



**City Commission Meeting Agenda  
2 Park Drive South, Great Falls, MT  
Virtual Meeting by Zoom  
March 16, 2021  
7:00 PM**

Due to the COVID-19 health concerns, the format of the City Commission meeting will be held in a virtual video-conferencing environment. City Commission members and City staff will attend the meeting via a remote location, using a virtual meeting method.

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 the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting: [https://us02web.zoom.us/webinar/register/WN\\_-mWII667Rmqpgf5CRaphoA](https://us02web.zoom.us/webinar/register/WN_-mWII667Rmqpgf5CRaphoA)
- After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access you may contact the Great Falls Public Library prior to the meeting at 453-9706 and they can assist with registration. This would need to be done by 5:30 on the evening of the meeting. The Mayor will provide direction during the meeting on how to alert staff that you have comments for the agenda item.
- Attend in person. The City will be following the Cascade County Board of Health and the Public Health Officer Orders. Masks will be required and social distancing will be enforced. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Provide public comments in writing. Comments may be sent via mail to City Clerk, PO Box 5021, Great Falls MT 59403 or by email 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 the commenter is a city resident. Please ensure that comments arrive before 12:00 PM on Tuesday, March 16, 2021. 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 TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**COMMUNITY HEALTH INITIATIVES**

1. Community Health Initiatives.

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

2. Miscellaneous reports and announcements.  
*(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and either your address or whether you are a city resident for the record.)*
3. Appointment to the Housing Authority Board of Commissioners.
4. Appointment to the Audit Committee.

## **NEIGHBORHOOD COUNCILS**

## **BOARDS AND COMMISSIONS**

### **CITY MANAGER**

5. Miscellaneous reports and announcements from City Manager.

### **CONSENT AGENDA**

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

6. Minutes, February 25, 2021, Special City Commission Meeting.
7. Minutes, March 2, 2021, City Commission Meeting.
8. Total Expenditures of \$2,160,631 for the period of February 17, 2021 through March 3, 2021, to include claims over \$25,000, in the amount of \$1,803,208.
9. Contracts List.
10. Approve the application for the Assistance for Firefighters Grant in the amount of \$35,080 for the purchase of software and equipment for the Fire Prevention and Safety Program.
11. Accept the Montana Disaster & Emergency Services grant award in the amount of \$397,749.75, and authorize the City Manager to execute the Hazard Mitigation Assistance Agreement for the Missouri River North Bank Stabilization.
12. Set a public hearing for April 6, 2021 on Resolution 10392, Amending section (4)C of Resolution 10375 establishing the rates, fees and penalties associated with title 10 of the Official Code of the City of Great Falls (OCCGF) pertaining to the City's parking system.
13. Award the construction contract in the amount of \$828,532 to Planned and Engineered Construction, Inc. for the Sanitary Sewer Trenchless Rehabilitation Phase 23, and authorize the City Manager to execute the construction contract documents.

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

## **PUBLIC HEARINGS**

14. Resolution 10386, Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition in Great Falls, Montana. *Action: Conduct a public hearing and adopt or deny Res. 10386. (Presented by Craig Raymond)*
15. Resolution 10387, Conditional Use Permit for a “Worship facility” land use upon the property addressed as 511 Central Avenue. *Action: Conduct a public hearing and adopt or deny Res. 10387. (Presented by Craig Raymond)*

## **OLD BUSINESS**

## **NEW BUSINESS**

16. Land Exchange Agreement between the City of Great Falls and Independence Bank. *Action: Set or not set a public hearing for April 6, 2021 on an Exchange Agreement of City owned property described as Lot 1 of 10th St Bridge Minor Subdivision and Lot 2 of Independence Bank Minor Subdivision. (Presented by Craig Raymond)*
17. Civic Center Façade Project. *Action: Postpone or award the construction contract in the amount of \$5,411,682 to Talisman Construction Services, Inc. and authorize not authorize the City Manager execute the construction contract documents. (Presented by Craig Raymond)*
18. City Finance Office Remodel Change Order # One. *Action: Approve or deny the Change Order # One with Wadsworth Builders in the amount of \$45,344.88 and increase the total contract amount from \$297,000 to \$344,044.88. (Presented by Craig Raymond)*
19. Oddfellows Park Restroom Improvements. *Action: Award or not award a contract in the amount of \$151,308 to Kuglin Construction for the demolition of the existing restroom, utility and site work for the new restroom, and authorize not authorize the City Manager to execute the construction contract documents. (Presented by Steve Herrig)*
20. Valeria Way Storm Drain Phase 2 Project. *Action: Award or not award a contract in the amount of \$1,642,200 to Western Municipal Construction, Inc, and authorize not authorize the City Manager to execute the necessary contract documents. (Presented by Paul Skubinna)*

## **ORDINANCES / RESOLUTIONS**

21. Resolution 10389, Adopting a Policy for the Use of an Automated License Plate Reader for Parking Enforcement and Statistical Data-Gathering Purposes. *Action: Adopt or deny Res. 10389. (Presented by Craig Raymond)*

## **CITY COMMISSION**

22. Miscellaneous reports and announcements from the City Commission.
23. Legislative Initiatives.

## **ADJOURNMENT**

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



Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Appointment to the Housing Authority Board of Commissioners

**From:** City Manager’s Office

**Initiated By:** Great Falls Housing Authority

**Presented By:** City Commission

**Action Requested:** Appoint a Tenant Member to the Great Falls Housing Authority Board of Commissioners for the remainder of a two-year term through June 30, 2022.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (appoint/not appoint) Lyle W. LaPree as a Tenant Member for the remainder of a two-year term through June 30, 2022 to the Great Falls Housing Authority Board of Commissioners.”

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

**Board Recommendation:** It is recommended that the City Commission appoint Lyle W. LaPree to the Great Falls Housing Authority Board to serve as a Tenant Member through June 30, 2022.

**Summary:** Ashley Gates was appointed as a Tenant Member on June 7, 2017 and served through June 30, 2020. Ms. Gates was not interested in serving on the Board for an additional term. Staff began advertising for the vacancy in April 2020 and has received one application.

**Background:**

The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents of the Housing Authority properties. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, HUD Section 8 program and other affordable housing programs. The Board also serves as the loan committee for the City’s Housing Rehabilitation Program. The Board is also responsible for providing safe, decent, sanitary, and affordable housing for the community’s low-income residents. Tenant terms are two years and regular members are five years.

Continuing members of this board are:

Rosalie Kiernan	5/19/20 – 6/30/25
Ryan Hart	7/1/17 – 6/30/22 (resigned)
David Fink	7/17/18 – 6/30/23

Douglas Spence	5/19/20 – 6/30/21
Megan Bailly	7/16/19 – 6/30/24
Terri Sullivan	7/5/17 – 6/30/22

Member with expired term:  
Ashley Gates 6/7/17 – 6/30/20

Citizen/tenant interested in serving:  
Lyle W. LaPree

**Alternatives:** The Commission could direct staff to continue advertising for other citizen interest.

**Concurrences:** Great Falls Housing Authority Board of Commissioners met on February 18, 2021 and recommended appointing Mr. LaPree to the Board. Board Member Ryan Hart recently resigned from the Board. City Staff began advertising for that vacancy on March 1.

**Attachments/Exhibits:**  
Application



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

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

Board/Commission Applying For: <i>Tenant Commissioner</i>		Date of Application: <i>1-4-21</i>
Name: <i>Hyle W. LaPree</i>		
Home Address: <i>1606 7th. AVE. S.</i>		Email address: <i>Uiperwayne1000@gmail.com</i>
Home Phone:	Work Phone:	Cell Phone: <i>(928) 303-5128</i> <i>IF NO ANSWER please leave voice mail</i>
Occupation: <i>BRC Coordinator</i>	Employer: <i>TJMAXX</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain) <i>as long as I have notice in advance is all.</i>		
Related experiences or background: <i>n/a</i>		
Educational Background: <i>12+</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>done Volunteered for a local Food Bank of another state. Volunteered at a Animal Rescue of another state. Try to volunteer or donate things for others locally...</i>		
Previous and current public experience (elective or appointive): <i>n/a I'm still trying to get those Experience if know where to help out.</i>		
Membership in other community organizations: <i>Donate to our 2 favorite charities...</i>		

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

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


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

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

Please describe your interest in serving on this board/commission? *Love to learn the experience and be able to help and represent other tenants...*

Please describe your experience and/or background which you believe qualifies you for service on this board/commission? *Truthfully, I have NO Experience and am willing to learn something new and get the experience...*

Additional comments: *I would love to fill this position and be able to give back to my community and get the experience in return.*

Signature 	Date: <i>1-4-21</i>
--------------------------------------------------------------------------------------------------	------------------------

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

**Return this form to:**  
 City Manager's Office  
 P.O. Box 5021  
 Great Falls, MT 59403

Fax:  
 (406) 727-0005

Email:  
 kartis@greatfallsmt.net



Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Appointment to the Audit Committee

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint one member to the Audit Committee to fill a private citizen position for a three-year term through June 30, 2023.

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission appoint \_\_\_\_\_ to the Audit Committee to fill a private citizen position for a three-year term through June 30, 2023."

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

---

**Summary:**

Jennifer Malich was appointed to the Audit Committee on August 6, 2019, to fill a three-year term and, due to unforeseen circumstances, had to move out of town shortly after. The advertisement for the vacancy has been ongoing.

In February 2021 we received three applications. The Audit Committee met on Monday March 1<sup>st</sup> to review the applications. The Committee recommended appointing John Dutzer. It was also discussed during the meeting that current Committee member, Jeremy Trebas will be completing his second term in June and will not be eligible for another term. The Committee recommended holding the other applications for consideration on that vacancy. The advertisement for Mr. Trebas' position will be posted to the City's Website with a closing date of March 31<sup>st</sup> to solicit additional applications.

**Background:**

Purpose

The Audit Committee was established by the City Commission in October of 1992 and currently consists of six members to include the Mayor, a Commissioner, the City Manager, the Finance Department Director and two private citizens.

The Audit Committee provides assurance that the financial disclosures made by management reasonably portray the City's financial condition, results of operations and plans and long-term commitments. The



Committee oversees the external audit coverage, reviews accounting policies and reviews financial statements.

Members of the Audit Committee should collectively possess technical expertise in accounting, auditing, and financial reporting to fulfill its duties.

Evaluation and Selection Process

Advertising was done through the local media and posted on the City of Great Falls website. Three applications were received.

Continuing members of this board are:

- Mayor Kelly
- Commissioner Houck
- City Manager Doyon
- Finance Director Kinzler
- Private Citizen Jeremy Trebas

Citizens interested in serving on this board include:

- John Dutzer
- Gerald Gavin
- Stephen Louks

**Alternatives:** The Commission could choose to appoint one of the other applicants or choose to not appoint at this time and direct staff to continue to seek other applicants.

**Attachments/Exhibits:**

Applications



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

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

Board/Commission Applying For:		Date of Application:
Audit Committee		February 2, 2021
Name:		
John R Dutzer		
Home Address:		Email address:
113 Choteau Ave		johndutzer@verizon.net
Home Phone:	Work Phone:	Cell Phone:
(757) 364-4692	None	(757) 364-4692
Occupation:		Employer:
Retired CPA License for 1987 until retirement.		Retired
Would your work schedule conflict with meeting dates?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: KPMG-25 years. Some governmental accounting. Dominion Enterprises-3 Years. Wall, Einhorn & Chernitzer, CPA-3 years. Licensed CPA from 1987 until retirement in July 2017.		
Educational Background: VA Tech-B.S. Accounting CPA License from 1987 until retirement in July 2017.		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: GA Tech-Hampton Roads-Board of Directors Great Neck Baseball League-Variou positions while my 4 kids played baseball United Way of South Hampton Roads-Board of Directors United Way of South Hampton Roads-Finance Committee		
Previous and current public experience (elective or appointive):		
Membership in other community organizations:		

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

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


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

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

Please describe your interest in serving on this board/commission?  
 Early in my KPMG career I performed many governmental audits for a county and several cities in Virginia. My wife and I retired in Great Falls in January 2020 and I thought this would be a good way for me to get involved and give back to the City.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  
 I spent 28 years in public accounting with KPMG and WEC. I was a licensed CPA from 1987 until retirement in 2017.

Additional comments:  
 Thank you for your consideration.

Signature	Date:
John R Dutzer - Signed 	2/2/2021

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

**Return this form to:**  
 City Manager’s Office  
 P.O. Box 5021  
 Great Falls, MT 59403

Fax:  
 (406) 727-0005

Email:  
 kartis@greatfallsmt.net

**John R. Dutzer**  
 (CPA License until 2018)  
 113 Choteau Ave  
 Great Falls, MT  
 johndutzer@verizon.net  
 Cell 757.364.4692

---

### Summary

#### **Experienced Accountant:**

25 years of public accounting experience with KPMG  
 3 years in private industry with Landmark Media Enterprises (LME)  
 3 years of public accounting experience with Wall, Einhorn & Chernitzer (WEC)  
 Retired in July 2017

Areas of experience include:

- Governmental Accounting
- Treasury
- Financial Reporting
- SOX Compliance
- Risk Management
- SEC Reporting

Industries at KPMG and WEC include:

- Governmental-County and Cities
- SEC Clients
- Marine transportation
- Manufacturing
- Automobile Dealers
- Construction
- Retail

### Professional Experience

#### **Wall, Einhorn & Chernitzer**

**2014 – 2017**

- Provided interim Chief Financial Officer services to a privately held client
- Completed financial audits for private companies
- Responsible for staff evaluation, development and advancement
- Advised clients on various operational and accounting issues including strategic planning, benchmarking, key metrics analysis, cost reduction, budgeting and forecasting, efficiency studies, profitability analysis and acquisitions and divestitures
- Responsible for researching and staying current on new accounting and industry standards

#### **Landmark Media Enterprises**

**2011 - 2014**

Privately owned media company with operations throughout the United States and Europe with approximately \$1.0 billion in annual sales

#### ***Director of Treasury and Risk Management***

##### ***Treasury***

Responsible for maintaining the banking relationships for the three primary banks used for treasury functions and lines of credit. Establish and maintain proper internal control over the treasury function. Ensure that the treasury function is efficient and effective and that bank fees are appropriate. Review lines of credit renewals and debt covenant compliance.

- Worked with the banks to use the latest treasury technology to improve productivity and reduce fees
- Established a third banking relationship
- Managed investments in accordance with company policies

**Landmark Media Enterprises, continued****2011 - 2014*****Risk Management***

Responsible for working closely with the insurance brokers, insurance carriers and various businesses to ensure proper insurance coverage and risk mitigation

- Reduced the cost of workers' compensation, automobile and general insurance \$400,000
- Led the initiative to obtain Payment Card Industry compliance for the businesses

***Lease Administration***

Responsible for working closely with the businesses and brokers to ensure that lease rates and terms and conditions were at market

**KPMG LLP****1985 – 2011**

- Led engagement teams with 4 to 25 members
- Completed financial audits for governmental, SEC and private companies
- Responsible for researching and staying current on new accounting and industry standards
- Advised clients on various operational and accounting issues including strategic planning, benchmarking, key metrics analysis, cost reduction, budgeting and forecasting, efficiency studies, profitability analysis and acquisitions and divestitures
- Taught courses on a wide variety of various technical and industry regulations for both KPMG and client personnel

**US Navy****1975 - 1981**

Hospital Corpsman-Pharmacy Technician  
Honorable discharge

**Education****Virginia Tech****1985**

Bachelor of Science in Business  
Major-Accounting

**Professional Accreditation**

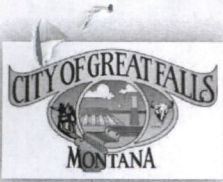
Certified Public Accountant - License 11316, Virginia until 2018 (one year after retirement)

**Professional Affiliation**

American Institute of Certified Public Accountants until retirement  
Virginia Society of Certified Public Accountants until retirement

**Community Involvement**

Board of Directors - United Way of South Hampton Roads until retirement  
Finance Committee - United Way of South Hampton Roads until retirement  
Georgia Tech – Local Board of Directors



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

RECEIVED  
FEB 8 2021  
CITY MANAGER

Agenda #4.

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

Board/Commission Applying For: <b>Audit Committee</b>		Date of Application: <b>2-5-2021</b>	
Name: <b>Stephen Louks</b>			
Home Address: <b>433 Deerfield Ct Great Falls MT 59405</b>		Email address: <b>slouks@dd@gmail.com</b>	
Home Phone:	Work Phone:	Cell Phone: <b>501 772 8318</b>	
Occupation: <b>Quality Manager</b>		Employer: <b>ADF International</b>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background:			
Educational Background: <b>BS in Mechanical Engineering</b>			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities:			
Previous and current public experience (elective or appointive): <b>Secretary of Neighborhood Council 4 (current)</b>			
Membership in other community organizations:			

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

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

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

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

Please describe your interest in serving on this board/commission?  
Since moving to Great Falls in 2018, I have looked for ways to involve myself in the community. That is why I applied for neighborhood council, and why I am looking for this appointment. I want to be a part of this community and help support its citizens.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  
- Managing budget requirements of the Quality department at ADF  
- Degree in Mechanical Engineering

Additional comments:  
I hope to advance this community with my time and effort.

Signature 

Date:  
2-5-2021

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

**Return this form to:**  
City Manager's Office  
P.O. Box 5021  
Great Falls, MT 59403

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net



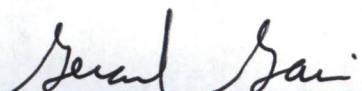
**BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM**  
(PLEASE PRINT OR TYPE)

**RECEIVED**  
FEB 4 2021  
CITY MANAGER

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

Board/Commission Applying For: Audit Committee		Date of Application: 3 February 2021	
Name: Gerald Gavin			
Home Address: 1612 Central Avenue Great Falls, MT 59401		Email address: ggavin1@hotmail.com	
Home Phone:	Work Phone: 406-791-0362	Cell Phone: 845-417-5657	
Occupation: Management and Budget Analyst		Employer: Montana Air National Guard	
Would your work schedule conflict with meeting dates?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: I currently work as management and budget analyst for the Montana Air National Guard. I am working towards my MBA with a financial magement concentration with an expected graduation date of June 2021. I also have a masters of public administration with a concentration in public management.			
Educational Background: Masters, Business Administration, Marist College (Poughkeepsie, NY)- Projected graduation date- June 2021 Masters, Public Administration- Marist College (Poughkeepsie, NY)- January 2012 Bachelors of Art, Criminal Justice and Political Science- State University of New York at Albany- May 2010			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities:  I previously served as president of the Ruby (NY) Fire Department from 2009-2011. I chaired the committees on fundraising, finance, and volunteer recruit and retention. I also served six years active duty at Malmstrom AFB (2012-2018).			
Previous and current public experience (elective or appointive):  I am currently a management and budget analyst for the Montana Air National Guard. I am responsible for all of the refueling and ground service charges incurred while also managing three government purchase card accounts. The purchase card program averages \$150,000 in total purchases each fiscal year. I also compile the annual spend plan for the maintenance group, which for FY 21 is \$280,000. I review each purchase request for accuracy and ensure the correct funds are being spent in a			
Membership in other community organizations: Financial Coordinator- Make-a-Wish Montana, Great Falls Community Council			



<p>Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?</p>	
<p>Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?</p>	
<p>Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?</p>	
<p>Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?</p>	
<p>Please describe your interest in serving on this board/commission?</p> <p>I am interested on serving on the Audit Committee because I believe this is a great way as a private citizen, to give back to the community by ensuring our city is being fiscally responsible and financially transparent.</p>	
<p>Please describe your experience and/or background which you believe qualifies you for service on this board/commission?</p> <p>I believe my educational background in both public and business administration, coupled with my budgeting and accounting experience, qualifies me for service on the Audit Committee.</p>	
<p>Additional comments:</p>	
<p>Signature</p> 	<p>Date:</p> <p>3 February 2021</p>

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

**Return this form to:**  
 City Manager's Office  
 P.O. Box 5021  
 Great Falls, MT 59403

Fax:  
 (406) 727-0005

Email:  
 kartis@greatfallsmt.net

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

Special City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 4:00 PM

Civic Center Gibson Room 212

Due to the COVID-19 health concerns, the format of the Special City Commission Meeting was held in a virtual video-conferencing environment.

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members participated electronically via Zoom: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City Staff participating electronically were: City Manager Greg Doyon and City Clerk Lisa Kunz.

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 as follows:

- Attend in person. The City will be following the Cascade County Board of Health and the Public Health Officer Orders. Masks will be required and social distancing will be enforced. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Attend the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting: [https://us02web.zoom.us/webinar/register/WN\\_mZ1qkQGGuOxmVX0FG0zIT3w](https://us02web.zoom.us/webinar/register/WN_mZ1qkQGGuOxmVX0FG0zIT3w). After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access, you may contact the Great Falls Public Library prior to the meeting at 453-9706 and they can assist with registration.
- Provide public comments in writing. Submit comments via mail addressed to City Clerk's Office, PO Box 5021, Great Falls, MT 59403 or by email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net) by 12:00 PM the day of the meeting.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

**PETITIONS AND COMMUNICATIONS**

None.

**1. NEW BUSINESS**

**CITY MANAGER'S ANNUAL PERFORMANCE EVALUATION.**

Mayor Kelly stated that this special meeting is to discuss the City Manager's annual performance evaluation. He read the provisions of Mont. Code Ann. § 2-3-203(3). Manager Doyon asserted his right to privacy. Mayor Kelly determined that the City Manager's individual privacy exceeded the merits of public disclosure.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

At 4:14 PM, members of the Commission, Manager Doyon and the City Clerk met in executive session via Zoom for the purpose of the Commission conducting the City Manager’s annual performance evaluation.

**- -EXECUTIVE SESSION - -**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

[REDACTED]

[REDACTED]

[REDACTED]

There being no further discussion, Mayor Kelly concluded the executive session at 5:20 PM.

The meeting reconvened into an open meeting via Zoom Webinar and in the Gibson Room. Mayor Kelly called the meeting back to order at 5:28 PM.

Mayor Kelly reported that Manager Doyon’s responsibilities have two focuses: one is internally on the 500+ full-time staff that he manages, and that he dealt with during a very challenging year; and, the second is his responsibility and communications to the members of the Commission, not only at Commission meetings, but also on issues he is confronted with as a manager. The Commission members each discussed the high and low points of the year and provided their perspectives on Manager Doyon’s strengths and weaknesses and what works for them and what doesn’t.

Covid impacted everything this year. With regard to Manager Doyon’s focus this year, Mayor Kelly quoted Manager Doyon: “My job is to take care of our people (staff) so they can take care of our people (community).” The Commission members all agreed that the community did not suffer from a lack of City functions. There was flexibility shown in payments, and the ability to conduct meetings on-line for transparency that lived up to the ability to have open meetings. Two new department heads, Public Works and Fire Chief, were hired this year. Library, Park and Recreation, and Housing Directors are also getting their feet on the ground. Manager Doyon has mentored them, gave them the room to grow in their jobs, and to learn the different aspects of being in that role as a department head. Manager Doyon navigated effectively the DCIP grant for the aquatics facility, software upgrades, and making sure that the development review process continues to evolve and improve. Overall, the Commission is happy with the work that Manager Doyon is doing. He brings different skills and characteristics to the job that include honesty, integrity, being a good communicator, and always trying to do the right thing for the community and staff.

The Commission is happy about his ability to navigate the DCIP grant, that came rather quickly. It is a minor miracle that the community will have a \$20 million dollar facility in Great Falls that includes a new recreation center, and an aquatics facility that is something the community has expressed loudly is needed.



**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

Processes are now in place to resolve the Civic Center issue, not only with internal office space but with the façade and the roof, and some fire station repairs were completed.

There is much appreciation by the Commission for the work that is being done and for Manager Doyon's characteristics and skills he brings to the job. In an effort going forward the Commission wants Manager Doyon to continue to work on the public's perception on how the City Commission conducts business. Transparency in all things is important to the Commission and in making sure the public knows, especially those that do business with the City, that everyone has a fair and equal shot.

In comparison to some other cities in Montana, Great Falls has been fairly stable. The Commission feels fortunate to have a City Manager who brings maturity and wisdom of not only the City itself but how to manage the staff.

Manager Doyon has been reaching out in the community, including the Chamber of Commerce, Association of Defense Communities, and Montana Defense Alliance. As a result of the "Black Lives Matter" issue, Manager Doyon has reached out to minority representation at Malmstrom Air Force Base, the American Indian community, and with several of the church leaders of minority groups in Great Falls. The Commission needs to do more work on inclusivity with the LGBTQ community.

In summary, Manager Doyon had a favorable review, and the Commission is happy that he is here in Great Falls. He is finishing up year one of a three-year contract. Typically, merit based increase in compensation is also discussed. He quoted Manager Doyon, in part, that in light of City budget concerns (related to Covid expenses and potential legislative actions), he would prefer to defer any conversation about a merit increase (if so considered) until the full budget situation is known by its adoption in July. If the Commission wants to have that conversation about merit pay going forward the Commission will convene in this format after July.

Mayor Kelly expressed appreciation to Manager Doyon, his family, and the efforts he makes for the community.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve of the summarized review as stated by Mayor Kelly.**

Motion carried 5-0.

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS**  
**Virtual Meeting by Zoom**  
**February 25, 2021**

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the special meeting of February 25, 2021, at 5:38 PM.**

Motion carried 5-0.

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

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

Minutes Approved: March 16, 2021

DRAFT

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 2, 2021**

Regular City Commission Meeting

Mayor Kelly presiding

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

Civic Center Gibson Room 212

**PLEDGE OF ALLEGIANCE**

Due to the COVID-19 health concerns, the format of the City Commission Meeting was held in a virtual video-conferencing environment.

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members participated electronically via Zoom Webinar: Bob Kelly, Owen Robinson, Rick Tryon, Mary Sheehy Moe and Tracy Houck. City Staff participating electronically were: Deputy City Manager Chuck Anderson; Finance Director Melissa Kinzler; City Attorney Sara Sexe; Park and Recreation Director Steve Herrig; and Public Works Director Paul Skubinna. City Manager Greg Doyon, Fire Chief Jeremy Jones and Police Captain Rob Moccasin were present in the Gibson Room, and City Clerk Lisa Kunz was present in the Commission Chambers.

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 as follows:

- Attend in person. The City will be following the Cascade County Board of Health and the Public Health Officer Orders. Masks will be required and social distancing will be enforced. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Attend the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting: [https://us02web.zoom.us/webinar/register/WN\\_ZuKuPj5oQsyaUFUpUEPOGA](https://us02web.zoom.us/webinar/register/WN_ZuKuPj5oQsyaUFUpUEPOGA). After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access, you may contact the Great Falls Public Library by 5:30 p.m. the day of the meeting at 453-9706 and they can assist with registration.
- Provide public comments in writing. Submit comments via mail addressed to City Clerk's Office, PO Box 5021, Great Falls, MT 59403 or by email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net) by 12:00 PM the day of the meeting.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

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

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

**PROCLAMATIONS:** Mayor Kelly read Community Week of Compassion and Fast (March 7-13, 2021).

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 2, 2021**

**MILITARY UPDATES**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Colonel Anita Feugate Opperman**, Malmstrom Air Force Base, provided the following update:

- Due to lower Covid numbers and increase in vaccine availability, base restrictions were lowered.
- Last month Malmstrom hosted Chief Master Sergeant of the Air Force JoAnne Bass for three days. It was her first exposure to the ICBM mission, Malmstrom, and the Great Falls community.
- No updates or changes in future missions. The first MH 139 helicopter is expected this fall, and GBSD planning for new construction will take place the next couple years.
- Events are scheduled at the base in recognition of Women's History Month.

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

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Jeni Dodd**, City resident, read a prepared statement that, in summary, expresses her frustration with the sanitation manager, her neighbor periodically filling her and other neighbors' garbage dumpsters with demo/construction materials, a private business that parks/stores business vehicles and equipment at a City park near her home in violation of City Code, and what she perceives as the City's practicing of favoritism in the application of City Code and awarding of grants and contracts.

**3. REAPPOINTMENT/APPOINTMENT TO THE GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION.**

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission reappoint Tory Mills and appoint Lindsey Bullock to the Great Falls Planning Advisory Board/Zoning Commission for three-year terms through December 31, 2023.**

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

Mayor Kelly expressed appreciation to Pete Fontana for his service since 2015.

Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Robinson reported that it will be announced tomorrow after the City County Health Department meeting whether or not Covid-related restrictions will be lifted; and that the Census numbers will come out on March 6, 2021.

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 2, 2021**

Commissioner Moe reported that the Parking Advisory Commission is getting ready for implementation of the new parking system, including a possible advertisement to make people aware what will be involved; and the Library Board is working through its new naming policy and will be seeking feedback from the community about renaming the Library.

**CITY MANAGER**

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon provided updates on the following:

- With regard to the Aim High Big Sky Recreation Center (OF 1770) the current focus is coordinating with Malmstrom on the NEPA environmental impact statement, as well as mechanical and schematic designs. A meeting was held last week with the Montana Department of Transportation (DOT) to discuss ingress/egress off 10<sup>th</sup> Avenue South and how to remedy and address concerns from the neighborhood and minimize traffic interruption on 10<sup>th</sup> Avenue South. The local DOT administrator was very receptive, supportive of the project, and wants to be helpful.
- Parking pay stations are expected to be installed in March, and paid parking is anticipated to begin in April.
- CDBG grants were awarded to Alluvion Health and the YWCA from Covid funding provided to the City.
- The City received an annual Historic Preservation grant for 2021.
- Civic Center façade project bids are due tomorrow.
- Civic Center Events division is starting to see an uptick in bookings including an upcoming Broadway show in November, and several weddings.
- The Legal Department has two position openings for a Prosecutor and a Paralegal.
- A fire at the Public Works garage resulted in the total loss of a street sweeper.
- He met with new Cascade County Commissioner Don Ryan last week.
- He also met with the dispatch supervisors with regard to the Police Chief recruitment. Next steps include updating the job description and putting together a brochure.

Mayor Kelly spoke highly of DOT Regional Director Jim Wingerter's leadership. He and two members of his staff attended the Aim High Big Sky Recreation Center design team meeting and were outstanding in their effort and their offer to help the City make this project a reality. It's great to hear that cooperation between the City and the State.

Commissioner Tryon inquired if it was anticipated the Civic Center project bids would come in higher than expected.

Manager Doyon responded that bids are due tomorrow. The concern always with a large, historic project is whether the bids will be competitive and within budget.

With regard to the aquatics/recreation project, Commissioner Robinson commented that the bus system is not going to be an easy change and it might take several years. Route changes are done in Helena. There is a bus stop at Anderson Pharmacy on 10<sup>th</sup> Avenue South. He suggested

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 2, 2021**

discussing with DOT the possibility of installing a street light at that location for people to exit the bus and cross the street to the new facility.

**CONSENT AGENDA.**

5. Minutes, February 16, 2021, City Commission Meeting.
6. Total Expenditures of \$2,192,140 for the period of January 30, 2021 through February 17, 2021, to include claims over \$25,000, in the amount of \$1,663,911.
7. Contracts List.
8. Grants List.
9. Approve the application for the Assistance to Firefighters Grant for safety and decontamination equipment to remove products of combustion from equipment utilized in the performance of firefighting and wellness equipment to complement Great Falls Fire Rescue's mental health and wellness program.

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

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

Mayor Kelly commended the Fire Department for seeking out grants. With regard to Item 9 the Fire Department is obligated to put up less than a 10% match of the total grant request, that the Department has already budgeted for.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**CITY COMMISSION**

**10. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS**

Commissioner Houck reported that the Local Emergency Planning Committee (LEPC) is meeting on Thursday to discuss changes to its bylaws and moving forward with projects. The Committee is made up of City, County, and Malmstrom representatives, and other key stakeholders for the purposes of planning and training in the event of emergencies such as hazmat spills, flooding and other natural disasters.

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 2, 2021**

Commissioner Moe inquired if the LEPC kept data for a historical record of the disaster responses and associated costs and for purposes of future planning.

Commissioner Houck responded that the State has some data that the LEPC uses, but the LEPC does not have nor spend money as a committee.

Commissioner Tryon inquired the Commission's thoughts about conducting meetings in the Civic Center Chambers again, or if there was criteria or a timeline to start meeting again in the Chambers.

Mayor Kelly suggested that the Commission members each address their thoughts or concerns about meeting in person in the Chambers to the City Manager, and to think about under what conditions those meetings would resume.

Commissioner Robinson noted the passing of resident and friend, Robert Darnell. He did all of the stained glass work in Gibson Park, and he also worked for the City as a painter for 17 years.

**11. LEGISLATIVE INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Commissioner Robinson, to adjourn the regular meeting of March 2, 2021, at 7:45 p.m.**

Motion carried 5-0.

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

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

**Minutes Approved: March 16, 2021**



Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**ITEM:** \$25,000 Report  
 Invoices and Claims in Excess of \$25,000

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$25,000:**

ACCOUNTS PAYABLE CHECK RUNS FROM NEW WORLD FEB. 18, 2021 - MARCH 3, 2021	536,694.74
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS FEB. 18, 2021 - MARCH 3, 2021	1,559,326.49
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEB. 17, 2021 - FEB. 26, 2021	64,609.27
<b>TOTAL: \$</b>	<u><u>2,160,630.50</u></u>

**GENERAL FUND**

---

**FIRE**

WVH ENTERPRISES, LLC	OF 1727.5 FIRE STATION 4 RENOVATION	57,998.00
----------------------	-------------------------------------	-----------

**SPECIAL REVENUE FUND**

---

**LIBRARY FOUNDATION**

CAPCON LLC	GFPL STORM DRAIN IMPROVEMENTS	73,489.99
------------	-------------------------------	-----------

**ENTERPRISE FUNDS**

---

**PARKING**

STANDARD PARKING CORPORATION	DECEMBER 2020 PARKING SERVICE FEES	39,043.40
STANDARD PARKING CORPORATION	JANUARY 2021 PARKING SERVICE FEES	31,964.77

**INTERNAL SERVICES FUND**

---

**HEALTH & BENEFITS**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	EMPLOYEE INSURANCE DEDUCTIBLES AND PREMIUMS	924,987.00
----------------------------------------	---------------------------------------------	------------



**TRUST AND AGENCY**

---

**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	55,732.51
---------------------	---------------------------------	-----------

**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	47,112.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	49,384.70
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	66,887.98
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	126,318.33
US BANK	FEDERAL TAXES, FICA & MEDICARE	199,247.52

**UTILITY BILLS**

---

NORTHWESTERN ENERGY	DECEMBER 2020 SLD CHARGES	65,104.35
NORTHWESTERN ENERGY	JANUARY 2021 SLD CHARGES	65,937.24

**CLAIMS OVER \$25000 TOTAL:** \$ 1,803,207.79

**CITY OF GREAT FALLS, MONTANA**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: March 16, 2021**

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

**PRESENTED BY:** Lisa Kunz, 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 – Engineering	Cooper Construction	03/16/2021- 12/03/2021	\$32,000	Public Works Construction Agreement for renovation of brickwork at the Great Falls Water Treatment Plant office building and pump house building <b>OF 1760.1</b>

<b>B</b>	Planning & Community Development	Montana State Historic Preservation Office, Montana Historical Society	04/01/2021-03/31/2022	Grant Funds – not to exceed \$6,000 \$46,371-City \$25,000-County \$7,882.18-Non-Profit	State of Montana Agreement MT-21-017 to maintain an active Historic Preservation Commission, designate a Historic Preservation Officer, and carry out the responsibilities for Certified Local Government program status (CR: 020221.7A)
<b>C</b>	Administration	National Museum of the United States Air Force (NMUSAF)	04/01/2021 – 03/31/2022	N/A	2021 Loan Agreement SDA0175 – Annual loan renewal agreement for aircraft on display at Lions Park



Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Application for Great Falls Fire Rescue Fire Prevention and Safety Grant

**From:** Jeremy M. Jones, Fire Chief

**Initiated By:** Great Falls Fire Rescue

**Presented By:** Jeremy M. Jones, Fire Chief

**Action Requested:** Approval to apply for 2020 FEMA, Assistance to Firefighters Grant, for Fire Prevention and Safety program.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/reject) the application for the Assistance for Firefighters Grant to the purchase of software and equipment for the Fire Prevention and Safety Program.”

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 application to FEMA, Assistance to Firefighters Grant (AFG) for Fire Prevention and Safety Program.

**Summary:** If allowed to pursue the AFG grant for Fire Prevention and Safety, the overall request from the City of Great Falls for software and equipment would be \$35,080.00. If the City would be successful in securing this AFG grant, our match would be \$1,670.47. The tentative date for announcement if successful in being awarded the grant is set for late September or early October.

**Background:** Great Falls Fire Rescue (GFFR) and the State of Montana are currently operating under the 2012 International Fire Code (IFC), as well as, the 2010 edition of NFPA 13 and NFPA 72. The City of Great Falls and the State of Montana have adopted the 2018 International Building Code (IBC), the adoption of the 2018 IFC is awaiting the Montana legislature to approve or adopt.

The City of Great Falls operates under a Safety Inspection program, where by city title; all businesses that occupy a commercial space are required to obtain a Safety Inspection Certificate (SIC). The City of Great Falls does not have a business license program, so the SIC acts very much like a business license. With the SIC program, all businesses are required to have a safety inspection. These inspections are conducted by the Fire Prevention Bureau (FPB). FPB conducts roughly 3000 safety inspections on an annual basis. In conducting these safety inspections, the Bureau enforces the 2012 IFC and the respective NFPA codes and standards referenced by the IFC. GFFR’s FPB not only uses the safety inspection process to ensure

that the businesses within the City of Great Falls comply with the code, but also educate the public on why adhering to the code is important and how doing so not only keeps the businesses safe, but the entire community safe. With this in mind, GFFR is looking at taking the next step in reducing risk in the City of Great Falls by developing a Community Risk Reduction (CRR) program and elevating our pre-incident planning process to meet that of current fire service practices.

GFFR is looking to implement the practices outlined in both NFPA 1300 and NFPA 1730. GFFR has identified the First Due/Community Connect platform as an avenue to help us develop and administer the CRR and pre-planning program.

#### Significant Impacts

GFFR currently has no mechanism to work cooperatively with our citizens and commercial customers to enhance our information gathering abilities in pre arrival information needed to mitigate incidents.

#### Citizen Participation

If awarded the grant, the software would provide for the opportunity of citizens to assist GFFR in gathering information to help us serve them in their time of need.

#### Workload Impacts

This program would utilize the current SIC program to gather information on commercial occupancy information.

#### Purpose

To incorporate a community based infrastructure that would allow for GFFR personnel as well as commercial occupancy and residential citizens to create a profile and upload information into a portal that would be utilized in emergent response to assist with mitigation of emergencies. This in turn will create a safer community for all citizens.

#### Project Work Scope

This project would take the next three (3) to five (5) years to fully implement and gather all of the application information needed to make emergent and non-emergent response in our community safer and more efficient.

#### Evaluation and Selection Process

First Due/Community Connect software has been tested and integrates into our current software program of Emergency Reporting.

#### Conclusion

The First Due/Community Connect platform will allow GFFR members access to pre-incident via any device that can connect to the internet. These pre-incident plans can also be linked to the CAD system in the responding apparatus, allowing GFFR members the ability to access data in real time while responding to an emergency call. The First Due/Community Connect platform will also allow GFFR members to have access to important information that the public and business owners can input through the CRR Community Connect program. This will result in a community based fire and emergency preparedness system that all the stakeholders will be able to access.

**Fiscal Impact:** The total cost of the Fire Prevention and Safety Grant for the Community Risk Reduction program is \$35,080.00. The Assistance to Firefighters Grant pays over 90% of the cost or \$33,409.53. The City is responsible for just under 10% of the grant, or a total of \$1,670.47. If we are awarded this

grant, then GFFR will utilize funding from the Fire Prevention Trust (FD2411302) to match the cities portion of the 10%. In other words, no additional funding will be required to make the 10% grant match.

**Alternatives:** The Commission could chose to not allow the City to apply for the grant.

**Attachments/Exhibits:** 2020 FEMA/AFG Fire Prevention and Safety Grant Application



**You have successfully submitted your application.**



## System for Award Management (SAM.gov) profile

Please identify your organization to be associated with this application.

All organization information in this section will come from the System for Award Management (SAM) profile for that organization.

### CITY OF GREAT FALLS

Information current from SAM.gov as of:	<b>02/07/2021</b>
DUNS (includes DUNS+4):	<b>060267093</b>
Employer Identification Number (EIN):	<b>816001269</b>
Organization legal name:	<b>CITY OF GREAT FALLS</b>
Organization (doing business as) name:	
Mailing address:	<b>PO BOX 5021 GREAT FALLS, MT 59403-5021</b>
Physical address:	<b>2 PARK DR S ROOM 104 GREAT FALLS, MT 59401-4006</b>
Is your organization delinquent on any federal debt?	<b>N</b>
SAM.gov registration status:	<b>Active as of 06/21/2020</b>

✓ We have reviewed our bank account information on our SAM.gov profile to ensure it is up to date

## Applicant information

Please provide the following additional information about the applicant.

Applicant name **Great Falls Fire Rescue**

## Main address of location impacted by this grant

Main address 1	<b>105 9th St S</b>
Main address 2	
City	<b>Great Falls</b>
State/territory	<b>MT</b>

Zip code **59401**

Zip extension **3215**

In what county/parish is your organization physically located? If you have more than one station, in what county/parish is your main station located? **Cascade**

## Applicant characteristics

The FP&S (Fire Prevention and Safety) program intends to enhance the safety of the public and firefighters with respect to fire and fire-related hazards by assisting fire prevention programs and supporting firefighter health and safety research and development. Grant funds are available in two activities: Fire Prevention and Safety Activity and Research and Development Activity. Please review the Notice of Funding Opportunity for information on available categories within each activity area and for more information on the evaluation process and conditions of award.

Please provide the following additional information about your organization.

Activity: **Fire Prevention and Safety (FP&S)**

Applicant type: **Fire Department/Fire District**

What kind of organization do you represent? **All Paid/Career**

Do you currently report to the National Fire Incident Reporting System (NFIRS)? You will be required to report to NFIRS for the entire period of the grant. **Yes**

Please enter your FDIN/FDID. **02001**

## Operating budget

What is your organization's operating budget for programs that enhance the safety of the public and firefighters with respect to fire and fire-related hazards (including fire prevention, fire code enforcement, fire/arson investigation, wildfire prevention, and firefighter health and safety research and development)? Please include costs (e.g., personnel, maintenance of apparatus, equipment, facilities, utility costs, purchasing expendable items, etc.) for the current (at the time of application) fiscal year, as well as the previous two fiscal years.

Current fiscal year:  
**2020**

**Fiscal Year**

**Operating budget**



Fiscal Year	Operating budget
2020	\$9,429,758.00
2019	\$9,359,271.00
2018	\$8,654,976.00

Please explain the applicant's need for financial assistance to carry out the proposed project(s). Provide detail about the applicant's total operating budget, including a high-level breakdown of the budget. Describe the applicant's inability to address financial needs without federal assistance. Discuss other actions the applicant has taken to meet their needs. Include information on efforts to obtain funding elsewhere and how similar projects have been funded in the past.

**With the current COVID-19 pandemic, the Great Falls City Commission has passed a status-quo budget for all City of Great Falls departments for fiscal year 2020-2021, and we are anticipating the same for the 2021-2022 fiscal year. With a status-quo budgets, and the uncertainty of funding for the 2021-2022 budget year, GFFR does not have the operational funds available cover the cost of the implementation of the First Due/Community Connect platform. GFFR is currently seeking assistance with the cost of implementing the First Due/Community Connect platform. In 2020, GFFR applied looked into the FM Global Fire Prevention Grant, however the First Due/Community Connect platform did not qualify for application. Also, in 2020 GFFR applied to the Gary Sinise foundation for assistance in obtaining the First Due/Community Connect platform, GFFR was unsuccessful. It is the objective of GFFR leadership, that with the 2022-2023 fiscal year the cost of the First Due/Community Connect platform will be a budgeted item that will be covered in GFFR's operational budget.**

In cases of demonstrated economic hardship, and upon the request of the grant applicant, the FEMA Administrator may grant an Economic Hardship Waiver. Is it your organization's intent to apply for an Economic Hardship Waiver?

**No**

## Other funding sources

This fiscal year, are you receiving Federal funding from any other grant program for the same purpose for which you are applying for this grant?

**No**

This fiscal year, are you receiving Federal funding from any other grant program regardless of purpose?

**Yes**

Please provide an explanation for other funding sources in the space provided below.

**FEMA monies for Montana State Hazardous Materials Program that we are a regional team for.**

## Community description

Please provide the following additional information about the community your organization serves.

What type of community does your organization serve?

**Suburban**

What is the permanent resident population of your first due response zone/jurisdiction served?

**62000**

Please describe your organization and/or community that you serve.

Great Falls Fire Rescue (GFFR) is a career Fire and EMS department serving Great Falls, Montana city of 62,000 made up of significant areas of both urban and rural populations and demographics. Encompassing an area of 26 square miles, Great Falls has a perimeter measuring 65 linear miles, much of which can be described as Urban/Wildland interface. We are also surrounded by five rural, all-volunteer departments protecting the grasslands, croplands and open range that surround our city. Our ability to provide both mutual aid to surrounding departments and structural fire protection around the perimeters of our city is crucial. Staffed by 72 personnel, GFFR maintains four stations throughout our city, responding to roughly 8,500 calls for service in 2020. In each station, we staff a three-person engine company, with a ladder/tower in one of the stations. With a Battalion Chief in charge of each shift, our minimum manning is 13 personnel on-shift at any given time. With more than 8,000 calls each year for service, GFFR responds to structure fires, propane and natural gas emergencies and other hazmat emergencies, vehicle fires and collisions, including vehicle extrications, medical emergencies and public-service calls. Select GFFR personnel have trained to the Hazardous Materials Technician level and comprise one of six regional hazmat response teams throughout Montana. GFFR also provides Mutual-Aid assistance to fire departments at Malmstrom Air Force Base (who routinely transport nuclear weapons and materials throughout our jurisdiction), located on the east end of our city, and the Montana Air National Guard fire department at our city's west end. Great Falls Fire Rescue also provides automatic aid to surrounding rural volunteer departments, and mutual aid upon request to all Volunteer Fire Departments in Cascade County. This commitment frequently results in our department responding alongside agencies from around the State and region to significant incidents. During the summer of 2017 our department provided mutual aid with 23 other responding state and rural departments for grass fires threatening our city. One incident in particular, was the largest wildland fire in the State at the time and required a large call-back of off-duty personnel in order to protect the city while others were fighting the encroaching grass fires. Great Falls has a business population that swells during daytime hours and may easily reach 70,000 during peak business hours. Our fire department protects a wide range of target hazards including industrial plants, warehouses, agricultural chemical plants and distributors, a refinery and an additional tank farm at our city's perimeter. We are also home to a seven-story regional hospital and trauma center, at least 30 elementary, middle and high schools along with a vocational college and a university. As the agricultural epicenter of Central Montana, Great Falls also three major grain elevators, two flour mills, a malting plant and a large agricultural feed mill within our response area that create unique challenges, including high dust-explosion hazards. There has been an increase flammable liquid and gas cargoes including various forms of crude oil that is transported in and out of our jurisdiction daily, in support of the refinery and other commercial uses within our community. GFFR also responds to numerous grass fires and other perimeter fires for which we are not currently well equipped. We are working diligently to improve our urban/wildland interface responses and protection, as well as our more traditional response capabilities and support of our mutual aid partners throughout Cascade County.

## **Grant request details Grand total: \$35,080.00**

### **Program area: Fire prevention and safety**

**Total requested for Community Risk  
Reduction activity: \$28,500.00**

**Total requested for Public Education project:  
\$28,500.00**

**Other (Explain)**

First Due/Community Connect Platform

BUDGET CLASS

Contractual

YEAR	QUANTITY	UNIT PRICE	TOTAL
1	1	\$14,250.00	\$14,250.00
2	1	\$14,250.00	\$14,250.00
TOTAL			\$28,500.00

DESCRIPTION

Community Risk Reduction and Pre-Incident Planning cloud based platform.

**More Details for Public Education.**

Please provide the following information about the project you want funded.

Project name

**Community Risk Reduction and Pre-Planning Program**

Is this a national-level project, with a national impact? **No**

Is this project a regional request? A regional request provides a direct regional and/or local benefit beyond your organization. You may apply for a regional request on behalf of your organization and any number of other participating eligible organizations within your region. **No**

Who is the target audience for the planned project?

**Geographic Area**

What is the estimated size of the target audience? **70000**

How was this target audience determined? **Informal Assessment**

Please provide a brief synopsis of the proposed project and then identify the specific goals and objectives of your project.

**Great Falls Fire Rescue (GFFR) is looking to implement a Community Risk Reduction (CRR) and Pre-Planning program that will greatly benefit all the citizens of our community along with those living in protected fire districts. The First Due/Community Connect platform will allow GFFR to connect with members of the community by giving community members and business owners the availability to input important information regarding their properties, this information will go directly to GFFR and aid during an emergency response. The First Due/Community Connect platform will also allow GFFR members to conduct pre-incident plans on structures. These pre-incident plans can be accessed in real time through the CAD system. The availability of these pre-incident plans to be easily accessed in route to an emergency, will not only provide important timely information to GFFR members, but it will aid them in their efforts to mitigate the hazard and keep the community safe.**

Please explain your experience and ability in developing and conducting (i.e., timely and satisfactory project completion) past fire prevention and safety projects. Additionally, please demonstrate the experience and expertise you have in managing the type of project you are proposing.

**Over the last seven years, the Great Falls Fire Rescue (GFFR) Fire Prevention Bureau (FPB) has grown from two members to four, and GFFR is looking at continuing to add to and grow the FPB. Four years ago, GFFR's FPB began handling all the safety inspections for the City of Great Falls. There are roughly 3000 safety inspections that need to be conducted yearly, in years past these safety inspections were conducted by the engine companies and spread across four platoons. Since the FPB has taken over the inspection program, and switched to a digital platform for inspections, GFFR has seen compliance with the fire code increase, education of the public increase, and an overall streamlining of the safety inspection process. In the four years the FPB has conducted the safety inspection program, they have been able to successfully complete 3000 inspections. With the success, the FPB has had with the safety inspection program, taking on and managing the Community Risk Reduction program and Pre-Planning program will be met with the same energy and success.**

## Narrative

The narrative statements must provide all the information necessary for you to justify your needs and for FEMA to make an award decision. A panel of peer reviewers will evaluate the applications by using the narrative statements below to determine the worthiness of the request for an award. Please ensure that your narrative clearly addresses each of the following evaluation criteria elements to the best of your ability with detailed but concise information. You may either type your narrative statements in the spaces provided below or create the text in your word processing system and then copy it into the appropriate spaces provided below. Please note the narrative block does not allow for formatting. Do not type your narrative using only capital letters. Additionally, do not include tables, special fonts (i.e., quote marks, bullets, etc.), or graphs. Please review the Notice of Funding Opportunity for additional narrative details.

**Commitment to Mitigation:** Fire Department applicants that can demonstrate their commitment and proactive posture to reducing fire risk will receive higher consideration. Applicants must explain their code adoption and enforcement (to include Wildland Urban Interface and commercial/residential sprinkler code adoption and enforcement) and mitigation strategies (including whether or not the jurisdiction has a FEMA-approved mitigation strategy). Applicants can also demonstrate their commitment to reducing fire risk by applying to implement fire mitigation strategies (code adoption and enforcement) via this application.

**Great Falls Fire Rescue (GFFR) and the State of Montana are currently operating under the 2012 International Fire Code (IFC), as well as, the 2010 edition of NFPA 13 and NFPA 72. The City of Great Falls and the State of Montana have adopted the 2018 International Building Code (IBC), the adoption of the 2018 IFC is awaiting the Montana Legislature to approve and adopt. The City of Great Falls operates under a Safety Inspection program, where by city title; all businesses that occupy a commercial space are required to obtain a Safety Inspection Certificate (SIC). The City of Great Falls does not have a business license program, so the SIC acts very much like a business license. With the SIC program, all businesses are required to have a safety inspection. These safety inspections are conducted by GFFR's Fire Prevention Bureau (FPB). GFFR's FPB conducts roughly 3000 safety inspections on an annual basis. In conducting these safety inspections, GFFR'S FPB enforces the 2012 IFC and the respective NFPA codes and standards referenced by the IFC. GFFR's FPB not only uses the safety inspection process to ensure that the businesses within the City of Great Falls comply with the code, but to also educate the public on why adhering to the code is important and how doing so not only keeps the businesses safe, but the entire community safe. With this in mind, GFFR is looking at taking the next step in reducing risk in the City of Great Falls by developing a Community Risk Reduction (CRR) program and elevating our pre-incident planning process to meet that of current fire service practices. GFFR is looking to implement the**

practices outlined in both NFPA 1300 and NFPA 1730. GFFR has identified the First Due/Community Connect platform as an avenue to help us develop and administer the CRR and pre-planning program.

### Vulnerability Statement:

- The assessment of fire risk is essential in the development of an effective project goal, as well as meeting FEMA's goal to reduce risk by conducting a risk assessment as a basis for action. Vulnerability is a "weak link," demonstrating high-risk behavior, living conditions, or any type of high-risk situation. The Vulnerability Statement should include a description of the steps taken to determine the vulnerability and identify the target audience. The methodology for determination of vulnerability (i.e., how the vulnerability was found) should be discussed in-depth in the application's Narrative Statement.
- The specific vulnerability that will be addressed with the proposed project can be established through a formal or informal risk assessment. FEMA encourages the use of local statistics, rather than national statistics, when discussing the vulnerability.
- In a clear, to-the-point statement, the applicant should summarize the vulnerability the project will address, including who is at risk, what the risks are, where the risks are, and how the risks can be prevented, reduced, or mitigated.
- For the purpose of the FY 2020 FP&S NOFO, formal risk assessments consist of the use of software programs or recognized expert analysis that assess risk trends.
- Informal risk assessments could include an in-house review of available data (e.g., National Fire Incident Reporting System [NFIRS]) to determine fire loss, burn injuries or loss of life over a period of time, and the factors that are the cause and origin for each occurrence, including a lack of adoption and enforcement of certain codes.

Great Falls Fire Rescue (GFFR) protects a population of 62,000 people across 26 square miles, which includes 18 contracted fire districts located outside the City limits. In 2019, GFFR responded to 8510 calls for service. GFFR is a full service department, providing fire protection, fire origin and cause investigation, ALS emergency medical service, technical rescue, and hazardous materials response and mitigation. GFFR's Fire Prevention Bureau (FPB) conducts roughly 3000 Safety Inspections a year, works directly with the City of Great Falls Community Development department, contactors, architects, engineers, and developers on new building projects in the City of Great Falls. GFFR is actively engaged in community outreach offering car seat instillation education, CPR classes, fire extinguisher classes, and fire prevention education in the local school system. GFFR's leadership team has been working diligently to evaluate the department's strengths and weaknesses, as well as, to chart a path for the department's future. GFFR's leadership team has developed a set of strategic goals for the department based off a SWAT analysis conducted by the leadership team. Of these strategic goals, the development of a Community Risk Reduction (CRR) Program and an advancement in the department's Pre-Plan practices were identified as two of the department's top strategic goals. In 2018, GFFR made the transition of its incident reporting and fire prevention systems to the company Emergency Reporting (ER). The move to ER was the first time that GFFR has been able to work with a reporting system designed for the fire service. Past reporting systems used by GFFR were built for law enforcement, these systems while good, did not meet the needs of GFFR. Since the move to the ER platform, GFFR has been very pleased with the ease and efficiency of the system. The ER platform has brought GFFR's

incident reporting and fire prevention efforts in line with modern fire service. In respect to GFFR's strategic goals, the ER platform has moved us to the first stages of developing a CRR program. The ER platform has allowed the FPB to begin to conduct Occupancy Vulnerability Assessment Profiles (OVAP) on all commercial structures in the City. The OVAP scores help GFFR to identify those buildings in the City that fall into a high-risk classification. When conducting OVAP assessments, members of the FPB are able to obtain a limited amount of Pre-Plan information for these commercial buildings. While gathering this analytical information is helpful for those at the administrative level, it is very difficult to get this information out to the first responders in a way that is easily accessible and useable. This is a major downfall of GFFR's current Pre-Plan program, as our current Pre-Plans are still done on paper and kept in a storage box in the back of the Battalion Chiefs vehicle. ER recently partnered with First Due to offer a CRR and Pre-Plan platform. The platform offered by First Due uses the information inputted into the ER system and places it in a platform that is easily accessible and usable by first responders. This Pre-Plan information is viewable as satellite images, so not only do the crews receive information on buildings, they get a visual picture of where important fire protection devices are located, as well as, pertinent hazards they might face. The First Due platform also allows responding crews the ability to add information to building. This information could be extremely valuable to the next crews responding the building. The First Due platform also has a CRR component called Community Connect. The Community connect component allows for local residents and business owners to create profiles where they can input important information for use by first responders. Examples of the possible information that could be entered into the system are: • number of people who live in a home • medical issues of the people in the home • pets in the home • access into the home (door codes or hidden keys) • commercial callout information • commercial

door access codes • commercial chemical lists Given the current state of the world, the Community Connect platform also can provide COVID-19 self-reporting information. The Community Connect platform also provides a Community Outreach component. This component allows fire departments to reach out to their communities with important information and messages via social media and other informational platforms.

**Project Description:** Applicants must describe in detail not only the project components but also how the proposed project addresses the identified capability gap, due to financial need and/or the vulnerabilities identified in the vulnerability statement. The following information should be included:

- Project Components
- Review of any existing programs or models that have been successful.
- Detailed description of how the proposed project components fill the identified capability gap
- If working with Fire Service Partners/Organizations, identify each partner/organization and the role(s) they will fill in the successful completion of the proposed project.

**Great Falls Fire Rescue (GFFR) is looking to implement the First Due/Community Connect, Community Risk Reduction (CRR) and Pre-Incident planning platform. This is a cloud based platform that has an annual service contract around \$15000 per year. With the global COVID-19 pandemic the City of Great Falls has adopted a status-quo budget for the 2020-2021 fiscal year, and we anticipated the same status-quo budget to be adopted for the 2021-2022 fiscal year. GFFR has recognized as some of its strategic goals the need to implement a CRR program, as well as, to improve our pre-incident planning program by bringing it up to current fire service practices. GFFR's current pre-incident planning program consists of engine companies conducting a small number of pre-incident plans per year. These pre-incident plans are tracked via paper and pencil, and kept in a box in the back of the Battalion Command Vehicle. These plans seldom if ever are referred as their location and accessibility is out of sight and out of mind. The First Due/Community Connect platform will allow GFFR members access to these pre-incident plans via any device that can connect to the internet. These pre-incident plans can also be linked to the CAD system in the responding apparatus, allowing GFFR members the abilities to access this data in real time while responding to an emergency response. The First Due/Community Connect platform will also allow GFFR members to have access to important information that the public and business owners can input through the CRR Community Connect program. Members of the public and commercial business owners can provide information to GFFR such as:**



number of people living in a home, any medical issues of occupants, if pet's are in the home, access in to the home (door codes/hidden keys), commercial callout information, commercial door access codes, and commercial chemical lists. Currently the First Due/Community Connect platform is being successfully used by the following departments: Salem Fire Department, Seattle Fire Department, Fort Worth Fire Department, Beverly Hills Fire Department, Bowling Green Fire Department, Fort Myers Fire Department, Mesa Fire and Medical Department, Charlotte Fire Department, Spokane Valley Fire Department, Missoula Rural Fire Department and many more nationwide. In performing research into First Due/Community Connect, GFFR was unable to find any other companies and platforms that can offer what the First Due/Community Connect platform can offer.

**Implementation Plan:** Each project proposal should include details on the implementation plan which discusses the proposed project's goals and objectives. The following information should be included to support the implementation plan:

- Goals and objectives
- Details regarding the methods and specific steps that will be used to achieve the goals and objectives
- Timelines outlining the chronological project steps (this is critical for determining the likeliness of the project's completion within the period of performance)
- Where applicable, examples of marketing efforts to promote the project, who will deliver the project (e.g., effective partnerships), and the manner in which materials or deliverables will be distributed
- Requests for props (i.e., tools used in educational or awareness demonstrations), including specific goals, measurable results, and details on the frequency for which the prop will be utilized as part of the implementation plan. Applicants should include information describing the efforts that will be used to reach the high-risk audience and/or the number of people reached through the

GFFR provides a great many services to the citizens of Great Falls. These services include but are not limited to fire suppression, emergency medical services, hazardous materials response, technical rescue, and fire prevention. At GFFR, we believe in putting the needs of our Community first! Two of the ways the GFFR strives to protect our community is by actively focusing on CRR efforts, and providing accurate and easy to use Pre-Plan information for our first responders. CRR and Pre-Plans are prevention measures that are not only used to protect our citizens and structures, but also our first responders. GFFR understands that not all emergencies can be prevented, however, by educating, connecting and Pre-Planning; GFFR can take the steps to lessen the possibility of a small emergency turning into a large disaster. With the current COVID-19 pandemic, the Great Falls City Commission has passed a status-quo budget for all City of Great Falls departments for fiscal year 2020-2021, and we are anticipating the same for the 2021-2022 fiscal year. With a status-quo budgets, and the uncertainty of funding for the 2021-2022 budget year, GFFR does not have the operational funds available cover the cost of

proposed project (examples of props include safety trailers, puppets, or costumes)

- Where human subjects are involved, describe plans for submission to the Institutional Review Board (IRB) (for further guidance and requirements, see the Human Subjects Research section of the NOFO)
- NOTE: For applicants proposing a complex project that may require a 24-month Period of Performance, please include significant justification and details in the implementation plan that justify the applicant's need for a Period of Performance of more than 12 months.

**the implementation of the First Due platform GFFR is currently seeking assistance with the cost of implementing the First Due platform. It is the objective of GFFR leadership, that with the 2023-2024 fiscal year the cost of the First Due platform will be a budgeted item that will be covered in GFFR's operational budget. GFFR is applying to FEMA for consideration in its Fire Prevention and Safety grant. The Fire Prevention and Safety grant will allow GFFR to implement the First Due platform in the 2021-2022 fiscal year. GFFR is requesting from FEMA:**

- \$28,500 for the First Due/Community Connect platform

The monies received from the Fire Prevention and Safety grant will allow GFFR to implement the First Due platform this fiscal year. GFFR will then budget the cost of the First Due platform beginning with the 2023-2024 fiscal year. With the implementation of the First Due platform, FEMA will assist GFFR to continue to strive to protect the citizens of Great Falls, keep our first responders safe, and to meet two of our leadership team's strategic goals! Execution Strategy Implement First Due/Community Connect program by the end of the 2021 calendar year, with GFFR budgeting for the cost of the First Due program beginning with the 2023-2024 fiscal year. With the implementation of the First Due platform, GFFR will work to:

- Launch the Community Connect program to the citizens and business owners of Great Falls
- Train GFFR first responders in the use and application of the First Due Pre-Planning platform
- Have all major target hazards Pre-Planned in the First Due platform by the end of 2022
- Launch CRR monthly informational messages via social media and other informational outlets
- Have First Due/Community Connect as a budgeted line item beginning with the 2023-2024 fiscal year

**Evaluation Plan:** Projects should include a plan for evaluation of effectiveness and identify measurable goals. Applicants seeking to carry out awareness and educational projects, for example, should identify how they intend to determine that there has been an increase in knowledge about fire hazards, or measure a change in the safety behaviors of the audience.

**The effectiveness of the First Due/Community Connect platform installation in Great Falls and at Great Falls Fire Rescue (GFFR) will be evaluated in the following manner:**

- Gage the participation of community members and business owners over three year time period, year 1 implementation, year 2 education and continued implementation, year 3 retention

Applicants should demonstrate how they will measure risk at the outset of the project in comparison to how much the risk decreased after the project is finished. There are various ways to measure the knowledge gained about fire hazards, including the use of surveys, pre- and post-tests, or documented observations. Applicants are encouraged to attend training on evaluation methods, such as the National Fire Academy's "Demonstrating Your Fire Prevention Program's Worth."

**Cost Benefit:** Projects will be evaluated and scored by the Peer Review Panelists based on how well the applicant addresses the fire prevention needs of the department or organization in an economic and efficient manner. The applicant should show how it will maximize the level of funding that goes directly into the delivery of the project. The costs associated with the project also must be reasonable for the target audience that will be reached, and a description should be included of how the anticipated project benefit(s) (quantified if possible) outweighs the cost(s) of the requested item(s). The application should provide justification for all costs included in the project in order to assist the Technical Evaluation Panel with their review.

**and continued growth of users • Educate and train GFFR members in the use of the First Due/Community Connect pre-incident planning platform. By year, two of implementation have all major target hazards pre-planned and entered into the platform • Evaluate the pre-planning and community input information to verify that over a three year time period, has the proper information been getting to GFFR members on emergency responses allowing them to gain quicker access to patients or the ability to better mitigate hazards in a safe and timely manner • Evaluate over a three year time period the ability of GFFR to connect with the community of Great Falls on identified risks, thus reducing the opportunity for those risks to occur • Further develop GFFR's CRR program by creating and hiring a CRR Officer, as well as, having members of the Fire Prevention Bureau attend the National Fire Academy and participate in its CRR courses**

**With the current COVID-19 pandemic, the Great Falls City Commission has passed a status-quo budget for all City of Great Falls departments for fiscal year 2020-2021, and we are anticipating the same for the 2021-2022 fiscal year. With a status-quo budget, and the uncertainty of funding for the 2021-2022 budget year, GFFR does not have the operational funds available cover the cost of the implementation of the First Due/Community Connect platform. GFFR is currently seeking assistance with the cost of implementing the First Due platform. It is the objective of GFFR leadership, that with the 2023-2024 fiscal year the cost of the First Due platform will be a budgeted item that will be covered in GFFR's operational budget. GFFR is applying to FEMA for consideration in its Fire Prevention and Safety grant. The Fire Prevention and Safety grant will allow GFFR to implement the First Due platform in the 2021-2022 fiscal year. GFFR is requesting from FEMA: • \$28,500 for the First Due/Community Connect platform The monies received from the Fire Prevention and Safety grant will allow GFFR to implement the First Due platform this fiscal year. GFFR will then budget the cost of the First Due platform**

beginning with the 2023-2024 fiscal year. By receiving the FEMA Fire Prevention and Safety grant GFFR will be able to being to use this technology to help reduce risk to our community and firefighters now, versus having to wait for funding to come available within the budget in future years. By having the availability to implement the First Due/Community connect platform sooner rather than later, GFFR will progress forward in preventing risk, versus potentially becoming stagnant in our risk reduction efforts.

**Sustainability:** Is it your organization's intent to deliver this program after the grant performance period? If so, how will the overall activity be sustained and what are the long-term benefits? Examples of sustainable projects can be illustrated through the long-term benefits derived from the delivery of the project, the presence of non-federal partners likely to continue the effort, or the demonstrated long-term commitment of the applicant.

If awarded the FEMA Fire Prevention and Safety grant, Great Falls Fire Rescue (GFFR) intends the First Due/Community Connect platform to be an ongoing program that will grow as an integral part of our overall Community Risk Reduction (CRR) program. Currently the Great Falls City Commission has passed a status-quo budget for all City of Great Falls departments for fiscal year 2020-2021, and we are anticipating the same for the 2021-2022 fiscal year. With a status-quo budgets, and the uncertainty of funding for the 2021-2022 budget year, GFFR does not have the operational funds available cover the cost of the implementation of the First Due/Community Connect platform. GFFR is currently seeking assistance with the cost of implementing the First Due platform. It is the objective of GFFR leadership, that with the 2023-2024 fiscal year the cost of the First Due platform will be a budgeted item that will be covered in GFFR's operational budget proceeding forward.

**Additional Comments:** If you have any additional comments about your project, please provide them here.

Great Falls Fire Rescue would like to take the time to thank FEMA and all of the grant reviewers for the opportunity for our department to apply for the FEMA Fire Prevention and Safety grant. We at Great Falls Fire Rescue hope that you will consider us a viable candidate to be awarded the FEMA Fire Prevention and Safety grant, and we kindly thank you for your consideration.

## Total requested for Fire & Arson

# Investigation activity: \$6,580.00

## Total requested for Fire & Arson Investigation Equipment (including PPE) project: \$6,580.00

### Other (Explain)

Grace 950-ASH Accelerant and Hydrocarbon Detector

#### BUDGET CLASS

Equipment

YEAR	QUANTITY	UNIT PRICE	TOTAL
1	4	\$1,645.00	\$6,580.00
2	0	\$0.00	\$0.00
TOTAL			\$6,580.00

#### DESCRIPTION

Metered, non-calibrated, purge, rechargeable, mute - For Detection of Hydrocarbons, Accelerants, Petroleum Volatiles and Various Gases. A ruggedly constructed gas detection and field survey tool. This unit will detect the presence of hydrocarbons that may be present at the fire scene and is equally effective as a general purpose gas detector. Replaces Model 850.

### More Details for Fire & Arson Investigation Equipment (including PPE).

Please provide the following information about the project you want funded.

Project name

**Grace 950-ASH Accelerant and Hydrocarbon Detector**

Is this a national-level project, with a national impact?

**No**

Is this project a regional request? A regional request provides a direct regional and/or local benefit beyond your organization. You may apply for a regional request on behalf of your organization and any number of other participating eligible organizations within your region. **No**

Who is the target audience for the planned project?

**Firefighters**

What is the estimated size of the target audience?

70

How was this target audience determined?

**Informal Assessment**

Please provide a brief synopsis of the proposed project and then identify the specific goals and objectives of your project.

**Great Falls Fire Rescue (GFFR) looking to obtain four Grace 950-ASH Accelerant and Hydrocarbon Detectors that would be used by our Fire Investigation team and members of GFFR when conducting origin and cause investigations. Currently, GFFR has one older model Pragmatics Fire Arson Detector that has reached the end of its service life, the Grace 950-ASH Accelerant and Hydrocarbon Detectors would be a giant upgrade in technology that would more accurately allow us to determine if accelerants or hydrocarbons were present at a given fire scene. This would allow GFFR the ability to more accurately determine if arson charges are warranted, as well as, help as evidence collected if a arson case is to go to trial.**

Will this project aim to aggressively investigate every fire?

**Yes**

Please explain how this project will assist you in reaching this goal

**By obtaining four Grace 950-ASH Accelerant and Hydrocarbon Detectors, one detector can be assigned to each of our current Lead Investigators. These detectors will be placed with their investigation equipment, and will be readily available to them during fire investigations. Currently our Pragmatics Fire Arson Detector is at the end of its service life. When the Pragmatics Fire Arson Detector is working, it is kept at our main fire station. If an investigator determines the need to sample an area for accelerants or hydrocarbons, a member of the investigation team has to return to retrieve the Pragmatics Fire Arson Detector. By the Lead Investigators having a Grace 950-ASH Accelerant and Hydrocarbon Detector assigned to them, time and use of resources will be better managed and fire investigations can more accurately confirm or rule out accelerants or hydrocarbons.**

Explain your jurisdiction's training requirements for fire investigation personnel

**Company Officers: CFI Trainer Fire Investigation For Fire Officers Basic Investigator: Attend NFA R206 or RO772, IAAI Fit, Complete 3 investigations assisting a**



Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Missouri River North Bank Stabilization – OF 1693.0

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Paul Skubinna, Public Works Director

**Action Requested:** Consider and Approve Acceptance of Grant Award PDMC-PJ-08-2019-005

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/reject) the Montana Disaster & Emergency Services grant award in the amount of \$397,749.75, and (authorize/not authorize) the City Manager to execute the Hazard Mitigation Assistance Agreement for the Missouri River North Bank Stabilization.”

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

---

**Staff Recommendation:** Approve acceptance of the Montana Disaster & Emergency Services grant award.

**Summary:**

The cooperative partnership of the City of Great Falls, Cascade County, Recreational Trails Inc., and Northwestern Energy identified a 1,440-foot stretch of the Missouri River along the North bank line where significant erosion is occurring. In order to secure funding for the proposed bank stabilization project the partnership applied for funding through FEMA’s Hazard Mitigation Grant Program.

**Background:**

The north bank of the Missouri River is showing severe signs of erosion, cracking, and bank saturation. Large portions of the bank line have sloughed off into the river creating an unstable condition, safety hazards, and risk of failure. The erosion is currently threatening the Rivers Edge Trail and a 36-inch buried sewer line that are located approximately 30-60 feet from the bank edge. Providing bank stabilization measures along this stretch of reservoir will provide protection for the pedestrian path and sewer line; eliminate erosion and safety hazards; and reduce sediment deposition into the river.

FEMA’s Hazard Mitigation Grant Program provides funding to state, local, tribal and territorial governments so they can rebuild in a way that reduces, or mitigates, future disaster losses in their communities. Funding for this program is provided to Montana Disaster & Emergency Services (MT

DES). MTDES is the applicant for this program and will administer the funding awarded to Sub-applicants. Funding is provided by the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) and Grant Programs Directorate (GPD).

Evaluation and Selection Process:

On November 5, 2019 the City Commission approved the award of a professional services agreement with WWC Engineering to complete and submit the grant application.

Purpose:

The primary goal of this phase of the project is to repair and reduce erosion along a 500-foot stretch of the north bank line of the Missouri River. The project will help preserve the pedestrian trail, the City sewer main, provide development of aquatic and riparian habitat, and conservation of soil.

Conclusion:

The project will result in repairing the river bank upstream of the 9th Street Bridge on the north bank of the Missouri River. Providing bank stabilization measures along this stretch of river will provide protection for the pedestrian path and sewer line; reduce/eliminate erosion and safety hazards; and reduce sediment deposition into the river. The project has been selected and prioritized, and executed in accordance with the Public Works Capital Improvement Program and budgeted in the sanitary sewer utility enterprise fund.

**Fiscal Impact:**

The proposed budget for the stream bank mitigation project is \$530,333.00. The Federal award is in the amount of \$397,749.75, the required local match amount is \$132,583.25. On November 21, 2017 the City Commission approved acceptance of match funding in the amount of \$73,383.95. The funds were provided through a grant from NorthWestern Energy and the Missouri/Madison River fund. The remaining match funds of \$59,199.30 is programmed in Public Works Capital Improvements Plan utilizing Sanitary Sewer Enterprise Funds.

**Alternatives:**

The City Commission could vote to deny acceptance of the Montana Disaster & Emergency Services grant award. This action would result in delaying the project leading to continued erosion along the river bank increasing the risk to the safety of the public using the River's Edge Trail or failure of the sanitary sewer line in the vicinity. Delaying the project could lead to missing the 12/17/2023 deadline to submit for funding reimbursement. This would burden the City with expenses intended to be covered by grant funding.

**Concurrences:**

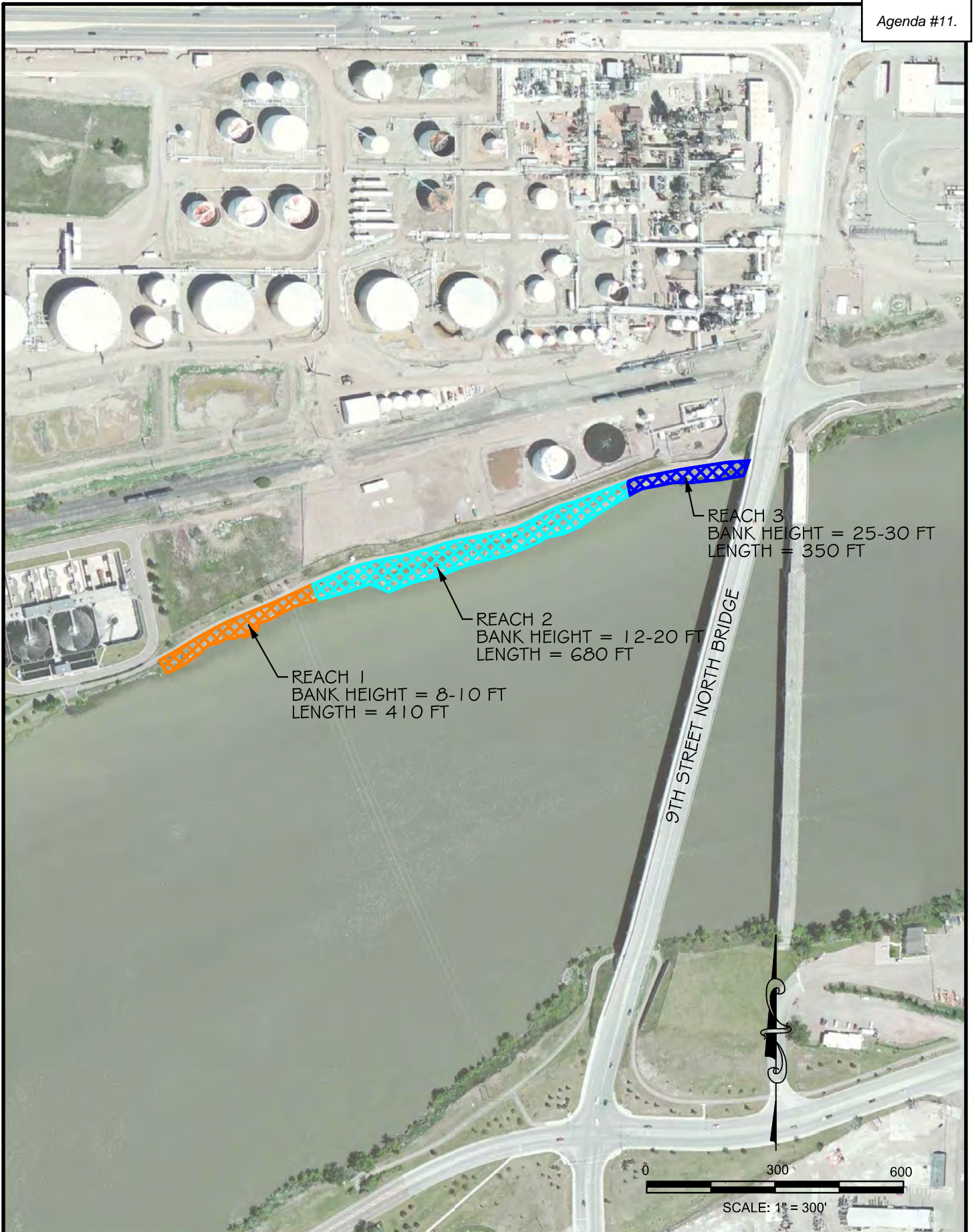
City Public Works, City Parks and Recreation Division, Cascade County, Recreational Trails Inc., Northwestern Energy, and the Missouri/Madison River Group recommend acceptance of the award.

**Attachments/Exhibits:**

Project Location - Figure 1

PDMC-PJ-08-MT-2019-005 Award - Great Falls





**URBAN CORRIDOR/BLACK EAGLE RESERVOIR PROJECT**

Project Site Map

DSGN	DATE	CKD
RDN	8/15	STH
REV	DATE	CKD

**CASCADE CONSERVATION DISTRICT**

12 3rd St. NW, Ste. 300  
Great Falls, MT 59404  
(406) 727-3603



1275 MAPLE STREET, SUITE F  
HELENA, MT 59601  
(406) 443-3962

**EXHIBIT**

1 57

JOB #

PEN TABLE PATH: K:\Helena\CASCADE CD15-09\EXHIBITS\CCD Color.dwg  
8/28/2015 FILE PATH: K:\Helena\CASCADE CD15-09\Urban Corridor\Black Eagle Reservoir Exhibits.dgn

**Agreement Articles**

February 12, 2021



**AGREEMENT ARTICLES  
Hazard Mitigation Assistance**

**SUB-RECIPIENT:** City of Great Falls  
**PROGRAM:** Pre-Disaster Mitigation FY 2019  
**AGREEMENT NUMBER:** PDMC-PJ-08-MT-2019-005

**TABLE OF CONTENTS**

Article I	DHS Specific Acknowledgements and Assurances
Article II	Whistleblower Protection Act
Article III	Use of DHS Seal, Logo and Flags
Article IV	USA Patriot Act of 2001
Article V	Universal Identifier and System of Award Management (SAM)
Article VI	Reporting of Matters Related to Recipient Integrity and Performance
Article VII	Rehabilitation Act of 1973
Article VIII	Trafficking Victims Protection Act of 2000
Article IX	Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX
Article X	Terrorist Financing
Article XI	SAFECOM
Article XII	Procurement of Recovered Materials

Article XIII	Notice of Funding Opportunity Requirements
Article XIV	Patents and Intellectual Property Rights
Article XV	Non-supplanting Requirement
Article XVI	Lobbying Prohibitions
Article XVII	Limited English Proficiency (Civil Rights Act of 1964, Title VI)
Article XVIII	Hotel and Motel Fire Safety Act of 1990
Article XIX	Fly America Act of 1974
Article XX	Federal Leadership on Reducing Text Messaging while Driving
Article XXI	Federal Debt Status
Article XXII	False Claims Act and Program Fraud Civil Remedies
Article XXIII	Reporting Subawards and Executive Compensation
Article XXIV	Energy Policy and Conservation Act
Article XXV	Duplication of Benefits
Article XXVI	Drug-Free Workplace Regulations
Article XXVII	Debarment and Suspension
Article XXVIII	Copyright
Article XXIX	Civil Rights Act of 1964 - Title VI
Article XXX	Civil Rights Act of 1968
Article XXXI	Best Practices for Collection and Use of Personally Identifiable Information (PII)
Article XXXII	Americans with Disabilities Act of 1990
Article XXXIII	Age Discrimination Act of 1975
Article XXXIV	Activities Conducted Abroad
Article XXXV	Acknowledgment of Federal Funding from DHS

Article XXXVI	Assurances, Administrative Requirements, Cost Principles, and Audit Requirements
Article XXXVII	National Environmental Policy Act
Article XXXVIII	Nondiscrimination in Matters Pertaining to Faith-Based Organizations
Article XXXIX	Acceptance of Post Award Changes
Article XL	Prior Approval for Modification of Approved Budget
Article XLI	Disposition of Equipment Acquired Under the Federal Award

**Article I - DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS.
2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, recipients have been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency (LEP)), sex, age, disability, religion, or familial status, recipients must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS FAO and the [DHS Office of Civil Rights and Civil Liberties](#) (CRCL) by e-mail at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov) or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.
6. In the event courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS FAO and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

**Article II - Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C Section 2409, 41 U.S.C. 4712, and 10 U.S.C. Section 2324, 41 U.S.C. Sections 4304 and 4310.

**Article III - Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**Article IV - USA Patriot Act of 2001**

Recipients must comply with requirements of the [Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act \(USA PATRIOT Act\)](#), which amends 18 U.S.C. Sections 175-175c.

#### **Article V - Universal Identifier and System of Award Management (SAM)**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at [2 C.F.R. Part 25, Appendix A](#).

#### **Article VI - Reporting of Matters Related to Recipient Integrity and Performance**

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

#### **Article VII - Rehabilitation Act of 1973**

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

#### **Article VIII - Trafficking Victims Protection Act of 2000**

Recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act of 2000*, (TVPA) as amended by 22 U.S.C. Section 7104. The award term is located at [2 C.F.R. Section 175.15](#), the full text of which is incorporated here by reference.

#### **Article IX - Education Amendments of 1972 (Equal Opportunity in Education Act) - Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at [6 C.F.R. Part 17](#) and [44 C.F.R. Part 19](#)

#### **Article X - Terrorist Financing**

Recipients must comply with [E.O. 13224](#) and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

#### **Article XI - SAFECOM**

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

#### **Article XII - Procurement of Recovered Materials**

Recipients must comply with Section 6002 of the [Solid Waste Disposal Act](#), as amended by the [Resource Conservation and Recovery Act](#). The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at [40 C.F.R. Part 247](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

#### **Article XIII - Notice of Funding Opportunity Requirements**

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. Recipients must comply with any such requirements set forth in the program NOFO.

#### **Article XIV - Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the [Bayh-Dole Act, Pub. L. No. 96-517](#), as amended, and codified in 35 U.S.C. Section 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at [37 C.F.R. Part 401](#) and the standard patent rights clause located at 37 C.F.R. Section 401.14.

#### **Article XV - Non-supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

#### **Article XVI - Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. Section 1352, which provides that none of the funds provided under an federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

#### **Article XVII - Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with the *Title VI of the Civil Rights Act of 1964* (42 U.S.C. Section 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

#### **Article XVIII - Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, (15 U.S.C. Section 2225a), recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, (15 U.S.C. Section 2225).

#### **Article XIX - Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. Section 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. Section 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981 [amendment](#) to Comptroller General Decision B-138942.

#### **Article XX - Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in [E.O. 13513](#), including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

#### **Article XXI - Federal Debt Status**

Recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See [OMB Circular A-129](#).)

#### **Article XXII - False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of The False Claims Act (31 U.S.C. Section 3729-3733) which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. Section 3801-3812 which details the administrative remedies for false claims and statements made.)

#### **Article XXIII - Reporting Subawards and Executive Compensation**

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

#### **Article XXIV - Energy Policy and Conservation Act**

Recipients must comply with the requirements of The Energy Policy and Conservation Act (42 U.S.C. Section 6201) which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

#### **Article XXV - Duplication of Benefits**

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

#### **Article XXVI - Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of [2 CFR part 3001](#), which adopts the Government-wide implementation ([2 CFR part 182](#)) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 8101).

#### **Article XXVII - Debarment and Suspension**

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

#### **Article XXVIII - Copyright**

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

#### **Article XXIX - Civil Rights Act of 1964 - Title VI**

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

#### **Article XXX - Civil Rights Act of 1968**

Recipients must comply with [Title VIII of the Civil Rights Act of 1968](#), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. Section 3601 et seq.), as implemented by the Department of Housing and Urban Development at [24 C.F.R. Part 100](#). The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units-i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)-be designed and constructed with certain accessible features. (See [24 C.F.R. Section 100.201](#).)

#### **Article XXXI - Best Practices for Collection and Use of Personally Identifiable Information (PII)**

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

Recipients may also find the DHS Privacy Impact Assessments: [Privacy Guidance](#) and [Privacy template](#) as useful resources respectively.

### **Article XXXII - Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities. (42 U.S.C. Sections 12101- 12213).

### **Article XXXIII - Age Discrimination Act of 1975**

Recipients must comply with the requirements of the *Age Discrimination Act of 1975* (Title 42 U.S. Code, Section 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

### **Article XXXIV - Activities Conducted Abroad**

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

### **Article XXXV - Acknowledgment of Federal Funding from DHS**

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

### **Article XXXVI - Assurances, Administrative Requirements, Cost Principles, and Audit Requirements**

DHS financial assistance recipients must complete either the OMB Standard Form) [Standard Form 424B Assurances - Non-Construction Programs](#), or [OMB Standard Form 424D Assurances - Construction Programs](#) as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the MT DES point of contact if you have any questions.

DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at [Title 2, Code of Federal Regulations, Part 200](#), and adopted by DHS at [2 C.F.R. Part 3002](#).

### **Article XXXVII - National Environmental Policy Act**

Recipients must comply with the requirements of the [National Environmental Policy Act](#) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

### **Article XXXVIII - Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in [6 C.F.R. Part 19](#) and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

### **Article XXXIX - Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award.

### **Article XL - Prior Approval for Modification of Approved Budget**



Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA through MT DES where required by 2 C.F.R. Section 200.308. For awards with an approved budget greater than \$150,000, you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first report you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

#### **Article XLI - Disposition of Equipment Acquired Under the Federal Award**

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

#### **Article XLIII - MT DES Specific Acknowledgements and Assurances**

Sub-recipients must acknowledge and agree to comply with applicable provisions governing MT DES access to records, accounts, documents, information, facilities, and staff.

1. Sub-recipients must cooperate with any compliance reviews or compliance investigations conducted by MT DES.
2. Sub-recipients must give MT DES access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by MT DES regulations and other applicable laws or program guidance.
3. Sub-recipients must submit timely, complete, and accurate reports to the appropriate MT DES officials and maintain appropriate backup documentation to support the reports.
4. Sub-recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. The State of Montana shall not be liable for any reimbursement amount greater than the award amount available to each sub-recipient.
6. Failure of the Agency to accomplish HMGP objectives may result in the reduction or withholding of funds, or other action, as determined by MT DES.

MT DES has the right to seek judicial enforcement of these obligations.

#### **Article XLIV - Accruals**

As established within Montana Operations Manual Policy, accrual documentation is required of all sub-recipients by the Montana Department of Administration, State Financial Services Division, and must be submitted to MT DES no later than the second week of June, or as instructed by MT DES.

#### **Article XLV – Authorized Representative**

As evidenced by the signatures found in the Letter of Obligation, the Sub-Recipient Signatory Official agrees to appoint the Sub-Recipient Authorized Representative to act on behalf of the City of Great Falls. This individual shall be duly authorized with all necessary powers with regard to the administration and oversight of the awarded grant PDMC-PJ-08-MT-2019-005 under the Pre-Disaster Mitigation Program (PDM). The Catalog of Federal Domestic Assistance (CFDA) number associated with this grant is 97.039.

<b>AGREEMENT NUMBER:</b>  PDMC-PJ-08-MT-2019-005  <b>AMENDMENT #</b>	<b>SUB-RECIPIENT NAME AND ADDRESS:</b>  City of Great Falls P.O. Box 5021 Great Falls, MT 59403	<b>ISSUING STATE OFFICE AND ADDRESS:</b>  Montana Disaster & Emergency Services P.O. Box 4789 1956 Mt. Majo Street Fort Harrison, MT 59636-4789
<b>NAME OF SUB-RECIPIENT AUTHORIZED REPRESENTATIVE:</b>  Paul Skubinna	<b>SUB-RECIPIENT AUTHORIZED REPRESENTATIVE CONTACT INFORMATION:</b>  pskubinna@greatfallsmt.net (406) 727-8390	<b>MT DES Authorized Organization Representative:</b>  Sara Hartley Sara.Hartley@mt.gov (406) 324-4794
<b>EFFECTIVE DATE OF THIS ACTION:</b>  02/16/2021	<b>METHOD OF PAYMENT:</b>  EFT	<b>NAME AND CONTACT INFORMATION OF MT DES GRANT COORDINATORS:</b>  Andrew Long <a href="mailto:Andrew.Long@mt.gov">Andrew.Long@mt.gov</a> 406-403-1561
<b>FEDERAL AWARD AMOUNT:</b> \$397,749.75  <b>LOCAL MATCH AMOUNT:</b> \$132,583.25  <b>TOTAL PROJECT COST:</b> \$530,333.00		<b>PERIOD OF PERFORMANCE:</b> From: 10/01/2019 To: 12/17/2023  Budget Period: From: 10/01/2019 To: 12/17/2023
<b>ASSISTANCE ARRANGEMENT:</b>  Cost Reimbursement	<b>CFDA #:</b>  97.047	
<b>SUB-RECIPIENT SIGNATORY OFFICIAL (Name and Title)</b>		<b>DATE</b>
<b>SUB-RECIPIENT AUTHORIZED REPRESENTATIVE (Name and Title)</b>		<b>DATE</b>
<b>MT DES SIGNATORY (Name and Title)</b>  Delila Bruno – Administrator – MT DES		<b>DATE</b>



Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10392- A resolution by the City Commission of the City of Great Falls, Montana, amending section (4)C of Resolution 10375 establishing the rates, fees and penalties associated with title 10 of the Official Code of the City of Great Falls (OCCGF) pertaining to the City's parking system.

**From:** Craig Raymond, Director, Planning & Community Development

**Initiated By:** Craig Raymond, Director, Planning & Community Development

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

**Action Requested:** City Commission set public hearing on Resolution 10392 for April 6, 2021

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for Resolution 10392 on April 6, 2021.”

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 set a public hearing on April 6, 2021 so that public testimony can be heard and considered prior to final action on the Resolution.

**Summary:** In November of 2020, The City Commission adopted Resolution 10375 which provided for various changes to the parking program fees. The Commission also approved the purchase of parking enforcement equipment and software. Recently, as staff was working with the software vendor on configuration of the program, the vendor recognized that the City provides incentives to those monthly permit holders who purchase annual permits as opposed to month to month permits. Our original contract with Passport Labs, Inc. and corresponding fee Resolution 10375, did not account for this. Passport Labs, Inc. has offered a generous fee incentive for annual permit purchasers that get passed on to the customer. Instead of a \$2.50 monthly fee for monthly permit holders, annual permit holders will be charged \$4.00 or \$.33 monthly for the annual permits. This represents a significant savings to our annual permit customers.

**Fiscal Impact:** If approved, annual permit holders will enjoy a savings of \$26.00 each year.

**Alternatives:** The City Commission may elect to not set a public hearing and either recommend changes to Resolution 10392 or choose to maintain all provisions of Resolution 10375, keeping the \$2.50 per month fee for all monthly and annual permit holders.

**Concurrences:** The Parking Advisory Commission has been advised of the proposed fee change and is supportive of the measure.

**Attachments/Exhibits:**  
Resolution 10392

**RESOLUTION NO. 10392**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AMENDING SECTION (4)C OF RESOLUTION 10375, ESTABLISHING THE RATES, FEES AND PENALTIES ASSOCIATED WITH TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE CITY'S PARKING SYSTEM.**

\*\*\*\*\*

**WHEREAS**, Title 10 of the OCCGF provides for various parking system related rates, fees and penalties to be established by Resolution; and

**WHEREAS**, a financially sound parking system and properly maintained parking facilities are essential to the continuing redevelopment of downtown Great Falls and to the many citizens and visitors who use those facilities; and

**WHEREAS**, the revenues earned by the parking system at this time are inadequate to provide for continuing operation without subsidies from other sources; and

**WHEREAS**, implementation of new equipment and technology require additional revenue to cover direct costs; and

**WHEREAS**, the Parking Advisory Commission has studied this matter and set forth the recommendations herein.

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

**(1) Metered Parking.**

**A. Metered parking rate.** The rate for metered parking shall be \$1.00 per hour.

**B. Courtesy ticket.** The first violation by a particular vehicle, as identified by license plate number, for failure to pay for parking as required by OCCGF Title 10, Chapter 9, or for an expired meter or overtime parking as provided by OCCGF Title 10, Chapter 9, shall result in the issuance of a courtesy ticket. Said courtesy ticket thanks the driver for visiting downtown Great Falls and reminds him or her of the parking regulations. Courtesy tickets will not be issued for any of the other violations listed in OCCGF Title 10. A courtesy ticket will not be issued to the occupant of a vehicle that is associated with unpaid fees and/or penalties.

**C. Accelerated penalties per year for failure to pay, expired meter, and overtime violations.** The penalty for the second violation for failure to pay for metered parking as set forth in OCCGF Title 10, Chapter 21, or violation of expired meter or overtime parking as set forth in OCCGF Title 10, Chapter 21, shall be \$5. The penalty for the third violation shall be \$10; and, all subsequent violations by a particular vehicle within one year shall be \$20 for each violation.

**D. Other parking penalties.** Penalties for all other violations listed in Title 10, of the OCCGF shall be \$20, except the fine for violations in disabled parking zones shall be \$100.

**E. Miscellaneous parking fees.**

- i. A \$.35 per transaction Mobile Payment for Parking (MPP) fee will be added to each parking transaction using the Mobile Payment App.
- ii. A \$3.00 per ticket paid, Citation Management Platform (CMP) Service and License fee will be added to each citation paid.
- iii. An additional 25% (CMP) service fee will be added to each citation that has not been paid within 30 days after the date of the citation for collection efforts.
- iv. A \$10 administrative fee shall be added to all penalties that are not paid within thirty (30) days after the date of the citation.
- v. A \$1.50 per notification letter fee shall be added to all citations that require notification letters to be sent to the registered owner(s) of vehicles which receive citations that are not paid within the (30) days after the date of the citation
- vi. Pursuant to OCCGF Title 10, Chapter 10, the immobilization or “boot” fee shall be \$150.
- vii. Pursuant to OCCGF Title 10, Chapter 9, the daily charge for a meter bag shall be \$5.
- viii. Pursuant to OCCGF Title 10, Chapter 9, the monthly metered parking permits shall be \$25.
- ix. Pursuant to OCCGF Title 10, Chapter 9, a nonrefundable \$100 fee must accompany an application to establish a freight or passenger loading zone, which is in addition to the actual costs of marking and/or signing the zone if the application is approved. The fee shall be waived for passenger loading zones at public schools.

x. Pursuant to OCCGF Title 10, Chapter 9, a \$75 combined application and installation fee shall be charged for disabled parking zones.

(2) **Courtesy parking.** Pursuant to OCCGF 10, Chapter 9, the cost of a courtesy parking space shall be \$400 per year for each parking space on Central Avenue, and \$300 per year for each parking space that is within the Downtown Parking Management District, but not on Central Avenue. This annual fee is in addition to the actual cost of installing the courtesy parking sign(s).

(3) **Pedlet Space Lease.** The cost for leasing each on-street parking space for the construction and occupancy of a “Pedlet” shall be the same cost as is established for a "Courtesy Parking Spot" prorated by month for the duration that the “Pedlet” consumes each on-street parking spot.

(4) **City parking facilities.** Pursuant to OCCGF Title 10, Chapter 9, the City Manager shall, on recommendation of the Parking Advisory Commission, establish the hourly, daily and monthly lease rates charged for parking in City owned or operated off street lots or garages.

A. **Parking Ramps/Garages.** The monthly lease rates for the City’s parking ramps/garages located at Second Avenue South/Third Street and First Avenue North/Fourth Street North shall be \$51 monthly. The City Manager may negotiate and authorize special incentive rates for bulk parking leases for customers who either lease numerous garage spaces and/or pre-pay leases for a period of one year or more. All fees for leases shall be non-refundable.

B. **City parking lots.** The lease rates for parking lots 2, 4, 6, 7 & 8, shall be \$0.50 per hour/\$5 per day/\$35 monthly. The City Manager may negotiate and authorize special incentive rates for bulk parking leases for customers who either lease numerous surface lot spaces and/or pre-pay leases for a period of one year or more. All fees for leases shall be non-refundable.

C. **Digital Permits for Parking.** A \$2.50 per month service and license fee will be added to each active monthly garage or parking lot permit. **Those customers purchasing an annual permit will be charged \$4.00, or charged \$.33 per month for each active annual permit.**

(5) **Parking management district map.** The “Official Parking Management District Map of the City of Great Falls, Montana,” is adopted as appended to this Resolution.

**BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,** this Resolution shall be in full force and effect on April 6, 2021.

PASSED AND ADOPTED by the City Commission of the City of Great Falls,  
Montana, April 6, 2021.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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





Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Sanitary Sewer Trenchless Rehabilitation Phase 23, OF 1675.4

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Paul Skubinna, Public Works Director

**Action Requested:** Consider Bids and Award Contract

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) the construction contract in the amount of \$828,532.00 to Planned and Engineered Construction, Inc. for the Sanitary Sewer Trenchless Rehabilitation Phase 23, and authorize the City Manager to execute the construction contract documents.”

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

---

**Staff Recommendation:**

Approve contract award.

**Summary:**

This sanitary sewer-lining project is a continuation of an ongoing maintenance and repair program to rehabilitate deteriorated sanitary sewer mains using trenchless technologies. This phase will restore 15,500 linear feet of varying diameter sewer and storm main. This length is the equivalent of 35 city blocks. The rehabilitated mains serve primarily residential areas and several commercial properties in the downtown area.

**Background:**

Citizen Participation

The construction activity will be planned to have little impact on the citizens of Great Falls. The contractor is required to keep all sewer mains functioning during construction by utilizing bypass pumping. Should a sewer service interruption be necessary because of the work, customers affected will be notified in a timely manner and all interruption related needs of the homeowner will be met until service is re-established. Overall, traffic interruptions should be limited since the majority of mains are located along alleyways and residential city streets. A portion of the project will be carried out along Fox Farm Road in close proximity to Meadowlark School. Work in this area will be scheduled to take place during the summer break period to avoid congestion and interruptions to school traffic and activity. It is anticipated

that there will be interruptions to traffic flow while this work is occurring. Staff will be actively working with the Contractor to minimize these interruptions.

#### Workload Impacts

The Utilities and Engineering Divisions of the City's Public Works Department completed sewer main inspections that were used to identify and prioritize the mains which needed rehabilitation. Two mains were identified as being in need of spot repairs prior to lining activities and spot repairs were completed in December-January of this year. The City Engineering staff designed the lining project and will also perform construction inspection and contract administration.

#### Purpose

This project is a continuation of previous projects that rehabilitated deteriorated sewer mains in a less disruptive manner than traditional open trenching and pipe replacement. Although the sewer mains are functioning, the aged/deteriorated mains had developed pits, cracks, and holes. These defects can lead to raw sewage leaking into ground water and can make routine maintenance difficult.

By using Cured-in-Place-Pipe (CIPP), the project will extend service life and alleviate the issues stated above. Trenchless technology provides the City with a low cost solution that greatly reduces disruption and eliminates utility conflicts.

#### Project Work Scope

This project will line 15,500 linear feet of 8, 9, 10, 12, 15, 18, 24, and 30-inch diameter sewer mains at thirty-eight (38) locations spread around the City.

#### Evaluation and Selection Process:

Two bids were received for this project, one from Insituform and the other from Planned and Engineered Construction and opened on March 3, 2021. The two bids were \$1,088,214.00, and \$828,532.00, with Planned and Engineered Construction providing the low bid and executing all the necessary bid documents.

#### Conclusion:

The project has been selected and prioritized, and executed in accordance with the Public Works Capital Improvement Program and budgeted in the sewer and storm drain utility enterprise funds. The project will result in fewer sewer disruptions and maintenance issues and ensure the effective operation of the sewer and storm water collection system over the next 50 years.

#### **Fiscal Impact:**

The attached bid tabulation summarizes bids that were received.

#### **Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

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

- OF 1675.4 Bid Tab
- OF 1675.4 Summary of Mains to be Lined
- OF 1675.4 Vicinity Map

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

BID TABULATION SUMMARY

Sanitary Sewer Trenchless Rehab Phase 23  
 O.F. 1675.4

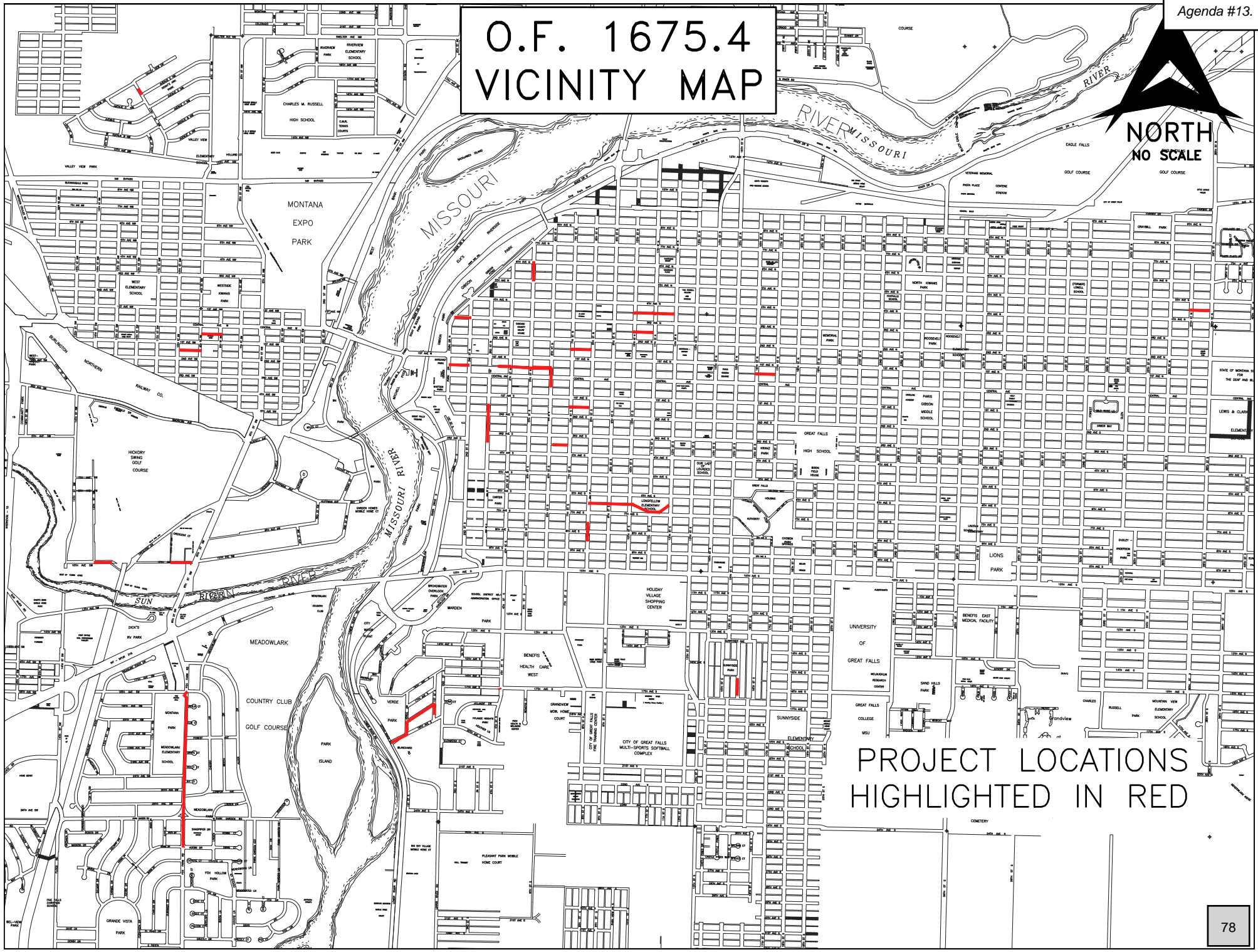
Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: March 3, 2021  
 Tabulated By: Mikaela Schultz

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	Acknowledge Addendum #3	10% Bid Security	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Certificate of Familiarization	Total Bid
1	P.E.C.	X	X	X	X	X	X	X	\$828,532.00
2	Iron Horse LLC								No Bid
3	Insituform	X	X	X	X	X	X	X	\$1,088,214.00
4									
5									
6									
7									
8									
9									
10									

Line ID#	Location	Manholes (up/down)	Sewer Type	Pipe Size (inches)	Pipe Length (ft)	Pipe Material	Max Depth	Services	Column1	Map Section
4	1st Alley No/ 5th to 6th St	4255/3	Sanitary	9"	0	Lined		17	Brush Services ONLY	A
8	3rd Ave No/Park Drive	1825/3	Storm	10"	364	Concrete				H
17	2nd Alley N./ 8th St	15/14	Sanitary	9"	430	Virtified Clay		18	Fractures and roots	I
73	1st Alley So. & 6th St.	526/3	Sanitary	28"	410	VCP	19	3	8th StSo Trunk Line/ MH at STA 190/ possible replacement STA 333-404	A
86	1st Alley No /Park Dr / 2nd St	85/87	Storm	12"	430	Virified Clay				B
113	3rd Alley N/ 11th St N	131/130	Sanitary	9"	430	Virtified Clay		14	Fractures and roots	E
123	4th Alley N/ 11th St	141/140	Sanitary	9"	430	Virtified Clay		17	Fractures and point repairs	E
124	4th Alley N /12th St	142/141	Sanitary	9"	430	Virtified Clay		13	Hole in top of pipe and point repairs	E
161	1st Alley No/ 5th to 6th St	157/164	Storm	12"	380	Virtified Clay			363FT bad joint gap	A
162	1st Alley No/ 4th to 5th St	164/166	Storm	12"	430	Virtified Clay			43FT bad joint gap,	A
163	1st Alley No / 3rd to 4th St	166/165	Storm	12"	430	Virtified Clay				A
209	1st Alley No. & 17th St	232/231	Sanitary	9"	430	VCP	15	20	Calcification @268FT, Slight Elevation Drop at 390FT	C
443	5th Alley N./ 37th St N.	472/471	Sanitary	8"	430	Virtified Clay			Fractures and roots	F
510	3rd Alley No/ 8th St	537/536	Sanitary	9"	430	Virtified Clay		15	Fractures and roots	I
531	4th Alley So. & 3rd St.	549/540	Sanitary	24"	400	VCP	10	6	OK	L
557	7th Alley So 8th St	583/582	Sanitary	9"	390	Virified Clay		15	Videoed 195' upstream / 95' downstream	J
578	9th Alley So. & 8th St.	601/591	Sanitary	24"	400	RCP	19	0	OK	J
648	3rd Alley So & 3rd St.	540/532	Sanitary	24"	400	VCP/ Brick	12	8	Point repair/ MH at 179, pipe changes to Brick at STA 188, Abandoned MH at STA 195	L
789	7TH Alley So 10th St	695/583	Sanitary	9"	430	Virtified Clay				J
790	7th Alley / 11th St	697/696	Sanitary	8"	326	Virtified Clay				J
791	7th Alley / 12th St	699/698	Sanitary	8"	240	Virtified Clay				J
792	7th Alley / 11th St So	698/697	Sanitary	8"	240	Virtified Clay				J
818	7th Alley / 10th St	696/695	Sanitary	8"	105	Reinforced Concrete Pipe				J
1778	High St	1675/1674	Sanitary	8"	360	Virtified Clay		12	Fractures and roots	G
2029	19th ave So/ Verde to Upper River Rd.	1927/1916	Sanitary	8"	361	Virtified Clay				O
2032	1st St / 18th Ave So to 19th Alley	1919/1922	Sanitary	8"	225	Virtified Clay				O
2035	18th Ave So	1922/1923	Sanitary	8"	345	Virtified Clay				O
2036	18th Ave So	1923/1929	Sanitary	8"	345	Virtified Clay				O
2040	Verde\ 19th Alley So to 19th Ave So	1928/1927	Sanitary	8"	124	Virtified Clay				O
2041	Verde Dr. \ 18th Ave So to 19th Alley So	1929/1928	Sanitary	8"	146	Virtified Clay				O
2154	2nd Alley S.W. & 10th St	2057/2072	Sanitary	9"	460	Clay Tile	6	17	Roots	D
2172	1st Alley SW/ 9th St SW	2069/2070	Sanitary	9"	430	Virtified Clay		1	Roots	D
2326	10th Ave SW/ 13th St Sw	2253/2175	Sanitary	30"	370	Reinforced Concrete Pipe				M
2455	Fox farm Rd/ 26th Ave Sw	2396/2466	Sanitary	15"	155	Corrugated Metal Pipe				N
2547	Fox Farm Rd	2464/2396	Sanitary	15"	311	Corrugated Metal Pipe				N
2548	Fox Farm Rd	2466/2410	Sanitary	15"	295	Corrugated Metal Pipe				N
2549	Fox Farm Rd	2465/2467	Sanitary	15"	189	Corrugated Metal Pipe				N
2550	Fox Farm Rd	2467/2468	Sanitary	15"	480	Corrugated Metal Pipe				N
2551	Fox farm Rd	2468/2469	Sanitary	15"	480	Corrugated Metal Pipe				N
2552	Fox Farm Rd	2470/2469	Sanitary	15"	480	Corrugated Metal Pipe				N
2642	Fox Farm Rd	2604/2464	Sanitary	15"	148	Corrugated Metal Pipe				N

Line ID#	Location	Manholes (up/down)	Sewer Type	Pipe Size (inches)	Pipe Length (ft)	Pipe Material	Max Depth	Services	Column1	Map Section
2749	Fox Farm Rd	2602/2669	Sanitary	15"	150	Corrugated Metal Pipe				N
2750	Fox Farm Rd	2669/2604	Sanitary	15"	148	Corrugated Metal Pipe				N
3397	11th St. NW/Ave E NW	3341/3342	Sanitary	8"	140	Vitrified Clay				K
3947	10th Ave SW/ 6th St SW	2288/2121	Sanitary	30"	433	Reinforced Concrete Pipe		9		H
3999	Fox Farm Rd	2470/3915	Sanitary	15"	94	Corrugated Metal Pipe				N
4000	Fox Farm Rd	3915/2484	Sanitary	18"	116	Vitrified Clay				N
4292	Fox Farm Rd	2668/2602	Sanitary	15"	152	Corrugated Metal Pipe				N
4904	Fox Farm Rd	2465/2410	Sanitary	15"	140	Corrugated Metal Pipe				N

# O.F. 1675.4 VICINITY MAP



PROJECT LOCATIONS  
HIGHLIGHTED IN RED



Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10386, Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition in Great Falls, Montana

**From:** Lonnie Hill, Planner 1, Planning and Community Development

**Initiated By:** Gary and Nancy Martin, 124 24<sup>th</sup> Street SW

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

**Action Requested:** City Commission adopt Resolution 10386

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:
 

“I move that the City Commission (adopt/deny) Resolution 10386 to vacate the alley easement as legally described in the staff report”
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:** Staff recommends adoption of Resolution 10386 to vacate the alley easement as described in this agenda report

**Summary:** The Applicants, Gary and Nancy Martin, have submitted a Right-of-Way (ROW) Vacation Application to vacate the alley easement described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition. If approved by the City Commission the alley easement would immediately revert to the first party if abandoned for highway purposes per the original deed. In other words, the vacation of the alley easement as public right-of-way would allow the homeowners of the lots described above to secure this portion of their lots and to restrict public access onto the rear of their lots.

**Background:** The subject alley easement was originally dedicated to Cascade County by deed on May 7th, 1952 per Document Page 605 of Book 213 at the Cascade County Clerk and Recorder. The land was then annexed into the City of Great Falls with Resolution 4694 on May 24<sup>th</sup>, 1954.

The applicants are proposing to vacate the alley easement described in this report with the intent of eliminating public access. This alley easement is not improved or maintained by the City of Great Falls, and therefore vehicular traffic has caused maintenance issues for the property owners.

According to Section 7-3-4448, Montana Code Annotated (M.C.A.), the owner must file a request for the intent to vacate any right of way. City staff presented Resolution of Intention 10385 to vacate said right of way to the City Commission on February 16<sup>th</sup>, 2021. At that meeting, the Commission adopted Resolution of Intention 10385 and set this public hearing on Resolution 10386. All public comment provided for the February 16<sup>th</sup> meeting is included with this Agenda Report as an attachment.

As part of M.C.A. requirements, a petition must be sent to each of the owners abutting the right of way property being considered for vacation. Unless 51 percent of the affected property owners object to the proposed vacation, the Commission may, by resolution, declare such vacation. Staff notes that signatures were required to be obtained by the applicants as part of their petition to vacate. The applicants submitted 16 signatures of the 21 adjacent property owners to the alley easement.

The original request to vacate submitted by the applicants also included a separate section of alley easement described as the south 20 feet of Lots 1 and 1A of Block 17 of Sun River Park Addition. After review of the request, it was determined that this portion of alley easement is improved and used as the main access for the residence addressed as 2402 Central Avenue West. Due to these factors, this portion was pulled out of the request for vacation. This adjustment was conveyed to and supported by the applicants, and adjacent property owners were sent a letter describing this change to the original application.

**Utilities:** The existing alley easement is not currently used to provide City water or sewer utilities. It is, however, used by private utility companies, including the provision of electricity. The proposed resolution calls for a 20 foot wide utility easement to remain to accommodate these utilities.

**Fiscal Impact:** If the Commission decides to vacate the alley easement, there will be no negative fiscal effect to the City. The vacation would eliminate this segment of unmaintained alley from the City's network of public right-of-way.

**Alternatives:** The City Commission could deny the applicant's request for adoption of Resolution 10386.

**Concurrences:** Representatives from the City's Public Works, Legal Department and Fire Departments have been notified of the petition to vacate the alley easement and have no objections to the request.

**Attachments/Exhibits:**

- Resolution 10386
- Exhibit A – Location Map with Lot Numbers
- Exhibit B – Location Map with Street Addresses and Owner Names
- Applicant's Petition to Vacate
- Memo from City Legal Staff
- Public Comment from February 16<sup>th</sup> City Commission Meeting



RESOLUTION 10386

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE ALLEY EASEMENT LEGALLY DESCRIBED AS THE WEST 20 FEET OF LOTS 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, AND 1FE OF SUN RIVER PARK ADDITION, SECTION 9, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA., IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448

\* \* \* \* \*

WHEREAS, an easement recorded on May 7, 1952 granted and conveyed the full and free right of way for a Highway upon and through the land described above to be used as an alley; and

WHEREAS, the City of Great Falls has never improved or maintained the alley easement for Highway or other purposes; and

WHEREAS, Gary and Nancy Martin own property adjacent of said alley easement and have submitted a petition to vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE as an alley; and

WHEREAS, it is determined that retention of the alley legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition, is no longer necessary and serves no practical or functional traffic related purpose or for access by the public; and

WHEREAS, according to the original easement, the described alley easement shall immediately revert to first party if abandoned for highway purposes; and

WHEREAS, this vacation and abandonment of easement is not intended to affect any other existing easements or encumbrances, apparent or of record, including any which remain to accommodate public utilities; and

WHEREAS, the requested vacation will not preclude the primary access of any owner affected by such vacation and abandonment; and

WHEREAS, Exhibit A depicts the proposed portions of the abandoned alley easement.

WHEREAS, at its regular meeting held on February 16, 2021, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution of Intention 10385, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE ALLEY EASEMENT LEGALLY DESCRIBED AS THE WEST 20 FEET OF LOTS 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, AND 1FE OF SUN RIVER PARK ADDITION, SECTION 9, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA., IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, notice to all affected property owners was provided pursuant to Mont. Code Ann. § 7-3-4448(2); and

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls, Montana, on the 16<sup>th</sup> day of March, 2021, at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center, 2 Park Drive South, Great Falls, Montana, where said Commission heard all persons relative to the proposed vacation and abandonment of said alley easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition, is hereby vacated and abandoned.

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 this 16th day of March, 2021.

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

ATTEST:

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

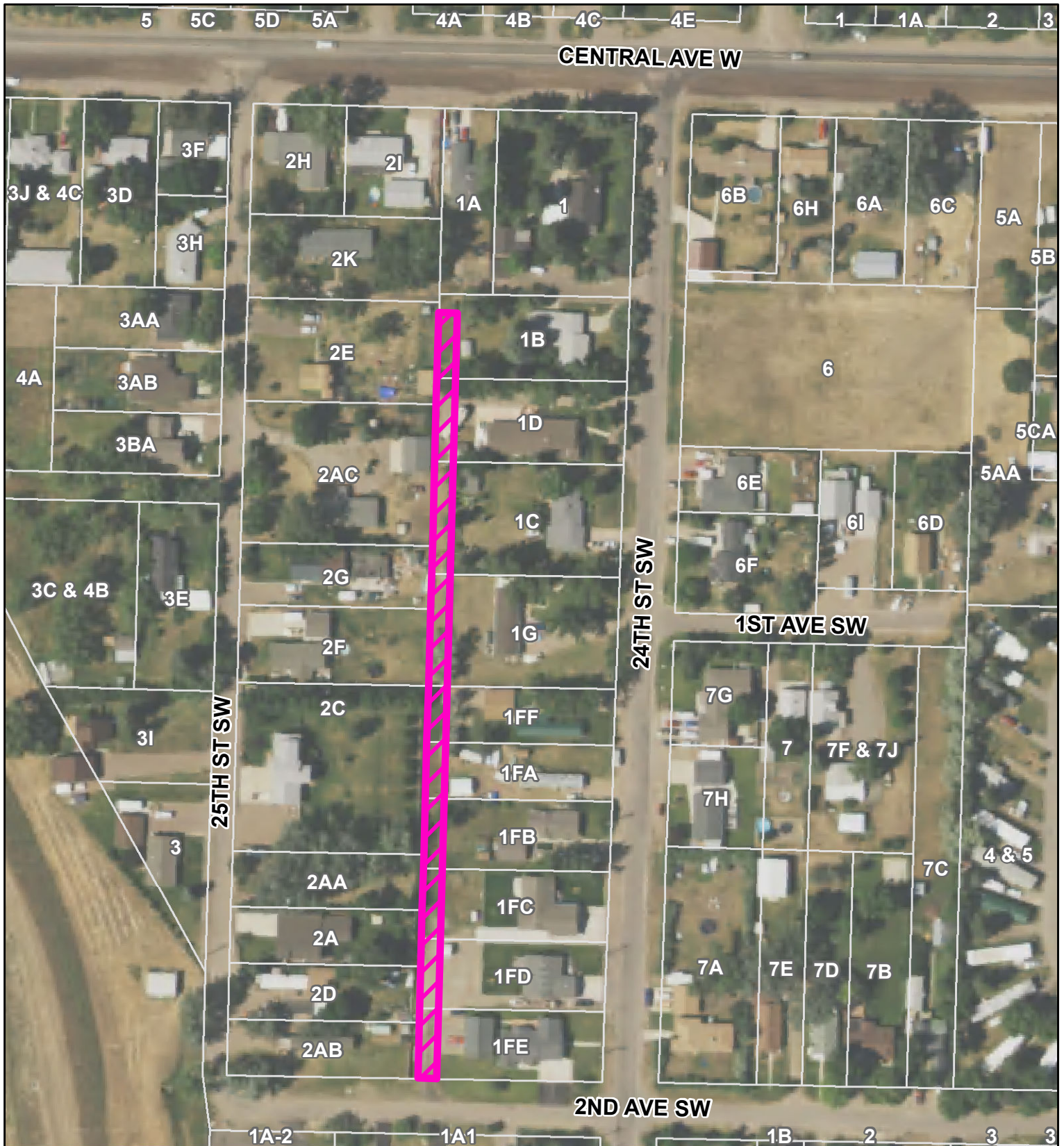
(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

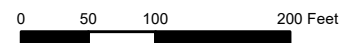
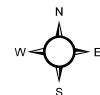
\_\_\_\_\_  
Sara Sexe, City Attorney

# Exhibit A: Location Map with Lot Numbers

Intent to Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Block 17 of Sun River Park Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana

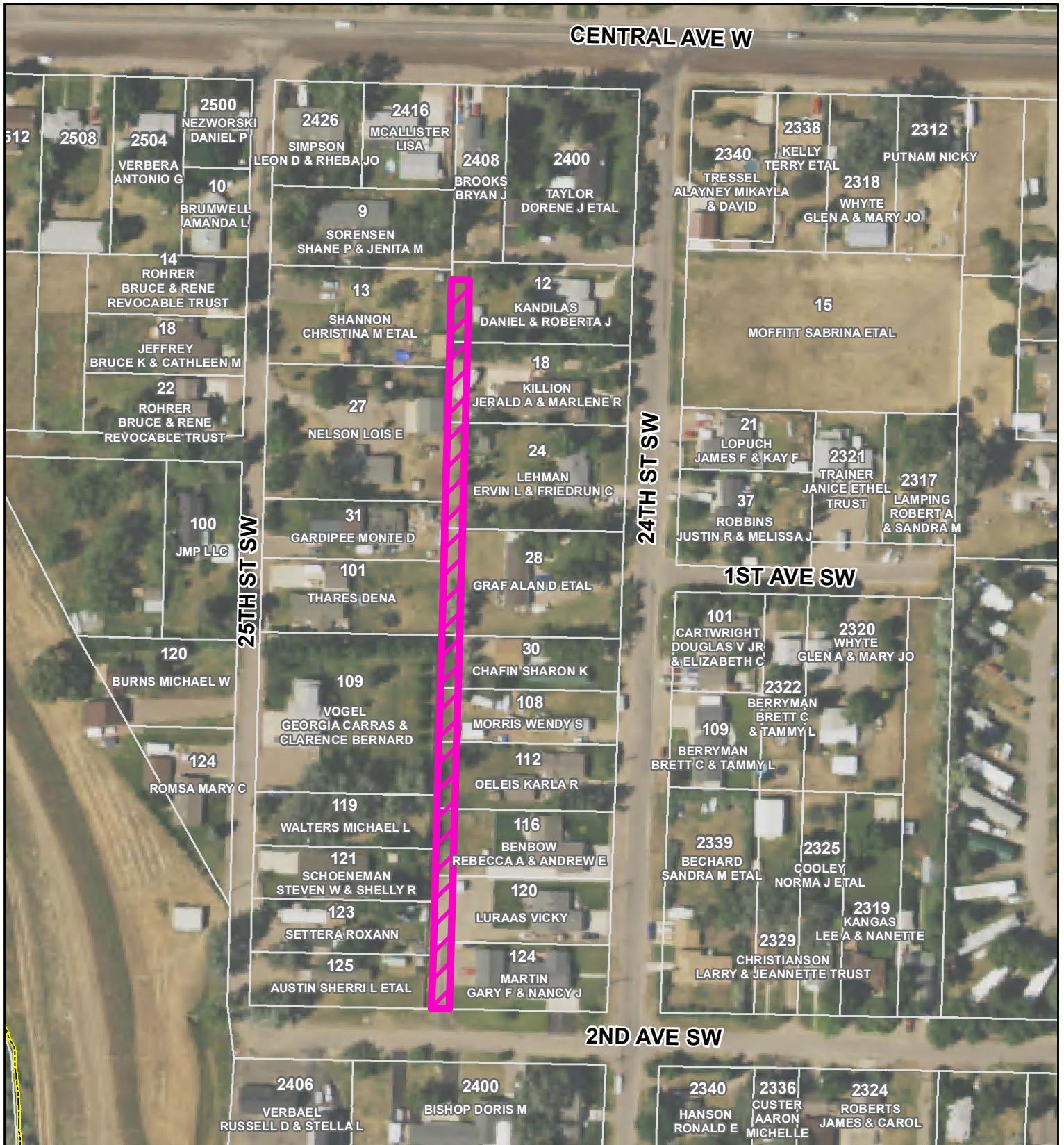


Resolution 10386 - Alley Easement Proposed for Vacation

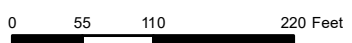


# Exhibit B: Location Map with Street Addresses with Owner Names

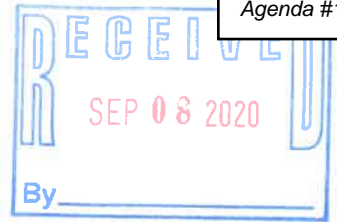
Intent to Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Block 17 of Sun River Park Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana



Resolution 10386 - Alley Easement Proposed for Vacation



Date Stamp:



CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
406.455.8431 • WWW.GREATFALLSMT.NET

# RIGHT-OF-WAY (ROW) VACATION APPLICATION

This application is for a request to abandon, discontinue, vacate or close a municipal right-of-way (including a street or alley.) To submit an application, the applicant must make an appointment with a Planning & Community Development Department staff planner to review the application and supporting documentation for completeness.

## APPLICANT/REPRESENTATIVE:

**Applicant Name:** GARY + NANCY MARTIN 124

**Mailing Address:** 124 24TH ST SW. GREAT FALLS MT 59404

**Phone:** 406-781-4495/4496 **Email:** SGT\_SUPERBEE@HOTMAIL.COM

**Representative's Name (if applicable):**

**Mailing Address:**

**Phone:**

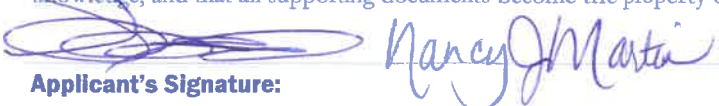
**Email:**

## PUBLIC RIGHT-OF-WAY PETITIONED FOR VACATION OR CLOSURE:

**Name of street, road or alley:** WEST 20 FT OF LOTS 1B, 1C, 1D, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, 1FE AND SOUTH OF LOTS 1 + 1A OF BLOCK 17 SUN RVR ADDITION

**Describe the public right-of-way petitioned for vacation or closure (Use starting/ending points, abutting properties, length, or other descriptors to clearly identify. Attach longer descriptions and/or map exhibits):**

I (We), the undersigned, understand that the fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and does not constitute a payment for approval of the requested action. I (We) further understand that public hearing notice publication costs for land development projects are my responsibility. I (We) further understand that that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge, and that all supporting documents become the property of the City and cannot be returned.

**Applicant's Signature:**  **Date:** 4 SEPT 2020

**Representative's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## ROW Vacation Application Checklist

A complete Right-of-Way (ROW) Vacation Application shall include at least those items listed in Table 1 below. Additional supporting documentation may be required for an Application to be deemed complete, depending upon the nature of the request and context of the right-of-way.

Table 1: Application Requirements		Staff	App.
<b>Applicant/Project Information</b>	Complete basic petitioner and project information included on page 1.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Application Fee</b>	Non-refundable ROW Vacation Application Fee - \$1,250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Petition</b>	Petition must include a full description of right-of-way that the petitioner wishes to have vacated, with <b>original, dated signatures and printed names</b> of at least 51% of the owners of property abutting the subject right-of-way. However, to increase the likelihood of approval, <b>it is STRONGLY recommended that signatures of 100% of the property owners be obtained.</b> Signatures must be those of property owners or purchasers under contracts for deed on record by the Cascade County Clerk & Recorder's Office on the date of this Application. Staff can assist in identifying current property owners.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Draft Amended Plat</b>  N/A	If available, provide draft Amended Plat incorporating the petitioned ROW into the adjoining parcels and establishing any necessary public utility or access easement(s). NOTE: If the vacation is approved, this may also require an Administrative Plat or Non-Administrative Plat Application and process, depending upon the number of lots involved. An Amended Plat usually is not needed for a closure.	<input type="checkbox"/>	<input type="checkbox"/>



31 August, 2020

MEMORANDUM FOR THE CITY OF GREAT FALLS

FROM: GARY & NANCY MARTIN

SUBJECT: Petition to vacate the public alley between 24<sup>th</sup> Street Southwest and 25<sup>th</sup> Street Southwest located between Central Avenue West and 2nd Avenue Southwest

We, the undersigned, are asking the City Commission of the City of Great Falls to vacate the alley way between 24<sup>th</sup> Street Southwest and 25<sup>th</sup> Street Southwest. It has always been our understanding that this area was an easement owned and maintained by the land owners for utility and emergency vehicle access only. It was recently determined that the easement was originally deeded in 1952 as a right of way that is now under jurisdiction of the City of Great Falls.

We understand the procedure to vacate is outlined in the Montana Code Annotated 7-3-4448 and requires a petition in writing of at least 51% of the Owners of the residences on either side of the alleyway to be vacated.

The alley is legally described as the west 20 feet of Lots 1B, 1C, 1D, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, AND 1FE, as well as the south 20 feet of lots 1 and 1A of Block 17 of Sun River Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana.

Your consideration in this is greatly appreciated.

Sincerely,

Signature

Date

Gary & Nancy Martin  
Owner, 124 24<sup>th</sup> St SW

3 SEPT 2020

Vicky Luraas  
Owner, 120 24<sup>th</sup> St SW

9-8-20

Andrew & Rebecca Benbow  
Owner, 116 24<sup>th</sup> St SW

3 sept 2020

Karla Oeais  
Owner, 112 24<sup>th</sup> St SW

9/3/20

Wendy Morris  
Owner, 108 24<sup>th</sup> St SW

---

Sharon Chafin  
Owner, 30<sup>th</sup> 24<sup>th</sup> St SW

9/3/20

Alan Graf  
Owner, 28 24<sup>th</sup> St SW

9-3-20

Ervin & Friedrun Lehman  
Owner, 24 24<sup>th</sup> St SW

9-5-20

Jerald & Marlene Killion  
Owner, 18 24<sup>th</sup> St SW

Jerry Killion 21 SEP 2020

Daniel & Roberta Kandilas  
Owner, 12 24<sup>th</sup> St SW

Roberta Kandilas 4 SEPT 20

Dorene Taylor  
Owner, 2400 Central Ave. W

Dorene Taylor 4 SEPT 2020

Bryan Brooks  
Owner, 2408 Central Ave. W

\_\_\_\_\_

Shane & Jenita Sorensen  
Owner, 9 25<sup>th</sup> St SW

Christina <sup>Shultz</sup> Shannon  
Owner, 13 25<sup>th</sup> St SW

Christina Shannon 4 SEP 20  
Shane Sorensen 4 SEPT 20

Lois Nelson  
Owner, 27 25<sup>th</sup> St SW

Lois Nelson 4 SEPT 20

Monte Gardipee  
Owner, 31 25<sup>th</sup> St SW

Monte Gardipee 4 SEPT 20

Dena Thares  
Owner, 101 25<sup>th</sup> St SW

Dena Thares 4 SEPT 2020

Clarence & Georgia Vogel  
Owner, 109 25<sup>th</sup> St SW

Clarence Vogel 5 Sep 20

Michael Walters  
Owner, 119 25<sup>th</sup> St SW

Michael Walters 4 SEPT 20

Steve & Shelly Schoeneman  
Owner, 121 25<sup>th</sup> St SW

Steve Schoeneman 4 SEP 2020

Roxann Settera  
Owner, 123 25<sup>th</sup> St SW

\_\_\_\_\_

Sherri Austin  
Owner, 125 25<sup>th</sup> St SW

\_\_\_\_\_





Legal Department  
Civic Center  
P.O. Box 5021  
Great Falls, MT 59403  
Tel: 406-455-8578  
Fax: 406-727-0005

Sara R. Sexe,  
City Attorney  
Joseph Cik,  
Assistant City Attorney  
Neil A. Anthon,  
Chief Prosecutor  
Cassidy R. Blomgren,  
Deputy Prosecutor  
Mark A. Dunn,  
Prosecutor

---

## MEMORANDUM

To: Bob Kelly, Mayor (via email)  
Mary Sheehy Moe, City Commissioner (via email)  
Tracy Houck, City Commissioner (via email)  
Owen Robinson, City Commissioner (via email)  
Rick Tryon, City Commissioner (via email)

From: Sara Sexe, City Attorney 

CC: Greg Doyon, City Manager (via email)  
Chuck Anderson, Deputy City Manager (via email)  
Craig Raymond, Planning and Community Development Director (via email)

Date: March 5, 2021

Re: Request for Vacation of Alley Easement

---

At the meeting where the City Commission considered whether to adopt Resolution of Intention 10385, Intention to vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition in Great Falls, Montana, Legal Department staff was directed to provide a more detailed analysis of the issue.

### *Summary*

After conducting a public hearing, if “it deems it necessary, the commission may cause any street, alley, or public highway to be . . . vacated” or abandoned as noted in the easement. This determination is made in the discretion of the City Commission. Potential considerations that the Commission may use in exercising this discretion are such things as:

1. responding to the positions of the affected landowners about the application;
2. whether "adequate and reasonable" means of access is preserved for the affected landowners;

- 3. potential maintenance obligations regarding the alley, and
- 4. possible resolution of code enforcement issues/complaints.

In considering the application, the City Commission may obtain other bases for its determination on the application, after hearing the public comments at the public hearing of this matter.

***Affected Properties***

The affected properties are listed below, and are depicted on the attached maps:

**East side of the alley easement:**

- Kandilas, 12 24<sup>th</sup> St SW (Lot 1B)
- Killion, 18 24<sup>th</sup> St SW (Lot 1D)
- Lehman, 24 24<sup>th</sup> St SW (Lot 1C)
- Graf/Dalton, 28 24<sup>th</sup> St SW (Lot 1G)
- Chafin, 30 24<sup>th</sup> St SW (Lot 1FF)
- Morris, 108 24<sup>th</sup> St SW (Lot 1FA)
- Oeleis, 112 24<sup>th</sup> St SW (Lot 1FB)
- Benbow, 116 24<sup>th</sup> St SW (Lot 1FC)
- Luraas, 120 24<sup>th</sup> St SW (Lot 1FD)
- Martin, 124 24<sup>th</sup> St SW (Lot 1FE)

**Stated Objection to Vacation**

**West side of the alley easement:**

- Shannon/Schulz, 13 25<sup>th</sup> St SW (Lot 2E)
- Nelson, 27 25<sup>th</sup> St SW (Lot 2AC)
- Gardipee, 31 25<sup>th</sup> St SW (Lot 2G)
- Thares, 101 25<sup>th</sup> St SW (Lot 2F)
- Vogel, 109 25<sup>th</sup> St SW (Lot 2C)
- Walters, 119 25<sup>th</sup> St SW (Lot 2AA)
- Schoeneman, 121 25<sup>th</sup> St SW (Lot 2A)
- Settera, 123 25<sup>th</sup> St SW (Lot 2D)
- Austin/Davis, 125 25<sup>th</sup> St SW (Lot 2AB)

Initially No – at first reading Yes  
Yes

All affected properties have primary access via either the City streets of 24<sup>th</sup> Street SW and 25<sup>th</sup> Street SW.

***Easement Language and Non-Use by the City.***

Throughout the recent years, City code enforcement staff has expended time and effort investigating disputes among landowners regarding use of the property at issue. An initial determination was made that these were issues between private parties. Upon further review, it was determined that the property was subject to a 1952 easement for “full and free right of way for a Highway” for an alley between the properties that had never been developed or maintained by the either the County or the City. (The area was annexed into the City limits in 1954.)

The recorded easement also provides that:

It is mutually understood and agreed that if the above described premises are at any time abandoned for highway purposes by official action as provided by statute, that the same shall immediately revert to first party.

The easement at issue only affects the title to the properties on the east side of the area, as identified above on the attached maps.

### ***Taxes Paid by Individual Property Owners***

I am advised that the individual property owners have paid taxes on the property subject to the easement. This is consistent with the property being subject to an easement, as having never been dedicated as a public right of way, fee title remains with the property owners whose property. The title is encumbered by the easement:

We turn to the County's interest in McCarty Creek Road. In *Bolinger v. City of Bozeman* (1972), 158 Mont. 507, 510-11, 493 P.2d 1062, 1064, we concluded that *HN4* the interest "[in a common-law dedication of a road] vested in the [\*\*\*\*9] public is an easement." We further concluded that "the grant of an easement is the grant of a use and not a grant of title to the land." *Bolinger*, 158 Mont. at 511, 493 P.2d at 1064 (citation omitted). Similarly, in *Bailey v. Ravalli County* (1982), 201 Mont. 138, 146, 653 P.2d 139, 143, we concluded that "the interest the public acquired by the original dedication had the effect of an easement for road purpose, not a fee simple transfer." In *Bailey*, the Court noted § *HN5* 70-17-101, MCA, which provides in part that "the following land burdens or servitudes upon land may be attached to other land as incidents or appurtenances and are then called easements: . . . (4) the right of way." Thus, in the present case, we conclude that the County's right of way in McCarty Creek Road is an easement and that the County's suit did not place title at issue.

*Jefferson Cty. v. McCauley Ranches, Ltd. Liab. Pshp.*, 1999 MT 333, ¶ 19, 297 Mont. 392, 396, 994 P.2d 11, 14.

### ***Codified Alley Repair and Maintenance and Vacating Requirements***

Montana Code provides:

(1) The commission shall provide by ordinance for the care, supervision, control, and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts within the municipality and shall cause them to be kept open, in repair, and free from nuisance.

(2) **When it deems it necessary**, the commission may cause any street, alley, or public highway to be opened, straightened, altered, diverted, narrowed, widened, or vacated.

Mont. Code Ann. § 7-3-4447 (2021) (emphasis added).

The City has thus adopted the following provisions in the Official Code of the City of Great Falls (OCCGF):

§8.8.140 – Alley maintenance.

All persons owning, occupying, or being in control of property fronting on any alley of the City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, or any other combustible material.

§8.51.040 - Conditions prohibited on right-of-way.

The following conditions are prohibited on any right-of-way within the incorporated City limits:

- A. Any accumulations of dirt, litter, debris, rubbish, weeds, or any other kind of waste or unsanitary material of any kind;
- B. Any curb cut or driveway approach, or a portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises; or
- C. Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance, so as to constitute a potential or actual hazard to health or safety.

§17.32.100 - Alleys.

- A. Generally. Alleys may be used to provide access to the rear yard. When an alley is available, vehicular access to the lot is encouraged from the alley and not from the street. If located on a corner lot, access may be from the side of the lot.
- B. Standards. The travel surface of an alley shall be between ten (10) and twelve (12) feet wide within a right-of-way width as specified in Exhibit 32-2.

The primary access route for all affected properties is via the street. The property at issue here has never improved nor maintained by the City as an alleyway. The property at issue has only been used and maintained by private parties. The Applicant and others have complained to City staff about the use of the property at issue by others, including making code enforcement complaints. These complaints include storage of abandoned and junked vehicles and storage of rubbish/debris/salvage materials.

In light of these issues and the application, the City Commission has the discretion to determine whether vacation or abandonment of the easement at issue here is necessary.

*Application at Issue Here*

The City received an application for vacation of the easement signed by the requisite number of property owners (less than 51% objecting). Staff thus has an obligation to submit the question to the City Commission for determination through a public process, consistent with Montana law, and the language of the easement set forth above. The only means in which a public interest can be abandoned or relinquished is through a public process.

The Montana Supreme Court has stated:

We agree that under the established facts, Soup Creek Road was established as a public highway prior to 1895. In light of the District Court's findings, however, we must further determine whether Soup Creek Road, a public highway, was ever abandoned. *HN4* "Section 2601, The Codes and Statutes of Montana (1895), required: **'All public highways, once established, must continue to be public highways until abandoned by order of the Board of Commissioners of the county in which they are situated, or by operation of law, or judgment of a court of competent jurisdiction.'**" *McCauley*, ¶ 28. **In construing § 2601, this Court has concluded that no public highway established by public [\*\*\*375] use prior [\*\*\*\*13] to 1895 should be vacated except by the public authorities.** *McCauley*, ¶ 29; *Barnard Realty Co. v. Butte*, 48 Mont. 102, 110, 136 P. 1064, 1067 (1913).

*Soup Creek LLC v. Gibson*, 2019 MT 58, ¶¶ 25-27, 395 Mont. 105, 113-14, 439 P.3d 369, 374-75 (emphasis supplied.)

The public hearing process provides all affected beneficiaries of the easement the opportunity to provide their response to the intent to vacate.

*Standard Applicable to Request*

Mont. Code Ann. § 7-3-4447(2), provides that “When it deems it necessary, the commission may cause any street, alley, or public highway to be . . . vacated.” The key consideration for the Commission to determine is “when it deems it necessary.”

Words and phrases which are used in the Montana Code Annotated are to be construed according to the context and the approved usage of the language. § 1-2-106, MCA. 1983 Mont. AG LEXIS 7, \*2, 40 Op. Atty Gen. Mont. No. 23. One of the definitions of necessary is “determined or produced by the previous condition of things,” according to Merriam-Webster’s on-line dictionary. <https://www.merriam-webster.com/dictionary/necessary?src=search-dict-box>. Additionally, the Macmillan dictionary provides that necessary means, “essential or needed in order to do something, provide something, or make something happen.” [https://www.macmillandictionary.com/us/dictionary/american/necessary\\_1](https://www.macmillandictionary.com/us/dictionary/american/necessary_1)

The Montana Supreme Court has only directly addressed the statutory language of “when it deems necessary” in one case, *Kemmer v. Bozeman*, which was determined on procedural deficiencies versus an evaluation of the phrase itself. However, in *Kemmer*, there was a closure

of streets and alleys, and the Court cited the absence of proof of destruction, obstruction or substantial effect on the right to access:

"\* \* \* right of access must be 'destroyed or substantially affected,' or, to put it another way, their reasonable means of access must be obstructed, . . . \* \* \*"

*Kemmer v. Bozeman* (1971), 158 Mont. 354, 358, 492 P.2d 211, 213, citing *Capitol Hill Methodist Church v. City of Seattle*, 52 Wash.2d 359, 324 P.2d 1113. In *Capitol Hill*, the action was to close a street, versus an easement on private land, as here. The *Capitol Hill* Court stated that vacation of a public street is a political function of the municipality. *Id.* at 368.

The only other case found dealing with the issue was a Great Falls case, where the Montana Supreme Court held:

**Thus, so long as some "adequate and reasonable" means of access is preserved, an abutting landowner suffers no compensable injury from the closure of traffic from one direction:**

**"The trust that arises from the appropriation of land for public thoroughfares is for the benefit of the public at large and only incidentally for the benefit of abutting owners. The extensions (sic) of the abutting owner's rights in the present case makes the primary consideration the benefit of abutting owners rather [\*\*\*23] than the benefit of the public. Hitherto no California case has ever defined the right of ingress or egress as inclusive of an easement to the next intersecting street. The rule has been that the right of ingress and egress is limited to adequate and reasonable access to the property from the street, that it does not extend to the full width of the street, or to the full length thereof, or even to all points upon the street in front of the abutting property. It is sufficient if there is access to a street that in turn connects with the general street system. Any improvement that does not materially interfere with such access does no compensable damage." 23 Cal.2d at 371, 144 P.2d at 834. (Traynor, J., dissenting.).**

*Wynia v. Great Falls* (1979), 183 Mont. 458, 472-73, 600 P.2d 802, 810 (emphasis supplied).

If an easement is abandoned or vacated, any interest in the property reverts to the affected landowners:

The grant of an easement is the grant of a use and not a grant of title to the land. *Bolinger v. City of Bozeman* (1972), 158 Mont. 507, 493 P.2d 1062. As the original dedication was only a grant of use and not one of title, title was never vested in the public. . . . A highway which is lawfully vacated or abandoned ceases to be a highway and, insofar as the public has a mere easement of way, the title reverts to the owners of the fee discharged from the servitude. 39 Am.Jur.2d *Highways*, § 142 at 514. This Court chooses to follow the rule adopted in a number of states and was stated in the Oregon case of *Portland Baseball Club v. City of Portland* (1933), 142 Or. 13, 18 P.2d 811, 812:

"[w]here land has been dedicated or appropriated for a public street, the fee in the street remains in the original owner subject only to the public easement, and,

upon [\*\*\*12] the vacation of the street, it reverts to the owner of the abutting premises freed from the easement."

*Bailey v. Ravalli Cty.*, 201 Mont. 138, 653 P.2d 139 (1982). Where a public road was closed by action of county commissioners, title to the roadway vested in the adjoining landowners because, pursuant to Mont. Code Ann. §70-17-101(4), the easement represented by the roadway was simply the grant of a use of the land to the county, and the public never had title to the land. *Id.* This too is consistent with the specific language of the easement at issue here, which states that on abandonment, title reverts to the land owners.

### ***Conclusion***

In this instance, the easement was granted to the City for right of way for highway purposes, a purpose for which was never fulfilled by the City. It has been however, utilized incidentally for private purposes by various landowners, but not as their primary need to access their properties.

After conducting a public process and receiving public input, the City Commission is vested with the authority to determine whether "it deems it necessary," to vacate the alley. Considerations in making this discretionary determination could include, but are not limited to:

1. responding to the request of a majority of the affected landowners in favor of the application;
2. whether "adequate and reasonable" means of access is preserved for the affected landowners;
3. the City's divesting itself of any potential obligations regarding the alley, and
4. possible resolution of code enforcement issues/complaints.

I trust that this answers questions that you had regarding this matter. Please let me know if you require anything further.

# Exhibit A: Location Map with Lot Numbers

Notice of Intent to Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Block 17 of Sun River Park Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana



Resolution of Intention 10386 - Alley Easement Proposed for Vacation

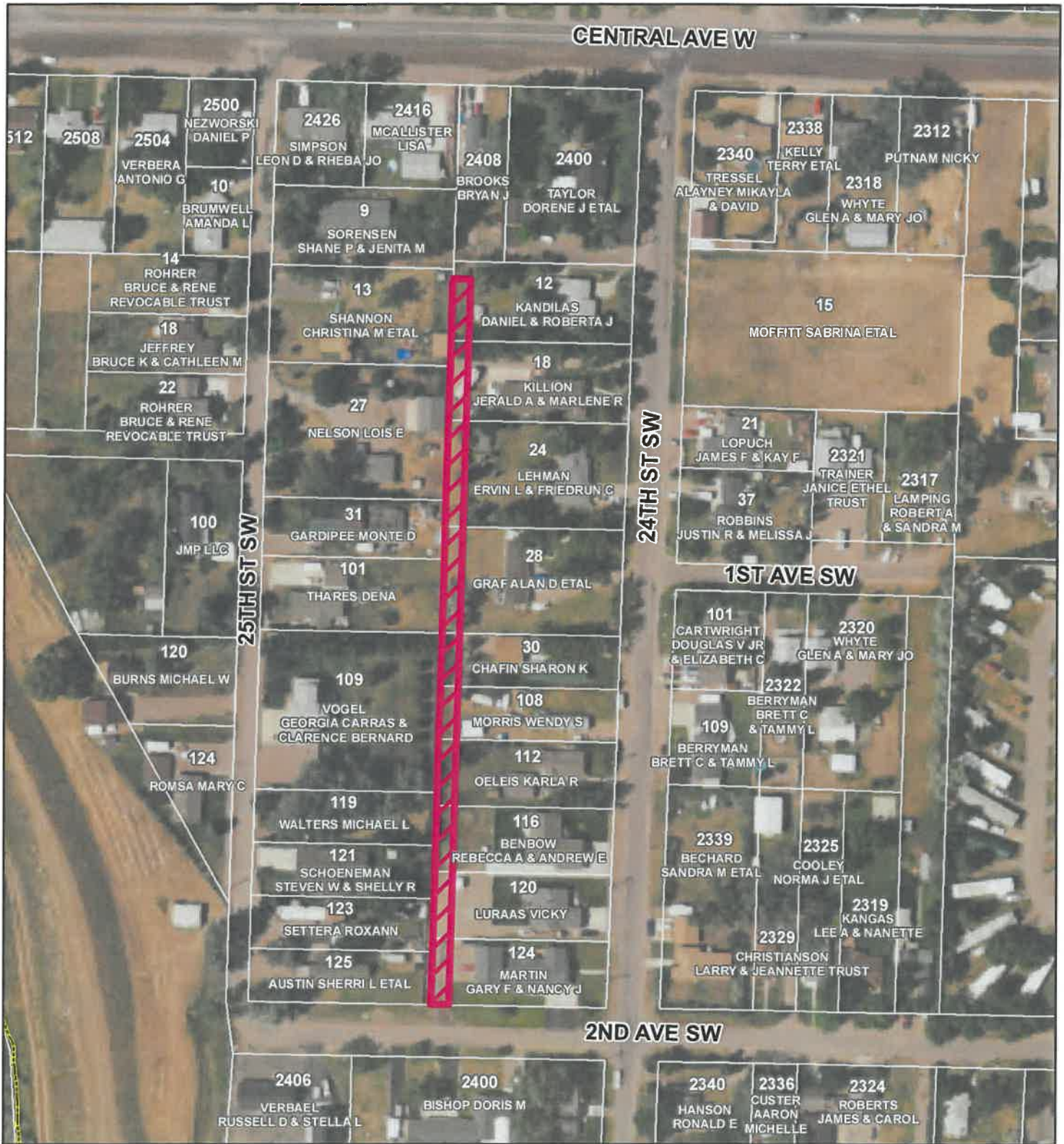


0 50 100 200 Feet

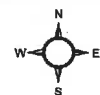


# Exhibit B: Location Map with Street Addresses with Owner Names

Intent to Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Block 17 of Sun River Park Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana



Resolution 10386 - Alley Easement Proposed for Vacation



## Resolution of Intention 10385

Petitioners: Gary and Nancy Martin

124 24<sup>th</sup> St. SW Great Falls MT 59404

When we purchased our lot in 2003 from Mr. and Mrs. Bennyhoff we were informed that it had an easement-for access by utility and emergency vehicles only. This is also the description that is on our deed. Later Jay Parrot, the inspector from planning, who gave the setbacks during the construction of our home and shop also referred to it as an easement; as well as the zoning review that stamped our site plan. Last summer Greg Avent with the County Planning Mapping also labeled it as an easement and sent me by email a document and map from 1952. In 1954 Lot 1 Block 17 was annexed from the County into the City. Unfortunately, the alley was not abandoned when it was annexed. During the years following the annexation, lots were sold in their entirety and taxed on the full square footage of the properties -no deduction was or has ever been made for an alley. By my reading on the City of Great Falls web page a public right of way (alley) is not a taxable piece of property. In addition, the city has never utilized the alley for garbage collection nor performed any grading or maintenance. So this 20 foot parcel of land has been an alley in name only, but HAS functioned as a utility easement all of these years. Also if you were to drive down 24<sup>th</sup> St SW you would notice that every home owner on our street has provided their own access to their backyards (from their front yard) so that they do not have to cross anyone's property to reach their own backyard. Because of the confusion of whether this strip of land was an alley or easement we are petitioning to have the alley abandoned. We acknowledge as an easement that it would still be accessed as needed by utility and emergency vehicles. I also have an email dated July 7, 2020 from Diane Mullaney at NorthWestern Energy stating that if the installation of a gate were to be placed on our property it would be fine as we would provide NorthWestern Energy with a key for their access.

We as property owners would like to be afforded the full, true ownership of our land. As it stands right now, my husband and I must allow public access to anyone who cares to cross our property. And as for any future resale hopes we may have- I highly doubt during the disclosure process we would find any buyers who would even consider purchasing a home, on a City lot, where they will have absolutely no control over public access of their property.... in which, not only will they have to pay taxes on it but will also incur very costly maintenance and repair bills due to the high traffic that occurs.



Gary and Nancy Martin  
Owners, 124 24<sup>th</sup> St. SW

Order No.: GF23478  
Parcel No.: 1687375

**WARRANTY DEED**  
(Joint Tenancy)

FOR VALUE RECEIVED,

**David H. Bennyhoff and Lenaya J. Bennyhoff**

hereinafter called Grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Gary F. Martin and Nancy J. Martin**

whose address is: 171 Koko Malei Street, Honolulu, HI 96818

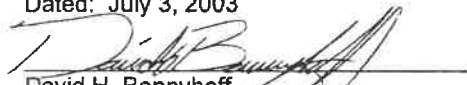
hereinafter called Grantees, as joint tenants (and not as tenants in common) and to the survivor of said named joint tenants, and to the heirs and assigns of such survivor, the following described premises, in **Cascade** County, Montana, to-wit:

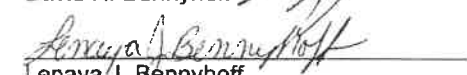
**Lot 1FE of the Amended Subdivision Plat of Lot 1F, Block 17, Sun River Park Addition to Great Falls, Montana, according to the official map or plat thereof and on file in the office of the Clerk and Recorder of said county.**

SUBJECT TO Covenants, Conditions, Restrictions, Provisions, Easements and encumbrances apparent or of record.

TO HAVE AND TO HOLD, the said premises, with its appurtenances unto the said Grantees, as joint tenants with the right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named tenants forever. And the said Grantor(s) do(es) hereby covenant to and with Grantees, he (she or they) is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances except for taxes and assessments for current and subsequent years and he (she or they) will warrant and defend same from all lawful claims whatsoever.

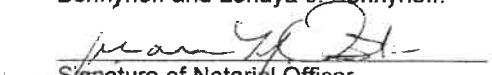
Dated: July 3, 2003

  
David H. Bennyhoff

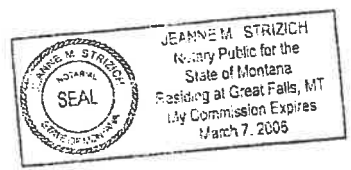
  
Lenaya J. Bennyhoff

State of Montana  
County of Cascade

This instrument was acknowledged before me on this 3rd day of July, 2003, by David H. Bennyhoff and Lenaya J. Bennyhoff.

  
Signature of Notarial Officer  
Notary Public for the State of Montana  
Residing in Great Falls  
Commission Expires March 7, 2006

RETURN TO: Gary F. Martin and Nancy J. Martin  
171 Koko Malei Street  
Honolulu, HI 96818



GARY + Nancy MARTIN 406-781-4495  
 124 24th St. S.W.

# SITE PLAN

## ZONING REVIEW

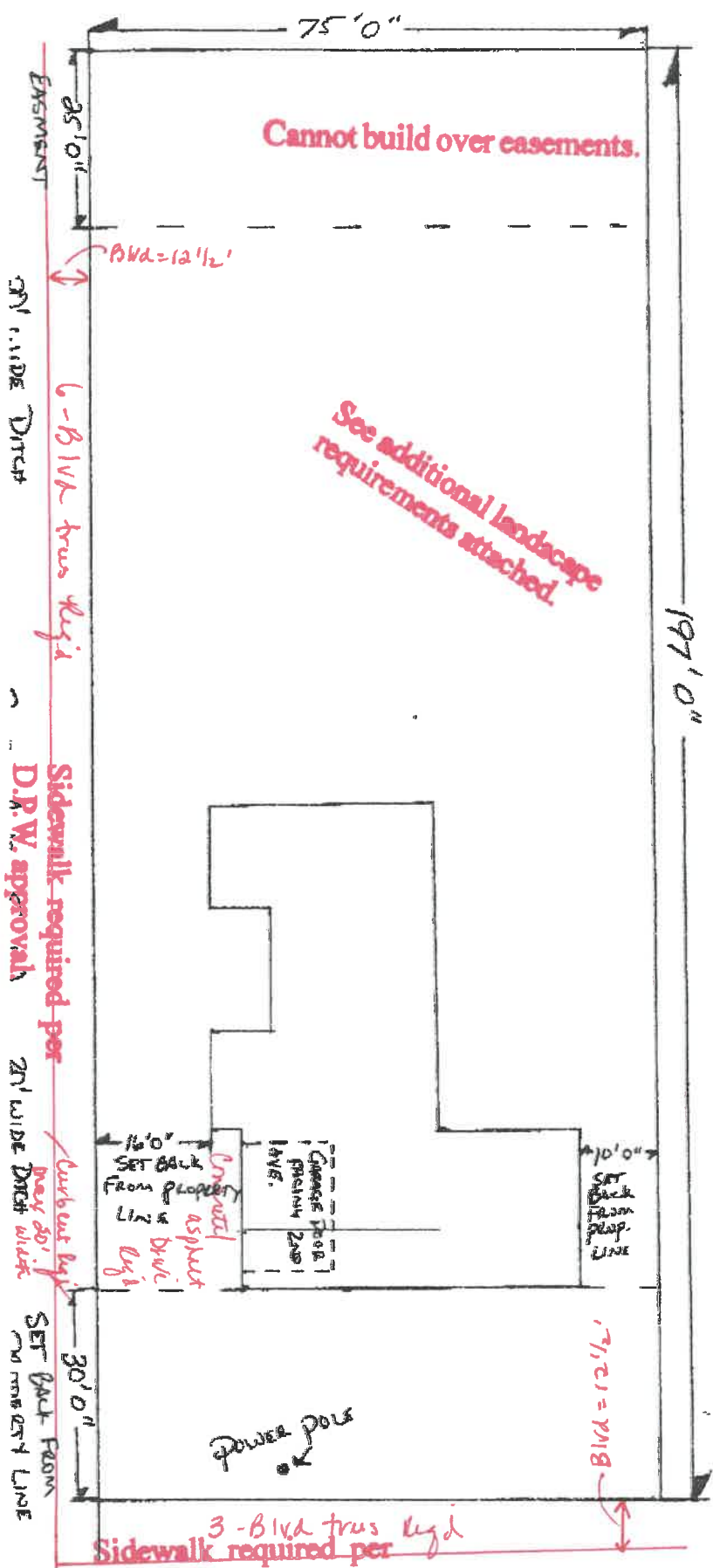
ZONED: R-1 / Using "A" area setbacks

FLOOD ZONE: \_\_\_\_\_  
 BLYD(S): \_\_\_\_\_  
 SETBACKS = 30' FRONT  
                   6' SIDE  
                   25' REAR

## LANDSCAPING

9 BLYD TREES  
 TOTAL \_\_\_\_\_ TREES ON SITE  
 OTHER REQUIREMENTS: \_\_\_\_\_

See additional landscape requirements attached.



**RE: Easement for 124 24th St. SW Great Falls**

Avent, Greg &lt;gavent@cascadecountymt.gov&gt;

Mon 7/13/2020 11:26 AM

To: gary martin &lt;gfmartin37@hotmail.com&gt;

Cc: Yonker, Charity N. &lt;cnyonker@cascadecountymt.gov&gt;; Gough, Destiny N. &lt;dgough@cascadecountymt.gov&gt;

 1 attachments (3 MB)

Sun River park Block 17.tiff;

Hello, Mrs. Martin-

I have attached a map of the lots on your block.

The shaded area represents a 20' easement along the West edge of your property.

Greg Avent

**From:** gary martin <gfmartin37@hotmail.com>**Sent:** Monday, July 13, 2020 2:20 PM**To:** Avent, Greg <gavent@cascadecountymt.gov>**Subject:** Easement for 124 24th St. SW Great Falls

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Greg,

My name is Nancy Martin and I am contacting you in an effort to find maps or documents regarding whether the property at

124 24th St. SW., Great Falls -which my husband Gary and I own and live at- has an easement or an alley on it. I have spoken to Lonnie in Planning and also Michelle at the Clerk and Records without any luck finding concrete documentation, as well as with Bruce at Sanitation.

I would be happy to visit with you (phone#: 781-4496) regarding the specifics of why we are wanting this clarified.

Thank you so much for your time, Nancy

**RE: Easement for 124 24th St. SW Great Falls**

Avent, Greg &lt;gavent@casadecountymt.gov&gt;

Tue 7/14/2020 4:39 AM

To: gary martin &lt;gfmartin37@hotmail.com&gt;

1 attachments (254 KB)

reel 213 doc 605.pdf

Mrs. Martin-

I am working from home, and unfortunately don't have a work phone, just the counties email.

The attached document should be of use, though.

The first entry on the document is the filed record the drawing I sent was based on, and it created the easement. It was filed on **May 7, 1952.**

Greg Avent

July 13, 2020 8:14 PM

To: Avent, Greg &lt;gavent@casadecountymt.gov&gt;

Subject: Re: Easement for 124 24th St. SW Great Falls

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greg,

Thank you so much for the prompt response. The map was exactly what we were looking for. Is there any way we could find out what date your map was drawn up? Again, I would be happy to speak with you on the phone.

Thanks again,

Nancy

---

**From:** Avent, Greg <gavent@casadecountymt.gov>**Sent:** Monday, July 13, 2020 11:26 AM**To:** gary martin <gfmartin37@hotmail.com>**Cc:** Yonker, Charity N. <cnyonker@casadecountymt.gov>; Gough, Destiny N. <dgough@casadecountymt.gov>**Subject:** RE: Easement for 124 24th St. SW Great Falls

Hello, Mrs. Martin-

I have attached a map of the lots on your block.

The shaded area represents a 20' easement along the West edge of your property.

605

CASCADE COUNTY, MONTANA

ROBERT A. SIEGLING, ET UX

TO

CASCADE COUNTY

No. 1116 948 EASEMENT OF RIGHT OF WAY  
FILED FOR RECORD MAY 7 '52 at 1:45 PM  
D. McDONALD, COUNTY CLERK & RECORDER  
BY BERNICE BALCH, DEPUTY  
NO FEE

COMPARED

THIS AGREEMENT made and entered into this 6th day of May one thousand nine hundred and fifty-one by and between Robert A. and Kathryn Siegling first party and Cascade County, a corporate body politic, second party.

WITNESSETH, That the first party for and in consideration of the sum of One Dollar (\$1.00) to them in hand paid by second party, the receipt whereof is hereby acknowledged, does by these presents hereby grant and convey unto said second party the full and free right of way for a Highway upon and through the following lands and premises situated in the County of Cascade and State of Montana, to-wit:

A 20 foot strip of land to be used for an alley, described as follows:

The West 20 feet of the South 810 feet and the North 20 feet of the South 860 feet of Lot 1, Block 17 Sun River Park Addition to Great Falls, Montana, containing 0.48 acres.

It is mutually understood and agreed that if the above described premises are at any time abandoned for highway purposes by official action as provided by statute, that the same shall immediately revert to first party.

IN WITNESS WHEREOF, the said first party have hereunto set their hands and seals the day and year first hereinbefore written.

ROBERT A. SIEGLING (SEAL)  
KATHRYN SIEGLING (SEAL)

Signed, Sealed and Delivered in the Presence of \_\_\_\_\_

STATE OF MONTANA  
County of Cascade ) ss

On this 6th day of May in the year nineteen hundred and fifty-two, before me, T. R. Cascaden, a Notary Public for the State of Montana, personally appeared Robert A. and Kathryn Siegling known to me (or proved to me on oath of \_\_\_\_\_) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

T. R. CASCADEN  
Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My Commission Expires July 19, 1953

PLAT IN BOX

(NOTARIAL SEAL)

MARGERY C. WULF

No. 1116 950 AFFIDAVIT.  
FILED FOR RECORD MAY 8 '52 at 9:15 AM  
D. McDONALD, COUNTY CLERK & RECORDER  
BY BERNICE BALCH, DEPUTY  
FEE . 75¢

TO  
THE PUBLIC

STATE OF MONTANA  
County of Cascade ) ss

MARGERY C. WULF, being first duly sworn on her oath, deposes and says:

That the correct spelling of her Christian name is Margery but that the said name is sometimes written as Marjorie.

That on Entry No. 60 in the Abstract of Title to the East Half of Lot numbered Five (5) and All of Lot numbered Six (6) in Block numbered Thirty-one (31) Black Eagle Falls Addition to the City of Great Falls, Cascade County, Montana, her name is incorrectly spelled Marjorie, but the same is spelled correctly at Entries No. 63 and No. 74 of said Abstract.

That the said Margery C. Wulf, and Marjorie C. Wulf, are one and the same person.

MARGERY C. WULF

SUBSCRIBED AND SWORN to before me, a Notary Public, this 6th day of May, 1952.

J. J. WUERTHNER  
Notary Public for State of Montana  
Residing at Great Falls, Montana  
My Commission expires March 16, 1953

(NOTARIAL SEAL)

STATE OF MONTANA

COMPARED

COMPARED

COMPAR

LOT 2

LOT 1

BLOCK 17

BLOCK 18

0.94 AC.

199.02'

179.0'

197.96'

89°29'

PIPE

90°57'

PIPE

203.63'  
0.281 AC.

203.17'

0.281 AC.

202.70'

0.280 AC.

202.24'

0.280 AC.

201.78'

0.279 AC.

201.32'

0.277 AC.

200.86'

0.277 AC.

200.39'

0.276 AC.

199.93'

0.276 AC.

199.47'

0.275 AC.

199.0'

0.274 AC.

198.55'

0.274 AC.

198.08'

0.273 AC.

197.62'

0.273 AC.

197.16'

IRON PIN

KARLOS

HEMENSON

ROOF (GAT)

24 TH. ST.



SCALE: 1" = 100 FT.

CENTER NE 1/4 SEC T.20N. R.3E.

197'

30' 30"



RESOLUTION NO. 4696

A RESOLUTION EXPRESSING THAT IN THE JUDGMENT OF THE CITY COUNCIL OF THE CITY OF GREAT FALLS, MONTANA, IT WILL BE FOR THE BEST INTEREST OF SAID CITY AND THE INHABITANTS THEREOF, AND OF THE INHABITANTS OF CERTAIN PLATTED TERRITORY CONTIGUOUS TO SAID CITY, KNOWN AS BLOCKS SEVENTEEN (17), AND EIGHTEEN (18), AND LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4), INCLUSIVE, OF BLOCK NINETEEN (19), SUN RIVER PARK ADDITION TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, THAT THE BOUNDARIES OF SAID CITY BE EXTENDED SO AS TO INCLUDE SAID TERRITORY WITHIN THE CORPORATE LIMITS SPECIFYING THE AREA AND USE DISTRICTS UNDER CHAPTER XVII, REVISED ORDINANCES OF THE CITY OF GREAT FALLS, 1952, AS TO WHICH SAID TERRITORY WOULD BE INCLUDED WITHIN THE CORPORATE LIMITS, AND, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK, AND THE LAYING BY THE CITY CLERK BEFORE THE CITY COUNCIL THE COMMUNICATIONS BY HIM RECEIVED FOR ITS CONSIDERATION.

\*\*\*\*\*

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land, situated in the County of Cascade, State of Montana, which have been platted into lots, blocks, streets, and alleys, known as Blocks Seventeen (17), and Eighteen (18), and Lots One (1), Two (2), Three (3), and Four (4), of Block Nineteen (19), of the Sun River Park Addition to the City of Great Falls, Cascade County, Montana; all according to the map or plat of said Addition filed in the Office of the County Clerk & Recorder of Cascade County, Montana, on the 30th day of December, 1915.

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof, and of the inhabitants of said contiguous platted tracts or parcels of land, as aforesaid, that the boundaries of said City of Great Falls shall be extended so as to include the same within the corporate limits thereof, and that said territory, when incorporated, be designated for zoning purposes under Chapter XVII, Revised Ordinances of the City of Great Falls, 1952, as follows:

Blocks Seventeen (17), Eighteen (18), and Lots One (1), Two (2), Three (3), and Four (4), of Block Nineteen (19), Sun River Park Addition to the City of Great Falls, Cascade County, Montana, as an "A" Area, "A" Use District.

BE IT FURTHER RESOLVED BY SAID CITY COUNCIL that the City Clerk of said City be, and he is hereby authorized and directed to forthwith cause to be published in the Great Falls Leader, being the newspaper published nearest said platted tracts or parcels of land, at least once a week for two (2) successive weeks, a notice which shall be to the effect that the foregoing Resolution has been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said

notice said City Clerk will receive expressions of approval or disapproval in writing, of the proposed extension of the boundaries of said City from resident freeholders of the territory proposed to be embraced therein; and

BE IT FURTHER RESOLVED BY SAID CITY COUNCIL: that the City Clerk of said City shall, at the next regular meeting of said City Council after the expiration of said twenty (20) days, lay before the same all communications in writing by him so received for its consideration.

Duly and regularly passed and adopted by the City Council of the City of Great Falls, Montana, on the 28<sup>th</sup> day of June, 1954, and approved by the Mayor of said City on the 28<sup>th</sup> day of June, 1954.

ATTEST:

[Signature]  
City Clerk

[Signature]  
Mayor

(SEAL OF CITY)

STATE OF MONTANA, )  
County of Cascade, ) ss.  
City of Great Falls. )

I, FRED L. HILL, Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 4696 was regularly placed on its final passage and passed by the Council of said City at a meeting thereof held on the 28<sup>th</sup> day of June, 1954, and the same was approved by the Mayor of said City on the 28<sup>th</sup> day of June, 1954.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 29<sup>th</sup> day of June, 1954.



(SEAL OF CITY)

[Signature]  
City Clerk

RECORDED NOV 19 1954  
TIME 10:50 A.M.  
DOCUMENT NO. \_\_\_\_\_  
RITA HUDAK  
Clerk and Recorder  
Cascade County, Montana  
By [Signature] Deputy

102

# Public Right-of-Way

Please be aware that **you cannot fence public right-of-way**.

The property owner is responsible for maintenance **but is not taxed on this area**. Call [Engineering](#) at (406) 771-1258 before placing fence posts. Street sizes vary throughout Great Falls and so does the public right-of-way.

- If you have a corner property there is a CVT (clear vision triangle) which is a 45 degree triangle measurement that will determine where your fence can be placed. In alleys this measurement is 10' and in driveways the measurement is 15'.
- For any vegetation CVT (clear vision triangle) issues such as a tree or a bush please contact the Park & Recreation City Forester at 771-1265.
- Residential fence height: 4' tall in the front yard (from the end of the public right-of-way to the front of the house), and 6' tall (from the front of the house through the backyard). Contact Code Enforcement at Planning & Community Development (406) 455-8574.
- Any new fences being installed or old fences being repaired and/or replaced are required to comply with the City Code revised in 2007.
- Fire Hydrants are placed in the public right-of-way. There needs to be clearance of at least 5' to allow for proper hose connection and use. In case of an emergency and the hydrant access is blocked by fencing or shrubs they may need to be cut. The property owner would be responsible for any replacement costs.

## How is the public right-of-way figured?

Get the measurement of the street or avenue from [Engineering](#), next measure from the back of curb on one side of the street to the other back of curb across the street.

**Example:** 80' public right-of-way minus 35' street back of curb measurement = 45' remaining right-of-way, divided by 2 = 22.5'. Therefore each property owner on each side of the street would have a 22.5' public right-of-way. The fence would be placed 22.5' from the back of curb.

[Official City Codes:](#)

- Fences 17.20.7.040

- Boulevards 12.1.010 - 12.3.020 (includes CVT - Clear Vision Triangle)

Published on *City of Great Falls Montana* (<https://greatfallsmt.net>)

## Alley Grading



[1]

There are 80 miles of alleys in the City of Great Falls. They are graded twice a year by schedule — once in the spring and again in the fall. Requests for additional maintenance are accepted year-round. Call the PAR-TNER line at 406-727-8637, the Public Works Operations Office at 406-771-1401, or fill out the [Street Maintenance Notification Form](#) [2] online.

**Source URL:** <https://greatfallsmt.net/publicworks/alley-grading>

### Links

[1] <https://greatfallsmt.net/sites/default/files/styles/gallery500/public/imageattachments/publicworks/page/28431/4.jpg?itok=tm5Vte5x>

[2] <https://greatfallsmt.net/publicworks/street-maintenance-notification-form>

Reply ▼ Delete Junk Block ...

## Easement

MD

Mullaney, Diane <diane.mullaney@northwestern.com>

↩ ↶ → ...

Tue 7/7/2020 8:25 AM

To: You

*Good afternoon Gary ~*

*Per our telephone conversation, I said I would look to see if we had an easement for the area you are questioning. We do not have an easement in our system that I could find. It might have been at the time that we needed to put in a line and the City/County just let us go down the alley. As I stated, we could not tell Roxanne that she could not cross the easement, but if you own the property, I would show her your deed and put up a gate to deter her from using it as a driveway. I would definitely get something from the County as to what the set back from the road might be prior to putting it up and we would need to have a key to the gate or be able to access the line in the event of an emergency.*

*If I can assist you in any other way, please let me know.*

Thank you,

**Diane Mullaney**

Real Estate Analyst

[11 E. Park St. | Butte, MT 59701](http://11.E.Park.St.1Butte.MT.59701)

Office: (406) 497-3240 | Fax: (406) 497- 3158

[Diane.mullaney@northwestern.com](mailto:Diane.mullaney@northwestern.com)



This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. NorthWestern Corporation and its subsidiaries each reserve the right to monitor all e-mail communications through its network.

Reply Forward

**From:** [Lisa C. Kunz](#)  
**To:** [Bob Kelly](#); [Mary Sheehy Moe](#); [Owen Robinson](#); [Rick Tryon](#); [Tracy Houck](#)  
**Cc:** [Greg Doyon](#); [Charles Anderson](#); [Krista Artis](#); [Craig Raymond](#); [Sara Sexe](#)  
**Subject:** FW: February 5th, 2021 February 16th, 2021 at 7:00 pm room 212 Civic Center  
**Date:** Friday, February 12, 2021 11:02:52 AM

---

See comments from Steve and Shelly Schoeneman, re: Resolution of Intention 10385 – Agenda Item 15 on the February 16, 2021 Commission Meeting Agenda.

*Lisa*

City Clerk/Records Manager  
 406.455.8451

---

**From:** Lisa C. Kunz  
**Sent:** Friday, February 12, 2021 11:00 AM  
**To:** 'Steve C' <[ishkeez@gmail.com](mailto:ishkeez@gmail.com)>  
**Subject:** RE: February 5th, 2021 February 16th, 2021 at 7:00 pm room 212 Civic Center

Good Morning – your comments will be shared with the City Commission for consideration of Agenda Item 15 (Resolution of Intention 10385) at the February 16<sup>th</sup> meeting. If adopted, the Resolution of Intent provides notice and sets the public hearing for March 16<sup>th</sup> for consideration of a Resolution to Vacate.

*Lisa Kunz*

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

**From:** Steve C <[ishkeez@gmail.com](mailto:ishkeez@gmail.com)>  
**Sent:** Friday, February 12, 2021 10:31 AM  
**To:** commission <[commission@greatfallsmt.net](mailto:commission@greatfallsmt.net)>  
**Subject:** February 5th, 2021 February 16th, 2021 at 7:00 pm room 212 Civic Center

Name : Steve Schoeneman, Shelly Schoeneman

Address : 121 25th Street SW, Great Falls, Montana

Property OWNER

I am writing to respond to a second letter I received dated February 5, 2021. Resolution of Intention 10385 should NOT be considered. Now this is getting out of control, to send two letters containing different days and different party's of attendance, to hear contents about the same matter, the attempt to close, and restrict the access of use, of the ALLEY which has been used over the last 18 plus years.

OUR STANDING REMAINS THE SAME, WE REJECT ALL MATTERS REGARDING THE REMOVAL AND/OR ANY SUCH USE, OR ACCESS TO, THRU, OR ON, SUCH PROPOERTY WHILE WE OWN OUR PROPERTY.

Steve & Shelly Schoeneman

**From:** [Lisa C. Kunz](#)  
**To:** [Bob Kelly](#); [Mary Sheehy Moe](#); [Owen Robinson](#); [Rick Tryon](#); [Tracy Houck](#)  
**Cc:** [Craig Raymond](#); [Joseph Cik](#); [Charles Anderson](#); [Krista Artis](#); [Greg Doyon](#)  
**Subject:** FW: alley vacancy request  
**Date:** Tuesday, February 16, 2021 6:30:15 PM

---

See Ms. Settera's comments pertaining to this evening's Agenda Item 15.

*Lisa*

City Clerk/Records Manager  
406.455.8451

---

**From:** roxannsettera@outlook.com <roxannsettera@outlook.com>  
**Sent:** Tuesday, February 16, 2021 3:49 PM  
**To:** commission <commission@greatfallsmt.net>; William Levine <wlevine@marralawfirm.com>  
**Subject:** alley vacancy request

I am sending my objection: I oppose the Martins request to vacate the alley/access. I will be watching but can not speak as no microphone on this computer. My attorney, William Levine, has scheduled this meeting.



Bernice and Alan Graf  
 28 24th ST. SW.  
 Lot 1G of Sun River Park Addition  
 Great Falls Mt.  
 59404

021621  
**INVOICE**

Agenda #14.

City Of Great Falls Operations  
 1025 25th AVE. NE.  
 Great Falls MT.  
 59404

**Invoice #**            0000001  
**Invoice Date**        06/01/1991  
**Due Date**             12/30/2021

Item	Description	Unit Price	Quantity	Amount
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1991 To Sep.1991	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1992 To Sep.1992	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1993 To Sep.1993	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1994 To Sep.1994	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1995 To Sep.1995	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1996 To Sep.1996	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1997 To Sep.1997	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1998 To Sep.1998	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 1999 To Sep.1999	200.00	8.00	1,600.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. @ 8 times a year for 10 years 2000 to 2009	200.00	80.00	16,000.00

Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. @ 8 times a year for 10 years 2010 to 2019	200.00	80.00	16,000.00
Service	Mowing and weed control of city lot 1G Sun River Park Addition Great Fall MT. June 2020 To Sep.2020	200.00	8.00	1,600.00

Agenda #14.

**NOTES:** This is the cities rate : \$200.00 HR ( one HR Min. )  
Per of Debbie Kimball (406)455-8158

<b>Subtotal</b>	48,000.00
<b>Total</b>	48,000.00
<b>Amount Paid</b>	0.00
<b>Balance Due</b>	\$48,000.00

**From:** [Lisa C. Kunz](#)  
**To:** ["Russ Verbael"](#)  
**Cc:** [Krista Artis](#)  
**Subject:** RE: Comments Regarding Resolution 10386  
**Date:** Wednesday, March 10, 2021 1:26:51 PM

---

Good Afternoon Mr. Verbael – thank you for your comments.

Your comments will be shared with the Commission and appropriate staff for consideration of this agenda item at the March 16, 2021 Commission meeting.

*Lisa Kunz*

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

**From:** Russ Verbael <rverbael@gmail.com>  
**Sent:** Wednesday, March 10, 2021 12:57 PM  
**To:** commission <commission@greatfallsmt.net>  
**Subject:** Comments Regarding Resolution 10386

Dear Sirs

This email is intended to offer my comments regarding **Resolution 10386**, a petition by Gary and Nancy Martin to vacate the alley easement described as the West 20 feet of lots 1B through 1FE of Sun River Park Addition, City of Great Falls.

I strongly support this proposal and feel that the action should be taken.

I have been advised that any resistance to such an action may be made to preserve lot owners access to their back yards. My observations do not support this reasoning. Several of the side-yards in question are littered with junk, abandoned vehicles and other refuse that, if removed, would ensure full and adequate access to rear yards. In addition, there exists temporary lean-to structures that probably do not conform to building standards and which may inhibit back yard access. If these structures were removed or altered, lot owners could enjoy full back yard access.

In short, I believe that the proposed action is logical and legitimate. **Resolution 10386 should be approved.**

Sincerely,

R.D. Verbael, lot owner and city resident  
 2406 2nd Ave SW  
 Great Falls, Mt 59404





Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10387 - Conditional Use Permit for a “Worship facility” land use upon the property addressed as 511 Central Avenue and legally described as Lot 12-13, Block 316, 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:** Abram Baca, The Potter’s House Great Falls, LLC

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

**Action Requested:** City Commission adopt Resolution 10387.

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:
 

“I move that the City Commission (adopt/deny) Resolution 10387 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.

**Staff Recommendation:**

On January 26, 2021, 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, 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 Safety Inspection Certificate has not been issued. The Administrator may extend the expiration date by up to one year.
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. **Acceptance of Conditions:** No Safety Inspection Certificate 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, Abram Baca, lead pastor of The Potter's House, has submitted an application to request a Conditional Use Permit to allow for a Worship facility land use upon the property addressed as 511 Central Avenue and legally described as Lots 12 and 13, Block 316, Great Falls Original Addition, Section 12, T20N, R3E, PMM, Cascade County, MT. 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 a building owned by Gary Hackett, which has several other suites as well. The applicant has been using a suite as a meeting space for The Potter's House since February of 2020. In March of 2020, the City received a Safety Inspection Certificate request (SIC) for the applicant to use the subject property as a Worship facility land use. The applicant and owner were unaware that the Worship facility land use was permitted only through a Conditional Use Permit in the C-4 Central Business Core zoning district. Additionally, the applicant had already signed a lease with the owner prior to filing the SIC request. To allow the applicant some time to consider his options, the SIC was issued with a condition that The Potter's House was allowed to occupy the space until September 1, 2020, at which time the applicant would either need to relocate or apply for a Conditional Use Permit. The applicant believes the location best fits the mission of the church and has opted to apply for the required CUP to allow a longer term stay in their downtown location.

The basis of 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.

### *Impacts:*

The applicant has been operating at his current location for almost one year. Because the applicant uses a small space within the building and has a small congregation, no complaints have been received by the City on issues such as parking or vehicle traffic. In 2020, the City Commission did approve a request for a proposed Worship facility at a nearby location – 427 Central Avenue. During initial discussion of that request, concerns were expressed about the impact of worship facilities on the future ability of bars and taverns in the downtown to obtain liquor licenses. In response, City staff developed Ordinance 3122,

which, under the provisions of MCA 16-3-306, supplanted the 600 foot distance restriction between bars/taverns seeking liquor licenses and worship facilities. Ordinance 3221 was adopted by the City Commission and effectively allows establishments requiring a liquor license to operate in non-residential zoning districts with no distance requirements from worship facilities. As a result, staff finds that the requested CUP has no negative impacts.

*Transportation:*

Central Avenue carries an average of 3,215 vehicles per weekday (2018 count). Because the church's highest number of vehicle trips would be on a Sunday, traffic on adjoining roadways will be very low due to many traffic generators (businesses and employment centers) being closed. Therefore, if any congestion occurs, it would be for a very brief period of time when multiple vehicles arrive at the worship facility for services.

*Proximity to Other Uses:*

The Subject Property is located within an existing building that currently leases to several other commercial uses. The Subject Property is surrounded by other buildings that have commercial and residential uses. The downtown is already a mixed land use environment, so the worship facility use fits well within the context of the area.

**Fiscal Impact:**

Approval of the CUP would have no adverse financial impact upon the City of Great Falls. Increasing the occupancy of the existing building only improves the City's financial situation.

**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.

On January 26, 2021, the Great Falls Zoning Commission voted 6-0 in favor of the applicant's Conditional Use Permit.

**Neighborhood Council Input:**

The subject property is located in Neighborhood Council District 7. The applicant was unable to meet with the Council so city staff met with the Council on January 11, 2021. The Council voted 4 to 1 to recommend approval of the Conditional Use Permit. Staff has not received any questions about the project.

**Attachments/Exhibits:**

Resolution 10387  
Basis of Decision  
Aerial Map  
Zoning Map  
Site Photos  
Applicant Narrative

RESOLUTION 10387

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A "WORSHIP FACILITY" LAND USE UPON A PARCEL OF LAND ADDRESSED AS 511 CENTRAL AVENUE, AND LEGALLY DESCRIBED AS LOTS 12 AND 13, BLOCK 316, OF THE 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 12 and 13, Block 316 of the Great Falls Original Addition, Section 12, 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 January 26, 2021, to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a "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, 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 Safety Inspection Certificate has not been issued. The Administrator may extend the expiration date by up to one year.
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. **Acceptance of Conditions:** No Safety Inspection Certificate 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 511 Central Avenue, Great Falls, Montana, and legally described as Lots 12 and 13, Block 316 of the Great Falls Original Addition, Section 12, 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 March 16, 2021.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, 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. 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 proposed CUP will not be injurious to other properties, nor impair property values within the downtown area. The proposed Worship facility only occupies a small tenant space within an existing building and contains a small congregation. They have also occupied the tenant space for almost one year without concerns being raised.

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

Due to its small size and limited traffic and parking impacts, the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Also, as noted in the agenda report, there were initial concerns raised last year with a Worship facility request for 427 Central Avenue, which concerned the potential impact of churches on existing and proposed bars and

taverns that need liquor licenses from the State of Montana. To respond to this concern, the City Commission adopted Ordinance 3221 on September 15, 2020, which allows establishments that utilize liquor licenses and places of worship to operate within the same vicinity of each other. Because of these factors, the Conditional Use will not be injurious to the immediate vicinity for the purposes already permitted.

**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. The building containing the proposed CUP already receives all City services.

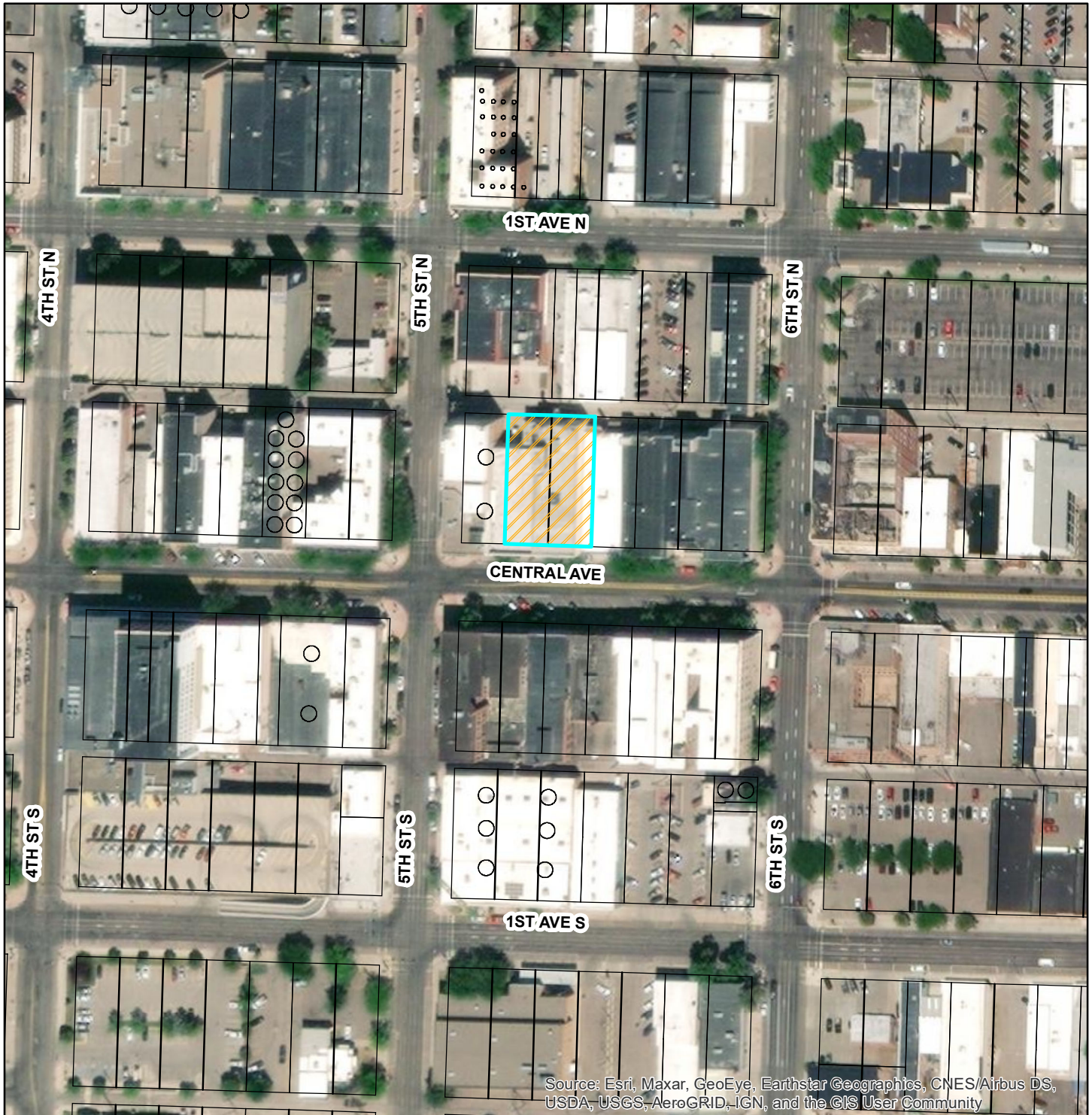
**6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**


The Worship facility is 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. As a result, there is no concern about ingress and egress for traffic congestion.

**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.**

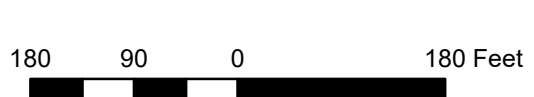
Because the property already contains an existing building and the proposed use is already established in a tenant space, no City regulations other than approval of the land use are affected by the applicant's request.

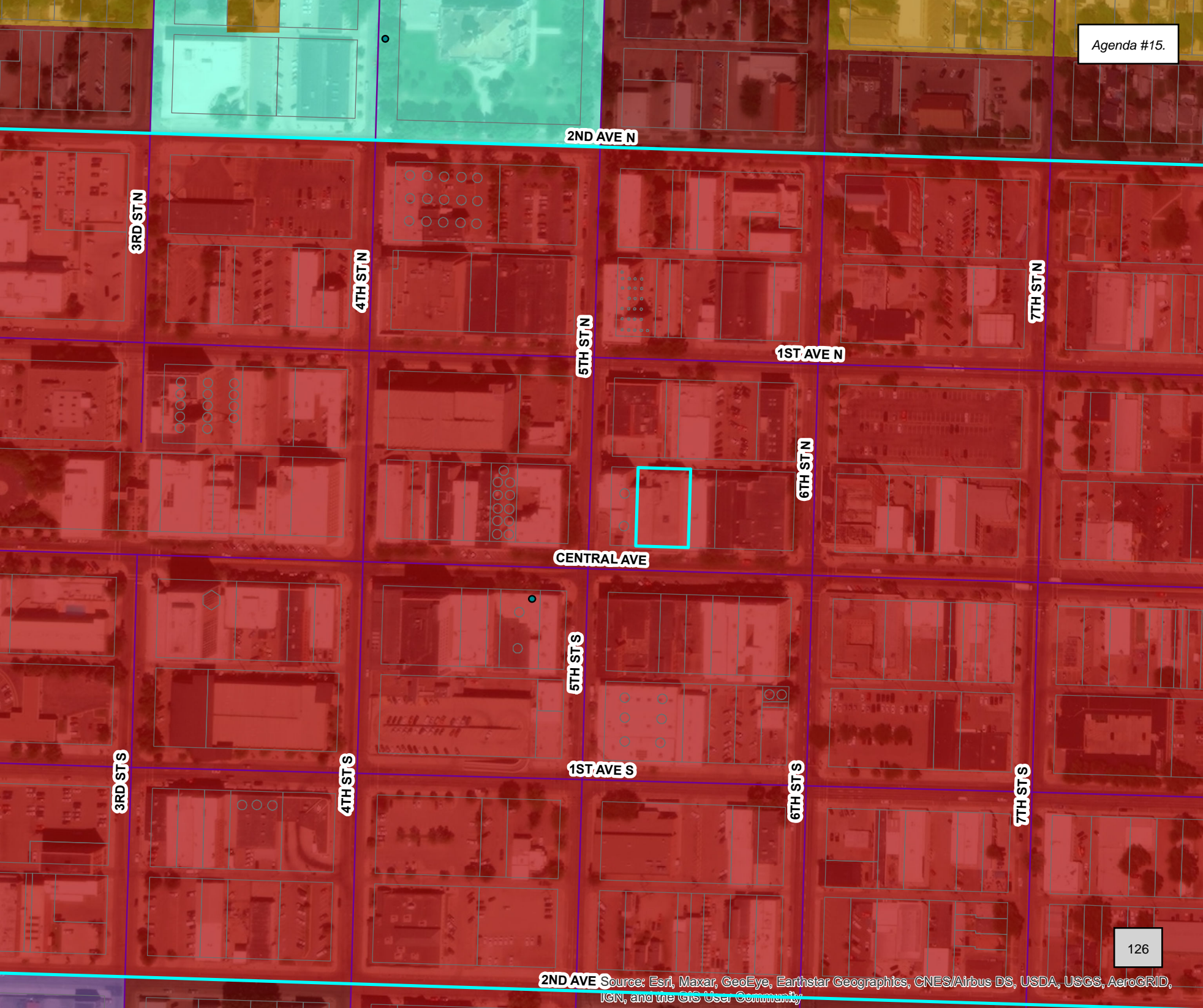
### EXHIBIT A



 Subject Property

 City Limits





2ND AVE N

3RD ST N

4TH ST N

5TH ST N

1ST AVE N

7TH ST N

6TH ST N

CENTRAL AVE

5TH ST S

1ST AVE S

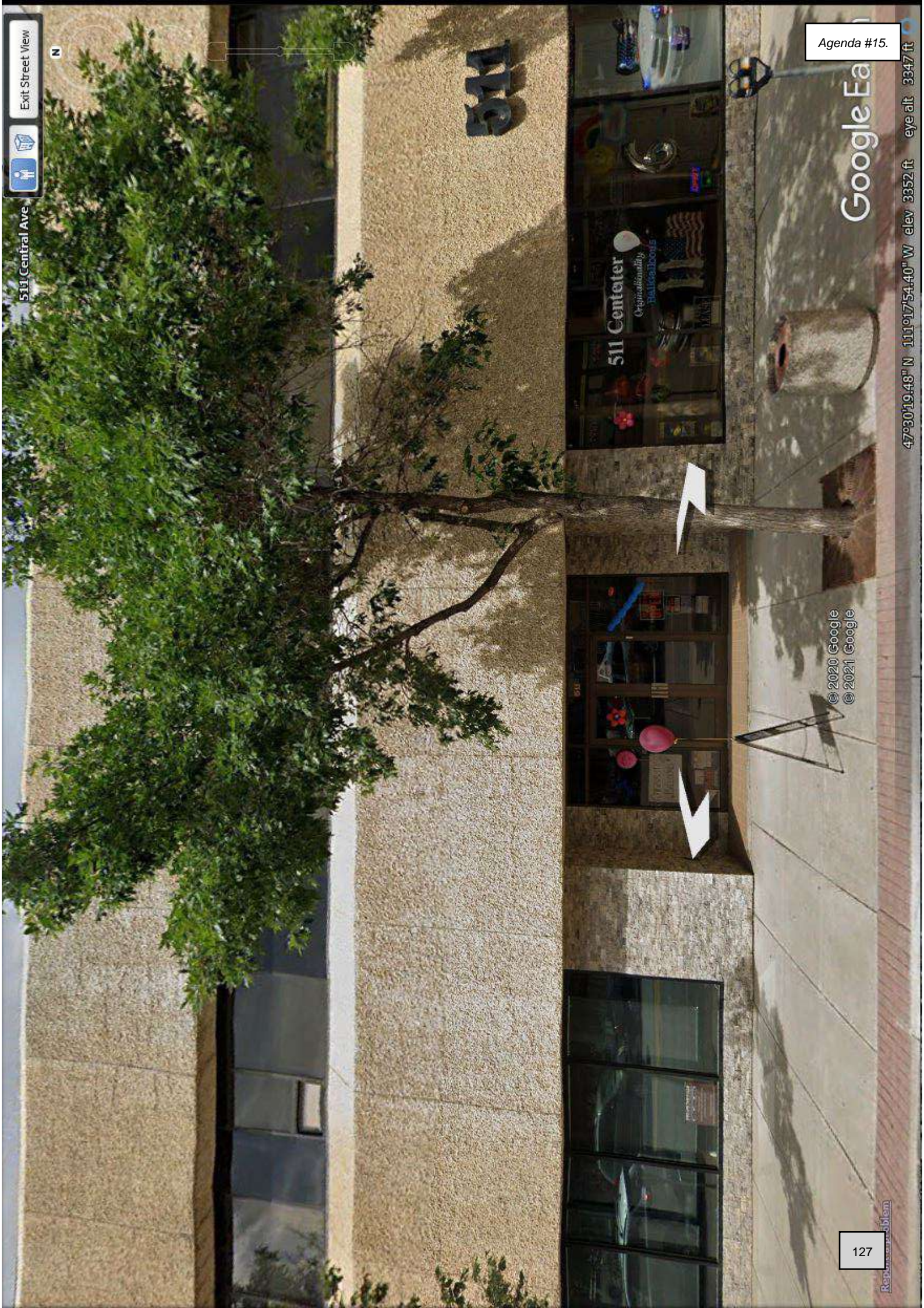
3RD ST S

4TH ST S

6TH ST S

7TH ST S

N



Agenda #15.

Google Earth

© 2020 Google  
© 2021 Google

47°30'19.48" N 111°17'54.40" W elev 3352 ft eye alt 3347 ft

# Potter's House

511 Central  
Great Falls, MT 59405  
(123) 456 - 7890

## Conditional Use Permit

December 1, 2020

### Overview

"The Potter's House" Christian Fellowship Church is a Non-denominational pioneer church, for the last year we have been in operation at our current location inside 511 Central. The building is owned by Gary Hackett and The Potter's House has been in good standing with Gary, The City Of Great Falls, as well as all the other businesses in the area.

Our vision as a church is;

**Evangelism:** The Gospel taken outside the four walls is the absolute foundation of our church, in obedience to *Mark 16:15 And He said to them, 'Go into all the world and preach the gospel to every creature'...* We emphasize personal evangelism, and a large variety of outreaches to share the Gospel.

**Conversion:** We witness, testify and preach for a decision. The Gospel has the power to save and transform lives. *1 Peter 1:23 having been born again, not of corruptible seed but incorruptible, through the word of God which lives and abides forever...* The bulk of our congregation consists of people converted here by the Power of God.

**The Power Of The Local Church:** God has placed everything necessary to accomplish His will in the setting of the local church. *Ephesians 1:22-23 ...the church. Which is his body, the fullness of him who fills everything in every way.* God's will is accomplished in us and through us as we connect and commit ourselves to a local church.

**Discipleship:** God intends for calling to Him, and for Him, to be accomplished through being trained and equipped within the setting of a local church. Therefore, the highest calling of a Pastor and congregation is to obey God's command in *Matthew 28:19-20 Go therefore and make disciples of all the nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things that I have commanded you; and lo, I am with you always, even to the end of the age."* Amen.



2

**Church Planting:** The result of disciples being raised up is that they be released **into the harvest field.** *Matthew 9:37-38* Then He said to His disciples, "The harvest truly is plentiful, but the laborers are few. 38 Therefore pray the Lord of the harvest to send out laborers into His harvest." We send couples to plant brand new congregations, with the aim of reproducing our vision in a new area.

**World Evangelism:** From the earliest Bible record, God's vision is worldwide testimony and impact. The gospel message and the vision God has revealed to us is not simply American, but God-inspired; so therefore it works, and is relevant in every nation and culture of the world. *Mark 16:15* all the world/every person...*Matthew 28:19* all the nations... Our job as believers, and as the local church is to pray, train, invest, send and support workers to go into all the world!

Through this vision we have seen numbers of people come to know the love of Jesus Christ through repentance and conversion. We have seen meth addicts of 16 years saved and are now sober for the past year. Families restored, Parents getting custody of their children after losing them for substance abuse. Marriages are being strengthened, I could go on. We have been a blessing to the community and have been a supporter of the local businesses from consistent dining at Blocks, Mighty Mo's pizza, Maria's, Tracy's, Etc. To clothing purchases, Salons, Candy Shops, and even a puppy.

#### Our Goals

1. The reason for the conditional use permit is because we were operating on a temporary permit on the grounds that we were located within 600 feet of a liquor establishment.

Since the recent ordinance passed for a worship facility to be within 600 feet of a liquor establishment we wanted to continue our stay inside the 511 building to sustain our growth and central location to our congregation

2. The building owner Gary Hackett also has made accommodations (larger areas of use) should we continue to grow.
3. Our schedule of services Are all outside the majority of the normal operation hours of the downtown area therefore crowding and parking haven't been an issue in the last year.

3

**We have utilized the parking areas in front of, and in back of the 511 building and have had no issues or problems as of yet.**

**However the building and the surrounding areas are properly equipped with adequate roads, alleys, and parking, as well as a nearby parking garage.**

4. **The Potters House has and will continue to abide by the city ordinances, rules and regulations, and areas of compliance needed to continue being in operation.**
5. **All city permits were obtained and maintenance has been kept up on the property**
6. **During the pandemic social distancing, mask wearing, and hand sanitizer has been provided as well as sanitizing after every service and regular cleaning of the building is also maintained.**

## **In Concluding**

**The Potter's House would like to thank the city of Great Falls for their considerations in this decision. We look forward to continuing being a blessing to our community and assisting in the growth of local business in the downtown area.**



Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Setting a public hearing on a Land Exchange Agreement between the City of Great Falls and Independence Bank

**From:** Park and Recreation

**Initiated By:** Independence Bank

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

**Action Requested:** Set a public hearing for April 6, 2021 for the Exchange Agreement between the City of Great Falls and Independence Bank in conjunction with two subdivisions.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for April 6, 2021 on the Exchange Agreement of City owned property which is anticipated to be subdivided from a larger parcel and will be described as Lot 1 of the 10th Street Bridge Minor Subdivision in exchange for Independence Bank owned property which is anticipated to be subdivided from a larger parcel and will be described as Lot 2 of the Independence Bank Minor Subdivision.”

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 set a public hearing for April 6, 2021 on the Exchange Agreement of property owned by the City known as Lot 1 of the 10th Street Bridge Minor Subdivision with property owned by Independence Bank known as Lot 2 of the Independence Bank Minor Subdivision.

**Summary:** Independence Bank has purchased a tract of land along the Missouri River located in between the 9th Street North Bridge and the old 10th Street Bridge. This tract of land is located to the west of the old Falls Construction site and the Missouri River Diner. The applicant’s intent is to build a 3 story bank with offices and a small coffee shop. The City was approached by the applicant to engage in a land swap for unusable land along the Missouri River for a piece of vacant land that the City owns along River Drive. The intent of the land swap is for the land along the river to be acquired by the City to facilitate a future trail connection to the 10th Street Bridge and for the bank to gain additional land needed for parking.

**Background:** The bank, as well as the City, agreed that based on the appraisals of the properties, the best approach was for each entity to subdivide its property to create second lots of similar land value. Additionally, the City is subdividing its property instead of moving the boundary line due to contamination

of the soil that requires a restrictive covenants not allowing residential use. The City and the bank are working with DEQ to finalize the covenants. After review by the Planning Advisory Board, the subdivisions will go before the City Commission in conjunction with approval of the land swap.

Under the Agreement terms, the City and Bank agree to prorate taxes, special improvement assessments for the current tax year, permit fees, water and sewer charges, irrigation assessments, maintenance fees, and any other pre-paid charges concerning the respective properties, as are applicable as of the date of closing.

**Fiscal Impact:** Each party's Real Property that is subject to this Agreement has been valued to be like kind with equal or greater value of approximately \$65,000. The City and the Bank will be required to pay for closing costs, including title insurance for the respective properties.

**Alternatives:** The Commission could decide to not set the public hearing for April 6, 2021 or set the hearing for a different date and time. A public hearing is required by the Official Code of the City of Great Falls (OCCGF):

**3.4.030 Public hearing.**

Before final consideration by the City Commission of the sale, trade or lease of City property, the City Commission shall hold a public hearing thereon and allow at least fifteen (15) days' notice of the time and place of such hearing to be published in a paper of general circulation in the City.

If a public hearing is not scheduled then the Commission would essentially be denying the exchange of City owned property and the proposed subdivisions for the exchange would not be necessary.

**Concurrences:** The City of Great Falls staff, including the Public Works Department, Legal Department and the Park and Recreation Department support the approval of the Exchange Agreement.

**Attachments/Exhibits:**

Exchange Agreement

Exhibit map

**EXCHANGE AGREEMENT**

This Exchange Agreement (Agreement) is entered into by and between the City of Great Falls, a municipal corporation organized and existing under the laws of the State of Montana, of P.O. Box 5021, Great Falls, Montana 59403 (City), and Independence Bank, 101 River Drive North, Suite 201, Great Falls, Montana, 59401 (Bank), and provides as follows:

**RECITALS**

- 1. The City is the owner of certain real property (City Property) in the City of Great Falls, which is anticipated to be subdivided from a larger parcel and will be described as follows:

Lot 1 of the 10th Street Bridge Minor Subdivision, a tract of land situated in Government Lot 5 of Section 1, T20N, R3E P.M.M. City of Great Falls, Cascade County, Montana

Generally depicted on Exhibit A, which is attached to and incorporated into this Agreement.

- 2. The Bank is the owner of certain real property (Bank Property), which is anticipated to be subdivided from a larger parcel and will be described as follows:

Lot 2 of the Independence Bank Minor Subdivision, being Tract 2 of Certificate of Survey No. S-0004016, located in Government Lot 5 of Section 1, T20N, R3E P.M.M. City of Great Falls, Cascade County, Montana

Generally depicted on Exhibit B, which is attached to and incorporated into this Agreement.

- 3. The City desires to obtain the Bank Property from the Bank, and the Bank desires to obtain the City Property from the City.
- 4. The City is authorized pursuant to Sections 3.04.010 through 3.04.050 of the Official Code of the City of Great Falls (OCCGF) to exchange the City Property for the Bank Property and is agreeable to such exchange, subject to the terms and conditions of this Agreement.

//

//

## AGREEMENT

Now, therefore, for good and valuable consideration, the parties agree as follows:

1. Exchange. Subject to approved subdivision of the above-described properties by the City Commission:
  - a. Upon the closing date set out in Section 3(a) of this Agreement, the City agrees to convey to Bank all of the City's interest in the City Property, together with easements and other appurtenances thereto.
  - b. Upon the closing date set out in Section 3(a) of this Agreement, Bank agrees to convey to the City all of the Bank's interest in the Bank Property, together with all easements and other appurtenances thereto.
  
2. Consideration. Each party's Real Property that is subject to this Agreement has been valued to be like kind with equal or greater value of approximately \$65,000. Each party accepts such valuation and consideration.
  
3. Title Contingency. The parties' respective obligations to exchange are contingent upon their review and approval of a preliminary title commitment concerning the property which each party is to acquire under this Agreement. If either party's review of the preliminary title commitment for the property which it is to acquire discloses any condition that is unacceptable to such party, not including an interest or easement to be reserved under this Agreement or any encumbrances or liens to be discharged through the closing of the transaction anticipated herein, the objecting party shall give written notice of said condition to the other party on or before 30 days from the date the objecting party receives the preliminary title commitment. If a party fails to provide such notice to the other by such date, then this contingency shall be deemed waived by the party failing to give notice. Upon receipt of written notice of an unacceptable condition, the receiving party shall have 15 days to advise the objecting party in writing whether it will agree to remedy the noted condition. If the receiving party elects to remedy the objection, the transaction shall proceed to closing, however the receiving party shall have an additional 90 days from the specified closing date to affect the remedy, if necessary. If the receiving party elects not to remedy the objection, the parties' obligations to exchange shall be terminated and this Agreement will have no further force or effect.
  
4. Closing.
  - a. *Date and Place of Closing*. The closing shall take place no later than \_\_\_\_\_ days following the execution of this Agreement by all parties at Chicago Title, 101 River Drive N., Great Falls, Montana 59401 (the Closing Agent). The parties shall deposit with the Closing Agent all monies and executed documents as necessary to complete the transaction as anticipated by this Agreement.
  
  - b. *Closing Costs*. The parties agree to pay an equal share of all charges of the Closing Agent related to this Agreement. Each party shall pay the recording charges for the deed to the

property it is to receive, and for the costs of their respective real estate agents, attorneys, inspectors, or other representatives. Other closing costs shall be paid as otherwise set forth in this Agreement.

5. Prorations. The City and Bank agree to prorate taxes, special improvement assessments for the current tax year, permit fees, water and sewer charges, irrigation assessments, maintenance fees, and any other pre-paid charges concerning the respective properties, as are applicable, as of the date of closing. If the current year's taxes are not known, Bank and the City agree that the previous year's tax assessment or an estimated amount can be used to base the pro-ration.
6. Conveyance. Each party shall convey the Property each is to convey under this Agreement by Warranty Deed, free of all liens and encumbrances except those described in the title insurance commitment as approved by the other party.
7. Title Insurance. Each party shall purchase for the benefit of the other party an American Land Title Association (ALTA) Standard Coverage Owners Title Insurance Policy (as evidenced by a standard form ALTA title insurance commitment) in an amount equal to the value of the property it will convey to the other.
8. Possession and Risk of Loss. Each party shall deliver possession and occupancy of the property it is to convey to the other party upon the closing date, after all exchange documents are delivered. All loss or damage to any of the property, subject of this Agreement, by any cause is assumed by the respective owners of the property through the time of closing, unless otherwise specified.
9. Environmental Laws. The term "Environmental Laws" shall be defined as any statute, regulation, ordinance or policy issued by any governmental authority, whether federal, state, county or local, that pertains to the environment or to public health, including but not limited to PCB leaks. Each party agrees to indemnify, defend and hold the other harmless from and against any and all claims, including demands, damages, liabilities and costs, actions, orders, expenses, settlements, fines, penalties, attorneys' fees, expert witnesses and consultants, and other litigation expenses arising out of a breach or violation of any Environmental Law in any way connected with, each party's use and or occupation of its Real Property prior to closing. City's indemnification is subject to the limitations of Mont. Code Ann. §2-9-108. This indemnification shall survive the end of this Agreement and shall inure to the benefit of each party, its representatives, successors, agents and assigns.
10. Disclosures
  - a. *Megan's Law*. In accordance with Title 46, Chapter 23, Part 5 of the Montana Code Annotated certain individuals are required to register their address with local law enforcement agencies as part of Montana's Sexual or Violent Offender Registration Act. Information may be obtained on these registrations by contacting the local county sheriff's office, the Montana Department of Justice in Helena, Montana, and probation officers assigned to the area.

- b. *Noxious Weeds*. Each party represents to the other that noxious weeds exist or may exist on the property that is the subject of this Agreement. Each party further notifies the other that it is unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who adheres to the noxious weed management program of the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered in compliance with the law.
- c. *Water Right Ownership Update Disclosure*. By Montana law, failure of the parties at closing or transfer of real property to pay the required fee to the Montana Department of Natural Resources and Conservation for updating water right ownership may result in the transferee of the property being subject to a penalty. Additionally, in the case of water rights being exempted, severed, or divided, the failure of the parties to comply with § 85-2-424, MCA, could result in a penalty against the transferee and rejection of the deed for recording.
11. Entire Agreement and Modifications. This Agreement supersedes all prior agreements, contracts, and understandings between the parties. It may not be modified or terminated orally. No modification, termination, or attempted waiver shall be valid unless in writing signed by the party against whom the same is sought to be enforced.
12. Time. Time is of the essence in this Agreement and all clauses herein. Provided, that in the event an act is required to occur upon a Saturday, Sunday, or Legal Holiday, that said act may be performed on the next business day.
13. Assignment. This Agreement is binding upon the parties, their respective representatives, agents, successors, and assigns.
14. Remedies.
- a. *Bank's Remedies*. If the City refuses or neglects to consummate the transaction within the time period provided in this Agreement, Bank may demand that the City specifically perform the City's obligations under this Agreement, or demand monetary damages from the City for the City's failure to perform the terms of this Agreement.
- b. *City's Remedies*. If Bank refuses or neglects to consummate the transaction within the time period provided in this Agreement, the City may demand that Bank specifically perform Bank's obligations under this Agreement, or demand that Bank pay monetary damages for Bank's failure to perform the terms of this Agreement.
15. Controlling Law. This Agreement shall be interpreted under the laws of the State of Montana.
16. Interpretation. This Agreement has been reviewed by both parties, each of whom has had the opportunity to consult with independent counsel regarding it and has done so to the extent that such party desired. No stricter construction or interpretation of the terms hereof shall be applied against either party as the drafter hereof.



17. Electronic and Counterparts. The parties agree that an electronic copy, which contains the parties' respective signatures, shall be considered an original. Further, this Agreement may be executed in counterparts, each of which when taken together shall constitute a fully executed Agreement.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF GREAT FALLS, MONTANA

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

ATTEST:

(Seal of the City)

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

APPROVED AS TO FORM:

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

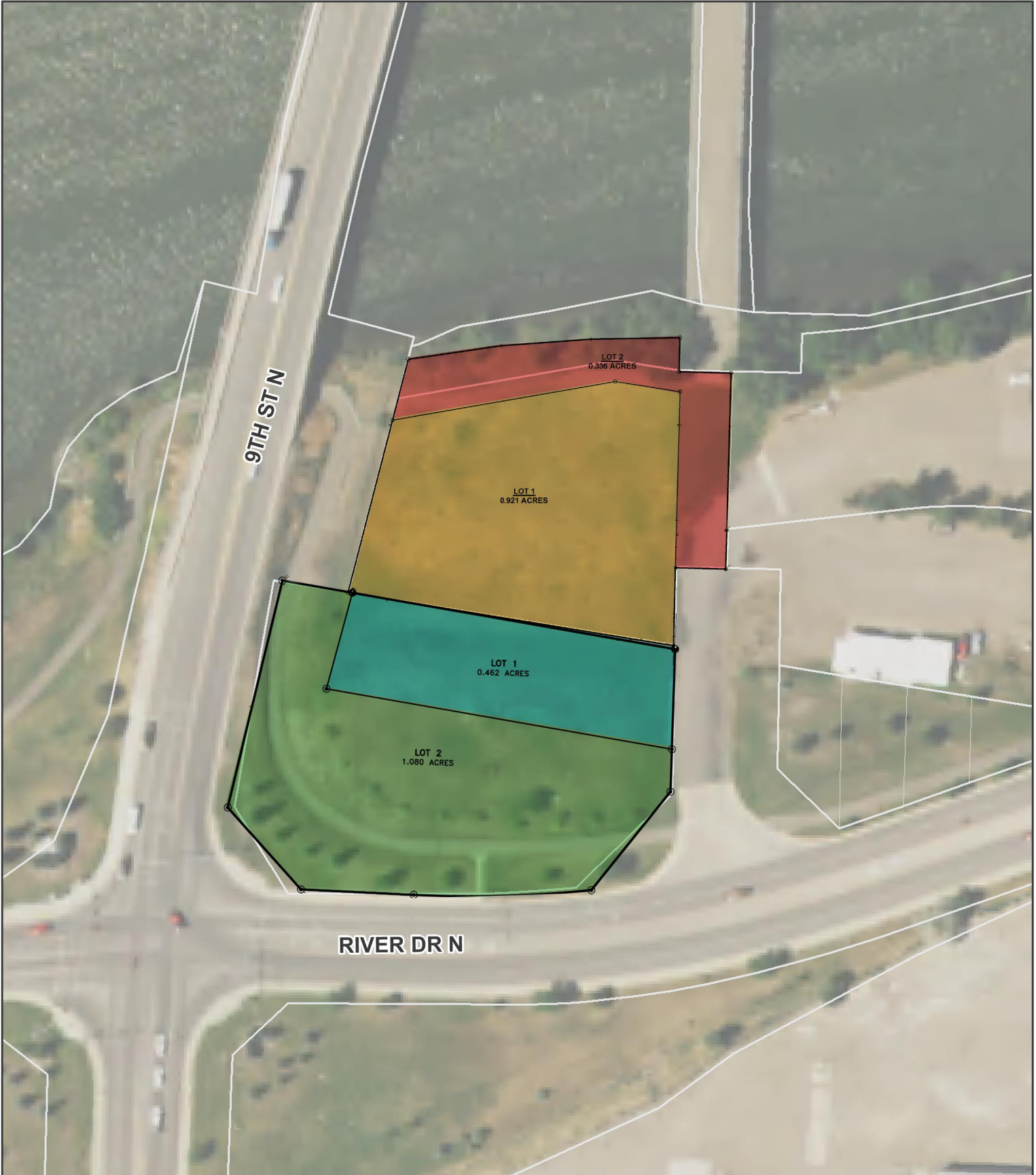
INDEPENDENCE BANK





By \_\_\_\_\_  
Print Name \_\_\_\_\_  
Print Title \_\_\_\_\_






# Aerial Map



	Land to be deeded to the City		Land to be retained by the City
	Land to be deeded to the Bank		Land to be retained by the Bank

0 50 100 200 Feet

Date: 3/9/2021  
Drawn By: Planning





Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Civic Center Façade, OF 1525.2

**From:** Planning and Community Development

**Initiated By:** David Grosse, Senior Development Engineer

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

**Action Requested:** Consider Bids and Postpone Award of Contract

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (postpone award of /award) the construction contract in the amount of \$5,411,682.00 to Talisman Construction Services, Inc. for the Civic Center Facade, and authorize the City Manager to (not execute/execute) the construction contract documents.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission postpone the contract award for the Civic Center Façade construction project until the April 6, 2021 Commission Meeting to gather additional information, take additional time to review bid documents, and ensure bonding availability.

**Summary:**

It is well documented that the Civic Center façade has been deteriorating for a number of years. Since at least 2011, city staff have been working towards developing a renovation project and securing adequate funding to finance the renovation. The City Commission committed up to \$8,829,810 in Downtown Tax Increment Financing District funding towards the rehabilitation project. Subsequently, staff and its consultant, Cushing Terrell, advertised for bids for the project, opening bids on March 3<sup>rd</sup> 2021, with the apparent low bidder providing a bid that was under the Architect’s estimate and within the budgeted project limit.

**Background:**

In 2011, Hessler Architects performed a full analysis of the Civic Center façade due to noticeable cracking and buckling of façade panels and brick mortar cracking. The Hessler report did a good job of detailing the likely cause of the failures and provided several recommendations for interim measures as well as full renovation strategies including destructive examinations. At the time, construction costs were estimated to be approximately \$3.5 million including architectural and engineering fees.

In 2016, CTA Architects was hired to review the Hessler report and to perform an additional analysis to check for progression of deterioration and cracking of the structural panels. CTA's findings were consistent with the Hessler report and also provided recommendations of structural panel replacement. CTA further determined that caulking and filling of gaps would only temporarily alleviate water intrusion and destruction because the source of the structural failures was due to existing chloride ratios in the original concrete mixture eroding into the panel rebar of the building. In 2017, the City engaged CTA Architects to complete full architectural and engineering bid and construction drawings. CTA embarked on planning the renovation of the failed façade surfaces but also included in its scope of work the replacement of the Civic Center roofing materials and roofing/building termination details.

Since 2017, staff and CTA Architects (now known as Cushing Terrell) have been briefing the City Commission on renovation plan progress and have identified various funding strategies for the Commission to consider. At the June 16, 2020, City Commission work session, the City Commission encouraged staff to pursue a TIF funding strategy that included utilizing the Downtown Urban Renewal TIF District to guarantee a bond sale and provide annual bond repayment. Since that time, City staff have been working with TIF counsel and bond underwriters to prepare for the TIF application approval and bond sale. Staff also prepared an amendment to the Downtown Urban Renewal Plan (DURP) in order to specifically include the Civic Center building and property as a viable and eligible property for TIF funded projects. On August 11, 2020, the City of Great Falls Planning Advisory Board found that the DURP amendment was consistent with the City's Growth Policy. On August 26, 2020, the Downtown Development Partnership (DDP) voted to recommend approval after staff presented the DURP amendment for consideration. The City Commission approved the DURP amendment on October 6, 2020, providing a greater level of transparency that the Civic Center Façade renovation was likely to be funded through the use of TIF funds.

Subsequent to the DURP amendment, Planning and Community Development staff prepared and submitted a formal TIF funding application. On October 28, 2020, the DDP again voted to support and recommended approval of the TIF application for funding of the façade renovation project. One suggested measure in that recommendation was to include all known estimated costs associated with the project including bond financing interest expenses. As such, staff revised the application to include said interest expenses, setting the total application for TIF funding at approximately \$8.8 million. The exact figure will depend largely on the actual interest rates at the time a bond sale is completed.

The City Commission approved Resolution 10379 on December 1, 2020, committing the use of the TIF funds for the restoration project. Soon after that action, the project was advertised for bids, with a bid opening date original set for February 17<sup>th</sup> and then extended to March 3<sup>rd</sup> 2021.

Significant Impacts:

Award of the bid would have a significant positive impact to the vitality of Downtown Great Falls, restoring the main entrance to active use and extending the functional life of the Civic Center for years to come.

Project Work Scope:

This project will replace large portions of the cast stone façade with new cast stone to match the existing pieces that will remain. The front stairs will be replaced and some mechanical upgrades to modern, high efficiency mechanical equipment will occur in the base bid. If alternative bid items one through three are accepted, all the roof membranes will be removed, mechanical units on the roof will be removed to raise mechanical curbs, roof drains will be replaced, new roof membrane installed, and mechanical units will be re-set for the roof covering the entire Civic Center.

Construction would be conducted in 4 phases, in 578 calendar days and briefly described as follows:

- Phase one: East entry temporary protection phase. Work on this phase shall commence and be substantially complete and ready for use after the Notice to Proceed and prior to any building envelope work progressing
- Phase two: Envelope repair, façade cast stone and cast stone trim replacement and backup wall improvements/reinforcement (all sides).
- Phase three: East entry stair and accessories replacement/repair.
- Phase four: Roof replacement.

Evaluation and Selection Process:

Six (6) bids were received on March 3, 2021 with the bid prices ranging from \$7,973,789.00 to \$5,411,682.00. Talisman Construction Services, Inc. submitted the low bid, approximately 4.23% below the Architect's estimate. The bid was arranged as a Base Bid with four additive alternates to allow for the possibility of budget limitations.

**Fiscal Impact:** The attached bid tabulation summarizes bids that were received. Budget authority of \$6,000,000 has been set for this project, made available from City Commission passage of Resolution 10379 and the subsequent sale of Tax Increment Bonds.

**Alternatives:**

Postpone – As noted above, Staff recommends postponement of the award until April 6, 2021 to allow staff time to perform a more detailed analysis of the bids and ensure the timeliness and availability of the funding source.

Award - The City Commission could elect to award the construction contract in the amount of \$5,411,682.00 to Talisman Construction Services, Inc. for the Civic Center Façade project and authorize the City Manager to execute the construction documents; however, a full analysis has not yet been performed on the bids to affirm compliance with all requirements. This option is not recommended by staff.

Not Award – The City Commission could elect to not award the construction contract to the apparent low bidder, or elect to re-bid the project; however, neither of these options would favor the City of Great Falls.

**Concurrences:** Cushing Terrell, project architect, has recommended award to the low bidder.

**Attachments/Exhibits:**

OF 1525.2 Bid Tabulation

CITY OF GREAT FALLS

BID TABULATION SUMMARY

PROJECT NUMBER

BIDS TAKEN AT CIVIC CE

OFFICE FILE 1525.2  
CIVIC CENTER FAÇADE

DATE: 3-MAR-21

TABULATED BY: DAVID GROSSE

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY		TOTAL BID
1	OSWOOD CONSTRUCTION P.O. BOX 3527 GREAT FALLS, MT 59403	YES	YES	YES	BASE	\$6,125,000.00
					ADD ALT. 1	\$225,000.00
					ADD ALT. 2	\$236,000.00
					ADD ALT. 3	\$23,000.00
					ADD ALT. 5	\$21,000.00
					TOTAL	\$6,630,000.00
2	SLETTEN CONSTRUCTION CO. PO BOX 2467 GREAT FALLS, MT 59403	YES	YES	YES	BASE	\$5,894,000.00
					ADD ALT. 1	\$200,000.00
					ADD ALT. 2	\$225,000.00
					ADD ALT. 3	\$17,000.00
					ADD ALT. 5	\$21,000.00
					TOTAL	\$6,357,000.00
3	COON RESTORATION 7349 RAVENNA AVE NE LOUISVILLE, OH 44641	YES	YES	YES	BASE	\$7,440,789.00
					ADD ALT. 1	\$245,000.00
					ADD ALT. 2	\$235,000.00
					ADD ALT. 3	\$30,000.00
					ADD ALT. 5	\$23,000.00
					TOTAL	\$7,973,789.00
4	HYDRO-TECH, INC 1313 NORTH 300 WEST LEHI, UTAH	YES	YES	YES	BASE	\$5,360,250.00
					ADD ALT. 1	\$240,140.00
					ADD ALT. 2	\$250,600.00
					ADD ALT. 3	\$26,050.00
					ADD ALT. 5	\$22,170.00
					TOTAL	\$5,899,210.00
5	TALISMAN CONSTRUCTION SERVICES, INC. PO BOX 6189 SPOKANE WA 99217	YES	YES	YES	BASE	\$4,722,575.00
					ADD ALT. 1	\$295,433.00
					ADD ALT. 2	\$288,543.00
					ADD ALT. 3	\$25,832.00
					ADD ALT. 5	\$79,299.00
					TOTAL	\$5,411,682.00
6	DICK ANDERSON CONST. 4610 TRIHILL FRONTAGE RD. GREAT FALLS, MT 59404	YES	YES	YES	BASE	\$6,095,695.00
					ADD ALT. 1	\$229,000.00
					ADD ALT. 2	\$242,000.00
					ADD ALT. 3	\$24,800.00
					ADD ALT. 5	\$21,000.00
					TOTAL	\$6,612,495.00





Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Change Order # One: Finance Office Remodel, OF 1750.0

**From:** Planning and Community Development

**Initiated By:** David Grosse, Senior Development Engineer

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

**Action Requested:** Approve Change Order # One

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Change Order # One in the amount of \$45,344.88 and increase the total contract amount from \$297,000 to \$344,044.88 for the City Finance Office Remodel.”

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 Change Order # One

**Summary:** This Change Order addresses testing and abatement of asbestos and lead that were discovered during the demolition phase of the project. There were 9x9 flooring tiles under the carpet that contained asbestos and were being lifted along with the carpet tile. Lead containing paint was present in some walls and was remediated during asbestos abatement.

During the building permit review it was determined that the space should comply with ADA requirements and this change order accomplishes this. The ADA improvements include new door hardware with handles instead of knobs and updating the cashier counter with an ADA compliant drop counter. As part of the change to the front counter we took this opportunity to blend the hallway aesthetics together to provide for a more cohesive look in the hallway. The original design didn't include these improvements for budgetary reasons, however during permit plan review, it was determined that the ADA improvements are required in order to come into compliance with current ADA regulations.

While designing the furniture layout it was realized that additional outlets and data ports were needed to align with the selected layout. These were added at 6 locations. During demolition it was discovered that the electrical conduit was resting on the suspended ceiling tile grid which is not allowed per current code. This change order directs the contractor to support all the electrical conduit directly from the concrete structural ceiling. The carpet tile in the break room was changed out to a vinyl tile at the request of finance office staff.

Construction Time was 120 days. The abatement took 42 days and with this change order that time was added and now upon approval total Construction Time would be 162 days with substantial completion on June 14<sup>th</sup> 2021.

**Background:**

Commission Award Date:

City Commission awarded the contract to Wadsworth Builders on November 17, 2020.

Significant Impacts:

The current Finance Office is vacated as construction occurs. Temporary facilities and arrangements have been provided to Finance Office personnel during construction. This includes occupying the IT training room on the second floor as well as working remotely. Municipal Court, Legal, and HR has had some disruption with construction affecting the ceilings and has opted to allow remote work. The IT Department has not been affected with construction but has supported the re-locations.

Project Work Scope:

Remodeling 3,737 square feet of office area, including the demolition of walls, removal of carpet and acoustical tile ceilings. Install new metal stud walls as noted on the drawings. Install new carpeting, paint all wall surfaces and install new acoustical tile suspension ceiling system. Modify mechanical system to modern, high efficiency mechanical equipment per mechanical drawings and modify electrical equipment including LED lighting throughout per electrical drawings.

**Fiscal Impact:** We currently have budget authority of \$570,461 in the Capital Projects Fund. Of this, \$564,746 would be committed to be used for this project and various other miscellaneous capital projects. This leaves a balance of \$5,715.

**Alternatives:**

Not award - The City Commission could vote to deny the Change Order but this is not recommended by staff.

**Concurrences:**

Finance and Planning & Community Developments concur that the Change Order is important and should be supported.

**Attachments/Exhibits:**

OF 1750.0 Change Order #One

# Change Order

No. ONE

Date of Issuance: February 26, 2021 Effective Date: January 4th, 2021

Project: Finance Office Remodel	Owner: City of Great Falls	Owner's Contract No.: O.F. 1750.0
Contract:		Date of Contract: November 17 <sup>th</sup> 2020,
Contractor: Wadsworth Builders Company, Inc.		Engineer's Project No.:

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: This Change Order shall update the Construction Agreement section of the Project Manual; specifically Part 3 **Time to Performance**. Contractor shall have one hundred sixty two (**162**) calendar days to perform this work

**Changes required for Asbestos and Lead abatement**  
**Changes required for ADA compliance**  
**Changes required for electrical conduit support**

Attachments: (List documents supporting change):  
**Cost proposals #1-#12**

**CHANGE IN CONTRACT PRICE:**  
**Original Contract Price: \$298,700.00**

\$ \_\_\_\_\_  
 [Increase] [Decrease] from previously approved Change

Orders No. 0 to No. \_\_\_\_\_:

\$ \_\_\_\_\_  
 Contract Price prior to this Change Order:  
 Two hundred ninety eight thousand seven hundred  
 \$298,700.00 \_\_\_\_\_

[Increase] of this Change Order:  
 Forty five thousand three hundred forty four and  
 88/100  
 \$ 45,344.88 \_\_\_\_\_

Contract Price incorporating this Change Order:  
 Three hundred forty four thousand, forty four and  
 88/100  
 \$344,044.88 \_\_\_\_\_

**CHANGE IN CONTRACT TIMES:**  
**Original Contract Times:**

Working days  Calendar days  
 Substantial completion (days or date): May 3<sup>rd</sup> 2021  
 Ready for final payment (days or date): \_\_\_\_\_

[Increase] from previously approved Change Orders

No. NA to No. NA :  
 Work Directive No. 1 to Work Directive No. 12 :  
 Substantial completion (days): \_\_\_\_\_

Ready for final payment (days): \_\_\_\_\_

Contract Times prior to this Change Order:  
 Substantial completion (days or date): 120 days  
 Ready for final payment (days or date): \_\_\_\_\_

[Increase] of this Change Order:  
 Substantial completion (days or date): 42 days  
 Ready for final payment (days or date): \_\_\_\_\_

Contract Times with all approved Change Orders:  
 Substantial completion (days or date): 162 days or June 14<sup>th</sup> 2021  
 Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____



# WADSWORTH BUILDERS COMPANY, INC.

**Cost Proposal #1**

City of Great Falls  
 Attn: David Grosse

January 11, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for Proposal Request #1 below.

Electrical (subcontractor):	\$ 425.00
Demo Cabinets/Shelving:	\$ 267.00
Dump Fees:	<u>\$ 50.00</u>
Subtotal:	\$ 742.00
Bond @ 1.5%	\$ 11.13
Gross Receipts Tax @ 1%:	<u>\$ 7.42</u>
	\$ 760.55
 Overhead and Profit @ 15%:	 <u>\$ 114.08</u>
 <b>Total Change Proposal:</b>	 <b>\$ 874.63</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #2 Revised

City of Great Falls  
 Attn: David Grosse

January 12, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for Abatement below. Please note that this price does not include removing and replacing the metal heater covers on the south wall. This issue will be addressed once a plan for the re-installation is discussed.

Abatement (subcontractor):	\$16,040.00
Flooring Demo Credit:	<u>(\$ 1,000.00)</u>
Subtotal:	\$15,040.00
Bond @ 1.5%	\$ 225.60
Gross Receipts Tax @ 1%:	<u>\$ 150.40</u>
	\$15,416.00
Overhead and Profit @ 15%:	<u>\$ 2,312.40</u>
<b>Total Change Proposal:</b>	<b>\$17,728.40</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

**Cost Proposal #3**

City of Great Falls  
 Attn: David Grosse

January 19, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for partial wall demo and doorway framing at Door 102A below.

Demo, Frame, Drywall & Tape:	<u>\$ 715.00</u>
Subtotal:	\$ 715.00
Bond @ 1.5%	\$ 10.73
Gross Receipts Tax @ 1%:	<u>7.15</u>
	\$ 732.88
Overhead and Profit @ 15%:	<u>\$ 109.93</u>
<b>Total Change Proposal:</b>	<b>\$ 842.81</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

**Cost Proposal #4**

City of Great Falls  
 Attn: David Grosse

January 21, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for application of Lead Shield below.

Application of Lead Shield (Subcontractor):	<u>\$ 500.00</u>
Subtotal:	<u>\$ 500.00</u>
Bond @ 1.5%	<u>\$ 7.50</u>
Gross Receipts Tax @ 1%:	<u>\$ 5.00</u>
	<u>\$ 512.50</u>
 Overhead and Profit @ 15%:	 <u>\$ 76.88</u>
 <b>Total Change Proposal:</b>	 <b>\$ 589.38</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

**Cost Proposal #5**

City of Great Falls  
Attn: David Grosse

January 22, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for building pipe chase in room 106E as discussed below.

Frame, Drywall & Tape Pipe Chase:	<u>\$ 381.00</u>
Subtotal:	\$ 381.00
Bond @ 1.5%	\$ 5.72
Gross Receipts Tax @ 1%:	<u>\$ 3.81</u>
	\$ 390.53
 Overhead and Profit @ 15%:	 <u>\$ 58.58</u>
 <b>Total Change Proposal:</b>	 <b>\$ 449.11</b>

Respectfully,

Colton Fatz, Vice President  
Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • [www.wadsworthbuilders.com](http://www.wadsworthbuilders.com)  
email: [build4u@wadsworthbuilders.com](mailto:build4u@wadsworthbuilders.com)





# WADSWORTH BUILDERS COMPANY, INC.

## REVISED Cost Proposal #6

City of Great Falls  
 Attn: David Grosse

January 28, 2021

RE: Finance Office Remodel

Dear David,

Please see REVISED cost proposal for Remodeling ADA Payment Window below.

Demo, Frame, Drywall New ADA Window:	<u>\$ 1,099.00</u>
Overhead and Profit @ 15%:	\$ 164.85
Tape/Paint/Wallpaper Subcontractor:	\$ 500.00
Glass/Glazing Subcontractor:	\$ 2,145.00
Millwork/Cabinetry Subcontractor:	<u>\$ 2,175.00</u>
Overhead and Profit Subcontractors @ 5%	\$ 241.00
Subtotal:	\$ 6,324.85
Bond @ 1.5%	\$ 94.87
Gross Receipts Tax @ 1%:	<u>\$ 63.25</u>
<b>Total Change Proposal:</b>	<b>\$ 6,482.97</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #7

City of Great Falls  
 Attn: David Grosse

February 1, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for adding new doors & frames as per revised door schedule and drawing below.

Frame, tape, paint new wall and doorway:	\$ 1,003.12
Add window to door 106E:	\$ 300.00
Casing for added door:	\$ 130.00
New doors, frames & hardware:	\$12,106.00
Credit for changing sound rating to STC48:	(\$ 5,395.00)
Credit for demo method/means:	(\$ 600.00)
Credit for reinstallation of large window/frame:	(\$ 650.00)
Glazing subcontractor credit:	<u>(\$ 1,050.00)</u>
	\$ 5,884.12
Overhead and Profit @ 15%:	\$ 876.62
Subtotal:	\$ 6,760.74
Bond @ 1.5%	\$ 101.41
Gross Receipts Tax @ 1%:	<u>\$ 67.61</u>
<b>Total Change Proposal:</b>	<b>\$ 6,929.76</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #8

City of Great Falls  
 Attn: David Grosse

February 16, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for Changing Breakroom flooring to Mannington Commercial LVT below.

Flooring Subcontractor:	<u>\$ 700.00</u>
Overhead and Profit @ 5%:	\$ 35.00
Subtotal:	\$ 735.00
Bond @ 1.5%	\$ 11.03
Gross Receipts Tax @ 1%:	<u>\$ 7.35</u>
<b>Total Change Proposal:</b>	<b>\$ 753.38</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • [www.wadsworthbuilders.com](http://www.wadsworthbuilders.com)  
 email: [build4u@wadsworthbuilders.com](mailto:build4u@wadsworthbuilders.com)



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #9

City of Great Falls  
 Attn: David Grosse

February 17, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for Steel Lintel added at door 106G, two thresholds at sound doors, and new door/frame/hardware @ door 106G below.

Supply/Install Steel Lintel @ door 106G:	\$ 390.00
Supply/Install thresholds at sound doors:	\$ 349.00
Supply new door/frame/hardware @ door 106G:	<u>\$1,067.00</u>
	\$1,806.00
 Overhead and Profit @ 15%:	 \$ 270.90
 Subtotal:	 \$2,076.90
 Bond @ 1.5%	 \$ 31.15
Gross Receipts Tax @ 1%:	<u>\$ 20.77</u>
 <b>Total Change Proposal:</b>	 <b>\$2,128.82</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com

email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #10

City of Great Falls  
 Attn: David Grosse

February 22, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for Electrical work on existing wiring above acoustical ceiling below.

Reroute, add conduit and hangers (Subcontractor):	<u>\$5,395.00</u> \$5,395.00
Overhead and Profit @ 5%:	\$ 269.75
Subtotal:	\$5,664.75
Bond @ 1.5%	\$ 84.97
Gross Receipts Tax @ 1%:	<u>\$ 56.65</u>
<b>Total Change Proposal:</b>	<b>\$5,806.37</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
 email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #11

City of Great Falls  
Attn: David Grosse

February 23, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for Terrazzo Demo/repair, Added trim for remounting furnace covers, Plaster wall repairs and Drywall at columns below.

Patch plaster wall at Terrazzo removal (Subcontractor):	\$ 1,090.00
Terrazzo demo/removal	\$ 192.00
Wood trim and mounting for furnace covers:	\$ 590.00
Patch plaster walls (Subcontractor):	\$ 1,380.00
Drywall at columns:	\$ 1,167.00
Tape and corner bead (Subcontractor):	<u>\$ 1,600.00</u>
	\$ 6,019.00
Overhead and Profit @ 15%:	\$ 292.35
Overhead and Profit @ 5%:	\$ 203.50
Subtotal:	\$ 6,514.85
Bond @ 1.5%	\$ 97.72
Gross Receipts Tax @ 1%:	<u>\$ 65.15</u>
<b>Total Change Proposal:</b>	<b>\$ 6,677.72</b>

Respectfully,

Colton Fatz, Vice President  
Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com  
email: build4u@wadsworthbuilders.com



# WADSWORTH BUILDERS COMPANY, INC.

## Cost Proposal #12

City of Great Falls  
 Attn: David Grosse

March 3, 2021

RE: Finance Office Remodel

Dear David,

Please see cost proposal for window/frame demo, framing, drywall, tape and paint below.

Demo and framing:	\$ 566.00
Tape, paint, wallpaper (Subcontractor):	<u>\$ 385.00</u>
	\$ 951.00
Overhead and Profit @ 15%:	\$ 84.90
Overhead and Profit @ 5%:	\$ 19.25
Subtotal:	\$1,055.15
Bond @ 1.5%	\$ 15.83
Gross Receipts Tax @ 1%:	<u>\$ 10.55</u>
<b>Total Change Proposal:</b>	<b>\$1,081.53</b>

Respectfully,

Colton Fatz, Vice President  
 Wadsworth Builders Company, Inc.

**406.761.5033**

**Fax: 406.454.0046**

**WADSWORTH BUILDERS COMPANY, INC.**

4601 2nd Ave N • Great Falls MT 59405 • www.wadsworthbuilders.com

email: build4u@wadsworthbuilders.com



Commission Meeting Date: March 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Park District: Oddfellows Park Restroom Improvements, OF 1740.4

**From:** Park and Recreation

**Initiated By:** Park and Recreation

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

**Action Requested:** Consider Bid and Award Construction Contract

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$151,308 to Kuglin Construction for the demolition of the existing restroom in Oddfellows Park, utility and site work for the new restroom, and authorize the City Manager to execute the construction contract documents.”

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

---

**Staff Recommendation:**

Staff recommends awarding a contract in the amount of \$151,308 to Kuglin Construction for the demolition of the existing restroom in Oddfellows Park, utility and site work for the new restroom, and authorize the City Manager to execute the construction contract documents.

**Summary:**

This project is being funded by Park District dollars. The project will include the demolition and removal of the existing restroom in Oddfellows Park, as well as utility and site work for the new restroom. A previously purchased concrete restroom will replace the aging restroom located in Oddfellows Park. It will be delivered and installed by CXT of Spokane in conjunction with this project. The existing restroom is not ADA accessible; it includes 2 toilet stalls and 2 sinks on the women’s side; and 2 toilet stalls, 2 urinals and 1 sink on the men’s side. The new restroom will include an ADA toilet stall, 4 toilet stalls and 2 sinks on the women’s side; and an ADA toilet stall, 2 toilet stalls, 2 urinals and 2 sinks on the men’s side. It will also include an ADA drinking fountain unit on the exterior of the building. The prefabricated restroom was purchased from CXT, Inc. and approved by the City Commission on May 19, 2020.

**Background:**

Workload Impacts

Design services were completed by NCI under the direction of the Park and Recreation Department and City Engineering. NCI will also provide construction management services. City Engineering will provide general contract management with the consultant and the contractor.



Purpose

The existing restroom has been deteriorating over the years, is non-ADA compliant, and is connected to an on-site drain field. The new restroom is larger, ADA compliant, and will be completely connected to the City wastewater system making the restroom more environmentally friendly.

Project Work Scope

Base Bid: Demolition, removal, and disposal of the existing restroom building, concrete slab, utilities, and septic tank. Installation of electrical facilities to serve the new restroom building and existing electrical pedestals near the old restroom. Installation of a new duplex grinder sewage pump station with controls. Installation of approximately 560 L.F of 1-1/4" HDPE sewer force main inclusive of approximately 140 L.F. of directional drilled installation at two street crossings. Installation of approximately 190 L.F. of 1" copper water service line, and construction of a compacted gravel building pad foundation for installation of a new prefabricated restroom building (installed by manufacturer CXT) inclusive of utility stubs, floor drains, and clean-outs.

Bid Additive #1: Installation of a 275 gallon wet well for grinder pump station. If awarded this would replace the base bid item for installation of the 150 gallon wet well.

Evaluation and Selection Process

Three (3) bids were received on March 3, 2021 with the base bid prices ranging from \$151,308 to 184,170. Kuglin Construction submitted the low bid.

In addition to the base bid, bid additive #1 was bid on. These bids ranged from \$43,118 to \$58,948. Bid additive #1 is not being recommended for award due to budget shortfall. Only the base bid is recommended for award.

Conclusion

City staff recommends awarding the base bid contract to Kuglin Construction in the amount of \$151,308. There are not sufficient funds available to award bid additive #1.

**Fiscal Impact:**

The attached bid tabulation summarizes the received bids. Funding is provided through Great Falls Park District No. 1.

**Alternatives:**

The alternative would be to not award the contract, but this is not recommended by staff.

**Concurrences:**

Park and Recreation staff and Public Works Engineering concur that the project is important and should be supported. In addition, the City's consultant, NCI, concurs with staff and recommends award of the contract.

**Attachments/Exhibits:**

Bid Tabulation

<b>Bid Tabulation</b>									
Oddfellows Park Restroom Improvements, O. F. 1740.4									
4-Mar-21 Item #	Description of Pay Items	Qty	Unit	Horn Construction		Capcon		Kuglin	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
<b>Base Bid</b>									
101	Demolish Existing Restroom Building	1	LS	\$17,750.00	\$17,750.00	\$18,343.00	\$18,343.00	\$13,762.00	\$13,762.00
102	Install 1-1/4-inch HDPE Sewer Force Main	1	LS	\$42,838.00	\$42,838.00	\$41,304.00	\$41,304.00	\$28,210.00	\$28,210.00
103	Site and Pump Station Electrical	1	LS	\$13,300.00	\$13,300.00	\$21,370.00	\$21,370.00	\$34,688.00	\$34,688.00
104	Building Pad Construction, Utility Stub Ups, Floor Drains	1	LS	\$43,382.00	\$43,382.00	\$27,311.00	\$27,311.00	\$11,505.00	\$11,505.00
105	Install 1-inch Water Service	1	LS	\$9,299.00	\$9,299.00	\$10,805.00	\$10,805.00	\$9,375.00	\$9,375.00
106	Furnish and Install Package Grinder Pump Station (150-gallon Wet Well Capacity) Note: If Bid Additive 1 is awarded this item will be omitted.	1	LS	\$33,849.00	\$33,849.00	\$50,037.00	\$50,037.00	\$38,768.00	\$38,768.00
107	Miscellaneous Work	15,000	Unit	\$1.00	\$15,000.00	\$1.00	\$15,000.00	\$1.00	\$15,000.00
<b>Base Bid Total</b>					<b>\$175,418.00</b>		<b>\$184,170.00</b>		<b>\$151,308.00</b>
<b>Bid Additive #1</b>									
150	ALTERNATIVE Package Grinder Pump Station (Larger Wet Well Capacity, 275 gallons)	1	LS	\$43,118.00	\$43,118.00	\$58,948.00	\$58,948.00	\$47,938.00	\$47,938.00

Bid Tabulation prepared and certified on

March 4, 2021

*Matthew Proud*  
 Matt Proud, P.E.  
 Park and Rec. Project Engineer Representative  
 City of Great Falls. Public Works-Engineering



Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Construction Contract Award: Valeria Way Storm Drain Phase 2, OF 1463.1

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Paul Skubinna, P.E., Public Works Director

**Action Requested:** Consider Bids and Approve Contract

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$1,642,200.00 to Western Municipal Construction, Inc, for the Valeria Way Storm Drain Phase 2 project, and authorize the City Manager to execute the necessary contract documents.”

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

---

**Staff Recommendation:** Approve construction contract award to Western Municipal Construction, Inc., in the amount of \$1,642,200.00.

**Summary:**

This project was initiated to replace aging infrastructure, and reduce surface flooding issues. The original Valeria Way storm drain was installed in the 1920’s along the historic Montana Railroad line. The existing 100-year old storm drain line shows signs of deterioration and is generally in poor condition.

Residents have complained that during short duration high intensity rainfall events they are subject to flooding and damage resulting from it. Flooding most notably occurs near the intersection of 26<sup>th</sup> Street North and 6<sup>th</sup> Avenue North.

Phase 1 of this project began at approximately 19<sup>th</sup> St N and 1<sup>st</sup> Ave N, and ended near the intersection of 22<sup>nd</sup> St and 3<sup>rd</sup> Ave N. The project installed 30-inch Reinforced Concrete Pipe (RCP) and Manholes that connected the two lines. Phase 2 of this project is intended to connect to the work completed under Phase 1, and extend to the intersection of 26<sup>th</sup> St N and 6<sup>th</sup> Ave N. This phase will also involve adding additional inlet capacity at the intersection of 26<sup>th</sup> St N and 6<sup>th</sup> Ave N.

**Background:**Citizen Participation:

City Public Works staff met with local landowners, to obtain background information and gain understanding of their concerns with localized flooding in the area.

Workload Impacts:

Design phase engineering and plans and specifications were completed by the City Engineering staff with assistance from City Utilities Division, City Street Division, Environmental Division and Parks and Recreation Department. City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The purpose of the project is to reduce surface flooding issues. These are most notably located at the intersection of 26th Street North and 6th Avenue North. Residents have complained that during high intensity short duration events they are subject to flooding and the associated damage resulting from it.

Project Work Scope:

Work to be performed under this contract includes the following: installation of 1,665 lineal feet of 30-inch diameter storm drain; 1,330 lineal feet of 42-inch diameter storm drain; 15 manholes; 11 inlets and associated piping; utility crossings; and surface restoration.

Evaluation and Selection Process:

The specifications were advertised three times in the Great Falls Tribune. Two bids were received on March 3, 2021 ranging from \$1,642,200.00 to \$1,844,360.00. Western Municipal Construction, Inc., submitted the lowest responsible bid.

Conclusion:

The project has been selected, prioritized, and executed in accordance with the Public Works Capital Improvement Program, and budgeted in the Storm Drain Utility Enterprise Fund. The project will result in less flooding and help address concerns that citizens have raised regarding the drainage in this area.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. City Storm Sewer funds are programmed for this project.

**Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project. This action would result in delaying the project leading to additional citizen complaints and potential litigation.

**Concurrences:**

City Engineering staff and City Utilities Division recommend award of the bid.

**Attachments/Exhibits:**

Bid tabulation is attached.

Vicinity Map

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

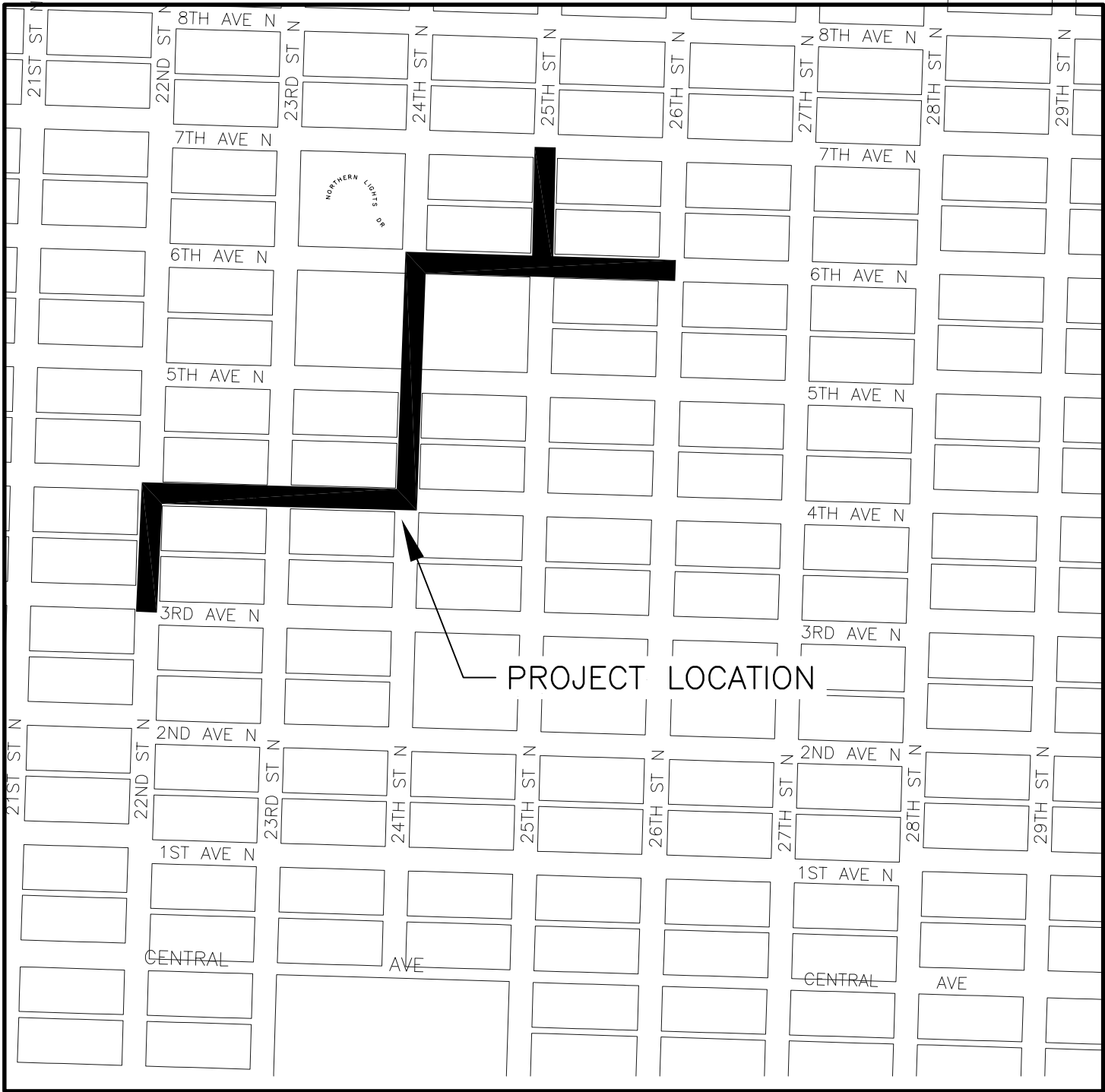
BID TABULATION SUMMARY  
 Valeria Way Storm Drain Replacements Ph 2  
 O.F. 1463.1

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: March 3, 2021  
 Tabulated By: Russ Brewer

	Name & Address of Bidder	Acknowledge Addendum #1	10% Bid Security	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Ed Boland Construction					No Bid
2	United Materials					No Bid
3	Western Municipal Construction	X	X	X	X	\$1,642,200.00
4	Cop Construction					No Bid
5	Central Excavating	X	X	X	X	\$1,844,360.00
6						
7						
8						
9						
10	Engineer's Estimate					\$1,657,163.00

# 1463.1 Valeria Way Storm Drain Phase 2

## VICINITY MAP





Commission Meeting Date: March 16, 2021  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** A Resolution by the City Commission of the City of Great Falls, Montana, Adopting a Policy for the Use of an Automated License Plate Reader for Parking Enforcement and Statistical Data-Gathering Purposes

**From:** Craig Raymond, Director, Planning & Community Development

**Initiated By:** Craig Raymond, Director, Planning & Community Development

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

**Action Requested:** Adopt Resolution 10389

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10389, Adopting a policy for the use of an automated license plate reader for parking enforcement and statistical purposes.”

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 adopt Resolution 10389.

**Summary:** According to Montana Code Annotated (MCA) 46-5-117 prior to putting a License Plate Recognition system into service, an agency shall adopt and publicize a specific written policy governing its use. The policy shall at a minimum address the following:

- A) Use of any database to compare data obtained by the automatic license plate reader system;
- B) Retention of data associated with the automatic license plate reader system;
- C) Sharing of the data with another law enforcement agency;
- D) Training of automatic license plate reader system operators;
- E) Supervisory oversight of automatic license plate reader system use;
- F) Access to and security of data
- G) Access to data obtained by automatic license plate reader systems not operated by the law enforcement agency; and
- H) Any other subjects related to automatic license plate reader system use by the law enforcement agency

The policy attached to Resolution 10389 represents the policy that city staff as well as our designated and contracted parking enforcement contractor will be required to adhere to at all times.

**Background:** On November 4, 2020, The City Commission approved of the purchase of new parking enforcement equipment and software. The equipment that we are purchasing and installing include new pay stations along Central Avenue which will replace some of the old parking meters and also License Plate Recognition (LPR) cameras that are mounted on a vehicle that patrols the parking enforcement district. Staff is currently working with our chosen vendors to configure the equipment for installation as well as the accompanying software that ties it all together. We also intend to continue to increase public awareness of the changes and help the community adapt to changing systems.

One additional item that remains is to adopt the use policy related to the LPR system. Per MCA 46-5-117, the city is required to have a policy outlining the use of the system and the management and retention of data obtained through the use of the system. The policy accompanying Resolution 10389 is a policy that complies with the requirements of the MCA and reflects staff's commitment to professional and ethical conduct.

**Fiscal Impact:** The adoption of the policy will not have a direct fiscal impact to the city or its citizens. The use of the LPR system however will have a positive impact by reducing costs, enabling the enforcement of parking regulations more efficiently.

**Alternatives:** The City Commission may choose to deny Resolution 10389, remanding the resolution and policy back to staff and Parking Advisory Commission for further consideration and amendment.

**Concurrences:** On February 18, 2021, the Parking Advisory Commission voted unanimously to also recommend the City Commission approve of the policy and Resolution 10389. The City's parking enforcement contractor, SP+, has also agreed to adopt and abide by the policy, and actively participate in the enforcement of its provisions including training of staff and calibration and repair of equipment.

**Attachments/Exhibits:**

Resolution 10389

LPR Policy Document



**RESOLUTION NO. 10389**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ADOPTING A POLICY FOR THE USE OF AN AUTOMATED LICENSE PLATE READER FOR PARKING ENFORCEMENT AND STATISTICAL DATA-GATHERING PURPOSES.**

\*\*\*\*\*

**WHEREAS**, Montana Code Annotated 46-5-117 authorizes an incorporated city to use a license plate reader in a regulated parking system to identify a vehicle’s location and license plate number to enforce parking restrictions; and

**WHEREAS**, Montana Code Annotated 46-5-117 authorizes an incorporated city to use a license plate reader in a regulated parking system to identify a vehicle’s location and license plate number to collect data for planning; and

**WHEREAS**, Montana Code Annotated 46-5-119 prohibits the disclosure of this or any data collected from an LPR to become a public record or be subject to public disclosure; and

**WHEREAS**, Montana Code Annotated 46-5-119 authorizes employees of the City and/or its authorized parking enforcement contractor to access data for statistical, administrative, or legal activities necessary to perform the employees and/or contractor’s duties; and

**WHEREAS**, Montana Code Annotated 46-5-119 requires that information collected or stored in any database containing records obtained by a License Plate Reader (LPR) be kept for no more than 18 months; and

**WHEREAS**, The Great Falls City Commission acknowledges that the Montana Code Annotated 46-5-117 and 46-5-119 recognize: (i) the City of Great Falls has the authority to install a license plate reader for the sole purpose of recording and checking license plates for statistical, administrative, planning, and parking enforcement purposes; (ii) a separate policy must exist for any use of a License Plate Reader (LPR) of its collected data by law enforcement; and (iii) that data obtained by the License Plate Reader (LPR) is a private record not subject to public disclosure and accessible by employees of the City and/or its parking enforcement contractor only for statistical, administrative, or legal activities necessary to perform the employee’s or contractors duties; and

**WHEREAS**, the Parking Advisory Commission has studied this matter and set forth the recommendations herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**, that the Planning & Community Development

(PCD) Administrative Policy 2021-1 titled “License Plate Recognition Technology/Data Use Policy” for the operation of an LPR system for the sole purpose of parking enforcement and statistical data-gathering purposes by the Parking Services Division of the City of Great Falls, Montana, is hereby adopted.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, March 16, 2021.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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



# Administrative Policy 2021-1

<b>Policy Title:</b>	License Plate Recognition Technology/Data Use Policy
<b>Code Section:</b>	OCCGF 10.9.250 Administration of Parking Management Districts
<b>By:</b>	Craig Raymond, Director, Planning and Community Development
<b>Effective Date:</b>	March 16, 2021

## Background:

Montana Code Annotated 46-5-117 & 46-5-119 authorizes the City of Great Falls to install and utilize a License Plate Recognition (LPR) system for the purposes of supporting its parking enforcement duties and enhance its administrative and planning capabilities for current and future parking management strategies.

## Policy:

- Purpose of LPR:
  1. Obtain statistical information regarding number and location of vehicles to support administration and development of parking policies.
  2. Vehicles may be categorized by their parking permissions, including city or state of license, past violation history (number and category of tickets), and length of time parked at one location.
  3. Support enforcement of parking rules and regulation by identifying for parking enforcement officers cars that have parked in violation of city or state parking regulations.
- Use of LPR:
  1. The LPR device shall be used by the Parking Services Division and/or its parking enforcement contractor exclusively for the purposes stated above. It shall not be used to take photographs of the occupants of that vehicle or of a vehicle in motion.
  2. Use of the LPR device and data collected by the LPR device by the Parking Services Division shall not be used for any other purpose, including for law enforcement outside of

enforcing parking ordinances within the Parking Management District as established by the Great Falls City Commission.

- Storage and Retention of LPR data, and access to stored LPR data:
  1. LPR data, automatically uploaded by the LPR device to a database held by the LPR service provider, will be made accessible only to employees of the City of Great Falls Parking Services Division and/or the Cities parking enforcement contractor.
 

An access log including name, date, and name of the requesting employee shall be maintained for all access to data
  2. Data from vehicles that **were not** detected by the LPR as being in violation of a time-limited parking space or as parked in a non-permitted parking in a permit zone or otherwise in violation of state or city parking regulations will be deleted after 30 days. An anonymized version of this data that removes personally identifying details of the specific vehicle (including, but not limited to, license plate number, ownership, and make and model of vehicle) may be kept for statistical and administrative use by the Parking Services Division for 365 days. Data from vehicles that **were** detected by the LPR as being in violation of a time-limited parking space or parked in a permit required zone without a valid permit will be deleted after 365 days.
- Oversight of the LPR device:
  1. Designated personnel who will operate the LPR device shall undergo scheduled training regarding use of the LPR equipment and access to LPR-obtained data at least once every 366 days.
  2. Designated, trained personnel shall check equipment at least every 91 days to ensure functionality and camera alignment. Any equipment that falls outside expected functionality shall be removed from service until deficiencies have been corrected. Employees shall not attempt to modify or change the LPR equipment or software unless authorized to do so by the Planning and Community Development (PCD) Director or City Manager.
  3. Damage or other malfunctions of the equipment shall be reported to the PCD Director. The PCD Director shall comply with local and state record retention policies for training, maintenance, and calibration of the LPR system.

**Craig Raymond**

**Director, Planning and Community Development**

**City of Great Falls**