



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
August 16, 2022
7:00 PM**

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

Public participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to City Clerk, PO Box 5021, Great Falls, MT 59403, or via email to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

COMMUNITY INITIATIVES

1. Update from Cascade County Sheriff's Office - Sheriff Jesse Slaughter.

PETITIONS AND COMMUNICATIONS

2. Miscellaneous reports and announcements.

(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 either your address or whether you are a city resident for the record.)

NEIGHBORHOOD COUNCILS

3. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

4. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

5. 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.

- [6.](#) Minutes, August 2, 2022, City Commission Meeting.
- [7.](#) Total Expenditures of \$2,176,455 for the period of July 15, 2022 through August 3, 2022, to include claims over \$25,000, in the amount of \$1,421,889.
- [8.](#) Contracts List.
- [9.](#) Grants List.
- [10.](#) Approve a Professional Services Agreement in the amount not to exceed \$153,400 to Advanced Engineering and Environmental Services, Inc. (AE2S), for engineering services for the Hill 57 Booster Station Improvements and authorize the City Manager to execute the agreement documents.

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

PUBLIC HEARINGS

- [11.](#) Ordinance 3247, Approving the amended and restated urban renewal plan for the Downtown Urban Renewal District and to approve two storm drainage projects as urban renewal projects. *Action: Conduct a public hearing and adopt or deny Ord. 3247. (Presented by Craig Raymond)*
- [12.](#) Resolution 10474, Amending Planning and Community Development Engineering Fees in the City of Great Falls. *Action: Conduct a public hearing and adopt or deny Res. 10474. (Presented by Craig Raymond)*
- [13.](#) Resolution 10476 and Resolution 10477, Requests from the Downtown Development Partnership (DDP) to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds to assist with the cost of DDP operations. *Action: Conduct a joint public hearing and adopt or deny Res. 10476 and adopt or deny Res. 10477. (Presented by Craig Raymond)*

OLD BUSINESS

NEW BUSINESS

- [14.](#) CDBG Revolving Loan Funds Request from C. Daniel Bateman, Owner of The Madison Apartments, LLC, located at 1109 6th Avenue North. *Action: Approve or deny the loan request for an amount not to exceed \$1.2 million. (Presented by Craig Raymond)*

ORDINANCES / RESOLUTIONS

- [15.](#) Resolution 10461, Annual Tax Levy. *Action: Adopt or deny Res. 10461. (Presented by Melissa Kinzler)*
- [16.](#) Ordinance 3248, Assigning R-2 Single-family Medium Density Zoning to Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition. *Action: Accept or not accept Ord. 3248 on first reading and set or not set a public hearing for September 6, 2022. (Presented by Craig Raymond)*
- [17.](#) Ordinance 3249, Amending Title 17, Chapter 4, Chapter 8 and Chapter 20 of the Official Code of the City of Great Falls Pertaining to Use of Land Within the City of Great Falls for Commercial Marijuana Business Activities. *Action: Accept or not accept Ord. 3249 on first reading and set or not set a public hearing for September 6, 2022. (Presented by Jeff Hindoién)*

CITY COMMISSION

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

ADJOURNMENT

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

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. 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.

JOURNAL OF COMMISSION PROCEEDINGS
August 2, 2022

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, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Interim City Engineer Jesse Patton; Finance Director Melissa Kinzler; City Attorney Jeff Hindoien and Deputy City Attorney David Dennis; Police Chief Jeff Newton; and, City Clerk Lisa Kunz.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM THE MONTANA AIR NATIONAL GUARD (MANG).

Colonel Trace Thomas, MANG, on behalf of the 120th Airlift Wing and 341st Missile Wing, expressed appreciation to everyone that made last week's Open House a huge success. During the 3-day event, there were approximately 45,000 participants.

The Aviation and Maintenance personnel on deployment will be returning to the country within a month, and Support personnel will be deployed this fall for four to six months.

Upcoming events include Family Day and Boss Lift.

2. PETITIONS AND COMMUNICATIONS

Rev. Dawn Skerritt, First United Methodist Church, commented that the encampment has been staged down and all of the individuals have dispersed without incident. Church members and volunteers are working on cleaning up the trash.

Shane Etwiler, Great Falls Area Chamber of Commerce, commented that the Chamber recognizes businesses, organizations or activities in Great Falls that are making an impact in our community. He announced that the Chamber awarded its August Chamber Member of the Month to the Electric City Water Park. He provided the following 2021 statistics about the Park and Recreation Department: opportunities, services and activities were offered to 1.4 million people, and 22,000 people enjoyed the Electric City Water Park.

NEIGHBORHOOD COUNCILS

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3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon commented that he would be moving forward with retaining the services of a project manager for the ARPA allocations, to oversee that the City is using those funds to the best of its ability, and coordinating and monitoring the schedules and project timelines.

The City’s website has been updated with a new email subscription for news releases. People can also subscribe to receive email notifications for City related meetings.

The Great Falls Public Library is co-sponsoring the Big River Ruckus event August 11-13, 2022.

In response to questions and concerns about resources for the homeless population in the community, Manager Doyon invited non-profit partners to talk about the presence they have had at the encampment and the resources they provide.

Gary Owen, City resident, President of United Way of Cascade County and Chairman of the local Continuum of Care, reported that the local continuum of care is simply a community initiative of about 30 concerned organizations and citizens that work to address homelessness to try to make it rare, brief and non-recurring. The focus is moving people from a state of homelessness to permanent housing.

They work to assess those who are experiencing homelessness, to identify their challenges and barriers, and to assign people who manage those cases to work with those individuals to move them to a permanent housing situation.

The homeless population is very diverse. Chronically homeless people are not individuals that can be placed in a home or an apartment and expect them to be successful. They have challenges that, regardless of the physical presence, need services that would help them be successful. Many of our homeless population are simply low-income families who have hit a bump in the road that have caused them to lose their permanent housing. Organizations will work closely with them to provide resources to help them get back on their feet and get them back into permanent housing.

Deb Kottel, County resident, Executive Director of Saint Vincent de Paul, reported that Saint Vincent de Paul provides two types of services that relate directly to homeless. The Grace Home houses homeless veterans and provides transitional housing. They have been at capacity since

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opening five years ago and have a waiting list. This type of transitional housing that is segmented works successfully in our community. At this point, there is not a similar facility for homeless female veterans in our community.

Specific to the Church and the services provided for the homeless, Saint Vincent de Paul has an Angel Room at 500 Central Avenue West that provides nutritional on-site meals Sunday through Wednesday, and serve 25 to 60 people per day. More importantly, Saint Vincent de Paul also provides a laundry facility where the homeless can wash and dry their clothes, or where they can exchange dirty clothes for clean clothes and weather appropriate clothes. Also provided are bathrooms, shower facilities, haircuts, transportation to job interviews and to jobs, and a retired nurse provides foot care.

To help reduce the burdens on the emergency room, Saint Vincent de Paul also has a paramedic that comes in every two weeks that does some triage work with homeless individuals. They take care of feet problems, get people aligned to healthcare, get them to their doctor's appointments and will try to get them over to the Center for Mental Health for medications that help stabilize them.

They also have a full employment project and help with housing. There is not enough housing in this community. She reported that she has six homeless men right now, fully employed, that she cannot find housing for. Outside groups have come into this community and bought up many of the buildings, they took them out of Section 8 availability, and so there is a definite shortage of where you can place an individual in terms of their income ability.

Saint Vincent de Paul is also a member of the Continuum of Care Committee. She reported that a portion of the homeless encampment at the Church returned to reservation communities. Some of the homeless in that Church group were sheltered. They chose, however, to stay there because of camaraderie and perhaps illegal activities that were going on. One-third, or about 20 individuals from the homeless encampment, are back on the streets.

Karla Seaman, Executive Director of Opportunities, Inc., commented that she would address all of the homeless in Great Falls overall and not just the homeless that were at the First United Methodist Church. Opportunities, Inc. is focused on low-income individuals and vulnerable populations. She provided the following statistics for the time period January 1 – May 31, 2022:

- Assisted 162 unsheltered individuals with housing assistance. [By definition, that indicates that they were living in a vehicle, street, park, an abandoned building, bus station, campground or other unsheltered settings.]
- Of those 162 individuals, they were able to get 135 into some type of housing within a short period.
- 27 individuals were unable to go directly into housing because they needed more services, but were placed in hotels or non-congregate shelters. Five hotels across the community worked with Opportunities, Inc. Opportunities, Inc. provides assistance for stabilization in the form of rent, security deposit, utility deposit, housing application fees, and then stability plans and referrals. They work with landlords and directly with individuals.

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- Of those 27 individuals in non-congregate shelters, 15 of them did go into housing in the last five months and they are still housed.
- 6 did return to the street and continue to receive active case management.
- 1 is receiving case management while incarcerated.
- 2 families went into the Cameron Family Center.
- 1 abandoned the hotel room, and 2 returned to the street and refuse service.
- 1 family is still in non-congregate shelter.

If Opportunities, Inc. has housed someone in a hotel and they are back on the street, there is always another side. To receive services, they require a partnership with the individual. They screen for eligibility, assess the housing needs, provide the housing plan and stability services.

In closing, she read a portion of a letter from a family that arrived in Great Falls on June 8 and their housing fell through. The services mentioned included a church, Pastor Lee, Temporary Assistance for Needy Families (TANF), Medicaid, Opportunities, Inc., Youth Employment Office, Section 8, Sober Life, Family Promise, food banks, Saint Vincent, and Emily Center. She noted twice that Sober Living and Gateway were huge in maintaining her sobriety. She read her closing paragraph verbatim: "I just want to give a huge thanks to all the resources who have been a tremendous blessing. It has eased my anxiety, depression and PTSD to a minimum. I'm very thankful to each and every one of the people on my support team. I no longer consider them resources; they are now part of the family. This would not have been possible without my faith and love for God who guided me through this process. With this being said, I would like to thank God for blessing us and allowing us to be part of the beautiful community."

Gina Black, Outreach Coordinator for Opportunities, Inc., reported that she has worked with the homeless at the First United Methodist Church encampment since November 2021. There have been many challenges. At the close of the encampment, a lot of people did say that they had places to go, such as back to the reservation communities, back to couch surfing, and things that they were doing before. Quite a few that started out did not follow through with the case management and the housing navigation services.

She and others do the coordinated care assessment with the client to determine what their needs are. Some of those beginning needs are identification, Social Security, and just a general sense of where to go and what help is available. Some of them have treatment needs, whether that is mental health or substance use treatment. She connects them to resources by introducing them to other people that can help them with those specific needs.

She also assists them with applying for Section 8 and the housing assistance that they need, such as applying for assistance, first month's rent or deposit to get into and secure a place, and ongoing case management for them as they are settling into being housed again and going back to "normal life."

They help with job searches and clothing vouchers to get back into employment or that is weather appropriate.

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Commissioner Wolff commented that it is incredible how many people donate to United Way and to each entity. She expressed appreciation for all of the work that they do.

Mayor Kelly commented that organizations that are represented here tonight are really just a small part of the organizations out in the community that have really taken on the homelessness issue. The City supports these services with CDBG, HOME, ARPA and CARES funds. This was a small example of great work that is being done by committed people.

Commissioner Tryon expressed appreciation to the speakers, noting they are on the front line on this issue. It was amazing to hear what they are doing and the services provided. He hopes this filters through to the community and the public at large what an amazing job and what an amazing community we live in.

CONSENT AGENDA.

6. Minutes, July 19, 2022, City Commission Meeting.
7. Total Expenditures of \$2,821,759 for the period of July 1, 2022 through July 20, 2022, to include claims over \$25,000, in the amount of \$1,616,065.
8. Contracts List.
9. Accept the low bid from Hawkins, Inc., and authorize staff to purchase liquid ammonium sulfate in the amount of \$960 per ton, up to the maximum amount of 100 tons for FY2022/23 purchases.
10. Vacate the public hearing set for August 2, 2022 on Resolution 10474 to Amend Planning and Community Development Engineering Fees in the City of Great Falls and reset the public hearing for August 16, 2022.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the Consent Agenda as presented.

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

City Manager Doyon referred to Agenda Item 9 and pointed out that the product cost reflects a 66% increase from last year's price as an illustration of some of the challenges the City has with inflation.

Mayor Kelly also noted the amount of "no bids" because they had no access to the product.

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

Motion carried 5-0.

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PUBLIC HEARINGS

11. **RESOLUTION 10464 TO LEVY AND ASSESS THE GENERAL BOULEVARD DISTRICT NO. 3570.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that the Park and Recreation Department, Natural Resources – Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, tree removal, planting, and streetscape design.

After calculating all factors pertinent to the operation of the Natural Resources – Boulevard Division, an assessment amount for the next fiscal year is calculated and proposed to the City Commission for approval. For FY 23, the boulevard assessment is increasing 12% or \$10.29 for the average size lot to cover the increased costs of operation (personnel, tree planting, fuel, etc.). The last boulevard increase of 5% was approved in FY 20. There were no assessment increases in FY 21 or FY 22 to aid in the economic recovery from Covid-19.

The City Commission adopted FY 23 Annual Budget on July 19, 2022, which included the boulevard assessment as represented herein. As part of the annual budget development and adoption procedures, the General Boulevard Maintenance District assessment resolution must be submitted for further City Commission action.

A public notice and hearing is required prior to the final passage of the assessment resolution. Adoption of Resolution 10464 will allow the City to finance the costs of work, improvements and maintenance conducted each year in the General Boulevard District.

The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is \$454,599, and will result in an approximate assessment of \$96.09 for an average size lot of 7,500 square feet.

Mayor Kelly asked if the Commission members had any questions of staff.

Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10464. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10464.

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

Commissioner McKenney commented that he takes care of four trees on his boulevard and he is not in a boulevard district. The current pruning cost is about \$1,000 per tree. He would gladly pay \$96.00.

Commissioner Tryon commented that nobody likes raising taxes or fees. The last two years the City has been operating on a neutral budget with no tax increases and no extra spending because of the Covid pandemic. The price of everything has gone up. These assessments and the budget that was adopted are necessary in order to maintain a level of service that people expect. The alternative is to decrease the level of service.

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

Motion carried 5-0.

12. RESOLUTION 10465 TO LEVY AND ASSESS GREAT FALLS PARK DISTRICT NO. 1.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that, on June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District are the current incorporated limits of the City, as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize assessment dollars and direct those monies for functions, labor, supplies and materials necessary for management and maintenance of city owned facilities, lands and equipment under the responsibility and care of the Park and Recreation Department. The lands include, but are not limited to, public parks and park areas, recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities that are located in the city limits and are owned by the city and under the direction of the Great Falls Park and Recreation Department.

The Park District's revenue may not be used for programming.

In fiscal year 2022, the City issued park district bonds to provide matching funds for the grant received to build a new recreation and aquatics facility. Some park district projects may be rescheduled to allow Park District funds to be used towards the new facility as construction is completed and to complete other current Park District projects. No final determination has been made at this time.

The City Commission adopted the FY 23 Annual Budget on July 19, 2022, which included the Park District assessments as represented herein.

A public notice and hearing is required prior to the final passage of the assessment resolution and the City Commission must annually adopt a resolution establishing the annual assessment for the district.

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The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1.5 million dollars annually. FY 23 is year five of the assessment with no increase. Based on last year's valuations, the estimated annual assessment for \$100,000 market value property would be \$24.53.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner Tryon received clarification that this is year 5 of the 20-year assessment and there have been no increases in the past 5 years.

There being no further questions, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10465. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10465.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

13. RESOLUTION 10466 TO LEVY AND ASSESS PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICTS.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that there are currently 27 Special Improvement Lighting Districts (SLD's) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by NorthWestern Energy. The City pays a maintenance fee to NorthWestern Energy for these lights in addition to a fee, which covers the electrical transmission and distribution. The electrical supply for the street lights is currently being furnished by Energy Keepers. The remaining 3% of the roadway lights is City-owned.

The purpose of the Special Improvement Lighting District Fund is to maintain the lights and poles and furnish electrical supply for the lighting districts throughout the year.

The City Commission adopted the FY 23 Annual Budget on July 19, 2022, which included the streetlight assessments as represented herein.

As part of the annual budget development and adoption procedures, the Special Improvement Lighting Districts assessment resolution must be submitted for City Commission action. A public notice and hearing is required prior to the final passage of the assessment.

Adoption of Resolution 10466 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

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The estimated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1.1 million. This is a 4.5% aggregate increase from the prior fiscal year. She noted that not all districts would have an increased assessment. Only those districts without a sufficient cash balance to cover the cost of operations will be increased. The FY 23 assessment per district is indicated on the Lighting District maintenance budget and assessment worksheet attached as exhibit A and made part of Resolution 10466.

Mayor Kelly asked if the Commission members had any questions of staff.

Mayor Kelly received clarification that the total assessment for the district is \$1,161,507. He commented that it appears the majority of the increased assessment falls on Special Improvement Lighting District 1296.

Director Kinzler responded that District 1296 is for residential street lights and the district comprises the whole City of Great Falls and is one of the larger lighting districts. She also noted that people could look on their tax bill, Finance Department's webpage or call the Finance office to determine if they are in a lighting district.

Commissioner Wolff inquired about a negative number in District 16.

Director Kinzler clarified that fund is projected to have a negative cash balance at the end of the fiscal year. A cash loan will be made to that fund from the other lighting districts and then the rates gradually increased for that fund.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10466. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10466.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

14. RESOLUTION 10467 TO LEVY AND ASSESS THE PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that, in February 1977, the Commission adopted Resolution 6913 that created the Special Improvement Maintenance District 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs of materials, snow removal labor, water, mowing labor, fertilizer costs and labor, and tree pruning, which was part of the original Planned Unit Development.

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After calculating all factors pertinent to the operations of the Portage Meadows Maintenance District, an assessment amount for the next fiscal year is calculated. For Fiscal Year 2023, the Portage Meadows assessment is increasing 5% or \$17.45 for the average size lot to cover the increased costs of operations (personnel, fuel, maintenance of the irrigation system, etc.). There were no assessment increases in Fiscal Years 2021 or 2022 to aid in the economic recovery from Covid-19. The last Portage Meadows Maintenance District increase of 5% was approved in Fiscal Year 2020.

The City Commission adopted the FY 23 Annual Budget on July 19, 2022, which included the Portage Meadows assessment as represented herein. As part of the annual budget development and adoption procedures, the Portage Meadows Maintenance District assessment resolution must be submitted for City Commission action.

A public notice in and hearing is required prior to the final passage of the assessment resolution. Adoption of Resolution 10467 will allow the City to finance the cost of repairs and maintenance required each year in the Portage Meadows Maintenance District. The estimated assessment amount is .081393 per square foot, a total of \$68,515, and will result in an annual assessment of \$366.35 for an average lot of 4,501 sq. ft.

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10467.

Judith Mortenson, City resident, requested clarification of the increased amount per lot.

Director Kinzler clarified that the actual increase is \$17.45 per lot. The total amount of the assessment is \$366.35 on the average lot size of 4,501 sq. ft.

City Manager Doyon added that this agreement was reached with the developer in 1977. If all of the property owners were to come together through a judicial process, they could change that assessment and establish their own methodology of maintaining the Portage Meadows green belt. The reason for the increase is to make sure the taxpayers, in general, are not subsidizing the work on that development.

There being no further comments from the public, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10467.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

15. RESOLUTION 10468 TO LEVY AND ASSESS THE STREET MAINTENANCE DISTRICT.

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Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Finance Director Melissa Kinzler reported that the Street Division maintains approximately 383 miles of streets and alleys within the City limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, the Traffic Operations Division is responsible for the maintenance of all roadway signs, signals and pavement markings.

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated and presented to the City Commission for approval. No assessment increase is proposed for FY23. The last street maintenance assessment increase of 10% was in 2016.

The City Commission adopted the FY23 annual budget on July 19, 2022, which included the street maintenance assessment as represented herein. Adoption of Resolution 10468 will allow the City to fund the costs of work, improvements and maintenance within the Street Maintenance District. The total estimated assessment for the District is \$4,583,265, and will result in an annual assessment of \$110.53 for an average size lot of 7,500 sq. feet.

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10468.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10468.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

16. **RESOLUTION 10471 TO REFER ORDINANCE NO. 3246, AMENDING THE OFFICIAL CODE OF THE CITY OF GREAT FALLS TO SPECIFICALLY PROHIBIT ANY MARIJUANA BUSINESSES FROM OPERATING IN THE CITY OF GREAT FALLS, TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

City Attorney Jeff Hindoien reported that Resolution 10471 is the procedural vehicle for referring an ordinance to a vote of the electors of the City of Great Falls in November that would have the voters decide whether they want to enact or not enact a specific prohibition in City Code against any commercial marijuana businesses operating in the City.

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As discussed at this evening's work session, the background and context for this goes back to the initial efforts in Montana to legalize medical marijuana in the mid-2000s. In 2010, the City Commission looked at alternatives and, after public input on whether or not to allow the medical marijuana operations in Great Falls, took action to enact an ordinance that specifically prohibited any form of land use that was in violation of federal, state or local law. That ordinance was in effect for a decade without any challenge or question. The effect it had was to prevent the entry of any sort of medical marijuana activities in the City of Great Falls.

In November 2020, however, the Montana voters approved Initiative I-190 that legalized a range of adult use marijuana activities and commercial activities on a statewide basis. As enacted by the voters, I-190 contained a provision that specifically said a charter municipality, like the City of Great Falls, could not completely prohibit adult use marijuana activities.

The 2021 Legislature took that I-190 framework and modified it through HB 701. One of the specific things they did was to pull back that restriction on charter municipalities and repealed it. From the City's perspective, we are able to continue to prohibit those activities in the City under the prior ordinance. However, this spring, an application was submitted to the City for the issuance of a Safety Inspection Certificate (SIC) for a commercial marijuana business in the City limits. That request was denied by staff on the grounds and based upon the current ordinance. As part of that process, those folks took an appeal to the Commission that was considered by the Commission in April. At the conclusion of that process, the Commission made the determination to sustain the denial of the request for the SIC based on the current ordinance prohibiting those activities. The Commission also moved forward on two separate but related fronts - put a question back to the voters of the City of Great Falls as to whether or not they specifically want to prohibit those activities in City limits, and also to build out a regulatory framework that, in the event the voters choose not to enact that specific prohibition, would allow for those activities in the City limits. Before the Commission tonight is one piece of that multifaceted process.

As discussed at the work session, the added complexity is that the City is also on the receiving end of a lawsuit challenging our ability to prohibit these activities in the City.

The requested action is to conduct a public hearing on the resolution. If adopted, the resolution will transmit this matter to the election administrator to be placed on the ballot this fall.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner Tryon inquired if there was anything in the language being sent to the voters that in any way affects I-190, which allows for recreational adult use.

City Attorney Hindoen clarified that the closing sentence in the summary of the ballot language states that the use and possession of marijuana by adults over the age of 21, as now authorized by Montana law, is not impacted by this vote.

Commissioner Tryon inquired the fiscal impact to put this item and the next agenda item on the ballot.

City Manager Doyon responded that the range is \$40,000-\$45,000 for both issues.

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Commissioner Tryon inquired if there were any plans, resources or money budgeted to engage in an educational program before this goes on the ballot.

City Manager Doyon responded that there has been no allocation in the budget to do an educational campaign. The typical model would be education with the neighborhood councils, discussions with the media, and discussions that may occur at a work session or in this venue.

Commissioner Wolff inquired if there has been any conversation about enacting a tax and what that tax level may be.

Manager Doyon clarified that the marijuana tax is not within the City's jurisdiction. Jurisdiction lies with the Cascade County Commission and they would need to decide whether to put that on a ballot.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10471.

Julie Bass, reported that she is the lead contact for Initiative 3, a petition being put together to go before Cascade County to take recreational sales and operations out of the county. She and the other volunteers are struggling with signatures because most people do not know that \$7 million dollars came into the state to New Approach Montana to support Initiative 190 from a Super Pac.

The volunteers leading Initiative 3 are local Cascade County citizens who care about the county enough to try to save the youth, tax dollars, and to save the city from what Seattle, Denver and Portland have all suffered with the legalizing of marijuana. Colorado's homelessness increased 200% from the time recreational marijuana was approved. The true effects of THC are less than 2% that actually help people.

She appreciates the City Commission moving this forward. She would have preferred that the Commission just voted and made it happen. She is hoping to get enough people educated with what is going on in the city.

Nancy Donovan, City resident, commented it was refreshing to hear Manager Doyon's comments at this evening's work session. Somebody is paying attention to what happens outside our little bubble because those communities are struggling. Colorado's property taxes have doubled. That would put a tremendous burden on many people. She suggested more thinking that is creative about the policies affecting how residents are living in this community. She thanked the Commission for putting this on the ballot. She concluded that this is a world battle and we are watching the decay of the entire nation. Let's do our part to fight.

Beth Morrison, Substance Abuse Prevention Specialist for Alliance for Youth, commented that her focus is always on the youth. She thanked the Commission for putting this before the voters. She hopes that this community that shows support for organizations like the one she works for would also want to protect the community in other ways.

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In response to comments made about whether to allow retail marijuana space to conduct business, she pointed out that the marijuana industry is many steps ahead and already contesting advertising and free samples at the state level with the Cannabis Control Division.

Ms. Morrison concluded that, if the door is opened just a little bit, you are never going to be able to put the toothpaste back in the tube.

Shane Etwiler, Great Falls Area Chamber of Commerce, commented that often the predictor of future performance is to look at past results and there is no better state than Colorado. He referenced a Hudson Institute report issued in June of 2021 and discussed the follow statistics:

- The same month that came out, the Denver Post reported yet another black market and money laundering operation being taken down that involved millions of dollars of illegal marijuana and 21 individuals funneling this money to China, the country's greatest adversary at this point.
- Mexican and Colombian cartels, as well as gangs from Cuba and Russia, have also been implicated in multiple similar transnational criminal schemes in Colorado and nationwide.
- They found that in the High Intensity Drug Trafficking Area (HIDTA) there were 278 similar black market cases in 2019 involving the seizure of 7.5 tons of marijuana and over 15,000 marijuana edibles destined for 28 US states.
- For the population of 12 years of age and older, Colorado's marijuana use has increased dramatically since the legislation rising 30% to become third in the nation, and 76% above the national average.
- College youth past month use is 50% higher than the average, while past month use for ages 12-17 is 43% higher.
- Colorado is also first in the nation for the highest percentage of adults who need drug treatment but are not getting it.
- Regarding the risk to our youth, marijuana is the most common drug found in toxicology reports of those who die by suicide. Montana is already the top state in the country for suicide.
- The percentage of incidents of suicide in which toxicology reports were positive for marijuana increased 23% in 2018, compared to 14% in 2014.
- The significant increase in the number of teen suicides in Colorado over the past five years, and marijuana as the number one drug found when toxicology is reported, can be correlated with the increased potency and availability of marijuana and vaping by teens.
- Marijuana was present in 37% of teens, ages 15 to 19, who died of suicide in 2019, and had toxicology information available.
- National Veterans suicide prevention reports indicate Colorado's rates are significantly higher than the national average, with 2019 figures showing 25% increase over 2018.

The Chamber initiated a workforce development program last year because it is the number one need for businesses today. The Chamber is talking to the youth at the high schools and middle schools about what a great future and what a great career our youth can have right here in Great

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Falls. Marijuana is a roadblock to those efforts. He encouraged the Commission to make the right decisions and to stand strong against this.

Jennie Rogliano, concerned citizen, commented that she and her husband lived in Colorado. Everything the Commission heard today about Colorado is so very true. It is a nightmare in Colorado. She worked with her husband's private investigation business for many years, and 98% of their cases were drug related.

Colorado became drug and gang infested, and the homeless moved in. It was frightening. She and her husband decided they had to get out and they moved to Great Falls. They love Great Falls and do not want it to change and they do not want to have to move again.

When Colorado legalized marijuana in 2012, residents were told it was money that was going to help the children and go to the schools. However, nobody knows where the marijuana money actually went.

She was very saddened when she heard it passed here in Montana. The statistics are out there. Anybody can do research. For every dollar that is taken in, \$4.50 will be spent on all of the necessary services. It changes the quality of life so drastically. She cannot stress enough there is nothing good about it.

Jeni Dodd, City resident, submitted written comments in support of putting whether to allow marijuana businesses within City limits to a vote of the people in November.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10471.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10471.

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

Commissioner Tryon commented that it is important that this ballot language be as clear as possible and the public educated about voting for or against. This is not about marijuana use or recreational use for adults. This issue on the ballot is simply whether to allow sales and other activities in the City limits.

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

Motion carried 4-1 (Commissioner Hinebauch dissenting).

17. **RESOLUTION 10473 TO REFER ORDINANCE NO. 3245, PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022.**

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Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

City Attorney Jeff Hindoien reported that this is a resolution similar to the last agenda item to refer an ordinance to a vote of the electors of the City of Great Falls. The basis for this particular request of the voters is that, as a Charter Municipality, the City is governed by a charter that was enacted originally by the citizens and voters of the City of Great Falls in 1986. The Charter can only be changed through a vote of the people.

Historically, a municipal court judge was in a position to hire an assistant part-time municipal court judge. That pathway had already been started on by the Commission and the Municipal Court as a budgetary matter. However, in the last legislative session, the legislature removed that authority and enacted a new requirement that all municipal court judges must be elected.

The current City Charter sets forth that the City's judicial branch would consist of a Municipal Court and an elected Municipal Court Judge. In order for the Commission to take the steps that were already discussed and planned for budgetarily over at least the last two cycles to upsize the Municipal Court, the Charter needs to be amended to remove that limitation on a single Municipal Court Judge.

If approved by the electors, there will be a separate process for Commission debate about adding that additional judge position through an ordinance and what the timing and process will be for getting that person elected.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner McKenney inquired if the resolution provided for one additional judge or for additional judges.

City Attorney Hindoien clarified that the resolution is putting a question to the voters to remove the 1986 language in the Charter that says there shall only be one Municipal Court Judge. Once that Charter based limitation on the size of the court is removed, the Commission will have the legislative authority to decide the number of judges into the future depending on the growth and needs of the City.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10473. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10473.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

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NEW BUSINESS**18. MISSOURI RIVER NORTH BANK STABILIZATION PHASE I (OF 1693.0).**

Interim City Engineer Jesse Patton reported that this is a multi-phase project to protect the failing bank along the Missouri River. In 2002, the Cascade County Conservation District (CCD) contracted Land and Water Consulting to prepare the Missouri River Urban Corridor Inventory & Assessment. The purposes of the study were to document existing conditions and provide potential restoration and enhancement opportunities for the urban shoreline along the Missouri River as it flows through Great Falls. The study identified the reach along the north bank, which runs from the 9th Street Bridge upstream approximately 1,440 feet as the highest priority for bank stabilization. As a result, the CCD sponsored the development of the Preliminary Engineering Report for Cascade Conservation District Urban Corridor/Black Eagle Reservoir Watershed Project, published in November 2015. The City has worked with the CCD to put together a FEMA grant for this extensive, multi-phased project.

This phase of the project will install bank stabilization measures along 813 lineal feet of the north riverbank of the Missouri River that will provide protection for the pedestrian path and sewer line; reduce/eliminate erosion and safety hazards; and reduce sediment deposition into the river. The stabilization will utilize a combination of riprap, gabion baskets, vegetative armoring, and bank slope reduction to prevent further erosion.

Winkler Excavating was the apparent low bidder and has extensive experience doing work of this nature.

Although the project came in higher than the original 2016 estimated budget of \$530,333, the Public Works Utility Division and the Park and Recreation Department will split the difference between the original budget and this bid amount. Staff is also working with NorthWestern Energy and the Missouri River Grant fund to help subsidize the costs of Phase 2.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission award a contract in the amount of \$581,700 to Winkler Excavating, for the Missouri River North Bank Stabilization Phase I, and authorize the City Manager to execute the necessary documents and to make the payments.

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 Tryon inquired if the unsigned Certificate of Compliance with Insurance Requirements and Certificate of Non-Segregated Facilities would present a problem.

Interim City Engineer Patton responded that the City has the ability to waive irregularities and is currently in receipt of those signed documents.

Commissioner Tryon questioned the big difference between the high and low bids.

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Interim City Engineer Patton responded that it is an interesting time right now. His assumption is that the high bidder has a lot of work going on right now. His recommendation is that Winkler will be able to do this project for the quoted price and that some of this is just the volatile nature that we are living in right now.

Mayor Kelly noted this has been a long process. He highlighted the ongoing efforts of the Public Works Department, FEMA, NorthWestern Energy, and Recreational Trails, Inc. bringing the Missouri Madison River fund into play. He appreciates that Public Works and Park and Recreation worked out a way to share those costs. This is the beginning of a very necessary project.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly announced Ike Kauffman's birthday on August 6 and wished him well and a happy birthday.

Commissioner Tryon announced that a fundraiser for Toby's House, a crises nursery, is scheduled for Friday at Montana Pints from 4:00-7:00 pm.

20. COMMISSION INITIATIVES.

Commissioner Wolff requested that staff provide the Commission general information about the GFDA request that was received for the use of CARES dollars.

Mayor Kelly agreed that the Commission needs to respond to Jolene Schalper's request.

No one objected.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of August 2, 2022, at 8:55 pm.**

Motion carried 5-0.

 Mayor Bob Kelly

 City Clerk Lisa Kunz

Minutes Approved: August 16, 2022



Commission Meeting Date: August 16, 2022
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

ITEM: \$25,000 Report
 Invoices and Claims in Excess of \$25,000

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 \$25,000:

ACCOUNTS PAYABLE CHECK RUNS FROM NEW WORLD	JULY 21, 2022 - AUGUST 3, 2022	646,086.66
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS	JULY 21, 2022 - AUGUST 3, 2022	1,473,654.44
MUNICIPAL COURT ACCOUNT CHECK RUN FOR	JULY 15, 2022 - JULY 29, 2022	56,714.15
TOTAL: \$		<u><u>2,176,455.25</u></u>

GENERAL FUND

FIRE		
MONTANA BOARD OF INVESTMENTS	DEBT SERVICE PURCHASE TWO FIRE PUMPERS	38,546.45

SPECIAL REVENUE FUND

STREET DISTRICT		
GREAT FALLS SAND & GRAVEL	TYPE B AND C ASPHALT CONCRETE	95,024.84

ENTERPRISE FUNDS

WATER		
UNITED MATERIALS OF GREAT FALLS PROSPECT CONSTRUCTION	SOUTHSIDE WATER MAIN REPLACEMENT WATER TREATMENT PLANT FILTERS	88,016.46 61,132.50

SEWER		
VEOLIA WATER NORTH AMERICA TD&H ENGINEERING	MONTHLY WWTP OPERATION CONTRACT LIFT STATION #1 REPAIRS	285,489.11 36,471.20

PARKING		
STANDARD PARKING CORPORATION	PRKING PROGRAM CONTRACT JUNE 2022	34,079.95

INTERNAL SERVICES FUND

CENTRAL GARAGE		
MOUNTAIN VIEW CO-OP	GASOLINE / DIESEL	44,082.98

MOUNTAIN VIEW CO-OP	GASOLINE / DIESEL	29,654.80
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	46,312.00
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	54,676.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	33,209.07
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	52,642.87
		69,091.39
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT	146,335.36
	EMPLOYEE & EMPLOYER CONTRIBUTIONS	
US BANK	FEDERAL TAXES, FICA & MEDICARE	245,891.32

UTILITY BILLS

NORTHWESTERN ENERGY	SLD CHARGES FOR JULY 2022	61,232.75
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CLAIMS OVER \$25000 TOTAL:		\$ <u>1,421,889.05</u>
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**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

DATE: August 16, 2022

ITEM: CONTRACTS LIST
Itemized listing of administratively approved contracts.
(Listed contracts are available for inspection in the City Clerk’s Office.)

PRESENTED BY: Lisa Kunz, City Clerk
ACTION REQUESTED: Ratification of Contracts through the Consent Agenda
MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Legal Department	Independence Bank	Current	N/A	Ratification of a Warranty Deed for Lot 1 of the 10 th Street Bridge Minor Subdivision and Grant of Easements located in Lot 2, Independence Bank Minor Subdivision, pursuant to the Exchange Agreement approved by the Commission at its April 6, 2021 meeting; and, termination of the Lease Agreement approved by the Commission at its September 7, 2021 meeting.

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: August 16, 2022

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR’S SIGNATURE: _____

GRANTS

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	GRANT AMOUNT REQUESTED	MATCH	PURPOSE
A	Great Falls Police Department	U.S. Department of Justice, Bureau of Justice Assistance	10/01/2022 – 09/30/2026	\$52,829	N/A	Edward Byrne Memorial Justice Assistance Grant (JAG) Opportunity No. O-BJA-2022- 171368 Application Package ID PKG0 0275144 for patrol vehicle tool vaults, mobile data terminals, and investigative software – 60/40 split with Cascade County Sheriff’s Office



Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Professional Services Agreement: Hill 57 Booster Station Improvements, OF 1056.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jesse Patton, Interim City Engineer

Action Requested: Consider and approve a Professional Services Agreement

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/not approve) a Professional Services Agreement in the amount not to exceed \$153,400.00 to Advanced Engineering and Environmental Services, Inc. (AE2S), for engineering services for the Hill 57 Booster Station Improvements and authorize the City Manager to execute the agreement documents."

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

Staff Recommendation: Approve a Professional Services Agreement.

Summary:

The City proposes to retain AE2S for professional engineering services to design, bid, provide construction phase services, project closing services, and instrumentation and control services for the Hill 57 Booster Station improvements project. The project will make necessary upgrades to the electrical, pumping, and control systems at the Booster Station.

Background:

The Hill 57 Booster Station provides pressurized drinking water to citizens and future developments north of Riverview Drive. There is a need to improve the electrical system, make improvements to the existing pumps, install variable frequency drives on all pumps, provide backup power via a dedicated generator, update the instrumentation and control systems, and make piping and valve improvements.

Significant Impacts

The Hill 57 Booster Station provides pressurized water to the Hill 57 zone, which includes most of the development north of Riverview Drive, including Skyline and a portion of Valley View. This project will provide improvements that will optimize the operation of the booster station. The project will assure that future development within this water pressure zone will have adequate capacity and system redundancy.

Workload Impacts:

City Staff will participate in regular communication with the consultant, provide necessary background information to the consultant, and be involved in the project in general. AE2S will provide design drawings and specifications for the upgrades to the Hill 57 Booster Station; oversee bidding of the project; provide construction phase services including inspection; provide post-construction or project closeout phase services; and provide instrumentation and control services.

Project Work Scope:

A detailed definition of the scope of work is included in “Exhibit A” as attached to the Professional Services Agreement. The work scope includes the following tasks:

- Design Phase
- Bidding Phase
- Construction Phase
- Post-Construction Phase
- Instrumentation and Control Phase
- Miscellaneous Services

Conclusion

The project has been selected, prioritized, and executed in accordance with the Public Works Capital Improvement Program. City staff recommends approving the Agreement with AE2S in the amount of \$153,400.00 to provide engineering services for the project.

Fiscal Impact:

The project will utilize available funds budgeted in accordance with the Public Works Capital Improvements Plan from the City Water Treatment Fund.

Alternatives:

The City Commission could vote not to award the PSA. In that event, the improvements to the booster station would be delayed and the status quo of operation would be maintained.

Attachments/Exhibits:

Professional Services Agreement, Exhibit A
Vicinity Map

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as “City,” and **ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, LLC (AE2S)**, Portage Building, 405 3rd Street NW, Suite 205, Great Falls, MT 59404, hereinafter referred to as “Consultant.”

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City agrees to hire Consultant as an independent contractor to perform for City services described in the Scope of Services attached hereto as Exhibit “A” and by this reference made a part hereof.

2. **Term of Agreement:** This Agreement is effective upon the date of its execution. Both parties reserve the right to cancel this Agreement by providing a written thirty (30) day notice to the other party.

3. **Scope of Work:** Consultant will perform the work and provide the services in accordance with the requirements of the Scope of Services.

4. **Payment:** City agrees to pay Consultant an amount not to exceed ONE HUNDRED FIFTY THREE THOUSAND FOUR HUNDRED DOLLARS for services performed pursuant to the Scope of Services, with said services to be performed by Consultant at the hourly rates set forth in Exhibit “B” and reimbursable expenses to be charged at the hourly rates set forth in Exhibit “B”. Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

Consultant shall prepare invoices in accordance with its standard invoicing practices and the terms of this Agreement. Consultant shall submit its invoices to City on a monthly basis. Invoices are due and payable within 30 days of receipt.

5. **Independent Contractor Status:** The parties agree that Consultant is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Consultant is not subject to the terms and provisions of the City’s personnel policies handbook and may not be considered a City employee for workers’ compensation or any other purpose. Consultant is not authorized to represent the City or otherwise bind the City in any dealings between Consultant and any third parties.

Consultant shall comply with the applicable requirements of the Workers’ Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter

71, MCA. Consultant shall maintain workers' compensation coverage for all members and employees of Consultant's business, except for those members who are exempted by law.

Consultant shall furnish the City with copies showing one of the following: **(1)** a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or **(2)** proof of exemption from workers' compensation granted by law for independent contractors.

6. Indemnification: To the fullest extent permitted by law, Consultant shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Consultant's or it's subconsultant's work on the Project, but only to the extent caused by Consultant's breach of this Agreement or any negligent act or omission of Consultant or Consultant's officers, directors, members, partners, employees, or subconsultants. The indemnification obligations of this Section must not be construed to negate, abridge, or reduce any common-law or statutory rights of the City which would otherwise exist. Consultant's indemnity under this Section shall be without regard to and without any right to contribution from any insurance maintained by City. Consultant also waives any and all claims and recourse against the City or its officers, agents or employees, including the right of contribution for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to the performance of this Agreement except responsibility for its own fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent, according to 28-2-702, MCA. These obligations shall survive termination of this Agreement and the services performed hereunder.

7. Insurance: Consultant shall purchase and maintain insurance coverage as set forth below. The insurance policy, except Workers' Compensation and Professional Liability, must name the City, (including its elected or appointed officers, officials, employees, or volunteers), as an additional insured or contain a blanket additional insured endorsement and be written on a "primary—noncontributory basis." Consultant will provide the City with applicable additional insured endorsement documentation. Each coverage shall be obtained from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the state of Montana, with a minimum of "A.M. Best Rating" of A-, VI, as will protect the Consultant, the various acts of subcontractors, the City and its officers, employees, agents, and representatives from claims for bodily injury and/or property damage which may arise from operations and completed operations under this Agreement. All insurance coverage shall remain in effect throughout the life of this Agreement and for a minimum of one (1) year following the date of expiration of Consultant's warranties. All insurance policies, except Workers' Compensation, must contain a provision or endorsement that the coverage afforded will not be canceled, or renewal refused, until at least thirty (30) days prior written notice has been given to Consultant, City, and all other additional insureds to whom a certificate of insurance has been issued. All insurance documentation shall be in a form acceptable to the City.

*** Insurance Coverage at least in the following amounts is required:**

1.	Commercial General Liability (bodily injury and property damage)	\$1,000,000 per occurrence \$2,000,000 aggregate
2.	Products and Completed Operations	\$2,000,000
3.	Automobile Liability	\$1,500,000 combined single limit
4.	Workers' Compensation	Not less than statutory limits
5.	Employers' Liability	\$1,000,000
6.	Professional Liability (E&O) (only if applicable)	\$1,000,000 per occurrence \$2,000,000 aggregate

Consultant may provide applicable excess or umbrella coverage to supplement Consultant's existing insurance coverage, if Consultant's existing policy limits do not satisfy the coverage requirements as set forth above.

*** If a request is made to waive certain insurance requirements, insert the insurance item # and corresponding description from the list above: .**

Legal reviewer initials: **Approved** **Denied**

8. Professional Service: Consultant agrees that all services and work performed hereunder will be accomplished in a professional manner. The standard of care for all professional engineering and related services performed or furnished by Consultant under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality.

Consultant shall not, at any time, supervise, direct, control, or have authority over any contractor's work, nor shall Consultant have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to that contractor's furnishing and performing of its work. Consultant shall not be responsible for the acts or omissions of any contractor.

9. Compliance with Laws: Consultant agrees to comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA. As applicable, Consultant agrees to purchase a City safety inspection certificate or special business license.

10. Nondiscrimination: Consultant agrees that all hiring by Consultant of persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by state and/or federal law.

11. Default and Termination: If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

12. Modification and Assignability: This document contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party, which are not contained in this written Agreement, may be considered valid or binding. This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The Consultant may not subcontract or assign Consultant's rights, including the right to compensation or duties arising hereunder, without the prior written consent of City. Any subcontractor or assignee will be bound by all of the terms and conditions of this Agreement.

13. Ownership and Publication of Materials: All reports, information, data, and other materials prepared by the Consultant pursuant to this Agreement are the property of the City. The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use without written verification or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to the Consultant. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City. The City grants Consultant a worldwide, perpetual, nonexclusive, royalty-free license for all reports, information, data, and other materials, prepared by the Consultant pursuant to this Agreement.

14. Liaison: City's designated liaison with Consultant is **Mark Juras** and Consultant's designated liaison with City is **Ross Hanson**.

15. Applicability: This Agreement and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.


16. Beneficiaries: Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by City or Consultant to any contractor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of City and Consultant and not for the benefit of any other party.

IN WITNESS WHEREOF, Consultant and City have caused this Agreement to be executed and intend to be legally bound thereby as of the date set forth below.

CITY OF GREAT FALLS, MONTANA

AE2S
CONSULTANT

By: _____
Print Name: Gregory T. Doyon
Print Title: City Manager
Date:

By:  _____
Print Name: Brian R. Bergantine
Print Title: Operations Director
Date: 08-03-2022

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

APPROVED AS TO FORM:

By _____
Jeffrey M. Hindoien, City Attorney*

* By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

**EXHIBIT A – SCOPE OF SERVICES
HILL 57 PUMP STATION IMPROVEMENTS
CITY OF GREAT FALLS, MONTANA
O.F. 1056.1**

Submitted by: AE2S

Advanced Engineering and Environmental Services, LLC (AE2S) proposes to provide professional engineering services to the City of Great Falls for improvements to the Hill 57 Pump Station.

AE2S prepared the following scope for the replacement of the existing Hill 57 Pump Station electrical switchgear, pump motor drives, and putting station on 480VAC power with permanent standby generator. The verification of appropriate onsite installation of the electrical components and control system programming and startup services will be completed by AE2S as well.

The scope of services is to be provided as the prescribed requirements of the accompanying Professional Services Agreement. Descriptions of the proposed tasks to be completed by AE2S are provided below:

I. FINAL DESIGN PHASE

A. Prepare Final Drawings and Specifications for Contractor bidding, including:

1. Prepare plans and specifications associated with the electrical components replacement and standby power generation addition for review by the City.
2. Prepare updated opinions of total probable construction cost.
3. Schedule, prepare for, and participate in meetings with the City to discuss items pertaining to the final design of the project.
4. Submit documentation to the City of Great Falls for review and approval.

B. Prepare Bidding Documents.

C. Conduct review meeting with Owner to review final design and bid documents, make necessary modifications required to gain approval from Owner.

D. Issue Bidding Documents to bidding Contractors.

Estimated Fee: \$59,500

II. BIDDING/NEGOTIATION PHASE

A. Assist Owner in obtaining quotes or negotiating proposals for the Work and maintain a record of Contractors to whom Bidding Documents have been issued.

B. Issue Addenda as appropriate to clarify, correct, or change the Bidding Documents.

C. Consult with Owner as to the acceptability of subcontractors, suppliers, and other individuals and entities proposed by Contractor for those portions of the Work as to which such acceptability is required by the Bidding Documents.

D. Prepare for and facilitate the Project Review meeting.

E. Receive bids, prepare a tabulation of results, and assist Owner in evaluating bids and in assembling and awarding contracts for the Work.

Estimated Fee: \$12,400

III. CONSTRUCTION PHASE

A. General Administration of Construction Contract. Consult with Owner and act as Owner's representative as provided herein. The extent and limitations of the duties, responsibilities and

**EXHIBIT A – SCOPE OF SERVICES
HILL 57 PUMP STATION IMPROVEMENTS
CITY OF GREAT FALLS, MONTANA
O.F. 1056.1**

Submitted by: AE2S

authority of Engineer shall not be modified, except as Engineer may otherwise agree in writing. All of Owner's instructions to Contractor will be issued through Engineer, who shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Amendment to the Agreement, except as otherwise provided in writing.

- B. Pre-Construction Conference. Participate in a Pre-Construction Conference prior to commencement of Work at the Site.
- C. Schedules. Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
- D. Baselines and Benchmarks. As appropriate, establish baselines and benchmarks for locating the Work which in Engineer's judgment are necessary to enable Contractor to complete the Work.
- E. Visits to Site and Observation of Construction. In connection with observations of Contractor's Work while it is in progress:
 - 1. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress and quality of Contractor's executed Work. A Resident Project Representative will provide on-site services during work activities completed by the Contractor. Such visits and observations by Engineer, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of Contractor's Work in progress or to involve detailed inspections of Contractor's Work in progress beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.
 - 2. The purpose of Engineer's visits to, and representation by the Resident Project Representative, if any, at the Site, will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents. Engineer shall not, during such visits or as a result of such observations of Contractor's Work in progress, supervise, direct, or have control over Contractor's Work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by Contractor, for security or safety on the Site, for safety precautions and programs incident to

**EXHIBIT A – SCOPE OF SERVICES
HILL 57 PUMP STATION IMPROVEMENTS
CITY OF GREAT FALLS, MONTANA
O.F. 1056.1**

Submitted by: AE2S

- Contractor's Work, nor for any failure of Contractor to comply with Laws and Regulations applicable to Contractor's furnishing and performing the Work. Accordingly, Engineer neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish and perform the Work in accordance with the Contract Documents.
- F. Defective Work. Recommend to Owner that Contractor's Work be rejected while it is in progress if, on the basis of Engineer's observations, Engineer believes that such Work will not produce a completed Project that conforms generally to the Contract Documents or that it will threaten the integrity of the design concept of the completed Project as a functioning whole as indicated in the Contract Documents.
 - G. Clarifications and Interpretations; Field Orders. Issue necessary clarifications and interpretations of the Contract Documents as appropriate to the orderly completion of Contractor's work. Such clarifications and interpretations will be consistent with the intent of and reasonably inferable from the Contract Documents. Engineer may issue Field Orders authorizing minor variations in the Work from the requirements of the Contract Documents.
 - H. Change Orders and Work Change Directives. Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.
 - I. Shop Drawings and Samples. Review and approve or take other appropriate action in respect to Shop Drawings and Samples and other data which Contractor is required to submit, but only for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Engineer shall meet any Contractor's submittal schedule that Engineer has accepted.
 - J. Inspections and Tests. Require such special inspections or tests of Contractor's work as deemed reasonably necessary, and receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Contract Documents. Engineer shall be entitled to rely on the results of such tests.
 - K. Disagreements between Owner and Contractor. Render formal written decisions on all duly submitted issues relating to the acceptability of Contractor's work or the interpretation of the requirements of the Contract Documents pertaining to the execution, performance, or progress of Contractor's Work; review each duly submitted Claim by Owner or Contractor, and in writing either deny such Claim in whole or in part, approve such Claim, or decline to resolve such Claim if Engineer in its discretion concludes that to do so would be inappropriate. In rendering such

**EXHIBIT A – SCOPE OF SERVICES
HILL 57 PUMP STATION IMPROVEMENTS
CITY OF GREAT FALLS, MONTANA
O.F. 1056.1**

Submitted by: AE2S

decisions, Engineer shall be fair and not show partiality to Owner or Contractor and shall not be liable in connection with any decision rendered in good faith in such capacity.

L. Applications for Payment. Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:

1. Determine the amounts that Engineer recommends Contractor be paid. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the quality of such Work is generally in accordance with the Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe Contractor's Work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

2. By recommending any payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Contract Documents. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control Contractor's Work in progress or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the moneys paid on account of the Contract Price, or to determine that title to any portion of the Work in progress, materials, or equipment has passed to Owner free and clear of any liens, claims, security interests, or encumbrances, or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.

M. Contractor's Completion Documents. Receive, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Contract Documents, certificates of inspection, tests and approvals, Shop Drawings, Samples and other data approved, and the annotated record documents which are to be assembled by Contractor in accordance with the Contract Documents to obtain final payment.

**EXHIBIT A – SCOPE OF SERVICES
HILL 57 PUMP STATION IMPROVEMENTS
CITY OF GREAT FALLS, MONTANA
O.F. 1056.1**

Submitted by: AE2S

- N. Substantial Completion. Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, conduct an inspection to determine if the Work is substantially complete. If after considering any objections of Owner, Engineer considers the Work substantially complete, Engineer shall deliver a certificate of Substantial Completion to Owner and Contractor.
- O. Final Notice of Acceptability of the Work. Conduct a final inspection to determine if the completed Work by Contractor is acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall provide notice that the Work is acceptable to the best of Engineer's knowledge, information, and belief and based on the extent of the services provided by Engineer under this Agreement.
- P. Coordinate operational requirements of the water system with the Owner.
- Q. Duration of Construction Phase. The Construction Phase will commence with the execution of the first construction Contract for the Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractors. Engineer shall be entitled to an equitable increase in compensation if Construction-Phase services are required after the original date for final completion of the Work as set forth in the construction Contract.
- R. Limitation of Responsibilities. Engineer shall not be responsible for the acts or omissions of any Contractor, or of any subcontractors, suppliers, or other individuals or entities performing or furnishing any of the Work. Engineer shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

Estimated Fee: \$39,700

IV. POST-CONSTRUCTION PHASE

- A. Provide assistance in connection with the adjusting of Project equipment and systems.
- B. Assist Owner in training Owner's staff to operate and maintain Project equipment and systems.
- C. Together with Owner, visit the Project to observe any apparent defects in the Work, assist Owner in consultations and discussions with Contractor concerning correction of any such defects, and make recommendations as to replacement or correction of Defective Work.
- D. In company with Owner or Owner's representative, provide an inspection of the Project within one month before the end of the Correction Period to ascertain whether any portion of the Work is subject to correction.
- E. Provide Operations and Maintenance information for the project as received from the Contractor.
- F. Provide Record Drawings showing changes made during the construction process, based on the annotated record documents for the Project and furnished by Contractor and which Engineer considers significant.
- G. Complete a site visit and inspection of the pump station prior to the expiration of the Correction Period to determine if the completed Work is acceptable according to the Construction Documents. The site visit shall be conducted in accordance with Engineer's standard protocol. The inspection shall generally consist of system performance and conditions, an assessment of

**EXHIBIT A – SCOPE OF SERVICES
HILL 57 PUMP STATION IMPROVEMENTS
CITY OF GREAT FALLS, MONTANA
O.F. 1056.1**

Submitted by: AE2S

electrical component installation, performance and conditions, and preparation of an End of Correction Period Report. The Report shall summarize all observations and on-site activities and findings and shall include recommendations for corrective action of observed defects as to replacement or correction of Defective Work, as necessary.

Estimated Fee: \$9,300

V. INSTRUMENTATION AND CONTROLS (I&C) PHASE

- A. Assist Owner with identifying and planning the modification of control system equipment from existing and replacement and/or installation of the new process instrumentation and associated equipment.
- B. Provide construction observation for control system equipment to verify proper installation by the Electrical Contractor.
- C. Provide assistance in connection with the adjusting of Project equipment and systems.
- D. Provide PLC I/O card installation and setup to provide information for control system monitoring and operation.
- E. Provide control system programming to allow monitoring and operation of the new pumping/process equipment.
- F. Assist Owner with calibration and troubleshooting of pumping/process system equipment and operations post-installation.

Estimated Fee: \$22,500

VI. MISCELLANEOUS SERVICES

- A. Prepare for and participate in miscellaneous meetings to review and discuss design and construction questions or issues with the City.
- B. Assist Owner with miscellaneous construction and/or operation items throughout the separate construction phases of the project.

Estimated Fee: \$10,000

Fee Summary:

I.	Design/Bidding Phase:	\$ 59,500
II.	Bidding Phase	\$ 12,400
II.	Construction Phase:	\$ 39,700
IV.	Post-Construction Phase:	\$ 9,300
V.	I&C Phase:	\$ 22,500
VI.	Miscellaneous Services:	<u>\$ 10,000</u>
Total Estimated Fee:		\$153,400

Exhibit B

ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, LLC **2022 HOURLY FEE AND EXPENSE SCHEDULE**

Labor Rates*

Administrative 1	\$61.00	I&C Assistant	\$98.00
Administrative 2	\$74.00	I&C 1	\$138.00
Administrative 3	\$89.00	I&C 2	\$160.00
		I&C 3	\$183.00
Communications Specialist 1	\$98.00	I&C 4	\$194.00
Communications Specialist 2	\$113.00	I&C 5	\$203.00
Communications Specialist 3	\$131.00		
Communications Specialist 4	\$158.00	IT 1	\$117.00
Communications Specialist 5	\$173.00	IT 2	\$159.00
		IT 3	\$190.00
Construction Services 1	\$118.00		
Construction Services 2	\$145.00	Land Surveyor Assistant	\$90.00
Construction Services 3	\$160.00	Land Surveyor 1	\$108.00
Construction Services 4	\$180.00	Land Surveyor 2	\$129.00
Construction Services 5	\$198.00	Land Surveyor 3	\$145.00
		Land Surveyor 4	\$160.00
		Land Surveyor 5	\$177.00
Engineering Assistant 1	\$77.00		
Engineering Assistant 2	\$92.00	Operations Specialist 1	\$93.00
Engineering Assistant 3	\$116.00	Operations Specialist 2	\$113.00
Engineer 1	\$125.00	Operations Specialist 3	\$140.00
Engineer 2	\$148.00	Operations Specialist 4	\$158.00
Engineer 3	\$177.00	Operations Specialist 5	\$184.00
Engineer 4	\$203.00		
Engineer 5	\$215.00	Project Coordinator 1	\$109.00
		Project Coordinator 2	\$121.00
Engineering Technician 1	\$75.00	Project Coordinator 3	\$132.00
Engineering Technician 2	\$96.00	Project Coordinator 4	\$148.00
Engineering Technician 3	\$117.00	Project Coordinator 5	\$167.00
Engineering Technician 4	\$131.00		
Engineering Technician 5	\$149.00	Project Manager 1	\$188.00
		Project Manager 2	\$206.00
Financial Analyst 1	\$104.00	Project Manager 3	\$223.00
Financial Analyst 2	\$118.00		
Financial Analyst 3	\$142.00	Sr. Designer 1	\$165.00
Financial Analyst 4	\$155.00	Sr. Designer 2	\$183.00
Financial Analyst 5	\$172.00	Sr. Designer 3	\$194.00
GIS Specialist 1	\$98.00	Sr. Financial Analyst 1	\$194.00
GIS Specialist 2	\$118.00	Sr. Financial Analyst 2	\$212.00
GIS Specialist 3	\$139.00	Sr. Financial Analyst 3	\$231.00
GIS Specialist 4	\$155.00		
GIS Specialist 5	\$173.00	Sr. Project Manager 1	\$235.00
		Sr. Project Manager 2	\$254.00
		Sr. Project Manager 3	\$265.00
		Technical Expert 1	\$320.00
		Technical Expert 2	Negotiable

Reimbursable Expense Rates

Transportation	\$0.65/mile
Survey Vehicle	\$0.85/mile
Laser Printouts/Photocopies	\$0.30/copy
Plotter Printouts	\$1.00/s.f.
UAS - Photo/Video Grade	\$100.00/day
UAS – Survey	\$50.00/day
Total Station – Robotic	\$35.00/hour
Mapping GPS	\$25.00/hour
Fast Static/RTK GPS	\$50.00/hour
All-Terrain Vehicle/Boat	\$100.00/day
Cellular Modem	\$75.00/month
Web Hosting	\$26.00/month
Legal Services Reimbursement	\$250.00/hour
Outside Services	cost *1.15
Geotechnical Services	cost *1.30
Out of Pocket Expenses	cost*1.15
Rental Car	cost*1.20
Project Specific Equipment	Negotiable

* Position titles are for labor rate grade purposes only.

These rates are subject to adjustment each year on January 1.



HILL 57 BOOSTER STATION
IMPROVEMENTS PROJECT

VICINITY
MAP



Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3247 – Ordinance approving the amended and restated urban renewal plan for the Downtown Urban Renewal District and to approve two storm drainage projects as urban renewal projects

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

Initiated By: Planning and Community Development and Public Works

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

Action Requested: City Commission approve Ordinance 3247

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 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 3247.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation:

Staff recommends that City Commission adopt Ordinance 3247, an ordinance to approve the amended and restated urban renewal plan for the Downtown Urban Renewal District and to approve two storm drainage projects as urban renewal projects.

Background: In 2012, the City Commission adopted the Downtown Urban Renewal Plan (DURP). The creation of the DURP was the result of the development and adoption of the Downtown Master Plan. The Downtown Master Plan (DMP) provides a blueprint for the revitalization and redevelopment of Downtown, and recommended the creation of an Urban Renewal District that utilizes Tax Increment Financing to help fund public improvements called out within the DMP and the City’s Growth Policy.

Summary of Projects Triggering the Need to Amend the Plan: The City’s Public Works Department is moving forward with two capital projects designed to address drainage issues within the Urban Renewal Plan Area. The first project is designed to resolve flooding and ice buildup problems currently taking place within the alley behind the Celtic Cowboy and Hotel Arvon. This alley section, known as 2nd Avenue

Alley, is located between Park Drive and 2nd Street South. Because there is almost no slope in the alley and buildings on either side block out sunlight, water has a tendency to pond in the alley and then turn to ice in wintertime conditions. Pedestrians regularly traverse the alley because there is a parking garage on the south side of the alley that hotel guests use.

The proposed project will install drainage inlets and a conveyance pipe to drain the water more effectively to an existing storm drain system in 2nd Street South. The Public Works Department has requested \$90,000 of Downtown TIF funds and would like to bid the project in August with a completion during the fall of this year.

The second project is a much larger project designed to upgrade the capacity of the storm drainage network downtown. The proposed project area encompasses the streets and avenues bordered by 2nd Avenue North, 2nd Street, 4th Avenue South, and 5th Street. Additionally, the proposed project would include work from the intersection of 4th Avenue South and 2nd Street South to the east bank of the Missouri River. The project will involve adding storm drain inlets, increasing underground pipe capacity, and better conveying storm water to the Missouri River. The project is expected to take place between 2022 and 2027 and be divided up into four distinct phases.

The total cost of the project is estimated to be slightly over \$6.3 million. Funding for the project will come from three sources: State ARPA Grant funds and City storm drain funds (\$3.8 million), and Downtown TIF funds (\$2.5 million). In order to reduce the financial impact on the TIF District’s cash balance, the request will be done in \$500,000 increments over the five year project period. The current balance in the District is \$4.1 million.

Need for the Proposed Urban Renewal Plan Amendment: Investments in public infrastructure are clearly authorized by Montana law governing TIF Districts. However, when the City developed its DURP in 2012, it did not address the need for public investments in drainage facilities, water and sewer upgrades, and general upgrades to streets and alleys. This was clearly an oversight related to the issues that were points of emphasis during the Downtown Master Plan development process that occurred in 2011.

To provide policy guidance for the two proposed drainage projects as well as create policies to support future infrastructure investments, the following amendments to the DURP are being proposed on page 8 of the attached Plan:

8. Improve transportation and utility infrastructure in the Downtown.			
a. Upgrade the capacity of the City’s existing storm water infrastructure network to address flooding and the impact of large storm events.	COGF	Immediate	Capital Improvements
b. Maintain and upgrade, when necessary, the City’s water and wastewater utility network.	COGF	On-going	Capital Improvements
c. Identify deficiencies in the condition and functionality of the Downtown street and alley network , and undertake improvements to address those deficiencies.	COGF	On-going	Capital Improvements

Conformance with 2013 Growth Policy: The Planning Advisory Board is required to provide the City Commission with a recommendation on whether the amended DURP language is consistent with the

City's 2013 Growth Policy. To this end, staff notes the following policies in the Growth Policy document that provide support for infrastructure investments in the downtown.

- **Eco3.7.3** - Manage the City's Tax Increment Finance Districts (TIFs) toward the creation of long-term improvements, with special emphasis on applying funds to capture, retain and reinvest dollars within the designated TIF boundaries.
- **Eco3.7.10** - Invest, spend and manage public dollars in a fiscally prudent manner.
- **Eco3.7.11** - Consider and pursue, where economically sound, catalyst projects and partnerships such as:
 - b. Projects that represent sound investment of Tax Increment Finance Tax revenues
- **Phy4.3.2** - Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

Concurrences:

The Planning and Community Development Department has coordinated with the Public Works Department, Finance Department, and the City's outside legal counsel from Dorsey & Whitney LLP throughout the process. At its June 22 monthly meeting, the Downtown Development Partnership voted to recommend support for both the Public Works drainage projects as well as amended DURP document. At its June 28 meeting, the Planning Advisory Board determined that the proposed amended DURP was consistent with the City's 2013 Growth Policy.

Fiscal Impact:

While there is no direct fiscal impact with the adoption of the amendment of the Downtown Urban Renewal Plan, the amendment will provide a critical opportunity to utilize Downtown Tax Increment Funds to support needed drainage improvements in the downtown area.

Alternatives:

The City Commission could choose not to approve Ordinance 3247. In such case, the City's Public Works Department would need to seek an additional \$2.5 million to initiate construction of the larger drainage project as well as \$90,000 to construct the alley drainage project.

Attachments/Exhibits:

2022 Amended and Restated Downtown Urban Renewal Plan
Ordinance 3247
Public Works TIF Applications

CITY OF GREAT FALLS

Amended and Restated Downtown Urban Renewal Plan



~~October 2020~~ August 2022

Introduction:

The City of Great Falls has embarked on an ambitious program to revitalize downtown Great Falls. In October 2011 the Great Falls City Commission unanimously adopted the Downtown Master Plan (DMP). Referenced throughout the 2013 Growth Policy Update, the DMP serves as the guiding policy document for downtown. The DMP provides a strategically focused, goal driven “blueprint” for the future growth and development of downtown. The DMP creates a vision and outlines strategies, actions, partnerships and timeframes that will facilitate the re-development of a regional destination.

The 82 strategies within the DMP are each designed to capitalize on downtown’s assets and proactively address downtown’s issues. The strategies all seek to create a downtown that has a balance of amenities, housing and transportation options, goods and services and cultural, entertainment and educational opportunities.

The DMP recommends the creation of an Urban Renewal District that utilizes Tax Increment Financing (TIF) to fund public improvements recommended in the DMP in an effort to revitalize Downtown Great Falls. The proposed Downtown Urban Renewal District (DURP) will be the third urban renewal district established in the City of Great Falls. The Central Place Revitalization Urban Renewal Program, established in 1977, has since expired while the West Bank Urban Renewal District, established in 2006 is currently operational.

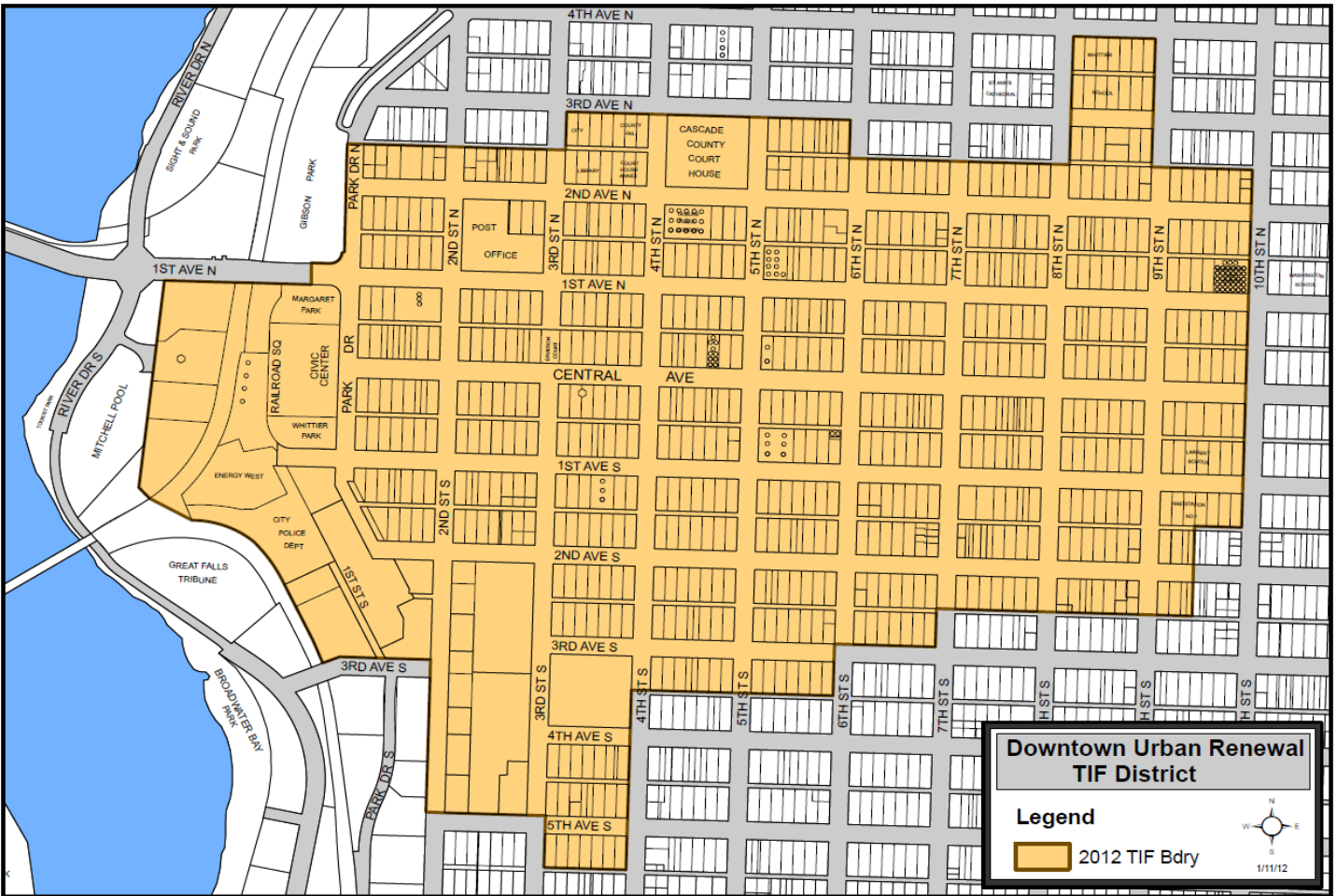
The Downtown Urban Renewal District and TIF funds generated through the improvements to property in the district are anticipated to be the primary funding sources to implement the recommendations of the DMP. Previous urban renewal districts in the City have been successful in redevelopment and revitalization efforts. It is the hope of the City of Great Falls and the Downtown stakeholders that this urban renewal district will yield the same positive results.

Amended and Restated Downtown Urban Renewal District Plan

Legal Description of the District:

Beginning at a point that is the southeast corner of Lot 1, Block 11, of the Broadwater Bay Business Park; thence south across 3rd Ave So to the northeast corner of Lot 6, Block 9, of the Broadwater Bay Business Park; thence south along the west right of way line of 2nd St So to a point that is directly west of the southwest corner of Lot 8, of the Amended Plat of Block 453, of the Great Falls Original Townsite (GFOT); Thence east across 2nd St So to the southwest corner of Lot 8, of the Amended Plat of Block 453, of the GFOT; thence east to the southwest corner of Lot 14, Block 452, of the GFOT; thence south to the southwest corner of Lot 1, Block 455, of the GFOT; thence east to the southeast corner of Lot 7, Block 455, of the GFOT; thence north along the west right of line of 4th St S to a point directly west from the southwest corner of Lot 1, Block 420, of the GFOT; thence east across 4th St So to the southwest corner of Lot 1, Block 420, of the GFOT; thence east to the southeast corner of Lot 7, Block 421, of the GFOT; thence north to the southeast corner of Lot 8, Block 413, of the GFOT; thence east across 6th St So to the southwest corner of Lot 14, Block 412, of the GFOT; thence east to the southeast corner of Lot 8, Block 412, of the GFOT; thence north to the southeast corner of Lot 7, Block 412, of the GFOT; thence east to the southwest corner of Lot 1, Block 411, of the GFOT; thence east to the southeast corner of Lot 3, Block 409, of the GFOT; thence north to the southeast corner of Lot 3, Block 376, of the GFOT; thence east to the southeast corner of Lot 7, Block 376, of the GFOT; thence north along the west right of way line of 10th St N to the northeast corner of Lot 8, Block 258, of the GFOT; thence west to the northeast corner of Lot 8, Block 257, of the GFOT; thence north to the northeast corner of Lot 7, Block 242, of the GFOT; thence west to the northwest corner of Lot 1, Blk 242, of the GFOT; thence south to the northwest corner of Lot 14, Blk 257, of the GFOT; thence west to the northeast corner of Lot 8, Blk 254, of the GFOT; thence north to the northeast corner of Lot 7, Blk 254, of the GFOT: thence west to the northwest corner of Lot 1, Blk 252, of the GFOT; thence south to the northwest corner of Lot 14, Blk 252, of the GFOT; thence west to the northwest corner of Lot 13, Blk 250, of the GFOT; thence continuing west to a point that is located on the west right of way of Park Dr N; thence south along the west right of way of Park Dr N to the corner of Park Dr N and 1st Ave N; thence around a curve to the left to a point of tangent thence continuing west eighty feet along the north right of way of 1st Ave N; thence south on a perpendicular line to the south right of way line of 1st Ave N; thence west along the south right of way line of 1st Ave N to the northwest corner of Lot 5, Blk 13, of the Broadwater Bay Business Park Addition (BBBP); thence southwesterly to the southwest corner of Lot 2, Blk 13, of the BBBP; thence southeasterly to the southeast corner of Lot 2, Blk 13, of the BBBP; thence continuing southeasterly to a point that is the intersection of the north railroad right of way line and the westerly boundary of Mark 22A (City of Great Falls Police Department); thence southeasterly along a curve to the right also being the north railroad right of way line to the southwest corner of Lot 1, Blk 12, of the BBBP; thence easterly along the north right of way line of 3rd Ave S to the point of beginning.

District Boundary



Amended and Restated Downtown Urban Renewal District Plan

Determination of Blight:

To establish an Urban Renewal District in Montana, it must be found that conditions of blight are present in the area. Section 7-15-4206 (2) MCA defines blight as “an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, that substantially impairs or arrests the sound growth of the city or its environs, that retards the provision of housing accommodations, or that constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- inappropriate or mixed uses of land or buildings;
- high density of population and overcrowding;
- defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- excessive land coverage;
- unsanitary or unsafe conditions;
- deterioration of site;
- diversity of ownership;
- tax or special assessment delinquency exceeding the fair value of the land;
- defective or unusual conditions of title;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes; or
- any combination of the factors listed in this subsection (2).



With the adoption of Resolution 9961, the Great Falls City Commission found that the following conditions of blight are present in the District:

The substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of buildings or improvements, whether residential or nonresidential.

Vacancy, underutilization and a lack of maintenance has led to the substantial physical dilapidation and deterioration of a number of buildings within the district. Not only does this affect the aesthetic character of these buildings, and the district it also produces conditions that are unsafe, unsanitary and not conducive to economic development.



Inappropriate or mixed uses of land or buildings.

A large amount of land within the District is currently used as surface parking for automobiles. While a certain amount of parking is necessary to support other uses within the District, surface parking lots are an inefficient use of land in the City's commercial core. This land could potentially be redeveloped as commercial, office, residential or mixed use activities that would improve the vitality of the downtown and increase the taxable value of the District.



The heavy industrial nature of the southwest area of the District is incompatible with the adjacent commercial and retail and residential uses of the area. This area has the potential to be redeveloped in a mixed-use or transitional fashion to provide a key entry corridor into the District.

Defective or inadequate street layout.

Three one-way couplets currently traverse through the district. Multiple studies and analyses conducted across the U.S. indicate that downtown access and circulation, customer parking and property values increase when downtown one-ways are restored to two-way streets. The City of Great Falls conducted and completed a study in April 2013, which resulted in the *Downtown Access, Circulation, and Streetscape Plan*. Although it was never adopted, the study is used as a resource and guide for city staff.

A primary intersection within the district - Park Drive and 1st Avenue N - is unsafe and difficult to navigate for pedestrians. Additionally, the configuration of the intersection produces inefficient conditions for automobiles, especially those making turns at high volume portions of the day.

Amended and Restated Downtown Urban Renewal District Plan

Deterioration of site.

Vacant, underutilized or unmaintained buildings and parcels concentrated within specific areas of the district have created pockets of site deterioration throughout the district. The deterioration of sites has often led private investment and development to move to outlying areas of the City and has also slowed redevelopment and infill efforts downtown. If site deterioration is not addressed, the exodus of commercial and residential development will continue and ultimately lead to further deterioration.

The existence of conditions that endanger life or property by fire or other causes.

A number of buildings in the district are in conditions that could potentially endanger life of property. Multiple factors have contributed to these conditions including fire damage, the use of hazardous construction materials, negligence on behalf of a property owner and extended vacancy among others. Buildings that have reached this condition are often the target of graffiti and other forms of vandalism, leading to further deterioration in the district.

Urban Renewal Plan

The DMP will guide the urban renewal and revitalization efforts within the district. The overall vision of the DMP and the goals, objectives and strategies of the Plan provide a comprehensive framework for the redevelopment of the downtown core. The following table displays the 90 strategies of the DMP and additional project priorities, with associated timelines, categories and partner organizations.



Strategy	Partners	Timeframe	Category
1. CONNECTED:			
1. Improve pedestrian connectivity and safety Downtown.			
a. Ensure streetscape improvements are designed to enhance pedestrian safety and pleasure by providing sufficient space for pedestrian needs and uses.	CofGF (P&CD, PW)	Short	Regulatory Framework
b. Develop public/private partnerships to ensure Downtown is safe, clean and accessible for all users.	CofGF, DAA (Safety team)	Immediate	Program
c. Identify, prioritize and correct accessibility barriers to sidewalks, curbs, pedestrian signals and other pedestrian facilities.	CofGF (P&CD, PW) Accessibility group	Short	Program
2. Develop a comprehensive Downtown bicycle network to connect into a city-wide system.			
a. Prepare a complete streets policy to guide roadway construction and rehabilitation.	CofGF, GFGF, GFBC	Immediate	Regulatory Framework
b. Update the bikeway chapter of the Long Range Transportation Plan, including prioritization of improvements and routes for implementation.	CofGF (P&CD, P&R), GFBC, RTI, TWG	Short	Regulatory Framework
c. Improve and expand bicycle connections to the River's Edge Trail through signage and routes.	CofGF (P&CD, P&R), GFBC, RTI, TWG	Short	Capital Improvement
d. Ensure that bike routes link and connect neighborhoods, employment centers, amenities and destinations.	CofGF (P&CD), GFBC, RTI	Short	Regulatory Framework
e. Develop public education and marketing programs to maximize the use of the bicycle network.	RTI, GFBC	Short	Program
3. Reduce or eliminate Downtown one-ways.			
a. Conduct a one-way conversion plan to help facilitate an environment that is pedestrian and retail friendly, improves local circulation, and increase access to Downtown businesses.	CofGF (P&CD, PW), MDT	Medium	Program
b. Effectively communicate the costs and benefits of one-way conversions to all stakeholders.	CofGF, DAA (BID, DGFA)	Medium	Program
c. Develop roadway and streetscape design standards to further the intended benefits of one-way conversions for all users.	CofGF	Medium	Regulatory Framework
4. Improve connectivity to the Missouri River, River's Edge Trail, and Gibson Park for bicycles and pedestrians.			
a. Improve the attractiveness and enhance the visibility of railroad crossings and underpass tunnels that connect Downtown to the Missouri River, River's Edge Trail and Gibson Park.	CofGF (P&CD, PW, P&R), RTI	Medium	Capital Improvement
b. Identify locations and develop design options to develop an additional separated grade bike and pedestrian crossing of railroad tracks.	CofGF (P&CD, PW, P&R), RTI	Long	Capital Improvement
c. Utilize signage, pathways and striping to provide pedestrians and bicyclists with safe and efficient connections between Downtown and the surrounding neighborhoods.	CofGF (P&CD, PW), RTI, TWG	Short	Capital Improvement
5. Develop a comprehensive Downtown wayfinding system.			
a. Develop a comprehensive wayfinding program.	CofGF, DAA (GFDA), Private Business	Short	Capital Improvement

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b. Supplement proposed wayfinding program with printed maps and brochures, digital and audio tours and websites and apps to guide visitors throughout Downtown.	CofGF (P&CD), HPAC, CVB, TBID	Medium	Program
c. Incorporate a series of named or themed pathways that connect Downtown amenities and destinations.	CofGF (P&CD), HPAC, CVB, TBID	Long	Capital Improvement
6. Optimize Downtown parking for all stakeholders.			
a. Conduct a comprehensive parking study to guide Downtown parking program.	CofGF (P&CD)	Short	Regulatory Framework
b. Improve bicycle parking facilities Downtown.	CofGF (P&CD, PW), GFBC, BID, private business	Short	Capital Improvement
7. Expand the use of public transit Downtown.			
a. Promote the use of transit for Downtown specific events.	GFTD, DGFA	Short	Program
b. Encourage expanded partnership between the Great Falls Transit District and Great Falls Public Schools to promote transit usage to reach Downtown events and activities.	GFTD, GFPS, DAA (DGFA)	Short	Program
c. Encourage Downtown businesses to work with the Great Falls Transit District to provide subsidized bus passes for employees as an alternative to Downtown parking.	DGFA, BID, GFTD, Private Business	Short	Program
8. Improve transportation and utility infrastructure in the Downtown.			
a. Upgrade the capacity of the City's existing storm water infrastructure network to address flooding and the impact of large storm events.	COGF	Immediate	Capital Improvements
b. Maintain and upgrade, when necessary, the City's water and wastewater utility network.	COGF	On-going	Capital Improvements
c. Identify deficiencies in the condition and functionality of the Downtown street and alley network, and undertake improvements to address those deficiencies.	COGF	On-going	Capital Improvements
DESTINATION:			
1. Market Downtown's entertainment, culture, shopping and dining.			
a. Continue to actively cross-promote and package Downtown's entertainment, culture, shopping and dining facilities with Downtown events.	MT, MEC, DGFA	On-going	Program
b. Work with various groups and organizations including the Convention and Visitors Bureau, Tourism BID, Montana Expo Park and Airport Authority to promote Downtown as a tourism and convention destination to the region and Canada.	DAA (CVB, TBID), MTEP, GFIA	Short	Program
c. Develop a comprehensive and coordinated Downtown marketing campaign utilizing print, radio, television and social media.	DAA (all), TA	Immediate	Program
2. Promote a broad range of family friendly entertainment and recreational opportunities and activities Downtown.			
a. Review existing Downtown events and add free or low cost activities that engage a variety of age groups including: families, teens, young adults and older adults.	CofGF (P&R), DGFA	Short	Program
b. Promote new and exciting events in Downtown's parks, pools and recreational facilities that attract families with young children.	CofGF (P&R), DGFA	Short	Program
c. Encourage Downtown organizations and facilities to establish programs for parents to drop children off while they utilize Downtown's shopping and amenities.	Private Business, DGFA, Museum Group	Short	Program

3. Ensure Downtown is active and vibrant during the evenings and weekends.			
a. Actively pursue the development of a Downtown boutique hotel to provide quality lodging and amenities for Downtown visitors.	DAA (GFDA, CofGF), Private Business	Medium	Site Specific
b. Develop programs and events that provide opportunities for people to remain in and visit Downtown in the evening and on the weekend.	DAA (DGFA), CofGF (P&R)	Short	Program
c. Actively recruit an already successful restaurant to relocate or expand into Downtown.	GFDA, BID, DGFA	Short	Program
d. Work with existing restaurant and bar/tavern owners to identify, develop and promote a Downtown Dining District.	DGFA, TA, DAA (all)	Medium	Program
e. Market Downtown's amenities and activities to current employers and employees to encourage the workforce to stay Downtown after business hours.	DAA (DGFA), TA, Restaurant owners	Immediate	Program
f. Create a year-round public market / food and arts incubator that would cater to residents, employees and visitors.	GFDA, DGFA, CofGF	Medium	Site Specific
4. Increase the utilization of the Convention Center and Mansfield Center for the Performing Arts (Mansfield).			
a. Develop public/private partnerships to package the facilities at the Civic Center and Mansfield with catering and dining services and lodging facilities to enhance the attractiveness of Downtown as a convention destination.	CVB, TBID, MCPA	Medium	Program
b. Enhance partnerships with entertainment promoters to utilize the Mansfield as a concert venue.	MCPA	Short	Program
c. Educate potential users of the Civic Center and Mansfield about the opportunities available at the facility, policies and prices.	MCPA	Immediate	Program
FLOURISHING:			
1. Identify and support an organization to lead and champion Downtown revitalization.			
a. Establish a formal Downtown Development Agency within the City of Great Falls, in partnership with public and private entities, to foster new development and redevelopment Downtown and implement the goals, objectives and strategies identified in the Plan.	CofGF, DAA (all), Private Business	Immediate	Regulatory Framework
b. Establish a Downtown TIF and associated Urban Renewal Plan district to fund Downtown projects, improvements and organizational management.	CofGF, GFPS, CC	Immediate	Regulatory Framework
c. Update zoning and land use regulations to support recommendations of the Plan.	CofGF (P&CD)	Short	Regulatory Framework
2. Improve the public realm to provide a safe, attractive and welcoming environment.			
a. Encourage a partnership between Downtown organizations and stakeholders and the City Police Department to ensure a clean and safe environment.	DAA (W&S), GFPD	Short	Program
b. Establish a volunteer based Downtown clean-up day and/or program.	DAA (W&S)	Short	Program
c. Increase street level vitality by encouraging the active use of ground floor space in the Downtown core.	CofGF (P&CD), BID, DGFA	Short	Regulatory Framework
3. Identify and attract high paying employers and jobs to Downtown.			
a. Develop a comprehensive Downtown business retention and development plan that focuses on successful and emerging business clusters Downtown.	GFDA, CofGF	Short	Program
b. Utilize GFDA's business attraction and retention resources to leverage Downtown business investment.	GFDA	Immediate	Program

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4. Support existing and attract new commercial and retail business Downtown.			
a. Establish a mentor program to pair new entrepreneurs with successful Downtown business owners.	DGFA, BID, GFDA	Short	Program
b. Utilize national research and trends to identify and attract “Downtown friendly” retailers.	GFDA, BID, NW	Short	Program
c. Conduct a Downtown market analysis to guide commercial and retail development.	GFDA, BID, DGFA	Medium	Program
d. Provide existing business owners with market research and technical and financial assistance.	CofGF, GFDA, DGFA, BID	Medium	Program
e. Conduct a Downtown business and building inventory to establish and maintain an accurate database of what is currently located Downtown and what opportunities exist for business expansion, attraction and relocation.	CofGF (P&CD), BID, DGFA	Immediate	Program
5. Attract a diverse mix of visual and performing artists to live and work Downtown.			
a. Revive and support the Great Falls Arts Council to develop and promote arts programs, events and education.	CofGF, DAA (all)	Short	Regulatory Framework
b. Encourage the development of lofts, studios and live/work spaces in vacant or underutilized buildings to attract artists to Downtown and increase arts and culture activity.	CofGF (P&CD), DAA (GFCC, GFDA)	Medium	Program
c. Develop a roster of visual and performing artists and craftspeople's living in and around Great Falls to utilize for Downtown programs and events.	DGFA	Short	Program
d. Capitalize on the success of Western Art Week by drawing visitors to Downtown galleries, shops and restaurants.	DAA (GFCC)	Immediate	Program
e. Continue to promote Downtown art galleries and artists through events such as the First Friday Art Walk.	DAA (DGFA)	Immediate	Program
LIVING:			
1. Promote a wide range of housing choices throughout Downtown.			
a. Ensure that the proposed City of Great Falls Downtown Development Agency is a champion of Downtown housing development.	NW, CofGF (P&CD)	Short	Regulatory Framework
b. Evaluate zoning and land use regulations to ensure policies allow for and encourage Downtown housing in the form of rehabilitation and preservation of existing buildings, infill development and new construction.	CofGF (P&CD)	Short	Regulatory Framework
c. Conduct a Downtown housing inventory to establish and maintain an accurate database of housing and property available for rent, ownership, and/or rehab.	NW, W&S, CofGF (P&CD)	Short	Program
2. Ensure existing housing is safe and attractive.			
a. Actively monitor the condition of existing housing and enforce the City's Property Maintenance Code.	CofGF (P&CD), W&S	On-going	Program
b. Promote and utilize the City of Great Falls Housing Rehab Loan program and Neighborworks Great Falls programs to enhance existing homes and rental properties.	CofGF, NWGF	On-going	Program
c. Develop a volunteer based residential improvement plan to ensure Downtown neighborhoods are clean and safe.	W&S, NC	Short	Program

3. Attract private investment and financing for Downtown housing.

a. Create new and promote existing incentive programs to encourage residential development.	NW, CofGF	Short	Program
b. Prepare a housing market study to assist developers, lending institutions and private property owners in developing Downtown housing.	Realtors, HBA, NW, GFDA	Short	Program
c. Establish a clearinghouse and/or database of residential financing options and incentives.	Realtors, HBA, NW, GFDA	Short	Program

4. Attract retailers and neighborhood services that cater to Downtown residents.

a. Survey Downtown residents and utilize national research to identify neighborhood based commercial, retail and services that are missing Downtown.	NW, NC	Immediate	Program
b. Encourage mixed-use development that places residents within close proximity to commercial activities.	CofGF (P&CD)	Short	Regulatory Framework

AESTHETICS:

1. Preserve, restore, and reuse Downtown’s historic buildings and sites.

a. Market Downtown’s historical resources to facilitate improvements and restoration of properties through tax incentives and preservation grants.	CofGF, HPAC	Immediate	Program
b. Educate current property owners and developers of the funding programs available to make improvements to the Downtown buildings.	HPAC, DAA (BID)	Immediate	Program
c. Establish a technical assistance and incentive program to encourage the adaptive re-use, rehabilitation and preservation of historic buildings and sites.	CofGF, HPAC	On-going	Program

2. Increase the number and diversity of public spaces Downtown.

a. Actively pursue the development of an indoor/outdoor community gathering space to host activities and events and attract residents, employees and visitors throughout the year.	CofGF, Private Business	Short	Site Specific
b. Encourage diversity in the form and function of Downtown parks, plazas and gathering spaces.	CofGF (P&CD, P&R)	Medium	Regulatory Framework
c. Explore the feasibility of developing rooftop green spaces.	CofGF (P&CD, PW), Private business	Medium	Regulatory Framework

3. Promote quality design and construction in Downtown’s built environment.

a. Develop design guidelines to enhance the character of Downtown through the quality design and construction of Downtown’s built environment.	CofGF, DAA (all)	Short	Regulatory Framework
b. Evaluate the function, authority and scope of the City’s Design Review Board to ensure aesthetic goals of the Plan are achieved.	CofGF	Short	Regulatory Framework

4. Create attractive gateway design features that welcome residents and visitors to downtown.

a. Identify priority entrances into Downtown to construct gateway design features.	CofGF (P&CD, P&R), GFDA	Short	Capital Improvements
b. Establish a program to encourage community and/or service groups, private businesses and other stakeholders to “sponsor” the construction of gateway features.	DAA (all)	Short	Capital Improvements

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5. Expand and enhance the existing downtown streetscape.			
a. Develop a comprehensive Downtown streetscape plan that prioritizes future improvements and builds upon the existing streetscape.	CofGF (P&CD, PW)	Short	Regulatory Framework
b. Ensure streetscape improvements are implemented in coordination with the construction of gateway design features.	CofGF (P&CD)	Short	Regulatory Framework
c. Work with the City Forester to establish tree planting programs throughout Downtown.	DAA (BID), NC	Short	Program
6. Actively pursue the preservation and rehabilitation of the Rocky Mountain Building.			
a. Identify an organization or partnership to lead restoration efforts including assisting in permitting process and requirements, identifying funding options, leading fundraising efforts and recruiting a mix of building tenants.	CofGF (P&CD), DAA (all)	On-going	Program
b. Encourage the current building owners to move forward with restoration improvements before weathering and damage continue to a point where rehabilitation is no longer feasible.	CofGF (P&CD), DAA (all)	On-going	Program
7. Actively pursue the preservation and rehabilitation of the Civic Center.			
a. Fund and complete the Civic Center façade renovation project.	CofGF	Immediate	Capital Improvement
b. Identify and complete rehabilitation projects within the Civic Center property including, but not limited to, landscape and asphalt restoration.	CofGF	On-going	Capital Improvement
c. Determine and complete preservation projects within the Mansfield Center for the Performing Arts including, but not limited to, seat and architectural feature renovations.	CofGF	On-going	Capital Improvement
d. Identify and complete rehabilitation projects within the Convention Center including, but not limited to, upgrading lighting and architectural feature renovations.	CofGF	On-going	Capital Improvement

Funding and Administration:

Tax Increment Financing (TIF) is necessary to encourage private reinvestment within the District, create employment opportunities, implement the goals set forth in this plan and increase the tax base of the District. The Downtown Urban Renewal District is hereby established as a tax increment financing urban renewal area in accordance with 7-15-4282-4292 and 4301-4324 (MCA).

For the purpose of calculating the incremental taxable value each year for the life of the district, the base taxable value shall be calculated as current base taxable value of the district as of January 1, 2012.

Administration

The District will be administered in accordance with 7-15-4232 (MCA). The Great Falls City Commission has the authority to administer and manage the District and the implementation of the DURP. Under 7-15-4232 (MCA) the City Commission may authorize a City Department to manage the program and implement the recommendation of the DURP. It is envisioned that the Commission will receive recommendations and input from the Planning and Community Development Department in partnership with the Downtown Partnership of Great Falls (the Partnership).

Planning and Community Development Staff will work with the Partnership to prepare an annual District work plan and budget, which the Partnership will submit to the City Commission for consideration and adoption. The work plan will list the activities and cost of activities for the coming fiscal years and a method of financing those activities. The Partnership will enter into an Memorandum of Understanding (MOU) or other form of agreement that outlines the roles and responsibilities of this group in relation to the District.

The Planning and Community Development Department will provide initial staffing to assist the Partnership in preparing the annual District work plan and budget, preparing and presenting annual reports to the City Commission, and coordinating the review of proposed projects and development requesting TIF funding. It is anticipated that TIF moneys will be used in the future to fund a permanent staff position.

Planning and Community Development Staff will provide to the City Commission and the public an annual program evaluation as part of the annual report.

Amended and Restated Downtown Urban Renewal District Plan

Conformity with the Growth Policy

The establishment of the Partnership and the Downtown TIF are both direct recommendations of the Downtown Master Plan. Additionally, specific themes, goals and policies of the City's Growth Policy (displayed below) are supported by recommendations contained within the DURP.

- Encourage livable, walkable, visually and functionally cohesive neighborhoods that incorporate traditional design concepts (Land Use pg. 20).
- Formulate and adopt modern, flexible land development regulations in order to preserve and enhance the scale, quality, and character of existing neighborhoods (Land Use pg. 21).
- Encourage mixed land uses in new and redeveloping areas to achieve a high degree of self-containment, reduce auto dependence, and foster a strong live-work-play pattern of activity within neighborhoods (Land Use pg. 22).
- Encourage preservation of corridors of land for non-motorized transportation routes/trails and provide public investment for non-motorized transportation facilities (Land Use pg. 22).
- Review existing zoning to ensure it is consistent with neighborhood objectives, and pursue rezoning of areas where conflicts are found (Land Use pg. 23).
- Increase code enforcement activity in order to help protect neighborhoods from decay, decline and disinvestment (Land Use pg. 23).
- Allow for compatible, small-scale commercial uses that support existing neighborhoods and reduce dependence on automobile travel (Land Use pg. 24).
- Encourage public investment in parks and schools that are neighborhood focal points, consistent with the Comprehensive Park and Recreation Master Plan (Land Use pg. 25).
- Proactively direct development through public investment in infrastructure (Land Use pg. 28).

Amendment of the DURP

The DURP may be modified at any time by the City Commission as necessary to eliminate and prevent the development or spread of blight and to encourage urban rehabilitation. The process for plan amendment shall be consistent with the procedures outlined in 7-15-4212 - 4219 (MCA).

Conclusion:

The City of Great Falls Downtown Master Plan recommends the establishment of an Urban Renewal District that utilizes TIF funding to revitalize and rehab downtown. The Plan provides an ambitious yet obtainable framework of goals, objectives and strategies that are intended to transition this area from its current condition to a vibrant and thriving destination. The Downtown Urban Renewal District has tremendous potential to re-emerge as the commercial, cultural and entertainment center of Great Falls.

Amended and Restated Downtown Urban Renewal District Plan



CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: "ORDINANCE APPROVING THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT AND APPROVING TWO STORM DRAINAGE PROJECTS AS URBAN RENEWAL PROJECTS" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission of the City at a regular meeting on July 19, 2022, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 19th day of July 2022.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Commission of the City at a regular meeting on August 16, 2022, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this 16th day of August, 2022.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE 3247

ORDINANCE APPROVING THE AMENDED AND RESTATED
URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN
RENEWAL DISTRICT AND APPROVING TWO STORM
DRAINAGE PROJECTS AS URBAN RENEWAL PROJECTS

BE IT ORDAINED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. Pursuant to Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), and Ordinance 3088, adopted by the Commission on May 15, 2012 (the “Ordinance”), the City has created the Downtown Urban Renewal District (the “District”) as an urban renewal area and approved the Downtown Urban Renewal Plan (the “Plan”) as an urban renewal plan for the District. The Plan provides for the segregation and collection of tax increment revenues with respect to the District in accordance with the provisions of the Act.

1.02. The Act provides that a municipality may amend an urban renewal plan by ordinance pursuant to the procedures set forth in Sections 7-15-4212 through 7-15-4219 of the Act. On July 19, 2022, the Commission declared its intention to amend and restate the Plan in the form attached hereto (the “Amended Plan”). The Amended Plan contains new three new additional strategies that provide policy guidance to allow for transportation and utility infrastructure improvements to take place within the Downtown Urban Renewal Area.

Section 2. Findings. The Commission hereby finds as follows:

- (a) no persons will be displaced from their housing by these Storm Drainage Projects;
- (b) the Amended Plan, including the Storm Drainage Projects, conforms to the City’s Growth Policy adopted in accordance with Title 76, Chapter 1;
- (c) the Amended Plan, including the Storm Drainage Projects, will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise; and
- (d) a sound and adequate financial program exists for the financing of the costs of the Storm Drainage Projects using tax increment revenue of the District.

Section 3. Modification of Plan. This Commission hereby approves, ratifies and confirms the Amended Plan, including the designation of the Storm Drainage Projects as urban renewal projects for the District as set forth therein. All actions of this Commission heretofore taken with respect to the Storm Drainage Projects, to the extent not inconsistent herewith, are hereby ratified and confirmed.

Section 4. Modification of Storm Drainage Projects. The Storm Drainage Projects may be modified by the Commission if it determines by Resolution that an adjustment to the Storm Drainage Projects are required and in the best interest of the City.

Section 5. Effect. This Ordinance shall take effect from and after 30 days of its passage by the Commission.

Passed and adopted by the City Commission of the City of Great Falls, Montana, on this 16th day of August, 2022.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

**City of Great Falls
Public Works/Engineering**

DATE: April 20, 2022
TO: Great Falls City Planning Board
FROM: Jesse Patton, P.E., Interim City Engineer
RE: Central Ave / 3rd St Drainage Improvements, O.F. 1779.0

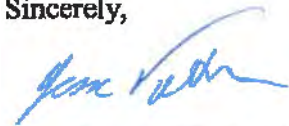
Enclosed is an Application for Tax Increment Funding to fund the engineering design, permit documentation, and construction of public storm drainage improvement costs associated with the referenced project.

There has been an increasing number of short duration high intensity rainfall events that have resulted in flooding within the City in recent years. One area that has been problematic from a flooding perspective is the Downtown Business District. The increase in flooding frequency triggered multiple complaints from downtown businesses. Business and building owners expressed concerns with damage caused by water flooding the basements and lower levels of their facilities.

The City has been working with Great West Engineering to complete the final design and contract documents for public storm drainage improvements that will serve the Downtown Urban Renewal District and other surrounding areas.

The next step of the project includes finalization of the plans, specifications, and bid documents. That will be immediately followed by the public bidding process. City Engineering Division will perform administrative duties and continue to coordinate the consultant's activities. The estimated cost for the project is \$6,322,200.

Sincerely,



Jesse Patton, PE, Interim City Engineer (406) 771-1258

Attachments: TIF Application
Great West Figure 16
Phased Improvement Map
Project Budget
Attachment A

CITY OF GREAT FALLS



TAX INCREMENT FINANCING (TIF)

APPLICATION FOR FUNDS

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: Central Ave / 3rd St Drainage Improvements

Date Submitted: 4/20/2022

Name of TIF District: Downtown Urban Renewal District

APPLICANT INFORMATION

Name: City of Great Falls Public Works Department

Address: 1025 25th Avenue North East, P.O. Box 5021, Great Falls, MT 59403

Telephone: 406-771-1258 (Jesse Patton, P.E., Interim City Engineer)

DEVELOPMENT INFORMATION

1. Building Address: _____

2. Legal Description: The proposed project area encompasses the streets and avenues bordered by 2nd Avenue North, 2nd Street, 4th Avenue South, and 5th Street. Additionally, the proposed project would include work from the intersection of 4th Avenue South and 2nd Street South to the east bank of the Missouri River.

3. Ownership: : _____
Address: _____

4. If property is not owned by the Applicant, list leasehold interest: *(Attach evidentiary materials).*

Name: _____
Address: _____

5. Existing/Proposed Businesses: _____
Business Description: _____

6. Employment: Existing FTE Jobs: _____
New Permanent FTE Jobs created by project: _____ Construction FTE jobs: _____

7. Architectural/Engineering Firm: City Public Works Engineering Division will manage the project. Great West has been retained to complete the design and develop the construction plans.
Address: 1025 25th Avenue North East, P.O. Box 5021, Great Falls, Montana 59403
Representative: 406-771-1258 (Jesse Patton, P.E., Interim City Engineer)

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

8. Please provide a description of the Total Project Development (attach a narrative explanation).

There has been an increasing number of short duration high intensity rainfall events that have resulted in flooding within the City in recent years. One area that has been problematic from a flooding perspective is the Downtown Business District. The increase in flooding frequency triggered multiple complaints from downtown businesses. Business and building owners expressed concerns with damage caused by water flooding the basements and lower levels of their facilities.

The City retained Great West Engineering to perform a basin study for the project area. The study included assessments of the existing storm drainage piping but only included limited inlet capacity at several key intersections where past flooding has been prevalent. The study helped to identify system deficiencies and make recommendations for improvements to the storm drainage network that will help reduce the duration and amount of future flooding.

The purpose of this project is to implement the improvements recommended in the zone identified as "Area 1" in the December 2020 9th Ave S and Central Ave/4th St Drainage Basin Study prepared by Great West Engineering. (See Attached Great West Figure 16). Area 1 is defined by 2nd Avenue North, Park Drive, the block between 6th and 7th Street, and the block between 3rd Avenue and 4th Avenue South. Just outside of Area 1, the project would also include drainage improvements at the 4th Avenue South and 2nd Street South intersection as well as a storm drain conveyance to the east bank of the Missouri River. The recommended improvements will involve selective conveyance pipe upsizing to reduce flooding of manholes and inlets above the grate/rim elevations. Increased capacity will be achieved through a combination of trunk line upsizing and the addition of more catch basins/inlets. In addition, a hydrodynamic separator will be installed at the intersection of 3rd Street S and 4th Avenue S to provide for removal of suspended solids and trash for the first ½ inch of rainfall. Surface patching of concrete and asphalt pavements is also included for the storm drain trenching areas. Roof drains from commercial buildings that currently connect to the sanitary sewer system will also be disconnected and reconnected to the storm drain system where they are encountered in areas where storm drains are being replaced under the project.

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).

See Attached map for the proposed project phasing.

10. What is the development schedule or estimated completion date for the Total Project Development?
The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

The City plans to split the overall project into four manageable phases over the next five years. The City has already initiated design for the first phase in 2021. Bidding for the first phase will be completed in spring 2022 and construction will be performed in summer/fall 2022. All of the proposed improvements within Area 1 are within the Downtown TIF District boundary. The improvements slated for Phase 4 at the intersection of 4th Avenue South and 2nd Street South are within the TIF as well. The proposed conveyance pipe will start within the TIF area and outfall outside the TIF boundary. See proposed schedule below:

Phase	Design	Bld	Construction
1	Spring 2022	Spring 2022	Summer /Fall 2022
2	Fall 2022	Spring 2023	Summer /Fall 2023
3	Fall 2023	Spring 2024	Summer /Fall 2024
4	Fall 2024	Spring 2026	Summer /Fall 2027

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so, what type?

The City has submitted an application for a competitive ARPA grant. The submitted application is currently ranked 20th out of 174 qualified applications. The City has requested \$1,864,600.00 in funding. The City is to provide an equivalent match in funds applied to the project.

12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available. I need TIF funds immediately to complete the identified TIF improvements, etc.*)

The City has fronted the costs for the engineering analysis and design utilizing Storm Sewer Funds. The City will continue to front the costs for Engineering and construction costs submitting requests for bi-annual reimbursement through the TIF.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.

We are requesting that 2.5 million dollars in TIF funds be made available through 10 bi-annual payments. This application for tax increment funding requests approval to withdraw \$250,000.00 bi-annually on December 31st and June 30th of each year beginning December 31st, 2022 and continuing for 5 years ending on June 30th, 2027.

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements (Itemized)

1. Value of Land	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
Subtotal		\$ _____

Construction/Rehabilitation Costs (Use general construction trade divisions)
(Total value of improvements)

1. Storm Drain	\$ 6,322,200 (See Attached Budget)	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
6. _____	\$ _____	
7. _____	\$ _____	
Subtotal		\$ _____

Equipment Costs
(Total value of equipment)

1. _____	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
Subtotal		\$ _____

Total Project Development Costs **\$ 6,322,200**

ELIGIBLE TIF ACTIVITIES

Land Acquisition

	Total	Amount Requested from TIF	Timing for Funds
1.	_____	_____	_____

Demolition & Removal of Structures

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
Subtotal	_____	_____	_____

Relocation of Occupants

1.	_____	_____	_____
----	-------	-------	-------

Public Improvements

(acquisitions, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, etc.)

1.	<u>Storm Drain</u>	<u>\$2,500,000</u>	<u>December 2027</u>
2.	_____	_____	_____
3.	_____	_____	_____
Subtotal	_____	_____	_____

Fees (associated with eligible activities)

(A&E design/supervision, permits & other fees)

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

CERTIFICATION

I (we), **Paul Skubinna and Jesse Patton** (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature 

Title **Director of Public Works**

Address **City of Great Falls, P.O. Box 5021, Great Falls, MT 59403-5021**

Date **April 20, 2022**

Signature 

Title **Interim City Engineer**

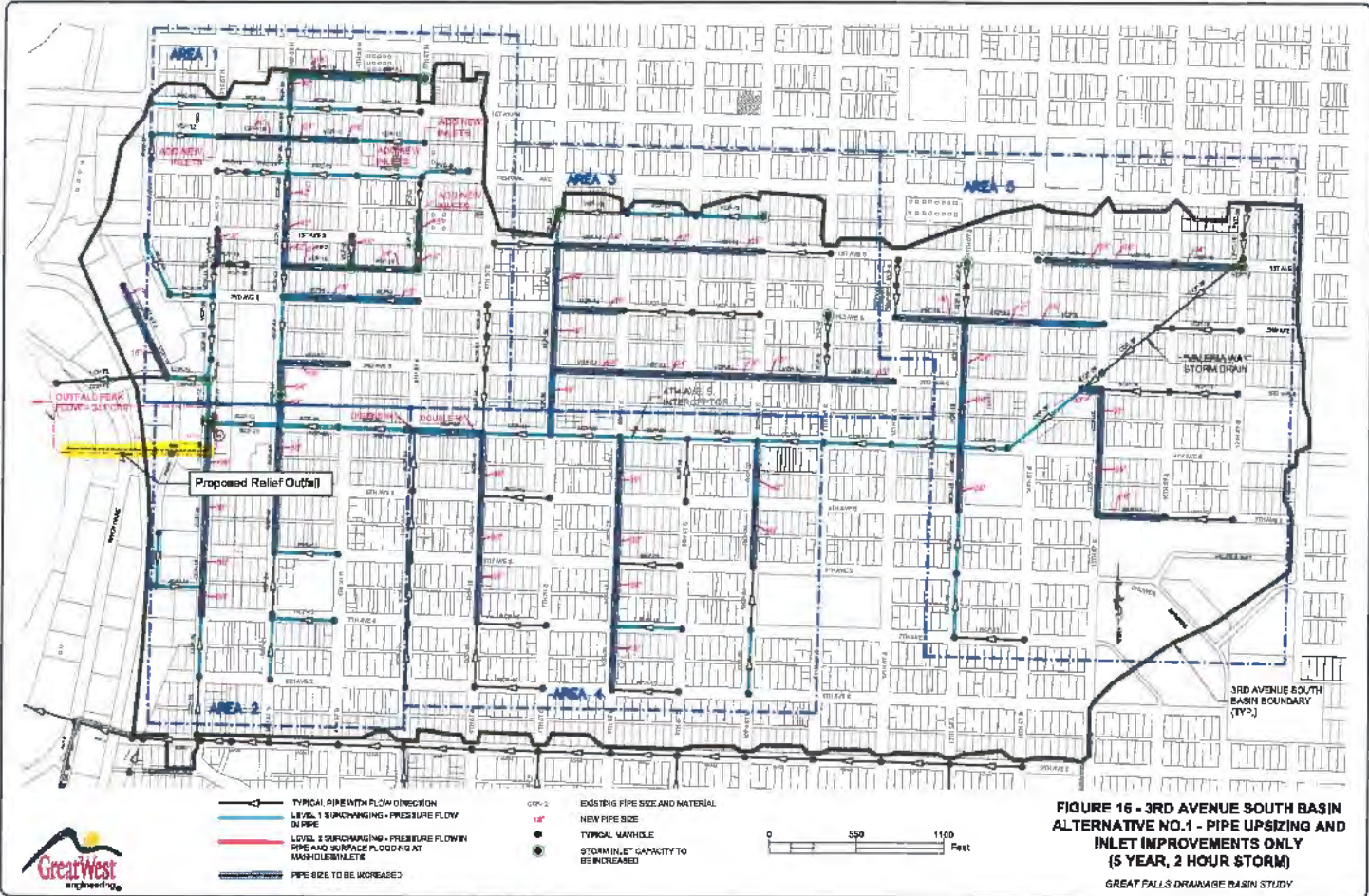
Address **City of Great Falls, P.O. Box 5021, Great Falls, MT 59403-5021**

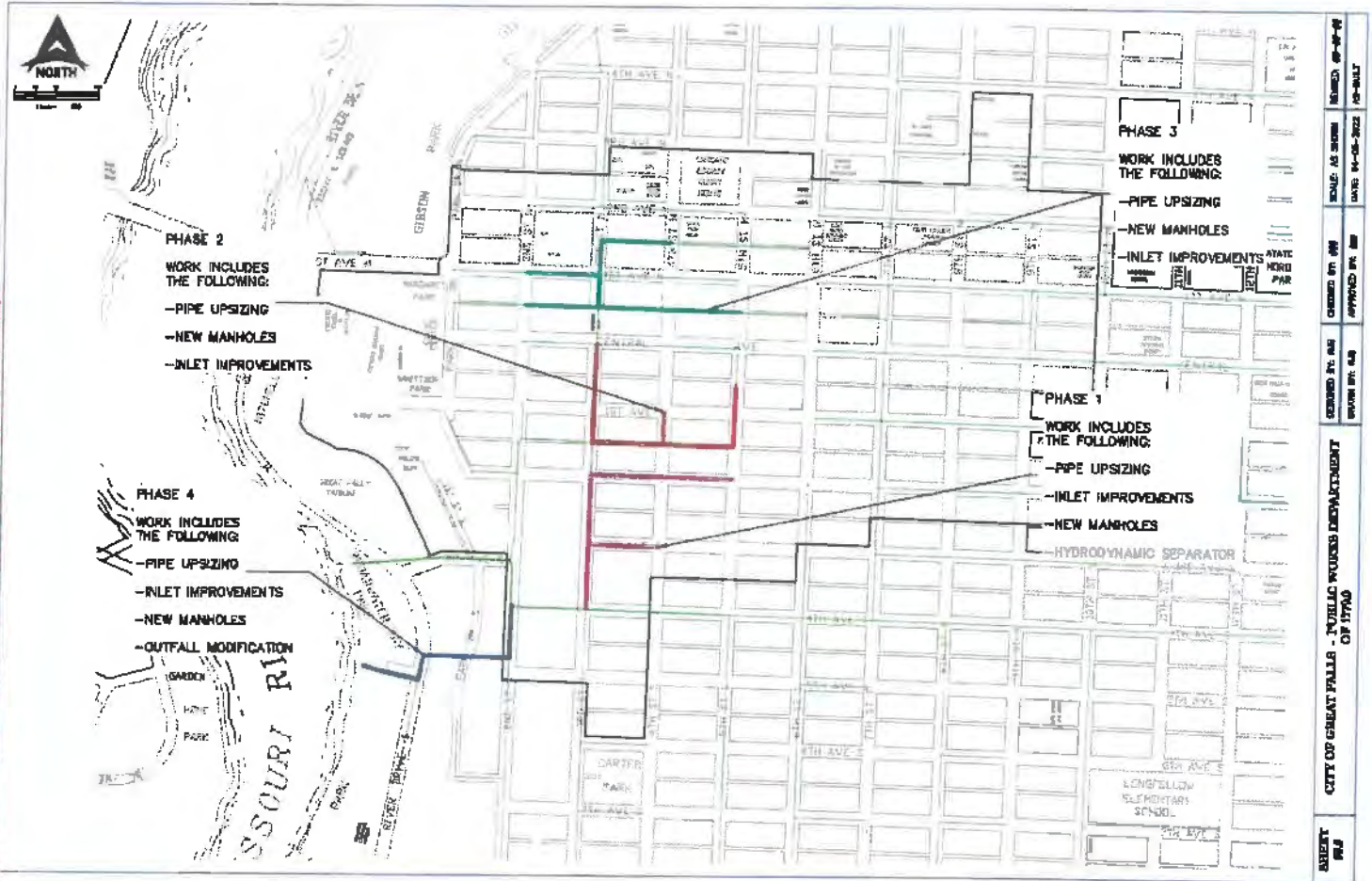
Date **April 20, 2022**

Prepared by the City Engineers Office

Russell Brewer

1779.0 Central Ave / 3rd St Drainage Improvments	
Administrative and Financial	
Personnel	
Office Costs	
Professional Services	\$10,000.00
Legal Costs	\$3,000.00
Audit Fees	
Travel and Training	
Loan Fees	
Loan Reserves	
Interim Interest	
Bond and Council Related Costs	
Total Administrative Costs	\$13,000.00
Activity Costs	
Easement Acquisition and Permitting	\$10,000.00
Engineering Design and Plan Preparation	\$370,000.00
Engineering Plan Review and Contract Administration	\$75,000.00
Construction Engineering and Inspection	\$125,000.00
Project Construction	\$5,729,200.00
Total Activity Costs	\$6,309,200.00
Total Project Cost	\$6,322,200.00





ATTACHMENT A – FLOOD DOCUMENTATION

FLOODING PHOTOS



Central Ave Flooding (8-9-16)



Builders Exchange Flooding (8-9-16)



Flooding Inside Builders Exchange (8-9-16)



Looking South from Builders Exchange Entry (8-9-16)

Russell Brewer

From: Krista Smith <krista@greatfallsplans.com>
Sent: Friday, September 2, 2016 11:04 AM
To: Russell Brewer; Jim Rearden; Greg Doyon; David Dobbs
Subject: Re: Flash Flood 8-9-2016. Information
Attachments: IMG_5866.JPG; IMG_5871.JPG; IMG_5876.JPG; IMG_5880.JPG; IMG_5894.JPG; IMG_5897.JPG; IMG_6156.JPG; IMG_6157.JPG; IMG_6158.JPG; IMG_6161.mov; Resized_20160810_080529.jpg

All-

I know some of you were requesting this information regarding our recent water damage. Hopefully this will give you a better idea of what we were dealing with after the storm subsided.

I am attaching some of the photos/video that were taken on the evening of August 9th at the Great Falls Builders Exchange (or as we are calling it- "Ground Zero"). I will send a another video in a separate email.

For reference, the round planter in front of our building stands at 24" tall.

I do have some additional video and photos that you may be interested in as well, but I felt that these were the ones that reflected what you were looking for most.

Please be sure to note, in the photo called "Resized_20160810_080529", the photo was taken the following morning. The water is actually flowing UP and out of that drain. We had just shy of 9 feet of water in our basement (yes, that is 9 FEET, like a swimming pool, deep), around 14,000 gallons. It was actually possible for someone to have drowned in our office.

I hope that you are able to put this information to good use. We literally cannot afford another incident like this. Our total financial loss to the building and contents, once we are all said and done, will likely exceed a value of over \$100,000. Our insurance is only covering \$5,000 of that. Insurance companies now exclude water damage from their policies, and while some people find this shocking, this incident would also not have qualified for a claim on flood insurance. There is nothing more that we could have done to protect ourselves.

The Great Falls Builders Exchange has been a part of our community for almost 60 years, we run on a budget that if you saw it would make you wonder how we keep our doors open. It will take us at least 5-10 years to recover from this financial blow. Another incident will not only put myself and my 3 employees out of jobs, but all of the contractors in our community will be left without a resource that I honestly don't know how they will find work without. Please, find a way to get this fixed!

Let me know if you have questions.

Thank you,

Krista

Krista Smith, Manager

Great Falls Builders Exchange
Great Falls Society of Architects
325 2nd St. S.
Great Falls, MT 59405
(406)453-2513
(406)899-3030 cell

CITY FLOODING NOTES (8-9-16)

Bob

- 16th Ave So & Verde Dr. - It was drained down when I got there, lots of debris on the inlets.
- 2nd & 3rd from 3rd to 4th Ave So. - Debris on inlets, system took the water once the inlets were cleared,
- Meadowgold had water in their building.

Don

- 821 1st Ave N.W. System full/ no surcharging
- 1524 5th Ave N.W. System full/ no surcharging
- 10th St & 8th Ave N.W. System full/ no surcharging
- R.R. under pass & 6th Ave No. System full/ no surcharging
- 14th St & 20th Ave So. Gravel covered/ plugged the inlet

Jake

- Bison Ford - When I got there all the water was coming out of the stage/ grass area behind the Sting, the streets were drained down so I could not tell where the water was coming from.

Bruce

- 3rd St & N.W. Bypass – Manholes surcharging, ponding behind Johnson Distributing
- Chowen Springs
- 9th Ave So.
- 44th St N and 4th Ave N – Water backs up into street.

Builders Exchange

- Water 15" deep inside building
- Water 2-feet deep outside building. Estimated WSE 3308.21
- Inlets plugged with Debris.

Courtney L

- 2-3 inches of rain in 45 minutes
- 13th Ave. So. 20th St. So. Intersection Flooded
- 20th St. So. Lids blown off manholes.
-



Posted: Aug. 19, 2016 10:17 AM MDT
 Updated: Aug. 19, 2016 2:30 PM MDT

Great Falls assessing the impact of flash-flooding

By: David Sherman - MTN News

GREAT FALLS - Flash-flooding hit Great Falls and some surrounding areas on Tuesday evening, and the National Weather Service has provided some details about how much rain fell.

The storm moved through the Great Falls area just after 6 p.m., and lasted less than an hour.

The NWS says that more than three inches of rain fell in some areas of Great Falls, and up to 1.25 inches of hail were reported in some places.

What triggered the flash-flooding is that so much rain fell in such a short period of time.

The NWS notes that rainfall rates in Great Falls "were on the order of 2.5 to 3.5 inches per hour, causing short-term flooding."

The agency also noted that the greatest one-hour amount of rain ever recorded in Great Falls was 1.13 inches; that happened on June 20, 1991. The greatest 24-hour rainfall recorded in Great Falls was 3.42 inches, in May 1980.

The NWS says that on an hourly basis, Tuesday's rainfall exceeded both of those records.

The NWS also says that: "For other periods, the record highest amount in 30 minutes was 1.04 inches on July 14, 2012. On this date, 0.66" fell in a 15 minute period. This is likely the last occurrence of rainfall rates of the intensity seen on Aug 9 at Great Falls."

The flash-flooding affected many parts of Great Falls, including 10th Avenue South, particularly near 5th Street; the Parkdale neighborhood near 15th Street South; and the underpass along 1st Avenue North between Park Drive and River Drive.

Dozens of cars stalled during the downpour, and several people had to be rescued from the flooded vehicles.

Kathryn Elizabeth Dawson posted on Facebook: "I just wanted to thank the Dairy Queen crew at Fox Farm again for rescuing my 5 kids during the flash flood. My car was literally stuck in the water the water was coming in the car. The crew at DQ came running out, grabbed kids, and got us and eventually the car safety. It seriously meant everything to us. Thank you thank you for your selfless acts."

There have been reports of homes and buildings damaged due to the storms, primarily roofs and siding, as well as some flooding of basements and ground-level floors.

The C.M. Russell Museum is temporarily closed due to flooding from the storm. A spokesperson says that the artwork, buildings, and grounds were kept safe after the museum's storm drain system experienced a failure and caused portions of the museum's public spaces to flood. The museum will remain closed until the building undergoes humidity reduction.

Another fast-moving powerful storm moved through the area just before midnight, bringing more brief heavy rain, lots of lightning, gusty winds, and hail.

We will have more information on the flooding and the impact during this evening's newscast.

RELATED: [Viewer photos and videos of flash flooding in Great Falls](#)



PHOTO CREDIT - AMBER RINEE THUMM



Kathryn Elizabeth Dawson shared this on Facebook

GF Tribune 8-11-2016:

A storm of the magnitude of Tuesday's intense rain event, which caused flash flooding in the city, is extremely rare, according to the National Weather Service in Great Falls. Roger Martin, a meteorologist with the National Weather Service in Great Falls, said a 2 ½-inch rainfall over six hours in northcentral Montana has a 100-year return period, meaning it occurs about once a century on average, at least on paper.

Between 1 and 3 inches of rain fell in an hour over central and west Great Falls. That said, no records were set, at least officially.

Official climate data is collected at the Great Falls International Airport, and the airport falls outside of the areas with the heaviest rainfall. Officially, the record one-hour rainfall amount in Great Falls is 1.13 inches. It was set June 20, 1991. At the airport Tuesday, .78 inches was recorded. However, rainfall rates in some locations in Great Falls were on the order of 2.5 to 3.5 inches per hour, causing short-term flooding. And those locations exceeded the 100-year return rate for rainfall in a six-hour period in northcentral Montana, Martin said.

GF Tribune 8-18-2016:

The C.M. Russell Museum will reopen Tuesday, Aug. 23, after being closed to the public since Aug. 10 after the damaging storms and flooding in Great Falls, according to a news release. After the storm on Aug. 9 that dropped 3 inches of rain in parts of Great Falls in one hour, the museum's storm drain system experienced a failure that caused portions of the public spaces to flood. The museum has been closed to the public as the building underwent humidity reduction. The collections were kept safe from the flooding thanks to the quick response from museum staff and the community.

The galleries containing the "The Bison: American Icon, Heart of Plains Indian Culture" will remain closed as repair work is continued. The remaining 10 galleries will be open to the public, in addition to the sculpture garden and Russell home.

The museum is preparing to upgrade its climate control systems this year and will work to combine any remaining building repairs with the temperature and humidity upgrades in an effort to minimize disruptions for members and guests.

To support the C.M. Russell Museum, the community is encouraged to visit the Going-to-the-Sun exhibition, become a member, shop the museum gift store, or make a donation.

<http://www.greatfallstribune.com/story/news/local/2016/08/10/inches-fell-hour-great-falls-locations/88516328/>

*Central Ave District
8/13/19*

Jim Rearden

From: Joan Redeen <info@greatfallsbid.com>
Sent: Friday, September 13, 2019 3:10 PM
To: Jim Rearden
Subject: RE: Downtown

Hi Jim,

The Board asked me to follow up on the storm drain topic...to see if the City had any plans to make any changes/additions at 4th and Central. If you can keep me posted as time progresses on this topic, I'd appreciate it and I'll relay as you share. Thank you.

Thank you,

Joan Redeen

Community Director

Great Falls Business Improvement District

318 Central Avenue
 Great Falls MT 59401
 (406) 727-5430
 (406) 727-5431 FAX

www.GreatFallsBID.com

Facebook: Destination Downtown Great Falls

Twitter: DowntownGF

Become our fan on Facebook and receive updates!

The Business Improvement District (BID) is the focal point of regional commerce for social, cultural, governmental, business and residential activity in downtown Great Falls. The goal of the BID is to maintain, beautify, and stimulate development in Great Falls' historic downtown district.



As a Main Street America™ Accredited program, Great Falls is a recognized leading program among the national network of more than 1,200 neighborhoods and communities who share both a commitment to creating high-quality places and to building stronger communities through preservation-based economic development. All Main Street America™ Accredited programs meet a set of National Accreditation Standards of Performance as outlined by the National Main Street Center.

From: Jim Rearden <jrearden@greatfallsmt.net>
Sent: Tuesday, July 16, 2019 9:35 AM
To: 'Joan Redeen' <info@greatfallsbid.com>
Subject: RE: Downtown

Joan,
 We would be happy to. We are looking for some additional info about which areas were affected by the July 6th storm. If you have some more info, that would be helpful.

Jim

From: Joan Redeen <info@greatfallsbid.com>
Sent: Sunday, July 14, 2019 5:35 PM
To: Jim Rearden <rearden@greatfallsmt.net>; Jesse Patton <jpatton@greatfallsmt.net>
Subject: Downtown

Jim & Jesse,

Would either of you be available to join the BID board at our next board meeting on Thursday, August 8th at 9am to bring the BID board up to date on the storm drain project? The board discussed the fact that downtown had extreme flooding in 2016, when the storm drain project commenced. Downtown, again, experience flooding last week and the Board would like to know what the status is with the storm drains, both those completed and those yet to be done. Would either, or both, of you be available for 15 to 20 minutes (or so) to bring the board up to date at our August board meeting?

Thank you,

Joan Redeen

Community Director

Great Falls Business Improvement District

318 Central Avenue

Great Falls MT 59401

(406) 727-5430

(406) 727-5431 FAX

www.GreatFallsBID.com

Facebook: Destination Downtown Great Falls

Twitter: DowntownGF

Become our fan on Facebook and receive updates!

The Business Improvement District (BID) is the focal point of regional commerce for social, cultural, governmental, business and residential activity in downtown Great Falls. The goal of the BID is to maintain, beautify, and stimulate development in Great Falls' historic downtown district.



As a Main Street America™ Accredited program, Great Falls is a recognized leading program among the national network of more than 1,200 neighborhoods and communities who share both a commitment to creating high-quality places and to building stronger communities through preservation-based economic development. All Main Street America™ Accredited programs meet a set of National Accreditation Standards of Performance as outlined by the National Main Street Center.

City of Great Falls e-mails may be subject to Montana's Right To Know law (Article II Sec 9, Montana Constitution) and may be a Public Record (2-6-1002, M.C.A.) and available for public inspection.

Photo - Google Photos

CENTRAL AVE FLOODING - JULY 6, 2019

Page 1 of 1















City of Great Falls
Public Works/Engineering

DATE: June 8, 2022

TO: Great Falls City Planning Board

FROM: Jesse Patton, P.E., Interim City Engineer

RE: 2022 – Misc. Storm Drain Improvements – 2nd Alley S., O.F. 1793.0

Enclosed is an Application for Tax Increment Financing (TIF) to fund the construction of public storm drainage improvements associated with the referenced project.

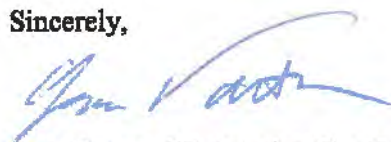
There have been complaints about the poor drainage of 2nd Alley S. between Park Dr. and 2nd St. S. The lack of proper drainage in the alley results in numerous puddles after rain events along with ice buildup that occurs throughout the winter, causing problems for pedestrians, customers (such as hotel guests), and delivery vehicles.

The alley currently drains stormwater from Park Dr. S. east to 2nd St. S. There are many issues that contribute to poor drainage including: minimal grade throughout the alley, existing buildings and alley parking spaces that hinder proper alley drainage, lack of sunlight to melt ice buildup, and lack of any storm drain inlets in the alley. Business owners adjacent to the alley would like to see storm drainage improvements that include storm drain inlets and complete regrading and repaving of the alley to help alleviate the unique drainage issues of this alley.

This construction project is expected to take a total of 4 weeks and start as soon as September 2022. The project will be broken into 2 construction phases. The 1st phase will consist of a private contractor installing approximately 220' of 8" PVC storm drain pipe, 3 new storm drain inlets, and replacement of the existing valley gutter in the alley. The 2nd phase will consist of the City Street Division regrading and repaving the alley utilizing the new storm drain inlets and valley gutter.

The City Engineering Division is currently finalizing the plans and contract documents in order to put this storm drainage improvements project out to bid. The estimated cost for both phases of construction is \$90,225. This is the amount of TIF eligible funding being requested. The City also estimates that it will spend \$8,000 in the design and bidding phase that is currently on-going. This amount is not eligible for TIF funding as it is being done before any TIF application approvals.

Sincerely,



Jesse Patton, PE, Interim City Engineer (406) 771-1258

Attachments: TIF Application

CITY OF GREAT FALLS



**TAX INCREMENT FINANCING
(TIF)**

APPLICATION FOR FUNDS

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: 2022 Misc. Storm Drain Improvements - 2nd Alle. S.

Date Submitted: 6/8/2022

Name of TIF District: Downtown Urban Renewal District

APPLICANT INFORMATION

Name: City of Great Falls Public Works Department - Engineering

Address: 1025 25th Ave NE, P.O. Box 5021, Great Falls, MT 59403

Telephone: 406-771-1258 (Jesse Patton, P.E., Interim Cit. Engineer)

DEVELOPMENT INFORMATION

1. Building Address: N/A

2. Legal Description: The proposed project is located in 2nd alley S. between
Park Dr. S. and 2nd St. S

3. Ownership: City owns public right of way in alley

Address: Public Works Department 1025 25th Ave NE Great Falls, MT 59403

4. If property is not owned by the Applicant, list leasehold interest: *(Attach evidentiary materials).*

Name: N/A

Address: _____

5. Existing/Proposed Businesses: N/A

Business Description: N/A

6. Employment: Existing FTE Jobs: N/A

New Permanent FTE Jobs created by project: N/A Construction FTE jobs: N/A

7. Architectural/Engineering Firm: City of Great Falls Public Works Engineering Division

Address: 1025 25th Ave NE, PO Box 5021, Great Falls, MT 59403

Representative: Jesse Patton, P E., Interim City Engineer

CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS

8. Please provide a description of the Total Project Development (attach a narrative explanation).
See Appendix A

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).
See Appendix B for storm drain plans. Note that grading and paving of the alley will be constructed by the City Street Division.

10. What is the development schedule or estimated completion date for the Total Project Development?
The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

The project is planned to be done in September and October 2022. The project will be done in 2 phases. The first phase will be done by a private contractor to extend the storm drain system down the alley installing approx. 220 ft of storm main, 3 storm inlets, and a valley gutter. This phase is expected to take 2 weeks. Once the 1st phase is complete, the City Street Division will complete phase 2 of the project. Phase 2 consists of regrading and repaving the alley. This 2nd and final phase is expected to take 2 weeks. The entire project including phase 1 and 2 is expected to take 4 weeks.

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so, what type?
N/A

12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.)

The City Public Works Department will be fronting the costs of all identified TIF improvements and would like to be reimbursed in a lump sum as TIF funds become available.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.

The total cost of the project is projected to be \$98,225. Of this \$98,225, \$8,000 is projected to be spent on the design prior to any approval and thus is not eligible for reimbursement. The City is therefore requesting \$90,225 be financed by the TIF district.

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements (Itemized)

1. <u>Value of Land</u>	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
Subtotal		\$ <u> -</u>

Construction/Rehabilitation Costs (Use general construction trade divisions)

(Total value of improvements)

Storm Drain Design and		
1. <u>Bidding by City Eng. Div.</u>	\$ 8,000	
Storm Drain Construction		
2. <u>by Private Contractor</u>	\$ 60,225	
Alley Regrade & Repave.		
3. <u>Construction by Cit Street Div.</u>	\$ 30,000	
4. _____	\$ _____	
5. _____	\$ _____	
6. _____	\$ _____	
7. _____	\$ _____	
Subtotal		\$ <u>98,225</u>

Equipment Costs

(Total value of equipment)

1. <u>N/A</u>	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
Subtotal		\$ <u> -</u>

Total Project Development Costs \$ 98,225

CERTIFICATION

I (we), Paul Skubinna and Jesse Patton (please print),
certify that the statements and estimates within this Application as well as any and all documentation
submitted as attachments to this Application or under separate cover are true and correct to the best of
my (our) knowledge and belief.

Signature Pat Skubinna

Title Director of Public Works

Address City of Great Falls, P.O. Box 5021 Great Falls, MT 59403-5021

Date 6/10/22

Signature Jesse Patton

Title Interim City Engineer

Address City of Great Falls, P.O. Box 5021 Great Falls, MT 59403-5021

Date 6-9-2022

Appendix A

8. Please provide a description of the Total Project Development (attach a narrative explanation).

The alley between 1st Ave S. and 2nd Ave S. herein referred to as 2nd Alley S. has experienced drainage issues between Park Drive S. and 2nd St. S. This section of alley has two large low spots that don't drain storm water. These low spots are located approximately 220 ft and 270 ft west of 2nd St. S. These low spots hold water and also hold ice in the winter time causing problems for pedestrians, customers, and delivery vehicles. See attached picture on page 2 of this Appendix. In addition to these large low spots, the entire alley has many small depressions that cause water to puddle and winter ice to build up.

The purpose of this project is to reduce standing water and ice buildup in the alley. The City Engineering office developed plans included in Appendix B. These plans show how the City's storm drain system will be extended down the alley to the two large low spots where a storm drain inlet will be installed along with a new valley gutter to drain this area of the alley. This new and extended storm drain system will also have 2 other inlets installed within the alley to address the multiple small depressions causing puddles. A private contractor will be hired to install this new storm drain and valley gutter through a bidding process by the City Engineering office. Once this first construction phase is complete, the City Street Division will regrade and repave the alley utilizing the newly installed storm drain inlets as part of a 2nd and final phase.

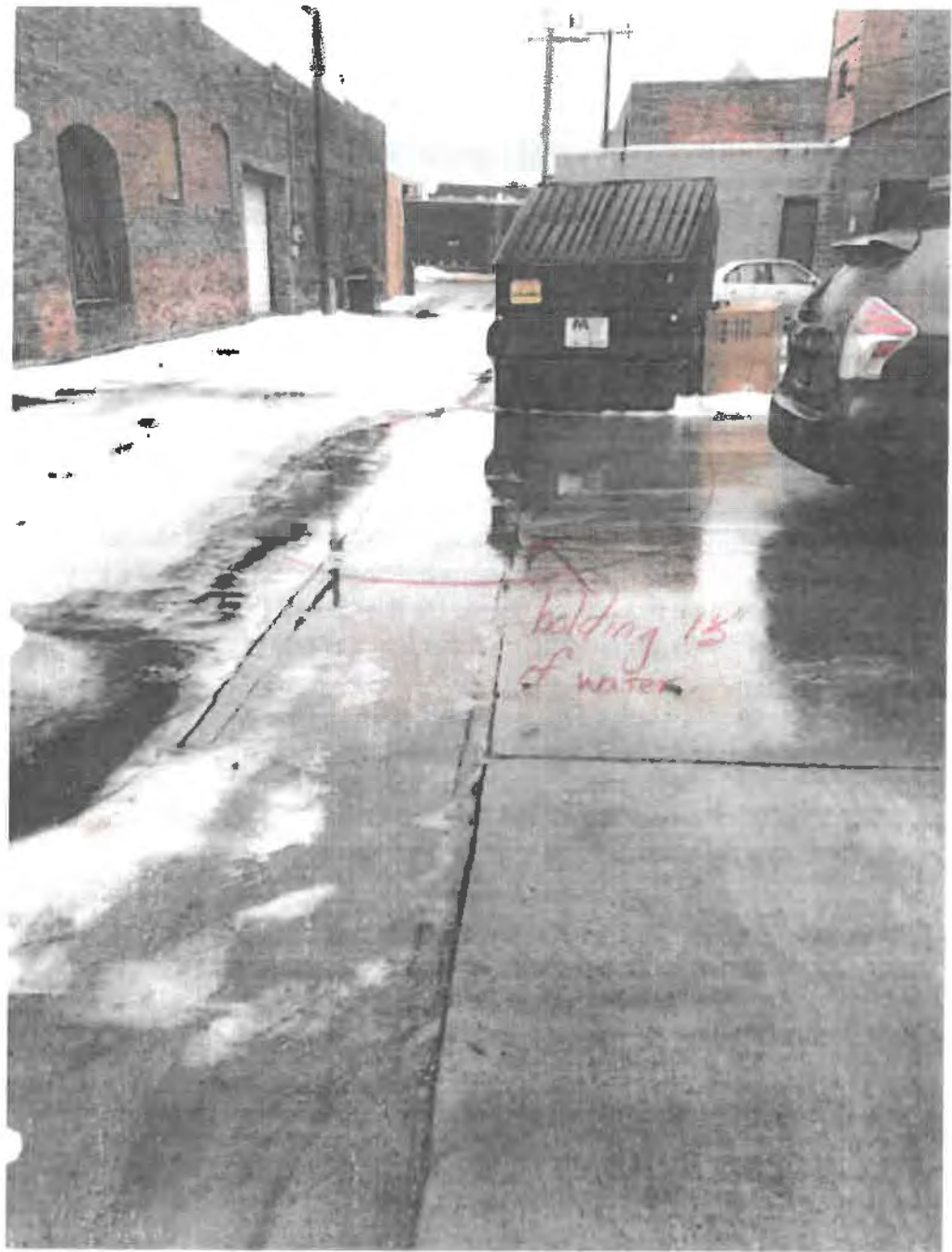
The City is requesting reimbursement for both the storm drain construction phase of this project and the alley regrading/repaving phase. The total request for reimbursement is \$90,225.

The storm drain phase of this work is estimated to cost \$60,225. This includes \$54,225 to a private contractor for construction, \$5,000 to City Engineering for construction inspection, and \$1,000 to City Engineering for construction administration. The City is not requesting reimbursement for the \$8,000 spent on designing and bidding the project.

The regrading/repaving phase of this work is estimated to be \$30,000. This includes the complete cost for the City Street Division to regrade and repave the alley.

This alley has had drainage and ice issues for many reasons including; lack of adequate grades, lack of sunlight reaching the alley, existing buildings and parking spaces that hinder drainage, and lack of storm drain inlets. This project will greatly improve the drainage of the alley and limit the excessive ice that builds up in the winter months.

Appendix A





Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10474- A Resolution By The City Commission Of The City Of Great Falls, Montana, To Amend Planning and Community Development Engineering Fees In The City Of Great Falls

From: Craig Raymond, Director, Planning & Community Development

Initiated By: Craig Raymond, Director, Planning & Community Development

Presented By: Craig Raymond, Director, Planning & Community Development

Action Requested: Conduct Public Hearing and adopt Resolution 10474

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/not adopt) Resolution 10474, Amending Planning and Community Development Engineering Fees in the City of Great Falls.”

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

Staff Recommendation: Staff requests that the City Commission conduct the public hearing related to a proposal to amend fees for land development engineering review and other miscellaneous work as performed by Planning & Community Development Department Engineers or 3rd party consulting engineers.

Summary: Nearly a year ago, the City Commission adopted fees to cover costs associated with the review of civil engineering plans and construction oversight for new development projects as well as providing project management of capital projects for other city departments. Since that time, the city has hired a 3rd party consulting engineer to assist with the review of said projects and provide construction oversight while the city continues to recruit engineering staff. Resolution 10474 enables the pass-through of the fees that will be incurred by the city related to those development projects that are assigned to the consultant.

Background: As early as November 2019, the City was preparing to transfer plan review, construction oversight and project management duties from the Engineering Division of Public Works to Planning & Community Development. As part of the transfer of duties, a different funding strategy and budget was developed to finance the staff FTE's along with related operational costs. Once the revenue source and budget parameters were known, staff then relied on feedback from the development community which informed the ultimate fee proposal that was adopted by the City Commission on September 21, 2021. Due to engineer position vacancies since that time, staff has determined that it is in the best interest of the city as well as the development community that we engage with a 3rd party engineering firm to help review and process development proposals that include infrastructure construction and/or on-site storm water improvements. The City Commission ratified the agreement with Sanderson Stewart on June 21, 2022. Due to the change in how projects will be processed during the interim period, the approved fee structure may not be most appropriate. The proposed fee resolution amendment simply allows staff to directly pass along those costs the city receives from our 3rd party consultant to the project applicant/developer. It may also prove to be beneficial to maintain the relationship long term in order to have the ability to increase capacity and efficiency during seasonal spikes in development activity or community growth surges. PCD has found it very beneficial to have that tool in our bag in the Building Safety Division for building permit review. The development community has been very appreciative of the increase in responsiveness and quicker service the increased capacity affords.

Fiscal Impact: The proposed fee amendment will ensure that costs associated with development review will not negatively impact the Planning and Community Development's Building fund or the general fund.

Alternatives: The City Commission may vote to reject Resolution 10474. Such action may have a detrimental effect on PCD fund balances and/or put increased pressure on general fund investment in supporting development in Great Falls.

Concurrences: Public Works and the City Manager's Office have been advised of the proposed fee resolution. No negative comments have been received.

Attachments/Exhibits:

Resolution 10474

Sanderson Stewart 2022 Fee Schedule

RESOLUTION NO. 10474

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO AMEND PLANNING AND COMMUNITY DEVELOPMENT ENGINEERING FEES IN THE CITY OF GREAT FALLS

WHEREAS, Title 12 of the Official Code of the City of Great Falls (OCCGF) includes provisions for processing of permit applications for construction of or within city boulevards, sidewalks and streets; and

WHEREAS, Title 12 OCCGF includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and

WHEREAS, Title 13 of the Official Code of the City of Great Falls (OCCGF) includes provisions for processing of permit applications for construction or modification of Water, Sewer and Storm Drainage Systems; and

WHEREAS, The City of Great Falls may find it beneficial and necessary to contract with third party engineering consultants to provide additional processing and review capabilities; and

WHEREAS, Title 13 OCCGF includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and

WHEREAS, Title 17 of the Official Code of the City of Great Falls (OCCGF) includes provisions for processing of applications for land use and development projects; and

WHEREAS, Title 17 OCCGF includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and

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

1. Fees for plan review and engineer construction oversight shall be;
Fee = $3.3182 * ((\text{Infrastructure Cost})^{0.6593})$
2. Engineer construction management and miscellaneous services shall be \$108.00 per hour
3. Direct costs associated with third party processing, review, oversight and/or consulting services shall be billed by the City to the project applicant
4. Resolution 10427 is hereby repealed

5. That this Resolution shall become effective upon adoption

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
August 16, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoiem, City Attorney

CHARGE OUT RATES

EFFECTIVE FEBRUARY 16, 2022

STAFF PERSONNEL SERVICES

Staff Engineer I	\$110.00/hour
Staff Engineer II	\$125.00/hour
Project Engineer I	\$130.00/hour
Project Engineer II	\$140.00/hour
Senior Engineer I	\$175.00/hour
Senior Engineer II	\$210.00/hour
Principal Engineer Intern	\$235.00/hour
Expert Witness/Special Consultant	\$70.00/hour
Staff Planner I	\$285.00/hour
Staff Planner II	\$95.00/hour
Planner I	\$105.00/hour
Planner II	\$130.00/hour
Senior Planner I	\$145.00/hour
Senior Planner II	\$155.00/hour
Right-of-Way Agent	\$170.00/hour
Staff Landscape Designer I	\$165.00/hour
Staff Landscape Designer II	\$95.00/hour
Landscape Architect I	\$105.00/hour
Landscape Architect II	\$130.00/hour
Senior Landscape Architect I	\$145.00/hour
Senior Landscape Architect II	\$155.00/hour
Field Survey Technician I	\$170.00/hour
Field Survey Technician II	\$80.00/hour
Staff Surveyor I	\$85.00/hour
Staff Surveyor II	\$105.00/hour
Professional Land Surveyor	\$115.00/hour
Senior Professional Land Surveyor	\$125.00/hour
Graphic Artist	\$175.00/hour
Marketing Director	\$95.00/hour
CADD Technician I	\$155.00/hour
CADD Technician II	\$85.00/hour
Designer I	\$90.00/hour
Designer II	\$100.00/hour
Senior Designer I	\$105.00/hour
Senior Designer II	\$120.00/hour
Construction Inspector	\$130.00/hour
Construction Engineering Technician	\$85.00/hour
Senior Construction Engineering Technician	\$100.00/hour
Construction Engineer I	\$135.00/hour
Construction Engineer II	\$130.00/hour
Project Administrator	\$140.00/hour
Administrative/Clerical	\$100.00/hour
	\$85.00/hour

SURVEY CREW SERVICES

1-man Crew/2-man Crew	\$Per Job
Survey Equipment	\$15.00 /fieldwork hour
Survey Vehicle Mileage	\$.75 /mile
Scanner Equipment	\$150.00 /hour
Scanner Equipment (Hourly)	\$150 /hour
Scanner Equipment (Full Day)	\$1,050 /day

OUTSIDE CONSULTANTS

- 1) At cost if independently billed direct to client.
- 2) Cost plus 5% if billed through us.

INDEPENDENT LABORATORIES

- 1) At cost if independently billed direct to client.
- 2) Cost plus 5% if billed through us.

ADMINISTRATIVE EXPENSES

Administrative expenses (including copies, prints, phone, postage, materials, and travel) 3.5% *

* based on professional services only, unless modified by contract

Vehicle Mileage IRS Rate

These rates are updated periodically to reflect market conditions. Rate increases will be reflected in future invoicing.



Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

- Item:** Resolution 10476 and Resolution 10477– Request from the Downtown Development Partnership (DDP) to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds to assist with the cost of DDP operations
- From:** Lonnie Hill, Planner II, Planning and Community Development
- Initiated By:** Downtown Development Partnership (DDP)
- Presented By:** Craig Raymond, Director, Planning and Community Development
- Action Requested:** Adopt Resolution 10476 to allow the use of up to \$53,884 in Downtown Urban Renewal District Tax Increment Financing funds to assist DDP operating costs for fiscal year 2022 and Resolution 10477 to allow the use of up to \$100,625 in Downtown Urban Renewal District Tax Increment Financing funds to assist DDP operating costs for fiscal year 2023

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
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) Resolution 10476 to allow the use of up to \$53,884 in Downtown Urban Renewal District Tax Increment Financing funds to assist DDP operating costs for fiscal year 2022.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
3. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10477 to allow the use of up to \$100,625 in Downtown Urban Renewal District Tax Increment Financing funds to assist DDP operating costs for fiscal year 2023.”
4. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends approval of Resolution 10476 and Resolution 10477.

Summary: The Downtown Development Partnership of Great Falls (DDP) serves as the coordinating body for downtown development. DDP members include NeighborWorks Great Falls, the Great Falls Development Authority, the Great Falls Business Improvement District, the Downtown Great Falls Association, the City of Great Falls, Great Falls Public Schools, the Great Falls Area Chamber of Commerce, Neighborhood Council #7, the City of Great Falls Parking Advisory Commission and Historic Preservation Advisory Commission, Cascade County, and other downtown advocates. Just one of many elements of the DDP's activities is acting as the recommending body to the City Commission for Downtown Urban Renewal District TIF requests. For final action, the City Commission reviews the DDP recommendation and approves or rejects TIF funding requests. In this case, the DDP is not the recommending party, but rather the applicant for TIF funds. The request for TIF funding was approved and documented in the minutes of the March 2, 2022 meeting of the Downtown Development Partnership.

Applicant's Request:

FY 2022 - The application requests a total of \$53,884 for fiscal year 2022.

The fiscal year 2022 application includes a request of \$31,234 to pay for 50% of the direct costs of the Downtown Business Development Officer (DBDO). The Business Improvement District (BID) and the Great Falls Development Authority (GFDA) will split the remaining 50% of direct costs. The DBDO primary duties include visiting existing businesses to identify opportunities and challenges, identifying businesses and real estate developers that would be good targets to attract to downtown, business development services, downtown investment marketing efforts, and coordination with downtown partners.

Staff finds the DBDO position meets multiple goals within the Downtown Urban Renewal Plan including the establishment of a formal Downtown Development Agency within the City of Great Falls, in partnership with public and private entities, to foster new development and redevelopment Downtown and implement the goals, objectives and strategies identified in the Plan. Staff supports using Downtown Urban Renewal District Tax Increment Financing (TIF) funds to supplement this position. This position will not be an employee of the City of Great Falls, but rather will be employed by Great Falls Development Authority. Additionally, it is important that staff and the City Commission analyze the effectiveness and value of this investment moving forward to ensure the DBDO continues to meet the requirements of State Statute, consistency with local requirements and with the current Downtown Urban Renewal Plan.

The DDP also requests \$14,650 in operating support, which includes \$500 for membership in the International Downtown Association, \$2,500 for enhancements to the Explore Downtown Great Falls website, \$2,850 in advertising, \$8,600 for participation in the National Mainstreet Center trainings and webinars, and up to \$200 for miscellaneous operating expenses.

Lastly, the DDP requests \$8,000 for project support. This includes \$6,500 for the completion of the Great Falls Wayfinding Plan and \$1,500 for the Downtown Traffic Box Art Project.

Staff notes the DDP fiscal year 2022 was from July 1, 2021 to June 30, 2022. The FY 2022 request is for expenses previously incurred by the DDP within that fiscal year. Although the DDP is able to request these reimbursements retroactively, it is staff's recommendation moving forward that these requests are brought before the City Commission before or at the beginning of each fiscal year. For example, next year the DDP would come forward for the requests of FY 2024 and FY 2025.

FY 2023 – The application requests a total of \$100,625 for fiscal year 2023.

The fiscal year 2022 application includes a request of \$34,000 to pay for 50% of the direct costs of the Downtown Business Development Officer (DBDO). The Business Improvement District (BID) and the Great Falls Development Authority (GFDA) will split the remaining 50% of direct costs. As referenced above, this position will not be an employee of the City of Great Falls, rather will be employed by Great Falls Development Authority. Additionally, it is important that City staff and the City Commission continue to analyze the effectiveness and value of this investment moving forward.

The DDP also requests \$17,150 in operating support, which includes \$500 for membership in the International Downtown Association, \$5,000 for enhancements to the Explore Downtown Great Falls website, \$2,850 in advertising, \$8,200 for participation in the National Mainstreet Center trainings and webinars, and up to \$250 for miscellaneous operating expenses.

Lastly, the DDP requests \$47,475 for ArtsFest MONTANA 2022. The estimated cost associated with each artist participating in ArtsFest is between \$7,550 and \$10,550. The DDP is requesting TIF funds to cover approximately 50% of the costs for all artists. The Great Falls Business Improvement District (BID) established ArtsFest MONTANA in 2019. One of the original goals of creating our mural festival was to work toward eliminating graffiti and blight. Staff finds ArtsFest meets multiple goals of the Downtown Urban Renewal Plan including elimination of blight and promoting arts programs, events, and education.

Previous DDP Requests:

FY 2020 and FY 2021 - The City Commission approved \$12,000 per year to support operations in fiscal years 2020 and 2021. The DDP stated the City’s investment would be matched by over \$8,500 per year in partner contributions. The TIF request enabled the DDP to invest partner contributions toward important downtown revitalization projects, including toward the Great Falls Wayfinding Plan and for a downtown traffic box art project. Although the COVID-19 pandemic had an effect on operational expenses, such as training, the DDP received reimbursements for the following items:

2020 Reimbursements

<i>International Downtown Association membership:</i>	\$335
<i>International Downtown Association Conference:</i>	\$2000
<i>National Mainstreet Webinars:</i>	\$825
<i>Livability Publication:</i>	<u>\$2,795</u>
<i>Total</i>	\$5,955

2021 Reimbursements

<i>International Downtown Association Membership:</i>	\$301.50
<i>International Downtown Association Conference:</i>	\$249
<i>National Mainstreet Online Conference:</i>	\$860
<i>Livability Publication:</i>	\$2,825
<i>Speaking Socially Web Design</i>	<u>\$5,000</u>
<i>Total</i>	\$9,235.50

FY 2019 - The City Commission awarded the DDP \$5,000 from the Downtown TIF District. The TIF funds enabled the DDP to use partner contributions to invest \$1,608 in the traffic box signal project and \$2,000 in the pedlet program. The DDP expended all of the TIF funds and additional partner contributions on the following operational expenses for FY 2019:

<i>Insurance policy:</i>	\$1,178
<i>Website maintenance:</i>	\$200
<i>Montana Downtown Conference:</i>	\$1,000
<i>International Downtown Association Membership:</i>	\$335
<i>National Main Street Conference:</i>	<u>\$4,500</u>
<i>Total</i>	<i>\$7,213</i>

FY 2018 - The City Commission awarded the DDP \$10,000 from the Downtown TIF District. The TIF funds enabled the DDP to use partner contributions to invest in other projects that help implement the City’s Downtown Master Plan, including \$1,896 in expanding the Business Improvement District’s traffic signal art project. The DDP expended \$9,088 of the TIF funds on the following operational expenses for FY 2018:

<i>Insurance policy:</i>	\$1,328
<i>Creation of the Explore Downtown website:</i>	\$4,800
<i>National Main Street Program Membership:</i>	\$350
<i>National Main Street Conference:</i>	<u>\$2,610</u>
<i>Total</i>	<i>\$9,088</i>

Montana TIF Regulations: Creation and administration of Tax Increment Financing (TIF) Districts is governed by the Montana State Urban Renewal statutes. (Title 7, Chapter 15, Parts 42 and 43, MCA). The applicant has requested TIF funds under the following provisions:

7-15-4288. Costs that may be paid by the tax increment financing. The tax increments may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

- (7) Administrative costs associated with the management of the urban renewal area or targeted economic development district;*

Consistency with State Statute: In 2012, the City Commission adopted Ordinance 3088 to adopt the Downtown Urban Renewal Plan (DURP), which provides guidance to identify projects that are eligible for the expenditure of TIF funds. The DURP references the Downtown Master Plan (DMP), which outlines 82 strategies to provide a comprehensive framework for the redevelopment of the downtown core. Of those strategies, the applicant’s TIF funding request for operational costs fulfills the DMP goal to identify and support an organization to lead and champion Downtown revitalization. The DDP was created to fill this role and has been successful in fostering new development and redevelopment downtown and implementing the goals, objectives and strategies identified in the DMP. As a result, the applicant’s request is in compliance with MCA 7-15-4288 (7) - Administrative Costs.

Consistency with Local Criteria: To aid in the local evaluation of TIF funding requests, the City’s Application and Process for Tax Increment Financing Funds establishes twelve specific criteria to be considered in assessing the merits of a project in relation to the Downtown Urban Renewal Plan. Staff finds that the applicant’s request fulfills Criteria 6 and 8 set forth in the City of Great Falls Application and Process for Tax Increment Financing Funds. The full document is included as ‘Attachment B’.

Criteria for Review:

6. Special or Unique Opportunities – The extent to which the district’s development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provision of an unmet community need is an example of special and unique opportunities.

Staff Commentary: Unlike in the City’s other TIF districts, the DDP provides invaluable partner assistance to the City in implementing the goals and projects contained within the adopted Downtown Urban Renewal Plan. Providing annual funding to the DDP is a unique opportunity not found in other TIF districts to support a partner organization to implement revitalization efforts that clearly benefit the City as well as larger community as a whole.

8. Financial Assistance – Other forms of financing available to the Applicant. Lender participation, industrial development revenue bonds, and state and federal grant monies, for example, are examined to assess the need for TIF assistance.

Staff Commentary: As noted in the applicant’s request, the DDP has very limited funding options to support the organization’s operational expenses. The DDP prefers to use grant funding for projects that have an impact on the physical development of downtown. As a result, it makes sense to augment member dues with TIF funding to cover organizational expenses such as memberships, training, and web site development.

Conclusion and Determination of Appropriateness: As outlined in the sections above, the proposed request from DDP is eligible for TIF funding according to Montana Code Annotated (MCA) 7-15-4288(7). Additionally, the request aligns with the strategies listed within the Downtown Urban Renewal Plan (DURP) and Downtown Master Plan (DMP), and fulfills Criteria 6 and 8 set forth in the City of Great Falls Application and Process for Tax Increment Financing Funds. Covering the requested expenses with the requested TIF funds allows the DDP to invest most of its partner contributions towards downtown revitalization projects identified within their application and within the Downtown Master Plan (DMP).

Fiscal Impact: The City’s Downtown TIF fund has a current cash balance of \$ \$3,894,228. As a result, there is adequate funding in the TIF district to fulfill the request.

Alternatives: The City Commission could vote to deny the TIF expenditures or approve a lesser amount.

Concurrences: Representatives from the City’s Legal Department as well as the City’s outside Legal Counsel have determined the request to be eligible for TIF funding.

Attachments/Exhibits:

- Resolution 10476
- Resolution 10477
- DDP TIF Application and Supplemental Information
- DDP TIF Contribution Agreement
- Attachment A: Downtown TIF Map
- Attachment B: City of Great Falls Application and Process for Tax Increment Financing Funds

RESOLUTION 10476

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, APPROVING A REQUEST TO EXPEND GREAT FALLS DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING (TIF) DISTRICT FUNDS

* * * * *

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended, an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and apply all or a portion of the tax increment derived from such district to the payment of costs of such urban renewal projects; and

WHEREAS, the City Commission, pursuant to Resolution No. 9961, duly adopted on March 6, 2012, created an urban renewal area as the Downtown Urban Renewal District and pursuant to Ordinance No. 3088, duly adopted on May 15, 2012 after a duly called and noticed public hearing thereon adopted the Downtown Urban Renewal Plan containing a tax increment financing provision; and

WHEREAS, in April, 2013, the City Commission approved the revised Tax Increment Application and Forms that outline eligible activities under state statute, the application process to be followed, and criteria to be used when evaluating applications; and

WHEREAS, the purpose of the Downtown Tax Increment Financing District is to stimulate revitalization and redevelopment of the central business district; and

WHEREAS, the Downtown Development Partnership is a non-profit corporation created for the purpose of revitalizing Downtown Great Falls, with the specific mission to promote, stimulate and effect community and economic development; forge alliances that recruit new businesses and development; provide access to financing to support development; support the implementation of the City's Downtown Master Plan; and cooperate with other organizations to support Downtown development in Great Falls and throughout the State of Montana; and

WHEREAS, City Staff has assessed the merits of the projects in relation to the goals and objectives of the Downtown Master Plan, evaluated the project based on the evaluation criteria, and determined that expenditure of TIF funds in the amount of \$53,884 for the purpose of paying for the operating costs of the Downtown Development Partnership for fiscal year 2022 to support economic development, especially in the Downtown Urban Renewal District.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana, that the City approve the request to expend Great Falls Downtown Urban Renewal Tax Increment (TIF) District Funds for the purpose of paying for the operating costs of the Development Partnership for fiscal year 2022.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, August 16, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

RESOLUTION 10477

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, APPROVING A REQUEST TO EXPEND GREAT FALLS DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING (TIF) DISTRICT FUNDS

* * * * *

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended, an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and apply all or a portion of the tax increment derived from such district to the payment of costs of such urban renewal projects; and

WHEREAS, the City Commission, pursuant to Resolution No. 9961, duly adopted on March 6, 2012, created an urban renewal area as the Downtown Urban Renewal District and pursuant to Ordinance No. 3088, duly adopted on May 15, 2012 after a duly called and noticed public hearing thereon adopted the Downtown Urban Renewal Plan containing a tax increment financing provision; and

WHEREAS, in April, 2013, the City Commission approved the revised Tax Increment Application and Forms that outline eligible activities under state statute, the application process to be followed, and criteria to be used when evaluating applications; and

WHEREAS, the purpose of the Downtown Tax Increment Financing District is to stimulate revitalization and redevelopment of the central business district; and

WHEREAS, the Downtown Development Partnership is a non-profit corporation created for the purpose of revitalizing Downtown Great Falls, with the specific mission to promote, stimulate and effect community and economic development; forge alliances that recruit new businesses and development; provide access to financing to support development; support the implementation of the City's Downtown Master Plan; and cooperate with other organizations to support Downtown development in Great Falls and throughout the State of Montana; and

WHEREAS, City Staff has assessed the merits of the projects in relation to the goals and objectives of the Downtown Master Plan, evaluated the project based on the evaluation criteria, and determined that expenditure of TIF funds in the amount of \$100,625 for the purpose of paying for the operating costs of the Downtown Development Partnership for fiscal year 2023 to support economic development, especially in the Downtown Urban Renewal District.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana, that the City approve the request to expend Great Falls Downtown Urban Renewal Tax Increment (TIF) District Funds for the purpose of paying for the operating costs of the Development Partnership for fiscal year 2023.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, August 16, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: Downtown Development Partnership of Great Falls Support
Date submitted: April 12, 2022
Name of TIF District: Downtown Urban Renewal District

APPLICANT INFORMATION

Name: Downtown Development Partnership of Great Falls
Address: 318 Central Avenue, Great Falls MT 59401
Telephone: (406) 727-5430

DEVELOPMENT INFORMATION

- 1. Building Address: Not applicable
- 2. Legal Description: Not applicable
- 3. Ownership: Not applicable
Address: Not applicable
- 4. If property is not owned by the Applicant, list leasehold interest: *(Attach evidentiary materials)*.
Name: Not applicable
Address: Not applicable

5. Existing/Proposed Businesses: Downtown Development Partnership of Great Falls

Business Description:

The Downtown Development Partnership of Great Falls (DDP) serves as the coordinating body for downtown development, including employment and physical construction. DDP members include NeighborWorks Great Falls, the Great Falls Development Authority, the Great Falls Business Improvement District, the Downtown Great Falls Association, the City of Great Falls, Great Falls Public Schools, the Great Falls Area Chamber of Commerce, Neighborhood Council #7, the City of Great Falls Parking Advisory Commission and Historic Preservation Advisory Commission, Cascade County, and downtown advocates. Each of these organizations and leaders play a role in the development of downtown. Together, they form the DDP, where the whole is greater than the sum of its parts, meaning that their combined influence and planning capacity is better than would be expected from the individual parts, because the way they combine adds a different quality.

The mission of the DDP is to be the catalyst bringing together our community to revitalize Downtown Great Falls. Formed as a Montana non-profit with 501-c-3 status, the DDP works to:

- Promote, stimulate and effect community and economic development;
- Forge alliance that recruit new businesses and development;
- Provide access to financing to support development;
- Support the implementation of the City's Downtown Master Plan; and,
- Cooperate with other organizations to support Downtown development in Great Falls and throughout the State of Montana.

The DDP is organized around the principles of the National Main Street Program and has been designated as a fully accredited member, the highest level of membership in this national program. The Main Street Approach is a time-tested framework for community-driven, comprehensive revitalization. It is built on four points: Economic Vitality; Design; Promotion; and, Organization. The DDP has cost-effectively organized around these four points by utilizing the strengths of its members.

Economic Vitality

Build a diverse economic base. Catalyze smart new investment. Cultivate a strong entrepreneurship ecosystem.

The Great Falls Development Authority (GFDA) takes the lead on Economic Vitality. The GFDA leads economic development efforts downtown including its Brownfield redevelopment program, the Downtown revolving loan fund, business and entrepreneur coaching and training, and downtown business development efforts. In addition, GFDA invests \$2,500/year in the DDP and has been paying 50% of the direct costs of the Downtown Business Development Officer position, as well as 100% of the associated costs.

Design

Create an inviting, inclusive atmosphere. Celebrate historic character. Foster accessible, people-centered public spaces.

The Great Falls Business Improvement District (BID) takes the lead on Design. The BID leads streetscape, façade improvements, safety, banners, sidewalks, trash receptacles, pedlets, flowers and many other efforts to enhance the downtown design. In addition, the BID invests \$1,000/year in the DDP. The BID has been paying 50% of the direct costs of the Downtown Business Development Officer position.

Promotion

Market the district's defining assets. Communicate unique features through storytelling. Support buy-local experience.

The Downtown Great Falls Association (DGFA) takes the lead on Promotion. The DGFA hosts numerous downtown promotional events throughout the year, maintains the downtown promotion website and social media sites, and many other efforts to promote Downtown Great Falls. In addition, the DGFA invests \$1,000/year in the DDP.

Organization

Build leadership and strong organizational capacity. Ensure broad community engagement. Forge partnerships across sectors.

The BID, DGFA, and GFDA are joined by City of Great Falls, NeighborWorks Great Falls (NWGF), and the Great Falls Area Chamber of Commerce as the key Organization leaders of the DDP. NWGF and the Chamber also each invest \$1,000/year in the DDP. The City has twice invested \$5,000 in providing annual operating support to the DDP.

All of the efforts above are approached in partnership with many additional public, private and nonprofit partners, as well as thousands of hours of volunteer time.

The cost-effective organizational structure has enabled the DDP collectively to achieve many downtown revitalization successes without the need for DDP staff. The DDP has earned recognition as one of the leading downtown revitalization efforts in Montana.

As a partnership, most of the investments in downtown revitalization are made directly by DDP partners. The DDP itself runs on a very lean budget. Up until fiscal year 2018, the DDP relied solely on member partner contributions, benefiting from its one-time hosting of the statewide downtown conference.

FY 2018

In fiscal year 2018, the City made its first investment in the DDP with the City Commission allocating \$10,000 from the Downtown TIF District. The DDP expended \$9,088 of the funds, achieving several cost savings. \$4,800 was invested in a web site consultant to greatly enhance the Downtown Great Falls web site, www.ExploreDowntownGF.com. This enabled us to have one downtown promotional web site, eliminating years of competing sites, and has greatly improved downtown promotional efforts. \$4,288 was expended in support of DDP operations, including \$1,328 for the DDP's annual insurance policies and \$2,610 to send one leader to participate in the National Main Street Conference.

FY 2019

In fiscal year 2019, the City invested for a second time in the DDP with the City Commission allocating \$5,000 from the Downtown TIF District to be used "for costs associated with the operating costs of the Downtown Development Partnership." In FY 2019, the DDP expended \$7,213 for operations, and an additional \$3,607 on projects. Partners contributed \$6,650 to the DDP during the fiscal year, more than matching the City's TIF commitment. City support enabled the DDP to join the International Downtown Association to broaden our network of ideas and resources for downtown revitalization. And, it enabled the DDP to send two leaders to the National Main Street Conference, a valuable event for learning new ideas and finding new resources. Great Falls earned national recognition at the event with the local leaders giving a presentation on the City's unique pedlet program. City investment in the DDP's operating costs allowed for the DDP to use its member contributions to fund \$2,000 toward the required match for the pedlet Montana Main Street grant and \$1,607 toward more traffic box public art.

FY 2020 and 2021

In fiscal years 2020 and 2021, the City invested up to \$12,000 annually to support DDP operations. Due to the pandemic, operating expenses eligible for TIF reimbursement were less than anticipated, totaling \$5,955 in FY2020 and \$9,235.50 in FY2021.

Despite the economic turmoil caused by COVID 19, the City's continued support of the Downtown Development Partnership produced transformative results during these two fiscal years. Sparking significant private sector investment in the downtown master plan area that has generated considerable excitement amongst city residents and has strengthened downtown property tax values for years to come. We are building momentum in our decade-long downtown revitalization effort!

The City's support of the DDP also spurred DDP partners to invest significantly more in downtown revitalization work. In both fiscal years, the DDP, in partnership with the City, was able to leverage local funds to secure Main Street grants from the Montana Department of Commerce. In January of 2020, the Business Improvement District (BID) and the Great Falls Development Authority (GFDA) partnered to create a full-time Downtown Business Development Officer position to work to attract new private investment in downtown.

Key DDP initiatives in FY2020 and FY2021 included:

- The Targeted Block Redevelopment Visioning Project that demonstrated the development potential of underutilized downtown properties. These visions have proven to be very effective in attracting the interest of developers and businesses to explore downtown Great Falls opportunities.

- Development and implementation of the Great Falls Wayfinding Plan that will assist residents and visitors both downtown and throughout our city.
- ArtsFest Montana which continues to add murals in our downtown that attract visitors and have sparked much positive buzz across the state.
- A new Economic Vitality initiative (one of the four pillars of the National Main Street downtown revitalization strategy), led by the Downtown Business Development Officer, that has increased downtown business retention and expansion, and business/developer attraction efforts.
- Significant improvements to the ExploreDowntownGF.com website that promotes our downtown.
- Working with the City to develop three new TIF programs supporting increased private investment in downtown properties.

City TIF support has also enabled the downtown partners to continue to learn from downtown leaders across the state and country through participation in the Montana Main Street Program, the National Main Street Center, and the International Downtown Association. The DDP is proud to have maintained its fully accredited status from the National Main Street Center, the highest level that a community can reach.

City TIF Funding Impact

City support of the DDP with a modest amount of TIF dollars has had, and will continue to have, a transformative impact on DDP’s downtown revitalization efforts. In addition to the pedlets, wayfinding, traffic box art, promotional web site and Livability project, and learnings from participating in national conferences, the City’s demonstrated support of the DDP has had a major impact on the DDP’s primary partners. In particular, the City’s two year’s of TIF funds motivated and supported NeighborWorks Great Falls to dedicate significant funds and staff time to downtown mural and community work. And, to the Great Falls Development Authority’s Board to invest one-half the cost of creating a Downtown Business Development Officer in partnership with the BID. Due to the City’s TIF support, Great Falls downtown revitalization efforts, and consequent successes, are stronger than ever.

The unique downtown partnership that Great Falls forged ten years ago is producing results. Over 120 new businesses have opened downtown since the formation of the DDP, and downtown property values have significantly increased. From 2011-2020, 119 new businesses opened downtown, building permits totaling \$61,334,106 were issued by the city for downtown property investment, and volunteers donated 267,991 hours downtown. From 2010-2019, property values within the BID increased in value by 61%. Downtown investment has continued to increase in 2021 and prospects look very good for 2022.

New investment downtown has generated TIF funds that have made it possible for our city to reinvest in downtown infrastructure, parking facilities, and the exciting Civic Center renovations currently underway.

6. Employment: Existing FTE Jobs: None directly by Partnership
 New Permanent FTE Jobs created by project: None Construction FTE jobs: None
7. Architectural/Engineeing Firm: Not applicable
 Address: Not applicable
 Representative: Not applicable
8. Please provide a description of the Total Project Development (attach a narrative explanation) .

To continue positive momentum in Downtown Great Falls which is growing the revenue of the TIF district and creating significant economic impact and excitement citywide, the DDP seeks \$53,884 in TIF funds for FY 2022 and \$108,150 for FY 2023. City support of the DDP utilizing just a small portion of the tax increment generated by our hard work over the past decade and more will enable the DDP and its many partners to continue to increase our downtown revitalization efforts, resulting in new investment in Downtown Great Falls.

FY2022 Request

We request TIF funds to pay for 50% of the direct costs of Downtown Business Development Officer, a GFDA full time employee. This amounts to \$26,984 in salary and \$4,250 in benefits; total \$31,234. The BID and GFDA will pay the remaining 50% of direct costs, each paying 25%, and GFDA will pay 100% of the associated costs.

We request \$14,650 in DDP operating support which includes \$500 for membership in the International Downtown Association, \$2,500 for enhancements to the Explore Downtown Great Falls website, \$2,850 in advertising, \$8,600 for learning through participation in the National Main Street Center annual training event, the International Downtown Association annual event, the annual Montana Downtown Conference, and online webinars, and up to \$200 for miscellaneous operating expenses.

We request \$8,000 in DDP project support: \$6,500 for the completion of the Great Falls Wayfinding Plan; and, \$1,500 for the Downtown Traffic Box Art Project.

FY2023 Request

We request TIF funds to pay for 50% of the direct costs of Downtown Business Development Officer, a GFDA full time employee. This amounts to \$29,000 in salary and \$5,000 in benefits; total \$34,000. The BID and GFDA will pay the remaining 50% of direct costs, each paying 25%, and GFDA will pay 100% of the associated costs.

We request \$17,150 in DDP operating support which includes \$500 for membership in the International Downtown Association, \$5,000 for enhancements to the Explore Downtown Great Falls website, \$3,200 in advertising, \$8,200 for learning through participation in the National Main Street Center annual training event, the International Downtown Association annual event, the annual Montana Downtown Conference, and online webinars, and up to \$250 for miscellaneous operating expenses.

We request \$57,000 in DDP project support: \$2,000 for the Downtown Traffic Box Art Project; \$45,000 for ArtsFest Montana; and, \$10,000 for projects not yet designated. Not yet designated projects will require pre-approval by the DDP Board and City staff.

- 9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).

Not applicable

- 10. What is the development schedule or estimate completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvement (please include project phasing if appropriate).

Funds will be expended as the expenses occur. Estimated completion by June 30, 2023.

- 11. Do you plan on asking for any other tax abatement, grants, tax credits or other forms of relief? If so, what type?

No, not for this project

- 12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities.

The Downtown Development Partnership seeks \$53,884 in TIF funds for FY 2022 and \$108,150 for FY 2023. The expenses will be paid by the Partnership, then reimbursed by the TIF funds. The current TIF fund balance is adequate to cover this cost.

- 13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being request to be financed by the TIF District.

Not applicable

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements	\$ 0
Construction/Rehabilitation Costs	\$ 0
Equipment Costs	\$ 0
Total Project Development Costs	\$ 0

Land Acquisition

Total	Amount requested from TIF	Timing for Funds
\$0	\$0	Not applicable

Demolition and Removal of Structure

Total	Amount requested from TIF	Timing for Funds
\$0	\$0	Not applicable

Relocation of Occupants

Total	Amount requested from TIF	Timing for Funds
\$0	\$0	Not applicable

Public Improvements

Total	Amount requested from TIF	Timing for Funds
\$0	\$0	Not applicable

Fees (associated with eligible activities)

Total	Amount requested from TIF	Timing for Funds
\$162,034	\$162,034	As expenses occur

CERTIFICATION

I (we), Kellie Pierce and Brett Doney, certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge.

Signature 

Kellie Pierce

Title President, Downtown Development Partnership Board of Directors

Address 318 Central Avenue, Great Falls MT 59401

Date 4/12/22

Signature 

Brett Doney

Title Treasurer, Downtown Development Partnership Board of Directors

Address 318 Central Avenue, Great Falls MT 59401

Date April 12, 2022

Downtown Development Partnership of Great Falls
TIF Application Supplemental Information
 6/7/22

Downtown Business Development Officer

The Downtown Business Development Officer (DBDO) is a GFDA employee dedicated full-time to retaining and attracting business and real estate investment in the Downtown Urban Renewal Area. The five primary duties of the DBDO are:

1) Existing Businesses & Property Owners

The DBDO reaches out to and visits with existing business owners and managers and property owners to determine if they have opportunities or challenges, and if so connect them with the appropriate resources. In economic development, this is fundamental Business Retention & Expansion (BRE) work. Visits to businesses are augmented by trainings and workshops about various resources as needed. The DBDO coordinates with the GFDA team and many partners to connect businesses and property owners with resources and support services. BRE targets and all interactions are recorded in GFDA's Salesforce CRM.

The DBDO has worked with 97 downtown businesses and property owners this FY (July 1, 2021 to June 7, 2022).

The DBDO has completed 26 official Business Retention and Expansion visits in FY22. These are mini-SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis in a 1.5 to 2 hour appointment.

The current downtown BRE list is comprised of 368 business and property owners. Some will have official BRE visits where we conduct a mini-SWOT analysis, some will reach out to us for help, and some will have phone calls and drop in visits as reflected in our Salesforce CRM tracking. It can be very difficult to schedule BRE visits with busy business owners so we adjust to meet their needs and schedules.

2) Targeted Investment Attraction

The DBDO identifies businesses and real estate developers that would be good targets to attract to downtown Great Falls. The DBDO visits other Montana downtowns, connects virtually with businesses and downtown partners, and monitors online websites and publications to identify targets. Existing businesses, property owners, brokers, residents, and visitors in Great Falls are asked about potential targets. The DBDO reaches out to and visits targets to attempt to get them interested in our downtown, then tries to get interested parties to visit. Attraction targets and all interactions are recorded in GFDA's Salesforce CRM.

The DBDO currently has 62 identified targets. This number changes as we add and take off targets. The targets represent a mix of office employers, retail, restaurant, and commercial and housing developers.

3) Pipeline Servicing

The DBDO provides business development services, what we refer to as concierge work, to active downtown leads, prospects, clients, and projects. Our goal is to thank and celebrate downtown investments that are moving forward, and to concentrate the DBDO's services on those that are stuck for some reason, working with partners to try to get the deal moving forward to fruition. All interactions are recorded in GFDA's Salesforce CRM.

The DBDO is currently working on 54 downtown projects. These projects also represent the desired mix of re-development projects, job creation projects, retail, restaurant, housing, and hotel.

4) Investment Promotion

The DBDO leads downtown investment marketing efforts including websites, email, social media, materials, and special events including the annual Invest Downtown Great Falls event.

5) Coordination with Downtown Partners

The DBDO provides regular reports to downtown partners and works daily to coordinate downtown revitalization efforts as it involves the economic vitality pillar of the National Main Street strategy. The DBDO participates in professional development focused on downtown business development and shares learnings with downtown partners.

Downtown Great Falls Urban Renewal Plan Goals

The DBDO's work is directly tied to helping achieve a number of the goals in the Downtown Great Falls Urban Renewal Plan. These include:

DESTINATION:

3. Ensure Downtown is active and vibrant during the evenings and weekends.

- a. Actively pursue development of a Downtown boutique hotel to provide quality lodging and amenities for Downtown visitors.
- c. Actively recruit an already successful restaurant to relocate or expand into Downtown.
- d. Work with existing restaurant and bar/tavern owners to identify, develop and promote a Downtown Dining District.
- f. Create a year-round public market/food and arts incubator that would cater to residents, employees and visitors.

FLOURISHING:

1. Identify and support an organization to lead and champion Downtown revitalization.

- a. Establish a formal Downtown Development Agency within the City of Great Falls, in partnership with public and private entities, to foster new development and redevelopment Downtown and implement the goals, objectives and strategies identified in the Plan.

3. Identify and attract high paying employers and jobs to Downtown.

- a. Develop a comprehensive Downtown business retention and development plan that focuses on successful and emerging business clusters Downtown.
- b. Utilize GFDA's business attraction and retention resources to leverage Downtown business investment.

4. Support existing and attract new commercial and retail business Downtown.

- b. Utilize national research and trends to identify and attract “Downtown friendly” retailers.

5. Attract a diverse mix of visual and performing artists to live and work Downtown.

- b. Encourage the development of lofts, studios and work/live spaces in vacant or underutilized buildings to attract artists to Downtown and increase arts and culture activity.

LIVING:**1. Promote a wide range of housing choices throughout Downtown.**

- a. Ensure that the proposed City of Great Falls Downtown Development Agency is a champion of Downtown housing development.

3. Attract private investment and financing for Downtown housing.

- a. Create new and promote existing incentive programs to encourage residential development.
- c. Establish a clearinghouse and/or database of residential financing options and incentives.

4. Attract retailers and neighborhood services that cater to Downtown residents.

- b. Encourage mixed-use development that places residents within close proximity to commercial activities.

AESTHETICS:**1. Preserve, restore, and reuse Downtown’s historic buildings and sites.**

- a. Market Downtown’s historical resources to facilitate improvements and restoration of properties through tax incentives and preservation grants.
- b. Educate current property owners and developers of the funding programs available to make improvements to the Downtown buildings.
- c. Establish a technical assistance and incentive program to encourage the adaptive reuse, rehabilitation and preservation of historic buildings and sites.

6. Actively pursue the preservation and rehabilitation of the Rocky Mountain Building.

- a. Identify an organization or partnership to lead restoration efforts including assisting in permitting process and requirements, identifying funding options, leading fundraising efforts and recruiting a mix of building tenants.
- b. Encourage current building owners to move forward with restoration improvements before weathering and damage continue to a point where rehabilitation is no longer feasible.

ArtsFest MONTANA

ArtsFest MONTANA was created in 2019. One of the original goals of creating our mural festival was to work toward eliminating graffiti and blight. According to the Project for Public Spaces, “Research suggests that painting multi-colored designs or murals on surfaces will discourage graffiti, since tagging is more difficult.” With ArtsFest MONTANA we specifically look at buildings that are known for targets of graffiti or being areas where individuals have been involved in illicit activity. We are actively attracting artists to work downtown, from all over Great Falls and the surrounding area. We have established a program that provides artists with education and has allowed artists to generate income from their art.

With ArtsFest MONTANA we are working on some of the goals mentioned under Flourishing, on Page 10, Item 5 of the Downtown Urban Renewal Plan that was formally adopted by the City Commission in May 2012.

Page 10, Goal 5 under Flourishing, Attract a diverse mix of visual and performing artists to live and work Downtown.

ArtsFest MONTANA was created in 2019 to work toward elimination of blight on buildings in Downtown Great Falls. We have installed 24 murals since the inception of the mural festival. The BID is working on finding ways to financially sustain the festival. We educate and employ local artists, alongside artists with international followings in order to promote Downtown Great Falls to audiences far and wide. Utilizing TIF funding the BID will fund artists stipends and supplies during ArtsFest MONTANA 2022 that is being held August 12-19.

- a. Revive and support the Great Falls Arts Council to develop and promote arts programs, events and education.

ArtsFest was created by the BID, who works under the guidelines of the Discovery Gallery in City Code. ArtsFest promotes art; ArtsFest is an event that draws artists, residents and visitors to view the many murals in Downtown Great Falls; and ArtsFest has established an educational component whereby we educate artists in how to create large scale projects in a short time period.

- a. Develop a roster of visual and performing artists and craftsperson's living in and around Great Falls to utilize for Downtown program and events.

The BID has established a listing of local artists who might be interested in installing murals in Downtown Great Falls. We have worked with many artists over the years and our list continues to grow and change; we continue to support our local artists by referring projects to them for additional work outside of Downtown Great Falls.

- a. Capitalize on the success of Western Art Week by drawing visitors to Downtown galleries, shops and restaurants.

The BID hosts ArtsFest MONTANA in August annually, 2022 will be our 4th Annual ArtsFest MONTANA and we are committed to finding a way to sustain it for many years. During ArtsFest many residents and visitors come downtown to view the artwork, and while downtown they frequent our restaurants and shops.

Downtown Development Partnership of Great Falls
TIF Application Supplemental Information
 7/5/22

ArtsFest MONTANA

The Great Falls Business Improvement District (BID) established ArtsFest MONTANA in 2019. One of the original goals of creating our mural festival was to work toward eliminating graffiti and blight. According to the Project for Public Spaces, “Research suggests that painting multi-colored designs or murals on surfaces will discourage graffiti, since tagging is more difficult.” With ArtsFest MONTANA we specifically look at buildings that are known for targets of graffiti or being areas where individuals have been involved in illicit activity. We are actively attracting artists to work downtown, from all over Great Falls and the surrounding area. We have established a program that provides artists with education and has allowed artists to generate income from their art. With ArtsFest MONTANA we are working on some of the goals of the Downtown Urban Renewal Plan that was formally adopted by the City Commission in May 2012.

Our estimate of costs associated with all artists involved in ArtsFest MONTANA 2022, per artist, is as follows:

- \$1,500-3,000 Artist stipend
- \$500 Paint stipend
- \$600 Lift equipment
- \$1,500 Curating and administration
- \$600 Travel
- \$1,000 Hotel
- \$350 Meals – Lunch and Dinner provided daily
- \$1,500 Prep before and sealant of murals upon completion

TOTAL \$7,550-10,550

ArtsFest MONTANA 2022 is scheduled to be held August 12-19, 2022. We plan to bring nine (9) artists to Great Falls for this year’s annual mural festival and will have a minimum of nine new murals installed.

Based upon our estimate of cost per artist, with nine artists participating in ArtsFest MONTANA 2022 our total estimate for this year’s mural festival is \$67,950-\$94,950. Rates do vary depending on how far individual artists are traveling, what building an artist is assigned (and therefore what type of equipment they may need and how much spray paint, etc.). We have artists participating this year from Montana as well as Argentina and Los Angeles.

ArtsFest was created by the BID, who works under the guidelines of the Discovery Gallery in City Code. ArtsFest promotes art; ArtsFest is an event that draws artists, residents and visitors to view the many murals in Downtown Great Falls; and ArtsFest has established an educational component whereby we educate artists in how to create large scale projects in a short time period.

The BID has established a listing of local artists who might be interested in installing murals in Downtown Great Falls. We have worked with many artists over the years and our list continues to grow and change; we continue to support our local artists by referring projects to them for additional work outside of Downtown Great Falls.

The BID hosts ArtsFest MONTANA in August annually, 2022 will be our 4th Annual ArtsFest MONTANA and we are committed to finding a way to sustain it for many years. During ArtsFest MONTANA many residents and visitors come downtown to view the artwork, and while downtown they frequent our restaurants and shops.

As the Design pillar of the National Main Street strategy the BID organizes ArtsFest MONTANA in partnership with several organizations, all members of the Downtown Development Partnership.

Downtown Great Falls Urban Renewal Plan Goals

ArtsFest MONTANA is directly tied to helping achieve the goals in the Downtown Great Falls Urban Renewal Plan.

These include, but may not be limited to:

FLOURISHING:

5. Attract a diverse mix of visual and performing artists to live and work Downtown.

- a. Revive and support the Great Falls Arts Council to develop and promote arts programs, events and education.
- b. Encourage the development of lofts, studios and work/live spaces in vacant or underutilized buildings to attract artists to Downtown and increase arts and culture activity.
- c. Develop a roster of visual and performing artists and craftsperson's living in and around Great Falls to utilize for Downtown program and events.
- d. Capitalize on the success of Western Art Week by drawing visitors to Downtown galleries, shops and restaurants.

AESTHETICS:

1. Preserve, restore, and reuse Downtown's historic buildings and sites.

- a. Market Downtown's historical resources to facilitate improvements and restoration of properties through tax incentives and preservation grants.
- b. Educate current property owners and developers of the funding programs available to make improvements to the Downtown buildings.
- c. Establish a technical assistance and incentive program to encourage the adaptive reuse, rehabilitation and preservation of historic buildings and sites.

TAX INCREMENT CONTRIBUTION AGREEMENT

THIS TAX INCREMENT CONTRIBUTION AGREEMENT dated _____, 2022 (hereinafter known as the “**Agreement**”), between the CITY OF GREAT FALLS, a municipal corporation of the State of Montana (the “**City**”), and the DOWNTOWN DEVELOPMENT PARTNERSHIP OF GREAT FALLS, INC., a Montana non-profit corporation (the “**Partnership**”).

WITNESSETH:

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “**Act**”), an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and apply all or a portion of the tax increment derived from such district to the payment of costs of such urban renewal projects; and

WHEREAS, the City Commission, pursuant to Resolution No. 9961, duly adopted on March 6, 2012, created an urban renewal area as the Downtown Urban Renewal District (the “**District**”) and pursuant to Ordinance No. 3088, duly adopted on May 15, 2012 after a duly called and noticed public hearing thereon adopted the Downtown Urban Renewal Plan (the “**Plan**”) containing a tax increment financing provision; and

WHEREAS, the Partnership is a non-profit corporation created for the purpose of revitalizing Downtown Great Falls, with the specific mission to promote, stimulate and effect community and economic development; forge alliances that recruit new businesses and development; provide access to financing to support development; support the implementation of the City’s Downtown Master Plan; and cooperate with other organizations to support Downtown development in Great Falls and throughout the State of Montana.

WHEREAS, the Partnership has requested that the City contribute funds toward the annual operating costs of the Partnership (the “**Contribution**”); and

WHEREAS, the Partnership submitted an application with respect to the Contribution; and

WHEREAS, the City has determined that it is appropriate to make the Contribution from tax increment generated from the District, subject to the terms and conditions set forth in this Agreement; and

NOW THEREFORE, the City and the Partnership, each in consideration of the representations, covenants and agreements of the other, as set forth herein, mutually represent, covenant and agree as follows:

Section 1. Definitions; Rules of Interpretation; Exhibits.

1.1. Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context clearly requires otherwise, the following terms have the meanings assigned to them, respectively:

“Act” has the meaning given to it in the recitals.

“Agreement” means this Tax Increment Contribution Agreement, including any amendment hereof or supplement hereto entered into in accordance with the provisions hereof.

“City” means the City of Great Falls, Montana, or any successors to its functions under this Agreement.

“Commission” means the City Commission or any successor governing body of the City, however denominated by statute.

“Contribution” has the meaning given to it in the recitals.

“Department of Revenue” means the State of Montana Department of Revenue.

“District” has the meaning given to it in the recitals.

“Fiscal Year” means the period commencing on the first day of July of any year and ending on the last day of June of the next calendar year, or any other twelve-month period authorized by law and specified by the Commission as the City’s fiscal year.

“Incremental Taxable Value” means the amount, if any, by which the Actual Taxable Value, as of the date of reference, exceeds the Base Taxable Value.

“Indemnified Parties” has the meaning given to it in Section 7 hereof.

“Ordinance” means Ordinance No. 3088 adopted on May 15, 2012 (as it may be amended and supplemented from time to time).

“Partnership” has the meaning given to it in the preamble.

“Plan” has the meaning given to it in the recitals.

“State” means the State of Montana.

“Tax Increment” means the amount received by the City pursuant to the Act from the extension of levies of Taxes against the Incremental Taxable Value of the Taxable Property and will include all payments in lieu of Taxes or beneficial use taxes attributable to the Incremental Taxable Value.

“Taxable Property” means all real and personal property located in the District and subject to Taxes.

“Taxes” means all taxes levied on an ad valorem basis by any Taxing Jurisdiction against the Taxable Property and includes all payments in lieu of taxes or beneficial use taxes received by the City with respect to the Incremental Taxable Value of the Taxable Property.

“Taxing Jurisdiction” means the State, the City, any school district, local government, municipal corporation, political subdivision or other government entity that levies, during any Fiscal Year during which the tax increment provision of the District is effective under the Act, ad valorem taxes against real or personal property in the District.

1.2. Rules of Interpretation.

(a) The words “herein,” “hereof” and words of similar import, without reference to any particular section or subdivision, refer to this Agreement as a whole rather than to any particular section or subdivision hereof.

(b) References herein to any particular section or subdivision hereof are to the section or subdivision of this Agreement as originally executed unless otherwise indicated.

(c) “Or” is not exclusive but is intended to contemplate or encompass one, more or all of the alternatives conjoined.

Section 2. Representations.

2.1. City Representations. The City hereby represents as follows:

(a) Pursuant to the Act, and after public hearing duly called and held, the City by the Ordinance has duly created the District.

(b) The City is authorized by law to enter into this Agreement and to carry out its obligations hereunder.

(c) Pursuant to the Act and the Ordinance, the City approved this use of Tax Increment to pay the Contribution, subject to the terms and conditions set forth in this Agreement.

(d) The State Department of Revenue has advised the City that as of January 1, 2012 the Base Taxable Value of the District was \$3,643,698.

2.2. Partnership Representations. The Partnership hereby represents as follows:

(a) The Partnership is a Montana non-profit corporation, duly formed, validly existing and in good standing under the laws of the State and is duly qualified to do business in the State. The Partnership has the power to enter into this Agreement and by all necessary corporate action has duly authorized the execution and delivery of this Agreement.

(b) The representations and warranties of the Partnership in its Application for City of Great Falls Tax Increment Financing (TIF) funds dated June 4, 2020 are true and correct as of the date hereof.

(d) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prohibited or limited by, conflicts with or results in a breach of the terms, conditions or provisions of the certificate of formation or operating agreement of the Partnership or any evidence of indebtedness, agreement or instrument of whatever nature to which the Partnership is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(e) There is no action, suit, investigation or proceeding now pending or, to the knowledge of the Partnership, threatened against or affecting the Partnership or its business, operations, properties or condition (financial or otherwise) before or by any governmental department, commission, board, authority or agency, or any court, arbitrator, mediator or grand jury, that could, individually or in the aggregate, materially and adversely affect the ability of the Partnership to enter into this Agreement.

Section 3. Partnership's Undertakings.

3.1. Use of Contribution Funds. The Partnership hereby agrees and commits to the City that it will apply the Contribution funds toward the operating costs of the Partnership in accordance with the mission of the Partnership. Such funds will not be used for costs of liability and board insurance.

3.2. Nondiscrimination. The Partnership agrees that all hiring by the Partnership and its contractors and persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by State and/or federal law.

Section 4. Release, Indemnification and Insurance.

4.1. Release and Indemnification. The Partnership releases the City and all Commission members, officers, agents, servants and employees thereof (the "**Indemnified**

Parties”) from, and covenants and agrees to indemnify, defend and hold harmless the Indemnified Parties against, any loss, damage, cost (including reasonable attorneys’ fees), claim, demand, suit, action or other proceeding whatsoever (i) arising or purportedly arising out of, or resulting or purportedly resulting from, the operations of the Partnership or the use of the Contribution in connection therewith.

5.2 **Insurance.** Partnership shall purchase and maintain insurance coverage as set forth below. The insurance policy must name the City, (including its elected or appointed officers, officials, employees, or volunteers), as an additional insured and be written on a “primary— noncontributory basis, and on an occurrence, not a claims made basis.” Partnership will provide the City with applicable additional insured endorsement documentation substantially similar or identical to the example set forth below. Each coverage shall be obtained from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the State of Montana, with a minimum of “A.M. Best Rating” of A-, VI, as will protect the Partnership, the City and its officers, employees, agents, and representatives from claims for bodily injury and/or property damage which may arise from operations of the Partnership. All insurance documentation shall be in a form acceptable to the City.

Insurance Coverage at least in the following amounts is required:

- | | | |
|----|---|---|
| 1. | Commercial General Liability
(bodily injury and property damage) | \$1,000,000 per occurrence
\$2,000,000 aggregate |
| 2. | Products and Completed Operations | \$2,000,000 |
| 3. | Automobile Liability | \$1,000,000 combined single
limit |
| 4. | Workers’ Compensation | Not less than statutory limits |
| 5. | Employers’ Liability | \$1,000,000 |

The Partnership may provide applicable excess or umbrella coverage to supplement the Partnership’s existing insurance coverage, if the Partnership’s existing policy limits do not satisfy the coverage requirements as set forth above.

Additional Insured Endorsement Example:

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

[remainder of page left intentionally blank]

Section 5. General Provisions.

5.1. Conflicts of Interest; City's Representatives Not Individually Liable. No member, officer, agent, servant or employee of the City shall have any personal interest, direct or indirect, in this Agreement or the Contribution, nor shall any such member, officer or employee participate in any decision relating to this Agreement that affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested. No member, officer or employee of the City shall be personally liable to Partnership in the event of any default under or breach of this Agreement by the City, or for any amount that may become due to Partnership for any obligation issued under or arising from the terms of this Agreement.

5.2. Rights Cumulative. The rights and remedies of the parties hereto, whether provided by law or by this Agreement, shall be cumulative, and the exercise by any party hereto of any one or more of such remedies shall not preclude the exercise by such party, at the same or different times, of any other remedy for the same default or breach or of any of its remedies for any other default or breach of the party subject to the limitation of remedies provided herein. No waiver made by such party with respect to the performance or the manner or time thereof, of any obligation under this Agreement, shall be considered a waiver with respect to the particular obligation of the other party or a condition to its own obligation beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver of any obligations of the other party. Delay by a party hereto instituting or prosecuting any cause of action or claim hereunder shall not be deemed a waiver of any rights hereunder.

5.3. Injunction; Specific Performance. The parties hereto agree that, in the event of a breach of this Agreement by any party or its successors or assigns, the non-breaching party would suffer irreparable harm. Therefore, in the event any party or its successors or assigns fails to comply with the provisions of this Agreement, the parties expressly agree that the non-breaching party may pursue any remedy at law or in equity, including without limitation, the remedies of injunction and specific performance.

5.4. Limitation on City Liability. No agreements or provisions contained in this Agreement will give rise to any pecuniary liability of the City or a charge against its general credit or taxing powers, or will obligate the City financially in any way except with respect to the Tax Increment. No failure of the City to comply with any term, condition, covenant or agreement herein will subject the City to liability for any claim for damages, costs or other financial or pecuniary charge except to the extent that the same can be paid or recovered from the Tax Increment; and no execution on any claim, demand, cause of action or judgment will be levied upon or collected from the general credit, general funds or taxing powers of the City (except as such constitute Tax Increment). Nothing herein will preclude a proper party in interest from seeking and obtaining specific performance against the City for any failure to comply with any term, condition, covenant or agreement herein; provided that no costs,

expenses or other monetary relief will be recoverable from the City except as may be payable from the Tax Increment.

5.5. Notices. All notices, certificates or other communications required to be given to the City or the Partnership hereunder will be sufficiently given and will be deemed given when delivered or deposited in the United States mail in certified form with postage fully prepaid and addressed as follows:

If to the City: City of Great Falls
P.O. Box 5021
Great Falls, Montana 59403
Attn: Fiscal Services Director

If to the Partnership: Downtown Development Partnership of Great Falls, Inc.
318 Central Avenue
Great Falls, Montana 59401

The City and the Partnership, by notice given hereunder, may designate different addresses to which subsequent notices, certificates or other communications should be sent.

5.6. Assignment. This Agreement is unique between the City and the Partnership and no party may assign any rights or privileges or delegate any duties or obligations under this Agreement without first obtaining the written consent of the other parties hereto.

5.7. Binding Effect. The right and obligations set forth in this Agreement will inure to the benefit of and will be binding upon the City and the Partnership and their respective successors and assigns.

5.8. Prior Agreements. This Agreement supersedes, merges and voids any and all prior discussions, negotiations, agreements and undertakings between the parties hereto with respect to the subject matter of this Agreement. The parties waive and release each other from any claims, actions, or causes of action that relate in any manner to any prior discussions, negotiations, agreements and undertakings between the parties with respect to the subject matter of this Agreement.

5.9. Severability. If any provision of this Agreement will be held invalid or unenforceable by any court of competent jurisdiction, such holding will not invalidate or render unenforceable any other provision hereof.

5.10. Amendments, Changes and Modifications. This Agreement may be amended or any of its terms modified only by written amendment authorized and executed by the City and the Partnership.

5.11. Governing Law. This agreement and the legal relations between the parties hereto will be governed by and construed in accordance with the laws of the State of Montana, without giving effect to any choice of law statutes, rules, or principles.

5.12. Execution Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which will be an original and all of which will constitute one and the same instrument.

5.13. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope of intent of any provisions or Sections of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the ____ day of _____, 2022.

CITY OF GREAT FALLS, MONTANA

By _____
City Manager

Attest:

[CITY SEAL]

City Clerk

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

DOWNTOWN DEVELOPMENT PARTNERSHIP OF
GREAT FALLS, INC.

Name:
Title:

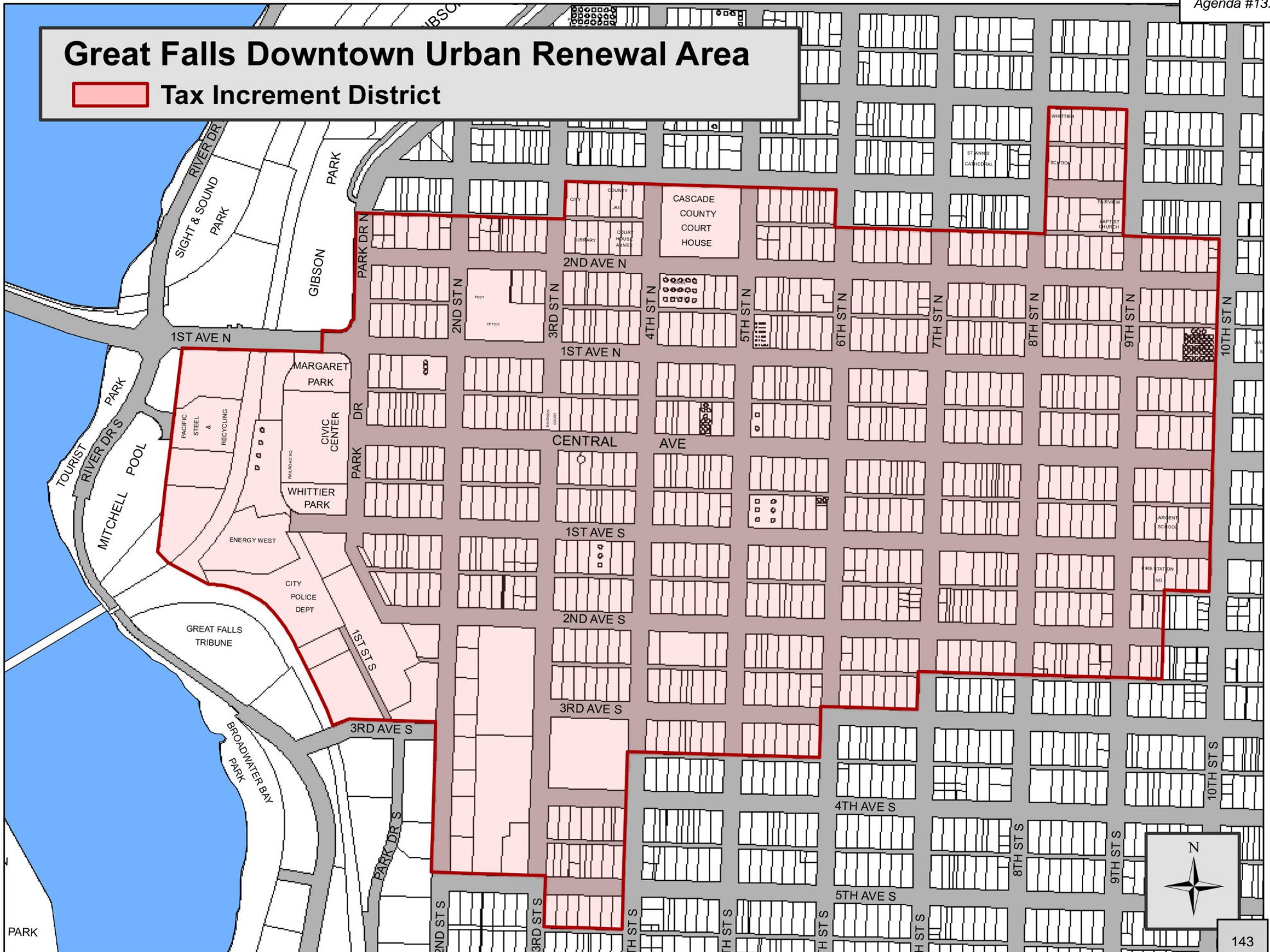
STATE OF MONTANA)
 : ss.
County of Cascade)

This instrument was acknowledged before me on _____, 2022 by
_____ of Downtown Development Partnership of Great Falls, Inc., on
behalf of said entity.

(NOTARIAL SEAL)

Great Falls Downtown Urban Renewal Area

 Tax Increment District





**CITY OF GREAT FALLS
APPLICATION AND PROCESS FOR
TAX INCREMENT FINANCING FUNDS**

IMPORTANT: The material included below outlines the Tax Increment Financing application process and the responsibilities of the Applicant and the City of Great Falls. The Planning and Community Development Department is charged with processing all applications and accomplishing the plans established with creation of each district. Private projects requesting Tax Increment financial assistance will be evaluated by the Great Falls Planning Advisory Board. The Board will prepare a recommendation to the City Commission concerning each individual request using the criteria outlined in this document. Please review this information carefully before submitting the application forms or finalizing your development plans.

Failure to receive approval of a completed application BEFORE construction begins may affect the Applicant’s eligibility for Tax Increment Financing assistance from the City of Great Falls.

INTRODUCTION

The City of Great Falls is responsible for administering the urban renewal program in Great Falls, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 parts 42 and 43, Montana Code Annotated). Tax Increment Financing (TIF) is an important element of the program as it provides the City with a means to finance urban renewal, industrial, technology or aerospace activities. The TIF program operates by first establishing a base year taxable value for all properties within the appropriate district. All increases in property taxes in the district above this base valuation, due to new development or reappraisals, are assigned to the City to be used to finance eligible activities within the district.

The City has adopted four TIF districts:

Central Montana Agri-Tech Park

- Boundaries Amended – May 7, 2013 (Ord. 3106)
- Boundaries Amended – December 4, 2007 (Ord. 2996)
- Original Adoption Date – May 17, 2005 (Ord. 2911)
- Base Year – January 1, 2005

West Bank Urban Renewal District

- Adopted – March 20, 2007 (Ord. 2967)
- Base Year – January 1, 2007

Great Falls International Airport Tax Increment Industrial District

Boundaries Amended - September 1, 2009 (Ord. 3043)

Original Adoption Date – November 5, 2008 (Ord. 3022) and boundaries were amended

Base Year – January 1, 2008

Downtown Urban Renewal District

Adopted – May 15, 2012 (Ord. 3088)

Base Year – January 1, 2012

East Industrial Park Tax Increment Financing

Adopted – May 7, 2013 (Ord. 3105)

Base year: January 1, 2013

Applicants for TIF assistance are subject to program eligibility analysis and project review criteria listed below. In addition, project applications will be accepted and processed in the order in which they are received and approved based on the availability of funds in consideration of goals of the plan for the appropriate district.

ELIGIBLE TIF ACTIVITIES

7-15-4288, M.C.A defines how tax increments can be used by the municipality to pay costs of or incurred in connection with an urban renewal project, industrial infrastructure development project, technology infrastructure development project or aerospace transportation and technology infrastructure development project and includes:

1. Land acquisition, including acquisition of infrastructure-deficient areas and assemblage of land for development by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at fair value.
2. Demolition and removal of structures.
3. Relocation of occupants.
4. Public improvements such as the acquisition, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, waterlines, waterways, sewage and water treatment facilities, natural gas lines, electrical lines, telecommunication lines, rail lines, rail spurs, bridges, publicly owned buildings and other public improvements.
5. Costs incurred in the exercise of urban renewal powers allowed under 7-15-4233, M.C.A.

APPLICATION PROCESS

Applicants seeking TIF assistance from the City must submit a written application for each TIF-assisted project.

The following procedure has been developed to allow for a thorough and public review of TIF funding requests.

1. Initial Contact. Contact the Planning and Community Development Department, Room 112 in the Civic Center, to discuss the project and determine eligibility for TIF assistance.
2. Prepare a Written Application. The Applicant must submit a complete written application for each funding request. Additional information may be required of Applicants by staff when deemed necessary for the evaluation process. City of Great Falls initiated and administered projects are required to complete an application. (City projects should complete the following sections of the application—Application for Funds, Eligible Activities and the Certification Page.)
3. Staff Review. Upon submittal of all necessary information, a staff group consisting of Fiscal Services, Planning and Community Development, Park & Recreation, and Public Works department heads and the Deputy City Manager will review the merits of the project and the need for funding. The Planning and Community Development Department staff will prepare a staff report and recommendation for the Planning Advisory Board and/or Downtown Development Partnership.
4. Advisory Board. The staff recommendation will be considered by the Planning Advisory Board or Downtown Development Partnership. The Downtown Development Partnership will consider all applications submitted for the Downtown Urban Renewal District, the Planning Advisory Board will consider all other TIF applications. The advisory boards, will in turn prepare a recommendation to the City Commission for final approval. At any point in the review process the staff, the Planning Advisory Board, Downtown Development Partnership or the City Commission may request more information of the Applicant or solicit comments on the project from other public agencies.
5. City Commission Review and Approval. The City Commission will review the project, will consider the recommendation from the Planning Advisory Board and/or Downtown Development Partnership will approve or reject the funding request or any part thereof along with any special terms of TIF assistance.
6. Development Agreement. If TIF assistance is approved, the City and the Applicant must execute a legally binding Development Agreement which establishes the terms and conditions of the TIF assistance. Among the terms and conditions, the Agreement shall specify the schedule for the start and completion of the project, may require the Applicant to guarantee repayment of TIF assistance

if the terms of the Agreement are violated by the Applicant and may require an agreement for payment of an annual tax deficiency fee pursuant to §7-15-4294, MCA. The Development Agreement shall also specify whether the Applicant or City will be responsible for bidding or obtaining cost estimates and selecting contractors for funded activities. If receiving TIF dollars, the applicant is required to follow requirements for public construction contracts as pertains to payment and performance bonding and standard prevailing rate of wages. The Development Agreement must be approved by the City Commission. Projects initiated and/or administered by the City of Great Falls are not required to complete a Development Agreement.

IMPORTANT NOTE: Costs to be paid with TIF monies may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the appropriate district plan. To measure the public benefit derived from the project, the City evaluates projects based on the following criteria. Each district development is judged on its own merit; therefore, no weight is given to any of the criteria. The City Commission may establish additional criteria per district that would provide specific funding priorities.

1. Public Infrastructure Improvements – Public infrastructure improvements have the benefit of improving and impacting an entire district. Each district may have its own Capital Improvement Plan, which may include things such as roadway improvements, storm drains, sewer and water lines, railroads, etc.
2. Economic Stimulus – The amount of economic activity to be generated within the district through the development is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of participation in any one development is 10% of the construction/rehabilitation costs, exclusive of acquisition cost. Development projects clearly demonstrating extraordinary benefit to districts or the community may, at the discretion of the City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project’s economic stimulus in the district and the community.
3. Tax Generation – The increase in taxable value due to new district development, including construction/rehabilitation, as estimated by the County Assessor’s office to determine tax increment generation.
4. Employment Generation – Total employment generated by the district development as assessed in terms of new permanent and part-time jobs, and

construction jobs.

5. Elimination of Blight (applies to Urban Renewal Districts) – The development’s direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the appropriate district plan.
6. Special or Unique Opportunities – The extent to which the district’s development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provision of an unmet community need is an example of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the development’s project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the Applicant. Lender participation, industrial development revenue bonds, and state and federal grant monies, for example, are examined to assess the need for TIF assistance.
9. Development’s Feasibility – A determination of feasibility is made based on the strength of the Applicant’s demonstration of market demand for the development in the district as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the Applicant’s capability to undertake the relative complexities of the development based on past performance on similar projects.
11. Timely Completion – The feasibility of completing the development according to the Applicant’s development schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.

CITY OF GREAT FALLS



TAX INCREMENT FINANCING (TIF)

APPLICATION FOR FUNDS

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: _____

Date Submitted: _____

Name of TIF District: _____

APPLICANT INFORMATION

Name: _____

Address: _____

Telephone: _____

DEVELOPMENT INFORMATION

1. Building Address: _____

2. Legal Description: _____

3. Ownership: _____

Address: _____

4. If property is not owned by the Applicant, list leasehold interest: (*Attach evidentiary materials*).

Name: _____

Address: _____

5. Existing/Proposed Businesses: _____

Business Description: _____

6. Employment: Existing FTE Jobs: _____

New Permanent FTE Jobs created by project: _____ Construction FTE jobs: _____

7. Architectural/Engineering Firm: _____

Address: _____

Representative: _____

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

8. Please provide a description of the Total Project Development (attach a narrative explanation).

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).

10. What is the development schedule or estimated completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so, what type?

12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.*)

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements (Itemized)

1. Value of Land	\$	_____
2. _____	\$	_____
3. _____	\$	_____
4. _____	\$	_____
5. _____	\$	_____
Subtotal		\$ _____

Construction/Rehabilitation Costs (Use general construction trade divisions) (Total value of improvements)

1. _____	\$	_____
2. _____	\$	_____
3. _____	\$	_____
4. _____	\$	_____
5. _____	\$	_____
6. _____	\$	_____
7. _____	\$	_____
Subtotal		\$ _____

Equipment Costs (Total value of equipment)

1. _____	\$	_____
2. _____	\$	_____
3. _____	\$	_____
4. _____	\$	_____
5. _____	\$	_____
Subtotal		\$ _____

Total Project Development Costs \$ _____

ELIGIBLE TIF ACTIVITIES

Land Acquisition

	Total	Amount Requested from TIF	Timing for Funds
1.	_____	_____	_____

Demolition & Removal of Structures

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
Subtotal	_____	_____	_____

Relocation of Occupants

1.	_____	_____	_____
----	-------	-------	-------

Public Improvements

(acquisitions, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, etc.)

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
Subtotal	_____	_____	_____

Fees (associated with eligible activities)

(A&E design/supervision, permits & other fees)

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

CERTIFICATION

I (we), _____ (please print),
certify that the statements and estimates within this Application as well as any and all documentation
submitted as attachments to this Application or under separate cover are true and correct to the best of
my (our) knowledge and belief.

Signature _____

Title _____

Address _____

Date _____

Signature _____

Title _____

Address _____

Date _____



Commission Meeting Date: August 16, 2022
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Request for CDBG Revolving Loan Funds in excess of \$100,000 – 1109 6th Avenue North

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

Initiated By: Charles Daniel (Dan) Bateman

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

Action Requested: Approval of Revolving Loan Fund Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the CDBG Revolving Loan Fund request from C. Daniel Bateman, owner of the Madison Apartments, LLC, in an amount not-to-exceed \$1,200,000.”

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

Staff Recommendation: Staff recommends approval of the applicant’s request with an amount not to exceed \$1.2 million (includes contingency).

Background: The City of Great Falls offers a Housing Rehabilitation Loan Program through the use of Community Development Block Grant Funds. This Program offers loans to low income residents and landlords of affordable and low income housing units to make necessary upgrades to their properties. These loans are offered at no interest.

There are three loan programs that are administered by staff from the City’s Planning and Community Development Department. These are:

- 1. Residential Improvement Loans:** These funds are used primarily to assist single family homeowners in the low to moderate income range to make necessary repairs to bring their homes up to code make them safer places to live.
- 2. Rental Improvement Loans:** These funds are used to assist property owners to make code-related repairs to rental properties. In order for a request to be eligible for program funds, tenants must meet income eligibility criteria - meaning at least 51% of tenants must be low to moderately low income.

- 3. Emergency Loans (Rental & Residential):** The objective of this program is to stabilize and improve necessary services such as water and sewer by providing financial assistance to landlords and homeowners who own their property. The program requires loan re-payment to begin at a 0% interest rate when the emergency repair project reaches substantial completion.

The loan programs described above have been administered by the City's Planning and Community Development staff as a key component of the City's CDBG entitlement program. The loans have made significant community impact, acting as incentive for both homeowners and landlords to renovate older homes and apartment units for affordable housing. In particular, the program has been successful in allowing downtown building owners to activate the upper stories of their buildings for affordable rental units.

Project Summary: About a year ago, City staff were approached by the loan applicant, Dan Bateman, who has recently purchased the former Cambridge Court assisted living property located at 1109 6th Avenue North. The property is 1.26 acres in size, zoned Multi-family High Density, and contains a vacant, 5-story building that was constructed in 1929. For many years, it was utilized as an assisted living facility until the operators closed their business in 2019. Since then, the building and grounds have started to fall into a condition of disrepair.

The applicant wishes to make a significant investment in renovating the building to convert the original 90 assisted living rooms into 50 apartment units (23 2-bedroom, 27 1-bedroom). Projected rents would range from \$652 per month to \$999 per month. The applicant's major investments, which are attached to this agenda report, include the following:

- Installation of a fire alarm system - \$83,251
- Installation of fire sprinklers - \$420,227
- Installation of new windows - \$231,851
- New water and sewer service lines - \$75,000
- Elevator testing - \$10,000
- Electrical service to apartment units - \$250,000

Because of the significant expenses that will be needed to renovate the vacant building coupled with the applicant's willingness to offer some affordable rental units, staff believes the project is an ideal fit for the City's Rental Improvement Loan Program. Additional requirements of this Loan Program include:

- The landlord cannot displace any existing tenants.
- 51% of the tenants must meet income requirements.
- Rents for units being rehabilitated must be affordable to lower income tenants following HUD Section 8 guidelines for determining rent and must remain affordable for 2 years.
- The property must remain a residential housing unit for the life of the loan.
- Rental Loans require a monthly payment start upon substantial completion of the project.
- The rental property should be financially self-sufficient. (If not, landlord income verification may be requested)
- The minimum loan amount is \$10,000 and \$25,000 is the maximum loan per unit or \$100,000 per project. Applications over the \$100,000 may be reviewed; however other requirements may apply including City Commission approval.

City staff have reviewed all of the applicant's attached information and have determined that the request complies with loan program requirements. Because the applicant's loan request of \$1,281,728 is well

above the \$100,000 amount that can be granted administratively, the request is being submitted for City Commission consideration. Staff is recommending that the Commission approve a loan not to exceed \$1.2 million based on the following criteria:

- 1. Overall Project Benefits** – The project addresses a number of important City goals: 1) renovating a notable, historic building, 2) providing much needed rental housing units, 3) addressing a blighted property, and 4) increasing the community’s affordable housing stock.
- 2. Funding Availability** – Because the City’s CDBG Revolving Loan Fund has a balance of approximately \$1.4 million, staff has been searching for a possible catalyst project that will both reduce the City’s current balance and provide a significant community impact.

Fiscal Impact: As noted above, the City’s Revolving Loan Fund Program has a healthy balance and will still be able to accommodate requests for emergency loans as well as additional requests for both rental and homeowner program funds. Because the applicant’s request is a loan rather than a grant, the requested loan funds will be placed back into the program for additional affordable housing projects.

Alternatives: The Commission could decide to deny the request or approve a lesser amount than recommended by staff.

Concurrences: No agency concurrences are required for this request.

Attachments/Exhibits:

Applicant’s Request

Location Map

Building Pictures

City of Great Falls Planning/Community Development Department
Civic Center, Room 112
P.O. Box 5021
Great Falls, MT 59403

06/06/2022

To Whom It May Concern:

Please find attached the application for the CDBG Loan Program from the City of Great Falls. I have provided below a recap of the items for which I am applying for financing.

The Madison Apartments CDBG Fund use request

Contractor	Project	Quote
Nelson Architects	Schematic Design, Design Development, Construction Documents, Bidding & Negotiations, Construction Administration	\$ 211,400
Alert Services, Inc.	Siemens fire alarm system	\$ 83,251
Great Falls Fire Sprinkler	Fire Sprinkler System and Standpipe	\$ 420,227
TC Glass	Furnish, install, Demo, and Seal 308 windows (all exterior windows) of building	\$ 231,851
City of Great Falls	New Main water supply line, Fire Sprinkler System water line, and Sewer Line to building. Expense is estimated, billing amount will be determined at time of installation.	\$ 75,000
KONE Elevator	Elevator test, circuit safety verifications, annual No-Load test. Estimated total per contractor. Will be billed at hourly rate of \$685/hr.	\$ 10,000
Cascade Electric	Electrical - move electric panels to each apartment and rewire apartments. This is only a verbal estimate, Will not provide entire quote until they have architectural plans, estimated \$5k per apartment	\$ 250,000
NorthWestern Energy	Remove existing transformers and install transformers and bank of meters. Was advised by NWE technician that credits for the meters are \$400 per meter, and should offset costs of new transformers and installation.	\$ -
Grand Total Estimated Expense		\$ 1,281,728

33%

Please consider this application assuming total debt on the completed project to be \$3.2M. I will need the City of Great Falls to accept second position behind a primary construction loan to be financed through Opportunity Bank of Great Falls. Their financing will pick up what your loan program does not finance, and will cover HVAC, plumbing, interior renovations, demolition, and parking lot renovation. I will need to refinance the primary mortgage with a construction loan after notification from you as to what CDBG funds you are willing to allocate to this application.

This project will renovate a vacant building to make available an additional 50 apartments in Great Falls (23 2bd1ba and 27 1bd1ba apartments). Nelson Architects has advised that they are able to begin the design work in the month of July. I would like to get this process started as soon as possible. Thank you for your consideration.

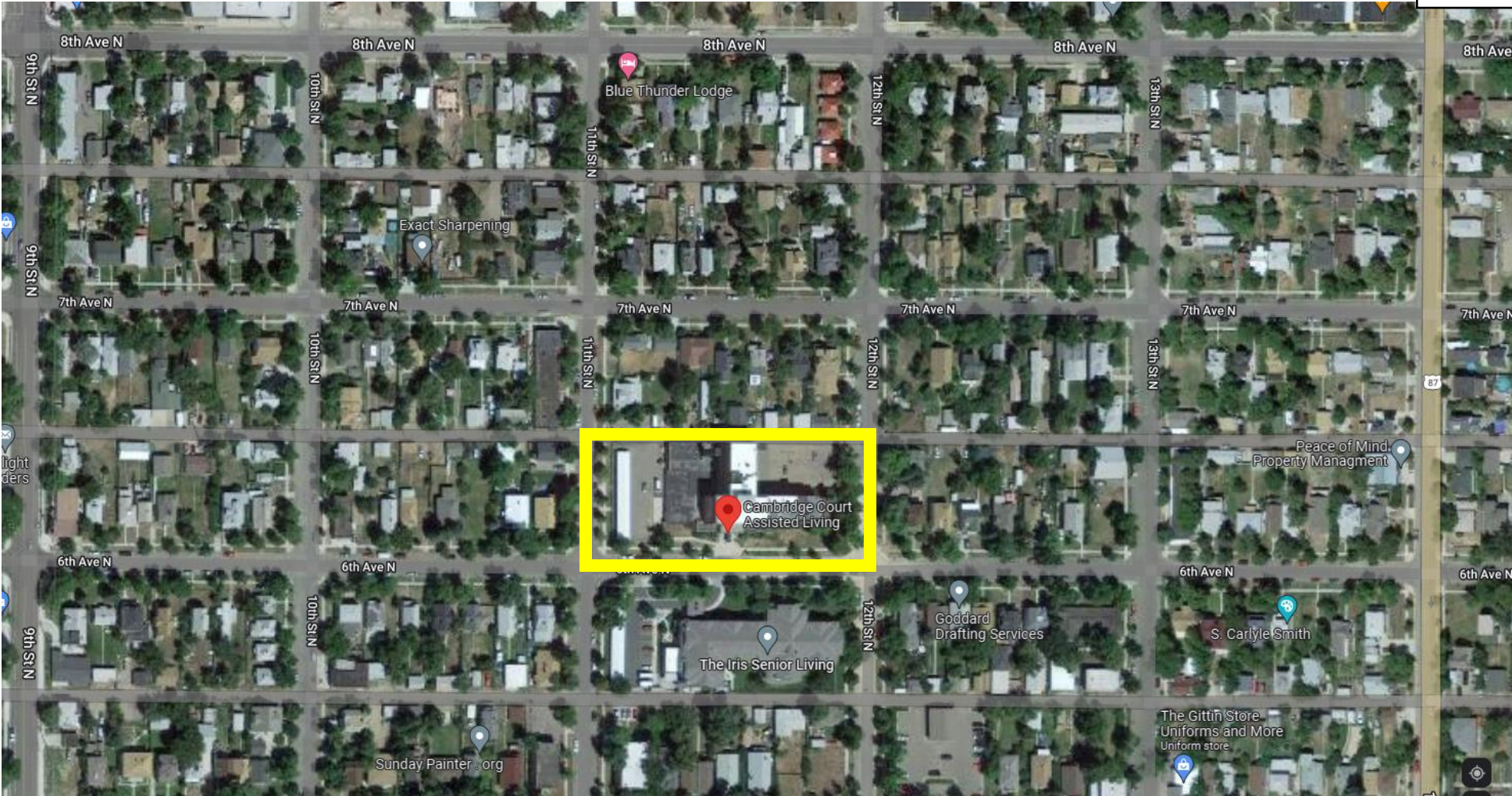
Regards,

C. Daniel Bateman
Owner, The Madison Apartments, LLC
3313 5th St NE
Great Falls, MT 59404
406.403.8462 (cell)

The Madison Apartments, LLC

Proposed Rent
amounts

Apt #	Apt. Type	Monthly Rent
101	2bd 1ba	\$ 849.00
102	2bd 1ba	\$ 849.00
103	1bd 1ba	\$ 652.00
104	1bd 1ba	\$ 652.00
105	2bd 1ba	\$ 849.00
106	1bd 1ba	\$ 652.00
201	2bd 1ba	\$ 849.00
202	2bd 1ba	\$ 849.00
203	2bd 1ba	\$ 849.00
204	1bd 1ba	\$ 652.00
205	1bd 1ba	\$ 652.00
206	1bd 1ba	\$ 652.00
207	1bd 1ba	\$ 652.00
208	1bd 1ba	\$ 652.00
209	2bd 1ba	\$ 849.00
301	2bd 1ba	\$ 849.00
302	2bd 1ba	\$ 849.00
303	1bd 1ba	\$ 652.00
304	2bd 1ba	\$ 849.00
305	1bd 1ba	\$ 652.00
306	1bd 1ba	\$ 652.00
307	1bd 1ba	\$ 652.00
308	1bd 1ba	\$ 652.00
309	1bd 1ba	\$ 652.00
310	2bd 1ba	\$ 849.00
311	1bd 1ba	\$ 652.00
401	2bd 1ba	\$ 849.00
402	2bd 1ba	\$ 849.00
403	1bd 1ba	\$ 652.00
404	2bd 1ba	\$ 849.00
405	1bd 1ba	\$ 652.00
406	1bd 1ba	\$ 652.00
407	1bd 1ba	\$ 652.00
408	1bd 1ba	\$ 652.00
409	1bd 1ba	\$ 652.00
410	2bd 1ba	\$ 849.00
411	1bd 1ba	\$ 652.00
501	2bd 1ba	\$ 849.00
502	2bd 1ba	\$ 849.00
503	1bd 1ba	\$ 652.00
504	2bd 1ba	\$ 849.00
505	1bd 1ba	\$ 652.00
506	1bd 1ba	\$ 652.00
507	1bd 1ba	\$ 652.00
508	1bd 1ba	\$ 652.00
601	2bd 1ba	\$ 999.00
602	2bd 1ba	\$ 999.00
603	2bd 1ba	\$ 999.00
604	2bd 1ba	\$ 999.00
605	2bd 1ba	\$ 999.00
Total		\$ 37,881.00
Annual		\$ 454,572.00



1109 6th Ave N - Cambridge Court Assisted Living







Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10461 – Annual Tax Levy

From: Gregory T. Doyon, City Manager

Initiated By: Taxable Valuations from Montana Department of Revenue

Presented By: Melissa Kinzler, Finance Director

Action Requested: Adopt Resolution 10461

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10461.”

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

Summary: The City Commission is required to fix an annual tax levy by setting mills to generate property tax revenues that will balance the General Fund budget and other levy supported funds. The City received its taxable valuation from the Montana Department of Revenue (MTDOR) on August 1, 2022. With this valuation, the City can now compute and set its annual mill levy.

The total mill levy for Tax Year 2022 (FY 2023) is 211.50 mills totaling \$22,295,632. This includes mills for the general levy (previously and newly taxable property), the Permissive Medical Levy, and the Soccer Park General Obligation Bond levy.

Background: The City’s total taxable value is \$109,236,591. The taxable value per mill increased from \$101,666 in FY 2022 to \$105,417 in FY2023. There is no specific project or development identified that attributes to this increase. Changes to the tax base (e.g. increases from development) are not distinguishable.

One immediate effect to the City’s budget is to the Great Falls Public Library. The library receives nine (9) mills under its agreement with the City. With the new value per mill, this translates to an increase of \$33,759 in tax revenue for the library in FY2023.

During the pandemic, the City did not utilize any available tax increases in FY2021 or FY2022. It was identified during the FY2023 budget process that this was not sustainable for a third year. The City is utilizing 3.37 carry-over mills and the current inflationary factor to balance the General Fund budget. During the FY2023 budget process, the City Commission adopted the budget using the full inflationary amount available. The budget was also adopted using the full permissive medical levy available.

This year’s newly taxable property reported by the MTDOR will generate additional revenue of \$532,812. During the FY 2023 Budget Adoption Process, the Finance Department projected the City’s newly taxable property revenue would be \$400,000. The projection was based on a twenty-one year average of newly taxable property. No particular development project can be identified for this newly taxable revenue.

The City anticipates property assessment appeals/abatement requests which means the City will not definitively know how much of this new projected tax revenue will be available until those appeals/abatement requests are processed. This additional revenue of \$132,812 not included in the FY2023 Adopted Budget will be used to offset any uncollected taxes throughout the year and/or contribute to the General Fund unreserved fund balance. The fund balance policy is 22%, and the Adopted Budget projected ending fund balance of 20.83%.

Included in the total mill levy of 211.50 are the following:

Debt Service

- 1.54 mills for soccer park debt service payments

The amount that will be generated is \$162,342 which will cover debt payments and expenses in the Soccer Park Fund.

The soccer park bonds were issued June 14, 2004, for \$2,500,000 for twenty years and refinanced in April 2014. The outstanding balance of the soccer bonds as of June 30, 2022, was \$315,000. The bond maturity date is July 1, 2024.

Permissive Medical Levy

- 34.24 mills will generate \$3,609,478

This is an increase in number of mills from last year of 1.8 mills or \$247,727 in additional revenue. Under 15-10-420(9)(a)(vi), the City is allowed to take 34.24 total mills for the Permissive Medical Levy.

Total Mill Levy Summary

Last year’s mill levy for Tax Year 2021 (FY 2022) certified revenue of \$20,864,249. The differences between the mill levy for Tax Year 2021 (what the City milled last year) and \$22,295,632 (what the City will mill this year) include the following:

General

- \$532,812 for newly taxable property,
- \$651,964 for the inflationary adjustment,
- \$247,727 for the “Permissive Medical Levy”, and,
- (\$1,120) from previous taxable value adjustments.

Voted General Obligation Debt

- (\$1,380) for the decrease in the revenue needed for the soccer park debt.

The total mill levy allowable under state law is 211.50.

Fiscal Impact: The total mill levy for Tax Year 2022 (FY 2023) is 211.50 mills totaling \$22,295,632. The newly taxable value revenue of \$532,812 may result in a slight increase of \$132,812 in undesignated fund balance for the General Fund in FY 2023 because it is more than the budgeted amount of \$400,000.

During the FY2023 budget process, the City Commission adopted the budget utilizing the full inflationary factor available and the full permissive medical levy available. Based on the new certified mill value, the increase for the applicable property owner is below. The amounts are slightly less than what was presented during the budget process using last year’s mill value.

	\$100,000 Market Value Home	\$200,000 Market Value Home
Inflationary Factor Increase	\$ 8.35	\$16.70
Permissive Medical Levy Increase	\$ 3.17	\$ 6.34
Total Annual Increase	\$11.52	\$23.04

Alternatives: State law requires that the City adopt a FY2023 Budget which includes setting the annual mill levy amounts on or before the first Thursday after the first Tuesday in September or 30 days after receiving taxable valuation from the Montana Department of Revenue, whichever is later.

The City Commission could decrease the amount of its levies from the limit allowable by State law – either decrease the inflationary adjustment or the permissive medical levy. Doing so would cause the projected General Fund undesignated fund balance to be less than the 20.83% adopted. The Commission could also choose to cut expenditures or allocate additional CARES money in the General Fund to offset the reduction in tax increases.

Concurrences: The FY 2023 Budget was adopted July 19, 2022. Setting the mill levy for Tax Year 2022 (FY 2023) is the last step in the adoption of the FY 2023 City of Great Falls Budget.

Attachments/Exhibits:

- Tax Levy Resolution 10461
- Tax Levy Resolution 10461 Appendix A
- 2022 Certified Taxable Valuations (from Montana Department of Revenue)
- Taxable Valuation History

RESOLUTION NO. 10461
RESOLUTION TO FIX ANNUAL TAX LEVY
A RESOLUTION PROVIDING FOR THE ANNUAL TAX
LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING
JULY 1, 2022 AND ENDING JUNE 30, 2023

WHEREAS, Montana Code Annotated (MCA), 7-1-114, states "(1) A local government with self-governing powers is subject to ...(g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments...(3) (b) The provisions of 15-10-420 apply to self-governing local government units."

WHEREAS, The City of Great Falls, Montana adopted a self-governing charter in 1986. Article I, Section 3 of the Charter of the City of Great Falls, Montana states: "The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana Law."

WHEREAS, Section 7-6-4036, MCA, requires the City Commission to fix the tax levy for each taxing jurisdiction by the later of the first Thursday after the first Tuesday in September or within 30 calendar days after receiving certified taxable values. Certified taxable values were received August 1, 2022.

WHEREAS, Section 15-10-420, MCA provides:

(1)(a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property plus one-half the average rate of inflation for the prior 3 years.

(2) ... plus any additional levies authorized by the voters ...

(9) (a) The provisions of subsection (1) do not prevent or restrict...(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.

WHEREAS, Section 15-10-201, MCA, requires the City Commission to fix its tax levy in mills and tenths and hundredths of mills.

WHEREAS, The Department of Revenue's certified taxable value for the City of Great Falls is \$109,236,591 which equates to \$109,237 per mill; when the incremental value of the tax increment finance districts is removed the value is \$105,417 per mill. This includes \$3,032,164 or \$3,032 per mill, of newly taxable property.

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

Section 1. - Determination of Mill Levy Limit

- Appendix A shows the determination of the total mill levy limit of 175.72 mills.
- An additional 34.24 “Permissive Medical Levy” is allowed under 15-10-420(9)(a)(vi) for increased health insurance premiums not included in the Appendix A calculation.
- An additional 1.54 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 4, 2003, a \$2.5 million general obligation bond was approved by voters for construction of a soccer park. It has been determined that 1.54 mills for soccer park debt service payments is needed for Fiscal Year 2023.

Section 2. - Tax Levy Amounts

A 211.50 mill levy will generate:

- a. \$ 17,991,000 from the \$102,385 certified value per mill for Previously Taxable Property;
- b. \$ 532,812 from the \$3,032 certified value per mill for Newly Taxable Property;
- c. \$ 3,609,478 from the \$105,417 certified value per mill for increased Health Insurance premiums “Permissive Medical Levy”,
- d. \$ 162,342 from the \$105,417 certified value per mill for soccer park debt service payments, and,
- e. \$ 22,295,632 in total City tax for 2022 Tax Year from the \$105,417 total certified value per mill.

This does not reflect delinquent collections or tax increments withheld.

Section 3. - Tax Levy Required and Set

- a. 175.72 mill levy- The City Commission has determined a \$18,523,812 tax levy, requiring a 175.72 mill levy, is necessary to balance the General Fund Budget.
- b. 34.24 mill levy- The City Commission has determined a \$3,609,478 “Permissive Medical Levy”, requiring a 34.24 mill levy, is necessary for increased health premium costs to balance the General Fund Budget.
- c. 1.54 mill levy- The City Commission has determined a \$162,342 tax levy, requiring a 1.54 mill levy, is necessary for the soccer park debt service payment.
- d. Total 211.50 - The City Commission of the City of Great Falls, Montana, hereby fixes the tax levy for the fiscal year July 1, 2022 through June 30, 2023 at 211.50 mills.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
August 16, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney



Determination of Tax Revenue and Mill Levy Limitations

Section 15-10-420, MCA
City of Great Falls, Montana

FYE June 30, 2023

Resolution 10461, Appendix A

Agenda #15.

Reference Line		Enter amounts in yellow cells	Auto-Calculation (If completing manually enter amounts as instructed)
(1)	Enter Ad valorem tax revenue ACTUALLY assessed in the prior year (from Prior Year's form Line 17)	\$ 17,339,036	\$ 17,339,036
(2)	Add: Current year inflation adjustment @ 1.77%		\$ 306,901
(3)	Subtract: Ad valorem tax revenue ACTUALLY assessed in the prior year for Class 1 and 2 property, (net and gross proceeds) (from Prior Year's form Line 20) (enter as negative)	\$ -	\$ -
(3.5)	Subtract: Entitlement Share Class 8 Business Equipment Personal Property Tax Reimbursement (15-1-123 MCA) *New for FY2023 (enter as negative)		\$ -
(4)	Adjusted ad valorem tax revenue		\$ 17,645,937
= (1)+(2)+(3)+(3.5)			
ENTERING TAXABLE VALUES			
(5)	Enter 'Total Taxable Value' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 2	\$ 109,236,591	\$ 109,236.591
(6)	Subtract: 'Total Incremental Value' of all tax increment financing districts (TIF Districts) - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 6 (enter as negative)	\$ (3,819,951)	\$ (3,819.951)
(7)	Taxable value per mill (after adjustment for removal of TIF per mill incremental district value)		\$ 105,416.640
(8)	Subtract: 'Total Value of Newly Taxable Property' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 3 (enter as negative)	\$ (3,032,164)	\$ (3,032.164)
(9)	Subtract: 'Taxable Value of Net and Gross Proceeds, (Class 1 & 2 properties)' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 5 (enter as negative)	\$ -	\$ -
(10)	Adjusted Taxable value per mill		\$ 102,384.476
(11)	CURRENT YEAR calculated mill levy		172.35
(12)	CURRENT YEAR calculated ad valorem tax revenue		\$ 18,168,558
CURRENT YEAR AUTHORIZED LEVY/ASSESSMENT			
(13)	Enter total number of carry forward mills from prior year (from Prior Year's form Line 22)	3.37	3.37
(14)	Total current year authorized mill levy, including Prior Years' carry forward mills		175.72
(15)	Total current year authorized ad valorem tax revenue assessment		\$ 18,523,812
CURRENT YEAR ACTUALLY LEVIED/ASSESSED			
(16)	Enter number of mills actually levied in current year (Number should equal total <u>non-voted</u> mills, which includes the number of carry forward mills, actually imposed per the final approved current year budget document. <u>Do Not</u> include voted or permissive mills imposed in the current year.)	175.72	175.72
(17)	Total ad valorem tax revenue actually assessed in current year		\$ 18,523,812
RECAPITULATION OF ACTUAL:			
(18)	Ad valorem tax revenue actually assessed		\$ 17,991,000
(19)	Ad valorem tax revenue actually assessed for newly taxable property		\$ 532,812
(20)	Ad valorem tax revenue actually assessed for Class 1 & 2 properties (net-gross proceeds)		\$ -
(21)	Total ad valorem tax revenue actually assessed in current year		\$ 18,523,812
(22)	Total carry forward mills that may be levied in a subsequent year (Number should be equal to or greater than zero. A (negative) number indicates an over levy.)		0.00



2022 Certified Taxable Valuation Information
(15-10-202, MCA)
Cascade County
CITY OF GREAT FALLS

Certified values are now available online at property.mt.gov/cov

1. 2022 Total Market Value ¹	\$	6,345,368,076
2. 2022 Total Taxable Value ²	\$	109,236,591
3. 2022 Taxable Value of Newly Taxable Property.....	\$	3,032,164
4. 2022 Taxable Value less Incremental Taxable Value ³	\$	105,416,640
5. 2022 Taxable Value of Net and Gross Proceeds ⁴ (Class 1 and Class 2).....	\$	-

6. TIF Districts

Tax Increment District Name	Current Taxable Value ²	Base Taxable Value	Incremental Value
INT'L MALTING PLANT	892,710	347,618	545,092
WEST BANK RENEWAL	1,485,756	292,536	1,193,220
GF INT'L AIRPORT	370,515	107,149	263,366
GF DOWNTOWN URBAN	4,948,162	3,643,698	1,304,464
EAST INDUSTRIAL PARK	516,131	2,322	513,809
Total Incremental Value			\$ 3,819,951

Preparer KATIE

Date 7/28/2022

¹Market value does not include class 1 and class 2 value

²Taxable value is calculated after abatements have been applied

³This value is the taxable value less total incremental value of all tax increment financing districts

⁴The taxable value of class 1 and class 2 is included in the taxable value totals

For Information Purposes Only

2022 taxable value of centrally assessed property having a market value of \$1 million or more, which has transferred to a different ownership in compliance with 15-10-202(2), MCA.

I. Value Included in "newly taxable" property	\$	525,969
II. Total value exclusive of "newly taxable" property	\$	778,923

Note

Special district resolutions must be delivered to the department by the first Thursday after the first Tuesday in September, 09/08/2022, or within 30 calendar days after the date on this form 7-11-1025(8), MCA.

The county clerk and recorder must provide mill levies for each taxing jurisdiction to the department by the second Monday in September, 09/12/2022, or within 30 calendar days after the date on this form 15-10-305(1)(a), MCA.

Taxable Valuation History

Tax Levy Year	Fiscal Year	Total Taxable Value	Tax Increment Districts						Total Tax Increment District Taxable Value	Net Taxable Value	New Property Value	% Increase (Decrease) Prior Year Newly Taxable Property	Levy in Mills
			Downtown	Pasta MT/ General Mills	International Malting Plant	West Bank Urban Renewal Plan	Great Falls Int'l Airport	East Industrial Park					
2001	FY 2002	\$65,437,840	\$4,511,569	\$552,276	NA	NA	NA	NA	\$5,063,845	\$60,373,995	\$1,011,770	-47.8%	111.32
2002	FY 2003	\$65,117,051	\$4,364,549	\$595,357	NA	NA	NA	NA	\$4,959,906	\$60,157,145	\$1,302,597	28.7%	119.00
2003	FY 2004	\$65,328,553	\$4,102,725	\$700,009	NA	NA	NA	NA	\$4,802,734	\$60,525,819	\$1,041,336	-20.1%	124.33
2004	FY 2005	\$66,377,650	\$3,343,580	NA	NA	NA	NA	NA	\$3,343,580	\$63,034,070	\$2,030,124	95.0%	131.64
2005	FY 2006	\$68,609,562	\$3,402,127	NA	NA	NA	NA	NA	\$3,402,127	\$65,207,435	\$2,748,377	35.4%	138.27
2006	FY 2007	\$70,990,415	\$3,832,568	NA	\$141,345	NA	NA	NA	\$3,973,913	\$67,016,502	\$2,873,541	4.6%	140.94
2007	FY 2008	\$73,776,332	\$4,064,883	NA	\$225,476	NA	NA	NA	\$4,290,359	\$69,485,973	\$2,387,436	-16.9%	158.21
2008	FY 2009	\$76,405,690	\$4,107,804	NA	\$294,210	\$30,733	NA	NA	\$4,432,747	\$71,972,943	\$2,138,961	-10.4%	162.68
2009	FY 2010	\$76,862,700	NA	NA	\$309,168	\$205,857	NA	NA	\$515,025	\$76,347,675	\$6,947,574	224.8%	169.04
2010	FY 2011	\$78,275,702	NA	NA	\$195,477	\$574,725	\$728	NA	\$770,930	\$77,504,772	\$2,931,771	-57.8%	173.10
2011	FY 2012	\$78,709,035	NA	NA	\$176,312	\$553,480	\$6,659	NA	\$736,451	\$77,972,584	\$5,295,716	80.6%	183.24
2012	FY 2013	\$77,852,991	NA	NA	\$157,225	\$557,385	\$6,333	NA	\$720,943	\$77,132,048	\$1,278,348	-75.9%	193.57
2013	FY 2014	\$78,054,590	\$105	NA	\$155,000	\$560,136	\$11,171	NA	\$726,412	\$77,328,178	\$787,945	-38.4%	198.74
2014	FY 2015	\$76,098,354	\$41,765	NA	\$386,390	\$575,135	\$11,275	\$31,452	\$1,046,017	\$75,052,337	\$312,611	-60.3%	204.54
2015	FY 2016	\$88,577,771	\$444,316	NA	\$504,796	\$579,885	\$42,030	\$42,557	\$1,613,584	\$86,964,187	\$5,072,060	1522.5%	190.29
2016	FY 2017	\$91,113,880	\$0	NA	\$512,371	\$537,828	\$43,717	\$41,662	\$1,135,578	\$89,978,302	\$5,238,618	3.3%	198.24
2017	FY 2018	\$95,822,493	\$252,609	NA	\$383,849	\$654,253	\$47,867	\$319,573	\$1,658,151	\$94,164,342	\$2,643,701	-49.5%	194.78
2018	FY 2019	\$99,201,290	\$289,538	NA	\$440,041	\$772,903	\$48,317	\$465,364	\$2,016,163	\$97,185,127	\$4,606,852	74.3%	201.24
2019	FY 2020	\$104,780,322	\$1,054,084	NA	\$443,834	\$1,087,196	\$104,694	\$511,217	\$3,201,025	\$101,579,297	\$1,203,919	-73.9%	200.78
2020	FY 2021	\$101,651,616	\$1,060,260	NA	\$490,957	\$1,108,781	\$131,202	\$663,326	\$3,454,526	\$98,197,090	\$691,320	-42.6%	208.79
2021*	FY 2022	\$105,181,199	\$1,209,489	NA	\$488,202	\$1,174,733	\$136,607	\$506,325	\$3,515,356	\$101,665,843	\$2,191,822	217.0%	201.35
2022	FY 2023	\$109,236,591	\$1,304,464	NA	\$545,092	\$1,193,220	\$263,366	\$513,809	\$3,819,951	\$105,416,640	\$3,032,164	38.3%	211.50

All amounts as of time of certification.

* Tax year 2021 values were re-certified on 10/21/21 by the DOR. Revised values are shown. Tax year 2021 levies were based on original values.

- Notes:** Starting in 1999 mill levies were "floated" in order to achieve the statutorily limited tax revenues.
 Voters approved a 2 mill increase for the Library in November, 2000.
 Voters approved a \$2.5 million general obligation bond for a soccer park November 4, 2003.
 Voters approved a \$2.27 million general obligation bond for repair and improvement of city pool facilities November 7, 2006.



Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3248 – An Ordinance by the City Commission of the City of Great Falls to assign R-2 Single-family Medium Density Zoning to Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition

From: Lonnie Hill, Planner I, Planning and Community Development

Initiated By: Timothy and Deborah Murphy, Alexander IV and Celia Blewett, and Tom and Debra Lewis

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

Action Requested: City Commission accept Ordinance 3248 on first reading and set a public hearing for September 6, 2022

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3248 on first reading and (set/not set) a public hearing for September 6, 2022.”

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

Staff Recommendation: At the conclusion of a public hearing held on July 26, 2022, the Zoning Commission recommended the City Commission approve the establishment of Single-family Medium Density (R-2) zoning for the subject properties. Staff also recommends approval of the applicant’s proposed R-2 zoning request for Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition with the following conditions:

Conditions of Approval for Annexation and Establishment of Zoning:

1. **General Code Compliance.** Any future development of the properties shall be consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Annexation Agreement.** The applicants shall abide by the terms and conditions as well as pay all fees specified in the attached Annexation Agreements for the subject properties. The Annexation Agreements must be signed by the applicant and recorded at the Cascade County Clerk and Recorder.
3. **Land Use & Zoning.** Development of the properties shall be consistent with the allowed uses and specific development standards of the R-2 Single-family Medium Density zoning district.

Summary: The owners of the properties legally described above and addressed as 2917, 2903, and 2715 Park Garden Lane submitted applications in December 2021 to annex their properties into the City for the purpose of connecting to City water and sewer utilities. A group of residents along Park Garden Lane approached City staff to discuss annexation after utilities were extended along Park Garden Lane as part of the Foxwood Estates project. City staff met with property owners to explain the process and costs associated with annexation. Their intent was to connect to water and sewer utilities before Park Garden Lane was paved to prevent disturbing the newly paved asphalt roadway. The applicants were permitted to connect to water and sewer utilities prior to the completion of annexation with the understanding that if for any reason the annexation does not get completed, the property owners will be required to disconnect from the City's water and the sewer mains. Acknowledgement letters were provided to each applicant to sign and return to Public Works for their records. A template of this letter is provided as an attachment to this agenda report.

Background:

Annexation Request:

The annexation request, which will be considered at the proposed public hearing on September 6, is for three properties; Lot 4A, owned by Timothy and Deborah Murphy, which consists of approximately 3.507 acres, Lot 5A, owned by Alexander IV and Celia Blewett, which consists of approximately 2.132 acres, and Lot 8, owned by Tom and Debra Lewis, which consists of approximately 1.85 acres. All are contiguous to the existing City limits on the west side of the Park Garden Lane right-of-way, which was annexed into the City as part of Foxwood Estates in 2018. As described above, water and sewer mains were extended to the subject properties as part of that project. The applicants have already connected to the public water and sewer mains for service to each residence.

The basis for decision for an annexation by petition request is listed in OCCGF § 17.16.7.050. The recommendation of the Planning Advisory Board and the decision of the City Commission shall at a minimum consider the criteria outlined in this portion of City code. In summary, the requested annexation is supported by City staff because the applicants for annexation now have the ability to be served by City water, sewer, and a newly paved street – just like adjoining properties that are already within City limits.

Establishment of Zoning:

The subject properties are being proposed for R-2 Single-family Medium Density zoning. The R-2 zoning district aligns with the existing use of a single-family residence upon each property. Although the lots are larger than typical for the proposed zoning district, R-2 was chosen because it best fits the same zoning designation for surrounding residential areas within the City limits. Existing non-conformities for each subject property have been identified within the Annexation Agreements and will be allowed to continue when the properties are annexed into the City. Moving forward, use of land on the subject properties shall be consistent with OCCGF § Title 17 Chapter 64, *Nonconformities*.

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) §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 criteria, which are attached as Findings of Fact/Basis of Decision – Zoning Map Amendment.

Neighborhood Council Input: The subject properties are located adjacent to Neighborhood Council #1. The project was presented to the Council at their regularly scheduled meeting on December 14, 2021. The Council voted to support the request unanimously.

Concurrences: Representatives from the City's Public Works and Legal Departments have been involved throughout the review and approval process for this project. Both Engineering and Environmental Divisions of Public Works and the Legal Department have collaborated on the submitted Annexation Agreements.

Fiscal Impact: Water and Sewer service will be provided by the City, and the cost of the connection improvements were already borne by the applicant per the agreed upon terms of their Annexation Agreements and Utilities Acknowledgement Letters. The annexation will add 3 lots within the city, which will increase the City's tax base and increase revenue.

Alternatives: The City Commission could deny acceptance of Ordinance 3248 on the first reading and not set the public hearing.

Attachments/Exhibits:

- Ordinance 3248
- Ordinance 3248 Exhibit A
- Findings Of Fact/Basis of Decision – Zoning Map Amendment
- Zoning Map

ORDINANCE 3248

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY TO LOT 4A, LOT 5A, AND LOT 8 OF PARK GARDEN TRACTS ADDITION LOCATED IN THE N 1/2 OF SECTION 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, the property owners, Timothy and Deborah Murphy, Alexander IV and Celia Blewett, and Tom and Debra Lewis, have petitioned the City of Great Falls to annex the subject properties, consisting of ±7.489 acres, as legally described above; and,

WHEREAS, Timothy and Deborah Murphy, Alexander IV and Celia Blewett, and Tom and Debra Lewis have petitioned the City of Great Falls to assign a zoning classification of R-2 Single-family Medium Density to Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, upon annexation to the City; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on July 26, 2022, to consider said assignment of zoning of R-2 Single-family Medium Density district and, at the conclusion of said hearing, passed a motion recommending the City Commission assign said zoning to the subject properties legally described as Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, located in the N ½ of Section 23, T20N, R3E, P.M.M., Cascade County, Montana; and,

WHEREAS, notice of assigning said zoning classification to the subject properties was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 6th day of September, 2022, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the assignment of R-2 zoning 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 that the said zoning designation be made.

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

Section 1. It is determined that the herein requested R-2 zoning request meets the criteria and guidelines cited in Mont. Code Ann. § 76-2-304, and Section 17.16.40.030 of the OCCGF.

Section 2. That the zoning classification of “R-2 Single-family Medium Density” be assigned to Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, located in the N ½ of Section 23, T20N, R3E, P.M.M., Cascade County, Montana as shown in “Exhibit A”, subject to the setbacks, and other development standards and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

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 August 16, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 6, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

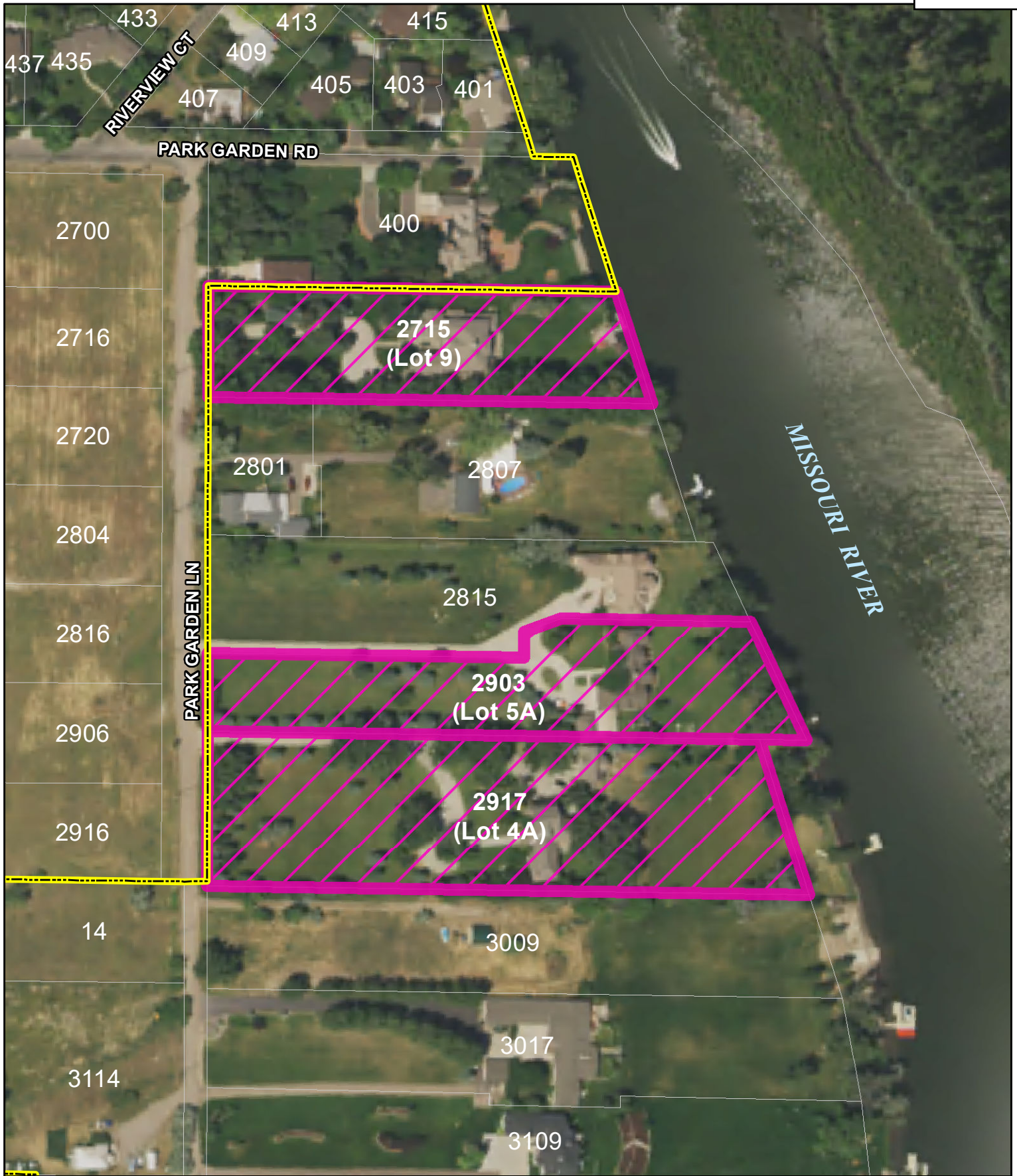
State of Montana)
County of Cascade : ss
City of Great Falls)


I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3248 on the Great Falls Civic Center posting board and the Great Falls City website.


Lisa Kunz, City Clerk

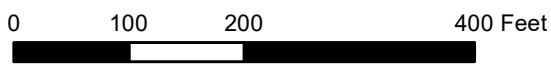
(CITY SEAL)

Exhibit A

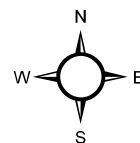


 City Limits

 Ordinance 3248



Date: 8/2/2022



FINDINGS OF FACT – ZONING MAP AMENDMENT

Lot 4A, Lot 5A, and Lot 8 of Park Garden Tracts Addition, located in the N ½ of Section 23, T20N, R3E, P.M.M., 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 (OCCGF) § 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 proposal to annex and establish R-2 Single-family medium density zoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposed zoning map amendment specifically supports the following goals and policies:

- Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
- Physical Policy 4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

The subject properties are located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, or any other Council within the City. Neighborhood Council #1 discussed the project at their December 14, 2021 meeting. The Council voted unanimously to support the request.

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 properties are not located within any adopted plan or sub-area planning areas. The annexation request consists of existing residential homes and will not generate any additional traffic.

4. The code with the amendment is internally consistent.

The proposed establishment of R-2 Single-family Medium Density zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent existing zoning. The existing single-family homes 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, as the subject properties are existing residential properties.

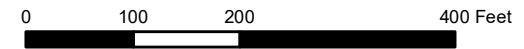
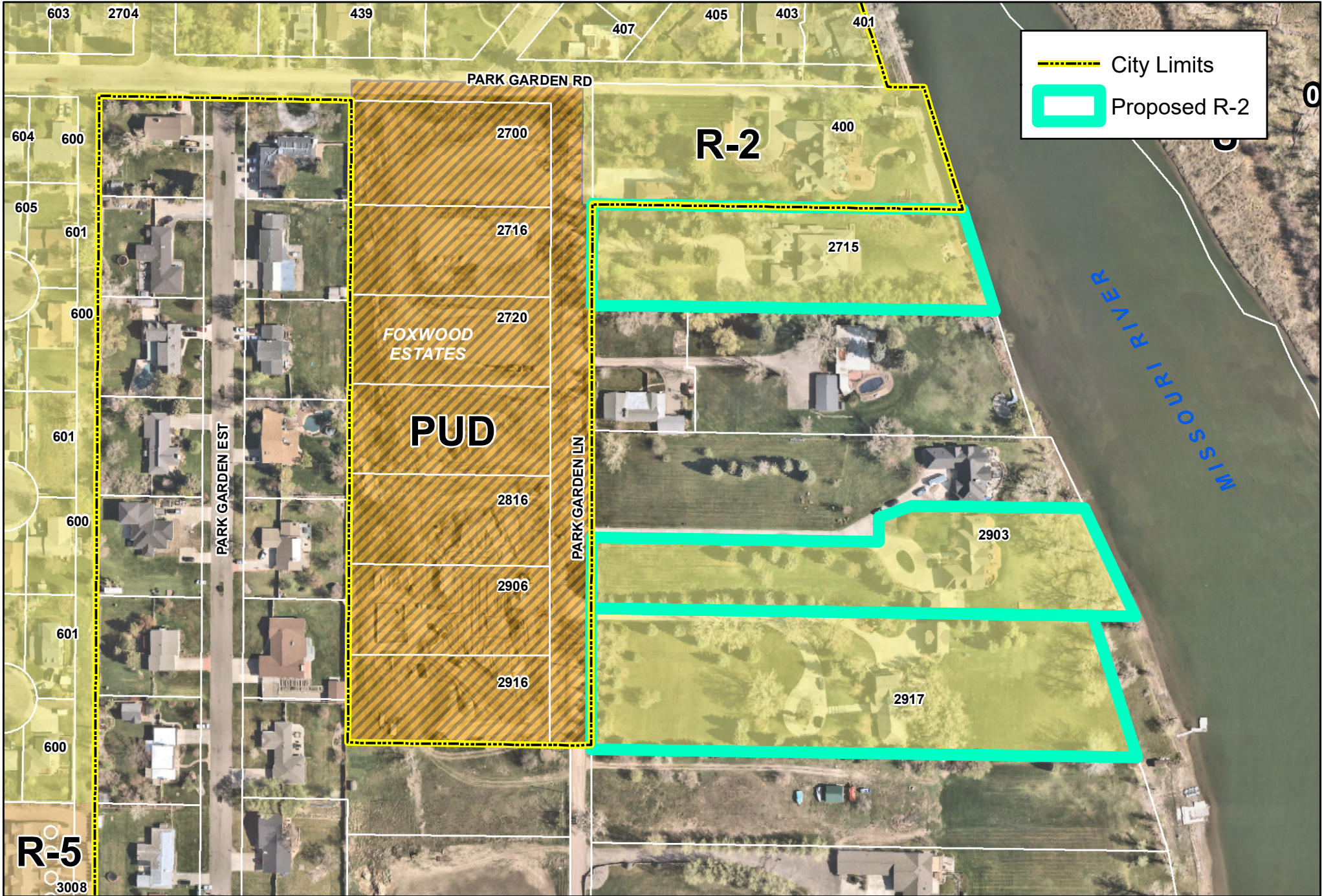
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

There are no existing public health, safety, or welfare issues that have been identified for the subject properties. The zoning assignment will have 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 administer and enforce the amendment if it is approved. The use of the subject properties conforms to the proposed zoning, and no public infrastructure needs to be provided to support the new zoning designation on the property.

Zoning Map



Date: 7/18/2022



Commission Meeting Date: August 16, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3249, “An Ordinance Amending Title 17, Chapter 4, Chapter 8 and Chapter 20 of the Official Code of the City of Great Falls Pertaining to Use of Land Within the City of Great Falls for Commercial Marijuana Business Activities”

From: City Attorney
Planning & Community Development Department

Initiated By: City Commission

Presented By: Jeff Hindoién, City Attorney

Action Requested: Accept Ordinance 3249 on first reading and set public hearing for September 6, 2022.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept / not accept) Ordinance 3249 on first reading and set the public hearing for September 6, 2022.”
2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends that the Commission accept Ordinance 3249 on first reading and set a public hearing for September 6, 2022.

Background / Justification for Proposed Amendment:

1. History of Regulation in Great Falls. In response to the legalization of medical marijuana in Montana in the mid-2000’s, the City Commission considered the issue of whether to allow such activities in the City or not back in 2010. After extensive public comment and consideration, the Commission ultimately took action in June of 2010 to enact Ordinance 3054 as a specific gesture to prohibit medical marijuana activities in the City by both (1) amending the Official Code of the City of Great Falls (OCCGF) 17.4.070 and enacting the following provision at OCCGF 17.20.3.070:

17.20.3.070 – Prohibited land uses. No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law.

Both Ordinance 3054 and the City’s prohibition of medical marijuana activities have remained in effect and unchallenged for over a decade now.

1. Passage of Initiative 190 – November 2020. In November of 2020, however, Montana voters approved Initiative 190 (I-190) to legalize a range of adult-use marijuana activities on a statewide basis. The language of I-190 as enacted by the voters contained a provision that would have expressly prevented the City of Great Falls (or any other self-governing municipality) from completely prohibiting commercial adult-use marijuana activities (*see I-190, Section 37*). However, the 2021 Legislature convened after the enactment of I-190 and took action to **repeal** that specific restriction as part of its passage of a revised statutory framework that now governs both medical and adult-use marijuana activities, i.e., HB 701 (*see HB 701, Section 106*).

As a self-governing municipality, the City is allowed to exercise any power not specifically prohibited and any limitation on its authority has to be express, not implied. The actions of the 2021 Legislature in very specifically removing the express limitation on charter municipality authority from the I-190-enacted law means that there can be no “implied” restriction on the City’s authority to prohibit adult-use marijuana activities.

2. The Safety Inspection Certificate Appeal – April 2022. In April of 2022, the City Commission conducted a public hearing to consider an appeal of City staff’s decision to not process or issue a Safety Inspection Certificate (SIC) to individuals seeking to operate an adult-use marijuana dispensary in the City. The staff’s decision to not process or issue the SIC was based on (1) the City’s long-standing ordinance relating to land uses not being permitted that are in violation of federal law; (2) the absence of any federal law changes regarding marijuana; and (3) the removal by the Legislature of the I-190 restriction on charter municipality authority to completely prohibit adult-use marijuana activities within the City.

After consideration of the presentation by the SIC appellant and public comment concerning the subject, the Commission took action to deny the SIC appeal but also directed staff to bring forward a proposed referendum package to refer an ordinance **specifically prohibiting** commercial marijuana activities to the voters of the City of Great Falls in November of 2022.

3. The Referendum to the Voters – November 2022. That referendum package has now been the subject of review and discussion by the City Commission at its Work Sessions on June 7, 2022 and July 5, 2022 and was formally considered and approved by the Commission at its August 2, 2022 Regular Meeting. Accordingly, the electors of the City of Great Falls will now decide in November whether to enact the following language in the City Code:

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. **This prohibition includes, but is not limited to, any use of land for the marijuana business categories otherwise authorized by Mont. Code Ann. Title 16, Chapter 12, Parts 1 through 5 and Admin. R. Mont. § § 42.39.401 et seq.**

17.20.3.070 – Prohibited land uses. No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law. **This**

prohibition includes, but is not limited to, any use of land for the marijuana business categories otherwise authorized by Mont. Code Ann. Title 16, Chapter 12, Parts 1 through 5 and Admin. R. Mont. § 42.39.401 et seq.

4. The Alternative Regulatory Framework - Present. In addition to (and apart from) the referendum measure, however, the Commission also directed staff to develop an alternative regulatory framework **allowing for** commercial marijuana activities in the City, with that alternative framework to become effective if the voters do not wish to specifically prohibit those activities. The contemplated timeframe for development of that alternative framework was initially based only on the election timeframe (i.e., Fall of 2022). However, the individuals who advanced the above-referenced SIC appeal in April (Mr. and Ms. Yatsko) have now filed a lawsuit against the City seeking a ruling from the District Court that the City cannot prohibit commercial marijuana activities under State law.

Accordingly, there are now two (2) separate and distinct circumstances under which an alternative regulatory framework allowing for commercial marijuana activities would be necessary:

- The initially contemplated possibility, i.e., that the voters of the City will choose not to enact a specific prohibition of those activities; OR
- A ruling by a Court that the City must allow commercial marijuana activities in the City under State law.

Unlike the election “circumstance”, the timing for any potential Court ruling is impossible to predict but such a ruling could occur prior to November. With that in mind, City staff advised the City Commission at its July 5, 2022 Work Session that it intended to accelerate the development of the alternative regulatory framework structure so that it could be considered and discussed by both the Planning Advisory Board / Zoning Commission and the City Commission during the August / September timeframe.

The current proposal is centered on simplicity and is modeled principally on the regulatory framework enacted by the City of Kalispell after the passage of I-190 and the Legislature’s modifications to the I-190 structure in HB 701. The City of Kalispell was the only other large municipality in Montana – apart from Great Falls – that had no commercial medical marijuana operations prior to I-190 and HB 701. The City of Kalispell ultimately enacted an ordinance allowing commercial marijuana activities in only its two Industrial zoning districts.

The current alternative regulatory framework proposal for the City of Great Falls is similar to that approach, with the exception that the Dispensary land use would also be allowed in commercial districts on the same terms as off-premise liquor sales. It would utilize State law definitions for the various types of commercial marijuana activities and amend the current Land Use Table to allow those activities in the various base zoning districts as follows:

- Dispensary allowed as a PERMITTED use in the C-1, C-2, C-3, C-4, I-1 or I-2 zoning districts and a CONDITIONAL use in the C-5, M-1 and M-2 zoning districts;
- Testing Laboratory and Transporter allowed as a PERMITTED use in the I-1 or I-2 zoning districts;
- Cultivation allowed as a PERMITTED use in I-2 and a CONDITIONAL use in I-1;
- Manufacturing allowed as a PERMITTED use in I-2 only.

The contemplated allowance for the Dispensary land use in commercial districts is based on input and discussion from the City Commission's August 2, 2022 Work Session.

In addition to making the above-referenced changes to the Land Use Table, the current zoning ordinance text would also be amended as follows:

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, **except for land uses relating to activities licensed by the Montana Department of Revenue under the Montana Marijuana Regulation and Taxation Act and identified as allowed in 17.20.3.010 and its accompanying exhibits.**

17.20.3.070 – Prohibited land uses. No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law, **except for land uses relating to activities licensed by the Montana Department of Revenue under the Montana Marijuana Regulation and Taxation Act and identified as allowed in 17.20.3.010 and its accompanying exhibits.**

Concurrences: Staff from the City's Legal and Planning and Community Development Departments have worked in tandem to research and develop the proposed alternative regulatory framework. As indicated above, staff has also solicited and received City Commission input on the proposed regulatory framework through the Commission's Work Session process.

Fiscal Impact: To the extent the implementation of the proposed alternative regulatory framework will not occur unless either (1) the voters choose not to specifically prohibit the commercial marijuana activities or (2) a Court directs the City to allow for such activities, there is no immediate fiscal impact. However, in the event the voters of Cascade County approve the adoption of a local-option excise tax in November of 2022, any future allowance for commercial dispensary operations in the City could have an impact on the amount of local option excise tax revenue available to the County and the City.

Attachments/Exhibits: Ordinance 3249
Ord. 3249 Exhibit "A"

ORDINANCE 3249

AN ORDINANCE AMENDING TITLE 17, CHAPTER 4, CHAPTER 8, AND CHAPTER 20, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO USE OF LAND WITHIN THE CITY OF GREAT FALLS FOR COMMERCIAL MARIJUANA BUSINESS ACTIVITIES

* * * * *

WHEREAS, the City of Great Falls is authorized by its Charter and Montana law to establish laws to protect the health, safety and welfare of the citizens of Great Falls; and

WHEREAS, the City Commission has, in the exercise of those powers, previously established Title 17 of the Official Code of the City of Great Falls (OCCGF), which establishes a comprehensive structure for development and land use within the City of Great Falls; and

WHEREAS, the City Commission took action in June of 2010 to adopt Ordinance 3054, as a component of the Title 17, Chapter 4 and Chapter 20, provisions regarding land use, to prohibit any medical marijuana activities in the City of Great Falls;

WHEREAS, in November of 2020, a majority of the voters of the State of Montana, including a majority of the voters of Cascade County and the City of Great Falls, voted to approve Initiative Measure 190 (“I-190”), which legalized both the adult use of marijuana under certain limitations and various categories of commercial marijuana business activities; and

WHEREAS, I-190, as passed by the voters, contained express limitations on the ability of a charter municipality like the City of Great Falls to completely prohibit certain adult-use marijuana providers and dispensaries from being located in the City; and

WHEREAS, the 2021 Montana Legislature took action to enact House Bill 701, which amended I-190 and created a different comprehensive structure to allow for and regulate commercial marijuana business activities in Montana; and

WHEREAS, one of the specific changes the Montana Legislature made to I-190 through HB 701 was to remove I-190’s express limitation on the ability of a charter municipality like the City of Great Falls to completely prohibit certain commercial marijuana business activities; and

WHEREAS, the City Commission has taken action to refer a proposed ordinance specifically prohibiting all types of commercial marijuana business activities from operating within the City of Great Falls to a vote of the electors of the City to be conducted on November 8, 2022; and

WHEREAS, a lawsuit has now been filed against the City of Great Falls challenging its authority to prohibit commercial marijuana business activities and seeking an order from the District Court requiring the City to allow for such activities within its boundaries; and

WHEREAS, the City Commission now wishes to enact an alternative regulatory framework in its Land Development Code that will allow for commercial marijuana business activities within the City of Great Falls, with such framework to become effective and operative only in the event of either (1) a vote of the electors of the City in November of 2022 to not specifically prohibit such activities or (2) the issuance of a Court order directing that the City allow such activities to be conducted within its boundaries.

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

Section 1. The provisions of OCCGF Title 17, Chapter 4, Chapter 8, and Chapter 20, are hereby amended as depicted by Exhibit “A” attached hereto and by reference incorporated herein with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. **CONTINGENT EFFECTIVE DATE:** This ordinance shall in no event be effective any sooner than thirty (30) days after second reading and final adoption as provided by law, but it shall not become effective **except** upon (A) certification by the Cascade County Election Administrator of an election result showing that a majority of the electors of the City of Great Falls voting in the election to be conducted on November 8, 2022 have voted against the enactment of Ordinance 3245 as presented to them via Resolution 10471 OR (B) the issuance of a Court order directing that the City of Great Falls allow commercial marijuana business activities within its boundaries. In the event that neither such contingency ever occurs, this ordinance shall be null, void and of no legal force or effect.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 16, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing on September 6, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

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, **except for land uses relating to activities licensed by the Montana Department of Revenue under the Montana Marijuana Regulation and Taxation Act and identified as allowed in 17.20.3.010 and its accompanying exhibits.**

~~(Ord. 3194, 2019).~~

17.8.120 General definitions.

- A. **Words and terms not defined.** Unless specifically defined in this section, words or phrases used in this Title shall be interpreted so as to give them the meaning they have in common usage and to give this Title its most reasonable application.
- B. **Words and terms defined.** For the purpose of this Title, certain terms and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

"A-type sign" See: sandwich board sign.

"Abandoned sign" a sign that has not advertised a bona fide business, product or service for a period of one hundred eighty (180) consecutive days; a sign that is damaged, in disrepair, or vandalized and not repaired within thirty (30) days from the onset of damages.

"Accessible entrance" means an entrance to a facility meeting the minimum accessibility requirements of the Americans with Disabilities Act.

"Accessible route" means a continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts. (Source: "ADA Standards for Accessible Design" 28 CFR Part 36, revised as of July 1, 1994)

"Accessory building/structure" means any building or structure that is clearly incidental and subordinate to and customarily found with a principal use.

"Accessory land use" See: land use, accessory.

"Accessory living space" means an interior space included as an integral part of a detached garage or other permitted accessory structure that is clearly subordinate to and upon the same lot as a single-family residential home. Similar terms include bonus rooms, craft or hobby rooms, home shops, granny flats, mother-in-law suites, guest houses or bedrooms, carriage houses and the like.

"Accessory use" means a use that is incidental and subordinate to the main use of a property and is located on the same lot as the main use.

"Adjudicative decision" means a decision that is discretionary in nature and that is made by elected or appointed governmental officials in the context of existing standards, requirements, and procedures and that applies to a specific instance. Examples include annexation requests and subdivision proposals.

"Administrative decision" means a decision that is made by a governmental employee in the context of existing standards, requirements, and procedures and that applies to a general or specific instance. For example issuance of a building permit is an administrative decision.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Administrative government center" means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional and related transitional facilities, and the like.

"Administrative services" means a place and/or building, or portion thereof, that is used or is intended for providing administrative functions where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, engineering firms, and the like.

"Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer individuals per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

"Adult book store/adult video store" means a commercial establishment which, as one (1) of its principal business purposes, offers for sale or rental for any form of consideration any one (1) or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions which are characterized by an emphasis on the depiction or descriptions of specified sexual activities or specified anatomical areas;
2. Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

"Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear semi-nude; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
3. Film, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of specified sexual activities or specified anatomical areas.

"Adult motel" means a hotel, motel, or similar commercial establishment which:

1. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slide, or other photographic reproductions which are characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas; and has a sign advertising availability of this type of photographs reproduction; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

"Adult motion picture theater" means a commercial establishment which, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides or similar photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

"Affordable housing" means a dwelling unit that may be purchased or rented by a household earning no more than one hundred twenty (120) percent of the median annual income in the specified area and where the monthly housing costs do not exceed thirty (30) percent of the family's total monthly income. For example, in an area with a median income of fifteen thousand dollars (\$15,000.00), the term "affordable housing" would only be applied to those households earning less than eighteen thousand dollars (\$18,000.00) ($\$15,000.00 \times 1.2 = \$18,000.00$). For a household with an annual income of fifteen thousand dollars (\$15,000.00), their total housing costs should not exceed three hundred seventy-five dollars (\$375.00) per month ($(\$15,000.00 \times 0.3) / 12 \text{ months} = \375.00).

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Aggrieved person" means a person that has or likely will suffer an adverse effect resulting from a decision made pursuant to this Title.

"Agricultural commodity storage facility" means a place and/or building, or portion thereof, that is used or is intended to store bulk food stuffs prior to shipment and/or processing. The term includes grain elevators and such facilities.

"Agricultural water user facility" means those facilities which provide water for agricultural land as defined in 15-7-202, MCA, or which provide water for the production of agricultural products as defined in 15-1-101, MCA, including ditches, pipes, and head gates.

"Agriculture, horticulture, nursery" means a place and/or building, or portion thereof, that is used or is intended for growing fruit, vegetables, flowers, and other plants typically grown on farming operations in the region.

(Ord. 2950, 2007)

"Agriculture, livestock" means a place and/or building, or portion thereof, that is used or is intended for raising horses and/or cattle, exclusively.

"Agriculture sales" means a place and/or building, or portion thereof, that is used or is intended to be used for retail sale of a product(s) unique to and directly related to farm and ranch operations. The term includes feed/seed sales, irrigation equipment sales, farm machinery sales and repair, and the like. The term does not include wholesale sales.

"Air contaminant" means any fume, smoke, particulate matter, vapor, gas, or any combination. The term does not include water vapor or steam condensation.

"Airport" means a place and/or building, or portion thereof, that is used or is intended for the landing and takeoff of airplanes, helicopters, similar craft, including all necessary facilities for the housing and maintenance of the same.

"Airport, private" means an airport that is used by the owner and other persons authorized by the owner and not open for general public use.

"Airport, public" means an airport that is open for general public use.

"Airport elevation" means the highest point of an airport's usable landing area measured in feet from sea level.

"Airport influence area" means all land in the proximity of an airport within a defined boundary, the use of which may be affected by the airport's existence.

"Alley" means a vehicular accessway providing secondary access to the back of lots that front on a street.

"Alteration" See: structural alteration.

"Amateur radio station" means a radio station operated by a federally licensed amateur radio operator as part of the Amateur Radio Service.

"Animal shelter" means a place and/or building, or portion thereof, that is used or is intended to temporarily house stray pets.

"Annexation" means the process of adding land to the jurisdictional area of a city or town.

"Antenna" means a device that can be used to receive and transmit electromagnetic waves. The term includes directional antennas and omni-directional antennas. The term does not include (1) mobile services providing public information coverage of news events of a temporary nature or (2) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers, and similar devices.

"Antenna, building-mounted" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten (10) feet tall and six (6) inches in diameter, or structure other than a telecommunication tower.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Antenna, directional (also known as a panel antenna)" means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.

"Antenna, ground-mounted" means any antenna with its base, single or multiple posts, placed directly on the ground.

"Antenna, omni-directional" means an antenna that transmits and/or receives radio frequency signals in a three hundred sixty-degree radial pattern. For the purpose of this Title, an omni-directional antenna is up to fifteen (15) feet in height and up to four (4) inches in diameter.

"Antenna, parabolic (also known as satellite dish antenna)" means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia-shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.

"Antenna, portable" means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

"Antenna, vertical" means a vertical type antenna with no horizontal cross-section greater than one-half (½) inch in diameter.

"Appeal" means a process initiated by an aggrieved party to review: (1) a decision made pursuant to this Title; or (2) an alleged failure to act as required by this Title.

"Appellant" means a person who has filed an appeal pursuant to this Title.

"Applicant" means a person who submits an application as required by this Title.

"Approach surface" means a surface longitudinally centered on the extended airport runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope. In plan view, the perimeter of the approach surface coincides with the perimeter of the approach zone.

"Approved plastic" means slow-burning plastic of no greater combustibility than that approved for sign use by Underwriter Laboratories, Inc.

"Aquifer" means a water-bearing, subsurface formation capable of yielding sufficient quantities of water to a water well for a beneficial use.

"Arboricultural standards and specifications" means the standards for the planting, care, and maintenance of trees, shrubs, and landscaping on file with the City Forester.

"Arcade" means a covered walkway often with shops on one (1) side or both.

"Architect" See: registered architect.

"Area of special flood hazard" See: one hundred-year floodplain.

"Artificial obstruction or development" means any obstruction which is not natural and includes any dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any one hundred-year floodplain which may impede, retard or alter the pattern of flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of water would carry the same downstream to the damage or detriment of either life or property.

"Artisan shop" means a place and/or building, or portion thereof, that is used or is intended for creating works of art and/or production of handmade craft items on a small-scale. Examples of such items include paintings, sculptures, pottery, jewelry, hand blown glass, small wooden items, candles, soaps, and lotions.

"Assessed value" means that value established by the State of Montana for taxing purposes.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Auction sales" means a place and/or building, or portion thereof, that is used or is intended to be used for auctioning goods to the general public. The term does not include estate sales and the like. Vehicle auctions are considered as vehicle sales and rentals.

"Automated teller machine (ATM)" means an automated device for conducting financial transactions.

"Automated teller machine (ATM), exterior" means an automated teller machine that is accessed from outside of an enclosed building.

(Ord. 2950, 2007)

"Average daily traffic (ADT)" means the average number of vehicles passing a specific point on a roadway during a single twenty-four-hour period.

"Average trip generation rate" means the average number of vehicles entering and exiting a site during a twenty-four-hour period.

"Avoid" means to take an action so that a negative impact does not occur.

"Awning or canopy" means a material or structure intended to provide protection from the weather that is mounted on the exterior of a building. Signage placed on an awning or a canopy is calculated as wall signage.

B

"Bank stabilization" means any effort to harden the bank of a stream to prevent lateral movement. Such measures include: bio-engineering, native material revetment, rip-rap, bin-walls, barbs, vanes, and other such techniques.

"Banner" means fabric, plastic, paper, or other light, pliable material not enclosed in a rigid frame that is suspended, mounted or attached to buildings or poles at two (2) ends or continuously across its longest side.

"Bed and breakfast" means a single family residence that offers overnight accommodations and a meal for a daily charge and which also serves as a primary residence of the operator or owner. (Refer to: 50-51-102, MCA)

"Bench/transit shelter sign" means an off-premise sign attached to a bench or transit shelter.

"Berm" means a mound or embankment of earth, generally man-made.

"Best management practice (BMP)" means, in relation to erosion control, a practice, technique, or measure that is an effective, practical means of preventing and reducing soil erosion and/or water pollution during land development activities. BMPs can be structural, vegetative, or operational practices.

"Bike lane" means a portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

"Bike path" means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the roadway right-of-way or within an independent right-of-way.

"Bike route" means a segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

"Bikeway" means any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

"Billboard" means a sign larger than two hundred (200) square feet in area, mounted on a permanent structure, designed to advertise products, services, or businesses not available on the premise upon which the sign is located.

"Block" means a group of lots, tracts, or parcels within well-defined and fixed boundaries (e.g., streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, municipal boundary lines or subdivision boundary lines).

"Block face" means all of the lots situated on one (1) side of the street.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Board of Adjustment" means the board of adjustment created by the City Commission and more fully described in this Title.

"Board of County Commissioners" means the governing body of Cascade County, Montana.

"Boulevard" means that area within the street right-of-way not occupied by street paving, curb and gutter, and sidewalks.

"Boulevard, inside" means that portion of the boulevard between the sidewalk and the lot.

"Boulevard, outside" means that portion of the boulevard between the sidewalk and the street.

"Boulevard banner" means a decorative sign constructed of cloth, canvas, or vinyl that contains upper and lower pole pockets and is secured by a pole banner bracket system. Boulevard banners are designed as attachments to street light poles or boulevard lamps and advertise special community events.

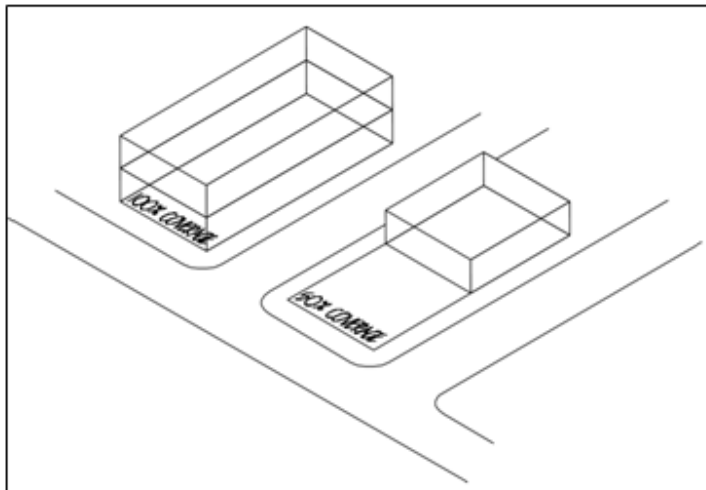
"Buffer area" means a landscaped area intended to separate and partially obstruct the view between uses, serve as an attractive boundary, or both.

"Building" means a structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of people, animals, chattels, or property of any kind.

"Building area" means the total horizontal projected area of a building.

"Building coverage" is a measure of land use intensity. It compares the portion of a site that is covered by a building(s) with the overall area of the site. For example, a development consisting of two (2) buildings with a total footprint of 0.6 acres on a 2-acre site has a building coverage of 0.3 or 30 percent ($0.6 / 2 = 0.3$). (Exhibit 8-2)

Exhibit 8-2. Building coverage



"Building mass" means the three-dimensional bulk of a building represented by its height, width, and depth.

"Building permit" means a permit that is issued prior to the construction of or addition to a building or structure or the installation of a mobile home.

"Burden of proof" means the obligation of a party to establish a fact by evidence.

"Bus transit terminal" means a place and/or building, or portion thereof, that is used or is intended for loading and unloading of bus passengers along with facilities for ticket sales and food service areas primarily intended for bus passengers.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

C

"Campground" means a place and/or building, or portion thereof, that is used or is intended for public camping, where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a laundromat and retail sales for the convenience of campground guests. (Source: 50-52-101, MCA)

"Cascade County Conservation District" means the governmental subdivision of Montana organized in accordance with Title 76, Chapter 15, Part 2, MCA, that functions in Cascade County to address issues relating to soil and water conservation.

"Casino" means any and all establishments that offer legalized gambling authorized under Title 23, Chapter 5, Part 1, et seq., MCA and where any one (1) of the following characteristics applies:

- a. The establishment is referenced as a "casino" or "gambling establishment", or makes any reference to legalized gambling by signage, advertisement or by name; and/or
- b. Five (5) or more gambling machines are on the premises; and/or
- c. A card table is on the premises.

"Casino, type I" means a casino allowed in certain zoning districts only if specific development and appearance standards are met.

"Casino, type II" means a casino allowed in certain zoning districts without specific development or appearance standards.

"Cemetery" means a place and/or building, or portion thereof, that is used or is intended for burial purposes. Accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

"Central Business District" means the C-4 Central Business Core zoning district.

"Certificate of appropriateness" means a permit issued indicating conformance with design guidelines or other similar requirements as contained in this Title.

"Certificate of survey (COS)" means a drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

"Changeable copy sign" means a sign whose content is changed by manual, electric, electromechanical or electronic means. Examples include electronic message boards, time and temperature boards or manually changed reader boards.

"Channelization project" means the excavation and/or construction of an artificial channel for the purpose of diverting the entire flow of a stream from its established course.

"City Attorney" means the position of City Attorney for the City of Great Falls.

"City Clerk" means the position of City Clerk for the City of Great Falls.

"City Commission" means the governing body of the City of Great Falls.

"Civic use facility" means a place and/or building, or portion thereof, that is used or is intended for large gatherings of people. The term includes zoos, arenas, stadiums, fairgrounds, and the like.

"Climate controlled indoor storage" means indoor units, accessed from inside a building, for rent or lease and intended for personal storage. Such storage units are heated for a consistent climate. Document storage services are also included in this definition.

"Co-located telecommunication antennae" means an antenna that is mounted on an existing tower.

"Co-location" See: telecommunication facility, co-located.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Collector street" means a roadway that links local access streets to the arterial roadway network (minor and principal arterials). Speeds are generally lower than on arterials and access to adjacent land uses has a high priority. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Color rendering index (CRI)" means a measurement comparing the color of an object under a light source to a reference light source of comparable color temperature. CRI values generally range from 0 to 100. As the CRI approaches 100, the color of the lit object becomes truer or closer to the original color.

"Commercial educational facility" means an educational facility operated by private institutions or individuals that is used or is intended for preparing students for jobs in trades or professions. The term includes music schools, hair styling schools, real estate schools, and the like.

"Commercial kennel" means a place and/or building, or portion thereof, that is used or is intended for housing three (3) or more dogs, cats or other domesticated animals over six (6) months of age or for the purpose of boarding, breeding, training, or sale. The term includes boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

"Commercial use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time.

"Commercial zoning district" means any zoning district established by this Title that has a "C" followed by a number as its abbreviation (e.g., C-1).

"Community center" means a place and/or building, or portion thereof, that is used or is intended for short-term and intermittent meetings or gatherings of nonresident individuals that are generally open to the public for purposes of recreation, sharing information, entertainment, social service, or similar activities. The term includes fraternal, social, or civic clubs, lodges, union halls, and the like.

"Community cultural facility" means a place and/or building, or portion thereof, that is used or is intended for studying, reading, personal education, or for viewing the visual arts. The term includes libraries, museums, art galleries, observatories, and the like. The term does not include performing arts.

"Community garden" means an outdoor area that is used to grow vegetables, fruits, flowers, and the like by a group of unrelated individuals who primarily use what is grown for their personal use. The community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.

"Community residential facility" means any one (1) of the following as defined:

- a. "Community group home" means a family-oriented residence that is designed to provide residential services for two (2) to eight (8) individuals with severe disabilities and does not provide skilled or intermediate nursing care. The term does not preclude the provision of skilled or intermediate nursing care by third-person providers. (Source: 52-4-202, MCA)
- b. "Youth foster home" means a youth care facility licensed by the State in which one (1) to six (6) children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)
- c. "Youth group home" means a youth care facility licensed by the State in which seven (7) to twelve (12) children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)
- d. "Halfway house" means a place and/or building, or portion thereof, that is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (Source: 53-24-103, MCA)
- e. "Adult foster care home" means a private home or other facility that offers only light personal care or custodial care to four (4) or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (Source: 50-5-101, MCA)

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Community residential facility, type I" means a community residential facility with eight (8) or fewer individuals.

"Community residential facility, type II" means a community residential facility with nine (9) or more individuals.

"Composting facility" means a place and/or building, or portion thereof, that is used or is intended for collecting and processing vegetation (but not food wastes) for composting. The term includes the storage and manipulation of materials prior to, during, and following composting.

"Comprehensive sign plan" means a plan submitted for Design Review Board approval in conjunction with a permit application for a building or sign. The plan must show all signage for a planned or existing multi-tenant development.

"Conditional use" See: land use, conditional.

"Conditional use permit" means a permit authorizing establishment of a conditional use consistent with the provisions of this Title.

"Condominium" means a form of ownership with unrestricted right of disposal of one (1) or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

"Conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of four thousand (4,000) feet.

"Conservancy area" means a property or portion of a property designated on a recorded plat, deed, covenant, or other legally binding document to protect the natural features of the area designated.

"Conserve" means to manage and use in a prudent and sustainable manner to provide for future availability.

"Construction materials sales" means a place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses), and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants, or any facility that manufactures building materials and offers them for retail sale on the premises.

"Contractor yard" means a place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.

"Contractor yard, type I" means a contractor yard that would be compatible in size and scope in a residential setting as defined by performance standards herein described or as may be adopted.

"Contractor yard, type II" means a contractor yard that would be compatible in size and scope with industrial and commercial activities as defined by performance standards herein described or as may be adopted.

"Contributing structure, building or property" means a structure, building or property within a historic district that contributes to the historic integrity of the district.

"Convenience sales" means a place and/or building, or portion thereof, that is used or is intended for personal services or retail sale of a limited product line of frequently needed personal items. The term includes convenience stores, small grocery stores, barber shops, beauty parlors, and the like.

"County Clerk and Recorder" means the Clerk and Recorder for Cascade County.

"Covenant" means a legally binding agreement contained in a deed, declaration, or other legal document or on the face of a plat that restricts or regulates the use of specified real property.

"Critical habitat" means the area occupied by a species which contains those physical and biological features that are (1) essential to the conservation of the species and (2) which may require special considerations or protection. Critical habitat shall not include the entire geographic area which can be occupied by the species.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Cumulative effect" means a noticeable overall effect which results from the incremental effects of other projects, where the increment from each project may not necessarily be noticeable or considered unacceptable.

"Curb" means the barrier used to separate roads and other vehicle use areas from the surrounding environs.

"Curb cut" means the width of the opening in the curb along a street that provides vehicular access to private property.

"Curb line" means the line at the back of the curb nearest to the lot line. In the absence of a curb, the curb line is established by the City Engineer.

"Curb radius" means the radius of the circle formed by the curve of the curb at the corner.

"Curb ramp" means a short ramp cutting through a curb or built up to it.

"Cutoff luminaire" means a luminaire where less than two and one-half (2.5) percent of the lamp lumens occur at or above the horizontal plane and no more than ten (10) percent of the lamp lumens occur above eighty (80) degrees.

D

"Date of completeness" means the date an application is deemed complete by the City.

"Day care center" means a place and/or building, or portion thereof, that is used or is intended to provide day care to children on a regular basis. The operation may include pre-school services/activities (Source: 52-2-703, MCA) (Ord. 2950, 2007)

"Deck" means an above-ground, unroofed platform extending from a building and intended for outdoor living.

"Dedication" means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted. (Source: 76-3-103(3), MCA)

"Demolition" means an act or process that destroys, in whole or in part, a structure.

"Demolition by neglect" means the gradual destruction of a building or structure due to a lack of normal maintenance.

"Demolition permit" means a permit issued consistent with this Title authorizing the complete or partial demolition of a structure.

"Density" means the number of dwelling units per acre, calculated as follows: number of dwelling units divided by the acreage of the parcel of land, whether gross or net. As the context would indicate, density can be based on the actual, proposed, or permitted number of dwelling units.

"Density, gross" means the density based on the acreage of the entire parcel of land. For example, a development of twenty (20) houses on a forty-acre parcel of land has a gross density of one-half of one (0.5) dwelling units per gross acre ($20 / 40 = 0.5$).

"Density, net" means the density based on the acreage of the entire parcel of land, excluding the acreage used for parks or which will not be further developed. For example, a development of twenty (20) houses on a forty-acre parcel of land, with twenty (20) acres in a floodplain or a conservation easement, has a net density of 1 dwelling units per net acre ($40 - 20 / 20 = 1$).

"Department Director" means a City of Great Falls official designated as the head of a specific City Department, or his/her designee, authorized to act on his/her behalf.

(Ord. 2950, 2007)

"Design review" means an evaluation of a project's design features as enumerated in this Title including architecture, site layout, and landscaping.

EXHIBIT "A" – Bold/Strikethrough Version of Text Amendment

"Design Review Board" means that board created by the City Commission to administer the design review process consistent with this Title.

"Design wavier" means a grant of relief from the strict application of the adopted regulations that will avoid unintended and unwanted results and therefore result in a better development.

"Detention" means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

"Detention facility" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

"Development" See: land development.

"Development exaction" means money, land (on-site or off-site), or infrastructure (on-site or off-site) that a developer provides to a local unit of government to alleviate a specified impact created by the proposed development. The nature of the mitigation is determined on a case-by-case basis.

"Deviation, major" means a deviation from the terms of a permit or other approval other than a minor deviation.

"Deviation, minor" means a deviation from the terms of a permit or other approval issued pursuant to this Title that is necessary in light of technical or engineering considerations first discovered after the permit issuance or other approval and not reasonably anticipated during the review process and if had been known during the review process would not have materially altered the decision to issue the permit or approval.

"Diameter at breast height (DBH)" means a tree measured four and one-half (4½) feet above the ground surface on the uphill side of the tree. For a multi-trunk tree, DBH is the sum of the diameter of the three (3) largest trunks.

"Directional sign" means a sign that designates the location or direction of a place or area.

"Discourage" means to avoid or hinder an event or some occurrence.

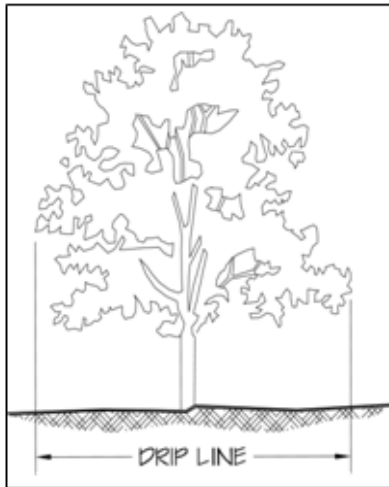
"Display surface" means the area of a sign structure that displays the advertising message.

"District" See: zoning district.

"Division of land" means the segregation of one (1) or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not considered a division of land. (Source: 76-3-103(4), MCA)

"Drainage way" means any channel that conveys surface runoff throughout the site.

"Drip line" means a vertical line that extends from the outermost edge of the tree canopy to the ground. (Exhibit 8-3)

Exhibit 8-3. Drip line

"Dwelling unit" means a single building or portion thereof providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

E

"Easement" means a less than fee interest to use the property of another for specific purposes.

"Easement, private road and public utility easement" means an easement shown on a plat where private roads are located and where public utility companies may place utility service for customers.

"Easement, public road and public utility easement" means an easement shown on a plat where public roads are located and where public utility companies may place utility service for customers.

"Educational facility (K—12)" means a place and/or building, or portion thereof, that is used or is intended for use as a preschool, elementary, junior high, or high school.

"Educational facility (higher education)" means any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools. On campus housing and dormitories to accommodate enrolled students are considered an accessory use.

"Electric sign" means a sign containing electrical wiring.

"Electronic message board" See: changeable copy sign.

"Electronic message display" means a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. (Ord. 3139, 2016)

"Emergency shelter" means a place and/or building, or portion thereof, that is used or is intended to provide temporary housing and ancillary services to primarily indigent, needy, homeless, or transient individuals.

"Encourage" means to stimulate, foster, or help advance an event or some occurrence.

"Engineer" See: registered professional engineer.

"Engineering department" means the Engineering Department for the City of Great Falls.

"Enhance" means to improve or increase in value or attractiveness.

"Ensure" means to guarantee or make sure something will happen.

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"Environmental assessment" means a written report that documents the environmental, social, and cultural impacts and consequences of a proposed development project.

"EPA's Menu of BMPs" means the manual prepared by the Environmental Protection Agency.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Erosion and sediment control plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Erosion control" means a measure that prevents erosion.

"Erosion control permit" means a permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

"Establish" means to construct, place, insert, or excavate.

"Exaction" See: development exaction.

"Examining land surveyor" means a registered land surveyor appointed by the City to review surveys and plats submitted for filing.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision where the construction of facilities for servicing the manufactured home lots is completed before the effective date of the floodplain management regulations. This includes, at a minimum, the installation of utilities, the construction of streets, and either final site or grading, or pouring of concrete pads.

"Ex parte communication" means any form of communication (e.g., written, verbal), whether voluntary or occurring inadvertently, that occurs prior to and outside of the public hearing between an individual who will vote on an adjudicative matter pending before the decision-making body on which he/she serves and another individual and which relates to the matter pending.

F

"Factory-built home" See: Residence, manufactured/factory built.

"Family" means an individual, or two (2) or more individuals related by blood, marriage or adoption or other legal means, or a group of not more than five (5) individuals who are not related by blood, marriage or adoption, living together as a single housekeeping unit within a dwelling unit.

"Family day care home" means a private residence in which day care (meaning care is less than twenty-four (24) hours per day) is provided to three (3) to six (6) children from separate families on a regular basis. (Source: 52-2-703, MCA)

"Family, immediate" means a person who is a natural or legally defined offspring, spouse, sibling, parent, grandchild, grandparent, mother-in-law or father-in-law.

"Feather pole banner" means a sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Feather flags are generally a single sign attached to a support post and typically having a dimensional ratio of 4 feet high to 1 foot wide and less than fifteen (15) feet height. This definition also applies to tear drop flags, windfeather flags, bow flags, and other similar type signs. (Ord. 3139, 2016)

"Fee in lieu" means a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance.

"Fence" means a structure around the perimeter of a space that provides privacy, aesthetics, or security.

"Financial services" means a place and/or building, or portion thereof, that is used or is intended for providing financial and banking services. The term includes banks, savings and loan institutions, other lending institutions, and check cashing facilities. The term does not include automated teller machines, which are considered an accessory use to commercial enterprises.

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"Finding" means a written conclusion or determination that is considered in reaching a decision.

"Fish habitat structure" means any structure that is designed to create fish habitat. Examples include random instream boulder cover and bank cover. This term is to be narrowly construed to exclude any structure which may offer fish habitat as a secondary benefit.

"Flag" means a square, rectangular, or triangular piece of fabric that is mounted along one (1) side upon a pole, cable, or rope.

"Floor area" means the total horizontal area contained within the outside perimeter of a building.

"Foot-candle" means a measure of light falling on a given surface. One (1) foot candle is equal to one (1) lumen per square foot.

"Foundation planting" means plant material placed in planting beds along and near a foundation of a building. Intended to complement the building and connect the building to the site.

"Freestanding sign - a.k.a. pole sign" means a sign supported wholly by a pole or poles, I-beam, or a structure in the ground with no part of itself attached to a building.

"Freight terminal" means a place and/or building, or portion thereof, that is used or is intended for unloading, loading or storage of freight for routing or reshipment.

(Ord. 2950, 2007)

"Frontage" means a side of a building that faces a public right-of-way or provides off-street parking, or provides a customer entrance, or any side of a lot or parcel that borders on a public right-of-way.

"Frontage road" See: road, frontage.

"Fuel tank farm" means a place and/or building, or portion thereof, that is used or is intended for commercial bulk storage of petroleum products or any other fuel.

"Fugitive dust" means solid airborne particulate matter resulting from any activity conducted on a parcel zoned, or used, for industrial purposes.

"Full-cutoff luminaire" means a luminaire where no light occurs above the horizontal plane and no more than ten (10) percent of the lamp lumens occur above eighty (80) degrees.

"Funeral home" means a place and/or building, or portion thereof, used or intended for the care and preparation of human dead for burial. The term includes funeral homes and mortuaries.

G

"Gaming, accessory" means a portion of a hotel, motel, restaurant or tavern with legalized gambling authorized under Title 23, Chapter 5, part 1, et seq., MCA, permitted with specific development and use standards.

"Garage, attached private" means a private garage sharing and attached to all or a portion of one or more walls of the primary residence, or included as an integral part of the residence. A private garage attached by a breezeway or similar connection to a primary residence is considered a detached private garage.

"Garage, detached private" means a private garage that is physically separated from the principal residence, or attached to the principal residence by means of a breezeway or similar connection.

"Garage, private" means a building that is intended to house vehicles and household items belonging to the owner or occupant of the principal residence.

(Ord. 2950, 2007)

"Garage sales" means the occasional non-business public sale of secondhand household goods and other goods incidental to household uses. The term also includes yard sales, patio sales, and the like. The term does not include any sales defined as itinerant outdoor sales.

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(Ord. 2950, 2007)

"General repair" means a place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, small engines, and the like. The term does not include repair of vehicles or industrial equipment.

"General sales" means a place and/or building, or portion thereof, that is used or is intended for retail sale of goods, commodities, or products to the end consumer.

"General services" means a place and/or building, or portion thereof, that is used or is intended for providing services not otherwise included in any other service type category. The term includes photography studios, weight loss centers, commercial postal services, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, diaper services, and the like.

"Geological hazard" means the potential for geological instability arising from geologic features or conditions, including faults, landslides, avalanches, stream channel movement, fluvial erosion, and the like.

"Glare" means luminance in excessive of what the human eye is accustomed to resulting in annoyance, discomfort, or loss of visual performance and visibility.

"Golf course/driving range" means a place, whether organized for profit or not, that is used or is intended for playing golf.

"Grade control structure" means a structure consisting of stones, rocks, or analogous material that is placed on the bed of a stream to control or otherwise influence the grade of the stream.

"Grading" means the excavation or fill of soil material, including the resulting conditions thereof.

"Groundcover" means a low-growing plant material (other than turf grass) that characteristically does not grow higher than eighteen (18) inches and forms a more or less continuous cover over the ground surface.

"Groundwater" means water occupying the voids within a geologic stratum and within the zone of saturation.

"Group day care home" means a private residence in which day care (meaning care is less than twenty-four (24) hours per day) is provided to seven (7) to twelve (12) children on a regular basis. (Source: 52-2-703, MCA)

"Growth policy" means that document the City Commission has adopted consistent with 76-1-601, MCA.

H

"Hazard" means any condition, whether man-made or natural, which presents a tangible danger to the public health, safety, and general welfare.

"Hazard to air navigation" means an obstruction determined to have a substantial adverse effect of the safe and efficient utilization of the navigable airspace.

"Hazardous substance" means any material regulated by the "Emergency Planning and Community Right-to-Know Act of 1986" 42 USC 1101-11050, as may be amended.

"Hazardous waste" means a waste or combination of wastes that because of its quantity, concentration, or physical, chemical, or infectious characteristics, may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of or otherwise managed. The term does not include substances governed by Title 82, Chapter 4, Part 2, MCA. (Source: 75-10-403, MCA)

"Health care clinic" means a place and/or building, or portion thereof, that is used or is intended for providing medical services including prevention, diagnosis, treatment, or rehabilitation. The term includes dental clinics, doctor's offices, and sports medicine facilities. The term does not include those uses as classified as a health care facility.

(Ord. 2950, 2007)

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"Health care facility" means a place and/or building, or portion thereof, whether public or private, excluding federal facilities, whether organized for profit or not, that is used or is intended to provide health services, medical treatment, or nursing, rehabilitative, or preventative care to any person or individuals. The term does not include offices of private physicians or dentists. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatment facilities, and adult day-care centers as defined in State law. (Source: 50-5-101, MCA)

"Health care sales and services" means a place and/or building or portion thereof, that is used or intended to provide for the sale of health care products and services. The term includes pharmacies, vision care facilities, hearing aid facilities, prosthetic facilities, etc.

(Ord. 2950, 2007)

"Height" means a line of measurement between two (2) given points contained in a plane that is perpendicular to horizontal ground level. See Section 17.8.090 for definition of "building height." (Ord. 2950, 2007)

"Heli-pad" means a place that is used or intended to land helicopters.

"Historic district" means a geographically defined area that possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

"Historic Preservation Advisory Commission (HPAC)" means the commission created jointly by the Great Falls City Commission and Cascade Board of County Commissioners to administer its local preservation program consistent with State and local requirements and/or guidelines.

"Historic Preservation Officer" means the individual so designated by the City.

"Historic structure" means any structure that is a contributing or a primary structure or any structure individually listed on the National Register of Historic Places.

"Home occupation" means any occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence as an accessory use and that would be compatible in size and scope in an urban residential setting. The term does not include hobbies or similar non-commercial activities or any activity that would meet the definition of heavy industry.

"Homeowners association" means a corporation consisting of homeowners and created pursuant to State law for the purpose of owning, operating, and maintaining various common properties.

"Horizontal surface" means a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

"Hotel/motel" means a building that is used, intended, kept, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests (as defined in State law) with or without meals. (Source: 50-51-102, MCA)

"Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Household" means one (1) or more individuals (related or unrelated) that usually occupy a dwelling unit.

I

"Illuminance" means the amount of light falling on a surface. Illuminance may be measured in lux or in foot-candles.

"Illuminating Engineering Society of North America (IESNA)" means a professional organization that was created to advance knowledge and disseminate information for the improvement of the lighted environment to the benefit of

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society. Its membership includes engineers, architects, designers, manufacturers, contractors, distributors, utility personnel, educators, students, and scientists.

"Immediate family" means a spouse, children by blood or adoption, and parents.

"Impervious surface" means that portion of a lot that substantially reduces or prevents the infiltration of stormwater into the ground. It includes areas of compacted soil and surfaces such as buildings, sidewalks, parking lots, driveways, and similar features.

"Incidental sign" means a sign indicating services, credit cards, hours of operation, or other similar information that pertains to the premises where the sign is located.

"Indoor entertainment" means a place and/or building, or portion thereof, that is used or is intended for indoor entertainment of all types. The term includes theaters, movie theaters, dance halls, theaters for performing arts, and the like.

"Indoor sports and recreation" means a place and/or building, or portion thereof, that is used or is intended for indoor recreation of all types. The term includes bowling alleys, skating rinks, billiard and pool halls, arcades, athletic clubs, indoor racquetball courts, athletic training centers, gyms, and the like.

"Industrial, heavy" means a place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

"Industrial, light" means a place and/or building, or portion thereof, that is used or is intended for the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing. The term includes furniture production, metal fabrication, apparel manufacturing, printing, publishing, and the like.

"Industrial park" means a planned and coordinated development designed to accommodate a variety of and more than two (2) industrial uses.

"Industrial zoning district" means any zoning district established by this Title that has an "I" followed by a number as its abbreviation (e.g., I-1).

"Infill development" means the construction of new structures on one (1) or more vacant lots within a previously established or approved development or area.

"Inhabited area" means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

(Ord. 2950, 2007)

"Institutional use" means a public and/or quasi-public land use typically engaged in community service, health care, or educational land uses including but not limited to: governmental facilities, worship facilities, community centers, K-12 and higher education facilities, and health care facilities.

"Instream structure" means any structure that is placed within the ordinary high water mark for irrigation purposes, for controlling lateral or horizontal stream movement. Examples include bank stabilization, grade control structures, headgates, and the like.

"Instructional facility" means any place and/or building, or portion thereof, that is used or is intended to offer instruction, training, or tutelage in such areas as gymnastics, dance, art, music, martial arts, and the like.

"International Building Code" current, adopted edition of the International Building Code published by the International Codes Council.

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"Interstate highway" means a roadway intended to carry vehicles over long distances with access restricted to interchanges. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Itinerant outdoor sales" means a place that is used or is intended for retail sales over a limited duration. The term includes seasonal sales such as fireworks and Christmas trees, flea markets, and the like. The term does not include private yard or garage sales or the sale of agricultural products produced on the premises.

"Irrigation ditch" means a man-made structure to carry water for irrigation purposes.

"Irrigation system" means a permanent, artificial watering system designed to transport and distribute water to landscape plants.

J

"Junk vehicle" means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, which is not lawfully and validly licensed and remains inoperative or incapable of being driven. (Source: 75-10-501, MCA)

"Junk yard" means a place and/or building, or portion thereof, that is used or is intended for selling, exchanging, storing, cleaning, packing, processing, or otherwise handling salvage materials.

L

"Land clearing" means the removal of trees, understory, shrubbery, brush, groundcover, and/or topsoil from any part of the land. The term does not include standard maintenance practices including lawn mowing, pruning, and the like.

"Land development" means any activity that must comply with the provisions of this Title.

"Landscape architect" See: registered landscape architect.

"Landscape plan" means a scaled plan that shows the areas of a site to be landscaped and provides design, planting, and irrigation specifications.

"Landscaping" means living material (e.g., turf grass, ground cover, shrubs, vines, hedges) and nonliving durable material commonly used in landscaping (e.g., bark, rocks, pebbles, decorative walls, fences, art and benches).

"Landslide" means a natural movement of a large mass of soil and/or rock moving down slope under gravitational forces.

"Land use" means, as the context would indicate, (1) the development that has occurred on the land (2) development that is proposed on the land, or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.

"Land use, accessory" means any land use that is clearly incidental and subordinate to and customarily found with a principal land use.

"Land use, beneficial" means any use of a parcel of land that is common in the region, on similarly situated properties, even if it does not involve development.

"Land use, conditional" means a land use that would not be appropriate generally or without restriction throughout a specified area but which, if controlled as to the number, area, location, or relation to the neighborhood, could promote the public health, safety, or general welfare.

"Land use, permitted by right" means a land use that is allowed throughout a specified area. Land uses permitted by right shall be reviewed to ensure that all provisions of local, State, or federal regulations are met.

"Land use, principal" means the dominant land use of a parcel of land.

"Land use, water-dependent" means any land use that is by necessity dependent upon access to a water body for water-borne transportation including ports or marinas, recreation, electrical generating facilities, or water supply.

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"Land use, water-related" means any land use that is not by necessity dependent upon access to a water body, but which predominantly provides goods and services that are directly associated with water-dependent land uses.

"Large equipment rental" means a place and/or building, or portion thereof, that is used or is intended for renting large equipment that is normally stored out of doors. Typical items would include trucks, vertical lifts, fork lifts, back hoes, other types of heavy equipment, and modular buildings.

"Larger than utility runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

"Lattice tower" means a self supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

"Legislative decision" means a decision generally discretionary in nature, made by elected governmental officials, that creates a new law or that repeals or modifies a previously adopted law. The adoption of a local comprehensive plan or a zoning code is an example of a legislative decision.

"Levee" means a manmade structure, usually earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as drainage and closure devices, which are constructed and operated in accordance with sound engineering practices.

"Local street" means a roadway intended to predominantly provide access to adjoining properties. Traffic speeds are characteristically lower and access to and from driveways is frequent. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Light manufacturing and assembly" means a place and/or building, or portion thereof, that is used or is intended for manufacturing and/or assembly of goods where no air contaminants or potentially offensive odors are emitted outside of the building or area of manufacture/assembly; no radioactive materials or hazardous substances or hazardous wastes or regulated substances are handled or produced. Such uses do not produce offensive noises outside of the building or area of manufacturing/assembly. Such uses typically have relatively small volumes of products shipped in and out, so as to not adversely impact neighboring uses (such as residential, office or commercial in mixed use zones). Typical uses include assembly of computers; testing, producing and/or packaging software; packaging of pre-made goods; etc. This term does not include any uses specifically listed under the definition of "industrial, light".

"Light meter" means a device that measures the amount of light energy falling on a given surface.

"Light trespass" means light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited.

"Lighting fixture" See: luminaire.

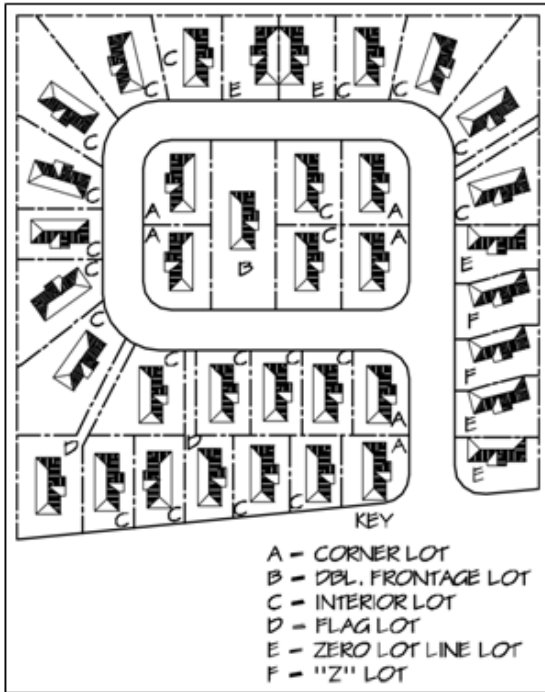
"Loading area" means an off-street area set aside for the purpose of unloading or loading a motor vehicle, trailer, or truck.

"Local services" means any and all services or facilities the City is authorized to provide.

"Logo" means a graphic design representing an activity, service, or business.

"Lot" means a parcel of ground with a definable location based on a recorded survey or similar instrument. (Exhibit 8-4)

Examples of lot types



"Lot, corner" means a lot situated at the junction of and fronting on two (2) or more roadways. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

"Lot, flag" means a lot with access provided by a corridor from a street to the bulk of the lot.

"Lot, interior" means a lot that abuts only one (1) road.

"Lot, through" means a lot having a frontage on two (2) more or less parallel streets.

"Lot, Z" means a type of interior lot that is generally situated on an angle to the street.

"Lot, zero lot line" means a lot where the building is place on or near one (1) of the side lot lines.

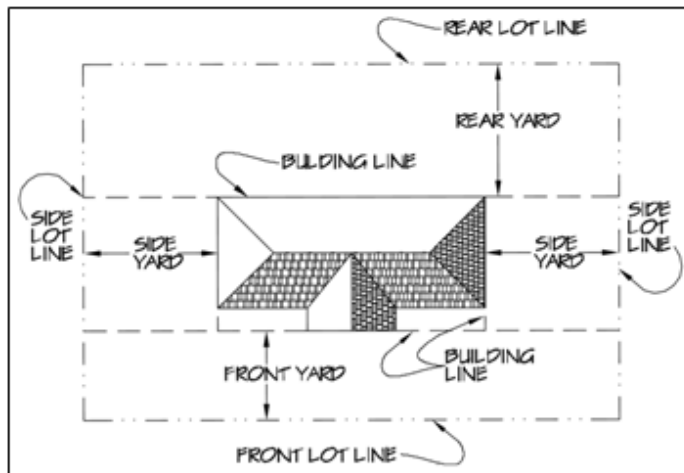
"Lot area" means the area of the horizontal plane bound by the vertical planes through front, rear, and side lot lines.

"Lot coverage" is a measure of land use intensity. It compares the portion of a site that is covered by impervious surfaces with the overall area of the site. For example, a two-acre site with one-half of one (0.5) acres of impervious surface has a lot coverage of 0.25 or twenty-five (25) percent ($0.5 / 2 = 0.25$).

"Lot line" means a line dividing one (1) lot from another lot or from a street or alley.

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Exhibit 8-5. Lot lines and types of yards



"Lot line, front" means a lot line described for each of the following types of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained (Exhibit 8-5).

"Lot line, rear" means a lot line that does not intersect a front lot line and that is most distant from and most closely parallel to the front lot line (Exhibit 8-5).

"Lot line, side" means a lot line not a front or rear lot line (Exhibit 8-5).

"Low-profile sign" means a freestanding pole or monument sign with a height limit of 8 feet from finished grade to the top of the sign structure.

"Lowest floor" means any floor used for living purposes, storage, or recreation or that could be converted to such a use.

"Lumen" means a measure of light energy generated by a light source. Manufacturers list ratings for all their lamps. Average lumen ratings are slightly lower than initial lumen ratings.

"Luminaire" means a complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

M

"Maintain" means to support, keep, and continue in an existing State or condition without decline.

"Manufactured home" See: Residence, manufactured/factory-built.

"Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

"Manufactured housing sales" means a place and/or building, or portion thereof, that is used or is intended for on-site display and sales of mobile homes, modular homes, or other forms of manufactured housing.

"Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products. The term does not include a drug approved by the

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United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.

"Marijuana cultivation" means a use licensed by the State of Montana to: (a) plant, cultivate, grow, harvest, and dry marijuana; and (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

"Marijuana dispensary" means a use licensed by the State of Montana to: (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.

"Marijuana manufacturing" means a use licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products.

"Marijuana testing laboratory" means a use licensed by the State of Montana to: (a) provide testing of representative samples of marijuana and marijuana products; and (b) provide information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.

"Marijuana transporter" means a use licensed by the State of Montana to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.

"Market value" means the value as reported on Cascade County Assessor's roll.

"Marquee" means a permanent, roofed structure that projects over public property and is attached to and supported by a building.

"Marquee sign" means a sign attached to a marquee.

"Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations are referenced.

"Micro-brewery" means a place and/or building, or portion thereof, which is used or is intended for (1) the manufacture of malt beverages and (2) the sale and on-site consumption of those beverages, along with other beverages and food.

"Mini-storage facility" means a place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles that are not for sale or trade.

"Miniature golf" means a place and/or building, or portion thereof, that is used or is intended for playing miniature golf.

"Minimize" means that no other alternative would result in a lesser impact.

"Minor arterial" means a roadway that is designed to carry vehicles quickly from place to place, but access to adjacent land use has a high priority. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Mitigate" means to take an action designed to offset or rectify a negative effect.

"Mixed-use building" means a building that contains two (2) or more of the following uses: residential, retail, office, employment, or civic.

"Mixed-use zoning district" means any zoning district established by this Title that has an "M" followed by a number as its abbreviation (e.g., M-1).

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"Mobile home" means a dwelling unit that is: (1) constructed off-site; and (2) equipped with the necessary utility service connections; and (3) made so as to be readily movable as a unit or units on its (their) own running gear; and (4) designed to be used with or without a permanent foundation.

"Mobile home pad" means the area of a mobile home space which has been prepared for the placement of a mobile home.

"Mobile home park" means a place providing two (2) or more mobile home lots for lease or rent to the general public. (Source: 50-52-101 MCA)

"Mobile home space" means a designated portion of a parcel of land designed for the accommodation of one (1) mobile home and its accessory buildings or structures for the exclusive use of the occupants.

"Mobile home subdivision" means a tract of land specifically designed, improved and maintained for locating mobile homes, which is platted into lots, blocks and streets and the lots then sold or rented to the occupant.

"Modular home" See: Residence, manufactured/factory-built.

"Monopole" is a wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

"Monument" means any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

"Monument sign" means a low-profile, freestanding sign whose entire structure consists of solid material. Monument signs, in their entirety, are limited to a total height of eight (8) feet.

"Motor vehicle graveyard" means a place and/or building, or portion thereof, that is maintained and operated by a county and that is used or is intended as a collection point for junk motor vehicles prior to their disposal. (Source: 75-10-501, MCA)

"Motor vehicle wrecking facility" means a place and/or building, or portion thereof, that is used or is intended for buying, selling, or dealing in four (4) or more vehicles per year, of a type required to be licensed, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of the motor vehicle; or a facility that buys or sells component parts, in whole or in part, and deals in secondhand motor vehicle parts. A facility that buys or sells component parts of a motor vehicle, in whole or in part, is a motor vehicle wrecking facility whether or not the buying or selling price is based upon weight or any other type of classification. The term does not include a garage where wrecked or disabled motor vehicles are temporarily stored for a reasonable period of time for inspection, repairs, or subsequent removal to a junkyard. (Source: 75-10-501, MCA)

"Mulch" means nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture, and that provide a protective covering around plants to reduce weed growth and to maintain even temperatures around plant roots. Examples include bark, wood chips, and coffee bean hulls.

N

"National Register of Historic Places" means the official list of the Nation's historic places worthy of preservation. Authorized under the National Historic Preservation Act of 1966 and administered by the National Park Service, it is part of a national program to coordinate and support public and private efforts to identify, evaluate and protect our historic and archaeological resources. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture.

"Native material revetment" means bank stabilization using root wads, logs, boulders, vegetation plantings, and sod mats. This type of design improves visual and biological values as opposed to some of the more "hard" approaches such as rip-rap.

"Neighborhood council" means the elected body for one (1) of the neighborhood districts within the City.

"Neighborhood district" means the geographic area established pursuant to the City's Charter.

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"Neighborhood plan" means a plan for a geographic area within the boundaries of the jurisdictional area that addresses one (1) or more of the elements of the growth policy in more detail. (Source: 76-1-103, MCA)

"New construction" means structures for which the start of construction, substantial improvement, or alteration commences on or after the effective date of these regulations.

"NIER" means non-ionizing electromagnetic radiation, which is electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

(Ord. 2950, 2007)

"Noncombustible material" means material that does not ignite at or below a temperature of one thousand two hundred (1,200) degrees Fahrenheit during a five-minute exposure and that does not continue to burn or glow at that temperature, as specified in the current, adopted edition of the International Building Code.

"Nonconforming building" means any building that at the time of construction conformed to existing rules and regulations, but is now inconsistent with this Title.

"Nonconforming structure" means any structure that at the time of construction or placement conformed to existing rules and regulations, but is now inconsistent with this Title.

"Nonconforming use" means any use of land that at the time of establishment conformed to existing rules and regulations, but is now inconsistent with this Title.

"Noncontributing structure, building or property" means a structure, building or property within a historic district that does not contribute to the historic integrity of the district.

"Non-cutoff luminaire" means a luminaire where a considerable amount of light occurs above the horizontal plane.

"Non-ionizing electromagnetic radiation (NIER)" means electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum.

"Non-precision instrument runway" means runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

"Nonstructural trim" means molding battens, caps, nailing strips, latticing, walkways, cutouts, or letters attached to a sign structure.

"Noxious weed" means any exotic plant species established or that may be introduced in the State which may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses or that may harm native plant communities and that is designated by the Montana Department of Agriculture or by a weed management district.

"Nursing home" means a place that provides twenty-four-hour services including room and board to unrelated residents who because of their mental or physical condition require nursing care.

O

"Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

"Off-premise sign" means a sign that directs attention to a business, commodity, service, activity, or product not sold, conducted, or offered for sale on the premise where the sign is located.

"Off-site facility" means any facility located outside of the subject property.

"Off-site liquor sales" means a place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for off-site consumption. The term includes package liquor stores.

"On-premise sign" means a sign that directs attention to a business, commodity, service, activity, or product sold, conducted, or offered for sale on the premise where the sign is located.

"On-site construction office" means a building placed on a construction site that is used by the contractor as a field office and removed when construction is complete.

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"On-site facility" means any facility located inside of the subject property.

"On-site real estate sales office" means a residential dwelling in a residential development that is temporarily used as a sales office for other on-site residential dwellings.

"Open space" means a vacant, undeveloped or unimproved parcel or area of land that is intended to remain free of development. Such lands typically include undeveloped park lands or other public lands, private lands in high hazard areas or with conservation easements, open water bodies, etc.

"Ordinary high-water mark" means the line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural value. A floodplain adjacent to surface waters is not considered to lie within the surface waters' high-water mark. (Source: 23-3-301, MCA)

"Outdoor entertainment" means a place and/or structure, or portion thereof, that is used or is intended for outdoor, spectator-type uses or events. The term includes race tracks, motocross courses, sports arenas, concerts, religious assemblages, and the like.

"Outdoor entertainment, temporary" means a short-term outdoor event such as concerts, performances, religious assemblages and the like. The term does not include sporting events such as motocross, auto racing and the like.

(Ord. 2950, 2007)

"Overall development plan" means the master site plan for a single tract of land showing the proposed project submitted for review and the conceptual layout of land excluded from the project. It is intended to show how the entire property will likely be developed over time.

"Overlay district" means a geographic area that is placed over land use districts that adds additional requirements to those of the underlying district.

"Owner of record" means the person, or persons, that are listed in the official county records as the legal owners of a tract of record.

P

"Parapet" means a low protective wall or railing along the edge of a raised structure such as a roof.

"Parcel of land" means a unit of land all parts of which are contiguous, including contiguous lots, in the possession of, owned by, or managed by the same person.

"Park" means a place and/or building, or portion thereof, that is used or is intended for recreational activities for use by the general public or by a homeowners' association. The term includes developed and undeveloped areas and neighborhood recreation centers.

"Park dedication" means land set aside by the developer for park purposes.

"Park dedication, cash-in-lieu of" means a cash payment that is equal to the assessed value of the land that would have been dedicated for park dedication purposes.

"Parking garage" means an off-street building used to temporarily park vehicles.

"Parking lot" means an off-street area, located beyond the right-of-way or easement of a street, used to temporarily park vehicles.

"Parking lot, principal use" means an off-street parking facility intended to temporarily store vehicles, not accessory to any principal use.

(Ord. 2950, 2007)

"Parking structure" means a multilevel structure that is used or is intended for parking motor vehicles for a short duration. The term does not include underground parking.

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"Pedestrian pass-through" means a walkway that provides unconstrained pedestrian access through a building.

"Pedestrian scale (human scale)" means the proportional relationship between the dimensions of a building or building element, street, outdoor space, or streetscape element and the average dimensions of a human body, taking into account the perceptions and walking speed of a typical pedestrian.

"Perimeter control" means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

"Permanent foundation" means a continuous foundation wall around the perimeter of a building.

"Permit" means a written governmental authorization allowing the holder to take action not otherwise allowed.

"Permitted use" means a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

"Person" means any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

"Planned unit development (PUD)" means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that comprise a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use. (Source: 76-3-103, MCA)

"Planning Board" means the Great Falls Planning Advisory Board.

"Plat" means a graphical representation of a subdivision showing the division of land into lots, blocks, streets, alleys, and other divisions and dedications.

"Plat, amended" means a plat showing adjustments to a final plat that has been recorded with the County Clerk and Recorder.

"Plat, concept" means a drawing of a proposed subdivision that is general in nature and shows the essential elements of the project.

"Plat, final" means a plat to be filed with the County Clerk and Recorder and that contains all of the elements and requirements set forth in this Title and the Montana Subdivision and Platting Act.

"Plat, preliminary" means a plat that is submitted for review and that contains the minimum information required in this Title and the Montana Subdivision and Platting Act.

"Pole sign - a.k.a. freestanding sign" means a sign supported wholly by a pole or poles, I-beam or structure in the ground and not a part of or attached to a building at any point.

"Pollution or pollutants" means the presence in the outdoor atmosphere, ground, or water of any substance, contaminant, noise, or any other manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air, soils, or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

"Pollution, nonpoint source" means a diffuse source of pollution resulting from the activities of man over a relatively large area, the effects of which normally must be addressed or controlled by a management practice rather than by an engineered containment or structure. (Source: 16.20.1001, ARM)

"Pollution, point source" means a single, discernable source of pollution resulting from the activities of man, the effects of which normally must be addressed or controlled by an engineered system.

"Porch" means a part of a building with a roof of its own that covers an entrance.

"Portable sign" means a sign that is not permanently affixed to a building, structure, or the ground.

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"Precision instrument runway" means a runway having an existing instrument approach procedure utilizing an instrument landing system or a precision approach radar. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

"Premise" means a single tract of land; whether described by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of application for a building permit or for taxation is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control.

"Preserve" means to save from change or loss and reserve for a special purpose.

"Primary structure, building or property" means a structure, building or property within a historic district that contributes to the historic integrity of the district.

"Principal arterial" means a road that carries vehicles efficiently from place to place. Access to adjacent land uses is a minor function for this classification. This is one (1) level in the City's functional classification system for roads within its jurisdiction.

"Principal building" means the primary building on a lot or a structure that houses a principal use.

"Principal land use" See: land use, principal.

"Private stable/barn" means a place and/or building, or portion thereof, that is used or is intended for noncommercial activities relating to rearing, training, and riding horses or raising other permitted livestock. This term includes pole barns.

"Professional engineer" See: registered professional engineer.

"Professional services" means a building, or portion thereof, that is used or is intended to house services involving predominantly professional, clerical, or similar operations where customers come on a regular basis. The term includes law offices, real estate offices, insurance offices, travel agencies, and the like.

"Prohibited lawn signs" include, yard signs, bandit signs, placards, and road signs, among other names used for advertising, products, businesses, services, and charities, educational, political, ideological, or religious advertisement that are temporary in nature and placed in landscaped areas of a premise. (Ord. 3139, 2016)

"Projecting signs" means those signs which project over the public rights-of-way at any point. All other signs projecting from the building face are designated as "free standing signs" provided they are contained upon private property entirely. (Ord. 3139, 2016)

"Projection" means the distance by which a sign extends over public property or beyond the building.

"Public improvement" means any structure or facility constructed to serve the residents of a subdivision or development project or the general public.

"Public notice" means that way in which a government uses or is required to use to formally notify people of a proposed governmental hearing or action.

"Public safety facility" means any place and/or building, or portion thereof, whether public or non-public, that is used or is intended for housing public safety services. The term includes ambulance services, fire stations, police stations, and the like.

"Public service use or facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, transportation or utilities.

"Public view" means a point six (6) feet above the surface of the center of any adjacent public right-of-way including but not limited to avenues, streets and alleys.

"Public way" means and includes all public streets and utility easements, now and hereafter owned by the City, but only to the extent of the City's right, title, interest or authority to grant a license to occupy and use such streets and easements for telecommunications facilities.

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Q

"Quasi-public use" means a use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

R

"Railroad yard" means a place and/or building, or portion thereof, that is used or is intended for switching train cars, loading and unloading cars, and where train cars and engines are serviced and stored while not in use.

"Readily visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.

"Real estate sign" means a sign pertaining to the sale, lease or rental of land or buildings.

"Recharge" means the replenishment of underground water reserves.

"Recreation trail" means a linear path which may be dedicated to a single use or multiple uses. Examples include hiking trails, bike trails, x-country ski trails, and horse trails.

"Recreational vehicle" means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

"Recreational vehicle park" means a tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.

"Recreational vehicle space" means a designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

"Recycling center" means a place and/or building, or portion thereof, that is used or is intended for collecting and/or processing recoverable materials prior to shipment to others who use those materials to manufacture new products. Typical types of recoverable materials include glass, newspaper, metal, and plastic. The term shall not include a junk yard.

"Redevelopment" means the development of a site where the site was at one (1) time developed and has been, or will be, cleared in whole or in part, to allow new construction.

"Registered architect" means an individual licensed to practice architecture in Montana.

"Registered land surveyor" means an individual licensed to practice surveying in Montana.

"Registered landscape architect" means an individual licensed to practice landscape architecture in Montana.

"Registered professional engineer" means an individual licensed to practice engineering in Montana.

"Regulated substance" means any hazardous substance as defined in 75-10-602, MCA, or petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure. This term does not include hazardous wastes as regulated by State law.

"Related equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to cable, conduit, and connectors.

"Remainder" means that part of an original tract which is not created for transfer, but which is left after parcels are segregated for transfer. (See letter of opinion from Montana Attorney General to Robert M. McCarthy, April 22, 1987)

"Remodel" means to only change the interior and/or exterior appearance of a structure, where there is not a change in the footprint and does not constitute alteration or substantial improvement.

"Residence, accessory" means a place and/or building, or portion thereof, that is used, or is intended to provide housing, as a single-family residence for a caretaker, employee or owner of the non-residential principal use and

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the like. This residence is accessory to a non-residential principal use. (Ord. 2950, 2007; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

"Residence, condominiums" means separately owned single-family dwelling units with common elements located on property submitted to the provisions of the Montana Unit Ownership Act, Title 70, Chapter 23, MCA.

"Residence, manufactured/factory-built" means a single-family dwelling unit built in a factory in accordance with the United States Department of Housing and Urban Development code or approved by the Montana Department of Labor and Industry Building Codes Bureau.

"Residence, multi-family" means a single building situated on one (1) lot and that contains three (3) or more separate dwelling units. Entrances to the dwelling units may be separate or combined. The units may be rented or owned as in a condominium. (Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

"Residence, single-family detached" means a single building that is situated on one (1) lot, contains one (1) dwelling unit, and is not attached to any other dwelling unit by any means. The term includes factory-built homes, manufactured homes, and stick-built homes, but excludes mobile homes.

"Residence, townhouse" means a building containing multiple dwelling units where they are adjacent to one another on separate lots each having separate entrances.

"Residence, two-family" means a building or buildings that are situated on one (1) lot and that contains a total of two (2) dwelling units. (Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

"Residence, zero lot line" means a single building that is situated on one (1) lot, contains one (1) dwelling unit, and is not attached to any other dwelling unit by any means. The side wall of the building is placed directly on or very close to one (1) of the adjoining side yard property boundary lines. The term includes factory-built homes, manufactured homes, and stick-built homes, but excludes mobile homes.

"Residential zoning district" means any zoning district established by this Title that has an "R" followed by a number as its abbreviation (e.g., R-1).

"Restaurant" means a place and/or building, or portion thereof, that is used or is intended for the preparation and sale of food and beverages for consumption on or off site, and where consumption of beer, wine, or other liquors, if any, is clearly secondary and subordinate to the sale of food and beverages. The term does not include a grocery or convenience store with a food service section. Such establishments may include a drive-through window, and may or may not include on-site seating.

(Ord. 2950, 2007)

"Retirement home" means a place and/or building, or portion thereof, that is used or is intended to provide living quarters for individuals generally sixty-two (62) years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home. The term includes assisted living facilities wherein skilled or intermediate nursing care is not provided on a full time basis.

"Rezoning" See: zoning map amendment.

"Right-of-way" means that land which the Montana Department of Transportation, county, or City has title to, or right of use, for public roads and appurtenances, including utilities.

"Right-of-way" means a strip of land dedicated or acquired for public use.

"Riprap" means a structure consisting of stone and or rocks (not concrete or other cement product) that is placed along the bank or bed of a stream for the purpose of alleviating lateral bank erosion.

"Riverfront Corridor" means the area along River Drive and Giant Springs Road extending between the southern and northeastern limits of the City.

"Road" See: street.

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"Road maintenance agreement" means a written instrument recorded with the County Clerk and Recorder that defines how a private road will be maintained in perpetuity, or until such time as the City, county, or the State accepts it as a public road, and the rights and obligations of the parties to the agreement.

"Roadside farmer's market" means a place and/or building, or portion thereof, that is used or is intended for the retail sale of produce grown exclusively on the premises.

"Roof sign" means a sign attached to roof structure - including parapet, fascia and rake framing, walls and/or columns of a building so that a portion of the advertising display is at or above roof level.

"Rotating sign" means a sign or portion of a sign that revolves or rotates.

"Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

S

"Salvage material" means material or fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing. Examples include metal, rubber, textiles, rope, paper, leather, lumber, plastics, and equipment made of these.

"Sandwich board sign a.k.a. A-type sign" means a portable sign that rests on the ground and is not permanently attached to anything.

"Satellite earth station" means a telecommunication facility consisting of more than a single satellite dish smaller than ten (10) feet in diameter that transmits to and/or receives signals from an orbiting satellite.

"Screening" means a feature, such as a wall, fence, hedge, berm, or similar feature, used to shield or obscure elements of a development from adjacent sites.

"Secondhand sales" means a place and/or building, or portion thereof, that is used or is intended for retail sale of goods and merchandise which are not being sold for the first time. The term includes secondhand stores, thrift stores, consignment shops, and the like.

"Security lighting" means outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where general illumination for safety or security of the grounds is of primary concern.

"Sediment control" means any measure that prevents eroded sediment from leaving the site.

"Semi-cutoff luminaire" means a luminaire where less than five (5) percent of the lamp lumens occur above the horizontal plane and no more than twenty (20) percent of the lamp lumens occur above eighty (80) degrees.

"Setback" means a specified horizontal distance between two (2) actual or imaginary objects (e.g., property lines, ordinary high water mark, buildings, wells, septic systems, etc.)

"Sexually-oriented business" includes the following types of uses: adult arcades, adult book stores/adult video stores, adult cabarets, adult motels, and adult motion picture theaters.

"Shared parking" means one (1) or more parking spaces that, partially or entirely, meet the parking requirements of two (2) or more uses.

"Shopping center" means more than one (1) sales or service use built on a single site which is planned, developed, and managed as an operating unit and has an accumulated gross floor area exceeding thirty-five thousand (35,000) square feet on a site at least two (2) acres in size. Typical features include one (1) or more anchor tenant(s), freestanding buildings containing restaurants or other commercial uses, and on-site employee and customer parking.

"Shrub" means a self-supporting woody perennial plant that characteristically grows to a height of twelve (12) feet at maturity. It typically has multiple stems and branches continuous from the base.

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"Sidewalk café" means an outdoor dining area located upon public property, including a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.

"Sidewalk food vendor" means the sale of food and beverage from a mobile cart located on public property or within the public right-of-way.

"Sign" means a notice bearing a name, direction, warning, or advertisement that is displayed or posted for public view.

"Sign structure" means the supports, uprights, braces and framework of a sign.

"Silhouette" means a representation of the outline of a structure, especially a tower and antenna associated with a telecommunication facility, as seen from an elevation perspective.

(Ord. 2950, 2007)

"Site-built home" means a dwelling unit that is constructed on the site on which it will be located.

"Site plan" means a plan drawn to scale that shows the layout of existing and proposed features including property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses and other information as may be required.

"Small equipment rental" means a place and/or building, or portion thereof, that is used or is intended for renting small equipment and supplies that typically are stored indoors. Typical rentals include hand tools, party equipment, lawn care and yard equipment.

"Soil amendment" means organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration.

"Soil stabilization" means the use of practices that prevent exposed soil from eroding.

"Solid waste" means all putrescible and nonputrescible wastes. (Refer to: 75-10-103, MCA)

"Solid waste transfer station" means a place and/or building, or portion thereof, that is used or is intended for temporary collection of solid waste prior to transport to a processing plant or to final disposal. (Refer to: 16.14.403, ARM)

"Special event" means a promotional or community event, e.g. a bazaar, street fair, show, exhibition, sporting event or fun run.

"Special exception" See: conditional use.

"Special improvement district (SID)" means a geographic area established by a local governing body where property owners pay a special assessment to finance public improvements (e.g., sidewalks, lighting).

"Specified anatomical areas" means the male genital in the state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

"Specified sexual activity" means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in parts 1 through 3 of this definition.

"Start of construction" means the first land-disturbing activity associated with a development, including land preparation such as land clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"State" means the State of Montana.

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"Stoop" means a raised platform in front of an entrance to a building with one (1) or more steps.

"Stop work order" means an order issued by the City which requires that any activity found in violation of this Title cease.

"Storage container" means an enclosed metal container exceeding ninety (90) cubic feet that is typically used to temporarily store merchandise.

"Stormwater" means water from a rainfall event or melting snow that flows over the ground surface.

"Stormwater detention structure" means a structure designed to collect and temporarily store stormwater with subsequent gradual release.

"Stormwater management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

"Stormwater retention structure" means a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

"Stormwater retrofit" means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

"Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

"Stormwater treatment practices" means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to stormwater runoff and water bodies.

"Stream" means a natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

"Street" means a public access way within a public right-of-way or private easement.

"Structural alteration" means any change or addition to a structure that increases its external dimensions and/or increases its potential flood hazard.

"Structure" means any permanent or temporary object that is constructed, installed, or placed by man, the use of which requires a location on a parcel of land. It includes buildings of all types, bridges, instream structures, storage tanks, fences, swimming pools, towers, poles, pipelines, transmission lines, smokestacks, signs, and other objects.

"Structure ridgeline" means the line along the top of a roof or top of a structure, if it has no roof.

"Subdivider" means any person which causes land to be subdivided or which proposes a subdivision. (Source: 76-3-103(15), MCA).

"Subdivision" means a division of land or land so divided that it creates one (1) or more parcels containing less than one hundred sixty (160) acres that cannot be described as a one-quarter ($\frac{1}{4}$) aliquot part of a United States government section, 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 re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes. (Source: 76-3-103(16), MCA)

"Subdivision, major" means a subdivision not qualifying as a minor subdivision.

"Subdivision, minor" means a subdivision containing five (5) or fewer lots where proper access to all lots is provided and where no land in the subdivision will be dedicated to public use for parks or playgrounds, and the subdivision is eligible for review under 76-3-505 or 76-3-609, MCA.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) Before the improvement or

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repair is started; or (2) If the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, substantial improvement is considered to occur when the first construction to any wall, ceiling, floor, or other structural part of the building commences. The term does not include: (1) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

"Suitable fill" means material which is stable, compacted, well-graded, pervious, generally unaffected by water and frost, devoid of trash or similar foreign matter, devoid of tree stumps, or other organic material; and is fitting for the purpose of supporting the intended use of and/or permanent structure.

"Surveyor" See: registered land surveyor.

T

"Tavern" means a place and/or building, or portion thereof, that is used or is intended for retail sales of alcoholic beverages for on-site consumption and where food consumption, if any, is clearly secondary to the sale of alcoholic beverages. The term includes bars and lounges.

"Taxi cab dispatch terminal" a place and/or building, or portion thereof, that is used or is intended for dispatching taxi cabs and where taxi cabs are kept while not in use.

"Telecommunication equipment building, shelter or cabinet" means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.

(Ord. 2950, 2007)

"Telecommunication facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

"Telecommunication facility, co-located" means a telecommunication facility comprised of a single telecommunication tower or building supporting one (1) or more antennas, dishes, or similar devices owned or used by more than one (1) public or private entity.

"Telecommunication facility, commercial" means a telecommunication facility that is operated primarily for a business purpose or purposes.

"Telecommunication facility, concealed" means (1) an antenna that a casual observer would consider it a part of the structure to which it is attached or made a part of, or (2) an antennae and tower structure that is camouflaged to blend into the surroundings (e.g., camouflaged trees).

"Telecommunication facility, multiple user" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public or private entity, excluding research and development industries with antennas to serve internal uses only.

"Telecommunications facility, noncommercial" means a telecommunication facility that is operated solely for a non-business purpose.

"Telecommunication facility, unconcealed" means an antenna mounted on a tower or mounted on the ground.

"Telecommunications tower" means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one (1) or more antenna, dishes arrays, etc. shall be considered a telecommunications tower.

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"Temporary sign" means a sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plywood or other light material, with or without frames, intended for display during a limited period of time.

"Tract of record" means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's office. (Source: 76-3-103(17)(a), MCA)

"Traffic impact analysis" means a written report that documents the traffic impacts and consequences of a proposed development project. Typical components would address each of the following: (1) existing conditions, (2) on-site traffic circulation (3) impacts on public roads; and (4) recommendations/alternatives to alleviate identified impacts.

"Transit shelter sign" means an off-premise sign painted on or posted within a transit shelter.

"Tree" means a self-supporting woody plant that characteristically grows to a minimum height of fifteen (15) feet at maturity and has a trunk which can be maintained over five (5) feet of clear wood.

"Tree, protected" means a tree on public property that may be threatened with removal or damage during a construction project.

(Ord. 2950, 2007)

"Tree, significant" means a tree that is six (6) inches or larger in trunk diameter when measured at one (1) foot above the ground.

(Ord. 2950, 2007)

"Turf or turfgrass" means hybridized grasses, that when regularly mowed characteristically forms a dense growth of leaf blades and roots.

U

"Uniformity ratio" means the ratio of average illumination to minimum illumination within a given area.

"Use by right" See: land use, permitted by right.

"Utility installation" means a place, building and/or structure, or portion thereof, whether public or private, that is used or is intended for providing basic infrastructure or utility services generally having moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electrical substations, water towers and the like. It does not include public water system wells, sewer lift stations, irrigation ditches, or linear electric, communications or natural gas utilities, and the like.

"Utility runway" means runway that is constructed for and intended to be used by propeller-driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

V

"Variance" means a grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

"Vehicle fuel sales" means a place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels. The term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels, and light maintenance activities, such as engine tune-ups, lubrication, minor repairs, and the like.

"Vehicle repair" means a place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles. Typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities.

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"Vehicle sales and rental" means a place and/or building, or portion thereof, that is used or is intended for buying, selling, exchanging, taking for consignment, renting, or leasing new or used vehicles, including cars, light trucks, snowmobiles, motorcycles, all-terrain vehicles (ATVs), recreational vehicles, personal water craft.

"Vehicle services" means a place and/or building, or portion thereof, that is used or is intended for servicing vehicles where they typically are not left overnight. Examples include quick lube/oil change, car washes, tire stores, vehicle cleaning including cleaning, washing, polishing, waxing, or similar activities.

"Vehicular use area" means those areas of a lot used for vehicle circulation and parking, including loading berths, parking lots, service drives, internal roads, and the like.

"Vendor cart" means a small non-motorized vehicle equipped with all necessary appurtenances to prepare and serve a limited menu and beverages.

"Veterinary clinic" means a place and/or building, or portion thereof, that is used or is intended for the medical care of animals. A veterinary clinic may include office space, medical labs, appurtenant facilities, and kennels and/or enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, animal hospitals, and the like.

"Veterinary clinic, large animal" means a veterinary clinic that specializes in the care and treatment of large animals and livestock.

"Veterinary clinic, small animal" means a veterinary clinic that specializes in the care and treatment of small animals including dogs, cats, birds, and other small domesticated and semi-domesticated animals.

"Vicinity map" means a map that shows the location of a proposed project relative to other parcels and roads in the area.

"Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

W

"Wall sign" means a sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall. Wall signs include signs painted on awnings and the exterior walls of buildings.

"Warehouse" means a place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. The term includes moving and storage facilities. The term does not include fuel tank farms.

"Water quality volume (WQ_v)" means the storage needed to capture and treat ninety (90) percent of the average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of long term rainfall statistical data.

"Water right" means a legal right to use water that is protected under Montana law.

"Waterbody" includes rivers, streams, creeks, irrigation ditches, lakes, and ponds, both natural and man-made.

"Wind-powered electricity systems" means

"Small wind-powered electricity systems" have a rated capacity of up to and including one hundred (100) kilowatts (kW) and are incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind-powered electricity system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company as may be governed by applicable state statutes.

"Large wind-powered electricity systems" have a rated capacity of over one hundred (100) kilowatts (kW) and are intended to produce electricity for use on-site and/or sale to a rate regulated utility company or other off-site provider of electric power. Such systems may also be termed as "commercial wind-powered electricity systems".

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"Tower Height" means the vertical measurement from the base of the tower to the top of the tower itself or the tip of the highest piece of equipment attached thereto. In the case of building-mounted towers the height of the tower does not include the height of the building on which it is mounted.

"Wetland" means those ecological entities so defined by the current edition of the "Federal Manual for Identifying and Delineating Wetlands".

"Wildland fire" means an unplanned and uncontrolled fire spreading through vegetation that may also consume structures or other improvements as well.

"Window sign" means a sign affixed to a window.

"Worship facility" means a place and/or building, or portion thereof, that has tax-exempt status and that is used or is intended as a place where people can regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, rectories, and day care centers within the same structure. The term does not include, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

(Ord. 2950, 2007)

"Written or in writing" means any representation of words, letters, drawings, graphics, or pictures.

Y

"Yard" means the area on the same lot with a building, that is unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

"Yard, front" means a yard that extends across the front of a lot between the side lot lines from the front line of the building (excluding the front steps) to the front lot line.

"Yard, rear" means a yard that extends across the rear of a lot between the side lot lines from the rear line of the building (excluding steps) to the rear lot line.

"Yard, side" means a yard that extends from the side line of the building (excluding steps) to the side lot line between the front and rear yards.

"Year" means a calendar year.

Z

"Zoning district" means a geographic area as delineated on the zoning map that identifies a base zoning district.

"Zoning permit" means a permit that is issued prior to the issuance of a building permit to ensure that the proposed use is consistent with the allowable uses within the district in which it is to be located.

~~(Ord. No. 3034, §§ 2, 4, 7-21-2009; Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012; Ord. No. 3102, § 3(Attach. A), 3-5-2013)~~

17.20.3.060 Certain land uses shown as permitted may be a conditional use.

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

Exhibit 20-1. Principal Uses by District

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Agricultural Uses																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
Marijuana cultivation																		<u>C</u>	<u>P</u>	
Residential Uses																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.050
Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Retirement home	-	C	C	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	
Special Care Facilities																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	
Community residential facility, type II	C	C	C	P	P	P	-	-	-	-	-	-	C	C	-	-	-	-	-	
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	P	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	
Overnight Accommodations																				
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-	
Food and Beverage Sales																				
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	17.20.6.080
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.6.080
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	17.20.6.080
General Sales																				
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Construction materials sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P	
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Marijuana dispensary								<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>C</u>				<u>P</u>	<u>P</u>	
Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	
General Services																				

Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	17.20.6.090
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	C	C	-	P	P	-	P	P	P	P	-	-	P	-	-	
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	17.20.6.100
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	17.20.6.110
Rental and General Repair																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Vehicle Trade and Service																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	
Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-	
General Storage																				
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Climate controlled indoor storage	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Marijuana transporter																		P	P	
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P	17.20.6.130
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P	
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P	
Indoor Recreation/Sports/Entertainment																				
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	17.20.6.140
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	17.20.6.150
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-	
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-	
Outdoor Recreation/Sports/Entertainment																				
Golf course/driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-	
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Community Services/Uses																				
Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	P	-	-	
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-	17.20.6.160
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170

Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	C	-	-	-	
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	C	-	-	-	
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	C	-	-	-	
Community garden	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	C	C	17.20.6.175
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	-	P	P	-	
Worship facility	C	C	C	C	C	C	C	P	P	-	C	P	P	P	-	-	P	-	17.20.6.180
Health Care																			
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-	-
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-
Education																			
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-
Educational facility (K—12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	17.20.6.200
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	P	-	-
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-
Solid Waste, Recycling and Composting																			
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.210
Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230
Telecommunications																			
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240
Telecommunication facility																			17.20.6.250
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	C	P	P	P
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	P	P	P
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	P	P	P
Utilities																			
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	
Transportation																			
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	C	P	P	-
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	P	P	17.20.6.260
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	
Parking structure	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	P	P
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	P	P	-
Contractor Yards																			
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	P	P	17.20.6.270
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	17.20.6.280
Industrial/Manufacturing																			
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	17.20.6.290

Light manufacturing and assembly	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	17.20.6.300
Marijuana manufacturing																				<u>P</u>	
Marijuana testing laboratory																			<u>P</u>	<u>P</u>	
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.310
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

(Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3068, § 2, 4-5-2011; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012; Ord. 3166, 2017; Ord. 3221, 2020)

Exhibit 20-2. Accessory uses by district

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards	
Accessory living space	P	P	P	P	P	P	-	P	P	P	P	P	P	P	P	-	-	-	-	-	17.20.7.010
Agriculture, livestock	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	17.20.7.080
ATM, exterior	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	-	17.20.7.020
Bed and breakfast	C	C	C	C	C	C	-	C	-	-	-	P	P	P	-	-	-	-	-	-	17.20.7.030
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	17.20.7.040
Gaming, accessory	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	P	P	P	-	17.20.7.050
Garage, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	-	17.20.7.060
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	17.20.7.070
Private stable/barn	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	17.20.7.080
Residence, accessory	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	-	17.20.7.085
Roadside farmer's market	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.7.090
Storage containers	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	-	17.20.7.100
Wind-powered electricity systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	17.20.7.110

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

{Ord. No. 3034, § 1, 7-21-2009; Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012}

Exhibit 20-3. Temporary uses by district (see 17.20.8.010 for Special Standards)

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Garage sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.8.015
Itinerant outdoor sales	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	C	C	-	17.20.8.020
On-site construction office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.8.030
On-site real estate sales office	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	-	-	-	-	17.20.8.040
Outdoor entertainment, temporary	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	P	P	
Sidewalk café	-	-	-	-	-	-	-	P	P	-	P	P	P	P	C	C	-	-	-	17.20.8.050
Sidewalk food vendor	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	17.20.8.060

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

{Ord. No. 3056, § 1, 8-17-2010; Ord. 3221, 2020}

17.20.3.070 Prohibited land uses.

No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law, **except for land uses relating to activities licensed by the Montana Department of Revenue under the Montana Marijuana Regulation and Taxation Act and identified as allowed in 17.20.3.010 and its accompanying exhibits.**

{Ord. No. 3054, § 1, 6-1-2010}