains will save on maintenance due to man hours and resources necessary for repairing the broken water mains, streets, and surrounding property, plus saving the water resource lost during the main break itself.

The final project cost is \$636,354.21 which is \$8,130.79 under the \$644,485.00 amount awarded and approved.

This water main replacement project was funded through the DWSRF.

Alternatives:

The City Commission could vote to deny final payment.

Attachments/Exhibits:

1. Application for Final Payment is attached. (Not available online; on file in City Clerk's Office.)



Item: Final Payment - West Bank Park Storm Drain Outfall Improvements - O.F. 1482

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission approve Final Payment for the West Bank Park Storm Drain Outfall Improvements - O.F. 1482 in the amount of \$22,628.36 to Phillips Construction and \$228.57 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve the Final Payment Request.

Background:

Significant Impacts
Not Applicable

Citizen Participation
Not Applicable

Workload Impacts
Not Applicable

Purpose

The project corrected localized erosion on a major storm drain outfall, improved drainage on several other smaller drainage culverts, eliminated several hazards to the public, and improved the overall aesthetics of the park.

Project Work Scope

Improvements that were completed include 1) extension of a major storm drain line including channel stabilization and a new outfall structure, 2) new bridge piers for a recreational trail bridge that crosses the major storm drain outfall channel, 3) extension of three other storm drains including outfall structures and channel stabilization, 4) earth and restoration work to bury a large exposed natural gas line, and 5) elimination of a deep and abrupt ditch between the railroad and the access roadway to the park.

Evaluation and Selection Process

Three bids were received for this project on September 24, 2008. The bid amounts ranged from \$324,992 to \$520,000. Shumaker Trucking and Excavating Contractors, Inc. submitted the low bid; however that bid was rejected because it did not include a bid bond. A contract was subsequently awarded to Phillips Construction in the amount of \$430,520.

Conclusion

Construction began on November 3, 2008 and was substantially complete within the allotted contract time. The two-year project warranty period began on the date of substantial completion, December 17, 2008. Final grading, seeding, and miscellaneous work were completed this spring. City staff has verified that Phillips Construction has completed the contract work in accordance with the plans and specifications and final payment is recommended.

Concurrences: Not Applicable

Fiscal Impact: The final project cost is \$415,807.95 which is \$14,721.05 under the contract amount. Cost savings were primarily attributable to not using the majority of the miscellaneous work bid item. Storm drain funding allocated for the project is available for final payment.

Alternatives: Deny the Final Payment Request.

Attachments/Exhibits: Final Payment Request (Not available online; on file in City Clerk's Office.)



Item: Appointment to the Housing Authority Board

From: City Manager's Office

Initiated By: Great Falls Housing Authority

Presented By: City Commission

Action Requested: Appoint one member to the Great Falls Housing Authority Board.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to the Great Falls Housing Authority Board for a five-year term through May 31, 2014.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is recommended that the City Commission appoint one new member to the Great Falls Housing Authority Board for a five-year term through May 31, 2014.

Background: Curtis Thompson was appointed to the Board in November of 2007 to fill the remainder of a five-year term. Mr. Thompson is not eligible to be reappointed based on the Board's Bylaws. Therefore it is necessary to appoint one member to fill the vacancy.

Purpose

The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents of the Housing Authority properties. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, HUD Section 8 program and other affordable housing programs. The Board also serves as the loan committee for the City's Housing Rehabilitation Program. The Board is also responsible for providing safe, decent, sanitary, and affordable housing for the community's low-income residents. Tenant terms are two years and regular members are five years.

Evaluation and Selection Process

Announcements regarding the opening were placed in the *Great Falls Tribune* and on the City's Website. Applications are submitted to the City Commission for their consideration in making appointments.

Continuing members of this board are:

Joseph Boyle
Howard Corey
Michael McCleary
Timothy McKittrick
Grace McLean (tenant)
Marquita Ogawa (tenant)

Citizens interested in serving on this Board:

Rodney Blake
Jim Weber

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen input.

Attachments/Exhibits:

Board Application (Not available online; on file in City Clerk's Office.)



Item: Appointment to the Library Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Library Board for a five year term through June 30, 2014.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to the Library Board for a five-year term through June 30, 2014.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is recommended that the City Commission appoint one member to the Library Board for a five-year term through June 30, 2014.

Background: Penny Hughes-Briant was appointed to the Library Board in July of 1999. Ms. Hughes-Briant is not eligible to be reappointed; therefore, it is necessary to appoint one member to the Board.

Purpose

The Library Board is comprised of five members who are appointed by the City Commission. The Board oversees the Library policies and operations including book policies and service to the City, County, and pathfinder Federation of Libraries. Members serve for five-year terms, but no more than two full terms in succession, exclusive of time served on any unexpired term.

Evaluation and Selection Process

Announcements regarding the opening were placed in the *Great Falls Tribune* and on the City's Website. Applications are submitted to the City Commission for their consideration in making appointments.

Continuing members of this board are:

Bunny Albers
Mary Brinkley
Mark Meyer
Judy Riesenber

Citizens interested in serving on this Board:

Robyn Good
Randy Kuiper
Dea Nowell
Jim Rohrich

Concurrences: None.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen input.

Attachments/Exhibits:

Board Applications (Not available online; on file in City Clerk's Office.)