



City Commission Agenda

for

December 2, 2008

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

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. West Bank Properties Project. **(Presented by: Ben Rangel)**
 - A. Proposed West Bank Properties Project as an urban renewal project and authorization for tax increment financing. Action: Approve/deny proposed project and authorize/not authorize financing the public improvements with tax increment funds.
 - B. Ord. 3027. Action: Accept/deny Ord. 3027 on first reading and set final reading for December 16, 2008.
3. Federal Courthouse/4th Ave. NW Project. **(Presented by: Coleen Balzarini)**
 - A. Proposed Federal Courthouse/4th Ave. NW Project as an urban renewal project and authorization for tax increment financing. Action: Approve/deny the proposed project and authorize/not authorize financing the public improvements with tax increments revenues.
 - B. Ord. 3028. Action: Accept/deny Ord. 3028 on first reading and set final reading for December 16, 2008.
4. Res. 9792, Tourism Business Improvement District (TBID) No. 1307. Action: Adopt/deny Res. 9792. **(Presented by: Coleen Balzarini)**
5. Res. 9794, Conditional Use Permit for the Collins Mansion. Action: Adopt/deny Res. 9794 and approve/disapprove the accompanying agreement. **(Presented by: Ben Rangel)**
6. Res. 9798, Sanitation Service Rates. Action: Adopt/deny Res. 9798. **(Presented by: Jim Rearden)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

7. Ord. 3023, To Assign City Zoning to Tyndall Addition, Phase 1.
Action: Accept/deny Ord. 3023 on first reading and set public hearing for January 6, 2009. **(Presented by: Ben Rangel)**
8. Res. 9802, Conditional Use Permit to allow worship facility on Lot 8, Block 307, Original Townsite to Great Falls (525 1st Ave. North).
Action: Accept/deny Res. 9802 on first reading and set public hearing for January 6, 2009. **(Presented by: Ben Rangel)**

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.*

9. Minutes, November 18, 2008, Commission meeting.
10. Total Expenditures of \$1,191,093 for the period of November 13-19, 2008, to include claims over \$5000, in the amount of \$1,103,497.
11. Contracts list.
12. Set public hearing for December 16, 2008, on Res. 9805 to Revise Land Development Application Fees.
13. Award contract to Motor Power Kenworth of Great Falls for 2009 Tandem Axle Roll-off Cab and Chassis in the amount of \$95,800.
14. Postpone bid award for five 2009 single-axle dump trucks.
15. Set CDBG/HOME Community Needs public hearing for December 16, 2008.
16. Approve Final Payment for Sunnyside Water Pressure Improvements - Piping, Phase 1, O.F. 1494.1 in the amount of \$2,376 to United Materials of Great Falls, and \$24 to the State Miscellaneous Tax Fund.

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

BOARDS & COMMISSIONS

17. Miscellaneous reports and announcements.

CITY MANAGER

18. 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)*

19. Miscellaneous reports and announcements.

CITY COMMISSION

20. Miscellaneous reports and announcements.

MOTION TO ADJOURN



CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Public Hearing - Approve a development project proposed by West Bank Properties, LLC (West Bank Properties Project) and associated public improvements as an urban renewal project and to authorize financing the public improvements with tax increment revenues; and to accept Ordinance 3027 on first reading and set final reading for December 16, 2008 (OF 1499)

From: Benjamin Rangel, Planning Director

Initiated By: West Bank Properties, LLC – Brad Talcott

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission approve development project and associated public improvements and authorize use of tax increment funds; and, accept Ordinance 3027 on first reading and set final reading for December 16, 2008

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: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (approve/deny) a development project proposed by West Bank Properties, LLC and associated public improvement as an urban renewal project and (authorize/not authorize) financing the public improvements with tax increment funds.”

and;

“I move that the City Commission (accept/deny) Ordinance 3027 on first reading and set final reading for December 16, 2008.”

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

Planning Board and Staff Recommendations: During a meeting on October 14, 2008, the Planning Board unanimously passed a motion recommending the City Commission approve the use of West Bank Urban Renewal District tax increment funds, not to exceed \$900,000, for the below listed improvements. The recommendation was contingent on West Bank Properties, LLC agreeing to relieve the City of any financial liability or responsibility to pay for said improvements should the

proposed development project not proceed or be completed or should taxes received from the project be insufficient to cover debt payments on the improvements. The improvements included:

- a) Bury existing power lines; and,
- b) Install utilities (to include water, sanitary sewer & storm sewer), roads (to not include parking lots), curbs, gutters and sidewalks.

Background: In conjunction with several area property owners, the City of Great Falls is interested in the revitalization and redevelopment of an area located near the west bank of the Missouri River, generally north and south of Central Avenue West. The City has taken steps to establish an urban renewal district and plan for the area under Montana's urban renewal authority. A tax increment financing provision was also established.

With creation of the West Bank Urban Renewal District and a pending request for use of tax increment funds within the District, the City Commission established a process to review and evaluate projects and funding requests. The process is initiated with the submittal of an application form to the Planning Office for tax increment financing assistance. Subsequent steps include:

1. The Planning Office convenes a "City staff group" (consisting of Fiscal Services, Planning, Community Development, Park & Recreation, and Public Works departments heads and the Assistant City Manager) to evaluate the application and formulate a recommendation to the Planning Board;
2. The Planning Board considers the staff report and recommendation and makes a recommendation to the City Commission; and,
3. The City Commission makes a final decision as the urban renewal agency.

The City of Great Falls is responsible for administering the urban renewal program, pursuant to Montana Urban Renewal Law. The Tax Increment Financing (TIF) program operates by first establishing a base year taxable value for all properties within the established district. In the case of the West Bank Urban Renewal District, the base year is 2007. Property taxes from that District continue to be paid to all taxing jurisdictions on the basis of the 2007 base year valuation. However, all increases in property taxes in the District above this base valuation, due to new development or reappraisals, are assigned to the City to be used to finance urban renewal activities within the West Bank Urban Renewal District.

Projects requesting TIF funds are subject to program eligibility, project review criteria, availability of funds and ability to meet the goals of the West Bank Urban Renewal Plan.

During development of the West Bank Urban Renewal District Plan, the area was found to be deficient of streets, sidewalks, curbs and gutters, resulting in poor traffic access and circulation and storm drainage problems. As such, it was anticipated a large amount of financial resources would be needed to install public infrastructure. Therefore, during the process of creating the District, the Planning Board and City Commission were specifically advised that redevelopment in the area would involve participation by both the public and private sectors and that the City's contribution would be in the form of assisting with the provision public infrastructure (streets, curb & gutters, sidewalks, water systems, sewer systems, storm drainage systems, parking and related improvements) to encourage, facilitate and enhance private investments and reinvestment in the area. As such, the agenda reports to the City Commission specifically advised that the funds derived through the increment program would be used for public improvements. Additionally, the "Goals and Strategies" section of the Urban Renewal Plan presents the category of public infrastructure improvements to be addressed by the Plan. These include "Sewer and Water Services," "Area Access," "Park Development," etc.

An application for use of West Bank Urban Renewal District tax increment funds has been submitted by West Bank Properties, LLC, addressed as 4415 River Drive North, Great Falls, Montana. The company members include Brad Talcott, Linda Caricaburu and Rodger Forni.

On September 30, 2008, Brad Talcott and his business manager, Jim Drishinski, presented the project to the “City staff group”. They described the proposal as a mixed use development project to include a Staybridge Suites hotel (Exhibit 1) and future sites on the approximate 5½ acre parcel for a restaurant, office building and retail shops. See the attached preliminary site master plan (Exhibit 2) for a general configuration of the proposed facilities, including parking areas, internal vehicular circulation and landscaping. The project will generally be located east of 3rd Street NW between 1st and 4th Avenues NW (Exhibit 3). Total project development costs are estimated at \$13,355,125 (Exhibit 4). The Montana Department of Revenue has estimated that about \$135,000 in tax increment funds would be generated annually by the hotel portion of the development project (Exhibit 5).

West Bank Properties requested tax increment financing for the following list of activities:

▪ Bury Existing Power Lines	\$325,000
▪ Demolish Existing Structures	\$200,000
▪ Relocate Existing Tenant	\$125,000
▪ Utilities (Water, Sanitary & Storm)	\$185,000
▪ Curb and Gutter	\$38,000
▪ Sidewalks	\$30,000
▪ Parking Lots and Roads	<u>\$295,000</u>
	\$1,198,000

The applicant also reviewed the merits of the project and described the public benefit derived from the project, as measured by the eleven review criteria listed in the “Tax Increment Financing Application Process” regarding economic stimulus of the project, tax generation, employment generation, elimination of blight, special or unique opportunities, impact assessment, financial assistance, project feasibility, developer ability to perform, timely completion and payment of taxes.

On October 3, 2008, the “City staff group” met to jointly review the proposal and develop a consensus on the extent of tax increment assistance to be recommended to the Planning Board. The process specifically involved:

- Agreed with the applicant’s assessment that the proposal substantially satisfies the eleven review criteria;
- Agreed that the list of activities for which the applicant has requested TIF funds may be eligible activities, as specified in Montana Urban Renewal Law (Section 7-15-4288, M.C.A.);
- Reviewed the West Bank Urban Renewal District Plan and concluded from there perspective that not all of the proposed activities, for which TIF funds were requested, satisfy the Plan purpose, goals or strategies regarding the intended use of the tax increment funds for public infrastructure and improvements.
- Developed a consensus that all or portions of three activities would be recommended to the Planning Board for tax increment assistance. These included:
 1. Bury existing power lines (fund entire activity)
 2. Utilities (fund the public portion to loop water system)
 3. Sidewalks (fund the public segments along 3rd St. NW & 1st Ave. NW)

It was proposed these activities be undertaken by the applicant and specific costs be reimbursed by the City with tax increment funds, based on actual contractor billed invoices, estimated to be in the range of \$400,000 to \$500,000.

Although an important utility for the area, the existing overhead power lines essentially bisect the proposed development site, as well as other portions of the Urban Renewal District. As such, their location was viewed as having negative physical and visual impacts for redevelopment of the area. Therefore, the relocation and burying of the utility was thought to be a benefit to not only the applicant, but to the overall district. Thus, a justified and eligible cost for use of tax increment funds.

Although the remainder of the above listed activities are eligible under Montana Urban Renewal Law, staff felt they did not satisfy the intended use of funds, as specified during creation of the Urban Renewal District and as spelled out in the Urban Renewal District Plan, that is, funds would be used for public infrastructure and improvements. As such, staff did not recommend funding for the remaining projects.

Staff acknowledged and the applicant was aware that no tax increment funds are currently available and that a “gap” financing mechanism would need to be identified and agreed upon by the City and the applicant.

On October 14, 2008, the Planning Board met to review the development project and to consider the staff report and recommendation. Following presentations by staff and the applicant, as well as a lengthy discussion, the Planning Board unanimously passed a motion recommending the City Commission approve the use of West Bank Urban Renewal District tax increment funds, not to exceed \$900,000, for the below listed improvements. The recommendation was contingent on West Bank Properties, LLC agreeing to relieve the City of any financial liability or responsibility to pay for said improvements should the proposed development project not proceed or be completed or should taxes received from the project be insufficient to cover debt payments on the improvements. The improvements included:

- c) Bury existing power lines; and,
- d) Install utilities (to include water, sanitary sewer & storm sewer), roads (to not include parking lots), curbs, gutters and sidewalks.

Concurrences: A “City staff group” consisting of Fiscal Services, Planning, Community Development, Park & Recreation, and Public Works department heads and the Assistant City Manager evaluated the application and formulated a recommendation to the Planning Board. In turn, the Planning Board developed a consensus and provided a recommendation to the City Commission. The City’s Bond Counsel concurs with the format and content of the Ordinance.

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

Alternatives: The City Commission could not approve, authorize or accept the requested actions.

Attachments/Exhibits:

1. Ordinance 3027
2. Staybridge Suites representation, Exhibit 1
3. Preliminary site master plan, Exhibit 2
4. Vicinity map, Exhibit 3
5. Project application, Exhibit 4
6. Estimated tax increment funds, Exhibit 5

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

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: "ORDINANCE APPROVING A DEVELOPMENT PROJECT PROPOSED BY WEST BANK PROPERTIES, LLC (WEST BANK PROPERTIES PROJECT) AND ASSOCIATED PUBLIC IMPROVEMENTS AS AN URBAN RENEWAL PROJECT AND TO AUTHORIZE FINANCING THE PUBLIC IMPROVEMENTS WITH TAX INCREMENT REVENUES" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission of the City at a regular meeting on December 2, 2008, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this ____ day of December, 2008.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Commission of the City at a regular meeting on December 16, 2008, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this ____ day of December, 2008.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE NO. 3027

ORDINANCE APPROVING A DEVELOPMENT PROJECT
PROPOSED BY WEST BANK PROPERTIES, LLC (WEST
BANK PROPERTIES PROJECT) AND ASSOCIATED PUBLIC
IMPROVEMENTS AS AN URBAN RENEWAL PROJECT AND
TO AUTHORIZE FINANCING THE PUBLIC
IMPROVEMENTS WITH TAX INCREMENT REVENUES

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

Section 1. Recitals.

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

1.02. On September 16, 2008, the Commission established a process to review and evaluate projects and activities proposed by the private sector for use of tax increment funds generated by private sector projects in the District.

1.03. West Bank Properties, LLC, 4415 River Drive North, Great Falls, Montana, (the “Developer”) proposes to develop in the District a mixed use commercial project to include a Staybridge Hotel complex with future sites for a restaurant, office building and retail shops to be located generally along the east side of 3rd Street NW between 1st and 4th Avenues NW (the “West Bank Properties Project”).

1.04. The Developer has identified certain public and related improvements to be constructed and undertaken with respect to the West Bank Properties Project and has requested that tax increment revenues be made available to finance all or a portion of the costs of those improvements.

1.05. On October 3, 2008, the City’s Fiscal Services, Planning, Community Development, Park and Recreation and Public Works department heads and the Assistant City Manager (the “City Staff”) jointly reviewed and evaluated the West Bank Properties Project and funding request and made a report and recommendation (the “City Staff Report”) to the Great Falls Planning Board (the “Planning Board”) to the effect that: the West Bank Properties Project and several specific public improvements as enumerated in Section ~~2.02~~2.03 below (the “Public Improvements”) would be beneficial to the public and would result in the rehabilitation and

redevelopment of the District; and that the Public Improvements are eligible for tax increment financing in accordance with the Act and the purpose and goals of the District and Plan.

1.06. On October 14, 2008, the Planning Board received, reviewed and considered the City Staff Report, as well as information from a representative of the Developer and has made recommendation to the Commission to the effect that the West Bank Properties Project conforms to the City's Growth Policy, adopted in accordance with Title 76, Chapter 1, and that the West Bank Properties Project and Public Improvements should be approved as an urban renewal project and that tax increment revenues to be used to fund a portion of the Public Improvements.

1.07. On November 18, 2008, the Commission adopted Resolution No. 9796, Resolution of Intention to Approve a Development Project Proposed By West Bank Properties, LLC (West Bank Properties Project) and Associated Public Improvements as an Urban Renewal Project and to Authorize Financing the Public Improvements with Tax Increment Revenues; Calling for a Public Hearing Thereon; and Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code.

1.08. Pursuant to Resolution No. 9796, 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 West Bank Properties Project as an Urban Renewal Project.

Section 2. Approval of Project and Financing.

2.01. The Commission hereby confirms the findings with respect to the West Bank Properties Project set forth in Section 3 of Resolution No. 9796.

2.02. The West Bank Properties Project is hereby approved as an Urban Renewal Project.

2.03. The Commission approves financing of the Public Improvements, consisting of: burying existing power lines; installation of water, sanitary sewer and storm sewer utilities; and construction and installation of roads, curbs, gutters and sidewalks in a principal amount not to exceed \$900,000.

2.04. The City Staff is authorized to develop and negotiate a development agreement with the Developer regarding the development of the West Bank Properties Project (the "Development Agreement") which shall specify the terms, conditions and financial arrangements including the use of tax increment revenues to pay costs or reimburse the costs of the Public Improvements, and the design, funding, oversight and construction of the Public Improvements. The Development Agreement shall not be executed and delivered by the City until approved by the Commission.

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

PASSED, ADOPTED and APPROVED on second reading this __ day of _____, 2008.

Dona R. Stebbins, Mayor

Attest: _____
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT

City Attorney

Document comparison done by Workshare DeltaView on Friday, December 05, 2008
2:39:46 PM

Input:	
Document 1	file://H:/client matters/Ellingson A-L/Great Falls, City of/2008 Issues/West Bank Urban Renewal District/Documents/old versions/Ordinance Approve Proj (W. Bank-Staybridge) final.doc
Document 2	file://H:/client matters/Ellingson A-L/Great Falls, City of/2008 Issues/West Bank Urban Renewal District/Documents/Ordinance Approve Proj (W. Bank-Staybridge) final-2.doc
Rendering set	standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
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Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
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Insertions	1
Deletions	1
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	2

Ordinance 3027 Exhibits

Exhibit 1, Staybridge Suites Representation



Staybridge Suites, Great Falls, Montana

James Talcott
Construction, Inc.



EXHIBIT 1

Exhibit 2, Preliminary site master plan

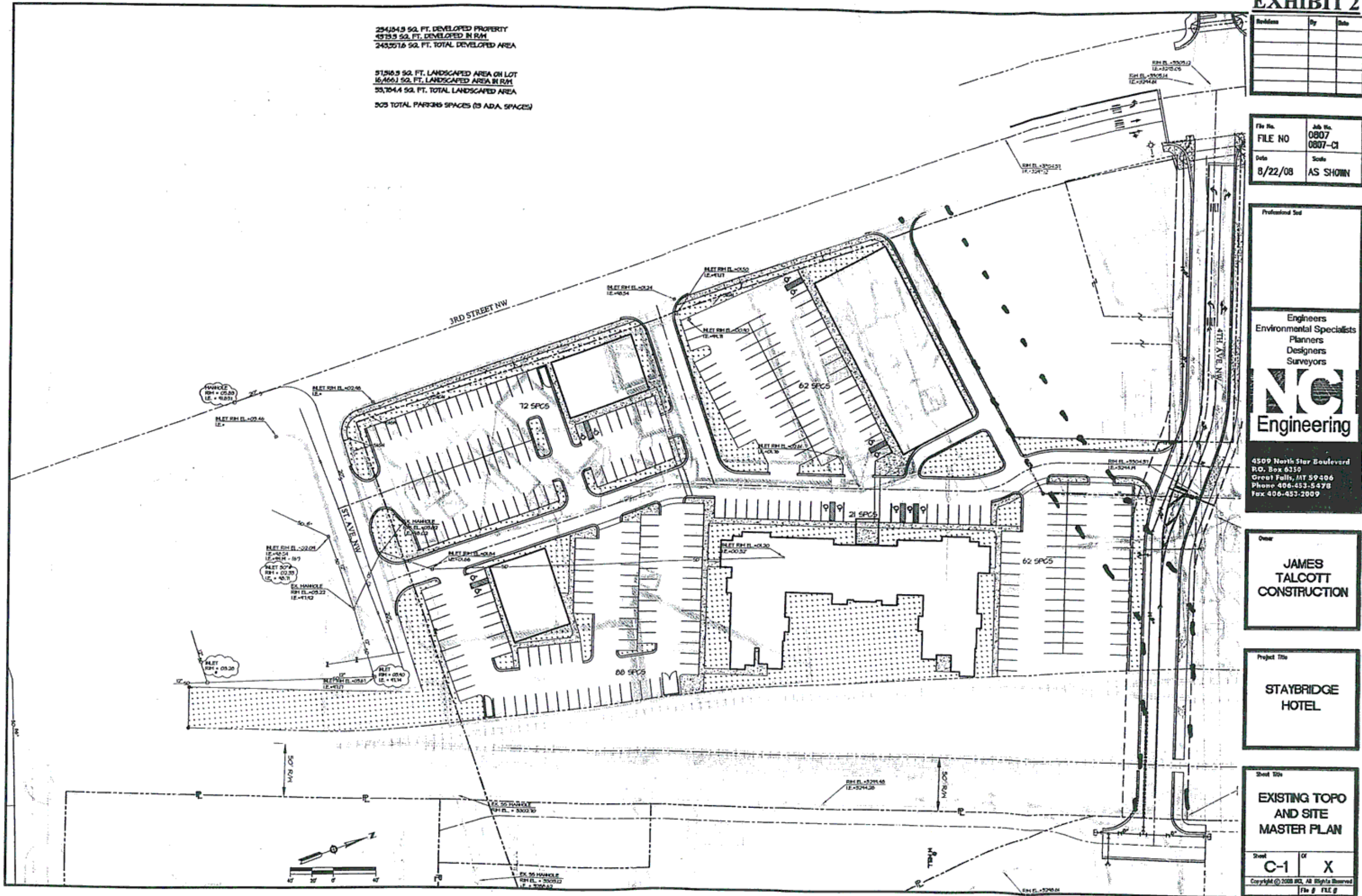


EXHIBIT 2

Revision	By	Date

File No.	Job No.
FILE NO	0807-01
Date	Scale
8/22/08	AS SHOWN

Professional Seal

Engineers
 Environmental Specialists
 Planners
 Designers
 Surveyors

NCI Engineering

4509 North Star Boulevard
 R.O. Box 6350
 Great Falls, VT 59406
 Phone 406-453-5478
 Fax 406-453-2009

Owner

JAMES TALCOTT CONSTRUCTION

Project Title

STAYBRIDGE HOTEL

Sheet Title

EXISTING TOPO AND SITE MASTER PLAN

Sheet C-1 of X
 Copyright © 2008 NCI, All Rights Reserved
 File # FILE.g

Exhibit 3, Vicinity map

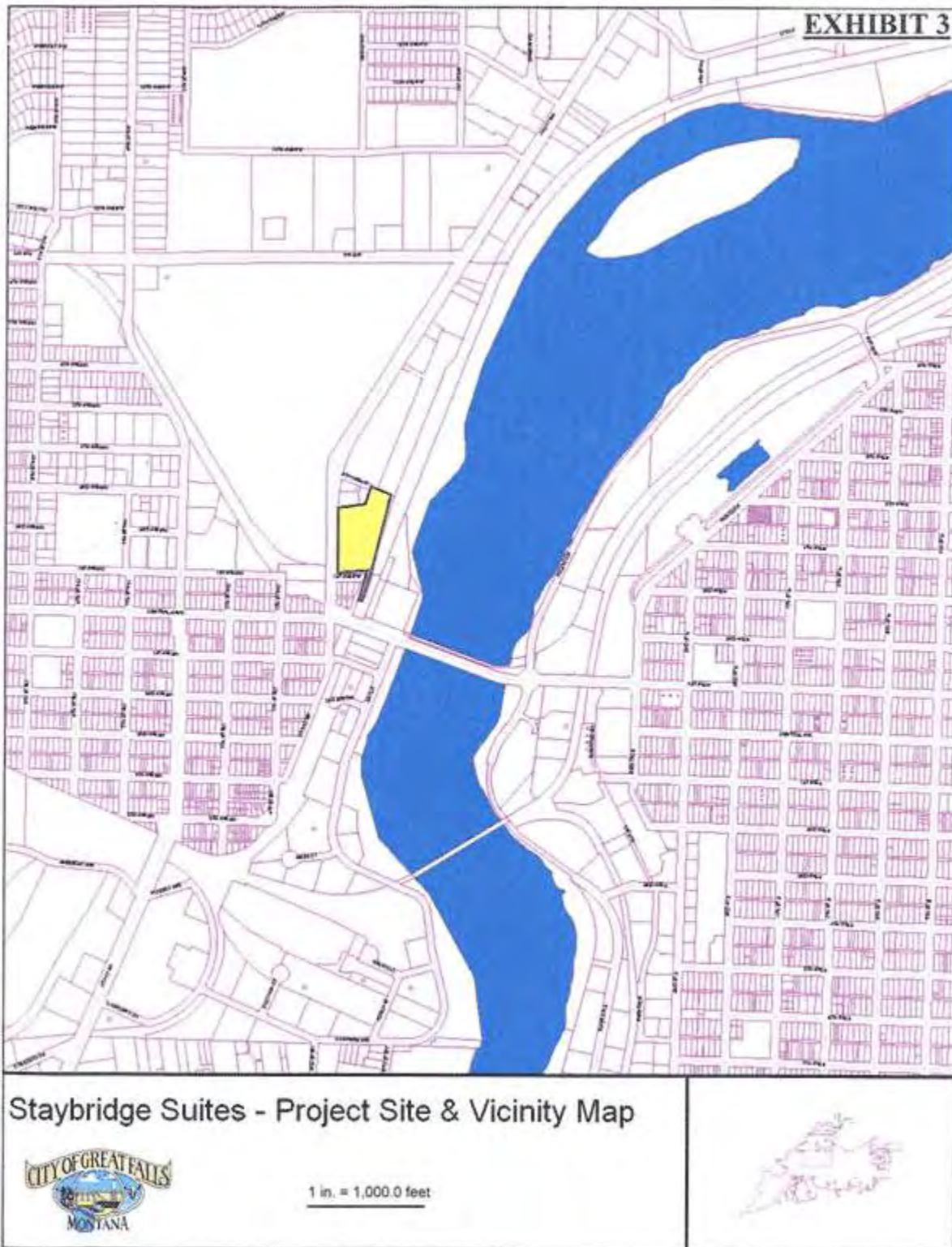


EXHIBIT 4

(page 1 of 4)

CITY OF GREAT FALLS
WEST BANK URBAN RENEWAL DISTRICT
TAX INCREMENT FINANCING (TIF) APPLICATION

Project Name: West Bank Properties Date Submitted: 9/23/08

APPLICANT INFORMATION

- 1. Name: West Bank Properties, LLC
- 2. Address: 4415 River Dr. North
Great Falls, MT 59403
- 3. Telephone Number: 406-761-0018

PROJECT INFORMATION

- 1. Building Address: Intersection of 4th Ave N & 3rd Street - 6F
- 2. Legal Description: Tract of land in SE1/4SW1/4 and Gov't Lot 7 in Sec 2
and the NW1/4NE1/4 of Section 11, all in township 20 North, Range 35 E
- 3. Ownership: James Talcott Construction, Inc
Address: 4415 River Dr. North - 6F, MT 59403
- 4. If property is not owned by the Applicant, list leasehold interests: (Attach evidentiary materials.)
Name: N/A
Address: _____
- 5. Existing/Proposed Businesses: _____
Business Description: _____
- 6. Employment: Existing FTE Jobs 0
New Permanent FTE Jobs created by project 45 Construction FTE jobs 75
- 7. Architectural Firm: G.M. Rombowski Architect, Inc.
Address: 33 Merc Bld - Fairlawn, OH 44333
Representative: Genevieve Rombowski
- 8. Description of Project: (Attach narrative explanation.)
- 9. Rehabilitation/construction Plans (Attach schematics, site, and landscaping plans.)
- 10. Project Schedule: (Attach time line or schedule through completion.)

Rev. 9/23/08

Revised 10/2006

PROJECT COSTS

Land and Site Improvements (Itemized)

1. Equity in Land and Buildings	\$ <u>1,960,200</u>
2. Site Utilities	\$ <u>197,750</u>
3.	\$ _____
4.	\$ _____

Subtotal

\$ 2,157,950

Construction/Rehabilitation Costs (Use general construction trade divisions)

1. James Talcott Const.	\$ <u>8,023,000</u>
2. Landscape	\$ <u>100,000</u>
3.	\$ _____
4. Front Dest System	\$ <u>62,150</u>
5. Phones, Signs	\$ <u>189,215</u>
6. Other Professional Services	\$ <u>30,000</u>
7. FF&E	\$ <u>1,582,000</u>
8. Preopen Expense	\$ <u>80,000</u>
9. Construction Interest/ Lease exp loan	\$ <u>627,150</u>
10. Contingency	\$ <u>200,000</u>

Subtotal

\$ 10,893,575

Fees

1. Architectural design/Supervision	\$ <u>192,100</u>
2. Permits _____	\$ <u>40,000</u>
_____	\$ _____
3. Other fees <u>title/escrow fee</u>	\$ <u>15,000</u>
<u>feanchise fee</u>	\$ <u>56,500</u>

Subtotal

\$ 303,600

Total Project Development Costs

\$ 13,355,125

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested \$ 180,000
Land & Buildings \$ 1,960,200
Other (Specify) _____ \$ _____
_____ \$ _____

Subtotal \$ 2,140,200

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
<u>GFDA</u>	<u>\$ 2,000,000</u>	<u>7</u> %	<u>20</u> yrs	<u>\$ 15,506</u> /mo
<u>Stockman Bank</u>	<u>\$ 8,016,925</u>	<u>7</u> %	<u>20</u> yrs	<u>\$ 62,889</u> /mo
Total Loan Amount				<u>\$ 78,385</u> /mo

TIF Request

Eligible Improvements (See Narrative)

\$ See Attached

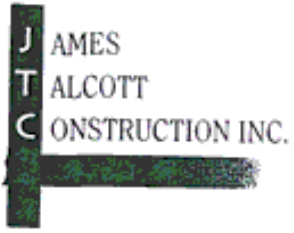
Subtotal \$ 1,198,000

Sources of Funds Summary (Post totals from above)

Developer Equity \$ 2,140,200
Lender Commitments \$ 10,016,925
TIF Request \$ 1,198,000
Other Funds (Specify) _____ \$ _____

Total Project Financing \$ 13,355,125

Rev: 9/23/08



*EXHIBIT 4
(page 4 of 4)*

West Bank Properties
Hotel Development
TIF Request
September 2008

Bury Existing Power Lines	\$	325,000
Demolition of Existing Structures	\$	200,000
Relocation Existing Tenant	\$	125,000
Utilities (Water, Sanitary, & Storm)	\$	185,000
Curb and Gutter	\$	38,000
Sidewalks	\$	30,000
Parking Lots, and Roads	\$	295,000
Total:	\$	1,198,000

Added: 9/27/08

EXHIBIT 5



Dan Bucks
Director

Montana Department of Revenue



Brian Schweitzer
Governor

August 5, 2008

To: James Talcott Construction, Inc

From: Montana Department of Revenue
300 Central Ave Ste 520
Great Falls, Mt 59401

Re: Estimated Tax Increment 

Below is an estimate of the increment value on your proposed project within the West Bank Urban Renewal District.

Current **Total** Market Value = \$787,588
Current **Total** Taxable Value = \$24,179.
Total County Tax Liability = \$14,857.

Market Value (**land only**) = \$372,629
Taxable Value = \$9,534.
County Tax Liability (**land only**) = \$5900.

New Estimated Total Market Value = \$ 9,373,000 (Land/Improvements/FF&E)
New Estimated Total Taxable Value = \$244,214
New Estimated County Tax Liability = \$150,000

New Total Estimated TV (land/improvement/personal property) = \$244,214.
Certified Base Taxable Value = \$24,214.
Difference is Incremental Value = \$220,000. (\$244,214 less \$24,214 = \$220,000).

Total Estimated Increment Tax Dollars = \$135,000.

The Department of Revenue is the process of a Statewide Reappraisal for the 2009 tax year. The above figures are estimated based on current land values, tax rates, exemption percentages and mill levies. All market values will change for 2009 and tax rates, exemption percentages and mill levies are yet to be determined.

This is an estimated of values and taxes and is subject to change.



Item: Public Hearing - Approve the Federal Courthouse/4th Avenue NW Project as an urban renewal project and to authorize financing the public improvements with tax increment revenues; and to accept Ordinance 3028 on first reading and set final reading for December 16, 2008 (OF 1499)

From: Martha Capps, Operations Supervisor

Initiated By: Fiscal Services and Bond Counsel

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission approve the Federal Courthouse/4th Avenue NW Project as an urban renewal project and to authorize financing the public improvements with tax increment revenues; and accept Ordinance 3028 on first reading and set final reading for December 16, 2008

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: (Each motion to be separately considered)

1. Commissioner moves:

“I move the City Commission (adopt/deny) the Federal Courthouse/4th Avenue NW Project as an urban renewal project and (authorize/not authorize) financing public improvements with tax increment revenues.”

And;

“I move the City Commission (accept/deny) Ordinance 3028 on first reading and set final reading for December 16, 2008.”

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

Staff Recommendation: Staff recommends the City Commission approve the Federal Courthouse/4th Avenue NW Project as an urban renewal project and authorize financing public improvements

with tax increment revenues; and approve Ordinance 3028 on first reading and set final reading for December 16, 2008.

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. The most significant improvement needing to be completed is the reconstruction and upgrade of 4th Avenue NW. These include roadway improvements, intersection upgrades, and rail signal and track crossing improvements. Also included is the design and engineering of public infrastructure to benefit West Bank Park, and extending the water main into the district. All issuance fees and costs will also be paid out of any financing, and will be repaid from tax increment generated from increased property values within the district. The Resolution of Intention 9801 adopted November 18, 2008 lists the various projects in detail which are needed to facilitate the development of the District in general.

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

Fiscal Impact: The costs associated with the improvements and debt issuance will be reimbursed to the City as Tax Increment revenues come available from increased property values within the district.

Alternatives: The City Commission could choose to not approve the Urban Renewal Project, and thereby deny the financing of the public improvements with tax increment revenues, and not accept Ordinance 3028 on first reading. The projects would then have to be reviewed in regards to priority and alternative financing options.

Attachments/Exhibits: Ordinance 3028

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: "ORDINANCE APPROVING THE FEDERAL COURTHOUSE/4TH AVENUE NW PROJECT AS AN URBAN RENEWAL PROJECT AND AUTHORIZING TAX INCREMENT FINANCING OF CERTAIN PUBLIC PROJECTS RELATED THERETO" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission of the City at a regular meeting on December 2, 2008, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this ____ day of December, 2008.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Commission of the City at a regular meeting on December 16, 2008, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this ____ day of _____, 2008.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE NO. 3028

ORDINANCE APPROVING THE FEDERAL
COURTHOUSE/4TH AVENUE NW PROJECT AS AN URBAN
RENEWAL PROJECT AND AUTHORIZING TAX
INCREMENT FINANCING OF CERTAIN PUBLIC PROJECTS
RELATED THERETO

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

Section 1. Recitals.

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

1.02. 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 the Federal Courthouse (the “Federal Courthouse”). Construction of the Federal Courthouse is expected to be completed and 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 4th Ave 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 4th Avenue NW Reconstruction Project consisting of a track crossing and rail signals, realignment and reconstruction of 4th Avenue NW, including land acquisition and improvements to the intersection with 3rd Street NW (the “4th Avenue NW Reconstruction Project”); the extension and looping of the City’s water main to connect 3rd 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/4th Avenue NW Project”).

1.04. The City’s Fiscal Services, Planning, Community Development, Park and Recreation and Public Works department heads and the Assistant City Manager (the “City Staff”) has determined that the Public Projects are eligible for tax increment financing in accordance with the Act and the purpose and goals of the District and Plan and should be approved as urban renewal projects and that tax increment revenues, to the extent available, be used to fund them.

~~1.06.~~1.05. On November 18, 2008, the Commission adopted Resolution No. 9801, Resolution of Intention to Approve the Federal Courthouse/4th 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.

~~1.08.~~1.06. 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/4th Avenue NW Project as an Urban Renewal Project and the financing of the Public Projects with tax increment revenues.

Section 2. Approval of Project and Financing.

2.01. Taking into consideration the public comments offered at the public hearing and other available information, the Commission hereby confirms the findings with respect to the Federal Courthouse/4th Avenue NW Project set forth in Section 3(~~2~~) Resolution No. 9801.

2.02. The Federal Courthouse/4th Avenue NW Project is hereby approved as an Urban Renewal Project.

2.03. The Public Projects described below are hereby approved as urban renewal projects within the meaning of the Act and are approved to be financed from District tax increment revenues.

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

2.04. The City will 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. The City Staff, working with D.A. Davidson as the City’s underwriter (the “Underwriter”) is authorized to proceed with the financial analysis to determine the final principal amount of the Bonds that can be issued and to prepare the necessary

documentation to authorize the sale and issuance of the Bonds on a negotiated sale to the Underwriter, subject to final approval of the Commission.

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

PASSED, ADOPTED and APPROVED on second reading this __ day of _____, 2008.

Dona R. Stebbins, Mayor

Attest: _____
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT

City Attorney

Document comparison done by Workshare DeltaView on Friday, December 05, 2008
2:37:38 PM

Input:	
Document 1	file://H:/client matters/Ellingson A-L/Great Falls, City of/2008 Issues/West Bank Urban Renewal District/Documents/old versions/Ordinance Approve Proj (Courthouse) final.doc
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Rendering set	standard

Legend:	
<u>Insertion</u>	
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Style change	
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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	2
Deletions	3
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	5



Item: Public Hearing on Resolution 9792, Creating Tourism Business Improvement District (TBID) No. 1307

From: Martha Capps, Operations Supervisor

Initiated By: Great Falls Area Lodging Association Committee

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Conduct public hearing and adopt Resolution 9792

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9792.”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9792 and create Tourism Business Improvement District (TBID) No. 1307.

Background: The City Commission is authorized by M.C.A. 7-12-1101 - 1144 to create a business improvement district for the purpose of promoting tourism, conventions, trade shows, and travel to the City of Great Falls. The City is also authorized to assess the applicable property owners within the district any or all of the costs of funding all uses and projects for tourism promotion within Great Falls.

On October 21, 2008 staff received signed petitions, on file in the City Clerk’s office, from more than 60%, the required minimum, of the hotel owners in Great Falls, asking for the creation of the TBID. The boundary lines of the district are designated as the boundaries and limits of the City of Great Falls.

Property owners had 15 days after the date of the first publication of the Legal Notice or written notification to make a written protest to the City Clerk against the proposed creation of the TBID. No such protests were received.

A Board of Trustees, comprised of applicable property owners within the district will have the powers and duties to oversee the District. A work plan and budget for the district shall be submitted each fiscal year to the City Commission for final approval.

Concurrences: Representatives from Fiscal Services have been working with the property owners and tourism marketers throughout the review and approval process.

Fiscal Impact: The assessment for the costs of tourism promotion and operating the TBID will be placed upon all parcels with hotels, with six or more rooms, as defined as any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, motel, or other similar structure or portion thereof, within the boundaries of the district.

The assessments will be a flat fee of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133, subsection (c), M.C.A. This assessment may be modified annually by adoption of a resolution or adoption of the City's budget.

Alternatives: The City Commission could choose to not adopt Resolution 9792 and thereby deny the Creation of the Tourism Business Improvement District No. 1307.

Attachments/Exhibits: Resolution 9792 w/Exhibit A

Cc. Gayle Fisher, Russell Country Tourism Region

RESOLUTION # 9792

A RESOLUTION CREATING A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY OF GREAT FALLS, MONTANA

WHEREAS, the City Commission of the City of Great Falls, is authorized to create business improvement districts for the purpose of promoting tourism, conventions, trade shows and travel to the city.

WHEREAS, a Tourism Business Improvement District will increase tourist trips and promote and benefit the tourism and lodging industry in Great Falls.

WHEREAS, the City Commission of the City of Great Falls, is authorized to require that all or any portion of the cost of funding all uses and projects for tourism promotion within Great Falls, as specified in the Great Falls TBID budget, be paid by the owners of the property embraced within the boundaries of such a district.

WHEREAS, the City Commission of the City of Great Falls, is authorized to assess and collect monies to defray the costs for said uses and projects from eligible properties within the district.

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

Section 1. Creation of Tourism Business Improvement District. In accordance with its stated intention contained in Resolution 9791, adopted November 5, 2008, the City Commission of the City of Great Falls hereby creates a Tourism Business Improvement District (TBID) for the purpose of promoting and marketing Great Falls and creating special benefit for the lodging businesses in the City. The assessments collected shall be used for the statutory purposes set forth in Business Improvement District Law, 7-12-1101 through 1144 M.C.A as amended, for the funding of uses and projects for tourism promotion within Great Falls as specified in the Great Falls TBID budget.

Section 2. Petition. The City Commission received petitions signed by more than the minimum requirement of 60 percent of the owners of the property proposed to be included in the district, and are on file in the City Clerks' office. The City Commission also conducted a public hearing to consider establishing the TBID as provided for in State Statute.

Section 3. Number of District. The District shall be known and designated as the Tourism Business Improvement District (TBID) No. 1307 of the City of Great Falls, Montana.

Section 4. Boundaries of District. The limits and boundaries of the District are the limits and boundaries of the City of Great Falls, as may be amended from time to time, which boundaries are designated and confirmed as the boundaries of the District. A listing of each of the properties in the District, to be assessed, as of this date, is shown on Exhibit "A", attached hereto.

Section 5. Benefited Property. The District and territory included within the limits and boundaries described in Section 4 are hereby declared to be the TBID and the territory which will benefit and benefit from the assessments that are collected within the District. The hotels or lodging facilities, as defined in Section 9, are specially benefited by the activities and operations of the District.

Section 6. General Character of the Services to be Performed. The services to be performed shall be the funding of uses and projects for tourism promotion within Great Falls as specified in the Great Falls TBID budget. It includes the marketing of convention and trade shows that benefit local tourism and lodging businesses in Great Falls; the marketing of Great Falls to the travel industry in order to benefit local tourism and the lodging businesses located within the Great Falls TBID; and the marketing of Great Falls to recruit major sporting events in order to promote local tourism and to benefit the lodging businesses within the Great Falls TBID.

Section 7. Appointment of Board of Trustees. Upon adoption of this Resolution, the City Commission shall appoint not less than five or more than seven owners of the property or their assignees within the TBID to comprise the Board of Trustees of the District. The members of the Board shall be appointed in compliance with Section 7-12-1121, M.C.A.

Section 8. Powers and Duties of Trustees. The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A and any other applicable laws, ordinances or regulations. At a time determined by the City Council, the Board of Trustees shall submit to the City Commission for approval a work plan and budget for the ensuing fiscal year. The City Commission may modify the work plan and budget as it considers necessary and appropriate.

Section 9. Property to be Assessed. Parcels with hotels, with six or more rooms, defined as any structure, or any portion of any structure, which is occupied or intended or

designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, motel, or other similar structure or portion thereof, within the boundaries of the district are to be assessed for the costs of operating the TBID.

Section 10. Assessments. All hotels, as defined in Section 9, that are within the District will be assessed for the costs of tourism promotion and operating the TBID. The applicable hotels shall be subject to an annual assessment of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133, subsection (c), M.C.A. Stays by persons who are otherwise exempt from paying a transient occupancy tax (a.k.a lodging facility use tax), as provided in Sections 15-65-101 through 15-65-136 M.C.A, shall be exempt from the assessment. The assessments may be modified annually by adoption of a resolution or adoption of the City's budget.

Section 11. Payment of Assessments. The assessments for the costs of maintaining the services provided by the TBID shall be payable, as prescribed in Section 7-12-1133(2) subsection (c), M.C.A.

Section 12. Duration of District. The duration of the TBID shall be for a period of ten years as prescribed in Section 7-12-1141, M.C.A. Upon receipt of a petition signed by the owners of more than 50% of the area of the property included in the district, the governing body shall terminate the district at the end of any fiscal year.

Section 13. Effective Date. The effective date for this resolution and the date upon which the District is created shall be January 1, 2009.

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 2nd day of December 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

TOURISM BUSINESS IMPROVEMENT DISTRICT

	PARCEL	NAME		Street Address
1	001734800	AIRWAY MOTEL	1800	14TH ST SW
2	000314000	ALBERTA MOTEL	1101	CENTRAL AVE W
3	000716000	BEST RESTING MOTEL	5001	RIVER DR N
4	001083100	BEST WESTERN HERITAGE INN	1700	FOX FARM ROAD
5	000311500	CENTRAL MOTEL	715	CENTRAL AVE W
6	001894200	CRESTVIEW INN	500	13TH AVE S
7	001900110	CRYSTAL INN - GTF	3701	31ST STREET SW
8	001861800	DAYS INN OF GREAT FALLS	101	14TH AVE NW
9	000526020	EXTENDED STAY AMERICA #7068	800	RIVER DR S
10	000278000	FAIRFIELD INN	1000	9TH AVE S
11	001087000	FOX HOLLOW INN	1700	10TH ST SW
12	000824600	GREAT FALLS COMFORT INN	1120	9TH ST S
13	000722410	GREAT FALLS INN	1400	28TH ST S
14	001897600	HAMPTON INN	2301	14TH ST SW
15	000972810	HILTON GARDEN INN	2520	14TH STREET SW
16	000821600	HOLIDAY INN	400	10TH AVENUE SO
17	000898070	HOLIDAY INN EXPRESS HOTEL &	1801	MARKET PLACE DR
18	000122950	IMPERIAL INN	601	2ND AVE N
19	000526040	LA QUINTA INN & SUITES	600	RIVER DR S
20	000157350	MID TOWN MOTEL	526	2ND AVE N
21	001083400	MOTEL 6 #4238	2	TREASURE STATE DR
22	000189075	O'HAIRE MOTOR INN	17	7TH STREET SOUTH
23	000979200	PLAZA INN	1224	10TH AVE S
24	000191500	QUALITY INN	220	CENTRAL AVE
25	000185550	ROYAL MOTEL	1300	CENTRAL AVE
26	001832800	STARLIT MOTEL	1521	1ST AVE NW
27	000979300	SUPER 8 MOTEL GREAT FALLS	1214	13TH ST S
28	000334900	TOWNHOUSE INN	1411	10TH AVE S
29	000162050	TRIPLE CROWN	621	CENTRAL AVE
30	001047100	WESTERN MOTEL SKI'S	2420	10TH AVE S



Item: Public Hearing - Resolution 9794 for Conditional Use Permit for Collins Mansion

From: Bill Walters, Senior Planner

Initiated By: Samuel and Andrea Gouchenour, Property Owners

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9794 and approve Agreement.

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 9794 and (approve/disapprove) the accompanying Agreement.”

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

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held October 14, 2008, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center, provided the applicant enters into an agreement with the City agreeing that first and foremost the primary use of the property shall be a single family residence, with the bed and breakfast and community center operations being secondary or accessory in nature.

Background: Samuel and Andrea Gouchenour, owners of the Collins Mansion at 1003 2nd Avenue NW, have applied for a conditional use permit to allow the large dwelling unit to serve as a community center.

Subject property, legally described as Lots 12 – 14, Block 28, West Great Falls Addition, is zoned R-3 Single-family high density use district wherein a community center which accommodates special event functions such as receptions and weddings is permitted upon processing and approval of a conditional use permit.

The definition in the Unified Land Development Code for community center is “a place and/or building, or portion thereof that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.”

The City Commission following a public hearing held January 17, 2006, approved a resolution and an agreement granting a conditional use permit to allow the Collins Mansion to serve as a community center subject to specified terms and conditions. But that permit expired when the premises was vacated and put on the market for sale over a year ago.

The attached site plan shows the size and configuration of subject property together with the location of the primary residential structure and driveways serving the property.

The applicants have provided the following description for the catering portion of the business.

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

Frequency or number of functions: 24-36 functions per year.
(Averages two to three per month.)

Hours & duration of functions: Functions during weekdays will be scheduled between 4:00 p.m. and 9:00 p.m. and functions during the weekend will be scheduled between 10:00 a.m. and 9:00 p.m. An event will last approximately three hours between these time slots.

Average number of individuals attending functions: 20 people. The premises can accommodate a maximum of 40 people for a full sit-down meal and 65 for a cocktail party.

Two relatives of the applicants will reside on the premises and handle the day to day operation of the inn. The applicants, Samuel and Andrea Gouchenour, will assist during special events.

The Collins Mansion will also accommodate operation of a bed and breakfast which does not by itself require a conditional use permit as does special event functions such as receptions and weddings. However, the City Community Development Department intends to issue only one safety inspection certificate for the Collins Mansion which will be inclusive of both the bed and breakfast and the community center operations.

Regarding vehicular parking, at least 10 vehicles can park on the premises utilizing four parking stalls off 3rd Alley NW, the circular driveway at the front of the facility and the through driveway along the west side of the involved structure. The applicants recently entered into a Shared Parking Space Lease Agreement with Great Falls Public Schools providing an additional 10 parking spaces located at the west end of the West Elementary School parking lot. The Parking Supervisor in the Community Development Department has stated the proposed parking plan meets the City’s parking requirements.

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, 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. Following each is staff's response to the criteria.

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

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

The streets in the vicinity of the Mansion must absorb any overflow parking demand which is legal but can generate concerns from neighbors. However, the infrequency of the functions held at the Mansion and their short duration should limit complaints.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit, provided the conditions accompanying the recommendation are fulfilled and enforced.

The only citizen who spoke during the Public Hearing before the Zoning Commission on October 14 was Andrea Gouchenour, the co-applicant. No proponents or opponents spoke during the Hearing.

Attached is an Agreement containing terms and conditions associated with the conditional use permit.

Concurrences: Other City Departments including Public Works, Community Development and Fire Department have been consulted regarding the conditional use permit. Neighborhood Council 2 has provided a statement supporting approval of the conditional use permit provided all requirements of the Planning and Community Development Departments are met.

Fiscal Impact: Approval of the conditional use permit will support the use, occupancy and maintenance of an historical property which otherwise may remain dormant and continue to deteriorate.

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:

Resolution 9794

Agreement

Vicinity/Zoning Map

Site Plan

Cc: Andrea Gouchenour, 801 1st Ave NW, Conrad, MT 59425
Kim McCleary, Parking/Zoning Supervisor

RESOLUTION 9794

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

* * * * *

WHEREAS, Samuel and Andrea Gouchenour presently own Lots 12 - 14, Block 28, West Great Falls Addition, addressed as 1003 2nd Avenue Northwest; and

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

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

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

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

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 14, 2008, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow the Collins Mansion on Lots 12 - 14, Block 28, West Great Falls Addition, to serve as a community center subject to specified terms and conditions.

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

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

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

That the use of the Collins Mansion as a community center shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2008, between the City of Great Falls and Samuel and Andrea Gouchenour; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 2nd day of December, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9794 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2nd day of December, 2008, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of December, 2008.


Lisa Kunz, City Clerk


(SEAL OF CITY)

VICINITY/ZONING MAP

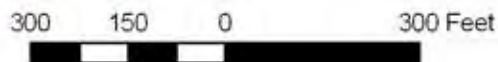


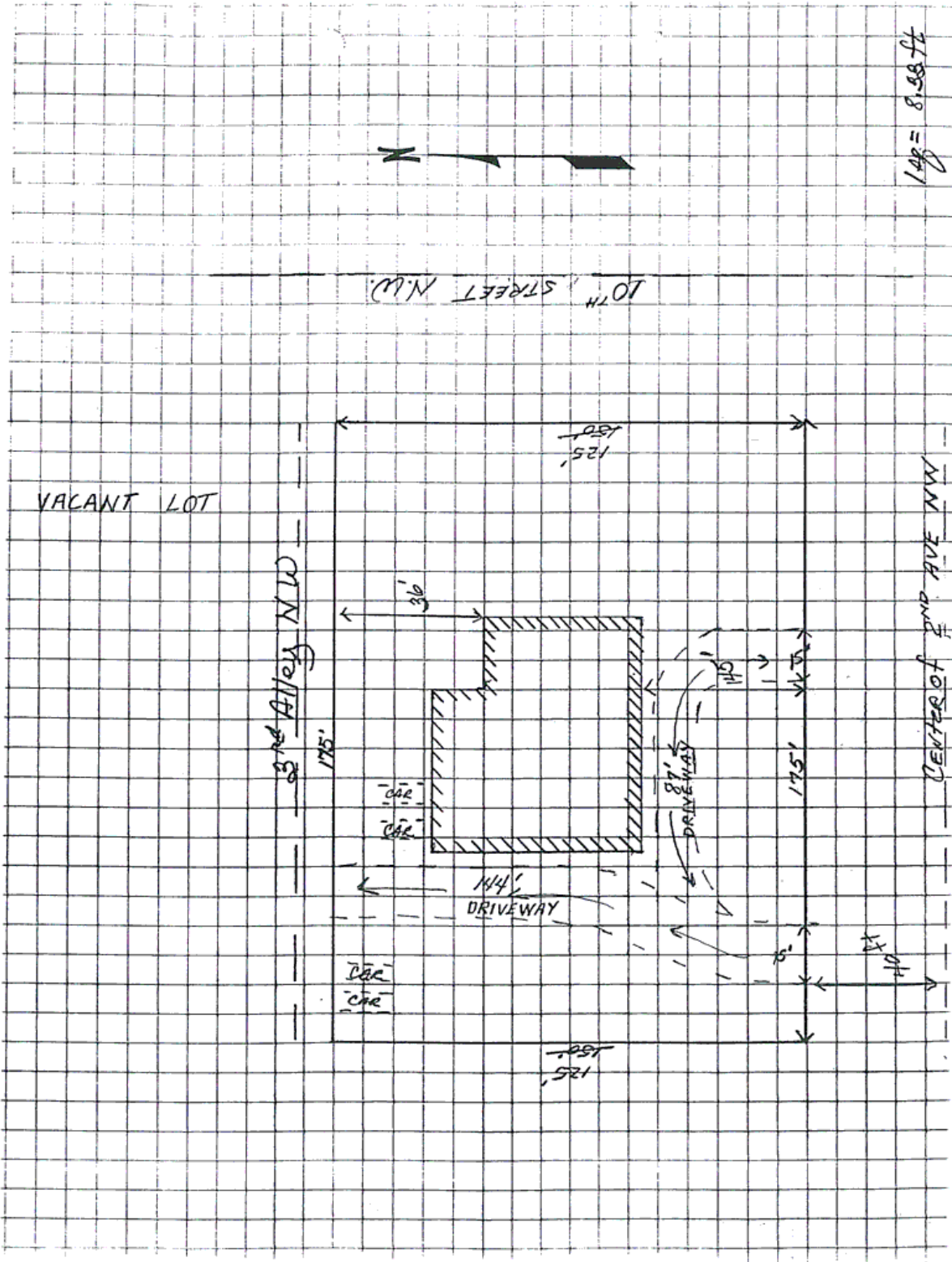
 PROPERTY REQUESTED TO BE GRANTED A CONDITIONAL USE PERMIT TO SERVE AS A COMMUNITY CENTER

 PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT

 C-2 GENERAL COMMERCIAL DISTRICT

 R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT





1/4" = 8.58 ft



Item: Public Hearing on Resolution 9798, Establishing Sanitation Service Rates for FY 09

From: Martha Capps, Operations Supervisor

Initiated By: Public Works and Fiscal Services Departments

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Conduct public hearing and adopt Resolution 9798

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9798.”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9798 and establish Sanitation Service Rates for FY 09.

Background: OCCGF 8.32.350 requires the Commission to adopt a resolution establishing rates to defray the costs of sanitation services for the fiscal year. At this time, staff recommends increasing service rates for the Recycling Center approximately 25%, and the commercial rate for the 3 yard Commercial Drop Box service would increase from \$32.50 to \$40.00. Staff proposes adjusting the sanitation rates to adequately provide service while covering the expenses largely due to the increase in fuel and equipment costs. As the fiscal year continues, staff will monitor the Sanitation budget closely to insure the current residential and commercial rates are adequate to cover costs. In the future, it may be necessary to bring proposed increases for these services to the Commission for approval.

Concurrences: Representatives from Public Works, Budget, and Fiscal Services work together throughout the process.

Fiscal Impact: The rate increases are necessary to make the Citizen's Convenience Center financially viable. The increased rates will help ensure that all of the users of the facility (County residents, Montana Waste customers and City Sanitation Customers) pay for the operation of the center. It has previously been subsidized by City Sanitation customers alone.

Alternatives: The City Commission could choose deny Resolution 9798.

Attachments/Exhibits: Resolution 9798

Cc: Rick Schott, Public Works
Jim Rearden, Public Works

RESOLUTION 9798

A RESOLUTION TO ESTABLISH RATES IN ACCORDANCE WITH TITLE 8, CHAPTER 8.32, OCCGF, FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE COLLECTED FROM CUSTOMERS OF THE CITY OF GREAT FALLS EFFECTIVE JANUARY 1, 2009.

WHEREAS, The City Commission of the City of Great Falls, having met and conducted the hearing this day in regular session at the Civic Center, Great Falls, Montana, at 7:00 P.M., and having considered the cost of operation, equipment and facilities for the solid waste collection and disposal system do hereby establish the basic monthly collection rates charged City customers for, once per week, full service, as follows:

<u>RESIDENTIAL</u>	<u>FY 09 PROPOSED</u>
per	
month Regular 65 Gallon	\$ 8.10
Regular 96 Gallon	\$ 9.67
Additional 96 Gallon	\$ 5.49
Senior Citizen	\$ 6.74
Extra Pickup	
96 Gallon	\$ 5.50
 <u>COMMERCIAL</u>	
96 Gallon	\$ 18.40
300 Gallon (Shared) or 1 yd.	\$ 25.25
300 Gallon (sole use) or 1.5 yard	\$ 29.60
2 yard	\$ 35.40
3 yard	\$ 50.80
Over 3 yard (per yard)	\$ 16.80
6 yard loose	\$100.63
6 yard compacted	\$226.00
8 yard loose	\$134.40
Extra Pickup	
300 Gallon	\$ 7.85
plus extra's - \$2.00/minute	
Charges for other commercial pickup frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charged to the customer @ \$2.00 per minute if it takes longer than 2 minutes to load the material.	
Special Pickup	
Large appliances	\$ 6.00
Large appliances with Freon	\$ 26.00
 <u>DROP BOX</u>	
per	
pickup 3 yard loose	\$ 40.00
20 yard loose	\$235.00
30 yard loose	\$265.00
40 yard loose	\$290.00
30 yard compacted	\$175.00
40 yard compacted	\$175.00

Per Day Rental

permanent w/fixed pickup schedule	\$ 2.00
short term rental	\$ 4.00
after 5 days	\$ 2.00

Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.

RECYCLE CENTER

per load

Car (minimum)	\$ 5.00
Truck (1 cubic yard)	\$ 10.00
Truck (1.5 cubic yard)	\$ 15.00
Trailer (single axle)	\$ 10.00
Trailer (large load – 12’ limit)	\$ 15.00
Handling fee	\$ 25.00
**Heavy or bulky loads (asphalt shingles)	
Fluorescent Bulbs – per bulb	\$.25 - \$1.25
Used Cooking Oil (5 gallon per week limit)	\$ 2.00
Used Motor Oil (5 gallon per week limit)	\$ 2.00
White goods	\$ 3.00
No Freon – Refrigerators/Freezers/Air Conditioners	
Paint (per gallon)	\$ 2.00

PASSED by the Commission of the City of Great Falls, Montana, on this 2nd day of December 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved as to form:

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 Resolution No. 9798 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 2nd day of December 2008, and approved by the Mayor of said City on the 2nd day of December 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of December 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

**SANITATION RATES
RESOLUTION 9798**

		<u>FY08</u> <u>CURRENT</u>	<u>FY09</u> <u>PROPOSED</u>
<u>RESIDENTIAL</u>			
per month	Regular 65 Gallon	8.10	No Change
	Regular 96 Gallon	9.67	No Change
	Additional 96 Gallon	5.49	No Change
	Senior Citizen	6.74	No Change
Extra Pickup	96 Gallon	5.50	No Change
<u>COMMERCIAL</u>			
per month	96 Gallon	18.40	No Change
	300 Gallon (shared) or 1 yard	25.25	No Change
	300 Gallon (sole use) or 1.5 yard	29.60	No Change
	2 yard	35.40	No Change
	3 yard	50.80	No Change
	Over 3 yard (per yard)	16.80	No Change
	6 yard loose	100.63	No Change
	6 yard compacted	226.00	No Change
	8 yard loose	134.40	No Change
Extra Pickup	300 Gallon	7.85	No Change
	plus extra's - \$2.00/minute		
	<i>Charges for other commercial pickup frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charge to the customer @ \$2.00 per minute if it takes longer than 2 minutes to load the material.</i>		
Special Pickup	Large appliances	6.00	No Change
	Large appliances-with freon	26.00	No Change
<u>DROP BOX</u>			
per pickup	3 yard loose	32.50	40.00
	20 yard loose	235.00	No Change
	30 yard loose	265.00	No Change
	40 yard loose	290.00	No Change
	30 yard compacted	175.00	No Change
	40 yard compacted	175.00	No Change
Per Day Rental	permanent w/ fixed pickup schedule	2.00	No Change
	short term rental	4.00	No Change
	after 5 days	2.00	No Change
	<i>Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.</i>		
<u>RECYCLING CENTER</u>			
per load	Car (minimum)	4.00	5.00
	Truck (1cubic yard)	8.00	10.00
	Truck (1.5 cubic yard)	11.00	15.00
	Trailer (single axle)	8.00	10.00
	Trailer (large load - 12' limit)	10.00	15.00
	Handling Fee	20.00	25.00
	**Heavy or Bulky Loads (asphalt shingles)		
	Fluorescent Bulbs - per Bulb		.25 - 1.25
	Used Cooking Oil (5 gallon per week limit)	2.00	2.00
	Used Motor Oil (5 gallon per week limit)	2.00	2.00
	White Goods	2.00	3.00
	No-Freon - Refrigerators/Freezers/Air Conditioners		
	Paint - per Gallon	1.00	2.00



Item: Ordinance 3023 to Assign City Zoning to Tyndall Addition, Phase 1

From: Charles Sheets, Planner 1

Initiated By: Kendall and Maxima Cox, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Ordinance 3023 on first reading and set a public hearing for January 6, 2009, to consider adoption of Ordinance 3023.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3023 on first reading and set a public hearing for January 6, 2009.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held July 22, 2008, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of R-3 Single-family high density district to Tyndall Addition, Phase 1, upon annexation to the City.

Background: The developer now requests approval of the final plat and annexation of Tyndall Addition, Phase 1. The subdivision is located along the westerly extension of 37th Avenue Northeast and consists of 10 single-family lots ranging in size from 9,472 sq. ft. to 10,240 sq. ft.

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

Access to the subdivision would be via 37th Avenue Northeast through West Ridge Addition Phase V. The developer will install standard City paving, curb and gutter for the roadway within the subdivision.

City water mains and sanitary sewer mains are proposed to be installed in the public roadway. Easements will be provided upon each lot in the subdivision for private utilities such as electric, gas, telephone and cable TV.

Surface drainage from the subdivision mostly flows westerly to the unincorporated portion of the owner's property. A storm drainage plan has been approved by the City Engineer.

The developer has fulfilled the subdivision's park obligation by paying a fee in lieu of dedicating park land, which has been accepted by the Park and Recreation Department.

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

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 high quality 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 July 22, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Tyndall Addition, Phase 1, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on January 6, 2009, will consider an annexation resolution, an annexation agreement and final plat for Tyndall Addition, Phase 1, simultaneously with Ordinance 3023.

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

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

Alternatives: The City Commission could deny acceptance of Ordinance 3023 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Ordinance 3023
3. Reduced copy of final plat

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Kendall and Maxima Cox, 3805 7th St NE, Great Falls, MT, 59404
HKM Engineering, P O Box 49, Great Falls, MT, 59403

ORDINANCE 3023

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION
OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO
TYNDALL ADDITION, PHASE 1, IN SESW SECTION 26,
TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE
COUNTY, MONTANA

* * * * *

WHEREAS, Kendall and Maxima Cox, are the owners of record of property being subdivided and platted as Tyndall Addition, Phase 1, in SESW Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Kendall and Maxima Cox have petitioned the City of Great Falls to annex Tyndall Addition, Phase 1; and,

WHEREAS, Kendall and Maxima Cox have petitioned said Tyndall Addition, Phase 1, 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 Tyndall Addition, Phase 1, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of January, 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 Tyndall Addition, Phase 1 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 resolution annexing Tyndall Addition, Phase 1 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 6th day of January, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3023 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 6th day of January, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of January, 2009.

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 6th day of January, 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 3023 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


Lisa Kunz, City Clerk








(CITY SEAL)

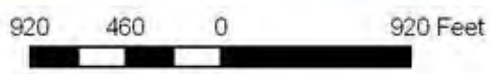
VICINITY/ZONING MAP



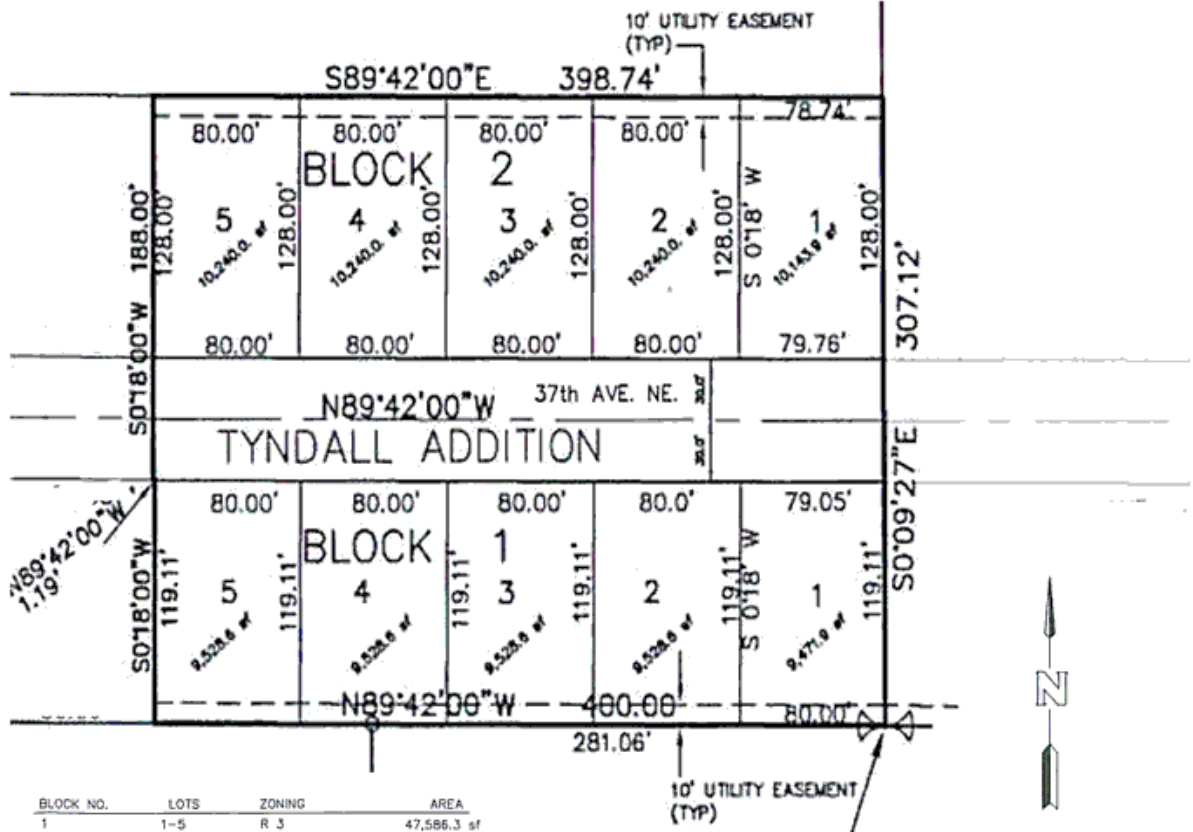
 FINAL PLAT OF TYNDALL ADDITION PHASE I PROPOSED TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT UPON ANNEXATION TO THE CITY

 WEST RIDGE ADDITION PHASE V BEING SUBDIVIDED AND ANNEXED BY S & L DEVELOPMENT

- | | | |
|--|--|---|
|  R-2 Single-family medium density |  PLI Public Lands and Institutional |  PUD Planned unit development |
|  R-3 Single-family high density |  POS Parks and Open Space |  U Unincorporated enclave |
| | |  Tracts of land outside City |



SUBDIVISION PLAT OF
 TYNDALL ADDITION TO GREAT FALLS PHASE I
 IN THE SE1/4 SW1/4 SEC. 26, T 21 N, R 3 E, P.M.M.
 CASCADE COUNTY, MONTANA



BLOCK NO.	LOTS	ZONING	AREA
1	1-5	R 3	47,586.3 sf
2	1-5	R 3	51,103.9 sf
TOTAL	10		122,649.1 sf
ROAD AREA			23,958.9 sf

N

S1/4 CORNER SEC. 26
 1/2" REBAR, M. HENEN
 T.P.B.

**ANNEXATION AGREEMENT
FOR TYNDALL ADDITION, PHASE 1,
IN THE SE¼SW¼ SECTION 26,
TOWNSHIP 21 NORTH,
RANGE 3 EAST, P.M.M.,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this 6th day of January, 2009, between KENDALL G. AND MAXIMA S. COX, hereinafter referred to as “Owners,” 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 TYNDALL ADDITION, PHASE 1, in SE¼SW¼ Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, hereinafter referred to as “Subdivision.”

2. PRIOR ACTIONS

The Preliminary Plat of Subdivision, prepared by HKM Engineering, was conditionally approved by City on August 5, 2008.

3. SUPPORTING DOCUMENTS

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

B. Final engineering drawings and specifications prepared by HKM Engineering, consisting of documents for sanitary sewer mains, water mains, drainage improvements, paving, sidewalk, conduit for wiring for potential future public roadway lighting facilities, curb and gutter. Said drawings and specifications are on file in the City Engineer’s office.

4. 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 Owners.

5. FEES AND CHARGES

A. Prior to annexation of Subdivision, Owners shall, in addition to the Preliminary Plat Fee of \$500.00, Zoning Application Fee of \$400.00, Annexation Application Fee of \$100.00, and Park Fee of \$3,805.25 which have been paid, pay the following required fees and annexation charges as provided by City policy, ordinances and resolutions:

a) Annexation Agreement Fee	\$ 200.00
b) Resolution of Annexation Fee	\$ 100.00
c) Final Plat Fee	\$ 200.00
d) Storm Sewer Fee (\$250/acre x 2.824 gross acres)	\$ 706.00
e) Reimbursement for proportionate share of off-site storm sewer piping system between the Subdivision and the Retention Facility (Middle (\$1357.05/acre x 1.2 Contributing acres))	\$ 1,628.46
f) Recording fees for Agreement and Resolution (\$11 per page 11 pages)	<u>\$ 121.00</u>
Total fees made payable to City of Great Falls	\$ 2,955.46

B. Owners 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.

6. PUBLIC IMPROVEMENTS

Owners agree to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer, storm sewer and water improvements, street paving, conduit for wiring for potential future public roadway lighting facilities, curb and gutter to serve Subdivision, according to plans referenced in Paragraph 3.B. above and filed in the City Engineer's office and in accordance with standards of City.

7. 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. Owners acknowledges that City will not permit the occupancy of any residential structure in Subdivision until street improvements 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.

8. WATER PRESSURE

Owner agrees to notify lot purchasers and home builders that individual home booster pumps may be desirable to enhance water pressure.

9. GRINDER PUMPS

Owner agrees to notify lot purchasers and home builders that individual home grinder pumps may be desired to provide sewage disposal at desirable floor elevations.

10. SOIL AND/OR GROUNDWATER CONDITIONS

Owner hereby agrees to indemnify and hold the City, its employees, agents and assigns harmless for and against all damages, claims, attorney fees, judgments, demands and/or liabilities that may, arise from, be attributable to or be sustained as a result of adverse soil and/or groundwater conditions associated with Subdivision.

11. FUTURE STORM DRAINAGE FACILITIES

Owners hereby agree to waive right to protest any future area wide special improvement district for storm drainage facilities and further agree 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.

12. PUBLIC ROADWAY LIGHTING

Owners hereby agree to waive their 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.

13. 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.

14. WAIVER OF PROTEST OF ANNEXATION

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

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

A. After the public utilities, drainage and street improvements described in Paragraph 3.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 Owners, Owners 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 6. hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

16. 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.

17. MAINTENANCE DISTRICTS

Owners waive their 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 lots in Subdivision.

18. 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. 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.

19. 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 seals the day, month and year first hereinabove written.

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

Gregory T. Doyon, City Manager,

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
 :ss.
County of Cascade)

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

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

(NOTARIAL SEAL)

Notary Public for the State of Montana

Notary Public (Printed)
Residing at _____
My Commission Expires _____, 20__



Item: Resolution 9802 for Conditional Use Permit to allow a worship facility on Lot 8, Block 307, Original Townsite to Great Falls (525 1st Avenue North)

From: Charles Sheets, Planner 1

Initiated By: Heartland Community Fellowship, Pastor David Booth

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Resolution 9802 on first reading and set a public hearing for January 6, 2009.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Resolution 9802 on first reading and set a public hearing for January 6, 2009.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held November 12, 2008, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow Lot 8, Block 307, Original Townsite to Great Falls, addressed as 525 1st Avenue North, to serve as a worship facility.

Background: Heartland Community Fellowship leases a portion of a building, addressed as 525 1st Ave N, from Hearing Aid Institute, Inc. The leasee and owner have applied for a conditional use permit to allow the worship facility at the site.

Subject property is zoned C-4 Central Business Core district wherein a worship facility is permitted upon processing and approval of a conditional use permit. (See attached Vicinity/Zoning map.)

The definition in the Unified Land Development Code for worship facility is “a place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and day care centers within the same structure. The term does not include community

recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.”

The applicant has stated that the Fellowship currently averages 20 parishioners at its services which take place on Wednesday nights. The subject building is posted with signs that 24-hour on-site parking is only for patrons of the building. Only minor problems have arisen when adjoining bowling alley patrons use the parking area on Wednesday nights. The subject property also accommodates a beauty salon which operates independently of the worship facility. No information was provided if the salon has had any parking issues. Additionally, the City owns and operates a parking lot kitty-corner from the property, at 600 1st Avenue North. Attached is a Memorandum from the City Parking Supervisor, dated October 16, 2008, stating the proposed parking plan meets the City’s parking requirements for both the worship facility and salon.

Neighborhood Council No. 7 discussed the conditional use permit application. Aaron Weissman, Council 7 Chairman contacted the Planning Office and stated that Council 7 was supportive of the conditional use permit, as long as the worship facility would not impact any other established businesses.

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

A goal in the land use element of the Growth Policy is “to preserve and enhance the character, quality, and livability of existing neighborhoods”. The Growth Policy states proposed land use

changes should be evaluated according to the type of neighborhood affected, which in this case, is established and stable. Land use changes should be compatible with the type, scale, and physical character of the neighborhood.

The streets in the vicinity of the worship facility may, on occasion, be needed to absorb any overflow parking demand which is legal but can generate concerns from neighboring property owners. However, in addition to the on-site parking plan for the subject property, the City public parking lot across the street from the property should also accommodate over flow parking.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit.

Establishing a worship facility at this location would not be out of character as numerous worship facilities are presently located in the vicinity and in the periphery of the downtown area.

During the public hearing no proponents or opponents spoke. However, Mel Willey, operator of the Little's Lanes/Tavern and Casino and Dave Gunness, owner of the land occupied by Little's Lanes, questioned the status of the business in accordance with current applicable zoning codes. Staff responded that the bowling alley and accompanying tavern are permitted uses in the C-4 zoning district and the existing casino is a legal nonconforming use. Should another party assume ownership of Little's Lanes/Tavern and Casino, it would not trigger any zoning related issues and could continue. Should the casino (gaming) portion of the operation cease for 24 consecutive months, it would lose its nonconforming status and could only be reestablished upon adherence to applicable state statutes and City Code.

Concurrences: Representatives from the Community Development Department have been involved throughout the review and approval process for this project.

Fiscal Impact: No change in providing services due to conditional use permit.

Alternatives: The City Commission could deny acceptance of Resolution 9802 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

1. Resolution 9802
2. Vicinity/Zoning Map
3. Memo from City Parking Supervisor, dated October 16, 2008

Cc: Mike Rattray, Community Development Director
Kim McCleary, City Parking Supervisor
Heartland Community Fellowship, 525 1st Ave N, Great Falls, MT 59401
Hearing Aid Institute, Inc., 725 1st Ave N, Great Falls, MT 59401

RESOLUTION 9802

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW A WORSHIP FACILITY
ON LOT 8, BLOCK 307, ORIGINAL TOWNSITE TO GREAT FALLS,
ADDRESSED AS 525 1ST AVENUE NORTH

* * * * *

WHEREAS, Hearing Aid Institute Inc. presently owns Lot 8, Block 307, Original Townsite to Great Falls, addressed as 525 1st Avenue North; and

WHEREAS, said Lot 8 is occupied by a commercial structure, a portion of which presently houses a beauty salon and the remainder which previously accommodated a pawn shop; and

WHEREAS, Heartland Community Fellowship, Pastor David Booth, recently leased a portion of subject building to utilize as a worship facility; and

WHEREAS, said Lot 8 is presently zoned as C-4 Central business core district wherein a worship facility is permitted upon processing and approval of a conditional use application; and

WHEREAS, Hearing Aid Institute Inc. and Heartland Community fellowship have applied for a conditional use permit to allow a portion of the commercial structure on subject Lot 8 to serve as a worship facility; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on November 12, 2008, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow a worship facility on Lot 8, Block 307, Original Townsite to Great Falls, addressed as 525 1st Avenue North.

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

That a conditional use permit to allow a worship facility on Lot 8, Block 307, Original Townsite to Great Falls, addressed as 525 1st Avenue North is hereby approved; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of January, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9802 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of January, 2009, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6th day of January, 2009.

Lisa Kunz, City Clerk

(SEAL OF CITY)

VICINITY/ZONING MAP



525 1ST AVENUE NORTH, REQUESTED TO BE GRANTED A CONDITIONAL USE PERMIT TO ALLOW TO SERVE AS A WORSHIP FACILITY



PROPERTY LINES OF WORSHIP FACILITIES AND CASINOS



R-9 Mixed residential



C-5 Central business periphery



C-4 Central business core



PLI Public Lands and Institutional

600

300

0

600 Feet



Community Development Department

Memo

To: Charlie Sheets, Planner I

From: Kim McCleary, Parking Supervisor. *Kim McCleary*

Date: October 16, 2008

Re: Heartland Community Fellowship

The City's parking code requires a worship facility containing 50 seats to provide 10 off-street parking spaces. It appears from the site plan provided in your application packet, that the property has 12 off-street parking spaces that meet the City's parking space design criteria. The hair salon is required to provide 4 off-street parking spaces, however, their business is open opposite hours of the worship facility, so the two facilities can share parking.

The parking plan as submitted with the conditional use permit meets the City's parking code. If you have any questions or need additional information, please don't hesitate to contact me.

Regular City Commission Meeting

Mayor Pro Tempore Bronson presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

NEIGHBORHOOD COUNCILS

1. There were no miscellaneous reports or announcements from neighborhood council representatives.

PUBLIC HEARINGS

Res. 9766 and Ord. 3012, annexation and zoning for Water Tower Park Addition. Adopted.

2A. RESOLUTION 9766 ANNEXES WATER TOWER PARK ADDITION.

2B. ORDINANCE 3012 ASSIGNS CITY ZONING OF R-2 SINGLE-FAMILY MEDIUM-DENSITY DISTRICT.

Planning Director Ben Rangel reported that in June, 2008, the City Commission approved the Preliminary Plat for Water Tower Park Addition. Tim Spencer and Dana Hennen, doing business as TD Land Development, are the property owners and developers of this subdivision. The subdivision is located in North Great Falls, just southwest of the City's water tower near 36th Avenue Northeast and Bootlegger Trail. It consists of 16 residential lots.

On October 21, 2008, the City Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9766 to annex, and to adopt Ordinance 3012 to assign R-2 Single-Family Residential zoning. Mr. Rangel also requested that the City Commission approve the Final Subdivision Plat and the Annexation Agreement.

The Planning Board/Zoning Commission unanimously recommends City Commission approval.

Mayor Pro Tempore Bronson declared the public hearing open. Speaking in favor of Resolution 9766 and Ordinance 3012 was **Tim Spencer**, 618 Central Avenue. Mr. Spencer reported that the project was moving along

nicely and he thanked City staff.

No one spoke in opposition to Resolution 9766 and Ordinance 3012.

Mayor Pro Tempore Bronson 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 9766, and approve the Subdivision Plat and Annexation Agreement, all related to Water Tower Park Addition.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3012.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

**Res. 9777 and Ord. 3020,
annexation and zoning
for New Castle
Condominiums
Subdivision. Adopted.**

**3A. RESOLUTION 9777 ANNEXES NEW CASTLE
CONDOMINIUMS SUBDIVISION.**

**3B. ORDINANCE 3020 ASSIGNS CITY ZONING OF PUD PLANNED
UNIT DEVELOPMENT DISTRICT.**

Planning Director Ben Rangel reported that Harold Poulsen is the property owner and developer of this subdivision. The subdivision is located in South Great Falls and more specifically in the southeast corner of the intersection of 13th Street and 24th Avenue South. The subdivision is proposed to accommodate 26 single story residential condominiums. The project will satisfy all of the City's fire/emergency services, as well as garbage service access standards and requirements.

On October 21, 2008, the City Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9777 to annex, and to adopt Ordinance 3020 to assign PUD Planned Unit Development zoning. Mr. Rangel also requested that the City Commission approve the Final Plat, the Findings of Fact and the Annexation Agreement.

The Planning Board/Zoning Commission unanimously recommends City Commission approval.

Mayor Pro Tempore Bronson declared the public hearing open. No one spoke in favor of Resolution 9777 and Ordinance 3020. Speaking in opposition to Resolution 9777 and Ordinance 3020 was **Susan Ickes**, 2500 Castle Pines Way. Ms. Ickes expressed concerns about the density, construction trucks tearing up the street and danger to children. Ms. Ickes was also concerned that the name of the main street through the development being called Castle Pines Drive would cause confusion with postal service, deliveries and emergency services. Ms. Ickes also requested that the developer construct the main street through the development so that the construction trucks can use that street to save on noise and traffic to the current residents.

Mayor Pro Tempore Bronson declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9777, and approve the Plat, Findings of Fact and Annexation Agreement, all related to New Castle Condominiums Subdivision.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Beecher asked the respective City departments to visit with the contractor to mitigate the concerns addressed by Ms. Ickes.

Mr. Rangel responded that the Master Plan that was reviewed and provided as part of the first phase for Castle Pines and the corner where the condominiums are being proposed showed that corner to be for commercial development. The condominium density, albeit a higher density than single-family, is less of a land use impact and density than commercial development.

Subdivisions develop in phases. The residents of the earlier phases are subjected to some type of construction development for the subsequent phases. Mr. Rangel added that the start of the wall work was not an indication of any preconceived approvals being provided to the project. Wall work is separate from any type of development on this particular lot.

With regard to the street names, Mr. Rangel stated that there are two streets that are named similar. The names are reviewed and scrutinized by the City's street naming section in the mapping department and coordinated with emergency service agencies in Great Falls, as well as the Post Office. All have come to an agreement that Castle Pines Drive was an acceptable street name.

Commissioner Jolley asked if the City was involved in the 1995 Economic Development Agreement that was referred to in the Annexation Agreement.

Commissioner Rosenbaum answered Jerry Peterson was the first owner that subdivided the property. The City approved the plat. Harold Paulsen took over the project. That area was designated commercial and condos were in that area from the beginning.

In response to Ms. Ickes, Commissioner Rosenbaum commented that haul roads can be mandated in Annexation Agreements and suggested that staff work with the developer regarding the safety issues.

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3020.

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Res. 9787, Create Special Improvement Lighting District – City-Owned Residential Lighting District No. 1303, Bootlegger Addition, Phase I. Adopted.

4. RESOLUTION 9787, CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING DISTRICT NO. 1303, BOOTLEGGERS ADDITION, PHASE I.

Fiscal Services Director Coleen Balzarini reported that the developer approached the City requesting the installation of the lights and agreed to pay for the cost over a number of years, as well as the energy and maintenance costs. On October 21, 2008, the City Commission approved public notice being posted, as well as notification to the developer. Said notice provided an opportunity to oppose the creation of the district. The developer has requested the City go forward with installation of the lights and the creation of the lighting district.

Mayor Pro Tempore Bronson declared the public hearing open. No one spoke in favor of or opposition to Resolution 9787.

Mayor Pro Tempore Bronson declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9787 and create Special Improvement Lighting District – City-Owned Residential Lighting District No. 1303.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

OLD BUSINESS**Water Rights Purchase
and Related Requests for
Proposals. Approved.****5. WATER RIGHTS PURCHASE AND RELATED REQUESTS FOR PROPOSALS.**

Fiscal Services Director Coleen Balzarini reported that over the past five years the City of Great Falls has put a lot of time, effort and activity into cleaning up its existing historic water rights. In addition, the City has taken on three large industrial customers that the City committed to provide water for. The 2006 Water Master Plan indicated the City had adequate water available to serve its general and residential population through 2025. There have been presentations on how the City could create a water plan or water portfolio. Ms. Balzarini requested the City Commission consider moving forward on the purchase of water rights. The City currently has rates that are adequate to cover a purchase in the area of \$10 million dollars. In the event the Commission authorizes staff to go forward with the purchase, she also requested that the Commission authorize staff to seek proposals from third party consultants to evaluate the water right applications received.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission (1) authorize staff to proceed with efforts to purchase water rights; (2) authorize distribution of request for proposals for purchase of water rights; and (3) authorize distribution of requests for proposals for consulting services to assist in evaluation of water right proposals received, assist in due diligence related to the proposed water right offerings received, and facilitate the acquisition process.

Mayor Pro Tempore Bronson asked if other communities in the State of Montana were looking at this type of a process. Ms. Balzarini responded affirmatively providing Bozeman and Helena as examples.

Commissioner Beecher asked if an entity purchased proven water rights, could those water rights be leased for a period of time to some other user as a potential revenue source. Ms. Balzarini answered that was correct with caveats.

Commissioner Rosenbaum asked Ms. Balzarini to discuss banking. Ms. Balzarini responded that water can be banked for the benefit of other users. A specific declaratory intent can be filed to allow Fish, Wildlife & Parks and Trout Unlimited to use it for conservation issues. But, there are some questions whether a municipal right can be banked.

Commissioner Jolley asked Ms. Balzarini to clarify the raw water agreement with SME, and whether the City would still have an obligation to sell water if SME couldn't take the water from the approved point of appropriation

because of the 106 process and the Army Corps of Engineers. Ms. Balzarini responded that Section 106 isn't an Army Corps of Engineers' permit. She explained that is a process that needs to be gone through to evaluate impact on the historical area. However, the Army Corps of Engineers does need to issue a permit to build an intake structure into the river. Commissioner Jolley asked if the City made any representations to SME that if the City purchased additional water it would be provided to them. Ms. Balzarini responded that, pursuant to the raw water agreement, SME is drawing water from the place of use and point of diversion that was approved by DNRC. The intake structure just hasn't been built yet.

Regarding the Request for Proposals, Commissioner Jolley stated that at the last water rights work session it was her understanding the Commission authorized request for proposals to gather additional information and to explore the other options. She does not feel comfortable authorizing staff to purchase water rights.

Commissioner Rosenbaum clarified that the key word was activities. The Commission was being asked to authorize the activities to purchase the water rights. The activities will still come before the Commission for public hearings and approvals. Commissioner Jolley stated it sounds to her that if the criteria was met, then an agreement would be entered into. Ms. Balzarini responded that if there were no obvious impediments, that would be the time to move forward with more in-depth due diligence.

City Manager Doyon added that one of the terms of the purchase would be approval by the City Commission. He stated that he already made it clear that the issue of water rights was going to be done hand in hand with the Commission.

Mayor Pro Tempore Bronson stated that it was his understanding that going out for an RFP is one thing, but if a proposal actually comes forward, the Commission will still have the opportunity to consider it and either accept or reject it. The party making the proposal will be making it with the understanding that the Commission will have the final say.

Commissioner Jolley asked, if the purchase of water rights was financed through the water fund, would it operate in the red for awhile? Ms. Balzarini responded that if this happened, the City would draw down the unrestricted cash balance. There are reserves that are required within the water fund. They are restricted and only to be used in the event that there is such a scenario as this.

Mayor Pro Tempore asked if there were any comments or inquiries from the public.

Brett Doney, Great Falls Development Authority, commented that he was glad to see the City moving forward on this matter. The City has been able

to attract existing and potential heavy water users which create a much needed industrial base for the community. Concurrently to looking at purchasing water rights, Mr. Doney suggested: (1) the City begin application with the Bureau of Reclamation as another alternative; (2) add a clause in the RFP that the City reserves the right to reject all proposals; and (3) have the independent consultant review the RFP before it goes out.

Neil Taylor, 3417 4th Avenue South, commented that SME has a significant portion of the City's water reservation if HGS were to be built. He believes this issue of buying water rights is premature when the City does not know all the facts and figures; the water court has yet to render its final adjudication for this district; the status of SME is unknown; and because of the turmoil with the economy. Mr. Taylor suggested that this matter be brought up during a budget session in the near future.

Kathy Gessaman, 1006 36th Avenue N.E., thanked Coleen Balzarini for the well documented report. Ms. Gessaman also suggested that this matter be discussed during the next budget session. She discussed a conversation she had with Scott Irvin, Regional Manager of DNRC in Lewistown. Mr. Irvin recommended that all sales of water rights be contingent on successful authorization from DNRC and the water courts. Ms. Gessaman suggested that the increase in water rates should not be more than five percent during the 10 year span.

Ron Gessaman, 1006 36th Avenue N.E., discussed his concerns with regard to fiscal impact in the agenda report. He suggested that the capital projects be done first, and then consider increasing rates to cover the \$10 million for water rights. He stated, if the City had surplus cash being generated, it was strange to him the City would still sell bonds.

Andrea Deligdish, 3016 Central Avenue, commented that the City had an opportunity to ask for an extension with the Water Board. It was her understanding that the City lost 33 acre feet by not asking for an extension. She thinks this was unconscionable. She suggested that this matter be tabled.

Aart Dolman, 3016 Central Avenue, suggested carefully developing a plan of action and tabling this matter for further study.

Mike Witsoe, 2612 1st Avenue South, requested that this matter be tabled for two weeks. Mr. Witsoe suggested that the water rights review be offered to companies in Montana.

Commissioner Jolley stated that in the adopted budget there was a water system plan. For the years 2008-2012, the City had already committed to bonds for improvements. In this agenda report it mentions fiscal year 2008, so she believes there would need to be a public hearing on a budget amendment. Ms. Balzarini responded that the capital improvement plan that

the Commission reviewed during the budget presentation looks at what the City might spend in future years. The Commission approves an annual budget. She explained that the spreadsheet showed one of many “what if” scenarios. The City would not be able to sell bonds if it had \$23 million dollars available in the fund. The Commission has annual rate and expenditure approvals. Also, prior to the City issuing debt, the Commission takes action.

Commissioner Jolley again inquired if the City purchased water rights for \$10 million dollars in the current fiscal year through the water fund, wouldn't that require a public hearing on a budget amendment. Ms. Balzarini clarified that there are rates in place that are adequate to pay debt service on \$10 million dollars. That is not saying the City would take \$10 million dollars in cash to acquire water rights.

Commissioner Jolley stated that this agenda item should have been listed under new business on the agenda instead of old business. She would like to see a water plan for the future with cost estimates for all options.

Commissioner Beecher stated that this proposed action is strictly being proactive and beneficial for the City down the road. The Commission is not being asked to commit to any specific option or scenario. The action requested is to get the process under way to develop it as part of a plan. In addition, an expert will be needed to direct the Commission on what the best paths are to pursue.

Commissioner Rosenbaum commented that if HGS does not get built, the City does have that water reservation. But, it has to be proven by 2025. There is no expectation to do that unless the City grows or uses the water for a known use. The rate increase model is only one scenario. The City needs to begin this process by retaining a professional consultant.

Commissioner Jolley requested a copy of the 2006 Water Master Plan that was referenced in the agenda report.

Mayor Pro Tempore Bronson stated that he sees this as doing what any prudent consumer of water services would be doing, which is seeking what the various options are. The proposal set forth by staff accomplishes what is necessary and prudent to protect water rights and to acquire rights to keep in a portfolio. The Commission will have opportunity to consider specific proposals, and what the cost would be and whether to incur those costs at that time.

In response to a previous comment, City Manager Doyon stated that there is a clause that states the City reserves the right to accept or deny any proposal based on the criteria in the RFP. This one option does not preclude the City from looking at its other options. The reason this was brought to the Commission was because of prior representations to the Commission that

staff would make this a transparent process. The Commission will have a full picture of what all the options are and what they are going to cost. This agenda item gives staff authorization to go out and get the information the Commission needs to make a good decision.

Motion carried 3-1 (Commissioner Jolley dissenting).

At 8:25 p.m. Mayor Pro Tempore Bronson recessed the meeting for a 10 minute break.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3025, To Create the Cascade County Community Health District. Adopted. Interlocal Agreement with Cascade County. Approved.

6A. ORDINANCE 3025, TO CREATE THE CASCADE COUNTY COMMUNITY HEALTH DISTRICT.

6B. INTERLOCAL AGREEMENT WITH CASCADE COUNTY TO CREATE SAID DISTRICT.

City Attorney David Gliko reported that the purpose of the Ordinance is to create a multijurisdictional health service district, pursuant to § 7-11-1101, et seq., MCA. This will enable a newly created Cascade Community Health District to assume flexibility and independence and to provide expanded health services throughout the City of Great Falls and the County of Cascade. The ordinance, as presented on first reading, has been amended. Current information was received from the Cascade County Treasurer that adjusts the current mill levy to five mills as a correction of the 3.6 mills stated on first reading. It is a County mill levy. The City is not required under the ordinance to pass a mill levy for support of this district. Therefore, he submitted that the amendment was not a substantive change and stands as merely informational in the ordinance as it relates to the City. Further, there was an amendment to the ordinance with regard to the inclusion of the word “services” being synonymous with the word “function” in the section of the ordinance that describes the boundaries. The statute that enables the creation of this district also contemplates that both jurisdictions, the City and the County, enter into an Interlocal Agreement to support the terms and conditions as generally outlined in the ordinance.

Michael Young, Chairman of the Board of Directors of the Community Health Care Center, residing at 1227 25th Avenue S.W., strongly urged the Commission to support and pass both measures. Mr. Young stated that management needs to be streamlined so that this organization reports to one board instead of four. Passage of this ordinance also increases options to find additional funding to support all of the direct and public health care needs.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3025, as amended, to create the Cascade Community Health District.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue N.E., commented that agenda report 6B mentions that District funding will be through revenues and fees generated by health services and functions and by County assessments and appropriations and gifts and grants. Mr. Gessaman believed there were also City appropriations for the City/County Health Department.

Mayor Pro Tempore Bronson responded that the City will continue to support it to the extent that it can.

Les Stevenson, Director of Opportunities, Inc., 905 1st Avenue North, commented that he was not aware that this was being proposed. He expressed concerns that this would decrease the support of the City and County for these services. Mr. Stevenson also asked if the structure would be public or private, non-profit or for profit, how would the board members be selected, and would it be meaningful for the consumer group to be a voice on the board of directors.

Mr. Young responded that the function of the board doesn't change the current Board of Health that much or the Board of Directors of the Health Care Clinic. The Board of Directors of the Department of Health will be expanded under the bylaws being created. The City and County both have input into these boards through the Interlocal Agreement. The Community Health Care Center Board is a federal agency, operating under a federal grant, and they continue to operate in that fashion. But they are a subdivision by Interlocal Agreement with the City/County Board of Health and they will continue to do that under this agreement. This takes the inter-machinations of dealing with the County Commission and City Commission out of the day-to-day operations of the Health Department. This will result in a more directive board. The funding stays the same and provides additional ways to find additional funding.

Motion carried 4-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Interlocal Agreement between the City of Great Falls and Cascade County to create the Cascade Community Health District and authorize the City Manager to execute the Agreement.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley read the portion of the agreement regarding the County assessing the mill levies. She stated that it starts with a vote and then the County can raise the mills after that, if needed.

Commissioner Rosenbaum stated this agreement was modeled after Billings. This district being created will be supported my mills rather than monies from the general fund.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9784, Adopted and set public hearing for December 16, 2008.

7. RESOLUTION 9784, INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING DISTRICT NO. 1305, WATERTOWER PARK ADDITION.

Fiscal Services Director Coleen Balzarini reported that the Commission is being asked to authorize publication of the notice of the intent to create this district and conduct the public hearing. The developer requested the addition of four lights.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9784, and set a public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305 for December 16, 2008.

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

Motion carried 4-0.

Res. 9796. Adopted and set public hearing for December 2, 2008.

8. RESOLUTION 9796, INTENT TO APPROVE A DEVELOPMENT PROJECT PROPOSED BY WEST BANK PROPERTIES, LLC AS AN URBAN RENEWAL PROJECT.

Planning Director Ben Rangel reported that Brad Talcott, doing business as West Bank Properties, LLC, has submitted an application for the use of tax increment funds from the West Bank Urban Renewal District. This is the first application for use of these funds under the project review and evaluation process recently established by the City Commission. In conjunction with several area property owners, the City Commission created the District in March of last year to help revitalize and redevelop the area

generally located along the west bank of the Missouri River, both north and south of Central Avenue West. Because the District was found to be deficient of streets, sidewalks, curbs and gutters, resulting in poor traffic and pedestrian access and to be deficient of some public utilities, a tax increment financing provision was established to help fund public infrastructure that would in turn help to encourage private sector investment and reinvestment in the area.

West Bank Properties has requested tax increment funds for several activities and improvements associated with a planned mixed use development project to include a Staybridge Suites Hotel and future sites for a restaurant, office building and retail shops.

Mr. Rangel requested that the City Commission adopt Resolution 9796, which calls for a public hearing on December 2, 2008, and to consider the approval of the development project and associated public improvements as an urban renewal project and to consider the use of up to \$900,000 of tax increment funds for the proposed public improvements.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9796, and set a public hearing for December 2, 2008.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Brett Doney, Great Falls Development Authority, commented that this was a very exciting project as it is the first private sector investment in the West Bank Urban Renewal area as a follow-on to the federal investment that is happening there. He reported that last year the GFDA formed an alliance with the Montana Community Development Corporation to apply to the U.S. Treasury Department for a new market tax credit program. That application was successful in securing a \$40 million dollar allocation of new market tax credits statewide for Montana. He is working on an application for this project to that program. He has also processed a small business administration 504 loan in the amount of \$2 million for the project. The initial application to SBA was rejected. Finalizing the tax increment financing would strengthen that deal. The developer has asked GFDA to consider a bridge loan to help finance those tax increment funds. It is a great project and he expects some other development to happen in the area.

Ron Gessaman, 1006 36th Avenue N.E., stated that he is opposed to tax increment financing. In this instance, he doesn't see how burying power lines benefits the public. He pointed out that the City will not get a penny of tax dollars from the development for 25 years.

Motion carried 4-0.

Res. 9801, Adopted and set public hearing for December 2, 2008.

9. RESOLUTION 9801, INTENT TO APPROVE THE COURTHOUSE/4TH AVENUE NW PROJECT AS AN URBAN RENEWAL PROJECT AND AUTHORIZE FINANCING PUBLIC IMPROVEMENTS WITH TAX INCREMENT REVENUES.

Fiscal Services Director Coleen Balzarini reported that this project is proposed within the same Urban Renewal Tax Increment District area. The courthouse is already being constructed. It is in need of water and sewer lines, street and rail crossing for people to access the courthouse and West Bank Park. The requested action is for the Commission to set a public hearing and to take official action whether the Commission deems it appropriate to use tax increment dollars to finance these public infrastructures.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission approve Resolution 9801, and set a public hearing for December 2, 2008.

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

Motion carried 4-0.

Res. 9797, State of Montana Voluntary Employees' Beneficiary Association Health Reimbursement Account, "Montana VEBA HRA." Adopted.

10. RESOLUTION 9797, STATE OF MONTANA VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION HEALTH REIMBURSEMENT ACCOUNT, "MONTANA VEBA HRA."

Human Resources Manager Linda Williams reported that adoption of this resolution would allow the City of Great Falls to participate in the State's Voluntary Employees' Beneficiary Association. This plan permits the City to contribute the value of a retiring employee's termination pay into a tax exempt health reimbursement account. This account would be used by that retiree for post-retirement eligible health care expenses, as well as their qualified dependents and their beneficiaries to use until there is a zero balance. The benefit of participating is that the contributions are tax free for the City and for the employee. The potential savings for the City are substantial. The employees also have the option to include their vacation cash out. If they choose to do that, the savings would more than double.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9797.

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

Motion carried 4-0.

Res. 9800, Establishing an Official City of Great Falls Limited Edition Christmas Ornament. Adopted.

11. RESOLUTION 9800, ESTABLISHING AN OFFICIAL CITY OF GREAT FALLS LIMITED EDITION CHRISTMAS ORNAMENT.

Historic Preservation Officer Ellen Sievert reported that this modest proposal for a limited edition Christmas ornament would be a wonderful way to show the public historic resources in Great Falls and help provide some discretionary funding for preservation programs.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9800, establishing an Official City of Great Falls Limited Edition Christmas Ornament.

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

Motion carried 4-0.

Consent Agenda. Approved.

CONSENT AGENDA

12. Minutes, November 5, 2008, Commission meeting.
13. Total expenditures of \$1,435,290 for the period of October 31 through November 12, 2008, to include claims over \$5,000, in the amount of \$1,274,416.
14. Contracts list.
15. Lien Release list.
16. Set public hearing for December 2, 2008, on Resolution 9798 to Establish Sanitation Service Rates for FY 09.
17. Award a contract to A.T. Klemens & Sons, Inc. for the 2008 CDBG HVAC System Replacement at the Community Recreation Center in the amount of \$116,400. OF 1443.6.
18. Approve Community Based Policing Agreement with Great Falls Housing Authority.
19. Approve Revised Memorandum of Understanding with the Great Falls Development Authority regarding use of Ag-Tech Industrial Tax Increment District Funds. OF 1552.
20. Approve Final Payment to James Talcott Construction and the State Miscellaneous Tax Division in the amount of \$4,000 for Mitchell, Jaycee and Water Tower Pool Rehabilitation. OF 1501.

Commissioner Jolley moved, seconded by Commissioner Beecher, with the exception of Item 17, that the City Commission approve the Consent Agenda as presented.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commission or inquiries from the public with regard to Items 1-16 and 18-20. No one responded.

Motion carried 4-0.

With respect to Item 17, Mayor Pro Tempore Bronson explained that he asked Commissioner Jolley to pull said item from the agenda because of a conflict of interest and that he would recuse himself from voting on that contract.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve Item 17 on the Consent Agenda.

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

Motion carried 3-0 (Commissioner Bronson recused himself).

BOARDS & COMMISSIONS

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon reported that he had a productive trip to Minot and a report was forthcoming in the Friday packet. Mr. Doyon reported that he began reviewing Commissioner Bronson's memo with Fiscal Services with regard to direction for ECP. He did not hear any additional direction from the Commissioners. He has started investigating and laying out the options and issues in that Memorandum.

Mr. Doyon also reported that he met last week with Animal Foundation representatives and had a conference call with Kim Stanton. They are moving along, albeit slowly, but are trying to resolve up front how the organization will look and who will be accountable for what and how outcomes will be measured in this new public/private relationship. An existing set of plans is being reviewed with City staff.

Also, Department Heads had their first quarterly budget review today. A brief update will be provided to the Commission.

PETITIONS AND COMMUNICATIONS

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Pro Tempore Bronson opened the meeting to Petitions and Communications.

Sidewalks.

23A. Vern Fisher, 1209 2nd West Hill Drive, expressed concerns that he was told he had to put his sidewalk in within six months of building his house, and there are a number of residents that haven't done the same. As a result, there are people walking in the streets causing a hazard. Mayor Pro Tempore Bronson requested staff to contact Mr. Fisher to respond to his concern.

MAFB, SME.

23B. Richard Liebert, 289 Boston Coulee Road, mentioned the runway vote that did not pass and discussed other opportunities for Malmstrom. He found it commendable that the City was working on the recycling center. He is a County resident and finds it reasonable to raise the rates. Mr. Liebert commented that CMR has the first wind turbine in the City. He also reported that the Montana Alberta tie line was finally approved. The cost of energy was discussed at the work session. He forecasted the cost of Highwood power in a spreadsheet to be \$77 per megawatt by 2012. Mr. Liebert asked what the difference was between the old and new SME, and how will the City get the value of its initial development investment back from the new SME.

Water Study Group.

23C. Kathy Gessaman, 1006 36th Avenue N.E., suggested that the City continue the GFDA water study group. She thought the group was very informative for the citizens and thought it was worthwhile to pursue.

Parking.

24D. Carol Olthoff, 717 43rd Street North, commented that she was confused about the parking rates. It was her understanding that other alternatives were being explored. She inquired if the position on the Parking Commission was filled and when the Commission met. Ms. Olthoff also asked if the rates were going to be raised.

Community Development Director Mike Rattray responded that on October 5, 2008, the City Commission did approve the rate increase. The citations went from \$3 to \$5 dollars effective November 1. As soon as the meters can be changed, the meter rate will increase from \$0.25 to \$0.50 per hour. He also reported that there are currently two or three vacancies on the Parking Commission.

Ms. Olthoff asked if the parking lot fees were going up too. Mr. Rattray responded that there was no plan to increase the off-street parking rates.

Sanitation Rates, Electric Rate Comparison.

24E. Ron Gessaman, 1006 36th Avenue N.E., commented that the public can recycle CFL bulbs at Ace Hardware stores free of charge. Mr. Gessaman also discussed one of the slides at the work session regarding the rate comparisons. He noted that if you took the slide at face value, the rate was lowered by \$6 a megawatt hour, when ECP was already losing money.

Christmas Stroll, Polar Plunge.

24F. Mike Witsoe, 2612 1st Avenue South, reminded everyone that the Christmas parade and stroll is December 5. He encouraged everyone to purchase a stroll button that was created this year by Pat Halcro. Mr. Witsoe also encouraged participants in the Polar Plunge.

CITY COMMISSION

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Jolley, that the regular meeting of November 18, 2008, be adjourned at 9:38 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Bronson

City Clerk

Minutes Approved: December 2, 2008



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 NOVEMBER 19, 2008	354,914.01
MUNICIPAL COURT ACCOUNT CHECK RUN FOR NOVEMBER 14, 2008	53,942.41
WIRE TRANSFERS FROM NOVEMBER 13, 2008 TO NOVEMBER 19, 2008	782,236.64
TOTAL: \$	1,191,093.06

GENERAL FUND

PARK & RECREATION

MONTANA WASTE SYSTEMS	OCT 2008 CHARGES (SPLIT AMONG FUNDS)	150.08
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SPECIAL REVENUE FUND

CTEP PROJECT

DICK OLSON CONSTRUCTION INC	PMT #1 CONSTRUCTION OF LIBRARY LANDSCAPE	39,183.11
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LIGHTING DISTRICT

UNITED ELECTRIC LLC	STREET LIGHT REPAIR FOR EAGLES CROSSING SLD #1304	9,082.43
UNITED ELECTRIC LLC	REPAIR OF STREET LIGHTS MEADOWLARK SLD #1302	7,945.76

STREET DISTRICT

UNITED MATERIALS	ASPHALT FOR STREET DEPARTMENT	5,119.60
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NATURAL RESOURCES

MONTANA WASTE SYSTEMS	OCT 2008 CHARGES (SPLIT AMONG FUNDS)	64.14
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FEDERAL BLOCK GRANTS

A TO Z LOCK & KEY	MATERIALS & LABOR TO REPLACE LOCKS AT PARK MANOR (103 UNITS)	19,567.50
HOME RENOVATIONS	1/2 DOWN SIDING/WINDOWS 1515 20TH AVE S	8,440.00

CITY OF GREAT FALLS, MONTANA

AGENDA: 11

COMMUNICATION TO THE CITY COMMISSION

DATE: December 2, 2008

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

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Planning/Engineering	Montana Department of Transportation	Ongoing	262 Fund (Trail Trust Fund)	Local Match \$4,734	Addendum to “2003 Bike/Ped Facil Impvts-GTF” project development agreement to increase federal funds OF 1402



Item: Resolution 9805 to Revise Land Development Application Fees
From: Benjamin Rangel, Planning Director
Initiated By: Great Falls Planning Board
Presented By: Benjamin Rangel, Planning Director
Action Requested: City Commission set public hearing for Resolution 9805

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set a public hearing for December 16, 2008, to consider adoption of Resolution 9805.”

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

Planning Board Recommendation: During a meeting on November 12, 2008, the Planning Board unanimously passed a motion recommending the City Commission revise the City’s current land development application fees and establish new fees.

Background: During development of the FY 2008-09 Planning Department Budget, it became apparent that costs have continued to increase, but that some revenue sources have remained the same for the past several years. As such, a review was made of all department revenue sources, including fees the Planning Department charges to process land development activities through the Planning Board, Zoning Commission and City Commission. These activities include annexations, subdivisions and zone changes. The review included comparing Great Falls fees with those charged by Cascade County and several other Montana communities. See the attached Fee Schedule Comparison. The current Great Falls fees were established in November, 1995.

Based primarily on the comparison, the Planning staff recommended in an agenda report to the Planning Board on July 22, 2008, that the fees be increased to what would have amounted to a doubling of the current fees. The proposed fees would have been directly in line with those charged by Cascade County and, in most cases, below those charged in several other Montana communities.

Following discussion at the July 22nd meeting, the Board chose to instead ask its Finance Committee to review the fees with the Planning staff and to bring a recommendation back to the full Board for consideration.

During a meeting on October 23rd, the Finance Committee concurred that the fees should be increased, citing the current fees have been in place for nearly 13 years. The Committee also generally agreed in principle that local tax revenues provided in the Planning Department budget should help fund the Department's various core programs, but that user fees should also be applied toward specific services, including land development activities. The Committee then wrestled with how much of the total estimated cost for each land development service should be borne by the local taxpayer and how much should be borne by the service user. The members felt a 50/50 cost share would be reasonable. Based on this principle, the Committee recommended the fees be adjusted as noted on the attached cost estimate sheets labeled as Exhibits 1-5 and as listed on the attached Fee Schedule Comparison matrix, dated 2008. The Committee also felt this approach would help to establish a process by which future fee adjustments could be more reasonably justified because the fees would be more directly related to actual Planning staff costs to provide each type of service.

On November 12, 2008, the Planning Board considered the Finance Committee recommendation and concurred with making a similar recommendation to the City Commission.

Concurrences: The Planning Board concurs with the proposed fee revisions.

Fiscal Impact: If the proposed fees are applied to a similar level of land development activity experienced during the past few years, it is estimated an additional \$15,000 could possibly be generated to augment the Planning Department budget.

Alternatives: The City Commission could deny setting a public hearing for consideration of Resolution 9805 and thus forego consideration of any fee revisions.

Attachments/Exhibits:

1. Resolution 9805
2. Fee Schedule Comparison Matrix, dated 2008
3. Cost Estimate Sheets (5)

RESOLUTION 9805

A RESOLUTION TO REVISE
LAND DEVELOPMENT APPLICATION FEES
Effective Date: January 1, 2009

WHEREAS, the City Land Development Code, as adopted by the Great Falls City Commission on September 6, 2005, and as amended on March 6, 2007, includes provisions and procedures for the processing of land development applications pertaining to annexations, subdivisions, zoning and related activities; and,

WHEREAS, the City of Great Falls processes numerous land development applications pertaining to annexations, subdivisions, zoning and related activities; and,

WHEREAS, the City Land Development Code includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and,

WHEREAS, several of the current application fees have not been revised by the City Commission since 1995 and are significantly below similar fees charged by other Montana communities for similar activities; and,

WHEREAS, the costs of reviewing plans, advertising, mailing notices, preparing ordinances, resolutions, reports and recommendations, preparing or reviewing agreements, holding public hearings, or other expenses incidental to processing applications for subdivisions, annexations, changes in zoning district boundaries and conditional uses have increased considerably over the past several years and far exceed the currently assessed fees.

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

That the City Commission does hereby approve the following defined fee schedule and as depicted on the attached Exhibit "A", by this reference made a part hereof:

- A. Zoning Fees
The fee to accompany each application for a change in zoning district boundaries, zoning designation or conditional use shall be a non-refundable seven hundred dollars (\$700).

- B. Subdivision Fees
The subdivider shall pay a non-refundable fee at the time of application for approval of a subdivision plat, based on the following rates:
 - 1. Six hundred dollars (\$600) per minor plat;
 - 2. Eight hundred dollars (\$800) per preliminary plat;
 - 3. Three hundred dollars (\$300) per final plat:

The above cited fees shall also apply to corresponding amended plats, which involve public review and governing body approval.

- C. Annexation Fees
 - 1. Petition processing fee shall be a non-refundable one hundred dollars (\$100) to accompany the annexation application;
 - 2. Agreement preparation/review fee shall be two hundred dollars (\$200) per annexation agreement or similar agreement addressing conditions associated with development application;
 - 3. Resolution of annexation shall be one hundred dollars (\$100) per annexation.

- D. Zoning Determination Fees
The fee to accompany each application for a zoning determination shall be a non-refundable seventy-five dollars (\$75).
- E. Zoning Permit Fees
The fee to accompany each application for a zoning permit shall be a non-refundable twenty-five dollars (\$25).

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana on this 16th day of December, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9805 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of December, 2008, and approved by the Mayor of said City, on the 16th day of December, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 16th day of December, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT “A”

LAND DEVELOPMENT FEE SCHEDULE	
City of Great Falls, Montana	
EFFECTIVE: January 1, 2009	
Zone Change or Conditional Use Permit	\$700
Minor Subdivision	\$600
Major Subdivision (Preliminary Plat)	\$800
Major Subdivision (Final Plat)	\$300
Annexation (Petition)	\$100
Annexation (Agreement)	\$200
Annexation (Resolution)	\$100
Zoning Determination	\$75
Zoning Permit	\$25

2008

FEE SCHEDULE COMPARISON

CITY	REZONING	MINOR SUBDIVISION	MAJOR SUBDIVISION	ANNEXATION	ZONING PERMIT
Great Falls (Since 1995)	\$400	\$300	<u>Prel</u> \$500 <u>Final</u> \$200	<u>Petition</u> \$100 <u>Agreement</u> \$200 <u>Resolution</u> \$100	<u>Zoning Permit or Determination</u> \$25 (Since July 2006)
Great Falls (As proposed by Planning Board)	\$700	\$600	<u>Prel</u> \$800 <u>Final</u> \$300	<u>Petition</u> \$100 <u>Agreement</u> \$200 <u>Resolution</u> \$100	<u>Zoning Permit</u> \$25 <u>Zoning Determination</u> \$75
Cascade County	\$750	\$600	<u>Prel</u> \$1,000 + \$50/lot <u>Final</u> \$400	--	<u>Location/Conformance Permit</u> \$50
Billings	<u>Residential</u> \$650 <u>Commercial</u> \$900	<u>Prel</u> \$550 <u>Final</u> \$250	<u>Prel</u> \$1,500 (6-40 lots) \$3,500 (41-200 lots) \$4,500 (over 200 lots) <u>Final</u> \$400 (6-40 lots) \$600 (41-200 lots) \$900 (over 200 lots)	<u>Residential</u> \$200 <u>Commercial</u> \$600	<u>Zoning Clarification</u> \$25
Bozeman	\$1,000 + 25/acre (\$10/acre 80+) Plus \$400 for advertising	<u>Preapp</u> \$500 + \$25/lot <u>Prel</u> \$500 + \$50/lot +\$5 per adjainer Plus \$400 for advertising <u>Final</u> \$500 + \$25/lot	<u>Preapp</u> \$500 + \$25/lot <u>Prel</u> \$1,000 + \$50/lot (\$25/lot 100+) +\$5 per adjainer Plus \$400 for advertising <u>Final</u> \$1,000 + \$25/lot	\$250 for 1st 10 acres +10/acre after 10 acres Plus \$400 for each required advertising	<u>Zoning Compliance Permit</u> Single Family/Duplex \$75 Multi-Dwelling, Commercial & Industrial \$150
Helena	\$410	<u>Prel</u> \$400 <u>Final</u> \$100	<u>Prel</u> \$400 + \$15/lot <u>Final</u> \$375/phase	\$300	--
Kalispell	\$550 + \$20/acre (\$10/acre 81+)	<u>Prel</u> \$400 + \$125/lot <u>Final</u> \$400 + \$125/lot	<u>Prel</u> \$1000 + \$125/lot <u>Final</u> \$800 + 125/lot	\$250 + \$20/acre	--
Missoula	<1 acre \$2,000 >1 acre \$4,000	<u>Prel</u> \$1,500 + \$1000/lot <u>Final</u> \$312	<u>Prel</u> \$6,000 + \$100/lot (6-50 lots) \$5,000 + \$50/lot (51+lots) <u>Final</u> \$364	--	--
Whitefish	\$2,310 + \$66/acre (\$40/acre 81+)	<u>Prel</u> \$990 + \$200/lot <u>Final</u> \$1,056 + \$200/lot	<u>Prel</u> \$2,970 + \$200/lot <u>Final</u> \$2,574 + \$200/lot	--	<u>Zoning Conformance Permit</u> New Res. & Comm. \$330 Additions \$200 Garages, Barns, etc. \$200 Zone Determination \$165

**REZONING COST ESTIMATE
(Same process used for Conditional Use Permits)**

Tasks	Director	Senior Planner	Planner I	Admin. Assistant
Preliminary contact/discussion with Applicant		1	1	
Pre-application Conference	1	1	1	
Prepare Public Hearing Notice		1		
Prepare Vicinity Map			2	
Prepare list of adjacent owners, affidavits, envelopes			1	
Prepare & transmit communication to review officials		1	1	
Field inspection of site & post Public Hearing Notice			1	
Prepare Staff Report & Recommendation	1	1	3	
Planning Board Public Hearing	1	1	1	1
Prepare Minutes of Public Hearing				2
Prepare & submit Report to City Comm. (1 st Reading)	1	2	1	
Prepare & submit Report to City Comm. (Final Reading)		1	1	
Attend City Commission Hearings (2)	2			
Total Hours	6	9	13	3

Total Labor Costs	Total hours x Hourly Rates	\$ 742.50
Fringe Benefit Costs	49% x Total Labor Costs	\$ 363.83
Indirect Costs*	36% x Total Labor Costs	<u>\$ 267.30</u>

Total Estimated Cost: \$1373.63 ~ \$1400

<u>Current Rezoning Fee:</u>	<u>\$400</u>
Proposed Rezoning Fee: (Based on 50% of Total Estimated Cost)	(\$700)

* Includes paper, postage, copying, legal publication, etc. costs.

MINOR SUBDIVISION PLAT COST ESTIMATE

Tasks	Director	Senior Planner	Planner I	Admin. Assistant
Preliminary contact/discussion with Developer		1	1	
Pre-application Conference	1	1	1	
Prepare Vicinity Map			2	
Prepare & transmit communication to review officials		1	2	
Field inspection of site			1	
Prepare Staff Report & Recommendation/Findings of Fact	1	3	2	
Planning Board Meeting	1	1	1	1
Critique final draft of Minor Plat			1	
Prepare minutes of Planning Board meeting				1
Prepare & submit Report to City Commission	1	1	2	
Attend City Commission meeting	1			
Total Hours	5	8	13	2

Total Labor Costs	Total Hours x Hourly Rates	\$ 664.68
Fringe Benefit Costs	49% x Total Labor Costs	\$ 325.69
Indirect Costs*	36% x Total Labor Costs	<u>\$ 239.28</u>

Total Estimated Cost: \$1229.65 ~ \$1200

Current Minor Plat Fee: \$300
Proposed Minor Plat Fee: (Based on 50% of Total Estimated Cost) (\$600)

* Includes paper, postage, copying, legal publication, etc. costs.

MAJOR SUBDIVISION PLAT COST ESTIMATE

Tasks	Director	Senior Planner	Planner I	Admin. Assistant
Preliminary contact/discussion with Developer		2	2	
Pre-application Conference	1	1	1	
Prepare Public Hearing notice		1		
Prepare Vicinity Map			2	
Prepare list of adjacent owners, affidavits, envelopes			1	
Prepare & transmit communication to review officials		2		
Development Review Committee meeting	1	1	1	
Field inspection of site/post Public Hearing Notice		1	1	
Prepare Staff Report & Recommendation/Findings of Fact	1	5	3	
Planning Board Public Hearing	1	1	1	1
Prepare minutes of Planning Board Public Hearing				2
Prepare & submit Report to City Comm on Prel Plat	1	2		
Prepare Public Improve. Agreement & related documents		4	1	
Critique Final Plat & related documents			1	
Prepare & submit Report to Planning Board (Final)	1	1		
Prepare & submit Report on Final Plat to City Comm	1	1		
Attend City Commission meeting (1)	1			
Total Hours	8	22	14	3

Total Labor Costs	Total Hours x Hourly Rates	\$1169.52
Fringe Benefit Costs	49% x Total Labor Costs	\$ 573.06
Indirect Costs*	36% x Total Labor Costs	<u>\$ 421.03</u>

Total Estimated Cost: \$2163.61 ~ \$2200

Current Major Plat Fees: Prel: \$500/ Final \$200
Proposed Major Plat Fee: (Based on 50% of Total Estimated Cost) **(Prel: \$800/Final \$300)**

* Includes paper, postage, copying, legal publication, etc. costs.

ANNEXATION COST ESTIMATE

(Additional functions and costs beyond zoning process costs)

Tasks	Director	Senior Planner	Planner I	Admin. Assistant
Prepare Staff Report & Recommendation	1	2	1	
Prepare Annexation Agreement	1	4	2	
Prepare & submit Report to City Comm. (1 st Reading)		2	2	
Prepare & submit Report to City Comm. (Final Reading)		2	1	
Total Hours	2	10	6	

Total Labor Costs	Total Hours x Hourly Rates	\$ 443.34
Fringe Benefit Costs	49% x Total Labor Costs	\$ 217.24
Indirect Costs*	36% x Total Labor Costs	<u>\$ 159.60</u>

Total Estimated Cost: \$ 820.18 ~ \$800

<u>Current Annexation Fee:</u>	Annexation Petition	\$100
	Agreement	\$200
	Resolution	<u>\$100</u>
	Total	<u>\$400</u>

Proposed Annexation Fee: (Based on 50% of Total Estimated Cost)	
Annexation Petition	(\$100)
Agreement	(\$200)
Resolution	<u>(\$100)</u>
Total	<u>(\$400)</u>

* Includes paper, postage, copying, legal publication, etc. costs.

ZONING DETERMINATION COST ESTIMATE

Tasks	Director	Senior Planner	Planner I	Admin. Assistant
Research property records and related files/sources			2	
Prepare Zoning determination documentation	.5	.5	.5	
Total Hours	.5	.5	2.5	

Total Labor Costs	Total Hours x Hourly Rates	\$ 78.26	
Fringe Benefit Costs	49% x Total Labor Costs	\$ 38.35	
Indirect Costs*	36% x Total Labor Costs	<u>\$ 28.17</u>	
Total Estimated Cost:		\$ 144.78 ~	\$145

Current Zoning Determination Fee: \$25

Proposed Zoning Determination Fee: (Based on 50% of Total Estimated Cost) (\$75)

* Includes paper, postage, copying, legal publication, etc. costs.



Item: One New 2009 Tandem Axle Roll-Off Cab & Chassis
From: Tom Hugg, Vehicle Maintenance Supervisor
Initiated By: Public Works Department
Presented By: Jim Rearden, Public Works Director
Action Requested: Award Bid

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission award the bid for one new 2009 tandem axle roll-off cab & chassis to Motor Power Kenworth of Great Falls for \$95,800.”

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

Staff Recommendation: Staff recommends that the City Commission award the bid for one new 2009 tandem axle roll-off cab & chassis to Motor Power Kenworth of Great Falls for \$95,800.

Background:

Purpose:

The new 2009 tandem axle roll-off cab & chassis will be used by the Sanitation Division to conduct commercial business.

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 three prospective bidders. The bids were opened on November 19, 2008, with four bidders responding.

The container lift system from the vehicle being replaced will be installed on the new 2009 tandem axle roll-off cab & chassis. The old cab and chassis will be sold at a later date.

Conclusion:

The bid by Motor Power Kenworth meets specifications for the tandem axle roll-off cab & chassis. The low bid submitted by Tri State Truck & Equipment had multiple exceptions in several critical areas, including the engine.

Fiscal Impact: Funds for its purchase were provided in the FY 2009 Sanitation Budget.

Alternatives: Reject the bids for the purchase of one new 2009 tandem axle roll-off cab & chassis.

Attachments/Exhibits: Bid List, Bid Tab

Roll-Off Cab & Chassis Bid List

Tri-State Equipment
5024 Tri-Hill Frontage Road
Great Falls MT 59404

I State Truck Center
P.O. Box 2165
Great Falls MT 59403

Motor Power Great Falls
P.O. Box 2264
Great Falls MT 59403



Item: Five New 2009 Single Axle Dump Trucks
From: Tom Hugg, Vehicle Maintenance Supervisor
Initiated By: Public Works Department
Presented By: Jim Rearden, Public Works Director
Action Requested: Postpone Bid Award

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission postpone the bid award for five new 2009 single axle dump trucks.

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

Staff Recommendation: Staff recommends that the City Commission postpone the bid award for five new 2009 single axle dump trucks.

Background:

Purpose

The new 2009 single axle dump trucks will be used in the Street Division.

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 seven prospective bidders. The bids were opened on November 19, 2008, with seven bidders responding. All bids came in over the budgeted allocation. Staff is requesting additional time to evaluate funding options for this purchase.

Fiscal Impact: Funds for their purchase were provided in the FY 2009 Central Garage Budget.

Alternatives: Reject the bids for the purchase of five new 2009 single axle dump trucks.

Attachments/Exhibits: Bid List, Bid Tab

Roll-Off Cab & Chassis Bid List

Tri-State Equipment
5024 Tri-Hill Frontage Road
Great Falls MT 59404

I State Truck Center
P.O. Box 2165
Great Falls MT 59403

Motor Power Great Falls
P.O. Box 2264
Great Falls MT 59403

City Motor Company
P.O. Box 6727
Great Falls MT 59406

Bison Motors
500 10th Ave. South
Great Falls MT 59405

HCL Equipment
2417 Old Havre Hwy
Great Falls MT 59404

Kois Brothers
P.O. Box 1728
Great Falls MT 59403



Item: SET CDBG/HOME Community Needs Public Hearing
From: Community Development Department
Initiated By: Chris Imhoff, CDBG/HOME Administrator
Presented By: Chris Imhoff, CDBG/HOME Administrator
Action Requested: Set Public Hearing for December 16th, 2008

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set the public hearing for December 16, 2008, to obtain comments on the community development needs of the City of Great Falls”

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

Staff Recommendation:

Staff recommends the City Commission set December 16, 2008, as the public hearing date for citizen comments regarding needs of the community that may be addressed with Community Development Block Grant and HOME grant funds.

Background:

Significant Impacts

Not applicable

Citizen Participation

The Citizen Participation Plan, which is required by the U.S. Department of Housing and Urban Development, dictates that the City hold a public hearing to receive citizen input regarding the issues and needs of the community.

Workload Impacts

Not applicable

Purpose

Public input helps identify federal grant funding opportunities in the community.

Project Work Scope

Not applicable

Evaluation and Selection Process

The U. S. Department of Housing and Urban Development requires public input, especially input from lower income citizens and agencies representing them, as to the issues and needs of the community. The Commission will be asked to give consideration to citizen comments received during this public hearing when determining funding priorities for the Community Development Block Grant Program and the HOME Grant Program.

Conclusion

The public hearing provides citizens an important opportunity to identify before the City Commission, community development needs particularly those impacting low to moderate income households in Great Falls.

Concurrences: Not applicable

Fiscal Impact: Conducting the public hearing is a pre-condition for the city receiving its annual allocation of HUD CDBG and HOME grant funds.

Alternatives: The hearing is a required for the city to be awarded 2009-2010 CDBG and HOME funding.

Attachments/Exhibits: Not applicable



Item: Final Payment – Sunnyside Water Pressure Improvements – Piping, Phase 1, O. F. 1494.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Final Payment for the Sunnyside Water Pressure Improvements - Piping, Phase 1, O. F. 1494.1, in the amount of \$2,376.00 to United Materials of Great Falls, and \$24.00 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project installed several new water mains in the Sunnyside neighborhood and changed the water pressure district the area is located in. Water pressures in the area have increased by approximately 37 pounds per square inch (psi) from the previous 40 or 50 psi to 80 or 90 psi currently. Fire flows increased as well, improving fire protection to the area.

Citizen Participation

Several Neighborhood Council #6 meetings were held to coordinate the project with area residents.

Workload Impacts

Thomas, Dean & Hoskins, Inc. (TDH) completed the preliminary route design and water pressure studies. City engineering staff completed the final project design, performed construction inspection and contract administration duties.

Purpose

The Sunnyside neighborhood was the largest of several areas in Great Falls that had lower than desired water pressure. The Water Master Plan had recommended that a series of improvements be made to remedy the situation. The installation of new transmission mains connecting the Sunnyside area to the East Booster District greatly increased the pressure in the area. Subdivisions affected by this project include Sunnyside Heights, Fairview, Prospect Park, Finley Supplement, and Castle Pines Additions. Future expansion will also be possible with the annexation of existing homes and with new developments in the southern part of the area. Other future improvements could include a pump station, elevated water tank, and additional transmission mains.

Project Work Scope

This project installed approximately 10,000 lineal feet of new water mains. The project is bounded by 10th Avenue South to the north, 26th Avenue South to the south, 13th Street South to the west, and 20th Street South to the east.

Over 800 homes and businesses received increased water pressure when the project was completed.

Evaluation and Selection Process

The City accepted five bids for this project on June 20, 2007 and the City Commission awarded the contract to United Materials on July 3, 2007 in the amount of \$1,119,880.00.

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 February 25, 2008. The delay between substantial completion and final pay was due to punch list items only recently completed by the contractor.

Concurrences:

Not Applicable.

Fiscal Impact:

The final project cost is \$1,042,934.43 which is \$76,945.57 under the amount awarded and approved. The difference is mainly due to extra or unforeseen work not being required on this project. Because of the nature of underground utility work and the age of the infrastructure, unknown conditions are often discovered. This project encountered very few of these conditions. Funding for this project came from the Water Fund and Castle Pines Special Improvement District Fund.

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.)