



**City Commission Meeting Agenda  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
September 15, 2020  
7:00 PM**

**UPDATES CONCERNING PROCESS OF MEETINGS**

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

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the meeting room according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, September 15, 2020, to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether a city resident. Due to tracking and dissemination requirements, written communication must be received by that time in order to be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

Down Syndrome Awareness Month and Direct Support Professional Week

## **PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS**

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

1. Miscellaneous reports and announcements.

## **CITY MANAGER**

2. 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.*

- [3.](#) Minutes, September 1, 2020, City Commission Meeting.
- [4.](#) Total Expenditures of \$2,371,852 for the period of August 15, 2020 through September 2, 2020, to include claims over \$5000, in the amount of \$2,117,347.
- [5.](#) Contracts List.
- [6.](#) Grants List.
- [7.](#) Approve the Interlocal Agreement between the City of Great Falls and Cascade County for use of the 2020 Edward Byrne Justice Assistance Grant Program funds in the amount of \$31,610.
- [8.](#) Authorize the City Manager to accept the DCIP Grant if awarded by OEA (Office of Economic Adjustment) for the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility and execute any necessary grant documentation.

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

## **PUBLIC HEARINGS**

- [9.](#) Ordinance 3221, Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Chapter 20 Land Use, Exhibit 20-1 Principal Uses by District, and Section 17.20.6.080 regarding the distance requirements between establishments seeking liquor licenses and worship facilities governed by Montana Statute; as well as consideration of Alternative Ordinance 3221, which would additionally remove the current distance requirements between casinos and worship facilities. *Action: Conduct a public hearing and adopt or deny Ord. 3221 or Alternate Ord. 3221. (Presented by Craig Raymond)*
- [10.](#) Resolution 10362, Conditional Use Permit for a “Worship facility” land use upon the property addressed as 427 Central Avenue requested by Calvary Chapel of Cascade County. *Action: Conduct a public hearing and adopt or deny Res. 10362. (Presented by Craig Raymond)*

## **OLD BUSINESS**

## **NEW BUSINESS**

11. Weaver Addition Minor Subdivision addressed as 1715 Vaughn Road. *Action: Approve or deny the Amended Plat of the Minor Subdivision, as legally described in the Staff report, and the accompanying Findings of Fact. (Presented by Craig Raymond)*

## **ORDINANCES / RESOLUTIONS**

12. Resolution 10352 to Levy and Assess Properties within the Business Improvement District. *Action: Adopt or deny Resolution 10352. (Presented by Melissa Kinzler)*
13. Resolution 10353 to Levy and Assess Properties within the Tourism Business Improvement District. *Action: Adopt or deny Res. 10353. (Presented by Melissa Kinzler)*
14. Ordinance 3223, Request from Little Shell Tribe of the Chippewa Indians of Montana to assign M-2 Mixed-use transitional zoning to the property legally described as Tract 2 of Certificate of Survey No. S-0005156 located along Stuckey Road. *Action: Accept Ord. 3223 on first reading and set or not set the public hearing for October 6, 2020. (Presented by Craig Raymond)*
15. Ordinance 3224, Request from Turbo Transportation Group, LLC to assign C-3 Highway Commercial zoning to Lots 1-3, and R-2 Single-family Medium Density zoning to Lot 4 of the Double T Estates Minor Subdivision. *Action: Accept or not accept Ord. 3224 on first reading and set or not set a public hearing for October 6, 2020. (Presented by Craig Raymond)*

## **CITY COMMISSION**

16. Miscellaneous reports and announcements from the City Commission.

## **ADJOURNMENT**

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

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

*Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.*

**JOURNAL OF COMMISSION PROCEEDINGS**  
**September 1, 2020**

Regular City Commission Meeting

Mayor Kelly presiding

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

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City staff present: City Manager Greg Doyon and Deputy City Manager Chuck Anderson, City Clerk Lisa Kunz, Finance Director Melissa Kinzler, Park and Recreation Director Steve Herrig, Planning and Community Development Director Craig Raymond, Public Works Director Paul Skubinna, City Attorney Sara Sexe, and Police Captain John Schaffer.

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

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- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, September 1, 2020, to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

**AGENDA APPROVAL:** There were no proposed changes to the agenda by the City Manager. Commissioner Moe requested that Item 2 be pulled to allow for additional time to clarify the qualifications sufficiently and the appointment process. No one objected. The agenda was approved with Item 2 pulled for future consideration.

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

**PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Robinson reported that the Census Committee will be sending out additional literature to the rural schools.

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Commissioner Moe commented that an attendee at a Parking Advisory Commission meeting suggested that people pay greater attention to the handicap parking throughout the City, but particularly downtown.

2. **APPOINTMENT OF AN ALTERNATE MEMBER TO THE ETHICS COMMITTEE.**

**Pulled.**

3. **APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT (BID) BOARD OF TRUSTEES.**

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission appoint Karen Reiff to the Business Improvement District Board of Trustees to the remainder of a four-year term through December 31, 2023.**

Mayor Kelly commented that the BID Board did not make a formal recommendation for appointment. He pointed out that the other applicant, John Barnes, is the owner of Tracy's Diner downtown. He is also a business partner with current BID Board member Neal Dubois who also operates that same parcel.

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

City resident **John Hubbard** called in to comment that holding executive sessions is not transparency in government.

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

Commissioner Tryon commented that Mr. Barnes would be an excellent addition to the BID. He inquired if there was a downside, or allow for undue influence on decisions of the Board, if there were two people representing the same parcel on the Board.

**Joan Redeen**, BID Community Director, responded that the issue could be a potential conflict of interest in the future because both of them represent the same parcel, and it could potentially cause a quorum issue. The Board felt that both applicants were extremely qualified.

Commissioner Robinson also noted that both applicants were equally qualified. He looked at the advantage of having more diversity on the Board.

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

Motion carried 5-0.

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**CITY MANAGER**

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon welcomed Paul Skubinna in attendance for his first meeting as Public Works Director. Paul has worked for the City since 2015 as the Environmental Division Manager. He has a master's degree in geological engineering and is a professional certified credentialed engineer.

Manager Doyon updated the Commission on the following:

- Great Falls Fire Rescue was successful in securing an Assistance to Firefighters Grant in the amount of \$145,000.
- Interviews of one internal and three external candidates for the Fire Chief position will be conducted in the next few weeks.
- Due to the implementation of new utility billing software, on-line payments will not be available until the transition is complete. Citizens that used that service will need to enroll in the new software after receiving their first billing statement from the new system.
- The City submitted a formal Defense Community Infrastructure Program (DCIP) grant application for \$10 million dollars to the Department of Defense for a new recreation center and indoor pool complex. The final decision is pending by the Secretary of Defense by September 15<sup>th</sup>. If awarded and confirmed, the City will have a short turn-around time to accept it. At the next Commission meeting, he expects to ask the Commission to give him authority to sign for the acceptance of the grant.

The City has a couple of sites selected – one is within the City's control and in proximity to Malmstrom Air Force Base, and the second one he is working with the School District to do a land swap. In the event there is a requirement that the City have a site secured at the time of receiving the grant, which is within the month, there is another site that is suitable, but not as close to Malmstrom.

The Office of Economic Adjustment (OEA) advisor indicated that it would be okay for the City to issue a Request for Proposal (RFP) for architectural and engineering services to design the facility pending final approval and award. The RFP was issued on August 27<sup>th</sup> and is posted on the City's website. There has been national interest in submitting a proposal to provide those services.

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**CONSENT AGENDA.**

5. Minutes, August 18, 2020, City Commission Meeting.
6. Total Expenditures of \$4,041,147 for the period of August 4, 2020 through August 19, 2020, to include claims over \$5,000, in the amount of \$3,788,001.
7. Contracts List.
8. Grants List.
9. Approve the Montana Department of Administration 2020 9-1-1 Grant in the amount of \$160,456 to upgrade the Next Generation 911 System, Contract #MT9-1-1 Grant 2020-007 and authorize the City Manager to sign the contract.
10. Approve a Professional Services Agreement with Michael Baker International, Inc. in the amount of \$160,456 and authorize the City Manager to sign the agreement. (Includes Datamark Software as a Service Agreement (Saas) between Datamark, Michael Baker and the City of Great Falls.)
11. Approve the final payment for the Skyline Drive NW Improvements of \$25,630.27 to United Materials of Great Falls, Inc., and \$258.89 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments. **OF 1708**
12. Ratify the submission of the DCIP Grant application to OEA (Office of Economic Adjustment) for the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility.

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

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

Motion carried 5-0.

**PUBLIC HEARINGS**

13. **RESOLUTION 10366, AUTHORIZING THE EXPENDITURE OF FUNDS IN THE AMOUNT OF \$5,050 FROM THE WEST BANK URBAN RENEWAL TAX INCREMENT FINANCING DISTRICT TO THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT TO ASSIST IN THE FUNDING OF THE GREAT FALLS WAYFINDING PLAN.**

Planning and Community Development Director Craig Raymond reported that this item is consideration of an application for reimbursement for costs associated with the wayfinding project planning effort. Tax Increment Financing (TIF) is a mechanism that allows communities to use new tax dollars resulting from increasing taxable value for reinvestment within a defined geographic area in which they are derived for a period of 15 years, or up to 40 years if the

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incremental taxes were pledged to the repayment of a bond. The West Bank Urban Renewal Area is just one of five TIF districts within the City of Great Falls.

Many communities across the country, including those within Montana, have an inventory of wayfinding signs directing first-time visitors to key destinations. There is a clear connection between highlighting special features, facilities, amenities and expanded economic development through tourism. This plan will help lay the groundwork to realizing this long-standing goal.

The most recent documented expression of this goal is located in the Downtown Urban Renewal Plan. Planning and Community Development staff has been working with local community partners over the years to find and apply funding for the planning effort. Numerous grant requests have been submitted by either Planning and Community Development staff or by community partners. One successful grant of \$15,000, awarded by the Montana Main Street Program through the Montana Department of Commerce, was submitted by the Business Improvement District (BID). The City Commission also approved \$25,000 from the Downtown Urban Renewal TIF District towards the same effort. Other partners including the BID, Tourism Business Improvement District (TBID), Downtown Development Partnership (DDP), Great Falls Development Authority (GFDA) and the Great Falls Area Chamber of Commerce have all contributed towards achieving this worthwhile goal.

Mayor Kelly asked if the Commissioners had any questions of Director Raymond or a representative of applicant BID.

Commissioner Tryon commented that of the approximately \$60,000 for a wayfinding plan, about \$30,000 is from TIF funds. He noted that the local firm of Cushing Terrell was awarded the contract and inquired when the plan would be available for review.

**Joan Redeen**, Business Improvement District Community Director, 318 Central Avenue, explained that in order to seek a grant from the Montana Main Street Program the BID issued an RFP last Fall. On February 5, 2020, the BID was awarded a \$15,000 grant from the Montana Main Street Program to create this wayfinding plan for the City as a whole. On March 23, 2020, the BID signed a contract with Cushing Terrell for \$66,500. The BID has funding commitments to support this wayfinding plan from: Downtown TIF - \$25,000, Great Falls Montana Tourism (TBID) - \$6,500, Downtown Development Partnership - \$6,500, Business Improvement District - \$6,500, Great Falls Development Authority - \$1,000, Great Falls Area Chamber of Commerce - \$1,000, and the Downtown Great Falls Association - \$500, as well as \$500 in downtown gift certificates. The funding shortfall is \$5,050 and is the request before the Commission this evening for consideration. Due to the pandemic they are about a month behind schedule. She reported that they anticipate having a draft document within the next month that will be presented to the public and Commission for review. The goal is to have the plan adopted by the Commission so that they can move on to the next phase of implementation. For the implementation phase the BID will be seeking TIF funds from the Downtown and West Bank Districts. The BID is also working with Cascade County and Montana Department of Transportation for approval of the plan.

Commissioner Tryon inquired if the BID received invoices from Cushing Terrell.



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BID Community Director Redeen responded that the BID is being invoiced monthly, and Cushing Terrell has been paid a little over half the contract amount.

Mayor Kelly declared the public hearing open.

Appearing telephonically were:

**Brett Doney**, Great Falls Development Authority (GFDA), 405 3<sup>rd</sup> Street NW, Suite 203, commented that GFDA has been working on this project since they brought in a site selection company from Austin over a decade ago. A comment the site selection group made was “we can’t find our way around.” Even with modern technologies since then, wayfinding has been proven to be very important.

**Kellie Pierce**, Downtown Development Partnership and Downtown Great Falls Association, 318 Central Avenue, echoed Mr. Doney’s comments.

**Shane Etzweiler**, President/CEO of the Great Falls Area Chamber of Commerce, 100 1<sup>st</sup> Avenue North, commented that the Chamber is in favor of a wayfinding program. It’s been a great collaborative effort, and is something the City needs for visitors.

No one spoke in person or telephonically in opposition to Resolution 10366.

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

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10366, authorizing the expenditure of funds in the amount of \$5,050 from the West Bank Urban Renewal Tax Increment Financing District to the Great Falls Business Improvement District to assist in the funding of the Great Falls Wayfinding Plan.**

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

Commissioner Houck commented that she was in favor of a wayfinding plan when she was a member of the Downtown Development Partnership six years ago. This blue print/plan will help the City navigate moving forward. She expressed appreciation to the involved entities for taking on this project that will benefit the entire City. A side bonus is community pride.

Motion carried 5-0.

14. **RESOLUTION 10363, REQUEST FROM METROPOLITAN, LLC TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE COST OF RECONSTRUCTING A PUBLIC SIDEWALK AND VAULT IN ASSOCIATION WITH A DOWNTON REDEVELOPMENT PROJECT; AS WELL AS CONSIDERATION OF ALTERNATIVE RRESOLUTION 10363, WHICH IS THE APPLICANT’S REQUEST TO FUND \$132,392 OF IMPROVEMENTS INCLUDING**

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**INTERIOR DEMOLITION AND FIRE PROTECTION WORK FOR THE BUILDING  
ADDRESSED AS 313 AND 315 CENTRAL AVENUE.**

Planning and Community Development Director Craig Raymond reported that this item is consideration of an application for reimbursement for costs associated with the renovation of the Metropolitan Building along with infrastructure improvements.

This particular request has some unique challenges that were considered carefully. After reviewing the application, staff felt that some of the work that is requested to be reimbursed is not eligible under the current program, and may be questionable if allowed under state statute.

Director Raymond commented that he understands that the applicant and perhaps others disagree with this concern and desire to develop a more aggressive and liberal use of public funds. He has voiced a desire to dig deeper into this possibility and staff intends to do the research and propose a plan amendment to the City Commission in the future that addresses some of this public sentiment. However, until such time as a new plan and program is developed, staff stuck with the review criteria, guidance listed in the Urban Renewal Plan as it exists today, and the guidance staff has received from the City Commission historically.

This particular application is a request for reimbursement for public sidewalk and sidewalk subgrade work as well as other elements of the project including demolition, fire suppression system, ADA compliance and degraded interior finishes. Staff finds that the sidewalk and associated subgrade construction is wholly supportable and recommends to the City Commission that funding be approved. Adoption of Resolution 10363 supports this recommendation. However, if the City Commission finds that the entire application should be approved as requested in the application, staff prepared an Alternative Resolution 10363 as the means to approve the entire scope of work as requested.

Mayor Kelly asked if the Commissioners had any questions.

Mayor Kelly requested more detail pertaining to the vaults beneath the public sidewalk.

Director Raymond responded that it is a void beneath the public sidewalk. Applicant intends to fill the void with flowable fill.

Applicant **Keith Cron**, Metropolitan, LLC, 313-315 Central Avenue, concurred with Director Raymond, and added that vaults cause collapse issues and are a public hazard.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10363 were:

**Joan Redeen**, Business Improvement District, 318 Central Avenue, commented that the BID is in support of the entire application.

Appearing telephonically in support were:

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**Kellie Pierce**, Downtown Association, 318 Central Avenue, commented that the Association is in support of this Resolution and is contributing to downtown Great Falls as a whole.

**Shane Etzweiler**, President/CEO of the Great Falls Area Chamber of Commerce, 100 1<sup>st</sup> Avenue North, commented that the Chamber supports the TIF application for the full amount requested.

**Brett Doney**, Great Falls Development Authority, 405 3<sup>rd</sup> Street NW, Suite 203, commented that GFDA supports this project. He discussed legislative intent when Urban Renewal areas were created by the legislature in the 1970's. Montana Code Annotated sets forth that municipalities shall encourage private enterprise and afford maximum opportunity for the rehabilitation or redevelopment by private enterprise. He believes that Great Falls needs to be more aggressive in its use of tax increment financing so that it can make particularly small buildings more viable for redevelopment. There is a public safety interest in fire protection systems. It would be a much safer downtown if businesses had modern sprinklers and fire alarm systems in every building. No one can argue against the public benefit if buildings had greater handicap accessibility in the downtown area. He concluded that it is really a question before the City Commission – how much redevelopment does it want to see downtown. With regard to tax incentives, there are going to be projects that in order to work will need both funding from tax abatement and TIF. No one spoke in opposition to Resolution 10363.

Applicant **Keith Cron**, Metropolitan, LLC, 313-315 Central Avenue, reported that he and his wife moved back to Great Falls and want to be part of a growing community. The established Urban Renewal Downtown Plan does strategically allow the Commission to utilize public funding to grow and expand and allow business owners to take on risks and challenges. The statute and City ordinance states . . . To improve, clear or prepare for development any real or personal property. The building burnt down in 1915 and was redeveloped in 1934. What they are looking to do is effect change. He suggested that you can't do that without bringing points of old resolutions up to date and how you can view things up to par.

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

**Commissioner Moe moved, seconded by Commissioners Robinson and Tryon, that the City Commission approve Resolution 10363 to allow the use of up to \$25,440 in Downtown Urban Renewal District Tax Increment Financing Funds and approve the Development Agreement for sidewalk and vault infrastructure improvements along Central Avenue proposed by Metropolitan, LLC.**

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

Mayor Kelly noted that, traditionally, the City's history with TIF's has been somewhat conservative. But, they have been within the guardrails that have been set up by the legislature. The City has established criteria and that is what the Commission is looking at tonight. The application to expand the use of these funds for public safety in the sense of a fire suppression system or for ADA accessibility he thinks has merit. The Commission has challenged Director Raymond to talk to his peers around the state, get involved with the people that are dealing with these very issues, and report back. He commented that, by not making a motion to fund the whole

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package, the Commission has the intention of finding out if this would qualify in the future. It's the Commission's goal to look at and review the narrow bands that the Commission has put on the City over the years for TIF funding, and to see what added expenses that would be incurred. There is some administrative capacities the City may not have. The Commission is hearing what applicant and supporters have to say. The Commission wants downtown to be vibrant.

Commissioner Moe expressed appreciation to Applicant Cron for coming back to Great Falls and for taking on this project. The Commission wants to make sure when and if the City can fund the rest of the package, the Commission do it having thought through all of the implications of it.

Commissioner Houck commented that she finds it frustrating that the City was presented with an application and has the funds, but isn't sure if the project can be funded and doesn't have the infrastructure in place to give out the funds. Because the City doesn't have a mechanism in place to monitor and do all of the compliance and accounting that goes with it isn't fair either. She concluded that she will support this motion, but would have preferred to support the Alternative Resolution.

Commissioner Robinson commented that staff has reviewed applicant's request based on review criteria and guidance from the City's outside TIF legal counsel. It bothers him that the Commission would pass something that the City Attorney and outside legal counsel have advised against. He suggested that the City aggressively find out how other cities are utilizing TIF funds and to find out the rationale. The last thing he wants to happen is to have a problem in the legislature and suddenly the TIF program weakens. That is what could happen if legislators conclude that TIF funds are not being used in ways it was intended. Commissioner Robinson also explained the historical background of vaults under the sidewalks.

Commissioner Tryon asked if Applicant Cron intended to move forward with the project if he didn't get the full package, and was responded to in the affirmative.

Commissioner Tryon also inquired the timeline for Applicant Cron to be able to reapply.

Director Raymond responded that to develop an entire new program will take some time. He also noted that depending on the type of projects or amount of TIF funds requested, there is public procurement requirements. If those things were not done correctly ahead of time, it makes it ineligible for reimbursement. He estimated the timeline to be four months.

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

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**ORDINANCES/RESOLUTIONS**

**15. RESOLUTION 10367, INTENTION TO AMEND AND RESTATE THE DOWNTOWN URBAN RENEWAL PLAN AND TO APPROVE THE CIVIC CENTER PROJECT AS AN URBAN RENEWAL PROJECT.**

**ORDINANCE 3222, APPROVING THE AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT AND TO APPROVE THE CIVIC CENTER PROJECT AS AN URBAN RENEWAL PROJECT.**

Planning and Community Development Director Craig Raymond reported that this item is consideration of a request to adopt Resolution of Intention 10367 and to accept Ordinance 3222 on first reading and set a public hearing for October 6, 2020.

The purpose of the Downtown Urban Renewal Plan (DURP) Amendment is to specifically identify the Civic Center as a property worthy of preservation and improvements. The only other building specifically mentioned in the DURP is the Rocky Mountain Building. Given the Civic Center's prominence and importance to the downtown, as well as the economic generation of the Convention Center and Mansfield Theater, staff feels that TIF funds are indeed an appropriate means to finance much needed repairs.

Director Raymond noted proposed edits for clarity to the plan that should be characterized as housekeeping: page 195 of the agenda report, we merely reflect that the 2013 Growth Policy Update was performed which replaced the 2005 plan; page 199 a typo was corrected and listed the specific Resolution number that was adopted to formalize a blight designation. Towards the bottom of the page we also reflect that the City did bring forth the Downtown Access, Circulation and Streetscape Plan and that the City Commission did not formally adopt the plan as a regulatory document, but that it is used for guidance on planning efforts to this day; page 200 a simple statement was added that recognizes that projects which are not specifically mentioned in the Downtown Master Plan are also worthy of consideration within the DURP; and, on page 208, another small edit is proposed to again reflect that an update to the Growth Policy has been done.

On August 11, 2020, the Proposed Amendment was presented to the Planning Board per statute in order to gain concurrence that the amendment is consistent with the Growth Policy. The Planning Board did concur that it is consistent. On August 26, 2020, the proposed amendment was also presented to the Downtown Development Partnership (DDP) which is the recommending body to the City Commission for matters related to the Downtown TIF. The DDP also recommended approval to the City Commission.

**Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution of Intention 10367.**

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

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**Jesse Buff**, 1905 3<sup>rd</sup> Avenue North, spoke in opposition, commenting that his view is the Civic Center being public property should be part of the City maintenance and it should not be taken away from the urban renewal projects.

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

Commissioner Robinson inquired if replacing the roofing was included and was responded to in the affirmative.

Commissioner Robinson suggested that a slanted, rather than flat, roof be considered.

Director Raymond responded that was considered, but didn't think it was possible for this particular project due to the added weight.

Calling in was **Brett Doney**, Great Falls Development Authority. Mr. Doney read Section 2(c) of Resolution of Intention 10367 and added the reason that language is in there is the intent of the urban renewal statute is to encourage private enterprise. He commented that the Civic Center will be contentious in the legislature because a portion of the building is used for City government purposes. One of the problems in the legislature has been rural legislators expressing that cities are using funds for the City that don't benefit the rural residents of the county. Mr. Doney suggested that the municipality provide notice to the County and School District, and consult in a public meeting with the opportunity for public comment pursuant to Mont. Code Ann. § 7-15-5221.

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

Motion carried 5-0.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3222 on first reading and set the public hearing for October 6, 2020.**

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

Mayor Kelly noted that the City will follow the correct procedures to move forward on this item, and will notify the proper personnel and entities.

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

Motion carried 5-0.

**CITY COMMISSION**

**16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**JOURNAL OF COMMISSION PROCEEDINGS**  
**September 1, 2020**

On behalf of the Commission, Mayor Kelly expressed condolences to wife, Cyndi Baker, and to the friends and family of Cleve Loney who passed away last week. Cleve did advocacy work for children, and he was a legislator, horseman, husband, and a person who contributed greatly to the community and state.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of September 1, 2020, at 8:29 p.m.**

Motion carried 5-0.

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

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

**Minutes Approved: September 15, 2020**



Commission Meeting Date: September 15,2020  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

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

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECK RUNS FROM NEW WORLD AUGUST 20, 2020 - SEPT 2, 2020	654,051.64
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS AUGUST 20, 2020 - SEPT 2, 2020	1,710,854.36
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 15, 2020 - AUGUST 31, 2020	6,946.32
<b>TOTAL: \$</b>	<u><u>2,371,852.32</u></u>

**SPECIAL REVENUE FUND**

**GAS TAX BARSAA**

MRTE INC	OF 1680.1 ENCINODR/GRANDE VISITA ST REPAIRS PH 2	126,798.21
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**911 SPECIAL REVENUE**

CENTURYLINK	AUGUST 2020 DISPATCH LINE	5,850.52
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**STREET DISTRICT**

GREAT FALLS SAND & GRAVEL	HOT MIX TYPES B & C	59,775.52
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**PLANNING & COMMUNITY DEVELOPMENT**

ENGINEERING INC	NORTH GREAT FALLS SUB AREA TRANSPORTATION STUDY	5,570.02
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**CENTRAL MONTANA AG TECH PARK TID**

TD&H ENGINEERING	OF 1658.1 CMATP PH 4 STORM DRAIN	9,132.00
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**DEBT SERVICE**

**IMPROVEMENT DISTRICT REVOLVING**

CENTENE CORPORATION	REFUND OF SECURITY AND INTEREST FOR SERIES 2005 SID 1301	220,546.69
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**ENTERPRISE FUNDS**

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**WATER**

THATCHER CO OF MONTANA	CHEMICALS	12,259.40
TD&H ENGINEERING	OF 1494.6 WATER MAIN CROSSING	16,961.15
BLACK & VEATCH CORP	OF 1519.6 WTP IMPRV PH 1	7,624.42

**SEWER**

CDM SMITH INC	MPDES PERMIT WWTP COMPLIANCE	8,204.36
BOLAND DRILLING	OF 1731.1 SEPTAGE RECEIVING STATION	23,598.63

**STORM DRAIN**

GREAT WEST ENGINEERING INC	OF 1666.4 DRAINAGE STUDY	8,549.25
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**PARKING**

STANDARD PARKING	JULY 2020 PARKING SERVICES CONTRACT	37,434.95
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**SWIMMING POOLS**

HAWKINS INC	POOL CHECMICALS	5,059.38
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**RECREATION**

BIG SKY BUS LINES	CAMP TRANSPORTATION	5,911.00
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**INTERNAL SERVICES FUND**

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**INSURANCE & SAFETY**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	LIABILITY PROGRAM	903,228.00
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**INFORMATION TECHNOLOGY**

HIGH POINT NETWORKS LLC	SWITCH UPGRADE FOR SOUTH WIRING CLOSET	16,367.00
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**TRUST AND AGENCY**

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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	47,876.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,249.82
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	51,370.18
PPNPF PLUMBERS & PIPEFITTERS	EMPLOYEE CONTRIBUTIONS	6,077.90
NATIONAL PENSION FUND		
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,469.49
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	131,865.69
US BANK	FEDERAL TAXES, FICA & MEDICARE	214,335.98
AFLAC	EMPLOYEE CONTRIBUTIONS	8,302.39
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	27,002.44
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	33,177.02
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	24,995.11
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,949.73

**UTILITY BILLS**

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NORTHWESTERN ENERGY	JUNE 2020 TRANSMISSION CHARGES	11,804.88
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**CLAIMS OVER \$5000 TOTAL:** \$ 2,117,347.13

**CITY OF GREAT FALLS, MONTANA**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: September 15, 2020**

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Public Works/ Environmental	Amos Birky	Permanent	N/A	Maintenance Agreement for Stormwater Facilities located at 1715 Vaughn Road in the NE ¼, SW ¼, of Section 3, Township 20 North, Range 3 East, PM MT, Cascade County, Montana to maintain stormwater Best Management Practice (BTM’s) for a private stormwater treatment system associated with improvements for the AJay Concrete Pumping project

<p><b>B</b></p>	<p>Public Works/ Environmental</p>	<p>Town Pump of Great Falls, Inc.</p>	<p>Permanent</p>	<p>N/A</p>	<p>Maintenance Agreement for Private Stormwater Treatment System (Lot 1A of Plat 2019-0000013 &amp; Lots 13A &amp; 14 of Amended Plat 4096) located in the NW ¼ of Section 18, Township 20 North, Range 4 East, PM MT, Cascade County, Montana to maintain stormwater Best Management Practice (BTM's) for a private stormwater treatment system associated with improvements for the Town Pump # 2 project</p>
<p><b>C</b></p>	<p>Public Works/ Environmental</p>	<p>Great Falls Public Schools District 1 &amp; A</p>	<p>Permanent</p>	<p>N/A</p>	<p>Maintenance Agreement for Longfellow Elementary School Great Falls First Addition Block 468, Lot 001, all Blocks 468 and 469 located in the SE ¼ of Section 12, Township 20 North, Range 3 East, PM MT, Cascade County, Montana to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system associated with improvements for Longfellow Elementary School project</p>

<p><b>D</b></p>	<p>Public Works/ Environmental</p>	<p>Great Falls Public Schools District 1 &amp; A</p>	<p>Permanent</p>	<p>N/A</p>	<p>Maintenance Agreement for Great Falls High School Great Falls Tenth Addition, Block 733, GF3 BK 399-400, GF10 BK 733-735, 745-746, HUY BK 178, Vac Streets &amp; Alleys located in the W ½ of Section 7, Township 20 North, Range 4 East, PM MT, Cascade County, Montana, to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system associated with improvements for the Great Falls High School project</p>
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**CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION**

**DATE: September 15, 2020**

**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 and Recreation	Missouri-Madison River Fund	FY 2021	\$225,900	\$5,000 – Park District 1 \$1,500 – In-Kind \$25,000 – River’s Edge Trail Foundation \$2,000 – MDT \$8,500 – North Western Energy	Missouri-Madison River Fund Recreation Project Grant Application for removal and replacement of 1,125 feet of asphalt to concrete of River’s Edge Trail, re-striping crosswalk, raising and repainting 25 parking blocks <b>OF 1726.2</b>



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Great Falls Police Department / Cascade County Sheriff's Office, 2020 Edward Byrne Justice Assistance Grant (JAG) Program Award – Mobile crime scene van equipment (GFPD) – Watchguard mobile digital video systems (CCSO).

**From:** Great Falls Police Department

**Initiated By:** Captain Jeff Newton

**Presented By:** Chief David Bowen

**Action Requested:** Approve Interlocal Agreement and recommended use of the 2020 Edward Byrne Justice Assistance Grant (JAG) Program Award funds for mobile crime scene van equipment for the Great Falls Police Department and Watchguard mobile digital video systems for the Cascade County Sheriff's Office.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Interlocal Agreement between the City of Great Falls and Cascade County for use of the 2020 Edward Byrne Justice Assistance Grant Program funds.”

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

**Staff Recommendation:** Staff recommends that the City Commission approve the Interlocal Agreement between the City of Great Falls and Cascade County and recommended use of the 2020 Edward Byrne Justice Assistance Grant (JAG) Program funds for purchase of mobile crime scene van equipment for the Great Falls Police Department and WatchGuard mobile digital video systems for the Cascade County Sheriff's Office.

**Summary:** This Interlocal Agreement establishes the framework for the management, dissemination, and use of Edward Byrne Justice Assistance grant funds that are split between the Great Falls Police Department and the Cascade County Sheriff's Office.

**Background:** The total amount of the 2020 Edward Byrne Justice Assistance Grant Program award is \$31,610. The Great Falls Police Department and Cascade County Sheriff's Office have again agreed to an allocation of funds for use in purchasing mobile crime scene van equipment (GFPD) and WatchGuard mobile digital video systems (CCSO).

The proposed funding allocates \$12,644 of the Justice Assistance Grant funds to the Cascade County Sheriff's Office, with the remaining funds of \$18,966 for the Great Falls Police Department. The funds will be used specifically to purchase necessary equipment for the mobile crime scene van to include proper safety flooring, computer equipment and printer, hazardous material placards, evidence storage lockers, additional lighting and batteries, and proper markings/badging on the exterior of the crime scene van. The funds will be utilized to modernize the replacement for the current aging crime scene van that has become obsolete. The mobile crime scene van will greatly enhance investigator's ability to effectively conduct criminal investigations at scenes requiring their expertise and proficiency.

The Cascade County Sheriff's Office intend to purchase WatchGuard mobile digital video systems for their patrol cars. The mobile digital video systems will be used primarily for the recording and retaining of evidence, reduction of civil liability for the organization, and for responsiveness to citizen complaints regarding the conduct of their staff. The mobile digital video systems will also be instrumental in protecting their personnel from false allegations.

**Fiscal Impact:** This grant has NO fiscal match requirements and the entire project is funded 100% by JAG grant funds.

**Alternatives:** The City Commission could vote to deny the MOU.

**Concurrences:** The 2020 Byrne Justice Assistance Grant (JAG) Program Award has been approved by the Cascade County Sheriff's Office and Board of Cascade County Commissioners. The City Commission ratified the Edward Byrne Memorial Justice Assistance Grant Application #2020-H8831-MT-DJ in the amount of \$31,610 for the Cascade County Sheriff's Office and Great Falls Police Department for mobile crime scene van equipment and Watchguard mobile digital video at the City Commission meeting.

**Attachments/Exhibits:** Interlocal Agreement between the City of Great Falls and Cascade County.



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CASCADE COUNTY, MONTANA  
AND THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**

**A JOINT RESOLUTION ADOPTING THE INTERLOCAL AGREEMENT  
FOR DIVISION OF  
THE 2020 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

**City of Great Falls Resolution No. \_\_\_\_\_  
Cascade County Resolution No. 20-48  
Application # 2020-H8831-MT-DJ**

\*\*\*\*\*

**WHEREAS**, the Montana Interlocal Cooperation Act, codified at Mont. Code Ann. §7-11-101, et seq, permits local Governmental units to make the most efficient use of their powers by enabling them to cooperate with other local government units on the basis of mutual advantage, and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and,

**WHEREAS**, the Interlocal Cooperative Act provides that public agencies may authorize and approve interlocal agreements with other public agencies to perform any administrative service, activity, or undertaking which such public agencies are otherwise authorized by law to perform; and

**WHEREAS**, Cascade County is a corporate political subdivision of the State of Montana pursuant to Mont. Code Ann §§ 7-1-2101 and 7-1-412 (15) and Mont. Const. Art. XI § 2, and as such is a “public agency”, as defined by Mont. Code Ann. §7-11-103; and

**WHEREAS**, the City of Great Falls, a municipality wholly located within Cascade County, is an independent corporate political subdivision of the State of Montana pursuant to Mont. Code Ann. §§ 7-1-4101 and 7-1-4121 (9) 7-1-4121(15), and 7-1-4111 (1) and Article XI sec. § 5, of the Constitution of Montana, and as such is a “public agency,” as defined by Mont. Code Ann § 7-11-103;

**WHEREAS**, the total amount of the 2020 Byrne Justice Assistance Grant (JAG) Program Award (hereafter “the JAG Award”) is \$31,610; and

**WHEREAS**, the City and County desire to split the grant fund \$18,966 to City / \$12,644 to Cascade County and to use such funds for the purchase of mobile crime scene van equipment (GFPD); and WatchGuard digital mobile video systems (CCSO)

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement, and

**WHEREAS**, Cascade County and the City of Great Falls believe it to be in their best interest to reallocate the grant funds and desire and intend to be bound under the terms and conditions set forth herein;

**NOW, THEREFORE, PURSUANT TO THE** Montana Interlocal Cooperation Act, and in consideration of the mutual covenants set forth herein, the receipt and sufficiency of which are hereby acknowledged the County of Cascade and the City of Great Falls hereby agree as follows:

**1. Purpose of Agreement**

In accordance with MCA § 7-11-105(1), the purpose of this agreement is to provide both parties with a share of the 2020 JAG Award for the purchase of mobile crime scene van equipment and WatchGuard digital mobile video systems. The parties do not intend to create any obligations express or implied other than those set out herein.

**2. Duration**

In accordance with MCA § 7-11-105(1) the agreement shall be immediately effective upon its execution by the respective governing bodies of Cascade County and the City of Great Falls. This agreement shall terminate in conjunction with the JAG Award on September 30, 2023.

**3. No Separate Legal Entity Created**

With regard to MCA § 7-11-105(2), the parties do not intend to create any separate legal entity by entering into this agreement. Moreover, the provisions of MCA § 7-11-105(4), (6), (7), (8) and (9) are not applicable to this agreement.

**4. Distribution of Assets**

Upon termination of this agreement, Cascade County and the City of Great Falls shall retain and have exclusive title, responsibility, and control over all existing and after-acquired assets obtained by Cascade County and the City of Great Falls, respectively, under this agreement.

**5. Unilateral Termination**

Due to the grant funding of this agreement, neither party shall have a right to unilateral termination of this Agreement. Ref. MCA § 7-11-105(5).

**6. Amendment**

Except as otherwise expressly provided herein, this interlocal agreement may not be amended except by a written agreement of the undersigned parties, in conformance with the requirements of the Montana Interlocal Cooperation Act, codified at Title 7 Chapter 11, Par 1, Mont. Code Ann, and as such statutes may hereafter be amended.

**7. Time of Essence**

Time is of the essence in the performance of all provisions of this agreement.

**8. Severability**

If any term of this agreement should hereafter be declared or become void or unenforceable by judicial decree or operation of law, all other terms of this agreement shall continue to be effective unless the void or unenforceable terms materially defeats the manifest intent and purpose of this agreement.

**9. Merger**

This interlocal agreement constitutes the entire agreement of the undersigned parties with respect to the matters addressed herein and supersedes any and all previous agreements or representations, if any, between the parties.

**10. Construction**

In the event of any ambiguity or imprecision in regard to the construction of the provisions of this agreement, such ambiguity or imprecision shall not, as a matter of course, be construed against any of the undersigned entities. All provisions of this agreement shall be construed to affect the manifest intent and purpose of this agreement.

**11. Liability Claims**

Each party to this agreement shall be responsible for its own actions in providing services under the agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**12. Third Party Beneficiaries**

By entering into this agreement, the parties do not intend for any third party to obtain a right by virtue of this Agreement and shall not create any rights in any party not a signatory hereto.

**13. Assent**

Pursuant to Mont. Code Ann § 7-11-104, the undersigned Cascade County and the City of Great Falls hereby authorize, approve, and execute the terms of this interlocal agreement.

PASSED AND ADOPTED by the City commission of the City of Great Falls, Montana on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT

\_\_\_\_\_  
Sara R. Sexe, Esq. \*  
Great Falls City Attorney

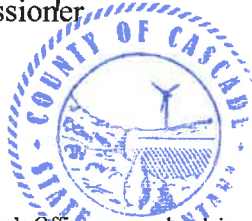
PASSED AND ADOPTED by the 2020 Board of County Commission, Cascade County, Montana on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
James L. Larson, Chair

\_\_\_\_\_  
Jane Weber, Commissioner

\_\_\_\_\_  
Joe Briggs, Commissioner

On this 25 day of Aug, 2020, I hereby attest the above-written signature of the Board of Cascade County Commissioner



\_\_\_\_\_  
Rina Ft. Moore, County Clerk and Recorder

\*By law, the City and County Attorney's Offices may only advise or approve contracts or legal documents on behalf of its client. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

APPROVED FOR LEGAL CONTENT\*

\_\_\_\_\_  
Carey Ann Haight, Deputy Cascade County Attorney



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Defense Community Infrastructure Program (DCIP) Grant Acceptance.

**From:** Park and Recreation Department

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

**Presented By:** Greg Doyon, City Manager, Steve Herrig, Director, Park and Recreation

**Action Requested:** Authorize the City Manager to accept the DCIP Grant if awarded by the Office of Economic Adjustment.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (authorize/not authorize) the City Manager to accept the DCIP Grant if awarded by OEA (Office of Economic Adjustment) for the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility and execute any necessary grant documentation.”

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

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**Staff Recommendation:** Staff recommends that the City Commission authorize the City Manager to accept the grant if awarded for a match amount from the federal government for the new recreation facility.

**Summary:** If the grant is successful, the City of Great Falls would receive \$10,000,000 toward constructing and furnishing a \$20,000,000 indoor recreation and aquatic facility.

**Background:** Staff had presented to the City Commission at the June 16, 2020 work session on the submission of a proposal that would allow the City to receive matching funds from the Office of Economic Adjustment for a \$20,000,000 indoor recreation and aquatic facility. The City Commission was informed at that meeting that the City would hear back on the proposal in August and would need to submit the grant application in a short timeframe if successful. The City was short-listed and submitted the grant application on August 26, 2020 and will hear the final decision by September 18, 2020.

**Fiscal Impact:** The City’s portion of the match would come from the already established Great Falls Park District No. 1.

**Alternatives:** Rejection of the DCIP grant, if awarded, from the OEA would result in the City's not being able to build an indoor recreation and aquatic facility which would benefit the community, as well as the military members of Great Falls.

**Concurrences:** The Park and Recreation Advisory Board is in favor of the DCIP grant.



Commission Meeting Date: September 15, 2020  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

- Item:** Public Hearing - Ordinance 3221, An Ordinance amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Chapter 20 Land Use, Exhibit 20-1 Principal Uses by District, and Section 17.20.6.080 regarding the distance requirements between establishments seeking liquor licenses and worship facilities governed by Montana Statute; as well as consideration of Alternative Ordinance 3221, which would additionally remove the current distance requirements between casinos and worship facilities.
- From:** Erin Borland, Planner III, Planning and Community Development
- Initiated By:** Planning & Community Development/Legal Departments
- Presented By:** Craig Raymond, Director, Planning and Community Development
- Action Requested:** City Commission adopt Ordinance 3221.
- 

**Public Hearing:**

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

**Suggested Motions:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3221, An Ordinance amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Chapter 20 Land Use, Exhibit 20-1 Principal Uses by District, and Section 17.20.6.080 regarding the distance requirements between establishments seeking liquor licenses and worship facilities governed by Montana Statute.”

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

Alternatively, the City Commission may choose Motion 2;

2. Commissioner moves:

“I move that the City Commission (adopt/deny) Alternative Ordinance 3221, An Ordinance amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Chapter 20 Land Use, Exhibit 20-1 Principal Uses by District, and Section 17.20.6.080 regarding the distance requirements between establishments seeking liquor licenses and worship facilities governed by

Montana Statute, as well as to remove the current distance requirements between casinos and worship facilities.”

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

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**Planning Advisory Board Recommendation:** At the conclusion of a public hearing held on July 28, 2020, the Planning Advisory Board recommended that the City Commission adopt Ordinance 3221 and additionally revise Title 17 of the OCCGF to eliminate the distance requirements between casinos and worship facilities. In response, City staff has drafted Alternative Ordinance 3221 to reflect the Planning Advisory Board’s recommendation. Staff prefers Ordinance 3221 which solely addresses the issue of liquor licenses and worship facilities.

**Background:** Title 17 to the Official Code of the City of Great Falls (OCCGF) is the City’s comprehensive, inclusive compilation of code provisions relating to development. This land development code has been modified a number of times due to changes in state and federal law and to reflect changing conditions and community priorities.

After the City received the Conditional Use Permit application request from Calvary Chapel to allow a worship facility to be allowed at 427 Central Avenue, members of the downtown community voiced concerns. These concerns were focused on the fact that if the Conditional Use Permit was approved, the limitations in the Mont. Code Ann. § 16-3-306 would adversely affect the future establishment of businesses seeking new liquor licenses within 600 feet of the church. The issuance of such licenses is prohibited by State law, and the City’s zoning code currently references compliance with this provision.

Staff conducted research into the provisions established in the statute, as well as how other communities in Montana have addressed this issue. Based on this information, Staff is proposing that Ordinance 3221 be adopted to supplant Mont. Code. Ann. § 16-3-306.

**Ordinance 3221:** Within the past few years, the City has received requests for worship facilities to be located in commercial zoning districts instead of residential districts. As a result, a zoning text amendment was approved by the City Commission several years ago to allow worship facilities to be permitted in the C-2 General Commercial zoning district. Until the recent request from a worship facility to be allowed in the C-4 Central Business Core zoning district under a Conditional Use Permit, the state distance requirements regarding the issuance of a liquor license had not been raised for an individual development project. These requirements are as follows:

Mont. Code Ann. § 16-3-306, provides:

(1) Except as provided in subsections (2) through (4), a retail license may not be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school other than a commercially operated or postsecondary school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This section is a limitation upon the department's licensing authority.



(2) However, the department may renew a license for any establishment located in violation of this section if the licensee does not relocate an entrance any closer than the existing entrances and if the establishment:

- (a) was located on the site before the place of worship or school opened; or
  - (b) was located in a bona fide hotel, restaurant, or fraternal organization building at the site since January 1, 1937.
- (3) Subsection (1) does not apply to licenses for the sale of beer, table wine, or both in the original package for off-premises consumption.
- (4) Subsection (1) does not apply within the applicable jurisdiction of a local government that has supplanted the provisions of subsection (1) as provided in 16-3-309.

Mont. Code Ann. § 16-3-309(4) permits an incorporated city to enact an ordinance that would supplant or supersede the location prohibition in § 16-3-306(1). If approved, Ordinance 3221 would eliminate the distance requirement regarding all liquor license types in proximity to worship facilities, but only in certain zoning districts. Location restrictions for liquor licenses near schools will not be affected. Specifically, Ordinance 3221 amends Exhibit 20-1 Principal Uses by District, deleting the 600 foot distance requirement between taverns and worship facilities. It also identifies that restaurants and micro-breweries with liquor licenses have no distance restriction. The full OCCGF amendment is included as Exhibit “A” of Ordinance 3221.

Staff recommends that this revision to the OCCGF be adopted to allow the two uses to coexist in proximity with each other in non-residential zoning districts. This will specifically help the continued revitalization and development of the downtown.

**Alternative Ordinance 3221:** During the public hearing at the Planning Advisory Board meeting held on July 28, 2020, the question was brought up from a community member about also addressing the distance requirement in association with worship facilities and casinos. This comment was presented because all gaming licenses are associated with a liquor license. At the conclusion of the hearing, the Board voted to have staff research and prepare a change to the code to address the distance requirements in association with casinos and worship facilities. In response, staff has prepared Alternative Ordinance 3221 which eliminates the current 600 foot spacing requirement between both Type I and Type II Casinos and worship facilities. The distance requirements for other uses, such as parks, playgrounds, education facilities and other casinos remain. This amendment is outlined in Alternative Ordinance 3221, Exhibit A.

As the Commission considers both Ordinance 3221 and Alternative Ordinance 3221, staff notes that the City zoning code already allows Accessory gaming in the C-4 zoning district, as well as in other non-residential zoning districts. In such cases, no distance restrictions away from worship facilities are needed. This provision currently allows up to 400 square feet of building space for restaurants, taverns, and hotels/motels to be used for gaming machine areas. The issue of whether or not to include distance requirements between casinos and worship facilities was discussed at the staff level prior to the Planning Board meeting on July 28. At the time, staff chose not to bring forward a larger amendment because: 1) it was not directly related to the conflict staff was trying to resolve, and 2) the requirements restricting the location of Type I and II casinos were adopted with significant community support in 2005.

**Alternatives:** The City Commission could deny adoption of Ordinance 3221 and Alternative Ordinance 3221.

**Concurrences:** The Legal Department has worked with the Planning and Community Development Department to produce Ordinance 3221 as well as the Alternative Ordinance.

**Attachments/Exhibits:**

- Ordinance 3221
- Ordinance 3221 Exhibit A
- Alternative Ordinance 3221
- Alternative Ordinance 3221 Exhibit A

**ORDINANCE 3221**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, EXHIBIT 20-1 PRINCIPAL USES BY DISTRICT AND SECTION 17.20.6.080 REGARDING THE DISTANCE REQUIREMENTS FOR LIQUOR LICENSES IN ASSOCIATION TO WORSHIP FACILITIES GOVERNED BY MONTANA STATUTE.**

\* \* \* \* \*

**WHEREAS**, Mont. Code Ann. § 16-3-306 prohibits a liquor license to be issued to any establishment whose premises are within six-hundred (600) feet of a church, synagogue, or other place of worship; and

**WHEREAS**, Mont. Code Ann. § 16-3-309 gives an incorporated city the authority to supplant Mont. Code Ann. § 16-3-306 by establishing an ordinance defining certain areas in its incorporated limits where alcoholic beverages may or may not be sold; and

**WHEREAS**, members of the Great Falls community have expressed concern of worship facilities locating in the Commercial zoning districts which would prohibit the issuance of new liquor licenses: and

**WHEREAS**, the City Commission has recognized the ability to supplant state statute to alleviate the concern of the community and allow these uses to coexist; and

**WHEREAS**, the City Commission now wishes to take such action to allow these uses to coexist; and

**WHEREAS**, at its regularly scheduled July 28, 2020, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3221.

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

**Section 1.** The City Commission supplants the provisions of Mont. Code Ann. § 16-3-306(1) in OCCGF Title 17, Chapter 20, specifically OCCGF Sections 17.20.3.060 at Exhibit 20-1 and 17.20.6.080, removing the distance requirements

relating to the issuance of a liquor license in proximity to a church, synagogue, or other place of worship, as depicted in Exhibit “A”. The statutory requirements that are not addressed herein remain in effect and are not supplanted.

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 18, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 15, 2020.

\_\_\_\_\_  
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 3221 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

**17.20.3.060 Certain land uses shown as permitted may be a conditional use.**

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

**Exhibit 20-1. Principal Uses by District**

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Agricultural Uses																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
Residential Uses																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.050
Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Retirement home	-	C	C	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	
Special Care Facilities																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Community residential facility, type II	C	C	C	P	P	P	-	-	-	-	-	C	C	-	-	-	-	-	-		
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	-	-	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-	-	-	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	-	
Overnight Accommodations																					
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	-	17.20.6.070
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-	-	
Food and Beverage Sales																					
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	-	17.20.6.080
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	-	17.20.6.080
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	-	17.20.6.080
General Sales																					
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	-	
Construction materials sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	-	
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P	-	
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	-	
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	
General Services																				
Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	17.20.6.090
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	C	C	-	P	P	-	P	P	P	P	-	-	P	-	-	
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	17.20.6.100
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	17.20.6.110
Rental and General Repair																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Vehicle Trade and Service																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-
General Storage																			
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Climate controlled indoor storage	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P
Indoor Recreation/Sports/Entertainment																			
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-
Outdoor Recreation/Sports/Entertainment																			
Golf course/driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Services/Uses																			



Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	P	-	-	
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-	17.20.6.160
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170
Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	P	C	-	-	-	
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	P	C	-	-	-	
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	P	C	-	-	-	
Community garden	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	C	C	17.20.6.175
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	-	P	P	-	
Worship facility	C	C	C	C	C	C	C	P	P	-	C	P	P	P	-	-	P	-	-	17.20.6.180
Health Care																				
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-	-	
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	
Education																				
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	
Educational facility (K—12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	-	17.20.6.200
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	P	-	-	
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	
Solid Waste, Recycling and Composting																				
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.210

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220		
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230		
Telecommunications																					
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240		
Telecommunication facility																			17.20.6.250		
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	C	P	P	P		
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	P	P	P		
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	P	P	P		
Utilities																					
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	
Transportation																					
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	-	P	-	P	-	
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	P	-	P	P	17.20.6.260
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	-	P	P	
Parking structure	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	P	P	P	
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	P	-	P	-	
Contractor Yards																					
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	P	-	P	-	17.20.6.270
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	-	P	P	17.20.6.280

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

Industrial/Manufacturing																				
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-	
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.290
Light manufacturing and assembly	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	17.20.6.300
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.310
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

...

**17.20.6.080 ~~Tavern.~~ Micro-brewery, Restaurant, and Tavern.**

A. **As authorized by Mont. Code Ann. §16-3-306(4) and §16-3-309(1), with respect to any type or class of liquor license, the City supplants the provisions of Mont. Code Ann. §16-3-306(1), and eliminates the requirement of a 600 foot distance between a licensed establishment and a church, synagogue, or other place of worship (identified above in Exhibit 20-1 as Worship Facility). The elimination of this distance requirement is only applicable if the licensed establishment or Worship Facility is or will be located within a zoning district where both uses are permitted or conditionally permitted. The statutory requirements remaining are not supplanted. ~~Taverns shall comply with the locational standards as may be adopted by the State.~~**

B. Taverns located in C-1 Districts may not have indoor or outdoor entertainment.

**(ALTERNATE)  
ORDINANCE 3221**

**AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 20 LAND USE, EXHIBIT 20-1 PRINCIPAL USES BY DISTRICT AND SECTION 17.20.6.080 REGARDING THE DISTANCE REQUIREMENTS FOR LIQUOR LICENSES IN ASSOCIATION TO WORSHIP FACILITIES GOVERNED BY MONTANA STATUTE AND 17.20.6.140 AND 17.20.6.150 REGARDING THE DISTANCE REQUIREMENTS FOR CASINOS IN ASSOCIATION TO WORSHIP FACILITIES.**

\* \* \* \* \*

**WHEREAS**, Mont. Code Ann. § 16-3-306 prohibits a liquor license to be issued to any establishment whose premises are within six-hundred (600) feet of a church, synagogue, or other place of worship; and

**WHEREAS**, Mont. Code Ann. § 16-3-309 gives an incorporated city the authority to supplant Mont. Code Ann. § 16-3-306 by establishing an ordinance defining certain areas in its incorporated limits where alcoholic beverages may or may not be sold; and

**WHEREAS**, OCCGF. § 17.20.6.140 and § 17.20.6.150 prohibits a casino to be established within six-hundred (600) feet of a worship facility; and

**WHEREAS**, members of the Great Falls community have expressed concern of worship facilities locating in the Commercial zoning districts which would prohibit the issuance of new liquor licenses as well as the establishment of a casino: and

**WHEREAS**, the City Commission has recognized the ability to supplant state statute and approve code revisions to alleviate the concern of the community and allow these uses to coexist and; and

**WHEREAS**, the City Commission now wishes to take such action to allow these uses to coexist; and

**WHEREAS**, at its regularly scheduled July 28, 2020, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance

3221 and also recommend the removal of the casino distance requirement to a worship facility.

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

**Section 1.** The City Commission supplants the provisions of Mont. Code Ann. § 16-3-306 as follows in OCCGF Title 17, Chapter 20 Section 17.20.6.080 specific to the distance requirements of the issuance of a liquor license with a church, synagogue, or other place of worship, depicted in Exhibit “A-1”. The statutory requirements not addressed in this OCCGF amendment are not supplanted.

**Section 2.** The City Commission revises OCCGF Title 17, Chapter 20 Section 17.20.6.140 and Section 17.20.6.150 to remove the distance requirement for a casino in regard to a worship facility.

**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 August 18, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing September 15, 2020.

\_\_\_\_\_  
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 3221 Alternate on the Great Falls Civic Center posting board and the Great Falls City website.

---

Lisa Kunz, City Clerk

(CITY SEAL)

Alternate Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 20 LAND USE

**17.20.3.060 Certain land uses shown as permitted may be a conditional use.**

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

**Exhibit 20-1. Principal Uses by District**

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
Agricultural Uses																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
Residential Uses																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.050
Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Retirement home	-	C	C	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	
Special Care Facilities																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	-	P	P	P	-	-	-	-	-	

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Community residential facility, type II	C	C	C	P	P	P	-	-	-	-	-	-	C	C	-	-	-	-	-		
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	P	-	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	-	
Overnight Accommodations																					
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070	
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-		
Food and Beverage Sales																					
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	17.20.6.080	
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.6.080	
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	17.20.6.080	
General Sales																					
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P		
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P		
Construction materials sales	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P		
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P		
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P		
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P		



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Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	
General Services																				
Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	17.20.6.090
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	C	C	-	P	P	-	P	P	P	P	-	-	P	-	-	
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	17.20.6.100
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	17.20.6.110
Rental and General Repair																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
Vehicle Trade and Service																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	

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Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-
General Storage																			
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Climate controlled indoor storage	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P
Indoor Recreation/Sports/Entertainment																			
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-
Outdoor Recreation/Sports/Entertainment																			
Golf course/driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Services/Uses																			

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Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	P	-	-	
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-	17.20.6.160
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170	
Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	C	-	-	-		
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	C	-	-	-		
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	C	-	-	-		
Community garden	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	C	17.20.6.175	
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	-	P	P	-		
Worship facility	C	C	C	C	C	C	C	P	P	-	C	P	P	P	-	-	P	-	17.20.6.180	
Health Care																				
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-		
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-		
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-		
Education																				
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	
Educational facility (K—12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	17.20.6.200	
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	P	-		
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	
Solid Waste, Recycling and Composting																				
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.210

Alternate Exhibit "A"

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Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220		
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230		
Telecommunications																					
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240		
Telecommunication facility																			17.20.6.250		
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	C	P	P	P	P	
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	P	P	P	
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	C	P	P	P	
Utilities																					
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	
Transportation																					
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	-	-	P	P	-	
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	P	P	P	17.20.6.260
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	-	-	P	P	P	
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-	P	P	-	
Contractor Yards																					
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	-	P	P	-	17.20.6.270
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	-	P	P	P	17.20.6.280

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Industrial/Manufacturing																			
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P
Light manufacturing and assembly	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

...

**17.20.6.080 ~~Tavern.~~ Micro-brewery, Restaurant, and Tavern.**

A. **As authorized by Mont. Code Ann. §16-3-306(4) and §16-3-309(1), with respect to any type or class of liquor license, the City supplants the provisions of Mont. Code Ann. §16-3-306(1), and eliminates the requirement of a 600 foot distance between a licensed establishment and a church, synagogue, or other place of worship (identified above in Exhibit 20-1 as Worship Facility). The elimination of this distance requirement is only applicable if the licensed establishment or Worship Facility is or will be located within a zoning district where both uses are permitted or conditionally permitted. The statutory requirements remaining are not supplanted. Taverns shall comply with the locational standards as may be adopted by the State.**

B. Taverns located in C-1 Districts may not have indoor or outdoor entertainment.

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...

**17.20.6.140 Casino, type I.**

A. **Purpose.** This section is intended to allow the location of new casinos or the relocation of existing casinos in certain zoning districts provided they meet more stringent development and appearance standards than type II casinos.

(Ord. 2950, 2007)

B. **Classification.** A casino shall be identified by definition in Chapter 8 of this Title.

C. **Proximity to residentially zoned properties.** There is no minimum distance requirement from residential uses or between casinos.

D. **Proximity to other specified uses.**

1. Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), ~~worship facility~~, park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,
2. Casinos shall not locate on premises operating a sexually oriented business.

~~E. **Design Review Board approval.** The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or relocated casino, or an expansion or exterior renovation of an existing casino.~~

(Ord. 2950, 2007)

F. **Special landscaping.** Casinos must comply with all applicable landscaping requirements in Chapter 44 Landscaping. Additional or special landscaping requirements for type I casinos include the following:

1. Minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas and foundation planting areas, shall be twenty (20) percent of the gross property area to be developed.
2. Fifty (50) percent of said landscaping shall be located between the front lot line and the building.

G. Signage must meet zoning district requirements for the premises.

(Ord. 3139, 2016)

**17.20.6.150 Casino, type II.**

A. **Purpose.** This section is intended to prohibit casino gambling in certain zoning districts in the City of Great Falls to promote public health, safety and welfare by preserving aesthetic appearances within the City and by reducing the public exposure to casino gambling, thereby promoting moral, social and cultural values within the City.

B. **Classification.** A casino shall be identified by definition in Chapter 8 of this Title.

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- C. **Proximity to residentially zoned properties.** Casinos shall not be located within three hundred fifty (350) feet of any residentially zoned property. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries.
- D. **Proximity to other specified uses.**
1. Casinos shall not locate within six hundred (600) feet of an education facility (K through post-secondary), ~~worship facility~~, park or playground. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,
  2. Casinos shall not locate within three hundred fifty (350) feet of any other casino. The distance shall be measured by direct line, without regard to intervening structures or streets, between closest property boundaries; and,
  3. Casinos shall not locate on premises operating a sexually oriented business.
- E. ~~**Design Review Board Approval.** The Design Review Board shall review and approve the exterior building design and finishes; and landscaping, signage, lighting and parking plan for any new or relocated casino, or an expansion or exterior renovation of an existing casino.~~

(Ord. 2950, 2007)



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10362- Conditional Use Permit for a “Worship facility” land use upon the property addressed as 427 Central Avenue and legally described as Lots 8 and 9, Block 315, Great Falls Original Addition, Section 12, Township 20N, Range 3E, PMM, Cascade County, MT.

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

**Initiated By:** David Saenz, Calvary Chapel of Cascade County

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

**Action Requested:** City Commission adopt Resolution 10362.

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) Resolution 10362 subject to the Findings of Fact and Basis of Decision, and the applicant fulfilling the listed Conditions of Approval.”

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

**Recommendation:**

On July 28, 2020, the Zoning Commission conducted a public hearing and recommended the City Commission approve the requested Conditional Use Permit. Staff recommends approval of the Conditional Use Permit, subject to conditions stated within the agenda report.

**Conditions of Approval:**

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in the Official Code of the City of Great Falls (OCCGF) § 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If



such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

2. **Expiration:** The Conditional Use Permit shall expire one year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Fire Code:** The proposed project shall comply with all Fire Code requirements.
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

### **Background:**

The applicant, David Saenz, lead pastor of Calvary Church of Cascade County, has submitted an application to request a Conditional Use Permit to allow for a “Worship facility” land use upon the property addressed as 427 Central Avenue. The subject property is zoned C-4 Central business core, wherein a “Worship facility” land use is permitted upon receiving approval of a Conditional Use Permit and fulfillment of any required conditions.

The subject property contains the Pennington Place Building which has several other suites as well. The applicant is proposing to use the main floor and a portion of the basement as a meeting space and office use for Calvary Chapel of Cascade County. Currently, the church occupies a space on Fox Farm Road and would like to move closer to the heart of the city. The church intends to use the building for church services on Sunday mornings, eventually expanding to Sunday nights and Wednesday nights. Smaller groups such as Men’s and Women’s Bible Studies and Youth Group meetings will also occasionally take place on site. During normal downtown business hours, the space will have a few staff members occupying the building and might also occasionally be used for larger meetings.

In association with the applicant’s request, City staff has received multiple contacts concerning the impact of the proposed worship facility on the ability of nearby businesses to obtain liquor licenses. Mont. Code Ann. § 16-3-306 states in part that a liquor, beer, and wine,

“retail license may not be issued pursuant to this code to any business or enterprise whose premises are within 600 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship. ...This distance must be measured in a straight line from the center of the nearest entrance of the place of worship to the nearest entrance of the licensee’s premises.”

This statute does not prohibit the issuance of a Conditional Use Permit to Calvary Chapel, and City staff believes the CUP could be granted on its own merit. However, in response to business interest concerns about the potential impact on liquor licensing, City staff is simultaneously proposing a change to the Land Development Code (Ordinance 3221) that will remove its reference to State distance requirements for all types of liquor licenses and worship facilities. This local preemption is allowed by Mont. Code Ann. § 16-3-309(1) which states that, “An incorporated city may enact an ordinance defining certain areas in its incorporated limits where alcoholic beverages may or may not be sold.” This proposed code change was reviewed by the Planning Advisory Board during the same public hearing as the Calvary Chapel CUP request. Both items are scheduled for City Commission consideration on September 15.

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

*Land Use Impacts:*

There is the potential for impact to businesses if the Conditional Use Permit is granted and Ordinance 3221 is not approved by the City Commission. If that were to be the outcome, existing properties within 600 lineal feet of the church entrance along Central Avenue, 5<sup>th</sup> Street South, and 5<sup>th</sup> Street North, would be able to continue to utilize their liquor licenses. However, in the future, anyone wanting a new liquor license, wanting to transfer a license, or modify an entrance where an existing liquor license has been obtained, will likely not be able to acquire one.

Other than in this limited instance, the Conditional Use Permit for the worship facility will not adversely impact the area. The building space within the Pennington Place Building been vacant for the last several years. If Calvary Church occupies the space, it will bring people to the downtown area at a time when downtown is usually sparsely populated. This mitigates any impacts to nearby off-street parking areas as well as street parking spaces on Central Avenue and 5<sup>th</sup> Street.

*Transportation Impacts:*

Based upon the gross floor area of 4,837 square feet, the average number of trips on a Sunday is estimated be 177 daily trips (source: ITE Trip Generation Manual, 9<sup>th</sup> Ed.). Maximum anticipated peak hour trips would also be on a Sunday, and is estimated to be an average of 58 trips.

5<sup>th</sup> Street carries an average of 2,369 vehicles per weekday (2018 count). As a three-lane, one-way facility, there is ample capacity to carry the additional traffic that could be generated from the proposed use. The other roadway adjoining the proposed use, Central Avenue, carries an average of 3,215 vehicles per weekday (2018 count). At the Planning Advisory Board meeting, the applicant’s representative indicated that the number of congregation attendees is low – about 25 attendees.

*Improvements:*

No property or public right of way improvements are required other than a building permit to renovate the interior space. The space that Calvary Church would occupy is within a building that currently exists.

*Proximity to Other Uses:*

The existing building is currently leased to several other tenants. Directly to the west of the building is a building with commercial on the ground floor and multi-family residential use on the upper floors. The

downtown is already a mixed use environment, and the addition of a worship facility will be compatible with many other community-service uses in the nearby area.

**Fiscal Impact:**

Approval of the CUP would have no adverse financial impact upon the City of Great Falls. Renovating the tenant space for greater building occupancy will only improve the assessed valuation of the property. The property is located within the Downtown Urban Renewal Area.

**Alternatives:**

The City Commission could deny the Conditional Use Permit, providing an alternate Basis of Decision to support the action.

**Concurrences:**

Representatives from the City's Public Works, Fire/Rescue, and Building Departments have reviewed the proposal and have no objections to the issuance of the Conditional Use Permit. The subject property is located in Neighborhood Council #7. The applicant presented to the Council on July 13, 2020. The Council formally took no action, deciding to wait for the City Commission's decision regarding Ordinance 3221 before providing any recommendation. However, both Ordinance 3221 and the applicant's CUP are scheduled to be on the same City Commission agenda. Staff has received 19 letters and e-mails from the public voicing their support for the church to be located on the subject property. While staff has fielded questions about the project from various entities such as the Downtown Development Partnership and Great Falls Development Authority looking for answers regarding Mont. Code Ann. § 16-3-306, only one formal letter in opposition has been received.

**Attachments/Exhibits:**

Resolution 10362

Basis of Decision

Aerial Map

Zoning Map

Applicant Narrative

Letters from Property Owners

RESOLUTION 10362

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW “WORSHIP FACILITY” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 427 CENTRAL AVENUE , AND LEGALLY DESCRIBED AS LOTS 8 AND 9, BLOCK 315, GREAT FALLS ORIGINAL ADDITION, SECTION 12, T20N, R3E, PMM, CASCADE COUNTY, MT.

\* \* \* \* \*

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Worship facility” land use upon the property legally described as Lots 8 and 9, Block 315 of the Great Falls Original Addition, T20N, R3E, PMM, Cascade County, Montana (subject property); and,

WHEREAS, the subject property is presently zoned C-4 Central business core, wherein a "Worship facility" land use is permitted upon receiving approval of a Conditional Use Permit; and,

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

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on July 28, 2020 to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a “Worship facility” land use be granted by the City Commission for the subject property, subject to the following conditions:

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Expiration:** The Conditional Use Permit shall expire one year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Fire Code:** The proposed project shall comply with all Fire Code requirements
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

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

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

That a Conditional Use Permit be granted for a “Worship facility” land use at the property addressed as 427 Central Avenue, Great Falls, Montana, and legally described as Lots 8 and 9, Block 315 of the Great Falls Original Addition, T20N, R3E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OOCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OOCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on September 15, 2020.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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

## CONDITIONAL USE BASIS OF DECISION

The applicant is requesting the approval of a Conditional Use Permit (CUP) for a Worship Facility in the C-4 district.

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

The proposed worship facility provides an opportunity to redevelop a portion of a building that has remained vacant for several years. It also encourages a diversity of land uses within the downtown area. More specifically, it is consistent with the following policies in the City’s Growth Policy:

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

Phy4.1.5 – Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City’s existing infrastructure.

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

The CUP will have no detrimental impact upon the health, safety, morals, comfort or general welfare. The applicant has been involved in several service projects to help clean the downtown area for many years. From a safety standpoint, the proposed hours for meetings and services will occur during periods of time when the downtown is less busy. Having more “eyes on the street” will assist with public safety in the area. Parking and traffic demands associated with the proposed CUP will be manageable due to the small size of the congregation.

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

The Conditional Use would still allow existing commercial establishments within 600 feet to continue to utilize their liquor licenses. However, a business wanting a new liquor license, wanting to transfer a liquor license, or modify a building entrance where an existing liquor license has been obtained, would be affected by the proposed CUP. This is a very narrow impact rather than an land use decision that impacts all types of commercial and residential development.

If the City Commission chooses to adopt Ordinance 3221, the Conditional Use would clearly not be injurious to the immediate vicinity for the purposes already permitted.

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

Except for the liquor license issue, the normal and orderly development of surrounding properties for uses permitted in the district would not be affected by the proposed Conditional Use. Surrounding property owners would still have many permitted use options for future residential and commercial development at their disposal. Even restaurant and tavern uses would have protection for their current liquor licenses. With this noted, future flexibility for new licenses and significant changes to existing licenses would be impacted. As a result, staff has proposed Ordinance 3221 as a safeguard on this issue.

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

Adequate services and infrastructure are available to serve the worship facility. Full sidewalks, water, sewer, and paved roads already exist adjacent to the subject parcel.

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

The Conditional Use would be used mainly on Sundays and Wednesday nights, times that have typically low-traffic volumes in the downtown. The congregants of the church are also encouraged to utilize the downtown parking garages in order to alleviate on-street parking concerns.

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

Because the property already contains an existing building, the applicant is only required to upgrade the tenant space to comply with building code. No zoning regulations other than approval of the land use are and the liquor license issue are affected by the applicant's request.

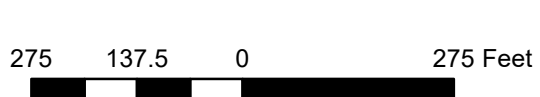


# EXHIBIT A

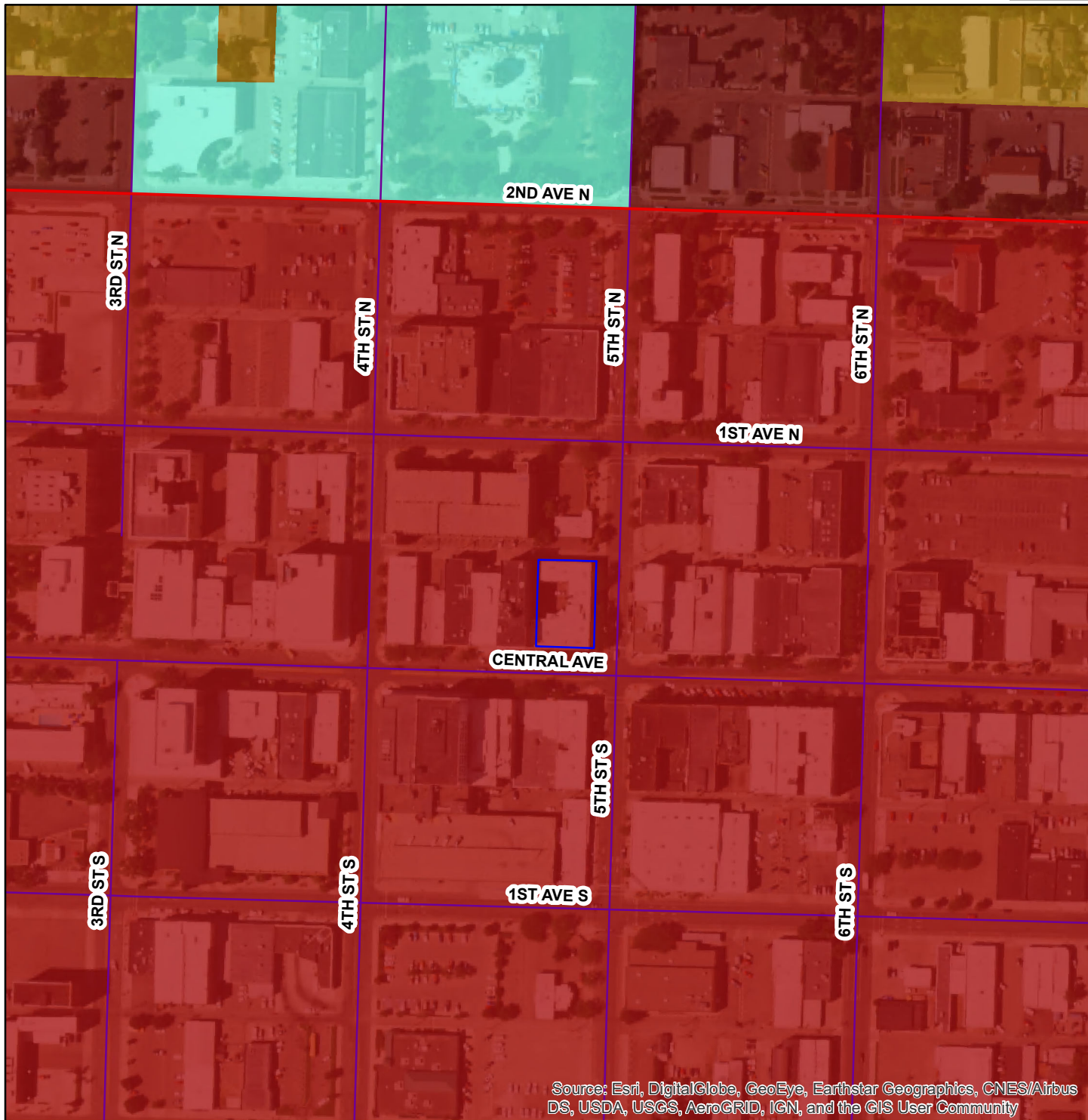







 Parcel selection

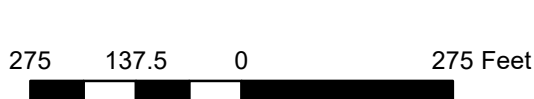
 City Limits



# ZONING MAP



-  Parcels selection
-  R-9 Mixed Residential
-  C-4 Central Business Core
-  C-5 Central Business Periphery
-  PLI Public Lands and Institutional



**Calvary Chapel of Cascade County  
Conditional Use Permit Narrative**

**May 4, 2020**

**Introduction**

Calvary Chapel of Cascade County (CCCC)<sup>1</sup> is a small non-denominational church currently located within the City of Great Falls. We presently share a building in the Fox Farm area owned by another existing church. The purpose of this request for a Conditional Use Permit (CUP) is to have CCCC relocate and occupy an empty space located at 427 Central Ave<sup>2</sup>. The previous tenant, known as Cascade Opticians, utilized the location as a retail business and has since vacated the space, approximately 3 years ago.

The current adjacent occupants within the building include the businesses of insurance, financial, counseling, and chiropractor. The existing occupancy of the building totals 24 persons. If approved, CCCC plans to modestly renovate and improve the space located on the ground level, which contains approximately 2,700 square feet, and the basement level containing approximately 2,400 square feet.<sup>3</sup> The planned renovation will accommodate a worship facility for the parishioners. Total planned occupants, if permissible by code, will not exceed 150 on the ground level, and no more than 50 on the basement level, which currently has sprinklers.

CCCC intends to conduct church services on Sunday mornings, eventually expanding to include a Sunday evening and Wednesday evening service. During the remaining time of the week, the majority of the proposed space will essentially be unoccupied. Small groups will gather at various times for study including Men's and Women's Bible Studies, Youth Groups, etc. (usually scheduled in the evenings).<sup>4</sup> For events during normal business hours, attendees will be encouraged to utilize the Public Parking structure rather than take up too much at the available metered street parking.

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<sup>1</sup> Church website can be located at <http://calvarycasco.org> or Facebook page <https://www.facebook.com/cccasco> our youtube channel can be located at <https://www.youtube.com/channel/UCvd87YJanCHVMjpVdXp9GDw>

<sup>2</sup> Per the Montana Cadastral, the existing Pennington building equals a total of 31,800sf (10,600sf per floor including Basement, 1<sup>st</sup> Floor and 2<sup>nd</sup> Floor)

<sup>3</sup> Proposed occupancy use of 5,100sf or 16% of total building gross footage.

<sup>4</sup> Occasional occurrences may result in special events including guest speakers, worship music, or Vacation Bible School (VBS) for children.

Calvary Chapel of Cascade County  
Conditional Use Permit Narrative

May 4, 2020

**Goals & Objectives**

Our church filed by-laws in 2017 with the State of Montana (which are on record) indicating that the purpose of Calvary Chapel Cascade County (CCCC) is threefold: 1) To worship God the Father, Son, and Holy Spirit; 2) To build up the Church of Jesus Christ through the teaching of the Word and ministry of the Spirit; 3) To evangelize by presenting the Gospel message that leads men and women to repent and confess Jesus Christ as Lord. CCCC believes that the above-mentioned purpose is consistent, and in no way contrary, to the latest adopted City of Great Falls Growth Policy, Downtown Master Plan, or the Downtown Access, Circulation and Streetscape Plan.<sup>5</sup> In fact, CCCC believes our presence in the local downtown community will contribute to enhancing the area's vitality and character.

CCCC intends to meet with Neighborhood Council (NC) #7 and will make them aware of our plans concerning the proposed opportunity (NC #7 is presently not meeting due to the COVID-19). It is our perspective that being approved to occupy that location would be consistent with said Neighborhood Council guidelines. Furthermore, we have requested to the specific organizations of the Downtown Development Partnership and the Downtown Safety Alliance to be placed on their next agenda to provide an informational briefing to these groups. At the time of this request, CCCC is unaware that any of our plans are inconsistent with these specific groups.

Should this request be approved, CCCC plans to have in place a negotiated lease with the building owner, Mr. Lantz Balthazar. The maintenance of the subject space will be covered jointly between CCCC and the owner. CCCC will be responsible for the daily operation of the subject space.

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<sup>5</sup> <https://greatfallsmt.net/planning/comprehensive-planning>

**Calvary Chapel of Cascade County  
Conditional Use Permit Narrative**

**May 4, 2020**

It is our goal at CCCC to be an asset to the downtown area, and in time, to function as a focal point for the local residents and business community. CCCC does not believe the proposed approval of this request will in any way be a detriment to the public health, safety, morals, comfort or general welfare of the community. We believe we can share in the positive elements that the community has to offer, as well as giving back to the community. To that end, we are willing to comply with applicable regulations.

In addition to being an added resource to the local neighborhood, we desire to be a partner in the Business Improvement District and take pride in contributing to the development of the subject property. We believe the improvements made by CCCC will not serve to negatively impact the overall appearance of the local community, but will improve what already exists.

CCCC plans to modestly upgrade the space with code applicable requirements that would meet the needs of the congregation. In addition, support infrastructure such as street utilities, parking, and roads already exist. Therefore, no improvements to the City's infrastructure that supports this building would be necessary as a part of this request. Furthermore, the location of this request is surrounded with public parking and adequate arterial roads that already exist. This request, if approved, would not negatively impact ingress or egress to such roads.

**Conclusion**

Calvary Chapel Cascade County is a well-balanced church that already exists in the City of Great Falls. As such, we've had the opportunity to already positively contribute to places or activities such as, alley cleaning in the downtown area, the local Farmer's Market, the Rescue Mission, public and private schools, Prayer on the Hill, etc. We continue to have a good reputation and will strive to be a good neighbor in our new proposed location. We believe that approving this request, would enhance the already existing downtown community, and offer opportunities to its residents and the general public not currently available.

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:11 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County

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**From:** Kristen Calderon <kris\_8721@yahoo.com>  
**Sent:** Thursday, May 7, 2020 12:46 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County

City of Great Falls  
Planning & Community Development  
[#2 Park Drive South, Room 112](#)  
[Great Falls, Montana 59403](#)

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of [427 Central Avenue](#) (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Sincerely,  
Kristen Calderon

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:11 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County

Hi Brad,  
I have several of these that I am going to forward to you.  
Thanks,  
Jamie

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**From:** Daniel Calderon <daniel94063@gmail.com>  
**Sent:** Thursday, May 7, 2020 8:08 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of [427 Central Avenue](#) (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Daniel Calderon

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:11 AM  
**To:** Brad Eatherly  
**Subject:** FW: Approval for Calvary Chapel

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**From:** Pastor Lee Barrows <lee@newcity.church>  
**Sent:** Wednesday, May 6, 2020 10:03 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Approval for Calvary Chapel

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

I am excited that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I highly recommend this church ministry to you. I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Sincerely,

Pastor Lee Barrows  
New City Church



## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:11 AM  
**To:** Brad Eatherly  
**Subject:** FW: LoveINC - Supporting Calvary Chapel

**From:** LoveINC RMF <loveinc.rmf@gmail.com>  
**Sent:** Wednesday, May 6, 2020 5:12 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>; Love INC CLEARING HOUSE <loveinc.rmfch@gmail.com>  
**Subject:** LoveINC - Supporting Calvary Chapel

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

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Working for His Kingdom,  
*Sandra Fermo*  
Executive Director



**Brad Eatherly**

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:11 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County Permit Request  
**Attachments:** image002.png

**From:** David Culpepper <dculpepper@foothillschristian.org>  
**Sent:** Wednesday, May 6, 2020 2:07 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County Permit Request

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Working for the Master Teacher,



*David Culpepper*  
*Head of School*

*UNcommon Education for Life*



Foothills Community Christian School  
2210 5<sup>th</sup> Avenue North  
Great Falls, Montana 59401  
406-452-5276 ext. 200  
[www.foothillschristian.org](http://www.foothillschristian.org)



## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:11 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County

**From:** saenzdavid09 . <saenzdavid09@gmail.com>  
**Sent:** Wednesday, May 6, 2020 2:06 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Sincerely,

David Saenz

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:35 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County

**From:** Dave Strand <dajustrand@gmail.com>  
**Sent:** Thursday, May 7, 2020 8:34 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

David Strand

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 8:52 AM  
**To:** Brad Eatherly  
**Subject:** FW: Application request

**From:** Dwayne whitaker <whitakerdwayneKelly@gmail.com>  
**Sent:** Thursday, May 7, 2020 8:47 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Application request

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Dwayne Whitaker  
940 21st ave south  
Great Falls 59405

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Thursday, May 7, 2020 10:01 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County permit

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**From:** office@nwff.org <office@nwff.org>  
**Sent:** Thursday, May 7, 2020 9:59 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County permit

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Northwest Family Fellowship  
Pastor Bob McLeod

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Friday, May 8, 2020 8:02 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel of Cascade County

-----Original Message-----

**From:** JT Coughlan <pasjt@aol.com>  
**Sent:** Thursday, May 7, 2020 6:14 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County

Attn: To whom it may concern

I understand that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building at 427 Central Ave. I believe that their presence will be a tremendous asset to the downtown area and the community. I hereby give my full support in favor of their request.

Pastor JT Coughlan  
Senior pastor  
Set Free Miniseries  
216 9th st no  
Great Falls, Mt 59406  
406-453-4479



## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Wednesday, May 13, 2020 8:04 AM  
**To:** Brad Eatherly  
**Subject:** FW: Calvary Chapel Cascade County

-----Original Message-----

**From:** Robert Lewis <washed166@yahoo.com>  
**Sent:** Tuesday, May 12, 2020 10:26 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Sincerely,  
Pastor Rob Lewis

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Tuesday, June 2, 2020 3:59 PM  
**To:** Brad Eatherly  
**Subject:** FW: Subject: Calvary Chapel of Cascade County

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**From:** Matt Antonich <rbhsmatt3@yahoo.com>  
**Sent:** Tuesday, June 2, 2020 3:42 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request. ;;Matt Antonich, Belt, Mt.

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Tuesday, June 2, 2020 3:59 PM  
**To:** Brad Eatherly  
**Subject:** FW: Subject: Calvary Chapel of Cascade County

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**From:** Matt Antonich <rbhsmatt3@yahoo.com>  
**Sent:** Tuesday, June 2, 2020 3:47 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.  
Bonnie Antonich

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Friday, June 19, 2020 1:27 PM  
**To:** Brad Eatherly; Thomas Micuda  
**Subject:** FW: Calvary Chapel of Cascade County

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**From:** James Russell <jamesfrusse11@msn.com>  
**Sent:** Friday, June 19, 2020 12:13 PM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Calvary Chapel of Cascade County

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community and I hereby give my support in favor of their request.

Sincerely

James Russell

## Brad Eatherly

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**From:** Jamie Nygard  
**Sent:** Tuesday, July 7, 2020 8:17 AM  
**To:** Brad Eatherly  
**Subject:** FW: Subject: Calvary Chapel of Cascade County

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**From:** Nate Swanson <nate@newcity.church>  
**Sent:** Thursday, July 2, 2020 12:12 AM  
**To:** Jamie Nygard <jnygard@greatfallsmt.net>  
**Subject:** Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of [427 Central Avenue](#) (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Nate Swanson  
Office: 406-727-4849  
[www.iamNEW.city](http://www.iamNEW.city)



Love INC RMF  
PO Box 1943  
Great Falls MT 59403

May 6, 2020

City of Great Falls  
Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59403

Subject: Calvary Chapel of Cascade County

Attn: To Whom It May Concern

It is my understanding that Calvary Chapel of Cascade County has applied for a conditional use permit to occupy the building of 427 Central Avenue (5th and Central). I believe that their presence will be an asset to the community, and I hereby give my support in favor of their request.

Sandee Hungate  
Love INC Rocky Mountain Front  
Church & Community Connection Coordinator  
406-629-9092

May 7, 2020

City of Great Falls  
Planning and Community Development  
#2 Park Drive South, Room 112  
Great Falls, Montana 59405

I have worked with David Saenz for several years in the Downtown Safety Alliance. He is a strong supporter and leader for of the Downtown district. He and his congregation have cleaned alleys in the district all season long, not just to support MApril, for several years.

David and the Calvary Chapel of Cascade County have applied for a conditional use permit to occupy 427 Central Avenue, the former home of Cascade Opticians. This would be a wonderful addition to the Downtown family.

I believe that the presence of Calvary Chapel of Cascade County would be an asset to the community and I support its request.

Thank you for your time and attention.



Sandra Rice  
909 3<sup>rd</sup> Avenue North #4  
Great Falls, Montana 59401

**Jamie Nygard**

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**From:** Alison Fried <dragonflydg@hotmail.com>  
**Sent:** Sunday, July 26, 2020 4:08 PM  
**To:** Jamie Nygard  
**Subject:** conditional use permit for 427 central

Dear city staff, Commissioners, and Mayor,

I own the 500 central building with Dragonfly as a retail clothing, but there is also 3000 square feet on space in the building that I am looking to rent. Previously was a restaurant and it makes sense that a restaurant will be the best fit for the 3000 square feet. It could also be a grocery store idea. Both things that would be the best fit, would most likely be selling and or serving alcohol. Also, without the ability to sell alcohol my chances at renting that spot will be harder. I hope you consider and look for options to help, in finding a way for myself to be able to rent this space to an establishment that would have alcohol. Thank you.

Alison Fried  
Dragonfly Dry Goods  
504 Central Ave.  
Great Falls, MT. 59401  
4064542263  
buydragonfly.com



Virus-free. [www.avast.com](http://www.avast.com)



# WILLIAM O. BRONSON, PLLC

ATTORNEY AT LAW  
 Silver State Building,  
 No. 18 – 6<sup>TH</sup> Street North, Suite 35  
 P.O. Box 3485  
 Great Falls, Montana 59403

PHONE: (406) 315-1181  
 E-MAIL: [bill.bronson@bresnan.net](mailto:bill.bronson@bresnan.net)

May 28, 2020

City of Great Falls  
 Planning & Community Development  
 #2 Park Drive South, Room 112  
 Great Falls, Montana 59403  
 Via e-mail: [Jnygard@greatfallsmt.net](mailto:Jnygard@greatfallsmt.net)

**Subject: Calvary Chapel of Cascade County  
 Application for Conditional Use Permit**

To Whom It May Concern:

I have been asked by representatives of Calvary Chapel of Cascade County if I would write a letter of support for its application for a conditional use permit, for the purpose of occupying the building located at 427 Central Avenue (corner of 5<sup>th</sup> Street North and Central Avenue). This letter is written in my personal capacity. Please consider the following items and information as your department reviews the application.

## Background: The Property and The Downtown

My office is located in the downtown, about a block from the building Calvary Chapel hopes to occupy. I walk or drive by this building almost daily. I have been inside it several times the past few years. I also have some knowledge of the building's history.

Several years ago, the facilities abutting Central and 5<sup>th</sup> Street North underwent substantial renovation. Unfortunately, it appears to me that a prior owner/developer did not avail itself of an opportunity to do some critical foundation work. There appear to be some foundation issues with much of the built environment on that corner. In my experience, these issues tend to make a building less desirable for future occupancy, even though it is certainly useable. I have been in the building when it was occupied by two prior tenants, and their operations do not appear to have been affected negatively. Nevertheless, it is not an ideal situation, and the concern would be that many prospective users would pass up the

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opportunity to lease or purchase the space, in favor of more desirable premises.

A building unoccupied in the downtown for an indefinite period of time is not good for the downtown. Lack of occupancy creates a perception of decay and isolation, and is an invitation to other problems. The downtown has been undergoing significant revitalization in recent years. Increasing occupancy by long-term tenants and owners helps facilitate that process. The corridor in which this building is located has been slow to redevelop fully. Thus, a proposed longer-term use would be beneficial not only to the owner/occupier, but to the area as whole.

#### Appropriateness of the Requested Permit

Based on the information available to me, the requested permit appears to satisfy the bases for a decision as set forth in OCOCGF 17.16.36.040, as follows:

- (1) *The conditional use is consistent with the City's growth policy.*<sup>1</sup>

The Great Falls downtown is in a state of constant change. The mix of uses is not going to mirror the downtown environment of the past. For the foreseeable future, the mix will undoubtedly consist of small retail, professional, and residential, with perhaps one or two mid-sized service operations. However, the latter should not be seen as anchors that help sustain the downtown. Downtowns will survive and prosper largely because of local residents and entrepreneurs who live and work in this community.

The role that churches play in this mix has never been fully explored. The churches that will survive and prosper will be those that have as part of their mission and outreach to the community, including those less fortunate. Great Falls is no exception to the norm that many of those left in unfortunate circumstances are part of downtown life. Churches are well suited to serve those in need.

Calvary Chapel has already accomplished some things that we would expect of a good downtown neighbor, with past volunteer clean-up activities. I would expect those might continue and possibly expand with a more sustained downtown presence. This is above and beyond giving them a “home.”

<sup>1</sup> Subsection 1 of this ordinance also requires consideration of “*applicable neighborhood plans, if any.*” I am not aware of any such plans for this area of the City, so an assessment of compliance here is unnecessary.

As you consider this application, consider the foregoing, including the background I have provided, in light of the following criteria in City policy documents:

*Growth Policy:*

Soc 1.7 – bolster the capacity of non-profits in the City (*churches are within this category*);

Phy4.1 – encouragement of a balanced mix of land uses throughout the City:

+ Phy4.1.2 – expand neighborhood commercial uses, mixed-use development and local food choices where appropriate;

+ Phy4.1.3 – create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

+ Phy4.1.4 – foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types (the downtown is a “neighborhood,” of sorts;

+ Phy4.1.5 – Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure. [EMPHASIS ADDED]

*Downtown Master Plan:*

The Downtown Master Plan (2011) envisions “livability” as a primary goal, defined as “*the enrichment of the physical, social, and personal well being of Downtown residents, employees, and visitors. A livable Downtown is welcoming to people of all ages and incomes and provides a friendly and safe environment that encourages social interaction.*” In that regard, please refer to:

Goal 2: Flourishing Downtown –

Objective 2: Improve the public realm to provide a safe, attractive and welcoming environment. Strategies:

May 28, 2020

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- 
- a. Encourage a partnership between Downtown organizations and stakeholders and the City Police Department to ensure a clean and safe environment.
  - b. Establish a volunteer based Downtown clean-up day and/or program.
  - c. Increase street level vitality by encouraging the active use of ground floor space in the Downtown core.  
[EMPHASIS ADDED]

In summary, the proposed use is consistent with several elements and objectives of the Growth Policy and the Downtown Master Plan.

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

The proposed use as a church should not raise any issues with public health, safety, morals, comfort or general welfare.

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

I am not aware of any evidence at this time that the proposed use would raise issues as to existing developments, or property values. In that regard, however, I will offer some comments later, as to the need to balance several critical concerns.

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

As with (3), there is no indication that other developments or improvements will be impeded.

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

It is my understanding that current utilities in the area, roads, stormwater and related facilities are all adequate for a relative low-physical impact like the proposed church.

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May 28, 2020

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

The proposed use has appropriate ingress and egress with respect to traffic congestion. I would expect uses to be more intense on Sunday mornings, which are normally less intense periods of use in the general area. There is more than sufficient parking in the area to accommodate their needs, and avoid interference with other users.

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

I assume the proposed use can meet this catch-all provision

#### Consideration of Religious Land Use and Institutionalized Persons Act [RLUIPA]

In my prior experience as a planning board member and a city commissioner, as well as my own law practice, I was often guided by the considerations imposed by the federal *Religious Land Use and Institutionalized Persons Act* [RLUIPA], 42 U.S.C. § 2000cc, et.seq., when it came to applications by churches and religious organizations. Consideration of RLUIPA appears to be appropriate here as well.

By its terms, RLUIPA prohibits zoning laws and regulations that substantially burden the religious exercise of churches or other religious assemblies or institutions *absent the least restrictive means of furthering a compelling governmental interest*. This prohibition applies in any situation where: (i) the state or local government entity imposing the substantial burden receives federal funding; (ii) the substantial burden affects, or removal of the substantial burden would affect, interstate commerce; or (iii) the substantial burden arises from the state or local government's formal or informal procedures for making individualized assessments of a property's uses. In addition, RLUIPA prohibits zoning laws (and this any specific zoning decisions) that:

(1) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious assemblies or institutions;

(2) discriminate against any assemblies or institutions on the basis of religion or religious denomination;

(3) totally exclude religious assemblies from a jurisdiction; or

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(4) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

The United States Justice Department has acknowledged the importance of RLUIPA in land-use decision making. See, e.g., V. Gupta, The Religious Land Use and Institutionalized Persons Act (Letter Memorandum to State, County and Municipal Officials, U.S. Dept. of Justice, Civil Rights Division, December 15, 2016), issued during the Obama Administration; and Office of the Attorney General, Memorandum for All Executive Departments and Agencies – Federal Law Protection for Religious Liberty (October 6, 2017), at pp. 7a-8a), issued by the Trump Administration.

My reference to federal law and interpretive documents here is two-fold:

-first, to provide you with additional, critical resources that should be consulted as to the appropriateness of the applicant’s request; and

-second, in the event that opposition to the application arises on account of challenges to a religious organization seeking to own and/or possess property, that appropriate assurances are made to the applicant that land-use recommendations and decisions not are made on that basis, and that the decision-making bodies (i.e., the Planning Advisory Board and Zoning Commission, and the City Commission) are appropriately advised on the importance of Calvary Chapel’s application being adjudicated on appropriate legal grounds.<sup>2</sup>

I have not considered how this analysis plays out as regards state laws concerning the location of churches in relation to establishments that serve alcohol. Sometimes, state liquor control laws are cited as a basis for disallowing religiously-based uses in relation to bars and similar establishments. The time is coming—if not now, then at some point very soon—where the viability of those old laws in relation to RLUIPA will have to be addressed, and some balance struck. Perhaps the state can provide you some guidance in that regard.

\*\*\*\*\*

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<sup>2</sup> I note here that the downtown area already has at least one church (River of Hope) as well as a religiously-based human services facility (Rescue Mission) within its environs. In addition, the Greater Faith congregation used a small facility on the 500 block of 6<sup>th</sup> Street North, fairly close to the bowling alley, without objection, before obtaining permanent quarters on the West Side.

May 28, 2020

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Thank you for your consideration of this application.

Sincerely,

By: Bill Bronson

cc:

Calvary Chapel of Cascade County

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and the United States Supreme Court*

To: City of Great Falls

July 27, 2020

Planning Advisory Board/Zoning Commission

From: Garry Hackett



I am writing to give my support for the change to the zoning and to give a conditional use permit for Calvary Chapel of Cascade County. I own three buildings on Central Ave. so this affects me as a current and potential landlord for commercial space and residential space in the area.

Do to the technological changes that have occurred during last several decades the utilization of office space has dramatically reduced the need for office space. Businesses have moved their workers to home offices. This has created a glut of unused office space.

So, what do we do with these space's? We can abandon and have the spaces removed from the tax base. We saw this in the 80s and 90s as it became too costly to renovate residential space above street level. We can now convert some office space to residential space, a very costly and sometime unrealistic option do to physical/structural limitations. We can use the space for retail, but this is nearly imposable to find anyone that wants to be above ground level. So that does not leave many options.

One of my buildings used to have a church held in the upper floors but is now being squashed by zoning and other requirements. This is a 43,000 SF building that I have only been able to lease about 16,000 SF. After paying Taxes, insurance, utilities and small mortgage the rents don't pay the costs to operate the building.

There are other options but most cost up to more than four times the cost of the building to convert/remodel the building to current codes. And if you do this you then compete with the deficit of not having free parking for your customers.



The cost of taxes based on tax dollars per Acre for Walmart was \$297,000 and the cost of the core downtown area is just over two million dollars an Acre. That is more than 6.6 times that of Walmart. Based on a study of our town in 2012. And the majority of business downtown were deemed non-essential.

I personally do not want to have another Bar or restaurant in my building we have numerous in the area and we do not need any more. We need other business that bring life to the downtown, provide entertainment culture and activities that are family friendly.



Garry Hackett

511 Central Ave.

868-8478



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Minor Subdivision – Weaver Addition addressed as 1715 Vaughn Road and legally described as Tract 1 of Certificate of Survey 5164, Mark 29, Section 3, T20N, R3E, P.M.M., Cascade County, Montana.

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

**Initiated By:** Amos Birky, Applicant and Land Owner

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

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

**Suggested Motion:**

1. Commissioner moves:

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

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

**Staff Recommendation:**

The Planning Advisory Board, during a meeting held on July 28, 2020, passed a motion recommending the City Commission approve the minor subdivision of the subject property. Staff recommends approval of the proposed minor subdivision request with the following conditions:

**Conditions of Approval:**

1. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. The applicant shall provide an amended plat of the subject property which shall be in compliance with survey requirements of this Title and State law and incorporate corrections of any errors or omissions noted by Staff.
3. The proposed plans shall conform to the M-2 zoning district development standards in the Land Development Code within the Official Code of the City of Great Falls.

4. The applicant is required to dedicate easements for utilities to the satisfaction of the City's Public Works Department. Said easements must be submitted to the City Commission for approval at the same time as the minor subdivision.

**Summary:**

The subject property consists of approximately 3.123 acres and is a triangular-shaped tract that abuts Vaughn Road and Watson Coulee Road. The property is zoned M-2 Mixed-use transitional and currently has several improvements upon the property. A single-family house is located at the northern tip of the tract, with the recently remodeled A Jay Concrete Pumping business in the middle of the property. A building currently being used as offices for A Jay Concrete Pumping is located at the southeast corner of the tract. Because of the parcel's large size, several different types of uses abut the property including a roofing supply contractor, a junkyard, a small manufacturing business, a park, and several single-family homes. Several zoning districts are next to the tract as well, including PLI Public lands and institutional, R-3 Single-family high density, and I-2 Heavy Industrial. The applicant would like to subdivide the large tract into four smaller lots.

**Minor Subdivision Request:**

The applicant is requesting a minor subdivision of the subject property to create four lots. The proposed Lot 1 would consist of approximately 0.271 acres or 11,804 square feet. The proposed lot currently contains a single-family house. Lot 2 would consist of 1.796 acres or 78,246 square feet. The existing A Jay Concrete Pumping business is located on the proposed lot. Lot 3 would consist of 0.530 acres or 23,066 square feet. This lot would be a vacant, undeveloped lot marketed for new development. Lot 4 would be 0.526 acres or 22,912 square feet. The existing office for the A-Jay Concrete Pumping business is on this proposed lot. The proposed lots conform to the M-2 development standards as outlined in the Land Development Code.

The proposed subdivision layout will create what is known as a flag lot arrangement along Vaughn Road (a flag lot is typically a deep lot which contains only a small amount of street frontage for access). While Lot 2 of the proposed subdivision has a large amount of street frontage along Watson Coulee Road, the applicant currently utilizes the proposed 30-foot wide access portion of the flag lot along Vaughn Road. This access is key for the circulation of the large concrete trucks for his business, and the applicant would like to continue the use of this access. The creation of flag lots is generally discouraged in the City's subdivision regulations, but in this proposal such an arrangement to have trucks access from Vaughn Road is acceptable since legal access for other vehicles is available along Watson Coulee Road. Additionally, a large vehicle turn-around is also provided as needed by the Fire Department.

Utility easements will be required in order to allow the minor subdivision request to be granted. A public sewer main that is located in the southwest corner of Lot 2 will require an easement on the final plat to allow the City to perform future possible maintenance. At the time of development on Lot 3 and Lot 4, service lines will need to be constructed from the public sewer main. These will require future easements.

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

**Neighborhood Council Input:**

Per Montana Code Annotated and the Official Code of the City of Great Falls (OCCGF) § 17.16.4.010 Table 16-2, minor subdivisions do not require public notification. As a courtesy, the City's Communications Specialist e-mailed information regarding the proposed minor subdivision to Neighborhood Council #2 members. As of the completion of this report, staff has received no input from the council members.

**Fiscal Impact:**

The cost of site improvements, including any utility services, will be paid by the property owner or future developer. Existing public utilities can accommodate the increased usage brought on by future development. Public safety services are currently being provided to the property and will not be affected.

**Alternatives:**

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

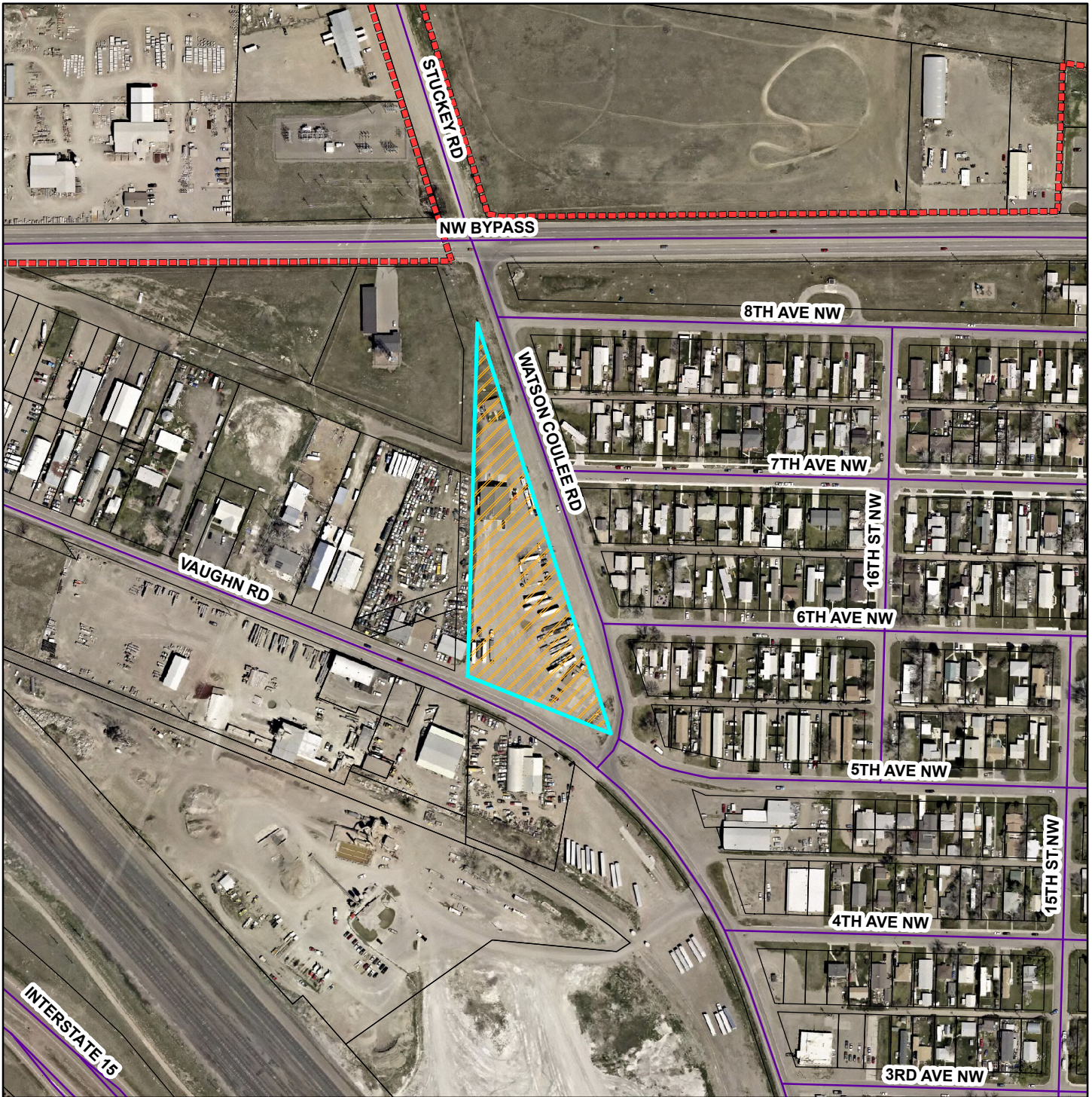
**Concurrences:**





Representatives from the City's Public Works Department have been involved in the review process for this application. All comments provided have been addressed by the applicant, or have been noted by staff as conditions of approval.

**Attachments/Exhibits:**

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

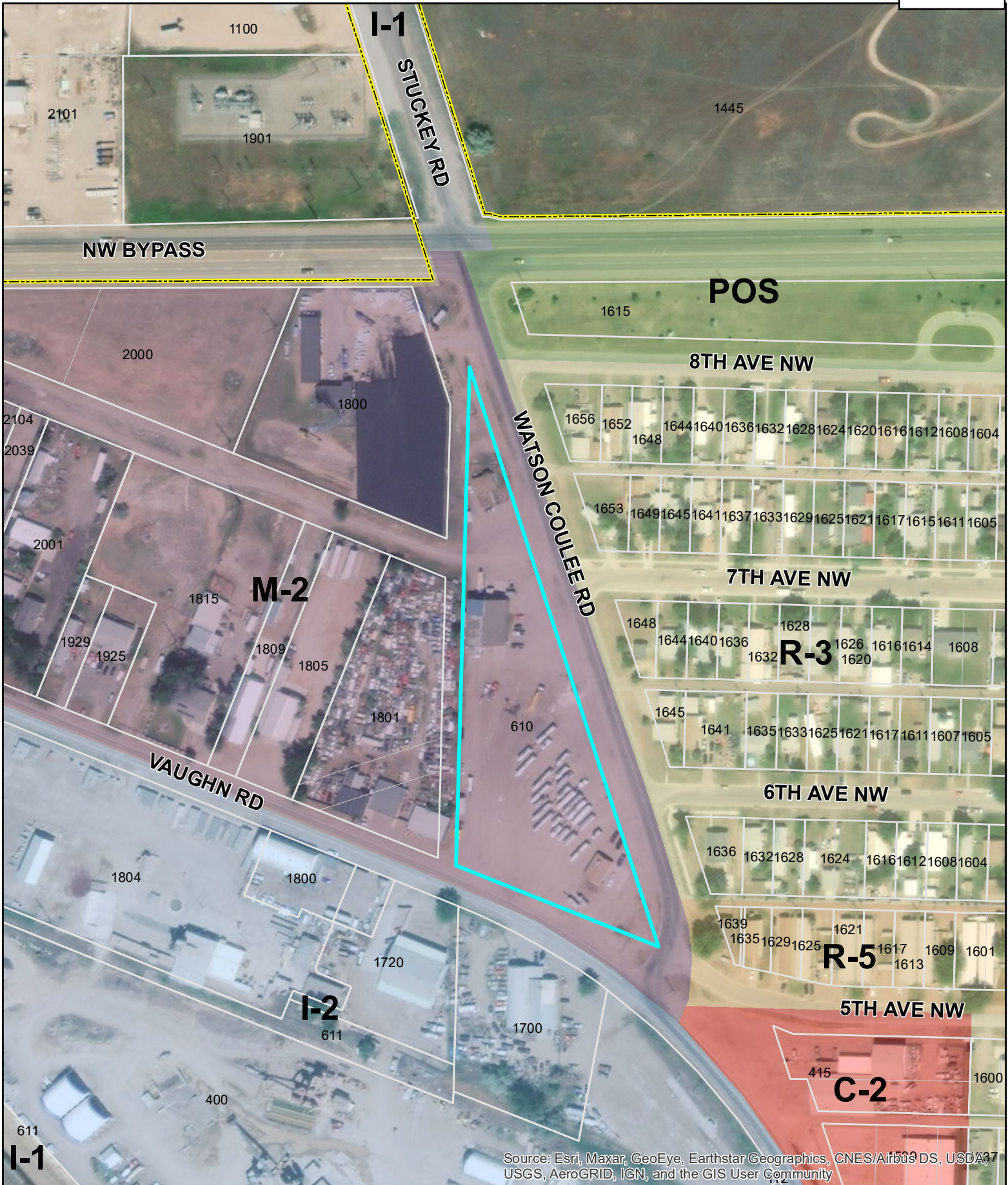
# AERIAL MAP



-  Subject Property
-  City Streets
-  City Limits
-  Parcel

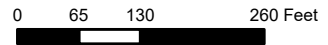


# ZONING MAP

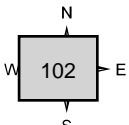


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- City Limits
- Parcels
- LotLines



Date: 8/6/2020



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

Minor subdivision of Tract 1 of the Weaver Addition, located in the NE1/4 SW1/4 of Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana. (PREPARED IN RESPONSE TO 76-3-608(3) MCA)

### **PRIMARY REVIEW CRITERIA:**

**Effect on Agriculture and Agricultural Water User Facilities:** The minor subdivision is located on Vaughn Road and Watson Coulee Road and is adjacent to the Northwest Bypass at the northern tip of the triangular-shaped tract, which is located in city limits. The project site is surrounded by existing commercial development on the west side, public right-of-way on the west, east, and north sides. Thus, the proposed minor subdivision will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** Lots in the proposed subdivision are currently served or will be served from public mains or private utility lines at the time of development. The Owner will pay the cost of the service lines from these utility mains. The owners of the four lots created by the subdivision will pay regular water and sewer charges, and monthly storm drain charges. The property proposed for this subdivision is currently receiving law enforcement and fire protection service from the City of Great Falls and the subdivision does not propose any changes to the current services.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will flow to Watson Coulee Road and Vaughn Road which will ultimately be integrated into existing City storm water infrastructure.

**Effect on Wildlife and Wildlife Habitat:** The subdivision is surrounded by existing commercial development to the west and south, public right-of-way to the east, west, and north. This is not in an area of significant wildlife habitat beyond occasional deer and migrating fowl.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. The subdivision itself will not have a negative effect on Public Health and Safety.

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

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

**EASEMENT FOR UTILITIES**

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision.

**LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed subdivision will be provided via a driveway that connects to Watson Coulee Road and Vaughn Road. This access, shown on the preliminary plat, will be created through the amended plat.



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

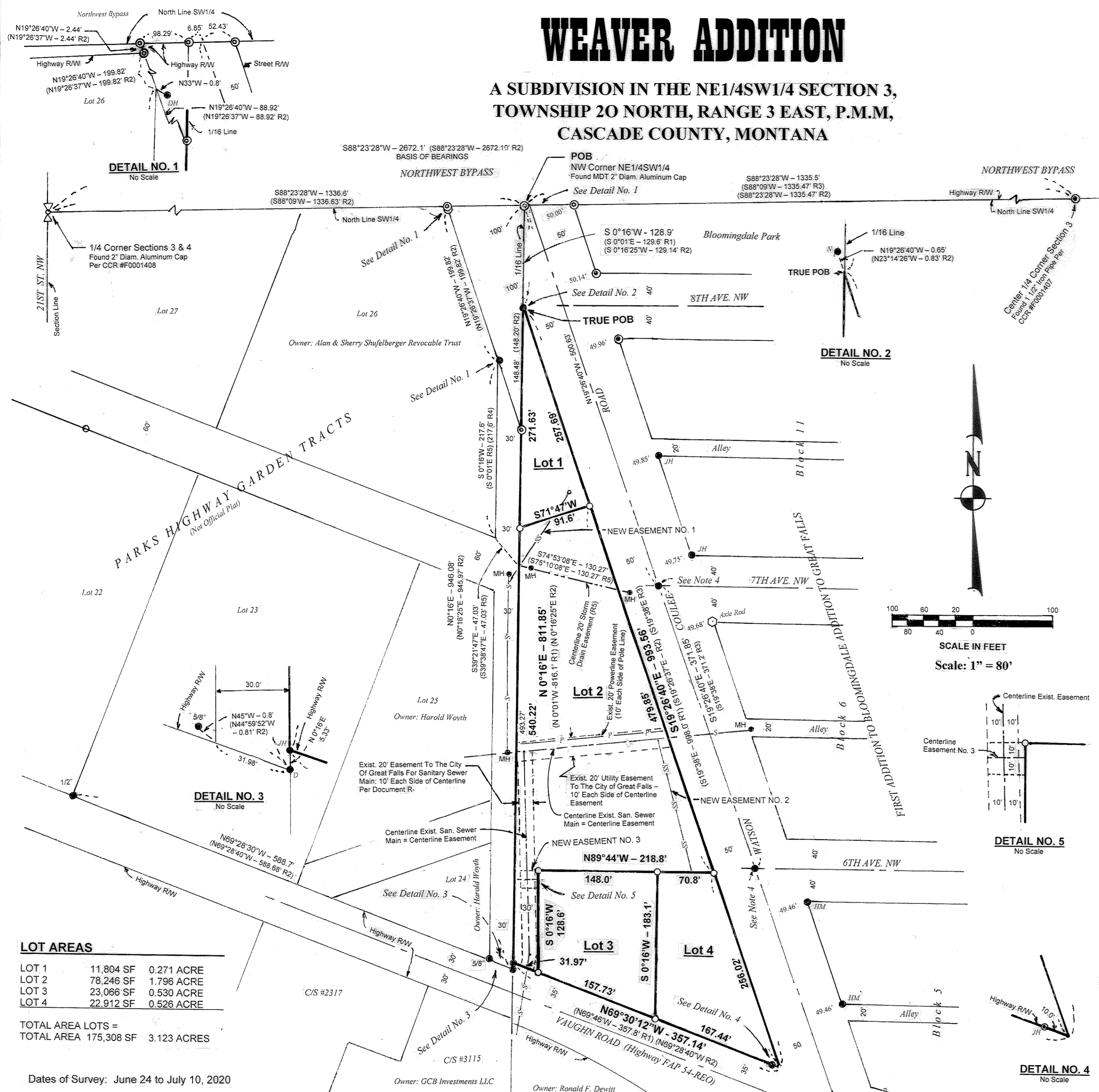
	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan	65 feet	45 feet	none

	feet when more than 350 feet from an R-1, R-2, R-3 district	feet when more than 350 feet from an R-1, R-2, R-3 district						area, 160 feet by right			
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	n/a	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	35 feet	none
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet
Minimum side yard setback of principal and accessory buildings	Commercial: none Residential: 5 feet each side	Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet

accessory buildings											
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

# PLAT OF WEAVER ADDITION

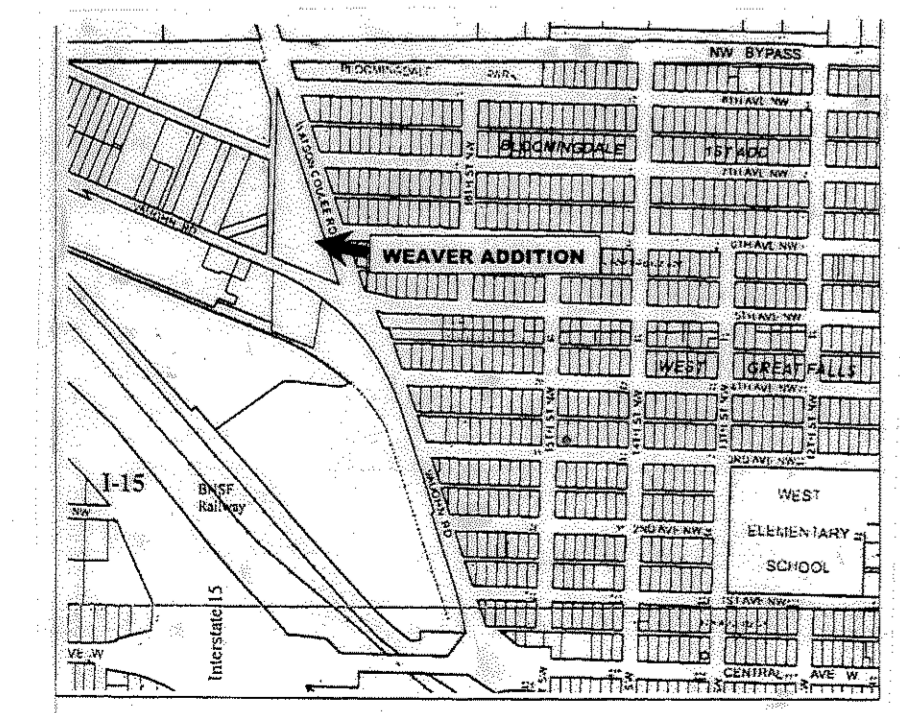
A SUBDIVISION IN THE NE1/4SW1/4 SECTION 3,  
TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M.,  
CASCADE COUNTY, MONTANA



**LOT AREAS**

LOT 1	11,804 SF	0.271 ACRE
LOT 2	78,246 SF	1.796 ACRE
LOT 3	23,066 SF	0.530 ACRE
LOT 4	22,912 SF	0.526 ACRE
<b>TOTAL AREA LOTS =</b>		
<b>TOTAL AREA 175,308 SF 3.123 ACRES</b>		

Dates of Survey: June 24 to July 10, 2020



- LEGEND**
- Set 5/8" x 24" IP with YPC "HODGES 4593 ES"
  - Found 5/8" IP with YPC "HODGES 4593 ES"
  - Found IP - No Cap - Size Noted
  - Found 5/8" IP with illegible YPC
  - Found 5/8" IP with 2" Aluminum MDT Cap
  - Found 5/8" IP with YPC "5201S NASH"
  - Found 5/8" IP with YPC "HENEN 2096S"
  - Found 5/8" IP with YPC "HODGES 4593ES"
  - Found 5/8" IP with YPC "M HENEN"
  - Found 1" Iron Pipe
  - (R1) Record Per R0340735WD
  - (R2) Record Per C/S #4037
  - (R3) Record Per Plat of First Addn. To Bloomingdale Addition to Great Falls
  - (R4) Record Per Park Highway Garden Tracts (Not Official Plat)
  - (R5) Record Per Easement Reel 319 Doc. 692
  - CCR Certified Corner Recordation
  - IP Iron Pin (Rebar)
  - MDT Montana Dept. of Transportation
  - MH Manhole
  - P- Approx. Exist. Power Pole Line
  - POB Point of Beginning
  - R/W Right of Way
  - S- Approx. Exist. Sanitary Sewer Main
  - SS- Approx. Exist. Sanitary Sewer Service
  - YPC Yellow Plastic Cap

- NOTES:**
- It was not the intent of this survey to locate or show all easements that may affect the subject property.
  - Basis of Bearings - North line of the Southwest Quarter of Section 3 between monuments found at the Center Quarter Corner, at the One Sixteenth Corner and at the West Quarter Corner. Bearing per C/S #S-0005164 CS.
  - Did not set a monument at the southeast corner of Lot 4 because it would have been in the exiting concrete curb & gutter. Found reference IP 10.0' westerly on the south line of Lot 4 per C/S #S-0005164 CS. See Detail No. 4.
  - Found 5/8" IP with no cap flush with asphalt per C/S #S-0005164 CS.
  - Found bearings and distances match those shown on C/S #S-0005164 CS.

**CERTIFICATE OF EASEMENTS**

**NEW EASEMENT NO. 1:** A 20 feet wide sanitary sewer service easement across Lot 2 centered on the existing sanitary sewer service from Lot 1 as shown on this Plat. This easement shall run with and be appurtenant to the land described on this Plat and be for the benefit of the Owners of said Lot 1.

**NEW EASEMENT NO. 2:** A 20 feet wide sanitary sewer service easement across Lot 2 centered on the existing sanitary sewer service from Lot 4 as shown on this Plat. This easement shall run with and be appurtenant to the land described on this Plat and be for the benefit of the Owners of said Lot 4.

**NEW EASEMENT NO. 3:** A 20 feet wide sanitary sewer service easement across Lot 2 from the west boundary of Lot 3 to the City of Great Falls sewer main running adjacent to the west boundary of Lot 3 as shown on this Plat. This easement shall run with and be appurtenant to the land described on this Plat and be for the benefit of the Owners of said Lot 3.

New Easements No. 1, No. 2 and No. 3 are to allow for the construction, maintenance, enlarging, reducing, replacing or removal of the sanitary sewer services including any above ground lids or boxes necessary for accessing the underground sanitary sewer service, together with all necessary appurtenances thereto, in, under, through and across the real property shown on this plat together with the right to excavate and refill trenches. The lot owner benefiting from the easement shall, in the event of any excavation within said easement for the purpose of installation, maintenance or repair, be responsible for ensuring that the trench is properly backfilled and that the surface is restored to its pre-excavation condition.

Date: \_\_\_\_\_  
 A JAY CONCRETE PUMPING, LLC  
 By: Amos J. Birky, Owner

**CERTIFICATE OF PUBLIC WORKS DIRECTOR**

I, \_\_\_\_\_, Public Works Director for the City of Great Falls, do hereby certify that I examined the accompanying plat of the **Weaver Addition** and the survey it represents, found that same conforms to regulations governing the platting of lands and presently platted adjacent land as near as circumstances will permit and do hereby approve the same.

Date: \_\_\_\_\_  
 Public Works Director  
 City of Great Falls, Montana

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**

We, the undersigned President of the Great Falls Planning Board, City of Great Falls, Montana, and Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of the **Weaver Addition**, was submitted to the said Great Falls Planning Board for examination by them and was approved at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Peter Fontana, President  
 Great Falls Planning Board  
 Craig Raymond, Secretary  
 Great Falls Planning Board

**CERTIFICATE OF CITY COMMISSION**

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the **Weaver Addition**, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

**PURPOSE**

The purpose of the survey shown on this plat was to subdivide Tract 1, Certificate of Survey No. S-0005164 CS, into four lots.

**CERTIFICATE OF SURVEY**

The undersigned property owner does hereby certify that he has caused Tract 1, Certificate of Survey No. S-0005164 CS, as filed in the Clerk and Recorder's Office, Cascade County, Montana, to be surveyed and subdivided into four lots.

**DESCRIPTION:** A tract in the Northeast Quarter of the Southwest Quarter of Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, shown and described as Tract 1 on Certificate of Survey No. S-0005164 CS and more fully described as follows: Beginning at the northwest corner of the Northeast Quarter of the Southwest Quarter of Section 3; thence South 0°16' West 128.9 feet along the west line of the Northeast Quarter of the Southwest Quarter of Section 3 to the TRUE POINT OF BEGINNING; thence South 19°28'40" East 993.56 feet along the west right of way of Watson Coulee Road to the north right of way of Vaughn Road (State Highway FAP 54-REO); thence North 69°30'12" West 357.14 feet along said north right of way to the west line of the Northeast Quarter of the Southwest Quarter of Section 3; thence North 0°16' East 811.85 feet along said west line to the TRUE POINT OF BEGINNING; containing 3.123 acres. Said tract to be known and designated as **WEAVER ADDITION**.

I certify that this division of land is excluded from review by the Montana Department of Environmental Quality pursuant to 76-4-125(1)(d)(i), MCA: "(1) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review." "(d) as certified pursuant to 76-4-127." and "(i) new divisions subject to review under the Montana Subdivision and Platting Act."

Date: \_\_\_\_\_  
 A JAY CONCRETE PUMPING, LLC  
 By: Amos J. Birky, Owner

STATE OF MONTANA )  
 ) ss  
 County of Cascade )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for the State of Montana, personally appeared Amos J. Birky, known to me to be the person who executed the foregoing Certificate of Survey and Certificate of Easements, and he acknowledged to me that he executed the same.

Notary Public, State of Montana  
 Residing at: \_\_\_\_\_  
 My Commission expires: \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

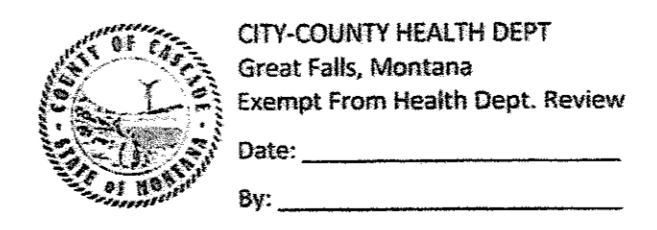
I, James E. Hodges, Professional Engineer and Land Surveyor, do hereby certify that I made the survey as shown on this plat and that said survey is true and complete as shown.

Date: \_\_\_\_\_  
 James E. Hodges, P.E. & L.S.  
 Montana License No. 4593ES

**CERTIFICATE OF TREASURER**

I, Diane Heikkila, County Treasurer of Cascade County, Montana, do hereby certify pursuant to 76-3-207(3), M.C.A. that all real property taxes assessed and levied on the land described herein have been paid.

Date: \_\_\_\_\_  
 Diane Heikkila, Treasurer



CITY-COUNTY HEALTH DEPT  
 Great Falls, Montana  
 Exempt From Health Dept. Review

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

REVIEWED FOR COMPLIANCE WITH  
 SURVEY REQUIREMENTS AND ZONING  
 REGULATIONS PER 76-3-207 M.C.A.

By/Date: \_\_\_\_\_  
 PLANNING AND COMMUNITY  
 DEVELOPMENT DEPARTMENT  
 CITY OF GREAT FALLS

Survey For: AMOS J. BIRKY

Owner: A JAY CONCRETE PUMPING, LLC

1/4	Sec	T	R
NESW	3	20N	3E
Job No.	2020-10	Sheet	1
F.B. No.	LL	of	1
Drawn	JEH	by	1
Date	8/16/20		

**JAMES E. HODGES**  
 Professional Engineer & Land Surveyor  
 Great Falls, Montana

## REVISED DRAFT



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10352 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 10352.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10352.”

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 10352 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 BID'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 August 4, 2020, as required by Mont. Code Ann. § 7-12-1132(3), 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 2020/2021. Following the public hearing held on August 4, 2020, the City Commission moved to adopt the FY 2021 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; and
4. An assessment of \$.015 times the square footage of the land area.

The actual assessment for 2020/2021 based on the above assessment formula will generate \$253,086.93 in assessment revenue. The assessment revenue as shown on Exhibit "A" is \$5,738.60 more than the BID assessed in the previous fiscal year. The increase in this year's assessment revenue can be attributed to condos being established within two existing buildings; therefore increasing the number of parcels within the district that are assessed. The total market valuation for the District from the Department of Revenue has also increased. The 2020/2021 assessment per lot or parcel is indicated on the assessment projection summary Exhibit "A" incorporated herein and made a part of Resolution 10352.

**Alternatives:** The City Commission could choose to deny Resolution 10352 to assess the property owners within the BID. However, on August 4, 2020, the City Commission approved the BID Budget which identifies the BID assessment as 76% of the operating revenues. Denial of Resolution 10352 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 10352
- Resolution 10352 Exhibit "A"

## RESOLUTION 10352

### 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 August 4, 2020, 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 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 Fiscal Year 2021 is based on the above assessment formula and will generate TWO HUNDRED FIFTY THREE THOUSAND EIGHTY SIX AND 93/100 DOLLARS (\$253,086.93) 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, 2020 and May 31, 2021.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 15<sup>th</sup> day of September, 2020.

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

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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



**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FOR FISCAL YEAR 2021, TAX YEAR 2020  
RESOLUTION #10352 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	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		\$ 200	15,000	\$ 225.00	109,500	534,510	644,010	\$ 1,062.62	\$ 1,487.62
156950	COMMUNITY HEALTH CARE CENTER INC	GFO		\$ 200	37,500	\$ 562.50	168,000	580,000	748,000	\$ 1,234.20	\$ 1,996.70
157400	COX DOUGLAS J & KENT D	GFO		\$ 200	7,500	\$ 112.50	51,000	211,400	262,400	\$ 432.96	\$ 745.46
157450	517 LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	591,250	671,500	\$ 1,107.98	\$ 1,532.98
157500	RYSTED PETER L LIVING TRUST	GFO		\$ 200	11,250	\$ 168.75	65,625	225,775	291,400	\$ 480.81	\$ 849.56
157600	KUNZ JASON R	GFO		\$ 200	3,750	\$ 56.25	36,375	295,925	332,300	\$ 548.30	\$ 804.55
157650	BRANDENBERGER NED R & JENNIFER	GFO		\$ 200	3,750	\$ 56.25	36,375	52,225	88,600	\$ 146.19	\$ 402.44
157750	EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		\$ 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		\$ 200	7,500	\$ 112.50	51,000	192,400	243,400	\$ 401.61	\$ 714.11
158100	THE PENNANT BUILDING LLC	GFO		\$ 200	7,509	\$ 112.64	51,000	428,300	479,300	\$ 790.85	\$ 1,103.48
158150	HANSON MICHAEL	GFO		\$ 200	7,507	\$ 112.61	51,000	335,370	386,370	\$ 637.51	\$ 950.12
158250	DESCHENES GARY S ETAL	GFO		\$ 200	4,200	\$ 63.00	38,130	471,970	510,100	\$ 841.67	\$ 1,104.67
158300	DSB TOWER LLC	GFO		\$ 200	15,037	\$ 225.56	80,250	17,800	98,050	\$ 161.78	\$ 587.34
158950	BIG SKY SELECT PROPERTIES	GFO		\$ 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		\$ 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		\$ 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		\$ 200	7,500	\$ 112.50	51,000	167,570	218,570	\$ 360.64	\$ 673.14
159500	RAMSEY ANN C	GFO		\$ 200	11,250	\$ 168.75	65,625	175,175	240,800	\$ 397.32	\$ 766.07
159550	BENSLEY MARJORIE M	GFO		\$ 200	3,750	\$ 56.25	36,375	7,525	43,900	\$ 72.44	\$ 328.69
159600	BENSLEY MARJORIE M	GFO		\$ 200	3,750	\$ 56.25	36,375	30,525	66,900	\$ 110.39	\$ 366.64
159650	BENSLEY MARJORIE	GFO		\$ 200	3,750	\$ 56.25	36,375	101,140	137,515	\$ 226.90	\$ 483.15
159700	CONTEXT LLC	GFO		\$ 200	3,750	\$ 56.25	36,375	206,280	242,655	\$ 400.38	\$ 656.63
159725	BUCHANAN BYRNE BUILDING PARTNERSHIP	GFO		\$ 200	11,295	\$ 169.43	65,625	12,010	77,635	\$ 128.10	\$ 497.52
159735	CONTEXT LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	204,300	255,300	\$ 421.25	\$ 733.75
159800	RELIGIOUS CONGRATATION OF BERLINER CONG	GFO		\$ 200	52,490	\$ 787.35	226,500	1,518,630	1,745,130	\$ 2,879.46	\$ 3,866.81
159850	DAVIDSON INVESTMENTS LLC	GFO		\$ 200	67,500	\$ 1,012.50	306,750	8,800,850	9,107,600	\$ 15,027.54	\$ 16,240.04
160300	EKLUNDS APPLIANCE & TV	GFO		\$ 200	15,000	\$ 225.00	80,250	563,250	643,500	\$ 1,061.78	\$ 1,486.78
160450	POBLANO PROPERTIES LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	538,550	618,800	\$ 1,021.02	\$ 1,446.02
160500	MADILL JUSTIN J	GFO		\$ 200	15,000	\$ 225.00	80,250	551,908	632,158	\$ 1,043.06	\$ 1,468.06
160550	LERAY PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	345,000	396,000	\$ 653.40	\$ 965.90
160600	METROPOLITAN LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	329,400	380,400	\$ 627.66	\$ 940.16
160650	BECKMANS BUILDING LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	336,950	387,950	\$ 640.12	\$ 952.62
160900	STOCKMAN BANK OF MONTANA	GFO		\$ 200	15,000	\$ 225.00	80,250	98,490	178,740	\$ 294.92	\$ 719.92
160950	BALTHAZAR ENTERPRISES LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	445,450	525,700	\$ 867.41	\$ 1,292.41
161050	HACKETT GARRY L & CHERYL D	GFO		\$ 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		\$ 200	7,500	\$ 112.50	51,000	386,100	437,100	\$ 721.22	\$ 1,033.72
161150	LEE ALAN B	GFO		\$ 200	3,750	\$ 56.25	36,375	109,825	146,200	\$ 241.23	\$ 497.48
161200	ENGE RICHARD C	GFO		\$ 200	3,750	\$ 56.25	36,375	59,725	96,100	\$ 158.57	\$ 414.82
161250	BIG BROTHERS HOLDING COMPANY LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	280,900	331,900	\$ 547.64	\$ 860.14
161300	STOCKMAN BANK OF MONTANA	GFO		\$ 200	15,000	\$ 225.00	80,250	1,642,450	1,722,700	\$ 2,842.46	\$ 3,267.46

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FOR FISCAL YEAR 2021, TAX YEAR 2020  
RESOLUTION #10352 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	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
161450	KELMAN DAVID & ZACHARY	GFO		\$ 200	3,750	\$ 56.25	36,375	114,825	151,200	\$ 249.48	\$ 505.73
161600	LITTLE WILLIAM L & SHONNA L	GFO		\$ 200	22,500	\$ 337.50	109,500	650,530	760,030	\$ 1,254.05	\$ 1,791.55
161650	SILVER STATE PARTNERS LLC	GFO		\$ 200	11,250	\$ 168.75	65,625	339,075	404,700	\$ 667.76	\$ 1,036.51
161700	MONTANA TIMES SQUARE LLC	GFO		\$ 200	22,500	\$ 337.50	109,500	742,200	851,700	\$ 1,405.31	\$ 1,942.81
161750	EVERSON HAROLD O & VICKI S	GFO		\$ 200	7,500	\$ 112.50	51,000	178,000	229,000	\$ 377.85	\$ 690.35
161800	HACKETT GARRY L & CHERYL D	GFO		\$ 200	15,000	\$ 225.00	80,250	319,240	399,490	\$ 659.16	\$ 1,084.16
162050	STARRY NIGHT HOSPITALITY LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	1,237,870	1,318,120	\$ 2,174.90	\$ 2,599.90
162100	TLMF INC	GFO		\$ 200	7,500	\$ 112.50	51,000	115,100	166,100	\$ 274.07	\$ 586.57
162150	LARSON EDWARD L	GFO		\$ 200	4,500	\$ 67.50	39,300	87,200	126,500	\$ 208.73	\$ 476.23
162200	LARSON EDWARD L	GFO		\$ 200	3,000	\$ 45.00	33,450	54,050	87,500	\$ 144.38	\$ 389.38
162250	HACKETT GARRY L & CHERYL D	GFO		\$ 200	7,500	\$ 112.50	51,000	756,610	807,610	\$ 1,332.56	\$ 1,645.06
162300	COMMUNITY HEALTH CARE CENTER INC	GFO		\$ 200	15,000	\$ 225.00	80,250	205,220	285,470	\$ 471.03	\$ 896.03
189100	STROMBERG ROBERT C & MARY D	GFO		\$ 200	45,000	\$ 675.00	197,250	1,966,650	2,163,900	\$ 3,570.44	\$ 4,445.44
189150	TUNGSTEN PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	780,700	831,700	\$ 1,372.31	\$ 1,684.81
189200	KISER PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	134,700	185,700	\$ 306.41	\$ 618.91
189250	SPENCER TIMOTHY W	GFO		\$ 200	3,750	\$ 56.25	36,375	151,120	187,495	\$ 309.37	\$ 565.62
189300	NORDRUM ORVILLE M & JOSEPHINE A	GFO		\$ 200	3,750	\$ 56.25	36,375	80,525	116,900	\$ 192.89	\$ 449.14
189350	HARRIS DAVID ALLAN ETAL	GFO		\$ 200	3,750	\$ 56.25	36,375	130,025	166,400	\$ 274.56	\$ 530.81
189400	DEVLIN LLC	GFO		\$ 200	3,750	\$ 56.25	36,375	122,525	158,900	\$ 262.19	\$ 518.44
189450	SPENCER TIMOTHY	GFO		\$ 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		\$ 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		\$ 200	7,500	\$ 112.50	51,000	541,100	592,100	\$ 976.97	\$ 1,289.47
189700	FLY AWAY LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	553,250	633,500	\$ 1,045.28	\$ 1,470.28
189750	SCHUBARTH SANDRA	GFO		\$ 200	7,500	\$ 112.50	51,000	253,800	304,800	\$ 502.92	\$ 815.42
189800	NOISHT PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	237,200	288,200	\$ 475.53	\$ 788.03
189850	HEISHMAN CARL D ETAL	GFO		\$ 200	7,500	\$ 112.50	51,000	341,480	392,480	\$ 647.59	\$ 960.09
189900	ELMORE ROBERTS LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	2,323,120	2,403,370	\$ 3,965.56	\$ 4,390.56
190000	WVH ENTERPRISES LLC	GFO		\$ 200	566	\$ 8.49	23,505	2,110	25,615	\$ 42.26	\$ 250.75
190050	KEILMAN & TRUNKLE ENTERPRISES LLC	GFO		\$ 200	5,535	\$ 83.03	43,395	234,405	277,800	\$ 458.37	\$ 741.40
190150	ELMORE ROBERTS LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	7,160	58,160	\$ 95.96	\$ 408.46
190200	ELMORE ROBERTS LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	7,160	58,160	\$ 95.96	\$ 408.46
190250	CENTER FOR MENTAL HEALTH	GFO		\$ 200	7,500	\$ 112.50	51,000	603,720	654,720	\$ 1,080.29	\$ 1,392.79
190350	MADILL JASON C & TAMARA L	GFO		\$ 200	67,500	\$ 1,012.50	296,700	1,159,800	1,456,500	\$ 2,403.23	\$ 3,615.73
190450	BIG SKY SELECT MIGHT MO LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	364,200	415,200	\$ 685.08	\$ 997.58
190500	GREAT FALLS CENTRAL LLC	GFO		\$ 200	3,750	\$ 56.25	36,375	276,825	313,200	\$ 516.78	\$ 773.03
190600	M & L RENTALS LLC	GFO		\$ 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		\$ 200	3,750	\$ 56.25	36,375	136,125	172,500	\$ 284.63	\$ 540.88
190700	WONG MING & SU	GFO		\$ 200	3,750	\$ 56.25	36,375	196,225	232,600	\$ 383.79	\$ 640.04
190800	FIRST BUILDING CORPORATION	GFO		\$ 200	22,500	\$ 337.50	109,500	-	109,500	\$ 180.68	\$ 718.18
190950	ATLANTIC FINANCIAL GROUP LTD	GFO		\$ 200	-	\$ -	-	5,696,100	5,696,100	\$ 9,398.57	\$ 9,500.57

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FOR FISCAL YEAR 2021, TAX YEAR 2020  
RESOLUTION #10352 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	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
191050	ALLEY STEPHEN J	GFO		\$ 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		\$ 200	7,492	\$ 112.38	51,000	605,300	656,300	\$ 1,082.90	\$ 1,395.28
191150	JOVICK LEPARD LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	701,400	752,400	\$ 1,241.46	\$ 1,553.96
191300	FIRST NATIONAL BANK	GFO		\$ 200	15,000	\$ 225.00	80,250	14,680	94,930	\$ 156.63	\$ 581.63
191400	RICHARDS PHILLIP	GFO		\$ 200	15,000	\$ 225.00	80,250	484,950	565,200	\$ 932.58	\$ 1,357.58
191450	TOVSON LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	256,970	307,970	\$ 508.15	\$ 820.65
191500	CYRUS INVESTMENTS LLC	GFO		\$ 200	30,000	\$ 450.00	138,750	1,561,250	1,700,000	\$ 2,805.00	\$ 3,455.00
191550	FIRST NATIONAL BANK	GFO		\$ 200	52,500	\$ 787.50	226,500	437,360	663,860	\$ 1,095.37	\$ 2,082.87
191600	MONTANA INSTITUTE OF FAMILY LIVING	GFO		\$ 200	22,500	\$ 337.50	109,500	4,312,870	4,422,370	\$ 7,296.91	\$ 7,834.41
191700	MURPHY REAL ESTATE LLC	GFO		\$ 200	18,750	\$ 281.25	94,875	557,625	652,500	\$ 1,076.63	\$ 1,557.88
191750	MURPHY TIMOTHY M & DEBORAH S	GFO		\$ 200	11,250	\$ 168.75	65,625	63,075	128,700	\$ 212.36	\$ 581.11
191950	MONTANA INSTITUTE OF FAMILY LIVING	GFO		\$ 200	15,000	\$ 225.00	80,250	5,230	85,480	\$ 141.04	\$ 566.04
192100	BLANKENSHIP BOBBI	GFO		\$ 200	15,333	\$ 230.00	90,257	1,434,843	1,525,100	\$ 2,516.42	\$ 2,946.41
192150	Gaelic Properties Inc	GFO		\$ 200	11,250	\$ 168.75	65,625	518,275	583,900	\$ 963.44	\$ 1,332.19
192200	ARVON BLOCK DEVELOPMENT VENTURE LLC	GFO		\$ 200	11,237	\$ 168.56	65,625	2,552,475	2,618,100	\$ 4,319.87	\$ 4,688.42
192300	MURPHY REAL ESTATE LLC	GFO		\$ 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		\$ 200	15,000	\$ 225.00	80,250	796,550	876,800	\$ 1,446.72	\$ 1,871.72
192450	JENNINGS LAND LIMITED PARTNERSHIP	GFO		\$ 200	7,500	\$ 112.50	51,000	104,900	155,900	\$ 257.24	\$ 569.74
192500	OIDHREACT PROPERTIES LLC	GFO		\$ 200	20,016	\$ 300.24	96,887	300,460	397,347	\$ 655.62	\$ 1,155.86
192700	MURPHY REAL ESTATE LLC	GFO		\$ 200	46,237	\$ 693.56	202,164	41,310	243,474	\$ 401.73	\$ 1,295.29
192850	MURPHY REAL ESTATE LLC	GFO		\$ 200	6,229	\$ 93.44	46,028	354,860	400,888	\$ 661.47	\$ 954.90
192950	LAWYERS GUNS & MONEY LLC	GFO		\$ 200	9,017	\$ 135.26	56,850	1,167,650	1,224,500	\$ 2,020.43	\$ 2,355.68
193050	CTA BUILDING LLP	GFO		\$ 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		\$ 200	1,800	\$ 27.00	28,770	-	28,770	\$ 47.47	\$ 274.47
193150	KELMAN ZOLLIE ETAL	GFO		\$ 200	14,100	\$ 211.50	76,740	206,270	283,010	\$ 466.97	\$ 878.47
193200	KELMAN ZOLLIE ETAL	GFO		\$ 200	15,000	\$ 225.00	80,250	761,450	841,700	\$ 1,388.81	\$ 1,813.81
193250	WHITE BELLY PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	51,000	261,900	312,900	\$ 516.29	\$ 828.79
193300	MARZETTA MICHAEL	GFO		\$ 200	7,500	\$ 112.50	51,000	324,500	375,500	\$ 619.58	\$ 932.08
193350	FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		\$ 200	7,500	\$ 112.50	51,000	293,000	344,000	\$ 567.60	\$ 880.10
193450	GREAT FALLS TRANSIT DISTRICT	GFO		\$ 200	15,000	\$ 225.00	80,250	301,660	381,910	\$ 630.15	\$ 1,055.15
193550	GREAT FALLS RESCUE MISSION	GFO		\$ 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		\$ 200	7,500	\$ 112.50	51,000	257,500	308,500	\$ 509.03	\$ 821.53
193700	WHITE BELLY PROPERTIES LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	19,700	99,950	\$ 164.92	\$ 589.92
193900	NEIGHBORHOOD HOUSING SERVICES INC	GFO		\$ 200	7,500	\$ 112.50	51,000	18,140	69,140	\$ 114.08	\$ 426.58
193950	PLACID RENTALS LLC	GFO		\$ 200	15,000	\$ 225.00	80,250	167,750	248,000	\$ 409.20	\$ 834.20
224650	PORTNEY ABBY KELMAN	GFO		\$ 200	19,483	\$ 292.25	100,865	431,235	532,100	\$ 877.97	\$ 1,370.21
616205	STAM TODD R ETAL	503		\$ 200	574	\$ 8.61	3,347	169,053	172,400	\$ 284.46	\$ 493.07
616210	FRANK PLUMLEE FAMILY TRUST	503	125	\$ 50	450	\$ 6.75	2,625	177,075	179,700	\$ 296.51	\$ 353.26
616215	HAGAN ROGER A	503	125	\$ 50	308	\$ 4.62	1,798	135,702	137,500	\$ 226.88	\$ 281.50
616220	FINLAYSON JAMES D	503	125	\$ 50	291	\$ 4.37	1,700	131,400	133,100	\$ 219.62	\$ 273.00

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FOR FISCAL YEAR 2021, TAX YEAR 2020  
RESOLUTION #10352 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	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
616225	REYNOLDS STEWART W & SARA A	503	125	\$ 50	500	\$ 7.50	2,914	179,786	182,700	\$ 301.46	\$ 358.96
616230	SAVAGE JEFFREY J ETAL	503	125	\$ 50	476	\$ 7.14	2,776	175,124	177,900	\$ 293.54	\$ 350.68
616235	ROY RUSSEL E & GWEN E	503	125	\$ 50	469	\$ 7.04	2,737	173,263	176,000	\$ 290.40	\$ 347.44
616240	TAMCKE JANET A ETAL	503	125	\$ 50	268	\$ 4.02	1,562	125,638	127,200	\$ 209.88	\$ 263.90
616245	KUBAS HEATHER	503	125	\$ 50	416	\$ 6.24	2,428	158,672	161,100	\$ 265.82	\$ 322.06
616250	STAM TODD R	503		\$ 200	608	\$ 9.12	3,544	255,356	258,900	\$ 427.19	\$ 636.31
616255	STAM TODD R	503		\$ 200	311	\$ 4.67	1,811	105,589	107,400	\$ 177.21	\$ 381.88
616260	STAM TODD R	503		\$ 200	441	\$ 6.62	2,572	184,328	186,900	\$ 308.39	\$ 515.00
616265	STAM TODD R	503		\$ 200	444	\$ 6.66	2,592	150,508	153,100	\$ 252.62	\$ 459.28
616270	SICK PROPERTIES LLC	503		\$ 200	574	\$ 8.61	3,347	189,353	192,700	\$ 317.96	\$ 526.57
616275	UNDERWOOD JASON M	503	125	\$ 50	450	\$ 6.75	2,625	174,375	177,000	\$ 292.05	\$ 348.80
616280	DIAMOND R ELAINE ETAL	503	125	\$ 50	549	\$ 8.24	3,202	205,098	208,300	\$ 343.70	\$ 401.93
616285	BISTODEAU JUDY K & GARY	503	125	\$ 50	444	\$ 6.66	2,592	176,308	178,900	\$ 295.19	\$ 351.85
616290	YEON JENEE S	503	125	\$ 50	417	\$ 6.26	2,435	168,565	171,000	\$ 282.15	\$ 338.41
616295	ROBERTS DUSTIN E	503	125	\$ 50	509	\$ 7.64	2,966	197,834	200,800	\$ 331.32	\$ 388.96
616300	JOHNSON CAROLINE B	503	125	\$ 50	416	\$ 6.24	2,428	167,572	170,000	\$ 280.50	\$ 336.74
616305	QUINN SUSAN E	503	125	\$ 50	549	\$ 8.24	3,202	203,898	207,100	\$ 341.72	\$ 399.95
616310	EULTGEN DARREN & CINDY	503	125	\$ 50	444	\$ 6.66	2,592	175,308	177,900	\$ 293.54	\$ 350.20
616315	EULTGEN DARREN & CINDY	503	125	\$ 50	417	\$ 6.26	2,435	167,165	169,600	\$ 279.84	\$ 336.10
616320	BURGAN VALERIE G	503	125	\$ 50	509	\$ 7.64	2,966	191,934	194,900	\$ 321.59	\$ 379.22
616325	FITLE DEREK J	503	125	\$ 50	416	\$ 6.24	2,428	166,572	169,000	\$ 278.85	\$ 335.09
617100	WILLIAMS DONALD E TRUST ETAL	FP1		\$ 200	6,665	\$ 99.98	45,237	1,250,063	1,295,300	\$ 2,137.25	\$ 2,437.22
617150	WARD KRAIG ALLAN	FP1		\$ 200	871	\$ 13.07	5,763	191,080	196,843	\$ 324.79	\$ 537.86
620650	WADSWORTH SHANNON	CAP		\$ 200	3,615	\$ 54.23	19,284	89,316	108,600	\$ 179.19	\$ 433.42
620660	WILSON TOM	CAP		\$ 200	4,574	\$ 68.61	24,436	140,164	164,600	\$ 271.59	\$ 540.20
620670	QHG LLP	CAP		\$ 200	6,839	\$ 102.59	36,530	134,270	170,800	\$ 281.82	\$ 584.41
628625	SEIDLITZ JOHN E JR & PAMELA	HBC		\$ 200	713	\$ 10.70	13,702	68,898	82,600	\$ 136.29	\$ 346.99
628630	CORDEIRO, CHRIS A	HBC		\$ 200	713	\$ 10.70	13,702	68,898	82,600	\$ 136.29	\$ 346.99
647400	A&E RENTALS LLC	EBC		\$ 200	10,336	\$ 155.04	113,307	481,593	594,900	\$ 981.59	\$ 1,336.63
647402	UAZ BUILDING PARTNERSHIP	EBC		\$ 200	4,386	\$ 65.79	54,898	318,102	373,000	\$ 615.45	\$ 881.24
647404	RAILROAD SQUARE LLC	EBC		\$ 200	11,903	\$ 178.55	123,841	449,559	573,400	\$ 946.11	\$ 1,324.66
647406	UAZ BUILDING PARTNERSHIP	EBC		\$ 200	4,699	\$ 70.49	55,628	323,872	379,500	\$ 626.18	\$ 896.66
650100	MARTIN SCHULKE & ST JOHN LLP	HBB		\$ 200	10,000	\$ 150.00	46,250	380,046	426,296	\$ 703.39	\$ 1,053.39
650200	MARTIN SCHULKE & ST JOHN LLP	HBB		\$ 200	10,000	\$ 150.00	46,250	380,046	426,296	\$ 703.39	\$ 1,053.39
650300	MARTIN SCHULKE & ST JOHN LLP	HBB		\$ 200	10,000	\$ 150.00	46,250	380,046	426,296	\$ 703.39	\$ 1,053.39
651010	MEYER KATTIE & KIRKLEN A	JHC		\$ 200	936	\$ 14.04	6,426	325,674	332,100	\$ 547.97	\$ 762.01
651020	MONTCARE INC	JHC		\$ 200	588	\$ 8.82	3,998	36,620	40,618	\$ 67.02	\$ 275.84
651030	CONNER DENNIS & JANIS	JHC		\$ 200	542	\$ 8.13	2,958	110,142	113,100	\$ 186.62	\$ 394.75
651040	ROCKET CLONE LLC	JHC		\$ 200	560	\$ 8.40	3,519	158,281	161,800	\$ 266.97	\$ 475.37
651050	SUTTON DANNIE R SR	JHC		\$ 200	596	\$ 8.94	4,845	298,255	303,100	\$ 500.12	\$ 700.00

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
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RESOLUTION #10352 - EXHIBIT "A"**

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651090	BIALECKI ROBERT	JHC		\$ 200	1,430	\$ 21.45	9,726	558,336	568,062	\$ 937.30	\$ 1,158.75
651100	OLSON KENNETH R ETAL	JHC		\$ 200	2,770	\$ 41.55	4,264	200,736	205,000	\$ 338.25	\$ 579.80
651115	MARR LIVING TRUST	LJC	125	\$ 50	474	\$ 7.11	3,264	355,630	358,894	\$ 592.18	\$ 649.29
651120	MCCURRY BEATRICE C	LJC	125	\$ 50	474	\$ 7.11	3,264	271,736	275,000	\$ 453.75	\$ 510.86
651125	SALONEN WILLIAM W & SUSAN L	LJC	125	\$ 50	474	\$ 7.11	3,264	186,036	189,300	\$ 312.35	\$ 369.46
651501	L'HEUREUX PAGE WERNER PC	KAT		\$ 200	7,601	\$ 114.02	39,705	722,195	761,900	\$ 1,257.14	\$ 1,571.15
651502	MONTANA HOMEOWNERSHIP NETWORK INC	KAT		\$ 200	1,668	\$ 25.02	8,804	160,196	169,000	\$ 278.85	\$ 503.87
651503	SILVERTIP LLC	KAT		\$ 200	2,224	\$ 33.36	11,826	215,074	226,900	\$ 374.39	\$ 607.75
651504	NEIGHBORHOOD HOUSING SERVICES INC	KAT		\$ 200	1,112	\$ 16.68	5,825	126,975	132,800	\$ 219.12	\$ 435.80
651505	NEIGHBORHOOD HOUSING SERVICES INC	KAT		\$ 200	2,966	\$ 44.49	15,494	281,906	297,400	\$ 490.71	\$ 735.20
651506	NEIGHBORHOOD HOUSING SERVICES INC	KAT		\$ 200	2,966	\$ 44.49	27,846	506,654	534,500	\$ 881.93	\$ 1,126.42
1888310	MCMANUS PROPERTIES LLC	T20N, R3E		\$ 200	31,363	\$ 470.45	325,306	571,094	896,400	\$ 1,479.06	\$ 2,149.51
1921200	NORTHWESTERN CORP TRANSMISSION & DISTR	GF		\$ 200	26,250	\$ 393.75	-	2,376,976	2,376,976	\$ 3,922.01	\$ 4,515.76
1921700	CENTURYLINK INC	GF		\$ 200	30,000	\$ 450.00	-	1,535,677	1,535,677	\$ 2,533.87	\$ 3,183.87
2019175	ENERGY WEST MONTANA INC	GF		\$ 200	91,000	\$ 1,365.00	-	3,698,724	3,698,724	\$ 6,102.89	\$ 7,667.89
2020119	DSB TOWER LLC	DSB		\$ 200	15,000	\$ 225.00	10,950	319,319	330,269	\$ 544.94	\$ 969.94
2020120	DSB TOWER LLC	DSB		\$ 200	5,944	\$ 89.16	7,665	287,840	295,505	\$ 487.58	\$ 776.74
2020121	OPPORTUNITY BANK ETAL	DSB		\$ 200	9,056	\$ 135.84	12,045	1,047,090	1,059,135	\$ 1,747.57	\$ 2,083.41
2020122	SCHULTE DIRK AGENCY	DSB		\$ 200	5,483	\$ 82.25	7,665	322,335	330,000	\$ 544.50	\$ 826.75
2020123	DSB TOWER LLC	DSB		\$ 200	2,831	\$ 42.47	3,942	109,039	112,981	\$ 186.42	\$ 428.88
2020124	DSB TOWER LLC	DSB		\$ 200	2,797	\$ 41.96	3,394	105,050	108,444	\$ 178.93	\$ 420.89
2020125	DSB TOWER LLC	DSB		\$ 200	1,862	\$ 27.93	2,628	71,910	74,538	\$ 122.99	\$ 350.92
2020126	KSJ PROPERTIES LLC	DSB		\$ 200	6,083	\$ 91.25	7,665	547,235	554,900	\$ 915.59	\$ 1,206.83
2020127	DSB TOWER LLC	DSB		\$ 200	1,914	\$ 28.71	2,518	148,282	150,800	\$ 248.82	\$ 477.53
2020128	DSB TOWER LLC	DSB		\$ 200	2,153	\$ 32.30	2,847	72,297	75,144	\$ 123.99	\$ 356.28
2020129	DSB TOWER LLC	DSB		\$ 200	2,491	\$ 37.37	3,285	83,616	86,901	\$ 143.39	\$ 380.75
2020130	GILLEON RESERVATION LLC	DSB		\$ 200	5,618	\$ 84.27	7,665	277,410	285,075	\$ 470.37	\$ 754.64
2020131	DSB TOWER LLC	DSB		\$ 200	12,641	\$ 189.62	22,448	527,110	549,558	\$ 906.77	\$ 1,296.39
2020134	DSB TOWER LLC	DSB		\$ 200	7,023	\$ 105.35	14,782	281,870	296,652	\$ 489.48	\$ 794.82
2020190	HANSERJAC LLC	JHC		\$ 200	3,525	\$ 52.88	5,421	255,479	260,900	\$ 430.49	\$ 683.36
2020195	HICKS ENDEAVORS LLC	GFO		\$ 200	11,369	\$ 170.54	-	-	-	\$ -	\$ 370.54
2020196	STSA PARTNERS LLC	FBC		\$ 200	8,455	\$ 126.83	52,871	171,914	224,785	\$ 370.90	\$ 697.72
2020197	HICKS ENDEAVORS LLC	FBC		\$ 200	2,165	\$ 32.48	13,218	67,308	80,526	\$ 132.87	\$ 365.34
<b>TOTALS</b>				<b>\$ 35,300</b>	<b>1,929,203</b>	<b>\$ 28,938.05</b>	<b>\$ 9,960,726</b>	<b>\$104,493,141</b>	<b>114,453,867</b>	<b>\$ 188,848.88</b>	<b>\$ 253,086.93</b>

Units with Land Use Code 125



Commission Meeting Date: September 15, 2020  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Resolution 10353 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 10353.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10353.”

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 10353 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 21, 2020, as required by Mont. Code Ann. § 7-12-1132 (3), 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 2020/2021. Following the public hearing held on July 21, 2020, the City Commission moved to adopt the 2020/2021 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. § 7-12-1133(f). The new assessment method began on July 1, 2018,

so Fiscal Year 2020/2021 will be the second year of billing the assessment with the new formula because the assessment is billed a year behind.

The assessment amount requested by the TBID through their Work Plan and Budget was \$486,258. The actual assessment for Fiscal Year 2020/2021 based on the above assessment formula will generate \$635,453 in assessment revenue. Last year, the total assessment billed was \$779,677. The decrease of \$144,224 over last year's assessment is attributed to a decrease in lodging during the COVID-19 pandemic for the assessment period that ended June 30, 2020. The 2020/2021 assessment per property is indicated on the assessment projection summary as Exhibit "A" incorporated herein and made a part of Resolution 10353.

**Alternatives:** The City Commission could choose to deny Resolution 10353 to assess the property owners in the TBID. However, on July 21, 2020, the City Commission approved the TBID Budget which identifies the TBID assessment as 83% of the operating revenues. Denial of Resolution 10353 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 10353
- Resolution 10353 Exhibit "A"

**RESOLUTION 10353****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 21, 2020, 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 2020/2021 is based on the above assessment formula and will generate SIX HUNDRED THIRTY FIVE THOUSAND FOUR HUNDRED FIFTY THREE DOLLARS (\$635,453) 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”.

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, 2020 and May 31, 2021.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,

this 15<sup>th</sup> day of September, 2020.

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

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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

**TOURISM BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FOR TAX YEAR 2020, FISCAL YEAR 2021  
RESOLUTION #10353 - EXHIBIT "A"**

	PARCEL NO.	PROPERTY OWNER	BUSINESS NAME	SUB DIV	LOT	BLOCK	PROPERTY ADDRESS	TBID ASSESSMENT
1	1734800	3 HIGH INC	AIRWAY MOTEL	UNA	1	8	1800 14TH ST SW	EXEMPT
2	314000	FORBES PROPERTIES INC.	ALBERTA MOTEL & ANNEX COURT	GF5	LOT 8 - E15' & E15' OF W35' OF N80' LOT 9	607	1101 CENTRAL AVE W	\$ 2,076.00
3	716000	BRGF ENTERPRISES LLC	BEST RESTING GREAT FALLS INN	COW	1	1	5001 RIVER DR N	\$ 342.00
4	1083100	HERITAGE INN INC	BEST WESTERN HERITAGE INN	MNT	2-7	1	1700 FOX FARM RD	\$ 59,476.00
5	311500	MEHTA MARK ETAL	CENTRAL MOTEL	GF5	11-14	603	715 CENTAL AVE	\$ 2,174.00
6	898070	I15 HOTELS LLC	COMFORT INN & SUITES	GMP	8	1	1801 MARKET PLACE DR	\$ 27,408.00
7	1894100	ROY D & DIANE N VOLK	CRESTVIEW INN & SUITES				500 13TH AVE S	EXEMPT
8	1900110	GREAT FALLS CRYSTAL INN LLC	CRYSTAL INN	FJT	1	1	3701 31ST ST SW	\$ 27,216.00
9	1861800	COOPERS TROOPERS LIMITED PARTNERSHIP	DAYS INN	WW4	1	1	101 14TH AVE NW	\$ 20,898.00
10	191500	CYRUS INVESTMENTS LLC	TRAVELDOGE	GFO	4-7	366	220 CENTRAL AVE	\$ 19,812.00
11	526020	BRE ESA PROPERTIES LLC	EXTENDED STAY AMERICA	BBP	3	1	800 RIVER DR S	\$ 25,984.00
13	278000	JKR LLC	WINGATE GREAT FALLS	GF1	1- 7	513	1000 9TH AVE S	\$ 15,468.00
12	824600	CORPORATION H INC	GREAT FALLS COMFORT INN	G15	10	2	1120 9TH ST S	\$ 21,068.00
14	898060	JK GREAT FALLS LLC	GREAT FALLS HIE HOTEL & SUITES	GMP	7AA	1	1625 MARKET PLACE DR	\$ 35,712.00
15	722415	GREAT FALLS INN	GREAT FALLS INN	DE2	2	1	1400 28TH ST S	\$ 18,968.00
16	162050	STARRY NIGHT HOSPITALITY LLC	GREYSTONE INN	GFO	8-9	317	621 CENTRAL AVE	\$ 5,088.00
17	1897650	GREAT FALLS LODGING INVESTORS	HAMPTON INN				2301 14TH ST SW	\$ 33,666.00
18	972810	RUSSELL COUNTRY INVESTORS LLC	HILTON GARDEN INN	HGI	2	1	2520 14TH ST SW	\$ 34,520.00
19	821600	DHILLON HOTELS INC	HOLIDAY INN	G15	15	1	400 10TH AVE S	\$ 53,800.00
20	192200	ARVON BLOCK DEVELOPMENT VENTURE LLC	HOTEL ARVON	GFO	OF LOT 5	368	116 1ST AVE S	\$ 8,250.00
21	122950	LOTUS HOSPITALITY LLC	IMPERIAL INN	GFO	13-14	255	601 2ND AVE N	\$ 1,571.00
22	526040	GREAT FALLS INN-VESTMENTS LLC	BEST WESTERN RIVERFRONT	BBP	5	1	600 RIVER DR S	\$ 40,880.00
23	NA	MALMSTROM INN & SUITES	MALMSTROM INN & SUITES				7028 4TH AVE N	EXEMPT
24	157350	TWEDT SURVIVORS TRUST ETAL	MID-TOWN MOTEL	GFO	5-6	307	526 2ND AVE N	\$ 7,404.00
25	1083400	VOLK ROY D & DIANE N	MOTEL 6	MNT	1	2	2 TREASURE STATE DR	\$ 16,126.00
26	189075	BIG SKY DEVELOPMENT ENT	O'HAIRE MOTOR INN	GFO	W/2 LOT 10 & LOTS 11-14	361	17 7TH ST S	\$ 15,956.00
27	979200	MEHTA MUKESH N	PLAZA INN	HL1	5, 6, 7	1	1224 10TH AVE S	\$ 3,322.00
28	185550	MEHTA PROPERTIES PARTNERSHIP	ROYAL MOTEL	GF1	1-3	355	1300 CENTRAL AVE	\$ 536.00
29	1832800	1521 LLC	STARLIT MOTEL	WGF	W40' 4 & 5-12 IN NWSWSE SC, T20N,R3E PAR 2 COS 4516 IN SESW & IN GOV 7	34	1521 1ST AVE NW	EXEMPT
30	1881302	RIVERSIDE HOTEL PARTNERS LLC	SPRINGHILL SUITES				421 3RD ST NW	\$ 58,520.00
31	1888950	VIRK HOSPITALITY GREAT FALLS LLC	STAYBRIDGE SUITES				201 3RD ST NW	\$ 45,776.00
32	979300	KASHMIR HOSPITALITY LLC	SUPER 8	HL1	8-14	3	1214 13TH ST S	\$ 30,386.00
33	1047100	MEHTA MUKESH N	WESTERN MOTEL a.k.a. SKI'S	LIN	11-19	2	2420 10TH AVE S	\$ 3,050.00
33		<b>TOTALS</b>						<b>\$ 635,453.00</b>



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Ordinance 3223 – Ordinance by the City Commission of the City Great Falls to assign M-2 Mixed-use transitional zoning to the property legally described as Tract 2 of Certificate of Survey No. S-0005156.

**From:** Alaina Mattimiro, Planner I, Planning and Community Development

**Initiated By:** Little Shell Tribe of Chippewa Indians of Montana

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

**Action Requested:** City Commission accept Ordinance 3223 on first reading and set a public hearing for October 6, 2020.

**Suggested Motion:**

Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3223 on first reading and (set/not set) the public hearing for October 6, 2020.”

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

**Staff Recommendation:**

On August 25, 2020, the Great Falls Planning Advisory Board/Zoning Commission held a public hearing and recommended to the City Commission that the proposed annexation and establishment of zoning be approved.

Staff recommends that City Commission accept Ordinance 3223, an ordinance approving the request for establishment of M-2 Mixed-use transitional zoning on Tract 2 of Certificate of Survey S-0005156, on first reading, and set the public hearing for October 6, 2020.

*Conditions of Approval for Establishment of Zoning:*

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Land Use & Zoning.** Development of the property shall be consistent with the allowed uses and specific development standards for the M-2 Mixed use transitional district designation.
3. **Utilities and Road Improvements.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

**Background:**

The applicant, Little Shell Tribe of Chippewa Indians of Montana, is proposing the annexation and establishment of M-2 Mixed-use transitional zoning on a parcel of land that is 2.10 acres. The subject property houses an event center located in Cascade County along Stuckey Road, north of the Montana Eggs property. The Little Shell Tribe is requesting annexation into city limits for the benefit of the use of City water and sewer services. Currently, the lot is served by a 1-inch City water service line, and any sewage produced from the existing event center enters a drain field on the property to the north. The Tribe would like to discontinue the use of the drain field, and extend both City water and sewer mains to their northern property line. In order to accommodate the applicant's desire to increase usage of the event center, proactive measures to meet greater water and sewer demands should be taken through City water and sewer service. Annexation into the City and the extension of public utility mains will meet this need.

Presently, the utility mains end at the City limit adjacent to the Montana Eggs property, and in order to receive these services at the Subject Property, both water and sewer would need to be extended approximately 600 feet within the right-of-way of Stuckey Road. Because Stuckey Road is slated to be reconstructed by the Montana Department of Transportation starting in August 2021, the extensions of the utilities must be completed before the road improvement begins.

**Summary:*****Establishment of Zoning Request: Mixed-use Transitional***

The current use of the property is an event center that is used for tribal meetings and events. Once annexed, the Tribe would continue the current use on the parcel. This land use is classified as a "Community Center". The purpose of the Mixed-use transitional zoning district is to promote a transition over time to a predominately mixed-use land use pattern. The adjoining zoning district of the Montana Eggs property along Stuckey Road is I-1 Light Industrial. Even though establishing the zoning district of M-2 Mixed-use transitional could be considered a spot zone, Staff recommends this designation based on the current use of the property, the current zoning of the property within the County, and the City's past actions to create more flexible Mixed-use zoning areas along other roadway corridors in the City.

The basis for decision on zoning map amendments is listed in OCCGF § 17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision.

**Improvements***Utilities*

The applicant is responsible for the installation of all public utilities in order to serve the subject property. These public utilities include: 1) the extension of a public water main including the water service stubbed to the lot, and 2) extension of the public sanitary sewer main and installation of the sewer service stubbed to the lot. These improvements are to be installed consistent with City standards and submitted plans approved by the City of Great Falls. Details on the utilities to be installed are outlined in the Improvement Agreement.

*Roads*

The applicant is responsible for the remaining approximately thirty (30) feet of road improvement after the Montana Department of Transportation's Stuckey Road improvement project. This improvement will be installed to extend the MDT project to the north property line of the annexed parcel, and the owner will be eligible for reimbursement from future annexations.

**Fiscal Impact:**

Services will be provided by the City, and the cost of infrastructure improvements will be borne by the applicant pursuant to the agreed upon terms of the Improvement Agreement. The annexation will provide one new lot. This will increase the City's tax base and increase revenue.

**Alternatives:**

The City Commission could choose to not set the public hearing for Ordinance 3223. This would prevent the application from being considered through a public hearing process. For such decision, the Commission should examine the analysis and provide a justification for such a decision.

**Concurrences:**

Representatives from the City's Public Works, Legal, and Fire Departments have been involved throughout the review and approval process for this project, and will continue throughout any permit approval processes. Both the Engineering and Environmental Divisions of Public Works have collaborated on the Improvement Agreement as well as the design of the proposed infrastructure improvements.

**Attachments/Exhibits:**

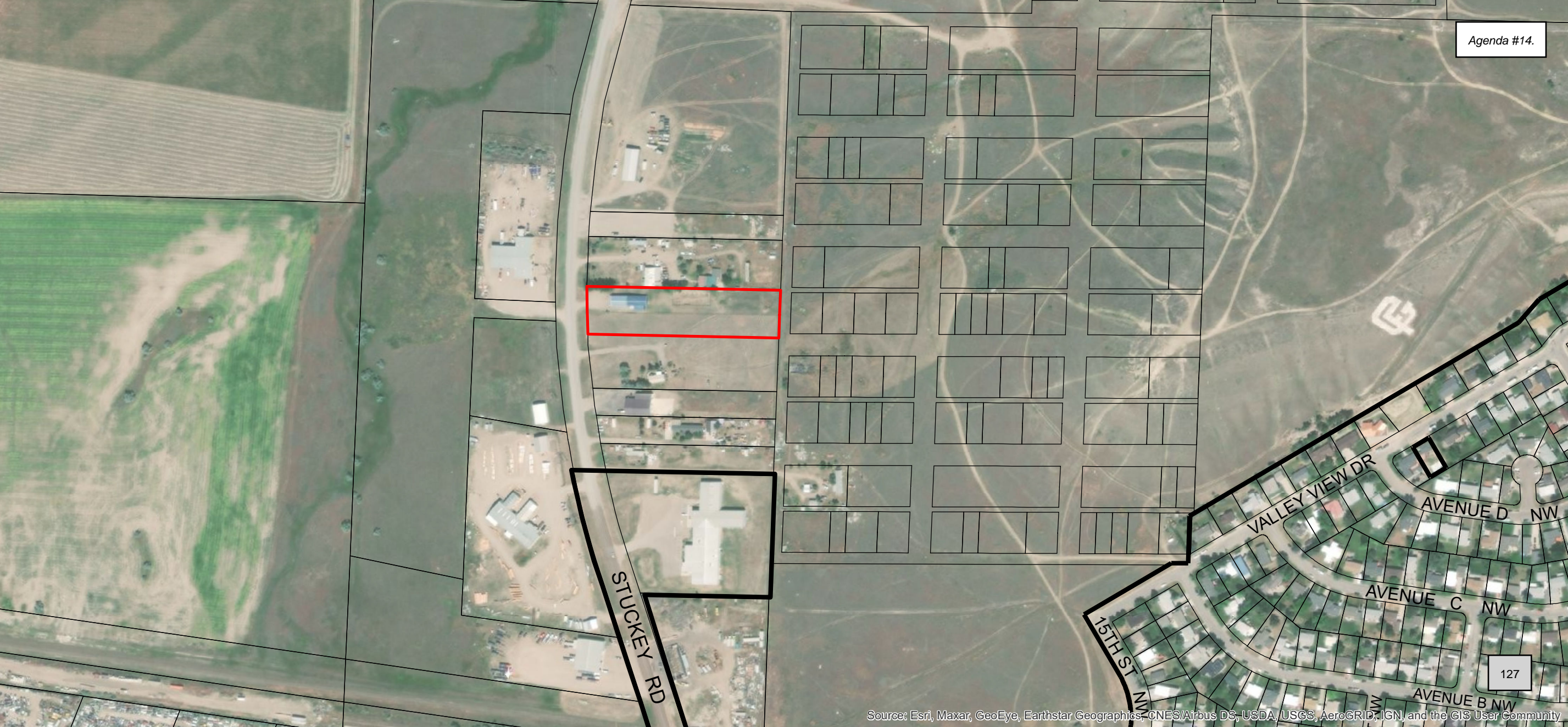
Aerial Map

Zoning Map

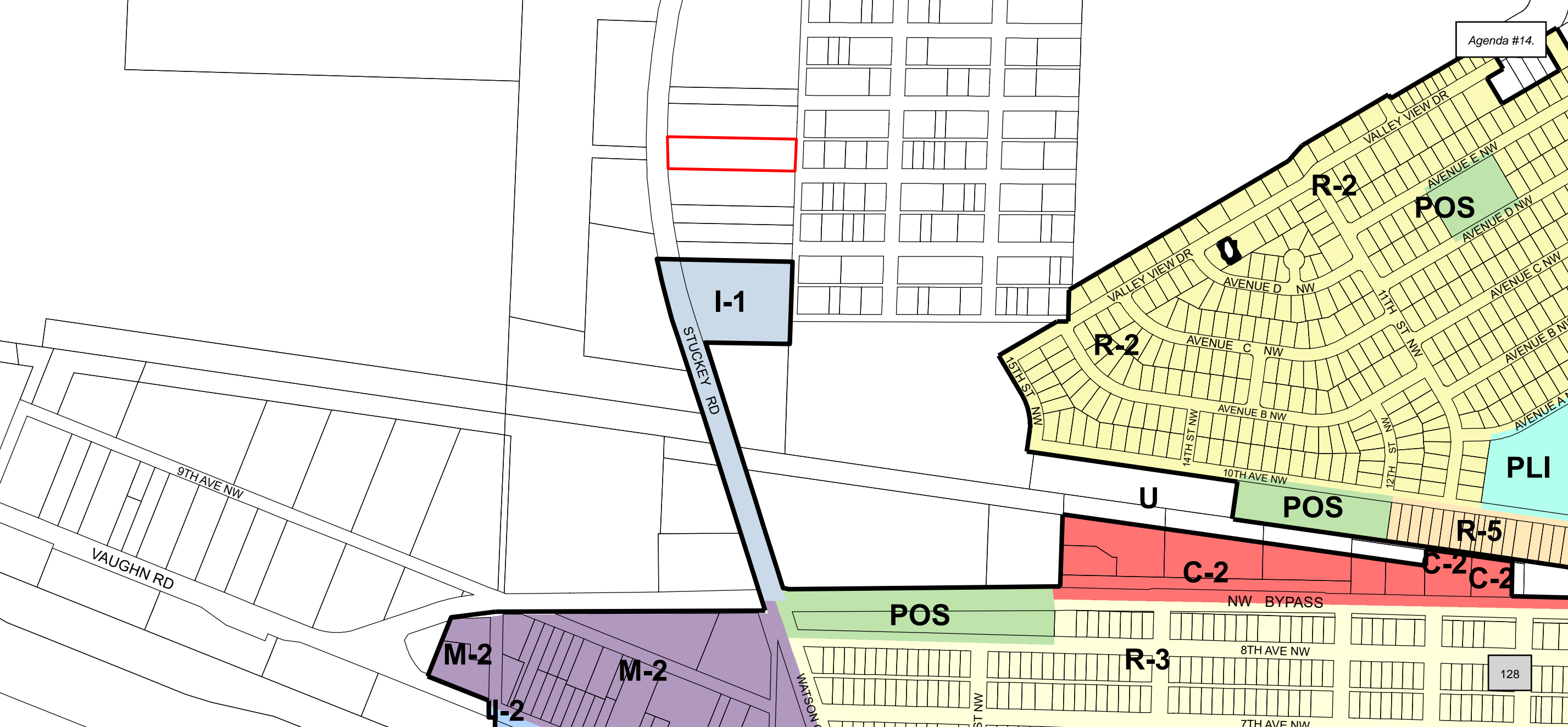
Project Narrative

Ordinance 3223

Findings of Fact/Basis of Decision – Mixed-use Transitional



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## *Annexation Narrative*

The Little Shell Tribe of Chippewa Indians of Montana is requesting the annexation of the Tribal Event Center located at 1529 Stuckey Road. The proposed annexation would include the property described as Tract 2 of COS No. 0005156 and the abutting Rights-of-Way of Stuckey Road to the current boundary of City Limits located at the Montana Egg LLC property. This annexation would include the 2.10-acre Tract 2 and approximately 600 feet of Stuckey Road. Please see the attached Preliminary Site plan and aerial map for location details.

This property is not coincident with the boundaries of the City Limits but a similar variance was allowed with the Montana Egg development just south of the event center. Members of the tribal council have discussed with neighboring property to be included into the annexation. At this time the neighbors have declined the option to be include within City Limits.

The current use of the property is an event center for tribal meetings and events. The proposed use of the property is to remain an event center. No other improvements are proposed at this time to the lot, other than the extension of the water and sewer service.

The water and sewer mains terminate at the edge of the City Limits located at the North line of the Montana Egg LLC property. The proposed water and sewer main would extend for approximately 600 feet along the road side ditch of Stuckey Road to the North edge of the event center property. Stuckey Road is a 100-foot-wide right-of-way giving enough room to install the mains without disturbing the finished surface of Stuckey Road.

The event center is currently serviced by a 1-inch water service that also serves the property to the north owned by Damon Heck ETAL. The tribe proposes to install a service to both properties. A shared drainfield located on the property owned by Damon Heck ETAL serves the event center. With the extension of the sewer main the event center would no longer use the shared drainfield.

The reasoning behind the annexation request to receive reliable water and sewer with out sharing a water service and drainfield with a neighboring property. As the use of the event center increases the reliance on these services does also. Sharing the expense of the maintenance and the potential conflict with repair costs with a neighboring property would be eliminated with the connection to City water and sewer.



## *Zoning Narrative*

Following the recommendation of the City Planning Department the requested zoning of the property is Mixed-Use Transitional (M-2). This zoning classification matches with current use of the area. In the immediate vicinity of the property is five properties of commercial/light industrial use and four properties of residential use. A large undeveloped subdivision lies east of the property. The M-2 designation would allow the current and projected development of the surrounding area.

The current and proposed use of the property is an event center for tribal meetings and events. The event center use would fall under the Community Cultural Facility or Community Center designations both allowable under the M-2 zoning allowable uses.

**ORDINANCE 3223**

**AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF M-2 MIXED USE TRANSITIONAL TO THE PROPERTY LEGALLY DESCRIBED AS: TRACT 2 OF CERTIFICATE OF SURVEY S-0005156 LOCATED IN E1/2 OF GOVERNMENT LOT 4, SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA AND THE ADJOINING RIGHT OF WAY OF STUCKEY ROAD**

\* \* \* \* \*

**WHEREAS**, the Little Shell Tribe of Chippewa Indians of Montana, is the owner of record and has petitioned the City of Great Falls to annex the subject properties, consisting of ±2.10 acres, as legally described above; and

**WHEREAS**, Little Shell Tribe of Chippewa Indians of Montana has petitioned the City of Great Falls to assign a zoning classification of M-2 Mixed-use Transitional to the subject properties, upon annexation to the City; and

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on August 25, 2020, to consider said zoning request and, at the conclusion of said hearing, passed a motion recommending the City Commission assign said zoning to the property legally described as Tract 2 of Certificate of Survey S-0005156 located in E1/2 of Government Lot 4, Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right of way of Stuckey Road, to M-2 Mixed-use Transitional district; and

**WHEREAS**, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing before the Great Falls City Commission on this zoning designation would be held on the 6th day of October, 2020, before final passage of said Ordinance herein; and

**WHEREAS**, following said public hearing, it was found and decided that the assignment of M-2 zoning on said properties meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said zoning designation be made.

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

Section 1. It is determined that the herein requested M-2 zoning assignment meets the criteria and guidelines cited in Mont. Code Ann. § 76-2-304, and meets the requirements of OCCGF Section 17.16.40.030.

Section 2. That the zoning classification of “M-2 Mixed-use transitional” be assigned to the property legally described as: Tract 2 of Certificate of Survey S-0005156 located in E1/2 of Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana.

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 15, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 6, 2020.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3223, on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

## FINDINGS OF FACT/BASIS OF DECISION – MIXED-USE TRANSITIONAL

Tract 2 of Certificate of Survey No. S-0005156 located in E1/2 of Government Lot 4, Section 3, Township 20 North, Range 3 East, PMM, Cascade County, MT and the adjoining right-of-way of Stuckey Road.

### PRIMARY REVIEW CRITERIA:

The basis for decision on mixed-use transitional is listed in Official Code of the City of Great Falls 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

**1. The amendment is consistent with and furthers the intent of the City's growth policy.**

The proposed zoning map amendment follows the intent and purpose of the 2013 Growth Policy Update. The amendment is consistent with the following physical growth policy goals:

Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

Phy4.2.5 Promote orderly development and the rational extension of infrastructure and City services.

The proposed Mixed-use transitional zoning not only allows for the current use on the land, it also will allow for a variety of uses to be permitted on this property and future annexed properties. Mixed-use transitional also would create a buffer zone between the residential parcels to the east and the industrial zones to the south. Although this designation could be considered a spot zone, staff recommends the establishment of M-2 zoning rather than industrial or commercial based on the current use and looking toward future development possibilities. The zoning map amendment would meet goals of the Growth Policy and enable the policies to further be implemented.

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

The City of Great Falls is separated into nine Neighborhood Councils. There are no adopted plans for any of the Councils within the City. If annexation is approved, the subject property will be located in Neighborhood Council #3. The applicant will be presenting to the Neighborhood Council after the Planning Advisory Board/Zoning Commission meeting, but before the City Commission public hearing.

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

The subject property does not lie within any adopted planning or sub-area planning areas, with the exception of the Long Range Transportation Plan. The LRTP identifies Stuckey Road as a committed MDT project.

**4. The code with the amendment is internally consistent.**

The proposed zoning map amendment is not in conflict with any portion of the existing City code provisions. Establishment of M-2 zoning matches the current use of the property and creates future flexibility for additional redevelopment activity to occur.

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

There are no existing, identified health, safety, and welfare issues on the subject property. The existing septic drain field on the property would typically be considered a future public health issue, but that is being eliminated through the extension of sewer, annexation, and establishment of M-2 zoning.

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

The City has the financial and staffing capability to administer and enforce the proposed zoning map amendment, if approved. All public infrastructure costs associated with annexation and establishment of zoning will be borne by the developer. Because the property is already developed, City staff efforts will largely be limited towards review and inspection of public infrastructure plans.



Commission Meeting Date: September 15, 2020

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Ordinance 3224 - An Ordinance by the City Commission of the City of Great Falls to assign C-3 Highway Commercial zoning to Lots 1-3, and R-2 Single-family Medium Density zoning to Lot 4 of the Double T Estates Minor Subdivision.

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

**Initiated By:** Aaron Corbett, Turbo Transportation Group, LLC

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

**Action Requested:** City Commission accept Ordinance 3224 on first reading and set a public hearing for October 6, 2020.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3224 on first reading and (set/not set) a public hearing for October 6, 2020.”

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

**Staff Recommendation:** Staff recommends approval of the applicant’s proposed C-3 zoning request for Lots 1-3, and proposed R-2 zoning request for Lot 4. At the conclusion of a public hearing held on August 25, 2020, the Zoning Commission recommended the City Commission approve the establishment of zoning for the subject properties, subject to the fulfillment of the following Conditions of Approval:

**Conditions of Approval for Establishment of Zoning:**

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. **Improvement Agreement.** The applicant shall abide by the terms and conditions as well as pay all fees and reimbursements specified in the attached Improvement Agreement for the Subject Property. The Improvement Agreement must be signed by the applicant and recorded at the Cascade County Clerk and Recorder.

3. **Land Use & Zoning.** Development of the property shall be consistent with the allowed uses and specific development standards of the C-3 Highway commercial and R-2 Single-family medium density zoning districts.



4. **Utilities.** The final engineering drawings and specifications for public improvements for the subject properties shall be submitted to the City for review and approval.

**Summary:**

The applicant, Turbo Transportation Group, LLC, is proposing annexation, a four lot minor subdivision, and establishment of zoning for Tract 1B of Certificate of Survey No. 5077. The subject property is approximately 40.77 total acres. The subject property is currently undeveloped land located within Cascade County adjacent to the City limits of Great Falls on the east and west.

Phase 1 includes development of Lot 1 of Double T Estates as a truck wash facility. Future phases are expected to include development of a truck repair facility and offices for Turbo Transportation Group on Lot 2, a 180-unit mini-storage facility on Lot 3, and development of multiple residential lots on Lot 4. The future development of multiple residential lots will require a subsequent subdivision of Lot 4, which will be reviewed by the Planning Advisory Board and City Commission at the time of application.

During the public hearing before the Planning Advisory Board/Zoning Commission on August 25, 2020, several members of the public brought forward concerns of traffic related to the project. Nearby neighbors were specifically concerned whether traffic would flow through the existing street network of Bel-View Palisade. This concern was addressed by both staff and the project consultant, Spencer Woith, by explaining the phased nature of this development. Development of Lot 1 will require the construction of 29<sup>th</sup> St SW from 38<sup>th</sup> Ave SW to the subject property. The commercial development associated with Lots 1-3 will utilize 29<sup>th</sup> Street SW for access, which will bring vehicular traffic to the site from 31<sup>st</sup> Street SW, and not from Bel-View Palisade.

As noted above, a subsequent subdivision will be required to create multiple residential lots with development of Lot 4 of the proposed Double T Estates. It is with this phase of development that a potential connection into Bel-View Palisade may be requested to serve potential residential lots. Review of this future subdivision will include careful analysis of the existing street network within Bel-View Palisade and an analysis of potential impacts if a connection into the existing neighborhood is proposed.

**Background:**

**Establishment of Zoning Request:**

Lots 1-3 of the proposed Double T Estates subdivision are being proposed for C-3 Highway Commercial zoning. The C-3 zoning district permits the proposed development of Lot 1 for a truck wash facility – defined as a Vehicular services land use. If the developer moves forward with the proposed use of Lot 2 as a truck repair center, this use would also be permitted within the category of Vehicular repair. If the developer moves forward in the future to establish storage units on Lot 3, a Conditional Use Permit will be required to allow a Mini-storage facility within the C-3 district.

Designation of the C-3 Highway Commercial district zoning for Lots 1-3 will allow for the use of underdeveloped land near the interstate to capitalize on commercial activities related to interstate travel. This zoning designation will support the economic and physical goals of the City’s Growth Policy, including expanding the City’s existing economic base and supporting the expansion of existing businesses that bolster employment within the City.

Lot 4 of the proposed Double T Estates subdivision is being proposed for R-2 Single-family Medium Density zoning. This zoning classification is most appropriate given the existing R-2 zoning adjoining the parcel on both its north and east sides. The intent of the developer is subdivide Lot 4 into multiple

residential lots in the future. This future major subdivision will require additional review and approval from the Planning Advisory Board as well as the City Commission. The Improvement Agreement for this annexation anticipates this future subdivision and lays the framework of what may be required of the developer for both on and off-site public improvements. Some of the identified concerns include the future proposed public street configuration and stormwater quantity and quality control. It is important that this future subdivision and related development is closely reviewed for impacts to the existing Bel-View Palisade neighborhood.

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as *Findings of Fact/Basis of Decision – Zoning Map Amendment*.

### **Required Improvements:**

**Roadway facilities.** Pursuant to the project Improvement Agreement, the Owner is required to construct 29th Street SW from 38th Avenue SW to the proposed Poplar Drive. Design and installation shall be consistent with City standards and submitted plans approved by the City. All street improvements are to be owned and maintained by the City upon completion. The Owner additionally is required to install sidewalk along the west side of 29th Street SW between 38th Avenue SW and Poplar Drive. Adjoining property owners will be responsible for the maintenance of the sidewalk, boulevard landscaping, and trees after construction.

The Owner is also required to construct the intersection of 29th Street SW and the proposed Poplar Drive. The Owner is additionally required to construct a vehicular gravel access drive from the north end of the intersection to the property line of the property surveyed as COS 3342.

As part of the development of Lot 1, the Owner proposes to construct Poplar Drive from 29th Street SW to the east property line of Lot 1 of the proposed Double T Estates subdivision consistent with City standards and submitted plans approved by the City. Construction of this street shall include a temporary cul-de-sac on Lot 2 at the terminus of the Poplar Drive extension. The Owner is required to install sidewalks and boulevard trees on the north side of the developed portion of Poplar Drive. The Owner will be additionally responsible for the maintenance of an area of ground cover within the right-of-way on the south side of Poplar Drive until the adjacent property adjoining Poplar Drive to the south is annexed into the city.

**Utilities.** The Owner hereby agrees to extend an 8 inch public water main through the proposed public right-of-way from the existing main on 29th Street SW to the east boundary of Lot 1, including the addition of the required fire hydrants. The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. The improvements are to be owned and maintained by the City upon completion. Installation of a public sanitary sewer main to service Lot 1 is not required due to the existing 8 inch line that runs across the entire 40 acre property from east to west.

**Stormwater Management.** The Owner agrees to install stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City. The design, installation, inspection, and maintenance responsibilities of these improvements shall be approved by the City.

### **Future Improvements:**

**Roadway facilities.** As Lots 2-4 develop, the future proposed street configuration will need to be approved by appropriate divisions of the City of Great Falls. Future development or subdivision proposals may also require a traffic impact analysis or a traffic study pursuant to OCCGF § 17.32.060, and may require off-site improvements to be constructed to mitigate traffic impact upon existing roadways. A short traffic analysis has been provided by staff in this agenda report in response to what has been proposed so far for each of the proposed lots to be developed.

**Utilities.** Future public utilities required for future development of Lots 2-4 shall be installed by the Owner as required by the City. At this time, no analysis or calculations regarding such improvements have been made. The guidance within the Improvement Agreement is provided as an expected minimum requirement for such facilities. However, the Owner and City agree that additional requirements may be necessary to accommodate proposed development upon Lots 2-4.

**Stormwater Management.** The Owner agrees to construct stormwater infrastructure, both on-site and off-site, associated with future development consistent with City standards and submitted plans approved by the City. The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Staff and the developer's design consultant have discussed the possibility of additional water quantity control measures due to the potential for a residential subdivision upstream of the Bel-View Palisade Addition.

### **Traffic Analysis:**

#### **Trip Generation**

**Phase I:** According to the developer's representatives, the proposed truck wash facility is expected to service 34 trucks per day and employ 2 individuals. Doubling this number (to account for vehicles arriving and leaving), that equates to 72 trips per day. Assuming an additional 10% to account for delivery trips and fluctuations in usage, an **estimate of 80 trips per day** is used for this analysis. Because the ITE Trip Generation Manual has no studies for a truck wash facility, assumed trip numbers from the developer's representatives were used.

**Phase II:** The developer has preliminary plans for a 180-unit mini-storage facility for Lot 3. Using data from the ITE Trip Generation Manual (9th Edition), a Mini-Warehouse can expect to generate an average of .25 weekday trips per unit – equating to an **estimated 45 trips per day** for a 180-unit facility.

**Phase III:** Preliminary plans for development of Lot 2 includes the trucking company office/shop, which will include a 12,500 square foot structure with 32 employees and attract 10 trucks for service daily. The facility is proposed to serve as a large temporary storage lot for imported small vehicles, which will be loaded and unloaded on-site in a storage lot. Because the developer was unable to provide detail on traffic generation for this use, traffic generation was calculated assuming two trips per employee; two trips per truck; and, 20% additional trips. This equates to an **estimate of 101 trips per day**.

**Phase IV:** The residential development has not been designed, but the area proposed for residential zoning is estimated to be able to accommodate up to 84 single-family residential units. Based upon data from the ITE Trip Generation Manual (9th Edition), Single Family Detached Housing generates an average of 9.52 trips per weekday per unit – equating to an **estimated 800 trips per day**.

Total Average Weekday Trips at full buildout over many years: **1,118 daily trips**

#### **Trip Distribution**

Phases I-III: All of the proposed traffic from phases I, II, and III will enter and exit from 29th Street SW, resulting in an estimated 226 trips per day. Because of the dead-end nature of the development, the only other traffic would be an occasional visit to the City's water tower or the vacant lot to the north of the development. The Montana Department of Transportation is currently designing upgrades to the Airport Interchange. The improvements are expected to accommodate the growth in traffic in the area, including traffic generated by this development.

Consideration should be given to encouraging discontinuation of the access easement through the Flying J/Crystal Inn development (named 37th Avenue SW), to prevent through-traffic generated by the proposed development.

Phase IV: Future development and subdivision for Phase IV of the development will necessitate construction of new roadways, including potential improvements to Jasper Road, and may generate 800 additional trips. Distribution of traffic will depend somewhat upon design of the interior roads and whether development of Phase IV is connected to Bel-View Palisade.

A future dedication of right-of-way to connect the existing Jasper Road right-of-way to 28th Street SW should be a condition of the development. Development, use, and maintenance of Jasper Road, including the existing right-of-way, should be deferred until Phase IV or until such time as deemed necessary by the City.

#### **Traffic Conclusion**

Based on the preliminary plans provided by the developer, there is sufficient capacity on the roadways to the west to accommodate the traffic generated by Phases I-III, if the proposed improvements are made.

#### **Fiscal Impact:**

Services will be provided by the City, and the cost of the infrastructure improvements will be borne by the applicant pursuant to the agreed upon terms of the attached Improvement Agreement. The City will be reimbursed by the Owner for its proportionate share of the sanitary sewer line previously constructed across the subject property. The annexation and subdivision creates four new lots within the city which will increase the City's tax base and increase revenue.

#### **Alternatives:**

The City Commission could deny acceptance of Ordinance 3224 on the first reading and not set the public hearing.

#### **Concurrences:**

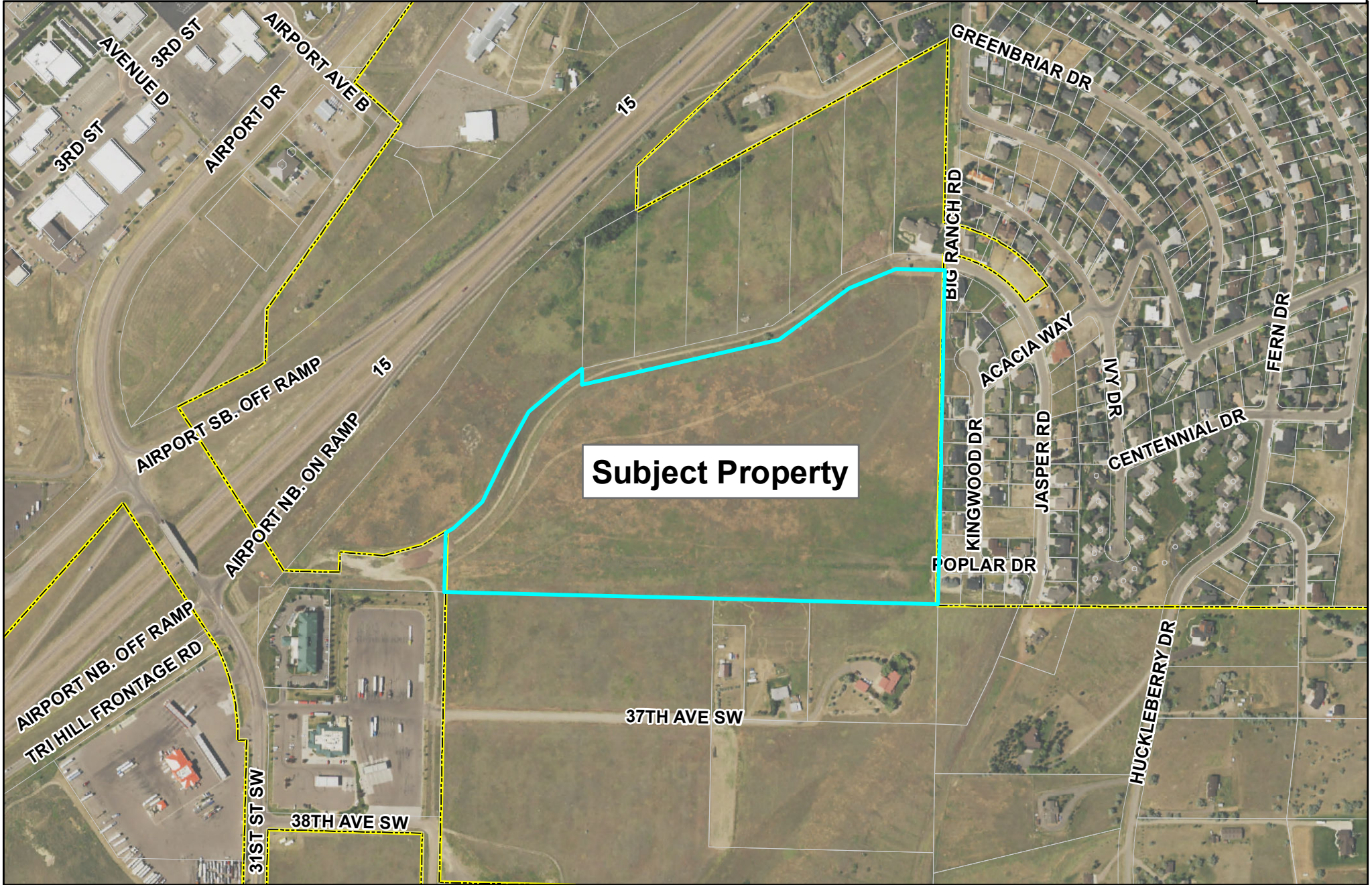
Representatives from the City's Public Works, Legal, Park and Recreation, and Fire/Rescue Departments have been involved throughout the review and approval process for this project, and will continue to participate throughout the permit approval process. Both the Engineering and Environmental Divisions of Public Works and the Legal Department have collaborated on the submitted Improvement Agreement as well as the design of the proposed infrastructure improvements.

#### **Attachments/Exhibits:**

Aerial Map  
Zoning Map  
Ordinance 3224  
Ordinance 3224 Exhibit A  
Ordinance 3224 Exhibit B

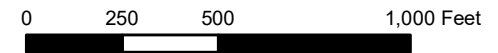
Project Narrative  
Findings of Fact/Basis of Decision – Zoning Map Amendment  
Site Plan  
Amended Plat Draft

# Aerial Map

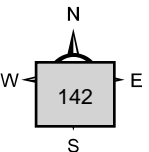


Parcels

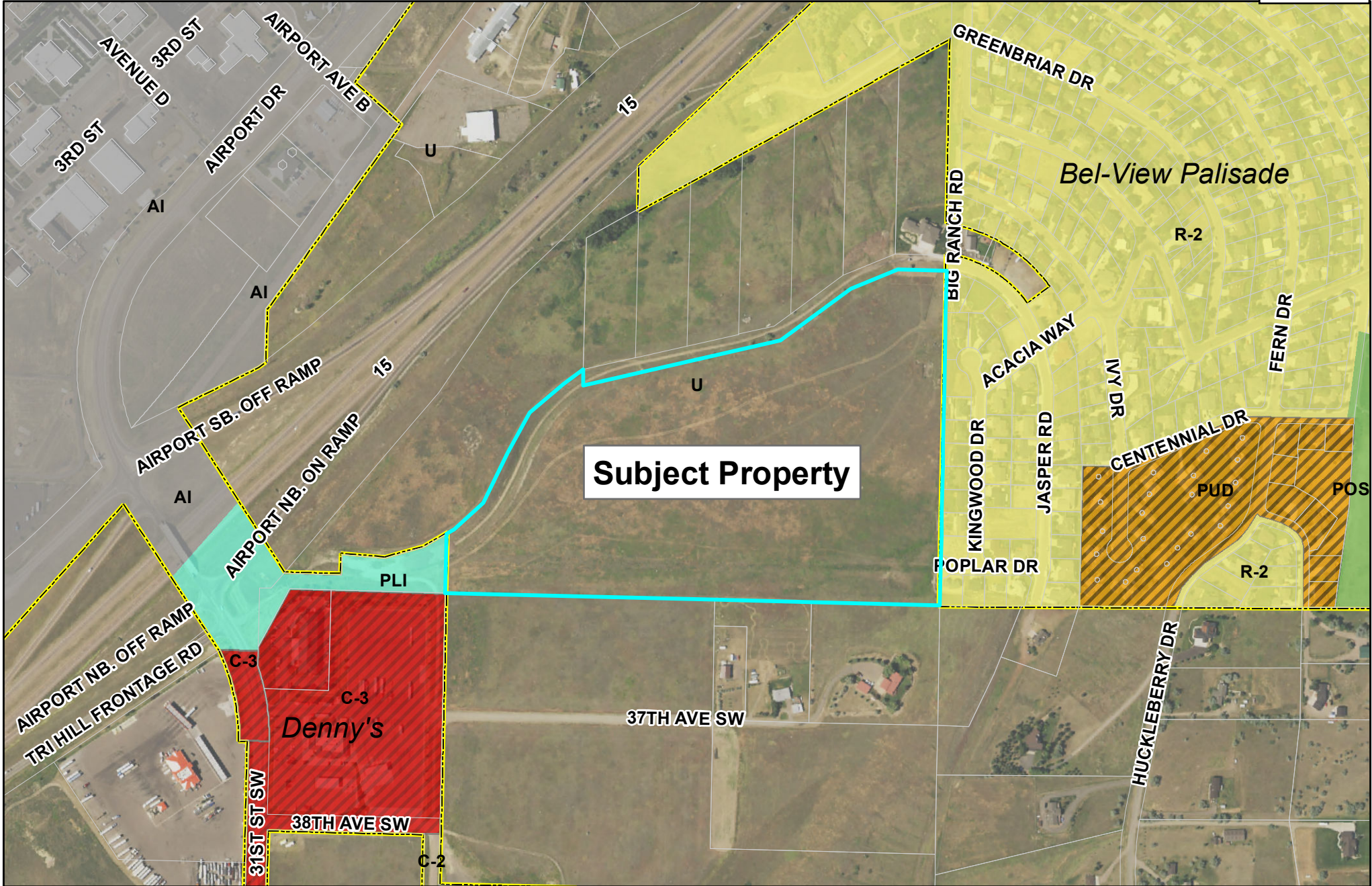
City Limits



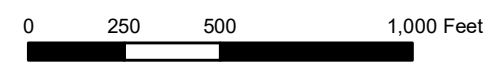
Date: 8/20/2020  
Author: LH, Planning



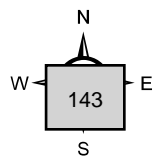
# Location & Zoning Map



	Parcels		R-2 Single-family Medium Density		PLI Public Lands and Institutional
	City Limits		PUD Planned Unit Development		POS Parks and Open Space
	C-3 Highway Commercial		AI Airport Industrial		



Date: 8/20/2020  
 Author: LH, Planning



**ORDINANCE 3224**

**AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-3 HIGHWAY COMMERCIAL TO LOTS 1-3 AND A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY TO LOT 4 OF THE DOUBLE T ESTATES MINOR SUBDIVISION OF LOT 1B OF CERTIFICATE OF SURVEY NO. 5077 LOCATED IN THE NE ¼ OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA AND THE ADJOINING RIGHT-OF-WAY OF JASPER ROAD.**

\* \* \* \* \*

**WHEREAS**, the property owner, Turbo Auto Transport, LLP, has petitioned the City of Great Falls to annex the subject properties, consisting of ±40.77 acres, as legally described above; and,

**WHEREAS**, Turbo Auto Transport, LLP has petitioned the City of Great Falls to assign a zoning classification of C-3 Highway Commercial to Lots 1-3 and R-2 Single-family Medium Density to Lot 4 of the Double T Estates Minor Subdivision, upon annexation to the City; and,

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on August 25, 2020, to consider said assignment of zoning of C-3 Highway Commercial and R-2 Single-family Medium Density districts and, at the conclusion of said hearing, passed a motion recommending the City Commission assign said zoning to the properties legally described as Lots 1-4 of the Double T Estates Minor Subdivision of Lot 1B of Certificate of Survey No. 5077 located in the NE ¼ of Section 21, T20N, R3E, P.M.M., Cascade County, Montana; and,

**WHEREAS**, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 6th day of October, 2020, before final passage of said Ordinance herein; and,

**WHEREAS**, following said public hearing, it was found and decided that the assignment of C-3 and R-2 zoning on said properties meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said zoning designation be made.



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

Section 1. It is determined that the herein requested C-3 and R-2 zoning request meets the criteria and guidelines cited in Mont. Code Ann. §76-2-304, and Section 17.16.40.030 of the OCCGF.

Section 2. That the zoning classification of “C-3 Highway Commercial” be assigned to Lots 1-3 and the zoning classification of “R-2 Single-family Medium Density” be assigned to Lot 4 of the proposed Double T Estates Minor Subdivision located in the NE ¼ of Section 21, T20N, R3E, P.M.M., Cascade County, Montana, subject to the setbacks, and other development standards and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 15, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 6, 2020.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

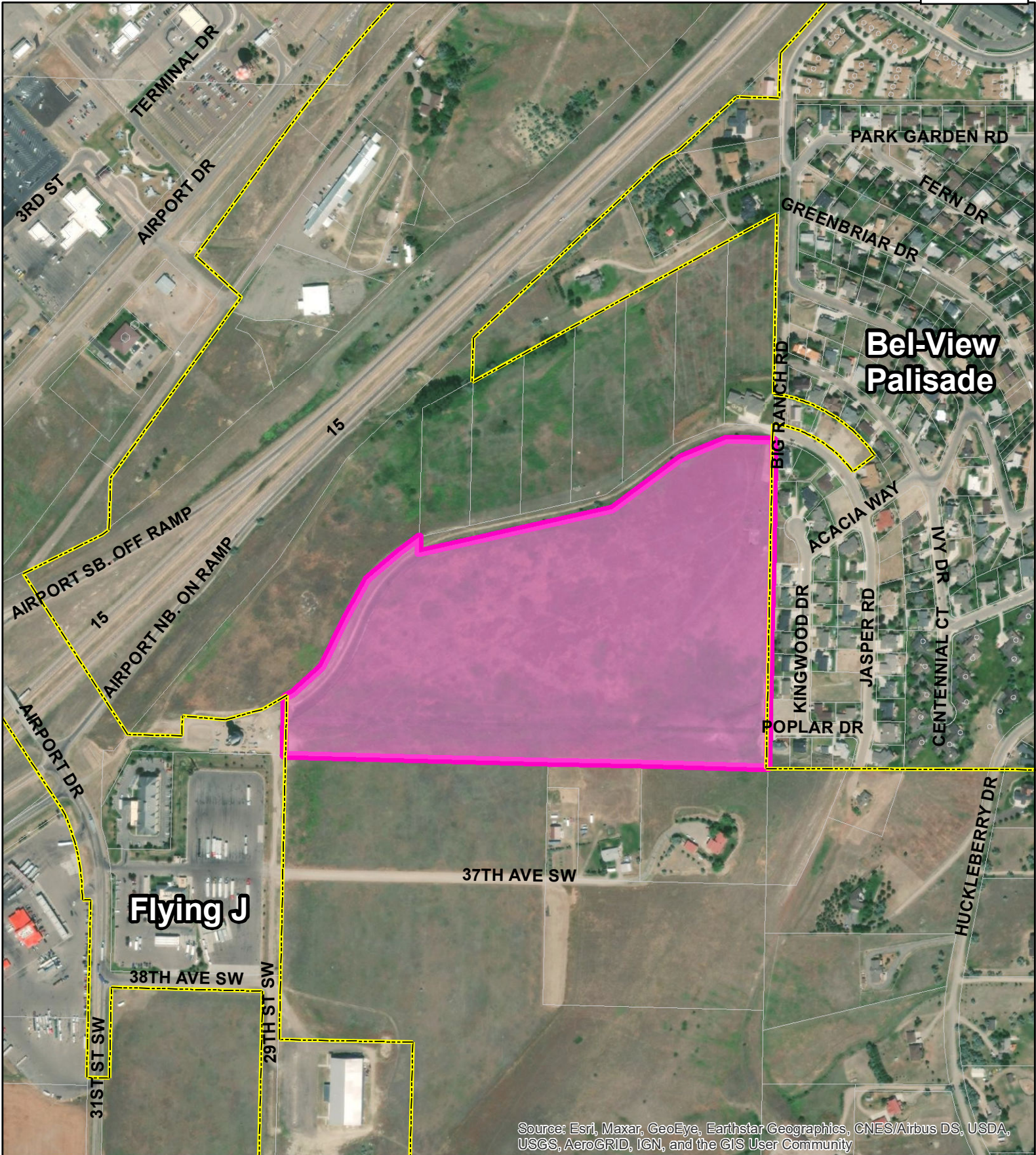
State of Montana )  
County of Cascade : ss  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3224 on the Great Falls Civic Center posting board and the Great Falls City website.




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

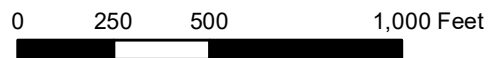
(CITY SEAL)

# Exhibit A

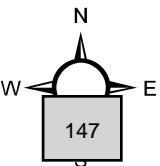


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  City Limits
-  Ordinance 3224
-  Parcels



Date: 9/3/2020  
Author: LH, Planning







August 19, 2020

The City of Great Falls

RE: Turbo Transportation Truck Wash Facility – Annexation Narrative

To Whom It May Concern,

The subject property described as a 4-Lot Minor Subdivision of Tract 1B of Certificate of Survey 5077 located in Section 21, Township 20 N, Range 3 E, P.M.M, Great Falls, Cascade County, Montana. All 4 lots are currently owned by Turbo Auto Transport LLP. Lot 1-3 are being zoned as C-3 Highway Commercial. Lot 1 (5.67 acres) will consist of a semi-truck wash that will service at max 34 semi-trucks a day. Lot 2 (5.89 acres) and Lot 3 (3.24 acres) will be zoned along with Lot 1 with possible future plans of a commercial expansion for Turbo Transportation. Lot 4 (25.97 acres) has possible future plans for a residential subdivision.

Phase 1 of this 4-Lot Minor Subdivision will start with the Lot 1 semi-truck wash. The goal of this Lot is to complement the existing and future proposed truck stops. The semi-truck wash will consist of a 2 bay wash system. 1 bay being an automatic washing system and the second bay being a hand wand washing system. An office/lounge area will be attached to the wash bays bringing the total square footage to roughly 9,200 sq-ft. Site improvements include asphalt paving, curb and gutter, stormwater detention pond, and a RV dump station. Phase 1 of construction will require the improvements to 29<sup>th</sup> St. SW from 38<sup>th</sup> Ave SW to the future corridor of Poplar Drive. Poplar Drive will be extended to the eastern edge of Lot 1 with a gravel turnaround for emergency vehicles. All traffic for this phase will enter and exit through the west using the improved 29<sup>th</sup> St. SW and 38<sup>th</sup> Ave SW.

Sincerely,

**Woith Engineering, Inc.**

---

Spencer Woith  
President

## FINDINGS OF FACT – ZONING MAP AMENDMENT

Tract 1B of Certificate of Survey No. 5077, located in the NE ¼ of Section 21, T20N, R3E, PMM, Cascade County, Montana and the adjoining right-of-way of Jasper Road.

### PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

#### 1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposal to annex and establish zoning on Lots 1-3 as C-3 Highway Commercial will allow for expansion of the C-3 district to capitalize underdeveloped land near the interstate to accommodate commercial activities related to interstate travel.

The proposed zoning map amendment for Lots 1-3 specifically supports the following goals and policies:

- Economic Goals and Principles
  - To enhance, strengthen and expand the City's existing economic base.
  - To attract new businesses and support the expansion of existing businesses in a manner that bolsters employment opportunities in the City.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

The proposal to annex and establish zoning on Lot 4 as R-2 Single-family Medium Density will expand the supply of single-family residential opportunities within the City. Although this application only includes a single 25.97 acre lot of R-2 zoning, the future goal of the applicant is to subdivide Lot 4 into smaller residential lots for development. It is important to note that as part of this zoning map amendment, Staff is planning ahead to anticipate the timing, phasing, and connectivity of the potential future subdivision to the existing Bel-View Palisade Addition to prevent or mitigate potential adverse effects. These issues are addressed within the Development Agreement. At such time as development and/or subdivision is proposed for future phases, the configuration and connectivity of utilities and roads will be carefully considered.

The proposed zoning map amendment for Lot 4 is supported by the following goals and policies:

- Social Policy 1.4.2 – Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Physical Policy 4.1.3 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

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

The subject property is located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, or any other Council within the City. Due to the pandemic, Neighborhood Council #1 will not meet until Tuesday, September 8<sup>th</sup>. The application materials have been provided to Council Members via email. The applicant intends to present to the Council at their September meeting.

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

The subject property is not located within any adopted plan or sub-area planning areas. The proposed improvements for all proposed roads in the development are consistent with City transportation planning documents. At this time, estimated traffic generation counts were provided for development of Lot 1. A traffic analysis may be required as part of future development or subdivision.

**4. The code with the amendment is internally consistent.**

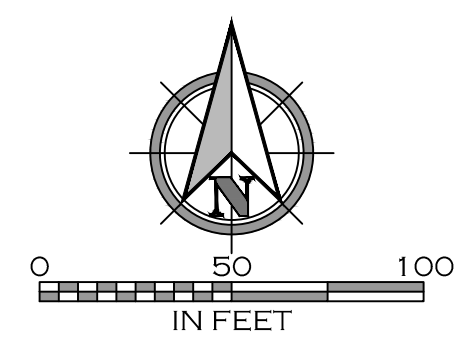
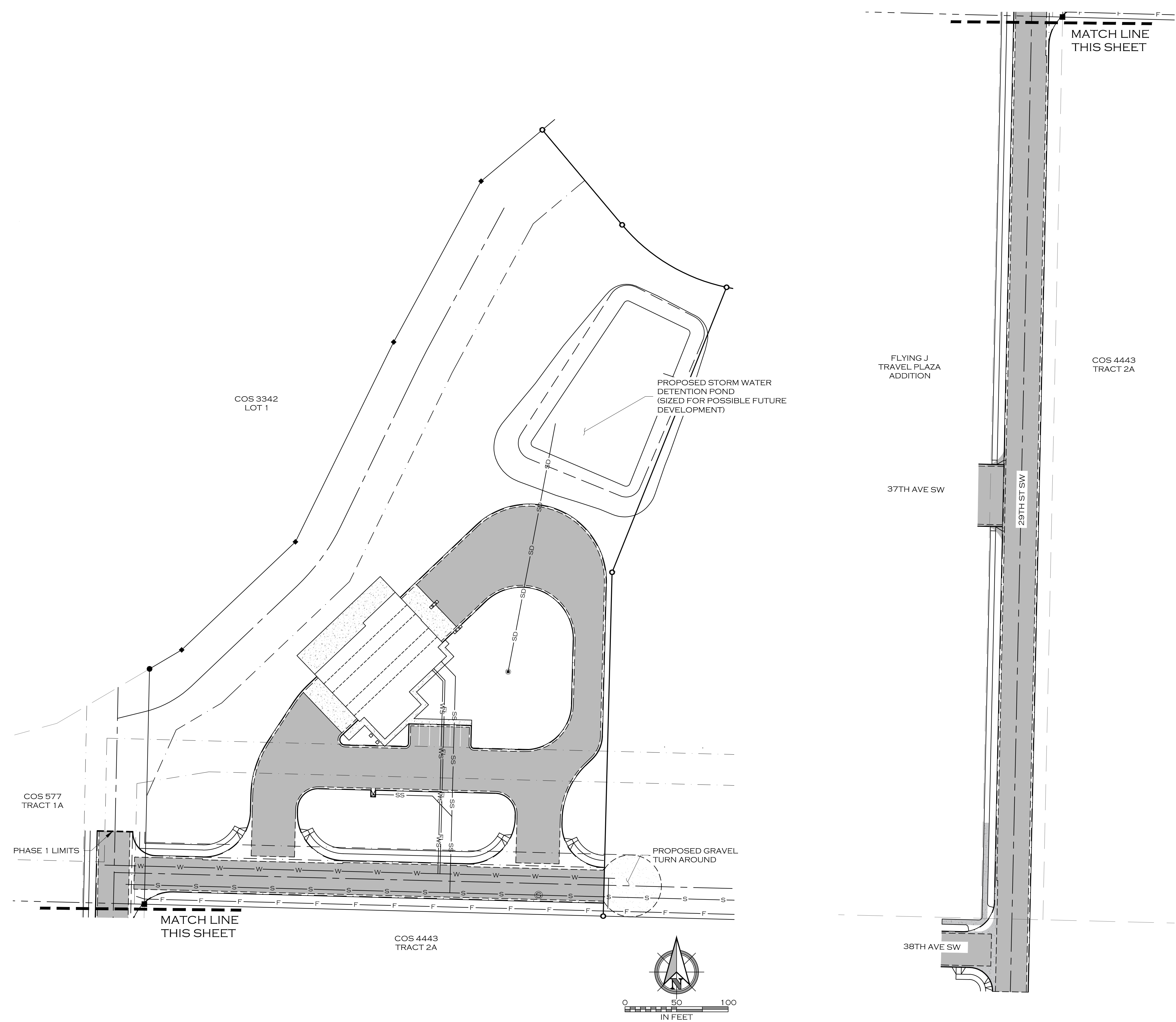
The proposed zoning map amendment is consistent with City Code requirements. The proposed C-3 district zoning being requested for Lots 1-3 is consistent the developer's current ideas for future commercial uses on these lots. The proposed R-2 district for Lot 4 is consistent with the zoning for the Bel-View Palisade Addition as well as the developer's preliminary ideas for residential lot sizes.

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

There are no existing public health, safety, or welfare issues that have been identified for these properties. The future phases will require the construction of public infrastructure which will be reviewed by the City at the time the proposal is brought forward. As mentioned within the annexation findings of fact, the lots to be zoned are adjacent to parcels that are currently receiving law enforcement and fire protection service from the City of Great Falls. The establishment of C-3 zoning and accompanying development of Lot 1 will trigger two important off-site public improvements to connect the property to the west – construction of 29<sup>th</sup> Street Southwest and safety improvements to the existing intersection of 29<sup>th</sup> and 38<sup>th</sup> Avenue Southwest.

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

The City has the financial and staffing capability to administer and enforce the amendment if it is approved. The zoning map amendment will affect Lots 1-4, all owned by the applicant, and the property will be developed in a manner consistent with the zoning for each district and the terms identified within the Development Agreement.



PRELIMINARY - NOT FOR CONSTRUCTION

JOB #:	1928	DESCRIPTION	DATE
	DRAWN:		
DESIGN:	RLO/MOH	#	DATE
CA:	SMW/KTS		
DATE:	08/19/2020	<p><b>WOITH ENGINEERING, INC.</b>  <b>ENGINEERS &amp; SURVEYORS</b>          405 3RD STREET NW, SUITE 205 - GREAT FALLS, MT 59403 - 406-761-1955          3880 CLARY STREET, SUITE A - MISSOULA, MT 59808 - 406-803-9565          WWW.WOITHENG.COM</p> <p>COPYRIGHT © WOITH ENGINEERING, INC., 2020</p>	
GREAT FALLS		MONTANA	
TURBO TRUCKING		SITE PLAN	
C2.0			



# PRELIMINARY PLAT OF DOUBLE T ESTATES

A 4-LOT MINOR SUBDIVISION OF TRACT 1 B OF CERTIFICATE OF SURVEY 5077, LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

OWNER OF RECORD:  
TURBO TRANSPORTATION  
GROUP, LLC

SUBDIVIDER:  
TURBO TRANSPORTATION  
GROUP, LLC

TOTAL SUBDIVISION AREA:  
40.77 ACRES (GROSS & NET)

### PERIMETER DESCRIPTION

TRACT 1B OF CERTIFICATE OF SURVEY 5077, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, PRINCIPAL MERIDIAN OF MONTANA.

### CERTIFICATE OF OWNERS

WE THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED INTO LOTS, EASEMENTS, AND PUBLIC RIGHT-OF-WAYS AS SHOWN BY THE ATTACHED PLAT, THE TRACT OF LAND TO BE KNOWN AS THE PLAT OF DOUBLE T ESTATES, BEING TRACT 1B OF CERTIFICATE OF SURVEY 5077 AND LOCATED IN THE NORTHEAST ONE-QUARTER AND SOUTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, PRINCIPAL MERIDIAN MONTANA, CASCADE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT 1B, SAID POINT BEING THE 1/4 SECTION CORNER COMMON TO SECTIONS 21 AND 22; THENCE N88°30'46"W, A DISTANCE OF 1919.93 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 1B; THENCE N01°15'37"E, A DISTANCE OF 228.15 FEET; THENCE N59°24'48"E, A DISTANCE OF 36.21 FEET; THENCE N46°28'37"E, A DISTANCE OF 152.05 FEET; THENCE N26°09'07"E, A DISTANCE OF 215.26 FEET; THENCE N28°32'21"E, A DISTANCE OF 178.00 FEET; THENCE N49°59'22"E, A DISTANCE OF 170.59 FEET; THENCE N51°52'37"E, A DISTANCE OF 100.12 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF JASPER ROAD; THENCE S01°36'23"W, A DISTANCE OF 61.78 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF JASPER ROAD; THENCE N77°16'43"E, A DISTANCE OF 786.76 FEET; THENCE N53°32'06"E, A DISTANCE OF 338.21 FEET; THENCE N67°47'57"E, A DISTANCE OF 197.95 FEET; THENCE S88°31'27"E, A DISTANCE OF 187.57 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1B; THENCE S01°05'43"W, A DISTANCE OF 1304.84 FEET TO THE POINT OF BEGINNING, SAID TRACT OF LAND CONTAINING 40.77 ACRES, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS OF RECORD.

THE ABOVE DESCRIBED TRACT OF LAND IS TO BE KNOWN AS THE PLAT OF DOUBLE T ESTATES.

THE UNDERSIGNED FURTHER CERTIFIES THAT THIS DIVISION OF LAND IS EXCLUDED FROM REVIEW BY PURSUANT TO SECTION 76-3-27(G) M.C.A. TO WIT:

"DIVISIONS MADE OUTSIDE OF PLATTED SUBDIVISIONS BY GIFT, SALE, OR AGREEMENT TO BUY AND SELL IN WHICH THE LANDOWNER ENTERS INTO A COVENANT FOR THE PURPOSES OF THIS CHAPTER WITH THE GOVERNING BODY THAT RUNS WITH THE LAND AND PROVIDES THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR AGRICULTURAL PURPOSES, SUBJECT TO THE PROVISIONS OF 76-3-211"

TURBO TRANSPORTATION GROUP, LLC

STATE OF MONTANA )  
                                  :SS  
COUNTY OF CASCADE )

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BY \_\_\_\_\_  
AUTHORIZED AGENT, TURBO TRANSPORTATION GROUP, LLC

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF MONTANA

### CERTIFICATE OF COUNTY TREASURER

I, DIANE HEIKKILA, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY PURSUANT TO 76-3-207(3) M.C.A. THAT ALL REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED HEREIN HAVE BEEN PAID.


BY \_\_\_\_\_ DATE \_\_\_\_\_  
DIANE HEIKKILA, TREASURER  
CASCADE COUNTY

### CERTIFICATE OF SURVEYOR

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON THE DATE SHOWN HEREON.

BY \_\_\_\_\_ DATE \_\_\_\_\_  
MICHAEL D. SHAYLOR, PLS  
MONTANA REGISTRATION NO. 19110 LS

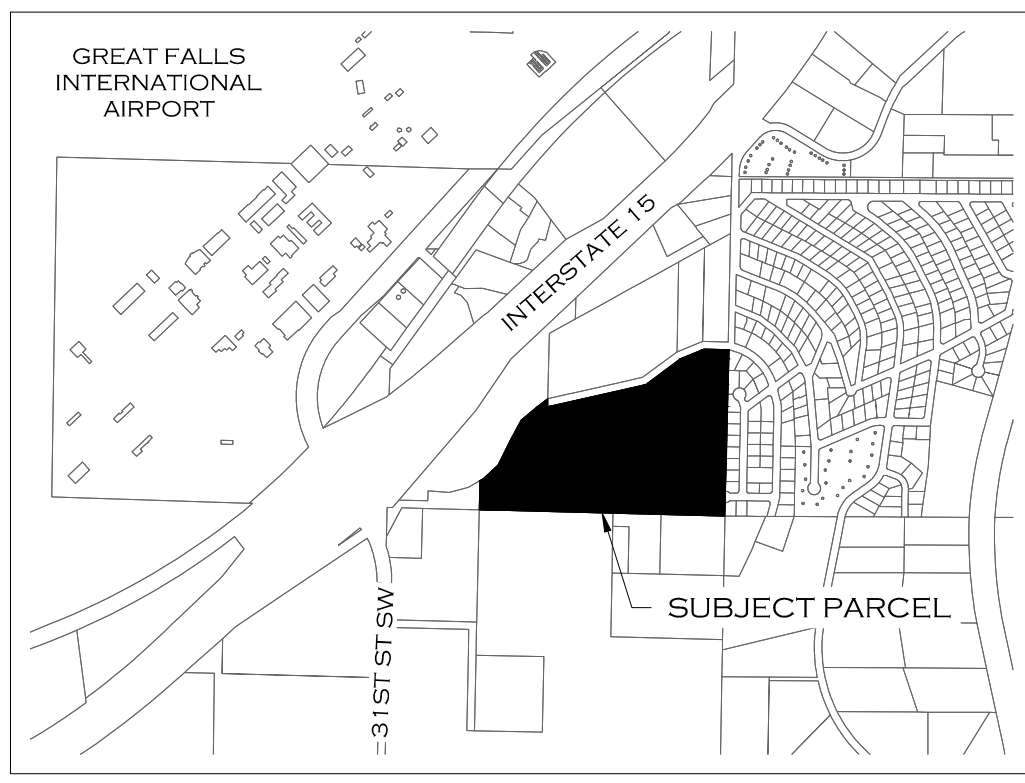
# DRAFT

 <b>WOTH ENGINEERING, INC.</b> <b>ENGINEERS &amp; SURVEYORS</b> <small>405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955  3800 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9565  WWW.WOTHENG.COM</small>	1/4	SECTION	TOWNSHIP	RANGE	PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WEI JOB#: 1928 DRAWN: CRH QA: MDS DATE: AUGUST 24, 2020 FILENAME: PLAT.DWG SHEET 1 OF 2
	<input checked="" type="checkbox"/>	21	20 N	3 E	
	<input type="checkbox"/>	21	20 N	3 E	

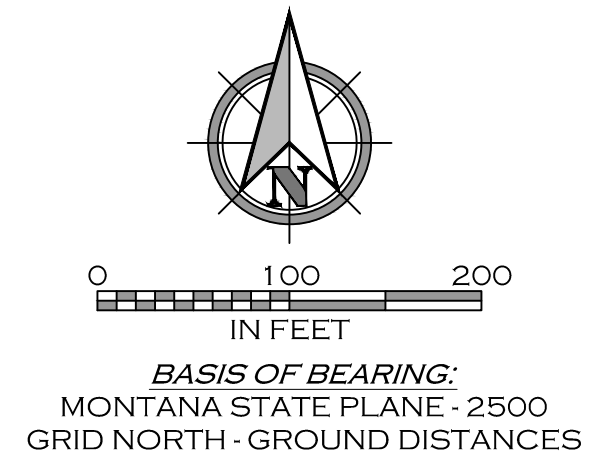
# PRELIMINARY PLAT OF DOUBLE T ESTATES

A 4-LOT MINOR SUBDIVISION OF TRACT 1B OF CERTIFICATE OF SURVEY 5077, LOCATED IN THE NORTHEAST AND SOUTHEAST ONE-QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

OWNER OF RECORD:  
TURBO TRANSPORTATION GROUP, LLC  
  
SUBDIVIDER:  
TURBO TRANSPORTATION GROUP, LLC  
  
TOTAL SUBDIVISION AREA:  
40.77 ACRES (GROSS & NET)



VICINITY MAP  
NOT TO SCALE

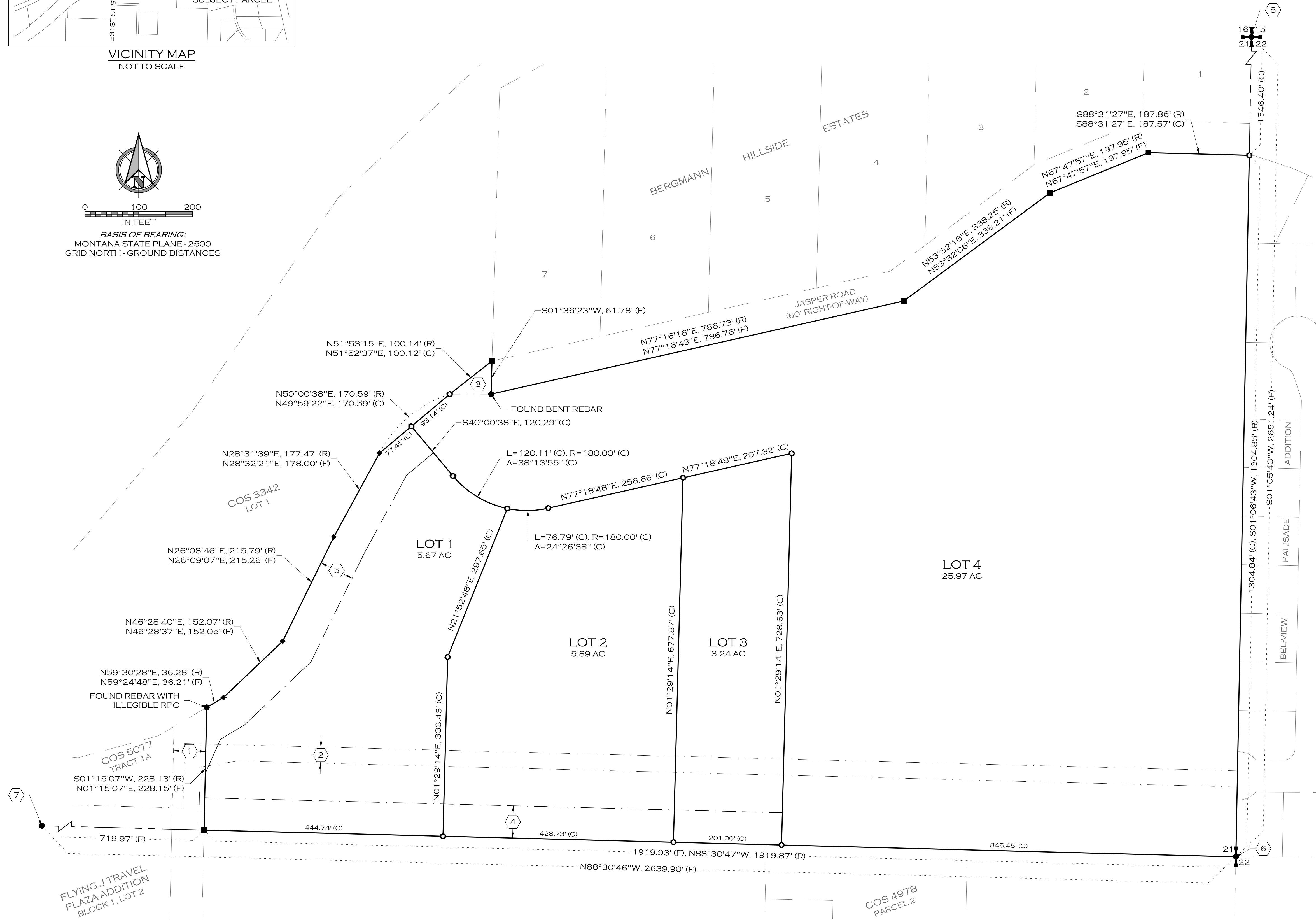


### LEGEND

- SECTION LINE
- EXTERIOR SUBDIVISION BOUNDARY
- INTERIOR SUBDIVISION BOUNDARY
- RIGHT-OF-WAY PER THIS PLAT
- ADJOINING PARCEL BOUNDARY
- EXISTING EASEMENT
- FOUND MONUMENT AS DESCRIBED
- FOUND REBAR WITH NO CAP
- ◆ FOUND AC MK'D "ELI & ASSOCIATES 9328LS"
- SET 5/8" X 24" REBAR WITH AC MK'D "WEI SHAYLOR 191 10LS"
- (F) FOUND
- (C) CALCULATED OR SET
- (R) RECORD - CERTIFICATE OF SURVEY 5077 (15276LS, 2017)
- ALU ALUMINUM CAP
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP
- MK'D MARKED
- COS CERTIFICATE OF SURVEY

### KEY NOTES

- ① 60' PUBLIC ACCESS & UTILITY EASEMENT PER COS 5077
- ② 30' PUBLIC UTILITY EASEMENT PER R338-D301
- ③ PUBLIC ACCESS & UTILITY EASEMENT FOR THE BENEFIT OF LOT 1 OF COS 3342 PER COS 3347
- ④ 60' PUBLIC RIGHT-OF-WAY PER THIS PLAT
- ⑤ TO BE DEDICATED AS FUTURE 64' PUBLIC RIGHT-OF-WAY
- ⑥ 1/4 SECTION CORNER, FOUND AC MK'D "SMITH 4740"
- ⑦ CENTER 1/4 CORNER, FOUND AC MK'D "SMITH 4740"
- ⑧ SECTION CORNER, FOUND AC MK'D "601A 1992"



# DRAFT

<b>WOITH ENGINEERING, INC.</b> <b>ENGINEERS &amp; SURVEYORS</b> <small>405 3RD STREET NW, SUITE 206 - GREAT FALLS, MT 59404 • 406-761-1955        3800 O'LEARY STREET, SUITE A - MISSOULA, MT 59808 • 406-203-9565        • WWW.WOITHENG.COM •</small>	1/4	SECTION	TOWNSHIP	RANGE	PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WEI JOB#: 1928 DRAWN: GRH QA: MDS DATE: AUGUST 24, 2020 FILENAME: PLAT.DWG SHEET 2 OF 2
	21	21	20 N	3 E	