



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
August 17, 2021
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. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, August 17, 2021, 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-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

PETITIONS AND COMMUNICATIONS

1. 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

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Appointment and Reappointments to the Board of Adjustment/Appeals.
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 3, 2021, City Commission Meeting.
7. Total Expenditures of \$2,168,536 for the period of July 17, 2021 through August 4, 2021, to include claims over \$25,000, in the amount of \$1,189,745.
8. Contracts List.
9. Grants List.
10. Approve the purchase of water meter equipment for the 2022 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$230,000.
11. Approve a final payment for the Fox Farm 20-inch and Southwest Side Water Main Replacements to United Materials of Great Falls, Inc. in the amount of \$24,132.09, and \$243.76 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
12. Approve a final payment for the Lower Northside Water Main Replacement and Street Reconstruction to United Materials of Great Falls, Inc., in the amount of \$114,764.52, and \$1,159.24 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
13. Approve Change Order No. 1 in the amount of \$32,056.00 and the Final Payment for the Historic Preservation of the 10th Street Bridge, Ph. 3, a project fully funded by Preservation Cascade, in the amount of \$36,723.07 to Dave Kuglin Construction, and \$370.94 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments.

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

PUBLIC HEARINGS

14. Annexation of property addressed as 2249 Upper River Road and establishment of R-2 Single-family Medium Density zoning as requested by property owner Bryan Hicks. *(Presented by Craig Raymond)*
 - I. Resolution 10422, to annex Tract No. 2 of COS 2660 and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast as legally described in the Staff Report, the Annexation Agreement, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant. *Action: Conduct a joint public hearing and adopt or deny Resolution 10422.*
 - II. Ordinance 3231, to assign R-2 Single-family Medium Density zoning for Tract No. 2 of COS 2660 as legally described in the Staff Report and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant. *Action: Adopt or deny Ordinance 3231.*

15. Resolution 10423, to approve a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South. *Action: Conduct a public hearing and adopt or deny Res. 10423. (Presented by Craig Raymond)*

16. Resolution 10426, to establish Fees for the Mansfield Center for the Performing Arts at the Civic Center. *Action: Conduct a public hearing and adopt or deny Res. 10426. (Presented by Owen Grubenhoff)*

OLD BUSINESS

NEW BUSINESS

17. Subsequent Minor Subdivision – Rivers Edge Dental Minor Subdivision addressed as 1900 River Dr N. *Action: Approve or deny the Amended Plat of the Minor Subdivision, as legally described in the Staff report, and the accompanying Findings of Fact. (Presented by Craig Raymond)*

18. Indoor Aquatics & Recreation Center Water Main Relocation. *Action: Award or not award a contract in the amount of \$136,860 to Trenchless Solutions and authorize the City Manager to execute or not execute the construction contract documents. (Presented by Steve Herrig)*

ORDINANCES / RESOLUTIONS

19. Resolution 10412, Annual Tax Levy. *Action: Adopt or deny Res. 10412. (Presented by Melissa Kinzler)*

20. Ordinance 3232, Amending Title 17, Chapter 20, of the Official Code of the City of Great Falls (OCCGF) pertaining to Garage and Accessory Structures. *Action: Accept or not accept Ord. 3232 on first reading and set or not set a public hearing for September 7, 2021. (Presented by Craig Raymond)*

21. Ordinance 3230, Amending Title 10 of the Official Code of the City of Great Falls (OCCGF) to Prohibit the Long-Term Parking and/or Storage of Recreational Vehicles, Utility Trailers or Vessels in Residential Districts. *Action: Accept or not accept Ord. 3230 on first reading and set or not set a public hearing for September 7, 2021. (Presented by Jeff Hindoién)*

CITY COMMISSION

22. Miscellaneous reports and announcements from the City Commission.

23. 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.



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Appointment and Reappointments to the Board of Adjustment/Appeals.

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member and reappoint two members to the Board of Adjustment/Appeals.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (appoint/not appoint) Antoinette Collins to a partial three-year term through September 30, 2023 and (reappoint/not reappoint) Joe McMillen and Aspen Northerner to the Board of Adjustment/Appeals for three-year terms through September 30, 2024.”

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

Summary:

Jule Stuver was appointed to the Board of Adjustment and Appeals in October 2014 and served two full terms. Mr. Stuver's term was set to expire on September 30, 2020 but he remained on the board until a successor could be appointed. Staff began advertising for the vacancy during the summer of 2020 through the City's Website and local media. The City received an application from Antoinette Collins on April 9, 2021.

Joe McMillen and Aspen Northerner were appointed for three-year terms from October 1, 2018 through September 30, 2021 and both are interested and eligible to serve another term.

Board Recommendation:

During their Meeting on August 5, 2021 the Board of Adjustment and Appeals recommended the appointment of Ms. Collins and reappointments of Mr. McMillen and Ms. Northerner.

Background:

The Board of Adjustment and Appeals consists of five members appointed by the City Commission. The Board hears and decides appeals regarding zoning, housing, and building codes and ordinances; hears and decides, requests for variances from standards set forth in zoning ordinances; hears and decides all other matters referred to the Board regarding zoning, housing, and building ordinances. Members serve three-year terms and, pursuant to the Official Code of the City of Great Falls, must reside within the City limits.

The International Building Code requires the Board of Adjustment’s membership to be qualified by experience and training to pass on matters pertaining to building construction. The International Mechanical Code requires the Board of Adjustment’s membership to include registered design professionals with structural engineering, electrical engineering, and architectural experience.

Members of this board are:

| | Terms |
|------------------|---|
| Joe McMillen | 10/2/18 – 9/30/21 (seeking reappointment) |
| Aspen Northerner | 10/2/18 – 9/30/21 (seeking reappointment) |
| Christian Stone | 11/17/20 – 9/30/23 |
| Krista Smith | 9/15/15 – 9/30/22 |
| Jule Stuver | 10/7/14 – 9/30/20 (termed) |

Citizen interested in serving on the Board:

Antoinette Collins

Alternatives:

The Commission could choose not to appoint Ms. Collins and not reappoint Mr. McMillen and Ms. Northerner and advertise to seek other citizen interest.

Attachments:

Application from Antoinette Collins



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

RECEIVED
APR 9 2021
CITY MANAGER

Agenda #3.

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

Board/Commission Applying For: Board of Adjustments / Appeals Date of Application: 4-8-2021

Name: Antoinette Collins

Home Address: 1213 26th Ave NE Email address: Antoinette@lifestylerealstatefirm.com

Home Phone: 406-952-0210 Work Phone: 406-452-1445 Cell Phone: 406-799-5502

Occupation: Realtor / Salon owner Employer: Self

Would your work schedule conflict with meeting dates? Yes No (If yes, please explain)

Related experiences or background:

Educational Background: I am a Realtor and would be interested to know more of building code & ordinances
Highest Assoc. in Accounting

IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:

Previous and current service activities:
NA

Previous and current public experience (elective or appointive):
NA

Membership in other community organizations:
YWCA - Board Member

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

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

Have you ever served on a City or County board? Yes No If yes, what board and when did you serve?

Are you currently serving on a Board? Yes No If yes, which board?

YWCA Board

Please describe your interest in serving on this board/commission?

Very interested in knowing about codes & ordinances as a Realtor. I believe it can be vital knowledge for my clients.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?

My husband + I designed and had our own home built and builder did share with us some protocols about homebuilding

Additional comments:

Signature

Antonette Collins

Date:

4/8/2021

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

Return this form to:

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

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net

JOURNAL OF COMMISSION PROCEEDINGS
August 3, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. Also present were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; City Attorney Sara Sexe; and, Police Chief Jeff Newton.

Public participation is welcome as follows:

- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, August 3, 2021, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. 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-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.
- 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 cable channel 190, or online at <https://greatfallsmt.net/livestream>.

AGENDA APPROVAL: City Manager Greg Doyon reported that the Montana Air National Guard was unable to provide a briefing due to actively fighting fires. 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 MONTANA AIR NATIONAL GUARD (MANG).

Due to the Montana Guard Bureau's involvement in fighting fires, Colonel Trace Thomas was unable to attend this evening to provide an update.

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PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Joan Redeen, Business Improvement District, presented the Downtown Safety Alliance Safety Plan 2021 and Achievements. She encouraged attendance at the Downtown Safety Alliance meetings held at 9:00 AM on the first Tuesday of every month at 509 1st Avenue South.

A copy of the updated Safety Plan will be provided to the Crime Task Force.

Rae Grulkowski, Stockett, commented that she has met more people that have no idea about the National Heritage Area (NHA), and asked that the Commission take its time and consideration of any establishment or engagement in that project. She reported that she has not received any response from the corporation to her July 21st letter. She is hoping to engage in community meetings, stating that less than 2% of the population have any idea about this NHA. She concluded that without the opportunities to educate citizens she thinks there is some nefarious reasons to establish a heritage area.

John Hubbard, City resident, commented that infrastructure taxes have been paid. He discussed a personal situation that occurred with his granddaughter while working at Walmart and another incident involving his daughter and items being held at the Police Department.

Kim Gloege, City resident, commented it would be a good idea to have a meeting to discuss the pros and cons of the NHA.

Marc Bumgarner, Belt, as a property owner he was curious why the NHA wasn't more publicized so more people know about it. He couldn't believe a prior commissioner would push something like this on other people's property. He is against the NHA and hopes the Commission will give it more time to let people speak out and learn more about it.

NEIGHBORHOOD COUNCILS

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 updated the Commission on the following:

Aim High Big Sky Recreation Center (OF 1770):

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- The design is almost entirely complete.
- Bid documents are being prepared with a list of alternatives.
- Bids are due tomorrow for relocating the water main that runs through the park. Award of that project by the Commission will be the commencement date for the project.
- The drawings are almost completed for the facility and will be submitted to Planning and Community Development. The City plans to move forward with bid solicitation for the construction in late August, with March for the project start date. The Office of Local Defense Community Cooperation (OLDCC) concurs, and doesn't have a concern with the City starting facility construction in the spring. This may work out more favorably as the supply chain is a little challenged at the moment and material costs are higher. A little bit of a delay will be more helpful in terms of giving potential bidding companies an option to lay out their construction schedule for next year under a more favorable timeframe. OLDCC further concurred with a modified completion date from July 2023 to March 2024.
- There was a delay with regard to financing and some other processes because there was a pending complaint against how the City secured professional services for the grant. Mr. Faccenda alleged that the City violated 2 CFR Part 200. Manager Doyon received a copy of a letter sent to Mr. Faccenda today that basically said OLDCC, upon their investigation, found that there were no violations of the procurement guidelines. Those complaints were found not to exist and the City can now move forward with the financing.

Great Falls Fire Rescue advises that it is going through another ISO (Insurance Services Office) review. That is the entity the insurance companies use to rate, validate and provide insurance quotes to the public with regard to how the City meets certain requirements for fire services and medical services. Basically, they verify how well equipped the department is to respond to fires or emergency calls and use that information to determine insurance rates. As part of their determination, they will also look at the water distribution system, dispatch services, the time frames responding to alarms, and training. He will let the Commission know when the evaluation is complete.

Great Falls Police Department held a promotional ceremony today for Doug Otto, promoted to Captain; Tony Munkers, promoted to Lieutenant; Katie Cunningham, promoted to Sergeant; Dereck Mahlum, promoted to Sergeant; and Josh Gardner, promoted to Sergeant.

CourseCo will be providing its payment in the approximate amount of \$264,000 with regard to their operations at the golf courses. Staff is happy with the way they operate the courses and the success that they have had in their ability to generate revenue that has allowed us to pay on the debt that is owed to the general fund. Other capital obligations will need to go back into the facility.

Mayor Kelly inquired the amount of monies spent to defend Mr. Faccenda's complaints.

Manager Doyon responded that, because Sara Sexe was part of the procurement process, she was conflicted out. The City retained outside counsel to provide guidance and a response to OLDCC's

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general counsel. The first bill was \$7,000-\$8,000. Mr. Faccenda modified his complaint in the midst of the first complaint, which we had to process again. He is anticipating a \$12,000 - \$14,000 bill to address the complaint that was made.

Manager Doyon left the meeting at 7:26 PM.

CONSENT AGENDA.

6. Minutes, July 20, 2021, City Commission Meeting.
7. Total Expenditures of \$2,844,884 for the period of June 27, 2021 through July 21, 2021, to include claims over \$25,000, in the amount of \$2,201,168.
8. Contracts List.
9. Grants List.
10. Approve a Professional Services Agreement in the amount \$135,598.50 to Great West Engineering Inc., for the Central Ave / 3rd St Drainage Improvements project, and authorize the City Manager to execute the agreement documents. **OF 1779**
11. Approve the purchase of one new Elgin Whirlwind vacuum sweeper from Titan Machinery of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$302,251.16, including shipping.
12. Approve the Final Payment for Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain in the amount of \$31,681.98 to MRTE, Inc., and \$320.02 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments. **OF 1658.1**
13. Set a public hearing on Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center for August 17, 2021.

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

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

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14. RESOLUTION 10415, TO LEVY AND ASSESS THE GENERAL BOULEVARD MAINTENANCE 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. The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is reflected in the Fiscal Year 2022 Budget. No assessment increase has been proposed for FY 22 to aid in the economic recovery from Covid-19.

The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is \$405,892, and will result in an approximate assessment of \$85.85 for an average size lot of 7,500 square feet.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10415.

John Hubbard, City resident, commented that last year he raked leaves on two lots that were neglected to be picked up. He suggested a decrease in the assessment.

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

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10415.

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

Commissioner Tryon inquired if there was an issue with leaf collection last year.

Park and Recreation Director Steve Herrig responded that there could have been a delay in schedules, due to early snowfall. When snow covers the leaves or the snow melts and freezes, staff can no longer pick the leaves up. There was not an increase in the boulevard district last year as well.

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

Motion carried 5-0.

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15. RESOLUTION 10416, 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 to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department.

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

The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1,500,000 annually. Fiscal Year 2022 is year four of the assessment. The annual assessment is based on the taxable value of each parcel within the District for a total of \$1,500,000 district-wide. The Fiscal Year 2022 Adopted Budget includes a debt service payment of approximately \$725,443 from the Park District Fund for the issuance of \$10.0 million in bonds that will be the grant match for building a new recreation and aquatics center. This leaves approximately \$774,000 available for other Park District projects.

Based on last year's valuations, the estimated annual assessment for a \$100,000 market value property would be \$25.64.

Mayor Kelly asked if the Commission members had any questions.

Mayor Kelly asked what assumptions were used for the debt service payment anticipated for the \$10 million.

Director Kinzler believes it was 17 years at about 4% or less.

Commissioner Tryon commented that there is a possibility of going over budget on building the aquatic center and inquired if money to pay for that could come out of the park assessment.

Director Kinzler and Deputy City Manager Chuck Anderson responded that would be something that would be brought to the Commission for consideration.

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Commissioner Tryon inquired how future programming would be subsidized if it were more than assumed.

Deputy Manager Anderson responded that is part of the business plan staff is working on with the consultant for the project itself and the recreation center on how programming will cover expenses.

Director Herrig commented that it is correct that programming operations cannot come out of the park district. Currently, a small subsidy from the general fund is received for recreation and aquatics. The goal is to maintain the programming level within that subsidy along with new revenue streams. The consultant is looking at all of that.

Commissioner Tryon inquired what projects were proposed for the \$774,000 that is available.

Director Herrig commented that the projects were listed during the budget process this year – pavilion roof replacement, outdoor fitness equipment, padding at Gibson Park, sport courts, irrigation upgrades, work at the disk golf course at Warden Park, River's Edge Trail improvements, tree replacement and turf maintenance, as well as annual forestry staff, park laborer, seasonal laborers, and forestry and parks ERS replacement schedule.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10416.

John Hubbard, City resident, opposed the assessment.

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

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10416.

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 10417, 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.

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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.

Adoption of Resolution 10417 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

The estimated assessment amount for the Special Improvement Lighting District Funds for the next fiscal year is \$1,111,842. The total assessment amount reflects an aggregate 1.0% decrease from the prior fiscal year.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10417.

John Hubbard, City resident, spoke in favor of the decrease in this assessment.

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

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10417.

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

Motion carried 5-0.

17. RESOLUTION 10418, 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, aerification labor, and tree pruning, which was part of the original Planned Unit Development. No assessment increase is proposed for FY22 to aid in the economic recovery from Covid-19.

Adoption of Resolution 10418 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 for the Portage Meadows Maintenance District No. 1135 for the next fiscal year is the amount reflected in the Fiscal Year 2022 Budget that equates to a total of \$65,252, and will result in an annual assessment of approximately \$348.90 for an average lot of 4,501 square feet.

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Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10418.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10418.

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

Commissioner Houck commented that this was a unique, successful partnership model.

Motion carried 5-0.

18. RESOLUTION 10419, TO LEVY AND ASSESS THE STREET MAINTENANCE DISTRICT.

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.

During the budget process, information is gathered regarding the actual and anticipated expenses of the Street District Fund. Future capital projects are reviewed and the street maintenance assessment for the next fiscal year is discussed. No assessment increase is proposed for FY22 to aid in the economic recovery from Covid-19. The last assessment increase was in 2016.

Adoption of Resolution 10419 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 \$110.75 for an average size lot of 7,500 square feet.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10419.

John Hubbard, City resident, spoke in favor of Resolution 10419, fixing potholes and replacing his damaged sanitation container.

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

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10419.

JOURNAL OF COMMISSION PROCEEDINGS
August 3, 2021

Motion carried 5-0.

19. **RESOLUTION 10421, TO AMEND RESOLUTION 10096 TO MODIFY THE EXISTING CONDITIONAL USE PERMIT (CUP) FOR HELENA AGRI-ENTERPRISES, LLC AT 6201 18TH AVE N TO ALLOW THE PERIODIC STORAGE OF ANHYDROUS AMMONIA (NH₃) ONSITE IN ORDER TO MANUFACTURE AMMONIUM POLYPHOSPHATE (APP).**

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

Planning and Community Development Director Craig Raymond reported that this item is a public hearing to consider Resolution 10421 amending Resolution 10096 which granted a Conditional Use Permit to Helena Chemical to construct and operate a business that handles hazardous substances on property addressed as 6201 & 6301 18th Avenue North.

The applicant, Helena Agri-Enterprises, LLC (Helena Chemical), is a national fertilizer company that has been in operation since 1957 and has been established in Great Falls at AgriTech Park on Lot 3A since 2016. Helena Agri-Enterprises, LLC receives large quantities of dry and liquid fertilizer from rail and truck, then will mix, blend, repackage, store, and redistribute large quantities of fertilizer to farmers across Montana. The type of product redistributed depends on the specific need from each individual farmer.

During the 2015 CUP review process, Staff identified two chemicals as not being permitted to be brought into the facility, ammonium nitrate and anhydrous ammonia. The caution at the time was related to the flammable nature of these chemicals. However, Staff has recently been contacted by the applicant requesting that the CUP be modified to allow anhydrous ammonia because of the need to supply ammonium polyphosphate to local farmers. The amendment requested will allow Helena Chemical to periodically store anhydrous ammonia onsite in order to manufacture ammonium polyphosphate. The proposed process would include importing material on trucks to be staged at the facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished ammonium polyphosphate and will use all the anhydrous ammonia stored in the trucks in approximately twenty-four hours. The rail trucks will be connected to the vessels and attached to the blending unit by hose. The ammonia will be discharged from the unit by hose to existing plumbing and tanks. At this point, Helena Chemical anticipates the blending operation will be needed two times per calendar year. That being said, the approval of the CUP does not restrict how many times per year the mixing operation can take place.

Staff from various departments, including Fire Rescue, have reviewed the proposal and find that this amendment is a reasonable modification of the 2015 CUP. The Staff recommendation is based on the ongoing efforts that Helena Agri-Enterprises, LLC has taken over the years to ensure safety in their chemical handling processes. Additionally, the specific process proposed minimizes risk because the anhydrous ammonia is connected directly from its transport container to the on-site mixing tank.

JOURNAL OF COMMISSION PROCEEDINGS
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Finally, subsequent to the last meeting in which the Commission set the public hearing, staff has been working with Helena Chemical to address specific questions or concerns that the Commission mentioned. Additional information has been added to the staff report that addresses those questions. Additionally, representatives from Helena Chemical are present this evening to answer any other questions or to clarify the operations and safety process. Staff recommends that the Commission approve the CUP to operate a business handling hazardous substances at the AgriTech Industrial Park.

Mayor Kelly asked if the Commission members had any questions.

In response to Mayor Kelly, Director Raymond reported that Malmstrom Air Force Base has not said anything regarding this process.

Mayor Kelly inquired if Great Falls Fire Rescue would be alerted when the trucks bring in the product.

Fire Chief Jeremy Jones responded that a heads up when the process is going to take place would be good. With the processes the company has in place, their impeccable safety record, and the products that are being used, he isn't too concerned. In the event there was a release, due to the location of the facility, it will go away from immediate danger to life and health of the public. There is a hazmat team to mitigate those type of situations if they arise. Having the product come in twice a year to this facility is not going to impede or be any more dangerous than any given day in the community.

Applicant, **Gareth Davis**, Project Manager for Helena Chemical, reported that APP is one of the basic materials that they supply to local farmers and retailers that supply to farmers. There are three major components to growing crops, macronutrients, nitrogen phosphorus and potassium. This particular product provides nitrogen and phosphorus all in one product. Because of Covid and other challenges in the supply chain they have brought in APP finished by rail car. With the supply chain issues, they have found an issue trying to get that product to their customers in a timely manner.

With the region being mainly dry land farming, obviously fertilizing crops is very critical because you're depending on mother nature to provide that water to grow your crops. This will give them another option to supply that material and will still supplement through the year with whatever finished product they could get as well. From the standpoint of the cost effectiveness and the logistics of scheduling the railcars, the trucks, and the contractor to do it, they anticipate this process two times a year. Rail wouldn't be an option at this current moment, but they want to keep that in the proposal in case BNSF upgrades their systems to allow the receiving of anhydrous cars.

Project Manager Davis concluded that the company will communicate with and provide notification to the Fire Department regarding this process.

Mayor Kelly asked if there were any questions from the Commissioners.

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August 3, 2021

Commissioner Moe inquired if the company has done this particular operation in other states and if they have ever had an accident.

Project Manager Davis responded they have not had an accident at this point in time. This year they have done over 30 portable processes of blending APP. They have a couple locations that have permanent anhydrous tanks on site that are supplemented by delivery trucks, and they have a stationary unit that uses NH₃ and a stationary acid tank.

Commissioner Moe commented that there was mention that a potentially affected area was Giant Springs State Park. She inquired if they have been contacted.

Director Raymond responded that he is unaware at this time if the park was directly contacted. The general notification for public hearings is those within 150 feet of the property.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10421.

Brett Doney, Great Falls Development Authority, commented that this company has been a wonderful partner in the Agri-Tech Park. This type of business is the reason for industrial parks. The detention pond on-site is a safety feature for all park tenants. This company is the service center for the Golden Triangle and provides an important service to farmers.

John Hubbard, City resident, asked if there would be security on-site to prevent the product from being stolen to make meth.

Paige Turoski, City resident, commented that the product is a basic chemical and is stored as a liquid only under immense pressure. Thieves would have to have a way to steal a giant tanker and have the right hookups in order to be able to transfer the product. Even when mixed with water it is something that is just irritating to the eyes and lungs and is not a hazardous material. She urged the Commission to support the proposal.

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

In response to Mr. Hubbard's inquiry, Police Chief Jeff Newton commented that, due to legislative changes and other precursors for making methamphetamine, he is not seeing people siphoning off anhydrous ammonia to manufacture methamphetamine anymore.

Branch Manager of Helena Chemical, **Brooks Hammel**, added that, as far as anhydrous ammonia security, it will never be left alone due to their process and is a non-issue at this point in time.

Branch Manager Hammel commented that they have been working on this for a long time. It takes more than just one approval, including a corporate audit, an EPA registration number, as well as approval from the Montana Department of Agriculture, the Neighborhood Council, and now the City Commission for final approval. They appreciate the City of Great Falls and enjoyed how they have been treated in Great Falls.

Mayor Kelly asked the will of the Commission.

JOURNAL OF COMMISSION PROCEEDINGS
August 3, 2021

Commissioner Robinson moved, seconded by Commissioners Houck and Tryon, that the City Commission adopt Resolution 10421 to amend Resolution 10096 to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Avenue North and the accompanying Findings of Fact/Basis of Decision.

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

Commissioner Tryon appreciated staff's concise, thorough report that addressed the Commission's concerns from the last meeting. He also expressed appreciation to Helena Chemical and what they do. This additional component to what they do is important to the ag community.

Commissioner Houck was impressed with the impeccable safety record, and appreciated the time it took to obtain all the other permit approvals. She concluded that it speaks volumes to how they plan to do their operations.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Robinson noted that he has had problems in the last week with a couple of fires and had to evacuate to different places. He expressed appreciation to all of the people who have reached out to him and for the support of this community.

21. COMMISSION INITIATIVES.

In summary response to comments about the Big Sky Country National Heritage Area (BSCNHA) or NHA:

Commissioner Houck commented that the City Commission is not the governing body and the commenters are not City residents. She took exception to some comments made about lack of notice and NHA board members receiving money. For fairness to both sides of the issue and for clarification, she suggested a work session or consideration of a resolution.

Commissioner Tryon agreed this matter should be brought up at some point for Commission discussion. He doesn't think it's right for the City of Great Falls to advocate for a private corporation and use the resources and platforms of City boards to promote or advocate for the BSCNHA that goes beyond the City Commission's jurisdiction. He suggested the Commission adopt a resolution and go on record as being neutral in this matter, to amend the portion of the 2013 Growth Policy that mentions a NHA, and to look at the various City boards that have subcommittees dedicated to BSCNHA.

JOURNAL OF COMMISSION PROCEEDINGS
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Commissioner Moe commented that the planning process in place allows for concerns to be addressed about growth in a systematic and comprehensive way. She would rather the long overdue Growth Policy be revisited rather than picking at parts of it. The NHA comments boil down to one central complaint that private property rights, particularly in the agricultural section, will be impinged upon. She suggested the most helpful action would be for the Commission to ask the City Attorney to pose that question specifically to the National Park Service, and then see this go through the usual process for growth policies.

Mayor Kelly expressed appreciation that Rae Grulkowski reached out to another organization to find out some clarity and wished her luck. He expressed concern about the role of the Commission and being a facilitator for a community conversation on something that is really out of the Commission's wheelhouse. This is a federal decision that will be made by the delegates in Washington DC. A prior Commission has offered support to the idea at a time when it wasn't a controversial topic and was really a tourist designation. He agreed that it makes more sense to ask a few direct questions to people that have direct responses and credibility to issue those responses. He also pointed out that in the near future there's an election and possibility of three new seats that have a different opinion on how to go about with what they perceive as their jurisdiction or not. They may also have input along with the community on what goes into the Growth Policy. As far as putting forth a resolution to become neutral, Mayor Kelly suggested Commissioner Tryon was welcome to gather the support of the Commissioners if he wishes to do that. In the meantime, this Commission will continue to welcome people who come here to speak on issues that concern them and our community. In order for the Commission to have a formal discussion on this matter, it needs to be on an agenda. This item is not on the agenda.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of August 3, 2021, at 8:40 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: August 17, 2021



Commission Meeting Date: August 17, 2021
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 22, 2021 - AUGUST 4, 2021 | 561,165.03 |
| ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS | JULY 22, 2021 - AUGUST 4, 2021 | 1,542,819.09 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR | JULY 17, 2021 - JULY 30, 2021 | 64,552.14 |
| TOTAL: \$ | | <u>2,168,536.26</u> |

SPECIAL REVENUE FUND

STREET DISTRICT

GREAT FALLS SAND AND GRAVEL TYPE B ASPHALT & TYPE C ASPHALT 36,999.27

LIBRARY

MT STATE LIBRARY MONTANA SHARED CATALOG AND SHOUTBOMB SERVICE 25,500.00

LIBRARY FOUNDATION

ENVISIONWARE INC. RFID PROJECT - 1ST PAYMENT 26,755.10

ENTERPRISE FUNDS

WATER

CENTRAL EXCAVATION SOUTHSIDE WATER MAIN REPLACEMENT 180,865.54
 THATCHER CO OF MONTANA 2021-22 ALUM 54,670.78

SEWER

VEOLIA WATER NORTH AMERICA MONTHLY WWTP OPERATION CONTRACT 258,218.10

INTERNAL SERVICES FUND

CENTRAL GARAGE

BISON MOTOR CO 1/TON 4X4 PICKUP DRUG TASK FORCE UNIT #1 30,279.10

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

| | | |
|---------------------|---------------------------------|-----------|
| CITY OF GREAT FALLS | FINES & FORFEITURES COLLECTIONS | 52,472.18 |
|---------------------|---------------------------------|-----------|

PAYROLL CLEARING

| | | |
|-------------------------------|---|------------|
| STATE TREASURER | MONTANA TAXES | 49,985.00 |
| FIREFIGHTER RETIREMENT | FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 51,567.46 |
| STATEWIDE POLICE RESERVE FUND | POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 67,833.78 |
| PUBLIC EMPLOYEE RETIREMENT | PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 133,765.89 |
| US BANK | FEDERAL TAXES, FICA & MEDICARE | 220,832.30 |

CLAIMS OVER \$25000 TOTAL: \$ 1,189,744.50

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: August 17, 2021

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

PRESENTED BY: Darcy Dea, Deputy City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

| | DEPARTMENT | OTHER PARTY (PERSON OR ENTITY) | PERIOD | AMOUNT | PURPOSE |
|---|----------------------------------|--------------------------------|---|---|--|
| A | Planning & Community Development | SRD Properties LLP | Ten years, with successive one year renewals unless terminated or superseded by | Developer shall pay all costs associated with necessary approvals and permits necessary to complete the | Assumption Agreement to construct a new building on the property located at 1221 & 1225 10 th Avenue South for a coffee shop and future tenant And |

| | | | | | |
|----------|------------------------------|---|-------------------------|--|--|
| | | Montana Department of Transportation | a new agreement | work in the public right-of-way | City/State Memorandum of Agreement 10 th Avenue South/N-60, Great Falls, setting forth the respective responsibilities associated with the installation and maintenance of sidewalk, curb and gutter, and landscaping and irrigation equipment within the 10 th Avenue South/N-60 right-of-way project |
| B | Public Works/ Engineering | NeighborWorks Great Falls | 08/17/2021 | \$61,000 | Ratification of Buy-Sell Agreement (Land) – 2001 21 st Avenue South (Meriwether Crossing S18 T20N R04E Blk 1 Lot 1 Plat 2019-35 (CR: Per ¶17 Improvement Agreement for Meriwether Crossing Major Subdivision approved by the Commission 101618.14) OF 1729.1 |
| C | Park and Recreation | Missouri River Trucking and Excavating, Inc. (MRTE) | 08/17/2021-06/30/2022 | \$50,505 | Public Works Construction Agreement to install Americans with Disability Act (ADA) sidewalks at the following parks: Dudley-Anderson, Lions, Meadowlark, North Kiwanis, Noah’s Ark, Valley View, Verde, Pinski and Gibson OF 1778 |
| D | Great Falls Fire Rescue | US Department of Homeland Security | 08/02/2021 – 08/01/2023 | \$49,993.26 (\$45,448.42 - grant award and \$4,544.84 match) | FY 2020 Assistance to Firefighters Grant Agreement No. EMW-2020-FG-17860 for exercise equipment for the wellness and fitness programs |

| | | | | | |
|-----------------|--------------------------------------|--|--------------------------------|------------|---|
| <p>E</p> | <p>Great Falls Police Department</p> | <p>Michael Baker International, Inc.</p> | <p>09/01/2021 – 06/30/2022</p> | <p>N/A</p> | <p>Professional Services Agreement Amendment No. 1 extends the term of the agreement to provide additional time for Consultant and Datamark team to complete the final Task 6 pertaining to the NG9-1-1 public safety GIS layers maintenance (CR 090120.10)</p> |
|-----------------|--------------------------------------|--|--------------------------------|------------|---|

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: August 17, 2021

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: Darcy Dea, Deputy 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 | CITY MATCH | PURPOSE |
|----------|-------------------------------|---|------------------------|---------------------------------------|-------------------|--|
| A | Great Falls Police Department | U.S. Department of Justice | 10/01/2021 – 9/30/2024 | \$42,435 | N/A | Edward Byrne Memorial Justice Assistance Grant (JAG) Application FY 2021 Package 13429418 for Interview Recording Equipment and Body Cameras |



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Water Meter Equipment Purchases for Fiscal Year 2022

From: Mike Judge, Utilities System Manager

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Approve Purchases

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the purchase of water meter equipment for the 2022 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$230,000.”

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

Staff Recommendation: Staff recommends that the City Commission approve the purchase of water meter equipment.

Background:

Significant Impacts

There are approximately 22,000 water meters within the City Water Distribution System. We have replaced the majority of our smaller meters that were not compatible with our radio read system. We are now working on replacing our larger meters (2” to 8”) and installing MXUs (radio read equipment) on the remaining meters. Currently, there are approximately 8,209 radio reads installed in the city.

Purpose

The purpose of this annual purchase is to continue replacing manual read meters with the MXU system to make meter reading safer, more accurate, more efficient, and to comply with Lead Free regulatory standards.

Project Work Scope

In Fiscal Year 2021, staff purchased \$235,000 worth of radio read equipment, new meters, meter parts and installation equipment from Ferguson Enterprises, Inc.

In Fiscal Year 2022, staff proposes to purchase radio read equipment, new meters, meter parts and installation equipment from Ferguson Enterprises, Inc. totaling approximately \$230,000.

Our plan for the upcoming 2 to 3 years is to replace the approximately fifty 2” and larger meters in our system that are incompatible with our remote read system. Currently, to read each of the manual read meters, City staff must enter every property and manually read the numbers off the meter. Manually reading the meter introduces an opportunity for inaccurate readings, and entering private property is a potential safety hazard and a time consuming process, as well as inconvenient for the property owner.

Finally, EPA has changed the definition of “Lead Free” from 8.0% to 0.25% of lead in brass. The majority of our meters are brass, which means when they need maintenance (stuck, broken, etc.), we are not allowed to rebuild them. We must install a new 0.25% “Lead Free” meter or an “I-Perl” meter (composite/plastic material).

Evaluation and Selection Process

Ferguson Enterprises, Inc. is the sole distributor of compatible parts and equipment for the City’s metering system. Due to compatibility issues with different equipment, supplies and suppliers, staff proposes to continue to purchase equipment from Ferguson.

Fiscal Impact: Water meter equipment and supply purchases are programmed and budgeted on an annual basis in the Public Works Water Distribution Division fund.

Alternatives: The City Commission could vote to deny the purchases.



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Construction Final Pay : Fox Farm 20-inch and Southwest Side Water Main Replacements, O. F. 1494.9

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) Final Payment for the Fox Farm 20-inch and Southwest Side Water Main Replacements to United Materials of Great Falls, Inc. in the amount of \$24,132.09, and \$243.76 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”
2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Approve final payment request.

Summary:

Two bids were received and opened for this project on January 20, 2021. Bids ranged from \$470,850.00 to \$653,515.00. United Materials submitted the low bid of \$470,850.00. The City Commission awarded the contract to United Materials on February 2, 2021.

Background:

The project was necessary to replace water mains that have been failing with increasing frequency, causing damage to property, roadways, disrupting traffic and water service to local residents and businesses. The work in Fox Farm Road needed to be completed this year prior to a Montana Department of Transportation’s mill and over lay project scheduled for spring of 2022.

This project replaced 830 lineal feet of existing 8-inch cast iron water main and 470 lineal feet of 20-inch cast iron pipe with 8-inch and 20-inch PVC pipe, replace 3 fire hydrants; 8 water service connections; 610 square yards of gravel; and 508 square yards of asphalt pavement. Project locations included;

- Fox Farm Road from approximately Alder Drive to 18th Avenue Southwest.

- 16th Street Southwest from approximately 5th Avenue Southwest to 3rd Avenue Southwest.
- 13th Street Southwest from 7th Avenue Southwest to 8th Avenue Southwest

Fiscal Impact:

The project has been programmed and prioritized as a needed capital improvement and is funded through the Water Utility Enterprise Fund.

The final project cost is \$411,517.02 which is \$59,332.98 less than the total contract amount. The lack of miscellaneous work, minimal type II bedding, and import material contributed the lower final contract amount.

Alternatives:

The City Commission could vote to deny approval of the final payment and request staff to further investigate if this project is ready for final payment.

Attachments/Exhibits:

Final Pay

Project location maps

APPLICATION FOR PAYMENT NO. FINAL

To: City of Great Falls (OWNER)
From: United Materials of Great Falls, Inc. (CONTRACTOR)
Contract: Fox Farm 20-Inch and Southwest Side Water Main Replacement, O. F. 1494.9
Project: Water Main Replacement/Street Reconstruction
OWNER's Contract No. _____ ENGINEER's Project No. PW352101
For Work accomplished through the date of: August 4, 2021

| | | | |
|-----|--|----|-------------------|
| 1. | Original Contract Price: | \$ | <u>470,850.00</u> |
| 2. | Net change by Change Orders and Written Amendments (+ or -): | \$ | <u>0.00</u> |
| 3. | Current Contract Price (1 plus 2): | \$ | <u>470,850.00</u> |
| 4. | Total completed \$ _____ and stored \$ _____ to date: | \$ | <u>411,517.02</u> |
| 5. | Retainage (per Agreement): | | |
| | <u>0</u> % of Completed Work: \$ <u>0.00</u> | | |
| | <u>0</u> % of stored material: \$ <u>0.00</u> | | |
| | Total Retainage: | \$ | <u>0.00</u> |
| 6. | Total completed and stored to date less retainage (4 minus 5): | \$ | <u>411,517.02</u> |
| 7. | Less previous Applications for Payments: | \$ | <u>387,141.17</u> |
| 8. | Gross Amount Due this application: (6 minus 7): | \$ | <u>24,375.85</u> |
| 9. | Less 1% State Gross Receipts Tax: | \$ | <u>243.76</u> |
| 10. | DUE THIS APPLICATION (8 MINUS 9): | \$ | <u>24,132.09</u> |

Accompanying Documentation:

CONTRACTOR's Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through FINAL inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 8/4/2021

United Materials of Great Falls, Inc.
CONTRACTOR

By: [Signature]

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated August 4, 2021

City of Great Falls
ENGINEER

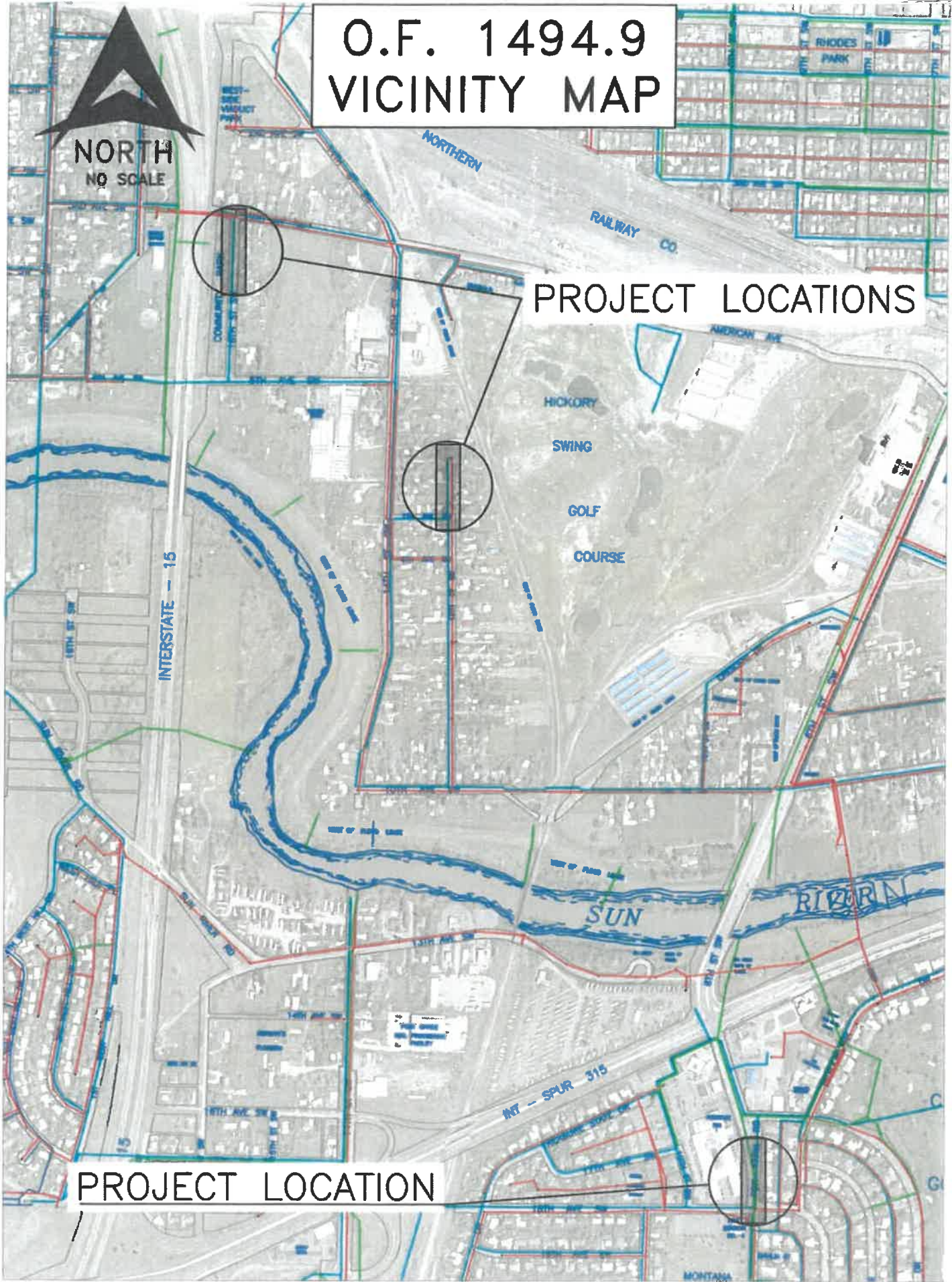
By: [Signature]

EJCDC No. 1910-8-E (1996 Edition)
Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.

O.F. 1494.9 VICINITY MAP



PROJECT LOCATIONS



PROJECT LOCATION



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Construction Final Pay : Lower Northside Water Main Replacement and Street Reconstruction, O. F. 1467.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion: Approve final payment request.

1. Commissioner moves:

“I move the City Commission (approve/not approve) Final Payment for the Lower Northside Water Main Replacement and Street Reconstruction to United Materials of Great Falls, Inc., in the amount of \$114,764.52, and \$1,159.24 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve final payment request.

Summary:

Two bids were received and opened for this project on June 3, 2020. Bids ranged from \$2,481,170.00 to \$2,942,205.78. United Materials submitted the low bid of \$2,481,170.00. The City Commission awarded the contract to United Materials on June 16, 2020.

Background:

The project was necessary to replace water mains installed in the early 1980's and were failing with more frequency and at the same time rebuild the roadways.

This project replaced 3,760 lineal feet of existing cast iron water main pipe with 8-inch and 12-inch PVC pipe located on 5th and 6th Avenues North from Park Drive to 7th Street and on 7th Street from 5th Avenue North to 6th Avenue North. The water main replacement included eight new fire hydrants and 104 water service connections.

Street reconstruction was done on 5th and 6th Avenues North from Park Drive to 7th Street and included: 30 new ADA compliant handicap ramps at the intersections, 6,800 lineal feet of new curb and gutter, 7,400 square feet of sidewalk, 19 new storm drain inlets, and 14,900 square yards of asphalt road.

Fiscal Impact:

The project had multiple funding sources. The water main replacement portion is funded through the Water Capital Improvement Fund; storm drain work is funded through the Storm Capital Improvement Fund; and street reconstruction is funded through the Street Capital Improvement Fund along with \$764,381.03 from the Bridge and Road Safety and Accountability Act (BaRSAA) Fuel Tax revenue funding.

The final project cost is \$2,318,475.27 which is \$162,694.73 less than the total contract amount. The lack of miscellaneous work, minimal type II bedding, and import material contributed the lower final contract amount.

Alternatives:

The City Commission could vote to deny approval of the final payment.

Attachments/Exhibits:

Final Pay

Project location map

APPLICATION FOR PAYMENT NO. FINAL

To: City of Great Falls (OWNER)
From: United Materials of Great Falls, Inc. (CONTRACTOR)
Contract: Lower Northside Water Main Replacement & Street Reconstruction (BaRSA), O. F. 1467
Project: Water Main Replacement/Street Reconstruction
OWNER's Contract No. _____ ENGINEER's Project No. PW352001
For Work accomplished through the date of: July 28, 2021

| | | | |
|-----|--|----|---------------------|
| 1. | Original Contract Price: | \$ | <u>2,481,170.00</u> |
| 2. | Net change by Change Orders and Written Amendments (+ or -): | \$ | <u>0.00</u> |
| 3. | Current Contract Price (1 plus 2): | \$ | <u>2,481,170.00</u> |
| 4. | Total completed \$ _____ and stored \$ _____ to date: | \$ | <u>2,318,475.27</u> |
| 5. | Retainage (per Agreement):0 | | |
| | <u>0</u> % of Completed Work: \$ <u>0.00</u> | | |
| | <u>0</u> % of stored material: \$ <u>0.00</u> | | |
| | Total Retainage: | \$ | <u>0.00</u> |
| 6. | Total completed and stored to date less retainage (4 minus 5): | \$ | <u>2,318,475.27</u> |
| 7. | Less previous Applications for Payments: | \$ | <u>2,202,551.51</u> |
| 8. | Gross Amount Due this application: (6 minus 7): | \$ | <u>115,923.76</u> |
| 9. | Less 1% State Gross Receipts Tax: | \$ | <u>1,159.24</u> |
| 10. | DUE THIS APPLICATION (8 MINUS 9): | \$ | <u>114,764.52</u> |

Accompanying Documentation:

CONTRACTOR's Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through FINAL inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated July 29, 2021 _____ United Materials of Great Falls, Inc.
CONTRACTOR
By: Jeremy Saul

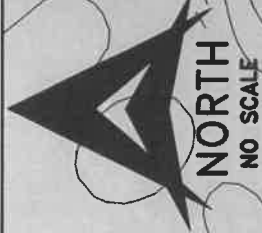
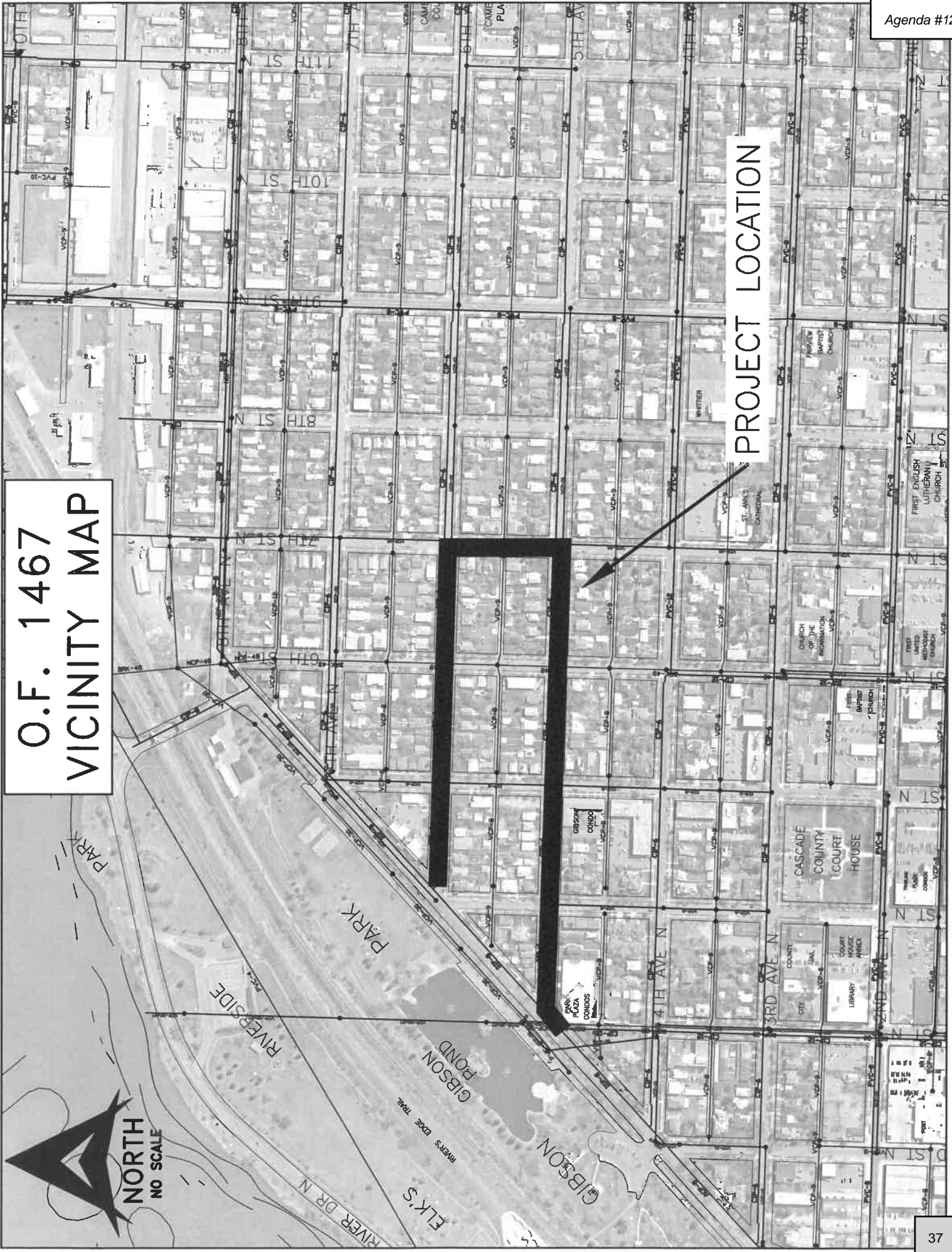
Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated July 29, 2021 _____ City of Great Falls
ENGINEER
By: Richard Johnson

EJCDC No. 1910-8-E (1996 Edition)
Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.

O.F. 1467 VICINITY MAP

PROJECT LOCATION





Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Approve Change Order No. 1 and Final Payment: Historic Preservation of the 10th Street Bridge, Ph. 3, O.F. 1709.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Consider and Approve Change Order #1 and Final Payment

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) Change Order No. 1 in the amount of \$32,056.00 and the Final Payment for the Historic Preservation of the 10th Street Bridge, Ph. 3 in the amount of \$36,723.07 to Dave Kuglin Construction, and \$370.94 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments.”

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

Staff Recommendation: Approve Change Order No. 1 and Final Payment.

Summary:

This project is a continuation of a series of projects to convert the Historic 10th Street Bridge to a pedestrian facility that will become an integral part of the River’s Edge Trail system.

Background:

Significant Impacts:

This project and subsequent projects have a positive impact on the community by providing a river crossing on the main urban loop of the River’s Edge Trail that is separated from the heavy traffic flow of the newer Eagle Falls Bridge.

Citizen Participation:

The Bridge Advisory Group and Preservation Cascade have both been involved throughout the scoping, design and construction of this phase of improvements to the Historic 10th Street Bridge.

Workload Impacts:

Design phase engineering and plans and specifications were completed by Lee Ebeling Engineering under contract with Preservation Cascade. Lee Ebeling provided construction phase engineering services and project inspection. City Engineering provided contract administration.

Purpose:

This Change Order accounts for the additional steel rods for the balusters and repairs to the structural issues discovered during the installation of the curb section. The addition of the rods and structural repairs were necessary to ensure that the compliance with safety standards and structural building codes.

Project Work Scope:

Work performed under this contract included the following: Installation of precast railings complete with baluster sections identical to those placed on the north span of the bridge. These railing sections have been placed over the top of the existing main arches.

Final Payment:

The original contract was awarded on December 3, 2019 in the amount of \$355,895.00. The final project cost is \$387,951.00 which is \$32,056.00 more than the amount that was originally awarded and approved.

Conclusion:

This project and subsequent projects have a positive impact on the community by providing a river crossing on the main urban loop of the River's Edge Trail that is separated from the heavy traffic flow of the newer Eagle Falls Bridge. City staff recommends approving Change Order No. 1 and making the Final Payment. City staff verified that Dave Kuglin Construction has completed all work and punch list items in accordance with the plans and contract. The two year warranty period started at the time of substantial completion which was June 1, 2021.

Fiscal Impact:

The attached document summarizes the costs associated with this Change Order. No City funding has been programmed or used for this project, except staff time for project administration. Funding for the project was provided by Preservation Cascade.

Alternatives:

The City Commission could vote to deny approval of the change order and final payment. This action could result in legal action being taken against the City of Great Falls.

Concurrences:

City Engineering staff and Preservation Cascade Bridge Working Group recommends authorization of Change order No. 1 and making the Final Payment.

Attachments/Exhibits:

Change Order No. 1 and Work Change Directives 1,2,3,4
Final Pay documents
Vicinity Map

Change Order

No. ONE

Date of Issuance: June 23, 2021

Effective Date: May 20, 2020

| | | |
|---|-----------------------------------|---|
| Project: Historic Preservation of the 10th Street Bridge – Phase 3 | Owner: City of Great Falls | Owner's Contract No.: O. F. 1709.1 |
| Contract: Historic Preservation of the 10th Street Bridge – Phase 3 Office File 1709.1 | | Date of Contract: December 3, 2019 |
| Contractor: David Kuglin Construction | | Engineer's Project No.: PW392003 |

The Contract Documents are modified as follows upon execution of this Change Order:
 Description: Increase in Contract Price by \$32,056.00. Of which is provided for in the Work Change Directives noted on the attached sheets. Contractor shall be paid the \$32,056.00 that is agreed upon in writing through e-mail and only after all of the existing Contingency Allowance has been spent. This Change Order does not include the increase in Contract Time.

Attachments: (List documents supporting change):

- Work Change Directives 1 through 4

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 355,895.00

[Increase] [Decrease] from previously approved Change

Orders No. 0 to No. 0 :

\$ 0.00

Contract Price prior to this Change Order:

\$ 355,895.00

[Increase] [Decrease] of this Change Order:

\$ +32,056.00

Contract Price incorporating this Change Order:

\$ 387,951.00

CHANGE IN CONTRACT TIMES:

Original Contract Times:

Working days Calendar days

Substantial completion (days or date): 0

Ready for final payment (days or date): 0

[Increase] [Decrease] from previously approved Change Orders

No. 0 to No. 0 :

Substantial completion (days): + 0

Ready for final payment (days): TBA

Contract Times prior to this Change Order:

Substantial completion (days or date): 0

Ready for final payment (days or date): _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 0

Ready for final payment (days or date): 0

Contract Times with all approved Change Orders:

Substantial completion (days or date): 0

Ready for final payment (days or date): 0

RECOMMENDED:
 By: Russell Bowen
 Engineer (Authorized Signature)

Date: 6/23/2021

Approved by Funding Agency (if applicable): _____

ACCEPTED:
 By: [Signature]
 Owner (Authorized Signature)

Date: 6-23-2021

ACCEPTED:
 By: [Signature]
 Contractor (Authorized Signature)

Date: 6/24/21

Date: _____

Change Order

Instructions

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directives must be incorporated into a sub sequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

Work Change Directive

No. 1

Date of Issuance: January 30, 2020 Effective Date: January 30, 2020

| | | |
|---|-----------------------------------|--|
| Project: Historic Preservation of the 10th Street Bridge – Phase 3 | Owner: City of Great Falls | Owner's Contract No.: OF 1709.1 |
| Contract: Historic Preservation of the 10th Street Bridge – Phase 3 Office File 1709.1 | | Date of Contract: December 03, 2019 |
| Contractor: David Kuglin Construction | | Engineer's Project No.: PW392003 |

The contractor is directed to proceed promptly with the following change(s):

- Insert 5/16-inch stainless steel rods into 22 existing precast baluster sections.

Measurement and Payment for stainless steel rods shall be paid for at the unit price of \$13.50 each, which includes; drilling anchor holes into baluster sections, furnishing and placing stainless steel rods, and all work necessary to complete this task.

Attachments (list documents supporting change):

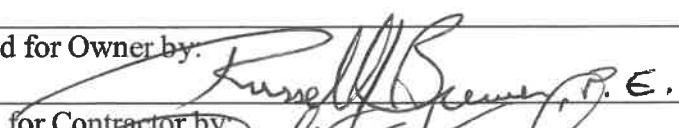
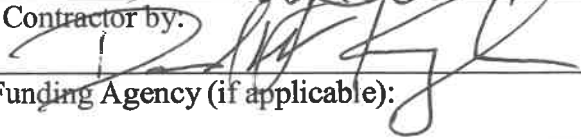
Purpose for Work Change Directive: *The proposed change is necessary to ensure that the existing balusters are in compliance with structural building codes.*

Authorization for Work described herein to proceed on the basis of Cost of the Work due to:

- Nonagreement on pricing of proposed change. N/A
- Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time. N/A

Estimated change in Contract Price and Contract Times:

Contract Price \$ 0.00 (increase/decrease) Contract Time NA (increase/decrease)

| | |
|---|-----------------------|
| Recommended for Approval by Engineer: | Date |
| Authorized for Owner by:  | Date <u>1/27/2020</u> |
| Approved for Contractor by:  | Date <u>1-27-2020</u> |
| Received by Funding Agency (if applicable): | Date: |

Work Change Directive

No. 2

Date of Issuance: April 10, 2020 Effective Date: April 01, 2020

| | | |
|---|-----------------------------------|--|
| Project: Historic Preservation of the 10th Street Bridge – Phase 3 | Owner: City of Great Falls | Owner's Contract No.: OF 1709.9 |
| Contract: Historic Preservation of the 10th Street Bridge – Phase 3 Office File 1709.1 | | Date of Contract: December 03, 2019 |
| Contractor: David Kuglin Construction | | Engineer's Project No.: PW392003 |

The contractor is directed to proceed promptly with the following change(s):
 Request a work change directive be executed for additional work required on the east side cast in place curb at or near the second arch apex counting from the north. Work will include adding additional #6 and #8 rebar and 1 cubic yard of concrete to reinforce the curb at the specified location. The cost for the additional work will be \$588.00.

Attachments (list documents supporting change): Contractors e-mail invoice

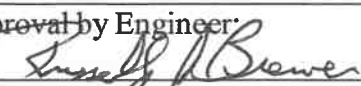
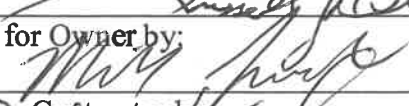
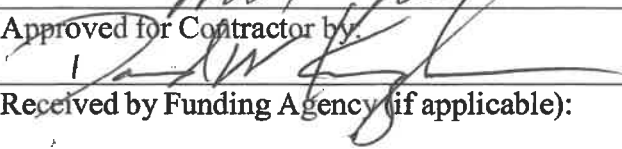
Purpose for Work Change Directive: *The proposed change is necessary to ensure that the existing balusters are in compliance with structural building codes.*

Authorization for Work described herein to proceed on the basis of Cost of the Work due to:

- Nonagreement on pricing of proposed change. N/A
- Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time. N/A

Estimated change in Contract Price and Contract Times:

Contract Price \$ 588.00 (increase/decrease) Contract Time NA (increase/decrease)

| | |
|--|-------------------------|
| Recommended for Approval by Engineer:  | Date <u>4/9/2020</u> |
| Authorized for Owner by:  | Date <u>4-9-20</u> |
| Approved for Contractor by:  | Date <u>4-9-2020</u> |
| Received by Funding Agency (if applicable): | Date: |

Russell Brewer

From: DAVID KUGLIN <dkuglin@aol.com>
Sent: Wednesday, April 8, 2020 6:22 AM
To: Russell Brewer
Subject: Re: Historic Preservation of the 10th St. Bridge

Request a work change directive be executed for additional work required on the east side cast in place curb at or near the second arch apex counting from the north.

Cost breakdown:

Labor 4hours @\$56.25 \$224
 Formwork Materials 32
 Reinforcing 3 #6 \$ 1 #8 rebar 62
 Concrete 1 cy 152
 Subtotal \$470
 10%profit & 15%overhead 118
 Total \$588

Respectfully,
 David W Kuglin

On Apr 4, 2020, at 8:46 AM, Russell Brewer wrote:

----- Forwarded message -----

From: Lee Ebeling
Date: Apr 3, 2020 9:00 PM
Subject: Re: Historic Preservation of the 10th St. Bridge
To: Russell Brewer
Cc:

No slope is necessary.

On Apr 1, 2020, at 11:10 AM, Russell Brewer <rbrewer@greatfallsmt.net> wrote:

Lee,
 Can you answer Dave's question.
 Thanks
 Russ

From: DAVID KUGLIN <dkuglin@aol.com>
Sent: Wednesday, April 1, 2020 11:08 AM
To: Russell Brewer <rbrewer@greatfallsmt.net>
Subject: Re: Historic Preservation of the 10th St. Bridge

Russ,
 World ConcreteProducts has asked if it's acceptable to cast the top rails using the base rail forms (no slope). Miguel says if slope is mandatory, they typically shim the top rail on the top of the ballisters to create a 1/4" slope. They are of the opinion that no slope is necessary but if its more slope than 1/4" that it is excessive.

Work Change Directive No. 3

Date of Issuance: May 27, 2020

Effective Date: May 12, 2020

| | | |
|---|---|---|
| Project: Historic Preservation of the 10th Street Bridge – Phase 3 | Owner: City of Great Falls | Owner's Contract No.: OF 1709.9 |
| Contract: Historic Preservation of the 10th Street Bridge – Phase 3 Office File 1709.1 | Date of Contract: December 03, 2019 | |
| Contractor: David Kuglin Construction | Engineer's Project No.: PW392003 | |

The contractor is directed to proceed promptly with the following change(s):
Request a work change directive for compensation for restoring a considerably deteriorated section at the apex of the west side 7th arch measuring from the north end of the bridge. It was specifically at the overhang side adjacent to the cast-in-place curb.

| | |
|----------------------------|-----------------|
| 6 hours labor @\$56.25 | \$337.50 |
| Rebar 3 pcs. #6 & 1 pc. #8 | \$48.00 |
| Formwork | \$74.00 |
| Concrete 1.5 cy. | \$228.50 |
| Subtotal | \$668.00 |
| 15%overhead & 10% profit | \$167.00 |
| Total | \$835.00 |

Attachments (list documents supporting change): Contractors e-mail invoice

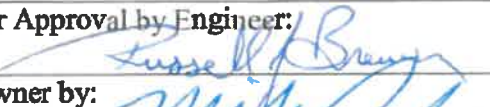
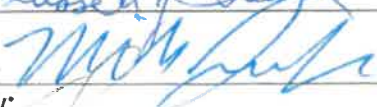

Purpose for Work Change Directive: *The proposed change is necessary to provide structural integrity for curb at the deteriorated section..*

Authorization for Work described herein to proceed on the basis of Cost of the Work due to:

- Nonagreement on pricing of proposed change. N/A
- Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time. N/A

Estimated change in Contract Price and Contract Times:

Contract Price \$ 835.00 (increase/decrease) Contract Time NA (increase/decrease)

| | |
|--|--------------------------|
| Recommended for Approval by Engineer:  | Date <u>5/27/2020</u> |
| Authorized for Owner by:  | Date <u>5-29-20</u> |
| Approved for Contractor by:  | Date <u>5-27-2020</u> |
| Received by Funding Agency (if applicable): | Date: |

Russell Brewer

From: DAVID KUGLIN <dkuglin@aol.com>
Sent: Tuesday, May 12, 2020 11:28 AM
To: Russell Brewer
Subject: Re: Historic Preservation of the 10th St. Bridge

Request a work change directive for compensation for restoring a consirably deteriorated section at the apex of the west side 7th arch measuring from the north end of th bridge. It was specifically at the overhang side adjacent to the cast-in-place curb.

6 hours labor @\$56.25 \$337.50

Rebar 3 pcs. #6 & 1 pc. #8 48

Formwork 74

Concrete 1.5 cy. 228.50

Subtotal \$668.00

15%overhead & 10% profit 167.00

Total \$835.00

Respectfully,
David W Kuglin

On Apr 8, 2020, at 2:46 PM, DAVID KUGLIN wrote:

To date, we've installed 580' of cast in place curb and 198 stainless steel rods. Request payment for these items.

Respectfully,
David W Kuglin

Sent from my iPhone

On Apr 8, 2020, at 8:57 AM, Russell Brewer wrote:

Lee / Mike,

I'm not sure who is responsible for approving payments for additional work required to complete.

The contractor is requesting payment for the additional work needed to complete the curb section for the railing installation.

Please let me know what your thoughts are.

Thanks

Russell Brewer, P.E.

Senior Civil Engineer

P.O. Box 5021

1025 25th Ave NE

Great Falls, MT 59403

Phone 406-455-8129

Fax 406-771-0700

Work Change Directive

No. 4

Date of Issuance: October 12, 2020

Effective Date: May 12, 2020

| | | |
|---|-----------------------------------|--|
| Project: Historic Preservation of the 10th Street Bridge – Phase 3 | Owner: City of Great Falls | Owner's Contract No.: OF 1709.1 |
| Contract: Historic Preservation of the 10th Street Bridge – Phase 3 Office File 1709.1 | | Date of Contract: December 03, 2019 |
| Contractor: David Kuglin Construction | | Engineer's Project No.: PW392003 |

The contractor is directed to proceed promptly with the following change(s):
 Request a work change directive for compensation for the cast in place curb ending up 15+” thick rather than 11” thick due to when the asphalt and honey-combed steel reinforcing was removed 4-5” of deteriorated concrete deck came out as well. The asphalt patch has been averaging 7-8” thick instead of 3” thick more than doubling the anticipated quantity. Add to that additional quantity extra width on the West side of the west side due to differing elevations of the overhang and the deck.

Materials:

| | | |
|------------------------|--------|---------|
| Concrete 40cubic yards | @\$135 | \$5,400 |
| Rebar 33 pcs. #4x20 | @\$8 | \$ 264 |
| Asphalt 38 tons | @\$125 | \$4,750 |

Equipment:

| | | |
|-----------------------|-------|---------|
| Skid steer 15 hrs. | @\$70 | \$ 630 |
| Mini excavator 15hrs. | @\$80 | \$1,200 |
| Dump truck 5 hrs. | @\$80 | \$ 400 |

Labor:

| | | |
|-----------------------|----------|----------|
| Operator 30 hrs. | @\$60.12 | \$1,804 |
| Cement worker 80 hrs. | @\$56.25 | \$4,500 |
| Supervision 40 hrs. | @\$75 | \$3,000 |
| Subtotal | | \$22,368 |
| 15% Overhead. | | \$3,355 |
| 10% Profit. | | \$2,237 |
| Total | | \$27,960 |

Attachments (list documents supporting change): Contractors e-mail invoice



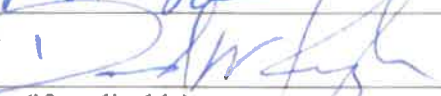
Purpose for Work Change Directive: *The proposed change is necessary to address additional work necessary to address unknown structural issues not accounted for during installation of the curb section.*

Authorization for Work described herein to proceed on the basis of Cost of the Work due to:

- Nonagreement on pricing of proposed change. N/A
- Necessity to expedite Work described herein prior to agreeing to changes on Contract Price and Contract Time. N/A

Estimated change in Contract Price and Contract Times:

Contract Price \$ 27,960.00 (increase/decrease) Contract Time NA (increase/decrease)

| | |
|--|------------|
| Recommended for Approval by Engineer: | Date |
|  | 10/21/2020 |
| Authorized for Owner by: | Date |
|  | 11/20/2020 |
| Approved for Contractor by: | Date |
|  | 10/21/2020 |
| Received by Funding Agency (if applicable): | Date: |

Russell Brewer

From: DAVID KUGLIN <dkuglin@aol.com>
Sent: Sunday, October 11, 2020 11:46 AM
To: Russell Brewer
Subject: Re: Historic Preservation of the 10th St. Bridge

Hi Russ, Request a work change directive for compensation for the cast in place curb ending up 15+” thick rather than 11” thick due to when the asphalt and honey-combed steel reinforcing was removed 4-5” of deteriorated concrete deck came out as well. The asphalt patch has been averaging 7-8” thick instead of 3” thick more than doubling the anticipated quantity. Add to that additional quantity extra width on the West side of the west side due to differing elevations of the overhang and the deck.

Materials:

Concrete 40cubic yards @\$135=\$5400

Rebar 33 pcs. #4x20' @\$8=\$264

Asphalt 38 tons@\$125=\$4750

Equipment:

Skid steer 15 hrs. @\$70=\$630

Miniexcavator 15hrs. @\$80=\$1200

Dump truck 5 hrs. @\$80=400

Labor:

Operator 30 hrs. @\$60.12=\$1804

Cement worker 80 hrs. @\$56.25=\$4500

Supervision 40 hrs. @\$75=\$3000

Subtotal \$22368

15% Overhead. \$3355

10% Profit. \$2237

Total \$27960

Respectfully,

David W Kuglin

On Apr 8, 2020, at 11:29 AM, Russell Brewer wrote:

Dave,

See Lee's response below.

Russ

From: Lee Ebeling

Sent: Wednesday, April 8, 2020 11:17 AM

To: Russell Brewer

Subject: Re: Historic Preservation of the 10th St. Bridge

We approved of progress payments in the contract documents. The contractor is to submit a progress payment request which could also include the costs of the precast elements delivered to the job site. The engineer would then approve the progress payment and submit it to the City for processing. Please tell Dave Kuglin to submit a progress payment request and I will review it and then submit it to the City for processing. If there is additional work required that was not in the original contract, then the engineer will review it and then submit it for final processing. The contractor is aware that the funds are limited so the net deliverables will be adjusted accordingly.

APPLICATION FOR PAYMENT NO. FINAL

To: City of Great Falls (OWNER)
From: David Kuglin Construction (CONTRACTOR)
Contract: Historic Preservation of the 10th Street Bridge Phase 3, O. F. 1709.1
Project: Curb and Baluster Installation
OWNER's Contract No. _____ ENGINEER's Project No. PW 392003
For Work accomplished through the date of: May 30, 2021

| | | | |
|-----|--|----|-----------------------------|
| 1. | Original Contract Price: | \$ | <u>355,895.00</u> |
| 2. | Net change by Change Orders and Written Amendments (+ or -): | \$ | <u>32,056.00</u> |
| 3. | Current Contract Price (1 plus 2): | \$ | <u>387,951.00</u> |
| 4. | Total completed and stored to date: | \$ | <u>387,951.00</u> |
| 5. | Retainage (per Agreement): | | |
| | <u>0</u> % of Completed Work: \$ 0.00 | | |
| | <u>0</u> % of stored material: \$ <u>0.00</u> | | |
| | Total Retainage: | \$ | <u> </u> |
| 6. | Total completed and stored to date less retainage (4 minus 5): | \$ | <u>387,951.00</u> |
| 7. | Less previous Applications for Payments: | \$ | <u>350,856.99</u> |
| 8. | Gross Amount Due this application: (6 minus 7): | \$ | <u>37,094.01</u> |
| 9. | Less 1% State Gross Receipts Tax: | \$ | <u>370.94</u> |
| 10. | DUE THIS APPLICATION (8 MINUS 9): | \$ | <u>36,723.07</u> |

Accompanying Documentation:

CONTRACTOR's Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1-Final inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated _____ David Kuglin Construction
CONTRACTOR

By: _____

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated _____ City of Great Falls
ENGINEER

By: _____

EJCDC No. 1910-8-E (1996 Edition)
Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. **Modified by the City of Great Falls to add items 9 and 10.**

Historic Preservation of the 10th St Bridge O.F.1709.1





Commission Meeting Date: August 17, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

- Item:** Public Hearing – Annexation of Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast; and establishment of R-2 Single-family Medium Density zoning.
- From:** Lonnie Hill, Planner I, Planning and Community Development
- Initiated By:** Bryan Hicks, Owner
- Presented By:** Craig Raymond, Director, Planning and Community Development
- Action Requested:** City Commission adopt Resolution 10422, adopt Ordinance 3231, and approve the Annexation Agreement
-

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: "I move that the City Commission (adopt/deny) Resolution 10422 to annex Tract No. 2 of COS 2660 and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast as legally described in the Staff Report, the Annexation Agreement, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant."

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

And;

II. "I move that the City Commission (adopt/deny) Ordinance 3231 to assign R-2 Single-family Medium Density zoning for Tract No. 2 of COS 2660 as legally described in the Staff Report and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant."

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

Staff Recommendation:

The Zoning Commission recommended the City Commission approve the annexation and establishment of R-2 zoning of the subject property at the conclusion of a public hearing held on June 22, 2021. Staff also recommends approval of the applicant's petition for annexation and the proposed R-2 zoning request, subject to the fulfillment of the following Conditions of Approval:

Conditions of Approval for Annexation and Establishment of Zoning:

1. **General Code Compliance.** Any future development of the property 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 applicant shall abide by the terms and conditions as well as pay all fees specified in the attached Annexation Agreement for the Subject Property. The Annexation Agreement must be signed by the applicant and recorded at the Cascade County Clerk and Recorder.
3. **Land Use & Zoning.** Development of the property shall be consistent with the allowed uses and specific development standards of the R-2 Single-family Medium Density zoning district.

Summary:

The owner of the property legally described above and addressed as 2249 Upper River Road submitted an annexation by petition application on April 21, 2021 for the purpose of connecting his existing single-family residence to City water and sewer utilities. The applicant has requested R-2 Single-family Medium Density zoning for the property.

This property is located in Phase 5 of the Upper/Lower River Road Water and Sewer District (ULRRWSD). This is one of five Service Districts created to improve water quality, resolve public health issues, remove sources of groundwater contamination in the area, and improve the tax base of the community. Previously, Service Districts 1, 2, most of 3, and 4 were wholly annexed into the City. District 5 is next in line to be annexed at an undetermined date. Although the District received funding and installed water and sewer mains within the Phase 5 area, the City has not received enough petitions to move forward with a district annexation. Instead, individual property owners have petitioned for annexation over the last several years.

Background:**Annexation Request:**

The annexation request is for an existing residential property that is approximately 0.24 acres in area. The property is not contiguous to City limits. However, with the annexation of Upper River Road from the subject property to the existing City limit boundary to the southeast, the annexation would create the contiguity required to meet State and local requirements. Water and sewer mains were extended to the subject property as part of the ULRRWSD project several years ago, with the intention of each property connecting to these mains as they annex. Water and sewer stub outs were constructed to the property line at the time of the construction of the mains. If the property is annexed, the applicant will connect to these stub outs for water and sewer service for the existing residence. The basis for decision for an annexation by petition request is listed in OCCGF § 17.16.7.050. The decision of the City Commission shall at a minimum consider the criteria which are attached as *Findings of Fact/Basis of Decision – Annexation by Petition*.

Establishment of Zoning Request:

Tract No. 2 is 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. This zoning district is also compatible the zoning for existing lots located in the nearby Grandview Addition as well as lots previously annexed into the Phase 5 Service District. 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 decision of the 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 property is located adjacent to Neighborhood Council #6. Staff provided information to the Neighborhood Council before their regularly scheduled May 5th meeting. Staff attended the May 5th meeting to present and answer questions about the ULRRWSD and informed the Council if they wanted to make a formal recommendation the item would need to be added to the agenda of their next scheduled meeting. Council Members decided to break for summer and forgo a formal vote on the project as they saw it unnecessary after questions had been answered and no issues were raised specific to this request.

Fiscal Impact:

Water and sewer service will be provided by the City, and the cost of the connection improvements will be borne by the applicant per the agreed upon terms of the attached Annexation Agreement. The annexation will add one lot within the city which will increase the City's tax base and increase revenue.

Alternatives:

The City Commission could recommend denial of the annexation and zoning map amendment request. For these actions, the City Commission must provide separate Findings of Fact/Basis of Decision for denial of the annexation and establishment of zoning.

Concurrences:

Representatives from the City's Public Works and Legal Departments have been involved throughout the review and approval process for this project, and will continue to participate throughout the permit approval process. Both Engineering and Environmental Divisions of Public Works and the Legal Department have collaborated on the submitted Annexation Agreement.

Attachments/Exhibits:

- Findings Of Fact/Basis of Decision – Annexation
- Resolution 10422
- Resolution 10422 Exhibit A
- Findings Of Fact/Basis of Decision – Zoning Map Amendment
- Ordinance 3231
- Ordinance 3231 Exhibit A
- Zoning Map
- Project Narrative
- Allowable Uses by District
- Lot Area and Dimensional Standards
- Annexation Agreement

FINDINGS OF FACT/BASIS OF DECISION – ANNEXATION

Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast.

PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in the Official Code of the City of Great Falls § 17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of the City Commission shall at a minimum consider the following criteria:

1. The subject property is contiguous to the existing City limits.

The subject property is not contiguous to the existing City limits. However, with the annexation of Upper River Road from the subject property to the exiting City limit boundary to the southeast, the annexation would create the contiguity required to meet State and local requirements. This property is part of Phase 5 of the Upper/Lower River Road Water and Sewer District (ULRRWSD). Previously, Service Districts 1, 2, most of 3, and 4 were annexed into the City. District 5 is next in line to be annexed at an undetermined date. The City has not received enough petitions to move forward with a district annexation. Instead, individual property owners have petitioned for annexation. Staff recommends that the annexation of both the Subject Property and the adjoining right-of-way are appropriate to achieve the goals of the ULRRWSD.

2. The proposed annexation is consistent with the City's growth policy.

The proposed annexation is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is supported by the following Social and Physical portions of the Growth Policy:

- 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 4.3.11 – Consider the following annexation incentives for water and sewer hook-ups so as to lessen the cost of improvements - Assistance through grant monies.

3. The proposed annexation is consistent with applicable neighborhood plans, if any.

The subject property is located adjacent to Neighborhood Council #6. There is no adopted neighborhood plan for Neighborhood Council #6, or any other Council within the City. Neighborhood Council #6 discussed the project at their May 5th meeting. The Council generally supported the request, and chose not to place it on a future agenda for vote due to lack of concerns.

4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property is not located within any adopted plan or sub-area planning areas. The proposed annexation consists of an existing residential home and will not generate any additional traffic. As noted above, the subject property is located within ULRRWSD 5. The ULRRWSD's were created to improve water quality, resolve public health issues, remove sources of groundwater contamination, and improve the tax base of the community. Annexing the subject property is a step towards reaching those objectives.

5. The City has, or will have, the capacity to provide public services to the subject property.

Water and sewer mains were extended to the subject property as part of the ULRRWSD project with the intention of providing these public services to properties within each Service District. Although the streets in this area of the community are substandard, the impact of one residential lot on City services is minimal and the street frontage of the subject property is already being maintained by the Street Division of the City of Great Falls.

6. The subject property has been or will be improved to City standards.

Any future improvements to the subject properties will comply with current City code requirements. As noted above, the applicant will not be required to bring the portion of the right-of-way, including the street and boulevard, up to City standards as part of the annexation.

7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.

An Annexation Agreement for the subject property has been drafted and attached to the Agenda Report. This agreement outlines the responsibilities and costs for various improvements, and addresses the creation of any special improvement districts.

8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.

Tract No. 2 was platted as part of Certificate of Survey No. 2660, which is officially recorded with the Cascade County Clerk and Recorder.

9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.

Water and sewer mains were extended to the subject property as part of the ULRRWSD project. The subject property will connect to these mains for City water and sewer service.

10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)

The subject property is not located in another city or town.

12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)

The subject property is not used for the uses listed above. The properties surrounding the subject property are existing residences.

RESOLUTION 10422

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF THE CITY OF GREAT FALLS TO INCLUDE TRACT NO. 2 OF CERTIFICATE OF SURVEY NO. 2660, LOCATED IN THE SE 1/4 SE 1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ADJOINING RIGHT-OF-WAY OF UPPER RIVER ROAD FROM THE WEST PROPERTY LINE OF TRACT NO. 2 TO THE EXISTING CITY LIMITS LINE TO THE SOUTHEAST IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED.

* * * * *

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

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

Tract No. 2 of Certificate of Survey No. 2660 located in the SE 1/4 SE 1/4 of Section 14, T20N, R3E, P.M.M., Cascade County, Montana;

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

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

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

WHEREAS, the Great Falls Planning Advisory Board/Zoning Commission conducted a public hearing on June 22, 2021, to consider said annexation and assignment of zoning of R-2 Single-family Medium Density districts and, at the conclusion of said hearing, passed a motion recommending the City Commission annex and assign said zoning to the properties legally described as Tract No. 2 of Certificate of Survey No. 2660 located in the SE 1/4 SE 1/4 of Section 14, T20N, R3E, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limits line to the southeast; and,

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

WHEREAS, the City Commission adopted Resolution 10388 to authorize and direct City staff to update the appropriate boundaries of neighborhood council district 6 to include the subject property.

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46, Annexation by Petition, and all conditions, acts, and actions required to be performed precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be, and the same are hereby extended so as to embrace and include within the corporate limits of said city, all of the land hereinabove described, included as: “Tract No. 2 of Certificate of Survey No. 2660 located in the SE 1/4 SE 1/4 of Section 14, T20N, R3E, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limits line to the southeast” as shown on attached “Exhibit A.”

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls,
Montana, on this 17th day of August, 2021.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)


APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

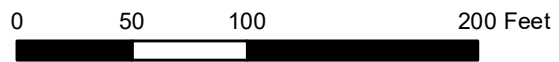
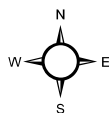
Resolution 10422 Exhibit A



 City Limits

 Resolution 10422 - Proposed Annexation

 Parcels



Date: 7/30/2021

FINDINGS OF FACT – ZONING MAP AMENDMENT

Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast.

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 1.4.2 – Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

The subject property is located adjacent to Neighborhood Council #6. There is no adopted neighborhood plan for Neighborhood Council #6, or any other Council within the City. Neighborhood Council #6 discussed the project at their May 5th meeting. The Council generally supported the request, and chose not to place it on a future agenda for vote due to lack of concerns.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The subject property is not located within any adopted plan or sub-area planning areas. The lot proposed to be zoned R-2 consists of an existing residential home and will not generate any additional traffic. As noted in the staff report, the subject property is located within Phase 5 of the Upper and Lower River Road Water and Sewer District (ULRRWSD). Previously, Service Districts 1, 2, most of 3, and 4 were annexed into the City. District 5 is the next in line to be annexed at an undetermined date. The ULRRWSD's were created to improve water quality, resolve public health issues, remove sources of groundwater contamination, and improve the tax base of the community.

4. The code with the amendment is internally consistent.

The proposed establishment of R-2 zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent existing zoning of Grandview Tracts to the east. The existing single-family home on Tract No. 2 will fit the context of the surrounding area. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity.

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 property. The zoning assignment will have no impact on these issues. The purpose of the Service Districts

is to eliminate future public health concerns through the extension of utility infrastructure and eventual incorporation of properties into the City's jurisdiction.

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 property conforms to the proposed zoning, and no public infrastructure needs to be provided to support the new zoning designation on the property.

ORDINANCE 3231

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY TO TRACT NO. 2 OF CERTIFICATE OF SURVEY NO. 2660, LOCATED IN THE SE 1/4 SE 1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ADJOINING RIGHT-OF-WAY OF UPPER RIVER ROAD FROM THE WEST PROPERTY LINE OF TRACT NO. 2 TO THE EXISTING CITY LIMITS LINE TO THE SOUTHEAST.

* * * * *

WHEREAS, the property owner, Bryan Hicks, has petitioned the City of Great Falls to annex the subject property, consisting of ±0.24 acre, as legally described above; and,

WHEREAS, Bryan Hicks has petitioned the City of Great Falls to assign a zoning classification of R-2 Single-family Medium Density to Tract No. 2 of Certificate of Survey No. 2660, upon annexation to the City; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 22, 2021, 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 property legally described as Tract No. 2 of Certificate of Survey No. 2660 located in the SE 1/4 SE 1/4 of Section 14, T20N, R3E, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limits line to the southeast; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 17th day of August, 2021, 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 Tract No. 2 of Certificate of Survey No. 2660 located in the SE 1/4 SE 1/4 of Section 14, T20N, R3E, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limits line to the southeast 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 July 20, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 17, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

I, 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 3231 on the Great Falls Civic Center posting board and the Great Falls City website.


Lisa Kunz, City Clerk

(CITY SEAL)

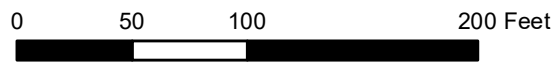
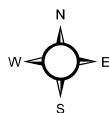
Ordinance 3231 Exhibit A



 City Limits

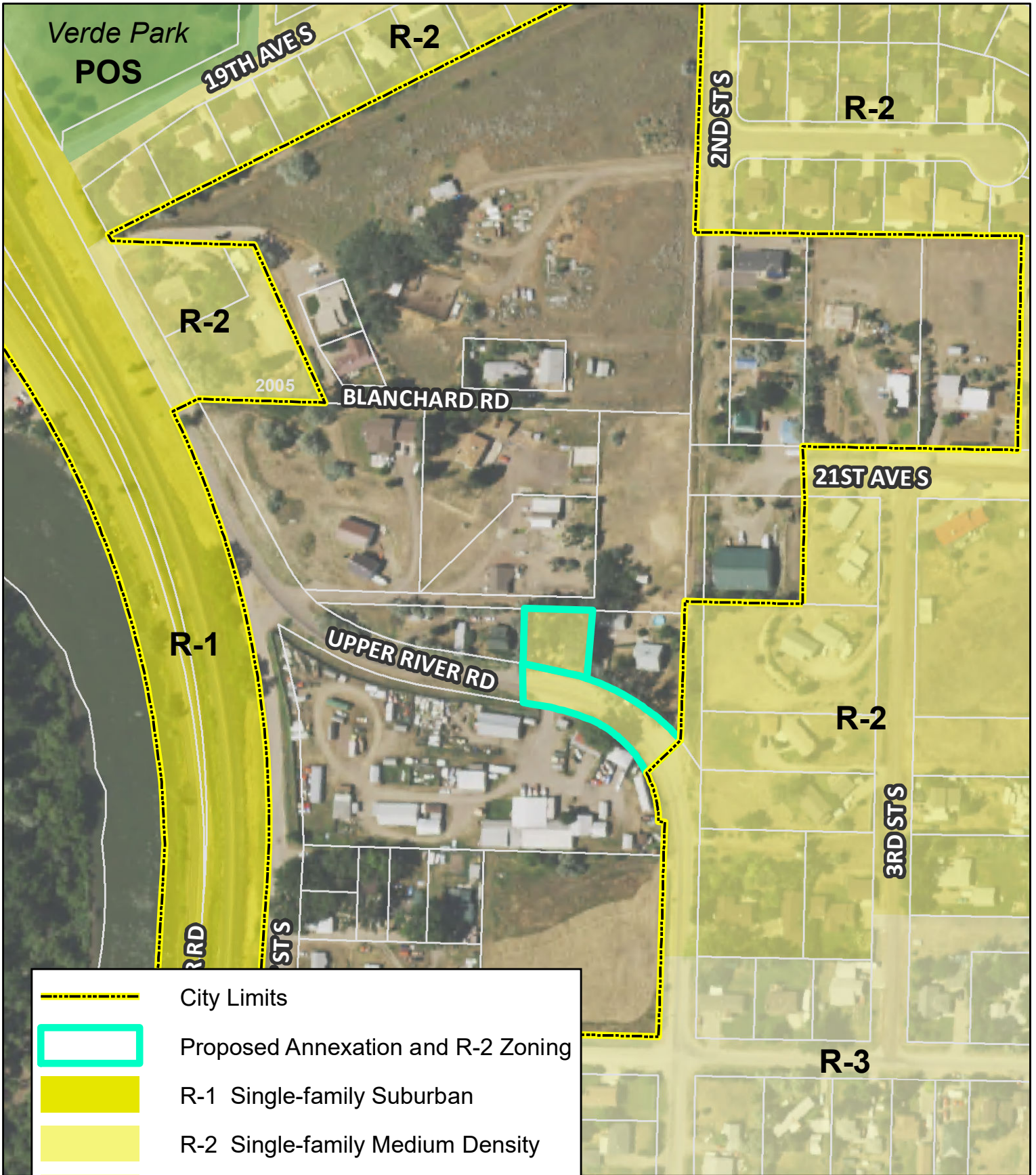
 Ordinance 3231 - Proposed R-2 Zoning







 Parcels

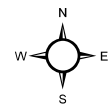


Date: 7/30/2021

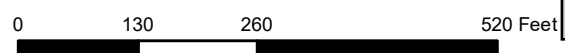
Zoning Map



| | |
|---|------------------------------------|
|  | City Limits |
|  | Proposed Annexation and R-2 Zoning |
|  | R-1 Single-family Suburban |
|  | R-2 Single-family Medium Density |
|  | R-3 Single-family High Density |
|  | POS Parks and Open Space |



Date: 6/28/2021
 Drawn By: Planning



CITY OF GREAT FALLS

Civic Center
P. O. Box 5021
Great Falls, MT 59403

Date : April 21, 2021

To : Planning & Community Development

From : Bryan Hicks
2249 Upper River Road
Great Falls, MT 59405

Subject : Land Use Application
Annexation by Petition

Attention : Lonnie Hill

A primary reason for annexation request to the City of Great Falls is for an upgrade of sewer line service. My operating septic system has been problematic over the years, and currently has ongoing concerns. I was told by a drain company two decades ago that it could fail and possibly even collapse at any time. Since

(surprisingly) it still barely works, the time to repair, replace, or remove, said existing tank is paramount.

I have been residing at 2249 Upper River Road, for over 20 years, and have had city water line service all during that time (notably the "poor farm" line). For the above stated purposes, a practical decision to connect with new service lines recently installed, as part of [the] Phase Five Sewer and Water District Program, is clear.

The information shared with me last month regarding "connection" to new sewer and water line service, requires applying for annexation to the City of Great Falls, in order to comply. With Phase Five having been completed for two years, I am very much interested in moving forward. Thank you for your consideration!

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Hicks', with a stylized flourish at the end.

Bryan Hicks

Exhibit 20-1. Principal Uses by District

| Use | R-2 | Special Standards |
|---|-----|-------------------|
| Agriculture, horticulture, nursery | - | 17.20.6.005 |
| Mobile home/park | - | 17.20.6.010 |
| Residence, single-family detached | P | |
| Residence, zero lot line | - | 17.20.6.020 |
| Residence, two-family | C | |
| Residence, multi-family | - | 17.20.6.040 |
| Residence, townhouse | C | 17.20.6.050 |
| Residence, manufactured/factory-built | P | 17.20.6.060 |
| Retirement home | C | |
| Community residential facility, type I | P | |
| Community residential facility, type II | C | |
| Day care center | C | |
| Emergency shelter | - | |
| Family day care home | P | |
| Group day care home | P | |
| Nursing home | - | |
| Campground | - | 17.20.6.070 |
| Hotel/motel | - | |
| Micro-brewery | - | |
| Restaurant | - | |

| | | |
|---------------------------------|---|-------------|
| Tavern | - | 17.20.6.080 |
| Agriculture sales | - | |
| Auction sales | - | |
| Construction materials sales | - | |
| Convenience sales | - | |
| General sales | - | |
| Manufactured housing sales | - | |
| Off-site liquor sales | - | |
| Secondhand sales | - | |
| Shopping center | - | |
| Administrative services | - | |
| Commercial kennel | - | 17.20.6.090 |
| Financial services | - | |
| Funeral home | - | |
| General services | - | |
| Professional services | - | |
| Sexually-oriented business | - | 17.20.6.100 |
| Veterinary clinic, large animal | - | |
| Veterinary clinic, small animal | - | 17.20.6.110 |
| Large equipment rental | - | |
| Small equipment rental | - | |
| General repair | - | |
| Vehicle fuel sales | - | |

| | | |
|---|---|-------------|
| Vehicle repair | - | 17.20.6.120 |
| Vehicle sales and rental | - | |
| Vehicle services | - | |
| Agricultural commodity storage facility | - | |
| Climate controlled indoor storage | - | |
| Fuel tank farm | - | |
| Mini-storage facility | - | 17.20.6.130 |
| Freight terminal | - | |
| Warehouse | - | |
| Casino, type I | - | 17.20.6.140 |
| Casino, type II | - | 17.20.6.150 |
| Indoor entertainment | - | |
| Indoor sports and recreation | - | |
| Golf course/driving range | C | |
| Miniature golf | - | |
| Outdoor entertainment | - | |
| Park | P | |
| Recreational trail | P | |
| Administrative governmental center | - | |
| Animal shelter | - | 17.20.6.160 |
| Cemetery | C | 17.20.6.170 |
| Civic use facility | C | |
| Community center | C | |

| | | |
|---|---|-------------|
| Community cultural facility | C | |
| Community garden | P | 17.20.6.175 |
| Public safety facility | C | |
| Worship facility | C | 17.20.6.180 |
| Health care clinic | - | |
| Health care facility | - | |
| Health care sales and services | - | |
| Commercial education facility | - | |
| Educational facility (K—12) | C | 17.20.6.200 |
| Educational facility (higher education) | - | |
| Instructional facility | - | |
| Composting facility | - | 17.20.6.210 |
| Recycling center | - | 17.20.6.220 |
| Solid waste transfer station | - | 17.20.6.230 |
| Amateur radio station | P | 17.20.6.240 |
| Telecommunication facility | | 17.20.6.250 |
| Concealed facility | C | |
| Unconcealed facility | - | |
| Co-located facility | - | |
| Utility installation | C | |
| Airport | - | |
| Bus transit terminal | - | |
| Heli-pad | - | 17.20.6.260 |

| | | |
|----------------------------------|---|-------------|
| Parking lot, principal use | - | |
| Parking structure | - | |
| Railroad yard | - | |
| Taxi cab dispatch terminal | - | |
| Contractor yard, type I | - | 17.20.6.270 |
| Contractor yard, type II | - | 17.20.6.280 |
| Artisan shop | - | |
| Industrial, heavy | - | |
| Industrial, light | - | |
| Industrial park | - | |
| Junkyard | - | 17.20.6.290 |
| Light manufacturing and assembly | - | 17.20.6.300 |
| Motor vehicle graveyard | - | 17.20.6.310 |
| Motor vehicle wrecking facility | - | 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)

Exhibit 20-2. Accessory uses by district

| Use | R-2 | Special Standards |
|----------------------------------|-----|-------------------|
| Accessory living space | P | 17.20.7.010 |
| Agriculture, livestock | - | 17.20.7.080 |
| ATM, exterior | - | 17.20.7.020 |
| Bed and breakfast | C | 17.20.7.030 |
| Fences | P | 17.20.7.040 |
| Gaming, accessory | - | 17.20.7.050 |
| Garage, private | P | 17.20.7.060 |
| Home occupation | P | 17.20.7.070 |
| Private stable/barn | - | 17.20.7.080 |
| Residence, accessory | - | 17.20.7.085 |
| Roadside farmer's market | - | 17.20.7.090 |
| Storage containers | - | 17.20.7.100 |
| Wind-powered electricity systems | 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-2 | Special Standards |
|----------------------------------|-----|-------------------|
| Garage sales | P | 17.20.8.015 |
| Itinerant outdoor sales | - | 17.20.8.020 |
| On-site construction office | P | 17.20.8.030 |
| On-site real estate sales office | P | 17.20.8.040 |
| Outdoor entertainment, temporary | - | |
| Sidewalk café | - | 17.20.8.050 |
| Sidewalk food vendor | - | 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

**Exhibit 20-4. Development standards for residential zoning districts
(see footnotes [4], [5] & [7] for general standards)**

| Standard | R-1 | R-2 | R-3 | R-5 | R-6 | R-9 | R-10 |
|--|---|---|---|---|---|---|----------------------------|
| Residential density | - | - | - | 1,875 sq. feet of lot area per dwelling unit | 500 sq. feet of lot area per dwelling unit | 1,200 sq. feet of lot area per dwelling unit | 10 dwelling units per acre |
| Minimum lot size for newly created lots | 15,000 sq. feet | 11,000 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | n/a |
| Minimum lot width for newly created lots | 90 feet | 80 feet | 60 feet | 50 feet | 50 feet | 50 feet | n/a |
| Lot proportion for newly created lots (maximum depth to width) | 3:1 | 3:1 | 2.5:1 | 2.5:1 | 2.5:1 | 2.5:1 | n/a |
| Maximum building height of principal building | 35 feet | 35 feet | 35 feet | 45 feet | 65 feet | 35 feet, single-family 50 feet, multi-family | 12 feet to exterior wall |
| Maximum building height of detached private garage [1] | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 16 feet |

| | | | | | | | |
|---|--|---|---|---|---|---|---------|
| Maximum building height of other accessory buildings | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet |
| Minimum front yard setback [2] | 30 feet | 20 feet | 20 feet | 10 feet | 15 feet | 10 feet | n/a |
| Minimum side yard setback [3] | Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line | Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line | Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line | 4 feet; 8 feet if adjoining a R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining a R-1, R-2, R-3 district | Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line | n/a |
| Minimum rear yard setback [7] | 20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over | 15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 15 feet | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | n/a |
| Maximum lot coverage of principal and accessory buildings | Corner lot: 40% Other types: 30% | Corner lot: 45% Other types: 35% | Corner lot: 55% Other types: 50% | Corner lot: 60% Other types: 50% | Corner lot: 70% Other types: 60% | Corner lot: 70% Other types: 60% | none |

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards.

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house.

(Ord. 2950, 2007)

[3] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.

(Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.

(Ord. 2950, 2007)

ANNEXATION AGREEMENT
TRACT OF LAND LEGALLY DESCRIBED AS TRACT NO. 2 OF COS 2660, LOCATED IN THE SE 1/4 SE
1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY,
MONTANA.

The following is a binding Agreement dated this _____ day of _____, 2021, between Bryan Hicks, hereinafter referred to as "Owner", and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land into the corporate limits of the City legally described as Tract No. 2 of COS 2660, located in the SE 1/4 SE 1/4 of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agree to terms applicable to the Subject Property. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

1. Purpose. The purpose of this Agreement is to ensure that certain improvements are made and certain conditions are fulfilled by the Owner, as required by the City's approval of the supporting documents. Generally, this Agreement:

- 1.1** Declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Subject Property;
- 1.2** Insulates the Owner of the Subject Property from the impact of changes in the City's zoning regulations, provided that no substantial changes are proposed;
- 1.3** Requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by as required by the Official Code of the City of Great Falls (OCCGF);
- 1.4** Waives protest by the Owner and their successors against the creation of special improvement districts that would provide and maintain necessary infrastructure;
- 1.5** Indemnifies the City from challenges to its approval of the Subject Property and holds it harmless from errors and omissions in the approval and oversight of the project.

2. Supporting Documents. Each of the following supporting documents are to be submitted for review and approval by the City.

- 2.1 Legal Documentation.** Legal documents, including but not limited to any easements, covenants, and restrictions establishing the authority and responsibilities of Owner, which may be recorded in the Clerk and Recorder's Office of Cascade County, Montana.

3. Changes. The Owner understands that failure to install required improvements in accord with the final construction plans is a breach of, and may void, this Agreement. The Owner also understands that such failure is a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds and the Administrator (the Administrator is the person or persons charged by the City Manager with the

administration of this improvement agreement) is hereby authorized to allow minor changes to approved improvements, as provided below:

3.1 Minor Changes. Minor changes to the improvements that are deemed appropriate and necessary by the Administrator and which do not materially affect the hereinabove mentioned Subject Property, can be made as follows:

3.1.1 Before making changes, the Owner must submit revisions to the Administrator for review. Failure to do this before the proposed change is made may be considered by the City to be a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed changes within fourteen (14) days of receipt of the revised plans.

3.1.2 Based on a review of the revisions, the Administrator may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the annexation Subject Property or the OCCGF.

3.1.3 Minor changes in the location and specifications of the required improvements may be permitted by the Administrator. The Owner must submit revised plans showing such changes to the Administrator. Revised plans are not accepted until approved by the Administrator.

3.2 Substantial Changes. Substantial changes are not permitted by this Agreement. A review and permitting process will be required for such changes. "Substantial Change" versus "Minor Change" is described as follows in order to further clarify what may be permitted as a "Minor Change":

3.2.1 A substantial change adds one or more lots; changes the permitted use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator; changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

4. Fees. The Owner understands that it is required to pay the following fees as they come due. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

4.1 Recording Fees. The Owner will pay all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

4.2 Connection and Construction Fees. Water service tapping and water and sewer service connection fees have been previously paid as part of joining the Service District.

4.3 Storm Drain Fee. The Owners will pay a storm drain fee in the amount of \$250 per acre for annexation of the Subject Property. This equates to **\$60.00** for the total 0.24 acres of the Subject

Property. The total storm drain fee shall be paid to the City no later than 30 days after City Commission action to annex the Subject Property into the City.

4.4 Payment of Application Fees Acknowledged. The following fees have been paid by the Owners: \$2,000.00 application fee for the establishment of zoning, and a \$500.00 application fee for annexation.

5. Site Conditions. The Owner warrants that they have conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements of the Subject Property. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

6. On-Site Improvements. The on-site improvements shall include everything required to provide water, sanitary sewer, access, and other requirements as may be required by OCCGF. If required, access for purposes of emergency vehicles shall be installed to the specifications of the Public Works Department. If necessary, the Owner shall provide public utility easements for all required public utilities.

7. Permits. This Agreement must be approved by the City Commission and signed by the City Manager and the Owner before permits for any work will be approved, including, but not limited to trenching for the installation of utilities.

8. Vested Rights. This Agreement and approval by the City creates a vested right that protects the Owner from changes in the City zoning requirements within Title 17 of the OCCGF until this Agreement expires. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including specifically those intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's building codes and fees, development fees, and inspection fees. This vested right does not exempt the Owner from compliance with changes to state and federal requirements. This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the approved improvements of the Subject Property.

9. Maintenance Districts. Owner hereby agrees to waive their right to protest and appeal the lawful creation by the City of maintenance districts for any proper purpose and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Property.

10. Park District. Owner acknowledges that the Subject Property is, by operation of law and pursuant to Resolution No. 10238, adopted by the City Commission on June 5, 2018, included within the boundaries of the Great Falls Park District Number 1. Owner acknowledges that property within the Great Falls Park District Number 1, including the Subject Property, is subject to annual assessments for the purposes of the Great Falls Park District Number 1 in amounts to be determined by the City Commission each year, in accordance with Resolution No. 10238, as it may be amended or supplemented.

11. City Acceptance and Zoning. In consideration of the terms of this Agreement, the City hereby accepts the Subject Property incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned City zoning classification of R-2 Single-family Medium Density.

12. Limitation of Liability. The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City’s limited plans review and inspections are not substantive reviews of the plans and engineering. The City’s approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City’s limited review or approval.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that Owner’s Subject Property described herein. Upon the transfer of ownership of the property, the prior owner’s (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the Owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

13. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, 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.

Bryan Hicks

By: _____

Its: _____

State of _____)
:ss.
County of _____)

On this _____ day of _____, in the year Two Thousand and Twenty-one, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)



Commission Meeting Date: August 17, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10423 – A resolution to approve a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South and legally described as the South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20N, R4E, P.M.M., Cascade County, Montana.

From: Lonnie Hill, Planner I, Planning and Community Development

Initiated By: Jim Woods, Set Five LLC

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

Action Requested: City Commission adopt Resolution 10423 and the accompanying Basis of Decision subject to the Conditions of Approval being fulfilled by the applicant.

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 10423 for a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South and the accompanying Basis of Decision subject to the Conditions of Approval being fulfilled by the applicant.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation:

The Zoning Commission recommended that the City Commission approve the applicant’s request for a Conditional Use Permit for “Vehicular services” at the conclusion of a public hearing held on June 22, 2021. In addition, staff recommends approval with the following conditions:

Conditions of Approval:

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Non-establishment:** The Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Potential Mitigation:** The applicant shall employ mitigation measures as may be necessary in order to maintain compliance with ordinances listed within the Official Code of the City of Great Falls, including but not limited to provisions within Title 8, Chapter 53 – Noise and Title 17, Chapter 40 – Outdoor Lighting.
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

Background:

Set Five LLC submitted an application requesting a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district for the property located at 620 57th Street South on February 19, 2021. The original application was removed from the Zoning Commission Agenda on March 23, 2021 at the applicant’s request. The applicant requested a reduced landscape buffer from the code-required fifteen (15) feet to five (5) feet along the north property line to allow for a larger turn radius within the site to accommodate for longer vehicles. In response to the applicant requesting a smaller than required buffer, City Staff requested the applicant submit additional information to address the potential impacts of the project to the surrounding properties. This agenda report includes the additional information provided by the applicant and is included as “Attachment A - Additional Materials”.

The subject property is currently being used as a gas station that was developed around the 1960’s. The applicant intends to remove all existing features of the gas station and develop a car wash containing three self-wash bays, one auto wash bay, two vacuum stalls, and a potential dog washing station. The applicant also has interest in developing dedicated space for a future on-site electric car charging station. The applicant has stated the redevelopment is in response to changing economics due to competition of other gas stations in the area, but that the automotive nature of the site will remain consistent with its historical use.

The use of “Vehicle services”, which includes car washes, is conditionally permitted in the C-1 zoning district. Because this project includes a complete redevelopment of the subject property, the applicant was notified that the proposed use of a car wash must be approved through the conditional use process. The existing use of “Vehicle fuel sales” is also conditionally permitted in the C-1, but did not go through a Conditional Use process at time of development around the 1960’s.

The Basis of Decision for a Conditional Use Permit is listed in OCCGF §17.16.36.040. The City Commission’s decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, and additional information demonstrates that the criteria which are attached as *Basis of Decision* have been met.

Improvements:

The applicant is proposing a near complete redevelopment of the site as part of the establishment of the car wash. The only structure to remain is the existing sign along 57th Street South. As stated above, the proposal is to develop three self-wash bays, one auto wash bay, and two vacuum stalls, with potential for a dog washing station and electric car charging stations in the future. City Staff concludes that the proposed improvements to this site will improve the vehicular safety and functionality as well as the overall aesthetics of the site. Because this site is an existing commercial property, the adaptive reuse of this underutilized property takes advantage of the City’s existing infrastructure, while also bringing a neighborhood commercial lot more into conformance with the City’s current Land Development Code requirements.

This redevelopment will require site improvements in conformance with most of the standards of the City Land Development Code and Public Works Design Standards. This will include establishment of curb, gutter, sidewalks, and boulevard landscaping along 56th Street South and 7th Avenue South, and controlled access points along each street frontage.

The applicant is proposing a five (5) foot buffer and construction of a six (6) foot fence with plantings along the north property line to screen the proposed development from the existing residences. This proposal deviates from the required fifteen (15)-foot landscape buffer between a commercial use and an adjacent residential use. The applicant has stated the reduced buffer is necessary to allow for circulation of longer vehicles throughout the site. City Staff concludes the proposed reduced buffer, in conjunction with the proposed fence and plantings may be a reasonable plan to mitigate negative impacts to the residence to the north. In addition to the improvements of the north property line, the required boulevard improvements along 56th Street South will create a landscaped transition between the proposed car wash and the existing residences. The existing site does not have a landscaped boulevard along the western property line. These proposed improvements will improve the aesthetics of the property and soften the transition into the existing neighborhood to the west.

In addition to the required site improvements listed above, the project is required to meet the standards for “Light commercial Districts” within Chapter 53 – Noise of Title 8 of the OCCGF. Specifically, the development is limited to 65 decibels (dB(A)) from 7:00 a.m. to 8:00 p.m. and 60 dB(A) from 8:00 p.m. to 7:00 a.m. per OCCGF § 8.53.040 – Noise Levels—Limitations for structures and open spaces—dB(A) criteria—Table I. The applicant is also required to meet the standards within Chapter 40 - Outdoor Lighting of Title 17. Specifically, the applicant is required to not exceed three tenths (0.3) foot-candles along the northern property line adjoining the existing residences and not to exceed one (1.0) foot-candle along all other property lines. Staff has listed these compliance requirements within the conditions of approval to ensure that noise and light will not impact the surrounding properties as a

result of the reduced buffer. If the development is not in compliance with City codes, mitigation will be necessary.

Proximity to Other Uses:

The subject property has been used commercially as a gas station since the 1960's. The property directly north is a four-plex multi-family residence. To the west, across 56th Street South, are single-family residences. To the south, across 7th Avenue South, is a C-1 zoned property with a vacant structure. The City limits run along the east property line of the subject property, with an agriculture field outside of the City limits across 57th Street South.

Neighborhood Council Input:

The subject property is located within Neighborhood Council #4. Information was presented to the Council by City Staff and the applicant's Consultant at their regularly scheduled meeting on June 24, 2021. The Council voted in favor of the project.

Fiscal Impact:

Approval of the Conditional Use Permit would have no adverse fiscal impacts upon the City of Great Falls as the property is already served by City Water and Sewer as well as City Police and Fire. New water and sewer services will be required, and the cost of the connection improvements will be borne by the applicant. The redevelopment of the site will increase the City's tax base and increase revenue.

Alternatives:

The City Commission could deny any portion of the applicant's request. If such action is taken, the Commission must develop alternative findings to support such a denial decision.

Concurrences:

Representatives from the City's Public Works, Fire/Rescue, and Building Departments have reviewed the proposal and have no objections to the issuance of the Conditional Use Permit.

Attachments/Exhibits:

- Resolution 10423
- Basis of Decision
- Aerial Map
- Zoning Map
- Project Narrative
- Preliminary Site Plan
- Exhibit A - Additional Information

RESOLUTION 10423

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “VEHICLE SERVICES” LAND USE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT UPON A PARCEL OF LAND ADDRESSED AS 620 57TH STREET SOUTH, GREAT FALLS, MONTANA.

* * * * *

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Vehicle services” land use upon the property addressed as 620 57th Street South, Great Falls, Montana (subject property); and,

WHEREAS, the subject property is presently zoned C-1 Neighborhood Commercial, wherein a "Vehicle services" land use is permitted upon receiving approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of a “Vehicle services” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 22, 2021, to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a “Vehicle services” land use be granted by the City Commission for the subject property, subject to the following conditions:

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

- 1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
- 2. **Non-establishment:** The conditional use permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.

3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Potential Mitigation:** The applicant shall employ mitigation measures as may be necessary in order to maintain compliance with ordinances listed within the Official Code of the City of Great Falls, including but not limited to provisions within Title 8, Chapter 53 – Noise and Title 17, Chapter 40 – Outdoor Lighting.
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

WHEREAS, the City Commission having allowed for proper public notice, conducted a public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

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

That a Conditional Use Permit be granted for a “Vehicle services” land use at the property addressed as 620 57th Street South, Great Falls, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OOCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OOCGF 17.16.36.100, the Conditional Use Permit shall expire two (2) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on August 17, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting the approval of a Conditional Use Permit (CUP) for a Vehicle services land use to develop a car wash within the C-1 zoning district for the property addressed as 620 57th Street South and legally described as the South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20N, R4E, P.M.M., Cascade County, Montana.

1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.

The proposed conditional use is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposal to redevelop an existing gas station into a car wash will allow the property owner to redevelop an underutilized property with a use that is appropriate for the C-1 zoning district.

The proposed conditional use for the subject property specifically supports the following Goals and Policies:

- Environmental Policy 2.3.1 – In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.
- Physical Policy 4.1.5 – Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.
- Physical Policy 4.2.3 – Support actions that bring properties into conformance with the City's Land Development Code requirements over time.

2. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals comfort or general welfare.

The proposed conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare of the community. The subject property has an existing commercial use of a gas station. The proposed use of a car wash is similar in intensity and fits with the adjacency of 57th St S, which is classified as a principal arterial roadway.

As part of the site improvements, the applicant is required to meet the standards within Chapter 40 - Outdoor Lighting of Title 17. Specifically, the applicant is required to not exceed three tenths (0.3) foot-candles along the northern property line adjoining the existing residences and not to exceed one (1.0) foot-candle along all other property lines. The project is also required to meet the standards for "Light commercial District" within Chapter 53 – Noise of Title 8 of the OCCGF. Specifically, the development is limited to 65 dB(A) from 7:00 a.m. to 8:00 p.m. and 60 dB(A) from 8:00 p.m. to 7:00 a.m. per OCCGF § 8.53.040 – Noise Levels—Limitations for structures and open spaces—dB(A) criteria—Table I.

The applicant is proposing a five (5) foot buffer and construction of a six (6) foot fence with plantings along the north property line to screen the proposed development from the existing residences. This proposal deviates from the code required fifteen (15) foot landscape buffer between a commercial use and an adjacent residential use. The applicant has stated the reduced buffer is necessary to allow for circulation of longer vehicles throughout the site. City Staff concludes the proposed reduced buffer, in conjunction with the fence and plantings is a reasonable proposal to

mitigate negative impacts to the residence to the north. In addition, the required boulevard improvements will create a landscape transition between the proposed car wash and the existing residences across 56th Street South. The existing gas station does not have a landscaped boulevard along the western property line. These boulevard improvements will improve the aesthetics of the property and soften the transition into the existing neighborhood to the west.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. The proposed use of a car wash is similar in intensity as other uses allowed by right within the C-1 zoning district. In addition, as part of the proposed site development the property will be brought more into conformance with the City's Land Development Code. Specifically, the applicant is proposing to construct a fence to mitigate light and noise impacts associated with the car washes operation on the residences to the north. Additionally, the existing gas station does not have a landscaped boulevard along the western property line. This boulevard will be developed to meet current standards which will create another greenbelt between the car wash and 56th Street South. This will greatly improve the aesthetics of the property and soften the transition into the existing neighborhood. As a result, the conditional use will not substantially diminish and impair property values within the neighborhood.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed project will not impede the normal and orderly development and improvement of surrounding properties. The subject property is zoned C-1, an existing multi-family residence exists to the north, an existing single-family residence to the west across 56th Street South, a vacant C-1 zoned lot to the south across 7th Avenue South, and the City limits boundary runs along the eastern property line. The proposed conditional use will not negatively impact the future development options for the vacant, commercially zoned property to the south.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Utilities, access roads, drainage and other necessary facilities currently exist in the vicinity of the subject property. City water and sewer mains are currently within the right-of-way of 56th Street South. The applicant will be required to connect to these existing facilities. The site is located near existing drainage facilities and the redevelopment of the site will likely improve runoff as most of the site is currently paved with impermeable surfaces. Existing access roads surround the site on three sides and the applicant intends to connect to these roadways for circulation through the site.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

As part of the required site improvements, access points will be restricted from their existing condition of uncontrolled access along the three street frontages, to access

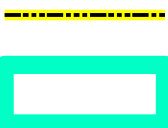
driveways that conform to current City standards. This will greatly improve the safety of vehicular movement through the site and onto adjoining public roads.

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

The proposed conditional use will conform to all applicable regulations of the Land Development Code with the exception of one requested deviation from the requirements of Title 17, Chapter 44 - Landscaping. The applicant is requesting a five (5) foot buffer rather than the required fifteen (15) foot landscaped buffer between a commercial use and an adjacent residential use. The applicant proposes to conform to the other standards within the chapter, including construction of a six (6) foot fence with plantings along the north property line to screen the proposed development from the existing residences. The applicant has stated the reduced buffer is necessary to allow for circulation of longer vehicles throughout the site.

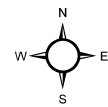
The purpose of the 15 foot landscaped buffer requirement is to provide noise and light protection for residential properties located next to commercial developments. The concern about noise is particularly important in this case since the car wash features vacuum cleaners. After careful consideration of the applicant's request, City Staff concludes that the proposed buffer can be reduced for the following reasons: 1) the six (6) foot fence and plantings will still act to soften noise and light impacts, and 2) the arrangement of the car wash bays and vacuums is proposed to be a reasonable distance away from the northern boundary line of the property.

Aerial Map

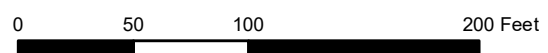


City Limits

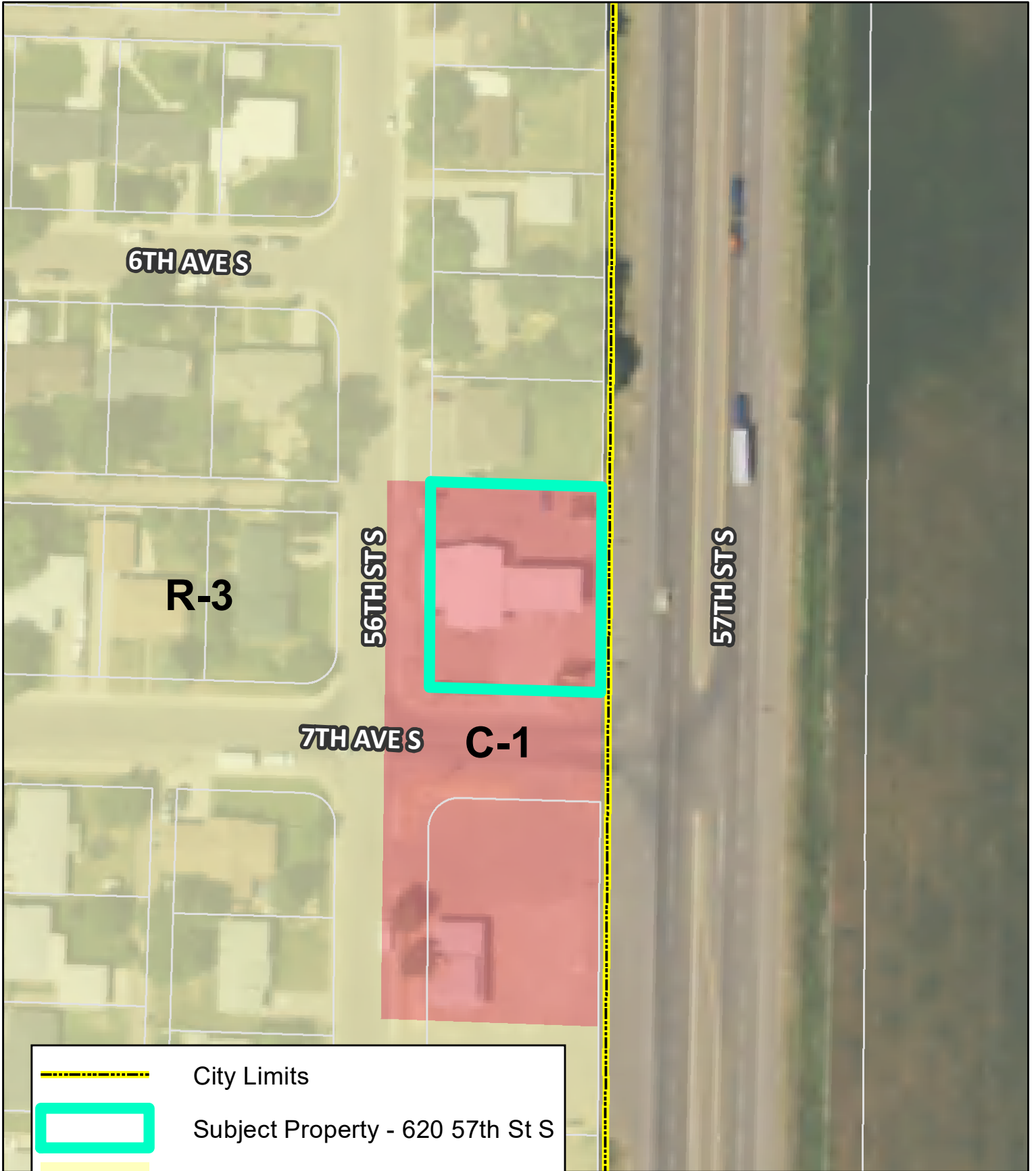
Subject Property - 620 57th St S







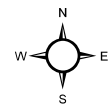
Date: 6/14/2021
Drawn By: Planning



Zoning Map



| | |
|---|----------------------------------|
|  | City Limits |
|  | Subject Property - 620 57th St S |
|  | R-3 Single-family High Density |
|  | C-1 Neighborhood Commercial |



Date: 3/3/2021
 Drawn By: Planning





February 19, 2021

Mr. Lonnie Hill, Planner
 City of Great Falls Planning & Community Development
 P.O. Box 5021
 Great Falls, MT 59403

RE: Proposed CUP; 620 57th Street South
 Property Owner: Set Five LLC

Dear Mr. Hill,

Thank you for the assistance you have provided to my client and myself during the past several days. Please let this correspondence serve as our formal “*narrative explaining the project and the reason for the request of a conditional use permit.*” Also attached, please find written narrative from Mr. Woods.

Written Description of Proposed Property Use

The intended project, as proposed, will remove all existing features (e.g., convenience store, fuel islands/pumps, canopy, signage, utilities, and all existing surfacing) and develop a carwash containing three (3) self-wash bays, one (1) auto wash bay, and conceptually a dog wash station. The new development will be a major improvement to the aging building and fueling facilities.

Permit Application

Please see attached, executed permit application with appurtenant fees.

Site Plan

Please see attached site plan containing the conceptual site layout and well as parking and landscaping codes, and how the City requirements will be addressed.

On behalf of my client, we appreciate the City’s cooperation and assistance on this matter. Please let me know if you have any questions or concerns regarding this submittal.

Sincerely,

Big Sky Civil & Environmental, Inc.

Joseph N. Murphy, P.E.

encl. Permit Application (w/ \$1500 fee)
 Site Plan

cc: Jim Woods, Set Five LLC

LANDSCAPING (PER 17.44.3.030)

- REQUIRES 15% OF GROSS PROPERTY AREA

- LOT SIZE = 0.336 AC (14,654 SF)

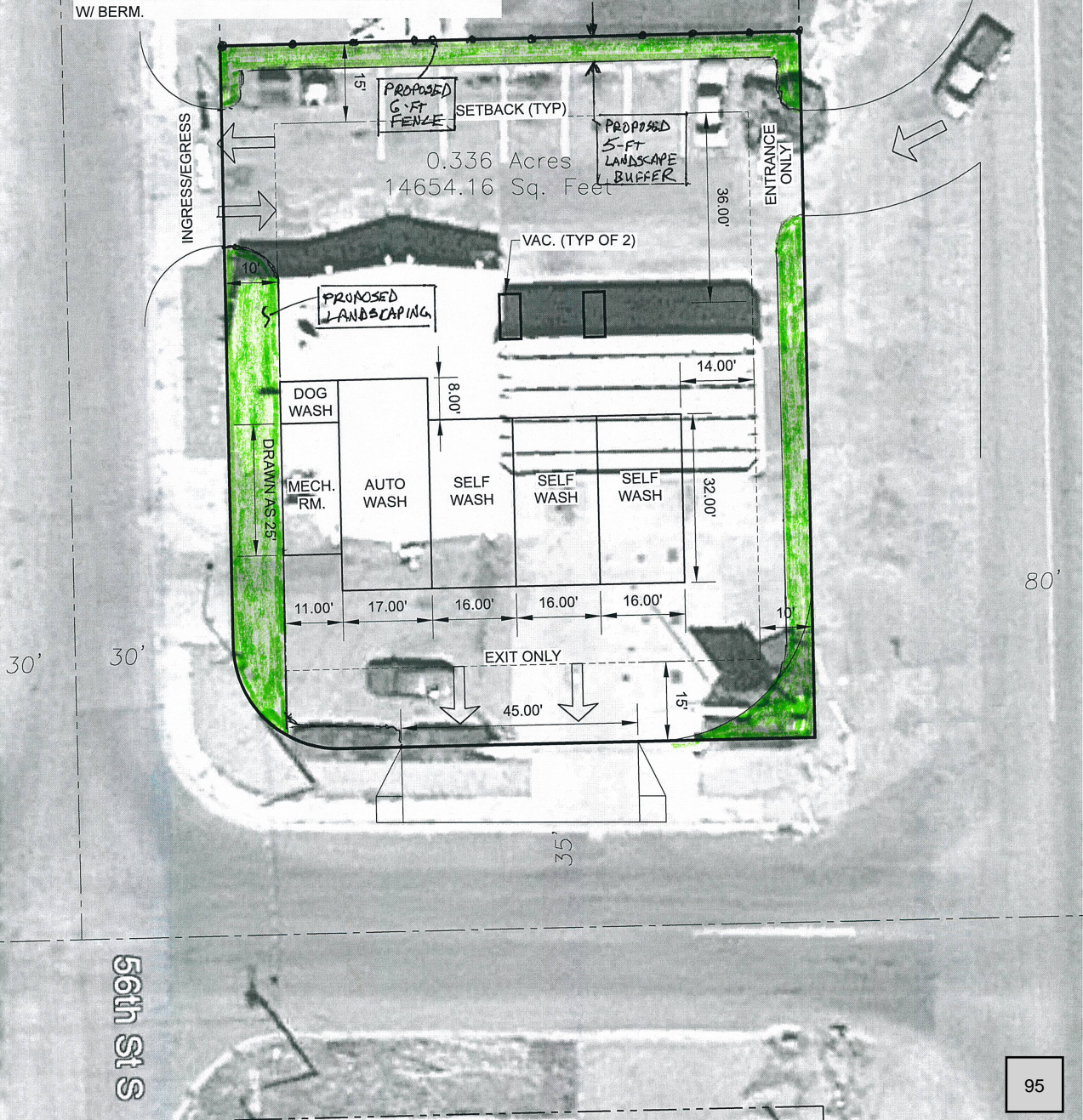
- LANDSCAPING REQUIRED =
0.15 x 14,654 = 2,198 SF

- LANDSCAPING WILL BE PLACED ALONG THE NORTH, EAST, & WEST SIDES OF PROPERTY WITHIN SET BACK AREAS & IN BOULEVARD AS NECESSARY TO FULFILL THE CITY REQUIREMENTS.

- A BUFFER BETWEEN THE PROPERTY & THE RESIDENTIAL USE TO THE NORTH WILL BE PROVIDED USING A SITE OBSCURING 6-FT FENCE AND/OR A LANDSCAPE BUFFER W/ BERM.

PARKING (PER 17.36.2.010)

- THE MINIMUM NUMBER OF PARKING SPACES ARGUABLY DOES NOT APPLY TO CARWASH FACILITIES; HOWEVER, A CONSERVATIVE INTERPRETATION WOULD CONSIDER THIS A VEHICLE MAINTENANCE/SERVICE SHOP REQUIRING 2 SPACES PER WORK BAY PLUS 1 PER EMPLOYEE PER SHIFT. EACH BAY PROVIDES PARKING, AS DOES THE QUEUING ON THE NORTH SIDE OF EACH BAY. THE ONE EMPLOYEE PARKING SPACE CAN BE PROVIDED SOUTH OF THE MECHANICAL ROOM.



Lonnie,

As discussed last week and on behalf of Mr. Woods, we wish to present information to the City regarding noise levels generated by vacuums at the proposed carwash facility. According to our meeting with the City several weeks ago, vacuum noise was the primary concern related to the proposed use. Attached to this email are several exhibits. The first attachment shows the distance from the edge of the nearest residence to the north edge of the vac islands; i.e., ~60-ft. The second attachment contains noise generation levels from the specific vacuum manufacturer intended for this site. Looking at the second page of the manufacturer's literature, the noise level at the 60 feet distance is in the range of 59.5-62.5 decibels. Keep in mind the proposed vegetation and site-obscuring fence along the property line will buffer noise levels *even further* for nearby residents.

The 3rd and 4th attachments give ranges of decibel levels for varying noises. The ~60 dB range is the equivalent of a "normal conversation" and "background music." Existing road noise from traffic on 57th Street S clearly presents much higher decibel levels than the vacuums. As an example, "jake" brakes on semis have noise levels in the range 100 dB.

In summary, the vacuums proposed for this site will create less noise than existing conditions and should not be cause for concern at the proposed locations. With this email, we respectfully request City support for the previously submitted CUP, including a 5-ft landscape buffer along the north property line.

Joseph N. Murphy, P.E.
Big Sky Civil & Environmental, Inc.
P.O. Box 3625
Great Falls, MT 59403
(406) 727-2185 ph
(406) 727-3656 fax
(406) 799-7096 cell
www.bigskyce.com



LANDSCAPING (PER 17.44.3.030)

- REQUIRES 15% OF GROSS PROPERTY AREA

- LOT SIZE = 0.336 AC (14,654 SF)

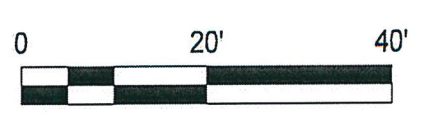
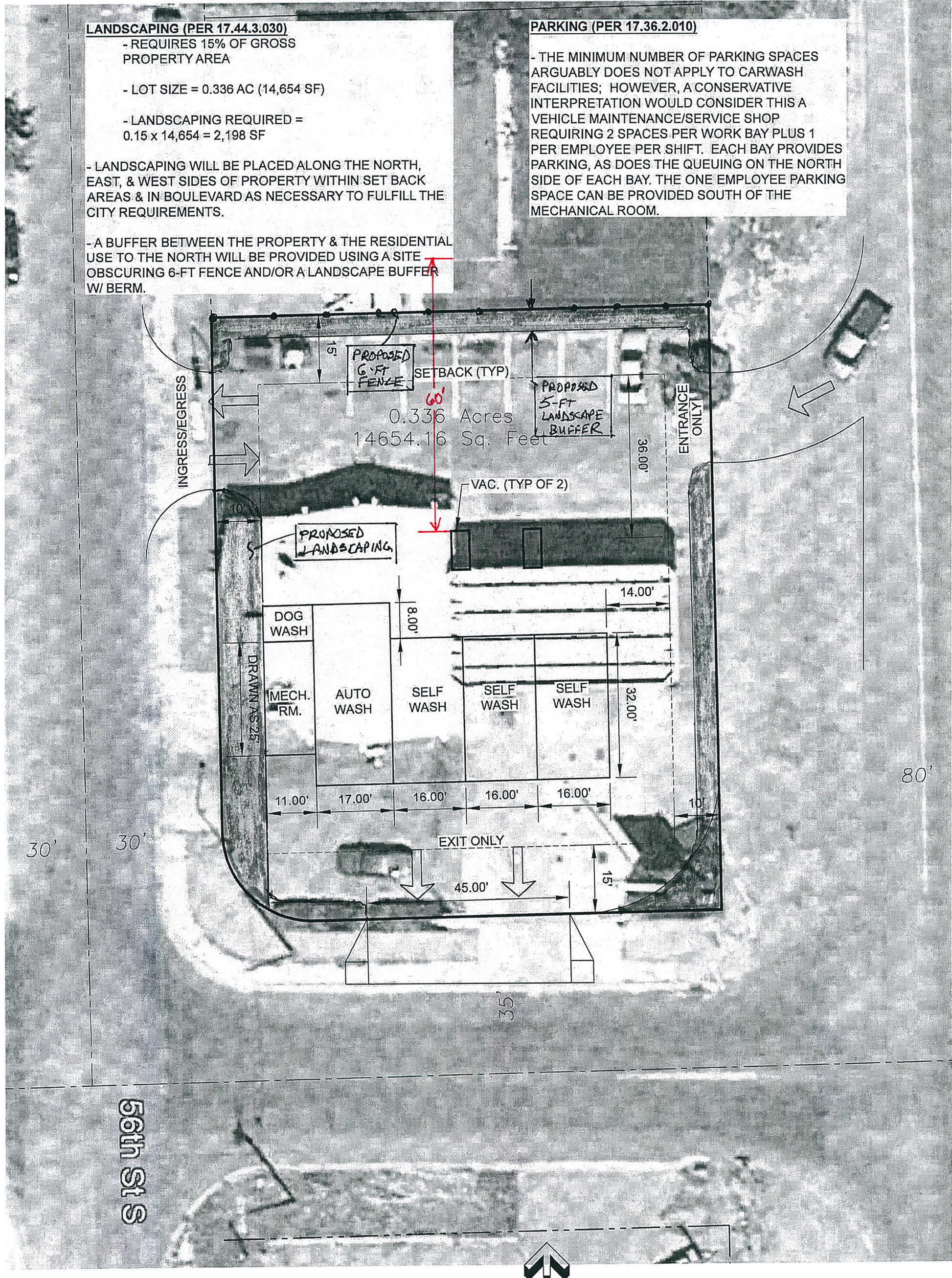
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Sound Power and Narrow Band Report

Test Condition:

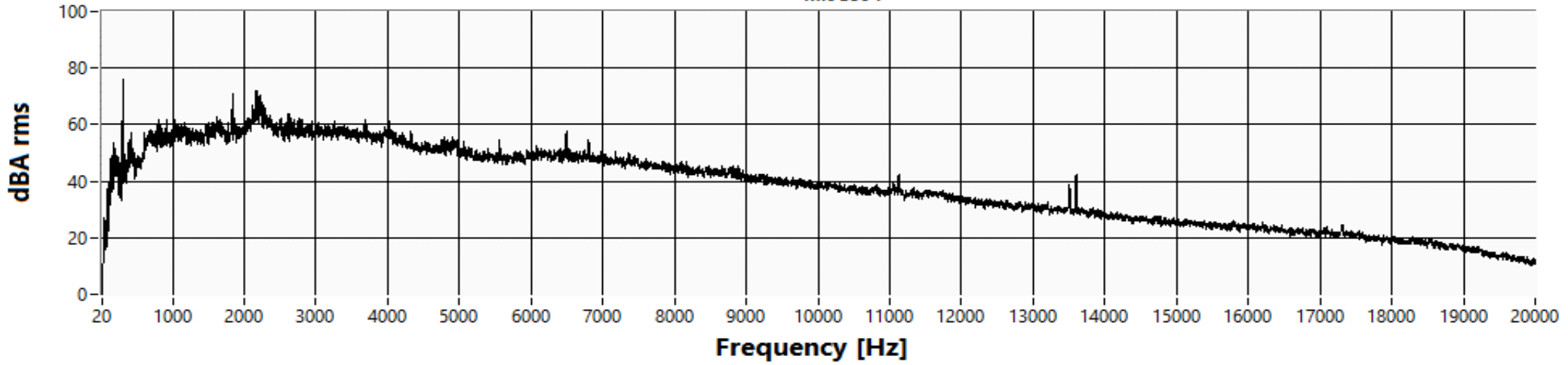
Customer: JE Adams
 Date: 5/10/2019
 Mtr Model Q6600-092T (2 mtrs)
 Unit: 9235-2

Volts 120
 Frequency 60 Hz
 By: Jonathan Johnson
 Test Method: ASTM F1334

JE Adams Unit 9235
 2 Motor Unit with Q6600-092T Motors.
 Large Steel Dome With Foam
 Inlet In Room Open Nozzle

FFT Data (Sound Pressure)

Mic Loc 1



| Sound Power dBA 1/3 Octave Band | | 1/3 Octave Band Sound Pressure (RAW) dBA | | | | | | | | | |
|------------------------------------|-------------------------|--|--------------|------------------|--------------------|--------------|------|------|------|------|------|
| Sound Power: dBA | | Center Freq (Hz) | Sound Power: | RSS Corr. Factor | Avg Sound Pressure | Mic Location | | | | | |
| FREQUENCY BAND (Hz) | SOUND POWER A-WEIGHT DB | | | | | 1 | 2 | 3 | 4 | 5 | 6 |
| 20000 | 60.0 | 25 | 12.4 | 6.9 | 5.5 | 4.6 | 3.4 | 4.1 | 9.1 | 4.4 | 4.4 |
| 16000 | 65.0 | 31.5 | 14.4 | -5.0 | 19.4 | 22.7 | 13.7 | 17.3 | 21.1 | 19.5 | 16.4 |
| 12500 | 70.0 | 40 | 21.1 | 4.4 | 16.7 | 14.9 | 18.1 | 16.5 | 17.0 | 16.9 | 16.2 |
| 10000 | 75.0 | 50 | 31.9 | 3.7 | 28.2 | 13.5 | 27.6 | 29.5 | 16.5 | 32.7 | 27.6 |
| 8000 | 80.0 | 63 | 36.6 | 9.7 | 26.9 | 24.6 | 27.7 | 28.1 | 25.2 | 25.4 | 28.8 |
| 6300 | 85.0 | 80 | 37.0 | 7.7 | 29.3 | 21.7 | 30.7 | 29.5 | 20.3 | 32.6 | 29.7 |
| 5000 | 90.0 | 100 | 44.0 | 2.0 | 42.0 | 42.4 | 42.0 | 40.7 | 41.0 | 41.6 | 43.5 |
| 4000 | 95.0 | 125 | 55.4 | 5.4 | 50.0 | 52.1 | 49.9 | 47.8 | 49.9 | 50.3 | 48.8 |
| 3150 | 100.0 | 160 | 58.5 | 2.2 | 56.3 | 56.8 | 56.5 | 55.6 | 54.5 | 54.6 | 58.7 |
| 2500 | 105.0 | 200 | 60.7 | 0.8 | 59.9 | 58.2 | 59.1 | 60.2 | 59.3 | 62.0 | 59.4 |
| 2000 | 110.0 | 250 | 60.3 | 1.1 | 59.2 | 60.4 | 58.0 | 58.5 | 56.8 | 59.9 | 60.4 |
| 1600 | 115.0 | 315 | 77.3 | 0.6 | 76.7 | 77.1 | 71.7 | 76.5 | 70.7 | 78.1 | 79.7 |
| 1250 | 120.0 | 400 | 67.0 | 0.3 | 66.7 | 68.1 | 66.9 | 67.3 | 64.1 | 67.6 | 65.0 |
| 1000 | 125.0 | 500 | 65.4 | 1.7 | 63.7 | 65.1 | 64.5 | 63.6 | 63.4 | 62.4 | 62.5 |
| 800 | 130.0 | 630 | 72.1 | 1.3 | 70.8 | 70.9 | 71.7 | 70.5 | 71.6 | 69.4 | 70.1 |
| 630 | 135.0 | 800 | 74.6 | 0.4 | 74.2 | 73.8 | 75.1 | 74.3 | 73.6 | 73.9 | 74.5 |
| 500 | 140.0 | 1000 | 76.3 | 0.3 | 76.0 | 76.1 | 76.4 | 75.0 | 75.5 | 76.8 | 75.8 |
| 400 | 145.0 | 1250 | 78.0 | 1.2 | 76.7 | 77.3 | 76.5 | 76.0 | 77.4 | 76.1 | 77.0 |
| 315 | 150.0 | 1600 | 80.8 | 1.5 | 79.3 | 79.4 | 79.0 | 79.5 | 79.5 | 79.5 | 78.9 |
| 250 | 155.0 | 2000 | 85.3 | 1.2 | 84.1 | 84.3 | 83.3 | 83.9 | 84.0 | 84.7 | 84.4 |
| 200 | 160.0 | 2500 | 85.5 | 2.3 | 83.1 | 82.7 | 82.8 | 83.1 | 83.4 | 83.5 | 83.4 |
| 160 | 165.0 | 3150 | 84.4 | 2.7 | 81.7 | 81.8 | 81.5 | 81.8 | 81.5 | 81.8 | 81.8 |
| 125 | 170.0 | 4000 | 83.0 | 2.7 | 80.3 | 80.3 | 80.3 | 80.0 | 80.3 | 80.2 | 80.4 |
| 100 | 175.0 | 5000 | 80.3 | 3.6 | 76.7 | 76.7 | 76.9 | 76.8 | 76.3 | 76.8 | 76.5 |
| 80 | 180.0 | 6300 | 80.3 | 4.7 | 75.6 | 75.4 | 75.8 | 75.5 | 75.4 | 75.4 | 75.7 |
| 63 | 185.0 | 8000 | 79.7 | 6.4 | 73.3 | 73.3 | 73.4 | 73.7 | 73.3 | 73.2 | 73.1 |
| 50 | 190.0 | 10000 | 75.6 | 7.5 | 68.1 | 68.2 | 68.0 | 68.9 | 68.1 | 67.7 | 67.8 |
| 40 | 195.0 | 12500 | 72.0 | 9.8 | 62.1 | 62.2 | 62.6 | 61.8 | 61.2 | 62.4 | 62.5 |
| 31.5 | 200.0 | 16000 | 68.5 | 13.2 | 55.3 | 55.0 | 55.5 | 55.7 | 54.4 | 55.7 | 55.5 |
| 25 | 205.0 | 20000 | 64.0 | 17.7 | 46.3 | 46.4 | 46.5 | 46.6 | 45.4 | 46.3 | 46.6 |

Overall Sound Power dBA: 92.7

(Sound Power = Total Sound Pressure + Reference Sound Source (RSS) Correction Factor)

Sound Power and Narrow Band Report

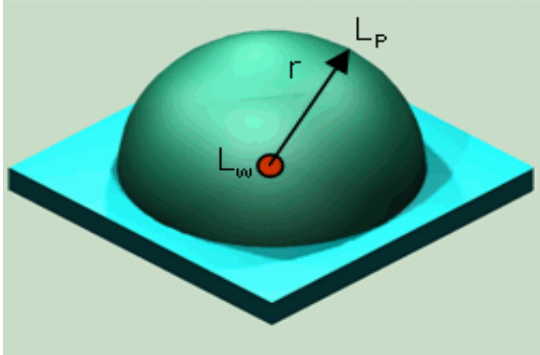
Customer: JE Adams
 Date: 5/10/2019
 Mtr Model Q6600-092T (2 mtrs)
 Unit: 9235-2

Volts 120
 Frequency 60 Hz
 By: Jonathan Johnson
 Test Method: ASTM F1334

Test Condition:

JE Adams Unit 9235
 2 Motor Unit with Q6600-092T Motors.
 Large Steel Dome With Foam
 Inlet In Room Open Nozzle

Sound Pressure At Distances From Unit (Sound Treated as Point Source)

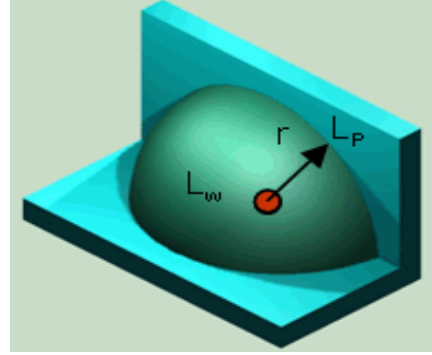


Half Sphere Q = 2

$$L_p = L_w + 10 \log \left(\frac{Q}{4\pi r^2} \right)$$

Lp = Sound Pressure dBA
 Lw = Sound Power
 Q = Directivity Factor
 r = Distance from Source

Sound Power = 92.7



Quarter Sphere Q = 4

| Distance | | Sound Pressure (dBA) |
|----------|--------|----------------------|
| Feet | Meters | |
| 5 | 1.5 | 81.1 |
| 10 | 3.0 | 75.1 |
| 15 | 4.6 | 71.5 |
| 25 | 7.6 | 67.1 |
| 30 | 9.1 | 65.5 |
| 35 | 10.7 | 64.2 |
| 40 | 12.2 | 63.0 |
| 45 | 13.7 | 62.0 |
| 50 | 15.2 | 61.1 |
| 55 | 16.8 | 60.2 |
| 60 | 18.3 | 59.5 |
| 75 | 22.9 | 57.6 |
| 80 | 24.4 | 57.0 |
| 85 | 25.9 | 56.5 |
| 90 | 27.4 | 56.0 |
| 95 | 29.0 | 55.5 |
| 100 | 30.5 | 55.1 |

| Distance | | Sound Pressure (dBA) |
|----------|--------|----------------------|
| Feet | Meters | |
| 5 | 1.5 | 84.1 |
| 10 | 3.0 | 78.1 |
| 15 | 4.6 | 74.5 |
| 25 | 7.6 | 70.1 |
| 30 | 9.1 | 68.5 |
| 35 | 10.7 | 67.2 |
| 40 | 12.2 | 66.0 |
| 45 | 13.7 | 65.0 |
| 50 | 15.2 | 64.1 |
| 55 | 16.8 | 63.3 |
| 60 | 18.3 | 62.5 |
| 75 | 22.9 | 60.6 |
| 80 | 24.4 | 60.0 |
| 85 | 25.9 | 59.5 |
| 90 | 27.4 | 59.0 |
| 95 | 29.0 | 58.5 |
| 100 | 30.5 | 58.1 |

Noise Sources and Their Effects

| Noise Source | Decibel Level | comment |
|--|---------------|---|
| Jet take-off (at 25 meters) | 150 | Eardrum rupture |
| Aircraft carrier deck | 140 | |
| Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB). | 130 | |
| Thunderclap, chain saw. Oxygen torch (121 dB). | 120 | Painful. 32 times as loud as 70 dB. |
| Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB). | 110 | Average human pain threshold. 16 times as loud as 70 dB. |
| Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB). | 100 | 8 times as loud as 70 dB. Serious damage possible in 8 hr exposure |
| Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB). | 90 | 4 times as loud as 70 dB. Likely damage 8 hr exp |
| Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB). | 80 | 2 times as loud as 70 dB. Possible damage in 8 h exposure. |
| Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB). | 70 | Arbitrary base of comparison. Upper 70s are annoyingly loud to some people. |

| | | |
|---|----|--|
| Conversation in restaurant, office, background music, Air conditioning unit at 100 ft | 60 | Half as loud as 70 dB. Fairly quiet |
| Quiet suburb, conversation at home. Large electrical transformers at 100 ft | 50 | One-fourth as loud as 70 dB. |
| Library, bird calls (44 dB); lowest limit of urban ambient sound | 40 | One-eighth as loud as 70 dB. |
| Quiet rural area | 30 | One-sixteenth as loud as 70 dB. Very Quiet |
| Whisper, rustling leaves | 20 | |
| Breathing | 10 | Barely audible |
| | | |

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/enviro10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.



Commission Meeting Date: August 17, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center.

From: Owen Grubenhoff, Mansfield Events Manager

Initiated By: Mansfield Events Office

Presented By: Owen Grubenhoff, Mansfield Events Manager

Action Requested: Conduct a public hearing and adopt Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center

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 (adopy/deny) Resolution 10426.

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

Staff Recommendation: Staff recommends that the City Commission conduct a public hearing and adopt Resolution 10426.

Summary: The City Commission adopted Resolution 10312 in September of 2019. Adoption of Resolution 10426 will create a new fee that will be routed directly to any promoter who meets the requirements to be eligible for the fee. The fee will be decided by the promoter on a per show basis with a maximum \$8.00 per ticket amount. To be eligible any promoter must be presenting 4 or more shows in a fiscal year. Any show utilizing this fee must meet the show maximum rental cap which is currently set at \$4335.00. If ticket sales are not great enough to meet the cap then the Mansfield Center will retain a portion of the fee to meet the cap.

Background: The Great Falls Symphony has struggled to make a profit on their Broadway series shows that are performed in the Mansfield Theater. They partner with national promoters IAE (Innovation Arts and Entertainment) and The Roberts Group thus any profits are split 3 ways. Many venues offer fees that go directly to the promoter, these are known as “rebates” in the industry. This

resolution is being proposed to create a fee to support that rebate. It is hoped that the creation of this fee will allow us to retain Broadway shows in our market as well as attract new promoters who may want to utilize this fee structure.

Fiscal Impact: The proposed fee creation is intended to incentivize promoters to bring more high quality shows to the venue. There will be no direct increase or decrease in revenues with the creation of this fee as each show is required to hit the cap on rent to be eligible.

Alternatives: The City Commission could vote to deny Resolution 10426, thus keeping fees as adopted in Resolution 10312 in 2019.

Concurrences: The Mansfield Advisory Board reviewed and approved these changes in July 2021. Also, the proposed changes were reviewed and approved by the City Manager Office, and Mansfield events staff.

Attachments/Exhibits: Resolution 10426 and Exhibit A

RESOLUTION NO. 10426

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ESTABLISHING FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER

WHEREAS, the Mansfield Center for the Performing Arts serves as a cultural, social and entertainment center for the Great Falls community and north central Montana; and

WHEREAS, the Mansfield Center for the Performing Arts consists of the Mansfield Theater, Mansfield Convention Center and meeting rooms. The venue provides services from staffing to setup and teardown as well as equipment and box office services for an event. Other services provided include professional backstage crew, box office staff, ushers, and staff to sell merchandise as well as high speed internet access and concessions; and

WHEREAS, the Theater seats 1,782 and is adaptable for concerts, ballet, grand opera, road shows, off-Broadway stage productions, travelogues, conventions and lectures. The Convention Center is 15,300 square feet in size and is a venue for conventions, trade shows, meetings, concerts, fundraisers, banquets and wedding receptions; and

WHEREAS, the City Commission adopted Resolution 10312, “A Resolution Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center,” on September 3, 2019; and

WHEREAS, having considered that many venues offer fees that go directly to the promoter, known as “rebates” in the industry, the Mansfield Advisory Board deemed it appropriate to incentivize promoters that meet certain requirements to bring more high quality shows to the Mansfield Center for the Performing Arts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the fees set forth in Exhibit A are hereby adopted.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that Resolution 10312 is hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, August 17, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

Exhibit “A” To Resolution 10426

| | |
|-------------------------------------|----------------------------|
| Mansfield Convention Center* | <u>Current Fees</u> |
| Attendance over 500 | \$1,995 |
| Attendance 500 and under | \$1,795 |
| Non-alcohol event | \$1,495 |
| Backstage | \$895 |
| Set-up or tear-down day | \$100/hr minimum \$200 |
| (Must be consecutive hrs) | No Maximum |
| Walk-in cooler for set-up day | \$250 |
| | (Included w/\$400 or more) |
| Merchandising fee | 20% of gross |

* Maximum of 16 hrs that must be consecutive and between 7am and 1:30am. Additional hours are \$100/hour

Box Office Services and Convention Center

| | |
|--------------------------------|---|
| Use of Mansfield Box Office | 5% of gross. Optional except concerts and sporting events |
| Minimum/Cap | \$300/\$2,300 |
| Plus additional per ticket fee | \$2/ticket |

Missouri Room*

Current Fees

| | |
|----------------------|-------|
| Event day | \$600 |
| Set-up/tear-down day | \$300 |

* Maximum of 14 hrs that must be consecutive and between 7am and 12:30am. Additional hours are \$50/hour

* Rent is \$500 when used in conjunction with the theater as a dressing room.

Rainbow or Ryan Room

Current Fees

| | |
|-------------|-------|
| Week day | \$75 |
| Weekend day | \$160 |

Gibson Room *

Current Fees

| | |
|-----------|-------|
| Event day | \$250 |
|-----------|-------|

* Maximum of 12 hrs that must be consecutive and between 7am and 1:30am. Additional hours are \$50/hour

Commission Chambers

Current Fees

| | |
|-----------|-------|
| Event day | \$250 |
|-----------|-------|

*Rent is \$125 when used in conjunction with the theater as a dressing room.

Holiday rates \$385 additional charge

Discount: A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

Mansfield Theater

Current Fees

| | |
|--------------------|---------------|
| Performance | 8% of gross |
| Box Office Fee | \$1.50 |
| Facility Surcharge | \$0.50/ticket |
| Convenience Fee | \$4.00 |
| Minimum/Cap | \$950/\$4335 |

| | |
|-----------------------|--|
| Event w/out ticketing | \$1,195 |
| Wedding | \$500 plus hourly rate and labor(2hr min) |
| Setup/Tear Down Day | \$495 |
| Credit Card Fee | 4% Or as allowed by law |
| Promoter Rebate | A maximum of \$8.00 per ticket to be paid directly to the promoter as long as the cap of \$4335.00 is met. If the cap is not met then the Mansfield will retain funds sufficient to reach the cap and all remaining funds from this fee will be paid to the promoter. To be eligible a promoter must be presenting 4 or more shows in a fiscal year. |

Mansfield Box Office Ticketing Services

The use of the Mansfield Box Office is required for all events held in the Mansfield Theater. The use of the Mansfield Box Office is required for all concerts and sporting events held in the Convention Center. Promoters located outside the State of Montana, are required to use the Mansfield Box Office for all publicly ticketed events held at the Mansfield Center for the Performing Arts. The Mansfield Box Office retains exclusive rights to all internet sales for events held in the Mansfield Theater. The use of the Mansfield Box Office is not required for events being held in the Commission Chambers, Gibson Room, Missouri Room or any of the smaller meeting rooms. Ticketing fees are in addition to room rental fees.

** The City reserves the right to require the sponsoring organization to use the Mansfield Box Office if a competing ticket outlet or location is used for ticket sales.*

Staff from the Mansfield Performing Arts Center, in conjunction with the City Manager’s Office, shall evaluate these fees on an annual basis beginning in calendar 2021, but no later than April 1 of that year and each successive year, and may implement an annual inflationary increase in these fees using the Consumer Price Index, U.S. City average, all urban consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor. Nothing in this Resolution shall prevent staff from making recommendations at any time to the City Commission for fee changes based upon other considerations.



Commission Meeting Date: August 17, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Subsequent Minor Subdivision – Rivers Edge Dental Minor Subdivision addressed as 1900 River Dr N and legally described as Lot 2, Block 3, Edgewater Industrial Tract No. 3, Section 6, T20N, R4E, M.P.M., Great Falls, Cascade County, Montana.

From: Lonnie Hill, Planner I, Planning and Community Development

Initiated By: Allan Currie, Owner

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

Action Requested: City Commission approve the Amended Plat of the Minor Subdivision and accompanying Findings of Fact.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Amended Plat of the Minor Subdivision, as legally described in the Staff report, and the accompanying Findings of Fact, subject to the Conditions.”

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

Staff Recommendation:

The Planning Advisory Board passed a motion recommending the City Commission approve the minor subdivision of the subject property at the conclusion of a public hearing held on July 27, 2021. Staff additionally recommends approval of the proposed minor subdivision request with the following conditions:

Conditions of Approval:

1. The applicant shall provide an amended plat of the subject property which shall be in compliance with survey requirements of this Title and State law and incorporate corrections of any errors or omissions noted by Staff.
2. The proposed plans shall conform to the M-2 zoning district development standards in the Land Development Code within the Official Code of the City of Great Falls.
3. The amended plat shall dedicate easement for utilities to the satisfaction of the City’s Public Works Department.
4. Sewer Improvements may be required if existing capacity is not adequate. Cost of improvements would be the responsibility of the owner if deemed necessary by the City.

Background:

The subject property, which is located southeast of the intersection of River Drive North and 19th Street North, consists of \pm 2.97 acres and is within the M-2, Mixed-use Transitional zoning district. The western third of the property is developed as Rivers Edge Dental, while the eastern two-thirds of the property remains undeveloped. The amended plat included as an attachment shows the proposed lot configuration. The applicant intends to subdivide the property into three lots. Two additional lots would be created upon the undeveloped portion of the property for future development. The property is surrounded by Mixed-use Transitional zoning to the west, south and east, and Parks and Open Space zoning to the north with the Rivers Edge Trail and the Missouri River across River Drive North.

Subsequent Minor Subdivision Request:

The applicant is requesting what's known as a subsequent minor subdivision of the property because the original 2.97 acre parcel was created through a previous subdivision. The applicant proposes to create three lots; Lot 2A which will consist of 1.082 acres and is currently developed as Rivers Edge Dental, Lot 2B which will consist of 1.161 acres and is currently undeveloped, and Lot 2C which will consist of 0.728 acres and is currently undeveloped. Each of these proposed lots conforms to the lot area and dimensional standards of the M-2 zoning district.

The applicant proposes to create a new thirty (30) foot wide private access & utility easement along the rear of the property that is identified on the amended plat. This proposed easement will allow for the extension of a new water main and a driveway to access Lot 2B and Lot 2C from the intersection of 12th Ave N and 19th St N. This will allow both new lots to be accessed from the rear rather than through new access points from River Drive North. An existing sewer main runs along the rear of parcel and would also be contained in the new easement. There is an existing storm drain line and easement running along the east end of the parcel that will outlet future storm water runoff from developed property into the Missouri River.

The basis for a decision to approve, conditionally approve, or deny a proposed subdivision is whether it is demonstrated that development of the proposed subdivision meets the requirements of the Montana Code Annotated (MCA), is consistent with the City's zoning regulations and is in the public interest. Staff finds the proposal is in the public interest and has reviewed the proposed project in relation to the City's zoning regulations. In addition, Staff developed Findings of Fact for the proposed subdivision and concludes the subdivision meets the requirements provided by 76-3-608(3) MCA. The full *Findings of Fact* are included as an attachment to this report.

Neighborhood Council Input:

Pursuant to MCA and the Official Code of the City of Great Falls (OCCGF) § 17.16.4.010 Table 16-2, minor subdivisions do not require Neighborhood Council notification. However, as a courtesy Lanni Klasner, the City's Communication Specialist, provided information regarding the proposed minor subdivision to Neighborhood Council #8 members. Staff has not received input from Council Members and the Council is currently on summer break.

Fiscal Impact:

The cost of site improvements, including any utility services, will be paid by the property owner or future developer. The Public Works Department has identified the sanitary sewer infrastructure as near capacity downstream from the subject property. Future development proposals of Lot 2B and 2C will be reviewed for impacts to the existing sanitary sewer system and improvements to the system may be required depending on results of the analysis. This information was conveyed to the applicant's consulting engineer. Staff was told the applicant's desired use of the lots includes smaller businesses similar to the

size and impact of Rivers Edge Dental, and will likely not require upgrades to the existing sewer infrastructure. All other existing public utilities can accommodate future increased capacity. Public safety services are currently being provided to the property and will not be affected.

Alternatives:

The City Commission could recommend denial of the applicant's request. For this action, the City Commission must provide alternative Findings of Fact to support a denial of the minor subdivision request.

Concurrences:

Representatives from various City departments, including the Public Works Department and Fire Department, have been notified of the applicant's request pursuant to Agency Notification requirements listed within OCCGF 17.16.4.010 Exhibit 16-2.

Attachments/Exhibits:

- Findings of Fact – Subdivision
- Aerial Map
- Zoning Map
- Draft of Amended Plat
- Development Standards of M-2 Zoning District

FINDINGS OF FACT/BASIS OF DECISION – MONTANA SUBDIVISION AND PLATTING ACT

Minor subdivision of Lot 2, Block 3, Edgewater Industrial Tract No. 3, Section 6, T20N, R4E, M.P.M., Great Falls, Cascade County, Montana. (PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: The minor subdivision is located at the southeast corner of River Drive North and 19th Street North which is located within city limits. The subject property is surrounded by public right-of-way on the west and north sides, an existing mobile home park on the east side, and a large gravel parking lot with vacant land on the south side. Thus, the proposed minor subdivision will not interfere with any agricultural irrigation system or present any interference with agriculture operations in the vicinity.

Effect on Local Services: The Lots in the proposed subdivision are either currently served or will be served from public mains or private utility lines at the time of development. The Owner will pay the cost of the service lines from these utility mains. The owners of the three lots created by the subdivision will pay regular water and sewer charges, and monthly storm drain charges. The property proposed for this subdivision is currently receiving law enforcement and fire protection service from the City of Great Falls and the subdivision does not propose any changes to the current services. As noted in the agenda report, Public Works has identified a sewer capacity limitation downstream from the proposed subdivision. This will create some limitation on the amount of sewer discharge that can be released from future development of the two new lots. Fortunately, the applicant's desired use of the lots for smaller businesses will not impact the current City sewer system.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will continue to flow north into City infrastructure and ultimately discharge into the Missouri River. Storm water quantity and quality will be reviewed at the time of future development of each lot. As noted above, sewer discharges from the future development will not be too large for the City's downstream sewer system.

Effect on Wildlife and Wildlife Habitat: The subdivision is surrounded by existing roadways and development. This is not in an area of significant wildlife habitat beyond occasional deer and migrating fowl. Thus, the subdivision will not have a negative effect on wildlife and wildlife habitat.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. The subdivision itself will not have a negative effect on Public Health and Safety. The proposed access easement along the south side of the two lots will disperse vehicle traffic to 12th Avenue and 19th Street rather than directly onto River Drive.

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

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

EASEMENT FOR UTILITIES

The developer shall provide necessary utility easements to accommodate private utilities to serve all of the lots of the subdivision.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed subdivision lots will be provided via an access easement that connects to the intersection of 12th Avenue North and 19th Street North. This access easement will be created through the amended plat.

Aerial Map - Rivers Edge Dental Minor Subdivision

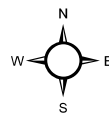


 City Limits

 Subject Property

 Parcels







Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community 20



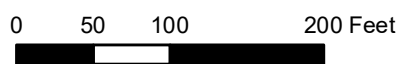
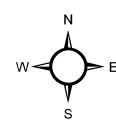
0 50 100 200 Feet

Zoning Map



-  City Limits
-  Subject Property
-  M-2 Mixed-use Transitional
-  I-1 Light Industrial
-  POS Parks and Open Space
-  Parcels

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Date: 7/7/2021

AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3 LOCATED IN GOVERNMENT LOTS 6 AND 7 OF SECTION 6, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNER: RIVERS EDGE DENTAL COMPLEX LLC

AREA OF LOTS = 2.971 ACRES
AREA OF PARK = 0 ACRES
AREA OF DEDICATED ROADS = 0 ACRES
TOTAL SUBDIVISION AREA = 2.971 ACRES

BASIS OF BEARING:
GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM

PURPOSE OF SURVEY:
TO CREATE 3 LOTS FROM LOT 2, BLOCK 3, OF THE AMENDED PLAT
OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3

CERTIFICATE OF OWNERSHIP

I (we), the undersigned property owner(s), do hereby certify that I(we) have caused to surveyed, subdivided, and platted into lots, blocks, and easements, the following described tract of land in the City of Great Falls, Cascade County, Montana, to-wit:
A tract of land being Lot 2, Block 3, of the Amended Plat of Block 3, Edgewater Industrial Tract No. 3, located in Government Lots 6 and 7, Section 6, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:

Beginning at the Southwest corner of said Lot 2, being a point on the Easterly right-of-way line of 10th Street North; thence North 09°18'29" East along said Easterly right-of-way line, a distance of 323.81 feet to the Southerly right-of-way line of River Drive North; thence along said Southerly right-of-way line on a non-tangent curve to the right, having a Radius of 4017.48 feet, a Delta of 4°58'35", an Arc Length of 348.93 feet, a Chord Bearing of South 62°01'11" East, and a Chord Length of 348.82 feet; South 59°29'50" East along said Southerly right-of-way line, a distance of 260.61 feet to the Northeast corner of said Lot 2; thence South 09°16'53" West along the Easterly boundary line of said Lot 2, a distance of 117.57 feet to the Southeast corner of said Lot 2; thence North 80°43'33" West along the Southerly boundary line of said Lot 2, a distance of 573.50 feet to the Point of Beginning and containing 2.971 acres, along with and subject to any existing easements.
The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, City of Great Falls, Cascade County, Montana, and the lands included in all streets, avenues, and parks or public lands shown on said plat are hereby granted and donated to the use of the public forever.

CERTIFICATE OF EXEMPTION FROM PARK DEDICATION

I (we), the undersigned property owner(s), do hereby certify that being this subdivision is into lots that are all nonresidential; a park dedication will not be required pursuant to 76-3-621(3)(b) MCA, stating "(3) A park dedication may not be required for: (b) subdivision into parcels that are all nonresidential".

Dated this _____ day of _____, A.D., _____

RIVERS EDGE DENTAL COMPLEX LLC

Printed Name _____

Title _____

State of Montana)
: ss
County of Cascade)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, _____, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal)

Notary Public for the State of Montana

Residing at _____

My commission expires _____

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Paul Skubinna, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, and the survey it represents, find that same conforms to regulations governing the platting of lands and presently platted adjacent land, as near as circumstances will permit, do hereby approve the same.

Dated this ____ day of _____, _____

Public Works Director
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting held on the _____ day of _____, _____.

Gregory T. Doyon, City Manager
City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the _____ day of _____, _____, found that adequate municipal facilities for the supply of water and the disposal of sewage and solid waste, are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to Section 76-4-125(1)(d) M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

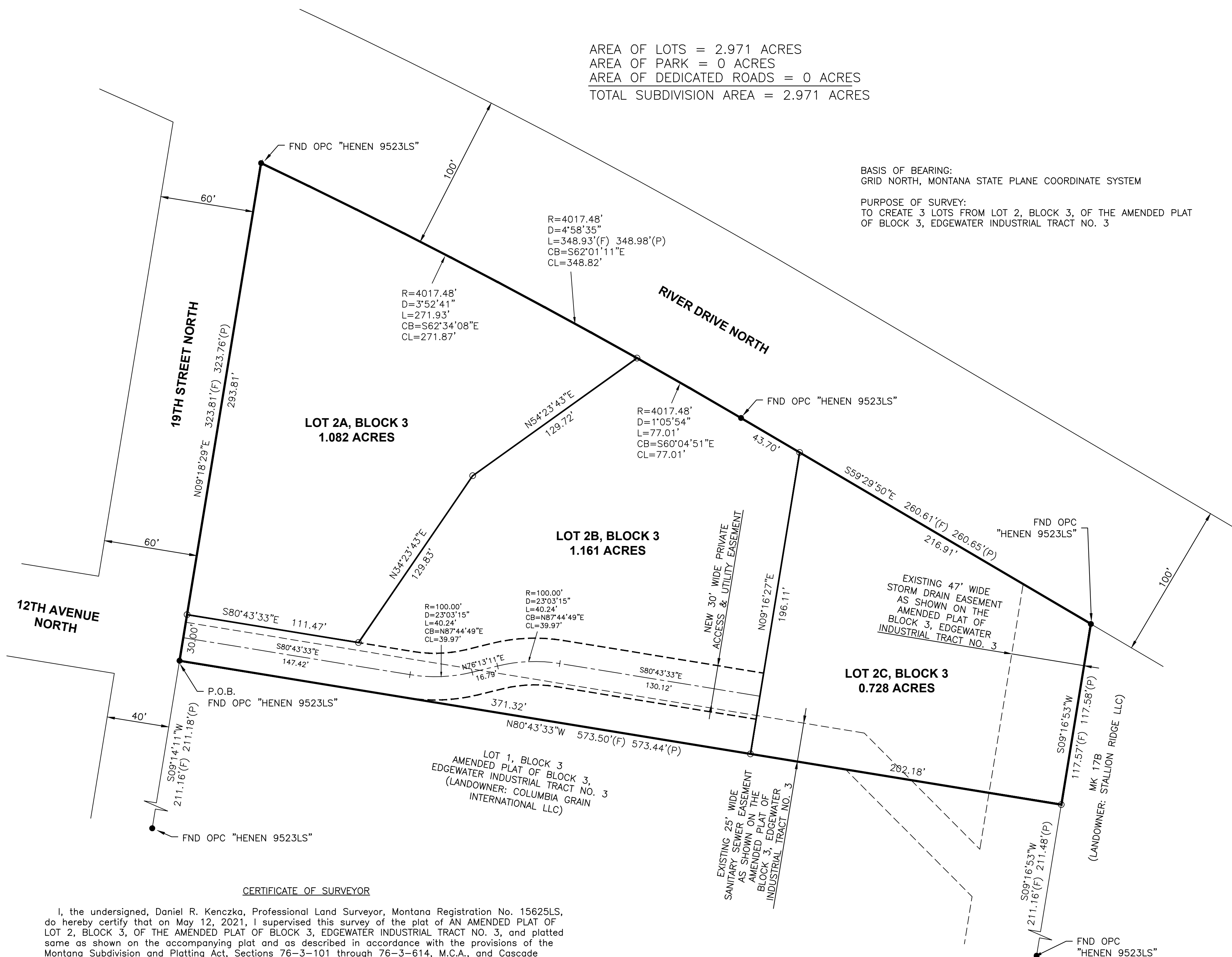
Gregory T. Doyon, City Manager
City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, David Bertelsen, President of the Great Falls Planning Board, City of Great Falls, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, has been submitted to the said Great Falls Planning Board, for examination by them and was approved at its regular meeting held on the _____ day of _____, _____.

David Bertelsen, President
Great Falls Planning Board

Craig Raymond, Secretary
Great Falls Planning Board

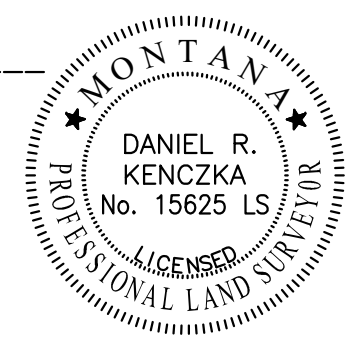


CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that on May 12, 2021, I supervised this survey of the plat of AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, and platted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this _____ day of _____, A.D., _____

Daniel R. Kenczka, Montana Reg. No. 15625LS

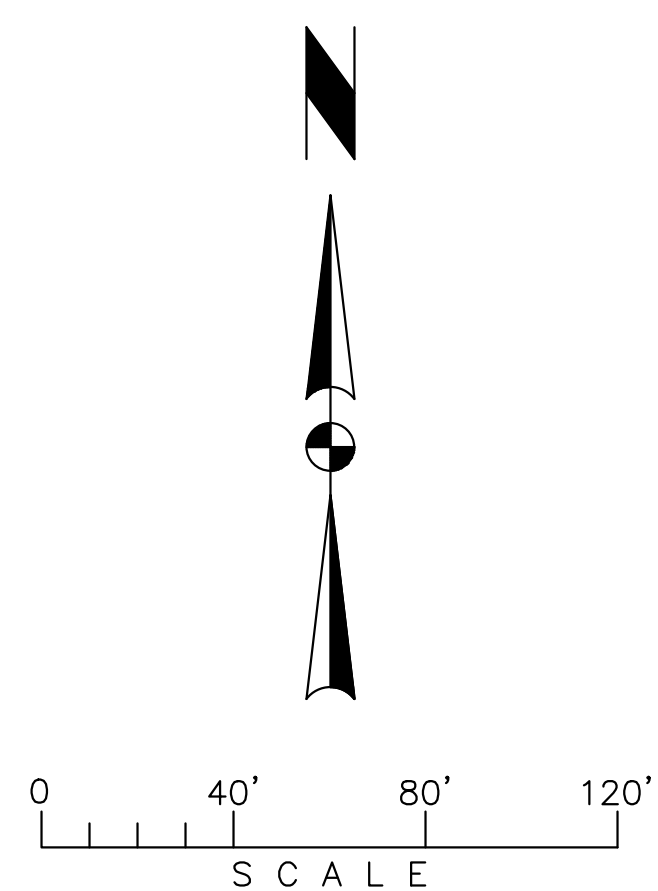


CERTIFICATE OF COUNTY TREASURER

I, Diane Heikkila, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the AN AMENDED PLAT OF LOT 2, BLOCK 3, OF THE AMENDED PLAT OF BLOCK 3, EDGEWATER INDUSTRIAL TRACT NO. 3, and find that the current taxes are not delinquent.

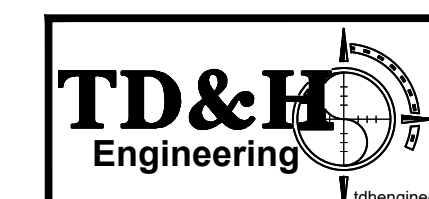
Dated this _____ day of _____, A.D., _____

County Treasurer, Cascade County, Montana



LEGEND

- FND PROPERTY PIN - AS NOTED
- SET PROPERTY PIN - 18"x5/8" REBAR/YPC 15625LS
- SUBDIVISION BOUNDARY
- - - SECTION LINE
- - - NEW EASEMENT THIS PLAT
- LOT LINE
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- P.O.B. POINT OF BEGINNING



| | | |
|--------------------------------------|----------------|------------------|
| DRAWN BY: DRK | DATE: 8-2-21 | QUALITY CHECK: X |
| SURVEYED BY: KJV | JOB NO. 21-047 | FIELDBOOK X |
| GREAT FALLS-BOZEMAN-KALISPELL-SHELBY | | |
| MONTANA WASHINGTON | | |
| IDAHO | | |
| NORTH DAKOTA | | |

Article 4 - LOT AREA AND DIMENSIONAL STANDARDS

Sections:

17.20.4.010 - Generally.

Lots and buildings shall conform to the dimensional standards specified in Exhibit 20-4.

17.20.4.020 - Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4 (continued). Development standards for other zoning districts

| | M-1 | M-2 | C-1 | C-2 | C-3 | C-4 | C-5 | PLI | GFIA | I-1 | I-2 |
|--|--|--|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Residential density | 500 sq. feet of lot area per dwelling unit | 500 sq. feet of lot area per dwelling unit | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a |
| Minimum lot size for newly created lots | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet |
| Minimum lot width for newly created lots | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet | 50 feet |
| Lot proportion | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | 3:1 | 3:1 |

| | | | | | | | | | | | |
|---|--|--|---|---|---|--|---|---|---|---------|---------|
| n for newly created lots (maximum depth to width) | | | | | | | | | | | |
| Maximum building height of principal building | 65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district | 65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district | 35 feet | 65 feet | 50 feet | 100 feet by right; 101 feet to 160 feet as conditional use | 55 feet | 100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right | 65 feet | 45 feet | none |
| Maximum building height of accessory building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | n/a | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 35 feet | none |
| Minimum front yard setback of principal and accessory buildings | none | Existing Industrial: 20 feet | 15 feet | none | 25 feet | none | 15 feet | 25 feet | 25 feet | 20 feet | 10 feet |

| | | | | | | | | | | | |
|--|---|---|------------------------------------|---|---|------|---|---|------|------------------------------------|--|
| Minimum side yard setback of principal and accessory buildings | Commercial: none Residential: 5 feet each side | Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side | 10 feet each side | 10 feet each side | 15 feet each side | none | 10 feet each side | 10 feet each side | none | 10 feet each side | 10 feet each side, 15 feet when side yard abuts a non-industrial zoning district |
| Minimum rear yard setback of principal and accessory buildings | 10 feet | 10 feet | 15 feet | 1/10 of lot depth but not less than 1/10 of building height | 1/10 of lot depth but not less than 1/10 of building height | none | 1/10 of lot depth but not less than 1/10 of building height | 1/10 of lot depth but not less than 1/10 of building height | none | 5 feet | 5 feet |
| Maximum lot coverage of principal and accessory buildings | Corner lot: 70% Other lots: 65% | Corner lot: 70% Other lots: 65% | Corner lot: 50% Other lots: 40% | Corner lot: 70% Other lots: 60% | Corner lot: 70% Other lots: 60% | 100% | Corner lot: 70% Other lots: 60% | Corner lot: 70% Other lots: 60% | none | Corner lot: 85% Other lots: 70% | Corner lot: 85% Other lots: 70% |

(Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Indoor Aquatics & Recreation Center Water Main Relocation, OF 1770.0
From: Park and Recreation
Initiated By: Park and Recreation
Presented By: Steve Herrig, Park and Recreation Director
Action Requested: Consider Bid and Approve Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$136,860 to Trenchless Solutions for the Indoor Aquatics & Recreation Center Water Main Relocation, and authorize the City Manager to execute the construction contract documents.”

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

Staff Recommendation:

Staff recommends awarding a contract in the amount of \$136,860 to Trenchless Solutions for the Indoor Aquatics & Recreation Center Water Main Relocation, and authorize the City Manager to execute the construction contract documents.

Summary:

The project includes construction of approximately 593 LF of 8 inch water main to service the new Indoor Aquatics and Recreation Center. Work includes demolition of the existing 6-inch water main, installation of 2 fire hydrants with 6-inch lead lines, installation of (2) 4-inch service lines stubs, removal of existing concrete sidewalk, asphalt pavement, trees, a landscape island, and landscape boulders, protection of trees and tree roots, and site reclamation.

Background:

Workload Impacts

Design services were completed by TD&H Engineering in cooperation with LPW Architecture (the design team). The design team will provide project management services. City staff will provide general contract management with the design team and the contractor.

Purpose

This project is necessary to provide water service to the new Indoor Aquatics and Recreation Center.

Evaluation and Selection Process

Four (4) bids were received on August 4, 2021 with the bid prices ranging from \$136,860 to \$145,701. Trenchless Solutions submitted the low bid. The low base bid is recommended for award.

Conclusion

City staff recommends awarding the contract to Trenchless Solutions in the amount of \$136,860.

Fiscal Impact:

The attached bid tabulation summarizes the received bids. This is part of the \$20 million Indoor Aquatics and Recreation Center project, which is being funded 50% by a DCIP (Defense Community Infrastructure Program) Grant and 50% by Great Falls Park District No. 1.

Alternatives:

The alternative would be to not award the contract, but that would halt the project for the Indoor Aquatics and Recreation Center and is not recommended by staff.

Concurrences:

City staff, and the design team, to include LPW Architecture and TD&H Engineering, concur that the Indoor Aquatics and Recreation Center will be a great community asset, that the water main project is needed for the Center project to move forward, and recommend award of the contract.

Attachments/Exhibits:

Bid Tabulation

Vicinity Map

CITY OF GREAT FALLS

BID TABULATION SUMMARY

OFFICE FILE 1770.0
INDOOR AQUATICS & RECREATION CENTER WATER MAIN RELOCATION

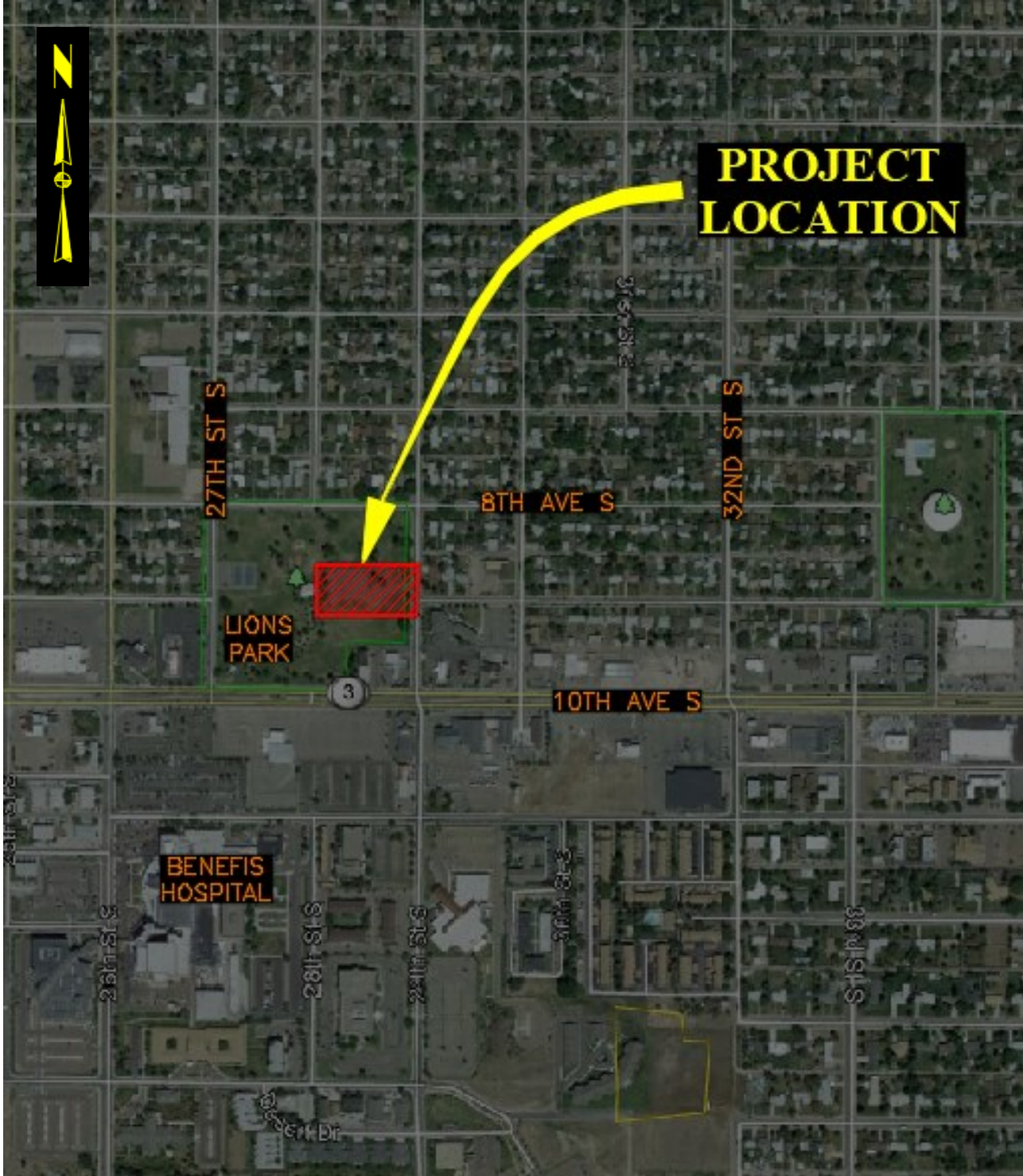
4-AUG-21
DAVID GROSSE

| | NAME & ADDRESS OF BIDDER | ACKNOWLEDGE ADD. #1 | ACKNOWLEDGE ADD. #2 | | 10% BID SECURITY | CERTIFICATE OF NON-SEGREGATED FACILITIES | CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ. | TOTAL BID |
|---|--|---------------------|---------------------|--|------------------|--|---|--------------|
| 1 | CAPCON 4117 14th Ave S Great Falls 59405 | YES | YES | | YES | YES | YES | \$139,984.00 |
| 2 | UNITED MATERIALS 2100 9th Ave N Great Falls 59401 | YES | YES | | YES | YES | YES | \$145,701.00 |
| 3 | TRENCHLESS SOLUTIONS 9448 Summit Drive Missoula 59808 | YES | YES | | YES | YES | YES | \$136,860.00 |
| 4 | CENTRAL PHE 3701 River Drive North Great Falls 59405 | YES | YES | | YES | YES | YES | \$140,797.00 |

GREAT FALLS AQUATIC & RECREATION CENTER

WATER MAIN RELOCATION

O.F. 1770.0



VICINITY MAP



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10412 – 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 10412

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10412.”

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 2, 2021. With this valuation, the City can now compute and set its annual mill levy.

The total mill levy for Tax Year 2021 (FY 2022) is 201.35 mills totaling \$20,864,249. This includes mills for the general levy (previously and newly taxable property), the Permissive Medical Levy, and the Soccer Park GO Bond levy. The newly taxable property will generate additional revenue of \$366,758. There is no increase to the total levy for the inflationary factor or an increase to the Permissive Medical Levy.

Background: The City’s total taxable value is \$107,137,157. The taxable value per mill increased from \$98,197 in FY 2021 to \$103,622 in FY 2022. 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 \$48,825 in tax revenue for the library in FY 2022.

During the FY 2022 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 year average of newly taxable property. The newly taxable revenue reported by MTDOR is actually \$366,758. No particular development project can be identified for this newly taxable revenue.

This amount of newly taxable property revenue means that the City will have slightly less tax revenue than projected in the FY2022 budget of \$33,242 (0.10% of total General Fund 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.

Included in total mill levy of 201.35 are the following:

Debt Service

- 1.58 mills for soccer park debt service payments

The amount that will be generated is \$163,722 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, 2021, was \$470,000. The bond maturity date is July 1, 2024.

Permissive Medical Levy

- 32.44 mills will generate \$3,361,491

This is a minimal decrease in number of mills from last year, but an equal amount of tax revenue generated. Under 15-10-420(9)(a)(vi), the City is allowed to take 33.13 total mills for the Permissive Medical Levy. The levy will be set at only 32.44 mills.

Total Mill Levy Summary

Last year's mill levy for Tax Year 2020 (FY 2021) certified revenue of \$20,502,570. The differences between the mill levy for Tax Year 2020 (what the City milled last year) and \$20,864,249 (what the City will mill this year) include the following:

General

- \$366,758 for newly taxable property,
- \$0 for the inflationary adjustment,
- \$0 for the "Permissive Medical Levy", and,
- \$98 from previous taxable value adjustments.

Voted General Obligation Debt

- (\$5,177) for the decrease in the revenue needed for the soccer park debt.

The total mill levy allowable under state law is 205.41. The actual mill levy total for FY 2022 is 201.35.

Fiscal Impact: The total mill levy for Tax Year 2021 (FY 2022) is 201.35 mills totaling \$20,864,249. The newly taxable value revenue of \$366,758 may result in a slight decrease of \$33,242 in undesignated fund balance for the General Fund in FY 2022 because it is less than the budgeted amount of \$400,000.

As proposed, there is no increase in property taxes for individual properties due to the inflationary factor or increase to the Permissive Medical Levy. During the budget process, the City Commission chose to not raise property taxes with the inflationary factor, which would have generated \$157,843 in additional revenue, or an increase to the Permissive Medical Levy, which would have generated an additional \$71,281 in tax revenue for the City.

Alternatives: State law requires that the City adopt a FY 2022 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 increase the amount of its levies to the limit allowable by State law – either utilize the inflationary adjustment or the increase to Permissive Medical Levy. The City Commission could also accept the tax levies as presented, allow any tax appeals/abatement requests to run their course, and after the first of the year reconsider any needed budget adjustments. This timeframe also provides the City Commission with ample time to review, consider, and prioritize any shortfalls from the slight decrease of the General Fund fund balance. Budget adjustments can then be made as necessary with review from city department heads and the public.

Concurrences: The FY 2022 Budget was adopted July 20, 2021. Setting the mill levy for Tax Year 2021 (FY 2022) is the last step in the adoption of the FY 2022 City of Great Falls Budget.

Attachments/Exhibits:

Tax Levy Resolution 10412

Tax Levy Resolution 10412 Appendix A

2021 Certified Taxable Valuations (from Montana Department of Revenue)

Taxable Valuation History

RESOLUTION NO. 10412
RESOLUTION TO FIX ANNUAL TAX LEVY
A RESOLUTION PROVIDING FOR THE ANNUAL TAX
LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING
JULY 1, 2021 AND ENDING JUNE 30, 2022

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 2, 2021.

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 \$107,137,157 which equates to \$107,137 per mill; when the incremental value of the tax increment finance districts is removed the value is \$103,622 per mill. This includes \$366,758 or \$2,192 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 170.70 mills.
- An additional 33.13 “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 1.58 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 1.58 mills for soccer park debt service payments is needed for Fiscal Year 2022.

Section 2. - Tax Levy Amounts

A 201.35 mill levy will generate:

- a. \$ 16,972,278 from the \$101,430 certified value per mill for Previously Taxable Property;
- b. \$ 366,758 from the \$2,192 certified value per mill for Newly Taxable Property;
- c. \$ 3,361,491 from the \$103,622 certified value per mill for increased Health Insurance premiums “Permissive Medical Levy”,
- d. \$ 163,722 from the \$103,622 certified value per mill for soccer park debt service payments, and,
- e. \$ 20,864,249 in total City tax for 2021 Tax Year from the \$103,622 total certified value per mill.

This does not reflect delinquent collections or tax increments withheld.

Section 3. - Tax Levy Required and Set

- a. 167.33 mill levy- The City Commission has determined a \$17,339,036 tax levy, requiring a 167.33 mill levy, is necessary to balance the General Fund Budget.
- b. 32.44 mill levy- The City Commission has determined a \$3,361,491 “Permissive Medical Levy”, requiring a 32.44 mill levy, is necessary for increased health premium costs to balance the General Fund Budget.
- c. 1.58 mill levy- The City Commission has determined a \$163,722 tax levy, requiring a 1.58 mill levy, is necessary for the soccer park debt service payment.
- d. Total 201.35 - The City Commission of the City of Great Falls, Montana, hereby fixes the tax levy for the fiscal year July 1, 2021 through June 30, 2022 at 201.35 mills.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
August 17, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Determination of Tax Revenue and Mill Levy Limitations

Section 15-10-420, MCA
Resolution 10412, Appendix A

FYE June 30, 2022
City of Great Falls, Montana

| Reference Line | | Enter amounts in yellow cells | Auto-Calculation (If completing manually enter amounts as instructed) |
|----------------------|---|-------------------------------|---|
| (1) | Enter Ad valorem tax revenue <u>ACTUALLY</u> assessed in the prior year <i>Year's form Line 17</i> | (from Prior \$ 16,972,385 | \$ 16,972,385 |
| (2) | Add: Current year inflation adjustment @ 0.93% | | \$ 157,843 |
| (3) | Subtract: Ad valorem tax revenue <u>ACTUALLY</u> 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) | \$ - | \$ - |
| (4) | Adjusted ad valorem tax revenue | | \$ 17,130,228 |
| = (1) + (2) + (3) | | | |
| | <u>ENTERING TAXABLE VALUES</u> | | |
| (5) | Enter 'Total Taxable Value' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 2 | \$ 107,137,157 | \$ 107,137,157 |
| (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) | \$ 3,515,356 | \$ (3,515,356) |
| (7) | Taxable value per mill (after adjustment for removal of TIF per mill incremental district value) | | \$ 103,621.801 |
| = (5) + (6) | | | |
| (8) | Subtract: 'Total Value of Newly Taxable Property' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 3 (enter as negative) | \$ (2,191,822) | \$ (2,191,822) |
| (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 | | \$ 101,429,979 |
| = (7) + (8) + (9) | | | |
| (11) | CURRENT YEAR calculated mill levy | | 168.89 |
| = (4) / (10) | | | |
| (12) | CURRENT YEAR calculated ad valorem tax revenue | | \$ 17,500,686 |
| = (7) x (11) | | | |
| | <u>CURRENT YEAR AUTHORIZED LEVY/ASSESSMENT</u> | | |
| (13) | Enter total number of carry forward mills from prior year (from Prior Year's form Line 22) | 1.81 | 1.81 |
| (14) | Total current year authorized mill levy, including Prior Years' carry forward mills | | 170.70 |
| = (11) + (13) | | | |
| (15) | Total current year authorized ad valorem tax revenue assessment | | \$ 17,688,241 |
| = (7) x (14) | | | |
| | <u>CURRENT YEAR ACTUALLY LEVIED/ASSESSED</u> | | |
| (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.) | 167.33 | 167.33 |
| (17) | Total ad valorem tax revenue actually assessed in current year | | \$ 17,339,036 |
| = (7) x (16) | | | |
| | <u>RECAPITULATION OF ACTUAL:</u> | | |
| (18) | Ad valorem tax revenue actually assessed | | \$ 16,972,278 |
| = (10) x (16) | | | |
| (19) | Ad valorem tax revenue actually assessed for newly taxable property | | \$ 366,758 |
| (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 | | \$ 17,339,036 |
| = (18) + (19) + (20) | | | |
| (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.) | | |
| = (14) - (16) | | | |

2021 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. 2021 Total Market Value ¹ | \$ | 6,393,578,644 |
| 2. 2021 Total Taxable Value ² | \$ | 107,137,157 |
| 3. 2021 Taxable Value of Newly Taxable Property..... | \$ | 2,191,822 |
| 4. 2021 Taxable Value less Incremental Taxable Value ³ | \$ | 103,621,801 |
| 5. 2021 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 | 835,820 | 347,618 | 488,202 |
| WEST BANK RENEWAL | 1,467,269 | 292,536 | 1,174,733 |
| GF INT'L AIRPORT | 243,756 | 107,149 | 136,607 |
| GF DOWNTOWN URBAN | 4,853,187 | 3,643,698 | 1,209,489 |
| EAST INDUSTRIAL PARK | 508,647 | 2,322 | 506,325 |
| | | Total Incremental Value | \$ 3,515,356 |

Preparer Katie Kakalecik

Date 7/26/2021

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

2021 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 | \$ | 90,780 |
| II. Total value exclusive of "newly taxable" property | \$ | 706,225 |

Note

Special district resolutions must be delivered to the department by the first Thursday after the first Tuesday in September, 09/09/2021, 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, 09/13/2021, or within 30 calendar days after the date on this form 15-10-305(1)(a), MCA.

Taxable Valuation History

| Fiscal Year | Total Taxable Value | Tax Increment Districts | | | | | | Net Taxable Value | New Property Value | % Increase (Decrease) Prior Year Newly Taxable Property |
|-------------|---------------------|-------------------------|-------------------------|-----------------------------|------------------------------|---------------------------|----------------------|-------------------|--------------------|---|
| | | Downtown | Pasta MT/ General Mills | International Malting Plant | West Bank Urban Renewal Plan | Great Falls Int'l Airport | East Industrial Park | | | |
| FY 2002 | \$65,437,840 | \$4,511,569 | \$552,276 | NA | NA | NA | NA | \$60,373,995 | \$1,011,770 | -47.8% |
| FY 2003 | \$65,117,051 | \$4,364,549 | \$595,357 | NA | NA | NA | NA | \$60,157,145 | \$1,302,597 | 28.7% |
| FY 2004 | \$65,328,553 | \$4,102,725 | \$700,009 | NA | NA | NA | NA | \$60,525,819 | \$1,041,336 | -20.1% |
| FY 2005 | \$66,377,650 | \$3,343,580 | NA | NA | NA | NA | NA | \$63,034,070 | \$2,030,124 | 95.0% |
| FY 2006 | \$68,609,562 | \$3,402,127 | NA | NA | NA | NA | NA | \$65,207,435 | \$2,748,377 | 35.4% |
| FY 2007 | \$70,990,415 | \$3,832,568 | NA | \$141,345 | NA | NA | NA | \$67,016,502 | \$2,873,541 | 4.6% |
| FY 2008 | \$73,776,332 | \$4,064,883 | NA | \$225,476 | NA | NA | NA | \$69,485,973 | \$2,387,436 | -16.9% |
| FY 2009 | \$76,405,690 | \$4,107,804 | NA | \$294,210 | \$30,733 | NA | NA | \$71,972,943 | \$2,138,961 | -10.4% |
| FY 2010 | \$76,862,700 | NA | NA | \$309,168 | \$205,857 | NA | NA | \$76,347,675 | \$6,947,574 | 224.8% |
| FY 2011 | \$78,275,702 | NA | NA | \$195,477 | \$574,725 | \$728 | NA | \$77,504,772 | \$2,931,771 | -57.8% |
| FY 2012 | \$78,709,035 | NA | NA | \$176,312 | \$553,480 | \$6,659 | NA | \$77,972,584 | \$5,295,716 | 80.6% |
| FY 2013 | \$77,852,991 | NA | NA | \$157,225 | \$557,385 | \$6,333 | NA | \$77,132,048 | \$1,278,348 | -75.9% |
| FY 2014 | \$78,054,590 | \$105 | NA | \$155,000 | \$560,136 | \$11,171 | NA | \$77,328,178 | \$787,945 | -38.4% |
| FY 2015 | \$76,098,354 | \$41,765 | NA | \$386,390 | \$575,135 | \$11,275 | \$31,452 | \$75,052,337 | \$312,611 | -60.3% |
| FY 2016 | \$88,577,771 | \$444,316 | NA | \$504,796 | \$579,885 | \$42,030 | \$42,557 | \$86,964,187 | \$5,072,060 | 1522.5% |
| FY 2017 | \$91,113,880 | \$0 | NA | \$512,371 | \$537,828 | \$43,717 | \$41,662 | \$89,978,302 | \$5,238,618 | 3.3% |
| FY 2018 | \$95,822,493 | \$252,609 | NA | \$383,849 | \$654,253 | \$47,867 | \$319,573 | \$94,164,342 | \$2,643,701 | -49.5% |
| FY 2019 | \$99,201,290 | \$289,538 | NA | \$440,041 | \$772,903 | \$48,317 | \$465,364 | \$97,185,127 | \$4,606,852 | 74.3% |
| FY 2020 | \$104,780,322 | \$1,054,084 | NA | \$443,834 | \$1,087,196 | \$104,694 | \$511,217 | \$101,579,297 | \$1,203,919 | -73.9% |
| FY 2021 | \$101,651,616 | \$1,060,260 | NA | \$490,957 | \$1,108,781 | \$131,202 | \$663,326 | \$98,197,090 | \$691,320 | -42.6% |
| FY 2022 | \$107,137,157 | \$1,209,489 | NA | \$488,202 | \$1,174,733 | \$136,607 | \$506,325 | \$103,621,801 | \$2,191,822 | 217.0% |

All amounts as of time of certification

Note 1: 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.



Commission Meeting Date: August 17, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Ordinance 3232: OCCGF Title 17, Chapter 20 Garage and Accessory Structures Amendments

From: Planning and Community Development Department

Initiated By: Planning and Community Development Department

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

Action Requested: City Commission accept Ordinance 3232 on first reading and set public hearing for September 7, 2021.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3232 on first reading and (set/not set) a public hearing for September 7, 2021.”

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

Planning Advisory Board Recommendation: At the conclusion of a Planning Advisory Board meeting held on July 27th, 2021, the Planning Advisory Board recommended that the City Commission adopt Ordinance 3232.

Background: First adopted in 2005 as the City’s first comprehensive, inclusive compilation of code provisions relating to development, Title 17 to the Official Code of the City of Great Falls (OCCGF) has been modified a number of times to keep the Title relevant and to correct errors or omissions in the original adopted Title.

In 2019 and 2020, the City of Great Falls Board of Adjustment (BOA) received, and had to deny, two variance requests for garage spaces that exceeded the current code limitations. After reviewing the requests, a member of the BOA asked Staff to review the current code regulations regarding accessory structure square footage allowances, and determine if there was an opportunity to increase the sizes for accessory structure square footage on larger city lots. In addition to the specific request to amend the City’s code to allow greater square footage for these structures, Staff has talked to a number of residents who have been interested in building larger detached garages to store vehicles such as recreational vehicles, boats, and campers that are currently being stored in yards or parked on City streets.

Based upon Staff’s comprehensive review of City code, input from a focus group, and comparisons with Codes from other communities, staff is recommending revisions to Chapter 20, Articles 4 and 7.

Review Process:

The general process that staff followed to develop the proposed code changes included:

- Comparing the Code’s requirements for garages and other accessory structure to those of four different cities within Montana. The cities that were used for comparison were Missoula, Bozeman, Kalispell, and Billings. Generally, Great Falls was on the lower end of requirements (e.g. allowed for more square footage) among the various codes that were reviewed;
- Meeting with a focus group of professionals within the building community to solicit input regarding possible opportunities for code changes that would positively impact the community. This group unanimously supported the staff’s proposal to increase square footage allowance on larger city lots;
- Line-by-line review of the Chapter to identify areas that needed clarification and also to identify redundant, unused or outdated provisions; and,
- Re-formatting to match the format of other, recently adopted Titles of the OCCGF, as well as correction of grammatical or wording errors.

Summary of Amendments:

Three attachments are being provided to the City Commission for its review. Exhibit A shows the text changes in bold and strikethrough text. Exhibit B is a simple clean copy of the amended text. Exhibit C summarizes each code change with brief explanations of staff’s rationale. In summary, four major changes are proposed:

1. **Clarification of Design Standards Table.** Currently the code combines the standards for principal and accessory structures. Staff proposes to break out the standards for accessory structures (detached garages, carports, and sheds) to make them easier for code users to find, as well as to define standards that currently are not called out within the code.
2. **Create flexibility.** Staff proposes to increase the maximum height of accessory garages to 24 feet across residential zoning districts rather than requiring a lower height when the home on the lot is one-story. This will create more flexible storage space to accommodate larger vehicles. Staff also proposes increasing the setbacks for accessory structures from two feet to five feet to balance out the larger height allowance.
3. **Update language.** The use of the term “accessory structures” is proposed to replace the term “garages” to categorize structures including, but not limited to, detached garages, sheds, and carports. Staff currently reviews permits for these structures if they are at least 200 square feet to ensure that the aggregate square footage in the code is not being exceeded. Since sheds, carports and other structures are already counted towards the allowed square footage for cumulative garage area, staff is clarifying the code to make sure these structures count towards the allowed square footage for each lot.
4. **Increase maximum square footage allowances.** This is the most important change to the code being driven by citizen input. Currently, the allowed cumulative square footage for attached garages, detached garages and other structures is as follows:

| Lot Size (Square Feet) | Total Maximum Garage Area (Square Feet) |
|----------------------------|--|
| 7,500 | 1,200 |
| 7,501 to 10,000 | 1,400 |
| 10,001 to 43,559 | 1,600 |
| 43,560 (1 acre) and higher | 1,800 |

Staff is proposing to revise the current square footage table to increase allowable cumulative area as shown in the table below.

Exhibit 20-9. Cumulative Accessory Structure area limitations

| Lot Size (Square Feet) | Cumulative Accessory Structure Area (Square Feet) |
|------------------------|---|
| ≤ 7,500 | 1,200 |
| 7,501 to 11,000 | 1,400 |
| 11,000 to 21,780 | 2,000 |
| 21,781 to 43,560 | 2,500 |
| 43,561 and higher | 3,000 |

Staff recommends changing the current code table to create five tiers of lot sizes rather than four. There are simply too many lots within the City’s code jurisdiction that are between 10,000 square feet and one acre to have only one square footage allowance for accessory structures. Staff proposes two categories, both with larger square footage allowances. Also, staff is proposing a significant increase in cumulative area allowed for accessory structures on lots over one acre. These lots are fairly rare in the City and are chosen by many residents who have a number of personal vehicles that need to be stored.

Fiscal Impact: The proposed amendments to Title 17, Chapter 20 are not expected to have any negative fiscal impact to the City of Great Falls. Instead, staff believes that the proposed revisions to the Land Use Chapter of the Code will have a positive impact on private sector development in the community.

Alternatives: Alternatively, the City Commission could deny acceptance of Ordinance 3232 on first reading and not set a public hearing. This would prevent the code amendment proposal from being considered through a public hearing process.

Concurrences: The City Legal Department concurs with the proposed amendments.

Attachments/Exhibits:

Ordinance 3232

Exhibit A: Title 17 – Land Development Code – Chapter 20 Land Use amendments (bolded/strikethrough)

Exhibit B: Title 17 – Land Development Code – Chapter 20 Land Use amendments (clean version)

Exhibit C: Summary of Proposed Amendments

ORDINANCE 3232

AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, ARTICLES 4 AND 7 REGARDING PRIVATE GARAGES AND ACCESSORY STRUCTURES WITHIN RESIDENTIAL ZONING DISTRICTS.

* * * * *

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

WHEREAS, the City Commission has recognized deficiencies in OCCGF Title 17, Chapter 20, including but not limited to, grammatical, formatting, and referencing deficiencies; and

WHEREAS, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 20, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

WHEREAS, at its regularly scheduled July 27, 2021 meeting, the Great Falls Planning Advisory Board recommended that the City Commission adopt Ordinance 3232; and

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

Section 1. OCCGF Title 17, Chapter 20, Articles 4 and 7 are hereby amended as depicted in Exhibit “A” attached hereto and by reference incorporated herein, with deleted language identified by ~~strike through~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 17, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 7, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3232 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts
 (see footnotes [4], [5] & [7] for general standards **See footnotes below for additional standards**)

| Standard | R-1 | R-2 | R-3 | R-5 | R-6 | R-9 | R-10 |
|--|---|---|---|---|---|---|----------------------------|
| Residential density | - | - | - | 1,875 sq. feet of lot area per dwelling unit | 500 sq. feet of lot area per dwelling unit | 1,200 sq. feet of lot area per dwelling unit | 10 dwelling units per acre |
| Minimum lot size for newly created lots | 15,000 sq. feet | 11,000 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | n/a |
| Minimum lot width for newly created lots | 90 feet | 80 feet | 60 feet | 50 feet | 50 feet | 50 feet | n/a |
| Lot proportion for newly created lots (maximum depth to width) | 3:1 | 3:1 | 2.5:1 | 2.5:1 | 2.5:1 | 2.5:1 | n/a |
| Maximum building height of principal building | 35 feet | 35 feet | 35 feet | 45 feet | 65 feet | 35 feet, single-family 50 feet, multi-family | 12 feet to exterior wall |
| Maximum building height of detached private garage [1] | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 16 feet |
| Maximum building height of other accessory buildings | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet |

| | | | | | | | |
|--|--|---|--|---|---|---|----------------|
| Minimum front yard setback [2] | 30 feet | 20 feet | 20 feet | 10 feet | 15 feet | 10 feet | n/a |
| Minimum side yard setback [3] | Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line | Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line | Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line | 4 feet; 8 feet if adjoining a R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining a R-1, R-2, R-3 district | Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line | n/a |
| Minimum rear yard setback [7] | 20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over | 15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 15 feet | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | n/a |
| Maximum lot coverage of principal and accessory buildings structures | Corner lot: 40% Other types: 30% | Corner lot: 45% Other types: 35% | Corner lot: 55% Other types: 50% | Corner lot: 60% Other types: 50% | Corner lot: 70% Other types: 60% | Corner lot: 70% Other types: 60% | none |
| Detached Garages and other Accessory Structures | | | | | | | |
| Maximum building height | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 16 feet |

| | | | | | | | |
|--------------------------------|---|---|---|---|---|---|--------|
| Minimum front yard setback [5] | 30 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | 15 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | n/a |
| Minimum side yard setback | 5 feet | 5 feet | 5 feet | 4 feet; 8 feet if adjoining an R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining an R-1, R-2, R-3 district | 5 feet | n/a |
| Minimum rear yard setback | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet |

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, **but must conform to all standards found in 17.20.7.060.**

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house. (Ord. 2950, 2007) **See section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.**

[3] See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces. **An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.**

[4] ~~Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).~~ **For townhomes, see Section 17.20.6.050 for additional and superseding requirements.**

[5] ~~An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.~~ **If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.**

[6] ~~For townhouses, see Section 17.20.6.050 for additional and superseding requirements. (Ord. 2950, 2007)~~

[7] ~~Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts. (Ord. 3232, 2021; Ord. 2950, 2007)~~

17.20.7.060 – ~~Garage, private~~ **Private Garages and Accessory Structures within Residential Zoning Districts**

Private garages **and Accessory Structures** shall occupy no more than the **cumulative** area shown in Exhibit 20-9, provided other development standards can be met.

A. **Measurement.** Garage ~~area~~ **and Accessory Structure area** limitation measurements are guided by the following provisions:

1. Measurements are cumulative of all garage spaces, ~~including all detached and attached private garages~~ **and accessory structures, including but not limited to sheds and carports.**
2. Measurements include only the square footage of the ground or main floor level.
3. Upper stories or loft storage areas are excluded from the measurement of area for the purpose of compliance with Exhibit 20-9; however, ground level accessory living spaces, if included in a garage building, are included in the calculation.

Exhibit 20-9. ~~Garage~~ **Cumulative** area limitations

| Lot Size (Square Feet) | Total Maximum Garage Cumulative Area (Square Feet) |
|--|--|
| ≤ 7,500 | 1,200 |
| 7,501 to 10,000 11,000 | 1,400 |
| 10,001 to 43,559 11,001 to 21,780 | 1,600 2,000 |
| 21,781 to 43,560 | 2,500 |
| 43,560 (1 acre) and higher 43,561 and higher | 1,800 3,000 |

(Ord. **3232, 2021**; Ord. 3087, 2012)

17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts

(See footnotes below for additional standards)

| Standard | R-1 | R-2 | R-3 | R-5 | R-6 | R-9 | R-10 |
|--|-----------------|-----------------|----------------|--|--|--|----------------------------|
| Residential density | - | - | - | 1,875 sq. feet of lot area per dwelling unit | 500 sq. feet of lot area per dwelling unit | 1,200 sq. feet of lot area per dwelling unit | 10 dwelling units per acre |
| Minimum lot size for newly created lots | 15,000 sq. feet | 11,000 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | n/a |
| Minimum lot width for newly created lots | 90 feet | 80 feet | 60 feet | 50 feet | 50 feet | 50 feet | n/a |

| | | | | | | | |
|--|---|---|---|---|---|---|--------------------------|
| Lot proportion for newly created lots (maximum depth to width) | 3:1 | 3:1 | 2.5:1 | 2.5:1 | 2.5:1 | 2.5:1 | n/a |
| Maximum building height of principal building [1] | 35 feet | 35 feet | 35 feet | 45 feet | 65 feet | 35 feet, single-family 50 feet, multi-family | 12 feet to exterior wall |
| Minimum front yard setback [2] | 30 feet | 20 feet | 20 feet | 10 feet | 15 feet | 10 feet | n/a |
| Minimum side yard setback [3] | Principal building: 15 feet each side | Principal building: 8 feet each side | Principal building: 6 feet each side | 4 feet; 8 feet if adjoining a R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining a R-1, R-2, R-3 district | Principal building: 6 feet each side | n/a |
| Minimum rear yard setback | 20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over | 15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 15 feet | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | n/a |
| Maximum lot coverage of principal and accessory structures | Corner lot: 40% Other types: 30% | Corner lot: 45% Other types: 35% | Corner lot: 55% Other types: 50% | Corner lot: 60% Other types: 50% | Corner lot: 70% Other types: 60% | Corner lot: 70% Other types: 60% | none |
| Detached Garages and other Accessory Structures | | | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---------|
| Maximum building height for accessory structures | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 16 feet |
| Minimum front yard setback for accessory structures [5] | 30 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | 15 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | n/a |
| Minimum side yard setback for accessory structures | 5 feet | 5 feet | 5 feet | 4 feet; 8 feet if adjoining an R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining an R-1, R-2, R-3 district | 5 feet | n/a |
| Minimum rear yard setback for accessory structures | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet |

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060.

[2] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

[4] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.

[5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.

17.20.7.060 – Private Garages and Accessory Structures within Residential Zoning Districts.

Private garages and Accessory Structures shall occupy no more than the cumulative area shown in Exhibit 20-9, provided other development standards can be met.

A. **Measurement.** Garage and Accessory Structure area limitation measurements are guided by the following provisions:

1. Measurements are cumulative of all garage spaces and accessory structures, including but not limited to shed, and carports.
2. Measurements include only the square footage of the ground or main floor level.
3. Upper stories or loft storage areas are excluded from the measurement of area for the purpose of compliance with Exhibit 20-9; however, ground level accessory living spaces, if included in an accessory structure, are included in the calculation.

Exhibit 20-9. Cumulative area limitations

| Lot Size (Square Feet) | Cumulative Area (Square Feet) |
|------------------------|-------------------------------|
| ≤ 7,500 | 1,200 |
| 7,501 to 11,000 | 1,400 |
| 11,001 to 21,780 | 2,000 |
| 21,781 to 43,560 | 2,500 |
| 43,561 and higher | 3,000 |

Exhibit C – Summary of Proposed Amendments

| Proposed Amendment | Reason for Amendment | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---------|--|--------------------------------|---------|---------|---------|---------|---------|---------|---------|---------------------------------------|---|---|---|---|---|---|-----|----------------------------------|--------|--------|--------|---|--|--------|-----|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--|
| 17.20 Land Use | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17.20.4 – Lot Area And Dimensional Standards | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17.20.4.010 - Generally | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="8" style="text-align: center;">Detached Garages and other Accessory Structures</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Maximum building height</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">24 feet</td> <td style="text-align: center;">16 feet</td> </tr> <tr> <td style="text-align: center;">Minimum front yard setback [5]</td> <td style="text-align: center;">30 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">20 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">20 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">10 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">15 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">10 feet, but may not be closer to the front lot line than the principal structure</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td style="text-align: center;">Minimum side yard setback</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">4 feet; 8 feet if adjoining an R-1, R-2, R-3 district</td> <td style="text-align: center;">5 feet; 10 feet if adjoining an R-1, R-2, R-3 district</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">n/a</td> </tr> <tr> <td style="text-align: center;">Minimum rear yard setback</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> <td style="text-align: center;">5 feet</td> </tr> </tbody> </table> | Detached Garages and other Accessory Structures | | | | | | | | Maximum building height | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 16 feet | Minimum front yard setback [5] | 30 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | 15 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | n/a | Minimum side yard setback | 5 feet | 5 feet | 5 feet | 4 feet; 8 feet if adjoining an R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining an R-1, R-2, R-3 district | 5 feet | n/a | Minimum rear yard setback | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | <p>Call out standards for accessory structures to provide clarity to users</p> |
| Detached Garages and other Accessory Structures | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Maximum building height | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 16 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum front yard setback [5] | 30 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | 15 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | n/a | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum side yard setback | 5 feet | 5 feet | 5 feet | 4 feet; 8 feet if adjoining an R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining an R-1, R-2, R-3 district | 5 feet | n/a | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minimum rear yard setback | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Exhibit C – Summary of Proposed Amendments

| | | | | | | | | | | | | | | | | |
|---|--|--|--|--|--|--|----------------|---------------------------------------|--|--|--|--|--|--|----------------|--|
| <table border="1"> <tr> <td>Maximum building height</td> <td>24 feet</td> <td>24 feet</td> <td>24 feet</td> <td>24 feet</td> <td>24 feet</td> <td>24 feet</td> <td>16 feet</td> </tr> </table> | | | | | | | | Maximum building height | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 16 feet | Creates more flexibility for accessory structures on lots that have single level homes |
| Maximum building height | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 24 feet | 16 feet | | | | | | | | | |
| <table border="1"> <tr> <td>Minimum front yard setback [5]</td> <td>30 feet, but may not be closer to the front lot line than the principal structure</td> <td>20 feet, but may not be closer to the front lot line than the principal structure</td> <td>20 feet, but may not be closer to the front lot line than the principal structure</td> <td>10 feet, but may not be closer to the front lot line than the principal structure</td> <td>15 feet, but may not be closer to the front lot line than the principal structure</td> <td>10 feet, but may not be closer to the front lot line than the principal structure</td> <td>n/a</td> </tr> </table> | | | | | | | | Minimum front yard setback [5] | 30 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | 15 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | n/a | Preserves neighborhood character by encouraging placing accessory structures on the back of lots, while providing flexibility for lots with homes set on the rear of the lot |
| Minimum front yard setback [5] | 30 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 20 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | 15 feet, but may not be closer to the front lot line than the principal structure | 10 feet, but may not be closer to the front lot line than the principal structure | n/a | | | | | | | | | |

Exhibit C – Summary of Proposed Amendments

| | | | | | | | | |
|---------------------------|--------|--------|--------|---|--|--------|--------|---|
| | | | | | | | | Increased the side yard setback to offset the increased height |
| Minimum side yard setback | 5 feet | 5 feet | 5 feet | 4 feet; 8 feet if adjoining an R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining an R-1, R-2, R-3 district | 5 feet | n/a | |
| | | | | | | | | Increased the rear setback to accommodate drainage and grading off the alleys, and to offset the increase in height |
| Minimum rear yard setback | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | 5 feet | |

Exhibit C – Summary of Proposed Amendments

| | |
|--|---|
| <p>[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060.</p> <p>[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house.</p> <p>(Ord. 2950, 2007) See section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.</p> <p>[3] See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces. An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.</p> <p>[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD). For townhomes, see Section 17.20.6.050 for additional and superseding requirements.</p> <p>[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback.</p> <p>[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.</p> <p>(Ord. 2950, 2007)</p> <p>[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.</p> | <p>Update footnotes to reflect changes in the design standards table</p> |
| <p>17.20.7 – Special Standards for Accessory Uses</p> | |
| <p>17.20.7.060 Garage, private Private Garages and Accessory Structures within Residential Zoning Districts</p> | |
| <p>Private garages and Accessory Structures shall occupy no more than the cumulative area shown in Exhibit 20-9, provided other development standards can be met.</p> | <p>Codify current code interpretations by adding requirements for cumulative square foot area</p> |

Exhibit C – Summary of Proposed Amendments

| Lot Size (Square Feet) | Total Maximum Garage Cumulative Area (Square Feet) | Added categories of lot size to reflect requirement of zoning districts, as well as increased maximum allowance on large lots |
|--|---|---|
| ≤ 7,500 | 1,200 | |
| 7,501 to 10,000 11,000 | 1,400 | |
| 10,001 to 43,559 11,001 to 21,780 | 1,600 2,000 | |
| 21,781 to 43,560 | 2,500 | |
| 43,560 (1 acre) and higher 43,561 and higher | 1,800 3,000 | |



Commission Meeting Date: August 17, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3230, “An Ordinance Amending Title 10 of the Official Code of the City of Great Falls (OCCGF) to Prohibit the Long-Term Parking and/or Storage of Recreational Vehicles, Utility Trailers or Vessels in Residential Districts.”

From: Legal Department

Initiated By: Legal Department

Presented By: Jeff Hindoién, Deputy City Attorney

Action Requested: Accept Ordinance 3230 on first reading and set public hearing for September 7, 2021.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept / not accept) Ordinance 3230 on first reading and set the public hearing for September 7, 2021.”
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 3230 on first reading and set a public hearing for September 7, 2021.

Background: For several years now, members of the City Commission and City staff have received a steady flow of citizen complaints regarding the long-term parking and/or storage of large recreational vehicles, trailers and/or boats on streets within residential zoning districts. The complaints have historically been directed at the safety risk posed by the long-term and high-volume presence of such vehicles on residential streets and the difficulty it creates for being able to see children and other pedestrians moving around or in between the vehicles. There are also concerns that residential street standards were never created or designed to accommodate the long-term and high-volume presence of such large vehicles as an on-street parking element, but rather were designed to accommodate a limited amount of on-street parking of the traditional type of motor vehicles used by residents to commute to and from their place of work.

Proposed Ordinance 3230 has been crafted in an attempt to address those concerns by prohibiting the long-term parking and/or storage of recreational vehicles, utility trailers or boats in any residential zoning districts and allowing for the temporary presence of those vehicles only for the limited purpose of loading

or unloading. An initial draft was provided to the City Commission at the July 20, 2021 work session, and afterward the draft was updated to incorporate changes discussed during the work session.

The updated proposed Ordinance contains the following elements:

- New definitions for a class of vehicles designated as “Recreational Vehicle”, Utility Trailer” and “Vessel”;
- A new provision that only allows such vehicles to be **temporarily parked** in a residential district for the limited purpose of loading and unloading, with that “temporary” period being no more than 36 hours in any 7 day period;
- A provision requiring a written 24 hour notice to remove prior to the issuance of any parking citation; and
- Provisions incorporating the new parking restriction into the standard parking enforcement framework of Title 10, i.e., enforcement of unpaid citations, the potential for immobilization of a vehicle in the event of multiple unpaid citations and the potential for enforcement of unpaid citations in Municipal Court.

As is presently the case with other parking infractions under Title 10, the actual fine amounts for violation of this new provision would need to be set by the City Commission through the resolution process.

The proposed Ordinance provides that it “. .. is enforceable by Great Falls Police Officers, Community Service Officers and other persons as may be designated by the City Manager.” As was discussed at the Commission’s July 20, 2020 Work Session, the enforcement of the proposed Ordinance, should it be adopted by the Commission, will be:

- complaint-driven, with complaints generally addressed in order of receipt (except in the case of a clear safety hazard); and
- incorporated into the existing staffing and workload environments for GFPD and other City Departments, meaning that response times will be dictated by the capacity of existing City staff to accommodate this new task into their workflow.

It should be noted that the City Commission took steps in 2017 to amend its zoning ordinance provisions in Title 17 of the OCCGF to at least partially address the same complaints that are motivating the consideration of this proposed Ordinance. More specifically, the City Commission amended those Title 17 provisions to make it easier for property owners in residential districts to park their recreational vehicles, trailers or boats on their property (and thus out of the street) by allowing for larger off-street parking surfaces and driveways. Those Title 17 changes also allowed for the use of gravel or pavers for a parking surface in addition to just concrete or asphalt.

On that same note, the City’s Planning Advisory Board / Zoning Commission has recently reviewed and approved of a City staff recommendation to further amend Title 17 to allow for greater height and square footage allowances for garages/accessory structures in residential districts. These proposed changes are driven in part by staff conversations with residents who are interested in building larger detached garages to store recreational vehicles, trailers or boats that are currently being stored in yards or on public streets. These proposed changes to the City’s zoning regulations will, like the 2017 changes, have the effect of making it easier for some property owners to have their recreational vehicles, utility trailers or boats stored off of the street and on their own property.

Fiscal Impact: The adoption of the proposed Ordinance would presumably lead to the collection of additional parking fine revenues, but the amount of that increase cannot be readily estimated.

Alternatives: The Commission could choose to not adopt the proposed Ordinance and preserve the status quo. The Commission could also choose to table the item to a date certain to allow for possible amendments to the proposed Ordinance.

Concurrences: City Manager's Office and Great Falls Police Department

Attachments/Exhibits:

Ordinance 3230

Ord. 3230 Exhibit "A"

Public Comments

ORDINANCE 3230

AN ORDINANCE AMENDING TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) TO PROHIBIT THE LONG-TERM PARKING AND/OR STORAGE OF RECREATIONAL VEHICLES, UTILITY TRAILERS OR VESSELS IN RESIDENTIAL DISTRICTS

* * * * *

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 10 of the OCCGF pertaining to vehicles, traffic and parking; and

WHEREAS, the City Commission and City staff have received complaints over the course of several years regarding the long-term parking and/or storage of large recreational vehicles, trailers and boats on streets within residential districts and neighborhoods; and

WHEREAS, the Commission has determined that the long-term and high-volume presence of such vehicles on the street in residential districts and neighborhoods poses a safety risk to children and other pedestrians because of the visibility obstructions that such parked vehicles create for drivers;

WHEREAS, the Commission also recognizes that the street dimensions for residential areas were not designed or intended for the long-term parking or storage of large recreational vehicles, trailers or boats, but rather were intended to accommodate a limited amount of on-street parking of the type of vehicles typically used by residents to commute to and from work and school; and

WHEREAS, for those reasons, the City Commission wishes to amend Title 10 of the OCCGF to contain a new restriction on the long-term parking and/or storage of recreational vehicles, trailers and boats on streets within residential districts and neighborhoods.

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

Section 1. The provisions of OCCGF Title 10 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. This ordinance shall be in full force and effect thirty (30) days after public hearing and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 17, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 7, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3230 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Ordinance 3230 - Exhibit "A"

10.1.010 Definitions.

Unless otherwise specified in this Title, the following definitions apply:

- A. "Abandoned vehicle" means any of the following:
 1. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and is rendered inoperable;
 2. A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;
 3. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight (48) hours;
 4. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days; or
 5. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.
- B. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two (2) or more wheels and having handlebars and a seat.
- C. "Central Business District" means the C-4 Central Business Core Zoning District.
- D. "Commercial motor vehicle" any vehicle meeting the definition provided by Mont. Code Ann. § 61-1-101.
- E. "Freight Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading goods. Freight loading zones are established following the procedures adopted in this Title. This term also includes delivery zones in the metered parking district.
- F. "Handicapped Parking Zone" means a portion of a public right-of-way that is designated for use only by vehicles that have a handicapped parking permit or plate. Handicapped parking zones are established following the procedures adopted in this Title.
- G. "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the incorporated City limits, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or which has any one (1) or more of the following characteristics:
 1. Lacks an engine, wheel, tire, properly installed battery or other structural part which renders the vehicle inoperable for use as designed by the manufacturer;
 2. Has a broken or missing fender, door, bumper, hood, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, or alternator;
 3. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
 4. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it;
 5. Has become a point of collection for stagnant water;
 6. Contains junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste, or other hazardous material in it or is primarily used for storage of any materials;

Ordinance 3230 - Exhibit "A"

7. Has become a source of danger for children through possible entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass, or other rigid materials;
 8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
 9. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law; or
 10. Because of its defective, deteriorated, or obsolete condition, in any other way constitutes a nuisance or a threat to the public's health or safety.
- H. "Law enforcement authority" means a peace officer or any City, State, or Federal department or agency member operating in his or her professional capacity within the incorporated City limits.
- I. "Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the incorporated City limits.
- J. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of the Merriam-Webster Dictionary.
- K. "OCCGF" means the Official Code of the City of Great Falls.
- L. "Operator" means any person who operates or is in actual physical control of the operation of vehicle.
- M. "Parking Administrator" means the City employee or contractor tasked by the City Manager with the management of the City's parking facilities. Within this Title this person may also be referred to as "The Administrator".
- N. "Parking Official" means peace officers and other persons designated by the City Manager to enforce the provisions of this Title.
- O. "Parking Meter" means any device installed for the regulation of the time allowed for parking as provided by this Title.
- P. "Part" means any mechanical, structural, body, or decorative component of any vehicle, machinery, or trailer.
- Q. "Passenger Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading people. This specifically includes school bus loading zones. Passenger loading zones are established following the procedures adopted in this Title.
- R. "Person" means any individual, partnership, association or corporation, or other legal entity.
- S. "Recreational Vehicle" means a vehicle primarily designed as temporary living quarters for recreational living, camping or travel use that either has its own motor power or is mounted on or drawn by another vehicle. The term includes a travel trailer, camping trailer, truck camper and motor home. A recreational vehicle does not include a pickup truck with an attached topper shell.**
- T. "Residential Zoning District" means any area within the City which is zoned R-1, R-2, R-3, R-5, R-6, R-9 or R-10 and those portions of a Planned Unit Development which are specified for residential uses.**
- ~~S.U~~ "Snowmobile" means any self-propelled vehicle designed primarily for travel on the snow or ice, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under Montana State law.
- ~~T.V~~ "Trailer" means any vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle. The term includes devices intended for recreational camping purposes carried in the bed of a pick-up truck. **a non-motorized vehicle designed to be towed by a**

Ordinance 3230 - Exhibit "A"

motor vehicle and used to transport (enclosed or un-enclosed) one or more boats, personal watercraft, snowmobiles, all-terrain vehicles, off-road equipment, construction equipment, live-stock, vehicles or any other goods, materials or equipment.

~~U.W.~~ "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street. The term includes, but is not limited to:

1. An automobile;
2. Truck;
3. Van;
4. Sport utility vehicle;
5. Recreational vehicle;
6. Watercraft;
7. Boat;
8. Jet ski;
9. Snowmobile;
10. ATV;
11. Aircraft, ~~or~~
- 12. Motorized scooters and other small, lightweight and usually single-person motorized vehicles used for transportation, excepting electronic personal assistive devices;**
- 13. All motorized nonstandard vehicles as defined in Title 61, Chapter 1, MCA;**
- 14. Trailer; or**
- ~~15.~~Parts thereof.

X. "Vessel" means watercraft used or capable of being used as a means of transportation of persons and property on water, other than single chamber air-inflated devices.

10.9.310 Parking of Certain Types of Vehicles Prohibited

- A. Except as provided in subsection (B), it is unlawful for any person to park a recreational vehicle, trailer or vessel upon the public right-of-way in any residential zoning district.**
- B. A person may temporarily park a recreational vehicle, trailer or vessel upon the public right-of-way in a residential-zoned district for the limited purpose of loading and unloading, which shall be limited to a period of no more than thirty six (36) hours in a seven (7) day period.**
- C. It shall not be a defense to this section that the recreational vehicle, trailer or vessel parked in violation of this section was moved to a different location within the public right-of-way of any residential-zoned district. The recreational vehicle, trailer or vessel must be removed from the public right-of-way in order to achieve compliance with this section.**
- D. The registered owner of any recreational vehicle, trailer or vessel parked in violation of this section will be held strictly and absolutely liable for the violation and will be subject to the penalties set forth in 10.9.330.**
- E. This section is enforceable by Great Falls Police Officers, Community Service Officers and other persons as may be designated by the City Manager.**

10.9.320 Notice

The City shall provide notice of a violation of 10.9.310 by affixing a written notice upon the recreational vehicle, trailer or vessel advising of the violation and requiring the removal of the recreational vehicle, trailer or vessel within twenty-four (24) hours. The notice shall advise that failure to remove the recreational vehicle, trailer or vessel within that time period will result in the issuance of a parking citation.

10.9.330 Penalty

Any registered owner of a recreational vehicle, trailer or vessel parked in violation of 10.9.310 who has not removed the recreational vehicle, trailer or vessel within twenty-four (24) hours of the affixing of the notice required under 10.9.320 may receive a parking citation with fines as set forth by City Commission Resolution. If, after the issuance of a second or subsequent citation, the registered owner has not removed the recreational vehicle, trailer or vessel from the public right-of-way, the recreational vehicle, trailer or vessel may be immobilized and removed in accordance with 10.10.010 through 10.10.050.

10.10.010 Authorization to use vehicle immobilizer.

- A. Members of the GFPD, or other ~~Parking Administrator~~ authorized persons **designated by the City Manager**, are authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a City parking space located in the downtown residential district, the parking meter district, or any City owned off-street pay-to-park facility that has five (5) or more parking tickets unpaid or delinquent thirty (30) days or more.
- B. Members of the GFPD, or other persons designated by the City Manager, are authorized to use a boot after a second or subsequent citation issued for violation of 10.9.310 when the registered owner has not removed the recreational vehicle, trailer or vessel from the public right-of-way.**
- ~~B.C.~~ Prior to any vehicle immobilization **under subsection (A) above**, the Planning and Community Development Department's Parking Division is **City officials are** required to either:
1. Mail the registered owner of the vehicle a final notice for five (5) or more of the unpaid or delinquent parking tickets; or
 2. File a complaint in Great Falls Municipal Court charging the registered owner with unpaid parking tickets on the vehicle, and no individual has appeared for arraignment on the complaint.

10.10.020 Procedure for vehicle immobilization.

- A. If ~~parking officials~~ **authorized persons**, as defined ~~in 10.10.010 this Chapter~~, choose to immobilize a vehicle with a boot as allowed by **10.10.010** ~~by Chapter~~, then the on-site persons immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle.
- B. The written notice will ~~state~~ **state** inform the owner, driver, or person in charge of such vehicle that:
1. The vehicle has been immobilized by the City pursuant to this Chapter;
 2. Release from such immobilization may be obtained at a designated place;
 3. Unless arrangements are made for the release of such vehicle within forty-eight (48) hours, the vehicle will be towed and impounded pursuant to this Chapter; and

- 4. Removing or attempting to remove the immobilization device before a release is obtained is unlawful.
- C. An immobilized vehicle shall not be released by the City until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by this Chapter.
- D. If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the GFPD shall have the vehicle towed and impounded.

10.10.030 Removal of violation vehicle.

- A. The City is authorized to remove a vehicle or tow a vehicle ~~from parking spaces located in the areas listed in section 10.10.010~~ to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained.
- B. Whenever an officer removes a vehicle from a street or City parking space as authorized in this section, and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the vehicle owner, the officer shall give notice in writing to the owner of the removal, the violations, and the place where the vehicle has been relocated.
- C. If a vehicle is stored at a designated tow site, a copy of the notice shall be given to the proprietor of the tow site. The party towing the vehicle shall immediately notify the GFPD dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.
- D. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send a report of the removal to the Montana Department of Transportation Motor Vehicle Division and shall file a copy of the notice with the proprietor of the designated tow site. The notice shall include a complete description of the vehicle, the date, time, and place from which removed, the violations, and name of the tow site.
- E. The cost of towing or removing the vehicle and costs of storing the vehicle shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before it is released.
- F. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in Municipal Court for the violation(s).

10.21.020 Illegally parked vehicle notice of failure to comply.

If an alleged violator of the ~~restrictions on stopping, standing, or parking under legally authorized restriction~~ **provisions of this Title** does not appear in response to a notice affixed to such ~~motor~~ vehicle within the time set forth in the notice, the City shall implement the following process:

- A. The penalty for a violation of ~~this section occurring in a parking management district~~ **the parking provisions of this Title** must be paid within thirty (30) calendar days of the date of the citation. If payment is not received within that time, an administrative fee will be added to the violation. The penalties and fees will be set by Commission resolution.
- B. After thirty (30) days without payment, a statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.

- C. After sixty (60) days without payment, a second statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- D. After ninety (90) days without payment, a third statement that is clearly marked as a pre-collection notice of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- E. After one hundred twenty (120) days without payment, the amount due for the violation and the administrative fee will be referred to a collection agency. If the payment through collection efforts is not received within ten (10) months of the date of the citation, the City may request an arrest warrant and proceed with an action through the Municipal Court as provided by this Chapter.
- F. Proceedings through the Municipal Court for enforcement of this Title must be filed within one (1) year of the date of the citation.

From: [Lisa C. Kunz](#)
To: [Krista Artis](#); [Darcy Dea](#)
Subject: FW: LARGE VEHICLE PARKING ORDINANCE
Date: Monday, August 9, 2021 4:39:56 PM

From: Lisa C. Kunz
Sent: Monday, August 9, 2021 4:17 PM
To: Bob Kelly <bkelly@greatfallsmt.net>; Mary Sheehy Moe <mshееhymoe@greatfallsmt.net>; Owen Robinson <orobinson@greatfallsmt.net>; Rick Tryon <rtryon@greatfallsmt.net>; Tracy Houck <thouck@greatfallsmt.net>
Cc: Greg Doyon <gdoyon@greatfallsmt.net>; Sara Sexe <saras@greatfallsmt.net>; Jeffrey Hindoiien <jhindoiien@greatfallsmt.net>; Craig Raymond <craymond@greatfallsmt.net>
Subject: FW: LARGE VEHICLE PARKING ORDINANCE

FYI –

Lisa

From: Lisa C. Kunz
Sent: Monday, August 9, 2021 4:16 PM
To: 'Joshua Rutledge' <joshman5@hotmail.com>
Subject: RE: LARGE VEHICLE PARKING ORDINANCE

Good Afternoon Joshua – thank you for your comments. Your comments will be shared with the Commission members and appropriate staff for consideration of Ordinance 3230, set for first reading at the Commission’s August 17, 2021 meeting.

Best regards,

Lisa Kunz
 City Clerk/Records Manager
 City of Great Falls
 P.O. Box 5021
 Great Falls, MT 59403
 406.455.8451

From: Joshua Rutledge <joshman5@hotmail.com>
Sent: Thursday, August 5, 2021 8:30 AM
To: commission <commission@greatfallsmt.net>
Subject: LARGE VEHICLE PARKING ORDINANCE

City of Great Falls,

I am writing to express my support for the proposed Large Vehicle Parking Ordinance. I know this

submission is passed the July 20th public comment deadline, but I just heard about this proposal on the news and I still wanted to show my support.

I am a current Great Falls resident and I have lived and worked here for almost 16 years. I have always wondered why Great Falls did not already have an ordinance about this, as I have lived in other towns in Montana that did. I would say up until the last few years in our neighborhood this issue was more of a minor inconvenience at times, but over the last couple of years it has really become a problem. Every morning when I go to work I feel like I am playing Russian Roulette trying to pull out onto 3rd Ave S as there are often two large camping trailers parked back-to-back to both my left and right as I am trying to look to make the turn. Right now in the summer the traffic is a little bit lighter, but with school starting soon the morning traffic picks up significantly with Chief Joseph Elementary school and a day care just down the street. We have also noticed campers in our neighborhood parked on the street being used as housing. While I understand the housing market is tough right now, I don't think it's appropriate to have trailers parked on the street (sometimes with electrical cords going over the sidewalk) being used as a place of residence.

I hope the City of Great Falls is able to enact this ordinance as soon as possible, as to me it is becoming a safety issue.

Thank you for your consideration,

Joshua Rutledge