



**City Commission Meeting Agenda  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
September 17, 2019  
7:00 PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

1. Down Syndrome Awareness Month and Constitution 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.

**CITY MANAGER**

5. Miscellaneous reports and announcements from City Manager.

**CONSENT AGENDA**

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

6. Minutes, 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 22nd St. SW Sanitary Sewer Replacement (Central Ave West – 1st Ave 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.

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.
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.
13. Recommend staff re-advertise for the Historic Preservation of the 10th Street Bridge, Phase 3 project due to no bids being received.

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

## **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. *Action: Agree or not agree to enter into the Amendment to Annexation Agreement. (Presented by Charles Anderson)*

### **NEW BUSINESS**

### **ORDINANCES / RESOLUTIONS**

15. Resolution 10303, to Levy and Assess Properties within the Business Improvement District. *Action: Adopt or deny Res. 10303. (Presented by Melissa Kinzler)*
16. Resolution 10304, to Levy and Assess Properties within the Tourism Business Improvement District. *Action: Adopt or deny Res. 10304. (Presented by Melissa Kinzler)*
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. *Action: Accept or not accept Ord. 3205 on first reading and set or not set a public hearing for October 1, 2019. (Presented by Joseph Cik)*

### **CITY COMMISSION**

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

### **ADJOURNMENT**

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

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

*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.*

**JOURNAL OF COMMISSION PROCEEDINGS**  
**September 3, 2019**

Regular City Commission Meeting

Mayor Pro Tempore Bronson presiding

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

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bill Bronson, Owen Robinson, Tracy Houck, and Mary Sheehy Moe. Mayor Kelly was excused. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Captain Rob Moccasin.

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

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

1.

**PROCLAMATIONS**

Mayor Pro Tempore Bronson read a proclamation for Vets4Vets Month.

**PETITIONS AND COMMUNICATIONS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Donna Williams**, 2916 2<sup>nd</sup> Avenue North, expressed appreciation to the tree-trimming crews.

**Daniel Hartzell**, 609 Central Avenue, inquired the status of his proposal for a bill for amnesty for adolescents. Mr. Hartzell was advised to speak with a Montana legislator because his proposal pertains to State statute and not a City ordinance.

**NEIGHBORHOOD COUNCILS**

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS & COMMISSIONS**

4. **APPOINTMENT TO THE GREAT FALLS HOUSING AUTHORITY BOARD OF COMMISSIONERS.**

**Commissioner Robinson** moved, seconded by **Commissioner Houck**, that the City Commission appoint **Amber Pearson** to the remainder of a five-year term through **June 30, 2020**, to the **Great Falls Housing Authority Board of Commissioners**.

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Mayor Pro Tempore Bronson asked if there were any comments from the public or any discussion amongst the Commissioners. Hearing none, Mayor Pro Tempore Bronson called for the vote. Motion carried 4-0.

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

Commissioner Robinson reported that he and County Commissioner Jim Larson are on the Complete Count Committee for the Census 2020. It is estimated that every person not counted in this state will result in a loss of \$1,100 per year for 10 years. He noted the importance of a complete count, and he urged everyone to fill out and complete the census so that the state receives appropriate federal funds.

**CITY MANAGER**

6. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported on the following:

- He attended the Great Falls Public Schools annual convocation. There was a great showing of community support for the public school system.
- He attended the Montana Defense Alliance annual luncheon. The keynote speaker was Major General Stoss, Commander of the 20<sup>th</sup> Air Force Global Strike Command. He gave a clear and compelling case for the nuclear triad and for Ground Based Strategic Deterrent (GBSD), putting into perspective how important the next iteration of the Minuteman III missile system is.
- The Commission previously authorized the Fire Department to commence a paramedic training program through a partnership with Great Falls College-MSU. Eight firefighters completed the program and are in the process of completing state and national testing requirements. When completed, they will be out in the field and monitored until they have satisfied the Fire Department's internal process to operate fully and independently as a paramedic.
- The Library Board of Trustees voted to approve a change in hours to increase public access to the Library during desired hours. Starting on October 7<sup>th</sup>, the Library will be closed on Sundays and open on Mondays from 10 a.m. to 4 p.m. The Fine Free Fun Run sponsored by the Great Falls Public Library was featured in the Runners World magazine.
- The wildland fire to the north and northwest of Great Falls yesterday was complicated by access to the fire and wind. Great Falls Fire Rescue was on site to participate and support the efforts of the firefighters on the front line to protect homes in case the fire got away from them.

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- On September 4<sup>th</sup> and 5<sup>th</sup> the Public Works Department will be working on a large water line in the northwest section of the City and residents may experience low water pressure during that time.

Commissioner Moe thought it counterintuitive that it would increase access to open the Library on Monday as opposed to Sunday.

Manager Doyon responded that the Library Board thought they would better serve the public during the times that they have a higher demand.

**CONSENT AGENDA.**

7. Minutes, August 20, 2019, Commission meeting.
8. Total Expenditures of \$3,376,024 for the period of August 1, 2019 through August 21, 2019, to include claims over \$5000, in the amount of \$3,082,580.
9. Contracts List.
10. Approve an Interlocal Agreement between Great Falls Police Department / Cascade County Sheriff's Office for use of 2019 Byrne Justice Assistance Grant (JAG) Program Award to purchase Nighthawk launchable stopsticks (GFPD) and WatchGuard mobile digital video systems (CCSO). (CR: 082019.8A)
11. Approve the cancellation of City of Great Falls checks issued by the Great Falls Municipal Court that remain outstanding and unpaid for a period of one (1) year or longer.
12. Approve the cancellation of checks issued by the City of Great Falls Finance Department that remain outstanding and unpaid for a period of one (1) year or longer.
13. Approve the license and services agreement for ERP software with Tyler Technologies, Inc. in the amount of \$531,475 for a three year contract plus estimated travel expenses of \$66,250.
14. Approve the Agreement for Professional Management, Staffing and Supportive Services with the Great Falls Housing Authority for a three-year term effective July 20, 2019.
15. Approve the purchase of one 2018 Elgin Pelican street sweeper from Titan Machinery of Great Falls through Sourcewell, formerly known as NJPA, in the amount of \$189,062.85.
16. Approve the purchase of water meter equipment for the 2020 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$230,000.
17. Set a public hearing for October 1, 2019, on Resolution 10316 to establish residential and commercial water, sewer, and storm drain utility service rates effective November 1, 2019.

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

Mayor Pro Tempore Bronson asked if there were any comments from the public or any discussion amongst the Commissioners.

Commissioner Moe urged members of the community that would like to comment on Item 17, to look at the comprehensive work session materials and lengthy presentation that provide a great overview of each of the increases.

Motion carried 4-0.

**PUBLIC HEARINGS**

**18. RESOLUTION 10313, TO ANNEX TRACT 1 AND TRACT 2 OF CERTIFICATE OF SURVEY #5142, AND ORDINANCE 3207 ESTABLISHING AIRPORT INDUSTRIAL (AI) ZONING.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on the proposed annexation, zoning assignment and eventual development of certain property located immediately south of Airport property which is identified as Tracts 1 and 2 of Certificate of Survey 5142.

The primary applicant, Love's Travel Stop and Country Stores, is requesting annexation and establishment of zoning in order to develop the subject properties to accommodate a Love's Travel Stop and Country Store which includes a truck stop, convenience store, and possibly two fast food restaurants. The two parcels to be annexed will be a part of a development that will include two additional parcels already within City limits that are owned by the Great Falls International Airport Authority. The fact that a portion of the development will remain under Airport ownership and the other tracts will be owned by the applicant is the purpose behind having the Annexation and Development Agreement be a three party agreement that sets forth when and who is responsible for cost of improvements, delivery of services, reimbursement commitments and granting of new access easements serving multiple property owners including the City, as well as preserving emergency, secondary access to the City/County Emergency Operations and 911 Center.

The agreement further sets forth the commitment of the Airport Authority to continue to support, to the maximum extent feasible, the existing access onto Airport Drive as a secondary, emergency only access point. The safety, security and functionality of the City/County Emergency Operations Center has been of paramount concern after the Airport Authority required the City to accept a requirement in the lease agreement with the Airport to abandon said access point in favor of utilizing an access easement through the Love's development. The Emergency Operations Center and 911 facility is a vital element in ensuring the over-all safety and security of the community and region.

The annexation and application requesting Airport Industrial zoning to the subject property is straightforward. The property itself seems to lend itself nicely to the proposed development. The applicant will be required to submit full engineered plans to the City Public Works Department addressing utility and other infrastructure improvements including water, sewer, storm water, and

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private access improvements. The applicant will also be required to work with the Montana Department of Transportation (MDT) concerning access, transportation and possible storm water outfall plans.

After conducting a public hearing at its July 9, 2019 meeting, the Planning Advisory Board/Zoning Commission voted and recommended approval of the annexation resolution, zoning ordinance and Annexation and Improvement Agreement. The only significant concern or questions raised related to the Airport's stated desire and plan to eventually close Avenue B. The Airport Authority will need to address those concerns with adjacent property owners, the City and MDT at such time it elects to move forward with those plans.

Mayor Pro Tempore Bronson asked if the applicant was present and, if so, wished to provide any additional comments regarding the application. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open. He asked if the Commission had any questions of staff.

Commissioner Moe inquired if the 911 Center was located on parcels the applicant is requesting to be annexed or on parcels already annexed and owned by the Great Falls International Airport Authority.

Director Raymond clarified that the 911 Center is located on a separate parcel adjacent to the four parcels being discussed tonight.

Commissioner Moe inquired how the 911 Center would be affected by this proposal.

Director Raymond noted that the lease agreement between the City and the Airport Authority has the most significant affect in that it was the Airport Authority's desire that the City abandon its current access onto Airport Drive and, instead, access to the west onto what will be the Love's Travel Stop property via an access easement. There have been significant conversations on how to preserve emergency, secondary access directly onto Airport Drive.

Commissioner Moe read the last sentence of Section 12 of the Annexation and Development Agreement: "The Airport agrees that it will to the maximum extent feasible, design its expansion to maintain the emergency only access point where the access exits currently, or provide alternative secondary access that is reasonably acceptable to the City." She expressed concern that the City is pre-paying the lease to accommodate the applicant's request and yet, in listening to the Airport Authority Board members at its meeting last week, it wasn't convincing to her there was a commitment to preserving that access.

City Attorney Sara Sexe clarified that the lease agreement pre-dated the current applicant's interest in the property. She explained why the lease agreement came about between the City and the Airport Authority, and why the City agreed to install a separate roadway up to a value of \$104,000. Subsequent to the entry of the lease agreement, the Love's arrangement came into effect with the Airport Authority. In doing so, Love's had agreed to put in the roadway as part of its development. Therefore, part of the Annexation and Development Agreement before the Commission, is the

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payment by the City of \$104,000 that is part of the lease agreement to put in the roadway, that Love's will now be installing. The City will pay the \$104,000 to the Airport, and the Airport will reimburse \$104,000 to Love's for putting in the roadway.

Commissioner Moe noted her concern that the City is paying the Lease Agreement in full, and there was uncertainty that the Airport Authority would have the access that the City needs, both emergency and primary, as is set forth in Section 12 of the Annexation and Development Agreement.

City Attorney Sexe responded that the Lease Agreement always had the requirement for the \$104,000 amount. The access that is discussed in section 12 of the Annexation and Development Agreement is the emergency only access point. There will always be access for the 911 Center in the moving of Avenue B. Her understanding of the Airport Authority's concern at its recent meeting was the location of the emergency access point. Because of those concerns, she and Director Raymond met with Airport Director Faulkner and his staff today. Airport Director Faulkner assured her and Director Raymond today that the secondary access would remain intact at some place for the 911 Center as a result of having the section 12 language in the Annexation and Development Agreement.

Commissioner Moe inquired of City Attorney Sexe if it was her understanding that the Airport would make it work with the City, and was it also her understanding that is what the language in Section 12 of the Annexation and Development Agreement says.

City Attorney Sexe responded in the affirmative, adding that the Airport recognizes that it is the City's preference to have the emergency access be where the current access is located. However, if it has to be moved, the Airport will be working with the City to find a reasonably acceptable to the City alternative secondary access. The primary access remains the same as was negotiated.

Speaking in favor of Resolution 10313 and Ordinance 3207 were:

**John Faulkner**, Airport Director, 2800 Terminal Drive, commented that the Airport Authority's primary interest in seeing the site developed. The Airport Authority has been looking to find commercial uses for this property to help supplement the Airport's budget. The airlines pay for everything that the Airport cannot fund through its rental cars, food, and parking. Anything the Airport Authority can do to lower the burden on the airlines over time helps the Airport Authority control costs and make it a more attractive market for the airlines. The Airport Authority is mandated by the FAA rules to be self-sustaining and also to generate airport revenue from alternative sources if it can use properties for airport uses. The nature of this development is that it will provide new revenue for the Airport Authority, help the Airport Authority to keep airline costs low, and the development is compatible and a great location for a use such as this.

**Jolene Schalper**, Great Falls Development Authority, 405 3<sup>rd</sup> Street NW, Suite 203, concurred with the staff and advisory board recommendations. She added that a lot of the trucking services contract for fuels and for specific brands. This could bring more routes to the Great Falls area which will open up different shipping and transportation costs.



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No one spoke in opposition to Resolution 10313 and Ordinance 3207.

Based on the public comments, Mayor Pro Tempore Bronson asked if the Commission had any further questions of staff. No one responded.

Mayor Pro Tempore Bronson closed the public hearing and asked the will of the Commission.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10313 to annex Tract 1 and Tract 2 of Certificate of Survey #5142 and approve the accompanying Findings of Fact/Basis of Decision and the Annexation and Development Agreement; all subject to the Conditions of Approval being fulfilled by the applicant.**

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners.

Commissioner Moe commented that she has been following this project the last three months. There have been some complicating factors. City Attorney Sexe's explanation this evening has laid aside the concern she has had regarding the Airport's role in the Annexation and Development Agreement. The ongoing communication lag between representatives of the Airport Authority and the City Commission remains a concern of hers.

Commissioner Houck appreciates that the Airport has attracted new business, and is hopeful this will be a good thing for the Airport and the economy.

Mayor Pro Tempore Bronson commented that Ms. Schalper made an appropriate point. He thinks there truly are synergies that relate to the project and, in the long run, the City will be pleased with the results.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3207 establishing Airport Industrial (AI) zoning and the accompanying Findings of Fact/Basis of Decision.**

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded. Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

19. **RESOLUTION 10312, TO ESTABLISH FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER AND SUPERSEDING RESOLUTIONS 10071 AND 10118.**

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Deputy City Manager Chuck Anderson reported that the Mansfield Events Center is classified as an enterprise fund. As such, an enterprise fund is an entity that provides a good or a service for a fee. Part of the requirements for being an enterprise fund is to work toward self-sustainability from a fiscal aspect. When the new Events Manager was hired last year, he was tasked with looking at the rates and fees being charged.

The City Commission adopted Resolution 10071 in April 2014, and Resolution 10118 in August 2015. Those resolutions authorized the Mansfield event staff to evaluate facility and ticketing fees on an annual basis and, if prudent, implement an annual inflationary increase in fees. The inflationary increase analysis would be validated using data from the Consumer Price Index, U.S. City average, all urban consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor. The last time any adjustment was considered and taken was in 2015.

The current fees were reviewed using the criteria above, and it is recommended that the fees be adjusted to account for inflation. The recommended proposal will increase room rental rates an average of 8%. The proposed increase in the ticketing convenience fee from \$2.00 to \$4.00 per ticket is an optional fee paid by the customer who desires to make their purchases online. If the customer chooses to purchase their tickets in person at the box office the fee is avoided.

The Mansfield Advisory Board has reviewed and approved these changes and recommendations at its October, 2018 and January, 2019 meetings.

Mayor Pro Tempore Bronson asked if the Commissioners had any questions of Deputy City Manager Anderson.

Commissioner Moe inquired about the time lag between the Mansfield Advisory Board meetings.

Deputy City Manager Anderson responded that the Board doesn't meet on a monthly basis at all times; at certain times there wasn't a quorum present; and, it was during the time of hiring of the new manager and he wanted to make sure the fees were reviewed.

Commissioner Houck inquired if the Events Center would somehow be encroaching on ADA accessibility issues by increasing a service fee though on-line purchasing.

Mansfield Events Manager Owen Grubenhoff responded that the facility is ADA accessible, ticketing is open from 11:00 a.m. to 4:30 p.m. Monday through Friday, and there will not be any reduction in those hours.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10312.

Mayor Pro Tempore Bronson asked if the Commissioners had any further questions. Hearing none, Mayor Pro Tempore Bronson closed the public hearing and asked the will of the Commission.

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**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10312.**

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Mayor Pro Tempore Bronson noted his appreciation for the thoroughness of the agenda report, and the comparison data on the ticketing fees with other venues.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

**OLD BUSINESS**

**NEW BUSINESS**

**20. AMENDMENT OF A CONTRACT TO ALLOW FOR ADDITION OF CONSTRUCTION PROJECT: PUBLIC WORKS EQUIPMENT STORAGE BUILDING NO. 1 REPAIR, WITHOUT FORMAL ADVERTISING AND BIDDING, UNDER THE PROVISIONS OF MONT. CODE ANN. § 7-5-4303 AND § 7-5-4308 (OF 1744 / OF 1733.5).**

Public Works Director Jim Rearden reported that Equipment Storage Building No. 1 was severely damaged by a fire on February 26, 2019. The building housed 13 pieces of City street maintenance equipment valued at approximately \$1.5 million dollars. The Public Works Department depends on this heated building for storage and protection of equipment and materials from freezing conditions. Since the incident, the City's indemnity carrier, Montana Municipal Interlocal Authority, and City staff have been jointly working with an engineer, industrial hygienist, contractors and a restoration company to perform testing, damage and loss assessments and cleanup of fire debris and residue. The City has also retained Nelson Architects, who is currently contracted for architectural services for other Public Works facilities, to identify a work scope and prepare plans and specifications for restoration of Storage Building No. 1.

Mont. Code Ann. § 7-5-4303 exempts bidding and advertising in the case of emergencies such as caused by fire. Additionally, § 7-5-4308 allows the Commission to alter or amend plans of a contract when necessary. Due to the extended time associated with the initial fire investigation and assessment process, City staff recognized that, with the upcoming fall and winter weather, proposals for the repair of the building needed to be solicited as soon as possible, to allow for the urgent, necessary repair of the building.

Two contractors, EJ Carpentry, LLC and James Talcott Construction, Inc. are currently contracted with the City for building improvements being performed in the same area where Equipment Storage Building No.1 is located. These companies already have mobilized equipment on the Public Works campus, and have in place existing publicly bid contracts, with the associated necessary bonding and insurance coverages. Staff determined that, to best meet the emergency situation and serve the public interest, staff would solicit proposals from these two contractors for an amendment to the prices, scope of work, and bonding requirements of the existing contracts, under the code provisions referred to above.

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**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission amend an existing contract with the lowest bidder to allow for addition of construction project: Public Works Equipment Storage Building No. 1 Repair (OF 1744), without formal advertising and bidding; declare the amendment to be necessitated by an emergency situation under the provisions of Mont. Code Ann. § 7-5-4303 and § 7-5-4308; and authorize the City Manager to execute all necessary documents.**

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion amongst the Commissioners.

Mayor Pro Tempore Bronson noted he grew up with a father in the implement business. He can appreciate the situation that can arise without a building to store heavy equipment in extreme weather conditions.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

**ORDINANCES/RESOLUTIONS**

**21. ORDINANCE 3208, AMENDING TITLE 2, CHAPTER 3, SECTION 030, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE MUNICIPAL COURT JUDGE.**

City Attorney Sara Sexe reported that on July 16, 2019, the City Commission adopted the 2019-2020 fiscal year budget. Included in the budget was a compensation package for a part-time Assistant Municipal Court Judge to begin an appointed term of office January 1, 2020.

Pursuant to Mont. Code Ann. § 3-6-201, the number of Municipal Court Judges must be set by an Ordinance adopted by the governing body. The elected Municipal Court may appoint a properly qualified part-time Municipal Court Judge to serve during the elected Judge's term of office. An order by a part-time Assistant Judge has the same force and effect as an order of the elected Municipal Court Judge.

Ordinance 3208 will amend the Official Code of the City of Great Falls (OCCGF) § 2.3.030 to establish qualifications of, and regulations pertaining to, the newly approved part-time Assistant Municipal Court Judge. Ordinance 3208 will fulfill the requirements of Mont. Code Ann. § 3-6-201 and allow Great Falls Municipal Court Judge Steven Bolstad to appoint an Assistant Municipal Court Judge who will be qualified and ready to serve before the January 1 start date. Ordinance 3208 will make minor grammatical changes to previously adopted language to be clearer and more consistent with other OCCGF provisions.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3208.**

Mayor Pro Tempore Bronson asked if there were any comments from the public or any discussion amongst the Commissioners.

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Commissioner Robinson noted that he observed a very busy half-day court session last week. Adding a part-time judge is necessary.

Commissioner Moe expressed concern that the language within the ordinance doesn't include "budget permitting."

City Attorney Sexe clarified that the Commission approves the budget of the Municipal Court, and the salary of the Assistant Municipal Court Judge would be set by Commission resolution.

City Manager Greg Doyon commented that there really is no going back at this point in terms of the staffing level in Court. The location of that staffing will be a challenge, and it will affect the City Attorney's Office as well.

Mayor Pro Tempore Bronson noted he didn't share Commissioner Moe's concerns. The Commission retains ultimate budget authority. The Commission is simply being asked to approve an ordinance that establishes the mechanics for how an existing Municipal Court Judge would go about appointment someone. He doesn't see this as constricting or restricting a future Commission with respect to any budgetary decisions.

There being no further questions or discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

**CITY COMMISSION**

**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Pro Tempore Bronson thanked NeighborWorks, the BID, and local businesses for helping promote the recent public art event and encouraged everyone to view the paintings on downtown businesses. These art projects are bringing the downtown corridor to life.

He also expressed kudos to the people that are completing construction of their own homes in the northwestern part of Riverview. These folks are participating in a USDA sponsored program. They put their own time and sweat equity into these properties and no one is allowed to move into any of the houses until all of them have completed all of the houses. One of the owners at the dedication ceremony said they haven't just built their homes; by working together in the process they have already started building a neighborhood.

He encouraged the people that spoke in opposition four years ago to this type of building construction to see what their new neighbors have accomplished.

**23. COMMISSION INITIATIVES.**

The Commission members present concurred with Commissioner Moe's suggestion that the annual meetings between the Regional Airport Authority Board and the City Commission be re-instituted to get productive dialogue going between the two bodies.

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Mayor Pro Tempore Bronson relayed to Manager Doyon and City Attorney Sexe that there is a consensus of the Commission that it wants to enforce the provisions of the resolutions with the Airport Authority Board and the County, and that they direct appropriate communication to County and Airport Authority representatives that the Commission expects a meeting to occur sometime this year.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of September 3, 2019, at 8:14 p.m.**

Motion carried 4-0.

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Mayor Pro Tempore Bill Bronson

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

Minutes Approved: September 17, 2019





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

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECK RUNS FROM AUGUST 22, 2019 - SEPTEMBER 4, 2019	2,097,323.18
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 17, 2019 - SEPTEMBER 5, 2019	52,250.00
<b>TOTAL: \$</b>	<b>2,149,573.18</b>

**SPECIAL REVENUE FUND**

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**LIGHTING DISTRICT**

CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	1,027.91
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**911 SPECIAL REVENUE**

CENTURYLINK	911 DISPATCH LINE	5,848.09
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**STREET DISTRICT**

E J CARPENTRY LLC	OF 1733.0 PW FACILITY IMPROVEMENTS GARAGE, SANITATION, ST (SPLIT AMONG FUNDS)	25,964.52
ENNIS-FLINT INC	PAVEMENT MARKINGS	15,701.98
CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	8,908.59
MRTE INC	OF 1730.8 ADA HANDICAP RAMPS GIANT SPRINGS SCHOOL	98,685.43

**LIBRARY**

OCLC ONLINE COMPUTER LIBRARY CENTER	ANNUAL SERVICE CONTRACT	6,203.91
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**SPECIAL REVENUE FUND (CONTINUED)****FEDERAL BLOCK GRANTS**

KUGLIN CONSTRUCTION	OF 1715.4 CDBG ADA HANDICAP RAMPS AND SIDEWALKS	71,882.88
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**CENTRAL MONTANA AG TECH PARK TID**

TD&H ENGINEERING	OF 1658.1 CMATP TIF PHASE 3 STORM DRAIN	15,247.30
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**ENTERPRISE FUNDS****WATER**

SHUMAKER TRUCKING & EXCAVATING	OF 1346.3 BOSTON HEIGHTS TANKS REMOVAL	5,827.83
A+ ELECTRIC MOTOR INC	INSPECT & TEST HS 2	8,900.00
DATAPROSE LLC	POSTAGE & PRINTING FOR JULY 2019 (SPLIT AMONG FUNDS)	138.69
THATCHER CO OF MONTANA	CHEMICALS	21,815.60
AE2S INC	OF 1637.1 WTP FILTRATION IMPROVEMENT	44,327.61
TD&H ENGINEERING	OF 1494.6 PROFESSIONAL SERVICES WM CROSSINGS MISSOURI & SUN RIVER	19,273.75
CADD MICROSYSTEMS	COLLABORATION OF PDF FILES (SPLIT AMONG FUNDS)	272.05
CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	6,167.49

**SEWER**

NCI ENGINEERING	OF 1722.1 LIFT STATION #9 REHAB	17,532.50
CDM SMITH INC	WWTP ENVIRONMENTAL REGULATORY COMPLIANCE SERVICE	5,819.92
ED BOLAND CONSTRUCTION INC	OF 1722.1 LIFT STATION #9 REHAB	6,651.15
CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	12,334.96
CADD MICROSYSTEMS	COLLABORATION OF PDF FILES (SPLIT AMONG FUNDS)	952.15

**STORM DRAIN**

CADD MICROSYSTEMS	COLLABORATION OF PDF FILES (SPLIT AMONG FUNDS)	680.12
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**SANITATION**

E J CARPENTRY LLC	OF 1733.0 PW FACILITY IMPROVEMENTS GARAGE, SANITATION, ST (SPLIT AMONG FUNDS)	23,164.72
OLYMPIC SALES INC	30 YD ROLL-OFF & 8 YARD REAR LOAD CONTAINERS	15,650.00
CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	2,741.10

**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	INSURANCE DEDUCTIBLES & PREMIUMS	846,819.75
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**FISCAL SERVICES**

DATAPROSE LLC	POSTAGE AND PRINTING FOR JULY 2019 (SPLIT AMONG FUNDS)	10,037.12
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**INFORMATION TECHNOLOGY**

MALWAREBYTES	1 YEAR ENDPOINT PROTECTION SUBSCRIPTION	8,298.50
CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	2,055.83

**CENTRAL GARAGE**

MIDLAND IMPLEMENT CO INC	TORO GROUNDMASTER 3280-D REAR DISCHARGE DECK	22,648.73
MIDLAND IMPLEMENT CO INC	TORO GROUNDMASTER 3280-D SIDE DISCHARGE DECK	22,379.72
E J CARPENTRY LLC	OF 1733.0 PW FACILITY IMPROVEMENTS GARAGE, SANITATION, ST (SPLIT AMONG FUNDS)	53,053.05
RDO EQUIPMENT CO	2019 JOHN DEERE 672G MOTOR GRADER	274,230.00
MOUNTAIN VIEW CO-OP	FUEL	28,844.27
AT KLEM INC	OF 1733.4 PW FACILITY IMPROVEMENTS CENTRAL GARAGE, STREET & SANITATION	15,757.14
CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	11,992.33

**ENGINEERING**

CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	11,307.05
CADD MICROSYSTEMS	COLLABORATION OF PDF FILES (SPLIT AMONG FUNDS)	3,808.65

**PUBLIC WORKS ADMINISTRATION**

CARTEGRAPH SYSTEMS	CONTRACT RENEWAL SOFTWARE SUPPORT (SPLIT AMONG FUNDS)	3,083.74
CADD MICROSYSTEMS	COLLABORATION OF PDF FILES (SPLIT AMONG FUNDS)	544.09

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORTFEITURES COLLECTIONS	38,386.20
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**UTILITY BILLS**

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NORTHWESTERN ENERGY	AUGUST 2019 SLD CHARGES	85,529.59
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**CLAIMS OVER \$5000 TOTAL:**

\$	<u>1,880,496.01</u>
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**COMMUNICATION TO THE CITY COMMISSION**

**DATE: September 17, 2019**

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Park and Recreation	Gregoire Construction	08/30/2019-12/29/2019	\$2,810	Ratification of Agreement to repair sidewalk at West Bank Park and to install sidewalk to the West Bank Park Wildlife Viewing Station
<b>B</b>	Planning and Community Development	Society of St. Vincent de Paul of North Central Montana	08/29/2019-06/30/2020	\$20,000	2019/2020 Community Development Block Grant Agreement to conduct a Community Homeless Support Services Program to work directly with homeless adults to provide direct services that deal with food insecurity, hygiene, clothing/winter wear & emergency shelter, community outreach to homeless persons and intensive job support services

					with a focus on homeless veterans. Grantee City ID #CD721907 & Federal Entity ID #B-19-MC-30-002 (CR 060419.18; 040219.14)
<b>C</b>	Park and Recreation	Mission Electic	09/05/2019-09/30/2019	\$1,500	Ratification of Agreement to install electrical for irrigation project at Pinski Park
<b>D</b>	Mansfield Center for the Performing Arts	Jonathan Bass (Snack Shack)	09/17/2019-09/17/2020	20% of its gross sales for each event	Mansfield Theater Concessions Agreement for procuring, supplying, and posting all permits and licenses necessary to offer and sell concessions

COMMUNICATION TO THE CITY COMMISSION

DATE: September 17, 2019

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH</b>	<b>PURPOSE</b>
<b>A</b>	Park & Recreation	Missouri-Madison River Fund	FY 2020	\$264,400	\$6,300 – In-Kind \$9,000 – Park Trust \$1,000 Park District \$16,3000 – NorthWestern Energy	Missouri-Madison River Fund Recreation Project Grant Application for drainage repairs, sheet pile wall & re-asphalt 100 ft. section of River’s Edge Trail South Shore <b>OF 1726.1</b>



**Item:** Final Payment: 22<sup>nd</sup> Street SW Sanitary Sewer Replacement (Central Avenue West – 1<sup>st</sup> Avenue SW), OF 1743.1.

**From:** Engineering Division

**Initiated By:** Public Works Department

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

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

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the 22<sup>nd</sup> St. SW Sanitary Sewer Replacement (Central Ave West – 1<sup>st</sup> Ave 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.”

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

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**Staff Recommendation:**

Approve the Final Payment to Capcon, LLC. and State Miscellaneous Tax Fund.

**Background:**

Significant Impacts

This project replaced a segment of deficient sanitary sewer main along 22<sup>nd</sup> Street SW between Central Avenue West and 1<sup>st</sup> Avenue SW.

Workload Impacts:

The Utility Division of the City’s Public Works Department identified this sanitary sewer main as needing replacement. City Engineering staff designed, inspected, and administered the project.

Purpose:

The existing clay tile pipe had deteriorated over the years and was in very poor condition requiring continual maintenance to keep it in operation.

Project Work Scope: Involved installing 451 feet of new 8-inch PVC sanitary sewer main including reconnecting existing service lines. Asphalt, sod, and landscape restoration was also completed.

Evaluation and Selection Process:

Six bids were received and opened on June 19, 2019. The bids ranged between \$71,795 and \$102,754. Capcon, LLC. provided the low bid and was awarded the project.

Final Payment:

The final project cost is \$70,391.50 which is \$1,403.50 less than the amount that was originally awarded and approved. The decrease in contract cost was due to the miscellaneous repair bid item not being fully used.

Conclusion:

City Staff recommends making the final payment of \$8,143.61, to Capcon, LLC. and \$82.26 to the Miscellaneous Tax Fund. City staff verified that Capcon, LLC. has completed all work in accordance with the plans and specifications. The Substantial Completion date was August 16, 2019, marking the start of the 2-year warranty period.

**Fiscal Impact:** City Sewer Funds are allocated to the project and are available for final payment.

**Alternatives:** The City Commission could vote to deny final payment.

**Attachments/Exhibits:**

OF 1743.1 Final Project Application for Payment

OF 1743.1 Vicinity Map

APPLICATION FOR PAYMENT NO. 2 - FINAL

To: City of Great Falls (OWNER)
From: Capcon LLC (CONTRACTOR)
Contract: 22nd St. SW Sanitary Sewer Replacement (Central Ave West - 1st Ave SW)
Project: 22nd St. SW Sanitary Sewer Replacement
OWNER's Contract No. OF 1743.1 ENGINEER's Project No. PW361906
For Work accomplished through the date of: August 28, 2019.

Table with 2 columns: Description and Amount. Rows include: 1. Original Contract Price: \$71,795.00; 2. Net change by Change Orders and Written Amendments (+ or -): \$0.00; 3. Current Contract Price (1 plus 2): \$71,795.00; 4. Total completed and stored to date: \$70,391.50; 5. Retainage (per Agreement): 0% of Completed Work: \$0.00, 0% of stored material: \$0.00, Total Retainage: \$0.00; 6. Total completed and stored to date less retainage (4 minus 5): \$70,391.50; 7. Less previous Applications for Payments: \$62,165.63; 8. Gross Amount Due this application: (6 minus 7): \$8,225.87; 9. Less 1% State Gross Receipts Tax: \$82.26; 10. DUE THIS APPLICATION (8 MINUS 9): \$8,143.61

Accompanying Documentation:

CONTRACTOR'S Certification:

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

Dated Capcon LLC CONTRACTOR

By:

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 8/28/2019 City of Great Falls Public Works ENGINEER

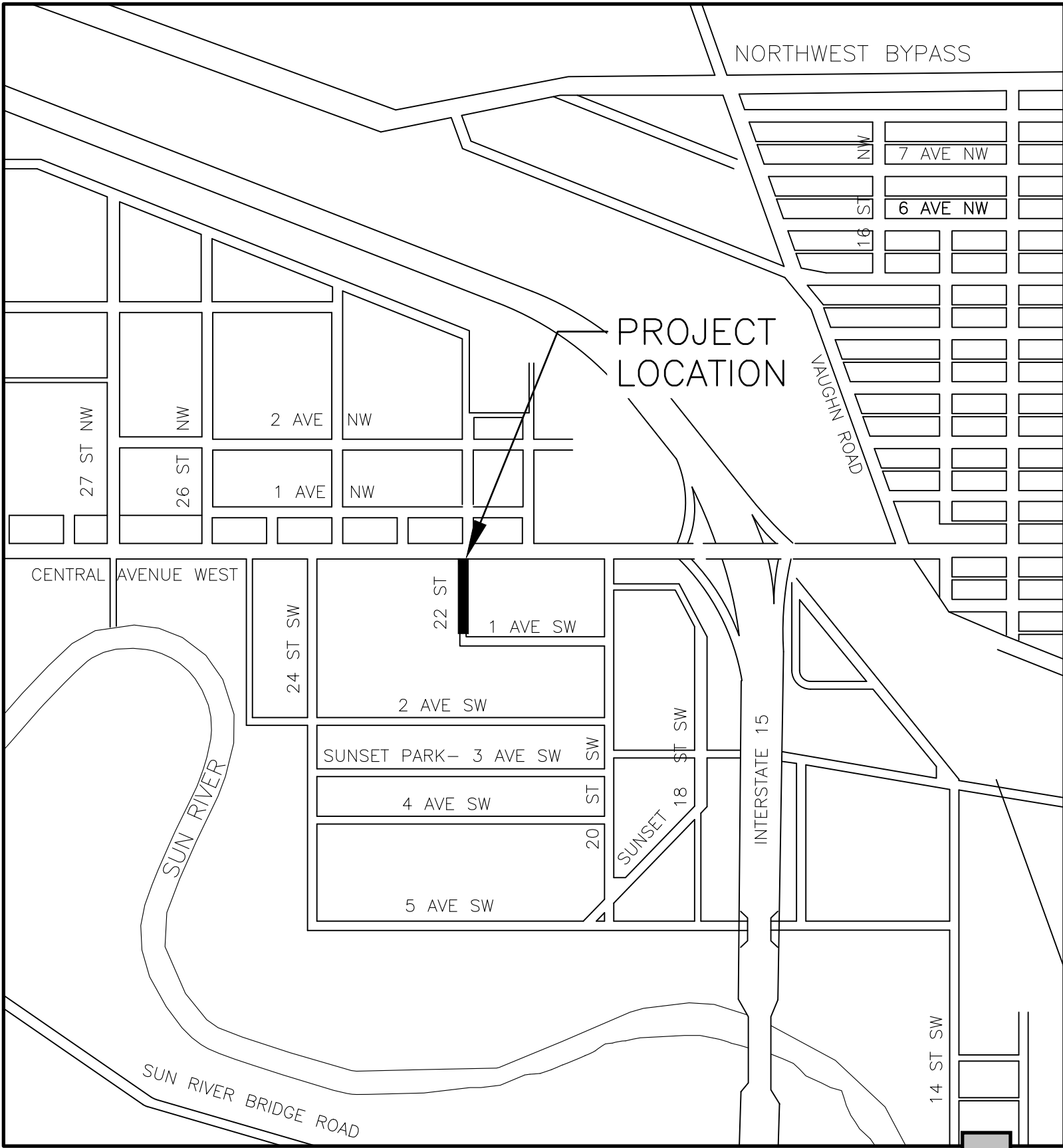
By:

EJCDC No. 1910-8-E (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.



# VICINITY MAP GREAT FALLS, MT





**Item:** Final Payment: Electric City Water Park Bath House Restoration and Remodel, OF 1740.1.

**From:** Park and Recreation Department and Engineering Division

**Initiated By:** Park and Recreation Department

**Presented By:** Steve Herrig, Park and Recreation Director

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

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) 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.”

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

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**Staff Recommendation:**

Approve Final Payment Request.

**Summary:**

The Electric City Water Park Bathhouse was built in 1936. The bathhouse structure had aged considerably since that time and was in serious need of interior and exterior repair. Interior improvements included replacing finishes, fixtures, and old inefficient lighting, and updating the building with Americans with Disabilities (ADA) accessibility and family friendly amenities. Exterior improvements included renovation of existing windows, stucco, and other masonry and lighting elements to maintain a weather proof and historically pleasing building appearance.

**Background:**

Workload Impacts

Design phase services were completed by Nelson Architects under the direction of the Park and Recreation Department. The City Engineering Division managed invoice processing and general contract management with the consultant and the contractor.

### Purpose

The 2016 Park and Recreation Master Plan identified \$12,600,000.00 dollars in deferred maintenance that should be addressed within 1 to 5 years. The Electric City Water Park Bath House was prioritized in the Master Plan deferred maintenance list. This project was initiated to renovate the Electric City Water Park Bath House. The renovation should prolong the life of the public structure considerably. It has also enhanced ADA accessibility, energy efficiency and public enjoyment.

### Project Work Scope

Project Improvements included:

- 1) Improved ADA accessibility from the parking area into the facility;
- 2) Restoration of the failing historic stucco façade;
- 3) Restoration of exterior lighting;
- 4) Repainting of existing masonry;
- 5) Restoration of the existing historic window frames and glazing;
- 6) Removal of existing roof top fans and minor roof work;
- 7) Addition of an accessible check-in counter for customers and staff;
- 8) Renovation of both locker rooms including locker/changing functions, family changing room, and hand washing facilities;
- 9) Renovation of toilet and shower areas to meet ADA accessibility;
- 10) Wall and ceiling finishes in both locker rooms;
- 11) Repainting of existing walls and ceilings; and
- 12) Addition of a family restroom.

Change Order (No. 1), approved at the August 6, 2019 commission meeting, included additional work required to complete construction caused by unexpected conditions, which were encountered during demolition. The changes did not require that any additional contract time be awarded.

### Evaluation and Selection Process

Two (2) bids were received on February 6, 2019 with the base bid prices ranging from \$605,000.00 to \$731,820.00.

### Final Payment

The final project cost is \$673,232.44, including Change Order No. 1, which increased the contract amount by \$55,832.44. Change Order (No. 1) was approved at the August 6, 2019 Commission Meeting.

### Conclusion

City Staff recommends making the final payment of \$34,735.75 to Wadsworth Builders and \$350.87 to the State Miscellaneous Tax Fund. The Consultant and City staff verified that Wadsworth Building Company has completed all work and punch list items in accordance with the plans and specifications. The two-year warranty period started at the same time as substantial completion which was June 7, 2019.

### **Fiscal Impact:**

Community Development Block Grant (CDBG) funds and Parks District Funds are allocated in the amounts of \$373,233.50 and \$299,998.94, respectively, to cover the costs of the project.

### **Alternatives:**

The City Commission could vote to deny final payment.

**Attachments/Exhibits:**

OF 1740.1 Final Project Invoice

OF 1740.1 Vicinity Map



# City Of Great Falls

PO Box 5021 \* Great Falls, MT 59405

Project #: 1740.1

Date: August 1, 2019

Pay Estimate #: Six, FINAL

Period From: July 1, 2019

To: July 31, 2019

## PERIODIC ESTIMATE FOR PARTIAL PAYMENT

Project Name: Electric City Water Park Bath House Renovation  
Location: Great Falls, MT

Contractor: Wadsworth Builders Company, Inc.  
Address: P.O. Box 2073  
Great Falls, MT 59403  
Phone: (406)-761-5033

### RETAINAGE ADJUSTMENT

1. Total Retainage to Date:	\$33,586.62
2. Less Securities Deposited:	\$33,586.62
3. Retainage Withheld (1 - 2)	\$0.00

### CONTRACT AMOUNT STATUS

1. Original Contract Amount:	\$617,400.00
2. Net +/- by Change Order:	\$55,832.44
3. Contract Amount to Date:	\$673,232.44

### CHANGE ORDER SUMMARY

No.	Date Approved	Additions	Deductions
1	April 25, 2019	\$41,036.95	
2	May 22, 2019	\$3,906.19	
3	June 28, 2019	\$10,889.30	
4			
5			
<b>TOTALS:</b>		\$55,832.44	
<b>NET TOTAL:</b>		\$55,832.44	

### CONTRACT STATUS

1. Work in Place (from next page):	\$673,232.44
2. Total Work & Stored Material:	\$673,232.44
3. Retainage Withheld:	\$0.00
4. Total Earned Less Retainage:	\$673,232.44
5. Less Previous Payments (+ 1 % Tax):	\$638,145.82
6. Amount Due This Payment:	\$35,086.62
7. Less 1% State Contractor's Tax:	\$350.87
8. Payment Due Contractor:	\$34,735.75

I hereby certify that this submitted request for payment is correct, true and just in all respects and that payment or credit has not previously been received. I further warrant and certify by submission of this request that all previous work for which payment has been received is free and clear of all liens, disputes, claims, security interests, encumbrances, or causes of action of any type or kind in favor of the contractor, subcontractors, material suppliers or other persons or entities and do hereby release the Owner from such.

Submitted by: Wadsworth Builders, Inc.  
(Company/Contractor)

Date: August 1, 2019

Reviewed by: Nelson Architects  
(Architect/Engineer)

Date: 9-3-19

Approved by: City of Great Falls

Date: 9/4/19

NO

SHEET No. 1 OF 2 SHEETS

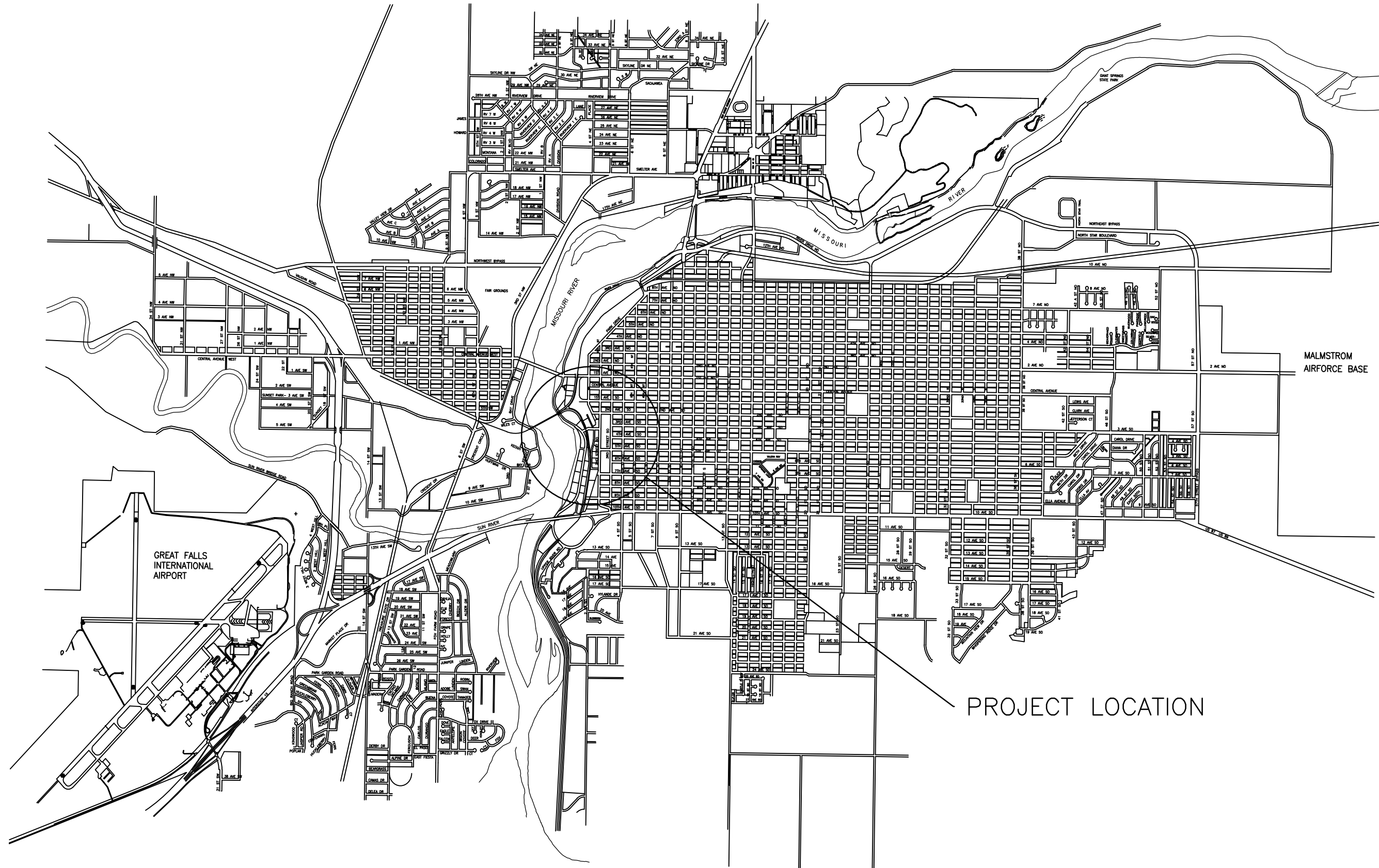
ECWP Bath House Restoration  
Great Falls, MT

WADSWORTH BUILDERS  
P.O. BOX 2073  
GREAT FALLS, MT 59403

Project # Office No. 1740.1  
Date: August 1, 2019  
Pay Request Number: SIX ANNUAL

A Div. No.	B Description of Work	C Scheduled Value	D Work Previous D+E	E Complete This Period	F Materials Store	G Total Complete D+E+F	H Balance To Finish	I Retainage 5%
1	Bonds/Insurance	\$ 16,000.00	\$ 16,000.00	\$ -	\$ -	\$ 16,000.00	\$ -	\$ 800.00
2	Mobilization	\$ 1,950.00	\$ 1,950.00	\$ -	\$ -	\$ 1,950.00	\$ -	\$ 97.50
3	General Conditions	\$ 53,700.00	\$ 52,200.00	\$ 1,500.00	\$ -	\$ 53,700.00	\$ -	\$ 2,685.00
4	Selective Demolition	\$ 14,400.00	\$ 14,400.00	\$ -	\$ -	\$ 14,400.00	\$ -	\$ 720.00
5	Lead Paint Abatement	\$ 8,200.00	\$ 8,200.00	\$ -	\$ -	\$ 8,200.00	\$ -	\$ 410.00
6	Sitework/Concrete	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ -	\$ 750.00
7	Interior Concrete/Patch	\$ 4,900.00	\$ 4,900.00	\$ -	\$ -	\$ 4,900.00	\$ -	\$ 245.00
8	Masonry	\$ 14,600.00	\$ 14,600.00	\$ -	\$ -	\$ 14,600.00	\$ -	\$ 730.00
9	Handrails	\$ 2,650.00	\$ 2,650.00	\$ -	\$ -	\$ 2,650.00	\$ -	\$ 132.50
10	Cabinets/Counters	\$ 10,800.00	\$ 10,800.00	\$ -	\$ -	\$ 10,800.00	\$ -	\$ 540.00
11	Stucco/Elastomeric	\$ 87,000.00	\$ 87,000.00	\$ -	\$ -	\$ 87,000.00	\$ -	\$ 4,350.00
12	Doors/Frames/Hardware	\$ 2,900.00	\$ 2,900.00	\$ -	\$ -	\$ 2,900.00	\$ -	\$ 145.00
13	Window Repairs	\$ 2,200.00	\$ 2,200.00	\$ -	\$ -	\$ 2,200.00	\$ -	\$ 110.00
14	Framing/Drywall	\$ 3,800.00	\$ 3,800.00	\$ -	\$ -	\$ 3,800.00	\$ -	\$ 190.00
15	Ceilings	\$ 20,600.00	\$ 20,600.00	\$ -	\$ -	\$ 20,600.00	\$ -	\$ 1,030.00
16	Painting	\$ 32,900.00	\$ 32,900.00	\$ -	\$ -	\$ 32,900.00	\$ -	\$ 1,645.00
17	FRP (Plaster & Granitex Coating)	\$ 64,500.00	\$ 64,500.00	\$ -	\$ -	\$ 64,500.00	\$ -	\$ 3,225.00
18	Partitions	\$ 17,400.00	\$ 17,400.00	\$ -	\$ -	\$ 17,400.00	\$ -	\$ 870.00
19	Specialties	\$ 15,200.00	\$ 15,200.00	\$ -	\$ -	\$ 15,200.00	\$ -	\$ 760.00
20	Plumbing	\$ 104,200.00	\$ 104,200.00	\$ -	\$ -	\$ 104,200.00	\$ -	\$ 5,210.00
21	HVAC	\$ 26,900.00	\$ 26,900.00	\$ -	\$ -	\$ 26,900.00	\$ -	\$ 1,345.00
22	Electrical	\$ 47,600.00	\$ 47,600.00	\$ -	\$ -	\$ 47,600.00	\$ -	\$ 2,380.00
23	Misc. Work (City Funds)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24	CCD #1, Delete FRP add Plaster & Granitex	\$ 41,232.68	\$ 41,232.68	\$ -	\$ -	\$ 41,232.68	\$ -	\$ 2,061.63
25	CCD #1, Add Egress Gate	\$ 4,270.66	\$ 4,270.66	\$ -	\$ -	\$ 4,270.66	\$ -	\$ 213.53
26	CCD #1, Asbestos Testing	\$ 353.63	\$ 353.63	\$ -	\$ -	\$ 353.63	\$ -	\$ 17.68
27	CCD #1, Change to ADA benches (4)	\$ 970.12	\$ 970.12	\$ -	\$ -	\$ 970.12	\$ -	\$ 48.51
28	CCD #1, Additional Framing, shoring, header	\$ 1,383.86	\$ 1,383.86	\$ -	\$ -	\$ 1,383.86	\$ -	\$ 69.19
29	CCD #1, paint rm 109 and ceilings 109,110	\$ (486.00)	\$ (486.00)	\$ -	\$ -	\$ (486.00)	\$ -	\$ (24.30)
30	CCD #2, Add CMU Courses	\$ 884.06	\$ 884.06	\$ -	\$ -	\$ 884.06	\$ -	\$ 44.20
39	CCD #2, Core drill toilet flanges	\$ 649.50	\$ 649.50	\$ -	\$ -	\$ 649.50	\$ -	\$ 32.48
40	CCD #2, City & Plumbing review changes	\$ 40,693.99	\$ 40,693.99	\$ -	\$ -	\$ 40,693.99	\$ -	\$ 2,034.70
41	CCD #2, Added floor & tile leveling	\$ 1,084.45	\$ 1,084.45	\$ -	\$ -	\$ 1,084.45	\$ -	\$ 54.22
42	CCD #3, Civil Details	\$ 2,298.56	\$ 2,298.56	\$ -	\$ -	\$ 2,298.56	\$ -	\$ 114.93
43	CCD #3, Swing-up Grab Bar	\$ 411.31	\$ 411.31	\$ -	\$ -	\$ 411.31	\$ -	\$ 20.57
44	CCD #3, Rubber Base	\$ 1,196.32	\$ 1,196.32	\$ -	\$ -	\$ 1,196.32	\$ -	\$ 59.82
45	CCD #4, Granitex Painting	\$ 6,740.09	\$ 6,740.09	\$ -	\$ -	\$ 6,740.09	\$ -	\$ 337.00
46	CCD #4, Additional Tile Base & Leveling	\$ 2,151.22	\$ 2,151.22	\$ -	\$ -	\$ 2,151.22	\$ -	\$ 107.56
47	CCD #4, Additional signage	\$ 225.15	\$ 225.15	\$ -	\$ -	\$ 225.15	\$ -	\$ 11.26
48	CCD #4, PVC Insulation Jacket	\$ 1,772.84	\$ 1,772.84	\$ -	\$ -	\$ 1,772.84	\$ -	\$ 88.64
49		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
50		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
51		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals Page 1		\$ 673,232.44	\$ 671,732.44	\$ 1,500.00	\$ -	\$ 673,232.44	\$ -	\$ 33,661.62

# VICINITY MAP



<b>SHEET</b> 1 of 1	<b>CITY OF GREAT FALLS PUBLIC WORKS DEPARTMENT</b> <b>OF 1722.1 EOWP BATH HOUSE RENOVATION AND REMODEL</b>	DESIGN BY : N/A DRAWN BY : MLS	CHECKED BY : N/A APPROVED BY : N/A	NOT TO SCALE DATE : 7/24/19	REVISED : N/A AS-BUILT : N/A
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**Item:** Change Order #1 and Final Payment: 18<sup>th</sup> Street Storm Drain Improvements Phase 2B, OF 1462.5.

**From:** Engineering Division

**Initiated By:** Public Works Department

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

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

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Change Order #1 in the amount of \$118,760.03 for the 18<sup>th</sup> Street Storm Drain Improvements Phase 2B, and (approve/not 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.”

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

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**Staff Recommendation:**

Approve Change Order #1 and Final Payment Request.

**Summary:**

The 18<sup>th</sup> Street Storm Drain Improvement Project was initiated to increase capacity of the regional storm water system. This was the final phase of the project which completed improvements to the South-Central Great Falls storm drain system. This phase of the project significantly upsized the storm drain pipe located along 17<sup>th</sup> and 18<sup>th</sup> Streets South between 4<sup>th</sup> Avenue South and Chowen Springs Park, and also completed improvements along 19<sup>th</sup> and 20<sup>th</sup> Streets South between 11<sup>th</sup> Avenue South and 15<sup>th</sup> Alley South. Work during this phase also removed and upsized the aging water main along 18<sup>th</sup> Street South that runs parallel to the storm drain work.

**Background:**

Workload Impacts

Thomas, Dean & Hoskins Engineering staff assisted City staff with design phase engineering and prepared plans and specifications. City engineering staff provided construction phase engineering services and project inspection. TD&H also assisted with construction phase engineering.



### Purpose

This project, along with the other phases, was designed to reduce the potential for flooding at the intersection of 15<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South, and at 11<sup>th</sup> Avenue South and 11<sup>th</sup> Alley South between 18<sup>th</sup> and 19<sup>th</sup> Streets South. This project is the final phase of projects to upsize the existing storm drain system between the intersections of Central Avenue and 18<sup>th</sup> Street South and 15<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South.

In addition to Phase 2B described above, the following storm drain improvements have been constructed: 1) new upsized pipe on 18<sup>th</sup> Street South and 17<sup>th</sup> Street South between Central Avenue and 4<sup>th</sup> Avenue South and also between Chowen Springs Park and 11<sup>th</sup> Avenue South; 2) new pipe and inlets along 23<sup>rd</sup> Street South and at 11<sup>th</sup> Alley South, as well as new storm drain pipe across UGF to convey storm water away from areas that experienced localized flooding during heavy rainfall; 3) an overflow channel on the west side of the intersection of 15<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South, 4) an athletic field that also functions as a regional storm water pond during large events located on UGF property; 5) a shallow detention pond located at Chowen Springs Park; and 6) expansion of the Sand Hills Park detention pond.

The Change Order proposed accounts for the additional time, materials, labor and equipment necessary to complete additional work caused by unforeseen utility crossings, inadequate subgrade and additional roadway curb and surface work. Changes were agreed upon by both parties involved in the construction contract prior to work being completed.

### Original Bid Opening

Three responsive bids were received on March 7, 2018, with the bids ranging between \$3,283,284.00 and \$3,525,141.00. Central Excavation, located in Great Falls, submitted the low bid.

### Commission Award Date

The City Commission awarded the contract to Central Excavation on March 20, 2018.

### Final Payment

The final project cost is \$3,402,044.03 which is \$118,760.03 more than the amount that was originally awarded and approved. The increase in contract cost was due to Change Order #1. The value of the contract will increase from \$3,283,284.00 to \$3,402,044.03, a four percent increase.

### Project Work Scope

This project phase included the installation of 1,750 lineal feet of storm drain culvert ranging in size from 10 by 3 foot box culvert to 59 by 36 inch arch pipe; installation of 2,100 lineal feet of storm drain pipe ranging in size between 24 inches and 48 inches in diameter; replacement of 1,900 lineal feet of water main ranging in size between 6 and 16 inches in diameter along 18<sup>th</sup> Street South between 5<sup>th</sup> Alley South and Chowen Springs Park; miscellaneous waterlines and sanitary sewers relocations and replacements; and ADA accessible ramps and road resurfacing. The project was substantially complete on June 19, 2019.

### Conclusion

City Staff recommends making the Final Payment and recommends approving the Change Order for the 18<sup>th</sup> Street Storm Drain Phase 2B. A Final Payment of \$34,119.82 to Central Excavation and \$344.64 to the State Miscellaneous Tax Fund should be made.

City staff verified that Central Excavation has completed all work and punch list items in accordance with the plans and contract. The two-year warranty period started the same time as substantial completion, which was June 19, 2019.

**Fiscal Impact:**

The City was approved for a State Revolving Fund Loan to cover the storm drain improvements costs associated with this project. The City Storm Drain fund will repay the loan. The increase in project cost due to the change order will be funded through the City Storm Drain and City Water Fund.

**Alternatives:**

The City Commission could vote to deny the Final Payment and the Change Order.

**Attachments/Exhibits:**

1. Final Pay App- Central E.
2. Final Pay App Worksheet – Central E.
3. Change Order No. 1
4. OF 1462.5 Vicinity Map

## REQUEST FOR PAYMENT

From: Central Plumbing and Heating, Inc  
 3701 River Drive N.  
 Great Falls, MT 59405

To: CITY OF GTF STREET DIVISION  
 PO BOX 5021  
 GREAT FALLS, MT 59403

Invoice: 33482540  
 Draw: 18-3113-00016  
 Invoice date: 7/31/2019  
 Period ending date: 7/31/2019

Contract For:

**Request for payment:**

Original contract amount	\$3,283,284.00		
Approved changes	\$118,760.03		
Revised contract amount		\$3,402,044.03	
Contract completed to date		\$3,402,044.03	
Add-ons to date	\$0.00		
Taxes to date	\$0.00		
Less retainage	\$0.00		
Total completed less retainage		\$3,402,044.03	
Less previous requests	\$3,367,579.57		
Current request for payment		\$34,464.46	
Current billing		\$448.50	
Current additional charges	\$0.00		
Current tax	\$0.00		
Less current retainage	-\$34,015.96		
Current amount due		\$34,464.46	
Remaining contract to bill	\$0.00		

Project: 18-3113  
 18th St. Storm Drain Phase 2B

Contract date:

Architect:

Scope:

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner		
Total approved this Month	118,311.53	
<b>TOTALS</b>	<b>118,311.53</b>	
<b>NET CHANGES by Change Order</b>	<b>118,311.53</b>	

I hereby certify that the work performed and the materials supplied to date, as shown on the above represent the actual value of the accomplishment under the terms of the Contract (and all authorized changes thereof) between the undersigned and the CITY OF GTF STREET DIVISION relating to the above referenced project. I also certify that the contractor has paid all amounts previously billed and paid by the owner.

CONTRACTOR: Central Plumbing and Heating, Inc

State Of Montana

County Of Cascade

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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

Notary Public

My commission expires:

# REQUEST FOR PAYMENT DETAIL

Project: 18-3113 / 18th St. Storm Drain Phase 2B

Invoice: 33482540

Draw: 18-3113-00016

Period Ending Date: 7/31/2019

Detail Page 2 of 2 Pages

Item ID	Description	Total Contract Amount	Previously Completed Work	Work Completed This Period	Completed To Date	% Comp	Retainage Balance
01	SOV Total	3,283,284.00	3,283,284.00		3,283,284.00	100.00	
02	Change Order 1	118,311.53	118,311.53		118,311.53	100.00	
03	Change Order 2	448.50		448.50	448.50	100.00	

Totals	3,402,044.03	3,401,595.53	448.50	3,402,044.03	100.00		36
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**CHANGE ORDER**

No. 1

DATE OF ISSUANCE: August 21, 2019 EFFECTIVE DATE: August 21, 2019

OWNER: City of Great Falls  
 CONTRACTOR Central Excavation  
 Contract: 18<sup>th</sup> Street Storm Drain Improvements Phase 2B, (O. F. 1462.5)  
 OWNER'S Contract No. O.F. 1462.5 ENGINEER'S Contract No. N/A

You are directed to make the following changes in the Contract Documents.

Description: Miscellaneous Work Pricing items (attached). Additional units as displayed on the Final Pay Application spreadsheet (attached)

Reason for Change Order: The Change Order proposed accounts for the additional time, materials, labor and equipment necessary to complete construction that was consequence of unforeseen or otherwise undocumented utility crossings, inadequate subgrade and additional curb and surface work. Changes were agreed upon by both parties involved in the construction contract prior to work being completed.

Attachments: (Miscellaneous Work Pricing items (7), Final Pay Application Spreadsheet)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$ <u>3,283,284.00</u>	Original Contract Times Substantial Completion: <u>200+</u> days Ready for final payment: <u>6-7-19</u> days or dates
Net changes from previous Change Orders No. <u>0</u> to <u>1</u> \$ <u>0</u>	Net change from previous Change Orders No. <u>0</u> to No. <u>1</u> <u>0</u> days
Contract Price prior to this Change Order \$ <u>3,283,284.00</u>	Contract Times prior to this Change Order Substantial Completion: <u>200+</u> days Ready for final payment: <u>6-19-19</u> days or dates
Net Increase (decrease) of this Change Order \$ <u>118,760.03</u>	Net Increase (decrease) of this Change Order <u>0</u> days
Contract Price with all approved Change Orders \$ <u>3,402,044.03</u>	Contract Times with all approved Change Orders Substantial Completion: <u>200+</u> days Ready for final payment: <u>6-19-19</u> days or dates

RECOMMENDED:

APPROVED:

ACCEPTED:

By: \_\_\_\_\_  
Engineer (Authorized Signature)

By: \_\_\_\_\_  
Owner (Authorized Signature)

By: \_\_\_\_\_  
Contractor (Authorized Signature)

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

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

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

Change Order No. 1 (page 2)  
Date: August 21, 2019  
Agreement Date: August 21, 2019

Project: 18<sup>th</sup> Street Storm Drain Improvements Phase 2B, O.F. 1462.5

Approvals Required:

Approved by:

\_\_\_\_\_  
Greg Doyon, City Manager

Attest:

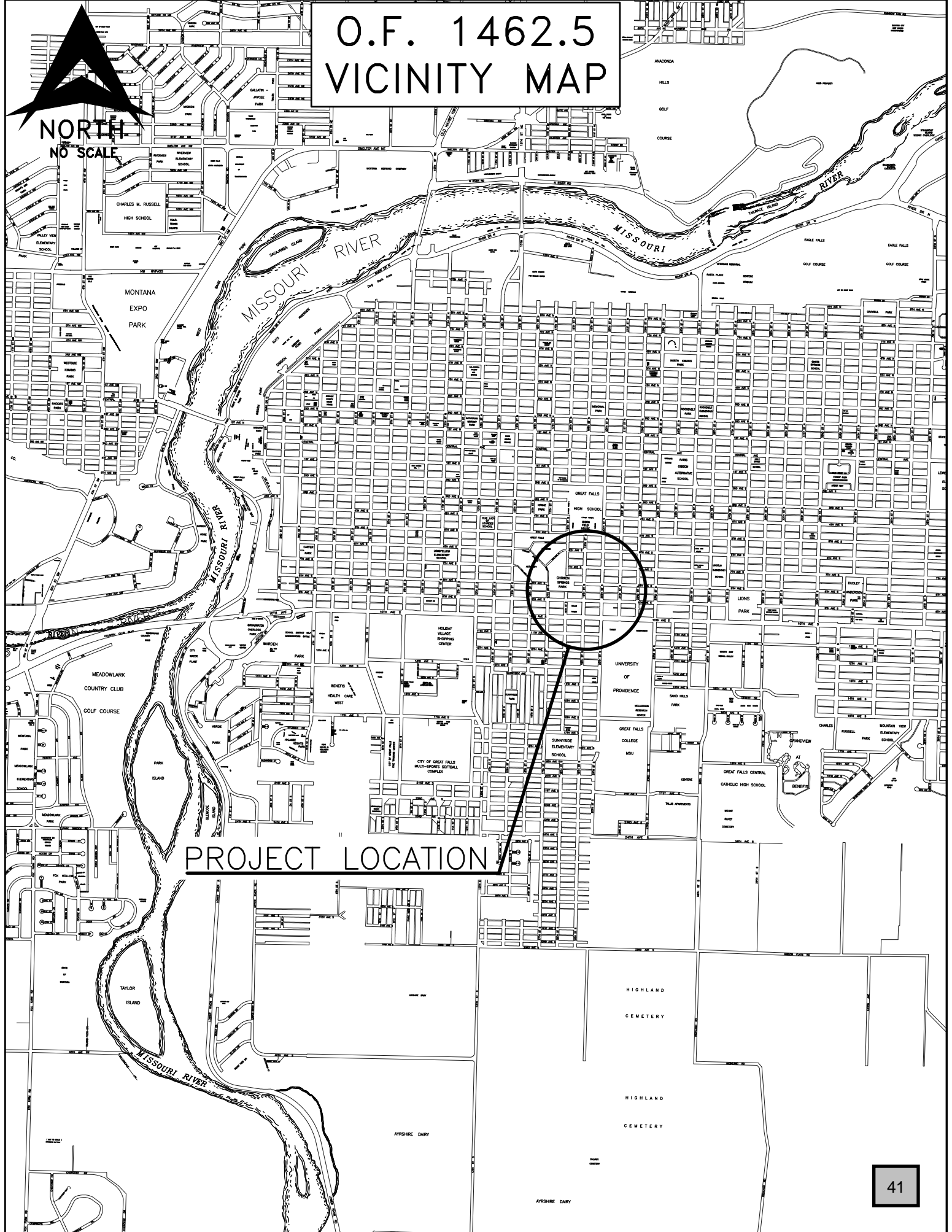
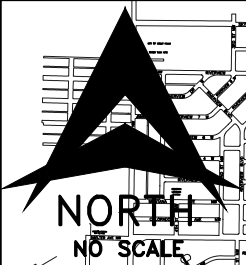
\_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of the City)

Approved as to Form: \_\_\_\_\_  
Sara Sexe, City Attorney



# O.F. 1462.5 VICINITY MAP



PROJECT LOCATION



**Item:** Historic Preservation of the 10<sup>th</sup> Street Bridge, Phase 3, O.F. 1709.1.  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Recommend staff to re-advertise for the Historic Preservation of the 10<sup>th</sup> Street Bridge, Phase 3 project.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (recommend/not recommend) staff re-advertise for the Historic Preservation of the 10<sup>th</sup> Street Bridge, Phase 3 project.”

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

---

**Staff Recommendation:**

Staff recommends re-advertising and rebidding the project for the Historic Preservation of the 10<sup>th</sup> Street Bridge, Phase 3 project.

**Summary:**

This project would install pre-cast concrete railings across the bridge. No bids were received for the project. The specifications were advertised 3 times in the Great Falls Tribune. No bids were received on September 4<sup>th</sup>, 2019.

In accordance with Montana Code Ann. § 7-5-4302:

(3) The council may:

- (a) Postpone awarding a contract until the next regular meeting after bids are received in response to the advertisement;
- (b) reject any or all bids; and
- (c) re-advertise as provided in this section.

With no bids being submitted, staff recommends discussions with potential bidders and possible reformatting of the project. The project would then be re-advertised and rebid the project in October of 2019.

**Fiscal Impact:**

This project will be funded entirely through funds raised by Preservation Cascade, Inc. No City funding will be used for this project.

**Alternatives:**

The City Commission could decide to cancel the project.

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

bid tabulation summary  
 office file 1709.1  
 Historic 10th Street Bridge Preservation Phase 3

date: 4-Sep-19  
 bids taken at civic center  
 Tabulated by: Terri Gumenberg

	Name & Address of Bidder	Acknowledge Add. #1	Acknowledge Add. #2	10% Bid Security	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	<b>No Bids Recieved</b>						
2							
3							
4							
5							
6							
7							
8							
9							
10							



**Item:** 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.

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**Suggested Motion:**

1. Commissioner moves:

"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.

**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*)

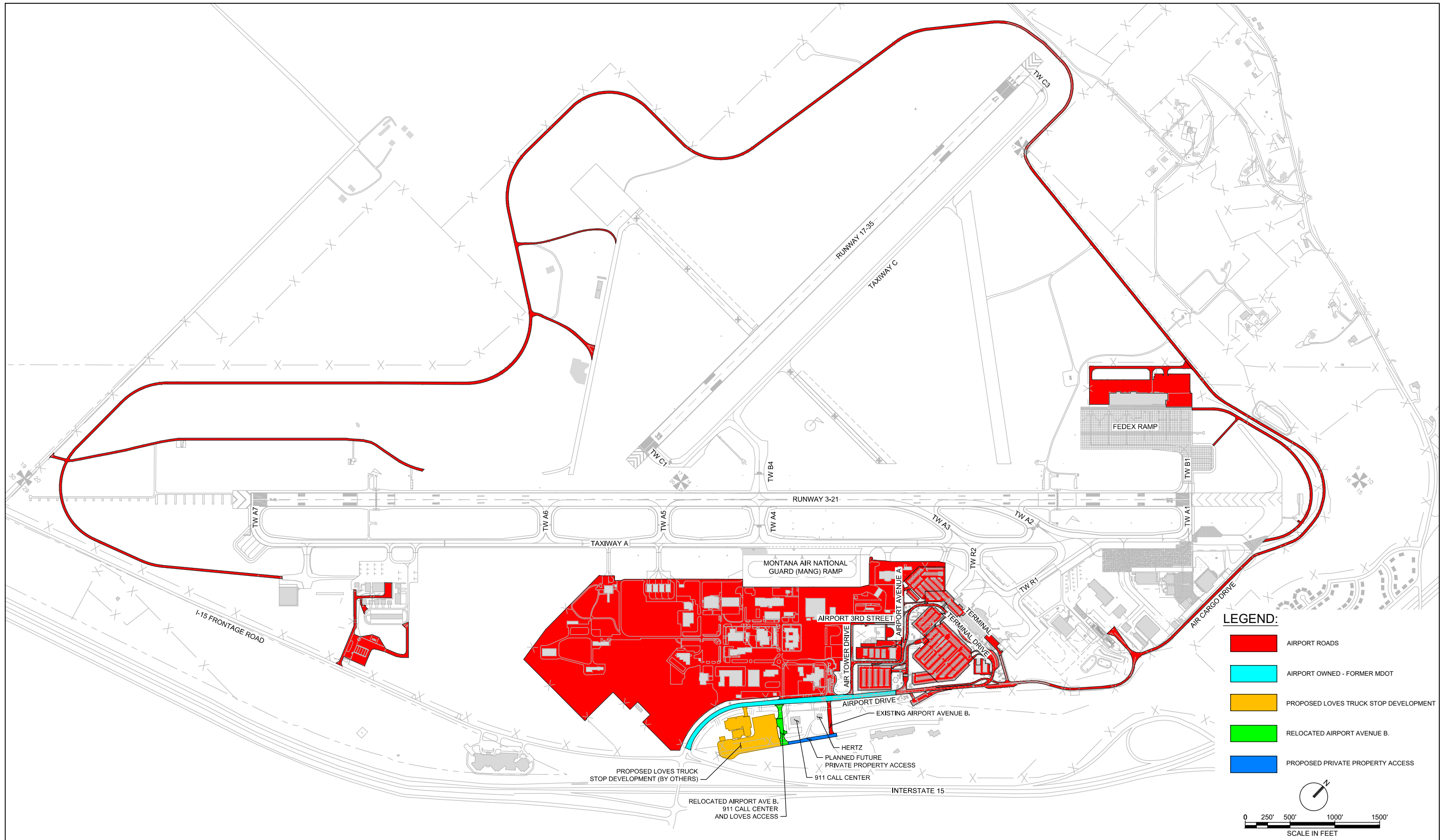
\_\_\_\_\_  
Lisa Kunz, City Clerk

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.





**Item:** Resolution 10303 to Levy and Assess Properties within the Business Improvement District.

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Assessment Process

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

**Action Requested:** City Commission Adopt Resolution 10303.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10303.”

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 the City Commission adopt Resolution 10303 to levy and assess properties within the Business Improvement District (BID).

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

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

On July 16, 2019, as required by State Statute 7-12-1132 (3) MCA, the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district that best ensures the assessment on each lot or parcel is equitable in proportion to the benefits to be received for Fiscal Year 2019/2020. 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.

**Fiscal Impact:** The assessment will be according to the formula below approved by the BID Board and the City Commission. The formula will be applied to all parcels within the district with the exception of parcels owned by the City of Great Falls and Cascade County.

1. a flat fee of \$200.00 for each lot or parcel not designated as Land Use Code 125;
2. a flat fee of \$50.00 for each lot or parcel with a designated Land Use Code of 125, which is a Residential Condominium;
3. an assessment of \$.00165 times the market valuation as provided by the Montana Department of Revenue;
4. and an assessment of \$.015 times the square footage of the land area.

The actual assessment for 2019/2020 based on the above assessment formula will generate \$247,348.33 in assessment revenue. The assessment revenue as shown on Exhibit "A" is \$7,348.33 more than the BID adopted Budget for Fiscal Year 2019/2020 as approved by the City Commission. The increase in this year's assessment revenue can be attributed to increased market valuations as provided by the Montana Department of Revenue. The 2019/2020 assessment per lot or parcel is indicated on the assessment projection summary Exhibit "A" incorporated herein and made a part of Resolution 10303.

**Alternatives:** The City Commission could choose to deny Resolution 10303 to assess the property owners within the BID. However, on July 16, 2019, the City Commission approved the BID Budget which identifies the BID assessment as 44% of the operating revenues. Denial of Resolution 10303 will prevent the BID from carrying out the City Commission previously approved budget.

**Concurrences:** The BID partners with several organizations, such as the Downtown Great Falls Association, the Downtown Development Partnership, the City of Great Falls and the Urban Art Project to carry out the overall purpose of improving and revitalizing the downtown area. Finance staff is responsible for assessing and collecting the revenues.

**Attachments/Exhibits:**

- Resolution 10303
- Resolution 10303 Exhibit "A"
- Map of BID Boundaries

**RESOLUTION 10303**

**A RESOLUTION LEVYING AN ASSESSMENT ON ALL PROPERTIES  
WITHIN THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT**

**WHEREAS**, the City Commission of the City of Great Falls, is authorized to create and administer a business improvement district as provided by 7-12-1101 through 7-12-1151 M.C.A.; and,

**WHEREAS**, the purpose of a Business Improvement District is to promote the health, safety, prosperity, security and the general welfare of the inhabitants thereof and the people of this state; and will be of special benefit to the property within the boundaries of the district created; and,

**WHEREAS**, on May 16, 1989, the City Commission approved Resolution 8279 creating a Business Improvement District in Great Falls, Montana for a duration of ten (10) years; and

**WHEREAS**, on June 15, 1999, the City Commission approved Resolution 9025, on July 7, 2009, approved Resolution 9833, and on February 19, 2019, approved Resolution 10279 re-creating said Business Improvement District for a duration of ten (10) years each; and

**WHEREAS**, a Board of Trustees for the Business Improvement District has been appointed and said Board has developed and submitted a Work Plan and Proposed Budget to the City Commission of the City of Great Falls; and,

**WHEREAS**, the City Commission of the City of Great Falls, is authorized to annually assess and collect the entire cost of the district against the entire district using a method, which best ensures that the assessment on each lot or parcel is equitable in proportion to the benefits to be received as provided by 7-12-1133 M.C.A.

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

Section 1 – Adoption of Work Plan and Budget

On July 16, 2019, the City Commission of the City of Great Falls held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district.

Section 2 – Assessment Method

The assessment formula has been presented to the property owners and recommended to the City Commission as follows:

- a flat fee of \$200.00 for each lot or parcel without a Land Use Code of 125
- a flat fee of \$50.00 for each lot or parcel with a designated Land Use Code of 125, which is a Residential Condominium

- an assessment of \$.00165 times the phase-in market valuation as provided by the Montana Department of Revenue, and an
- assessment of \$.015 times the square footage of the land area.

The assessment requested for 2019/2020 is based on the above assessment formula and will generate TWO HUNDRED FORTY-SEVEN THOUSAND THREE HUNDRED FORTY-EIGHT AND 33/100 DOLLARS (\$247,348.33) in assessment revenue. Due to overwhelming support for a Business Improvement District and concurrence with the assessment formula, the City Commission of the City of Great Falls hereby approves the levying of the assessment as indicated on the assessment projection summary attached to this resolution as Exhibit "A".

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2019 and May 31, 2020.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 17<sup>th</sup> day of September, 2019.

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

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Joseph Cik, Assistant City Attorney



**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FY 2020  
RESOLUTION #10303 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
156750	CHS INC	GFO		7,8,9	306	\$ 200	15,000	\$ 225.00	109,500	534,510	644,010	\$ 1,062.62	\$ 1,487.62
156950	COMMUNITY HEALTH CARE CENTER INC	GFO		10-14	306	\$ 200	37,500	\$ 562.50	168,000	580,000	748,000	\$ 1,234.20	\$ 1,996.70
157400	COX DOUGLAS J & KENT D	GFO		8	307	\$ 200	7,500	\$ 112.50	51,000	211,400	262,400	\$ 432.96	\$ 745.46
157450	517 LLC	GFO		9,10	307	\$ 200	15,000	\$ 225.00	80,250	591,250	671,500	\$ 1,107.98	\$ 1,532.98
157500	RYSTED PETER L LIVING TRUST	GFO		11	307	\$ 200	11,250	\$ 168.75	65,625	225,775	291,400	\$ 480.81	\$ 849.56
157600	KUNZ JASON R	GFO		W1/2 12	307	\$ 200	3,750	\$ 56.25	36,375	295,925	332,300	\$ 548.30	\$ 804.55
157650	BRANDENBERGER NED R & JENNIFER	GFO		E1/2 13	307	\$ 200	3,750	\$ 56.25	36,375	52,225	88,600	\$ 146.19	\$ 402.44
157750	EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		5-10	308	\$ 200	22,500	\$ 337.50	197,250	2,793,050	2,990,300	\$ 4,934.00	\$ 5,471.50
157810	EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		11	308	\$ 200	7,500	\$ 112.50	51,000	192,400	243,400	\$ 401.61	\$ 714.11
158100	THE PENNANT BUILDING LLC	GFO		8	309	\$ 200	7,509	\$ 112.64	51,000	729,600	780,600	\$ 1,287.99	\$ 1,600.63
158150	HANSON MICHAEL	GFO		9	309	\$ 200	7,507	\$ 112.61	51,000	335,370	386,370	\$ 637.51	\$ 950.12
158250	DESCHENES GARY S ETAL	GFO		W28'12	309	\$ 200	4,200	\$ 63.00	38,130	471,970	510,100	\$ 841.67	\$ 1,104.67
158300	DSB TOWER LLC	GFO		13,14	309	\$ 200	15,037	\$ 225.56	80,250	17,800	98,050	\$ 161.78	\$ 587.34
158950	TIGER SPRING PROPERTIES	GFO		8-9	311	\$ 200	15,000	\$ 225.00	80,250	1,507,950	1,588,200	\$ 2,620.53	\$ 3,045.53
159150	CAMBRIDGE INVESTORS ONE LP	GFO		11-14	311	\$ 200	37,546	\$ 563.19	168,000	1,580,900	1,748,900	\$ 2,885.69	\$ 3,648.88
159225	BUCHANAN-BYRNE BUILDING PARTNERSHIP	GFO		1,2,3	312	\$ 200	22,500	\$ 337.50	109,500	1,152,400	1,261,900	\$ 2,082.14	\$ 2,619.64
159450	CENTRAL MONTANA PROPERTIES LLC	GFO		8	312	\$ 200	7,500	\$ 112.50	51,000	167,570	218,570	\$ 360.64	\$ 673.14
159500	RAMSEY ANN C	GFO		9,E1/2 10	312	\$ 200	11,250	\$ 168.75	65,625	175,175	240,800	\$ 397.32	\$ 766.07
159550	BENSLEY MARJORIE M	GFO		W1/2 10	312	\$ 200	3,750	\$ 56.25	36,375	7,525	43,900	\$ 72.44	\$ 328.69
159600	BENSLEY MARJORIE M	GFO		E1/2 11	312	\$ 200	3,750	\$ 56.25	36,375	30,525	66,900	\$ 110.39	\$ 366.64
159650	BENSLEY MARJORIE	GFO		W1/2 11	312	\$ 200	3,750	\$ 56.25	36,375	101,140	137,515	\$ 226.90	\$ 483.15
159700	CONTEXT LLC	GFO		E1/2 12	312	\$ 200	3,750	\$ 56.25	36,375	206,280	242,655	\$ 400.38	\$ 656.63
159725	BUCHANAN BYRNE BUILDING PARTNERSHIP	GFO		W1/2 12 all 13	312	\$ 200	11,295	\$ 169.43	65,625	12,010	77,635	\$ 128.10	\$ 497.52
159735	BUCHANAN-BYRNE BUILDING PARTNERSHIP	GFO		14	312	\$ 200	7,500	\$ 112.50	51,000	204,300	255,300	\$ 421.25	\$ 733.75
159800	RELIGIOUS CONGRATATION OF BERLINER CONG	GFO		1-7	313	\$ 200	52,490	\$ 787.35	226,500	1,590,290	1,816,790	\$ 2,997.70	\$ 3,985.05
159850	DAVIDSON INVESTMENTS LLC	GFO		8-14	313	\$ 200	67,500	\$ 1,012.50	306,750	8,800,850	9,107,600	\$ 15,027.54	\$ 16,240.04
160200	DSB TOWER LLC	GFO		1-3	314	\$ 200	22,500	\$ 337.50	109,500	1,085,870	1,195,370	\$ 1,972.36	\$ 2,509.86
160300	EKLUNDS APPLIANCE & TV	GFO		4-5	314	\$ 200	15,000	\$ 225.00	80,250	563,250	643,500	\$ 1,061.78	\$ 1,486.78
160450	POBLANO PROPERTIES LLC	GFO		7	314	\$ 200	15,000	\$ 225.00	80,250	538,550	618,800	\$ 1,021.02	\$ 1,446.02
160500	MADILL JUSTIN J	GFO		8,9	314	\$ 200	15,000	\$ 225.00	80,250	882,640	962,890	\$ 1,588.77	\$ 2,013.77
160550	LERAY PROPERTIES LLC	GFO		10	314	\$ 200	7,500	\$ 112.50	51,000	391,000	442,000	\$ 729.30	\$ 1,041.80
160600	MARSH HOLDINGS LLC	GFO		11	314	\$ 200	7,500	\$ 112.50	51,000	329,400	380,400	\$ 627.66	\$ 940.16
160650	BECKMANS BUILDING LLC	GFO		12	314	\$ 200	7,500	\$ 112.50	51,000	336,950	387,950	\$ 640.12	\$ 952.62
160900	STOCKMAN BANK OF MONTANA	GFO		6,7	315	\$ 200	15,000	\$ 225.00	80,250	98,490	178,740	\$ 294.92	\$ 719.92
160950	BALTHAZAR ENTERPRISES LLC	GFO		8,9	315	\$ 200	15,000	\$ 225.00	80,250	445,450	525,700	\$ 867.41	\$ 1,292.41
161050	HACKETT GARRY L & CHERYL D	GFO		11	315	\$ 200	7,500	\$ 112.50	51,000	715,750	766,750	\$ 1,265.14	\$ 1,577.64
161100	KAUFMAN MARY ANN & IRA M JR	GFO		12	315	\$ 200	7,500	\$ 112.50	51,000	386,100	437,100	\$ 721.22	\$ 1,033.72
161150	LEE ALAN B	GFO		13A	A315	\$ 200	3,750	\$ 56.25	36,375	109,825	146,200	\$ 241.23	\$ 497.48
161200	ENGE RICHARD C	GFO		13B	B315	\$ 200	3,750	\$ 56.25	36,375	59,725	96,100	\$ 158.57	\$ 414.82
161250	BIG BROTHERS HOLDING COMPANY LLC	GFO		14	315	\$ 200	7,500	\$ 112.50	51,000	280,900	331,900	\$ 547.64	\$ 860.14
161300	STOCKMAN BANK OF MONTANA	GFO		1,2	316	\$ 200	15,000	\$ 225.00	80,250	1,642,450	1,722,700	\$ 2,842.46	\$ 3,267.46
161450	KELMAN DAVID & ZACHARY	GFO		W1/2 3	316	\$ 200	3,750	\$ 56.25	36,375	114,825	151,200	\$ 249.48	\$ 505.73
161600	LITTLE WILLIAM L & SHONNA L	GFO		E1/2 3-5	W1/2 6	\$ 200	22,500	\$ 337.50	109,500	650,530	760,030	\$ 1,254.05	\$ 1,791.55
161650	SILVER STATE PARTNERS LLC	GFO		E1/2 6,7	316	\$ 200	11,250	\$ 168.75	65,625	339,075	404,700	\$ 667.76	\$ 1,036.51
161700	MONTANA TIMES SQUARE LLC	GFO		8-10	316	\$ 200	22,500	\$ 337.50	109,500	742,200	851,700	\$ 1,405.31	\$ 1,811.81
161750	EVERSON HAROLD O & VICKI S	GFO		11	316	\$ 200	7,500	\$ 112.50	51,000	178,000	229,000	\$ 377.85	\$ 577.85

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FY 2020  
RESOLUTION #10303 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT.	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION	TOTAL B.I.D.
								COST 0.015				COST 0.00165	ANNUAL ASSESSMENT
161800	HACKETT GARRY L & CHERYL D	GFO		12 & 13	316	\$ 200	15,000	\$ 225.00	80,250	319,240	399,490	\$ 659.16	\$ 1,084.16
162050	JOSCO PROPERTIES INC	GFO		8,9	317	\$ 200	15,000	\$ 225.00	80,250	1,237,870	1,318,120	\$ 2,174.90	\$ 2,599.90
162100	TLMF INC	GFO		10	317	\$ 200	7,500	\$ 112.50	51,000	115,100	166,100	\$ 274.07	\$ 586.57
162150	LARSON EDWARD L	GFO		E30' 11	317	\$ 200	4,500	\$ 67.50	39,300	87,200	126,500	\$ 208.73	\$ 476.23
162200	LARSON EDWARD L	GFO		W20' 11	317	\$ 200	3,000	\$ 45.00	33,450	54,050	87,500	\$ 144.38	\$ 389.38
162250	HACKETT GARRY L & CHERYL D	GFO		12	317	\$ 200	7,500	\$ 112.50	51,000	756,610	807,610	\$ 1,332.56	\$ 1,645.06
162300	COMMUNITY HEALTH CARE CENTER INC	GFO		13,14	317	\$ 200	15,000	\$ 225.00	80,250	205,220	285,470	\$ 471.03	\$ 896.03
189100	STROMBERG ROBERT C & MARY D	GFO		1,2 & 11-14	362	\$ 200	45,000	\$ 675.00	197,250	1,966,650	2,163,900	\$ 3,570.44	\$ 4,445.44
189150	TUNGSTEN PROPERTIES LLC	GFO		3	362	\$ 200	7,500	\$ 112.50	51,000	780,700	831,700	\$ 1,372.31	\$ 1,684.81
189200	KISER PROPERTIES LLC	GFO		4	362	\$ 200	7,500	\$ 112.50	51,000	134,700	185,700	\$ 306.41	\$ 618.91
189250	SPENCER TIMOTHY W	GFO		E1/2 5	362	\$ 200	3,750	\$ 56.25	36,375	151,120	187,495	\$ 309.37	\$ 565.62
189300	NORDRUM ORVILLE M & JOSEPHINE A	GFO		W1/2 5	362	\$ 200	3,750	\$ 56.25	36,375	80,525	116,900	\$ 192.89	\$ 449.14
189350	HARRIS DAVID ALLAN ETAL	GFO		E1/2 6	362	\$ 200	3,750	\$ 56.25	36,375	130,025	166,400	\$ 274.56	\$ 530.81
189400	HAUGEN LESLIE N & V ARLENE	GFO		W1/2 6	362	\$ 200	3,750	\$ 56.25	36,375	122,525	158,900	\$ 262.19	\$ 518.44
189450	SPENCER TIMOTHY	GFO		7	362	\$ 200	7,500	\$ 112.50	51,000	220,900	271,900	\$ 448.64	\$ 761.14
189500	CENTER FOR MENTAL HEALTH INC OF GF MT	GFO		8,9	362	\$ 200	15,000	\$ 225.00	80,250	739,650	819,900	\$ 1,352.84	\$ 1,777.84
189550	CENTER FOR MENTAL HEALTH INC OF GF MT	GFO		10	362	\$ 200	7,500	\$ 112.50	51,000	541,100	592,100	\$ 976.97	\$ 1,289.47
189700	FLY AWAY LLC	GFO		1,2	363	\$ 200	15,000	\$ 225.00	80,250	553,250	633,500	\$ 1,045.28	\$ 1,470.28
189750	SCHUBARTH SANDRA	GFO		3	363	\$ 200	7,500	\$ 112.50	51,000	253,800	304,800	\$ 502.92	\$ 815.42
189800	NOISHT PROPERTIES LLC	GFO		4	363	\$ 200	7,500	\$ 112.50	51,000	237,200	288,200	\$ 475.53	\$ 788.03
189850	HEISHMAN CARL D ETAL	GFO		5	363	\$ 200	7,500	\$ 112.50	51,000	341,480	392,480	\$ 647.59	\$ 960.09
189900	ELMORE ROBERTS LLC	GFO		6,7	363	\$ 200	15,000	\$ 225.00	80,250	2,323,120	2,403,370	\$ 3,965.56	\$ 4,390.56
190000	VVH ENTERPRISES LLC	GFO		PT8	363	\$ 200	566	\$ 8.49	23,505	2,110	25,615	\$ 42.26	\$ 250.75
190050	KEILMAN & TRUNKLE ENTERPRISES LLC	GFO		PT8	363	\$ 200	5,535	\$ 83.03	43,395	234,405	277,800	\$ 458.37	\$ 741.40
190150	ELMORE ROBERTS LLC	GFO		9	363	\$ 200	7,500	\$ 112.50	51,000	7,160	58,160	\$ 95.96	\$ 408.46
190200	ELMORE ROBERTS LLC	GFO		10	363	\$ 200	7,500	\$ 112.50	51,000	7,160	58,160	\$ 95.96	\$ 408.46
190250	CENTER FOR MENTAL HEALTH	GFO		11	363	\$ 200	7,500	\$ 112.50	51,000	603,720	654,720	\$ 1,080.29	\$ 1,392.79
190350	MADILL JASON C & TAMARA L	GFO		1-3,9-14	364	\$ 200	67,500	\$ 1,012.50	296,700	1,159,800	1,456,500	\$ 2,403.23	\$ 3,615.73
190450	MONTANA LANDWORKS LLC	GFO		4	364	\$ 200	7,500	\$ 112.50	51,000	364,200	415,200	\$ 685.08	\$ 997.58
190500	GREAT FALLS CENTRAL LLC	GFO		W1/2 5	364	\$ 200	3,750	\$ 56.25	36,375	276,825	313,200	\$ 516.78	\$ 773.03
190550	HICKS ENDEAVORS	GFO		E1/2 5,6	364	\$ 200	11,250	\$ 168.75	65,625	226,320	291,945	\$ 481.71	\$ 850.46
190600	M & L RENTALS LLC	GFO		7	364	\$ 200	7,500	\$ 112.50	51,000	1,299,570	1,350,570	\$ 2,228.44	\$ 2,540.94
190650	SEMANSKY JOHN S & LISA SWAN	GFO		N1/2 8	364	\$ 200	3,750	\$ 56.25	36,375	136,125	172,500	\$ 284.63	\$ 540.88
190700	WONG MING & SU	GFO		S1/2 8	364	\$ 200	3,750	\$ 56.25	36,375	308,925	345,300	\$ 569.75	\$ 826.00
190800	FIRST BUILDING CORPORATION	GFO		1-3	365	\$ 200	22,500	\$ 337.50	109,500	-	109,500	\$ 180.68	\$ 718.18
190950	ATLANTIC FINANCIAL GROUP LTD	GFO		IMPS 1-3	365	\$ 200	-	\$ -	-	7,007,000	7,007,000	\$ 11,561.55	\$ 11,761.55
191050	ALLEY STEPHEN J	GFO		4,5	365	\$ 200	15,000	\$ 225.00	80,250	1,056,540	1,136,790	\$ 1,875.70	\$ 2,300.70
191100	WHITE BELLY PROPERTIES LLC	GFO		6	365	\$ 200	7,492	\$ 112.38	51,000	605,300	656,300	\$ 1,082.90	\$ 1,395.28
191150	JOVICK LEPARD LLC	GFO		7	365	\$ 200	7,500	\$ 112.50	51,000	701,400	752,400	\$ 1,241.46	\$ 1,553.96
191300	FIRST NATIONAL BANK	GFO		13-14	365	\$ 200	15,000	\$ 225.00	80,250	27,430	107,680	\$ 177.67	\$ 602.67
191400	RICHARDS PHILLIP	GFO		1,2	366	\$ 200	15,000	\$ 225.00	80,250	484,950	565,200	\$ 932.58	\$ 1,357.58
191450	TOVSON LLC	GFO		3	366	\$ 200	7,500	\$ 112.50	51,000	256,970	307,970	\$ 508.15	\$ 820.65
191500	CYRUS INVESTMENTS LLC	GFO		4-7	366	\$ 200	30,000	\$ 450.00	138,750	2,576,290	2,715,040	\$ 4,479.82	\$ 5,129.82
191550	FIRST NATIONAL BANK	GFO		8-14	366	\$ 200	52,500	\$ 787.50	226,500	437,360	663,860	\$ 1,095.37	\$ 2,082.87
191600	MONTANA INSTITUTE OF FAMILY LIVING	GFO		1-3	367	\$ 200	22,500	\$ 337.50	109,500	4,312,870	4,422,370	\$ 7,296.91	\$ 8,411.41
191700	MURPHY REAL ESTATE LLC	GFO		4,5 W1/2 6	367	\$ 200	18,750	\$ 281.25	94,875	557,625	652,500	\$ 1,076.63	\$ 1,588.88

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
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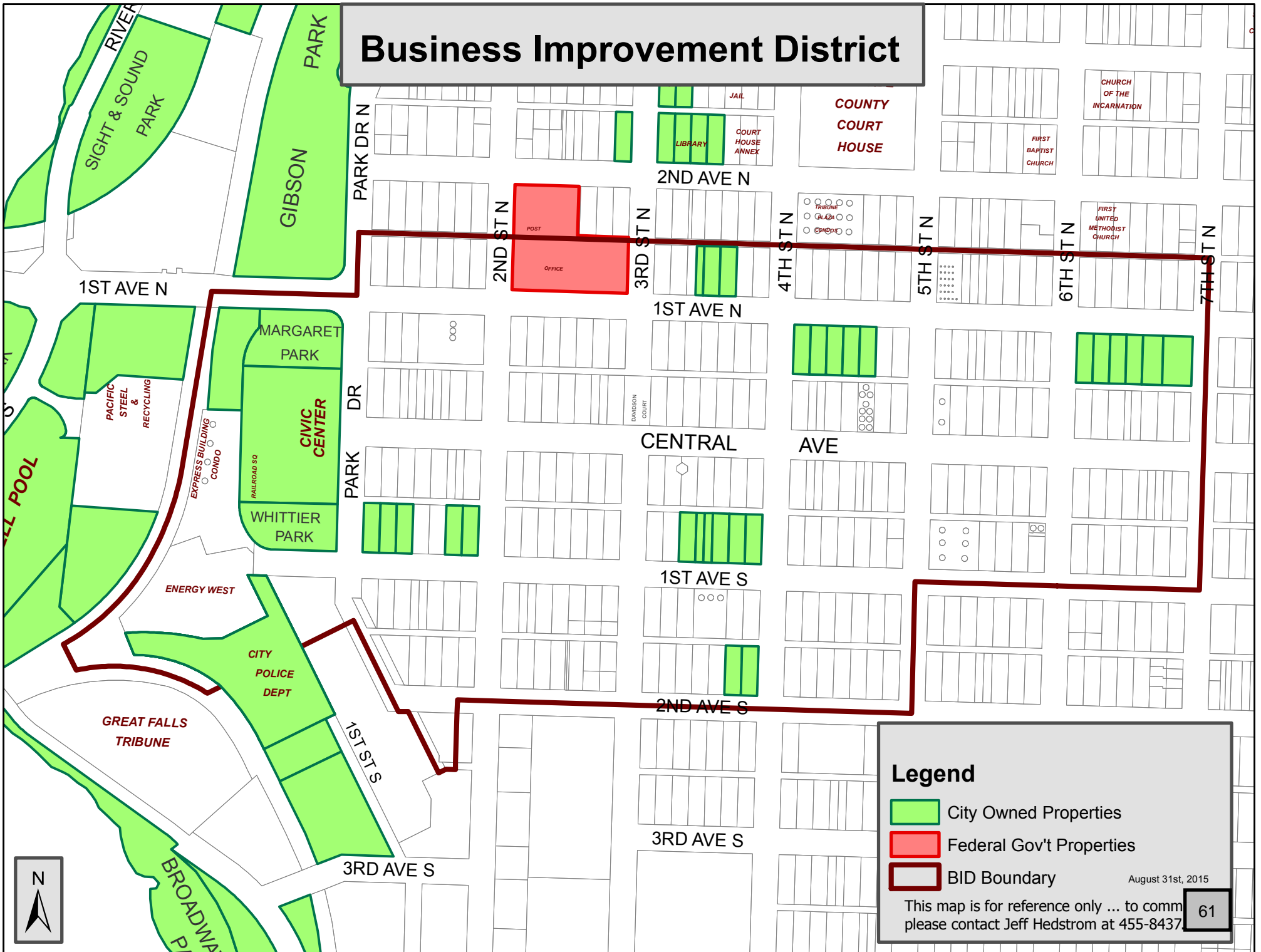
PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
191750	MURPHY TIMOTHY M & DEBORAH S	GFO		E1/2 6,7	367	\$ 200	11,250	\$ 168.75	65,625	63,075	128,700	\$ 212.36	\$ 581.11
191950	MONTANA INSTITUTE OF FAMILY LIVING	GFO		10,11	367	\$ 200	15,000	\$ 225.00	80,250	5,230	85,480	\$ 141.04	\$ 566.04
192100	BLANKENSHIP BOBBI	GFO		1,2	368 AA	\$ 200	15,333	\$ 230.00	90,257	1,434,843	1,525,100	\$ 2,516.42	\$ 2,946.41
192150	GAELIC PROPERTIES INC	GFO		3 W1/2 4	368	\$ 200	11,250	\$ 168.75	65,625	518,275	583,900	\$ 963.44	\$ 1,332.19
192200	ARVON BLOCK DEVELOPMENT VENTURE LLC	GFO		E1/2 4,5	368	\$ 200	11,237	\$ 168.56	65,625	3,680,075	3,745,700	\$ 6,180.41	\$ 6,548.96
192300	MURPHY REAL ESTATE LLC	GFO		6,7	368	\$ 200	15,000	\$ 225.00	80,250	2,618,650	2,698,900	\$ 4,453.19	\$ 4,878.19
192350	WEIGAND JOHN W & PEGGY LOU ETAL	GFO		8 & 9	368	\$ 200	15,000	\$ 225.00	80,250	796,550	876,800	\$ 1,446.72	\$ 1,871.72
192450	JENNINGS LAND LIMITED PARTNERSHIP	GFO		10	368	\$ 200	7,500	\$ 112.50	51,000	104,900	155,900	\$ 257.24	\$ 569.74
192500	OIDHREACT PROPERTIES LLC	GFO		11,12	368	\$ 200	20,016	\$ 300.24	96,887	300,460	397,347	\$ 655.62	\$ 1,155.86
192700	MURPHY REAL ESTATE LLC	GFO		4 & PT 5-7	369	\$ 200	46,237	\$ 693.56	202,164	41,310	243,474	\$ 401.73	\$ 1,295.29
192850	MURPHY REAL ESTATE LLC	GFO		S41.6'5-7	369	\$ 200	6,229	\$ 93.44	46,028	354,860	400,888	\$ 661.47	\$ 954.90
192950	LAWYERS GUNS & MONEY LLC	GFO		N90' 8-9	369	\$ 200	9,017	\$ 135.26	56,850	1,167,650	1,224,500	\$ 2,020.43	\$ 2,355.68
193050	CTA BUILDING LLP	GFO		S60' 8-9,E44'10	369	\$ 200	12,606	\$ 189.09	70,890	2,613,510	2,684,400	\$ 4,429.26	\$ 4,818.35
193100	CTA BUILDING LLP ETAL	GFO		W6'10E6'OF 11	369	\$ 200	1,800	\$ 27.00	28,770	-	28,770	\$ 47.47	\$ 274.47
193150	KELMAN ZOLLIE ETAL	GFO		W6'10 & 11,12	369	\$ 200	14,100	\$ 211.50	76,740	206,270	283,010	\$ 466.97	\$ 878.47
193200	KELMAN ZOLLIE ETAL	GFO		13,14	369	\$ 200	15,000	\$ 225.00	80,250	761,450	841,700	\$ 1,388.81	\$ 1,813.81
193250	WHITE BELLY PROPERTIES LLC	GFO		1	370	\$ 200	7,500	\$ 112.50	51,000	261,900	312,900	\$ 516.29	\$ 828.79
193300	ROTHSCHILLER VERNON	GFO		2	370	\$ 200	7,500	\$ 112.50	51,000	324,500	375,500	\$ 619.58	\$ 932.08
193350	FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		3	370	\$ 200	7,500	\$ 112.50	51,000	293,000	344,000	\$ 567.60	\$ 880.10
193450	GREAT FALLS TRANSIT DISTRICT	GFO		6,7	370	\$ 200	15,000	\$ 225.00	80,250	301,660	381,910	\$ 630.15	\$ 1,055.15
193550	GREAT FALLS RESCUE MISSION	GFO		10, 11	370	\$ 200	15,000	\$ 225.00	80,250	576,810	657,060	\$ 1,084.15	\$ 1,509.15
193650	FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		12	370	\$ 200	7,500	\$ 112.50	51,000	257,500	308,500	\$ 509.03	\$ 821.53
193700	WHITE BELLY PROPERTIES LLC	GFO		13,14	370	\$ 200	15,000	\$ 225.00	80,250	19,700	99,950	\$ 164.92	\$ 589.92
193900	NEIGHBORHOOD HOUSING SERVICES INC	GFO		5	371	\$ 200	7,500	\$ 112.50	51,000	18,140	69,140	\$ 114.08	\$ 426.58
193950	PLACID RENTALS LLC	GFO		6,7	371	\$ 200	15,000	\$ 225.00	80,250	167,750	248,000	\$ 409.20	\$ 834.20
224650	PORTNEY ABBY KELMAN	GFO		1-3	417	\$ 200	19,483	\$ 292.25	100,865	431,235	532,100	\$ 877.97	\$ 1,370.21
616205	STAM TODD R ETAL	503			UNIT 101	\$ 200	574	\$ 8.61	3,347	169,053	172,400	\$ 284.46	\$ 493.07
616210	FRANK PLUMLEE FAMILY TRUST	503	125		UNIT 301	\$ 50	450	\$ 6.75	2,625	177,075	179,700	\$ 296.51	\$ 353.26
616215	HAGAN ROGER A	503	125		UNIT 401	\$ 50	308	\$ 4.62	1,798	135,702	137,500	\$ 226.88	\$ 281.50
616220	ROBERTS AARON P	503	125		UNIT 402	\$ 50	291	\$ 4.37	1,700	131,400	133,100	\$ 219.62	\$ 273.98
616225	REYNOLDS STEWART W & SARA A	503	125		UNIT 403	\$ 50	500	\$ 7.50	2,914	179,786	182,700	\$ 301.46	\$ 358.96
616230	SAVAGE JEFFREY J ETAL	503	125		UNIT 404	\$ 50	476	\$ 7.14	2,776	175,124	177,900	\$ 293.54	\$ 350.68
616235	ROY RUSSEL E & GWEN E	503	125		UNIT 405	\$ 50	469	\$ 7.04	2,737	173,263	176,000	\$ 290.40	\$ 347.44
616240	TAMCKE JANET A ETAL	503	125		UNIT 406	\$ 50	268	\$ 4.02	1,562	125,638	127,200	\$ 209.88	\$ 263.90
616245	KUBAS HEATHER	503	125		UNIT 407	\$ 50	416	\$ 6.24	2,428	158,672	161,100	\$ 265.82	\$ 322.06
616250	STAM TODD R	503			UNIT 103	\$ 200	608	\$ 9.12	3,544	255,356	258,900	\$ 427.19	\$ 636.31
616255	STAM TODD R	503			UNIT 105	\$ 200	311	\$ 4.67	1,811	105,589	107,400	\$ 177.21	\$ 381.88
616260	STAM TODD R	503			UNIT 107	\$ 200	441	\$ 6.62	2,572	184,328	186,900	\$ 308.39	\$ 515.00
616265	STAM TODD R	503			UNIT 109	\$ 200	444	\$ 6.66	2,592	150,508	153,100	\$ 252.62	\$ 459.28
616270	SICK PROPERTIES LLC	503			UNIT 111	\$ 200	574	\$ 8.61	3,347	189,353	192,700	\$ 317.96	\$ 526.57
616275	UNDERWOOD JASON M	503	125		UNIT 201	\$ 50	450	\$ 6.75	2,625	174,375	177,000	\$ 292.05	\$ 348.80
616280	DIAMOND R ELAINE ETAL	503	125		UNIT 202	\$ 50	549	\$ 8.24	3,202	205,098	208,300	\$ 343.70	\$ 401.93
616285	BILBRAY-KOHN NOAH B & ERIN K	503	125		UNIT 203	\$ 50	444	\$ 6.66	2,592	176,308	178,900	\$ 295.19	\$ 351.85
616290	YEON JENEE S	503	125		UNIT 204	\$ 50	417	\$ 6.26	2,435	168,565	171,000	\$ 282.15	\$ 338.41
616295	ROBERTS DUSTIN E	503	125		UNIT 205	\$ 50	509	\$ 7.64	2,966	197,834	200,800	\$ 331.32	\$ 396.96
616300	SUK JONG HOON	503	125		UNIT 206	\$ 50	416	\$ 6.24	2,428	167,572	170,000	\$ 280.50	\$ 347.74

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FY 2020  
RESOLUTION #10303 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT	
616305	QUINN SUSAN E	503	125		UNIT 302	\$ 50	549	\$ 8.24	3,202	203,898	207,100	\$ 341.72	\$ 399.95	
616310	EULTGEN DARREN & CINDY	503	125		UNIT 303	\$ 50	444	\$ 6.66	2,592	175,308	177,900	\$ 293.54	\$ 350.20	
616315	EULTGEN DARREN & CINDY	503	125		UNIT 304	\$ 50	417	\$ 6.26	2,435	167,165	169,600	\$ 279.84	\$ 336.10	
616320	BURGAN VALERIE G	503	125		UNIT 305	\$ 50	509	\$ 7.64	2,966	191,934	194,900	\$ 321.59	\$ 379.22	
616325	FITLE DEREK J	503	125		UNIT 306	\$ 50	416	\$ 6.24	2,428	166,572	169,000	\$ 278.85	\$ 335.09	
617100	WILLIAMS DONALD E TRUST ETAL	FP1			UNIT A	\$ 200	6,665	\$ 99.98	45,237	1,250,063	1,295,300	\$ 2,137.25	\$ 2,437.22	
617150	WARD KRAIG ALLAN	FP1			UNIT B	\$ 200	871	\$ 13.07	5,763	191,080	196,843	\$ 324.79	\$ 537.86	
620650	WADSWORTH SHANNON	CAP			UNIT A	\$ 200	3,615	\$ 54.23	19,284	89,316	108,600	\$ 179.19	\$ 433.42	
620660	WILSON TOM	CAP			UNIT B	\$ 200	4,574	\$ 68.61	24,436	140,164	164,600	\$ 271.59	\$ 540.20	
620670	QHG LLP	CAP			UNIT C	\$ 200	6,839	\$ 102.59	36,530	134,270	170,800	\$ 281.82	\$ 584.41	
628625	SEIDLITZ JOHN E JR & PAMELA	HBC			UNIT 1A	\$ 200	713	\$ 10.70	13,702	68,898	82,600	\$ 136.29	\$ 346.99	
628630	CORDEIRO, CHRIS A	HBC			UNIT 2A	\$ 200	713	\$ 10.70	13,702	68,898	82,600	\$ 136.29	\$ 346.99	
647400	A&E RENTALS LLC	EBC			UNIT A	\$ 200	10,336	\$ 155.04	113,307	481,593	594,900	\$ 981.59	\$ 1,336.63	
647402	UAZ BUILDING PARTNERSHIP	EBC			UNIT B	\$ 200	4,386	\$ 65.79	54,898	318,102	373,000	\$ 615.45	\$ 881.24	
647404	RAILROAD SQUARE LLC	EBC			UNIT C	\$ 200	11,903	\$ 178.55	123,841	449,559	573,400	\$ 946.11	\$ 1,324.66	
647406	UAZ BUILDING PARTNERSHIP	EBC			UNIT D	\$ 200	4,699	\$ 70.49	55,628	323,872	379,500	\$ 626.18	\$ 896.66	
650100	MARTIN SCHULKE & ST JOHN LLP	HBB			UNIT A	\$ 200	10,000	\$ 150.00	46,250	380,046	426,296	\$ 703.39	\$ 1,053.39	
650200	MARTIN SCHULKE & ST JOHN LLP	HBB			UNIT A1	\$ 200	10,000	\$ 150.00	46,250	380,046	426,296	\$ 703.39	\$ 1,053.39	
650300	MARTIN SCHULKE & ST JOHN LLP	HBB			UNIT B	\$ 200	10,000	\$ 150.00	46,250	380,046	426,296	\$ 703.39	\$ 1,053.39	
651010	MEYER KATTIE & KIRKLEN A	JHC			UNIT 1A	\$ 200	936	\$ 14.04	6,426	325,674	332,100	\$ 547.97	\$ 762.01	
651020	MONTCARE INC	JHC			UNIT M1B	\$ 200	588	\$ 8.82	3,978	36,638	40,616	\$ 67.02	\$ 275.84	
651030	CONNER DENNIS & JANIS	JHC			UNIT 1C	\$ 200	542	\$ 8.13	2,958	110,142	113,100	\$ 186.62	\$ 394.75	
651040	ROCKET CLONE LLC	JHC			UNIT 2A	\$ 200	560	\$ 8.40	3,519	158,281	161,800	\$ 266.97	\$ 475.37	
651050	SUTTON DANNIE R SR	JHC			UNIT 2B	\$ 200	596	\$ 8.94	4,845	298,255	303,100	\$ 500.12	\$ 709.06	
651090	BIALECKI ROBERT	JHC			UNIT 3A	\$ 200	1,430	\$ 21.45	9,792	558,268	568,060	\$ 937.30	\$ 1,158.75	
651100	OLSON KENNETH R ETAL	JHC			UNIT 4A	\$ 200	1,424	\$ 21.36	9,792	485,708	495,500	\$ 817.58	\$ 1,038.94	
651115	MARR LIVING TRUST	LJC	125		UNIT 501	\$ 50	474	\$ 7.11	3,264	355,629	358,893	\$ 592.17	\$ 649.28	
651120	MCCURRY BEATRICE C	LJC	125		UNIT 502	\$ 50	474	\$ 7.11	3,264	271,736	275,000	\$ 453.75	\$ 510.86	
651125	SALONEN WILLIAM W & SUSAN L	LJC	125		UNIT 503	\$ 50	474	\$ 7.11	3,264	186,036	189,300	\$ 312.35	\$ 369.46	
651501	L'HEUREUX PAGE WERNER PC	KAT			UNIT 1	\$ 200	7,601	\$ 114.02	39,705	722,195	761,900	\$ 1,257.14	\$ 1,571.15	
651502	MONTANA HOMEOWNERSHIP NETWORK INC	KAT			UNIT 2	\$ 200	1,668	\$ 25.02	8,804	160,196	169,000	\$ 278.85	\$ 503.87	
651503	SILVERTIP LLC	KAT			UNIT 3	\$ 200	2,224	\$ 33.36	11,826	215,074	226,900	\$ 374.39	\$ 607.75	
651504	NEIGHBORHOOD HOUSING SERVICES INC	KAT			UNIT 4	\$ 200	1,112	\$ 16.68	5,825	126,975	132,800	\$ 219.12	\$ 435.80	
651505	NEIGHBORHOOD HOUSING SERVICES INC	KAT			UNIT 5	\$ 200	2,966	\$ 44.49	15,494	281,906	297,400	\$ 490.71	\$ 735.20	
651506	NEIGHBORHOOD HOUSING SERVICES INC	KAT			UNIT 6	\$ 200	2,966	\$ 44.49	27,846	506,654	534,500	\$ 881.93	\$ 1,126.42	
1888300	ENERGY WEST MONTANA INC	SEC 11, T20N, R3E			22H	\$ 200	91,000	\$ 1,365.00	367,211	1,282,889	1,650,100	\$ 2,722.67	\$ 4,287.67	
1888310	MCMANUS PROPERTIES LLC	SEC 11, T20N, R3E			22K	\$ 200	31,363	\$ 470.45	325,306	571,094	896,400	\$ 1,479.06	\$ 2,149.51	
1921200	NORTHWESTERN CORP TRANSMISSION & DISTR	GF	W1/2-12&13			\$ 200	26,250	\$ 393.75	-	2,325,677	2,325,677	\$ 3,837.37	\$ 4,431.12	
1921700	CENTURYLINK INC	GF		14		\$ 200	30,000	\$ 450.00	-	1,539,461	1,539,461	\$ 2,540.11	\$ 3,190.11	
<b>TOTALS</b>							<b>\$32,100</b>	<b>1,855,197</b>	<b>\$ 27,827.97</b>	<b>\$ 10,327,627</b>	<b>\$103,260,480</b>	<b>113,588,107</b>	<b>\$ 187,420.38</b>	<b>\$247,348.33</b>

Units with Land Use Code 125

# Business Improvement District



**Legend**

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

August 31st, 2015

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





**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**\*AMENDED\***

**Item:** Resolution 10304 to Levy and Assess Properties within the Tourism Business Improvement District

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Assessment Process

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

**Action Requested:** City Commission Adopt Resolution 10304

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10304.”

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 the City Commission adopt Resolution 10304 to levy and assess properties within the Tourism Business Improvement District (TBID).

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

On July 16, 2019, as required by State Statute 7-12-1132 (3) MCA, the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district that best ensures the assessment on each property is equitable and in proportion to the benefits to be received for Fiscal Year 2019/2020. 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.

**Fiscal Impact:**

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

The assessment will be a flat fee of two dollars (\$2.00) per occupied room night for establishments with 31 or more rooms and a flat fee of one dollar (\$1.00) per occupied room night for establishments with 1

30 as prescribed in Mont. Code Ann. Section 7-12-1133(f). The new assessment method began on July 1, 2018, so 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.

One establishment, the Greystone Inn, has not provided occupied room night data and is therefore being assessed at full occupancy. Future amendments to their assessment for 2019/2020 may be required if data is collected after the passage of this resolution.

On September 13, 2019, the Great Falls Legal Department was informed of an error in the assessment collection for the Econolodge property. During the first quarter of the fiscal year, the previous owner of the property collected the incorrect amount of \$1.00 per occupied room. Resolutions 10221 and 10222 established that the amount to be assessed for that particular property was, and is, \$2.00 per occupied room. The property came under new ownership after the first fiscal quarter. The new ownership properly collected the \$2.00 amount for subsequent three fiscal year quarters. The total amount of the assessments collected for the subject property totaled \$17,683 as a result of the collection error. The amount that should have been collected pursuant to Resolutions 10221 and 10222 is approximately \$21,246.

Resolution 10304 Exhibit A will be amended prior to the September 17, 2019 Commission meeting to reflect the correct amount that should be levied and assessed against the subject property for the 2019/2020 fiscal year. Staff will be recommending that the City Commission adopt Resolution 10304 as presented with the amendments to Exhibit "A".

The assessment amount requested by the TBID through their Work Plan and Budget was \$692,000. The actual assessment for 2019/2020 based on the above assessment formula will generate ~~\$776,114~~ **\$779,677** in assessment revenue. The increase of ~~\$84,114~~ **\$87,677** in this year's assessment revenue is attributed to increased lodging during the assessment period. The 2019/2020 assessment per property is indicated on the assessment projection summary as Exhibit "A" incorporated herein and made a part of Resolution 10304.

**Alternatives:** The City Commission could choose to deny Resolution 10304 to assess the property owners in the TBID. However, on July 16, 2019, the City Commission approved the TBID Budget which identifies the TBID assessment as 81% of the operating revenues. Denial of Resolution 10304 will prevent the TBID from carrying out the City Commission previously approved budget.

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

**Attachments/Exhibits:**

- Resolution 10304
- Resolution 10304 Exhibit "A" Not Available online, on file with the City Clerk's Office
- Memo from TBID
- Example TBID Assessment Report

**RESOLUTION 10304**

**A RESOLUTION LEVYING AN ASSESSMENT ON ALL PROPERTIES  
WITHIN THE GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT  
(TBID) NO. 1307**

**WHEREAS**, the City Commission, is authorized to create and administer a business improvement district as provided by § 7-12-1101 through § 7-12-1151 MCA; and,

**WHEREAS**, the City Commission is authorized, more specifically by § 7-12-1101 through § 7-12-1144 MCA, to create a Tourism Business Improvement District (TBID) to promote tourism, conventions, trade shows, and travel to the City of Great Falls; and,

**WHEREAS**, on December 2, 2008, the City Commission approved Resolution 9792 creating the Tourism Business Improvement District No. 1307 in Great Falls, Montana for a duration of ten (10) years; and,

**WHEREAS**, on February 6, 2018, the City Commission approved Resolution 10222, re-creating said Tourism Business Improvement District for a duration of ten (10) years; and

**WHEREAS**, a Board of Directors for the Tourism Business Improvement District has been appointed and said Board has developed and submitted a Work Plan and Proposed Budget to the City Commission; and,

**WHEREAS**, the City Commission is required by § 7-12-1132(b) MCA to conduct a public hearing to hear objections to the work plan and budget, and may modify as it considers necessary and appropriate; and,

**WHEREAS**, the City Commission, is authorized to require all or any portion of the cost of funding all uses and projects for tourism promotion within Great Falls, as specified in the Great Falls Tourism Business Improvement District budget, be paid by the owners of the



property embraced within the boundaries of such a district; and,

**WHEREAS**, the City Commission, is authorized to annually assess and collect the entire cost of the district against the entire district using a method, which best ensures that the assessment on each lot or parcel is equitable in proportion to the benefits to be received as provided by § 7-12-1133 MCA.

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

Section 1 – Adoption of Work Plan and Budget

On July 16, 2019, the City Commission held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district.

Section 2 – Assessment Method

All parcels with hotels, with six or more rooms, defined as any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes and includes any hotel, inn, motel, or other similar structure or portion thereof, within the boundaries of the district are to be assessed for the costs of operating the Tourism Business Improvement District. Stays by persons who are otherwise exempt from paying a transient occupancy tax (a.k.a lodging facility use tax), as provided in § 15-65-101 through § 15-65-136 MCA, shall be exempt from the assessment.

The assessment will be a flat fee of two dollars (\$2.00) per occupied room night for establishments with 31-40 rooms (Land Use Code 154) and establishments with over 40 rooms (Land Use Code 155) and a flat fee of one dollar (\$1.00) per occupied room night for establishments with 1-10 rooms (Land Use Code 151), 11-20 rooms (Land Use Code 152) and for establishments with 21-30 rooms (Land Use Code 153) as prescribed in Mont. Code Ann. § 7-12-1133(f).

The assessment requested for Fiscal Year 2019/2020 is based on the above assessment formula and will generate SEVEN HUNDRED SEVENTY NINE THOUSAND SIX HUNDRED SEVENTY SEVEN DOLLARS (\$779,677) in assessment revenue due to the assessment time frame.

Due to overwhelming support for a Tourism Business Improvement District and concurrence with the assessment formula, the City Commission hereby approves the levying of the assessment as indicated on the assessment projection summary attached to this resolution as Exhibit “A”<sup>1</sup>.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o’clock p.m. on November 30, 2019 and May 31, 2020.

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<sup>1</sup> Exhibit not available online; on file in City Clerk’s Office.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
this 17<sup>th</sup> day of September, 2019.

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

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Joseph Cik, Assistant City Attorney



13 September 2019

A third-party accounting firm collects reporting forms quarterly from each property in the Tourism Business Improvement District. The property themselves have always completed the form and returned to the accounting firm. The accounting firm then confirms the reports and prepares a year end statement to the City of Great Falls for the City to add the assessment amount onto the property tax statement that is sent by the Cascade County Treasurer.

One of the properties within the Tourism Business Improvement District submitted the quarterly report covering 7/1/2018 – 9/30/2018. In the third-party accounting firms review, recognized an error that was brought to the owner's attention. The report either incorrectly accounted for room nights or incorrectly accounted for the \$2 assessment amount. The owner failed to engage with the accounting firm to correct the report. The owner also failed to provide the next three quarterly reports that would cover 10/1/2018 – 6/30/2019.

This property sold and the new owner used historic records to complete the three missing quarterly reports. The accounting firm confirmed the three quarterly reports covering 10/1/2018 – 6/30/2019 are valid and correct. The new owner was unable to confirm the first report, however, confirmed that the amount of funds provided during the sale is the same as the amount of funds listed originally on the report.

It is the opinion of the accounting firm that the assessment was calculated at \$1 instead of \$2, as stated on the form.

The report submitted to the City of Great Falls by the accounting firm shows a total based on the submitted reports, including the incorrect report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Engum", with a long, sweeping underline that extends to the right.

Rebecca Engum  
Executive Director

# Great Falls Tourism Business Improvement District

Assessment report – 3rd Quarter 2018

**Report Due Date: October 31, 2018**

NAME  
ADDRESS  
GREAT FALLS, MT

## Return Instructions

**FEIN** – Property Federal Tax Identification number

**Parcel ID Number** – Parcel ID number found on property tax statement that will be used for billing TBID assessment.

**Line 1 – Total Room Nights for the Quarter:** Total rental units for the use of lodging facilities.

**Line 2 – 30 Day Continuous Room Rentals:** Charges for any individual rents of the same room for over 30 continuous days.

**Line 3 – Federal Employee Exemptions:** Charges for federal employees that use a federal credit card that is approved by the department or if you send bill directly to the Federal Government.

**Line 4 – Uncollectible Charges:** Example – NSF checks, cancellations, etc.

**Line 5 – Other:** Please explain here or attach a separate sheet explaining other circumstances, i.e. comp rooms.

**Line 6 – Net Room Nights:** Deduct lines 2, 3, 4 and 5 from line 1.

**Line 7 – Total Room Night Fees (Net Room Nights x \$2.00):** TBID assessment for the quarter. Line 6 times \$2.00.

**PLEASE DO NOT REMIT PAYMENT WITH THIS FORM. This assessment will be included with your property tax statement to be remitted to the Cascade County Treasurer.**

**REPORTING PERIOD: 3rd Quarter 2018 – July, August, and September**

		Room Night Totals
FEIN: <u>xx-xxxxxxx</u>	1. Total Room Nights for the Quarter	_____
Parcel ID Number: <u>xxxxxxx</u>	Less:	
Quarter Ending: <u>September 30, 2018</u>	2. 30 Day Continuous Room Night Rentals	_____
Monthly Breakdown of TBID Room Night Fees Collected	3. Federal Employee Exemption Room Nights	_____
<b>July</b> TBID room night fees      \$ _____	4. Uncollectible Room Night Fees	_____
<b>August</b> TBID room night fees    \$ _____	5. Other: _____	_____
<b>September</b> TBID room night fees \$ _____	6. Net Room Nights	_____
Total room night fees (should equal line 7) \$ _____	7. Total Room Night Fees (Net Room Nights x \$2.00)	\$ _____

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

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

**Please retain a copy of this report for your records and return the report by mail, email, or fax to:**

*Mail:* JCCS, P.C.  
P.O. Box 989  
Great Falls, MT 59403

*Email:* kelby.donnelly@jccscca.com

*Fax:* (406) 761-2825 (Attention Kelby Donnelly)

If you have any questions, please contact Kelby Donnelly at JCCS, (406) 761-2820.

All property information from this report will be kept in confidence by JCCS.

# Great Falls Tourism Business Improvement District

## General Instructions

### Reporting and remitting assessment

Each lodging facility shall complete each quarter the Great Falls Tourism Business Improvement District (TBID) assessment report which shows the total number of rooms occupied during the reporting period, and the amount of assessment collected from all occupied rooms. The assessment report is due as indicated on the report. Returns are due immediately upon cessation of business for any reason. All assessments collected by the lodging facility shall be held in trust for the account of the TBID until payment thereof is made to the Cascade County Treasurer. ***DO NOT REMIT FUNDS WITH THE REPORTING FORM.***

Assessment reports will be sent at the beginning of each month following the end of a quarter as follows:

<u>Quarter</u>	<u>Month Sent</u>
July-September	October
October-December	January
January-March	April
April-June	July

All completed reports returned must be postmarked by the due date of the report as indicated on the form. Reports not returned timely will be attempted to be collected 7 days from the due date (second request) and again 21 days from the due date (third request). Failure to file the report will result in an automatic assessment as described in the “Failure to report” section below.

### Records to be kept

It shall be the duty of every lodging facility liable for the collection and payment of any assessment imposed, to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such assessment as may have been liable for the collection of and payment to the Cascade County Treasurer.

### Failure to report

If any lodging facility fails or refuses to collect the assessment and complete the assessment report timely (as described above), an automatic assessment will be calculated as follows: One dollar per room maintained by the lodging facility per day of each quarter, with no allowance for exempt or unoccupied rooms. The lodging facility may not appeal this automatic assessment.

### Actions to collect

Any assessment required to be paid by the lodging facility shall be deemed a debt owed by the lodging facility to the Tourism Business Improvement District. Any such assessment collected by a lodging facility, which has not been paid, shall be deemed a debt owed by the lodging facility. Any lodging facility owing money shall be liable to an action brought in the name of the Great Falls Tourism Business Improvement District for the recovery of such amount.



**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:** Joseph Cik, Assistant City Attorney

**Action Requested:** Accept Ordinance 3205 on first reading and set public hearing for October 1, 2019.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3205 on first reading and set/not set public hearing for October 1, 2019.”

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

---

**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3205 on first reading and set public hearing for October 1, 2019.

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with State and Federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue a comprehensive revision of the Code.

OCCGF Title 17 is the Great Falls Land Development Code. As such, it is the largest and most complex of all OCCGF Titles. The Ordinance under consideration is the 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.

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.

**Fiscal Impact:**

None

**Alternatives:**

The City Commission could vote not to accept Ordinance 3205 on first reading and not set public hearing. The Commission could also vote to table action on the item until a date certain to provide additional suggested amendments

**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 ~~strikeout~~ and inserted language **bolded**; and



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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading 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)

**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 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.~~

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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 Bboard 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)~~

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.~~ **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**oard 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**oard 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**oard 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**oard, 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**oard 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**oard.
- B.— **Expenses.** Members may be paid for travel and other expenses incurred on **B**oard 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**oard 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 e~~ Carrying out the listed powers and duties of the **Ceommission**, ~~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 **Ceommission** 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 **Ceommission** 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~~ **3. 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 **Ceommission** 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 ~~Ceommission~~, 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 ~~Ceommission~~ member.
- G.— **Duties of ~~chair~~Chairperson.** The ~~chair~~ **Chairperson** shall:
- 1.— Preside at all meetings of the ~~Ceommission~~;
  - 2.— Plan the agenda for the ~~Ceommission~~;
  - 3.— Act as a liaison between the ~~Ceommission~~ and, the Planning and Community Development Department; **and the City and County Commissions;**
  - 4.— Execute all legal documents on behalf of the ~~Ceommission~~;
  - 5.— Call special meetings as provided herein; and
  - 6.— Act as the public representative of the ~~Ceommission~~ 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 ~~Ceommission~~ and issue calls and notices pertaining to the ~~Ceommission~~;
  - 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 ~~Ceommission~~ Commission 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 ~~Ceommission~~ Commission 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 ~~Ceommission~~ Commission, 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 ~~Ceommission~~ 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 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 ~~Ceommission~~ Commission.
- 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.**

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "A"

**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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Exhibit "A"

**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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Exhibit "A"

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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Exhibit "A"

**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.

TITLE 17 LAND DEVELOPMENT CODE

Exhibit "B"

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 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.

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**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)