



# City Commission Agenda

for

## March 3, 2009

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**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**

Commendation for 50<sup>th</sup> Anniversary of the Great Falls Symphony  
Charles M. Russell Month

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. Castle Pines Addition, Phase VII. **(Presented by: Bill Walters)**
  - A. Resolutions 9811 and 9812, to Annex said property. Action: Conduct joint public hearing and adopt or deny Resolutions 9811 and 9812 and approve or disapprove the Annexation Agreement.
  - B. Ord. 3030, Assigns City Zoning of R-3 Single-family high density district upon annexation to the City. Action: Conduct joint public hearing and adopt or deny Ord. 3030.
3. Res. 9813, for Conditional Use Permit to allow Wind Turbine on Lot 2A, Block 1, Vo-Tech Addition. Action: Conduct public hearing and adopt or deny Res. 9813. **(Presented by: Bill Walters)**

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

4. Res. 9814, Establishing the terms and confirming the negotiated sale of \$2,000,000 in Tax Increment Revenue Bonds for public improvements within West Bank Urban Renewal District, and delegating certain authority to the City Manager and Fiscal Services Director. Action: Adopt or deny Res. 9814. **(Presented by: Coleen Balzarini)**

**CONSENT AGENDA** *The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

5. Minutes, February 17, 2009, Commission meeting.

6. Total Expenditures of \$1,776,764 for the period of February 12-25, 2009, to include claims over \$5000, in the amount of \$1,590,784.
7. Contracts list.
8. Award bid for three new 2009 extended cab ¼ ton pickups to Bison Motors for \$51,334.62.
9. Approve final payment for Phase I – 7<sup>th</sup> and 8<sup>th</sup> Avenues South Water Main Replacement, O.F. 1515, in the amount of \$30,625.92 to United Materials, and \$309.35 to the State Miscellaneous Tax Fund.
10. Approve professional services agreement in the amount of \$83,932 with CTA Architects Engineers for the Engineering and Operations Office Modifications, O.F. 1455.3.

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

#### **BOARDS & COMMISSIONS**

11. Miscellaneous reports and announcements.

#### **CITY MANAGER**

12. 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)*

13. Miscellaneous reports and announcements.

#### **CITY COMMISSION**

14. Miscellaneous reports and announcements.

#### **MOTION TO ADJOURN**



**Item:** Public Hearing – Resolutions 9811 and 9812 to Annex and Ordinance 3030 to Assign City Zoning to Castle Pines Addition, Phase VII

**From:** Charles Sheets, Planner 1

**Initiated By:** Harold Poulsen, Property Owner and Developer

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission adopt/approve Resolutions 9811 & 9812, Ordinance 3030, the final subdivision plat and Annexation Agreement all pertaining to Castle Pines Addition, Phase VII.

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**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 9811 and 9812 and approve the final subdivision plat of Castle Pines Addition, Phase VII and the accompanying Annexation Agreement.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3030.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
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**Planning Board and Zoning Commission Recommendations:** The Planning Board has recommended the City Commission approve the annexation and subdivision plat of Castle Pines Addition, Phase VII. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition, Phase VII, upon annexation to the City.

**Background:** During a meeting held March 4, 2008, the City Commission conditionally approved the Preliminary Plat of Castle Pines Addition, Phases VI - VIII, as recommended by the Planning Board. The developer now requests approval of the final plat and annexation of the final phase of the Preliminary Plat. The subdivision consists of 13 single-family residential lots ranging in size from 7505 sq ft to 9596 sq ft located along extensions of 28<sup>th</sup> Avenue South and 16<sup>th</sup> Street South.

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

Similar to Castle Pines Addition, Phases III, V, and VI, NeighborWorks proposes to acquire 10 lots in this phase to accommodate construction of “self-help” program homes. Funding arrangements stipulate the homes be constructed outside the City Limits. Therefore, although the subdivision and annexation will be processed simultaneously, upon filing the final plat, the lots will be sold, homes constructed and infrastructure installed, with annexation becoming effective, probably next fall, when the homes are ready for occupancy. The remaining 3 lots will be sold by the developer to others to build single-family residences. These 3 lots and the dedicated rights-of-way will be annexed simultaneously with the filing of the final plat.

Within the subdivision, streets and avenues will connect to 27<sup>th</sup> Avenue South, which connects directly to 13<sup>th</sup> Street South or 17<sup>th</sup> Street South via a portion of 16<sup>th</sup> Street South and 26<sup>th</sup> Avenue South. Roadways 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 northwest. The Master Plan Agreement which accompanied Castle Pines Addition, Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of the Multi-Sports Complex) and storm drain piping in 13<sup>th</sup> Street South to serve the area being developed as Castle Pines Addition. City storm drainage has been extended south, with inlets in 27<sup>th</sup> Avenue South.

According to the Master Plan Agreement, the developer of Castle Pines Addition, Phase I paid to the City \$12,261 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Addition, Phase VII is included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Addition, Phase 1 wherein as each lot is sold a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13<sup>th</sup> Street South and 24<sup>th</sup> Avenue South, including water main installation and providing a secondary water source to the Castle Pines area.

Subject property borders Castle Pines Addition, Phases II, IV and VI, which are being developed as single-family residential subdivisions. Castle Pines Addition, Phase VII generally adheres to a conceptual plan for Castle Pines Addition that was prepared in 1995.

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

The applicant has requested the subject property be zoned R-3 Single-family high density district, upon annexation to the City.

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.

Subject property is located on the fringe of the City, which has been attracting moderate priced single-family dwelling units. The subdivision is a natural projection of urban growth.

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 twelve criteria stated above are substantially met.

At the conclusion of a public hearing held February 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition, Phases VI - VIII, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing. The Planning Board during a meeting held December 9, 2008, recommended the City Commission approve the final subdivision plat and annex Castle Pines Addition, Phase VII subject to fulfillment of the following conditions by the applicant:

- 1) The final plat of Castle Pines Addition Phase VII shall incorporate correction of any errors or omissions noted by staff including provision of easements as recommended by the City Engineer;.

- 2) The final engineering drawings and specifications for the required public improvements to serve Phase VII shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of Castle Pines Phase VII, including agreement by applicant to:
  - a) install, within two years of the date of annexation of Castle Pines Addition Phase VII, the public improvements referenced in Condition 2) above;
  - b) adhere to the Agreement dated November 7, 1995, pertaining to the previously mentioned Off-Site Improvement Trust Fund.

At the time of writing this report, items 2) and 3) have been completed by the applicant and item 1) will be completed prior to filing the final plat.

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

**Fiscal Impact:** Providing services to the single-family lots in the subdivision 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:** If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

**Attachments/Exhibits:**

1. Resolution 9811
2. Resolution 9812
2. Ordinance 3030
3. Vicinity/Zoning map
4. Reduced copy of drawing portion of the final plat
5. Annexation Agreement

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403  
Woth Engineering, 1725 41<sup>st</sup> St S, Great Falls, MT 59405  
Al Henry, NeighborWorks, 509 1<sup>st</sup> Ave S, Great Falls, MT 59405

RESOLUTION 9811

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE CASTLE PINES ADDITION, PHASE VII, EXCEPT FOR LOTS 1 – 3, BLOCK 1, LOTS 2 – 5, BLOCK 2, AND LOTS 2 – 4, BLOCK 3, IN GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 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, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Castle Pines Addition Phase VII, except for Lots 1 – 3, Block 1, Lots 2 – 5, Block 2, and Lots 2 – 4, Block 3, in Government Lot 1, Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and containing 1.5790 acres as shown on the attached as Exhibit “A” and by this reference made a part hereof, and according to the final plat of Castle Pines Addition, Phase VII.

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, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

NOW, THEREFORE, the City Commission now finds that the herein requested annexation meets the criteria cited in Section 17.16.7.050 of the Unified Land Development Code of the City of Great Falls

and 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: "CASTLE PINES ADDITION, PHASE VII, EXCEPT FOR LOTS 1 – 3, BLOCK 1, LOTS 2 – 5, BLOCK 2, AND LOTS 2 – 4, BLOCK 3, IN GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 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 tracts of land; 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 3<sup>rd</sup> day of March, 2009.

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

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

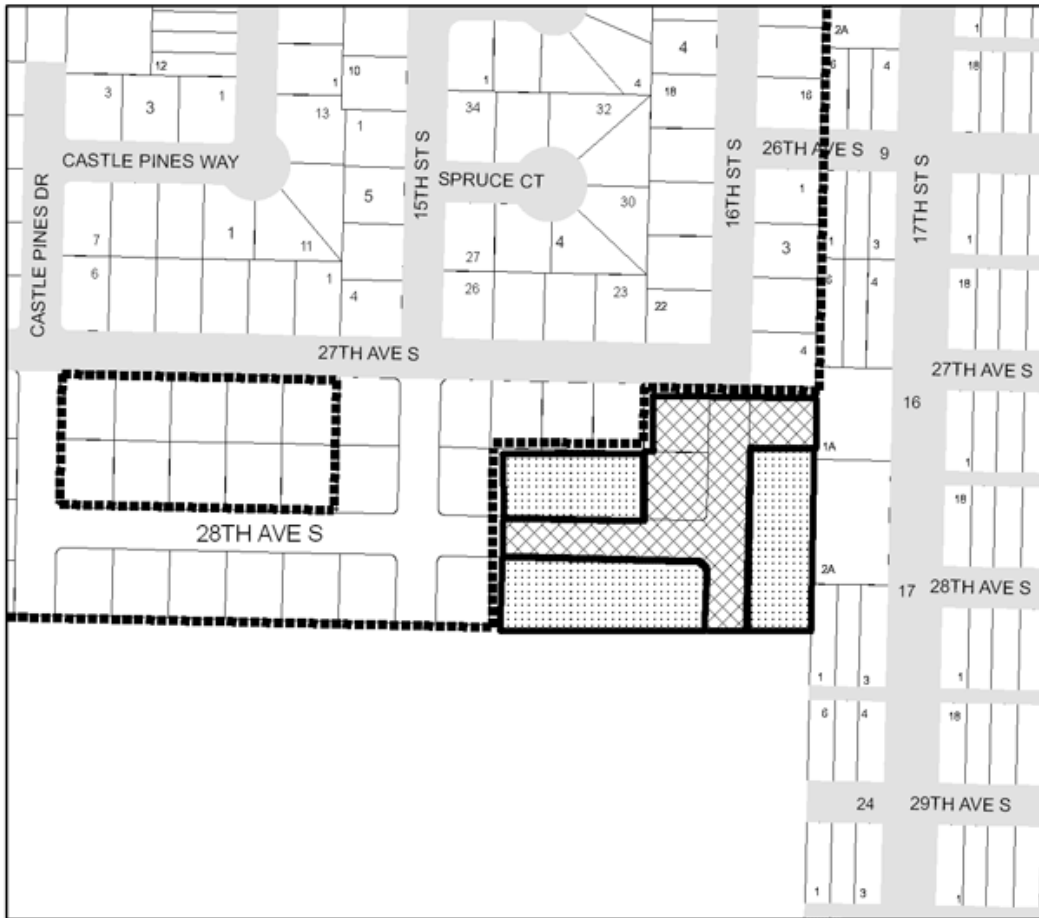
(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney



# EXHIBIT "A" VICINITY MAP



 PROPERTY DESCRIBED IN RESOLUTION 9811

 PROPERTY DESCRIBED IN RESOLUTION 9812

 CITY LIMITS

250 125 0 250 Feet



RESOLUTION 9812

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 1 – 3, BLOCK 1, LOTS 2 – 5, BLOCK 2, AND LOTS 2 – 4, BLOCK 3, CASTLE PINES ADDITION, PHASE VII, IN GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 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, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Lots 1 – 3, Block 1, Lots 2 – 5, Block 2, and Lots 2 – 4, Block 3, Castle Pines Addition, Phase VII, in Government Lot 1, Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and containing 1.8411 acres as shown on the attached as Exhibit “A” and by this reference made a part hereof, and according to the final plat of Castle Pines Addition, Phase VII.

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, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

NOW, THEREFORE, the City Commission now finds that the herein requested annexation meets the criteria cited in Section 17.16.7.050 of the Unified Land Development Code of the City of Great Falls

and 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: "LOTS 1 – 3, BLOCK 1, LOTS 2 – 5, BLOCK 2, AND LOTS 2 – 4, BLOCK 3, CASTLE PINES ADDITION, PHASE VII, IN GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 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 tracts of land; 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 3<sup>rd</sup> day of March, 2009.

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

ATTEST:

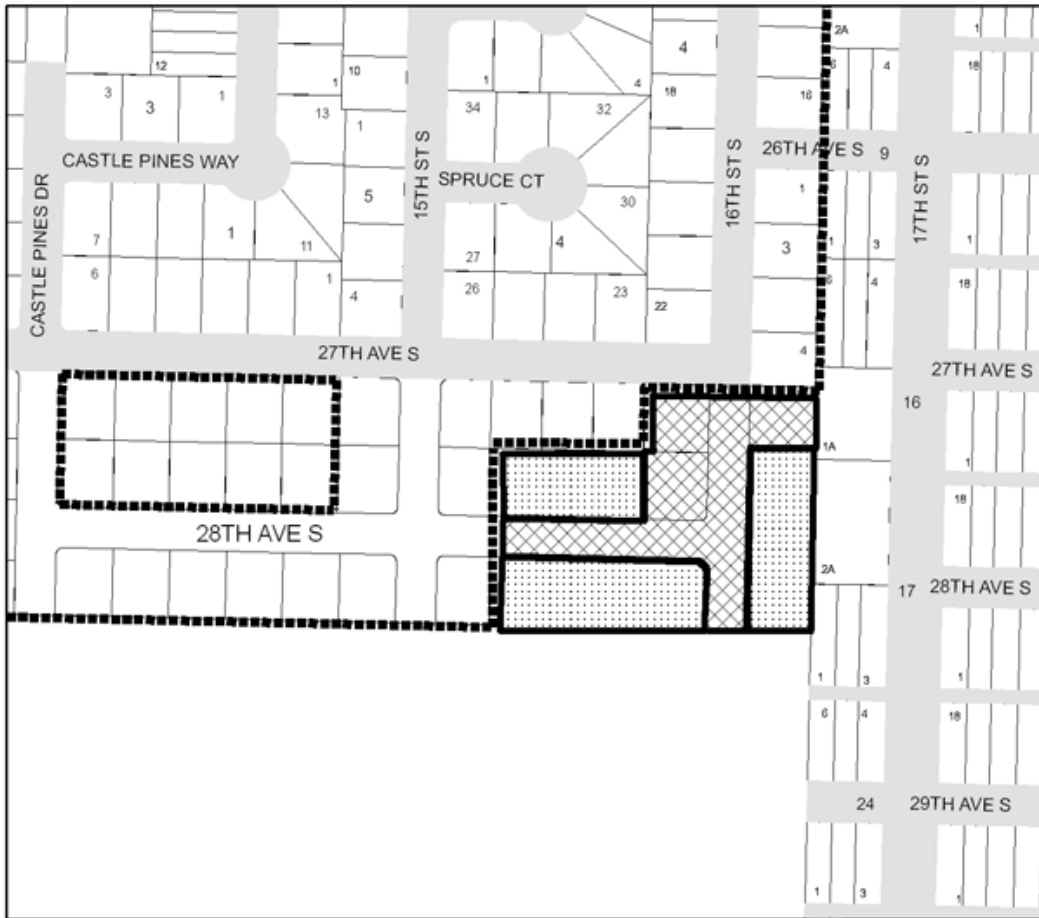
\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney

# EXHIBIT "A" VICINITY MAP



 PROPERTY DESCRIBED IN RESOLUTION 9811

 PROPERTY DESCRIBED IN RESOLUTION 9812

 CITY LIMITS

250 125 0 250 Feet



ORDINANCE 3030

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO CASTLE PINES ADDITION, PHASE VII, IN GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, Harold Poulsen is the owner of record of the property being platted as Castle Pines Addition, Phase VII in Government Lot 1, Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Harold Poulsen has petitioned the City of Great Falls to annex Castle Pines Addition, Phase VII; and,

WHEREAS, Harold Poulsen has petitioned said Castle Pines Addition, Phase VII be assigned a City zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to Castle Pines Addition, Phase VII was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3<sup>rd</sup> day of March, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended 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 of Castle Pines Addition, Phase VII be designated as R-3 Single-family high density district classification.

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 resolutions annexing Castle Pines Addition, Phase VII into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 3<sup>rd</sup> day of March, 2009.

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

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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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 hereby certify that the foregoing Ordinance 3030 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3<sup>rd</sup> day of March, 2009 and approved by the Mayor of said City on the 3<sup>rd</sup> day of March, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3<sup>rd</sup> day of March, 2009.

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Lisa Kunz, City Clerk

(CITY SEAL)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 3<sup>rd</sup> day of March, 2009 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3030 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

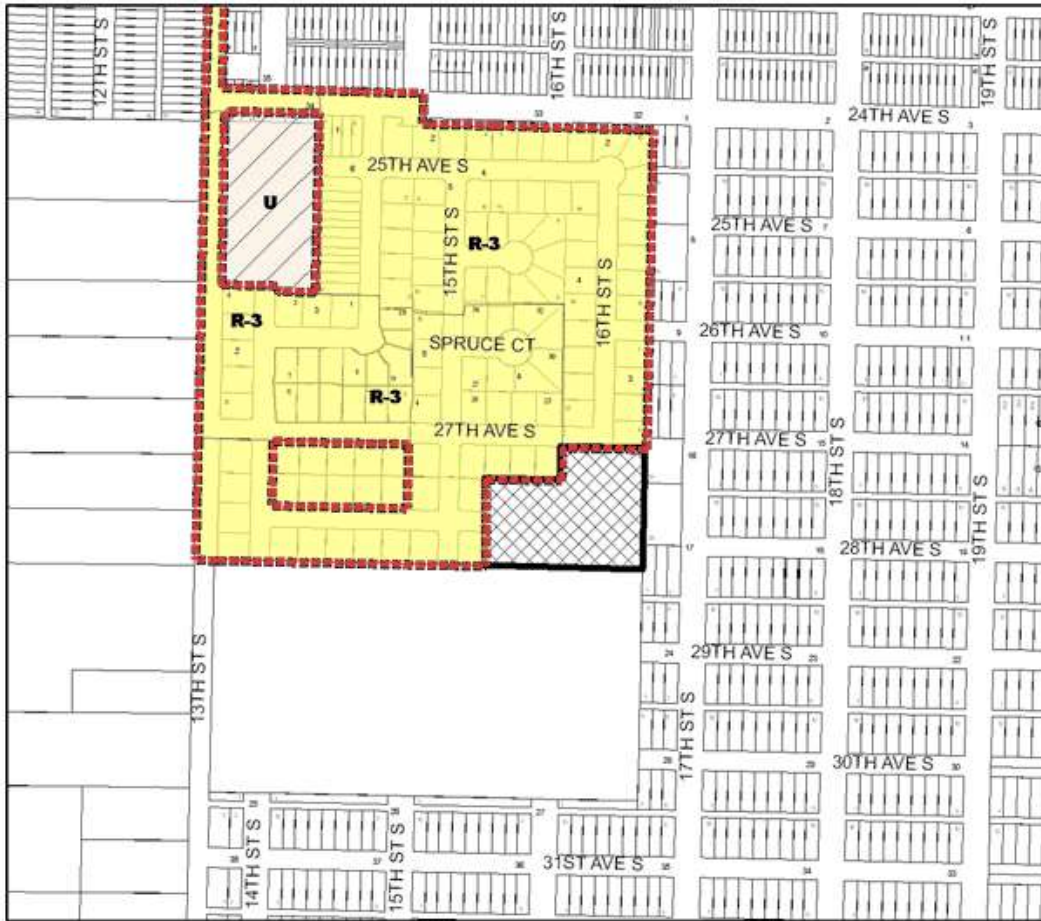
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Lisa Kunz, City Clerk

(CITY SEAL)

# VICINITY/ZONING MAP




 FINAL PLAT OF CASTLE PINES ADDITION PHASE VII TO BE ANNEXED TO THE CITY

 NEW CASTLE CONDOMINIUMS ADDITION IN FINAL STAGES OF ANNEXATION

 CITY LIMITS

 U Unincorporated enclave

 R-3 Single-family high density

 TRACTS OF LAND OUTSIDE OF CITY

530 265 0 530 Feet



PLAT OF  
**CASTLE PINES PHASE VII**  
 AN ADDITION TO THE CITY OF GREAT FALLS  
 A SUBDIVISION LOCATED IN G.L.O. LOT 1 OF SECTION 19,  
 T20N, R4E, P.M., MT, CASCADE COUNTY, MONTANA

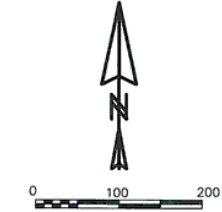
**LEGEND**

- CURRENT ADDITION BOUNDARY
- CURRENT ADDITION LOT LINES
- CENTERLINE
- EXISTING PROPERTY LINE
- UTILITY EASEMENT
- ⊕ STREET MONUMENT
- ⊕ P.O.B. POINT OF BEGINNING
- SF SQUARE FEET
- FOUND IRON PIN

**AREAS**

STREETS -	40,948 SF = 0.94 ACRES
LOTS -	108,033 SF = 2.48 ACRES
TOTAL AREA -	148,981 SF = 3.42 ACRES

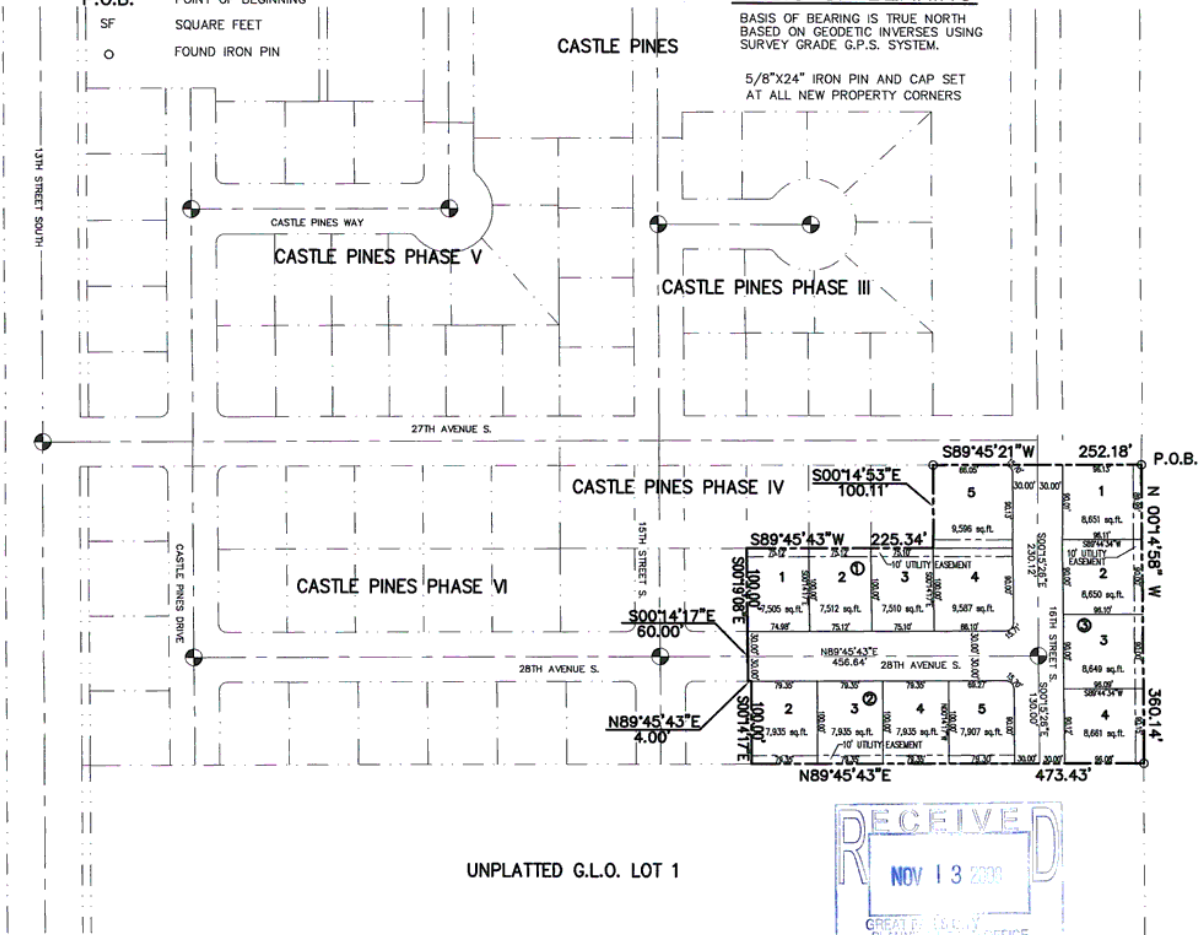
ALL PROPERTY LINE CURVES  
 ARE 10' IN RADIUS UNLESS  
 OTHERWISE DIMENSIONED



**BASIS OF BEARING**

BASIS OF BEARING IS TRUE NORTH  
 BASED ON GEODETIC INVERSES USING  
 SURVEY GRADE G.P.S. SYSTEM.

5/8"X24" IRON PIN AND CAP SET  
 AT ALL NEW PROPERTY CORNERS





**ANNEXATION AGREEMENT  
FOR  
CASTLE PINES ADDITION, PHASE VII  
IN GOVERNMENT LOT 1 OF SECTION 19,  
TOWNSHIP 20 NORTH, RANGE 4 EAST,  
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009, between HAROLD POULSEN, hereinafter referred to as “Owner,” and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City,” regarding the requirements for filing the Final Plat and the annexation to the corporate limits of City, of CASTLE PINES ADDITION, PHASE VII, in Government Lot 1 of Section 19, Township 20 North, Range 4 East, Cascade County, Montana, hereinafter referred to as “Subdivision.”

2. PREVIOUS AGREEMENTS

- A. Master Plan Agreement dated November 7, 1995, between Lone Tree, Inc., a Montana statutory close corporation, and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 285, Document 613.
- B. Off-Site Improvements Trust Fund Agreement, dated November 7, 1995, between Lone Tree, Inc., a Montana statutory close corporation, and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 285, Document 615.
- C. Economic Development Agreement, dated November 7, 1995, between Lone Tree, Inc., a Montana statutory close corporation, and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 285, Document 617.

3. PRIOR ACTIONS

The Preliminary Plat of Subdivision, prepared by Woith Engineering, was conditionally approved by City on March 4, 2008.

4. SUPPORTING DOCUMENTS

- A. A final plat of Subdivision prepared by Woith Engineering and filed of record in the Clerk and Recorder’s Office of Cascade County, Montana.

- B. Final engineering drawings and specifications prepared by Woith Engineering consisting of documents for sanitary sewer mains, water mains, drainage improvements, paving, sidewalk, curb and gutter. Said drawings and specifications are on file in the City Engineer's office.
- C. Loan commitment letter dated June, 2008, by Stockman Bank of Great Falls, to indicate the capability of Owner to pay for the public improvements referenced in Paragraph 4.B. hereinabove. A copy of the same is filed in the office of the Great Falls City Planning Board.

5. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City's Engineer and City's Public Works Department and which do not materially affect the hereinabove mentioned final plat, can be made as follows:

- A. The proposed revision will be submitted to City's Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City's Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City's Public Works Department.
- D. "As Built" reproducible drawings shall be supplied to City's Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

6. FEES AND CHARGES

A. Prior to annexation of Subdivision, Owner shall, in addition to the Annexation Application Fee of \$100.00, Preliminary Plat Fee of \$500.00, Zoning Application Fee of \$400.00, Annexation Agreement Fee of \$200.00, Final Plat Fee of \$200.00, Resolution Fee of \$200.00 and Filing Fees of \$198.00 which have been paid, pay the following required fee as provided by City policy, ordinances and resolutions:

Storm Sewer Fee (\$250/3.42acre)	\$ 855.00
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- B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

7. PUBLIC IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer and water improvements, street paving and curb and gutter to serve Subdivision, according to plans referenced in Paragraph 4.B. above and filed in the City Engineer's office and in accordance with standards of City.

8. RESTRICTIONS ON BUILDING PERMITS AND OCCUPANCY

Building permits for lots in Subdivision shall not be issued until the contracts for installation of the public improvements have been executed. Owner acknowledges that City will not permit the occupancy of any residential structure in Subdivision until street improvement and water and sanitary sewer mains within Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

9. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Subdivision which is a contributor to the drainage sub-basin of which Subdivision is a part.

10. PUBLIC ROADWAY LIGHTING

Owner hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service Subdivision, and further agrees to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a special lighting district.

11. SIDEWALKS

It is hereby agreed that the following exception to the strict adherence of Subdivision requirements will be permitted: sidewalks serving and abutting any lot in Subdivision shall be installed as a condition of final occupancy by the then lot owner within six (6) months (allowing for unfavorable weather conditions only) of occupancy. It is understood that the above provision regarding sidewalks shall not preclude City from exercising its authority provided by Chapter 12.28, Municipal Code of the City of Great Falls pertaining to sidewalks.

12. ADHERENCE TO OFF-SITE IMPROVEMENTS TRUST FUND AGREEMENT

To assist in the eventual expenses in improving 13<sup>th</sup> Street South and 24<sup>th</sup> Avenue South in the vicinity of Castle Pines Addition Phase VII, including water main installation and providing a secondary water source to the Castle Pines development area, a trust fund was created in conjunction with Castle Pines Addition, Phase I. Owner hereby agrees to deposit, as each lot is sold in Castle Pines Addition Phase VII, \$1,457.00 in the trust fund referenced and established by the Off-Site Improvements Trust Fund Agreement referenced in Paragraph 2.B. above. Said monetary amount was determined by the provisions contained in said Off-Site Improvements Trust Fund Agreement, dated November 7, 1995.

13. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

14. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY AND STREET IMPROVEMENTS

A. After the public utilities and street improvements described in Paragraph 4.B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

B. Installation of the public utilities and street improvements described in Paragraph 7. hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

15. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

16. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to Subdivision.

17. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the final plat of Subdivision and will approve the property contained within the boundaries of Subdivision for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, as R-3 Single-family high density district zoning classification. It is hereby understood that the preceding language regarding zoning of lots in Subdivision does not preclude City from reclassifying lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

18. BINDING EFFECT

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

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

**CITY OF GREAT FALLS**  
A Municipal Corporation of the State of Montana

REVIEWED FOR LEGAL CONTENT

\_\_\_\_\_  
Gregory T. Doyon, City Manager

\_\_\_\_\_  
David V. Gliko, City Attorney

ATTEST:

(Seal of the City)

\_\_\_\_\_  
Lisa Kunz, City Clerk

OWNER

By: \_\_\_\_\_  
Harold Poulsen

State of Montana )  
                                  :SS.  
County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year Two thousand and Nine, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Harold Poulsen, known to me to be the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Notary Public for the State of Montana (Printed)  
Residing at \_\_\_\_\_  
My commission Expires \_\_\_\_\_, 20\_\_

(NOTARIAL SEAL)



REVISED

Agenda # 3  
Commission Meeting Date: March 3, 2009  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

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**Item:** Public Hearing - Resolution 9813 for Conditional Use Permit to allow a Wind Turbine on Lot 2A, Block 1, Vo-Tech Addition, (MSU College of Technology)

**From:** Bill Walters, Interim Planning Director

**Initiated By:** Montana State University-Great Falls College of Technology

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission adopt Resolution 9813.

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**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 9813.”

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 January 13, 2009, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition, at least 500 feet from the west right-of-way of 20<sup>th</sup> Street South and at least 200 feet from the south boundary of said Lot 2A.

**Background:** Montana State University-Great Falls College of Technology has applied for a conditional use permit to allow the erection of a 120 foot tall wind turbine east of 20<sup>th</sup> Street South between 19<sup>th</sup> and 20<sup>th</sup> Avenues. Subject property, legally described as Lot 2A, Block 1, Vo-Tech Addition, is 12.7 acres in area and is presently zoned PLI Public lands and institutional district wherein a wind turbine is permitted upon processing and approval of a conditional use permit.

For additional information, please refer to the attached: 1) Vicinity/Zoning Map; 2) MSU GF College of Technology 2008 Master Plan with Proposed Wind Turbine Location; and 3) Vicinity Aerial Photo with Proposed Wind Turbine Location.

Wind turbine is included as part of the definition of “utility installation” in the Unified Land Development Code. A “utility installation” is allowed in all zoning districts as a conditional use except the AI Airport industrial and I-2 Heavy industrial districts where it is a permitted use.

MSU COT, by considering installation of a 120-foot 50 kilowatt (kW) monopole wind turbine, is attempting to address a dual purpose initiative to utilize renewable energy for off-setting utility costs while also developing new programming in energy areas. The wind turbine will reduce the increased energy costs from the recent addition of the Trades Building to the campus and will eventually be used as an instructional tool for a wind technician program currently being developed.

The attached 2008 Master Plan of the MSU Great Falls College of Technology submitted by the applicant and the Vicinity aerial photo prepared by the Planning Staff show the location of the proposed wind turbine in the southerly portion of the School’s campus.

The wind turbine proposed by MSU COT is similar in size to the wind turbine installed last year by Cascade County to serve the new County Shop Complex west of Great Falls.

Attached is a Memorandum from Mike Rattray, Community Development Director, dated November 26, 2008, stating support for the wind turbine project but expressing concern about locating it too close to the lots in the Medical Tech Park which the City is attempting to sell. Joe Schaffer, Interim Dean of MSU – Great Falls College of Technology, met with Mike Rattray and the Planning Staff to discuss possible alternate sites to locate the turbine. Taking into consideration comments/input from the City Community Development Department and consultants’ working for MSU COT, the location of the proposed wind turbine was moved to a point 220 feet east of 20<sup>th</sup> Street South and 250 feet north of COT’s south boundary which was submitted to the Zoning Commission for consideration.

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

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

1. The conditional use is consistent with City’s growth policy and applicable neighborhood plans, if any.



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

The Growth Policy does not contain an energy element and therefore is silent on renewable energy systems. A goal in the land use element of the Growth Policy is “to preserve and enhance the character, quality, and livability of existing neighborhoods”. The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected. The wind turbine is proposed to be located on a large acreage tract with several hundred feet buffering it from any existing development. It is unknown to what extent the visual impacts of the turbine will have on future development and property values in the vicinity.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit, and provided the wind turbine is located generally as depicted on the map/plan layouts attached hereto.

As interest and inquiries regarding wind turbines, ranging in size from the one being proposed by MSU COT to smaller units that can be mounted on residential rooftops, is increasing, staff is drafting amendments to the Land Development Code which will permit certain types of wind-powered electricity systems in all zoning districts subject to compliance with specified standards and conditions. It is anticipated the amendments should be available in the next month or two for Zoning Commission consideration.

During the Zoning Commission public hearing held January 13, 2009, Ms. Joann Heninger, 1917 20<sup>th</sup> Avenue South, expressed opposition to the location of the proposed turbine presented in the Staff Report and Recommendation which was 220 feet east of 20<sup>th</sup> Street South and 250 feet north of COT’s south boundary. Ms. Heninger discussed health concerns, noise and the possibility of property value depreciation. She said residential properties occupied twenty-four hours a day, seven days a week would be more affected than a commercial building in the Medical Tech Park. She would prefer the turbine be built at the original location (500 feet east of 20<sup>th</sup> Street South and 200 feet north of COT’s south boundary). Mr. Ron Gessaman, 1006 36<sup>th</sup> Avenue NE, said he is generally in favor of alternate energy sources, but would like to see the tower located as far east as possible, since homeowners would be subjected to any environmental impacts 24 hours a day, while commercial parcels are occupied approximately eight hours a day. Following a lengthy discussion, the Zoning

Commission at the conclusion of the hearing, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition, at least 500 feet from the west right-of-way of 20<sup>th</sup> Street South and at least 200 feet from the south boundary of said Lot 2A.

**Concurrences:** The applicant presented and discussed the proposed wind turbine project with Neighborhood Council No. 6 (located west of 20<sup>th</sup> Street South) on December 3 and with Neighborhood Council No. 5 (located east of 20<sup>th</sup> Street South) on December 15. Feedback from Council 6 included separating the wind turbine from the existing Pines Apartment Complex (located along 20<sup>th</sup> Street at 17<sup>th</sup> Avenue South) and the residents west of 20<sup>th</sup> Street as much as possible. Council 6 again considered the matter during a meeting held January 7 and expressed support for the wind turbine project. Council 5 passed a motion to endorse the effort of MSU COT to pursue construction of the wind energy project as presented.

**Fiscal Impact:** Granting the conditional use permit will not result in any changes to providing City services to the area. It is possible the location of the proposed wind turbine could impede sale of some of the lots in that portion of the Medical Tech Park being developed by the City as alluded to in the attached Memo from Mike Rattray.

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

**Attachments/Exhibits:**

1. Resolution 9813
2. Vicinity/Zoning Map
3. MSU GF College of Technology 2008 Master Plan with Proposed Wind Turbine Location
4. Vicinity Aerial Photo with Proposed Wind Turbine Location
5. Memo from Mike Rattray, Community Development Director, dated Nov. 26, 2008
6. Minutes of the Zoning Commission public hearing held January 13, 2009

Cc: Mike Rattray, Community Development Director  
Joe Schaffer, MSU COT, 2100 16<sup>th</sup> Avenue South, 59405  
Joann Heninger, 1917 20<sup>th</sup> Avenue South, 59405

RESOLUTION 9813

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
TO ALLOW A WIND TURBINE ON  
LOT 2A, BLOCK 1, VO-TECH ADDITION

\* \* \* \* \*

WHEREAS, Montana State University-Great Falls College of Technology is the owner of Lot 2A, Block 1, Vo-Tech Addition, comprising the southerly portion of the campus of the College of Technology located between 20<sup>th</sup> and 23<sup>rd</sup> Streets South in the vicinity of 19<sup>th</sup> and 20<sup>th</sup> Avenues South; and

WHEREAS, Lot 2A, Block 1, Vo-Tech Addition, is presently zoned PLI Public lands and institutional district wherein a wind turbine is permitted upon processing and approval of a conditional use application; and

WHEREAS, the City of Great Falls' Unified Land Development Code includes wind turbine as part of the definition of "utility installation" which is allowed in all zoning districts as a conditional use except the AI Airport industrial and I-2 Heavy industrial districts where it is a permitted use; and

WHEREAS, Montana State University-Great Falls College of Technology has applied for a conditional use permit to allow the erection of a 120 foot tall wind turbine on Lot 2A, Block 1, Vo-Tech Addition; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on January 13, 2009, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending the City Commission grant a conditional use permit to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition, at least 500 feet from the west right-of-way of 20<sup>th</sup> Street South and at least 200 feet from the south boundary of said Lot 2A;

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

Section 1. It is determined that the herein requested conditional use permit will meet the criteria cited in Section 17.16.36.040 of the Unified Land Development Code of the City of Great Falls.

Section 2. That a conditional use permit to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition, at least 500 feet from the west right-of-way of 20<sup>th</sup> Street South and at least 200 feet from the south boundary of said Lot 2A, is hereby approved.

Section 3. That this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, March 3, 2009.

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

ATTEST:

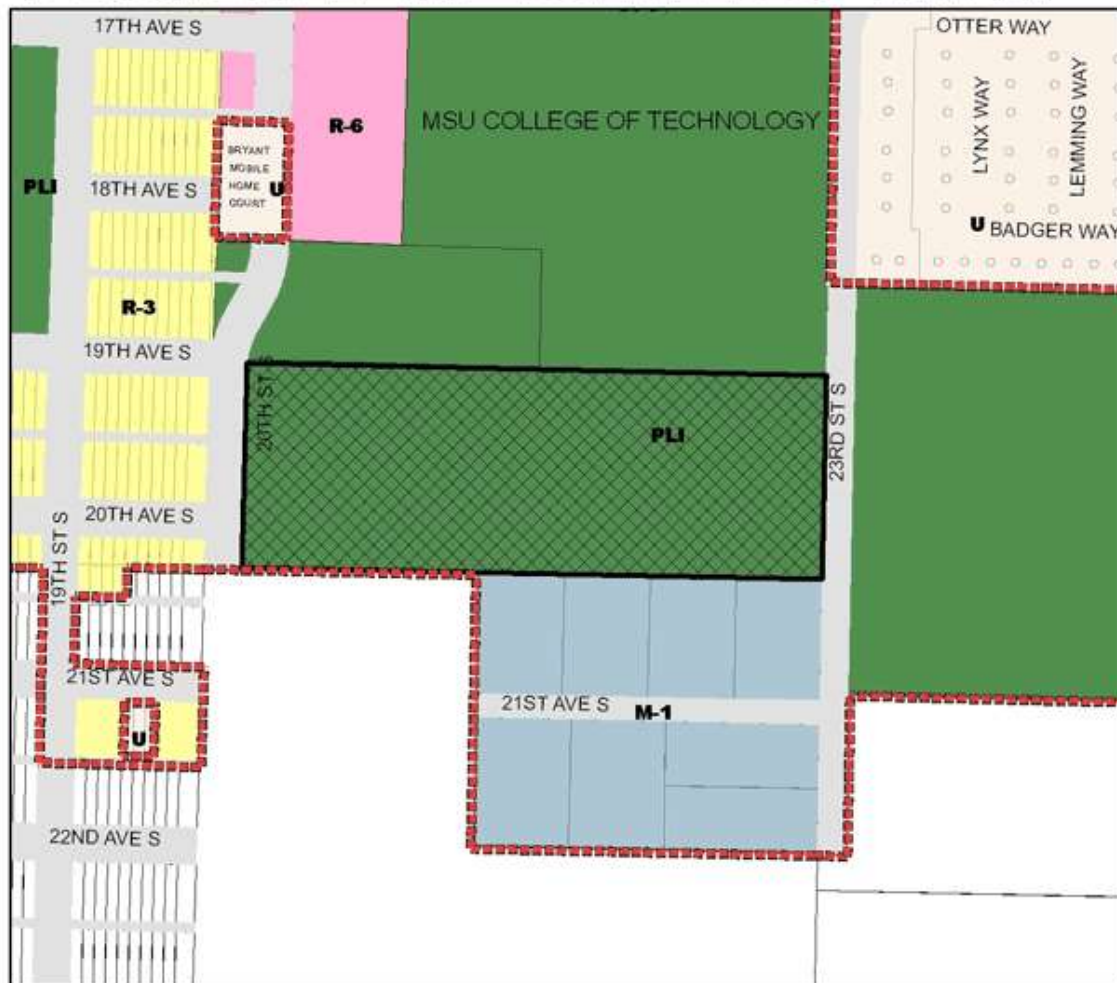
\_\_\_\_\_  
Lisa Kunz, City Clerk


(CITY SEAL)








Approved for legal content:

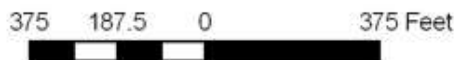
\_\_\_\_\_  
David V. Gliko, City Attorney

# VICINITY/ZONING MAP



 LOT 2A, BLOCK 1, VO-TECH ADDITION, ZONED PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT WHEREIN A WIND TURBINE IS PERMITTED UPON PROCESSING AND APPROVAL OF A CONDITIONAL USE APPLICATION.

- |  |   |   |
|--|---|---|
|  City Limits                    |  R-6 Multi-family high density |  PLI Public Lands and Institutional |
|  R-3 Single-family high density |  M-1 Mixed-use district        |  U Unincorporated enclave           |
|  |   |  Tracts of land outside City        |



**PLAN LEGEND:**

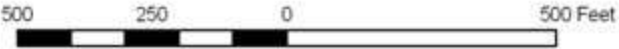
	EXISTING BUILDING OLD CONSTRUCTION
	EXISTING BUILDING NEW CONSTRUCTION
	FUTURE BUILDING PROPOSED LOCATIONS
	FUTURE BUILDING CHILD CARE LOCATION OPTIONS
	FUTURE PARKING APPROXIMATE 600 STALLS
	FUTURE GRASS AREA
	FUTURE LANDSCAPE TREES AND SHRUBS
	EXISTING LANDSCAPE TREES AND SHRUBS



MSU GREAT FALLS COLLEGE OF TECHNOLOGY - 2008 MASTER PLAN



# VICINITY

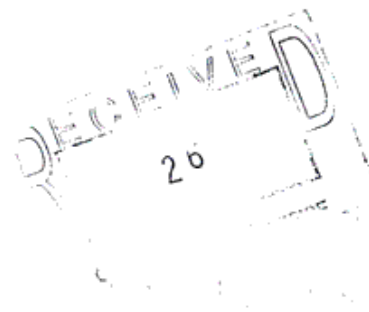


## **MEMO**

To: Bill Walters, Sr. Planner  
From: Mike Rattray  
Date: November 26, 2008  
Re: Conditional Use Permit for Wind Turbine at MSU COT

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The Community Development Department is supportive of the wind turbine project being proposed by MSU COT, however the location of the turbine is of concern. The city has invested heavily in the Medical Tech Park to provide available shovel ready office park lots for professional office development. Recently, the new Social Security office was completed and currently a new Homeland Security/Border Patrol office is under construction. The proposed site for the wind turbine is in the southwest corner of their property, well removed from any of their current or future building sites. However, it is relatively close to the Medical Tech Park lots and will certainly impede any future sales of these lots. I seriously doubt that anyone planning to construct a new office building will find these lots desirable as compared to lots without a wind turbine in the back yard. I see no reason why the turbine could not be located further to the north, approximately on a line with 19<sup>th</sup> Avenue South, thereby eliminating any negative impact to property owners along the south boundary of their property. In addition, this location will reduce their project costs since their wire run will be significantly shorter as compared to the southwestern location. Please provide these comments to the Planning Board and hopefully a different location can be negotiated with MSU COT. Thank you and the Planning Board for giving this concern consideration.





## **GREAT FALLS ZONING COMMISSION**

### **MINUTES OF THE PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR WIND TURBINE ON LOT 2A, BLOCK 1, VO-TECH ADDITION (MSU COT)**

January 13, 2009

The public hearing was called to order at 3:10 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

#### **ROLL CALL & ATTENDANCE**

Zoning Commission Members present:

Mr. Michael Bates  
Mr. Art Bundtrock  
Ms. Danna Duffy  
Mr. John Harding  
Mr. Terry Hilgendorf  
Mr. Bill Roberts  
Mr. Wyman Taylor

Zoning Commission Members absent:

Mr. Ron Kinder  
Mr. Joe Schaffer (recused\*)

Planning Staff Members present:

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

Others present:

Mr. Dave Dobbs, City Engineer  
Ms. Mary Jolley, City Commissioner

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

\*Mr. Schaffer, as the petitioner's representative, recused himself prior to the commencement of the hearing.

## **EXPLANATION OF HEARING PROCEDURES**

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

## **READING OF PUBLIC NOTICE**

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

## **PLANNING STAFF REPORT & RECOMMENDATION**

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board. He noted that staff is working on drafting amendments to the Land Development Code regarding wind-powered electricity systems, which should be available in the next month or two for Zoning Commission consideration.

Mr. Taylor asked how close turbines could be located to buildings. Mr. Walters said he has been looking at sample codes in other areas and national standards, and has found that most use 110% of the turbine height for the minimum distance between the turbine and any property line. Mr. Walters was not aware of any provision requiring separation between a turbine and a building located on the same parcel.

Mr. Harding asked if the tower site shown on the report was the original or the compromise location, and if Mr. Rattray was satisfied with the proposed change.

Mr. Walters said the report displays depict the compromise site, which is further north and west of the original tower location. Mr. Rattray is aware of the compromise site.

## **PETITIONER'S PRESENTATION**

Mr. Joe Schaffer, 105 35<sup>th</sup> Avenue NE, acting Dean and CEO of Montana State University of Great Falls College of Technology, explained that a wind turbine for the college will serve three purposes: 1) to help reduce the consumption of fossil fuels 20% as mandated for all State agencies by the year 2010; 2) an education tool for college, high school and others; and

3) a data resource showing the turbine's efficiency, amount of energy generated and wind speeds at the turbine site. Mr. Schaffer said the original construction site offered a natural peak, adequate buffer from residential and ground turbulence, the most direct wire run, and did not impact future plans for campus growth. In order to appease Mr. Rattray's concerns, an alternate site was chosen, which is nearer to obstructions, residences, and a future 20<sup>th</sup> Street extension but is still feasible. Mr. Schaffer said as a "*good neighbor*", the college sent notices regarding the proposed turbine construction to area residents, visited with the neighborhood councils, and has discussed concerns with all that have contacted them.

There were other questions from the Board regarding funding and equipment availability.

Mr. Schaffer said although funds are available, the College is still looking at alternate stimulus or grant funding. Once the equipment is ordered it will take approximately six to nine months for the turbine to be up and running.

### **PROponents OPPORTUNITY TO SPEAK**

There were no proponents.

### **OPponents OPPORTUNITY TO SPEAK**

Ms. Joann Heninger, 1917 20<sup>th</sup> Avenue South, a property owner directly west of the proposed site, objected to the location. Ms. Heninger discussed health concerns, noise and the possibility of property value depreciation as noted by Mr. Rattray's memo. She stated that residential properties occupied twenty-four hours a day, seven days a week would be more affected than a commercial building, and the "not in my back yard" memo was very inappropriate coming from the City. She would prefer the turbine be built on the original location, further away from homes.

### **OTHER PUBLIC COMMENT**

Mr. Ron Gessaman, 1006 36<sup>th</sup> Avenue NE, said he is generally in favor of alternate energy sources, and was unaware that the City had negotiated a special deal for the relocation of the tower. He would like to see the tower located as far east as possible, since home owners would be subjected to any environmental impacts 24 hours a day, while commercial parcels are occupied approximately eight hours a day.

### **PETITIONER'S RESPONSE**

Mr. Schaffer reiterated that the College's intent is to be a good neighbor, which is why the location was negotiated with the City. In terms of research and studies regarding impacts from wind turbines, the studies have typically been geared to wind-farms, large-scale turbines, or high levels of population close to wind-farms, not typically on a 50-kilowatt unit. He conceded

that there will be some impacts, but noted that typically the wind blows hardest in the evenings and in the winter months, and that wind turbines do not run twenty-four hours a day, seven days a week. Mr. Schaffer said he would be happy to work with neighbors regarding the location, as the College has no intention of making people's lives unbearable.

There followed a short discussion of current shipping times and material costs of a wind turbine, and wind velocity needed to make the unit work efficiently.

### **ZONING COMMISSION DISCUSSION & ACTION**

Mr. Hilgendorf said he was in favor of the project, but referred to the City memo concerning the ability to sell lots if located near the turbine. He stated he would vote against the project unless moved further away from residents. Mr. Hilgendorf said he felt commercial properties could more easily withstand any potential impact from the turbine than residential owners could. He added that regulations and a study determining sound and noise dangers needs to be done as soon as possible, since it is likely there will be additional requests in all zoning classifications for turbines as they become more efficient and less costly.

Mr. Bates asked if the location could be adjusted after approval. Mr. Schaffer said the original site and the compromise location may have to be adjusted slightly after a geotechnical study is done. Mr. Taylor asked if it would be possible to move the tower closer to the campus buildings. Mr. Schaffer noted safety, future campus development and turbine efficiency needs were taken into consideration when the original and compromise sites were identified. Mr. Harding noted how few comments came from surrounding property owners, and said he would be in favor of the project if constructed in the original location.

Mr. Roberts asked Mr. Walters if Neighborhood Council 6 approved the original or the revised location. Mr. Walters said the original location was presented, but was unaware if the compromise location was brought before the council.

**MOTION:** That the Zoning Commission recommend to the City Commission that a conditional use permit be granted to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition on the original location designated by the petitioner.

Made by: Mr. Roberts  
Second: Mr. Bundtrock

There followed a lengthy discussion regarding how to describe the original turbine location in the motion, and whether the Board should dictate where the property owner locate the turbine. Mr. Walters noted that the lot in question is sizeable and conditions usually accompany conditional use permits, which may include assigning location restrictions. Mr. Walters added

that the City Commission would be looking for direction or a recommendation which would include a specific site location.

The above motion was further clarified by Mr. Roberts.

**MOTION:** That the Zoning Commission recommend to the City Commission that a conditional use permit be granted to allow a 120 foot wind turbine to be erected on Lot 2A, Block 1, Vo-Tech Addition, at least 500 feet from the west right-of-way of 20<sup>th</sup> Street South and at least 200 feet from the south boundary of said Lot 2A.

Made by: Mr. Roberts

Second: Mr. Bundtrock

Vote: The motion carried unanimously.

Mr. Walters asked the Board's intent of the 120 foot height limitation. The Board indicated the 120 foot height limitation applied to the turbine housing and was not inclusive of the blade height

Mr. Walters stated the Zoning Commission's recommendation will be forwarded to the City Commission, with a possible first consideration at the February 3 meeting.

## **ADJOURNMENT**

The hearing adjourned at 4:38 p.m.

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CHAIRMAN

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SECRETARY



**Item:** Resolution 9814, Establishing the terms and confirming the negotiated sale of \$2,000,000 in Tax Increment Revenue Bonds for public improvements within West Bank Urban Renewal District, and delegating certain authority to the City Manager and Fiscal Services Director

**From:** Martha Capps, Operations Supervisor

**Initiated By:** Bond Council

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Adopt Resolution 9814

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1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9814”

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

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**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 9814.

**Background:** On March 20, 2007 the City Commission approved 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 3028, adopted by the City Commission on December 16, 2008 approved the Federal Courthouse/4<sup>th</sup> Avenue NW Project, which includes the planned public infrastructure improvements within the District Boundaries, and authorized the financing from District tax increment revenues.

Staff, in consultation with D.A. Davidson & Co., as our Underwriter, has determined that the estimated principal amount of bonds that can be issued to pay costs of the Public Improvements, establish a debt service reserve and pay the costs of the sale and issuance of the Bonds and other related costs of the District is \$2,000,000, and shall be sold at a private, negotiated sale to D.A. Davidson & Co. The tax increment generated annually from property improvements within the district, based on reports from the Department of Revenue has been determined to adequately pay the principal and interest of the Series 2009A Bonds of the term of the debt.

The City Manager and City Fiscal Services Director along with Dorsey & Whitney LLP, the City’s bond counsel will work with the Underwriter to establish the appropriate terms, conditions and documentation for the sale of the Series 2009A bonds. The purchase price, redemption features, and interest rate on the Bonds will be subject to the following conditions and limitations:

- (1) the aggregate principal amount of the Series 2009A Bonds shall not exceed \$2,000,000;

- (2) the final stated maturity of the Series 2009A Bonds shall not be more than twenty-five (25) years from the date of issue of the Series 2009A Bonds;
- (3) the Series 2009A Bonds shall be redeemable on the first interest payment date thereon after one-half their term;
- (4) the average rates shall not exceed 6.25% per annum;
- (5) the purchase price shall not be less than 98.25% of the principal amount of the Series 2009A Bonds, exclusive of original issue discount or premium, if any; and
- (6) all costs of issuing the Series 2009A Bonds (including, without limitation, the fees and expenses of bond counsel, the fees of the Paying Agent and Registrar, if any, and the costs of printing the Preliminary Official Statement, the Official Statement and the Series 2009A Bonds) shall be paid by the City from the proceeds of the Series 2009A Bonds.

Upon final approval of the interest rate, purchase price, and other terms and conditions of the sale of the Bonds, the City Manager and Fiscal Services Director shall be authorized to enter into and execute a Bond Purchase Agreement with the Underwriter on behalf of the City. The form of the Series 2009A Bonds and the final terms and conditions will be brought in front of the Commission under a separate resolution for final approval.

**Concurrences:** Representatives from Fiscal Services, Planning, Engineering, and Public Works have been working with Bond Counsel throughout the entire process.

**Fiscal Impact:** Staff intends to finance the Public projects from the proceeds of West Bank Urban Renewal Tax Increment Bonds in the estimated principal amount of \$2,000,000 (the "Bonds") payable over a term of 25 years; and proceed with the financial analysis to determine the final principal amount of the Bonds that can be issued through a negotiated sale to the Underwriter, D.A. Davidson & Co., subject to final approval of the Commission.

**Alternatives:** The City Commission could choose to not approve Resolution 9814

**Attachments/Exhibits:** Resolution 9814

CERTIFICATE AS TO RESOLUTION 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 resolution is a true copy of Resolution No. \_\_\_\_\_, entitled: "RESOLUTION RELATING TO THE ISSUANCE OF WEST BANK URBAN RENEWAL DISTRICT TAX INCREMENT REVENUE BONDS, SERIES 2009A, IN THE ESTIMATED AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000, TO PAY COSTS OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THE FEDERAL COURTHOUSE/4<sup>TH</sup> AVENUE NW URBAN RENEWAL PROJECT; ESTABLISHING THE TERMS OF SALE; CONFIRMING THE NEGOTIATED SALE; AND DELEGATING CERTAIN AUTHORITY TO CITY MANAGER AND FISCAL SERVICES DIRECTOR" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on March 3, 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 Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Lisa Kunz, City Clerk



RESOLUTION NO. \_\_\_\_\_

RESOLUTION RELATING TO THE ISSUANCE OF WEST BANK URBAN RENEWAL DISTRICT TAX INCREMENT REVENUE BONDS, SERIES 2009A, IN THE ESTIMATED AGGREGATE PRINCIPAL AMOUNT OF \$2,000,000, TO PAY COSTS OF PUBLIC IMPROVEMENTS ASSOCIATED WITH THE FEDERAL COURTHOUSE/4<sup>TH</sup> AVENUE NW URBAN RENEWAL PROJECT; ESTABLISHING THE TERMS OF SALE; CONFIRMING THE NEGOTIATED SALE; AND DELEGATING CERTAIN AUTHORITY TO CITY MANAGER AND FISCAL SERVICES DIRECTOR

BE IT RESOLVED 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 the West Bank Urban Renewal Plan (the “Plan”), which contains a tax increment financing provision to help fund rehabilitation and redevelopment projects within the District.

1.02. BC Development of Kansas City, Missouri (the “Developer”) is in the process of constructing a 64,133 square foot building which will be leased to the United States General Accounting Office (the “GAO”) for use as a federal courthouse (the “Federal Courthouse”). Construction of the Federal Courthouse is expected to be completed, and the Federal Courthouse is expected to be available for occupancy, in early summer 2009. The Developer and the GAO have entered into a lease which among other things provides that notwithstanding the federal government’s use of the Federal Courthouse, it will be subject to real and personal property tax which will be paid by the Developer as Lessor. The construction and installation of certain public improvements were necessary for the development of the Federal Courthouse, in particular the extension of the City’s water main to serve the Federal Courthouse and the reconstruction of 3<sup>rd</sup> Avenue NW as more particularly described below.

1.03. The Plan identified a number of projects that were needed in order to facilitate the development of the District in general including: undertaking a survey of the historical and cultural resources in the District to assure preservation and enhancements in the redevelopment of the District (the “Historical & Cultural Inventory Study”); various improvements to the City’s West Bank Park including improved access, parking lot, fire protection, landscaping, and rehabilitation of facilities (the “West Bank Park Improvements”); the 3<sup>rd</sup> Avenue NW Reconstruction Project consisting of a track crossing and rail signals, realignment and reconstruction of 3<sup>rd</sup> Avenue NW, including land acquisition and improvements to the intersection with 3<sup>rd</sup> Street NW (the “3<sup>rd</sup> Avenue NW Reconstruction Project”); the extension and looping of the City’s water main to connect 3<sup>rd</sup> Street NW to Central Avenue West and the Federal Courthouse (the “Water Main Improvements”); relocation of existing utilities (“Utility Relocation”); and cleanup as necessary of contaminated soils (the “Brownfield Cleanup”)

(collectively, the “Public Projects”) (together with the Federal Courthouse, the “Federal Courthouse/4<sup>th</sup> Avenue NW Project”).

1.04. On November 18, 2008, the Commission adopted Resolution No. 9801, Resolution of Intention to Approve the Federal Courthouse/4<sup>th</sup> Avenue NW Project as an Urban Renewal Project and to Authorize Financing Public Improvements with Tax Increment Revenues and Calling for a Public Hearing Thereon.

1.05. Pursuant to Resolution No. 9801, a public hearing was duly noticed and held on December 2, 2008, at which all persons wishing to speak were given the opportunity to address the Commission with respect to approval of the Federal Courthouse/4<sup>th</sup> Avenue NW Project as an Urban Renewal Project and the financing of the Public Projects with tax increment revenues.

1.06. Subsequent to the public hearing, and pursuant to Ordinance No. 3028 adopted on second reading on December 16, 2008 (the “Ordinance”), this Commission approved the Federal Courthouse/4<sup>th</sup> Avenue NW Project as an Urban Renewal Project and authorized the following Public Improvements to be financed from District tax increment revenues.

1. The Historical & Cultural Inventory Study.
2. The West Bank Park Improvements.
3. The 3<sup>rd</sup> Avenue NW Reconstruction Project.
4. The Water Main Improvements.
5. The Utility Relocation.
6. The Brownfield Cleanup.

1.07. Pursuant to the Ordinance, the City set forth its intention to finance the Public Projects from the proceeds of West Bank Urban Renewal Tax Increment Bonds in the estimated principal amount of \$2,000,000 (the “Series 2009A Bonds”) payable over a term of 25 years; approved the engagement of D.A. Davidson & Co. as the City’s underwriter (the “Underwriter”); and authorized the City staff and the Underwriter to proceed with the financial analysis to determine the final principal amount of the Series 2009A Bonds that can be issued through a negotiated sale to the Underwriter, subject to final approval of the Commission.

1.08. The Federal Courthouse is expected to be completed on or about July 1, 2009, and it is necessary and desirable to proceed with the construction of the Public Improvements.

## Section 2. Authorization of Sale of Series 2009A Bonds.

2.01. Issuance of Bonds, Principal Amount, Series. The City hereby determines it is in the best interests of the City to proceed with the issuance of Series 2009A Bonds to provide funds to be used to finance, or to reimburse the City for, the costs of the Public Improvements fund a deposit to a debt services reserve account, pay costs of issuing the bonds and related costs of the District, and, if necessary, pay a portion of interest on the Series 2009A Bonds. The City Fiscal Services Director, in consultation with D.A. Davidson & Co., has determined that the estimated principal amount of Series 2009A Bonds that can be issued to pay or reimburse the

costs of the Public Improvements, establish a debt service reserve, pay the costs of the sale and issuance of the Series 2009A Bonds and other related costs of the District, and, if necessary, pay a portion of interest on the Series 2009A Bonds is \$2,000,000. The Series 2009A Bonds shall be denominated “West Bank Urban Renewal Tax Increment District Revenue Bonds, Series 2009, Federal Courthouse/4<sup>th</sup> Avenue NW Project,” may be issued in one or more series, and shall be sold at a private, negotiated sale to D.A. Davidson & Co. (the “Purchaser”) as provided herein.

2.02. Terms and Conditions, Delegation of Authority, Bond Purchase Agreement. The City Manager and City Fiscal Services Director along with Dorsey & Whitney LLP, the City’s bond counsel (“Bond Counsel”), are hereby authorized and directed to work with the Underwriter to establish the appropriate terms, conditions and documentation for the sale of the Series 2009A Bonds. The City Manager and Fiscal Services Director are hereby authorized to negotiate the purchase price, redemption features, and interest rate on the Series 2009A Bonds subject to the following conditions and limitations:

- (1) the aggregate principal amount of the Series 2009A Bonds shall not exceed \$2,000,000;
- (2) the final stated maturity of the Series 2009A Bonds shall not be more than twenty-five (25) years from the date of issue of the Series 2009A Bonds;
- (3) the average interest rate on the Series 2009A Bonds shall not exceed 6.75% per annum;
- (4) the purchase price shall not be less than 98.25% of the principal amount of the Series 2009A Bonds, exclusive of original issue discount or premium, if any; and
- (5) all costs of issuing the Series 2009A Bonds (including, without limitation, the fees and expenses of Bond Counsel, the fees of the Paying Agent and Registrar, if any, and the costs of printing the Preliminary Official Statement, the Official Statement and the Series 2009A Bonds) shall be paid by the City from the proceeds of the Series 2009A Bonds.

Upon final approval of the interest rate, purchase price, and other terms and conditions of the sale of the Series 2009A Bonds and confirmation of the assumptions and estimates described in Section 3 below, the City Manager and Fiscal Services Director shall be authorized to enter into and execute a Bond Purchase Agreement with the Underwriter on behalf of the City.

2.03. Bond Resolution. The form of the Series 2009A Bonds and the final terms and conditions thereof shall be prescribed by a subsequent resolution to be adopted by this Commission.

Section 3. Adequacy of Tax Increment. The maximum annual payment of principal and interest on the Series 2009A Bonds, assuming an average interest rate of 6.192% per annum and a term of approximately 25 years, is \$167,393. Based on (a) estimates provided by the City and the Developer to the Montana Department of Revenue (the “Department”) and the Department’s estimates of the taxable value of the Federal Courthouse project when completed and placed on the tax rolls, and (b) the current number of mills being levied by all of the taxing jurisdictions in the District, the amount of tax increment revenue of the District commencing with the fiscal year

ending June 30, 2011 will be at least \$194,142 annually and is adequate to pay the principal of and interest on the Series 2009A Bonds over a term of twenty-five (25) years.

Section 4. Official Statement. The City Manager and City Fiscal Service Director with the Underwriter and Bond Counsel are authorized to prepare on behalf of the City an Official Statement, to be distributed by the Underwriter to prospective purchasers of the Series 2009A Bonds. The Official Statement shall contain such information as shall be advisable and necessary to describe accurately the City, the security for, and the terms and conditions of, the Series 2009A Bonds. The City Manager and City Fiscal Service Director along with the City Clerk are authorized on behalf of the Commission to deem the Official Statement near “final” as of its date, in accordance with Rule 15c2-12(b)(1) under the Securities Exchange Act of 1934.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, March 3, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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

**NEIGHBORHOOD COUNCILS**

- NC 7 – Greg Hall sworn in.**
1. Greg Hall was sworn in as a representative of Neighborhood Council District No. 7.
  2. There were no miscellaneous reports or announcements from neighborhood council representatives.

**PUBLIC HEARINGS**

- Res. 9804. Adopted.**
3. **RESOLUTION 9804, ESTABLISHING WATER, SEWER AND STORM DRAIN UTILITY SERVICE RATES AND FEES.**

Public Works Director Jim Rearden reported that the proposed rates were presented at the January 20, 2009, City Commission Work Session. The public has been notified of the public hearing and the proposed rate changes through three legal ads in the *Great Falls Tribune*, and to all customers through inserts sent in the utility bills January 30 and February 5, and in a separate mailing on January 6. Staff is proposing the rates take effect March 1, 2009.

Mr. Rearden presented PowerPoint slides. He explained that staff reviews and analyzes the financial needs of the water, sewer, and storm drain funds to ensure the City has adequate funding necessary to finance the day to day operations, provide for any capital improvements, emergency main breaks, or replacements. These funds also provide the financing to run the Water and Wastewater Treatment Plants effectively. Adjustments in utility rates are also necessary to provide adequate revenue to finance the capital improvements program, and meet debt service coverage requirements and to maintain appropriate reserves. Staff is recommending 5% increases in each of the water (including fire hydrant) and sanitary sewer rates and fees, and no increase in storm drain rates.

If approved, the average residential utility bill will increase \$1.82 per month. Staff has determined moderate annual increases to service rates are

more effective to necessary revenue needs as opposed to sporadic large increases needed at the time of unforeseen emergencies. Even with the proposed increase, the City of Great Falls' rates are still the lowest in the state.

Mayor Stebbins declared the public hearing open. Speaking in opposition to Resolution 9804 was **Art Vender**, 1606 8<sup>th</sup> Avenue South, council member of NC 9. Mr. Vender commented that the council is opposed to taxing the citizens for major improvements on the water mains. The council feels the City should use stimulus money for major improvements to the City's water and sewer mains, as well as fixing roads, the animal shelter and the police station. Mr. Vender suggested the Commission forget about the bridge.

Written letters of opposition were received from: **Melvin Zuern**, 3624 1<sup>st</sup> Avenue North, **Robert Johnson**, 2617 6<sup>th</sup> Avenue South, **Tim Ballou**, 223 River Drive South, and **Dan Moltzan**, 717 6<sup>th</sup> Avenue North.

No one spoke in favor of Resolution 9804.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9804, establishing water, sewer and storm drain utility service rates and fees effective March 1, 2009.**

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

Commissioner Jolley asked how much revenue the increase would create. Mr. Rearden answered an additional \$400,000 in the water fund and \$350,000 in the sewer fund annually.

In response to Mr. Vender, Commissioner Beecher commented that there is no way of knowing what type or how much stimulus payments the City of Great Falls might receive. Increases in water and sewer rates are necessary for capital improvements. One thing the City does not want to do is let the essential services of water and sewer fall behind. These increases still keep Great Falls' rates the lowest in the state.

Commissioner Rosenbaum added that there are strings attached to the stimulus package monies. More than likely some stimulus funds will be loans that have to be paid back.

Mayor Stebbins pointed out that the federal stimulus money is still not a sure thing. The City needs to make plans for now instead of what may happen.

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

4. Minutes, February 3, 2009, Commission meeting.
5. Total expenditures of \$1,024,921 for the period of January 30-February 11, 2009, to include claims over \$5,000, in the amount of \$958,451.
6. Contracts list.
7. Approve Electric Transmission Line Easement on City-owned property with NorthWestern Energy.
8. Award construction contract to Shumaker Trucking & Excavating Contractors, Inc. in the amount of \$194,883.50 for the Third Avenue Northwest Roadway Improvements, Phase 1-Easterly.

**Commissioner Jolley moved, seconded by Commissioner Bronson, with the exception of Item 5, that the City Commission approve the Consent Agenda as presented.**

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

Motion carried 5-0.

With regard to Item 5, Commissioner Jolley inquired about the new category on page 2 entitled "utility bills" instead of being split up among other categories. Operations Supervisor Martha Capps responded that she would look into it and provide her with that information.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve Item 5 of the Consent Agenda.**

Motion carried 5-0.

**BOARDS & COMMISSIONS**

**Appointments made to  
the City EMS Advisory  
Board.**

**9. APPOINTMENTS, CITY EMS ADVISORY BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission appoint the following people to**

**the City EMS Advisory Board:**

- |  |  |
|--|--|
| 1. Fire Chief Randall McCamley (chair) | City EMS Administrator                             |
| 2. Dr. Dave Simpson (vice chair)       | EMS System Medical Director                        |
| 3. Justin Grohs                        | Great Falls Emergency Services Manager             |
| 4. Dave Kuhn                           | Great Falls Emergency Services<br>Owner/President  |
| 5. Dr. John Stowers                    | Great Falls Emergency Services<br>Medical Director |
| 6. Scott Schandelson                   | Benefis Emergency Department                       |
| 7. Laurie Jackson                      | Benefis Trauma Coordinator                         |
| 8. Pam Johnstone                       | Cascade County Dispatch Center                     |
| 9. Dirk Johnson                        | GFFR EMS Coordinator                               |
| 10. Ron Scott                          | GFFR Paramedic/EMT                                 |
| 11. Will Fleming                       | GFEMS Paramedic/EMT                                |
| 12. Patty Cadwell                      | Neighborhood Councils                              |

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

Motion carried 5-0.

**10. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****CITY MANAGER****11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****PETITIONS AND COMMUNICATIONS****12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**Pot holes, newspaper article.**

**12A. Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that she appreciates the pot holes being filled by the City. Ms. Gessaman provided an article from *USA Today* regarding a study linking children's lead levels to SAT scores.

**Census.**

**12B. Mike Brown**, 1908 15<sup>th</sup> Avenue South, announced that he is a partnership specialist with the U.S. Census Bureau. He will be working with state and local governments to prepare for the 2010 census. Mr. Brown reported that there are plans to have an office located in Great Falls. The Census Bureau will be hiring approximately 3,000 people in Montana. The job positions are posted at: [www.census.gov](http://www.census.gov).

**Rates, taxes.**

**12C. John Hubbard**, 615 7<sup>th</sup> Avenue South, stated his opposition to raising water and sewer rates, or any taxes.



**CITY COMMISSION****13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins invited the public to attend the CMR essay contest on Sunday, February 22, 2009, at the C.M. Russell Museum.

**ADJOURNMENT****Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Bronson, that the regular meeting of February 17, 2009, be adjourned at 7:26 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: March 3, 2009



**ITEM:** \$5,000 Report  
 Invoices and Claims in Excess of \$5,000  
  
**PRESENTED BY:** Fiscal Services Director  
  
**ACTION REQUESTED:** Approval with Consent Agenda

**ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

MASTER ACCOUNT CHECK RUN FOR FEBRUARY 12 - FEBRUARY 18, 2009	256,894.74
MASTER ACCOUNT CHECK RUN FOR FEBRUARY 19 - FEBRUARY 25, 2009	381,178.50
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 13, 2009	89,040.36
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 16 - FEBRUARY 20, 2009	2,585.00
WIRE TRANSFERS FROM FEBRUARY 12 - FEBRUARY 18, 2009	167,492.31
WIRE TRANSFERS FROM FEBRUARY 20 - FEBRUARY 25, 2009	879,573.06
TOTAL: \$	1,776,763.97

**SPECIAL REVENUE FUND**

**POLICE SPECIAL REVENUE**

INVESTIGATIVE OFFICERS	INVESTIGATIVE FUNDS	7,000.00
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**FEDERAL BLOCK GRANTS**

NEIGHBORWORKS	MOVING 4 HOUSES CDBG PROJECT 720902	41,498.84
HANDS PROGRAM	JANUARY SCHOLARSHIPS	6,963.68
LRS HANDICAP CONVERSIONS	CEILING LIFT SYSTEM INSTALLATION AT GROUP HOME	7,211.00
DICK OLSON CONSTRUCTION INC	1ST PMT FOR ADA LOCKER ROOM AT HEISEY YOUTH CENTER	12,000.00

**DEBT SERVICE**

**IMPROVEMENT DISTRICT REVOLVING**

US BANK NA	SILD 1304 EAGLES CROSSING INTERCAP PROGRAM LOAN 2046-01	6,913.10
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**TAX INCREMENT BOND**

US BANK NA	URBAN RENEWAL BOND SERIES 2002	14,218.75
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**ENTERPRISE FUNDS**

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**WATER**

THATCHER CO	ALUMINUM SULFATE/LIQUID	5,400.51
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**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	230,312.08
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
VEOLIA WATER NORTH AMERICA	AIR EMISSION TESTING AT WWTP	9,635.09

**SANITATION**

HOLTZ INDUSTRIES INC	TARP SYSTEM FOR NEW TRUCK	6,358.20
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**ELECTRIC**

SME	PMT OF ENERGY SUPPLY EXPENSE NOV 08	37,934.16
SME	PMT OF ENERGY SUPPLY EXPENSE JAN 09	721,082.34

**SAFETY SERVICES**

QWEST	FEBRUARY 2009 911 CHARGES	5,708.03
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**PARKING**

APCOA/STANDARD PARKING	MARCH 2009 COMPENSATION	23,152.17
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**CIVIC CENTER EVENTS**

CLUB BIGHOUSE	MERLE HAGGARD TICKET PROCEEDS	74,528.22
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**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS ADMIN & REINSUR FEB 2009	43,072.80
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS FEBRUARY 10-16, 2009	49,939.75
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS FEBRUARY 17-25, 2009	158,490.72

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	FUEL CHARGES	20,307.00
MICHAEL TODD & CO	SNOW PLOW BLADE	9,592.50

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	86,965.36
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**CLAIMS OVER \$5000 TOTAL:**\$ 1,590,784.30

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 7**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: March 3, 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:** Lisa Kunz, City Clerk

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

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

**CONTRACT LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Public Works Engineering	Industrial Automation Consulting, Inc.	02/2009 – 05/2009	511-3155-535- 9499 WTP Misc. Projects	\$32,120	Consulting contract for programming controls: WTP Backwash Clarifier Modifications Project #390801 <b>OF 1519.3</b>

<b>B</b>	Great Falls Police Department	Montana Department of Transportation State Highway Traffic Safety Bureau 2701 Prospect Ave. Helena, MT 59620	2009	Grant monies from State	Total amount shall not exceed \$10,500	State Highway Traffic Safety Office Contract #2009-11-04-35, 2009-17-04-35; Great Falls STEP
<b>C</b>	Great Falls Fire Rescue	MSU-College of Technology 2100 16 <sup>th</sup> Avenue South Great Falls, MT 59405	Perpetual	N/A	None	Memorandum of Understanding (MOU) to Establish a Working Relationship between MSU-COT and GFFR
<b>D</b>	Great Falls Fire Rescue	A.T. Klemens 814 12 <sup>th</sup> Street North Great Falls, MT 59401	03/2009	411-2411-525-9399	\$25,560	Replace heating and A/C unit at Station #1 office. located at 105 9 <sup>th</sup> Street South Project #240801
<b>E</b>	Park and Recreation	National Museum of the United States Air Force (NMUSAF)	04/01/2009 – 03/31/2010	N/A	N/A	2009 Loan Agreement –SDA0175 Annual loan renewal agreement for aircraft on display at Lions Park



**Item:** Three New 2009 Extended Cab ¼ Ton Pickups  
**From:** Tom Hugg, Vehicle Maintenance Supervisor  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Award Bid

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission award the bid for three new 2009 extended cab ¼ ton pickups to Bison Motors of Great Falls for \$51,334.62"

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

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**Staff Recommendation:** Staff recommends that the City Commission award the bid for three new 2009 extended cab ¼ ton pickups to Bison Motors of Great Falls for \$51,334.62.

**Background:**

Purpose

The new 2009 extended cab ¼ ton pickups will be used by Water Distribution Meter Reader Division (2) and the Engineering Division (1).

Evaluation and Selection Process

The specifications were advertised two times in the Great Falls Tribune, placed on the City of Great Falls website, and mailed to four prospective bidders. The bids were opened on February 18, 2009 with three bidders responding.

The old units will be retrofitted to upgrade older fleet vehicles or sold at a later date.

Conclusion

The bid by Bison Motors meets specifications for the extended cab ¼ ton pickups and is the low bid.

**Fiscal Impact:**

Funds for this purchase were provided in the FY 2009 Water Distribution and Engineering Budgets.

**Alternatives:**

Reject the bids for the purchase of three new 2009 extended cab ¼ ton pickups.

**Attachments/Exhibits:**

Bid List, Bid Tab

## **Pickup, Sedan, Cab & Chassis Bidders List**

City Motor Company  
PO Box 6727  
Great Falls MT 59406  
761-4900, Fax 455-8311 Ivan Holland

Bison Ford  
500 10<sup>th</sup> Avenue South  
Great Falls MT 59405  
727-2552, Fax 727-9587 Ingrid Johnson

Bennett Pontiac GMC Subaru  
#26 9<sup>th</sup> Street South  
Great Falls MT 59405  
727-2100, Fax 727-2183 Scott Millard

Lithia Dodge  
4025 10<sup>th</sup> Ave. South  
Great Falls MT 59406  
791-8600, Fax 791-8665







**Item:** Final Payment – Phase I – 7<sup>th</sup> and 8<sup>th</sup> Avenues South Main Replacement, O. F. 1515

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Approve Final Pay Request

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve Final Payment for the Phase I – 7<sup>th</sup> and 8<sup>th</sup> Avenues South Water Main Replacement, O. F. 1515, in the amount of \$30,625.92 to United Materials of Great Falls, Inc., and \$309.35 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

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**Staff Recommendation:**

**Background:**

Significant Impacts

This project replaced portions of the water system located in 5<sup>th</sup> Avenue South, 6<sup>th</sup> Avenue South, 7<sup>th</sup> Avenue South, and 8<sup>th</sup> Avenue South. Most of these water mains were installed in the 1890's through the 1920's, except for the 6<sup>th</sup> Avenue South main which was installed in 1989.

Citizen Participation

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

Neighborhood council number 7 was also involved.

### Workload Impacts

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

### Purpose

The project replaced water mains that have been failing and have damaged roadways and disrupted water service to local residences, businesses, and schools. The breaks are primarily due to corrosive soils, age, and the type of pipe material used.

### Project Work Scope

This project replaced 4,915 lineal feet of 6- and 8-inch water main, 9 fire hydrants and 141 water service connections.

The mains are located in 5<sup>th</sup> Avenue South from 11<sup>th</sup> Street to 14<sup>th</sup> Street; 6<sup>th</sup> Avenue South from 10<sup>th</sup> Street to 14<sup>th</sup> Street; 7<sup>th</sup> Avenue South from 10<sup>th</sup> Street to 14<sup>th</sup> Street; and 8<sup>th</sup> Avenue South from 13<sup>th</sup> Street to 14<sup>th</sup> Street.

### Evaluation and Selection Process

The City accepted six bids for this project on May 21, 2008 and the City Commission awarded the contract to the low bidder, United Materials of Great Falls, Inc., on June 3, 2008 in the amount of \$629,312.50.

### Conclusion

City staff has verified that United Materials has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was September 19, 2008.

There were two warranty items that held up approval for final pay. Those items have been completed and final quantities were approved by Contractor and City staff.

### **Concurrences:**

Not Applicable.

### **Fiscal Impact:**

Replacement of these mains will save on maintenance due to man hours and resources necessary for repairs to broken water mains, streets, and surrounding property (both private and public).

The final project cost is \$585,837.39, which is \$43,475.11 under the amount awarded and approved. There are a few factors which contributed to the lower final contract amount such as lack of concrete replacement and very little miscellaneous work.

### **Alternatives:**

The City Commission could vote to deny final payment.

### **Attachments/Exhibits:**

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



**Item:** Professional Services Agreement: Engineering and Operations Office Modification, O. F. 1455.3

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Approve Agreement

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve the attached professional services agreement in the amount of \$83,932.00 with CTA Architects Engineers for the Engineering and Operations Office Modification, O.F. 1455.3; activate cash reserves from the Engineering Fund in the amount of \$83,932.00, and authorize the City Manager to sign the agreement and make the budget adjustment."

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

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**Staff Recommendation:** Approve the professional services agreement.

**Background:**

Significant Impacts

This project will update the engineering office and provide needed space for files storage.

Citizen Participation

Not applicable

Workload Impacts

CTA has the staff available to complete the design in a timely manner.

Purpose

The engineering facility was originally built in the 1970's as a lunch room, change room and showers. It was converted to office space in the mid-1980's, with a series of minor modifications around 2003. There is insufficient space for the current employees. The

heating, ventilation, and air conditioning system is undersized and inefficient. The exterior walls lack insulation and the roof needs replacement sometime this year. One of a kind maps and drawings are stored in the hallways; these documents need to be stored in a fireproof vault.

Project Work Scope

CTA will complete the subsurface investigation, analyze building system options, develop plans and specifications for construction, and perform construction inspection. A fire proof vault for documents, expanded office space, revised office floor plan, new roof, HVAC equipment, and improved insulation are anticipated.

Evaluation and Selection Process

CTA was selected in accordance with the Architects Engineers Surveyors Selection Policy.

Conclusion

CTA has performed satisfactorily on past projects for the City. The estimated cost for services is comparable to previous project engineering costs.

**Concurrences:**

Not Applicable.

**Fiscal Impact:**

This project will be funded through activation of cash reserves in the Engineering Fund. As of January 31, 2009, cash reserves were \$290,610.00. Reserves have gradually been built up over the years to accommodate this project. Engineering fund revenues and expenditures are projected to be stable for the foreseeable future.

**Alternatives:**

The City Commission could vote to deny award of the design agreement.

**Attachments/Exhibits:** Professional Services Agreement (2 originals)

(Attachment not available online; on file in City Clerk's Office.)