

ORDINANCE 3106

AN ORDINANCE EXPANDING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT PROGRAM TO ASSIST IN FINANCING NECESSARY INDUSTRIAL INFRASTRUCTURE TO ENCOURAGE THE ATTRACTION, GROWTH AND RETENTION OF SECONDARY, VALUE-ADDING INDUSTRIES;

EXPANDING AND APPROVING THE CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK TAX INCREMENT FINANCING INDUSTRIAL DISTRICT; REVISING THE BOUNDARIES THEREOF AND ADOPTING THE UPDATED CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK COMPREHENSIVE DEVELOPMENT PLAN;

INCLUDING A TAX INCREMENT FINANCING PROVISION PURSUANT TO SECTIONS 7-15-42 AND 43 MCA; PROVIDING FOR DEFINITION OF TERMS; ESTABLISHING THE COSTS WHICH MAY BE PAID BY TAX INCREMENT FINANCING INDUSTRIAL DISTRICTS; ESTABLISHING JANUARY 1, 2013 AS THE BASE TAXABLE YEAR FOR THE EXPANDED PORTION; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

* * * * *

WHEREAS, the procedure provided in Title 7, Chapter 15 Parts 42 and 43 of the Montana Code Annotated (MCA) authorizes municipalities to exercise statutory development powers through comprehensive development plans for industrial districts and projects; and,

WHEREAS, the City of Great Falls is interested in fostering the development, growth and retention of secondary, value-adding industries as part of the City's overall goals to promote, stimulate, develop and advance the general welfare, commerce, economic development and prosperity of the citizens of Great Falls, Cascade County, and the State of Montana; and,

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

WHEREAS, the City Commission adopted Resolution 10013, the resolution of necessity, which generally established the boundaries of the Central Montana Agriculture and Technology Park, as located east of U.S. Highway 87 in the northern portion of the City of Great Falls, and determined the existence of infrastructure deficiencies in the area; and,

WHEREAS the creation of a Tax Increment Financing Industrial District (“TIFID”), as authorized in Sections 7-15-4282 through 4293, MCA, will help fund the supportive public infrastructure needed for the development of secondary, value-adding industries in the Central Montana Agriculture and Technology Park area; and,

WHEREAS, the Central Montana Agriculture and Technology Park Comprehensive Development Plan, including a Tax Increment Financing provision, has been prepared to guide the industrial development program and public infrastructure projects in the infrastructure deficient area established by Resolution 10013; and,

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

That Tuesday, the 7th day of May, 2013, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed Central Montana Agriculture and Technology Park Comprehensive Development Plan, including a provision for Tax Increment Financing; and,

BE IT FURTHER ORDAINED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of the Ordinance to adopt the Central Montana Agriculture and Technology Park Comprehensive Development Plan be: (1) published in the Great Falls Tribune, the newspaper published nearest such land; and (2) posted in three public places.

Section 1

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

(1) “Tax increment financing industrial district” means a district designated as such by the City Commission in accordance with the provisions of this Ordinance, consisting of a continuous area within an accurately described boundary, zoned for light or heavy industrial use in accordance with the Great Falls *Growth Policy*, and is found to be deficient in infrastructure improvements for industrial development.

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

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

Section 2

Findings. Based on representations made to the City Commission to date and taking into consideration all comments received, including those made at a public hearing duly held on May 7, 2013, after proper legal notice was given, the City Commission does hereby make the following findings, determinations and declarations regarding the Central Montana Agriculture and Technology Park Tax Increment Financing Industrial District, which is hereinafter referred to as the District:

- (1) The property to be included in the District consists of a continuous area with an accurately described boundary, and the district encompasses approximately 200 acres, more than large enough to host a diversified tenant base of multiple independent tenants.
- (2) The City Commission adopted Resolution 10013, the resolution of necessity, which generally established the boundaries of the Central Montana Agriculture and Technology Park, as located east of U.S. Highway 87 in the northern portion of the City of Great Falls.
- (3) In accordance with Section 7-15-4299 MCA the zoning of the Central Montana Agriculture and Technology Park has been submitted to the Great Falls City Planning Advisory Board for review and the Board found the I-2 Heavy Industrial zoning of the

area is zoned for light or heavy industrial use in accordance with the Great Falls Growth Policy.

- (4) The property to be included in the District does not contain property included within an existing urban renewal area district, technology infrastructure development district or aerospace transportation and technology district created pursuant to this part.
- (5) The City Commission adopted Resolution 10013, a resolution of necessity, which determined the existence of infrastructure deficiencies in the area, and that the area will likely not be developed to its potential, without the provision of public infrastructure improvements.
- (6) The goal of the District is the development of secondary, value adding industries, in order to sustain and grow its economy over time.
- (7) The District has as its purpose the development of infrastructure to encourage the growth and retention of secondary, value-adding industries.
- (8) In the District, infrastructure development will require the upgrade of water and sewer services, transportation and utility upgrades, stormwater collection and treatment, extension of rail service, and other facility and services improvements.
- (9) In accordance with Section 7-15-4213 MCA the Central Montana Agriculture and Technology Park Comprehensive Development Plan has been submitted to the Great Falls City Planning Advisory Board for review and the Board found the Central Montana Agriculture and Technology Park Comprehensive Development Plan to conform to the Great Falls Growth Policy.
- (10) The comprehensive development plan for the District authorizes the use of tax increment financing in support of making infrastructure improvements. As revenues permit, the City of Great Falls may issue tax increment financing bonds in support of these activities.
- (11) The Act requires that prior to final adoption of this Ordinance; the City Commission shall hold a public hearing on the expansion of the proposed District. Pursuant to such authority, notice of a public hearing to be held on Tuesday, the 7th day of May, 2013, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, was published on April 21 and 28, 2013, and mailed by certified mail to all property owners in the district, giving notice of the public hearing in substantially the form presented in, and attached.

Section 3

Establishment of the District. The Central Montana Agriculture and Technology Park Tax Increment Financing Industrial District is hereby expanded.

Section 4

Boundaries. A legal description and map of the District is found in the attached Comprehensive Development Plan for the District.

Section 5

Comprehensive Development Plan for the District. A plan describing existing infrastructure, existing infrastructure deficiencies, and industrial development activities to be undertaken within the District is attached.

Section 6

Base Year. For the purpose of calculating the incremental taxable value for each year of the life of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the expanded portion of the District, as of January 1, 2013.

Section 7

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

Section 8

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

Section 9

Term of the Tax Increment Financing Provision. The tax increment financing provision of the District will terminate in accordance with state law.

Section 10

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

Section 11

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

Section 12

Effective Date. The effective date of this Ordinance is thirty days after final adoption on second reading. This Ordinance shall be in full force and effect on June 6, 2013.

APPROVED by the City Commission on first reading April 2, 2013.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading May 7, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David L. Nielsen, Interim City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3106 in three conspicuous places within the limits of said City to-wit:

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

Lisa Kunz, City Clerk

(CITY SEAL)