



City Commission Agenda

for

May 1, 2007

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission discussion. We encourage your participation.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION

National Day of Prayer
Older Americans
Day of Community Celebration

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Hilton Garden Inn Minor Subdivision, located along the west side of 14th Street Southwest between the Home Depot and Bel-View Palisade Addition. **(Presented by: Ben Rangel)**
 - A. Res. 9646, Annexes the unincorporated portion of the proposed Hilton Garden Inn Minor Subdivision. Action: Conduct joint public hearing and adopt or deny Res. 9646.
 - B. Ord. 2970, Assigns zoning classification of C-2 General Commercial district to Lots 1 and 2, and rezones presently incorporated portion of Lot 1, Block 2, from R-2 Single-family medium density district to R-5 Multi-family residential medium density district. Action: Conduct joint public hearing and adopt or deny Ord. 2970.

OLD BUSINESS

3. 2007/2008 CDBG & HOME Funds Annual Action Plan. Action: Approve or deny Plan. **(Presented by: Chris Imhoff)**

NEW BUSINESS

ORDINANCES/RESOLUTIONS

4. Res. 9654, Annual Special Improvement District Revolving Fund Analysis. Action: Adopt or deny Res. 9654. **(Presented by: Coleen Balzarini)**
5. Res. 9656, Relating to \$2,270,000 General Obligation Swimming Pool Bonds, Series 2007; Determining the Form and Details,

Authorizing the Execution and Delivery and Levying Taxes for Payment. Action: Adopt or deny Res. 9656. **(Presented by: Coleen Balzarini)**

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

6. Minutes, April 17, 2007, Commission meeting.
7. Total Expenditures of \$1,479,168 for the period of April 11-25, 2007, to include claims over \$5000, in the amount of \$1,302,555.
8. Contracts list.
9. Set public hearing for June 5, 2007, on Res. 9648, Establish Electric City Power utility rates through June 30, 2011, for Block One customers.
10. Approve cancellation of checks that remain outstanding and unpaid for the period of one year or longer.
11. Approve final payment to Advanced Earthwork and the State Miscellaneous Tax Division in the amount of \$55,193.61 for the 2nd Avenue SW Storm Drain Extension.
12. Approve Change Order No. 1 in the amount of \$59,666 to Stanley Consultants, Inc. for Renewable Energy Design Services for the Wastewater Treatment Plant Co-Generation Project.
13. Award bid for Liquid Aluminum Sulfate in the amount of \$295.51 per dry ton to Thatcher Company for the Water Treatment Plant.
14. Award bid for Liquid Chlorine in the amount of \$619 per ton to DPC Industries, Inc., for the Water Treatment Plant.
15. Award bid for Anhydrous Ammonia in the amount of \$145 per 147-lb cylinder to DPC Industries, Inc., for the Water Treatment Plant.

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

BOARDS & COMMISSIONS

16. Regional Airport Authority Board appointment procedure. Action: Adopt or deny procedure. **(Presented by: Cynthia Schultz)**
17. Miscellaneous reports and announcements.

CITY MANAGER

18. Miscellaneous reports and announcements.

CITY COMMISSION

19. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

20. Miscellaneous reports and announcements.

MOTION TO ADJOURN

AGENDA REPORT

DATE May 1, 2007

ITEM Public Hearing – Resolution No. 9646 to Annex and Ordinance No. 2970 to Establish City Zoning upon Portion of Hilton Garden Inn Minor Subdivision Being Annexed and Rezone Portion of Subdivision Presently Within City

INITIATED BY Erck Limited Partnership and Peter D. Bleskin, Property Owners and Developers

ACTION REQUESTED Commission Adopt Resolution No. 9646 and Ordinance No. 2970 and Approve Minor Plat and Agreement related to Hilton Garden Inn Minor Subdivision

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission approve the minor plat and annexation of the unincorporated portion of Hilton Garden Inn Minor Subdivision and assign a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision being annexed to the City and rezone the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution No. 9646 and approve the minor plat, Findings of Fact and Agreement all related to Hilton Garden Inn Minor Subdivision.”

and

“I move the City Commission adopt Ordinance No. 2970.”

SYNOPSIS:

Resolution No. 9646 annexes the unincorporated portion of the proposed Hilton Garden Inn Minor Subdivision. Ordinance No. 2970 assigns a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the unincorporated portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision, upon annexation of same to City, and rezones the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district. The accompanying Agreement contains terms and conditions associated with annexation and development of the involved property.

Hilton Garden Inn Minor Subdivision, located along the west side of 14th Street Southwest between the Home Depot and Bel-View Palisade Addition, dedicates a segment of 26th Avenue Southwest and consists of one lot to accommodate a proposed convention facility, a second lot to accommodate a proposed Hilton Garden Inn and a third lot to accommodate a proposed multi-family residential development.

BACKGROUND:

The Planning Office is in receipt of applications involving the platting, annexation, and rezoning of property totaling 11.311 acres located along the west side of 14th Street Southwest between Market Place Subdivision and Bel-View Palisade Addition. Erck Hotels proposes to construct a 118-room Hilton Garden Inn on the property being platted as Lot 2, Block 1, Hilton Garden Inn Minor Subdivision and a convention center upon the property being platted as Lot 1, Block 1. Both Lots 1 and 2, Block 1, are proposed to be zoned C-2 General Commercial District. Pete Bleskin is interested in eventually constructing multi-family residential upon the property being platted as Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, which is proposed to

be zoned R-5 Multi-family residential medium density district. The existing covenants on subject property restrict any building construction to a maximum 20ft height. Considering a 20ft height restriction and a 60% limitation on building lot coverage, the actual density on Lot 1, Block 2, will be significantly less than the maximum permitted density in R-5 which is one dwelling unit per 1875 sq ft of lot area.

For additional information, please refer to the attached Vicinity/Zoning Map, vicinity aerial photo overlaid with site plan for the Hilton Garden Inn and convention center, and a reduced copy of the Plat of the Hilton Garden Inn Minor Subdivision.

Access to the Hotel and convention center (Lots 1 and 2, Block 1) will be through:

- extension of a private road (Market Place Road) between Home Depot and Tony Romas Restaurant;
- driveway connection to 14th Street SW at the northeast corner of Lot 2, Block 1, restricted to right turn in only;
- public access to Market Place Drive at the northwest corner of Lot 1, Block 1;
- the proposed segment of 26th Avenue SW which will replace an existing private road between Blocks 1 and 2 which is connected to 14th Street SW.

Access to the proposed multi-family residential development (Lot 1, Block 2) will be provided by the proposed segment of 26th Avenue SW. This proposed segment of 26th Avenue SW also is the sole access for the existing single family residences on Parcel Mark No's E1 and E2.

Water mains are proposed to be extended into the development from existing mains in Market Place Road and 14th Street SW. A sanitary sewer main will be extended from 14th Street SW to serve the Hilton Garden Inn and the convention facility. An existing sanitary sewer main along the south boundary of Lot 1, Block 2 is intended to serve the proposed multi-family residential development. A storm sewer main is proposed to be extended from Market Place Road to serve the Hilton Garden Inn and the convention facility. Although not yet designed or defined, the property proposed for multi-family residential development will probably incorporate on-site detention with ultimate discharge into the storm sewer system in Park Garden Road.

Reimbursement is owed for the existing sanitary sewer main bordering the south boundary of the area requested to be annexed and for the existing water and sanitary sewer mains in the abutting portion of 14th Street SW. According to a Memorandum from the City Engineer dated Nov 6, 2006, the total reimbursement owed for the sanitary sewer main is \$17,933.53 and the water main is \$16,847.11.

Traffic Analysis:

Daily Trip Generation Calculation (Hilton Garden Inn & convention facility)

- Proposed land use, Lots 1 and 2, Block 1: Hotel (Land Use 310, ITE Trip Generation, 7th edition, 2003). This land use is defined as including "...places of lodging that provide sleeping accommodations and supporting facilities such as restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, limited recreational facilities (pool, fitness room) and/or other retail and service shops."
- Average daily trip rate (weekday): 8.17 trips ends per room (ITE Trip Generation, 7th edition, 2003)
- Daily trip generation: 118 rooms x 8.17 average daily trips ends/room = 964 trips per day

Daily Trip Generation Calculation (Proposed multi-family residential)

- Proposed land use, Lot 1, Block 2: Residential Condominium/Townhouse (Land Use 230, ITE Trip Generation, 7th edition, 2003) (Lot 1, Block 2 is proposed for low-rise residential condominiums, although no development plans have been submitted. In the absence of a formal development proposal, staff has estimated that no more than 30 single-story condominiums could be constructed on the lot, especially considering existing height-restricting covenants on the lot.)
- Average daily trip rate (weekday): 5.67 trip ends per dwelling unit. (ITE Trip Generation, 7th edition, 2003)
- Daily trip generation: 30 units x 5.67 average daily trip ends/unit = 310 trips per day

Trip Distribution: (Assumption)

The Hilton Garden Inn development is proposed to have the following four access points: two accesses to 14th St. SW; one from the north from Marketplace Dr. via an extension of the private Market Place Rd; and, one from the west through an existing public easement to the property.

Lot 1, Block 2 will not be immediately developed, but will be accessed by the newly dedicated segment of 26th Avenue SW which connects to 14th St. SW.

The estimated distribution is as follows:

Hilton Garden Inn

- Ingress/egress via 14th St. SW (east): 50%
- Ingress/egress via Market Place Dr. (west): 20%
- Ingress/egress via Market Place Rd. (north): 30%

Residential Condominiums

- Ingress/egress via 14th St. SW: 100%

Traffic Growth Summary Due to Proposed Developments

- 14th St. SW south of the development is not expected to see any noticeable growth in traffic.
- Flood Rd. is not expected to see any noticeable growth in traffic.
- Market Place Drive is expected to see a growth in traffic of around 482 vehicles per day immediately west of its intersection with 14th St. SW.
- Approximately 20% (around 193 vehicles per day) of the hotel/convention center traffic is expected to use the west access road.
- Approximately 50% of the hotel/convention center traffic is expected to use the 14th St. SW accesses (either the one shared with the future condos or the right-in driveway).
- 14th St. SW south of Market Place Dr. is expected to see a growth in traffic of around 658 vehicles per day.
- 14th St. SW near Exit 0 is expected to see a growth of approximately 991 vehicles per day.
- Approximately 30% of the vehicles projected to use 14th St. SW as the ingress/egress point are expected to also use the segment of Park Garden Road east of Flood Road. This equates to an estimated growth of about 134 vehicles per day on this segment of Park Garden Rd.

Nearby Average Daily Traffic Counts:

Count ID Number	Count Location Description	Daily Traffic	Year
135	14 th St. SW just south of Exit 0	9,295	2005
197	Park Garden Rd. just east of Flood Rd.	4,618	2006
277	Flood Rd. just north of 45 th Ave. SW	1,256	2004
281	Market Place Dr. just north of Park Garden Rd.	397	2004

Functional Classification:

The functional classification of roadways that would serve the proposed development are:

- 14th Street SW Minor Arterial (north of intersection with Flood Rd.)
- 14th Street SW Local (south of intersection with Flood Rd.)
- Market Place Drive Local
- Market Place Road Private Drive (Local)
- Park Garden Road Collector (east of intersection with Flood Rd.)
- Flood Road Collector

Existing Traffic Control:

The intersection of Market Place Dr. and 14th St. SW is signalized.

Traffic entering the intersection of 14th St. SW and Flood Rd. from the southeast (Flood Rd. or Park Garden Rd.) is stop controlled. Traffic on 14th St. SW is not stop controlled.

The intersection of Market Place Rd. and Market Place Dr. is stop controlled on Market Place Rd.

Traffic Conclusions and Recommendations:

Adequate capacity exists on the area roadways to accommodate the projected additional traffic, and the traffic generated by the proposed development should be dispersed enough to have little impact at the access points to the adjoining roadways. However, the following recommendations could improve vehicular and pedestrian safety and flow, and should be considered:

1. To prevent the use of the development's internal roadways by through-traffic as a shortcut, the developer should consider the design and installation of deterrents. This could include traffic calming devices or designs, examples of which are shown in Appendix C of the City of Great Falls Land Development Code, found at:
http://www.ci.great-falls.mt.us/city_codes/landsign/00-5-AppendixC.pdf
2. The proposed northern driveway access to Lot 2, Block 1 from 14th Street SW should be a right-in access only, due to the close proximity of the access to the intersection with Flood Rd/Park Garden Rd and the multiple lanes and complex turning movements associated with the intersection. The hotel's main entrance, building frontage, signage and parking lot could be designed to encourage use of Market Place Road as the main entrance.
3. Extension of the sidewalk on the east side of Market Place Road from the end of the existing sidewalk to the site, and the extension and construction of Market Place Road to conform with Chapter 32, Title 17 of the Official Code of the City of Great Falls, and to requirements of the Great Falls Public Works Department.
4. Design and construction of internal, on-site sidewalks sufficient to provide for full and safe pedestrian access to Market Place Drive on the west; Market Place Drive on the north (via Market Place Road); and, 14th Street SW. With the close proximity of restaurants, theaters and shopping, pedestrian movements to and from the Hotel and Convention Center are anticipated.
5. The west access driveway/easement should be improved/upgraded, including installation of a sidewalk on at least one side of the easement.
6. The signalized intersection of 14th Street SW and Market Place Drive should be monitored periodically by the City to determine in particular if a left turn arrow is justified to accommodate north bound traffic on 14th Street SW turning onto Market Place Drive.

Zoning Analysis:

The portion of subject property presently outside the City is zoned in the County as "R-1" Suburban Residential District and it is proposed the property be zoned C-2 General commercial district and R-5 Multi-family residential medium density district upon annexation to the City. The portion of subject property presently within the City is zoned R-2 Single-family Medium Density District and it is proposed to be rezoned to R-5 Multi-family residential medium density district.

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

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

Subject property is bordered on the north by Home Depot, Golden Corral Restaurant, and currently vacant properties abutting 14th Street SW which are proposed restaurant sites; bordered on the east by the intersection of 14th Street SW/Flood Road/Acacia Way and BNSF Railroad right-of-way; bordered on the south by single family residential; and, bordered on the west by single family residential and a church.

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

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

Goals of the Land Use Element include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To preserve and enhance the character, quality, and livability of existing neighborhoods.
- To support and encourage a compatible mix of land uses in newly developing areas.

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

The proposed City zoning classification of C-2 General commercial district permits hotels/motels and indoor entertainment facilities inclusive of a convention center. The R-5 Multi-family residential medium density district allows a maximum density of one dwelling unit per 1875 sq ft of lot area meaning up to 74 units could be placed on proposed Lot 1, Block 2. However, the existing 20 ft maximum height covenant essentially would limit building construction to a single story which significantly reduces the density. The maximum building height allowed in the R-5 District is 45 feet. A concern arises if the 20 ft height covenant was to be eliminated. Therefore, staff has proposed a condition to be included in the Agreement between the City and the applicants that perpetuates the maximum building height restriction of 20 feet for all of the area to be zoned R-5 District.

Situated between a major commercial development (Market Place Subdivision) and an established single family residential neighborhood (Bel-View Palisade), it is expected the subject properties would act as a transitional area or buffer. Placement of a hotel/convention center on the northerly portion of the property proposed to be zoned C-2 General commercial, would be a less intense use than a retail facility similar to those existing immediately to the north. Residential use on the southerly parcel, although higher in density than conventional single family development, should also serve as a buffer for existing residences in Bel-View Palisade.

The planned uses on subject property should be compatible with commercial uses to the north and residential uses to the south. Therefore, staff concludes the above-cited criteria are substantially met.

Conclusion:

The subject property, which consists of three parcels totaling more than 11 vacant acres, is surrounded by urban development. Over the past several years, staff met several times with the previous owners of the property to discuss development alternatives. To date, development of the area has been stymied due to the lack of a cohesive comprehensive development plan. The current proposal including material and information on parcel resubdivision, land use, site development, interconnectivity, access, utilities, etc., provides such a comprehensive plan. In order for development on subject property to be successful and viable, it will require the cooperation of neighboring owners primarily through the sharing of access corridors.

The City Zoning Commission on November 14, 2006, conducted a public hearing on the request to assign a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision being annexed to the City and rezone the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district. Representatives of the applicants who spoke during the hearing were Mr. Mark Macek, realtor, Mr. Jack Fisher, Thomas, Dean & Hoskins Engineering, Mr. Dustin Williams representing Erck Hotels, Ms. Laurie Price, General Manager of the Great Falls Hampton Inn, and Ms. Linda Sterling, whose family has since sold their property interests in the project to Erck Limited Partnership and Peter D. Bleskin. Mr. Richard Wallace, who owns the residence immediately west of proposed Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, spoke in opposition expressing concerns about increased traffic, parking and the height of the proposed hotel. Mr. Bob Duty, 1419 Park Garden Road, expressed concerns about storm drainage and inquired about the buffer along the south side of the proposed multi-family residential development. Mr. Steve Martin, 1455

Park Garden Road, stated the proposed residential development would be an appropriate buffer provided the 20 foot building height limitation is recognized. Mr. Howard McFerrin, 1401 Park Garden Road, had concerns about the use and maintenance of the 20-foot right-of-way between the north boundary of Bel-View Palisade Addition and the project site. Mr. Jason Purpura, 2761 Evergreen Drive, questioned if enough thought had been given to changing the zoning on the property abutting Bel-View Palisade Addition from single family to multi-family. The Zoning Commission, at the conclusion of the public hearing, unanimously passed a motion recommending the City Commission assign a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, and R-5 Multi-family residential medium density district to the portion of Lot 1, Block 2, of Hilton Garden Inn Minor Subdivision being annexed to the City and rezone the presently incorporated portion of Lot 1, Block 2, of the Subdivision from R-2 Single-family medium density district to R-5 Multi-family residential medium density district.

The Planning Board at the conclusion of the public hearing held November 14, 2006, unanimously passed a motion recommending the City Commission annex the unincorporated portion of what is now being platted as Hilton Garden Inn Minor Subdivision, subject to the following conditions being fulfilled by the applicant:

- 1) providing the appropriate easements to accommodate necessary utilities;
- 2) submitting and obtaining approval of the City Public Works Department of the final engineering documents for the required public improvements to serve the project;
- 3) entering into an annexation agreement containing terms and conditions for annexation/rezoning of subject property; and
- 4) paying applicable fees and reimbursements.

In addition, the Planning Board during a meeting held March 27, 2007, passed a motion recommending the City Commission approve the Plat of the Hilton Garden Inn Minor Subdivision and the accompanying Findings of Fact subject to correction of any errors or omissions noted by staff.

Attach: Res. No. 9646

Ord. No. 2970

Vicinity/Zoning Map

Vicinity aerial photo overlaid with site plan for Hilton Garden Inn and convention facility

Reduced Copy of Drawing Portion of Minor Plat

Agreement

Findings of Fact

Minutes of the November 14, 2006, Planning Board/Zoning Commission public hearing

Communication dated September 15, 2006 from Neighborhood Council District 1

Letter dated November 14, 2006 from Kirk Evenson representing Richard & Marian Gallagher

Letter dated October 30, 2006 from Steve and Marsha Martin

cc: Erck Hotels, 14 Carriage Way, Missoula, MT 59802

Pete Bleskin, PO Box 6483, GF 59406-6483

Anna Johns, Dahlquist Realtors, 500 Country Club Blvd, GF 59404

Jack Fisher, TD & H, 1200 25th St So, 59405

**FINDINGS OF FACT
FOR
THE HILTON GARDEN INN MINOR SUBDIVISION
SECTION 15, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The tracts of land being resubdivided are not currently being utilized for agricultural purposes and are surrounded by urban development. Portions of the property had previously been used for livestock pasture. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

As the unincorporated area within the Minor Plat is in the process of being annexed to the City of Great Falls, it will be served by City water and sewer systems. The cost of extending the utility systems will be paid by the developer of the lots in the Minor Plat. The City should not experience an appreciable increase in maintenance and operating costs. The eventual occupants of developed lots within the subdivision will pay regular water and sewer charges.

The subdivision, with annexation to the City of Great Falls, will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is one mile from the subdivision site. Providing these services to eventual occupants of the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

A paved public roadway borders the east side of the subdivision. 26th Avenue Southwest will be extended into the interior of the subdivision with the developer of the subdivision assuming the costs of improvement. Once subject roadways are improved to City standards they are not expected to be a maintenance burden or liability.

The proposed subdivision presently pays minimal annual local property taxes. Eventual taxes on new development within the subdivision which will be a hotel, convention center, and residential units, is expected to be a substantial benefit for the County, City, State, School District and other taxing entities.

Effect on the Natural Environment

The subdivision, which consists of three lots each slightly larger than three acres, is not expected to adversely affect soils or the quality or quantity of ground water. As plans for development for each lot materialize, a storm drainage plan will have to be prepared and submitted to the City Public Works Department for review and approval.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, nearby industrial or mining activity, or high traffic volumes.

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

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

III. EASEMENT FOR UTILITIES

The minor plat will provide utility easements necessary to serve the planned development upon the lots in the subdivision.

IV. LEGAL AND PHYSICAL ACCESS

A paved public roadway borders the east side of the subdivision and provides legal and physical access to the subdivision. A public roadway (26th Avenue Southwest) to be dedicated by the minor plat and constructed to City standards, will be extended into the middle of the subdivision.

GREAT FALLS PLANNING BOARD & ZONING COMMISSION

**MINUTES OF THE COMBINED PUBLIC HEARING ON
ANNEXATION & ESTABLISHMENT OF CITY ZONING FOR
HILTON GARDEN INN & RUSSELL PROPERTY**

November 14, 2006

The public hearing was called to order at 3:05 p.m. in the Commission Chambers of the Civic Center by Chairman Bill Bronson.

ROLL CALL & ATTENDANCE

Planning Board/Zoning Commission Members present:

Mr. Bill Bronson
Mr. Art Bundtrock
Ms. Danna Duffy
Mr. John Harding
Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts

Planning Board/Zoning Commission Members absent:

Mr. Joe Schaffer

Planning Staff Members present:

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

Others present:

Mr. Dave Dobbs, City Engineer

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

EXPLANATION OF HEARING PROCEDURES

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

READING OF PUBLIC NOTICE

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

PLANNING STAFF REPORT & RECOMMENDATION

Mr. Walters stated this public hearing involves a request from Erck Hotels and the Russell Family to approve the annexation of Parcel Mark No's D, E, and E3 in the SW1/4 of Section 15, Township 20 North, Range 3 East, Cascade County, Montana, together with zoning assignments of C-2 General Commercial District and R-5 Multi-family Residential Medium Density District upon the annexed property and rezoning an existing adjoining parcel presently within the City from R-2 Single-family Medium Density District to R-5 Multi-family Residential Medium Density District.

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

Mr. Roberts asked if there were any plans to accommodate the projected additional traffic at Exit 0 where the Interstate 15 spur intersects 14th Street Southwest. Mr. Roberts stated concern about congestion on the northwest off-ramp.

Mr. Rangel answered, saying the Montana Department of Transportation, working with local traffic engineering staff, continually monitor intersection movement and when identified, the State will deal with any problems. There followed more discussion on the projected increase in traffic due to the proposed hotel. Mr. Finch added that the projected traffic numbers in the Staff Report are probably a bit high and that a substantial amount of the additional traffic will occur throughout the day, therefore not creating as noticeable an impact to critical access points at peak traffic hours.

Mr. Harding asked about the private access road memo and the retention pond.

Mr. Jack Fisher, of Thomas, Dean & Hoskins, said he has met with Fire Marshall LeLievre regarding the access road memo and an engineer is currently working on a combination above and below ground retention system for the project.

PETITIONER'S PRESENTATION

Mr. Mark Macek, 801 Fox Drive, representing Erck Hotels said he feels this project will be a quality facility that will provide a nice buffer between the residential area and the Great Falls Market Place. Along with an increased tax base, the facility will attract out of town visitors using the convention center.

Mr. Jack Fisher, 1200 25th Street South, of Thomas, Dean & Hoskins, further discussed the routing of the facilities' storm drain system. Mr. Fisher did not feel it should be the responsibility of the applicant to maintain the 20 foot access easement/alley bordering the north side of Bel-View Palisade Addition.

Mr. Dustin Williams, 5110 Southgate Drive, Billings, MT, of Erck Hotels, explained the Erck family history regarding hotel development.

Ms. Lori Price, General Manager of the Great Falls Hampton Inn, spoke of the need for an additional conference facility in Great Falls. Ms. Price stated she will oversee the Hilton Garden Inn, if approved.

Ms. Linda Sterling, 1375 13th Avenue SW, Apt. 12, represented the Delores Russell Trust which owns a substantial portion of the subject property. Ms. Sterling explained why she felt this developer's project was of high quality, befitting the neighborhood. Ms. Sterling asked that the water and sewer assessments be reduced in light of the 20 foot height restrictions on the area planned for residential development.

PROponents OPPORTUNITY TO SPEAK

Mr. Macek stated that meetings have been held with neighboring residents and a great deal of attention has been given to this project to create the best possible buffer between residential and commercial developments.

OPponents OPPORTUNITY TO SPEAK

Richard Wallace, 2614 14th Street SW, was concerned about the increased traffic, parking, possibility of a casino with a liquor license and the 65 foot height of the proposed hotel. Mr. Wallace felt that constructing 30 plus condominium units in this area would be like rentals, and that 50% of the hotel traffic was going to be routed through his "driveway". Mr. Wallace submitted a letter from his lawyer, a copy of which is attached and incorporated herein by reference.

Mr. Bob Duty, 1419 Park Garden Road, was concerned about storm water from the property. He said the property usually retains water. Mr. Duty also asked if any additional buffer was proposed between the 20 foot easement along the north side of the Bel-View Palisade Addition and the proposed condo development.

PETITIONER'S RESPONSE

Mr. Macek responded, that there may be a liquor license used for a catering function in the convention center, but the hotel will not have a casino or liquor license. Primary access routes for the hotel would be to the north of the hotel going onto Market Place Drive.

Mr. Fisher addressed the concern for storm water. He said all of the water from the hotel parking lot will be routed north to the storm drain system along Market Place Drive. This should eliminate about 2/3 of the current runoff which drains towards the north side of the Bel-View Palisade Addition. Mr. Fisher also stated there is a 10 foot utility easement along the south boundary of the property, in addition to the 20 foot easement in Bel-View Palisades, which would serve as an additional buffer.

OTHER PUBLIC COMMENT

Steve Martin, 1455 Park Garden Road, said this project would be an appropriate buffer, as long as the 20 foot height restriction was kept on the proposed residential project.

Howard McFerrin, 1401 Park Garden Road, was concerned about the 20 foot easement along the north side of Bel-View Palisade Addition being referred to as an alleyway.

Jason Purpura, 2761 Evergreen Drive, questioned if enough thought had gone into changing the zoning from single-family to multi-family. He said once it was changed there would be no going back.

PLANNING BOARD DISCUSSION & ACTION

Mr. Harding asked about the easement running behind Bel-View Palisades and the petitioner maintaining it.

Mr. Walters said in his interpretation of the original plat of Bel-View Palisades this was dedicated right-of-way. Being only 20 foot wide, it could not be called a street, but could be categorized as an alleyway. This section is used as a utility corridor, since it has never been improved for public access. There followed more discussion from Mr. McFerrin regarding the easement.

Linda Sterling added that one of the deterrents of this property is the easement, as it is used as storage and/or a dumping ground. She feels a quality developer needs some control over the area. Ms. Sterling believes that with proper maintenance this area could be an additional buffer for the residents on Park Garden Road in Bel-View Palisade Addition.

MOTION: That the Planning Board recommend the City Commission approve the annexation of Parcel Mark No's D, E and E3 in the SW1/4 of Section 15, T20N, R3E, subject to the Zoning Commission adopting Recommendation II (below) and fulfillment of the conditions outlined in the Staff Report.

Made by: Mr. Harding
Second: Mr. Roberts

Vote: The motion carried unanimously.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend the City Commission approve establishing a City zoning classification of C-2 General Commercial District upon Parcel Mark No's D, E3 and a portion of E and R-5 Multi-family Residential Medium Density District upon the balance of Parcel Mark No. E requested to be annexed to the City and rezone Parcel Mark No. E4 from R-2 Single-family Residential Medium Density District subject to the Planning Board adopting Recommendation I (above) and the owner of the property being rezoned to R-5 District agreeing to restrict the maximum height for any building to be placed thereon to twenty (20) feet.

Made by: Mr. Roberts
Second: Mr. Bundtrock

Vote: The motion carried unanimously.

Mr. Walters said the action taken today by the Planning Board and Zoning Commission is advisory to the City Commission, and as soon as engineering documents are finalized, an annexation agreement is entered into and any remaining fees paid, these recommendations will be forwarded to the City Commission for its consideration.

ADJOURNMENT

The hearing adjourned at 4:23 p.m.

CHAIRMAN

SECRETARY

RESOLUTION NO. 9646

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE UNINCORPORATED PORTION OF THE PLAT OF THE HILTON GARDEN INN MINOR SUBDIVISION, LOCATED IN THE SW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

The Plat of the Hilton Garden Inn Minor Subdivision, located in the SW1/4 of Section 15, Township 20 North, Range 3 East, Cascade County, Montana, excluding the presently incorporated 1.3438 acres comprising Parcel No. 1 as described by Certificate of Survey No. 3937, leaving a remainder of 9.972 acres being annexed by this Resolution, and

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the Plat of the Hilton Garden Inn Minor Subdivision; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "UNINCORPORATED PORTION OF THE PLAT OF THE HILTON GARDEN INN MINOR SUBDIVISION, LOCATED IN THE SW1/4 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1st day of May, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

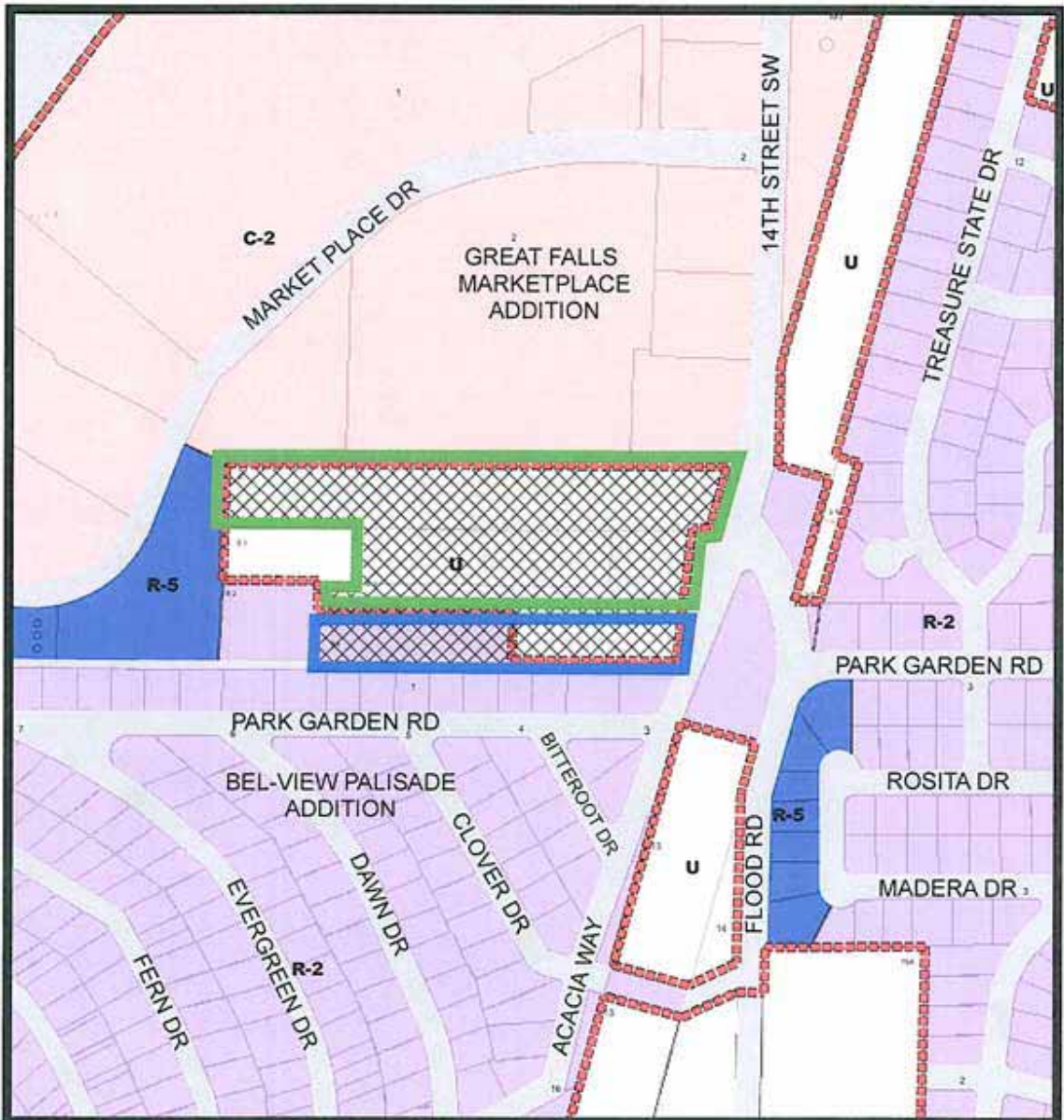
State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9646 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1st day of May, 2007, wherein it was approved by said Commission.









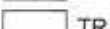
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of May, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



VICINITY / ZONING MAP

-  AREA ENCOMPASSED BY HILTON GARDEN INN MINOR SUBDIVISION
-  AREA TO BE ZONED C-2 GENERAL COMMERCIAL DISTRICT
-  AREA TO BE ZONED R-5 MULTI-FAMILY RESIDENTIAL
-  CITY LIMITS
-  C-2 General commercial
-  R-2 Single-family medium density
-  U Unincorporated Enclave
-  R-5 Multi-family medium density
-  TRACTS IN THE COUNTY



ORDINANCE NO. 2970

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO LOTS 1 AND 2, BLOCK 1, AND R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT TO LOT 1, BLOCK 2, HILTON GARDEN INN MINOR SUBDIVISION, IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Erck Hotels, Jay and Renee Russell and the Deloris M. Russell Bypass Trust have petitioned the City of Great Falls to annex the unincorporated portion of Hilton Garden Inn Minor Subdivision, located in the SW1/4 of Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Erck Hotels has petitioned Lots 1 and 2, Block 1, Hilton Garden Inn Minor Subdivision, be assigned a zoning classification of C-2 General commercial district and Jay and Renee Russell and the Deloris M. Russell Bypass Trust have petitioned the unincorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, be assigned a zoning classification of R-5 Multi-family residential medium density district, upon annexation to City and the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, be rezoned from R-2 Single-family medium density district to R-5 Multi-family residential medium density district; and,

WHEREAS, since petitioning for the hereinabove described annexation and assignment/change of City zoning, Peter D. Bleskin has acquired and assumed the interest of Jay and Renee Russell and the Deloris M. Russell Bypass Trust in Lot 1, Block 2, Hilton Garden Inn Minor Subdivision; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district to Lots 1 and 2, Block 1, Hilton Garden Inn Minor Subdivision, and R-5 Multi-family residential medium density district to the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, upon annexation to the City and rezoning the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, from R-2 Single-family medium density district to R-5 Multi-family residential medium density district, was published in the Great Falls Tribune advising that a public hearing on this zoning designation/change would be held on the 1st day of May, 2007, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Lots 1 and 2, Block 1, Hilton Garden Inn Minor Subdivision, be designated C-2 General commercial district and the unincorporated portion of

Lot 1, Block 2, Hilton Garden Inn Minor Subdivision be designated as R-5 Multi-family residential medium density district and the incorporated portion of Lot 1, Block 2, Hilton Garden Inn Minor Subdivision, be rezoned from R-2 Single-family medium density district to R-5 Multi-family residential medium density district with the maximum height for any building to be placed on subject Lot 1, Block 2, limited to twenty (20) feet.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing the unincorporated portion of the Hilton Garden Inn Minor Subdivision, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 1st day of May, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2970 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 1st day of May, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 1st day of May, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 1st day of May, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2970 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

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



VICINITY / ZONING MAP

-  AREA ENCOMPASSED BY HILTON GARDEN INN MINOR SUBDIVISION
-  AREA TO BE ZONED C-2 GENERAL COMMERCIAL DISTRICT
-  AREA TO BE ZONED R-5 MULTI-FAMILY RESIDENTIAL
-  CITY LIMITS
-  C-2 General commercial
-  R-2 Single-family medium density
-  U Unincorporated Enclave
-  R-5 Multi-family medium density
-  TRACTS IN THE COUNTY





ERCK DEVELOPMENT
GREAT FALLS, MONTANA

MARKETPLACE SITE

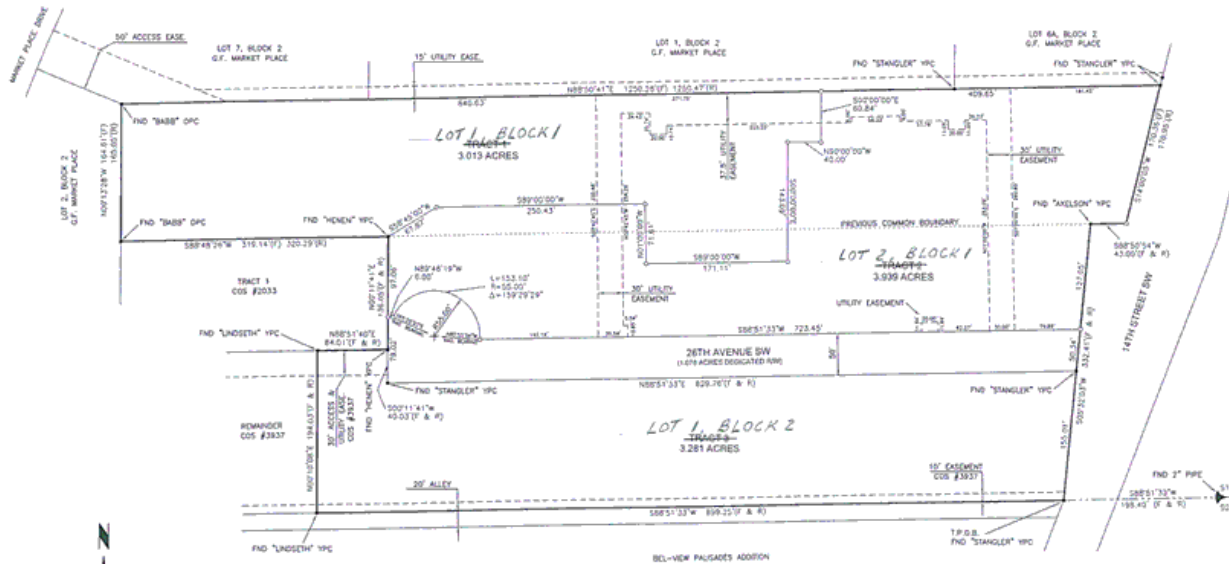
DATE: 10/13/06
SCALE: 1" = 150'
SHEET 1 OF 1

BY	DATE	DESCR

TD&H THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS

GREAT FALLS, MONTANA

A PLAT OF THE HILTON GARDEN INN MINOR SUBDIVISION
 A TRACT OF LAND BEING TRACTS 1A AND 2A OF CERTIFICATE OF SURVEY NO. S-0004435, AND THE REMAINDER OF CERTIFICATE OF SURVEY NO. 3346, LOCATED IN THE SW1/4 OF SECTION 15, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA
 LAND OWNER: ERICK LIMITED PARTNERSHIP & PETER D. BLESKIN



CERTIFICATE OF REGISTRATION

We, the undersigned property owners, do hereby certify that we have caused to be surveyed, subdivided and located into lots, blocks, streets, and easements as shown by the within described plat, the following described tract of land to wit: A tract of land being Tracts 1A and 2A of Certificate of Survey No. S-0004435, and the remainder of Certificate of Survey No. 3346, located in the SW1/4 of Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana, and more particularly described as follows:
 Beginning at the South Quarter Corner of said Section 15; thence South 88°51'33" West along the South section line of said Section 15, a distance of 198.40 feet to the Westerly right-of-way of 14th Street Southwest and using the True Point of Beginning, thence South 88°51'33" West along the South line of Tract 2A of Certificate of Survey No. S-0004435, a distance of 899.23 feet, thence North 02°10'08" East along the Westerly line of said Tract 2A, a distance of 384.03 feet, thence North 88°51'40" East along the Northerly line of said Tract 2A, a distance of 84.21 feet, thence North 02°11'41" East along the Westerly line of Tract 1A of Certificate of Survey No. S-0004435, a distance of 136.05 feet, thence South 88°52'28" West along the Southerly line of the Remainder Tract of Certificate of Survey No. 3346, a distance of 319.14 feet, thence North 02°12'28" West along the Easterly line of Lot 2, Block 2, of the Great Falls Market Place Subdivision, a distance of 154.61 feet, thence North 88°51'41" East along the Southerly line of Lots 1, 2, and 6A, Block 2, Great Falls Market Place Subdivision, a distance of 120.28 feet to the Westerly right-of-way of 16th Street Southwest; thence South 14°00'05" West along said Westerly right-of-way, a distance of 170.36 feet, thence South 88°52'54" West along said Westerly right-of-way, a distance of 43.20 feet, thence South 02°22'03" West along said Westerly right-of-way, a distance of 332.41 feet to the True Point of Beginning and containing 11.211 acres.
 The above described tract of land to be known and designated as the Hilton Garden Inn Minor Subdivision, City of Great Falls, Cascade County, Montana, and the lands included in all streets, alleys, parks, and public squares shown on said plat, we hereby grant and donated to the use of the public forever.

Dated this _____ day of _____ A.D. 20____

ERICK LIMITED PARTNERSHIP
 STATE OF MONTANA)
) ss
 County of Cascade)
 This Certificate of Exemption was acknowledged before me on _____
 20____ by _____

Notary Public for the State of Montana (Notarial Seal)
 Print name: _____
 Residing at: _____
 My commission expires: _____
 Dated this _____ day of _____ A.D. 20____

PETER D. BLESKIN
 STATE OF MONTANA)
) ss
 County of Cascade)
 This Certificate of Exemption was acknowledged before me on _____
 20____ by Peter D. BleSkin.

Notary Public for the State of Montana (Notarial Seal)
 Print name: _____
 Residing at: _____
 My commission expires: _____
 Dated this _____ day of _____ A.D. 20____

PETER D. BLESKIN
 STATE OF MONTANA)
) ss
 County of Cascade)
 This Certificate of Exemption was acknowledged before me on _____
 20____ by _____

Notary Public for the State of Montana (Notarial Seal)
 Print name: _____
 Residing at: _____
 My commission expires: _____
 Dated this _____ day of _____ A.D. 20____

THOMAS, DEAN & HOSKINS, INC.
 ENGINEERING CONSULTANTS
 GREAT FALLS - BOZEMAN - SPOKANE
 (406) 733-8800

CERTIFICATE OF CITY COMMISSION
 I, the undersigned, John W. Leeson, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, was duly examined and approved by the City Commission of the City of Great Falls, at their regular meeting held on the _____ day of _____, 20____.

City Manager, City of Great Falls, Montana

CERTIFICATE OF CITY PLANNING BOARD
 We, the undersigned, William G. Bronson, President of the City Planning Board of the City of Great Falls, Cascade County, Montana, and Benjamin M. Rangel, Secretary of said City Planning Board, do hereby certify that the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, has been submitted to the said City Planning Board for examination by them, and was found by them to conform to law, and was approved at their regular meeting held on the _____ day of _____, 20____.

President, Great Falls City Planning Board
 Secretary, Great Falls City Planning Board

CERTIFICATE OF PUBLIC SERVICE DIRECTOR
 I, Jim Reppien, Public Service Director for City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, and the survey it represents, and find the same conforms to regulations governing the platting of lots, and to presently stated adjacent land, as near as circumstances will permit, and I hereby approve the same.

Dated this _____ day of _____ A.D. 20____

Public Works Director, City of Great Falls, Montana

CERTIFICATE OF RECORDING WITH BANK OR PLAYGROUND
 Whereas, since the Hilton Garden Inn Minor Subdivision is a minor subdivision, the City Commission of the City of Great Falls, Cascade County, Montana, in accordance with Section 76-2-621(1)(A), M.C.A. dispensed with any park or playground requirements, during its regular meeting held on the _____ day of _____, 20____.

City Manager, City of Great Falls, Montana

CERTIFICATE OF EXEMPTION
 This division of land is exempt from subdivision rules, pursuant to 76-4-125(2)(G) M.C.A., divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or other first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided, therefore this division of land is not subject to review.

CERTIFICATE OF COUNTY TREASURER
 I, Jess Anderson, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the Hilton Garden Inn Minor Subdivision, Cascade County, Montana, and find that taxes in some have been paid for the last two years.

Dated this _____ day of _____ A.D. 20____

County Treasurer, Cascade County, Montana

CERTIFICATE OF COUNTY COMMISSIONERS
 We, the undersigned, _____, Chairman of the Board of County Commissioners of Cascade County, Montana, and _____, County Clerk and Registrar of said County, do hereby certify that the accompanying plat of the Hilton Garden Inn Minor Subdivision to the City of Great Falls, Cascade County, Montana, has been submitted to the Board of County Commissioners of Cascade County, Montana, for examination by them, and has been found by them to conform to law, and was approved at their regular meeting held on the _____ day of _____, 20____.

County Clerk and Recorder, Cascade County, Montana
 Chairman, Board of County Commissioners

CERTIFICATE OF SURVEYOR
 I, the undersigned, Robert F. Stangler, Professional Land Surveyor, Montana registration No. 909413, do hereby certify that on March of 2007, I supervised the survey of this Hilton Garden Inn Minor Subdivision, Cascade County, Montana, and plotted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-2-101 through 76-2-114, M.C.A., and Cascade County.

Dated this _____ day of _____ A.D. 20____

Robert F. Stangler, Montana Reg. No. 909413

LEGEND

- TRACT BOUNDARY
- - - - LOT LINE
- - - - EASEMENT
- FOUND PROPERTY PIN "AS NOTED"
- SPT PROPERTY PIN "AS NOTED"
- FOUND QUARTER CORNER
- SECTION LINE
- (S) FOUND MONUMENT
- (B) RECORD/PLAT MEASUREMENT

AREA OF LOTS = 10.233 ACRES
 AREA OF DEDICATED R/W = 1.679 ACRES
 TOTAL AREA = 11.912 ACRES

BASE OF BEARING: THE NORTHERLY LINE OF C.D.S. 3346, BEING N88°52'40"E
 PURPOSE OF SURVEY: TO CREATE A MINOR SUBDIVISION

AGENDA REPORT

DATE May 1, 2007

ITEM Annual Action Plan Including Use of 2007/2008 CDBG & HOME Funds

INITIATED BY Community Development Staff

ACTION REQUESTED Approve Motion

PREPARED & PRESENTED BY Chris Imhoff, CDBG/HOME Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission adopt the Annual Action Plan including the use of the 2007/2008 Community Development Block Grant and HOME Investment Partnership Program funds, and authorize submittal to the U. S. Department of Housing and Urban Development.

MOTION:

I move to adopt the Annual Action Plan including the 2007/2008 Community Development Block Grant and HOME Program funds as recommended.

SYNOPSIS:

The City Commission must adopt as recommended, or amend and adopt, the final Annual Action Plan for submittal to the U.S. Department of Housing & Urban Development in order for the City to continue to receive Community Development Block Grant and HOME program funds.

BACKGROUND:

The Consolidated Plan is a comprehensive planning strategy required by the U.S. Department of Housing & Urban Development. The Annual Action Plan portion of the Consolidated Plan includes the proposed use of CDBG and HOME funds for the approaching fiscal year. Community Development Block Grant and HOME Grant project applications were received in February, 2007. A 30-day comment period beginning March 23, 2007 through April 21, 2007 was established to receive citizen views on the proposed Annual Action Plan, the proposed use of 2007/2008 CDBG and HOME funds, and program performance and policies. A copy of the proposed Annual Action Plan was available for review in the City Community Development Office, the Great Falls Public Library, and the City of Great Falls web page.

At the end of the 30-day comment period, the City Commission must accept or amend the proposed Annual Action Plan and authorize submittal of the Plan which HUD must receive on or before May 15, 2007. The final Annual Action Plan is on file in the City Clerk's office.

Attachment: List of Proposed Funding
Public Hearing Comments

CITY COMMISSION PUBLIC MEETING

April 17, 2007

A public meeting was held as part of the regular City Commission meeting on April 17, 2007, in the Commission Chambers at the Civic Center. The meeting was held to provide an opportunity for citizens to advise the City Commission on their opinions regarding the proposed Action Plan, the proposed use of CDBG funds, and on the performance of the CDBG and HOME grant programs in administration, distribution and implementation of federal funds.

The following listing is a summary of the comments which were expressed in the meeting.

Audrey Finlayson, Retired Senior Volunteer Program: Ms. Finlayson requested the City Commission support the funding recommendation from the Community Development Council to purchase Neighborhood Watch materials. Neighborhood Watch is a partnership program with the Great Falls Police Department and the Cascade County Retired Senior Volunteer Program. Their current operating grant does not allow purchase of materials to increase the Neighborhood Watch and Business Watch programs. Without CDBG support it would be difficult for low income people to participate in the programs or to increase programs to serve those areas.

Nancy Wilson, Meals on Wheels: Ms. Wilson requested continued CDBG funding for the Meals on Wheels program. The program is currently at full capacity of servicing 250 meals per day in Great Falls. Ms. Wilson described demographics for the elderly population which are served and the multiple benefits of the program. In particular, she stressed that 73% of the population they serve lives alone, 40% are in the age range of 80 to 90 years old, and 10 to 15% are 90 years and older.

Nancy Hampton, Neighborhood Watch: Ms. Hampton requested support of CDBG funding for the Neighborhood Watch project. She works with the Retired Senior Volunteer Program and the Great Falls Police Department on Neighborhood Watch activities. This program recently began a Business Watch for three blocks in the downtown area and it has been very well received by the downtown businesses.

Kathy Lear, Paris Gibson Square Museum of Art: Ms. Lear requested the City Commission support the proposed use of CDBG funds for Paris Gibson Square. Disabled populations usually cannot participate in cultural activities such as those offered through Paris Gibson Square and the proposed project would allow those populations to do so. Paris Gibson Square is committed to providing art education and learning opportunities to groups who may not otherwise have those opportunities. The requested funds would be used to provide accessibility and to expand educational outreach programs to an under-served population—individuals with disabilities. The proposed expansion of combining CDBG funds with funds from partnering organizations will allow them to serve a greater number of individuals with a greater number of needs from a greater number of organizations. The targeted audience is elderly people, adults and youth with disabilities, mental health clients, and individuals with hearing and sight loss. The proposed project would eliminate barriers which typically prevent special needs populations from enjoying all that an art museum has to offer.

Lisa Gross, Paris Gibson Square Museum of Art: Ms. Gross thanked the City Commission for previous CDBG funding and requested continued support.

Al Henry, Neighborhood Housing Services, Inc.: Mr. Henry thanked the City Commission for its partnership with and support of NHS. He noted that accomplishments of this partnership included building more than 200 houses in the past 27 years in the historical south side and north side of Great Falls. Since 1998 NHS has helped 1,301 homeowners in Great Falls. Of those homeowners, 13% are minorities and 61% are single women. Mr. Henry also listed the specific economic impact NHS has had in the area of affordable housing, including \$50 million in homeowner equity and \$250,000 a year in increased property taxes.

Tina Cabbage, Big Brothers Big Sisters: Ms. Cabbage encouraged the City Commission to support the proposed CDBG funding recommendation for Big Brothers Big Sisters. She noted 81% of the children this agency serves are from low income families. CDBG funding will allow this agency's programs to remain current with technological advances and to be efficient and grow.

No one spoke in opposition of the proposed disposition of funds.

**2007/2008 PROPOSED USE OF FEDERAL GRANT FUNDS
COMMUNITY DEVELOPMENT BLOCK GRANT**

AFFORDABLE HOUSING

	<u>Requested</u>	<u>Proposed</u>
<p>GREAT FALLS CITY COMMUNITY DEVELOPMENT— EMERGENCY WATER/SEWER FUND City-wide no/low interest loan program for low income homeowners to construct or replace water and sewer lines</p>	\$50,000	\$50,000
<p>GREAT FALLS CITY COMMUNITY DEVELOPMENT— REHABILITATION SPECIALIST Provision of rehab counseling, loan processing, inspections and construction monitoring for all CDBG-funded revolving loan housing programs for low income people</p>	\$60,000	\$57,624
<p>NEIGHBORHOOD HOUSING SERVICES, INC.— NEIGHBORHOOD REVITALIZATION Revolving loan fund for new construction or renovation of nine houses, purchase and rehabilitation of blighted properties, purchase of lead-based paint analyzer tool and other activities addressing neighborhood revitalization activities on citywide basis</p>	\$196,000	\$138,376

PUBLIC FACILITY IMPROVEMENTS

<p>BOYS & GIRLS CLUB OF NORTH CENTRAL MONTANA Renovations in gymnasium of building located at 600 1st Avenue Southwest which has programs to serve at-risk youth; renovation to include asbestos abatement and ceiling and flooring repairs Agency lowered request to \$13,500 as found did not need asbestos abatement</p>	\$17,800	\$13,500
<p>CENTER FOR MENTAL HEALTH Renovations in kitchen at New Directions Center located at 915 1st Avenue South which has day treatment programs; renovation to include new flooring, shelving, appliances and sinks; firewall behind ranges, electrical supply changes, install fire suppression hood; and paint walls</p>	\$50,000	\$50,000
<p>GATEWAY COMMUNITY SERVICES Replace boiler system in facility located at 1220 Central Avenue which houses agency that provides comprehensive community-based alcohol and drug abuse treatment services Proposed funding Gateway & IFHC % of purchase</p>	\$125,000	\$68,975

	<u>Requested</u>	<u>Proposed</u>
<p>GREAT FALLS CITY PARK & RECREATION— BLOOMINGDALE PARK</p> <p>Purchase and install handicap accessible play structure and two benches at Bloomingdale Park located south of Northwest Bypass between Watson Coulee Road and 14th Street Northwest</p>	\$25,000	\$25,000
<p>GREAT FALLS CITY PARK & RECREATION— COMMUNITY RECREATION CENTER</p> <p>Purchase and install limited use, limited access elevator at Community Recreation Center located at 801 2nd Avenue North</p>	\$96,800	\$96,800
<p>GREAT FALLS CITY PARK & RECREATION—GIBSON PARK</p> <p>Install handicap accessible sidewalk from parking lot to Vinegar Jones Historic Cabin and flower gardens; install handicap accessible boardwalk around Vinegar Jones Cabin; provide curb cuts from parking areas; and replace irrigations lines and turf; park located at Park Drive from 1st Avenue North to 8th Avenue North Proposed funding top 3 priorities (curb cuts and parking lot walkways) plus balance of \$3,374 toward general project</p>	\$38,406	\$26,319
<p>GREAT FALLS CITY PARK & RECREATION— WEST KIWANIS PARK</p> <p>Purchase and install handicap accessible play structure at West Kiwanis Park located at 1st Avenue Northwest and 7th Street Northwest</p>	\$25,000	\$0
<p>GREAT FALLS CITY PUBLIC WORKS—HANDICAP RAMPS</p> <p>Install handicap ramps (curb cuts) to provide handicap accessibility on 8th Avenue North from 16th Street to 38th Street and other areas at request of disabled citizens</p>	\$75,000	\$75,000
<p>GREAT FALLS CITY PUBLIC WORKS— SIDEWALK REPLACEMENT</p> <p>Grant program to provide assistance to low income homeowners to remove and replace hazardous sidewalks in Census Tracts 3, 4 and 5 (Park Drive to 15th Street North between Central Avenue and 8th Avenue North) and other areas at request of low income homeowners</p>	\$50,000	\$50,000
<p>GREAT FALLS SENIOR CITIZENS CENTER</p> <p>Replace sidewalk on west side and replace sidewalk and install curb cut on northeast side of facility located at 1004 Central Avenue which houses programs to serve the elderly</p>	\$13,500	\$13,500

PUBLIC SERVICE ACTIVITIES

	<u>Requested</u>	<u>Proposed</u>
SPECIAL OLYMPICS MONTANA Renovations at facility located at 701 1 st Avenue North which has programs to provide people with disabilities with year round sports activities; renovations to include repairing exterior wall, gutter seam seals, replacing flashing, painting exterior, installing new water line, and replacing exterior signage Propose funding all project activities except painting exterior	\$31,291	\$12,091
URSULINE CENTRE HISTORICAL FOUNDATION Purchase backboards, scoreboard, and light fixtures for Ursuline Gymnasium, a nationally recognized historic building, located at 2300 Central Avenue	\$22,189	\$22,189
AREA VIII AGENCY ON AGING Purchase food for Meals on Wheels, a citywide home delivery meal program for seniors who are handicapped or unable to prepare meals	\$25,000	\$25,000
BIG BROTHERS BIG SISTERS OF GREAT FALLS Purchase three computer stations (desktop computer, printer and software) to update technology systems of professionally supported volunteer mentoring program to prevent risk factors in children; program located at 18 6 th Street North	\$6,000	\$6,000
BOYS & GIRLS CLUB OF NORTH CENTRAL MONTANA Recreational/educational scholarships for summer program for children from low income families; project administered at two Weed & Seed Safe Haven locations (Great Falls Housing Authority, 1722 Chowen Springs Loop and Westside Unit, 600 1 st Avenue Southwest)	\$18,000	\$18,000
CASA-CAN CHILDREN'S ADVOCATE NETWORK Purchase projector, scanner/copier and training manuals to expand volunteer program located at 325 2 nd Avenue North which provides advocates for abused and neglected children in the legal system	\$7,300	\$7,300
CASCADE COUNTY RETIRED AND SENIOR VOLUNTEER PROGRAM Purchase Neighborhood Watch and Business Watch materials (decals, signs, handbooks, engraver) to develop Neighborhood Watches in Census tracts 3, 4, 5, 6 and Block 4 of Census Tract 22	\$6,250	\$6,250
FAMILY CONNECTIONS Provide child care scholarships for low income families; program administered through agency located at 600 Central Plaza	\$13,500	\$13,500

	<u>Requested</u>	<u>Proposed</u>
<p>GREAT FALLS CITY PARK & RECREATION— COMMUNITY RECREATION CENTER</p> <p>Provide scholarships for low income children to attend after school and summer programs which provide structured recreational/physical activities for children; programs offered at community center located at 801 2nd Avenue North</p>	\$5,920	\$5,920
<p>HANDS, INC.</p> <p>Provide child care scholarships for children from low income families for before school, after school, and summer child care; program offered at all Great Falls elementary schools</p>	\$20,000	\$20,000
<p>PARIS GIBSON SQUARE MUSEUM OF ART</p> <p>Purchase and installation of Braille and large print signage; purchase adaptive equipment, curriculum materials, and class supplies to provide accessibility for people with physical disabilities to the museum and to art education workshops; and move side entrance buzzer at museum located at 1400 1st Avenue North</p>	\$12,382	\$12,382
<p>QUALITY LIFE CONCEPTS</p> <p>Purchase used vehicle equipped with ramp and purchase computer equipment (three computers, software, printers) for life long learning project for people with developmental disabilities; program administered through agency located at 215 Smelter Avenue Northeast</p> <p style="padding-left: 40px;">Propose funding computer equipment purchase only.</p>	\$34,274	\$5,274
<p>YOUNG PARENTS EDUCATION CENTER</p> <p>Provide day care scholarships and emergency housing scholarships for low income teen or young adult parents completing high school or GED programs; programs located at alternative high school at 3300 3rd Street Northeast</p>	\$15,000	\$15,000
ADMINISTRATION		
<p>CDBG PROGRAM ADMINISTRATION</p> <p>General oversight, promotion, financial accountability, monitoring, reporting, and coordination of the CDBG program including activities to further fair housing and the Continuum of Care for Homelessness</p>	\$196,075	\$196,000

TOTAL CDBG FUNDING REQUESTED	\$1,235,687	
TOTAL CDBG FUNDING RECOMMENDATION		\$1,030,000
TOTAL ANTICIPATED CDBG GRANT		\$980,000
TOTAL CDBG FUNDS AVAILABLE FROM PREVIOUS YEARS		\$50,000
TOTAL AVAILABLE CDBG FUNDS		\$1,030,000

**2007/2008 PROPOSED USE OF FEDERAL GRANT FUNDS
HOME INVESTMENT PARTNERSHIP PROGRAM**

	<u>Requested</u>	<u>Proposed</u>
GREAT FALLS HOUSING AUTHORITY—SAND HILLS Land acquisition and site improvements to develop phased construction of three affordable, handicap accessible, four-plex apartment complexes at 1501, 1509 and 1517 23 rd Street South	\$310,000	\$310,000
NEIGHBORHOOD HOUSING SERVICES, INC.—NEW HOME CONSTRUCTION & MAJOR REHABILITATION Owners in Partnership XV —construct or rehabilitate three single family houses (including two high school houses) for low income buyers	\$80,000	\$64,276
HOME PROGRAM ADMINISTRATION General oversight, management, promotion, financial accountability, monitoring, and coordination of the HOME program	\$40,000	\$40,000
TOTAL HOME FUNDING REQUESTED	\$430,000	
TOTAL HOME FUNDING RECOMMENDATION		\$414,276
TOTAL ANTICIPATED HOME GRANT		\$410,586
TOTAL HOME FUNDS AVAILABLE FROM PREVIOUS YEARS		\$3,690
TOTAL AVAILABLE HOME FUNDS		\$414,276

AGENDA REPORT

DATE May 1, 2007

ITEM Resolution No. 9654 Annual Special Improvement District (SID) Revolving Fund Analysis

INITIATED BY Fiscal Services Department

ACTION REQUESTED Approval of Closure of One (1) Sub-Fund to SID Revolving, Partially Repay a Loan and Write Off the Uncollectible Loan Balance for One (1) Sub-Fund, and Release Special Improvement District (SID) Revolving Fund Surplus to the General Fund

PREPARED BY Judy Hardinger, Accounting Technician Sr.

REVIEWED & APPROVED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution No. 9654 authorizing 1) the closure of one SID Subsidiary Debt Service Fund to the Revolving Fund, 2) a partial loan repayment and write off of prior year loan considered uncollectible by one SID Subsidiary Debt Service Fund to the Revolving Fund, and 3) the release of Special Improvement District (SID) Revolving Fund surplus to the General Fund.

MOTION:

I move the City Commission adopt Resolution No. 9654.

SYNOPSIS:

Analysis of the Special Improvement Distirct (SID) Revolving Fund and Subsidiary Debt Service Funds show that one (1) SID subsidiary fund (SID 1248) is complete and ready for closure to the SID Revolving fund, that one (1) SID subsidiary fund (SID 1248) has funds available for a partial repayment of a prior year loan and requires a write off of the loan balance, and that sufficient cash balance will exist in the SID Revolving fund to release \$100,000 to the General Fund

The projected June 30, 2007 SID Revolving Fund balance will be \$184,193. This is \$138,193 **above** the minimum balance required by State Statute, and \$152,307 **below** the maximum amount allowed by IRS Arbitrage Standards related to maximum debt service reserves. Staff feels this balance provides adequate reserves within the SID Revolving Fund.

Existing SID policies, along with retained SID debt service and revolving fund balances, will continue to provide security for the City's SID bonded debt.

BACKGROUND:

Maximum Reserves:

We have been advised by bond counsel that the IRS considers any SID Revolving Fund balance over 10% of the original issue amounts of current outstanding bonds to be excessive, and subject to arbitrage. Accordingly, the City is currently limited to a maximum balance of \$336,500 in the SID Revolving Fund.

Minimum Reserves:

§7-12-4222 (a)(ii) & (b) provides for deposits equal to 5% of the original SID bond issue amounts to secure the SID Revolving Fund and the authority to transfer monies or levy taxes on all taxable property in the city as necessary to increase the balance in the SID Revolving Fund to 5% of the then-outstanding special improvement district bonds and warrants secured by the revolving fund. Accordingly, the City is currently required to have a minimum balance of \$46,000 in the SID Revolving Fund.

Revolving Fund Lending Authority:

§7-12-4223 states: “Whenever any special improvement district bond . . . or any interest thereon shall be due and payable and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the council be loaned by the revolving fund to such a district fund.”

Revolving Fund Surplus Release Authority:

§7-12-4227 states: “Whenever there is an amount in the revolving fund in excess of the amount deposited in the revolving fund under §7-12-4169(2) and in excess of 5% of the outstanding special improvement district bonds and warrants and the council considers any part of the excess to be greater than the amount necessary for payment or redemption of maturing bonds or warrants secured thereby or interest thereon, the council may: (1) by vote of all its members at a meeting called for that purpose order the amount of excess that is greater than the amount necessary for the payment or redemption of maturing bonds or warrants secured thereby or interest thereon or any part thereof transferred to the general fund of the city or town.”

§7-12-4229 authorizes a municipality to transfer the funds placed in the revolving fund as a result of §7-12-4169(2) to the general fund after final payment of the district’s bonds or warrants are paid.

SID Revolving Fund and SID Subsidiary Cash Balances:

The SID Revolving Fund and the SID debt service funds retain security as follows:

1. \$184,193 Projected ending cash balances in excess of current debt service obligations for active SIDs (excludes Revolving Fund loan proceeds).
2. \$184,193 SID Revolving Fund balance retained as additional security for outstanding bonds, which reflects a 20.02% coverage on Current SID Bonds Outstanding.

**SID REVOLVING FUND
ANALYSIS SUMMARY**

ORIGINAL ISSUE VALUE OF CURRENT BONDS OUTSTANDING	3,365,000.00	
REVOLVING RESERVE @ 10% OF ORIGINAL ISSUE	<u>336,500.00</u>	
AVAILABLE FOR TRANSFER TO GENERAL FUND (PROJECTED REVOLVING FUND CASH BALANCE LESS 10% OF ORIGINAL BONDS ISSUED) (IF NEGATIVE, NO FUNDS ARE REQUIRED TO BE TRANSFERRED)		<u>(\$56,123.25)</u>
 CURRENT BONDS OUTSTANDING	 920,000.00	
REVOLVING RESERVE @ 5% OF CURRENT BONDS OUTSTANDING	<u>46,000.00</u>	
AVAILABLE FOR TRANSFER TO GENERAL FUND (PROJECTED REVOLVING FUND CASH BALANCE LESS 5% OF CURRENT BONDS OUTSTANDING)		<u>\$234,376.75</u>

REVOLVING FUND AND SID DEBT SERVICE FUNDS SECURITY		
SID REVOLVING CASH BALANCE FEBRUARY 21, 2006		\$280,376.75
COMPLETED SID'S TO BE CLOSED TO THE REVOLVING FUND (PER 7-12-4222, MCA):		0.00
ACTIVE SID'S REQUIRING LOANS FROM THE SID REVOLVING FUND (PER 7-12-4223, MCA):		0.00
ACTIVE SID'S REPAYING LOANS TO THE REVOLVING FUND (PER 7-12-4227, MCA):		<u>3,815.84</u>
RECOMMENDED SURPLUS RELEASE (PER 7-12-4227 AND 7-12-4229, MCA):		100,000.00
SID REVOLVING FUND PROJECTED CASH BALANCE AFTER CLOSURES & LOAN TRANSACTIONS: AND RECOMMENDED SURPLUS RELEASE		<u>\$184,192.59</u>
TOTAL LOANS TO SID DEBT SERVICE FUNDS TO COVER 100% OF THE OUTSTANDING SID BONDS IN THOSE SID'S WITH ANTICIPATED DEFICIENCIES		
PRIOR YEAR LOANS		\$21,005.78
ADD: CURRENT YEAR LOANS		0.00
LESS: CURRENT YEAR PAYBACKS		(3,815.84)
LESS: CLOSED FUND WRITEOFFS		<u>(17,189.94)</u>
TOTAL LOANS		<u>\$0.00</u>
PROJECTED ENDING CASH BALANCES IN EXCESS OF CURRENT DEBT SERVICE OBLIGATIONS FOR THE ACTIVE SID'S (EXCLUDES REVOLVING FUND LOANS)		<u>\$215,713.57</u>

PREVIOUS LOANS MADE TO NOW CLOSED SID DEBT SERVICE FUNDS AND CONSIDERED UNCOLLECTABLE.
LOAN IS WRITTEN OFF...ANY DELINQUENT ASSESSMENTS RECEIVED IN THE FUTURE ARE
DEPOSITED DIRECTLY TO THE REVOLVING FUND:

\$17,189.94

**SID REVOLVING FUND
ANALYSIS SUMMARY WORKING PAPERS FOR RESOLUTION AND AGENDA ONLY**

SID REVOLVING CASH BALANCE FEBRUARY 21, 2006 \$280,376.75

SYNOPSIS ITEM NUMBER:

1. COMPLETED SID'S TO BE CLOSED TO THE REVOLVING FUND (PER 7-12-4222, MCA):

<u>SID NUMBER</u>	<u>AMOUNT</u>
1248	0.00

TOTAL CLOSURES TO THE SID REVOLVING FUND 0.00

2. ACTIVE SID'S REPAYING LOANS TO THE REVOLVING FUND (PER 7-12-4223, MCA):

<u>SID NUMBER</u>	<u>AMOUNT</u>
1,248	3,815.84

TOTAL LOANS REPAYED TO THE SID REVOLVING FUND 3,815.84

3. ACTIVE SID'S REQUIRING LOANS FROM THE SID REVOLVING FUND (PER 7-12-4223, MCA):

<u>SID NUMBER</u>	<u>AMOUNT</u>
0	0.00

TOTAL LOANS REQUIRED FROM THE SID REVOLVING FUND \$0.00

4. RECOMMENDED SURPLUS TRANSFER TO GENERAL FUND \$100,000.00

SID REVOLVING FUND PROJECTED CASH BALANCE AFTER CLOSURES & LOAN TRANSACTIONS:
AND RECOMMENDED SURPLUS RELEASE \$184,192.59

RESOLUTION NO. 9654

A RESOLUTION AUTHORIZING THE TRANSFER OF MONIES TO/FROM THE SID REVOLVING FUND.

WHEREAS, the following Special Improvement District (SID) has sufficient funds to partially repay a loan from the Revolving Fund as shown:

1248 - \$ 3,815.84

WHEREAS, the following Special Improvement District (SID) Subsidiary Fund is completed and needs to be closed to the Revolving Fund as shown:

1248 - \$ 0.00

WHEREAS, the following Special Improvement District (SID) is completed and needs prior year loan written off as shown:

1248 - \$ 17,189.94

WHEREAS, monies in excess of 10% of Original SID Bonds issues must be transferred and monies in excess of 5% of Current Bonds Outstanding may be transferred by vote of the City Commission from the SID Revolving Fund to the General Fund and it has been determined:

SID Revolving Fund Projected Cash Balance	\$ 284,193
Original Issue of Current SID Bonds Outstanding	\$ 3,365,000
Current SID Bonds Outstanding	\$ 920,000
Monies in excess of 10% of Original Issue of Current Bonds outstanding (\$284,193 - \$336,500)	None
Monies in excess of 5% of Current SID Bonds Outstanding (\$284,193 - \$46,000)	\$ 238,193

A release of \$100,000 to the General Fund continues to maintain reserves at \$184,193; an amount with is four times greater than the minimum required balance of \$46,000.

WHEREAS, sufficient monies exist in the Revolving Fund and the purpose of the Revolving Fund is to provide a source for necessary SID Debt Service loan payments and the City Commission has determined an amount of \$184,193 currently in the SID Revolving Fund to be an adequate reserve in the SID Revolving Fund to ensure sufficient money available for SID Bond Debt:

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, that pursuant to 7-12-4222, 7-12-4223, 7-12-4227, and 7-12-4229 MCA, transfers between the Revolving Fund, and the SID Debt Service Funds be made in the amounts shown above.

PASSED by the Commission of the City of Great Falls, Montana, on this 1st day of May, 2007.

Dona R Stebbins, Mayor

ATTEST:

Peggy J. Bourne, 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, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9654 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 1st day of May 2007, and approved by the Mayor of said City on the 1st day of May 2007

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of May 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE: May 1, 2007

ITEM: Resolution No. 9656, Relating to \$2,270,000 General Obligation Bonds, Series 2007; Determining the Form and Details, Authorizing the Execution and Delivery and Levying Taxes for the Payment Thereof (O.F. 1484)

INITIATED BY: The Great Falls City Commission

PREPARED BY: Jordan Love, Administrative Officer

PRESENTED BY: Coleen Balzarini, Fiscal Services Director

FINAL

RECOMMENDATION:

Staff recommends the City Commission adopt Resolution No. 9656, Relating to \$2,270,000 General Obligation Bonds, Series 2007; awarding the sale to Stifel Nicolaus, Hanifen Imhoff Division, at the lowest net interest cost payable on the Bonds of 3.855117%.

MOTION:

“I move the Great Falls City Commission adopt Resolution No. 9647.”

SYNOPSIS:

Resolution No. 9656 awards the sale of general obligation bonds in the amount of \$2,270,000 to Stifel Nicolaus, Hanifen Imhoff Division. The City received seven bids at or before 12:00 PM on May 1, 2007. A summary of the bids received is attached. The bond proceeds will be used to pay for upgrading and improving certain City swimming facilities as approved by Great Falls voters on November 7, 2006. Attached is the tabulation sheet of bidders.

BACKGROUND

On August 15, 2006, the Great Falls City Commission adopted Resolution No. 9605 on a 5-0 vote. Resolution No. 9605 called for the submission of the question of issuing up to \$2,270,000 of general obligation bonds to pay for the costs of improving and upgrading to facilities at the Jaycee, Mitchell, and Water Tower facilities to the qualified voters of the City of Great Falls. The question was:

“Shall the Commission be authorized to issue and sell general obligation bonds of the City in the amount of up to Two Million Two Hundred Seventy Thousand and No/100 Dollars (\$2,270,000), bearing interest at a rate to be determined by the Commission at a competitive sale, payable semiannually during a term not to exceed ten (10) years and redeemable on any date after one-half of their term, for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating

and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool and related restrooms and locker rooms, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements, and paying costs associated with the sale and issuance of the bonds?”

15,158 of voters (or 72.85%) voted “Yes” to this question and 5,648 (or 27.15%) voted “No.”

On December 5, 2006, the Great Falls City Commission adopted Resolution No. 9627, establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

On April 3, 2007, the Commission adopted Resolution 9647, authorizing the issuance and calling for the sale of \$2,270,000 General Obligation Bonds, Series 2007. Resolution 9647 specified that all bids must be received at or before 12:00 PM on May 1, 2007.

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 entitled: "RESOLUTION RELATING TO \$2,270,000 GENERAL OBLIGATION BONDS, SERIES 2007; AWARDING THE SALE, DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF" (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 May 1, 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 Commissioners voted in favor thereof: _____
_____; voted against the same: _____
_____; abstained from voting thereon: _____
_____; or were absent: _____.

WITNESS my hand and seal officially this _____ day of May, 2007.

(SEAL)

City Clerk

RESOLUTION NO. 9656

RESOLUTION RELATING TO \$2,270,000 GENERAL OBLIGATION BONDS, SERIES 2007; AWARDING THE SALE, DETERMINING THE FORM AND DETAILS, AUTHORIZING THE EXECUTION AND DELIVERY AND LEVYING TAXES FOR THE PAYMENT THEREOF

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

Section 1. Authorization and Sale; Recitals.

1.01. Authorization and Sale. At the general election duly called and held November 7, 2006, the electors of the City authorized this Commission to issue and sell general obligation bonds of the City in the principal amount of \$2,270,000 (collectively, the "Series 2007 Bonds"; each, a "Bond") for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements (the "Project") and paying costs associated with the sale and issuance of the bonds. On April 3, 2007, the City authorized and provided for the issuance and sale of its general obligation bonds in the amount of \$2,270,000 to fund the authorized Project. Notice of the sale has been duly published in accordance with Montana Code Annotated, Sections 7-7-4252 and 17-5-106. Pursuant to such authorization, this Commission at a public sale duly noticed and held on May 1, 2007 received seven (7) bids transmitted through Parity™ and sealed bids for the purchase of the Series 2007 Bonds at or before the time specified for receipt of bids. The bids have been opened and publicly read and considered, and the purchase price, interest rates and true interest cost under the terms of each bid have been determined.

The bid of Stifel Nocolaus, Hanifen Imhoff Div., of Denver, Colorado (the "Purchaser"), attached as Exhibit A, to purchase the Series 2007 Bonds is hereby determined to comply with the notice of sale and to be the most favorable bid received for the purchase of the Series 2007 Bonds. The bid of the Purchaser is hereby accepted and the sale of the Series 2007 Bonds is hereby awarded to the Purchaser. The bid security of the Purchaser shall be retained pending payment for the Series 2007 Bonds and the bid security of all other bidders shall be returned forthwith.

The Mayor, City Manager, and City Controller are hereby authorized and directed to execute on behalf of the City a contract for the sale of the Series 2007 Bonds with the Purchaser.

The Preliminary Official Statement relating to the Series 2007 Bonds, dated April 20, 2007, is hereby approved. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement and to deliver to the Purchaser within seven business days after the date of adoption of this resolution copies of the Official Statement in accordance with

the Notice of Sale, supplemented so as to contain the terms of the Series 2007 Bonds as set forth in this resolution and the reoffering and other information provided by the Purchaser for inclusion in the Official Statement.

The Purchaser agreed to purchase the Series 2007 Bonds at a price of \$2,270,000 plus premium payable to the City plus accrued interest to the date of delivery, the Series 2007 Bonds to bear interest at the rates designated by the Purchaser in such bid and as set forth in Section 2.01 of this resolution, which rates result in a true interest cost of 3.855117%. The rates of interest designated by the Purchaser result in a total dollar interest cost of \$544,602.22 less a premium of \$16,927.20 for a net dollar interest cost of \$527,675.02. It is hereby found, determined and declared that the interest rates designated by the Purchaser and set forth in Section 2.01 are consistent with the Purchaser’s bid accepted by this Commission on May 1, 2007 and are hereby approved. It is now desirable, proper and in the best interest of the City that the form and details of the Series 2007 Bonds be set forth and prescribed in the official proceedings of this Commission.

1.02. Recitals. All acts, conditions and things required by the Constitution and laws of the State of Montana, including Montana Code Annotated, Title 7, Chapter 7, Part 42, as amended, in order to make the Series 2007 Bonds valid and binding general obligations in accordance with their terms and in accordance with the terms of this resolution have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

The indebtedness to be evidenced by the Series 2007 Bonds and all other indebtedness of the City does not exceed the limitation as set forth in Montana Code Annotated, Sections 7-7-4201 and 7-16-4104. The City has full power and authority to issue the Series 2007 Bonds.

Section 2. Bond Terms, Execution and Delivery.

2.01. Term of Series 2007 Bonds. The Series 2007 Bonds shall be designated “General Obligation Bonds, Series 2007.” The Series 2007 Bonds shall be in the denomination of \$5,000 each or any integral multiple thereof of single maturities. The Series 2007 Bonds shall mature on July 1 in the years and amounts listed below, and Series 2007 Bonds maturing in such years and amounts shall bear interest from date of original issue until paid or duly called for redemption at the rates shown opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2008	\$170,000	4.00%	2013	\$235,000	4.00%
2009	195,000	4.00	2014	245,000	4.00
2010	205,000	4.00	2015	250,000	4.00
2011	215,000	4.00	2016	260,000	4.00
2012	225,000	4.00	2017	270,000	4.00

Interest shall be calculated on the basis of a 360-day year composed of twelve 30-day months.

2.02. Registered Form, Interest Payment Dates. The Series 2007 Bonds shall be issuable only in fully registered form, and the ownership of the Series 2007 Bonds shall be transferred only upon the bond register of the City hereinafter described. The interest on the Series 2007 Bonds shall be payable on January 1 and July 1 in each year, commencing January 1, 2008. Interest on the Series 2007 Bonds shall be payable to the owners of record thereof as such appear on the bond register as of the close of business on the fifteenth day of the month immediately preceding each interest payment date, whether or not such day is a business day. Interest on, and upon presentation and surrender thereof, the principal of each Bond shall be payable by check or draft issued by the Registrar described herein.

2.03. Dated Date. Each Bond shall be originally dated as of May 15, 2007, and upon authentication of any Bond, the Registrar (as hereinafter defined) shall indicate thereon the date of such authentication.

2.04. Registration. The City shall appoint, and shall maintain, a bond registrar, transfer agent and paying agent (the "Registrar"). The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal office a bond register in which the Registrar shall provide for the registration of ownership of Series 2007 Bonds and the registration of transfers and exchanges of Series 2007 Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender to the Registrar for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as the case may be, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Bonds. Whenever any Bond is surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount, interest rate and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Series 2007 Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for

the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability of the City upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be lost, stolen or destroyed, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond lost, stolen or destroyed, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond lost, stolen or destroyed, upon filing with the Registrar of evidence satisfactory to it that such Bond was lost, stolen or destroyed, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Series 2007 Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, lost, stolen or destroyed Bond has already matured or such Bond has been called for redemption in accordance with its terms, it shall not be necessary to issue a new Bond prior to payment.

2.05. Appointment of Initial Registrar. The City hereby appoints U.S. Bank National Association, in Seattle, Washington, to act as the Registrar. The City reserves the right to appoint a successor bond registrar, transfer agent or paying agent, as authorized by the Model Public Obligations Registration Act of Montana, Montana Code Annotated, Title 17, Chapter 5, Part 11, as amended (the "Registration Act"), but the City agrees to pay the reasonable and customary charges of the Registrar for the services performed.

2.06. Optional Redemption. Series 2007 Bonds maturing in the years 2008 through 2012 shall not be subject to redemption prior to maturity, but Series 2007 Bonds maturing in the years 2013 through 2017 shall each be subject to redemption at the option of the City, in whole or in part, and if in part from such stated maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair), on July 1, 2012 and any date thereafter, at a price equal to the principal amount thereof and interest accrued to the redemption date, without premium. The date of redemption and the principal amount of the Series 2007 Bonds shall be fixed by the City

Controller who shall give notice thereof to the Registrar at least forty-five days prior to the date of redemption. The Registrar shall cause notice of redemption to be published as required by law, and, at least thirty days prior to the designated redemption date, shall cause notice of redemption to be mailed, by first class mail, or by other means required by the securities depository, to the registered owners of each Bond to be redeemed at their addresses as they appear on the bond register described in Section 2.04, but no defect in or failure to give such mailed notice shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. The notice of redemption shall specify the redemption date, redemption price, the numbers, interest rates and CUSIP numbers of the Series 2007 Bonds to be redeemed and the place at which the Series 2007 Bonds are to be surrendered for payment, which is the principal office of the Registrar. Official notice of redemption having been given as aforesaid, the Series 2007 Bonds or portions thereof so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Series 2007 Bonds or portions thereof shall cease to bear interest.

In addition to the notice prescribed by the preceding paragraph, the Registrar shall also give, or cause to be given, notice of the redemption of any Bond or Bonds or portions thereof at least 35 days before the redemption date by first class mail or telecopy to the Purchaser and all registered securities depositories then in the business of holding substantial amounts of obligations of the character of the Series 2007 Bonds (such depository now being The Depository Trust Company, of New York, New York) and one or more national information services that disseminate information regarding municipal bond redemptions; provided that any defect in or any failure to give any notice of redemption prescribed by this paragraph shall not affect the validity of the proceedings for the redemption of any Bond or portion thereof.

2.07. Execution and Delivery. The Series 2007 Bonds shall be forthwith prepared for execution under the direction of the City Controller and shall be executed on behalf of the City by the signatures of the Mayor, the City Manager and the City Controller, provided that said signatures may be printed, engraved or lithographed facsimiles thereof. The seal of the City need not be imprinted on or affixed to any Bond. In case any officer whose signature or a facsimile of whose signature shall appear on the Series 2007 Bonds shall cease to be such officer before the delivery thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. When the Series 2007 Bonds have been so executed by said City officers, they shall be registered by the City Controller in accordance with Montana Code Annotated, Section 7-7-4257.

Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless and until a certificate of authentication on such Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Series 2007 Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution. When the Series 2007 Bonds have been fully executed and authenticated, they shall be delivered by the Registrar to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository for the Bonds.

(a) For purposes of this Section 2.08, the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Series 2007 Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Series 2007 Bonds as securities depository.

“Representation Letter” shall mean the Blanket Issuer Letter of Representations pursuant to which the City agrees to comply with DTC’s Operational Arrangements.

(b) The Series 2007 Bonds shall be initially issued as separately authenticated fully registered Bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Series 2007 Bonds. Upon initial issuance, the ownership of such Series 2007 Bonds shall be registered in the Bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Series 2007 Bonds registered in its name for the purposes of payment of the principal of or interest on the Series 2007 Bonds, selecting the Series 2007 Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Series 2007 Bonds under this Resolution, registering the transfer of Series 2007 Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any Person claiming a beneficial ownership interest in the Series 2007 Bonds under or through DTC or any Participant, or any other Person which is not shown on the Bond register as being a registered owner of any Series 2007 Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Series 2007 Bonds, with respect to any notice which is permitted or required to be given to owners of Series 2007 Bonds under this Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Series 2007 Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Series 2007 Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of and interest on the Series 2007 Bonds to the extent of the

sum or sums so paid. No Person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Series 2007 Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Series 2007 Bonds in the form of Bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Series 2007 Bonds in the form of certificates. In such event, the Series 2007 Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Series 2007 Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Series 2007 Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The Representation Letter sets forth certain matters with respect to, among other things, notices, consents and approvals by registered owners of the Series 2007 Bonds and Beneficial Owners and payments on the Series 2007 Bonds. The Registrar shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this resolution.

(e) In the event that any transfer or exchange of Series 2007 Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Series 2007 Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Series 2007 Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Series 2007 Bonds, or another securities depository as owner of all the Series 2007 Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Series 2007 Bonds in the form of Bond certificates and the method of payment of principal of and interest on such Series 2007 Bonds in the form of Bond certificates.

Section 3. Form of Series 2007 Bonds. The Series 2007 Bonds shall be drawn in substantially the form set forth in Exhibit B hereto, and by this reference made a part hereof.

Section 4. Security Provisions.

4.01. Construction Account; Use of Proceeds. There is hereby created a special account to be designated as the "2007 Construction Account" (the "Construction Account"), to be held and administered by the City Controller of the City separate and apart from all other funds of the City. The City appropriates to the Construction Account (a) the proceeds of the sale of the Series 2007 Bonds in the amount of \$2,270,000 and (b) all income derived from the investment of amounts on hand in the Construction Account. The Construction Account shall be used solely to defray expenses of the Project, including but not limited to the transfer to the Debt

Service Account described in Section 4.02 of amounts sufficient for the payment of interest and principal, if any, due upon the Series 2007 Bonds prior to the completion and payment of all costs of the Project and costs of issuance associated with the sale and issuance of the Series 2007 Bonds. Upon completion and payment of all costs of the Project, any remaining proceeds of Series 2007 Bonds in the Construction Account shall be credited and paid to the Debt Service Account.

4.02. Debt Service Account. So long as any of the Series 2007 Bonds are outstanding and any principal thereof or interest thereon unpaid, the City Controller shall maintain a separate and special 2007 Debt Service Account (the “Debt Service Account”) to be used for no purpose other than the payment of the principal of and interest on the Series 2007 Bonds. The City irrevocably appropriates to the Debt Service Account: (a) any proceeds of the Series 2007 Bonds in excess of \$2,270,000 payable to the City, (b) all funds to be credited and paid thereto in accordance with the provisions of Section 4.01, (c) any taxes levied in accordance with this resolution, (d) all income derived from the investment of amounts on hand in the Debt Service Account, and (e) such other money as shall be received and appropriated to the Debt Service Account from time to time.

Section 5. Tax Levies. The full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged to the payment of the Series 2007 Bonds and interest due thereon, and the City shall cause taxes to be levied annually on all taxable property in the City sufficient to pay the interest on the Series 2007 Bonds when it falls due and to pay and discharge the principal at maturity of each and all of the Series 2007 Bonds as they respectively become due.

Section 6. Arbitrage and Certification of Proceedings.

6.01. Certification. The Mayor, the City Manager, the City Controller and the City Clerk, being the officers of the City charged with the responsibility for issuing the Series 2007 Bonds pursuant to this resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2007 Bonds, it is reasonably expected that the proceeds of the Series 2007 Bonds will be used in a manner that would not cause the Series 2007 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code and the Regulations.

6.02. Covenant. The City covenants and agrees with the holders from time to time of the Series 2007 Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action that would cause the interest on the Series 2007 Bonds to become subject to taxation under the provisions of the Code and the Treasury Regulations applicable thereunder, and covenants and agrees that it will take or cause its officers, employees or agents to take any action within its or their powers to prevent the interest on the Series 2007 Bonds from becoming includable in gross income for purposes of federal income taxation under the Code and applicable Treasury Regulations.

6.03. Arbitrage Rebate. The City acknowledges that the Series 2007 Bonds are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Treasury Regulations to preserve the exclusion of interest on the Series 2007 Bonds from gross income for federal income tax purposes, unless the Series 2007 Bonds qualify for the exception from the rebate requirement under Section 148(f)(4)(B) of the Code and no “gross proceeds” of the Series 2007 Bonds (other than amounts constituting a “bona fide debt service fund”) arise during or after the expenditure of the original proceeds thereof. In furtherance of the foregoing, the Mayor, the City Manager, the City Controller and the City Clerk are hereby authorized and directed to execute a Rebate Certificate, substantially in the form to be prepared by Bond Counsel, and the City hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof.

6.04. Information Reporting. The City shall file with the Secretary of the Treasury, not later than August 15, 2007, a statement concerning the Series 2007 Bonds containing the information required by Section 149(e) of the Code.

Section 7. Defeasance.

7.01. General. When the liability of the City on all Series 2007 Bonds issued under and secured by this resolution and all interest thereon has been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the Holders of such Series 2007 Bonds shall cease.

7.02. Maturity. The City may discharge its liability with reference to all Series 2007 Bonds and interest thereon which are due on any date by depositing with the Registrar for such Series 2007 Bonds on or before the date a sum sufficient for the payment thereof in full; or if any Bond or interest thereon shall not be paid when due, the City may nevertheless discharge its liability with reference thereto by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

7.03. Redemption. The City may also discharge its liability with reference to any prepayable Series 2007 Bonds which are called for redemption on any date in accordance with their terms, by depositing with the Registrar on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon, provided that notice of such redemption has been duly given as provided in this resolution.

7.04. Escrow. The City may also at any time discharge its liability in its entirety with reference to any Series 2007 Bonds subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are general obligations of the United States or securities of United States agencies which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to provide funds sufficient to pay all principal, interest and redemption premiums, if any, to become due on such Series 2007 Bonds at

their stated maturities or, if such Series 2007 Bonds are prepayable and notice of redemption thereof has been given or irrevocably provided for, to such earlier redemption date.

Section 8. Continuing Disclosure.

(a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Series 2007 Bonds and the security therefor and to permit the original purchaser and other participating underwriters in the primary offering of the Series 2007 Bonds to comply with amendments to Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "SEC") under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the "Rule"), which will enhance the marketability of the Series 2007 Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the outstanding Series 2007 Bonds. The City is the only "obligated person" in respect of the Series 2007 Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. The City has complied in all material respects with any undertaking previously entered into by it under the Rule.

If the City fails to comply with any provisions of this Section 8, any person aggrieved thereby, including the Owners of any Outstanding Series 2007 Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this Section 8, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this Section 8 constitute a default under the Series 2007 Bonds or under any other provision of this Resolution.

As used in this Section 8, "Owner" or "Bondowner" means, in respect of a Series 2007 Bond, the Holder thereof, and any other person who provides to the Registrar evidence in form and substance reasonably satisfactory to the Registrar that such person (i) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Series 2007 Bond (including persons or entities holding Series 2007 Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of the Series 2007 Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

(1) on or before 270 days after the end of each fiscal year of the City, commencing with the fiscal year ending June 30, 2007, the following financial information and operating data in respect of the City (the "Disclosure Information"):

(A) the audited financial statements for such fiscal year, accompanied by the audit report and opinion of the accountant or government auditor relating thereto, as permitted or required by the laws of the State of Montana, containing balance sheets as of the end of such

fiscal year and a statement of operations, changes in fund balances and cash flows for the fiscal year then ended, showing in comparative form such figures for the preceding fiscal year of the City, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Montana law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the City Fiscal Services Director/City Controller; and

(B) To the extent not included in the financial statements referred to in paragraph (A) hereof, the information of the type set forth below, which information may be unaudited, but is to be certified as to accuracy and completeness in all material respects by the City Fiscal Services Director/City Controller to the best of his or her knowledge, which certification may be based on the reliability of information obtained from third party sources:

(1) updated figures for the then current fiscal year to include general obligation bonds outstanding, market valuation, taxable valuation, estimated City population, and debt capacity;

(2) a description of any additional borrowing or future financing of the City;

(3) tax levy figures for the then current fiscal year in format similar to the table in the section captioned "Tax Levies" in the Official Statement, dated as of May 1, 2007 (the "Official Statement");

(4) tax collection figures for the then most recent completed fiscal year in format similar to the table in the section captioned "Tax Collections" in the Official Statement;

(5) a list of the major taxpayers of the City for the then current fiscal year in format similar to the table in the section captioned "Major Taxpayers" in the Official Statement; and

(6) updated operating results for the then most recent completed fiscal year similar to the format shown in Appendix A to the Official Statement (if not included in the most recent Audit).

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date

unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements.

Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been submitted to each of the repositories hereinafter referred to under subsection (c) or the SEC. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify in the Disclosure Information each document so incorporated by reference.

If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations.

If the Disclosure Information is changed or this Section 8 is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

(2) In a timely manner, notice of the occurrence of any of the following events which is a Material Fact (as hereinafter defined):

- (A) Principal and interest payment delinquencies;
- (B) Non-payment related defaults;
- (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (E) Substitution of credit or liquidity providers, or their failure to perform;
- (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
- (G) Modifications to rights of security holders;
- (H) Bond calls;
- (I) Defeasances;
- (J) Release, substitution, or sale of property securing repayment of the securities; and
- (K) Rating changes.

As used herein, a “Material Fact” is a fact as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Series 2007 Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, a “Material Fact” is also an event that would be deemed “material” for purposes of the purchase, holding or sale of a Series 2007 Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

(3) In a timely manner, notice of the occurrence of any of the following events or conditions:

(A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;

(B) the amendment or supplementing of this Section 8 pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);

(C) the termination of the obligations of the City under this Section 8 pursuant to subsection (d);

(D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information or the audited financial statements, if any, furnished pursuant to subsection (b)(2) or (3) are prepared; and

(E) any change in the fiscal year of the City.

(c) Manner of Disclosure. The City agrees to make available the information described in subsection (b) to the following entities by telecopy, overnight delivery, mail or other means, as appropriate:

(1) the information described in paragraph (1) of subsection (b), to each then nationally recognized municipal securities information repository under the Rule and to any state information depository then designated or operated by the State of Montana as contemplated by the Rule (the “State Depository”), if any;

(2) the information described in paragraphs (2) and (3) of subsection (b), to the Municipal Securities Rulemaking Board and to the State Depository, if any; and

(3) the information described in subsection (b), to any rating agency then maintaining a rating of the Series 2007 Bonds and, at the expense of such Bondowner, to any Bondowner who requests in writing such information, at the time of transmission under paragraphs (1) or (2) of this subsection (c), as the case may be, or, if such

information is transmitted with a subsequent time of release, at the time such information is to be released.

(d) Term; Amendments; Interpretation.

(1) The covenants of the City in this Section 8 shall remain in effect so long as any Series 2007 Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this Section 8 shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the requirements of this Section 8 will not cause participating underwriters in the primary offering of the Series 2007 Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.

(2) This Section 8 (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Series 2007 Bonds, by a resolution of this Board filed in the office of the City Clerk accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this Section 8 as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Series 2007 Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

(3) This Section 8 is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

Section 9. Repeals and Effective Date.

9.01. Repeal. All provisions of other resolutions and other actions and proceedings of the City and this Commission that are in any way inconsistent with the terms and

provisions of this resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this resolution.

9.02. Effective Date. This resolution shall take effect immediately upon its passage and adoption by this Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 1st day of May, 2007.

Mayor

Attest: _____

City Clerk

(SEAL)

Approved for Legal Content:

City Attorney

EXHIBIT A

[Copy of Signed Winning Bid]

EXHIBIT B

[Face of the Bonds]

UNITED STATES OF AMERICA
STATE OF MONTANA
COUNTY OF CASCADE

CITY OF GREAT FALLS

GENERAL OBLIGATION BOND, SERIES 2007

No. _____ \$_____00

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	July 1,	May 15, 2007	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: AND NO/100 DOLLARS

The City of Great Falls, Cascade County, State of Montana (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner named above, or registered assigns, the principal amount specified above on the maturity date specified above or, if this Bond is prepayable as stated herein, on any date prior thereto on which this Bond shall have been duly called for redemption, and to pay interest on said principal amount to the registered owner hereof from May 15, 2007 or from such later date to which interest has been paid or duly provided for until this Bond is paid or, if this Bond is prepayable, until it has been duly called for redemption, at the rate specified above. Principal of this Bond is payable upon presentation and surrender hereof to U.S. Bank National Association, of Seattle, Washington, as Bond Registrar, Transfer Agent and Paying Agent, or its successor designated under the Resolution described herein (the "Registrar") at its operations center in St. Paul, Minnesota. Interest on this Bond is payable semiannually on each January 1 and July 1, commencing on January 1, 2008, by check or draft mailed by the Registrar to the person in whose name this Bond is registered as of the close of business on the 15th day (whether or not a Business Day) of the immediately preceding month, at his address as it appears on the bond register maintained by the Registrar. "Business Day" means any day other than a Saturday, Sunday or legal holiday of the State of Montana.

The principal of and interest on this Bond are payable in lawful money of the United States of America. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith, credit and taxing powers of the City have been and are hereby irrevocably pledged.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

This Bond is one of an issue in the total principal amount of \$2,270,000 (the "Series 2007 Bonds"), all of like date of original issue and tenor except as to serial number, denomination, maturity date, interest rate and redemption privilege, all authorized by the favorable vote of more than the requisite majority of the qualified electors of the City voting on the question of the issuance thereof at an election duly held, for the purpose of paying the costs of improving and upgrading certain swimming pools in the City, including rehabilitating and designing, constructing and equipping improvements to the Mitchell Swimming Pool, the Jaycee Swimming Pool, the Water Tower Swimming Pool and related restrooms and locker rooms, and related amenities and improvements and paying costs associated with the sale and issuance of bonds, all pursuant to resolutions duly adopted by the City Commission, including a resolution adopted on May 1, 2007 (the "Resolution"), and in full conformity with the Constitution and laws of the State of Montana thereunto enabling. The Series 2007 Bonds are issuable only as fully registered bonds of single maturities, in denominations of \$5,000 or any integral multiple thereof.

Series 2007 Bonds of this issue maturing in the years 2008 through 2012 are payable on their respective stated maturity dates without option of prior payment, but Series 2007 Bonds having stated maturity dates in the years 2013 through 2017 are each subject to redemption at the option of the City, in whole or in part, and if in part from such stated maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner it deems fair), on July 1, 2012 and any date thereafter, at a price equal to the principal amount thereof to be redeemed plus interest accrued to the redemption date, without premium.

The date of redemption and the principal amount of the Bonds shall be fixed by the City Controller who shall give notice thereof to the Registrar at least forty-five days prior to the date of redemption. The Registrar shall cause notice of redemption to be published as required by law, and, at least thirty days prior to the designated redemption date, shall cause notice of redemption to be mailed, by first class mail, or by other means required by the securities depository, to the registered owners of each Bond to be redeemed at their addresses as they appear on the bond register. Upon partial redemption of any Series 2007 Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City in the principal office of the Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed

by the registered owner or his attorney, and may also be surrendered in exchange for Series 2007 Bonds of other authorized denominations. Upon any such transfer or exchange, the City will cause a new Series 2007 Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Montana to be done, to exist, to happen and to be performed precedent to and in the issuance of this Bond, in order to make it a valid and binding general obligation of the City according to its terms, have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required; that the City Commission will annually levy an ad valorem tax on all of the taxable property in the City sufficient to pay the interest hereon when it falls due and also to pay and discharge the principal of this Bond at maturity; that this Bond, together with all other indebtedness of the City outstanding on the date of original issue hereof and on the date of the delivery of the Series 2007 Bonds of this issue to the original purchaser thereof, does not exceed any constitutional or statutory limitation of indebtedness; and that the opinion attached hereto is a true copy of the legal opinion given by Bond Counsel with reference to the Series 2007 Bonds, dated the date of original issuance and delivery of the Series 2007 Bonds.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by the manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Great Falls, Cascade County, Montana, by its City Commission, has caused this Bond to be executed by the facsimile signatures of the Mayor, the City Manager and the City Clerk.

(Facsimile Signature)
Mayor

(Facsimile Signature)
City Manager

(Facsimile Signature)
City Controller

Date of Authentication:

CERTIFICATE OF AUTHENTICATION

This is one of the Series 2007 Bonds delivered pursuant to the Resolution mentioned within.

U.S. NATIONAL ASSOCIATION,
as Bond Registrar, Transfer Agent and
Paying Agent

By _____
Its Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --	as tenants in common	UTMA.....Custodian..... (Cust) (Minor)
TEN ENT --	as tenants by the entireties	
JT TEN --	as joint tenants with right of survivorship and not as tenants in common	under Uniform Gifts to Minor Act..... (State)

Additional abbreviations may also be used.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

PLEASE INSERT SOCIAL SECURITY
OR OTHER IDENTIFYING NUMBER
OF ASSIGNEE:

/ _____ /

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

SIGNATURE GUARANTEED

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Bond Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Bond Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

PROCLAMATION: Mayor Stebbins read a proclamation regarding National Volunteer Week.

PRESENTATION: Mayor Stebbins presented Budget Officer Melissa Kinzler with the GFOA Distinguished Budget Award.

NEIGHBORHOOD COUNCILS

- 1. There were no reports or announcements from the Neighborhood Councils.

PUBLIC HEARINGS

Res. 9644 and Ord. 2966, annexation and zoning for Fair Guys Add. Adopted.

- 2A. RESOLUTION 9644, ANNEXATION OF FAIR GUYS ADDITION.
- 2B. ORDINANCE 2966, ZONING FOR FAIR GUYS ADDITION.

Planning Director Ben Rangel reported that Resolution 9644 annexes Fair Guys Addition which consists of a single 3.57 acre lot and dedicates a segment of right-of-way for the abutting portion of 22 Street Northwest. Ordinance 2966 assigns a zoning classification of I-1 light industrial district to it. The land is located on the south boundary of Interstate 15 and just west of Forde’s Nursery.

Neighborhood Council 2 expressed concern that a casino could be built on the lot if given the zoning classification requested. Mr. Rangel explained that the Land Development Code allows bars and casinos in I-1 light industrial zoning districts. However, Casino, type II could not be located within 350 feet of residentially zoned property and Casino, type I must meet stringent development and appearance standards. Additionally, the types of hazardous and offensive conditions that concerned Council 2 generally involved the types of businesses allowed in I-2 heavy industrial zoning district. These types of businesses are not allowed in I-1 light industrial zoning district. Because of that, staff determined the Land Development Code, along with other State and municipal codes applicable to these types of land uses, would address the Council’s concerns.

The Planning Board unanimously recommended the City Commission approve the Minor Plat and its annexation subject to the following conditions: the applicant sign an annexation agreement; install public infrastructure within 2 years; pay a proportionate share of paving, curb, gutter and sidewalk of 22nd Street NW when deemed necessary; submit plans to the Design Review Board; pay all applicable fees; correct any errors or omissions on the minor plat noted by staff; and have the Public Works Department approve final engineering documents.

The Zoning Commission unanimously recommended the City Commission approve the requested zoning.

Mayor Stebbins declared the public hearing open. No one appeared to speak in support of or opposition to Resolution 9644 or Ordinance 2966.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission adopt Resolution 9644 and approve the Minor Plat, Findings of Fact and Annexation Agreement all related to Fair Guys Addition.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2966.

Motion carried 5-0.

**CDBG Action Plan
Public Hearing.**

3. COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN.

CDBG Coordinator Chris Imhoff reported that HUD regulations require a public hearing on the Proposed Annual Action Plan which includes the use of 2007/2008 CDBG and HOME funds.

She added that the Consolidated Plan is a five-year planning and reporting document required by the U.S. Department of Housing and Urban Development which was completed and Commission approved in April 2005. The Plan includes a community needs assessment, housing market analysis, strategic plan and an annual action plan. The Annual Action Plan portion of the Consolidated Plan includes the proposed use of CDBG and HOME funds for the approaching fiscal year. Community Development Block Grant and HOME Grant project applications were received in February 2007. The Community Development Council reviewed the applications and made funding recommendations.

Mayor Stebbins declared the public hearing open. Those speaking in support were as follows:

Audrey Finlayson, RSVP, stated she supported the funding recommendation for the Neighborhood Watch Program. She added that the funding would provide necessary public information tools for the program.

Nancy Wilson, Meals on Wheels, stated she supported the funding recommendation for Meals on Wheels.

Nancy Hampton, Neighborhood Watch Coordinator, stated she supported the funding recommendation for the Neighborhood Watch Program.

Kathy Lear, Paris Gibson Square, stated she supported the funding recommendation for the Paris Gibson Square program which would be used to enhance art educational opportunities for adults with disabilities.

Lisa Gross, Paris Gibson Square curator, echoed Ms. Lear's comments.

Al Henry, Neighborhood Housing Services, thanked the City for partnering with their program over the years which has had tremendous impact in Great Falls.

Tina Cabbage, Big Brothers/Big Sisters, explained that the proposed CDBG allocation would assist with necessary technological upgrades that were important to the continued success of Big Brothers/Big Sisters without competing with programming funds.

There being no one further to address the City Commission, Mayor Stebbins declared the public hearing closed.

OLD BUSINESS

NEW BUSINESS

**OF 1472.2 Phase
Two Contract with
RW Beck.
Approved.**

4. RW BECK CONTRACT RELATED TO THE HIGHWOOD GENERATING STATION (OF 1472.2).

City Manager John Lawton reported that the City Commission was asked to authorize the first four tasks of Phase Two which involve completion of the Phase One work and then helping develop offering packages which could include a green power package, pricing, and terms for long term contracts beginning in 2012. The cost for this work was estimated to be \$103,500.

The Electric City Power Board reviewed the Phase II tasks on April 1, 2007, and recommended approval of the proposed scope of work. The remainder of Phase Two tasks will involve due diligence work for the actual bond issue and will be presented to the City Commission for consideration at a later date.

He added that Southern Montana Electric G&T should soon receive the Record of Decision on the EIS from the Rural Utility Service, followed by the Air Quality Permit from the Department of Environmental Quality. There were some immediate steps the City needed to take as well. ECPI's existing customers now have or soon would have electricity supply contracts through 2011. It was important to concentrate on the longer term contracts that would go into effect with the beginning of Highwood Generating Station operations. This was also true for the prospective customers. To do this the City needed to authorize RW Beck to continue with Phase Two of their work. Specifically, the City needed to authorize the first four tasks of Phase Two which involved completion of the Phase One work.

Mr. Lawton added that at this time, all indications were that the City's participation in the Highwood Generating Station would go forward although some adjustments in the project structure could be made. To deal with any uncertainties that may come up with respect to City participation in the Highwood Generating Station, the follow-on contract with RW Beck was written so that the City could stop work at any time it appeared to be infeasible to continue. Costs would stop if work stopped. Because of a variety of pending decisions, the most significant risk period will be during the next three weeks while various project components would be in a fluid state. City staff will monitor pending decisions daily, inform the Commission, and if it appeared there was a negative development, adjustments would be made accordingly.

Mr. Lawton added that the City has paid R. W. Beck \$78,000 for Phase One. Their work to finish this phase plus the additional work described above amounts to a total of \$181,500. At this time, the payment for these two phases would be included within the \$2 million already approved by the City Commission for Highwood Generating Station development work. When bonds were sold for the City's share of Highwood Generating Station, these funds will be repaid. In the event the bonds were not sold, or if the City Commission chose to fund the RW Beck work from another source, the cost could be paid from balances residing in several funds including the Economic Development Revolving fund. This possibility could be minimized in that the RW Beck work could be stopped at any time it appears that the City's participation in the project will not go forward.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that City Commission approve engaging RW Beck as independent engineers for Phase Two of the review of the Highwood Generating Station project for an estimated cost of \$103,500 inclusive of professional fees and direct expenses, and authorize the City Manager to execute the contract.

Commissioner Hinz stated she would vote against this motion. She explained that she supported the creation of Electric City Power as a measure to stabilize electricity prices. She also supported the City's

membership with SME. However, she could not support the construction of the Highwood Generating Station primarily because of environmental concerns and that she believed it was a step backward.

Motion carried 4-1.

ORDINANCES AND RESOLUTIONS

5. ORDINANCE 2969, ZONING FOR CASTLE PINES ADDITION, PHASE V.

Planning Director Ben Rangel reported that upon adoption Ordinance 2969 assigns a zoning classification of R-3 single-family high density district to Castle Pines Phase V. The proposed development consists of 21 single-family residential lots located in the vicinity of 27 Avenue South and 13 Street South.

Ord. 2969, zoning for Castle Pines Add., Phase V. Accepted on first reading and set public hearing for May 15, 2007.

Commissioner Hinz moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission accept Ordinance 2969 on first reading and set the public hearing for May 15, 2007, to consider adoption of Ordinance 2969.

Motion carried 5-0.

Ord. 2971, zoning for Mount Olivet Minor Subdivision. Accepted on first reading and set public hearing for May 15, 2007.

6. ORDINANCE 2971, ZONING FOR MOUNT OLIVET MINOR SUBDIVISION.

Planning Director Ben Rangel reported that upon adoption Ordinance 2971 assigns a zoning classification of PLI Public lands and institutional district to Lots 1A1, 1B1, & 1B2, Block 1, and Lot 1, Block 2, of the Amended Plat of Lots 1A & 1B, Block 1, of the Amended Plat of Lot 1, Block 1, Mount Olivet Minor Subdivision. The lots, consisting of 92 acres, are located east of 26 Street South along a segment of 18 Avenue South. Central Catholic High School is currently under construction on one of the lots to be annexed and uses for the other three lots being annexed have not been identified.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Hinz, that the City Commission accept Ordinance 2971 on first reading and set the public hearing for May 15, 2007, to consider adoption of Ordinance 2971.

Motion carried 5-0.

Consent Agenda. Approved as printed.

CONSENT AGENDA

- 7. Minutes, April 3, 2007, Commission meeting.
- 8. Total Expenditures of \$792,639 for the period of March 30 through April 11, 2007, to include claims over \$5000, in the amount of \$608,660.

- 9. Contracts List.
- 10. Grant List.
- 11. CTEP Funding Request to purchase property for the scenic, conservation and trail purposes (21N, R4E, Section 33, Lot 3, Mark 8).
- 12. Co-sponsorship of Frozen Explosion in an amount not to exceed \$500 for the use of the Mansfield Convention Center.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission approve the Consent Agenda as presented.

Motion carried 5-0.

BOARDS & COMMISSIONS

**Police
Commission.
Appointed.**

13. APPOINTMENTS, POLICE COMMISSION.

Terms of previous members of the Police Commission expired therefore, it was necessary to make new appointments. It was recommended that the terms be staggered.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Rosenbaum and Hinz, that the City Commission make the following appointments to the Police Commission: Thomas P. Meeks to a one-year term beginning April 17, 2007, and expiring June 30, 2008; Martin Sinclair to a two-year term beginning April 17, 2007, and expiring June 30, 2009; and Joe Tropila to a three-year term beginning April 17, 2007, and expiring June 30, 2010.

Motion carried 5-0.

**Transit Board.
Appoint Meade.**

14. JOINT APPOINTMENT, TRANSIT BOARD.

The City and County Commissions are required to jointly fill vacancies of elected members on the Transit District Board that may be caused due to no one filing for the position or an elected person resigning from the Board. The appointment process involves a representative from the County Commission and one from the City Commission to review applications and to recommend one person to both Commissions for appointment. Mayor Stebbins served as the City Commission’s representative to that subcommittee. County Commissioner Beltrone served as the County Commission’s representative. After reviewing the applications received, the sub-committee recommended the appointment of Ann Marie Meade to the Transit Board. This term will be until the next election whereby Transit members are elected or November 30, 2007.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission appoint Ann Marie Meade to fill a vacancy on the Great Falls Transit District Board created when Patrick Maloney, an

elected member resigned. This term shall expire November 30, 2007.

Motion carried 5-0.

PETITIONS AND COMMUNICATIONS

Highwood Generating Station.

The following people provided testimony regarding the Highwood Generating Station. **Larry Resentes** (2208 1st Avenue North); **Ken Thornton** (31 Paradise Road); **Courtney Ralphs (sp)**, (314 3rd Street North #109); **Charles Christensen**, (400 13th Avenue South); **Lisa Hardiman**, (3726 4th Street North); **Tim Brown**, (2736 Carmel); **Cheryl Reichert**, (Great Falls); **Dave Fritschen**, (317 3rd Street North); **John Hubbard**, (Great Falls); **Audrey Deligdisch**, (3016 Central Avenue); **Ron Gessaman** (1006 36th Avenue NE); **Tom Brown**, (1314 6th Avenue North); **Carol Fisher**, (520 53rd Street South); **Donna Kramer**, (1604 2nd Avenue South); **Merton Freyholtz**, (Gilford Montana); **Neil Taylor**, (3417 4th Avenue South); **Mary Jolley**, (1910 2nd Avenue North); **Stuart Lewin**, (615 3rd Avenue North); **Collanth Wilson-Pont (sp)** (99A Missouri River Lane); **Gloria Smith**, (Great Falls); and **Butch Ankins** (Square Butte).

The comments generally pertained to the RW Beck contract, the Lewis & Clark landmark location, pollution, the increased use of wind power, the need for a police presence at the demonstration coordinated by Citizens for Clean Energy, the US Mayors Climate Protection Agreement, and operating costs and technology to be used at the Highwood Generating Station.

Ole Stimac, (Plumbers and Pipefitters Local 41) spoke in support of the Highwood Generating Plant.

Brett Doney (Great Falls Development Authority) reported that Cascade County employment grew 3.8 percent. Mr. Doney encouraged everyone to look at HB25 which would preclude electric co-ops from adding wind-generators in with other electric generation facilities. He asked everyone to assist in securing the transmission lines to Canada.

Audrey Deligdisch, (3016 Central Avenue) asked when the fee resolution associated with the Animal Ordinance would be available to the public. City Clerk Peggy Bourne stated that staff was finishing it and would be made available in the near future.

Kathleen Gessaman, (1006 36th Avenue NE) thanked the City Commission for contributing CTEP funds for the purchase of the scenic land across from the Interpretive Center. She also asked about a statement on the Agenda encouraging public participation on all agenda items prior to the Commission taking action. Mayor Stebbins stated that referred to special presentations at work sessions.

Adjourn.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Hinz, that the regular meeting of April 17, 2007, be adjourned at 8:35 p.m.**

Motion carried 5-0.

Mayor Stebbins

Peggy Bourne, 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 APRIL 18, 2007	435,451.54
MASTER ACCOUNT CHECK RUN FOR APRIL 25, 2007	640,730.62
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 13, 2007	60,606.91
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 20, 2007	3,687.00
WIRE TRANSFERS FROM APRIL 11, 2007	177,356.47
WIRE TRANSFERS FROM APRIL 18, 2007	78,920.98
WIRE TRANSFERS FROM APRIL 23, 2007	37,395.45
WIRE TRANSFERS FROM APRIL 25, 2007	<u>45,019.08</u>
TOTAL: \$	<u><u>1,479,168.05</u></u>

GENERAL FUND

FIRE		
OFFICE CENTER	KYOCERA COPIER KM4050	9,735.00
LIGHTING DISTRICT		
NORTHWESTERN ENERGY	MARCH 2007 CHARGES	55,746.09
NORTHWESTERN ENERGY	MARCH 2007 CHARGES	7,750.13
POLICE SPECIAL		
KAMINSKY & ASSOCIATES	FTO SEMINAR TRNG FEE	6,755.00
STREET DISTRICT		
UNITED MATERIALS	PMT #2 MED TECH PARK OF 1417.1	91,278.54
SHUMAKER TRUCKING & EXCAVATING	PMT #3 MED TECH PARK OF 1417.1	2,815.07
GREAT FALLS SAND & GRAVEL	11/2 ROAD MATERIAL	6,083.11

ENTERPRISE FUNDS

WATER

BLACK & VEATCH	WTP IDSE HYDRAULIC MODELING	12,884.85
UNITED MATERIALS	PMT #2 MED TECH PARK OF 1417.1	16,310.25
SHUMAKER TRUCKING & EXCAVATING	PMT #3 MED TECH PARK OF 1417.1	5,529.50
DICKMAN EXCAVATING	3/4 CRUSHED AGGREGATE	4,162.36
TISCHLERBISE INC	WATER CAPACITY FEE	5,250.00
DICK ANDERSON CONSTRUCTION	PMT #2 FLOCCULATION OF# 1332.2	131,367.77
INDUSTRIAL AUTOMATION CONSULTING	PMT #2 SPECIALTY EQUIP OF #1332.2	31,050.00
INDUSTRIAL AUTOMATION CONSULTING	OF 1332.2 FLOCCULATION	19,520.00

SEWER

UNITED MATERIALS	PMT #2 MED TECH PARK OF 1417.1	9,479.25
SHUMAKER TRUCKING & EXCAVATING	PMT #3 MED TECH PARK OF 1417.1	6,637.27
UTILITY SPECIALTIES INC	2006 SEWER TV INSPECTION SYSTEMS	62,456.00
TISCHLERBISE INC	SEWER CAPACITY FEE	5,250.00
MORRISON MAIERLE	PMT #7 OF 1476 DRAINAGE	5,234.64
DICKMAN EXCAVATING	3/4 CRUSHED AGGREGATE	4,162.37
VEOLIA WATER NORTH AMERICA	MAINTENANCE IMPROV	204,781.92
STANLEY CONSULTANTS INC	PMT #17 WWTP CO-GEN PROJ OF 1404	38,293.15
NEWMECH COMPANIES INC	PMT #4 FOR WWTP CO-GEN OF #1404	38,090.80

STORM DRAIN

UNITED MATERIALS	PMT #2 MED TECH PARK OF 1417.1	10,011.38
SHUMAKER TRUCKING & EXCAVATING	PMT #3 MED TECH PARK OF 1417.1	9,158.97
MORRISON MAIERLE	PMT #7 OF 1476 DRAINAGE	6,600.00
STELLING ENGINEERS	OF 1482 STORM DRAIN OUTFALL	6,504.00

SANITATION

SOLID WASTE SYSTEMS INC	300 GALLON CONTAINERS	11,488.00
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CIVIC CENTER

BACNFIRST WIRE	PAY OUT TICKET PROCEEDS RAY	37,395.45
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GOLF COURSES

STRAY MOOSE PRODUCTIONS	GOLF CARTS	26,326.00
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INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS/BLUE SHIELD	APRIL 2007 ADMIN & REINS FEES	37,626.70
BLUE CROSS/BLUE SHIELD	GROUP AND HMO CLMS 4/03-4/09 2007	177,356.47
BLUE CROSS/BLUE SHIELD	GROUP AND HMO CLMS 4/21-4/16 2007	78,920.98
BLUE CROSS/BLUE SHIELD	GROUP AND HMO CLMS 4/17-4/23 2007	45,019.08

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	UNLEADED FUEL	18,512.90
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	57,011.91
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CLAIMS OVER \$5000 TOTAL: \$ 1,302,554.91

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

**AGENDA: 8
DATE: May 1, 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: Peggy J. Bourne, 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	Police Department	Great Falls Housing Authority	January 1, 2007 through June 30, 2007	Police Fund	\$58,738.91	Community Based Policing Agreement at Great Falls Housing Authority projects.
B	Fiscal Services	GPD, Inc.	Current	SLD 1308	Not to Exceed \$3,600	Electrical Design for Residential Lighting Phases 2 and 3 (portion 1) Eagles Crossing (SLD 1308)

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

**AGENDA # 9
DATE: May 1, 2007**

ITEM Set Public Hearing on Resolution 9648, Establish Electric City Power utility rates through June 30, 2011 for Block One customers

INITIATED BY Fiscal Services and Electric City Power

ACTION REQUESTED Set the Public Hearing On Resolution 9648, for 7:00 p.m. June 5, 2007

PREPARED BY Martha Cappis, Operations Supervisor

APPROVED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATIONS:

Staff recommends the City Commission set a Public Hearing on June 5, 2007 to hear public comment on Resolution 9648, Establish Electric City Power Utility Rates through June 30, 2011.

MOTIONS: "I move the City Commission set a Public Hearing on June 5, 2007 to hear public comment on Resolution 9648, Establish Electric City Power Utility Rates through June 30, 2011."

SYNOPSIS: The City of Great Falls, in an effort to find more cost effective electrical supply, joined the Southern Montana Electrical Generation and Transmission Co-operative in the fall of 2004. On October 1, 2004, the City of Great Falls began supplying electricity to Great Falls Public Schools, the Great Falls Airport Authority, Federal Express, Great Falls Housing Authority, and Montana Air National Guard, under contracts through December 31, 2008 and to its own facilities, including the wastewater treatment plant under Veolia Water, NA, collectively referred to as "Block One Customers". This has proven to be a cost effective savings for the customers and extensions of these contracts have been requested. In October, 2006, the City Commission approved the purchase of additional power to accommodate this request. The recommended rates will extend the contracts for service through June 30, 2011. The rates for the City owned facilities have been authorized administratively and included in the budget process for FY2008. The May 2007 Northwestern Energy default price for electricity is \$55.12. The rate review process calendar is attached as exhibit A.

RESOLUTION 9648

ESTABLISH ELECTRIC CITY POWER UTILITY RATES FROM JULY 1, 2006 THROUGH JUNE 30, 2011 FOR BLOCK ONE CUSTOMERS AFTER APPROVAL BY THE CITY COMMISSION

WHEREAS:

The City Commission of the City of Great Falls met and conducted the hearing in regular session on June 5, 2007 at the Civic Center, Great Falls, Montana, at 7:00 p.m. and did consider the cost of operating and servicing the customers of Electric City Power;

WHEREAS:

The City Commission approved the entering into an agreement with Southern Montana Electric to purchase blocks of power consisting of 5 MWh's for the term of 10/01/2004 through 12/31/2008 and 7 MWh's for the term of 01/01/2007 through 12/31/2008 and 12 MWh's for the term of 01/01/2009 through 03/31/2011; and

WHEREAS:

The City of Great Falls has previously entered into supply contracts with large and medium sized retail use customers and has been requested to continue such contracts,

NOW, THEREFORE:

The City Commission of the City of Great Falls does hereby establish Electric City Power Utility Rates as follows through June 30, 2011:

SUPPLY:

07/01/2006 – 06/30/2007	\$42.91 /MW	City, Veolia Water
07/01/2007 – 06/30/2008	\$47.21 /MW	City, Veolia Water
07/01/2008 – 12/31/2008	\$50.83 /MW	City, Veolia Water
01/01/2009 – 06/30/2009	\$51.34 /MW	Block One
07/01/2009 – 06/30/2010	\$51.85 /MW	Block One
07/01/2010 – 06/30/2011	\$52.37 /MW	Block One

TRANSMISSION:		
04/01/2007 – 03/30/2008	\$7.402	Recalculated each March in accordance with Title 5, Chapter 20, OCCGF
ADMINISTRATIVE FEE:		
07/01/2006 – 06/30/2007	\$3.00	Per Account, Block One
07/01/2007 – 06/30/2011	3%	City, Veolia Water
07/01/2007 – 06/30/2009	\$3.00	GFPS, GFAA, Fed Ex, MANG, GFHA,
01/01/2009 – 06/30/2011	3%	Per Account, Block One

Passed by the Commission of the City of Great Falls, Montana, on this 5th day of June, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne City Clerk

(SEAL OF CITY)

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

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9648 was placed on its agenda and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 5th day of June, 2007, and approved by the Mayor of said City on the 5th day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of June, 2007.

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content

City Attorney

Exhibit A

**2007 ELECTRIC UTILITY
RATE REVIEW CALENDAR
Resolution 9648**

Set Public Hearing

Tuesday, May 1, 2007
City Commission Meeting

Presentation to ECP, Inc Board

Monday, May 7, 2007
ECP Board Meeting

Publish Public Notices

1st Notice – Friday, May 11, 2007
2nd Notice – Friday, May 18, 2007
3rd Notice – Friday, May 25, 2007

Mailed Notices

To the various electric utility customers on May 11, 2007

Public Hearing & Commission Action

Tuesday, June 5, 2007
City Commission Meeting

Electric Utility Rates & Fees Take Effect

July 1, 2007

AGENDA REPORT

DATE May 1, 2007

ITEM Cancellation of Outstanding and Unpaid Checks

INITIATED BY Fiscal Services Department

ACTION REQUESTED Approve Cancellation of Outstanding and Unpaid Checks

PREPARED BY Krista Artis, Accounts Clerk Senior

PRESENTED BY Coleen Balzarini, City Controller/Fiscal Services Director

RECOMMENDATION:

Staff recommends the City Commission approve cancellation of checks that remain outstanding and unpaid for the period of one (1) year or longer.

MOTION:

I move the City Commission approve cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one (1) year or longer as authorized by Section 7-6-4303, M.C.A.

SYNOPSIS:

Section 7-6-4303, M.C.A., authorizes the City Commission to cancel municipal checks that have remained outstanding and unpaid for a period of one (1) year or longer. Attached is the required list of the instruments to be canceled including the check number, date, amount, and payee. A minimum of two (2) letters and affidavit forms for replacement checks have been mailed to the address on record and no response has been received to date. The list must be entered into the minutes of the City Commission proceedings.

Attachments: List of checks to be canceled

Sample letter and affidavit form used in attempts to contact vendors/employee.

(The attachments are not available online. On file in the City Clerk's Office, or contact Accounts Clerk Senior at 406-455-8424.)

AGENDA REPORT

DATE May 1, 2007

ITEM: FINAL PAYMENT – 2ND AVENUE S.W. STORM DRAIN EXTENSION - O.F. 1449

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends the approval of Final Payment to Advanced Earth works and the State Miscellaneous Tax Division for 2nd Avenue S.W. Storm Drain Extension - O.F. 1449.

MOTION: "I move the City Commission approve Final Payment of \$55,193.61 to Advanced Earthwork and the State Miscellaneous Tax Division for 2nd Avenue S.W. Storm Drain Extension - O.F. 1449, and authorize the City Manager to execute the necessary documents and make the payments."

SYNOPSIS: Ten bids were received on December 20, 2006. Advanced Earthworks submitted the low bid and was awarded a contract for \$59,484.00.

Advanced Earthworks has completed the contract work in accordance with the plans and specifications. Construction began on March 19, 2007 and was substantially complete within the allotted contract time. The two-year project warranty period began on the date of substantial completion, March 28, 2007. The final project cost is \$4,290.39 under the contract amount. Storm drain funding allocated for the project is available for final payment.

BACKGROUND: The project was initiated to eliminate a seven-foot deep drainage ditch located along the north edge of 2nd Avenue S.W between 24th and 25th Streets S.W. The ditch had been determined to be a safety hazard and high maintenance.

The project work scope included construction of approximately 450 lineal feet of 30-inch diameter pipe and an outlet structure near the Sun River Levee. The new storm drain pipe is an extension of existing pipe on 24th Street S.W.

City engineering staff completed the project design, and provided construction management and inspection.

Attachments: Final Pay Request (Not available online. On file in City Clerk's Office)

AGENDA REPORT

DATE May 1, 2007

ITEM: CHANGE ORDER NO. 1 – RENEWABLE ENERGY DESIGN SERVICES, (O.F. 1404)

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER NO. 1

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION: Staff recommends approval of Change Order No. 1 to Stanley Consultants Inc. for Renewable Energy Design Services, (O. F. 1404).

MOTION: “I move the City Commission approve Change Order No. 1 for \$59,666.00 to Stanley Consultants Inc. for Renewable Energy Design Services, (O. F. 1404), and authorize the City Manager to execute the agreements.”

SYNOPSIS: This change order covers three separate items. In order to tie the engine/generator into the wastewater plant’s existing electrical system, Stanley will develop breaker schematics for the existing medium voltage switchgear. These schematics are not currently available at the plant and the information is needed by the electrical subcontractor to complete their work. The cost for this design will be \$4,268. The second item is additional on-site construction and commissioning management. Stanley’s initial scope of work was to provide four months of on-site supervision. Because of time extensions for construction, Stanley’s inspector will need to be on-site an additional three weeks. This cost will be \$18,564. The last item of the change order is home office support to construction and commissioning. This support covers an additional 275 hours required for the project. Stanley’s contract initially budgeted for 120 hours of home office time, but because of change orders and additional work Stanley will spend 395 hours on this project. The cost of these additional hours will be \$36,834. These three items come to a total of \$59,666 and brings Stanley’s contract from the original amount of \$351,500 to a total of \$411,666. In comparison, the two other engineering bids received for this project were \$491,056 by Veolia and \$449,176 by Black & Veatch.

BACKGROUND: On August 2, 2005, the City Commission awarded a contract to Stanley Consultants to complete the design begun by Veolia Water North America and provide construction management services for an electric generator that will use methane gas produced by the anaerobic digesters at the wastewater treatment plant to produce electricity and heat for use at the plant. To date all equipment has been delivered, with the majority being installed by the contractor. Substantial completion is scheduled for May 8th and final completion is scheduled for May 23rd.

Attachments: Change Order No. 1



Stanley Consultants INC.

TRANSMITTAL

TO: Dave Dobbs
City of Great Falls
1025 25th Avenue NE
Great Falls, MT 59403
(406)-771-1258

DATE: April 16, 2007
PROJECT: Great Falls Co-Gen Project
LOCATION: Great Falls, Montana
PROJECT NO.: 18580.02.00

SUBJECT: Change Order Request No. 1

CONTRACT NO.:

WE ARE SENDING YOU THE FOLLOWING ITEM(S):

- ATTACHED
- UNDER SEPARATE COVER
- HAND DELIVERED
- VIA FAX
- VIA EMAIL

THESE ITEMS ARE SUBMITTED:

- AT YOUR REQUEST
- FOR YOUR APPROVAL
- FOR YOUR FILES
- FOR YOUR INFORMATION
- FOR YOUR REVIEW AND COMMENT
- FOR YOUR SIGNATURE
- FOR YOUR USE
- OTHER

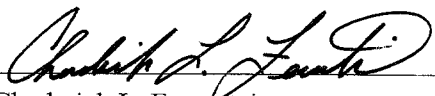
Attached for your review and approval is a Change Order Request for Stanley Consultants' additional design/engineering services to develop breaker schematics for the existing medium voltage switchgear, and Stanley Consultants' additional construction and commissioning support services for on-site construction and commissioning management, and home office support to construction and commissioning.

If you have any questions or comments, please feel free to call me at 303-925-8353 or Kevin Cavanaugh at 303-925-8279.

Regards,

DISTRIBUTION:

SIGNED BY:


Chadwick L. Feuerstein



Great Falls WWTP Cogeneration Project City of Great Falls

Change Order Request No. 1

This Change Order Request is based upon additional time and effort required beyond the original scope of work for engineering support and construction administration services for the Great Falls WWTP Cogeneration Project by Stanley Consultants' Project Manager, Mechanical Engineer, Structural Engineer, Electrical Engineer, Instrumentation & Controls Engineer, and Senior Field Representative.

This additional work involved engineering and construction administration services associated with responding to contractor requests for information, interpretation of drawings and specifications, preparation of vendor instructions to clarify drawings and specifications, review of contractor change order proposals, providing recommendations regarding change orders, scheduling activities and interfaces, monitoring contractor construction schedules, resolving disputes with equipment vendors and contractors, coordinating turn-over from construction to startup, and provide technical support during the startup and commissioning process for the Great Falls WWTP Cogeneration Project which is in excess of that planned for this project.

The detailed scope of additional work associated with these efforts is described below.

Task Descriptions

PHASE 1 – DESIGN / ENGINEERING

Task 14.06 – Develop Breaker Schematics for the Existing Medium Voltage Switchgear - This effort covered additional engineering and drafting services required that were not included in the original contract scope of work to develop the breaker schematics for the existing medium voltage switchgear that no longer exist or cannot be located. Stanley Consultants electrical engineer and electrical designer have currently spend 40 hours reviewing and interpreting existing wiring diagrams recently provided, and then developing the breaker schematics for the existing medium voltage switchgear from these existing wiring diagrams.

Deliverables:

Provide Breaker Schematics for the Existing Medium Voltage Switchgear.

PHASE 4 – CONSTRUCTION & COMMISSIONING SUPPORT

Task 41.01 Rev 1 – Additional On-Site Construction & Commissioning Management – This effort covers additional on-site construction management for a period of three weeks beyond the original scope of work period of four months. Stanley Consultants Senior Field Representative has been on-site since the first of January 2007 and the four month work period will conclude at the end of April 2007. Through contractor change orders the contract final completion date has been extended and is now scheduled for May 18, 2007, which requires an additional three weeks of time for on-site construction management from Stanley Consultants Senior Field Representative. Included under this effort is the full time construction manager. Construction management efforts will include scheduling of activities and



interfaces, monitoring contractor construction schedules, resolving disputes with equipment vendors and contractors, coordinating turn-over from construction to startup, and provide technical support during the startup and commissioning process. A regular 40 hour work week during construction, startup and commissioning has been budgeted.

Deliverables:

Additional on-site construction & commissioning manger for a period of three (3) weeks beyond the original scope of work budgeted four (4) months.

Task 41.02 Rev 1 – Additional Home Office Support to Construction & Commissioning – This effort covers additional home office support provided during preconstruction, construction, startup and commissioning activities. Home office support has been and is continuing to be provided to the City of Great Falls and to Stanley Consultants Senior Field Representative. Stanley Consultants Project Manager, Mechanical Engineer, Structural Engineer, Electrical Engineer, and Instrumentation & Controls Engineer have responded to contractor requests for information, interpreted drawings and specifications, prepared vendor instructions to clarify drawings and specifications, reviewed contractor change order proposals, provided recommendations regarding change orders, resolved disputes with equipment vendors and contractors, and provided technical support during the preconstruction, construction, startup and commissioning processes. Home office support for preconstruction and construction started approximately December 14, 2006 and the original contract final completion date was scheduled for March 14, 2007, which results in thirteen weeks of home office support. During this period Stanley Consultants home office representatives each spend 4 hours per week supporting preconstruction and construction efforts for a total of 260 hours. The original contract final completion date of March 14, 2007 has been extended nine weeks and is now scheduled for May 18, 2007. During this nine week period Stanley Consultants home office representatives each have and will continue to spend 3 hours per week supporting construction, startup, and commissioning efforts for a total of 135 hours. The original scope of work for the project was budgeted for 120 hours of home office support during preconstruction, construction, startup and commissioning. Therefore, an additional 275 hours of Stanley Consultants representatives home office support during construction beyond the original scope of work budgeted 120 hours are required.

Deliverables:

Additional 275 hours of Project Manager, Mechanical Engineer, Structural Engineer, Electrical Engineer, and Instrumentation & Controls Engineer home office support during construction, startup and commissioning beyond the original scope of work budgeted 120 hours.



COMPENSATION

Stanley Consultants requests additional compensation for the services described herein as follows:

<u>Additional Construction Admin. Services</u>	<u>Hours</u>	<u>Fee</u>
Task 14.06, Develop Breaker Schematics in Existing Medium Voltage Switchgear:	40	\$ 4,268
Task 41.01 Rev 1, On-site Construction & Commissioning Management:	120	\$ 18,564
Task 41.02 Rev 1, Home Office Support to Construction & Commissioning:	275	\$ 36,834
<hr/>		
Total:	435	\$ 59,666

If you concur with this request, please prepare a Contract Change Order in the amount of \$59,666 which would bring Stanley Consultants total Contract amount to;\$410,666.

CITY OF GREAT FALLS
AGENDA REPORT

AGENDA # 13
DATE May 1, 2007

ITEM LIQUID ALUMINUM SULFATE FOR WATER TREATMENT PLANT

INITIATED BY PUBLIC WORKS DEPARTMENT

ACTION REQUIRED APPROVAL OF BID

PRESENTED BY JIM REARDEN, DIRECTOR OF PUBLIC WORKS

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RECOMMENDATION:

Staff recommends that the City Commission accept the low bid from Thatcher Company in the amount of \$295.51 per dry ton for liquid aluminum sulfate for FY 2007/08.

MOTION:

"I move that the City Commission accept the low bid from Thatcher Company and authorize staff to purchase liquid aluminum sulfate in the amount of \$295.51 per dry ton for FY 2007/08."

SYNOPSIS:

Bids were accepted on April 18, 2007 for FY 2007/08 Water Treatment Plant chemical needs. Thatcher Company, of Missoula, Montana, provided the lowest acceptable price for liquid aluminum sulfate at \$295.51 per dry ton. This price reflects a 9.0% increase from the FY 2006/07 contract price. The new contract would allow for the purchase of a maximum of 700 dry tons for a total cost of \$206,857.

BACKGROUND:

Liquid aluminum sulfate is used in the water treatment process to coagulate suspended particles in the raw water stream to allow their removal. Specifications and bid materials were prepared for the purchase of liquid aluminum sulfate for the Water Treatment Plant for the upcoming year. Notices were sent out to all prospective bidders and publicly advertised. Kemira Water Solution's low bid was not acceptable as it did not fully meet our specifications. The bid from Thatcher Company, our current supplier, was acceptable as submitted.

CITY OF GREAT FALLS
AGENDA REPORT

AGENDA # 14
DATE May 1, 2007

ITEM LIQUID CHLORINE FOR WATER TREATMENT PLANT

INITIATED BY PUBLIC WORKS DEPARTMENT

ACTION REQUIRED APPROVAL OF BID

PRESENTED BY JIM REARDEN, DIRECTOR OF PUBLIC WORKS

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RECOMMENDATION:

Staff recommends that the City Commission accept the low bid from DPC Industries, Inc., in the amount of \$619.00 per ton for liquid chlorine for FY 2007/08.

MOTION:

"I move that the City Commission accept the low bid from DPC Industries, Inc., and authorize staff to purchase liquid chlorine in the amount of \$619.00 per ton for FY 2007/08."

SYNOPSIS:

Bids were accepted on April 18, 2007 for FY 2007/08 Water Treatment Plant chemical needs. DPC Industries, Inc., of Billings, Montana, provided the lowest price for liquid chlorine at \$619.00 per ton. This price reflects a 10.7% increase from the FY 2006/07 contract price. The new contract would allow for the purchase of a maximum of 75 tons for a total cost of \$46,425.

BACKGROUND:

Liquid chlorine is used in the water treatment process to provide disinfection of the drinking water. Specifications and bid materials were prepared for the purchase of liquid chlorine for the Water Treatment Plant for the upcoming year. Notices were sent out to all prospective bidders and publicly advertised. The low bid from DPC Industries, Inc., our current supplier, was acceptable as submitted.

ITEM ANHYDROUS AMMONIA FOR WATER TREATMENT PLANT

INITIATED BY PUBLIC WORKS DEPARTMENT

ACTION REQUIRED APPROVAL OF BID

PRESENTED BY JIM REARDEN, DIRECTOR OF PUBLIC WORKS

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RECOMMENDATION:

Staff recommends that the City Commission accept the bid from DPC Industries, Inc., in the amount of \$145.00 per 147-lb. cylinder for anhydrous ammonia for FY 2007/08.

MOTION:

"I move that the City Commission accept the bid from DPC Industries, Inc., and authorize staff to purchase anhydrous ammonia in the amount of \$145.00 per 147-lb. cylinder for FY 2007/08."

SYNOPSIS:

Bids were accepted on April 18, 2007 for FY 2007/08 Water Treatment Plant chemical needs. DPC Industries, Inc., of Billings, Montana, provided the lowest acceptable price for anhydrous ammonia at \$145.00 per 147-lb. cylinder. This price reflects a 1.0% increase per pound from the FY 2006/07 contract price. The new contract would allow for the purchase of a maximum of 100 cylinders for a total cost of \$14,500.

BACKGROUND:

Anhydrous ammonia is used in the water treatment process to produce chloramine, which provides a disinfectant residual in the drinking water. Specifications and bid materials were prepared for the purchase of anhydrous ammonia for the Water Treatment Plant for the upcoming year. Notices were sent out to all prospective bidders and publicly advertised. Thatcher Company's low bid was not acceptable as it did not fully meet our specifications. The bid from DPC Industries, Inc., our current supplier, was acceptable as submitted.

WATER TREATMENT PLANT CHEMICALS

NAME & ADDRESS OF BIDDER ▶	American International Chemical	Thatcher Company	General Chemical Corp.	Kemira Water Solutions	DPC Industries		
DESCRIPTION ▼							
Bid Security	NO BID	BB 10%	BB 10%	BB 10%	BB 10%		
Affidavit of Non-Collusion		√	√	√	√		
<u>Liquid Aluminum Sulfate</u>							
Bid Price		\$295.51/Dry Ton	\$370.00/Dry Ton	\$272.55/Dry Ton**	NO BID		
Delivery		5 Days ARO	3-6 Days ARO	No Time Specified			
<u>Liquid Chlorine</u>							
Bid Price		\$739.00/Ton	No Bid	No Bid	\$619.00/Ton		
Delivery		7-10 Days ARO			7-10 Days ARO		
<u>Anhydrous Ammonia</u>							
Bid Price		\$101.32/135 lbs.*	No Bid	No Bid	\$145.00/147 lbs.		
Delivery		7-10 Days ARO			7-10 Days ARO		

* Note: Thatcher Company did not provide ANSI/NSF Standard 60 certification for their ammonia, as required in the bid specifications.

** Note: Kemira Water Solutions did not specify a guaranteed delivery time as required in the bid specifications.

CITY OF GREAT FALLS, MONTANA

AGENDA # 16

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

DATE: May 1, 2007

ITEM: AIRPORT AUTHORITY APPOINTMENT PROCEDURE

INITIATED BY: GREAT FALLS AIRPORT AUTHORITY

ACTION REQUESTED: ADOPT THE APPOINTMENT PROCEDURE

PRESENTED BY: PEGGY BOURNE, CITY CLERK

RECOMMENDATION

The Airport Authority Board and Commissioners Beecher and Jovick-Kuntz recommend the City Commission adopt the Airport Authority Appointment Procedure.

MOTION

"I move the City Commission adopt the attached Airport Authority Appointment Procedure.

SYNOPSIS

The Airport Authority requested the City Commission adopt an appointment procedure to be used when filling vacancies on the Airport Board. The intent is to cultivate and select qualified Board members who can fill gaps in the knowledge base as well as select members who recognize the importance the Airport has in economic development and growth for the community and the region and to ensure fiscal responsibility of the airport functions.

Commissioners Beecher and Jovick-Kuntz worked with Airport Board members Jeff Mangan and Ray Wahlert in drafting this appointment procedure.

GFIAA APPOINTMENT AND SELECTION PROCESS

- A) City staff advertises the vacancy
- B) City provides application and application materials which will include an Airport Board Position Description provided by the Airport Authority and Conflict of Interest Policies (City Code of Ethics and Airport Authority Conflict of Interest Policy).
- C) City and Airport Authority participate in screening process
 - a. Stake holders are invited to participate by submitting written input to the City Commission regarding applicant, nomination, and/or appointment
 - b. Copies of all applications will be forwarded to appropriate GFIAA committee for review
 - c. GFIAA will review applications and recommend 5 for interview
 - i. Return to City with interview recommendations
 - d. City will review applications and GFIAA recommendations
 - i. The City Commission may or may not utilize GFIAA recommendations
- D) Interview Process
 - a. City Commission may select 5 or more for interview
 - b. GFIAA will provide resource materials/suggested questions for process
 - c. City Commission may interview candidates at their discretion
- E) Appointment
 - a. City Commission selects and appoints candidate

TIMELINE

up to 90 Days out ADVERTISE VACANCY

City posts notice for applications

↓ 90th to 60th day APPLICATION PROCESS

City receives applications / provides description & policies up to 30 days following posting of notice

↓ 60th to 30th day SCREENING PROCESS

City shares applications with GFIAA for review; GFIAA provides Cityt with recommendations for interview/appointment consideration

↓ 30th to appointment INTERVIEW PROCESS

City may interview candidates

APPOINTMENT

AIRPORT BOARD APPOINTMENT TUTORIAL

The committee designed the process to be a collaborative effort between the GFIAA and the City.

The Role of the GFIAA:

- Provide the Local Government a Board Position description
- Provide the Local Government a GFIAA Conflict of Interest policy

- Develop a board committee to review applications and make recommendations
- Provide the Local Government a review of applicants and recommendations of up to 5 possible candidates for interview
- Provide the Local Government resource materials to use in a possible interview/s

Role of the City:

- Provide applicants
 - Application
 - Board Position Description
 - Conflict of Interest policy
 - City of Great Falls Code of Ethics Policy
 - GFIAA

- Provide GFIAA applications for review

- Utilize application review and recommendations at their discretion
- Utilize interview process at their discretion

- Select and appoint GFIAA Commissioner

As you can see, the process encourages collaboration. A suggested time line is also part of the process.