



City Commission Agenda

for

May 5, 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

PROCLAMATIONS

Peace Officers' Memorial Day and Police Week
National Preservation Month
National Day of Prayer

NEIGHBORHOOD COUNCILS

1. Neighborhood Council 4 Good Neighbor Award – Great Falls Prerelease
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Justice Assistance Grant for 2009. Action: Conduct public hearing and approve or deny a Memorandum of Understanding between Cascade County and the City of Great Falls for use of JAG funds. *(Presented by: Corky Grove)*
4. Res. 9829, Civic Center Room Rates. Action: Conduct public hearing and adopt or deny Res. 9829. *(Presented by: Marty Basta)*
5. BNSF Railroad Right-of-Way and Service District No. 2 of Upper/Lower River Road Water & Sewer District. *(Presented by: Bill Walters)*
 - A. Res. 9821, Annexing a segment of BNSF Railroad R/W. Action: Conduct joint public hearing and adopt or deny Res. 9821.
 - B. Res. 9822, Annexing Service District No. 2. Action: Conduct joint public hearing and adopt or deny Res. 9822.
 - C. Ord. 3033, Establish City Zoning. Action: Conduct joint public hearing and adopt or deny Ord. 3033.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. Ord. 3035, Approving additional public improvements with respect to the West Bank Properties Urban Renewal Project to be financed with tax increment revenues. Action: Adopt or deny Ord. 3035. *(Presented by: Coleen Balzarini)*

7. Ord. 3037, Assign City Zoning to Northview Addition, Phase 4. Assigns City zoning classification of PUD Planned unit development district. Action: Accept Ord. 3037 on first reading and set public hearing for June 2, 2009. **(Presented by: Bill Walters)**
8. Res. 9834, a Resolution calling for a mail-in election authorizing the City to exceed the Mill Levy limit established in 15-10-420, MCA, to expand the Fire Department public safety services. Action: Adopt or deny Res. 9834. **(Presented by: Randy McCamley)**
9. Res. 9835, a Resolution calling for a mail-in election authorizing the City to exceed the Mill Levy limit established in 15-10-420, MCA, to expand the Police Department's public safety services. Action: Adopt or deny Res. 9835. **(Presented by: Corky Grove)**

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.*

10. Minutes, April 21, 2009, Commission meeting.
11. Minutes, April 29, 2009, Special Commission meeting.
12. Total Expenditures of \$1,163,736 for the period of April 11 to April 29, 2009, to include claims over \$5000, in the amount of \$1,034,427.
13. Contracts list.
14. Set public hearing for May 19, 2009, on sale of city property defined as Lot 3G of Amended Plat of Lot 3, Medical Tech Park.
15. Approve annual contract bid award to Great Falls Sand & Gravel to supply asphaltic concrete material on a per unit basis, up to \$625,250.
16. Appoint Greg Doyon as the City representative on the North Central Montana Defense Alliance.

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

BOARDS & COMMISSIONS

17. Reappointments, Historic Preservation Advisory Commission. Reappoint Gerald Clark and Douglas (Jerry) McKinney to three-year terms through April 30, 2012.
18. Miscellaneous reports and announcements.

CITY MANAGER

19. 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)*

20. Miscellaneous reports and announcements.

CITY COMMISSION

21. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Justice Assistance Grant (JAG) 2009 and authorize a Memorandum of Understanding between the City and Cascade County.

From: Great Falls Police Department

Initiated By: Cloyd A. Grove, Chief of Police

Presented By: Chief Cloyd Grove

Action Requested: Hold public hearing on the recommended use of the Justice Assistance Grant (JAG) for 2009. Accept the recommendation of staff for the use of the funds. Accept the MOU between Cascade County and the City of Great Falls, and authorize the City Manager to execute the MOU.

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 the City Commission (accept/deny) the recommendation of staff and approve the Memorandum of Understanding with Cascade County on the use of the 2009 Justice Assistance Grant funds and authorize the City Manager to execute the MOU."
 2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends that the City Commission accept the Memorandum of Understanding between Cascade County and the City of Great Falls for expenditure of the 2009 Justice Assistance Grant funds, and authorize the City Manager to execute the MOU. The MOU calls for the Cascade County Sheriff's Office (CCSO) and the Great Falls Police Department (GFPD) to expend the funds as agreed to purchase mobile video equipment for the agencies. The CCSO will receive compatible mobile video cameras and a server, while the GFPD will receive compatible mobile video cameras.

Background:

Congress allocated funds to be dispersed under the Justice Assistance Grant Program, established within the Bureau of Justice Assistance (BJA), US Department of Justice.

Significant Impacts

This grant will provide mobile video equipment for both agencies.

Citizen Participation

Citizen Participation is encouraged during the public hearing.

Concurrences:

The Cascade County Sheriff's staff concurs with this Memorandum of Understanding.

Fiscal Impact:

The fiscal impact will be positive because it will provide unmatched funding to purchase equipment for both agencies. The City of Great Falls is the receiving entity and agrees to perform all required reports and the police department staff agrees to purchase all the agreed upon equipment and distribute it.

Attachments/Exhibits:

MOU

THE STATE OF Montana

KNOW ALL BY THESE PRESENT

COUNTY OF Cascade

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF Great Falls, AND COUNTY OF Cascade,**

2006 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 1st day of September, 2007, by and between The COUNTY of Cascade, acting by and through its governing body, the Commissioners Board, hereinafter referred to as COUNTY, and the CITY of Great Falls, acting by and through its governing body, the City Commission, hereinafter referred to as CITY, both of Cascade County, State of Montana, witnesseth:

WHEREAS, this Agreement is made under the authority of Sections title 7, Chapter 11 of the Montana Code Annotated, 2005

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, the CITY agrees to provide the COUNTY at least 14 ICOP Cameras and a computer server valued at \$82,100.00 and the City will receive at least 18 ICOP Cameras valued at \$92,700.00. The total amount of the grant is \$174,866.00.

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

The total amount of this grant is 174,866.00.

Section 1.

CITY agrees to pay the COUNTY a total 14 ICOP Cameras and a computer server total value of approximately \$82,100.00

Section 2.

COUNTY agrees to use one half of the equipment purchased (in bulk) with the JAG funds which will equate to approximately \$92,700.00.

GMS APPLICATION NUMBER 2007 –DJ-BX-0732 (Mandatory)

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Montana Tort Claims Act.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Montana Tort Claims Act.

Section 5.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 6.

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto

CITY OF Great Falls, and COUNTY OF Cascade, Montana

City Manager, Great Falls, Montana

City Clerk

City Attorney

By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).



Item: Resolution 9829, Civic Center Room Rates

From: Mansfield Center for the Performing Arts

Prepared By: Dona Hughes, Events Supervisor

Presented By: Marty Basta, Park & Recreation Director

Action Requested: Conduct the Public Hearing for Resolution 9829

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 9829."
 2. Mayor calls for a second, discussion, and calls the vote.
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Staff Recommendation:

Staff recommends the City Commission adopt Resolution 9829, Mansfield Center Fees.

Proposed Fees:

Mansfield Convention Center	<u>Current Fees</u>	<u>Proposed Fees</u>
Attendance over 500	\$1,675	\$1,820
Attendance 500 and under	\$1,475	\$1,600
Non-alcohol event	\$1,175	\$1,275
Set-up or tear-down day*	\$75/hr minimum \$150 Maximum \$587.50	\$75/hr minimum \$150 Maximum \$650
Merchandising fee	20% of gross	20% of gross
Box Office Services (Convention Center)		
Use of Mansfield Box Office	Optional	Required for all events on sale to general public
Minimum	\$300	\$300
Cap	none	\$2,300

Missouri Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$375	\$425
Set-up/tear-down day*	\$187.50	\$212.50
Rainbow or Ryan Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Week day	\$33	\$55
Weekend day	\$150	no change
Gibson Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$137.50	\$150
Commission Chambers	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$165	\$180
Holiday rates	\$350 additional charge	no change

*Set-up/tear-down day: maximum of 10 hrs that must be consecutive and between 7am and 10 pm.

Discount: A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

Annual increase: Implement an annual increase, based on the Consumer Price Index, on all rental and box office service fees, with the exclusion of the \$.50/ticket facility surcharge.

Mansfield Theater

Implement an annual increase on the minimum rent based on the Consumer Price Index.

Background: Fees for the Mansfield Convention Center, Missouri Room, Gibson Room and Commission Chamber were last raised in July 2002. Rates for the Rainbow and Ryan Rooms have been in place since July 1997. The rates for the Mansfield Theater were last increased in July 2006 and have an annual increase on the cap for rent and on the rehearsal rates.

Box Office services are included in the Mansfield Theater rent. Rates for all other box office services were set at 5% of gross in July of 2006. With input from the ticket buyer, staff recommends the requirement that all events on sale to the general public are required to use the Mansfield Box Office. The objective is to provide convenient service to the patron expecting to have the ability to purchase at the Mansfield Box Office as well as secure our community member's ticket purchase should the event cancel.

Concurrence: The Mansfield Center for the Performing Arts Advisory Board reviewed the proposed fee increases for the above room rates at the February 20, 2009 meeting and recommended approval by the City Commission. The Board also recommended an annual review of the above fees and to consider an annual increase based on the Consumer Price Index (CPI).

Fiscal Impact: With the exception of the Mansfield Theater, the above room rental fees have not kept pace with cost increases in energy, supplies, etc. The above recommendation has taken into consideration current operating deficit as well as what the market will currently bear. Projected additional revenue for FY'10 is a conservative \$6,000.

Alternatives: Alternatives would include increased general fund subsidy or a reduction in services and/or facilities.

Attachments/Exhibits:

1. Resolution 9829

RESOLUTION 9829
A RESOLUTION TO ESTABLISH FEES FOR MANSFIELD CENTER FOR THE
PERFORMING ARTS AT THE CIVIC CENTER

BE IT RESOLVED by the City Commission of the City of Great Falls, Cascade County, Montana; that all past fee structures for Mansfield Convention Center, Missouri Room, Gibson Room, Rainbow Room and Ryan Room as established in Resolution 9168 and Resolution 8863 are hereby amended.

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

The fees for the use Civic Center rooms and services to be as follows:

Mansfield Convention Center	<u>Current Fees</u>	<u>Proposed Fees</u>
Attendance over 500	\$1,675	\$1,820
Attendance 500 and under	\$1,475	\$1,600
Non-alcohol event	\$1,175	\$1,275
Set-up or tear-down day*	\$75/hr minimum \$150 Maximum \$587.50	\$75/hr minimum \$150 Maximum \$650
Merchandising fee	20% of gross	20% of gross
Box Office Services (Convention Center)		
Use of Mansfield Box Office	Optional	Required for all events on sale to general public
Minimum	\$300	\$300
Cap	none	\$2,300
Missouri Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$375	\$425
Set-up/tear-down day*	\$187.50	\$212.50
Rainbow or Ryan Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Week day	\$33	\$55
Weekend day	\$150	no change
Gibson Room	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$137.50	\$150
Commission Chambers	<u>Current Fees</u>	<u>Proposed Fees</u>
Event day	\$165	\$180

*Set-up/tear-down day: maximum of 10 hrs that must be consecutive and between 7am and 10 pm.

Holiday rates	\$350 additional charge	no change
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Discount: A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

Annual Increase: Implement an annual increase, based on the Consumer Price Index, on all rental and box office service fees (including the Theater), with the exception of the \$0.50/ticket facility surcharge.

Passed and adopted by the City Commission of the City of Great Falls, Montana on this 5th day of May, 2009.

Dona R. Stebbins, Mayor

ATTEST

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney



Item: Public Hearing – Resolution 9821 Annexing a Segment of BNSF Railroad R/W, Resolution 9822 Annexing Service District No. 2 of Upper/Lower River Road Water & Sewer District and Ordinance 3033 Establishing City Zoning for Service District No. 2

From: Charles Sheets, Planner 1

Initiated By: Upper/Lower River Road Water & Sewer District Board and Property Owners within Service District No. 2

Presented By: Bill Walters, Interim Planning Director

Action Requested: Commission adopt Resolutions 9821 & 9822 and Ordinance 3033 all pertaining to Service District No. 2 of the Upper/Lower River Road Water & Sewer District

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 Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolutions 9821 and 9822 with the effective date for Resolution 9822 being after August 1, 2009, upon filing Resolution 9822 with the County Clerk & Recorder.”

and,

“I move that the City Commission (adopt/deny) Ordinance 3033.”

2. Mayor calls for a second, discussion, and calls the vote.
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Planning Board and Zoning Commission Recommendations: At the conclusion of a public hearing held March 10, 2009, the Planning Board passed a motion recommending the City Commission approve the annexation of Service District No. 2 of the ULRRWSD located in Sections 13, 14, 23 and 24, Township 20 North, Range 3 East, Cascade County, Montana and as depicted on the attached Vicinity Map, subject to compliance to the Memorandum of Understanding dated January 16, 2007, and the Interlocal Agreement dated April 1, 2008, between the City and the

ULRRWSD. The Zoning Commission passed a motion recommending the City Commission approve establishing City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts to the various properties within Service District No. 2 as depicted on the attached zoning map.

Background: This item pertains to the annexation to the City of Great Falls of Service District No. 2 of the Upper/Lower River Road Water & Sewer District, located in Sections 13, 14, 23 and 24, Township 20 North, Range 3 East, Cascade County, Montana, commonly referred to as Service District No. 2. Subject property, which includes Sunny Lane Tracts, Pleasant Park Mobile Home Court, Big Sky Village Mobile Home Court and portions of McLean Garden Tracts, Grandview Tracts, Westfall Tracts, Burlington Northern Santa Fe Railroad right-of-way and portions of Upper and Lower River Roads, totals approximately 122 acres and consists of 81 parcels involving 54 owners.

This item also addresses assigning City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts to the various properties within the District.

For additional information, please refer to the attached Vicinity Map showing the ULRRWSD & Service District No. 2 proposed to be annexed.

Beginning in 1996 the Cascade County City-County Health Department and State Department of Environmental Quality initiated an 18-month groundwater pollution study in the Upper and Lower River Road and Donovan Park areas. Subject area is occupied by about 3,000 residents and is the largest area in Cascade County with this type of density having neither a public water nor sewage system. No imminent health hazards were found as a result of the study. However, it was determined that impacts to the area groundwater were being caused from individual sewage septic systems and two aging sewage lagoons serving the Pearson Addition and the Trailer Terrace Mobile Home Court in the Donovan Park area. The study recommended area residents alleviate potential public health problems by developing an official sewer and water district in order to be eligible for state and federal grants for the planning and construction of public water and sewer systems. In addition, such a district would have contracting authority for any interlocal agreements that might be possible with the City of Great Falls for connection to City water and sewer lines already present in a portion of the study area. The study was divided into two separate geographic areas (Lower and Upper River Road and Donovan Park). Although problems were noted during the study in both areas, the worst problems were noted in the northern portion of the study area along Lower and Upper River Road, and therefore, focus was directed to correcting the problems in that area. The Donovan Park area is generally located a mile and a half south of the Lower and Upper River Road area.

In 2001, property owners along Lower and Upper River Roads voted to create a water and sewer district and subsequently elected a five-member board of directors to find the best solutions to the water and sewer problems and the money to pay for it. The District and the City entered into a Memorandum of Understanding dated August 19, 2003, wherein, it was noted the most cost effective manner of providing water and sewer services to serve the District was to connect to the City's water and sewer systems, thereby requiring annexation to the City.

In November, 2003, voters in the defined District, roughly bounded by the Missouri River, 41st Avenue South, 4th Street South, and the city limit at 19th Avenue South, defeated a \$5.7 million bond

to pay for extension of City water and sewer lines into the area. Subsequently and to reduce the per household cost of the project, the District was divided into smaller service areas.

On August 12, 2004, the electors of Service District No. 1 authorized the issuance of \$938,000 in revenue bonds to finance a portion of the design and construction costs to serve the District with City water and sewer systems. The engineering documents for the planned infrastructure to serve the District were prepared by the District's engineer and conditionally approved by the City's Public Works Department in the summer of 2005. The District awarded a contract to Western Municipal Construction of Billings, which completed installation of the water and sewer infrastructure in the winter of 2006. Annexation of Service District No. 1 was approved by the City Commission on March 6, 2007.

Similar to Service District No. 1 of the ULRRWSD, the Board and the City entered into a Memorandum of Understanding dated January 16, 2007, wherein, it was noted the most cost effective manner of providing water and sewer services to serve Service District No. 2 was to connect to the City's water and sewer systems, thereby requiring annexation to the City. On April 1, 2008, the District and the City entered into an Inter-local Agreement for Service District No. 2. This agreement specifically addresses the implementation of the construction of the water and sewer improvements, how properties will be connected, how annexation will occur and other related matters.

On September 25, 2006, the electors of Service District No. 2 authorized the issuance of \$960,000 in revenue bonds to finance a portion of the design and construction costs to serve the District with City water and sewer systems. The engineering documents for the planned infrastructure to serve the District were prepared by the District's engineer and conditionally approved by the City's Public Works Department in the summer of 2007. The District awarded a contract to United Materials of Great Falls, which completed installation of the water and sewer infrastructure in the fall of 2008.

As a prerequisite to obtaining City water and sewer services, property owners in Service District No. 2 were required to sign several documents, including an annexation petition. To date, the owners of a majority (more than 50%) of the parcels in Service District No. 2 have signed and submitted annexation petitions to the City. By statute, this is a sufficient percentage to proceed with annexation.

All of the parcels within Service District No. 2 are being annexed under MCA Section 7-2-4601. As such, if more than 50% of the resident electors owning real property in the area to be annexed; or the owners of 50% of the real property in the area to be annexed petition for annexation, then the governing body may approve the annexation by adopting a resolution. A 6900 foot segment of BNSF right-of-way is being annexed under MCA Section 7-2-4311.

It is proposed City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts be assigned to the various properties within Service District No. 2 as depicted on the zoning map attached to Ordinance 3033 as Exhibit "A". The two existing mobile home courts (Pleasant Park and Big Sky Village) are proposed to be zoned R-10 Mobile home park; the former Hall Transit bus barn and two storage facilities are proposed to be zoned M-2 Mixed-use transitional; and the business Montana Lines, Inc. is proposed to be zoned I-1 Light industrial which matches the existing County zoning on subject property.

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

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

The Environmental Element of the City of Great Falls Growth Policy notes that the only significant groundwater problem in the immediate vicinity of Great Falls is located near Upper/Lower River Road and advocates finding an acceptable solution to the groundwater problems. A goal of the Environmental Element is “To maintain and improve the quality of the area’s air and water, even as the community grows”.

Goals of the Land Use Element of the City Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To preserve and enhance the character, quality, and livability of existing neighborhoods.
- To support and encourage a compatible mix of land uses in newly developing areas.

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

For the most part, the proposed zoning assignments recognize and conform to existing land uses on the parcels proposed to be annexed and will not, without processing of separate applications, result in additional development. Existing legal land uses, which are not permitted by right in the zoning classifications proposed to be assigned to the properties occupied by such uses, will continue to be recognized and allowed as legal nonconforming uses.

The proposed assignments of City zoning to the predominately developed areas, coincides, with few exceptions, to existing County zoning designations. Therefore, staff concludes the above-cited criteria are substantially met.

Conclusion: The proposed annexation of Service District No. 2 of the ULRRWSD is the culmination of a 12 year process to address public health and utility service problems in the area. With the recent extension of City water and sewer services to most of the 81 serviceable parcels in Service District No. 2, annexation will bring the involved area into compliance with City policies and codes regarding provision of such services. However, it should be recognized and understood that the City, by accepting and approving the annexation, is incurring significant responsibilities and liabilities. Some public infrastructure, including roadways, paving, curbs, gutters, sidewalks, and

storm sewer/drainage is nonexistent or substandard. There are undoubtedly several instances of buildings not complying with City building codes, mobile home parks not complying with current applicable design standards or yards not complying with property improvement standards. However, to require full compliance at the time of annexation could create extreme hardship for property owners and could jeopardize the ability to ever annex these properties. Therefore, per a Memorandum of Understanding between the City and the ULRRWSD, the City has agreed to phase in additional improvements and code compliance requirements involving a schedule and financial plan palatable to the property owners. Additionally, as properties in the District are further subdivided, rezoned, subjected to conditional use permit requirements, and subjected to building permit requirements, opportunities will arise to gradually improve the area to City standards.

The Upper/Lower River Road Water & Sewer District Board has requested the effective date for annexation of Service District No. 2 be delayed until at least August 1, 2009, to accommodate installation of private utility service lines being funded through a County CDBG grant.

Concurrences: Representatives from the City's Public Works, Community Development and Fiscal Services Departments have been involved throughout the review and approval process for this project.

Fiscal Impact: Please refer to the Conclusion section which explains the responsibilities and liabilities the City is incurring in conjunction with this annexation.

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. Vicinity Map showing the ULRRWSD & Service District No. 2 proposed to be annexed.
2. Resolution 9821
3. Resolution 9822
4. Ordinance 3033

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Martha Capps, Fiscal Services, Operations Supervisor
Lyle Meeks, Neil Consultants, 4509 North Star Blvd, 59405
John Stephenson-Love, 300 Central Ave, 7th Floor, 59401

RESOLUTION 9821

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG UPPER AND LOWER RIVER ROADS IN SECTIONS 14 AND 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4311, MONTANA CODE ANNOTATED

* * * * *

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

WHEREAS, there is contiguous to said City, but outside the boundaries thereof, a segment of the Burlington Northern and Santa Fe Railroad Right-of-Way, located along Upper and Lower River Road, located in Sections 14 and 23, Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 16.772 acres, all as shown on the Certificate of Survey filed the 31st day of December, 2008 under S-0004580 in the Clerk and Recorder's Office of Cascade County, Montana; and,

WHEREAS, Section 7-2-4311, Montana Code Annotated, provides that whenever any unplatted land that has been surveyed and for which a certificate of survey has been filed, may be incorporated and included in the municipality to which it is contiguous.

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution No. 9820 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY IN SECTIONS 14 & 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 7th day of April, 2009, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include "A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY IN SECTIONS 14 & 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 12th day of April, 2009; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on May 5, 2009, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land

hereinabove described, included as: "SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY IN SECTIONS 14 & 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of May, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lucy Hallett, Acting City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

RESOLUTION 9822

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE SERVICE DISTRICT NO. 2 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, LOCATED IN SECTIONS 13, 14, 23, & 24, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

WHEREAS, there is contiguous to said City, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Beginning at the intersection of the west right-of-way of Upper River Road and the north right-of-way of 24th Avenue South, being the **Point of Beginning**; thence westerly along the north right-of-way of 24th Avenue South to a point on the northerly projection of the west line of Lots 6 and 7 of Westfall Tracts; thence southerly across 24th Avenue South to the south right-of-way of 24th Avenue South; thence continuing southerly along the west line of said Lots 6 and 7 to the south line of Westfall Tracts; thence westerly along said south line to the northwest corner of Tract # 27A described on Reel 289 Document 705; thence southerly along the west line of said Tract # 27A to the north line of Tract 27B-1 described on Certificate of Survey # 1757; thence easterly along the north line of said Tract 27B-1 to the northeast corner of Tract 27B-1; thence southerly along the east line of Tract 27B-1 to the north line of Lot 27, McLean Garden Tracts; thence westerly along the north line of said Lot 27, McLean Garden Tracts to the east right-of-way of the B.N.S.F. Railway; thence southerly along the east right-of-way of said B.N.S.F. Railway to the northwest corner of Tract # 22 of Certificate of Survey # 2143; thence easterly along the north line of said Tract # 22 to the west right-of-way of Upper River Road; thence easterly across Upper River Road to the east right-of-way of Upper River Road and the north line of Southvale Addition;

thence easterly along the north line of said South Vale Addition to the northeast corner of said Southvale Addition; thence northerly to the southeast corner of Sunny Lane Tracts; thence continuing northerly along the east boundary of said Sunny Lane Tracts and the east boundary of Grandview Tracts to the northeast corner of Lot 27B of Grandview Tracts; thence westerly along the north line of said Lot 27B and the north lines of Lots 27 and 27A to the east right-of-way of 4th Street South; thence continuing westerly across said 4th Street South to the west right-of-way of 4th Street South; thence southerly along said west right-of-way 4th Street South to the northeast corner of Amended Plat 2008-56, (Amended Plat of Lots 26 & 30, Grandview Tracts); thence westerly along the north line of said Amended Plat to the east right-of-way of 3A Street South; thence continuing westerly across said 3A Street South to the west right-of-way of 3A Street South; thence southerly along said west right-of-way to the northeast corner of Lot 29 of Grandview Tracts; thence westerly along said north line of Lot 29 to the southeast corner of Lot 24; thence northerly along the east line of said Lot 24 to the northeast corner of said Lot 24; thence westerly along the north line of said Lot 24 to the east right-of-way of 3rd Street South; thence continuing westerly across 3rd Street South to the west right-of-way of 3rd Street South; thence southerly along said west right-of-way 3rd Street South to the northeast corner of Lot 23B of Grandview Tracts; thence westerly along the north line of Lots 23B, 23C and 23D of Grandview Tracts to the east right-of-way of Upper River Road; thence continuing westerly across Upper River Road to the west right-of-way of Upper River Road; thence southerly along said west right-of-way to the point of beginning containing 98.00 acres more or less;

and,

That portion of Lower River Road further described as follows:

Commencing at the quarter corner common to Section 14 and 15, Township 20 North, Range 3 East, P.M.M., Cascade County Montana, which is a found brass cap in vault in the centerline of Fox Farm Road; thence along the east-west mid-section line of said Section 14 a distance of 3473.98 feet to a point on the west right-of-way of the BNSF Railway described on Certificate of Survey #4580, said point being the **Point of Beginning**; thence southeasterly along the west right-of-way of the BNSF Railway to the northeast corner of Lot 1C of the Amended Plat of a Portion of Lot 1, McLean Garden Tracts, filed in the records of Cascade County, as Plat # 1798; thence westerly along the north line of Lot 1C to the east high water mark of the Missouri River; thence northerly meandering along the east high water mark of the Missouri River to the mid-section line of said Section 14; thence easterly on the mid-section line of said Section 14 to the point of beginning, containing 5.95 acres more or less,

and,

That portion of Upper River Road further described as follows:

Commencing at the quarter corner common to Section 14 and 15, Township 20 North, Range 3 East, P.M.M., Cascade County Montana, which is a found brass cap in vault in the centerline of Fox Farm Road; thence along the east-west mid-section line of said Section 14 a distance of 3473.98 feet to a point on the west right-of-way of the BNSF Railway; thence

continuing easterly along said mid-section line a distance of 122.02 feet to the east right-of-way of the BNSF Railway described on Certificate of Survey # 4580, said point being the **Point of Beginning**; thence southeasterly along a line common to the east right-of-way of BNSF Railway and the west right-of-way of Upper River Road to a point on a line being the southwesterly projection of the south line of the Second Addition to Prospect Heights Addition; thence northeasterly along said line crossing Upper River Road to the southwest corner of Lot 97, Second Addition to Prospect Heights Addition; thence northwesterly along the west line of Second Addition to Prospect Heights Addition to the southwest corner of First Addition to Verde Park; thence northwesterly along the west boundary of First Addition to Verde Park to the southwest corner of Lot 6, Volk Terrace Addition; thence along the northwesterly boundary of Volk Terrace Addition to the intersection point with the mid-section line of said Section 14; thence westerly along the mid-section line of said Section 14 to the point of beginning, containing 1.52 acres more or less,

all shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof; and,

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

WHEREAS, more than fifty percent (50%) of the resident electors owning real property within the hereinabove described area, have submitted petitions to have their property annexed to the City of Great Falls.

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "SERVICE DISTRICT NO. 2 OF THE UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, LOCATED IN SECTIONS 13, 14, 23, & 24, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of May, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lucy Hallett, Acting City Clerk

(CITY SEAL)

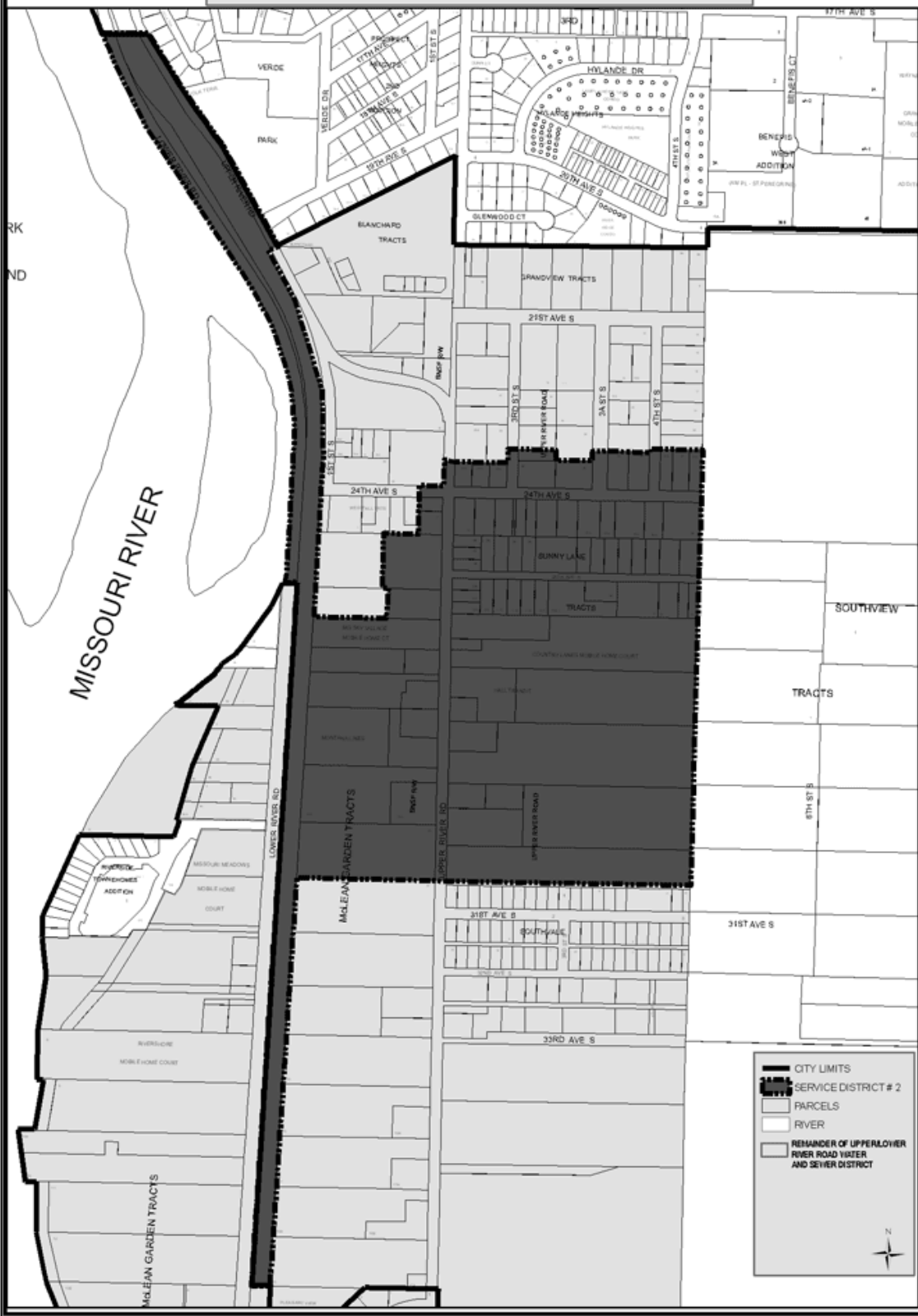
APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

SERVICE DISTRICT NO. 2

Upper/Lower River Road Water & Sewer District

Exhibit "A"



ORDINANCE 3033

AN ORDINANCE ASSIGNING ZONING CLASSIFICATIONS OF R-1 SINGLE-FAMILY SUBURBAN, R-3 SINGLE-FAMILY HIGH DENSITY, R-10 MOBILE HOME PARK, M-2 MIXED USE TRANSITIONAL AND I-1 LIGHT INDUSTRIAL DISTRICTS, FOR SERVICE DISTRICT NO. 2 WITHIN UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, IN SECTIONS 13, 14, 23, AND 24, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, numerous property owners along Lower and Upper River Roads in Sections 13, 14, 23, and 24, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, have elected to create a water and sewer district known as the Upper/Lower River Road Water & Sewer District; and,

WHEREAS, more than fifty per cent (50%) of the 54 property owners within what is described as Service District No. 2 of the Upper/Lower River Road Water & Sewer District have executed and submitted applications to annex their properties to the City of Great Falls; and,

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held March 10, 2009, passed a motion recommending the City Commission approve establishing City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts to the various properties within Service District No. 2 being annexed to the City of Great Falls, as depicted on the zoning map attached hereto as Exhibit "A" and by this reference made a part hereof.

WHEREAS, notice of assigning zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts, to Service District No. 2 within the Upper/Lower River Road Water Sewer District being annexed to the City, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th day of May, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designations be made,

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

Section 1. It is determined that the herein described zoning designations 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 2. That the zoning of Service District No. 2 of the Upper/Lower River Road Water & Sewer District, be designated as R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts as depicted on the attached Exhibit "A".

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Service District No. 2 of the Upper/Lower River Road Water & Sewer District, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading April 7, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading May 5, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lucy Hallett, Acting City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

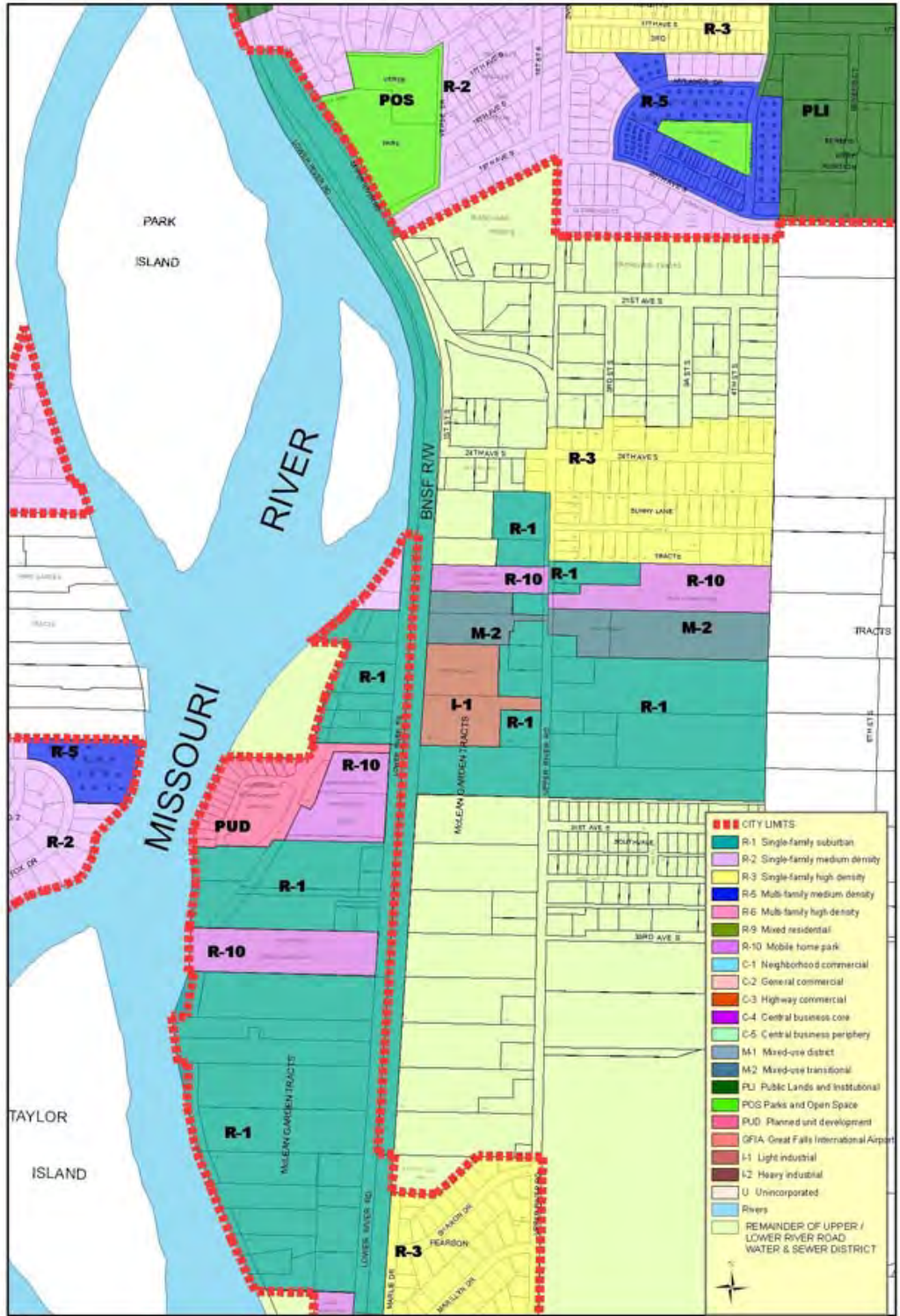
I, Lucy Hallett, Acting City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3033 in three conspicuous places within the limits of said City to-wit:

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

Lucy Hallett, Acting City Clerk

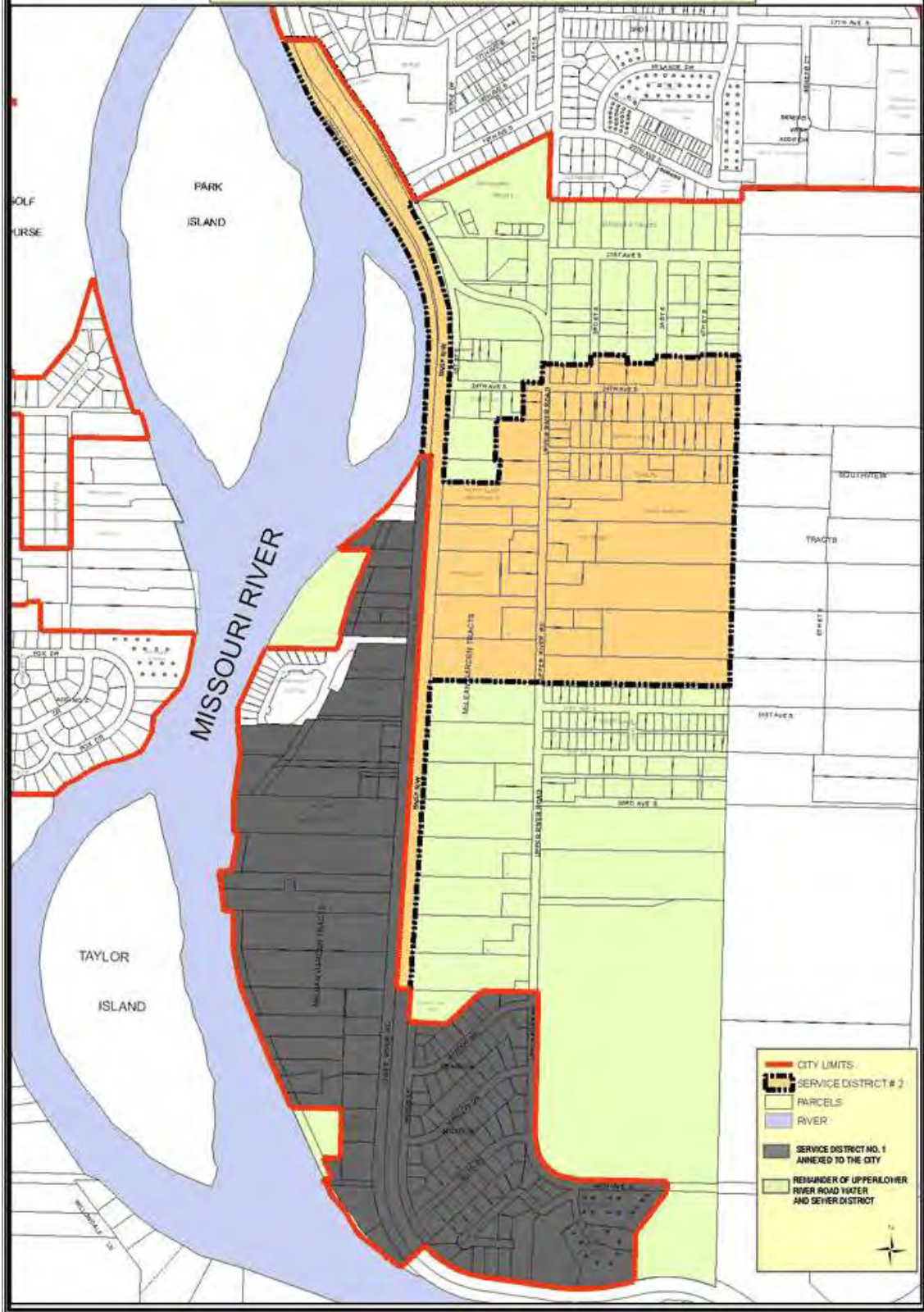
(CITY SEAL)

PROPOSED ZONING FOR SERVICE DISTRICT NO. 2
UPPER / LOWER RIVER ROAD WATER & SEWER DISTRICT
EXHIBIT "A"



SERVICE DISTRICT NO. 1 AND 2

Upper/Lower River Road
Water & Sewer District





Item: Ordinance 3035 Approving additional public improvements with respect to the West Bank Properties Urban Renewal Project to be financed with tax increment revenues

From: Martha Capps, Operations Supervisor

Initiated By: West Bank Properties, LLC/Brad Talcott - Developer

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Adopt Ordinance 3035 on final reading

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3035 on final reading”

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

Staff Recommendation: Staff recommends the City Commission adopt Ordinance 3035.

Background: On March 20, 2007 the City Commission adopted Ordinance 2967 which established the Great Falls West Bank Urban Renewal Plan. This plan included a Tax Increment Financing provision to give the City an additional funding tool in the redevelopment effort. Ordinance 3027, adopted by the City Commission on December 16, 2008 approved the West Bank Properties Project, for specific planned public infrastructure improvements within the District Boundaries, and authorized the reimbursement to West Bank Properties, LLC for costs from District tax increment revenues. These improvements include the burying of existing power lines, installation of water, sanitary sewer, and storm drain utilities, roads, curbs, gutters and sidewalks.

In discussions with the Developer in regards to the Right-of-Way agreement approved by this Commission, it was determined that with relocating of the existing power lines, it requires the cable & phone to be also “relocated” underground. Gas lines will also be relocated to accommodate the new building layout of the property, and will be extended as needed to new buildings. These additional activities are eligible under Montana Urban Renewal Law (Section 7-15-4288, MCA). The City will reimburse the Developer for the approved costs incurred from these activities for an amount up to \$900,000.

Ordinance 3035 was accepted on first reading by this Commission on April 21, 2009.

Concurrences: Representatives from Fiscal Services, City Manager's Office, Planning, Engineering, and Public Works have been working with Bond Counsel and the Developer throughout the entire process.

Fiscal Impact: No direct fiscal impacts to the City are anticipated as a result of providing tax increment funds for the improvements associated with the development project.

Alternatives: The City Commission could choose to not approve Ordinance 3035.

Attachments/Exhibits: Ordinance 3035

Cc: Brad Talcott, West Bank Properties, P.O. Box 2493, Great Falls, MT 59403

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: "ORDINANCE APPROVING ADDITIONAL PUBLIC IMPROVEMENTS WITH RESPECT TO THE WEST BANK PROPERTIES URBAN RENEWAL PROJECT TO BE FINANCED WITH TAX INCREMENT REVENUES" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission of the City at a regular meeting on April 21, 2009, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 21st day of April, 2009.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Commission of the City at a regular meeting on May 5, 2009, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Commission members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this 5th day of May, 2009.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE NO. 3035

ORDINANCE APPROVING ADDITIONAL PUBLIC
IMPROVEMENTS WITH RESPECT TO THE WEST BANK
PROPERTIES URBAN RENEWAL PROJECT TO BE
FINANCED WITH TAX INCREMENT REVENUES

BE IT ORDAINED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. In accordance with Title 7, Chapter 15, Parts 42 and 43 (the “Act”), on March 20, 2007, the Great Falls City Commission (the “Commission”) adopted Amended Ordinance 2967 to create and approve the West Bank Urban Renewal District (the “District”) and Plan (the “Plan”), which contains a tax increment financing provision to help fund rehabilitation and redevelopment projects within the District.

1.02. On December 16, 2008, the Commission adopted Ordinance 3027, after a duly called and noticed public hearing thereon, approving a development project (the “West Bank Properties Project”) proposed by West Bank Properties, LLC, 4415 River Drive North, Great Falls, Montana, (the “Developer”) and certain associated public improvements as an Urban Renewal Project and authorizing financing of those public improvements with tax increment revenues.

1.03. The Developer has identified certain improvements to be constructed in connection with the West Bank Properties Project, consisting of (i) the burial of existing Bresnan cable lines and Qwest telephone lines (ii) the relocation and extension of existing Energy West gas lines, and (iii) in the event the Developer acquires the property in the Urban Renewal Area currently owned by Pizza Hut, designing and constructing underground power lines and other City utilities running across such property (together, the “Additional Improvements”) and has requested that the City authorize the financing of the Additional Improvements with tax increment revenues..

1.04. The Additional Improvements are eligible for tax increment financing under the Act.

Section 2. Approval of Additional Improvements to be Financed with Tax Increment Revenues. The Commission authorizes that tax increment revenues available to the District be used to finance the cost of any of the Additional Improvements in an amount, when aggregated with the improvements previously authorized to be financed with tax increment revenues under Ordinance 3027, not to exceed a principal amount that can be amortized from the tax increment revenues to be generated by the Developer Project Phase I over a term of twenty-five years at a rate of interest set forth in a development agreement between the City and the Developer, provided that such principal amount will in no event exceed \$900,000 or the actual amount of expenses approved by City under the terms of such development agreement.

Section 3. Effect. This Ordinance shall take effect from and after 30 days of its passage by the City Commission and approval by the Mayor.

1) First Reading:

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading April 21, 2009.

2) Second Reading:

APPROVED by the City Commission on first reading April 21, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading May 5, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney



Item: Ordinance 3037 to Assign City Zoning to Northview Addition, Phase 4

From: Charles Sheets, Planner I

Initiated By: Jim Workman Construction Co., Property Owner and Developer

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission accept Ordinance 3037 on first reading and set a public hearing for June 2, 2009, to consider adoption of Ordinance 3037.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3037 on first reading and set a public hearing for June 2, 2009.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held March 24, 2009, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of PUD Planned unit development district to Northview Addition, Phase 4, upon annexation to the City and approve the modified site plan that deviates from the previously approved site plan.

Background: At the conclusion of a public hearing held January 9, 2007 the Planning Board conditionally approved the preliminary plat of Northview Addition, Phases 2-7 and the Zoning Commission approved assigning a zoning classification of PUD Planned unit development district to each phase upon annexation to the City. During a meeting held February 6, 2007, the City Commission conditionally approved the Preliminary Plat of Northview Addition Phases 2-7, as recommended by the Planning Board.

To date, the applicant has completed development of the first three phases of Northview Addition. The applicant now requests approval of the final plat of Phase 4 and the modified site plan that deviates from the previously approved preliminary plat and site plan. The subdivision is located along a segment of 37th Avenue Northeast immediately east of 9th Street Northeast.

Within the area covered by Phase 4, the previously approved preliminary plat and site plan provided for 5 conventional single-family residential lots along the north side of 37th Avenue

Northeast and 6 condominium units along the south side of 37th Avenue Northeast. With the market for condominium units being more attractive than that for conventional units, the applicant proposes to replace the 5 conventional residential lots along the north side of 37th Avenue Northeast with a single lot to contain 6 residential condominium units.

For additional information, please refer to the attached Vicinity/Zoning Map, reduced copy of the Final Plat and reduced copy of the PUD Site Plan.

Access to subject property will be by 9th Street Northeast. It is anticipated 37th Avenue Northeast will eventually be accessible via an extension of 12th Street Northeast, as future phases and other properties in the vicinity are subdivided and developed.

The roadway within the subdivision will be improved to City standards with paving, curb and gutter.

City water and sewer mains will be installed. Easements will be provided within the plat for the installation of private utilities.

Based on land contours, the area generally slopes to the north. The City Engineer is in the process of creating a regional storm water detention pond to serve this and future development in the area.

The developer will fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land, which is acceptable to the Park and Recreation Department.

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

It is proposed that the PUD Planned unit development district site plan submitted with the preliminary plat be modified to allow construction of 6 condominiums on each side of 37th Avenue Northeast, instead of the 5 single-family lots on the north side of the Avenue and 6 condominiums on the south side of the Avenue.

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

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

The proposed single story duplex condominiums would provide an additional ownership option and a good mix with other residences being built in the area.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include “residential land uses should be planned and located so that they do not result in adverse impacts upon one another” and “Annexations should be logical and efficient extensions of the City’s boundaries and service areas”. Therefore, staff concludes the above-cited criteria are substantially met.

At the conclusion of a public hearing held March 24, 2009 the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of PUD Planned unit development district, to Northview Addition, Phase 4, upon annexation to the City and approve the modified site plan that deviates from the previously approved site plan. No citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on June 2, 2009, will consider the annexation resolution, an annexation agreement and final plat for Northview Addition, Phase 4, simultaneously with Ordinance 3037.

Concurrences: Representatives from the City’s Public Works, Community Development, and Fire Departments have been involved throughout the review and approval process for this project.

Fiscal Impact: Providing services is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Alternatives: The City Commission could deny acceptance of Ordinance 3037 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Ordinance 3037
3. Reduced copy PUD Site Plan
4. Reduced copy of final plat

Cc: Jim Rearden, Public Works Director,
Dave Dobbs, City Engineer
Jim Workman Construction Co., 1024 36th Avenue Northeast, Great Falls, MT 59404
Woith Engineering, 1725 41st St S, Great Falls, MT, 59405

ORDINANCE 3037

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO NORTHVIEW ADDITION, PHASE 4, IN THE SE¼ SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Jim Workman Construction Co., has petitioned the City of Great Falls to annex Northview Addition, Phase 4, located in the SE¼ of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Jim Workman Construction Co., has petitioned Northview Addition, Phase 4, be assigned a zoning classification of PUD Planned unit development district, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to Northview Addition, Phase 4, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 2nd day of June, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said zoning designation be made,

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

Section 1. It is determined that the herein requested zoning designation 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 2. That the zoning classification of Northview Addition, Phase 4, be designated as PUD Planned unit development district, subject to the building envelopes and setbacks attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Northview Addition, Phase 4, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading May 5, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading June 2, 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 3037 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)

P.U.D. SITE PLAN NORTHVIEW ADDITION PHASE 4

EXHIBIT "A"

NOTE:
BUILDING HEIGHTS SHALL BE RESTRICTED TO A MAXIMUM OF 35'.



SCALE: 1" = 50'

EXISTING CONDOMINIUMS

10.00'
UTILITY
EASEMENT

10.00'
UTILITY
EASEMENT

20' UNDERGROUND
TELEPHONE EASEMENT

NORTH RIVERVIEW
TERRACE SECTION 6

9TH ST. NE.

DIMENSIONS TYPICAL OF 3
CONDOMINIUMS ON THE NORTH
SIDE OF 37TH AVENUE NE

NORTHVIEW PHASE 2

FUTURE
DEVELOPMENT

37TH AVE NE

BOULEVARD SIDEWALK

BOULEVARD SIDEWALK

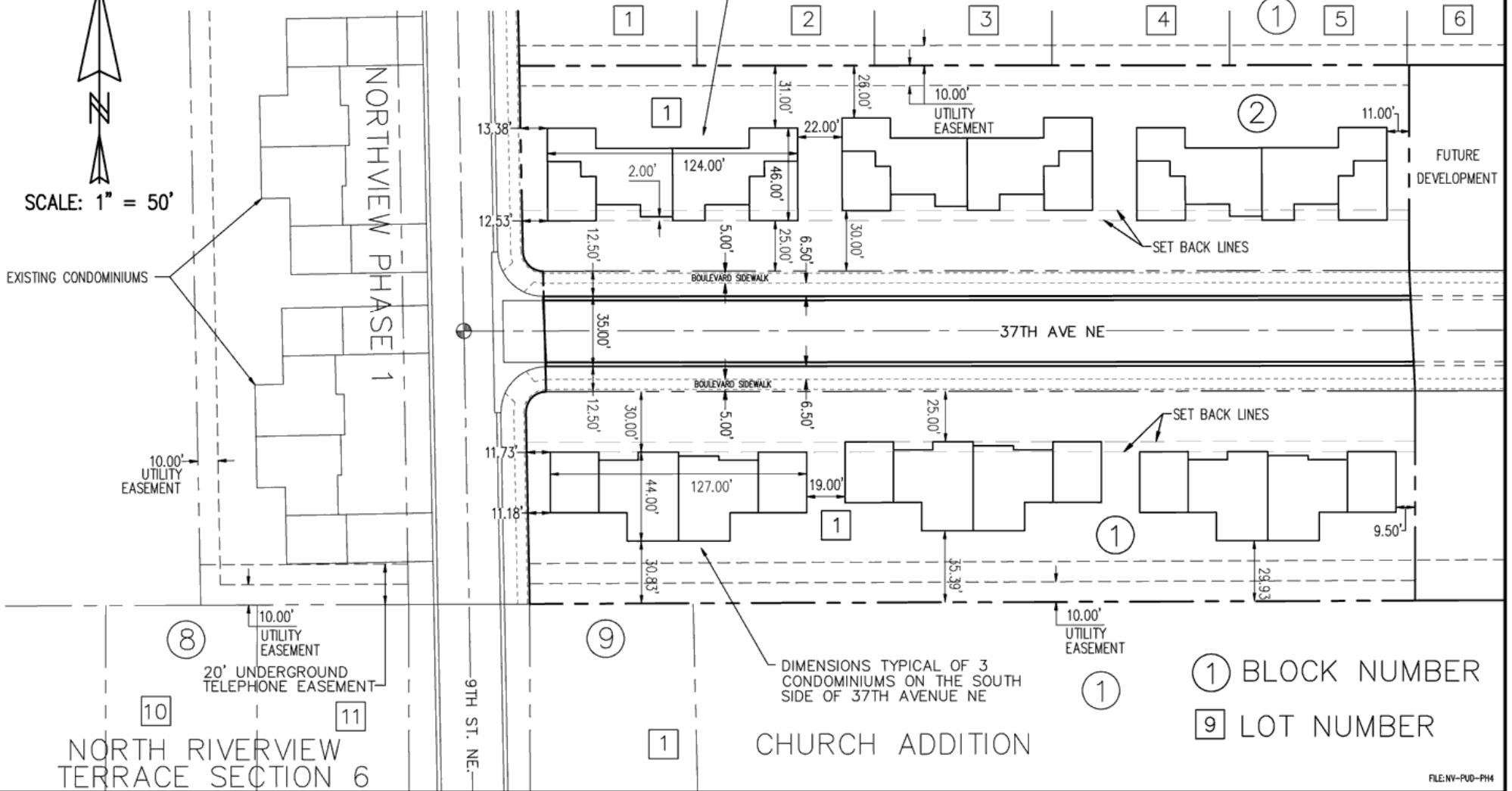
DIMENSIONS TYPICAL OF 3
CONDOMINIUMS ON THE SOUTH
SIDE OF 37TH AVENUE NE

10.00'
UTILITY
EASEMENT

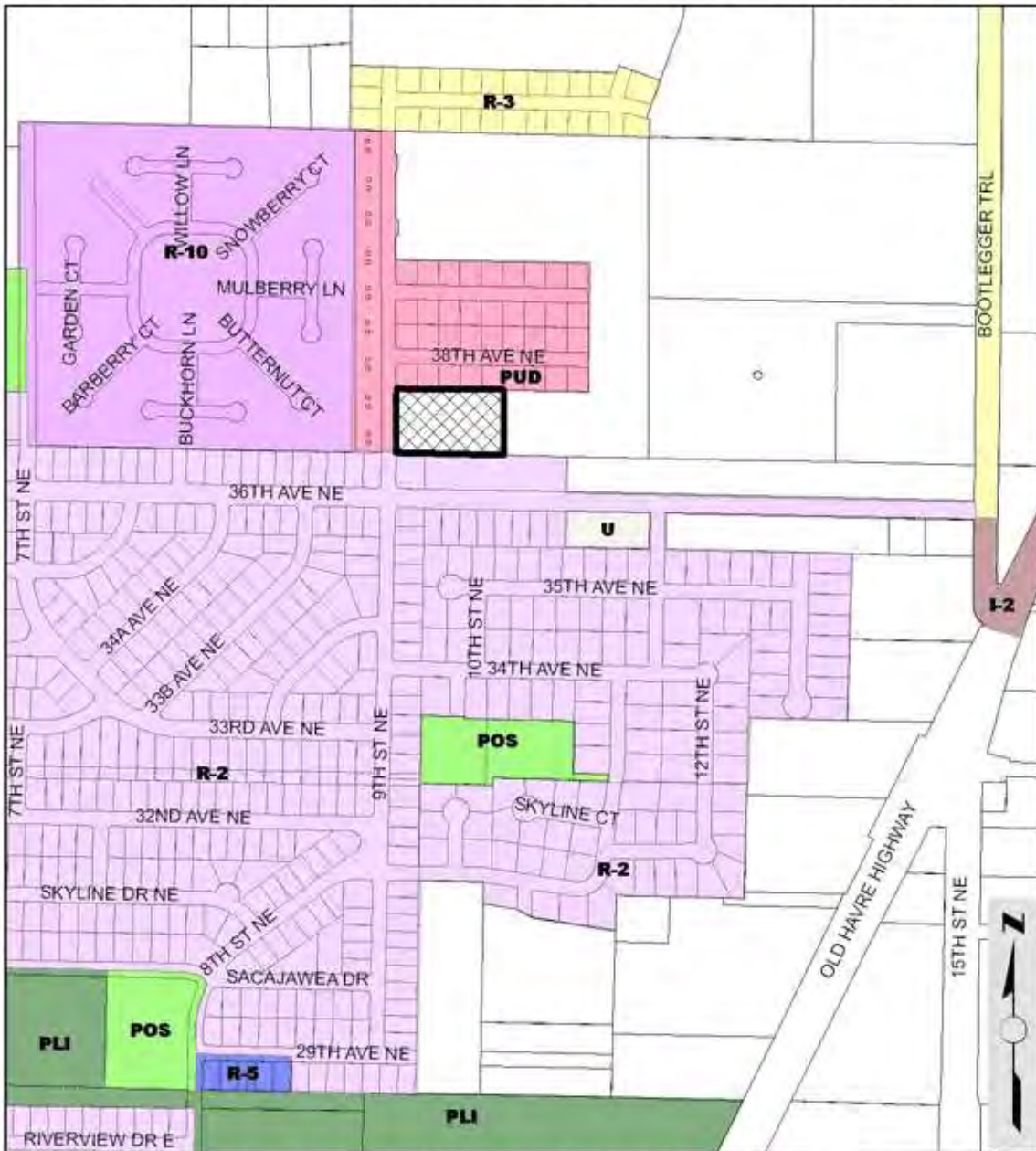
CHURCH ADDITION

① BLOCK NUMBER

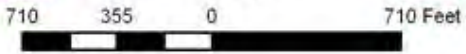
⑨ LOT NUMBER



VICINITY/ZONING MAP

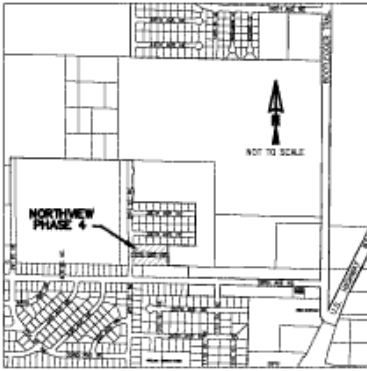


- PROPOSED NORTHVIEW ADDITION PHASE 4 TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT DISTRICT UPON ANNEXATION TO THE CITY
- R-2 Single-family medium density
- R-3 Single-family high density
- R-5 Multi-family medium density
- R-10 Mobile home park
- C-1 Neighborhood commercial
- PLI Public Lands and Institutional
- POS Parks and Open Space
- I-2 Heavy industrial
- U Unincorporated enclave
- Tracts of land outside City
- PUD Planned unit development



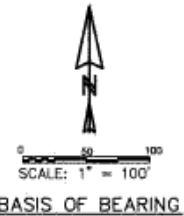
PLAT OF
NORTHVIEW ADDITION – PHASE 4

TO THE CITY OF GREAT FALLS
A SUBDIVISION IN THE SE 1/4, SECTION 25, T21N, R3E.,
P.M. MT, CASCADE COUNTY, MONTANA



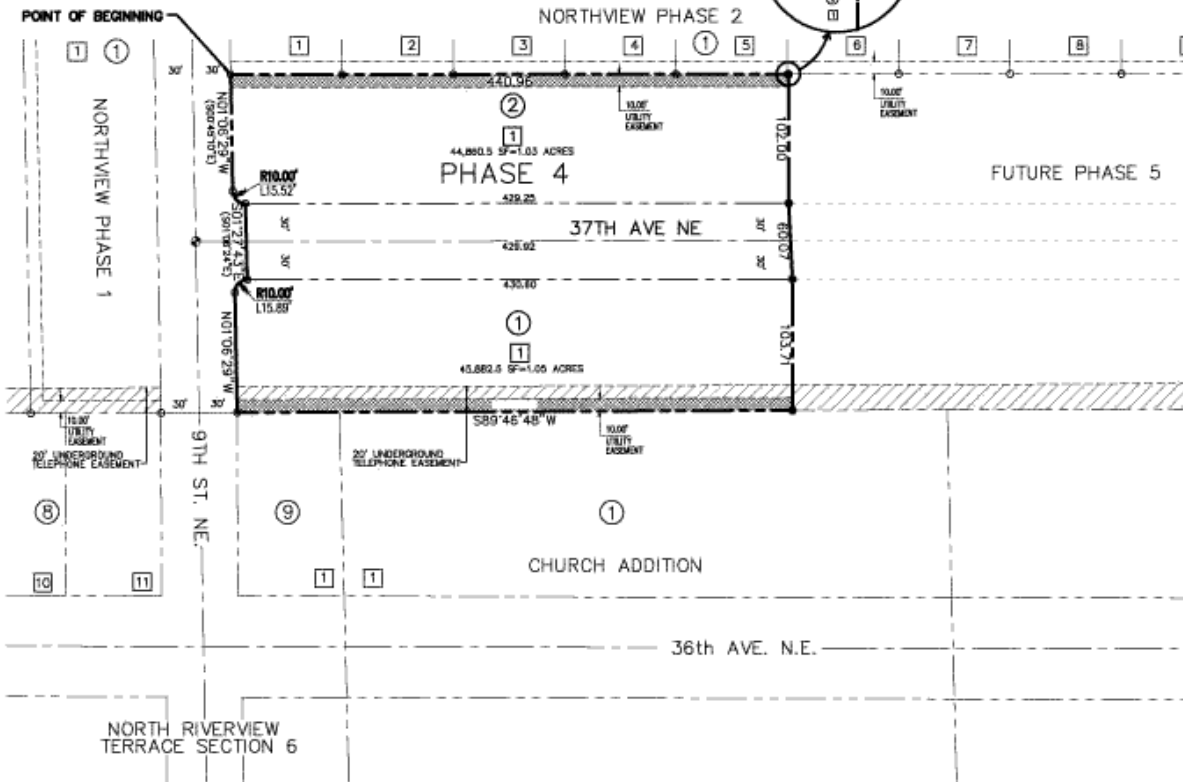
LEGEND

- SET 5/8" x 24" IRON PIN AND CAP
- FOUND IRON PIN AND CAP
- STREET MONUMENT
- Ⓚ BLOCK NUMBER
- ① LOT NUMBER
- 1 SQUARE FEET
- (0°00'00") RECORD BEARING
- ADDITION BOUNDARY
- - - NEW PROPERTY LINES
- - - EXISTING PROPERTY LINES
- - - EXISTING SECTION LINE
- - - STREET CENTER LINES
- - - FUTURE DEVELOPMENT
- UTILITY EASEMENTS



PHASE 4 AREAS

LOTS	90,743.0 SF	= 2.083 ACRES
STREETS	25,785.5 SF	= 0.592 ACRES
TOTAL	116,528.5 SF	= 2.675 ACRES





Item: Resolution 9834, a Resolution calling for a mail-in election authorizing the City to exceed the Mill Levy limit established in 15-10-420, MCA, to expand the Fire Department public safety services

From: Fire Chief Randy McCamley

Initiated By: Great Falls City Commission and Fire Chief Randy McCamley

Presented By: Fire Chief Randy McCamley

Action Requested: Adopt Resolution 9834

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9834”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9834

Background: The current firefighter staffing levels are substantially below national firefighting fire ground standards as promulgated by the National Fire Protection Agency and Occupational Safety and Health Administration and as adopted by the Department of Homeland Security. Currently, GFFR has a total of 60 operational firefighters split evenly between four platoons or a maximum of 15 firefighters per platoon. Of these 15 firefighters, the department maintains minimum staffing of 13 firefighters to cover the entire city. The 13 firefighter’s staff three engine companies and one truck company at any given time.

There have been two important limitations that exist due to GFFR’s staffing. First, when the department responds to a structure fire, the first alarm sends three apparatus and a Battalion Chief or 10 firefighters in all. This number falls far short of the national standard of 14 on scene in less than eight minutes. The shortage could create a dangerous situation for responders and limit the department’s ability to rescue trapped victims while simultaneously stopping an advancing fire.

The second limitation is primarily due to the steady increase in call volume. In 1969, there were less than 1000 calls for service, in 2008 there were more than 5,400 calls for service. On any

given day, GFFR may have all of its resources working on emergencies simultaneously. When this occurs, basically, the City has no other fire or rescue resources to bring to bear at the next incident. Recalling staff is one alternative, but the first recalled members do not arrive for about 20 to 30 minutes.

In addition, the City relies on mutual aid with Montana Air National Guard Airport Fire Department and Malmstrom AFB Fire Department. Both departments are responsible for protecting their jurisdictions and they too are minimally staffed. There are no guarantees that either department can support our requests. Recently, there have been several instances where our department was unable to answer a call because all apparatus were already assigned to another emergency. If this trend continues, more system failures will occur.

Significant Impacts

Increasing our front-line firefighter staffing levels will result in safer and more effective fire ground operations which:

1. Improves citizen safety and service delivery
2. Improves firefighter safety
3. Reduces property loss
4. Enhances the Fire Department's ability to comply with recognized staffing, response and operational standards established by the National Fire Protection Association (NFPA) and Occupational Safety Health Administration (OSHA)
5. Results in budget savings on callbacks of off duty firefighters during 2nd Alarm Fires (overtime estimated at approximately \$80k)
6. Provides a cushion for minimum staffing level- Hirebacks (overtime)
7. Improve ISO classification from our current rating of 3 to 2 (This may result in residential fire insurance premium reduction)

Citizen Participation

Over the last year, I have spoken to several local groups including our Neighborhood Councils regarding the challenges currently facing the fire department. I presented an overview of the Public Safety Mill Levy process and why this funding was needed and the City Commission's interest in considering this revenue source.

Workload Impacts

During the first phase of a firefighter's career, they attend the department's 30 day fire academy. Due to the time constraints, all 16 firefighters will have to be hired at the same time and during the month of September. Having 16 firefighters in the academy at once is unique and there will be additional challenges to ensure the new hires are ready to work. After the academy, recruits will have nine months of probation which includes an intense training program. Every supervisor on every shift will be assigned a recruit. However, once the firefighters are confirmed they will have a positive impact on the department's workload. There will be an increased administrative workload to comply with audit and documentation as agreed to by the City to receive SAFER grant funding. This work shall be absorbed by current GFFR staff and the City's Fiscal Services Department.

Purpose

The City of Great Falls is authorized, pursuant to 15-10-425, MCA, to exceed the mill levy limit provided for in 15-10-420, MCA, by conducting an election. The last time the City requested a special tax increase to improve Fire Department operations was over 40 years ago. Additionally, the City of Great Falls has been awarded a Department of Homeland Security, Staffing for Adequate Fire and Emergency Response (SAFER) grant. This grant is intended to provide financial assistance to help fire departments increase their cadre of frontline firefighters in order to safely and effectively respond to fires and emergencies whenever they occur. This grant will provide \$1,734,080 over the five year term of the grant to help defray the City's cost of 16 new firefighters.

Project Work Scope

In anticipation of hiring the new firefighters the fire department administration will need to begin the initial hiring regiment. This includes participating in the annual Montana Firefighters Testing Consortium. At the conclusion of this test we will screen applications and begin interviewing prospective candidates. The top candidates will be notified of their placement and advised that job offers will only be made pending the passage of the August 2009 Fire Department Public Safety Levy. If the Public Safety Levy fails, no job offers will be extended and the city will forfeit the SAFER Grant funding.

Concurrences: A Public Safety Levy committee consisting of Manager Doyon, Assistant Manager Patton, Fiscal Services Director Balzarini, Budget Officer Kinzler, Police Chief Grove and Fire Chief McCamley.

Fiscal Impact:

The fiscal impact section includes input from the City Manager, Fiscal Services Department, and Fire Department to provide a broad overview of alternatives, fiscal impacts of each, and long term budgeting needs.

Grant Year	1st Year	2nd Year	3rd Year	4th Year	5th Year	TOTAL
Personnel	\$618,720	\$650,224	\$666,144	\$783,392	\$801,856	\$3,520,336
Benefits	\$343,056	\$362,182	\$387,138	\$423,311	\$451,953	\$1,967,640
PPE/ Medicals	\$75,200	\$0	\$0	\$0	\$0	\$75,200
Total	\$1,036,976	\$1,012,406	\$1,053,282	\$1,206,703	\$1,253,809	\$5,563,176
Federal Share	\$624,240	\$554,800	\$346,720	\$208,320	\$0	\$1,734,080
<i>City Share</i>	<i>\$412,736</i>	<i>\$457,606</i>	<i>\$706,562</i>	<i>\$998,383</i>	<i>\$1,253,809</i>	<i>\$3,829,096</i>

SAFETY LEVY	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
Additional Mills added to current taxes gradual increases over 5 years	5.73	6.36	9.82	13.87	17.42
Increase for a home with a <u>Taxable Market Value</u> of \$100,000 per year	\$17.25	\$19.14	\$29.56	\$41.75	\$52.43
Home with a <u>Taxable Market Value</u> of \$200,000 per year	\$34.50	\$38.28	\$59.12	\$83.50	\$104.86

These calculations are based on the 2008 Citywide taxable Market Valuation of \$71,973

Other Costs

Personal Protection Equipment - 16 FTE			
Turn-out coat/pants	each	\$ 1,900.00	\$ 30,400.00
Boots	pair	\$ 271.00	\$ 4,336.00
Helmet	each	\$ 275.00	\$ 4,400.00
EMS Coat	each	\$ 325.00	\$ 5,200.00
SCBA Mask	each	\$ 1,200.00	\$ 19,200.00
Gloves	pair	\$ 65.00	\$ 1,040.00
			\$ -
Total Cost for PPE		\$ 4,036.00	\$ 64,576.00

This table depicts the cost for each firefighter's personal protective equipment. An estimated \$44,000 would need to be added to fiscal year 09/10 budget.

If the new firefighters are hired, we will apply for the Assistance to Firefighters Grant (AFG) for reimbursement of their PPE. If successful, this grant would reimburse up to 80% of this equipment.

Each new firefighter will need to undergo a pre-employment medical screening with an estimated cost of \$660 each for a total of \$10,560.

Conclusion:

The current firefighter staffing levels are substantially below national firefighting fire ground standards as promulgated by the National Fire Protection Agency and Occupational Safety and Health Administration and as adopted by the Department of Homeland Security. Insufficient fire ground staffing has been determined to be a leading cause of firefighter deaths and injuries. Consequently, adequate fire ground staffing has been proven to have a direct impact on firefighter's ability to save lives and reduce property loss.

Alternatives:

1. Reallocate current general fund expenses away from other city programs and services to fund new firefighter positions.
2. Restructure the fire department's current work schedule of 10/14 to a 24/48 work schedule. This would result in a three platoon system and would increase daily staffing levels. The change in work schedules would increase the number of hours firefighters currently work and would need to be budgeted for. Additionally, any changes of this nature are a mandatory subject of bargaining and cannot be changed unilaterally. Formal collective bargaining between the City and the firefighters association would be necessary to determine the viability of this alternative and the fiscal impact.
3. Forfeit current SAFER Grant and reapply for SAFER Grant for fewer firefighters.

Attachments/Exhibits:

Resolution 9834

RESOLUTION NO. 9834

A RESOLUTION CALLING FOR A MAIL-IN ELECTION AUTHORIZING THE CITY TO EXCEED THE MILL LEVY LIMIT ESTABLISHED BY 15-10-420, MCA, TO EXPAND THE FIRE DEPARTMENT PUBLIC SAFETY SERVICES

WHEREAS, the City of Great Falls is authorized, pursuant to 15-10-425, MCA, to exceed the mill levy limit provided for in 15-10-420, MCA, by conducting an election; and

WHEREAS, the last time the City requested a special tax increase to improve Fire Department operations was over 40 years ago; and

WHEREAS, the current firefighter staffing levels are substantially below national firefighting fire ground standards as promulgated by the National Fire Protection Agency and Occupational Safety and Health Administration and as adopted by the Department of Homeland Security; and

WHEREAS, insufficient fire ground staffing has been determined to be a leading cause of firefighter deaths and injuries; and

WHEREAS, adequate fire ground staffing has been proven to have a direct impact on firefighters ability to save lives and reduce property loss; and

WHEREAS, the City of Great Falls has been awarded a Department of Homeland Security, Staffing for Adequate Fire and Emergency Response (SAFER) grant; and

WHEREAS, this grant is intended to provide financial assistance to help fire departments increase their cadre of frontline firefighters in order to safely and effectively respond to fires and emergencies whenever they occur; and

WHEREAS, this grant will provide \$1,734,080 over the five year term of the grant to help defray the City’s cost of 16 new firefighters; and

WHEREAS, the Fire Department will need to purchase Personal Protective Equipment (PPE) for the 16 new firefighters which will be funded from the additional mills in year one, and

WHEREAS, the City’s current general fund revenues are inadequate to sustain the City’s contribution during the term of the grant and for the years thereafter without permanently increasing the number of mills; and

WHEREAS, the following table identifies the number of additional mills needed during the term of the SAFER grant and the associated increase in property tax for each year of the grant and for the years thereafter; and

SAFER GRANT	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
Additional Mills added to current taxes gradual increases over 5 years	5.73	6.36	9.82	13.87	17.42
Increase for a home with a <u>Taxable Market Value</u> of \$100,000 per year	\$17.25	\$19.14	\$29.56	\$41.75	\$52.43
Home with a <u>Taxable Market Value</u> of \$200,000 per year	\$34.50	\$38.28	\$59.12	\$83.50	\$104.86

WHEREAS, the City Commission desires that this election be conducted by a mail-in ballot election by the registered voters of the City of Great Falls, for the purpose of voting on the question of whether to levy an additional 5.73 mills in taxable year 2009; 6.36 mills in taxable year 2010; 9.82 mills in taxable year 2011; 13.87 mills in taxable year 2012; 17.42 mills in taxable year 2013; and, 17.42 mills annually thereafter, on a permanent basis, for improving

customer service and to improve firefighter safety by hiring and maintaining 16 additional firefighters; and

WHEREAS, the specific number of additional mills needed annually in taxable year 2013 and each year thereafter is 17.42 mills and the approximate amount of money to be raised is \$1,253,809.00 (one million, two hundred and fifty three thousand, eight hundred and nine dollars) based on the 2008 Citywide Taxable Market Valuation.

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

Section 1. The City Commission hereby authorizes a mail-in election for the purpose of permanently exceeding the mill levy limit provided in 15-10-420, MCA, by levying 5.73 mills raising approximately \$412,736 in taxable year 2009; 6.36 mills raising approximately \$457,606 in taxable year 2010; 9.82 mills raising approximately \$706,562 in taxable year 2011; 13.87 mills raising approximately \$998,383 in taxable year 2012; 17.42 mills raising approximately 1,253,809 in taxable year 2013; and, 17.42 mills each year thereafter, on a permanent basis.

Section 2. All qualified electors of the City of Great Falls are entitled to vote on this issue on August 4th, 2009 by mail-in ballot. The City Clerk is hereby authorized and directed to give notice of the call and details of this mail-in ballot election to the Cascade County Election Administrator. The Election Administrator is requested to give notice of the call and holding of the mail-in ballot election to be published at least once a week for three successive weeks before the mail-in election in the Great Falls Tribune, a newspaper of general circulation in the County of Cascade Montana.

The notice of election as published shall read substantially as follows:

NOTICE OF MAIL-IN BALLOT ELECTION

NOTICE IS HEREBY GIVEN by the Great Falls City Commission that on August 4th, 2009, pursuant to a resolution duly adopted by the Great Falls City Commission on May 5th, 2009, a mail-in ballot election by the registered voters will be held in and for the City of Great Falls, for the purposes of voting on the question of whether to hire and equip 16 new firefighters. The City Commission is authorized to levy an increase by 5.73 mills, raising approximately \$412,736 in taxable year 2009; 6.36 mills, raising approximately \$457,606 in taxable year 2010; 9.82 mills, raising approximately \$706,562 in taxable year 2011; 13.87 mills raising approximately \$998,383 in taxable year 2012; 17.42 mills raising approximately \$1,253,809 in taxable year 2013; and, 17.42 mills annually thereafter, on a permanent basis.

The property tax increase on a home with a taxable market value of \$100,000 in 2009 is \$17.25; in 2010 the increase is \$19.14; in 2011 the increase is \$29.56; in 2012 the increase is \$41.75; and, in 2013 the increase is \$52.43.

The property tax increase on a home with a taxable market value of \$200,000 in 2009 is \$34.50; in 2010 the increase is \$38.28; in 2011 the increase is \$59.12; in 2012 the increase is \$83.50; and, in 2013 the increase is \$104.86.

FORM OF MAIL BALLOT: The Election Administrator is hereby requested to prepare suitable mail-in ballots for use at the mail-in ballot election and to distribute the same, in substantially the following form:

**OFFICIAL MAIL-IN BALLOT
CITY OF GREAT FALLS, MONTANA**

BALLOT STATEMENT

That the City Commission of the City of Great Falls, Montana be authorized to exceed the statutory mill levy provided for in Section 15-10-420, M.C.A., by permanently and annually levying additional mills to improve public service and firefighter safety by hiring and equipping 16 additional front- line firefighters. The City Commission is authorized to levy an increase of 5.73 mills in taxable year 2009 to raise approximately \$412,736; 6.36 mills in taxable year 2010 to raise approximately \$457,606; 9.82 mills in taxable year 2011 to raise approximately \$706,562; 13.87 mills in taxable year 2012 to raise approximately \$998,383; and, 17.42 mills in fiscal year 2013 to raise approximately \$1,253,809; and 17.42 mills each year thereafter on a permanent basis.

The additional property tax increase on a home with a taxable market value of \$100,000 is \$17.25 in taxable year 2009; \$19.14 in taxable year 2010; \$29.56 in taxable year 2011, \$41.75 in taxable year 2012; and \$52.43 in taxable year 2013.

The additional property tax increase on a home with a taxable market value of \$200,000 is \$34.50 in taxable year 2009; \$38.28 in taxable year 2010; \$59.12 in taxable year 2011; \$83.50 in taxable year 2012; and \$104.86 in taxable year 2013.

FOR

Authorizing the City Commission of the City of Great Falls to exceed the statutory mill levy provided for in Section 15-10-420, M.C.A. by levying 5.73 mills in taxable year 2009 to raise approximately \$412,736; 6.36 mills in taxable year 2010 to raise approximately \$457,606; 9.82 mills in taxable year 2011 to raise approximately \$706,562; 13.87 mills in taxable year 2012 to raise approximately \$998,383; and, 17.42 mills in taxable year 2013 to raise approximately \$1,253,809; and 17.42 mills each year thereafter on a permanent basis.

AGAINST

Authorizing the City Commission of the City of Great Falls to exceed the statutory mill levy provided for in Section 15-10-420, M.C.A. by levying 5.73 mills in taxable year 2009 to raise approximately \$412,736; 6.36 mills in taxable year 2010 to raise approximately \$457,606; 9.82 mills in taxable year 2011 to raise approximately \$706,562; 13.87 mills in taxable year 2012 to raise approximately \$998,383; and, 17.42 mills in taxable year 2013 to raise approximately \$1,253,809; and 17.42 mills each year thereafter on a permanent basis.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, May 5, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney



Item: Resolution 9835, a Resolution calling for a mail-in election authorizing the City to exceed the Mill Levy limit established in 15-10-420, MCA, to expand the Police Department's public safety services.

From: Police Department

Initiated By: Great Falls City Commission and Chief of Police Cloyd Grove

Presented By: Chief of Police Cloyd Grove

Action Requested: Adopt Resolution 9835

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9835”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9835

Background: The current Police Department staffing level is substantially below the average level established for cities located in western states with similar populations. This average is currently two officers per 1,000 persons, and the Great Falls Police Department is at 1.3 officers per 1,000 persons. The Great Falls Police Department has been unable to continue many community oriented policing concepts that have affected the public safety of the community. The Police Department is also unable to withstand the impact created when a staff member decides to relocate. It takes months to train officers and other staff members so they can provide the appropriate response to an occurrence. The Police Department also has equipment and training needs that the City is unable to fund.

Significant Impacts

1. Improves citizen safety and service delivery
2. Improves police officer safety
3. Improves community confidence in the department and city government
4. Improves youth authority relationships by interacting positively in an educational environment
5. Improves school safety with an additional School Resource Officer.
6. Improves the department's ability to assess and properly react to calls for assistance
7. Improves the department's ability to respond and investigate major crimes

8. Improves the department's ability to provide required reporting to the State of Montana in timely accurate manner
9. Improves service to the community in the area of traffic reporting, and ordinance enforcement.

Citizen Participation

This request will be presented to the public for a vote and will require a majority of voters approval. The department has been open with the public about the need for additional staffing for a number of years. Staff has spoken to many civic organizations about the staffing issues and generally receives positive support for increasing the staffing level of the department. The public also realizes that without adequate staffing programs, services have to be eliminated.

Workload Impacts

Over the last year the department has experienced a decline in available staffing and it has started to impact the ability of the department to be involved in several major community oriented policing activities. This has a direct affect on the department as a whole and the community. Positive interaction with the public, especially youth, helps reduces crime because they appreciate their community and report suspicious activity. Community oriented policing programs are designed to identify the root causes of call activity in the community and work to eliminate the cause instead of continually responding to symptoms of the real cause.

Purpose

The City of Great Falls is authorized, pursuant to 15-10-425, MCA, to exceed the mill levy limit provided for in 15-10-420, MCA, by conducting an election. The City has never requested a special tax increase to improve the Police Department operation.

Project Work Scope

In anticipation of hiring the new police officers the department staff will need to begin the initial hiring regiment. This includes participating in the state-wide Police Hiring Consortium. At the conclusion of the testing, staff will screen applications and begin the extensive hiring process.

Concurrences:

A Public Safety Levy committee consisting of Manager Doyon, Assistant Manager Patton, Fiscal Services Director Balzarini, Budget Officer Kinzler, Police Chief Grove and Fire Chief McCamley.

Fiscal Impact:

The funding impact required to hire, train and equip 10 sworn officers and 7 civilian staff, equip the vehicle fleet, and augment training is \$1,403,474 for 2009. Thereafter, levying up to 19.5 mills annually will raise the additional capital needed to satisfy the on-going request.

Alternatives:

1. Reallocate current general fund revenue away from other city departments, programs and services to fund public safety departments.
2. Continue operating the Department on the available funding and decrease programs, and services as necessary.

Attachments/Exhibits:

Resolution 9835

RESOLUTION NO. 9835

A RESOLUTION CALLING FOR A MAIL-IN ELECTION AUTHORIZING THE CITY TO EXCEED THE MILL LEVY LIMIT ESTABLISHED BY 15-10-420, MCA, TO EXPAND THE POLICE DEPARTMENT PUBLIC SAFETY SERVICES

WHEREAS, the City of Great Falls is authorized, pursuant to 15-10-425, MCA, to exceed the mill levy limit provided for in 15-10-420, MCA, by conducting an election; and

WHEREAS, according to comparable agencies within the western geographical area of 2 officers per each 1,000 population; the Great Falls Police Department is understaffed, and has remained so since an analysis performed in a 1965 annual report and a 1975 report from an independent consulting firm.

WHEREAS, the Department has limited its Community Oriented Policing programs because it lacks sufficient staffing to perform these types of programs; and

WHEREAS, the Police Department civilian staff is not adequate to meet administrative requirements; and requires use of Sworn staff to meet administrative demands that could be assumed by civilian staff; and

WHEREAS, areas within the Department is utilizing sworn staff to meet administrative demands that could be assumed by civilian staff, and

WHEREAS, the City has never requested a special tax increase to improve Police Department operations and equipment; and

WHEREAS, the City of Great Falls is in need of funds to support costs related to the addition of 10 sworn police officers and 7 civilians and associated equipment and training for the Police Department thereby improving police response and community oriented policing; and

WHEREAS, the Police Department will have equipment, vehicles, training, employment and salary expenses for the addition of 10 sworn officers and 7 civilians which are proposed to be funded by up to 19.5 additional mills in 2009; thereafter, it is proposed that up to 19.5 additional mills be annually levied to pay salaries of the additional personnel, equipment and training expenses.

WHEREAS, the City Commission desires that this election be conducted by a mail-in ballot by the registered voters of the City of Great Falls, for the purpose of voting on whether to levy an additional tax of up to 19.5 mills in taxable year 2009 and annually thereafter, on a permanent basis, for improving police response and community oriented policing; and

WHEREAS, the specific number of additional mills needed annually is up to 19.5 mills and the approximate amount of money to be raised is \$1,403,474 based on the current City wide Taxable Market Valuation.

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

Section 1. The City Commission hereby authorizes a mail-in election for the purpose of exceeding the mill levy limit provided in 15-10-420, MCA, by levying up to 19.5 mills, thereby raising approximately \$1,403,474 in 2009 and thereafter, annually levying up to 19.5 mills, on a permanent basis, to employ, train and equip 10 sworn police officers and 7 civilian staff, equip the police patrol vehicle fleet and augment department training.

Section 2. All qualified electors of the City of Great Falls are entitled to vote on this issue on August 4, 2009 by mail-in ballot. The City Clerk is hereby authorized and directed to give notice of the call and details of this mail-in ballot election to the Cascade County Election Administrator. The Election Administrator is requested to give notice of the call and holding of the mail-in ballot election to be published at least once a week for three successive weeks before the mail-in election in the Great Falls Tribune, a newspaper of general circulation in the County of Cascade Montana.

The notice of election as published shall read substantially as follows:

NOTICE OF MAIL-IN BALLOT ELECTION

NOTICE IS HEREBY GIVEN by the Great Falls City Commission that on August 4, 2009, pursuant to a resolution duly adopted by the Great Falls City Commission on May 5, 2009, a mail-in ballot election by the registered voters will be held in and for the City of Great Falls, for the purposes of voting on the question of whether to levy a permanent increase of 19.5 mills thereby raising approximately \$1,403,474.00 in 2009, and thereafter, levying up to 19.5 mills annually to hire, train and equip 10 sworn police officers and 7 civilian staff, equip the vehicle fleet, and augment training.

The property tax increase on a home valued at \$100,000 is \$58.69. The property tax increase on a home with a taxable market value of \$200,000 is \$117.39.

FORM OF MAIL BALLOT: The Election Administrator is hereby requested to prepare suitable mail-in ballots for use at the mail ballot election and to distribute the same, in substantially the following form:

OFFICIAL MAIL-IN BALLOT
CITY OF GREAT FALLS, MONTANA
BALLOT STATEMENT

That the City Commission of the City of Great Falls, Montana be authorized to exceed the statutory mill levy provided for in Section 15-20-420, M.C.A., by permanently and annually levying up to 19.5 mills beginning in taxable year 2009, thereby raising approximately \$1,403,474, for the purpose of hiring, training and equipping ten (10) sworn police officers and seven (7) civilian staff in 2009 and in subsequent years levying up to nineteen and one-half (19.5) mills to be used to maintain salaries, to purchase vehicle related equipment, and to augment training. The annual property tax increase on a home with a taxable market value of \$100,000.00 is \$58.69. The annual property tax increase on a home with a taxable market value of \$200,000.00 is \$117.39. The foregoing mill levy is permanent and in addition to any other mill levy authorized by Charter or law.

FOR

Authorizing the City Commission of the City of Great Falls to exceed the statutory mill levy provided for in Section 15-10-420, M.C.A., by permanently and annually levying up to nineteen and one-half up to (19.5) mills for the purpose of employing, training and equipping ten (10) sworn police officers and seven (7) civilian staff in taxable year 2009, and in subsequent years, levying up to nineteen and one-half up to (19.5) mills to be used to maintain salaries, to purchase equipment and for training personnel.

AGAINST

Authorizing the City Commission of the City of Great Falls to exceed the statutory mill levy provided for in Section 15-10-420, M.C.A., by permanently and annually levying up to nineteen and one-half up to (19.5) mills for the purpose of employing, training and equipping ten (10) sworn police officers and seven (7) civilian staff in taxable year 2009, and in subsequent years, levying up to nineteen and one-half up to (19.5) mills to be used to maintain salaries, to purchase equipment and for training personnel.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, May 5, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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 and Mary Jolley. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation, Planning, Public Works, the Assistant Library Director, Fire Chief, Police Chief, and the City Clerk.

PROCLAMATION: Mayor Stebbins read a Proclamation for National Walk @ Lunch Day. Human Resources Manager Linda Williams invited the public to attend a BCBS free event to promote healthy lifestyles with guest speaker Robert Sweetgall at the Civic Center on April 22, 2009.

NEIGHBORHOOD COUNCILS

**Steve Bolstad, NC 8,
sworn in.**

1. Steve Bolstad was sworn in as a representative of Neighborhood Council District No. 8.

NC 2.

2A. Phyllis Hemstad, NC 2, reported that the council held a special meeting last week. Ms. Hemstad inquired about the \$400,000 allotted for West Bank Park improvements. Ms. Balzarini answered that up to \$400,000 was authorized for the first phase of financing, subject to priorities such as water, sewer, street lines and park improvements. Ms. Hemstad asked if money was being taken out of the park fund for the road. Ms. Balzarini clarified that it was not park money. It was tax increment dollars allotted pursuant to the priorities mentioned. Ms. Hemstad discussed the comments made by County Commissioner Joe Briggs about the County's contamination clean-up process. City Manager Greg Doyon responded that the County has a phased clean-up process. He believes phases 1 and 2 are complete, and the section of the park Ms. Hemstad was referring to was in phase 4. Commissioner Bronson referred Ms. Hemstad to the Montana Department of Environmental Quality. Ms. Hemstad doesn't believe a parking lot should be installed in the park until after a Master Plan was completed. Public Works Director Jim Rearden explained that, as part of phase 1 of the roadway improvements, an existing temporary gravel parking lot was moved temporarily until the Master Plan could be completed. Ms. Hemstad requested that NC 2 be made aware of any discussions about a parking lot before plans are made.

NC 7.

2B. Aaron Weissman, NC 7, read a letter expressing opposition to the proposed closure of 4th Street North. As a solution to the County employee parking problems, Mr. Weissman suggested the City transfer ownership of or lease the 1st Avenue North Parking Garage to the County instead of closing 4th Street North.

NC 3.

2C. Tim Austin, NC 3, invited everyone to attend the neighborhood parks in the Riverview and Valley View areas and to enjoy the equipment. Mr. Austin discussed the grant to connect a bike trail to the River's Edge Trail. He recommended that the bike trail go by the Riverview School next to the new sidewalks, by the neighborhood pool and then across the Northwest Bypass.

PUBLIC HEARING

**Res. 9827. Denied,
subject to revision and
reconsideration.**

3. RESOLUTION 9827, SWIMMING POOL FEES.

Park and Recreation Director Marty Basta reported that, as discussed at the recent budget meetings with the Commission, Park and Recreation staff has reviewed current swimming pool fees and developed an increased pool fee proposal to help defray increased operating costs. Three of the City's pools have been rehabilitated with a 2.2 general obligation bond issue that was approved by the voters on November 7, 2006. Spray parks and other amenities at the neighborhood pools were paid for through other funding sources. Cost increases including labor, chemicals and utilities continue to increase the operating costs of the pools. Fees at the pools have not been increased in seven years. The general fund tax dollar support to the pools' operation is now over \$500,000 annually.

The Park Advisory Board reviewed the proposed fee increase at the April 15, 2009 meeting. The Board was opposed to raising admission fees at Jaycee and Water Tower pools. The proposed increase is projected to generate approximately \$77,000 in additional revenue.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Resolution 9827 were:

Tim Austin, 1302 Avenue B NW, commented that when Resolution 9605 for the general obligation bond was passed on November 7, 2006, the improvements for the neighborhood pools included Mitchell, Jaycee and Water Tower swimming pools. Mr. Austin requested clarification of what is now considered neighborhood pools. He read an email from Al Smith, NC 3, opposing increasing the fees to neighborhood pools. Mr. Austin stated he would like to see increased fees for tube and board rentals. He inquired why the new point of sale system was not being used to track rentals.

Mr. Basta responded that there was a great deal of discussion with the Park Advisory Board about concerns of raising fees at the neighborhood pools. The minutes of the meeting reflect that the intent of the Advisory Board was that the fees not be increased at Jaycee and Water Tower pools.

Aaron Weissman, 315 4th Avenue North, stated his opposition to increasing pool entrance fees. He does not, however, oppose pool rental fees. Mr. Weissman recommended looking at Missoula as an example. Missoula's

new water park sells season passes, has a flat \$5 entrance fee and sells a variety of healthy foods

Gene Nader, 216 Riverview Lane, commented that his kids attend Jaycee Park. He stated his opposition to raising the fees. Mr. Nader discussed the Park and Recreation budget with regard to staff and salaries. He commented that the proposed pool fee increase was 40%, and asked the Commissioners if they were willing to decrease their pay by 40%. Mr. Nader requested the budget for the City of Great Falls including entire compensation packages.

Ron Gessaman, 1006 36th Avenue NE, opposed the increase because he believes the money has been squandered. The Electric City Water Park hasn't turned out as was projected, and he heard at a budget meeting that Mitchell Pool used to generate a sufficient surplus to cover any losses at the other pools. Since the wave and flow riders have been installed, there is no surplus money from Mitchell pool, but the wave and flow riders are not losing money.

John Hubbard, 615 7th Avenue South, commented that swimming will be for the elite only. Mr. Hubbard discussed swimming access to rivers that are now closed off to the public. He stated his opposition to the proposed increase.

Ed McKnight, 906 3rd Avenue North, commented that the best community pool he ever attended was free. The reason it was free was because the community decided it wanted it that way. He inquired what input the community had on the pool fee increase. Commissioner Jolley responded that there was a Park and Recreation Board meeting. Mayor Stebbins added that is why the Commission was holding a public hearing tonight.

No one spoke in support of Resolution 9827.

Mayor Stebbins closed the public hearing.

Commissioner Jolley moved that the City Commission adopt Resolution 9827. Motion failed for lack of a second.

Commissioner Bronson referred to the proposal as a complicated schedule and asked why there was no recommendation to increase the tube and board rental fees. Mr. Basta answered that the revenue derived from board and tube rentals is tracked. It generates about \$17,000 per year and is used to pay for manning, replacing and maintaining the inventory of the rentals. The users of that wave attraction are already charged a premium fee for that attraction. Commissioner Bronson asked what Mr. Basta's understanding was as to why the Park and Recreation Advisory Board was opposed to increasing fees at Jaycee and Water Tower pools. Mr. Basta responded that to the best of his recollection there was concern that these pools are heavily

used by children and young adults living in the neighborhoods. Raising fees at those pools could have a negative impact on those neighborhoods that access those pools on a regular basis. Commissioner Bronson asked if there was any data over past years regarding usage when there was increases and whether or not there was an impact on usage. Mr. Basta answered that the data shows in the last seven years the fees have not been increased at the pools. The revenue has not increased commensurate with the increased operating expenses.

Mayor Stebbins shared the concerns expressed.

City Manager Doyon commented that, with regard to increased rates, staff is trying to sustain them. The City is contemplating a public safety mill levy for the Fire and Police Departments. If the public is wondering why the City needs to do that, this is an example of why. Over \$500,000 of general fund monies are being used to offset the debt service and utilization of these swim facilities. That is one of the reasons it was recommended to the Commission.

Commissioner Bronson concurred with Mr. Doyon. He does, however, have concerns about particular categories that have not been increased. His preference is to go back and revisit those categories and then have another discussion.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission deny Resolution 9827, subject to revision and reconsideration of proposed rates being brought back to this body at another time.

Motion carried 3-1 (Commissioner Jolley dissenting).

OLD BUSINESS

Bid award for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls. Denied.

4. BID AWARD, 2009 ASPHALT DISTRIBUTOR.

Public Works Director Jim Rearden reported that action on this item was postponed at the last meeting. The unit proposed for replacement is utilized by the Street Division during routine maintenance activities including chip seals and thin lift overlays. The original unit was purchased in 1979 and included a 1978 Ford cab and chassis with a 1,700 gallon tank, propane asphalt heater and distributor. The unit was originally programmed for replacement in 1994. Instead, the distributor was rebuilt at a cost of about \$10,000. Maintenance costs on the unit have steadily increased from \$470 in 2005, to nearly \$6,000 in 2007. He noted that no repairs have been done this current year in anticipation of the unit being replaced. The unit is 30 years old and is critical to the continued efficient maintenance of the City's street system. Staff recommends that the City Commission approve replacement of the unit.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission deny the bid award for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls for \$125,748.

Mayor Stebbins asked if there was any discussion amongst the Commissioners.

Commissioner Rosenbaum stated that the Commission has expressed an interest in re-evaluating its overlay and chip seal program.

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3035 accepted on first reading and set final reading for May 5, 2009.

5. ORDINANCE 3035, APPROVING ADDITIONAL PUBLIC IMPROVEMENTS WITH RESPECT TO THE WEST BANK PROPERTIES URBAN RENEWAL PROJECT TO BE FINANCED WITH TAX INCREMENT REVENUES.

Fiscal Services Director Coleen Balzarini reported that on December 16, 2008, the Commission adopted Ordinance 3027 that identified specific projects that would be financed with the tax increment dollars. That ordinance also indicated that the projects would be approved up to an expenditure of \$900,000. Ordinance 3035 includes additional items to be approved. The dollar amount remains at the maximum of \$900,000. The three areas that have been added are burial of existing cable and phone lines, and relocation and extension of existing gas lines. In the event the developer acquires the property in the urban renewal area currently owned by Pizza Hut, if there are funds remaining those funds would go towards the removal and relocation burial of the utilities in conjunction with that property as well.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3035 on first reading, and set the final reading for May 5, 2009.

Mayor Stebbins asked if there was any discussion amongst the Commissioners.

Commissioner Jolley stated her understanding was that if the Pizza Hut property was purchased by Talcott then this work would be done. Ms.

Balzarini responded that if the Pizza Hut property is purchased, then there will be additional work. At a minimum, the City will be funding the burial of gas, cable and phone lines that weren't approved in the original ordinance.

Commissioner Jolley asked if those lines were Pizza Hut area lines, or was it more work in the original site area. Ms. Balzarini answered that it was more work on the original area that the Commission already approved. The additional utility burials are considered public improvements.

Commissioner Jolley asked if Mr. Talcott was going to pay for that. Assistant City Manager Cheryl Patton responded that she didn't think Mr. Talcott originally asked for the additional improvements. He specified in his application that utility improvements would be water and sewer. It became clear during negotiations for the land that he thought those additional improvements should be part of the agreement.

Commissioner Jolley inquired and was responded to affirmatively that a Development Agreement will come before the Commission in the future.

Motion carried 4-0.

Res. 9826. Adopted.

6. RESOLUTION 9826, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY REVISED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Fiscal Services Director Coleen Balzarini reported that Items 6, 7, 8 and 9 are all interrelated and she would address the over-arching items. Item 6 is the agreement with the Montana Municipal Interlocal Authority (MMIA). Prior to this name change, MMIA was referred to as the Montana Municipal Insurance Authority. MMIA is not an insurance agency.

In July, 1985, the City of Great Falls and other cities and towns found themselves without general liability insurance coverage. MMIA was then created and provided general liability and workers' compensation. A property insurance program was added in 1998, and an employee benefits program in 2004.

This resolution is the over-arching agreement with MMIA, and the following items are the property agreement, workers' compensation agreement and the liability coverage agreement. All agreements include the name change.

The property program agreement includes modifications because the bonds that were issued for the initial start up of MMIA have now been paid off.

In the event a city or town wanted to withdraw from MMIA, the notice requirement to MMIA was changed to 120 days. This change was due to everyone's budget process; it gives everyone a better timeframe to find other insurance and for MMIA to adjust its coverage and stop loss.

The Workers' Compensation program will go into effect on September 1, 2010.

The General Liability Insurance program adds a component that allows MMIA to audit areas that relate to MMIA reporting in regards to those items that it is being asked to cover. The rates are based on that information.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9826, authorizing the adoption and execution of the Revised and Restated Interlocal Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

Res. 9823. Adopted.

7. RESOLUTION 9823, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AMENDED AND RESTATED LIABILITY COVERAGE PROGRAM AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9823, authorizing the adoption and execution of the Amended and Restated Liability Coverage Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

Res. 9824. Adopted.

8. RESOLUTION 9824, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AMENDED AND RESTATED PROPERTY PROGRAM AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9824, authorizing the adoption and execution of the Amended and Restated Property Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

Res. 9825. Adopted.

9. RESOLUTION 9825, APPROVING AND ADOPTING THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY REVISED AND RESTATED WORKERS' COMPENSATION PROGRAM AGREEMENT BETWEEN THE MONTANA MUNICIPAL INTERLOCAL AUTHORITY AND THE CITY OF GREAT FALLS.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9825, authorizing the adoption and execution of the Revised and Restated Workers' Compensation Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

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

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

10. Minutes, April 7, 2009, Commission meeting.
11. Minutes, April 15, 2009, Special Commission meeting.
12. Total expenditures of \$1,886,854 for the period of March 28-April 15, 2009, to include claims over \$5,000, in the amount of \$1,669,229.
13. Contracts list.
14. Set public hearing for May 5, 2009, on Resolution 9829, Civic Center Room Rates.
15. Adopt the Annual Action Plan including the use of the 2009/2010 Community Development Block Grant funds, the American Recovery and Reinvestment Act CDBG funds, and 2009/2010 HOME Program funds as recommended.
16. Approve Change Order No. 1 in the amount of \$5,000 to Dick Anderson Construction, Inc. for the Water Treatment Plant Headhouse Floor Replacement.

With the exception of Items 12 and 14 for further discussion, Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

With regard to Item 12, Commissioner Jolley requested clarification on the payment to SME with regard adding to the deposit. Fiscal Services Director Coleen Balzarini responded that there were two deposit items, one listed in the amount of \$67,301.16, and the other in the amount of \$59,635.90. Commissioner Jolley inquired about the negative energy supply expense amount. Ms. Balzarini explained that was a net payment. Commissioner Jolley asked if the last payment for \$650,000 was for February. Ms. Balzarini explained that the March preliminary payment of \$650,000 was wired on April 10 and, due to the timing of the \$5,000 report, is just now showing up on this report.

With regard to Item 14, Commissioner Jolley inquired about the amount of the subsidy from the general fund. Assistant City Manager Cheryl Patton responded that she believed it was about \$225,000 of general fund monies that went into the Civic Center Events budget.

Commissioner Jolley amended her motion, seconded by Commissioner Bronson, to approve all items on the Consent Agenda as presented.

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

BOARDS & COMMISSIONS

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.

ECP.

19A. Ed McKnight, 906 3rd Avenue North, commented that he supports a community's right to vote and know the truth. He read a quote and a portion of a February, 2008, memo regarding ECP, and discussed ECP's budget. He is interested in how it is true ECP broke even, when he believes he has proven it lost \$900,000. Mr. McKnight discussed ECP's customers, the imbalance charges, and the legislature. He discussed how he knew the information was false with Commissioner-elect Bronson in 2007. Since that time, Mr. McKnight believes he has proven that the cost of power was not what ECP says it was, and NWE does not charge what ECP says it does.

ECP.

19B. Larry Rezendes, 2208 1st Avenue North, believes City government must be accountable to its taxpayers and that the City obey its own laws. With regard to the work session, Mr. Rezendes commented that it would only be valid use of a consultant to conduct an orderly shutdown of ECP. Any other use of a consultant should be by vote of the citizens. He also discussed whether the cost of a consultant was justified.

E-Rase your E-Waste and Earth Day.

19C. Kathy Gessaman, 1006 36th Avenue NE, thanked the *Tribune* for publishing the 'Green Guide' today, as well as all the participant sponsors. Ms. Gessaman encouraged everyone to take advantage of the E-Rase your E-Waste and Earth Day events on Saturday.

ECP. Clean Energy.

19D. Richard Liebert, 289 Boston Coulee Road, commented that ECP should take the fork in the road. In response to comments made by Tim Gregori at the work session, Mr. Liebert stated that Citizens for Clean Energy (CCE) are promoting clean energy, and have an objection to coal. He believes Great Falls will be an energy producing sector like Mr. Doney is advocating. He was intrigued by Mr. Rosenbaum's comments regarding pumped storage. Citizens for Clean Energy have been working on that for several years. CCE is also promoting conservation and energy efficiency.

Earth Day festivities, Pine Beetle workshop.

19E. Ron Gessaman, 1006 36th Avenue NE, commented that the Earth Day festivities will be held at the College of Technology on Saturday from 9 a.m. to 3 p.m. There will also be special charity collections. He encouraged the public to bring newspapers for the Boy Scouts, and cell phones for the YWCA. With regard to the Pine Beetle issue, he announced that the DNRC, Forestry Division, will be hosting a workshop on April 23, 2009, at the Westgate Mall from 6:30-8:30 p.m.

Highwood project.

19F. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, personally thanked City staff for working with him and his wife regarding Pine Beetles. Now that Southern's proposal is moving forward to build a 120 megawatt gas fired generation plant, Mr. Doney encouraged everyone in the community to support a Montana developer building a multi-million dollar plant here. The City and County need that industrial tax base.

Recycling.

19G. Phyllis Hemstad, 931 1st Avenue NW, commented that where she was living in Bradenton Beach, Florida, every three months the city advertised that it would be picking up electronics, batteries, paint, oil, etc., free of charge.

Pine Beetles.

19H. John Hubbard, 615 7th Avenue South, contacted tree businesses regarding information about the Pine Beetles. Mr. Hubbard showed a picture of a forest before and after oil development. He discussed power companies, extortion and recession.

CITY COMMISSION**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Bronson reported on his experiences at the Fire Ops 101 course that he and KFBB reporter, Kelsey Thomas, attended in Richland, Washington. As a result of that activity, he has a much better appreciation as to what our firefighters go through every day regardless of what they are called upon to do. Commissioner Bronson expressed his tremendous admiration, not only for Captains Cook and Jackson who were in their shadows during the activities, but for the fact that if fire rescue teams in Great Falls are anything like those two gentlemen, Great Falls is in very capable hands. He recognized and commended Chief McCamley and Captain Van Son for the fine jobs they do.

With regard to the comment made at the Work Session that a majority of the Commissioners agreed with Commissioner Bronson's memo, Commissioner Jolley stated that if there was an email or phone vote regarding it then she was unaware of it. It reminds her of the email voting of whether this body would sue the Public Service Commission. Commissioner Jolley stated that the City of Great Falls voted publicly over the years to invest in a 250 megawatt coal plant. Millions of dollars of development costs were spent by the City. She is concerned that the City will think that it is okay to shuffle its investment over to a gas plant.

Mayor Stebbins announced that on Saturday she threw out the opening ball for Little League. She is impressed with that organization, and thanked Kent Seaton for asking her to participate. There are over 500 children involved and it is totally run by volunteers. She commended the children and parents, the volunteers and Kent Seaton. She encouraged everyone to attend a Little League game this year.

ADJOURNMENT**Adjourn.**

There being no further business to come before the Commission, **Commissioner Jolley moved, seconded by Commissioner Bronson that the regular meeting of April 21, 2009, be adjourned at 8:43 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: May 5, 2009

Special City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 3:15 PM

ROLL CALL: City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the Assistant City Manager, City Attorney, Director of Public Works, and the City Clerk.

NEW BUSINESS

**ARRA Agreement.
Approved acceptance of
funds. OF 1570.**

**1. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(ARRA) AGREEMENT FOR FUNDING OF 1ST AVENUE NORTH
AND 5TH AVENUE SOUTH WATER MAIN REPLACEMENTS.**

Public Works Director Jim Rearden reported that this project was bid and already awarded on April 7, 2009 by the City Commission. It was bid in anticipation of receiving stimulus funds. It will replace water mains on 1st Avenue North from 5th to 13th Streets prior to an MDT overlay; 5th Avenue South from 6th to 9th Streets; 6th Avenue North from 23rd to 24th Streets; and 12th Street North from 1st to 2nd Avenue North.

The project will be funded by a \$750,000 loan from the State Revolving Fund, with \$416,300 in principal forgiven.

Mr. Rearden recommended the City Commission accept the funds.

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission confirm that it desires to accept the American Recovery and Reinvestment Act funds and will abide by the terms.

Mayor Stebbins asked if there was any discussion amongst the Commissioners.

Commissioner Jolley inquired about the reporting requirements on the certification page. Mr. Rearden responded that there may be some additional reporting for these funds. Assistant City Manager Cheryl Patton added that staff is used to the reporting requirements on jobs for CDBG projects.

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

Motion carried 5-0.

**ARRA Agreement.
Approved acceptance of
funds. OF 1374.**

**2. AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
(ARRA) AGREEMENT FOR FUNDING OF WASTEWATER
TREATMENT PLANT CLARIFIER RECOATING PROJECT.**

Public Works Director Jim Rearden reported that this project was initiated in the design stage about one year ago. There are several items that are 30+ years old in the Wastewater Treatment Plant with original coatings. A design contract is in place. It is anticipated the project will be ready for bidding in one month. The project will include sandblasting and recoating the primary clarifier walkways, secondary clarifier equipment, gravity thickener equipment, and the wetwell in the Sun River lift station.

The funding is approached in the same manner - \$750,000 loan from the State Revolving Loan Fund with \$390,700 forgiven. The balance will be at either 1.75% or 0.75%.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission confirm that it wishes to accept the American Recovery and Reinvestment Act funds and will abide by the terms outlined in the attached acceptance agreement.

Mayor Stebbins asked if there was any discussion amongst the Commissioners.

Commissioner Jolley inquired about the Montana and Federal wage rates. Mr. Rearden responded that this is a Davis Bacon project. Commissioner Bronson added that, as a Davis Bacon project, it isn't a requirement of the certification. Commissioner Rosenbaum clarified that the winning bidder will process that information.

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 5-0.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the special meeting of April 29, 2009, be adjourned at 3:23 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: May 5, 2009



Agenda # 12
 Commission Meeting Date: May 5, 2009

**CITY OF GREAT FALLS
 COMMISSION AGENDA REPORT**

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 APRIL 16 TO APRIL 22, 2009	594,725.51
MASTER ACCOUNT CHECK RUN FOR APRIL 23 TO APRIL 29, 2009	244,640.26
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 11 TO APRIL 15, 2009	67,076.21
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 16 TO APRIL 24, 2009	4,340.00
WIRE TRANSFERS FROM APRIL 16 TO APRIL 22, 2009	123,415.60
WIRE TRANSFERS FROM APRIL 23 TO APRIL 29, 2009	<u>129,538.40</u>
TOTAL: \$	<u><u>1,163,735.98</u></u>

SPECIAL REVENUE FUND

STREET DISTRICT

MT DEPT OF TRANSPORTATION	MISC STREET REPAIR AND MAINTENANCE ON 2ND AVE S	6,762.71
PERVO PAINT CO	TRAFFIC PAINT	12,372.90

LIBRARY FOUNDATION

PLUM STREET STUDIOS INC	PMT #5 STONE ARCH LIBRARY	8,900.00
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HOME GRANTS

NEIGHBORWORKS	DRAWDOWN HOME FUNDS	23,093.86
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ENTERPRISE FUNDS

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	230,312.08
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
WESTERN PLAINS MACHINERY INC	2009 WHEEL LOADER	104,351.45
NCI ENGINEERING	PMT #13 LIFT STATION & WTP REHAB PROJECT	15,694.80

ELECTRIC

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE MAR 09	65,411.76
	CASH ON DEPOSIT MAR 09	57,415.88

ENTERPRISE FUNDS CONTINUED

SAFETY SERVICES

QWEST	APRIL 2009 911 CHARGES	5,709.56
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PARKING

APCOA/STANDARD PARKING	MAY 2009 COMPENSATION	23,152.17
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GOLF COURSES

STRAY MOOSE PRODUCTIONS	14-2009 GOLF CARS	28,840.00
PONCELET LANDSCAPE	REPLACE SEWER LINE EAGLE FALLS CLUBHOUSE	6,985.00

CIVIC CENTER EVENTS

GREAT FALLS SYMPHONY	PAYOUT #09-73 CATS	40,386.10
9229 INC DBA TATER TOURING	PAYOUT #09-114 RON WHITE	63,896.32

INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS APRIL 14-20, 2009	63,246.36
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS APRIL 21-27, 2009	62,275.23

CENTRAL GARAGE

BISON MOTOR CO	2-2009 3/4 TON PICKUPS	36,914.16
MOUNTAIN VIEW CO-OP	FUEL	18,732.70
MOUNTAIN VIEW CO-OP	FUEL	13,022.80

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	64,421.21
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UTILITY BILLS

NORTHWESTERN	MARCH-APRIL 2009 CHARGES	70,029.76
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CLAIMS OVER \$5000 TOTAL:**\$ 1,034,426.81**

CITY OF GREAT FALLS, MONTANA

AGENDA: 13

COMMUNICATION TO THE CITY COMMISSION

DATE: May 5, 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	Planning Department	Renewable Technologies, Inc. (RTI), Metals Bank Building, 8 West Park Street, Suite 313, Butte, MT 59701	05/2009- 11/2009	\$10,000 from a Preserve America Grant through SHPO \$10,000 from the WBURA TIF district	\$20,000 (Not to exceed)	Agreement to identify and document historic sites and structures in the West Bank Urban Renewal (WBUR) district. (OF 1499)

B	Public Works/ Engineering	Steel Etc. Holding Company	In effect for perpetuity from date of execution (unless released afterwards)	N/A (other party to pay recording and filing fees)	N/A	Utility Easement for Water Main Extension (S4, T20N, R4E, PMM Cascade County, Montana) (OF 1568)
C	Public Works	Montana Department of Transportation (MDT)		Street Department	Estimated Cost \$2,727.85	Utility Agreement with MDT to adjust gate valve boxes for sidewalk project, Phase 3 (OF 1254.1)
D	Public Works	Montana Department of Transportation (MDT)	9/2008 thru 12/2010	None	None, except for internal engineering	Storm Drain Agreement with MDT to adjust design and construct a storm drain trunkline on 22 nd Street from 10 th to 8 th Avenue South (OF 1447.1)



Item: Sale of City Property, Lot 3G of Amended Plat of Lot 3, Medical Tech Park

From: Mike Rattray, Community Development Director

Initiated By: Community Development Department

Presented By: Mike Rattray, Community Development Director

Action Requested: Set Public Hearing Date for May 19, 2009

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set May 19, 2009, as the date for a public hearing to consider the sale of Lot 3G of the Amended Plat of Lot 3, Medical Tech Park.”

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

Staff Recommendation: Staff recommends the City Commission set the public hearing date for May 19, 2009.

Background: In 2004, in conjunction with development of the Centene project, the City of Great Falls purchased an additional ten acres for the purpose of creating a subdivision that would provide office development sites that would be in harmony with the institutional type of development currently taking place in this part of the community. On July 18, 2006, the City Commission approved the final plat of the ten acre site, which created eight lots of approximately 1.1 acre in size. Staff obtained an appraisal that established the fair market value of the land at a minimum of \$4.00 per square foot with a range up to \$4.50 per square foot. The City sold the first lot on September 5, 2006, for \$4.00 per square foot for the purpose of constructing a new Social Security building. The City sold the second lot on July 1, 2008, for \$4.25 per square foot for construction of a Homeland Security building.

Staff was recently contacted by a local doctor who was interested in a site for a new office building and has requested that staff offer Lot 3G for sale. A public notice for a bid opening was placed in the newspaper on April 26, 2009, for a bid opening to be conducted on May 6, 2009. The minimum bid price was established at \$4.25 per square foot.

Significant Impacts: Sale of the parcel and construction of new office building will expand the tax base.

Citizen Participation: In addition to the public notice for the bid opening, a public notice of the public hearing to be conducted by the City Commission will be placed in the newspaper on May 3, 2009.

Workload Impacts N/A

Purpose N/A

Project Work Scope N/A

Evaluation and Selection Process N/A

Conclusion: The City created the Medical Tech Park subdivision for the specific purpose of offering lots for sale for the development of professional offices so this sale is consistent with achievement of that goal.

Proceeds of the sale will go toward the debt incurred to develop the property, i.e. sewer, water, pavement, etc.

Concurrences: N/A

Fiscal Impact: At the minimum bid price of \$4.25 per square foot, the lot sale will result in a sale price of at least \$195,683.

Alternatives: The City Commission can approve or deny the sale of the land.

Attachments/Exhibits: Notice To All Bidders
Public Notice
(Attachments not available online; on file in City Clerk's Office.)



Item: Asphaltic Concrete Material
From: Jim Turnbow, Street Supervisor
Initiated By: Public Works Department
Presented By: Jim Rearden, Public Works Director
Action Requested: Approve Bid Award

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/reject) the annual contract bid award to supply asphaltic concrete material to Great Falls Sand & Gravel at the unit bid prices per ton up to a maximum amount of \$625,250.”

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

Staff Recommendation: Staff recommends that the City Commission approve the annual contract bid award to supply asphaltic concrete material to Great Falls Sand & Gravel at the unit bid prices up to a maximum amount of \$625,250.

Background:

Purpose

The asphaltic concrete materials requested will be used by the Street Division to conduct street repair projects, including overlays and street opening patches.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune, mailed to two prospective bidders and advertised on the City of Great Falls Website. The bids were opened on April 22, 2009 with two bidders responding. Their bid amounts are listed on the attached bid tab. The materials were bid at a unit price per ton to allow the City to purchase only the quantities used up to an estimated annual quantity.

Conclusion

The materials bid by Great Falls Sand & Gravel meet specifications for the asphaltic concrete material. The pricing is as shown in the following table:

BIDDER 2009	MATERIAL	PRICE PER TON	ESTIMATED TONS	TOTAL COST
GF Sand & Gravel	MPWSS Type B	\$44.00	9,000	\$396,000
	MPWSS Type S-2	\$44.75	3,000	\$134,250
	MSS Grade D	\$47.50	2,000	\$ 95,000
			TOTAL EST. PRICE	\$625,250

Fiscal Impact: The contracted price for asphaltic concrete in FY 08/09 was \$40.00 per ton for MPWSS Type B, \$41.25 per ton for MPWSS Type S-2, and \$43.50 per ton for MSS Grade D. The total bid price difference from last year is an increase of \$54,500 or +9%. Funding for this year's purchase of asphaltic concrete is in the proposed FY 2010 Street Maintenance Budget.

BIDDER 2008	MATERIAL	PRICE PER TON	ESTIMATED TONS	TOTAL COST
United Materials	MPWSS Type B	\$40.00	9,000	\$360,000
	MPWSS Type S-2	\$41.25	3,000	\$123,750
	MSS Grade D	\$43.50	2,000	\$ 87,000
			TOTAL BID PRICE	\$570,750

BIDDER 2007	MATERIAL	PRICE PER TON	ESTIMATED TONS	TOTAL COST
GF Redi Mix Inc.	MPWSS Type B	\$38.35	9,000	\$345,150
	MPWSS Type S-2	\$40.35	3,000	\$121,050
	MSS Grade D	\$40.85	2,000	\$ 81,700
			TOTAL BID PRICE	\$547,900

Alternatives: The City Commission could vote to reject the bids.

Attachments/Exhibits: Bid List, Bid Tab

ASPHALTIC CONCRETE MATERIAL BID LIST

1. GREAT FALLS REDI-MIX
P.O. BOX 1989
GREAT FALLS, MT 59403

2. UNITED MATERIALS
P.O. BOX 1690
GREAT FALLS, MT 59403



Item: Appointment, North Central Montana Defense Alliance

From: City Staff

Initiated By: Greg Doyon, City Manager

Presented By: Greg Doyon, City Manager

Action Requested: Appoint Greg Doyon as the City Representative on the North Central Montana Defense Alliance

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint Greg Doyon as the City representative on the North Central Montana Defense Alliance.”

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

Background: The Great Falls Chamber of Commerce, working with the Committee of 80 recently formed a new partnership called the North Central Montana Defense Alliance. The organization falls under the broader umbrella of the Chamber and will represent broad military and Homeland Security interests for the region.

The new structure calls for a representative from the city.

Fiscal Impact: As a member, there will be annual dues to assist with travel for promoting/recruiting/retaining military functions.

Attachments/Exhibits: Program of Work (Not available online; on file in City Clerk's Office.)



Item: Reappointments to the Historic Preservation Advisory Commission

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Reappoint two members to the Historic Preservation Advisory Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint Gerald Clark and Douglas (Jerry) McKinney to three-year terms through April 30, 2012, to the Historic Preservation Advisory Commission.”

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

Staff Recommendation: It is recommended that the City Commission reappoint Gerald Clark and Douglas (Jerry) McKinney to the Historic Preservation Advisory Commission for three-year terms through April 30, 2012.

Background: Douglas (Jerry) McKinney was appointed to the Historic Preservation Advisory Commission in December of 2004 to fill the remainder of a three-year term. He was reappointed in 2006. Gerald Clark was appointed in April of 2006. Both Dr. McKinney and Mr. Clark are interested in and eligible for reappointment.

Purpose

HPAC members must have the following qualifications: All members must have a demonstrated interest, competence, or knowledge in historic preservation and must have expertise/qualifications in history, planning, archaeology, architecture, architectural history, historic archaeology, or other history preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may be substituted for professional expertise/qualifications. The HPAC consists of nine members -- four appointed by the City Commission, four appointed by the County Commission and the ninth member with professional architectural expertise chosen by a majority of the eight other members.

Continuing members of this board are:

Ryan Forde
Bob Milford
Carol Bronson (County)
Warren Harding (County)
Nancy Sinclair (County)
Carol Bradley (County)
Ken Sievert (HPAC)

Concurrences: The Historic Preservation Advisory Commission recommends reappointment.

Fiscal Impact: Not applicable.

Alternatives: Advertise to seek other citizen interest.

Attachments/Exhibits: None.