



City Commission Agenda

for

November 20, 2007

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission discussion. 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. Segments of 6th Street Southwest and Interstate Spur 315.
(Presented by: Ben Rangel)
 - A. Res. 9705, Annex said property. Action: Conduct joint public hearing and adopt or deny Res. 9705.
 - B. Ord. 2992, Assign zoning classifications in accordance with Title 17—Land Development Code, Chapter 8, Section 60, *Interpretation of boundaries for land use districts*. Action: Conduct joint public hearing and adopt or deny Ord. 2992.
3. Res. 9711, Safety Inspection Certificate Fees. **(Presented by: Randy McCamley)** Action: Conduct public hearing and adopt or deny Res. 9711.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

4. Res. 9712, Montana Board of Investments Loan Agreement for Installation of Thirteen City-Owned Residential Street Lights in Eagles Crossing Phase II & III – 1st Phase Construction. **(Presented by: Coleen Balzarini)** Action: Adopt or deny Res. 9712.
5. Res. 9716, A Resolution to Reschedule Regularly Scheduled City Commission Work Sessions and Commission Meetings in January of 2008. **(Presented by: Cheryl Patton)** Action: Adopt or deny Res. 9716.
6. Res. 9717, Intent to Amend Boundaries of Tax Increment District for Agricultural. **(Presented by: Coleen Balzarini)** Action: Adopt or deny Res. 9717.

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.*

7. Minutes, November 6, 2007, Commission meeting.
8. Total Expenditures of \$1,367,488 for the period of October 30 through November 14, 2007, to include claims over \$5000, in the amount of \$1,102,609.
9. Contracts list.
10. Set public hearing for December 4, 2007, for CDBG/HOME Community Needs.
11. Set public hearing for December 4, 2007, for consideration of sale of city-owned land, west ½ of Lot 1, Block 76, Original Townsite.
12. Approve Escrow Agreement with the Montana Department of Transportation and the Montana Board of Investments regarding reconstruction of 2nd Avenue North, Park Drive to 15th Street.

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

BOARDS & COMMISSIONS

13. Reappointment, Electric City Power, Inc. Board of Directors. Reappoint Robert Pancich for a six-year term through December 31, 2013.
14. Miscellaneous reports and announcements.

CITY MANAGER

15. Miscellaneous reports and announcements.

CITY COMMISSION

16. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS *(Please keep your remarks to a maximum of 5 minutes)*

17. Miscellaneous reports and announcements.

MOTION TO ADJOURN

AGENDA REPORT

DATE November 20, 2007

ITEM Public Hearing - Resolution 9705 to Annex Segments of 6th Street Southwest and Interstate Spur 315, in NE¼, Section 15, Township 20 North, Range 3 East, Cascade County, Montana and Ordinance 2992 to Assign City Zoning to Same

INITIATED BY: City Administration

ACTION REQUESTED Commission Adopt Resolution 9705 and Ordinance 2992

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board has recommended the City Commission annex the unincorporated segment of 6th Street Southwest, from 10th Avenue Southwest to its intersection with Fox Farm Road, and a segment of Interstate Spur 315, from Exit 0 to its intersection with Fox Farm Road and the City Zoning Commission has recommended the City Commission assign zoning classifications in accordance with Title 17-Land Development Code, Chapter 8, Section 60, "Interpretation of boundaries for land use districts," upon annexation to the City.

MOTION: (Each motion to be separately considered)

"I move the City Commission adopt Resolution 9705."

and

"I move the City Commission adopt Ordinance 2992."

SYNOPSIS:

Resolution 9705 annexes a segment of 6th Street Southwest and a segment of Interstate Spur 315 to the City of Great Falls. Ordinance 2992 assigns City zoning classifications to said unincorporated segments of rights-of-way, upon annexation of same to City.

BACKGROUND:

A segment of 6th Street Southwest, from 10th Avenue Southwest to its intersection with Fox Farm Road and a segment of Interstate Spur 315, from Exit 0 to its intersection with Fox Farm Road, are presently located outside the City Limits. The unincorporated rights-of-way consist of 23 acres more or less and are contiguous government land to the incorporated area of the City.

Please refer to the Vicinity/Zoning Map attached as Exhibit "A" to Ordinance 2992 and Resolution 9705.

Although annexation of the rights-of-way will also address the City Commission interest to annex unincorporated enclaves into the City, Section 7-2-4402, M.C.A., "Annexation of Contiguous Government Land" will be applied.

These types of enclaves have been a source of confusion for some governmental entities, particularly law enforcement and emergency services, and neighbors.

The City has obtained a Request for Annexation of the subject segments of right-of-way from the Montana Department of Transportation.

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

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

The incorporated properties adjacent to the roadway segments proposed to be annexed involve multiple zoning districts. As such, the roadway segments will be zoned to the centerline with the same zoning classification as the abutting parcels. Designating subject segments of right-of-way with the same zoning classification as the abutting land use district is consistent with Title 17-Land Development Code, Chapter 8, Section 60, "Interpretation of boundaries for land use districts." Therefore, staff concludes all of the above stated criteria are substantially met.

On September 25, 2007, the Planning Board/Zoning Commission conducted a joint public hearing on annexing and establishing City zoning on the segment of 6th Street Southwest and a segment of Interstate Spur 315. At the conclusion of the public hearing, the Planning Board unanimously recommended the City Commission approve the subject annexation and the Zoning Commission unanimously passed a motion recommending the City Commission approve establishing City zoning classifications in accordance with Title 17-Land Development Code, Chapter 8, Section 60, "Interpretation of boundaries for land use districts."

Attach: Resolution 9705
Ordinance 2992
Request for Annexation

Cc: Michael Johnson, Dist. Admin., MDT, 200 Smelter Ave NE

REQUEST FOR ANNEXATION

WHEREAS, the State of Montana, Department of Transportation is the owner of public right-of-way hereinafter described; and,

WHEREAS, the hereinafter described right-of-way, being a portion of 6th Street Southwest, Interstate Spur 315 and U.S. Highway No. 89, is surrounded by parcels already incorporated into the City of Great Falls, Montana.

WHEREFORE, pursuant to the provisions of 7-2-4400, Montana Code Annotated, the State of Montana, Department of Transportation hereby formally advises the City of Great Falls that it desires to have the following described public right-of-way annexed into the City of Great Falls.

A tract of land in the Northeast ¼ of Section 15, Township 20 North, Range 3 East, M.P.M., Cascade County, Montana, described as follows:

Commencing at the Northeast corner of said Section 15, said corner being the True Point of Beginning, proceed thence $S0^{\circ} 20'00''W$, 1426.26 feet along the east line of said Section 15 to a point on the southerly right-of-way line of U.S. Highway No. 89 and the Northeast corner of Lot 1B, Block 1, Tietjan Triangle Addition;

Thence $S63^{\circ}08'W$, 274.43 feet along the north boundary line of Lot 1B, Block 1 Tietjan Triangle Addition and the southerly right-of-way line of U.S. Highway No. 89, to a point on the easterly right-of-way of Fox Farm Road and the Northwest corner of Lot 1B, Block 1 Tietjan Triangle Addition;

Thence $S63^{\circ}08'W$, 100 feet, crossing the Fox Farm Road right-of-way to the intersection of the westerly right-of-way line of Fox Farm Road and the southerly right-of-way line of U.S. Highway No. 89;

Thence $S63^{\circ}12'30'' W$, 1674.5 along the north boundary of Montana Addition and the southerly right-of-way line of U.S. Highway No. 89, to the intersection of the easterly Burlington Northern and Santa Fe Railroad (B.N.S.F. RR.) right-of-way and the southerly right-of-way line of U.S. Highway No. 89;

Thence $S63^{\circ}12'30'' W$, 264 feet along the southerly right-of-way line of U.S. Highway No. 89, crossing the B.N.S.F. RR. to the intersection point of the southerly right-of-way line of U.S. Highway No. 89 and the westerly right-of-way of B.N.S.F. RR.

Thence $N14^{\circ}00'E$, 290 feet along the westerly right-of-way of B.N.S.F. RR. to the intersection of a point along the northerly right-of-way line of U.S. Highway No. 89;

Thence N63°08'50"E, 247.38 feet to a point on the easterly right-of-way of B.N.S.F. RR., and the southwest corner of Tract 2, Dick's Addition;

The next seven courses being found on Certificate of Survey 4311, of the records of the Clerk & Recorder's Office of Cascade County,

Thence N63°08'50"E, 594.4 feet;

Thence N77°12'E, 82.4 feet;

Thence N63°08'50"E, 220 feet;

Thence N77°12'E, 41.2 feet;

Thence N63°08'50"E, 482.7 feet;

Thence N27°29'E, 88 feet;

Thence Northerly, 150.6 feet to a point along a curve to the right (chord = S5°45'30", 150.2 feet; radius = 571.5 feet) along the westerly right-of-way of 6th Street Southwest to the Northeast corner of Tract 2, Dick's Addition;

Thence S89°06'40"W 225.25, to a point along the north boundary of Tract 2, Dick's Addition;

Thence N0°00'0"W, 239.61 feet to the southerly high water mark of the Sun River;

Thence N0°00'0"W, 380.15 feet to the northerly high water mark of the Sun River, and a point on the southerly bank of the West Great Falls Flood Levee;

Thence E0°00'0' 412.25 feet to a point along the westerly right-of-way of 6th Street Southwest;

Thence N22°40'12"E 469.22 feet to the Southeast corner of Mark 1B, University Portions of Section 15, Township 20 North, Range 3 East, Cascade County, Montana and a point on the westerly right-of-way line of 6th Street Southwest;

Thence North 93 feet to the northeast corner of Mark 1B, University Portions of Section 15, Township 20 North, Range 3 East, Cascade County, Montana and a point on the westerly right-of-way line of 6th Street Southwest;

Thence North 110 feet to the northeast corner of Mark 1A, University Portions of Section 15, Township 20 North, Range 3 East, Cascade County, Montana and a point on the westerly right-of-way line of 6th Street Southwest and a point on the north boundary line of Section 15, Township 20 North, Range 3 East, Cascade County, Montana;

Thence East 105.25 feet along the north boundary line of Section 15, to the Northeast corner of said Section 15, Township 20 North, Range 3 East, Cascade County, Montana, being the Point of Beginning,

containing in all 23 acres more or less and as shown on the Vicinity/Zoning Map attached hereto, marked Exhibit "A" and by this reference made a part hereof.

It is understood that because the property herein described is public right-of-way, it shall not be included as part of any special improvement district now or in the future.

It is further understood that the maintenance or adjustment of utilities within the herein described right-of-way shall be the responsibility of the entity owning such utilities.

DATED this _____ day of _____, 2007

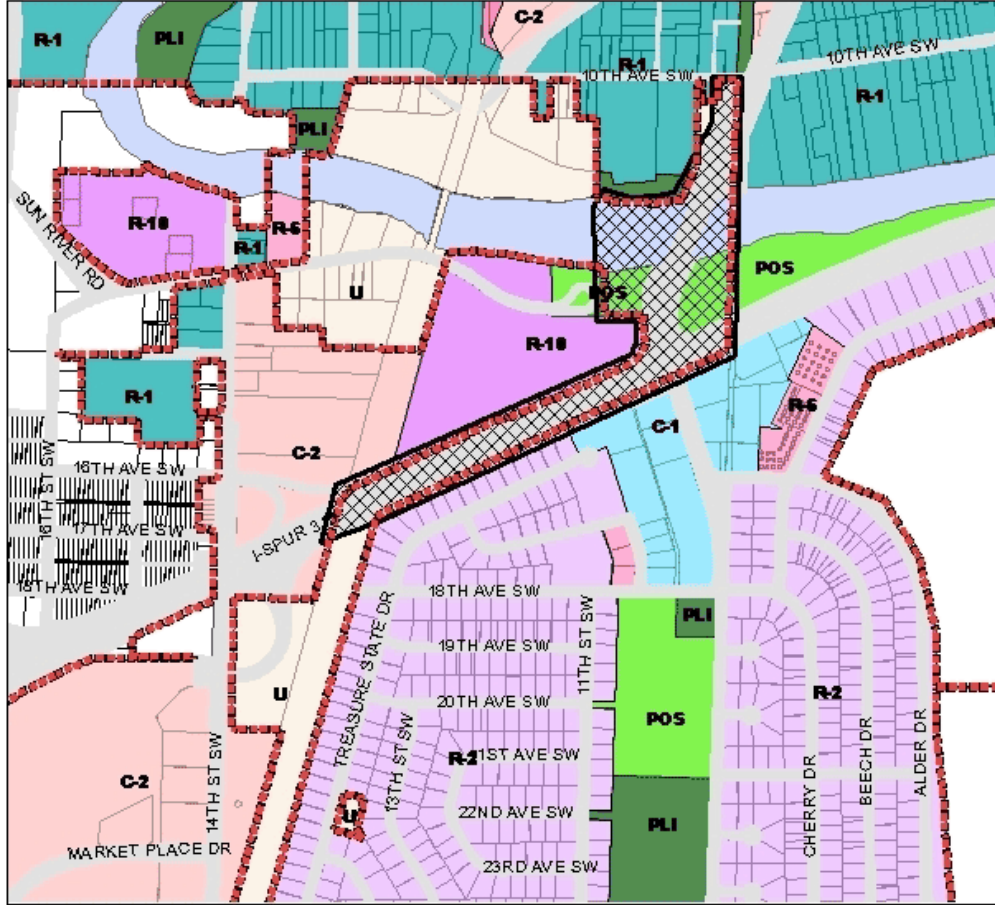
STATE OF MONTANA,
DEPARTMENT OF TRANSPORTATION

Jim Lynch
Director of Transportation













BY: _____
(Authorized Representative)

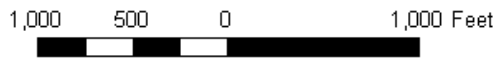
EXHIBIT "A"

VICINITY/ZONING MAP



 UNINCORPORATED SEGMENT OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315 REQUESTED TO BE ANNEXED TO THE CITY AND BE ASSIGNED CITY ZONING CLASSIFICATIONS TO MATCH THE ABUTTING ZONING OF INCORPORATED PARCELS

- | | | |
|--|--|---|
|  City Limits |  R-10 Mobile home park |  POS Parks and Open Space |
|  R-1 Single-family suburban |  C-1 Neighborhood commercial |  PUD Planned unit development |
|  R-2 Single-family medium density |  C-2 General commercial |  U Unincorporated endave |
|  R-6 Multi-family high density |  PLI Public Lands and Institutional |  Tracts of land outside City |



RESOLUTION 9705

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE SEGMENTS OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315, IN NE¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4402, MONTANA CODE ANNOTATED

* * * * *

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

WHEREAS, there is contiguous to said City, but outside the boundaries thereof, segments of 6th Street Southwest and Interstate Spur 315, in NE¼, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, containing 23 acres, more particularly described as follows:

Commencing at the Northeast corner of said Section 15, said corner being the True Point of Beginning, proceed thence S0° 20'00"W, 1426.26 feet along the east line of said Section 15 to a point on the southerly right-of-way line of U.S. Highway No. 89 and the Northeast corner of Lot 1B, Block 1, Tietjan Triangle Addition;

Thence S63°08'W, 274.43 feet along the north boundary line of Lot 1B, Block 1 Tietjan Triangle Addition and the southerly right-of-way line of U.S. Highway No. 89, to a point on the easterly right-of-way of Fox Farm Road and the Northwest corner of Lot 1B, Block 1 Tietjan Triangle Addition;

Thence S63°08'W, 100 feet, crossing the Fox Farm Road right-of-way to the intersection of the westerly right-of-way line of Fox Farm Road and the southerly right-of-way line of U.S. Highway No. 89;

Thence S63°12'30" W, 1674.5 feet along the north boundary of Montana Addition and the southerly right-of-way line of U.S. Highway No. 89, to the intersection of the

easterly Burlington Northern and Santa Fe Railroad (B.N.S.F. RR.) right-of-way and the southerly right-of-way line of U.S. Highway No. 89;

Thence $S63^{\circ}12'30''$ W, 264 feet along the southerly right-of-way line of U.S. Highway No. 89, crossing the B.N.S.F. RR. to the intersection point of the southerly right-of-way line of U.S. Highway No. 89 and the westerly right-of-way of B.N.S.F. RR.

Thence $N14^{\circ}00'E$, 290 feet along the westerly right-of-way of B.N.S.F. RR. to the intersection of a point along the northerly right-of-way line of U.S. Highway No. 89;

Thence $N63^{\circ}08'50''E$, 247.38 feet to a point on the easterly right-of-way of B.N.S.F. RR., and the southwest corner of Tract 2, Dick's Addition;

The next seven courses being found on Certificate of Survey 4311, of the records of the Clerk & Recorder's Office of Cascade County,

Thence $N63^{\circ}08'50''E$, 594.4 feet;

Thence $N77^{\circ}12'E$, 82.4 feet;

Thence $N63^{\circ}08'50''E$, 220 feet;

Thence $N77^{\circ}12'E$, 41.2 feet;

Thence $N63^{\circ}08'50''E$, 482.7 feet;

Thence $N27^{\circ}29'E$, 88 feet;

Thence Northerly, 150.6 feet to a point along a curve to the right (chord = $S5^{\circ}45'30''$, 150.2 feet; radius = 571.5 feet) along the westerly right-of-way of 6th Street Southwest to the Northeast corner of Tract 2, Dick's Addition;

Thence $S89^{\circ}06'40''W$ 225.25 feet, to a point along the north boundary of Tract 2, Dick's Addition;

Thence $N0^{\circ}00'0''W$, 239.61 feet to the southerly high water mark of the Sun River;

Thence $N0^{\circ}00'0''W$, 380.15 feet to the northerly high water mark of the Sun River, and a point on the southerly bank of the West Great Falls Flood Levee;

Thence $E0^{\circ}00'0''$ 412.25 feet to a point along the westerly right-of-way of 6th Street Southwest;

Thence $N22^{\circ}40'12''E$ 469.22 feet to the Southeast corner of Mark 1B, University Portions of Section 15, Township 20 North, Range 3 East, Cascade County, Montana and a point on the westerly right-of-way line of 6th Street Southwest;

Thence North 93 feet to the northeast corner of Mark 1B, University Portions of Section 15, Township 20 North, Range 3 East, Cascade County, Montana and a point on the westerly right-of-way line of 6th Street Southwest;

Thence North 110 feet to the northeast corner of Mark 1A, University Portions of Section 15, Township 20 North, Range 3 East, Cascade County, Montana and a point on the westerly right-of-way line of 6th Street Southwest and a point on the north boundary line of Section 15, Township 20 North, Range 3 East, Cascade County, Montana;

Thence East 105.25 feet along the north boundary line of Section 15, to the Northeast corner of said Section 15, Township 20 North, Range 3 East, Cascade County, Montana, being the Point of Beginning,

containing in all 23 acres more or less and as shown on the Vicinity/Zoning Map attached hereto, marked Exhibit "A" and by this reference made a part hereof; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the State of Montana or by any agency, instrumentality, or political subdivision or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous and may be annexed thereto and made a part thereof; and,

WHEREAS, the City has obtained a Request for Annexation of the subject segments of rights-of-way from the Montana Department of Transportation.

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution 9704 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE SEGMENTS OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315, IN NE¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4402, MONTANA CODE ANNOTATED,

duly and regularly passed and adopted on the 16TH day of October, 2007, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include "SEGMENTS OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315, IN NE¼, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA."

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

WHEREAS, the first publication of said notice hereinbefore referred to was the 28th day of October, 2007; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on November 20, 2007, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "SEGMENTS OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315, IN NE¹/₄, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, 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 right-of-way; and,

That this Resolution shall become effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 20th day of November, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE 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 9705 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 20th day of November, 2007.

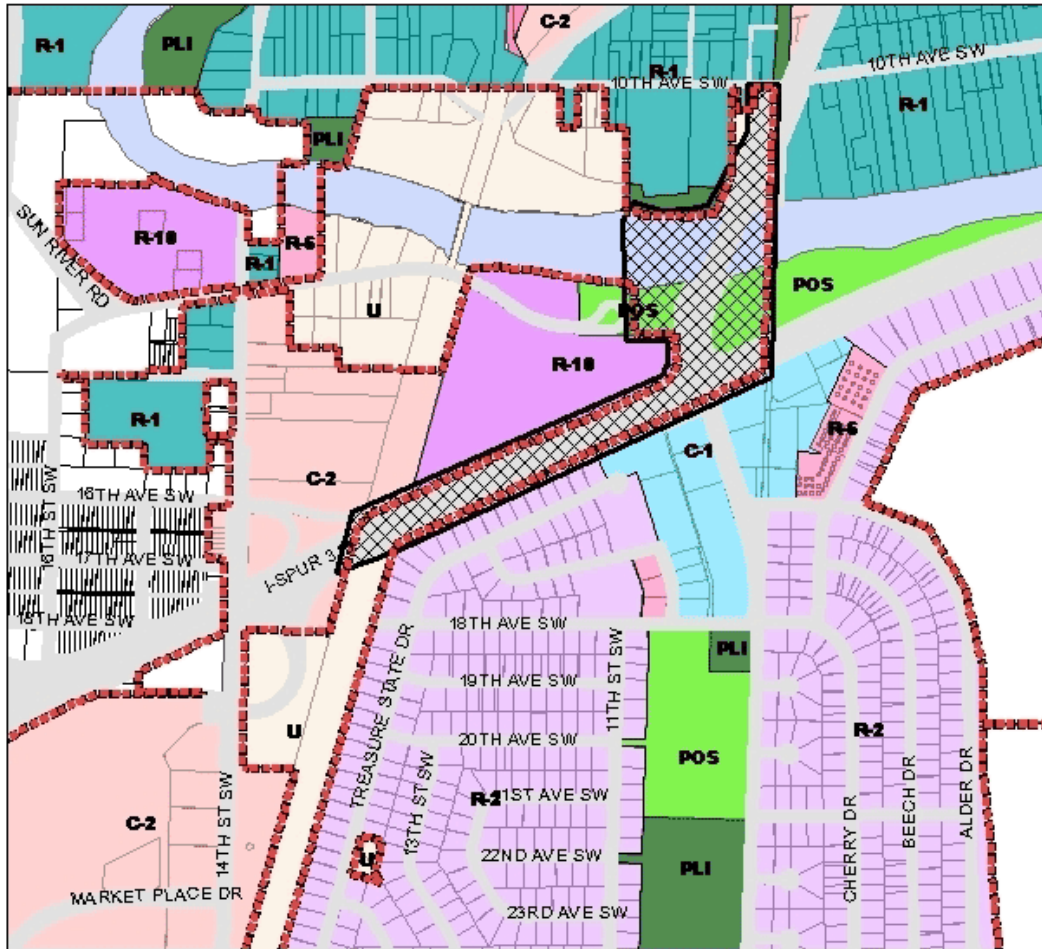
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 20th day of November, 2007.

Lisa Kunz, City Clerk













(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



 UNINCORPORATED SEGMENT OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315 REQUESTED TO BE ANNEXED TO THE CITY AND BE ASSIGNED CITY ZONING CLASSIFICATIONS TO MATCH THE ABUTTING ZONING OF INCORPORATED PARCELS

- | | | |
|--|--|---|
|  City Limits |  R-10 Mobile home park |  POS Parks and Open Space |
|  R-1 Single-family suburban |  C-1 Neighborhood commercial |  PUD Planned unit development |
|  R-2 Single-family medium density |  C-2 General commercial |  U Unincorporated enclave |
|  R-6 Multi-family high density |  PLI Public Lands and Institutional |  Tracts of land outside City |

1,000 500 0 1,000 Feet



ORDINANCE 2992

AN ORDINANCE ASSIGNING ZONING
CLASSIFICATIONS TO SEGMENTS OF 6TH
STREET SOUTHWEST AND INTERSTATE SPUR
315, IN NE¼, SECTION 15, TOWNSHIP 20 NORTH,
RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the properties adjoining the unincorporated segments of 6th Street Southwest and Interstate Spur 315, in NE¼, Section 15, Township 20 North, Range 3 East, Cascade County, Montana are a mix of land uses; and,

WHEREAS, the annexation involves Montana Department of Transportation rights-of-way, wherein zoning is normally dictated by the most prevalent zoning districts bordering the corridor being annexed; and,

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held September 25, 2007, passed a motion recommending the City Commission of the City of Great Falls assign zoning classifications in accordance with Title 17-Land Development Code, Chapter 8, Section 60, "Interpretation of boundaries for land use districts," upon annexation to the City, as depicted on the zoning map attached hereto as Exhibit "A" and by this reference made a part hereof; and,

WHEREAS, notice of assigning zoning classifications, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 20th day of November, 2007, before final passage of said Ordinance herein; and,

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

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

Section 1. It is determined that the herein described zoning designations will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the roadway segments be zoned to the centerline with the same zoning classification as the abutting parcels, as depicted on the attached Exhibit "A".

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing segments of 6th Street Southwest and Interstate Spur 315, in NE¼, Section 15, Township 20 North, Range 3 East, Cascade County, Montana, containing 23 acres, 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 20th day of November, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE 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 2992 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 20th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 20th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 20th day of November, and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2992 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

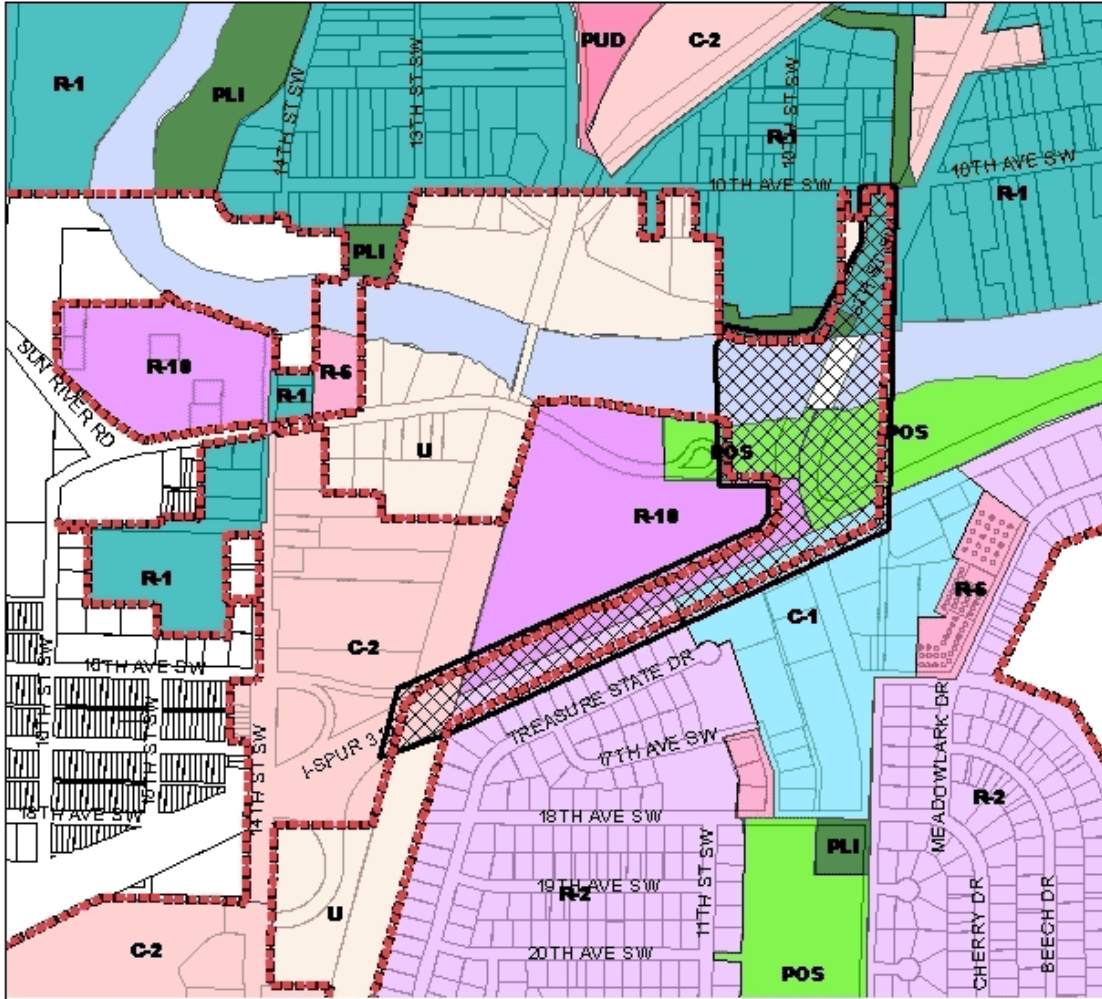
- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library


Lisa Kunz, City Clerk













(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



 UNINCORPORATED SEGMENT OF 6TH STREET SOUTHWEST AND INTERSTATE SPUR 315 PROPOSED TO BE ANNEXED TO THE CITY AND BE ASSIGNED CITY ZONING CLASSIFICATIONS TO MATCH THE ABUTTING ZONING OF INCORPORATED PARCELS

- | | | |
|--|--|---|
|  City Limits |  R-10 Mobile home park |  POS Parks and Open Space |
|  R-1 Single-family suburban |  C-1 Neighborhood commercial |  PUD Planned unit development |
|  R-2 Single-family medium density |  C-2 General commercial |  U Unincorporated endave |
|  R-6 Multi-family high density |  PLI Public Lands and Institutional |  Tracts of land outside City |

930 465 0 930 Feet



A G E N D A R E P O R T

DATE November 20, 2007

ITEM Resolution 9711 Safety Inspection Certificate Fees

INITIATED BY Fire Department

ACTION REQUESTED Conduct Public Hearing and Adopt Resolution 9711

PREPARED & PRESENTED BY Fire Marshal Le Lievre

REVIEWED & APPROVED BY Fire Chief Randy McCamley

RECOMMENDATION:

Staff recommends that the City Commission conduct a public hearing on Resolution 9711 for Safety Inspection Certificate Revised Fees effective calendar year 2008.

MOTION:

I move that the City Commission adopt Resolution 9711.

SYNOPSIS:

Safety Inspection Certificate (SIC) fees cover a portion of cost for the approximately 3,200 fire code inspections conducted on an annual basis. They have seen minimal increases since inception.

Staff is recommending to increase Safety Inspection Certificate fees for the first time since 2004. All other fees in the resolution remain the same as in 2004. Fees for renewals are proposed to be increased 5% for each of the past four years. This will equate to the vast majority of occupancies (90%) paying an additional \$10 or \$15 next year.

BACKGROUND:

Great Falls Fire Rescue has been providing occupancy inspections for fire and life safety code compliance for many years. Prior to 1996, the City used a business license fee structure which provided limited funding. Some occupancies also claimed a state exemption from such licensing. In 1996 the City instituted a Safety Inspection Certificate program, which removed those exemptions and based the fees for inspections on the square footage of the occupancies. The state Supreme Court supported the City's position on removal of the exemptions. The City designated five tier levels, with tier 1 being occupancies up to 2,000 square feet, and tier 5 being those over 50,000 square feet.

Since 2004, all churches are included in the tier 1 category regardless of square footage.

Other communities in the region use a variety of formulas to impose similar fees. Missoula and Helena base their fees on the number of employees, while the fees in Billings are based on gross business revenue with additional surcharges. Our proposed increase is in line with their current fees.

Attachment: Exhibit A

**SAFETY INSPECTION CERTIFICATE (SIC)
PROPOSED RENEWAL FEES - FY 2008**

	TIER	QUANTITY	1996	2002	2003	2004	Proposed Fee Increase 2008	Projected Revenue Increase 2008
<u>OPTION 1</u>								
Sq. Ft. New Issuance Increases								
0 - 2,000	1	180	90			95	115	3,600.00
2,001 - 10,000	2	15	120			125	150	375.00
10,001 - 25,000	3	2	160			165	200	70.00
25,001 - 50,000	4	2	210			215	260	90.00
> 50,000	5	1	300			320	385	65.00
								<hr/>
								\$ 4,200.00
 <u>ADD: OPTION 2</u>								
Sq. Ft. Renewal Increases								
Churches*	1 (a)	74*	30	30	30	45	55	
0 - 2,000	1	1442	35	40	45	45	55	14,420.00
2,001 - 10,000	2	585	55	60	65	70	85	8,775.00
10,001 - 25,000	3	143	80	85	90	105	125	2,860.00
25,001 - 50,000	4	72	115	120	125	150	180	2,160.00
> 50,000	5	13	195	200	205	250	300	650.00
								<hr/>
								\$ 28,865.00

* Since 2004 churches are included in tier 1 category regardless of square footage.

\$33,065

RESOLUTION 9711

A RESOLUTION FIXING THE RATES OF ALL FEES ASSOCIATED WITH TITLE 5 OF THE OFFICIAL CODES OF THE CITY OF GREAT FALLS THAT INCLUDES SAFETY INSPECTION CERTIFICATE FEES AND SPECIAL BUSINESS LICENSE FEES

WHEREAS, Title 5 in the Official Code of The City of Great Falls provides for various license and certificate fees to be established by resolution; and

WHEREAS, the fees set by this Resolution supercede all fees set previously.

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

Section 1. – Supercedes and Takes Effect

- A. The Certificate Fees addressed in this resolution establish new issuance fees, renewal fees and supercede previous fees.

Section 2. – Certificate Fees

- A. Safety Inspection Issuance fees (effective upon adoption) shall be:
(Calendar Year '08)

1. Tier 1 – 0 to 2,000 sq ft - includes all churches	\$115
2. Tier 2 – 2,001 to 10,000 sq ft	\$150
3. Tier 3 – 10,001 to 25,000 sq ft	\$200
4. Tier 4 – 25,001 to 50,000 sq ft	\$260
5. Tier 5 – Over 50,000 sq ft	\$385

- B. Safety Inspection Renewal fees (effective upon adoption) shall be:
(Calendar Year '08)

1. Tier 1 – 0 to 2,000 sq ft - includes all churches	\$55
2. Tier 2 – 2,001 to 10,000 sq ft	\$85
3. Tier 3 – 10,001 to 25,000 sq ft	\$125
4. Tier 4 – 25,001 to 50,000 sq ft	\$180
5. Tier 5 – Over 50,000 sq ft	\$300

- C. Federal, State and Local Government Agencies are exempt

- D. Home Occupation Certificate fees shall be:

1. New Issuance	\$55
2. Renewals	\$35

Section 3. – Special License Fees

- A. Coin-operated Devices Depicting Sexual Activities
per Device \$300
- B. Commercial Garbage License \$100

- | | | |
|----|---|----------------------------------|
| | Special/Private Garbage Collection | \$10 |
| C. | Alcoholic Beverages | |
| | Will follow the same fee structure as the State of Montana | |
| D. | Non-Resident Vendor (must move from location every 4 hours) | |
| | 1. Short Term | Per Week \$25 |
| | 2. Long Term | Remainder of Calendar Year \$150 |
| | Non-Resident Merchant (only good for 90 calendar days in a 12-month period) | |
| | 1. Short Term | Per Week \$25 |
| | 2. Long Term | Remainder of Calendar Year \$150 |
| E. | False Alarms | |
| | Alarm Agent Permit | \$15 |

Section 4. – Other License or Permit Fees

- | | | |
|----|--|------------------------|
| A. | Change of Location | |
| | 1. Alcoholic Beverage Licenses | \$30 |
| | 2. All Other Licenses or Certificates | “New” Fee |
| B. | Transfer of License or Certificate Ownership (same location) | |
| | 1. Alcoholic Beverage Licenses | Match State Fee |
| | 2. All Other Licenses or Certificates | \$30 |
| C. | Delinquent Charge | \$15 + 10 percent rate |

Passed by the Commission of the City of Great Falls, Montana, on this 20th day of November, 2007.

Dona 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 9711 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 20th day of November, 2007, and approved by the Mayor of said City, on the 20th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 20th day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE November 20, 2007

ITEM: RESOLUTION 9712 MONTANA BOARD OF INVESTMENTS LOAN AGREEMENT FOR INSTALLATION OF THIRTEEN (13) CITY-OWNED RESIDENTIAL STREET LIGHTS IN EAGLES CROSSING PHASE II & III – 1ST PHASE CONSTRUCTION

INITIATED BY: FISCAL SERVICES DEPARTMENT

ACTION REQUESTED: ADOPT RESOLUTION 9712

PREPARED BY: JUDY BURG, ACCOUNTING TECHNICIAN

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

— — — — —

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution 9712, authorizing the City to enter into a loan agreement with the Montana Board of Investments up to \$46,600 to fund the cost to install thirteen (13) 150 Watt HPS city-owned street lighting units on 20 foot steel poles with underground wiring in Eagles Crossing Phase II & III – 1st Phase Construction.

MOTION:

“I move the City Commission adopt Resolution 9712 and authorize the City Manager to execute the loan documents.”

SYNOPSIS:

On July 19, 2005 the City Commissioners adopted Resolution No. 9506 creating the City’s Street Light Policy, which establishes a policy that the City own and operate any new street lighting districts that would be requested by property owners or developers as allowed by state statutes, Title 7, Chapter 12, Part 43 M.C.A.

Staff received a signed petition from the developer of Eagles Crossing Phase II & III – 1st Phase Construction requesting street lights be installed. The petition is for the installation of thirteen (13) 150 watt HPS street lighting units on 20 foot steel poles with underground wiring, which meets the requirements set forth in the policy for new street light districts.

On October 24, 2007 City Staff held a bid opening for all interested contractors and vendors willing to submit a bid on the street lighting project in Eagles Crossing Phase II & III – 1st Phase Construction. City Commissioners awarded the bid contract under separate action to United Electric at the commission meeting held on November 6, 2007.

The Montana Board of Investments has agreed to loan the City of Great Falls, \$46,600.00 for the

installation costs of thirteen (13) city-owned residential street lights in Eagles Crossing Phase II & III – 1st Phase Construction. The loan amount consists of \$40,000 for construction, \$3,600 for contracted engineering services on the design and installation and \$3,000 for services provided by the City Engineering Department. The loan has a variable interest rate that changes annually in February and the current interest rate is 4.85%. The term of the loan will be 15 years.

(Shaded Area For Board Use Only)

<p align="center">Send Application and Exhibits To: INTERCAP Loan Program Montana Board of Investments P.O. Box 200126 Helena, Mt. 59620-0126 Phone (406) 444-0001 Fax (406) 449-6579</p>	Board Loan #
	Type Local Government
	Date Received:
	By:
<p>Application must be submitted by authorized local government representative</p>	

Section 1. Applicant Information Summary

Applicant Name →	City of Great Falls		
Mailing Address →	P. O. Box 5021		
Contact , Name and Title →	Coleen Balzarini, Fiscal Services Director		
Telephone number →	(406) 455-8478	Fax Number →	(406) 452-8048 e-mail → cbalzarini@ci.great-falls.mt.us
Federal Employer Identification Number →	[REDACTED]		

Section 2. Loan Type information

Check One	Type of Loan Applied For – Based on term or repayment type
<input type="checkbox"/>	1. Short Term Loan
<input checked="" type="checkbox"/>	2. General Fund Debt Loan (no obligation of full faith and credit of issuer)
<input type="checkbox"/>	3. Enterprise Debt Loan
<input type="checkbox"/>	4. General Obligation Loan (requires backing of full faith and credit of issuer)
<input type="checkbox"/>	5. Fire District and Fire Service Area Loan
<input type="checkbox"/>	6. Special or Rural Improvement District Loan

Section 3. Project Information

A. Project Description and costs (Please provide specific details, e.g., type of vehicles, equipment, improvements, construction, etc. If more than one project is contemplated, please describe separately.)			
1 st Project Description →	Eagles Crossing II & III – 1 st Phase Construction – Roadway Lighting		
	Total 1 st Project Cost		\$46,600.00
2 nd Project Description →			
	Total 2 nd Project Cost		\$
B. Project Funding (Please enter <u>all</u> sources of funding for each project described).			
1 st Project Funding			
INTERCAP Portion of Loan →			\$46,600.00
Borrower Portion of loan , if any →			\$
Other Funding Sources (please specify) →			\$
	Total 1 st Project Cost		\$46,600.00
2 nd Project Funding			
INTERCAP Portion of Loan →			\$
Borrower Portion of loan , if any →			\$
Other Funding Sources (please specify) →			\$
	Total 2 nd Project Cost		\$
C. Requested INTERCAP Loan Amount →			\$46,600.00
D. Requested Loan Term (years) →	15 years		
E. Desired INTERCAP Loan Funding Date →	12/15/07		
F. Environmental Impact of Project. Please describe the environmental impact of the proposed project and indicate whether any environmental review or permits are required for this project. If permits, review or approval is required, please indicate the type of approval required and the date on which approval is expected to be obtained.			

Section 4. References

A. Project Attorney					
Name →	David Gliko	Legal Firm →	City of Great Falls		
Complete Address →	P. O. Box 5021, Great Falls, MT 59403-5021				
Telephone →	(406) 455-8441	Fax Number →	(406) 727-0181	e-mail →	dgliko@ci.great-falls.mt.us
B. Consulting Engineer (if applicable)					
Name →	David Dobbs	Company →	City of Great Falls		
Complete Address →	P. O. Box 5021, Great Falls, MT 59403-5021				
Telephone →	(406) 771-1258	Fax Number →	(406) 771-0700	e-mail →	ddobbs@ci.great-falls.mt.us
C. Accounting Firm					
Name →	Daniel J. Konen, CPA	Firm →	JCCS, P.C.		
Complete Address →	501 Park Drive South, Great Falls, MT 59405				
Telephone →	(406) 761-2820	Fax Number	(406) 761-2825	e-mail	dkonen@jccscpa.com

Section 5. Authorized Representatives/Disbursement of Funds

A. The individuals listed below are legally authorized to act on behalf of the Local Government with respect to the execution and delivery of all documents, certificates, or materials necessary to be provided to the Board of Investments in order to execute this loan agreement.					
Name→	Coleen Balzarini	Title →	Fiscal Services Director		
Complete Address→	P. O. Box 5021, Great Falls, MT 59403-5021				
Name→	John Lawton	Title →	City Manager		
Complete Address→	P. O. Box 5021, Great Falls, MT 59403-5021				
Name→		Title →			
Complete Address→					
Name→		Title →			
Complete Address→					
B. Loan proceeds are ordinarily disbursed by wire transfer. Please provide the following information.					
Bank Name→	First Interstate Bank	Bank ABA Number →	[REDACTED]		
Applicant's Account Number→	[REDACTED]				

Section 6. Supplemental Financial Information

1. Unless applying for a short-term interim financing loan (7A), please refer to the APPLICATION CHECKLIST for most of the supplemental information needed to speed up the review process. Please include any additional information that would clarify or enhance the financial circumstances of the applicant or better describe the source of repayment of the loan.

Section 7. Short Term Loans

There are two types of loans available for short term financing: 7A.) Interim financing in anticipation of Rural Development, TSEP, CDBG, or other state or federal loan or grant; and 7B.) Temporary cash flow borrowing.

<input type="checkbox"/>	7A. Interim Financing	Please describe anticipated funding and attach verification of loan or grant.
<input type="checkbox"/>	7B. Temporary Cash Flow	On next line, please describe cash flow needs.

If loan request is 7A, go directly to Section 10. If loan request is 7B, complete the remaining sections of the application including an identified source of funding (Section 9).

Section 8. Property Value and Indebtedness

A. Property Value. Please use the most recent assessed value of taxable property under the applicant's jurisdiction beginning with the most recent year.

Fiscal Year →		ASSESSED (Market) VALUE			
Real Property →	\$	Personal Property →	\$	Total Assessed Value →	\$

B. Indebtedness Capacity

Statutory indebtedness limitation: _____ % X assessed value	\$
Current outstanding indebtedness subject to limitations →	\$
Available debt authority →	\$

Section 9. Source of Repayment of Loan

Please complete only the appropriate section based on the source of repayment.

9A. General Fund (general operating fund of the applicant).

1. Please provide the general fund revenues for the current fiscal year and two preceding years. Please indicate if revenues are estimated. **Repayment will be from the Annual Assessment for Special Improvement Lighting Districts**

	Fiscal Year	Revenue	Expense	Fund Balance
Current Year	2007	\$1,214,902.69	\$1,207,611.93	\$741,588.04
Prior Year	2006	\$1,167,840.25	\$1,127,811.82	\$733,497.25
Prior Year	2005	\$1,172,367.86	\$1,088,105.55	\$693,468.82

2. Is the applicant, levying taxes for its general fund up to the maximum permitted mill levy authorized by Title 15, Chapter 10, Part 4, Montana Code Annotated, as amended ("the Property Tax Limitation Act")?

Yes No

3. Is the applicant currently delinquent, in default, or in arrears on any bond, loan, lease or any other type of obligation or agreement, payable from any source?

Yes No

4. If the prior question is affirmative, please indicate the nature of the extent of such delinquency, default or arrears. Please indicate what action the applicant is taking to correct such delinquency, default or arrearage.

5. Has an amount necessary to pay the first installment on the loan been included in the budget for the current fiscal year?

Yes No

6. If no funds are currently budgeted, will a budget amendment include this financing?

Yes No

9B. Enterprise Fund or Revenue Financing.

1. Please provide the projected rates and charges to support the loan repayment.

Name of Enterprise →		Billing Frequency →	
Rates/charges Residential →	\$	Number Residential Users →	
Rates/charges Commercial →	\$	Number Commercial Users →	

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2. List the outstanding debt of the enterprise fund from which the loan is to be repaid (include bonds, lease purchase agreements or installment purchase contracts). Please attach a copy of the resolution authorizing the outstanding debt.

Purpose of Debt	Beginning date of debt	Final Year of Maturity	Debt Amount Outstanding	Maximum Debt Service (excluding INTERCAP Loan)	Debt Payment Dates
			\$	\$	
			\$	\$	
			\$	\$	

3. Please show revenues and Operations & maintenance expenses **excluding debt service or depreciation expense** for the last four fiscal years beginning with the current fiscal year.

Fiscal Year	#1: Revenues	#2: Operation & Maintenance Expense	#3: Revenues less Operations & Maintenance Expense (#1 - #2)	#4: Debt Service Expense	#5: Ratio of Net Revenues (#3 / #4)
Current FY	\$	\$	\$	\$	\$
Prior FY	\$	\$	\$	\$	\$
Prior FY	\$	\$	\$	\$	\$
Prior FY	\$	\$	\$	\$	\$

4. Please show estimated budget for next two years. **Projected expenses are for operations & maintenance (do not include debt service or depreciation expenses)** Include INTERCAP loan debt service in projected debt service expense. You may use the 5.021% average variable interest rate since inception of the program in 1987 to estimate the INTERCAP debt service.

Fiscal Year	Projected Revenues	Projected Expense	Projected Debt Service Expense
	\$	\$	\$
	\$	\$	\$

5. If the budget data shown in #4 above reflects an increase in the enterprise rate or charges please show increases

Fiscal Year	No. Residential Users	Projected Rate	No. Commercial Users	Projected Rate
		\$		\$
		\$		\$

9C. General Obligation Loan

1. If the loan is to be a general obligation of the applicant, payable from an ad valorem property tax levied on all property within its jurisdiction without limitation as to rate or amount, please complete the following.

Date Voters Authorized Debt →		Amount of Debt Authorized →	\$
-------------------------------	--	-----------------------------	----

2. Purpose of Borrowing as indicated on Ballot:

3. Term over which loan is to be repaid (5 year limit for school building reserve loans) →	
--	--

4. Please provide the following information regarding the total revenue and expenditures

Fiscal Year	Anticipated Revenue over next three years	Anticipated Expenditures over next three years	Fiscal Year	Annual Revenues for last three years	Annual expenditures for last three years
	\$	\$		\$	\$
	\$	\$		\$	\$
	\$	\$		\$	\$

5. If the new revenue source is also pledged for other projects or purposes, please specify.

6. If the source of new revenue were lost, could general fund repay the loan? Yes No

9D. Fire District and Fire Service Area Loans

1. Please provide the following information regarding applicant's general fund. Fire District

Fiscal Year	Revenues	Expenses	Fund Balance	# Authorized Mills
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	

2. For Fire Service Area: Fee per structure → \$ # Structures in area →

3. Is applicant levying taxes up to the maximum mill levy authorized by Title 15, Chapter 10, Part 4, Montana Code Annotated, as amended (the "Property Tax Limitation Act")? Yes No

List the outstanding debt of the fund from which the loan is to be repaid (include bonds, lease purchase agreements or installment purchase contracts):

Purpose of Debt	Beginning Date of Debt	Final Year of Maturity	Debt Amount Outstanding	Maximum Debt Service (excluding INTERCAP loan)	Debt Payment Dates
			\$	\$	
			\$	\$	
			\$	\$	

4. On the next line, please indicate if the applicant is currently delinquent, in default, or in arrears on any bond, loan, lease or any other type of obligation or agreement, and the nature and extent of such delinquency, default or arrears. Also please indicate what action the applicant is taking to correct such delinquency, default or arrears.

5. Has an amount necessary to pay the first installment of the project to be financed from the loan been included in the budget for the current fiscal year?

Yes No

6. If no funds are currently budgeted, will a budget amendment include this financing?

Yes No

9E. Special or Rural Improvement District Loan

1. Has the District been created? Yes No

2. If the district has been created, please enclose with the application the transcript of proceedings creating the district. (A list of items constituting the transcript includes: Resolution of Intent to Create, Resolution to Create, Resolution Creating Revolving Fund).

3. Approximate size of District in acres → 4. Number of Parcels assessed in District →

5. Method of Assessment → Assessable Area Area Ad Valorem Unit Cost Assessment

6. Taxable Valuation of the District → \$

7. Estimated average annual per property assessment needed to repay loan (6.85% interest rate) → \$

8. Allocation of property within District (based on method of assessment):

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Category	Developed	Undeveloped	
Commercial	%	%	
Industrial	%	%	
Single-Family Residential	%	%	
Multi-Family residential	%	%	
Agricultural	%	%	

9. On the line below, please describe the location of the district within the boundaries of the applicant.

10. If there are currently any bonds, notes, or warrants payable from special assessments please complete:

No. of SID/RID's Outstanding	Total Original Amount	Total Principal Amount Outstanding	Term Remaining	Amount of Delinquent Assessments if Any
	\$	\$		\$

11. If any SID/RID's have a delinquency of assessments greater than 5% , please provide the following information

District No.	Original Amount Assessed	Total Principal Amount Outstanding	Original Term of Debt	Amount of Delinquent Assessment	Percent of Delinquent Assessment
	\$	\$		\$	%
	\$	\$		\$	%

12. Do any of the above districts overlap with the district boundaries from which the loan is payable? Yes No

13. What is the current balance in the Revolving Fund securing those bonds or notes → \$

9F. Other Repayment Sources

1. If the loan is to be repaid from sources other than those listed above, please provided the following information (if more than one request is to be repaid from such sources, please make additional pages as needed).

Please indicate the source of the other revenue:

Fiscal Year	Anticipated Revenue over next three years	Anticipated Expenditures over next three years	Fiscal Year	Annual Revenues for last three years	Annual Expenditures for last Three Years
	\$	\$		\$	\$
	\$	\$		\$	\$
	\$	\$		\$	\$

2. If the source(s) of revenue is pledged for other projects please indicate the amount pledged → \$

3. If the source of revenue were lost, could the applicant repay loan from general fund? Yes No

Section 10. Endorsement

I hereby certify as preparer of this application on behalf of the applicant that all of the information contained herein is true, accurate and complete as of the date hereof

Dated this	20 th	Day of	November	2007
By	Title:			City Manager
Please print or type name John Lawton				

(GENERAL FUND LOAN)

RESOLUTION AUTHORIZING PARTICIPATION IN THE INTERCAP PROGRAM

CERTIFICATE OF MINUTES RELATING TO
RESOLUTION NO. 9712

Issuer: City of Great Falls

Kind, date, time and place of meeting: A City Commission meeting held on November 20, 2007 at 7 o'clock p.m. in Great Falls, Montana.

Members present:

Members absent:

RESOLUTION NO.9712

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

I, the undersigned, being the fully qualified and acting recording officer of the public body issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of the public body in my legal custody, from which they have been transcribed; that the documents are a correct and complete transcript of the minutes of a meeting of the governing body at the meeting, insofar as they relate to the obligations; and that the meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this ____ day of _____, 2007.

By _____
Its _____

RESOLUTION NO. 9712

RESOLUTION AUTHORIZING PARTICIPATION IN THE BOARD OF INVESTMENTS OF THE STATE OF MONTANA ANNUAL ADJUSTABLE RATE TENDER OPTION MUNICIPAL FINANCE CONSOLIDATION ACT BONDS (INTERCAP REVOLVING PROGRAM), APPROVING THE FORM AND TERMS OF THE LOAN AGREEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO

BE IT RESOLVED BY THE CITY COMMISSION (the Governing Body) OF THE CITY OF GREAT FALLS (the Borrower) AS FOLLOWS:

ARTICLE I

DETERMINATIONS AND DEFINITIONS

Section 1.01. Definitions. The following terms will have the meanings indicated below for all purposes of this Resolution unless the context clearly requires otherwise. Capitalized terms used in this Resolution and not defined herein shall have the meanings set forth in the Loan Agreement.

Adjusted Interest Rate means the rate of interest on the Bonds determined in accordance with the provisions of Section 3.03 of the Indenture.

Authorized Representative shall mean the officers of the Borrower designated and duly empowered by the Governing Body and set forth in the application.

Board shall mean the Board of Investments of the State of Montana, a public body corporate organized and existing under the laws of the State and its successors and assigns.

Board Act shall mean Section 2-15-1808, Title 17, Chapter 5, Part 16, MCA, as amended.

Bonds shall mean the Bonds issued by the Board pursuant to the Indenture to finance the Program.

Borrower shall mean the Borrower above named.

Indenture shall mean that certain Indenture of Trust dated March 1, 1991 by and between the Board and the Trustee pursuant to which the Bonds are to be issued and all supplemental indentures thereto.

Loan means the loan of money by the Board to the Borrower under the terms of the Loan Agreement pursuant to the Act and the Borrower Act and evidenced by the Note.

Loan Agreement means the Loan Agreement between the Borrower and the Board, including any amendment thereof or supplement thereto entered into in accordance with the provisions thereof and hereof.

Loan Agreement Resolution means this Resolution or such other form of resolution that the Board may approve and all amendments and supplements thereto.

Loan Date means the date of closing a Loan.

Loan Rate means the rate of interest on the Loan which is initially 4.85% per annum through February 15, 2008 and thereafter a rate equal to the Adjusted Interest Rate on the Bonds and up to 1.5% per annum as necessary to pay Program Expenses.

Note means the promissory note to be executed by the Borrower pursuant to the Loan Agreement, in accordance with the provisions hereof and thereof, in substantially the form set forth in the Promissory Note, or in such form that may be approved by the Board.

Program shall mean the INTERCAP Program of the Board pursuant to which the Board will issue and sell Bonds and use the proceeds to make loans to participating Eligible Government Units.

Project shall mean those items of equipment, personal or real property improvements to be acquired, installed, financed or refinanced under the Program as set forth in the Description of the Project/Summary of Draws.

Trustee shall mean U.S. Bank Trust National Association MT (formerly known as First Trust Company of Montana National Association) and its successors.

Section 1.02. Authority. The Borrower is authorized to undertake the Project and is further authorized by the Borrower Act to enter into the Loan Agreement for the purpose of obtaining a loan to finance or refinance the acquisition and installation costs of the Project.

Section 1.03. Execution of Agreement and Delivery of Note. Pursuant to the Indenture and the Board Act, the Board has issued and sold the Bonds and deposited a part of proceeds thereof in the Loan Fund held by the Trustee. The Board has, pursuant to the Term Sheet, agreed to make a Loan to the Borrower in the principal amount of \$46,600.00 and upon the further terms and conditions set forth herein, and as set forth in the Term Sheet and the Loan Agreement.

ARTICLE II

THE LOAN AGREEMENT

Section 2.01. Terms. (a) The Loan Agreement shall be dated as of the Loan Date, in the principal amount of \$46,600.00 and shall constitute a valid and legally binding obligation of the Borrower. The obligation to repay the Loan shall be evidenced by a Promissory Note. The Loan shall bear interest at the initial rate of 4.85% per annum through February 15, 2008 and thereafter at the Adjusted Interest Rate, plus up to 1.5% per annum as necessary to pay the cost of administering the Program (the Program Expenses). All payments may be made by check or wire transfer to the Trustee at its principal corporate trust office.

(b) The Loan Repayment Dates shall be February 15 and August 15 of each year.

(c) The principal amount of the Loan may be prepaid in whole or in part provided that the Borrower has given written notice of its intention to prepay the Loan in whole or in part to the Board no later than 30 days prior to the designated prepayment date.

(d) The Prepayment Amount shall be equal to the principal amount of the Loan outstanding, plus accrued interest thereon to the date of prepayment.

(e) Within fifteen days following an Adjustment Date, the Trustee shall calculate the respective amounts of principal and interest payable by each Borrower on and with respect to its Loan Agreement and Note for the subsequent August 15 and February 15 payments, and prepare and mail by first class mail a statement therefor to the Borrower.

Section 2.02. Use and Disbursement of the Proceeds. The proceeds of the Loan will be expended solely for the purposes set forth in the Description of the Project/Summary of Draws. The proceeds from the sale of the Note to the Board shall remain in the Borrower's Account pending disbursement at the request of the Borrower to pay the budgeted expenditures in anticipation of which the Note was issued. Requests for disbursement of the Loan shall be made to the Board. Prior to the closing of the Loan and the first disbursement, the Borrower shall have delivered to the

Trustee a certified copy of this Resolution, the executed Loan Agreement and Note in a form satisfactory to the Borrower's Counsel and the Board's Bond Counsel and such other certificates, documents and opinions as set forth in the Loan Agreement or as the Board or Trustee may require. The Borrower will pay the loan proceeds to a third party within five business days after the date they are advanced (except for proceeds to reimburse the Borrower for previously paid expenditures, which are deemed allocated on the date advanced).

Section 2.03. Payment and Security for the Note. In consideration of the making of the Loan to the Borrower by the Board, the provisions of this Resolution shall be a part of the Agreement of the Borrower with the Board. The provisions, covenants and Agreements herein set forth to be performed by or on behalf of the Borrower shall be for the benefit of the Board. The Loan Agreement and Note shall constitute a valid and legally binding obligation of the Borrower and the principal of and interest on the Loan shall be payable from the general fund of the Borrower, and any other money and funds of the Borrower otherwise legally available therefor. The Borrower shall enforce its rights to receive and collect all such taxes and revenues to insure the prompt payment of the Borrower obligations hereunder.

Section 2.04. Representation Regarding the Property Tax Limitation Act. The Borrower recognizes and acknowledges that the amount of taxes it may levy is limited by the state pursuant to Section 15-10-402, et. seq. (the Property Tax Limitation Act). The Borrower is familiar with the Property Tax Limitation Act and acknowledges that the obligation to repay the Loan under the Agreement and Note are not exceptions to the provisions of the Property Tax Limitation Act. The Borrower represents and covenants that the payment of principal of and interest on the Loan can and will be made from revenues available to the Borrower in the years as they become due, notwithstanding the provisions of the Property Tax Limitation Act.

Section 2.05. Levy and Appropriate Funds to Repay Loan. The Borrower agrees that in order to meet its obligation to repay the Loan and all other payments hereunder that it will budget, levy taxes for and appropriate in each fiscal year during the term of the Loan an amount sufficient to pay the principal of and interest hereon within the limitations of the Property Tax Limitation Act, as may be amended, and will reduce other expenditures if necessary to make the payments hereunder when due.

ARTICLE III

CERTIFICATIONS, EXECUTION AND DELIVERY

Section 3.01. Authentication of Transcript. The Authorized Representatives are authorized and directed to prepare and furnish to the Board and to attorneys approving the validity of the Bonds, certified copies of this Resolution and all other resolutions and actions of the Borrower and of said officers relating to the Loan Agreement, the Note, and certificates as to all other proceedings and records of the Borrower which are reasonably required to evidence the validity and marketability of the Note. All such certified copies and certificates shall be deemed the representations and recitals of the Borrower as to the correctness of the statements contained therein.

Section 3.02. Legal Opinion. The attorney to the Borrower is hereby authorized and directed to deliver to the Board at the time of Closing of the Loan his or her opinion regarding the Loan, the Loan Agreement, the Note and this Resolution in substantially the form of the opinion set forth in the Attorney's Opinion.

Section 3.03. Execution. The Loan Agreement, Note, and any other document required to close the Loan shall be executed in the name of the Borrower and shall be executed on behalf of the Borrower by the signatures of the Authorized Representatives of the Borrower.

PASSED AND APPROVED by the CITY COMMISSION this 20th day of November, 2007.

By _____
Its _____

Attest:

By _____
Its _____

AGENDA REPORT

DATE November 20, 2007

ITEM Res. 9716, A Resolution to Reschedule Regularly Scheduled City Commission Work Sessions and Commission Meetings in January of 2008

INITIATED BY City Staff

ACTION REQUESTED Adopt Res. 9716

PRESENTED BY Cheryl Patton, Assistant City Manager

RECOMMENDATION: It is recommended that the City Commission adopt Res. 9716.

MOTION: I move the City Commission adopt Res. 9716.

SYNOPSIS: Mayor Stebbins and Commissioners-elect Bill Bronson and Mary Jolley were voted into office during the November 2007 election. The City of Great Falls Charter mandates that the mayor and commissioners be sworn into office on the first Tuesday after January 1st in the year following the election. Since January 1, 2008, is the first Tuesday in 2008, it is necessary to perform the swearing-in ceremony on January 8, 2008 -- the first Tuesday following January 1. To allow consistency of one week between meetings, it is recommended that the meetings in January be held on the second and fourth Tuesdays.

BACKGROUND: The City of Great Falls Charter mandates that the mayor and commissioners be sworn into office on the first Tuesday after January 1st in the year following the election.

RESOLUTION 9716

**A RESOLUTION TO RESCHEDULE REGULARLY
SCHEDULED CITY COMMISSION WORK SESSIONS AND
COMMISSION MEETINGS IN JANUARY OF 2008.**

- - - - -

Whereas, the City Commission adopted Resolution 7621 on July 7, 1981, which established official City Commission meetings to be held on the first and third Tuesdays of each month; and

Whereas, in January of 2008, per the Charter of the City of Great Falls, newly elected Commissioners are required to take office on the first Tuesday after January 1st in the year following the election; and

Whereas, January 1 of 2008 falls on the first Tuesday of the year; and

Whereas, to accommodate the swearing in of the Mayor and Commissioners-elect, since the month of January 2008 has five Tuesdays, moving meetings from the first and third Tuesdays to the second and fourth Tuesdays allows the consistency of one week between meetings;

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

The official City of Great Falls, Montana, City Commission Meetings and Work Sessions for the month of January 2008 will be held on January 8 and 22, 2008.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this __ day of November, 2007.

Dona Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved as to form: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9716 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, 2007, and approved by the Mayor of said City on the ____ day of November 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this ____ day of November, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE 11/20/2007

ITEM: RESOLUTION NO. 9717: A RESOLUTION OF INTENTION TO AMEND THE CITY'S CENTRAL MONTANA AGRICULTURAL AND TECHNOLOGY PARK TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT PLAN TO INCLUDE LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87; MAKING CERTAIN FINDINGS WITH RESPECT THERETO AND PROVIDING FOR THE FIRST READING OF THE AMENDING ORDINANCE

INITIATED BY: Ongoing economic development of the Industrial/Agricultural District

ACTION REQUESTED: Adopt Resolution 9717, and accept Amending Ordinance 2996 on first reading, and set the public hearing and final reading for December 4, 2007

PREPARED BY: Martha Cappis, Operations Supervisor, Fiscal Services

APPROVED & PRESENTED BY: Coleen Balzarini, Fiscal Services Director

RECOMMENDATION: It is recommended the City Commission adopt Resolution 9717 and accept Amending Ordinance 2996 on first reading, and set the public hearing and final reading for December 4, 2007.

MOTION:

"I move the City Commission adopt Resolution 9717 accept Amending Ordinance 2996 on first reading, and set the public hearing and final reading for December 4, 2007".

SYNOPSIS: Resolution 9717 declares the City's intent to amend the boundaries of the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District. Amending Ordinance 2996 will allow of the recently annexed Montana Megawatts I, LLC/Montgomery Energy (MT Megawatts) property to be included in the Tax Increment District. The City is continuing discussions to acquire the International Malting Company (IMC) rail spur with tax increment financing for the benefit of the entire district.

BACKGROUND: On May 17, 2005, the City Commission adopted Ordinance 2911, creating the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District. The approved projects in the district include purchasing the IMC rail spur to attract other potential industrial facilities to the area, and providing the necessary infrastructure improvements. On November 6, 2007 the City Commission approved the annexation and zoning of the MT Megawatts property, to allow of the construction of a natural gas electric generator. The City entered into service agreements with the developer in regards to the potable and raw water and sanitary sewer services to the facility.

7-15-4288 (4), MCA provides that the cost of acquiring a rail spur and infrastructure improvements, including, but not limited to streets, roads, water and sewer systems, may be paid by tax increment financing. The City will issue Tax Increment Bonds for the needed projects, and bonds will be repaid with increments collected.

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 a Resolution No. 9717 entitled: "A RESOLUTION OF INTENTION TO AMEND THE CITY'S CENTRAL MONTANA AGRICULTURAL AND TECHNOLOGY PARK TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT PLAN TO INCLUDE LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87; MAKING CERTAIN FINDINGS WITH RESPECT THERETO AND PROVIDING FOR THE FIRST READING OF THE AMENDING ORDINANCE (ORDINANCE 2996)(the" RESOLUTION") on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on November 20, 2007, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this ___ day of November, 2007.

(SEAL)

Lisa Kunz, City Clerk

RESOLUTION NO. 9717

A RESOLUTION OF INTENTION TO AMEND THE CITY'S CENTRAL MONTANA AGRICULTURAL AND TECHNOLOGY PARK TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT PLAN TO INCLUDE LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87; MAKING CERTAIN FINDINGS WITH RESPECT THERETO AND PROVIDING FOR THE FIRST READING OF THE AMENDING ORDINANCE (ORDINANCE 2996)(the" RESOLUTION")

BE IT RESOLVED by the City Commission (the "Commission") of the City of Great Falls, Montana (the "City"), as follows:

Section 1. Recitals.

1.01. Sections 7-15-4298 through 7-15-4299, Montana Code Annotated (M.C.A.) (the "Act") authorizes municipalities to create industrial infrastructure districts for industrial infrastructure development projects.

1.02. Section 7-15-4299(2) enables municipalities creating industrial infrastructure districts to utilize tax increment financing.

1.03. In accordance with the provisions of the Act, the City conducted a public hearing on the creation of the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District (the "District") and the financing of certain industrial infrastructure improvements for International Malting Company, a secondary, value-adding industry.

1.04. The City, pursuant to Ordinance No. 2911 adopted by the Commission on May 17, 2005 (the "Ordinance") created the District and established the boundaries of the District. The District was created for the purpose of providing needed infrastructure to attract and encourage the location of secondary, value- adding industries, particularly International Malting Company, in the area of the City constituting the District.

1.05. Pursuant to the Ordinance and Resolution No. 9451, adopted by the Commission on December 20, 2005, the City approved the acquisition of certain rail spur improvements (the "Rail Spur") to provide rail access to all properties in the District to encourage the expansion and development of other secondary, value-adding industries in the District.

1.06. It is still the intent of the City to acquire the Rail Spur so that it may be made available by the City to other secondary value-adding industries wishing to locate in the District or in that part of the City.

1.07. Consistent with the intent of the Ordinance, the City has determined that it is in its best interest of the City and the District to expand the boundaries of the District to encourage the

further development of secondary, value-adding industries in the areas adjacent to the District and to enable the City to finance other needed industrial infrastructure improvements to serve the District and property proposed to be added to the District.

1.08. On October 2, 2007, pursuant to Resolution No. 9696, the City extended the boundaries of said City to include Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana and the abutting segment of U.S. Highway 87, as described in Resolution No. 9696, and generally as shown on the vicinity map exhibit attached hereto marked Exhibit A and by this reference made a part hereof, and according to the minor subdivision plat of International Malting Company, LLC Addition (the “Area”).

1.09. The City has full power and authority to amend the Ordinance, and wishes to provide notice of its intention to amend the Ordinance to extend the boundaries of the District to include the Area and order a public hearing thereon.

1.10. In conformance with the requirements of Section 76-1-604, M.C.A., and pursuant to Resolution No. 9501 approved by the Commission on June 21, 2005, the City adopted a Growth Policy (the “Growth Policy”).

1.11. Section 7-15-4299 of the Act requires that for an industrial district to be created, the area must be zoned for light or heavy industrial use in accordance with the growth policy document; is not included within an existing urban renewal district; is deficient in infrastructure improvements for industrial development; and has the purpose of the development of infrastructure to encourage the growth and retention of secondary, value-adding industries.

Section 2. Determination of Infrastructure Improvement Deficiency; Incorporation of Area into Boundaries of District.

2.01. The City hereby makes the following determinations with respect to the Area in accordance with the Act:

a). The Area has been zoned “I-2” Heavy Industrial District pursuant to Ordinance No. 2985, adopted on November 6, 2007.

b). The Area does not include any property included within an existing urban renewal area district, industrial infrastructure district or technology infrastructure district.

c). There is no public infrastructure in the Area and thus it is deficient in infrastructure improvements necessary for the development of secondary value-adding industry.

d). The development of a natural gas electric generating facility in the Area is dependent on the availability of City water and other public infrastructure.

e). The development of infrastructure in the Area to encourage the growth of secondary value-adding industries is consistent with the Ordinance and the District as it currently exists.

2.02. Based on the foregoing, the City determines that the Area is eligible to be incorporated into the District and that the development of secondary value adding industry in the Area can be encouraged by its incorporation in the District, and the construction of other industrial infrastructure improvements.

Section 3. Declaration of Intent; First Reading. This Council hereby declares its intention to amend Ordinance No. 2911 to modify the boundaries of the District to include the Area pursuant to [Ordinance No. 2996, a copy of which is attached hereto as Exhibit B](#), (the “Amending Ordinance”), which shall be deemed read and approved on First Reading upon adoption of this Resolution.

Section 4. Public Hearing. A public hearing on the Amending Ordinance and the inclusion of the Area within the boundaries of the District is hereby called and shall be held on Tuesday, December 4, 2007 at 7:00 p.m., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana.

Section 5. Notice. Notice of the public hearing shall be published in the *Great Falls Tribune* on November 21 and 27, 2007, in substantially the form attached as [Exhibit C](#) hereto (which is incorporated by reference and made a part hereof) and mailed to the owners of record of the real property constituting the Area.

PASSED AND ADOPTED this 20th day of November, 2007.

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 9717 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 20th day of November, 2007, and approved by the Mayor of said City, on the 20th day of November, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 20th day of November, 2007.

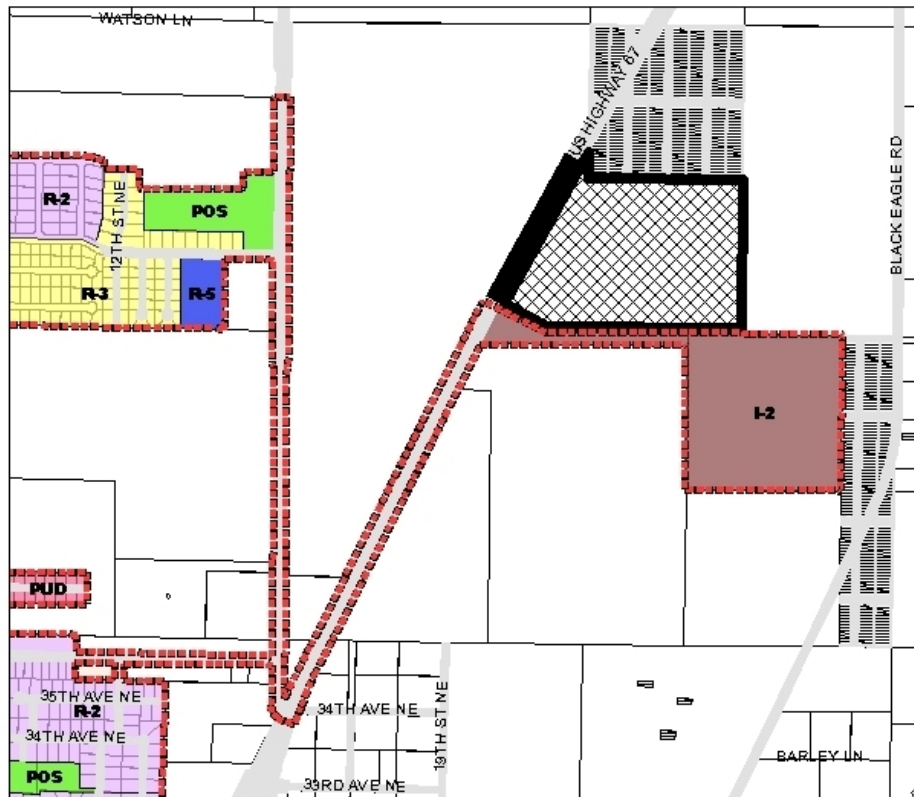
Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT A

LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87

EXHIBIT "A"
VICINITY/ZONING MAP














-  LOT 5, BLOCK 1 IN TERNATIONAL MALTING COMPANY, LLC ADDITION REQUESTED TO BE ANNEXED AND ZONED "I-2" HEAVY INDUSTRIAL DISTRICT
-  PORTION OF U.S. HIGHWAY 87 PROPOSED TO BE ANNEXED
-  EXISTING CITY LIMITS
-  R-2 Single-family medium density
-  POS Parks and Open Space
-  R-3 Single-family high density
-  PUD Planned unit development
-  R-5 Multi-family medium density
-  I-2 Heavy industrial
-  U Unincorporated enclave
-  Tracts of land outside City



EXHIBIT C

NOTICE IS HEREBY GIVEN that the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”) will hold a public hearing on Tuesday, December 4, 2007 at 7:00 p.m., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana on its proposed intention to reconfirm its original determination that industrial infrastructure deficiency exists in the Area generally described as:

Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, and containing 54.86 acres; and

A Parcel of land being portions of U.S. Highway 87, Federal Aid Project No. 149-D(3) according to right-of-way plans in the records of the Montana Department of Transportation, said Parcel being situated in the Northwest Quarter (NW 1/4) of Section 30, in Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, described in Resolution No. 9217 (the “Area”)

and to include such area within the boundaries of the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District pursuant to Ordinance No. 2996.

A copy of the Ordinance and a map of the Area are in file in the office of the City Clerk of the City of Great Falls, at 2 Park Drive South, Great Falls, Montana.

Any interested persons may appear and will be heard or may file written comments with the City Clerk prior to such hearing.

Dated: November 20, 2007.

Lisa Kunz, City Clerk

Publication Dates: November 21, 2007
 November 27, 2007

ORDINANCE NO. 2996

AN ORDINANCE RELATING TO THE CENTRAL MONTANA AGRICULTURAL AND TECHNOLOGY PARK TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DISTRICT; AMENDING ORDINANCE 2911 TO INCLUDE LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87 WITHIN THE BOUNDARIES OF THE DISTRICT

BE IT ORDAINED BY THE CITY COMMISSION (THE “COMMISSION”) OF THE CITY OF GREAT FALLS (THE “CITY”), MONTANA AS FOLLOWS:

Section 1. Recitals

1.01. On May 17, 2005, this Commission enacted an “Ordinance Relating To The Central Montana Agricultural And Technology Park Tax Increment Industrial Infrastructure District; Providing For Definition Of Terms; Establishing The Costs Which May Be Paid By Tax Increment Financing; Creating And Approving The Central Montana Agricultural And Technology Park; Establishing The Boundaries Thereof; Establishing January 1, 2005 As The Base Taxable Year; Providing For Repeal Of All Parts Of Ordinances And Resolutions In Conflict Herewith; And Providing For An Effective Date Hereof” as Ordinance No. 2911.

1.02. Ordinance No 2911 has been in full force and effect since its adoption.

1.03. This Commission, pursuant to Resolution No. 9717 adopted on November 20, 2007, set forth its intention to amend the City’s Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District to include Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana and the abutting segment of U.S. Highway 87, called a public hearing thereon for December 4, 2007, and provided for the First Reading of this Ordinance 2996.

1.04. The City caused notice of the public hearing to be mailed to the record owners of the property constituting the Area on November 21 and to be published in the Great Falls Tribune on November 23 and November 30, 2007.

1.05. At the December 4, 2007 public hearing, the City allowed all persons attending the opportunity to speak on the proposed modification of the boundaries of the District.

Section 2. 1.06. Based on the comments provided at the Public Hearing, and the Second Reading, this Commission is ready to proceed with the adoption of Ordinance No. 2996.

Section 3. Definitions. Section 1 of Ordinance No. 2911 is amended to read as follows:

“Area” means the real property described as the City’s Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District to include Lot 5, Block 1, International Malting Company, LLC Addition, in Section 30, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana and the abutting segment of U.S. Highway 87.

“Actual taxable value” means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.

“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

“Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District” means the tax increment industrial infrastructure district created by Ordinance No. 2911, as modified by this Ordinance.

“Central Montana Agricultural and Technology Park Tax Increment Industrial District Plan” means the City’s plan to promote the development of secondary value-adding industry in the City in the District through the acquisition, construction, and financing of public infrastructure improvements necessary for the retention or development of value-adding industries.

“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.

“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.

“Taxes” means all taxes levied by a taxing body against property on an ad valorem basis.

Section 4. Boundaries. Based on the comments at the public hearing and the finding and determinations contained in Resolution No. 9717, which are hereby confirmed, the Area as legally described on Exhibit A hereto shall as of the effective date of this Ordinance be added to the boundaries of the Central Montana Agricultural and Technology Park Tax Increment Industrial District (the “District”). The revised boundaries of the District are legally described on Exhibit B hereto and depicted on the map attached hereto as Exhibit C.

Section 5. Base Year of Area. For the purpose of calculating the incremental taxable value each year for the life of the District, the base taxable value shall be all real and personal property

constituting the Area, determined as of January 1, 2007, plus the Base Taxable Value of the District, as determined January 1, 2005.

Section 6. Term of the Tax Increment Financing. The addition of the Area to the District does not purport to alter in any way or extend the term of the Tax Increment Financing provisions as set forth in Ordinance 2911.

Section 7. Effective Date. This Ordinance shall be in full force and effect upon passage and adoption by the Commission after Second Reading.

Section 8. Validity of Ordinance No. 2911; Conflict with Other Ordinances and Resolutions. The enactment of this Ordinance does not in any way repeal or effect the validity thereof, and is amended only to the extent specifically provided in this Ordinance.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
this 4th day of December, 2007

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 2996 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 4th day of December, 2007 and approved by the Mayor of said City on the 4th day of December, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 4th day of December, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 4th day of December, 2007 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2996 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

Description of Area

LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION, IN SECTION 30, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ABUTTING SEGMENT OF U.S. HIGHWAY 87

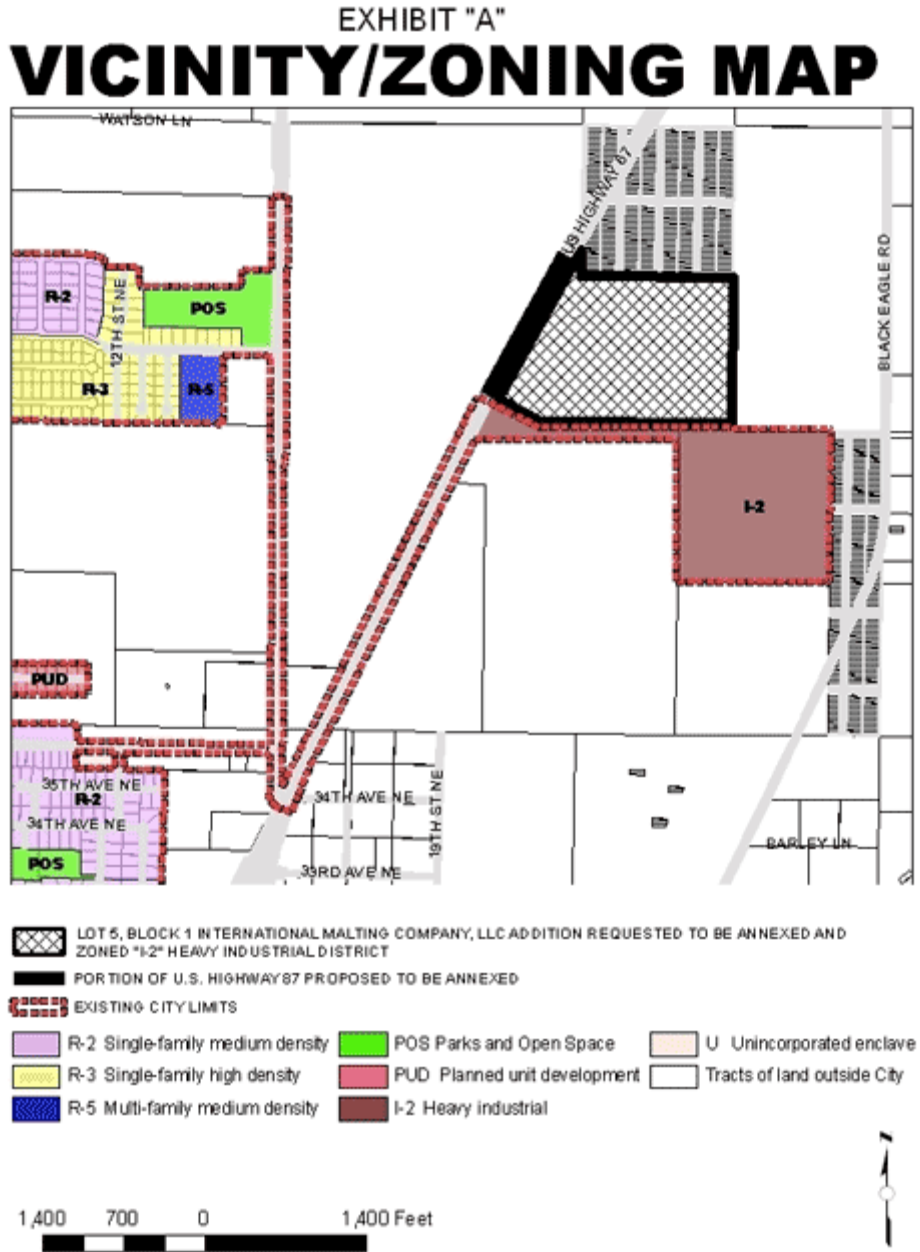


EXHIBIT B

Metes and bounds description for of Revised Boundaries of Central Montana Agricultural and Technology Park Tax Increment Industrial District

Property situated in Section 30, Township 21 North, Range 4 East, of the Principle Meridian Montana, Cascade County, Montana, described as follows:

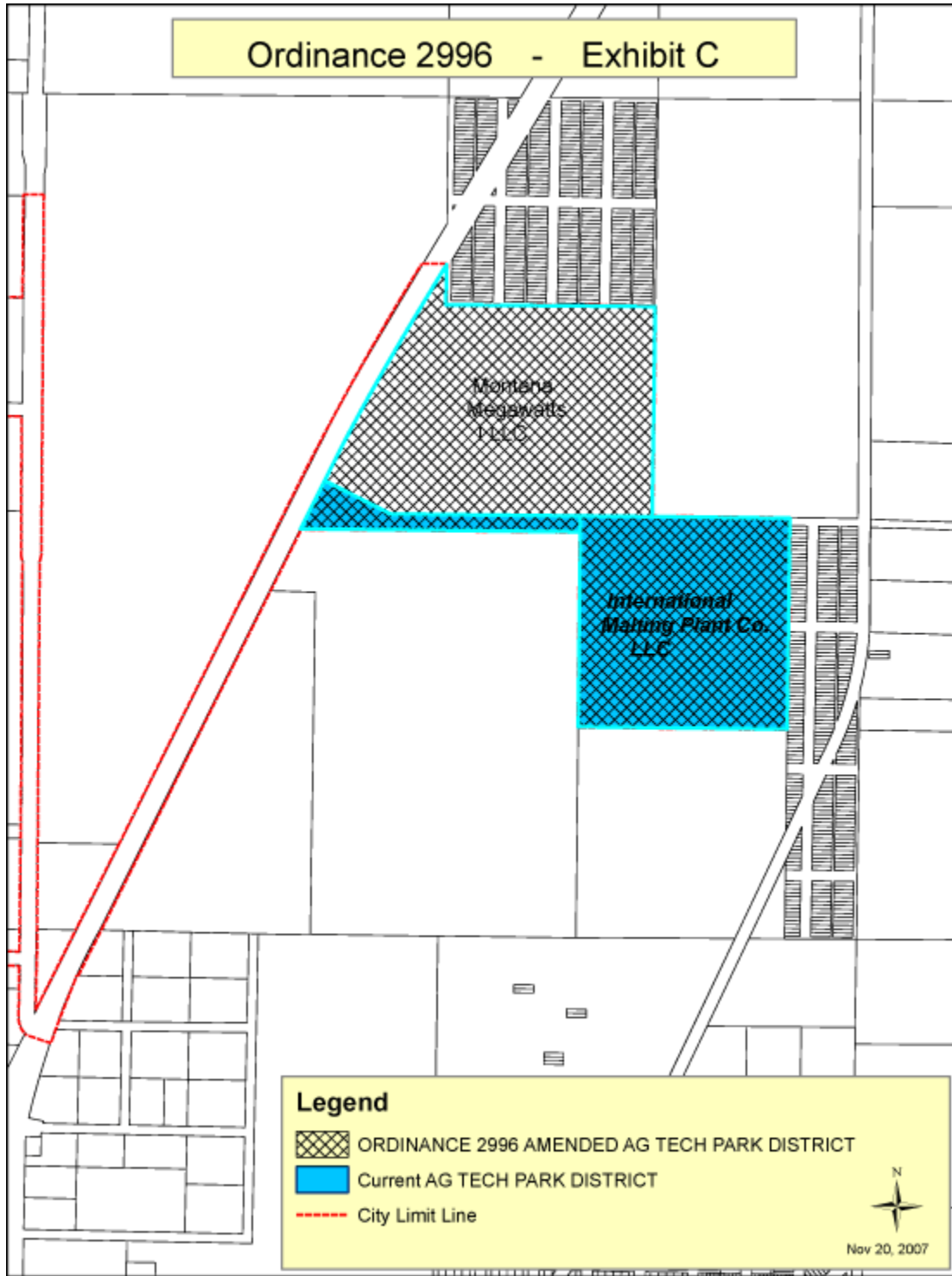
Commencing at the East Quarter Corner of said Section 30; thence N89°28'41"W along the east-west mid-section line of said Section 30, a distance of 453.39 feet to the Northwest Corner of the First Broadway Addition to North Great Falls according to the official map on file in the records of Cascade County and Point of Beginning of the industrial tax increment district herein described: thence S00°37'48"W along the west line of said First Broadway Addition to North Great Falls, a distance of 1325.50 feet; thence N89°35'17"W, a distance of 1321.42 feet; thence N00°40'34"E, a distance of 1228.04 feet; thence N89°28'41"W, a distance of 1766.61 feet to the southeasterly right-of-way of US Highway 87, Project Number FAP 149-F(3), according to the as-built right-of-way plans on file in the records of the Montana Department of Transportation; thence N26°35'47"E, along said southeasterly right-of-way, a distance of 339.89 feet; thence S63°24'13"E, a distance of 467.08 feet; thence S89°28'41"E, a distance of 2,518.28 feet to the Point of Beginning, containing in all 45.457 acres.

The above described area is platted as Lots 2 and 4, Block 1, International Malting Company, LLC Addition.

EXHIBIT C

Map of Revised

Central Montana Agricultural and Technology Park Tax Increment District



Regular City Commission Meeting

Mayor Stebbins presiding

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

ROLL CALL: City Commissioners present: Dona Stebbins, Sandy Hinz, Diane Jovick-Kuntz, Bill Beecher and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Public Works, Library and Planning, Acting Director of Park and Recreation, Police Chief, Fire Chief, and City Clerk.

PROCLAMATION: Mayor Stebbins read a proclamation of appreciation and commendation for Captains David Bowen and Timothy Shanks, Lieutenant Bryan Lockerby, Senior Police Officer Michael Badgley and Ms. Melissa Kinzler for their service to the Great Falls Animal Shelter.

NEIGHBORHOOD COUNCILS

- NC4. The Home Place.**
1. Rick Kavulla, 725 49th Street South, NC4, inquired about the annexation of property known as The Home Place. Planning Director Ben Rangel reported that piece of property was on the list of properties receiving services. They chose not to continue water and sewer services and, therefore, under Ordinance 2930, the City does not have the basis to annex them. In due time, it appears that the property is wholly surrounded, so the City could consider looking at state statute as the basis to consider annexation.

PUBLIC HEARINGS

- Res. 9689 and Ord. 2983, annexation and zoning for Castle Pines Phase IV. Adopted.**
- 2A. **RESOLUTION 9689 ANNEXES CASTLE PINES PHASE IV, CONSISTING OF 5 LOTS LOCATED ALONG THE SOUTH SIDE OF 27TH AVENUE SOUTH AND THE SOUTHERLY EXTENSION OF 15TH STREET SOUTH.**
 - 2B. **ORDINANCE 2983 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY, HIGH-DENSITY DISTRICT.**

Planning Director Ben Rangel reported that Harold Poulsen is the property owner and developer of Castle Pines Addition. Mr. Poulsen received Commission approval for several phases of the subdivision, and is now ready to proceed with Phase IV, which consists of an additional 5 single family residential lots along 27th Avenue South near 15th Street.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9689, which would annex the subdivision

and to adopt Ordinance 2983, which would assign a zoning classification of R-3 single family residential, and to approve the minor plat of the subdivision, the annexation agreement and the Findings of Fact.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9689 and Ordinance 2983.

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

Commissioner Hinz moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Resolution 9689 and approve the Minor Plat, Annexation Agreement and Findings of Fact.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Ordinance 2983.

Motion carried 5-0.

Res. 9688 and Ord. 2982, annexation and zoning for Lot 6A, Beebe Tracts. Adopted.

3A. RESOLUTION 9688 ANNEXES LOT 6A, BEEBE TRACTS, ADDRESSED AS 5000 2ND AVENUE NORTH, CURRENTLY OCCUPIED BY BIG SKY MINIATURE GOLF.

3B. ORDINANCE 2982 ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT.

Planning Director Ben Rangel reported that Rodney and Rose Borger have requested that their miniature golf business on 2nd Avenue North at 50th Street be annexed into the City in order to receive water and sewer services.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9688, which would annex the parcel and to adopt Ordinance 2982, which would assign a zoning classification of C-2 general commercial, and to approve the annexation agreement and easements.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9688 and Ordinance 2982.

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

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9688 and approve the Annexation Agreement and easements.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Ordinance 2982.

Motion carried 5-0.

Res. 9697 and Ord. 2986, annexation and zoning for Marks T and IA, TS20N R3E Sec. 15. Adopted.

- 4A. RESOLUTION 9697 ANNEXES MARKS T AND IA, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, ADDRESSED AS 1400 14TH STREET SOUTHWEST.**
- 4B. ORDINANCE 2986 ASSIGNS ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT.**

Planning Director Ben Rangel reported that in February of 2006, the City Commission adopted Ordinance 2930 regarding the annexation of parcels receiving water and/or sewer services, but located outside the City limits. The Commission has decided to annex these parcels to create a more consistent City boundary and to provide services more effectively to everyone in the City. It is also a matter of fairness to current City residents to make certain that those who use City services help to equally pay for the cost of providing them. A number of properties are involved in this annexation program. This agenda item involves a single-family residence along 14th Street SW owned by Casey and Lisa Schearer. As a condition for the continued receipt of City water and sewer services, the owners have provided written consent to annex.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9697, which would annex the parcels and to adopt Ordinance 2986, which would assign a zoning classification of R-1 single family suburban.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9697 and Ordinance 2986.

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

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission adopt Resolution 9697.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Jovick-Kuntz, that the City Commission adopt Ordinance 2986.

Motion carried 5-0.

Res. 9698 and Ord. 2987, annexation and zoning for Mark I, TS20N R3E Sec. 15. Adopted.

5A. RESOLUTION 9698 ANNEXES MARK I, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, ADDRESSED AS 1420 14TH STREET SOUTHWEST.

5B. ORDINANCE 2987 ASSIGNS ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT.

Planning Director Ben Rangel reported that, as noted with the previous agenda item, this is the next property proposed to be annexed under Ordinance 2930. This item also involves a single-family residence along 14th Street SW owned by Steven and Kelley Grubb. As a condition for the continued receipt of City water and sewer services, the owners have provided written consent to annex.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9698, which would annex the parcel and to adopt Ordinance 2987, which would assign a zoning classification of R-1 single family suburban.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9698 and Ordinance 2987.

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

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9698.

Commissioner Hinz asked Planning Director Ben Rangel how many of these parcels the City has identified and how many have already been handled. Mr. Rangel answered that over 100 were identified, and there are about a dozen left.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2987.

Motion carried 5-0.

Res. 9699 and Ord. 2988, annexation and zoning for Marks J and J1, TS20N R3E Sec. 15. Adopted.

6A. RESOLUTION 9699 ANNEXES MARKS J AND J1, SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, AND ABUTTING UNINCORPORATED PORTION OF 14TH STREET SOUTHWEST AND A SEGMENT OF 16TH AVENUE SOUTHWEST.

6B. ORDINANCE 2988 ASSIGNS ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT UPON MARK J AND C-2 GENERAL COMMERCIAL DISTRICT UPON MARK J1.

Planning Director Ben Rangel reported that this agenda item also involves property proposed to be annexed under Ordinance 2930. It involves a single-family residence and a general service warehouse business along 14th Street SW owned by Eric and Lori Ellingson. As a condition for the continued receipt of City water and sewer services, the owners have provided written consent to annex.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9699, which would annex the parcels and to adopt Ordinance 2988, which would assign a zoning classification of R-1 single family suburban to parcel J, and C-2 general commercial to parcel J1.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9699 and Ordinance 2988.

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

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Resolution 9699.

Motion carried 5-0.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 2988.

Motion carried 5-0.

Res. 9700 and Ord. 2989, annexation and zoning for Marks 7D and 7M, TS20N R4E Sec. 9. Adopted.

7A. RESOLUTION 9700 ANNEXES MARKS 7D AND 7M, SECTION 9, TOWNSHIP 20 NORTH, RANGE 4 EAST, CURRENTLY OCCUPIED BY JOHN'S MOBILE HOME COURT ALONG 2ND AVENUE NORTH.

7B. ORDINANCE 2989 ASSIGNS ZONING CLASSIFICATION OF R-10 MOBILE HOME PARK DISTRICT.

Planning Director Ben Rangel reported that this agenda item also involves property proposed to be annexed under Ordinance 2930. It involves a mobile home court along 2nd Avenue North and 42nd Street owned by Charles and Judith Ferguson. As a condition for the continued receipt of City water and sewer services, the owners have provided written consent to annex.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9700, which would annex the parcels and to adopt Ordinance 2989, which would assign a zoning classification of R-10 mobile home park.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9700 and Ordinance 2989.

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

Commissioner Beecher moved, seconded by Commissioners Hinz, Jovick-Kuntz and Rosenbaum, that the City Commission adopt Resolution 9700.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Ordinance 2989.

Motion carried 5-0.

Res. 9701 and Ord. 2990, annexation and zoning for Park Highway Garden Tracts, Lots 19 and 19B. Adopted.

8A. RESOLUTION 9701 ANNEXES PARK HIGHWAY GARDEN TRACTS, LOTS 19 AND 19B, CURRENTLY OCCUPIED BY TOLAN DISTRIBUTING.

8B. ORDINANCE 2990 ASSIGNS ZONING CLASSIFICATION OF M-2 MIXED USE TRANSITIONAL DISTRICT.

Planning Director Ben Rangel reported that this agenda item also involves property proposed to be annexed under Ordinance 2930. It involves a single-family residence and a bulk gasoline and oil sales business at the west end of the Northwest Bypass owned by Jack and Virginia Tolan. As a condition for the continued receipt of City water and sewer services, the owners have provided written consent to annex.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9701, which would annex the parcels and to adopt Ordinance 2990, which would assign a zoning classification of M-2 mixed-use transitional.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9701 and Ordinance 2990.

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

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolution 9701.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Ordinance 2990.

Motion carried 5-0.

Res. 9702 and Ord. 2991, annexation and zoning for Mark 11A, TS20N R3E Sec. 3. Adopted.

9A. RESOLUTION 9702 ANNEXES MARK 11A, SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, PRESENTLY OCCUPIED BY A LOG HOME SALES AND CONSTRUCTION OFFICE (EAGLES NEST LOG HOMES) AND A SINGLE-FAMILY RESIDENCE, ADDRESSED AS 1001 AND 1011 NORTHWEST BYPASS.

9B. ORDINANCE 2991 ASSIGNS ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT.

Planning Director Ben Rangel reported that this agenda item also involves property proposed to be annexed under Ordinance 2930. It involves a single-family residence and a log home sales and construction office on the

Northwest Bypass owned by Andrew and Mildred Bohl. As a condition for the continued receipt of City water and sewer services, the owners have provided written consent to annex.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9702, which would annex the parcel and to adopt Ordinance 2991, which would assign a zoning classification of C-2 general commercial.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9702 and Ordinance 2991.

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

Commissioner Hinz moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9702.

Motion carried 5-0.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 2991.

Motion carried 5-0.

Res. 9710 and Ord. 2985, annexation and zoning for Lot 5, Block 1, International Malting Company, LLC Addition and the abutting section of U.S. Highway 87. Adopted.

10A. RESOLUTION 9710 ANNEXES LOT 5, BLOCK 1, INTERNATIONAL MALTING COMPANY, LLC ADDITION AND THE ABUTTING SECTION OF U.S. HIGHWAY 87.

10B. ORDINANCE 2985 ASSIGNS ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT.

Planning Director Ben Rangel reported that Montgomery Energy Partners of Austin, Texas, are proposing to build a natural gas fired electric generator facility along US Highway 87, north of Great Falls, near the malt processing plant. They are interested in annexing a 55 acre parcel and having it zoned for industrial use.

On October 2nd, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9710, which would annex the subdivision and a segment of U.S. Highway 87, and to adopt Ordinance 2985, which would assign a zoning classification of I-2 Heavy Industrial, and to approve the annexation agreement.

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

Mayor Stebbins declared the public hearing open. Speaking in favor of Resolution 9710 and Ordinance 2985 were Taylor Cheek of Montgomery Energy, and Brett Doney of the Great Falls Development Authority.

Speaking in opposition to Resolution 9710 and Ordinance 2985 were:

Gloria Smith, 8 Cheyenne Drive, stated that she has reservations about another industrial area on the outskirts of Great Falls.

Neil Taylor, 3417 4th Avenue South, opined that this matter should be tabled because there is not enough information about Montgomery's plans to double capacity.

Ron Gessaman, 1006 36th Avenue N.E., stated that there is not enough information about the noise the plant will generate and that he is in favor of tabling this matter to a later date.

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

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9710 and approve the Annexation Agreement.

Commissioner Rosenbaum inquired if the gas capacity in our area will be adequate to supply the plant, the residents, and other industry to the extent we won't see a tremendous increase like those reported in other areas where there is already marginal gas reserves. Taylor Cheek responded that this plant will not have an impact on what residents pay at home. As far as supply goes, the plant is a small user as compared to the community as a whole. As far as delivery of the gas, there will be some upgrades done on the gas system. NorthWestern Energy will do a study regarding what they have to do on their system for liability purposes. Montgomery Energy will have to pay for those upgrades so there is no impact on the system.

Commissioner Hinz asked Mr. Cheek to address the noise issue. Mr. Cheek advised that these are over-sized aircraft engines, housed in multiple noise containment vessels that are insulated, as well as within a noise retention wall. If the property is annexed, Montgomery will have to comply with all City noise ordinances. The OSHA guidelines are 55-60 decibels at the property line which is about the noise of a conversation. The highway will make more noise than the gas turbines will make. He stated he has never had noise complaints from any other plants.

Commissioner Jovick-Kuntz asked about the water use. Fiscal Services

Director Coleen Balzarini answered that there are contracts for water and wastewater services on the agenda. To put in perspective the amount of water this facility will be using on average will be 780,000 up to 1.5 million gallons of water per day. She looked at the flow of the river in the area that it will be drawing from. The flow is reflected in cubic feet per second. The river, at its lowest point in September of 2001, had 3,867 cubic feet per second. This plant will be using between 1.2 and 2.3 cubic feet per second. Basically, it will be using .06 percent of the flow on the lowest point, and that was assuming it was using the 1.5 million gallons.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 2985.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

Potable and Industrial Process Water Service and Sanitary Sewer Agreements with Montana Megawatts I, LLC. Approved.

11. POTABLE AND INDUSTRIAL PROCESS WATER SERVICE AND SANITARY SEWER AGREEMENTS WITH MONTANA MEGAWATTS I, LLC.

Fiscal Services Director Coleen Balzarini reported there are two different agreements, one for water services and one for wastewater services. The wastewater agreement is typical. Montana Megawatts has agreed to comply with all state, federal and local laws. There is not a lot of return coming in to the facility. Some impact will be on the water services. Their potable water is minimal. What they may be using is 1.5 million gallons of untreated or raw water. The charge for that water will not be the same as what is delivered to homes, which is treated. This water will come directly out of the river. The company is responsible for building the infrastructure to get it to their facility. They bear all the costs. The charge to them for the raw water is a rate that has been set by the City Commission in 2004 at .17 cents per hundred cubic feet, and that rate will be reviewed every year. They will be using .06 percent of the water that flows by the City of Great Falls. The revenue anticipated on an annual basis is between \$64,000 and \$124,000, if they used 1.5 million gallons per day, which they don't anticipate using. The raw water is going to help us prove up on our water reservation. It gives us the ability, in an area that is closed to any new water rights being issued, to prove up on a reservation that we have had in reserve.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Potable and Industrial Process Water Service and Sanitary Sewer Agreements with

Montana Megawatts I, LLC, and authorize the City Manager to execute the agreements.

Commissioner Hinz asked, if the City did not allow for the company to use one of its perfected water rights, what would the company do for water. Mr. Cheek answered that it would start over and look for other water rights in the state that could transfer down.

Mayor Stebbins inquired what would happen to those water rights if the City doesn't prove up on them. Ms. Balzarini answered that the water reservations are something that only municipalities were allowed to file for back in 1988. Each of those municipalities that filed has until 2025 to prove up on them. At that point the legislation related to them does sunset.

Commissioner Rosenbaum inquired what portion of that reservation has the City now proven up on, or potentially proven up on. Ms. Balzarini answered that the City has a total of 11.5 cubic feet. Between this plant, the Highwood Generating Station and the malting plant, she believes that leaves another three cubic feet.

Commissioner Hinz added that by the year 2025 the City will have to have perfected or proved up its water rights or lose them.

Mayor Stebbins inquired if there was any comment from the public.

Neil Taylor, 3417 4th Avenue South, stated that he believed the City is rushing to judgment on this project because there is little known about this facility and their plans for the future. Mr. Taylor asked where the pump station is going to be located.

George Golie, 316 20th Avenue South, spoke in favor of this project and providing water to this plant. Mr. Golie stated the City has a water right reservation to use it or lose it. In this case it will be used for the financial benefit of the City of Great Falls, beneficial for the tax base and provide more good paying jobs for this community.

Brett Doney, 3048 Delmar Drive, stated that this is part of a regional energy strategy. The gas fired power plant is one of the cleanest ways to firm the wind. Mr. Doney stated the City needs projects like this to develop our wind resource. He believes this is a good use of the water and, strategically, this project underpins another billion dollars in energy investments.

Mary Jolley, 1910 2nd Avenue North, thinks the plant is a great idea, but not the process. Ms. Jolley stated that the commissioners needed information this evening before voting on this, and thought the contracts weren't read yet. She stated there was no rush to pass this. She thought a work session may have relieved some of the fears about the use of the water.

Mike Witsoe, 2612 1st Avenue South, asked if the two million gallons of water this plant will be using be going up in steam, or how much of it will be residually contaminated. Mr. Witsoe inquired if this plant will be putting another extreme measure on the sewer plant. He opined if a million gallons of water go in the air it will be a big humidifier. He stated this contaminate will be based in moisture droplets, and asked what will this do to the climate. Mr. Cheek answered that the water is not treated, it is run through the cooling tower for cooling purposes only. There are no additives that will contaminate or damage anything. Eighty percent of the water will evaporate in the air. The rest of it is blown down from the cooling tower. It is condensed as it goes through the process. Then it goes back to the sewer plant. There will be no climate impact. There will be only minimal or trace amounts of particulate matter in the exhaust of gas plants. This plant has received all of its air permits from the State and reviewed by the EPA and qualified under all those levels.

City Manager John Lawton clarified that the City of Great Falls is not granting water rights to anyone. The City is not giving up any water rights. The City has been requested to sell water. This goes for IMC, this plant and the Highwood plant. The City is not touching its historic municipal water rights. The City's historic water rights go back to 1889. The City also has a second set of water rights to cover irrigation needs. The City is not touching the irrigation water rights. The City is using a water reservation, which is a junior water right. This junior water right was given a priority date of 1985. It had never been used until IMC. The City is selling water, using the junior water right never used before, perfecting it, and it will now become part of the City's historic water right and be an asset to the City.

Gloria Smith, 8 Cheyenne Drive, commented that 80 percent of that water will be going up in the air. She stated that so far the water that the City is giving up will do no good to Montanans because the wind generators do not supply Montana with power.

Carol Fisher, 500 53rd Street South, asked where the water will come out of the river.

Taylor Cheek answered that the company has not selected the final location where the pumping house will be. It will be a very small structure. As part of the permitting process, the State will look at where it is and its impacts.

Ron Gessaman, 1006 36th Avenue N.E., stated the water used in the cooling towers is treated to keep them algae free. The water from that cooling tower will contain chemicals. There will also be some carryover chemicals in the water that is evaporated and that will end up in the surrounding environment.

John Hubbard, 615 7th Avenue South, thinks this matter should be tabled.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Res. 9706, Intent to Annex Lot 2A, Block 1, Sand Hills Park Addition and Blocks 40 and 45, Lincoln Heights Addition, Res. 9707, Intent to Vacate 16th Alley South, and Ord. 2994, zoning for Lots 2A-1, 2A-2 and 2A-3. Adopted Res. 9706 and Res. 9707 and accepted Ord. 2994 on first reading and set joint public hearing for December 4, 2007.

12A. RESOLUTION 9706, INTENT TO ANNEX LOT 2A, BLOCK 1, SAND HILLS PARK ADDITION AND BLOCKS 40 AND 45, LINCOLN HEIGHTS ADDITION.

12B. RESOLUTION 9707, INTENT TO VACATE 16TH ALLEY SOUTH.

12C. ORDINANCE 2994, ASSIGNS ZONING CLASSIFICATION OF R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT TO LOTS 2A-1 AND 2A-2 AND POS PARKS AND OPEN SPACE DISTRICT TO THE UNINCORPORATED PORTION OF LOT 2A-3.

Planning Director Ben Rangel reported that 1st Liberty Federal Credit Union and the City of Great Falls propose to consolidate several lots and vacated rights of way into three parcels. The lots are located in the Sand Hills Park area just east of 23rd Street South and are proposed to be annexed. One lot is proposed for a retirement home; a second lot is proposed for 16 housing units by the Great Falls Housing Authority; and, the third lot would be park land. Mr. Rangel requested that the Commission accept Resolution 9706, Intent to Annex, and Resolution 9707, Intent to Vacate right of way, as well as to accept Ordinance 2994 on first reading and set public hearing for December 4th.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission adopt Resolutions 9706 and 9707, and set public hearing for December 4, 2007.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioners Rosenbaum and Hinz, that the City Commission accept Ordinance 2994 on first reading, and set public hearing for December 4, 2007.

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

- 13.** Minutes, October 16, 2007, Commission meeting.
- 14.** Total Expenditures of \$2,148,459 for the period of October 9 - 31, 2007, to include claims over \$5,000, in the amount of \$1,818,995.

15. Contracts list.
16. Lien Release list.
17. Set public hearing for November 20, 2007, on Res. 9711, Safety Inspection Certificate Fees.
18. Set public hearing for December 4, 2007, on Res. 9709, Conditional Use Permit for a Telecommunication Facility at 117 9th Street North.
19. Approve Change Order No. 1 in the amount of \$603 and final payment of \$19,069.13 to Dick Olson Construction and the amount of \$192.62 to the State Miscellaneous Tax Division for the Civic Center men's bathroom project. OF 1512.
20. Award bid for four new 2008 extended cab ¼ ton pickups to Bison Ford of Great Falls in the amount of \$62,710.80.
21. Award contract to United Electric, LLC, in the amount of \$40,007.88 for the Neighborhood Street Lighting – Eagles Crossing, Phases 2 & 3. SID 1308.
22. Award contracts to Membrane Concepts, LLC in the amount of \$144,430 for the pool liners at Jaycee, Water Tower and Mitchell Pools. OF 1501.
23. Approve final payment to Shumaker Trucking and Excavating and the State Miscellaneous Tax Division in the amount of \$14,016.22 for the Mount Olivet/Mountain View Water Main Loop. OF 1492.1.
24. Approve final payment to Dick Anderson Construction, Inc. and the State Miscellaneous Tax Division in the amount of \$5,490 for the Water Flocculation and Rapid Mix Improvements. OF1332.2.
25. Approve Wadsworth Park Lease Addendum with the Sun River Skeet Club.

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

Commissioner Rosenbaum commented on the Sun River Skeet Club's fine facility.

Mayor Stebbins inquired if there was any comment from the public regarding the consent agenda. No one responded.

Motion carried 5-0.

BOARDS & COMMISSIONS

Preliminary Plat consisting of 18 lots located between Grande Vista Park and Flood Road. Approved.

26. PRELIMINARY PLAT, SOUTH PARK ADDITION, PHASE II.

This item concerns a Preliminary Plat consisting of 18 lots ranging in size from 9,000 s.f. to 9,557 s.f., located between Grande Vista Park and Flood Road.

Commissioner Hinz moved, seconded by Commissioner Beecher, that the City Commission approve the Preliminary Plat of South Park Addition, Phase II, and the accompanying Findings of Fact, subject to fulfillment of conditions stipulated to by the Planning Board.

Motion carried 5-0.

Curtis Thompson appointed to Great Falls Housing Authority Board.

27. APPOINTMENT, GREAT FALLS HOUSING AUTHORITY BOARD.

Appoint one new member to the Great Falls Housing Authority Board for the remainder of a three-year term expiring June 30, 2009.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Hinz, that the City Commission appoint Curtis Thompson to fill the remaining term of Kelly Martinez through June 30, 2009.

Motion carried 5-0.

28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION

30. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Hinz commented that she has been hearing clamor from people in the community for clean energy and renewable energies and, to her, this gas fired plant is a way to firm up our wind, which is a renewable source. There will be water consumption, but it is not as dirty, in her mind, as coal.

PETITIONS AND COMMUNICATIONS

31. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

SME.

31A. Larry Rezendes, 2208 1st Avenue North, stated that he finds it absurd that after two years of doing business with the City of Great Falls, SME needs a deposit. Mr. Rezendes stated he hopes the voters hold accountable the commissioners that allowed this project to take place.

Montana Megawatts.

31B. Roger Norguaard, 221 Glenwood Court, asked if Montana Megawatts has the power lines and infrastructure to connect to the grid operated by NorthWest Energy, and asked how it plans to market the power.

Mr. Cheek answered that, at this time, NorthWestern has completed its system impact study and is starting its facilities study for the project. He is working on some issues with NorthWestern on the transmission system, and working on other alternatives which is moving forward well.

False Statements. HGS.

31C. George Golie, 316 20th Avenue South, commented that he heard false statements regarding the price of power from the Highwood Generating Station is not sustainable, it is going to degrade the water and the air and, most of all, voters should have had a right to vote on it. Mr. Golie stated that he compares those statements to the Environmental Impact Statement that has already come out. The bottom line is there are no significant adverse effects of building the Highwood Generating Station.

Vote. Park and Recreation position.

31D. Mike Witsoe, 2612 1st Avenue South, stated that he voted today. Mr. Witsoe asked, since Mr. Basta is in charge of Park and Recreation, is the Park and Recreation position going to be filled by Patty Reardon.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher that the regular meeting of November 6, 2007, be adjourned at 8:30 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

ITEM: \$5000 Report
 Budget or Contract Claims in Excess of \$5000

PRESENTED BY: City Controller

ACTION REQUESTED: Approval With Consent Agenda

APPROVAL: _____

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

MASTER ACCOUNT CHECK RUN FOR NOVEMBER 7, 2007	349,344.21
MASTER ACCOUNT CHECK RUN FOR NOVEMBER 14, 2007	881,765.02
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 31, 2007	73,819.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR NOVEMBER 9, 2007	3,794.00
WIRE TRANSFERS FROM OCT 30-31, 2007	24,063.42
WIRE TRANSFERS FROM NOV 1-5, 2007	34,702.79
TOTAL: \$	<u>1,367,488.44</u>

GENERAL FUND

OTHER ADMIN

WATERS CONSULTING GROUP INC	3RD PMT OF CITY MANGER SEARCH	5,850.00
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POLICE

ENERGY WEST	OCTOBER CHARGES SPLIT	464.04
ILF MEDIA PRODUCTIONS	PHASE II CAMPAIGN	9,985.00
ICOP ADVANCING SURVEILLANCE	MISC SOFTWARE & COMPONENTS	25,039.50

FIRE

ENERGY WEST	OCTOBER CHARGES SPLIT	2,646.00
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PARK & RECREATION

ENERGY WEST	OCTOBER CHARGES SPLIT	1,385.55
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SPECIAL REVENUE FUND

PLANNING

GREAT FALLS TRANSIT DISTRICT	REIM FOR 4TH QTR 2007 TRANSIT	17,134.97
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STREET DISTRICT

GREAT FALLS REDI -MIX INC	ASPHALTIC CONCRETE MATERIAL	29,264.23
EAGLES CROSSING INC	OF #1401.2 ADDITION PHASE II	92,679.41

LIBRARY

ENERGY WEST	OCTOBER CHARGES SPLIT	376.04
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FEDERAL BLOCK GRANTS

THERMO NITON ANALYZERS	LEAD PAINT ANALYZER; #720801	18,995.00
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ENTERPRISE FUNDS

WATER

UNITED MATERIALS	OF 1494.1 SUNNYSIDE WATER	147,639.21
ENERGY WEST	OCTOBER CHARGES SPLIT	2,232.01
DANA KEPNER CO-BILLINGS	MXU SINGLE PORT READ UNITS	14,100.00
PHILLIPS CONSTRUCTION	PMT #3 WATER MAIN REPLACEMENT	392,446.67
	OF #1464 7TH & 3RD AVE N	
EAGLES CROSSING INC	OF#1401.2 ADDITION PHASE II	13,120.00

STORM DRAIN

CASCADE COUNTY TREASURER	WESTSIDE FLOOD DIST 07 TAXES	13,414.91
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SANITATION

ENERGY WEST	OCTOBER CHARGES SPLIT	199.05
MONTANA WASTE SYSTEMS	OCTOBER CHARGES	81,237.80

SAFETY SERVICES

ENERGY WEST	OCTOBER CHARGES SPLIT	116.01
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GOLF COURSES

ENERGY WEST	OCTOBER CHARGES SPLIT	324.41
WILBUR ELLIS CO	FERTILIZER AND CHEMICALS	6,848.76

SWIM POOLS

ENERGY WEST	OCTOBER CHARGES SPLIT	4,263.39
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RECREATION

ENERGY WEST	OCTOBER CHARGES SPLIT	274.64
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CIVIC CENTER

GREAT FALLS SYMPHONY	EVITA GROSS TICKET PAYOUT	15,310.00
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS OCT 30-31, 2007	24,063.42
BLUE CROSS/BLUE SHIELD	GROUP & HMO CLAIMS NOV 1-5, 2007	34,702.79

CENTRAL INSURANCE

MONTANA MUNICIPAL INS AUTH	GEN LIAB DEDUCTIBLES OCT 2007	11,614.02
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FISCAL SERVICES

POSTMASTER	BULK POSTAGE	13,938.57
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	UNLEADED & DIESEL FUEL	16,549.20
INTERSTATE POWER SYSTEMS	REBUILT MILLING MACHINE ENGINE	9,000.00
MOUNTAIN VIEW CO-OP	UNLEADED & DIESEL FUEL	28,024.50

PUBLIC WORKS

ENERGY WEST	OCTOBER CHARGES SPLIT	2,527.13
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FACILITY SERVICES

ENERGY WEST	OCTOBER CHARGES SPLIT	1,057.99
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BLANKET PURCHASE ORDERS

MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES	54,364.00
CASCADE COUNTY TREASURER	COURT SURCHARGES	11,421.00

CLAIMS OVER \$5000 TOTAL: \$ 1,102,609.22

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

**AGENDA: 9
DATE: November 20, 2007**

ITEM: CONTRACT LIST
Itemizing contracts not otherwise approved or ratified by City Commission Action
(Listed contracts are available for inspection in the City Clerks 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	Community Development	Tom Earl Enterprises, Inc.	11/20/07 – 10/31/09	551 671	\$400- \$1,000/occurrence \$500-\$1,000/occurrence	Snow Removal Downtown City surface lots/garages Snow Removal Civic Center
B	Public Works	Montana Department of Transportation (MDT)	04/2006 – 2008	No funding required	None	Construction Agreement with MDT to mill, overlay, crack seal and chip seal State-Maintained routes in the City. OF 1531
C	Public Works	Montana Department of Transportation (MDT)	04/2006 – 2008	No funding required	None	Construction Agreement with MDT to mill, overlay, crack seal and chip seal City-Maintained routes in the City. OF 1531

AGENDA REPORT

DATE November 20, 2007

ITEM Set CDBG/HOME Community Needs Public Hearing

INITIATED BY Community Development Staff

ACTION REQUESTED Set Public Hearing

PREPARED & PRESENTED BY Chris Imhoff, CDBG/HOME Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

Staff recommends the City Commission set December 4th, 2007 as the public hearing date for citizen comments regarding needs of the community that may be addressed with Community Development Block Grant and HOME grant funds.

MOTION:

I move to set the public hearing for December 4, 2007, to obtain citizen comments on the community development needs of the community.

SYNOPSIS:

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

BACKGROUND:

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

AGENDA REPORT

DATE November 20, 2007

ITEM Sale of City Owned Land, West 1/2 of Lot 1, Block 76, Original Townsite

INITIATED BY Community Development Department

ACTION REQUESTED Set Public Hearing Date

PREPARED & PRESENTED BY Mike Rattray, C.D. Director

REVIEWED & APPROVED BY Mike Rattray, C.D. Director

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RECOMMENDATION:

Staff recommends the City Commission approve the following motion:

MOTION:

I move the City Commission set December 4, 2007 as the public hearing date for consideration of the sale of the west 1/2 of Lot 1, Block 76, Original Townsite.

SYNOPSIS:

Recently a private party contacted City staff and expressed an interest in purchasing the half lot owned by the city which is located at the southeast corner of the intersection of Ninth Street North and Tenth Avenue North. The half lot is currently vacant and has not had a structure on it in many years.

BACKGROUND:

The private party (Mr. Bob Bartram) contacted staff to express an interest in purchasing the property for the purpose of consolidating it with the adjoining lots to the east to allow for future development of the entire site. The minimum bid price for the property has been established at \$12,500, plus the city's administrative cost of preparing the property for sale. The value of the property was determined to be \$5.00 per square foot, minus 33% due to the fact that it is only a half lot and not a buildable site all by itself. A public notice of this bid opening was placed in the newspaper on November 4, 2007 for a bid opening to be conducted on November 14, 2007.

Attach: Public Notice (Not available online; on file in the City Clerk's Office.)

**CITY OF GREAT FALLS, MONTANA
AGENDA REPORT**

**AGENDA# 12
DATE November 20, 2007**

ITEM: ESCROW AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE MONTANA DEPARTMENT OF TRANSPORTATION – PROJECT STPU 5299(51), 2ND AVE N-15TH TO PARK-GTF – OFFICE FILE 992

INITIATED BY: FISCAL SERVICES DEPARTMENT

ACTION REQUESTED: APPROVAL OF ESCROW AGREEMENT

PRESENTED BY: COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: Staff recommends the approval of the Escrow Agreement between the City of Great Falls and the Montana Department of Transportation for the project known as STPU 5299(51), 2ND AVE N-15TH TO PARK-GTF – Office File 992 and authorize the City Manager to execute the final agreement.

MOTION: “I move the City Commission approve the Escrow Agreement between the City of Great Falls and the Montana Department of Transportation for the project known as STPU 5299(51), 2ND AVE N-15TH TO PARK-GTF Office File 992 and authorize the City Manager to execute the final agreement”.

SYNOPSIS: The City has agreed to establish an escrow account in order to collect and distribute the City’s share of the project funding to alleviate cash-flow concerns. The escrow account will be held with the Montana Board of Investments under the account name of City of Great Falls / MDOT Escrow. The account will be managed by City of Great Falls staff.

BACKGROUND: The City has agreed to provide funding for water and storm drain improvements at specified percentages of the project costs. The State has a requirement to collect some or all of the project costs in advance of the construction work. The State and the City have agreed to allow the City to establish an escrow account in order to collect and distribute the City share of project funding to alleviate cash-flow concerns. The City will deposit into the escrow account the estimated amounts detailed in the Deposit Schedule listed below.

Deposit Schedule

The City will deposit (1/4) one quarter (\$204,964.00) of the city’s share of the estimated project costs to the escrow account within 15 days of execution of this agreement.

The remaining amounts could vary due to potential project cost fluctuations but are now as follows:

- (2) one-third ($1/3$) of the remaining project costs are due on March 15th, 2008;
- (3) one-half ($1/2$) of the remaining project costs on May 15th, 2008; and
- (4) all know remaining project costs on July 15th, 2008.

Final project costs will be calculated within 6 months of project closeout and the remaining costs will be billed to the City and payable within 30 days.

ITEM Reappointment, Electric City Power, Inc. Board of Directors

INITIATED BY City Commission

ACTION REQUESTED Reappoint One Member

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission reappoint Robert Pancich to the Electric City Power, Inc., Board of Directors for a six-year term through December 31, 2013.

MOTION: I move the Commission reappoint Robert Pancich to the Electric City Power, Inc., Board of Directors for a six-year term through December 31, 2013.

SYNOPSIS: The Board of Directors of Electric City Power, Inc. consists of five directors. Initial appointments were made on January 3, 2006, and Robert Pancich was appointed to the staggered two-year term through December 31, 2007. Per Resolution 9484, adopted by the City Commission on May 17, 2005, members of any single Board or Commission are eligible to serve two consecutive terms, exclusive of time served on any unexpired term. Mr. Pancich is eligible for and interested in reappointment.

BACKGROUND: On November 1, 2005, the City Commission adopted Ordinance 2925 which restructured Electric City Power as a non-profit organization. Resolution 9529 adopted the Articles of Incorporation and Resolution 9530 adopted the Bylaws on November 15, 2005. Bylaws state that the Board of Directors shall consist of five directors to be appointed by the City Commission. The term of office will be six years, with initial appointments to be staggered terms.

Current members of this board include:

George M. Golie (12/31/2009)
Randy Gray (12/31/2009)
William M. Ryan (12/31/2011)
Dawn R. Willey (12/31/2011)