



**City Commission Meeting Agenda  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
October 01, 2019  
7:00 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

1. Dodie Pinski Day, YWCA Week Without Violence and Family Promise Week

**PETITIONS AND COMMUNICATIONS**

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

2. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

3. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

4. Miscellaneous reports and announcements from Boards and Commissions.
5. Appointment to the Golf Advisory Board.

**CITY MANAGER**

6. Miscellaneous reports and announcements from City Manager.

**CONSENT AGENDA**

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

7. Minutes, September 17, 2019, Commission Meeting.
8. Total Expenditures of \$3,129,942 for the period of September 5, 2019 through September 18, 2019, to include claims over \$5000, in the amount of \$2,863,708.
9. Contracts List.
10. Lien Release List.
11. Authorize the City Manager to execute the contract for the City of Great Falls participation in the State of Montana Cooperative Purchasing Program.

12. Accept the Assistance to Firefighters Grant in the amount of \$122,673.63 to purchase powered extrication equipment for Great Falls Fire Rescue.
13. Postpone consideration of the design selection and bid award for the Creative Mural/Logo Design and Painting of the Gore Hill Water Tower project until the October 15, 2019 Commission meeting.
14. Award the bid award for butterfly valves and actuators to Core and Main in the amount of \$254,504.00.

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

### **PUBLIC HEARINGS**

15. Ordinance 3205, Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 9 Through 11; and, Repealing and Replacing Chapter 12 Pertaining to Administrative and Enforcement Bodies. *Action: Conduct a public hearing and adopt or deny Ord. 3205. (Presented by Sara Sexe)*
16. Amendment to a 2004 Development Agreement dated June 15, 2004 to revise Conditions #1 and #5 of said Agreement pertaining to development of Lots 1 through 7, Block 582, Fifth Addition to Great Falls Townsite. *Action: Conduct a public hearing and approve or not approve the amendment. (Presented by Craig Raymond)*
17. Resolution 10316, Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates Effective November 1, 2019. *Action: Conduct a public hearing and adopt or deny Res. 10316. (Presented by Jim Rearden and Melissa Kinzler)*

### **OLD BUSINESS**

18. Amendment to Annexation Agreement dated April 4, 1995 with the Great Falls International Airport to clarify ownership and responsibilities of roadways, easements and rights-of-way on Airport property. *Action: Remove item from the Table and agree or not agree to enter into the Amendment. (Presented by Chuck Anderson)*

### **NEW BUSINESS**

### **ORDINANCES / RESOLUTIONS**

### **CITY COMMISSION**

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

### **ADJOURNMENT**

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

*Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451.*

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



**Item:** Appointment to the Golf Advisory Board.  
**From:** City Manager's Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Appoint one member to the Golf Advisory Board.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission appoint \_\_\_\_\_ as a Non-League Member the for remainder of a three-year term through March 31, 2022.

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

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**Staff Recommendation:** It is recommended that the City Commission appoint Dennis W. Heppner to serve as a non-league representative for the remainder of a three-year term through March 31, 2022.

The Golf Board meetings for July, August, and September were cancelled for a lack of a quorum so staff is recommending appointment of Mr. Dennis Heppner. Mr. Heppner has been attending the meetings for the past year or so.

**Summary:** Jamie Kapp was appointed to the Golf Advisory Board in March 2018 to serve a partial term through March 31, 2019. Mr. Kapp has moved outside of the city making him ineligible to serve another term on the Board. A notice of the opening was sent to the local media and posted on the City's website. An application was received from Mr. Heppner.

**Background:** On December 18, 2018 the City Commission approved a three-year Management Agreement with CourseCo to manage the day to day operations of both Eagle Falls and Anaconda Hills Golf Courses. The Golf Advisory Board and Park and Recreation Administration and CourseCo will continue with monthly Board meetings.

Purpose

The Golf Advisory Board is comprised of five members with representation from the City Men's Golf Association, City Women's Golf Association, Malmstrom Golf Association, and two non-league golfers. The Board advises the City Commission regarding the operation of municipal golf courses. Members must reside within the City limits.

Evaluation and Selection Process

Advertising was done through the local media and on the City of Great Falls Website.

Continuing members of this board are:

Lori Muzzana – Malmstrom	3/4/14 – 3/31/20
Greg Bushman – Men’s	7/1/2019 – 3/31/20
Jackie Lohman – Women’s	4/1/16 – 3/31/22
Mark Johnson – Non-league	10/1/13 – 3/31/20

Citizen interested in serving on this board is:

Dennis W. Heppner

**Alternatives:** The Commission could choose not to appoint Mr. Heppner and direct staff to continue to advertise for the vacancy.

**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: <b>Golf Advisory Board</b>		Date of Application: <b>21 July 2019</b>	
Name: <b>DENNIS W. HEPPNER</b>			
Home Address: <b>625 Robin Court Great Falls, MT 59404</b>		Email address: <b>DHBIGSKY@BRESVAN.NET</b>	
Home Phone: <b>761-3262</b>	Work Phone: <b>-</b>	Cell Phone: <b>868-2222</b>	
Occupation: <b>Retired</b>		Employer: <b>-</b>	
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:  <b>I HAVE PLAYED GOLF ON THE CITY COURSES FOR OVER 30 YEARS.</b>			
Educational Background: <b>Retired Military.</b> <b>I AM A PILOT WITH PRIVATE, COMMERCIAL AND MILITARY EXPERIENCE.</b> <b>I WAS ALSO A PROGRAM MANAGER FOR AVMAX AVIATION.</b>			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: <b>NONE CURRENTLY. I HAVE BEEN A PAST PRESIDENT OF THE MT NCOA, A VOLUNTEER BOARD MEMBER FOR THE MS AND MARCH OF DIMES AND HAVE ASSISTED MY FAMILY IN RUNNING THE INFORMATION BOOTH FOR THE MT STATE FAIR.</b>			
Previous and current public experience (elective or appointive): <b>NONE</b>			
Membership in other community organizations: <b>ALTERED CLASSICS CAR CLUB</b>			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I HAVE BECOME AN INTERESTED SPECTATOR AT THE MONTHLY GOLF ADVISORY MEETINGS AND LIKE TO BE A VOTING MEMBER OF THAT GROUP.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission?	
Additional comments:	
Signature	Date:

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**  
**September 17, 2019**

Regular City Commission Meeting

Mayor Bob 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, Bill Bronson, Tracy Houck, and Mary Sheehy Moe. Commissioner Owen Robinson was excused. Also present were the Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Acting City Engineer Jim Young; Planning and Community Development Deputy Director Tom Micuda; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herring; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** Deputy City Manager Chuck Anderson reported that the original Amendment to Annexation Agreement was not provided for Agenda Item 14, and staff is recommending a change in the motion. The Tourism Business Improvement District (TBID) assessment amount was corrected in the Agenda Report for Agenda Item 16 that was updated after original posting on the City's website. The City Commission approved the Agenda.

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

1.

**PROCLAMATIONS**

Commissioner Bronson read a proclamation for Constitution Week and Commissioner Houck read a proclamation for Down Syndrome Awareness Month.

Commissioner Moe announced that, at the Montana League of Cities and Towns Annual Conference in Billings, MT on October 3, 2019, Commissioner Bronson will be recognized for his exemplary contributions to the City with its Lifetime Achievement Award.

**PETITIONS AND COMMUNICATIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Lynne Parcel**, 201 Riverview Place, expressed concern about a group home in her neighborhood exceeding the City Ordinance for noise limits, and requested guidance and assistance with regard to resolving the issue.

**Teresa Bede**, 213 Riverview Lane, concurred with the previous speaker.

**Jody Kalafat**, 217 Riverview Lane, expressed concern about the safety of residents who live next to the group home.

**Tim Parcel**, 201 Riverview Place, commented that he is not against the group home; however, believes that some individuals should not be living in the group home.

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Police Chief Dave Bowen stepped out to discuss the group home concerns with the previous speakers.

Commissioner Bronson explained that group homes are allowed to be placed in residential areas, which makes the Police Department responsible for dealing with issues at group homes.

Referring to a previous Commission meeting, **John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that Planning and Community Development Director Craig Raymond lied about contaminant levels in the water supply being under control. Mr. Hubbard expressed concern with regard to property taxes increasing.

**NEIGHBORHOOD COUNCILS**

**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS & COMMISSIONS**

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

**Joan Redeen**, Community Director of the Great Falls Business Improvement District (BID), 318 Central Avenue, reported that the BID successfully held its first annual ArtsFest Montana in August, and that murals were completed in four locations throughout the City.

**CITY MANAGER**

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Deputy City Manager Chuck Anderson reported on the following:

- Communications Specialist Lanni Klasner attended the 2019 City-County Communications and Marketing Association Annual Conference to learn best practices and how to network with individuals who have similar roles within local governments.
- Mansfield Center for the Performing Arts Manager Owen Grubenhoff visited representatives from the Wilma Theatre, Top Hat, KettleHouse Amphitheater, Roxy Theatre and Montana Children's Theatre to network with, and he received viable information from other theatres.
- Four new Police Officers were sworn in last week, and the Police Department is fully staffed for officers, including a new court bailiff position.
- Patty Cadwell Memorial Bench Dedication will be on September 18, 2019 at Grande Vista Park at 5:30 p.m.

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- Great Falls Fire Rescue and City County Health Department will be conducting “Flu Shot Fridays” starting October 4, 2019, and Great Falls Fire Rescue will also offer free car seat checks.

**CONSENT AGENDA.**

6. Minutes, September 3, 2019, Commission meeting.
7. Total Expenditures of \$2,149,573 for the period of August 17, 2019 through September 5, 2019, to include claims over \$5000, in the amount of \$1,880,496.
8. Contracts List.
9. Grants List.
10. Approve a final payment for the 22<sup>nd</sup> Street SW Sanitary Sewer Replacement (Central Avenue West-1<sup>st</sup> Avenue SW) project, in the amount of \$8,143.61 to Capcon LLC. And \$82.26 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1743.1**
11. Approve a final payment for the Electric City Water Park Bath House Restoration and Remodel, in the amount of \$34,735.75 to Wadsworth Builders Company Incorporated and \$350.87 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1740.1**
12. Approve Change Order #1 in the amount of \$118,760.03 for the 18th Street Storm Drain Improvements Phase 2B, and approve final payment in the amount of \$34,119.82 to Central Excavation and \$344.64 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1462.5**
13. Recommend staff re-advertise for the Historic Preservation of the 10th Street Bridge, Phase 3 project due to no bids being received. **OF 1709.1**

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

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

Motion carried 4-0.

**PUBLIC HEARINGS**

**OLD BUSINESS**

14. **AMENDMENT TO ANNEXATION AGREEMENT WITH THE GREAT FALLS INTERNATIONAL AIRPORT DATED APRIL 4, 1995 TO CLARIFY OWNERSHIP AND RESPONSIBILITIES OF ROADWAYS, EASEMENTS AND RIGHTS-OF-WAY ON AIRPORT PROPERTY.**



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Deputy City Manager Chuck Anderson reported that the Great Falls International Airport Authority (GFIAA) is a regional airport authority responsible for the maintenance and operation of the Great Falls International Airport. Under Montana statutory law, the GFIAA is an entity whose functions and assets are public and governmental in nature, exercised for a public purpose and matters of public necessity. The GFIAA was created by a joint resolution of the City and Cascade County on January 15, 1980. On April 4, 1995 the City and GFIAA entered into an Annexation Agreement for Great Falls International Airport by which the City agreed to convey to the GFIAA the real property comprising the airport and upon which improvements owned by the GFIAA were situated in exchange for the GFIAA's agreement to annex the airport into the City.

Differences in interpretation of the Annexation Agreement language, as relating to roadways on airport property have occurred throughout the intervening years since the annexation. The Annexation Agreement contains several references to the roads located on the airport property, including:

- “Roadways which will remain public roads, in the control and responsibility of the City.”
- “Excepting only street maintenance assessments, upon annexation the City shall not extend the boundaries of any maintenance or special improvement district to include Authority owned properties without the prior written consent of the Authority.”
- “Roadways contained within the real property retained by the City, shall remain public roads, in the control and responsibility of the City.”

On July 1, 2000, the City and the GFIAA entered into a 5-year Contract to address street and traffic control maintenance. The primary reason for these Agreements was that the Airport was performing maintenance and other responsibilities on roads that it claimed the City was obligated to maintain, as it retained control and responsibility for them.

The Contract was extended to July 1, 2010 and in 2014 and 2015, the GFIAA underwent processes to obtain ownership of roadways within the GFIAA boundaries, from the Montana Department of Transportation (MDOT).

In 2017, the City and the GFIAA resolved a pending dispute over ownership of property affected by the 1995 Annexation Agreement. The City maintains the GFIAA is subject to the street maintenance assessment based in part upon the 1995 Annexation Agreement. The GFIAA maintains it cannot be assessed street maintenance fees based on the federal prohibition on revenue diversion.

The issues involved in the street maintenance assessment arose in part because of differing interpretations about the Annexation Agreement language, as relating to roadways on airport property. As public bodies with a long history of collegial and collaborative actions working for the betterment of Great Falls and its surrounding area, the parties desire to resolve the issues

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surrounding street maintenance assessments. With this amendment to the Annexation Agreement, these differing interpretations will be removed to clarify that the GFIAA owns, maintains and is responsible for all roadways on the annexed airport property, and the roadways will remain public roads.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission agree to enter into the Amendment to Annexation Agreement dated April 4, 1995 for the purpose of clarification of the Annexation Agreement terms.**

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

**John Faulkner**, Airport Director, 2800 Terminal Drive, urged the Commission to move the issue forward by agreeing to enter into the Amendment to the Annexation Agreement. Mr. Faulkner explained that the Federal Aviation Administration (FAA) has determined that ownership of the roads is unclear in the Annexation Agreement. Amending the Annexation Agreement clarifies ownership of the roads, and a clear title would allow for Airport Improvement Funds to be utilized for road improvements.

Commissioner Bronson commented that he doesn't have an issue with the Amendment to the Annexation Agreement; however, expressed concern with regard to not having prior approval of the Airport Authority Board.

Referring to Love's Travel Shop and Country Stores, Commissioner Moe received clarification that Love's is paying street assessments on their annexed lots since they are not located on Airport property, and the Amendment to the 1995 Annexation Agreement would not have any bearing on the Love's project.

Commissioner Moe expressed concern that the Amendment to the Annexation Agreement had not been provided to the Airport Authority Board for their review and approval, and landowners not having the opportunity to express their concerns. Commissioner Moe received clarification that roadway projects need to be submitted in October, 2019 for the 2020 Grant Cycle to the FAA.

Mayor Kelly expressed concern with regard to the transparency of approving the Amendment before the Airport Authority Board has reviewed and approved it. Mayor Kelly expressed appreciation to City staff, as well as to Mr. Faulkner for their cooperation and efforts with regard to the Amendment.

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

Motion failed 0-4.

**Commissioner Moe moved, seconded by Commissioners Houck and Bronson, that the City Commission table action on the item until the October 1, 2019 City Commission meeting.**

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

Motion carried 4-0.

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**15. RESOLUTION 10303, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.**

Finance Director Melissa Kinzler reported that the initial creation of the Business Improvement District (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 BID's overall purpose is to utilize assessment dollars through the BID to improve and revitalize the downtown area.

On July 16, 2019 the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. Following the public hearing held on July 16, 2019, the City Commission moved to adopt the 2019/2020 Work Plan and Budget for the BID. The actual assessment for 2019/2020 based on the above assessment formula will generate \$247,348.33 in assessment revenue.

**Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10303.**

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

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed concern with regard to property taxes within the BID and TBID.

Referring to Mr. Hubbard's comments, **Joan Redeen**, Community Director of the Great Falls Business Improvement District (BID), 318 Central Avenue, explained that levying and assessing properties within the BID is not a tax, and that it is a special assessment that property owners within the BID boundaries agree to have imposed upon their properties.

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

Motion carried 4-0.

**16. RESOLUTION 10304, TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISIM BUSINESS IMPROVEMENT DISTRICT.**



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Finance Director Melissa Kinzler reported that the initial creation of the Tourism Business Improvement District (TBID) was in 2008. On February 6, 2018, the City Commission approved Resolution 10222 re-creating said TBID for a duration of ten 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.

On July 16, 2019 the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. Following the public hearing held on July 16, 2019, the City Commission moved to adopt the 2019/2020 Work Plan and Budget for the TBID.

The assessment will be a flat fee of \$2 per occupied room night for establishments with 31 or more rooms and a flat fee of \$1 per occupied room night for establishments with 1-30 rooms. The new assessment method began on July 1, 2018, and Fiscal Year 2019/2020 will be the first year of billing the assessment with the new formula because the assessment is billed a year behind.

The assessment amount requested by the TBID through their Work Plan and Budget was \$692,000. The actual assessment for 2020 based on the above assessment formula will generate \$779,677. The increase of \$87,677 is attributed to increased lodging during the assessment period.

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10304.**

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

**Rebecca Engum**, Great Falls Tourism Business Improvement District (TBID), 100 1st Avenue North, explained that one of the properties within the TBID either incorrectly accounted for room nights or incorrectly accounted for the \$2 assessment amount. The assessment amount was calculated at \$1 instead of \$2 and the new owner confirmed that the amount of funds provided during the sale is the same as the amount of funds listed on the third-party accounting firms report.

Commissioner Bronson commented that since assessments are attached to properties, the new owner may have to deal with the prior owner if there is a complaint about improper assessments.

Commissioner Houck explained that levying and assessing properties within the TBID is not a tax, and the TBID uses its monies to advertise for the community.

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

Motion carried 4-0.

17. **ORDINANCE 3205, TO AMEND TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 9 THROUGH 11; AND, REPEALING AND REPLACING CHAPTER 12 PERTAINING TO ADMINISTRATIVE AND ENFORCEMENT BODIES.**

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Assistant City Attorney Joe Cik reported the non-substantive changes vary from typographical errors and formatting issues. The first substantive change amends Articles 1 and 2 to move zoning approval provisions from the Planning Advisory Board (PAB) provisions to the Zoning Commission (ZC) provisions. This amendment will be consistent with State Law and current practice.

The second proposed substantive change is to eliminate repetitive election, membership, and officer regulations pertaining to the ZC. The ZC is comprised of the same membership, term limits, and elected officers as the PAB. By simply cross referencing the PAB provisions in the ZC Article, a large amount of unnecessary language will be eliminated.

The final substantive change is removing the Airport Zoning and Hazard Board designations from the ZC and BOA. These designations are not required under Montana Law and are inconsistent with current practice.

**Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3205 on first reading and set a public hearing for October 1, 2019.**

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

Motion carried 4-0.

**CITY COMMISSION**

**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Bronson announced that he will not be in attendance at the October 1<sup>st</sup> work session.

Referring to comments made by a previous speaker, Mayor Kelly clarified that Planning and Community Development Director Raymond is not a liar, and that Mr. Raymond was not the individual who responded to the issues with the water treatment plant at a previous Commission meeting. Mayor Kelly commented that Public Works Director Jim Rearden responded to the water treatment plant issues.

Commissioner Moe expressed concern with regard to speakers using curse words at Commission meetings when there are children in the audience.

Mayor Kelly expressed appreciation to the Police Department for its response time to situations in the City.

**19. COMMISSION INITIATIVES.**

None.

**JOURNAL OF COMMISSION PROCEEDINGS**  
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**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Bronson , to adjourn the regular meeting of September 17, 2019, at 8:25 p.m.**

Motion carried 4-0.

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

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

Minutes Approved: October 1, 2019

DRAFT



**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 SEPTEMBER 5, 2019 - SEPTEMBER 18, 2019	3,129,942.02
TOTAL: \$ <u>3,129,942.02</u>	

**GENERAL FUND**

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**OTHER ADMIN**

CTA ARCHITECTS ENGINEERS	PHASE I CC EXTERIOR ENVELOPE REHAB ARCHITECTURAL SERVICES	5,292.21
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**SPECIAL REVENUE FUND**

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**STREET DISTRICT**

GREAT FALLS SAND & GRAVEL	HOT MIX TYPE B & TYPE C	34,233.67
UNITED MATERIALS OF GREAT FALLS	OF 1708 SKYLINE ADDITION (SPLIT AMONG FUNDS)	53,044.20
E J CARPENTRY LLC	OF 1733.0 PW FACILITY IMPROVEMENTS (SPLIT AMONG FUNDS)	50,384.24

**PARK MAINTENANCE DISTRICT**

TERRACON CONSULTANTS INC	OF 1740.2 JAYCEE PARK, PICKLEBALL BBALL, PAVILION IMPROVEMENTS	5,000.00
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**ENTERPRISE FUNDS**

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**WATER**

STATE OF MONTANA	OF 1494.6 1% TAX WATER MAIN CROSSING UNDER THE UPPER MISSOURI RIVER	10,594.42
THATCHER CO OF MONTANA	CHEMICALS	16,401.32
THE HDD COMPANY, INC	OF 1494.6 WATER MAIN CROSSING UNDER THE UPPER MISSOURI RIVER	1,048,847.85
UNITED MATERIALS OF GREAT FALLS	OF 1708 SKYLINE ADDITION (SPLIT AMONG FUNDS)	40,441.50

**ENTERPRISE FUNDS (CONTINUED)**

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**SEWER**

NCI ENGINEERING CO	OF 1722.1 LIFT STATION #9 REHAB	6,865.44
HORN CONSTRUCTION LLC	OF 1743.0 5TH ST N / 7TH ALLEY N MAIN REPLACEMENT	27,671.81
DENNY MENHOLT CHEVROLET	2019 CHEVY HD 2500 DOUBLE CAB 4WD	29,590.00

**STORM DRAIN**

UNITED MATERIALS OF GREAT FALLS	OF 1554.4 SOUTH GTF STORM DRAIN IMPROVEMENTS	237,779.05
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**SANITATION**

E J CARPENTRY LLC	OF 1733.0 PW FACILITY IMPROVEMENTS (SPLIT AMONG FUNDS)	44,951.24
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**PARKING**

STANDARD PARKING CORPORATION	CONTRACT SERVICES FOR OPERATING DOWNTOWN PARKING PROGRAM FOR JULY 2019	30,229.24
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**INTERNAL SERVICES FUND**

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**FISCAL SERVICES**

TYLER TECHNOLOGIES INC	NEW WORLD SOFTWARE E-TIMESHEETS SUPPORT AND UPDATE LICENSING	5,618.00
DATAPROSE	POSTAGE & STATEMENT PRINTING FOR AUGUST 2019	10,006.16

**INFORMATION TECHNOLOGY**

DELL MARKETING LP	EXCHANGE SERVER POWEREDGE R440 ERS	7,860.08
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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	FUEL	24,547.99
TITAN MACHINERY INC	DEMO PELICAN SWEEPER	189,062.85
E J CARPENTRY LLC	OF 1733.0 PW FACILITY IMPROVEMENTS (SPLIT AMONG FUNDS)	102,949.64

**PUBLIC WORKS ADMINISTRATION**

HIGH POINT NETWORKS LLC	MITEL PHONE IMPLEMENTATION	6,815.00
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**TRUST AND AGENCY**

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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	52,305.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,142.86
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	54,909.32
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	71,896.14
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	135,742.41
US BANK	FEDERAL TAXES, FICA & MEDICARE	223,728.61
AFLAC	EMPLOYEE CONTRIBUTIONS	9,644.51
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	27,499.77
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	18,623.41
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	27,573.78
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	45,756.04

**UTILITY BILLS**

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ENERGY WEST RESOURCES INC	AUGUST 2019 CHARGES	8,899.78
NORTHWESTERN ENERGY	JUNE 2019 TRANSMISSION CHARGES	8,706.49
NORTHWESTERN ENERGY	AUGUST 2019 WATERPLANT CHARGES	20,726.98
HIGH PLAINS LANDFILL	AUGUST 2019 CHARGES	88,826.57
ENERGY KEEPERS INC	AUGUST 2019 CHARGES	72,540.00

**CLAIMS OVER \$5000 TOTAL:** \$ 2,863,707.58

CITY OF GREAT FALLS, MONTANA

AGENDA: 9

COMMUNICATION TO THE CITY COMMISSION

DATE: October 1, 2019

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
<b>A</b>	Public Works/ Engineering	Sletten Construction	09/12/2019- 12/31/2020	\$2,840.50	Ratification of Agreement for repair of C Channel Beam on Sanitation SE door frame located at the Public Works Street/Sanitation building <b>OF 1733.2</b>
<b>B</b>	Great Falls Animal Shelter	TD&H Engineering	09/12/2019	\$6,000 Est.	Ratification of Agreement for materials testing and soil construction special inspection required for the Animal Shelter Cattery Addition <b>OF 1673</b>
<b>C</b>	Great Falls Police Department	Michael Baker International, Inc.	10/01/2019- 6/19/2020	\$16,375 (\$13,375 MLIA)	Professional Services Agreement for Phase 1 Next Generation 9-1-1 GIS

				Grant Funds, \$1,500 match Cascade County, \$1,500 match City of Great Falls)	Strategic Implementation Plan for Great Falls and Cascade County (CR 080619.9)
<b>D</b>	Great Falls Police Department	Cascade County	07/01/2019 06/30/2020	\$13,375 MLIA Grant Funds, \$1,500 match Cascade County, \$1,500 match City of Great Falls	Interlocal Agreement between the City of Great Falls and Cascade County for preparing Great Falls-Cascade County for Next Generation (NG) 9-1-1 Cascade County Resolution No. 19-58 (MLIA Grant) (CR 080619.9, 100119.9C)
<b>E</b>	Planning and Community Development	Montana Department of Transportation (MDT)	10/01/2019- 10/01/2029	\$0	Memorandum of Agreement for installation of sidewalk, curb, landscaping and irrigation equipment within the 3 <sup>rd</sup> Street NW/N-101 right-of-way North 40 Outfitters project <b>OF 1732.4</b>



**CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 10  
DATE: October 1, 2019**

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

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

**ACTION REQUESTED:** Ratification of Lien Releases through the Consent Agenda

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**LIEN RELEASES**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Finance Department	Chester Blasiak	Current	2520.31.531.43590	\$200	Partial Release of Resolution #9543 for Levying and Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1416 13 <sup>th</sup> Avenue SW – Lot 7, Block 3, University Addition, Parcel # 1734200



**Item:** Cooperative Purchasing Memorandum of Understanding with the State of Montana

**From:** Melissa Kinzler, Finance Director

**Initiated By:** State of Montana Procurement Bureau

**Presented By:** Melissa Kinzer, Finance Director

**Action Requested:** City Commission approval for the City of Great Falls to participate in the State of Montana Cooperative Purchasing Program

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (authorize/ not authorize) the City Manager to execute the contract for the City of Great Falls participation in the State of Montana Cooperative Purchasing Program.”

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

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**Staff Recommendation:** Staff recommends that the City Commission authorize the City of Great Falls to participate in the State of Montana Cooperative Purchasing Program.

**Background:** The City of Great Falls has participated in the State of Montana Cooperative Purchasing Program since at least 1995. Based on procurement laws of the State of Montana, the Cooperative Purchasing Memorandum of Understanding (memorandum) must be updated every seven years. The City of Great Falls Memorandum was last updated October 11, 2012. The City of Great Falls is currently using the memorandum to purchase office supplies, computer equipment, vehicles (police cars), and large equipment. Participation in the program reduces the workload of all City Departments, especially Fleet Management, the Finance Department, and the City Clerk’s office in the time and effort associated with the bid/proposal process. This program does not require the City to follow the typical bid process.

**Fiscal Impact:** Participation in this program allows the City to get the best price on office supplies, computer equipment, vehicles and large equipment. The State of Montana is able to negotiate lower prices based on economies of scale and up front pricing discounts.

**Alternatives:** Reject and use the traditional request for proposal process.

**Concurrences:** City Attorney, Public Works Fleet Management

**Attachments/Exhibits:** Cooperative Purchasing Memorandum of Understanding

# COOPERATIVE PURCHASING MEMORANDUM OF UNDERSTANDING

1. This Memorandum of Understanding (MOU) is made and entered into between the Montana Department of Administration, ("STATE") and the City of Great Falls, a local public procurement unit ("LOCAL UNIT") or tribal procurement unit ("TRIBAL UNIT") as defined in section 18-4-401, Montana Code Annotated (MCA).

Greg Doyon, shall represent the City of Great Falls in working with this Agreement. Meghan Holmlund, of the State Financial Services Division, Department of Administration shall represent the STATE.

2. The purpose of this Memorandum of Understanding is to permit the LOCAL UNIT or TRIBAL UNIT to purchase supplies and services from vendors at the prices, terms, and conditions contained in contracts between the STATE and those vendors. The methods by which the LOCAL UNIT or TRIBAL UNIT may participate in state contracts are through the Requisition Time Schedule for vehicles, Term Contracts, eMACS Marketplace, and Purchase Orders or Contracts established from Invitations for Bid or Requests for Proposal.
3. It is understood and agreed that this Memorandum of Understanding is entered into pursuant to the provisions of sections 18-4-401 through 18-4-407, MCA, and that no separate legal entity is hereby created. In compliance with this MOU, the LOCAL UNIT or TRIBAL UNIT shall indicate how it qualifies as a "Local Public Procurement Unit", as defined by 18-4-401(2), MCA:

- COUNTY
- CITY OR TOWN
- PUBLIC AGENCY
- EDUCATIONAL INSTITUTION\*
- NONPROFIT HEALTH INSTITUTION\*
- PUBLIC AUTHORITY\*
- OTHER\*

\* Those organizations that are asserting qualification under these criteria must supply the STATE with written verification that they are currently receiving public funding. **Organizations that fail to provide such verification may be rejected.**

4. The STATE shall:
  - a. Conduct the procurement in compliance with the Montana Procurement Code, Title 18, (MCA) and the Administrative Rules of Montana (ARM), Title 2, Chapter 5.
  - b. Provide the LOCAL UNIT or TRIBAL UNIT with information on all eligible Term Contracts or Requisition Time Schedule items. All prices, terms, and conditions indicated on the listing are valid for the period stated therein.
  - c. Inform vendors that the LOCAL UNIT or TRIBAL UNIT is an eligible participant in any solicitation intended for cooperative purchasing.
  - d. Determine the specifications for the supplies and services.

5. The LOCAL UNIT or TRIBAL UNIT shall:

- a. Ensure that all local or tribal procurement requirements have been met prior to participation in a state contract.
- b. Ensure that purchase orders issued against state contracts are in accordance with the prices, terms, and conditions established in the state contract.
- c. Make timely payments to the vendor. Payment for supplies, services or taxes and inspection and acceptance of supplies and services ordered by the LOCAL UNIT or TRIBAL UNIT shall be the exclusive obligation of said unit.
- e. Be responsible for the ordering of supplies or services.

The exercise of any rights or remedies by the local public procurement unit or tribal procurement unit shall be the exclusive obligation of such unit; however, the STATE, as the contract administrator and without subjecting itself to any liability, may join in the resolution of any controversy should it so desire.

- 6. The LOCAL UNIT or TRIBAL UNIT agrees that it will be responsible for all disputes that may arise between it and a vendor. The LOCAL UNIT or TRIBAL UNIT shall hold the STATE harmless from any liability that may arise from its utilization of this cooperative purchasing Memorandum of Understanding.
- 7. It is understood and agreed that the STATE may, pursuant to section 18-4-406 (3), MCA, charge a management fee for services provided under this Memorandum of Understanding. Such fees will not be assessed unless the LOCAL UNIT or TRIBAL UNIT has been notified.
- 8. The LOCAL UNIT or TRIBAL UNIT authorizes the Contractor to release any information pertaining to a state contract when requested by the STATE.
- 9. This Memorandum of Understanding will take effect upon execution by both parties and shall continue until it is terminated by giving 30 days written notice to the other party.

\_\_\_\_\_  
**FOR THE LOCAL PUBLIC PROCUREMENT UNIT  
OR TRIBAL PROCUREMENT UNIT**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**STATE PROCUREMENT BUREAU  
DEPARTMENT OF ADMINISTRATION**

\_\_\_\_\_  
**DATE**

**PLEASE FILL IN THIS PORTION FOR CORRECT SHIPPING AND BILLING PURPOSES**

City of Great Falls  
Account Payable  
2 Park Drive South  
PO Box 5021  
Great Falls, MT 59403  
406-455-8425  
ap@greatfallsmt.net

This agreement must be signed by a local government or tribal official and returned to:

State of Montana  
State Procurement Bureau  
[cooppurchasing@mt.gov](mailto:cooppurchasing@mt.gov)



**Item:** Department of Homeland Security Assistance to Firefighters Grant EMW-2018-FO-00718

**From:** Stephen A. Hester, Fire Chief

**Initiated By:** Stephen A. Hester, Fire Chief

**Presented By:** Stephen A. Hester, Fire Chief

**Action Requested:** Accept the Assistance to Firefighters Grant (AFG) EMW- 2018-FO-00718 Award from the Department of Homeland Security (DHS)

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) the Assistance to Firefighters Grant in the amount of \$122,673.63 to purchase powered extrication equipment for Great Falls Fire Rescue.”

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

---

**Staff Recommendation:** Staff recommends the Commission accept the \$122,673.63 AFG grant to purchase rescue extrication equipment for Great Falls Fire Rescue.

**Summary:**

The Assistance to Firefighters Grant (AFG) for \$122,673.63 requires the City to provide a 10% funding match of \$12,267.37. The project scope was to replace the Department’s antiquated hydraulic tools with 4 sets of battery operated tools. The new tools operate at higher pressure that are required to cut, pry today’s automobile structure support and bracing. The tools are more easily deployed and are more efficient and lighter that will allow firefighters to more quickly get access and remove to auto accident victims.

**Background:**

This project is intended to replace two sets of antiquated hydraulic extrication tools with four sets of battery-operated tools. The cost per set is \$33,563 and includes a spreader, cutter, two rams, and stabilization struts plus \$689 for shipping. If approved, the Department would purchase four complete sets for a total of \$134,941.00 and put them in service on department’s four frontline engines.

Great Falls Fire Rescue (GFFR) runs nearly 8,000 calls for service annually with over 300 being motor vehicle accidents (MVA), and currently utilizes 20 year old extrication tools and homemade stabilizer struts on MVA’s and rescues. The extrication gear is approaching the end of its functional life and the

battery-powered tools, for which we are requesting funding, do not require a hydraulic pump for operation, making them lighter, more mobile, and quicker to deploy than traditional extrication equipment. They also provide more cutting and spreading power with a faster throw than our old equipment. After extensive research, staff believes that these tools represent tremendous value and are what the mix of high-speed MVA's on our congested roadways and rural areas require.

Having extrication equipment on all four frontline apparatus would benefit customers and potentially save lives by providing the certainty of timely availability of modern, effective extrication tools throughout the City. While traffic is typically light in Montana, the State has one of the highest rates of per capita, single vehicle and roll-over crashes in the United States. Bracketed by Interstate 15 and Highway 87 and split by the busiest urban roadway in Montana, Great Falls is frequently impacted by the loss associated with high-speed MVA's. Additionally, our response area is permeated with secondary, rural routes and besieged by several months of harsh weather, and poor road conditions that often require rescuers to work in rough and dangerous environments.

Lastly, GFFR recently entered into a Mutual Aid Agreement with the 18 rural fire districts within Cascade County, who have limited training and access to rescue equipment. This commitment to Volunteer partners has increased the number of MVA calls GFFR responds to, sending resources out of the traditional jurisdiction and affirms the need to have four sets of extrication equipment to ensure resources are available both in district and for mutual aid.

**Fiscal Impact:**

The grant requires a 10% match of \$12,267.37.

**Alternatives:**

Reject the grant award, this is not recommended as the City would need to find alternate funding for replacement of the aging equipment.

**Attachments/Exhibits:**

AFG Award Documents



# Award Letter

U.S. Department of Homeland Security  
Washington, D.C. 20472

Steve Hester  
CITY OF GREAT FALLS  
PO BOX 5021  
GREAT FALLS, MT 59403  
EMW-2018-FO-00718



Dear Steve Hester,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Assistance to Firefighters Grant (AFG) funding opportunity has been approved in the amount of \$122,673.63 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 10.00 percent of the Federal funds awarded, or \$ 12,267.37 for a total approved budget of \$ 134,941.00 . Please see the FY 2018 AFG Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 AFG Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,



Bridget Bean  
Acting Assistant Administrator  
Grant Programs Directorate

# Summary Award Memo

**Program:** Fiscal Year 2018 Assistance to Firefighters Grant

**Recipient:** CITY OF GREAT FALLS

**DUNS number:** 060267093

**Award number:** EMW-2018-FO-00718

## Summary description of award

The purpose of the Assistance to Firefighters Grant program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Assistance to Firefighters Grants funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award. The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

<b>Object Class</b>	<b>Total</b>
Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$134,252.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$689.00
<b>Federal</b>	<b>\$122,673.63</b>
<b>Non-Federal</b>	<b>\$12,267.37</b>
<b>Total</b>	<b>\$134,941.00</b>

## **Approved scope of work**

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 AFG NOFO.

### **Approved request details:**

## **Equipment**

## Vehicle Extrication Equipment

### DESCRIPTION

4 sets of battery powered extrication tools to include Ram, Spreader, Cutter, and stabilizer struts for the 4 frontline rescue/engines including charges and mounting brackets that meet current NFPA 1936 standard.

QUANTITY	UNIT PRICE	TOTAL
4	\$33,563.00	\$134,252.00

### BUDGET CLASS

Equipment

## Additional Funding

### DESCRIPTION

Other equals shipping costs

Amount  
\$689.00

### BUDGET CLASS

Other

## **Agreement Articles**

**Program:** Fiscal Year 2018 Assistance to Firefighters Grant

**Recipient:** CITY OF GREAT FALLS

**DUNS number:** 060267093

**Award number:** EMW-2018-FO-00718

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**Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

**Article 2 DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

**Article 3 Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.



**Article 4 Activities Conducted Abroad**

Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

**Article 5 Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

**Article 6 Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

**Article 7 Best Practices for Collection and Use of Personally Identifiable Information (PII)**

Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.

**Article 8 Civil Rights Act of 1964 – Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

**Article 9 Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D)

**Article 10 Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

**Article 11 Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

**Article 12 Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).

**Article 13 Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

- Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**  
Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
- Article 15 Energy Policy and Conservation Act**  
Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- Article 16 False Claims Act and Program Fraud Civil Remedies**  
Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
- Article 17 Federal Debt Status**  
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- Article 18 Federal Leadership on Reducing Text Messaging while Driving**  
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
- Article 19 Fly America Act of 1974**  
Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
- Article 20 Hotel and Motel Fire Safety Act of 1990**  
In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. § 2225.

- Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)**  
Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningfulaccess-people-limited> and additional resources on <http://www.lep.gov>.
- Article 22 Lobbying Prohibitions**  
Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
- Article 23 National Environmental Policy Act**  
Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
- Article 24 Nondiscrimination in Matters Pertaining to Faith-Based Organizations**  
It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
- Article 25 Non-supplanting Requirement**  
Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.
- Article 26 Notice of Funding Opportunity Requirements**  
All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

**Article 27 Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

**Article 28 Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Article 29 Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Article 30 Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 31 Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 32 SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

- Article 33 Terrorist Financing**  
Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.
- Article 34 Trafficking Victims Protection Act of 2000**  
Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.
- Article 35 Universal Identifier and System of Award Management (SAM)**  
Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.
- Article 36 USA Patriot Act of 2001**  
Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.
- Article 37 Use of DHS Seal, Logo and Flags**  
Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.
- Article 38 Whistleblower Protection Act**  
Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.
- Article 39 Acceptance of Post Award Changes**  
In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to [ASK-GMD@dhs.gov](mailto:ASK-GMD@dhs.gov) if you have any questions.

**Article 40 Prior Approval for Modification of Approved Budget**

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**Article 41 Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**Article 42 Environmental Planning and Historic Preservation**

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

## Obligating document

<b>1. Agreement No.</b> EMW-2018-FO-00718	<b>2. Amendment No.</b> N/A	<b>3. Recipient No.</b> 81-6001269	<b>4. Type of Action</b> AWARD	<b>5. Control No.</b> WX02674N2019T		
<b>6. Recipient Name and Address</b> CITY OF GREAT FALLS 2 PARK DR S ROOM 104 GREAT FALLS, MT 59401		<b>7. Issuing FEMA Office and Address</b> Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		<b>8. Payment Office and Address</b> FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
<b>9. Name of Recipient Project Officer</b> Jeremy Jones		<b>9a. Phone No.</b> 4067918968	<b>10. Name of FEMA Project Coordinator</b> Assistance to Firefighters Grant Program		<b>10a. Phone No.</b> 1-866-274-0960	
<b>11. Effective Date of This Action</b> 08/29/2019	<b>12. Method of Payment</b> OTHER - FEMA GO	<b>13. Assistance Arrangement</b> COST SHARING		<b>14. Performance Period</b> 09/05/2019 to 09/04/2020 <b>Budget Period</b> 09/05/2019 to 09/04/2020		
<b>15. Description of Action a. (Indicate funding data for awards or financial changes)</b>						
<b>Program Name Abbreviation</b>	<b>Assistance Listings No.</b>	<b>Accounting Data(ACCS Code)</b>	<b>Prior Total Award</b>	<b>Amount Awarded This Action + or (-)</b>	<b>Current Total Award</b>	<b>Cumulative Non-Federal Commitment</b>
AFG	97.044	2019-F8-GB01 - P431-xxxx-4101-D	\$0.00	\$122,673.63	\$122,673.63	\$12,267.37
Totals			\$0.00	\$122,673.63	\$122,673.63	\$12,267.37
<b>b. To describe changes other than funding data or financial changes, attach schedule and check here:</b> N/A						
<b>16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)</b> This field is not applicable for digitally signed grant agreements						



<b>17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)</b>	<b>DATE</b>
<b>18. FEMA SIGNATORY OFFICIAL (Name and Title)</b> <b>Bridget Bean, Acting Assistant Administrator Grant Programs</b> <b>Directorate</b>	<b>DATE</b> <b>08/29/2019</b>



**Item:** Postpone Bid Award: Creative Mural/Logo Design and Painting of the Gore Hill Water Tower – Request for Cost Proposals (RFP), O. F. 1625.9

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Postpone Consideration of Bids and Contract Approval

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (postpone/not postpone) consideration of the design selection and bid award for the Creative Mural/Logo Design and Painting of the Gore Hill Water Tower project until the October 15, 2019 Commission meeting.”

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

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**Staff Recommendation:**

Postpone design selection and construction contract award until the October 15<sup>th</sup>, 2019 City Commission Meeting or an alternate date as determined by the Commission.

**Summary:**

City staff publicly advertised a request for companies to submit mural/logo design options for the City Commission to consider. The request also required the companies to provide the cost associated with painting each mural/logo design option on the newly constructed Gore Hill Water Tower. The submitted mural/logo design options and associated costs were presented to the City Commission at the October 1<sup>st</sup>, 2019 City Commission Work Session. It is anticipated that the project will be presented for action to the City Commission on the October 15<sup>th</sup>, 2019 Commission Meeting or an alternate date as determined by the Commission.

**Background:**

The construction activity associated with this project should have minimal impacts on the citizens. It is not anticipated that any roads will need to be closed and the water tower should be able to remain fully functional during the painting process.

City engineering staff will perform contract administration duties associated with this project, but staff recommends that the City enter into a Professional Services Agreement with a consultant firm that has

experience with projects of this nature to provide construction inspection services and offer technical assistance.

Per the recommendation of the manufacturer that provided the materials associated with the current coating system, the contract documents do require the painting of the mural/logo to wait until the spring of 2020 to be installed. The end of the two (2) year warranty that is currently in place for the construction of the water tower and the coating system on the metal water storage tank at the top of the concrete pedestal is December 17, 2020. The sealant for the concrete pedestal was applied this summer and the two (2) year warranty will extend into July of 2021. Should a warranty issue associated with the water tower arise after a mural is painted on it, staff may not be able to identify which entity would be responsible for correcting the issue.

Two (2) bids, each with three (3) design options, were received and opened for this project September 18<sup>th</sup>, 2019. The bids for this project ranged from \$55,000.00 to \$144,000.00. Please see the attached documents for a breakout of the costs provided for each design option from each of the bidders. The attachments also include each design option provided by the bidders.

City Staff recommends postponing the design selection and construction contract award until the October 15<sup>th</sup>, 2019 City Commission Meeting or an alternative date as determined by the commission to allow the Commissioners time to review the design options presented at the October 1<sup>st</sup>, 2019 City Commission Work Session.

**Fiscal Impact:**

The attached bid tabulation summarizes the bids that were received. The funding source(s) for this project and future maintenance have not been determined.

**Alternatives:**

The City Commission could vote to table the decision until the next City Commission meeting to allow for more time to consider the design options and to identify the funding source(s). As long as a formal decision is made within 60 days of the bid opening, staff is not aware of any consequences associated with this action.

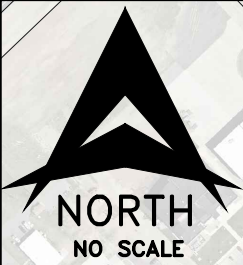
The City Commission could vote to deny award of the construction contract and allow the existing coating system to remain as it currently is. Staff is not aware of any consequences associated with this action.

The City Commission could vote to deny award of the construction contract and request staff to re-bid the project. Staff is not aware of any consequences associated with this action.

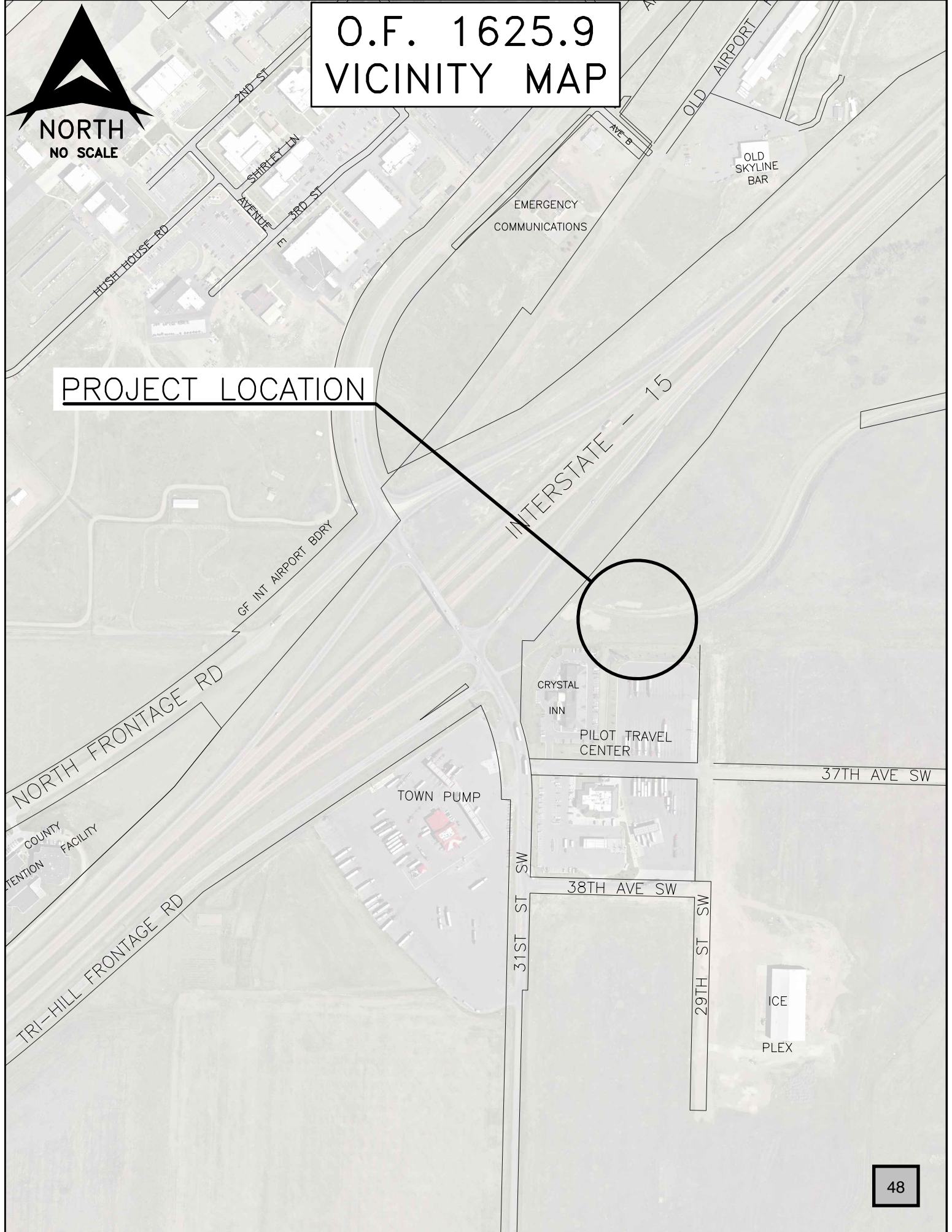
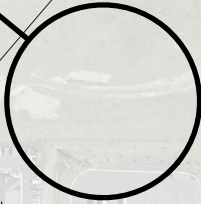
**Attachments/Exhibits:**

1. Vicinity Map
2. Mural/Logo Design Options
3. Bid Tabulation Summary

# O.F. 1625.9 VICINITY MAP



PROJECT LOCATION



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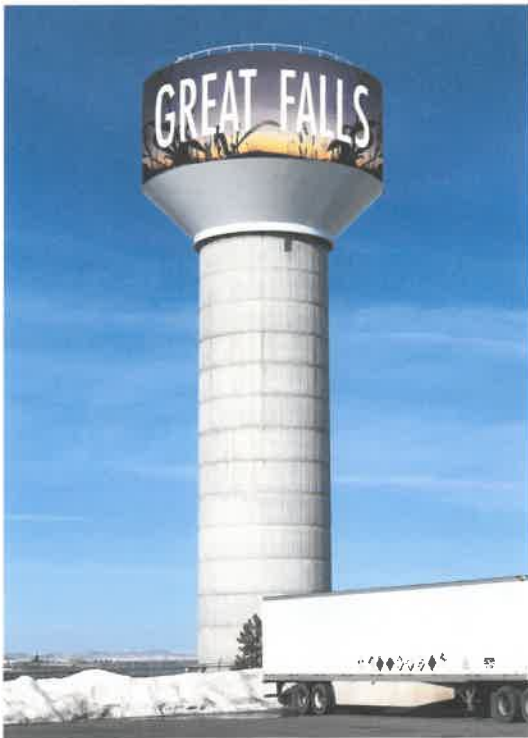
## Section 3: Concepts

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**Mural/Logo Concept Design #1:** A mural “wrap” covering the top portion of the tower.

*An evening scene; the sun has set in purple skies with silhouetted grains. Bold, white “GREAT FALLS” letters on one side.*

**Bid:** \$55,000



**Mural/Logo Concept Design #2:** Focal Point murals on opposite sides of the tower (mural directions to be determined) with a “Great Falls” logo on the top portion of the tower.

*A majestic elk and three vivid Bitterroot flowers with a cursive “Great Falls” logo painted over a green oval on both sides.*

**Bid:** \$82,000



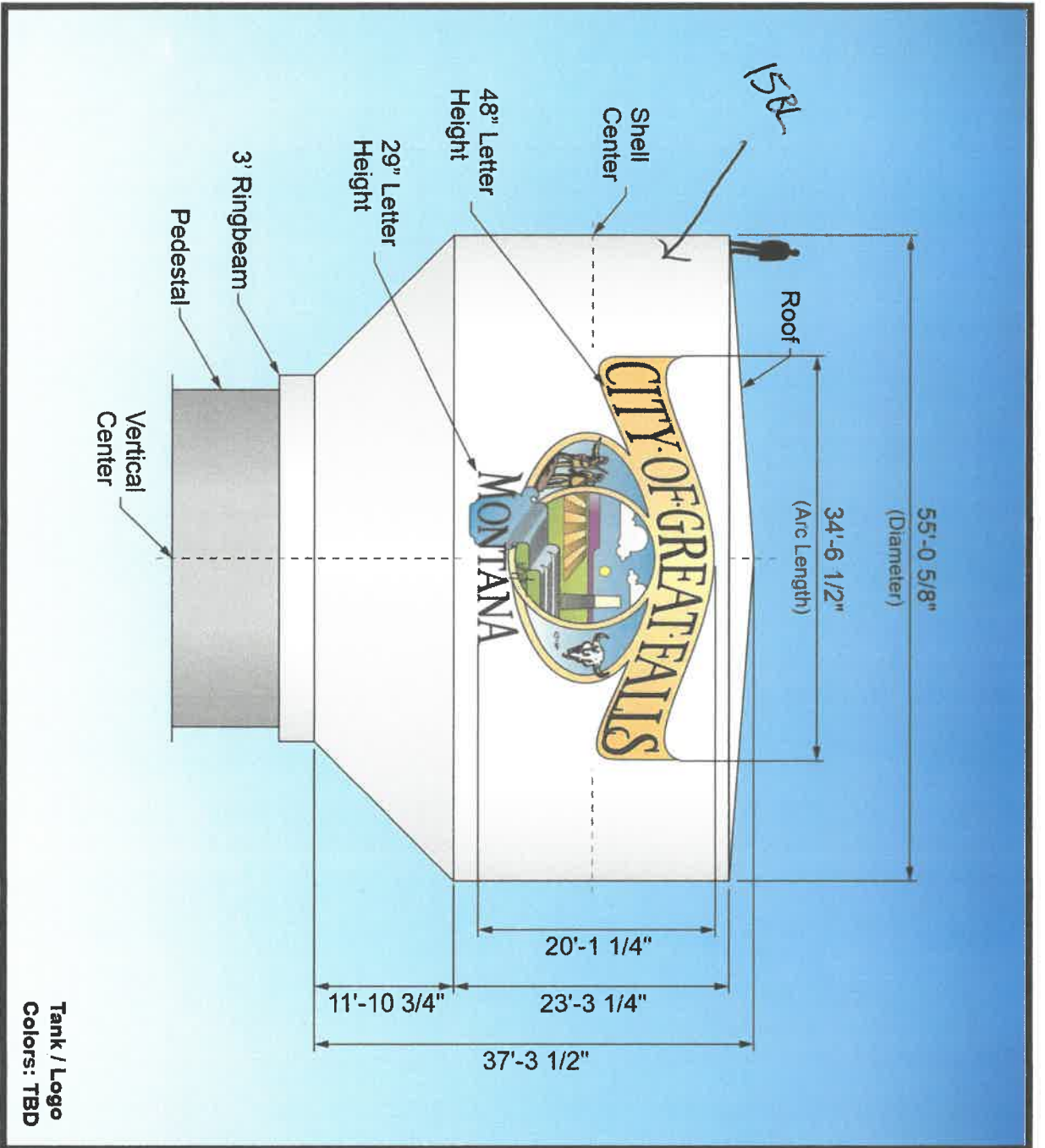


**Mural/Logo Concept Design #3:** A full mural “wrap” covering the entire tower. Scenery with two “Great Falls” logos and “MONTANA” vertically painted over the vectored scenery on one side.

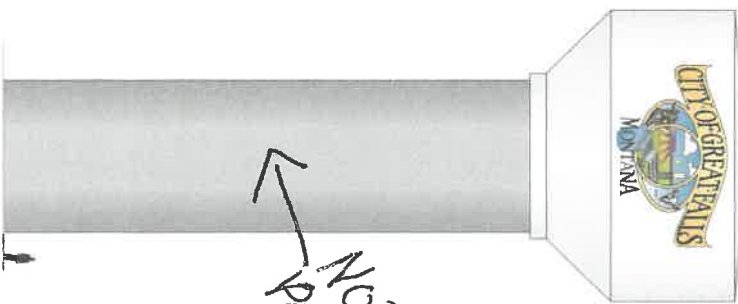
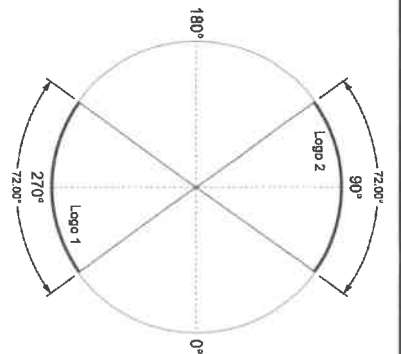
*Vectored scenery spanning the tower from top to bottom with three main focal points: the striking and realistic elk and “Great Falls” cursive logo, the vertical “MONTANA” and second “Great Falls” cursive logo on both sides, and the waterfall. The peaceful scenery also includes the sky with friendly scattered clouds, green hills, birds, and grain.*

**Bid:** \$105,000





Tank / Logo  
Colors: TBD



**Lake Area Sign Co. LLC**  
 Danny McKinney / Owner  
 1375 N. Beglis Pkwy  
 Sulphur, LA 70663  
 (337) 625-4179  
 (337) 794-1564  
 danny@lakeareasignco.com

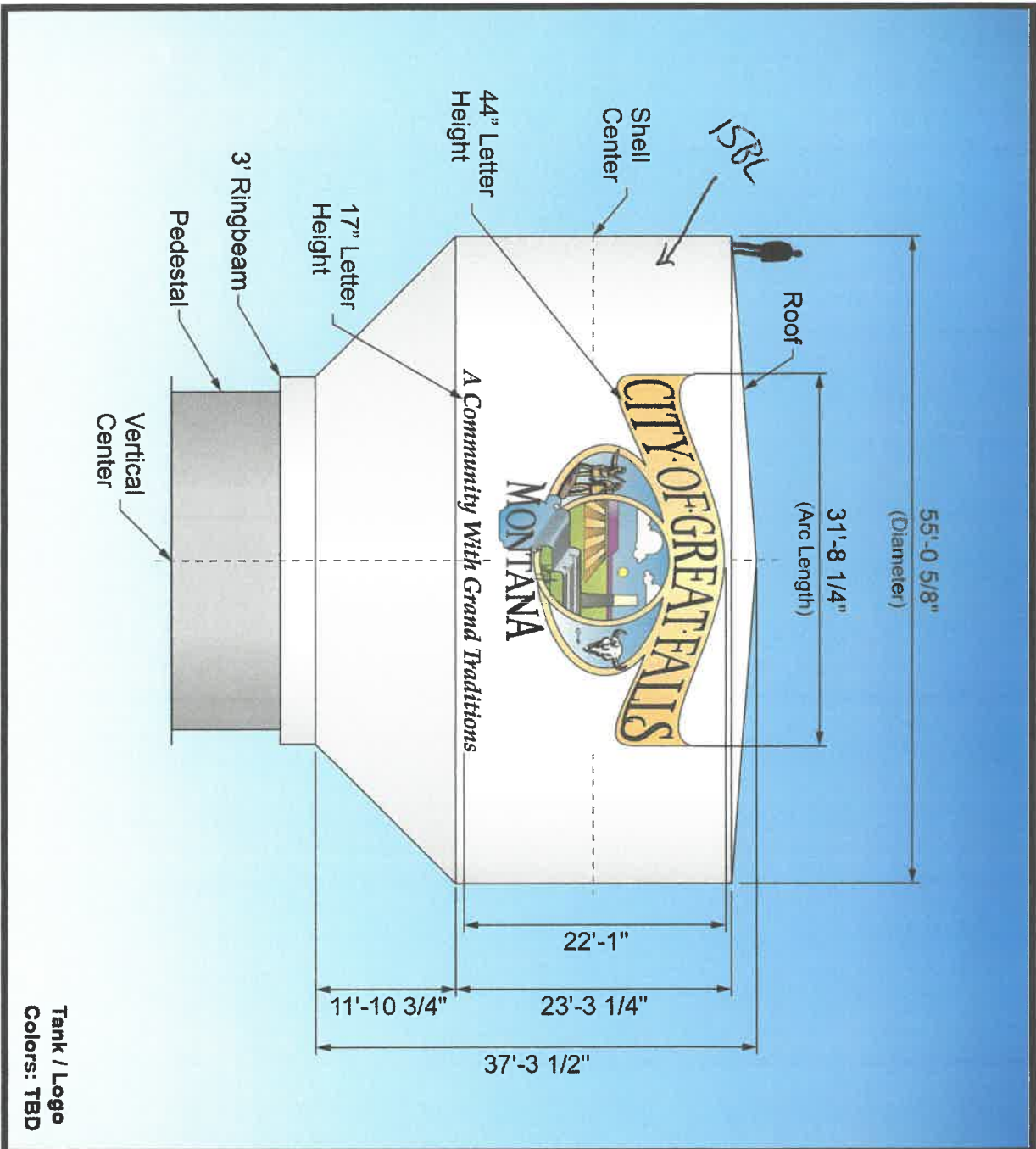
**Client:** Viking Industrial Painting  
**Design:** Great Falls, MT (Layout 1)  
 (Draft 1)  
**Designer:** Timothy Goodeaux

**Date:** \_\_\_\_\_  
**Signature:** \_\_\_\_\_  
 Approved  Resubmit

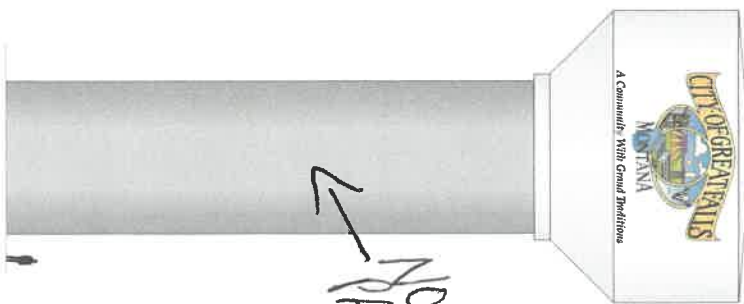
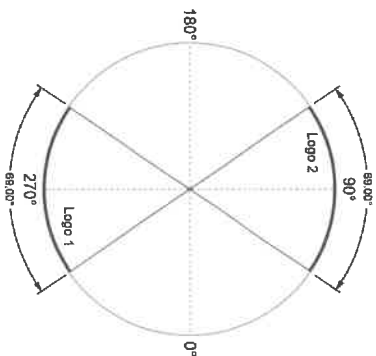
**Notice:**  
 Colors shown are close approximations.  
 Printer and media variations may distort  
 colors from actual paint colors slightly.  
 Renderings are approximate and are  
 provided for a visual aid.  
 Field work with tank shall height before  
 installing patterns.



Concept 2 2-Logos



Tank / Logo  
Colors: TBD



NOT PAINTED

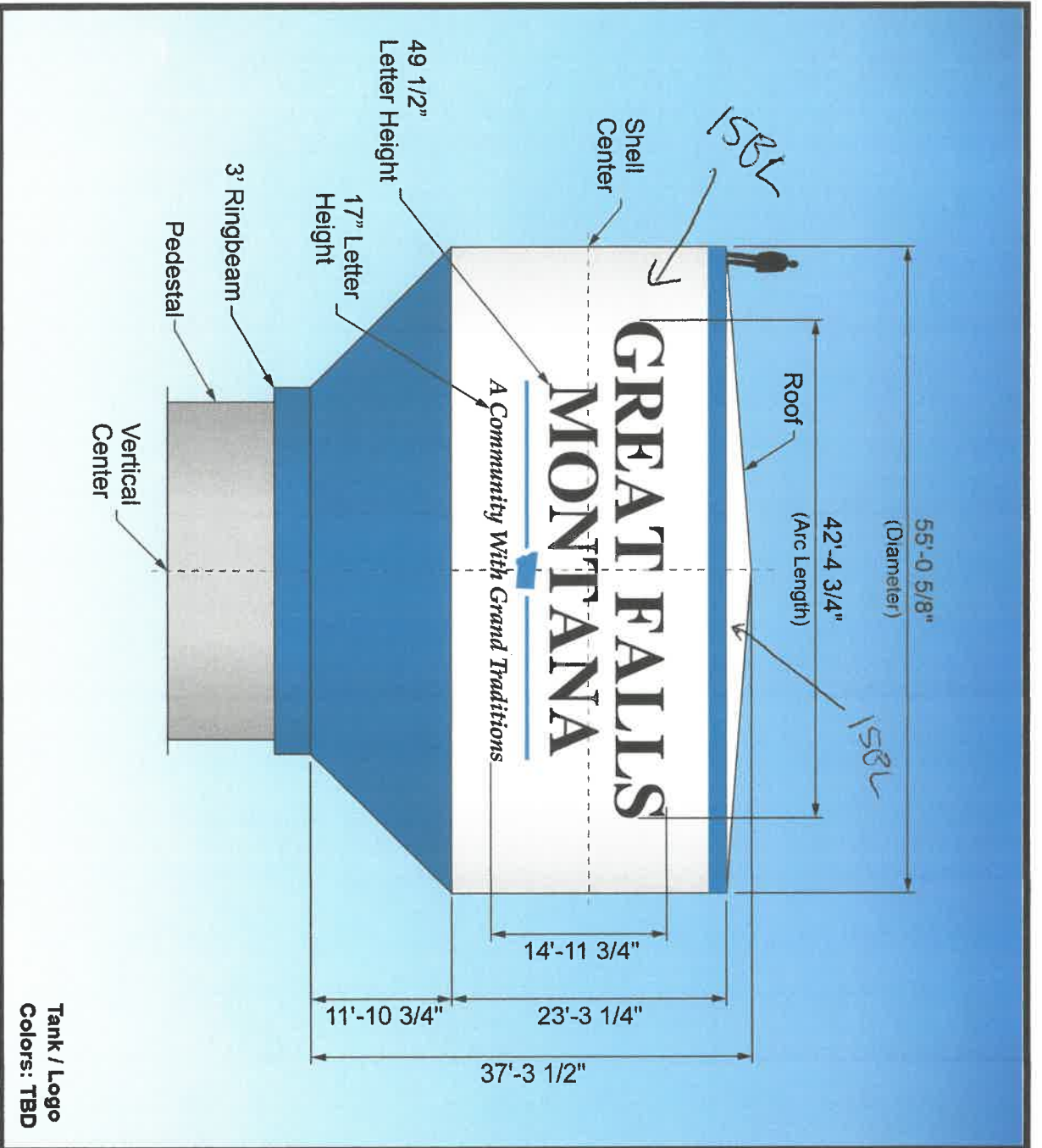
**LAS**  
LAKE AREA SIGN CO. LLC  
Danny McKinney / Owner  
1375 N. Beglis Pkwy  
Sulphur, LA 70663  
(337) 625-4179  
(337) 794-1564  
dannymc@lakeareasignco.com

Client: Viking Industrial Painting  
Design: Great Falls, MT (Layout 2)  
(Draft 1)  
Designer: Timothy Goodeaux

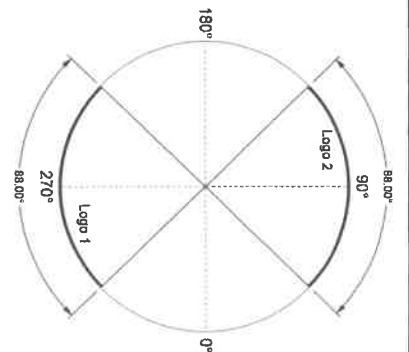
Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
 Approved  Resubmit

**Notice:**  
Colors shown are close approximations.  
Printer and media variations may distort  
colors from actual print colors slightly.  
Renderings are approximate and are  
provided for a visual aid.  
Field verify tank shell height before  
installing patterns.

Concept 3 - 2 logos



Tank / Logo Colors: TBD



NOT PAINTED

**LAS**  
LAKE AREA SIGN CO., LLC  
Danny McKinney / Owner  
1375 N. Beglis Pkwy  
Sulphur, LA 70663  
(337) 625-4179  
(337) 794-1564  
dannymc@lakeareasignco.com

Client: Viking Industrial Painting  
Designer: Great Falls, MT (Layout 3)  
(Draft 1)  
Designer: Timothy Goodeaux

Date: \_\_\_\_\_  
Signature: \_\_\_\_\_  
 Approved  Resubmit

**Notice:**  
Colors shown are close approximations. Printer and media variations may distort colors from actual paint colors slightly. Renderings are approximate and are provided for a visual aid. Find north, tank, shell height before including patterns.

**Creative Mural/Logo Design and Painting of the Gore Hill Water Tower - Request for Cost Proposals (RFP)**

Prepared by the City Engineers Office - JEP

9/18/2019

Item #	Description of Pay Items	Est Qty	Unit	Cameron Moberg		Viking Industrial Painting	
				Unit Price	Total	Unit Price	Total
<b>Design Concept #1</b>							
101	Paint the Concept #1 mural/logo	1	LS	\$ 53,000.00	\$53,000.00	\$81,000.00	\$81,000.00
102	Miscellaneous Work	2,000	Unit	\$ 1.00	\$2,000.00	\$1.00	\$2,000.00
<b>Total Base Bid Amount, Items 101-102</b>					<b>\$55,000.00</b>		<b>\$83,000.00</b>
<b>Design Concept #2</b>							
101	Paint the Concept #2 mural/logo	1	LS	\$ 80,000.00	\$80,000.00	\$87,000.00	\$87,000.00
102	Miscellaneous Work	2,000	Unit	\$ 1.00	\$2,000.00	\$1.00	\$2,000.00
<b>Total Base Bid Amount, Items 101-102</b>					<b>\$82,000.00</b>		<b>\$89,000.00</b>
<b>Design Concept #3</b>							
101	Paint the Concept #3 mural/logo	1	LS	\$ 103,000.00	\$103,000.00	\$142,000.00	\$142,000.00
102	Miscellaneous Work	2,000	Unit	\$ 1.00	\$2,000.00	\$1.00	\$2,000.00
<b>Total Base Bid Amount, Items 101-102</b>					<b>\$105,000.00</b>		<b>\$144,000.00</b>



**Item:** Bid Award: Water Treatment Plant Filtration Improvements - Butterfly Valves and Actuators, O. F. 1637.1

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Award Bid

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve/not approve) the bid award for butterfly valves and actuators to Core and Main for \$254,504.00.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission approve the bid award for butterfly valves and Rotork actuators to Core and Main for \$254,504.00.

**Summary:**

This bid is necessary to purchase butterfly valves and actuators for an upcoming construction project rehabilitating the filters at the Water Treatment Plant (WTP).

**Background:**

The City has hired AE2S to design WTP Filtration Improvements. Construction will need to be broken into 2 or 3 phases and done during the winter months while water usage is at its lowest. Due to the long lead time for procuring butterfly valves and actuators the City is bidding these materials to ensure they are available for when this phase of construction begins. Each bidder submitted a bid for butterfly valves and Rotork actuators (currently used in the WTP) and butterfly valves and Limitorque actuators.

Three bids were received and opened for this project on September 25, 2019. The bids were \$254,504.00 to \$271,970.00 for butterfly valves and Rotork actuators and \$223,784.00 to \$257,858.00 for butterfly valves and Limitorque actuators. Core and Main submitted the low bid for the Rotork and Limitorque actuators.

Even though the bids for the Rotork are \$30,720.00 higher than Limitorque, AE2S and the WTP Manager recommend awarding the bid utilizing Rotork actuators because this style is currently in use. Fortunately, Core and Main are the low bidder for both options, so this recommendation does not change which company will receive the contract. Staff believes that it is in the best interest of the City to go with the Rotork actuator bid.

**Fiscal Impact:**

This project is being funded through the Water Capital Improvement fund.

The attached bid tabulation summarizes bids that were received.

**Alternatives:**

The City Commission could vote not to approve bid award and re-bid at a later date or award to Core and Main utilizing the Limitorque actuators.

**Attachments/Exhibits:**

1. Bid tabulation is attached.
2. Vicinity Map.

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

BID TABULATION SUMMARY  
GF WTP Filtration Improvements  
Butterfly Valves and Actuators  
O.F. 1637.1

Project Number O.F. 1637.1  
Bids Taken at Civic Center  
Date: September 25, 2019  
Tabulated By: R Hanson (AE2S)

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	Acknowledge Addendum #3	10% Bid Security	Affidavit of Non-Collusion	Total Bid
1	Core and Main	X	X	X	X	X	<b>Rotork - \$254,504.00</b> <b>Limitorque - \$223,784.00</b>
2	MT Waterworks	X	X	X	X	X	<b>Rotork - \$261,508.00</b> <b>Limitorque - \$257,858.00</b>
3	Ferguson Waterworks	X	X	X	X	X	<b>Rotork - \$271,970.00</b> <b>Limitorque - \$239,755.00</b>
4							
5							
6							
10	<b>Engineer's Estimate</b>						<b>\$315,154.00</b>





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**Item:** Ordinance 3205, “An Ordinance Amending Title 17 of the Official Code of The City of Great Falls (OCCGF): Reserving Chapters 9 Through 11; and, Repealing and Replacing Chapter 12 Pertaining to Administrative and Enforcement Bodies.”

**From:** Legal Department

**Initiated By:** Legal Department

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

**Action Requested:** Conduct a public hearing and adopt Ordinance 3205.

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/not adopt) Ordinance 3205.”

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

**Staff Recommendation:**

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3205.

**Background:**

OCCGF Title 17 is the Great Falls Land Development Code. As such, it is the largest and most complex of all OCCGF Titles. The Ordinance under consideration is the second ordinance that has been presented in City Staff’s overall code revision effort pertaining to Title 17.

Most of the proposed changes are non-substantive. These changes include establishing and reserving Chapters 9 through 11 of Title 17. Other non-substantive changes include correcting typographical, grammatical, formatting, and referencing deficiencies in OCCGF Title 17, Chapter 12.

The Ordinance under consideration has minor substantive changes. The first change amends Articles 1 and 2 to move zoning approval provisions from the Planning Advisory Board (PAB) provisions to the



Zoning Commission (ZC) provisions. This amendment will be consistent with State Law and current practice.

The Second proposed substantive change is to eliminate repetitive election, membership, and officer regulations pertaining to the Zoning Commission. The Zoning Commission is comprised of the same membership, term limits, and elected officers as the Planning Advisory Board. By simply cross referencing the PAB provisions in the ZC Article, a large amount of unnecessary language will be eliminated.

The final substantive change is removing the Airport Zoning and Hazard Board designations from the ZC and Board of Adjustment. These designations are not required under Montana Law and are inconsistent with current practice.

Ordinance 3205 was accepted unanimously on first reading. There was no Commission discussion or public comment.

Ord. 3205 Exhibit “A” is a document illustrating the provisions that will replace the current OCCGF Title 17 with added language in **bold** and deleted language in ~~striketrough~~. Exhibit “B”, attached to this agenda report, illustrates the proposed Code in clean format.

**Alternatives:**

The Commission could vote to not adopt Ordinance 3205.

**Concurrences:**

City Manager’s Office  
Planning and Community Development  
Public Works  
Park and Recreation  
City Clerk’s Office

**Attachments/Exhibits:**

Ordinance 3205  
Ord. 3205 Exhibit “A”  
Ord. 3205 Exhibit “B”

**ORDINANCE 3205**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 9 THROUGH 11; AND, REPEALING AND REPLACING CHAPTER 12 PERTAINING TO ADMINISTRATIVE AND ENFORCEMENT BODIES.**

\* \* \* \* \*

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

**WHEREAS**, the City Commission wishes to establish and reserve Chapters 9 through 11 of OCCGF Title 17; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 17, Chapter 12, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 12, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

**WHEREAS**, at its regularly scheduled July 9, 2019, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3205; and

**WHEREAS**, at its special July 11, 2019, meeting, the Great Falls Board of Adjustment voted to recommend that the City Commission adopt Ordinance 3205.

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

**Section 1.** OCCGF Title 17, Chapters 9-11 are hereby established and reserved;

**Section 2.** OCCGF Title 17, Chapter 12 is hereby repealed and replaced as depicted in Exhibit "A" attached hereto and by reference incorporated herein, with deleted language identified by ~~strike through~~ and inserted language **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 17, 2019.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing October 1, 2019.

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

ATTEST:

(CITY SEAL)

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

APPROVED FOR LEGAL CONTENT:

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

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3205 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

Exhibit "A"

**Chapter 9    RESERVED**

**Chapter 10   RESERVED**

**Chapter 11   RESERVED**

**Chapter 12   ADMINISTRATIVE AND ENFORCEMENT BODIES**

**Articles:**

Article 1 - PLANNING ADVISORY BOARD

Article 2 - ZONING COMMISSION

Article 3 - DESIGN REVIEW BOARD

Article 4 - HISTORIC PRESERVATION ADVISORY COMMISSION

Article 5 - BOARD OF ADJUSTMENT

**Article 1    PLANNING ADVISORY BOARD**

**Sections:**

17.12.1.010 Establishment.

17.12.1.020 Jurisdiction.

17.12.1.030 Duties, services and functions.

17.12.1.040 Composition and appointment of members.

17.12.1.050 Officers.

17.12.1.060 Board procedures.

17.12.1.070 Schedule of meetings.

17.12.1.080 Special meetings.

17.12.1.090 Voting and quorum.

17.12.1.100 Compensation and expenses.

17.12.1.110 Ethics.

17.12.1.120 Contracts and agreements.

17.12.1.130 Staff.

Exhibit "A"

~~17.12.1.140 Fiscal administration and budget.~~

**17.12.1.010 Establishment.**

**17.12.1.020 Jurisdiction.**

**17.12.1.030 Duties, services, and functions.**

**17.12.1.040 Composition and appointment of members.**

**17.12.1.050 Officers.**

**17.12.1.060 Board procedures.**

**17.12.1.070 Schedule of meetings.**

**17.12.1.080 Special meetings.**

**17.12.1.090 Voting and quorum.**

**17.12.1.100 Compensation and expenses.**

**17.12.1.110 Contracts and agreements.**

**17.12.1.120 Staff.**

**17.12.1.130 Fiscal administration and budget.**

**17.12.1.140 Legal Representation.**

**17.12.1.010 Establishment.**

The Great Falls Planning Advisory Board is established, **pursuant to and under the provisions of the Charter of the City of Great Falls**, to undertake the ~~responsibilities herein defined, pursuant to and under the provisions of the Charter of the City of Great Falls~~ **duties, services, and functions as identified in this Chapter.**

**17.12.1.020 Jurisdiction.**

The jurisdictional area of the ~~board~~ **Board** includes the area within the incorporated limits of the City of Great Falls and such areas as may be granted or authorized pursuant to intergovernmental agreements.

**17.12.1.030 Duties, services, and functions.**

A.— **Generally.** ~~In general, the~~ **The** Board shall perform and provide the duties, services and functions established and assigned through ~~City ordinance, the OCCGF, Commission resolution, agreements, this Title, etc., or other Commission initiative~~ including ~~the authority and responsibility to:~~

- 1.— Advise the City Commission on all community planning and land development activities specified in this Title, ~~as well as any other duties, functions, services and activities requested or assigned;~~ **and**
- 2.— Undertake and perform other duties, services and functions, as requested by the City Commission.

B.— **Long-range planning.** The ~~board~~ **Board** shall have the authority and responsibility to:

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

1. ~~If requested by the City, initiate~~**1. Initiate**, prepare, review, and hear, **staff reports and presentations regarding the adoption or amendment of a growth policy and thereafter** make recommendations to the City Commission ~~on the adoption or amendment of a growth policy and such ordinances and resolutions necessary to implement the growth policy;~~; **and**
2. — Initiate, prepare, review, hear, **staff reports and presentations on the adoption or amendment of any planning documents designed to guide the orderly development of the community** and thereafter make recommendations to the City Commission ~~on the adoption or amendment of any planning documents designed to guide the orderly development of the community.~~
- C. — **Subdivision, and annexation, zoning and conditional use review.** The board shall have the authority and responsibility to review, hear, **staff reports and presentations** and ~~make recommendations to the City Commission on subdivision applications and plats, annexations, zoning and rezoning petitions and conditional use permits.:~~
  1. **Subdivision applications and plats; and/or**
  2. **Annexations; and**
  3. **Thereafter make recommendations to the City Commission.**
- D. — **Transportation.** The board shall have the authority and responsibility to:
  1. ~~Review, prioritize, and recommend projects for use of Community Transportation Enhancement Program (CTEP) funds;~~
  2. ~~Sserve and perform all associated duties~~ as the Metropolitan Planning Organization (MPO) for the Great Falls Urbanized Area Transportation Planning Process, ~~including participation in said process.~~

**17.12.1.040 Composition and appointment of members.**

- A. — **Number and appointment.** The ~~board~~**Board** shall consist of **seven (7) to** nine (9) members appointed by the City Commission, who:
  1. — Are residents of the City of Great Falls; ~~and,~~
  2. — Are not City employees or elected officials.; **and**
  3. **Are qualified Montana electors.**
- B. — ~~Considerations~~ **Consideration in making appointments.** Any interested and eligible citizen may be appointed to the ~~board~~**Board**. ~~but these Applicants with knowledge of or, experience, or interest in the fields of planning, development, Planning, Development, and zoning shall receive special consideration. Zoning are preferred.~~
- C. — **Terms.** Each member shall be appointed to a three-year term, beginning and ending ~~on~~ ~~the first day of~~ January 1.
- D. — **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the City Commission for the unexpired term.
- E. — **Conditions for of removal.** A member may be removed from office by a majority vote of the City Commission. **pursuant to OCGF Title 2.**
- F. — **Reappointments.** Each member may be reappointed when ~~their~~**his or her** term has expired ~~to the extent that City policy regarding reappointments allows expires as set by Commission resolution.~~

## Exhibit "A"

## 17.12.1.050 Officers.

- A.— ~~Election.~~ **Elections.** At its first regular meeting in each calendar year, the ~~board~~**Board** shall elect from its members a ~~chairman~~**Chairperson** and ~~vice-chairman~~**Vice-Chairperson** to serve for a period of one (1) year. If there is more than one (1) nominee for any office, voting shall be **conducted** by secret ballot.
- B.— **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the ~~board~~**Board**, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least two (2) weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C.— **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D.— ~~Limitation~~ **Limitations on consecutive terms.** No member~~—Officer~~ shall ~~hold~~**serve in** the same ~~elective office~~**position** for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the ~~chairman, upon approval by a majority of voting members present,~~**Chairperson** shall designate a member to fill the unexpired term of the office~~.~~ **with approval by a majority of the Board.**
- F.— **Rights of chairman, and duties of Chairperson.** The ~~chairman~~**Chairperson** shall have all the rights and privileges of a ~~b~~**Board** member.
- G.— ~~Duties of chairman.~~ The ~~chairman~~ **and** shall:
- 1.— Preside at all meetings of the ~~b~~**Board**;
  - 2.— Be an ex-officio **voting** member of all committees except the nominating committee;
  - 3.— Act as a liaison between the ~~b~~**Board** and the ~~Planning, City staff, and Community Development Department,~~ **the City Commission**;
  - 4.— Execute all legal documents on behalf of the ~~b~~**Board**;
  - 5.— Authorize all financial transactions upon approval of a majority of members present;
  - 6.— Appoint the chair and members of all committees except the nominating committee~~;~~ **and**
  - 7.— Call special meetings as provided herein~~, and~~.
  - 8.— ~~Act as the public representative of the board or designate an alternate.~~
- G.— ~~Duties of vice-chairman.~~ **Vice-Chairperson.** The ~~vice-chairman~~**Vice-Chairperson** shall perform the duties of the ~~chairman in all cases in which the chairman~~**Chairperson when the Chairperson** is unable to serve or as otherwise directed by the ~~chairman~~.
- H.— ~~Duties of secretary.~~ **Secretary.** The Director of the Planning and Community Development Department shall function as the ~~secretary of the b~~**Board Secretary**. The ~~secretary~~**Secretary** shall maintain:
1. **Maintain** the minutes and records of the board and issue calls and notices pertaining to the ~~b~~**Board**~~, prepare~~;
  2. **Prepare** and distribute the agenda for all regular meetings at least four (4) days prior to the meeting~~, keep a roll of membership and attendance, and supervise the balloting at all elections;~~;
  3. **Keep a roll of membership and attendance; and**

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

4. **Supervise the balloting at all elections.**

(Ord. No. 3056, § 1, 8-17-2010)

17.12.1.060 **Board procedures.**

~~The~~**Unless otherwise specified in this Title, the B**oard shall be governed by the rules contained in **the most recent edition of "Robert's Rules of Order, Revised,"** in all **applicable** parliamentary procedures, as applicable.

17.12.1.070 **Schedule of meetings.**

~~The~~**Unless otherwise specified in this Title, the B**oard shall fix the time for holding regular meetings, ~~but~~**and** shall meet at least once in the months of January, April, July, and October.

(Ord. No. 3056, § 1, 8-17-2010)

17.12.1.080 **Special meetings.**

Special meetings of the ~~B~~**B**oard may be called by the ~~chairman~~**Chairperson** or by two (2) members upon written request to the secretary of the ~~B~~**B**oard. The secretary shall ~~send~~**provide written notice** to all members, at least two (2) days in advance of a special meeting, ~~a written notice fixing the time and place of the meeting.~~ Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting ~~or if all the members are present at the special meeting.~~

17.12.1.090 **Voting and quorum.**

- A.— **Requirements for quorum.** A quorum shall consist of **four (4) members if the Board consists of seven (7) members and five (5) members if the Board consists of (8) or nine (9) members.**
- B.— **Requirements for official action.** Each decision of the ~~B~~**B**oard shall be approved by a majority vote of the members present ~~at a meeting in which a quorum is in attendance and voting.~~
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close a~~ **personal ties relationship** to the applicant, the project, or to a party opposing the application ~~that impacting the member cannot reasonably be expected to member's~~ **exercise of sound judgment in for** the public interest; ~~or~~
  - 3.— The member owns property within the area entitled to receive written notice; ~~or~~
  - 4.— Participation in the matter ~~might could~~ **violate the letter or spirit a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.** ~~a member's code of professional responsibility; or~~
  - 5.— ~~Other applicable law that applies.~~



TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

(Ord. No. 3056, § 1, 8-17-2010)

**17.12.1.100 Compensation and expenses.**

Members shall ~~receive no salary~~ **not be compensated** for serving on the ~~B~~board but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, ~~etc~~ **or meetings related to Board membership.**

**17.12.1.110 Ethics.**

~~All members of the board shall comply with the provisions of the City of Great Falls Code of Ethics.~~

~~17.12.1.120~~ **Contracts and agreements.**

~~Through the City, the~~ **The B**board may accept, receive, and expend funds, grants, and services from **and may contract with respect thereto** ~~the~~:

- A. The** Federal government or its agencies and instrumentalities, ~~from~~;
- B. State** or local governments or their agencies and instrumentalities; **and/or from**
- C. From** civic sources;

~~may contract with respect thereto; and may provide such information and reports as may be necessary to secure such financial aid. The City may make all contracts for special or temporary services and any professional services to assist the board.~~

~~17.12.1.130~~ **120 Staff.**

The City shall assign **City** staff ~~employed by the City~~ to assist the ~~B~~board in conducting its duties. The ~~B~~board may delegate to assigned staff the authority to perform ministerial acts ~~in all cases except~~ when final action of the ~~B~~board is **not** necessary. ~~The staff will be responsive and responsible to the board for all work necessary to carry out its responsibilities.~~

~~17.12.1.140~~ **130 Fiscal administration and budget.**

~~To finance the yearly operations of the board, the Director of the Planning and Community Development Department shall prepare a budget for approval by the board and the City, in the same manner as City departments. The budget shall be based on projected revenue from all sources and shall estimate projected expenditures. Further, the budget shall be limited in all expenditures to the provisions made therefore by the City. The Board shall be financed pursuant to the annual budget adopted by the City Commission.~~

**17.12.1.140 Legal representation.**

**The City may appoint legal counsel to represent the Board when necessary.**

(Ord. No. 3056, § 1, 8-17-2010)

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**Article 2 ZONING COMMISSION**

**Sections:**

~~17.12.2.010 Establishment.~~

~~17.12.2.020 Jurisdiction.~~

~~17.12.2.030 Authority.~~

~~17.12.2.040 Composition and appointment of members.~~

~~17.12.2.050 Officers.~~

~~17.12.2.060 Commission procedures.~~

~~17.12.2.070 Schedule of meetings.~~

~~17.12.2.080 Notice for special meetings.~~

~~17.12.2.090 Voting and quorum.~~

~~17.12.2.100 Compensation and expenses.~~

~~17.12.2.110 Ethics.~~

~~17.12.2.120 Joint airport zoning board.~~

**17.12.2.010 Establishment.**

**17.12.2.020 Jurisdiction.**

**17.12.2.030 Authority.**

**17.12.2.040 Composition and appointment of members.**

**17.12.2.050 Officers.**

**17.12.2.060 Commission procedures.**

**17.12.2.070 Schedule of meetings.**

**17.12.2.080 Notice for special meetings.**

**17.12.2.090 Voting and quorum.**

**17.12.2.100 Compensation and expenses.**

**17.12.2.110 Legal representation.**

**17.12.2.010 Establishment.**

Pursuant to 76-2-307, MCA, a Zoning Commission is established to undertake the responsibilities herein defined pursuant to this Article.

**17.12.2.020 Jurisdiction.**

The jurisdictional area of the Commission includes the area within the incorporated limits of the City, as may be altered pursuant to annexation.

Exhibit "A"

**17.12.2.030 Authority.**

The commission shall have the authority to:

- 1.—**A.** Review, and hear, **staff reports and presentations regarding conditional use permits and thereafter** make recommendations to the City Commission ~~on conditional use permits;~~
- 2.—**B.** Prepare and submit an application to amend this Title ~~when it deems appropriate;~~
- 3.—**C.** Review, and hear, **staff reports and presentations regarding applications to amend this Title and thereafter** make recommendations to the City Commission ~~on applications to amend this Title;~~
- 4.—**D.** **Review and hear staff reports and presentations regarding zoning and rezoning petitions and thereafter make recommendations to the City Commission; and/or**
- E.** Review and hear other applications ~~as may be specified in~~ **pursuant to** this Title.

**17.12.2.040 Composition and appointment of members.**

The members of the Great Falls Planning Advisory Board shall serve as the members of the ~~zoning commission~~ **Zoning Commission**.

**17.12.2.050 Officers.**

~~A.—~~ **Election.** At its first regular meeting in each calendar year, the commission shall elect from its members a chairman and vice chairman to serve for a period of one (1) year. **All provisions provided by OCCGF § 17.12.1.050 shall apply to the Zoning Commission.**

~~If there is more than one (1) nominee for any office, voting shall be by secret ballot.~~

~~B.—~~ **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.

~~C.—~~ **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.

~~D.—~~ **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.

~~E.—~~ **Vacancies.** In the event of a vacancy in any office, the chairman, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.

~~F.—~~ **Rights of chairman.** The chairman shall have all the rights and privileges of a commission member.

~~G.—~~ **Duties of chairman.** The chairman shall:

- 1.— Preside at all meetings of the commission,
- 2.— Act as a liaison between the commission and the Planning and Community Development Department,
- 3.— Execute all legal documents on behalf of the commission,
- 4.— Call special meetings as provided herein, and
- 5.— Act as the public representative of the commission or designate an alternate.

~~H.—~~ **Duties of vice chairman.** The vice chairman shall perform the duties of the chairman in all cases in which the chairman is unable to serve or as otherwise directed by the chairman.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

~~I. **Duties of secretary.** The Director of the Planning and Community Development Department shall function as the secretary of the commission. The secretary shall maintain the minutes and records of the commission and issue calls and notices pertaining to the commission, prepare and distribute the agenda for all regular meetings at least four (4) days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.~~

(Ord. No. 3056, § 1, 8-17-2010)

**17.12.2.060 Commission procedures.**

~~The **Unless otherwise specified in this Title, the** commission shall be governed by the rules contained in **guided by the most recent addition of "Robert's Rules of Order, Revised,"** in all applicable parliamentary procedures, as applicable.~~

**17.12.2.070 Schedule of meetings.**

~~A. **Regular meeting.** The commission provisions of OCCGF §§ 17.12.1.070 and 080 shall schedule meetings apply to the Zoning Commission review applications for which it has authority to review.~~

~~B. **Special meeting.** Special meetings may be called by the chairman, two (2) members of the commission, or the City Zoning Commission upon written request to the secretary.~~

**17.12.2.080 Notice for special meetings.**

~~The secretary shall send a written notice to all members at least two (2) days in advance of a special meeting.~~

**17.12.2.090 Voting and quorum.**

~~A. **Requirements for quorum.** A quorum **The provisions of OCCGF § 17.12.1.090 shall apply to the Zoning Commission.** consist of five (5) members.~~

~~B. **Requirements for voting.** Each decision of the commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.~~

~~C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:~~

~~1. The member has a direct financial interest in the outcome of the matter at issue; or~~

~~2. The member has such close personal ties to the applicant, the project, or to a party opposing the application that the member can not reasonably be expected to exercise sound judgment in the public interest; or~~

~~3. The member owns property within the area entitled to receive written notice; or~~

~~4. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or~~

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

~~5. Other applicable laws that apply.~~

**17.12.2.100 Compensation and expenses.**

Members shall ~~receive no salary~~ **not be compensated** for serving on the commission but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for **Commission-approved** attendance at conferences, workshops, training sessions, **or meetings related to Commission membership** ~~etc.~~

**17.12.2.110 Legal representation.**

**The City may appoint legal counsel to represent the Commission when necessary.**

~~17.12.2.110 Ethics.~~

~~All members of the commission shall comply with the provisions of the City of Great Falls Code of Ethics.~~

~~17.12.2.120 Joint airport zoning board.~~

~~The commission established by this part shall also assume the responsibilities of the Joint Airport Zoning Board.~~

**Article 3 DESIGN REVIEW BOARD**

**Sections:**

~~17.12.3.010 Establishment.~~

~~17.12.3.020 Authority.~~

~~17.12.3.030 Composition and appointment of members.~~

~~17.12.3.040 Officers.~~

~~17.12.3.050 Board procedures.~~

~~17.12.3.060 Schedule of meetings.~~

~~17.12.3.070 Voting and quorum.~~

~~17.12.3.080 Compensation and expenses.~~

~~17.12.3.090 Legal representation.~~

**17.12.3.010 Establishment.**

**17.12.3.020 Authority.**

**17.12.3.030 Composition and appointment of members.**

**17.12.3.040 Officers.**

**17.12.3.050 Board procedures.**

**17.12.3.060 Schedule of meetings.**

**17.12.3.070 Voting and quorum.**

**17.12.3.080 Compensation and expenses.**

Exhibit "A"

**17.12.3.090 Legal representation.**

**17.12.3.010 Establishment.**

A Design Review Board is established to undertake the responsibilities ~~herein defined~~, **pursuant to this Article.**

**17.12.3.020 Authority.**

To further promote the health, safety, and general welfare ~~of the City~~, the **B**oard has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in this Title. The **B**oard may approve ~~or, deny, in whole or in part,~~ ~~or may modify~~ **and, or** set conditions for approval **of development proposals**, or provide advice and counsel.

**17.12.3.030 Composition and appointment of members.**

A. — **Number and appointment.** The **B**oard shall consist of five (5) voting members appointed by the City Commission.

B. — ~~Considerations~~ **Consideration in making appointments.** Members shall be residents of the City. ~~The~~ **and qualified Montana electors.** City Commission shall make an effort to achieve a diversity of expertise, background, and interest. ~~Such diversity should preferably include two members and City staff may not be members of the Board.~~

C. **Preferred composition. The preferred Board composition includes:**

1. **Two** (2) architects; and ~~three~~
2. **Three** (3) individuals chosen for their demonstrated interest ~~in and~~ **or** expertise in design or community aesthetics. ~~No member of the City Commission or employee of the City shall be eligible for membership on the board.~~

~~C.~~ **D. Terms.** Each member shall be appointed to a three-year term. The expiration of initial terms of **B**oard members will be staggered to assure continuity.

~~D.~~ **E. Vacancies.** When a position becomes vacant before the end of the term, the City Commission shall ~~make an appointment~~ **appoint a member to fill the vacancy.** A member whose term expires may continue to serve until a successor is appointed and qualified.

F. — ~~Conditions for of removal.~~ ~~A member shall~~ **Members may** be removed ~~from the board and the member's office declared vacant under the following conditions:~~ **pursuant to OCCGF Title 2.**

- ~~1. The member fails to attend three (3) successive regular meetings without excused absences; or~~
- ~~2. The member moves outside of the City; or~~
- ~~3. The City Commission declares without notice and without assignment of cause the removal of a member.~~

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

17.12.3.040 Officers.

- A.— **Election.** At its annual meeting, the ~~B~~**Board** shall elect a ~~chair~~**Chairperson** and ~~vice-chair~~**Vice-Chairperson** from among its membership by majority vote. ~~If there is more than one (1) nominee for any office, voting shall be by secret ballot.~~
- B.— **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- ~~C.— **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.~~
- ~~D.~~**C. Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D.— **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F.— **Rights of chair. the Chairperson.** The ~~chair~~**Chairperson** shall have all the rights and privileges of a ~~B~~**Board** member.
- G.— **Duties of chair. the Chairperson.** The ~~chair~~**Chairperson** shall:
- 1.— Preside at all meetings of the ~~B~~**Board**;
  - 2.— Plan the agenda for the ~~B~~**Board**;
  - 3.— Act as a liaison between the ~~B~~**Board** ~~and~~, the Planning and Community Development Department, **and the City Commission**;
  - 4.— Execute all legal documents on behalf of the ~~B~~**Board**;
  - 5.— Call special meetings as provided herein; and
  - 6.— Act as the public representative of the ~~B~~**Board** or designate an alternate.
- H.— **Duties of vice-chair. the Vice-Chairperson.** The ~~vice-chair~~**Vice-Chairperson** shall perform the duties of the ~~chair~~**Chairperson** in all cases in which the ~~chair~~**Chairperson** is unable to serve or as otherwise directed by the chair.
- ~~I.— **Duties of secretary. I. Secretary.** The ~~secretary~~**Secretary shall be a member of the City Planning and Community Development staff and** shall:~~
- 1.— Maintain the minutes and records of the ~~B~~**Board** and issue calls and notices pertaining to the board;
  - 2.— Distribute the agenda for all regular and annual meetings at least ~~one (1) week~~**forty-eight (48) hours** prior to the meeting;
  - 3.— Keep a roll of membership and attendance; and
  - 4.— Supervise the balloting at all elections.
- ~~J.— **Delegation of duties.** The board may delegate the duties of the ~~secretary~~**Secretary** to the Planning and Community Development Department by a majority vote.~~

(Ord. No. 3056, § 1, 8-17-2010)

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Exhibit "A"

**17.12.3.050 Board procedures.**

The ~~B~~board may adopt rules of procedure to carry out its purposes. All rules must conform to ~~this Title, other City regulations,~~ the **OCCGF** and State law and shall be filed in the office of the City Clerk.

**17.12.3.060 Schedule of meetings.**

- A.— **Annual meeting.** The ~~B~~board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular Meeting.** The ~~B~~board shall schedule meetings to review applications for which it has authority to review.
- C. **Special meeting.** Special meetings may be called by the ~~chair or~~ **Chairperson**, by two (2) members of the ~~B~~board, or the City Commission upon written request to the ~~secretary~~ **Secretary**.

**17.12.3.070 Voting and quorum.**

- A.— **Requirements for a quorum.** A quorum shall consist of three (3) voting members.
- B.— **Requirements for voting.** Each decision of the ~~B~~board shall be approved by a majority vote of the members present at a regular, annual, or special meeting in which a quorum is in attendance and voting.
- C.— **Disqualification or voluntary abstention from voting.** A member shall abstain from voting on a particular issue ~~or shall be disqualified by majority vote of the remaining members present,~~ if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close a~~ personal ~~ties-relationship~~ to the applicant-, the project, or to a party opposing the application ~~that the member can not reasonably be expected to~~ **impacting the member's** exercise sound judgment ~~in for~~ the public interest; ~~or~~
  - 3.— The member owns property within the area entitled to receive written notice; or
  - 4.— Participation in the matter ~~might~~ **could** violate **a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.** ~~the letter or spirit of a member's code of professional responsibility; or~~
  - 5.— ~~Other applicable law that applies.~~

**17.12.3.080 Compensation and expenses.**

- A.— **Compensation.** Members shall not be compensated for their services on the ~~B~~board.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on ~~B~~board business under procedures prescribed in advance by the City Commission.

**17.12.3.090 Legal representation.**

The City ~~Commission~~ may appoint legal counsel to represent the ~~B~~board when ~~it deems~~ necessary.



Exhibit "A"

**Article 4 HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

~~17.12.4.010 Establishment.~~

~~17.12.4.020 Authority.~~

~~17.12.4.030 Composition and appointment of members.~~

~~17.12.4.040 Officers.~~

~~17.12.4.050 Commission procedures.~~

~~17.12.4.060 Schedule of meetings.~~

~~17.12.4.070 Voting and quorum.~~

~~17.12.4.080 Compensation and expenses.~~

~~17.12.4.090 Legal representation.~~

~~17.12.4.100 Staff.~~

**17.12.4.010 Establishment.**

**17.12.4.020 Authority.**

**17.12.4.030 Composition and appointment of members.**

**17.12.4.040 Officers.**

**17.12.4.050 Commission procedures.**

**17.12.4.060 Schedule of meetings.**

**17.12.4.070 Voting and quorum.**

**17.12.4.080 Compensation and expenses.**

**17.12.4.090 Legal representation.**

**17.12.4.100 Staff.**

**17.12.4.010 Establishment.**

- A.— **Commission.** In order to carry out the purpose of this ~~chapter~~ **Chapter**, the Great Falls City/**Cascade** County Historical Preservation Advisory Commission is hereby ~~created~~ **established**.
- B.— **Historic preservation program.** A local historic preservation program is hereby ~~created~~ **established** to promote the preservation of historic ~~and prehistoric sites, pre-historic~~ sites, structures, buildings, and districts through the identification, evaluation, and protection of historic resources within the County and City. This program is intended to promote the public interest and welfare by:
  - 1.— Enhancing the visual character of the City and County by encouraging preservation ideals;
  - 2.— Promoting ~~the tourist industry of~~ **tourism within** the City and County by encouraging the preservation of historically significant buildings and structures;

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- 3.— Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
- 4.— Integrating historic preservation into **the** local, State, and ~~federal~~**Federal** planning and decision-making processes; **and**
- 5.— Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history.

**17.12.4.020 Authority.**

The ~~C~~ommission shall serve in an advisory capacity to the Board of County Commissioners, City Commission, Great Falls Planning Advisory Board, and the Business Improvement District and have the authority to:

- 1.—~~A.~~ **A.** Maintain a system for the survey and inventory of historic properties. ~~The commission shall, maintain this the~~ inventory of identified districts, sites and/or structures within the County and the City, and make this information available to the public;
- 2.—~~B.~~ **B.** Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;
- 3.—~~C.~~ **C.** Participate in the process of nominating to the National Register of Historic Places, according to procedures established for certified local governments. ~~This includes, by reviewing and commenting on any National Register nominations of property within the County and City;~~
- 4.—~~D.~~ **D.** Consult with ~~the~~ City, County, State, and ~~federal~~ Federal agencies on ~~all~~:
  1. **All** applications, ~~environmental~~;
  2. **Environmental** assessments, ~~environmental~~;
  3. **Environmental** impact statements; ~~and other~~
  4. **Other** similar documents pertaining to historic districts, landmark sites, landmarks or properties;
- 5.—~~E.~~ **E.** Review the ~~City's land development regulations~~ **OCCGF** for ~~their~~ applicability to issues of historic preservation and make appropriate recommendations to the Planning **Advisory** Board and Zoning Commission concerning any changes or modifications to ~~the zoning~~ **OCCGF** regulations and zoning district boundaries;
- 6.—~~F.~~ **F.** Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures. ~~The commission shall, and~~ create design guidelines which will be made available to the public for assistance in preservation projects;
- 7.—~~G.~~ **G.** Provide ~~a means of informing owners of information to~~ property, ~~buildings~~ **building**, and ~~structures~~ **structure owners** of potential tax incentives and ~~federal~~ **Federal** and/or State grants that might be obtained through the preservation of historic facilities;
- 8.—~~H.~~ **H.** Participate in, promote, and conduct public:
  1. **Informational**, ~~educational~~;
  2. **Educational**; and ~~interpretive~~
  3. **Interpretive** programs pertaining to historic preservation; **and**
- 9.—~~I.~~ **I.** Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification;.

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~~10.—J. In~~ **C**arrying out the listed powers and duties of the **C**ommission, ~~the commission and~~ shall at all times ensure that any surveys, analyses, evaluations, reviews, or reports relating to any property or project within the City are completed within the current time frames for development. Should the **C**ommission fail to complete any of the above actions in time to be included for final action of the City Commission or Board of County Commissioners, such failure shall not in any way impede the decision of the City Commission or Board of County Commissioners.

**17.12.4.030 Composition and appointment of members.**

A.— **Number and appointment.** The commission shall consist of nine (9) members appointed as follows:

- 1.— Four (4) members as appointed by the Board of County Commissioners;
- 2.— Four (4) members as appointed by the City Commission; **and**
- 3.— One (1) member who has professional architectural expertise as appointed by the commission by a majority vote.

B.— **Considerations in making appointments.** Members shall have expertise/qualifications in one (1) or more of the following areas: ~~history, planning, archaeology, architecture,~~

1. **History;**
2. **Planning;**
3. **Architecture and/or** architectural history;
4. **Archaeology; or**
5. **Other** ~~historic archaeology, or other history~~ preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.

C.— **Terms.** Each member shall be appointed to a three-year term. ~~During the initial round of appointments, two (2) members shall be appointed to one-year terms.~~

D.— **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the appropriate governing body. A member whose term expires may continue to serve until a successor is appointed and qualified.

E.— **Conditions for removal.** A member shall be removed from the **C**ommission and the member's office declared vacant under the following conditions:

- ~~1.— The member fails to attend three (3) successive meetings without excused absences; or~~
  - 2.—1. **Pursuant to OCCGF Title 2, Chapter 23, if the member was appointed by the City Commission;**
  2. The member moves outside of the jurisdiction the member represents; or
  - 3.—~~The governing body that appoints the member to the commission declares without notice and without assignment of~~ **The County Commission determines there is cause for the removal of a County appointed member.**

**17.12.4.040 Officers.**

A.—~~Election.~~ **Elections.** At its annual meeting, the **C**ommission shall elect a ~~chair, vice-chair~~ **Chairperson, Vice-Chairperson,** and ~~secretary~~ **a Secretary** from among its membership

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by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.

- B.— **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the ~~C~~ommission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least ~~two (2) weeks~~ **forty-eight (48) hours** before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. —**Limitation on consecutive terms.** No ~~member~~**Officer** shall hold the same elective office for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the ~~chair~~**Chairperson**, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F.— **Rights of ~~chair~~Chairperson.** The ~~chair~~**Chairperson** shall have all the rights and privileges of a ~~C~~ommission member.
- G.— **Duties of ~~chair~~Chairperson.** The ~~chair~~ **Chairperson** shall:
  - 1.— Preside at all meetings of the ~~C~~ommission;
  - 2.— Plan the agenda for the ~~C~~ommission;
  - 3.— Act as a liaison between the ~~C~~ommission~~and~~, the Planning and Community Development Department~~;~~, **and the City and County Commissions;**
  - 4.— Execute all legal documents on behalf of the ~~C~~ommission;
  - 5.— Call special meetings as provided herein; and
  - 6.— Act as the public representative of the ~~C~~ommission or designate an alternate.
- H.— **Duties of ~~vice-chair~~Vice-Chairperson.** The ~~vice-chair~~**Vice-Chairperson** shall perform the duties of the ~~chair~~ **Chairperson** when the ~~chair~~**Chairperson** is unable to serve or as otherwise directed by the ~~chair~~**Chairperson**.
- I.— **Duties of ~~secretary~~Secretary.** The ~~secretary~~**Secretary shall be a member of the City Planning and Community Development staff and** shall:
  - 1.— Maintain the minutes and records of the ~~C~~ommission and issue calls and notices pertaining to the ~~C~~ommission~~;~~;
  - 2.— Distribute the agenda for all meetings at least ~~one (1) week~~ **forty-eight (48) hours** prior to the meeting~~;~~;
  - 3.— Keep a roll of membership and attendance, and
  - 4.— Supervise the balloting at all elections.
- J. —~~**Delegation of duties.** The commission may delegate the duties of the secretary to the Planning and Community Development Department by a majority vote.~~

~~(Ord. No. 3056, § 1, 8-17-2010)~~

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**17.12.4.050 Commission procedures.**

The ~~C~~ommission may adopt rules of procedure to carry out its purposes. All rules must conform to ~~this Title, other City regulations, and the OCCGF~~, State law, and shall be filed in the office of the City Clerk and County Clerk and Recorder.

**17.12.4.060 Schedule of meetings.**

- A.— **Annual meeting.** The ~~C~~ommission shall meet at least once a year in January to elect officers and for such other business as may arise.
- B.— **Special meeting-meetings.** Special meetings may be called by the ~~chair~~**Chairperson** or by two (2) members of the ~~C~~ommission, the City Commission, or the Board of County Commissioners upon written request to the ~~secretary~~**Secretary**.

**17.12.4.070 Voting and quorum.**

- A.— **Requirements for quorum.** A quorum shall consist of ~~four (4)~~**five (5)** voting members.
- B.— **Requirements for voting.** Each decision of the ~~C~~ommission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue ~~or shall be disqualified by majority vote of the remaining members present~~, if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; ~~or~~
  - 2.— The member has ~~such close a~~ personal ~~ties~~**relationship** to the applicant, the project, or to a party ~~opposed to~~**opposing** the application ~~that the member can not reasonably be expected to impacting the member's~~ exercise of sound judgment ~~in for~~ the public interest; ~~or~~
  - 3.— The member owns property within the area entitled to receive written notice; or
  - 4.— Participation in the matter ~~might~~**could** violate **a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.** ~~the letter or spirit of a member's code of professional responsibility; or~~
  - 5.— ~~Other applicable law that applies~~

**17.12.4.080 Compensation and expenses.**

- A.— **Compensation.** Members shall not be compensated for their services on the ~~C~~ommission.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on commission business under procedures prescribed in advance by the ~~City Commission and Board of County Commissioners.~~**appropriate appointing body.**

**17.12.4.090 Legal representation.**

The City Commission ~~and/or~~ Board of County Commissioners may appoint legal counsel to represent the commission when, ~~it deems in the judgement of either body,~~ **legal representation is necessary.**

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**17.12.4.100 Staff.**

- A.— **Historic preservation officer.** The City shall provide a historic preservation officer to act as staff to the commission. The ~~Commission should~~ **may** be involved in the selection process for new hires.
- B.— **Duties.** Duties of the preservation officer include ~~coordinating~~:
1. **Coordinating** the local historic preservation programs, ~~helping~~;
  2. **Assisting** in the development of local surveys, projects, and historic preservation planning documents, ~~advising~~;
  3. **Advising** and providing assistance to the commission, government agencies and the public,; and ~~ensuring~~
  4. **Ensuring** to ~~the~~ **a reasonable** extent ~~practicable~~ ~~that~~ the duties and responsibilities delegated by this article are carried out.

**Article 5 BOARD OF ADJUSTMENT**

**Sections:**

~~17.12.5.010 Establishment.~~

~~17.12.5.020 Authority.~~

~~17.12.5.030 Composition and appointment of members.~~

~~17.12.5.040 Officers.~~

~~17.12.5.050 Board procedures.~~

~~17.12.5.060 Schedule of meetings.~~

~~17.12.5.070 Voting and quorum.~~

~~17.12.5.080 Compensation and expenses.~~

~~17.12.5.090 Legal representation.~~

~~17.12.5.100 Board of Airport Hazard Adjustment.~~

**17.12.5.010 Establishment.**

**17.12.5.020 Authority.**

**17.12.5.030 Composition and appointment of members.**

**17.12.5.040 Officers.**

**17.12.5.050 Board procedures.**

**17.12.5.060 Schedule of meetings.**

**17.12.5.070 Voting and quorum.**

**17.12.5.080 Compensation and expenses.**

**17.12.5.090 Legal representation.**

**17.12.5.100 Board of Airport Hazard Adjustment.**

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**17.12.5.010 Establishment.**

Pursuant to **Mont. Code Ann. § 76-2-321, MCA**, a Board of Adjustment is established to undertake the responsibilities herein defined **or as otherwise when the Board is acting as the Board of Appeals, as set forth by the City Commission in the Official Code of the City of Great Falls (OCCGF), Ordinance, or Resolution.**

**17.12.5.020 Authority.**

- A.— **Generally.** The Board of Adjustment shall have the following authority and responsibility:
1. **Appeals.**— To hear and decide appeals where it is alleged that an administrative official responsible for administering this Title or the housing or building regulations:
    - a.— ~~failed~~ **i. Failed** to act as required;
    - b.— ~~made~~ **ii. Made** an error in issuing a permit or in denying an application;
    - c.— ~~made~~ **iii. Made** an error in enforcement; or
    - d.— ~~made~~ **iv. Made** an error in an ~~interpretation~~ or any other determination. ~~(See: 76-; and 2-323 (1), MCA)~~
  - 2.— ~~Variences.~~ **2. Variences.** To hear and decide variances ~~consistent with~~ **pursuant to** this Title. ~~(See: 76-2-323 (1), MCA)~~
- B.— **Powers.** In exercising these powers, the ~~B~~board may ~~compel the~~:
1. **Compel an** administrative official to act as required ~~or reverse or~~; **and**
  2. **Reverse**, affirm, ~~wholly or partly~~, or modify ~~the~~, **in whole or in part, any appealed order, requirement, decision, or determination** ~~appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. (See: 76-2-323 (2), MCA).~~
- C.— ~~Chair.~~ **Witnesses.** The ~~chair~~ **Chairperson** or acting ~~chair~~ **Chairperson** may administer oaths and compel the attendance of witnesses. ~~(See: 76-2-321, MCA)~~

**17.12.5.030 Composition and appointment of members.**

- A.— **Number and appointment.** The ~~B~~board shall consist of five (5) members as appointed by the City Commission.
- B.— **Considerations in making appointments.** Board members shall be residents of the City- **and qualified State electors.**
- C.— **Terms and vacancies.** Each member shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified. ~~(See: 76-2-322 (1), MCA)~~ **Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. (See: 76-2-322 (2), MCA)**
- D.— ~~Conditions~~ **Condition of vacancy filling.** **Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.**
- E. **Removal.** The City Commission may remove a member ~~for cause upon written charges and after public hearing. (See: 76-~~ **pursuant to OCCGF Title 2-322 (1), MCA), Chapter 23.**

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17.12.5.040 Officers.

- A.—~~Election.~~ **Elections.** At its annual meeting, the ~~B~~board shall elect a ~~chair, vice-chair~~ **Chairperson and Vice-Chairperson** from among its membership by majority vote. ~~If there is more than one (1) nominee for any office, voting shall be by secret ballot.~~
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Term of office.** ~~C.—Terms of office.~~ All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E.— **Vacancies.** In the event of a vacancy in any office, the ~~chair~~ **Chairperson**, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F.— **Rights of chair.** ~~Chairperson.~~ The ~~chair~~ **Chairperson** shall have all the rights and privileges of a ~~B~~board member.
- G.— **Duties of chair.** ~~Chairperson.~~ The ~~chair~~ **Chairperson** shall:
- 1.— Preside at all meetings of the ~~B~~board;
  - 2.— Plan the agenda for the ~~B~~board;
  - 3.— Act as a liaison between the ~~B~~board ~~and~~, the Planning and Community Development Department, **and the City Commission;**
  - 4.— Execute all legal documents on behalf of the ~~B~~board;
  - 5.— Call special meetings as provided herein; and
  - 6.— Act as the public representative of the ~~B~~board or designate an alternate.
- H.— **Duties of vice-chair.** ~~the Vice-Chairperson.~~ The ~~vice-chair~~ **Vice-Chairperson** shall perform the duties of the ~~chair~~ **Chairperson** in all cases in which the chair is unable to serve or as otherwise directed by the ~~chair~~ **Chairperson**.
- I.— **Duties of secretary.** ~~the Secretary.~~ The ~~secretary~~ **Secretary** shall **be a member of the City Planning and Community Development staff and shall:**
- 1.— Maintain the minutes and records of the ~~B~~board and issue calls and notices pertaining to the ~~B~~board;
  - 2.— Distribute the agenda for all meetings at least ~~one (1) week~~ **forty-eight (48) hours** prior to the meeting;
  - 3.— Keep a roll of membership and attendance; and
  - 4.— Supervise the balloting at all elections.
- J.— ~~Delegation of duties.~~ ~~The board may delegate the duties of the secretary to the Planning and Community Development Department by a majority vote.~~

(Ord. No. 3056, § 1, 8-17-2010)

17.12.5.050 Board procedures.

The ~~B~~board may adopt rules of procedure to carry out its purposes. All rules must conform to ~~this Title, other City regulations,~~ **the OCCGF** and State law and shall be filed in the office of the City Clerk.



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**17.12.5.060 Schedule of meetings.**

- A.— **Annual meeting.** The ~~B~~board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular meeting. The Board shall schedule meetings to review applications for which it has authority to review.**
- ~~C.B.— Regular meeting. The board shall schedule meetings to review applications for which it has authority to review.~~
- C.— **Special meeting.** Special meetings may be called by the ~~chair~~ **Chairperson** or by two (2) members of the ~~B~~board or the City Commission upon written request to the ~~secretary.~~ **Secretary.** ~~(See: 76-2-321 (3), MCA)~~

**17.12.5.070 Voting and quorum.**

- A.— **Requirements for quorum. Unless provided by this Chapter, A** quorum shall consist of ~~four (4)~~ **three (3)** voting members.
- B.— **Requirements for voting.** The concurring vote of four (4) members shall be necessary to grant a variance or overturn, in whole or part, an administrative decision, or interpretation. ~~(See: 76-2-324, MCA).~~
- C.— **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  - 1.— The member has a direct financial interest in the outcome of the matter at issue; or
  - 2.— The member has ~~such close a~~ personal ~~ties-relationship~~ to the applicant, the project, or to a party opposing the application ~~that the member can not reasonably be expected to~~ **impacting the member's** exercise sound judgment ~~in for~~ the public interest; or
  - 3.— The member owns property within the area entitled to receive written notice; or
  - 4.— Participation in the matter ~~might~~ **could** violate **a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.** ~~the letter or spirit of a member's code of professional responsibility; or~~
  - 5.— ~~Other applicable law that applies~~

**17.12.5.080 Compensation and expenses.**

- A.— **Compensation.** Members shall not be compensated for their services on the ~~B~~board.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on ~~B~~board business under procedures prescribed in advance by the City Commission.

**17.12.5.090 Legal representation.**

The City ~~Commission~~ may appoint legal counsel to represent the ~~B~~board when it deems necessary.

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Exhibit "A"

**~~17.12.5.100 — Board of Airport Hazard Adjustment.~~**

~~The board established in this article shall also serve as the Board of Airport Hazard Adjustment consistent with 67-4-312, MCA. The board shall expressly state in its public notice and at the opening of its meetings that it is acting as the Board of Airport Hazard Adjustment.~~

**(Ord. 3205, 2019; Ord. 3056, 2010; Ord. 2950, 2007; Ord. 2923, 2005)**

**Chapter 9    RESERVED**

**Chapter 10    RESERVED**

**Chapter 11    RESERVED**

**Chapter 12    ADMINISTRATIVE AND ENFORCEMENT BODIES**

**Articles:**

Article 1 - PLANNING ADVISORY BOARD

Article 2 - ZONING COMMISSION

Article 3 – DESIGN REVIEW BOARD

Article 4 - HISTORIC PRESERVATION ADVISORY COMMISSION

Article 5 - BOARD OF ADJUSTMENT

**Article 1    PLANNING ADVISORY BOARD**

**Sections:**

17.12.1.010 Establishment.

17.12.1.020 Jurisdiction.

17.12.1.030 Duties, services, and functions.

17.12.1.040 Composition and appointment of members.

17.12.1.050 Officers.

17.12.1.060 Board procedures.

17.12.1.070 Schedule of meetings.

17.12.1.080 Special meetings.

17.12.1.090 Voting and quorum.

17.12.1.100 Compensation and expenses.

17.12.1.110 Contracts and agreements.

17.12.1.120 Staff.

17.12.1.130 Fiscal administration and budget.

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17.12.1.140 Legal Representation.

**17.12.1.010 Establishment.**

The Great Falls Planning Advisory Board is established, pursuant to and under the provisions of the Charter of the City of Great Falls, to undertake the duties, services, and functions identified in this Chapter.

**17.12.1.020 Jurisdiction.**

The jurisdictional area of the Board includes the area within the incorporated limits of the City of Great Falls and such areas as may be granted or authorized pursuant to intergovernmental agreements.

**17.12.1.030 Duties, services, and functions.**

- A. **Generally.** The Board shall perform and provide duties, services and functions established and assigned through the OCCGF, Commission resolution, or other Commission initiative including to:
  - 1. Advise the City Commission on all community planning and land development activities specified in this Title; and
  - 2. Undertake and perform other duties, services and functions, as requested by the City Commission.
- B. **Long range planning.** The Board shall have the authority and responsibility to:
  - 1. Initiate, prepare, review, and hear staff reports and presentations regarding the adoption or amendment of a growth policy and thereafter make recommendations to the City Commission; and
  - 2. Initiate, prepare, review, hear staff reports and presentations on the adoption or amendment of the planning documents designed to guide the orderly development of the community, and thereafter make recommendations to the City Commission.
- C. **Subdivision and annexation review.** The Board shall have the authority and responsibility to review, hear staff reports and presentations on:
  - 1. Subdivision applications and plats; and/or
  - 2. Annexations; and
  - 3. Thereafter make recommendations to the City Commission.
- D. **Transportation.** The Board shall have the authority and responsibility to serve and perform all associated duties as the Metropolitan Planning Organization (MPO) for the Great Falls Urbanized Area Transportation Planning Process.

**17.12.1.040 Composition and appointment of members.**

- A. **Number and appointment.** The Board shall consist of seven (7) to nine (9) members appointed by the City Commission, who:
  - 1. Are residents of the City of Great Falls;
  - 2. Are not City employees or elected officials; and

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3. Are qualified Montana electors.
- B. **Consideration in making appointments.** Any interested and eligible citizen may be appointed to the Board. Applicants with knowledge, experience, or interest in the fields of, Planning, Development, and Zoning are preferred.
- C. **Terms.** Each member shall be appointed to a three-year term, beginning and ending January 1.
- D. **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the City Commission for the unexpired term.
- E. **Conditions of removal.** A member may be removed pursuant to OCCGF Title 2.
- F. **Reappointments.** Each member may be reappointed when his or her term expires as set by Commission resolution.

**17.12.1.050 Officers.**

- A. **Elections.** At its first regular meeting in each calendar year, the Board shall elect from its members a Chairperson and Vice-Chairperson to serve for a period of one (1) year. If there is more than one (1) nominee for any office, voting shall be conducted by secret ballot.
- B. **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the Board, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least two (2) weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitations on consecutive terms.** No Officer shall serve in the same position for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson shall designate a member to fill the unexpired term of the office with approval by a majority of the Board.
- F. **Rights and duties of Chairperson.** The Chairperson shall have all the rights and privileges of a Board member and shall:
  1. Preside at all meetings of the Board;
  2. Be an ex-officio voting member of all committees except the nominating committee;
  3. Act as a liaison between the Board, City staff, and the City Commission;
  4. Execute all legal documents on behalf of the Board;
  5. Authorize all financial transactions upon approval of a majority of members present;
  6. Appoint the chair and members of all committees except the nominating committee; and
  7. Call special meetings as provided herein.
- G. **Duties of Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unable to serve.

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H. **Duties of Secretary.** The Director of the Planning and Community Development Department shall function as the Board Secretary. The Secretary shall:

1. Maintain the minutes and records of the Board and issue calls and notices pertaining to the board;
2. Prepare and distribute the agenda for all regular meetings at least four (4) days prior to the meeting;
3. Keep a roll of membership and attendance; and
4. Supervise the balloting at all elections.

**17.12.1.060 Board procedures.**

Unless otherwise specified in this Title, the Board shall be guided by the rules contained in the most recent edition of "Robert's Rules of Order, Revised," in all applicable parliamentary procedures.

**17.12.1.070 Schedule of meetings.**

Unless otherwise specified in this Title, the Board shall fix the time for holding regular meetings and shall meet at least once in the months of January, April, July, and October.

**17.12.1.080 Special meetings.**

Special meetings of the Board may be called by the Chairperson or by two (2) members upon written request to the secretary of the Board. The secretary shall provide written notice to all members, at least two (2) days in advance of a special meeting. Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting.

**17.12.1.090 Voting and quorum.**

- A. **Requirements for quorum.** A quorum shall consist of four (4) members if the Board consists of seven (7) members and five (5) members if the Board consists of eight (8) or nine (9) members.
- B. **Requirements for official action.** Each decision of the Board shall be approved by a majority vote of the members present.
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  1. The member has a direct financial interest in the outcome of the matter at issue;
  2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise of sound judgment for the public interest;
  3. The member owns property within the area entitled to receive written notice; or
  4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

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**17.12.1.100 Compensation and expenses.**

Members shall not be compensated for serving on the Board but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, or meetings related to Board membership.

**17.12.1.110 Contracts and agreements.**

The Board may accept, receive, and expend funds, grants, and services from and may contract with respect thereto:

- A. The Federal government or its agencies and instrumentalities;
- B. State or local governments or their agencies and instrumentalities; and/or
- C. From civic sources.

**17.12.1.120 Staff.**

The City shall assign City staff to assist the Board in conducting its duties. The Board may delegate to assigned staff the authority to perform ministerial acts when final action of the Board is not necessary.

**17.12.1.130 Fiscal administration and budget.**

The board shall be financed pursuant to the annual budget adopted by the City Commission.

**17.12.1.140 Legal representation.**

The City may appoint legal counsel to represent the Board when necessary.

**Article 2 ZONING COMMISSION**

**Sections:**

17.12.2.010 Establishment.

17.12.2.020 Jurisdiction.

17.12.2.030 Authority.

17.12.2.040 Composition and appointment of members.

17.12.2.050 Officers.

17.12.2.060 Commission procedures.

17.12.2.070 Schedule of meetings.

17.12.2.080 Notice for special meetings.

17.12.2.090 Voting and quorum.

17.12.2.100 Compensation and expenses.

17.12.2.110 Legal representation.

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**17.12.2.010 Establishment.**

A Zoning Commission is established to undertake the responsibilities pursuant to this Article.

**17.12.2.020 Jurisdiction.**

The jurisdictional area of the Commission includes the area within the incorporated limits of the City, as may be altered pursuant to annexation.

**17.12.2.030 Authority.**

The commission shall have the authority to:

- A. Review and hear staff reports and presentations regarding conditional use permits and thereafter make recommendations to the City Commission;
- B. Prepare and submit an application to amend this Title;
- C. Review and hear staff reports and presentations regarding applications to amend this Title and thereafter make recommendations to the City Commission;
- D. Review and hear staff reports and presentations regarding zoning and rezoning petitions and thereafter make recommendations to the City Commission; and/or
- E. Review and hear other applications pursuant to this Title.

**17.12.2.040 Composition and appointment of members.**

The members of the Great Falls Planning Advisory Board shall serve as the members of the Zoning Commission.

**17.12.2.050 Officers.**

All provisions provided by OCCGF § 17.12.1.050 shall apply to the Zoning Commission.

**17.12.2.060 Commission procedures.**

Unless otherwise specified in this Title, the Commission shall be guided by the most recent edition of "Robert's Rules of Order, Revised," in all applicable parliamentary procedures.

**17.12.2.070 Schedule of meetings.**

The provisions of OCCGF §§ 17.12.1.070 and 080 shall apply to the Zoning Commission.

**17.12.2.080 Notice for special meetings.**

The secretary shall send written notice to all members at least two (2) days in advance of a special meeting.



Exhibit "B"

**17.12.2.090 Voting and quorum.**

The provisions of OCCGF § 17.12.1.090 shall apply to the Zoning Commission.

**17.12.2.100 Compensation and expenses.**

Members shall not be compensated for serving on the commission but may be reimbursed for transportation and actual expenses up to but not exceeding State transportation reimbursements and allowable expenses for Commission-approved attendance at conferences, workshops, training sessions, or meetings related to Commission membership.

**17.12.2.110 Legal representation.**

The City may appoint legal counsel to represent the Commission when necessary.

**Article 3 DESIGN REVIEW BOARD**

**Sections:**

17.12.3.010 Establishment.

17.12.3.020 Authority.

17.12.3.030 Composition and appointment of members.

17.12.3.040 Officers.

17.12.3.050 Board procedures.

17.12.3.060 Schedule of meetings.

17.12.3.070 Voting and quorum.

17.12.3.080 Compensation and expenses.

17.12.3.090 Legal representation.

**17.12.3.010 Establishment.**

A Design Review Board is established to undertake the responsibilities pursuant to this Article.

**17.12.3.020 Authority.**

To further promote the health, safety, and general welfare the Board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in this Title. The Board may approve, deny, modify, or set conditions for approval of development proposals, or provide advice and counsel.

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**17.12.3.030 Composition and appointment of members.**

- A. **Number and appointment.** The Board shall consist of five (5) voting members appointed by the City Commission.
- B. **Consideration in making appointments.** Members shall be residents of the City and qualified Montana electors. City Commission members and City staff may not be members of the Board.
- C. **Preferred composition.** The preferred Board composition includes:
  - 1. Two (2) architects; and
  - 2. Three (3) individuals chosen for their demonstrated interest or expertise in design or community aesthetics.
- D. **Terms.** Each member shall be appointed to a three-year term. The expiration of initial terms of Board members will be staggered to assure continuity.
- E. **Vacancies.** When a position becomes vacant before the end of the term, the City Commission shall appoint a member to fill the vacancy. A member whose term expires may continue to serve until a successor is appointed and qualified.
- F. **Conditions of removal.** Members may be removed pursuant to OCCGF Title 2.

**17.12.3.040 Officers.**

- A. **Election.** At its annual meeting, the Board shall elect a Chairperson and Vice-Chairperson from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of the Chairperson.** The Chairperson shall have all the rights and privileges of a Board member.
- G. **Duties of the Chairperson.** The Chairperson shall:
  - 1. Preside at all meetings of the Board;
  - 2. Plan the agenda for the Board;
  - 3. Act as a liaison between the Board, the Planning and Community Development Department, and the City Commission;
  - 4. Execute all legal documents on behalf of the Board;
  - 5. Call special meetings as provided herein; and
  - 6. Act as the public representative of the Board or designate an alternate.
- H. **Duties of the Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson in all cases in which the Chairperson is unable to serve or as otherwise directed by the chair.

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- I. **Secretary.** The Secretary shall be a member of the City Planning and Community Development staff and shall:
  1. Maintain the minutes and records of the Board and issue calls and notices pertaining to the board;
  2. Distribute the agenda for all regular and annual meetings at least forty-eight (48) hours prior to the meeting;
  3. Keep a roll of membership and attendance; and
  4. Supervise the balloting at all elections.

#### 17.12.3.050 Board procedures.

The Board may adopt rules of procedure to carry out its purposes. All rules must conform to the OCCGF and State law and shall be filed in the office of the City Clerk.

#### 17.12.3.060 Schedule of meetings.

- A. **Annual meeting.** The Board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular meeting.** The Board shall schedule meetings to review applications for which it has authority to review.
- C. **Special meeting.** Special meetings may be called by the Chairperson, by two (2) members of the Board, or the City Commission upon written request to the Secretary.

#### 17.12.3.070 Voting and quorum.

- A. **Requirements for a quorum.** A quorum shall consist of three (3) voting members.
- B. **Requirements for voting.** Each decision of the Board shall be approved by a majority vote of the members present at a regular, annual, or special meeting in which a quorum is in attendance and voting.
- C. **Disqualification or voluntary abstention from voting.** A member shall abstain from voting on a particular issue, if any of the following circumstances apply:
  1. The member has a direct financial interest in the outcome of the matter at issue;
  2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise sound judgment for the public interest;
  3. The member owns property within the area entitled to receive written notice; or
  4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

#### 17.12.3.080 Compensation and expenses.

- A. **Compensation.** Members shall not be compensated for their services on the Board.
- B. **Expenses.** Members may be paid for travel and other expenses incurred on Board business under procedures prescribed in advance by the City Commission.

Exhibit "B"

**17.12.3.090 Legal representation.**

The City may appoint legal counsel to represent the Board when necessary.

**Article 4 HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

17.12.4.010 Establishment.

17.12.4.020 Authority.

17.12.4.030 Composition and appointment of members.

17.12.4.040 Officers.

17.12.4.050 Commission procedures.

17.12.4.060 Schedule of meetings.

17.12.4.070 Voting and quorum.

17.12.4.080 Compensation and expenses.

17.12.4.090 Legal representation.

17.12.4.100 Staff.

**17.12.4.010 Establishment.**

- A. **Commission.** In order to carry out the purpose of this Chapter, the Great Falls/Cascade County Historic Preservation Advisory Commission is hereby established.
- B. **Historic preservation program.** A local historic preservation program is hereby established to promote the preservation of historic sites, pre-historic sites, structures, buildings, and districts through the identification, evaluation, and protection of historic resources within the County and City. This program is intended to promote the public interest and welfare by:
  - 1. Enhancing the visual character of the City and County by encouraging preservation ideals;
  - 2. Promoting tourism within the City and County by encouraging the preservation of historically significant buildings and structures;
  - 3. Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
  - 4. Integrating historic preservation into the local, State, and Federal planning and decision-making processes; and
  - 5. Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history.

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**17.12.4.020 Authority.**

The Commission shall serve in an advisory capacity to the Board of County Commissioners, City Commission, Great Falls Planning Advisory Board, and the Business Improvement District and have the authority to:

- A. Maintain a system for the survey and inventory of historic properties, maintain the inventory of identified districts, sites and/or structures within the County and the City, and make this information available to the public;
- B. Use the National Register of Historic Places criteria for designation of historic and prehistoric properties;
- C. Participate in the process of nominating to the National Register of Historic Places, according to procedures established for certified local governments, by reviewing and commenting on any National Register nominations of property within the County and City;
- D. Consult with City, County, State, and Federal agencies on:
  - 1. All applications;
  - 2. Environmental assessments;
  - 3. Environmental impact statements; and
  - 4. Other similar documents pertaining to historic districts, landmark sites, landmarks or properties;
- E. Review the OCCGF for applicability to issues of historic preservation and make appropriate recommendations to the Planning Advisory Board and Zoning Commission concerning any changes or modifications to OCCGF regulations and zoning district boundaries;
- F. Render advice and guidance upon request of property owners as to the restorations, alterations, decoration, landscaping or maintenance of historic buildings or structures, and create design guidelines which will be made available to the public for assistance in preservation projects;
- G. Provide information to property, building, and structure owners of potential tax incentives and Federal and/or State grants that might be obtained through the preservation of historic facilities;
- H. Participate in, promote, and conduct public:
  - 1. Informational;
  - 2. Educational; and
  - 3. Interpretive programs pertaining to historic preservation; and
- I. Advise on State guidelines and make recommendations in an attempt to ensure compliance regarding certification.
- J. Carry out the listed powers and duties of the Commission, and shall at all times ensure that any surveys, analyses, evaluations, reviews, or reports relating to any property or project within the City are completed within the current time frames for development. Should the Commission fail to complete any of the above actions in time to be included for final action of the City Commission or Board of County Commissioners, such failure shall not in any way impede the decision of the City Commission or Board of County Commissioners.

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**17.12.4.030 Composition and appointment of members.**

- A. **Number and appointment.** The commission shall consist of nine (9) members appointed as follows:
  - 1. Four (4) members as appointed by the Board of County Commissioners;
  - 2. Four (4) members as appointed by the City Commission; and
  - 3. One (1) member who has professional architectural expertise as appointed by the commission by a majority vote.
- B. **Considerations in making appointments.** Members shall have expertise/qualifications in one (1) or more of the following areas:
  - 1. History;
  - 2. Planning;
  - 3. Architecture and/or architectural history;
  - 4. Archaeology; or
  - 5. Other historic preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.
- C. **Terms.** Each member shall be appointed to a three-year term.
- D. **Vacancies.** When a position becomes vacant before the end of the term, the position shall be filled by the appropriate governing body. A member whose term expires may continue to serve until a successor is appointed and qualified.
- E. **Conditions for removal.** A member shall be removed from the Commission and the member's office declared vacant under the following conditions:
  - 1. Pursuant to OCCGF Title 2, Chapter 23, if the member was appointed by the City Commission;
  - 2. The member moves outside of the jurisdiction the member represents; or
  - 3. The County Commission determines there is cause for the removal of a County appointed member.

**17.12.4.040 Officers.**

- A. **Elections.** At its annual meeting, the Commission shall elect a Chairperson, Vice-Chairperson, and a Secretary from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of three (3) members, elected by a majority vote of the Commission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least forty-eight (48) hours before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No Officer shall hold the same elective office for more than three (3) consecutive terms.

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- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of Chairperson.** The Chairperson shall have all the rights and privileges of a Commission member.
- G. **Duties of Chairperson.** The Chairperson shall:
  - 1. Preside at all meetings of the Commission;
  - 2. Plan the agenda for the Commission;
  - 3. Act as a liaison between the Commission, the Planning and Community Development Department, and the City and County Commissions;
  - 4. Execute all legal documents on behalf of the Commission;
  - 5. Call special meetings as provided herein; and
  - 6. Act as the public representative of the Commission or designate an alternate.
- H. **Duties of Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson when the Chairperson is unable to serve or as otherwise directed by the Chairperson.
- I. **Duties of Secretary.** The Secretary shall be a member of the City Planning and Community Development staff and shall:
  - 1. Maintain the minutes and records of the commission and issue calls and notices pertaining to the Commission;
  - 2. Distribute the agenda for all meetings at least forty-eight (48) hours prior to the meeting;
  - 3. Keep a roll of membership and attendance, and
  - 4. Supervise the balloting at all elections.

**17.12.4.050 Commission procedures.**

The Commission may adopt rules of procedure to carry out its purposes. All rules must conform to the OCCGF, State law, and shall be filed in the office of the City Clerk and County Clerk and Recorder.

**17.12.4.060 Schedule of meetings.**

- A. **Annual meeting.** The Commission shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Special meetings.** Special meetings may be called by the Chairperson or by two (2) members of the Commission, the City Commission, or the Board of County Commissioners upon written request to the Secretary.

**17.12.4.070 Voting and quorum.**

- A. **Requirements for quorum.** A quorum shall consist of five (5) voting members.
- B. **Requirements for voting.** Each decision of the Commission shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

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- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue, if any of the following circumstances apply:
1. The member has a direct financial interest in the outcome of the matter at issue;
  2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise of sound judgment for the public interest;
  3. The member owns property within the area entitled to receive written notice; or
  4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

#### **17.12.4.080 Compensation and expenses.**

- A. **Compensation.** Members shall not be compensated for their services on the Commission.
- B. **Expenses.** Members may be paid for travel and other expenses incurred on commission business under procedures prescribed in advance by the appropriate appointing body.

#### **17.12.4.090 Legal representation.**

The City Commission or Board of County Commissioners may appoint legal counsel to represent the commission when, in the judgment of either body, legal representation is necessary.

#### **17.12.4.100 Staff.**

- A. **Historic preservation officer.** The City shall provide a historic preservation officer to act as staff to the commission. The Commission may be involved in the selection process for new hires.
- B. **Duties.** Duties of the preservation officer include:
1. Coordinating the local historic preservation programs;
  2. Assisting in the development of local surveys, projects, and historic preservation planning documents;
  3. Advising and providing assistance to the commission, government agencies and the public; and
  4. Ensuring to a reasonable extent the duties and responsibilities delegated by this article are carried out.

## **Article 5 BOARD OF ADJUSTMENT**

### **Sections:**

17.12.5.010 Establishment.

17.12.5.020 Authority.

17.12.5.030 Composition and appointment of members.

17.12.5.040 Officers.

17.12.5.050 Board procedures.



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17.12.5.060 Schedule of meetings.

17.12.5.070 Voting and quorum.

17.12.5.080 Compensation and expenses.

17.12.5.090 Legal representation.

**17.12.5.010 Establishment.**

Pursuant to Mont. Code Ann. § 76-2-321, a Board of Adjustment is established to undertake the responsibilities herein defined or as otherwise when the Board is acting as the Board of Appeals, as set forth by the City Commission in the Official Code of the City of Great Falls (OCCGF), Ordinance, or Resolution.

**17.12.5.020 Authority.**

- A. **Generally.** The Board of Adjustment shall have the following authority and responsibility:
  - 1. **Appeals.** To hear and decide appeals where it is alleged that an administrative official responsible for administering this Title or the housing or building regulations:
    - i. Failed to act as required;
    - ii. Made an error in issuing a permit or in denying an application;
    - iii. Made an error in enforcement; or
    - iv. Made an error in an any other determination; and
  - 2. **Variations.** To hear and decide variations pursuant to this Title.
- B. **Powers.** In exercising these powers, the Board may:
  - 1. Compel an administrative official to act as required; and
  - 2. Reverse, affirm or modify, in whole or in part, any appealed order, requirement, decision, or determination.
- C. **Witnesses.** The Chairperson or acting Chairperson may administer oaths and compel the attendance of witnesses.

**17.12.5.030 Composition and appointment of members.**

- A. **Number and appointment.** The Board shall consist of five (5) members as appointed by the City Commission.
- B. **Considerations in making appointments.** Board members shall be residents of the City and qualified State electors.
- C. **Terms and vacancies.** Each member shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified.
- D. **Condition of vacancy filling.** Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

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- E. **Removal.** The City Commission may remove a member pursuant to OCCGF Title 2, Chapter 23.

**17.12.5.040 Officers.**

- A. **Elections.** At its annual meeting, the board shall elect a Chairperson and Vice-Chairperson from among its membership by majority vote. If there is more than one (1) nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Term of office.** All elective offices shall be for one (1) year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than three (3) consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the Chairperson, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of Chairperson.** The Chairperson shall have all the rights and privileges of a Board member.
- G. **Duties of Chairperson.** The Chairperson shall:
  - 1. Preside at all meetings of the Board;
  - 2. Plan the agenda for the Board;
  - 3. Act as a liaison between the Board, the Planning and Community Development Department, and the City Commission;
  - 4. Execute all legal documents on behalf of the Board;
  - 5. Call special meetings as provided herein; and
  - 6. Act as the public representative of the Board or designate an alternate.
- H. **Duties of the Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson in all cases in which the chair is unable to serve or as otherwise directed by the Chairperson.
- I. **Duties of Secretary.** The Secretary shall be a member of the City Planning and Community Development staff and shall:
  - 1. Maintain the minutes and records of the commission and issue calls and notices pertaining to the Commission;
  - 2. Distribute the agenda for all meetings at least forty-eight (48) hours prior to the meeting;
  - 3. Keep a roll of membership and attendance, and
  - 4. Supervise the balloting at all elections.

**17.12.5.050 Board procedures.**

The Board may adopt rules of procedure to carry out its purposes. All rules must conform to the OCCGF and State law and shall be filed in the office of the City Clerk.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

**17.12.5.060 Schedule of meetings.**

- A. **Annual meeting.** The Board shall meet at least once a year in January to elect officers and for such other business as may arise.
- B. **Regular meeting.** The Board shall schedule meetings to review applications for which it has authority to review.
- C. **Special meeting.** Special meetings may be called by the Chairperson or by two (2) members of the Board or the City Commission upon written request to the Secretary.

**17.12.5.070 Voting and quorum.**

- A. **Requirements for quorum.** Unless otherwise provided by this Chapter, a quorum shall consist of three (3) voting members.
- B. **Requirements for voting.** The concurring vote of four (4) members shall be necessary to grant a variance.
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting, if any of the following circumstances apply:
  - 1. The member has a direct financial interest in the outcome of the matter at issue;
  - 2. The member has a personal relationship to the applicant, the project, or to a party opposing the application impacting the member's exercise sound judgment for the public interest;
  - 3. The member owns property within the area entitled to receive written notice; or
  - 4. Participation in the matter could violate a provision of OCCGF Title 2, Chapter 21, or Mont. Code Ann. Title 2, Chapter 2.

**17.12.5.080 Compensation and expenses.**

- A. **Compensation.** Members shall not be compensated for their services on the Board.
- B. **Expenses.** Members may be paid for travel and other expenses incurred on Board business under procedures prescribed in advance by the City Commission.

**17.12.5.090 Legal representation.**

The City may appoint legal counsel to represent the Board when it deems necessary.

(Ord. 3205, 2019; Ord. 3056, 2010; Ord. 2950, 2007; Ord. 2923, 2005)



**Item:** Consider an amendment to a 2004 Development Agreement dated June 15, 2004 to revise Conditions #1 and #5 of said Agreement pertaining to development of Lots 1 through 7, Block 582, Fifth Addition to Great Falls Townsite

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

**Initiated By:** Lee B. Janetski, Vicki A. Janetski, and Lee Sowers Construction, Inc.

**Presented By:** Craig Raymond, Director

**Action Requested:** Approve the amendment to Development Agreement

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the requested amendment to the Development Agreement approved by the Commission on June 15, 2004.”

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

**Staff Recommendation:** Staff recommends approval of the requested amendment.

**Background:** On June 18, 2019, the City Manager’s Office received a letter from Darrell Stroud, who is a realtor with a local real estate firm, Dustin Young and Company. This letter, which is included as an exhibit in the agenda report, indicated that the owner of one of the lots in the subdivision, Lee Sowers, was not able to sell the lot due to questions that arose regarding a recorded Development Agreement. The Agreement was required of the other lot owner, Lee Janetski, when Mr. Janetski received City Commission approval to rezone Lots 1 through 7 from residential to industrial in 2004. Specifically, the owners cited Conditions #1 and Conditions #5 in the 2004 Development Agreement as being problematic for the sale and development of the lots.

Condition #1 is a standard condition that typically accompanies development agreements approved by the City Commission. The condition required the owner to pay proportionate share of costs to improve

1<sup>st</sup> Ave SW, 13<sup>th</sup> St SW, and 14<sup>th</sup> St SW to City standards, upon development of Lots 1 through 7. The owners assert that this requirement will make the lots undevelopable due to excessive costs versus what can be gained from development of small lots in an area that has yet to develop over 15 years.

Condition #5 was a condition created due to concerns that the zoning decision in 2004 could create incompatible development adjacent to residentially zoned properties. The condition specifically prohibited any operation that, "...creates objectionable noise, odor, smoke, fumes, vapor, dust, or gas." The owners requested removal of this passage from Condition #5 because they believed it was subjective and ambiguous, creating uncertainty for buyers as to what would be considered "objectionable" by the City.

In response to this letter, staff from the Planning, Public Works, and Legal Departments met to discuss whether the 2004 Agreement could be amended. As noted in the Fiscal Impact Section below, staff is recommending that the street improvement requirement be removed from the Development Agreement. Although there are several reasons for this recommendation, the key consideration from staff's perspective is the context of the area. Along 1<sup>st</sup> Ave SW, the nearest section of improved City street right of way is over 500 feet to the east. For 13<sup>th</sup> St SW and 14<sup>th</sup> St SW, adjoining properties to the north do not have improved street sections. It is much more appropriate for the City to address the situation through a larger street improvement project. In such instance, the owners of Lots 1 through 7 would still be required to contribute towards the cost of such a project, much like occurred when sewer and water mains were extended about a decade ago.

For Condition #5, staff determined that the City's current code requirements governing nuisances, as well as the Zoning code's requirements related to the Light Industrial zoning district, will be adequate to protect surrounding property owners from the specific items noted in the 2004 Development Agreement.

Once these determinations were made, the 2004 Agreement was updated to reflect revised Conditions #1 and 5 as well as updated to make the Agreement current with respect to typical development agreements submitted to the City Commission. The owners have since signed the revised Agreement.

**Public Input:** Notice of the public hearing was published by the *Great Falls Tribune* on September 15. Property owner notices were mailed out by staff on September 13. In response to the property owner notices, staff did meet with one noticed individual. This individual pointed out several City code problems on Lot 1 of the subject property, specifically lack of lot maintenance. Because the individual lives across the street from the area covered by the Development Agreement, the individual does not support removing Development Agreement Condition #5 that specifically noted the owner's obligation to not cause nuisances related to noise, odor, smoke, fumes, vapor, dust, or gas. The individual also is concerned that future development of the lots will lead to outside storage of materials [Note: this is limited by the I-1 zoning district designation on the lots].

**Fiscal Impact:** There is some fiscal impact associated with the applicants' request to remove owner obligations to improve streets with pavement, curb and gutter upon future development. In such instance, the obligation for such future improvements would shift to the City. Staff from Legal, Public Works, and Planning considered this issue carefully. In the end, the recommendation to remove the owner's obligation in the 2004 Agreement is based on the following considerations: 1) lack of development on the lots in the last 15 years, 2) context of the nearby streets also being unimproved, and 3) relatively high cost burden on the lot owners relative to what can be gained from development.

**Alternatives:** The City Commission could deny the requested amendment to the 2004 Development Agreement. In such instance, future development would still be governed by the terms of this original Development Agreement.

**Concurrences:** Planning staff have consulted extensively with staff from the Public Works and Legal Departments to make its recommendation on revising Conditions #1 and 5 from the original development agreement.

**Attachments/Exhibits:**

Revised Development Agreement

Original 2004 Development Agreement

Request to revise Development Agreement

Area Map

REVISED DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between LEE B. JANETSKI and VICKI A. JANETSKI, husband and wife, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City".

WITNESSETH;

WHEREAS, the Great Falls City Commission originally approved a development agreement recorded on July 2, 2004 between the City and Lee B. Janetski and Vicki A. Janetski covering Lots 1 through 7, Block 582, Fifth Addition to Great Falls Townsite; and

WHEREAS, Lots 6 and 7 have since been sold to another owner, Lee Sowers Construction Inc., and combined to form Lot 6A; and

WHEREAS, both owners and the City believe that modification of the 2004 Agreement will make the lots more marketable for new development without compromising the intent of the original 2004 zoning decision; and

WHEREAS, Lee B. Janetski and Vicki A. Janetski presently own Lots 1 through 5, Block 582, Fifth Addition to Great Falls Townsite;

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. Owner hereby agrees to waive right to protest and/or appeal creation of any special improvement district should one be used as a mechanism for financing installation of improvements to adjoining streets and avenues.
2. Owner hereby agrees to submit and obtain City Public Works Department approval of engineering documents to extend City sanitary sewer system to adequately serve subject property and further agreeing to install same prior to occupancy of any structure.
3. Owner hereby agrees to submit and obtain City Public Works Department approval of a drainage plan for the lots in conjunction with any building permit issuance and Owner further agrees to adhere to said drainage plan as said lots are developed.
4. Owner hereby agrees to submit and obtain Design Review Board approval of the site plans and structures proposed to be constructed on the lots including landscaping, signage, yard lighting and sight-obscuring fence or other such improvement no less than six feet in height surrounding exterior areas used for storage of equipment and materials.
5. Due to the close proximity of residential uses, Owner hereby agrees to prohibit placement of any business involving on-site alcohol consumption, gaming or gambling. Owner hereby agrees that uses of property will comply with the Official Code of the City of Great Falls (OCCGF).
6. City and Owner continue to recognize and comply with Ordinance No. 2876 which rezoned Lots 1 through 7, Block 582, Fifth Addition to Great Falls Townsite, from "C" Residence Use, "C" Area District to 1" Industrial, "D" Area District, with limitations as noted in Paragraph 5 herein.

7. The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signators affixed hereto.

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

9. All other terms and conditions of the July 2, 2004 Agreement which are not affected by this Revised Development Agreement remain binding on the parties.

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

\_\_\_\_\_  
City Manager

**ATTEST**

**CITY SEAL**

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

**APPROVED FOR LEGAL CONTENT\*:**

\_\_\_\_\_  
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.



By: Lee B. Janetski

By: Vicki A. Janetski

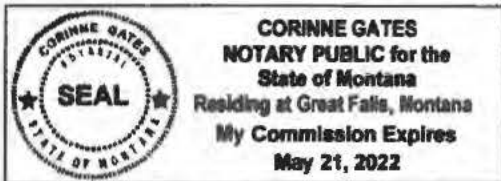
STATE OF MONTANA )  
: ss.  
County of Cascade )

On this 19 day of Sept, 2019, before me, the undersigned, a Notary Public for the State of Montana, appeared LEE B. JANETSKI and VICKI A. JANETSKI, known to me to be the persons that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My Commission expires: 5-21-2022

(NOTARIAL SEAL)



LEE SOWERS CONSTRUCTION, INC.

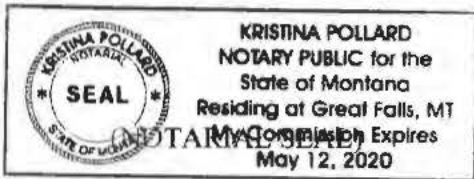
By: Lee Sowers

Its: President

STATE OF MONTANA )  
: ss.  
County of Cascade )

On this 19 day of September, 2019, before me, the undersigned, a Notary Public for the State of Montana, appeared LEE SOWERS, known to me to be the persons that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.



Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My Commission expires: May 12, 2020

AGREEMENT

THIS AGREEMENT, made and entered into this 15<sup>th</sup> day of June 2004, by and between LEE B. JANETSKI and VICKI A. JANETSKI, husband and wife, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City".

WITNESSETH;

WHEREAS, Owner presently owns Lots 1 through 7, Block 582, Fifth Addition to Great Falls Townsite; and,

WHEREAS, Owner has petitioned City to rezone said Lots 1 through 7 from "C" Residence Use, "C" Area District to 1<sup>st</sup> Industrial, "D" Area District;

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. Owner hereby agrees to pay proportionate share of the costs to improve 1<sup>st</sup> Avenue Southwest, 13<sup>th</sup> Street Southwest and 14<sup>th</sup> Street Southwest abutting said Lots 1 through 7 to City standards and further agrees to waive right to protest creation of any special improvement district should same be used as a mechanism for financing said installation.
2. Owner hereby agrees to submit and obtain City Public Works Department approval of engineering documents to extend City sanitary sewer system to adequately serve subject property and further agreeing to install same prior to occupancy of any structure on said Lots 1 through 7.
3. Owner hereby agrees to submit and obtain City Public Works Department approval of a drainage plan for said Lots 1 through 7 in conjunction with any building permit issuance and Owner further agrees to adhere to said drainage plan as said Lots 1 through 7 are developed.
4. Owner hereby agrees to submit and obtain Design Review Board approval of the site plans and structures proposed to be constructed on said Lots 1 through 7 including landscaping, signage, yard lighting and sight-obscuring fence or other such improvement no less than six feet in height surrounding exterior areas used for storage of equipment and materials.
5. Due to the close proximity of residential uses, Owner hereby agrees to prohibit placement on said Lots 1 through 7 of any business involving on-site alcohol consumption, gaming or gambling, or any operation which creates objectionable noise, odor, smoke, fumes, vapor, dust or gas.
6. City hereby approves Ordinance No. 2876 which rezones Lots 1 through 7, Block 582, Fifth Addition to Great Falls Townsite, from "C" Residence Use, "C" Area District to 1<sup>st</sup> Industrial, "D" Area District, with limitations as noted in Paragraph 5 herein.
7. The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signators affixed hereto.

 R0086001  
Page: 1 of 4  
07/02/2004 01:47P  
By: LDACCETT  
CASCADE COUNTY, MT OFR 24.00

Return to the City Clerk  
P.O. Box 5021  
Great Falls, MT 59403

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

[Redacted]  
City Manager

STATE OF MONTANA )  
 )  
 ) ss.  
County of Cascade )

On this 15<sup>th</sup> day of June, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared JOHN W. LAWTON, known to me to be the City Manager of the City of Great Falls, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.



[Redacted]  
Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My Commission expires: 11/03/2007

APPROVE BY THE LEGAL COUNSEL:

[Redacted]  
City Attorney

[Redacted]  
By: Lee B. Janetski

[Redacted]  
By: Vicki A. Janetski

STATE OF MONTANA )  
 )  
 ) ss.  
County of Cascade )

On this 27 day of April, 2004, before me, the undersigned, a Notary Public for the State of Montana, appeared LEE B. JANETSKI and VICKI A. JANETSKI, known to me to be the persons that executed the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.



[Redacted]  
Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My Commission expires: 10-5-07



80886001

Page: 2 of 4  
07/02/2004 01:47P  
By: LDAGGETT

CASCADE COUNTY, MT CPA

24.00

Jan. 21, 2004, Staff Report 2  
Rezone Lots 1-7, Blk. 582, 5<sup>th</sup> Add. (Janetski)

Agenda Item 1.F.  
Mtg. Date January 27, 2004

**Surrounding Zoning and Land Uses:**

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	<u>Fifth Addition</u> Lots 8-14, Block 586	"C" Residential	Mobile home, 4-plex 12-plex and vacant
East	Lot 1, Block 581	"B" Residential	Single family under rehab
South	Lots 8-13, Block 582	1 <sup>st</sup> Industrial	Single family residential and business
West	Lot 5, Block 583	1 <sup>st</sup> Industrial	Business

**Attachments:**

Zoning Application  
Vicinity Zoning Map  
Memorandum dated Jan. 8, 2004, from City Engineer  
Letter dated Jan. 16, 2004, from Neighborhood Council 2



**SPECIAL INFORMATION:**

1. Property owner Lee Janetski has petitioned to rezone Lots 1-7, Block 582, Fifth Addition, from "C" Residence Use, "C" Area District, to 1<sup>st</sup> Industrial, "D" Area District, to allow building of several structures to be leased to small business operators or contractors.
2. The applicant has not submitted or formalized a site plan, as it is his intention to build to suit the needs of prospective tenants.
3. Significant public infrastructure needs to be installed to serve subject property and the adjacent neighborhood. Public roadways are not improved to City standards, sanitary sewer needs to be extended, and some existing old water mains may have to be replaced. See attached Memo from City Engineer.
4. Access to subject property will be via 13<sup>th</sup> and 14<sup>th</sup> Streets Southwest and their connections to Central Avenue West, which is designated as a principal arterial.
5. The requested "D" Area District, which dictates building setbacks, will essentially allow a structural wall to be placed on a property line.
6. Attached is a letter dated January 16, 2004, from Neighborhood Council 2 expressing concerns about the requested rezoning and their opposition to it. The Council is concerned

DATE January 21, 2004

AGENDA ITEM I.F.

HRG. DATE January 27, 2004

**GREAT FALLS CITY-COUNTY PLANNING BOARD**

**PLANNING STAFF** Report and Recommendation

**REGARDING** Planning Board Hearing Scheduled for January 27, 2004

**SUBJECT:** Rezone Lots 1-7, Block 582, Fifth Addition (Janetski)

**GENERAL INFORMATION:**

**Owner and Applicant:** Lee B. Janetski  
P. O. Box 1989  
Great Falls, MT 59403-1989

**Property Location:** Along the south side of 1<sup>st</sup> Avenue Southwest  
between 13<sup>th</sup> and 14<sup>th</sup> Streets Southwest

**Requested Action:** Rezone Lots 1-7, Block 582, Fifth Addition, from "C"  
Residence Use, "C" Area District, to 1<sup>st</sup> Industrial,  
"D" Area District

**Purpose:** To allow building of several structures to be leased to  
small business operators or contractors

**Existing Land Use:** Vacant, although westerly portion of property is  
utilized for exterior storage of construction materials

**Property Area:** Each lot is 50 ft. x 125 ft. = 6,250 sq. ft.  
7 lots x 6,250 sq. ft. = 43,750 sq. ft.



R0086001

Page: 3 of 4

07/02/2004 01:47P

CASCADE COUNTY, MT CPA

24.00 By: LORGETT





Rec'd  
6-19-19

June 18, 2019

Chuck Anderson  
Deputy City Manager  
#2 Park Drive South, Room 201  
Great Falls, MT 59403

RE: Agreement between Lee B. Janetski and Vicki A. Janetski and the City of Great Falls,  
Dated June 15, 2004 on the properties located on 1st Ave SW

Mr. Anderson,

My name is Darrell Stroud. I am a REALTOR with Dustin Young and Company in Great Falls, MT. I represent the seller Lee Sowers in selling his property at 1302 1st Ave SW, legal description of Lot 6A, Block 582, PL 2015-03 Great Falls Fifth Addition. We were recently under contract however during title search it came to everyone's attention the agreement listed above between Janetski's and City of Great Falls regarding rezoning from residential to industrial and the limitations outlined in the Agreement (I have attached a copy). Due to this agreement and the ambiguous verbiage the buyer chose not to purchase. Our request is as follows:

All parties Lee Sowers (Seller), and the Janetski's (owners of other lots in the subdivision) are asking the city of Great Falls, to assist us by reviewing the aforementioned agreement, specifically items #1 and #5.

- Owner hereby agrees to pay proportionate share of costs to improve 1st Ave SW, 13th St SW and 14th St SW abutting said lots 1 through 7 to City standards and further agrees to wave right to protest creation of any special improvement district should same be used as a mechanism for financing said installation.
- Due to the subjective and ambiguous terminology "Objectionable Noise, Odor, Smoke, Fumes, Vapor, Dust or Gas" the seller is having difficulty selling this property as the buyers are not willing to commit to the purchase with such subjective, and ambiguous phrasing.

We are reaching out to you in the hopes that #1 is removed or re-worded to give clarification that it is in proportion to the lot or lots the person owns upon improvement of roads (example if they own one lot their only cost would be specific to what is attached to their lot versus someone who owns multiple) and remove #5 or modify to reflect the noise limits and restrictions assigned to the I-1, light industrial zoning, within which this property sits.

It is our firm belief that the current terminology will continue to be a deterrent to buyers and will ultimately will affect the land value of these parcels.

In the event that you wish to contact any or all of the parties involved in this current transaction, the following information is provided.

Darrell Stroud-REALTOR@  
Dustin Young and Company  
Cell: 406-868-0634

Lee Sowers  
Cell: 406-799-3045

Lee Janetski  
Cell: 406-590-8888

Thank you for your time and consideration in this matter. Any assistance you can provide in resolving this will be greatly appreciated



Dustin Young and Company  
1420 Market Place Dr. Suite 3\* Great Falls, MT 59403

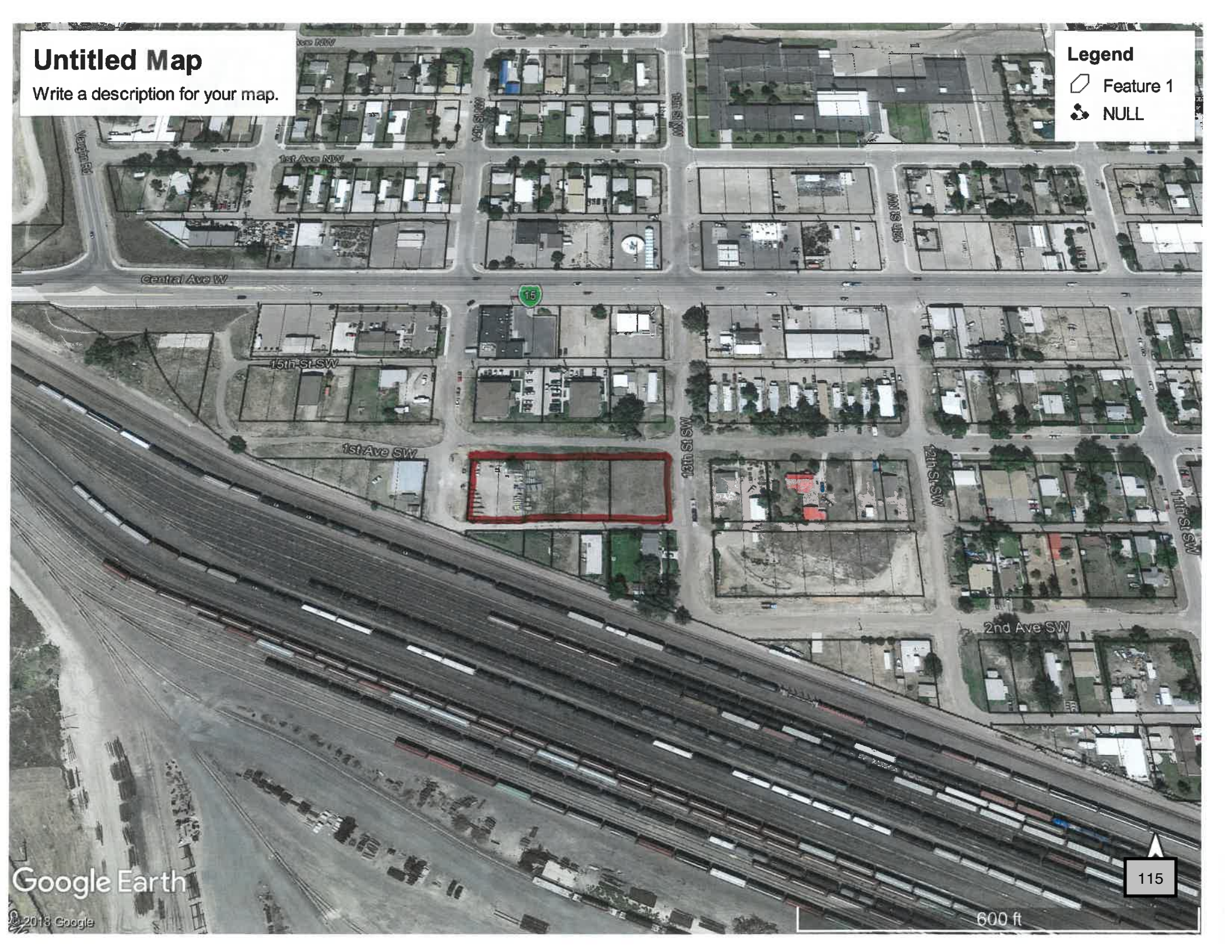


# Untitled Map

Write a description for your map.

## Legend

-  Feature 1
-  NULL







**Item:** Resolution 10316 Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates Effective November 1, 2019.

**From:** Melissa Kinzler, Finance Department Director

**Initiated By:** Public Works and Finance Department

**Presented By:** Jim Rearden, Public Works Director & Melissa Kinzler, Finance Director

**Action Requested:** Conduct Public Hearing and adopt Resolution 10316.

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**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 10316 establishing residential and commercial water, sewer, and storm drain utility service rates effective November 1, 2019.”
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Summary:** Each year, staff reviews and analyzes the financing needs of the water, sewer, and storm drain funds. The City contracted with Advanced Engineering and Environmental Services, Inc. (AE2S) in 2018 for a water and sewer utility rate study based on a comprehensive review of the City’s water and sewer funds and budgets, Water Master Plan, Wastewater Facilities Plan, customer classes, current usage data and future planned growth of the City. The study was conducted to ensure revenue adequacy, review the cost of service and rate planning analyses, evaluate current and future costs, and compared rates to the industry standards for Montana and our region. The results included the following information:

1. A comparison of current water and sewer system costs (operations, capital improvements, and bonded debt) against appropriate industry benchmarks.
2. Recommended baseline rate structures required to fund water and sewer systems and considerations for annual inflationary, indexed adjustments to rates needed to maintain each utility.



3. Recommended ways of communicating utility system costs including recommendations for restructuring utility bill format.
4. Equity for all types of property ownership including single and multi-family units, MaltEurop, Calumet, Montana Refining, Black Eagle, and Malmstrom Air Force Base.

**Background:** Adjustments in utility rates are necessary to provide adequate revenue to finance the capital improvements program, meet debt service coverage requirements and to maintain appropriate reserves. The rate projections to meet future revenue requirements and gradually address cost of service for the various user classes have changed the way in which the proposed rates are being presented.

For Residential customers, an average water bill would increase \$.71 per month or 4%, from \$17.64 per month to \$18.35 per month. An average sewer bill would increase \$.18 per month or 1%, from \$23.72 to \$23.90 per month. An average storm drain bill would increase \$.32 per month or 5%, from \$6.28 to \$6.60 per month. The average monthly Residential utility bill would increase \$1.21 or 3%.

For Commercial customers, an average water bill would increase \$3.01 per month or 6%, from \$54.46 to \$57.47 per month. An average sewer bill would increase \$2.10 per month or 3%, from \$74.12 to \$76.22 per month. An average storm drain bill would increase \$.45 per month or 5%, from \$9.00 to \$9.45 per month. The average monthly Commercial utility bill would increase \$5.56 or 4% to adjust inequities in the Commercial user group.

The rate increase for water is due to approximately \$102.8 million in capital improvements needed over the next 10 years. The significant projects include Ongoing Watermain Replacement \$30.6M, WTP Electrical Upgrades (Phase 1 & 2) \$22.6M, North/South River Crossings \$11.5M, WTP Filter Media Replacement & Upgrade (Phase 1, 2 & 3) \$9.6M and WTP Sludge Processing Improvements \$5M. Over the next 10 years, operating expense is projected to grow from \$6.2M to \$9.8M. The projected cost escalation for key operational expenses is due to chemicals, power, labor and general inflation.

Currently under construction is a \$5.6M river crossing project which includes 3500' of 24" water main being installed under the Missouri River and 1600' of 20" water main being installed under the Sun River. This is being installed using a process called Horizontal Directional Drilling. This project will give the City's water system a much greater reliability and redundancy that has been needed for years.

Utilizing capital improvement funds for the Water Treatment Plant, the Filter Rehabilitation Project, Phase 1 of 3, is scheduled to be underway this fall. With the 4<sup>th</sup> Quarter Disinfection Bi-Products (HAA5's) results, we have met the Running Annual Average (RAA) compliance requirements.

Fire hydrants are integral to the water system as a whole, and are included as a monthly charge within the rate structure rather than a once a year special assessment. Staff recommends a gradual per meter size correction strategy with differing increases applied by meter sizes to gradually correct ratios to ensure that the total revenue is in line with the cost of service.

The rate increase for sewer is due to approximately \$45.4 million in capital improvements needed over the next 10 years. The significant projects include Ongoing Sewer Rehabilitation \$11M, WWTP Westside Pump Station Improvements \$1.75M, Lift Station No. 1 Rehabilitation \$3M and Nutrient Discharge Improvements \$10M. Installation of a septic receiving station is underway at the Waste Water Treatment Plant and is due to be completed in December 2019. Over the next 10 years, operating expense is projected to grow from \$5.9M to \$8.6M. The projected cost escalation for key operational expenses is due to chemicals, power, labor and general inflation.

The rate increase for storm drain is due to the approximately \$23.2 million in capital improvements needed over the next 10 years. On June 19, 2019, the third and final phase of the 18<sup>th</sup> Street storm drain project was completed. Phase 3 included a \$3.4 million project that replaced and upgraded an old undersized storm drain system. The entire 18<sup>th</sup> Street project (all three phases) limits were from Central Avenue to 15<sup>th</sup> Avenue S between 17<sup>th</sup> Street and 20<sup>th</sup> Street. The project consisted of very large diameter pipes and several storm ponds to improve the drainage in the area.

**Fiscal Impact:** Comparisons of current versus proposed charges, rate and fee structures are attached. With the proposed rates beginning November 1, 2019, the average monthly Residential utility bill would increase 3% or \$1.21 per month. The average monthly Commercial utility bill would increase 4% or \$5.56 per month.

**Alternatives:** The City Commission could choose to deny Resolution 10316.

**Concurrences:** Representatives from Public Works and the Finance Department worked with AE2S to develop fair and equitable rates for all user classes based on the level of service provided. The rate structure was reset to ensure rate increases are sufficient to achieve long term water and sewer utility funding objectives.

**Attachments/Exhibits:**

Resolution 10316

Public Notice

Current Rates vs. Proposed Rates

2019 Utility Rate Review Calendar

Correspondence

**RESOLUTION NO. 10316**

**A RESOLUTION ESTABLISHING RESIDENTIAL AND COMMERCIAL  
WATER, SEWER, AND STORM DRAIN UTILITY SERVICE RATES  
EFFECTIVE NOVEMBER 1, 2019**

**WHEREAS**, an annual review is performed of the water and wastewater cost of service for the municipal water and wastewater utilities, and rate and fee schedules prepared to generate sufficient revenue to pay all costs for the operation and maintenance, administration, and routine functions of the existing and such future facilities as may be established within the service area;

**WHEREAS**, the cost of service review indicates a need for extension, repair, improvement, and continued operation and maintenance of existing and proposed water and wastewater system facilities for the providing of water and wastewater services to the inhabitants of the City of Great Falls; and

**WHEREAS**, pursuant to Title 13 of the Official Code of the City of Great Falls, the City of Great Falls is authorized to regulate the City's municipal water and wastewater utility and to establish all rates, fees and charges for use of the utility systems or for permits, licenses, connections or inspections; and

**WHEREAS**, it is essential to the public health, welfare and safety of the inhabitants of the City of Great Falls to provide an adequate public water and wastewater system and to provide adequate funding to meet the cost of constructing, maintaining, and operating the same; and

**WHEREAS**, notice having been provided as required by law, the City Commission of the City of Great Falls conducted a public hearing on Tuesday, October 1, 2019, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., and did consider the cost of operation, equipment, facilities, debt service, and capital improvements for the Water, Sewer, and Storm Drain Utility systems.

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

Water, Sewer, and Storm Drain Utility Service Rates are hereby established as set forth in Appendix A, attached hereto and made a part hereof.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 1<sup>st</sup> day of October, 2019.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

Sara R. Sexe, City Attorney

**PUBLIC NOTICE  
PUBLIC HEARING ON RESOLUTION 10316  
TO ESTABLISH WATER, SEWER, AND STORM DRAIN  
RESIDENTIAL AND COMMERCIAL UTILITY SERVICE RATES**

The City of Great Falls is proposing to raise residential and commercial water, sewer and storm drain utility service rates, effective November 1, 2019. The increases are necessary to provide adequate revenue to finance the capital improvements program, to meet debt service coverage requirements and to maintain appropriate reserves.

**Typical Residential Customers**

Residential customers with a lot size of 7,500 square feet and a 3/4 " meter who use 600 cubic feet of water per month and have a winter quarter average of 600 cubic feet per month to calculate their sewer rate would see rate increases as follows:

- A water bill would increase \$.71 or 4%, from \$17.64 to \$18.35 per month;
- A sewer bill would increase \$.18 or 1%, from \$23.72 to \$23.90 per month; and
- A storm drain bill would increase \$.32 or 5%, from \$6.28 to \$6.60 per month.

The average monthly Residential utility bill would increase \$1.21 or 3%.

**Typical Commercial Customers**

Commercial customers with a lot size of 7,500 square feet with a 1" meter and consumption of 2,400 cubic feet of water and sewer per month would see rate increases as follows:

- A water bill would increase \$3.01 or 6%, from \$54.46 to \$57.47 per month;
- A sewer bill would increase \$2.10 or 3%, from \$74.12 to \$76.22 per month; and
- A storm drain bill would increase \$.45 or 5%, from \$9.00 to \$9.45 per month.

The average monthly Commercial utility bill would increase \$5.56 or 4%.

**Public Hearing**

The public hearing will be held on Tuesday, October 1, 2019, at 7:00 p.m. in the Civic Center Commission Chambers, 2 Park Drive S. Please mail any comments to City Clerk, City of Great Falls, PO Box 5021, Great Falls, MT 59403.

For further information, contact a City of Great Falls Utility Billing Clerk at (406) 727-7660 or Room 104 of the Civic Center, 8:00 am to 5:00 pm.

**CITY OF GREAT FALLS, MONTANA**  
**Resolution 10316, Appendix A**  
**Current Rates vs. Proposed Rates**  
 pg 1 of 3

Combined Water & Sewer	Quantity Charges CCF / Mo.			Monthly Service Charges											
				Not Meter Based	Meter Based - Service Line Size (inches)										
	1st 300 cf	Over 300 cf	Over 600 cf		(3/4") 0.75	1	1.25	1.50	2	3	4	6	see 6" if "na"		
				8	10	12									
<b>RESIDENTIAL WATER</b>															
2017 Regular Residential	1.47	2.46		7.56	8.06	14.61	14.61	18.52	49.37	71.44	143.98	216.74	306.47	452.25	
2018 Regular Residential	1.68	1.68	2.81	7.56	8.62	14.61	14.61	19.26	55.79	78.58	143.98	216.74	306.47	452.25	
2019 Regular Residential	1.76	1.76	2.95	7.79	9.23	14.61	14.61	20.03	63.04	86.44	148.30	216.74	306.47	452.25	
2017 Low Income Residential	1.33	2.21		6.81	7.25	13.14	13.14	16.65	44.42	64.31	129.59	195.06	275.84	407.03	
2018 Low Income Residential	1.51	1.51	2.53	6.81	7.76	13.14	13.14	17.32	50.19	70.74	129.59	195.06	275.84	407.03	
2019 Low Income Residential	1.59	1.59	2.66	7.01	8.30	13.14	13.14	18.01	56.72	77.82	133.48	195.06	275.84	407.03	
(90 % of Regular Residential)															
Fire Hydrant															
2017 Monthly				2.70	3.08	8.56	8.56	11.83	37.51	56.02	116.52				
2018 Monthly				2.70	3.39	8.56	8.56	12.54	37.51	56.02	116.52				
2019 Monthly				2.70	3.73	8.56	8.56	13.29	37.51	56.02	116.52				
2017 Annual				32.40	37.03	102.70	102.70	142.00	450.08	672.27	1,398.20				
2018 Annual				32.40	40.68	102.70	102.70	150.48	450.08	672.27	1,398.20				
2019 Annual				32.40	44.76	102.70	102.70	159.48	450.08	672.27	1,390.20				
<b>SEWER</b>															
2017 Regular Residential	1.86	3.08		8.67											
2018 Regular Residential	2.48	2.48	2.48	8.84											
2019 Regular Residential	2.48	2.48	2.48	9.02											
2017 Low Income Residential	1.68	2.78		7.79											
2018 Low Income Residential	2.23	2.23	2.23	7.95											
2019 Low Income Residential	2.23	2.23	2.23	8.10											
(90 % of Regular Residential)															
<b>COMMERCIAL WATER</b>															
2017 Regular Commercial	1.82	1.82		7.56	8.06	14.61	14.61	18.52	49.37	71.44	143.98	216.74	306.47	452.25	
2018 Regular Commercial	1.91	1.91	1.91	7.56	8.62	14.61	14.61	19.26	55.79	78.58	143.98	216.74	306.47	452.25	
2019 Regular Commercial	2.01	2.01	2.01	7.79	9.23	14.61	14.61	20.03	63.04	86.44	148.30	216.74	306.47	452.25	
2017 Black Eagle	1.89	1.89													
2018 Black Eagle	1.97	1.97	1.97												
2019 Black Eagle	2.04	2.04	2.04												
2017 Malmstrom AFB	2.10	2.10													
2018 Malmstrom AFB	2.21	2.21	2.21												
2019 Malmstrom AFB	2.32	2.32	2.32												
2017 Raw Water	0.31	0.31													
2018 Raw Water	0.33	0.33	0.33												
2019 Raw Water	0.35	0.35	0.35												
Fire Hydrant															
2017 Monthly				2.70	3.08	8.56	8.56	11.83	37.51	56.02	116.52				
2018 Monthly				2.70	3.39	8.56	8.56	12.54	37.51	56.02	116.52				
2019 Monthly				2.70	3.73	8.56	8.56	13.29	37.51	56.02	116.52				
2017 Annual				32.30	37.03	102.70	102.70	142.00	450.08	672.27	1,398.20				
2018 Annual				32.40	40.68	102.70	102.70	150.48	450.08	672.27	1,398.20				
2019 Annual				32.40	44.76	102.70	102.70	159.48	450.08	672.27	1,390.20				
Fire Lines															
2017 Monthly	na	na	na	na	na	na	na	2.88	4.38	6.77	12.04	16.31	na	41.99	
2018 Monthly	na	na	na	na	na	na	na	1.80	4.38	7.24	21.07	44.85	na	130.17	
2019 Monthly	na	na	na	na	na	na	na	1.80	4.38	7.61	22.12	47.10	na	136.68	
2017 Annual	na	na	na	na	na	na	na	34.58	52.53	81.24	144.48	195.76	na	503.85	
2018 Annual	na	na	na	na	na	na	na	21.60	52.53	86.88	252.84	538.20	na	1,562.04	
2019 Annual	na	na	na	na	na	na	na	21.60	52.53	91.32	265.44	565.20	na	1,640.16	
<b>SEWER</b>															
2017 Regular Commercial	2.64	2.64		8.67											
2018 Regular Commercial	2.72	2.72	2.72	8.84											
2019 Regular Commercial	2.80	2.80	2.80	9.02											
2017 Black Eagle	2.64	2.64		8.67											
2018 Black Eagle	2.72	2.72	2.72	8.84											
2019 Black Eagle	2.91	2.91	2.91	9.02											
2017 Malmstrom AFB	2.30	2.30		8.67											
2018 Malmstrom AFB	2.39	2.39	2.39	8.84											
2019 Malmstrom AFB	2.49	2.49	2.49	9.02											
2017 MaltEurop	1.84	1.84		7.87											
2018 MaltEurop	1.90	1.90	1.90	8.03											
2019 MaltEurop	1.95	1.95	1.95	8.19											

**CITY OF GREAT FALLS, MONTANA**

**Resolution 10316, Appendix A**

**Current Fees vs. Proposed Fees**

pg 2 of 3

**PRE-TREATMENT SEWER CHARGES**

	Quantity Charges CCF / Mo.	Not Meter Based
	0.70	0.00
2017 Regular Charges	1.29	8.67
2018 Regular Charges	1.35	8.84
2019 Regular Charges	1.42	9.02
2017 BOD > 0 mg/L	per pound	0.545
2018 BOD > 0 mg/L	per pound	0.332
2019 BOD > 0 mg/L	per pound	0.339
2017 TSS > 0 mg/L	per pound	0.373
2018 TSS > 0 mg/L	per pound	0.490
2019 TSS > 0 mg/L	per pound	0.500

**SEWER EXTRA STRENGTH CHARGES**

**BOD > 200 mg/L**

2017 Regular Commercial	per pound	0.545
2018 Regular Commercial	per pound	0.332
2019 Regular Commercial inc Malmstrom AFB & Black Eagle	per pound	0.339
2017 MaltEurop	per pound	0.332
2018 MaltEurop	per pound	0.332
2019 MaltEurop	per pound	0.339

**TSS > 250 mg/L**

2017 Regular Commercial	per pound	0.373
2018 Regular Commercial	per pound	0.490
2019 Regular Commercial inc Malmstrom AFB & Black Eagle	per pound	0.500
2017 MaltEurop	per pound	0.313
2018 MaltEurop	per pound	0.490
2019 MaltEurop	per pound	0.500

**Water Service Line Size (inches)**

	(3/4")	1.00	1.50	2.00	4.00	6.00	8.00	12.00
<b>CONNECTION FEES WATER</b>								
2017	\$504	\$559	\$680	\$736	\$1,420	\$2,201	\$3,680	\$7,378
2018	\$519	\$576	\$700	\$758	\$1,463	\$2,267	\$3,790	\$7,597
2019	\$545	\$605	\$735	\$796	\$1,536	\$2,380	\$3,979	\$7,977

Fee shall be ADDED TO: General Plumbing Permit for extension to new buildings; or, Inspection Permits for larger diameter pipe.

**SEWER**

Single Family Residential

2017	\$ 262
2018	\$ 270
2019	\$ 275

Commercial & Multi Family Units

2017	\$ 262	\$ 489	\$ 960	\$ 2,015	\$ 6,919	\$ 9,998	\$ 15,338	\$ 29,508
2018	\$ 270	\$ 504	\$ 989	\$ 2,075	\$ 7,126	\$ 10,298	\$ 15,798	\$ 30,393
2019	\$ 275	\$ 514	\$ 1,009	\$ 2,116	\$ 7,269	\$ 10,504	\$ 16,114	\$ 31,001

Connection Fees are for connection of service line to WATER AND SEWER mains, and do not include installation or general plumbing permits.

There is no fee to connect to the STORM SEWER SYSTEM.

Call City of Great Falls Community Development for more information @ 406-453-8430

Inspections and the associated fees are for the inspection and approval of all water and sewer service work and connections under OCCGF, Title 13

Call City of Great Falls Engineering for more information @ 406-771-1258

Where one meter serves one multi-purpose development, either mobile home, multiple family housing units, local business, commercial, industrial, residential use zones or variance, the connection charge will be based upon the size of the water tap. If there is no water tap, the charge will be based upon the the sewage being discharged on the same ratio as for other sewer connections.

	(3/4")	1.00	1.50	2.00	4.00	6.00	8.00	12.00
<b>TAPPING FEES (Water)</b>								
1 to 5 taps	Fee per Tap:							
2017	\$ 540	\$ 567	\$ 855	\$ 1,078	\$ 509	\$ 531	\$ 553	\$ 595
2018	\$ 556	\$ 584	\$ 880	\$ 1,111	\$ 524	\$ 547	\$ 569	\$ 613
2019	\$ 584	\$ 613	\$ 924	\$ 1,166	\$ 550	\$ 574	\$ 598	\$ 644
6 or more taps	Fee per Tap:							
2017	\$ 483	\$ 529	\$ 855	\$ 1,078	N/A	N/A	N/A	N/A
2018	\$ 497	\$ 545	\$ 880	\$ 1,111	N/A	N/A	N/A	N/A
2019	\$ 522	\$ 572	\$ 924	\$ 1,166	N/A	N/A	N/A	N/A

INCLUDED in this fee is installation of a corporation stop on the main, and furnishing of corporation stop, curb stop and box. NOT INCLUDED, and to be BILLED EXTRA, is the cost of saddles, clamps and other extraneous fitting required for the tap.

**TURN ON/OFF**

Flat fee of:

	After Hours			After Hours		
2017	\$ 75	\$ 100	REOCCURRENCE FOR NON-PAY	\$ 150	\$ 200	\$ 200
2018	\$ 75	\$ 100	REOCCURRENCE FOR NON-PAY	\$ 150	\$ 200	\$ 200
2019	\$ 75	\$ 100	REOCCURRENCE FOR NON-PAY	\$ 150	\$ 200	no change

**WATER TREATMENT PLANT (WTP)**

Laboratory Fees

	Akalinity	Hardness	pH	Specific Conductance	Total Coliform & E. coli, P/A	Total Coliform & E. coli, MPN	Turbidity	HPC	Ammonia, Total as N	Ammonia, Free	Chlorine, Free Residual	Chlorine, Total Residual	Non-Compliance TOC Test
2017	\$ 20.50	\$ 28.50	\$ 10.25	\$ 10.75	\$ 22.00	N/A	\$ 12.00	\$ 40.00	\$ 20.25	\$ 20.25	\$ 12.50	\$ 14.00	
2018	\$ 22.00	\$ 28.50	\$ 12.00	\$ 24.00	\$ 24.00	\$ 14.00	\$ 45.00	\$ 20.25	\$ 20.25	\$ 12.50	\$ 14.00		
2019	\$ 22.00	\$ 28.50	\$ 12.00	N/A	\$ 24.00	N/A	\$ 14.00	\$ 45.00	N/A	\$ 20.25	\$ 12.50	\$ 14.00	30.00

\* Tests no longer performed at the Water Treatment Plant.

**WASTEWATER TREATMENT PLANT (WWTP)**

Industrial Discharge Permit Application Fees

Gallons per Day (GPD)

	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS	per 100,000 GPD, or portion thereof
2017	\$ 128	\$ 207	\$ 265	\$ 265	\$ 78	
2018	\$ 132	\$ 213	\$ 273	\$ 273	\$ 80	3.00%
2019	\$ 136	\$ 220	\$ 281	\$ 281	\$ 83	3% increase

**Hauled Waste Disposal Fees**

0 to 100 Gallons

2017	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
2018	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
2019	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
2017	\$ 28.25	per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered.
2018	\$ 36.50	per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered.
2019	\$ 44.75	per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered.

**Additional Fees**

Additional fees may be charged for necessary testing prior to acceptance of wastes classified as non-domestic or industrial in nature.

NSF Fee \$30.

Delinquent Penalty 1.5% after 60 days.

**CITY OF GREAT FALLS, MONTANA  
Resolution 10316, Appendix A**

**Current Rates vs. Proposed Rates  
pg 3 of 3**

**STORM DRAIN**

**2017 10.00%**  
**2018 10.00%**  
**2019 5.00%**

		Sq Ft Cap	
<b>A</b>	<b>Single Family Res.</b>	<b>15,000</b>	
<b>2017</b>	Base	1.7567443080	Per Sq Ft 0.0005270233
<b>2018</b>	Base	1.9324187388	Per Sq Ft 0.0005797256
<b>2019</b>	Base	2.0290396757	Per Sq Ft 0.0006087119
<b>B</b>	<b>Multiple Residential</b>	<b>0</b>	
<b>2017</b>	Base	1.7567443080	Per Sq Ft 0.0006587791
<b>2018</b>	Base	1.9324187388	Per Sq Ft 0.0007246570
<b>2019</b>	Base	2.0290396757	Per Sq Ft 0.0007608899
<b>C</b>	<b>Commercial</b>	<b>0</b>	
<b>2017</b>	Base	1.7567443080	Per Sq Ft 0.0008564129
<b>2018</b>	Base	1.9324187388	Per Sq Ft 0.0009420542
<b>2019</b>	Base	2.0290396757	Per Sq Ft 0.0009891569
<b>D</b>	<b>Heavy Commercial</b>	<b>0</b>	
<b>2017</b>	Base	1.7567443080	Per Sq Ft 0.0011858024
<b>2018</b>	Base	1.9324187388	Per Sq Ft 0.0013043826
<b>2019</b>	Base	2.0290396757	Per Sq Ft 0.0013696018
<b>E</b>	<b>Unimproved Areas</b>	<b>10,000</b>	
<b>2017</b>	Base	1.7567443080	Per Sq Ft 0.0001317558
<b>2018</b>	Base	1.9324187388	Per Sq Ft 0.0001449314
<b>2019</b>	Base	2.0290396757	Per Sq Ft 0.0001521780





## 2019 UTILITY RATE REVIEW CALENDAR

July						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1-Nov	

DATE	TASK	RESPONSIBILITY
7/11/2019	STAFF DISCUSSION RE: UTILITY RATE REVIEW Public Works/Finance Department	Engineering Finance Public Works
8/26/2019	STAFF PRESENTATION TO CITY MANAGER City Manager's Office	City Manager Engineering Finance Public Works
9/3/2019	PRESENTATION OF RATE ANALYSIS City Commission Work Session	Finance Public Works Commission
9/3/2019	SET PUBLIC HEARING City Commission Meeting	Commission Finance / Public Works
9/8/2019	1st PUBLICATION OF NOTICE IN GF TRIBUNE	Great Falls Tribune
9/10/2019	WEEK 3 PUBLIC NOTICE INSERTED IN UTILITY BILLS	Finance
9/15/2019	2nd PUBLICATION OF NOTICE IN GF TRIBUNE	Great Falls Tribune
9/17/2019	WEEK 4 PUBLIC NOTICE INSERTED IN UTILITY BILLS	Finance
9/19/2019	WEEK 2 PUBLIC NOTICE MAILED	Finance
9/20/2019	EMAIL SENT TO EBILL CUSTOMERS	Finance
9/22/2019	3rd PUBLICATION OF NOTICE IN GF TRIBUNE	Great Falls Tribune
9/24/2019	WEEK 1 PUBLIC NOTICE INSERTED IN UTILITY BILLS	Finance
10/1/2019	PUBLIC HEARING/FINAL ACTION City Commission Meeting	Commission Finance / Public Works
11/1/2019	EFFECTIVE DATE FOR RATE INCREASES	Finance

RECEIVED

SEP 25 2019

CITY CLERK

100119.17

Res. 10316

9/27/2019

Dear City of Great Falls Commission,

I object to the proposed residential and commercial water, sewer and storm drain utility service rate increase.

Rates are high enough and increasing them only makes home ownership and rent payments less affordable.

Raising rates increases homelessness.

I would like to see what the current ~~capital~~ reserves are that are being held by the city.

Spread capital improvements out to be paid with the money already coming in to the city.

This rate increase should be put off for at least one year, and then start advising property owners of it four months before it goes into effect.

Respectfully, Michael & Tracy Bailey

owners of 2507 7th Ave North  
Great Falls, MT 59401



**Item:** Remove from Table and Consider an Amendment to Annexation Agreement dated April 4, 1995 to clarify ownership and responsibilities of roadways, easements and rights-of-way on Airport property.  
**From:** City Manager's and City Attorney's Office  
**Initiated By:** Great Falls International Airport  
**Presented By:** Charles Anderson, Deputy City Manager  
**Action Requested:** Approve the Amendment to Annexation Agreement.

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (remove/ not remove) the Amendment to Annexation Agreement dated April 4, 1995 from the table."

If Removed from Table:

"I move that the City Commission (agree/not agree) to enter into the Amendment to Annexation Agreement dated April 4, 1995 for the purpose of clarification of the Annexation Agreement terms."

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

---

**Staff Recommendation:** Staff recommends approval of the Amendment.

**Background:**

The Great Falls International Airport Authority (GFIAA) is a regional airport authority responsible for the maintenance and operation of the Great Falls International Airport. Under Montana statutory law, the GFIAA is an entity whose functions and assets are public and governmental in nature, exercised for a public purpose and matters of public necessity. The GFIAA was created by a joint resolution of the City and Cascade County, Montana on January 15, 1980 (City Resolution 7451/County Resolution 80-1). On April 4, 1995 the City and GFIAA entered into an *Annexation Agreement for Great Falls International Airport* by which the City agreed to convey to the GFIAA the real property comprising the airport and upon which improvements owned by the GFIAA were situated in exchange for the GFIAA's agreement to annex the airport into the City ("*Annexation Agreement*").

Differences in interpretation of the *Annexation Agreement* language, as relating to roadways on airport property have occurred throughout the intervening years since the annexation. The *Annexation Agreement* contains several references to the roads located on the airport property, including:

- Excepted from the grant of real property were, “d) roadways which will remain public roads, in the control and responsibility of the City.”
- “4. Assessments. Excepting only street maintenance assessments, upon annexation City shall not extend the boundaries of any maintenance or special improvement district to include Authority owned properties without the prior written consent of the Authority. Furthermore, **City acknowledges and agrees that upon conveyance of the real property to the Authority, the Authority shall not thereupon be subject to any existing assessments, excepting the street maintenance assessment**, or improvement district, whether such assessments are for a single event such as annexation or are based upon a continuing assessment obligation.”
- “5. Roadways. Roadways contained within the real property **retained by the City, shall remain public roads, in the control and responsibility of the City.**”

(Emphasis supplied.)

Since at least 1971 the City has adopted and periodically amended ordinances to assess real property for street maintenance. On July 1, 2000, the City and the GFIAA entered into a 5-year *Contract* to address street and traffic control maintenance. The primary reason for these Agreements was that the Airport was performing maintenance and other responsibilities on roads that it claimed the City was obligated to maintain, as it retained control and responsibility for them. The *Contract* provided for the GFIAA to assume street maintenance for the public roads on the airport and payment of an administrative fee to the City. The *Contract* was extended to July 1, 2010 by a *Street Assessment Agreement* dated July 1, 2005. That agreement was for a stated 5-year term with two additional 5-year terms available on at least 180 days’ notice. The GFIAA gave notice to the City on November 30, 2009 that it desired to extend the agreement for an additional 5 years commencing June 1, 2010.

In 2014 and 2015, the GFIAA underwent processes to obtain ownership of roadways within the GFIAA boundaries, from the Montana Department of Transportation (MDOT); the City had an easement on these roadways. The transfer of ownership to the Airport, via a Quitclaim Deed from the MDOT occurred on December 21, 2015. The City of Great Falls extinguished its corresponding easement.

Anticipating the transfer of ownership identified in paragraph above, the City and the GFIAA entered into a *Street Assessment Contract, Second Extended Term*. The contract was, however, for a one-year term effective July 1, 2015. The *Contract*, the *Street Assessment Agreement* and the *Street Assessment Contract, Second Extended Term* were entered into to avoid a potential for legal action between two public entities to resolve concerns of the GFIAA that it cannot legally pay street maintenance assessments, a concern the City disagreed with, and continues to contest.

In 2017, the City and the GFIAA resolved a pending dispute over ownership of property affected by the 1995 *Annexation Agreement*. The City agreed to quitclaim property on which the City’s Emergency Communications Center (ECC) is located, to the GFIAA, as the GFIAA would not release the FAA grant obligations on the property, a contractual requirement for the transfer. Until this ownership was resolved, the City claimed retained ownership of the property and maintenance of associated roads under the *Annexation Agreement*.

The City maintains the GFIAA is subject to the street maintenance assessment based in part upon the 1995 *Annexation Agreement*. The GFIAA maintains it cannot be assessed street maintenance fees based on the federal prohibition on revenue diversion, Article 8, Section 5 of the Montana Constitution, Mont. Code Ann. §§ 15-6-201, 67-1-104, 67-1-105, 67-11-305 and 67-11-306, as well as grant assurances and federal preclusion of allowing airport revenue to be used for impact fees that exceed the value of services or facilities provided to the airport. The City received communication from the FAA which supported the GFIAA's position on April 1, 2019.

The issues involved in the street maintenance assessment arose in part because of differing interpretations about the *Annexation Agreement* language, as relating to roadways on airport property. As public bodies with a long history of collegial and collaborative actions working for the betterment of Great Falls and its surrounding area, the parties desire to resolve the issues surrounding street maintenance assessments. With this amendment to the *Annexation Agreement*, these differing interpretations will be removed to clarify that the GFIAA owns, maintains and is responsible for all roadways on the annexed airport property.

During the Commission Meeting on September 17, 2019, the City Commission discussed the amendment in detail but motioned to Table the Item until the Airport Authority Board had a chance to review and approve the amendment. The Airport Board met on Tuesday September 24, 2019 and approved the amendment.

**Fiscal Impact:** GFIAA was assessed \$9,126 for each tax year 2017 and 2018. If the Amendment is approved, the total amount of \$18,252 along with penalties and interest will be cancelled with the Cascade County Treasurers office.

**Alternatives:** The City Commission Could choose to deny the Amendment and ask staff to continue discussions with the Airport Authority.

**Concurrences:** Public Works, Planning and Community Development, Legal Department, Finance Department, Fire Department and Police Department.

**Attachments/Exhibits:**

Amendment to Annexation Agreement dated April 4, 1995  
Exhibit A- Map of Airport Existing Roadways

**AMENDMENT AGREEMENT TO ANNEXATION AGREEMENT  
DATED APRIL 4, 1995**

This **Amendment Agreement to Annexation Agreement dated April 4, 1995** is made and entered into this \_\_\_ day of September, 2019, by and between the GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY, a regional airport authority responsible for the maintenance and operation of the Great Falls International Airport at Great Falls, Cascade County, Montana, (“the Authority”) and the CITY OF GREAT FALLS, Montana, a municipal corporation of the State of Montana (“the City”).

Whereas, the Authority and the City entered into an Annexation Agreement as of April 4, 1995 by which real property comprising the Great Falls International Airport (“the Airport”) was annexed into the City; and

Whereas, the Annexation Agreement contains certain provisions relating to roads located upon the Airport; and

Whereas, the parties desire to amend the Annexation Agreement to clarify the status of and responsibility for ownership, maintenance and repair of the roads on the Airport property;

Whereas, the parties desire to resolve all differences in application or interpretation of the language of the Annexation Agreement by entering into the Amendment and waive rights to reclaim or redeem any costs or expenses incurred by either party as a result of the unclear language; and

Whereas, the Annexation Agreement requires any modification to be in a writing signed by the parties and recorded in the office of the Cascade County Clerk and Recorder;

Now therefore, in consideration of the mutual covenants and promises contained herein, the receipt and sufficiency of which are acknowledged, it is agreed between the parties that the Annexation Agreement is amended as follows:

First. The second recital is amended in its entirety to provide:

WHEREAS, the Authority is desirous of clarifying ownership of all real property and public roads comprising the Airport and operating in all respects as a regional airport authority and is therefore willing to cooperate in annexation;

Second. Paragraph 1 is amended to delete paragraph (d), “roadways which will remain public roads, in the control and responsibility of the City.”

Third. Paragraph 4 is amended in its entirety to read as follows:

4. Assessments.

Upon annexation City shall not extend the boundaries of any maintenance or

special improvement district to include Authority owned properties without the prior written consent of the Authority. Furthermore, City acknowledges and agrees that certain real property has been conveyed to the Authority, including but not limited to roads, and the Authority shall not thereupon be subject to any existing assessments except as set forth herein. From and after the date of this **Amendment Agreement to Annexation Agreement dated April 4, 1995**, the City will not assess the Authority a street maintenance fee and the City will have no responsibility for the replacement, maintenance, construction, repair or other care of, and traffic control on, the roadways, streets, easements or rights-of-way identified on Exhibit A.

Fourth. Paragraph 5 of the Annexation Agreement is amended in its entirety to read as follows:

5. Roadways.

All public roadways, streets, rights-of-way and road and street maintenance easements located upon, or adjacent to the Airport real property are conveyed to the Authority but shall remain public roads, in the control and responsibility, including but not limited to traffic control, of the Authority. Such roads, streets, rights-of-way and road and street maintenance easements are depicted on Exhibit "A" attached hereto and by this reference incorporated herein, PROVIDED, HOWEVER, that the failure to identify or depict any current road, street, right-of-way or road and street maintenance easement on Exhibit "A" shall not affect the intention to convey, and the conveyance of, all such as they currently exist.

The Authority hereafter has and maintains sole ownership of, control of, and responsibility for such roadways, streets, rights-of-way and road easements as depicted on Exhibit "A" for replacement, maintenance, repair, and other normally accepted preventative and routine maintenance practices, in compliance with applicable standards, recognizing federal standards will control in the event of a conflict.

The Authority agrees to maintain such roadways, streets, rights-of-way and road easements as public in nature unless it follows legal procedures to abandon or re-route the same. However, this Agreement shall not in any way affect the City's easements for public water or sewer supply and/or infrastructure on the Authority's property.

In the event the public roadways, streets, rights-of-way and road and street maintenance easements located upon, or adjacent to, the Airport cease to be used for public purposes, the Authority agrees to execute a reconveyance document to the City provided reconveyance is allowable under applicable federal rules and regulations, is authorized by law, or per the subsequent agreement of the parties.

The Authority agrees to perpetuate all access to public and private properties, including but not limited to, the City's Emergency Communications Center (ECC), which are served by the public roadways, streets, rights-of-way and road and street access easements located upon, or adjacent to, the Great Falls International Airport identified in Exhibit A, provided, however, that such access may be modified, altered or relocated from time to time to accommodate the growth of traffic and aviation activities, in accordance with applicable law with respect to affected private property owners' rights. In such modification, alteration or relocation event, the Authority agrees that it will, to the maximum extent feasible, in connection with such modification, alteration or relocation, maintain the ECC emergency only access point where the access exists as of the date of this **Amendment Agreement to Annexation Agreement dated April 4, 1995** or provide alternative secondary access that is reasonably acceptable to the City.

Except as expressly amended hereby, the provisions of the Annexation Agreement remain in full force and effect.

**IN WITNESS WHEREOF**, the City and Authority have executed this Agreement as of the day and year first above written.

**CITY OF GREAT FALLS**

**GREAT FALLS INTERNATIONAL AIRPORT  
AUTHORITY**

\_\_\_\_\_  
Gregory T. Doyon, City Manager

\_\_\_\_\_  
John Faulkner, Airport Director

ATTEST:                    (*SEAL OF CITY*)

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

REVIEWED FOR LEGAL CONTENT\*

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

\*\* By law, the City Attorney may only advise or approve contractual 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.

