



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
July 21, 2020
7:00 PM**

UPDATES CONCERNING PROCESS OF MEETINGS

Due to the COVID-19 health concerns, the format of the City Commission meeting may be modified to accommodate Commission member attendance in person, via a remote location/virtual meeting method, or to appear telephonically. In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation. Public participation is welcome in the following ways:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the meeting room according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 5:00 PM on Tuesday, July 21, 2020, 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 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.
- 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 comment will be taken during the meeting as indicated on the agenda with an asterisk.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

COMMENDATION

1. Resolution of Commendation - Samantha Shinaberger.

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

(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)

2. Miscellaneous reports and announcements.
3. Appointment to the Business Improvement District Board of Trustees.

CITY MANAGER

4. 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.

5. Minutes, July 7, 2020, City Commission Meeting.
6. Total Expenditures of \$5,112,486 for the period of June 16, 2020 through July 8, 2020, to include claims over \$5000, in the amount of \$4,886,085.
7. Contracts List.
8. Approve a final payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 22 project in the amount of \$576,849.12 to Planned and Engineered Construction and \$5,826.76 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
9. Set a public hearing on the Business Improvement District (BID) FY 2021 Budget and Work Plan for August 4, 2020.

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

PUBLIC HEARINGS

10. Tourism Business Improvement District (TBID) 2020/2021 Budget and Work Plan. *Action: Conduct a public hearing and approve or reject the Budget and Work Plan. (Presented by Rebecca Engum)*
11. Budget Hearing on Resolution 10350, Annual Budget Resolution. *Action: Conduct a public hearing and adopt or deny Res. 10350. (Presented by Greg Doyon and Melissa Kinzler)*

OLD BUSINESS

NEW BUSINESS

ORDINANCES / RESOLUTIONS

12. Ordinance 3218, A request from Big Sky Select Properties LLC to rezone the Milwaukee Depot property located at 101 River Drive North from M-2 Mixed-use transitional to C-4 Central business core. *Action: Accept or not accept Ord. 3218 on first reading and set a public hearing for August 18, 2020. (Presented by Craig Raymond)*

CITY COMMISSION

13. Miscellaneous reports and announcements from the City Commission.

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: July 21, 2020
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Appointment to the Business Improvement District Board of Trustees

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Business Improvement District Board of Trustees to fill the remainder of a four-year term through June 30, 2023.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to the Business Improvement District Board of Trustees to the remainder of a four-year term through June 30, 2023.”

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

BID Board Recommendation: It is recommended that the City Commission appoint Neal Dubois to the Business Improvement District Board of Trustees to the remainder of a four-year term beginning July 21, 2020 and expiring June 30, 2023. At their meeting on July 9, 2020, the BID Board recommended appointment of Mr. Dubois.

Summary of Board Vacancies: Sheri Dolan recently accepted a job that is not located within the BID district so she is not eligible to remain on the Board and on June 9, 2020 Matthias Schalper resigned from the board.

Advertising for citizen interest began in April 2020 for several vacancies and was advertised on the City Website and with the local media through a press release. Mr. Dubois submitted an application. Staff will continue to advertise until the final vacancy is filled.

Background:

The Business Improvement District Board of Trustees consists of seven members appointed by the City Commission. Members must be owners of property within the boundaries of the Business Improvement District or their personal representative, agent, or guardian (MCA§7-12-1121). The B.I.D. oversees the functions, operations, management and administration as necessary to carry out the purposes and objectives of the Business Improvement District.

During past meetings the Board discussed the need for Board members with the following backgrounds:

- Developer/construction experience
- Finance experience
- Social media/marketing experience

Continuing members of this board are:

Alison Fried	2/7/2017 – 6/30/2021
Jason Kunz	7/1/2019 – 6/30/2023
Max Grebe	8/16/2016 – 6/30/2024
Trista Besich	6/3/2020 – 6/30/2024
Sherrie Arey	7/7/2020 – 6/30/2024

Members leaving the board are:

Sheri Dolan	7/1/2019 – 6/30/2023
Matthias Schalper	7/1/2019 – 6/30/2023

Citizen interested in serving on the board is:

Neil Dubois

Alternatives: The City Commission could choose not to appoint Mr. Dubois and request staff to continue advertising for both positions.

Attachments/Exhibits:

Application



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

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: <i>Great Falls Business Improvement District</i>		Date of Application: <i>7/8/2020</i>
Name: <i>Neal DuBois</i>		
Home Address: <i>1123 21st Ave SW Great Falls, MT 59404</i>		Email address: <i>neal@406attorneys.com</i>
Home Phone:	Work Phone: <i>(406) 315-3242</i>	Cell Phone: <i>(406) 781-4480</i>
Occupation: <i>Attorney</i>		Employer: <i>DuBois Mills, PLLC / 406 Attorney</i>
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>I have been a principal partner at a law firm since 2010 and our office is located downtown. I was an owner of a local technology company Central Technologies, LLC from 2013 until I sold my interest in 2018. I also am currently an owner/member of Electric City Hospitality, LLC & b/a Tracy's Diner.</i>		
Educational Background: <i>Bachelor's degree in Political Science, University of Nevada Reno Juris Doctorate, University of Montana School of Law</i>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: <i>Served for 8 years on the Board of Directors for the Great Falls Children's Receiving Home with 1 year as president.</i>		
Previous and current public experience (elective or appointive):		
Membership in other community organizations: <i>Montana State Bar Association</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes No If yes, where and when? In 2009, I worked part-time as an Assistant City Attorney for about one year.

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?

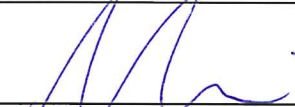
Have you ever served on a City or County board? Yes No If yes, what board and when did you serve?

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

Please describe your interest in serving on this board/commission? I'm a business owner in downtown Great Falls and reside here with my wife and two children. I'm vested in this community and want to help make smart, positive decisions that focus on local business retention and growth.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I'm currently the ^{co-}owner of two small ~~businesses~~ businesses and have successfully built up and sold another. I understand day-to-day business needs and what may be helpful tools or policies helpful to local businesses.

Additional comments:

Signature 

Date: 7/8/2020

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
July 7, 2020

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. City staff present were the City Manager Greg Doyon; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; Public Works Environmental Manager Paul Skubinna; Interim Fire Chief Jeremy Jones; Park and Recreation Director Steve Herring; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

Due to the COVID-19 health concerns, public participation is welcomed and encouraged as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Commission Chambers according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 5:00 PM on Tuesday, July 7, 2020, 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. 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.

AGENDA APPROVAL: City Manager Greg Doyon noted that a date was corrected on page 1 of the Draft June 16, 2020 Meeting Minutes. 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.

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Clerk Lisa Kunz reported that written correspondence pertaining to fireworks was received from City residents **Michael and Lorna Emineth**, **Dennis Franz** (Citizen Ticket ID 21001a834), and **Doug and Rachel Clanin**, and summarized their comments were to limit fireworks to the 4th of July, allow only professional pyrotechnic display of fireworks, or abolish fireworks altogether

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

and only have a parade.

Jasmine Taylor, 1440 8th Avenue NW, President of the LGBTQ+ Center (provided a handout titled Great Falls Nondiscrimination Ordinance DRAFT); **Melissa Smith**, 2736 Clover Drive, **Hannah Pate**, 1620 17th Avenue South, representing Forward Montana, **Tyson Habein**, 1104 5th Avenue South, **Garret Lankford**, 2028 5th Avenue SW, representing the Montana Human Rights Network, **Christian McClelland**, 1122 4th Avenue NW, **Laura Wight**, 1800 3rd Avenue North, and **Jacob Bachmeier**, 736 1st Avenue, Havre, MT, Political Director for Big Sky 55+, spoke in support of the City Commission considering the proposed Nondiscrimination Ordinance (NDO).

Speaking in opposition to the proposed NDO were: **Jeni Dodd**, 3245 8th Avenue North, **Rose Waldenberg**, 2120 6th Avenue North, **David Saenz**, 216 37th Avenue NE, Pastor of Calvary Chapel of Cascade County, **Joel Phillips**, 2120 6th Avenue North, **Sharon Thompson**, 301 39th Avenue NE, **Terry Poupa**, 1920 20th Avenue South, **Christopher McVeda**, 11 Lock Lane, **Melissa McVeda**, 11 Lock Lane, **Barbara Going**, 3001 6th Avenue North, **Harrison Gibson**, 314 1st Avenue SW #2, **Ron Staley**, 801 3rd Avenue SW, **Xavier Mercado**, 1507 5th Avenue North, and **Rene Phillips**, 3404 5th Avenue North.

Mayor Kelly clarified that the Commission is not being asked to vote on the proposed NDO tonight. During Agenda Item 25 the Commission will discuss whether or not to take up this topic. The NDO provided by Jasmine Taylor this evening is only a draft. There are other examples of NDO's to be considered if the Commission does decide to pursue this topic further.

Appearing telephonically in support of the City Commission considering a NDO were: **Katherine McFadden**, 1310 3rd Avenue North, **Miranda McFadden**, 1310 3rd Avenue North, **Helena Lovick**, 1200 8th Avenue North, **Meghan Wakeley**, 612 13th Street South #3, Member of the LGBTQ+ Board, **Sean McGuire**, 612 13th Street South #3, and **Rep. Sue Dickenson**, House District 25, 620 Riverview Drive East.

Appearing telephonically in opposition to the City Commission considering a NDO was: **John Hubbard**, 615 7th Avenue South.

Written correspondence in support of the City Commission considering a NDO was received from: **Donna Williams**, 2916 2nd Avenue North, **Eamon Ormseth**, no address provided, **Allan Tooley**, no address provided, **Meghan Wakeley**, 612 13th Street South #3, **Shawna Applegate**, Family Nurse Practitioner with Alluvion Health, **Sean McGuire**, 612 13th Street South #3, **Carol Zimny**, no address provided, **Laurie Glover**, 1318 16th Street South, **Melissa Smith**, 2736 Clover Drive, **Rep. Barbara Bessette**, House District 24, P.O. Box 1263, **Justin Wright**, 3314 2nd Avenue North, **Reverend Jessica Crist**, no address provided, **Katie Adams**, no address provided, **Rev. Marcia Lauzon**, Episcopal Church of the Incarnation, **Maxwell Mauch**, 732 34th Avenue NE, **Hannah Pate**, 1620 17th Avenue South, and **Alex Rosenleaf**, no address provided.

Written correspondence in opposition to the City Commission considering a NDO was received from: **Beth Cooper**, 3430 Upper River Road, and **Brian Shepherd**, 1404 3rd Avenue South.

Commissioner Robinson reported that the Montana Census is in the process of hiring enumerators

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

to go out house to house to reach people that have not returned a completed Census form.

2. REAPPOINTMENT TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission reappoint Laurie Price and Becky Amaral-Miller to the Tourism Business Improvement District Board of Trustees for four-year terms through June 30, 2024.

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

Commissioner Moe commented that there seems to be a continuing problem with having to reappoint people beyond the term limit and suggested that maybe the board is just too big.

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

Motion carried 5-0.

3. APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Mayor Kelly moved, seconded by Commissioners Robinson and Tryon, that the City Commission appoint Sherrie Arey to the Business Improvement District Board of Trustees for a four-year term through June 30, 2024.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

4. APPOINTMENT TO THE LIBRARY BOARD.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission appoint Jill Baker to the Library Board for a five-year term through June 30, 2025.

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

Commissioner Robinson noted he was impressed with the quality of the applicants.

Mayor Kelly expressed appreciation to Mitch Tropila for serving 10 years on this Board. He is an incredible asset to this community.

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

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

Motion carried 5-0.

5. APPOINTMENT TO THE POLICE COMMISSION.

After a brief procedural discussion, Mayor Kelly moved, seconded by Commissioner Robinson, that the City Commission delay the appointment to the Police Commission for the two terms that are available, extend the application deadline for another 45-days with the idea of making citizens more aware of the opportunity to serve on this Board, and to discuss the selection process that is involved with more participation by elected officials.

Mayor Kelly asked if there were any comments from the public.

Jasmine Taylor, 1440 8th Avenue NW, supports the motion and suggested the City have a discussion about diversity and inclusion efforts for this Police Commission and specific measures to make sure that black and indigenous community members and other people of color are aware of this process and are able to apply.

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

Commissioner Tryon expressed concern that the action requested seems highly irregular. The Commission has always followed the process in place to appoint members to various boards in the City. He requested an explanation why this particular commission deserves a different process.

Mayor Kelly responded that the Police Commission reviews appeals by police officers who have been disciplined. In the past six weeks police departments around the country have been looked at differently. He thinks this is an opportunity to seek transparency and to continue with the broad support that this community has for the police.

Commissioner Tryon suggested proceeding with these appointments and if the Commission wants to change or do something different about the process to do so prior to the next appointments. Acting outside of the regular procedures or changing the procedures in place now may add to the negative perception.

Commissioner Moe would prefer to put these appointments off. She thinks it is time that the Commission make a change in this instance. This is the only public board that weighs in on the discipline of police officers. If their decision is appealed it goes to District Court, not the City Commission. She was struck by the lack of remove of the applicants from the profession itself and concerned about the lack of impartiality or conflict of interest. She thinks the City Commission should interview the applicants for this board.

Commissioner Houck commented that this board went through the process, vetted the applications, interviewed the applicants, and made its recommendations. She doesn't want it to appear that the Commission is hand picking who is on this board by changing the process now. She would like the Commission to vote on the board appointments this evening so that if anything comes forward to the City there is a functioning Police Commission in place and a swift way to handle it. She is

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

open to charging the Police Commission with the task of looking at its policies and procedures and bringing any changes or recommendations back to the City Commission.

Mayor Kelly noted that he doesn't know any of these applicants. His suggested motion was not based on their qualifications or lack thereof.

Commissioner Robinson commented that this is a good opportunity to discuss the process and, at some point, further discussion about changing the process to having the City Commission pick the members of the Police Commission.

Mayor Kelly inquired how often the Police Commission meets.

Police Chief Dave Bowen responded on average four times per year. Not only are they the appeals board for disciplinary hearings, they also screen applicants. If the decision is made to wait 45-days, he will need to make some allowance to put an applicant in front of them because the Department is trying to hire a police officer now. By statute, they are set up to be the approving body for that applicant. If the decision is made to wait and they have two openings and only one sitting commissioner, he will need a majority of the board and will need to make some allowance for consideration. Chief Bowen further noted that he extended the application deadline two times due to multiple openings. His desire was to obtain diversity on this board.

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

Motion failed 2-3 (Commissioners Houck, Robinson and Tryon dissenting).

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission appoint John Hackwith to the Police Commission for a three-year term through June 30, 2023, and appoint Morgan Kasuske to the remainder of a three-year term through June 30, 2021.

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

Commissioner Moe commented for reasons she previously stated she cannot support the motion.

Motion carried 3-2 (Mayor Kelly and Commissioner Moe dissenting).

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported on the following:

- The Great Falls Public Library is now requiring all persons over the age of 12 to wear a mask or other facial covering while inside the library.

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

- He displayed the piece of the Civic Center roof that fell off and is the reason for the safety fencing, and discussed the significant cracking that is at a critical point that something has to be done. At the August 4th work session the Commission will be discussing how to utilize tax increment financing to repair the building.
- Planning and Community Development Director Craig Raymond provided a parking update. There is no feasible way to replace all of the existing downtown meters. Two-hour parking is being enforced. The Parking Advisory Commission voted to recommend pay stations and license plate recognition technology. He is looking at the National Cooperative Purchasing and bid processes and will be bringing a recommendation to the Commission.

Commissioner Houck inquired and informed the system is similar to what Missoula uses, and that about 12-15% were using the Passport App to pay for parking versus coins.

Manager Doyon added that there has been a lot of requests from downtown businesses to use the general fund to subsidize parking. He has been and is adamantly opposed to doing that. A lesson learned was that the downtown needs parking enforcement. We just need to figure out the right model for this community.

- Fire Station #4 is still out of service. The initial sewer line work has been completed, but kitchen renovation for mold remediation and bathroom updates to ADA standards remain. An engineer was retained to help the City with that process. It continues to be a difficult and challenging project for the Fire Department. The sewer line problems at Fire Station #1 has been fixed. The stations were all built around the same time and all are suffering from the same level of deterioration and will need to be monitored. It was hoped that the initial budget would cover all of the fire stations, but will only cover one of them because of all of the complications.
- He is in the process of narrowing down applicants for the Public Works Director and Fire Chief positions. He is hoping to do some virtual interviews in the coming weeks to further narrow it down for in person interviews.
- The deadline to submit an application for the Audit Committee is 5 PM on July 23, 2020.

CONSENT AGENDA.

7. Minutes, June 16, 2020, City Commission Meeting.
8. Total Expenditures of \$3,933,607 for the period of June 2, 2020 through June 24, 2020, to include claims over \$5,000, in the amount of \$3,512,017.
9. Contracts List.
10. Approve the 2020-2021 School Resource Officer (SRO) Agreement between the City of Great Falls and the Great Falls Public Schools District.

JOURNAL OF COMMISSION PROCEEDINGS**July 7, 2020**

11. Approve Change Order No. 1 in the amount of \$20,400 and approve a final payment for the 2019 CDBG ADA Handicap Ramps and Sidewalk in the amount of \$5,634.88 to David Kuglin Construction and \$56.92 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1715.4**
12. Approve Change Order No. 1 in the amount of \$58,605 to Missouri River Trucking and Excavation, Inc. (MRTE) for the Gibson Park and Elks Park Trail Restoration project and authorize the City Manager to execute the document. **OF 1737.2**
13. Approve the agreement with OpWorks for reporting software to enhance the recent Ignition upgrade of the Water Plant's Supervisory Control and Data Acquisition (SCADA) program.
14. Approve a Professional Services Agreement in the amount of \$125,326 to Morrison-Maierle, Inc. for the America's Water Infrastructure Act Risk and Resilience Assessment and Emergency Response Plan, and authorize the City Manager to execute the agreement. **OF 1759**
15. Approve a final payment for the Gore Hill Water Tower Replacement, to Landmark Structures I, L.P. in the amount of \$50,559.32 and \$510.70 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1625.2**
16. Set the Annual Budget Hearing on Resolution 10350, Annual Budget Resolution for July 21, 2020.
17. Set a public hearing for Resolution 10354 to levy and assess the Street Maintenance District for August 4, 2020.
18. Set a public hearing for Resolution 10355 to levy and assess the General Boulevard Maintenance District No. 3570 for August 4, 2020.
19. Set a public hearing for Resolution 10356 to levy and assess the Portage Meadows Maintenance District No. 1195 for August 4, 2020.
20. Set a public hearing for Resolution 10357 to levy and assess properties within Special Improvement Lighting Districts for August 4, 2020.
21. Set a public hearing for Resolution 10358 to levy and assess Great Falls Park District No. 1 for August 4, 2020.
22. Set a public hearing for Tourism Business Improvement District (TBID) 2020/2021 Budget and Work Plan for July 21, 2020.

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

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

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

Commissioner Moe referred to Item 10 and expressed concerns about information she read in an SRO report last year. She talked with the Police Chief and School District about the SRO reports and both are enthusiastic about the SRO program and feel that it is very important. She would like to see more race and gender data in the reporting and would like to see a female SRO.

Mayor Kelly noted that written communication in support of Agenda Item 10 was received from **Cory Reeves**.

Commissioner Tryon referred to Items 11 and 12 and inquired why the additional work as set forth in the Change Orders was missed in the original scope for bids.

Public Works Environmental Division Manager Paul Skubinna responded that with these types of projects at times it is difficult to characterize all of the site conditions without excessive investment. Pertaining to item 11, he does not know all of the details and will follow up. With regard to item 12, the primary issue associated with the change order was variable soils in Gibson Park and the basketball court. It is a characterization situation. It was expected that they would have some sand to work with in that location and there was some expansive clays and some difficult situations that were encountered.

Commissioner Tryon inquired and was informed core samples or soil samples were not taken before bidding the project.

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

Motion carried 5-0.

Mayor Kelly called a recess at 8:49 pm and called the meeting back to order at 8:55 pm.

PUBLIC HEARINGS

23. PROPOSED AMENDMENTS TO THE 2019/2020 ANNUAL ACTION PLAN AND CITIZEN PARTICIPATION PLAN.

Planning and Community Development Director Craig Raymond reported that on March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law and released an additional \$5 billion of Community Development Block Grant (CDBG) funds for entitlement communities nationwide to prevent, prepare for, and respond to the coronavirus (COVID-19) pandemic. The City has since received a letter from the US Department of Housing and Urban Development (HUD) indicating that the program will receive a future allocation of CDBG funds in the amount of \$475,515.

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

Prior to the new CDBG funds being made available for applicants to submit grant proposals addressing the impacts of COVID-19 on low to moderate income citizens, the City Commission must amend the current 2019/2020 Annual Action Plan to create priorities for potential funding allocation. Revisions to the program's Citizen Participation Plan must be approved by the Commission to allow for a shorter period of public input on revisions to the Action Plan. HUD has allowed entitlement communities to incorporate revisions to their normal public input process for amending Annual Action Plans.

In summary, the additional allocation of COVID-19 grant funds is proposed to address the following funding priorities:

- Assistance to Public Service Agencies – \$190,206 (40%) – Under this funding priority, local public service agencies may submit grant requests that target Low to Moderate Income individuals and act to prevent, prepare for, or respond to COVID-19 impacts.
- Economic Development Assistance - \$190,206 (40%) – In this funding category, businesses, microenterprises, or the Great Falls Development Authority as a representative agency would be able to apply for grants to address job retention or other economic impacts related to the COVID-19 pandemic.
- Grant Administration - \$95,103 (20%) – Entitlement communities like Great Falls budget up to 20% of their CDBG funding allocations for program administration. The Department's entire CDBG and HOME Program budget, including staff salaries and benefits, is funded through an apportionment of federal grant funds.

The key provisions outlined in the Citizen Participation Plan amendments include: 1) the option of using virtual hearings for citizen participation, and 2) allowing a 5-day public comment period (rather than the typical 30 days). The reduced public comment period and virtual hearing option will only be utilized for amending the Action Plan to address the new COVID-19 funding allocation.

Mayor Kelly asked if the Commissioners had any questions.

Commissioner Moe referred to Carol Juneau's written communication and inquired if the funding priorities Director Raymond identified would allow for her proposals about poverty and access to technology.

Director Raymond responded that staff has to be able to identify and document that proposals specifically meet HUD criteria, are specific to the low-to-moderate income (LMI) individuals and are specific to the COVID pandemic.

Commissioner Moe inquired if there are requirements already in place that would monitor racial inequity in the distribution of funds.

CDBG Administrator Tonya Shumaker responded that the funding is specific and there are regulations and guidelines in place already to deter from any type of discrimination that may happen with the funding. The funds are targeted for LMI individuals and LMI criteria has to be met for any type of activity.

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

Mayor Kelly declared the public hearing open.

No one spoke in person or telephonically, or submitted any additional written communication not already included in the agenda packet for item 23.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the amendments to the 2019/2020 Annual Action Plan and Citizen Participation Plan.

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

Mayor Kelly commented that the Governor has reached far and wide to make sure that the effects of Covid, which is everywhere, can be mitigated by the funds that he has been given. Mayor Kelly commented that he hopes that the City can use the same intellect and pursuit as the Governor has done to use these funds for the people who have been affected by Covid.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

24. RESOLUTION 10359, AMENDING RESOLUTION 10322, RULE 10.1 OF THE CITY OF GREAT FALLS COMMISSION RULES OF CONDUCT AND PROCEDURE OF COMMISSION MEETINGS.

City Attorney Sara Sexe reported that, if adopted, Resolution 10359 will change the Commission's Rules of Conduct and Procedure of Commission Meetings adopted on November 19, 2019. The creation of the rules and procedures was based, in part, on the City Clerk's research and compilation of rules through the years that the Commission has come forward with and the *Montana Municipal Officer's Handbook*. The issue addressed in this resolution is the requirement that individuals that provide public comment provide their name and address for the record. That language came out of the recommended language from the *Municipal Officer's Handbook*.

Montana's Constitution and laws require that the local government decision making process be conducted openly and with reasonable opportunities for citizens to participate. Proper decorum for City Commission meetings requires management of time, place, and manner of public participation.

Mont. Code Ann. § 7-3-4323 authorizes the Commission to determine its own rules and order of business. Concerns have been raised with regard to the

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

Concerns were raised with regard to the identification of privacy or other reasons of the person's address for the record in a public meeting. Staff reviewed the issue and researched other cities' policies. Staff recommends that Rule 10.1 of the City of Great Falls Rules of Conduct and Procedure of Commission Meetings be amended to provide speakers the option to either provide their address or state whether they are a City resident for the record, when addressing the City Commission at public meetings.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10359.

Mayor Kelly asked if there were any comments from the public.

Jeni Dodd, 3245 8th Avenue North, commented that she asked for this change and she urged the Commission to adopt this Resolution.

Written correspondence in support of Resolution 10359 was received from **Pam Hendrickson** and **Linda Metzger**.

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

Commissioner Houck noted her support, but inquired how people with the same name in the community would be differentiated for the minutes and if there still would be sign in sheets.

City Attorney Sexe responded that could happen, but it wouldn't affect the person's ability to speak at the meeting and the other person's ability to clarify or comment at a subsequent meeting. If this Resolution is adopted the sign in sheets would be updated for people to provide their name and either their address or whether they are a city resident.

Commissioner Robinson commented this is a good idea and he thanked Ms. Dodd for bringing this forward.

Commissioner Moe noted that the School Board, Legislative Committees, Board of Public Education, Board of Regents, and other boards she has served on do not require a street address.

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

Motion carried 5-0.

CITY COMMISSION

25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

After brief discussion about whether or not the City Commission should take up the proposed Non-Discrimination Ordinance (NDO) for consideration, it was the consensus of the Commission for staff to provide a legal review and interpretation of each section of the proposed ordinance and to research what other communities have done and report back to the Commission.

JOURNAL OF COMMISSION PROCEEDINGS
July 7, 2020

With regard to future appointments to the Police Commission, it was also the consensus of the Commission to review the process with City Manager Doyon and Police Chief Bowen.

With regard to the change to Rule 10.1 of the Commission Rules of Conduct and Procedure of Commission Meetings, Mayor Kelly apologized that he didn't bring it up at the last meeting.

Commission members also discussed fireworks complaints they received this year.

Police Chief Bowen reported that statistics from the last three years for the period of July 1 through July 5 for calls for service were: 2018 – 60; 2019 – 79; and 2020 – 96. The complaints are taken seriously, but the Police Department has not issued a citation in three years. He explained that it is a lower priority call. By the time the call is taken and dispatched, oftentimes by the time the officer gets there it is done and results in an unable to locate incident, or the people scatter when officers arrive. He worked out a compromise with a prior Fire Chief to get to the current ordinance that, short of banning everything, has been the most workable ordinance to date.

Commissioner Houck noted that the Local Emergency Planning Committee (LEPC) meets monthly and will be training in the upcoming months. She encouraged people to be cautious when they see law enforcement in action. They shouldn't try to judge whether it is a training or not.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of July 7, 2020, at 9:26 p.m.**

Motion carried 5-0.

 Mayor Bob Kelly

 City Clerk Lisa Kunz

Minutes Approved: July 21, 2020



Commission Meeting Date: July 21, 2020
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

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

PRESENTED BY: Finance Director

ACTION REQUESTED: Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECK RUNS FROM JUNE 25, 2020 - JULY 8, 2020	5,026,083.63
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 16, 2020 - JUNE 30, 2020	86,402.50
TOTAL: \$	<u><u>5,112,486.13</u></u>

GENERAL FUND

FIRE

BENEFIS HOSPITALS INC	FIREFIGHTER OCCUPATIONAL PHYSICALS	51,959.00
-----------------------	------------------------------------	-----------

SPECIAL REVENUE FUND

STREET DISTRICT

GREAT FALLS SAND & GRAVEL	HOT MIX TYPE B & C	37,896.23
---------------------------	--------------------	-----------

LIBRARY

FABER SPECIALITY VEHICLES INC	1ST OF 3 PAYMENTS FOR BOOKMOBILIE	59,322.00
-------------------------------	-----------------------------------	-----------

PLANNING & COMMUNITY DEVELOPMENT

SANDERSON STEWART	NORTH GREAT FALLS SUB-AREA TRANSPORTATION STUDY	8,397.86
GREAT FALLS TRANSIT DISTRICT	PASS THRU REIMBURSEMENT FOR UPWP	99,324.70

PARK DISTRICT

UNITED MATERIALS OF GREAT FALLS	OF 1740.2 JAYCEE PARK IMPROVEMENTS	99,565.57
---------------------------------	------------------------------------	-----------

PERMITS

TYLER TECHNOLOGIES INC	ENERGOV SOFTWARE MAINTENANCE	30,000.00
------------------------	------------------------------	-----------

CENTRAL MONTANA AG TECH PARK TID

US BANK NATIONAL ASSOCIATION	DEBIT SERVICE	33,977.78
TD&H ENGINEERING	OF 1658.1 CMATP TIF PHASE 4 STORM DRAIN	10,903.25

DEBT SERVICE

SOCCER PARK GO BONDS

US BANK NATIONAL ASSOCIATION DEBT SERVICE 153,824.38

GENERAL OBLIGATION TAXABLE BONDS

US BANK NATIONAL ASSOCIATION DEBT SERVICE 141,772.50

WEST BANK TID BONDS

US BANK NATIONAL ASSOCIATION DEBIT SERVICE 51,177.50
 US BANK NATIONAL ASSOCIATION DEBIT SERVICE 200,794.38

ENTERPRISE FUNDS

WATER

THATCHER CO OF MONTANA CHEMICALS 24,897.60
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 9,522.50
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 86,086.17
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 100,990.00
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 131,250.00
 SLETTEN CONSTRUCTION CO OF 1637.1 WTP FILTRATION 117,374.40
 EMICC INC HS 2 CONTROL BOARD 6,530.00
 A+ ELECTRIC MOTOR INC HS 2 TEST & REPLACE BEARINGS 14,721.30
 3-V DISTRIBUTION 9'DUMP BOX W/OPTIONAL SIDES 12,143.00
 DATAPROSE LLC WATER QUALITY REPORT INSERT 139.18
 TD&H ENGINEERING OF 1494.6 WATER MAIN CROSSING UNDER THE UPPER MISSOURI 6,168.70

SEWER

VEOLIA WATER NORTH AMERICA MONTHLY WWTP OPERATION CONTRACT
 VEOLIA WATER NORTH AMERICA EXTRA IPP SAMPLES/TESTING 10,056.92

 XYLEM DEWATERING SOLUTIONS PRODSS METER, CABLE SENSORS AND CASE (SPLIT AMONG FUNDS) 2,500.00

 US BANK NATIONAL ASSOCIATION DEBT SERVICE 9,391.25
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 116,795.00
 US BANK NATIONAL ASSOCIATION DEBIT SERVICE 213,720.00
 US BANK NATIONAL ASSOCIATION DEBIT SERVICE 341,270.00
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 236,360.00
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 275,000.00
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 319,550.00
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 320,737.50

STORM DRAIN

XYLEM DEWATERING SOLUTIONS PRODSS METER, CABLE SENSORS AND CASE (SPLIT AMONG FUNDS) 5,529.00

 US BANK NATIONAL ASSOCIATION DEBIT SERVICE 104,637.50
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 143,262.50
 US BANK NATIONAL ASSOCIATION DEBT SERVICE 152,400.00

SANITATION

SNYDER INDUSTRIES INC 75-300 GALLON REFUSE CONTAINERS 24,000.00

911 DISPATCH CENTER

CENTURYLINK JUNE 2020 DISPATCH LINES 5,842.69

INTERNAL SERVICES FUND

FINANCE

DATAPROSE LLC	PRINTING & STATEMENTS JUNE 2020	12,555.96
---------------	---------------------------------	-----------

CENTRAL GARAGE

3-V DISTRIBUTING INC	9' DUMP BOX W/OPTIONAL SIDES	12,143.00
MOUNTAIN VIEW CO-OP	FUEL	24,203.78

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	74,583.84
---------------------	---------------------------------	-----------

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	45,279.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,108.34
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	50,945.16
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	66,214.94
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	121,629.68
US BANK	FEDERAL TAXES, FICA & MEDICARE	196,897.76
AFLAC	EMPLOYEE CONTRIBUTIONS	8,394.41
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	23,935.68
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	16,934.59
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	23,914.15
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	27,843.99
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	2ND QUARTER WORKMANS COMP	266,622.93

ULRRWSD AGENCY PHASE 1

US BANK NATIONAL ASSOCIATION	DEBT SERVICE	5,081.25
US BANK NATIONAL ASSOCIATION	DEBT SERVICE	12,455.00

ULRRWSD AGENCY PHASE 2

US BANK NATIONAL ASSOCIATION	DEBT SERVICE	8,712.50
------------------------------	--------------	----------

UTILITY BILLS

NORTHWESTERN ENERGY	TRANSMISSION CHARGES FOR APRIL 2020	16,766.22
NORTHWESTERN ENERGY	JUNE 2020 SLD CHARGES	78,071.06
NORTHWESTERN ENERGY	MAY 202 WATERPLANT CHARGES	15,001.29

CLAIMS OVER \$5000 TOTAL: \$ 4,886,084.89

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: July 21, 2020

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	Great Falls Animal Shelter	Pam Birkenbuel, Vintage Nana’s Indian Tacos	06/23/ 2020 – 12/23/2020	Donation to the Great Falls Animal Shelter of 25% of user’s profits	Ratification of Use Agreement for selling food in the parking lot of the Great Falls Animal Shelter
B	Great Falls Fire Rescue	Falls Mechanical Services LLC	07/15/2020-09/13/2020	\$40,534	Ratification of Public Works Construction Agreement for plumbing, mechanical and general construction for Fire Station #4 OF 1727.5



Commission Meeting Date: July 21, 2020
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Final Payment: Sanitary Sewer Trenchless Rehabilitation, Phase 22, OF 1675.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Environmental Division Manager

Action Requested: Final Payment

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 22 in the amount of \$576,849.12 to Planned and Engineered Construction and \$5,826.76 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:

Staff recommends approval of the Final Payment request.

Summary:

This sanitary sewer-lining project was a continuation of a maintenance and repair program to rehabilitate deteriorated sanitary sewer mains using trenchless technologies. This phase has restored 10,016 linear feet of varying diameter sewer main. This length is the equivalent of 28 city blocks. The rehabilitated mains serve primarily residential areas and several commercial properties in the downtown area.

Background:

Workload Impacts

The Utilities and Engineering Divisions of the City’s Public Works Department completed sewer main inspections that were used to identify and prioritize the mains which needed rehabilitation. The City Engineering staff designed the project and also performed construction inspection and contract administration.

Purpose

This project was a continuation of previous projects to rehabilitate deteriorated sewer mains in a less disruptive manner. Although the sewer mains are functioning, the aged/deteriorated mains had developed

pits, cracks, and holes. These defects can lead to raw sewage leaking into ground water and can also make routine maintenance difficult.

The product and technology used in this project Cured-in-Place-Pipe (CIPP), is a thermosetting resin impregnated liner that is pulled through the existing pipe and cured in place. The liner rehabilitates failed, broken, cracked and leaking sewer mains and increases the service life of those mains. Trenchless technology provides the City with a low cost solution that greatly reduces disruption and eliminates utility conflicts.

Project Work Scope

This project lined 10,016 linear feet of 8-inch through 32-inch diameter sewer mains at thirty-three (33) locations spread around the City.

Evaluation and Selection Process:

Two (2) bids were received on February 19, 2020 with the bid prices ranging from \$845,000.00 to \$985,383.00. Planned and Engineered Construction, Inc. (PEC) submitted the low bid and was awarded the construction contract on March 3, 2020.

Final Payment:

The final project cost is \$830,711.38 which is \$14,288.62 less than the amount that was originally awarded and approved. The cost difference was due to small pipe length discrepancies over the course of the project.

Conclusion:

City staff recommends approval of the Final Payment in the amount of \$576,849.12 to Planned and Engineered Construction and \$5,826.76 to the State Miscellaneous Tax Fund.

Alternatives:

The City Commission could vote to deny the Final Payment.

Attachments/Exhibits:

OF 1675.1 Final Invoice
OF 1675.1 Quantities Summary
OF 1675.1 Vicinity Map

Planned and Engineered Construction, Inc
3400 Centennial Drive
Helena, MT 59601

Telephone 406/447-5050
Fax 406/443-8583
www.pechelena.com

APPLICATION FOR PAYMENT SUMMARY SHEET

Owner: City of Great Falls, MT
 PO Box 5021
 Great Falls, MT 59403

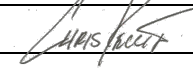
Bill To: City of Great Falls, MT
 PO Box 5021
 Great Falls, MT 59403

Invoice Number: 002
 Invoice Date: 19-Jun-20
 Project Name: Sanitary Sewer Trenchless Rehabilitation - Phase 22
 Contract No:
 Engineer:

Period - From:
 Period - To:
 PEC Project # C2006
 Contract Completion Date:

ITEM	DESCRIPTION	UOM	BID EST.	BID	TOTAL	CURRENT PAY REQUEST		PREVIOUS PAY REQUEST		TOTAL PAY REQUESTS	
			QTY	PRICE	BID EST.	QTY	PRICE	QTY	PRICE	QTY	PRICE
101	Clean and TV Pipe	LF	12,300	\$5.00	\$61,500.00	10,016.0	\$50,080.00	1,766.0	\$8,830.00	11,782.0	\$58,910.00
102	Install 8" CIPP	LF	3,200	\$23.00	\$73,600.00	2,903.0	\$66,769.00		\$0.00	2,903.0	\$66,769.00
103	Install 9" CIPP	LF	4,100	\$25.00	\$102,500.00	3,443.0	\$86,075.00		\$0.00	3,443.0	\$86,075.00
104	Install 18" CIPP	LF	200	\$90.00	\$18,000.00	195.0	\$17,550.00		\$0.00	195.0	\$17,550.00
105	Install 24" CIPP	LF	4,400	\$95.00	\$418,000.00	3,475.0	\$330,125.00	628.0	\$59,660.00	4,103.0	\$389,785.00
106	Install 28" CIPP	LF	800	\$110.00	\$88,000.00		\$0.00	1,138.0	\$125,180.00	1,138.0	\$125,180.00
107	Internally Reinstale Laterals **	EA	260	\$50.00	\$13,000.00	222.0	\$11,100.00	24.0	\$1,200.00	246.0	\$12,300.00
108	Mobilization	LS	1	\$25,400.00	\$25,400.00		\$0.00	1.0	\$25,400.00	1.0	\$25,400.00
109	Misc. Work	Unit	45,000	\$1.00	\$45,000.00		\$0.00		\$0.00		\$0.00
WCD 1	Install 32" CIPP	LS	1	\$41,230.00	\$1.00		\$0.00	1.0	\$41,230.00	1.0	\$41,230.00
CO1	Prevailing Wage Rate Adjustment	HR			\$0.00	1.0	\$7,901.88		\$0.00	1.0	\$7,901.88
**Includes 6 laterals brushed in 497											

TOTAL INVOICE CLAIM:		\$	569,600.88		\$	261,500.00		\$	831,100.88	
5% LIEN FUNDS RETAINED:		\$	28,480.04		\$	13,075.00		\$	41,555.04	
LIEN FUNDS RELEASED:		\$	41,555.04		\$	-		\$	41,555.04	
0% LOCAL STATE TAX:		\$	-		\$	-		\$	-	
LESS PREVIOUS PAYMENTS:		\$	-		\$	245,555.14		\$	245,555.14	
NET PAYMENT AMOUNT:		\$	582,675.88		\$	2,869.86		\$	585,545.74	
1% MT RECEIPTS TAX (GRT):		\$	5,826.76		\$	2,484.25		\$	8,311.01	
AMOUNT DUE THIS INVOICE:		\$	576,849.12		\$	385.61		\$	577,234.73	
									Total Outstanding Balance \$	577,234.73

SUMMARY OF LIEN FUND				APPROVED BY: 			
TOTAL LIEN FUNDS RETAINED:	\$	41,555.04		TITLE	President	DATE	19-Jun-20
TOTAL LIEN FUNDS RELEASED:	\$	41,555.04					
LIEN FUNDS REMAINING RETAINED	\$	-					

COMMENTS:

Great Falls, MT
Sanitary Sewer Trenchless Rehabilitation, Phase 22
PEC Project No. C2006

DATE	Line ID	SECTION	MH DEPTH	DIAMETER		LENGTH		SERVICES	
				Plan	Actual	Plan	Actual	Plan	Actual
INVOICE 1									
Thursday, April 23, 2020	513	532 to 523	13	24	37 X 28		401		10
	503	523 to 89	14	24	37 X 28		227		4
							Subtotal 24":	628	14
Wednesday, April 29, 2020	532	554 to 543	13	28	28		332		4
	523	543 to 535	13	28	28		405		2
Thursday, April 30, 2020	514	535 to 526	16	28	28		401		4
							Subtotal 28":	1138	10
							Total:	1766	24
INVOICE 2									
Wednesday, May 20, 2020	3095	3037 to 3039	9	8	8		469		8
	3098	3039 to 3040	9	8	8		400		1
Wednesday, May 27, 2020	887	796 to 797	11	8	8		395		20
Thursday, May 28, 2020	2694	2614 to 2615	11	8	8		88		2
	2696	2616 to 2617	12	8	8		126		8
	2697	2617 to 2630	10	8	8		306		9
	1401	1312 to 1311	9	8	8		191		4
	1402	1313 to 1312	11	8	8		255		7
	1403	1314 to 1313	12	8	8		240		6
	1737	1791 to 1790	13	8	8		433		16
							Subtotal 8":	2903	81
	804	711 to 710	18	9	9		439		13
Thursday, May 21, 2020	535	560 to 559	10	9	9		435		15
	2172	2069 to 2070	10	9	9		430		0
Tuesday, May 26, 2020	123	141 to 140	11	9	9		431		17
	124	142 to 141	11	9	9		432		13
	113	131 to 130	16	9	9		432		16
	530	556 to 614	13	9	9		413		19
Sunday, May 31, 2020	17	15 to 14	21	9	9		431		18
							Subtotal 9":	3443	111
Monday, May 11, 2020	589	605 to 615	13	18	18		195		1
							Subtotal 18":	195	1
	577	595 to 585	12	24	24		402		0
Tuesday, May 5, 2020	693	585 to 576	10	24	24		401		0
	558	576 to 567	10	24	24		402		0
Thursday, May 7, 2020	549	567 to 558	9	24	24		411		2
Wednesday, May 13, 2020	541	558 to 549	8	24	24		401		7
Wednesday, May 6, 2020	568	591 to 582	19	24	24		401		0
	559	582 to 573	17	24	24		401		2
Tuesday, May 12, 2020	529	614 to 555	16	24	24		450		12
Monday, May 4, 2020	588	615 to 595	14	24	24		206		0
							Subtotal 24":	3475	23
ADD ON BRUSHING	497								6
							Total:	10016	222



Commission Meeting Date: July 21, 2020
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Set Public Hearing for Business Improvement District (BID) FY 2021 Budget and Work Plan

From: Melissa Kinzler, Finance Director

Initiated By: Business Improvement District Board of Directors

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission set public hearing date of August 4, 2020 for the Business Improvement District (BID) FY 2021 Budget and Work Plan

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) the public hearing for the FY 2021 Business Improvement District Budget and Work Plan for August 4, 2020.”

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

Staff Recommendation: The BID recommends that the City Commission set the public hearing for the FY 2021 BID Budget and Work Plan for August 4, 2020.

Background: The initial creation of the BID was in 1989. It was renewed in 1999, 2009, and 2019 each for periods of ten years by petition of the property owners within the District.

The Business Improvement District's overall purpose is to utilize assessment dollars through the BID to improve and revitalize the downtown area. If there are any material increases or decreases in the actual assessment from the approved budget, the BID's Board will either request a budget amendment from the City Commission or the Board will include the amount of revenue whether it be an increase, or decrease, in their Budget and Work Plan for the coming fiscal year. The BID has not changed the areas of the district boundaries since its origination date.

According to MCA Section 7-12-1132(3), the City Commission must hold a public hearing to hear any objections to the budget and work plan. Following the public hearing, the City Commission may approve the plan or request that amendments be made to it, prior to levying an assessment on all properties within the district to defray the costs.

A separate resolution to levy and assess the properties within the district will be brought to the City Commission after Certified Market Values are received from the DOR.

Fiscal Impact: The BID is projecting annual revenue for Fiscal Year 2021 of approximately \$240,000 in assessments. The funds are used to operate the BID office, grant programs, tree maintenance, beautification efforts and additional projects for streetscapes, and economic growth.

The assessment will be according to the formula approved by the BID Board and the City Commission:

1. a flat fee of \$200.00 for each lot or parcel without Land Use Code of 125;
2. a flat fee of \$50.00 for each lot or parcel with a designated Land Use Code of 125 which is a Residential Condominium;
3. an assessment of \$.00165 times the market valuation as provided for by the Montana State Legislature;
4. and an assessment of \$.015 times the square footage of the land area.

Alternatives: The City Commission could request the BID Board make changes to either the Budget or Work Plan.

Concurrences: The BID partners with several organizations to provide results and follow the overall purpose for the BID. Finance staff is responsible for assessing and collecting the revenues.

Attachments/Exhibits:

Work Plan 2020-2021

BID Final Budget

Map of BID Boundaries

Legal Notice



GREAT FALLS BUSINESS IMPROVEMENT DISTRICT WORK PLAN 2020-2021



The mission of the Great Falls Business Improvement District (BID) is to represent the unique interests of the business and property owners located within the district. The goal of the BID is to create an environment that is appealing to shoppers, office workers, residents, tourists, and new businesses and investors. Overall, the BID is responsible for downtown revitalization through economic development, real estate development, short and long-range planning, grant program administration, and physical and environmental improvement programs.

The BID will provide the following services within the designated boundaries over the next fiscal year:

- **Downtown Property Investments**
 - Invest in downtown properties through our many grant programs.
 - Current grant programs may include, but are not limited to: Façade, Residential, Interior, Sidewalk, Art, Outdoor Living, Pedlet and Business Incentive
 - Utilize additional grant programs to supplement BID grant monies
 - Tax Increment Financing (TIF)
 - The BID will continue to support the Downtown Development Partnership (DDP) in administering the TIF
- **Downtown Safety & Security**
 - Continue to take a lead role in organization and promoting Downtown Safety & Education
 - Working with partner organizations of the Downtown Safety Alliance
 - Clean & Safe Team - Provide seasonal Downtown Resource Ambassadors
 - Support the BRIC Officer from the Great Falls Police Department
 - Support the Great Falls Police Department's Volunteer Program
 - Management of the Coins for a Cause Program
 - Continue Business Watch/Safety Education Program
- **Unifying Entities**
 - Communication
 - Provide our property & business owners information on the BID and our programs
 - Volunteers
 - Continue support of the Downtown Chicks, an established pool of volunteers that can be utilized as a resource for events & special projects
 - Continue support of the Building Active Communities Initiative (BACI)
 - Work with organizations to coordinate improvement efforts of our downtown
 - Downtown Partnership
 - The BID will be an active participant in the DDP, working to implement the Downtown Master Plan
 - The BID will take the lead on the citywide Wayfinding Planning project
 - The BID will support the Downtown Great Falls Association
 - The BID will support the Great Falls Development Authority and the Downtown Business Development Officer position
 - The BID will support the following organizations, the Great Falls Area Chamber of Commerce and Montana Tourism via Convention Visitors Bureau membership
 - City Boards
 - Serve as ex-officio on the Parking Commission
 - Serve as ex-officio on the Historic Preservation Advisory Commission
- **Beautification**
 - Downtown Public Art Projects – Lead in the organization of ArtsFest MONTANA
 - Continue support of the Urban Art Project
 - Trash Removal/Graffiti Removal
 - Sidewalk Cleaning/Snow Removal
 - Tree & Flower Maintenance
 - Holiday Décor/Banners/Flags
 - Sound System

**BID
BUDGET
FY 2021**



Revenues

Assessments	\$	240,000
Assessment Receivable	\$	75,000
Business Watch	\$	500
Coins for a Cause	\$	500
Interest Income	\$	150
Prior Year Carryover - Cash	\$	-
Total Revenues	\$	316,150

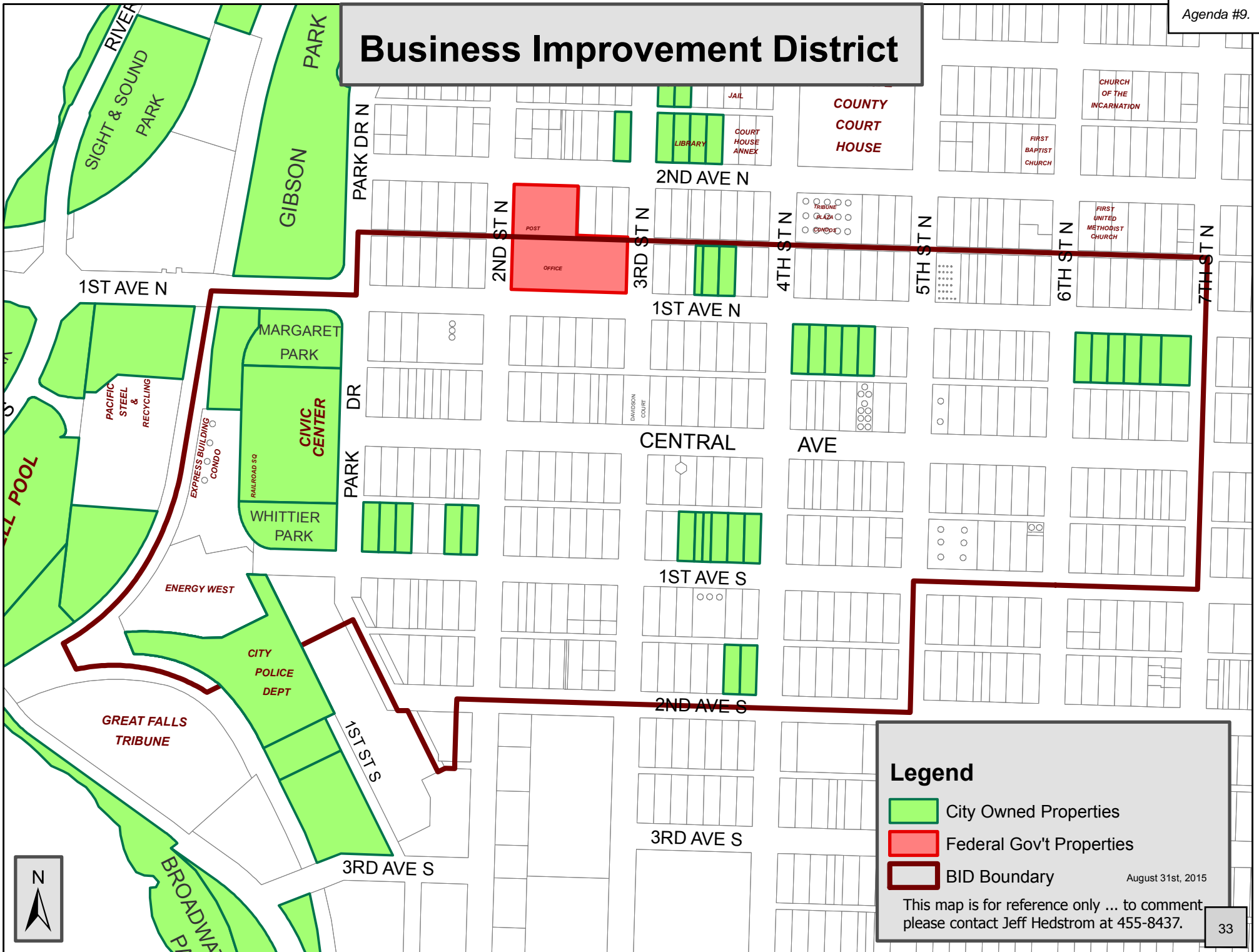
Expenses

Advertising	\$	500
Web Design	\$	500
Beautification	\$	10,000
Art Downtown	\$	40,000
Flowers	\$	10,000
Sound System	\$	1,000
Snow Removal	\$	15,000
Trash Removal	\$	10,000
Tree Program	\$	15,000
Holiday Décor	\$	15,000
Business Grants	\$	-
Business Watch	\$	1,000
Coins for a Cause	\$	500
Donations	\$	5,000
Dues & Subscriptions	\$	4,500
Employee Benefits	\$	2,000
Insurance	\$	7,000
Miscellaneous	\$	500
Office Equipment	\$	1,000
Office expense	\$	1,000
Payroll taxes	\$	13,000
Professional Services	\$	5,000
Rent	\$	3,400
Salaries	\$	125,000
Special Projects	\$	20,000
Supplies	\$	4,000
Taxes, Licenses & Fees	\$	200
Telephone/Internet	\$	3,100
Travel & Education	\$	2,500
Utilities	\$	450
Total Expenses	\$	316,150

Net Revenue/Loss

\$	-
-----------	----------

Business Improvement District



Legend

- City Owned Properties
- Federal Gov't Properties
- BID Boundary

August 31st, 2015

This map is for reference only ... to comment please contact Jeff Hedstrom at 455-8437.



Attention Legal Ads

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Business Improvement District (BID) budget and work plan for Fiscal Year 2020/2021 will be brought before the Great Falls City Commission for public hearing in the Commission Chambers Room 206, Civic Center Building, 2 Park Drive South, Great Falls, Montana, on Tuesday, August 4, 2020, at 7:00 o'clock p.m. Any interested person may appear and speak for or against said BID budget and work plan or submit in writing any comments to the City Clerk prior to or during the Commission Meeting.

Documents pertaining to this agenda item are posted on the City's website at <https://greatfallsmt.net> under "Meetings," and are on file for public inspection during regular office hours at the City Clerk's Office, 2 Park Drive South, Room 204, Great Falls, MT, or contact us at (406) 455-8451.

/s/ Lisa Kunz
City Clerk

DO NOT PUBLISH BELOW THIS LINE:

Publication dates: July 26 and August 2, 2020



Commission Meeting Date: July 21, 2020
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Tourism Business Improvement District (TBID) 2020/2021 Budget and Work Plan

From: Melissa Kinzler, Finance Director

Initiated By: Tourism Business Improvement District

Presented By: Rebecca Engum, Great Falls Tourism Director

Action Requested: Conduct Public Hearing and Accept the Tourism Business Improvement District 2020/2021 Budget and Work Plan

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 (accept/reject) the 2020/2021 Tourism Business Improvement District Budget and Work Plan.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: The TBID recommends the City Commission accept the 2020/2021 TBID budget and work plan.

Background: The initial creation of the TBID was in 2008. On February 6, 2018, the City Commission approved Resolution 10222 re-creating said TBID for a duration of ten (10) years. The TBID's overall purpose is to promote tourism, conventions, trade shows, and travel to the City of Great Falls through the use of assessment revenue. If there are any material increases or decreases in the actual assessment from the approved budget, the TBID's Board will either request a budget amendment from the City Commission, or the Board will include the amount of revenue whether it is an increase or decrease in their Work Plan and Budget for the coming Fiscal Year.

According to MCA Section 7-12-1132(3), the City Commission must hold a public hearing to hear any objections to the budget and work plan. Following the public hearing, the City Commission may approve the plan or request that amendments be made to it, prior to levying an assessment on all

properties within the district to defray the costs. A separate resolution to levy and assess the properties with the district will be brought to the City Commission in September.

Fiscal Impact: The TBID is projecting annual revenue for Fiscal Year 2020/2021 of approximately \$486,258 in assessment dollars. This is a decrease from the prior year budget largely due to impacts from COVID-19.

The assessment will be according to the formula approved with the re-creation of the district:

The assessment will be a flat fee of two dollars (\$2.00) per occupied room night for establishments with 31 or more rooms and a flat fee of one dollar (\$1.00) per occupied room night for establishments with 1-30 rooms as prescribed in Mont. Code Ann. Section 7-12-1133(f). The new assessment method began on July 1, 2018, so Fiscal Year 2020/2021 will be the second year of billing the assessment with the new formula.

Alternatives: The City Commission could request the TBID Board make changes to either the Budget or Work Plan.

Concurrences: The TBID partners with several organizations to provide results and follow the overall purpose for the TBID. Finance staff is responsible for assessing and collecting the revenues.

Attachments/Exhibits:

- 2020/2021 TBID Budget and Work Plan
- Map of TBID Boundaries



Great Falls
MONTANA
TOURISM

2021 Marketing Plan

July 1, 2020 to June 30, 2021

www.VisitGreatFallsMontana.org



Overlook Park

2020 SUCCESS

Great Falls Montana Tourism offered a NEW Event Grant in 2020 and awarded \$19,000 in funding to Montana Performing Arts Consortium to develop RegFest, a performing arts festival featuring Reggie Watts. Reggie is a Great Falls native and current band leader for The Late Late Show with James Corden.

Our Social channels grew with the creation of a Content Director in February 2019. Instagram audience

exceed our goal with 30% growth and Facebook audience met our goal at 20% growth. Our goal for Instagram was 25% growth.

We are at 50% of our Convention and Meeting goal with 3 new pieces of business. The CDC guidance related to COVID-19 has halted our progress.

Great Falls saw a 54% increase in new overnight visitors in 2019, even though we saw a 2% decline in total overnight visitors. Our goal for new overnight visitors and total overnight visitors was 5% growth for each.

GREAT FALLS, MONTANA

Great Falls is the 3rd largest city in the Nation's 4th largest state. With 1 million residents in the State and just under 60,000 residents in the city, the open space appeals to residents and non-residents alike. Last year alone, 12 million people visited Montana, and 1 million spent a night in Great Falls.

Great Falls is Montana's Basecamp for Art and Adventure. Designed for independent, outdoor adventurers and planners of meetings, Great Falls provides a true, authentic Montana experience. Our community sits on the banks of the Missouri River in the center of the State. Great Falls is a basecamp to the Rocky, Big Belt, Highwood, and Little Belt Mountain Ranges; each providing public access for a variety of outdoor recreation. It is also a basecamp to the Sun and Smith Rivers; Belt Creek, and Holter Lake; it is 2.5 hours south of the East entrance to Glacier National Park, and 3.5 hours north of the

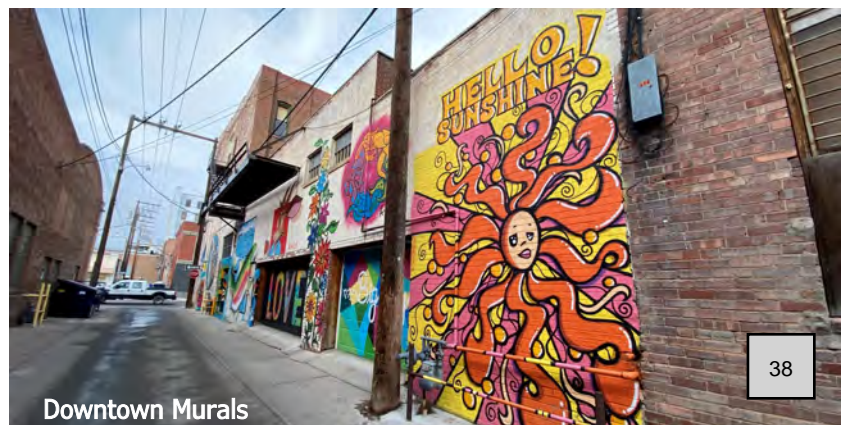
EXECUTIVE SUMMARY

Great Falls Montana Tourism is the Destination Management Organization [DMO] focused on promoting the city of Great Falls, Montana to overnight visitors. It includes efforts of the Convention and Visitors Bureau and the Tourism Business Improvement District. As we plan for 2021, we are in uncertain times that will be taken day by day, then week by week, then month by month as the situation surrounding COVID-19 evolves. Our strategies and budget may change by July 1, 2020 as we continue to get new data and guidance.

Great Falls Montana Tourism will leverage the Montana Brand and use paid and owned media to orient overnight visitors to Great Falls' unique spectacular unspoiled nature and the only in Great Falls breathtaking experiences that can be had by day, with the ability to come back to the relaxing hospitality of our community to renew their spirit for the next day. By developing itineraries around specific events, we will facilitate extended stays in Great Falls, a vibrant and charming small town full of art and modern amenities, prior to departing for adventures in more of Montana's spectacular, unspoiled nature.

Our team will continue to work alongside the leaders at Cascade County and in the community to bring the Future of Montana ExpoPark into reality. We will incentivize conventions and events that can generate overnight visitors. We will leverage our Great Falls Champions to share positive content and leverage reach.

We will focus efforts for Convention and Meetings inside Montana and continue to build relationships with regional and National meeting planners where Great Falls, Montana has a competitive advantage. Our team will be focused on strengthening the economy by promoting the uniqueness of Great Falls, Montana to overnight visitors that will result is Great Falls being THE place in Montana to visit for a genuine experience with the funding received in partnerships with our Great Falls lodging facilities.



Downtown Murals

North Entrance to Yellowstone National Park. Great Falls’ access to a variety of outdoor adventures is complimented by a haven of rich arts, culture, and history in a vibrant, modern community where you can renew your spirit.

Great Falls is Montana’s Museum Capital. Famed Cowboy artist and humanitarian, Charlie Russell made Great Falls, Montana his basecamp and the museum that bears his name has the largest collection of Russell’s work, the complex has his studio and home, and The C.M. Russell Museum has been named Montana’s Museum worth driving for. The Lewis & Clark Interpretive Center has North America’s most extensive display of the Lewis & Clark expedition. First People’s Buffalo Jump is North America’s Largest and is a National Historic Landmark. The remaining museums in Great Falls celebrate our history, the life of Brother Van, modern artists, the railroad, the artwork of Sister Mary Trinitas Morin and Mother Raphael Schweda, the military missions at Malmstrom Air Force Base, and a hands-on Children’s Museum.

Great Falls is known as the Western Art Capital of the World during Western Art Week. This signature event brings in over 750 artists at 15+ shows for a variety of auctions, direct purchase, quick finishes, demonstrations, lectures, music and more.

Businesses that make up the Tourism Industry account for 2,180 jobs and over \$42 million in payroll locally. Tourism Industry businesses account for over \$16 million in property taxes. Great Falls’ tourism industry accounts for 5% of Montana’s total overall tourism impact. The State, the Region, and the City’s tourism economy is driven by outdoor recreation.

BENCHMARK COMMUNITIES

Communities that we compete with are numerous, however, we benchmark our efforts against a few specific communities:

- Billings MT | Missoula MT | Kalispell MT | Casper WY
- Spokane WA | Boise ID | Sioux Falls SD
- Grand Forks ND | Bismarck ND

ANAYLSIS

The appeal of Montana’s spectacular, unspoiled nature inspires people to travel to the fourth largest state in the US and experience its over 100 vibrant and charming small towns that provide impressive outdoor experiences. As a result, Great Falls competes within the state, as well as the Northwest region and the nation to orient and facilitate the visitor to experience Montana’s Basecamp for Art & Adventure.

STRENGTHS

Art | In the broadest sense of the term, Great Falls has art—from statutes and murals on the river’s edge trail and downtown, to state parks and museums that capture our history and culture, to restaurants who source local food, to residents who create masterpieces on canvasses or using batik, and our entrepreneurs who create industry changing products. Great Falls is creative, innovative, and full of art.

River | The Missouri River connects Great Falls’ history to the Plains Indians, Corp of Discovery, mining and electricity. Today it provides access to outdoor recreation, bird viewing, a path for scenic drives, and a backdrop for stunning photography.



Basecamp | In about an hour or less from Great Falls, you can be in the Rocky Mountain Front and the greater Bob Marshall Wilderness Complex, Sluice Boxes State Park and the Little Belt Mountains, the Highwood Mountains, on Holter Lake, at Smith River, Sun River. And, just a little further in Glacier National Park.

Malmstrom | 3,300 personnel, along with their families, are stationed in Great Falls' air force base. The base itself draws national contractor business, and the personnel's extended family come to visit.

GTF | Our international airport is small and accessible, offering direct flights from Seattle, Denver, Las Vegas, Minneapolis, Phoenix, Salt Lake City, and seasonally to Chicago.

WEAKNESS

Venues| Tried and true, our facility infrastructure is stable but suffers from deferred maintenance and lack of capital investment for industry demanding improvements.

Impression| Immediate thoughts of Montana include mountains, roaming wildlife, and backpacking adventures, and Great Falls is a modern community on the Missouri River with an industrial history.

Detractors | 34% of Great Falls residents hold a low-self image of and are negative about the community being a great place to visit.

OPPORTUNITIES

I-15 Corridor | Great Falls is roughly halfway between Salt Lake City, Utah, and Edmonton, Alberta (via Highway 2 in Alberta, Canada). Through traffic provides a chance to convert travelers for experiences and events. 55% of travelers drive through Great Falls without spending a night.

Air Service | United, Delta, Alaska, and Allegiant are great partners, however, there are opportunities to add carriers and direct flights.

Events| Signature events give visitors a specific time to travel to Great Falls. We have room to add more.

In-Market Experience | The Missouri River is amazing; however, we are missing the opportunity to make it, and other experiences, easier to access. Great Falls can benefit from easy access equipment rentals, tour guides, facilitated experiences, and review worthy interactions.

THREATS

COVID-19 | We have already witnessed postponed, cancelled, and rescheduled events, conventions, and meetings. The uncertainty of how long the current shelter-in place and group size restrictions will remain, prevents travel. In addition, local businesses

that support the tourism ecosystem will have taken dramatic losses and may not be able to continue operations or support the industry as they did. Recovery in our target markets may take longer than in Montana and could delay travel.

I-90/I-94 CORRIDOR | This Montana route has larger communities with larger population bases, sees higher traffic counts and has had more success in event routing than I-15.

Market Economy | Volatility in the local economy of our target market communities can directly impact travel decisions.

Growth | The success of peer and benchmark communities related to increased retail experiences and capital investments in infrastructure have increased their tourism budgets to attract more visitors, causing Great Falls to lag.



St. Peter's Mission

THE BASECAMP BRAND

From every direction, Montana’s spectacular, unspoiled nature calls you closer – from two of America’s most amazing national parks, a short drive in either direction, to the miles of trails along the Missouri River and beyond, it is all accessible beginning right in Great Falls. It beckons you to discover Montana’s rugged and alluring outdoors freely with independence.

One of the greatest things about our community is we are welcoming, down-to-earth and proud of what we have. We are forward thinking and unapologetic about creating a future based on our potential. Great Falls is a place where you feel more independent, more liberated from conformity and convention. You are more free to pursue your passion, from outdoor recreation to embracing your inner artist.

It’s a place where you can be in the middle of an evolving and vibrant downtown life near the riverfront and yet never far from getting away from it all. If you look at life as a wonderful, ever-changing adventure (as we do), we invite you to come to a place where you can live it abundantly, celebrate your independence every single day.

Great Falls provides a basecamp for a wide range of outdoor adventures and offers a haven of rich arts, culture, and history in a vibrant, modern community where an expansive, unspoiled, diverse landscape renews one’s spirit!

- We share the unique stories.
- We keep it conversational.
- We play up our diverse landscapes.
- We show hospitality in our community.
- We use dynamic images and videos.
- We are consistent in our style.

We use a lighthearted, conversational tone with personality and a little humor in our communications. We use specific words to set a tone, reinforce the attributes of our community and unify our voice.

Independent | Adventurous | Fun | Courageous | Refreshing | Creative | Scenic | Freedom Alluring | Artistic | Rugged | Spirited | Real | Curiosity | Open | Breathtaking | Authentic

We Show, Not Tell.

It is one thing to tell people we have the largest veggie omelet in town. It is quite another to show them a picture of someone eating the largest veggie

omelet in town. We refrain from the use of big, flowery words, and a ton of adjectives. Show them.

We Build Anticipation.

Telling a person’s story about their experience can create the excitement for other’s to have their own experience. When people start dreaming about the experience they could have, it builds the anticipation and desire to make the experience happen.

We Let people create their story.

Leave room for people to experience their way. Each person has their own way to experience something, so let them. Don’t plan every step or pre-package every product, leave some mystery for people to discover something for their own unique story to retell.

We Make no assumptions.

Someone may be a frequent flyer to our community or frequent certain members, but they may not know we have North America’s most extensive display of the Lewis & Clark expedition at the Lewis & Clark Interpretive Center or that Celtic Cowboy was named the Best Irish Pub in Montana.



MARKET

ROOM INVENTORY

Great Falls will have 2,292 rooms available any given night across 30 properties beginning in the Fall of 2020. Our inventory by property is broke down by room capacity with:

- 17% with less than 30 Rooms
- 57% with 31—99 Rooms
- 27% with 100+ Rooms

Room demand had been in decline since 2015. We saw an increase in 2018, then 2019 took a dip again.

OVERNIGHT VISITOR HISTORY

Great Falls saw a slight decrease in overnight visitors in 2019, down 19,543 visitors from 2018.



First People's Buffalo Jump

Alberta was back in the leader seat for location our visitors came from, and retail shopping took back the 3rd location in the Top 5 Activities.

Top 5 markets out of state overnight visitors came from:

- Alberta 14%
- Washington 7%
- Idaho 7%
- Colorado 6%
- California 6%

Our overnight visitors top 5 activities were:

- Scenic driving 58%
- Day hiking 32%
- Recreational shopping 31%
- Wildlife watching 30%
- Nature photography 27%

The Business traveler continues to trail the Leisure traveler, with only 13% of overnight visitors being here for a convention or meeting. We saw an increase in first time visitors to 11%, over 7% the previous year.

Our overnight In-State Traveler is arriving from:

- Billings 45%
- Missoula 40%
- Bozeman 38%
- Kalispell 21%
- Helena 17%

Our overnight visitors primarily arrive by vehicle [63%]. Spending continues to decrease, from \$198 million [2017] to \$184 million [2018]. Top spending categories include:

1. Fuel
2. Restaurants
3. Retail
4. Grocery
5. Lodging

PROCESS

Developing and growing the tourism effort is driven by market and consumer behavior research. This research ensures the delivery of a specifically crafted trip planning message during a critical stage of the consumer purchase process in targeted markets on specific platforms.

Knowing what activities visitors like to experience, how they make decisions, and how to help influence the decisions at each stage all form the cornerstones to Great Falls Montana Tourism's marketing strategies.

Great Falls Montana Tourism invests in paid media placement, developing compelling content, and leveraging that content through owned media.

The Montana Department of Commerce's Office of Tourism and Business Development makes significant investment to support the inspiration stage of the trip planning cycle. Great Falls Montana Tourism leverages that investment with joint marketing opportunities and focusing efforts on orienting.

As part of the orientation step of the trip planning process, Great Falls Montana Tourism provides infographics on direct flights, drive time, and distance from our target markets to support the message that making a trip to the city can be done in a day or less. That "getting here" message is supported by various trip ideas for weekend trips and weeklong vacations. One of our one-day trips shows how to spend a day in Great Falls before an evening concert – highlighting day hikes, kayaking, fishing, and shopping along with dining options to make a memorable time connected to an event.

STRATEGY 1 | Get the Leisure Traveler in Great Falls, Montana Overnight.

The road to recovery for leisure travel is expected to take 36 months to get back to where we were in 2019. This strategy will use paid and owned media to generate overnight travelers.

TACTICS – Paid Media, Joint Ventures, Owned Media, Trade Shows

PAID MEDIA

Great Falls Montana Tourism will relaunch paid media at a time when people can consider traveling again. When paid media relaunches, we will focus first on our Montana travelers and out of state markets where airline capacity hasn't been reduced and COVID recovery isn't delayed.

Paid media that has been successful in the past and are likely to be part of our 2021 strategy include: Digital Display Ads, Social Media Ads, Activity Focused Print, Online Audio, and Content.

In looking at Great Falls assets, we determined that our community stands apart in 5 areas:

- Outdoor Adventures (Little Belt mountains, Rocky mountain front, open spaces, big skies)
- Water Features (Missouri river, Sun river, Smith river, Giant Springs, the falls)
- Art Scene (museums, murals, sculptures, statues, local food)
- Unique Experiences (Sip 'n Dip, Borries, Tracy's)
- Historical Encounters (military, mining, Paris Gibson, Charlie Russell, Lewis & Clark)

The message delivered through our paid media will be phased, focusing on key messages throughout the year and varying what our market engages with.

		April	May	June
Message	Outdoor Adventures			
	Water Features			
	Art Scene			
	Unique Experiences			
	Historical Encounters			

JOINT VENTURES

Great Falls Montana Tourism will use joint ventures to leverage its paid media by sharing costs with a partner.

OWNED MEDIA

Great Falls Montana Tourism will continue to support our paid media with media developed in-house and delivered through:

Adventure Awaits

This email communication is delivered to our database of over 75,000 leisure traveler inquiries to orient potential travelers to the experiences available in Great Falls, Montana. The objective is to provide specific experiences that will entice leisure travelers to plan an overnight visit. The content of this communication will focus on seasonal outdoor recreation, art features, a significant seasonal event, and unique only in Great Falls dining/drinking establishments. This communication provides preference to members.

Welcome to Great Falls

This email communication is delivered to every leisure inquiry received through email, telephone, and reader service. It is a seasonally appropriate introduction to Great Falls, getting here, places to stay, our State Parks, Outdoor Recreation, Art, and Signature Events.

Great Falls Champions

Forty percent of Great Falls residents would recommend visiting Great Falls to a friend. We want to work our promoters of Great Falls to increase overnight visitation. Champions are local residents that share our branded content (through the use of Social Toaster and organically from our owned channels), write a blog, volunteer for strategic efforts, refer a lead, and capture and share videos and photos for Tourism's use.

Facebook

Tourism staff will make organic posts using carousel itineraries with preference provided to members, sharing blog content from our website, posting of Adventure Awaits newsletter, giveaways, polls, contests, sharing content from our website, and posting emotion evoking images. The use of stories will increase and include more opportunity for user engagement. Story content will provide preference for members.

		July	August	September
Message	Outdoor Adventures			
	Water Features			
	Art Scene			
	Unique Experiences			
	Historical Encounters			

		October	November	December
Message	Outdoor Adventures			
	Water Features			
	Art Scene			
	Unique Experiences			
	Historical Encounters			

		January	February	March
Message	Outdoor Adventures			
	Water Features			
	Art Scene			
	Unique Experiences			
	Historical Encounters			

Instagram

Tourism staff will make organic posts using emotion evoking images, sometimes driving traffic to blog content from our website and leveraging hashtags. We will engage users with giveaways, polls, contests using stories, and promote using organic posts. Story content will provide preference for members.

Twitter

Tourism staff will make more in the moment posts organically with this media, leveraging hashtags. Posts will include breaking news, activity completion, visitor interactions, and unique facts.

Basecamp Blog

Tourism staff will utilize Champions, as well as their own experiences to share first person experiences, suggestions for experiences in Great Falls, inspiration travel itineraries, interesting details about Great Falls, best of lists, and monthly to do lists. Mentions within content will give preference to members.

The Eventory

This is a weekly email communication that is an inventory style listing of events that Tourism Staff have found happening in the Basecamp. This list is inclusive, showing no preference for members of nonmembers. From this list, Tourism Staff add mission relevant events to the Event Page of VisitGreatFallsMontana.org. The objective of this effort is twofold. First is to inform anyone planning events in Great Falls what is happening that could cannibalize attendance or to find events to partner with to enhance an event. The second objective is for all our partners to quell the "there is nothing to do in Great Falls" and provide itinerary fillers for any in-market guests.

This email is delivered through Constant Contact to partners, and those who sign-up to receive it.

TRADE SHOWS
The Calgary Outdoor Travel & Adventure show for 2020 was cancelled



due to COVID-19. The already paid booth fee will be transferred to our 2021 attendance. Great Falls Montana Tourism will attend the 2021 Calgary Outdoor Travel & Adventure show. Additional trade shows will be considered with respect to any increases to projected budget numbers, however, with a reduced staff team, additional shows may not produce needed return on investment at this time.

STRATEGY 2 - Get Meetings and Conventions in Great Falls, Montana.



The regional and national meeting and convention market may take longer than leisure travel to start bouncing back in Great Falls, Montana. Each State and Industry's COVID-19 recovery could hinder attendance and the uncertainty of group size allowances by CDC could hinder the ability to even have a gathering. Great Falls Montana Tourism will take a Montana focused approach to begin with while maintaining and growing relationships with regional and national meeting planners. Great Falls Montana Tourism will use our sales funnel strategy as the core to its tactics.

TACTICS – Outreach, 1:1 Meetings, In-Market Support, Owned Media

OUTREACH

Great Falls Montana Tourism staff will research what conventions and meetings are held by the associations within Montana and through our national database, MINT+. The potential projects will be placed into our pipeline as prospects. Staff will utilize telephone to make first introductions, and follow up by telephone, email, video calls, mail, and face to face meetings to qualify the prospect into a lead. Once the lead is qualified, the team will deliver a Letter of Interest to inspire the planner to consider Great Falls, Montana for their project.

Great Falls Montana Tourism will deliver Bring it to the Basecamp presentations throughout Great Falls

to find Great Falls Champions who have conventions and meetings within their industry or passion area to refer us to.

Through our outreach efforts, we will find leads to make proposals for.

1:1 MEETINGS

Great Falls Montana Tourism staff will meet with meeting planners face to face to get additional details on potential projects the planner has, through familiarization tours for meeting planners with qualified leads, and after a proposal is submitted for site visits.

We will monitor COVID-19 national recovery and the meetings industry to determine if hosted buyer shows would produce a return on investment. Currently, hosted buyer shows are not part of our strategy.

IN-MARKET SUPPORT

Once the business is secured, we will service them with what we committed to, which can include:

- Building attendance for hosted business
- Connecting with local service providers and key leadership
- Fundraising support
- Assisting to secure room blocks

OWNED MEDIA

Bring it to the Basecamp

This is an email communication distributed monthly to our meeting planners with highlights of venues, showcase of successes, familiarization trip opportunities, and requests projects. Preference will be provided for members within the content.

LinkedIn

Tourism staff will make posts highlighting current projects in Great Falls, share testimonials of meeting planners, highlight the economic vitality Tourism provides to the community, share Bring it to the Basecamp email, and post case studies of projects that were unique and successful in Great Falls.

STRATEGY 3 – Improve the Great Falls, Montana online experience.

TACTICS – Website, Photo Library, Video Development

WEBSITE

The current theme used to host www.VisitGreatFallsMontana.org is 3 years old. The theme hinders certain video features, event posting, ADA compliance, and site updating. Great Falls Montana Tourism will use 2021 to redevelop and relaunch a new website.

PHOTO LIBRARY

Great Falls Montana Tourism will refresh its photos with contests, nonexclusive & unlimited use purchase agreements, and staged photo shoots to support a new creative direction.

VIDEO DEVELOPMENT

Great Falls Montana Tourism will develop new video content that will support a new creative direction and will be used through Paid Media strategies.

STRATEGY 4 - Sustain Great Falls Montana Tourism as a Destination Management Organization

TACTICS – Membership, Reserve Funds, Retain Staff

MEMBERSHIP

Great Falls Montana Tourism offers businesses and individuals to invest in our annual efforts. The investment of \$100 provides benefits to expose businesses to meeting planners, conference attendees, and leisure travelers. The guidance connected to COVID-19 has caused damaged to our local economy, hitting the businesses that make up the Tourism industry the hardest. Membership is one of the ways we can spread the Tourism efforts locally. For Tourism, there is more benefit to having members versus having the financial investment. To show strong support for our members and our industry, we will be waiving the investment for 2021. All credits will be applied to 2022



membership. Great Falls Montana Tourism will still work to recruit members and provide them benefits.

RESERVE FUNDS

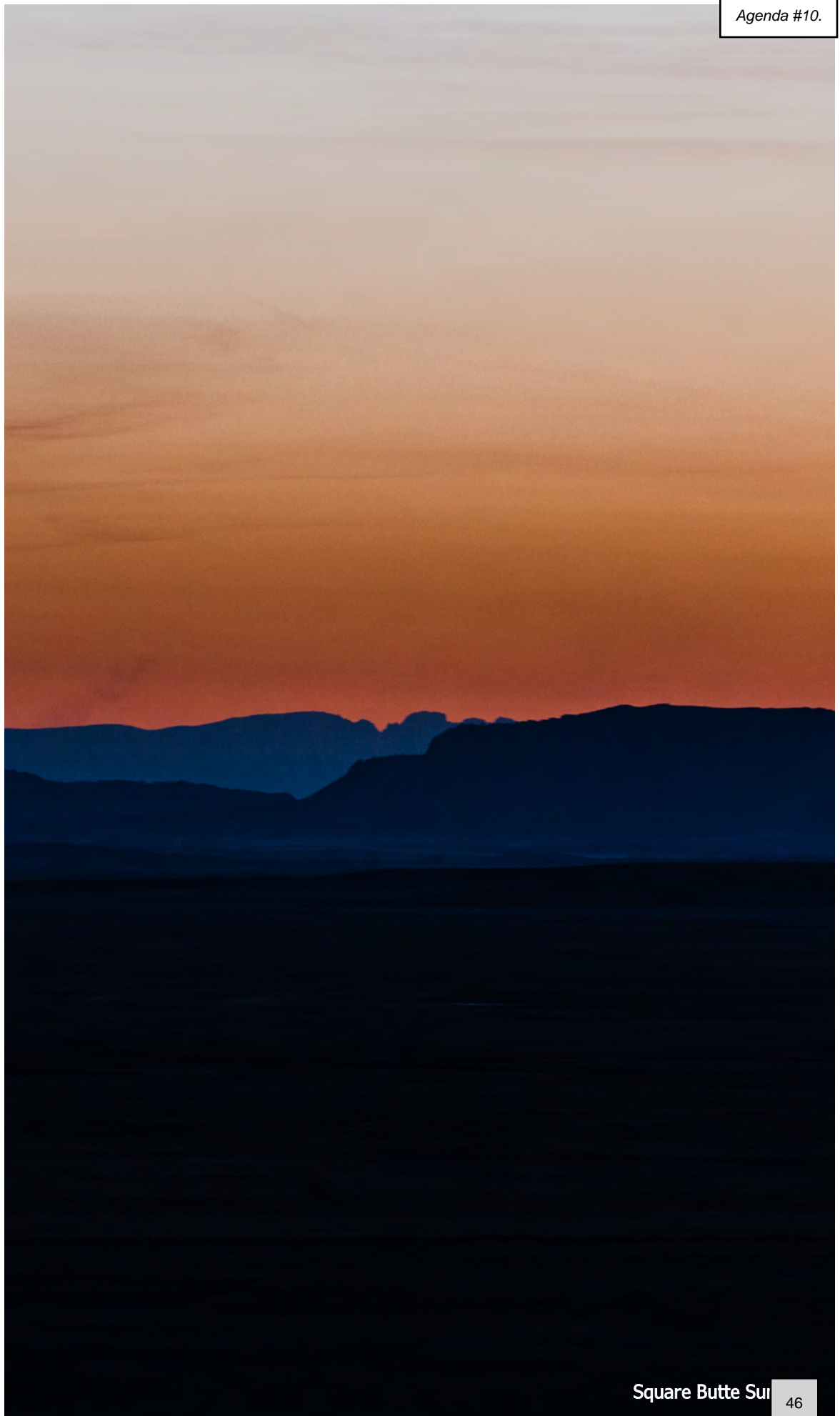
Great Falls Montana Tourism has maintained Reserves for investment in strategic priorities. The largest of these has been Montana ExpoPark, followed by Airline Service. In addition to strategic priority reserves, COVID-19 has taught us operating reserves are necessary. Great Falls Montana Tourism will maintain a \$350,000 operating reserve and work to rebuild a \$350,000 strategic investment reserve.

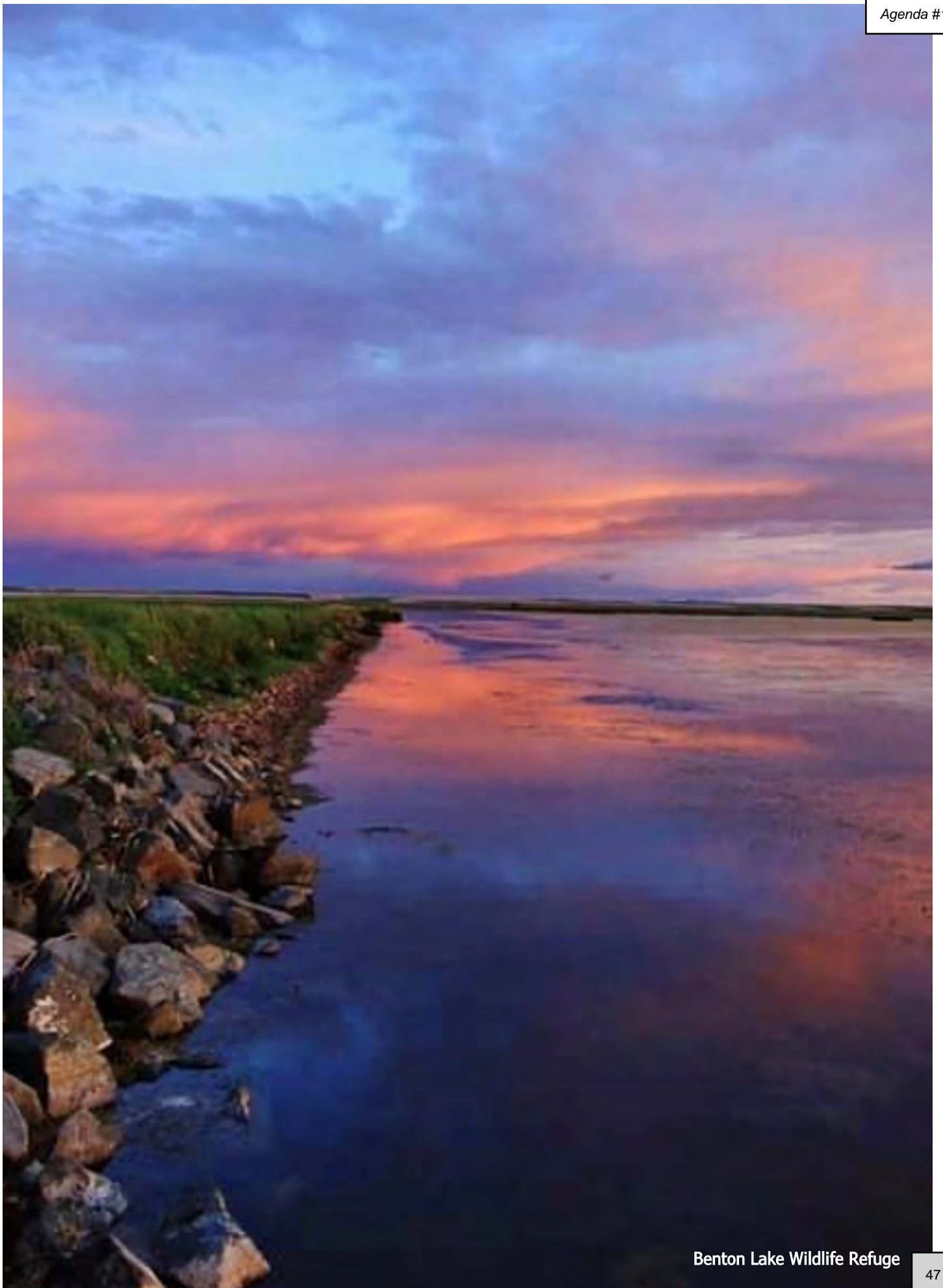
RETAIN STAFF

A professional, qualified staff produces returns on investment. With our team, we have seen 30%+ growth in social media followers, national conventions and events, and highly functioning operations. Great Falls Montana Tourism will continue to invest in highly trained staff and work to retail a quality workforce.

MEASUREMENT FOR SUCCESS

- Retain 90% of Current Members
- Get 75 NEW Members
- Get 4 NEW Conventions
- 45% Growth in Facebook Followers
- 45% Growth of Instagram Followers
- Establish 1,500 Twitter Followers
- Recover room demand to 60% of 2019 levels





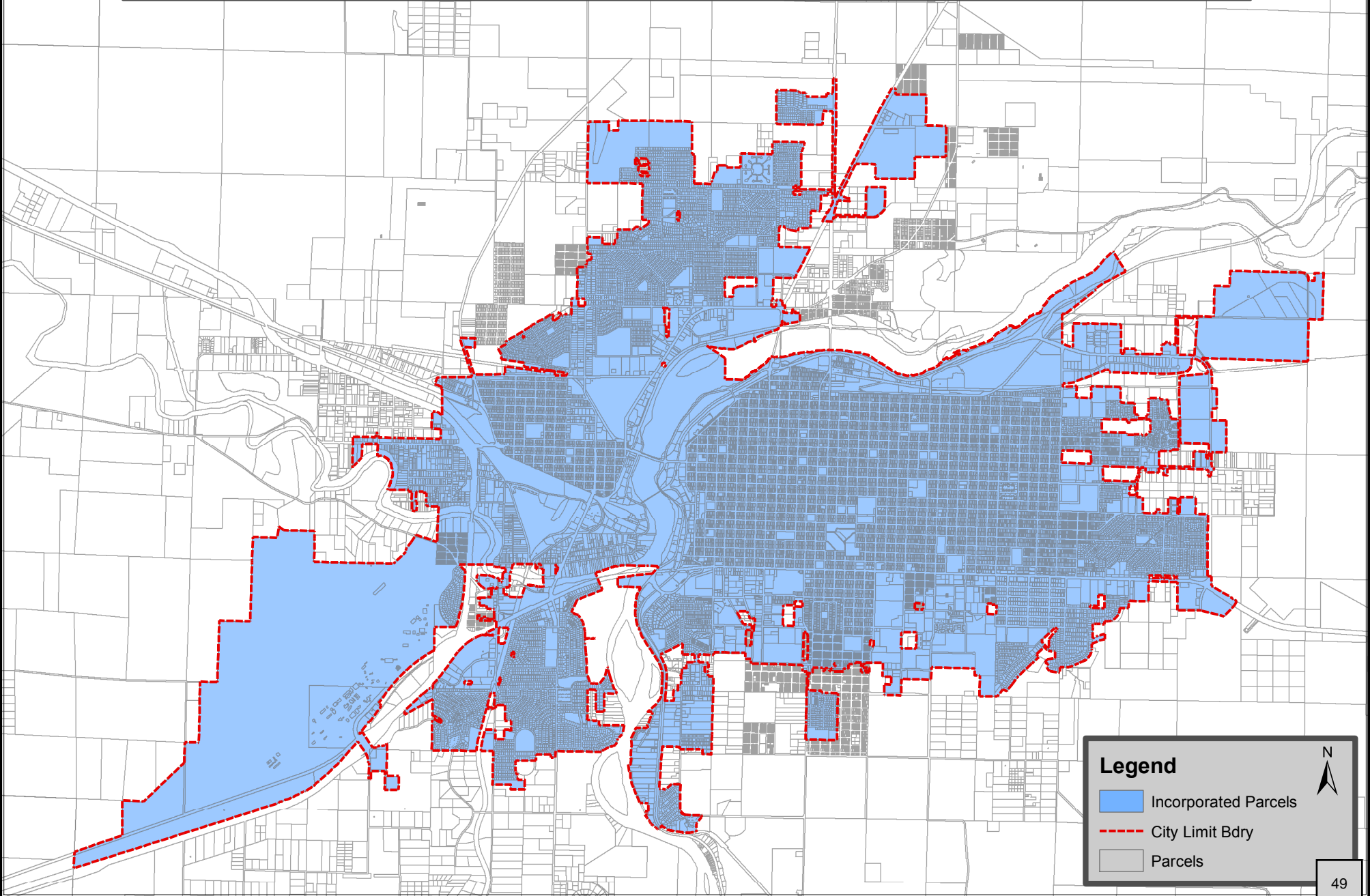
Great Falls Montana Tourism Budget Summary
 July 1, 2020 - June 30, 2021

DRAFT

	CVB	GENERAL	TBID	Total		National
Income						
1 Bed Tax	\$96,739	\$0	\$0	\$96,739		
2 TBID Assessment	\$0	\$0	\$486,258	\$486,258		
3 Membership	\$0	\$0	\$0	\$0		
4 Advertising	\$0	\$0	\$0	\$0		
Total Income	<u>\$96,739</u>	<u>\$0</u>	<u>\$486,258</u>	<u>\$582,997</u>		
Expenses						
Personnel						
5 Wages	\$16,948	\$0	\$136,052	\$153,000		
6 Payroll Expense		\$0	\$35,190	\$35,190		
Total Personnel	<u>\$16,948</u>	<u>\$0</u>	<u>\$171,242</u>	<u>\$188,190</u>	32%	40%
Administration						
7 Rent	\$0	\$0	\$15,600	\$15,600		
8 Memberships	\$0	\$0	\$2,760	\$2,760		
9 Subscription	\$0	\$0	\$20,810	\$20,810		
10 Phone	\$0	\$0	\$5,220	\$5,220		
11 Maintenance	\$0	\$0	\$3,100	\$3,100		
12 Supplies	\$0	\$0	\$8,500	\$8,500		
13 Postage	\$0	\$0	\$1,000	\$1,000		
14 Insurance	\$850	\$0	\$2,800	\$3,650		
15 Professional Fees	\$1,550	\$0	\$19,525	\$21,075		
16 TAC	\$1,500	\$0	\$0	\$1,500		
17 Professional Development	\$0	\$0	\$2,500	\$2,500		
18 Travel	\$0	\$0	\$1,500	\$1,500		
Total Admin	<u>\$3,900</u>	<u>\$0</u>	<u>\$83,315</u>	<u>\$87,215</u>	15%	12%
19 Leisure Traveler Marketing	\$70,891	\$0	\$157,528	\$228,419	39%	
20 Conventions Meetings & Groups	\$0	\$0	\$42,989	\$42,989	7%	
21 ExpoPark	\$0	\$0	\$0	\$0	0%	
22 Opportunity	\$0	\$0	\$275,167	\$275,167	47%	
23 Photo Library	\$0	\$0	\$10,000	\$10,000	2%	
24 Video			\$10,000	\$10,000		
25 Visitor Guide	\$0	\$6,059	\$0	\$6,059	1%	
26 Joint Venture	\$5,000	\$0	\$0	\$5,000	1%	
27 Trade Shows	\$0	\$0	\$1,200	\$1,200	0%	
28 Website	\$0	\$0	\$15,000	\$15,000	3%	
31 Events	\$0	\$0	\$10,000	\$10,000	2%	
Total Expenses	<u>\$96,739</u>	<u>\$6,059</u>	<u>\$776,441</u>	<u>\$879,239</u>	102%	48%
Net Profit	<u>\$0</u>	<u>-\$6,059</u>	<u>-\$290,183</u>	<u>-\$296,241</u>		

Tourism Business Improvement District No. 1307

Map of District Boundaries



Legend

-  Incorporated Parcels
-  City Limit Bdry
-  Parcels

N



Commission Meeting Date: July 21, 2020

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Budget Hearing on Resolution 10350 - Annual Budget Resolution

From: Gregory T. Doyon, City Manager

Initiated By: Statutory Budget Requirements

Presented By: Melissa Kinzler, Finance Director

Action Requested: Conduct the Annual Budget Hearing and Adopt Resolution 10350 - Annual Budget Resolution

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 10350 - Annual Budget Resolution.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission conduct the budget hearing, consider any budget changes which may be recommended during the budget hearing; and adopt Resolution 10350.

Background: Prior to the adoption of the City’s annual budget, the City is required to hold public hearings on the proposed annual budget.

Prior to the budget process beginning, the City Commission had a retreat on January 27, 2020 to discuss future priorities.

The City started the Fiscal Year 2021 budget process in April with internal discussions about how the process would look different than prior years because of COVID-19. After discussing with staff, the City Manager determined the development of department requested budgets would be done primarily within the Finance office, and then each department would be asked to review their prepared budget.

The budget strategy for this year was one of economic recovery from COVID-19. Therefore, the budget was developed without utilizing any increases to property taxes, property assessments, or utility rates. Also, departments were asked to only request additional budget for items critically essential to their operations.

The department requested budgets were completed around the middle of May, and the City Manager sent a Budget Primer to the City Commission on May 26, 2020. This report included information about General Fund projections for FY 2020, effects of not utilizing the inflationary factor or increases for the permissive medical levy in FY 2021, and effects on fund balance of the outstanding Calumet protest.

The budget primer was further discussed at a City Commission Work Session on June 16, 2020. At this work session, the Commission gave the City Manager the directive to continue developing the budget without any tax, assessment, or utility increases.

The final proposed budget was presented to the City Commission in its entirety at a regular Work Session on July 7, 2020.

Section 7-6-4024, MCA, requires that a hearing be held on the preliminary budget prior to its adoption. The budget must be approved and adopted by resolution by the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving certified taxable values from the Montana Department of Revenue. The budget is not considered finalized until the setting of tax levies. The setting of the tax levies will be scheduled when the Montana Department of Revenue has certified taxable values for the City of Great Falls, usually in August.

Fiscal Impact: There is no fiscal impact for property owners with this budget because the inflationary factor and increases for the permissive medical levy were not utilized. The City anticipates new revenue of \$425,000 from newly taxable property, which will be known for certain after receipt of Certified Taxable Values from the DOR. The General Fund budget is presented using \$872,105 of fund balance. However, after receipt of the outstanding Calumet protest in early June, the City will be able to maintain the recommended fund balance. The recommended minimum policy of the City is 22%.

Alternatives: If the hearing on the budget is not held, the City would not be able to adopt the Annual Budget Resolution required by state statute. The City could choose to utilize the inflationary factor and increase for the permissive medical levy to offset the use of fund balance in the budget. Likewise, the City could reduce General Fund expenditures by \$872,105.

Concurrences: The proposed Fiscal Year 2021 Budget was presented by the City Manager on July 7, 2020 at the City Commission Work Session.

Attachments/Exhibits:

Resolution 10350 - Annual Budget Resolution
Resolution 10350 Appendix A

**RESOLUTION NO. 10350
ANNUAL BUDGET RESOLUTION
A RESOLUTION RELATING TO FINAL BUDGETS AND ANNUAL
APPROPRIATIONS FOR THE FISCAL YEAR
BEGINNING JULY 1, 2020 AND ENDING JUNE 30, 2021**

WHEREAS, Mont. Code Ann. § 7-6-4024 requires that the budget be approved and adopted by resolution by the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving certified taxable values from the Department of Revenue; and

WHEREAS, the notice of hearing on preliminary budget was published in accordance with Mont. Code Ann. § 7-1-4127, as required by Mont. Code Ann. § 7-6-4021; and

WHEREAS, the hearing on preliminary budget was held in accordance with Mont. Code Ann. §§ 7-1-4131 and 7-6-4024; and

WHEREAS, Section 2.3.040 of the Official Code of the City of Great Falls states that the salary of the Municipal Court Clerk shall be set by Commission resolution; and

WHEREAS, the Government Finance Officers Association recommends an unreserved fund balance in the General Fund of “no less than two months of regular general operating revenues or regular general fund operating expenditures.”

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

Section 1. - Legal Spending Limits

The legal spending limits of the City of Great Falls are established at the fund level. Appendix A establishes each fund’s level. (7-6-4030, MCA)

Section 2. - Implementation Authority

- 2.1 The City Manager is hereby delegated appropriation authority for the expenditure of funds from any or all of the following:
- a. debt service funds for obligations related to debt approved by the governing body;
 - b. trust funds for obligations authorized by trust covenants;
 - c. any fund for federal, state, local or private grants and shared revenue accepted and approved by the governing body;
 - d. any fund for special assessments approved by the governing body;
 - e. the proceeds from the sale of land;
 - f. any fund for gifts or donations; and,
 - g. money borrowed during the fiscal year. (7-6-4006, MCA)

- 2.2 The City Manager is hereby delegated authority to adjust appropriations funded by fees throughout the fiscal year in any or all of the following:
- a. proprietary fund appropriations (enterprise and internal service funds);
 - b. general fund for fee supported services;
 - c. information technology fund for fee supported mapping services;
 - d. natural resources fund for fee supported forestry services; and,
 - e. permits fund. (7-6-4012, MCA)
- 2.3 The authority to make transfers of appropriations between funds is retained by the City Commission.
- 2.4 The City Manager is hereby delegated the authority to make transfers or revisions within appropriations of any fund.
- 2.5 The City Manager may delegate to his department directors the authority to make transfers or revisions within or among appropriations of specific operations within a fund, limited to the division level of accountability.
- 2.6 Joint operating agreements approved by the governing body; insurance recoveries or dividends; hazardous material recoveries, and refunds or reimbursements of expenditures shall automatically amend the annual appropriations or reduce recorded expenditures whichever is correct in accordance with Generally Accepted Accounting Principles (GAAP).

Section 3. - Appropriation Carryovers

Generally Accepted Accounting Principles (GAAP) require expenditures to be recognized in the fiscal year in which the goods or services are received.

- 3.1 Previous fiscal year appropriations for incomplete improvements in progress of construction, or segments thereof, are hereby declared authorized appropriations in addition to the appropriations set out in Appendix A., provided they meet the following criteria:
- a. related financing was provided in the prior fiscal year;
 - b. the appropriations were not obligated by year end;
 - c. the purpose was not included, or rejected, in current budget financing or appropriations; and,
 - d. the City Manager determines the appropriation is still needed.
- 3.2 Outstanding purchase orders and other obligations, representing a City obligation to pay the claim after receipt of the goods or services, are recognized as "claims incurred". They are hereby declared authorized "carryover" appropriations in addition to the appropriations set out in Appendix A., provided they meet the following criteria:

- a. related financing was provided in the prior fiscal year;
- b. the appropriations were not otherwise obligated by year end;
- c. the purpose was not included, or rejected, in current budget financing or appropriations; and,
- d. the City Manager determines the appropriation is still needed.

Section 4. - Appropriated Reserves

Reserves which have been established for specific purposes, such as Equipment Revolving Scheduled (ERS) reserves, are hereby declared to be appropriations available for expenditure according to the reserve purpose. They shall be acknowledged as current appropriations upon the determination by the City Manager that they are currently needed to serve their intended purpose. Unexpended reserves shall be carried forward to meet future needs in accordance with their purpose.

Section 5. Contingency Account

- 5.1 Contingency account appropriations are provided by the City Commission as flexible appropriations. They are intended to provide the City Manager with an effective management tool for adjusting to changing circumstances throughout the budgetary year.
- 5.2 The City Manager is delegated the authority to transfer part or all of any contingency appropriation and related financing. Use of contingency appropriations is restricted to transfers of that appropriation authority to specific operating budgets. Proper classification of expenditures to specific operations is required. Accordingly, charging of expenditures directly to Contingency accounts is prohibited.
- 5.3 The Contingency appropriation is a two part authorization, determined on whether cash funding has been allocated in the General Fund during budget development:
 - a. General Fund financed; and,
 - b. Unfunded - a specific fund cash balance, additional revenue, or other funding source must be identified before the “unfunded” contingency appropriation may be used.

Section 6. - Classification and Pay Plan

- 6.1 The objective of the City’s Classification and Pay Plan is to enable the City to retain, and when necessary, recruit competent employees. Therefore, the Plan must be a dynamic tool which is continuously updated.
- 6.2 The City Manager is authorized to administratively change the Classification and Pay Plan. Annual pay surveys, continual or periodic review of positions with changed duties or responsibilities, and additions to the classification plan of changed and new classes of work will assure that the Classification and Pay Plan remains current and equitably meets

the needs of the City and its employees.

Section 7. - Budgetary Authority

References to statutes, or to consistency with statutory authority, are for information purposes only. Nothing in this resolution shall be considered to mitigate or compromise the City’s self-governing authority.

Section 8. - Accounting Structure

Staff is hereby directed to establish and maintain City accounting structure in accordance with Generally Accepted Accounting Principles (GAAP). Statutes, ordinances, resolutions or other authoritative sources shall be implemented according to their intent and GAAP. Staff shall provide for conformance with the Commission's limits for financing and appropriation under authorized budgets whenever making proper modifications to accounting structure.

Section 9. – Municipal Court Clerk Salary

The City Manager is authorized to administratively set the salary of the Municipal Court Clerk using the following salary range:

Municipal Court Clerk \$42,692 to \$64,038

Section 10. – Fund Balance

As permitted by Mont. Code Ann. § 7-6-4034, the General Fund unreserved fund balance shall be considered adequate at 22% of annual appropriations. All other tax levy supported funds shall be considered adequate at 17% of annual appropriations. An unreserved fund balance for other operating funds of the City shall be considered adequate at a range of 8% to 17% of annual appropriations for seasonal operations, and 8% to 17% of annual appropriations for all other operating funds.

Such unreserved fund balances shall be used to meet extended revenue cycles, meet short term economic difficulties, respond to unique opportunities, provide for one-time expenditures, and respond to emergency and disaster situations. The balances should not be available to meet recurring operating expenses.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
July 21, 2020.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

Res. 10350 Appendix A. Balances & Changes by Fund for Year Ending June 30, 2021

City of Great Falls, Montana

Funds	Beginning Balance	+ Working Capital Sources			- Working Capital Uses			Ending Balance	Reserved Balance	Available Balance
		Revenues	Transfers In	Total Sources	Expenditures	Transfers Out	Total Uses			
General	8,581,677	34,134,143	0	34,134,143	33,347,070	1,659,178	35,006,248	7,709,572	0	7,709,572
Special Revenue Funds										
Park & Rec Special Revenue	951,466	77,900	0	77,900	65,519	0	65,519	963,847	379,204	584,643
Parkland Trust	133,787	0	0	0	0	0	0	133,787	133,787	0
Library	387,954	1,096,029	350,000	1,446,029	1,444,629	0	1,444,629	389,354	101,880	287,474
Library Foundation	308,813	108,375	0	108,375	102,775	0	102,775	314,413	314,413	0
Planning & Comm Dev	79,169	1,105,811	271,932	1,377,743	1,358,443	0	1,358,443	98,469	0	98,469
Central MT Ag Tech TID	1,340,168	233,000	0	233,000	114,763	0	114,763	1,458,405	1,458,405	0
Airport TID	91,434	58,200	0	58,200	4,862	0	4,862	144,772	144,772	0
Downtown TID	1,715,205	1,184,000	0	1,184,000	89,949	0	89,949	2,809,256	2,809,256	0
East Industrial Ag Tech TID	118,811	292,500	0	292,500	264,330	0	264,330	146,981	146,981	0
Economic Revolving	20,400	0	0	0	0	0	0	20,400	20,400	0
Permits	979,440	980,721	0	980,721	1,361,878	0	1,361,878	598,283	0	598,283
Natural Resources	219,955	448,617	256,277	704,894	814,967	0	814,967	109,882	31,886	77,996
Portage Meadow	58,899	65,252	0	65,252	65,267	0	65,267	58,884	0	58,884
Park Maintenance District	1,842,556	1,500,000	0	1,500,000	1,500,000	0	1,500,000	1,842,556	0	1,842,556
Street District	3,764,775	6,194,575	0	6,194,575	8,172,300	50,000	8,222,300	1,737,050	0	1,737,050
Support & Innovation	87,395	726,258	0	726,258	726,258	0	726,258	87,395	0	87,395
Gas Tax BaRSAA	1,288,592	1,000,000	50,000	1,050,000	1,050,000	0	1,050,000	1,288,592	0	1,288,592
911 Special Revenue	794,235	612,447	0	612,447	0	346,674	346,674	1,060,008	1,060,008	0
Police Special Revenue	245,109	37,761	0	37,761	900	0	900	281,970	281,970	0
HIDTA Special Revenue	(45,236)	216,975	0	216,975	70,354	0	70,354	101,385	101,385	0
Fire Special Revenue	53,086	6,600	0	6,600	0	0	0	59,686	59,686	0
Federal Block Grant	992,243	1,283,862	0	1,283,862	808,151	0	808,151	1,467,954	1,467,954	0
HOME Grant	129,442	280,426	0	280,426	280,426	0	280,426	129,442	129,442	0
Housing Authority	0	1,560,383	0	1,560,383	1,560,383	0	1,560,383	0	0	0
Street Lighting Districts	1,781,523	1,123,242	0	1,123,242	1,430,135	0	1,430,135	1,474,630	0	1,474,630
Special Revenue Funds Total	17,339,222	20,192,934	928,209	21,121,143	21,286,289	396,674	21,682,963	16,777,402	8,641,429	8,135,974
Debt Service Funds										
Soccer Park Bond	41,504	164,500	0	164,500	169,265	0	169,265	36,739	36,739	0
West Bank TID	785,389	776,889	0	776,889	319,198	0	319,198	1,243,080	1,243,080	0
Improvement District Revolving	125,493	0	0	0	39,557	0	39,557	85,936	85,936	0
Master Debt SILD	31,674	15,984	0	15,984	3,346	0	3,346	44,312	44,312	0
General Obligation Taxable Bond	8,795	0	144,846	144,846	144,846	0	144,846	8,795	8,795	0
Debt Service Funds Total	992,855	957,373	144,846	1,102,219	676,212	0	676,212	1,418,862	1,418,862	0
Capital Projects Funds										
General Capital Projects	969,453	0	0	0	0	0	0	969,453	969,453	0
Improvement Districts Projects	5,781	0	0	0	0	0	0	5,781	5,781	0
Street Lighting Construction	0	0	0	0	0	0	0	0	0	0
Hazard Removal	45,989	0	0	0	0	0	0	45,989	45,989	0
Capital Projects Funds Total	1,021,222	0	0	0	0	0	0	1,021,222	1,021,223	0
Enterprise Funds										
Golf Courses	(1,305,567)	1,435,578	0	1,435,578	1,319,350	0	1,319,350	(1,189,339)	0	(1,189,339)
Water	8,695,659	13,384,445	0	13,384,445	14,649,298	0	14,649,298	7,430,806	3,940,665	3,490,141
Sewer	13,844,906	10,615,701	0	10,615,701	11,678,833	0	11,678,833	12,781,774	5,251,191	7,530,583
Storm Drain	5,366,705	2,950,800	0	2,950,800	3,948,221	0	3,948,221	4,369,284	950,138	3,419,146
Sanitation	625,578	3,870,325	0	3,870,325	3,979,365	0	3,979,365	516,538	208,111	308,427
Swimming Pools	111,433	478,200	267,861	746,061	763,681	0	763,681	93,813	0	93,813
911 Dispatch Center	765,532	1,949,522	346,674	2,296,196	2,249,640	0	2,249,640	812,088	812,088	0
Parking	411,919	366,900	0	366,900	659,800	0	659,800	119,019	49,026	69,993
Recreation	50,335	408,500	39,206	447,706	520,006	0	520,006	(21,965)	0	(21,965)
Multisports	6,184	152,160	0	152,160	160,443	0	160,443	(2,099)	0	(2,099)
Ice Breaker Run	2,562	72,400	0	72,400	70,874	0	70,874	4,088	0	4,088
Civic Center Events	115,896	379,325	265,913	645,238	648,415	0	648,415	112,719	29,345	83,374
Special State Projects	0	383,402	0	383,402	383,402	0	383,402	0	0	0
Port Authority	127,986	0	0	0	0	0	0	127,986	127,986	0
Enterprise Funds Total	28,819,128	36,447,258	919,654	37,366,912	41,031,328	0	41,031,328	25,154,712	11,368,550	13,786,162
Internal Service Funds										
Central Garage	2,727,547	3,356,383	0	3,356,383	3,013,570	0	3,013,570	3,070,360	1,557,899	1,512,461
Information Tech	232,619	1,527,602	0	1,527,602	1,498,803	0	1,498,803	261,418	242,752	18,666
Insurance & Safety	494,258	1,275,524	0	1,275,524	1,370,226	0	1,370,226	399,556	0	399,556
Health & Benefits	(211,508)	11,214,249	0	11,214,249	11,225,321	0	11,225,321	(222,580)	0	(222,580)
Human Resources	47,719	578,034	0	578,034	584,445	0	584,445	41,308	0	41,308
City Telephone	41,073	77,655	0	77,655	71,988	0	71,988	46,740	0	46,740
Finance	31,513	1,823,378	0	1,823,378	1,823,884	0	1,823,884	31,007	0	31,007
Engineering	89,885	1,665,268	63,143	1,728,411	1,752,386	0	1,752,386	65,910	36,922	28,988
Public Works Admin	95,619	689,853	0	689,853	695,804	0	695,804	89,668	5,271	84,397
Civic Center Facility Services	213,498	638,640	0	638,640	638,640	0	638,640	213,498	97,116	116,382
Internal Service Funds Total	3,762,224	22,846,586	63,143	22,909,729	22,675,067	0	22,675,067	3,996,886	1,939,960	2,056,926
Total	60,516,327	114,578,294	2,055,852	116,634,146	119,015,966	2,055,852	121,071,818	56,078,655	24,390,024	31,688,633



Commission Meeting Date: July 21, 2020

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3218 – An Ordinance by the City Commission of the City of Great Falls to rezone the property legally described as: Tracts #1 and #2 of Certificate of Survey 3607, located in Sections 2 and 11, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, from M-2 Mixed-use transitional to C-4 Central business core.

From: Brad Eatherly, Planner II, Planning and Community Development

Initiated By: Big Sky Select Properties, LLC

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

Action Requested: City Commission accept Ordinance 3218 on first reading and set a public hearing for August 18, 2020.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3218 on first reading and set a public hearing for August 18, 2020.”

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

Staff Recommendation:

At the conclusion of a public hearing held on May 12, 2020, the Zoning Commission recommended the City Commission approve the rezoning request from M-2 Mixed-use Transitional to C-4 Central Business Core with the following conditions:

Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed 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. Amended Certificate of Survey. Provide a revised Certificate of Survey of the subject properties, showing the proposed aggregation, containing all easements required by the City of Great Falls prior to the issuance of a building permit. The revised Certificate of Survey shall incorporate corrections of any errors or omissions noted by Staff.

3. Land Use and Zoning. The development standards and land uses for the subject properties shall be consistent with the OCCGF.

4. Subsequent modifications and additions. If after the establishment of the zoning, 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. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

5. Compliance with MDT Requirements. Prior to obtaining permits to develop the vacant property being rezoned, the owner must comply with all MDT requirements pertaining to the current River Drive approach for the Milwaukee Depot site as well as MDT requirements for obtaining a second approach further north along River Drive.

6. Securing Easements from the City Parks and Recreation Department. Staff's positive recommendation on the applicant's rezoning request is contingent upon the applicant securing necessary easements for access, parking, utilities, and storm water from the City Park and Recreation Department. Said easements must be submitted to the City Commission for approval at the same time as the rezoning request.

Staff recommends that the City Commission accept Ordinance 3218 on first reading and set a public hearing for August 18, 2020.

Background:

Big Sky Select Properties, LLC, owners of the subject properties, have proposed to build an 112-unit market rate apartment complex with a two-story, 10,000 square foot area of commercial space that will be lightly attached to the existing Milwaukee Station Depot building located at 101 River Drive North. The Milwaukee Depot property is 3.385 acres in size, while the vacant lot to the north to be developed is 1.356 acres. Because the new building would cross lot lines to connect the new apartments and commercial space to the existing office building, the applicant will have to aggregate the two lots before construction takes place. The commercial space will potentially include a dining area where several restaurants will occupy separate spaces with a shared eating area for all. The applicant is also exploring having a wine bar attached to the dining area. The bottom portion of the commercial space will potentially serve as a Cross-Fit type of gym. All of these commercial spaces will be open to the public and not be limited to apartment residents only. There will be a modest enclosed glass corridor that will attach the proposed building to the Milwaukee Station Depot building. The Depot is listed on the National Register of Historic Places and is a site rated as "Primary" within the City's Railroad National Register District. The applicant has stated that they will try to conform to the standards and guidelines set forth by the Department of the Interior in regard to additions to properties that are on the National Register.

Analysis of the Zoning Map Amendment Request:

The proposed apartment building would have a land use of Residence, multi-family and would be a permitted land use within both the Mixed-use transitional (M-2) and Central business core (C-4) zones. The Milwaukee Station Depot building has several office suites which contain several different land uses including Professional Services, Financial Services, and Administrative Services. All of these land uses are also allowed in both the M-2 and C-4 zones. However, the applicant is seeking to build the apartment building in a manner that is more compliant with the C-4 zone. Specifically, the applicant's

project best fits the C-4 zoning district in three different areas: dimension standards, parking, and landscape requirements.

The applicant is seeking to build the apartment building to a height of 77 feet. The maximum height allowed within the M-2 zone is 65 feet whereas the maximum height allowed in the C-4 zone is 100 feet. The applicant is also looking to reduce the required number of parking stalls in a manner most consistent with a property in a downtown context. If the M-2 zoning were kept, the proposed development would require 124 parking stalls unless the applicant submitted a parking study approved by the Planning and Community Development Director. If the property were rezoned to C-4, there would be no minimum amount of parking stalls required. The applicant is still proposing an underground parking garage to address the needs of the residential units, surface parking spaces that would provide parking stalls for both the residential and commercial spaces, as well as shared spaces from the existing Milwaukee Depot building parking area. The applicant is also requesting an easement from the City Park and Recreation Department to add more surface parking on a portion of undeveloped City-owned property just to the north of the vacant lot. This property is a long, narrow swale located between the BNSF Railroad and the Farmer's Union Insurance building. The applicant has proposed to fill in the property in order to grade a parking lot on the site. This easement document has been developed and is included in the attached packet material for reference.

Finally, the applicant's request to rezone the property to Central business core reduces landscaping requirements. Under this zone, landscaping for the proposed apartment complex would not be required except in the parking lots. The applicant has stated that it would be providing landscaping – just not to the full standard of the code.

The applicant's request to rezone the properties also allows the commercial spaces that have been proposed to be permitted outright if granted. The restaurant portion of the commercial space would be permitted in both the M-2 and C-4 zones. However, the wine bar, which would have a land use designation of "Tavern" and the Cross Fit gym, which would have a land use designation of "Indoor sports and recreation," would have to receive Conditional Use Permits if the properties remained in the M-2 zone. This can be viewed in the Zoning District Comparison exhibit attached to this report.

Transportation Impacts:

The only access to both properties proposed for rezoning is the existing entrance and exit to the Milwaukee Station Depot. This entrance is very close to the intersection of River Drive and 1st Avenue North. River Drive is also an MDT owned and maintained roadway. The applicant and City staff have been involved in discussions with MDT regarding the need for a second access to the properties being developed in order to alleviate high traffic concerns at the existing entrance/exit. In order to incorporate a second access point as a required element of the project, the applicant has had several discussions with Planning Staff, Park and Recreation Staff, and Legal Staff in order to utilize a portion of Sight and Sound Park, which is owned by the City Park and Recreation Department. In this instance, the applicant is required to obtain an easement through the Park property. This access easement will be 30 feet in width and will allow the developer to construct and maintain a two-lane private drive connecting the project site to River Drive. City Staff and the applicant have worked together to draft an easement that addresses the access needed for the project. This easement document is included for reference as an attachment.

A change in zoning to permit a different mix of uses could potentially generate more traffic than would be allowed by uses within the current M-2 Zoning district. The isolated nature of the subject parcels

from the core of the C-4 Zoning district and proximity to higher-traffic roadways requires a close look at vehicular access.

Additionally, because the C-4 Zoning district has no specific parking requirement and the developer has proposed providing a lesser amount of parking spaces, the provision of enhanced non-motorized access becomes more important. Therefore, a brief look at transportation impact and need is also important to the consideration of the requested re-zone.

River Drive:

The Montana Department of Transportation (MDT) has taken a preliminary look at the effect of the development. MDT suggested elimination of the existing approach into the development, or modification into a right-out driveway. The intersection is viewed as a current safety concern and would not be expected to provide the only safe access to the larger development.

During its preliminary review, MDT concurred with City staff and stated that an additional approach further north (the access through Sight and Sound Park) is necessary to accommodate the development. The modification of the existing approach, coupled with a new approach much further from the intersection of River Drive and 1st Avenue North, will improve functionality of the intersection, even at peak hour. Preliminarily, MDT has determined the existing roadway has sufficient capacity to absorb the additional traffic from the proposed development. However, the eventual development and any new approach and approach modification will need to be reviewed and approved by MDT before approval.

A preliminary and abbreviated traffic assessment was provided by the developer for MDT consideration, and is attached to this report for informational purposes.

Parking, Pedestrian and Bicycle Access:

The C-4 (central business) Zoning district has no parking requirement, as it is a district with dense development with adequate on-street parking, public parking garages and lots, and is designed for walkability. Because the proposed development is isolated from the core C-4 District (because of the railroad tracks), it currently has inadequate bicycle and pedestrian connections – although it is very near both sidewalks and trails.

Providing clear, direct and safe non-motorized connections will encourage visitors to the development to walk or bike, thus reducing the parking demand as well as the number of vehicles visiting the site. While the developer will provide on-site parking, there may be instances where the demand could exceed available parking.

Transportation Recommendations:

To mitigate any reduction in parking, better connect the development to the rest of the C-4 District, and reduce vehicular conflicts, staff has identified that the following items need to be addressed during project review at the permitting stage:

- 1) Provide a new approach from River Drive, further north and away from the intersection of River Drive and 1st Avenue North.
- 2) Modify or close the existing approach to the Milwaukee Station parking lot, as allowed/required by MDT.
- 3) Prohibit parking upon any new approach. MDT has stated the proposed new approach through Sight and Sound Park cannot have parking associated with it, as it could cause traffic to stack

into River Drive. Therefore, staff recommends that parking be prohibited within the approach, and bollards, a fence, or other barrier be constructed to prohibit parking within the park itself.

- 4) Provide clear and direct pedestrian and trail access. Staff has recommended a connection to the trail crossing of River Drive and the tunnel under the railroad tracks (to the north), and a pedestrian connection along any new access drive.
- 5) Provide adequate and connected internal sidewalks. Pedestrian flow within the development should be continuous and connected to external sidewalks and paths at multiple locations. This would include pedestrian connections through the existing parking lot to connect to River Drive as well as the stairway leading down to 1st Avenue North.
- 6) Provide bicycle parking or storage for visitors as well as employees and residents.

Utility Impacts:

Public Works staff has identified that a looped water service main and a sanitary sewer service main will be required for the future project. Because these mains will need to be connected to City mains along the River Drive corridor, the new utility mains will have to be installed underneath the access drive that will be required along the north side of Sight and Sound Park. As a result, the required roadway access easement from the City Park and Recreation Department also covers utility main installation and servicing.

Much like water and sewer, the storm water services needed for the future project will also need to be accommodated on the Sight and Sound Park property. The closest connection point into the City's storm water main system is along the River Drive corridor. As a result, the developer will need to construct a storm sewer main in the Park with a dedicated easement for service and access. The construction of all work within the Park for utilities, storm water, and access will require plans to be submitted to the Park and Recreation Department for review. Site disturbance and the impact to existing trees will also need to be mitigated with replacement ground cover and new trees.

Easements:

As noted earlier in this agenda report, staff has worked with the applicant to develop easements that will be granted from the City Park and Recreation Department for this development. Three easements have been drafted which include:

- 1) An access, utility, and landscaping easement that allows for the access to the apartment complex through Sight and Sound Park as well as water and sewer lines underneath the roadway. It also allows the storm water line to be placed within Sight and Sound Park. Lastly, the applicant has stated that some work will need to be done along the boundary between Sight and Sound Park and the development property that will affect the grade as well as the scrub brush that currently exists on Park property. The applicant will landscape the area where the scrub brush is removed.
- 2) A temporary construction easement that will allow the applicant to use Sight and Sound Park to temporarily access the park for the staging area for construction of the apartment building. Any disturbance to the park will be repaired to its current state.
- 3) An access easement for the former railroad property that is owned by Park and Recreation for the installment of a parking lot and trail access.

The basis for a decision on zoning map amendments, i.e. rezoning or zone changes, is listed in the Official Code of the City of Great Falls (OCCGF) §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision – Zoning Map Amendment. The critical issue for the City Commission to consider is whether or not the Central business core (C-4) zoning district should be extended north from its current northern boundary at the 1st Avenue Bridge. While the project driving the request brings many benefits to the community, the Commission should recognize that a permit to construct the project may never come forward. Ultimately, the Commission should consider the following factors in its decision: 1) is the Commission comfortable with the reduced parking, taller building height, and different land uses allowed in the C-4 district as opposed to the M-2 district, and 2) Do the City’s adopted Plans provide adequate guidance to support C-4 zoning for the property’s location? The attached Findings of Fact address both issues, particularly the guidance from the City’s adopted Plans.

Fiscal Impact:

The construction of the apartment building will increase the tax base for the City by providing 112 new apartment units as well as 10,000 square feet of new commercial space. Because of the proposed use of City Park property for access, utilities, storm water, and parking, the developer is required to obtain easements from the City. Payment for these easements is also required.

It should be noted that the developer has submitted a tax abatement request to the City to reduce the first five years of property tax burden associated with the future development project. The developer has also informally requested that the City consider expanding the Downtown Tax Increment Finance District to capture the property tax increment that would be generated by the future project.

Neighborhood Council Input:

The subject properties are located in Neighborhood Council #7. The project information was dispersed to the Council through the City’s Communications Specialist. The Council met on July 13, 2020 and unanimously recommended approval.

Alternatives:

The City Commission could choose not to set the public hearing for this item. This would prevent the rezoning application from being considered through a public hearing process.

Concurrences:

Staff has coordinated its review of the rezoning request with the Public Works Department. Staff has also worked with Park and Recreation, Legal, and Fire during the course of this project. Additional work with Park and Recreation staff and Legal staff has occurred to develop the necessary easements required for access and utility work within Sight and Sound Park as well as access and parking improvements on the City Park property north of the site proposed for development. The Park and Recreation Advisory Board met on July 13, and unanimously recommended approval of the rezone request.

Attachments/Exhibits:

Ordinance 3218
 Applicant’s Narrative
 Zoning Map
 Aerial Map
 Zoning District Comparison Chart

Findings of Fact/Basis of Decision
Traffic Analysis Submitted to MDT
Easement #1 – Access, Utilities, and Landscaping
Easement #2 – Temporary Construction
Easement #3 – Access

ORDINANCE 3218

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: TRACTS #1 AND #2 OF CERTIFICATE OF SURVEY 3607, LOCATED IN SECTIONS 2 AND 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, FROM M-2 MIXED-USE TRANSITIONAL TO C-4 CENTRAL BUSINESS CORE

* * * * *

WHEREAS, the subject property, located at 101 River Drive North, and legally described above is presently zoned M-2 Mixed-use transitional district; and

WHEREAS, the property owners, Big Sky Select Properties, LLC, have petitioned the City of Great Falls to rezone said properties to C-4 Central business core district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on May 12, 2020, to consider said rezoning from M-2 Mixed-use transitional district to C-4 Central Business Core district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as Tracts#1 and #2 of Certificate of Survey 3607, located in Sections 2 and 11, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing before the Great Falls City Commission on this zoning designation would be held on the 18th day of August, 2020, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said rezoning 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 rezoning 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 property legally described as: Tracts #1 and #2 of Certificate of Survey 3607, located in Sections 2 and 11, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, be rezoned to C-4 Central business core district as shown in Exhibit A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading July 21, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 18, 2020.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

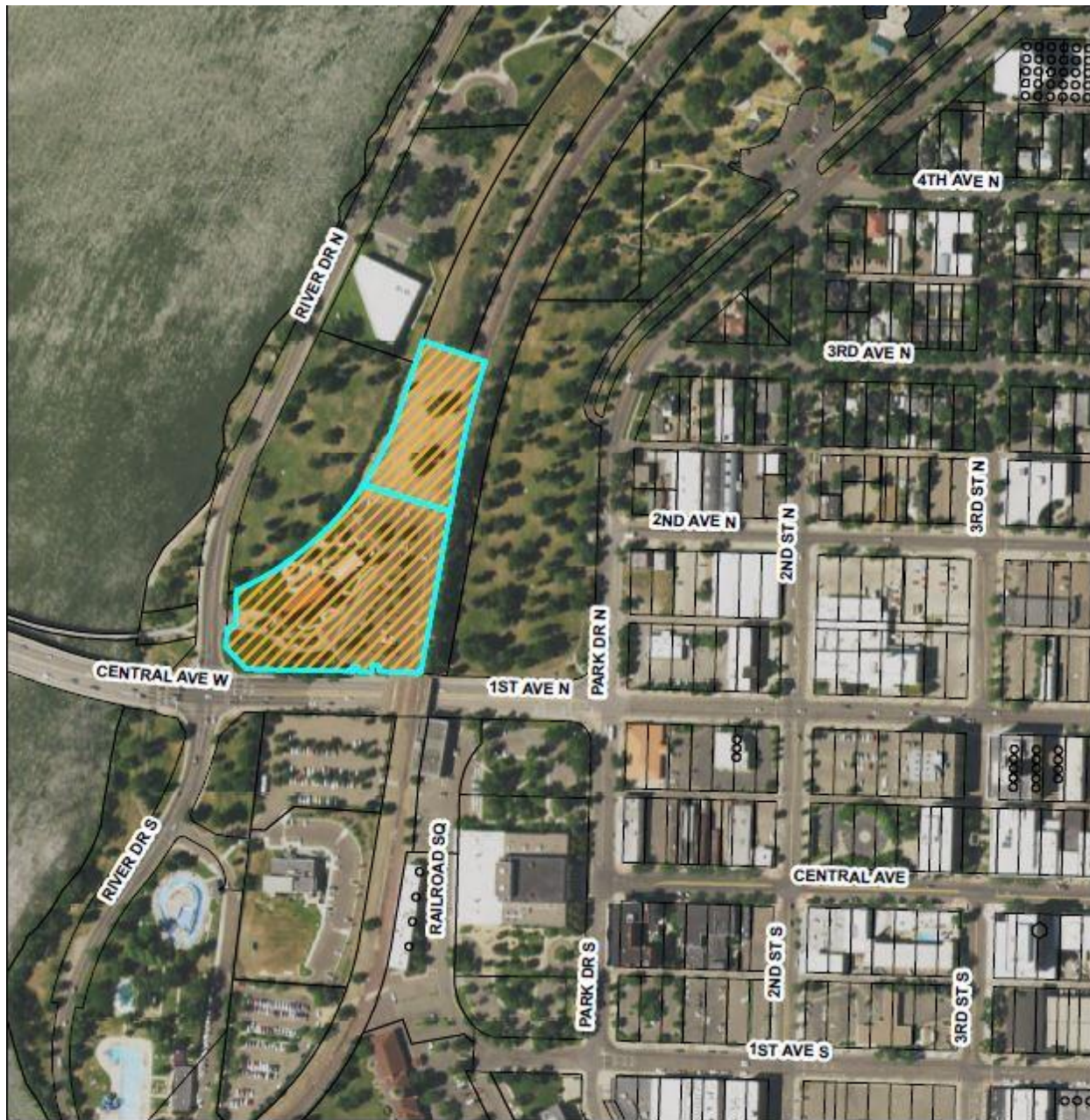
State of Montana)
County of Cascade : ss
City of Great Falls)



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 Commission, Ordinance 3218 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT A



 Parcel selection
 City Limits





March 26, 2020

The City of Great Falls

RE: Milwaukee Station Apartments- Rezoning Request

Mr. Eatherly,

The subject property described as Tracts 1 and 2 of Certificate of Survey 3607 located in Section 11, Township 20 N, Range 3 E, P.M.M, Great Falls, Cascade County, Montana. The southern parcel, Tract 1, is addressed as 101 River Dr North, and Tract 2 lies just to the North of Tract 1. Both parcels are owned by Big Sky Select Properties, Tract 1 is 3.385 acres Tract two is 1.356 acres, and both are currently zoned as M-2 Mixed Use Transitional. The Milwaukee Station Commercial Office Building, existing parking lot, and site improvements currently exists on Tract 1. It is proposed to build a 89 unit apartment building which would connect to the existing office building, as well as provide corresponding site improvements on Tract 1 and 2. The proposed building would also contain a 4,000 square foot restaurant and 1,500 square foot wine bar. Please refer to the Attached Site Plan.

The requested zoning for the property is to go from Mixed Use M-2 to C-4 Central Business Core. The zoning change request is to allow more flexibility with setbacks and height restrictions. The zoning change also creates an opportunity for the proposed uses of the new facility to be permitted uses versus conditional uses in the M-2 Zoning District. The existing Land use designation is currently commercial according to the Existing Land Use Map found in The City of Great Falls Growth Policy Update 2013.

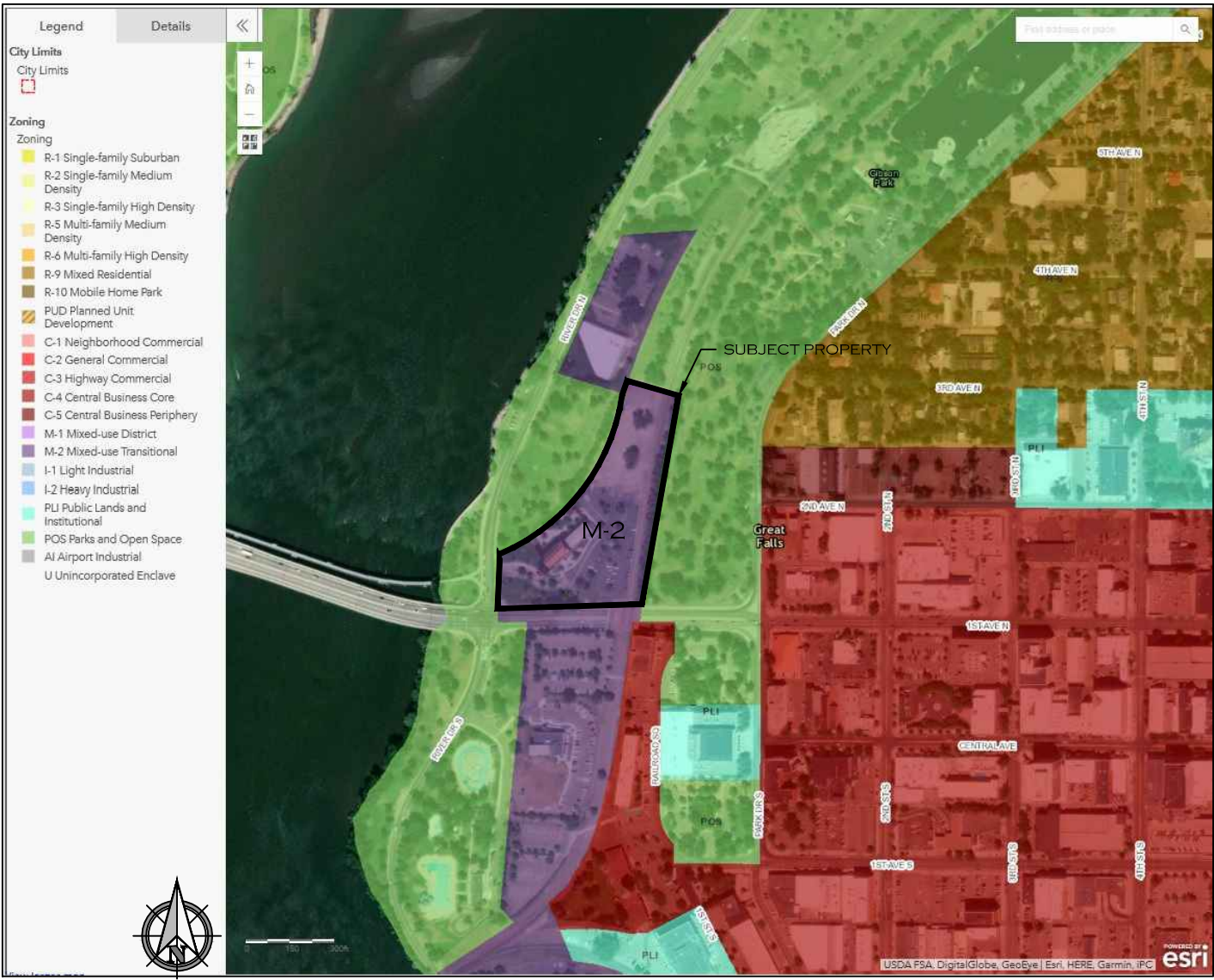
Sincerely,

Woith Engineering, Inc.

Spencer Woith
President

EXHIBIT 'A'

ZONING MAP AMENDMENT FOR THE SUBJECT PROPERTY DESCRIBED AS TRACTS 1 AND 2 OF CERTIFICATE OF SURVEY 3607 LOCATED IN SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., GREAT FALLS, CASCADE COUNTY, MONTANA.



PROJECT INFO

NAME: MILWAUKEE STATION APARTMENTS
 DEVELOPER: BIG SKY SELECT
 LANDOWNER: BIG SKY SELECT
 TOTAL ACREAGE: 4.741
 (TRACT 1:3.385 TRACT 2:1.356)
 PROPOSED ZONING: C4

COLOR VERIFICATION
 ELEMENTS ON THIS EXHIBIT ARE INTENDED TO BE IN COLOR. IF PROPERLY REPRODUCED, RED, GREEN AND BLUE WILL BE VISIBLE.

EX-A
 1 OF 1

ZONING MAP

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 GREAT FALLS • MISSOULA • WWW.WOITHENG.COM

JOB #:	1925
DRAWN:	ARH
QA:	RLO
DATE:	03-06-2020

Aerial Map



 Parcel selection


 City Limits



Exhibit 20-1. Principal uses by district

Agricultural Uses	M-2	C-4	Special Standards
Agriculture, horticulture, nursery	-	-	17.20.6.005
Residential Uses			
Mobile home/park	P	-	17.20.6.010
Residence, single-family detached	P	-	
Residence, zero lot line	P	-	17.20.6.020
Residence, two-family	P	-	
Residence, multi-family	P	P	17.20.6.040
Residence, townhouse	P	-	17.20.6.050
Residence, manufactured/factory-built	P	-	17.20.6.060
Retirement home	P	P	
Special Care Facilities			
Community residential facility, type I	P	-	
Community residential facility, type II	C	-	
Day care center	P	P	
Emergency shelter	C	C	
Family day care home	P	C	
Group day care home	P	C	
Nursing home	P	P	
Overnight Accommodations			
Campground	-	-	17.20.6.070
Hotel/motel	P	P	
Food and Beverage Sales			
Micro-brewery	C	P	
Restaurant	P	P	
Tavern	C	P	17.20.6.080
General Sales			
Agriculture sales	-	-	
Auction sales	-	-	
Construction materials sales	-	-	
Convenience sales	-	P	
General sales	P	P	
Manufactured housing sales	-	-	
Off-site liquor sales	C	C	
Secondhand sales	-	P	
Shopping center	-	P	
General Services			
Administrative services	P	P	
Commercial kennel	-	-	17.20.6.090
Financial services	P	P	
Funeral home	P	P	
General services	P	P	
Professional services	P	P	
Sexually-oriented business	-	-	17.20.6.100
Veterinary clinic, large animal	-	-	
Veterinary clinic, small animal	P	-	17.20.6.110

Exhibit 20-1. Principal uses by district - continued

	M-2	C-4	Special Standards
Rental and General Repair			
Large equipment rental	-	-	
Small equipment rental	-	P	
General repair	-	P	
Vehicle Trade and Service			
Vehicle fuel sales	-	P	
Vehicle repair	-	C	17.20.6.120
Vehicle sales and rental	-	P	
Vehicle services	P	P	
General Storage			
Agricultural commodity storage facility	-	-	
Fuel tank farm	-	-	
Mini-storage facility	C	-	17.20.6.130
Freight terminal	-	-	
Warehouse	C	-	
Climate controlled indoor storage	P	P	
Indoor Recreation / Sports / Entertainment			
Casino, type I	-	P	17.20.6.140
Casino, type II	-	P	17.20.6.150
Indoor entertainment	C	P	
Indoor sports and recreation	C	P	
Outdoor Recreation / Sports / Entertainment			
Golf course / driving range	-	-	
Miniature golf	C	-	
Outdoor entertainment	-	-	
Park	P	P	
Recreational trail	P	P	
Community Services / Uses			
Administrative governmental center	P	P	
Animal shelter	C	-	17.20.6.160
Cemetery	-	-	17.20.6.170
Civic use facility	P	P	
Community center	P	P	
Community cultural facility	P	P	
Community garden	P	C	17.20.6.175
Public safety facility	P	P	
Worship facility	P	C	17.20.6.180
Health Care			
Health care clinic	P	P	
Health care facility	C	P	
Health care sales and services	P	P	
Education			
Commercial education facility	P	P	
Educational facility (K-12)	C	-	17.20.6.200
Educational facility (higher education)	C	-	
Instructional facility	P	P	

Exhibit 20-1. Principal uses by district - continued

Solid Waste, Recycling And Composting	M-2	C-4	Special Standards
Composting facility	-	-	17.20.6.210
Recycling center	-	-	17.20.6.220
Solid waste transfer station	-	-	17.20.6.230
Telecommunications			
Amateur radio station	-	-	17.20.6.240
Telecommunication facility	-	-	17.20.6.250
Concealed facility	P	P	
Unconcealed facility	C	C	
Co-located facility	C	P	
Utilities			
Utility installation	C	C	
Transportation			
Airport	-	-	
Bus transit terminal	C	P	
Heli-pad	C	C	17.20.6.260
Parking lot, principal use	P	P	
Parking structure	P	P	
Railroad yard	-	-	
Taxi cab dispatch terminal	P	P	
Contractor Yards			
Contractor yard, type I	P	-	17.20.6.270
Contractor yard, type II	C	-	17.20.6.280
Industrial / Manufacturing			
Artisan shop	P	-	
Industrial, heavy	-	-	
Industrial, light	-	-	
Industrial park	-	-	
Junkyard	-	-	17.20.6.290
Light manufacturing and assembly	P	P	17.20.6.300
Motor vehicle graveyard	-	-	17.20.6.310
Motor vehicle wrecking facility	-	-	17.20.6.320

Exhibit 20-2. Accessory uses by district

Use	District		Specific Standards
	M-2	C-4	
Accessory living space	P	P	17.20.7.010
Agriculture, livestock	-	-	17.20.7.080
ATM, exterior	P	P	17.20.7.020
Bed and breakfast	P	-	17.20.7.030
Fences	P	P	17.20.7.040
Gaming, accessory	P	P	17.20.7.050
Garage, private	P	P	17.20.7.060
Home occupation	P	P	17.20.7.070
Private stable/barn	-	-	17.20.7.080
Residence, accessory	P	P	17.20.7.085
Roadside farmer's market	-	-	17.20.7.090
Storage containers	-	-	17.20.7.100
Wind-powered electricity systems	P	P	17.20.7.110

Use	District		Specific Standards
	M-2	C-4	
Garage sales	P	P	17.20.8.015
Itinerant outdoor sales	P	-	17.20.8.020
On-site construction office	P	P	17.20.8.030
On-site real estate sales office	P	-	17.20.8.040
Outdoor entertainment, temporary	-	-	
Sidewalk café	P	P	17.20.8.050
Sidewalk food vendor	P	P	17.20.8.060

Findings of Fact – Zoning Map Amendment

Tracts 1 and 2 of Certificate of Survey 3607 located in Sections 2 and 11, T20N, R3E, P.M.M., Cascade County, Montana.

Primary Review Criteria:

The basis for decision on zoning map amendments is listed in the 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 the City Commission shall at a minimum consider the following criteria:

1. The Amendment is consistent with and furthers the intent of the City’s growth policy.

The proposed zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposal to amend the zoning of the proposed properties from M-2 Mixed-use transitional to C-4 Central business core will allow the applicant to construct the building at a greater height than would otherwise be allowed. It will also allow the applicant to reduce the number of parking spaces required, although a parking study has been provided and new parking will be provided. It will also allow the applicant to reduce the landscape requirements though, again, the applicant is proposing to install sufficient landscaping. By allowing the rezone request to take effect, the applicant will not be required to seek Conditional Use Permits for two of the commercial uses proposed. While the apartments and the restaurant space that are proposed are permitted by right in the M-2 zone, the applicant would be required to receive Conditional Use Permits for both a wine bar, which would carry a land use of Tavern, and an exercise facility, which would be classified as Indoor sports and recreation.

As noted in the agenda report, the Zoning Commission must consider whether there is policy rationale for expanding the City’s C-4 zoning district into a relatively isolated portion of City’s core – between City park lands and near the railroad and Missouri River Corridor. Staff believes that the City’s Growth Policy supports the proposed zoning map amendment to facilitate more dense development, particularly to provide much needed housing. The zoning amendment request is consistent with several of the Plan’s policies including:

Social - Housing

Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the City.

Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.

Environmental - Missouri River

Env2.2.6 Support mixed-use and commercial development that will enhance the Missouri River consistent with the vision identified in the *Missouri River Urban Corridor Plan*.

Environmental - Urban Form

Env2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential, as candidates for redevelopment in the City.

Physical – Land Use

Phys4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City’s existing infrastructure.

Physical - Zoning

Phy4.2.1 Development density and intensity should be oriented toward areas of the City most capable of supporting it. General locations meeting this criteria include:

- Activity Centers, as identified in the City’s Transportation Plan
- Major intersections and road corridors
- Downtown
- Tax Increment Finance Districts (TIFs)
- Areas with adequate or excess infrastructure capacity
- Locations with adequate community facilities

The proposed zoning map amendment will enable these policies to be addressed and further the implementation of the Growth Policy.

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

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #7. The applicant has provided Council #7 with all pertinent information. Neighborhood Councils are not meeting during the response to the Coronavirus. Notice of the proposed zoning map amendment was also sent to adjoining property owners pursuant to the noticing requirements of the OCCGF. City staff have not received any comments on the proposed zoning map amendment from either notified owners or Council #7.

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 zoning map amendment request is consistent with the Missouri River Urban Corridor Plan. Under the Projects portion of the Implementation Strategy of the Missouri River Urban Corridor Plan, there are three aspects of the Plan that are consistent with the zoning map amendment:

- Private sector housing development
- Private sector commercial and lodging development
- Planning to connect downtown to the river.

By changing the zoning from M-2 to C-4, the subject properties would tie the downtown and its amenities to Gibson Park, as well as the Missouri River and its amenities including the River’s Edge Trail and Riverside Park.

4. The code with the amendment is internally consistent.

The proposed zoning map amendment is not in conflict with any portion of the existing City Code. The subject properties will be contiguous to properties in the C-4 zone to the South including the lot that houses the Children's Museum and the parking lot for the employees of the Civic Center. Although the creation of C-4 zoning will result in more dense development with less on-site parking, the property's relative isolation actually limits the visual impact of a taller structure as well as off-site parking problems into established neighborhoods. As a result, the proposed zoning map amendment is internally consistent and will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

There are no existing public health, safety, or welfare issues that have been identified for these properties. The future apartment building project will require a water main and sewer main to be looped which will be reviewed by the Public Works Department at the time the project is brought forward. Other potential impacts to safety will be addressed during the review process with MDT as well through easement agreements with the City's Park and Recreation Department.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to enforce the amendment if it is approved. The zoning map amendment will affect the two subject properties, both owned by the applicant, and the property will be developed in a manner consistent with the zoning of the downtown.

Type	Total	Units 1000		Recommended Base parking Ratio Weekday	Recommended Base parking Ratio Weekend	Unadjusted parking spaces Weekday	Unadjusted parking spaces Weekend
Retail	0	GLA	Visitor	2.9	3.2	0.00	0.00
			Employee	0.7	0.8	0.00	0.00
Fine Dining - Bar		GLA	Visitor	15.25	17	0.00	0.00
			Employee	2.75	3	0.00	0.00
Family Restaurant - No Bar	4,000	GLA	Visitor	9	12.75	36.00	51.00
			Employee	1.5	2.25	6.00	9.00
Fast Food	0	GLA	Visitor	12.75	12	0.00	0.00
			Employee	2.25	2	0.00	0.00
Night Club	1,500	GLA	Visitor	15.25	17.5	22.88	26.25
			Employee	1.25	1.5	1.88	2.25
Health Club	5,158	GFA	Visitor	6.6	5.5	34.04	28.37
			Employee	0.4	0.25	2.06	1.29
Residential, Reserved	40	Units				40.00	40.00
Residential, Rented	83	Units	Owner	1.5	1.5	84.50	84.50
			Visitor	0.15	0.15	12.45	12.45
Office	24,045	GFA	Visitor	0.3	0.03	7.21	0.72
			Employee	3.5	0.35	84.16	8.42
						331.18	264.25

Type	SQ ftg	Occ	City Parking Required
Retail	0.00	240.00	0
Fine Dining - Bar	0.00	0.85 45.00	0
Family Restaurant - No Bar	4,000.00	0.85 45.00	76
Fast Food	0.00	0.85 45.00	0
Night Club	1,500.00	0.85 45.00	28
Health Club	5,158.00	200.00	26
Residential, Owned	83.00	1.50	125
Office	24,045.00	250.00	96
			350

Estimated Weekday Peak-Hour Parking Requirements: December 12:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 12:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	100%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	100%	0.00	75%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	100%	36.00	100%	36.00	90%	32.40	80%	25.92
Employee	6.00	100%	6.00	100%	6.00	100%	6.00	85%	5.10
Fast Food	0.00	100%	0.00	100%	0.00	90%	0.00	80%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Night Club	22.88	90%	20.59	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	100%	1.88	5%	0.09	100%	0.09	90%	0.08
Health Club	34.04	90%	30.64	60%	18.38	90%	16.54	85%	14.06
Employee	2.06	100%	2.06	75%	1.55	100%	1.55	85%	1.32
Office	7.21	100%	7.21	15%	1.08	100%	1.08	95%	1.03
Employee	84.16	100%	84.16	90%	75.74	95%	71.95	85%	61.16
Residential	84.50	100%	84.50	65%	54.93	100%	54.93	100%	54.93
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		178.94		57.96		52.52		43.50
Subtotal: Employee/ Resident Spaces	178.60		106.55		138.31		134.52		122.59
TOTAL PARKING SPACES	291.18		285.49		196.26		187.04		166.09
Shared Parking Reduction	100%		1.95%		32.60%		35.76%		42.96%

Estimated Weekday Peak-Hour Parking Requirements: December 1:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 1:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	100%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	100%	0.00	65%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	100%	36.00	90%	32.40	90%	29.16	80%	23.33
Employee	6.00	100%	6.00	100%	6.00	100%	6.00	85%	5.10
Fast Food	0.00	100%	0.00	100%	0.00	90%	0.00	80%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Night Club	22.88	90%	20.59	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	100%	1.88	10%	0.19	100%	0.19	90%	0.17
Health Club	34.04	90%	30.64	70%	21.45	90%	19.30	85%	16.41
Employee	2.06	100%	2.06	75%	1.55	100%	1.55	85%	1.32
Office	7.21	100%	7.21	45%	3.25	100%	3.25	95%	3.08
Employee	84.16	100%	84.16	90%	75.74	95%	71.95	85%	61.16
Residential, Owned	84.50	100%	84.50	70%	59.15	100%	59.15	100%	59.15
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		178.94		59.58		54.20		45.31
Subtotal: Employee/ Resident Spaces	178.60		106.55		142.63		138.84		126.90
TOTAL PARKING SPACES	291.18		285.49		202.21		193.04		172.20
Shared Parking Reduction	100%		1.95%		30.55%		33.70%		40.86%

Estimated Weekday Peak-Hour Parking Requirements: December 2:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 2:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	100%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	100%	0.00	65%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	100%	36.00	50%	18.00	90%	16.20	80%	12.96
Employee	6.00	100%	6.00	100%	6.00	100%	6.00	85%	5.10
Fast Food	0.00	100%	0.00	90%	0.00	90%	0.00	80%	0.00
Employee	0.00	100%	0.00	95%	0.00	100%	0.00	85%	0.00
Night Club	22.88	90%	20.59	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	100%	1.88	10%	0.19	100%	0.19	90%	0.17
Health Club	34.04	90%	30.64	70%	21.45	90%	19.30	85%	16.41
Employee	2.06	100%	2.06	75%	1.55	100%	1.55	85%	1.32
Office	7.21	100%	7.21	100%	7.21	100%	7.21	95%	6.85
Employee	84.16	100%	84.16	100%	84.16	95%	79.95	85%	67.96
Residential, Owned	84.50	100%	84.50	70%	59.15	100%	59.15	100%	59.15
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		178.94		49.15		45.21		38.71
Subtotal: Employee/ Resident Spaces	178.60		106.55		151.04		146.83		133.69
TOTAL PARKING SPACES	291.18		285.49		200.19		192.04		172.40
Shared Parking Reduction	100%		1.95%		31.25%		34.05%		40.79%

Estimated Weekday Peak-Hour Parking Requirements: December 8:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 8:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	100%	0.00	80%	0.00	85%	0.00	75%	0.00
Employee	0.00	100%	0.00	95%	0.00	100%	0.00	90%	0.00
Casual Dining	0.00	100%	0.00	95%	0.00	80%	0.00	75%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	90%	0.00
Family Restaurant	36.00	100%	36.00	80%	28.80	70%	20.16	80%	16.13
Employee	6.00	100%	6.00	95%	5.70	100%	5.70	90%	5.13
Fast Food	0.00	100%	0.00	85%	0.00	70%	0.00	80%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	90%	0.00
Night Club	22.88	90%	20.59	75%	15.44	95%	14.67	90%	13.20
Employee	1.88	100%	1.88	100%	1.88	100%	1.88	90%	1.69
Health Club	34.04	90%	30.64	80%	24.51	90%	22.06	90%	19.85
Employee	2.06	100%	2.06	50%	1.03	100%	1.03	90%	0.93
Office	7.21	100%	7.21	1%	0.07	100%	0.07	100%	0.07
Employee	84.16	100%	84.16	7%	5.89	100%	5.89	80%	4.71
Residential, Owned	84.50	100%	84.50	98%	82.81	100%	82.81	100%	82.81
Visitor	12.45	100%	12.45	100%	12.45	100%	12.45	100%	12.45
Subtotal: Customer/ Visitor Spaces	112.58	178.94		81.27		69.41		61.71	
Subtotal: Employee/ Resident Spaces	178.60	106.55		97.31		97.31		95.27	
TOTAL PARKING SPACES	291.18	285.49		178.58		166.72		156.97	
Shared Parking Reduction	100%	1.95%		38.67%		42.74%		46.09%	

Estimated Weekday Peak-Hour Parking Requirements: June 12:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 12:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	67%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	80%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	95%	0.00	75%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	95%	34.20	100%	34.20	80%	27.36	80%	21.89
Employee	6.00	100%	6.00	100%	6.00	100%	6.00	85%	5.10
Fast Food	0.00	95%	0.00	100%	0.00	90%	0.00	80%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Night Club	22.88	65%	14.87	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	75%	1.41	5%	0.07	100%	0.07	90%	0.06
Health Club	34.04	65%	22.13	60%	13.28	90%	11.95	85%	10.16
Employee	2.06	75%	1.55	75%	1.16	100%	1.16	85%	0.99
Office	7.21	100%	7.21	15%	1.08	100%	1.08	95%	1.03
Employee	84.16	100%	84.16	90%	75.74	95%	71.95	85%	61.16
Residential, Owned	84.50	100%	84.50	65%	54.93	100%	54.93	100%	54.93
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		162.91		51.05		42.88		35.56
Subtotal: Employee/ Resident Spaces	178.60		105.56		137.90		134.11		122.24
TOTAL PARKING SPACES	291.18		268.47		188.95		176.99		157.80
Shared Parking Reduction	100%		7.80%		35.11%		39.22%		45.81%

Estimated Weekday Peak-Hour Parking Requirements: June 2:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 12:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	67%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	80%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	95%	0.00	65%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	95%	34.20	50%	17.10	80%	13.68	80%	10.94
Employee	6.00	100%	6.00	100%	6.00	100%	6.00	85%	5.10
Fast Food	0.00	95%	0.00	90%	0.00	90%	0.00	80%	0.00
Employee	0.00	100%	0.00	95%	0.00	100%	0.00	85%	0.00
Night Club	22.88	65%	14.87	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	75%	1.41	10%	0.14	100%	0.14	90%	0.13
Health Club	34.04	65%	22.13	70%	15.49	90%	13.94	85%	11.85
Employee	2.06	75%	1.55	75%	1.16	100%	1.16	85%	0.99
Office	7.21	100%	7.21	100%	7.21	100%	7.21	95%	6.85
Employee	84.16	100%	84.16	100%	84.16	95%	79.95	85%	67.96
Residential, Owned	84.50	100%	84.50	70%	59.15	100%	59.15	100%	59.15
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		162.91		42.29		37.32		32.14
Subtotal: Employee/ Resident Spaces	178.60		105.56		150.61		146.40		133.32
TOTAL PARKING SPACES	291.18		268.47		192.90		183.72		165.46
Shared Parking Reduction	100%		7.80%		33.75%		36.90%		43.18%

Estimated Weekday Peak-Hour Parking Requirements: June 6:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 6:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	67%	0.00	80%	0.00	85%	0.00	75%	0.00
Employee	0.00	80%	0.00	95%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	95%	0.00	95%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	95%	34.20	80%	27.36	80%	21.89	80%	17.51
Employee	6.00	100%	6.00	95%	5.70	100%	5.70	85%	4.85
Fast Food	0.00	95%	0.00	85%	0.00	70%	0.00	80%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Night Club	22.88	65%	14.87	25%	3.72	95%	3.53	90%	3.18
Employee	1.88	75%	1.41	70%	0.98	100%	0.98	90%	0.89
Health Club	34.04	65%	22.13	100%	22.13	90%	19.92	85%	16.93
Employee	2.06	75%	1.55	100%	1.55	100%	1.55	85%	1.32
Office	7.21	100%	7.21	5%	0.36	100%	0.36	95%	0.34
Employee	84.16	100%	84.16	25%	21.04	95%	19.99	85%	16.99
Residential, Owned	84.50	100%	84.50	90%	76.05	100%	76.05	100%	76.05
Visitor	12.45	100%	12.45	60%	7.47	100%	7.47	100%	7.47
Subtotal: Customer/ Visitor Spaces	112.58		162.91		61.04		53.17		45.43
Subtotal: Employee/ Resident Spaces	178.60		105.56		105.32		104.27		100.09
TOTAL PARKING SPACES	291.18		268.47		166.36		157.43		145.51
Shared Parking Reduction	100%		7.80%		42.87%		45.93%		50.03%

Estimated Weekday Peak-Hour Parking Requirements: January 12:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 2:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	56%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	80%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	85%	0.00	75%	0.00	70%	0.00	75%	0.00
Employee	0.00	95%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	85%	30.60	100%	30.60	80%	24.48	80%	19.58
Employee	6.00	95%	5.70	100%	5.70	100%	5.70	85%	4.85
Fast Food	0.00	85%	0.00	100%	0.00	90%	0.00	80%	0.00
Employee	0.00	95%	0.00	100%	0.00	100%	0.00	85%	0.00
Night Club	22.88	84%	19.22	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	90%	1.69	5%	0.08	100%	0.08	90%	0.08
Health Club	34.04	100%	34.04	60%	20.43	90%	18.38	85%	15.63
Employee	2.06	100%	2.06	75%	1.55	100%	1.55	85%	1.32
Office	7.21	100%	7.21	15%	1.08	100%	1.08	95%	1.03
Employee	84.16	100%	84.16	90%	75.74	95%	71.95	85%	61.16
Residential, Owned	84.50	100%	84.50	65%	54.93	100%	54.93	100%	54.93
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		175.57		54.60		46.44		38.73
Subtotal: Employee/ Resident Spaces	178.60		106.06		138.00		134.21		122.32
TOTAL PARKING SPACES	291.18		281.63		192.60		180.65		161.05
Shared Parking Reduction	100%		3.28%		33.86%		37.96%		44.69%

Estimated Weekday Peak-Hour Parking Requirements: January 2:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 2:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	56%	0.00	100%	0.00	85%	0.00	75%	0.00
Employee	0.00	80%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	85%	0.00	65%	0.00	70%	0.00	75%	0.00
Employee	0.00	95%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	85%	30.60	50%	15.30	80%	12.24	80%	9.79
Employee	6.00	95%	5.70	100%	5.70	100%	5.70	85%	4.85
Fast Food	0.00	85%	0.00	90%	0.00	90%	0.00	80%	0.00
Employee	0.00	95%	0.00	95%	0.00	100%	0.00	85%	0.00
Night Club	22.88	84%	19.22	0%	0.00	100%	0.00	90%	0.00
Employee	1.88	90%	1.69	10%	0.17	100%	0.17	90%	0.15
Health Club	34.04	100%	34.04	70%	23.83	90%	21.45	85%	18.23
Employee	2.06	100%	2.06	75%	1.55	100%	1.55	85%	1.32
Office	7.21	100%	7.21	100%	7.21	100%	7.21	95%	6.85
Employee	84.16	100%	84.16	100%	84.16	95%	79.95	85%	67.96
Residential, Owned	84.50	100%	84.50	70%	59.15	100%	59.15	100%	59.15
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	112.58		175.57		48.83		43.39		37.36
Subtotal: Employee/ Resident Spaces	178.60		106.06		150.72		146.52		133.42
TOTAL PARKING SPACES	291.18		281.63		199.56		189.91		170.78
Shared Parking Reduction	100%		3.28%		31.47%		34.78%		41.35%

Estimated Weekday Peak-Hour Parking Requirements: January 6:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 2:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	56%	0.00	80%	0.00	85%	0.00	75%	0.00
Employee	0.00	80%	0.00	95%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	85%	0.00	95%	0.00	70%	0.00	75%	0.00
Employee	0.00	95%	0.00	100%	0.00	100%	0.00	85%	0.00
Family Restaurant	36.00	85%	30.60	80%	24.48	80%	19.58	80%	15.67
Employee	6.00	95%	5.70	95%	5.42	100%	5.42	85%	4.60
Fast Food	0.00	85%	0.00	85%	0.00	70%	0.00	80%	0.00
Employee	0.00	95%	0.00	90%	0.00	100%	0.00	85%	0.00
Night Club	22.88	84%	19.22	25%	4.80	95%	4.56	90%	4.11
Employee	1.88	90%	1.69	70%	1.18	100%	1.18	90%	1.06
Health Club	34.04	100%	34.04	100%	34.04	90%	30.64	85%	26.04
Employee	2.06	100%	2.06	100%	2.06	100%	2.06	85%	1.75
Office	7.21	100%	7.21	5%	0.36	100%	0.36	95%	0.34
Employee	84.16	100%	84.16	25%	21.04	95%	19.99	85%	16.99
Residential, Owned	84.50	100%	84.50	90%	76.05	100%	76.05	100%	76.05
Visitor	12.45	100%	12.45	60%	7.47	100%	7.47	100%	7.47
Subtotal: Customer/ Visitor Spaces	112.58		175.57		71.16		62.62		53.63
Subtotal: Employee/ Resident Spaces	178.60		106.06		105.75		104.70		100.46
TOTAL PARKING SPACES	291.18		281.63		176.91		167.31		154.09
Shared Parking Reduction	100%		3.28%		39.24%		42.54%		47.08%

Estimated Weekend Peak-Hour Parking Requirements: December 1:00 p.m.

Land Use	Unadjusted Demand	Month Adjustment: December	Adjusted	Peak Hour Adjustment: 1:00 p.m.	Adjusted	Noncaptive Daytime	Adjusted	Mode Adjustment Daytime	Adjusted
Retail	0.00	100%	0.00	95%	0.00	85%	0.00	75%	0.00
Employee	0.00	100%	0.00	100%	0.00	100%	0.00	85%	0.00
Casual Dining	0.00	100%	0.00	65%	0.00	70%	0.00	75%	0.00
Employee	0.00	100%	0.00	90%	0.00	100%	0.00	85%	0.00
Family Restaurant	51.00	100%	51.00	55%	28.05	90%	25.25	80%	20.20
Employee	9.00	100%	9.00	75%	6.75	100%	6.75	85%	5.74
Fast Food	0.00	100%	0.00	90%	0.00	90%	0.00	80%	0.00
Employee	0.00	100%	0.00	95%	0.00	100%	0.00	85%	0.00
Night Club	26.25	90%	23.63	0%	0.00	100%	0.00	90%	0.00
Employee	2.25	100%	2.25	10%	0.23	100%	0.23	90%	0.20
Health Club	28.37	90%	25.53	70%	17.87	90%	16.09	85%	13.67
Employee	1.29	100%	1.29	75%	0.97	100%	0.97	85%	0.82
Office	0.72	100%	0.72	80%	0.58	100%	0.58	95%	0.55
Employee	8.42	100%	8.42	80%	6.73	95%	6.40	85%	5.44
Residential, Owned	84.50	100%	84.50	70%	59.15	100%	59.15	100%	59.15
Visitor	12.45	100%	12.45	20%	2.49	100%	2.49	100%	2.49
Subtotal: Customer/ Visitor Spaces	118.79		185.38		48.99		44.40		36.91
Subtotal: Employee/ Resident Spaces	105.46		33.41		73.82		73.49		71.35
TOTAL PARKING SPACES	224.25		218.78		122.81		117.89		108.26
Shared Parking Reduction	100%		2.44%		45.23%		47.43%		51.72%



December 3, 2019

Spencer Woith
 Woith Engineering
 1725 41st Street South
 Great Falls, MT 59405

RE: Milwaukee Station Apartments Preliminary Traffic Assessment

Dear Spencer, it is my understanding that the Milwaukee Station Apartments project is currently under consideration north of 1st Avenue and east of River Drive in Great Falls. The site is located east of Gibson Park and south of Riverside Park, just north of Chicago Title Insurance (Milwaukee Station) and west of the BNSF railroad lines. The project would be developed to include a five-story apartment complex with attached commercial space. The purpose of this letter is to describe the current road characteristics near the site, develop a preliminary trip generation analysis for the proposed project, and provide information to help guide the location of possible accesses to the site onto River Drive.

1st Avenue is and an east/west principal arterial route. The road has a five lane cross section and connects one of the four bridges which crosses the Missouri River in Great Falls. The road currently carries 16,900 VPD. The intersection with River Drive is signalized.

River Drive is a north/south minor arterial route that follows along the banks of the Missouri River. North of 1st Avenue the road has a two-lane cross section and passes next to a variety of parks and trails adjacent to the river. The roadway currently carries 6,300 VPD.



Abelin Traffic Services obtained historic traffic data for area roadways from the Montana DOT which is presented in **Table 1**. The traffic data history for this area indicates that traffic volumes growth on this section of 1st Avenue and River Drive have been generally flat over the last ten years.

Table 1 – Historic Average Daily Traffic Data

Location	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
River Dr. N of 1st Ave. #07-2A-055	7,280	7,700	7,670	6,471	6,120	6,623	6,800	6,665	6,552	6,344
1 st Avenue E of River Dr. #07-2A-088	17,030	16,490	16,770	16,940	17,623	17,640	18,020	18,479	16,640	16,873

The 2018 Great Falls Area Long Range Transportation Plan (LRTP) provides existing and projected traffic information for the Great Falls area, including roadway operations data, traffic projections, and roadway improvement recommendations. The LRTP indicates that the intersection of 1st Avenue and River Drive currently operates at LOS C in the morning peak hour and LOS F in the evening peak hour. The poor LOS in the evening peak hour is likely due to the specific turning movements at this intersection which require split phase signal operation. While the intersection has considerable capacity, the LOS will generally be poor due to the long signal cycle lengths required by the split phase operation. The LRTP projects traffic volume growth of less than 1,000 VPD on River Road and 3,000-5,000 VPD growth on 1st Avenue in this area by 2038.

The project currently proposed on this site includes the Milwaukee Station Apartments with attached commercial space. The building would include a five-story apartment building with underground parking. The apartments would include 73 one-bedroom and 14 two-bedroom units (87 units total). The connection between the apartment building and the original Milwaukee Station would feature a 1,800 S.F. wine bar/club house, 3,800 S.F. restaurant/food court space, and 4,100 S.F. gym space.

ATS performed a preliminary trip generation analysis to determine the anticipated future traffic volumes from the proposed development using the trip generation rates contained in Trip Generation (Institute of Transportation Engineers, Tenth Edition). These rates are the national standard and are based on the most current information available to planners. A vehicle “trip” is defined as any trip that either begins or ends at the development site. According to the ITE trip generation rates the project would produce 92 AM peak hour trips, 107 PM peak hour trips, and 1,236 daily trips. See **Table 2** for detailed trip generation information.

Table 2 - Trip Generation Rates

Land Use	Units	AM Peak Hour Trip Ends per Unit	Total AM Peak Hour Trip Ends	PM Peak Hour Trip Ends per Unit	Total PM Peak Hour Trip Ends	Weekday Trip Ends per Unit	Total Weekday Trip Ends
Apartment #221	87 units	0.36	31	0.44	38	5.44	473
Restaurant #932	5.6 KSF	9.94	56	9.77	55	112.18	628
Health Club #492	4.1 KSF	1.31	5	3.45	14	32.93	135
Total			92		107		1,236

The project will have access to River Road via the existing Milwaukee Station approach north of 1st Avenue and a new approach onto River Road yet to be determined. The approach to the Milwaukee station is currently 120 feet north of 1st Avenue and is the only existing approach to the site. The possible new approach locations for the Milwaukee Station apartments are just to the south of the Farmer Union and at the circular parking area at Riverside Park to the north (see attached figure). No approaches to the east are possible due to the BNSF railroad lines.

Most of the traffic from the project site will flow to the south along River Drive to the intersection with 1st Avenue. According to a 2017 intersection count performed by MDT, the intersection of 1st Avenue and River Drive currently serves over 3,000 vehicles entering during the peak hour. The Milwaukee Station Apartments will increase the total entering traffic at this intersection by 50-80 VPH, an increase of 1-3% which will not likely change the operating conditions at this intersection.

Once the approach locations for the project have been finalized ATS will provide a full traffic impact analysis for the project to be reviewed by MDT and City of Great Falls which will provide detailed reviews of the approach locations and nearby intersections.

Sincerely,



Bob Abelin, P.E. PTOE
Abelin Traffic Services, Inc.

GRANT OF EASEMENT

This GRANT OF EASEMENT (“Agreement”) is made and effective as of the ___ day of May, 2020 and is entered and executed by, between and among the following parties:

City: **City of Great Falls, Montana**, a municipal corporation existing under the laws of the State of Montana, whose mailing address is P.O. Box 5021, Great Falls, MT 59403 (hereinafter referred to as the “City” or “Grantor”).

Big Sky Select: **Big Sky Select Properties, LLC**, a limited liability company formed and existing under the laws of the State of Delaware, whose mailing address is 202 2nd Ave. S, Suite 101, Great Falls, MT 59405 (hereinafter cumulatively with all wholly owned or controlled subsidiary entities referred to as “Big Sky Select” or “Grantee”);

WHEREAS: Big Sky Select owns certain real property located in Cascade County, Montana which is particularly described in Exhibit A, which is attached hereto and incorporated by this reference;

WHEREAS: The City owns certain real property located in Cascade County, Montana which is particularly described below in Exhibit B, which attached hereto and incorporated by this reference; and

WHEREAS: The City intends to grant and provide certain easements and rights of way on the terms and conditions described in this Agreement encumbering the Burdened Property (Exhibit B) and benefiting the Benefitted Property (Exhibit A) and each of its successors and assigns.

NOW THEREFORE, in consideration of the mutual promises, grants, covenants, and agreements set forth, described or referred to herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby admitted by each and every party, the parties agree as follows:

1. **Incorporation of Recitals:** Each and every recital and part thereof set forth above is true, correct, and constitutes a vital part of this Agreement, and is incorporated herein by this reference.

2. **Benefitted Property:** The property benefitted by this Agreement and each of the easements granted herein shall include all parts of the property described in Exhibit A and any and all rights, easements, rights of use, and rights of way associated with said property, whether now existing or hereafter acquired (hereinafter cumulatively referred to as the “Benefitted Property”).
3. **Burdened Property:** The property burdened by this Agreement and each of the easements granted herein shall include all parts of that real property described and depicted in Exhibit B (hereinafter cumulatively referred to as the “Burdened Property”).
4. **Easements:** The parties to this Agreement, on the terms and conditions and subject to all covenants, conditions and restrictions set forth herein, agree as follows:

A. Grant of Access Easement: On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to Big Sky Select, and its owners, tenants, guests, invitees, agents, lessees, customers, successors, and assigns (hereinafter cumulatively the “Benefitted Parties”), as the holder of the Benefitted Property, perpetual, non-exclusive, private, general easements and rights-of-way for the Access Uses within the designated area set forth in Exhibit C (“Access Easement”). The Access Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties, and the City shall not take any actions that interfere with the purposes, use, and scope of the Access Easement, except those required under applicable zoning other applicable ordinances or regulations.

The purposes, uses, and scope of the general Access Easement shall include without limitation, commercial, residential, and recreational uses as are allowed under applicable zoning or other applicable ordinances or regulations, including the construction, installation, operation, repair, maintenance, alteration, enlargement, reduction, or removal of roadways, walkways, trails, and related areas, and improvements and appurtenances related thereto, including without limitation, lighting, shoulders, curbing, gutters, aprons, shoulders, retentions walls and structures, stairways, and accesses; Utility Uses and related improvements and appurtenances; and the right to grade, excavate, and alter the terrain and add and remove material to accommodate the purposes and uses described herein (“Access Uses”). Parking on the Burdened Property is specifically excluded from this Easement.

The owner of the Benefitted Property shall repair and replace trees and other vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

B. Grant of Utility Easement: On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to the Benefitted Parties perpetual, non-exclusive, private, general easements and rights-of-way for the Utility Uses within the designated area set forth in Exhibit C (“Utility Easement”). The Utility Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties, and the City shall not take any actions that interfere with the purposes, use, and scope of the Utility Easement, except those required under applicable zoning other applicable ordinances or regulations.

The purposes, uses, and scope of the general Utility Easement shall include without limitation, except those required under applicable zoning other applicable ordinances or regulations, commercial, residential, and recreational uses and related utilities including without limitation the construction, installation, operation, inspection, maintenance, alteration, protection, enlargement, reduction, and removal of any and all utilities, including without limitation, water, sewer, gas, electric, storm water disposition and retention, and communication lines, together with any and all necessary or convenient valves, controls, metering, housing and other related equipment, improvements, storage or housing, all of which may be installed in, over, under, through or across the Burdened Property (“Utility Uses”) in a manner reasonably and mutually acceptable to the Parties.

The owner of the Benefitted Property shall repair and replace trees and other vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

- C. Grant of Landscape Easement:** On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to the Benefitted Parties, perpetual, non-exclusive, private, general easements and rights-of-way for the Landscape Uses within the designated area set forth in Exhibit C (“Landscape Easement”). The Landscape Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties, and the City shall not take any actions that interfere with the purposes, use, and scope of the Landscape Easement, except those required under applicable zoning other applicable ordinances or regulations.

The purposes, uses, and scope of the general Landscape Easement shall include without limitation, commercial, residential, and recreational uses as are allowed under applicable zoning or other applicable ordinances or regulations, including; the construction, installation, operation, repair, maintenance, alteration, enlargement, reduction, or removal of grading, planting, landscaping and related improvements and appurtenances, including without limitation, lighting, aprons, shoulders, retention walls and structures, stairways, and accesses; and the right to grade, excavate, and alter the terrain and add and remove material to accommodate the purposes and uses described herein (“Landscape Uses”). The owner of the Benefitted Property shall repair and replace trees and other vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

- D. Maintenance, Upkeep, and Snow Removal:** Big Sky Select shall be responsible for the costs incurred by Big Sky Select to install improvements on, under and across the Access Easement, Utility Easement and Landscape Easement. The Benefitted Parties shall be responsible for the reasonable costs of maintaining, repairing, and improving the roadways, and pedestrian trails installed on the Burdened Property in a manner reasonably and mutually acceptable to the Benefitted Parties. The Benefitted Parties shall be responsible for the reasonable costs of snow removal from, and other routine maintenance of, from the roadways installed on the Burdened Property. The City shall be responsible for the maintenance, repairs, and improvements of any and all utilities installed within the

Burdened Property and dedicated to the City, and the City shall repair and replace improvements that are disturbed as a result of performing such maintenance, repairs and improvements and restore the area to substantially the same condition as the property was in prior to such disturbance.

- E. Alteration and Improvement:** The owners of the Benefitted Property may make such alterations, repairs, and improvements to the easements and improvements installed thereon as are reasonably necessary to the use and enjoyment thereof, including without limitation installing lighting and structures reasonably associated with any of the authorized uses. Any and all such alterations, repairs and improvements may be made at such times and in such a manner as mutually determined by the Parties, and shall be made at the sole cost and expense of the owners of the Benefitted Property.

5. Miscellaneous:

- a) This Agreement is and shall be deemed jointly drafted and written by all parties to it as each party has had a chance to have this Agreement reviewed by counsel and shall not be construed or interpreted against the party originating or preparing it. Both parties have participated in the preparation of this Agreement and in resolving any ambiguities, the parties agree that there shall be no presumption that the provisions of this Agreement are to be construed against the drafting party.
- b) In the event any provision of this Agreement, part thereof, or the application of such provision to any person or circumstance shall be determined by any Court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby, it being understood that such remaining provisions shall be construed in a manner most clearly approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part hereof.
- c) Each party hereto shall do all such things, take and perform all such actions and shall make, execute and deliver such other documents and instruments as shall be reasonably required to carry out the provisions, intent and purposes of this Agreement.
- d) This Agreement shall inure to the benefit of and be binding on each party's successors, assigns, heirs, administrators, representatives and trustees.
- e) The laws of the State of Montana shall govern this Agreement and all claims arising therefrom.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

SIGNATURES: In witness whereof, the following parties have hereunto set their hands and seals as of the day and year set forth above.

Grantor:
CITY OF GREAT FALLS, MONTANA

By: _____
Bob Kelly, Mayor

Date: _____

ATTEST:

By: _____
Lisa Kunz, City Clerk

CITY SEAL

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.

Grantee:
BIG SKY SELECT PROPERTIES, LLC
By: Big Sky Management Services, LLC, Manager

By: _____
Brion Lindseth, Manager

Exhibit A
 Real Property Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

AMENDED TRACT #1:

BEGINNING AT THE INTERSECTION OF THE COMMON R/W OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD AND THE GREAT NORTHERN RAILROAD AND THE NORTH R/W OF THE FIRST AVE. NORTH UNDERPASS HWY., RIGHT-OF-WAY PLAN F-224(5); THE TRUE POINT OF BEGINNING; THENCE N 89°32'45" W, 3.83 FT.; THENCE S 0°27'15" W, 16.2 FT.; THENCE N 89°32'45" W, 29.6 FT.; THENCE N 0°27'15" E, 10.7 FT.; THENCE N 89°32'45" W, 13.6 FT.; THENCE S 0°27'15" W, 10.7 FT.; THENCE N 89°32'45" W, 17.2 FT.; THENCE S 89°31'15" W, 226.60 FT.; THE LAST EIGHT COURSES HAVING BEEN ALONG THE NORTH R/W OF SAID FIRST AVE. NORTH UNDERPASS; THENCE N 45°28'45" W, 68.69 FT.; THENCE N 0°28'45" E, 43.68 FT.; TO A POINT ON THE CURVE; THENCE NORTHEASTERLY ALONG A CURVE WITH R = 790.07 (FORMERLY THE SOUTH R/W OF THE C.M. ST. P. & P. R.R.), AN ARC LENGTH OF 20.38 FT.; THENCE N 0°28'45" E, 80.6 FT. TO THE N.W. R/W OF THE C.M. ST. P. & P. RR (ALSO THE NE CORNER OF C.O.S. #1659); THENCE NORTHEASTERLY ALONG SAID R/W IN A CURVE WITH A RADIUS OF 666.20 FT., AND AN ARC LENGTH OF 383.85 FT.; THENCE S 74°41'30" E, 208.84 FT. TO A POINT, WHICH LIES 10 FT. WEST OF THE CENTERLINE OF GREAT NORTHERN RAILROAD TRACT; THENCE S 8°31'30" W, 377.16 FT. TO THE NORTH R/W OF FIRST AVE. N R/W; THENCE N 89°32'45" W, 96.17 FT. ALONG SAID R/W; THENCE N 0°27'15" E, 13.0 FT.; THENCE N 89°32'45" W, 13.45 FT. TO THE TRUE POINT OF BEGINNING.

ACCORDING TO CS#3607

AMENDED TRACT#2:

BEGINNING AT THE INTERSECTION OF THE COMMON R/W OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD AND THE GREAT NORTHERN RAILROAD AND THE NORTH R/W OF THE FIRST AVE. NORTH UNDERPASS HWY., RIGHT-OF-WAY PLAN F-224(5); THENCE N 15°18'30" E, 389.96 FT. TO THE TRUE POINT OF BEGINNING; THENCE N 74°41'30" W. 144.07 FT. TO THE WEST R/W OF THE FORMER C.M. ST. P. & P. RR; THENCE NORTHEASTERLY ALONG THE WEST R/W, 50 FT. FROM AND PARALLEL TO THE CENTERLINE OF SAID R.R., CENTERLINE RADIUS = 716.20 FT., AN ARC DISTANCE OF 99.03 FT. TO EC. STA. 4+36.70; THENCE ALONG THE WEST R/W IN A SPIRAL CURVE WITH A CENTERLINE LENGTH OF 160.0 FT. ON CENTERLINE TO ES STA. 5+96.7; THENCE N 16°55'30" E. 106.0 FT.; THENCE S 73°04'30" E, 150.62 FT. TO A POINT 10 FT. WEST OF CENTERLINE OF THE GREAT NORTHERN R.R.; THENCE SOUTHWESTERLY 10 FT. FROM AND PARALLEL TO A CURVE IN SAID CENTERLINE, WITH A RADIUS OF 1909.86 FT. AN ARC DISTANCE OF 31.72 FT.; THENCE SOUTHWESTERLY PARALLEL TO A CURVE, WITH A RADIUS OF 1637.02 FT., ARC DISTANCE OF 194.99 FT.; THENCE S 8°31'30" W. 127.41 FT.; THENCE N 74°41'30" W. 64.77 FT. TO THE TRUE POINT OF BEGINNING.

Prior Deed Reference: Document No. R0384096.

Exhibit B
Real Property Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

Township 20 North, Range 3 East:

Section 11, IN NE EAST OF RIVER DR MK B SPECIMAN PARK

Also known as Sight and Sound Park and which is depicted on the attached diagram.

Exhibit C

Easements Locations Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

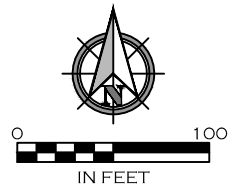
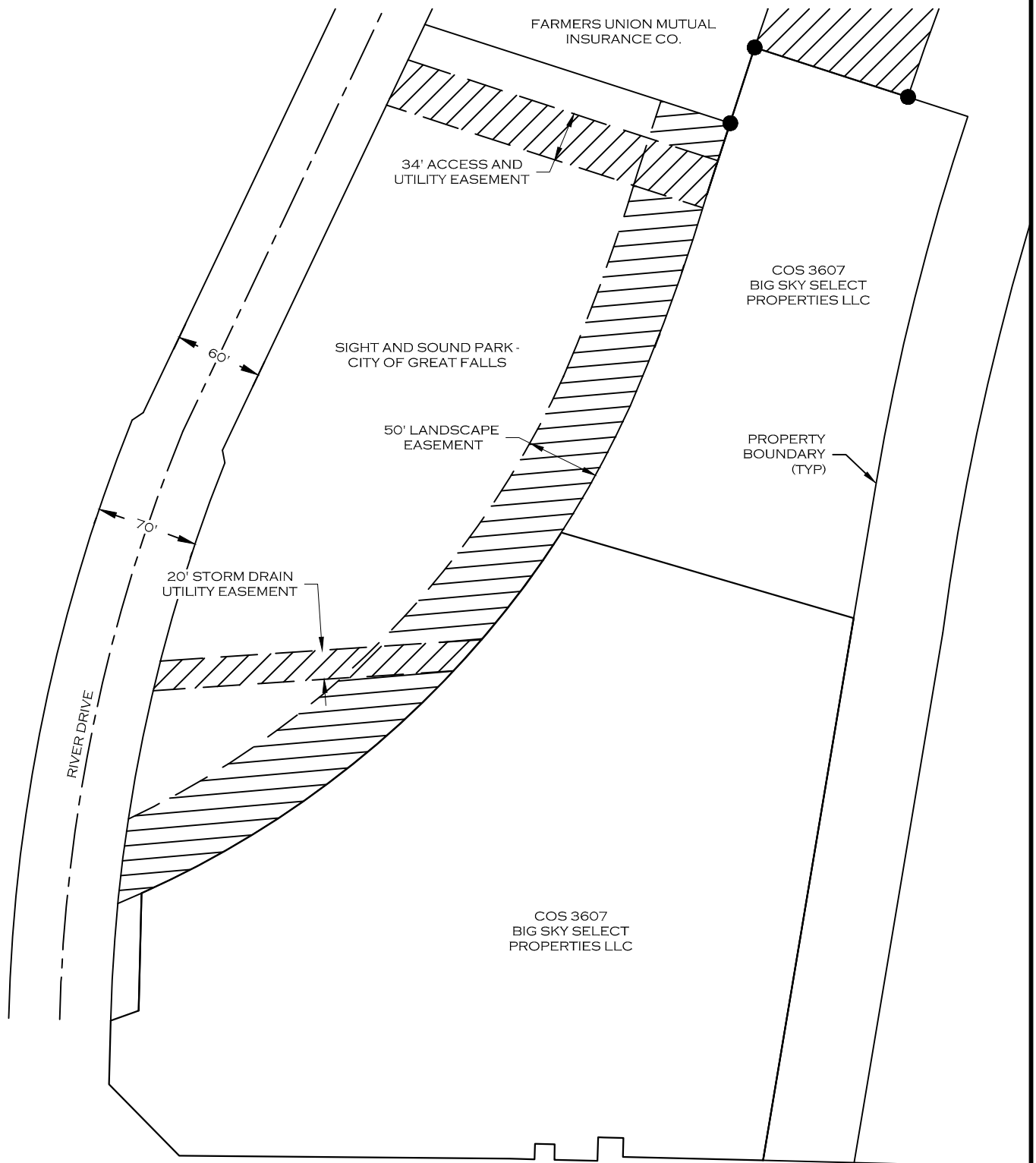
Access Easement:

Utility Easement:

Landscape Easement:

EXHIBIT 'C'

A 20' UTILITY EASEMENT, 34' ACCESS AND UTILITY EASEMENT, AND A 20' LANDSCAPE EASEMENT ACROSS SIGHT AND SOUND PARK, PARCEL IN THE NORTHEAST ONE-QUARTER (NE 1/4), SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA



EX-C
1 OF 1

MILWAUKEE STATION APARTMENTS -
UTILITY/ACCESS/LANDSCAPE EASEMENT

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955
 3860 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9565
 WWW.WOITHENG.COM

JOB #:	1925
DRAWN:	RLO
QA:	SMW
DATE:	6/30/2017

GRANT OF EASEMENT

This GRANT OF EASEMENT (“Agreement”) is made and effective as of the ___ day of May, 2020 and is entered and executed by, between and among the following parties:

City: **City of Great Falls, Montana**, a municipal corporation existing under the laws of the State of Montana, whose mailing address is P.O. Box 5021, Great Falls, MT 59403 (hereinafter referred to as the “City” or “Grantor”).

Big Sky Select: **Big Sky Select Properties, LLC**, a limited liability company formed and existing under the laws of the State of Delaware, whose mailing address is 202 2nd Ave. S, Suite 101, Great Falls, MT 59405 (hereinafter cumulatively with all wholly owned or controlled subsidiary entities referred to as “Big Sky Select” or “Grantee”);

WHEREAS: Big Sky Select owns certain real property located in Cascade County, Montana which is particularly described in Exhibit A, which is attached hereto and incorporated by this reference;

WHEREAS: The City owns certain real property located in Cascade County, Montana which is particularly described below in Exhibit B, which attached hereto and incorporated by this reference; and

WHEREAS: The City intends to grant and provide certain easements and rights of way on the terms and conditions described in this Agreement encumbering the Burdened Property (Exhibit B) and benefiting the Benefitted Property (Exhibit A) and each of its successors and assigns.

NOW THEREFORE, in consideration of the mutual promises, grants, covenants, and agreements set forth, described or referred to herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby admitted by each and every party, the parties agree as follows:

1. **Incorporation of Recitals:** Each and every recital and part thereof set forth above is true, correct, and constitutes a vital part of this Agreement, and is incorporated herein by this reference.

2. **Benefitted Property:** The property benefitted by this Agreement and each of the easements granted herein shall include all parts of the property described in Exhibit A and any and all rights, easements, rights of use, and rights of way associated with said property, whether now existing or hereafter acquired (hereinafter cumulatively referred to as the “Benefitted Property”).
3. **Burdened Property:** The property burdened by this Agreement and each of the easements granted herein shall include all parts of that real property described and depicted in Exhibit B (hereinafter cumulatively referred to as the “Burdened Property”).
4. **Easements:** The parties to this Agreement, on the terms and conditions and subject to all covenants, conditions and restrictions set forth herein, agree as follows:

A. Grant of Access Easement: On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to Big Sky Select, and its owners, tenants, guests, invitees, agents, lessees, customers, successors, and assigns (hereinafter cumulatively the “Benefitted Parties”), as the holder of the Benefitted Property, perpetual, non-exclusive, private, general easements and rights-of-way for the Access Uses within the designated area set forth in Exhibit C (“Access Easement”). The Access Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties, and the City shall not take any actions that interfere with the purposes, use, and scope of the Access Easement, except those required under applicable zoning other applicable ordinances or regulations.

The purposes, uses, and scope of the general Access Easement shall include without limitation, commercial, residential, and recreational uses as are allowed under applicable zoning or other applicable ordinances or regulations, including the construction, installation, operation, repair, maintenance, alteration, enlargement, reduction, or removal of roadways, walkways, trails, and related areas, and improvements and appurtenances related thereto, including without limitation, lighting, shoulders, curbing, gutters, aprons, shoulders, retentions walls and structures, stairways, and accesses; Utility Uses and related improvements and appurtenances; and the right to grade, excavate, and alter the terrain and add and remove material to accommodate the purposes and uses described herein (“Access Uses”). Parking on the Burdened Property is specifically excluded from this Easement.

The owner of the Benefitted Property shall repair and replace trees and other vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

B. Grant of Utility Easement: On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to the Benefitted Parties perpetual, non-exclusive, private, general easements and rights-of-way for the Utility Uses within the designated area set forth in Exhibit C (“Utility Easement”). The Utility Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties, and the City shall not take any actions that interfere with the purposes, use, and scope of the Utility Easement, except those required under applicable zoning other applicable ordinances or regulations.

The purposes, uses, and scope of the general Utility Easement shall include without limitation, except those required under applicable zoning other applicable ordinances or regulations, commercial, residential, and recreational uses and related utilities including without limitation the construction, installation, operation, inspection, maintenance, alteration, protection, enlargement, reduction, and removal of any and all utilities, including without limitation, water, sewer, gas, electric, storm water disposition and retention, and communication lines, together with any and all necessary or convenient valves, controls, metering, housing and other related equipment, improvements, storage or housing, all of which may be installed in, over, under, through or across the Burdened Property (“Utility Uses”) in a manner reasonably and mutually acceptable to the Parties.

The owner of the Benefitted Property shall repair and replace trees and other vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

- C. Grant of Landscape Easement:** On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to the Benefitted Parties, perpetual, non-exclusive, private, general easements and rights-of-way for the Landscape Uses within the designated area set forth in Exhibit C (“Landscape Easement”). The Landscape Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties, and the City shall not take any actions that interfere with the purposes, use, and scope of the Landscape Easement, except those required under applicable zoning other applicable ordinances or regulations.

The purposes, uses, and scope of the general Landscape Easement shall include without limitation, commercial, residential, and recreational uses as are allowed under applicable zoning or other applicable ordinances or regulations, including; the construction, installation, operation, repair, maintenance, alteration, enlargement, reduction, or removal of grading, planting, landscaping and related improvements and appurtenances, including without limitation, lighting, aprons, shoulders, retention walls and structures, stairways, and accesses; and the right to grade, excavate, and alter the terrain and add and remove material to accommodate the purposes and uses described herein (“Landscape Uses”). The owner of the Benefitted Property shall repair and replace trees and other vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

- D. Maintenance, Upkeep, and Snow Removal:** Big Sky Select shall be responsible for the costs incurred by Big Sky Select to install improvements on, under and across the Access Easement, Utility Easement and Landscape Easement. The Benefitted Parties shall be responsible for the reasonable costs of maintaining, repairing, and improving the roadways, and pedestrian trails installed on the Burdened Property in a manner reasonably and mutually acceptable to the Benefitted Parties. The Benefitted Parties shall be responsible for the reasonable costs of snow removal from, and other routine maintenance of, from the roadways installed on the Burdened Property. The City shall be responsible for the maintenance, repairs, and improvements of any and all utilities installed within the

Burdened Property and dedicated to the City, and the City shall repair and replace improvements that are disturbed as a result of performing such maintenance, repairs and improvements and restore the area to substantially the same condition as the property was in prior to such disturbance.

- E. Alteration and Improvement:** The owners of the Benefitted Property may make such alterations, repairs, and improvements to the easements and improvements installed thereon as are reasonably necessary to the use and enjoyment thereof, including without limitation installing lighting and structures reasonably associated with any of the authorized uses. Any and all such alterations, repairs and improvements may be made at such times and in such a manner as mutually determined by the Parties, and shall be made at the sole cost and expense of the owners of the Benefitted Property.

5. Miscellaneous:

- a) This Agreement is and shall be deemed jointly drafted and written by all parties to it as each party has had a chance to have this Agreement reviewed by counsel and shall not be construed or interpreted against the party originating or preparing it. Both parties have participated in the preparation of this Agreement and in resolving any ambiguities, the parties agree that there shall be no presumption that the provisions of this Agreement are to be construed against the drafting party.
- b) In the event any provision of this Agreement, part thereof, or the application of such provision to any person or circumstance shall be determined by any Court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby, it being understood that such remaining provisions shall be construed in a manner most clearly approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part hereof.
- c) Each party hereto shall do all such things, take and perform all such actions and shall make, execute and deliver such other documents and instruments as shall be reasonably required to carry out the provisions, intent and purposes of this Agreement.
- d) This Agreement shall inure to the benefit of and be binding on each party's successors, assigns, heirs, administrators, representatives and trustees.
- e) The laws of the State of Montana shall govern this Agreement and all claims arising therefrom.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

SIGNATURES: In witness whereof, the following parties have hereunto set their hands and seals as of the day and year set forth above.

Grantor:
CITY OF GREAT FALLS, MONTANA

By: _____
Bob Kelly, Mayor

Date: _____

ATTEST:

By: _____
Lisa Kunz, City Clerk

CITY SEAL

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.

Grantee:
BIG SKY SELECT PROPERTIES, LLC
By: Big Sky Management Services, LLC, Manager

By: _____
Brion Lindseth, Manager

Exhibit A
Real Property Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

AMENDED TRACT #1:

BEGINNING AT THE INTERSECTION OF THE COMMON R/W OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD AND THE GREAT NORTHERN RAILROAD AND THE NORTH R/W OF THE FIRST AVE. NORTH UNDERPASS HWY., RIGHT-OF-WAY PLAN F-224(5); THE TRUE POINT OF BEGINNING; THENCE N 89°32'45" W, 3.83 FT.; THENCE S 0°27'15" W, 16.2 FT.; THENCE N 89°32'45" W, 29.6 FT.; THENCE N 0°27'15" E, 10.7 FT.; THENCE N 89°32'45" W, 13.6 FT.; THENCE S 0°27'15" W, 10.7 FT.; THENCE N 89°32'45" W, 17.2 FT.; THENCE S 89°31'15" W, 226.60 FT.; THE LAST EIGHT COURSES HAVING BEEN ALONG THE NORTH R/W OF SAID FIRST AVE. NORTH UNDERPASS; THENCE N 45°28'45" W, 68.69 FT.; THENCE N 0°28'45" E, 43.68 FT.; TO A POINT ON THE CURVE; THENCE NORTHEASTERLY ALONG A CURVE WITH R = 790.07 (FORMERLY THE SOUTH R/W OF THE C.M. ST. P. & P. R.R.), AN ARC LENGTH OF 20.38 FT.; THENCE N 0°28'45" E, 80.6 FT. TO THE N.W. R/W OF THE C.M. ST. P. & P. RR (ALSO THE NE CORNER OF C.O.S. #1659); THENCE NORTHEASTERLY ALONG SAID R/W IN A CURVE WITH A RADIUS OF 666.20 FT., AND AN ARC LENGTH OF 383.85 FT.; THENCE S 74°41'30" E, 208.84 FT. TO A POINT, WHICH LIES 10 FT. WEST OF THE CENTERLINE OF GREAT NORTHERN RAILROAD TRACT; THENCE S 8°31'30" W, 377.16 FT. TO THE NORTH R/W OF FIRST AVE. N R/W; THENCE N 89°32'45" W, 96.17 FT. ALONG SAID R/W; THENCE N 0°27'15" E, 13.0 FT.; THENCE N 89°32'45" W, 13.45 FT. TO THE TRUE POINT OF BEGINNING.

ACCORDING TO CS#3607

AMENDED TRACT#2:

BEGINNING AT THE INTERSECTION OF THE COMMON R/W OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD AND THE GREAT NORTHERN RAILROAD AND THE NORTH R/W OF THE FIRST AVE. NORTH UNDERPASS HWY., RIGHT-OF-WAY PLAN F-224(5); THENCE N 15°18'30" E, 389.96 FT. TO THE TRUE POINT OF BEGINNING; THENCE N 74°41'30" W. 144.07 FT. TO THE WEST R/W OF THE FORMER C.M. ST. P. & P. RR; THENCE NORTHEASTERLY ALONG THE WEST R/W, 50 FT. FROM AND PARALLEL TO THE CENTERLINE OF SAID R.R., CENTERLINE RADIUS = 716.20 FT., AN ARC DISTANCE OF 99.03 FT. TO EC. STA. 4+36.70; THENCE ALONG THE WEST R/W IN A SPIRAL CURVE WITH A CENTERLINE LENGTH OF 160.0 FT. ON CENTERLINE TO ES STA. 5+96.7; THENCE N 16°55'30" E. 106.0 FT.; THENCE S 73°04'30" E, 150.62 FT. TO A POINT 10 FT. WEST OF CENTERLINE OF THE GREAT NORTHERN R.R.; THENCE SOUTHWESTERLY 10 FT. FROM AND PARALLEL TO A CURVE IN SAID CENTERLINE, WITH A RADIUS OF 1909.86 FT. AN ARC DISTANCE OF 31.72 FT.; THENCE SOUTHWESTERLY PARALLEL TO A CURVE, WITH A RADIUS OF 1637.02 FT., ARC DISTANCE OF 194.99 FT.; THENCE S 8°31'30" W. 127.41 FT.; THENCE N 74°41'30" W. 64.77 FT. TO THE TRUE POINT OF BEGINNING.

Prior Deed Reference: Document No. R0384096.

Exhibit B
Real Property Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

Township 20 North, Range 3 East:

Section 11, IN NE EAST OF RIVER DR MK B SPECIMAN PARK

Also known as Sight and Sound Park and which is depicted on the attached diagram.

Exhibit C

Easements Locations Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

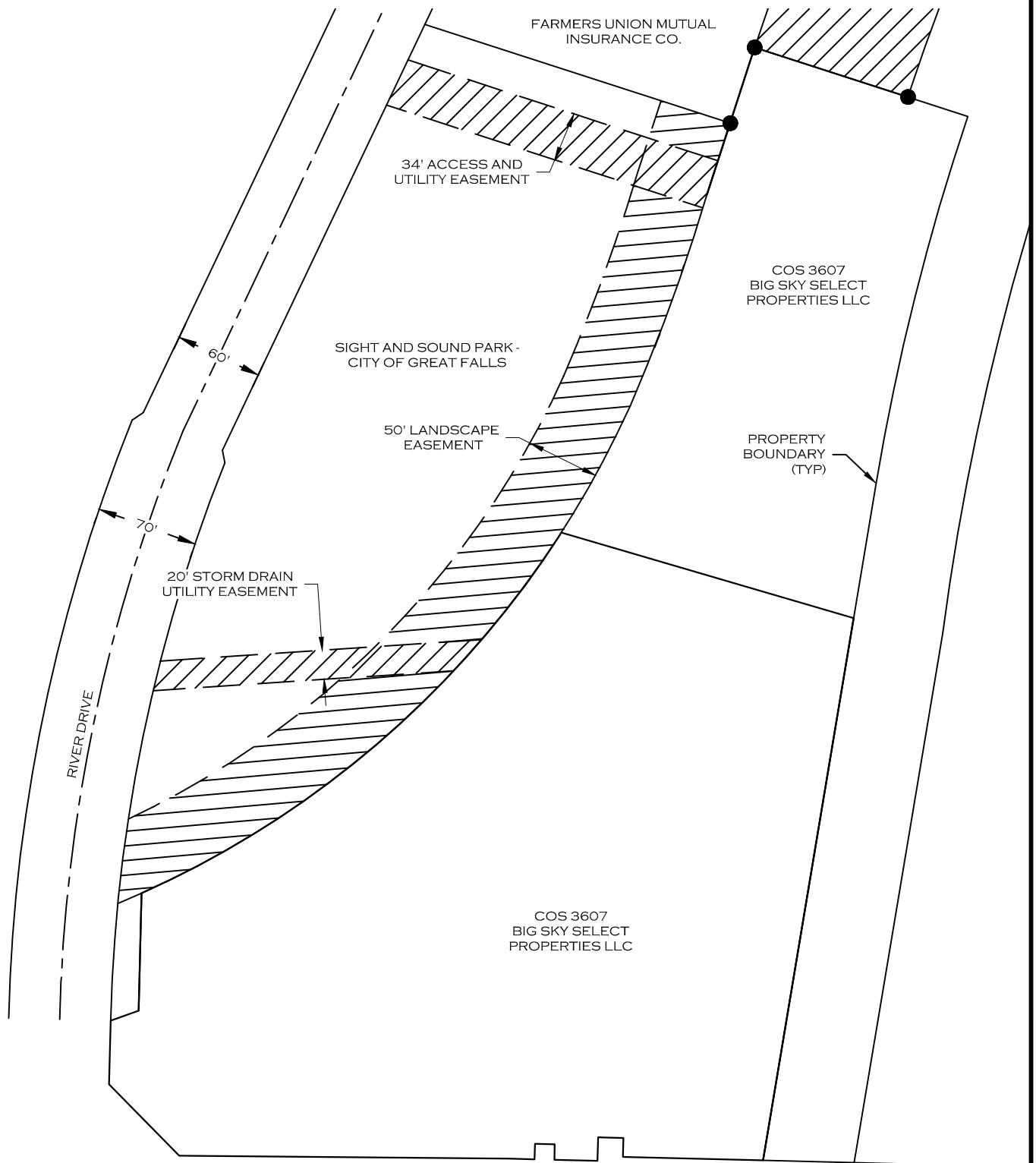
Access Easement:

Utility Easement:

Landscape Easement:

EXHIBIT 'C'

A 20' UTILITY EASEMENT, 34' ACCESS AND UTILITY EASEMENT, AND A 20' LANDSCAPE EASEMENT ACROSS SIGHT AND SOUND PARK, PARCEL IN THE NORTHEAST ONE-QUARTER (NE 1/4), SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA



EX-C
1 OF 1

MILWAUKEE STATION APARTMENTS -
UTILITY/ACCESS/LANDSCAPE EASEMENT

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955
 3860 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9565
 WWW.WOITHENG.COM

JOB #:	1925
DRAWN:	RLO
QA:	SMW
DATE:	6/30/2024

GRANT OF EASEMENT

This GRANT OF EASEMENT (“Agreement”) is made and effective as of the ___ day of May, 2020 and is entered and executed by, between and among the following parties:

City: **City of Great Falls, Montana**, a municipal corporation existing under the laws of the State of Montana, whose mailing address is _____, Great Falls, MT _____ (hereinafter referred to as the “City” or “Grantor”).

Big Sky Select: **Big Sky Select Properties, LLC**, a limited liability company formed and existing under the laws of the State of Delaware, whose mailing address is 202 2nd Ave. S, Suite 101, Great Falls, MT 59405 (hereinafter cumulatively with all wholly owned or controlled subsidiary entities referred to as “Big Sky Select” or “Grantee”);

WHEREAS: Big Sky Select owns certain real property located in Cascade County, Montana which is particularly described in Exhibit A, which is attached hereto and incorporated by this reference;

WHEREAS: The City owns certain real property located in Cascade County, Montana which is particularly described below in Exhibit B, which attached hereto and incorporated by this reference; and

WHEREAS: The City intends to grant and provide certain easements and rights of way on the terms and conditions described in this Agreement encumbering the Burdened Property (Exhibit B) and benefiting the Benefitted Property (Exhibit A) and each of its successors and assigns.

NOW THEREFORE, in consideration of the mutual promises, grants, covenants, and agreements set forth, described or referred to herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby admitted by each and every party, the parties agree as follows:

1. **Incorporation of Recitals:** Each and every recital and part thereof set forth above is true, correct,
Grant of Easement

and constitutes a vital part of this Agreement, and is incorporated herein by this reference.

2. **Benefitted Property:** The property benefitted by this Agreement and the Easement shall include all parts of the property described in Exhibit A and any and all rights, easements, rights of use, and rights of way associated with said property, whether now existing or hereafter acquired (hereinafter cumulatively referred to as the “Benefitted Property”).
3. **Burdened Property:** The property burdened by this Agreement and the Easement shall include all parts of that real property described and depicted in Exhibit B (hereinafter cumulatively referred to as the “Burdened Property”).
4. **Easement:** The parties to this Agreement, on the terms and conditions and subject to all covenants, conditions and restrictions set forth herein, agree as follows:

A. **Grant of Easement:** On the terms and conditions set forth herein, the City hereby grants, bargains, transfers, and conveys to Big Sky Select, and its owners, tenants, guests, invitees, agents, lessees, customers, successors, and assigns (hereinafter cumulatively the “Benefitted Parties”) as the holder of the Benefitted Property, perpetual, non-exclusive, private, general easements and rights-of-way for the Authorized Purposes within the area described in Exhibit C (“Easement”). The Easement shall encumber the Burdened Property for the benefit of the Benefitted Property and the Benefitted Parties and the City shall not take any actions that interfere with the purpose, use and scope of the Easement.

B. **Purpose, Use and Scope:** The Easement is granted for all lawful purposes, including without limitation the grading and regrading of the Burdened Property, the installation and maintenance of parking areas, trails and related improvements providing for ingress and egress to each and every part of the Benefitted Property, and any and all easements, rights of use, and rights of way associated with the Benefitted Property for the Benefitted Parties for authorized uses and purposes.

The use and scope of this Easement shall be for the purpose of constructing and maintaining a parking lot, and pedestrian trail and any appurtenances, including without limitation any retaining walls, stairways, and accesses thereto, in, over, under, through, and across the Burdened Property as described herein, and for the purpose of constructing, laying, inspecting, operating, maintaining, altering, protecting, enlarging, reducing, or removing parking areas and pedestrian trails, together with any related improvements and appurtenances in, over, under, through, and across the Burdened Property as described herein, together with the right to grade, excavate, alter the terrain, and add or remove material from the Burdened Property, all in accordance with the terms and conditions set forth herein (cumulatively “Authorized Uses”).

The owner of the Benefitted Property shall repair and replace vegetation and improvements that are disturbed as a result of performing activities under this easement and restore the area to substantially the same condition as the property was in prior to such disturbance in a manner reasonably and mutually acceptable to the Parties.

C. **Maintenance, Upkeep, and Snow Removal:** Big Sky Select shall be responsible for the costs incurred by Big Sky Select to regrade the Burdened Property and install the desired

improvements thereon for the Authorized Purposes. The Benefitted Parties shall be responsible for the reasonable costs of maintaining, repairing, and improving the improvements installed on the Burdened Property by Big Sky Select in a manner reasonably and mutually acceptable to the Parties. The Benefitted Parties shall be responsible for snow removal from, and other routine maintenance of, the improvements installed on the Burdened Property with the exception of pedestrian trails.

D. Alteration and Improvement: The owners of the Benefitted Property may make such alterations, repairs, and improvements to the Easement and improvements installed thereon as are reasonably necessary to the use and enjoyment thereof, including without limitation installing lighting and structures reasonably associated with Authorized Uses. Any and all such alterations, repairs and improvements may be made at such times and in such a manner as mutually determined by the Parties, and shall be made at the sole cost and expense of the owners of the Benefitted Property.

5. Miscellaneous:

- a) This Agreement is and shall be deemed jointly drafted and written by all parties to it as each party has had a chance to have this Agreement reviewed by counsel and shall not be construed or interpreted against the party originating or preparing it. Both parties have participated in the preparation of this Agreement and in resolving any ambiguities, the parties agree that there shall be no presumption that the provisions of this Agreement are to be construed against the drafting party.
- b) In the event any provision of this Agreement, part thereof, or the application of such provision to any person or circumstance shall be determined by any Court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby, it being understood that such remaining provisions shall be construed in a manner most clearly approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part hereof.
- c) Each party hereto shall do all such things, take and perform all such actions and shall make, execute and deliver such other documents and instruments as shall be reasonably required to carry out the provisions, intent and purposes of this Agreement.
- d) This Agreement shall inure to the benefit of and be binding on each party's successors, assigns, heirs, administrators, representatives and trustees.
- e) The laws of the State of Montana shall govern this Agreement and all claims arising therefrom.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

SIGNATURES: In witness whereof, the following parties have hereunto set their hands and seals as of the day and year set forth above.

Grantor:
CITY OF GREAT FALLS, MONTANA

By: _____
Bob Kelly, Mayor

Date: _____

ATTEST:

By: _____
Lisa Kunz, City Clerk

CITY SEAL

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.

Grantee:
BIG SKY SELECT PROPERTIES, LLC
By: Big Sky Management Services, LLC, Manager

By: _____
Brion Lindseth, Manager

Exhibit A
Real Property Descriptions

Real property situated in Cascade County, Montana and more particularly described as follows:

AMENDED TRACT #1:

BEGINNING AT THE INTERSECTION OF THE COMMON R/W OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD AND THE GREAT NORTHERN RAILROAD AND THE NORTH R/W OF THE FIRST AVE. NORTH UNDERPASS HWY., RIGHT-OF-WAY PLAN F-224(5); THE TRUE POINT OF BEGINNING; THENCE N 89°32'45" W, 3.83 FT.; THENCE S 0°27'15" W, 16.2 FT.; THENCE N 89°32'45" W, 29.6 FT.; THENCE N 0°27'15" E, 10.7 FT.; THENCE N 89°32'45" W, 13.6 FT.; THENCE S 0°27'15" W, 10.7 FT.; THENCE N 89°32'45" W, 17.2 FT.; THENCE S 89°31'15" W, 226.60 FT.; THE LAST EIGHT COURSES HAVING BEEN ALONG THE NORTH R/W OF SAID FIRST AVE. NORTH UNDERPASS; THENCE N 45°28'45" W, 68.69 FT.; THENCE N 0°28'45" E, 43.68 FT.; TO A POINT ON THE CURVE; THENCE NORTHEASTERLY ALONG A CURVE WITH R = 790.07 (FORMERLY THE SOUTH R/W OF THE C.M. ST. P. & P. R.R.), AN ARC LENGTH OF 20.38 FT.; THENCE N 0°28'45" E, 80.6 FT. TO THE N.W. R/W OF THE C.M. ST. P. & P. RR (ALSO THE NE CORNER OF C.O.S. #1659); THENCE NORTHEASTERLY ALONG SAID R/W IN A CURVE WITH A RADIUS OF 666.20 FT., AND AN ARC LENGTH OF 383.85 FT.; THENCE S 74°41'30" E, 208.84 FT. TO A POINT, WHICH LIES 10 FT. WEST OF THE CENTERLINE OF GREAT NORTHERN RAILROAD TRACT; THENCE S 8°31'30" W, 377.16 FT. TO THE NORTH R/W OF FIRST AVE. N R/W; THENCE N 89°32'45" W, 96.17 FT. ALONG SAID R/W; THENCE N 0°27'15" E, 13.0 FT.; THENCE N 89°32'45" W, 13.45 FT. TO THE TRUE POINT OF BEGINNING.

ACCORDING TO CS#3607

AMENDED TRACT#2:

BEGINNING AT THE INTERSECTION OF THE COMMON R/W OF THE FORMER CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD AND THE GREAT NORTHERN RAILROAD AND THE NORTH R/W OF THE FIRST AVE. NORTH UNDERPASS HWY., RIGHT-OF-WAY PLAN F-224(5); THENCE N 15°18'30" E, 389.96 FT. TO THE TRUE POINT OF BEGINNING; THENCE N 74°41'30" W. 144.07 FT. TO THE WEST R/W OF THE FORMER C.M. ST. P. & P. RR; THENCE NORTHEASTERLY ALONG THE WEST R/W, 50 FT. FROM AND PARALLEL TO THE CENTERLINE OF SAID R.R., CENTERLINE RADIUS = 716.20 FT., AN ARC DISTANCE OF 99.03 FT. TO EC. STA. 4+36.70; THENCE ALONG THE WEST R/W IN A SPIRAL CURVE WITH A CENTERLINE LENGTH OF 160.0 FT. ON CENTERLINE TO ES STA. 5+96.7; THENCE N 16°55'30" E. 106.0 FT.; THENCE S 73°04'30" E, 150.62 FT. TO A POINT 10 FT. WEST OF CENTERLINE OF THE GREAT NORTHERN R.R.; THENCE SOUTHWESTERLY 10 FT. FROM AND PARALLEL TO A CURVE IN SAID CENTERLINE, WITH A RADIUS OF 1909.86 FT. AN ARC DISTANCE OF 31.72 FT.; THENCE SOUTHWESTERLY PARALLEL TO A CURVE, WITH A RADIUS OF 1637.02 FT., ARC DISTANCE OF 194.99 FT.; THENCE S 8°31'30" W. 127.41 FT.; THENCE N 74°41'30" W. 64.77 FT. TO THE TRUE POINT OF BEGINNING.

Prior Deed Reference: Document No. R0384096.

Exhibit B
Real Property Descriptions

Real property situated in Cascade County, Montana and more particularly described as follows:

Township 20 North, Range 3 East:

Section 01, IN NW2SW4, IN NESW MK B

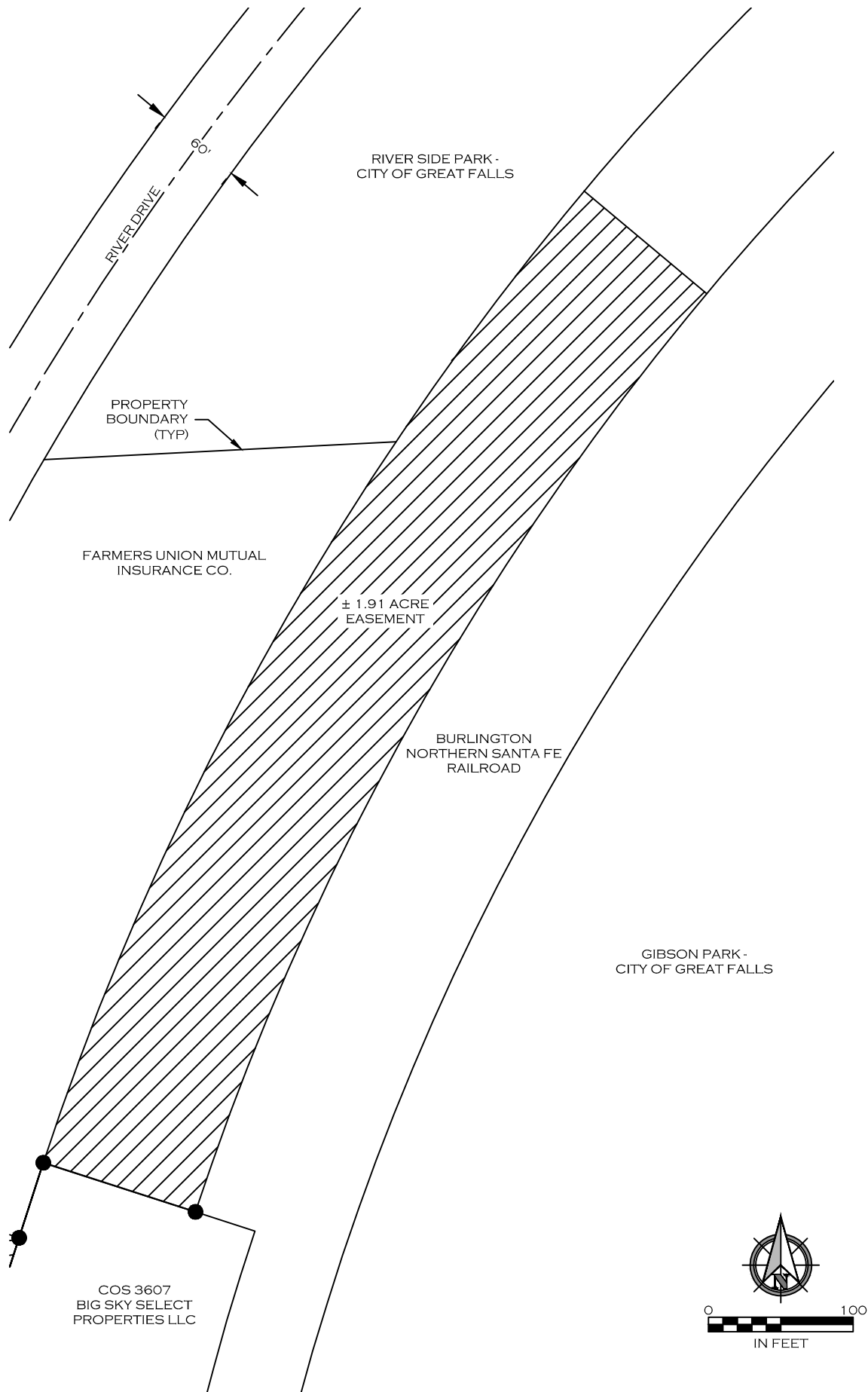
Exhibit C
Real Property Descriptions

Real property situated in Cascade County, Montana, generally depicted on the attached, and more particularly described as follows:

[LEGAL AND DRAWING OF EASEMENT TRACT ALONG RAILROAD]

EXHIBIT 'C'

AN EASEMENT WITHIN CITY OF GREAT FALLS PARCEL DESCRIBED AS SECTION 01, IN NW2SW4, IN NESW MK B, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA AND CITY OF GREAT FALLS PARCEL DESCRIBED AS SECTION 02, IN SESE MK B ELKS RIVERSIDE PARK, TOWNNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA



EX-A
1 OF 1

MILWAUKEE STATION APARTMENTS - PARKING EASEMENT

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955
 3860 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9565
 WWW.WOITHENG.COM

JOB #:	1925
DRAWN:	RLO
QA:	SMW
DATE:	7/6/20