



**City Commission Meeting Agenda**  
**Civic Center, 2 Park Drive South, Great Falls, MT**  
**Commission Chambers, Civic Center**  
**March 05, 2019**  
**7:00 PM**  
**Revised**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

1. Respect & Inclusion Day  
Charles M. Russell Month  
Montana Retired Educator Day

**PETITIONS AND COMMUNICATIONS**

*(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.)*

2. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

3. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

4. Appointment and Reappointments, Mansfield Center for the Performing Arts Advisory Board.
5. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

6. Miscellaneous reports and announcements from City Manager.

**CONSENT AGENDA**

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

7. Minutes, February 8, 2019, Special Commission meeting.
8. Minutes, February 19, 2019, Commission meeting.
9. Total expenditures of \$1,321,499 for the period of January 7, 2019 through February 20, 2019, to include claims over \$5,000, in the amount of \$1,109,679.

- [10.](#) Contracts List.
- [11.](#) Award a three-year contract for audit services with Anderson ZurMuehlen & Co, P.C. (AZ) at a cost of \$47,000 annually (or \$141,000) for Fiscal Years 2019, 2020 and 2021.
- [12.](#) Award a contract in the amount of \$774,805.00 to United Materials of Great Falls, Inc., for the South Great Falls Storm Drain Improvements (North Basin) project and authorize the City Manager to execute the construction contract documents.
- [13.](#) Approve Final Payment for the Great Falls Public Library Boiler Replacement in the amount of \$33,264 to McKinstry Essention, LLC and \$336 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
- [14.](#) Set a public hearing to consider the lease of City Owned property parcels 3016300 & 3015100 located three and one half miles north of the Manchester Exit for April 2, 2019.
- [15.](#) Set Community Development Block Grant (CDBG) public needs hearing for 2019/2020 Annual Action Plan for ~~March 19, 2019~~ **April 2, 2019**.

**Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member.**

#### **PUBLIC HEARINGS**

- [16.](#) Public Hearing - Resolution 10268 to annex a 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162, Ordinance 3180 to establish Planned Unit Development zoning, and Preliminary Plat for a Major Subdivision to create 40 lots for Wheat Ridge Estates, Phase I. *Action: Consider and vote on pending motion from September 18, 2018 meeting, conduct a joint public hearing, adopt or deny Res. 10268, adopt or deny Ord. 3180, and approve or deny the Preliminary Plat for Major Subdivision and the Findings of Fact. (Presented by Craig Raymond)*
- [17.](#) Ordinance 3194, Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 1 Through 3; and, Repealing and Replacing Chapter 4 Pertaining to General Provisions to The Land Development Code. *Action: Conduct a public hearing and adopt or deny Ord. 3194. (Presented by Sara Sexe)*

#### **OLD BUSINESS**

#### **NEW BUSINESS**

#### **ORDINANCES / RESOLUTIONS**

- [18.](#) Ordinance 3202, To establish R-2 Single-family Medium Density zoning for the property located at Lot 5 of Grandview Tracts, Section 13, T20N, R3E, P.M.M., Cascade County, Montana, property currently owned by Steven and Crystal Johnson. *Action: Accept or not accept Ord. 3202 on first reading and set or not set a public hearing for April 2, 2019. (Presented by Craig Raymond)*

#### **CITY COMMISSION**

19. Miscellaneous reports and announcements from the City Commission.
20. Commission Initiatives.

21. Legislative Initiatives.

**ADJOURNMENT**

*(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)*

*Commission meetings are televised on cable channel 190. If a video recording is available it will be posted on the City's website at <https://greatfallsmt.net> after the meeting. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.*



**Item:** Appointment and Reappointments, Mansfield Center for the Performing Arts Advisory Board.

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint one member and reappoint two members to the Mansfield Center for the Performing Arts Advisory Board.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission Appoint \_\_\_\_\_ and Reappoint \_\_\_\_\_ and \_\_\_\_\_ for three-year terms through December 31, 2022."

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

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**Staff Recommendation:** It is recommended that the City Commission appoint Edward (Larry) Gomoll and reappoint Nancy Clark and Patty Holmes-Myers to fill three-year terms through December 31, 2022, to the Mansfield Center for the Performing Arts Advisory Board.

**Summary:** Carl Donovan served two full terms with his term expiring on December 31, 2018. He is not eligible for reappointment. Nancy Clark was appointed to the board in November 2017 for a partial term. Patty Holmes-Myers was appointed for her first full three-year term in January 2016. Both Ms. Clark and Ms. Holmes-Myers are eligible and interested in continuing to serve on the Board.

The City received an application from Edward (Larry) Gomoll on February 6, 2019 for the opening. Mr. Gomoll has been a member of the Board in the past and served from January 1, 2012 through October 3, 2018. He graciously remained on the Board past his term until other vacancies could be filled; Christina Horton replaced him on October 2, 2018. Due to the break between terms, he would be eligible to serve on the board.

**Background:**

The Civic Center Advisory Board was created in 1997 and was amended by Ord. 2928 in February of 2006 to change the name to the Mansfield Center for the Performing Arts Advisory Board. The Board acts in an advisory capacity to the City Commission and the City Manager on matters related to the

successful operation of the Civic Center as the Mansfield Center for the Performing Arts and public meeting rooms. The Board consists of five to seven members with an attempt to have representation from the areas of performing arts, conventions and meetings, and civic leaders.

Continuing members of this board are:

Grant Harville	1/15/2013 – 12/31/2018
Kelly Manzer	1/ 1/2014 – 12/31/2019
Christina Horton	10/3/2018 – 12/31/2020
Allen Lanning	1/ 6/2015 – 12/31/2019

Members seeking reappointment:

Nancy Clark	11/7/2017 – 12/31/2018
Patty Holmes-Myers	1/1/2016 – 12/31/2018

Citizen interested in serving on board:

Edward (Larry) Gomoll

**Alternatives:** The Commission could choose to not appoint or reappoint to the board and ask city staff to advertise the openings for additional citizen interest.

**Concurrences:** During the Mansfield Center for the Performing Arts Advisory Board Meeting on February 15, 2019, the Board voted unanimously to recommend appointment of Larry Gomoll and reappointment of Nancy Clark and Patty Holmes-Myers.

**Attachments/Exhibits:**

Application from Edward (Larry) Gomoll



BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM  
(PLEASE PRINT OR TYPE)

RECEIVED

FEB -6 2019

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

CITY MANAGER

Board/Commission Applying For: <i>Mansfield Center for the Performing Arts Advisory Board</i>		Date of Application: <i>1/25/19</i>
Name: <i>Edward (Larry) Gomoll</i>		
Home Address: <i>3320 11<sup>th</sup> Ave S, Apt 2</i>		Email address: <i>gomollel@hotmail.com</i>
Home Phone: <i>727-1917</i>	Work Phone: <i>406-495-4875</i>	Cell Phone: <i>788-1682</i>
Occupation: <i>College Instructor</i>	Employer: <i>Stone Child College</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain) <i>No</i>		
* Related experiences or background: <i>Exec Director, Great Falls Community Concert Assoc (2002-2001)</i> <i>Mansfield Foundation Board</i> <i>MPAC Board for 8+ years</i>		
Educational Background: <i>BS- Zoology - minor in Chemistry</i> <i>MA - Education</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>I believe I have been a very positive influence as a member and chair of the Advisory Board for many years. I wish to continue my service to the arts.</i>		
Previous and current public experience (elective or appointive): <i>See above *</i>		
Membership in other community organizations: <i>MPAC</i> <i>Mansfield Foundation</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes  No  If yes, where and when?

Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes  No  If yes, who, which department, and relationship?


Have you ever served on a City or County board? Yes  No  If yes, what board and when did you serve?  
*Mansfield Advisory Board for 12+ years early 2000 to 2017*

Are you currently serving on a Board? Yes  No  If yes, which board?  
*Mansfield Foundation  
 MYPAC*

Please describe your interest in serving on this board/commission?  
*The Mansfield is close to my heart and I believe I have a lot to give to the board with my experience as a former member and theater user.*

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  
*I am a supporter of arts and want to see the arts flourish in Great Falls.*

Additional comments:

Signature  Date: *1/25/19*

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

**Return this form to:**

City Manager's Office  
 P.O. Box 5021  
 Great Falls, MT 59403

Fax:  
 (406) 727-0005

Email:  
 kartis@greatfallsmt.net

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS  
FEBRUARY 8, 2019**

Special City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 10:00 AM

Commission Chambers Room 206

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Tracy Houck, Owen Robinson, Bill Bronson, and Mary Sheehy Moe. Also present were the City Attorney Sara Sexe and Assistant City Attorney Joe Cik; Deputy City Manager Chuck Anderson; and, City Clerk Lisa Kunz.

Library staff present: Susie McIntyre, Eva McDunn, and Rae McFadden.

**AGENDA APPROVAL:** There were no changes proposed by the City Attorney or the City Commission. The agenda was approved as submitted.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

**PETITIONS AND COMMUNICATIONS**

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**NEW BUSINESS**

2. **REVIEW OF TRESPASS ORDER FROM GREAT FALLS PUBLIC LIBRARY – ROBERT STONE.**

Mayor Kelly commented that this is a request to review the December 21, 2018 letter from the City Manager's Office banning Robert Stone from the Library property under the Official Code of the City of Great Falls (OCCGF) 1.4.070C and Mr. Stone's January 17, 2019 appeal.

City Attorney Sara Sexe commented that Mr. Stone has a right of privacy that needs to be determined as to whether or not Mr. Stone will want to assert that right of privacy or if he waives that right of privacy. The matters that may be discussed, not actually the ban itself, but the underlying reasons for the behavior that led to the ban may automatically invoke some issues of privacy. Mr. Stone needs to be provided the opportunity to either assert his right of privacy or waive his right of privacy. If he asserts the right, the Commission would make a determination as to whether or not, under Mont. Code Ann. § 2-3-203, his privacy assertion outweighs the public's right to know the underlying basis for the decision in this matter.

Mayor Kelly asked Mr. Stone if he understood the question and what his choice was regarding this matter.



**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS  
FEBRUARY 8, 2019**

**Robert Stone (Appellant)** 511 15<sup>th</sup> Street South, commented that he thought he did understand the question. The Commission is asking him if it is okay to discuss his medical problems. Yes, it is.

Mayor Kelly asked Appellant Stone if he had any questions regarding a waiver of his right to privacy.

Appellant Stone, No.

Attorney Sexe asked Appellant Stone if he understood that his private medical information may be discussed, and this is an open meeting to the public, and that he is waiving that right to maintain the privacy of those medical determinations.

Appellant Stone, Yes.

**Pursuant to the Charter of the City of Great Falls, Article II, Section 3, Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission review management's decision, dated December 21, 2018, banning Mr. Stone from Library property for a period of one year, and consider Mr. Stone's written appeal received January 17, 2019.**

Attorney Sexe reported that, in order to afford Appellant Stone full due process of this management decision and full due process of his appeal, it is staff's recommendation that the Commission undertake review of the management decision in this matter.

As set forth in the proposed process provided to the Commission and Appellant Stone and his advocate representative from the Center for Mental Health, Attorney Sexe recommended that the Commission hear witness testimony and Appellant Stone's appeal of the ban and the reasons for his appeal.

Mayor Kelly reported that the Commission did receive two communications: one was from Mr. Stone dated January 17<sup>th</sup> and stamped confidential, and the other is correspondence to Appellant Stone dated January 30<sup>th</sup> from Chuck Anderson, Deputy City Manager, and also stamped confidential. He inquired what information could be disclosed.

Attorney Sexe responded that Appellant Stone has waived confidentiality in those documents. Out of an abundance of caution, staff provided those two documents to the Commission for evaluation but stamped both documents confidential because they contained medical information. Those two documents, along with the two documents attached to the agenda report and posted to the City's website, are the written documentation to review, in addition to the testimony that will be provided, for the Commission to make a determination.

Mayor Kelly invited Appellant Stone or his advocate to the podium. He reported that Appellant Stone has been suspended from the Library for one year's time, and Appellant Stone has requested a hearing to appeal that decision. What the Commission is here to determine is what Appellant Stone would like to tell the Commission in regards to why the Commission should appeal the decision that has been determined by the Deputy City Manager and the police.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS  
FEBRUARY 8, 2019**

Appellant Stone commented that he wasn't told anything about having to be gone for a month. When the police were there he was told he could come back on the 21<sup>st</sup>. Due to the holidays, he didn't come back until January 4<sup>th</sup>.

Mayor Kelly noted that the first initial consequence was issued on December 6<sup>th</sup>, which meant he was banned for one week until December 13<sup>th</sup> or 14<sup>th</sup>. Appellant Stone entered the Library on December 12<sup>th</sup>, the second occurrence.

Appellant Stone commented that he didn't exactly forget that he wasn't supposed to come back. He explained that, when anything bad happens that causes him to get stressed when he thinks about it, he has a habit of putting it in the past and not thinking about it. He didn't think about it that day until he was talked to about it and that was after he had been in the Library for a couple of hours. He wanted to get an update on his tablet and get some books to read. He doesn't have internet at home. Not having books to read is not helping his depression. He has discussed this with his psychiatrist and his therapist.

Mayor Kelly explained to Appellant Stone that staff will talk about why the trespass request was issued, and then he will have a chance to respond to those comments.

Appellant Stone indicated he can only stand for about 30 minutes and may have to lie down.

Attorney Sexe commented that there is a documented medical reason for Appellant Stone's having to lie down. She inquired of Appellant Stone if he had any objection to continuing with the process if he did have to lie down.

Appellant Stone responded that would be fine.

Attorney Sexe reported that staff will provide testimony from the most recent incident going backwards.

**Chuck Anderson**, Deputy City Manager, reported that on December 21<sup>st</sup> he was Acting City Manager. He was approached from the legal department with a request from the Library staff to ban someone from the Library for one year. After reviewing the circumstances and balancing out the individual's rights to access and the comments made pertaining to public safety, he did provide the December 21<sup>st</sup> letter. He also issued the January 30<sup>th</sup> letter to ensure that the process was followed and which provided Appellant Stone formal notice for a request for review and what the process would be.

**Rae McFadden (RM)**, Youth Services Librarian, was questioned by Attorney Sara Sexe (**SS**) and provided the following testimony:

**SS:** Prior to December 6<sup>th</sup>, have you had interactions with Mr. Stone, and describe generally those interactions.

**RM:** Yes, I helped him find materials. The interactions were positive. It was clear that books are very meaningful to Mr. Stone.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS  
FEBRUARY 8, 2019**

**SS:** Was there a point in time when the interactions were not necessarily positive?

**RM:** There was an incident on December 6<sup>th</sup> when Mr. Stone brought his bike into the Library because he was concerned it would be stolen outside. He didn't have a bike lock. Library staff cannot be responsible for watching people's personal possessions and it potentially creates a tripping hazard. The Library requires that personal items fit under patrons' chairs.

**SS:** What occurred as a result of Mr. Stone bringing the bike into the Library?

**RM:** Staff approached him and explained he would need to remove the bike from the Library. Mr. Stone became very upset. He was yelling at her and it was very frightening.

**SS:** Did you note any reactions from patrons?

**RM:** Not on that particular incident, but did so on December 12<sup>th</sup>.

**SS:** Explain your observations with regard to that incident.

**RM:** Mr. Stone was upset and yelling loudly in the foyer area of the Library. She explained to a little boy that Mr. Stone was upset because he lost the privilege to use the Library. There were other families in Kids Place at the time. She doesn't know all the patrons by name, but wonders if the reason why she hasn't seen them again is because they are concerned that the Library may not be a safe place.

**SS:** How did that December 12<sup>th</sup> interaction between Mr. Stone and Ms. McIntyre affect you?

**RM:** It was very frightening. She was trying to protect everybody in Kid's Place in case the situation escalated. She thought that it might become physically violent.

**Eva McDunn (EM)**, Library Information Desk (2<sup>nd</sup> Floor), was questioned by Attorney Sara Sexe (**SS**) and provided the following testimony:

**SS:** Explain your interactions with Mr. Stone.

**EM:** Last summer I observed him lying on the floor where other patrons were walking. I asked him if he was in medical distress and was informed no. Subsequently, Mr. Stone would come in on a pretty regular basis and would lie down on the loveseat in the more comfortable area of the Library and be found watching a movie on his device. They allowed Mr. Stone to do this for a while. This exception started to cause staff to become uncomfortable during summertime for a couple of reasons: they don't allow other people to do it; and, with Mr. Stone being a tall man lying across the furniture wearing shorts, it was quite possible that patrons were seeing parts of Mr. Stone that should not have been available to the public. It was decided to move the loveseat out of the public area of the Library. The following time that Mr. Stone came to the Library he discovered that the loveseat was no longer there. He had a tantrum. Susie had to talk to him in detail that day and the police were called to escort him out of the Library. Mr. Stone then asked for an accommodation because of his disability and needing to lie down. The accommodation that was

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**FEBRUARY 8, 2019**

made was a wooden bench was moved from the lobby to the back area of the Library, and he was allowed to lie down on the bench. She didn't feel that it was the medical case of "I feel woozy and need to lie down for a little bit." He would lay his yoga mat on the bench and lie down and watch a movie for a couple of hours.

She continued that there is another issue that Mr. Stone has not been availed of yet that she was getting ready to talk to him about. He has been in violation of the Library hygiene policy at least 20 times. She read the pertinent language of the policy.

On the day that Mr. Stone was yelling at Susie in the foyer, 911 had already been called. Every patron in the building was afraid for Susie's safety. Mr. Stone outweighs Susie by about 100 pounds and is about a foot taller than her. He was in that enclosed space yelling at her at the top of his lungs while swinging his cane in the air. She could have been injured.

**Susie McIntyre (SM)**, current Acting Library Director. During the time of the incidents she was the Collection Development Librarian. Ms. McIntyre was questioned by Attorney Sara Sexe (**SS**) and provided the following testimony:

**SS:** Generally describe your interactions with Mr. Stone prior to December.

**SM:** She loaned him books and helped him find materials. She also had interactions with Mr. Stone about his behavior. When staff was concerned about his lying on the couch she had some conversations with him. When he would lie on the floor in violation of Library policy, she had multiple conversations with him.

**SS:** Are there written policies that the Library has with regard to patron behavior.

**SM:** The Library has a patron behavior policy. Activities that are not permitted are lying down, sleeping, or dozing, except that this rule shall not apply to children. They did try to make an exception to accommodate Mr. Stone as much as possible by bringing up the wooden bench.

**SS:** Discuss the December 6<sup>th</sup> interaction for the Commission.

**SM:** She was in a meeting with the Public Services Librarian when Kathy Wight (front line circulation staff) came into the office, visibly upset, and explained that a patron out front brought his bicycle into the Library. When she talked with him he was very angry and aggressive to her. Kathy asked for manager's support. SM went out to the circulation desk. Mr. Stone was very agitated. He was yelling. He put his finger in her face. A different bike of his had been stolen at a previous time and he blamed the Library for that. She explained that the Library is not responsible for his personal stuff. He had the bike parked in the Library foyer. She told him he couldn't have his bike in the foyer. Mr. Stone very loudly said, "I am bringing my bike in and there is nothing you can do about it." SM called the police. SM advised staff not to engage Mr. Stone because of his aggressive behavior. SM was standing with the police when they were interacting with him. At one point he yelled profanities very loudly in the middle of the Library that upset patrons. She is very concerned if there are more incidents like this people will not feel safe coming to the Library.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**FEBRUARY 8, 2019**

**SS:** What instruction did the Library give Mr. Stone as to returning to the Library?

**SM:** Mr. Stone was told he was out for a week. SM told Mr. Stone specifically that he could not return to the Library until December 14<sup>th</sup>.

**SS:** Why did you prepare the December 6, 2018 Library Incident Report Form?

**SM:** Staff can ban people from the Library based on Library policy. That is different than trespassing them. If they are trespassed and come on Library property they can be arrested. Staff frequently tell people that they are banned for the day or a week. It rises to the level of requesting a trespass order if staff feel that there is a serious issue to protect the public and the staff.

**SS:** How many trespass requests have you made to the City Manager's Office?

**SM:** Three in the past 18 months.

**SS:** Describe your interaction with Mr. Stone on December 12<sup>th</sup>.

**SM:** She was helping patrons at the reference desk. She looked up and saw that Mr. Stone was on the bench. She double checked the log, and then approached Mr. Stone and informed him that it was only the 12<sup>th</sup> and that he wasn't supposed to return until the 14<sup>th</sup>. She then asked him to leave the Library. His response was that his bus doesn't come for about 20 minutes and he was almost done with his movie, and then he would leave. She responded that when you are kicked out of the Library for a week that means you actually can't be here. She again asked him to leave. Mr. Stone began speaking aggressively to her and was angry. She informed him she was not going to engage with him, he could leave on his own, or she would call the police to escort him out. As she was walking away he was yelling that she was picking on him and that she was mean.

SM talked to her staff. Mr. Stone came down the stairs with two books in his hands. He thumped them on the circulation counter along with his ID wanting to check out the books. She again explained to Mr. Stone that when he gets kicked out for a week that means he doesn't get to access Library services during that time. Staff can hold the books until he can return on Friday. That's what it means to lose your privileges. Mr. Stone was angry and there were many "F bombs" yelled. She informed him the police have been called. He grabbed the books and pushed his way out to the foyer. The foyer is an approximately 8' by 8' area. In retrospect, for safety reasons SM commented she should not have followed him out into the foyer.

SM informed Mr. Stone that if he left with those books that was stealing. Mr. Stone became very angry and lifted his cane over his head. She definitely felt that he was threatening to hit her. SM informed him that if he hit her with his cane he would go to jail. He slammed his cane down. A mom and child were approaching so she stood between them and Mr. Stone and told Mr. Stone to go outside. As the police officers were pulling up, Mr. Stone shoved the books into her hands. As he was walking away very quickly the police officers stopped him.

SM explained that she does not get to make the decision about trespass, she can only ban people from the Library. During this interaction with Mr. Stone she told him he was out for another week. She knew she needed time to consult with staff and the City Manager's Office to see what could

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS  
FEBRUARY 8, 2019**

be done next. That may have caused confusion for Mr. Stone. She told Mr. Stone he was out for another week because she could not tell him he was going to be trespassed as that was not her decision.

**SS:** Your testimony was that Mr. Stone was advised that he was not to come back until the 21<sup>st</sup> of December. Referring to SM's Library Incident Report Form that was attached to the agenda, SS inquired what SM did in response to that interaction with Mr. Stone?

**SM:** She asked the police officers to give her a case number when they were done with Mr. Stone so that she could write her report. She then went back inside the Library and debriefed with staff. She didn't realize the impact that his behavior had on all of the Library staff. Two staff members requested that he be trespassed. They were terrified. People were visibly shaken, including patrons of the Library. She met with Kathy Mora, then Library Director, the next day and asked her to pursue a trespass order. Staff is very afraid of the aggressive behavior happening again. During the interaction and while the police were there, Mr. Stone said to SM, "I can't control my temper if you keep pushing me." Staff was following policy, and tried to accommodate Mr. Stone the best they could. SM was sorry for his tough circumstances, but expressed that does not mean he gets to threaten staff at the Library. It is not safe.

**SS:** Who establishes Library policy?

**SM:** The Library Board of Trustees.

**SS:** Are there specific Library policies you believe Mr. Stone has violated?

**SM:** The Library policy does not allow behavior that is disruptive to the normal use of the Library, which includes loud outbursts of speech, belligerent or threatening behavior towards staff or other Library users; wheeled devices, except strollers and those required by the disabled, shall be left outside; and, behavior which is deemed hazardous or damaging to Library property, patrons, or personnel is prohibited. Mr. Stone has also been in violation of the hygiene policy but staff has not elected to ask Mr. Stone to leave the Library for that issue.

**SS:** How frequently do you have interactions with patrons that are not in compliance with Library rules?

**SM:** Staff has to ask people to leave at least once per week, and call the cops about once per month.

**SS:** Are there options for accessing Library materials other than physically coming into the Library?

**SM:** There are downloadable e-books and audio books that Mr. Stone could access. Wi-fi access is required to do that. There are other places in town, other than the Library, that he could access wi-fi to get books.

**SS:** Once books are downloaded to a reader or tablet, do the books stay on the device without wi-fi access?

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**FEBRUARY 8, 2019**

**SM:** The content stays on the device without wi-fi access during the checkout period of seven or 14 days.

Mayor Kelly asked if there were any questions from Commissioners.

Commissioner Moe inquired if Appellant Stone was provided written or verbal notice that he was banned from the Library for a week and was informed verbal.

In addition to Appellant Stone being able to access books in a downloadable format from the Library, Commissioner Bronson inquired if there were other options available to Appellant Stone should he not be allowed to return to the Library in order to access materials.

SM responded that the College of Great Falls MSU allows community members to get library cards, and he can access materials at the University of Providence Library. Additionally, if he is trespassed his card will not be inactive. Appellant Stone could send somebody to the Library to check out material in his behalf.

Commissioner Houck reiterated that Appellant Stone will still have his Library card and the ability to download material, or have a proxy obtain materials from the Library for him.

Commissioner Houck inquired if Appellant Stone could access the Bookmobile if it was offsite.

SM responded in the negative because the Bookmobile is Library property.

Commissioner Houck inquired if there has been any correspondence from anyone in Appellant Stone's behalf, such as a case manager, requesting reasonable accommodations for him.

SM commented not as far as she was aware.

Mayor Kelly asked if Appellant Stone or his representative in attendance wanted to respond to anything that was heard during this proceeding about the incidents, or wanted to make any comments.

Appellant Stone commented that some of the things he heard actually surprised him. He has a hard time controlling his temper. He used to be physically violent. Therapy received during elementary and junior high schools got him to the point that he is not physically violent anymore. As far as controlling his temper and raising his voice, Appellant Stone commented that sometimes he doesn't even realize he is raising his voice, and that rarely can he recall exactly what he said. He added that he was not doubting anything that was said.

Appellant Stone explained the hygiene problem diagnosed by a dermatologist when he attended junior high school. He apologized for that issue. If something would have been said to him about it he would have applied deodorant that he carries with him.

Mayor Kelly asked Appellant Stone if he had a bus pass. Appellant Stone responded in the affirmative.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**FEBRUARY 8, 2019**

Mayor Kelly asked if Appellant Stone ever went to the other libraries that were mentioned. Appellant Stone responded that he didn't know that there were other public libraries, nor did he know that the public bus goes to those other libraries.

Mayor Kelly inquired if Appellant Stone was surprised to hear the comments from the Library staff about their reactions to his behavior.

Appellant Stone responded that he was surprised to hear some of the things that were said. He explained that when he is having a temper rage he almost never cusses. He can never remember everything that happens when he loses his temper like that. If he doesn't give himself the opportunity to step back and calm himself down, all hell blows up.

Mayor Kelly asked if the caseworker that was in attendance wanted to add anything to this commentary.

**David Buck**, Center for Mental Health, commented that he has only known Appellant Stone for a few months. He is passive and has seen him lie down at places they have gone. He has only seen one incident where Appellant Stone was agitated, but he was able to calm down. Appellant Stone's therapist was with them during that incident. Mr. Buck indicated he wasn't present during the incidents at the Library. He commented that Appellant Stone did have his bike stolen at the Library, and that he has a new bike now and a lock for it. He also noted that Appellant Stone reads a lot and it is a big thing in his life.

Commissioner Houck inquired if Appellant Stone had the ability to access other libraries or if the Center for Mental Health would allow him to have wi-fi or have a case manager with him in order to access services at the Library.

Mr. Buck responded that he deals more with medical appointments. Paul deals more with grocery shopping and social outings, and has more freedom in that area. Paul has the ability to check out a book for Appellant Stone or take him to the University library.

Commissioner Moe asked Appellant Stone how long he has been attending the Great Falls Library.

Appellant Stone explained some of his medical conditions and responded that he has been attending on and off for several years. He goes to the Library partly for the wi-fi access to get updates for his tablet or to download materials he can watch off-line, and to get out of the house.

Appellant Stone concluded that, after hearing the testimony, he doesn't know what else to say. It is a struggle for him. It irritated him a bit that police officers came that day in the five to six minutes that it took him to get his books, compared to when his bike was stolen and dispatch told him police officers would arrive in about an hour.

There being no further testimony, Mayor Kelly asked the will of the Commission.



**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**FEBRUARY 8, 2019**

**Regarding management's order banning Mr. Stone from Library property for a period of one year, Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission uphold the ban.**

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Moe disclosed that she remembered she had an ex parte communication with Appellant Stone when she encountered him lying down in the City Manager's Office and she inquired if he was alright.

Attorney Sexe commented that, since there was no substantive discussion regarding this matter during that interaction, it doesn't rise to the level of a conflict.

Commissioner Moe commented that she came here today thinking the ban was too long. After listening to the testimony, she believes it is a reasonable time period. She hopes that accommodations will be found, and pledged that she will work on finding some of those herself. But, the primary concern must be the safety of staff and patrons.

Commissioner Bronson commented that he too will vote to support the motion. Putting himself in Appellant Stone's shoes for a moment he can't imagine anything more devastating than being told he wouldn't have access to a public library. The safety of staff and patrons is paramount. Hearing that small children may have inadvertently been involved in these interactions and became afraid bothers him greatly. He urged Mr. Buck to convey to the therapist what he heard here today in its entirety because he thinks it is information that is critical to Appellant Stone's therapy. Over the course of the year it may be possible for Appellant Stone to learn from these experiences and perhaps do additional things to modify his behavior. He was also pleased to hear that there were alternatives available and he encouraged the Center for Mental Health to work with Mr. Stone.

Commissioner Robinson commented that he sincerely hoped Appellant Stone would get better, and encouraged him to keep working at it. He also hoped Mr. Buck could find a way for Appellant Stone to access books. The use of the Library is not a right, it is a privilege. That privilege can be taken away when behavior is such that it keeps other patrons from having that same privilege or makes them or staff afraid. He supports the motion but does so with great compassion for Appellant Stone.

Commissioner Houck echoed the previous comments. She also came to the meeting thinking a year ban may be too long. She understands that books and bikes are very important to Appellant Stone, and when both were threatened to be taken away it caused him great agitation. But, at the end of the day, everyone should feel safe in the Library. A one year ban will give Appellant Stone a chance to work through some things. She also reiterated that this is a physical ban from the facility, not a ban on the use of his Library card. He has the ability to download books and keep reading. Also, a commitment was made to see that Appellant Stone will still get physical books to access as well.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS  
FEBRUARY 8, 2019**

Mayor Kelly added that the accommodations Library staff made for Appellant Stone and the compassion showed to Appellant Stone and other patrons is commendable. Fortunately, the Library has tools to access materials without having to be physically there. He also commented to Appellant Stone that he was happy to see that he had help, can work on this, and is aware of these situations. He hopes to see Appellant Stone at the Library in a year's time. Should Appellant Stone choose to patronize the other public libraries in the community, he hoped that he has learned something from this matter.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Commissioner Robinson, to adjourn the special meeting of February 8, 2019, at 11:27 a.m.**

Motion carried 5-0.

\_\_\_\_\_  
Mayor Bob Kelly

\_\_\_\_\_  
City Clerk Lisa Kunz

Minutes Approved: March 5, 2019

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 19, 2019**

Regular City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Tracy Houck, Owen Robinson, Bill Bronson, and Mary Sheehy Moe. Also present were the Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** There were no changes proposed by the City Manager or the City Commission. The agenda was approved as submitted.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None

1.

**PROCLAMATIONS**

Commissioner Moe read a proclamation for Youth Art Month.

**PETITIONS AND COMMUNICATIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed concern with regard to sanitation and water rate increases, as well as the quality of the water supply. Mr. Hubbard mentioned that Mr. Witsoe has serious health issues.

Referring to the quality of the water, Public Works Engineer Dave Dobbs explained that the Montana Department of Environmental Quality (DEQ) requires the City to send Standard Maximum Contaminant Level (MCL) Violation Notices to the public. Engineer Dobbs reported that the haloacetic acids (HAA5) are significantly lower. The new water plant's chemical feed and ultra violet systems are scheduled to be completed in February 2019, which should reduce the initial formation of HAA5's.

**Mike Kaszula**, 2416 2<sup>nd</sup> Avenue North, expressed concern with regard to the amount of money going into the Electric City Water Park, and not the Morony Natatorium.

**NEIGHBORHOOD COUNCILS**

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 19, 2019**

**BOARDS & COMMISSIONS**

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

There were no miscellaneous reports and announcements from members of boards and commissions.

**CITY MANAGER**

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Deputy City Manager Chuck Anderson announced:

- Manager Greg Doyon was out sick, and is scheduled to be out on February 21 and 22, 2019.
- Lanni Klasner started her new position on February 19, 2019, as the City's Communications Specialist.
- New looking utility bills will be sent out in mid-march.
- A memorial service for Patty Cadwell is Saturday, February 23, 2019 at 2:00 p.m. at the O'Connor Memorial Chapel.
- A fund has been started to accept donations to dedicate a bench in Grande Vista Park in memory of the former Neighborhood Council Coordinator, Patty Cadwell.
- The City has been named the Outstanding Urban Forestry Community for 2018 by the Montana Urban and Community Forestry Association.

Chris Daly with the Montana Urban and Community Forestry Association presented awards to Jason Stringer, owner of Tree Amigos, as well as Jacob Schaak with the Park and Recreation Urban Forestry Department.

**CONSENT AGENDA.**

6. Minutes, February 5, 2019, Commission meeting.
7. Total expenditures of \$3,127,596 for the period of January 24, 2019 through February 6, 2019, to include claims over \$5,000 in the amount of \$2,857,976.
8. Contracts list.
9. Grants list.
10. Award a Community Development Software as a Service Purchasing Agreement with Tyler Technologies, Inc. for Energov software in the amount of \$641,356 for a three year contract with automatic renewals for subsequent years.

**JOURNAL OF COMMISSION PROCEEDINGS**

**February 19, 2019**

11. Award a construction contract in the amount of \$617,400 to Wadsworth Builders Company Inc. for the Electric City Water Park Bath House Restoration and Remodel and authorize the City Manager to execute the construction documents. **OF 1740.1**
12. Award a construction contract for the LED lighting and controls retrofit project at the North and South Parking Garages to McKinstry Essention LLC in the amount of \$264,891 and authorize the City Manager to execute said contract.
13. Approve a Professional Services Contract Amendment No. 1 with Water & Environmental Technologies for engineering services for the Vinyard Road Storm Water Management Area Master Plan for a fee not to exceed \$4,205 and authorize the City Manager to execute the Agreement. **OF 1476.6**
14. Set a public hearing on Resolution No. 10284 approving Donation of Used Equipment to the Vaughn Volunteer Fire Department for March 19, 2019.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented.**

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

**Mike Kaszula**, 2416 2<sup>nd</sup> Avenue North, opined that spending money on the Electric City Water Park is taking care of tourism needs ahead of community needs. Mr. Kaszula requested that the Commission reconsider the closure of the Morony Natatorium.

Park and Recreation Director Steve Herrig reported that Park District 1, and Community Development Block Grant (CDBG) money are funding Agenda Item 11. There could possibly be more CDBG money for the Electric City Water Park project which could free up more money for the Park District projects; however, that would not be enough to address the issues with the Natatorium. Searching for a new pool facility will be done with a feasibility study.

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

Referring to Agenda Item 12, Commissioners' Robinson and Houck commented that the LED lighting for the parking garages will be a huge improvement for the City.

Referring to Agenda Item 10, Mayor Kelly commented that the software would allow citizens better access online to apply for permits.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**PUBLIC HEARINGS**

**JOURNAL OF COMMISSION PROCEEDINGS**

**February 19, 2019**

**15. RESOLUTION 10280, TO ANNEX A PORTION OF A TRACT OF LAND EQUALING +/- 6.254 ACRES ADDRESSED AS 4415 RIVER DRIVE NORTH CURRENTLY OWNED BY TALCOTT HOLDINGS INC., AND ORDINANCE 3195 TO ESTABLISH I-2 HEAVY INDUSTRIAL ZONING.**

Planning and Community Development Director Craig Raymond reported that the applicant, Talcott Holdings Inc., has requested postponement until March 19, 2019, in order to work through pending issues on the property.

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the postponement of a public hearing on Resolution 10280 and Ordinance 3195 to March 19, 2019.**

Mayor Kelly asked if there were any comments from the public, or any discussion amongst the Commissioners.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**16. RESOLUTION 10279 TO RE-CREATE BUSINESS IMPROVEMENT DISTRICT WITHIN THE CITY OF GREAT FALLS.**

Finance Director Melissa Kinzler reported that the Commission is authorized by Mont. Code Ann. §§7-12-1101-1144 to create a Business Improvement District (BID). The goal of the BID is to maintain, beautify, and stimulate development in the historic downtown district.

The BID was originally created in May 1989, re-created in July 1999, and in July 2009. Mont. Code Ann. §7-12-1141 specifies that the BID shall not be for a period longer than 10 years unless the duration of the district is extended in compliance with the provisions for the creation of the district.

There were petitions/ballots signed by 82.75% of the property owners within the district asking for the re-creation of the BID. This percentage more than exceeded the statutorily required more than 60%. On January 15, 2019, the Commission adopted Resolution 10278, Intention of the City Commission to Re-Create the Business Improvement District (BID).

The property owners within the district were given a 15 day protest period following the first publication of the Legal Notice to re-create the district. During the 15 day protest period, one protest was received by the Clerk's office which resulted in a 0.22% protest against the district. One protest was received in the mail by the Clerk's office on February 5, 2019 from Marjorie Bensley, which was past the protest period timeframe. If this protest would have been received timely, it would have brought the percentage up to 1%. This is well below the required protest of 50% of total assessments required to stop the recreation of the district.

Mayor Kelly declared the public hearing open.

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 19, 2019**

No one spoke in opposition to Resolution 10279.

Speaking in support of Resolution 10279 were:

**Andy Ferrin**, Great Falls Business Improvement District Chairman, 308 1<sup>st</sup> Avenue South, expressed support of Resolution 10279.

**Joan Redeen**, Great Falls Business Improvement District, 318 Central Avenue, commented that the BID is a valuable asset to downtown, and expressed appreciation to City staff, the Commission, and community for supporting the BID.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10279.**

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

Commissioner Bronson commented that the BID does good work improving downtown, and is pleased that the BID has strong support from the community.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**17. ORDINANCE 3196, TO REZONE A PORTION OF PROPERTY OWNED BY ROBERT AND JAN LIVESAY ADDRESSED AS 2800 UPPER RIVER ROAD, FROM R-1 SINGLE-FAMILY SUBURBAN TO I-1 LIGHT INDUSTRIAL.**

Planning and Community Development Director Craig Raymond reported that the applicants, Robert and Jan Livesay, requested that the City approve a rezone of a portion of the subject property. The property to be rezoned will be approximately 9,000 square feet once a boundary line adjustment has also been completed. Mr. Livesay originally came to the City in order to obtain a building permit to construct a storage building as part of the existing light industrial business use on the adjacent property.

**Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3196 on first reading and set a public hearing for March 19, 2019.**

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 19, 2019**

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Mayor Kelly received clarification that the property west of the tract is the owners' contractor yard.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**18. ORDINANCE 3185, AMENDING TITLE 2, CHAPTER 9, ESTABLISHING SECTIONS 010-040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE BOARD OF APPEALS.**

City Attorney Sara Sexe reported that the Commission adopted the Community Development Block Grant (CDBG) Policies on April 17, 2018. One of the purposes of the policy was to remove the Commission from the appeal process for CDBG allocations.

Resolution 10283 will designate the Board of Appeals as the deciding body for CDBG allocations. This update will be consistent with the Commission's CDBG policies and would help eliminate any potential conflicts of interest in the future.

Written public comment was submitted prior to first reading. The individual who submitted the comment was concerned about the Board of Appeals being qualified to be the appeal body for CDBG allocations. It is Staff's position that the Board of Appeals, membership being that of the Board of Adjustment, is in the best position to be the appellate body for those challenges. The Board of Adjustment already has appellate jurisdiction over land use decisions.

**Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission adopt Ordinance 3185.**

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Commissioner Moe received clarification that Agenda Item 18 reestablishes the Board of Appeals, and Agenda Item 19 designates the Board of Appeals as the deciding body for the appeals of CDBG allocation decisions, and that Ordinance 3194 addresses the individuals concerns who submitted written public comment.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**19. RESOLUTION 10283, DESIGNATING THE BOARD OF APPEALS AS THE DECIDING BODY FOR APPEALS OF COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATION DECISIONS.**



**JOURNAL OF COMMISSION PROCEEDINGS**

**February 19, 2019**

City Attorney Sara Sexe reported that Resolution 10283 will designate the Board of Appeals as the deciding body for CDBG allocations. This will be consistent with the Commission's CDBG policies and would help eliminate potential conflicts of interest in the future.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10283.**

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Commissioner Bronson pointed out that members on the Board of Appeals are more than qualified to be the deciding body for appeals of CDBG allocation decisions.

Commissioner Houck commented that Agenda Items 18 and 19 will make the process of allocating funds fair and equitable.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**20. ORDINANCE 3194, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 1 THROUGH 3; AND, REPEALING AND REPLACING CHAPTER 4 PERTAINING TO GENERAL PROVISIONS TO THE LAND DEVELOPMENT CODE.**

City Attorney Sara Sexe reported that non-substantive changes include correcting typographical, grammatical, formatting, and referencing deficiencies in the Official Code of the City of Great Falls (OCCGF) Title 17, Chapter 4.

The amendments would clarify zoning regulations that apply to public entities developing land, as well as clarify that public entities are only exempt from regulations that are specifically designated by state law.

The amendments clarify the process the public entity would be required to follow to be exempt from the above listed regulations, as well as require public entities developing property to comply with all other development and property maintenance standards outlined in the OCCGF.

Commissioner Moe received clarification one reason for the proposed changes was due to a situation with the School District with regard to a potential misunderstanding of the application of Title 17 of the OCCGF. Commissioner Moe requested that the School District be notified of the proposed changes in the interest of cordial relations.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3194 on first reading and set public hearing for March 5, 2019.**

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 19, 2019**

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Commissioner Bronson explained that Ordinance 3194 clarifies that a public entity, as well as a private entity that develops something for the government, and the government leases it, would be bound by the provisions.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**21. ORDINANCE 3199, AMENDING TITLE 6, CHAPTER 1, SECTION 090, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO MULTI-ANIMAL PERMIT/MULTIPLE ANIMAL HOBBY BREEDER PERMIT.**

City Attorney Sara Sexe reported that Ordinance 3199 will make the OCCGF consistent with policy and the intent of the subject code provision. Ordinance 3199 will require all animals subject to multi-animal permits to be registered and collared or registered and microchipped.

Written public comment was received prior to first reading. The individual who submitted the comment was concerned about animal code enforcement being insufficient and suggested other substantive changes related to dangerous animals. Staff's position is that this is outside the scope of Ordinance 3199; however, Staff would be willing to address those policy changes in the future if so directed by the Commission. Commissioner Moe provided an additional suggested grammatical change which was incorporated.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3199.**

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Referring to Exhibit A, Commissioner Moe commented that there shouldn't be a comma after collared.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

**CITY COMMISSION**

**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Kelly extended an invitation to a play called "Convge: E Pluribus Unum" at the Great Falls High School Auditorium on February 20-22, 2019 at 7:00 p.m.

**JOURNAL OF COMMISSION PROCEEDINGS**  
**February 19, 2019**

Commissioner Houck announced that Judy Christensen passed away last week, and was an usher for the Mansfield Theatre, as well as a part-time employee at the City.

**23. COMMISSION INITIATIVES.**

None.

**24. LEGISLATIVE INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Robinson moved, seconded by Commissioner Moe, to adjourn the regular meeting of February 19, 2019, at 8:00 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: March 5, 2019



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

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
<http://greatfallsmt.net/finance/checkregister>

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

ACCOUNTS PAYABLE CHECK RUNS FROM FEBRUARY 7, 2019 - FEBRUARY 20, 2019	1,281,236.08
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 31, 2019 - FEBRUARY 15, 2019	40,262.74
<b>TOTAL: \$</b>	<u><u>1,321,498.82</u></u>

**GENERAL FUND**

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**OTHER ADMIN**

GREAT FALLS HOUSING AUTHORITY	NORTHWESTERN ENERGY USBC CREDIT	16,289.58
CTA ARCHITECTS ENGINEERS	PHASE I CC EXTERIOR ENVELOPE REHAB	18,056.73

**FIRE**

US BANK NA	DEBT SERVICE	43,315.69
MONTANA STATE UNIVERSITY	PARAMEDIC ACADEMY	80,000.00

**SPECIAL REVENUE FUND**

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**FEDERAL BLOCK GRANTS**

DETAILED CONSTRUCTION CO	OF 1737.0 RECREATION CENTER ADA RESTROOM	18,968.40
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**DEBT SERVICE**

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**LIGHTING DISTRICT**

US BANK NA	DEBT SERVICE	5,707.15
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**ENTERPRISE FUNDS**

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**WATER**

FERGUSON ENTERPRISES	METER SUPPLIES	12,208.00
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**ENTERPRISE FUNDS (CONTINUED)**

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**SEWER**

PLANNED AND ENGINEERED CONSTRUCTION	OF 1674.3 NE INTERCEPTOR REHAB	67,694.71
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**STORM DRAIN**

GERANIOS ENTERPRISES INC	OF 1666.8 MISC DRAINAGE IMPROVEMENTS NW SIDE ALLEYS PHASE 2	6,257.96
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**SANITATION**

US BANK NA	DEBT SERVICE	136,005.14
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**CIVIC CENTER EVENTS**

GREAT FALLS COMMUNITY CONCERT ASSOCIATION	19-3 TAPESTRY CASH OUT	6,170.68
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**INTERNAL SERVICES FUND**

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**INFORMATION TECHNOLOGY**

EMERGENCY REPORTING	ANNUAL MAINTENANCE	10,616.00
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**CENTRAL GARAGE**

MOTOR POWER GREAT FALLS INC MOUNTAIN VIEW CO-OP	MISC PARTS FOR REPAIR ON TRUCK #918 FUEL	7,778.04 14,208.74
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	35,176.00
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	46,436.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,021.75
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	53,932.15
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,961.91
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	127,081.03
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	11,804.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	195,177.99
AFLAC	EMPLOYEE CONTRIBUTIONS	9,621.65
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	14,656.46

**UTILITY BILLS**

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ENERGY WEST RESOURCES	JANUARY 2019 MONTHLY CHARGES	33,957.64
HIGH PLAINS LANDFILL	JANUARY 2019 MONTHLY CHARGES	64,575.80

**CLAIMS OVER \$5000 TOTAL:**

\$ 1,109,679.20

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: March 5, 2019**

**ITEM:** CONTRACTS LIST  
 Itemizing contracts not otherwise approved or ratified by City Commission Action  
 (Listed contracts are available for inspection in the City Clerk’s Office.)

**PRESENTED BY:** Darcy Dea, Deputy City Clerk

**ACTION REQUESTED:** Ratification of Contracts through the Consent Agenda

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Legal	Preferred Office Equipment, Inc.	02/14/2019-02/14/2024	\$169.10 Monthly	Ratification of Equipment Lease Agreement # LS 3674103 for Sharp MX-507OV Digital Copier; Sharp MX-FN27N Finisher; MX-DE28N Paper Deck located in Prosecutor’s Office Room 101
<b>B</b>	Public Works/Engineering	Falls Mechanical Services LLC	03/05/2019-02/19/2020	\$14,411	Professional Services Agreement to rehabilitate sewer lines in Fire Stations 1, 2 and 4 <b>OF 1727.5</b>



**Item:** Award Three Year Audit Contract with Anderson ZurMuehlen & Co., P.C.  
**From:** Audit Committee  
**Initiated By:** Audit Committee  
**Presented By:** Melissa Kinzler, Finance Director  
**Action Requested:** Award Three Year Audit Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a three year contract for audit services with Anderson ZurMuehlen & Co, P.C. (AZ) at a cost of \$47,000 annually (or \$141,000) for Fiscal Years 2019, 2020 and 2021.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

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**Summary:** Staff recommends the City Commission approve a three year contract for audit services for Fiscal Years 2019, 2020, and 2021 with Anderson ZurMuehlen & Co., P.C. (AZ).

**Background:** The City’s current financial auditors, Anderson ZurMuehlen & Co., P.C. (AZ) have been the auditors of the City of Great Falls since Fiscal Year 2016. During the audit committee meeting on December 7, 2018, a discussion regarding entering into a new audit contract with AZ was held. The Best Practice for Audit Procurement from the Government Finance Officers Association (GFOA) was reviewed. GFOA recommends, “Governmental entities should enter into multiyear agreements of at least five years in duration...”. The audit committee recommended an extension of the audit contract with AZ for a second three-year term. The actual audit contract is between the City of Great Falls, Anderson ZurMuehlen & Co., P.C., and the State of Montana as required by the State of Montana. At the end of 2021, Anderson ZurMuehlen & Co, P.C. will have been the City’s auditors for six years.

Annual audits are a professional service exempt from statutory bidding requirements. The GFOA and the State of Montana Department of Administration provide similar guidance for local governments in selecting professional auditing services. AZ more than meets the qualifications under these guidance. The Audit Committee has been pleased with the audit services of AZ.

**Fiscal Impact:** The cost for Fiscal Year 2018 was \$45,000 which included the agreed upon procedures on local building code enforcement program. The \$47,000 will be a 4.4% increase from FY 2018. There will be no increase for FY 2020 and 2021. The three year average increase will be approximately 2%.

**Alternatives:** The City Commission may not award the contract for the audit services, and direct the City Manager to prepare a Request for Proposals for audit services.

**Concurrences:** The Audit Committee recommended an extension of the audit contract with AZ for a second three-year term. The Audit Committee consisting of the Mayor, one City Commissioner, City Manager, two Private Citizens and the Finance Director.

**Attachments/Exhibits:** Audit Contract between the State, AZ, and the City of Great Falls



DEPARTMENT OF ADMINISTRATION

STANDARD AUDIT CONTRACT

This Contract is made this 8th day of February, 2019, by and among

Anderson ZurMuehlen & Co., P.C

**Certified Public Accountant  
("Contractor"),**

City of Great Falls, Montana

**Governmental Entity  
("Entity"),**

and the **Montana Department of Administration, Local Government Services, ("State")**, acting under the authority of Title 2, Chapter 7, Part 5, of the Montana Code Annotated. **The State's mailing address, phone number and e-mail address are P.O. Box 200547, Helena, MT 59620-0547; (406) 444-9101; and LGSPortalRegistration@mt.gov.**

1. **Effective Date:** This contract is not effective with respect to any party until it is approved and signed by the State, as required by Section 2-7-506(3), MCA. The Contractor may not begin any audit work until the State gives this approval. If the Contractor begins work before the State's approval of the contract and the State subsequently does not approve the contract, the Contractor is not entitled to receive any compensation for the work performed.

2. **Audit Period and Payment:** This contract covers the following audit period(s):  
July 1, 2018 to June 30, 2021.

A. The Entity shall pay the Contractor for the audit work on the basis of time and necessary out-of-pocket expenses, which will not exceed:

\$ 47,000 for initial (or sole) audit covering 07/01/18 to 06/30/19.  
\$ 47,000 for subsequent audit covering 07/01/19 to 06/30/20.  
\$ 47,000 for subsequent audit covering 07/01/20 to 06/30/21.

The Entity shall pay the fees listed in Appendices A, B & C, as applicable, which are attached hereto and incorporated by reference. Any change to the audit fees requires a contract amendment.

B. The contract payments do not include the cost of additional work that may be required if the Contractor discovers a defalcation or material irregularity. Any change in the scope of the audit services to be provided under this contract requires a contract amendment.

C. The Contractor may submit interim bills to the Entity each month, based upon the estimated percentage of contract completion. The Entity may retain ten percent (10%) of each of these estimates until the Contractor has delivered the final audit report, at which time the Entity shall release the amount retained.

3. **Peer Review:** The Contractor shall provide the Entity with a copy of its most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the contract period.

4. **Audit Scope:** The Contractor shall perform the following:

- A. The Contractor shall conduct the audit in accordance with (i) generally accepted auditing standards adopted by the American Institute of Certified Public Accountants and (ii) the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

The Contractor shall opine on the presentation of the Entity's financial statements in accordance with the Entity's applicable financial reporting framework prescribed at Section 2-7-504, MCA.

If the Contractor's opinion on the Entity's financial statements is other than unmodified, the Contractor shall fully discuss the reasons with the Entity in advance of issuing a report. If, for any reason, the Contractor is unable to complete the audit or is unable to form or has not formed an opinion, the Contractor may decline to express an opinion or decline to issue a report as a result of the engagement.

- B. The Contractor shall perform tests of internal control over financial reporting. Findings resulting from these tests shall be reported in accordance with Government Auditing Standards
- C. The Contractor shall perform tests of the Entity's compliance with provisions of laws, regulations, contracts, and grant agreements. The Contractor shall use the local government compliance supplement prepared by the State, as required by Section 2-7-505(2), MCA, in conjunction with Government Auditing Standards to determine the compliance testing to be performed during the audit. Findings resulting from these tests shall be reported in accordance with Government Auditing Standards. If the Contractor becomes aware of fraud, waste or abuse, the Contractor shall report related findings in accordance with Government Auditing Standards. The Contractor shall perform tests, including but not limited to the following, to determine whether:

- (1) the Entity has complied with all appropriate statutes and regulations, as required by Section 2-7-502, MCA;
- (2) the Entity has complied with the provisions of each of its debt covenants and agreements;
- (3) if the audit is of a county, city or town, the Entity has retained money in a local charge for services fund contrary to the requirements of Sections 17-2-301 through 17-2-303, MCA, as required by Section 17-2-302, MCA. **The Contractor shall report any findings of noncompliance with the provisions of these statutes, regardless of materiality;** and
- (4) if the audit is of a county or consolidated city/county government, the Entity has complied with state laws relating to receipts and disbursements of agency or custodial funds maintained by the Entity, as required by Section 2-7-505, MCA.

If required by the State, the Contractor shall provide documentation of testing performed to comply with (3) and (4), above.

- D. When applicable, the audit must meet all requirements of the Federal Single Audit Act of 1984, as amended, and Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance"). If these federal regulations are amended, the amended regulations will prevail.

- E. The audit scope with regard to federal financial assistance for each fiscal year covered by this contract must be as specified in Appendices A, B and C. Any change to the audit scope with regard to federal financial assistance requires a contract amendment.
- F. Except as provided below, for purposes of determining the scope of the audit, the Entity is considered the financial reporting entity as defined in the Entity's applicable financial reporting framework prescribed at Section 2-7-504, MCA. This provision does not preclude the Entity from engaging a different audit firm for the audit of a segment, fund or component unit of the Entity. However, both the Entity and Contractor shall notify the State whenever the Entity elects to engage a different audit firm for the audit of a segment, fund or governmental component unit. Such additional audit must be contracted for on the State's Standard Audit Contract, and the audit firm shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State.

If this contract is for an audit of a segment, fund, or governmental component unit of the primary government, the Entity is considered to be the segment, fund or component unit.

- G. Any school district audit must also include auditing procedures sufficient to provide an opinion as to whether the following supplemental information is fairly stated in relation to the basic financial statements:
  - (1) the school district's enrollment for the fiscal year or years being audited as reported to the Office of Public Instruction in the Fall and Spring "Student Count for ANB" reports; and
  - (2) when applicable, the extracurricular funds for pupil functions.
- H. If the Entity is a school district or associated cooperative, the Contractor shall contact the State Office of Public Instruction and the county superintendent of schools before or during the audit of the Entity. The Contractor shall determine whether those offices are aware of potential financial or legal compliance problems relating to the Entity that could affect the scope of the audit.
- I. The Contractor shall immediately notify the Entity and the State in writing of any material irregularities it discovers. If the Entity is a school district or special education cooperative, the Contractor shall also immediately notify the State Office of Public Instruction in writing.
- J. The Contractor shall notify the Entity of all proposed audit adjustments and, if the Entity concurs, shall obtain written acceptance of these proposed adjustments. The State reserves the right to request documentation of these proposed and accepted audit adjustments.

5. **Entity's Responsibilities:** The Entity shall be responsible for:

- A. its basic financial statements, including note disclosures;
- B. all supplementary information required by its applicable financial reporting framework prescribed at Section 2-7-504, MCA and by provisions of this contract;
- C. establishing and maintaining effective internal control over financial reporting, including internal controls related to the prevention and detection of fraud;

- D. ensuring that it complies with the laws, regulations, contracts and grant agreements applicable to its activities;
  - E. making all financial records and related information available to the Contractor;
  - F. the schedule of expenditures of federal awards required for audits conducted under Uniform Guidance;
  - G. approving all proposed audit adjustments before posting, if the Entity concurs with the proposed adjustments;
  - H. adjusting the financial statements and accounting records to correct material misstatements and to agree with the audited financial statements; and
  - I. providing the Contractor, at the conclusion of the audit engagement, with a letter that confirms certain representations made during the audit, including an affirmation that the effects of any uncorrected misstatements aggregated by the auditor during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.
6. **Dates for Annual Financial Report or Trial Balance of Accounts:** The Entity shall prepare its annual financial report or a trial balance of accounts no later than the dates specified in Appendices A, B and C. If the Entity is unable to prepare its annual financial report or trial balance by the date specified in the Appendices, the Entity shall notify the Contractor and the State in writing prior to the specified dates.
7. **Beginning the Audit:** The Contractor shall begin the audit field work based on the schedule established in Appendices A, B and C. Under Section 2-7-503(3)(a), MCA, all audits must commence within nine months from the close of the last fiscal year of the audit period.
8. **Completion of Audit:** The Contractor shall deliver the audit report to the Entity and the State, based on the schedule established in Appendices A, B and C. If the Contractor cannot deliver the audit report to the Entity and the State on the date specified in the Appendices, the Contractor shall notify the Entity and the State in writing of that fact, and the reason(s) for the delay. Under Section 2-7-503(3)(a), MCA, all audits must be completed and the reports issued within one year from the close of the last fiscal year covered by the audit. If the audit is conducted in accordance with the provisions of Uniform Guidance, the Contractor shall complete the audit and issue the audit report within the time period required by that federal regulation, unless a longer period has been agreed to in advance by the federal cognizant or oversight agency for audit. If the Entity has requested and received an extension of the due date of the Uniform Guidance from a federal agency, the Entity shall submit a copy of the approved extension to the State.
9. **Due Date Extension:** The State may grant an extension to the Entity for filing the audit report beyond the one- year due date provided for in paragraph 8, above. To do so, the Entity shall make a request to the State in writing and shall show good cause for the delinquency or demonstrate that the failure to meet the deadline provided for in paragraph 8, above, was the result of circumstances beyond the Entity's control. The State will determine good cause or circumstances beyond the Entity's control based on the facts of each case.
10. **Presentation of Audited Financial Statements:** The final audit report must contain basic financial statements and supplementary information consistent with the applicable financial reporting framework prescribed at Section 2-7-504, MCA. In addition, other supplementary information required by provisions within this contract and by Uniform Guidance must also be included, if applicable.

- A. The final audit report must also contain any supplementary or other information as agreed upon by the Entity and Contractor.
  - B. If the Entity’s accounting records or other circumstances do not permit financial statements to comply with the applicable financial reporting framework prescribed at Section 2-7-504, MCA, the Contractor shall notify the State of those conditions and describe the financial statements that will be presented. The applicable auditor’s reports must be modified in accordance with professional standards to reflect a departure from the applicable financial reporting framework.
  - C. If the audit is of a school district with separate elementary and high school district general funds, the general funds must be combined as a single major fund. All other funds must be separately considered for major fund criteria.
  - D. If the audit is a biennial audit covering two years, the Contractor shall present complete financial statements as specified above for each year covered by the audit. However, note disclosures for both fiscal years may be in one set of notes, with separate fiscal year disclosures as necessary. The two years must be presented under one audit report cover and opined upon in one Independent Auditor’s Report.
11. **Auditor’s Reports:** All audit reports must contain the following auditor's reports, which must comply with applicable professional standards in effect for the fiscal year or years being audited:
- A. a report on the financial statements of the Entity;
  - B. a report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards.
  - C. a reference to a report disclosing any deficiencies in internal control or instances of noncompliance with provisions of contracts or grant agreements or abuse that have a less than material effect on the financial statements but warrant the attention of management or those charged with governance. This report must be referred to in the report required in 11.B. above.
  - D. a report on any supplementary or other information presented in the audit report. This report must be given in an “other matters” paragraph(s) of the auditor’s report on the financial statements (11.A. above), and shall identify, if applicable:
    - (1) Any Required Supplementary Information (RSI), as required by the Governmental Accounting Standards Board.
    - (2) Any Supplementary Information (SI) included in the report to comply with provisions of laws, regulations, contracts, or grant agreements. For the following schedules, the Contractor shall report on whether the information is fairly stated, in all material respects, “in relation to” the financial statements as a whole, unless the condition of the financial records do not allow the auditor to render such an opinion:
      - a) schedule of school district “Student Count for ANB” required in paragraph 13.A.;
      - b) schedule of school district extracurricular fund financial activities required in paragraph 13.B.;

- c) schedule of expenditures of federal awards required by Uniform Guidance and in paragraph 12.A.; and
      - d) Any supplementary information for financial reporting frameworks required by A.R.M. 2.4.401.
    - (3) Any Other Information (OI) for financial reporting frameworks required by A.R.M. 2.4.401.
    - (4) Any Other Information (OI) that is included in the audit report, if deemed appropriate in accordance with professional standards.
  - E. A report disclosing the action taken by the Entity to correct any deficiencies or implement any recommendations contained in the prior audit report. This report must be in a format that specifically identifies, by title or summary, each deficiency or recommendation contained in the prior audit report and the action taken by the Entity on each such deficiency or recommendation.
  - F. If the Contractor includes audit findings in the reports referenced in 11.B. and 11.C. above, the views of Entity officials and their planned corrective actions must also be included, as required by Government Auditing Standards, if they are available at the time the Contractor submits the audit report to the State. If the views and planned corrective actions are not available at that time, the Contractor shall so indicate in the reports.
12. **Single Audits:** All audit reports for single audits done in accordance with Uniform Guidance must contain the following:
- A. a schedule of expenditures of federal awards, prepared by the Entity, which must contain all elements required by Uniform Guidance.
  - B. a report on the schedule of expenditures of federal awards. This report may be combined with other reports as provided by Uniform Guidance and professional standards. This report must comply with applicable professional standards in effect for the fiscal year or years being audited.
  - C. a report on compliance for each major program and a report on internal control over compliance in accordance with Uniform Guidance. These reports must refer to the separate schedule of findings and questioned costs described in paragraph 12.D. of the contract and must comply with applicable professional standards in effect for the fiscal year or years being audited.
  - D. a schedule of findings and questioned costs which must include the information required by Uniform Guidance.
  - E. an Entity-prepared document, separate from the Contractor's findings, that describes the Entity's corrective action plan in accordance with Uniform Guidance for each current-year audit finding, if that plan is available at the time the Contractor submits the audit report to the State. This document should be submitted on Entity letterhead and should include a corrective action plan for each finding, regardless whether the finding is identified in accordance with Uniform Guidance or Government Auditing Standards.
13. **School Districts:** School district audit reports must include the following as supplementary information/schedules:

- A. a schedule of the district's enrollment as reported to the Office of Public Instruction for the fiscal year or years being audited. The schedule must contain the enrollment both as reported in the Fall and Spring "Student Count for ANB" reports and as documented by the school district's enrollment records; and
  - B. a detailed schedule of extracurricular fund financial activities.
14. **Local Governments Reporting on Non-GAAP Financial Reporting Framework:** Audit reports of local governments that report on a non-GAAP financial reporting framework as provided in A.R.M. 2.4.401 must include any Supplementary Information and Other Information required in that administrative rule.
15. **Written Report to Entity:** The Contractor shall render a single, written report for the Entity audited, including the reports and schedules referenced in paragraphs 11 through 14 above.
16. **Exit Conference:** Before submitting the final audit report, the Contractor shall hold an exit review conference in which the audit results are discussed with those charged with governance and other appropriate Entity officials and employees. The Contractor shall ensure that all members of the governing body and key members of management are notified of this exit conference. The Contractor further agrees that before the exit conference, it will not discuss the audit findings with anyone other than the Entity or the State. Once the Contractor delivers the final audit report to the Entity, the report is deemed to be a public record.
17. **Report Distribution:** The Contractor and Entity shall file copies of the audit report as specified below:
- A. The Contractor shall provide the Entity with the number of copies of the audit report specified in Appendices A, B and C. The cost of those copies is included in the total price for the engagement as set out in paragraph 2.A., above, and in the Appendices.
  - B. The Contractor shall submit one of the copies referred to in 17.A., above, to the attorney for the Entity.
  - C. Upon request by the Entity, the Contractor shall provide additional copies of the audit report at a price per copy agreed upon by the Entity and Contractor.
  - D. The Contractor shall provide the State with a text-searchable, unlocked, and unencrypted electronic copy of the audit report at no charge. The report must be submitted to the State at the same time when the Contractor delivers the final audit report to the Entity. Any report delivered separately to management or those charged with governance identifying findings and recommendations as described in 11.C. above must be submitted electronically at the same time the audit report is submitted. The Contractor shall advise the State, at the time of submitting the electronic report, of the date the final report was delivered to the Entity, the date of the audit report, the actual number of hours the Contractor spent conducting the audit, the total audit fee billed the Entity, and whether the audit was conducted in accordance with the provisions of Uniform Guidance.
  - E. If the Entity is a school district or associated cooperative, the Contractor shall provide at no additional charge copies of the audit report to the Office of Public Instruction, the county superintendent of schools, and the county attorney.
  - F. If the Entity is a city or town fire department relief association disability and pension fund, the Contractor shall provide at no additional charge one copy of the audit report to the city or town clerk.

- G. If the audit is a single audit conducted in accordance with the provisions of Uniform Guidance, the Entity shall provide copies of the reporting package defined in Uniform Guidance and the data collection form to the federal clearinghouse designated by OMB.
18. **Entity Response:** If not included in the audit report as provided in paragraphs 11.F. and 12.E., within 30 days after receiving the audit report, the Entity shall notify the State in writing as to what action it plans to take to correct any deficiencies or implement any recommendations identified or contained in the audit report as required by Section 2-7-515, MCA, and ARM 2.4.409. This notification must also address any findings and recommendations identified in any report to management or those charged with governance described in 11.C. above. If the audit is a single audit conducted in accordance with Uniform Guidance, this corrective action plan must also meet the requirements of Uniform Guidance. If the Entity is a school district or special education cooperative, the Entity shall also send a copy of this notification to the Office of Public Instruction.
19. **Entity's Attorney:** If requested by the State, the attorney for the Entity shall report to the State on the actions taken or the proceedings instituted or to be instituted relating to violations of law and nonperformance of duty as required by Section 2-7-515(4), MCA. The attorney shall report to the State within 30 days after receiving the request.
20. **Certification of Auditor Independence:** The Contractor certifies that, as required by generally accepted government auditing standards, it and its principals and employees are independent in all matters regarding this engagement. This contract must not include non-audit services. The Contractor shall neither arrange for nor accept other work with the Entity that could in any way impair the Contractor's compliance with professional independence standards. If required by the State, the Contractor shall provide documentation that independence has been maintained in both mind and appearance as required by professional auditing standards.
21. **Contractor and Subcontractors:** The Contractor shall not assign any rights, or subcontract or delegate any duties of the contract without the Entity's and State's prior written consent.

The Contractor is the prime contractor and is responsible, in total, for all work of any subcontractors. Any subcontractors performing audit work shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State. The Contractor is responsible to the Entity and the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors or agents. There is no contractual relationship between any subcontractor and the State.

22. **State Participation in Conferences:** The State may participate in all entrance and exit conferences between the Entity and Contractor, as well as all major conferences held in conjunction with the audit of the Entity.
23. **Access to Records:** The Contractor shall give the State and, when required by law, the Montana Legislative Audit Division, access to the Contractor's work programs, supporting working papers, time records, and all other documents relating to the audit. Access to these documents must be provided at the State's offices in Helena, Montana. Access to working papers includes the right of the State to obtain copies of working papers, as is reasonable and necessary. The Contractor shall make the work programs and supporting working papers available to the State for use by the State or other public accounting firms as directed by the State in future audits of the Entity. The Contractor shall make the audit programs and supporting working papers available to the cognizant or oversight agency for audit or its designee, federal agencies providing direct or indirect funding, or the U.S. General Accounting Office, if requested. Access to working



includes the right of federal agencies to obtain copies of working papers, as is reasonable and necessary. The Contractor shall retain the audit report, work programs, and supporting working papers for a minimum of five years from the date of the audit report, unless the State notifies the Contractor to extend the retention period. If professional standards or other applicable laws, rules, or regulations require a longer retention period, the Contractor shall retain the above materials for that specified period.

24. **State Review of Report:** As provided by Section 2-7-522, MCA, the State shall review the Contractor's audit report. If the State determines that reporting requirements have not been met, it will notify the Entity and the Contractor of the significant issues of noncompliance. The Contractor shall correct the identified deficiencies within 60 days of notification.
25. **Independent Contractor:** The Contractor is an independent contractor and neither its principals nor its employees are employees of the State or Entity for any purposes.
26. **Workers' Compensation:** The Contractor certifies that it carries Workers' Compensation for its employees and that it has either elected Workers' Compensation or has an approved Independent Contractor's Exemption covering the Contractor while performing work under this contract. (Montana Code Annotated, Title 39, Chapter 71).
27. **Indemnity:** The Contractor shall defend and indemnify the State and Entity, their elected and appointed officials, agents, and employees from and against all claims, causes of action, damages, liabilities, court costs and attorney fees in favor of the Contractor's employees or third parties for bodily or personal injuries, death, or damage to property arising from the acts or omissions or alleged acts or omissions of the Contractor and/or its agents, employees, representatives, assigns, subcontractors under this contract. This defense and indemnify obligation does not apply to acts or omissions arising from the sole negligence of the State or Entity under this contract. This defense and indemnity obligation survives termination or expiration of this contract.

If the Contractor is or may be obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, then to the extent that such obligation is or may be a direct or indirect result of the Entity's intentional or knowing misrepresentation or provision to the Contractor of inaccurate or incomplete information in connection with this engagement, and not any failure on the Contractor's part to comply with professional standards, the Entity shall defend and indemnify the Contractor against such obligations.

28. **Insurance – Commercial General Liability:** The Contractor shall maintain for the duration of the contract, at its cost and expense, occurrence coverage insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Contractor, and/or its agents, employees, representatives, assigns, or subcontractors. The Contractor's insurance coverage shall be primary insurance for the Contractor's negligence with respect to the State and Entity and their elected officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the State and Entity and their officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

**Insurance - Professional Liability:** The Contractor shall purchase and maintain occurrence coverage to cover such claims as may be caused by any act, omission, negligence of the Contractor or its officers, agents, representatives, assigns or subcontractors.

If occurrence coverage is unavailable or cost-prohibitive, the state will accept 'claims made' coverage provided the following conditions are met: 1) the commencement date of the contract must not fall outside the effective date of insurance coverage and it will be the retroactive date for insurance coverage in future years, and 2) the claims made policy must have a three-year tail for claims that are made (filed) after the cancellation or expiration date of the policy.

The State and Entity may require complete copies of certificates of insurance during the term of this contract.

29. **Compliance with Laws:**

A. The Contractor shall, in performance of work under this contract, fully comply with all applicable federal, state, or local laws, rules, regulations, and executive orders including but not limited to, the Montana Human Rights Act, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. The Contractor is the employer for the purpose of providing healthcare benefits and paying any applicable penalties, fees and taxes under the Patient Protection and Affordable Care Act [P.L. 111-148, 124 Stat. 119]. Any subcontracting by the Contractor subjects subcontractors to the same provisions.

B. In accordance with 49-3-207, MCA, and Executive Order No. 04-2016 the Contractor agrees that the hiring of persons to perform this contract will be made on the basis of merit and qualifications and there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing this contract.

30. **Work Accommodations:** The Entity shall provide the Contractor with reasonable space in which to conduct the audit and shall respond promptly to requests for information as well as for all necessary books and records. Support for clerical, equipment, reproduction services shall be agreed upon by the Entity and the Contractor as specified in Appendices A, B and C.

31. **Termination before Audit Commences:** Before the commencement of the audit, either the Contractor or the Entity, with the State's consent, or the State alone, may terminate this contract for cause if another party has breached a material term or condition of this contract or violated an applicable law or regulation. The non-breaching party shall provide the other party written notice of the breach and allow 20 days to remedy the breach.

The Contractor and the Entity may agree to terminate this contract without cause before the commencement of the audit. If such a termination occurs, the State shall consent to the termination upon written notification by the Contractor and the Entity of their agreement to terminate this contract.

The State, however, will not consent to the cancellation of an audit contract for the sole purpose of allowing the Contractor and Entity to then enter into a new contract that extends the number of fiscal years to be audited by the Contractor. Unless there are extenuating circumstances, the existing audit contract must be completed first. This provision does not prohibit the cancellation of a contract for the purpose of replacing an annual audit with a biennial audit.

32. **Termination after Audit Commences:** After the audit has commenced, but before the audit report has been issued, either the Contractor or the Entity, with the State's consent, or the State alone, may terminate this contract for cause if another party has breached a material term or condition of this contract or viola

applicable law or regulation. The non-breaching party shall provide the other party written notice of the breach and allow 20 days to remedy the breach. If the Contractor is the breaching party and fails to remedy the breach, the Contractor is not entitled to the fee set out in this contract. This is the Entity's and the State's sole remedy. If the Entity is the breaching party, the Entity shall pay the Contractor a pro rata portion of the fee set out in this contract, based on the percentage of work completed at the time of termination. This is the Contractor's sole remedy.


The Contractor and the Entity may agree to terminate this contract without cause after the audit has commenced but before the audit report has been issued. If such a termination occurs, the State shall consent to the termination upon written notification by the Contractor and the Entity of their agreement to terminate this contract.

33. **Contractor Compliance with CPE and Quality Control Review:** The Contractor certifies compliance with the continuing professional education requirements and the external quality control review requirements as set out in Government Auditing Standards, as established by the Comptroller General of the United States. The State may require the Contractor to provide evidence that it has met the above requirements.
34. **Single Audit Act Certification:** If the audit is required to meet the requirements of the Single Audit Act of 1984, as amended, and Uniform Guidance, the Contractor certifies that neither it nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from performing audits by any Federal department or agency.
35. **Time is of the Essence:** Time is of the essence regarding all provisions of this contract.
36. **Governing Law and Venue:** This contract is governed by the laws of Montana. The parties agree that any litigation concerning this contract in which the State is named as a party must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana. Each party shall pay its own costs and attorney fees, except as otherwise allowed in this contract. The parties also agree that any litigation concerning this contract in which the State is not named as a party must be brought in the State of Montana Judicial District in the County in which the Entity is located. Each party shall pay its own costs and attorney fees, except as otherwise allowed in this contract.
37. **Notice:** All notices under this contract must be in writing and will be deemed given if delivered personally, by mail, certified, return receipt requested, or by e-mail. All notices will (a) if delivered personally, be deemed given upon delivery, (b) if delivered by mail, be deemed given upon receipt, or (c) if delivered by e-mail be deemed given upon receipt.
38. **Invalid Provision:** If any provision of this contract is held to be illegal or unenforceable and the parties' rights or obligations will not be materially and adversely affected, such provision will be (a) severed from the contract, (b) the contract will be interpreted as if such provision was never a part of the contract and (c) the remaining provisions will stay in effect.
39. **Authority:** Each party represents that the person signing this contract has the authority to bind that party.
40. **Entire Agreement and Amendment:** This contract and the attached Appendices contain the entire understanding and agreement of the parties. No modification or amendment of this contract is valid unless it is reduced to writing, signed by the parties, and made a part of this contract.

Contractor, Entity, and State have executed this Standard Audit Contract on the date first above written:

**Certified Public Accountant**

Anderson ZurMuehlen & Co., P.C.  
Firm Name

By:   
Authorized Representative

Date: February 11, 2019

**Governmental Entity**

City of Great Falls, Montana  
Entity Name

By: \_\_\_\_\_  
Authorized Representative

Date: \_\_\_\_\_

**Montana Department of Administration,  
Local Government Services**

By: \_\_\_\_\_  
Approved By

Date: \_\_\_\_\_



3. The reporting entity contains the following discretely presented component units:  
Great Falls Business Improvement District, Great Falls Tourism Business Improvement District, Great Falls Public Library Foundation
4. Date Annual Financial Report or a trial balance will be available: August 19, 2019
5. Number of copies of audit report Contractor will provide to Entity: PDFs only
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:  
As requested, within reason
7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$ \_\_\_\_\_) that is effective for the fiscal year(s) being audited.

**OR**

The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$ \_\_\_\_\_) that is effective for the fiscal year(s) being audited.

**Certified Public Accountant**

Anderson ZurMuehlen & Co., P.C.

Firm Name

By:   
 Authorized Representative

Date: February 11, 2019

**Governmental Entity**

City of Great Falls, Montana

Entity Name

By: \_\_\_\_\_  
 Authorized Representative

Date: \_\_\_\_\_

**Montana Department of Administration,  
 Local Government Services**

By: \_\_\_\_\_  
 Approved By

Date: \_\_\_\_\_

**APPENDIX B**

**Subsequent Audit under this Contract**

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**GOVERNMENTAL ENTITY (ENTITY):** City of Great Falls, Montana

406.455.8476 Address: PO Box 5021  
Telephone: (Street Address or P.O. Box)

Great Falls, MT 59403  
(City/Town) (Zip Code)

Melissa Kinzler mkinzler@greatfallsmt.net  
Contact Person(s) and E-Mail Address(es)

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**PUBLIC ACCOUNTANT/ACCOUNTING FIRM (CONTRACTOR) :** Anderson ZurMuehlen & Co., P.C.

406.727.0888 Address: 21 10<sup>th</sup> Street South  
Telephone: (Street Address or P.O. Box)

Great Falls, MT 59401  
(City/Town) (Zip Code)

Rick Reisig rreisig@azworld.com  
Contact Person(s) and E-Mail Address(es)

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1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending  
June 30, 2020 (and         ).  
(Month & Day) (Year) (Year)

B. Date to commence audit work: September 2020

C. Date to submit final audit report  
to Entity and State: December 31, 2020

2. Time and Price for Engagement:

A. Estimated total hours - 445

B. Price for audit personnel \$ 47,000

Price for Travel \_\_\_\_\_

Price for typing, clerical \_\_\_\_\_

and report preparation \_\_\_\_\_

Total price for this \_\_\_\_\_

engagement \$ 47,000

3. The reporting entity contains the following discretely presented component units:  
Great Falls Business Improvement District, Great Falls Tourism Business Improvement District, Great Falls Public Library Foundation
4. Date Annual Financial Report or a trial balance will be available: August 17, 2020
5. Number of copies of audit report Contractor will provide to Entity: PDFs only
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:  
As requested, within reason
7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$ \_\_\_\_\_) that is effective for the fiscal year(s) being audited.

**OR**

The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$ \_\_\_\_\_) that is effective for the fiscal year(s) being audited.

**Certified Public Accountant**

Anderson ZurMuehlen & Co., P.C.

Firm Name

By:   
 Authorized Representative

Date: February 11, 2019

**Governmental Entity**

City of Great Falls, Montana

Entity Name

By: \_\_\_\_\_  
 Authorized Representative

Date: \_\_\_\_\_

**Montana Department of Administration,  
 Local Government Services**

By: \_\_\_\_\_  
 Approved By

Date: \_\_\_\_\_





3. The reporting entity contains the following discretely presented component units:  
Great Falls Business Improvement District, Great Falls Tourism Business Improvement District, Great Falls Public Library Foundation
4. Date Annual Financial Report or a trial balance will be available: August 16, 2021
5. Number of copies of audit report Contractor will provide to Entity: PDFs only
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:  
As requested, within reason
7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$ \_\_\_\_\_) that is effective for the fiscal year(s) being audited.

**OR**

The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$ \_\_\_\_\_) that is effective for the fiscal year(s) being audited.

**Certified Public Accountant**

Anderson ZurMuehlen & Co., P.C.

Firm Name

By:   
 Authorized Representative

Date: February 11, 2019

**Governmental Entity**

City of Great Falls, Montana

Entity Name

By: \_\_\_\_\_  
 Authorized Representative

Date: \_\_\_\_\_

**Montana Department of Administration,  
 Local Government Services**

By: \_\_\_\_\_  
 Approved By

Date: \_\_\_\_\_



**Item:** Construction Contract Award: South Great Falls Storm Drain Improvements (North Basin)- O.F. 1554.4.

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Consider Bids and Approve Contract for Office File 1554.4.

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$774,805.00 to United Materials of Great Falls, Inc., for the South Great Falls Storm Drain Improvements (North Basin) project, and authorize the City Manager to execute the construction contract documents."

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

---

**Staff Recommendation:** Approve construction contract award.

**Summary:**

The South Great Falls Storm Drain Improvements (North Basin) project area is located in the southern portion of the City of Great Falls. The project construction will include installation of 30-inch diameter, 36-inch diameter, and 26-inch Rise x 43-inch Span RCP arch storm drain trunk line piping along 4th Street South, 3A Street South and 24th Avenue South. The approximate length of the new trunk line is 2,540 lineal feet. The new storm drain will be connected to an existing 36-inch diameter storm drain that the City installed under the BNSF railroad at the west end of 24th Avenue South. This existing pipe under the railroad and Lower River Road will function as the storm drain outfall to the Missouri River. The outlet end of the outfall pipe has a check valve in place to prevent backflow into the storm drain during high water levels in the Missouri River.

**Background:**

Citizen Participation

Easements have been negotiated with the effected property owners.

Workload Impacts:

Design phase engineering and plans and specifications were completed by Outrigger Consultants, LLC. Outrigger Consultants, and City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The purpose of the project is to provide an outlet for storm water that collects in an existing depression on private property along the east side of the properties on 4th Street South, and to collect surface drainage within the Grandview Tracts neighborhood. The existing depression was not intended to function as a storm water pond. The depression is located within the natural drainage path and acts as a storage reservoir for runoff from city and county properties to the east. During larger runoff events, the stored water level rises in the depression, resulting in surface flooding of the residential properties immediately to the west.

This project is one of the many phases for the South Great Falls Storm Drainage Master Plan. It will bring proper storm drainage to a previously unserved area.

Project Work Scope:

Work to be performed under this contract includes the following: Approximately 2,765 lineal feet of storm drain piping, including 12-inch PVC, 12-inch Reinforced Concrete Pipe (RCP), 18-inch PVC, 30-inch RCP, 36-inch, RCP and 26-5/8-inch Rise X 43-3/4-inch Span RCPA; thirteen concrete manholes; nine storm drain inlets; concrete storm drain inlet structure; street reconstruction on 24<sup>th</sup> Avenue South; and land restoration of grass, gravel and asphalt surfaces impacted by trenching.

Evaluation and Selection Process:

The specifications were advertised three times in the Great Falls Tribune. Six bids were received on February 20, 2019 ranging from \$774,805.00 to \$963,516.00. United Materials of Great Falls Inc. submitted the low bid.

Conclusion:

City staff recommends awarding the contract to United Materials of Great Falls Inc., in the amount of \$774,805.00.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. City Storm Drain and Improvements other than Buildings revenues are programmed to fund this project.

**Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

**Concurrences:**

City Engineering staff, City Street Division, and Utilities recommends award of the bid.

**Attachments/Exhibits:**

1. Bid tabulation is attached.
2. Vicinity Map

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

BID TABULATION SUMMARY

South Great Falls Storm Drain Improvments (North Basin)  
 O.F. 1554.4

Project Number 1554.4  
 Bids Taken at Civic Center  
 Date: February 20, 2019  
 Tabulated By: Russell Brewer

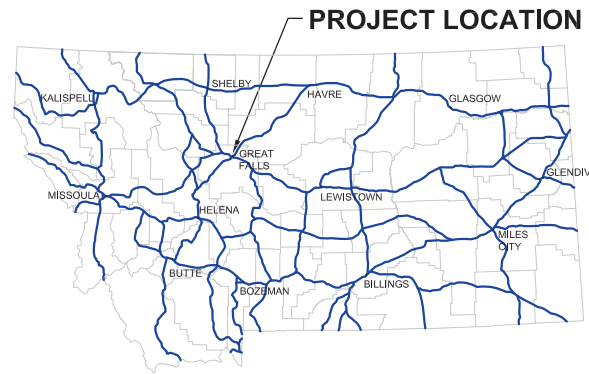
	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	United Materials, Inc.	Yes	N/A	Yes	N/A	Yes	Yes	\$774,805.00
2	Ed Boland Construction	NO BID						
3	Horn Construction	NO BID						
4	Central Excavation	Yes	N/A	Yes	N/A	Yes	Yes	\$844,824.00
5	David W. Kuglin	Yes	N/A	Yes	N/A	Yes	Yes	\$783,118.00
6	Western Municipal Construction	Yes	N/A	Yes	N/A	Yes	Yes	\$899,048.00
7	Geranios Enterprises	Yes	N/A	Yes	N/A	Yes	Yes	\$963,516.00
8	Williams Civil Constructon	Yes	N/A	Yes	N/A	Yes	Yes	\$797,511.00
9								
10	<b>Engineer's Estimate</b>							\$857,685.00

# SOUTH GREAT FALLS STORM DRAIN IMPROVEMENTS (NORTH BASIN)

## CITY OF GREAT FALLS, MONTANA

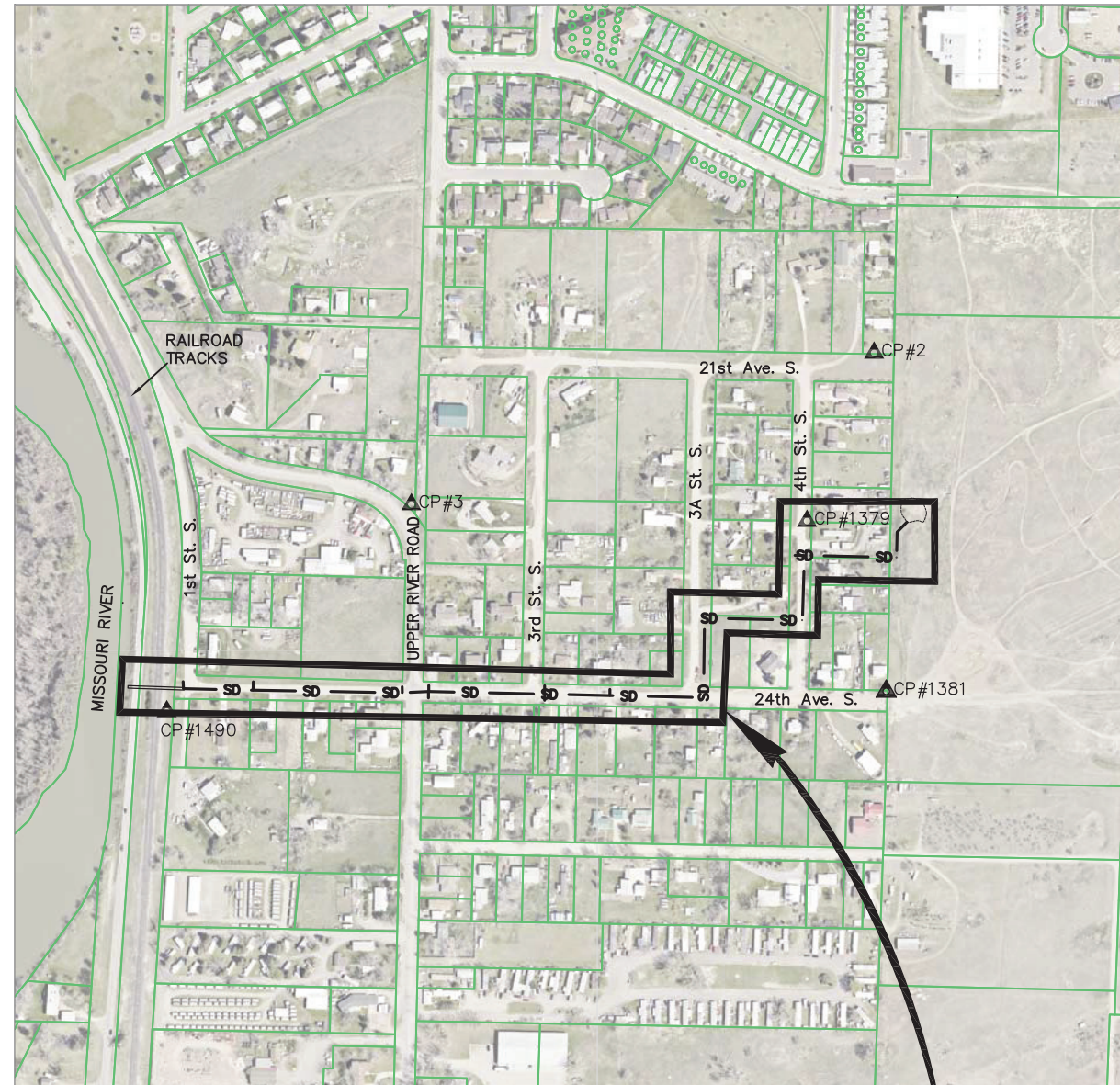
O.F. 1554.4

DECEMBER 2018



### WORK SCOPE

1. APPROXIMATELY 2,765 LINEAL FEET OF STORM DRAIN PIPING, INCLUDING 12" PVC, 12" RCP, 18" PVC, 30" RCP, 36" RCP AND 26-5/8" R X 43-3/4" S RCPA.
2. THIRTEEN CONCRETE MANHOLES.
3. NINE STORM DRAIN INLETS.
4. CONCRETE STORM DRAIN INLET STRUCTURE.
5. ASPHALT STREET RECONSTRUCTION ON 24TH AVENUE SOUTH.
6. RESTORATION OF GRASS, GRAVEL AND ASPHALT SURFACES IMPACTED BY TRENCHING.



### SHEET INDEX

- |       |   |
|-------|---|
| 1     | COVER SHEET                             |
| 2     | OVERALL SITE PLAN AND PROJECT NOTES     |
| 3-7   | STORM DRAIN PLAN AND PROFILES           |
| 8     | ENLARGED PLANS                          |
| 9     | 24th AVENUE SOUTH STREET RECONSTRUCTION |
| 10-11 | DETAILS                                 |
| 12-13 | CROSS SECTIONS AT APPROACHES            |

### LEGEND

— W —	EXISTING WATER MAIN
— WS —	EXISTING WATER SERVICE
— S —	EXISTING SANITARY SEWER MAIN
— SS —	EXISTING SANITARY SEWER SERVICE
— UGE —	EXISTING UNDERGROUND ELECTRIC
— OHE —	EXISTING OVERHEAD ELECTRIC
— TEL —	EXISTING UNDERGROUND TELEPHONE
— GAS —	EXISTING GAS LINE
— X —	EXISTING FENCE
— SD —	NEW STORM DRAIN
▲ CP #1	SURVEY CONTROL POINT
▨	LOW PERMEABILITY TRENCH BACKFILL PLUG



**PROJECT LOCATION**

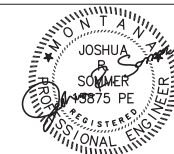
PRELIMINARY  
NOT FOR CONSTRUCTION



702 SECOND STREET SOUTH, SUITE 2  
GREAT FALLS, MONTANA 59405  
(406) 952-1109

JOB NO.:	18-023
DESIGNED BY:	JRS
DRAWN BY:	JWG
CHECKED BY:	
APPROVED BY:	

REV.	DATE	DESCRIPTION



DATE: 12/20/2018  
PLAN SET NO.: \_\_\_\_\_



**Item:** Final Payment: Public Library Boiler Replacement for McKinstry Essention, LLC.

**From:** Great Falls Public Library

**Initiated By:** Great Falls Public Library

**Presented By:** Susie McIntyre, Acting Director Great Falls Public Library

**Action Requested:** Approve Final Pay Request.

---

**Suggested Motion:**

1. Commissioner moves:

““I move that the City Commission (approve/not approve) Final Payment for the Great Falls Public Library Boiler Replacement, in the amount of \$33,264.00 to McKinstry Essention, LLC and \$336.00 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.””

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

---

**Staff Recommendation:** Approve Final Payment.

**Summary:** City staff has verified that McKinstry Essention, LLC has completed the Public Library Boiler replacement in accordance with the plans and contract documents. The contractor has completed the project and is requesting final payment. The project was completed within the approved contract time.

**Background:** The previous boiler was past its useful life. Replacement was necessary for the Library to remain viable and open to the public.

**Purpose:** This project was initiated to replace the Library boiler. The high efficiency replacement boiler system is operational. The Library should see significant energy savings over the life of the boiler.

**Project Work Scope:** The steam boiler was replaced with a high efficiency Heating Hot Water boiler. The project replaced steam piping to air handling units, replaced steam coils with Heating Hot Water coils, and installed new Heating Hot Water pumps.

**Conclusion:** City staff recommends making the Final Payment. City staff has verified that McKinstry has completed all work in accordance with the plans and contract. The new boiler system has been

inspected and received a Boiler Operating Certificate from the State of Montana (Inspector Robert Back).

**Fiscal Impact:** This project was funded using the Library Capital Reserve Fund. At the beginning of FY2019, the Library Capital Reserve Fund contained approximately \$900,000. Total cost of this project (including asbestos abatement paid to other contractors) will total approximately \$487,898. The Library is also using approximately \$12,000 from the Reserve Fund to cover staffing costs for FY2019. We expect the Library Capital Reserve Fund to contain approximately \$414,000 at the end of FY2019.

**Attachments/Exhibits:**

1. Final Payment Invoice
2. Schedule of Values





Page:	1 of 2
Invoice Date:	1/29/2019
Invoice Number:	20030620
Customer #:	245106
Project #:	201701-003

City of Great Falls  
Kathy Mora/Craig Raymond  
301 2nd Avenue North  
Great Falls, MT 59401

Request #: 3  
Project Name: Great Falls Public Library Boiler Replacement  
Project Location: Great Falls, MT  
Contact: Kathy Mora

Billing period: December 15, 2018-January 29, 2019

Details	Amount
Previously Billed	\$ 425,400.00
This Month's Work Completed	\$ 33,600.00

TERMS: NET DUE UPON RECEIPT

Remit to: McKinstry Essention, LLC.  
Attn: Accounting Dept.  
PO Box 3895  
Seattle, WA 98124  
206-268-9800

Subtotal:	\$ 33,600.00
MT Gross Receipts Tax (1%):	\$ 336.00
<b>Total Due:</b>	<b>\$ 33,264.00</b>



## SCHEDULE OF VALUES

Project Name: Library Boiler Replacement

Request # 03  
Date: 1/29/2019

Project Number: 201701-003

Billing Period: Dec. 15, 2018 - Jan. 29, 2019

### MONTHLY BILLING BREAKDOWN:

Line Item Description	Contract Amount	% Completed	Completed Amount	Previously Billed	Current Amount Due
Mechanical	\$ 300,000.00	100%	\$ 300,000.00	\$ 285,000.00	\$ 15,000.00
Electrical	\$ 5,000.00	100%	\$ 5,000.00	\$ 5,000.00	\$ -
Controls	\$ 32,000.00	100%	\$ 32,000.00	\$ 24,000.00	\$ 8,000.00
General	\$ 11,500.00	100%	\$ 11,500.00	\$ 10,925.00	\$ 575.00
Site Supervision	\$ 35,000.00	100%	\$ 35,000.00	\$ 33,250.00	\$ 1,750.00
General Conditions	\$ 5,000.00	100%	\$ 5,000.00	\$ 5,000.00	\$ -
Construction Bonds	\$ 4,000.00	100%	\$ 4,000.00	\$ 4,000.00	\$ -
Design	\$ 14,000.00	100%	\$ 14,000.00	\$ 14,000.00	\$ -
Commissioning	\$ 13,000.00	100%	\$ 13,000.00	\$ 6,500.00	\$ 6,500.00
Hazardous Materials Testing	\$ 4,000.00	100%	\$ 4,000.00	\$ 4,000.00	\$ -
Overhead and Profit	\$ 35,500.00	100%	\$ 35,500.00	\$ 33,725.00	\$ 1,775.00
<b>Total Base Contract</b>	<b>\$ 459,000.00</b>	<b>100%</b>	<b>\$ 459,000.00</b>	<b>\$ 425,400.00</b>	<b>\$ 33,600.00</b>



**Item:** Set a Public Hearing for Lease of City-Owned Property.  
**From:** Ross Bartell, Sanitation Manager  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Set a Public Hearing.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing to consider the lease of City-Owned property parcels 3016300 & 3015100 located three and one half miles north of the Manchester Exit for April 2, 2019.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

---

**Staff Recommendation:** Staff recommends that the City Commission set a public hearing to consider the lease of City-Owned property parcels 3016300 & 3015100 located three and one half miles north of the Manchester Exit for April 2, 2019.

**Background:**

Purpose

The City Sanitation Division owns approximately 316.5 acres west and north of Great Falls, that was purchased as a potential future landfill site. This property was in the Federal CRP Program for several years. That program phased out for governmental properties. In lieu of the CRP Program, the property was offered up for lease for farming purposes. Arrow Kay Farms leased the property for the last five (5) years. Arrow Kay Farms made the decision not to renew the lease. Staff proposes that the lease of the City-Owned property be for three (3) years with extended terms available.

Evaluation and Selection Process

The specifications were advertised one time in the Great Falls Tribune, placed on the City of Great Falls website, and mailed to twenty-one prospective bidders. The bids were opened on February 20, 2019. One bidder responded. A bid tabulation is attached.

Pursuant to a Lease Agreement, the Lessee would be responsible for improvements, repairs, utilities, and maintenance.

As required by Title 3, Chapter 4, OCCGF, before final consideration of a lease of City property, the City Commission shall hold a public hearing. Pursuant to OCCGF §3.04.101, any leasing of City owned real property requires a four-fifth vote of the members of the City Commission.

**Fiscal Impact:** The annual lease payment will go into the Sanitation Fund.

**Alternatives:** The City Commission could choose to deny setting a public hearing.

**Attachments:** Bid Tab, Bid List

CITY OF GREAT FALLS  
PO BOX 5021  
GREAT FALLS MT 59403

**CITY-OWNED PROPERTY CASH LEASE**

Project Number  
Bids Taken at Civic Center  
Date: February 20, 2019  
Tabulated By: Debbie Kimball  
Page 1 of 1

NAME & ADDRESS OF BIDDER	BID CASH LEASE PER YEAR	LEASE TERM 3 YEAR TOTAL
Ronald Laubach 1199 Wilson Rd Power, MT 59468	\$7,000	\$21,000

## **CITY PROPERTY CASH LEASE BID LIST**

- 1. John Bink, Holiday Realty  
750 6<sup>th</sup> St. S.W. Ste 203  
Great Falls, MT 59404**
  
- 2. Bogden, Richard E II & Terri L  
Weaver, Jason & Tom Acciaccia  
249 County Line Rd  
Fairfield, MT 59436**
  
- 3. Brandt, Heidi  
391 N. Manchester Road  
Great Falls, MT 59404**
  
- 4. Embler, Donald C & Jean M.  
PO Box 508  
Mount Tabor, NJ 07878**
  
- 5. Emerald Services Montana LLC  
7343 East Marginal Way S  
Seattle, WA 98108**
  
- 6. Hathaway Family Trust  
PO Box 1606  
Big Timber, MT 59011**

- 7. Hillcrest Colony Inc.  
1124 Wilson Rd  
Power, MT 59468**
  
- 8. Hurin, Charles A. Jr.  
726 Wilson Road  
Power, MT 59468**
  
- 9. Jones, Daniel W & Tabitha J  
393 N. Manchester Rd  
Great Falls, MT 59404**
  
- 10. Laubach, Ronald & Debbie  
1199 Wilson Rd  
Power, MT 59468**
  
- 11. Lundby, Janis E  
PO Box 1098  
Great Falls, MT 59403**
  
- 12. Macek Property Management  
104 2<sup>nd</sup> St. S. Ste 100  
Great Falls, MT 59401**

- 13. McDunn Family Trust  
C/o Georgia Miller  
48 Wexford Lane  
Great Falls, MT 59404**
- 14. Merja Farms Incorporated  
211 Adams Rd  
Sun River, MT 59483**
- 15. Neuman William K & Collette M  
1490 2<sup>nd</sup> Rd NE  
Vaughn, MT 59487**
- 16. Phillips, Ernest R ETAL  
415 N. Manchester Rd  
Great Falls, MT 59404**
- 17. Somerfeld & Sons Land & Livestock LLC  
550 15<sup>th</sup> LN N.E.  
Power, MT 59468**
- 18. Steel Etc.  
1408 52<sup>nd</sup> St. N.  
Great Falls, MT 59405**



- 19. Stephens, Robert E Jr**  
**PO Box 274**  
**Augusta, MT 59410**
  
- 20. Swanberg Patricia J ETAL**  
**21 Gold Kettle CT**  
**Gaithersburg, MD 20878**
  
- 21. Weaver, Jason ETAL**  
**P.O. Box 97**  
**Fort Shaw, MT 59443**



Agenda #: 15  
Commission Meeting Date: March 5, 2019

**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**  
**REVISED**

**Item:** CDBG public needs hearing for 2019/2020 Annual Action Plan.

**From:** Craig Raymond, Director, Planning and Community Development

**Initiated By:** Alicia Eatherly, Fair Housing Specialist, Planning and Community Development

**Presented By:** Craig Raymond, Director, Planning and Community Development

**Action Requested:** Set public needs hearing date of ~~March 19, 2019~~ **April 2, 2019** to initiate the 2019/2020 Annual Action Plan process.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) the Public Needs hearing for ~~March 19, 2019~~ **April 2, 2019.**”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

---

**Staff Recommendation:** Staff recommends that the City Commission set ~~March 19, 2019~~ **April 2, 2019**, as the public needs hearing date to initiate the 2019/2020 Annual Action Plan process.

**Summary:** Starting in January, staff in the Planning and Community Development Department began planning for the upcoming 2019/2020 fiscal year to determine priorities for administering the City’s future allocation of CDBG and HOME funds. The planning document that outlines these priorities is known as the Annual Action Plan. This plan for the City’s funding allocation priorities must be submitted to HUD by the end of June. Prior to the Annual Action Plan be developed by staff, a lengthy public engagement process is required to gain input from members of the Great Falls community. The scheduling of a public needs hearing in front of the City Commission has been the approach used by the Department as the first formal public hearing to kick off the development of the Annual Action Plan cycle.

**Background:** CDBG and HOME programs are federal programs administered by HUD to help fund local community development programs including affordable housing, anti-poverty efforts, public service assistance, and community infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons to improve their quality of life in their respective communities. State and local governments receive funding from HUD based on a formula derived from population statistics.

The Annual Action Plan is developed each year by Planning and Community Development staff, based on input from the community and City Commission, to implement the broader community goals outlined in the Community's Consolidated Plan. As such, community input during the public needs hearing will be important to help frame this year's priorities for the Annual Action Plan. Additionally, for the second consecutive year, City staff distributed a Community Survey to key stakeholder groups as well as the public at large to get a "grass roots view" on priorities for future funding. Results of this survey was presented at a City Commission work session on March 5, 2019.

#### Citizen Participation

Once completed by staff, the proposed Annual Action Plan will be made available to the citizens of Great Falls for review and comment for a 30-day period. The public needs hearing on March 19, 2019, is a forum to allow the citizens of Great Falls the opportunity to express their views on needs that should be addressed in the upcoming Annual Action Plan.

#### Workload Impacts

In accordance with federal regulations, administrative responsibilities will result from the acceptance and use of CDBG and HOME funds. The CDBG/HOME Administrator and support staff within Planning and Community Development will be responsible for the environmental reviews, contract development, project monitoring, invoice process, federal reporting, and other HUD requirements to implement the Plan.

**Fiscal Impact:** The 2019/2020 Community Development Block Grant award is estimated, based on last year's allocation, to be \$776,721. The award for Home Investment Partnership funds is estimated to be \$285,831. Final amounts will not be formally determined until later in the process. The City's CDBG/HOME program is self-sustained by federal funds with no impact to City general or other funds.

**Alternatives:** The public needs hearing and future Annual Action Plan are required for the City to be awarded 2019/2020 CDBG and HOME funding. The City Commission may choose not to hold the public hearing and thereby not receive the funds.

#### **Attachments/Exhibits:**

- Grant Schedule



## City of Great Falls

### CDBG/HOME Annual Action Plan Schedule

Public Needs Assessment- Neighborhood Councils (Dates Pending ), and Community Survey	January 14, 2019- February 18, 2019
<b>City Commission Work Session</b> to review Community Survey Results, <b>City Commission Meeting</b> to set date for Public Needs Hearing	Tuesday March 5, 2019 (Agenda Report Due 2/21/19)
<b>City Commission Meeting</b> to vote on Grant Policies and <i>Citizen Participation Plan</i> , <u>Public Needs Hearing</u>	Tuesday March 19, 2019 (Agenda Report Due 3/7/19)
30 day comment period for proposed 201/2019 Annual Action Plan	April 1, 2019 – April 30, 2019
<b>City Commission Meeting</b> to review and vote on the Annual Action Plan	Tuesday May 21, 2019 (Agenda Report Due 5/9/19)
ConPlan/Annual Action Plan submitted to HUD	By June 30, 2019

Staff attendance at Council of Councils - 1/29/19



**Item:** Public Hearing - Resolution 10268 to annex a 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162, Ordinance 3180 to establish Planned Unit Development zoning, and Preliminary Plat for a Major Subdivision to create 40 lots for Wheat Ridge Estates, Phase I.

**From:** Tom Micuda, Deputy Director, Planning and Community Development

**Initiated By:** KYSO Corporation

**Presented By:** Craig Raymond, Director, Planning and Community Development

**Action Requested:** City Commission consider and vote on the September 18, 2018 pending motion; Conduct a public hearing on Resolution 10268, Ordinance 3180, and Preliminary Plat for Major Subdivision.

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**Update from September 18, 2018, Public Hearing:** Resolution 10268, Ordinance 3180, and the applicant's Preliminary Plat request were presented and considered by the City Commission at a public hearing on September 18, 2018. Please refer to the Agenda Report, all attachments and the minutes of the September 18 meeting, which are incorporated into this Agenda Report by this reference. After closure of the public hearing, the Commission decided to table (postpone) action on the pending motion until the January 15, 2019, meeting. The purpose of tabling the motion was to allow the applicant the opportunity to provide the City with its new alternative storm water drainage concept for the proposed development, along with additional information regarding emergency ingress and egress. The alternative storm water drainage concept had not been previously identified to staff and therefore, the City staff could not provide input about the new alternative. Specifically, the Commission requested that the applicant further address:

1. concerns that the City raised in the public hearing regarding the proposal's potential stormwater drainage impacts to the downstream Gibson Flats area, and
2. emergency ingress and egress into the proposed subdivision by public safety providers.

On January 2, 2019, the applicant requested that the City Commission postpone the decision on the development application slated for the January 15, 2019, meeting. Please refer to the Agenda Report, all attachments and the minutes of the January 15 meeting, which are incorporated into this Agenda Report by this reference. Specifically, the applicant needed more time to work with a third-party consultant, Big Sky Civil & Environmental, Inc., to develop a revised stormwater drainage plan for the project. At its January 15, 2019, meeting, the City Commission took action to: 1) remove Resolution 10268, Ordinance 3180, and the Preliminary Plat request from its tabled status, and 2) set a subsequent public hearing date of March 5, 2019, to reconsider the Resolution, Ordinance, and Preliminary Plat.

**Procedural Considerations for the March 5 Public Hearing:** After consultation with the City Attorney, staff has determined that necessary procedural steps should occur before the substance of the applicant's new information can be evaluated during public hearing. First, during the September 18, 2018, public hearing, City staff explained that the pending motion was not legally sufficient because it

contained “pre-conditions” for the annexation action. This postponed motion is still pending. Since the motion received a second, and was subject to preliminary Commission discussion, it must be addressed by the Commission before the subsequent public hearing is conducted.

In this instance, staff strongly advises the Commission to take a procedural vote to deny the pending motion. This does not in any way affect the Commission’s ability to approve or deny the annexation resolution once the subsequent public hearing is conducted. It is simply a procedural vote to address an inadequately phrased motion and allow a vote on the annexation without the stated pre-conditions.

**Suggestion as to Pending Motion from September 18, 2018:**

City staff recommends that the City Commission vote down the pending motion “to adopt Resolution 10268 to annex the 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162 and the accompanying Findings of Fact, pending the storm water solution that was described to the Commission as a reduction to both flow and rate worked out, and the emergency egress road worked out between the City and the applicant,” as the motion includes general pre-conditions to annexation, which are legally unsound. If the City Commission votes down the pending motion, staff recommends that the City Commission then conduct the subsequent public hearing which was set for today’s date based upon the receipt of new information that has never been submitted as evidence or considered by the City Commission.

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**A. Pending Motion:**

1. Mayor note that staff has indicated that the September 18, 2018 pending motion is legally insufficient and is suggesting the Commission vote down the motion. The pending motion before the Commission reads as follows:

“That the City Commission adopt Resolution 10268 to annex the 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162 and the accompanying Findings of Fact, pending the storm water solution that was described to the Commission as a reduction to both flow and rate worked out, and the emergency egress road worked out between the City and applicant.”

Mayor asks if there are any additional public comments, discussion amongst the Commission, and then calls for the vote on the September 18, 2018 pending motion.

**If the City Commission approves the motion pending from September 18, 2018, then it will proceed to items B.II. and B.III.**

**If the City Commission votes down the pending motion from September 18, 2018, then it will conduct the subsequent Public Hearing:**

1. Mayor conducts public hearing by:
  - a. Announcing the purpose and subject of the public hearing.
  - b. The Mayor shall ask the staff to present an additional staff report, and allow the applicant to make a presentation.

- c. Members of the Commission may direct questions to both the applicant and staff, if present.
- d. The Mayor shall ask for statements from the public who are in favor of the application.
- e. The Mayor shall ask for statements from the public who oppose the application.
- f. The Mayor shall call for discussion amongst the Commission during which time they may ask additional questions of the applicant and staff, if present.
- g. The Mayor shall ask the applicant if he/she wishes to (1) respond to any comment made by an individual during the proceeding; (2) submit additional information; (3) and/or amend the application.

2. Mayor closes public hearing and asks the will of the Commission.

**B. Suggested Motion:**

Commissioner moves:

I. "I move that the City Commission (adopt/deny) Resolution 10268 to annex the 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162 and the accompanying Findings of Fact."

Mayor requests a second to the motion, Commission discussion and calls for the vote.

**If Resolution 10268 is not adopted, Motions II and III are moot and need not be addressed;**

**If Resolution 10268 is adopted, proceed to suggested Motions II and III:**

II. "I move that the City Commission (adopt/deny) Ordinance 3180 establishing Planned Unit Development zoning and the accompanying Findings of Fact."

Mayor requests a second to the motion, Commission discussion and calls for the vote.

and:

III. "I move that the City Commission (approve/deny) the Preliminary Plat for the 40-lot Major Subdivision and the accompanying Findings of Fact."

Mayor requests a second to the motion, Commission discussion, and calls for the vote.

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**Staff Recommendation:** Staff recommends denial of the proposed annexation, Planned Unit Development zoning request, and Preliminary Plat for a Major Subdivision of the subject property, based on the Findings of Fact.

**Synopsis and Staff Evaluation of New Information:**

**Ingress/Egress Issue:** The applicant has not provided any new information to address the City staff's concern about emergency service ingress and egress for the proposed 40-lot subdivision. This lack of new information was despite the clear request expressed by the City Commission at the September 18 public hearing, email reminders from City staff, and verbal discussions with the applicant's representative regarding the shortcomings of the applicant's geotechnical report. Full background and analysis of this issue were provided to the City Commission in the September 18 agenda report. Staff reminds the Commission of the following concerns:

1. Because of the property's limited contiguity with the existing City limits and absence of road connection options in any direction but north, the applicant could not initially meet the Fire Code standard of having two connection points for the proposed subdivision.
2. As a result, the applicant had to propose an emergency-only access drive constructed of millings in an attempt to meet the minimum requirement of the Fire Code.
3. Great Falls Fire Rescue, Public Works, and Planning staff members reviewed the emergency access drive and concluded that the applicant's proposal was not adequate due to the following concerns:
  - a. An asphalt-milling surface will not provide a durable emergency access point, especially considering Great Falls' climate and ground conditions. Further, the applicant indicates that the access road would need to be seeded to prevent non-emergency use. This seeding requires water and maintenance for grass to become established, and such rooting will degrade the integrity of the milled surface;
  - b. An asphalt-milled surface requires significantly more maintenance than an asphalt surface; and
  - c. An asphalt-milled surface will not be as resistant to degradation after precipitation. Rain or snowfall will lower the ability of the roadway to bear the weight of at least a 75,000 pound fire engine.

Specific issues noted above could have at least been mitigated by the applicant's committing to paving the emergency service access drive. This did not occur, and staff's public safety concerns outlined in the September 18 agenda report and findings for denial of the project remain.

### **Revised Stormwater Drainage Plan:**

#### ***City Staff Summary of Applicant's Additional Submission***

Revised stormwater drainage reports were submitted to the City for review on February 4. Staff then met with the applicant and Kevin May, from Big Sky Civil & Environmental, Inc., on February 13 to discuss concerns. After the meeting, City staff received a follow up narrative report dated February 15, 2019. All submitted information is attached to the agenda report and will be briefly be summarized in this section.

The revised proposal changes the original design which the applicant proposed in 2018, in the following ways:

1. Increased water storage capacity for the detention/retention pond proposed to accommodate development within the 80+ acres of analyzed area (the Phase I subdivision area is 21.10 acres);
2. Reduced discharge rate of runoff water flow leaving the detention/retention pond;
3. Greater water quality treatment and downstream volume reduction;
4. Some interception of groundwater; and



5. A retention pond lining system to reduce infiltration and groundwater.

A table provided in the applicant’s February 15 submittal illustrates major design changes:

<b>Design Alternative</b>	<b>New Design</b>	<b>Previous Design</b>
Discharge Rate	24.02 cubic feet per second	28.83 cfs
Retention Storage (treatment)	100,000 cubic feet	N/A
Discharge Volume Design	Included	N/A
Groundwater Interception	Included	N/A
Percolation Minimization	Included	N/A

The goal of the more substantial stormwater drainage design was to increase stormwater treatment and detention levels while attempting to reduce downstream impacts to the Gibson Flats area to below pre-development conditions. The consultant’s report additionally states that “Following the installation of the proposed stormwater management system at WRE [Wheat Ridge Estates], the downstream property [Gibson Flats] will ultimately experience less overall storm water, at a slower rate, than currently exists today.”

***City Staff Response to Applicant’s Additional Submission***

The late submittal of revised information gave City staff inadequate time to carefully review and discuss the details of the submittals with the applicant’s consultants. With that said, City staff remains extremely concerned about the project’s downstream drainage impacts to the Gibson Flats area. As noted in the September 18 agenda report, the City is currently defending claims of over \$2,000,000 in damages by L. Johnson Corporation. These claims are based upon alleged damage to the Corporation’s property resulting from drainage issues from prior developments in the Berkner Heights, Whispering Ridge, Charles Russell, Christensen, East Ridge, and East Great Falls Retail Center Additions. The L. Johnson farm ground is directly south and west of the applicant’s proposed development.

More specifically, the City’s remaining concerns related to stormwater impacts, even with the revised proposal, are:

1. The creation of point discharge flow. Even with a proposal that reduces runoff rates and volumes, downstream flow leaving a man-made pond with a new pipe outlet is still more concentrated flow than the pre-existing natural flow path; and
2. Groundwater impacts. Alleged impacts due to groundwater flows are a key claim in the current Gibson Flats litigation. Infiltration of water on the property and downstream conveyance via groundwater remain a concern given the ongoing litigation. In discussions with the applicant, City staff noted that irrigation will take place on individual lots, amplifying groundwater flows if a 40-lot subdivision is constructed. Additionally:
  - a. Staff made recommendations such as using a synthetic liner for the proposed detention/retention pond as well as the installation of a groundwater capturing system. In response, the applicant proposes clay rather than synthetic liner (but they did not provide testing data of the proposed clay soil or any design details for review). Staff’s concerns associated with this approach revolve around the developer’s unwillingness to use a synthetic liner, as staff has experienced better reliability with synthetic liners as compared to clay; and

- b. The applicant is proposing a groundwater dewatering system as well as Homeowner's Association-enforced covenants that would limit irrigation of private landscaped areas. Staff's concerns associated with this approach revolve around the perpetual enforcement challenges in relying on Homeowner's Association enforcement of irrigation limits.
3. There are serious concerns regarding missing or inadequate details in the storm drainage reports thus far submitted, including:
  - a. In sensitive areas, it is common practice to limit peak flow discharge to a 2-year pre-development storm event. To limit the volume of runoff, both 2-hour and 24-hour duration and back-to-back storm events shall be considered. This information was not provided by the applicant.
  - b. No calculations were included to validate some functions of the detention/retention facilities. Missing from the reports was discussion of expected evaporation, which will impact required pond volume and surface area. Also, as noted above, no evaluation or specific detail of the proposed clay pond liner has been provided;
  - c. Beneficial use of the storm runoff was added into the recent reports. However, there are no details on the sizing of these facilities. Beneficial reuse is in direct conflict with the applicant's concerns regarding downstream water rights, which the applicant highlighted at the September 18, 2018, City Commission hearing; and
  - d. Additional explanation is required on how the downstream natural drainage channels will be protected from erosion.

Once again, staff notes for the Commission that if the annexation application is approved, the City anticipates that the L. Johnson Plaintiff will claim that there are increased damages in its case, potentially resulting from this development. L. Johnson recently disclosed an expert opinion in the litigation which stated that "any additional recharge to the shallow groundwater will cause the water table to rise higher than it would normally and stay higher for longer periods."

**Conclusion:** The Commission's decision on annexation decision is completely discretionary. Out of the original key areas of City staff concern expressed in the September 18 agenda report, the first two of three below remain unchanged:

1. The owner has zoned property that can be developed in the County jurisdiction, so the property rights argument made by the applicant should not be a consideration in the decision. The September 18 agenda report and attached findings outline the City's arguments about the proposal's incompatibility with the current and future mission of Malmstrom Air Force Base;
2. The applicant has not attempted to address the Commission's request to work with staff on the emergency service access proposal. This was a request to better address public safety; and
3. The applicant's proposal for stormwater is improved over the initial submission. The applicant has also incorporated some of City staff's ideas to address groundwater impacts. In the end, however, the proposal contains numerous unresolved items and City staff remains concerned about the drainage impacts of the proposed annexation and subdivision. Due to the existing litigation, there is the potential that a positive decision on the project could cause the litigated damages to be expanded, as a result of alleged negative impacts associated with infiltration and groundwater conveyance.

Because of these continued concerns, the negative findings as outlined in the September 18 agenda report remain valid and should be considered by the Commission as it makes the final decision.

**Alternatives:** If there are justifiable reasons to do so, the City Commission could take the same action as the Planning Board/Zoning Commission and approve the requested annexation, PUD zoning, and Preliminary Plat for the 40-lot subdivision. The Planning Board/Zoning Commission findings are included as attachments, and the City Commission could utilize those findings or develop new findings if it wishes to approve the project as an alternative to the staff recommendation.

If the Commission approves the project, the Commission must also consider potential conditions of approval. One essential condition is the need for the Commission to approve an acceptable Annexation Improvement Agreement, an essential requirement to every City annexation.

**Attachments/Exhibits:**

- 1) Resolution 10268
- 2) Resolution 10268 - Attachment A - COS#5162
- 3) Ordinance 3180
- 4) Ordinance 3180 - Attachment A
- 5) Ordinance 3180 - Attachment B
- 6) Ordinance 3180 - Attachment C
- 7) Letter from Roadhouse Diner
- 8) February 4 Drainage Plan Submission
- 9) February 15 Storm Drainage Narrative
- 10) Miscellaneous Wheat Ridge Correspondence

**RESOLUTION 10268**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF THE CITY OF GREAT FALLS TO INCLUDE PARCEL 1 OF CERTIFICATE OF SURVEY #5162, A 21.10 ACRE TRACT LOCATED IN THE W 1/2 SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PMM, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED.**

\* \* \* \* \*

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

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

Parcel 1 of Certificate of Survey #5162; a 21.10 acre tract located in the W 1/2 Section 15, Township 20 North, Range 4 East, PMM, Cascade County, Montana;

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

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

**WHEREAS**, the owner of the hereinabove described property has submitted a petition to have the subject property annexed to the City of Great Falls; and

**WHEREAS**, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said property 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 laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46, Annexation by Petition, and all conditions, acts, and actions required to be performed 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 CITY 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: "Parcel 1 of Certificate of Survey #5162; a 21.10 acre tract located in the W 1/2 Section 15, Township 20 North, Range 4 East, PMM, Cascade County, Montana," as shown on attached Attachment "A."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of March, 2019.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

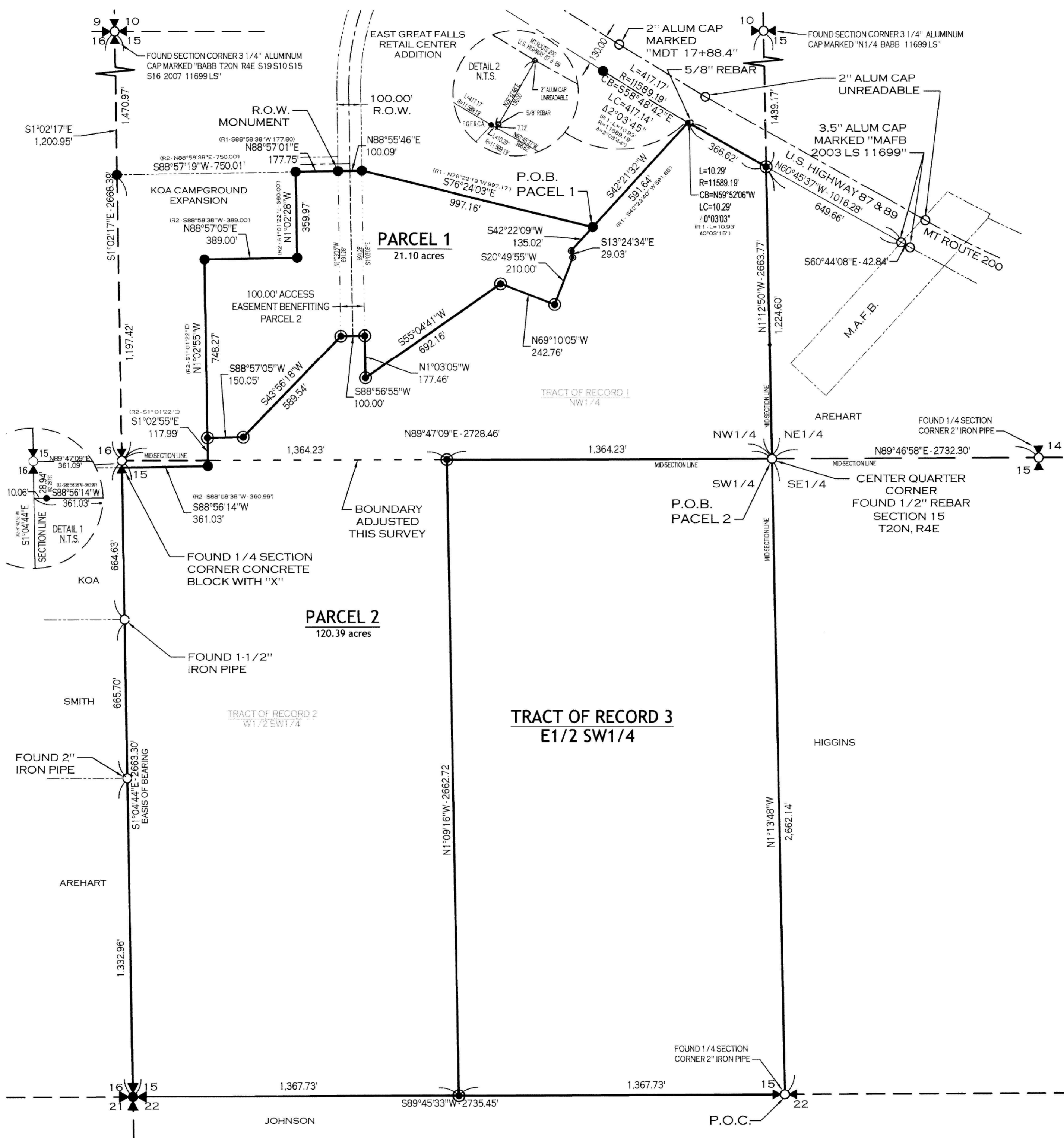
APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

# CERTIFICATE OF SURVEY #5162

LOCATED IN THE W 1/2 SECTION 15, T.20N., R.4E., P.M., MT  
CASCADE COUNTY, MONTANA



**LEGEND**

POINT OF COMMENCEMENT	P.O.C.
POINT OF BEGINNING	P.O.B.
SECTION LINE	---
CURRENT SURVEY LINE	---
ADJACENT PROPERTY LINE	---
ROADWAY CENTERLINE	---
ACCESS EASEMENT	---

- FOUND MONUMENT AS NOTED
- SET A 5/8" REBAR W/ 2" ALUMINUM CAP - "WOITH ENGINEERING FLS 19235"
  - FOUND RED PLASTIC CAP BABB 11699 LS
  - FOUND QUARTER CORNER
  - FOUND SECTION CORNER
  - SET A 5/8" REBAR W/ 2" ALUMINUM CAP - "WOITH ENGINEERING T20N R4E S15 S16 S21 S22 FLS 19235"
  - RECORD PL 2007-0000024 (R1)
  - RECORD CS 0004636 (R2)

**SURVEY NOTES**

THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE COMMON BOUNDARY BETWEEN TWO TRACTS OF RECORD.

THE BASIS OF BEARINGS FOR THIS SURVEY IS REFERENCED TO A DIRECT GPS MEASUREMENT FROM GEODETIC NORTH (USING WGS 84), RESULTING IN A BEARING OF S1°04'44" E BETWEEN THE MONUMENTED QUARTER SECTION CORNER COMMON SECTIONS 15 AND 16, TOWNSHIP 20 NORTH, RANGE 4 EAST AND THE MONUMENTED SECTION CORNER COMMON TO SECTIONS 15, 16, 21, 22, TOWNSHIP 20 NORTH, RANGE 4 EAST, AS SHOWN HEREON.

NO UNDERGROUND UTILITIES OR SUBSURFACE IMPROVEMENTS WERE MAPPED AS PART OF THIS SURVEY.

MULTIPLE FENCE LINES, UTILITIES, AND ROADWAYS EXIST, TAKE NOTE THAT THEY DO EXIST AND ARE NOT SHOWN HEREON.

EASEMENTS OF SIGHT AND RECORD NOT SHOWN HEREON MAY EXIST.

**CERTIFICATE OF OWNER**

THAT WE THE UNDERSIGNED OWNERS DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED THE FOREGOING TRACTS OF LAND AS SHOWN AND MORE PARTICULARLY DESCRIBED HEREON.

THAT SAID SURVEY HAS BEEN PERFORMED WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS OF SAID LANDS:

THAT WE, KYSO CORPORATION, CURRENTLY OWN TWO TRACTS OF RECORD, RECORDED AS FOLLOWS:

**TRACT OF RECORD 1**

PART OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE FOUR (4) EAST, OF THE PRINCIPAL MERIDIAN OF MONTANA;

CONVEYED BY THAT DEED RECORDED ON PAGE 1160 OF BOOK 328 OF DEEDS, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, CASCADE COUNTY, MONTANA.

AND

**TRACT OF RECORD 2**

PART OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER (W 1/2 NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE FOUR (4) EAST, OF THE PRINCIPAL MERIDIAN OF MONTANA;

CONVEYED BY THAT DEED RECORDED ON PAGE 1160 OF BOOK 328 OF DEEDS, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, CASCADE COUNTY, MONTANA.

THAT WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE DESIRE THE COMMON LINE BETWEEN THE AFOREMENTIONED TRACTS OF RECORD TO BE RELOCATED IN ACCORDANCE WITH THIS MAP CREATING PARCEL 1 AND PARCEL 2 AS DEPICTED AND SECONDARILY DESCRIBED HEREON.

THAT PARCEL 1 AND PARCEL 2 ARE SUBJECT TO ANY OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, AND CONDITIONS OF SIGHT AND/OR RECORD INCLUDING, BUT NOT LIMITED TO THOSE SHOWN HEREON.

**DESCRIPTION OF PARCEL 1**

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN OF MONTANA (P.M.M.T), CASCADE COUNTY, MONTANA, AS SHOWN HEREON.

SAID PARCEL 1 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 15 AND 22 OF TOWNSHIP 20 NORTH, RANGE 4 EAST;

THENCE, N 1°13'48" W, 2662.14 FEET, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15 TO A POINT, BEING THE CENTER ONE-QUARTER OF SAID SECTION;

THENCE, N 1°12'50" W, 1224.60 FEET, ALONG SAID MID-SECTION LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THAT STATE HIGHWAY COMMONLY KNOWN AS STATE HIGHWAY 200;

THENCE, N 60°45'37" W, 366.62 FEET, ALONG SAID RIGHT-OF-WAY TO A POINT;

THENCE, ALONG SAID RIGHT-OF-WAY FOLLOWING A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.29 FEET, A RADIUS OF 11598.19 FEET, A CHORD BEARING OF N 59°52'06" W, A LONG CHORD OF 10.29', AND A Δ OF 0° 03'03"; FOR A DISTANCE OF 10.29 FEET, TO A POINT OF INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, S 42°21'32" W, 591.64 FEET, ALONG SAID BOUNDARY TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, S 42°22'09" W, 135.02 FEET, TO A POINT;

THENCE, S 13°24'34" E, 29.03 FEET, TO A POINT;

THENCE, S 20°49'55" W, 210.00 FEET, TO A POINT;

THENCE, N 69°10'05" W, 242.76 FEET, TO A POINT;

THENCE, S 55°04'41" W, 692.16 FEET, TO A POINT;

THENCE, N 1°03'05" W, 177.46 FEET, TO A POINT;

THENCE, S 88°56'55" W, 100.00 FEET, TO A POINT;

THENCE, S 43°56'18" W, 589.54 FEET, TO A POINT;

THENCE, S 88°57'05" W, 150.05 FEET, TO A POINT OF INTERSECTION WITH THE BOUNDARY OF THE KOA CAMPGROUND EXPANSION;

THENCE, N 1°02'55" W, 748.27 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 88°57'05" E, 389.00 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 1°02'28" W, 359.97 FEET, ALONG SAID BOUNDARY TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, N 88°57'01" E, 177.75 FEET, ALONG SAID BOUNDARY TO THE SOUTHWESTERLY CORNER OF THAT ROAD COMMONLY KNOWN AS 57<sup>TH</sup> STREET SOUTH;

THENCE, N 88°55'46" E, 100.09 FEET, TO THE SOUTHEASTERLY CORNER OF THAT ROAD COMMONLY KNOWN AS 57<sup>TH</sup> STREET SOUTH;

THENCE, S 76°24'03" E, 997.16 FEET, ALONG SAID BOUNDARY TO THE POINT OF BEGINNING;

SAID PARCEL 1 ENCOMPASSES 21.10 ACRES.

**DESCRIPTION OF PARCEL 2**

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) AND A PORTION OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER (W 1/2 SW 1/4) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN OF MONTANA (P.M.M.T), CASCADE COUNTY, MONTANA, AS SHOWN HEREON.

SAID PARCEL 2 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 15 AND 22 OF TOWNSHIP 20 NORTH, RANGE 4 EAST;

THENCE, N 1°13'48" W, 2662.14 FEET, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15 TO A POINT, BEING THE CENTER ONE-QUARTER OF SAID SECTION, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, N 1°12'50" W, 1224.60 FEET, ALONG SAID MID-SECTION LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THAT STATE HIGHWAY COMMONLY KNOWN AS STATE HIGHWAY 200;

THENCE, N 60°45'37" W, 366.62 FEET, ALONG SAID RIGHT-OF-WAY TO A POINT;

THENCE, ALONG SAID RIGHT-OF-WAY FOLLOWING A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.29 FEET, A RADIUS OF 11598.19 FEET, A CHORD BEARING OF N 59°52'06" W, A LONG CHORD OF 10.29', AND A Δ OF 0° 03'03"; FOR A DISTANCE OF 10.29 FEET, TO A POINT OF INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, S 42°21'32" W, 591.64 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, S 42°22'09" W, 135.02 FEET, TO A POINT;

THENCE, S 13°24'34" E, 29.03 FEET, TO A POINT;

THENCE, S 20°49'55" W, 210.00 FEET, TO A POINT;

THENCE, N 69°10'05" W, 242.76 FEET, TO A POINT;

THENCE, S 55°04'41" W, 692.16 FEET, TO A POINT;

THENCE, N 1°03'05" W, 177.46 FEET, TO A POINT;

THENCE, S 88°56'55" W, 100.00 FEET, TO A POINT;

THENCE, S 43°56'18" W, 589.54 FEET, TO A POINT;

THENCE, S 88°57'05" W, 150.05 FEET, TO A POINT OF INTERSECTION WITH THE BOUNDARY OF THE KOA CAMPGROUND EXPANSION;

THENCE, S 1°02'55" E, 117.99 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 88°56'14" W, 361.03 FEET, ALONG SAID BOUNDARY TO A POINT OF INTERSECTION WITH THE SECTION LINE COMMON TO SECTIONS 15 AND 16;

THENCE, S 01°04'44" E, 2663.30 FEET, ALONG SAID SECTION LINE TO A POINT, BEING THE SECTION CORNER COMMON TO SECTIONS 15, 16, 21 AND 22;

THENCE, S 89°45'33" W, 1367.73 FEET, ALONG THE SECTION LINE COMMON TO SECTIONS 15 AND 22 TO A POINT, BEING THE WEST ONE-SIXTEENTH CORNER COMMON TO SECTIONS 15 AND 22;

THENCE, N 01°09'16" W, 2662.72 FEET, TO A POINT, BEING THE SOUTHWEST ONE-SIXTEENTH CORNER OF SECTION 15;

THENCE, N 89°47'09" E, 1364.23 FEET, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING;

SAID PARCEL 2 ENCOMPASSES 120.39 ACRES.

WE HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH MCA 76-3-207(1)(A): "DIVISIONS MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF RELOCATING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES."

WE FURTHER CERTIFY THAT THIS SURVEY IS EXCLUDED FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THAT PARCEL 1 AND PARCEL 2 EACH CONTAIN MORE THAN 20 ACRES AND THUS DO NOT MEET THE DEFINITION OF A SUBDIVISION PURSUANT TO MCA 76-4-102(17): "SUBDIVISION" MEANS A DIVISION OF LAND OR LAND SO DIVIDED THAT CREATES ONE OR MORE PARCELS CONTAINING LESS THAN 20 ACRES, EXCLUSIVE OF PUBLIC ROADWAYS, IN ORDER THAT THE TITLE TO OR POSSESSION OF THE PARCELS MAY BE SOLD, RENTED, LEASED, OR OTHERWISE CONVEYED AND INCLUDES ANY RESUBDIVISION AND ANY CONDOMINIUM OR AREA, REGARDLESS OF SIZE, THAT PROVIDES PERMANENT MULTIPLE SPACE FOR RECREATIONAL CAMPING VEHICLES OR MOBILE HOMES."

DATED THE 29<sup>th</sup> DAY OF JUNE, 2018

**KYSO CORPORATION**

[Signature]

DANA HEUSTIS, AUTHORIZED OFFICER

STATE OF MONTANA)

:SS

COUNTY OF CASCADE )

ON THIS 29<sup>th</sup> DAY OF JUNE, 2018, BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF MONTANA, PERSONAL APPEARED DANA HEUSTIS, AN AUTHORIZED OFFICER OF KYSO CORPORATION, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING CERTIFICATE OF SURVEY AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

SEAL

**CERTIFICATE OF SURVEYOR**

I, MARK THEODOR LARSON, PROFESSIONAL LAND SURVEYOR, MONTANA LICENCE NO. 19235LS, DO HEREBY CERTIFY THAT IN MARCH, 2018 I SURVEYED THE TRACTS OF LAND LOCATED IN THE W 1/2 OF SECTION 15, T20N, R4E, P.M.M.T, CASCADE COUNTY, MONTANA AS SHOWN AND DESCRIBED IN THIS CERTIFICATE OF SURVEY AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, PART 4, MCA.

[Signature]

NOTARY PUBLIC, STATE OF MONTANA

**CERTIFICATE OF COUNTY TREASURER**

I, JAMIE BAILEY, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS COVERING THE AREAS INCLUDED IN THE ACCOMPANYING CERTIFICATE OF SURVEY AND FIND THAT THE TAXES ON THE SAME HAVE BEEN PAID FOR THE LAST FIVE YEARS. DATED THIS 2<sup>nd</sup> DAY OF JULY, 2018.

[Signature]

JAMIE BAILEY, CASCADE COUNTY TREASURER

[Signature]

Deputy

**EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT**

TREASURER'S STAMP YES \_\_\_ NO \_\_\_

DATE \_\_\_\_\_

BY \_\_\_\_\_

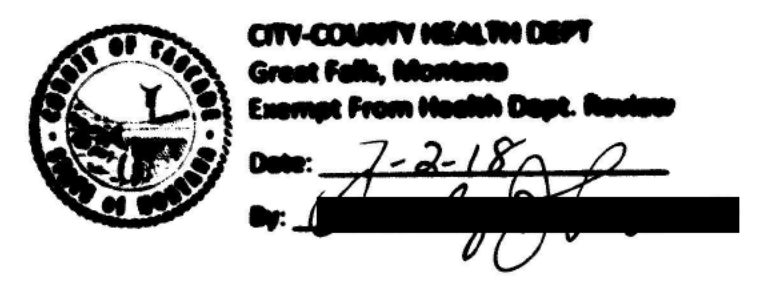
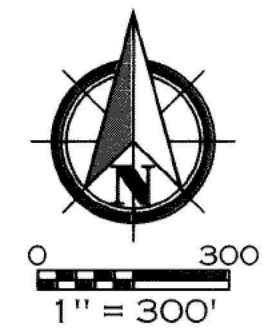
CASCADE COUNTY PLANNING DIVISION

1/4	SEC	TSP	
15	T20N	R4E	

**WOITH ENGINEERING, INC.**  
ENGINEERS & SURVEYORS  
P.O. BOX 7326, GREAT FALLS, MONTANA 59406

JOHN: 1404  
F.BNO: GPS  
FILE: 1404-WRE-CCS  
DRAWN: D.W.G.C.  
DATE: 05-07-18

**1**



**CITY-COUNTY HEALTH DEPT**  
Great Falls, Montana  
Exempt From Health Dept. Review  
Date: 7-2-18  
By: \_\_\_\_\_

**EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT**  
TREASURER'S STAMP YES X NO \_\_\_  
DATE June 29 2018  
BY \_\_\_\_\_  
CASCADE COUNTY PLANNING DIVISION

**S-0005162 CS**  
Total Pages: 1 R 28.00 By: leamch 07/02/2018 10:37:38 AM  
Cascade County, 5162 Pl. Notes - Clerk & Recorder

ORDINANCE 3180

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO THE PROPERTY LEGALLY DESCRIBED AS: PARCEL 1 OF CERTIFICATE OF SURVEY #5162; A 21.10 ACRE TRACT LOCATED IN THE W1/2 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. MT, CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, KYSO CORPORATION is the owner of record and has petitioned the City of Great Falls to annex and subdivide the subject property, consisting of ±21.10 acres, as legally described above; and,

WHEREAS, KYSO CORPORATION has petitioned said property to be assigned a City zoning classification of PUD Planned Unit Development district, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 5th day of March, 2019, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said zoning designation be made; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.29.050; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 24, 2018, to consider said zoning and at the conclusion of said hearing passed a motion recommending the City Commission zone the property legally described as Parcel 1 of Certificate of Survey #5162; A 21.10 Acre Tract located in the W1/2 of Section 15, Township 20 North, Range 4 East P.M. MT, Cascade County, Montana to PUD Planned Unit Development district.

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

Section 1. It is determined that the herein requested zoning assignment will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.29.50 of the Land Development Code of the City of Great Falls.



Section 2. That the property legally described as: Parcel 1 of Certificate of Survey #5162; A 21.10 Acre Tract located in the W1/2 of Section 15, Township 20 North, Range 4 East P.M. MT, Cascade County, Montana be designated as PUD Planned Unit Development district, subject to the development standards attached hereto as Attachment A and the Allowable Land Uses attached hereto as Attachment B, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Except for the development standards in Attachment A and Allowable Land Uses in Attachment B, where the OOCGF regulations apply to a specific zoning district, M-1 Mixed-use district regulations shall apply to the lots designated as “Mixed Use M-1” in the Phase I area of Attachment C and R-2 Single-family medium density district regulations shall apply to the lots designated as “Single Family Residential PUD” in the same attachment.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 7, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading March 5, 2019.

---

Bob Kelly, Mayor

ATTEST:

---

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

Sara Sexe, City Attorney

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

I, Darcy Dea, Deputy 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 3180 on the Great Falls Civic Center posting board and the Great Falls City website.

---

Darcy Dea, Deputy City Clerk

(CITY SEAL)

# Ordinance 3180 - Attachment A

## Wheat Ridge Estates



### PUD ZONING STANDARDS

Standard	SINGLE FAMILY PUD	M-1
Residential density	-	500 sf of lot area per dwelling unit
Minimum lot size for newly created lots	11,500	7,500
Minimum lot width for newly created lots	60	50
Lot proportions for newly created lots (maximum depth to width)	2.5:1 or <	N/A
Maximum building height of principal building	35 feet	35 Feet
Maximum building height of detached garage	24 feet but not higher than principal building	N/A
Maximum building height of other accessory structures and buildings	12 feet	24 feet but not higher than principal building
Minimum front yard setback	30 feet	NONE
Minimum rear yard set back	10 feet	10 feet
Accessory structures and buildings rear yard set back	2 feet	10 feet
Minimum side yard set back	10 feet	NONE
Maximum lot coverage of principal and accessory buildings	50%	CORNER LOT 70%, OTHER 65%

# Ordinance 3180 - Attachment B

## *Wheat Ridge Estates*



PRINCIPAL USES	
Use	PUD
<b>Agricultural Uses</b>	
Agriculture, horticulture, nursery	P

Residential Uses	
Mobile home/park	-
Residence, single-family detached	P
Residence, zero lot line	-
Residence, two-family	-
Residence, multi-family	-
Residence, townhouse	-
Residence, manufactured/factory-built	P
Retirement home	-

Special Care Facilities	
Community residential facility, type I	P
Community residential facility, type II	C
Day care center	C
Emergency shelter	-
Family day care home	P
Group day care home	P
Nursing home	-

Overnight Accommodations	
Campground	-
Hotel/motel	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Food and Beverage Sales	
Micro-brewery	-
Restaurant	-
Tavern	-

General Sales	
Agriculture sales	-
Auction sales	-
Construction materials sales	-
Convenience sales	C
General sales	-
Manufactured housing sales	-
Off-site liquor sales	-
Secondhand sales	-
Shopping center	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

General Services	
Administrative services	-
Commercial kennel	-
Financial services	-
Funeral home	-
General services	-
Professional services	-
Sexually-oriented business	-
Veterinary clinic, large animal	-
Veterinary clinic, small animal	-

Rental and General Repair	
Large equipment rental	-
Small equipment rental	-
General repair	-

Vehicle Trade and Service	
Vehicle fuel sales	-
Vehicle repair	-
Vehicle sales and rental	-
Vehicle services	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

General Storage	
Agricultural commodity storage facility	-
Climate controlled indoor storage	-
Fuel tank farm	-
Mini-storage facility	-
Freight terminal	-
Warehouse	-

Indoor Recreation/Sports/Entertainment	
Casino, type I	-
Casino, type II	-
Indoor entertainment	-
Indoor sports and recreation	-

Outdoor Recreation/Sports/Entertainment	
Golf course/driving range	C
Miniature golf	-
Outdoor entertainment	-
Park	P
Recreational trail	P

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Community Services/Uses	
Administrative governmental center	-
Animal shelter	-
Cemetery	C
Civic use facility	C
Community center	C
Community cultural facility	C
Community garden	P
Public safety facility	C
Worship facility	C

Health Care	
Health care clinic	-
Health care facility	-
Health care sales and services	-



# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Education	
Commercial education facility	-
Educational facility (K—12)	C
Educational facility (higher education)	-
Instructional facility	-

Solid Waste, Recycling and Composting	
Composting facility	-
Recycling center	-
Solid waste transfer station	-

Telecommunications	
Amateur radio station	P
Telecommunication facility	
Concealed facility	C
Unconcealed facility	-
Co-located facility	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Utilities	
Utility installation	C

Transportation	
Airport	-
Bus transit terminal	-
Heli-pad	-
Parking lot, principal use	-
Parking structure	-
Railroad yard	-
Taxi cab dispatch terminal	-

Contractor Yards	
Contractor yard, type I	C
Contractor yard, type II	-

Industrial/Manufacturing	
Artisan shop	-
Industrial, heavy	-
Industrial, light	-
Industrial park	-
Junkyard	-
Light manufacturing and assembly	-
Motor vehicle graveyard	-
Motor vehicle wrecking facility	-

# Wheat Ridge Estates



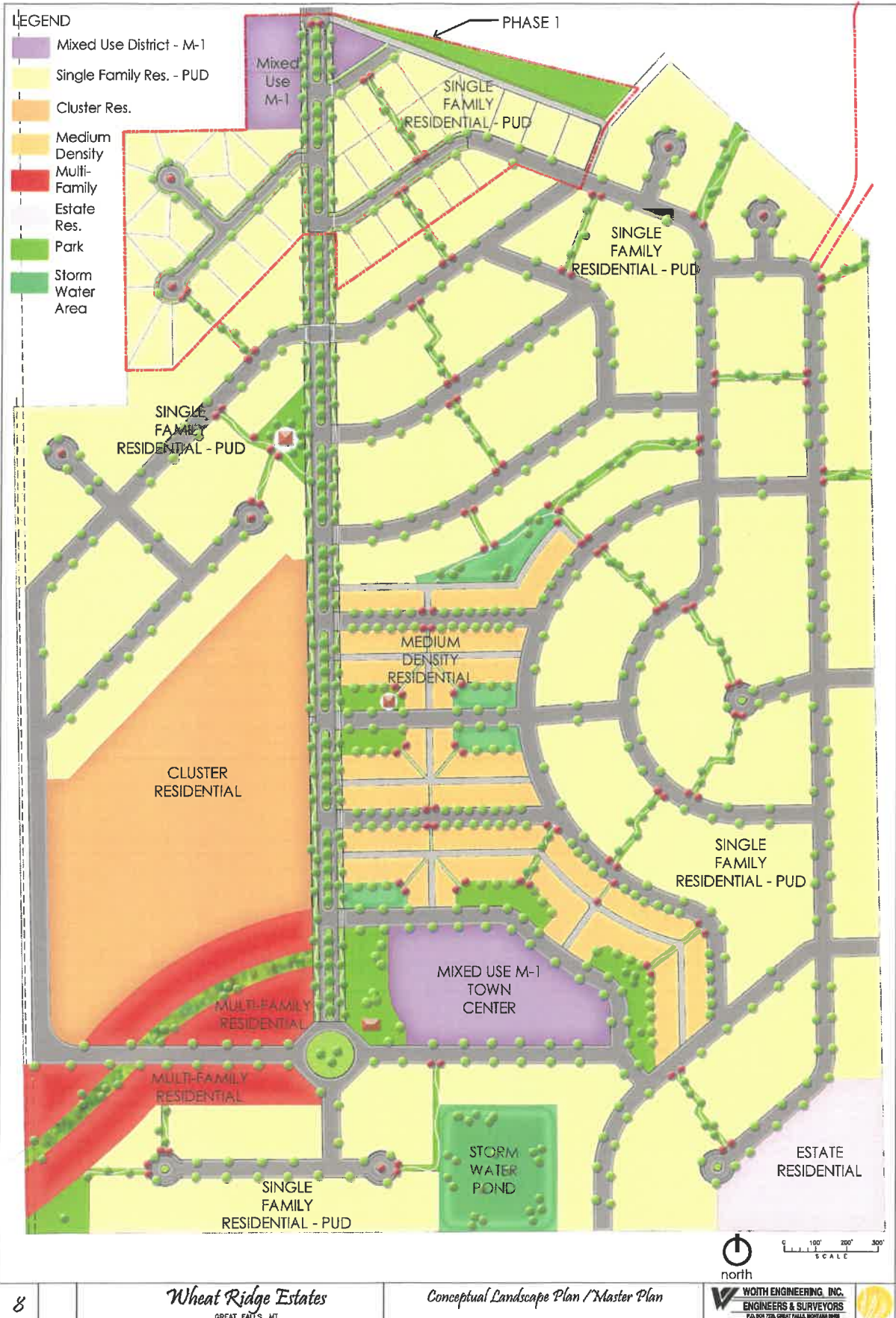
ACCESSORY USES	
Use	PUD
Accessory living space	P
Agriculture, livestock	P
ATM, exterior	-
Bed and breakfast	C
Fences	P
Gaming, accessory	-
Garage, private	P
Home occupation	P
Private stable/barn	P
Residence, accessory	-
Roadside farmer's market	P
Storage containers	-
Wind-powered electricity systems	P

# Wheat Ridge Estates



TEMPORARY USES	
Use	PUD
Garage sales	P
Itinerant outdoor sales	-
On-site construction office	P
On-site real estate sales office	P
Outdoor entertainment, temporary	-
Sidewalk café	-
Sidewalk food vendor	-

# Ordinance 3180 - Attachment C



## Thomas Micuda

---

**From:** Kevin May <kmay@bigskyce.com>  
**Sent:** Monday, February 04, 2019 3:36 PM  
**To:** Thomas Micuda; Craig Raymond  
**Cc:** Spencer Woith  
**Subject:** Wheat Ridge Estates - Storm Drainage Design  
**Attachments:** 18EY-DRAINAGE EXHIBIT.pdf; 18EY-DRAINAGE EXHIBIT-2.pdf; 18EY - Runoff Calcs.pdf; 18EY - Detention Sizing - Phase 1.pdf; 18EY - Water Quality Calcs - Phase 1.pdf

Gentlemen,

On behalf of C&W Development, attached please find preliminary runoff calculations for the subject project Phase 1. At this time the development group would like to request a meeting with City Planning, Engineering, and Environmental staff to discuss the proposed storm drainage system design. Ideally, we would like this meeting to take place as soon as practical. The development group is generally available Wednesday-Friday of this week or any time next week. Please let us know if there is a time that we can get this meeting scheduled. Thank you!

Additional information related to the attached calculations: I am currently showing a pond with 100,000 cubic feet of retention storage and 112,400 cubic feet of detention storage above it. The 100,000 cf retention storage is the difference between the 100-yr undeveloped and 100-yr developed storms to ensure the system does not discharge additional volume downstream. I also limited the pond's discharge to the 5-yr undeveloped rate while sizing the detention storage versus the 100-yr storm. A 5-year developed storm will only discharge about 25% of the undeveloped volume so downstream properties will benefit from the development by experiencing reduced runoff volumes. All calculations were completed for 2-hr storms using the Rational Method.

--

*Kevin May, P.E.  
Big Sky Civil & Environmental, Inc.  
P.O. Box 3625  
Great Falls, MT 59403  
(406) 727-2185 ph  
(406) 727-3656 fax  
(406) 390-4514 cell  
<http://www.bigskyce.com/>*

**bsc&e**  
**BIG SKY CIVIL & ENVIRONMENTAL, INC**  
 ENGINEERS • PLANNERS • DESIGNERS • LAND SURVEYORS • ENVIRONMENTAL SPECIALISTS  
 1324 13th Ave. SW  
 P.O. BOX 3625  
 GREAT FALLS, MT 59403  
 (406)727-2185 OFFICE  
 (406)727-3656 FAX  
 WWW.BIGSKYCE.COM

PROFESSIONAL SEAL

BY: KJM  
 DATE: 3/7/19

OWNER:

C & W DEVELOPMENT & KYSO CORPORATION

PROJECT NAME:

WHEAT RIDGE ESTATES

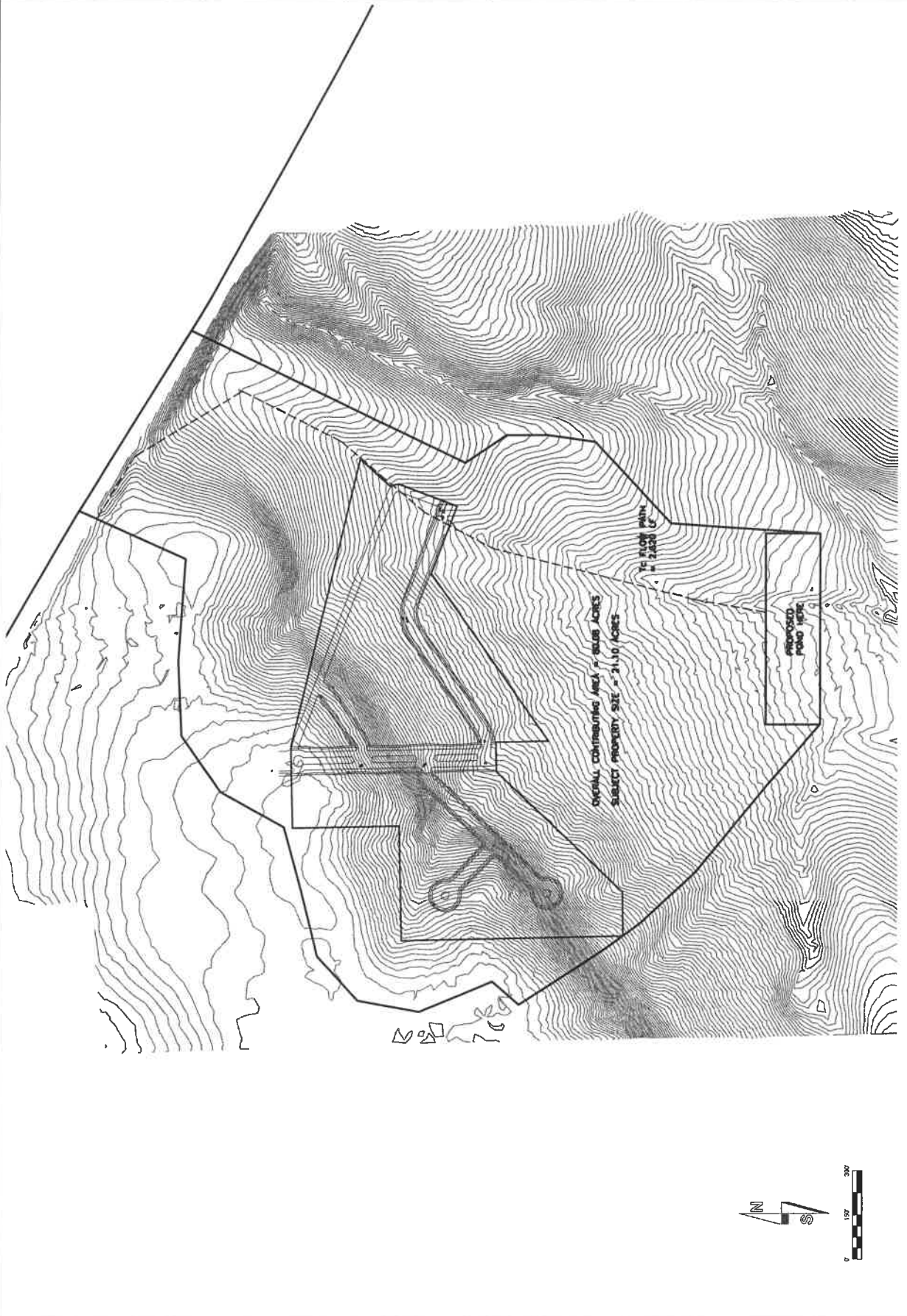
SHEET TITLE:

STORM DRAINAGE EXHIBIT

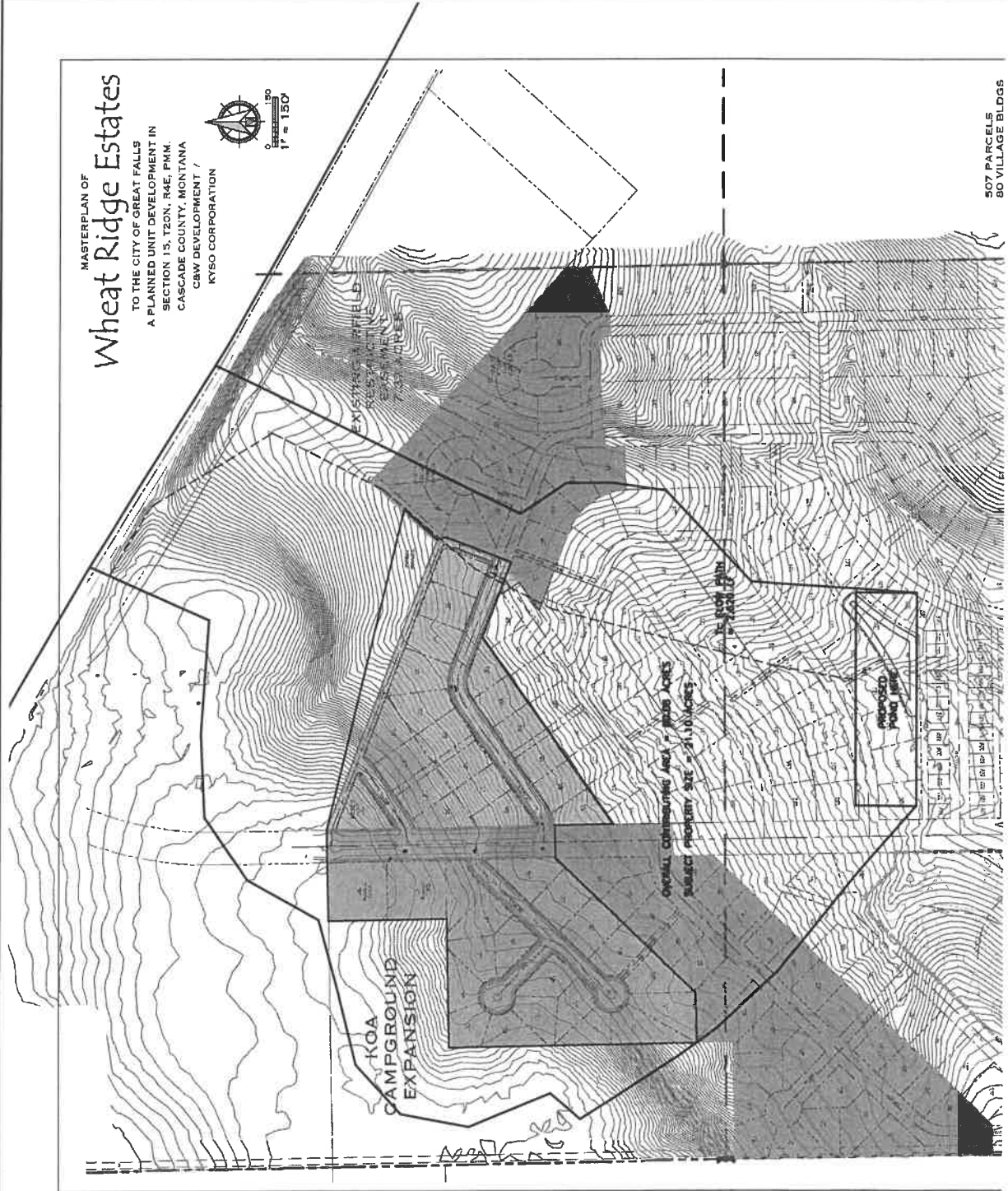
DRAWING INFORMATION:  
 OFFICE PROJECT NUMBER: 1857  
 DRAWING FILE NAME: 1857-DRAINAGE EXHIBIT  
 ASSOCIATED PROJECTS: XXXX

FIGURE:

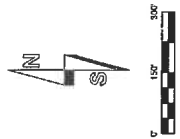
DRAINAGE LAYOUT



**MASTERPLAN OF  
 Wheat Ridge Estates**  
 TO THE CITY OF GREAT FALLS  
 A PLANNED UNIT DEVELOPMENT IN  
 SECTION 1'S, T20N, R4E, P1M4,  
 CASCADE COUNTY, MONTANA  
 C&W DEVELOPMENT, L.P.  
 KYSO CORPORATION



507 PARCELS  
 80 VILLAGE BLDGS





# 18E4 - Wheat Ridge Storm Drain Analysis ~ 1/7/19

pg 1

- Determine  $T_c$  for longest flow path

- Calculate Pre-dev Intensity, Runoff Rate &  $\psi$
- $T_c$  sheet flow limited to 150' for developed & 300' undeveloped.

$T_c$  Undev = 48.43 min } Refer to MDT  $T_c$  Coles. Note: Sheet flow limited  
 $T_c$  Dev = 44.55 min } to 150' for dev. condition.

← Avg rate for  $\psi$  calcs

## Volumes

$$\text{Runoff } \psi = C_p C_i A$$

Pre-Dev

$$5_{yr} \psi = (1.0)(0.3) \left( \frac{0.97}{2} \right) (80.08 \text{ ac}) (7200 \text{ sec})$$
$$= 83,892 \text{ cf}$$

$$100_{yr} \psi = \left( i = \frac{1.931}{2} \right) (C_p = 1.25)$$
$$= 208,757 \text{ cf}$$

Post Dev

$$5_{yr} \psi = (1.0)(0.44) \left( \frac{0.97}{2} \right) (80.08) (7200 \text{ sec})$$
$$= 123,041 \text{ cf}$$

$$100_{yr} \psi = (1.25)(0.44) \left( \frac{1.931}{2} \right) (80.08) (7200)$$
$$= 306,176 \text{ cf}$$

## Flow Rates

$$5_{yr} \text{ Undev Peak Flow Rate} = C_p C_i A$$

$$= (1.0)(0.3) (1.0 \text{ in/hr}) (80.08 \text{ ac})$$
$$= 24.02 \text{ cfs}$$

$$100_{yr} \text{ Undev Peak Flow Rate} = (1.25)(0.3) (2.0 \text{ in/hr}) (80.08 \text{ ac})$$
$$= 60.06 \text{ cfs}$$

← intensity based on  $T_c$

1/7/19

## 18EY - Storm Drainage Calcs

Onsite Storm Drainage Retention/Treatment & Retention

- Try retaining difference between 100yr developed & 100yr undevel  
storm discharge volumes

pg 2

$$\begin{aligned} \therefore \text{Onsite Retention} &= 306,176 \text{ cf} - 208,757 \text{ cf} \\ &= 97,419 \text{ cf} \end{aligned}$$

Check water quality & requirements  $\rightarrow$  WQV = 52,528 cf (refer to calcs)

WQV > Proposed Retention  $\therefore$  OK

Next  $\rightarrow$  check additional storage required above proposed retention to ensure max discharge from pond above retention storage is  $\leq$  5yr - 2hr Peak undeveloped flow rate

$$\text{Pond Discharge} \leq 24.02 \text{ cfs}$$

**STORAGE VOLUME REQ'D (Maintain 5-yr Undev flow rate vs. 100-yr Dev storm above ret. storage)**

DEVELOPMENT: 18EY - Wheat Ridge Phase 1

input  
calculated

STORM DRAINAGE CALCULATION CHECK BY: KJM

DATE 01/07/19

Land Use		Res. Subdivision									
Total Detained Area						80.08 AC					
Composite Runoff Factor						0.440					
Adjusted Runoff Factor Using 1.25 Frequency Factor						0.55 (100-year storm)					
Maximum Allowable Peak Flow From Site Initial Storm (cfs)						24.02 (from 5-yr undeveloped storm)					
Minimum Det. Storage Capacity Required (cu ft)						112,400 (iterate to best match volume required)					
Retention Storage Provided (cu ft)						100,000					
Time (Min)	5-Yr 2-Hr Intensity (in/hr)	5-Yr 2-Hr Runoff Rate (cfs)	100-Yr 2-Hr Intensity (in/hr)	100-Yr 2-Hr Runoff Inflow (cfs)	* Outflow Rate (cfs)	5 Min Volume Required (cf)	Volume Accumulated (cf)	Volume Provided (cf)	Overflow Rate (cfs)	Volume Stored	
5			0.08	3.52	0.00	1056	1,056	212,400	0.00	1,056	
10			0.24	10.57	0.00	3171	4,227	212,400	0.00	4,227	
15			6.10	268.67	0.00	80601	84,828	212,400	0.00	84,828	
20			2.90	127.73	0.00	38319	123,147	212,400	0.00	123,147	
25			2.41	106.15	10.90	28575	151,722	212,400	0.00	151,722	
30			1.98	87.21	16.29	21276	172,998	212,400	0.00	172,998	
35			1.57	69.15	19.35	14940	187,938	212,400	0.00	187,938	
40			1.30	57.26	21.24	10806	198,744	212,400	0.00	198,744	
45			1.01	44.48	22.50	6594	205,338	212,400	0.00	205,338	
50			0.84	37.00	23.24	4128	209,466	212,400	0.00	209,466	
55			0.71	31.27	23.69	2274	211,740	212,400	0.00	211,740	
60			0.59	25.99	23.94	615	212,355	212,400	0.00	212,355	
65			0.52	22.90	24.00	-330	212,025	212,400	0.00	212,025	
70			0.44	19.38	23.97	-1377	210,648	212,400	0.00	210,648	
75			0.37	16.30	23.82	-2256	208,392	212,400	0.00	208,392	
80			0.32	14.09	23.58	-2847	205,545	212,400	0.00	205,545	
85			0.28	12.33	23.27	-3282	202,263	212,400	0.00	202,263	
90			0.25	11.01	22.90	-3567	198,696	212,400	0.00	198,696	
95			0.24	10.57	22.50	-3579	195,117	212,400	0.00	195,117	
100			0.23	10.13	22.09	-3588	191,529	212,400	0.00	191,529	
105			0.22	9.69	21.67	-3594	187,935	212,400	0.00	187,935	
110			0.20	8.81	21.24	-3729	184,206	212,400	0.00	184,206	
115			0.19	8.37	20.78	-3723	180,483	212,400	0.00	180,483	
120			0.18	7.93	20.32	-3717	176,766	212,400	0.00	176,766	
120			0.00	0.00	19.84	-5952	170,814	212,400	0.00	170,814	
<b>Volume Required</b>							<b>212,355</b>				

**OUTFLOW RATES BASED ON ORIFICE  $Q=C*A*(2GH)^{1/2}$**

HEAD (FT)	RADIUS (IN)	HEIGHT (IN)	AREA (SF)	OUTFLOW (CFS)	POND VOL (FT <sup>3</sup> )	DETENTION STORAGE VOLUME (CF)	MAXIMUM HEAD (FT)	ORIFICE AREA (SF)
3.00	11.30	N/A	2.784	23.99	112,400	112,400	3.00	2.786
2.75	11.30	N/A	2.784	22.97	103,033			
2.50	11.30	N/A	2.784	21.90	93,667			
2.25	11.30	N/A	2.784	20.78	84,300			
2.00	11.30	N/A	2.784	19.59	74,933			
1.75	11.30	N/A	2.784	18.32	65,567			
1.50	11.30	N/A	2.784	16.96	56,200			
1.25	11.30	N/A	2.784	15.49	46,833			
1.00	11.30	N/A	2.784	13.85	37,467			
0.75	11.30	N/A	2.784	12.00	28,100			
0.50	11.30	N/A	2.784	9.79	18,733			
0.25	11.30	N/A	2.784	6.93	9,367			
0.00	11.30	N/A	2.784	0.00	0			

\*Max Parking Lot depth = 1.5'  
\*\*Max Det. Pond depth = 3' w/o fencing

Note: Detention Storage above 100,000 cf

ORIFICE COEFFICIENT 0.62

Note: Pond is empty at of 0.00 feet of head

### Water Quality Storm Calculations

<b>Development:</b>	18EY - Wheat Ridge Phase 1
<b>Calculated By:</b>	Kevin May, PE
<b>Date:</b>	1/7/2019

#### Water Quality Volume

Drainage Basin: Phase 1 City Storm Manual Section 3.5.1

Total Site Area (A): 3,488,318 sf  
 80.08 acres  
 0.1251 mi<sup>2</sup>

$$WQV = \frac{PRvA}{12}$$

Pervious Area: 2,281,360 sf  
 Imperv Area: 1,206,958 sf  
 % Imperv Cover (I): 0.346

WQ Rainfall Depth (P): 0.5 in  
 Runoff Coefficient (Rv): 0.3614 Rv = 0.05 + 0.9 (I)

Water Quality Vol (WQV): 1.20588 ac-ft  
 52528 cubic feet

#### Water Quality Flow

City Storm Manual Section 3.5.2

Curve Number (CN): 95.3  
 Runoff Depth (Q): 0.181 in

$$CN = \frac{1000}{[10 + 5 * 0.5 + 10Q - 10(Q^2 + 1.25 * Q * 0.5)^{\frac{1}{2}}]}$$

Time of Concentration (tc) 44.55 min

Initial Abstraction Ia: 0.0983  $Ia = 0.2 * (\frac{1000}{CN} - 10)$

Ia/P: 0.1965

Ia/P must be 0.1 > Ia/P > 0.5 0.20

qu: 400 cfs/mi<sup>2</sup>/in

$$WQF = qu * A * Q$$

(Note: Refer to Figure E2 of City Storm Manual)

Water Quality Flow (WQF): 9.04 cfs

Wheat Ridge Estates – Phase 1  
Proposed Storm Drainage Design Narrative  
2/15/19

Included below is an abbreviated summary of the design alternatives being proposed by the developers of the Wheat Ridge Estates Subdivision (WRE) along with a summary of changes versus the previously submitted design. Also included within the narrative are comments and concerns raised by City staff from the Planning Department, City Engineer’s Office, and the Environmental Division as well as the mitigation efforts proposed by the developers for each comment.

### 1.0 Design Summary

The general design intent of the newly proposed storm drainage system will restrict storm water discharge from the subject development to pre-development conditions (i.e. what currently exists at the site) while also providing adequate storm water capacity within the system to ensure that the volume of water discharged downstream does not increase following development. In addition to the discharge rate and discharge volume design, the proposed overall storm drainage system will include a groundwater dewatering component as well as the beneficial reuse of collected storm water following precipitation events. Each of the design alternatives will be further discussed below.

### 1.1 General Storm Water Discussion/Definitions

Prior to discussing the specific storm drainage system design alternatives, it is beneficial to define some storm drainage terms and standards to help better describe the overall system.

- Rainfall Frequencies – A rainfall frequency describes the probability that a storm takes place, typically expressed in years. The probability that a storm takes place is determined by taking the inverse of the storm’s return interval (i.e. 2-year storm = 50% probability, 5-year = 20% probability, 10-year = 10% probability, 100-year = 1% probability) and describes the risk associated with a given storm event occurring. The higher the storm’s return interval, the lower the probability that the storm event occurs. Additionally, the higher the return interval, the larger and more intense the storm event.
- Retention Storage – Retention storage is the collection of storm water runoff in a structure that does not discharge (i.e. water is stored within the pond until it evaporates, infiltrates, or is physically removed).
- Detention Storage – Detention storage is the collection of excess storm water runoff to be held temporarily and then discharged through a restricted outlet at a designated rate.
- Pre-development vs. Post Development – Pre-development conditions describe the existing conditions at the site prior to the installation of any impervious improvements (roadways, homes, etc.) while post development conditions describe runoff characteristics experienced following construction. Post development runoff conditions are typically more intense due to the installation of impervious surfacing that increases runoff volumes and rates (discharge rates and runoff volumes are higher for developed conditions).

- MS4 Permit – The City is subject to additional storm water management requirements as dictated by the Municipal Separate Storm Sewer System (MS4) Permit. The intent of the MS4 permit is to minimize contamination impacts to nearby water bodies from storm water generated from the incorporated community. In addition to a number of other requirements, the MS4 permit dictates that the City attempt to implement storm water treatment structures within new developments. Refer to Section 2.3 and 2.4 below for additional information.

## 2.0 Design Standards and System Design Discussion

The newly proposed storm drainage system for the WRE includes a number of alterations from the system as previously proposed. In general, the new system includes expanded system storage to accommodate the additional water backed up due to a lower discharge rate from the detention structure, water treatment and downstream volume reduction considerations, groundwater interception, and a retention pond lining proposal. The table below includes a general list of the proposed design changes.

<b>Design Alternative</b>	<b>New Design</b>	<b>Previous Design</b>
Discharge Rate	24.02 cfs	28.83 cfs
Retention Storage (treatment)	100,000 cubic feet	N/A
Discharge Volume Design	Included	N/A
Groundwater Interception	Included	N/A
Percolation Minimization	Included	N/A

As shown, the newly proposed storm drainage system design includes multiple new considerations for downstream impacts and ultimately increases the size of the proposed system to increase treatment and detention levels while attempting to reduce downstream impacts to levels below predevelopment conditions. The following sections further describe each of the new design alternatives.

### 2.1 Storm Water Discharge Volume

City of GF Design Standards: N/A. There are no existing volumetric requirements within the City of GF storm drainage master plan. Although not included within the City’s Master Plan, a form of storm water retention is required by the City’s MS4 permit which is further discussed in Section 2.4.

DEQ Design Standards: N/A. There are standards within DEQ Circular 8 for storm water volume management for some developments; however, the implementation of these requirements is reserved for small developments that meet specific standards detailed in DEQ 8, Section 3.2. The WRE development does not meet these standards and therefore will not utilize the “Simplified Plan” as detailed within the Circular. Similar to the City’s MS4 requirements, DEQ 8 includes provisions for storm water retention for treatment purposes as detailed below.

Proposed System Design: As noted in Section 1.1, storm water volumes generated onsite will increase as impervious surfacing is constructed. The intent of the proposed management system is to maintain storm water discharge volumes at or below pre-development volumes, i.e. the same amount of water, or less, will be discharged from the site as currently exists today. As neither the City nor the DEQ have standards that explicitly describe volumetric control within storm drainage systems, the

proposed design can be considered conservative and beyond the scope of standard developments. The proposed system is capable of limiting the discharge volume as generated by 100-year developed storm to a volume equal to the pre-development volume. With this sizing in mind, smaller storms (5-year, 10-year, 50-year) will effectively generate less discharge volume downstream, at discharge rates below existing conditions which will ultimately reduce the flooding conditions which are being reported downstream. **The proposed system will benefit the downstream properties by reducing the storm water experienced in the area below existing conditions.**

## 2.2 Storm Water Discharge Rate

City Design Standards (Section 5): The City of Great Falls storm drainage manual requires all new projects and redevelopment to design, install, and maintain a storm water management system that is capable of managing runoff generated within the subject property as well as upstream properties that may drain through the property. The City's design manual includes provisions for the detention of storm water generated during the 100-year developed event while discharging at a maximum rate less than or equal to the peak flow generated during a 5-year storm event occurring over the developed property. This design limits the discharge associated with intense storm events (low probability events) to less intense rates which helps alleviate downstream flooding during the large storm events.

DEQ Design Standards: Similar to the City of Great Falls design standards, storm drainage designs completed to Montana DEQ Standards (DEQ Circular 8) require developers to detain water generated during intense rainfall events while discharging at a pre-development flow rate. The system should be designed to discharge pre-development flow rates for each return interval (i.e. 2-year developed storm discharges at 2-year predevelopment flow rate, 5-year developed storm discharges at 5-year predevelopment rate, etc.).

Proposed System Design: The proposed storm water management system for WRE consists of detaining all water collected during the developed 100-year storm event while discharging at a rate less than or equal to the 5-year undeveloped flow rate. This design ensures that flow rates experienced downstream of the development do not increase as a result of the development and is considered conservative when compared to the City of Great Falls design standards. The maximum 5-year undeveloped flow rate is also considered conservative versus the DEQ standards when compared to the 100-year developed storm where the DEQ would allow for a higher discharge rate. The proposed system will effectively limit the discharge rate from the proposed system for all storm events to the 5-year predevelopment rate which equates to a reduction in both discharge rate and discharge volume to the downstream property for all events. **Following the installation of the proposed storm water management system at WRE, the downstream property will ultimately experience less overall storm water, at a slower rate, than currently exists today.**

## 2.3 Groundwater Impacts

During a meeting held between the developers and City staff, a concern was raised over the impacts to groundwater stemming from the development when considered relative to the existing lawsuit from the downstream property owner. The concern generally consists of irrigation water utilized within landscaped areas and storm drainage water that is collected within the onsite retention pond percolating into the ground and increasing the groundwater elevation in the area which may impact flooding conditions downstream of the development. Staff encouraged the developers to consider the

utilization of a synthetic liner within the onsite retention pond in order to limit percolation potential and also encouraged the implementation of a groundwater dewatering system in an attempt to offset perceived issues with overwatering of irrigated areas upstream that can impact groundwater elevations.

City Design Standards: N/A. The City's Storm Drain Master Plan does not include consideration of groundwater dewatering within the private storm drainage system and does not include provisions for requiring synthetic lining of storage structures to eliminate percolation. In fact, the City's design standards typically encourage percolation as a means of managing storm water. Per Section 5 of the standards, "The City encourages innovative measures to limit the maximum runoff from any proposed development. Such strategies may include any of the following: Retention with disposal through seepage into the groundwater, evaporation into the atmosphere and/or plant uptake through transpiration." The manual does note that these innovative measures would require appropriate design computation to ensure they do not cause public nuisances.

City MS4 Permit Requirements: The City's MS4 permit includes provisions for alternative treatment options in the event high groundwater elevations preclude the use of retention storage and other percolation designs. The MS4 permit does not include requirements for dewatering perceived impacts from developments and generally encourages the disposal of collected storm water through percolation.

DEQ Design Standards: DEQ Circular 8 does not include requirements for groundwater dewatering due to perceived impacts from upstream development. Infiltration facilities are required to be built above seasonally high groundwater; however, the infiltration facilities are not explicitly prohibited in areas with high groundwater.

Proposed System Design: The proposed storm water management system for WRE includes the lining of the retention pond with native clay materials to provide a natural liner as well as the implementation of a groundwater dewatering system upstream of the pond structure to help minimize potential impacts from irrigation of landscaped areas. Clay liners have historically been utilized for storage ponds and are an effective means of limiting infiltration while minimizing construction costs. The lining of the retention pond is generally viewed as a departure from standard storm drainage management as infiltration is typically a preferred alternative for storm water disposal and treatment.

In addition to the proposed groundwater interception system, the Developers have proposed to implement conditions within the HOA covenants that require increased management of private irrigation systems which includes limiting irrigation of private landscaped areas to reduce groundwater recharge potential. While this is not required, the proposal will benefit the City as well as downstream properties. The City will benefit from reduced water consumption rates during summer months, reduced water treatment demands on the City system, and MS4 permit benefits as this development may be utilized for staff and public training regarding irrigation system design and methods for reducing over-watering (refer to Part II, Sections 1.a and 3.a of the MS4 permit for additional information). The proposal has potential for City-wide implementation for reduced water usage and ultimately a reduction in water and sewer bills as residents work to reduce their water usage using strategic and innovative irrigation techniques. The properties downstream of WRE will



benefit through the reduction in water infiltrating into the subsurface which will ultimately reduce groundwater recharge.

#### 2.4 Storm Water Treatment

As noted above, storm water treatment is required as part of the City's MS4 permit to limit contamination of nearby water bodies. The proposed storm water management system for the WRE development includes a retention storage component to both treat collected storm water as well as limit downstream discharge volumes. The proposed size of the retention system is approximately 100,000 cubic feet and is nearly double the size required by the DEQ and City of GF.

**City MS4 Permit Requirements:** The MS4 permit "requires that all regulated projects implement post-construction storm water management controls that are designed to infiltrate, evapotranspire, and/or capture for reuse the post-construction runoff generated from the first 0.5 inches of rainfall from a 24-hour storm..." The City is encouraged to incorporate Low Impact Development (LID) concepts within public and private property as part of the permit requirements. LID concepts include infiltration basins, bioretention areas, permeable pavement systems, dispersion designs, and biofiltration swales. In nearly all cases, the design intent is to store water for treatment and disposal through percolation into the ground. The City's MS4 permit design standards require approximately 52,500 cubic feet of retention and treatment within the Wheat Ridge Project.

**DEQ Design Standards:** DEQ design standards are similar to the MS4 requirement of treating the water generated from the first 0.5 inches of rainfall over the subject watershed.

#### 2.5 Discharge Location

Concern was raised by the City Engineering Department regarding the proposed storm drain management system's discharge location relative to the existing drainages in the area. The proposed plan includes the installation of detention and retention structures upstream of a major drainage path. The pond structures will then discharge into the existing channel in an attempt to maintain flow patterns as they currently exist. The City's concern stems from the point discharge from an outlet pipe versus more wide-spread discharge via alternative means. As the existing discharge from the subject property takes place within the proposed drainage channel that the developer intends to utilize post-construction, the design should be considered acceptable. Erosion control measures will be implemented at the proposed discharge location to ensure sedimentation potential is minimized and to ensure protection of the existing flow channel.

**City Design Standards:** Master Plan Page 2 – "Natural drainageways are to be used whenever feasible."

**DEQ Design Standards:** While it does not appear that the current version of DEQ 8 directly discusses discharge location, previous versions of the circular have required existing drainage patterns to be maintained. The proposed discharge location and erosion control measures meet this intent.

## 2.6 Storm Water Disposal

City staff has raised concerns with storm water disposal from the proposed system due to the requirement that storm water infiltration be reduced/eliminated. The developers are proposing to utilize the collected storm water to be beneficially utilized for onsite landscape irrigation (both onsite within parks and potentially within WRE private property and the neighboring property owner(s)) as well as allow the water to evaporate. A second holding pond will be constructed downstream of the main storm water management structure to increase the overall storage potential of the system while providing an area to drain the onsite retention pond to accommodate back to back storm events. The additional storage pond would also increase the surface area of collected storm water and effectively increase the evaporation potential. The beneficial use of the collected storm water will further benefit the City through reduced water usage for irrigation during summer months and a reduction in the City's water treatment requirements.

## 3.0 Conclusion

In conclusion, the newly proposed storm water management system for the WRE development shall be viewed as a conservative attempt to provide a storm water management system that both exceeds the requirements detailed within the City's storm water master plan and Montana DEQ requirements, while incorporating City design concerns associated with the existing lawsuit from the downstream property owner.

Please feel free to contact our office with any questions regarding this narrative or other aspects of the WRE storm water management system.

Sincerely,






Kevin May, P.E.  
Big Sky Civil & Environmental, Inc.



BIG TASTE, SMALL PLACE.™

WEB. ROADHOUSEGF.COM  
PH. 406.788.8839

613 15<sup>TH</sup> ST. N • GREAT FALLS, MT 59401  
eat@roadhousegf.com #roadhousegf   

Cascade County Commissioners  
RECEIVED

SEP 20 2018

September 19, 2018

Jane Weber  
325 2nd Ave. North, #111  
Great Falls, MT 59401

Dear Jane:

In regards to the Wheat Ridge development, as business owners and property owners here in Great Falls - we wanted to express our opinions against the development.

While the development of Wheat Ridge will definitely be a boon to the landowners, developers and contractors - this is a short-term economic result at the cost of limiting a long-term partner of our city. Malmstrom AFB is one of several key components to our economy here in Great Falls, and limiting it's usefulness - no matter how unlikely it may be that we get another mission - could invite potentially negative outcomes at the expense of benefiting the few. Our collective goal in this kind of decision-making should be to preserve the solid economical foundations of our community.

Great Falls' population increases remain minimal - and developers continue to create wonderful homes and apartments for our citizens, much like what we would see with Wheat Ridge. But, as a community, we also need to address the slow-encroaching blight that these new homes create as the income gap brings down property prices in older neighborhoods as people move to newer ones.

We hope the City Commission will weigh the long-term effects of this development against the short term benefits and find that Great Falls will have other opportunities down the line that don't jeopardize our important community partnerships.

Sincerely,

Tara and Jason Beam  
Roadhouse Diner

November 14, 2018

Marcy Hea  
Deputy City Clerk  
2 Park Drive  
Room 204  
P.O. Box 5021  
Great Falls, MT 59403

RECEIVED

NOV 15 2018

CITY CLERK

Dear Ms. Hea,

Thank you so much for taking the time to read my letter.

Today, I read in the paper about the situation regarding Malstrom Air Force Base. I, along with others, feel the City will be making a huge mistake in allowing the Wheat Ridge Estates to be built in that particular parcel of land. I'm sure other areas can be proposed.

As reported, Malstrom generates

generates \$350 million annually into our coffers. Would the taxes collected even come close to that yearly? Even with utility taxes and costs generated from the homeowners, it would still be below Walstrom's Contribution.

Do you remember a few years ago when people in Great Falls complained about the presence of the Airman? Well, the Commander told the Airman not to patronize the business for the weekend. What happened? The same people are doing all they can to have the purchase power the Base generates.

A lot of Great Falls residents are not happy with our people responsible for the improvements and growth of Great Falls.

Years of neglect and openly discouraging businesses have taken their toll.

There are many examples:

- Intended rate increase of parking meters to \$2.00/hour. We refuse to pay that for the convenience of being close to a place of business or restaurant.

- Paying to visit library.

- Some City Officials Attitudes

We attended a meeting a couple of years ago regarding the 4<sup>th</sup> of July noise. At the start of the meeting Mayor Kelly told us that he had no intention of changing anything. When asked why the reason for meeting he said it was a "tradition".

I Called a few years back

noting the lack of appropriate signs at cross streets. I was told, "We run the City like the good ole boy. You'll get use to it."

- The lack of foresight in developing the NW Bypass. It's ugly. With proper management, it could have been a wonderful area for homes or businesses.
- More and more places of business closing and left empty for years.
- Lack of regulation concerning the slumlords.

I digress, but unless Great Falls really does something like trying to save the City and encourage corporate business instead of encouraging slaughter houses,

work with Malstrom  
instead of trying to push  
them out, we will be a  
very stagnant City or a  
very ugly City. If it keeps  
up, it will never be a  
Missoula or Bozeman.

I hope the city fathers do  
not sound the death knell  
for us.

Thank you for your  
attention, and please add my  
comments to the concern  
for saving Malstrom.

Sincerely yours,  
Sue Swanger  
178 Riverview C  
Great Falls, 59404

313-632-0658



**Lisa C. Kunz**

---

**From:** Edward Austin <mred1884@gmail.com>  
**Sent:** Friday, November 16, 2018 1:28 PM  
**To:** Lisa C. Kunz  
**Subject:** Land Development

**Dear Mayor, Bob Kelly, After reading the article in the Great Falls Tribune. I feel I must voice my opinion on Wheat Ridge Estates. In this area, there is plenty of land that can be used without harming the future of Malmstrom AFB. Without Malmstrom, property values would plummet. I urge you not to approve this subdivision and leave it for future missions at Malmstrom AFB. Ed Austin Ret member of both the US Air Force and the Montana Air National Guard.**

## Darcy Dea

---

**From:** Boyle, Meredith E CIV (USA) <meredith.e.boyle.civ@mail.mil>  
**Sent:** Wednesday, January 9, 2019 9:31 AM  
**To:** Bob Kelly  
**Cc:** Greg Doyon; Smolinsky, Frank T CIV USAF SAF-IE (US); Darcy Dea  
**Subject:** Memo from HON Henderson to Mayor Kelly  
**Attachments:** 20190108 - SAF IE memo to Mayor Kelly Great Falls Mt.pdf

Sir,

Good morning. Please find attached a letter from Honorable Henderson, Assistant Secretary of the Air Force – Installations, Environment, and Energy.

Thank you – please let me know if you have any questions!

VR,  
Meredith

--  
Meredith Boyle  
SAF/IE Congressional Liaison  
Presidential Management Fellow  
Phone: 703-545-8180



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

SAF/IE  
1665 Air Force Pentagon  
Washington, DC 20330-1665

JAN 08 2019

Mayor Bob Kelly  
2 South Park Drive  
Great Falls, MT 59401

Dear Mayor Kelly:

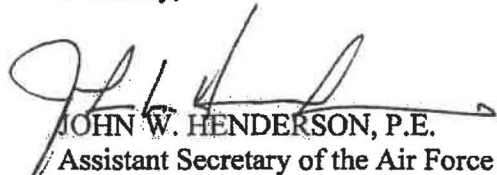
Thank you for the continued support of Malmstrom Air Force Base (AFB) in the great city of Great Falls, Montana. The Air Force truly values communities that support our Airmen and families, and through your leadership, Malmstrom AFB is thriving.

I am writing to follow up on questions raised to me during several engagements this fall by Malmstrom AFB stakeholders with regard to land use on property adjacent to the base. We applaud the efforts of the community in developing the 2012 Malmstrom AFB Joint Land Use Study (JLUS), and the Air Force continues to support recommendations found through the (JLUS) process.

The JLUS cooperative planning effort, conducted as a joint venture between an active military installation, surrounding jurisdictions, state and federal agencies, and other affected stakeholders, ensures mission compatible development around military installations. We appreciate your city working to reduce potential conflicts between military installations and the surrounding area while accommodating new growth and economic development, sustaining economic vitality, safeguarding public health and safety, and protecting the operational missions at our Air Force Installations.

Thank you for your continued contributions to our Nation's defense and your steadfast support of our Airmen, their families, and the United States Air Force.

Sincerely,

  
JOHN W. HENDERSON, P.E.  
Assistant Secretary of the Air Force  
(Installations, Environment, and Energy)



**Item:** Ordinance 3194, “An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 1 Through 3; and, Repealing and Replacing Chapter 4 Pertaining to General Provisions to The Land Development Code.”

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Conduct a public hearing and accept Ordinance 3194.

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:  
“I move that the City Commission (adopt/deny) Ordinance 3194.”
  2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:**

Staff recommends that the Commission conduct a public hearing and afterward adopt Ordinance 3194.

**Background:**

Members of the City Commission and Staff continue to update numerous sections of the code. OCCGF Title 17 is the Great Falls Land Development Code. As such, it is the largest and most complex of all OCCGF Titles. The ordinance under consideration is the first portion to be amended in the update of OCCGF Title 17.

Most of the proposed changes are non-substantive. These changes include establishing and reserving Chapters 1 through 3 of Title 17. Other non-substantive changes include correcting typographical, grammatical, formatting, and referencing deficiencies in OCCGF Title 17, Chapter 4.

The Ordinance under consideration has one significant substantive amendment to OCCGF §17.4.080, “Applicability of zoning regulations to public entities.” The proposed amendments would clarify what OCCGF zoning regulations apply to public entities developing land. The amendments would clarify

that public entities are only exempt from regulations that are specifically designated by state law, which are:

1. The height, number of stories, and size of buildings and other structures;
2. The percentage of lot that may be occupied;
3. The size of yards, courts, and other open spaces;
4. The density of population; and
5. The location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

*Id.* at (A.).

Additionally, the proposed amendments clarify the process a public entity would be required to follow to be exempt from the above listed regulations. Finally, the amendments to the above listed OCCGF section would require public entities developing property to comply with all other development and property maintenance standards outlined in the OCCGF.

The Ordinance under consideration was presented to the City Planning Advisory Board on January 8, 2019 for recommendation. The Planning Advisory Board voted unanimously recommending that the Commission adopt Ord. 3194. It was accepted on first reading by the City Commission and set for public hearing. There were no public comments regarding Ordinance 3194.

Ord. 3194 Exhibit “A” is a document illustrating the provisions that will replace the current OCCGF Title 17 with added language in **bold** and deleted language in ~~strike through~~. Exhibit “B”, attached to this agenda report, illustrates the proposed Code in clean format.

**Concurrences:**

City Manager’s Office  
City Clerk’s Office  
Great Falls Planning Advisory Board  
Planning and Community Development  
Public Works Department

**Attachments/Exhibits:**

Ordinance 3194  
Ord. 3194 Exhibit “A”  
Ord. 3194 Exhibit “B”

**ORDINANCE 3194**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 1 THROUGH 3; AND, REPEALING AND REPLACING CHAPTER 4 PERTAINING TO GENERAL PROVISIONS OF THE LAND DEVELOPMENT CODE**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 17 of the OCCGF outlining provisions pertaining to and known as the Land Development Code; and

**WHEREAS**, the City Commission wishes to establish and reserve Chapters 1 through 3 of OCCGF Title 17; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 17, Chapter 4, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 4, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

**WHEREAS**, at its regularly scheduled January 8, 2019, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3194.

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

**Section 1.** OCCGF Title 17, Chapters 1-3 are hereby established and reserved;

**Section 2.** OCCGF Title 17, Chapter 4 is hereby repealed and replaced as depicted in Exhibit "A" attached hereto and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

**Section 3.** This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading February 19, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading March 5, 2019.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

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

I, Darcy Dea, Deputy 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 3194 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(CITY SEAL)

**Chapter 1 RESERVED**

**Chapter 2 RESERVED**

**Chapter 3 RESERVED**

**Chapter 4 GENERAL PROVISIONS**

**Sections:**

~~17.4.010 Name of title.~~

~~17.4.020 Authority.~~

~~17.4.030 General intent.~~

~~17.4.040 Legislative findings.~~

~~17.4.050 Purpose.~~

~~17.4.060 Compliance.~~

~~17.4.070 Relationship of this Title to other regulations.~~

~~17.4.080 Applicability of zoning regulations to public entities.~~

~~17.4.090 No defense to nuisance action.~~

~~17.4.100 Incorporation by reference.~~

~~17.4.110 Citations.~~

~~17.4.120 Severability.~~

**17.4.010 Name of title.**

**17.4.020 Authority.**

**17.4.030 General intent.**

**17.4.040 Legislative findings.**

**17.4.050 Purpose.**

**17.4.060 Compliance.**

**17.4.070 Relationship of this Title to other regulations.**

**17.4.080 Applicability of zoning regulations to public entities.**

**17.4.090 No defense to other OCCGF violation.**

**17.4.100 Severability.**



Exhibit "A"

**17.4.010 Name of title.**

This Title shall be known as the "Land Development Code" and may be referred to herein as "this Title".

**17.4.020 Authority.**

The regulations contained in this Title are specifically authorized by ~~the Montana State statute~~ **Code Annotated** or are adopted consistent with the City's ~~police~~ powers as authorized in ~~State by~~ law.

**17.4.030 General intent.**

This Title has been adopted to implement the City's ~~growth policy~~ **Growth Policy**, ~~river corridor plan~~ **River Corridor Plan**, neighborhood plans as may be adopted, the City's ~~transportation plan~~ **Urban Area Transportation Plan**, **Missouri River Corridor Plan**, **Downtown Transportation Plan**, and any other land use planning documents that may be duly adopted ~~from time to time~~.

**17.4.040 Legislative findings.**

A.—~~General findings.~~ The City Commission makes the following findings:

1. Pursuant to **Mont. Code Ann. § 76-1-601**, ~~MCA~~, the Great Falls ~~City-County~~ Planning **Advisory** Board recommended the adoption of a ~~growth policy~~ **Growth Policy** by the City Commission;
2. Pursuant to **Mont. Code Ann. § 76-1-604**, ~~MCA~~, the City Commission adopted the growth policy;
3. The City Commission has adopted a ~~river corridor plan~~ **River Corridor Plan**;
4. This Title is consistent with and furthers the intent of the ~~growth policy~~ **Growth Policy** and ~~river corridor plan~~ **River Corridor Plan**; and
5. The legislative, administrative, and enforcement bodies may not permit or otherwise allow any development to occur that is not in compliance with this Title.

B.—~~Specific findings.~~ Specific findings are included in the various chapters, articles, and sections **of this Title** as appropriate.

**17.4.050 Purpose.**

A.—~~General purpose.~~ **A.** This Title is established to promote the public health, safety, and welfare and is intended to accomplish the following **general** purposes:

- 1.—~~implement~~ **Implement** the goals, objectives, and policies of the ~~growth policy~~ **Growth Policy**;
- 2.—~~ensure~~ **Ensure** that all development is guided by, and gives consideration to, the ~~growth policy~~ **Growth Policy**;
- 3.—~~establish~~ **Establish** a comprehensive compendium of regulations that controls the use or development of land within the City;
- 4.—~~provide~~ **Provide** for clear, consistent standards, regulations, and procedures for the review and approval of all proposed development within the City;
- 5.—~~address~~ **Address** the substantive findings as contained in this Title; **and**
- 6.—~~safeguard~~ **Safeguard** the public health, safety, and general welfare by establishing minimum standards for design and development.

Exhibit "A"

- ~~B. Specific purposes.~~ Specific purposes are included in the various chapters, articles, and sections as appropriate.

**17.4.060 Compliance.**

- A. ~~Generally.~~ Except as specifically provided, **or otherwise in conflict with State or Federal laws or regulations**, the provisions of this Title shall apply to all development within the **incorporated City limits**, and no development shall be undertaken without the prior authorizations required by this Title.
- ~~B. Previously granted permits, an exception.~~ **B.** When a permit has been issued in accordance with the law prior to the effective date of this Title, or amendment thereto, it shall be valid for one (1) year from date of issuance, ~~even if it authorizes an action that is not allowed under this Title, or amendment.~~ If the action, as authorized by the permit, does not commence within that time period and **in the discretion of the Planning and Community Development Director** continue in good faith to completion, said permit shall lapse and be null and void.
- ~~C. Establishment of a use, structure or building not requiring authorization, an exception.~~ If prior to the adoption of this Title, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may continue to completion even when the use, structure, or building requires a permit or other authorization under this Title, ~~is being developed contrary to this Title, or is otherwise prohibited.~~

**17.4.070 Relationship of this Title to other regulations.**

In addition to meeting the regulations contained in this Title, development shall comply with all applicable regulations of ~~federal~~ **Federal** and State agencies. In all cases, the strictest of the applicable provisions shall apply. No use of land shall be permitted by right or conditionally permitted within the **incorporated City of Great Falls limits** that is in violation of ~~federal, state~~ **Federal, State**, or local law.

~~(Ord. No. 3054, § 1, 6-1-2010)~~

**17.4.080 Applicability of zoning regulations to public entities.**

- A. **Pursuant to Mont. Code Ann. §76-2-402**, A a State or local agency may develop public land for use contrary to the zoning regulations ~~contained in this Title~~ **set forth in Chapter 20 of this Title** restricting:
1. **The height, number of stories, and size of buildings and other structures;**
  2. **The percentage of lot that may be occupied;**
  3. **The size of yards, courts, and other open spaces;**
  4. **The density of population; and**
  5. **The location and use of buildings, structures, and land for trade, industry, residence, or other purposes.**
- B. However, the agency shall notify the Director of the Planning and Community Development Department of its intent to do so and the Board of Adjustment shall hold a public hearing within thirty (30) days of the date of such notice. The Board of Adjustment

Exhibit "A"

shall host the public hearing as a public forum for comment on the proposed use but shall have no power to deny the proposed use. (~~See 76-2-402, MCA~~)

- C. If a private developer develops land ~~under contract~~ for a State or local agency ~~use, that is contrary to this Title, the property, including uses, buildings, and structures, shall conform to this Title when the State agency vacates the building~~ **all development shall conform to the provisions of this Title.**
- D. **The development of public land for use contrary to the allowable uses within the particular zoning district shall conform to all other development and property maintenance standards provided by the Official Code of the City of Great Falls (OCCGF).**

(~~Ord. No. 3056, § 1, 8-17-2010~~)

**17.4.090 No defense to ~~nuisance action~~ other OCCGF violation.**

Compliance with the standards and requirements contained in this Title shall not constitute an absolute defense to an action to abate a ~~nuisance~~ **Nuisance pursuant to the Official Code of the City of Great Falls (OCCGF) Title 8, Chapter 49, a specific violation of the OCCGF, or a Criminal Public Nuisance action pursuant to OCCGF Title 8, Chapter 50.**

~~17.4.100 Incorporation by reference.~~

~~The following, as may be amended from time to time, are incorporated into and made part of this Title by reference:~~

- ~~1. The official zoning map on file with the City Clerk.~~
- ~~2. The flood insurance rate maps for Great Falls, as may be amended, having the revision date of February 15, 2002.~~
- ~~3. "Storm Drainage Design Manual", dated June 1990.~~
- ~~4. The City's street classification map, as maintained by the Planning and Community Development Department.~~
- ~~5. "Arboricultural and Standards and Specifications" as kept on file by the City Clerk.~~

(~~Ord. No. 3056, § 1, 8-17-2010~~)

~~17.4.110 Citations.~~

~~This Title is organized into chapters, articles and sections. When a chapter is divided into articles, a citation would be in the form of title.chapter.article.section (e.g., 17.8.2.230). When a chapter is not divided into articles, a citation would be in the form of title.chapter.section (e.g., 17.12.280).~~

**17.1.1200 Severability.**

If a court of competent jurisdiction finds that a part of this Title is invalid, the remaining sections shall continue in full force and effect.

**Chapter 1 RESERVED**

**Chapter 2 RESERVED**

**Chapter 3 RESERVED**

**Chapter 4 GENERAL PROVISIONS**

**Sections:**

17.4.010 Name of title.

17.4.020 Authority.

17.4.030 General intent.

17.4.040 Legislative findings.

17.4.050 Purpose.

17.4.060 Compliance.

17.4.070 Relationship of this Title to other regulations.

17.4.080 Applicability of zoning regulations to public entities.

17.4.090 No defense to other OCCGF violation.

17.4.100 Severability.

**17.4.010 Name of title.**

This Title shall be known as the "Land Development Code" and may be referred to herein as "this Title".

**17.4.020 Authority.**

The regulations contained in this Title are specifically authorized by the Montana Code Annotated or are adopted consistent with the City's powers as authorized by law.

**17.4.030 General intent.**

This Title has been adopted to implement the City's Growth Policy, River Corridor Plan, neighborhood plans as may be adopted, the City's Urban Area Transportation Plan, Medical District Master Plan, Missouri River Corridor Plan, Downtown Transportation Plan, and any other land planning documents that may be duly adopted.

Exhibit "B"

**17.4.040 Legislative findings.**

- A. The City Commission makes the following findings:
  - 1. Pursuant to Mont. Code Ann. § 76-1-601, the Great Falls Planning Advisory Board recommended the adoption of a Growth Policy by the City Commission;
  - 2. Pursuant to Mont. Code Ann. § 76-1-604, the City Commission adopted the growth policy;
  - 3. The City Commission has adopted a River Corridor Plan;
  - 4. This Title is consistent with and furthers the intent of the Growth Policy and River Corridor Plan; and
  - 5. The legislative, administrative, and enforcement bodies may not permit or otherwise allow any development to occur that is not in compliance with this Title.
- B. Specific findings are included in the various chapters, articles, and sections of this Title as appropriate.

**17.4.050 Purpose.**

- A. This Title is established to promote the public health, safety, and welfare and is intended to accomplish the following general purposes:
  - 1. Implement the goals, objectives, and policies of the Growth Policy;
  - 2. Ensure that all development is guided by, and gives consideration to, the Growth Policy;
  - 3. Establish a comprehensive compendium of regulations that controls the use or development of land within the City;
  - 4. Provide for clear, consistent standards, regulations, and procedures for the review and approval of all proposed development within the City;
  - 5. Address the substantive findings as contained in this Title; and
  - 6. Safeguard the public health, safety, and general welfare by establishing minimum standards for design and development.
- B. Specific purposes are included in the various chapters, articles, and sections as appropriate.

**17.4.060 Compliance.**

- A. Except as specifically provided, or otherwise in conflict with State or Federal laws or regulations, the provisions of this Title shall apply to all development within the incorporated City limits, and no development shall be undertaken without the prior authorizations required by this Title.
- B. When a permit has been issued in accordance with the law prior to the effective date of this Title, or amendment thereto, it shall be valid for one (1) year from date of issuance. If the action, as authorized by the permit, does not commence within that time period and in the discretion of the Planning and Community Development Director continue in good faith to completion, said permit shall lapse and be null and void.
- C. If prior to the adoption of this Title, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may

## Exhibit "B"

continue to completion even when the use, structure, or building requires a permit or other authorization under this Title.

### **17.4.070 Relationship of this Title to other regulations.**

In addition to meeting the regulations contained in this Title, development shall comply with all applicable regulations of Federal and State agencies. In all cases, the strictest of the applicable provisions shall apply. No use of land shall be permitted by right or conditionally permitted within the incorporated City limits that is in violation of Federal, State, or local law.

### **17.4.080 Applicability of zoning regulations to public entities.**

- A. Pursuant to Mont. Code Ann. §76-2-402, a State or local agency may develop public land for use contrary zoning regulations set forth in Chapter 20 of this Title restricting:
  - 1. The height, number of stories, and size of buildings and other structures;
  - 2. The percentage of lot that may be occupied;
  - 3. The size of yards, courts, and other open spaces;
  - 4. The density of population; and
  - 5. The location and use of buildings, structures, and land for trade, industry, residence, or other purposes.
- B. However, the agency shall notify the Director of the Planning and Community Development Department of its intent to Contrary to zoning regulations and the Board of Adjustment shall hold a public hearing within thirty (30) days of the date of such notice. The Board of Adjustment shall host the public hearing as a public forum for comment on the proposed use but shall have no power to deny the proposed use.
- C. If a private developer develops land for a State or local agency use, all development shall conform to the provisions of this Title.
- D. The development of public land for use contrary to the allowable uses within the particular zoning district shall conform to all other development and property maintenance standards provided by the Official Code of the City of Great Falls (OCCGF).

### **17.4.090 No defense to other OCCGF violation.**

Compliance with the standards and requirements contained in this Title shall not constitute an absolute defense to an action to abate a Nuisance pursuant to the Official Code of the City of Great Falls (OCCGF) Title 8, Chapter 49, a specific violation of the OCCGF, or a Criminal Public Nuisance action pursuant to OCCGF Title 8, Chapter 50.

### **17.4.100 Severability.**

If a court of competent jurisdiction finds that a part of this Title is invalid, the remaining sections shall continue in full force and effect.



**Item:** Ordinance 3202 – An Ordinance by the City Commission to establish R-2 Single-family Medium Density zoning for the property located at Lot 5 of Grandview Tracts, Section 13, T20N, R3E, P.M.M., Cascade County, Montana.

**From:** Brad Eatherly, Planner I, Planning and Community Development

**Initiated By:** Steven and Crystal Johnson

**Presented By:** Craig Raymond

**Action Requested:** City Commission accept Ordinance 3202 on first reading and set a public hearing for April 2, 2019.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3202 on first reading and (set/not set) a public hearing for April 2, 2019.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

---

**Staff Recommendation:** Staff recommends approval of the R-2 Single-family medium density zoning for the property with conditions. At the conclusion of a public hearing held on February 12, 2019, the Zoning Commission recommended the City Commission approve the establishment of R-2 single family medium density zoning for the subject property.

**Conditions of Approval for Establishment of Zoning:**

**1. Utilities.** The connection of on-site utilities for the subject property shall be approved by the City Public Works Department.

**2. Land Use & Zoning.** The development standards and land uses for the subject property shall be consistent with the Official Code of the City of Great Falls (OCCGF).

**Summary:** The applicants own a parcel of land located on the north side of 21<sup>st</sup> Avenue South legally described as Lot 5 of Grandview Tracts. During the summer of 2018, the applicants met with City staff to discuss the possibility of annexing the property into the city in order to have access to City water and sewer. The applicants have proposed building a single-family home and garage on the parcel for their own personal use and have received a permit for this construction from the County.

**Background:**

**Annexation Request:**

The property proposed for annexation is located in an area known as the Upper and Lower River Road Water and Sewer District where City water and sewer services have been installed. As such, gradual annexation of unincorporated parcels have been proposed by the Water and Sewer District. This particular parcel is located within Phase five of this district. Up to this point Districts 1, 2, most of District 3, and District 4 have been annexed into the city. District 5 will be the next to be annexed at an undetermined date. The owner of the subject property requires annexation because of the desire to use City water and sewer services accompanying the construction of the new home.

The Annexation request is scheduled to be considered for action at a public hearing on April 2, 2019.

**Establishment of Zoning:**

The subject property of the annexation is in the midst of being developed for a single-family residence, and is proposed to have an R-2 Single-family medium density zoning designation. Although the lot is larger than the average R-2 zoned property, this zoning category was selected because it best fits existing residential areas of the City located to the south, north, and west of the annexation area. Any future building construction or building additions will be governed under the standards of the R-2 zoning district.

**Neighborhood Council Input:**

The subject property is located adjacent to Neighborhood Council #6. The applicants met with Council #6 on February 6, 2019, with the council supporting the proposal. To date there have been no inquiries regarding the request.

**Fiscal Impact:**

Water, sewer, and sanitation services are currently provided by the City to the adjacent properties. Upon approval of the annexation, new water and sewer service lines will be installed to the annexed property. The cost of said improvements will be borne by the applicant per the agreed upon terms in the attached Improvement Agreement. The annexation of the property will increase the City’s tax base.

**Alternatives:**

The City Commission could deny acceptance of Ordinance 3202 on first reading and not set the public hearing. An alternative hearing date would need to be scheduled in order to maintain due process requirements.

**Concurrences:**

Representatives from the City’s Public Works and Legal Departments have been involved throughout the review process for this project. Any comments provided from these various departments have been incorporated into this report.

**Attachments/Exhibits:**

- Annexation Agreement
- Ordinance 3202
- Exhibit A
- Findings of Fact – Zoning Map Amendment
- Zoning Map



**ANNEXATION AGREEMENT**  
**A TRACT OF LAND LEGALLY DESCRIBED AS GRANDVIEW TRACTS, LOT, 5, LOCATED IN SECTION**  
**4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.**

The following is a binding Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019, between Steven and Crystal Johnson hereinafter referred to as "Owners", and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land into the corporate limits of the City legally described as a portion of Grandview Tracts, Lot 5, located in Section 13, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana, hereinafter referred to as "Subject Property". Owners of the aforementioned Subject Property agree to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agrees to terms applicable to the Subject Property. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

**1. Purpose.** The purpose of this Agreement is to ensure that certain improvements are made and certain conditions are fulfilled by the Owners, as required by the City's approval of the supporting documents. Generally, this Agreement:

**1.1** Declares that the Owners are aware of and has properly accounted for any natural conditions that may adversely affect the Development;

**1.2** Insulates the Development from the impact of changes in the City's subdivision and zoning regulations, provided that no substantial changes in the Development are proposed;

**1.3** Requires the Owners to guarantee that the promised on-site improvements are made in a timely manner by as required by the Official Code of the City of Great Falls (OCCGF);

**1.4** Waives protest by the Owners and its successors against the creation of special improvement districts that would provide and maintain necessary infrastructure;

**1.5** Indemnifies the City from challenges to its approval of the Development and holds it harmless from errors and omissions in the approval and oversight of the project.

**2. Supporting Documents.** Each of the following supporting documents are to be submitted for review and approval by the City.

**2.1 Legal Documentation.** Legal documents, including but not limited to any easements, covenants, and restrictions establishing the authority and responsibilities of Owners, which may be recorded in the Clerk and Recorder's Office of Cascade County, Montana.

**3. Changes.** The Owners understand that failure to install required improvements in accord with the final construction plans is a breach of, and may void, this Agreement. The Owners also understand that failure to build in compliance with approved plans is a breach of this Agreement and a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that

minor changes are often necessary as construction proceeds and the Administrator (the Administrator is the person or persons charged by the City Manager with the administration of this improvement agreement) are hereby authorized to allow minor changes to approved plans, as provided below:

**3.1 Minor Changes.** Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by the Administrator and which do not materially affect the hereinabove mentioned Subject Properties, can be made as follows:

**3.1.1** Before making changes, the Owners must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made may be considered by the City to be a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed changes within ten (10) business days of receipt of the revised plans.

**3.1.2** Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the Subject Property or the OCCGF.

**3.1.3** Based on a review of the revised plans, the Administrator may permit substitutions for proposed building and construction materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

**3.1.4** Minor changes in the location and specifications of the required public improvements may be permitted by the Administrator. Owners must submit revised plans showing such changes to the Administrator. Revised plans are not accepted until approved by the Administrator.

**3.2 Substantial Changes.** Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. "Substantial Change" versus "Minor Change" is described as follows in order to further clarify what may be permitted as a "Minor Change":

**3.2.1** A substantial change adds one or more lots; changes the approved use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator; changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

**4. Fees.** The Owners understand that it is required to pay the following fees as they come due during the development process.

**4.1 Recording Fees.** The Owners are responsible for all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

**4.2 Connection and Construction Fees.** Water service tapping and water and sewer service connection fees will be assessed at the times of tapping and connections. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Properties shall not constitute a waiver by the City.

**4.3 Storm Drain Fee.** The Owners are responsible to pay a storm drain fee in the amount of \$250 per acre for each lot proposed for annexation. This would equal a total of **\$316.00** for storm drain fee of the Subject Property. The total storm drain fee to be paid to the City no later than 30 days after City Commission action to annex Phase 1 of the Subject Properties into the City.

**4.4 Application Fees.** In addition to the fees outlined above, application fees paid by the Owners are: the \$2,000.00 application fee for zoning map amendment and the \$500.00 application fee for Annexation, which have been paid prior to this Agreement.

**5. Site Conditions.** The Owners warrant that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements on the site and its development for the approved use. The Owners further warrant that all plans submitted pursuant to this Agreement and all applications for building permits within the Development will properly account for all such conditions. The Owners hold the City harmless for natural conditions and for any faults in their own assessment of those conditions.

**6. On-Site Improvements.** The on-site improvements shall include everything required to provide water, sanitary sewer, and access. Access for purposes of emergency vehicles shall be installed to the specifications of the Public Works Department. If necessary, the Owners shall provide public utility easements for all required public utilities.

**7. Permits.** This Agreement must be approved by the City Commission and signed by the City Manager before permits for any work will be approved, including, but not limited to trenching for the installation of utilities.

**8. Vested Rights.** This Agreement and Certificate of Survey approval by the City create a vested right that protects the Owners from changes in the zoning and subdivision requirements of Title 17 of the OCCGF until this Agreement expires. This vested right does not exempt the Owners from compliance with other provisions of the OCCGF, including specifically those intended to prevent and remediate public nuisances, nor does it protect the Owners from changes in the City's building codes and fees, development fees, and inspection fees. This vested right does not exempt the Owners from compliance with changes to state and federal requirements. This vested right may be voided, in whole or in part, if the Owners propose substantial changes in the Certificate of Survey, or the approved construction plans of the Property.

**9. Maintenance Districts.** Owners hereby agree to waive its right to protest and appeal the lawful creation by the City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Property.

**10. City Acceptance and Zoning.** In consideration of the terms of this Agreement, the City hereby accepts the subject property incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

**11. Limitation of Liability.** The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owners are exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City's limited plans review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owners, nor any third party may rely upon the City's limited review or approval.

The Owners shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that Owners' properties described herein. Upon the transfer of ownership of the properties, the prior owner's (whether it is the Owners that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred properties is released as to that owner and the indemnity obligation runs to the new owner of the properties. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of properties is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

**12. Binding Effect.** The provisions, covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA  
A Municipal Corporation of the State of Montana

---

Gregory T. Doyon, City Manager

ATTEST:



(NOTARIAL SEAL)

ORDINANCE 3202

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO THE PROPERTY LEGALLY DESCRIBED AS: LOT 5 OF GRANDVIEW TRACTS, LOCATED IN SECTION 13, T20N, R3E P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, Steven Johnson, etal is the owner of record and has petitioned the City of Great Falls to annex the subject property, consisting of ±1.26 acres, as legally described above; and,

WHEREAS, Steven Johnson, etal has petitioned said property to be assigned a City zoning classification of R-2 Single-family Medium Density district, upon annexation to City; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 12, 2019, to consider said zoning request and, at the conclusion of said hearing, passed a motion recommending the City Commission zone the property legally described as Lot 5 of Grandview Tracts, a Tract of Land equaling +/- 1.26 acres, located in Section 13, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana to R-2 Single-family Medium Density district; and

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 2nd day of April, 2019, before final passage of said Ordinance herein; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030; and

WHEREAS, following said public hearing, it was found and decided that said zoning designation be made; and,

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

Section 1. It is determined that the herein requested zoning assignment meets the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and meets the requirements of OCCGF Section 17.16.40.030.

Section 2. That the property legally described as: Lot 2 of Grandview Tracts a Tract of Land equaling +/- 1.26 acres, located in Section 13, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be designated as R-2 Single-family Medium Density district as shown in Exhibit A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading March 5, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading April 2, 2019.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

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

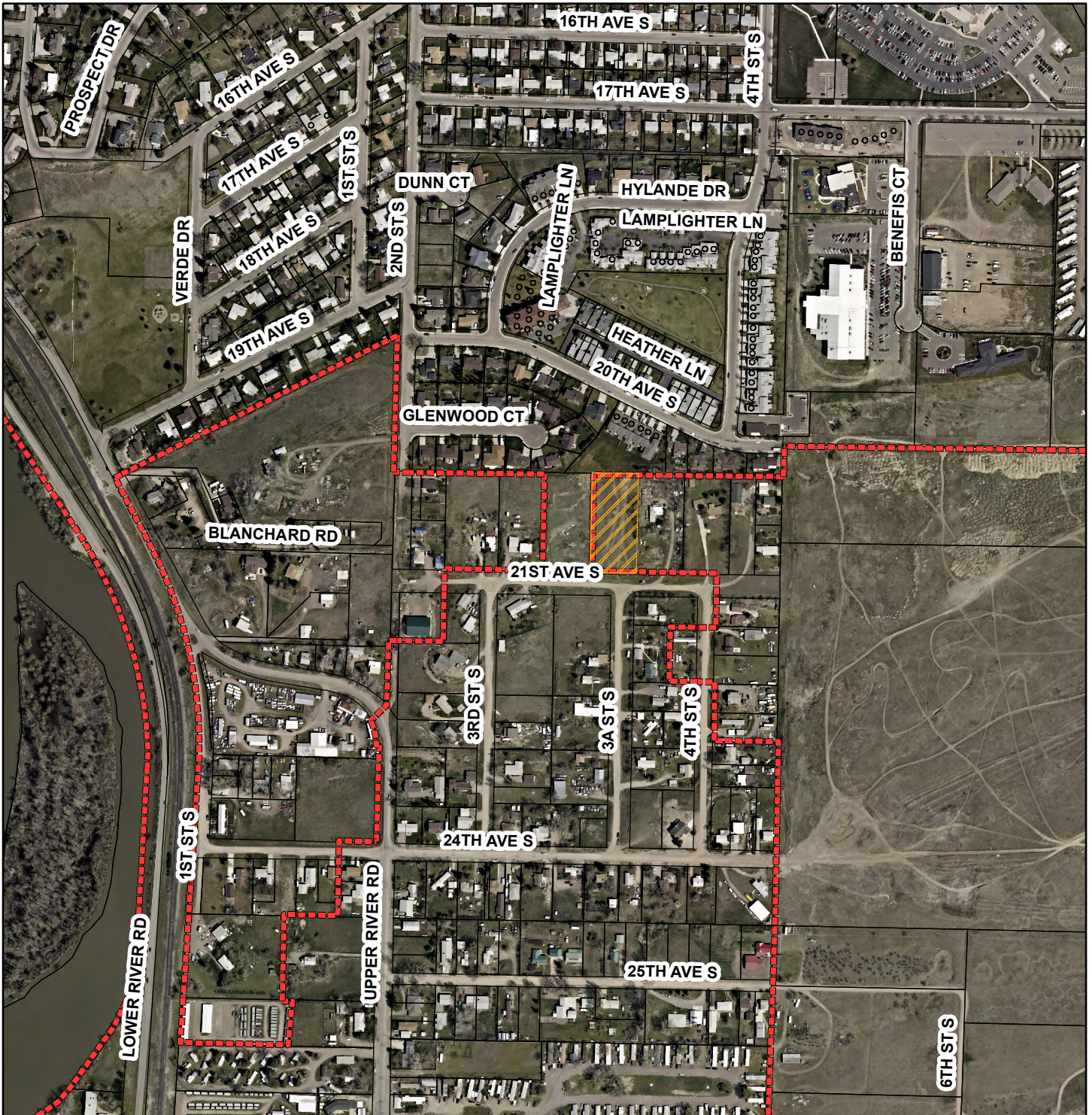
I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3202, on the Great Falls Civic Center posting board and the Great Falls City website.


\_\_\_\_\_  
Darcy Dea, Deputy City Clerk



(CITY SEAL)

# Exhibit A



 Ordinance 3202

 City Limits



## FINDINGS OF FACT – ZONING MAP AMENDMENT

Grandview Tracts, Lot 5, Section 13, T20N, R3E, PMM, Cascade County, Montana.

### PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

#### **1. The amendment is consistent with and furthers the intent of the City's growth policy.**

The proposed zoning assignment of R-2 Single-family medium density is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. Additionally the policies that this establishment of zoning is consistent with include:

##### Social - Housing

Soc1.4.12 When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

##### Physical - Land Use

Phy4.2.5 Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth. The approval of the annexation with the establishment of R-2 zoning will create balanced growth that is compatible with the adjacent properties as well as carry out the vision of the adjacent zoning districts surrounding the property.

#### **2. The amendment is consistent with and furthers adopted neighborhood plans, if any.**

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #6. The applicants met with Council #6 on February 6, 2019, with the council supporting the proposal.

#### **3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.**

The subject property is located on a local street. As a result, there is no specific guidance in the Long Range Transportation Plan that relates to transportation policy. As noted in the staff report, the subject property is located within the 5<sup>th</sup> Service District of the Upper and Lower River Road Water and Sewer District. Previously, Service Districts 1, 2, most of 3, and 4 have been annexed into the City. District 5 will be the next in line to be annexed at an undetermined date. The Upper and Lower River Road Water and Sewer District was created in order to

improve water quality, resolve public health issues, remove sources of groundwater contamination, and improve the tax base of the community.

**4. The code with the amendment is internally consistent.**

The proposed establishment of zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent existing zoning. The proposed single-family home will fit in with the context of the neighborhood based on the surrounding single family homes adjacent to the property. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood.

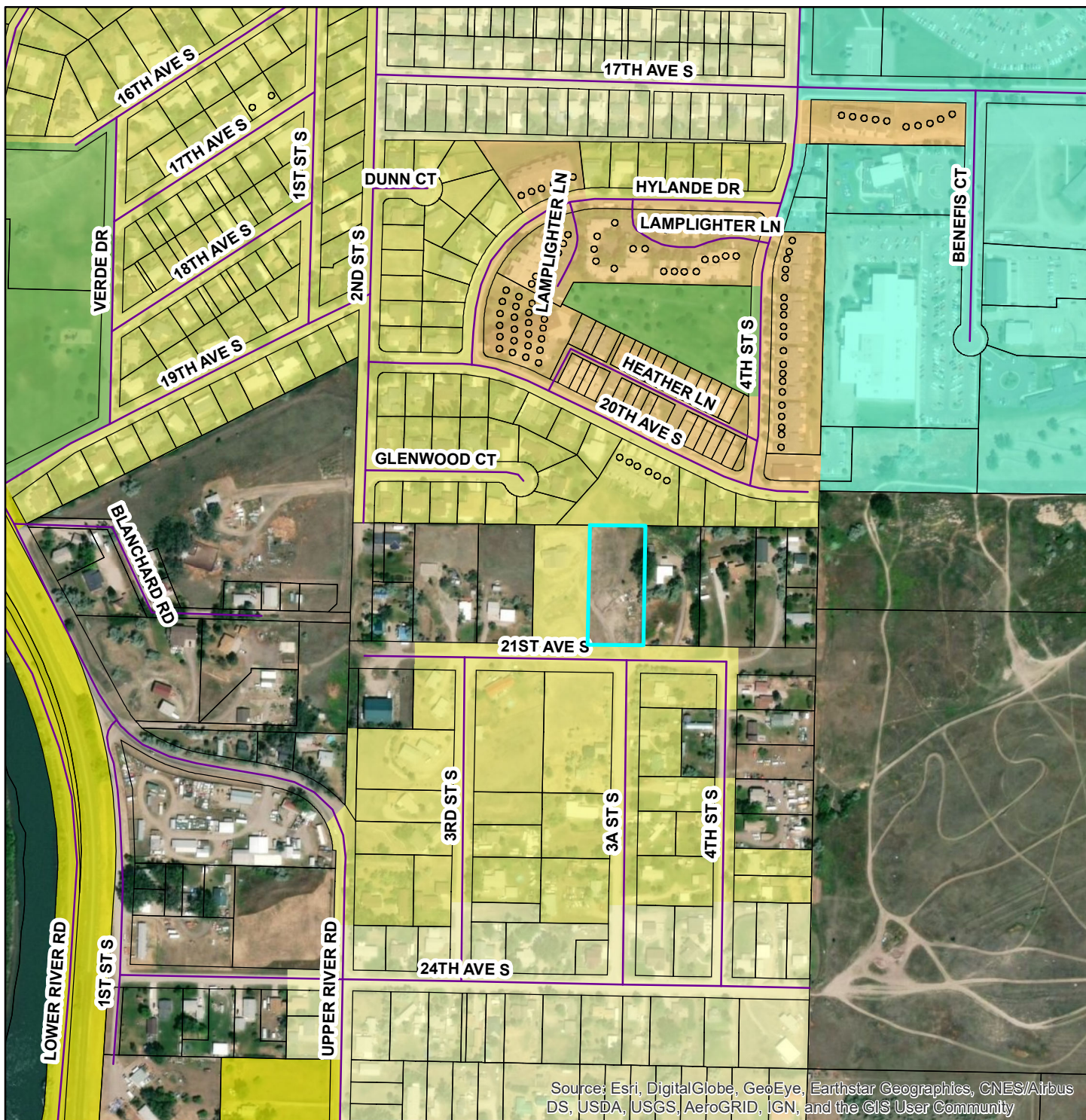
**5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.**

There are no existing public health, safety, or welfare issues that have been identified for this property. The zoning assignment has no impact on these issues.










**6. The City has or will have the financial and staffing capability to administer and enforce the amendment.**

The City has the financial and staffing capability to enforce the amendment if it is approved.

# ZONING MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  CityStreets
-  City Limits
-  Parcels
-  R-1 Single-family Suburban
-  R-2 Single-family Medium Density
-  R-3 Single-family High Density
-  R-5 Multi-family Medium Density
-  PLI Public Lands and Institutional
-  POS Parks and Open Space

