



City Commission Agenda

for

November 18, 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. Water Tower Park Addition. **(Presented by: Ben Rangel)**
 - A. Res. 9766, to Annex said property. Action: Conduct joint public hearing and adopt or deny Res. 9766 and approve or disapprove the Subdivision Plat and Annexation Agreement.
 - B. Ord. 3012, to Assign City Zoning of R-2 Single-family medium density district. Action: Conduct joint public hearing and adopt or deny Ord. 3012.
3. New Castle Condominiums Subdivision. **(Presented by: Ben Rangel)**
 - A. Res. 9777, to Annex said property. Action: Conduct joint public hearing and adopt or deny Res. 9777 and approve or disapprove the Plat, Findings of Fact and Annexation Agreement.
 - B. Ord. 3020, to Assign City zoning of PUD Planned unit development district. Action: Conduct joint public hearing and adopt or deny Ord. 3020.
4. Res. 9787, Create Special Improvement Lighting District – City-Owned Residential Lighting District No. 1303, Bootlegger Addition, Phase I. Action: Conduct public hearing and adopt or deny Res. 9787. **(Presented by: Coleen Balzarini)**

OLD BUSINESS

5. Water Rights Purchase and Related Requests for Proposals. Action: Approve or deny requests. **(Presented by: Coleen Balzarini)**

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. Cascade Community Health District. **(Presented by: Dave Gliko)**
 - A. Ord. 3025, To Create the Cascade Community Health District. Action: Adopt or deny Ord. 3025.

- B. Interlocal Agreement with Cascade County to create said District.
Action: Approve or deny Agreement.
7. Res. 9784, Intent to Create Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305, Watertower Park Addition. Action: Adopt or deny Res. 9784 and set public hearing for December 16, 2008. **(Presented by: Coleen Balzarini)**
 8. Res. 9796, Intent to approve a development project proposed by West Bank Properties, LLC as an urban renewal project. Action: Adopt or deny Res. 9796 and set public hearing for December 2, 2008. **(Presented by: Ben Rangel)**
 9. Res. 9801, Intent to approve the Courthouse/4th Avenue NW project as an urban renewal project and authorize financing public improvements with Tax Increment revenues. Action: Adopt or deny Res. 9801 and set public hearing for December 2, 2008. **(Presented by: Coleen Balzarini)**
 10. Res. 9797, State of Montana Voluntary Employees' Beneficiary Association Health Reimbursement Account, "Montana VEBA HRA." Action: Adopt or deny Res. 9797. **(Presented by: Linda Williams)**
 11. Res. 9800, Establishing an Official City of Great Falls Limited Edition Christmas Ornament. Action: Adopt or deny Res. 9800. **(Presented by: Ellen Sievert)**

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.*

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 \$5000, in the amount of \$1,274,416.
14. Contracts list.
15. Lien Release List.
16. Set a 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.
18. Approve Community Based Policing Agreement with Great Falls Housing Authority.
19. Approve Revised Memorandum of Understanding with the Great Falls Development Authority regarding the use of Ag-Tech Industrial Tax Increment District Funds.
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.

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

BOARDS & COMMISSIONS

21. Miscellaneous reports and announcements.

CITY MANAGER

22. 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)*

23. Miscellaneous reports and announcements.

CITY COMMISSION

24. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Public Hearing – Resolution 9766 to Annex and Ordinance 3012 to Assign City Zoning to Water Tower Park Addition

From: Charles Sheets, Planner I

Initiated By: TD Land Development, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9766 and Ordinance 3012.

Public Hearing:

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

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9766 and approve the Subdivision Plat and Annexation Agreement, all related to Water Tower Park Addition.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3012.”

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

Planning Board and Zoning Commission Recommendations: The Planning Board has recommended the City Commission approve the annexation and subdivision plat of Water Tower Park Addition. The Zoning Commission has recommended the City Commission assign a zoning classification of R-2 Single-family medium density district on Water Tower Park Addition, upon annexation to the City.

Background: During a meeting held June 17, 2008, the City Commission conditionally approved the Preliminary Plat of Water Tower Park Addition, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Water Tower Park Addition. Water Tower Park Addition is located along 14th Street Northeast in the vicinity of 35th Avenue Northeast and consists of 16 single-family lots ranging in size from 9,960 sq. ft. to 14,850 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 35th Avenue Northeast through Skyline Heights Addition. An additional future access would involve the northerly extension of 14th Street Northeast to connect with 36th Avenue Northeast. The developer has escrowed the estimated cost of \$32,000 for the roadway and water main extensions. The developer will also install standard City paving, curb and gutter for the roadways within the subdivision, with a cul-de-sac at the south end and a stub at the north end of 14th Street Northeast for future connection to 36th Avenue Northeast.

City water mains and sanitary sewer mains will be installed in the public roadways. Easements will be provided around the boundary of the subdivision for private utilities such as electric, gas, telephone and cable TV.

Surface drainage from the subdivision flows north and west in the existing roadways and eventually discharges into the detention facility in Skyline Heights Park. The developer agrees to pay a proportionate share of detention facility improvements to correct potential problems existing in the vicinity of 11th Street NE and 34th Avenue NE. A storm drainage plan has been drafted for the subdivision and will be finalized and approved by the City Engineer.

To fulfill the subdivision's park obligation, the developer has paid a fee in lieu of dedicating land, which is acceptable to the Park and Recreation Department.

It is worth noting that 36th Avenue NE will continue to receive the bulk of traffic that new subdivisions in the area are generating, including this one. The various new subdivisions, supplements and phases in the area will cumulatively have an impact over time on the area's roads. Long-range plans to create another east-west collector to the north will eventually divert some traffic from this Avenue. Also, the recent westward extension of 36th Avenue NE to 2nd Street NE has given area residents a more direct western route to Skyline Drive and 6th Street NW. 36th Avenue NE/NW is eventually expected to reach 6th Street NW directly, which will give residents even better access. Finally, subdivisions to the north will connect to Bootlegger Trail in a few years, which will also alleviate some of the traffic at the 9th Street NE/36th Avenue NE intersection.

Although current traffic volumes on area collectors are still relatively low and there is sufficient capacity on those roads and nearby intersections for the traffic that would be generated by the 16 new lots this subdivision proposes, the streets in the area should be monitored as this project and others become more fully developed and as traffic patterns become better established. Adjustments to existing signing and/or the installation of new signing at intersections may be a future consideration, when warranted.

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.

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

Subject property is presently zoned in the County as “A-1” Agricultural District and it is proposed Water Tower Park Addition be zoned R-2 Single-family medium 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.

It is anticipated the planned single family use of the property will be compatible with neighboring uses. Therefore, staff concluded the twelve criteria stated above are substantially met.

At the conclusion of a public hearing held May 27, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-2 Single-family medium density district to Water Tower Park Addition. The Planning Board recommended the City Commission approve said Subdivision Plat and annex Water Tower Park Addition, subject to fulfillment of the following conditions by the applicant:

- 1) The final plat of Water Tower Park Addition shall incorporate correction of any errors or omissions noted by staff and include the following provisions: 1) a notification clause to lot purchasers regarding soil conditions; and 2) easements as recommended by the City Engineer.
- 2) The final engineering drawings and specifications for the required public improvements to serve Water Tower Park Addition shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of Water Tower Park Addition, including agreement by applicant:
 - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above; and,
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions; and,

- c) to escrow the estimated costs for the roadway and water main extensions in 14th Street Northeast to connect with 36th Avenue Northeast; and,
d) to notify lot purchasers and home builders that individual home booster pumps may be desirable to enhance water pressure.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation, including:
- | | |
|---|------------------|
| a) Annexation Application Fee | \$ 100.00 |
| b) Annexation Agreement Fee | \$ 200.00 |
| c) Resolution of Annexation Fee | \$ 100.00 |
| d) Final Plat Fee | \$ 200.00 |
| e) Storm Sewer Fee (\$250/acre x 6.369 gross acres) | \$ 1,592.25 |
| f) Park Fee in Lieu of Land Dedication
(\$9,000 /acre x 5.0125 net acres x 11%) | \$ 4,962.37 |
| g) Reimbursement for proportionate share of
down stream Storm Water Retention
Facility on 10 th and 11 th Streets NE and 34 th
Ave NE (\$2,934.50/acre x 6.369
Contributing acres) | \$ 18,689.83 |
| h) Recording fees for Agreement and
<u>Resolution (\$11 per page x 10 pages)</u> | <u>\$ 110.00</u> |
| Total fees made payable to
City of Great Falls | \$ 25,954.45 |

At the time of writing this report items 2) 3) and 4) have been completed by the applicant and item 1) will be completed prior to filing the final plat.

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

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

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

Attachments/Exhibits:

1. Resolution 9766
2. Ordinance 3012
3. Vicinity/Zoning map
4. Reduced copy of drawing portion of the final plat
5. Annexation Agreement (Not available online; on file in City Clerk’s Office.)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
TD Land Development, 618 Central Ave, Great Falls, MT, 59401
HKM Engineering, P O Box 49, Great Falls, MT, 59403

RESOLUTION 9766

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE WATER TOWER PARK ADDITION IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW

* * * * *

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

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

Water Tower Park Addition, in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 6.369 acres more or less,

according to the plat of Water Tower Park Addition; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said City all of the land hereinabove described, included as: "THE WATER TOWER PARK ADDITION IN THE NE¹/₄NE¹/₄ SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of November, 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 9766 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of November, 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 18th day of November, 2008.

(CITY SEAL)

Lisa Kunz, City Clerk

ORDINANCE 3012

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO WATER TOWER PARK ADDITION, IN NE¼NE¼ SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, TD Land Development is the owner of record of Water Tower Park Addition, in NE¼NE¼ Section 36, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, TD Land Development has petitioned the City of Great Falls to annex Water Tower Park Addition; and,

WHEREAS, TD Land Development has petitioned said Water Tower Park Addition, be assigned a City zoning classification of R-2 Single-family medium density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-2 Single-family medium density district, to Water Tower Park Addition, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 18th day of November, 2008, 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 Water Tower Park Addition be designated as R-2 Single-family medium 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 Water Tower Park Addition 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 18th day of November, 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 Ordinance 3012 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 18th day of November, 2008 and approved by the Mayor of said City on the 18th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of November, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

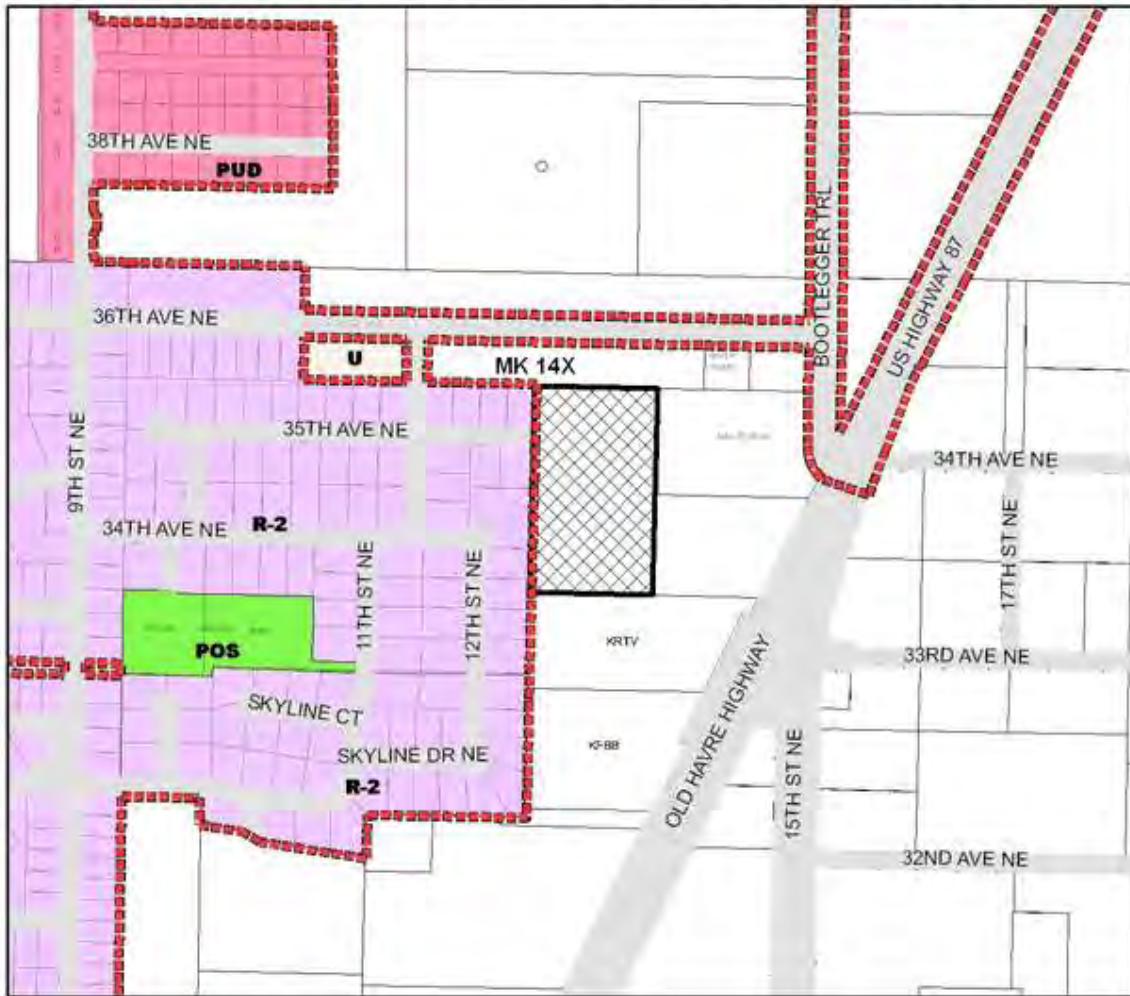
I, Lisa Kunz, being first duly sworn, deposes and says: That on the 18th day of November, 2008 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3012 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

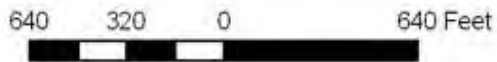
Lisa Kunz, City Clerk

(CITY SEAL)

VICINITY/ZONING MAP



-  FINAL PLAT OF WATER TOWER PARK ADDITION TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-2" SINGLE-FAMILY MEDIUM DENSITY DISTRICT
-  City Limits
-  PUD Planned unit development
-  U Unincorporated enclave
-  R-2 Single-family medium density
-  POS Parks and Open Space
-  Tracts of land outside City



SUBDIVISION PLAT OF WATERTOWER PARK ADDITION TO THE CITY OF GREAT FALLS

NE¼ NE¼, SEC. 36, T 21 N, R 3 E, P.M.M.
CASCADE COUNTY, MONTANA

CERTIFICATE OF DEDICATION

We, the undersigned property owner(s), do hereby certify that we have caused to be surveyed, for the purpose of dedicating streets and the subdivision of Lots and Blocks the following described land in Great Falls, Cascade County, Montana, to wit:

DESCRIPTION

The land being described lies in the NE¼ NE¼, Section 36, T. 21 N., R. 3 E., P.M.M. Cascade County, Montana

Watertower Park Addition:
Beginning at NE corner of Certificate of Survey #3762, and the True Point of Beginning; Thence S 89°25'45" E, 406.68'; Thence S 00°47'01" W, 683.32 ft.; Thence N 89°14'00" W, 406.48 ft.; Thence N 0°46'00" E, 681.93' to the True Point of Beginning.

Herein described Subdivision contains 6.369 acres

The above described tract of land is to be known and designated as the subdivision plat of Watertower Park Addition to the City of Great Falls, Cascade County, Montana, and the land included in all streets and avenues shown on said plat are hereby granted and donated to the use of the public forever.

NOTICE OF SOIL CONDITIONS
Take notice all prospective purchasers of land in this subdivision that the soils contained on lots within this subdivision may not adequately accommodate load bearing improvements or structures without appropriate remedial measures and may be susceptible to adverse groundwater conditions. As such, all prospective purchasers are advised to consult with and obtain the recommendation of a geo-technical engineer before initiating construction.

CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana, do certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the ___ day of _____, 2008, found no necessity due to the size and location of the Plat of Watertower Park Addition to the City of Great Falls, Cascade County, Montana, and instead accepted a cash donation in the sum of \$_____ for the park fund in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 76-3-621(1)(a), M.C.A.

City Manager, City of Great Falls, Montana

CERTIFICATE OF PUBLIC SERVICE DIRECTOR

I, Jim Rearden, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying Plat of Watertower Park Addition and the survey it represents, and that I find the same conform to regulations governing the platting of lands, and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same. Dated this ___ day of _____, 2008.

Jim Rearden
Public Service Director
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of Great Falls, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Commission of the City of Great Falls at its regular meeting held on the ___ day of _____, 2008.

City Manager, City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager of the City Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the ___ day of _____, 2008, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to section 76-4-124 M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

City Manager, City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, John Harding, Chairman of said Great Falls City Planning Board, Great Falls, Cascade County, Montana, and Benjamin M. Rangel Secretary of said Great Falls City Planning Board, do hereby certify that the accompanying Subdivision Plat of Watertower Park Addition to Great Falls, Cascade County, Montana has been submitted to the said Great Falls City Planning Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on the ___ day of _____, 2008.

Chairman, Great Falls
Planning Board

ATTEST:

Secretary, Great Falls
Planning Board

TD Land Development _____ this day of _____, 2008.

TD Land Development _____ this day of _____, 2008.

State of Montana
County of Cascade

On this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the persons who executed the foregoing Certificate of Dedication, and they acknowledged to me that they executed the same.

Signature of Notary _____

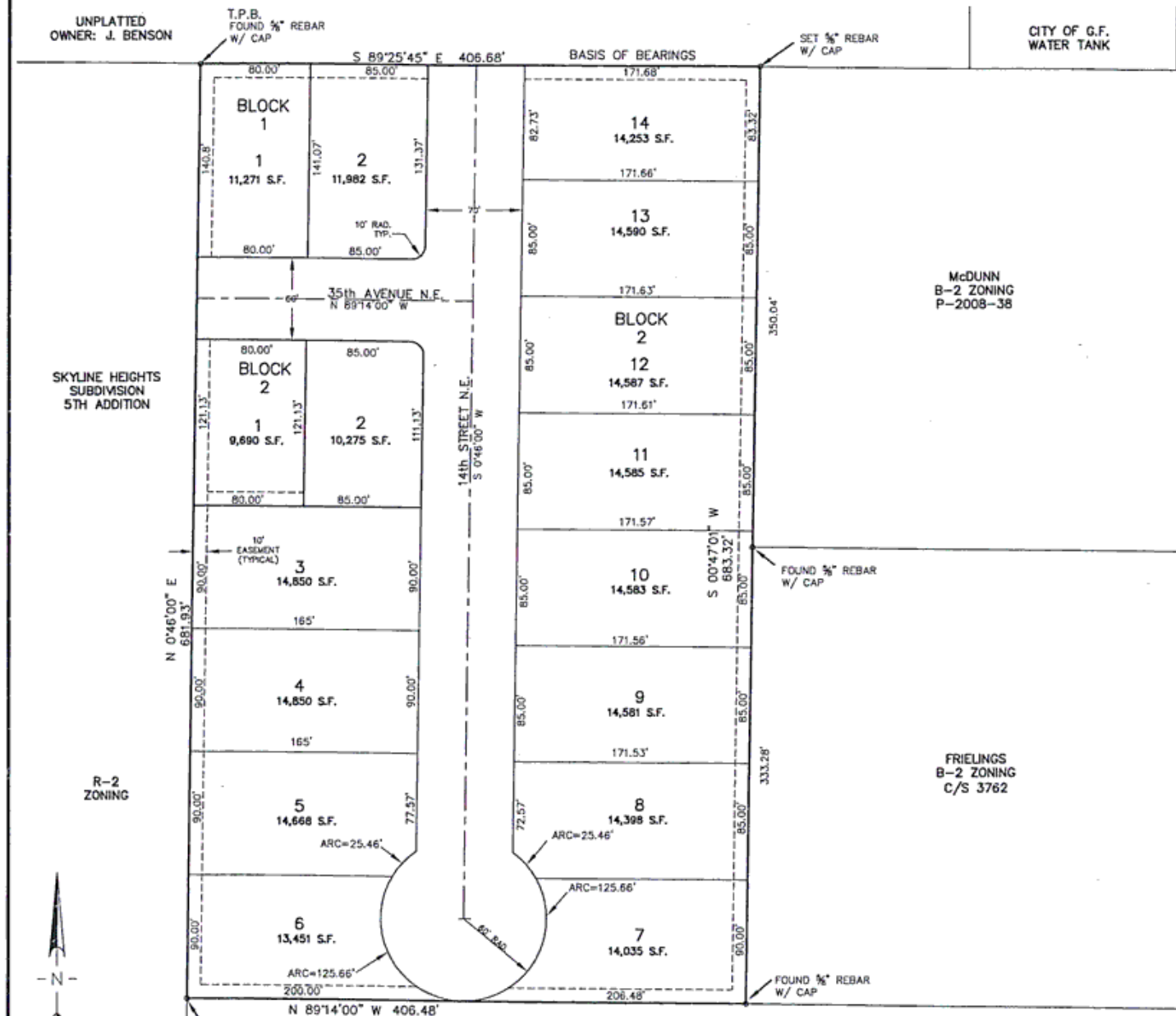
Printed Name of Notary _____
Notary Public for the State of Montana
Residing at Great Falls, Montana
My commission expires _____

CERTIFICATE OF SURVEYOR

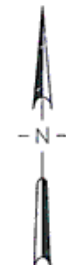
State of Montana
County of Cascade

Dwight L. Axelsen, a Registered Land Surveyor, do hereby certify that I have performed the survey on the attached Plat of Watertower Park Addition; that such survey was made on the 21st day of April, 2008, that said survey is true and complete as shown. Dated this ___ day of _____, 2008.

Dwight L. Axelsen Registration No. 8641 LS



BLOCK NO.	LOTS	ZONING	AREA
1	1-2	R 2	23,248 sf
2	1-14	R 2	193,396 sf
TOTAL	16		216,644 sf
ROAD AREA			60,790 sf



LEGEND

- FOUND SECTION CORNER
- PIN / CAP
- EXISTING MONUMENT

County Treasurer's Certification

I hereby certify that no real property taxes assessed and levied on the land being divided are delinquent.

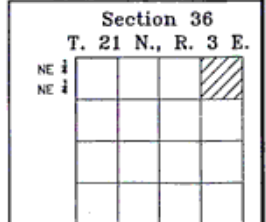
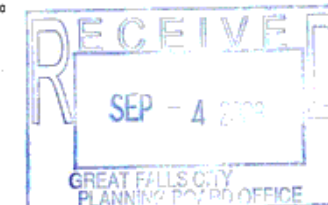
Cascade County Treasurer

Cascade County Clerk and Recorder

BASIS of BEARING

Basis of bearing is the North boundary of C/S 3762, Section 36, Township 21 North, Range 3 East of the P.M.M.

Date Drawn: April, 2008 Drawn by: JWG Checked by: _____ Project No. 825198.101



COUNTY OF CASCADE
SUBDIVISION PLAT No. _____
NE¼ NE¼, Sec. 36, Township 21 North, Range 3 East of the P.M.M.

Prepared for:
TD Land Development
618 Central Avenue
Great Falls, MT 59405

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of
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Item: Public Hearing – Resolution 9777 to Annex and Ordinance 3020 to Assign City Zoning to New Castle Condominiums Subdivision

From: Charles Sheets, Planner I

Initiated By: Harold Poulsen, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9777 and Ordinance 3020.

Public Hearing:

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

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9777 and approve the Plat, Findings of Fact and Annexation Agreement, all related to New Castle Condominiums Subdivision.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3020.”

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

Planning Board and Zoning Commission Recommendations: The Planning Board has recommended the City Commission approve the annexation, subdivision plat and findings of fact. The Zoning Commission has recommended the City Commission assign a zoning classification of PUD Planned unit development district to the Subdivision Plat, upon annexation to the City.

Background: The Planning Office is in receipt of applications from Harold Poulsen regarding the following:

- 1) Subdivision Plat of New Castle Condominiums Addition, in the SW¼SW¼ Section 18 and Government Lot 1, Section 19, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of the area contained in said plat, consisting of 3.51 acres to the City.
- 3) Establishing a City zoning classification of PUD Planned unit development district, to said Subdivision Plat, upon annexation.

Said parcel is located at the southeast corner of the intersection of 13th Street South and 24th Avenue South. The parcel is presently vacant and the owner intends to construct 26 residential condominiums.

For additional information, please refer to the attached Vicinity/Zoning Map, preliminary Subdivision Plat and PUD Site Plan attached to Ordinance 3020 as Exhibit "A".

Access to the subdivision would be via 24th Avenue South and its connection to Castle Pines Drive. An additional access would involve the westerly extension of 25th Avenue South. No access or private drives will be allowed directly onto 13th Street South or 24th Avenue South. The developer will be required to install standard City paving, curb and gutter for the roadways within the subdivision. City water mains and sanitary sewer mains are proposed to be installed in the public roadways within the subdivision. Easements will be provided around the boundary and within the subdivision for private utilities such as electric, gas, telephone and cable TV.

Surface drainage from the subdivision flows north and east within the proposed roadways to the existing inlet in 25th Avenue South. A storm drainage plan is required and the developer's engineer will work with City staff to develop the plan.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261.00 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. New Castle Condominiums Subdivision was included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Phase 1 wherein as each lot is sold a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13th Street South and 24th Avenue South, including water main installation and providing a secondary water source to the Castle Pines area. Owner has agreed to deposit, as each condominium is sold in Subdivision, \$893.70 into the referenced trust fund. Said monetary amount was agreed upon by the Owner and the City.

The applicant has requested the subject property be zoned PUD Planned unit development 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 an unincorporated enclave created by the development and annexation of the surrounding single-family developments on two sides of this property and the annexation of adjoining rights-of-way. The proposed single story condominiums would provide an additional ownership option and a good mix with other residences being built in the area. Goals of the land use element of the Great Falls Growth Policy include:

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

Applicable policy statements include: 1) residential land uses should be planned and located so that they do not result in adverse impacts upon one another; 2) annexation eliminates an unincorporated enclave; and 3) annexation results in efficient use of City services. Therefore, staff concludes the criteria are substantially met.

At the Planning Board/Zoning Commission public hearing on August 26, 2008, one neighboring owner spoke as an opponent with concerns about vehicle access, increased traffic, noise and dust from the construction of the site. At the conclusion of the hearing, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of PUD Planned unit development district to the subject property, upon annexation to the City. The Planning Board recommended the City Commission approve the Subdivision Plat and Findings of Fact, subject to fulfillment of the following conditions by the applicant:

- 1) The plat of New Castle Condominiums Addition shall incorporate correction of any errors or omissions noted by staff including: a) provision of a notification clause to lot purchasers regarding soil conditions; b) provision of easements as recommended by the City Engineer; c) dedication of 10 feet along the western boundary to be added to 13th Street South; and d) prohibiting access directly from 13th Street South and 24th Avenue South to the condominiums.
- 2) The final engineering drawings and specifications for the required public improvements to serve New Castle Condominiums Addition shall be submitted to the City Public Works Department for review and approval prior to the City Commission considering the annexation.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of New Castle Condominiums Addition, including agreement by applicant:
 - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above;
 - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
 - c) to develop the subdivision substantially in accordance with the attached site plan; and,

- d) agreeing to adhere to the intent of Agreement dated November 7, 1995, pertaining to the previously mentioned Off-Site Improvement Trust Fund.
- 4) In addition to the Plat Fee of \$300.00, Zoning Fee of \$400.00, Annexation Application Fee of \$100.00, Annexation Agreement Fee of \$200.00 and Resolution of Annexation Fee of \$100.00, which have been paid, pay the following required fees and annexation charges as provided by City policy, ordinances and resolutions:

a) storm sewer fee (\$250/acre x 3.51 acres)	\$877.50
b) recording fees for annexation documents (\$11 per page x 11 pages)	\$121.00
Total	\$998.50

At the time of writing this report items 3) and 4) have been completed by the applicant and items 1) and 2) will be completed prior to filing the final plat.

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

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

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

Attachments/Exhibits:

1. Resolution 9777
2. Ordinance 3020
3. Vicinity/Zoning map
4. Reduced copy of drawing portion of the subdivision plat
5. Annexation Agreement (Not available online; on file in City Clerk’s Office.)
6. Findings of Fact

Cc: Jim Rearden, Public Works Director
 Dave Dobbs, City Engineer
 Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403
 Woith Engineering, Inc., 1725 41st St S. Great Falls, MT 59405

RESOLUTION 9777

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE NEW CASTLE CONDOMINIUMS SUBDIVISION, IN THE SW¹/₄SW¹/₄ SECTION 18 AND GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

New Castle Condominiums Subdivision, in the SW¹/₄SW¹/₄ Section 18 and Government Lot 1, Section 19, Township 20 North, Range 4 East, Cascade County, Montana, and containing 3.51 acres,

according to the plat of New Castle Condominiums Subdivision; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "NEW CASTLE CONDOMINIUMS SUBDIVISION, IN THE SW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 18 AND GOVERNMENT LOT 1 SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA."

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

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

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of November, 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 9777 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of November, 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 18th day of November, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

ORDINANCE 3020

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO NEW CASTLE CONDOMINIUMS SUBDIVISION, IN THE SW¼SW¼ SECTION 18 AND GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA, ALL AS SHOWN ON THE SITE PLAN ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF

* * * * *

WHEREAS, Harold Poulsen, Owner, has petitioned the City of Great Falls to annex New Castle Condominiums Subdivision, in the SW¼SW¼ Section 18 and Government Lot 1, Section 19, Township 20 North, Range 4 East, Cascade County, Montana; and,

WHEREAS, the Owner has petitioned the City of Great Falls to assign a City zoning classification of PUD Planned unit development district, upon annexation of New Castle Condominiums Subdivision; and,

WHEREAS, the Owner has agreed that any development of the subject property shall be in accordance with the P.U.D. Site Plan attached, as Exhibit "A"; and,

WHEREAS, notice of assigning a zoning classification of PUD Planned unit development district to New Castle Condominiums Subdivision was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 18th day of November, 2008, 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 described 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 New Castle Condominiums Subdivision be designated as PUD Planned unit development district subject to the building envelopes, setbacks and heights attached hereto as Exhibit "A".

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing New Castle Condominiums Subdivision 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 18th day of November, 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 Ordinance 3020 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 18th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 18th day of November, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 18th day of November, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3020 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

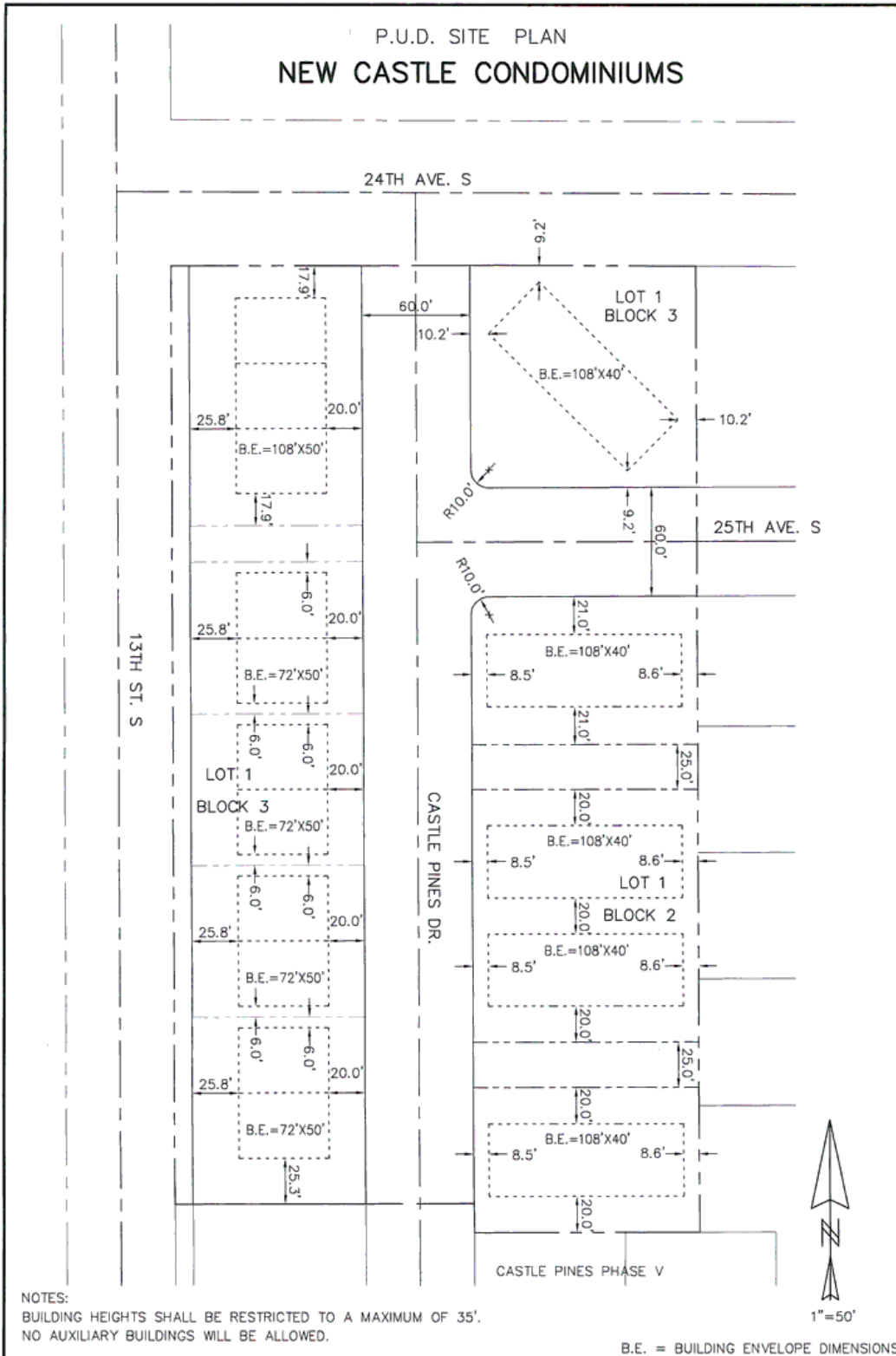
Lisa Kunz, City Clerk

(CITY SEAL)

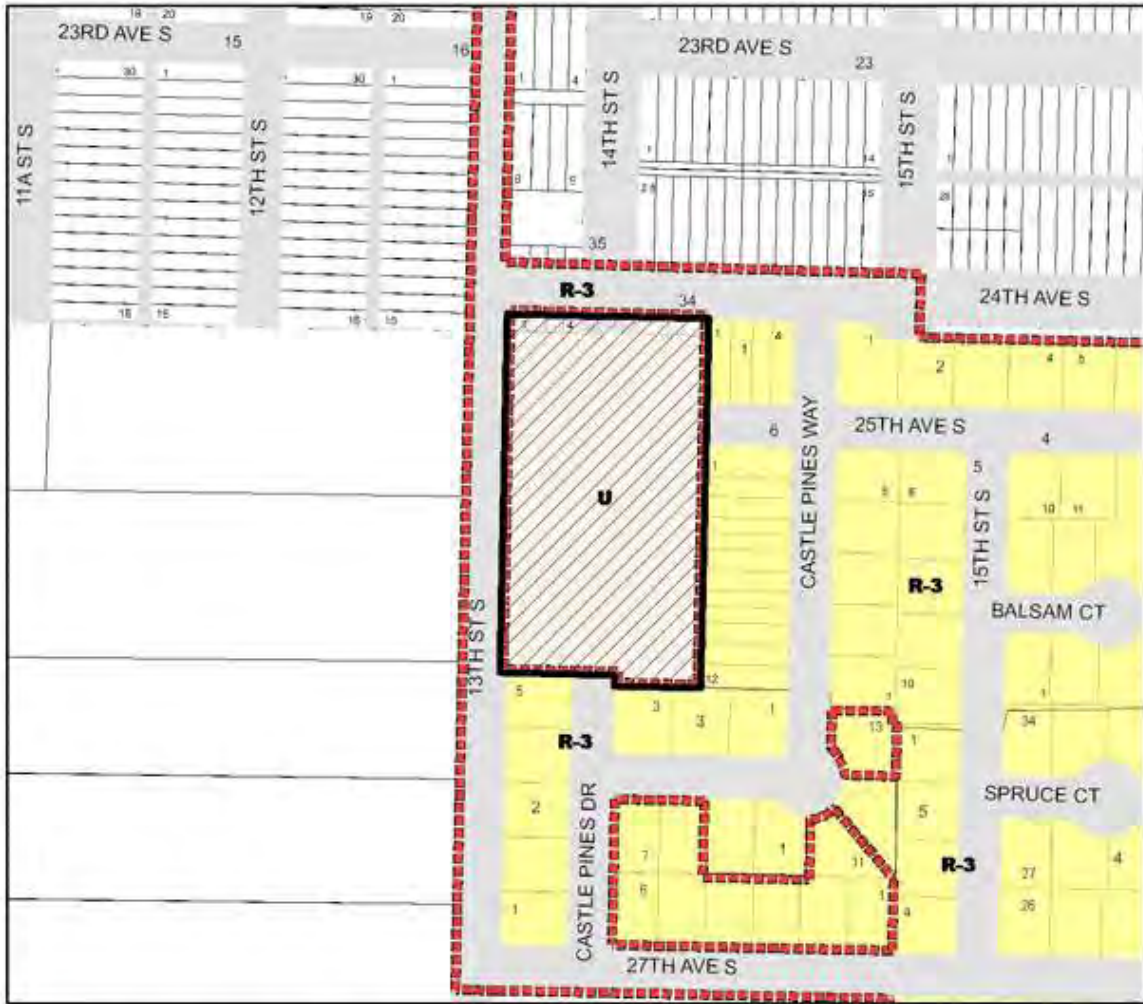


EXHIBIT "A"





P.U.D. SITE PLAN
NEW CASTLE CONDOMINIUMS

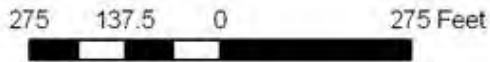


VICINITY/ZONING MAP



 PROPOSED NEW CASTLE CONDOMINIUM ADDITION TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT UPON ANNEXATION TO THE CITY

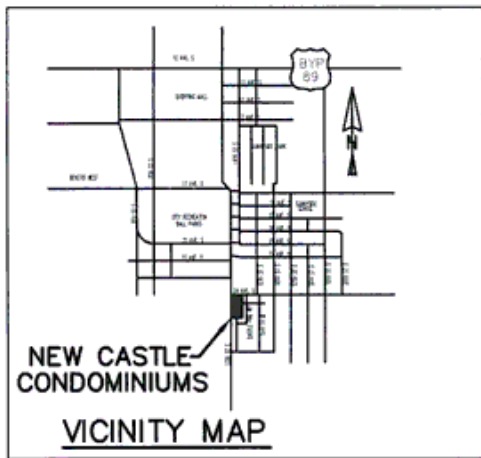
 City Limits  R-3 Single-family high density  U Unincorporated enclave
 Tracts of land outside City





PLAT OF NEW CASTLE CONDOMINIUMS

TO THE CITY OF GREAT FALLS
A SUBDIVISION LOCATED IN G.L.O. LOT 1 OF SECTION 19, AND IN THE SW1/4 SW1/4,
SECTION 18, T20N, R4E, P.M.MT, CASCADE COUNTY, MONTANA



LEGEND

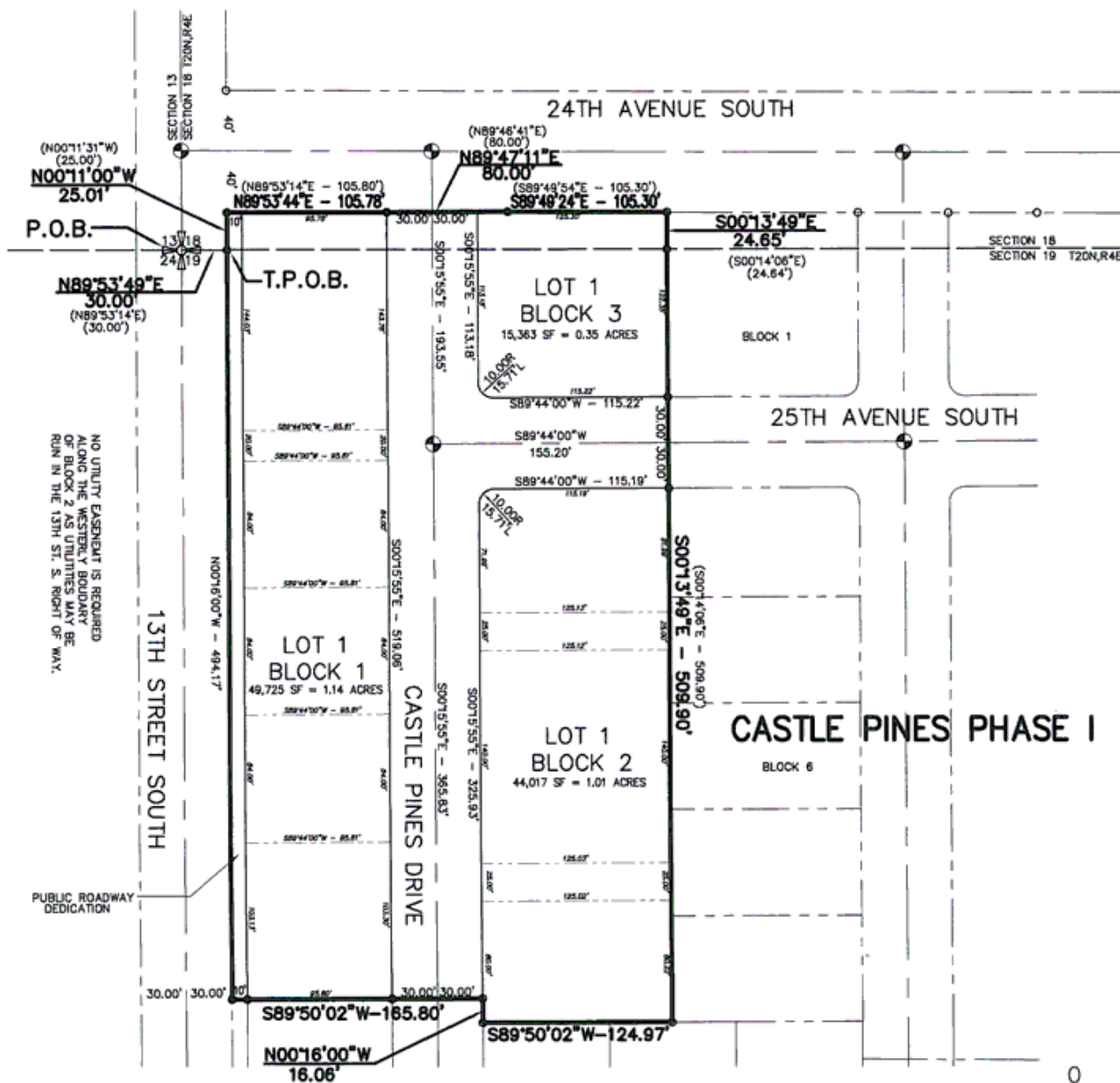
- FOUND SECTION CORNER
- FOUND MONUMENT
- SET IRON PIN AND CAP
- STREET MONUMENT
- P.O.B.** POINT OF BEGINNING
- T.P.O.B.** TRUE POINT OF BEGINNING
- sq. ft. SQUARE FEET
- (0°00'00" - 10.00') RECORD BEARING & DISTANCE
- 0°00'00" - 10.00' MEASURED BEARING & DISTANCE
- CONDOMINIUM EASEMENT DIMENSIONS
- CONDOMINIUM EASEMENTS
- ADDITION BOUNDARY
- NEW PROPERTY LINES
- EXISTING PROPERTY LINES
- EXISTING SECTION LINE
- STREET CENTER LINES

BASIS OF BEARING

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

AREAS

STREETS -	43,901 SF = 1.01 ACRES
LOTS -	109,105 SF = 2.50 ACRES
TOTAL AREA -	153,006 SF = 3.51 ACRES
5/8"X24" IRON PIN AND CAP SET AT ALL NEW PROPERTY CORNERS	



0 100 200
SCALE: 1" = 100'



Item: Resolution 9787, Create Special Improvement Lighting District - City-Owned Residential Lighting District No. 1303, Bootlegger Addition Phase I

From: Martha Capps, Operations Supervisor

Initiated By: McIntyre Ent., Inc. & Murphy Real Estate, LLC, Developer and Fiscal Services

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 9787

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 9787 and create Special Improvement Lighting District – City-Owned Residential Lighting District No.1303.”
 2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9787 and create Special Improvement Lighting District – City-Owned Residential Lighting District No. 1303.

Background: On September 26, 2008, staff received a signed petition from McIntyre Enterprises, Inc. and Murphy Real Estate, LLC, the owner and developers of Bootlegger Addition Phase I, requesting the installation of street lights in the newly annexed subdivision. The petition requests the installation of eight 100 watt HPS semi-cut off street light units mounted on 20-foot steel poles with underground wiring in accordance with the City’s Street Lighting Policy. There are 25 individual properties anticipated within Bootlegger Addition Phase I. The boundary lines of this area are outlined on Exhibit A of Resolution 9786, adopted October 21, 2008.

Staff mailed letters regarding the City's intention to create Special Improvement District – City Owned Residential Lighting District No. 1303, along with a copy of the published legal notice, which outlined the protest procedures to each person, firm or corporation, or a known agent having property located within the boundaries of the proposed district. During the 15 day protest period, no opposition letters were received by the City regarding the creation of the district as presented in Resolution 9786, Intent to Create Special Improvement Lighting District – City Owned Residential Lighting District No.1303, Bootlegger Addition Phase I.

Concurrences: Representatives from the City's Public Works, Fiscal Services, Engineering and Planning Department work with the property owners and developer throughout the review and approval process

Fiscal Impact: The special assessment for the installation costs of the improvements shall be payable over a term not to exceed fifteen years. The estimated first year assessment for construction will be \$156.33 for an average sized lot of 9,276 square feet; and as shown on Exhibit B of Resolution 9786. The property owners have the right to prepay the assessment as provided by law.

The ongoing estimated annual maintenance assessment will be \$55.43 for an average sized lot of 9,276 square feet. The maintenance costs include energy, transmission, distribution, and other ongoing related costs; and as shown on Exhibit C of Resolution 9786.

Alternatives: The City Commission could choose to deny the adoption of Resolution 9787, and therefore not create Special Improvement Lighting District No.1303.

Attachments/Exhibits: Resolution 9787

Cc: David Dobbs, City Engineering
Jason Handl, City Engineering
McIntyre Ent., Inc., Developer
Murphy Real Estate, LLC, Developer
Brad Kauffman, GPD Engineering

RESOLUTION NO. 9787

A RESOLUTION CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITYOWNED RESIDENTIAL LIGHTING DISTRICT NO. 1303 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF EIGHT 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN BOOTLEGGER ADDITION PHASE I.

WHEREAS, the City Commission of the City of Great Falls, duly and regularly passed and adopted Resolution No. 9786 on the 21st day of October 2008, which Resolution of Intention to Create Special Improvement Lighting District – City-Owned Residential Lighting District No. 1303 is now on file in the office of the City Clerk and to which reference is hereby made; and

WHEREAS, the City Commission caused notice of the passage of the Resolution of Intention No. 9786 to be published in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, in the manner and form and during the period as required by law and also caused the City Clerk on the 24th of October 2008, that being the day of the first publication of the notice, to mail to each person, firm or corporation, or a known agent thereof, having property within the District, to the last known address of such person, firm or corporation or agent, a notice of the passage of the Resolution of Intention No. 9786; and

WHEREAS, the City Commission having this day met in regular session, at the time and place fixed and mentioned in the Resolution of Intention No. 9786 and in said notices for a public hearing, and the passing upon protests, against the making of the proposed District therein; and the Commission having fully heard and considered all of such protests and other testimony.

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

Section 1. The City Commission does hereby find and determine that the protests and each of them made against the creation of the District and against the making of the proposed improvements be and the same are hereby declared insufficient.

Section 2. There is hereby created a Special Lighting District to be known and designated as Special Improvement Lighting District – City-Owned Residential Lighting District No. 1303 of the City of Great Falls, Montana, and the improvements described in the Resolution of Intention No. 9786 are hereby ordered to be made.

Section 3. The boundaries of the District shall be the same as described in the Resolution

of Intention No. 9786 to which reference is hereby made for a particular description thereof.

Section 4. The City Commission hereby makes reference to the Resolution of Intention No. 9786 for further particulars, including the method of assessing the costs of the improvements against the benefited properties.

Section 5. That the creation of this District will supercede and take precedence over any existing, overlapping street lighting district boundaries.

PASSED by the Commission of the City of Great Falls, Montana, on this 18th day of November 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9787 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of November 2008, and approved by the Mayor of said City on the 18th day of November 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of November 2008

Lisa Kunz, City Clerk

(SEAL OF CITY)



Item: Water Rights Purchase and Related Requests for Proposals

From: Fiscal Services and Public Works Departments

Initiated By: Water Plan For Future of Great Falls

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: 1) Authorize Staff to Proceed with Activities to Purchase Water Rights; 2) Authorize Distribution of Request for Proposals For Purchase of Water Rights; and 3) Authorize Distribution of Request for Proposals For Consulting Services to Evaluate Water Right Proposals Received

Suggested Motion:

1. Commissioner moves:

“I move 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 Request 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”

OR

“I move that the City Commission take no action at this time to Purchase Additional Water Rights”

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

Background:

Over the past five years the City’s existing water rights have been reviewed and various amendments submitted to the Department of Natural Resources and Conservation. The 2006 Water Master Plan anticipates the City’s historic Water Rights and Reservations will provide adequate sources of water for general municipal needs of the community into 2025. Providing for additional water needs for future municipal growth and ongoing efforts to attract large industrial users may occur through various means. Including

- Water Right Acquisition
- Wastewater re-use
- Change in development policies
- Increased conservation measures
- Long term contracting for use of Bureau of Reclamation surplus water
- Well drilling in City parks for irrigation purposes
- Water storage.

Within the past five years, three large industrial users have contracted with the City to purchase and use raw water on a per gallon basis. The City's existing water right claims have been reviewed and amended as necessary to clarify places of use as well as to reflect volumes of historic water use prior to 1973.

At this time, there is at least one block of senior water rights available for purchase that would provide a source of water into the future that is adequate to serve a growth in population of 9,000 people (assuming 250 gallons/person/day, or two new industrial users similar in size and need as the malting plant.

Upon direction of the City Commission, staff will distribute requests for proposals for the purchase of water rights. And, upon direction of the City Commission, staff will distribute requests for proposals for consulting services to assist in the evaluation of those proposals, the completion of due diligence activities, and facilitation between the buyer and the seller during the acquisition process.

Requests for Proposals:

Water Rights RFP

The attached Request for Proposal to Purchase Water Rights defines various parameters for consideration in the purchase process. To assure uninterrupted delivery of water, the blocks of water should have a priority date of 1910 or earlier. The right must also have a demonstrated hydrologic connection to the Missouri River, which in turn demonstrates the water can be accessed by the City of Great Falls for municipal uses. In order to avoid excessive costs related to due diligence research and costs of claim change filings on any particular right, it is required that the offered right(s) consist of a minimum total volume of water of at least 500 acre feet with any single water right within the offer being at least 300 acre feet. The offered rights must be free of existing objections, as are the City's existing water rights.

Independent Consultant RFP

If the City Commission approves issuance of the Water Right RFP, proposals should also be sought for a consultant to provide services to assist in the evaluation of the water right proposals received. To avoid conflict, potential conflict, or the appearance of conflict, of interest the consultant would be selected from proposers clearly stating that a review of existing clients has been done and no conflict of interest exists in regards to the parties responding to the water right purchase RFP. To provide a basis for understanding the potential costs related to the engagement of a consultant, a sample listing of the types of services and cost ranges has been provided by WestWater Inc. and is attached for background information. The estimated cost for a consultant's services ranges from \$35,000 to \$200,000. The scope of desired services determines the final cost. It should be noted, that it is likely WestWater would respond to an RFP

for services. Other potential responders could include local consultants acting in conjunction with a national expert in the water right acquisition field, or other national entities similar to WestWater, or law firms that specialize in water right acquisitions.

Concurrences: The 2006 Water Master Plan, recommendations of Water Right Consulting, and Staff have presented information to the City Commission indicating that within the next twenty years the purchase of additional water rights will be likely. Acquisition efforts should be executed in conjunction with other measures such as wastewater re-use, change in development policies to accumulate funds for the purchase or acquisition of water rights, increased conservation measures, long term contracting for use of Bureau of Reclamation surplus water, installation of wells in various City parks for irrigation purposes, and water storage. Each of these actions is dependent upon variables such as applicability, time constraints, and necessity presented by various situations.

The Great Falls Development Authority CEO, Brett Doney, has spoken to the City Commission about the importance of adequate available water rights and the role that they play in attracting industrial type economic development opportunities to the Great Falls area.

Fiscal Impact: The source of payment for the purchase of water rights would be from the City's Water Fund and the revenues generated within that fund. A cash flow analysis of the Water Fund indicates the existing revenue stream is adequate to finance the purchase of water rights in the range of \$10 million in current fiscal year. Rate increases between 5% and 10% over the next ten years will also allow for the financing of \$4 to \$6 million annually in other water fund capital projects over the ten years. The level of additional capital investment will be dependent upon increases in revenues from new growth and/or from rate and fee increases approved by the City Commission.

The cash flow analysis that is attached presents one possible scenario in which there is no growth, 10% annual increases in rates, 5% annual increases in expenses, and additional debt issuance or use of accumulated funds to allow \$6 million annual investment in capital improvements through 2019. This analysis is conservative in its assumptions that there will be no growth and that implementing and completing \$6 million in annual capital investment is possible when taken into consideration with other capital construction activities occurring in the various City operations and the Great Falls area in general.

Alternatives: The City Commission may opt to take no action at this time in regards to acquiring additional water rights. The 2006 Water Master Plan projects adequate water is available through 2025 to accommodate residential and general commercial growth. Potential impacts of a decision to not purchase water rights at this time are related to restrictions on the types of large industrial businesses the City might attract if a demonstrated supply of water was already available. There is also an opportunity cost to be considered related to a decision to forego current acquisition of senior, currently available Montana water rights. Assuming current projections are correct, there will be a need for additional water rights within seventeen years. The historic trend in escalating costs to acquire water rights in the Northwest indicates there is a reasonable expectation of continued price increases in future years. Montana's relatively young maturing water market and related pricing will eventually evolve into a mature market in which increased costs, as well as reduction in availability of large proven blocks of senior rights in the future will be the norm.

Attachments/Exhibits/References:

1. Request for Proposals for Purchase of Water Rights
2. WestWater Estimated Cost Range for third party review
3. Financial Feasibility Worksheet (v 1) – Thru 2019
4. Chronological Listing of Commission involvement in regards to various water right actions, recommendations, and presentations.

**CITY OF GREAT FALLS
REQUEST FOR PROPOSALS
FOR PURCHASE OF WATER RIGHTS**

The City of Great Falls, Montana (City) seeks a request for proposal (RFP) from owners of artesian, senior ground water or senior surface water rights in the Missouri River Basin upstream from Morony Dam.

Water rights considered under this RFP must meet the following criteria. Further, the price the City will pay for water rights will be based on the specific details of these criteria.

- All water rights offered must have a Priority date of December 31, 1910, or earlier and senior enough that firm yield is deliverable throughout its historic period of use.
- Existing Place of use of the water rights must be within the upper Missouri Basin above Morony Dam and must have a demonstrable hydrologic connection with the Missouri River.
- Combined volume of the water rights offered must be at least 500 acre-feet with any single water right being at least 300 acre-feet.
- All water rights offered must have a sound historical basis, including an established history of beneficial use.
- All water rights offered must be free of existing objections or conflicts filed with the Montana Department of Natural Resources (DNRC), the Montana Water Court or District Court.

Proposals must be received by the City or post marked no later than _____. Once RFPs are received by the City, the following procedures will apply:

1. The City will prioritize potential transactions based on the criteria defined above and will select one or more proposals for consideration of purchase.
2. With the consent of the potential seller, the City will conduct a preliminary analysis and perform due diligence to determine if there are any obvious impediments to entering into a purchase agreement.
3. If no obvious impediments are found, the City and the potential seller will enter into a purchase agreement.
4. Closing will be scheduled upon completion of all contingencies in the purchase agreement, including final approval of the transaction by the City.

It is difficult to estimate how much time the evaluation process will take, but the City will proceed as quickly as possible to evaluate proposals.

Persons who are interested in selling their water rights to the City should submit an RFP response so that it is received by the City or post marked no later than 5:00 PM _____, 2008. Submission of a proposal to the City constitutes an acknowledgement that the conditions stated in this RFP are acceptable to the potential seller, but does not guarantee that the City will enter into a purchase agreement with the potential seller or close on any purchase transaction. The City reserves the right to accept or deny any proposal based on the criteria given in this RFP. Furthermore, the City will not close on any sale until all contingencies in the purchase agreement have been completed.

IMPORTANT

All RFPs must contain the following information for each water right presented for consideration of purchase.

1. Water right number.
2. A current DNRC abstract that reflects all existing elements of the water right.
3. A map showing the current point of diversion, conveyance (ditch, etc) and place of use.
4. A list of all current owner(s) with addresses and phone numbers.
5. How long the current owner(s) have owned the water right.
6. The previous owner(s) of the water right.
7. A statement specifying the last time the water right was used.
8. If for irrigation, the number of acres currently under irrigation.

Questions regarding the RFP are to be directed to:

City of Great Falls
Attention: Coleen Balzarini, Fiscal Services Director
PO Box 5021
Great Falls, MT 59403
406-455-8478
cbalzarini@greatfallsmt.net

Five sealed copies of the Proposal are to be sent to:

City of Great Falls
Attention: Lisa Kunz, City Clerk
PO Box 5021
Great Falls, MT 59403

From: Deborah Stephenson [Stephenson@waterexchange.com]

Sent: Monday, October 20, 2008 3:02 PM

To: Coleen Balzarini

Subject: RE: Request for Permission to use charts from 8th Water Law Conference
Coleen

It is tough to give a ball park figure on the cost of acquisition work as it does vary based on situation specific circumstances. But, in a nut shell we will typically divide up the work into two phases:

Phase 1

- a) Initial Due diligence and strategic planning – this would relate to the “Buyers” box on the top left of slide 4 in the document I sent you
 - i) Define client’s water needs
 - ii) Identify candidate water rights
 - iii) Due diligence and screening
 - iv) Rank and prioritize
 - v) Develop acquisition strategy
- b) The costs associated with stage depend on the geographic area in which we will be looking at for potential acquisition
- c) Typically ranges from \$35,000 to \$55,000

Phase 2

- d) This stage includes the negotiation(s) through to the completion of the transaction(s)
- e) Phase 2 has more variation in the price of our services.
- f) Variation depends upon:
 - i) The level of involvement the municipality would like us to have
 - ii) how much water is needing to be acquired
 - iii) how involved WestWater gets into the regulatory process (some municipalities have us do it all, some use internal folks to help complete regulatory process)
 - iv) Municipality’s price sensitivity (willing to pay for the water rights)- this influences the transaction time line
- g) Phase 2 can range from \$25,000 to \$150,000

Let me know if this helps or if you have any further questions.

Deb

WestWater Research, LLC
LEADERS IN WATER MARKETING

Deborah Stephenson | Senior Associate | stephenson@waterexchange.com
805 Broadway St., Suite 415, Vancouver WA 98660
tel: 360.695.5233 fax: 360.695.6105 cell: 406.600.5832
www.waterexchange.com

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From: Coleen Balzarini [mailto:cbalzarini@greatfallsmt.net]

Sent: Monday, October 20, 2008 2:31 PM

To: Deborah Stephenson

Subject: RE: Request for Permission to use charts from 8th Water Law Conference

Deb,

Can you give me a ballpark estimate on what this type of service typically costs? A wide range is fine, just looking for some perspective.

Thanks

Coleen

City of Great Falls, Montana

Water Fund

Cash Flow Analysis as of 8/28/08 - 10 Year Projection without Growth Projections (10% Revenue Increases and 5% Expense Increases)

	Actual YTD 2008	Projected 2009 (10% inc)	Projected 2010 (10% inc)	Projected 2011 (10% inc)	Projected 2012 (10% inc)	Projected 2013 (10% inc)	Projected 2014 (10% inc)	Projected 2015 (10% inc)	Projected 2016 (10% inc)	Projected 2017 (10% inc)	Projected 2018 (10% inc)	Projected 2019 (10% inc)
Beginning Unrestricted Cash Balance	2,529,532	1,383,812	(961,786)	(823,649)	(291,867)	602,854	1,181,485	1,614,689	3,471,012	5,973,938	10,249,347	16,022,992
Revenues												
Revenue from Existing Rates	8,261,467	8,850,641	9,735,705	10,709,276	11,780,203	12,958,224	14,254,046	15,679,451	17,247,396	18,972,136	20,869,349	22,956,284
Additional Water Revenue Required												
Miscellaneous Revenue (Receivable)		51,766										
Interest Income	216,351	200,000	100,000	100,000	(11,675)	24,114	47,259	64,588	138,840	238,958	409,974	640,920
Bond proceeds	632,097	3,369,981	4,000,000	4,000,000	4,000,000	3,000,000	2,000,000	2,500,000	2,000,000	2,500,000	2,500,000	2,500,000
Bond proceeds for Water Rights		10,000,000										
Miscellaneous Revenue & Sale of land	799,488											
Decrease Reserve Requirement (Debt Service Acct)												
Total Revenue	9,909,403	22,472,388	13,835,705	14,809,276	15,768,529	15,982,338	16,301,306	18,244,038	19,386,236	21,711,093	23,779,323	26,097,204
Expenses												
Operation and Maintenance Expense (5%)	4,741,927	5,008,519	5,258,945	5,521,892	5,797,987	6,087,886	6,392,280	6,711,894	7,047,489	7,399,864	7,769,857	8,158,350
Water Rights Expense		10,000,000										
Miscellaneous Expense												
Bond Issuance Expense												
Increased Reserve Requirement												
Debt Service												
Existing Bonds												
Existing Bonds (SRF)	219,480	219,220	219,760	219,080	219,180	219,180	219,180	219,180	219,180	219,180	219,180	219,180
Existing Bonds (Refund)	849,706	813,652	812,640	809,790	810,110	810,110	810,110	810,110	810,110	810,110	810,110	810,110
New Bonds	0	286,531	286,224	286,731	286,531	286,531	286,531	286,531	286,531	286,531	286,531	286,531
Bonds for Water Rights \$10,000,000		400,000	800,000	800,000	800,000	800,000	800,000	800,000	800,000	800,000	800,000	800,000
Bonds for Construction \$ 4,000,000			320,000	320,000	320,000	320,000	320,000	320,000	320,000	320,000	320,000	320,000
Bonds for Construction \$ 4,000,000				320,000	320,000	320,000	320,000	320,000	320,000	320,000	320,000	320,000
Bonds for Construction \$ 4,000,000					320,000	320,000	320,000	320,000	320,000	320,000	320,000	320,000
Bonds for Construction \$ 3,000,000						240,000	240,000	240,000	240,000	240,000	240,000	240,000
Bonds for Construction \$ 2,000,000							160,000	160,000	160,000	160,000	160,000	160,000
Bonds for Construction \$ 2,500,000								200,000	200,000	200,000	200,000	200,000
Bonds for Construction \$ 2,000,000									160,000	160,000	160,000	160,000
Bonds for Construction \$ 2,500,000										200,000	200,000	200,000
Bonds for Construction \$ 2,500,000											200,000	200,000
Bonds for Construction \$ 2,500,000												200,000
Capital Improvements- Bonds	632,097	3,369,981	4,000,000	4,000,000	4,000,000	3,000,000	2,000,000	2,500,000	2,000,000	2,500,000	2,500,000	2,500,000
Capital Improvements	4,611,913	4,720,083	2,000,000	2,000,000	2,000,000	3,000,000	4,000,000	3,500,000	4,000,000	3,500,000	3,500,000	3,500,000
Total Expenses	11,055,123	24,817,986	13,697,569	14,277,493	14,873,808	15,403,707	15,868,101	16,387,715	16,883,310	17,435,685	18,005,678	18,594,171
Annual Surplus (Deficiency)	(1,145,720)	(2,345,598)	138,136	531,782	894,721	578,631	433,204	1,856,323	2,502,926	4,275,408	5,773,645	7,503,033
Ending Unrestricted Cash Balance	1,383,812	(961,786)	(823,649)	(291,867)	602,854	1,181,485	1,614,689	3,471,012	5,973,938	10,249,347	16,022,992	23,526,025
Revenue from Charges for Services	8,261,467	8,850,641	9,735,705	10,709,276	11,780,203	12,958,224	14,254,046	15,679,451	17,247,396	18,972,136	20,869,349	22,956,284
Operating Expenditures	4,741,927	5,008,519	5,258,945	5,521,892	5,797,987	6,087,886	6,392,280	6,711,894	7,047,489	7,399,864	7,769,857	8,158,350
Total operating revenues over expenditures	3,519,540.0	3,842,122.2	4,476,760.4	5,187,383.7	5,982,216.7	6,870,337.7	7,861,765.8	8,967,556.4	10,199,906.7	11,572,271.8	13,099,492.2	14,797,934.3
Max Debt Service Payment	1,069,186	1,719,403	2,438,624	2,755,601	3,075,821	3,315,821	3,475,821	3,675,821	3,835,821	4,035,821	4,235,821	4,435,821
% of Revenue Coverage	329%	223%	184%	188%	194%	207%	226%	244%	266%	287%	309%	334%

Montana Department of Transportation projects require that the total amount of cash needed for the match on the project be placed in separate account and showed spent. In FY 2008 we entered into a project with them for 2nd Ave N for \$805,000, in addition we are entering into a project with them for Overlook Pass in FY 2009 for \$550,000. Total project amount \$1,355,000.

City Clerk Listing of dates at which Commission acted upon, discussed, and/or received presentations about water rights in Work Sessions or Commission Meetings

DATE	DESCRIPTION	PRESENTER
July 20, 2004	Commission Meeting – discussion	Dave Schmidt
July 19, 2005	Work Session – discussion	City Manager John Lawton
August 16, 2005	Work Session – presentation	Dave Schmidt
April 18, 2006	Work Session – presentation	Dave Schmidt
November 6, 2007	Commission Meeting – Commission Action	Coleen Balzarini
January 8, 2008	Work Session – presentation	Dave Schmidt
April 15, 2008	Commission Meeting – Commission Action	Coleen Balzarini
May 6, 2008	Commission Meeting – Commission Action	Coleen Balzarini and Dave Schmidt
July 15, 2008	Work Session – presentation	Dave Schmidt and Harley Harris
July 15, 2008	Commission Meeting – Commission Action	City Manager Greg Doyon
August 5, 2008	Work Session – presentation	Dave Schmidt
September 16, 2008	Commission Meeting – Commission Action	Coleen Balzarini and Dave Schmidt
October 21, 2008	Work Session – presentation	Dave Schmidt



Item: Ordinance 3025 to Create the Cascade Community Health District.

From: City/County Health Department

Initiated By: City/County Health Department

Presented By: Rich Cornwell, CPA Administrative Services Manager of City-County Health Department and Michael Young, Chairman, Board of Directors, Community Health Care Center, Inc.

Action Requested: City Commission adopt Ordinance 3025 on final reading.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Ordinance 3025, as amended, to create the Cascade Community Health District.

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

Staff Recommendation: To enable the expansion of public health services to the public throughout the City of Great Falls and County of Cascade, it is recommended the City Commission adopt Ordinance 3025 to create a multijurisdictional health service district, i.e., Cascade Community Health District.

Background: The ever greater expansion of the need for public health services necessitates greater flexibility and independence of operations by the City/County Health Department. Creation of a multijurisdictional health service district, pursuant to 7-11-1101, et seq., MCA, will enable the newly created Cascade Community Health District to assume such flexibility and independence to provide expanded health services throughout the City of Great Falls and County of Cascade. Adoption of Ordinance 3025 between the City of Great Falls and the County of Cascade will enable the creation of such a multijurisdictional service district.

Concurrences: The City/County Health Department and Benefis Healthcare recommend adoption.

Fiscal Impact: No City mill levy is anticipated.

Alternatives: The continuation of the current City/County Health Department with restricted services.

Amendments: Subsequent to the acceptance of Ordinance 3025 on first reading, the Cascade County Treasurer advised the City that the current County mill levy has been five mills and not the 3.62 mills stated in the first reading of Ordinance 3025 thereby requiring an amendment. No mill levy for the City of Great Falls is required. Therefore, the amendment is not a substantive change relative to the City of Great Falls.

Further, it is deemed appropriate to add the word SERVICES to Section 2 of Ordinance 3025 relative to CCHD activities within the boundaries of the proposed District. The amendment is not substantive because SERVICES is deemed synonymous with FUNCTIONS as stated in the first reading of Ordinance 3025.

Attachments/Exhibits: Ordinance#3025

ORDINANCE 3025
AN ORDINANCE AUTHORIZING THE
CREATION OF A MULTIJURISDICTIONAL
SERVICE DISTRICT NAMED
CASCADE COMMUNITY HEALTH DISTRICT

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

WHEREAS, the City-County Health Department has petitioned the City of Great Falls to create a multijurisdictional service district to allow greater flexibility and independence of operations thereby enabling expanded health services to the City of Great Falls and County of Cascade.

WHEREAS, the proposed ordinance is a prerequisite in conjunction with the efforts of Cascade County in concert with the Great Falls City Commission to form a multijurisdictional service district.

WHEREAS, notice of the proposed district and interlocal agreement was published in the Great Falls Tribune, before final passage of said Ordinance herein,

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

Section 1. The City approves the creation of a multijurisdictional service district pursuant to § 7-11-1102(2)(i) (2007), MCA, inclusive of the City of Great Falls and Cascade County, to enhance and expand public health services therein; and, the name of the district shall be the Cascade Community Health District [hereinafter CCHD].

Section 2. Boundaries of the District. For the provision of health services and health department functions, the boundary of CCHD shall be the boundary of Cascade County, as set forth on the map attached hereto as Exhibit "A."

Section 3. Estimated Costs of Services and Methods of Financing. The estimated cost of the district is \$4.5 million (annual operating budget) which is made up of Grants, Fee for Service, Donations, Medicare, Medicaid, 3rd Party Insurance re-imburement, and continued support from the City and County.

CCHD shall be funded as follows:

- i. Through revenues and fees generated by the provision of health services;
- ii. Through revenues and fees generated by the provision of health department functions;
- iii. Through charitable gifting and charitable contributions;
- iv. Through federal, state, local and private grants, payments and appropriations permitted by law, including but not limited to, County general fund appropriations and other appropriations from the County, as permitted by law;
- v. Through such other payments and appropriations as CCHD may lawfully receive;

vi. Through such other funding as the City may provide.

Section 4. As of the EFFECTIVE DATE, CCHD is funded through property tax assessments totaling five mills. Subject to the provisions of §§15-10-420, 15-10-425 and 7-11-1112, MCA, the maximum property tax mill levy from property taxes the COUNTY may assess for CCHD shall be no more than a total of 10 mills.

Section 5. Method of Administering the Proposed District. CCHD shall be a separate 501(c)(3) legal entity, administered by a Board of Health. The Board of Health shall adopt bylaws, rules and regulations for its operation and administration. Bylaws of the existing Board of Health shall continue in effect until such time as the CCHD Board adopts its own bylaws.

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on the 18th day of November, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 3025 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 18th day of November, 2008, and approved by the Mayor of said City on the 18th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of November, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

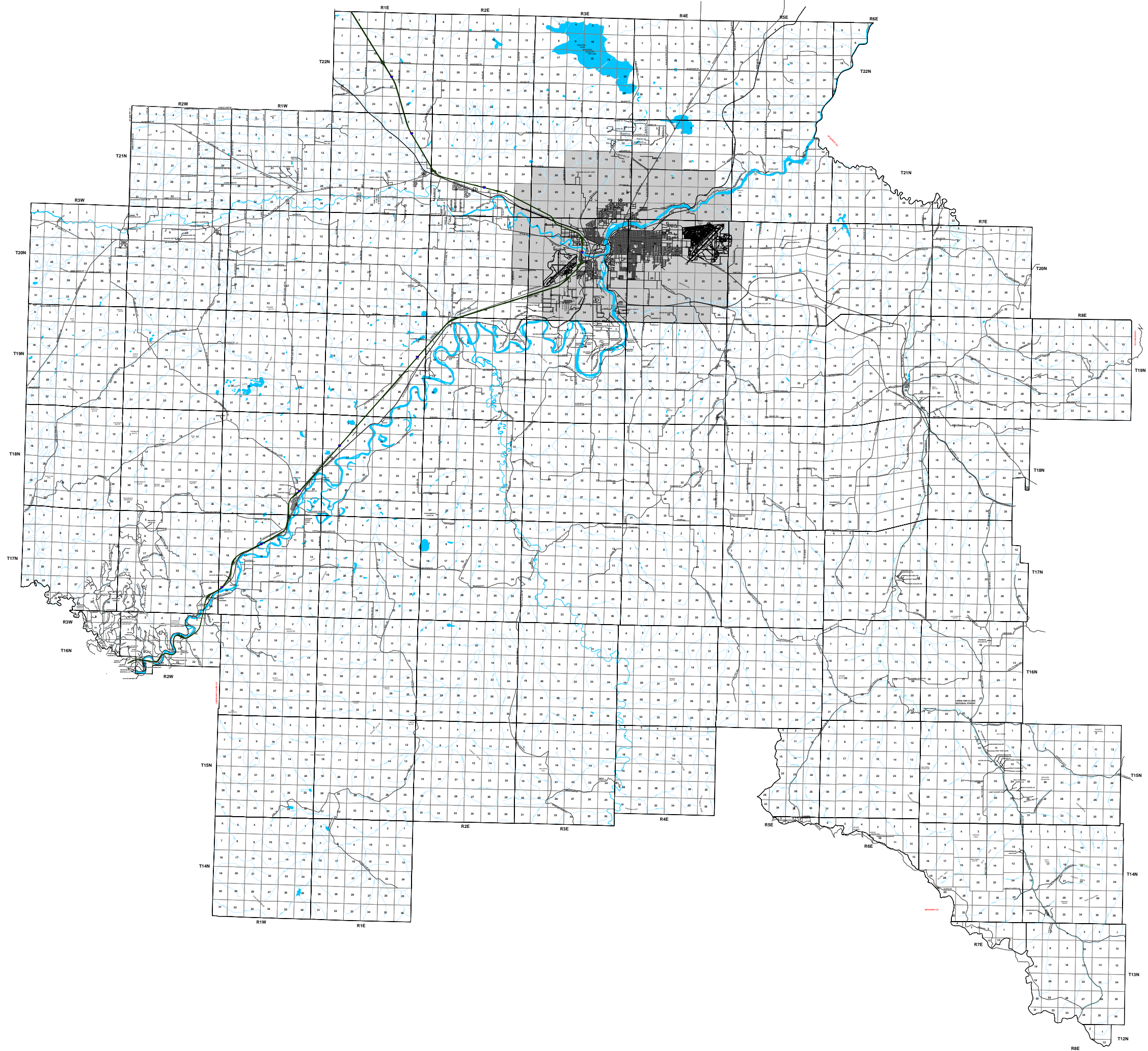
State of Montana)
County of Cascade :ss
City of Great Falls)

Lisa Kunz, being fist duly sworn, deposes and says: That on the 18th day of November, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3025 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

(SEAL OF CITY)





Item: Interlocal Agreement to Create the Cascade Community Health District.

From: City/County Health Department

Initiated By: City/County Health Department

Presented By: Rich Cornwell, CPA Administrative Services Manager of City-County Health Department and Michael Young, Chairman, Board of Directors, Community Health Care Center, Inc.

Action Requested: City Commission approve the Interlocal Agreement

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/deny) 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.”

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

Staff Recommendation: To enable the expansion of public health services to the public throughout the City of Great Falls and County of Cascade, it is recommended the City Commission adopt the Interlocal Agreement to create a multi-jurisdictional health service district, i.e., Cascade Community Health District.

Background: The ever greater expansion of the need for public health service necessitates greater flexibility and independence of operations by the City/County Health Department. Creation of a multijurisdictional health service district, pursuant to 7-11-1101, et seq., MCA, will enable the newly created Cascade Community Health District to assume such flexibility and independence to provide expanded health services throughout the City of Great Falls and County of Cascade. The adoption of Ordinance 3025 has authorized the approval of the Interlocal Agreement between the City of Great Falls and the County of Cascade that will enable the creation of such multijurisdictional service district.

The Interlocal Agreement provides that the City and County shall delegate their respective authority to administer health related programs to the Board of Health (paragraph 4); that all City and County health services should be integrated into the District (paragraph 6), that District funding shall be through revenues and fees generated by health services and functions and by County assessments and appropriations and gifts and grants (“paragraph”).

Concurrences: The City/County Health Department and Benefis Healthcare recommend adoption.

Fiscal Impact: Pursuant to paragraph 11 of the Agreement, no City mill levy is anticipated.

Alternatives: The continuation of the current City/County Health Department with restricted services.

Attachments/Exhibits: Interlocal Agreement (Not available online; on file in City Clerk’s Office.)



Item: Resolution 9784, Intent to Create Special Improvement Lighting District - City-Owned Residential Lighting District No.1305, Watertower Park Addition

From: Martha Cappis, Operations Supervisor

Initiated By: TD Development

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Adopt Resolution 9784

Suggested Motion:

1. Commissioner moves:

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

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 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.

Background: The City Commission adopted Resolution 9506 creating the City’s Street Light Policy on July 19, 2005. This resolution established the City’s policy to own and operate any new street lighting districts, within City limits, requested by property owners or developers, as allowed by MCA 7-12-4301, 7-12-4329, and 7-12-4333. These authorize the City to create lighting districts and to assess the cost of installing and/or maintaining the district to the property owners within the boundaries of such district.

On March 26, 2008, staff received a signed petition, as shown on Exhibit A of the Resolution, from TD Development, the owner and developer of Watertower Park Addition, requesting the installation of street lights in the newly annexed subdivision. The petition requests the installation of four 100 watt HPS Semi-cut off Street Light units mounted on 20-foot steel poles with underground wiring in accordance with the City’s Street Lighting Policy. There are 16 individual properties anticipated within Watertower Park Addition. The signed petition meets all requirements as set forth in the policy for new street light districts. Property owners have 15 days after the date of the first publication of the Legal Notice or written notification as shown on

Exhibits E and F, respectively, of the Resolution, to make a written protest against the proposed creation of the Special Improvement Lighting District.

Concurrences: Representatives from the City's Public Works, Fiscal Services, Engineering and Planning Department work with the property owner and developer throughout the review and approval process

Fiscal Impact: The special assessment for the installation costs of the improvements shall be payable over a term not to exceed fifteen years. The estimated assessment for construction, exclusive of annual interest of 5% will be \$104.17 for an average sized lot of 13,541 square feet; and as shown on Exhibit C of the Resolution. Property owners have the right to prepay the assessment as provided by law.

The ongoing estimated annual maintenance assessment will be \$67.40 for an average sized lot of 13,541 square feet. The maintenance costs include energy, transmission, distribution, and other ongoing related costs; and as shown on Exhibit D of the Resolution.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9784 to Create Special Improvement Lighting District No.1305.

Attachments/Exhibits: Resolution 9784 w/ Exhibits

- A – Copy of Customer Petition
- B - Map of Proposed Lighting District No.1305
- C – Estimated Installation Costs of the Improvements
- D – Estimated Maintenance Costs of the Improvements
- E – Letter to Property Owners within Proposed Lighting District No. 1305
- F – Legal Notice for Publication

Cc: David Dobbs, City Engineering
Jason Handl, City Engineering
TD Development, Developer
Brad Kauffman, GPD Engineering

RESOLUTION NO. 9784 * VOIDED *****

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT-CITY-OWNED RESIDENTIAL LIGHTING DISTRICT NO. 1305 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF FOUR 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN WATERTOWER PARK ADDITION

WHEREAS, the City Commission of the City of Great Falls, is authorized to create special improvement districts embracing any street or streets or public highway therein or portion thereof and property adjacent thereto or property which may be declared by said City Commission to be benefited by the improvements to be made for the purpose of lighting such street or streets or public highway.

WHEREAS, the City Commission of the City of Great Falls, is authorized to require that all or any portion of the cost of installing and maintaining such lighting system be paid by the owners of the property embraced within the boundaries of such special improvement district.

WHEREAS, the City Commission of the City of Great Falls, is authorized to assess and collect the costs for installation and maintenance by special improvement assessment against the property within the district.

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

Section 1. That public interest and convenience requires and it is deemed necessary to create, and the City Commission of the City of Great Falls, Montana, intends to order and

create a Special Improvement Lighting District – City-Owned Residential Lighting District No.1305 to finance the installation of the improvements hereinafter described as authorized by 7-12-4301 MCA.

Section 2. The City Commission has received petitions, attached as Exhibit A, signed by more than the minimum requirement of 60 percent of the owners of the property proposed to be included in the district. The City Commission also intends to conduct a public hearing to consider establishing the District as provided for in State Statute.

Section 3. That the general character of the improvements to be made within or for the benefit of the District is the installation of four 100 Watt HPS semi-cut off street lighting units mounted on 20-foot steel poles with underground wiring.

Section 4. That the number of said Special Improvement Lighting District is hereby designated as Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305 of the City of Great Falls, Montana.

Section 5. That the boundaries of said Special Improvement Lighting District are hereby declared to be as follows:

The land being described lies in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T. 21 N., R. 3 E., P.M.M Cascade County, Montana.

Watertower Park Addition: Beginning at NE corner of Certificate of Survey #3762, and the True Point of Beginning; Thence S 89° 25'45" E, 406.68'; Thence S 00° 47'01" W, 683.32 ft.; Thence N 89° 14'00" W, 406.48 ft.; Thence N 0° 46'00" E, 681.93' to the True Point of Beginning. Herein described Subdivision contains 6.369 acres.

The lands included in the District are shown on the map attached as Exhibit B, and that the legal descriptions of the lots, parcels and tracts of land within the District are shown on Exhibit C attached hereto.

Section 6. The City Commission hereby finds and determines that all real estate situated in said district will be especially benefited and affected by such improvement and the property included within the boundaries of said district is hereby declared to be the property assessed for the cost and expense of making said improvements. The installation, utility and administrative costs will be assessed against benefited properties within the District on the following basis, pursuant to Section 7-12-4323 MCA:

Each lot or parcel of land within such district to be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places.

The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years and estimated at \$25,000. The total

area for the district to be assessed, or subject to assessment is 216,649 square feet. The estimated annual cost of the improvements per square foot, exclusive of annual interest of 5%, is \$0.007693. The property owners have the right to prepay the assessment as provided by law.

The ongoing annual assessment, for the utility and administrative costs, is estimated to be \$0.004978 per square foot assessable area.

The assessable area and related costs of construction for each lot or parcel of land is shown on Exhibit C and, the assessable area and estimated costs of maintenance for each lot or parcel of land is shown on Exhibit D attached hereto.

Section 7. That on Tuesday, the 16th day of December 2008, in the City Commission Chambers, in the Civic Center, Great Falls, Montana, at 7:00 o'clock p.m., the Commission will conduct a public hearing on the creation of the Special Improvement Lighting District and pass upon any written protests timely filed against creation of the Special Improvement Lighting District. Within 15 days after the date of the first publication of the notice of passage of this resolution of intention, any property owner liable to be assessed for the cost of the improvements may make written protest against the proposed work or against the extent or creation of the Improvement District.

Section 8. The City Clerk is hereby authorized and directed to publish notice of the adoption of this Resolution twice in the *Great Falls Tribune*, a daily newspaper published in the City of Great Falls, Montana, with at least six days separating each publication.

The Clerk of said City is hereby further directed to mail a copy of said notice to every person, firm or corporation or the agent of such person, firm or corporation having property within the proposed district, at their last known address, upon the date of the first publication of said notice. The notice for publication is attached as Exhibit E and the letter to the property owners is attached as Exhibit F.

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 18th day of November 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 9784 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of November, and approved by the Mayor of said City on the 18th day of November.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of November.

Lisa Kunz, City Clerk

(SEAL OF CITY)

STREET LIGHT PETITION

DATE: March 26, 2008

TO: The City Commissioners
City of Great Falls
Great Falls, Montana

We, the undersigned property owners of Great Falls, respectfully request that a Special Improvement Lighting District be created in the area: **TD Development**

This is for the anticipated installation of: **four (4) 100 Watt HPS Semi-cut off Street Light units mounted on 20 foot steel/fiberglass poles with underground wiring, wherein the actual amount of lights, types and sizes will be determined upon final design.**

The cost of the Special Improvement Lighting District is to be paid for by the property owners within the district being assessed one hundred percent (100%) of the annual costs.

Using current dollars, this will result in an **estimated** annual assessment during the first fifteen (15) years in the newly created area of **\$163.920** for an average lot of 14,875 square feet for the installation and maintenance of the lights. The second fifteen (15) years the costs will be approximately **\$67.40** for a average lot of 14,875 square feet for the maintenance of the lights.

The street lighting system is to be installed, owned and maintained by the City of Great Falls.

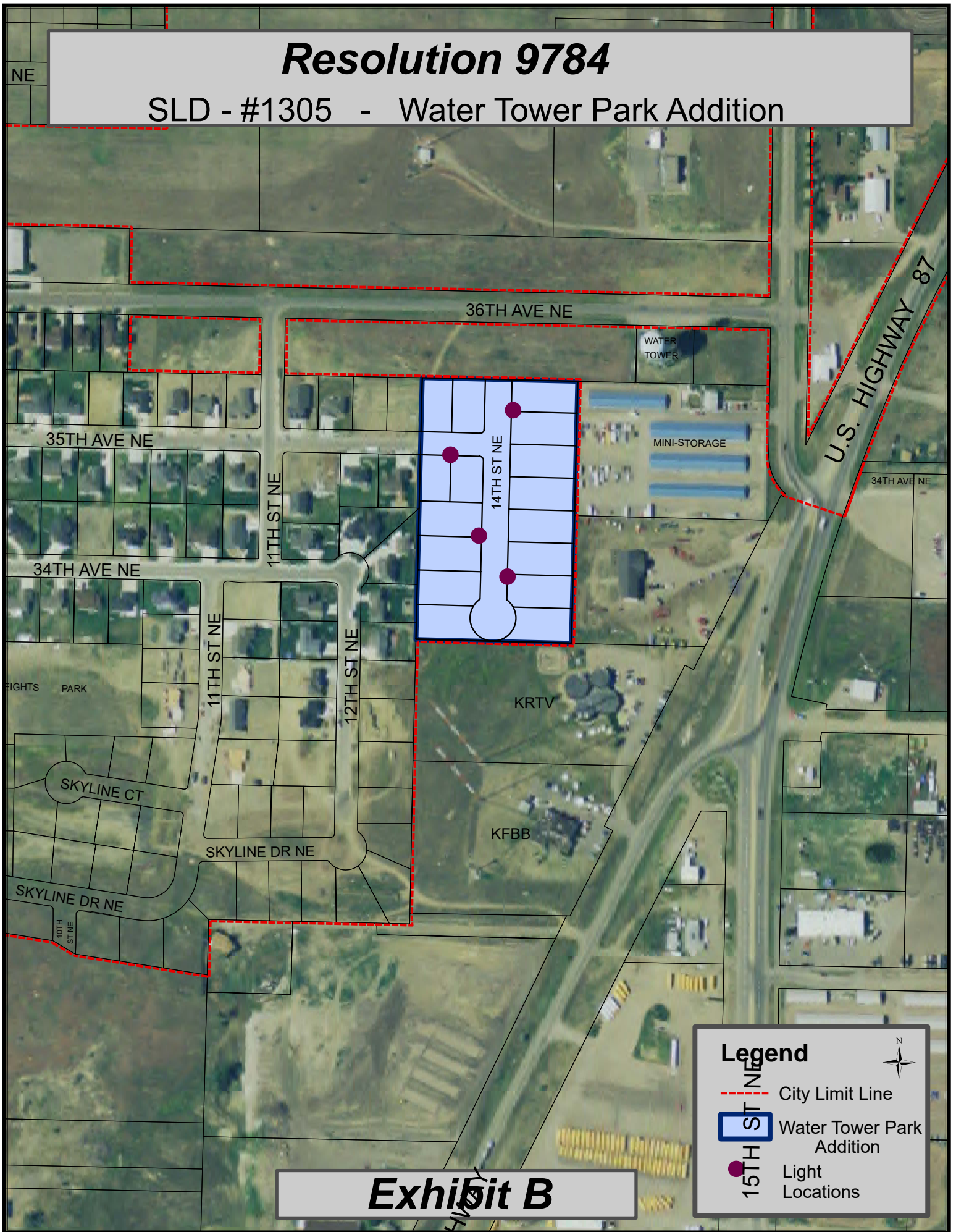
We are the respective owners of the following described city lots abutting upon and which will be benefited by said proposed improvements, and we hereby agree to pay the assessments levied by the City of Great Falls upon the respective properties, to defray the costs of said improvements.

NAME	ADDRESS	LOT	BLOCK
1 <i>Dan Jensen</i>	<i>524 4th Ave. No. #1</i>		
2 <i>Tim Spencer</i>	<i>618 Central</i>	<i>59401</i>	
3			
4			
5			
6			
7			
8			
9			
10			



Resolution 9784

SLD - #1305 - Water Tower Park Addition



Legend




-  City Limit Line
-  Water Tower Park Addition
-  Light Locations

Exhibit B

RESOLUTION 9784 EXHIBIT C

**SPECIAL IMPROVEMENT LIGHTING DISTRICT 1305
INSTALLATION COSTS**

Total Construction Costs: \$ 25,000.00
 Improvements: Street Lighting
 Term in Years 15
 1st draw date 7/1/2009
 bill thru date 7/1/2010
 365

Annual Interest Rate 5.00% Daily 0.0137%
 Total Cost per Square Foot: 0.007693 (principal only) (address columns F & G)

Average Lot Size 13,541
 TOTAL AVE ASSESSMENT \$104.17
 TOTAL AVE ANNUAL PRIN \$6.94
 TOTAL AVE 1ST YR INT \$5.21
 TOTAL 1ST YR PAYMENT \$12.15

2608760	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
1		1	1	Water Tower Addition	TD LAND DEVELOPMENT	11,271	86.71	5.78	4.34	10.12
2		1	2	Water Tower Addition	TD LAND DEVELOPMENT	11,982	92.18	6.15	4.61	10.75
3		2	1	Water Tower Addition	TD LAND DEVELOPMENT	9,690	74.54	4.97	3.73	8.70
4		2	2	Water Tower Addition	TD LAND DEVELOPMENT	10,275	79.04	5.27	3.95	9.22
5		2	3	Water Tower Addition	TD LAND DEVELOPMENT	14,850	114.24	7.62	5.71	13.33
6		2	4	Water Tower Addition	TD LAND DEVELOPMENT	14,850	114.24	7.62	5.71	13.33
7		2	5	Water Tower Addition	TD LAND DEVELOPMENT	14,668	112.84	7.52	5.64	13.16
8		2	6	Water Tower Addition	TD LAND DEVELOPMENT	13,451	103.48	6.90	5.17	12.07
9		2	7	Water Tower Addition	TD LAND DEVELOPMENT	14,035	107.97	7.20	5.40	12.60
10		2	8	Water Tower Addition	TD LAND DEVELOPMENT	14,398	110.76	7.38	5.54	12.92
11		2	9	Water Tower Addition	TD LAND DEVELOPMENT	14,581	112.17	7.48	5.61	13.09
12		2	10	Water Tower Addition	TD LAND DEVELOPMENT	14,583	112.19	7.48	5.61	13.09
13		2	11	Water Tower Addition	TD LAND DEVELOPMENT	14,585	112.20	7.48	5.61	13.09
14		2	12	Water Tower Addition	TD LAND DEVELOPMENT	14,587	112.22	7.48	5.61	13.09
15		2	13	Water Tower Addition	TD LAND DEVELOPMENT	14,590	112.24	7.48	5.61	13.09
16		2	14	Water Tower Addition	TD LAND DEVELOPMENT	14,253	109.65	7.31	5.48	12.79
						216,649	\$1,666.67	\$111.11	\$83.33	\$194.44

RESOLUTION 9784

EXHIBIT D

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1305
ANNUAL MAINTENANCE ASSESSMENT

Estimated Cost of Operation
and Routine Maintenance \$ 1,078.41

Annual Cost per Square Foot: 0.004978

Average
Average Lot Size Annual Maintenance
13,541 \$67.40

(address columns F & G)

	2608760					SET UP AREA (SQUARE FEET)	Estimated ANNUAL MAINTENANCE
	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME		
1		1	1	Water Tower Addition	TD LAND DEVELOPMENT	11271	56.10
2		1	2	Water Tower Addition	TD LAND DEVELOPMENT	11982	59.64
3		2	1	Water Tower Addition	TD LAND DEVELOPMENT	9690	48.23
4		2	2	Water Tower Addition	TD LAND DEVELOPMENT	10275	51.15
5		2	3	Water Tower Addition	TD LAND DEVELOPMENT	14850	73.92
6		2	4	Water Tower Addition	TD LAND DEVELOPMENT	14850	73.92
7		2	5	Water Tower Addition	TD LAND DEVELOPMENT	14668	73.01
8		2	6	Water Tower Addition	TD LAND DEVELOPMENT	13451	66.95
9		2	7	Water Tower Addition	TD LAND DEVELOPMENT	14035	69.86
10		2	8	Water Tower Addition	TD LAND DEVELOPMENT	14398	71.67
11		2	9	Water Tower Addition	TD LAND DEVELOPMENT	14581	72.58
12		2	10	Water Tower Addition	TD LAND DEVELOPMENT	14583	72.59
13		2	11	Water Tower Addition	TD LAND DEVELOPMENT	14585	72.60
14		2	12	Water Tower Addition	TD LAND DEVELOPMENT	14587	72.61
15		2	13	Water Tower Addition	TD LAND DEVELOPMENT	14590	72.62
16		2	14	Water Tower Addition	TD LAND DEVELOPMENT	14253	70.95
						216,649	\$1,078.41

Exhibit E

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 18th day of November, the City Commission of the City of Great Falls, Montana, adopted Resolution 9784, entitled:

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT CITY-OWNED RESIDENTIAL LIGHTING DISTRICT NO. 1305 IN THE CITY OF GREAT FALLS, MONTANA FOR THE PURPOSE OF FINANCING THE INSTALLATION OF FOUR 100 WATT HPS SEMI-CUT OFF STREET LIGHTS ON 20-FOOT STEEL POLES WITH UNDERGROUND WIRING ON PROPERTIES LOCATED WITHIN WATERTOWER PARK ADDITION.

Resolution No. 9784 is on file in the office of the City Clerk, Lisa Kunz, (406) 455-8541, Civic Center, 2 Park Drive, Great Falls, Montana, to which reference is hereby made for a full description of the boundaries of said district.

The City Commission of the City of Great Falls, Montana, recognizes a need for a special improvement lighting district for the installation of street lighting. The special assessment for the installation costs of the improvements shall be payable over a term not to exceed fifteen years. The estimated assessment for construction, exclusive of annual interest of 5% will be \$104.17 for an average sized lot of 13,541 square feet; and ongoing maintenance of \$67.40 for an average sized lot of 13,541 square feet.

The City Commission of the City of Great Falls, Montana, will be in session on the 16th day of December, 2008 at 7:00 o'clock p.m., in the Commission Chambers, Civic Center, 2 Park Drive, Great Falls, MT, at which time and place the City Commission will hear objections to the intent to create said Special Improvement Lighting District – City-Owned Residential Lighting No. 1305. Any person or persons, who are owners of any lot or parcel of land within said Special Improvement Lighting District No. 1305, who shall, within 15 days after the first publication of this notice have delivered to the City Clerk of the City of Great Falls, a protest in writing against the proposed creation of said special improvement lighting district, shall have the right to appear at said meeting in person or by counsel, and show cause, if any there be, why such special lighting district should not be created.

Publication Dates: November 21, 2008 and November 28, 2008

Exhibit F

November 19, 2008

Property Owner
123 Anywhere Street
Great Falls, MT 59404

Parcel No.: XXXXXX

INTENT TO CREATE RESOLUTION NO. 9784

Dear Property Owner:

The creation of Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305 is being considered as petitioned by the developer Watertower Park Addition. This petition has started the process to install four 100 Watt HPS semi cut-off street lighting units on 20 foot steel poles with underground wiring within the boundaries of said addition.

If the City Commission adopts the proposed resolution, it would result in an **estimated** annual lighting installation assessment of \$1,666.67, exclusive of annual interest of 5% for a period of 15 years, and an estimated ongoing annual maintenance assessment of \$1,078.41 for your property. The total costs will be split proportionately per square foot to the 16 planned parcels contained within Watertower Park Addition and will appear on the property tax bill beginning with the 2009/2010 assessment year.

Montana State Law requires sending individual notices of intent to each affected property owner in addition to the publication of the legal notice relating to the creation and assessment of the district. The enclosed notice is scheduled to be published in the *Great Falls Tribune* on Friday, November 21, 2008 and again Friday, November 28, 2008.

At any time within 15 days after the date of the first publication of the notice of the resolution of intent, any owner of property liable to be assessed for said work may make written protest against the creation of the district. Such notice must be in writing, must list the property address and parcel number if known, must include signatures of all owners of the property, must indicate the resolution number being protested and may be mailed to City Clerk, PO Box 5021, Great Falls, MT 59403 or hand-delivered to the City Clerk, Civic Center, 2 Park Drive, Great Falls, MT, who shall endorse thereon the date of its receipt.

Each protest shall be weighted in proportion to the amount of the assessment to be placed upon the lot or parcel of property. If the City Commission finds that such protests constitute a majority of the total assessments, the resolution will be denied. The City Commission shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive.

Re: Intent to Create Resolution No. 9784
Page 2

You are invited to attend the public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting No. 1305 on December 16, 2008 at 7:00 o'clock p.m. in the Commission Chambers, Civic Center, 2 Park Drive, Great Falls, MT.

If you have any questions regarding the creation of this district, please call me at 455-8484 or by email at mcappis@greatfallsmt.net.

Sincerely,

Martha Capps
Operations Supervisor
City of Great Falls

Enc: Legal Notice



Agenda # 8
Commission Meeting Date: November 18, 2008

CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 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; and establishing compliance with reimbursement bond regulations under the Internal Revenue Code (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 adopt Resolution 9796, which calls for a public hearing on December 2, 2008 to consider approval of several items

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9796.”

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

Staff Recommendation: It is recommended the City Commission adopt Resolution 9796, which calls for a public hearing on December 2, 2008 to consider approval of several items.

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:

- 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.

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 Resolution.

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 deny Resolution 9796 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 State Statute.

Attachments/Exhibits:

1. Resolution 9796
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 RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 9796, entitled: "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" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a meeting on November 18, 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 Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand officially this _____ day of _____, 2008.

Lisa Kunz, City Clerk

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

BE IT RESOLVED by the City 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 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. Prior to the approval of an urban renewal project, the Commission is required to conduct a public hearing in accordance with Section 7-15-4214, M.C.A. and make certain findings set forth in Section 7-15-4217, M.C.A.

1.08. The Commission desires to act on the recommendations of the City Staff and Planning Board, to call for a public hearing on the West Bank Properties Project and the use of tax increment revenues for the Public Improvements, and to make certain preliminary findings with respect to the West Bank Properties Project and the Public Improvements as more fully provided herein.

Section 2. Project and Public Improvements.

2.01. The West Bank Properties Project. The Developer proposes to develop its 5-1/2 acre parcel in the District which is located along 3rd Street NW, between 1st and 4th Avenues NW, as a mixed use commercial site to include a Staybridge Hotel complex with future sites for a restaurant, office building and retail shops. The initial phase of the West Bank Properties Project shall consist of the design, construction, furnishing and equipping of a 113 room suite hotel, onsite improvements and parking and required public improvements at an estimated cost of \$13,355,125 ("Phase I of the Project"). Of that amount, \$1,198,000 is for improvements that the Developer has requested to be funded from tax increment revenues.

2.02. The Public Improvements. The City Staff and Planning Board have recommended that the City finance from tax increment revenues, to the extent available, up to \$900,000 of the costs of 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.

Section 3. Preliminary Findings.

The City Commission hereby finds, with respect to the West Bank Properties Project, the Public Improvements and the funding request described herein, as follows:

- a) no persons will be displaced from their housing by the West Bank Properties Project;
- b) the West Bank Properties Project and Public Improvements substantially satisfy the review criteria of the funding application process and meet the purpose and goals of the Act, the West Bank Urban Renewal District and Plan;
- c) the West Bank Properties Project and Public Improvements will be beneficial to the public and will result in the rehabilitation and redevelopment of the District;

d) the West Bank Properties Project and Public Improvements conforms to the City's Growth Policy;

e) the West Bank Properties Project and Public Improvements affords maximum opportunity consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and

f) there is a feasible and workable plan of financing for the West Bank Properties Project and Public Improvements as more particularly described in Section 4 hereof.

Section 4. Plan of Financing and Development Agreement. Based on representations of the Developer, the Developer has adequate resources to undertake and complete the West Bank Properties Project on a timely basis. It is the understanding of the City that the Developer wishes to proceed with construction of the Public Improvements and has requested that the City reimburse it for the costs of the approved Public Improvements in some manner. Based on the estimated costs of Phase I of the Project and the existing mill levies in the District, the City projects that the tax increment to be generated by Phase I of the Project over the term of 25 years will be sufficient to finance \$900,000 of the costs of the Public Improvements. In preliminarily approving the use of tax increment revenues to finance the costs of the Public Improvements, the City makes no representations or guarantees as to how the reimbursement will be made, when it will be made, or the form the reimbursement will take. 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, 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 5. Conditional Approval. The findings and representations in this Resolution are preliminary and subject to testimony presented at the public hearing. The City's ability to reimburse the Developer for the Public Improvements is subject to the availability and adequacy of tax increment revenue and its ability to issue tax increment bonds or notes. In adopting the Resolution and making the preliminary findings contained herein, the City in no way assumes any liability or responsibility for the construction and financing of the Public Improvements or any other of the public infrastructure required to develop the West Bank Properties Project. To be eligible for reimbursement, the Public Improvements must be constructed in accordance with the provisions of the Development Agreement.

Section 6. Reimbursement Provisions.

6.01. The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the "Regulations") require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the "small issuer"

exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

6.02. The City desires to comply with requirements of the Regulations with respect to the Public Improvements.

6.03. Official Intent Declaration.

(a) The City proposes to finance the Public Improvements described in Section 2.02 hereof..

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Public Improvements have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

(c) The City reasonably expects to reimburse the expenditures made for costs of the Public Improvements out of the proceeds of debt in an estimated maximum aggregate principal amount of \$1,000,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Public Improvements. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

6.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Public Improvements, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

6.05. Reimbursement Allocations. The City’s Fiscal Services Director shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Public Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Public Improvements and shall specifically identify the actual original expenditure being reimbursed.

Section 7. Public Hearing. A public hearing is hereby called and shall be held on December 2, 2008 at 7:00 p.m. in the City Commission Chambers at 2 Park Drive South, Great

Falls, Montana regarding the West Bank Properties Project and the use of tax increment revenues to finance the costs of the Public Improvements.

Section 8. Notice. Notice of the public hearing shall be published in the *Great Falls Tribune* on November 23 and November 30, 2008, in substantially the form attached as Exhibit A hereto (which is incorporated by reference and made a part hereof).

Passed by the City Commission of the City of Great Falls, Montana, this 18th day of November, 2008.

Dona R. Stebbins, Mayor

Attest: _____
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT

City Attorney

EXHIBIT A

NOTICE OF PUBLIC HEARING ON WEST BANK URBAN RENEWAL PLAN
TO APPROVE A CERTAIN PROJECT AS AN URBAN RENEWAL PROJECT

NOTICE IS HEREBY GIVEN that the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”) will hold a public hearing regarding approval of a development project proposed by West Bank Properties, LLC (West Bank Properties Project) (the “West Bank Properties Project”) and associated public improvements as an Urban Renewal Project and the financing of certain public improvements with tax increment revenues on December 2, 2008 at 7:00 p.m. in the City Commission Chambers at 2 Park Drive South, Great Falls, Montana.

The West Bank Properties Project as proposed by West Bank Properties, LLC, 4415 River Drive North, Great Falls, Montana, (the “Developer”) consists of a mixed use commercial project to include a 113-room 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 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. The Commission has preliminarily determined that the following improvements shall be financed from tax increment revenues in an amount not to exceed \$900,000: burying existing power lines; installation of water, sanitary sewer and storm sewer utilities; and construction and installation of roads, curbs, gutters and sidewalks. Any interested persons may appear and will be heard or may file written comments with the Clerk of the Commission prior to such hearing.

Dated: November 18th, 2008.

Lisa Kunz, City Clerk

Publication Dates: November 23, 2008
 November 30, 2008

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

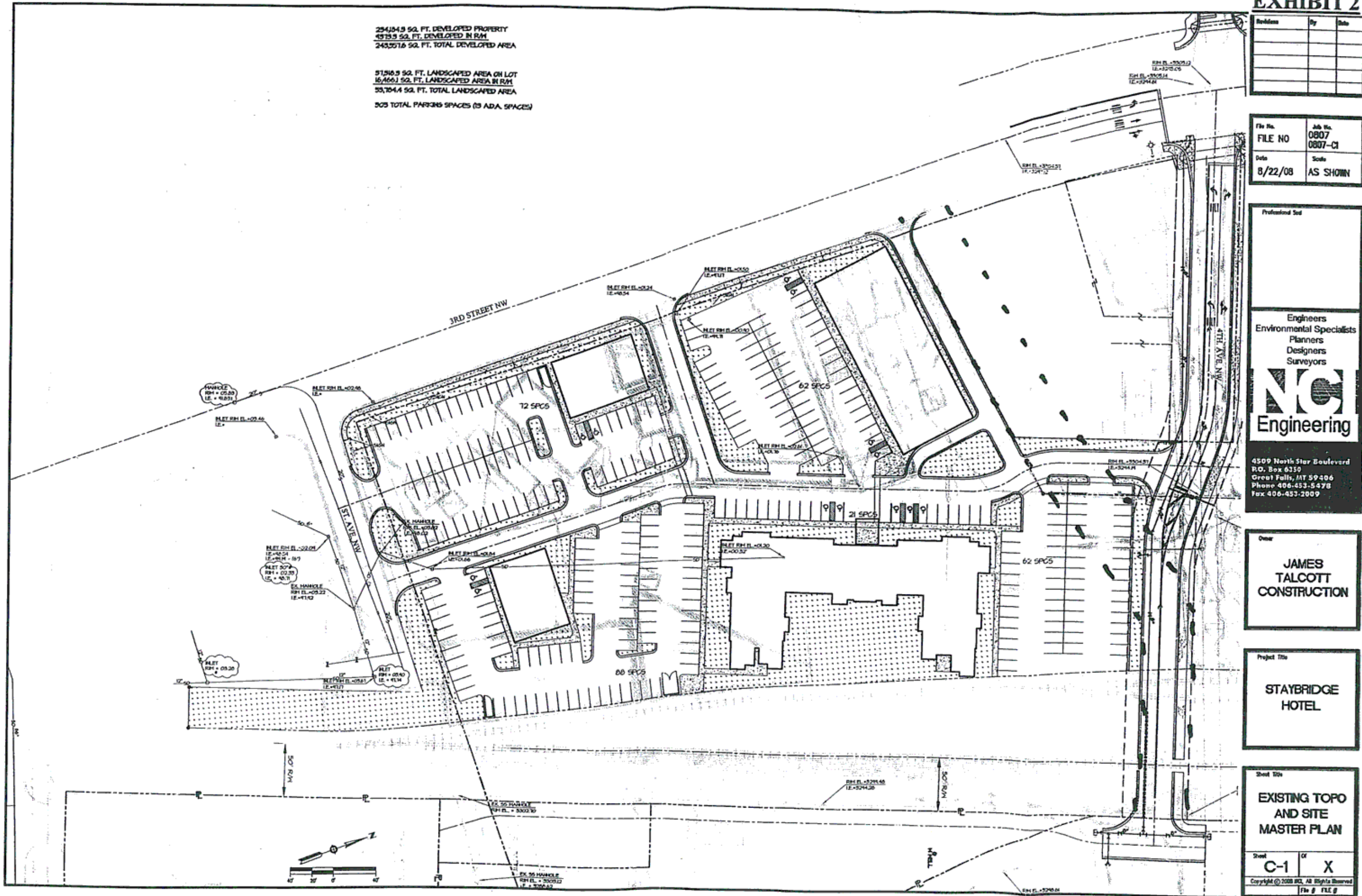


EXHIBIT 2

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**

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 File # FILE.g

Exhibit 3, Vicinity map

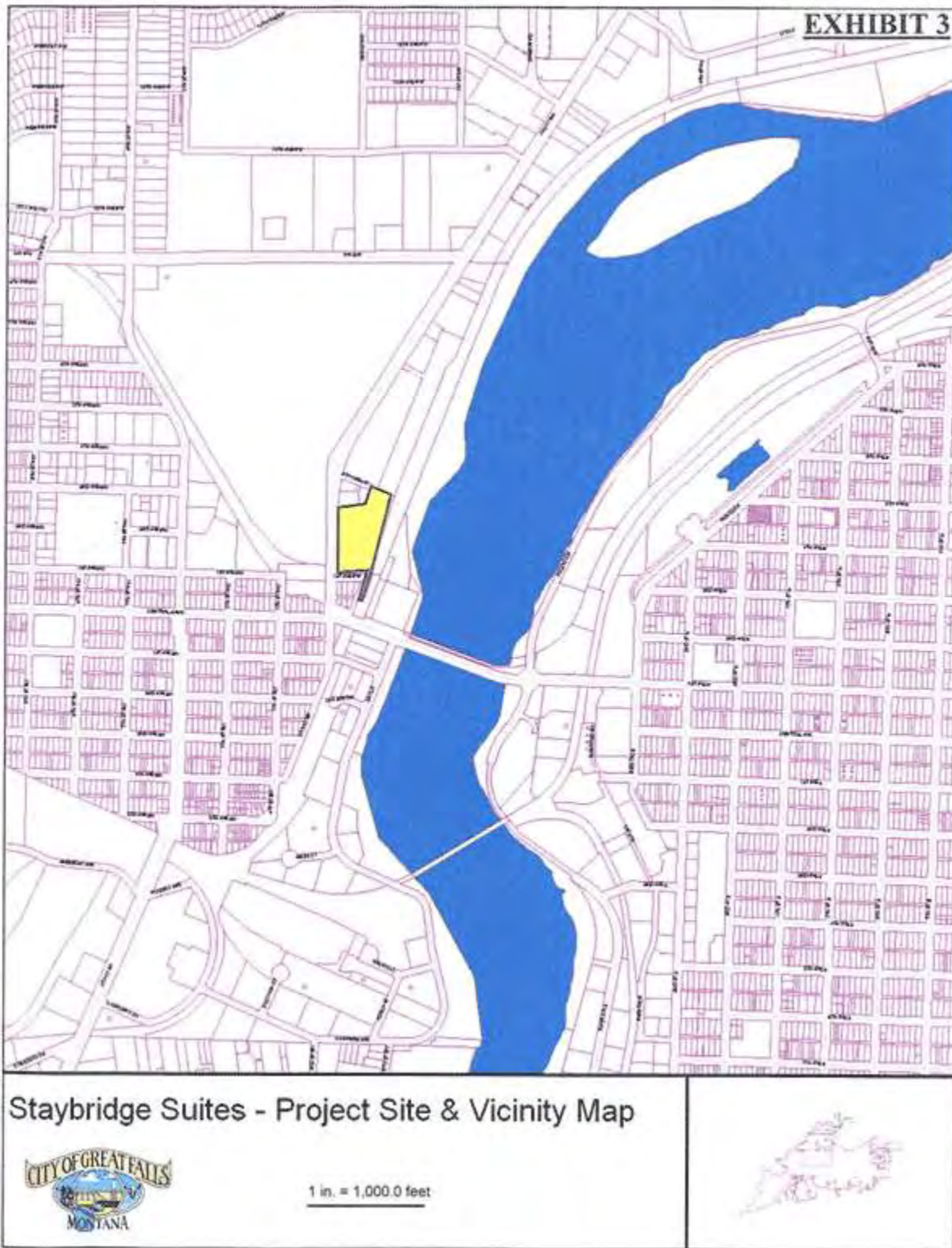


EXHIBIT 4

(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 Marc Blvd - Fairlawn, OH 44333
Representative: General 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

\$ 10,893,515

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

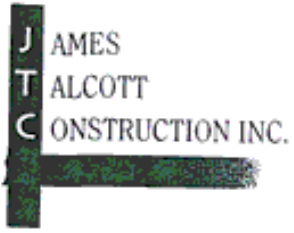


EXHIBIT 4
(page 4 of 4)

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 *JD*

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: 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 (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 adopt Resolution 9801 and set a public hearing on December 2, 2008

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9801, and set a public hearing on December 2, 2008”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9801, and set a public hearing on December 2, 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.

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 Resolution 9801 and not set the public hearing, therefore denying the financing of the improvements with Tax Increment revenues.

Attachments/Exhibits: Resolution 9801

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 9801, entitled: "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" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a meeting on November 18, 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 Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand officially this _____ day of _____, 2008.

Lisa Kunz, City Clerk

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

BE IT RESOLVED by the City 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 various improvements to the City’s West Bank Park including improved access, parking lot, fire protection, landscaping, and rehabilitation of facilities; the 4th Avenue NW Reconstruction Project consisting of a track crossing and rail signals, realignment and reconstruction of 4th Avenue NW, including land acquisition; improvements to the intersection with 3rd Street NW; the extension and looping of the City’s water main to connect 3rd Street NW to Central Avenue West and the Federal Courthouse; relocation of existing utilities; 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. 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.

1.05. The Commission desires to act on the recommendations of the City Staff to approve the Courthouse/4th Ave NW Project as an urban renewal project, to use tax increment financing to pay the costs of the Public Projects and to make certain preliminary findings with respect to the Federal Courthouse/4th Avenue NW Project.

Section 2. The Federal Courthouse and the Public Projects.

2.01. The estimated costs of completing the Federal Courthouse, exclusive of any costs of the Public Projects described in Section 1.04, is \$16,400,000.

2.02. The Public Projects. The City Staff has estimated that costs of designing, engineering, constructing and implementing the Public Projects is approximately \$2,214,291.

Section 3. Preliminary Findings.

The Commission hereby finds, with respect to the Courthouse/4th Ave NW Project, as follows:

- a) no persons will be displaced from their housing by the Courthouse/4th Ave NW Project;
- b) the Courthouse/4th Ave NW Project substantially meets the purpose and goals of the District and Plan;
- c) the Courthouse/4th Ave NW Project will be beneficial to the public and will result in the rehabilitation and redevelopment of the District;
- d) the Courthouse/4th Ave NW Project conforms to the City's Growth Policy;
- e) the Courthouse/4th Ave NW Project affords maximum opportunity consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise; and
- f) there is a feasible and workable plan of financing for the Courthouse/4th Ave NW Project as more particularly described in Section 4 hereof.

Section 4. Plan of Financing. It is necessary and desirable that the City proceed with the undertaking of the Public Projects so that certain improvements coincide with the development of the Federal Courthouse. City Staff working with D.A. Davidson, the City's underwriter, have projected based on the estimated costs of the Federal Courthouse, its estimated taxable value and the existing number of mills levied in the District, that the Federal Courthouse will generate tax increment revenues over the term of 25 years sufficient to amortize approximately \$2,000,000 of tax increment revenue bonds.

Section 5. City's Intention. It is the City's intention, subject to the information presented at the public hearing, to approve the Federal Courthouse/4th Avenue NW Project as an urban renewal project to issue tax increment revenue bonds of the District to pay the costs of the Public Projects in such amounts as can be supported by the increment anticipated to be generated by the Federal Courthouse. The bonds will be payable over a term of 25 years (the "Bonds") through a negotiated sale to D.A. Davidson. In the event all of the approved Public Projects cannot be funded from the proceeds of the Bonds, remaining projects will be funded from tax increment revenues as received.

Section 6. Public Hearing. A public hearing is hereby called and shall be held on December 2, 2008 at 7:00 p.m. in the City Commission Chambers at 2 Park Drive South, Great Falls, Montana regarding the Federal Courthouse/4th Avenue NW Project and the use of tax increment revenue to finance the costs of the Public Projects.

Section 7. Notice. Notice of the public hearing shall be published in the *Great Falls Tribune* on November 23 and November 30, 2008, in substantially the form attached as Exhibit A hereto (which is incorporated by reference and made a part hereof).

Passed by the City Commission of the City of Great Falls, Montana, this 18th day of November, 2008.

Dona R. Stebbins, Mayor

Attest: _____
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT

City Attorney

EXHIBIT A

NOTICE OF PUBLIC HEARING ON WEST BANK URBAN RENEWAL PLAN TO APPROVE A CERTAIN PROJECT AS AN URBAN RENEWAL PROJECT

NOTICE IS HEREBY GIVEN that the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”) will hold a public hearing regarding approval of a development project (the Courthouse/4th Ave NW Project) as an Urban Renewal Project in the West Bank Urban Renewal District (the “District”) and the financing of certain public projects with tax increment revenues on December 2, 2008 at 7:00 p.m. in the City Commission Chambers at 2 Park Drive South, Great Falls, Montana.

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”). The city has identified certain public improvements and public projects that need to be undertaken by the City in order to facilitate the development of the Federal Courthouse and the redevelopment of the District as follows: undertaking a survey of the historical and cultural resources in the District to assure preservation and enhancements in the redevelopment of the District; various improvements to the City’s West Bank Park including various improvements to the City’s West Bank Park including improved access, parking lot, fire protection, landscaping, and rehabilitation of facilities; the 4th Avenue NW Reconstruction Project consisting of a track crossing and rail signals, realignment and reconstruction of 4th Avenue NW, including land acquisition; improvements to the intersection with 3rd Street NW; the extension and looping of the City’s water main to connect 3rd Street NW to Central Avenue West and the Federal Courthouse; relocation of existing utilities; and cleanup as necessary of contaminated soils (collectively, the “Public Projects”). The City in consultation with D.A. Davidson, its underwriter, has estimated, based on the estimated costs and taxable value of the Federal Courthouse and the number of mills levied in the District, that approximately \$2,000,000 of tax increment revenue bonds payable from tax increment revenues generated in the District payable over a term of 25 years can be issue to finance the Public Projects (the “Bonds”). The Commission has set forth its intention to issue Bonds to finance the Public Projects in the principal amount that can be supported by the tax increment. Any interested persons may appear and will be heard or may file written comments with the Clerk of the Commission prior to such hearing.

Dated: November 18th, 2008.

Lisa Kunz, City Clerk

Publication Dates: November 23, 2008
 November 30, 2008



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

- Item:** Resolution #9797, State of Montana Voluntary Employees' Beneficiary Association Health Reimbursement Account, "Montana VEBA HRA."
- From:** Linda Williams, Human Resources Manager
- Initiated By:** Employees requesting to participate in the Montana VEBA HRA
- Presented By:** Linda Williams, Human Resources Manager
- Action Requested:** City Commission to consider adoption of Resolution #9797, to allow the City of Great Falls to participate in the Montana Voluntary Employees' Beneficiary Association Health Reimbursement Account (VEBA HRA) and Trust Plan.
-

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission adopt/deny Resolution #9797."

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

Staff Recommendation: Staff recommends the adoption of Resolution #9797, to allow the City of Great Falls to participate in the State of Montana VEBA HRA and Trust Plan.

Background: The State of Montana Department of Administration established a VEBA HRA and Trust Plan (herein after referred to as "the Plan") in accordance with Section 501(c)(9) of the Internal Revenue Code. The Montana VEBA HRA is a tax-exempt health and welfare trust. The City of Great Falls is eligible to participate in the Plan by acceptance of a completed Employer Adoption Agreement by the State of Montana Department of Administration in accordance with 2-18-1310, MCA.

The Plan would permit tax-exempt employer contributions, which must include 25% of an employee's unused sick leave cash-out and may include vacation leave as well as other contributions, to create an account on behalf of eligible employees in accordance with MCA 2-18-1301:1311 (2007). This tax-exempt account can then be used to reimburse post-retirement healthcare costs for the employee, their qualified dependents, and their beneficiaries. Eligible expenses include, but are not limited to medical, dental and vision premiums as well as other non-covered expenses such as deductibles and co-payments, etc.

The City will define VEBA groups and eligibility criteria. Each group will be given the opportunity to vote on whether or not to participate in the VEBA HRA Plan. If the group votes to participate in the Plan, then all of the employees that were eligible to vote on the question and any employees subsequently hired into the positions covered under the terms and conditions of the election must be formed as a VEBA group and the employees must become VEBA participants. Employees separating from service in such group during that Plan year will be required to have the City contribute the value of their designated unused accrual(s) to the Plan. Groups can elect to vote on whether or not to continue to participate in the Plan annually if at least 25% of the members of the VEBA group request an election.

Concurrences: The IBEW labor agreement stipulates the City will make a VEBA HRA or similar program available. Other employee groups have also expressed interest in participating in the State's VEBA HRA Plan.

Fiscal Impact: There are cost savings to the City when employees elect to participate in the VEBA HRA because the City will not pay FICA, Medicare or PERS on the eligible cash outs at retirement. The employees who vote to participate in the VEBA HRA will not pay Federal, State, FICA, Medicare, or PERS on their eligible cash outs at retirement. There are no direct employer costs for participating in the Montana VEBA HRA Plan. Enrollment and reporting are required administrative functions that will be absorbed by Human Resources and Fiscal Services. VEBA participants are charged a monthly administration fee, plus a percentage of the monthly HRA administration expenses as determined by the State.

Alternatives: The City Commission may or may not adopt Resolution #9797.

Attachment: Resolution No. 9797

RESOLUTION NO. 9797

STATE OF MONTANA HEALTH REIMBURSEMENT ACCOUNT

“MONTANA VEBA HRA”

WHEREAS, Section 501(c)(9) of the Internal Revenue Code authorizes the creation of a Voluntary Employees’ Beneficiary Association which is a tax-exempt health and welfare trust; and

WHEREAS, such trust is authorized to provide benefits to members including a self-insured medical reimbursement plan as authorized in Internal Revenue Section 105; and

WHEREAS, the State of Montana Department of Administration has established such plan known as “The State of Montana Voluntary Employees’ Beneficiary Association Health Reimbursement Account” also known as “MONTANA VEBA HRA”; and

WHEREAS, the MONTANA VEBA HRA will accept for participation eligible Employers who properly complete a State of Montana Health Reimbursement Account and Trust Employer Adoption Agreement, and who agree to abide by the terms of such agreement and to the terms of the MONTANA VEBA HEALTH REIMBURSEMENT ACCOUNT and Trust.

THEREFORE, the City of Great Falls (“Employer”) hereby resolves as follows:

SECTION 1: Effective on December 1, 2008 the Employer hereby elects to participate in the State of Montana Voluntary Employee Beneficiary Association Health Reimbursement Account as presently constituted or hereafter amended and hereby makes the plan available to eligible employees.

SECTION 2: The Plan will be funded by Employer contributions, which must include sick-leave and may include annual/vacation leave as well as other contributions as listed in MCA 2-18-1301:1311 (2007).

Non-represented employees shall qualify for participation when the Commission approves this resolution and the necessary acceptance from the State has been obtained.

Represented employees shall qualify for participation when collective bargaining agreements or memorandums of understanding provide for such contributions and the necessary acceptance from the State has been obtained.

SECTION 3: The proper officers of the Employer are authorized and directed to take such actions as are necessary to effect this resolution.

PASSED by the Commission of the City of Great Falls, Montana, on this the 18th day of November, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED AS TO FORM:

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 No. 9797 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 18th day of November, 2008, and approved by the Mayor of said City, on the 18th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 18th day of November, 2008

Lisa Kunz, City Clerk

(SEAL OF CITY)



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

From: Lisa Kunz, City Clerk

Initiated By: Ellen Sievert, Historic Preservation Officer

Presented By: Ellen Sievert, Historic Preservation Officer

Action Requested: Adopt Resolution 9800

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Res. 9800, Establishing an Official City of Great Falls Limited Edition Christmas Ornament.”

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

Staff Recommendation: It is recommended that the City Commission adopt Res. 9800.

Background: The Historic Preservation Office has no discretionary budget for annual Preservation Awards, educational programs, or other opportunities for promoting preservation so the Great Falls-Cascade County Historic Preservation Advisory Commission crafted a plan to conduct a limited edition “Official” Christmas ornament sale featuring a different significant local historic resource each year.

Significant Impacts

This year, the ornaments will showcase the Civic Center, since 2008 marks the 75th anniversary of the New Deal, of which the Civic Center is a project. The ornament will be educational as well as add to the programming capabilities of the Preservation Commission.

Concurrences: Planning staff concurs with the proposed project.

Fiscal Impact: The Preservation Commission is prepared to pay start-up costs out of an existing fund and there will be no fiscal impact to the City of Great Falls.

Alternatives: The Commission could choose to deny this Resolution and the ornament would simply not be an “Official City of Great Falls” project.

Attachments/Exhibits:

Resolution 9800
Photocopy of Christmas Ornament



GREAT FALLS, MT CIVIC CENTER

RESOLUTION 9800

A RESOLUTION ESTABLISHING AN OFFICIAL CITY OF GREAT FALLS LIMITED EDITION CHRISTMAS ORNAMENT

WHEREAS, the Great Falls-Cascade County Historic Preservation Advisory Commission and Historic Preservation Office have no discretionary budget for annual Historic Preservation awards, education programs, or other opportunities that arise for promoting preservation; and

WHEREAS, a limited edition, handcrafted, “official” City of Great Falls Christmas ornament would provide the Historic Preservation Advisory Commission some discretionary funding for preservation programs, such as downtown revitalization workshops or production of the popular walking tour brochures; and

WHEREAS, the ornament sale, planned to be the first of an annual series, would feature a different significant local resource each year. The 2008 ornament will showcase the Civic Center, since 2008 marks the 75th Anniversary of the New Deal, of which the Civic Center is a project.

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

That Resolution 9800 establishes the Civic Center, as the first of an annual series of ornament sales, to provide some discretionary funding to the Great Falls-Cascade County Historic Preservation Advisory Commission and Historic Preservation Office for preservation programs.

PASSED by the City Commission of the City of Great Falls, Montana, this 18th day of November, 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 forgoing Resolution No. 9800 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 18th day of November, 2008, and approved by the Mayor of said City, on the 18th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of November, 2008.

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM**PLEDGE OF ALLEGIANCE**

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

NEIGHBORHOOD COUNCILS

NC 2.

1. **Phyllis Hemstad, NC 2**, thanked the City for placing the speed checkers on the street and avenue by West Elementary. She reported that it made a difference in the way people drove in the area. Ms. Hemstad invited everyone to Bloomingdale Park before winter to see its developments. Neighborhood Council 2 is also looking forward to working with the City on developing West Bank Park.

PUBLIC HEARINGS

Res. 9774 and Ord. 3017, annexation and zoning for South 75 Feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street S.W. and 17th Avenue S.W. Adopted.

- 2A. **RESOLUTION 9774 ANNEXES THE SOUTH 75 FEET OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION AND PORTIONS OF 15TH STREET SW AND 17TH AVENUE SW.**
- 2B. **ORDINANCE 3017 ASSIGNS CITY ZONING OF R-3 SINGLE-FAMILY HIGH-DENSITY DISRICT.**

Planning Director Ben Rangel reported that property owner, Anthony Schneiderhan, has requested his home, located at 1505 17th Avenue SW, be annexed into the City in order to receive City services.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9774 to annex, and to adopt Ordinance 3017 to assign R-3 Single-family residential zoning. Mr. Rangel also requested that the City Commission approve the annexation agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9774 and Ordinance 3017.

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

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9774 and approve the Annexation Agreement, all related to the South 75 feet of Lots 17-21, Block 17, University Addition and portions of 15th Street S.W. and 17th Avenue S.W.

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

Motion carried 4-0.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3017.

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

Motion carried 4-0.

Res. 9776 and Ord. 3019, annexation and zoning for the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palidade Addition and Abutting Unincorporated Portion of Flood Road. Adopted.

3A. RESOLUTION 9776 ANNEXES THE AMENDED PLAT OF TRACT 3, BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION AND ABUTTING UNINCORPORATED PORTION OF FLOOD ROAD

3B. ORDINANCE 3019 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH-DENSITY DISRICT.

Planning Director Ben Rangel reported that the Board of Deacons for Valley Community Bible Church has submitted for City Commission approval an amended plat, the annexation of the area within the plat, the assignment of City zoning and the granting of a conditional use permit for its existing worship facility located on properties they own in Southwest Great Falls, along Flood Road. The Board would like to receive City services to accommodate sanctuary and school expansions.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9776 to annex, and to adopt Ordinance 3019 to assign R-3 Single-Family Residential Zoning and to grant a conditional use permit for a worship facility. The City Commission is also asked to approve the amended plat, findings of fact and annexation agreement.

The Planning Board/Zoning Commission unanimously recommends City

Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9776 and Ordinance 3019.

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

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9776, and approve the Amended Plat, Findings of Fact and Annexation Agreement, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3019.

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

Motion carried 4-0.

Res. 9781 and Ord. 3021, annexation and zoning for the Unincorporated Portion of Parcel 2 in Beebe Tract 35, located at the Northwest Corner of the Intersection of 2nd Avenue North and 57th Street North. Adopted.

4A. RESOLUTION 9781 ANNEXES THE UNINCORPORATED PORTION OF PARCEL NO. 2 IN BEEBE TRACT 35, LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF 2ND AVENUE NORTH AND 57TH STREET NORTH.

4B. ORDINANCE 3021 ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISRICT.

Planning Director Ben Rangel reported that Robert & Marilee Taylor own a parcel of land located in the northwest corner of the intersection of 2nd Avenue North and 57th Street. They are interested in annexing the parcel to accommodate the renovation of an existing structure for a vehicle sales and rental business. A portion of the newly surveyed parcel is already in the City and currently zoned C-1 Neighborhood Commercial. The Taylors have requested the entire parcel be designated C-2 General Commercial when the unincorporated portion is annexed.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9781 to annex, and to adopt Ordinance 3021 to assign C-2 General Commercial zoning. The City Commission is also asked to approve the improvements agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9781 and Ordinance 3021.

Mayor Stebbins 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 9781, and approve the accompanying Improvements Agreement all pertaining to Parcel No. 2 in Beebe Tract 35.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3021.

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

Motion carried 4-0.

Ord. 3022, to Create Great Falls International Airport Tax Increment Financing Industrial District. Adopted.

5. ORDINANCE 3022, TO CREATE GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT.

Planning Director Ben Rangel reported that the Great Falls International Airport Authority is interested in having a Tax Increment Financing Industrial District created for the Airport. This interest was presented to the City Commission during a public work session on May 6, 2008.

The funds from the District are proposed to be used for the various activities and types of industrial improvements allowed for and authorized in State law, which are intended to foster the attraction, growth and retention of secondary, value-adding industries at the Airport.

On October 6, 2008, the City Commission set a public hearing for this evening. After conducting the public hearing, Mr. Rangel requested that the City Commission adopt Ordinance 3022 which would:

1. Establish a tax increment industrial program at the Airport;
2. Create the Airport Tax Increment District;

3. Establish the boundaries of the district;
4. Approve the district plan;
5. Establish the types of activities for use of tax increment funds; and,
6. Establish January 1, 2008, as the base taxable year.

Mayor Stebbins declared the public hearing open. Speaking in favor of Ordinance 3022 were:

Cynthia Schultz, Great Falls Airport Authority, 2800 Terminal Drive, reported the unanimous support of the Airport Authority Board to work with the City to find solutions for the current inadequate infrastructure. The industries identified in the Plan that are secondary, value adding industries will create jobs that will, in turn, reinvest in the tax base and bring returns into the community.

Brett Doney, Great Falls Development Authority, reported that the GFDA strongly supports this effort. It is part of the Master Plan that the Airport Authority has been working on. Mr. Doney believes this to be a positive step forward. The Airport continues to be an asset for the entire region. Mr. Doney also noted concerns with tax increment financing that may be addressed during the next legislative session.

Kathy Harris, Stelling Engineers, 614 Park Drive South, thanked City staff for their assistance. Stelling Engineers is working with the Airport to develop the District and offer support for the creation of the District. Ms. Harris reported that it is increasingly competitive to attract industries and this will be a way to position Great Falls and the Airport to attract special industries.

Speaking in opposition to Ordinance 3022 was **Ron Gessaman**, 1006 36th Avenue N.E. Mr. Gessaman commented that he is opposed to all tax increment financing districts. Mr. Gessaman also commented that he did not hear any discussion about the consideration that will need to be given to long term costs as noted in the agenda report. He is also concerned about the fiscal impact to other local and State taxing jurisdictions.

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

Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3022.

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

Motion carried 4-0.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS**

Ord. 3025. Accepted on first reading and set final reading for November 18, 2008.

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

Michael Young, 1227 25th Avenue S.W., speaking in his capacity as Chairman on behalf of the Community Health Care Clinic Board of Directors and City/County Health Board, reported that creation of an independent health district will assume all of the functions of the current City/County Health Department, City/County Health Board and the Community Health Care Clinic, which is a federally funded clinic that is a division within the City/County Health Department that has its own nine man Board of Directors. The purpose is to provide autonomy and flexibility in the management of the Department, expansion of health services, dental care and future mental health services. The Clinic currently sees approximately 18,000 patients per year. Mr. Young reported that the County is proposing the same resolution. He urged the City Commission to accept this Ordinance and set a public hearing.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 3025 on first reading, and set final reading for November 18, 2008.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Ron Gessaman, 1006 36th Avenue N.E., suggested clerical errors in the Ordinance be cleaned up before the public hearing.

Motion carried 4-0.

Res. 9793, Relating to Financing of Certain Proposed Projects; Establishing Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code. Adopted.

7. RESOLUTION 9793, RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

Fiscal Services Director Coleen Balzarini reported that staff recommends the approval of Resolution 9793 to be in compliance with Internal Revenue Service declarations. The West Bank Tax Increment District has a number of infrastructure and developer projects that are set to proceed soon. There is a rail crossing that materials have been ordered for that the City intends to reimburse itself with the tax increment financing that will be brought before the Commission at a future date. Ms. Balzarini asked for the Commission's approval to declare to the IRS the City's intent to reimburse itself for these expenses.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9793.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Brett Doney, Great Falls Development Authority, appreciates the City's support of the West Bank project. The continued investment there is already attracting a hotel and new restaurant. Mr. Doney reported that the County has made great progress in cleaning up the contamination on their site. He sees great things happening there.

Motion carried 4-0.

Res. 9791. Adopted and set public hearing for December 2, 2008.

8. RESOLUTION 9791, INTENT TO CREATE TOURISM BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that the structure of this District is similar to the Business Improvement District, although this only applies to the hotels and motels within the area. It does not encompass all the properties within a specific area, but only the hotels and motels. Ms. Balzarini reported that there was in excess of 60% support from the individuals that will be assessed, and she requested that the Commission adopt this Resolution and set a public hearing.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9791 and set public hearing for the creation of Tourism Business Improvement District No. 1307 for December 2, 2008.

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

Motion carried 4-0.

Res. 9794, Conditional Use Permit for Collins Mansion. Accepted on first reading and set public hearing for December 2, 2008.

9. RESOLUTION 9794, CONDITIONAL USE PERMIT FOR COLLINS MANSION.

Planning Director Ben Rangel reported that Samuel and Andrea Gouchenour are the owners of the Collins Mansion which is located in West Great Falls, at 1003 2nd Avenue N.W. They have applied for a conditional use permit to allow the mansion to serve as a community center. Community centers, which can accommodate special events such as receptions, weddings, rehearsal dinners, anniversaries and retirement parties, are permitted in residential zoning districts, upon processing and approval of a conditional use permit.

Mr. Rangel requested that the City Commission accept Resolution 9794 on first reading and to set a public hearing for December 2, 2008.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission accept Resolution 9794 on first reading and a set public hearing for December 2, 2008.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Phyllis Hemstad, NC 2, reported that NC 2 supports the conditional use permit.

Motion carried 4-0.

Res. 9795, To Change the Graphic Image (Logo) and Establish a Policy for Its Use for the City of Great Falls. Denied.

10. RESOLUTION 9795, TO CHANGE THE GRAPHIC IMAGE (LOGO) AND ESTABLISH A POLICY FOR ITS USE FOR THE CITY OF GREAT FALLS.

Assistant City Manager Cheryl Patton reported that Resolution 9795 would establish a single graphic image for the City of Great Falls. The image suggested would be a slightly modified version of the official City seal, which is designated in Section 1.4.040 of the official codes of the City of Great Falls. For approximately the past 20 years, the City has been primarily using a logo that was designed between 1987 and 1989, as well as the City seal for its graphic images. Staff is suggesting that only a single visual representation be designated rather than having distinctly different images used.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission deny Resolution 9795 changing the graphic image (logo) and establishing a policy for its use for the City of Great Falls.

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

Commissioner Bronson noted that he, personally, does not find a reason to change the logo. After looking at what was proposed and comparing it to what City staff has utilized over the past 24 years, the proposed new logo does not reflect what this City is about, and what its history and culture are about.

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

Norma Ashby, 3233 3rd Avenue South, provided a history of the logo. A competition was held in 1982-1984 among graphic artists. Dan White was the winner and he captured major elements of Great Falls, including the falls, the buffalo skull representing Charlie Russell, Lewis & Clark, Square Butte, the sky, the railroad tracks and, at that time, the smokestack. Ms. Ashby suggested that it was an excellent time, once again, to hold a contest among the many talented graphic artists in Great Falls. This is especially timely as the City prepares for its 125th anniversary in 2009. Ms. Ashby reported that, if the Commission agrees with the contest idea, she is prepared to ask the Great Falls Ad Club Board of Directors to coordinate the contest for the City. If approved, representatives from the Ad Club would work with the City in establishing guidelines for the new logo/seal.

Mike Witsoe, 2612 1st Avenue South, agreed with Commissioner Bronson's comments. He added, "if it isn't broke, don't fix it."

Motion carried 4-0.

**Res. 9799, Joint Land Use Study (JLUS).
Adopted.**

11. RESOLUTION 9799, JOINT LAND USE STUDY (JLUS).

Kim Thiel-Schaff, Great Falls Development Authority, reported that City staff and the Great Falls Development Authority recommend that the City Commission approve Resolution 9799, which authorizes the City's participation in the Joint Land Use Study (JLUS) for Great Falls and Malmstrom Air Force Base (MAFB). Cascade County has recently approved Resolution 08-86, which mirrors this resolution. By adopting this resolution, the City agrees to support and participate in the Office of Economic Adjustment's Joint Land Use Study for MAFB. The City would further then acknowledge that Cascade County take the role of project sponsor and be the grantee, and that the GFDA has the expertise on staff to be the grant point of contact. The purpose of the JLUS is to ensure that only compatible development occurs near MAFB in the accident potential zones and areas impacted by high noise. This process will study the need to protect MAFB's operational capacity. The City would further agree to assign staff to participate in the various activities on the committees to be established as part of this process, and participate in meeting the 10% match

requirement through non-federal sources. Ms. Thief-Schaff explained that City staff time will count towards meeting the match requirement.

Commissioner Beecher moved, seconded by Commissioners Bronson and Rosenbaum, that the City Commission adopt Resolution 9799.

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

Motion carried 4-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

12. Minutes, October 21, 2008, Commission meeting.
13. Total expenditures of \$2,240,401 for the period of October 13-29, 2008, to include claims over \$5,000, in the amount of \$2,009,906.
14. Contracts list.
15. Grant list.
16. Lien Release list.
17. Award contract to Dick Anderson Construction, Inc. for the Water Treatment Plant Headhouse Floor Replacement project in the amount of \$544,450. (OF 1332.6)
18. Approve Grade Crossing Construction and Maintenance Agreement for the 4th Avenue Northwest Improvements with Burlington Northern Santa Fe Railway Company in the amount of \$274,439. (OF 1488)
19. Approve Addendum for Municipal Golf Course Concessions Contract with Michelle Kazda, K & M, Inc.
20. Approve Permit to Verizon Wireless for location of Antenna and Associated Equipment at 33rd Street Reservoir.

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

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public.

Phyllis Hemstad, NC 2, requested an explanation of Item 18. City Engineer Dave Dobbs explained that this standard agreement is between the City and Burlington Northern Santa Fe Railroad to bring 4th Avenue N.W. from 3rd Street N.W. to the area north of the new Federal Courthouse. It will also be a permanent access to the Federal Courthouse and West Bank Park. Ms. Hemstad inquired about parking. Mr. Dobbs explained that the existing parking lot in West Bank Park will be moved over.

Motion carried 4-0.

BOARDS & COMMISSIONS**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****CITY MANAGER****22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Assistant City Manager Cheryl Patton thanked Norma Ashby for her history of the City logo. City staff researched the existing logo and could find no instance where City Commission took official action to approve it. The contest idea is a good one.

PETITIONS AND COMMUNICATIONS**23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

HGS.

23A. Ed McKnight, 906 3rd Avenue North, reminded the Commission that at the last meeting he asked about the money spent on the development of Highwood. Mr. McKnight thanked Commissioner Beecher for answering his questions and commented that there were other costs that could be found in the financial records of the City of Great Falls. Mr. McKnight commented that his point was not to get at the exact number, but to get to the quality of information disseminated by the City. The responses Mr. McKnight received regarding the water credits were not acceptable to him. He reminded the Commission that they took an oath of office and are held to a higher standard. Mr. McKnight further commented that the audited reports are his source of information and made a comparison to Enron.

HGS.

23B. Tim Gregori, General Manager of Southern Montana Electric G&T, in response to Mr. McKnight's comments regarding energy imbalances, commented that with the advent of the Energy Policy Act of 1992 electric utilities provide services to their customers on the basis of their actual usage. He explained that when you go out to the market to buy electricity, you are not able to buy exactly what people are going to use because you do not know. A predetermined amount of electricity is purchased and delivered to the electric grid to meet that particular group of customers' needs. At the end of every accounting period, you balance up the amount of energy used by those customers to the amount of energy that was delivered. You take the difference between those two figures and, on an hourly basis, you go back to the electric market and determine what the price was for electricity at that time. There are times on an hourly basis when that is higher than what you paid for it, and there are times when it is lower. You reconcile on an annual basis. You do that continually because the contracts transcend multiple years. Commissioner Beecher's answer that it will move over time was correct. The answer to whether the City made money on the

imbalances is yes.

Alternative Energy.

23C. Brett Doney, Great Falls Development Authority, in response to a comment at a prior meeting that the City should be pursuing alternative energy development, commented that a big portion of GFDA’s marketing efforts does go after alternative energy development throughout the 10 county trade area. Mr. Doney provided handouts for the Commission and public setting forth the GFDA’s alternative energy development efforts.

CITY COMMISSION

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of November 5, 2008, be adjourned at 8:00 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: November 18, 2008



Agenda # 13
 Commission Meeting Date: November 18, 2008

**CITY OF GREAT FALLS
 COMMISSION AGENDA REPORT**

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

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

MASTER ACCOUNT CHECK RUN FOR NOVEMBER 5, 2008	619,769.22
MASTER ACCOUNT CHECK RUN FOR NOVEMBER 12, 2008	409,367.69
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 31, 2008	72,732.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR NOVEMBER 10, 2008	1,370.00
WIRE TRANSFERS FROM OCTOBER 30, 2008 TO NOVEMBER 6, 2008	70,437.67
WIRE TRANSFERS FROM NOVEMBER 7, 2008 TO NOVEMBER 12, 2008	<u>261,612.94</u>
TOTAL: \$	<u><u>1,435,289.52</u></u>

GENERAL FUND

POLICE

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	712.05
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	1,385.19
PROFORCE LAW ENFORCEMENT	AIR TASER CARTRIDGES	6,778.25

FIRE

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	561.04
L N CURTIS & SONS	SCBA BREATHING SYSTEMS TEST	9,000.00
ENERGY WEST	EQUIPMENT AND SOFTWARE MONTHLY CHARGES (SPLIT AMONG FUNDS)	2,682.60

PARK & RECREATION

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	462.74
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	1,107.54

VISITORS CENTER

ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	42.35
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SPECIAL REVENUE FUND

LIGHTING DISTRICT

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	74,508.37
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911 SPECIAL REVENUE

QWEST INTERPRISE AMERICA INC	E911 PLANT SOFTWARE SUPPORT NOV 7 2008 - NOV 6 2009 RENEWAL	13,378.80
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STREET DISTRICT

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	64.00
CONCRETE DOCTOR	OF1485.6 PMT#1 CURB & GUTTER REMOVAL & REPLACEMENT	9,165.91
SBC ARCHWAY IV LLC	OF1417.1 ELECTRICAL EXTENSION FOR MEDICAL TECH PARK	9,550.00
UNITED MATERIALS	ASPHALT FOR STREET DEPT	7,349.38

LIBRARY

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	951.47
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	1,715.24

FEDERAL BLOCK GRANTS

BIRDTAIL ELECTRIC COMPANY	GEIS APT BUILDING ELECTRICAL UPGRADE	15,000.00
CASCADE HOME IMPROVEMENTS INC	816 3RD AVE S ROOF REPLACEMENT	6,190.00

ENTERPRISE FUNDS

WATER

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	10,633.43
MT DEPT OF TRANSPORTATION	OF1307 BNRR - RIVER DRIVE UNDERPASS (LAND SALE REVENUE) THIS IS A PAYMENT FOR THE RECENT ESTIMATED COSTS FOR THE PEDESTRIAN UNDERPASS AT OVERLOOK DRIVE	314,337.00
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	2,915.85
LIQUID ENGINEERING CORPORATION	CLEAN AND INSPECT THREE WATER STORAGE RESERVOIRS	13,125.00
PHILLIPS CONSTRUCTION	14TH ST SW & 5TH AVE SW WATER MAIN REPLACEMENT PAYMENT #1	217,508.02

SEWER

TREASURE STATE ROOFING LLC	PMT #3 OF1457.4 WWTP ROOF REPLACE	35,375.97
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STORM DRAIN

CASCADE COUNTY TREASURER	WESTSIDE FLOOD DISTRICT O & M	13,414.91
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SANITATION

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	130.58
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	197.25

ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE AUG 08	73,465.16
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ENTERPRISE FUNDS (CONTINUED)

SAFETY SERVICES

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	178.01
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	346.30

PARKING

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	536.99
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GOLF COURSES

ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	302.93
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SWIM POOLS

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	362.36
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	3,985.78

RECREATION

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	477.15
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	409.54

CIVIC CENTER EVENTS

NEW CHRISTY MINSTRELS LLC	ARTIST FEE	6,000.00
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS OCTOBER 28-31, 2008	28,767.42
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS NOVEMBER 1-3, 2008	40,613.00
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS NOVEMBER 2-10, 2008	188,147.78

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY	G/L DEDUCTIBLES FOR OCTOBER 2008	6,595.17
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CENTRAL GARAGE

MOUNTAINVIEW COOP	FUEL CHARGES	53,698.04
BISON MOTOR CO INC	2008 FORD F250	25,751.04

PUBLIC WORKS ADMINISTRATION

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	757.40
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	2,927.73

CC FACILITY SERVICES

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	1,587.66
ENERGY WEST	MONTHLY CHARGES (SPLIT AMONG FUNDS)	228.06

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	50,439.00
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	9,784.00
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	5,143.00
HARSTE, SHARLENE	BOND REFUND	5,670.00

CLAIMS OVER \$5000 TOTAL:

\$ 1,274,416.46

COMMUNICATION TO THE CITY COMMISSION

DATE: November 18, 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	Park and Recreation	AA Sports, Ltd. 4840 SW Western Avenue, Suite 400, Beaverton, Oregon 97005	April 2009	Ice Breaker Recreation Fund	Estimated \$12,850 (depending on number of participants)	Timing/Scoring & Data Entry Agreement for Ice Breaker Road Race Event
B	City Clerk	Sunshine Productions, Ltd., 2015 6 th Avenue North, Great Falls, MT 59401	Immediate	100-1495-511- 3599	\$4,618	Contract for Installation of Microphone Package, Sound System Package, Cord and Transformer in Gibson Room
C	Public Works/ Engineering	Layne R. and Deborah L. Shanahan	In effect from time of execution (unless abandoned)	N/A	N/A	Water Main Easement in connection with public improvements for Valley Church Annexation (O.F. 1561)

D	Public Works/ Engineering	Kendall G. and Maxima S. Cox	In effect from time of execution to time when platted into public right- of-way	N/A	N/A	Roadway Easement in connection with public improvements for Tyndall Addition Phase 1 (O.F. 1555)
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**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 15
DATE: November 18, 2008**

ITEM: LIEN RELEASE LIST
Itemizing liens not otherwise approved or ratified by City Commission Action
(Listed liens are available for inspection in the City Clerks Office.)

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Property Owner – George & Alvina Sayers) (at time of recording, property in name of Alan and Ingrid Rose)	Current	237-3131-532-3599	\$200	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 411 11 th Street South. Parcel #233100. S1/2 of Lot 1, Block 444, Great Falls First Addition



CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Establishing Sanitation Service Rates
From: Martha Capps, Operations Supervisor
Initiated By: Public Works and Fiscal Services
Presented By: Coleen Balzarini, Fiscal Services Director
Action Requested: Set Public Hearing

Suggested Motion:

1. Commissioner moves:

“I move the City Commission set a public hearing for December 2, 2008, on Resolution 9798 to Establish Sanitation Service Rates for FY 09”.

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

Staff Recommendation: Staff recommends the City Commission set a public hearing for December 2, 2008, on Resolution 9798 to 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 continue providing adequate service and disposal of recyclable items, otherwise other recycling services may need to be decreased.

Alternatives: The City Commission could choose to not set the public hearing and thereby 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: Contract Bid Award: 2008 CDBG Community Recreation Center HVAC System O.F. 1443.6

Initiated By: Park and Recreation Department

Prepared By: Rebecca Richards, Recreation Center Supervisor

Presented By: Marty Basta, Park and Recreation Director

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$116,400 to AT Klemens & Sons, Inc. for the 2008 CDBG Community Recreation Center HVAC System, O.F. 1443.6, and authorize the City Manager to execute the contract."

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

Staff Recommendation:

Staff recommends the City approve the contract for AT Klemens & Sons, Inc for the 2008 CDBG Community Recreation Center HVAC System, O.F. 1443.6.

Background:

Significant Impacts

This project will replace the aging heating system at the Community Recreation Center and add cooling to the building. In addition, it will result in significant energy savings.

Workload Impacts

Community Recreation staff applied for and received the CDBG Grant. CTA was contracted to design the project; CTA will also perform construction inspection and contract administration duties. The Community Development Department will administer the CDBG program and perform grant and other administrative duties.

Purpose

This project will replace the existing heating units that are approximately 30 years of age and only working at a 50% capacity. The units will be replaced with high efficiency furnaces and add cooling units.

Project Work Scope

Approximately 11 furnaces will be replaced with high efficiency furnaces and cooling units.

Evaluation and Selection Process

Four bids were received and opened for this project on November 7, 2008. The base bids ranged from \$116,400 to \$171,000. AT Klemens & Sons, Inc. submitted the low bid and has executed all the necessary documents. AT Klemens & Sons, Inc. is an established and responsible contractor.

Conclusion

City staff recommends awarding the construction contract to AT Klemens & Son, Inc. in the amount of \$116,400.

Concurrences:

The bids were received by Lisa Kunz, City Clerk and reviewed by City of Great Falls Engineer Rick Johnson.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. This project will be funded through a Community Development Block Grant. The grant was awarded in the amount of \$111,961; the additional \$4,439 will be provided through funds reallocated from completed CDBG projects. The project will result in significant energy savings for the Community Recreation Center.

Alternatives:

The City Commission could vote to deny award of the contract; resulting in the CDBG funds being returned and the project being cancelled.

Attachments/Exhibits:

1. Bid tabulation is attached.



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Great Falls Police Department / Great Falls Housing Authority Contract

From: Great Falls Police Department

Initiated By: Captain Tim Shanks, Support Services Bureau

Presented By: Chief Cloyd Grove

Action Requested: City Commission authorizes the City Manager to sign the contract with the Great Falls Housing Authority.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission allow the City Manager to (approve /disapprove) the Community Based Policing Agreement / Contract “

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

Staff Recommendation: It is recommended the City Commission authorizes the City Manager to approve and sign the agreement/contract.

Background:

The Great Falls Police Department and the Great Falls Housing Authority have had an annual Community Based Policing Agreement in place since the late 1980's. The Great Falls Housing Authority funds one dedicated officer for the purpose of enforcement and investigations in the Great Falls Housing Authority projects. This officer also facilitates the Parkdale Youth Activity Center (PYAC) at the main housing complex.

This officer handles calls during his designated shift. Before or after shift calls are still answered by the Patrol Officers. With the Housing Authority officer on site(s), it does alleviate a substantial number of calls that patrol would have to respond to and resolve. Historically, call loads were high until the Housing Authority officer was established. At times the Housing Authority had funded two officers.

The Great Falls Housing Authority provides office space at the main complex for the officer.

Concurrences:

The Community Based Policing Agreement has to be approved by the Housing Authority Board as well as City Commission authorization to sign the agreement.

Fiscal Impact:

The GFHA pays the salary and benefits for the housing officer. The police department provides a marked patrol vehicle for the officer. The police department compensates the officer for over time when necessary.

Alternatives:

Discontinue the officer's presence in the Housing Authority projects and reassign.

Attachments/Exhibits:

1. Copy of the Community Based Policing Agreement / Contract

**GREAT FALLS POLICE DEPARTMENT
AND
GREAT FALLS HOUSING AUTHORITY
COMMUNITY BASED POLICING AGREEMENT**

This contract is entered into this _____ day of _____, 2008, by and between the City of Great Falls, State of Montana, herein after referred to as "City" and the Great Falls Housing Authority.

In receipt of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The City shall provide personnel and other resources in a Community Policing role at the Great Falls Housing Authority projects. One dedicated officer, excluding contractual time/training time off, shall be provided for the purpose of enforcement and investigations in the Great Falls Housing Authority projects. If the assigned officer or a temporary replacement is not available to the GFHA for longer than two weeks the GFHA payment will be waived for the period of time that an officer was not available. Payment will resume when an officer becomes available to the GFHA.
2. The Great Falls Housing Authority shall pay the City \$68,322.52 which would include the Officers salary and insurance. Payment shall be made on a monthly basis in the amount of \$ 5,693.54.
3. The City shall keep detailed records regarding the date and time of contacts exclusive of investigating records. The Great Falls Housing Authority may inspect these records at all reasonable times and these records shall be available for photocopying at no additional fee.
4. Indemnification – The City assumes full responsibility for the officer's performance. The City shall indemnify the Great Falls Housing Authority against, and hold the Housing Authority harmless from, any liability costs, damages, claims or causes of action which may arise as a result of performance by the City of its responsibilities under the terms of this agreement; provided, however, that the City, its Officers and employees shall not assume any liability for acts of the Great Falls Housing Authority, or any of its Officers or agents.
5. **This Agreement shall commence January 1, 2009 and end June 30, 2009 with an automatic six month renewal based on the GFPPA negotiated contract wage with the City of Great Falls.**

In Witness Whereof, the parties hereto have caused this agreement to be executed the day and year first herein above written.

City of Great Falls, Montana – "City"

Great Falls Housing Authority

Greg Doyon, City Manager

Cheryl Patton

Lisa Kunz, City Clerk

Cloyd Grove, Chief of Police

Prepared by:
Captain Tim Shanks, Support Services Bureau
November 3, 2008



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Revised Memorandum of Understanding between the Great Falls Development Authority and the City of Great Falls regarding the use of Ag-Tech Industrial Tax Increment District funds for the purpose of preliminary road design work through the District connecting to Great Bear Innovation Park (OF 1552)

From: Coleen Balzarini, Fiscal Services Director

Initiated By: Brett Doney, President/CEO Great Falls Development Authority

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Approve Revised Memorandum of Understanding

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve/deny the Revised Memorandum of Understanding between the Great Falls Development Authority and the City of Great Falls regarding the use of Ag-Tech Industrial Tax Increment District Funds for a preliminary engineering design and cost estimate for an access road from US 87 East to Black Eagle Road.”

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

Staff Recommendation: Staff recommends that the City Commission approve the Revised Memorandum of Understanding between the Great Falls Development Authority (GFDA) and the City of Great Falls regarding the use of Ag-Tech Industrial Tax Increment District Funds. The cost will not exceed \$24,200 and is for the GFDA to obtain a preliminary engineering design and cost estimate for an access road from US 87 East to Black Eagle Road. The purpose of the road is for the development of an industrial park east of Black Eagle Road.

Background: On May 17, 2005, the City Commission adopted Ordinance 2911, creating the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District. On August 5, 2008, the City Commission approved a Memorandum of Understanding between the City and GFDA to complete preliminary engineering and design work. The original MOU indicated that NCI would be the consulting engineer. Due to the passage of time, change in ownership of the malting plant, Montgomery Energy’s expression of interest in participating in defining the scope of work, and a desire to revise the scope of work, GFDA reissued a RFP.

On November 6, 2007 the City Commission approved the annexation and zoning of the MT Megawatts property, now owned by Montgomery Energy, to allow the construction of a natural gas electric generator. The City entered into service agreements with the developer in regards to the potable and raw water and sanitary sewer services to the facility. Resolution 9717, adopted November 20, 2007, stated the City's intent to amend the boundaries of the Central Montana Agricultural and Technology Park Tax. On December 4, 2007 Ordinance 2996 amended the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District to include Lot 5, Block 1, International Malting Company, LLC addition, and the abutting segment of U.S. Highway 87.

Section 7-15-4288 (4), MCA provides that the cost of acquiring or installing infrastructure improvements, including, but not limited to streets, roads, water and sewer systems, may be paid by tax increment financing.

Design of the proposed road will benefit the existing Ag-Tech Industrial Tax Increment District. It is the intent of the City and GFDA to expand the boundaries of the existing Ag Tech Industrial Tax Increment District to encompass the proposed industrial park. The funds are available with the current district to pay the costs of the preliminary design and cost estimates for the access road.

Concurrences: The preliminary design and engineering of the access road is an eligible tax increment project under Section 7-15-4288(4), MCA. The City participated in the original and revised RFP/RFQ process and has accepted the revised proposal as submitted and agrees to allow GFDA to contract with a consulting engineer in an amount not to exceed \$24,200 for the services as proposed. GFDA agrees to provide project management and submit all payables in accordance with City requirements.

Fiscal Impact: The Ag-Tech Tax Increment District Fund will provide up to \$24,200 requested by the GFDA if approved. The funds are currently available for this project.

Alternatives: If the Memorandum of Understanding is not approved the GFDA would have to look for an alternative funding source for this project, which would delay the design and cost estimate of the access road.

Attachments/Exhibits:

1. Revised Memorandum of Understanding

REVISED MEMORANDUM OF UNDERSTANDING

This revised agreement, made and entered into this _____ day of _____, 2008, by and between the City of Great Falls, Montana, a municipal corporation of the State of Montana hereinafter called the City, and the Great Falls Development Authority a registered non-profit development corporation in the State of Montana hereinafter called the GFDA,

WITNESSETH:

Whereas, there currently exists a partially un-platted undeveloped area of land approximately 1,100 acres in size, located in Cascade County and generally bounded on the west by Black Eagle Road, on the east by property owned by Archer Daniel's Midland, on the north by the Archer Daniel's Midland Rail Spur, and on the south by property owned by a variety of private owners and PPL Montana and,

Whereas, there exists an agreement between the GFDA and the owner of the described property to pursue development of an industrial park on a portion of the land, and,

Whereas, said industrial park development will require a public access road from US 87 to its entrance off Black Eagle Road, and

Whereas, the City and GFDA have acknowledged the need for the industrial park and wish to obtain preliminary design and cost estimates for the described access road in order to move forward with obtaining funding for the project, and

Whereas, it is the intent of the City and GFDA to expand the boundaries of the existing Ag-Tech Industrial Tax Increment District to encompass the proposed industrial park, and

Whereas, design of the proposed road will benefit the existing Ag-Tech Industrial Tax Increment District, and

Whereas, the City and GFDA approved the original MOU on August 5, 2008, and

Whereas, recent changes in ownership of various properties owners within the existing Ag-Tech Industrial Tax Increment District have resulted in an expression of interest by additional parties to participating in defining the scope of desired consulting services, and

Whereas, there are funds available within the Ag-Tech Industrial Tax Increment District to pay the costs of the preliminary design and cost estimates for the described access road, and

Now, therefore, it is hereby understood and agreed as follows:

The City agrees to use existing eligible tax increment funds to pay costs up to \$24,200 required for GFDA to obtain a preliminary engineering cost and design for an access road from US 87 east to Black Eagle Road for the purpose of developing an industrial park east of Black Eagle Road.

GFDA revised the original scope of services desired, and conducted a new public RFP/RFQ process for the revised design and cost estimates and selected a qualified consultant to provide the work.

The City participated in the original and updated RFP/RFQ process and has accepted the proposal as submitted and agrees to allow GFDA to contract with the successful consultant in the amount up to \$24,200 for the services as proposed.

GFDA agrees to provide project management and submit all payables in accordance with City requirements.

DATED this _____ day of _____, 2008.

GREAT FALLS DEVELOPMENT AUTHORITY

Brett Doney, President/CEO
Great Falls Development Authority

By _____

CITY OF GREAT FALLS
Greg Doyon, City Manager
City of Great Falls

By _____
City Manager

ATTEST:

City Clerk

I, _____, Clerk of the City of Great Falls, do hereby certify that the above Memorandum of Understanding was regularly adopted by the City Commission at a meeting thereof held on ____ day of _____, 2008 and that the City Commission of Great Falls authorized the City Manager to sign this Memorandum of Understanding on behalf of the Commission.

City Clerk



Item: Final Payment for Mitchell, Jaycee and Water Tower Pool Rehabilitation (OF 1501)

Initiated By: Park & Recreation Department

Prepared By: Patty Rearden, Deputy Park & Recreation Director

Presented By: Marty Basta, Park & Recreation Director

Action Requested: Approve final payment to James Talcott Construction and the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve final payment of \$3,960 to James Talcott Construction and \$40 to the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501, and authorize the City Manager to execute the necessary documents and make the payments.”

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

Staff Recommendation:

Staff recommends approval of final payment to James Talcott Construction and the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501.

Background:

The community swimming pools were built and/or renovated in the 1960s. The pools systems and infrastructures have deteriorated over time and the City was faced with significant capital and maintenance issues. The “rehabilitation project” was estimated to cost just under \$2.3 million.

A General Obligation Bond in the amount of \$2,270,000 for a ten-year term was placed on the November 7, 2006 ballot. The General Obligation Bond passed with 15,158 voting to approve the bonds and 5,648 voting against approval. At the December 5, 2006 City Commission Meeting, the Commission approved Resolution #9627 to establish compliance with

reimbursement bond regulations under the Internal Revenue Code. On December 19, 2006, the City Commission approved the Professional Services Agreement with Interstate Engineering, Inc., in the amount of \$217,500 for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, O. F. 1501.

The decision was also made to pursue funding and construction of spray parks/splash decks for the community. It was determined that the best locations for the spray parks, were Jaycee and Water Tower Pools, creating a complex and expanded entertainment for the community. Although funding is different for the two projects, for efficiency and cost savings, both projects were bid together and are being constructed at the same time.

On June 5, 2007 and August 7, 2007 the City Commission awarded contracts to James Talcott Construction, Inc. in the amounts of \$1,453,165.00 and \$1,083,985.00 for the renovation of Jaycee and Water Tower Pools and for renovation of Mitchell Pool, respectively. Change Order No. SI-1 for a credit of \$96,100 for Mitchell Pool and Change Order No. SII-1 for a credit of \$46,800.00 for Jaycee and Water Tower Pools were approved on August 7, 2007. On October 2, 2007, the City Commission approved Change Orders No. SI-2 and No. SII-2 removing the installation of PVC membrane liners from the contract and adding modifications to the Jaycee and Water Tower bathhouses. The reduction in scope of work resulted in deductions in the amounts of \$53,500.00 and \$99,708.00, respectively for the Mitchell Pool contract and for Jaycee and Water Tower Pools contract. On February 5, 2008, City Commission approved Change Order SII-3 in the amount of \$2,363.00 for the Jaycee and Water Tower Pools contract. On February 5, 2008 the City Commission approved Change Order SI-3 with an increase of \$4,415 on the Mitchell Pool with a final contract amount of \$939,300, and Change Order SII-4 with a deduct of \$7,772 on the neighborhood pools with a final contract amount of \$1,032,048.

Concurrences: Final budget numbers provided by Brian Milne, Interstate Engineering were reviewed and approved by Jason Handl, City Engineers Office.

Fiscal Impact:

The \$2,270,000 bond issue was approved by voters on November 7, 2006 to rehabilitate the Mitchell, Jaycee and Water Tower Pools.

Alternatives:

Not approve final payments to Talcott Construction and the State Miscellaneous Tax Division.

Attachments/Exhibits:

1. Claim and Pay Estimate #14, Final (Not available online; on file in City Clerk's Office.)