



City Commission Agenda

for

November 5, 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. South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW. **(Presented by: Ben Rangel)**
 - A. Res. 9774, to Annex said property. Action: Conduct joint public hearing and adopt or deny Res. 9774 and approve or disapprove the Annexation Agreement.
 - B. Ord. 3017, Assigns City Zoning of R-3 Single-family high density district upon annexation to the City. Action: Conduct joint public hearing and adopt or deny Ord. 3017.
3. Amended Plat of Track 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road. **(Presented by: Ben Rangel)**
 - A. Res. 9776, to Annex said property. Action: Conduct joint public hearing and adopt or deny Res. 9776 and approve or disapprove the Amended Plat, Findings of Fact and Annexation Agreement.
 - B. Ord. 3019, Assigns zoning classification of R-3 Single-family high density district upon annexation to the City. Action: Conduct joint public hearing and adopt or deny Ord. 3019.
4. Unincorporated Portion of Parcel No. 2 in Beebe Track 35, located at the northwest corner of the intersection of 2nd Avenue North and 57th Street North. **(Presented by: Ben Rangel)**
 - A. Res. 9781, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9781 and approve or disapprove the accompanying Improvements Agreement.
 - B. Ord. 3021, Assigns zoning classification of C-2 General commercial district upon annexation to the City. Action: Conduct joint public hearing and adopt or deny Ord. 3021.
5. Ord. 3022, to Create Great Falls International Airport Tax Increment Financing Industrial District. Action: Conduct public hearing and adopt or deny Ord. 3022. **(Presented by: Ben Rangel)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. Ord. 3025, To Create the Cascade Community Health District. Action: Accept Ord. 3025 on first reading and set final reading for November 18, 2008. **(Presented by: Dave Gliko)**
7. Res. 9793, Relating to Financing of Certain Proposed Projects; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Action: Adopt or deny Res. 9793. **(Presented by: Coleen Balzarini)**
8. Res. 9791, Intent to Create Tourism Business Improvement District. Action: Adopt Res. 9791 and set public hearing for December 2, 2008. **(Presented by: Coleen Balzarini)**
9. Res. 9794, Conditional Use Permit for Collins Mansion. Action: Accept Res. 9794 on first reading and set public hearing for December 2, 2008. **(Presented by: Ben Rangel)**
10. Res. 9795, To Change the Graphic Image (Logo) and Establish a Policy for Its Use for the City of Great Falls. Action: Adopt or deny Res. 9795. **(Presented by: Cheryl Patton)**
11. Res. 9799, Joint Land Use Study (JLUS). Action: Adopt or deny Res. 9799. **(Presented by: Greg Doyon)**

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, October 21, 2008, Commission meeting.
13. Total Expenditures of \$2,240,401 for the period of October 13-29, 2008, to include claims over \$5000, 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.
18. Approve Grade Crossing Construction and Maintenance Agreement for the 4th Avenue Northwest Improvements with Burlington Northern Sante Fe Railway Company in the amount of \$274,439.
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.

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



Agenda # 2
Commission Meeting Date: November 5, 2008

CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Public Hearing – Resolution 9774 to Annex and Ordinance 3017 to Assign City Zoning to the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW

From: Charles Sheets, Planner I

Initiated By: Anthony J. Schneiderhan, Property Owner

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9774 and Ordinance 3017 and approve accompanying Annexation Agreement.

Public Hearing:

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

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9774 and (approve/disapprove) the Annexation Agreement, all related to the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3017.”

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 of the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3

Single-family high density district on said South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW, upon annexation to the City.

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

- 1) Annexation of South 75 feet of Lots 17-21, Block 17, University Addition to the City of Great Falls, addressed as 1505 17th Avenue Southwest and portions of 15th Street Southwest and 17th Avenue Southwest.
- 2) Assigning a City zoning classification of R-3 Single-family high density district to said Lots, upon annexation.

A Vicinity/Zoning Map is attached for reference.

After purchasing this property, Mr. Schneiderhan learned that the house has a common water service with the residence at 1502 16th Avenue Southwest. The two properties are not annexed, but receive water from the City. In order to separate the common water service, a new tap and connection are required. Mr. Schneiderhan is required to annex in order to receive the new water service. The unincorporated property of 1502 16th Avenue Southwest will be addressed as a part of an area wide annexation of water/sewer users at a later date.

The single-family residence has a septic tank/drain field for sanitation. This will remain as long as it is in compliance with City-County Health Department regulations or until the City Public Works Department requires the applicant to participate in the cost of extending a sanitary sewer main. The owner agrees to waive his right to protest and to pay his proportionate share of any main extension, connection, tapping and installation costs when this occurs.

To provide contiguity and adhere to State Law, it will be necessary to annex portions of 15th Street SW and 17th Avenue SW as depicted on the attached Vicinity/Zoning Map.

Roadways serving the involved area are graveled. The applicant will waive his right to protest creation of a special improvement district and agree to pay his proportionate share of the costs to install additional utilities, (street lighting, sanitary sewer, storm drainage) and street improvements when deemed necessary by the City.

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

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

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;

- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Subject property is within the University Addition and surrounded by a predominately single-family residential neighborhood located outside the City limits with some rural characteristics.

Staff concludes establishing residential zoning upon the lots would not be out of character with neighboring uses and the above listed criteria are substantially met.

The involved portion of University Addition, which has been partially served by City water for more than fifty years, has generated considerable inquiries regarding provision of City services. Those property owners who don't have City water have periodically expressed an interest in annexation to obtain it. As individual sanitary sewer systems fail or need replacement, owners have inquired about obtaining City sanitary sewer service. The City has been reluctant to pursue a wholesale annexation of the area in the past because of the unimproved roadways and other responsibilities the City would assume. The multiple ownership, the varying desires for City services and the varying abilities to afford the costs for typical public infrastructure improvements all complicate attempts to formulate an areawide annexation.

At the conclusion of a public hearing held August 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district on the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW. The Planning Board recommended the City Commission approve annexation of the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW, subject to fulfillment of the following conditions by the applicant:

- 1) The applicant shall execute an Annexation Agreement acceptable to the City, including agreement to pay his proportionate share of paving, curb, gutter and sidewalk in abutting portions of 15th Street Southwest and 17th Avenue Southwest, sanitary sewer, street lighting, and storm drainage improvements, when deemed necessary by the City;
- 2) All applicable fees and charges due as a consequence of annexation shall be paid by the applicant;
- 3) The residence and garage shall be inspected for code/life-safety requirements and any identified deficiencies or violations shall be corrected as a condition of annexation; and,
- 4) The applicant shall have prepared an Amended Plat consolidating the 5 lots into one parcel and shall incorporate correction of any errors or omissions noted by staff and include a notification clause to lot purchasers regarding soil conditions.

At the time of writing this report items 1), 2) and 3) have been completed by the applicant and item 4) will be completed prior to filing the Amended 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 existing single-family residence is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenue from the existing single-family residence.

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 9774
2. Ordinance 3017
3. Vicinity/Zoning Map
4. Reduced copy of drawing portion of the Amended Plat
4. Annexation Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Anthony Schneiderhan, 1505 17th Avenue Southwest, Great Falls MT 59404

RESOLUTION 9774

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE SOUTH 75 FEET OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION AND PORTIONS OF 15TH STREET SW AND 17TH AVENUE SW, IN THE NW¹/₄ SECTION 15, TOWNSHIP 20 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, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW, in the NW¹/₄ Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 0.2152 acres more or less,

and;

Segments of public rights-of-way platted as a part of University Addition, located in the NW¹/₄ of Section 15, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana, described as follows:

A segment of 15th Street Southwest right-of-way from the north property line of the South 75 feet of Lot 17, Block 17, University Addition,

Cascade County, Montana to the north right-of-way line of 17th Avenue Southwest; and

a segment of 17th Avenue Southwest right-of-way from the west property line of Lot 21, Block 17, University Addition, Cascade County, Montana, to the west right-of-way of 14th Street Southwest, and containing 0.0320 acres, more or less,

containing in all 0.2472 acres more or less,

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

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

WHEREAS, 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 SOUTH 75 FEET OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION AND PORTIONS OF 15TH STREET SW AND 17TH AVENUE SW, IN THE NW¼ SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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 5th 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 9774 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of November, 2008, wherein it was approved by said Commission.

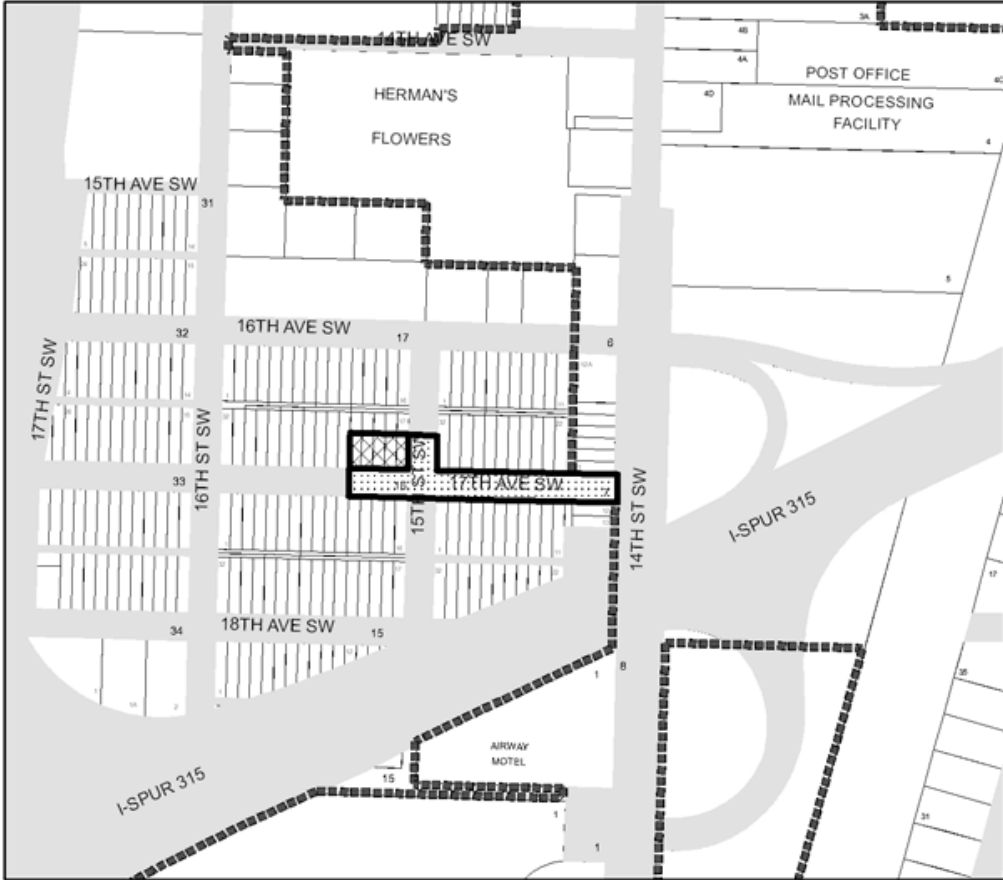
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of November, 2008.





Lisa Kunz, City Clerk

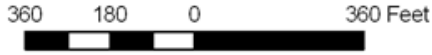
(CITY SEAL)

EXHIBIT "A"

VICINITY MAP



-  SOUTH 75% OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION TO BE ANNEXED TO THE CITY AND ASSIGNED A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY
-  PORTIONS OF 17TH AVE SW AND 15TH STREET SW PROPOSED TO BE ANNEXED SIMULTANEOUSLY WITH SAID LOTS TO THE CITY.
-  City Limits
-  Tracts of land outside City



ORDINANCE 3017

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO THE SOUTH 75 FEET OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION AND PORTIONS OF 15TH STREET SW AND 17TH AVENUE SW, LOCATED IN NW¼ SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Anthony J. Schneiderhan, Owner, has petitioned the City of Great Falls to annex the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW, located in NW¼ Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the Owner has petitioned the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW be assigned a City zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district to the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th 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 the South 75 feet of Lots 17-21, Block 17, University Addition and Portions of 15th Street SW and 17th Avenue SW be designated as R-3 Single-family high density district.

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 the South 75 feet of Lots 17-21, Block 17,

University Addition and Portions of 15th Street SW and 17th Avenue SW 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 5th 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 3017 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 5th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 5th 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 5th 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 3017 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

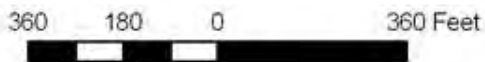
Lisa Kunz, City Clerk

(CITY SEAL)

VICINITY/ZONING MAP

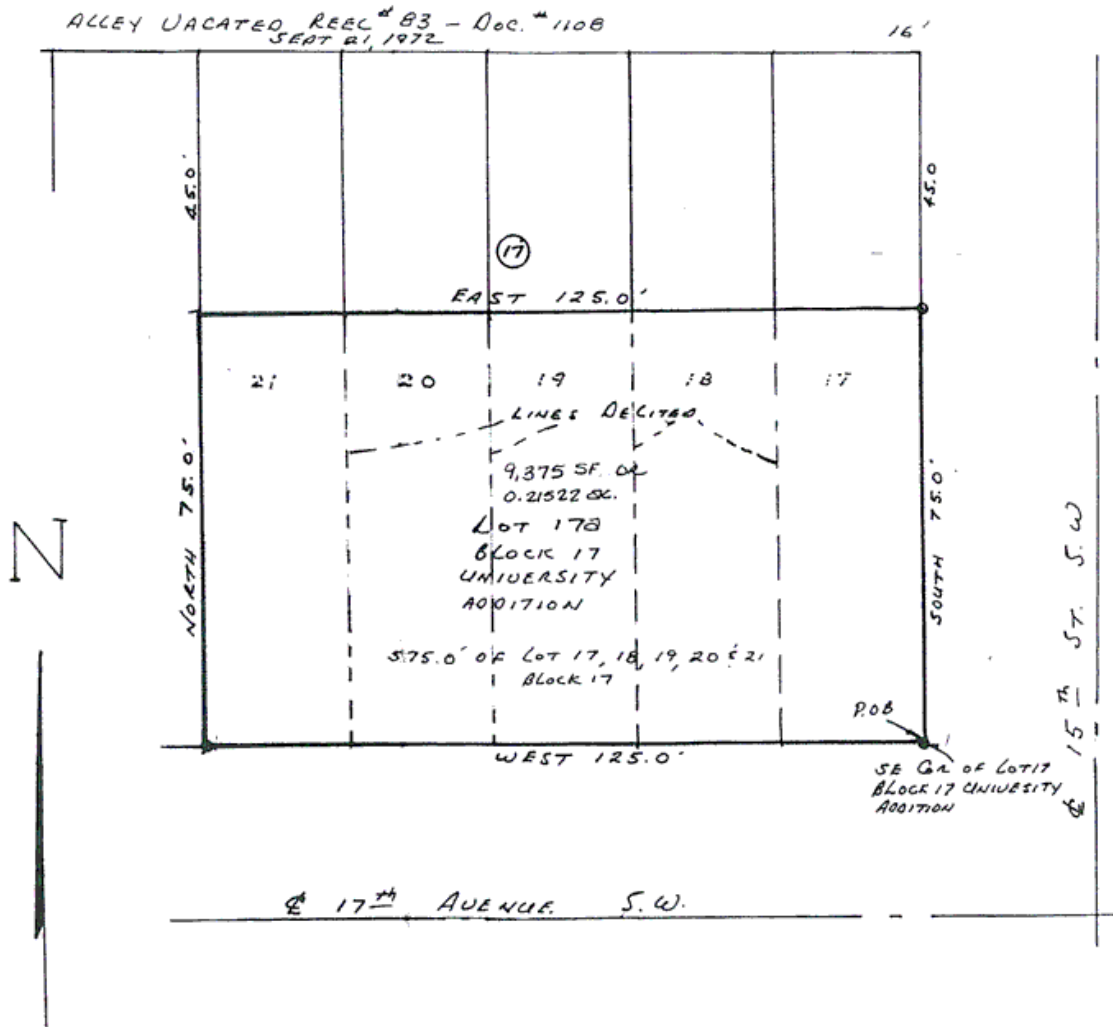


-  SOUTH 75' OF LOTS 17-21, BLOCK 17, UNIVERSITY ADDITION TO BE ANNEXED TO THE CITY AND ASSIGNED A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY
-  PORTIONS OF 17TH AVE SW AND 15TH STREET SW PROPOSED TO BE ANNEXED SIMULTANEOUSLY WITH SAID LOTS TO THE CITY.
-  City Limits
-  C-2 General commercial
-  U Unincorporated enclave
-  R-1 Single-family suburban
-  R-2 Single-family medium density
-  Tracts of land outside City

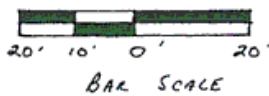


AMENDED PLAT SOUTH 75 FEET OF LOTS 17-21, BLOCK 17 UNIVERSITY ADDITION

A SUBDIVISION LOCATED IN THE
NW¼ OF SECTION 15, T. 20 N., R. 3 E., P.M.M.
CASCADE COUNTY, MONTANA



9/7/08





Item: Public Hearing – Resolution 9776 to Annex and Ordinance 3019 to Assign City Zoning to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road

From: Charles Sheets, Planner I

Initiated By: Valley Community Bible Church, Board of Deacons, Applicant

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9776 and Ordinance 3019 and approve accompanying Amended Plat, Findings of Fact and Annexation Agreement.

Public Hearing:

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

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9776 and (approve/disapprove) 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.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3019.”

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, amended plat and findings of fact, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition

and abutting unincorporated portion of Flood Road. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district and grant a conditional use permit for a worship facility, upon annexation to the City, subject to the applicant agreeing that any development of the property shall be substantially in accordance with the proposed site plan.

Background: The Planning Office is in receipt of applications from the Valley Community Bible Church, Board of Deacons, regarding the following:

- 1) Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana.
- 2) Annexation of the area contained in said plat, consisting of 9.350 acres and abutting unincorporated portion of Flood Road to the City.
- 3) Assigning a City zoning classification of R-3 Single-family high density district and allowing a conditional use permit for the existing worship facility and planned expansion, upon annexation.

The purpose of the Amended Plat is to dedicate an additional 10 feet of right-of-way for Flood Road. Tract 3, Block 14 is the vacant northerly parcel consisting of 1.42 acres. Block 15 is the southern parcel comprising 7.93 acres and occupied by the Valley Community Bible Church. The applicant desires City services to accommodate planned sanctuary and school expansions.

The parcels are located between Flood Road and the Burlington Northern Santa Fe Railroad Right-of-way approximately one third mile south of Park Garden Road.

For additional information, please refer to the attached Vicinity/Zoning Map and preliminary Amended Plat.

The parcels are accessed by Flood Road. The applicant and the City Public Works Department have agreed to have the applicant escrow their proportionate share of the estimated cost of standard City curb, gutter and paving for the future improvement of Flood Road. This is in character with escrowed funds by other developments along Flood Road. The applicant is requesting an easement be granted for their recently constructed monument sign, which encroaches on the right-of-way being dedicated within the Amended Plat. The applicant would agree to relocate/remove the monument sign when Flood Road is reconstructed and/or when deemed necessary by the City.

A City water main is required to be installed in Flood Road to the northern boundary of the applicant's property. The applicant is required to reimburse their proportionate share of the cost for a water main already installed by other developments and in turn, will be eligible for reimbursement from the future development of the abutting portion of Mark 14, Section 22, T20N, R3E, Cascade County, Montana. A City sanitary sewer main exists in Flood Road near the middle of the applicant's property. The applicant participated in the extension of said sanitary sewer to the west side of Flood Road in anticipation of a future connection.

Storm drainage will be collected and retained on site. No storm sewer system exists in the vicinity of the property, but the borrow pit for Flood Road provides an historic drainage route. The applicant will be obligated to pay a proportionate share of future storm sewer system costs, if such a system is needed.

As a condition of annexation, the City will require the applicant to allow the City Building and Fire Officials to inspect the existing on-site structures to identify any health and/or life safety items that may be needed to address Building, Plumbing, Electrical, Mechanical, or Fire Safety Codes. If any are found, the applicant will be given a time frame to correct noted items.

In accordance with 7-2-4211 M.C.A. the unincorporated portion of Flood Road abutting the property will be annexed simultaneously with the property.

Annexation of subject property is a natural progression of the City's growth and will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is proposed that the area within said plat be assigned a zoning classification of R-3 Single-family high density district upon annexation to the City. Subject property is located on the fringe of the City, which has been attracting high quality single-family dwelling units.

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.

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

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

Applicable policy statements include "residential land uses should be planned and located so that they do not result in adverse impacts upon one another" and "Annexations should be logical and efficient extensions of the City's boundaries and service areas".

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services. Therefore, staff concludes the above-cited criteria are substantially met.

Worship facilities are allowed within residentially zoned districts upon approval of a conditional use permit. Section 17.16.36.040 of the Land Development Code states that the Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that each of the following criteria have been satisfied:

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

Based on the information provided by the applicant, the worship facility and the future planned expansion will continue to be an asset to the neighborhood. The existing worship facility and the planned expansion are consistent with the growth policies of the City and would not impede the residential characteristic of the neighborhood. Staff concludes the above-cited criteria are substantially met.

At the conclusion of a public hearing held August 26, 2008, the Zoning Commission passed a motion recommending the City Commission approve assigning a zoning classification of R-3 Single-family high density district and granting a conditional use permit for a worship facility on the said plat, upon annexation to the City, subject to the applicant agreeing that any development of the subject property shall be substantially in accordance with the site plan attached to Ordinance 3019. The Planning Board recommended the City Commission approve the annexation, Amended Plat and Findings of Fact, all related to the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition and abutting unincorporated portion of Flood Road, subject to fulfillment of the following conditions by the applicant:

- 1) The Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve the Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana shall be submitted to the City Public Works Department for review and approval.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of the Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana , including agreement by applicant to:
 - a) install, within two years of the date of annexation of the Amended Plat of Tract 3, Block 14 and all of Block 15, Belview Palisade Addition, Cascade County, Montana, the public improvements referenced in Paragraph 2) above;
 - b) correct any code deficiencies associated with the structure on subject property noted by City Building and Fire Officials;
 - c) conceptually adhere to the attached site plan in conjunction with development of subject property; and
 - d) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon annexation, including:

| | |
|--|--------------------|
| a) storm sewer fee (\$250/acre x 9.35 acres) | \$2,337.50 |
| b) reimbursement for existing water main in Flood Road – South Park Phase I – 223.87 ln. ft. | \$5,417.65 |
| c) reimbursement for existing water main in Flood Road – South Park Phase II – 145 ln. ft. | \$4,111.25 |
| d) recording fees for annexation documents (\$11 per page) | \$121.00 |
| Total | \$11,987.40 |
- 5) A financial surety (i.e. certificate of deposit) shall be established in the name of the applicant and City to cover the proportionate share of the costs for future roadway improvements for the abutting portion of Flood Road. The amount of said surety shall be based upon 50 percent of the estimated costs of a standard City minor roadway section bordering the property.

No one spoke as proponents or opponents during the hearing.

At the time of writing this report items 2), 3) and 4) have been completed by the applicant and items 1) and 5) will be completed and fees collected 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: City contribution for over-sizing the water main (8” to 12” X 254 ln.ft.) is estimated to be approximately \$ 4,800. Providing other City services to the existing worship

facility within said plat is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues.

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 9776
2. Ordinance 3019
3. Reduced copy of drawing portion of the amended plat
4. Annexation Agreement (Not available online; on file in City Clerk's Office.)
5. Findings of Fact

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Valley Community Bible Church, Board of Deacons, 3400 Flood Road, Great Falls MT 59404
HKM Engineering. P.O. Box 49, Great Falls MT 59403

RESOLUTION 9776

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE AMENDED PLAT OF TRACT 3, BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION, CASCADE COUNTY, MONTANA, IN SE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND UNINCORPORATED PORTION OF FLOOD ROAD, 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, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, located in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 9.3503 acres more or less,

and;

the unincorporated portion of Flood Road abutting Tract 3, Block 14 and a portion of Block 15, Belview Palisade Addition, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana, measuring 420.828 feet \pm ; and containing 0.5797 acres, more or less

containing in all 9.9310 acres more or less,

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

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

WHEREAS, 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 AMENDED PLAT OF TRACT 3, BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION, CASCADE COUNTY, MONTANA, IN SE $\frac{1}{4}$ NW $\frac{1}{4}$ SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND UNINCORPORATED PORTION OF FLOOD ROAD."

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,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of 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 9776 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of November, 2008, wherein it was approved by said Commission.

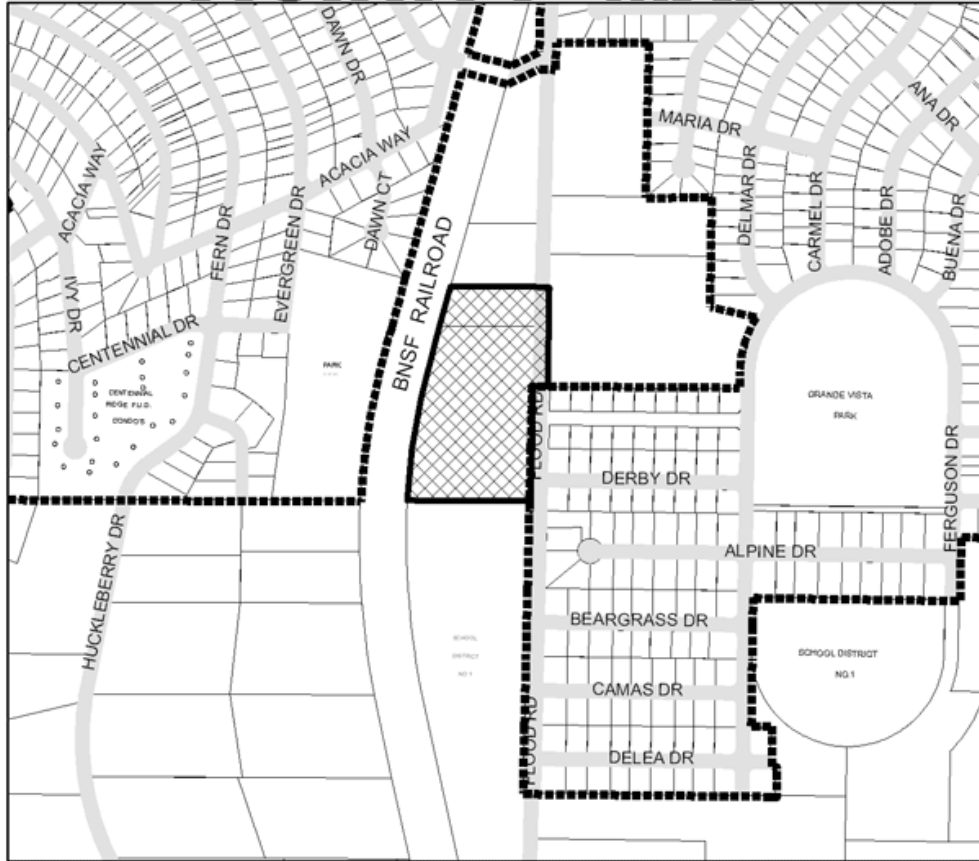
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of November, 2008.


Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT "A"

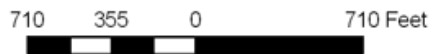
VICINITY MAP



 TRACT 3, BLOCK 14 AND ALL OF BLOCK 15, BELVIEW PALISADE ADDITION AND ABUTTING PORTION OF FLOOD ROAD PROPOSED TO BE ANNEXED TO THE CITY; ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT; AND, GRANTED A CONDITIONAL USE PERMIT FOR A WORSHIP FACILITY, UPON ANNEXATION TO THE CITY

 City Limits

 Tracts of land



ORDINANCE 3019

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT WITH A CONDITIONAL USE PERMIT ALLOWING A WORSHIP FACILITY, TO THE AMENDED PLAT OF TRACT 3, BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION, CASCADE COUNTY, MONTANA, IN SE¼NW¼ SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, ALL AS SHOWN ON THE SITE PLAN ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF

* * * * *

WHEREAS, the Valley Community Bible Church, Board of Deacons, has petitioned the City of Great Falls to annex Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, in SE¼NW¼ Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the Valley Community Bible Church, Board of Deacons, has petitioned said Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, be assigned a City zoning classification of R-3 Single-family high density district with a conditional use permit allowing a worship facility and the planned expansion, upon annexation to City; and,

WHEREAS, the Valley Community Bible Church, Board of Deacons, has agreed that any development of the subject property shall be substantially in accordance with the site plan attached, as Exhibit "A" and by this reference made a part hereof; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district with a conditional use permit allowing a worship facility and the planned expansion, to said Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th 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 and the said conditional use permit be allowed, 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 and conditional use permit will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Sections 17.16.36.040 and 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade Addition, be designated as R-3 Single-family high density district classification with a conditional use permit allowing a worship facility and the planned expansion.

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 the Amended Plat of Tract 3, Block 14 and Block 15, Belview Palisade 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 5th day of November, 2008.

ATTEST:

Dona R. Stebbins, Mayor

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 3019 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 5th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 5th day of November, 2008.

(CITY SEAL)

Lisa Kunz, City Clerk

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 5th 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 3019 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"

6,300 S.F. PRE-ENGINEERED METAL STRUCTURE

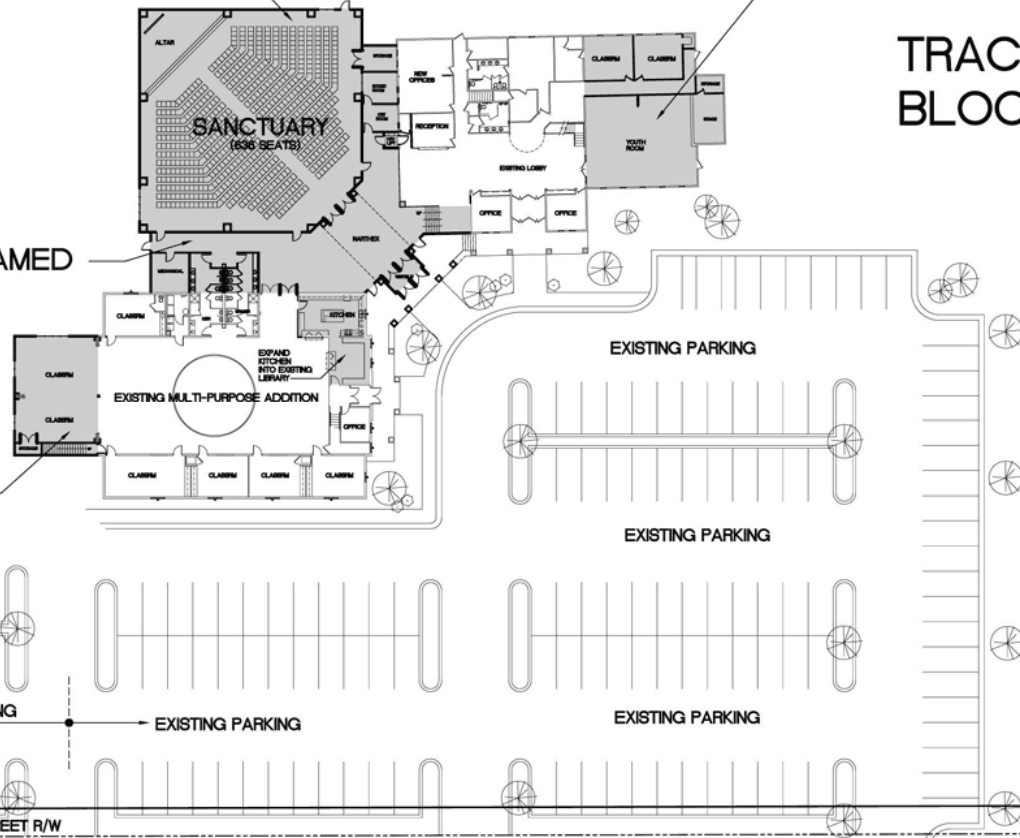
REMODEL 2,500 S.F.

BLOCK 15

TRACT 3
BLOCK 14

3,600 S.F. STICKFRAMED STRUCTURE

1,350 S.F. ADDITION-W/
MEZZANINE ABOVE (YOUTH AREA)



L. Heureux, Page, Werner, PC
14777 STREET COURT, SUITE 100
GREAT FALLS, MT 59404
PHONE (406) 741-2770
FAX (406) 741-0888

VALLEY COMMUNITY BIBLE CHURCH
SANCTUARY ADDITION AND REMODEL
GREAT FALLS, MONTANA

SCHEMATIC FLOOR PLAN/SITE PLAN

| NO. | REVISION | DATE |
|-----|-----------|------|
| 1 | SUBMITTAL | X-XX |
| 2 | BID SET | X-XX |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |

| NO. | ISSUED TO | DATE |
|-----|-----------|------|
| 1 | | |
| 2 | | |
| 3 | | |

DESIGNED BY: TMP
CHECKED BY: [Signature]
DATE: 5.8.00

PROJECT NUMBER: 01-028

SHEET NUMBER: A-1

1 SCHEMATIC SITE PLAN
SCALE 1"=20'-0"












10 FT. WIDE STRIP OF LAND BEING DONATED TO CITY, FOR STREET R/W

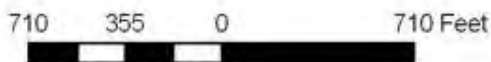
FLOOD ROAD

VICINITY/ZONING MAP



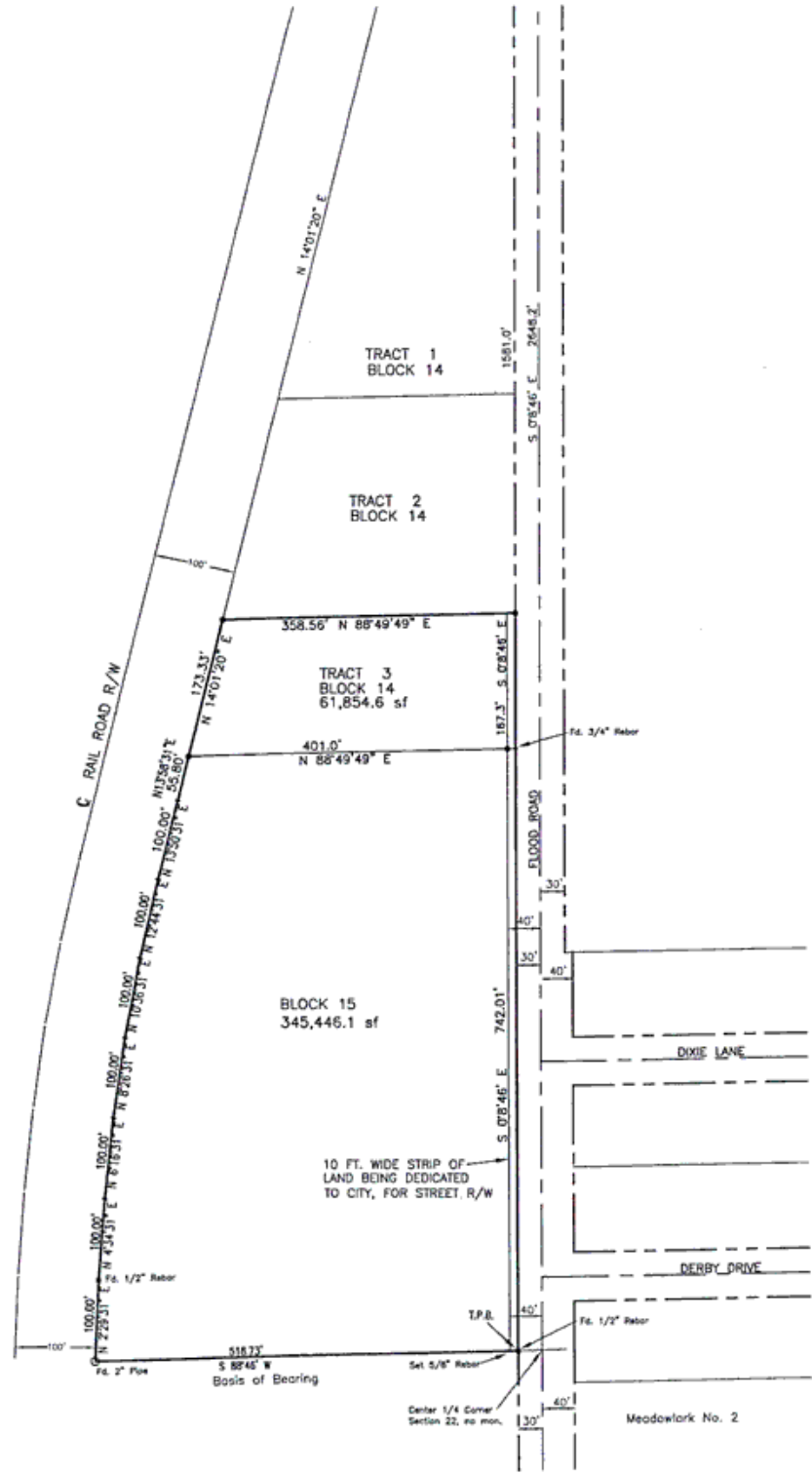
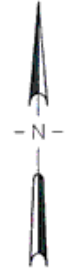
 TRACT 3, BLOCK 14 AND ALL OF BLOCK 15, BELVIEW PALISADE ADDITION PROPOSED TO BE ANNEXED TO THE CITY; ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT; AND, GRANTED A CONDITIONAL USE PERMIT FOR A WORSHIP FACILITY, UPON ANNEXATION TO THE CITY

- | | | |
|--|---|---|
|  City Limits |  R-5 Multi-family medium density |  U Unincorporated enclave |
|  R-2 Single-family medium density |  POS Parks and Open Space |  Tracts of land outside City |
|  R-3 Single-family high density |  PUD Planned unit development | |



AMENDED PLAT OF TRACT 3 OF BLOCK 14 AND BLOCK 15, BELVIEW PALISADE ADDITION TO THE CITY OF GREAT FALLS

SE 1/4 NW 1/4, SEC. 22, T 20 N, R 3 E,
P.M.M. CASCADE COUNTY, MONTANA



CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

I, Gregory T. Dayan, 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 Amended Plat of Tract 3 of Block 14 and Block 15, Belview Palisades Addition to the City of Great Falls, Cascade County, Montana, 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 Amended Plat of Tract 3 of Block 14 and Block 15, Belview Palisades Addition to the City of Great Falls, Cascade County, Montana 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. Dayan, 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. Dayan, City Manager of the City of 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 Amended plat of Tract 3 of Block 14 and Block 15, Belview Palisades Addition to the City of 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

Secretary, Great Falls Planning Board

| BLOCK NO. | LOTS | ZONING | AREA |
|-----------|---------|--------|--------------|
| 14 | Tract 3 | R 3 | 61,854.6 sf |
| 15 | All | R 3 | 345,446.1 sf |
| TOTAL | 2 | | 407,300.7 sf |
| ROAD AREA | | | 9,093.1 sf |

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 Tracts and Blocks the following described land in Great Falls, Cascade County, Montana, to wit:

DESCRIPTION

The land being described lies in the SE 1/4 NW 1/4, Section 22, T. 20 N., R. 3 E., P.M.M. Cascade County, Montana:

Belview Palisade Add., Blk. 14 and 15:
Beginning at Center 1/4 corner of said Section 22, Thence S88°46'W, 30.00 ft. to the SE corner of Block 15 and the True Point of Beginning; Thence S88°46'W, 518.73 ft.; Thence N2°29'31"E along the East right-of-way of the railroad, 100.00 ft.; Thence N4°34'31"E, 100.00 ft.; Thence N6°16'31"E, 100.00 ft.; Thence N8°26'31"E, 100.00 ft.; Thence N10°36'31"E, 100.00 ft.; Thence N12°44'31"E, 100.00 ft.; Thence N13°50'31"E, 100.00 ft.; Thence N13°58'31"E, 55.80 ft. to the NW corner of Block 15; Thence N14°01'20"E, 173.33 ft. to the NW corner of Tract 3; Thence N88°49'49"E, 358.56 ft.; Thence S0°2'46"E, 167.30 ft. to the NE corner of Block 15; Thence S0°8'46"E, 742.01 ft. to the True Point of Beginning.

Herein described Subdivision contains 9.350 acres

The above described tract of land is to be known and designated as the Amended Plat of Tract 3 of Block 14 and Block 15, Belview Palisade 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.

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.

_____, this day of _____, 2008.
Chairman; Board of Deacons, Valley Community Bible Church

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

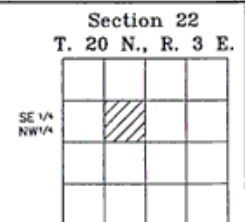
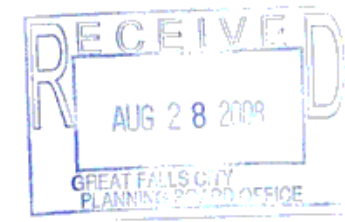
Printed Name of Notary
Notary Public for the State of Montana
Residing at Great Falls, Montana
My commission expires _____

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 Belview Palisade Add. Blk. 14, 15; that such survey was made on the 1st day of July, 2008, that said survey is true and complete as shown. Dated this day of _____, 2008.

Dwight L. Axelsen Registration No. B641 LS



LEGEND

- △ FOUND SECTION CORNER
- SET PIN / CAP
- ◆ EXISTING E MONUMENT
- FOUND PIN

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 South boundary of NW 1/4 Section 22, Township 20 North, Range 3 East of the P.M.M.



COUNTY of CASCADE
SUBDIVISION PLAT No. _____
SE 1/4 NW 1/4, Sec. 22, Township 20 North, Range 3 East of the P.M.M.

Prepared for:
Valley Community Bible Church
3400 Flood Road
Great Falls, MT 59405

Page 1 of 1

Date Drawn: July, 2008 Drawn by: DLA Checked by: SRA Project No. 62W 644.101

D:\DATA\STANDARD\GENERAL\01-07.dwg 11/29/2006 9:25:51 AM MST

**FINDINGS OF FACT FOR
AMENDED PLAT OF TRACT 3, BLOCK 14 AND
ALL OF BLOCK 15, BELVIEW PALISADE ADDITION,
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The tract of land involved in the amended plat is not currently being utilized for agricultural purposes. The boundary line adjustment proposed in the amended plat will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The area within the Amended Plat is occupied by a church and accessory uses.

Effect on Local Services

The purpose of the amended plat is to dedicate an additional 10 feet of right-of-way to Flood Road. The additional right-of-way will allow roadway improvements and widening. No new lots will be created. The owner of the tracts of land involved in the amended plat will be responsible for the utility extensions, tapping and connection associated with the annexation of said tracts.

Effect on the Natural Environment

The amended plat is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the involved tracts of land is directed to detention facilities within the tracts of land owned by the applicant.

Effect on Wildlife and Wildlife Habitat

The amended plat borders urban development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, the amended plat is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as, nearby industrial or mining activity, or high traffic volumes. The tracts of land abut an operating BNSF railroad line.

II. REQUIREMENTS OF THE MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The amended plat meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The subdividers and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

No permanent easements will be necessary to extend utilities to the amended plat. Within the subdivision, the subdividers will provide the necessary utility easements as a part of the amended plat.

IV. LEGAL AND PHYSICAL ACCESS

Flood Road, a paved public road presently maintained by Cascade County provides legal and physical access to the tracts contained within the amended plat.



Item: Public Hearing – Resolution 9781 to Annex and Ordinance 3021 to Rezone Incorporated Portion and Assign City Zoning to Unincorporated Portion of Parcel No. 2 in Beebe Tract 35

From: Bill Walters, Senior Planner

Initiated By: Robert and Marilee Taylor, Property Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9781 and Ordinance 3021 and approve Improvements Agreement

Public Hearing:

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

Suggested Motion:

1. Commissioner moves: (Each motion to be separately considered)

“I move that the City Commission (adopt/deny) Resolution 9781 and (approve/disapprove) the accompanying Improvements Agreement all pertaining to Parcel No. 2 in Beebe Tract 35.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3021.”

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

Planning Board and Zoning Commission Recommendations: The Planning Board, at the conclusion of a public hearing held March 25, 2008, passed a motion recommending the City Commission approve the annexation of the unincorporated portion of Parcel No. 2 in Beebe Tract 35, and the Zoning Commission passed a motion recommending the City Commission approve the rezoning of the incorporated portion of Parcel No. 2 in Beebe Tract 35 from C-1 Neighborhood commercial district to C-2 General commercial district and approve establishing a City zoning classification of C-2 General commercial district on the unincorporated portion of Parcel No. 2 in Beebe Tract 35 upon annexation to the City.

Background: Property owners Robert and Marilee Taylor have submitted applications to the Planning Office regarding the following:

- 1) Rezone the incorporated portion of Parcel No. 2 in Beebe Tract 35 in the NW1/4 of Section 10, T20N, R4E, Cascade County, Montana, from C-1 Neighborhood commercial district to C-2 General commercial district.
- 2) Annexation to the City of Great Falls the unincorporated portion of Parcel No. 2 in Beebe Tract 35 in the NW1/4 of Section 10, T20N, R4E, Cascade County, Montana.
- 3) Establishing a City zoning classification of C-2 General commercial district on the unincorporated portion of Parcel No. 2 in Beebe Tract 35 upon annexation to the City.

Subject Parcel No. 2 in Beebe Tract 35 is located at the northwest corner of the intersection of 2nd Avenue North and 57th Street North and the new owners, Robert and Marilee Taylor, are renovating the existing structure and premises to accommodate a vehicle sales and rental business.

For additional information please refer to the Vicinity/Zoning Map attached to Resolution 9781 as Exhibit "A", the preliminary site plan and the copy of Certificate of Survey S-0004545 describing Parcel No's 1 and 2 in Beebe Tract 35.

The incorporated portion of Parcel No. 2 in Beebe Tract 35 was annexed to the City in 2005 and is presently zoned C-1 Neighborhood commercial district. The applicant desires to annex the unincorporated portion of Parcel No. 2 in Beebe Tract 35 and zone subject properties C-2 General commercial district to accommodate the vehicle sales and rental business. The total area of the property currently within the City and the additional area requested to be annexed is 1.077 acres, while that portion of Tract 35 (Parcel No. 1) remaining outside the City will be 0.83 acres.

City water mains exist in the abutting portions of 2nd Avenue North and 57th Street North. A fire hydrant is located along the west side of 57th Street near the north boundary of Parcel No. 2 in Beebe Tract 35. The applicant recently obtained City water service to the incorporated portion of the property from the water main in 2nd Avenue North. As there is no City sanitary sewer system in the vicinity, the existing building on Parcel No. 2 in Beebe Tract 35 is and will continue to be served by an individual private sewage disposal system.

The incorporated portion of subject property is zoned C-1 Neighborhood commercial district and the applicant has requested it be rezoned to C-2 General commercial district. The portion of Parcel No. 2 requested to be annexed to the City is presently zoned in the County as "B-1" Neighborhood Service District and it is proposed said property be zoned C-2 General commercial district upon annexation to the City.

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

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;

- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

The incorporated portion of Parcel No. 2 in Beebe Tract 35 was zoned “GC” General Commercial District when it was annexed to the City in May, 2005. However, with the adoption of the new Land Development Code in October, 2005, the property was unintentionally designated on the new zoning map as C-1 Neighborhood commercial district.

Under the Land Development Code, vehicle sales, rental and service are not permitted uses in C-1 Neighborhood commercial district, but are permitted in the C-2 General commercial district.

Goals of the Economic Element of the Great Falls Growth Policy include:

- Enhance, strengthen, and expand the existing economic base.
- Attract new businesses and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Annexation of the unincorporated portion of Parcel No. 2 in Beebe Tract 35 will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Subject property is located at the intersection of two arterial roadways and is separated from any existing residential use or zoning districts making it a reasonable and practical site for the proposed business use. Therefore, staff concludes the above-cited criteria are substantially met.

No proponents or opponents spoke during the Planning Board/Zoning Commission hearing on March 25, 2008. Mr. Andy Hayes of 1208 1st Avenue North asked what purpose annexation served, since similar types of businesses were already allowed along 2nd Avenue North. It was explained the applicant’s desire for City water service necessitated annexation. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the annexation of the unincorporated portion of Parcel No. 2 in Beebe Tract 35 and the Zoning Commission unanimously passed a motion recommending the City Commission approve the rezoning of the incorporated portion of Parcel No. 2 in Beebe Tract 35 from C-1 Neighborhood commercial district to C-2 General commercial district and approve establishing a City zoning classification of C-2 General commercial district on the unincorporated portion of Parcel No. 2 in Beebe Tract 35 upon annexation to the City. All conditions stipulated by the Planning Board have been fulfilled.

Concurrences: Other City Departments including Public Works, Community Development, and Fire have been involved in the review and approval of the rezoning and annexation.

Fiscal Impact: Approval of the rezoning and annexation accommodates a business project which will enhance the tax base but should not result in any fiscal impact to the City.

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 Statutes.

Attachments/Exhibits:

Resolution 9781 with Vicinity/Zoning Map

Ordinance 3021

Preliminary Site Plan

Reduced copy of Certificate of Survey S-0004545

Improvements Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Robert & Marilee Taylor, P O Box 6050

RESOLUTION 9781

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE UNINCORPORATED PORTION OF PARCEL NO. 2, CERTIFICATE OF SURVEY S-0004545, WITHIN BEEBE TRACT 35, LOCATED IN THE NW1/4 OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

The northerly 225 feet of Parcel No. 2, within Beebe Tract 35, located in the NW1/4 of Section 10, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and further described by Certificate of Survey S-0004545 filed of record in the Cascade County Clerk and Recorder's Office on July 21, 2008, and containing 0.67 acres, and

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

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the

corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, 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 UNINCORPORATED PORTION OF PARCEL NO. 2, CERTIFICATE OF SURVEY S-0004545, WITHIN BEEBE TRACT 35, LOCATED IN THE NW1/4 OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th 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 foregoing Resolution 9781 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of November, 2008, wherein it was approved by said Commission.

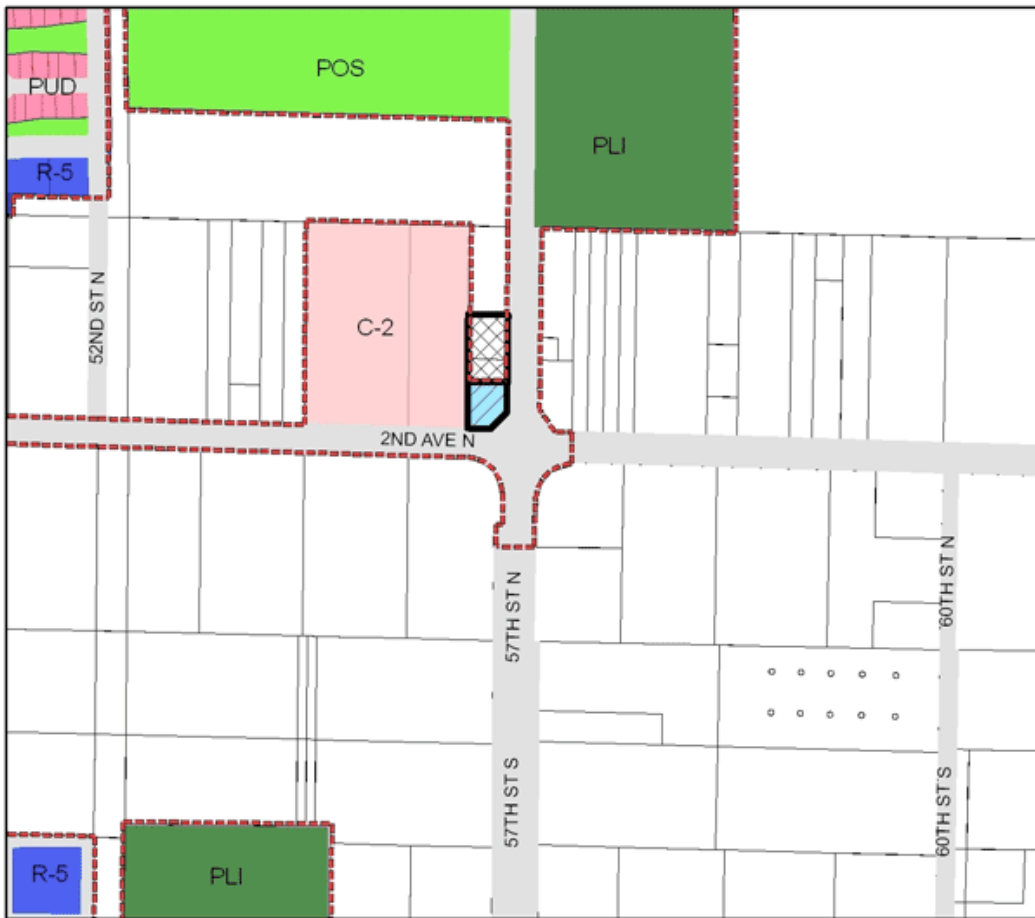
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of November, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"

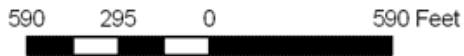
VICINITY/ZONING MAP



PORTION OF PARCEL NO. 2 OF BEEBE TRACT 35 REQUESTED TO BE ANNEXED AND ZONED C-2 GENERAL COMMERCIAL DISTRICT

PORTION OF PARCEL NO. 2 OF BEEBE TRACT 35 REQUESTED TO BE REZONED FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT

- | | | |
|---------------------------------|------------------------------------|------------------------------|
| City Limits | C-2 General commercial | PUD Planned unit development |
| R-5 Multi-family medium density | PLI Public Lands and Institutional | Tracts of land outside City |
| C-1 Neighborhood commercial | POS Parks and Open Space | |



ORDINANCE 3021

AN ORDINANCE REZONING THE INCORPORATED PORTION OF PARCEL NO. 2, IN BEEBE TRACT 35, IN THE NW1/4 OF SECTION 10, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT AND ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO THE UNINCORPORATED PORTION OF SAID PARCEL NO. 2, UPON ANNEXATION TO THE CITY

* * * * *

WHEREAS, a tract of land at the northwest corner of the intersection of 2nd Avenue North and 57th Street North in Beebe Tract 35 in the NW1/4 of Section 10, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, has been resurveyed as represented by Certificate of Survey S-0004545, filed July 21, 2008, in the Clerk and Recorder's Office of Cascade County, Montana, and depicted as Parcel No. 1 and Parcel No. 2; and,

WHEREAS, the owner of said Parcel No. 2 has petitioned the City of Great Falls to rezone the incorporated portion of said Parcel No. 2 from C-1 Neighborhood commercial district to C-2 General commercial district; and,

WHEREAS, the owner of said Parcel No. 2 has petitioned the City of Great Falls to annex the unincorporated portion of said Parcel No. 2 and assign a City zoning classification of C-2 General commercial district to same, upon annexation to City; and,

WHEREAS, notice of rezoning the incorporated portion of said Parcel No. 2 to C-2 General commercial district and assigning a zoning classification of C-2 General commercial district to the unincorporated portion of said Parcel No. 2 upon annexation to City, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5th day of 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 incorporated portion of said Parcel No. 2 be rezoned from C-1 Neighborhood commercial district to C-2 General commercial district.

Section 3. That the zoning of the unincorporated portion of said Parcel No. 2, be designated as C-2 General commercial district classification, upon annexation to the City.

Section 4. 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 the unincorporated portion of said Parcel No. 2, 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 5th 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 foregoing Ordinance 3021 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 5th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 5th 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 first duly sworn, deposes and says: That on the 5th 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 3021 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



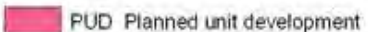
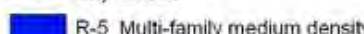
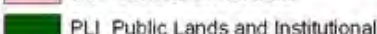
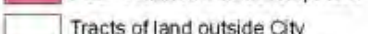
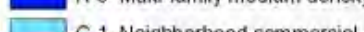
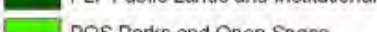
(SEAL OF CITY)

EXHIBIT "A"

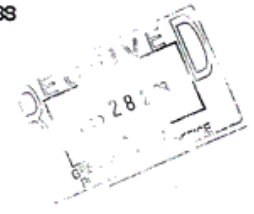
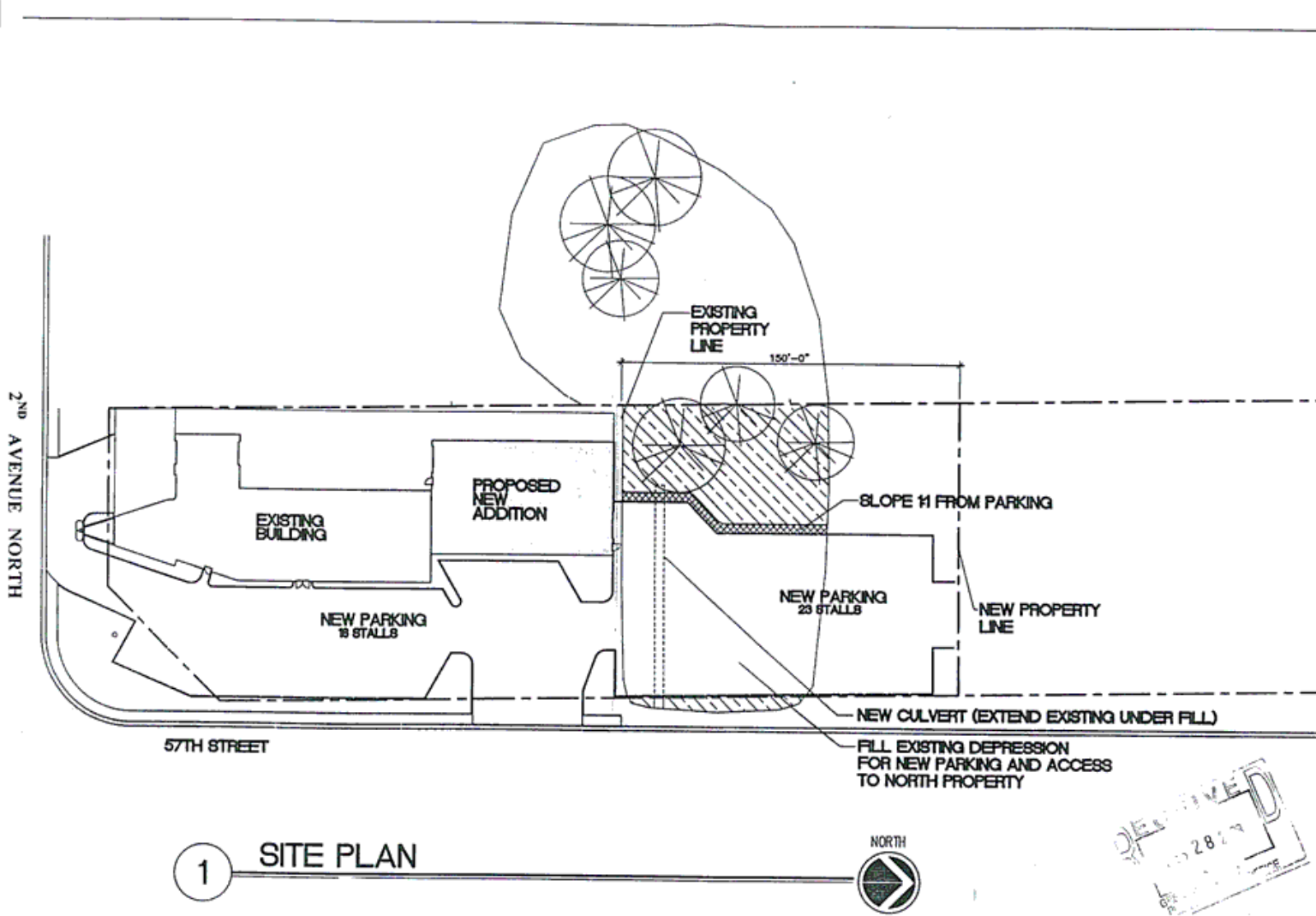
VICINITY/ZONING MAP



-  PORTION OF PARCEL NO. 2 OF BEEBE TRACT 35 REQUESTED TO BE ANNEXED AND ZONED C-2 GENERAL COMMERCIAL DISTRICT
-  PORTION OF PARCEL NO. 2 OF BEEBE TRACT 35 REQUESTED TO BE REZONED FROM C-1 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT

- | | | |
|---|---|--|
|  City Limits |  C-2 General commercial |  PUD Planned unit development |
|  R-5 Multi-family medium density |  PLI Public Lands and Institutional |  Tracts of land outside City |
|  C-1 Neighborhood commercial |  POS Parks and Open Space | |





DATE 2.28.06
 DRAWN BY
 SHEET NO. SP-1

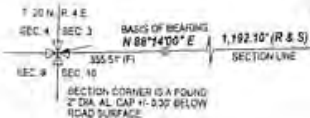
PARCEL MODIFICATION
 GREAT FALLS, MONTANA

L'Heureux Page Werner
 10 Park Street South
 Great Falls, Montana 59404
 Phone (406) 774-0770
 Fax (406) 774-0770

CERTIFICATE OF SURVEY

PARCELS OF LAND LOCATED IN THE NW 1/4 OF SECTION 10 T. 20 N., R. 4 E. GREAT FALLS, CASCADE COUNTY, MONTANA

THE PURPOSE OF THIS SURVEY IS TO COMBINE PARCELS, AS WELL AS RELOCATE COMMON BOUNDARY LINES, AND NO ADDITIONAL PARCELS ARE BEING CREATED. THE SECOND PURPOSE OF THIS SURVEY IS TO CORRECT ERRORS IN THE DESCRIPTIONS OF RECORD.



CERTIFICATE OF SURVEY

We, Robert M. Taylor and Marilee A. Taylor, being the undersigned property owners, do hereby certify that we have caused to be surveyed, as shown by the plat hereunto enclosed, the following described parcels of land, to-wit:

Parcel No. 1

A parcel of land located in the Northwest quarter (NW1/4) of Section 10, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, said parcel being more fully described as follows, to-wit:

Commencing at the north-west corner of said Section 10, Thence N. 88°14'00" E. a distance of 1,192.10 feet, along the north line of said Section 10, to the north-west corner of a tract of land recorded on deed R2166441, records of the Cascade County Clerk and Recorder's Office, and the True Point of Beginning.
 EXTENDING THENCE S. 2°45'50" E. a distance of 285.80 feet, along the west line of said tract of land recorded on deed R2166441.
 Thence N. 88°38'30" E. a distance of 129.25 feet, to a point on the westerly right-of-way line of US Highway No. 87 & 88 Bypass (57th Street North).
 Thence N. 2°58'51" W. a distance of 281.82 feet, along said westerly right-of-way line, to a point on the north line of said Section 10.
 Thence S. 88°14'00" W. a distance of 129.10 feet, to the Point of Beginning, containing an area of 0.8309 acres.

Parcel No. 2

A parcel of land located in the Northwest quarter (NW1/4) of Section 10, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, said parcel being more fully described as follows, to-wit:

Commencing at the north-west corner of said Section 10, Thence N. 88°14'00" E. a distance of 1,192.10 feet, along the north line of said Section 10, to the north-west corner of a tract of land recorded on deed R2166441, records of the Cascade County Clerk and Recorder's Office, Thence S. 2°45'50" E. a distance of 285.80 feet, along the west line of said tract of land recorded on deed R2166441, to the True Point of Beginning.
 EXTENDING THENCE S. 2°45'50" E. a distance of 374.73 feet, along the west line of said tract of land recorded on deed R2166441, records of the Cascade County Clerk and Recorder's Office, to the northern right-of-way line of 2nd Avenue North.
 Thence N. 88°22'08" E. a distance of 80.74 feet, along said northern right-of-way line.
 Thence N. 2°58'51" W. a distance of 55.48 feet, to the north line of said Section 10.
 Thence S. 88°14'00" W. a distance of 129.25 feet, to the Point of Beginning, containing an area of 1.0767 acres.

The purpose of this survey is a division into two (2) parcels and a divided subdivision for the purpose of relocating common boundary lines between adjoining properties. Therefore this survey is exempt from review as a subdivision pursuant to Section 16-3-207(1)(b), M.C.A.

Parcel 1 and Parcel 2 are also exempt from review from the Montana Department of Environmental Quality pursuant to A.R.M. 17-20-625 (2) (a)(i) which states: (2) The reviewing authority may include parcels created by divisions of land from review under Title 17, chapter 4, part 1, M.C.A., unless the authority is used to evade the provisions of that part. (b) A parcel that includes existing facilities for water supply, wastewater disposal, and land waste disposal other than those that were previously approved by the reviewing authority under Title 17, chapter 4, part 1, M.C.A., or that were exempt from such review, if (i) no new facilities will be constructed on the parcel, or (ii) the division of land will not cause approved facilities to violate any conditions of approval, and will not create exempt facilities to violate any conditions of exemption.

Property Owner: Robert M. Taylor

Property Owner: Marilee A. Taylor

State of Montana

County of Cascade

On this 18th day of June, 2008, before me, a Notary Public for the State of Montana, personally appeared Robert M. Taylor and Marilee A. Taylor, known to me to be the persons who executed the foregoing Certificate of Survey, and they acknowledged to me that they are the same.

Notary Public: *Nathan R. Taylor*

My Commission expires: 7/31/2011

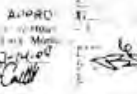
CERTIFICATE OF THE CASCADE COUNTY TREASURER

I, *Jim Taylor*, Treasurer of Cascade County, Montana, do hereby certify that I have examined the property covering the area included in this plat, and find that all requirements and taxes on said land to be subdivided have been paid in full and all taxes are paid.

CERTIFICATE OF REGISTERED LAND SURVEYOR

Michael E. Henen, Registered Professional Land Surveyor, Montana License No. 8523 LC, do hereby certify that in April of 2008, I performed the land survey and created the accompanying plat as shown hereon, and that all was done in accordance with the provisions set forth in Sections 16-3-400 and 403, M.C.A., and that all requirements shown hereon are of the character and quality the profession should expect.

Michael E. Henen R. P. L. S.
Montana License No. 8523 LC



APPROVED FOR COMPLIANCE WITH SUBDIVISION REQUIREMENTS ONLY

Examined by its Date: *6/18/08*
GREAT FALLS CITY PLANNING BOARD

HENEN LAND SURVEYING
Michael E. Henen
RT Registered Land Surveyor
License No. 8523 LC
2472 1/2 Ave. South, Great Falls, MT 59401
701-764-0007



POINT LEGEND

- ⊗ 3/4\"/>

DATE OF SURVEY 4/20/08

SCALE 1" = 50'

| SURVEY CO. | TRACTS BY THE TRACTS |
|--------------|-----------------------------|
| PRODUCT NAME | BOX TAYLOR WETBE TRACTS PCS |
| 1/4 SEC | TWN |
| NW 10 | 20 N |
| | 4 E |



Item: Public Hearing - Ordinance 3022 to Create Great Falls International Airport Tax Increment Financing Industrial District

From: Benjamin Rangel, Planning Director

Initiated By: Great Falls International Airport Authority – Cynthia Schultz, Director

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Ordinance 3022

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3022.”
 2. Mayor calls for a second, discussion, and call for the vote.
-

Staff Recommendation: It is recommended the City Commission adopt Ordinance 3022.

Background: The Great Falls International Airport Authority is interested in having a Tax Increment Financing Industrial District (TIFID) created for the Great Falls International Airport, in accordance with Section 7-15-4299, MCA. This interest was presented to the City Commission during a public work session held on May 6, 2008.

The Authority is interested in fostering the development, growth and retention of secondary, value-adding industries at the Airport. This interest is part of the Authority’s overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base. The funds from the TIFID are proposed to be used for the various activities and types of industrial infrastructure development projects allowed for and authorized in Section 7-15-4288, MCA.

A Memorandum of Understanding was entered into on May 20, 2008 between the City of Great Falls and the Great Falls International Airport Authority. The MOU expressed the City's support to create the proposed TIFID and its interest to manage and administer the District. The MOU also expressed the Authority's interest in providing the technical assistance, support and services needed to create the TIFID. To accomplish the stated interests, the City has been providing sufficient staff resources to facilitate and coordinate local review and approval processes needed to create the TIFID. In turn, the Authority has retained the consulting services of Stelling Engineers, Inc. and Community Development Services of Montana to assist in creation of the District.

The attached Ordinance will:

- 1) establish a tax increment financing industrial district program to assist in financing necessary industrial infrastructure to encourage the attraction, growth and retention of secondary, value-adding industries at the Great Falls International Airport;
- 2) create the Great Falls International Airport Tax Increment Financing Industrial District;
- 3) establish the boundaries of the District;
- 4) approve the Industrial District Plan;
- 5) establish the costs which may be paid with tax increment funds; and,
- 6) establish January 1, 2008 as the base taxable year.

As required by Section 7-15-4299, MCA and during a meeting on September 23, 2008, the Great Falls Planning Board concluded that the zoning within the proposed Airport TIFID is in accordance with the Great Falls, *Growth Policy*.

Concurrences: Representatives from the Airport Authority, including its Director and consultants, as well as from the City Planning, Public Works, Community Development and Fiscal Services Departments and City Manager's Office, have been involved in the review and approval processes of creating the Airport TIFID.

Fiscal Impact: There has been a cost to the City for provision of staff resources to facilitate and coordinate City review and approval processes in the creation of the District. There will also be long term costs for the management and administration of the District, primarily to be provided by the Planning and Fiscal Services Departments. These initial costs are being accommodated with existing staff and resources, but further consideration will need to be given to long term costs and how those may relate to the proposed new City policy regarding administration of tax increment financing districts.

Additionally, if a District is created, there may be a fiscal impact to other local and State taxing jurisdictions. The level of impact would be equal to their proportionate share of any incremental tax revenue retained by the District. However, the level of increased tax revenue may not be as great without creation of the district, particularly if public infrastructure is not made available to the area to facilitate and encourage development of secondary, value-adding industries. There are also provisions to partially off-set any impacts by returning any unused revenues to the taxing bodies, if so determined.

Alternatives: The City Commission could choose to deny Ordinance 3022. However, to deny the Ordinance would negatively impact the Authority's and community's ability to facilitate the development and growth of secondary, value-adding industries at the Airport.

Attachments/Exhibits:

1) Ordinance 3022, with exhibits including A) Notice of public hearing, B) District legal description & map, and C) Industrial District Plan

Cc: Cynthia Schultz, Great Falls International Airport Authority
Janet Cornish, Community Development Services of Montana
Kathy Harris, Stelling Engineers, Inc.

ORDINANCE 3022

AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT PROGRAM TO ASSIST IN FINANCING NECESSARY INDUSTRIAL INFRASTRUCTURE TO ENCOURAGE THE ATTRACTION, GROWTH AND RETENTION OF SECONDARY, VALUE-ADDING INDUSTRIES; PROVIDING FOR DEFINITION OF TERMS; ESTABLISHING THE COSTS WHICH MAY BE PAID BY TAX INCREMENT FINANCING INDUSTRIAL DISTRICTS; CREATING AND APPROVING THE GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT; ESTABLISHING THE BOUNDARIES THEREOF AND APPROVING THE PLAN; ESTABLISHING JANUARY 1, 2008 AS THE BASE TAXABLE YEAR; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

* * * * *

WHEREAS, the Great Falls International Airport Authority is interested in fostering the development of secondary, value-adding industries in the City of Great Falls as part of its overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base; and,

WHEREAS, the creation of a Tax Increment Financing Industrial District, as authorized in Sections 7-15-4282 through 4293, MCA, will help fund the supportive public infrastructure needed for the development of secondary, value-adding industries at the Airport; and,

WHEREAS, the City of Great Falls is interested in using Tax Increment Financing as a tool to foster economic and community development.

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

Section 1. Definitions. The following terms wherever used or referred to in this Ordinance shall have the following meanings:

- (1) "Tax increment financing industrial district" means a district designated as such by the City Commission in accordance with the provisions of this Ordinance, consisting of a continuous area within an accurately described boundary, zoned for light or heavy industrial use in accordance with the Great Falls *Growth Policy*, and is found to be deficient in infrastructure improvements for industrial development.
- (2) "Actual taxable value" means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.

- (3) "Base taxable value" means the actual taxable value of all taxable property within a tax increment financing industrial district prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in Sections 7-15-4287 or 7-15-4293, MCA.
- (4) "Great Falls International Airport Tax Increment Financing Industrial District" means the tax increment industrial infrastructure district created by this Ordinance.
- (5) "Incremental taxable value" means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a tax increment financing industrial district.
- (6) "Tax increment" means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the tax increment financing industrial district or a part thereof is located, against the incremental taxable value.
- (7) "Taxes" means all taxes levied by a taxing body against property on an ad valorem basis.
- (8) "Industrial district" means a tax increment financing industrial district.
- (9) "Industrial infrastructure development project" means a project undertaken within or for an industrial district that consists of any or all of the activities authorized by Section 7-15-4288, MCA.
- (10) "Act" means Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated.

Section 2. Findings. Based on representations made to the City Commission to date and taking into consideration all comments received, including those made at a public hearing duly held on November 5, 2008, after notice was given, the City Commission does hereby make the following findings, determinations and declarations regarding the Great Falls International Airport Tax Increment Financing Industrial District, which is hereinafter referred to as the District:

- (1) the property to be included in the District consists of a continuous area with an accurately described boundary;
- (2) the property to be included in the District was zoned "AI Airport Industrial" district by the City Commission upon approval of an amendment to Section 17.20.2.040.A.18 of the City of Great Falls Land Development Code on September 16, 2008, with an effective date of October 16, 2008;
- (3) the property to be included in the District was zoned for industrial use in accordance with the Great Falls *Growth Policy*;
- (4) the property to be included in the District does not contain property included within an existing urban renewal area district;

(5) the property to be included in the District is deficient in public infrastructure for industrial development and will likely not be developed to its potential, without the provision of public infrastructure improvements;

(6) the Act requires that prior to final adoption of this Ordinance, the Commission shall hold a public hearing on the creation of the proposed District. Pursuant to such authority, notice of a public hearing in substantially the form presented in, and attached hereto as, Exhibit "A" was advertised to be held on November 5, 2008, at 7:00 P.M., in the City Commission Chambers in the Civic Center Building, Great Falls, Montana.

Section 3. Establishment of the District. The Great Falls International Airport Tax Increment Financing Industrial District is hereby established.

Section 4. Boundaries. A legal description and map of the District are attached hereto as Exhibit "B".

Section 5. District Plan. A plan describing existing infrastructure, existing infrastructure deficiencies, and industrial development activities to be undertaken within the District is attached as Exhibit "C".

Section 6. Base Year. For the purpose of calculating the incremental taxable value for each year of the life of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the District, as of January 1, 2008.

Section 7. Tax Increment Provision. The City is hereby authorized to segregate, as received, the tax increment derived in the District, and use and deposit such increment into the District Fund for use as authorized by the Act and as authorized herein or by the City Commission from time to time.

Section 8. Costs That May be Paid From Tax Increments. The tax increments received from the District may be used to directly pay costs of approved industrial infrastructure development projects, or to pay debt service on bonds issued to finance industrial infrastructure development improvements as defined under the Act as may from time to time be approved by the City Commission. The City Commission hereby authorizes the use of tax increment in the District to be used to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Act, and subject to any limitations imposed by the Montana Constitution.

Section 9. Term of the Tax Increment Financing Provision. The tax increment financing provision of the District will terminate upon the earlier of:

(a) the fifteenth year following the creation of the District; or

(b) the payment or provision for payment in full or discharge of all loans, and the payment of interest thereon, for which the tax increment has been pledged.

After termination of the tax increment financing provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the District, but shall be paid into funds of the taxing bodies levying taxes within the District.

Section 10. Effect of Industrial Infrastructure Development Project. The creation of an industrial infrastructure development project or the approval of an industrial infrastructure development project does not affect, abrogate or supersede any rules, ordinances, or regulations of the City relating to zoning, building permits, or any other matters.

Section 11. Effective Date. This Ordinance shall be in full force and effect upon passage and adoption by the City Commission.

Section 12. Conflict with Other Ordinances and Resolutions. All parts of ordinances and resolutions in conflict herewith are hereby repealed.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 5th 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 Ordinance 3022 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on the 5th 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 first duly sworn, deposes and says: That on the 5th 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 City Commission, Ordinance 3022 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)

EXHIBIT "A"

PUBLIC HEARING NOTICE

Notice is hereby given that the City Commission of the City of Great Falls, Montana, will hold a public hearing on Ordinance 3022 on November 5, 2008, at 7:00 P.M., in the Commission Chambers of the Civic Center Building, #2 Park Drive South, Great Falls, Montana.

Said Ordinance was accepted for consideration on first reading and is to establish the Great Falls International Airport Tax Increment Financing Industrial District for the purpose of encouraging industrial growth by providing a financial mechanism to install necessary infrastructure improvements. The proposed District includes all of the incorporated properties of the Great Falls International Airport and contains 1979 acres.

The City is authorized by Title 7, Chapter 15, Part 42, Montana Code Annotated, to establish a tax increment financial industrial district and to use the tax increment generated within the district to finance the costs of certain infrastructure improvements in order to encourage the attraction, growth and retention of secondary value-adding industries.

Copies of said Ordinance, which contains a legal description and a map of the proposed District, can be obtained at the City Clerk's Office, Civic Center Building, Great Falls, Montana.

Any interested person may appear at the public hearing and speak in favor of or against Ordinance 3022 or submit in writing any comments to the City Clerk prior to or during said hearing.

If special accommodations for disabilities are needed, please call 771-1180, Ext 438 or TDD 454-0495.

/s/ Lisa Kunz, City Clerk

PUBLICATION DATES: October 19 & 26, 2008

Exhibit 2. Legal Description of the Great Falls International Airport TIFID

Legal Description

The proposed Great Falls International Airport TIFID includes all that real property in the City of Great Falls, County of Cascade, State of Montana, which lies within the following described boundary, as of October 2008. The described boundary is coincidental to the legal description for the Great Falls International Airport.

“The POINT OF BEGINNING is at the southeast corner of Section 8, Township 20 North, Range 3 East; thence along the east line of said section, North 00°20'17" West, a distance of 1313.50 feet; thence North 89°49'00" West, a distance of 205.05 feet; thence North 89°49'52" West, a distance of 1130.62 feet; thence North 53°35'22" West, a distance of 237.30 feet; thence South 07°55'24" West, a distance of 472.63 feet; thence North 89°48'47" West, a distance of 1035.78 feet; thence South 00°13'51" West, a distance of 986.89 feet to the northwest corner of the Northeast Quarter of Section 17, Township 20 North, Range 3 East; thence along the west line of said Northeast Quarter of said section, South 00°31'52" West, a distance of 2642.24 feet to the northeast corner of the East Half of the Southwest Quarter of the above said Section 17; thence along the north line of said aliquot part, North 89°49'46" West, a distance of 1328.89 feet to the northwest corner of said aliquot part; thence along the west line of said aliquot part, South 00°19'55" West, a distance of 2630.17 feet to the north line of Section 20, Township 20 North, Range 3 East; thence along the north line of said Section 20, North 89°38'19" West, a distance of 738.21 feet; thence South 00°09'43" East, a distance of 2641.70 feet to the north line of the Southwest Quarter of the above said Section 20; thence along the north line of said Southwest Quarter, North 89°22'25" West, a distance of 580.06 feet to the northwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter, South 00°18'14" East, a distance of 821.55 feet; thence South 45°01'17" West, a distance 42.19 feet; thence South 45°00'59" West, a distance of 2417.04 feet to the north line of Section 30, Township 20 North, Range 3 East; thence along the north line of said Section 30, North 87°38'03" West, a distance of 905.29 feet to the northwest corner of the Northeast Quarter of said Section 30, Township 20 North, Range 3 East; thence along the west line of said aliquot part, South 00°46'52" East, a distance of 1630.31 feet to the southerly right-of-way line of Highway Project No. FAP 218-(6); thence along said southerly right-of-way line, South 69°25'46" West, a distance of 2152.03 feet to the west line of the above said Section 30; thence along said west line of said section, South 01°09'05" West, a distance of 182.26 feet to the northwest corner of the Southwest Quarter of said Section 30, Township 20 North, Range 3 East; thence along the west line of said aliquot part, South 01°04'33" West, a distance of 360.99 feet to the northwesterly right-of-way line of Interstate 15 (Project Number I15-5 (29) 259); thence along said northwesterly right-of-way line, North 84°59'39" East, a distance of

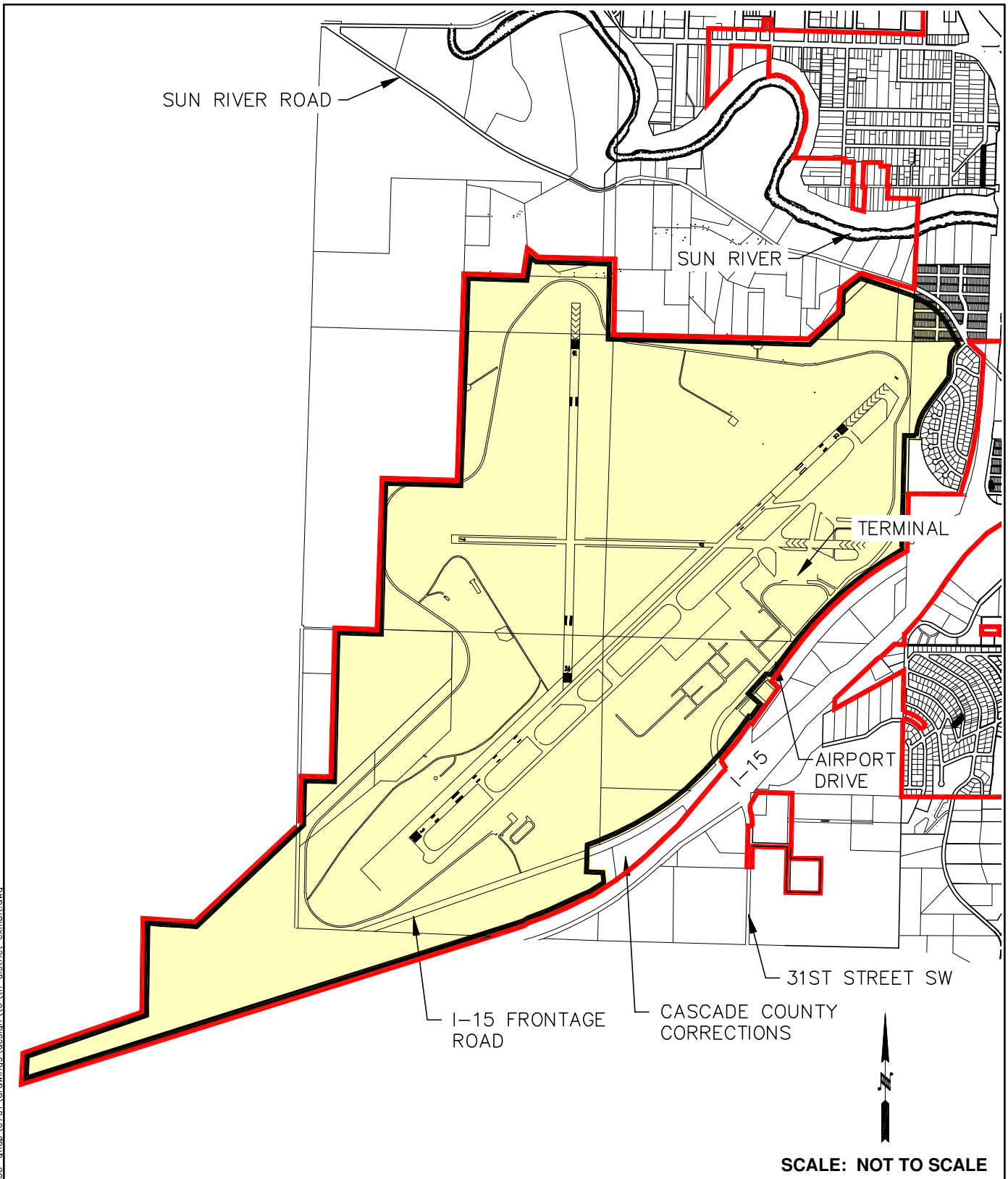
82.19 feet; thence continuing along said northwesterly right-of-way line, North $70^{\circ}58'05''$ East, a distance of 9112.64 feet; thence continuing along said northwesterly right-of-way line, North $54^{\circ}02'36''$ East, a distance of 88.14 feet to the beginning of a 5580.00 foot radius curve, concave northwesterly, having a radial bearing of North $19^{\circ}53'25''$ West; thence continuing along said northwesterly right-of-way line and along said curve, through a central angle of $10^{\circ}59'56''$, an arc length of 1071.17 feet; thence continuing along said northwesterly right-of-way line, North $72^{\circ}53'03''$ East, a distance of 100.64 feet to the beginning of a 5605.00 foot radius curve, concave northwesterly, having a radial bearing of North $31^{\circ}53'24''$ West; thence continuing along said northwesterly right-of-way line, along said curve and through a central angle of $5^{\circ}10'01''$, an arc length of 505.45 feet; thence leaving said northwesterly right-of-way of Interstate 15, North $08^{\circ}28'52''$ West, a distance of 555.23 feet; thence North $08^{\circ}02'28''$ West, a distance of 14.62 feet to a point on the southeasterly right-of-way line of Highway Project No. FAP 218-(5), said point being on a 5790.00 foot radius curve concave northwesterly, having a radial bearing of North $24^{\circ}34'19''$ West; thence northeasterly along said right-of-way line and along said curve, through a central angle of $18^{\circ}17'38''$, an arc length of 1848.69 feet to the south line of the northwest quarter of Section 21, Township 20 North, Range 3 East; thence along said south line of said aliquot part, North $89^{\circ}52'17''$ West, a distance of 206.72 feet to a point on the northwesterly right-of-way line of the above said Highway Project No. FAP 218-(5), said point being on a 5650.00 foot radius curve concave northwesterly, having a radial bearing of North $41^{\circ}23'33''$ West; thence northeasterly along said right-of-way line and along said curve, through a central angle of $5^{\circ}38'10''$, an arc length of 555.78 feet to the southeast corner of Montana Air National Guard Lease Tract A101-4; thence along the boundary of said lease tract for the following ten courses: North $89^{\circ}35'45''$ West, a distance of 449.33 feet, North $00^{\circ}00'37''$ West, a distance of 100.00 feet, North $89^{\circ}26'05''$ West, a distance of 198.25 feet, South $00^{\circ}53'29''$ West, a distance of 100.00 feet, North $89^{\circ}39'46''$ West, a distance of 269.35 feet, South $00^{\circ}40'38''$ West, a distance of 392.96 feet, North $89^{\circ}52'17''$ West, a distance of 967.70 feet, North $08^{\circ}38'53''$ West, a distance of 431.10 feet, North $00^{\circ}28'25''$ West, a distance of 1214.58 feet, and North $45^{\circ}00'56''$ East, a distance of 1007.13 feet to the southwest corner of Montana Air National Guard Lease Tract A101-1; thence along the northwesterly boundary of said lease tract for the following two courses: North $44^{\circ}54'22''$ East, a distance of 430.02 feet, and North $44^{\circ}59'13''$ East, a distance of 1338.04 feet to the southwest corner of Montana Air National Guard Lease Tract A101-5; thence along the boundary of said lease tract for the following four courses: North $45^{\circ}00'30''$ East, a distance of 214.96 feet, South $44^{\circ}26'54''$ East, a distance of 250.03 feet, North $45^{\circ}32'51''$ East, a distance of 73.21 feet, and South $44^{\circ}25'04''$ East, a distance of 173.20 feet; thence South $52^{\circ}10'36''$ East, a distance of 21.49 feet, to a point on the above said Lease Tract A101-1; thence along the boundary of said lease tract for the following two courses: South $44^{\circ}34'18''$ East, a



distance of 380.00 feet, and South $45^{\circ}25'42''$ West, a distance of 554.17 feet to the northerly corner of Montana Air National Guard Lease Tract JKSE 20030012; thence along the boundary of said lease tract for the following four courses: South $44^{\circ}56'17''$ East, a distance of 791.25 feet, South $40^{\circ}33'56''$ West, a distance of 283.11 feet, North $44^{\circ}34'18''$ West, a distance of 314.93 feet, and South $44^{\circ}53'33''$ West, a distance of 460.42 feet to a point on the above_said Lease Tract A101-4; thence along the boundary of said lease tract for the following two courses: South $43^{\circ}57'15''$ East, a distance of 686.00 feet, and South $00^{\circ}20'52''$ West, a distance of 181.47 feet to a point on the northwesterly right-of-way line of the above_said Highway Project No. FAP 218-(5); thence along said right-of-way, South $34^{\circ}22'30''$ West, a distance of 54.86 feet to the southwesterly line of that parcel denoted as Tract 1 on Certificate of Survey Number 2271, records of Cascade County, Montana; thence along said southwesterly line of said Tract 1, South $49^{\circ}22'42''$ East, a distance of 40.60 feet to the southeasterly corner thereof; thence along the southeasterly line of said Tract 1, the following three courses: North $34^{\circ}15'32''$ East, a distance of 156.30 feet; North $34^{\circ}23'29''$ East, a distance of 208.58 feet; and North $34^{\circ}24'09''$ East, a distance of 74.13 feet to the northeasterly corner thereof; thence along the northeasterly line of said Tract 1, North $49^{\circ}18'30''$ West, a distance of 273.50 feet to the northwesterly corner thereof, said point being the southwesterly corner of that parcel denoted as Tract 2 on Certificate of Survey Number 2271, records of Cascade County, Montana; thence along the northerly line of said Tract 2, North $40^{\circ}39'51''$ East, a distance of 251.54 feet to the northwesterly corner thereof; thence North $40^{\circ}38'20''$ East, a distance of 87.15 feet to the north line of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 21, Township 20 North, Range 3 East, as denoted on Certificate of Survey Number 1351, records of Cascade County, Montana; thence along said north line, South $89^{\circ}17'57''$ East, a distance of 88.41 feet to the northwesterly right-of-way line of the now partially abandoned Highway Project No. FAP 218-(5); thence along said line North $34^{\circ}19'05''$ East, a distance of 464.71 feet to the beginning of a 6450.48 foot radius curve, concave southeasterly, having a radial bearing of South $55^{\circ}41'57''$ East; thence along said right-of-way line and along said curve through a central angle of $24^{\circ}42'43''$, an arc length of 2782.13 feet to the east line of Section 16, Township 20 North, Range 3 East; thence along the east line of said Section 16, North $00^{\circ}09'45''$ West, a distance of 1011.66 feet, and North $00^{\circ}07'19''$ West, a distance of 950.12 feet to the northwest corner of that area denoted as "Park" on the West Hill Subdivision, the copy of which is on file with Cascade County, Montana; thence along the north line of said "Park", South $89^{\circ}48'05''$ East, a distance of 188.49 feet to a point on the westerly right-of-way line of 4th West Hill Drive; said point being on a 1015.00 foot radius curve, concave easterly, having a radial bearing of South $89^{\circ}28'58''$ East, thence northeasterly along said westerly right-of-way and along said curve through a central angle of $35^{\circ}06'22''$, an arc length of 621.91 feet; thence continuing along said westerly right-of-way, North $35^{\circ}23'00''$ East, a distance of 578.09 feet to the

beginning of a 200.00 foot radius curve, concave northwesterly, having a radial bearing of North 54°37'56" West; thence continuing northerly along said westerly right-of-way and along said curve through a central angle of 35°03'56", an arc length of 122.40 feet; thence continuing along said westerly right-of-way, North 00°16'15" East, a distance of 234.13 feet to the beginning of a 249.63 foot radius curve, concave southeasterly, having a radial bearing of South 89°52'12" East continuing northeasterly along said westerly right-of-way and along said curve through a central angle of 43°02'26", an arc length of 187.52 feet; thence continuing along said westerly right-of-way North 43°10'14" East, a distance of 172.45 feet to the southwesterly right-of-way line of the Sun River Highway; thence northwesterly along said southwesterly right-of-way line, North 48°34'36" West, a distance of 52.26 feet to the south line of Section 10, Township 20 North, Range 3 East; thence along said south line of Section 10, South 88°15'19" West, a distance of 36.95 feet to the southeast corner of Lot 17, Block 14 of Sun River Addition, the copy of which is on file with Cascade County, Montana; thence along the east line of said Lot 17, North 00°15'55" East, a distance of 26.32 feet; thence North 00°15'55" East, a distance of 16.00 feet to the southeast corner of Lot 16 of said Block 14 of Sun River Addition; thence along the east line of Lot 16, North 00°15'55" East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 16 through 13 of Block 14 of Sun River Addition; North 89°44'05" West, a distance of 100.00 feet to the northwest corner of said Lot 13; thence North 00°15'55" East, a distance of 60.00 feet to the southeast corner of Lot 21, Block 11 of Sun River Addition; thence along the east line of said Lot 21, North 00°15'55" East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 21 through 19 of Block 11 of Sun River Addition, North 89°44'05" West, a distance of 75.00 feet to the northwest corner of said Lot 19; thence North 00°15'55" East, a distance of 16.00 feet to the southeast corner of Lot 9, Block 11 of Sun River Addition; thence along the east line of said Lot 9, North 00°15'55" East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 9 through 3 of Block 11 of Sun River Addition, North 89°44'05" West, a distance of 174.94 feet to the Northwest corner of said Lot 3; thence North 00°09'32" East, a distance of 60.00 feet to the southeast corner of Lot 31, Block 8; thence along the east line of said Lot 31, North 00°09'32" East, a distance of 120.03 feet to the northeast corner thereof; thence along the north line of Lots 31 and 32, Block 8 of Sun River Addition; North 89°45'32" West, a distance of 50.03 feet to the northwest corner of said Lot 32; thence North 89°47'14" West, a distance of 60.00 feet to the northeast corner of Lot 16 of Block 9 of Sun River Addition; thence North 57°20'43" West, a distance of 29.80 feet to the southeast corner of Lot 14 of Block 9 of Sun River Addition; thence along the east line of said Lot 14, North 00°09'43" East, a distance of 3.07 feet to a point on the southwesterly right-of-way line of Sun River Road, said point being on a 1060.00 foot radius curve, concave southwesterly, having a radial bearing of South 35°08'31" West; thence northwesterly along said southwesterly right-of-way line and along said

curve through a central angle of $03^{\circ}15'07''$, an arc length of 60.17 feet to the east line of Lot 12 of Block 9 of Sun River Addition; thence along said east line of said Lot 12, North $00^{\circ}11'29''$ East, a distance of 83.84 feet to the northeast corner thereof; thence along the north line of Lots 12 through 1, Block 9 of Sun River Addition, North $89^{\circ}50'17''$ West, a distance of 301.23 feet to the northwest corner of said Lot 1; thence North $89^{\circ}50'17''$ West, a distance of 12.67 feet to the west line of Section 10, Township 20 North, Range 3 East; thence along said west line North $01^{\circ}15'30''$ East, a distance of 120.38 feet to the centerline of a 60.00 foot wide County Road, thence along said centerline of said County Road North $64^{\circ}42'36''$ West, a distance of 1.41 feet; thence continuing along said centerline of said County Road, North $74^{\circ}26'53''$ West, a distance of 288.60 feet and North $73^{\circ}40'45''$ West, a distance of 426.62 feet; thence leaving said County Road centerline, South $45^{\circ}20'37''$ West, a distance of 510.64 feet; thence South $14^{\circ}17'23''$ West, a distance of 914.33 feet; thence South $74^{\circ}13'45''$ West a distance of 258.66 feet; thence North $61^{\circ}01'43''$ West a distance of 357.82 feet to the north line of Section 16, Township 20 North, Range 3 East; thence along said north line North $89^{\circ}59'48''$ West, a distance of 793.10 feet, and North $89^{\circ}59'12''$ West, a distance of 2612.01 feet to the POINT OF BEGINNING, and containing 1978.898 acres of land.

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| | |
|---|--------------------------|
|  | DISTRICT BOUNDARY |
|  | CITY LIMITS |

**PROPOSED GREAT
FALLS AIRPORT TIFID
DISTRICT**


| |
|--|
|  Phone: (406)452-8600 Fax: (406)452-8700 |
| FIGURE 1 |

Exhibit "C"
Great Falls International Airport
Tax Increment Financing Industrial District Plan

1. INTRODUCTION

The Great Falls International Airport (GFIA) Authority is interested in fostering the development of secondary, value adding industries in the City of Great Falls as part of its overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base. This effort will be facilitated through the creation of a Tax Increment Financing Industrial District or TIFID, which will encompass the entire Airport property.

History of the Great Falls International Airport

The GFIA was developed in response to an initiative of the U.S. Department of Commerce in 1928. The City acquired 640 acres of land and construction was started on Runway 16/34, which was completed in June 1929. By 1939 the airport facilities included four runways, a large hangar, and an administration building.



Early Air Mail Plane

In 1939, the Great Falls Airport Commission appealed to Harry H. Woodring, Secretary of War, to locate an Air Corps squadron at Great Falls. In 1941, the Civil Aeronautics Authority provided money for the further development of the Great Falls Municipal Airport, which was known then as Gore Field.

During World War II, the airport was leased by the U.S. War Department and used as a base for the 7th Ferrying Command. During the war years, more than 7,500 bombers and fighter aircraft passed through Great Falls on their way to the war fronts in Europe and the Pacific. While using the airport as an airbase, the U.S. Army acquired an additional 740 acres of land and built many buildings and other facilities.



First Terminal

In June 1948, the U.S. War Department deeded the airport back to the City of Great Falls with the stipulation that the facility could revert to military control in the event of a

national emergency. The airport was released from this clause in 1961. In 1975, the terminal at the GFIA was replaced and all runways, aprons, and taxiways updated. With use of Federal Aviation Administration (FAA) matching funds, the Airport Authority performs annual operations, maintenance, and capital improvements.¹ In addition to commercial, freight and private air services, the GFIA houses the 120th Fighter Group of the Montana Air National Guard (MANG) on 138 acres just southwest of the Terminal area.

Today, the GFIA is governed by a Regional Airport Authority, which recognizes the economic influence that airports have on the areas they serve. To this end, the Great Falls International Airport Authority (Authority) has reconstructed 80% of its existing infrastructure and expanded its aviation infrastructure to support the development of 29 new hangars. FedEx Cargo has established a 79,000 square foot regional hub at the Airport and since 2000, the Authority has helped to foster the creation of 300 new jobs of which 200 are primary sector jobs.

In 2006, privately owned businesses located on airport property generated \$685,000 in property taxes that benefit city and county governments, as well as area schools. This amount represents a 78% increase since 2003. However, airport area infrastructure is near its capacity. As a result, the Authority is faced with limitations on new development due to a lack of developable sites with sufficient utilities, roads and general infrastructure improvements. Installing additional infrastructure would allow the Authority to continue growing the tax base for the community. However, there are no viable revenue sources to install the infrastructure necessary to leverage growth of secondary, value adding industries.

Tax Increment Financing for Industrial Development

At the request of and in concert with the Airport Authority, the City of Great Falls intends to establish a Tax Increment Financing Industrial District (TIFID) at the Great Falls International Airport. The base year for the purposes of measuring any incremental value will be 2008 and the base value will be calculated as of January 1, 2008.

Tax increment financing is a mechanism that allows communities to use new tax dollars resulting from increasing taxable value for reinvestment within the geographic area in which they are derived. Until 1989, tax increments could only be used for rehabilitation efforts within urban renewal areas, which were usually blighted central business districts. In 1989, the Montana Legislature amended the Montana Urban Renewal Law to enable municipalities to create special industrial districts which could employ tax

¹ Great Falls International Airport History, http://www.gtfairport.com/airport_info/history.html

increment financing to assist in the development and retention of secondary, value-adding industries. In doing so, the Legislature noted that the State of Montana wishes to encourage secondary, value-adding industrial manufacturing that uses Montana timber, mineral, oil and gas, coal and agricultural resources in the production of goods in the State. The legislation recognized that secondary, value-adding industries, in order to be competitive in today's world economy, require expensive infrastructure that is beyond the means of most Montana communities. Senate Bill 472 resulted in Section 7-15-4299 Montana Code Annotated (MCA), originally codified in 1989 and amended in 2007. This law enables communities to assist in industrial development in areas that are deemed to be infrastructure deficient. Tax increment financing may now be used for improvements as defined in 7-15-4288 MCA.

In March of 2008, the Montana Department of Revenue, under its administrative rule making authority, more specifically defined "secondary industries" as those that use mechanical or chemical processes to transform materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual. These industries engage in the:

- processing of raw materials, such as minerals, ore, oil, gas, coal, agricultural products, and forestry products; or
- processing of semi-finished products that are used by the industry as a raw material in further manufacturing.

"Value-added" is defined as an increase in the worth of the raw or semi-finished product that results from a mechanical or chemical transformation and may not be attributable to a mere increase in existing production.

In order to make use of this innovative economic development strategy, the City of Great Falls must adopt an industrial development plan which defines the specific geographic area within which the tax increment will be measured and reinvested. Further, the plan must outline those activities that the local government intends to undertake in order to successfully develop (or retain) value-adding industrial activity.

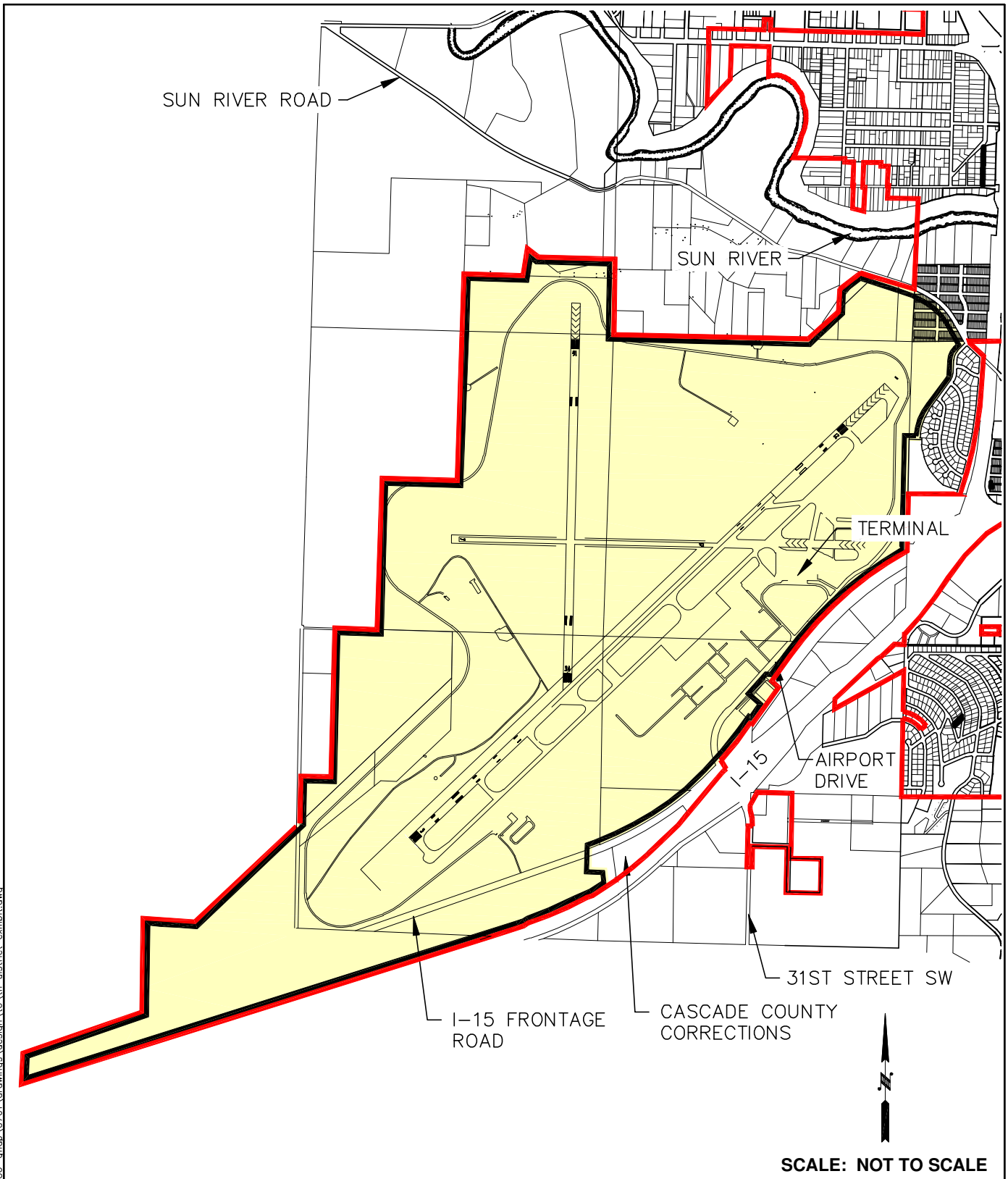
2. DISTRICT DESCRIPTION



The GFIA is situated at the western limits of Great Falls, Montana in Cascade County and is located entirely within the Great Falls corporate limits.

Location Map


Figure 1 illustrates the proposed area of the Great Falls International Airport TIFID. (A separate Exhibit B contains the legal description of the Airport).

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| | |
|---|--------------------------|
|  | DISTRICT BOUNDARY |
|  | CITY LIMITS |

**PROPOSED GREAT
FALLS AIRPORT TIFID
DISTRICT**

| |
|--|
|  Phone: (406)452-8600 Fax: (406)452-8700 |
| FIGURE 1 |

3. EXISTING INFRASTRUCTURE ANALYSIS

The existing infrastructure at the GFIA includes a combination of public and private utility services built in response to growth and needs at the Airport. These are summarized in Figures 2-5.

Figure 2 shows current City water and sanitary sewer utilities. The Airport's location and elevation, well above all treatment facilities, dictates the location of lift stations and the distances required to service mains. Key water connections exist at three separate locations into the GFIA. All sanitary sewer lines are channeled into the single sewer main connection, just north of the Airport Interchange on Interstate 15.

Figures 3A and 3B show both the public roads and the City storm drain facilities. The Airport generally drains toward the north, and provides on-site storm water detention which is a permitted-industrial release site, through the Montana Department of Environmental Quality (DEQ). Storm water is discharged at the north end of the Airport into the Sun River. The single connection to the road network is at I-15 Interchange # 277 with Airport Drive.

As the sole access road into the GFIA, Airport Drive also provides traffic distribution for the majority of airside and all landside facilities. Airport Drive is primarily a two-lane, urban street with some supplemental turning lanes. Design and operating speeds are less than 35 miles per hour (mph). Airport Drive serves as the sole emergency access to and from the Airport and currently serves all vehicle types, with a mix ranging from large semi-trailers to passenger cars. The I-15 Frontage Road also provides access to the undeveloped, southern portion of the Airport lands, on a two-lane rural roadway. In an agreement with the City of Great Falls, the GFIA provides street maintenance on Airport Drive and other, public streets that serve the terminal and freight areas.

The Airport Perimeter Road circumnavigates the fenced (secured, airside of the Airport). Due to aviation security requirements, this roadway is considered a private roadway and has no public access. It is primarily a narrow, two-lane, paved surface with no signing, striping or shoulders.

Natural gas service lines provided by Energy West are shown in Figure 4. This current system extends along Airport Road from the Terminal/MANG areas to the north Airport boundary, terminating at the FedEx facility.

Figure 5 shows Northwestern Energy's electric lines and available communication service. Although numerous electric lines are shown along the runways, these service

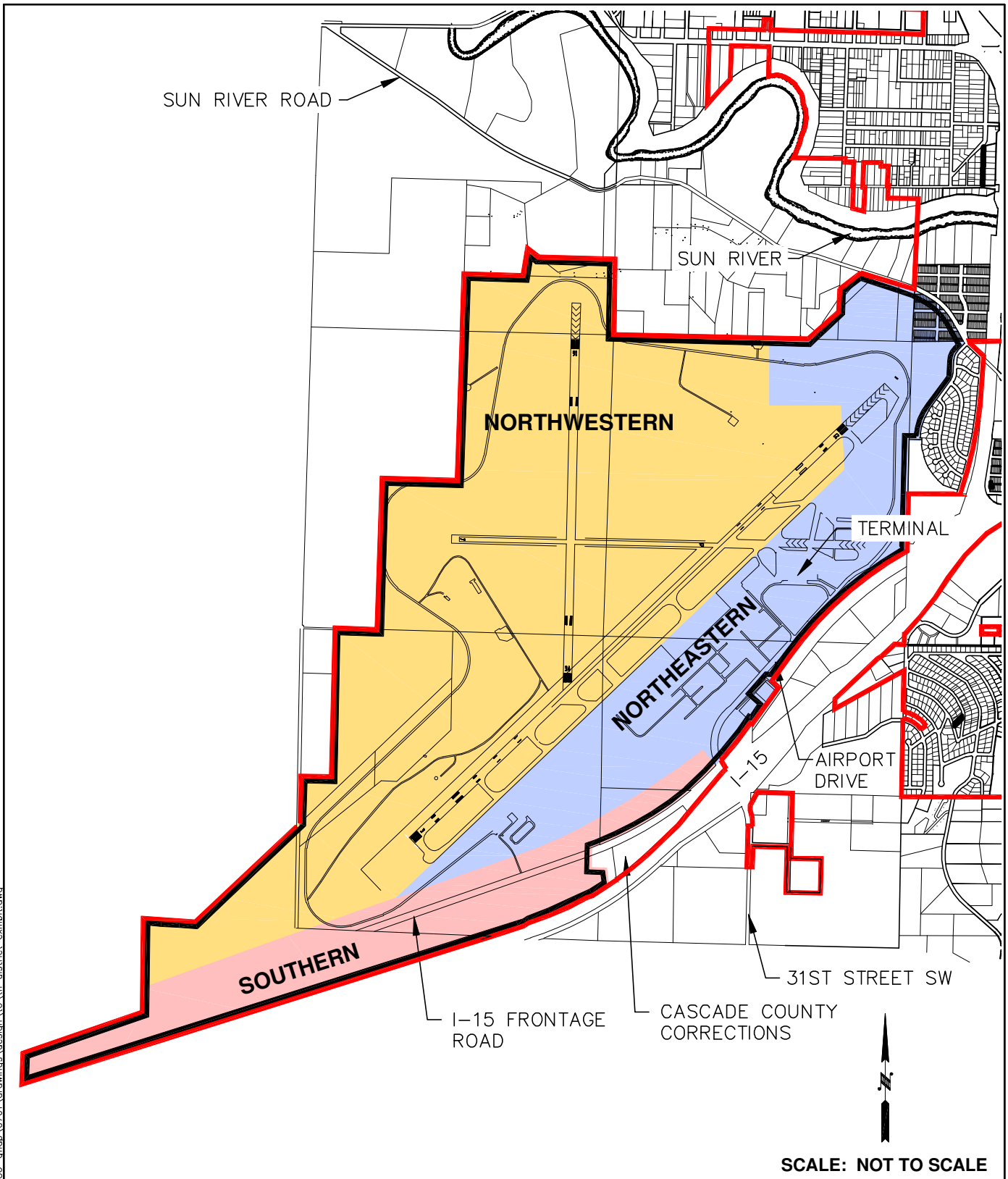
lines are not considered for extension to future development. Local and long-distance telephone connections are currently available at the Terminal and developed areas. Both fiber optic and cable connections exist on the east (non-airport) side of I-15 with some fiber lines extending to specific buildings (MANG, Federal Aviation Administration, etc) within the GFIA.



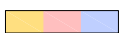
4. INFRASTRUCTURE DEFICIENCIES FOR TARGETED SECONDARY, VALUE-ADDING INDUSTRIES

The development of secondary, value-adding industries in the TIFID will require adequate infrastructure -- roads, sewer, water, electricity and communications. A review of the existing infrastructure and the infrastructure needed for the development of secondary, value-adding industries within the TIFID reveals the following deficiencies, which are presented by sub area within the proposed TIFID.


Figure 6 shows three geographic areas within the TIFID that currently provide similar infrastructure services. These areas were established to summarize the infrastructure deficiencies for the development of secondary, value adding industries within the TIFID.

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| | |
|---|--|
|  | DISTRICT BOUNDARY |
|  | CITY LIMITS |
|  | INFRASTRUCTURE DISCUSSION AREAS |

PROPOSED GREAT FALLS AIRPORT TIFID DISTRICT


 Phone: (406)452-8600 Fax: (406)452-8700
FIGURE 6

Deficiencies by Area

The Northeastern Area (from the I-15 interchange, north to the FedEx complex) of the TIFID is well served by all infrastructure, except roads and communication infrastructure. The road infrastructure is limited by the lack of dual access and the capacity limits of a single, two-lane, low-speed road for all Airport access.

- Cable and fiber-optic service do not exist as services have not been extended across the Interstate to serve any of the Airport or TIFID areas at the time of this evaluation.

The Southern Area (generally south of Airport Drive and directly along the I-15 Frontage Road) has service connections at the east edge, but few extensions along the Frontage Road corridor.

- Electricity, telephone, water and sanitary sewer services are available at the east edge but would require main (or transmission line) extensions along the Frontage Road corridor.
- Gas and storm sewer would need to be connected to existing distribution systems. Gas would likely connect to existing systems in the Northeastern Area via an extension along the Frontage Road corridor. Storm systems could connect into either the Northeastern or Northwestern Areas, depending upon design needs.
- The road infrastructure provides reasonable access through this area but does not have intersection improvements (turn lanes, driveway approaches, traffic signals, lighting or roundabouts). Because the Frontage Road is under the Montana Department of Transportation (MDT) jurisdiction, additional access changes will be required to meet MDT access and design standards. The road infrastructure is also limited as Airport Drive provides the only emergency access (the Frontage Road does extend further south, but requires additional travel time that eliminates its feasibility as an emergency response route).
- Cable and fiber-optic service do not exist as services have not been extended across the Interstate to serve any of the Airport or TIFID areas at the time of this evaluation.

The Northwestern Area (all areas west of the main runway) essentially has no infrastructure suitable for industrial development. New connections to all infrastructure would be required for industry, including major extensions for:

- Water mains and service (including possible upgrading of Gore Hill systems for fire demand, which could include pump station, storage and distribution)
- Sanitary mains and distribution (including the possible addition of a lift station)
- Storm Drain Systems
- Roadway Systems (access to development and improvements to Frontage Road and/or Airport Drive)

- Gas (main and distribution lines)
- Electrical Service (transmission and distribution lines)
- Telephone Service
- Cable and fiber-optic service do not exist as services have not been extended across the interstate to serve any of the airport or TIFID areas at the time of this writing.

5. INDUSTRIAL DEVELOPMENT ACTIVITIES TO BE UNDERTAKEN

Once the TIFID is established, the Great Falls International Airport Authority, in concert with the City of Great Falls, will work to foster industrial economic development within the District. This program will be multifaceted and will include market analysis, capital improvement planning, industry recruitment, and project financing and implementation.

Identification of secondary, value-adding industries

The Authority has identified industries that could be targeted for development within the proposed TIFID. This list of industries is based on the following analysis, as provided by the Authority:

...industry groups, or clusters, have been identified as target industries for on-airport development. These industry clusters have a propensity to locate business activities on airports or immediately adjacent to airports, depending on airport land availability. Industry clusters were identified based on airport development trends throughout North America. It should be noted that these industry clusters are not specifically related to airport and aircraft services or visitor industry services. Rather, these industry clusters locate on an airport to take advantage of access to airside facilities such as air cargo facilities, aircraft aprons, taxiways and runways. By locating on the airport, these industries reduce, if not eliminate, time in trucking cross-city or –region, as well as being well positioned to receive air cargo and personnel.

The list of potential industries is presented in Table 1, as follows.

Table 1. Potential Industries for Attraction

| NAICS Code | Industry |
|------------|---|
| 334511 | Search, Detection, Navigation, Guidance, Aeronautical, & Nautical System & Instrument Manufacturing |
| 336411 | Aircraft Manufacturing and Refurbishing |
| 336412 | Aircraft Engine and Engine Parts Manufacturing |
| 336413 | Other Aircraft Parts and Auxiliary Equipment Manufacturing |
| 336414 | Guided Missile and Space Vehicle Manufacturing |
| 336415 | Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing |
| 336419 | Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing |
| 334111 | Electronic Computer Manufacturing |
| 334112 | Computer Storage Device Manufacturing |
| 334113 | Computer Terminal Manufacturing |
| 334119 | Other Computer Peripheral Equipment Manufacturing |
| 334210 | Telephone Apparatus Manufacturing |
| 334220 | Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing |
| 334290 | Other Communications Equipment Manufacturing |
| 334310 | Audio and Video Equipment Manufacturing |
| 334412 | Bare Printed Circuit Board Manufacturing |
| 334413 | Semiconductor and Related Device Manufacturing |
| 334414 | Electronic Capacitor Manufacturing |
| 334418 | Printed Circuit Assembly (Electronic Assembly) Manufacturing |
| 334419 | Other Electronic Component Manufacturing |
| 333295 | Semiconductor Machinery Manufacturing |

Further research and analysis will be required to determine which of these industries can be actively recruited based on market conditions and Great Falls’ unique position in the market place. Issues such as energy costs related to operations and transportation, distance from markets and overall industry trends, as well as infrastructure requirements will help determine industries to be targeted.

Capital Improvements Planning and Implementation

The Great Falls International Airport Authority will undertake the necessary planning required to identify more particularly the infrastructure required to support the development of targeted secondary, value-adding industries. This planning effort will address necessary capital improvements and the associated costs. Infrastructure design

and development could include roads and other transportation infrastructure, pedestrian ways, sewage pre-treatment, sewer lines, water mains, utilities, street lighting and buildings.

TIFID Program Design

Once targeted industries and required capital improvements have been more clearly identified, the next step will be to develop the mechanisms to implement the overall TIFID program. Given that private industrial development will generate the property taxes necessary to finance a portion of the infrastructure development, recruitment and infrastructure development must occur hand in hand. It is likely that construction of public infrastructure will be financed through the sale of Tax Increment Bonds in combination with other state and federal funding programs. Tax increment financing mechanisms can include:

- Tax Increment Bonds – Tax increment revenues would be pledged to pay bond principal and interest annually. The size and term of the bond would depend on tax increment revenues available from private sector taxpayers within the TIFID. While Montana law provides that tax increment districts may only be authorized for 15 years, the time period may be extended to coincide with the term of a tax increment bond, but no longer than an additional 25 years. In most cases, it will be necessary for the private taxpayer(s) to enter into an agreement with the City of Great Falls to assure, for the term of the bond, the annual payment of all property taxes due or an equivalent amount if the taxpayer no longer holds property in the district. The amount of tax increment realized each year must be enough to cover all bond payments due, as well as an adequate reserve.
- Annual Tax Increment Appropriations – The City of Great Falls may finance smaller public infrastructure improvements from its annual tax increment receipts by appropriation. Funds available each year would be determined by the size of the annual increment and any prior commitments (such as bond debt service requirements and administrative costs).
- Conventional Financing – The City of Great Falls may borrow funds from commercial lending institutions in order to finance public infrastructure improvements. Principal and interest on the loan will be paid by annual tax increment revenues. A conventional loan agreement will not, however, extend the authorized 15 year time period for a TIFID.

Per 7-15-4291 MCA, the City of Great Falls may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds.

Industry Recruitment

Once the District is established, local staff and resources and/or consultant services could be used to assist in the development of business plans, market studies and general research to recruit secondary, value-adding industries to the TIFID. Once the District starts generating revenue, TIFID funds may be directed to these activities as well.

Partnership Development

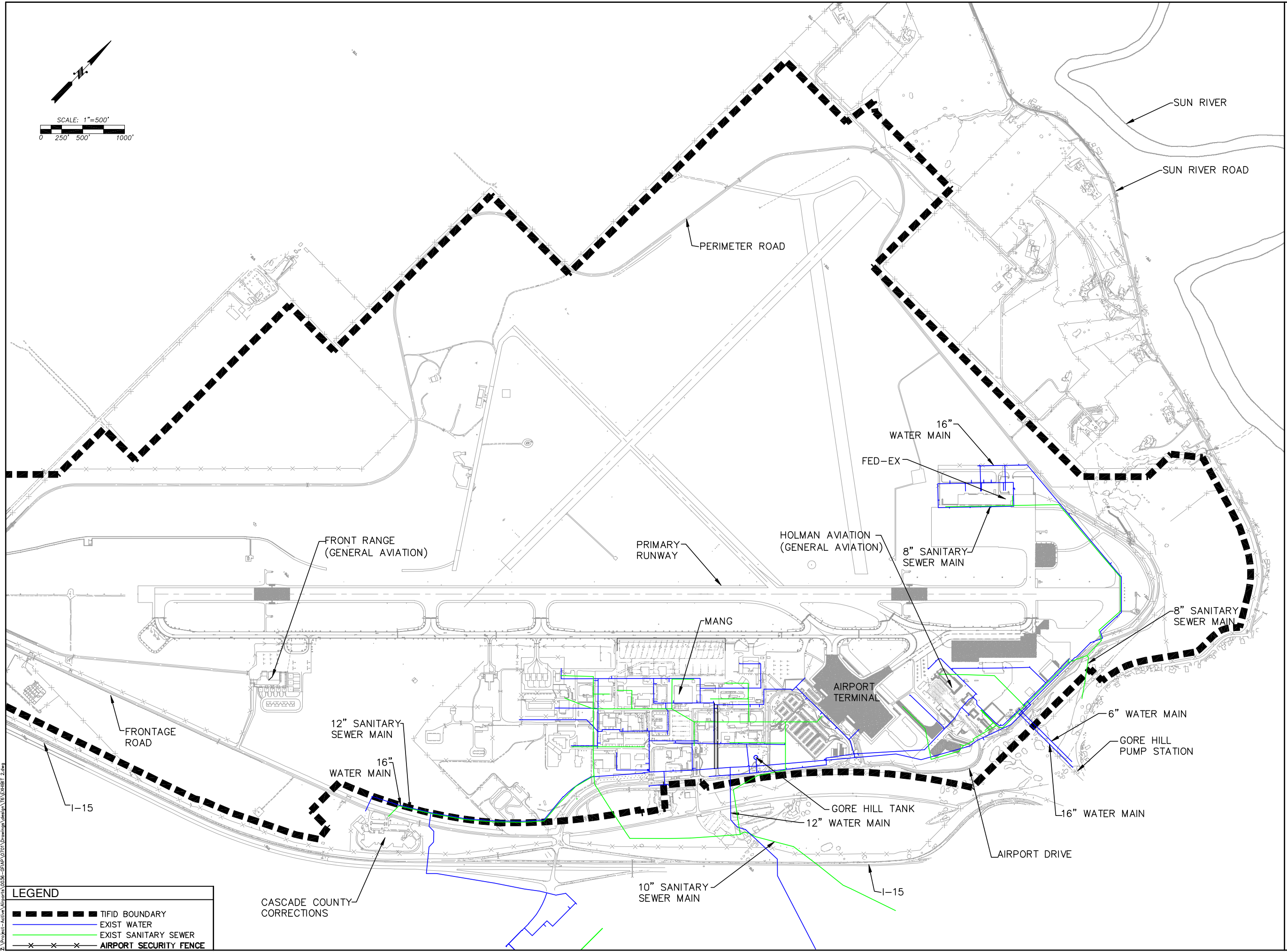
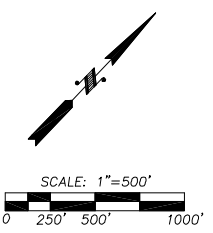
The TIFID program will rely on cooperative efforts among the City of Great Falls, the Airport Authority and other development organizations to achieve its goal of fostering industrial development. In many cases, these cooperative partners will work jointly on market analyses, business recruitment and capital improvements planning. Also, as noted above, it will be necessary to work with other local, state and federal entities in providing additional financing and matching funds to build industrial infrastructure in the TIFID. Potential partnerships can be forged using a variety of programs and funding mechanisms. A sampling of these includes:

Programs

- The Treasure State Endowment Program (Montana)
- Community Development Block Grant (U.S. Department of Urban Development)
- The Montana Intercap Program
- Economic Development Administration (U.S. Department of Commerce)
- *Water, Wastewater and Solid Waste Action Coordinating Team* (a group of professionals from state, federal, and non-profit organizations that finance, regulate, or provide technical assistance for community water and wastewater systems)
- Community Transportation Enhancement Program – Under 23 USC 133 (d) (2) (Federal Code), 10 percent of the Surface Transportation Program monies are awarded to each state for transportation enhancements.

Funding Mechanisms

- Local mill levies for transportation infrastructure (7-14-4101 MCA)
- Transportation Improvement Authority (7-14-1001, MCA)
- Special Improvement Districts (7-12-4101 MCA)
- Debt Financing – Cities can make use of various kinds of debt financing to fund industrial development projects. These include general obligation bonds, special improvement district bonds and revenue bonds as well as Tax Increment Financing Bonds.
- State Fuel Tax (15-70-101MCA)



LEGEND

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| | TIFID BOUNDARY |
| | EXIST WATER |
| | EXIST SANITARY SEWER |
| | AIRPORT SECURITY FENCE |

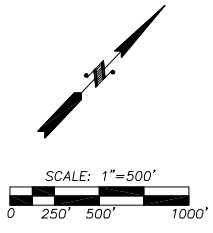
SE
Stelling
Engineers, INC.
 614 Park Drive South
 Great Falls, MT 59405
 Phone: (406)452-8600
 Fax: (406)452-8700

GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
 GREAT FALLS, MONTANA

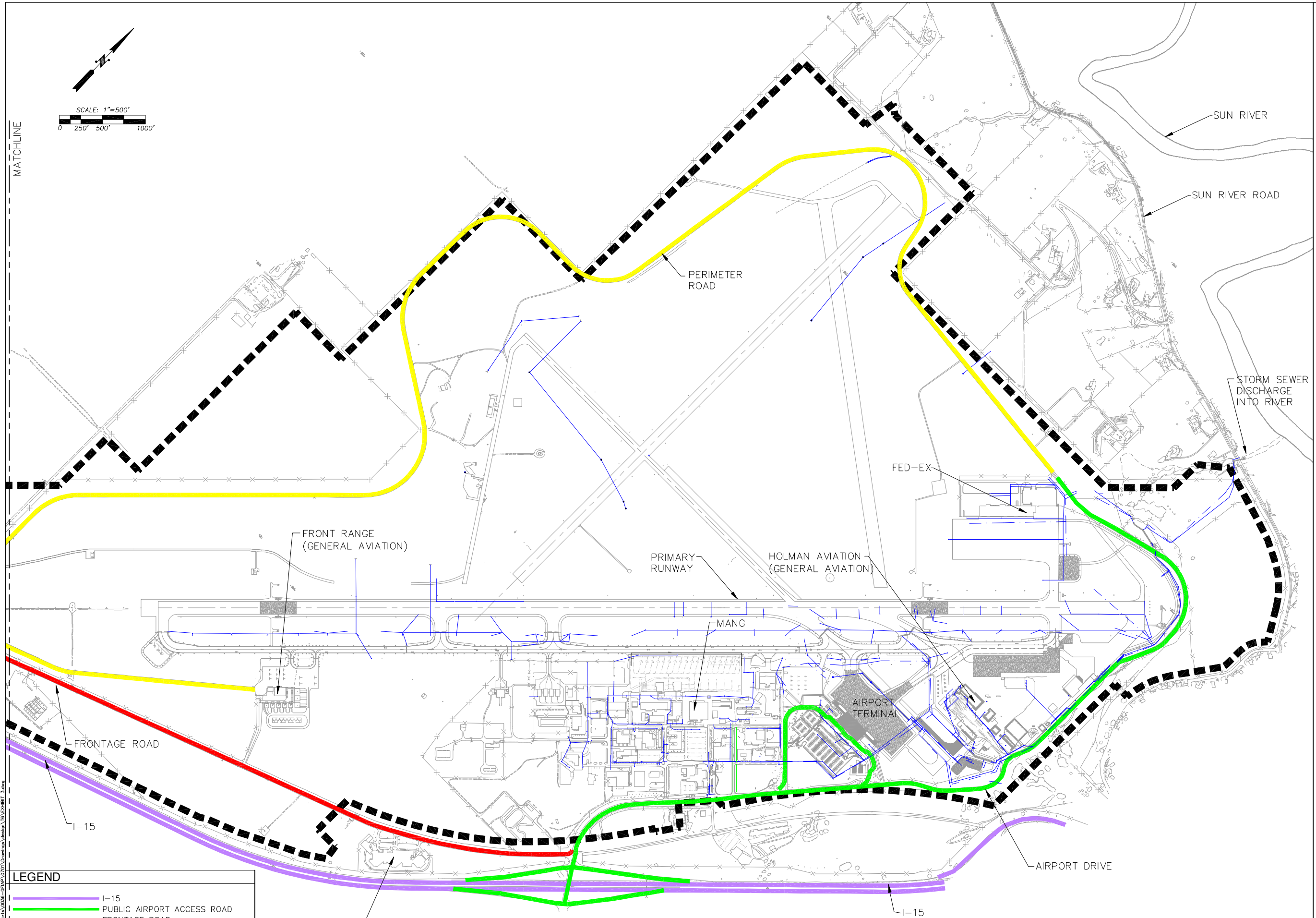
EXISTING
INFRASTRUCTURE
EXHIBIT
WATER & SEWER

Project Number: 0036-0701-T6
 Civil Eng. & Surveying
 Designed by: PWH
 AS SHOWN
 Date: 8/22/08
 Sheet number
FIGURE 2

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MATCHLINE



LEGEND

| | |
|--|----------------------------------|
| | I-15 |
| | PUBLIC AIRPORT ACCESS ROAD |
| | FRONTAGE ROAD |
| | AIRPORT PERIMETER ROAD (SECURED) |
| | EXISTING STORM SEWER |
| | TIFD BOUNDARY |
| | AIRPORT SECURITY FENCE |

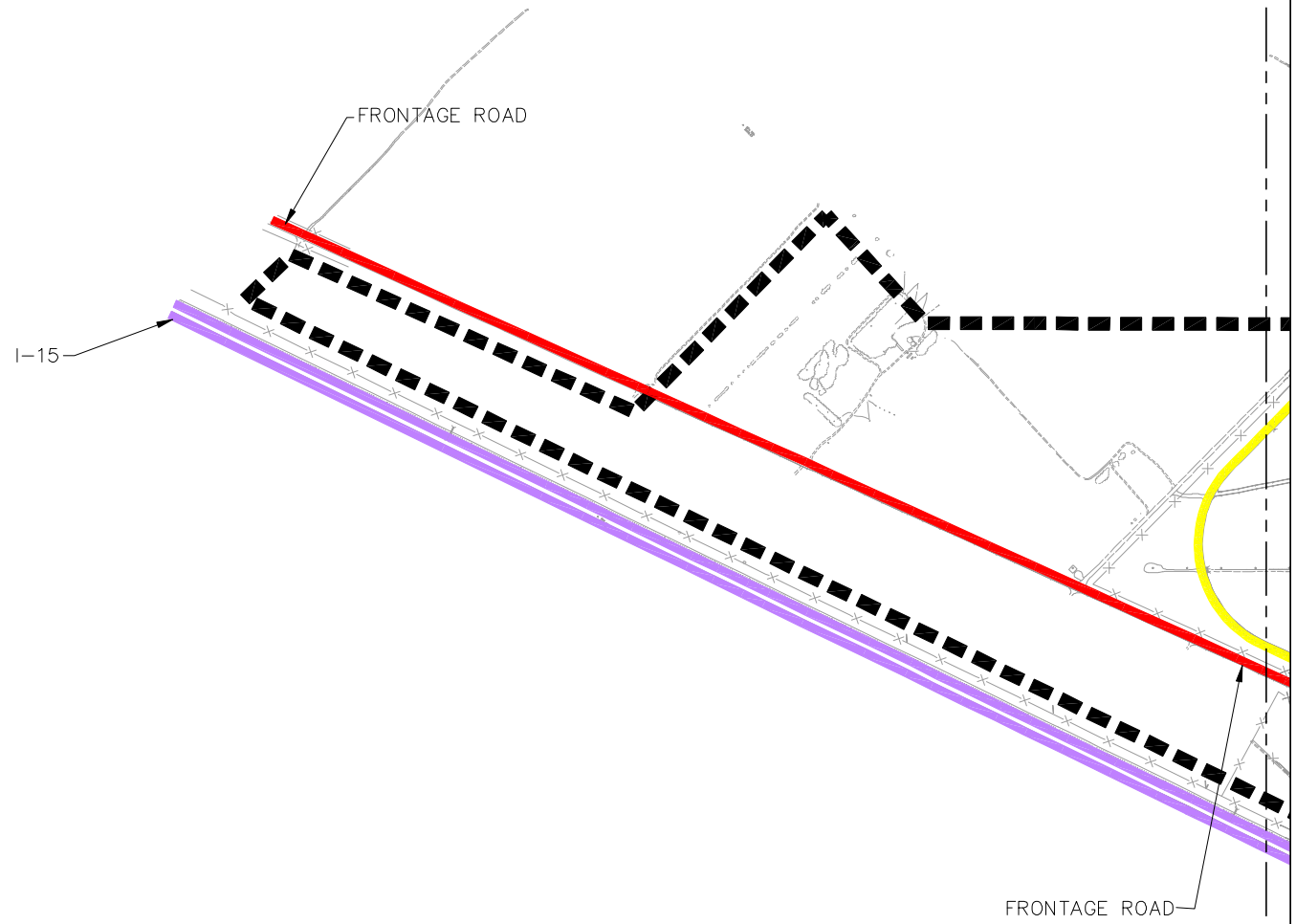
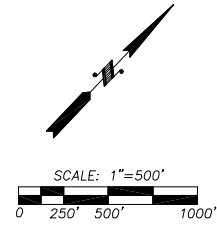
CASCADE COUNTY CORRECTIONS

SE
Stalling
Engineers, INC.
 614 Park Drive South
 Great Falls, MT 59405
 Phone: (406)452-8600
 Fax: (406)452-8700

GREAT FALLS INTERNATIONAL AIRPORT
TIFD DISTRICT
 GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
ROADS & STORM
DRAINAGE

Project Number: 0036-0701-T6
 Cadd Date: 8/22/08
 Exhibit: 3
 Design: PWH
 AS SHOWN
 Date: 8/22/08
 Sheet number: FIGURE 3A



| LEGEND | |
|--------|----------------------------------|
| | I-15 |
| | PUBLIC AIRPORT ACCESS ROAD |
| | FRONTAGE ROAD |
| | AIRPORT PERIMETER ROAD (SECURED) |
| | EXISTING STORM SEWER |
| | TIFID BOUNDARY |
| | AIRPORT SECURITY FENCE |

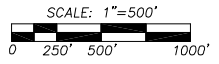
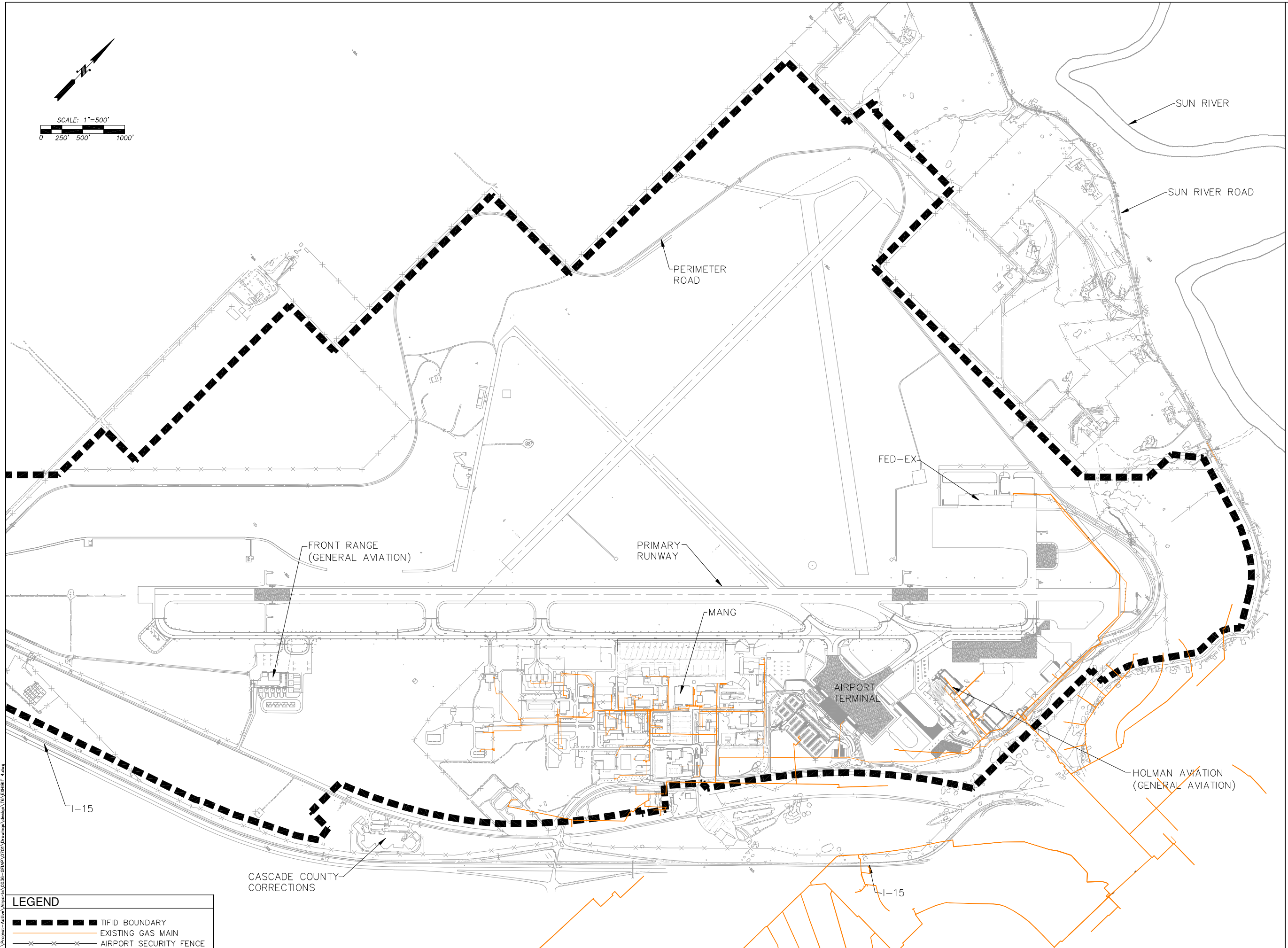
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Stalling
Engineers, Inc.
 614 Park Drive South
 Great Falls, MT 59405
 Phone: (406)452-8600
 Fax: (406)452-8700

GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
 GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
ROADS & STORM
DRAINAGE

Project Number: 0036-0701-T6
 Code: 1000
 Design: 1000
 Plot scale: AS SHOWN Date: 8/22/08
 Sheet number: FIGURE 3B

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Scaling
Engineers, INC.
 614 Park Drive South
 Great Falls, MT 59405
 Phone: (406)452-8600
 Fax: (406)452-8700

GREAT FALLS INTERNATIONAL AIRPORT
TIFD DISTRICT
GREAT FALLS, MONTANA

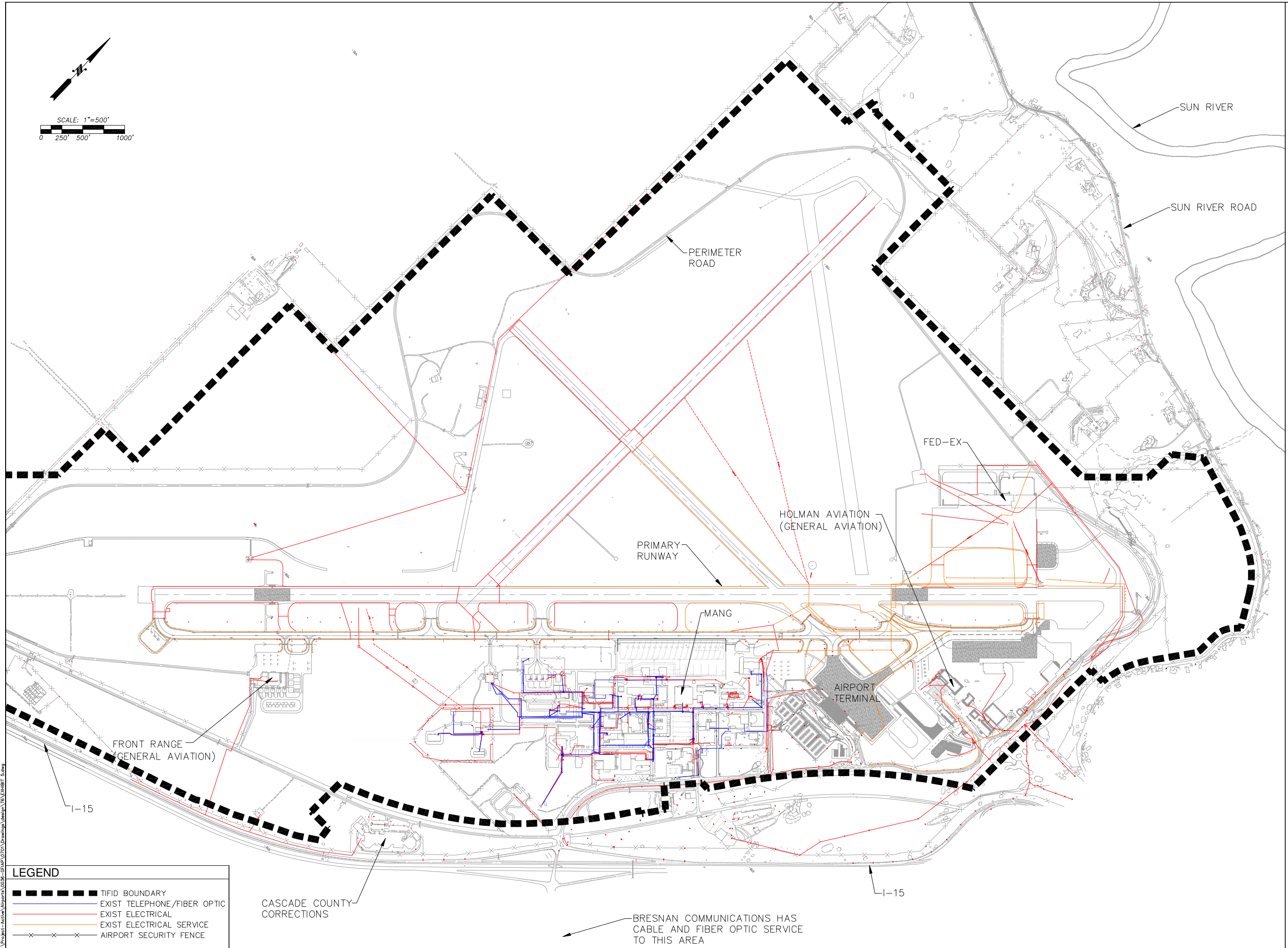
EXISTING
INFRASTRUCTURE
EXHIBIT
NATURAL GAS

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LEGEND

| | |
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| | TIFD BOUNDARY |
| | EXISTING GAS MAIN |
| | AIRPORT SECURITY FENCE |

| | |
|-----------------|--------------|
| Project Number: | 0036-0701-T6 |
| Code des. #: | 0701-T6 |
| Designed by: | PWH |
| Checked by: | XJH |
| Date: | 8/22/08 |
| AS SHOWN | |
| Sheet number | FIGURE 4 |



SE
Stalling
Engineers, Inc.
 614 Park Drive South
 Great Falls, MT 59405
 Phone: (406)452-8600
 Fax: (406)452-8700

GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
ELECTRICAL &
COMMUNICATIONS

Project Number: 0036-0701-T6
 Cadd Date: 8/22/08
 Design: PWH
 AS SHOWN
 Date: 8/22/08
 Sheet number: FIGURE 5

LEGEND

| | |
|--|-----------------------------|
| | TIFD BOUNDARY |
| | EXIST TELEPHONE/FIBER OPTIC |
| | EXIST ELECTRICAL |
| | EXIST ELECTRICAL SERVICE |
| | AIRPORT SECURITY FENCE |

CASCADE COUNTY CORRECTIONS

BRESNAN COMMUNICATIONS HAS CABLE AND FIBER OPTIC SERVICE TO THIS AREA

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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 accept Ordinance 3025 on first reading and set final reading for November 18, 2008.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (accept/deny) Ordinance 3025 on first reading and set final reading for November 18, 2008.”

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.

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)

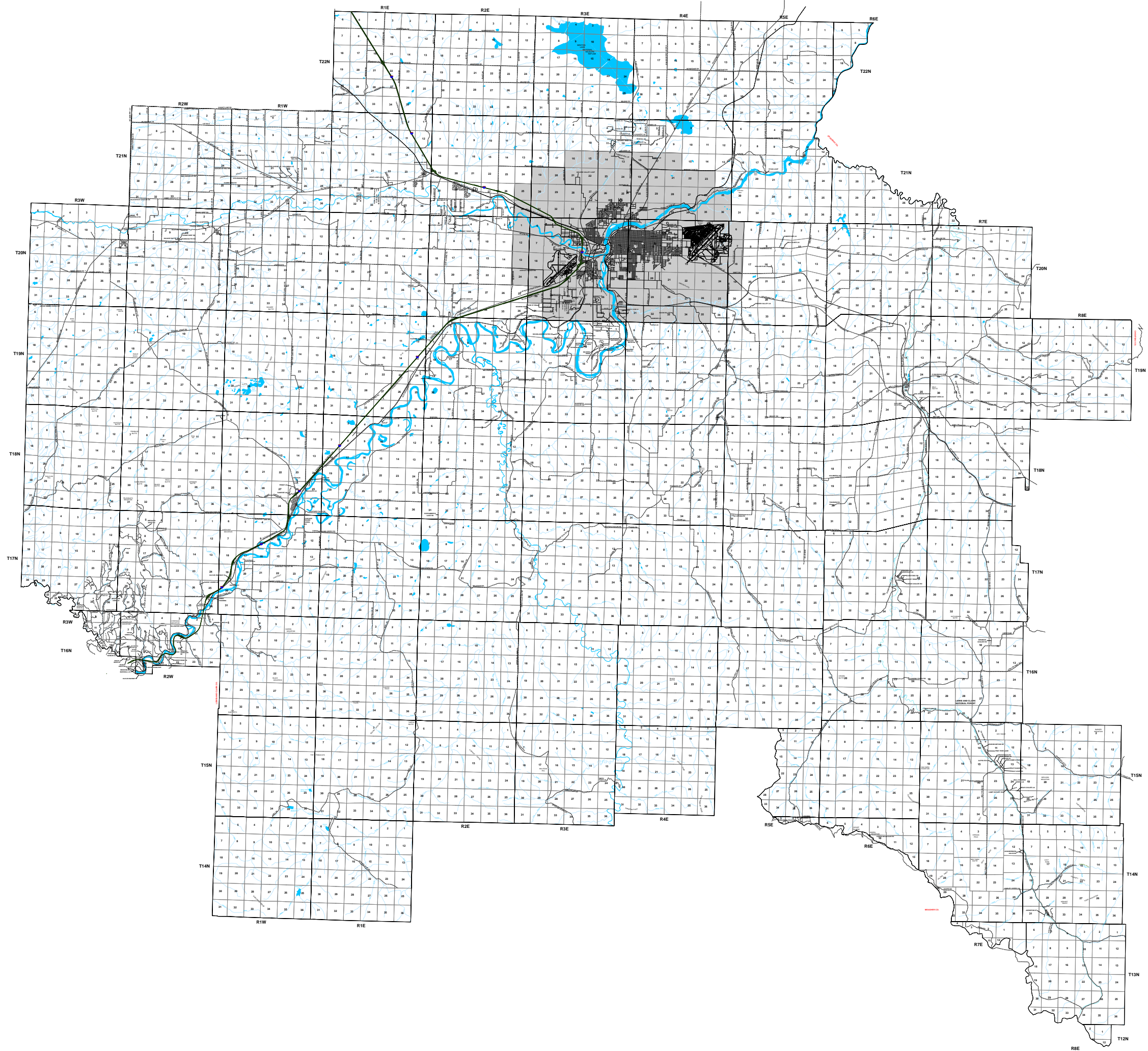
State of Montana)
County of Cascade :ss
City of Great Falls)

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: Resolution 9793, Relating to Financing of Certain Proposed Projects; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code

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 9793

Suggested Motion:

1. Commissioner moves:

“I move the City Commission adopt/deny Resolution 9793”

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 9793 to establish compliance with reimbursement bond regulations under the Internal Revenue Code.

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. Staff is proceeding with the issuance of Tax Increment Debt, not to exceed \$2,000,000. Proceeds of the debt are intended to finance planned projects within the District boundaries, which will benefit the public. Projected projects are listed as Exhibit A. All issuance fees and costs will also be paid out of this financing. Staff has been discussing the most cost effective financing options with Bond Counsel, and DA Davidson. The debt 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: Adoption of this Resolution serves as official recognition of the intent to reimburse related expenses for project costs from debt financed proceeds.

Alternatives: The City Commission could choose to not approve Resolution 9793, but the City would forfeit the ability to issue tax exempt bonds as reimbursement for incurred project costs.

Attachments/Exhibits: Resolution 9793

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. 9793, entitled: "RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; 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 5, 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 November, 2008.

Lisa Kunz, City Clerk

RESOLUTION NO. 9793

RESOLUTION RELATING TO FINANCING OF CERTAIN
PROPOSED PROJECTS; 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:

1. Recitals.

(a) 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.

(b) The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

2. Official Intent Declaration.

(a) The City proposes to undertake certain projects, which projects and the estimated costs thereof are generally described on Exhibit A hereto, which is hereby incorporated herein and made a part hereof (the “Projects”).

(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 Projects have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

(b) The City reasonably expects to reimburse the expenditures made for costs of the Projects out of the proceeds of debt in an estimated maximum aggregate principal amount of \$2,000,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Projects.

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.

3. 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 Projects, 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.

4. Reimbursement Allocations. The City's Finance 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 Projects. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Projects and shall specifically identify the actual original expenditure being reimbursed.

Passed by the City Commission of the City of Great Falls, Montana, this 5th day of November, 2008.

Dona R. Stebbins, Mayor

Attest: _____
Lisa Kunz, City Clerk

EXHIBIT A

| <u>Description of Projects</u> | <u>Estimated Cost</u> |
|---|-----------------------|
| Improvements within the City's West Bank Tax Increment District | |
| Historical & Cultural Inventory Study (Native Crossing Study Inc) | \$30,000 |
| West Bank Park Improvements | \$400,000 |
| Public Infrastructure - Design & Engineering | - |
| Design & Engineering - External (6) | \$146,070 |
| Design & Engineering - Internal (6) | \$40,000 |
| Infrastructure Construction | - |
| 4th Ave NW Track Crossings | - |
| 4th Ave NW Reconstruction-Rail Signal & Crossing (3) | \$250,000 |
| 4th Ave NW Reconstruction-Roadway (1) | \$289,100 |
| 3rd Ave NW Fairgrounds Intersection Upgrades (2) | \$250,000 |
| Water Main Extension (4) | \$138,900 |
| Brownsfield Cleanup (5) | \$200,000 |



Item: Resolution 9791, Intent to Create Tourism Business Improvement District No. 1307.

From: Martha Capps, Operations Supervisor

Initiated By: Great Falls Area Lodging Association Committee

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Adopt Resolution 9791

Suggested Motion:

1. Commissioner moves:

“I move the City Commission adopt/deny Resolution 9791 and set a public hearing for the creation of Tourism Business Improvement District No. 1307 for 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 9791 and set a public hearing for the creation of Tourism Business Improvement District (TBID) No. 1307 for December 2, 2008.

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

On October 21, 2008 staff received signed petitions, as shown on Exhibit “A” of the Resolution, and on file in the City Clerk’s office, from more than 60%, the required minimum, of the hotel owners in Great Falls, asking for the creation of the TBID. The boundary lines of the district are outlined on Exhibit “B” of the Resolution.

Property owners, as listed on Exhibit “C” of the Resolution, have 15 days after the date of the first publication of the Legal Notice or written notification as shown on Exhibits “D” of the Resolution, to make a written protest to the City Clerk against the proposed creation of the TBID.

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

Fiscal Impact: The assessment for the costs of tourism promotion and operating the TBID will be placed upon all parcels with hotels, with six (6) or more rooms, as defined as any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, motel, or other similar structure or portion thereof, within the boundaries of the district.

The assessments will be a flat fee of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133, subsection (c), M.C.A.

Alternatives: The City Commission could choose to not adopt Resolution 9791 and not set the public hearing and thereby deny the Creation of the Tourism Business Improvement District No. 1307.

Attachments/Exhibits: Resolution 9791 w/ Exhibits

A – Customer Petition - on file in the City Clerk's office

B – TBID Boundaries

C – Property Owner Listing

D – Legal Notice for Publication and Mailing

Cc: Gayle Fisher, Russell Country Tourism Region

RESOLUTION # 9791

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY OF GREAT FALLS, MONTANA

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

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

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

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

Section 1. Proposed Tourism Business Improvement District (TBID); Intention To Create Tourism Business Improvement District. The TBID proposes that the purpose for which the assessments collected shall be used are the statutory purposes set forth in Business Improvement District Law, Montana Code Annotated 2007, 7-12-1101 - 1144 as amended, for the funding of uses and projects for tourism promotion within Great Falls as specified in the Great Falls TBID budget.

Section 2. Petition. The City Commission has received petitions, referenced as Exhibit “A”, and on file in the City Clerk’s office, 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 TBID as provided for in State Statute.

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

Section 4. Boundaries of District. The limits and boundaries of the District are the limits and boundaries of the City of Great Falls and are depicted on a map attached as Exhibit “B” hereto (which is hereby incorporated herein and made a part hereof). A listing of each of the properties in the District is shown on Exhibit “C” hereto.

Section 5. Benefited Property. The District and territory included within the limits and boundaries described in Section 4 and as shown on Exhibit “B” are hereby declared to be the TBID and the territory, which will benefit and be benefited by and will be assessed for the costs of the TBID as described in Section 1.

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

Section 7. Assessment Methods; Property to be Assessed. Parcels with hotels, with six (6) or more rooms, defined as any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, motel, or other similar structure or portion thereof, within the boundaries of the district.

Section 8. Assessable Area. All hotels, as defined in Section 7, that are within the District will be assessed for the costs of tourism promotion and operating the TBID. The applicable hotels shall be subject to an annual assessment of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133, subsection (c), M.C.A.

Section 9. Payment of Assessments. The assessments for the costs of maintaining the services provided by the TBID shall be payable, as prescribed in Section 7-12-1133 subsection (c), M.C.A.

Section 10. Duration of District. The duration of the TBID shall be for a period of ten (10) years as prescribed in Section 7-12-1141, M.C.A. Upon receipt of a petition

signed by the owners of more than 50% of the area of the property included in the district, the governing body shall dis-establish the district at the end of any fiscal year.

Section 11. Public Hearing; Protests. At any time within fifteen (15) days from and after the date of the first publication of the notice of the passage and approval of this resolution of intent, any owner of real property within the proposed District subject to assessment and taxation for the cost and expense of maintaining the TBID may make and file with the City Clerk until 5:00 p.m., D.S.M.T., on the expiration date of said 15-day period from November 10, 2008 through November 24, 2008 written protest against the proposed TBID, and this Commission will at a regular meeting after the expiration of the fifteen (15) days in which such protests in writing can be made and filed, proceed to hear all such protests so made and filed; which said regular meeting will be held on December 2, 2008 at 7:00 pm. in the Commission Chambers, located on the Second Floor of the Civic Center, 2 Park Drive South, in Great Falls, Montana.

Section 12. Notice of Passage of Resolution of Intention. The City Clerk is hereby authorized and directed to publish or cause to be published a copy of a Notice of the passage of this Resolution, attached as Exhibit "D", in the *Great Falls Tribune*, a newspaper of general circulation in Cascade County on November 9, 2008, and November 23, 2008, in the form and manner prescribed by law, and to mail or cause to be mailed a copy of said Notice to every person, firm, corporation, or the agent of such person, firm, or corporation having real property within the proposed district listed in his or her name upon the last completed assessment roll for State, County, and school district taxes, at his last-known address, on or before the same day such notice is first published.

PASSED AND ADOPTED by the Commission of the City of Great Falls, Montana, on this 5th day of November 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)



Great Falls
Tourism Business Improvement District

Signed Petitions

RESOLUTION 9791

**INTENT TO CREATE TOURISM BUSINESS
IMPROVEMENT DISTRICT NO. 1307**

EXHIBIT A

ON FILE IN CITY CLERKS OFFICE




Tourism Improvement District No. 1307

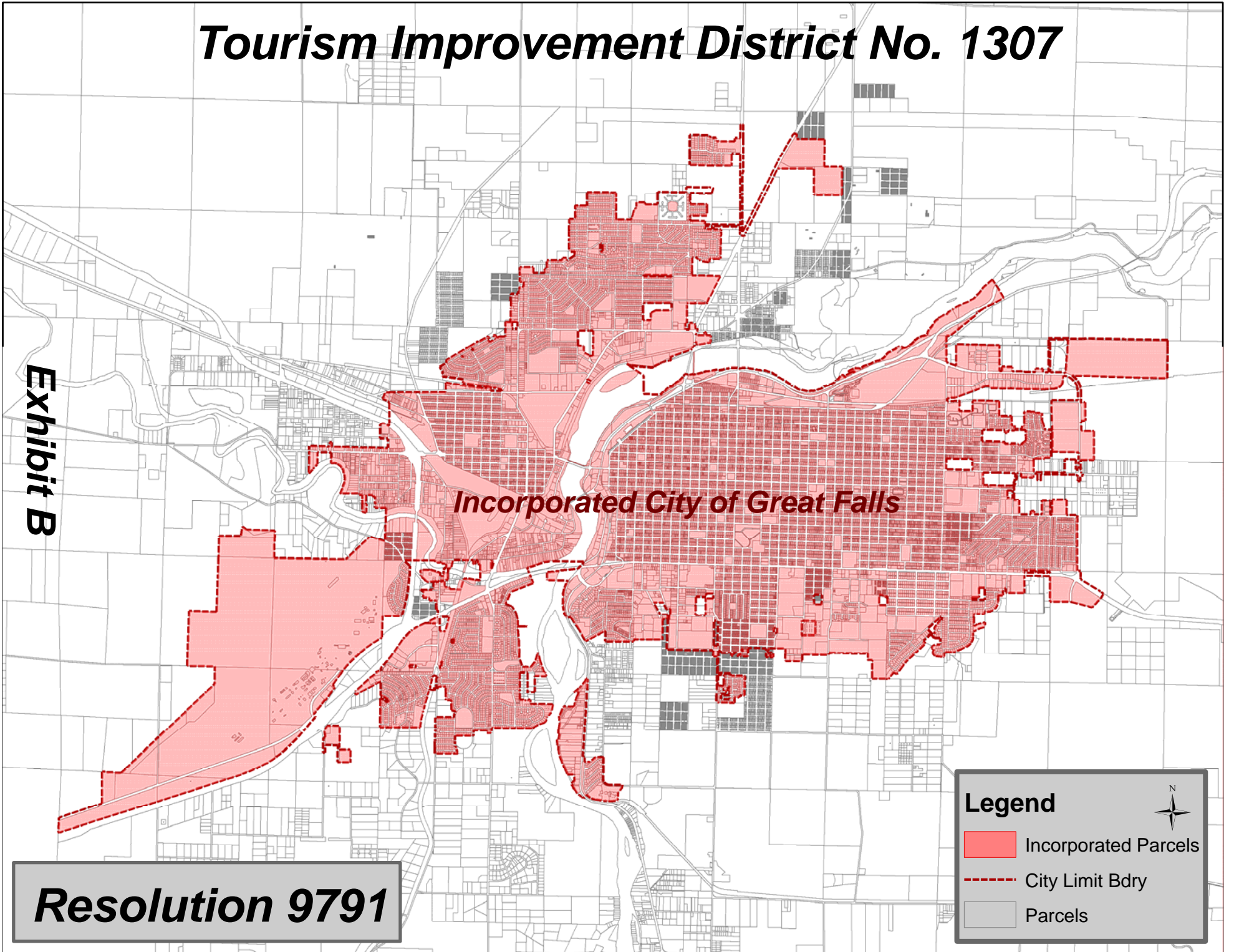

Exhibit B

Incorporated City of Great Falls

Resolution 9791

Legend

-  Incorporated Parcels
-  City Limit Bdry
-  Parcels



TOURISM BUSINESS IMPROVEMENT DISTRICT

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

Exhibit D

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that on the 5th day of November 2008, the City Commission of the City of Great Falls, Montana, adopted Resolution 9786 entitled:

A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION TO CREATE A BUSINESS IMPROVEMENT DISTRICT FOR THE PURPOSE OF PROMOTING TOURISM, CONVENTIONS, TRADE SHOWS AND TRAVEL TO THE CITY OF GREAT FALLS, MONTANA

Resolution No. 9791 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 tourism business improvement district to promote and market tourism, conventions, trade shows and travel to the City of Great Falls. The assessment for the costs of tourism promotion and operating the TBID will be placed upon all parcels with hotels, with six (6) or more rooms, defined as any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, motel, or other similar structure or portion thereof, within the boundaries of the district. The annual assessment will be a flat fee of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133, subsection (c), M.C.A.

The City Commission of the City of Great Falls, Montana, will be in session on the 2nd 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 Tourism Business Improvement District No. 1307. Any person or persons, who are owners of any lot or parcel of land within said Tourism Business Improvement District No. 1307, 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 business improvement 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 9, 2008 and November 23, 2008



Item: Resolution 9794 for Conditional Use Permit for Collins Mansion

From: Bill Walters, Senior Planner

Initiated By: Samuel and Andrea Gouchenour, Property Owners

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Resolution 9794 on first reading and set a public hearing for December 2, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Resolution 9794 on first reading and set a public hearing for December 2, 2008.”

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

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

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

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

The definition in the Unified Land Development Code for community center is “a place and/or building, or portion thereof that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of

recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.”

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

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

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

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

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

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

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

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

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

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

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

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes. Following each is staff's response to the criteria.

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

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

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

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

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

An Agreement containing terms and conditions associated with the conditional use permit has been prepared and submitted to the applicants for execution. The Agreement will be submitted to

the City Commission in conjunction with final consideration of Resolution 9794 and prior to the public hearing on December 2, 2008.

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

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

Alternatives: The City Commission could deny acceptance of Resolution 9794 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

Resolution 9794
Vicinity/Zoning Map
Site Plan

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

RESOLUTION 9794

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

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

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

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

Lisa Kunz, City Clerk

(SEAL OF CITY)



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

From: City Manager's Office

Initiated By: City Manager's Office

Presented By: Cheryl Patton, Assistant City Manager

Action Requested: Adopt Resolution 9795

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Res. 9795, To Change the Graphic Image (Logo) and Establish a Policy for Its Use for the City of Great Falls.”

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. 9795.

Background: The current City logo has been in use since the late 1980s. The Official Seal of the City of Great Falls is also a recognized graphic image for the City. It is the desire of the City to have a single graphic image, that being the Seal. To create a separation between the Official Seal and the logo, the word “Seal” will be removed from the image to represent the Logo.

Significant Impacts

The Seal of the City of Great Falls is already a recognized graphic image for the City and would not have a significant impact to the public.

Project Work Scope

Discretion will be used for the implementation and phase out period for the new and previous logo to avoid unnecessary waste of existing supply of items containing the former logo.

Concurrences: City staff is agreeable to using the modified City Seal as the graphic image for the City of Great Falls.

Fiscal Impact: Implementation of the modified Seal in place of the previous logo should have minimal fiscal impact. The inventory of existing items with the former logo will be used and then replaced with the new image.

Alternatives: The Commission could choose to deny this Resolution and retain the former logo image or consider establishing an altogether new graphic image for the City of Great Falls.

Attachments/Exhibits:

Resolution 9795
Logo Images

Current Logo



Proposed New Logo



Official Seal of the City of Great Falls



RESOLUTION 9795 -- DENIED

**A RESOLUTION ESTABLISHING A POLICY FOR THE USE OF THE
LOGO FOR THE CITY OF GREAT FALLS.**

WHEREAS, the City of Great Falls was incorporated in 1888; and

WHEREAS, Section 1.4.040 of the Official Code of the City of Great Falls defines the graphic elements of the Official Seal of the City of Great Falls; and

WHEREAS, it is the desire of the City of Great Falls to begin using a modified version of the Seal as the graphic identity for the City replacing the former logo; and

WHEREAS, the logo will be a replica of the Official Seal with the word "Seal" removed; and;

WHEREAS, this logo will be the standard graphic design used on all City stationary, business cards, brochures, publications, and any other instances where graphic design is used to represent the City of Great Falls. The logo shall be no less prominent in size or placement than department specific logos and design elements; and

WHEREAS, the Seal and logo are the property of the City of Great Falls and use by other agencies is limited to instances authorized by the City Manager or his designee.

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

That Resolution 9795 establishes a policy for the use of the logo of the City of Great Falls, Montana, as the graphic design to be used to represent the City of Great Falls.

PASSED by the City Commission of the City of Great Falls, Montana, this 5th 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. 9795 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 5th day of November, 2008, and approved by the Mayor of said City, on the 5th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of November, 2008.

Lisa Kunz, City Clerk

(SEAL OF THE CITY)



Item: Resolution 9799 Joint Land Use Study (JLUS)
From: Greg Doyon, City Manager
Initiated By: Great Falls Development Authority
Presented By: Greg Doyon, City Manager
Action Requested: Approve Resolution 9799

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9799.”

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

Staff Recommendation: 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).

Background: Cascade County has approved Resolution #08-86 which mirrors Resolution 9799. By this resolution the City would agree to support and participate in the Office of Economic Adjustment (OEA)-Joint Land Use Study. The City would further acknowledge Cascade County as the Project Sponsor and the Great Falls Development Authority as 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 on the various committees to be involved in this process and participate in meeting the 10% match requirement through non-federal sources.

The City Manager would assign appropriate staff resources to the process. Staff’s salary and benefits can be counted toward meeting the “match” requirement so there is the possibility that no actual funds would need to be earmarked to the JLUS.

Concurrences: Cascade County and the Great Falls Development Authority support this resolution.

Fiscal Impact: A 10% match is required by this grant which can be met by in-kind contributions of staff time and benefits.

Alternatives: The City Commission can choose to deny Resolution 9799 and not participate in this Joint Land Use Study.

Attachments/Exhibits:
Resolution 9799

RESOLUTION 9799

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA AUTHORIZING PARTICIPATION IN THE SECRETARY OF DEFENSE'S OFFICE OF ECONOMIC ADJUSTMENT (OEA) – JOINT LAND USE STUDY (JLUS) FOR GREAT FALLS AND MALMSTROM AIR FORCE BASE. APPROVING CASCADE COUNTY'S ROLE AS PROJECT SPONSOR AND DESIGNATION OF GREAT FALLS DEVELOPMENT AUTHORITY AS GRANT POINT OF CONTACT IN ORDER TO PROCEED WITH A GRANT APPLICATION AND THE FORMAL PROCESS RELATED THERETO

* * * * *

WHEREAS, the City of Great Falls recognizes the importance of Malmstrom Air Force Base to the local and regional economy, and thus the need to protect its operational capacity; and

WHEREAS, recognition of the local responsibility to protect the public health, safety, and welfare as the basis for participation in a Joint Land Use Study (JLUS), and follow-on implementation of appropriate measures to assure compatible development; and

WHEREAS, agreement in principle to the concept of a JLUS and pledge of the City of Great Falls' support and participation in the process; and

WHEREAS, Cascade County has agreed to take the role of sponsor (grantee) for the study which will include designation of an Authorizing Official and Grant Point of Contact to be named by the sponsor; and

WHEREAS, the County has designated that the Great Falls Development Authority is capable of serving in the role of Grant Point of Contact to prepare, initiate, and shepherd through the process all grant documents and forms as well as be the designated liaison between the OEA and the Community; and

WHEREAS, the City Commission of Great Falls believe it is appropriate for the City to commit to financial and/or non-federal match support of the study; and

WHEREAS, the City Commission believes it is appropriate for the City and County to ensure that only compatible development will occur in accident potential zones and areas impacted by high noise;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the Commission of the City of Great Falls authorizes the City Manager to communicate its support of the JLUS Process to the

Office of Economic Adjustment and supports the designation of Cascade County as the sponsor (Grantee) for the project;

BE IT FURTHER RESOLVED by the Commission of the City of Great Falls that it supports the designation by Cascade County of the Great Falls Development Authority as the Grant Point of Contact to process all grant documents and forms as well as serve as the liaison between the OEA and the Community;

BE IT FURTHER RESOLVED that the Commission of the City of Great Falls recommends that the City Manager direct staff to participate in the various committees and activities required to conduct the JLUS Process on behalf of the City Commission.

PASSED by the Commission of the City of Great Falls, Montana, on this ___ 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. 9799 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 _____ day of November, 2008, and approved by the Mayor of said City on the _____ day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this _____ 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, Mary Jolley, John Rosenbaum and Bill Beecher. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning and Public Works, the Fire Chief, Police Chief, and the City Clerk.

PRESENTATIONS: Dan Brown and Bill Patterson of New Directions presented Chief McCamley with a sculpture representing the events of September 11 and the compassion and loyalty of the Great Falls Fire Department. On behalf of Great Falls Fire Rescue and all first responders from the dispatchers and mechanics to the finance people who enable GFFR to do their jobs, Chief McCamley humbly accepted the sculpture.

Austin Haney and James Rodriguez, Boy Scout Troop 28, discussed the importance of being drug free and what Red Ribbon Week means to them.

PROCLAMATIONS: Mayor Stebbins read proclamations for Red Ribbon Week, Make a Difference Day and Week Without Violence. Police Officer Ottis Dilley was presented with the Officer of the Year Award by Jill Martinez of the YWCA.

NEIGHBORHOOD COUNCILS

- NC 7, James A. Super, and NC 9, Carol Weyer, sworn in.**
1. James A. Super was sworn in as a representative of Neighborhood Council District No. 7, and Carol Weyer was sworn in as a representative of Neighborhood Council District No. 9.
- NC 7.**
- 2A. Aaron Weissman, NC 7,** welcomed Mr. Super back to Neighborhood Council 7. Mr. Weissman requested that, if the City sells the sliver of park land by Gibson Park, the restrictions in effect remain in perpetuity. Mr. Weissman discussed budget cutbacks and concerns with the reassignment of the downtown police officer. The council is also concerned about increased parking fees. He requested that everyone work together to find a solution to this budget shortfall without increasing fees to promote downtown business.
- NC 4.**
- 2B. Sandra Guynn, NC 4,** discussed the problems and deplorable conditions of the property at 4727 2nd Avenue North reported by tenants. Ms. Guynn requested that the City continue looking into condemning the property. Mr. Rattray responded that the Community Development Department initiated condemnation of the building on the west property line, and received right of entry into the two mobile homes that Ms. Guynn referred to and inspections will begin tomorrow.

PUBLIC HEARINGS**Res. 9783. Adopted.****3. RESOLUTION 9783, NAMING OF THE DOG PARK.**

Park and Recreation Director Marty Basta reported that this agenda item is to conduct a public hearing for the permanent naming rights of the dog park. The Animal Foundation of Great Falls is requesting that the City Commission approve the Pacific Steel & Recycling Trailside Dog Park as the name of the new dog park. The Animal Foundation received \$30,000 from Pacific Steel & Recycling for the permanent naming rights of the dog park. The Great Falls Animal Foundation agreed to fund the construction of the dog park and the Park and Recreation Department has agreed to provide ongoing maintenance with the assistance of the Animal Foundation. The dog park is now complete and is scheduled to open in the Spring of 2009.

Mayor Stebbins declared the public hearing open.

Speaking in favor of Resolution 9783 was **Aaron Weissman**, 315 4th Avenue North. Mr. Weissman thanked Pacific Steel & Recycling for the generous donation in making the park a reality that will benefit the entire City of Great Falls.

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

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9783 naming the Dog Park "Pacific Steel & Recycling Trailside Dog Park."

Motion carried 5-0.

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

Ord. 3012. Accepted on first reading and set public hearing for November 18, 2008.

4. ORDINANCE 3012, ASSIGN CITY ZONING TO WATER TOWER PARK ADDITION.

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

lots. Mr. Rangel requested that the City Commission accept Ordinance 3012 on first reading and set a public hearing for November 18 to consider assignment of City zoning. At that time, the City Commission will also be asked to approve the final plat of the subdivision and its annexation.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3012 on first reading, and set a public hearing for November 18, 2008.

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

Motion carried 5-0.

Ord. 3020. Accepted on first reading and set public hearing for November 18, 2008.

5. ORDINANCE 3020, ASSIGN CITY ZONING TO NEW CASTLE CONDOMINIUMS.

Planning Director Ben Rangel reported that Harold Poulsen is the property owner and developer of this subdivision. The subdivision is located in South Great Falls and more specifically in the southeast corner of the intersection of 13th Street and 24th Avenue South. The subdivision is proposed to accommodate 26 single story residential condominiums. Mr. Rangel requested that the City Commission accept Ordinance 3020 on first reading and to set a public hearing for November 18 to consider assignment of City zoning. At that time, the City Commission will also be asked to approve the final plat of the subdivision and its annexation.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3020 on first reading, and set a public hearing for November 18, 2008.

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

Motion carried 5-0.

Res. 9790. Adopted.

6. RESOLUTION 9790, REMODEL TAX BENEFITS, 512 2nd AVENUE NORTH.

Community Development Director Mike Rattray reported that approval of this resolution will allow for the taxes generated from the renovation of this property to be added to the existing tax base over a five year period in increments of 20% each year. Russell Country Properties invested approximately \$900,000 in renovating this apartment.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9790.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. Commissioner Jolley commented that, instead of paying 100% of the tax the first year, this business will now pay 20% of the new tax in annual increments. Mr. Rattray explained that was correct on the new taxes generated from the renovation. Taxes will still be paid on the existing tax base.

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

Motion carried 5-0.

Res. 9786, Intent to Create Special Improvement Lighting District 1303. Adopted. Public hearing set for November 18, 2008.

7. RESOLUTION 9786, INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING DISTRICT 1303, BOOTLEGGERS ADDITION PHASE I.

Fiscal Services Coleen Balzarini reported that Resolution 9786 puts forth the City Commission's intent to create a special improvement lighting district. Bootlegger Addition Phase I developers, McIntyre Enterprises and Murphy Real Estate, requested that the lights be installed within the first phase. There are eight lights that are proposed to be installed. If this resolution is adopted, a public hearing will be set and notices will be sent to the developer.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9786, and set a public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting District 1303 for November 18, 2008.

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

Motion carried 5-0.

Consent Agenda. Approved.

CONSENT AGENDA

8. Minutes, October 6, 2008, Commission meeting.
9. Total expenditures of \$1,211,092 for the period of October 1-16, 2008, to include claims over \$5,000, in the amount of \$992,778.
10. Contracts list.
11. Lien Release list.
12. Approve purchase of 260+ Microsoft Office 2007 Licenses not to exceed \$70,000.
13. Award contract for Great Falls Animal Shelter Medical Director to Dr. Tim Gilligan.
14. Approve Labor Agreement between the City of Great Falls and the Public Employees' Craft Council.

With the exception of Item 12, Commissioner Jolley moved, seconded by Commissioners Bronson and Beecher, 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. No one responded.

Motion carried 5-0.

Commissioner Jolley inquired if the Microsoft Office licenses were discussed during the budget process. Coleen Balzarini responded that it was not specifically budgeted for. Each year in the IT budget the City Commission approves funds to replace equipment, whether it is monitors, computers or software. There is money budgeted for the licenses, but it was not specifically identified that this is what would be purchased.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the purchase of 260+ Microsoft Office 2007 licenses, not to exceed \$70,000.

Motion carried 5-0.

BOARDS & COMMISSIONS

Michael Bates appointed to the Great Falls Planning Advisory Board.

15. APPOINTMENT, GREAT FALLS PLANNING ADVISORY BOARD.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to appoint Michael Bates to a three-year term beginning October 21, 2008, and ending December 31, 2011, to the Great Falls Planning Advisory Board.

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

Motion carried 5-0.

Commissioner Bronson stated that Mr. Bates will be replacing Dr. Greg Madson who served on the Planning Board and the City/County Planning Board for several years. He had the pleasure of serving with Dr. Madson. There were many times they were the lone voices for bringing about some needed changes to the zoning and land development codes. It is rare to get a person with urban planning experience like he had. He will be missed.

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon thanked Mr. Doug Wicks for his efforts to preserve the integrity of the trail system. Some vandalism occurred under the overpass. He and others covered up the graffiti.

Park and Recreation Director Marty Basta reported that Park and Recreation came across a unique opportunity to provide park improvements for Warden Park. The Master Plan for Warden Park calls for trails and other amenities in that park that the City has not been able to afford. With the replacement of the bridge on Overlook Drive, there was a need for fill dirt. The Park and Recreation Department entered into an agreement with the contractor. In exchange for 30,000 yards of fill material, the City will receive in excess of \$150,000 in park improvements including a southern connection to the River's Edge Trail, about 2,500 feet of walking path in Warden Park, upgraded golf equipment and a kiosk for viewing the city.

PETITIONS AND COMMUNICATIONS**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

Water rights.

18A. Kathy Gessaman, 1006 36th Avenue N.E., commented that she attended the Work Session and heard the consultant discuss increasing the water rates over the next ten years by 10%. To her, this means every 7.2 years the water rates will double. She believes the City should work with the City of Billings to use the City of Great Falls as a test case in the Water Court to fight for the 1889 water rights. Billings doesn't have the good historical background and documentation like Great Falls to defend its water rights. Unfortunately, there is only 12 days left before the deadline of November 3 when the decision to reduce the water rates by 60% will be permanent. There has not been a public forum to discuss this and no public input into the decision to reduce the water rights. Ms. Gessaman does not believe this is the right way to go. It doesn't make sense to her that it will cost \$10 million dollars to secure new water rights when the City can't even defend the historical water right. She encouraged the Commission to take this matter to the Water Court.

ECP, HGS.

18B. Ed McKnight, 906 3rd Avenue North, commented that the \$2 million dollar response he received in June to his question asking what the total amount of money was that the City invested in public power was different than the \$3.5 million Ms. Balzarini said a year ago. Mr. McKnight demanded that the Commission answer tonight if the City ever spent or lost any money, in any way, other than official capital contributions, to the Highwood Generating Station. He also requested proof that it was physically impossible to know how much power anybody was using at any one time, and proof that the entire block of power for imbalances was sold

at a profit. Commissioner Jolley responded that the Commissioners began a practice of answering, if they wanted to, at the end of the comment session.

Taxes, fines, fees, laws, inflation.

18C. John Hubbard, 615 7th Avenue South, also requested that the Commission answer why the special boulevard and original town site taxes were passed. Mr. Hubbard commented that he also disagreed with sign fines, pet laws and parking meters, and that no one answers his question how the handicapped and poor people are supposed to live in this country.

Water rights, ECP.

18D. Ron Gessaman, 1006 36th Avenue N.E., commented that there is a large segment of the public that is unhappy with the action that this Commission has taken with water rights. Mr. Gessaman discussed controversy at the ECP Board meetings. He read portions of City codes contained in Title 1, Chapter 4 and Title 2, Chapter 52, Ordinance 2925 and the penalty code 1.4.070. Mr. Gessaman also discussed a Tribune article about the price of Alberta's oil and the problems with carbon capture and sequestration.

Water rights, parking, leaf pick up.

18E. Mike Witsoe, 2612 1st Avenue South, commented that water rights belong to the whole City and more questions still need to be answered. Mr. Witsoe commented that Mr. Rattray contacted Mr. Kaufman to start a parking committee. He also discussed Halloween, politics, transit meeting and leaf pick up. Mr. Witsoe reported that the Sears farm store is closing at the end of the month.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to Mr. McKnight, Commissioner Jolley stated that she also attended the ECP Board meeting. She was happy about the two new board members and was looking forward to having more questions answered. Commissioner Jolley encouraged the other commissioners to review the box of trade secret documents.

Also in response to Mr. McKnight, Commissioner Beecher stated that it would be helpful if Mr. McKnight put his questions in a narrative form. It is hard to understand what the questions are. If his questions were put in writing, Commissioner Beecher promised that Mr. McKnight would receive a response at the next Commission meeting. With regard to what has been spent on ECP and SME, that information has been stated before. There is a \$2 million dollar investment in SME. The audit shows an operating statement as well as an income statement of ECP which accurately states what the financial position has been, and what the operating losses are to date. The projection is that those losses will be brought to zero by the end of 2011. The demand to prove something to Mr. McKnight is outside of what has already been provided through audited financial statements and

what has been said in numerous public meetings. Commissioner Beecher stated he has total confidence in the consultant on water issues. He does not believe a second opinion is needed. The reason the City is considering buying water rights is because they are proven water rights, as opposed to half of the Gibson water rights that were not proven. The underlying principle of water adjudication is that you have to prove that you have used that volume. Also, Mr. Gessaman's comment at the last meeting that this Commission does not support green jobs is not factual. This Commission is a good financial supporter of GFDA which has made and is making numerous approaches to green wind power and other types of green power and employers hoping to attract them to our community.

Mayor Stebbins apologized to Carol Olthoff for not returning a phone call and stated that she would visit her tomorrow. Mayor Stebbins wished everyone a happy Halloween.

Commissioner Rosenbaum concurred with Commissioner Beecher's comments regarding the water rights. The legislature established the fact that if you haven't used it, you don't have it. As far as the losses of ECP, Commissioner Rosenbaum stated that he puts his trust in the qualified staff and the licensed auditors evaluating our finances.

Commissioner Bronson extended an invitation to Carol Olthoff to discuss the issue that she raised in a phone call. Mr. Bronson read a quote from a decision of a water master handed down three years ago in connection with the adjudication of the Clark Fork Basin of the Yellowstone River. That opinion analyzes the argument that we could, somehow, argue for a greater right on the part of municipalities to use water. There is no basis for that argument and there has never been an exception in Montana statute or Montana Supreme Court case law which inoculates municipalities from application of the law concerning the appropriation of existing water rights. There is no such thing as a Great and Growing Cities Doctrine. If this State were ever to adopt such a doctrine to the benefit of municipalities it would totally undue 160 years of water law in the American West to the detriment of agricultural users and to the detriment of other people who utilize water. Commissioner Bronson stated that he finds no basis for this Commission to go back and amend its decision that it made, or the former City Manager made, to amend the water rights to keep them in line with the uses that it actually put water to in previous years.

Commissioner Bronson stated that this Commission has yet to respond to City Manager Doyon's Memo and conversations to the Commission at agenda meetings for guidance on what the City should do in terms of its continuing relationship with HGS and SME, in particular, and for direction with respect to the continued operation of ECP. Commissioner Bronson has given Mr. Doyon's suggestions and ideas a great deal of thought, he has listened to comments from folks in the community, and he has attended some of the SME Board meetings and met the people who make up that

Board. Commissioner Bronson circulated to the Commission a draft of suggested directives to Mr. Doyon. He invited the Mayor and Commissioners to review and develop a consensus to direct Mr. Doyon as to what this Commission would like to see him and staff doing. Commissioner Bronson summarized his memo to state that he believes this Commission should direct Mr. Doyon that the City should maintain its current relationship with SME as a customer of electric power services, maintain the contracts that ECP has with that entity, and not join the new entity to pursue the actual development and construction of HGS. If it is the consensus to maintain a customer relationship with SME, Resolution 9537 will need to be amended. With regard to the continued structure and operation and ECP, it is obvious with the way that entity was set up through Ordinance 2925 and Resolution 9529, it does have to be restructured. He would like to see ECP remain as an advisory body to this Commission.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of October 21, 2008, be adjourned at 8:27 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: November 5, 2008



Agenda # 13
Commission Meeting Date: November 5, 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 OCTOBER 22, 2008 | 759,908.71 |
| MASTER ACCOUNT CHECK RUN FOR OCTOBER 29, 2008 | 221,788.08 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 13 THROUGH OCTOBER 17, 2008 | 58,507.90 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 20 THROUGH OCTOBER 28, 2008 | 2,883.00 |
| WIRE TRANSFERS FROM OCTOBER 16, 2008 THROUGH OCTOBER 21, 2008 | 949,279.94 |
| WIRE TRANSFERS FROM OCTOBER 22, 2008 THROUGH OCTOBER 29, 2008 | <u>248,032.87</u> |
| TOTAL: \$ | <u>2,240,400.50</u> |

SPECIAL REVENUE FUND

LIGHTING DISTRICT

| | | |
|---------------------|---|-----------|
| ENTERPRISE ELECTRIC | REPAIR 2 POLES, KFC & RKY MNT BUILDING ON CENTRAL AVE WEST | 12,950.00 |
|---------------------|---|-----------|

STREET DISTRICT

| | | |
|------------------|-------------------------------|----------|
| UNITED MATERIALS | ASPHALT FOR STREET DEPARTMENT | 7,328.36 |
| VULCAN SIGNS INC | TRAFFIC SIGNS & SUPPLIES | 7,627.34 |

PARK & RECREATION SPECIAL REVENUE

| | | |
|---------------------------|----------------------------|-----------|
| GREAT FALLS SAND & GRAVEL | BELVIEW PARK WALKING TRAIL | 14,259.12 |
|---------------------------|----------------------------|-----------|

FEDERAL BLOCK GRANTS

| | | |
|----------------------|---|-----------|
| DAVID KUGLIN | PMT #1 CDBG ADA HANDICAP RAMPS (SPLIT AMONG FUNDS) | 24,274.84 |
| BIRDTAIL ELECTRIC CO | HEATING/ELECTRICAL 112 6TH ST N | 15,540.00 |

HOME GRANTS

| | | |
|---------------|---------------------|----------|
| NEIGHBORWORKS | DRAWDOWN #4 FOR NHS | 8,455.71 |
|---------------|---------------------|----------|

CAPITAL PROJECTS

GENERAL CAPITAL

| | | |
|--------------------------|---|----------|
| AMERICAN LOCKER SECURITY | 30 STAINLESS STEEL LOCKERS (SPLIT AMONG FUNDS) | 2,252.20 |
|--------------------------|---|----------|

ENTERPRISE FUNDS**WATER**

| | | |
|------------------------------|--|------------|
| UNITED MATERIALS | PMT #4 FOR 7TH & 8TH AVE S WATER MAIN REPLACEMENT | 78,985.07 |
| DEQ & COMPLIANCE DIVISION | PUBLIC WATER SUPPLY ANNUAL FEE | 39,600.00 |
| MT DEPT OF TRANSPORTATION | PROJECT #339611 2ND AVE N | 113,882.71 |
| CRESCENT ELECTRIC SUPPLY INC | PROGRAMMABLE LOGIC CONTROLLER FOR BACKWASH CLARIFIER PROJECT | 6,878.27 |
| KINETICS CONTROL SYSTEM | REPLACE FAILED EXCITER (REQUIRED FOR SYNCHRONOUS MOTOR OPERATION) | 11,298.05 |

SEWER

| | | |
|----------------------------|--|------------|
| VEOLIA WATER NORTH AMERICA | MONTHLY WWTP OPERATION CONTRACT | 230,312.08 |
| VEOLIA WATER NORTH AMERICA | MONTHLY CONTRACTED CAPITAL IMPROVEMENTS | 12,500.00 |
| VEOLIA WATER NORTH AMERICA | ADJUSTMENT FOR 08/09 INCENTIVE TARGET PRICE | 200,824.00 |

STORM DRAIN

| | | |
|-----------------------|---|-----------|
| ENERGY WEST MONTANA | WEST BANK PARK STORM DRAIN OUTFALL IMPROVEMENTS | 12,344.26 |
| MORRISON MAIERLE CORP | NORTH GREAT FALLS STORM DRAINAGE MASTER PLAN | 5,785.18 |
| DAVID KUGLIN | PMT #1 CDBG ADA HANDICAP RAMPS (SPLIT AMONG FUNDS) | 5,518.85 |

ELECTRIC

| | | |
|-----|--------------------------------------|------------|
| SME | PMT OF ENERGY SUPPLY EXPENSE SEPT 08 | 768,789.14 |
|-----|--------------------------------------|------------|

SAFETY SERVICES

| | | |
|-------|-----------------|----------|
| QWEST | MONTHLY CHARGES | 5,709.65 |
|-------|-----------------|----------|

PARKING

| | | |
|------------------------|---------------------|-----------|
| APCOA/STANDARD PARKING | NOV 08 COMPENSATION | 22,369.33 |
|------------------------|---------------------|-----------|

SWIM POOLS

| | | |
|--------------------------|---|----------|
| AMERICAN LOCKER SECURITY | 30 STAINLESS STEEL LOCKERS (SPLIT AMONG FUNDS) | 5,107.72 |
|--------------------------|---|----------|

CIVIC CENTER EVENTS

| | | |
|-------------------------------|----------------------|----------|
| GREAT FALLS COMMUNITY CONCERT | 09-26 GERSHWIN & CCA | 7,032.95 |
|-------------------------------|----------------------|----------|

INTERNAL SERVICES FUND**HEALTH & BENEFITS**

| | | |
|------------------------|---------------------------------------|------------|
| BLUE CROSS/BLUE SHIELD | HEALTH INS CLAIMS OCTOBER 14-20, 2008 | 66,458.09 |
| BLUE CROSS/BLUE SHIELD | HEALTH INS CLAIMS OCTOBER 21-27, 2008 | 248,032.87 |

INFORMATION TECHNOLOGY

| | | |
|-----------------------------|---------------------------------|-----------|
| PACIFIC SOFTWARE ASSOCIATES | HARDWARE & SOFTWARE MAINTENANCE | 21,322.57 |
|-----------------------------|---------------------------------|-----------|

TRUST AND AGENCY**COURT TRUST MUNICIPAL COURT**

| | | |
|---------------------|---------------------------------|-----------|
| CITY OF GREAT FALLS | FINES & FORFEITURES COLLECTIONS | 54,467.90 |
|---------------------|---------------------------------|-----------|

CLAIMS OVER \$5000 TOTAL:

\$ 2,009,906.26

COMMUNICATION TO THE CITY COMMISSION

DATE: November 5, 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 Mansfield Events Office | The New Christy Minstrels | 11/15/2008 | 571 | \$6,000 | Artist Fee: Concert/In-house promotion used for raising additional funds |
| B | Planning Department | BNSF Railway Company | 25+ years | Bay Drive, Phase I CTEP project | \$4,968 | License/Contract Fee - Grants City license to construct & maintain a bike/pedestrian path under a BNSF railroad bridge (OF 1306.5) |
| C | Public Works/ Engineering | Montana Department of Transportation | 04/2008 – 2010 | N/A | None | Construction Agreement with MDT to mill, overlay, and chip seal 10 th Avenue South from 38 th to 57 th Streets (OF 1377.1) |
| D | Community Development Department | Kone Elevators Escalators | Immediate | 671-7161-572- 3599 | \$1,019.85 | Upgrade door operator controller for Civic Center Elevator |

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 15
DATE: November 5, 2008**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR'S SIGNATURE: _____

GRANTS

| | DEPARTMENT | OTHER PARTY (PERSON OR ENTITY) | PERIOD | GRANT AMOUNT REQUESTED | CITY MATCH (INCLUDE FUND MATCH TO BE PAID OUT OF) | PURPOSE |
|----------|--|---|----------------------------|-----------------------------------|--|---|
| A | Planning Ellen Sievert-Historic Preservation Officer | Montana Historic Preservation Office, Montana Historical Society, 1410 8 th Avenue, P.O. Box 201202, Helena, MT 59620-1202 | 10/15/2008 - 03/01/2010 | \$10,000 | West Bank Urban Renewal District – Tax Increment Financing | Document and identify significant cultural resources in the West Bank Urban Renewal District OF 1499 |

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 16
DATE: November 5, 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 – Thomas E. Clark (At the time of recording – Thomas Keller) | Current | 237-3131-532-3599 | \$650 | Partial Release of Resolution #9280 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 803 9 th Avenue South. Parcel #268050. Lot 13, Block 496, GFO. |
| B | Fiscal Services | Property Owner – Kathleen Johnson | Current | 237-3131-532-3599 | \$200 | Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 3012 1 st Avenue South. Parcel #369300. Lot 3, Block 9, Black Eagle Falls Addition. |

| | | | | | | |
|----------|-----------------|--|---------|-------------------|-------|--|
| C | Fiscal Services | Property Owner – Kirk C. and Kelly D. Gallenkamp | Current | 237-3131-532-3599 | \$400 | Partial Release of Resolution 9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1600 9 th Avenue South. Parcel #333950. Lot 1, Block 778, Great Falls Thirteenth Sixteenth Addition. |
| D | Fiscal Services | Property Owner – David F. Callies | Current | 237-3131-532-3599 | \$400 | Partial Release of Resolution 9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds. Parcel #883600. Lot 7B, GAR. |
| E | Fiscal Services | Property Owner – James R. Jr. and Julie M. Donahue | Current | 237-3131-532-3599 | \$200 | Partial Release of Resolution 9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds. Parcel #1008800. Lot 8A, Block 19, HUY. |
| F | Fiscal Services | Property Owner – William A. and Billie J. Day | Current | 237-3131-532-3599 | \$200 | Partial Release of Resolution 9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds. Parcel #1509100. Lot 12, Block 10, SHE. |



Item: Construction Contract Award: Water Treatment Plant Headhouse Floor Replacement, O. F. 1332.6

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$544,450 to Dick Anderson Construction, Inc. for the Water Treatment Plant Headhouse Floor Replacement, O.F. 1332.6, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will replace the concrete floor in the Water Plant's headhouse and construct a secondary containment system for the plant's four alum chemical tanks.

Citizen Participation

Not applicable

Workload Impacts

Thomas, Dean & Hoskins, Inc. (TDH) completed the project design and will perform construction inspection and contract administration duties. City engineering and water treatment plant staff will assist with project administration duties.

Purpose

This is one of a series of projects to construct operational improvements at the Water Plant and handle needed maintenance. During a previous construction project, the concrete floor in the Water Plant's headhouse was found to be in very poor condition. An initial attempt to chip away the deteriorated surface and then install a new concrete surface found that the entire depth of the floor was structurally unsound. The headhouse contains one of the plant's four alum tanks used for water treatment and various electrical equipment needed for plant operations. Under an engineering contract TDH evaluated the floor and determined that total replacement would be the best option. Once replaced, this area will be usable again for storage and resolve future safety and structural problems. Along with the new floor, a secondary containment system will be installed. This containment system will protect against any chemical leaks or spills from the four alum tanks located on the upper floor of the headhouse. This containment is a Montana Department of Environmental Quality (DEQ) requirement.

Project Work Scope

Approximately 1600 square feet of existing 8-inch thick reinforced concrete flooring will be demolished along with the supporting beams, and a new 8-inch floor with support beams will be poured back. All this work will need to be completed while keeping all Water Plant operations up and running. This work will be completed in the winter months due to lower water demands during this time. The secondary containment system will install a water proof curb around all four alum chemical tanks in the headhouse and connect to a drain that feeds to a new overflow tank located outside of the headhouse.

Evaluation and Selection Process

Two bids were received and opened for this project on October 22, 2008. The bids ranged from \$544,450 to \$572,000. The engineer's estimate was \$420,000. The difference between the engineer's estimate and the actual bids is due to the high amount of risk and the uncertainties the contractor has to assume with this project which include; condition of the 92 year old concrete, rebar and surrounding building, level of difficulty in protecting and temporarily relocating piping and electrical wiring, and keeping demolition dust and debris contained. Estimating a dollar value to place on these risks is difficult. However, since both bids received were similar in dollar amount, it is believed that this is the fair market value for this construction project. Dick Anderson Construction, Inc. submitted the low bid and has executed all the necessary documents. Dick Anderson Construction, Inc. is an established and responsible contractor.

Conclusion

TDH recommends and City staff concurs in awarding the construction contract to Dick Anderson Construction, Inc. in the amount of \$544,450.

Concurrences:

Not Applicable.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. This project will be funded through Water Capital Funds.

Alternatives:

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

Attachments/Exhibits:

1. Bid tabulation is attached.

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

BID TABULATION SUMMARY
 Water Treatment Plant Headhouse Floor Replacement
 O.F. 1332.6

Project Number _____
 Bids Taken at Civic Center
 Date: Oct. 22, 2008
 Tabulated By: TD&H

| | Name & Address of Bidder | Acknowledge Addendum #1 | Acknowledge Addendum #2 | 10% Bid Security | Affidavit of Non-Collusion | Certificate of Non-Segregated Facilities | Certificate of Compliance with Insurance Req. | Total Bid |
|----|---|-------------------------|-------------------------|------------------|----------------------------|--|---|---------------------|
| 1 | James Talcott Construction 4415 River Drive N Great Falls, MT | √ | | √ | √ | √ | √ | \$572,000.00 |
| 2 | Dick Anderson Construction 4610 TriHill Frontage Road Great Falls, MT | √ | | √ | √ | √ | √ | \$544,450.00 |
| 3 | | | | | | | | |
| 4 | | | | | | | | |
| 5 | | | | | | | | |
| 6 | | | | | | | | |
| 7 | | | | | | | | |
| 8 | | | | | | | | |
| 9 | | | | | | | | |
| 10 | Engineer's Estimate | | | | | | | \$420,000.00 |



Item: Grade Crossing Construction and Maintenance Agreement for the 4th Avenue Northwest Improvements, O. F. 1488

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Agreement

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve the construction and maintenance agreement with the Burlington Northern Sante Fe Railway Company (BNSF) and a payment in the amount of \$274,439.00 for the railroad crossing for the 4th Avenue Northwest Improvements, O.F. 1488, and authorize the City Manager to execute the agreement documents."

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

Staff Recommendation: Approve construction and maintenance agreement.

Background:

Significant Impacts

This project will provide a railroad crossing with signals and gates to the West Bank Park area and new Federal Courthouse.

Citizen Participation

Not applicable.

Workload Impacts

NCI Engineering is designing the project. City engineering staff is coordinating the design, obtaining the permits and will perform contract administration duties.

Purpose

This crossing will provide the primary access to the West Bank Park area and new Federal Courthouse.

Project Work Scope

This crossing is key to the overall development of the area and is part of the construction of 4th Avenue Northwest. The agreement provides for crossing panels, warning signals, and crossing gates. Other elements of the project include land acquisition, street construction, and utility improvements.

Evaluation and Selection Process

BNSF is a sole source provider.

Conclusion

City staff recommends approval of the agreement to allow the project to be completed.

Concurrences:

Not Applicable

Fiscal Impact:

The railroad crossing is a significant part of the overall cost of the construction of 4th Avenue Northwest. Tax Increment funding will be used to fund the project. Following is a breakdown of the BNSF costs:

| | |
|-------------------|------------------|
| Final Engineering | \$ 10,000 |
| Crossing Easement | \$ 20,000 |
| Crossing Panels | \$ 71,507 |
| Crossing Signals | <u>\$172,932</u> |
| | \$274,439 |

Alternatives:

The City Commission could vote to deny approval of the agreements and not provide good access to the Federal Courthouse and West Bank Park area.

Attachments/Exhibits:

1. Construction and Maintenance Agreements are attached.
(Not available online; on file in City Clerk's Office.)



Item: Addendum for Municipal Golf Course Concessions Contract

Initiated By: Park & Recreation Department

Prepared By: Patty Rearden, Deputy Park and Recreation Director

Presented By: Marty Basta, Park & Recreation Director

Action Requested: Approve Addendum for Golf Course Concessions Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve the Addendum for the Municipal Golf Course Concessions Contract with Michelle Kazda, K & M, Inc. to provide concession services at Eagle Falls Golf Club and Anaconda Hills Golf Course, and approve the City Manager to execute the Addendum.”

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

Staff Recommendation:

Staff recommends the City Commission approve the Addendum for the Municipal Golf Course Concessions Contract with Michelle Kazda, K & M, Inc. to provide concession services at Eagle Falls Golf Club and Anaconda Hills Golf Course, and approve the City Manager to execute the Addendum.

Background:

The City has had a contract with K & M, Inc. for concessions at Eagle Falls Golf Club and Anaconda Hills Golf Course since 1997. K & M, Inc. has offered a high quality concession for the past 12 years and has made an effort to keep prices down.

Requests for proposals for concessions services were advertised in the Great Falls Tribune and mailed to twenty-eight (28) prospective bidders. Bids were opened on January 10, 2005, with only one bidder responding. The contract was awarded to Michelle Kazda (K & M, Inc.) by the City Commission on February 1, 2005 for three golf seasons, 2005-2007. K & M was given a one year extension for the 2008 season. K & M has provided good service to the golf courses and staff recommends a two year extension of the contract.

Concurrences:

The Golf Advisory Board recommended approval by the City Commission of the Addendum at their regular meeting on October 27.

Fiscal Impact:

The City will receive \$40,100 or 12% of gross sales, whichever is greater in 2009, and \$40,600 or 12% of gross sales, whichever is greater in 2010.

Alternatives:

If the Addendum is not approved, the City would have to rebid the concessions contract or make a significant investment in equipment to take over management of the concessions at both golf courses.

Attachments/Exhibits:

1. Addendum (Not available online; on file in City Clerk's Office.)



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Permit for location of Antenna and Associated Equipment at 33rd St. Reservoir

From: Public Works and Park and Recreation Departments

Initiated By: Verizon Wireless

Presented By: Jim Rearden, Director of Public Works

Action Requested: Approve Permit

Suggested Motion:

1. Commissioner moves:

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

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

Staff Recommendation: Staff recommends approval of the permit

Background:

Significant Impacts

The permit will allow Verizon Wireless to attach three sets of antennas to 33rd Street Reservoir and construct a small building in Dudley Anderson Park to house required equipment. The Antennas and cabling will be hidden by shrouding to minimize the visual impact. The building will be constructed behind the existing pumping station and will be designed to match the building as nearly as practical. Cabling between the building and the reservoir will be located underground. Landscaping will be provided around the building. The facilities will be unstaffed and operated remotely.

Citizen Participation

Verizon has applied for and been granted a Conditional Use Permit for this proposed installation. The process required a public hearing before the City Zoning Commission, held on June 24, 2008. In addition, Neighborhood Council 9 has considered the proposal and reacted favorably. The City Commission conducted a public hearing and approved the Conditional Use Permit at the September 16, 2008 meeting.

Workload Impacts

Impacts should be limited to annual billing and collection of rent payments, occasional administrative attention for contract management and occasional site visits.

Purpose

The permit allows installation of cellular antenna equipment to allow Verizon to adequately serve its customers. Use of the reservoir to install the antennas keeps Verizon from having to erect a separate antenna tower.

Project Work Scope

The facility will include three sets of antennas mounted to the reservoir, a building to house their equipment, a separate electrical service for the building and underground conduit for all of the cabling, including the electrical service. The facilities will be unoccupied and the only traffic will be routine maintenance visits, typically once a month.

Evaluation and Selection Process

Verizon is the first and only company that has sought to install similar equipment on the 33rd Street Reservoir. The City currently has similar installations on each of the three elevated storage tanks.

Conclusion

Staff recommends approval of the permit.

Concurrences: The installation has been considered by the Park and Recreation Advisory Board at their June 9 meeting, City Zoning Commission and Neighborhood Council 9. Staff from Park and Recreation and Public Works Departments have worked together on the permit development and plan review.

Fiscal Impact: Rental income – initially \$15,000 per year, escalating at 3% per year – will be divided evenly between the Park and Recreation Department and the Water Utility.

Alternatives: The City Commission may deny the permit.

Attachments/Exhibits: Proposed Permit (Not available online; on file in City Clerk's Office.)