



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center
April 07, 2020
7:00 PM**

UPDATES CONCERNING PROCESS OF MEETINGS

Due to the COVID-19 health concerns, the format of the City Commission meeting will be held in a virtual video-conferencing environment. In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and City Commission are making every effort to meet the requirements of open meeting laws:

- City Commission members and City staff will attend the meeting via a remote location, using a virtual meeting method.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public comment will be taken during the meeting as indicated on the agenda with an asterisk. Public participation is welcome in the following ways:
 - Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Gibson Room according to applicable health guidelines.
 - Provide public comments via email. Comments may be sent via email before 5:00 PM on Tuesday, April 7, 2020, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
 - Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

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

1. Miscellaneous reports and announcements.

* Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. The Mayor will announce Agenda Item 1. At that time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to three minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

2. Appointments to the Park and Recreation Board.

* Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. The Mayor will announce Agenda Item 2. At that time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to three minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

CITY MANAGER

3. 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.

4. Minutes, March 17, 2020, City Commission Meeting.
5. Minutes, March 23, 2020, Special City Commission Meeting.
6. Total Expenditures of \$2,971,535 for the period of February 29, 2020 through March 25, 2020, to include claims over \$5000, in the amount of \$2,620,527.
7. Contracts List.
8. Approve Final Payment for the Dewatering Pump Replacement project to MJD Contracting in the amount of \$4,849.73, and \$48.99 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
9. Approve Final Payment for the Public Works Facilities Repairs on Central Garage, Streets and Sanitation Buildings including Siding and Windows to James Talcott Construction, Inc. in the amount of \$41,039.39, and \$414.54 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
10. Approve Final Payment for the Great Falls Public Library Air Handler Replacement in the amount of \$15,472.21 to McKinstry Essention, LLC and \$156.29 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.

- [11.](#) Set a public hearing for April 21, 2020 to consider a lease agreement of City owned property located in Grande Vista Park with the Westside Little League Association.
- [12.](#) Set a public hearing for April 21, 2020 to consider a lease agreement of City owned property located at 38th Street North and 10th Ave with the Americans Little League Association.
- [13.](#) Set a public hearing for April 21, 2020 to consider a lease agreement of City owned property located in Sacajawea Park and Riverside Little League Park with the Riverside Little League Association.
- [14.](#) Approve the minor subdivision of the First Supplement to Hillside Tract as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.
- [15.](#) Approve the submission of an application for an Assistance to Firefighters Grant to assist in the purchase of a new fire ladder truck.
- [16.](#) Approve the submission of an application for an Assistance to Firefighters Grant to assist in the purchase of safety and decontamination equipment to remove diesel exhaust from all of the fire station bays and products of combustion for firefighting equipment.
- [17.](#) Postpone consideration of the pending motion on Resolution 10333, regarding the adoption of an Energy Response Task Force indefinitely.

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

* Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. After the motion is presented the Mayor will ask if there are any comments from the public pertaining to the consent agenda items 4-17. At this time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to five minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

PUBLIC HEARINGS

- [18.](#) Ordinance 3211, Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 41 through 43; and, repealing and replacing Chapter 44 Pertaining to Landscaping. *Action: Conduct a public hearing and adopt or deny Ord. 3211. (Presented by Craig Raymond)*

* Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. After the staff presentation and motion is presented the Mayor will ask if there are any comments from the public pertaining to the agenda item 18. At this time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to five minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

19. Ordinance 3212, Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Repealing Appendix B Pertaining to the List of Required Trees for Boulevard Areas and Street Medians. *Action: Conduct a public hearing and adopt or deny Ord. 3212. (Presented by Craig Raymond)*

* Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. After the staff presentation and motion is presented the Mayor will ask if there are any comments from the public pertaining to the agenda item 19. At this time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to five minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

20. C.M. Russell Museum property rezone and vacation of the right of way of 5th Avenue North between 12th Street North and 13th Street North.

A. Ordinance 3214, Rezoning the properties legally described as the South 85' of Lot 8, Block 180 and Lots 8-14, Block 179 of the Great Falls Water Power and Townsite Company's First Addition from Single-family High Density and Neighborhood Commercial to Public Lands and Institutional. *Conduct a joint public hearing and adopt or deny Ord 3214. (Presented by Craig Raymond)*

*Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. After the staff presentation and motion is presented the Mayor will ask if there are any comments from the public pertaining to the agenda item 20A. At this time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to five minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

B. Resolution 10340, Vacating 5th Avenue North between 12th Street North and 13th Street North; and a Non-Administrative Plat to aggregate several of the properties. *Action: Adopt or deny Res. 10340.*

*Members of the public participating telephonically, please follow along with the City Commission meeting at <https://greatfallsmt.net/livestream> or on cable channel 190. After the staff presentation and motion is presented the Mayor will ask if there are any comments from the public pertaining to the agenda item 20B. At this time call 406-761-4786. You will be placed in a queue until the City Clerk or Mayor calls on you to speak, at which time your line will be unmuted and you will be able to address the City Commission for up to five minutes, first giving your name and address for the record. You will be able to hear the meeting through the phone, so you should continue to follow along online or on your television. When it is your turn to speak, please mute your online or television audio to avoid time-delayed background noise/feedback through the phone, and do not use speakerphone when commenting.

OLD BUSINESS

NEW BUSINESS

ORDINANCES / RESOLUTIONS

CITY COMMISSION

21. Miscellaneous reports and announcements from the City Commission.

ADJOURNMENT

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



Item: Appointments to the Park and Recreation Board.
From: City Manager’s Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint three members the Park and Recreation Board.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to a partial three-year term through December 31, 2020, and appoint _____ and _____ for partial three-year terms through December 31, 2021, to the Park and Recreation Board.”

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

Board Recommendation: The Park and Recreation Board has been unable to meet since November 2019 due to quorum issues. Staff has reviewed all applications and recommended appointing Laramie Smovir, Pat Carroll, and Gary Arno to partial three-year terms.

Summary: Kathryn Kotynski was appointed to the Board in February 2018 for a three year term and recently resigned. Dan Manella and Brianne Laurin were appointed to the Board in February 2019 and have also resigned. Advertising for the vacancies began in December through the City’s website and local media. New applications were received from Carol Bradley and Gary Arno. Past applicants Laramie Smovir and Pat Carroll contacted staff and asked that their applications be considered also.

Background: The Park and Recreation Board consists of seven members who act in an advisory capacity to the City Commission and the City Manager on all matters related to the Park and Recreation program in the City of Great Falls. Pursuant to Ordinance 3169, members must reside within the City.

Four applications were reviewed and considered.

Citizens interested in serving on this board are:

- Patrick Carroll
- Laramie Smovir
- Carol Bradley
- Gary Arno

Continuing members:

| | |
|-------------------|-----------------------|
| June Sprout | 1/5/2015 – 12/31/2020 |
| Lynn Ulmer Oatman | 1/1/2015 – 12/31/2020 |
| Lonnie Hill | 1/1/2016 – 12/31/2021 |
| Jen Creed | 2/5/2019 – 12/31/2021 |

Departing Members:

| | |
|------------------|-----------------------|
| Kathryn Kotynski | 2/6/2018 – 12/31/2020 |
| Dan Manella | 2/5/2019 – 12/31/2021 |
| Brianne Laurin | 2/5/2019 – 12/31/2021 |

Alternatives: The Commission could choose to ask staff to continue advertising for other interested citizens.

Attachments/Exhibits: Applications



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


RECEIVED

NOV 26 2018

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.

CITY MANAGER

| | | | |
|--|-------------------------|--|--|
| Board/Commission Applying For: <i>Park + Rec</i> | | Date of Application: <i>11-21-18</i> | |
| Name: <i>PATRICK T. CARROLL</i> | | | |
| Home Address: <i>1717 11th Ave So, 6E</i> | | Email address: <i>PTCARROLL42@yahoo.com</i> | |
| Home Phone: <i>771-1306</i> | Work Phone: <i>—</i> | Cell Phone: <i>—</i> | |
| Occupation: <i>CCHD SANITARIAN - Ret</i> | | Employer: <i>CCHD</i> | |
| Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain) | | | |
| Related experiences or background: <i>2 previous terms on PR BOARD. ONE term as CHAIRMAN PR BOARD</i> | | | |
| Educational Background: <i>M.S. Environmental Health</i> | | | |
| IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING: | | | |
| Previous and current service activities: <i>2 previous terms PR BOARD, ONE as CHAIRMAN</i> | | | |
| 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 <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when? | |
| Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship? | |
| Have you ever served on a City or County board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? P+R BOARD 2013-2017 | |
| Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board? | |
| Please describe your interest in serving on this board/commission? Experience in Environmental situations, Subdivision. Keeps me on BOARD of whats going on in G.F. | |
| Please describe your experience and/or background which you believe qualifies you for service on this board/commission? Two terms P+R BOARD | |
| Additional comments: I enjoyed my previous appointments! | |
| Signature  | Date: 11-21-18 |

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)**

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: Park & Recreation Board | | Date of Application: 12/04/2018 | |
| Name: Laramie Smovir | | | |
| Home Address: 620 Skyline Drive Northeast, Great Falls, MT 59404 | | Email address: laramie.smovir@gfcmsu.edu | |
| Home Phone: | Work Phone: 406-771-5132 | Cell Phone: 406-239-9446 | |
| Occupation: Enrollment Specialist | | Employer: Great Falls College Montana State University | |
| Would your work schedule conflict with meeting dates? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If yes, please explain) I work Monday - Friday 8-5, however, I can make arrangements to attend the meetings once a month. | | | |
| Related experiences or background: I have the opportunity to assist with several Park and Recreation events in a volunteer capacity including the Ice Breaker and city easter egg hunt. | | | |
| Educational Background: I have completed an Associate of Arts degree and am currently working on a Bachelors in Marketing and Management. | | | |
| IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING: | | | |
| Previous and current service activities: Great Falls College Staff Senate Association - founding member and current president | | | |
| Previous and current public experience (elective or appointive): none | | | |
| Membership in other community organizations: none | | | |

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|--|---------------------|
| Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when? | |
| Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, who, which department, and relationship? Arthur Smovir, Park & Rec, husband | |
| Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve? | |
| Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board? | |
| Please describe your interest in serving on this board/commission? After reviewing the master plan for the park and recreation department, I am excited for the proposed changes and improvements. On the other hand, I see that we are a bit behind on the proposed schedule and I would like to help work towards completion of the proposed plan. Additionally, I feel that we have amazing parks that are under-utilized and would like to help find ways to make them a more integral part of our community. | |
| Please describe your experience and/or background which you believe qualifies you for service on this board/commission? none | |
| Additional comments: | |
| Signature  | Date: 12/04/2018 |

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:
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Great Falls, MT 59403

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net

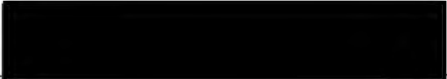


**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)**

RECEIVED
JAN 3 2020
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: Park + Rec Advisory Board | | Date of Application: 1/3/20 |
| Name: Carol Bradley | | |
| Home Address: 1826 3rd Ave. N. | | Email address: carol.bradley@charter.net |
| Home Phone: 453-5761 | Work Phone: 453-5761 | Cell Phone: 799-8441 |
| Occupation: Author www.carolbradley.com | Employer: self | |
| 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: see attachment | | |
| Educational Background: | | |
| IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING: | | |
| Previous and current service activities: | | |
| 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 <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when? | |
| Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship? | |
| Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? | |
| Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board? | |
| Please describe your interest in serving on this board/commission? <p style="text-align: center; font-size: 1.2em;">see attachment</p> | |
| Please describe your experience and/or background which you believe qualifies you for service on this board/commission? | |
| Additional comments: | |
| Signature  | Date: 1/3/20 |

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kartis@greatfallsmt.net

RELATED EXPERIENCES OR BACKGROUND: I've served on several boards that are unrelated to Park and Rec but required a similar need to work together to strategize on goals and issues.

EDUCATIONAL BACKGROUND: I have a B.S. in Communications from the University of Tennessee. I was a 2004 Nieman Fellow at Harvard, a program for mid-career journalists.

PREVIOUS AND CURRENT SERVICE ACTIVITIES

- **Great Falls Symphony, 2015-2018.** I chaired the marketing committee, served as secretary and served on the search committees for our new executive director and conductor.
- **Cascade County CASA (Court-Appointed Special Advocates).** I volunteered as a guardian ad litem for foster children for six years and also served on CASA's Board of Directors in the mid-2000's.
- I served on the regional **Girl Scout Board of Directors** in the mid-2000's.
- I served for 13 years, from 2005-2018, on **McLaughlin Research Institute's** Animal Welfare Committee.

PREVIOUS AND CURRENT PUBLIC EXPERIENCE

I spent six years, from 2005-2011, on the **Great Falls/Cascade County Historic Preservation Advisory Committee.** I compiled a walking brochure for the city's historic Lower North Side and chaired a committee that obtained National Register recognition for an Eastside historic district featuring two blocks of Great Falls' many Craftsman bungalows. I wrote two successful grant applications that helped fund this project. Each June I lead a walking tour of the Lower North Side as part of Get Fit Great Falls.

MEMBERSHIP IN OTHER COMMUNITY ORGANIZATIONS

I sing in the **Great Falls Symphonic Choir** and serve on its advisory council.

I am a newly appointed member of **Meadow Lark Country Club's Courts Committee.**

I am just starting a term on the **Montana Humanities Board of Directors.**

MY INTEREST IN SERVING ON THIS BOARD: I'm a big supporter of and avid user of Great Falls' parks. My border collies and I start each day at the Dog Park. We walk frequently around Gibson Park. My husband and I live across the street from popular Memorial Park, and I play pickleball on city courts and at the Park and Rec building. I'm excited at the prospect of being a part of the planning for this city's vital park system.

EXPERIENCES THAT QUALIFY ME FOR SERVICE ON THIS BOARD: I offer a journalist's sense of the big picture. I am good at strategic planning and I understand the hard decisions that have to be made when money is finite. I'm a team player and enjoy collaborating with others to achieve a common goal.

ADDITIONAL COMMENTS: I appeared before the Park and Rec advisory board twice this year to discuss issues at the Dog Park. I discovered that no one currently serving on the board uses that terrific park or is aware of the unique challenges it presents. My seat on the board would bring that added dimension.




**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: Park and Recreation Board | | Date of Application: 2-6-20 |
| Name: Gary Arno | | |
| Home Address: 1012 45th Ave NE Great Falls MT 59404 | | Email address: fastblackblur@gmail.com |
| Home Phone: NA | Work Phone: NA | Cell Phone: 406-868-7507 |
| Occupation: Retired / Student | | Employer: NA |
| 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: Familiar with briefing higher ranking officials through military experience. | | |
| Educational Background: BS: Criminal Justice current student - Masters of Social Work | | |
| IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING: | | |
| Previous and current service activities: - 20 years active duty military; all spent at Malmstrom AFB. - 2 years Montana Department of Corrections | | |
| Previous and current public experience (elective or appointive): - None | | |
| Membership in other community organizations: President: Great Falls Bicycle Club | | |

| | |
|--|-----------------|
| Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when? | |
| Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship? | |
| Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve? | |
| Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board? | |
| Please describe your interest in serving on this board/commission? I would like to work with the community to make our local parks and rec opportunities the best they can be. | |
| Please describe your experience and/or background which you believe qualifies you for service on this board/commission? Through my experience in the military, corrections, and education, I am able to effectively interface with people from many different backgrounds. I am able to research and critically analyze data and familiar with the importance of data-driven evidence based solutions. | |
| Additional comments: - I'm a regular user of the Rivers Edge Trails and avid cyclist. My children are still young, five & eight, and central to many of my interests. I'm a big fan of public service and would love to be involved! | |
| Signature  | Date: 2-6-20 |

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Fax:
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Email:
kartis@greatfallsmt.net

JOURNAL OF COMMISSION PROCEEDINGS
March 17, 2020

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly and Tracy Houck. Commissioners Mary Sheehy Moe, Owen Robinson and Rick Tryon participated telephonically via WebEx. Also present were the City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL: City Manager Greg Doyon noted that in order to reduce potential exposure to the COVID-19 virus, the agenda was revised to delay non-critical items. The Revised Agenda was posted on Friday, March 13th. There were no proposed changes to the revised agenda by the City Manager or City Commission. The revised agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

Mayor Kelly announced that staff is working diligently to try to get a better audio/video set up for full participation at meetings. To reduce potential exposure to COVID-19 the Commission is encouraging the public to use alternative methods and not be physically present at meetings.

1.

PROCLAMATIONS

Proclamations for AmeriCorps NCCC Recognition Day (March 17, 2020), Morrison-Maierle 75th Anniversary Day (March 22, 2020) and Prevention of Cruelty to Animals Month (April 2020) were not read/presented during the meeting, but rather delivered or picked up by the proclamation requesters.

PETITIONS AND COMMUNICATIONS

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Daniel Hartzell, 609 Central Avenue, discussed a citation he received for a disturbance, and that he wants certain students cited for smoking violations.

Mayor Kelly commented that the email account, commission@greatfallsmt.net, was set up for the public to submit written comments before 5:00 PM on the day of the Commission meeting. City Clerk Lisa Kunz announced that no written communications have been received for any items on this agenda.

NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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Mayor Kelly encouraged everyone to look at the City's website regarding meeting cancellations. He noted that several Neighborhood Councils meet at schools, which have closed.

BOARDS & COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

Commissioner Robinson, Complete Count Committee member, encouraged everyone to complete and return the Census 2020 forms quickly. The Committee was the recipient of a \$700 grant, and the Committee applied last Friday for another federal grant. He also noted that the Library is closed due to COVID-19, and that citizens will not be able to utilize the Library as an on-line resource to complete the census.

5. APPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission appoint Kyler Baker for a three-year term through December 31, 2022.

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

Commissioner Houck thanked the citizens that have served the Mansfield for many years, and Kyler Baker for applying for this Board position and participating in City-101 classes.

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

Motion carried 5-0.

6. APPOINTMENT TO THE PARKING ADVISORY COMMISSION.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission appoint Becky Sullivan to the Parking Advisory Commission for a three-year term through April 30, 2023.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners. Hearing none, he thanked Mr. Mintsiveris for his service on this board, and welcomed Ms. Sullivan.

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

Motion carried 5-0.

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7. REAPPOINT AND APPOINTMENTS TO THE GOLF ADVISORY BOARD.

Commissioner Houck moved, seconded by Commissioners Moe and Robinson, that the City Commission reappoint Greg Bushman as the representative for the Men's Golf Association, appoint Jayce Michael Blood as the representative for Malmstrom Golf Association, and appoint Frederick "Rick" Gartzka as a non-league golf member for three-year terms through March 31, 2023.

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

Motion carried 5-0.

CITY MANAGER

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to COVID-19, City Manager Greg Doyon reported on the following:

- The Cascade City-County Health Department (CCHD) is the best resource to learn more about the virus and to obtain information about how to protect yourself from it. The CCHD gets its guidance from State and Federal agencies that are responding to this virus as well. The last time he checked there were no confirmed cases in Great Falls.
- Call your healthcare provider first before going to the emergency room or to the doctor's office if you think you have been exposed to the virus or have it.
- The City has been focused on community safety, city government continuity, employee safety, and operational changes as a result.
- He continues to work closely with CCHD to implement recommendations and is coordinating with CCHD on many levels.
- He is continually making plans, in the event the elected or appointed officials become incapacitated because of an exposure, to continue government operations with as little disruption as possible.
- At this time he has not declared Great Falls in a state of emergency. When he does so, it will be in consultation with CCHD, the City's emergency manager, City Attorney and the Commission. He will continue to monitor and, if necessary, activate that measure.
- When the first confirmed case is reported in Cascade County it is likely the Emergency Operations Center (EOC) will be opened up to address resource needs.
- He has held several meetings with staff to address emergency preparedness and specific employee issues that have arisen because of the concern about the virus. Operational changes have been made to minimize the public's and City personnel's potential exposure to the virus.
- Canceled meetings include: Monday, March 16, 2020, Commission retreat, and Tuesday, March 17, 2020, Commission work session. Teleconferencing was utilized for this meeting

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to accommodate some Commission members. Staff is working to have both audio/visual capabilities by the next Commission meeting.

- The public is encouraged to submit public comment via email: commission@greatfallsmt.net for the duration of the pandemic.
- He reviewed changes, cancelations or postponements affecting the following City departments or programs: Great Falls Animal Shelter, Utility Department, Neighborhood Councils, Park and Recreation; City-101, Great Falls Public Library, Great Falls Fire Rescue, Great Falls Police Department, Legal Department, and Municipal Court.

Manager Doyon also reported that the City has a policy of allowing flyers to be included in its utility billing that meet certain criteria. A recent flyer titled “Kids Education YES” was erroneously included in City utility bills that went out to over 9,800 customers. The flyer was political in nature and did not fit the criteria of the City’s policy. The issue was brought to the attention of the City Attorney yesterday. A statement will be issued and included in the next utility bills notifying customers to disregard the prior flyer was included in err. Staff also reported it to the Commission on Political Practices.

Manager Doyon announced the retirement of Public Works Director Jim Rearden on March 31, 2020. He recognized Director Rearden’s 33+ years of service with the City.

Director Rearden read his resignation letter submitted to Manager Doyon, summarizing the major accomplishments of the Public Works department in the recent past.

Commission members thanked Director Rearden for his service and accomplishments, and wished him well in his retirement.

CONSENT AGENDA.

9. Minutes, March 3, 2020, Special City Commission Meeting.
10. Minutes, March 3, 2020, Commission Meeting.
11. Total Expenditures of \$3,319,238 for the period of February 15, 2020 through March 4, 2020, to include claims over \$5,000, in the amount of \$3,064,736.
12. Contracts List.
13. Grants List.
14. Approve the purchase of one new 2020 - 348 Peterbilt water truck chassis from Montana Peterbilt of Missoula through Sourcewell, formerly known as NJPA, for \$106,484.
- *15. Approve the CDBG Funding Agreement in the amount of \$137,500 to the Park and Recreation Department for the Gibson Park and Elks Riverside Park trail project. **OF 1737.2**

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16. Approve Change Order No. 2 for the September 2019 amended bid work on Equipment Storage Building Number 1 project, plus required additional electrical and structural work, to James Talcott Construction, Inc. for the Public Works Facility Improvements - Central Garage, Streets and Sanitation Buildings Siding & Windows and authorize the City Manager to execute the agreements. **OF 1733.5 and OF 1744.0**
17. Award the construction contract in the amount of \$478,040 to Missouri River Trucking and Excavation Incorporated for the Gibson Park and Elks Park Trail Restoration, and authorize the City Manager to execute the construction contract documents. **OF 1737.2**
18. Approve an agreement with Advanced Engineering and Environmental Services (AE2S) for the Water Plant's Supervisory Control and Data Acquisition (SCADA) Upgrades as outlined in the attached Scope of Services for \$118,391.
19. Postpone public hearings and considerations for Ordinance 3211 and 3212 and postpone Resolution 10333 until April 7, 2020.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as presented, with the exception of Item 15 for separate discussion and vote.

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

Motion carried 5-0.

- *15. **APPROVE THE CDBG FUNDING AGREEMENT IN THE AMOUNT OF \$137,500 TO THE PARK AND RECREATION DEPARTMENT FOR THE GIBSON PARK AND ELKS RIVERSIDE PARK TRAIL PROJECT. OF 1737.2**

Planning and Community Development Director Craig Raymond reported that the project consists of ADA improvements in low to moderate income (LMI) locations. Due to timeliness issues, staff requests that the Commission approve the project.

Commissioner Houck moved, seconded by Commissioners Robinson and Tryon, that the City Commission approve the CDBG Funding Agreement in the amount of \$137,500 to the Park and Recreation Department for the Gibson Park and Elks Riverside Park trail project.

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

Commissioner Moe noted the extensive CDBG revision process. She inquired how this project fits into the prioritization categories and the results of the public survey.

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Director Raymond responded that this project is classified as public facilities and, therefore, fits within the original allocations. He again noted the timeliness issue. If the funds aren't expended by May 2nd, they risk having to send the money back to Washington, D.C.

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

Motion carried 5-0.

PUBLIC HEARINGS

19. **ORDINANCE 3211, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 41 THROUGH 43; AND, REPEALING AND REPLACING CHAPTER 44 PERTAINING TO LANDSCAPING.**

20. **ORDINANCE 3212, AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): REPEALING APPENDIX B PERTAINING TO THE LIST OF REQUIRED TREES FOR BOULEVARD AREAS AND STREET MEDIANS.**

See Consent Agenda Item 19.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

21. **ORDINANCE 3214 – TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS THE SOUTH 85' OF LOT 8, BLOCK 180 AND LOTS 8-14, BLOCK 179 OF THE GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION FROM SINGLE-FAMILY HIGH DENSITY AND NEIGHBORHOOD COMMERCIAL TO PUBLIC LANDS AND INSTITUTIONAL; AND RESOLUTION OF INTENT 10339 – INTENTION TO VACATE 5TH AVENUE NORTH BETWEEN 12TH STREET AND 13TH STREET.**

Planning and Community Development Director Craig Raymond reported this agenda item is a rezoning request and right-of-way vacation for the CM Russell Museum project. Over time, the Russell has been acquiring properties adjacent to the museum property with the idea of potentially expanding its facility. During its master planning process, certain steps have been identified to take at this time to consolidate the various properties and make improvements. As part of this process, existing structures have been demolished with the intention of redeveloping on the properties.

In order to achieve consolidation and prepare for current and eventual redevelopment plans, the Russell is requesting approval to rezone the properties to the north of 5th Avenue North to Public Lands and Institutional to match the current museum zoning designation.

The applicant is also seeking to vacate a portion of 5th Avenue North to facilitate this consolidation and expansion. Typically, when rights-of-way are vacated, one-half of the right-of-way goes to each adjacent owner. In this case, the Russell owns both sides of the right-of-way. While it is

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anticipated that existing city utilities may have to be relocated to accommodate the eventual expansion, utility easements will be required to protect existing City utility facilities until such time they are abandoned.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission accept Ordinance 3214 on first reading and set a public hearing for April 7, 2020.

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

Commissioner Moe commented that, although the agenda report sets forth that public comment was received at a Neighborhood Council meeting, she hasn't heard if the comments were positive or negative.

Mayor Kelly noted that the agenda report sets forth that positive comments about the project were conveyed during the February 20th Neighborhood Council meeting.

Commissioner Houck added that citizens could submit public comment for or against the project any time up to the public hearing via email.

Commissioner Tryon inquired about the timing of the project if the public hearing had to be postponed.

Director Raymond responded that the Russell indicated that the timing is not critical, there is some flexibility, but that they don't want the project to languish for an extended period of time.

After further discussion, City Attorney Sexe concluded that every effort will be made for public participation, including sending email comments to commission@greatfallsmt.net up to 5:00 PM the day of the meeting. The comments will be read into the record the night of the meeting.

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

Motion carried 5-0.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10339, and set a public hearing for April 7, 2020.

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

Motion carried 5-0

22. RESOLUTION 10333, A RESOLUTION OF THE CITY OF GREAT FALLS REGARDING THE ADOPTION OF AN ENERGY RESPONSE TASK FORCE

See Consent Agenda Item 19.

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23. RESOLUTION 10332, AUTHORIZING THE PURCHASE OF CERTAIN PUBLIC SAFETY RADIO EQUIPMENT AND APPROVING A LEASE PURCHASE AGREEMENT IN CONNECTION THEREWITH.

Police Chief Dave Bowen reported that during the past seven years the City has been engaged in an ongoing process of improving its radio communications system. The repeated problems with the radio system have created officer safety issues for the Police Department and hindered safe operations for fire fighters at the Fire Department. He has kept the Commission advised of the ongoing communication challenges over the past several budget years and held special presentations about the impending need to address the issue.

In the Fall of 2018 an independent analysis of the radio communications system was conducted by Mission Critical Partners (MCP). The findings of MCP concluded that Great Falls' communications systems are failing and putting police officers and fire fighters at an elevated risk of danger. A total replacement of the communications system is inevitable.

Recent developments across the state have opened up an opportunity for public safety in this area. In 2019 the passage of SB 352 provided funding by the State of Montana for an upgrade of the statewide communications system, along with some of the local equipment, which reduces the cost to the City by almost half. In addition to the funds provided by the State, Motorola Solutions has provided a \$650,000 incentive for a lease agreement with its company.

The City of Great Falls has already entered into Interlocal Agreements with Cascade County and the Montana Department of Justice to allow access to the two sites and 911 Center for equipment replacement and upgrades. The financial investment by the State of Montana toward the radio infrastructure and the incentive provided by Motorola places the City of Great Falls in a position to realize the full benefit of this opportunity.

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10332.

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 commented that this agreement is a fiscally responsible way to accomplish the much needed infrastructure improvements.

Commissioner Moe commented that the safety of the officers is paramount. The effectiveness of operations and is being jeopardized by the continual degrading materials.

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

Motion carried 5-0.

CITY COMMISSION

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24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly expressed appreciation to the community, businesses, non-profits, public safety personnel, and the School District in dealing with the COVID-19 pandemic. There have been a lot of meetings with stakeholders around the city and the county pertaining to healthcare, daycare, and nutrition. He is touched by the sacrifices everyone is making to make sure we get this pandemic behind us. The Cascade City-County Health Department (CCHD) has been a great leader and resource for information. The City is standing with them to help administer the directives that the CCHD puts forward.

Commissioner Houck reminded parents at home with their children that there are free virtual museum tours, or they can still go outside for a nature walk. She further encouraged parents who are struggling with anxiety, coping or parenting at this time to call the Voices of Hope hotline.

25. COMMISSION INITIATIVES.

Commissioner Tryon requested that the Agenda Report for Resolution 10333 include staff's recommendation when it comes before the Commission for consideration.

He also suggested that the public safety town hall format continue at the Neighborhood Council level at such time as council meetings resume. No one objected.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Mayor Kelly, to adjourn the regular meeting of March 17, 2020, at 8:06 p.m.**

Motion carried 5-0.

Mayor Kelly

City Clerk Lisa Kunz

Minutes Approved: April 7, 2020

**JOURNAL OF SPECIAL COMMISSION PROCEEDINGS
MARCH 23, 2020**

Special City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 1:00 PM

Commission Chambers Room 206

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom: Bob Kelly, Tracy Houck, Owen Robinson, Rick Tryon, and Mary Sheehy Moe. Also present were the City Attorney Sara Sexe; City Manager Greg Doyon; City Clerk Lisa Kunz; and, Deputy City Clerk Darcy Dea.

AGENDA APPROVAL: Mayor Kelly noted that the date on page three of the Agenda Report should be April 7, 2020 instead of March 23, 2020.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There was no written communication received via email to the Commission.

Jonathan Martin, 2212 2nd Avenue South, discussed a treatment option for COVID-19 provided by a study from an infectious disease physician.

Mayor Kelly suggested that Mr. Martin notify the Cascade City-County Health Department (CCHD).

City Manager Greg Doyon reported that the Great Falls Fire Rescue (GFFR) is aware of the study.

1.

CITY MANAGER

CITY MANAGE UPDATE AND REPORT ON COVID-19 RESPONSE.

City Manager Greg Doyon reported on the following:

- He thanked the IT Department and Deputy City Manager Chuck Anderson for their efforts with regard to setting up Zoom Conferencing.
- The City's Emergency Operations Center (EOC) will more than likely be opened in the near future as more COVID-19 cases develop. Cascade County has partially opened its EOC.
- The City's website provides information with regard to City Departments that have closed in order to limit the amount of impact of COVID-19. He is working with staff to have City employees work remotely. If there is a disruption in public service, he will notify the Commission as well as send out a press release.

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- He is working on a modified agenda process that will be pushing off non-essential items and will be preparing a running list of projects that were in the works; however, they will need to be deferred.
- Commission priorities with regard to the budget may need to be shifted in order to get through the COVID-19 crisis.
- The United Way is the lead agency to help coordinate resources for citizens who wish to help the community and its website is volunteergreatfalls.org.
- The Voices of Hope Social Services organization will assist appropriate agencies who are in need of non-medical supplies for residents by dialing 211.
- The Great Falls Public Schools has a website with important information, and is in need of assistance with donations for its food pantries.
- He requested that residents discontinue bringing food to City Departments due to the risk of exposing staff to COVID-19.

Commissioner Moe received clarification that the Commission will receive a list of deferred items with regard to the budget and that the priority is to get through the COVID-19 emergency.

Mayor Kelly received clarification that requests for additional medical supplies and services has been made to the State Emergency Service.

ORDINANCES/RESOLUTIONS

2. **RESOLUTION 10341, AFFIRMING A LOCAL EMERGENCY AND ACKNOWLEDGING AND DEFINING THE CITY MANAGER'S POWER TO DELCARE AN EMERGENCY AND THE CITY MANAGER'S EXERCISE OF THAT AUTHORITY.**

City Attorney Sara Sexe reported that the spread of the COVID-19 virus around the world has created a widespread public health emergency not only globally, but locally. As of March 20, 2020, 12 cases of COVID-19 have been confirmed in the state of Montana, many more cases are expected.

On March 12, 2020, Governor Bullock declared a State of Emergency pursuant to Mont. Code Ann. § 10-3-302. On March 13, 2020, President Trump declared a National Emergency. On March 19, 2020 the Cascade City/County Health Department ordered closure of certain establishments to protect public health and at the same meeting, City Manager Doyon signed an Emergency Proclamation for the City of Great Falls. All were made in response to the COVID-19 virus outbreak.

The City's declaration was made after consultation and conversations with Governor Bullock, Cascade City/County Health Department, Mayor Kelly, City Commissioners, and internal City staff. The City Manager exercised his authority as the principal executive officer of the City to declare, by Proclamation and Order, a state of emergency for the City pursuant to Mont. Code Ann § 10-3-402 on March 19, 2020. The City Manager, as the principal executive officer, has the authority to make such a declaration when a state of emergency exists. This declaration was made

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to allow the City Manager to take necessary steps to help stop the spread of COVID-19, if and when it is diagnosed in the City.

After such declaration is made, the City Manager is given a number of expanded authorities. One authority is to restrict ingress to and egress from all or part of the municipality. Mont. Code Ann. § 10-3-406. The City Manager is also authorized to order the evacuation of all or part of the City population. *Id.* Additionally, this statutory provision allows the City Manager to establish curfews for all or part of the population, as well as limiting governmental services provided to the public.

The City Manager also has the authority to request assistance and cooperation from other intergovernmental agencies. Mont. Code Ann. Title 10, Chapter 3, Part 2. This would require notification by all the local governmental entities to the State Emergency Services Division. The City Manager will have the authority to accept funds via grants or gifts for assisting with the emergency management from other governmental agencies. Mont. Code Ann. § 10-3-203.

The Resolution and Ordinance under consideration, if adopted, would acknowledge the City Manager's current authorities listed above and would ratify the City Manager's declaration and Order. Additionally, by adopting Resolution 10341, in the event the City Commission could not convene and timely or necessarily act, the City Commission would delegate the following powers to the City Manager to exercise during the emergency, using all available information from Federal/State/Local authorities:

- a. To administer all City affairs and departments, as set forth in the *Charter of the City of Great Falls*;
- b. To approve all claims and other financial responsibilities, and to execute all contracts, which arise in the course of City operations, consistent with applicable law, and following such approval, present them to the City Commission for ratification as soon as is practical;
- c. To waive enforcement of City ordinances and resolutions as necessary to effectively address the emergency;
- d. To impose any reasonable restrictions on travel, parking, or congregating as necessary to address the emergency and in accordance with MCA §10-3-406;
- e. To cancel meetings of City advisory boards that perform valuable advisory functions but are not legally required to act before final City action; and
- f. To perform any acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases within the City, under MCA §7-34-4101.

Ordinance 3217, if adopted, provides the following authorities and restrictions:

1. The authority from the Great Falls City Commission to take all steps necessary to implement the Proclamation and Order and Resolution No. 10341;
2. The authority to enter into agreements and contracts, and make purchases and expenditures without adhering to state and local procurement requirements including those in Title 7 and 18 on the Montana Code Annotated, and to the City's purchasing policy. This authorization is limited only to agreements, contracts, purchases, and other

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expenditures reasonably necessary to implement the Order and Resolution No. 10341 and to no other agreements, contracts, purchases or expenditures;

3. For agreements, contracts, purchases and expenditures made in fulfillment of the Order and/or Resolution No. 10341 the City Manager must comply, if practicable, with federal, state and local procurement requirements;
4. For all such actions taken under the Ordinance, the City Manager must make available to the public a list of agreements, purchases, and expenditures wherein state and local procurement requirements were not adhered to; and
5. The Ordinance shall expire after ninety (90) days or upon revocation by the City Manager of the Municipal Emergency Proclamation and Order for the COVID-19 Pandemic, or upon the declaration of a local disaster pursuant to Mont. Code Ann. § 10-3-403, whichever is earlier. The City Commission may extend the Ordinance upon the affirmative four-fifths vote.

Ordinance 3217 is being presented as an emergency ordinance therefore allowing the Commission to adopt it on first reading pursuant to Mont. Code Ann. § 7-3-4324. Because it is being presented as an emergency ordinance, it will require an affirmative vote by at least four Commission members for adoption.

The public is strongly encouraged to provide public comment using alternative means as much as possible, including emailed comment sent to commission@greatfallsmt.net. This form of comment and participation is encouraged to help prevent additional potential public exposure to COVID-19. Additionally, members of the public attending the March 23, 2019 City Commission meeting must also abide by social distancing restrictions recommended by the Centers for Disease Control and the Cascade City-County Health Department.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10341.

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

No written communication was received in support of or in opposition to Resolution 10341.

Commissioner Tryon received clarification that the City has never had to declare a state of emergency and that other cities are taking these kinds of steps to allow for the effective continuation of government during these difficult times.

City Attorney Sexe reported that she is in communication with counsel from the Montana League of Cities and Towns (MLCT). She explained that the language in Resolution 10341 and Ordinance 3217 are formatted specifically to Great Falls; however, they are patterned on actions taken by other cities in the state.

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City Manager Doyon added that he will be in communication with other City Managers to discuss actions taken in their cities.

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

Motion carried 5-0.

ORDINANCE 3217, GRANTING TEMPORARY AUTHORITY TO APPROVE CONTRACTS AND EXPENDITURES IN FURTHERANCE OF THE MUNICIPAL EMERGENCY PROCLAMATION AND ORDER AND SUSPENDING STATE AND LOCAL PROCUREMENT REQUIREMENTS.

Referring to the effective date of Ordinance 3217, Commissioner Moe inquired if a disaster is worse than an emergency.

City Attorney Sexe responded that the disaster declaration is a higher level that would come into effect upon the happening of the events that would require it.

Commissioner Moe moved, seconded by Commissioners Robinson and Tryon, that the City Commission adopt Ordinance 3217.

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

No written communication was received in support of or in opposition to Ordinance 3217.

Mayor Kelly expressed support with regard to the effective date of Ordinance 3217 stating that the Ordinance shall expire after 90 days or upon revocation of the City Manager. Mayor Kelly encouraged public comment, adding that public access to the transparency of the meeting process is the Commission's priority while working through technology issues combined with public safety.

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

Motion carried 5-0.

CITY COMMISSION

3. EMERGENT COMMISSION INITIATIVES.

Commissioner Robinson reported that the Complete Count Committee (CCC) is no longer able to meet due to COVID-19 and those who were hired have been laid off. He noted that CCC members will continue to assist the Census Bureau in any way possible. A flyer contained in the April utility bills will continue to go out to customers about the census. Commissioner Robinson encouraged everyone to complete and return the Census 2020 forms promptly.

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Commissioner Moe added that citizens will not be able to utilize the Library as an on-line resource to complete the census since the Library was closed due to COVID-19.

Commissioner Tryon requested that either City Manager Doyon or Mayor Kelly reach out promptly to Governor Bullock and the CCHD to receive clarification as to what conditions must exist to either end or extend the state and county orders closing and restricting businesses. He further requested that a resolution suspending City water and sanitation fees for those businesses and their employees directly impacted for the duration of the orders to close or restrict businesses be presented at the April 7, 2020, Commission meeting.

Commissioner Houck reported that the Great Falls Job Service Workforce Center is currently closed and its website is currently down; however, citizens filing for unemployment can do so by calling the Job Service Center.

ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Robinson, to adjourn the special meeting of March 23, 2020, at 1:40 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: April 7, 2020



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

PRESENTED BY: Finance Director

ACTION REQUESTED: Approval with Consent Agenda

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

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

| | |
|--|----------------------------|
| ACCOUNTS PAYABLE CHECK RUNS FROM MARCH 5, 2020 - MARCH 25, 2020 | 2,960,711.88 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 29, 2020 - MARCH 14, 2020 | 10,823.25 |
| TOTAL: \$ | <u><u>2,971,535.13</u></u> |

GENERAL FUND

NEIGHBORHOOD COUNCIL

| | | |
|-----------------|-------------------------------|----------|
| AVI SYSTEMS INC | STREAMING ENCODER AND SERVICE | 7,751.00 |
|-----------------|-------------------------------|----------|

FIRE

| | | |
|----------------------------|-------------------------------------|-----------|
| LEXAM CONSULTING GROUP INC | NFA ONSITE HAZMAT TRAINING MISSOULA | 16,920.00 |
| COPPER CREEK CONSTRUCTION | OF 1727.5 FIRE STATION SEWER REHAB. | 55,292.94 |

SPECIAL REVENUE FUND

POLICE SPECIAL REVENUE

| | | |
|----------------|--|-----------|
| CASCADE COUNTY | REIMBURSEMENT FOR WATCH GUARD JAG GRANT | 10,475.00 |
|----------------|--|-----------|

HIDTA SPECIAL REVENUE

| | | |
|----------------|----------------------------|-----------|
| PONDERA COUNTY | RELEASE OF SEIZED PROPERTY | 11,526.60 |
| CASCADE COUNTY | RELEASE OF SEIZED PROPERTY | 11,526.60 |

FIRE SPECIAL REVENUE

| | | |
|-------------------|---------------------------|-----------|
| L N CURTIS & SONS | HAZMAT LEVEL B SUITS CBRN | 17,655.00 |
|-------------------|---------------------------|-----------|

STREET DISTRICT

| | | |
|---------------------------------|--------------------------|-----------|
| UNITED MATERIALS OF GREAT FALLS | OF 1708 SKYLINE ADDITION | 10,553.60 |
|---------------------------------|--------------------------|-----------|

SPECIAL REVENUE FUND (Cont.)

PLANNING & COMMUNITY DEVELOPMENT

| | | |
|---|---|-----------|
| KELAR PACIFIC LLC | ANNUAL BLUEBEAM SUBSCRIPTION (SPLIT AMONG FUNDS) | 1,239.44 |
| STATE OF MONTANA DEPT. OF TRANSPORTATION | ESTIMATED CITY COST FOR PRELIMINARY PHASE | 40,610.94 |

PARK DISTRICT

| | | |
|--------------------|--------------------------------|-----------|
| WADSWORTH BUILDERS | OF 1737.1 GIBSON PARK RESTROOM | 19,843.67 |
|--------------------|--------------------------------|-----------|

PERMITS

| | | |
|-------------------|---|----------|
| KELAR PACIFIC LLC | ANNUAL BLUEBEAM SUBSCRIPTION (SPLIT AMONG FUNDS) | 1,239.44 |
|-------------------|---|----------|

CENTRAL MONTANA AG TECH PARK TID

| | | |
|----------|--------------------------------------|------------|
| MRTE INC | OF 1658.1 CMATP TIF PH 3 STORM DRAIN | 229,724.65 |
|----------|--------------------------------------|------------|

ENTERPRISE FUNDS

WATER

| | | |
|-----------------------------------|--------------------------------------|------------|
| STRAIGH FLUSH DRAIN SOLUTIONS LLC | SOUTH VAULT CHLORINE LINE COATING | 6,400.00 |
| THATCHER CO OF MONTANA | CHEMICALS | 11,292.95 |
| A + ELECTRIC MOTOR INC | A+ HS 2 INSTALL RECONDITIONED MOTOR | 10,147.50 |
| SLETTEN CONSTRUCTION CO | OF 1637.1 WTP FILTRATION IMPROVEMENT | 165,815.93 |

SEWER

| | | |
|---------------------------------|---|-----------|
| VEOLIA WATER NORTH AMERICA | MONTHLY WWTP OPERATION CONTRACT | |
| VEOLIA WATER NORTH AMERICA | MONTHLY CONTRACTED CAPITAL IMPROVEMENTS | |
| KELAR PACIFIC LLC | ANNUAL BLUEBEAM SUBSCRIPTION (SPLIT AMONG FUNDS) | 380.00 |
| BOLAND DRILLING | OF 1731.1 SEPTAGE RECEIVING STATION | 33,208.00 |
| UNITED MATERIALS OF GREAT FALLS | OF 1465.2 LOWER SOUTH SIDE WMR PH III | 72,145.65 |

911 DISPATCH CENTER

| | | |
|--------------------------------|---------------------------|-----------|
| CENTRALSQUARE TECHNOLOGIES LLC | CPE REPLACEMENT | 35,335.90 |
| CENTRALSQUARE TECHNOLOGIES LLC | CRIMEVIEW GFPD | 18,338.00 |
| NELSON COMFORT SOLUTIONS | HVAC REPLACEMENT DISPTACH | 5,200.00 |

GOLF COURSES

| | | |
|----------------------|-----------------------------------|-----------|
| GREAT FALLS GOLF LLC | EAGLE FALLS GRILL ROOM RENOVATION | 80,000.00 |
|----------------------|-----------------------------------|-----------|

ICE BREAKER RUN

| | | |
|----------------|-------------------------------------|-----------|
| CREATMYTEE LLC | 2020 ICE BREAKER ROAD RACE T-SHIRTS | 20,877.00 |
|----------------|-------------------------------------|-----------|

INTERNAL SERVICES FUND

HEALTH & BENEFITS

| | | |
|--|----------------------------------|------------|
| MONTANA MUNICIPAL INTERLOCAL AUTHORITY | INSURANCE DEDUCTIBLES & PREMIUMS | 861,225.70 |
|--|----------------------------------|------------|

HUMAN RESOURCES

| | | |
|------------------------|-------------------------|----------|
| TYLER TECHNOLOGIES INC | IMPLEMENTATION SERVICES | 6,227.71 |
|------------------------|-------------------------|----------|

FINANCE

| | | |
|--------------------|--|-----------|
| DATAPROSE LLC | POSTAGE AND STATEMENT PRINTING FOR FEBRUARY 2020 | 10,089.02 |
| TYLER TECHNOLOGIES | IMPLEMENTATION SERVICES | 17,143.48 |

INFORMATION TECHNOLOGY

| | | |
|-------------|--|----------|
| CENTURYLINK | MONTHLY METRO ETHERNET (FIBER) CHARGES | 5,021.52 |
|-------------|--|----------|

CENTRAL GARAGE

| | | |
|---------------------|-------------------|-----------|
| BISON MOTOR CO | POLICE HYBRID SUV | 39,602.70 |
| MOUNTAIN VIEW CO-OP | FUEL | 19,613.10 |

ENGINEERING

| | | |
|-------------------|--|----------|
| KELAR PACIFIC LLC | ANNUAL BLUEBEAM SUBSCRIPTION (SPLIT AMONG FUNDS) | 1,235.00 |
|-------------------|--|----------|

PUBLIC WORKS ADMINISTRATION

| | | |
|-------------------|--|----------|
| KELAR PACIFIC LLC | ANNUAL BLUEBEAM SUBSCRIPTION (SPLIT AMONG FUNDS) | 1,136.00 |
|-------------------|--|----------|

CC FACILITY SERVICES

| | | |
|-----------------------------|---------------|-----------|
| NORTHWEST PIPE FITTINGS INC | WATER COOLERS | 12,030.16 |
|-----------------------------|---------------|-----------|

TRUST AND AGENCY

PAYROLL CLEARING

| | | |
|---------------------------------|--|------------|
| STATE TREASURER | MONTANA TAXES | 45,720.00 |
| ICMA RETIREMENT TRUST | EMPLOYEE CONTRIBUTIONS | 10,057.42 |
| FIREFIGHTER RETIREMENT | FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 56,004.22 |
| STATEWIDE POLICE RESERVE FUND | POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 71,193.37 |
| PUBLIC EMPLOYEE RETIREMENT | PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 123,581.25 |
| POLICE SAVINGS & LOAN | EMPLOYEE CONTRIBUTIONS | 11,937.00 |
| US BANK | FEDERAL TAXES, FICA & MEDICARE | 190,226.76 |
| AFLAC | EMPLOYEE CONTRIBUTIONS | 9,584.12 |
| NATIONWIDE RETIREMENT SOLUTIONS | EMPLOYEE CONTRIBUTIONS | 14,380.00 |
| WSCFF EMPLOYEE BENEFIT TRUST | EMPLOYEE CONTRIBUTIONS | 6,350.00 |
| MONTANA STATE FIREMAN'S ASSOC | EMPLOYEE CONTRIBUTIONS | 5,603.67 |

UTILITY BILLS

| | | |
|---------------------------|-----------------------------------|-----------|
| ENERGY WEST RESOURCES INC | FEBRUARY 2020 CHARGES | 28,088.50 |
| ENERGY KEEPERS INC | FEBRUARY 2020 ELECRCITY CHARGES | 47,502.00 |
| NORTHWESTERN ENERGY | FEBRUARY 2020 SLD CHARGES | 74,279.84 |
| HIGH PLAINS LANDFILL | FEBRUARY 2020 SANITATION CONTRACT | 59,194.62 |

CLAIMS OVER \$5000 TOTAL: \$ 2,620,526.97

CITY OF GREAT FALLS, MONTANA

AGENDA: 7

COMMUNICATION TO THE CITY COMMISSION

DATE: April 7, 2020

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

| | DEPARTMENT | OTHER PARTY (PERSON OR ENTITY) | PERIOD | AMOUNT | PURPOSE |
|----------|------------------------------|--|-----------------------|---|---|
| A | Public Works | Kustom City Fiberglass, Inc. | 03/18/2020-05/29/2020 | \$31,295 | Ratification of Non-Construction Services Agreement to fiberglass a chemical holding vat |
| B | Public Works/ Engineering | Thomas Dean & Hoskins, Inc. (TD&H Engineering) | 04/07/2020-12/30/2022 | Up to \$70,250 per hourly not to exceed basis plus expenses | Ratification of Professional Services Agreement to implement recommendations for culvert stabilization and channel restoration of the existing drainage in the Central Montana Agricultural and Technology Park (CMATP) TIF Phase IV OF 1658.1 |

| | | | | | |
|----------|---|---|-------------------------|---|--|
| C | Park and Recreation | Jonathan Bass d/b/a Pegasas LLC | 2020-2021 seasons | 10% of gross sales or \$3,000, whichever is greater | Ratification of Addendum to Gibson Park Concessions Agreement extending the term of the Concessionaire Lease Agreement (CR 030717.12) |
| D | Planning and Community Development – HPAC | Montana Department of Commerce Great Falls Development Authority | 01/28/2020 – 01/28/2021 | \$11,300 | Ratification of Contract # MT-BSTF-2-20-03 for Big Sky Economic Development Trust Fund Program funds to assist the Big Sky Country National Heritage Area, Inc., with the completion of a business plan for Montana Ratification of Memorandum of Understanding setting forth the terms and conditions for administration of the grant funds, providing administrative support and other responsibility for the management and appropriate reporting to the Montana Department of Commerce. (CR Res. 10326, 121719.15) |



Item: Construction Final Pay: Dewatering Pump Replacement, O. F. 1731.2
From: Engineering Division
Initiated By: Public Works Department
Presented By: Paul Skubinna, Environmental Division Manager
Action Requested: Consider Approve Final Pay

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) Final Payment for the Dewatering Pump Replacement project to MJD Contracting in the amount of \$4,849.73, and \$48.99 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve final payment request.

Summary:

Two bids were received and opened for this project on June 5, 2019. The bids were \$98,000.00 and \$200,783.00. MJD Contracting submitted the low bid and was awarded a contract on June 18, 2019.

Background:

The project at the Waste Water Treatment Plant (WWTP) replaced two aging (installed in 1977) vertical turbine pumps with two new 10 horse power submersible pumps.

These pumps are essential for handling process and ground water in the secondary basin complex at the WWTP. The secondary basin complex is made up of four 1.22 million gallon final clarifiers and three 1.6 million gallon bio-reactors. These pumps are used to move liquid bio solids and other fluids from one location to another when either draining the basins and/or bringing other basins on line in the process train. They also function as dewatering pumps to remove groundwater collected continually in the plant underdrain system.

HDR Engineering designed the project. City Environmental Division, and Engineering Staff worked with HDR to perform contract administration duties. HDR, Engineering, and Community Development Staff coordinated with Veolia Staff throughout the project to perform inspection duties.

The final project cost is \$97,974.39 which is \$25.61 less than the total contract amount.

MJD Contracting has completed all work and items on the punch list. The City can accept the project and execute Final Payment. The two-year warranty period started at the time of substantial completion, which was January 22, 2020.

Fiscal Impact:

This project is funded through the Sanitary Sewer Fund.

Alternatives:

The City Commission could vote to deny Final Pay.

Attachments/Exhibits:

Final Pay

Vicinity Map

Contractor's Application For Payment No. 4-Final

| | | |
|---|--|-------------------------------------|
| | Application Period: 2/27/2020 To 3/27/2020 Final | Application Date: 3/27/2020 |
| Owner: City of Great Falls | From(Contractor): MJD Contracting, LLC. | Via(Engineer): HDR Engineering |
| Project: Dewatering Pump Replacement | Contractor's Address: 12 Ponderosa Rd. Clancy, MT 59634 | |
| Owner's Contract No. 1731.2 | Contractor's Project No.: | Engineer's Project No.: 10135750 |

| Change Order Summary | | |
|------------------------------------|-----------|------------|
| Approved Change Orders | | |
| Number | Additions | Deductions |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| TOTALS | \$0.00 | \$0.00 |
| NET CHANGE BY CHANGE ORDERS | | \$0.00 |

| Payment Details | |
|---|--------------|
| 1. ORIGINAL CONTRACT PRICE..... | \$ 98,000.00 |
| 2. Net change by Change Orders..... | \$ (25.61) |
| 3. CURRENT CONTRACT PRICE (Line 1 ± 2) | \$ 97,974.39 |
| 4. TOTAL COMPLETED AND STORED TO DATE..... | \$ 97,974.39 |
| 5. RETAINAGE: | |
| a. 5% x <u>\$0.00</u> Work Completed | \$0.00 |
| b. 5% x <u>\$0.00</u> Stored Material..... | \$0.00 |
| c. Total Retainage (Line 5a + Line 5b) | \$0.00 |
| 6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c) | \$ 97,974.39 |
| 7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application) | \$ 93,075.67 |
| 8. AMOUNT EARNED THIS APPLICATION | \$ 4,898.72 |
| 9. LESS GROSS RECEIPTS TAX THIS APPLICATION(1%) | \$ 48.99 |
| 10. AMOUNT DUE THIS APPLICATION (Line 8- Line 9) | \$ 4,849.73 |
| 11. BALANCE TO FINISH, PLUS RETAINAGE | \$ - |

Contractor's Certification

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

By: [REDACTED] Date: 3/27/2020
(Contractor)

Approval Section

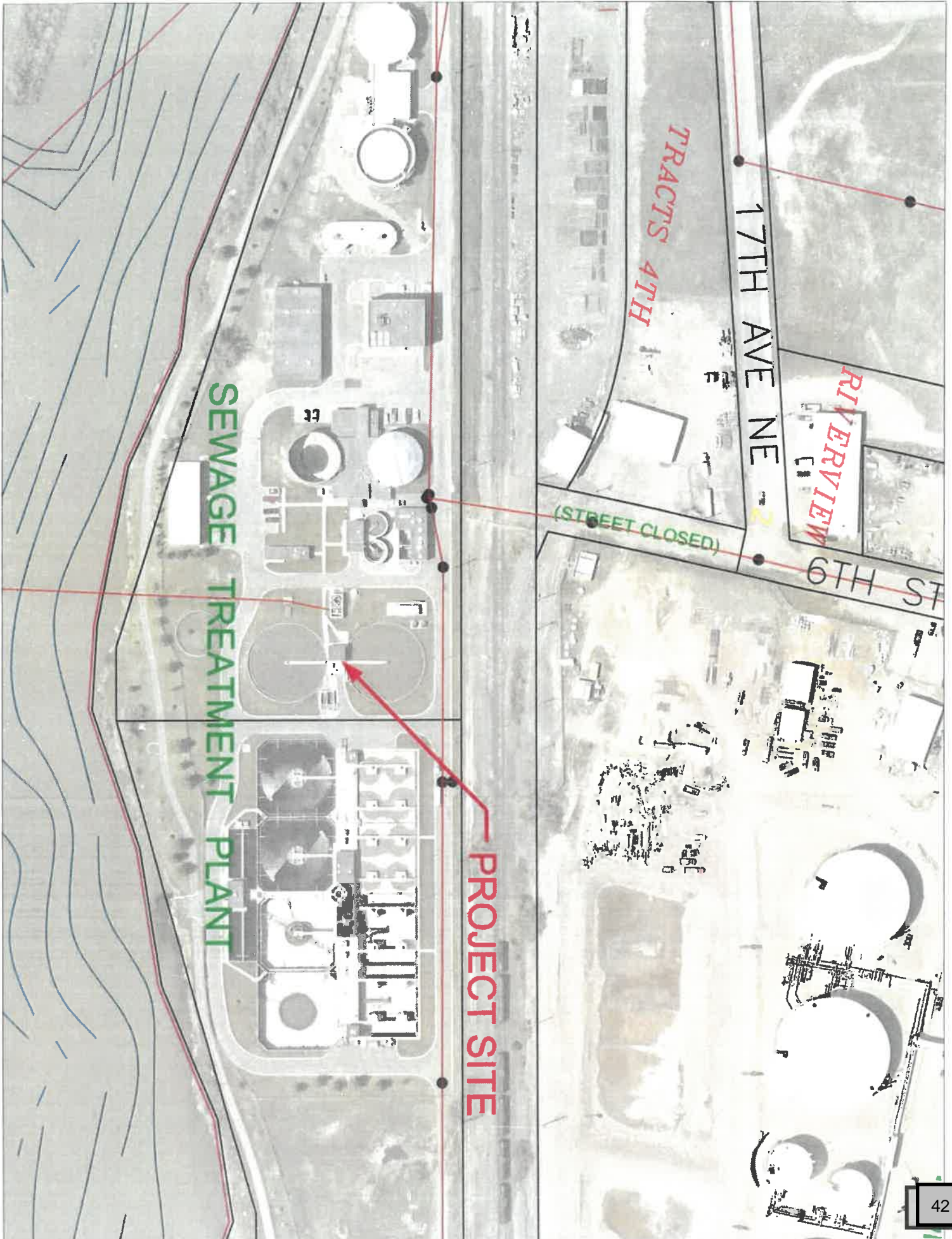
Payment of: \$ 4,849.73
(Line 10 or other - attach explanation of other amount)

is recommended by: [REDACTED] 3/4/2020
(Engineer/Inspector) (Date)

Payment of: _____
(Line 10 or other - attach explanation of other amount)

Is approved by: [REDACTED] 3/27/20
(Owner) (Date)

Approved by: _____
Funding Agency (Date)





Item: Final Payment: Public Works Facilities Repairs – Central Garage, Streets and Sanitation Buildings - Siding and Windows O.F. 1733.5

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Environmental Division Manager

Action Requested: Approve Final Payment

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) Final Payment for the Public Works Facilities Repairs – Central Garage, Streets and Sanitation Buildings – Siding and Windows to James Talcott Construction, Inc. in the amount of \$41,039.39, and \$414.54 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve Final Payment Request.

Background:

Bid Opening Date, Amount and Award

Three bids were received and opened on July 17, 2019. The bids ranged between \$602,000.00 and \$860,000.00, with James Talcott Construction submitting the low bid. The City Commission awarded the contract to James Talcott on August 6, 2019.

Purpose

This project is one of several phases of projects to refurbish and repair existing buildings at the City’s Public Works Complex. This phase involved replacing the exterior finish system and several windows at the Central Garage, Streets, and Sanitation buildings. Most of these buildings were constructed in 1971 and some of the building materials had reached the end of their service life. This project installed an exterior insulation finishing system (EFIS) and replaced several windows. The realized benefits from the project include: 1) improved protection from the elements, 2) increased insulation value and energy efficiency, and 3) improved building aesthetics.

Amendment No. 1, which was approved by the City Commission on September 3, 2019, added the repair of Equipment Storage Building No. 1 to the project work scope. Equipment Storage Building No. 1 was damaged by a fire in early 2019 when an electrical short in a motor grader stored inside the building started a fire that spread throughout the building. The repair work scope included removal and replacement of portions of the building structure, roofing, siding, insulation, garage doors, electrical conduits, electrical receptacles, lighting fixtures and heating equipment.

Final Payment

On December 3, 2019, the City Commission approved Change Order No. 1 in the amount of \$5,827.17 which added additional flashing and fascia header between the EFIS and new roofing being installed under a separate project to the Central Garage, Streets and Sanitation Buildings. Amendment No. 1 and Change Order No. 2 approved by the City Commission on September 3, 2019 and March, 17, 2020 respectively, added the repair of Equipment Storage Building No. 1 to this project and increased the contract cost by \$181,166.72. The final project cost including Change Orders No's 1 and 2 is \$788,993.89.

Conclusion

James Talcott has completed all work in accordance with the contract documents. The City can accept the project and execute Final Payment. The two-year warranty period started at the time of substantial completion, which was January 9, 2019.

City Staff recommends approving Final Payment to James Talcott Construction.

Fiscal Impact:

Funding is available from the Street Capital Improvements Fund to cover the Final Payment.

Public Works Department funding previously used to cover the cost of the repairs to Equipment Storage Building No. 1 (\$181,166.72) will be reimbursed by the Montana Municipal Interlocal Authority (MMIA) and credited back to those respective funds.

Alternatives:

The City Commission could vote to deny Final Payment. However, it should be noted that the contract, along with contract amendment and change orders were previously approved.

Attachments/Exhibits:

1. Final Payment

APPLICATION AND CERTIFICATION FOR PAYMENT

TO OWNER:
 City of Great Falls
 P.O. Box 5021
 Great Falls, MT 59403
 FROM CONTRACTOR:
 James Talcott Construction
 P.O. Box 2493
 Great Falls, MT 59403-2493
 CONTRACT FOR:

PROJECT: Public Works Facility
 Improvements

APPLICATION NO: 7

Distribution to:

| | |
|-------------------------------------|------------|
| <input checked="" type="checkbox"/> | OWNER |
| <input checked="" type="checkbox"/> | ARCHITECT |
| <input type="checkbox"/> | CONTRACTOR |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |

PERIOD TO: 3/6/20

VIA ARCHITECT:
 Nelson Architects
 621 2nd Ave N.
 Great Falls, MT 59401

PROJECT NOS: O.F. 1733.5

CONTRACT DATE: 8/8/19

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract.
 Continuation Sheet to be attached

| | | |
|--|----|------------|
| 1. Original contract sum | \$ | 602,000.00 |
| 2. Net change by Change Orders | \$ | 186,993.89 |
| 3. Contract sum to date (Line 1 ± 2) | \$ | 788,993.89 |
| 4. Total completed and stored to date (Column G on G703) | \$ | 788,993.89 |
| 5. Retainage | | |
| a. 0.05 % of Completed Work (Column D + E on G703) | \$ | 0.00 |
| b. 0.05 % of Stored Material (Column F on G703) | \$ | 0.00 |
| Total Retainage (Lines 5a + 5b or Total in Column I of G703) | \$ | 0.00 |
| 6. Total earned less retainage (Line 4 Less Line 5 Total) | \$ | 788,993.89 |
| 7. Less previous certificates for payment (Line 6 from prior Certificate) | \$ | 747,539.96 |
| 8. Current payment due | \$ | 41,453.93 |
| 8a LESS MT 1% GR TAX | | \$414.54 |
| 8b NET DUE TO CONTRACTOR | \$ | 41,039.39 |
| 9. Balance to finish including retainage (Line 3 less Line 6) | \$ | 0.00 |

| CHANGE ORDER SUMMARY | ADDITIONS | DEDUCTIONS |
|---|---------------------|---------------|
| Total changes approved in previous months by Owner | \$184,884.17 | \$0.00 |
| Total approved this Month | \$2,109.72 | \$0.00 |
| TOTALS | \$186,993.89 | \$0.00 |
| | | |
| NET CHANGES by Change Order | \$186,993.89 | |

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: _____ Date: 3/6/20

State of _____ County of: _____
 Subscribed and sworn to before me this _____ day of _____
 Notary Public: _____
 My Commission expires: _____

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor

is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ _____

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT:

By: _____ Date: _____

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

APPLICATION AND CERTIFICATION FOR PAYMENT, containing
 Contractor's signed certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO: 7
 APPLICATION DATE: 3/6/20
 PERIOD TO: 3/6/20
 ARCHITECT'S PROJECT NO: O.F. 1733.5

| A ITEM NO. | B DESCRIPTION OF WORK | C SCHEDULED VALUE | D WORK COMPLETED | | F MATERIALS PRESENTLY STORED (NOT IN D OR E) | G TOTAL COMPLETED AND STORED TO DATE (D+E+F) | H % (G + C) | I BALANCE TO FINISH (C - G) | J RETAINAGE (IF VARIABLE RATE) |
|---------------------|---|-------------------------|---|-------------------|---|---|-------------------|--------------------------------------|---|
| | | | FROM PREVIOUS APPLICATION (D + E) | THIS PERIOD | | | | | |
| BASE BID | | | | | | | | | |
| 1 | Mobilization | \$8,500.00 | \$8,500.00 | \$0.00 | | \$8,500.00 | 100.00% | \$0.00 | \$425.00 |
| 2 | General Requirements | \$46,000.00 | \$46,000.00 | \$0.00 | | \$46,000.00 | 100.00% | \$0.00 | \$2,300.00 |
| 3 | Central Garage Cleaning | \$20,400.00 | \$20,400.00 | \$0.00 | | \$20,400.00 | 100.00% | \$0.00 | \$1,020.00 |
| 4 | Central Garage EIFS | \$243,750.00 | \$243,750.00 | \$0.00 | | \$243,750.00 | 100.00% | \$0.00 | \$12,187.50 |
| 5 | Streets & Sanitations Bldg. Cleaning & Repair | \$32,000.00 | \$32,000.00 | \$0.00 | | \$32,000.00 | 100.00% | \$0.00 | \$1,600.00 |
| 6 | Streets & Sanitations Bldg. EIFS | \$243,750.00 | \$243,750.00 | \$0.00 | | \$243,750.00 | 100.00% | \$0.00 | \$12,187.50 |
| 7 | Streets & Sanitations Bldg. Window R&R | \$7,600.00 | \$7,600.00 | \$0.00 | | \$7,600.00 | 100.00% | \$0.00 | \$380.00 |
| | Amendment No. 1 | | | | 0 | | | \$0.00 | \$0.00 |
| 8 | Demolition | \$14,150.00 | \$14,150.00 | \$0.00 | | \$14,150.00 | 100.00% | \$0.00 | \$707.50 |
| 9 | Structural Repairs | \$9,588.00 | \$9,588.00 | \$0.00 | | \$9,588.00 | 100.00% | \$0.00 | \$479.40 |
| 10 | Paint Exposed Steel & Man Door | \$13,700.00 | \$13,700.00 | \$0.00 | | \$13,700.00 | 100.00% | \$0.00 | \$685.00 |
| 11 | New Metal Siding & Roof | \$65,057.00 | \$65,057.00 | \$0.00 | | \$65,057.00 | 100.00% | \$0.00 | \$3,252.85 |
| 12 | Wall & Roof Insulation | \$30,678.00 | \$30,678.00 | \$0.00 | | \$30,678.00 | 100.00% | \$0.00 | \$1,533.90 |
| 13 | Openings | \$13,977.00 | \$13,977.00 | \$0.00 | | \$13,977.00 | 100.00% | \$0.00 | \$698.85 |
| 14 | Unit Heaters | \$6,160.00 | \$6,160.00 | \$0.00 | | \$6,160.00 | 100.00% | \$0.00 | \$308.00 |
| 15 | Electrical | \$25,747.00 | \$25,747.00 | \$0.00 | | \$25,747.00 | 100.00% | \$0.00 | \$1,287.35 |
| | Change Order No. 1 | | | | 0 | | | \$0.00 | \$0.00 |
| 16 | Provide & Install 24ga Flashing | \$5,827.17 | \$5,827.17 | \$0.00 | | \$5,827.17 | 100.00% | \$0.00 | \$291.36 |
| | Change Order No. 2 | | | | 0 | | | \$0.00 | \$0.00 |
| 17 | Add Additional Electrical & Structural Work | \$2,109.72 | | \$2,109.72 | | \$2,109.72 | 100.00% | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| | | | | | 0 | | | \$0.00 | \$0.00 |
| GRAND TOTALS | | \$788,993.89 | \$786,884.17 | \$2,109.72 | \$0.00 | \$788,993.89 | 100% | \$0.00 | \$39,344.21 |



Item: Final Payment: Public Library Air Handler Replacement for McKinstry Essention, LLC., O.F.1621.2

From: Great Falls Public Library

Initiated By: Great Falls Public Library

Presented By: Susie McIntyre, Director Great Falls Public Library

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the Great Falls Public Library Air Handler Replacement in the amount of \$15,472.21 to McKinstry Essention LLC and \$156.29 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve Final Payment

Summary: City staff has verified that McKinstry Essention, LLC has completed the Public Library Air Handler replacement in accordance with the plans and contract documents. The contractor has completed the project and is requesting final payment. The project was completed within the approved contract time.

Background: The previous Air Handler was past its useful life and had standing water in some air handler ducts during wet parts of the year. The City Commission approved the contract with McKinstry Essention, LLC in the amount of \$315,000 during the August 6, 2019 meeting. Replacement was necessary for the Library to remain viable and open to the public.

Project Work Scope: This project removed the existing non-functioning H&V1 and fully replaced the MZ2 air handler with a new variable volume system with new digital controls. This unit now serves the space that was served by both previous units. It capped and sealed all the existing under slab ducts and concrete return air chases and replaced those air paths with ductwork run above the basement ceiling, so no ducting is now below the slab. The new air handler is operational.

Conclusion: City staff recommends making the Final Payment. City staff has verified that McKinstry has completed all work in accordance with the plans and contract.

Fiscal Impact: This project was funded with \$65,000 from the Insurance & Safety Fund and \$250,000 from the Library Fund. We expect the Library Capital Reserve Fund to contain approximately \$233,598.44 at the end of FY2020.

Attachments/Exhibits:

Final Payment Invoice

Schedule of Values



| | |
|-----------------|------------|
| Page: | 1 of 2 |
| Invoice Date: | 3/18/2020 |
| Invoice Number: | 20037789 |
| Customer #: | 245106 |
| Project #: | 201701-006 |

City of Great Falls
 Susie McIntyre
 301 2nd Avenue North
 Great Falls, MT 59401

Request #: 3 Rev 1
 Project Name: Great Falls Public Library Basement AHU Replacement
 Project Location: Great Falls, MT
 Contact: Susie McIntyre

Billing period: 12/28/19 - 3/13/20

| Details | Amount |
|-----------------|--------------|
| January Billing | \$ 15,628.50 |

TERMS: NET DUE UPON RECEIPT

Remit to: McKinstry Essention, LLC.
 Attn: Accounting Dept.
 PO Box 3895
 Seattle, WA 98124
 206-268-9800

| | |
|-----------------------------|---------------------|
| Subtotal: | \$ 15,628.50 |
| MT Gross Receipts Tax (1%): | \$ (156.29) |
| Total Due: | \$ 15,472.21 |



SCHEDULE OF VALUES

Project Name: Library Basement AHU Replacement

Request # 3 Rev 1
Date: 3/18/2020

Project Number: 201701-006

Billing Period: 12/28/19 - 3/13/20

MONTHLY BILLING BREAKDOWN:

| Line Item Description | Contract Amount | % Completed | Completed Amount | Previously Billed | Current Amount Due |
|----------------------------|----------------------|-------------|----------------------|----------------------|---------------------|
| Sheetmetal | \$ 165,000.00 | 100% | \$ 165,000.00 | \$ 156,750.00 | \$ 8,250.00 |
| Plumbing | \$ 20,000.00 | 100% | \$ 20,000.00 | \$ 19,000.00 | \$ 1,000.00 |
| Electrical | \$ 7,000.00 | 100% | \$ 7,000.00 | \$ 6,650.00 | \$ 350.00 |
| Controls | \$ 35,000.00 | 100% | \$ 35,000.00 | \$ 33,250.00 | \$ 1,750.00 |
| General incl Ceilings | \$ 10,200.00 | 100% | \$ 10,200.00 | \$ 9,690.00 | \$ 510.00 |
| Site Supervision | \$ 35,000.00 | 100% | \$ 35,000.00 | \$ 33,250.00 | \$ 1,750.00 |
| General Conditions | \$ 2,370.00 | 100% | \$ 2,370.00 | \$ 2,251.50 | \$ 118.50 |
| Construction Bonds | \$ 2,430.00 | 100% | \$ 2,430.00 | \$ 2,430.00 | - |
| Design | \$ 15,000.00 | 100% | \$ 15,000.00 | \$ 14,250.00 | \$ 750.00 |
| Commissioning | \$ 18,000.00 | 100% | \$ 18,000.00 | \$ 17,100.00 | \$ 900.00 |
| Overhead and Profit | \$ 5,000.00 | 100% | \$ 5,000.00 | \$ 4,750.00 | \$ 250.00 |
| Total Base Contract | \$ 315,000.00 | 100% | \$ 315,000.00 | \$ 299,371.50 | \$ 15,628.50 |



Item: Westside Little League Park – Westside Little League Association
From: Park & Recreation Department
Initiated By: Steve Herrig, Park & Recreation Director
Presented By: Steve Herrig, Park & Recreation Director
Action Requested: Set Public Hearing for Westside Little League Association Lease of City owned property located in Grande Vista Park.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for April 21, 2020 to consider a lease agreement of City owned property located in Grande Vista Park with the Westside Little League Association.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing for April 21, 2020, to consider the lease of a section of Grande Vista Park with the Westside Little League Association.

Summary: The proposed lease with Westside Little League Association would be a five-year lease with an option to renew for an additional five years at the City’s sole discretion. Both the City and the Lessee have the option to terminate the lease with sixty (60) days written notice. The leased parkland is located in Grande Vista Park, 10 Ferguson Drive, Great Falls, MT. The lessee will be responsible for an annual fee, utilities, and day-to-day maintenance.

Background: As required by Title 3, Chapter 4, OCCGF, 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.

The five year lease includes an annual fee of \$200. The City would be responsible for water costs for irrigation, up to a maximum of one thousand five hundred dollars (\$1500) per year. The Westside Little League Association facility occupies 30% of Grande Vista Park; the Association is responsible for 30% of the water bill for the Park less the \$1500 deduction. This has been accepted policy with other baseball programs.

The Park and Recreation Master Plan recommended that the City's responsibility should be to provide land for youth sport organizations. The Westside Little League Association has provided improvements to the City parkland including fencing, backstops, irrigation, turf, parking lots, buildings and restrooms. Loss of playing fields would be detrimental to the Westside Little League Association programs.

Fiscal Impact: The \$200.00 annual lease payment will go to the General Fund.

Alternatives: The alternative would be to not approve the lease and require the groups to find other options to conduct their activities.

Attachments/Exhibits: Westside Little League Lease Agreement

LEASE AGREEMENT

This Agreement, made and entered into this ____ of _____, 2020, by and between the CITY OF GREAT FALLS, a municipal corporation, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter called "City" and Westside Little League Association, P.O Box 266, Great Falls, Montana, hereinafter called "Lessee."

WHEREAS, User desires to enter into a Lease Agreement (hereinafter, the "Agreement") for use of a portion of the City-owned property described as Westside Little League Park, a portion of Grande Vista Park, located in the City of Great Falls at 1109 Ferguson, Great Falls Montana (hereinafter referred to as the "Property"), for the purpose of conducting a youth baseball/softball program (hereinafter referred to as the "Use"), the Conditions and Provisions regarding such Use are set forth in the covenants.

WHEREAS, the City deems it to be in the public interest and serving a public purpose to lease the Property under the conditions as hereinafter set forth, and;

WHEREAS, the parties do hereby covenant and agree as follows:

WITNESSETH:

The City, for and in consideration of the lease amounts to be paid and the agreement to be performed by Lessee, does hereby lease, and let unto the Lessee that area, called Westside Little League Park in of a portion of the City-owned property described as Grande Vista Park, located in the City of Great Falls at 1109 Ferguson, Great Falls Montana. Other than the property identified herein to which this Agreement applies, the City shall retain the exclusive use of the remainder of the property, without interference from Lessee.

TERM OF LEASE

The term of the lease will be for five (5) years effective ____ of _____, 2020 and expiring the 31st day of December, 2024. Upon completion of the initial term of the agreement, the City, at its sole discretion, may terminate the lease, or if requested by Lessee thirty (30) days prior to expiration, may, in its sole discretion, grant an extension of this agreement, with any conditions and covenants of this agreement, including but not limited to the fee amount, to be negotiated.

Notwithstanding the above term of lease, this lease is terminated if the Lessee's use of the Property ceases to be for a public purpose, in such event, the use of the Property immediately reverts to the City of Great Falls. Further, the agreement may be terminated prior to the expiration of the above term of lease by either party giving written notice to the other of not less than sixty (60) days.

RENTAL

In consideration therefore, the Lessee agrees to pay to the City the sum of \$200 annually for the term of the lease agreement. Said rental payments will commence on the effective date of this agreement, payable on or before January 2nd of each year of the agreement.

ACCEPTANCE OF CONDITION

Lessee acknowledges familiarity with the condition of said Property and states that no representation, statement or warranty, expressed or implied, has been made by or on behalf of the City as to such condition. In no event shall the City be liable for any defect in such Property or for any limitation on its use. The taking of possession of the Property shall be conclusive evidence that Lessee accepts the same "as is" and that the Property was in good condition at the time possession took place. Lessee agrees to accept the Property in the condition in which it exists at the date of taking possession, without representation or warranty, express or implied, in fact or by law, by the City, and without recourse to the City as to the nature, condition or unsuitability thereof, or as to the uses to which the premises may be put.

COVENANTS OF THE LESSEE

The Lessee hereby covenants and agrees that the Lessee will:

1. Use and occupy said property in a careful and proper manner and not commit any waste therein;
2. Agree that if Lessee uses the property before restrooms open or continue after they close for the year, Lessee must provide portable toilet facilities at their expense for use by their participants. Park restrooms open approximately May 15th and close approximately October 1st each season. For properties that do not include park restrooms, Lessee must provide portable toilet facilities at their expense for use by their participants during the duration of their property use;
3. Not use or occupy said Property for any unlawful purpose, and will conform to and obey all present and future laws, ordinances, and all rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the premises, including but not limited to the requirements of the City/County Health Department;
4. Not use the Property for any purpose other than for providing youth baseball and/or softball programs, without written consent of City Park and Recreation Director;
5. Not assign the lease, nor sublet said Property, nor any part thereof, without the written consent of the City;
6. Not use or occupy said Property, or permit the same to be used or occupied, for any purpose deemed extra hazardous on account of fire or otherwise;
7. Not make any signage, alterations, changes, remodeling or capital improvements to the Property, without prior written permission signed by the City Park and Recreation Director, and in addition thereto, shall make such changes at Lessee's cost, in compliance with the law and by obtaining all permits required for such work under The Official Code of the City of Great Falls. Approval for such proposed work shall not be unreasonably withheld. Any such

alterations or additions shall be the sole responsibility of the Lessee, inclusive of any and all financial, material, or labor considerations and will become the property of the City upon termination of this or any subsequent lease;

8. Permit the City to enter upon the said premises at all reasonable times to examine the condition of same;
9. Be responsible for all damage to property, public or private, that may be caused by Lessee's operations in the performance of this agreement; and
10. Leave Property at the expiration or prior to termination of this lease and any extension thereof in as good condition as received, except for reasonable wear and tear.

MAINTENANCE AND IRRIGATION

Lessee Maintenance of Leased Premises. Except as provided below, Lessee shall, throughout the term of this Lease Agreement, and at its own cost and without any expense to Lessor, keep and maintain the leased premises, including mowing and weed control, irrigation, and repairs and maintenance of Westside Little League Park, and all appurtenances thereto, in good condition by conducting maintenance and irrigation including but not limited to, timely removal of rubbish and trash. Lessee shall maintain the Property in a functional condition, inspect premises on a regular basis to determine any hazardous conditions, which may exist, and take immediate action to correct such conditions if they exist.

The Lessee will be responsible for 30% of total water costs for the irrigation of Westside Little League Park, with the City providing up to a maximum of fifteen hundred dollars (\$1500.00). Any additional water costs over this amount will be billed to the Lessee; and will be due and payable upon receipt of billing. The maximum amount will be negotiable in subsequent years based on usage; any change will be made as an addendum to and made part of this Agreement.

Maintenance by City. Notwithstanding the paragraph above, in the spring, the City will turn water services on up to the backflow, concessions and restrooms; in the fall, the City will turn off the water and winterize the backflow, concessions, restrooms, and irrigation in Grande Vista Park, including Westside Little League Park area. Otherwise, City shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon. Notwithstanding the above, City shall not be responsible for repairs or maintenance resulting from the negligence of Lessee, its Association, or participants, which shall be the sole responsibility of Lessee.

Entry by City for Maintenance. Should Lessee at any time fail, neglect, or refuse to fulfill this obligation to repair and maintain after receiving written notice of such default and a minimum of thirty (30) days to correct such default, City may, but need not, enter the leased premises and make such repairs or alterations as in its opinion it may deem necessary, and may charge the costs of the same to Lessee to be paid upon the first day of the following month in addition to the rental, and should said costs not be so paid, this Lease Agreement shall be considered in default.

MUTUAL COVENANTS:

It is mutually agreed by and between the City and Lessee that:

1. If the Lessee pays the rental as herein provided, and keeps, observes and performs all of the other covenants of this lease, the Lessee may, peaceably and quietly, have, hold, and enjoy the said premises for the term aforesaid;
2. This lease and all the covenants and provisions herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties and the public hereto; provided, however, that no assignment by, from, through or under the Lessee in violation of any of the provisions hereof shall vest in the assigns any right, title, or interest whatsoever;
3. The City is not, and never shall be, liable to any creditor of Lessee or any claimant against the estate or property of Lessee for any debt, loss, contract, or other obligation of Lessee. The relationship between the City and Lessee is solely that of landlord and tenant, and does not and never shall be deemed a partnership or joint venture.
4. City's interest in and to said leased premises shall not be subject to or permitted to become subject to any lien or claims from or arising out of the use and occupation of the leased premises by Lessee. If and in the event such liens or claims arise or occur, Lessee shall promptly and forthwith cause the same to be released or discharged to the extent that the interest of the City is encumbered thereby.

INSURANCE REQUIREMENTS

During the term of the Lease and its extensions the Lessee agrees to carry Commercial General Liability insurance for personal injury and property damage, in at least the following amounts: \$1,000,000 per occurrence; \$2,000,000 annual aggregate.

The insurance policy or policies must be issued by a company licensed to do business in the State of Montana and having at least an "A" rating in the current A.M. Best's Manual. All such policies will be written on an occurrence basis. The policy must include the City as a named insured and primary with no right of subrogation against the City.

The Lessee shall furnish to the City on or before possession and thereafter on or before January 31st of each year, the certificate of insurance including a copy of the Additional Insured Endorsement, which shall be in a form acceptable to City. Claims-made policies are not acceptable and do not constitute compliance with the Lessee's obligation under this paragraph.

Providing the City of Great Falls proof of required insurance annually is a condition of this lease agreement. Failure to provide insurance documentation on or before January 31st of each year will be a violation to this agreement and will result in a loss of use of the designated property.

Lessee is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Lessee is not authorized to represent the City or otherwise bind the City in any dealings between Lessee and any third parties. Lessee shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana,

Title 39, Chapter 71, MCA. Lessee shall maintain workers' compensation coverage for all members and employees of Lessee's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA. Lessee shall furnish City with copies showing one of the following: (1) proof of registration as a registered contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent contractors.

INDEMNIFICATION

To the fullest extent permitted by law, the Lessee agrees to defend, indemnify, and hold the City harmless against claims, demands, suits, damages, losses, and expenses connected therewith that may be asserted or claimed against, recovered from or suffered by the City by reason of any injury or loss, including but not limited to, personal injury, including bodily injury or death, property damage, occasioned by, growing out of, or in any way arising or resulting from Lessee's use of the premises, including use by its agents, assigns, renters, employees and others using the Property. The City shall not be liable to Lessee or any third party for any damage or injury (including death) to persons or property resulting from any defect in the leased premises or the improvements thereon, whether such defects be the result of improper construction, lack of maintenance or repair, improper maintenance or repair or other cause whatsoever.

NONDISCRIMINATION

Lessee agrees that in the use of this Property Lessee will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, or any other classification protected under the law.

DEFAULT AND TERMINATION

If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

ENFORCEMENT

In the event either party resorts to judicial proceedings to enforce any rights under this Lease or to obtain relief for the breach of any covenant hereof, the party ultimately prevailing in such proceedings shall be entitled to recover from the defaulting party the costs of such proceedings, including reasonable attorneys' (including city attorneys') fees and costs.

INVALIDITY

The invalidity or ineffectiveness, for any reason, of any portion of this Lease Agreement shall in no way affect the validity or enforceability of the remaining portion thereof and any invalid or unenforceable provisions shall be deemed severed from the remainder of the Lease Agreement.

WAIVER

The waiver by the City of, or the failure of the City to take action with respect to, any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or subsequent breach of same, or any other term, covenant or condition herein contained.

EFFECT OF LESSEE'S HOLDING OVER

Any holding over after the expiration of the term of this Lease Agreement with the consent of the City shall be construed to be a tenancy from month to month, at the same monthly rental as required pursuant to the terms of this Lease Agreement, and shall otherwise be on the terms and conditions herein specified so far as applicable.

BINDING EFFECT

It is mutually understood and agreed that each and every provision of this Lease Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties hereto. Masculine pronouns shall be construed as feminine or neuter pronouns and singular pronouns and verbs shall be construed as plural in any place in which the context may require such construction.

NOTICE

Any notice required to be given under this lease shall be in writing and may be served on either of the parties by mailing same in a sealed, postpaid envelope addressed to the City Manager at the Civic Center, Great Falls, Montana, and to the Lessee at address above stated, and by depositing such notice in any United States Post Office or letter receptacle, and which notice shall be deemed to have been made upon the date of mailing.

ENTIRE AGREEMENT

There are no conditions to the lease, either subsequent or precedent, except as set forth herein. This Lease constitutes the entire agreement between the parties and no representations or warranties have been made by the City to the Lessee save those contained herein.

APPLICABILITY

This Lease and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

CITY OF GREAT FALLS,

**WESTSIDE LITTLE LEAGUE
ASSOCIATION,**

Gregory T. Doyon, City Manager

By: _____
(signature)

(printed name)

ATTEST:

Its: _____
Title or Office

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the city of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.



Item: Americans Little League Park – Americans Little League Association
From: Park & Recreation Department
Initiated By: Steve Herrig, Park & Recreation Director
Presented By: Steve Herrig, Park & Recreation Director
Action Requested: Set Public Hearing for Americans Little League Association Lease of City owned property located at 38th Street North and 10th Ave.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for April 21, 2020 to consider a lease agreement of City owned property located at 38th Street North and 10th Ave with the Americans Little League Association.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing for April 21, 2020, to consider the lease of a portion of City land located at 38th Street North and 10th Ave with the Americans Little League Association.

Summary: The proposed lease with Americans Little League Association would be a five-year lease with an option to renew for an additional five years at the City’s sole discretion. Both the City and the Lessee have the option to terminate the lease with sixty (60) days written notice. The leased land is located 38th Street North and 10th Ave, Great Falls, MT. The lessee will be responsible for an annual fee, utilities, and day-to-day maintenance.

Background: As required by Title 3, Chapter 4, OCCGF, 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.

The five year lease includes an annual fee of \$200. The City would be responsible for water costs for irrigation, up to a maximum of three thousand dollars (\$3000) per year. The Americans Little League Association will be responsible for total water costs for irrigation of Americans Little League Park less the \$3000 deduction. This has been accepted policy with other baseball programs.

The Park and Recreation Master Plan recommended that the City's responsibility should be to provide land for youth sport organizations. The Americans Little League Association has provided improvements to the City parkland including fencing, backstops, irrigation, turf, parking lots, buildings and restrooms. Loss of playing fields would be detrimental to the Americans Little League Association programs.

Under OCCGF 3.4.020, the Park Advisory Board recommendation is required. However, this lease is similar to leases in the past which the Park Advisory Board has recommended that the City Commission approve. However, because of quorum issues, the Park Advisory Board has not been able to have a meeting to consider this renewal. Additionally, because of the COVID-19 pandemic, under the authority granted by Resolution 10341 and Ordinance 3217, the City Manager has suspended non-essential meetings of City advisory boards, along with the application of certain ordinance provisions. Since this is a lease renewal, staff recommends that the prior Park Advisory Board's favorable recommendation be considered.

Fiscal Impact: The \$200.00 annual lease payment will go to the General Fund.

Alternatives: The alternative would be to not approve the lease and require the groups to find other options to conduct their activities.

Attachments/Exhibits: Americans Little League Lease Agreement

LEASE AGREEMENT

This Agreement, made and entered into this ____ of _____, 2020, by and between the CITY OF GREAT FALLS, a municipal corporation, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter called "City" and Americans Little League Association, P.O. Box 7252, Great Falls, Montana, hereinafter called "Lessee."

WHEREAS, User desires to enter into a Lease Agreement (hereinafter, the "Agreement") for use of a portion of the City-owned property described as Americans Little League Park, located in the City of Great Falls at 38th Street North, Great Falls Montana (hereinafter referred to as the "Property"), for the purpose of conducting a youth baseball/softball program (hereinafter referred to as the "Use"), the Conditions and Provisions regarding such Use are set forth in the covenants.

WHEREAS, the City deems it to be in the public interest and serving a public purpose to lease the Property under the conditions as hereinafter set forth, and;

WHEREAS, the parties do hereby covenant and agree as follows:

WITNESSETH:

The City, for and in consideration of the lease amounts to be paid and the agreement to be performed by Lessee, does hereby lease, and let unto the Lessee that area of the City-owned property described as Americans Little League Park, located in the City of Great Falls at 38th Street North, Great Falls Montana. Other than the property identified herein to which this Agreement applies, the City shall retain the exclusive use of the remainder of the property, without interference from Lessee.

TERM OF LEASE

The term of the lease will be for five (5) years effective ____ of _____, 2020 and expiring the 31st day of December, 2024. Upon completion of the initial term of the agreement, the City, at its sole discretion, may terminate the lease, or if requested by Lessee thirty (30) days prior to expiration, may, in its sole discretion, grant an extension of this agreement, with any conditions and covenants of this agreement, including but not limited to the fee amount, to be negotiated.

Notwithstanding the above term of lease, this lease is terminated if the Lessee's use of the Property ceases to be for a public purpose, in such event, the use of the Property immediately reverts to the City of Great Falls. Further, the agreement may be terminated prior to the expiration of the above term of lease by either party giving written notice to the other of not less than sixty (60) days.

RENTAL

In consideration therefore, the Lessee agrees to pay to the City the sum of \$200 annually for the term of the lease agreement. Said rental payments will commence on the effective date of this agreement, payable on or before January 2nd of each year of the agreement.

ACCEPTANCE OF CONDITION

Lessee acknowledges familiarity with the condition of said Property and states that no representation, statement or warranty, expressed or implied, has been made by or on behalf of the City as to such condition. In no event shall the City be liable for any defect in such Property or for any limitation on its use. The taking of possession of the Property shall be conclusive evidence that Lessee accepts the same "as is" and that the Property was in good condition at the time possession took place. Lessee agrees to accept the Property in the condition in which it exists at the date of taking possession, without representation or warranty, express or implied, in fact or by law, by the City, and without recourse to the City as to the nature, condition or unsuitability thereof, or as to the uses to which the premises may be put.

COVENANTS OF THE LESSEE

The Lessee hereby covenants and agrees that the Lessee will:

1. Use and occupy said property in a careful and proper manner and not commit any waste therein;
2. Agree that if Lessee uses the property before restrooms open or continue after they close for the year, Lessee must provide portable toilet facilities at their expense for use by their participants. Park restrooms open approximately May 15th and close approximately October 1st each season. For properties that do not include park restrooms, Lessee must provide portable toilet facilities at their expense for use by their participants during the duration of their property use;
3. Not use or occupy said Property for any unlawful purpose, and will conform to and obey all present and future laws, ordinances, and all rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the premises, including but not limited to the requirements of the City/County Health Department;
4. Not use the Property for any purpose other than for providing youth baseball and/or softball programs, without written consent of City Park and Recreation Director;
5. Not assign the lease, nor sublet said Property, nor any part thereof, without the written consent of the City;
6. Not use or occupy said Property, or permit the same to be used or occupied, for any purpose deemed extra hazardous on account of fire or otherwise;
7. Not make any signage, alterations, changes, remodeling or capital improvements to the Property, without prior written permission signed by the City Park and Recreation Director, and in addition thereto, shall make such changes at Lessee's cost, in compliance with the law and by obtaining all permits required for such work under The Official Code of the City of Great Falls. Approval for such proposed work shall not be unreasonably withheld. Any such

alterations or additions shall be the sole responsibility of the Lessee, inclusive of any and all financial, material, or labor considerations and will become the property of the City upon termination of this or any subsequent lease;

8. Permit the City to enter upon the said premises at all reasonable times to examine the condition of same;
9. Be responsible for all damage to property, public or private, that may be caused by Lessee's operations in the performance of this agreement; and
10. Leave Property at the expiration or prior to termination of this lease and any extension thereof in as good condition as received, except for reasonable wear and tear.

MAINTENANCE AND IRRIGATION

Lessee Maintenance of Leased Premises. Except as provided below, Lessee shall, throughout the term of this Lease Agreement, and at its own cost and without any expense to Lessor, keep and maintain the leased premises, including mowing and weed control, irrigation, and repairs and maintenance of Americans Little League Park, and all appurtenances thereto, in good condition by conducting maintenance and irrigation including but not limited to, timely removal of rubbish and trash. Lessee shall maintain the Property in a functional condition, inspect premises on a regular basis to determine any hazardous conditions, which may exist, and take immediate action to correct such conditions if they exist.

The Lessee will be responsible for the water costs for the irrigation of Americans Little League Park, with the City providing up to a maximum of three thousand dollars (\$3000.00). Any additional water costs over this amount will be billed to the Lessee; and will be due and payable upon receipt of billing. The maximum amount will be negotiable in subsequent years based on usage; any change will be made as an addendum to and made part of this Agreement.

Maintenance by City. Notwithstanding the paragraph above, in the spring, the City will turn water services on up to the backflow, concessions and restrooms; in the fall, the City will turn off the water and winterize the backflow, concessions, and restrooms in Americans Little League Park. Otherwise, City shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon. Notwithstanding the above, City shall not be responsible for repairs or maintenance resulting from the negligence of Lessee, its Association, or participants, which shall be the sole responsibility of Lessee.

Entry by City for Maintenance. Should Lessee at any time fail, neglect, or refuse to fulfill this obligation to repair and maintain after receiving written notice of such default and a minimum of thirty (30) days to correct such default, City may, but need not, enter the leased premises and make such repairs or alterations as in its opinion it may deem necessary, and may charge the costs of the same to Lessee to be paid upon the first day of the following month in addition to the rental, and should said costs not be so paid, this Lease Agreement shall be considered in default.

MUTUAL COVENANTS:

It is mutually agreed by and between the City and Lessee that:

1. If the Lessee pays the rental as herein provided, and keeps, observes and performs all of the other covenants of this lease, the Lessee may, peaceably and quietly, have, hold, and enjoy the said premises for the term aforesaid;
2. This lease and all the covenants and provisions herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties and the public hereto; provided, however, that no assignment by, from, through or under the Lessee in violation of any of the provisions hereof shall vest in the assigns any right, title, or interest whatsoever;
3. The City is not, and never shall be, liable to any creditor of Lessee or any claimant against the estate or property of Lessee for any debt, loss, contract, or other obligation of Lessee. The relationship between the City and Lessee is solely that of landlord and tenant, and does not and never shall be deemed a partnership or joint venture.
4. City's interest in and to said leased premises shall not be subject to or permitted to become subject to any lien or claims from or arising out of the use and occupation of the leased premises by Lessee. If and in the event such liens or claims arise or occur, Lessee shall promptly and forthwith cause the same to be released or discharged to the extent that the interest of the City is encumbered thereby.

INSURANCE REQUIREMENTS

During the term of the Lease and its extensions the Lessee agrees to carry Commercial General Liability insurance for personal injury and property damage, in at least the following amounts: \$1,000,000 per occurrence; \$2,000,000 annual aggregate.

The insurance policy or policies must be issued by a company licensed to do business in the State of Montana and having at least an "A" rating in the current A.M. Best's Manual. All such policies will be written on an occurrence basis. The policy must include the City as a named insured and primary with no right of subrogation against the City.

The Lessee shall furnish to the City on or before possession and thereafter on or before January 31st of each year, the certificate of insurance including a copy of the Additional Insured Endorsement, which shall be in a form acceptable to City. Claims-made policies are not acceptable and do not constitute compliance with the Lessee's obligation under this paragraph.

Providing the City of Great Falls proof of required insurance annually is a condition of this lease agreement. Failure to provide insurance documentation on or before January 31st of each year will be a violation to this agreement and will result in a loss of use of the designated property.

Lessee is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Lessee is not authorized to represent the City or otherwise bind the City in any dealings between Lessee and any third parties. Lessee shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Lessee shall maintain workers' compensation coverage for all members and employees of Lessee's business, except for those members who are exempted as

independent contractors under the provisions of §39-71-401, MCA. Lessee shall furnish City with copies showing one of the following: (1) proof of registration as a registered contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent contractors.

INDEMNIFICATION

To the fullest extent permitted by law, the Lessee agrees to defend, indemnify, and hold the City harmless against claims, demands, suits, damages, losses, and expenses connected therewith that may be asserted or claimed against, recovered from or suffered by the City by reason of any injury or loss, including but not limited to, personal injury, including bodily injury or death, property damage, occasioned by, growing out of, or in any way arising or resulting from Lessee's use of the premises, including use by its agents, assigns, renters, employees and others using the Property. The City shall not be liable to Lessee or any third party for any damage or injury (including death) to persons or property resulting from any defect in the leased premises or the improvements thereon, whether such defects be the result of improper construction, lack of maintenance or repair, improper maintenance or repair or other cause whatsoever.

NONDISCRIMINATION

Lessee agrees that in the use of this Property Lessee will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, or any other classification protected under the law.

DEFAULT AND TERMINATION

If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

ENFORCEMENT

In the event either party resorts to judicial proceedings to enforce any rights under this Lease or to obtain relief for the breach of any covenant hereof, the party ultimately prevailing in such proceedings shall be entitled to recover from the defaulting party the costs of such proceedings, including reasonable attorneys' (including city attorneys') fees and costs.

INVALIDITY

The invalidity or ineffectiveness, for any reason, of any portion of this Lease Agreement shall in no way affect the validity or enforceability of the remaining portion thereof and any invalid or unenforceable provisions shall be deemed severed from the remainder of the Lease Agreement.

WAIVER

The waiver by the City of, or the failure of the City to take action with respect to, any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or subsequent breach of same, or any other term, covenant or condition herein contained.

EFFECT OF LESSEE'S HOLDING OVER

Any holding over after the expiration of the term of this Lease Agreement with the consent of the City shall be construed to be a tenancy from month to month, at the same monthly rental as required pursuant to the terms of this Lease Agreement, and shall otherwise be on the terms and conditions herein specified so far as applicable.

BINDING EFFECT

It is mutually understood and agreed that each and every provision of this Lease Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties hereto. Masculine pronouns shall be construed as feminine or neuter pronouns and singular pronouns and verbs shall be construed as plural in any place in which the context may require such construction.

NOTICE

Any notice required to be given under this lease shall be in writing and may be served on either of the parties by mailing same in a sealed, postpaid envelope addressed to the City Manager at the Civic Center, Great Falls, Montana, and to the Lessee at address above stated, and by depositing such notice in any United States Post Office or letter receptacle, and which notice shall be deemed to have been made upon the date of mailing.

ENTIRE AGREEMENT

There are no conditions to the lease, either subsequent or precedent, except as set forth herein. This Lease constitutes the entire agreement between the parties and no representations or warranties have been made by the City to the Lessee save those contained herein.

APPLICABILITY

This Lease and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

CITY OF GREAT FALLS,

AMERICANS LITTLE LEAGUE,

Gregory T. Doyon, City Manager

By: _____
(signature)

(printed name)

ATTEST:

Its: _____
Title or Office

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the city of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.



Item: Riverside Little League Park – Riverside Little League Association

From: Park & Recreation Department

Initiated By: Steve Herrig, Park & Recreation Director

Presented By: Steve Herrig, Park & Recreation Director

Action Requested: Set Public Hearing for Riverside Little League Association Lease of City owned property located in Sacajawea Park and Riverside Little League Park.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for April 21, 2020 to consider a lease agreement of City owned property located in Sacajawea Park and Riverside Little League Park with the Riverside Little League Association.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing for April 21, 2020, to consider the lease of a portion of City Park located in Sacajawea Park and Riverside Little League Park with the Riverside Little League Association.

Summary: The proposed lease with Riverside Little League Association would be a five-year lease with an option to renew for an additional five years at the City’s sole discretion. Both the City and the Lessee have the option to terminate the lease with sixty (60) days written notice. The leased parkland is located in Sacajawea Park, 2900 8th St NE, Great Falls, MT and Riverside Little League Park, 3700 7th St NE, Great Falls, MT. The lessee will be responsible for an annual fee, utilities, and day-to-day maintenance.

Background: As required by Title 3, Chapter 4, OCCGF, 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.

The five year lease includes an annual fee of \$250. The City would be responsible for water costs for irrigation, up to a maximum of one thousand five hundred dollars (\$1500) per year. The Riverside Little League Association will be responsible for 60 % of total water costs for irrigation of Sacajawea Park and Riverside Little League Park less the \$1500 deduction. This has been accepted policy with other baseball programs.

The Park and Recreation Master Plan recommended that the City's responsibility should be to provide land for youth sport organizations. The Riverside Little League Association has provided improvements to the City parkland including fencing, backstops, irrigation, turf, parking lots, buildings and restrooms. Loss of playing fields would be detrimental to the Riverside Little League Association programs.

Under OCCGF 3.4.020, the Park Advisory Board recommendation is required. However, this lease is similar to leases in the past which the Park Advisory Board has recommended that the City Commission approve. However, because of quorum issues, the Park Advisory Board has not been able to have a meeting to consider this renewal. Additionally, because of the COVID-19 pandemic, under the authority granted by Resolution 10341 and Ordinance 3217, the City Manager has suspended non-essential meetings of City advisory boards, along with the application of certain ordinance provisions. Since this is a lease renewal, staff recommends that the prior Park Advisory Board's favorable recommendation be considered.

Fiscal Impact: The \$250.00 annual lease payment will go to the General Fund.

Alternatives: The alternative would be to not approve the lease and require the groups to find other options to conduct their activities.

Attachments/Exhibits: Riverside Little League Lease Agreement

LEASE AGREEMENT

This Agreement, made and entered into this ____ of _____, 2020, by and between the CITY OF GREAT FALLS, a municipal corporation, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter called "City" and Riverside Little League Association, P.O Box 481, Black Eagle, Montana 59415, hereinafter called "Lessee."

WHEREAS, User desires to enter into a Lease Agreement (hereinafter, the "Agreement") for use of a portion of the City-owned property described as Riverside Little League, located in Sacajawea Park and Riverside Little League Park, Great Falls Montana (hereinafter referred to as the "Property"), for the purpose of conducting a youth baseball/softball program (hereinafter referred to as the "Use"), the Conditions and Provisions regarding such Use are set forth in the covenants.

WHEREAS, the City deems it to be in the public interest and serving a public purpose to lease the Property under the conditions as hereinafter set forth, and;

WHEREAS, the parties do hereby covenant and agree as follows:

WITNESSETH:

The City, for and in consideration of the lease amounts to be paid and the agreement to be performed by Lessee, does hereby lease, and let unto the Lessee that area of a portion of the City-owned property described as Riverside Little League, located in Sacajawea Park and Riverside Little League Park, Great Falls Montana. Other than the property identified herein to which this Agreement applies, the City shall retain the exclusive use of the remainder of the property, without interference from Lessee.

TERM OF LEASE

The term of the lease will be for five (5) years effective ____ of _____, 2020 and expiring the 31st day of December, 2024. Upon completion of the initial term of the agreement, the City, at its sole discretion, may terminate the lease, or if requested by Lessee thirty (30) days prior to expiration, may, in its sole discretion, grant an extension of this agreement, with any conditions and covenants of this agreement, including but not limited to the fee amount, to be negotiated.

Notwithstanding the above term of lease, this lease is terminated if the Lessee's use of the Property ceases to be for a public purpose, in such event, the use of the Property immediately reverts to the City of Great Falls. Further, the agreement may be terminated prior to the expiration of the above term of lease by either party giving written notice to the other of not less than sixty (60) days.

RENTAL

In consideration therefore, the Lessee agrees to pay to the City the sum of \$250 annually for the term of the lease agreement. Said rental payments will commence on the effective date of this agreement, payable on or before January 2nd of each year of the agreement.

ACCEPTANCE OF CONDITION

Lessee acknowledges familiarity with the condition of said Property and states that no representation, statement or warranty, expressed or implied, has been made by or on behalf of the City as to such condition. In no event shall the City be liable for any defect in such Property or for any limitation on its use. The taking of possession of the Property shall be conclusive evidence that Lessee accepts the same "as is" and that the Property was in good condition at the time possession took place. Lessee agrees to accept the Property in the condition in which it exists at the date of taking possession, without representation or warranty, express or implied, in fact or by law, by the City, and without recourse to the City as to the nature, condition or unsuitability thereof, or as to the uses to which the premises may be put.

COVENANTS OF THE LESSEE

The Lessee hereby covenants and agrees that the Lessee will:

1. Use and occupy said property in a careful and proper manner and not commit any waste therein;
2. Agree that if Lessee uses the property before restrooms open or continue after they close for the year, Lessee must provide portable toilet facilities at their expense for use by their participants. Park restrooms open approximately May 15th and close approximately October 1st each season. For properties that do not include park restrooms, Lessee must provide portable toilet facilities at their expense for use by their participants during the duration of their property use;
3. Not use or occupy said Property for any unlawful purpose, and will conform to and obey all present and future laws, ordinances, and all rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the premises, including but not limited to the requirements of the City/County Health Department;
4. Not use the Property for any purpose other than for providing youth baseball and/or softball programs, without written consent of City Park and Recreation Director;
5. Not assign the lease, nor sublet said Property, nor any part thereof, without the written consent of the City;
6. Not use or occupy said Property, or permit the same to be used or occupied, for any purpose deemed extra hazardous on account of fire or otherwise;
7. Not make any signage, alterations, changes, remodeling or capital improvements to the Property, without prior written permission signed by the City Park and Recreation Director, and in addition thereto, shall make such changes at Lessee's cost, in compliance with the law and by obtaining all permits required for such work under The Official Code of the City of Great Falls. Approval for such proposed work shall not be unreasonably withheld. Any such

alterations or additions shall be the sole responsibility of the Lessee, inclusive of any and all financial, material, or labor considerations and will become the property of the City upon termination of this or any subsequent lease;

8. Permit the City to enter upon the said premises at all reasonable times to examine the condition of same;
9. Be responsible for all damage to property, public or private, that may be caused by Lessee's operations in the performance of this agreement; and
10. Leave Property at the expiration or prior to termination of this lease and any extension thereof in as good condition as received, except for reasonable wear and tear.

MAINTENANCE AND IRRIGATION

Lessee Maintenance of Leased Premises. Except as provided below, Lessee shall, throughout the term of this Lease Agreement, and at its own cost and without any expense to Lessor, keep and maintain the leased premises, including mowing and weed control, irrigation, and repairs and maintenance of Riverside Little League Park, and all appurtenances thereto, in good condition by conducting maintenance and irrigation including but not limited to, timely removal of rubbish and trash. Lessee shall maintain the Property in a functional condition, inspect premises on a regular basis to determine any hazardous conditions, which may exist, and take immediate action to correct such conditions if they exist.

The Lessee will be responsible for 60 % of total water costs for irrigation of the Sacajawea Park and Riverside Little League Park, with the City providing up to a maximum of fifteen hundred dollars (\$1500.00). Any additional water costs over this amount will be billed to the Lessee; and will be due and payable upon receipt of billing. The maximum amount will be negotiable in subsequent years based on usage; any change will be made as an addendum to and made part of this Agreement.

Maintenance by City. Notwithstanding the paragraph above, City agrees to maintain the irrigation and mowing, turn on and off and blow out the irrigation annually, and repair or replace any irrigation issues at Sacajawea Park. In the spring, the City will turn water services on up to the backflow, concessions and restrooms; in the fall, the City will turn off the water and winterize the backflow, concessions, and restrooms in Riverside Little League Park. Otherwise, City shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon. Notwithstanding the above, City shall not be responsible for repairs or maintenance resulting from the negligence of Lessee, its Association, or participants, which shall be the sole responsibility of Lessee.

Entry by City for Maintenance. Should Lessee at any time fail, neglect, or refuse to fulfill this obligation to repair and maintain after receiving written notice of such default and a minimum of thirty (30) days to correct such default, City may, but need not, enter the leased premises and make such repairs or alterations as in its opinion it may deem necessary, and may charge the costs of the same to Lessee to be paid upon the first day of the following month in addition to the rental, and should said costs not be so paid, this Lease Agreement shall be considered in default.

MUTUAL COVENANTS:

It is mutually agreed by and between the City and Lessee that:

1. If the Lessee pays the rental as herein provided, and keeps, observes and performs all of the other covenants of this lease, the Lessee may, peaceably and quietly, have, hold, and enjoy the said premises for the term aforesaid;
2. This lease and all the covenants and provisions herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties and the public hereto; provided, however, that no assignment by, from, through or under the Lessee in violation of any of the provisions hereof shall vest in the assigns any right, title, or interest whatsoever;
3. The City is not, and never shall be, liable to any creditor of Lessee or any claimant against the estate or property of Lessee for any debt, loss, contract, or other obligation of Lessee. The relationship between the City and Lessee is solely that of landlord and tenant, and does not and never shall be deemed a partnership or joint venture.
4. City's interest in and to said leased premises shall not be subject to or permitted to become subject to any lien or claims from or arising out of the use and occupation of the leased premises by Lessee. If and in the event such liens or claims arise or occur, Lessee shall promptly and forthwith cause the same to be released or discharged to the extent that the interest of the City is encumbered thereby.

INSURANCE REQUIREMENTS

During the term of the Lease and its extensions the Lessee agrees to carry Commercial General Liability insurance for personal injury and property damage, in at least the following amounts: \$1,000,000 per occurrence; \$2,000,000 annual aggregate.

The insurance policy or policies must be issued by a company licensed to do business in the State of Montana and having at least an "A" rating in the current A.M. Best's Manual. All such policies will be written on an occurrence basis. The policy must include the City as a named insured and primary with no right of subrogation against the City.

The Lessee shall furnish to the City on or before possession and thereafter on or before January 31st of each year, the certificate of insurance including a copy of the Additional Insured Endorsement, which shall be in a form acceptable to City. Claims-made policies are not acceptable and do not constitute compliance with the Lessee's obligation under this paragraph.

Providing the City of Great Falls proof of required insurance annually is a condition of this lease agreement. Failure to provide insurance documentation on or before January 31st of each year will be a violation to this agreement and will result in a loss of use of the designated property.

Lessee is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Lessee is not authorized to represent the City or otherwise bind the City in any dealings between Lessee and any third parties. Lessee shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana,

Title 39, Chapter 71, MCA. Lessee shall maintain workers' compensation coverage for all members and employees of Lessee's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA. Lessee shall furnish City with copies showing one of the following: (1) proof of registration as a registered contractor under Title 39, Chapter 9, MCA; (2) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana; or (3) proof of exemption from workers' compensation granted by law for independent contractors.

INDEMNIFICATION

To the fullest extent permitted by law, the Lessee agrees to defend, indemnify, and hold the City harmless against claims, demands, suits, damages, losses, and expenses connected therewith that may be asserted or claimed against, recovered from or suffered by the City by reason of any injury or loss, including but not limited to, personal injury, including bodily injury or death, property damage, occasioned by, growing out of, or in any way arising or resulting from Lessee's use of the premises, including use by its agents, assigns, renters, employees and others using the Property. The City shall not be liable to Lessee or any third party for any damage or injury (including death) to persons or property resulting from any defect in the leased premises or the improvements thereon, whether such defects be the result of improper construction, lack of maintenance or repair, improper maintenance or repair or other cause whatsoever.

NONDISCRIMINATION

Lessee agrees that in the use of this Property Lessee will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, or any other classification protected under the law.

DEFAULT AND TERMINATION

If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

ENFORCEMENT

In the event either party resorts to judicial proceedings to enforce any rights under this Lease or to obtain relief for the breach of any covenant hereof, the party ultimately prevailing in such proceedings shall be entitled to recover from the defaulting party the costs of such proceedings, including reasonable attorneys' (including city attorneys') fees and costs.

INVALIDITY

The invalidity or ineffectiveness, for any reason, of any portion of this Lease Agreement shall in no way affect the validity or enforceability of the remaining portion thereof and any invalid or unenforceable provisions shall be deemed severed from the remainder of the Lease Agreement.

WAIVER

The waiver by the City of, or the failure of the City to take action with respect to, any breach of any term, covenant, or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or subsequent breach of same, or any other term, covenant or condition herein contained.

EFFECT OF LESSEE'S HOLDING OVER

Any holding over after the expiration of the term of this Lease Agreement with the consent of the City shall be construed to be a tenancy from month to month, at the same monthly rental as required pursuant to the terms of this Lease Agreement, and shall otherwise be on the terms and conditions herein specified so far as applicable.

BINDING EFFECT

It is mutually understood and agreed that each and every provision of this Lease Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties hereto. Masculine pronouns shall be construed as feminine or neuter pronouns and singular pronouns and verbs shall be construed as plural in any place in which the context may require such construction.

NOTICE

Any notice required to be given under this lease shall be in writing and may be served on either of the parties by mailing same in a sealed, postpaid envelope addressed to the City Manager at the Civic Center, Great Falls, Montana, and to the Lessee at address above stated, and by depositing such notice in any United States Post Office or letter receptacle, and which notice shall be deemed to have been made upon the date of mailing.

ENTIRE AGREEMENT

There are no conditions to the lease, either subsequent or precedent, except as set forth herein. This Lease constitutes the entire agreement between the parties and no representations or warranties have been made by the City to the Lessee save those contained herein.

APPLICABILITY

This Lease and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

CITY OF GREAT FALLS,

**RIVERSIDE LITTLE LEAGUE
ASSOCIATION,**

Gregory T. Doyon, City Manager

By: _____
(signature)

(printed name)

ATTEST:

Its: _____
Title or Office

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the city of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Minor Subdivision – Reynolds Subdivision addressed as 2400 6th St NW and legally described as Lot 7 of the First Supplement to Hillside Tract, located in the SE1/4 of Section 34, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana

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

Initiated By: Janna Reynolds, Applicant, and John Reynolds, Owner

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

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the minor subdivision of the First Supplement to Hillside Tract as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.”

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

Staff Recommendation:

At the conclusion of its regularly scheduled meeting held on March 10, 2020, the Planning Advisory Board recommended that the City Commission approve the applicant’s request for the minor subdivision legally described as Lot 7 of the First Supplement to Hillside Tract. Staff recommends approval of the minor subdivision with the following conditions:

Conditions of Approval:

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

Summary:

The subject property consists of ± 0.929 acres or ± 40,467 square feet and is located on the west side of 6th Street NW. The property is zoned R-2 (Single-family Medium Density) and was previously developed with a single family home and detached garage on the front of the lot. The rear of the parcel has always contained a very large back yard area. To the north of the property is an existing single-family residential dwelling and to the south are two existing single-family residential dwellings, all zoned R-2. To the east of the property is the public right-of-way of 6th Street NW. To the west of the property is rural, vacant land outside of city limits. The applicant is requesting a minor subdivision to create a second lot on which they propose to build a second single-family residence with an attached garage.

Background:

The driving force behind the subdivision request is the applicant's interest in adding more garage space. In 2019, the City's Board of Adjustment denied the applicant's variance request to construct a larger than permitted garage on the rear portion of the single parcel. After the variance was denied, the applicant decided to create a second lot and supplement the garage structure with an attached dwelling unit. The subdivision request allows the applicant to address the original need for more garage storage space without triggering a code compliance issue since a dwelling unit is also being constructed.

Minor Subdivision Request:

The applicant's submitted subdivision plat proposes two lots - Lot 7A would consist of ± 0.410 acres or 17,860 square feet and contain the existing house and garage. The proposed lot 7B would consist of ± 0.519 acres or 22,607 square feet and contain the new home and garage. The proposed lots conform to the R-2 development standards outlined in the Land Development Code. Access to the new lot will be provided along a driveway adjacent to the south property line. For Lot 7A, the applicant has demolished the previous home and garage on the property and is in the process of constructing a home and garage. The future home and garage on Lot 7B will be constructed later this year.

The proposed subdivision layout will create what is known as a flag lot (a deep lot which contains only a small amount of street frontage for access). These lots are generally discouraged in the City's subdivision regulations. However, this proposal is acceptable for the following reasons: 1) legal access is provided to the rear lot with a large vehicle turn-around as requested by the Fire Department and, 2) there are other flag lots already in place along the west side of 6th Street NW, including the adjacent property to the south.

The basis for a decision to approve, conditionally approve, or deny a proposed subdivision is whether it is demonstrated that development of the proposed subdivision meets the requirements of the Montana Code Annotated (MCA), is consistent with the Basis of decision listed in §17.16.26.040, as well as the Content of decision listed in §17.16.26.050 of the Official Code of the City of Great Falls. Staff has developed Findings of Fact for the proposed subdivision and concludes the subdivision meets the requirements provided by 76-3-608(3) MCA, §17.16.26.040, and §17.16.26.050, including consistency with the City's Growth Policy. The full Findings of Fact are included as Exhibit C, and along with this Agenda Report and attached exhibits, support the basis for decision on this matter.

Neighborhood Council Input:

Per Montana Code Annotated and the Official Code of the City of Great Falls (OCCGF) § 17.16.4.010 Table 16-2, minor subdivisions do not require public notification. As a courtesy, Lanni Klasner,

Communications Specialist, emailed information regarding the proposed minor subdivision to Neighborhood Council #3 members. Two of the members responded with, “No comment”. Otherwise, there was no input from the Neighborhood Council members.

Fiscal Impact:

The cost of site improvements, including utility services, will be paid by the property owner, and existing public utilities can accommodate the increased capacity. Public safety services are currently being provided to the property and will not be affected.

Alternatives:

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

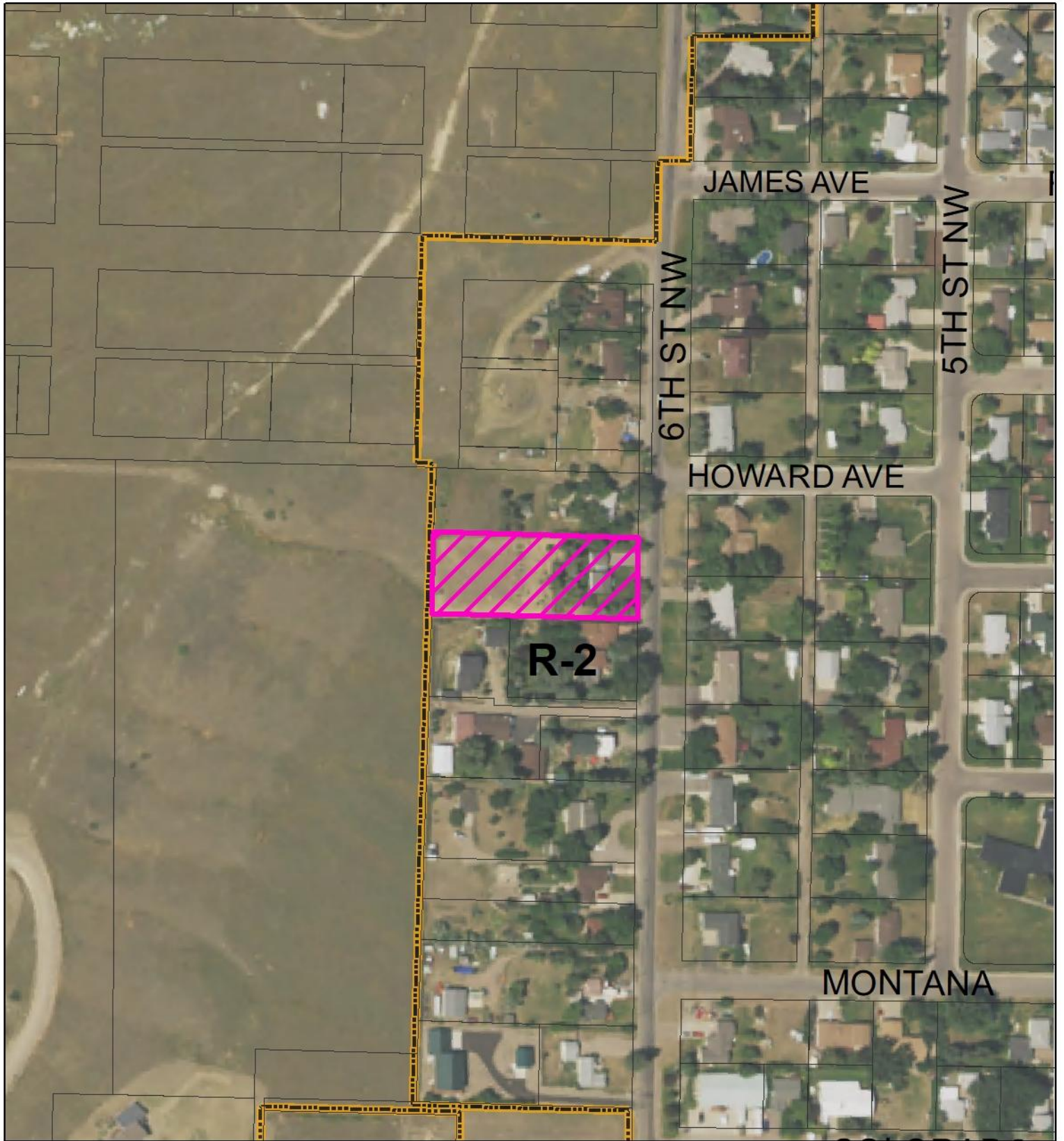
Concurrences:

Representatives from the City’s Public Works and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the applicant or are covered in the Conditions of Approval.

Attachments/Exhibits:

- Exhibit A – Aerial Map
- Exhibit B – Zoning Map
- Exhibit C – Findings of Fact
- Exhibit D – R-2 Development Standards
- Exhibit E – Draft of Minor Subdivision Amended Plat

Exhibit A - Aerial Map



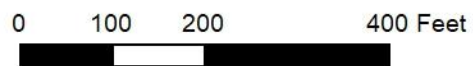
2600 6th Street NW



Parcels



City Limits



Date: 3/24/2020
Author: LH, Planning

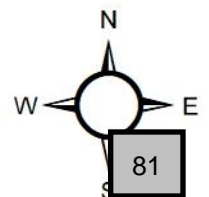
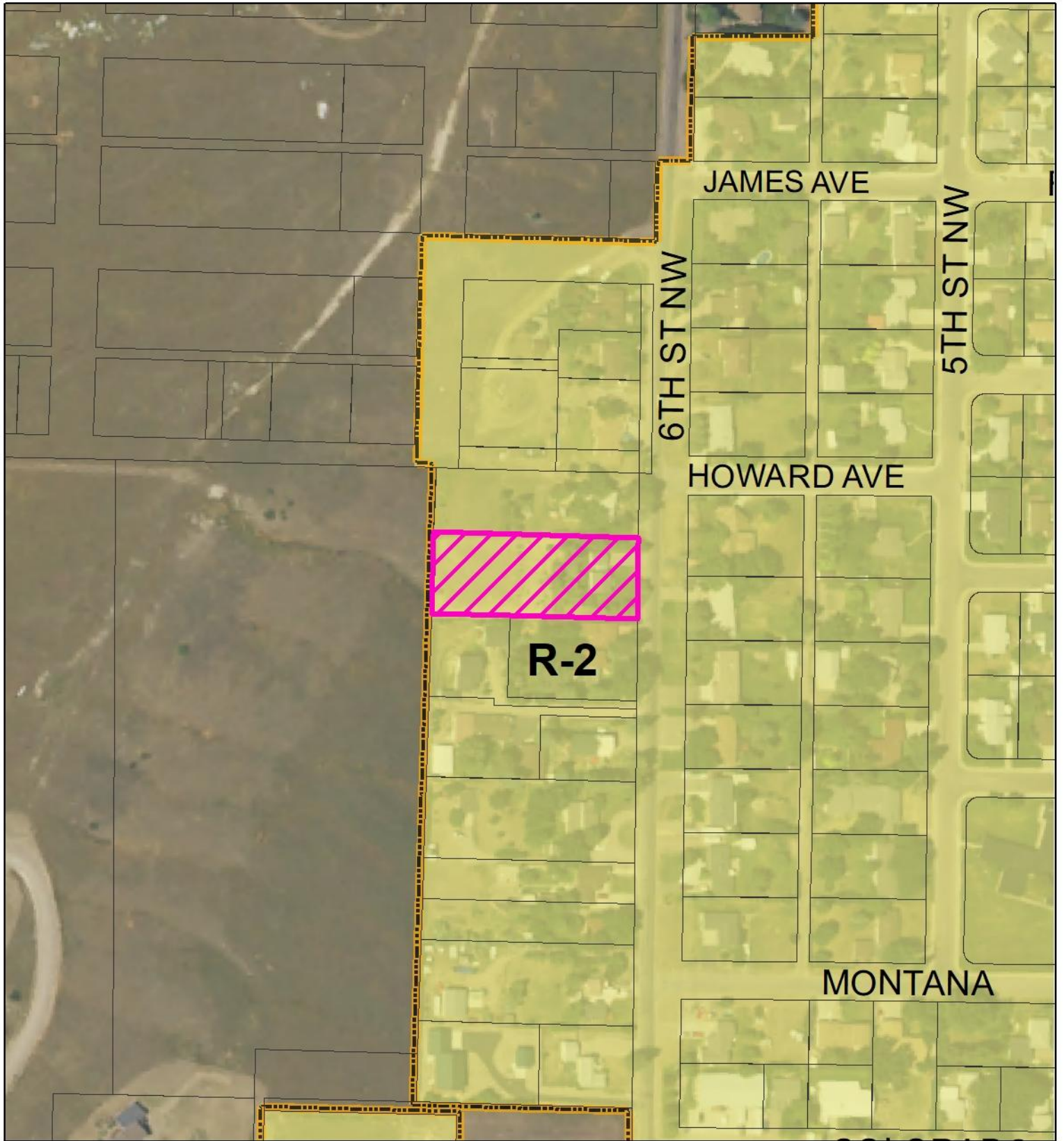


Exhibit B - Zoning Map



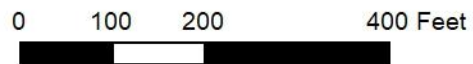
2600 6th Street NW



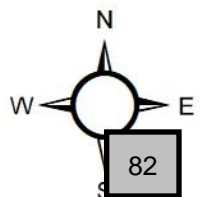
Parcels



City Limits



Date: 3/24/2020
Author: LH, Planning



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

Minor subdivision of Lot 7 of the First Supplement to Hillside Tract, located in the SE1/4 of Section 34, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana. (PREPARED IN RESPONSE TO 76-3-608(3) MCA and §17.16.26.040 and 17.16.26.050 of the Official Code of the City of Great Falls.)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: The minor subdivision is located on 6th Street NW which is located in city limits. The City Limits run along the west property line of the proposed minor subdivision. The project site is surrounded by existing residential development on the north and south sides, public right-of-way on the east side, and vacant rural land to the west. Thus, the proposed minor subdivision will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: Lots in the proposed subdivision are currently served or will be served from public mains at the time of development. The Owner will pay the cost of the service lines from these utility mains. The owners of the two lots created by the subdivision will pay regular water and sewer charges, and monthly storm drain charges. The property proposed for this subdivision is currently receiving law enforcement and fire protection service from the City of Great Falls and the subdivision does not propose any changes to the current services. As part of the review process, the Fire Department identified that a large turn-around is necessary to ensure access in and out of the site for large Fire Department equipment. This turn-around has been incorporated into the preliminary site plan.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will flow to 6th Street NW which will ultimately be integrated into existing City storm water infrastructure.

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

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

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

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation and conforms to the design standards specified in the local subdivision regulations. The local government has

complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

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

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed subdivision will be provided via a driveway that connects to 6th Street NW. This access, shown on the preliminary plat, will be created through the amended plat.

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

| Standard | R-1 | R-2 | R-3 | R-5 | R-6 | R-9 | R-10 |
|--|-----------------|-----------------|----------------|--|--|--|----------------------------|
| Residential density | - | - | - | 1,875 sq. feet of lot area per dwelling unit | 500 sq. feet of lot area per dwelling unit | 1,200 sq. feet of lot area per dwelling unit | 10 dwelling units per acre |
| Minimum lot size for newly created lots | 15,000 sq. feet | 11,000 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | 7,500 sq. feet | n/a |
| Minimum lot width for newly created lots | 90 feet | 80 feet | 60 feet | 50 feet | 50 feet | 50 feet | n/a |
| Lot proportion for newly created lots (maximum depth to width) | 3:1 | 3:1 | 2.5:1 | 2.5:1 | 2.5:1 | 2.5:1 | n/a |
| Maximum building height of | 35 feet | 35 feet | 35 feet | 45 feet | 65 feet | 35 feet, single-family | 12 feet to |

| | | | | | | | |
|--|--|---|---|---|---|---|---------------|
| principal building | | | | | | 50 feet, multi-family | exterior wall |
| Maximum building height of detached private garage [1] | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 24 feet, but may not be higher than the uppermost elevation of the principal building | 16 feet |
| Maximum building height of other accessory buildings | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet | 12 feet |
| Minimum front yard setback [2] | 30 feet | 20 feet | 20 feet | 10 feet | 15 feet | 10 feet | n/a |
| Minimum side yard setback [3] | Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at | Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at | Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least | 4 feet; 8 feet if adjoining a R-1, R-2, R-3 district | 5 feet; 10 feet if adjoining a R-1, R-2, R-3 district | Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at | n/a |

| | | | | | | | |
|---|---|---|---|---|-------------------------------------|---|------|
| | least 50 feet from the front lot line | least 40 feet from the front lot line | 40 feet from the front lot line | | | least 40 feet from the front lot line | |
| Minimum rear yard setback [7] | 20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over | 15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | 15 feet | 10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over | n/a |
| Maximum lot coverage of principal and accessory buildings | Corner lot: 40% Other types: 30% | Corner lot: 45% Other types: 35% | Corner lot: 55% Other types: 50% | Corner lot: 60% Other types: 50% | Corner lot: 70% Other types: 60% | Corner lot: 70% Other types: 60% | none |

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards.

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house.
(Ord. 2950, 2007)

[3] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

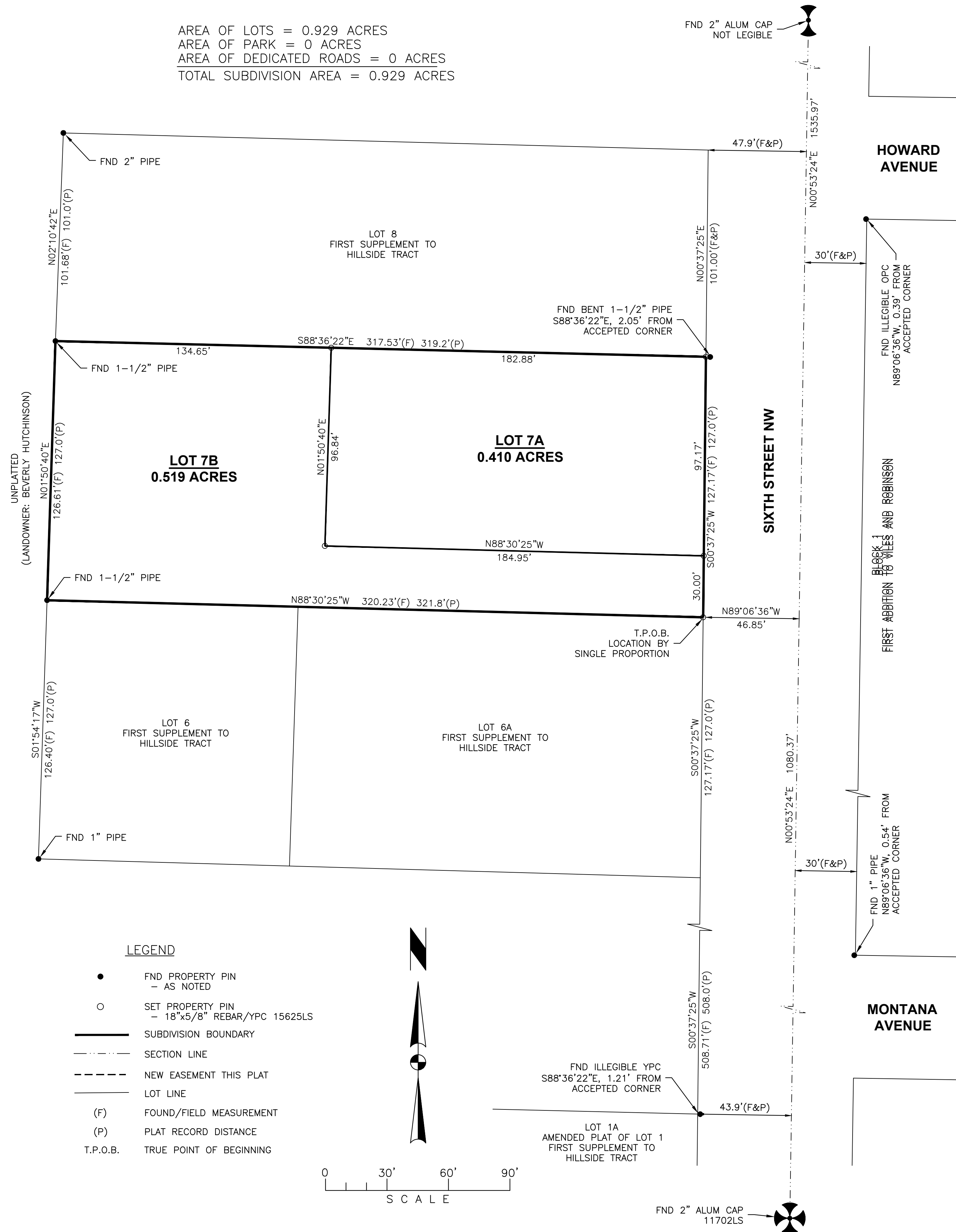
[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.
(Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.
(Ord. 2950, 2007)

AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION LOCATED IN THE SE1/4 OF SECTION 34, T21N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNER: JOHN BRUCE REYNOLDS

AREA OF LOTS = 0.929 ACRES
 AREA OF PARK = 0 ACRES
 AREA OF DEDICATED ROADS = 0 ACRES
 TOTAL SUBDIVISION AREA = 0.929 ACRES



CERTIFICATE OF OWNERSHIP

I (we), the undersigned property owner(s), do hereby certify that I (we) have caused to be surveyed, subdivided, and platted into lots, blocks, and easements, the following described tract of land in the City of Great Falls, Cascade County, Montana, to-wit:

A tract of land being Lot 7 of the First Supplement to Hillside Tract Addition, located in the SE1/4 of Section 34, Township 21 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 34; thence North 0°53'24" East along the Easterly line of said Section 34, a distance of 1080.37 feet; thence North 89°06'36" West, a distance of 46.85 feet to the Southeast corner of said Lot 7 and being the True Point of Beginning; thence North 88°30'25" West along the Southerly boundary line of said Lot 7, a distance of 320.23 feet to the Southwest corner of said Lot 7; thence North 01°50'40" East along the Westerly boundary line of said Lot 7, a distance of 126.61 feet to the Northwest corner of said Lot 7; thence South 88°36'22" East along the Northerly boundary line of said Lot 7, a distance of 317.53 feet to the Northeast corner of said Lot 7 and being a point on the Westerly right-of-way line of Sixth Street NW; thence South 00°37'25" West along said Westerly right-of-way line, a distance of 127.17 feet to the True Point of Beginning and containing 0.929 acres, along with and subject to any existing easements.

The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION, City of Great Falls, Cascade County, Montana, and the lands included in all streets, avenues, and parks or public lands shown on said plat are hereby granted and donated to the use of the public forever.

CERTIFICATE OF EXEMPTION FROM PARK DEDICATION

I (we), the undersigned property owner(s), do hereby certify that being this subdivision will only create one additional parcel, a park dedication will not be required pursuant to 76-3-621(3)(d) MCA, stating "(3) A park dedication may not be required for: (d) a subdivision in which only one additional parcel is created".

Dated this _____ day of _____, A.D., _____

JOHN BRUCE REYNOLDS

State of Montana)
 : ss
 County of Cascade)

On this _____ day of _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, John Bruce Reynolds, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

 Notary Public for the State of Montana
 Residing at _____
 My commission expires _____

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Jim Rearden, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION, and the survey it represents, find that same conforms to regulations governing the platting of lands and presently platted adjacent land, as near as circumstances will permit, do hereby approve the same.

Dated this _____ day of _____, _____

 Jim Rearden Public Works Director
 City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting held on the _____ day of _____, _____.

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

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the _____ day of _____, _____, found that adequate municipal facilities for the supply of water and the disposal of sewage and solid waste, are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to Section 76-4-125(1)(d) M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

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

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, Peter Fontana, President of the Great Falls Planning Board, City of Great Falls, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION, has been submitted to the said Great Falls Planning Board, for examination by them and was approved at its regular meeting held on the _____ day of _____, _____.

 Peter Fontana, President
 Great Falls Planning Board

 Craig Raymond, Secretary
 Great Falls Planning Board

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that on November 18, 2019, I supervised this survey of the plat of AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION, and platted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this _____ day of _____, A.D., _____

 Daniel R. Kenczka, Montana Reg. No. 15625LS



CERTIFICATE OF COUNTY TREASURER

I, Diane Heikkila, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the AN AMENDED PLAT OF LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION, and find that the current taxes are not delinquent.

Dated this _____ day of _____, A.D., _____

 County Treasurer, Cascade County, Montana

BASIS OF BEARING:
 GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM

PURPOSE OF SURVEY:
 TO CREATE 2 LOTS FROM LOT 7 OF THE FIRST SUPPLEMENT TO HILLSIDE TRACT ADDITION

| | | | |
|---|------------------|----------------|--|
| TD&H Engineering | DRAWN BY: DRK | DATE: 12-19-19 | QUALITY CHECK: X |
| | SURVEYED BY: KFV | JOB NO. 19-232 | FIELDBOOK X |
| GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE LEWISTON WATFORD CITY | | | MONTANA WASHINGTON IDAHO NORTH DAKOTA |



Item: Application for an Assistance Firefighters Grant EMW-2019-FG-09307 to purchase a fire ladder truck.

From: Stephen A. Hester, Fire Chief

Initiated By: Great Falls Fire Rescue

Presented By: Stephen A. Hester, Fire Chief

Action Requested: Approve the submission of an application for an Assistance Firefighter Grant (AFG) to assist in the purchase a fire ladder truck.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission to (approve/reject) the submission of an application for an Assistance to Firefighters Grant to assist in the purchase of a new fire ladder truck.”

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

Summary: Great Falls Fire Rescue is asking for approval to apply for an Assistance to Firefighter grant through the Department of Homeland Security (FEMA) to replace the City’s 1996 Smeal 75 foot ladder truck with a new 107 Ladder truck for the total sum of \$1,240,000.00. The cost match to the City would be estimated \$112,727.27.

Background: The 1996 Smeal 75 Ladder Truck has had some significant structural problems that required shipping the vehicle back to the manufacturer in 2004. Since then it has been on very limited service but now is in need of replacement. The replacement of this unit with a new 107-foot fully equipped ladder truck will improve the department’s ability to serve the community and would become one of the frontline fleet. If the grant request was honored the City would pay an estimated 10 cents on the dollar, that if spread out over the truck’s service life of 20 years would cost around \$6,200.00 a year.

Since the apparatus to be replaced is beyond its service life by 4 years and the fact that it has already had some significant work done to keep it in service replacing is critical to the safety of the community and the fire staff who operate the vehicle.

Fiscal Impact:

The vehicle’s estimated cost is 1,200,000.00 plus equipment \$40,000 equals 1,240,000.00

- City estimated cost = \$112,727.27
- Grant estimated amount = \$1,127,272.73

Alternatives: Reject the submission of the grant application.

Concurrences:

Public Works – Central Garage

Attachments/Exhibits:

Assistance Firefighters Grant EMW-2019-FG-09307 Purchase Fire Apparatus

[Skip to Main Content](#)

[Grant Identifier](#)

[Your profile](#)[Log out](#)

Information is automatically saved as fields are modified and focus is changed. You do not need to manually save data in FEMA GO.

[Main Content](#)

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:

03/05/2020

DUNS (includes DUNS+4):

060267093

Employer Identification Number (EIN):

816001269

Organization legal name:

CITY OF GREAT FALLS

Organization (doing business as) name:

Mailing address:

PO BOX 5021 GREAT FALLS, MT 59403-5021

Physical address:

2 PARK DR S ROOM 104 GREAT FALLS, MT 59401-4006

Is your organization delinquent on any federal debt?

N

SAM.gov registration status:

Active as of 2019-09-06 00:00:00.000 GMT

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
105 9 Street South

Main address 2

City

Great Falls

State/territory

MT

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 Assistance to Firefighters Grants Program's objective is to provide funding directly to fire departments and nonaffiliated EMS organizations or a State Fire Training Academy for the purpose of protecting the health and safety of the public and first responder personnel against fire and fire-related hazards. Please review the Notice of Funding Opportunity Announcement (NOFO) for information on available program areas and for more information on the evaluation process and conditions of award.

Please provide the following additional information about the applicant.

Applicant type:

Fire Department/Fire District

Is this grant application 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

What kind of organization do you represent?

All Paid/Career

How many active firefighters does your department have who perform firefighting duties?

62

How many of your active firefighters are trained to the level of Firefighter I or equivalent?

62

How many of your active firefighters are trained to the level of Firefighter II or equivalent?

62

Are you requesting training funds in this application to bring 100% of your firefighters into compliance with NFPA 1001?

No

How many members in your department are trained to the level of EMR or EMT, Advanced EMT or Paramedic?

66

Does your department have a Community Paramedic program?

No

How many stations are operated by your department?

4

Does your organization protect critical infrastructure of the state?

Yes

Please describe the critical infrastructure protected below.

Malmstrom AFB and Montana Air National Guard are two military installations that are connected to the City Boundaries. Benefis Healthcare provide critical care, and the level III trauma center for 18 counties located in North Central Montana, 3 hydroelectric dams and wind generation facilities provide electrical service. Burlington Northern has a large rail yard within the City limits and Calumet Refinery that provide fuel and petrochemical products to the region also are within the jurisdiction.

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

Current fiscal year:

2020

Fiscal Year Operating budget

2020 \$9,543,362.00

2019 \$8,884,478.00

2018 \$8,386,736.00

Community description

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

Type of jurisdiction served

City

What type of community does your organization serve?

Suburban

What is the square mileage of your first due response zone/jurisdiction served?

26

What percentage of your primary response area is protected by hydrants?

90

What percentage of your primary response area is for the following: Percentage (must sum to 100%)

Agriculture, wildland, open space, or undeveloped properties 15

| What percentage of your primary response area is for the following: | Percentage (must sum to 100%) |
|---|-------------------------------|
| Commercial and industrial purposes | 30 |
| Residential purposes | 55 |
| Total | 100 |

What is the permanent resident population of your first due response zone/jurisdiction served?
62000

Do you have a seasonal increase in population?

No

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

Great Falls Fire Rescue is a career fire and EMS department serving Great Falls, Montana, a city of 62,000 that can be described as both urban and rural. 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. Comprising 72 personnel, GFFR maintains four stations throughout our city, responding to more than 8,000 calls for service in 2017. 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. Our personnel 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, as well as surrounding rural volunteer departments upon request. 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. One of our biggest challenges was our lack of a wildland engine. Using structural pumpers without pump-and-roll capability created a significant threat to our apparatus and safety issue to our personnel as well as those we protect. 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 attempting 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.

Applicant and community trends

Please provide the following additional information about the applicant.

| Injuries and fatalities | 2019 | 2018 | 2017 |
|---|-------------|-------------|-------------|
| What is the total number of fire-related civilian fatalities in your jurisdiction over the last three calendar years? | 2 | 2 | 1 |
| What is the total number of fire-related civilian injuries in your jurisdiction over the last three calendar years? | 10 | 10 | 6 |
| What is the total number of line of duty member fatalities in your jurisdiction over the last three calendar years? | 1 | 0 | 0 |
| What is the total number of line of duty member injuries in your jurisdiction over the last three calendar years? | 4 | 1 | 5 |

How many vehicles does your organization have in each of the type or class of vehicle listed below? You must include vehicles that are leased or on long-term loan as well as any vehicles that have been ordered or otherwise currently under contract for purchase or lease by your organization but not yet in your possession.

Seated riding positions

The number of seated riding positions must be equal or greater than the total number of frontline and reserve apparatus. If there are zero frontline and zero reserve apparatus, the number of seated riding positions must be zero..

| Type or class of vehicles | Number of frontline apparatus | Number of reserve apparatus | Number of seated riding positions |
|---|--|--|--|
| Engines or pumpers (pumping capacity of 750 gallons per minute (GPM) or greater and water capacity of 300 gallons or more): pumper, pumper/tanker, rescue/pumper, foam pumper, CAFS pumper, type I, type II engine urban interface. | 3 | 3 | 24 |
| Ambulances for transport and/or emergency response. | 1 | 0 | 3 |
| Tankers or tenders (water capacity of 1,000 gallons or more). | 1 | 0 | 2 |

| Type or class of vehicles | Number of frontline apparatus | Number of reserve apparatus | Number of seated riding positions |
|--|-------------------------------------|-----------------------------------|--|
| Aerial apparatus: aerial ladder truck, telescoping, articulating, ladder towers, platform, tiller ladder truck, quint. | 1 | 1 | 8 |
| Brush/quick attack (pumping capacity of less than 750 GPM and water carrying capacity of at least 300 gallons): brush truck, patrol unit (pickup w/ skid unit), quick attack unit, mini-pumper, type III engine, type IV engine, type V engine, type VI engine, type VII engine. | 1 | 0 | 2 |
| Rescue vehicles: rescue squad, rescue (light, medium, heavy), technical rescue vehicle, hazardous materials unit. | 1 | 0 | 4 |
| Additional vehicles: EMS chase vehicle, air/light unit, rehab units, bomb unit, technical support (command, operational support/supply), hose tender, salvage truck, ARFF (aircraft rescue firefighting), command/mobile communications vehicle. | 1 | 1 | 8 |

Is your department facing a new risk, expanding service to a new area, or experiencing an increased call volume?

No

Call volume

| Summary | 2019 | 2018 | 2017 |
|--|------|------|------|
| Fire - NFIRS Series 100 | 110 | 120 | 119 |
| Overpressure Rupture, Explosion, Overheat (No Fire) - NFIRS Series 200 | 4 | 4 | 4 |
| Rescue & Emergency Medical Service Incident - NFIRS Series 300 | 5809 | 5451 | 5451 |
| Hazardous Condition (No Fire) - NFIRS Series 400 | 289 | 219 | 253 |
| Service Call - NFIRS Series 500 | 907 | 931 | 892 |
| Good Intent Call - NFIRS Series 600 | 970 | 925 | 767 |
| False Alarm & Falls Call - NFIRS Series 700 | 390 | 381 | 332 |
| Severe Weather & Natural Disaster - NFIRS Series 800 | 26 | 3 | 4 |
| Special Incident Type - NFIRS Series 900 | 5 | 3 | 8 |
| Fires | 2019 | 2018 | 2017 |
| "Structure Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 111-120) | 57 | 69 | 49 |
| "Vehicle Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 130-138) | 19 | 13 | 16 |
| "Vegetation Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 140-143) | 15 | 14 | 22 |

| Fires | 2019 | 2018 | 2017 |
|--|-------------|-------------|-------------|
| Total acreage of all vegetation fires | 1 | 4 | 35 |
| Rescue and Emergency Medical Service Incidents | | | |
| | 2019 | 2018 | 2017 |
| "Motor Vehicle Accidents" (Of the NFIRS Series 300 calls, NFIRS Codes 322-324) | 265 | 290 | 285 |
| "Extractions from Vehicles" (Of the NFIRS Series 300 calls, NFIRS Code 352) | 1 | 2 | 0 |
| "Rescues" (Of the NFIRS Series 300 calls, NFIRS Code 300, 351, 353-381) | 16 | 27 | 11 |
| EMS-BLS Response Calls | 1742 | 1635 | 3374 |
| EMS-ALS Response Calls | 4067 | 3816 | 2280 |
| EMS-BLS Scheduled Transports | 0 | 0 | 0 |
| EMS-ALS Scheduled Transports | 0 | 0 | 0 |
| Community Paramedic Response Calls | 0 | 0 | 0 |
| Mutual and Automatic Aid | | | |
| | 2019 | 2018 | 2017 |
| Amount of times the organization received Mutual Aid | 5 | 6 | 12 |
| Amount of times the organization received Automatic Aid | 0 | 0 | 0 |
| Amount of times the organization provided Mutual Aid | 11 | 12 | 6 |
| Amount of times the organization provided Automatic Aid | 0 | 0 | 0 |
| Of the Mutual and Automatic Aid responses, amount that were structure fires | 16 | 18 | 8 |

Grant request details

Program area: Vehicle acquisition

Total requested for Vehicle acquisition activity: \$1,240,000.00

Quint

Quantity

1

Unit price

\$1,240,000.00

Total

\$1,240,000.00

Budget Class

Equipment

Description

This grant is written for a Pierce Ascendant 107' steel ladder, single rear axle, Quint. Factory description is as follows "The Ascendant® 107' heavy-duty steel ladder has truly redefined the single rear axle aerial market, providing firefighters with an unprecedented 107' of vertical height and 100' of horizontal reach without compromising on water capacity, performance, or safety. The heavy-duty 100,000 psi high strength steel ladder was purpose built using proven engineering. The Ascendant is rated at a 750 lb dry and a 500 lb wet tip load capacity with an additional 100 lb equipment allowance. It can flow up to 1,500 gpm and is capable of a store front blitz feature as standard."

More Details for Quint.

Is the vehicle you propose to buy:

Replacement of an existing apparatus

Was the vehicle you're requesting to replace built prior to the applicable NFPA vehicle standard from 1992?

No

What is the mileage of the vehicle being replaced?

62501

What is the average age of the vehicles of this type or class in your fleet?

24

What is the age of the vehicle being replaced?

24

Do you have a driver-training program equivalent to national or NFPA standards?

Yes

Are you requesting funding for training specific to the vehicle acquisition?

No

Will you obtain the appropriate training through other sources?

Yes

Enter the type and year of manufacture for vehicle being replaced.

HME Smeal Quint 1996

Enter the VIN (Vehicle Identification Number) for the vehicle you are requesting to replace:

44KFT4288TWZ18327

How long have you owned the vehicle you are replacing?

24

If awarded, will you develop and/or enforce standard operating policies/procedures that require:
1) all occupants to use seatbelts, 2) all drivers of the grantee's apparatus must adhere to all traffic signs, signals and state traffic regulations?

Yes

Will this vehicle be used on Automatic and/or Mutual Aid?

Mutual Aid

How many vehicles of this type or class are currently in your fleet?

1

How many vehicles of this type or class in your fleet were manufactured prior to 2002?

1

Is this a converted vehicle?

No

What is the number of calls the vehicle being replaced supported last calendar year?

504

More Details for Vehicle acquisition.

Narrative

Project Description

The project to purchase a 107' Pierce Ascendant Single Axle Heavy-Duty Aerial Ladder Quint will cost \$1,240,000. This is well beyond the means of the City's general fund and the Fire Department's Capital and Operating budget. The fact that Great Falls Fire Rescue (GFFR) recently implemented mandatory occupational physicals and firefighter fitness programs per NFPA 1582 at significant expense, has not allowed us the opportunity to purchase this essential apparatus. Great Falls Fire Rescue (GFFR) is seeking this AFG Grant to purchase a Quint to replace our 24 year old, worn out, 75' 1996 HME Smeal Quint. This apparatus has seen better days, having undergone several major repairs and maintenance as a result of a heavy response volume. After incurring multiple, significant issues including cracking brake drums and having the springs replaced multiple times, major repairs were needed in 2004 when the Quint was put on a flatbed and shipped back to the manufacturer. The frame and body were cracked in multiple places and despite significant work taking place before the apparatus was returned, it has never been "right". Because of its fragility and unreliability, the 75' 1996 Smeal has been relegated to limited duty as a reserve apparatus since 2005, leaving GFFR with only one frontline aerial to respond to the over 540 structures that exceed ground-ladder capabilities in our 26 square mile response area. Because the closest aerial apparatus potentially available for mutual aid are located in cities 90 to 100 miles away, our need for this Quint is dire. If awarded, this grant will provide the funds to move purchase a 107' Pierce Ascendant Single Axle Heavy-Duty Aerial Ladder Quint, allowing us to resume adequate coverage of our response area, with an aerial apparatus present in areas densely populated with multi-story buildings on both ends of town. It would also include funding for proper equipment on that truck in order to meet the current and expected fire-service needs of our community and the surrounding region. In so doing, it would also provide a valued life-safety resource to help protect those districts with which we have mutual aid agreements. The cost for this apparatus shall be no more than \$1,240,000. This would include basic equipment and tools. These tools will allow the apparatus to fulfill its mission as a truck company and would include items essential for rescue, forcible entry and ventilation. The basic apparatus shall be specified with a 1,500 gpm pump, 500-gallon water tank and ground ladders; it shall meet all NFPA 1901 standards. All drivers shall be trained under our current driver training program, which complies with NFPA 1002 standards Our needs are not the only financial issues in Great Falls. The City buildings to include the four fire stations have millions of dollars in deferred maintenance, which has depleted any facility capital that would be available for this project. In other words, without grant assistance it will be difficult to impossible to afford the Quint Aerial as proposed.

Cost/Benefit

Compared to the limited cost of only \$1,240,000, replacing our 1996 Smeal Quint -- which had only has a 75-foot ladder -- with a 107-foot ladder will improve firefighter and community safety exponentially. The increase in ladder length and reach will improve the department's speed and efficiency in rescuing victims that may be trapped in any of our many high-rise, high-occupancy structures. Further, as an elevated master stream it will help in preventing conflagration fires in our city's downtown business district. In fact, virtually all of our high-rise structures are of high occupancy load or otherwise qualify as target hazards. Since the purchase of our department's last aerial platform, many renovations and construction projects have brought about our need for a 107-foot ladder, including new and renovated multi-story medical facilities as great as eight commercial stories, several multi-story retirement and assisted-living facilities, numerous motels as great as seven commercial stories, multi-floor, multi-family low-income apartments as great as 6 stories and many others. Entrapment and conflagration potential are huge in these heavily occupied, high-risk target hazards. The presence of a 107-foot ladder, quint could be the difference between success and disaster. For example, in the case of one fire, only the presence of a large skylight that allowed for vertical ventilation prevented a conflagration that would have spread to a high-rise bank and office building that far exceeded our 75-foot capability. As it was, the building of origin was a complete loss. The loss of that block would have devastated lives and the local economy. An additional benefit would be the equipping of this aerial for both low/high angle rescue and ice/river rescue. Each year we are called upon for rescues along the two major rivers that pass through our city and along the steep, treacherous bluffs that line them. Our current aerial ladder has also been used outside the city in the surrounding rural area in order to help free the occupant of a paraglider who had become entangled in high-voltage power lines. The interoperability benefit of this aerial platform would also be exponential. We currently have mutual and automatic aid with both Malmstrom Air Force Base and Montana's Air National Guard fire departments, neither of which owns an aerial. GFFR's existing aerial equipment has been relied upon to provide an elevated rescue platform to reach the upper floors and roofs of large hangars and terminals at Malmstrom AFB, MANG and Great Falls International Airport. According to NFPA standards and Insurance Service Organization (ISO), our city requires at least 2 ladder companies to meet distance and time requirements. Also, of our city's four fire districts, two have heavy industrial complexes, commercial and institutional occupancies that require a ladder-company response. That being said, our one aerial platform, would arrive too late and is not of sufficient length to be effective at many of these occupancies. This AFG funding project would ensure that an aerial apparatus would be able to respond within the NFPA's 8-minute criterion. In 2019, GFFR responded to more than 8,500 calls for service, including 2,701 fire calls. With numerous old, highly combustible high-rise residential structures our life-safety risks often exceed our ability to protect. Many older structures still lack sprinkler systems and have limited egress. This creates greatly multiplied risk to firefighters conducting rescue operations. Target occupancy analysis shows our city has a critical need for a 107-foot ladder quint. With devastating fires just waiting to happen, the cost of lives in one of these time bombs would far outweigh the \$1,240,000 cost of this apparatus. If awarded, this Grant would be administered in-house, without overhead or administrative costs by the Fire Chief in order to gain maximum benefit from the grant funding.

Statement of Effect

If the community of Great Falls were awarded this Assistance to Firefighters Grant, a fully equipped, 107' aerial ladder would be able to reach the top floor of 90% of the mid- and high-rise structures in the city. The safety of our firefighters would greatly improve. Most importantly, it would expedite life-safety and rescue operations at these occupancies and throughout the city and surrounding region. This apparatus would improve response and operational safety because of the major safety engineering and technology advances that have been adopted in the last 24 years. Also, the truck would carry much of the rescue hardware and equipment that was previously stored on trailers; this will significantly lower emergency-response times. Lower response times and increased rescue efficiency will equate to more lives saved and will lessen the pain and suffering of our customers. Again, it will improve firefighter safety dramatically. The expense of this apparatus cannot be weighed solely by call volume or the city's census. As a public emergency service provider, we must train and equip our staff for the worst conditions and circumstances. Therefore, the true value of this apparatus will be judged when it arrives at one of the city's target hazards, such as a 100-year-old, multi-story retirement home with people trapped on the fourth and fifth floors. With each day that the citizens of this community go without this 107' ladder we endure the risk that our members will be unable to conduct a rescue in the very real and widely present situations such as those noted above. If our request were awarded, GFFR would find itself properly equipped for our primary mission, that of life safety within our community.

Grant request summary

The table below summarizes the number of items and total cost within each activity you have requested funding for. This table will update as you change the items within your grant request details.

Grant request summary

| Activity | Number of items | Total cost |
|-----------------------|-----------------|-----------------------|
| Vehicle acquisition 1 | | \$1,240,000.00 |
| Total | 1 | \$1,240,000.00 |

Is your proposed project limited to one or more of the following activities : Planning and development of policies or processes. Management, administrative, or personnel actions. Classroom-based training. Acquisition of mobile and portable equipment (not involving installation) on or in a building.

Yes

Budget summary

Budget summary

| Object class categories | Total |
|-------------------------|--------|
| Personnel | \$0.00 |

| Object class categories | Total |
|--|----------------|
| Fringe benefits | \$0.00 |
| Travel | \$0.00 |
| Equipment | \$1,240,000.00 |
| Supplies | \$0.00 |
| Contractual | \$0.00 |
| Construction | \$0.00 |
| Other | \$0.00 |
| Total direct charges | \$1,240,000.00 |
| Indirect charges | \$0.00 |
| TOTAL | \$1,240,000.00 |
| Non-federal resources | |
| Applicant | \$112,727.27 |
| State | \$0.00 |
| Other sources | \$0.00 |
| Remarks | |
| Total Federal and Non-federal resources | |
| Federal resources | - |
| Non-federal resources | - |
| TOTAL | \$1,240,000.00 |
| Program income | \$0.00 |

Contact information

Did any individual or organization assist with the development, preparation, or review of the application to include drafting or writing the narrative and budget, whether that person, entity, or agent is compensated or not and whether the assistance took place prior to submitting the application?

Secondary point of contact

Please provide a secondary point of contact for this grant.

The Authorized Organization Representative (AOR) who submits the application will be identified as the primary point of contact for the grant. Please provide one secondary point of contact for this grant below. The secondary contact can be members of the fire department or

organizations applying for the grant that will see the grant through completion, are familiar with the grant application, and have the authority to make decisions on and to act upon this grant application. The secondary point of contact can also be an individual who assisted with the development, preparation, or review of the application.

Jeremy Jones
Assistant Chief

jjones@greatfallsmt.net

Primary phone

4067918968

Work

Additional phones

4068991502

Mobile

Fax

4067270171

Home

Assurance and certifications

OMB number: 4040-0007, Expiration date: 02/28/2022 [View burden statement](#)

SF-424B: Assurances - Non-Construction Programs

OMB Number: 4040-0007

Expiration Date: 02/28/2022

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

Certifications regarding lobbying

OMB Number: 4040-0013

Expiration Date: 02/28/2022

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

- If any funds have been paid or will be paid to any person for influencing or attempting 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 this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

OMB number: 4040-0013, Expiration date: 02/28/2022 [View burden statement](#)

SF-LLL: Disclosure of Lobbying Activities

OMB Number: 4040-0013
Expiration Date: 02/28/2022

Complete only if the applicant is required to do so by 44 C.F.R. part 18. Generally disclosure is required when applying for a grant of more than \$100,000 and if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Further, the recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event described in 44 C.F.R. § 18.110(c) that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by the applicant.

The applicant is not currently required to submit the SF-LLL.

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Notice of funding opportunity

I certify that the applicant organization has consulted the appropriate Notice of Funding Opportunity and that all requested activities are programmatically allowable, technically feasible, and can be completed within the award's Period of Performance (POP).

Accuracy of application

I certify that I represent the organization applying for this grant and have reviewed and confirmed the accuracy of all application information submitted. Regardless of intent, the submission of information that is false or misleading may result in actions by FEMA that include, but are not limited to: the submitted application not being considered for award, enforcement actions taken against an existing award pending investigation or review, or referral to the DHS Office of Inspector General.

Authorized Organizational Representative for the grant

By signing this application, I certify that I understand that inputting my password below signifies that I am the identified Authorized Organization Representative for this grant. Further, I understand that this electronic signature shall bind the organization as if the application were physically signed and filed.

Authorization to submit application on behalf of applicant organization

By signing this application, I certify that I am either an employee or official of the applicant organization and am authorized to submit this application on behalf of my organization; or, if I am not an employee or official of the applicant organization, I certify that the applicant organization is aware I am submitting this application on its behalf, that I have written authorization from the applicant organization to submit this application on their behalf, and that I have provided contact information for an employee or official of the applicant organization in addition to my contact information.



Item: Great Falls Fire Rescue Operations and Safety Grant for the purchase of safety and decontamination equipment.

From: Stephen A. Hester, Fire Chief

Initiated By: Great Falls Fire Rescue

Presented By: Stephen A Hester, Fire Chief

Action Requested: Approve the submission of an application for 2020 Assistance to Firefighters Grant (AFG) for exhaust removal systems and products of combustion cleaning equipment.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/reject) the submission of an application for the 2020 Assistance to Firefighters Grant for the purchase of safety and decontamination equipment to remove diesel exhaust from all of the fire station bays and products of combustion for firefighting equipment.”

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 AFG for safety equipment by GFFR to reduce the risk of cancer by diesel exhaust and products of combustion post fire.

Summary: If allowed to pursue the AFG grant for safety and decontamination equipment, the overall request from the City of Great Falls for equipment would be \$303,404.00. If the City would be successful in securing this AFG grant, the city’s match would be \$27,582.18. The tentative date for announcement if we were to be successful in getting awarded the grant is set for late September or early November.

Background: Cancer in the fire service is on the rise and many safety components can be implemented to reduce the risk to our personnel. Currently, GFFR has implemented a clean cab policy and post-fire rehabilitation procedures to minimize the potentials for exposure of cancer causing agents post fire. With all of the policies implemented by our department, we still need to purchase specialized decontamination equipment that can remove particulates from the fire hoses, turnout gear, and SCBA units after a fire has been extinguished. The diesel exhaust systems, fire hose washer, SCBA washer and

turnout (PPE) washers would complete our safety program and greatly reduce the chances of Firefighters developing cancer.

Significant Impacts

- Currently none of the City fire stations have diesel exhaust systems in place to remove diesel particulates in the air when the fire engines are started and responding to calls.
- GFFR currently does not have a mechanism to effectively decontaminate SCBA harnesses and bottles that are used in an immediately dangerous to life or health (IDLH) atmosphere during a fire.
- GFFR does not have any mechanism to properly decontaminate fire hose after a fire to remove all products of combustion from the hose.
- With the addition of 2 PPE extractors, all of the city's fire stations will have a machine to properly decontaminate PPE post fire and return the PPE to service quicker.

Conclusion

GFFR has taken significant steps to provide for a safer workspace in all of the Cities fire stations and reduce the risk of cancer to Great Falls Fire Rescue personnel. Making upgrades to the fire stations for safety equipment has been limited due to General fund dependence. To make all of the necessary upgrades, we are looking for granting opportunities to make the one-time upgrades.

Fiscal Impact: The total cost of the safety and decontamination equipment project is \$303,404.00. The Assistance to Firefighters Grant, if awarded, could pay an estimated \$275,821.82 and per the grant agreement; the City would be required to pay \$27,582. This match will come from a supplemental budget request or the safety equipment account.

Alternatives: Reject the submission of the grant application.

Attachments/Exhibits:

Assistance to Firefighters Grant 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:

03/05/2020

DUNS (includes DUNS+4):

060267093

Employer Identification Number (EIN):

816001269

Organization legal name:

CITY OF GREAT FALLS

Organization (doing business as) name:

Mailing address:

PO BOX 5021 GREAT FALLS, MT 59403-5021

Physical address:

2 PARK DR S ROOM 104 GREAT FALLS, MT 59401-4006

Is your organization delinquent on any federal debt?

N

SAM.gov registration status:

Active as of 2019-09-06 00:00:00.000 GMT

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

105 9 Street South

Main address 2

City

Great Falls

State/territory

MT

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 Assistance to Firefighters Grants Program's objective is to provide funding directly to fire departments and nonaffiliated EMS organizations or a State Fire Training Academy for the purpose of protecting the health and safety of the public and first responder personnel against fire and fire-related hazards. Please review the Notice of Funding Opportunity Announcement (NOFO) for information on available program areas and for more information on the evaluation process and conditions of award.

Please provide the following additional information about the applicant.

Applicant type:

Fire Department/Fire District

Is this grant application 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

What kind of organization do you represent?

All Paid/Career

How many active firefighters does your department have who perform firefighting duties?

62

How many of your active firefighters are trained to the level of Firefighter I or equivalent?

62

How many of your active firefighters are trained to the level of Firefighter II or equivalent?

62

Are you requesting training funds in this application to bring 100% of your firefighters into compliance with NFPA 1001?

No

How many members in your department are trained to the level of EMR or EMT, Advanced EMT or Paramedic?

66

Does your department have a Community Paramedic program?

No

How many stations are operated by your department?

4

Does your organization protect critical infrastructure of the state?

Yes

Please describe the critical infrastructure protected below.

Malmstrom AFB and Montana Air National Guard are two military installations that are connected to the City Boundaries. Benefis Healthcare provide critical care, and the level III trauma center for 18 counties located in North Central Montana, 3 hydroelectric dams and

wind generation facilities provide electrical service. Burlington Northern Railroad has a large rail yard within the City limits and Calumet Refinery that provide fuel and petrochemical products to the region also are within the jurisdiction.

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

Current fiscal year:

2020

Fiscal Year Operating budget

2020 \$9,543,362.00

2019 \$8,894,478.00

2018 \$8,386,736.00

Community description

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

Type of jurisdiction served

City

What type of community does your organization serve?

Suburban

What is the square mileage of your first due response zone/jurisdiction served?

26

What percentage of your primary response area is protected by hydrants?

90

What percentage of your primary response area is for the following: Percentage (must sum to 100%)

Agriculture, wildland, open space, or undeveloped properties 15

Commercial and industrial purposes 30

Residential purposes 55

Total 100

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

62000

Do you have a seasonal increase in population?

No

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

Great Falls Fire Rescue is a career fire and EMS department serving Great Falls, Montana, a city of 62,000 that can be described as both urban and rural. 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. Comprising 72 personnel, GFFR maintains four stations throughout our city, responding to more than 8,000 calls for service in 2017. 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. Our personnel 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, as well as surrounding rural volunteer departments upon request. 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. One of our biggest challenges was our lack of a wildland engine. Using structural pumpers without pump-and-roll capability created a significant threat to our apparatus and safety issue to our personnel as well as those we protect. 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 attempting 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.

Applicant and community trends

Please provide the following additional information about the applicant.

Injuries and fatalities

2019 2018 2017

| | | | |
|---|----|----|---|
| What is the total number of fire-related civilian fatalities in your jurisdiction over the last three calendar years? | 2 | 2 | 1 |
| What is the total number of fire-related civilian injuries in your jurisdiction over the last three calendar years? | 10 | 10 | 6 |
| What is the total number of line of duty member fatalities in your jurisdiction over the last three calendar years? | 1 | 0 | 0 |
| What is the total number of line of duty member injuries in your jurisdiction over the last three calendar years? | 4 | 1 | 5 |

How many vehicles does your organization have in each of the type or class of vehicle listed below? You must include vehicles that are leased or on long-term loan as well as any vehicles that have been ordered or otherwise currently under contract for purchase or lease by your organization but not yet in your possession.

Seated riding positions

The number of seated riding positions must be equal or greater than the total number of frontline and reserve apparatus. If there are zero frontline and zero reserve apparatus, the number of seated riding positions must be zero..

| Type or class of vehicles | Number of frontline apparatus | Number of reserve apparatus | Number of seated riding positions |
|--|--|--|--|
| Engines or pumpers (pumping capacity of 750 gallons per minute (GPM) or greater and water capacity of 300 gallons or more): pumper, pumper/tanker, rescue/pumper, foam pumper, CAFS pumper, type I, type II engine urban interface. | 3 | 3 | 24 |
| Ambulances for transport and/or emergency response. | 1 | 0 | 3 |
| Tankers or tenders (water capacity of 1,000 gallons or more). | 1 | 0 | 2 |
| Aerial apparatus: aerial ladder truck, telescoping, articulating, ladder towers, platform, tiller ladder truck, quint. | 1 | 1 | 8 |
| Brush/quick attack (pumping capacity of less than 750 GPM and water carrying capacity of at least 300 gallons): brush truck, patrol unit (pickup w/ skid unit), quick attack unit, mini-pumper, type III engine, type IV engine, type V engine, type VI engine, type VII engine. | 1 | 0 | 2 |
| Rescue vehicles: rescue squad, rescue (light, medium, heavy), technical rescue vehicle, hazardous materials unit. | 1 | 0 | 4 |

| Type or class of vehicles | Number of frontline apparatus | Number of reserve apparatus | Number of seated riding positions |
|--|-------------------------------------|-----------------------------------|--|
| Additional vehicles: EMS chase vehicle, air/light unit, rehab units, bomb unit, technical support (command, operational support/supply), hose tender, salvage truck, ARFF (aircraft rescue firefighting), command/mobile communications vehicle. | 1 | 1 | 8 |

Is your department facing a new risk, expanding service to a new area, or experiencing an increased call volume?

No

Call volume

| Summary | 2019 | 2018 | 2017 |
|--|------|------|------|
| Fire - NFIRS Series 100 | 110 | 120 | 119 |
| Overpressure Rupture, Explosion, Overheat (No Fire) - NFIRS Series 200 | 4 | 4 | 4 |
| Rescue & Emergency Medical Service Incident - NFIRS Series 300 | 5809 | 5451 | 5451 |
| Hazardous Condition (No Fire) - NFIRS Series 400 | 289 | 219 | 253 |
| Service Call - NFIRS Series 500 | 907 | 931 | 892 |
| Good Intent Call - NFIRS Series 600 | 970 | 925 | 767 |
| False Alarm & Falls Call - NFIRS Series 700 | 390 | 381 | 332 |
| Severe Weather & Natural Disaster - NFIRS Series 800 | 26 | 3 | 4 |
| Special Incident Type - NFIRS Series 900 | 5 | 3 | 8 |
| Fires | 2019 | 2018 | 2017 |
| "Structure Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 111-120) | 57 | 69 | 49 |
| "Vehicle Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 130-138) | 19 | 13 | 16 |
| "Vegetation Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 140-143) | 15 | 14 | 22 |
| Total acreage of all vegetation fires | 1 | 4 | 35 |
| Rescue and Emergency Medical Service Incidents | 2019 | 2018 | 2017 |
| "Motor Vehicle Accidents" (Of the NFIRS Series 300 calls, NFIRS Codes 322-324) | 265 | 290 | 285 |
| "Extractions from Vehicles" (Of the NFIRS Series 300 calls, NFIRS Code 352) | 1 | 2 | 0 |
| "Rescues" (Of the NFIRS Series 300 calls, NFIRS Code 300, 351, 353-381) | 16 | 27 | 11 |
| EMS-BLS Response Calls | 1742 | 1635 | 3374 |
| EMS-ALS Response Calls | 4067 | 3816 | 2280 |
| EMS-BLS Scheduled Transports | 0 | 0 | 0 |
| EMS-ALS Scheduled Transports | 0 | 0 | 0 |

| Rescue and Emergency Medical Service Incidents | 2019 | 2018 | 2017 |
|---|-------------|-------------|-------------|
| Community Paramedic Response Calls | 0 | 0 | 0 |
| Mutual and Automatic Aid | 2019 | 2018 | 2017 |
| Amount of times the organization received Mutual Aid | 5 | 6 | 12 |
| Amount of times the organization received Automatic Aid | 0 | 0 | 0 |
| Amount of times the organization provided Mutual Aid | 11 | 12 | 6 |
| Amount of times the organization provided Automatic Aid | 0 | 0 | 0 |
| Of the Mutual and Automatic Aid responses, amount that were structure fires | 16 | 18 | 8 |

Grant request details

Program area: Operations and safety

Total requested for Equipment activity: \$105,654.00

Decon, Clean-Up, Containment and Packaging Equipment

Quantity

2

Unit price

\$14,305.00

Total

\$28,610.00

Budget Class

Equipment

Description

Self contained fire hose cleaning and decontamination hose washer that follows NFPA-1851 guidelines. .

More Details for Decon, Clean-Up, Containment and Packaging Equipment.

Generally the equipment purchased under this grant program will:
Replace unusable/unrepairable equipment to meet current standard

Specify the age of equipment in years:

40

Will the equipment being requested bring the organization into voluntary compliance with a national standard, e.g. compliance with NFPA, OSHA, etc? In your narrative statement, please explain how this equipment will bring the organization into voluntary compliance.

Yes

Is your department trained in the proper use of the equipment being requested?

Yes

Are you requesting funding to be trained for these item(s)? (Funding for requested training should be requested as additional funding).

No

If you are not requesting training funds through this application, will you obtain training for this equipment through other sources?

Yes

PPE Washer/Extractor/Dryer

Quantity

2

Unit price

\$27,987.00

Total

\$55,974.00

Budget Class

Equipment

Description

Solo Rescue is a proven solution for decontaminating complete sets of SCBA, without dismantling the equipment. The unique construction with a rotating wash basket and specially designed wash nozzles, ensures decontamination of dangerous carcinogens. Washing is done in a controlled environment, ensuring the safety of both the user and the equipment. A safe and ergonomic product that guarantees the same result in every wash cycle.

More Details for PPE Washer/Extractor/Dryer.

Generally the equipment purchased under this grant program will:

Obtain equipment to achieve minimum operational and deployment standards for existing missions

Will the equipment being requested bring the organization into voluntary compliance with a national standard, e.g. compliance with NFPA, OSHA, etc? In your narrative statement, please explain how this equipment will bring the organization into voluntary compliance.

Yes

Is your department trained in the proper use of the equipment being requested?

No

Are you requesting funding to be trained for these item(s)? (Funding for requested training should be requested as additional funding).

No

If you are not requesting training funds through this application, will you obtain training for this equipment through other sources?

Yes

PPE Washer/Extractor/Dryer

Quantity

2

Unit price

\$10,535.00

Total

\$21,070.00

Budget Class

Equipment

Description

UniMac's 45lb commercial hardmount washer extractor with the M-30 Micro Controls, inverter drive with the 100 G-Force extract, soap supply box, stainless panels, 3" gravity drain, 208-240/60/1 or 3 electrical.

More Details for PPE Washer/Extractor/Dryer.

Generally the equipment purchased under this grant program will:

Obtain equipment to achieve minimum operational and deployment standards for existing missions

Will the equipment being requested bring the organization into voluntary compliance with a national standard, e.g. compliance with NFPA, OSHA, etc? In your narrative statement, please explain how this equipment will bring the organization into voluntary compliance.

Yes

Is your department trained in the proper use of the equipment being requested?

Yes

Are you requesting funding to be trained for these item(s)? (Funding for requested training should be requested as additional funding).

No

If you are not requesting training funds through this application, will you obtain training for this equipment through other sources?

Yes

More Details for Equipment.

Narrative

Project Description

The project to purchase PPE washer/extractors, a hose washer decontaminator, and SCBA washers extrication system will cost \$105,654.00. This is well beyond the means of the City's general fund and the Fire Department's Capital and Operating budget. The fact that Great Falls Fire Rescue (GFFR) recently implemented mandatory occupational physicals and firefighter fitness programs per NFPA 1582 at significant expense, has not allowed us the opportunity to purchase this decontamination equipment. Great Falls Fire Rescue (GFFR) is seeking this AFG Grant to fund components of our cancer reduction campaign that is founded on the importance of decontamination of PPE (turnout gear, SCBA's, etc.), hand tools, hose and all other equipment that is exposed to chemical insult on emergency scenes. Understanding the need to take action to prevent cancers resulting from prolonged exposure to contaminated gear and equipment, GFFR has taken action through the purchase of PPE washer extractors for two of our four stations, building separate storage rooms for turnout gear, and implementation of stringent on-scene and clean cab protocols. Unfortunately for us at GFFR, the reality of firefighter, work related cancer diagnosis is more than a theoretical discussion, with two of our members fighting work related cancers, and Engineer Jason Baker suffering LODD as a direct result of job related cancer on February 20, 2019. Determined that his death not be in vain, Great Falls Fire Rescue is committed to completing implementation of our contamination reduction program through the purchase of hose washers, PPE washer/extractors, SCBA washer/ decontaminator and a second set of clean turnout gear for each firefighter requested in this AFG Grant. We already have a robust SOG in place addressing decontamination of gear post fire, maintain a supply of clean, reserve turnouts for members who's gear has been contaminated, and a defined process governing the post-fire decon of PPE, hose, SCBA, apparatus and gear. What we are missing is a funding stream to purchase the necessary equipment to efficiently/effectively follow through on our existing protocol and get the gear cleaned safely and to standard. If awarded, this grant will provide the funds to move forward and complete implementation goals of our cancer prevention and decontamination program. Our needs are not the only financial issues in Great Falls. The City buildings to include the four fire stations have millions of dollars in deferred maintenance, which has depleted any facility capital that would be available for this project. In other words, without grant assistance it will be slow to impossible to afford the decontamination equipment as proposed.

Cost/Benefit

If awarded, this AFG Grant would allow Great Falls Fire Rescue (GFFR) to purchase cleaning and decontamination equipment that clean contaminated PPE, SCBA's, hose,

tools and gear to national standards, creating a safer work environment for our personnel who already do exemplary work in dangerous environments each shift. The Grant would be administered in-house, without overhead or administrative costs by the Fire Chief in order to gain maximum benefit from the grant funding. At GFFR our mission is “To make a difference where we CAN make a difference.” Applied uniformly to serving customers and stakeholders throughout our community, this principle is equally applied to our people, the men and women who do the task level work that keeps our community safe. This request for AFG funding is consistent with our mission, because in the arena of cancer prevention through thorough decontamination of gear and tools post-fire, the data shows that we CAN make a difference with the practices and protocols that we’ve implemented. Funding this grant will allow us to purchase the equipment to follow through on those practices and protocols, keep our people safer and stay true to our departments mission. Statement of Effect

Receipt of this Grant will enhance Great Falls Fire Rescue’s (GFFR) overall effectiveness, by allowing us to purchase the decontamination equipment required to meet national standards, effectively follow our own SOG’s and protect our personnel from fireground contaminants that infect our gear post-incident. The decontamination equipment that we’re requesting with this AFG Grant funding will improve our daily operations by ensuring that all crews are able to do the potentially dangerous work of responding to emergency calls in IDLH environments

Total requested for Modify facilities activity: \$197,750.00

Total requested for Facility project: \$69,800.00

Source Capture Exhaust System(s)

Quantity

1

Unit price

\$69,800.00

Total

\$69,800.00

Budget Class

Equipment

Description

This air quality system is designed to prevent diesel exhaust from entering the work and living spaces of the fire station, thereby reducing contamination of equipment, apparatus, facility and personnel. Product Scope 4 Plymovent STR-70 Straight Rail vehicle exhaust systems. Each

Plymovent STR-70 system includes 70 ft. of rail profile, 140ft of rubber lip material, seven vertical support legs and two end caps and one shock absorbing bumper. Six traveling trolley assemblies that will travel inside the straight rails. Six each magnetic grabber nozzles, high temperature flex hoses 25ft. X 4-inch dia., spring balancers and metal hose saddles. System Includes; One each Plymovent model TEV-585-60, 7.5 hp, 240V 1 or 3 phase direct drive exhaust fan includes a square to round discharge transition and a vertical blower discharge/backdraft damper to direct exhaust in an upblast direction. One each Plymovent Model OS-3, UL listed Electrical Control Panel including fan motor stater, fuses, timer and transformer for the wireless receiver. Interconnecting duct work connecting rails to the fan. This duct is Norfab clamping type. Includes main trunk and laterals with sweep elbows and tapered 45-dgree branch take-offs.

More Details for Source Capture Exhaust System(s).

What is the square footage of the area that your modification will directly affect?

5600

Does the facility you wish to modify have a drive through bay?

Yes

What is the age of the facility that is being modified?

50

What type of facility will be modified?

Station(s) with sleeping quarters (to include marine fire facilities)

What is the level of occupancy for the facility you wish to modify? Note: The occupancy is defined by the number of hours the facility is used within a single 24 hour time period.

Full-Time (24/7)

How many vehicles do you plan on attaching to the system (only include currently owned vehicles or vehicles on order - do not include equipment for future capacity)?

6

More Details for Facility.

Facility identification (e.g. Station #1 Southside Station)

Station 1

Does this facility have a fire alarm system?

No

Does this facility have a fire sprinkler system?

No

Does this facility have a diesel/smoke removal system?

No

When was the last major renovation where you made improvements to more than 25% of this facility?

No

Additional Information:

Fire Station #1 was built in 1970 and has not undergone any major renovation since it was originally constructed. No diesel exhaust ventilation system is present in this station, which houses administration offices, sleeping and living quarters, and training area.

Total requested for Facility project: \$42,650.00

Source Capture Exhaust System(s)

Quantity

1

Unit price

\$42,650.00

Total

\$42,650.00

Budget Class

Equipment

Description

This air quality system is designed to prevent diesel exhaust from entering the work and living spaces of the fire station, thereby reducing contamination of equipment, apparatus, facility and personnel. Product Scope 2 Plymovent STR-70 Straight Rail vehicle exhaust systems. Each Plymovent STR-70 system includes 70 ft. of rail profile, 140ft of rubber lip material, seven vertical support legs and two end caps and one shock absorbing bumper. Two traveling trolley assemblies that will travel inside the straight rails. Two each magnetic grabber nozzles, high temperature flex hoses 25ft. X 4-inch dia., spring balancers and metal hose saddles. System Includes; One each Plymovent model TEV-585-60, 7.5 hp, 240V 1 or 3 phase direct drive exhaust fan includes a square to round discharge transition and a vertical blower discharge/backdraft damper to direct exhaust in an upblast direction. One each Plymovent Model OS-3, UL listed Electrical Control Panel including fan motor stater, fuses, timer and transformer for the wireless receiver. Interconnecting duct work connecting rails to the fan. This duct is Norfab clamping type. Includes main trunk and laterals with sweep elbows and tapered 45-dgree branch take-offs.

More Details for Source Capture Exhaust System(s).

What is the square footage of the area that your modification will directly affect?

2450

Does the facility you wish to modify have a drive through bay?

Yes

What is the age of the facility that is being modified?

50

What type of facility will be modified?

Station(s) with sleeping quarters (to include marine fire facilities)

What is the level of occupancy for the facility you wish to modify? Note: The occupancy is defined by the number of hours the facility is used within a single 24 hour time period.

Full-Time (24/7)

How many vehicles do you plan on attaching to the system (only include currently owned vehicles or vehicles on order - do not include equipment for future capacity)?

2

More Details for Facility.

Facility identification (e.g. Station #1 Southside Station)

Fire Station 2

Does this facility have a fire alarm system?

No

Does this facility have a fire sprinkler system?

No

Does this facility have a diesel/smoke removal system?

No

When was the last major renovation where you made improvements to more than 25% of this facility?

No

Additional Information:

Fire Station #2 was built in 1970 and has not undergone any major renovation since it was originally constructed. No diesel exhaust ventilation system is present in this station, which houses offices, sleeping and living quarters, and training area.

Total requested for Facility project: \$42,650.00

Source Capture Exhaust System(s)

Quantity

1

Unit price

\$42,650.00

Total

\$42,650.00

Budget Class

Equipment

Description

This air quality system is designed to prevent diesel exhaust from entering the work and living spaces of the fire station, thereby reducing contamination of equipment, apparatus, facility and personnel. Product Scope 2 Plymovent STR-70 Straight Rail vehicle exhaust systems. Each Plymovent STR-70 system includes 70 ft. of rail profile, 140ft of rubber lip material, seven vertical support legs and two end caps and one shock absorbing bumper. Two traveling trolley assemblies that will travel inside the straight rails. Two each magnetic grabber nozzles, high temperature flex hoses 25ft. X 4-inch dia., spring balancers and metal hose saddles. System Includes; One each Plymovent model TEV-585-60, 7.5 hp, 240V 1 or 3 phase direct drive exhaust fan includes a square to round discharge transition and a vertical blower discharge/backdraft damper to direct exhaust in an upblast direction. One each Plymovent Model OS-3, UL listed Electrical Control Panel including fan motor stater, fuses, timer and transformer for the wireless receiver. Interconnecting duct work connecting rails to the fan. This duct is Norfab clamping type. Includes main trunk and laterals with sweep elbows and tapered 45-dgree branch take-offs.

More Details for Source Capture Exhaust System(s).

What is the square footage of the area that your modification will directly affect?

2450

Does the facility you wish to modify have a drive through bay?

Yes

What is the age of the facility that is being modified?

50

What type of facility will be modified?

Station(s) with sleeping quarters (to include marine fire facilities)

What is the level of occupancy for the facility you wish to modify? Note: The occupancy is defined by the number of hours the facility is used within a single 24 hour time period.

Full-Time (24/7)

How many vehicles do you plan on attaching to the system (only include currently owned vehicles or vehicles on order - do not include equipment for future capacity)?

2

More Details for Facility.

Facility identification (e.g. Station #1 Southside Station)

Station #4

Does this facility have a fire alarm system?

No

Does this facility have a fire sprinkler system?

No

Does this facility have a diesel/smoke removal system?

No

When was the last major renovation where you made improvements to more than 25% of this facility?

No

Additional Information:

Fire Station #4 was built in 1970 and has not undergone any major renovation since it was originally constructed. No diesel exhaust ventilation system is present in this station, which houses offices, sleeping and living quarters, and training area.

Total requested for Facility project: \$42,650.00

Source Capture Exhaust System(s)

Quantity

1

Unit price

\$42,650.00

Total

\$42,650.00

Budget Class

Equipment

Description

This air quality system is designed to prevent diesel exhaust from entering the work and living spaces of the fire station, thereby reducing contamination of equipment, apparatus, facility and personnel. Product Scope 2 Plymovent STR-70 Straight Rail vehicle exhaust systems. Each Plymovent STR-70 system includes 70 ft. of rail profile, 140ft of rubber lip material, seven vertical support legs and two end caps and one shock absorbing bumper. Two traveling trolley assemblies that will travel inside the straight rails. Two each magnetic grabber nozzles, high temperature flex hoses 25ft. X 4-inch dia., spring balancers and metal hose saddles. System Includes; One each Plymovent model TEV-585-60, 7.5 hp, 240V 1 or 3 phase direct drive exhaust fan includes a square to round discharge transition and a vertical blower discharge/backdraft damper to direct exhaust in an upblast direction. One each Plymovent Model OS-3, UL listed Electrical Control Panel including fan motor stater, fuses, timer and transformer for the wireless receiver. Interconnecting duct work connecting rails to the fan. This duct is Norfab clamping type. Includes main trunk and laterals with sweep elbows and tapered 45-dgree branch take-offs.

More Details for Source Capture Exhaust System(s).

What is the square footage of the area that your modification will directly affect?

2450

Does the facility you wish to modify have a drive through bay?

Yes

What is the age of the facility that is being modified?

50

What type of facility will be modified?

Station(s) with sleeping quarters (to include marine fire facilities)

What is the level of occupancy for the facility you wish to modify? Note: The occupancy is defined by the number of hours the facility is used within a single 24 hour time period.

Full-Time (24/7)

How many vehicles do you plan on attaching to the system (only include currently owned vehicles or vehicles on order - do not include equipment for future capacity)?

2

More Details for Facility.

Facility identification (e.g. Station #1 Southside Station)

Fire Station #3

Does this facility have a fire alarm system?

No

Does this facility have a fire sprinkler system?

No

Does this facility have a diesel/smoke removal system?

No

When was the last major renovation where you made improvements to more than 25% of this facility?

No

Additional Information:

Fire Station #3 was built in 1970 and has not undergone any major renovation since it was originally constructed. No diesel exhaust ventilation system is present in this station, which houses offices, sleeping and living quarters, and training area.

More Details for Modify facilities.

Narrative

Project Description

The project to install a commercially engineered exhaust extrication system in the four fire stations would cost \$197,750.00. This is well beyond the means of the City's general fund and the Fire Department's Capital and Operating budget. The fact that Great Falls Fire Rescue (GFFR) recently implemented mandatory occupational physicals and firefighter fitness programs per NFPA 1582 at significant expense, has not allowed us the opportunity to install the extraction ventilation system. In the last 5 years, Great Falls Fire Rescue has improved its health in safety program by implementing several policies and programs to monitor and to prevent exposure to carcinogenic compounds. One objective has been to install an apparatus exhaust extrication system in each fire station that would eliminate diesel exhaust in the fire stations. Our goal is to employ all means necessary to prevent our staff's exposure to toxins and to improve their health and welfare. All four of the fire stations were constructed in 1970 and at that time there was little if any concern by exposure. In fact, the living, sleeping and kitchens have little to no separation between them and the truck floor. Every year walls and ceiling must be cleaned to remove soot. We have

tried catalytic filters installed on apparatus; install doors to separate the living area from the truck floor but these effort have not really addressed the problem. It all really hit home when we lost one of our brothers to lung cancer and currently have another fighting colon cancer. As a result, the Department have implemented a clean cabs program, decontamination policy, and a number of other programs to limit our exposure to the carcinogenic compounds from fires. Unfortunately, we are still struggling with our exposure to exhaust at the fire stations that in 2012 the World Health Organization classified as carcinogenic to humans. If we are successful the exhaust extraction system would eliminate this serious health problem. Also, Montana recently passed firefighter presumptive illness legislation that has a set of compliance requirements to include abating exposure to toxins. As the State fire service pursued that endeavor we became more educated about the hazards of vehicle exhaust and developed the programs mentioned above. However, a City in Eastern Montana lack the funding to properly execute the plan in full. Our only alternative is the funding we are requesting in this grant. Our needs are not the only financial issues in Great Falls. The City buildings to include the four fire stations have millions of dollars in deferred maintenance, which has depleted any facility capital that would be available for this project. In other words, without grant assistance it will be slow to impossible to afford the exhaust ventilation system as proposed.

Cost/Benefit

Providing a safe and healthy work environment at fire stations should be a first priority for any fire service. Given the fact that there is scientific proof that diesel exhaust is considered a carcinogen, we are obligated to implement safe guards by practice and technology to abate exposing our member to diesel exhaust. We know that if our actions prevent one case of cancer, the City saves \$180,000.00 in insurance costs and a family is prevented from walking through the unspeakable challenges of cancer treatment and possible death. Even if cancer was not a factor, inhaling diesel exhaust can cause respiratory damage, dermatitis, and other illnesses that cause lost time and suffering. Also, without ventilating the exhaust out of the building the soot and residue stick to clothing, tools, equipment and to interior building surfaces. It would be hard to quantify the cost but we do know there is a fiscal impact.

Statement of Effect

The department's number-one strategic goal is protecting our members from toxic exposure, thus improving their quality of work life while preventing illness and injury. We have done a great job of doing this on the fire ground and post fire operations but due to the prohibitive cost of the Exhaust Ventilation System, we have yet to prohibit exposure from vehicle emissions in our four fire stations. If successful, the health and physical fitness of our members will significantly improve. Not only that, this effort will improve our member's peace of mind knowing that there is one less toxic compound they may be exposed to. In addition, a cleaner work environment will decrease illnesses related to chronic exposure to vehicle exhaust fumes. We will no longer be living, sleeping, training, and eating the residue left by exhaust fumes.

Grant request summary

The table below summarizes the number of items and total cost within each activity you have requested funding for. This table will update as you change the items within your grant request details.

Grant request summary

| Activity | Number of items | Total cost |
|-------------------|-----------------|---------------------|
| Equipment | 3 | \$105,654.00 |
| Modify facilities | 4 | \$197,750.00 |
| Total | 7 | \$303,404.00 |

Is your proposed project limited to one or more of the following activities : Planning and development of policies or processes. Management, administrative, or personnel actions. Classroom-based training. Acquisition of mobile and portable equipment (not involving installation) on or in a building.

No

Please download the EHP Screening form available at <https://www.fema.gov/media-library/assets/documents/90195>. Please complete the form and attach your completed form here.

| Filename | Date uploaded | Label | Description |
|---|---------------|--------------------|------------------------------|
| <u>2020 AFG EHP Screening form and photos.pdf</u> | 03/11/2020 | EHP Screening Form | <i>No description given.</i> |

Budget summary

Budget summary

| Object class categories | Total |
|-----------------------------|---------------------|
| Personnel | \$0.00 |
| Fringe benefits | \$0.00 |
| Travel | \$0.00 |
| Equipment | \$303,404.00 |
| | 0 |
| Supplies | \$0.00 |
| Contractual | \$0.00 |
| Construction | \$0.00 |
| Other | \$0.00 |
| Total direct charges | \$303,404.00 |
| | 0 |
| Indirect charges | \$0.00 |
| TOTAL | \$303,404.00 |
| | 0 |

| Object class categories | Total |
|--|---------------------|
| Non-federal resources | |
| Applicant | \$27,582.18 |
| State | \$0.00 |
| Other sources | \$0.00 |
| Remarks | |
| Total Federal and Non-federal resources | |
| Federal resources | - |
| Non-federal resources | - |
| TOTAL | \$303,404.00 |
| Program income | \$0.00 |

Contact information

Did any individual or organization assist with the development, preparation, or review of the application to include drafting or writing the narrative and budget, whether that person, entity, or agent is compensated or not and whether the assistance took place prior to submitting the application?

Secondary point of contact

Please provide a secondary point of contact for this grant.

The Authorized Organization Representative (AOR) who submits the application will be identified as the primary point of contact for the grant. Please provide one secondary point of contact for this grant below. The secondary contact can be members of the fire department or organizations applying for the grant that will see the grant through completion, are familiar with the grant application, and have the authority to make decisions on and to act upon this grant application. The secondary point of contact can also be an individual who assisted with the development, preparation, or review of the application.

Jeremy M Jones
Assistant Chief Of Operations

jjones@greatfallsmt.net

Primary phone

4067918968

Work

Additional phones

4068991502

Mobile

Fax

Assurance and certifications

OMB number: 4040-0007, Expiration date: 02/28/2022 [View burden statement](#)

SF-424B: Assurances - Non-Construction Programs

OMB Number: 4040-0007

Expiration Date: 02/28/2022

Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention,

Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

Certifications regarding lobbying

OMB Number: 4040-0013

Expiration Date: 02/28/2022

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

- If any funds have been paid or will be paid to any person for influencing or attempting 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 this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

OMB number: 4040-0013, Expiration date: 02/28/2022 [View burden statement](#)

SF-LLL: Disclosure of Lobbying Activities

OMB Number: 4040-0013

Expiration Date: 02/28/2022

Complete only if the applicant is required to do so by 44 C.F.R. part 18. Generally disclosure is required when applying for a grant of more than \$100,000 and if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting 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 this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Further, the recipient shall file a disclosure form at the end of each calendar quarter in which there occurs any event described in 44 C.F.R. § 18.110(c) that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by the applicant.

The applicant is not currently required to submit the SF-LLL.

11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Notice of funding opportunity

I certify that the applicant organization has consulted the appropriate Notice of Funding Opportunity and that all requested activities are programmatically allowable, technically feasible, and can be completed within the award's Period of Performance (POP).

Accuracy of application

I certify that I represent the organization applying for this grant and have reviewed and confirmed the accuracy of all application information submitted. Regardless of intent, the submission of information that is false or misleading may result in actions by FEMA that include, but are not limited to: the submitted application not being considered for award, enforcement actions taken against an existing award pending investigation or review, or referral to the DHS Office of Inspector General.

Authorized Organizational Representative for the grant

By signing this application, I certify that I understand that inputting my password below signifies that I am the identified Authorized Organization Representative for this grant. Further, I understand that this electronic signature shall bind the organization as if the application were physically signed and filed.

Authorization to submit application on behalf of applicant organization

By signing this application, I certify that I am either an employee or official of the applicant organization and am authorized to submit this application on behalf of my organization; or, if I am not an employee or official of the applicant organization, I certify that the applicant organization is aware I am submitting this application on its behalf, that I have written

authorization from the applicant organization to submit this application on their behalf, and that I have provided contact information for an employee or official of the applicant organization in addition to my contact information.



Item: Resolution 10333, A Resolution of the City of Great Falls Regarding the adoption of an Energy Response Task Force.

From: Commissioner Mary Sheehy Moe

Initiated By: Citizens for Clean Energy

Presented By: Commissioner Mary Sheehy Moe

Action Requested: Postpone consideration of the pending motion made during the February 18, 2020 meeting on Resolution 10333 indefinitely.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (postpone/not postpone) consideration of the pending motion on Resolution 10333 indefinitely.”

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

Staff Recommendation: In order to reduce the potential exposure to the COVID-19 virus, the agenda for the March 17, 2020 meeting was revised to delay non critical items. Therefore, this item was moved to the April 7, 2020 meeting. As the response to this pandemic continues to evolve the City has begun limiting Agenda items to address essential, high priority and time sensitive issues. It is recommended to indefinitely postpone consideration of the pending motion made during the February 18, 2020 meeting. This will allow for the proposed Resolution to be brought back at a later time when Commission Meetings may be better equipped for the type of public discussion that will result from this item.

Summary: If adopted, Resolution 10333 would establish the Energy Response Task Force to evaluate the City’s energy use and resiliency and to propose a plan to improve energy use and emergency responses to the effects of changing weather patterns on Great Falls. The plan will include a history of specific actions already taken by the City with regard to that dual purpose, propose future actions to be taken, and identify potential partnerships, resources, and opportunities to aid in the implementation of the plan.

Background: On Nov. 5, 2019, Ken Palisin, on behalf of Citizens for Clean Energy (CCE), addressed the City Commission in a work session and proposed a resolution to establish an Energy Conservation and Sustainability Committee to help the City of Great Falls move toward a cleaner energy future. It was the consensus of the Commission that CCE should modify the proposal. Commissioners Houck and Moe agreed to assist CCE with that process.

Resolution 10333 was presented to the Commission at its February 18, 2020, meeting. Rather than establish a permanent committee, the resolution proposed appointing an *ad hoc* task force for the purpose of creating an action plan on energy use and resilience and climate-related emergency preparedness. At that meeting, two commissioners expressed the opinion that the agenda item as presented was deficient. Specifically, (1) a clarification of the rationale for the project and a justification of its priority were requested, as well as explanations of (2) what the specific work of the task force would entail, (3) how that work improved upon what the City had already accomplished in energy conservation and in (4) climate-caused emergency preparedness, (5) what agreements were involved in securing the services of an Energy Corps member, and (6) how much staff time would be required to support the Task Force's work. A motion was made to adopt Resolution 10333. After considerable discussion, the Commission adopted a motion to postpone the pending motion until March 17, 2020.

Alternatives: The City Commission could move to postpone consideration of the pending motion on Resolution 10333 to a date certain. However, staff recommends reserving the agenda for essential, high priority and time sensitive issues pending this pandemic.

Attachment: Resolution 10333

RESOLUTION NO. 10333 A RESOLUTION OF THE CITY OF GREAT FALLS
REGARDING THE ADOPTION OF AN ENERGY RESPONSE TASK FORCE

WHEREAS, the safety of its citizens and the efficiency and cost-effectiveness of its operations have been and will always be among the highest priorities of the City of Great Falls; and

WHEREAS, the City of Great Falls has already engaged in efforts of varying depth to identify areas where efficiency, cost-effectiveness and diversification with regard to energy use could be improved and wishes to expand those efforts to other areas of its operations and to the consideration of alternative energy options; and

WHEREAS, the City of Great Falls has already made significant efforts to prepare for climate-related emergencies and wishes to ensure that these efforts are current, comprehensive, and broadly communicated.

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

SECTION 1: There is hereby established the Great Falls Energy Response Task Force (the "Task Force"), an ad hoc committee appointed by the City Commission. The general purpose of the Task Force shall be to evaluate the City's energy use and resiliency and to propose a plan to improve energy conservation and emergency preparedness for the effects of changing weather patterns on Great Falls. The plan will include a history of specific actions already taken by the City with regard to that dual purpose, propose future actions to be taken, and identify potential partnerships, resources, and opportunities to aid in implementation of the plan.

SECTION 2: Members of the Task Force shall be appointed by the City Commission through its established committee appointment procedures. Task Force members shall receive no compensation. Expectations for attendance and conduct of individual members and the Task Force as a whole shall be the same as those for members of other committees appointed by the City Commission.

SECTION 3: The Task Force will consist of five (5) individuals who are residents of the City of Great Falls, and up to two (2) members of the City Commission, who as *ex officio* members shall neither make motions nor cast votes.

SECTION 4: Pursuant to Montana's open meeting laws, all meetings of the Task Force shall be properly noticed at least 48 hours in advance of a meeting, include an agenda of topics/items to be discussed and allow for public comment on agenda items and for public comment that is within the jurisdiction of the Task Force, and appropriate Minutes of all meetings shall be kept and be available for inspection by the public.

SECTION 5: The Task Force members shall select a Chairperson, a Vice-Chairperson and a Secretary from among its members. The Secretary shall be responsible for keeping all records of the Task Force and taking minutes of all meetings, and submitting them to the City Clerk. A

majority of the membership, not to include ex officio members, shall constitute a quorum. The Task Force shall meet as often as necessary to accomplish its general purpose, as described in Section 1, but not less than once a month.

SECTION 6: Members of the Task Force shall comply with the Code of Ethics set forth in Mont. Code Ann. § Title 2, Chapter 2, and the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21.

SECTION 7: The Task Force shall meet with the goals of having a draft Action Plan available for public review and comment no later than April 30, 2021, and a final Action Plan and recommendation ready to present to the City Commission no later than July 21, 2021. The Task Force shall be disbanded and cease to exist as of the date the City Commission takes final action on the Action Plan.

SECTION 8: The City will apply as a host site to secure the services of an Energy Corps member to support the work of the Great Falls Energy Response Task Force.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of April, 2020.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney



Agenda #: 18
Commission Meeting Date: April 7, 2020

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Public Hearing - Ordinance 3211, “An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Reserving Chapters 41 through 43; and, repealing and replacing Chapter 44 Pertaining to Landscaping.”

From: Planning and Community Development Department

Initiated By: Planning & Community Development/Legal Departments

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

Action Requested: City Commission adopt Ordinance 3211.

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) Ordinance 3211.”

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

Staff Recommendation: At the conclusion of a meeting held on January 28, 2020, the Planning Advisory Board recommended that the City Commission adopt Ordinance 3211, reserving Chapters 41 through 43 and repealing and replacing Chapter 44 pertaining to the City’s Landscaping Code. Staff also recommends that the City Commission adopt Ordinance 3211.

Summary: First adopted in 2005 as the City’s first comprehensive compilation of code provisions relating to development, Title 17 to the Official Code of the City of Great Falls (OCCGF) has been modified a number of times to keep the Code relevant. Members of the City Commission and Staff have examined numerous sections of the OCCGF and have identified various types of revisions throughout different chapters of the Code. These deficiencies range from typographical errors, needed content updates, and conflicts with State and Federal law.

As part of the current comprehensive review of the City’s development process, Title 17, referred to as the “Land Development Code,” is the largest and most complex of all OCCGF Titles. In 2019, the City

Commission asked Staff to look at the Code to see if there were opportunities for streamlining and improvements to provide better service and flexibility for the development community.

In late 2019, Staff undertook a review of two Chapters of the Land Development Code: Chapter 36 Parking and Chapter 44 Landscaping. Based on this review, input from focus groups, and a comparison with codes from other similar communities, Staff has recommended revisions to both Chapters. These changes were brought forth to the City Commission at a Work Session on December 3, 2019 for the Parking Chapter and January 7, 2020 for the Landscaping Chapter. Staff presented a summary of the changes to each Chapter at a Town Hall meeting that was held on January 8, 2020.

At its regularly scheduled meeting on February 18, 2020, the City Commission scheduled the public hearing for this item for March 17, 2020. In order to reduce the potential exposure to the COVID-19 virus, the agenda for the March 17, 2020 meeting was revised to delay non-critical items. Therefore, the public hearing was moved to the April 7, 2020 meeting. This public hearing has been properly noticed in compliance with the noticing requirements pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.

Ordinance 3211: Repealing and Replacing Chapter 44

As Staff has reviewed projects over the past few years, issues related to certain provisions in the Landscaping Chapter have been identified. These issues were not only identified during plan review, but through discussions with the Design Review Board and through requests for Design Waivers submitted by applicants.

An overview of all proposed code changes is provided for City Commission review in the chart attached to this agenda report. This agenda report highlights the most significant code revisions.

Code Reorganization: The first substantive change is the reorganization of Chapter 44. Previously, the chapter was separated by the type of requirements and organized based on the types of buildings. The proposed chapter is now organized by land use types, and all of the requirements for each land use type are laid out in one section. This revision will allow the public, developers, and consultants to easily identify all code requirements for their particular development project. Another key reorganization change is that Multi-family and Industrial landscaping requirements are now combined with Commercial landscaping requirements. Additionally, sections of the Code that are covered in other Titles or no longer needed have been removed.

Single-Family and Two-Family Landscaping: The second substantive change is the revision to single-family and two-family landscaping requirements. Currently, the code reads as follows:

1. A canopy tree or evergreen tree shall be planted and maintained for each one thousand five hundred (1,500) square feet of net lot area. Up to two (2) shade trees located in the boulevard area may be applied to this requirement, provided that at least one (1) canopy tree or evergreen tree shall be planted within the interior.
2. Turf grass or ground cover plants shall cover at least fifty (50) percent of the net lot area.

Staff has determined that the requirement for interior trees was too burdensome for homeowners and was also difficult for Staff to inspect. Therefore, Staff proposes that the requirement be reduced to one interior tree for single-family and two-family building lots.

Code Reductions and Design Flexibility: Another substantive change that will affect several requirements of the landscape code and address concerns from the development community, are proposed revisions to provide design flexibility. This will be done in several ways including the reduction of non-residential boulevard tree requirements and planting rates.

Currently, for non-residential developments, a boulevard tree is required to be planted every thirty-five (35) lineal feet. This does not take into account driveways and sidewalks which can reduce the amount of space to plant trees and make it very difficult to meet the requirements without planting trees very close together. This can affect the health of the tree and does not provide a boulevard that the Code envisioned. Therefore, Staff proposes that the requirement be reduced to one tree per fifty (50) lineal feet of street frontage not encumbered by driveways, sidewalks, or other approved hard surfaces.

Additionally, when Staff evaluated the planting rates that currently exist in the Code, several concerns were identified including:

1. Fitting all the required plants on project sites; and
2. Whether the rates work for sites of different acreages.

As a result, Staff proposes that the rate of plantings be categorized by property size. The proposal is to create different requirements for sites under two (2) acres as well as for projects two (2) acres and larger. Concerns arise with large sites based on the amount of plants that are required as well as the need to leave open space for possible building expansion. Having separate requirements based on project size will alleviate these concerns.

For sites under two (2) acres, the existing and proposed rates are as follows:

1. Existing Planting Rate: 1 Tree and 7 Shrubs for every 400 square feet of required landscaping; and
2. Proposed Planting Rate: 1 Tree and **4 Shrubs** for every 400 square feet of required landscaping.

The chart below shows an example of how this reduction would affect a site that is a third of an acre.

| 1/3 Acre Site | | | | | | |
|--------------------------|--------|----------------------|-------|-------------------------------------|------------------|---------------|
| Gross Lot Area | 14,505 | | 2,176 | square feet of interior landscaping | | |
| TREES | | | | | | |
| Existing Code | 2,176 | <i>divided by</i> | 400 | 5.44 | 6 trees | |
| Proposed Code amendment | 2,176 | <i>divided by</i> | 400 | 5.44 | 5 trees | 17% reduction |
| SHRUBS | | | | | | |
| Existing Code equivalent | 2,176 | <i>divided by</i> | 400 | 5.44 | | |
| | 5.44 | <i>multiplied by</i> | 7 | 38.08 | 39 shrubs | |
| Proposed Code amendment | 2,176 | <i>divided by</i> | 400 | 5.44 | | |
| | 5.44 | <i>multiplied by</i> | 4 | 21.76 | 22 shrubs | 43% reduction |

Staff has additionally proposed that conventional rounding be used instead of always rounding up. This would actually reduce the amount of trees in the example noted above, and the reduction to the shrub

count would give a project this size a 43% reduction on shrub counts. This will result in planting beds not being over planted, crowded, and the minimum requirements easier to accomplish.

For sites two (2) acres and larger, the existing and proposed rates are as follows:

1. Existing Planting Rate: 1 Tree and 7 Shrubs for every 400 square feet of required landscaping; and
2. Proposed Planting Rate: 1 Tree and **4 Shrubs** for every **500** square feet of required landscaping.

The chart below shows an example of how this reduction would affect a site that is two acres.

| 2 Acre Site | | | | | | |
|-------------------------|--------|----------------------|-----|---------|--|--|
| Gross Lot Area | 87,120 | | | | | 13,038 square feet of interior landscaping |
| TREES | | | | | | |
| Existing Code | 13,068 | <i>divided by</i> | 400 | 32.67 | | 33 trees |
| Proposed Code amendment | 13,068 | <i>divided by</i> | 500 | 26.14 | | 26 trees 21% reduction |
| SHRUBS | | | | | | |
| Existing Code | 13,068 | <i>divided by</i> | 400 | 32.67 | | |
| | 32.67 | <i>multiplied by</i> | 7 | 228.69 | | 229 shrubs |
| Proposed Code amendment | 13,068 | <i>divided by</i> | 500 | 26.14 | | |
| | 26.14 | <i>multiplied by</i> | 4 | 104.544 | | 105 shrubs 54% reduction |

The proposed change would result in a 21% reduction to the tree count and a 54% reduction to the shrub count. This will ultimately provide more flexibility in the placement of plants which could result in more turf area and also leave more area for building expansion on larger sites.

In addition to the reduction in the planting rates, Staff has proposed code changes to allow ornamental grasses and perennials instead of shrubs. Additionally, Staff is proposing substitution options for the use of large boulders and sculptures in the landscape. The following are the proposed changes to the code:

1. Two (2) perennials or one (1) ornamental grass can substitute for one (1) shrub. Maximum of 30% of total required shrubs;
2. Nine (9) cubic feet of sculpture integrated into the landscaping can substitute for one (1) shrub. Maximum of 10% of total required shrubs; and
3. Each two (2) feet boulder or larger integrated into the landscaping can substitute for one (1) shrub. Maximum of 10% of total required shrubs.

Finally, as mentioned previously, Multi-family residential land uses will now have the same requirements as a commercial land use. The previous requirements of having one (1) tree be planted every 1,500 square feet as well as needing 50 percent of the net lot area being landscaped made it quite a challenge to meet the requirements, especially for large apartment complexes.

Revisions to Ordinance 3211 Based on Public Comment

At the conclusion of the scheduled meeting on January 14, 2020, the Planning Advisory Board passed a motion to table the recommendation to the City Commission on Ordinance 3211 and Ordinance 3212.

This motion was based on public comment taken at the meeting. Several questions were brought up to the Board addressing the following topics:

1. Whether the code requirements for landscaping would negatively affect development potential in the downtown;
2. Whether the requirements would impact homeowners modifying landscaping in their yards; and
3. Whether certain code provisions were defined well enough.

In response, Staff reviewed each comment and developed revisions to address the particular concern raised. These changes were presented to the Planning Advisory Board at their January 28th meeting. The Planning Advisory Board accepted the changes which have been incorporated into the Ordinance submitted to the City Commission.

Ordinance 3211 will reserve Chapters 41 through 43 and repeal and replace Chapter 44. Ordinance 3211 Exhibit "A" is a document illustrating the provisions that will replace the current OCCGF Title 17 Chapter 44 with added language in **bold** and deleted language in ~~strike through~~. Exhibit "B", attached to this agenda report, illustrates the proposed Code in clean format. A summary table has also been provided for reference to show and clearly explain the more substantive changes.

Alternatives: Alternatively, the City Commission could deny adoption of Ordinance 3211.

Concurrences: The proposed changes to Chapter 44 Landscaping in Title 17 have been reviewed and approved by affected City departments.

Attachments/Exhibits:

- Ordinance 3211
- Ordinance 3211 Exhibit A
- Ordinance 3211 Exhibit B
- Summary Chart of Code Changes to the Chapter

ORDINANCE 3211

AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): RESERVING CHAPTERS 41 THROUGH 43; AND, REPEALING AND REPLACING CHAPTER 44 PERTAINING TO LANDSCAPING.

* * * * *

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

WHEREAS, the City Commission wishes to establish and reserve Chapters 41 through 43 of OCCGF Title 17; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 17, Chapter 44, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

WHEREAS, the City Commission wishes to cure the deficiencies and make substantive amendments to OCCGF Title 17, Chapter 44, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

WHEREAS, at its regularly scheduled January 28, 2020, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3211.

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

Section 1. OCCGF Title 17, Chapters 41-43 are hereby established and reserved;

Section 2. OCCGF Title 17, Chapter 44 is hereby repealed and replaced as depicted in Exhibit "A" attached hereto and by reference incorporated herein, with deleted language identified by ~~strike through~~ and inserted language **bolded**; and

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

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

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading April 7, 2020.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3211 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 44 LANDSCAPING

Chapter 41 RESERVED

Chapter 42 RESERVED

Chapter 43 RESERVED

Chapter 44 LANDSCAPING

Articles:

Article 1 - GENERAL PROVISIONS

Article 2 - ~~BOULEVARD AREAS AND STREET MEDIANS~~

Article 3 - ~~DESIGN STANDARDS FOR COMMERCIAL, INSTITUTIONAL AND CIVIC USE BUILDINGS~~

Article 4 - ~~DESIGN STANDARDS FOR INDUSTRIAL BUILDINGS~~

Article 5 - ~~DESIGN STANDARDS FOR SINGLE FAMILY, DUPLEX AND MULTIFAMILY DWELLINGS~~
RESIDENTIAL LAND USES

Article 3 - DESIGN STANDARDS FOR ALL OTHER LAND USES

Article 1 GENERAL PROVISIONS

Sections:

~~17.44.1.010 Legislative findings.~~

~~17.44.1.020 Purpose.~~

~~17.44.1.030 Installation and maintenance.~~

~~17.44.1.040 Specifications for landscaping materials.~~

~~17.44.1.050 Retaining wall standards.~~

~~17.44.1.060 Calculations.~~

17.44.1.010 Legislative findings.

17.44.1.020 Purpose.

17.44.1.030 Applicability.

17.44.1.040 Installation and maintenance.

17.44.1.050 Specifications for landscaping materials.

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 44 LANDSCAPING

17.44.1.060 Calculations.

17.44.1.010 Legislative findings.

The City Commission makes the following findings:

- ~~1.—~~**A.** A healthy environment is an indication of a healthy community-;
- ~~2.—~~Landscaping is a means of making City living more pleasant.
- ~~3.—~~**B.** Landscaping helps to maintain and increase property values-;
- ~~4.—~~**C.** Trees and landscaping provide lasting social, economic, environmental, and aesthetic benefits to the community-;
- ~~5.—~~**D.** Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics-; **and**
- ~~6.—~~**E.** Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase, ~~and vice versa.~~

17.44.1.020 Purpose.

This ~~chapter~~ **Chapter** is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- ~~1.—~~Make the City more attractive and aesthetically pleasing.
- ~~2.—~~**A.** Provide flexible standards where possible, rather than rigid requirements-;
- ~~3.—~~**B.** Promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution-;
- ~~4.—~~**C.** Improve the aesthetic appearance of the built environment-;
- ~~5.—~~**D.** Ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects-;
- ~~6.—~~**E.** Create beautiful tree-lined streetscapes-;
- ~~7.—~~**F.** Promote economic development by providing a high quality of life-;
- ~~8.—~~**G.** Enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff ~~retardation~~ **mitigation**, and ~~noise, glare and~~ heat abatement-; **and**
- ~~9.—~~**H.** Encourage the preservation, expansion, protection, and proper maintenance of the community forest.

Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 44 LANDSCAPING

17.44.1.030 ~~Installation and maintenance~~ Applicability.

The landscaping requirements set forth in Articles 2 and 3 apply to:

- A. **New buildings constructed after the effective date of this Chapter;**
- B. **All buildings being increased in size by at least twenty (20) percent;**
- C. **All buildings undergoing a substantial improvement;**
- D. **New vehicular use areas or vehicular use areas undergoing replacement of at least fifty percent (50%) of the pavement area, this does not apply to:**
 - 1. **Overlay;**
 - 2. **Restriping; and**
 - 3. **Seal coat.**
- E. **An expansion of a vehicular use area by twenty (20) percent or more, if it equates to five (5) or more additional parking spaces; and**
- F. **All existing properties may not be altered to cause or increase noncompliance with the provisions of this Chapter.**

17.44.1.040 Installation and maintenance.

- A. **Standards. All landscaping shall be installed with standard practices in accordance with the American National Standard Institute (ANSI) A300 and shall be live vegetation.**
- B. **Landscaping and certificate of occupancy.** Prior to the issuance of a certificate of occupancy, all landscaping required in this ~~chapter~~ **Chapter** shall be installed or **the following must be completed:**
 - 1. **For all uses except single-family and two-family residential land uses,** an improvement guarantee shall be filed and accepted by the City consistent with Chapter 68 of this Title. ~~Interior landscaping for single-family dwellings shall be installed within one (1) year from the date of the certificate of occupancy.~~
 - 2. **B.—For single-family and two-family residential land uses, landscaping shall be installed within one (1) year from the date of the certificate of occupancy in association with the completion of a Landscape and screening Letter of Commitment on file in the Planning and Community Development Department.**
- C. **Landscape maintenance and replacement.** The property owner shall:
 - 1.— **Maintain landscaping in good condition so as to present a healthy, neat, and orderly appearance free from refuse, weeds, and debris in accordance with the landscaping plan as originally approved;**
 - 2.— **Replace ~~plant materials~~ within six (6) months plant materials that have died or have otherwise been damaged or removed;**

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Chapter 44 LANDSCAPING

3.— Maintain all non-~~live~~**living** landscaping materials-; **and**

~~(Ord. 2950, 2007)~~

~~C.—~~ 4. **The owner responsible for the maintenance of all**—All landscaping shall be installed in accordance with "Arboricultural Standards and Specifications" and

D. Boulevards. Any property owner wishing to construct a principal building on a vacant lot shall be live-vegetation-responsible for installing and maintaining the boulevard landscaping consistent with this Article.

1. **Removal of a boulevard tree shall be consistent with OCCGF Title 12, Chapter 15.**

2. **Trees shall be pruned to provide vertical clearance of eight (8) feet over sidewalks and fourteen (14) feet over streets.**

3. **Trees required in the boulevard areas shall be selected from the list of "Trees for Boulevard Areas in Great Falls" on file in the Planning and Community Development Department.**

4. **Mulch must be contained so as not to spill into the street and/or onto the sidewalk. Property owners are required to remove any spillage. ~~D-~~**

5. **Existing significant boulevard trees that are alive and in healthy condition shall be preserved unless approval is given pursuant to OCCGF Title 12, Chapter 15.**

E. Street Medians. When a median is incorporated into a subdivision, the developer shall be responsible for installing the landscaping as part of the project and a homeowners' association shall be responsible for perpetual maintenance, or the City, at its discretion, may accept responsibility. Designs shall be approved by the City.

F. Mature tree credit. Mature coverage of existing canopy trees will be computed and applied directly to the required landscaping- as follows:

~~E.— **General maintenance and appearance.** Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free from refuse, weeds and debris.~~

~~F.— **Joint maintenance responsibility.**~~

1. **Every existing mature tree of at least six (6) inches of diameter will be applied as the equivalent of two (2) required interior trees.**

2. ~~The owner, tenant or agent, if any, shall be jointly responsible for diameter of the maintenance of all landscaping.~~

~~G.— **Tree protection and replacement.** Existing significant trees that are alive and in healthy condition shall be preserved—mature tree will be measured pursuant to the extent reasonably feasible during development or redevelopment, and may help satisfy the landscaping requirements of this chapter. Such trees shall be considered "protected" trees within the meaning of this chapter subject to the exceptions contained in item 3. below. Streets, buildings and lot layouts shall be designed to minimize the disturbance to existing significant trees. All required landscape plans shall accurately identify the locations, species, size and condition~~

Exhibit "A"

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Chapter 44 LANDSCAPING

of all existing significant trees, each labeled showing the applicant's intent to either remove, transplant or protect. Where it is not feasible to protect and retain existing

Article.

- 1. ~~All existing street trees that are located on City rights-of-way abutting the development or redevelopment shall be accurately identified by species, size, location and condition on required landscape plans, and shall be preserved and protected in accordance with the City of Great Falls, "Arboricultural Standards and Specifications." Unauthorized removal or destruction of such trees shall require the following:

 - a. ~~Payment to the City of Great Falls of the value of the trees removed or damaged. The party responsible for the removal or destruction shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon an appraisal of the tree to be removed by using the most recent published methods established by the Council of Tree and Landscape Appraisers; or,~~
 - b. ~~Replacement of lost or damaged trees, as directed by the City, with a sum of total trunk diameters equal to one hundred (100) percent of the trunk diameters of the trees removed. Replacement shall conform to the requirements in Article 2 to this chapter.~~~~
- 2. ~~Replacement trees shall meet the following minimum size requirements:

 - a. ~~Canopy Shade Trees
2.0" caliper balled and burlap or equivalent~~
 - b. ~~Ornamental Trees
2.0" caliper balled and burlap or equivalent~~
 - c. ~~Evergreen Trees
6' height balled and burlap or equivalent~~~~
- 3. ~~Trees that meet one (1) or more of the following removal criteria shall be exempt from the requirements of this subsection.

 - a. ~~Dead, dying or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;~~
 - b. ~~Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;~~
 - c. ~~Tree species that constitute a nuisance to the public such as cotton-bearing cottonwood, Siberian Elm and Russian Olive. However, native cotton-bearing cottonwood trees, when located in a natural area buffer zone or riparian area, are not nuisance tree species.~~~~

(Ord. 2950, 2007)

- 3. **Health and placement of the mature tree will be taken into consideration by the City when applying the mature tree credit.**

17.44.1.049050 Specifications for landscaping materials.

- A. **Generally. All plant materials shall be installed pursuant to the minimum requirements as provided by this Chapter.** All plant material shall be healthy, vigorous, and free of disease and insects. Plant material shall conform to the specifications of the American Association of Nurserymen (AAN) for **Grade No. 1-grade.**

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- B.— **Trees.** Trees shall meet the following standards:
- 1.— ~~Shade~~ **Boulevard** trees shall be at least one and one-half (1½) inches trunk caliper, measured ~~one (1) foot above~~ **six (6) inches from the ground-soil line or root flare; and**
 - 2.— ~~Ornamental~~ **Interior deciduous** trees shall be at least one and one-quarter (1¼) inches trunk caliper measured ~~one (1) foot above~~ **six (6) inches from the ground-soil line or root flare**; and 3., and ~~Evergreen~~ **interior evergreen** trees shall have a minimum planting height of five (5) feet.
- C.— **Shrubs.** Shrubs shall be at least two-gallon container-grown material or ~~of equivalent size if bare-root.~~ **of eighteen (18) inches of height or greater.**
- D.—~~Groundcover.~~ ~~Groundcover~~ **Perennials. Perennials** shall be at least one-gallon container-grown material or of equivalent size if bare-root.
- E.— **Turf.** Turf areas may be sodded or seeded. In areas subject to erosion, sod shall be used. Sod shall be commercially grown and clean and free of weeds, noxious pests, and diseases. **If seeded, temporary watering is required, and a vegetative cover shall be established with a density of at least 70% of the seeded area in order for a certificate of occupancy to be issued.**
- F.—~~Mulch.~~ **Mulch. Acceptable mulches include organic materials (wood chips and shredded bark), and inert inorganic materials (decomposed granite, cobble and gravel).** Where mulch is used as a ground treatment, it shall be applied to a depth of ~~four (4)~~ **three (3) inches.** A suitable landscape fabric shall be placed between the soil and mulch to impede weed growth **for inert organic materials.**

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G.— Lawn edging. ~~recommended-required~~ **Lawn edging shall be installed around all shrub beds except for single-family and two-family land uses.** Acceptable lawn edging ~~is~~ **includes** steel, aluminum, polyethylene, and concrete curbing.

17.44.1.050 — Retaining wall standards.

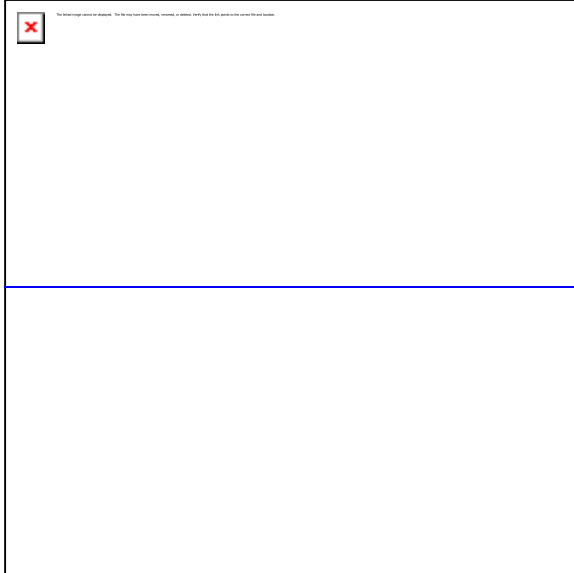
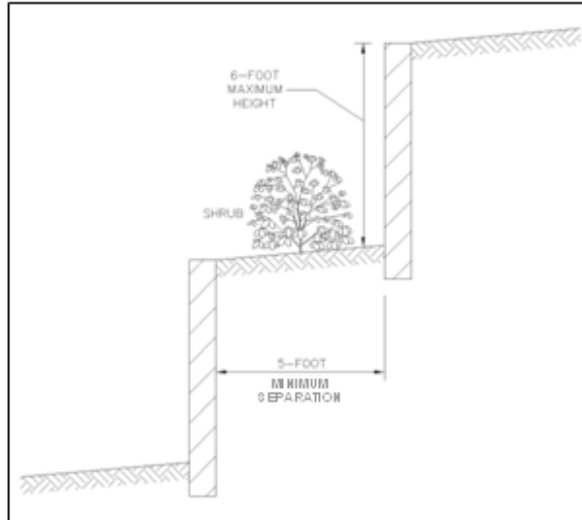


Exhibit 44-1. Dimensional standards for retaining walls



Retaining walls shall not be taller than six (6) feet. A series of more or less parallel retaining walls may be used provided there is at least a five-foot horizontal separation between the two (2) walls and the area is landscaped with shrubs at a rate of at least ten (10) shrubs per one hundred (100) feet (Exhibit 44-1).

(Ord. 2950, 2007)

17.44.1.060 Calculations.

When a calculation is used to determine the number of required trees, or the like, and results in a fraction, the requirement shall be ~~considered the whole number (rounded up)~~ **to the nearest whole number.**

Article 2 BOULEVARD AREAS DESIGN STANDARDS FOR SINGLE-FAMILY AND STREET MEDIATESTWO-FAMILY RESIDENCE LAND USES

Sections:

~~17.44.2.010 General provisions.~~

~~17.44.2.020 Responsibility for installation of street trees.~~

~~17.44.2.030 Landscaping for street medians.~~

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~~17.44.2.040 Landscaping for boulevard areas.~~

17.44.2.010 Boulevards.

17.44.2.020 Landscaping requirements.

17.44.2.010 — General provisions.

A. **Permit required.** A permit is required to:

1. ~~plant trees in the boulevard area~~
2. ~~remove or prune existing trees in the boulevard area~~

B. **Vertical clearance.**

C. **Supplemental uses.** ~~Street medians and boulevard areas may contain sidewalks, utility installations, signs, benches, and other structures installed by a public agency.~~

D. **Tree selection.** ~~Trees required in this article shall be selected from the list contained in Appendix B.~~

E. **Required removal.** ~~Any landscaping in the boulevard area or street median that impedes pedestrian travel or is deemed detrimental to public safety shall be removed immediately by the property owner or agent upon written notification by the City.~~

F. **Mulch.**

17.44.2.020 — Responsibility for installation of street trees.

~~The property owner wishing to construct a principal building on a vacant lot shall be responsible for installing the street trees consistent with this article.~~

17.44.2.030 — Landscaping for street medians.

A. **Applicability.** ~~When a median is incorporated into a subdivision, the provisions of this section apply.~~

B. **Installation and maintenance responsibility.** ~~The developer shall be responsible for installing the landscaping as part of the project and a homeowners association shall be responsible for perpetual maintenance or the City, at its discretion, may accept responsibility.~~

C. **Number of trees required.** ~~At least two (2) ornamental trees or one (1) for each twenty-five (25) feet of length of the median, whichever is more, shall be planted and maintained within the median. By way of example, a median four hundred forty (440) feet long will require eighteen (18) ornamental trees and a forty-foot median requires two (2) trees.~~

D. **Placement of trees.** ~~Ornamental trees shall be planted at least three (3) feet from any curb or other pavement.~~

E. **Spacing of trees.** ~~Trees shall be spaced more or less evenly along the length of the median taking into account the location of light poles, fire hydrants, and the like and the mature canopy width of existing trees and those being planted.~~

F. **Shrubs, flowers and turf grass.** ~~Shrubs, ground cover, and flower beds may be planted in the median to supplement the trees. Turf grass shall be installed within the median except in those areas occupied planting beds for shrubs, ground cover, and/or flowers.~~

Exhibit "A"

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~~17.44.2.040 Landscaping for boulevard areas.~~

~~A. **Responsibility.** The property owner shall maintain landscaping within the boulevard area not occupied by roadways, curb and gutter, driveways, sidewalks, or crosswalks according to the standards in this article.~~

~~B. **Boulevards in residential areas.** in residential areas shall conform to the following standards:~~

17.44.2.010 Boulevards.

- ~~1. A.~~ Boulevards shall contain ~~grass sod~~ and trees (with **three (3) foot diameter** organic mulched reservoirs) and may include shrubs, ~~flowers~~ **perennials**, and/or ornamental plants (~~with organic mulched reservoirs within a landscaping bed~~).
- ~~2. B.~~ **Materials and vegetation prohibited in a residential boulevard include, but are not limited to, the following:**
 - 1. Artificial vegetation including, but not limited to, trees, shrubs, perennials, and grass;**
 - 2. All non-living material except as specifically allowed by this Chapter;**
 - 3. Fences and/or walls (unless approved via a Boulevard Encroachment Permit by the City Engineer);**
 - 4. Gravel, decomposed granite, or cobble; and**
 - 5. Sand.**
- ~~C.~~ At least one (1) canopy-type tree shall be planted and maintained in a boulevard section for each thirty-five (35) lineal feet of street and avenue frontage or portion thereof, not covered by driveway, sidewalks, or other approved hard surface.

~~(Ord. 2950, 2007)~~

- ~~3. D.~~ Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like, and the mature canopy width of existing trees and those being planted.
- ~~4. E.~~ No shrub shall be planted within five (5) feet of a fire hydrant or within a clear **visibility vision** triangle (as defined in ~~Chapter 32, Section OCCGF § 17.32.160 of this Title~~), if its mature height will exceed two and one-half (2½) feet. The height shall be measured from the adjoining street centerline surface elevation.

17.44.52.020 Landscaping shall be maintained, requirements.

- ~~A.~~ **Single-family** and ~~those plantings which fail~~ **two-family dwellings shall contain at least one (1) interior tree in addition to the required boulevard trees.**

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- B. Turf grass or ground cover plants shall cover at least fifty (50) percent of the lot area not covered by a structure.
- C. Regional stormwater facilities shall be landscaped pursuant to OCCGF Title 13.

Article 3 DESIGN STANDARDS FOR ALL OTHER LAND USES

Sections:

17.44.3.010 Submittals.

17.44.3.020 Boulevards.

17.44.3.030 Landscaping requirements.

17.44.3.010 ~~survive~~ Submittals.

All landscape specifications, plans, etc., shall be submitted to the City Planning and Community Development Department for review and approval. Plans shall be replaced with approved plantings within three (3) months to scale and shall include at a minimum:

- ~~6.~~—A. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), north arrow, property lines, visibility triangles, easements, utilities and otherwise;
- B. A plant list containing botanical names, common name, plant size, number, and variety of each plant used and mature area of coverage of canopy trees; and
- C. An analysis of the requirements found in this Chapter including the calculation of required interior landscaping, rate of plantings, and boulevard tree requirements.

17.44.3.020 Boulevards.

- A. Boulevards shall contain sod and trees with three (3) foot diameter organic mulched reservoirs and may include shrubs, perennials, and/or ornamental plants (within a landscaping bed).
- B. Materials and vegetation prohibited in a residential boulevard include, but are not limited to, the following:
 - ~~a.~~—1. Artificial vegetation including, but not limited to, trees, shrubs, vines, bushes, flowers, and grass-;
 - ~~b.~~—All non-living material except as specifically allowed by this chapter.
 - ~~c.~~—2. Fences/ and/ or walls (unless approved via through a Boulevard Encroachment Permit by the City Engineer-); and

Exhibit "A"

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- ~~d. Gravel/decomposed granite/cobble.~~
- e. ~~3. Sand.~~
- C. ~~**Boulevards in non-residential areas.** Boulevards in non-residential areas shall conform to the following standards: **At least one (1) canopy-type tree shall be planted and maintained in the boulevard section for each fifty (50) lineal feet of street and avenue frontage or portion thereof not covered by driveway, sidewalks, or other approved hard surface.**~~
- 1. ~~Boulevards shall contain grass and trees, and may contain shrubs, flowers, and/or ornamental plants.~~
- 2. ~~D. **Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like, and the mature canopy width of existing trees and those being planted.**~~
- E. **Any landscaping in the boulevard area that impedes pedestrian travel or is deemed detrimental to public safety shall be pruned or removed, immediately by the property owner, tenant, or agency upon written notification from the City.**
- F. Limited amounts of non-living materials (mulches) are permitted when used in conjunction with shrub and tree plantings. Acceptable mulches include organic materials (wood chips and shredded bark), and inert inorganic materials (decomposed granite, ~~cobble~~ and gravel). ~~Where mulch is inert organic materials are used, a suitable landscape fabric shall be placed between the soil and mulch material to impede weed growth. However, the use of these substitute materials must be specifically approved by the City as part of a landscape plan.~~
- 3. ~~In no case shall the G. boulevard area include more than twenty five (25) percent non-living material, excluding driveways.~~
- 4. ~~At least one (1) canopy type tree shall be planted and maintained in the boulevard section for each thirty five (35) lineal feet of street and avenue frontage or portion thereof.~~
- 5. ~~Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like and the mature canopy width of existing trees and those being planted.~~
- 6. ~~No shrub shall be planted within five (5) feet of a fire hydrant or within a clear visibility triangle (as defined in Chapter 32, Section 17.32.160 of this Title) if its mature height will exceed two and one half (2½) feet.~~
- 7. ~~Any landscaping in the boulevard area that impedes pedestrian travel or is deemed detrimental to public safety shall be removed immediately by the property owner, tenant, or agency upon written notification of the City.~~
- 8. ~~Landscaping shall be maintained and those plantings which fail to survive shall be replaced with approved plantings within three (3) months.~~
- 9. ~~An automatic irrigation system shall be required of all commercial projects and multi-family projects with four (4) or more dwelling units.~~
- 10.
- G. All non-living material must be contained and shall not spill into the street and/or onto the sidewalk. Owners are required to remove any spillage.
- H. **No shrub shall be planted within five (5) feet of a fire hydrant or within a clear vision triangle (as defined in OCCGF § 17.32.160) if its mature height will exceed two and**

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one-half (2½) feet. The height shall be measured from the adjoining street centerline surface elevation.

11. ~~Materials and vegetation prohibited in a non-residential boulevard include, but are not limited to, the following:~~
- a. ~~Artificial vegetation including, but not limited to, trees, shrubs, vines, bushes, flowers, and grass.~~
 - b. ~~Fences/walls (unless approved via a Boulevard Encroachment Permit by the City Engineer).~~
 - c. ~~Sand.~~

Article 3 — DESIGN STANDARDS FOR COMMERCIAL, INSTITUTIONAL AND CIVIC-USE BUILDINGS

~~17.44.3.010 Applicability.~~

~~17.44.3.020 Submittals.~~

~~17.44.3.030 Landscaping requirements.~~

I. An automatic irrigation system shall be required.

~~Applicability.~~

A. **~~General applicability.~~** The landscaping requirements set forth in this article apply to:

- 1. ~~New buildings constructed after the effective date of this chapter.~~
- 2. ~~All buildings being increased in size by at least twenty (20) percent.~~
- 3. ~~All buildings greater than twenty thousand (20,000) square feet changing occupancy or undergoing interior or exterior remodeling.~~

~~(Ord. 2950, 2007)~~

- 4. ~~New vehicular use areas constructed after the effective date of this chapter.~~
- 5. ~~An expansion of a vehicular use area by twenty (20) percent, if it equates to five (5) or more parking spaces.~~
- 6. ~~All buildings and vehicular use areas which have been cumulatively increased in size by twenty-five (25) percent over a ten-year period.~~

B. **~~Exemption.~~** The following are exempt:

- 1. ~~Vehicle use areas located within a parking garage or within a building.~~

17.44.3.020 — Submittals.

Three (3) copies of all landscape specifications, plans, etc. shall be submitted to the City for review and approval. Plans shall be at a scale of one (1) inch equals twenty (20) feet (for sites one (1) acre or less in size) or one (1) inch equals fifty (50) feet (for sites larger than one (1) acre), and shall include at a minimum:

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- ~~1. A plant list containing botanical names, common name, plant size, number and variety of each plant used and mature area of coverage of canopy trees.~~
- ~~2. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), north arrow, property lines, easements, utilities and otherwise, and adjacent land uses.~~
- ~~3. A plan showing location and construction details for all irrigation systems to be installed.~~

17.44.3.030 Landscaping requirements.

A. — **Minimum requirements for interior landscaping.** ~~Minimum~~ **The minimum** square footage of interior landscaping, inclusive of landscaping in vehicular use areas ~~and foundation planting areas~~, shall be fifteen (15) percent of the gross property area to be developed or redeveloped for property located in a commercial zone, and ~~seventeen (17) percent of the gross area to be developed for non-residential~~ **all uses in residential zones, except industrial.**

B. — **Vehicular use area requirements.** A portion of the required landscaping, equal to at least **A minimum of ten (10) percent of the off-street** vehicular use areas, must be located within the vehicular use areas ~~landscaped~~. **This requirement can be a part of the required interior landscaping pursuant to § 17.44.3.030(A).** The following specific standards shall apply:

1. — Each row of parking spaces in interior parking areas shall be terminated by a landscaped island;
2. — There shall be no more than twenty (20) parking spaces in a row without a landscaped island;
3. — Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space-
(Ord. 2950, 2007);
4. — Landscaped areas within a ~~vehicle~~ **vehicular** use area shall be bounded by a continuous concrete ~~curb or other~~ **curbs or** similar barrier approved by the City Engineer;
5. — Landscaped islands ~~shall~~ **must** contain ~~canopy shade trees~~, **a tree with either shrubs and/or turf grass. If light poles are located within a landscape island, the island tree may be planted in another location within the interior area to be landscaped; and**

(Ord. 2950, 2007)

6. — Where a vehicular use area abuts a public-use roadway, a minimum six (6) feet of landscaping shall be provided between the vehicular use area and the sidewalk with at least ~~seventy-five (75) percent of the area in turf grass.~~ **property line.**

C. **Irrigation of Landscaping.** ~~An automatic irrigation system shall be required.~~ **Mounding requirement adjacent to vehicular use areas.**

D. **Rate of plantings.**

1. **For sites less than two (2) acres: There shall be** a minimum of ~~six (6) inches above the height of adjacent vehicular use areas, but not exceeding 3:one (1 slope,)~~ **tree** and shall be protected from vehicular traffic ~~four (4) shrubs planted~~

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- and maintained per four hundred (400) square feet, or fraction thereof, of required interior landscaping.
2. For sites two (2) acres and greater: There shall be a minimum of one (1) tree and four (4) shrubs planted and maintained per five hundred (500) square feet, or fraction thereof, of required interior landscaping.
 3. Perennial substitution: Two (2) perennials or one (1) ornamental grass may be substituted for one (1) shrub for a maximum of thirty (30) percent of total required shrubs.
 4. Non-vegetative special features:
 - i. Nine (9) cubic feet of freestanding permanent sculpture which is integrated with curbing or other similar barrier landscaping may be substituted for one (1) shrub with a maximum of ten (10) percent of total required shrubs. Requirements shall be approved by the City Engineer.
 - ~~D.~~ ii. Stone boulders not smaller than two (2) feet in diameter which are integrated with other landscaping may be substituted for one (1) shrub with a maximum of ten (10) percent of total required shrubs.
- E. Boulevard landscaping credit. Twenty-five (25) percent of the boulevard landscaping area, excluding sidewalks and driveways, may be credited to the interior landscaping area requirement specified in (A). In addition, up to two (2) shade trees planted in the boulevard area may be credited toward interior tree requirements.
- F. Buffer between uses. Where a non-residential use abuts a residential use, a minimum fifteen-foot landscape buffer shall be provided along the full length of the shared property line. The landscape buffer shall contain sod, trees, and shrubs. The plantings required for the landscape buffer may be counted towards the interior rate of plantings requirement.
- G. Screening between uses. Where a vehicular use area abuts an adjacent residential use one of the following shall be installed to screen the residential use from the lights of the vehicles:
 1. Fence or wall. Provide a six-foot tall, 100% percent opaque wall or fence along the ~~screening area~~ shared property line; or
 2. Landscape Berm. Provide a landscape berm at least three (3) feet in height with landscaping at the top of the berm. If the berm is less than five (5) feet in height, it must include at least one shrub or tree per three (3) linear feet along the top of the berm.
- H. Natural amenities. When a site abuts a natural amenity such as a flood plain, canal, park or other open space, the landscape plan shall integrate with and respect the natural integrity of the amenity.
- ~~E.~~ I. Detention and retention areas. Stormwater facilities. By design, detention and retention areas stormwater facilities shall be physically, functionally, and visually integrated into adjacent landscape areas. Standing water is discouraged and shall be properly drained unless incorporated into re-circulating water features or irrigation systems.
- J. Landscaping in Central business core. All properties located in the C-4 central business core zoning district are exempt from the above listed requirements except for Subsections (B.) and (C.) of this Section.

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- ~~F. **Rate of plantings.** There shall be a minimum of one (1) tree and seven (7) shrubs planted and maintained per four hundred (400) square feet, or fraction thereof, of required interior landscaping.~~
- ~~G. **Buffer and screening between uses.** Where a commercial or non-residential use abuts a residential use, a minimum fifteen-foot landscape buffer shall be provided along the shared property line. Where vehicular use areas abut adjacent residential property, the lot shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.~~
- ~~H. **Boulevard landscaping credit.** Twenty-five (25) percent of the boulevard landscaping, excluding sidewalks and driveways, may be credited to the interior landscaping requirement specified in item A above.~~

~~(Ord. 2950, 2007)~~

- ~~I. **Foundation planting requirements.** For commercial, institutional and civic use buildings in all commercial zoning districts, except the C-4 Central Business Core district, at least fifty (50) percent of the frontage of the building face shall be occupied by a foundation planting bed(s) and at least twenty (20) percent of the frontage of the side of the building shall be occupied by a foundation planting bed(s). The planting beds shall be at least four (4) feet wide, mulched, and contain a mix of vegetation types (annual flowers, perennial flowers, ground cover and shrubs). For example, if a building measures one hundred twenty (120) feet on its face (length) by fifty (50) feet (depth), there would be sixty (60) feet of foundation plantings on the face and ten (10) feet on each of the sides.~~

~~(Ord. 2950, 2007)~~

~~**Article 4 — DESIGN STANDARDS FOR INDUSTRIAL BUILDINGS**~~

~~**Sections:**~~

- ~~17.44.4.010 Applicability.~~
- ~~17.44.4.020 Submittals.~~
- ~~17.44.4.030 Landscaping requirements.~~

~~**17.44.4.010 — Applicability.**~~

- ~~A. **General applicability.** The landscaping requirements set forth in this article apply to:~~
- ~~1. New buildings constructed after the effective date of this chapter.~~
 - ~~2. New vehicular use areas constructed after the effective date of this chapter.~~
 - ~~3. All buildings and vehicular use areas which have been cumulatively increased in size by twenty-five (25) percent over a ten-year period.~~
- ~~B. **Exemption.** The following are exempt:~~

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- ~~1. Vehicle use areas located within a parking garage or within a building.~~

17.44.4.020 Submittals.

Three (3) copies of all landscape specifications, plans, etc. shall be submitted to the City for review and approval. Plans shall be at a scale of one (1) inch equals twenty (20) feet (for sites one (1) acre or less in size) or one (1) inch equals fifty (50) feet (for sites larger than one (1) acre), and shall include at a minimum:

- ~~1. A plant list containing botanical names, common name, plant size, number and variety of each plant used and mature area of coverage of canopy trees.~~
- ~~2. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), north arrow, property lines, easements, utilities and otherwise, and adjacent land uses.~~
- ~~3. A plan showing location and construction details for all irrigation systems to be installed.~~

17.44.4.030 Landscaping requirements.

A. ~~A minimum of ten (10) percent of off-street vehicular use areas must be landscaped. The following specific standards shall apply:~~

- ~~1. Each row of parking spaces in interior parking areas shall be terminated by a landscaped island.~~
- ~~2. There shall be no more than twenty (20) parking spaces in a row without a landscaped island.~~
- ~~3. Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space.~~
- ~~4. Landscaped areas within a vehicle use area shall be bounded by a continuous concrete curb or other similar barrier approved by the City Engineer.~~
- ~~5. Landscaped islands shall contain canopy shade trees, shrubs, and/or turf grass.~~
- ~~6. Where a vehicular use area abuts a public use roadway, a minimum of eight (8) feet (in depth) of landscaping shall be provided between the vehicular use area and the sidewalk with at least seventy-five (75) percent of the area in turf grass.~~

B. **Boulevard Landscaping.** Landscaping for boulevards in the Industrial Use areas will conform to the standards listed in 17.44.2.040(C).

C. **Foundation planting requirements.** For buildings in all industrial zoning districts, at least fifty (50) percent of the frontage of the building face shall be occupied by a foundation planting bed(s). The planting beds shall be at least four (4) feet wide, mulched, and contain a mix of vegetation types (annual flowers, perennial flowers, ground cover and shrubs). For example, if a building measures one hundred twenty (120) feet on its face, there would be sixty (60) feet of foundation plantings.

D. **Buffer and screening between uses.** Where an industrial use abuts a non-industrial use, a minimum fifteen-foot landscape buffer shall be provided along the shared property line. Where vehicular use areas abut adjacent residential property, the lot shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.

E. **Natural amenities.** When a site abuts a natural amenity such as a flood plain, canal, park or other open space, the landscape plan shall integrate with and respect the natural integrity of the amenity.

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~~F. **Detention and retention areas.** By design, detention and retention areas shall be physically, functionally, and visually integrated into adjacent landscape areas. Standing water is discouraged and shall be properly drained unless incorporated into re-circulating water features or irrigation systems.~~

~~(Ord. 2950, 2007)~~

Article 5 — DESIGN STANDARDS FOR SINGLE FAMILY, DUPLEX AND MULTI-FAMILY DWELLINGS

Sections:

~~17.44.5.010 Applicability.~~

~~17.44.5.020 Submittals.~~

~~17.44.5.030 Landscaping requirements.~~

17.44.5.010 — Applicability.

The landscaping requirements set forth in this article apply to:

- ~~1. New residential dwellings constructed after the effective date of this chapter.~~
- ~~2. All residential dwellings being increased in size by at least fifty (50) percent.~~

17.44.5.020 — Submittals.

~~All landscape specifications, plans, etc. shall be submitted for review and approval to the City before a building permit will be issued.~~

17.44.5.030 — Landscaping requirements.

- ~~1. A canopy tree or evergreen tree shall be planted and maintained for each one thousand five hundred (1,500) square feet of net lot area. Up to two (2) shade trees located in the boulevard area may be applied to this requirement, provided that at least one (1) canopy tree or evergreen tree shall be planted within the interior.~~
- ~~2. Turf grass or ground cover plants shall cover at least fifty (50) percent of the net lot area.~~

~~(Ord. 3211, 2019; Ord. 2958, 2007; Ord. 2950, 2007; Ord. 2923, 2005; Ord. 2734, 1998; Ord. 2687, 1995; Ord. 2599, 1991; Ord. 2549, 1989; Ord. 2404, 1985; Ord. 2185, 1980)~~

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Chapter 42 RESERVED

Chapter 43 RESERVED

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Articles:

Article 1 - GENERAL PROVISIONS

Article 2 - DESIGN STANDARDS FOR SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL LAND USES

Article 3 - DESIGN STANDARDS FOR ALL OTHER LAND USES

Article 1 GENERAL PROVISIONS

Sections:

17.44.1.010 Legislative findings.

17.44.1.020 Purpose.

17.44.1.030 Applicability.

17.44.1.040 Installation and maintenance.

17.44.1.050 Specifications for landscaping materials.

17.44.1.060 Calculations.

17.44.1.010 Legislative findings.

The City Commission makes the following findings:

- A. A healthy environment is an indication of a healthy community;
- B. Landscaping helps to maintain and increase property values;
- C. Trees and landscaping provide lasting social, economic, environmental, and aesthetic benefits to the community;
- D. Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics; and

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- E. Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.

17.44.1.020 Purpose.

This Chapter is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- A. Provide flexible standards where possible, rather than rigid requirements;
- B. Promote and improve public health and safety through the abatement of noise, glare of lights, dust, and air pollution;
- C. Improve the aesthetic appearance of the built environment;
- D. Ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;
- E. Create tree-lined streetscapes;
- F. Promote economic development by providing a high quality of life;
- G. Enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff mitigation, and heat abatement; and
- H. Encourage the preservation, expansion, protection, and proper maintenance of the community forest.

17.44.1.030 Applicability.

The landscaping requirements set forth in Articles 2 and 3 apply to:

- A. New buildings constructed after the effective date of this Chapter;
- B. All buildings being increased in size by at least twenty (20) percent;
- C. All buildings undergoing a substantial improvement;
- D. New vehicular use areas or vehicular use areas undergoing replacement of at least fifty percent (50%) of the pavement area, this does not apply to:
 - 1. Overlay;
 - 2. Restriping; and
 - 3. Seal coat.
- E. An expansion of a vehicular use area by twenty (20) percent or more, if it equates to five (5) or more additional parking spaces; and
- F. All existing properties may not be altered to cause or increase noncompliance with the provisions of this Chapter.

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17.44.1.040 Installation and maintenance.

- A. **Standards.** All landscaping shall be installed with standard practices in accordance with the American National Standard Institute (ANSI) A300 and shall be live vegetation.
- B. **Landscaping and certificate of occupancy.** Prior to the issuance of a certificate of occupancy, all landscaping required in this Chapter shall be installed or the following must be completed:
 - 1. For all uses except single-family and two-family residential land uses, an improvement guarantee shall be filed and accepted by the City consistent with Chapter 68 of this Title.
 - 2. For single-family and two-family residential land uses, landscaping shall be installed within one (1) year from the date of the certificate of occupancy in association with the completion of a Landscape Letter of Commitment on file in the Planning and Community Development Department.
- C. **Landscape maintenance and replacement.** The property owner shall:
 - 1. Maintain landscaping in good condition so as to present a healthy, neat, and orderly appearance free from refuse, weeds, and debris in accordance with the landscaping plan as originally approved;
 - 2. Replace within six (6) months plant materials that have died or have otherwise been damaged or removed;
 - 3. Maintain all non-living landscaping materials; and
 - 4. The owner shall be responsible for the maintenance of all landscaping
- D. **Boulevards.** Any property owner wishing to construct a principal building on a vacant lot shall be responsible for installing and maintaining the boulevard landscaping consistent with this Article.
 - 1. Removal of a boulevard tree shall be consistent with OCCGF Title 12, Chapter 15.
 - 2. Trees shall be pruned to provide vertical clearance of eight (8) feet over sidewalks and fourteen (14) feet over streets.
 - 3. Trees required in the boulevard areas shall be selected from the list of "Trees for Boulevard Areas in Great Falls" on file in the Planning and Community Development Department.
 - 4. Mulch must be contained so as not to spill into the street and/or onto the sidewalk. Property owners are required to remove any spillage.
 - 5. Existing significant boulevard trees that are alive and in healthy condition shall be preserved unless approval is given pursuant to OCCGF Title 12, Chapter 15.
- E. **Street Medians.** When a median is incorporated into a subdivision, the developer shall be responsible for installing the landscaping as part of the project and a homeowners' association shall be responsible for perpetual maintenance, or the City, at its discretion, may accept responsibility. Designs shall be approved by the City.
- F. **Mature tree credit.** Mature coverage of existing canopy trees will be computed and applied directly to the required landscaping as follows:

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1. Every existing mature tree of at least six (6) inches of diameter will be applied as the equivalent of two (2) required interior trees.
2. The diameter of the mature tree will be measured pursuant to the requirements of this Article.
3. Health and placement of the mature tree will be taken into consideration by the City when applying the mature tree credit.

17.44.1.050 Specifications for landscaping materials.

- A. **Generally.** All plant materials shall be installed pursuant to the minimum requirements as provided by this Chapter. All plant material shall be healthy, vigorous, and free of disease and insects. Plant material shall conform to the specifications of the American Association of Nurserymen (AAN) for Grade No. 1.
- B. **Trees.** Trees shall meet the following standards:
 1. Boulevard trees shall be at least one and one-half (1½) inches trunk caliper, measured six (6) inches from the soil line or root flare; and
 2. Interior deciduous trees shall be at least one and one (1) inch trunk caliper measured six (6) inches from the soil line or root flare, and interior evergreen trees shall have a minimum planting height of five (5) feet.
- C. **Shrubs.** Shrubs shall be at least two-gallon container-grown material or bare-root of eighteen (18) inches of height or greater.
- D. **Perennials.** Perennials shall be at least one-gallon container-grown material or of equivalent size if bare-root.
- E. **Turf.** Turf areas may be sodded or seeded. In areas subject to erosion, sod shall be used. Sod shall be commercially grown and clean and free of weeds, noxious pests, and diseases. If seeded, temporary watering is required, and a vegetative cover shall be established with a density of at least 70% of the seeded area in order for a certificate of occupancy to be issued.
- F. **Mulch.** Acceptable mulches include organic materials (wood chips and shredded bark), and inert inorganic materials (decomposed granite, cobble and gravel). Where mulch is used as a ground treatment, it shall be applied to a depth of three (3) inches. A suitable landscape fabric shall be placed between the soil and mulch to impede weed growth for inert organic materials.
- G. **Lawn edging.** Lawn edging shall be installed around all shrub beds except for single-family and two-family land uses. Acceptable lawn edging includes steel, aluminum, polyethylene, and concrete curbing.

17.44.1.060 Calculations.

When a calculation is used to determine the number of required trees, or the like, and results in a fraction, the requirement shall be rounded to the nearest whole number.

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Article 2 DESIGN STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCE LAND USES

Sections:

17.44.2.010 Boulevards.

17.44.2.020 Landscaping requirements.

17.44.2.010 Boulevards.

- A. Boulevards shall contain sod and trees with three (3) foot diameter organic mulched reservoirs and may include shrubs, perennials, and/or ornamental plants (within a landscaping bed).
- B. Materials and vegetation prohibited in a residential boulevard include, but are not limited to, the following:
 - 1. Artificial vegetation including, but not limited to, trees, shrubs, perennials, and grass;
 - 2. All non-living material except as specifically allowed by this Chapter;
 - 3. Fences and/or walls (unless approved via a Boulevard Encroachment Permit by the City Engineer);
 - 4. Gravel, decomposed granite, or cobble; and
 - 5. Sand.
- C. At least one (1) canopy-type tree shall be planted and maintained in a boulevard section for each thirty-five (35) lineal feet of street and avenue frontage or portion thereof not covered by driveway, sidewalks, or other approved hard surface.
- D. Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like, and the mature canopy width of existing trees and those being planted.
- E. No shrub shall be planted within five (5) feet of a fire hydrant or within a clear vision triangle as defined in OCCGF § 17.32.160, if its mature height will exceed two and one-half (2½) feet. The height shall be measured from the adjoining street centerline surface elevation.

17.44.2.020 Landscaping requirements.

- A. Single-family and two-family dwellings shall contain at least one (1) interior tree in addition to the required boulevard trees.
- B. Turf grass or ground cover plants shall cover at least fifty (50) percent of the lot area not covered by a structure.
- C. Regional stormwater facilities shall be landscaped pursuant to OCCGF Title 13.

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Article 3 DESIGN STANDARDS FOR ALL OTHER LAND USES

Sections:

17.44.3.010 Submittals.

17.44.3.020 Boulevards.

17.44.3.030 Landscaping requirements.

17.44.3.010 Submittals.

All landscape specifications, plans, etc., shall be submitted to the City Planning and Community Development Department for review and approval. Plans shall be to scale and shall include at a minimum:

- A. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), north arrow, property lines, visibility triangles, easements, utilities and otherwise;
- B. A plant list containing botanical names, common name, plant size, number, and variety of each plant used and mature area of coverage of canopy trees; and
- C. An analysis of the requirements found in this Chapter including the calculation of required interior landscaping, rate of plantings, and boulevard tree requirements.

17.44.3.020 Boulevards.

- A. Boulevards shall contain sod and trees with three (3) foot diameter organic mulched reservoirs and may include shrubs, perennials, and/or ornamental plants (within a landscaping bed).
- B. Materials and vegetation prohibited in a boulevard include, but are not limited to, the following:
 - 1. Artificial vegetation including, but not limited to, trees, shrubs, vines, bushes, flowers, and grass;
 - 2. Fences and/ or walls (unless approved through a Boulevard Encroachment Permit by the City Engineer); and
 - 3. Sand.
- C. At least one (1) canopy-type tree shall be planted and maintained in the boulevard section for each fifty (50) lineal feet of street and avenue frontage or portion thereof not covered by driveway, sidewalks, or other approved hard surface.
- D. Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like, and the mature canopy width of existing trees and those being planted.

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- E. Any landscaping in the boulevard area that impedes pedestrian travel or is deemed detrimental to public safety shall be pruned or removed, immediately by the property owner, tenant, or agency upon written notification from the City.
- F. Limited amounts of non-living materials (mulches) are permitted when used in conjunction with shrub and tree plantings. Acceptable mulches include organic materials (wood chips and shredded bark), and inert inorganic materials (decomposed granite and gravel). Where inert organic materials are used, a suitable landscape fabric shall be placed between the soil and mulch material to impede weed growth. However, the use of these substitute materials must be specifically approved by the City as part of a landscape plan.
- G. All non-living material must be contained and shall not spill into the street and/or onto the sidewalk. Owners are required to remove any spillage.
- H. No shrub shall be planted within five (5) feet of a fire hydrant or within a clear vision triangle (as defined in OCCGF § 17.32.160) if its mature height will exceed two and one-half (2½) feet. The height shall be measured from the adjoining street centerline surface elevation.
- I. An automatic irrigation system shall be required.

17.44.3.030 Landscaping requirements.

- A. **Minimum requirements for interior landscaping.** The minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas, shall be fifteen (15) percent of the gross property area to be developed or redeveloped for all uses except industrial.
- B. **Vehicular use area requirements.** A minimum of ten (10) percent of off-street vehicular use areas must be landscaped. This requirement can be a part of the required interior landscaping pursuant to § 17.44.3.030(A.). The following specific standards shall apply:
 - 1. Each row of parking spaces in interior parking areas shall be terminated by a landscaped island;
 - 2. There shall be no more than twenty (20) parking spaces in a row without a landscaped island;
 - 3. Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space;
 - 4. Landscaped areas within a vehicular use area shall be bounded by continuous concrete curbs or similar barrier approved by the City Engineer;
 - 5. Landscaped islands must contain a tree with either shrubs and/or turf grass. If light poles are located within a landscape island, the island tree may be planted in another location within the interior area to be landscaped; and
 - 6. Where a vehicular use area abuts a public-use roadway, a minimum six (6) feet of landscaping shall be provided between the vehicular use area and the property line.
- C. **Irrigation of Landscaping.** An automatic irrigation system shall be required.
- D. **Rate of plantings.**

Exhibit "B"

Title 17 - LAND DEVELOPMENT CODE

Chapter 44 LANDSCAPING

1. **For sites less than two (2) acres:** There shall be a minimum of one (1) tree and four (4) shrubs planted and maintained per four hundred (400) square feet, or fraction thereof, of required interior landscaping.
 2. **For sites two (2) acres and greater:** There shall be a minimum of one (1) tree and four (4) shrubs planted and maintained per five hundred (500) square feet, or fraction thereof, of required interior landscaping.
 3. **Perennial substitution:** Two (2) perennials or one (1) ornamental grass may be substituted for one (1) shrub for a maximum of thirty (30) percent of total required shrubs.
 4. **Non-vegetative special features:**
 - i. Nine (9) cubic feet of freestanding permanent sculpture which is integrated with other landscaping may be substituted for one (1) shrub with a maximum of ten (10) percent of total required shrubs. Requirements shall be approved by the City.
 - ii. Stone boulders not smaller than two (2) feet in diameter which are integrated with other landscaping may be substituted for one (1) shrub with a maximum of ten (10) percent of total required shrubs.
- E. **Boulevard landscaping credit.** Twenty-five (25) percent of the boulevard landscaping area, excluding sidewalks and driveways, may be credited to the interior landscaping area requirement specified in (A). In addition, up to two (2) shade trees planted in the boulevard area may be credited toward interior tree requirements.
- F. **Buffer between uses.** Where a non-residential use abuts a residential use, a minimum fifteen-foot landscape buffer shall be provided along the full length of the shared property line. The landscape buffer shall contain sod, trees, and shrubs. The plantings required for the landscape buffer may be counted towards the interior rate of plantings requirement.
- G. **Screening between uses.** Where a vehicular use area abuts an adjacent residential use one of the following shall be installed to screen the residential use from the lights of the vehicles:
1. **Fence or wall.** Provide a six-foot tall, 100 percent opaque wall or fence along the shared property line; or
 2. **Landscape Berm.** Provide a berm at least three (3) feet in height with landscaping at the top of the berm. If the berm is less than five (5) feet in height, it must include at least one shrub or tree per three (3) linear feet along the top of the berm.
- H. **Natural amenities.** When a site abuts a natural amenity such as a flood plain, canal, park or other open space, the landscape plan shall integrate with and respect the natural integrity of the amenity.
- I. **Stormwater facilities.** By design, stormwater facilities shall be physically, functionally, and visually integrated into adjacent landscape areas.
- J. **Landscaping in Central business core.** All properties located in the C-4 Central business core zoning district are exempt from the above listed requirements except for Subsections (B.) and (C.) of this Section.

(Ord. 3211, 2019; Ord. 2958, 2007; Ord. 2950, 2007; Ord. 2923, 2005; Ord. 2734, 1998; Ord. 2687, 1995; Ord. 2599, 1991; Ord. 2549, 1989; Ord. 2404, 1985; Ord. 2185, 1980)

| Proposed Amendment | Reason for Amendment |
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| 17.44 Landscaping | |
| Articles | |
| <p>Article 1 - GENERAL PROVISIONS Article 2 - BOULEVARD AREAS AND STREET MEDIANS Article 3 - DESIGN STANDARDS FOR COMMERCIAL, INSTITUTIONAL AND CIVIC USE BUILDINGS Article 4 - DESIGN STANDARDS FOR INDUSTRIAL BUILDINGS Article 5 - DESIGN STANDARDS FOR SINGLE FAMILY, DUPLEX AND MULTI-FAMILY DWELLINGS Article 2 - DESIGN STANDARDS FOR SINGLE FAMILY AND TWO-FAMILY RESIDENTIAL LAND USES Article 3 - DESIGN STANDARDS FOR ALL OTHER LAND USES</p> | <p>Boulevards are covered in Article 2 & 3 Commercial, Institutional, Civic-use in Article 3 Industrial included in Article 3 Multi-family residential in Article 3 New consolidated articles</p> |
| Article 1 – GENERAL PROVISIONS | |
| <p>Sections:</p> <p>17.44.1.010 Legislative findings. 17.44.1.020 Purpose. 17.44.1.030 Installation and maintenance. 17.44.1.040 Specifications for landscaping materials. 17.44.1.050 Retaining wall standards. 17.44.1.060 Calculations. 17.44.1.010 Legislative findings. 17.44.1.020 Purpose. 17.44.1.030 Applicability. 17.44.1.040 Installation and maintenance. 17.44.1.050 Specifications for landscaping materials. 17.44.1.060 Calculations.</p> | <p>New stand-alone section</p> |

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| 17.44.1.010 Legislative findings. | |
| 2. Landscaping is a means of making City living more pleasant. | Removed due to subjectivity |
| 17.44.1.020 Purpose. | |
| 1. Make the City more attractive and aesthetically pleasing. | Removed due to subjectivity |
| G. Enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation mitigation , and noise, glare and heat abatement. ; and | “Mitigation” matches typical industry language Noise and glare repeated from B. |
| 17.44.1.030 Applicability. | |
| <p>The landscaping requirements set forth in Articles 2 and 3 apply to:</p> <p>A. New buildings constructed after the effective date of this Chapter;</p> <p>B. All buildings being increased in size by at least twenty (20) percent;</p> <p>C. All buildings undergoing a substantial improvement;</p> <p>D. New vehicular use areas or vehicular use areas undergoing replacement of at least fifty percent (50%) of the pavement area, this does not apply to:</p> <ol style="list-style-type: none"> 1. Overlay; 2. Restriping; and 3. Seal coat. <p>E. An expansion of a vehicular use area by twenty (20) percent or more, if it equates to five (5) or more additional parking spaces; and</p> <p>F. All existing properties may not be altered to cause or increase noncompliance with the provisions of this Chapter.</p> | <p>New Applicability section combines all provisions that were previously separated throughout the Chapter into one section.</p> <p>Language reworded to “substantial improvement” which is defined in Chapter 8.</p> <p>Language revised to specify which vehicular use areas projects trigger applicability and 3 exceptions that do not.</p> <p>Noncompliance provision prevents existing landscapes to be reduced/removed beyond the requirements of this chapter. In other words, if a property owner were to remove landscaping 5 years after construction, the City can utilize this provision for code enforcement</p> |
| 17.44.1.040 Installation and maintenance. | |
| A. Standards. All landscaping shall be installed with standard practices in accordance with the American National Standard Institute (ANSI) A300 and shall be live vegetation. | References industry standards |

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| <p>B. Landscaping and certificate of occupancy. Prior to the issuance of a certificate of occupancy, all landscaping required in this chapter Chapter shall be installed or the following must be completed:</p> <ol style="list-style-type: none"> For all uses except single family and two-family residential land uses; an improvement guarantee shall be filed and accepted by the City consistent with Chapter 68 of this Title. Interior landscaping for single-family dwellings shall be installed within one (1) year from the date of the certificate of occupancy. B.—For single-family and two-family residential land uses; landscaping shall be installed within one (1) year from the date of the certificate of occupancy in association with the completion of a Landscape and screening Letter of Commitment on file in the Planning and Community Development Department. | <p>Clarifies by separating into two sections to match existing policy</p> <p>Reference to Letter of Commitment matches existing Department policy</p> |
| <p>C. Landscape maintenance and replacement. The property owner shall:</p> <ol style="list-style-type: none"> Maintain landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse, weeds, and debris in accordance with the landscaping plan as originally approved; Replace plant materials within six (6) months that have died or have otherwise been damaged or removed; Maintain all non-live living landscaping materials; and The owner responsible for the maintenance of all All landscaping shall be installed in accordance with "Arboricultural Standards and Specifications" and | <p>Language relocated when reorganizing the Chapter</p> <p>Timeframe added for clarity</p> <p>Removed “tenant, or agent, if any” to be consistent with language in other titles. Responsibility of landscape maintenance is on the owner</p> |
| <p>D. Boulevards. Any property owner wishing to construct a principal building on a vacant lot shall be live vegetation responsible for installing and maintaining the boulevard landscaping consistent with this Article.</p> <ol style="list-style-type: none"> Removal of a boulevard tree shall be consistent with OCCGF Title 12, Chapter 15. Trees shall be pruned to provide vertical clearance of eight (8) feet over sidewalks and fourteen (14) feet over streets. Trees required in the boulevard areas shall be selected from the list of “Trees for Boulevard Areas in Great Falls” on file in the Planning and Community Development Department. Mulch must be contained so as to not spill into the street and/or onto the sidewalk. Property owners are required to remove any spillage. D. Existing significant boulevard trees that are alive and in healthy condition shall be preserved unless approval is given pursuant to OCCGF Title 12, Chapter 15. | <p>Language relocated when reorganizing the Chapter</p> <p>Added Reference to Chapter 15 - TREE REMOVAL</p> <p>Document removed from Appendix B to allow for easier modification as urban forest issues evolve requiring an update to the list</p> <p>Added to preserve existing healthy trees</p> |

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| <p>E. Street Medians. When a median is incorporated into a subdivision, the developer shall be responsible for installing the landscaping as part of the project and a homeowners' association shall be responsible for perpetual maintenance, or the City, at its discretion, may accept responsibility. Designs shall be approved by the City.</p> | <p>Language relocated when reorganizing the Chapter</p> |
| <p>F. Mature tree credit. Mature coverage of existing canopy trees will be computed and applied directly to the required landscaping— as follows:</p> <ol style="list-style-type: none"> 1. Every existing mature tree of at least six (6) inches of diameter will be applied as the equivalent of two (2) required interior trees. 2. The diameter of the mature tree will be measured pursuant to the requirements of this Article. 3. Health and placement of the mature tree will be taken into consideration by the City when applying the mature tree credit. | <p>Mature tree credit re-written to be more concise and less confusing</p> |
| <p>17.44.1.030(G) Tree protection and replacement.</p> | <p>Existing mature tree credit section replaced above</p> |
| <p>17.44.1.050 Specifications for landscaping materials.</p> | |
| <p>Generally. All plant material shall be healthy, vigorous, and free of disease and insects. Plant material shall conform to the specifications of the American Association of Nurserymen (AAN) for Grade No. 1 grade.</p> <p>A.— Generally. All plant materials shall be installed pursuant to the minimum requirements as provided by this Chapter. All plant material shall be healthy, vigorous, and free of disease and insects. Plant material shall conform to the specifications of the American Association of Nurserymen (AAN) for Grade No. 1-grade.</p> <p>B. Trees. Trees shall meet the following standards:</p> <ol style="list-style-type: none"> 1. Shade—Boulevard trees shall be at least one and one-half (1½) inches trunk caliper, measured one (1) foot above six (6) inches from the ground-soil line or root flare; 2. Interior deciduous trees shall be at least one and one-quarter (1¼) inches trunk caliper measured one (1) foot above six (6) inches from the ground-soil line or root flare; and 3. Interior evergreen trees shall have a minimum planting height of five (5) feet. <p>C. Shrubs. Shrubs shall be at least two-gallon container-grown material or of equivalent size if bare-root. of eighteen (18) inches of height or greater.</p> <p>D. Groundcover. Groundcover Perennials. Perennials shall be at least one-gallon container-grown material or of equivalent size if bare-root.</p> <p>E. Turf. Turf areas may be sodded or seeded. In areas subject to erosion, sod shall be used. Sod shall be commercially grown and clean and free of weeds, noxious pests, and diseases. If seeded,</p> | <p>“pursuant to minimum requirements” added to state as long as a development meets minimum requirements it is in compliance</p> <p>Now separating sizing requirements into 2 categories for clarity – Boulevard & Interior Trees</p> <p>Added “or of equivalent size if bare-root” back to the provision</p> <p>70% establishment required per EPA standard stabilization</p> |

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| <p>temporary watering is required, and a vegetative cover shall be established with a density of at least 70% of the seeded area in order for a certificate of occupancy to be issued.</p> <p>F. Mulch. Acceptable mulches include organic materials (wood chips and shredded bark), and inert inorganic materials (decomposed granite, cobble and gravel). Where mulch is used as a ground treatment, it shall be applied to a depth of four three (3) inches. A suitable landscape fabric shall be placed between the soil and mulch to impede weed growth for inert organic materials.</p> <p>G. Lawn edging. It is recommended required that lawn edging be installed around all shrub beds except for single-family and two-family land uses. Acceptable lawn edging is includes steel, aluminum, polyethylene, and concrete curbing.</p> | <p>Clarifies what mulch materials are acceptable</p> <p>3 inches is industry standard</p> <p>More specific language for clarification that provision applies to “all other land uses”, not single and two-family residences</p> |
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| <p>17.44.1.050 Retaining wall standards.</p> | <p>Section removed Covered in International Building Code (IBC)</p> |
| <p>17.44.1.060 Calculations.</p> | |
| <p>When a calculation is used to determine the number of required trees, or the like, and results in a fraction, the requirement shall be considered the whole number (rounded up) to the nearest whole number.</p> | <p>Changed to traditional rounding which will slightly drop plant counts (Previously 1.05 would round up to 2)</p> |
| <p>Article 2 – DESIGN STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCE LAND USES</p> | |
| <p>Sections:</p> <p>17.44.2.010 General provisions.</p> <p>17.44.2.020 Responsibility for installation of street trees.</p> <p>17.44.2.030 Landscaping for street medians.</p> <p>17.44.2.040 Landscaping for boulevard areas.</p> <p>17.44.2.010 Boulevards.</p> <p>17.44.2.020 Landscaping requirements.</p> | <p>Sections consolidated and simplified</p> |
| <p>17.44.2.010 General provisions.</p> | |
| <p>A. Permit required. A permit is required to:</p> <p>1. plant trees in the boulevard area</p> | |

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| <p>2. remove or prune existing trees in the boulevard area</p> <p>B. Vertical clearance.</p> <p>C. Supplemental uses. Street medians and boulevard areas may contain sidewalks, utility installations, signs, benches, and other structures installed by a public agency.</p> <p>D. Tree selection. Trees required in this article shall be selected from the list contained in Appendix B.</p> <p>E. Required removal. Any landscaping in the boulevard area or street median that impedes pedestrian travel or is deemed detrimental to public safety shall be removed immediately by the property owner or agent upon written notification by the City.</p> <p>F. Mulch.</p> | <p>Moved to Article 1 – General Provisions</p> |
| <p>17.44.2.020 Responsibility for installation of street trees.</p> | |
| <p>The property owner wishing to construct a principal building on a vacant lot shall be responsible for installing the street trees consistent with this article.</p> | <p>Moved to Article 1 – General Provisions</p> |
| <p>17.44.2.030 Landscaping for street medians.</p> | |
| <p>A. Applicability. When a median is incorporated into a subdivision, the provisions of this section apply.</p> <p>B. Installation and maintenance responsibility. The developer shall be responsible for installing the landscaping as part of the project and a homeowners association shall be responsible for perpetual maintenance or the City, at its discretion, may accept responsibility.</p> <p>C. Number of trees required. At least two (2) ornamental trees or one (1) for each twenty-five (25) feet of length of the median, whichever is more, shall be planted and maintained within the median. By way of example, a median four hundred forty (440) feet long will require eighteen (18) ornamental trees and a forty-foot median requires two (2) trees.</p> <p>D. Placement of trees. Ornamental trees shall be planted at least three (3) feet from any curb or other pavement.</p> <p>E. Spacing of trees. Trees shall be spaced more or less evenly along the length of the median taking into account the location of light poles, fire hydrants, and the like and the mature canopy width of existing trees and those being planted.</p> <p>F. Shrubs, flowers and turf grass. Shrubs, ground cover, and flower beds may be planted in the median to supplement the trees. Turf grass shall be installed within the median except in those areas occupied planting beds for shrubs, ground cover, and/or flowers.</p> | <p>Moved applicability to Article 1</p> <p>Removed specific requirements of street medians and stated designs must be approved by the City in Article 1 - allows for design flexibility</p> |
| <p>17.44.2.010 Boulevards.</p> | |
| <p>A. Boulevards shall contain sod and trees (with three (3) foot diameter organic mulched reservoirs) and may include shrubs, flowers perennials, and/or ornamental plants (with organic mulched reservoirs within a landscaping bed).</p> | <p>Added mulching requirement for clarification</p> |

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| <p>B. Materials and vegetation prohibited in a residential boulevard include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Artificial vegetation including, but not limited to, trees, shrubs, perennials, and grass; 2. All non-living material except as specifically allowed by this Chapter; 3. Fences and/or walls (unless approved via a Boulevard Encroachment Permit by the City Engineer); 4. Gravel, decomposed granite, or cobble; and 5. Sand. | <p>Language relocated when reorganizing the Chapter</p> |
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17.44.2.020 Landscaping requirements.

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| <p>A. Single-family and two-family dwellings shall contain at least one (1) interior tree in addition to the required boulevard trees.</p> <p>B. Turf grass or ground cover plants shall cover at least fifty (50) percent of the lot area not covered by a structure</p> | <p>Provision changed to reduce requirements</p> |
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Article 3 – DESIGN STANDARDS FOR ALL OTHER LAND USES

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| <p>Sections:</p> <p>17.44.3.010 Submittals.</p> <p>17.44.3.020 Boulevards.</p> <p>17.44.3.030 Landscaping requirements.</p> | <p>All new sections</p> |
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17.44.3.010 Submittals.

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| <p>All landscape specifications, plans, etc. shall be submitted to the City Planning and Community Development Department for review and approval. Plans shall be replaced with approved plantings within three (3) months to scale, and shall include at a minimum:</p> <p>A. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), north arrow, property lines, visibility triangles, easements, utilities and otherwise;</p> <p>C. An analysis of the requirements found in this Chapter including the calculation of required interior landscaping, rate of plantings, and boulevard tree requirements.</p> | <p>Language relocated when reorganizing the Chapter</p> <p>Added visibility triangles onto landscape plan to confirm clearance</p> <p>Added code analysis requirement to provide breakdown of calculations</p> |
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17.44.3.020 Boulevards.

~~C. Boulevards in non-residential areas. Boulevards in non-residential areas shall conform to the following standards: At least one (1) canopy type tree shall be planted and maintained in the boulevard section for each fifty (50) lineal feet of street and avenue frontage or portion thereof not covered by driveway, sidewalks, or other approved hard surface.~~

~~Boulevards shall contain grass and trees, and may contain shrubs, flowers, and/or ornamental plants.~~

~~4. At least one (1) canopy type tree shall be planted and maintained in the boulevard section for each thirty five (35) lineal feet of street and avenue frontage or portion thereof.~~

~~5. Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like and the mature canopy width of existing trees and those being planted.~~

~~6. No shrub shall be planted within five (5) feet of a fire hydrant or within a clear visibility triangle (as defined in Chapter 32, Section 17.32.160 of this Title) if its mature height will exceed two and one-half (2½) feet. 7. Any landscaping in the boulevard area that impedes pedestrian travel or is deemed detrimental to public safety shall be removed immediately by the property owner, tenant, or agency upon written notification of the City.~~

~~8. Landscaping shall be maintained and those plantings which fail to survive shall be replaced with approved plantings within three (3) months.~~

~~9. An automatic irrigation system shall be required of all commercial projects and multi-family projects with four (4) or more dwelling units.~~

~~11. Materials and vegetation prohibited in a non-residential boulevard include, but are not limited to, the following:~~

~~a. Artificial vegetation including, but not limited to, trees, shrubs, vines, bushes, flowers, and grass.~~

~~b. Fences/walls (unless approved via a Boulevard Encroachment Permit by the City Engineer).~~

~~c. Sand.~~

I. An automatic irrigation system shall be required.

Increased from 35 lineal feet to 50 lineal feet to decrease tree count

Includes "Not covered by..." provision to increase design flexibility with site constraints

Language relocated when reorganizing the Chapter

Language relocated when reorganizing the Chapter

17.44.3.010 Applicability

~~A. General applicability. The landscaping requirements set forth in this article apply to:~~

~~1. New buildings constructed after the effective date of this chapter.~~

~~2. All buildings being increased in size by at least twenty (20) percent.~~

~~3. All buildings greater than twenty thousand (20,000) square feet changing occupancy or undergoing interior or exterior remodeling.~~

~~4. New vehicular use areas constructed after the effective date of this chapter.~~

Moved to Article 1

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| <p>5. An expansion of a vehicular use area by twenty (20) percent, if it equates to five (5) or more parking spaces.</p> <p>6. All buildings and vehicular use areas which have been cumulatively increased in size by twenty-five (25) percent over a ten-year period.</p> <p>B. Exemption. The following are exempt:</p> <p>1. Vehicle use areas located within a parking garage or within a building.</p> | |
| <p>17.44.3.020 Submittals</p> | |
| <p>Three (3) copies of all landscape specifications, plans, etc. shall be submitted to the City for review and approval. Plans shall be at a scale of one (1) inch equals twenty (20) feet (for sites one (1) acre or less in size) or one (1) inch equals fifty (50) feet (for sites larger than one (1) acre), and shall include at a minimum:</p> <p>1. A plant list containing botanical names, common name, plant size, number and variety of each plant used and mature area of coverage of canopy trees.</p> <p>2. A site plan showing dimensioned location of all plant materials, site amenities (signage, benches, etc.), north arrow, property lines, easements, utilities and otherwise, and adjacent land uses.</p> <p>3. A plan showing location and construction details for all irrigation systems to be installed.</p> | <p>Moved to beginning of Chapter 3</p> |
| <p>17.44.3.030 Landscaping requirements.</p> | |
| <p>A. Minimum requirements for interior landscaping. Minimum—The minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas and foundation planting areas, shall be fifteen (15) percent of the gross property area to be developed or redeveloped for property located in a commercial zone, and seventeen (17) percent of the gross area to be developed for non-residential all uses in residential zones. except industrial.</p> | <p>Requirement remains the same</p> <p>This exception is consistent with previous industrial requirements</p> |
| <p>B. Vehicular use area requirements. A portion of the required landscaping, equal to at least A minimum of ten (10) percent of the off-street vehicular use areas, must be located within the vehicular use areas. landscaped. This requirement can be a part of the required interior landscaping pursuant to § 17.44.3.030(A.). The following specific standards shall apply:</p> <p>1. Each row of parking spaces in interior parking areas shall be terminated by a landscaped island;</p> <p>2. There shall be no more than twenty (20) parking spaces in a row without a landscaped island;</p> <p>3. Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space.</p> <p>(Ord. 2950, 2007);</p> | <p>Clarifies requirement</p> |

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| <p>4. Landscaped areas within a vehicle vehicular use area shall be bounded by a continuous concrete curb or other curbs or similar barrier approved by the City Engineer.;</p> <p>5. Landscaped islands shall must contain canopy shade trees, a tree with either shrubs and/or turf grass. If light poles are located within a landscape island, the island tree may be planted in another location within the interior area to be landscaped; and</p> <p>(Ord. 2950, 2007)</p> <p>6. Where a vehicular use area abuts a public-use roadway, a minimum six (6) feet of landscaping shall be provided between the vehicular use area and the sidewalk with at least seventy-five (75) percent of the area in turf grass. property line.</p> | <p>Now requiring a tree in each island unless there is a light pole to encourage more canopy coverage within parking lots to mitigate heat island effect</p> <p>Property line is more appropriate than sidewalk for this requirement</p> |
| <p>C. Irrigation of Landscaping. An automatic irrigation system shall be mounded required. <i>Mounding requirement adjacent to vehicular use areas.</i></p> | <p>Clarifies previous provision</p> |
| <p>D. Rate of plantings.</p> <p>1. For sites less than two (2) acres: There shall be a minimum of six (6) inches above the height of adjacent vehicular use areas, but not exceeding 3: one (1) tree and shall be protected from vehicular traffic four (4) shrubs planted and maintained per four hundred (400) square feet, or fraction thereof, of required interior landscaping.</p> <p>2. For sites two (2) acres and greater: There shall be a minimum of one (1) tree and four (4) shrubs planted and maintained per five hundred (500) square feet, or fraction thereof, of required interior landscaping.</p> <p>3. Perennial substitution: Two (2) perennials or one (1) ornamental grass may be substituted for one (1) shrub for a maximum of thirty (30) percent of total required shrubs.</p> <p>4. Non-vegetative special features:</p> <p>i. Nine (9) cubic feet of freestanding permanent sculpture which is integrated with curbing or other similar barrier landscaping may be substituted for one (1) shrub with a maximum of ten (10) percent of total required shrubs. Requirements shall be approved by the City Engineer.</p> <p>ii. Stone boulders not smaller than two (2) feet in diameter which are integrated with other landscaping may be substituted for one (1) shrub with a maximum of ten (10) percent of total required shrubs.</p> | <p>Separated planting rates into small and large sites to address feedback that large site plant counts are difficult to implement</p> <p>On small sites, dropped planting rate from 7 shrubs to 4 shrubs per 400 square feet which decreases shrub counts dramatically - around 43%</p> <p>On large sites, dropped planting rate from 7 shrubs per 400 square feet to 4 shrubs per 500 square feet to decrease shrub counts dramatically on large sites - around 54%</p> <p>Codifying perennial substitution which has become standard policy</p> <p>These two new items allow for artistic design flexibility with boulders and art</p> |

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| <p>E. Boulevard landscaping credit. Twenty-five (25) percent of the boulevard landscaping area, excluding sidewalks and driveways, may be credited to the interior landscaping area requirement specified in (A). In addition, up to two (2) shade trees planted in the boulevard area may be credited toward interior tree requirements.</p> | <p>Clarifies previous credit</p> |
| <p>F. Buffer between uses. Where a non-residential use abuts a residential use, a minimum fifteen-foot landscape buffer shall be provided along the full length of the shared property line. The landscape buffer shall contain sod, trees, and shrubs. The plantings required for the landscape buffer may be counted towards the interior rate of plantings requirement.</p> | <p>Clarifies previous buffer requirement</p> |
| <p>G. Screening between uses. Where a vehicular use area abuts an adjacent residential use one of the following shall be installed to screen the residential use from the lights of the vehicles:</p> <ol style="list-style-type: none"> 1. Fence or wall. Provide a six-foot tall, 100% percent opaque wall or fence along the screening area shared property line; or 2. Landscape Berm. Provide a landscape berm at least three (3) feet in height with landscaping at the top of the berm. If the berm is less than five (5) feet in height, it must include at least one shrub or tree per three (3) linear feet along the top of the berm. | <p>Re-worded for clarification</p> <p>Increased from 4 ft to provide a taller buffer</p> <p>Provides planting specifications for clarity</p> |
| <p>I. Detention and retention areas. Stormwater facilities. By design, detention and retention areas stormwater facilities shall be physically, functionally, and visually integrated into adjacent landscape areas. Standing water is discouraged and shall be properly drained unless incorporated into re-circulating water features or irrigation systems.</p> | <p>Removed "Standing water..." section to simplify requirements within landscape code and will refer to storm water manual for technical specifications</p> |
| <p>J. Landscaping in Central Business Core. All properties located in the C-4 central business core zoning district are exempt from the above listed requirements except for Subsections (B.) and (C.) of this Section.</p> | <p>Landscaping plans only need to comply with vehicular use and irrigation requirements for C-4 zoning.</p> |
| <p>F. Rate of plantings. There shall be a minimum of one (1) tree and seven (7) shrubs planted and maintained per four hundred (400) square feet, or fraction thereof, of required interior landscaping.</p> <p>G. Buffer and screening between uses. Where a commercial or non-residential use abuts a residential use, a minimum fifteen-foot landscape buffer shall be provided along the shared property line. Where vehicular use areas abut adjacent residential property, the lot shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.</p> <p>H. Boulevard landscaping credit. Twenty-five (25) percent of the boulevard landscaping, excluding sidewalks and driveways, may be credited to the interior landscaping requirement specified in item A above.</p> | <p>These items are re-worded above</p> |
| <p>I. Foundation planting requirements. For commercial, institutional and civic use buildings in all commercial zoning districts, except the C-4 Central Business Core district, at least fifty (50) percent of the frontage of the building face shall be occupied by a foundation planting bed(s) and at least twenty (20) percent of the frontage of the side of the building shall be occupied by a foundation planting bed(s). The planting beds shall be at least four (4) feet wide, mulched, and contain a mix of vegetation types (annual flowers, perennial flowers, ground cover and shrubs). For example, if a building measures one hundred twenty</p> | <p>Foundation requirements have been removed due to requests from engineers to relocate shrubs away from foundations due to soil conditions</p> |

~~(120) feet on its face (length) by fifty (50) feet (depth), there would be sixty (60) feet of foundation plantings on the face and ten (10) feet on each of the sides.~~

Article 4 – DESIGN STANDARDS FOR INDUSTRIAL BUILDINGS

Sections:

- ~~17.44.4.010 Applicability.~~
- ~~17.44.4.020 Submittals.~~
- ~~17.44.4.030 Landscaping requirements.~~

Industrial moved to Article 3

Article 5 – DESIGN STANDARDS FOR SINGLE FAMILY, DUPLEX AND MULTI-FAMILY DWELLINGS

Sections:

- ~~17.44.4.010 Applicability.~~
- ~~17.44.4.020 Submittals.~~
- ~~17.44.4.030 Landscaping requirements.~~

Residential moved to Article 2



Item: Public Hearing - Ordinance 3212, “An Ordinance Amending Title 17 of the Official Code of the City of Great Falls (OCCGF): Repealing Appendix B Pertaining to the List of Required Trees for Boulevard Areas and Street Medians.”

From: Planning and Community Development Department

Initiated By: Planning & Community Development/Legal Departments

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

Action Requested: City Commission adopt Ordinance 3212.

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) Ordinance 3212.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: At the conclusion of its regularly scheduled meeting held on January 28, 2020, the Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3212 to repeal Appendix B pertaining to the List of Required Trees for Boulevard Areas and Street Medians. Staff recommends that the City Commission adopt Ordinance 3212.

Summary: First adopted in 2005 as the City’s first comprehensive compilation of code provisions relating to development, Title 17 to the Official Code of the City of Great Falls (OCCGF) has been modified a number of times to keep the Code relevant. Members of the City Commission and Staff have examined numerous sections of the OCCGF and have identified various types of revisions throughout different chapters of the Code. These deficiencies range from typographical errors, needed content updates, and conflicts with State and Federal law.

As part of the current comprehensive review of the City’s development review process, Title 17, referred to as the “Land Development Code,” contains various development provisions and is the largest

and most complex of all OCCGF Titles. In 2019, the City Commission asked Staff to look at the Code to see if there were opportunities for streamlining and improvements to provide better service and flexibility for the development community.

In late 2019, Staff undertook a review of two Chapters of the Land Development Code: Chapter 36 Parking and Chapter 44 Landscaping. Based on this review, input from focus groups, and comparison with codes from other similar communities, Staff has recommended revisions to both Chapters. These changes were brought forth to the City Commission at a Work Session on December 3, 2019 for the Parking Chapter and January 7, 2020 for the Landscaping Chapter. Staff also presented a summary of the changes to each Chapter at a Town Hall meeting that was held on January 8, 2020.

At its regularly scheduled meeting on February 18, 2020, the City Commission set the public hearing for March 17, 2020, to consider adoption of this ordinance. In order to reduce the potential exposure to the COVID-19 virus, the agenda for the March 17, 2020 meeting was revised to delay non critical items. Therefore, the public hearing was moved to the April 7, 2020 meeting. The hearing was properly noticed in compliance with noticing requirements pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.

Ordinance 3212: Repealing Appendix B

As Staff evaluated Chapter 44 and its requirements, Staff also reviewed Appendix B which contains the “List of Required Trees for Boulevard Areas and Street Medians”. Throughout the years, discussion has occurred between Planning Staff and the City Forester about the types of trees on this list. Several trees on the current codified list are prohibited by the City Forester because of threat of disease and insect infestation. Other trees have been allowed and should be added to the list to create more options for developers and homeowners. During the last few years, tree substitutions have also been approved based on availability from local suppliers. Therefore, Staff proposes to repeal the Appendix so that these decisions to amend the list can be made at any time, and codification of a new list is not required in the future.

Ordinance 3212 Exhibit A is a document illustrating the repeal of Appendix B of Title 17 of the OCCGF with deleted language in ~~strike through~~. The current working “List of Trees for Boulevard Areas in Great Falls” has been attached for reference. This document is proposed to replace the appendix and will be kept on file at the City.

Alternatives: Alternatively, the City Commission could deny adoption of Ordinance 3212.

Concurrences: The proposal to repeal Appendix B of Title 17 has been reviewed by various City departments for input. The City Forester has provided his input on the attached tree list that will replace the appendix.

Attachments/Exhibits:

- Ordinance 3212
- Ordinance 3212 Exhibit A
- Trees for Boulevard Areas in Great Falls

ORDINANCE 3212

AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): REPEALING APPENDIX B PERTAINING TO THE LIST OF REQUIRED BOULEVARD AREAS AND STREET MEDIANS.

* * * * *

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

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 17, Appendix B, including lack of flexibility as urban forest conditions and tree diseases change; and

WHEREAS, the City Commission wishes to cure the deficiencies by repealing OCCGF Title 17, Appendix B, as well as to establish consistency within the OCCGF and, where applicable, the Montana Code Annotated; and

WHEREAS, at its regularly scheduled January 28, 2020, meeting, the Great Falls Planning Advisory Board voted to recommend that the City Commission adopt Ordinance 3212.

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

Section 1. OCCGF Title 17, Appendix B is hereby repealed as depicted in Exhibit “A” attached hereto and by reference incorporated herein; and

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

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

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing April 7, 2020.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3212 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit "A"

Appendix B REPEALED.

Appendix B — LIST OF REQUIRED TREES FOR BOULEVARD AREAS AND STREET MEDIANS

| Shade Trees — Large (50' and higher) | |
|---|---|
| — American Linden | Tilia americana |
| — Black Walnut | Juglans nigra |
| — Bur Oak | Quercus macrocarpa |
| — Green Ash | Fraxinus pennsylvanica |
| — Green Ash — Bergeson | Fraxinus pennsylvanica "Bergeson" |
| — Green Ash — Kindred | Fraxinus pennsylvanica "Kindred" |
| — Green Ash — Patmore | Fraxinus pennsylvanica "Patmore" |
| — Green Ash — Summit | Fraxinus pennsylvanica "Summit" |
| — Green Ash — Centennial | Fraxinus pennsylvanica "Centennial" |
| — Green Ash — Prairie Spire | Fraxinus pennsylvanica "Prairie Spire" |
| — Hackberry | Celtis occidentalis |
| Shade Trees — Medium (30' to 50') | |
| — Black Ash — Fallgold | Fraxinus nigra "Fall Gold" |
| — Honey Locust | Gleditsia triacanthos "Inermis" |
| — Honey Locust — Imperial | Gleditsia triacanthos "Imperial" |

Appendix B LIST OF REQUIRED TREES FOR BOULEVARD AREAS AND STREET MEDIANS

Exhibit "A"

| | |
|-----------------------------------|--|
| — Honey Locust – Skyline | <i>Gleditsia triacanthos</i> "Skyline" |
| — Little Leaf Linden | <i>Tilia cordata</i> |
| — Little Leaf Linden – Greenspire | <i>Tilia cordata</i> "Greenspire" |
| — Little Leaf Linden – Glenleven | <i>Tilia cordata</i> "Glenleven" |
| — Dropmore Linden | <i>Tilia X flavescens</i> "Dropmore" |
| — Redmond Linden | <i>Tilia X euchlora</i> "Redmond" |
| — Manchurian Ash | <i>Fraxinus mandshurica</i> "Mancan" |
| — Ohio Buckeye | <i>Aesculus glabra</i> |
| — Norway Maple | <i>Acer platanoides</i> |
| — Norway Maple – Emerald Lustre | <i>Acer platanoides</i> "Emerald Lustre" |
| Ornamental Trees | |
| — Amur Chokecherry | <i>Prunus maackii</i> |
| — Japanese Tree Lilac | <i>Syringa reticulata</i> |
| — Snowbird Hawthorne | <i>Crataegis</i> sp. "Snowbird" |
| — Toba Hawthorne | <i>Crataegis</i> sp. "Toba" |
| — Mayday | <i>Prunus padus</i> |
| — Tatarian Maple | <i>Acer tataricum</i> |

Trees for Boulevard Areas in Great Falls



| Common Name | Botanical Name | Height | Spread | Notes |
|---------------------------|--|---------------|---------------|---|
| Elm, Brandon | <i>Ulmus americana</i> 'Brandon' | 40-60 ft. | 30-40 ft. | Don't use where Dutch Elm Disease is present |
| Elm, Prairie Expedition | <i>Ulmus Americana</i> 'Lewis & Clark | 50-60 ft. | 40 ft. | Variety is Dutch Elm Disease resistant |
| Hackberry | <i>Celtis occidentalis</i> | 40-60 ft. | 40 ft. | Tough and adaptive tree often overlooked. |
| Honeylocust, Imperial | <i>Gleditsia triacanthos inermis</i> 'Impcole' | 40-50 ft. | 35 ft. | Tall, broad canopy. Small, compound leaves. Yellow fall color. |
| Honeylocust, Prairie Silk | <i>Gleditsia triacanthos inermis</i> 'Dursan' | 35-40 ft. | 30 ft. | Smaller variety. Small, compound leaves. Yellow fall color. |
| Honeylocust, Skyline | <i>Gleditsia triacanthos inermis</i> 'Skycole' | 40-50 ft. | 35 ft. | Tall, broad canopy. Small, compound leaves. Yellow fall color. |
| Linden, American | <i>Tilia americana</i> | 40-50 ft. | 30-40 ft. | Aka Basswood. Small, scented flowers. |
| Linden, Boulevard | <i>Tilia americana</i> 'Boulevard' | 40-50 | 20-30 ft. | Narrower than American Linden. Small, scented flowers. |
| Linden, Glenleven | <i>Tilia codata</i> 'Glenleven' | 50-70 ft. | 40-50 ft. | Little-leaf linden. Small, scented flowers. |
| Linden, Greenspire | <i>Tilia codata</i> | 35-45 ft. | 25-35 ft. | Little-leaf or European linden. Yellow fall color. Scented flowers. |
| Linden, Dropmore | <i>Tilia x flavescens</i> 'Dropmore' | 40-50 ft. | 20-30 ft. | Hybrid of American and Little-leaf Linden. |
| Linden, Redmond | <i>Tilia americana</i> 'Redmond' | 50 ft. | 30 ft. | Smaller, but similar to Tilia Americana. |
| Linden, Harvest Gold | <i>Tilia x mongolica</i> 'Harvest Gold' | 40 ft. | 30 ft. | Orange fall color. Exfoliating bark. |
| Maple, Autumn Blaze | <i>Acer x freemanii</i> 'Jeffsred' | 50-60 ft. | 40 ft. | Red fall color. Can have chlorosis in heavy alkaline soils. |
| Maple, Sienna Glen | <i>Acer x freemanii</i> 'Sienna' | 40-50 ft. | 35 ft. | Orange-red fall color. Can have chlorosis in heavy alkaline soils. |
| Maple, Silver | <i>Acer saccharinum</i> | 50-60 ft. | 40 ft. | Silver underside of leaves. Large mature size. Fast growing. |
| Oak, Bur | <i>Quercus macrocarpa</i> | 40-60 ft. | 40-60 ft. | Slow growing and wind resistant. |
| Walnut, Black | <i>Juglans nigra</i> | 50 ft. | 50 ft. | Produces walnuts when mature. |

*Small ornamental trees are permitted with Staff approval under power lines and where special conditions exist. A list of ornamental trees is available at the City of Great Falls Planning and Community Development Office, Room 112 of the Civic Center.



Item: Public Hearing - Ordinance 3214 – An Ordinance by the City Commission of the City of Great Falls to rezone the properties legally described as the South 85’ of Lot 8, Block 180 and Lots 8-14, Block 179 of the Great Falls Water Power and Townsite Company’s First Addition from Single-family High Density and Neighborhood Commercial to Public Lands and Institutional; Resolution 10340 to vacate 5th Avenue North between 12th Street North and 13th Street North; and a Non-Administrative Plat to aggregate several of the properties.

From: Erin Borland, Planner III, Planning and Community Development

Initiated By: C.M. Russell Museum and the Trigg C.M. Russell Foundation, Inc.

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

Action Requested: City Commission adopt Ordinance 3214, adopt Resolution 10340 and approve the amended plat, per the Findings of Fact/Basis of Decision.

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:

Commissioner moves:

I. "I move that the City Commission (adopt/deny) Ordinance 3214 and the accompanying Findings of Fact/Basis of Decision subject to the Conditions of Approval being fulfilled by the applicants."

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

Commissioner moves:

II. "I move that the City Commission (adopt/deny) Resolution 10340 vacating 5th Avenue North between 12th Street and 13th Street North."

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

Commissioner moves:

III. "I move that the City Commission (approve/deny) the amended plat aggregating the parcels as legally described in the Staff Report, and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants"

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

Staff Recommendation: At the conclusion of a public hearing held on February 25, 2020, the Zoning Commission recommended that the City Commission approve the applicant's rezoning petition. Additionally, the Planning Advisory Board recommended that the City Commission approve the applicants' request to aggregate the parcels – contingent upon the Commission's decision to vacate the right of way of 5th Avenue North.

Staff recommends approval of the rezoning request, vacation of 5th Avenue North between 12th Street and 13th Street North, and the parcel aggregation with the following conditions of approval:

Conditions of Approval:

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

2. Amended Plat. Provide a revised Amended Plat of the subject properties, showing the proposed vacation and aggregation, containing all easements required by the City of Great Falls. The revised Plat shall incorporate corrections of any errors or omissions noted by Staff. Also a deed will be required to ensure that all the properties are under one ownership in order to aggregate the parcels.

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

4. Subsequent modifications and additions. If after establishment of the zoning, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Background and Summary: The C.M. Russell Museum has been a part of Great Falls since the 1930's when the artist's log cabin studio and gallery addition opened as the Russell Memorial. Since then the C.M. Russell Museum complex has grown with the support of the residents of Great Falls. The applicants, the C.M. Russell Museum and the Trigg C.M. Russell Foundation, Inc., are currently going through a master planning process to examine several ideas for expansion. They have acquired the properties to the north of 5th Avenue N, just adjacent to the museum. They have demolished the existing houses and have come forward with a request to rezone these properties to match the existing zoning of the museum. In conjunction with the rezone, the applicants are requesting that the City approve aggregation of the properties as well as vacate 5th Avenue North between 12th and 13th Streets in order to create a large enough parcel to accommodate the future facility expansion. Finally, in the near future, the applicants will seek to re-route several utilities in order to prepare for future expansion.

The expansion of the museum complex is proposed to be accomplished in two phases. Phase I, slated to commence either this year or in 2021, will add much needed off-street parking spaces to the facility as well as create new greenspace, a sculpture area, and pathway system. Additionally, the applicant hopes to construct a new residential-style building on a separate lot for a preparatory studio. Phase II, which is subject to additional funding and is projected to occur within the next 5-10 years, could include a building addition that would add the following new facilities: 1) atrium entry area, 2) loading dock, and 3) a lower-level, multi-use area for exhibitions and events.

Analysis of Zoning Map Amendment Request – Ordinance 3214: The museum facility is classified by the City’s Land Development Code as a Community cultural facility. As noted in the table below, the properties are zoned Single-family high density (R-3) and Neighborhood Commercial (C-1).

| Property Address | Current Zoning |
|-----------------------|----------------|
| 1125 5th Avenue North | R-3 |
| 509 12th Street North | R-3 |
| 1201 5th Avenue North | R-3 |
| 1209 5th Avenue North | R-3 |
| 1215 5th Avenue North | R-3 |
| 1217 5th Avenue North | R-3 |
| 1221 5th Avenue North | R-3 |
| 1227 5th Avenue North | C-1 |

Community cultural facilities are classified as Conditional Uses in both of the current zoning districts that encompass the properties. Rather than seek a Conditional Use Permit to authorize the proposed expansion activities, the applicant is moving forward in advance to rezone the properties to Public Lands and Institutional (PLI) to match the zoning of the existing museum facility. If this zoning designation is approved, this will allow the applicant to focus on finishing the master planning and fund raising process – rather than deal with the uncertainty of whether a future Conditional Use request would be approved.

From staff’s perspective, the applicant’s request is justifiable for several reasons. First, the current facility is already zoned PLI. Although the properties in question have been used residentially in the past, the residents and the museum facility have co-existed in the neighborhood for decades. Second, the City’s 2013 Growth Policy contains policy guidance supporting the expansion of existing community facilities provided that contextual issues are evaluated. Finally, while the PLI zoning district contains more permissive development and land use standards than the current R-3 zoning district, the specific nature of the applicant’s proposal (more off-street parking, greenspace, and a reasonably scaled building expansion) is quite compatible the surrounding neighborhood context.

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

Vacation of 5th Avenue North – Resolution 10340: The resolution for the applicant’s request to vacate 5th Avenue North between 12th and 13th Streets is required in conjunction with the request to aggregate all the lots with a non-administrative plat. Staff has spoken with the applicant about existing city utilities that will be affected by the vacation. A 20-foot wide easement must be retained for access to existing public utilities that will eventually be abandoned and relocated. Any required easements will be identified on the applicant’s proposed amended plat.

According to Section 7-3-4448, Montana Code Annotated (M.C.A), the owner was required to file a request for the intent to vacate any right of way. The Resolution of Intent was adopted by the City Commission on April 7. M.C.A. requires a petition to be sent to each of the owners abutting the right of way property. Unless 51 percent of the affected property owners object to the proposed vacation, the Commission may, by ordinance, declare such vacation. Staff notes that the applicants are the only property owner on either side of the right of way. The Notice of Acknowledgement has been signed by the applicants and received by the City.

Non-Administrative Plat:

The applicant proposes to aggregate eight parcels as well as the vacated right-of-way, if approved by the City Commission, into a single parcel to facilitate future development. The draft amended plat showing the aggregation has been attached for review. The draft amended plat vacates the right-of-way of 5th Avenue North and then aggregates all of the affected parcels including the existing museum property. The draft plat requires Planning Advisory Board and City Commission review due to Montana Code Annotated (MCA) 76-3-207 (2) which states:

"within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder."

Staff has prepared Findings of Fact based on the criteria for a subdivision. Additionally, pursuant to the OCCGF, Staff has reviewed the plat for compliance with the survey requirements of this Title and State law, provisions of easements for the location and installation of any planned utilities, and review of physical and legal access to the parcels. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision – Subdivision.

Public Input: The subject properties are located in Neighborhood Council #8. The applicant previously contacted the Council informally about the proposal and formally presented the project to the Council at their February 20th meeting. The Council asked questions about the expansion proposal, and Staff was present to explain the review process for the project. Positive comments about the project were conveyed during the February 20 meeting.

Additional public input was provided at the February 25 Zoning Commission hearing. Staff and the applicant addressed all questions which generally centered on impacts related to nearby on-street parking and traffic – particularly related to museum events. Residents in attendance expressed support for the museum’s efforts to add parking and limit large events. After the Zoning Commission hearing, staff did receive one additional email from a member of the public asking many questions related to the proposal. This email has been included in the City Commission packet, and staff has responded to the individual’s questions.

Fiscal Impact: Rezoning the properties from Single-family high density and Neighborhood commercial to Public Lands and Institutional creates no negative fiscal impacts to the City. The future expansion of the museum complex which are proposed to accompany this zoning decision will only have a positive financial impact because it will allow the museum facility to remain viable in its current location for many years.

Alternatives: The City Commission could deny any portion of the applicant's request. If such action is taken, the Commission must develop alternative findings to support such a denial decision.

Concurrences: Staff has coordinated its review of the applicant's request with the Public Works Department. If the City Commission approves the vacation of 5th Avenue North, the Public Works Department will further review the proposal for the relocation of utilities as well as dedication of any necessary easements.

Attachments/Exhibits:

- Narrative from Applicants
- Zoning Map
- Ordinance 3214
- Ordinance 3214 - Exhibit A
- Exhibit of Properties Requested for Rezone
- Zoning District Comparison Chart
- Findings of Fact/Basis of Decision – Zoning Map Amendment
- Resolution 10340
- Resolution 10340 – Exhibit A
- Aerial Showing Parcels to be Aggregated
- Draft Amended Plat
- Findings of Fact/Basis of Decision – Subdivision
- Preliminary Expansion Exhibits



MEMORANDUM

DATE: December 3rd, 2019
FROM: Thomas Figarelle, Executive Director
TO: Greg Doyon, City Manager - City of Great Falls
RE: Campus Expansion – Requested Actions to Support Campus Expansion

This memorandum requests the following actions from the City of Great Falls that will support a northward expansion of the C.M. Russell Museum campus, across 5th Avenue North.

- 1) Vacation of 5th Avenue North between 12th and 13th Streets and incorporation of this area into the Museum's campus.
- 2) Rezoning of all museum owned properties on the north side of 5th Avenue North to Public Lands and Institutions (PLI). See Annex B for details.
 - a. 1125 5th Avenue North
 - b. 509 12th Street North
 - c. 1201 5th Avenue North
 - d. 1209 5th Avenue North
 - e. 1215 5th Avenue North
 - f. 1217 5th Avenue North
 - g. 1221 5th Avenue North
 - h. 1227 5th Avenue North
- 3) Approval to re-route major utilities that are currently next to the Museum's north end, thereby setting the conditions for future facility expansions. This will be done at the Museum's expense.
- 4) Aggregation of all properties, listed above, into a single lot with 400 13th Street North. This will leave the Museum with two lots – those described above and another lot that features the Russell Home and Studio, located on 4th Avenue North.

MUSEUM EXPANSION CONCEPTS

The following concepts are presented as realistic visions of campus expansion, as informed through discussions with key Museum stakeholders, a master plan from 2007, a facility risk assessment from 2017, and a campus design analysis conducted in 2018. They are provided with the intent of initiating discussions with city officials in order to pursue the four requests outlined above.

The concepts below are subject to modification as the Museum develops a comprehensive campus master plan, a process that is presently underway. This effort will continue until June 2020, at which time the Board of Directors will conduct a formal review and approval of the plan.

INTERIM CONCEPT

The Museum is presently awaiting the approval of all necessary permits to initiate the removal of the structures on the Northside of 5th Avenue North. Please see Annex A, letters B thru F. This demolition will leave all mature trees and will provide for a graded surface whereby the Museum will apply sod in order to create a pleasing and usable space for an interim expansion step, prior to implementing any further near-term or long-term expansion concept. Please see Annex C for an illustration.

NEAR-TERM CONCEPT

Over the next five years, a near-term concept will transform the lots north of the current campus, into increased green-space and additional museum parking. The green-space is eligible for use as an



outdoor interpretation area or for various events. The possible addition of 5th Avenue North to the Museum's campus will optimize this concept and allow the Museum to reorient entry approaches into parking lots and the main building in a manner that enhances the arrival experience. The relocation of utilities is also a feature of this concept, in order to prepare for future facility expansion that would require such a move. Based off an initial analysis, the Museum has sufficient funding commitments to facilitate this work. See Annex D for an illustration.

PREPARATOR STUDIO

Within a near-term expansion, it is vital that the Museum establish a studio for the Museum's Preparator Department, the staff who design exhibitions. The current Museum facility does not provide for this space. This proposed studio will include a work shop, space for climate controlled non-fine art storage, and a studio eligible for work by the preparator staff and even a possible artists-in-residence. The Museum owns a portion of the lot on the northwest corner of 12th Street and 5th Avenue North. An initial analysis highlights that this space is sufficient to host a structure that can accommodate this need. Since this lot is not contiguous with the other properties across 12th Street, this is the best use of this currently vacant property. A facility that features a residential-like design, and which is complementary to the neighborhood motif, is preferred. Currently, committed funds for the near-term expansion concept might be used for this purpose, subject to overall costs with the entire project. See the location of this proposed studio on Annex A.

LONG-TERM EXPANSION CONCEPT

A long-term concept is subject to additional funding, whereby the Museum may construct a special event/multi-purpose space to host the annual Russell Exhibition and Sale on campus. Approximately 16,000 square feet is needed to accommodate this event. The illustration in Annex E shows an expansion concept that will accommodate this required space.

The development of a new facility entry is also highlighted as a way to enhance the arrival experience as visitors enter the Museum. Art is intended to inspire the public; therefore, an entry that sets the conditions for this experience is vital to overall visitor engagement. This concept is also subject to further consideration in the master plan; however, it has been highlighted as a long-term need for optimal campus development.

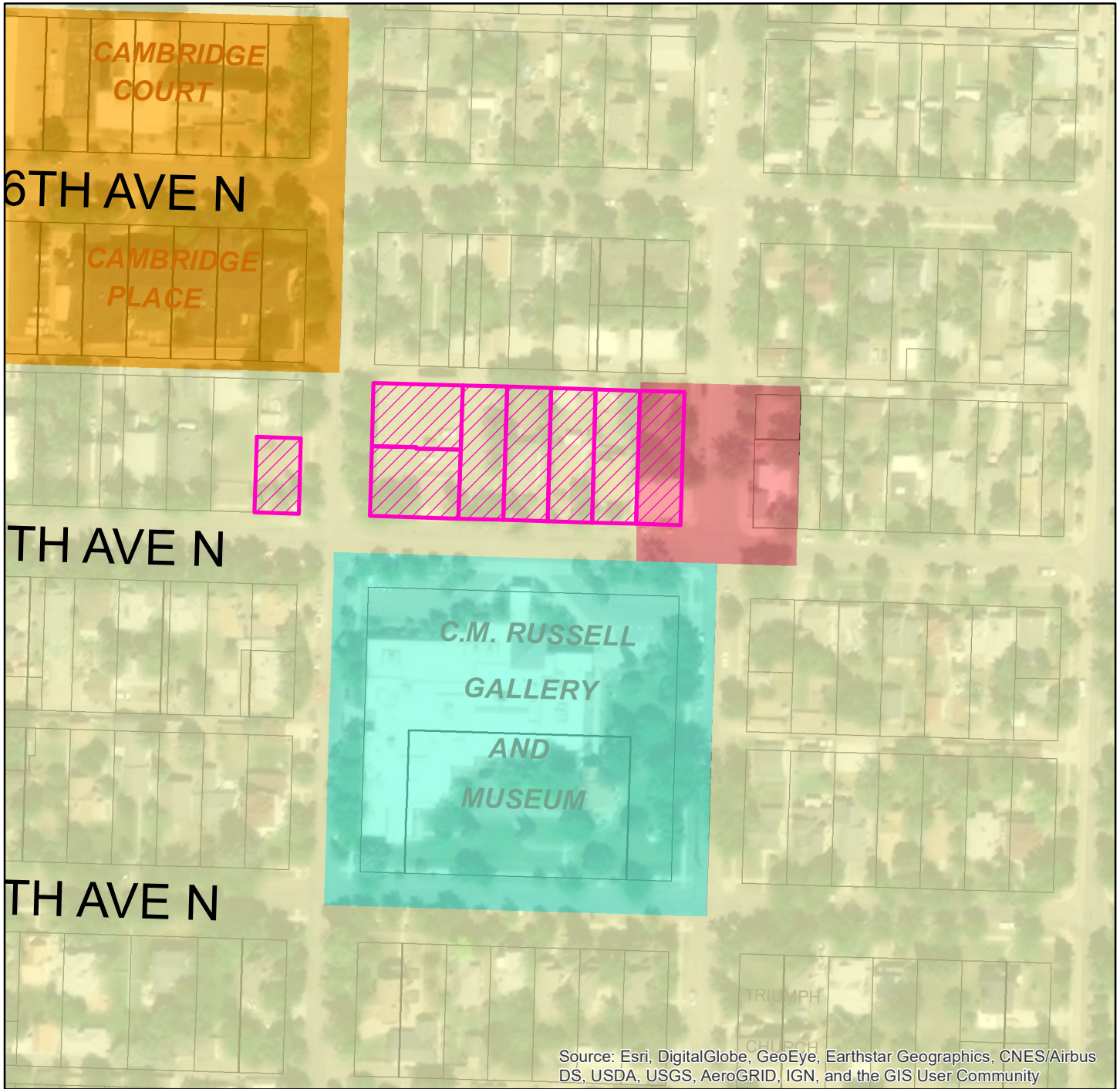
Major funding is necessary to achieve this long-term vision; however, the Museum is presently in a quiet phase of a major fundraising campaign and this concept will be featured to major donors, whose generosity can make it possible. Before these conversations with donors can proceed two actions are necessary: 1) A commitment from the City of Great Falls to vacate 5th Avenue North between 12th and 13th Streets; 2) The approval of a comprehensive campus master plan.

CONCLUSION

The C.M. Russell Museum is postured for continued development and achievement as a premiere cultural center within the American West. A reimagined and expanded campus will ensure that an exceptional facility provides further opportunities for the Museum to reach its full potential. The commitment of the City of Great Falls to support the requests articulated here will empower the Museum to achieve this and to further serve as a source of pride and cultural engagement for the city, the state of Montana and the American West.

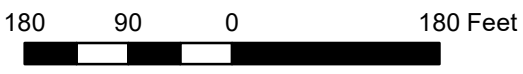
We welcome any and all questions related to this request. Please contact me at (406) 727-8787 or at tfigarelle@cmrussell.org. Thank you.

ZONING MAP



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

-  Subject Properties to be Rezoned
-  R-3 Single-family High Density
-  R-6 Multi-family High Density
-  C-1 Neighborhood Commercial
-  PLI Public Lands and Institutional
-  Tracts of Land
-  LotLines



ORDINANCE 3214

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS: S85 FEET OF LOT 8, BLOCK 180 AND LOTS 8-14, BLOCK 179 OF THE GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, LOCATED IN THE SE1/4 OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.MT. CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY AND C-1 NEIGHBORHOOD COMMERCIAL TO PLI PUBLIC LANDS AND INSTITUTIONAL ZONING DISTRICT

* * * * *

WHEREAS, the subject properties, located at 1125 5th Avenue North, 509 12th Street North, 1201 5th Avenue North, 1209 5th Avenue North, 1215 5th Avenue North, 1217 5th Avenue North, 1221 5th Avenue North, 1227 5th Avenue North, and legally described above, are presently zoned R-3 Single-family high density and C-1 Neighborhood Commercial district; and

WHEREAS, the property owners, C.M. Russell Museum and the Trigg C.M. Russell Foundation, Inc., have petitioned the City of Great Falls to rezone said properties to PLI Public Lands and Institutional zoning district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 25, 2020, to consider said rezoning from R-3 Single-family high density and C-1 Neighborhood Commercial to PLI Public Lands and Institutional zoning district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as the South 85 feet of Lot 8, Block 180 and Lots 8-14, Block 179 of the Great Falls Water Power and Townsite Company's First Addition located in the SE1/4 of Section 1, Township 20 North, Range 3 East, P.M.MT., Cascade County, Montana; and

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7th day of April, 2020, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said rezoning designation be made.

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

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

Section 2. That the property legally described as: South 85 feet of Lot 8, Block 180 and Lots 8-14, Block 179 of the Great Falls Water Power and Townsite Company's First Addition located in the SE1/4 of Section 1, Township 20 North, Range 3 East, P.M.MT., Cascade County, Montana, be rezoned to PLI Public Lands and Intuitional as shown in Exhibit A.

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading March 17, 2020.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading April 7, 2020.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

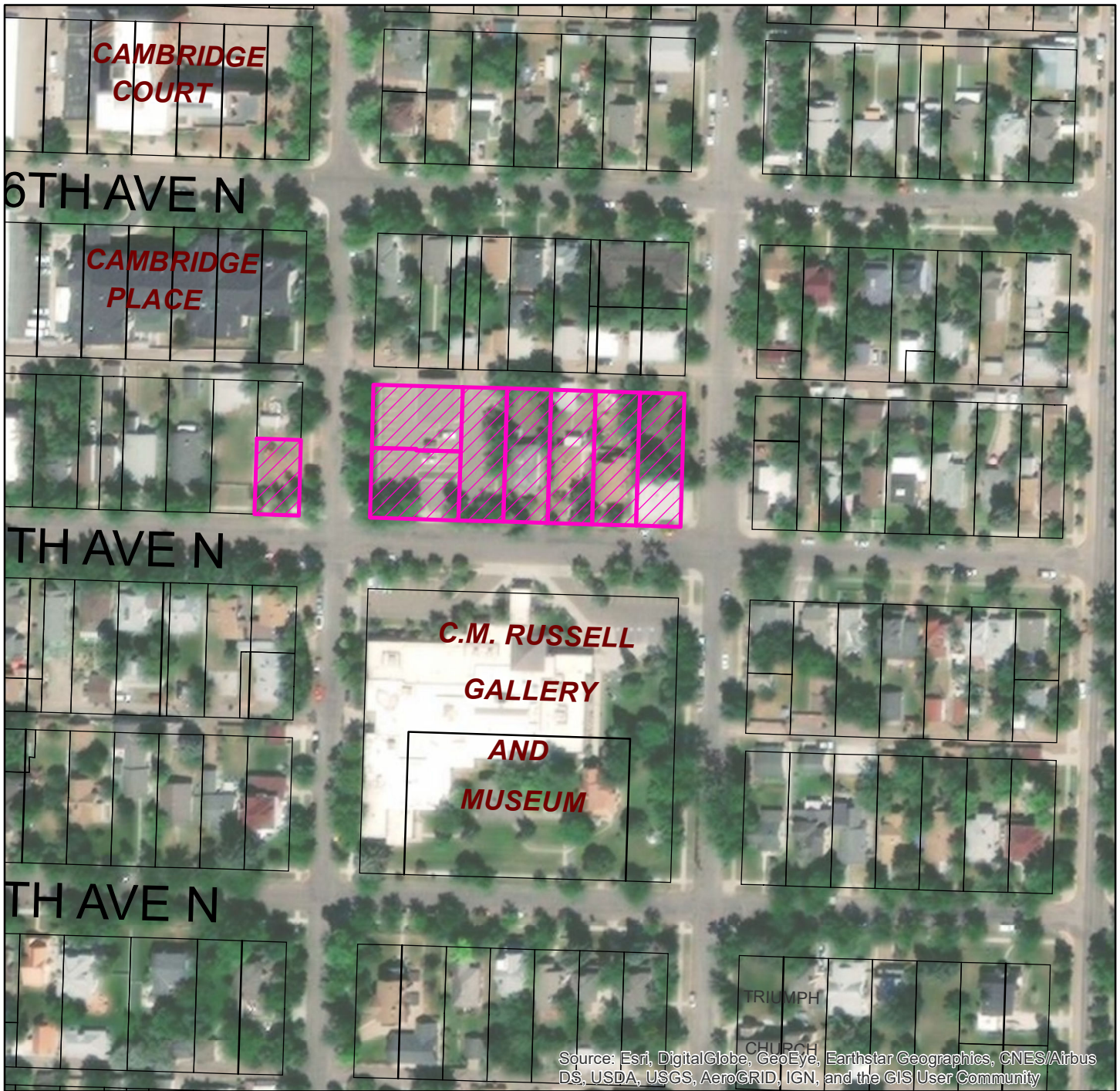
State of Montana)
County of Cascade : ss
City of Great Falls)




I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3214 on the Great Falls Civic Center posting board and the Great Falls City website.

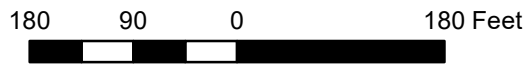
Lisa Kunz, City Clerk

(CITY SEAL)

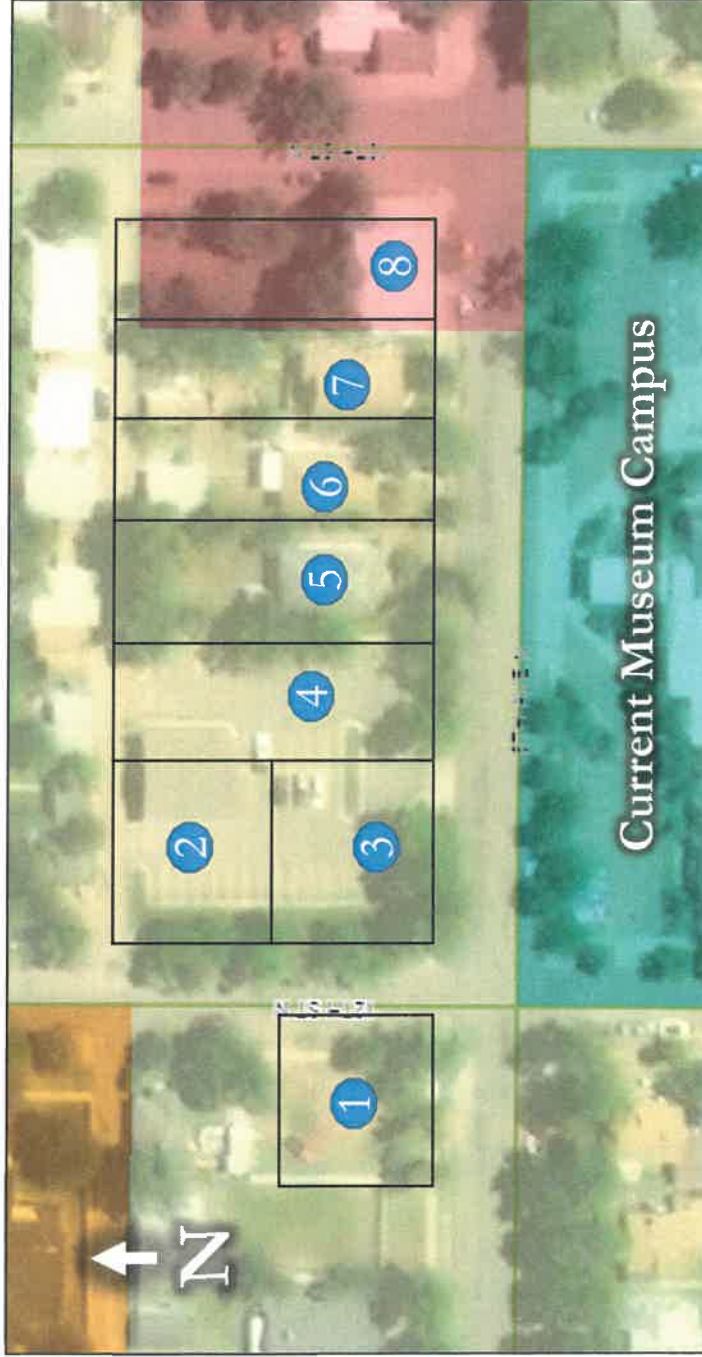
Ordinance 3214 Exhibit A



-  Subject Properties to be Rezoned
-  Tracts of Land
-  LotLines



C.M. Russell Museum: Requested Rezoning



| Properties | Current | Requested |
|--------------------------------------|---------|-----------|
| 1) 1125 5 th Avenue North | R-3 | PLI |
| 2) 509 12 th Street North | R-3 | PLI |
| 3) 1201 5 th Avenue North | R-3 | PLI |
| 4) 1209 5 th Avenue North | R-3 | PLI |
| 5) 1215 5 th Avenue North | R-3 | PLI |
| 6) 1217 5 th Avenue North | R-3 | PLI |
| 7) 1221 5 th Avenue North | R-3 | PLI |
| 8) 1227 5 th Avenue North | C-1 | PLI |

C.M. Russell Museum: Requested Rezoning



| Property | Legal Description | Dimensions | Area (sq/ft) | Acres | Subdivision | County |
|--------------|---|------------|--------------|---------------|----------------------------|---------|
| 1 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 180, Lot 008 | 50w x 85d | 4,250 | 0.09756657 | GREAT FALLS FIRST ADDITION | Cascade |
| 2 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 014 | 100w x 75d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| 3 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 013 | 100w x 75d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| 4 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 012 | 50w x 150d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| 5 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 011 | 50w x 150d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| 6 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 010 | 50w x 150d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| 7 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 009 | 50w x 150d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| 8 | GREAT FALLS FIRST ADDITION, S01, T20 N, R03 E, BLOCK 179, Lot 008 | 50w x 150d | 7,500 | 0.1721763 | GREAT FALLS FIRST ADDITION | Cascade |
| TOTAL | | | | 56,750 | 1.30280067 | |

| Land Use | R-3 | PLI | C-1 | PLI |
|---|-----|-----|-----|-----|
| Residential Uses | | | | |
| Residence, single family detached | P | | P | |
| Residence, zero lot line | P | | | |
| Residence, two-family | C | | P | |
| Residence, multifamily | | | P | |
| Residence, townhouse | C | | | |
| Residence, manufactured/factory-built | P | | P | |
| Retirement home | C | | P | |
| Special Care Facilities | | | | |
| Community residential facility, type I | P | | | |
| Community residential facility, type II | C | | | |
| Day care center | C | P | P | P |
| Emergency shelter | | C | C | C |
| Family day care home | P | | P | |
| Group day care home | P | | P | |
| Nursing home | C | P | P | P |
| Overnight Accommodations | | | | |
| Hotel/motel | | | P | |
| Food and Beverage Sales | | | | |
| Restaurant | | | P | |
| Tavern | | | P | |
| General Sales | | | | |
| Convenience sales | | | P | |
| General sales | | | P | |
| Off-site liquor sales | | | P | |
| Secondhand sales | | | P | |
| Shopping center | | | C | |
| General Services | | | | |
| Administrative services | | C | P | C |
| Financial services | | | P | |
| Funeral home | | | P | |
| General services | | | P | |
| Professional services | | | P | |
| Veterinary clinic, small animal | | | C | |
| Rental and General Repair | | | | |
| General repair | | | P | |
| Vehicle Trade and Service | | | | |
| Vehicle fuel sales | | | C | |
| Vehicle services | | | C | |
| General Storage | | | | |
| Climate controlled indoor storage | | P | P | P |
| Indoor Recreation/Sports/Entertainment | | | | |
| Indoor entertainment | | C | | C |
| Indoor sports and recreation | | C | | C |
| Outdoor Recreation/Sport/Entertainment | | | | |

| | | | | |
|---|---|---|---|---|
| Golf course/driving range | C | C | P | C |
| Outdoor entertainment | | C | | C |
| Park | P | P | P | P |
| Recreational Trail | P | P | P | P |
| Community Services/Uses | | | | |
| Administrative governmental center | | P | P | P |
| Animal Shelter | | C | | C |
| Cemetery | C | P | | P |
| Civic use facility | C | P | | P |
| Community center | C | P | C | P |
| Community cultural facility | C | P | P | P |
| Community garden | P | P | C | P |
| Public safety facility | C | P | C | P |
| Worship facility | C | | P | |
| Health Care | | | | |
| Health care clinic | | P | P | P |
| Health care facility | | P | | P |
| Health care sales and services | | P | P | P |
| Education | | | | |
| Commercial education facility | | | P | P |
| Educational facility (k-12) | C | P | C | P |
| Educational facility (higher education) | | P | C | P |
| Instructional facility | | | P | |
| Telecommunications | | | | |
| Amateur radio station | P | | | |
| Telecommunication facility | | | | |
| Concealed facility | C | P | P | P |
| Unconcealed facility | | C | C | C |
| Co-located facility | | C | P | C |
| Utilities | | | | |
| Utility installation | C | C | C | C |
| Transportation | | | | |
| Bus transit terminal | | C | | C |
| Heli-pad | | C | | C |
| Parking lot, principal use | | P | P | P |
| Parking structure | | P | | P |
| Industrial/Manufacturing | | | | |
| Artisan shop | | | P | |

FINDINGS OF FACT – ZONING MAP AMENDMENT

S85' Lot 8, Block 180 and Lots 8-14, Block 199 of the First Addition to Great Falls located in the SE1/4 of Section 1, T20N, R3E, P.M.M., Cascade County, MT.

PRIMARY REVIEW CRITERIA:

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

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

The proposed zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposal to amend the zoning of the proposed properties from R-3 Single-family high density and C-1 Neighborhood commercial to PLI Public lands and institutional will aid in the future expansion of the CM Russell Museum. This future expansion is strongly supported by the Social portions of the Growth Policy, specifically the goal to support diverse and affordable recreation, educational, and cultural opportunities in the community. The Growth Policy recognizes that the City has vital cultural assets including the museum, and as a result, the document contains policy guidance to support the growth and development of these institutions. The proposed zoning map amendment is consistent with several of these policies including:

Social – Community Facilities

Soc1.3 Develop and maintain the City's community facilities and cultural resources.

Soc1.3.2 Utilize the following criteria as a basis for reviewing the location of new or expanded facilities:

- a. Proximity to major transportation routes, essential
- b. Land use compatibility and consistency with the Growth Policy
- c. Potential impacts to environmental, historical, and cultural resources
- d. Public costs and benefits of the project, including operation and maintenance
- e. Current capacity and location of equivalent facilities
- f. The existence of reasonable alternatives to the proposed facility within the community
- g. Other public interest criteria as determined to be relevant to the specific proposed facility

The proposed zoning map amendment will enable these policies to be addressed and further the implementation of the Growth Policy. By utilizing the criteria of the policy above the City can aid in the master planning of the expansion with this map amendment.

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

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood

Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #8. The applicant has contacted the Council informally about the proposal and will formally present to the Council at their February 20th meeting. Notice of the proposed zoning map amendment was also sent to adjoining property owners pursuant to the noticing requirements of the OCCGF.

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

The subject property does not lie within any adopted planning or sub-area planning areas. Since the future development is at a conceptual stage, review of the consistency with other planning documents is not applicable at this time.

4. The code with the amendment is internally consistent.

The proposed zoning map amendment is not in conflict with any portion of the existing City Code and will be consistent with the adjacent existing zoning of the museum. Due to the proposal of vacating the right-of-way of 5th Ave N and aggregation of the parcels, the proposed zoning map amendment is internally consistent and will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood.

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

There are no existing public health, safety, or welfare issues that have been identified for these properties. The future expansion will require the relocation of public infrastructure which will be reviewed by the Public Works Department at the time the proposal is brought forward.

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

The City has the financial and staffing capability to enforce the amendment if it is approved. The zoning map amendment will affect several properties, all owned by the applicant and the property will be developed in a manner consistent with the zoning for the museum.

RESOLUTION 10340

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, VACATING 5TH AVENUE NORTH BETWEEN 12TH STREET NORTH AND 13TH STREET NORTH, BLOCK 179 AND BLOCK 199, GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, AS SHOWN IN EXHIBIT "A", AND IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448

* * * * *

WHEREAS, the Plat of Great Falls Water Power and Townsite Company's First Addition dedicated an eighty (80) foot wide right-of-way for 5th Avenue North between 12th Street North and 13th Street North; and

WHEREAS, Trigg CM Russell Foundation, Inc, and the CM Russell Museum owns the properties on both sides of said right-of-way and has submitted a petition to have said 5th Avenue North vacated; and

WHEREAS, it is determined retention of 5th Avenue North between 12th Street North and 13th Street North serves no practical or functional traffic related purpose or for access by the public; and

WHEREAS, it is determined that a twenty (20) foot wide utility easement will be created to accommodate public utilities; and

WHEREAS, Mont. Code Ann. § 7-3-4448 sets forth, in pertinent part: (1)...Before vacating any street or part thereof or narrowing any street, the commission shall first pass a resolution declaring its intention to do so; and

WHEREAS, the right-of-way and easement therein of any owner is not impaired by the requested vacation; and

WHEREAS, at its regular meeting held on March 17, 2020, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10339, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 5TH AVENUE NORTH BETWEEN 12TH STREET NORTH AND 13TH STREET NORTH, BLOCK 179 AND BLOCK 199, GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW; and

WHEREAS, notice 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 7th day of April, 2020, 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 of 5th Avenue North between 12th Street North and 13th Street North within Block 179 and Block 199, Great Falls Water Power and Townsite Company's First Addition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that 5th Avenue North between 12th Street North and 13th Street North within Block 179 and Block 199, Great Falls Water Power and Townsite Company's First Addition, is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that Amended Plat of Great Falls Water Power and Townsite Company's First Addition, Block 179, Lots 8-14 and Block 199, Lot 1A including those portions of vacated right-of-way, has been prepared which reflects the aggregation of said parcels and the requested vacated right-of-way into one parcel.

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 7th day of April, 2020.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

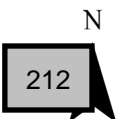


 Proposed Vacation of 5th Ave N

 Tracts of Land

 LotLines

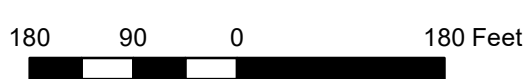
180 90 0 180 Feet








ZONING MAP



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



-  Parcels to be Aggregated
-  Museum Parcel
-  Proposed Vacation of 5th Ave N
-  Tracts of Land
-  LotLines

AMENDED PLAT OF
**GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST
 ADDITION, BLOCK 179, LOTS 8-14 AND BLOCK 199, LOT 1A**

OWNERS OF RECORD:
 TRIGG CM RUSSELL
 FOUNDATION, INC.
 AND
 C M RUSSELL MUSEUM

TOTAL AGGREGATED AREA:
 4.44 ACRES (GROSS & NET)

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

PURPOSE OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO DEPICT THE AGGREGATION OF LOTS AND TO DEPICT THE ABANDONMENT OF A PORTION OF FIFTH AVENUE NORTH.

PERIMETER DESCRIPTION

LOTS 8, 9, 10, 11, 12, 13, & 14 OF BLOCK 179, LOT 1A OF BLOCK 199 AND A PORTION OF FIFTH AVENUE NORTH ADJACENT TO BLOCKS 179 AND 199 OF THE PLAT OF GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, A SUBDIVISION LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWN 20 NORTH, RANGE 3 EAST, PRINCIPAL MERIDIAN MONTANA, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA.

CERTIFICATE OF OWNERS

WE HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO AGGREGATE LOTS WITH COMMON BOUNDARIES AND THIS SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO 76-3-207(1)(F) MCA, TO WIT: "AGGREGATION OF PARCELS OR LOTS WHEN A CERTIFICATE OF SURVEY OR SUBDIVISION PLAT SHOWS THAT THE BOUNDARIES OF THE ORIGINAL PARCELS HAVE BEEN ELIMINATED AND THE BOUNDARIES OF A LARGER AGGREGATE PARCEL ARE ESTABLISHED. A RESTRICTION OR REQUIREMENT ON THE ORIGINAL PLATTED LOT OR ORIGINAL UNPLATTED PARCEL CONTINUES TO APPLY TO THOSE AREAS."

ARM 24.183.1104(1)(F)(III)(C), TO WIT: "THE AREA THAT IS BEING REMOVED FROM ONE TRACT OF RECORD AND JOINED WITH ANOTHER TRACT OF RECORD IS NOT ITSELF A TRACT OF RECORD. SAID AREA SHALL NOT BE AVAILABLE AS A REFERENCE LEGAL DESCRIPTION IN ANY SUBSEQUENT REAL PROPERTY TRANSFER AFTER THE INITIAL TRANSFER ASSOCIATED WITH THE [CERTIFICATE OF SURVEY OR AMENDED PLAT ON WHICH SAID AREA IS DESCRIBED, UNLESS SAID AREA IS INCLUDED WITH OR EXCLUDED FROM ADJOINING TRACTS OF RECORD."

TRIGG CM RUSSELL FOUNDATION, INC

STATE OF MONTANA)
)
 :SS
 COUNTY OF CASCADE)

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

BY _____
 AUTHORIZED AGENT, TRIGG CM RUSSELL FOUNDATION, INC

 NOTARY PUBLIC, STATE OF MONTANA

CM RUSSELL MUSEUM

STATE OF MONTANA)
)
 :SS
 COUNTY OF CASCADE)

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

BY _____
 AUTHORIZED AGENT, CM RUSSELL MUSEUM

 NOTARY PUBLIC, STATE OF MONTANA

CERTIFICATE OF GREAT FALLS PLANNING BOARD

WE, THE UNDERSIGNED, PETER FONTANA, PRESIDENT OF THE SAID GREAT FALLS PLANNING BOARD, GREAT FALLS, CASCADE COUNTY, MONTANA, AND CRAIG RAYMOND, SECRETARY OF SAID GREAT FALLS PLANNING BOARD, DO HEREBY CERTIFY THAT THE ACCOMPANYING AMENDED PLAT OF GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, HAS BEEN SUBMITTED TO THE SAID GREAT FALLS PLANNING BOARD FOR EXAMINATION BY THEM AND WAS FOUND BY THEM TO CONFORM TO LAW AND WAS APPROVED AT A MEETING HELD ON THE _____ DAY OF _____, 2020.

 PETER FONTANA, PRESIDENT, GREAT FALLS PLANNING BOARD

 CRAIG RAYMOND, SECRETARY, GREAT FALLS PLANNING BOARD

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, JIM REARDEN, PUBLIC WORKS DIRECTOR FOR THE CITY OF GREAT FALLS, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING AMENDED PLAT OF GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND THE SURVEY THAT IT REPRESENTS, AND I FIND THE SAME CONFORMS TO THE REGULATIONS GOVERNING THE PLATTING OF LAND AND TO PRESENTLY PLATTED ADJACENT LAND, AS NEAR AS CIRCUMSTANCES WILL PERMIT AND I DO HEREBY APPROVE THE SAME.

 JIM REARDEN, PUBLIC WORKS DIRECTOR, CITY OF GREAT FALLS, MONTANA _____
 DATE

CERTIFICATE OF CITY COMMISSION

I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT THIS AMENDED PLAT OF GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, WAS DULY EXAMINED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 2020.

 GREGORY T. DOYON, CITY MANAGER, CITY OF GREAT FALLS, MONTANA _____
 DATE

CERTIFICATE OF COUNTY TREASURER

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

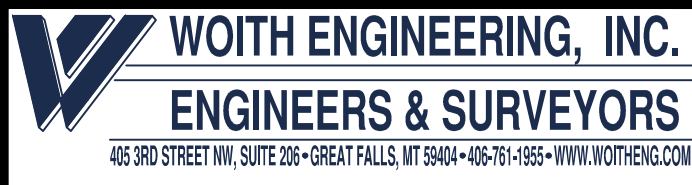
 DIANE HEIKKILA, CASCADE COUNTY TREASURER _____
 DATE

CERTIFICATE OF SURVEYOR

I, MICHAEL SHAYLOR, PROFESSIONAL LAND SURVEYOR, MONTANA REG. NO. 19110 LS, HEREBY CERTIFY THAT THIS SURVEY WAS COMPLETED UNDER MY DIRECT SUPERVISION DURING THE MONTH OF FEBRUARY, 2020.

 MICHAEL SHAYLOR, PLS
 MONTANA REGISTRATION NO. 19110

DRAFT

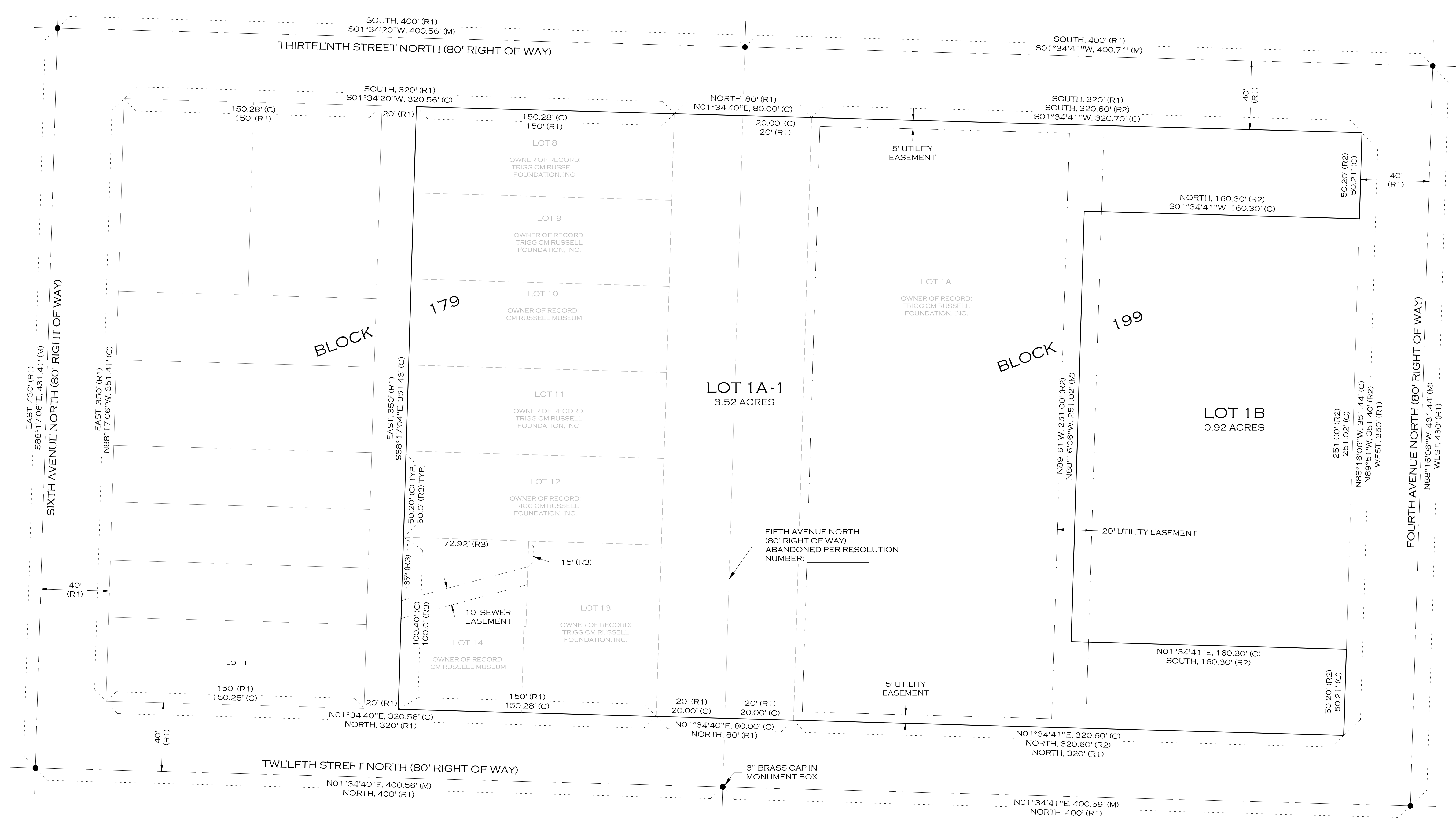
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|--|--------------------------|---------|----------|-------|--|
|  <p>WOITH ENGINEERING, INC. ENGINEERS & SURVEYORS <small>406 3RD STREET NW, SUITE 202 - GREAT FALLS, MT 59404-0678-1885 - WWW.WOITHENG.COM</small></p> | 1/4 | SECTION | TOWNSHIP | RANGE | PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WEI JOB#: 2003 DATE: FEBRUARY 20, 2020 FILENAME: AMENDED PLAT.DWG SHEET 1 OF 2 |
| | <input type="checkbox"/> | 1 | 20N | 3E | |

AMENDED PLAT OF GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, BLOCK 179, LOTS 8-14 AND BLOCK 199, LOT 1A

OWNERS OF RECORD:
TRIGG CM RUSSELL
FOUNDATION, INC.
AND
C M RUSSELL MUSEUM

TOTAL AGGREGATED AREA:
4.44 ACRES (GROSS & NET)

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

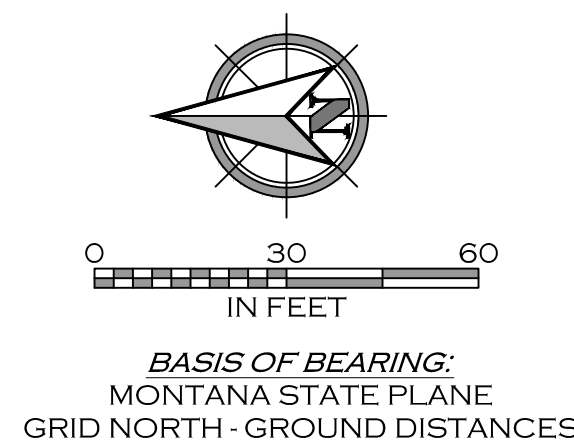


LEGEND

- EXTERIOR PARCEL BOUNDARY
- - - ADJOINING PARCEL BOUNDARY
- - - EXISTING EASEMENT
- - - EXISTING CENTERLINE
- - - ABANDONED CENTERLINE
- - - ABANDONED PARCEL BOUNDARY
- FOUND MONUMENT AS DESCRIBED
- SET MONUMENT MARKED "WEI SHAYLOR 1911OLS"
- ◇ CALCULATED POINT - NOTHING FOUND OR SET
- (M) MEASURED
- (C) CALCULATED
- (R1) RECORD OR ADDITIVE RECORD - FIRST ADDITION TO GREAT FALLS (1888)
- (R2) RECORD OR ADDITIVE RECORD - AMENDED PLAT OF BLOCK 199 (1983)
- (R3) RECORD OR ADDITIVE RECORD - REPLAT OF LOTS 13 AND 14, BLOCK 179 (1976)

SURVEYOR'S NOTES

1. BLOCK 179, LOTS 8, 9, 10, 11, 12, 13, & 14 AND BLOCK 199, LOT 1A AGGREGATED THIS SURVEY.
2. IT IS NOT THE INTENT OF THIS SURVEY TO IDENTIFY ALL EASEMENTS OF RECORD.



DRAFT

| | | | | | |
|--|-----|---------|----------|-------|--|
| | 1/4 | SECTION | TOWNSHIP | RANGE | PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WEI JOB#: 2003 DATE: FEBRUARY 20, 2020 FILENAME: AMENDED PLAT.DWG SHEET 2 OF 2 |
| | 1 | 20N | 3E | 215 | |

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

Amended Plat of Lots 8-14 of Block 179 and Lot 1A of Block 199 of the First Addition to Great Falls located in the SE1/4 of Section 1, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: The owners of the subject properties have proposed to aggregate eight lots and, if approved, vacated right-of-way located in the subdivision. The existing lots consisted of residential structures and one commercial building, which have been demolished in an area that is predominantly built out. Thus, the proposal will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: The existing lots are surrounded by existing utilities and several of the lots are utilizing existing service lines. All of the properties are currently receiving law enforcement and fire protection service from the City of Great Falls. Providing these services to the subject properties is expected to be a manageable cost to the City.

Effect on the Natural Environment: There is no development proposal currently for the properties, therefore the aggregation it is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. When a proposal is brought forward for the museum expansion, it will be reviewed by the Public Works Department.

Effect on Wildlife and Wildlife Habitat: The proposed lots to be aggregated are surrounded by existing residential properties to the north, east, and west, and the existing museum to the south. This is not in an area of significant wildlife habitat beyond occasional migrating fowl.

Effect on Public Health and Safety: Based on available information, the proposed lots to be aggregated are not subject to abnormal natural hazards nor potential man-made hazards. Any proposed development of the properties will not have a negative effect on Public Health and Safety. As noted above, the proposed site already receives City public safety services.

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

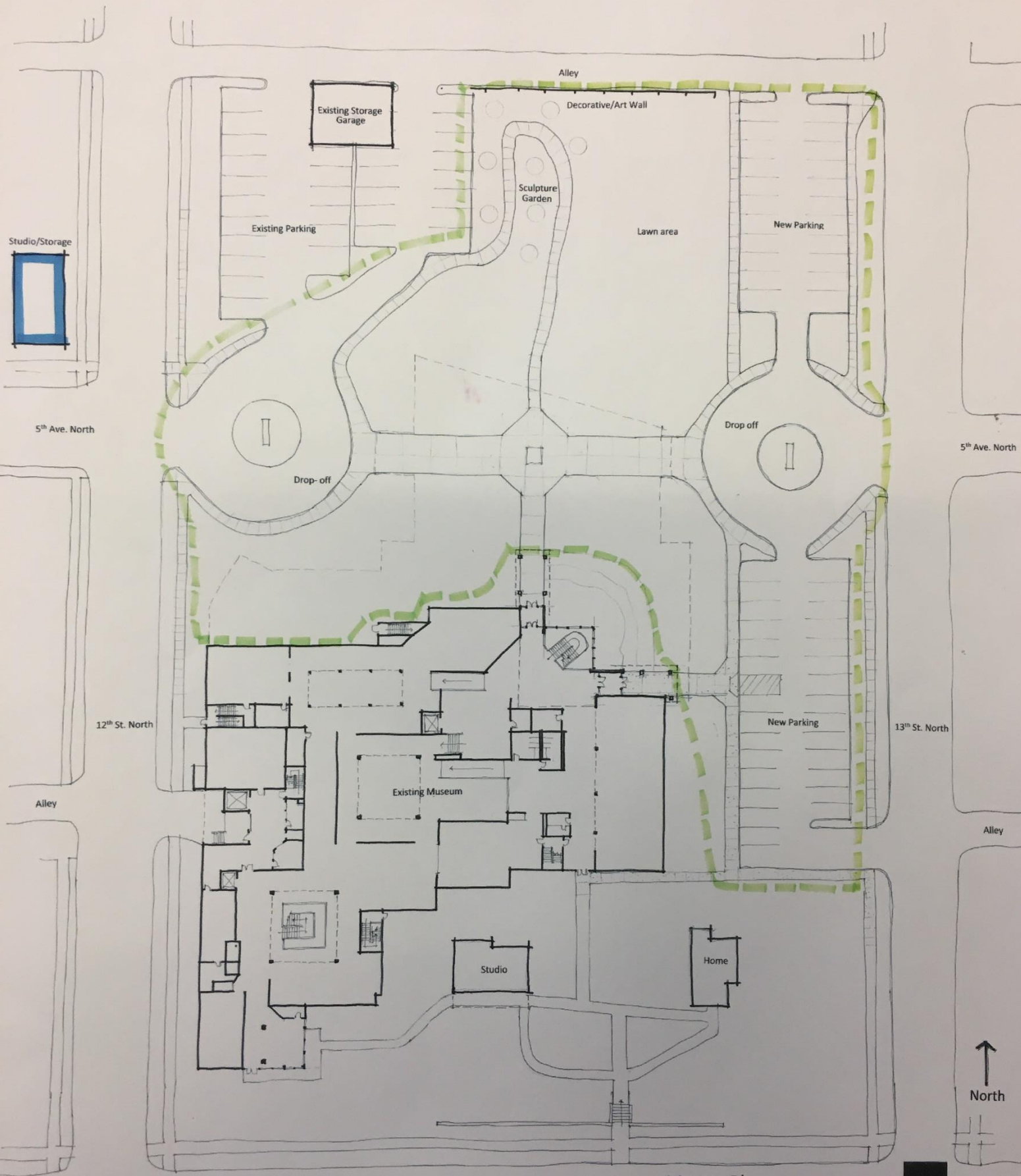
The lots in the proposed aggregation meet the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation and conforms to the design standards specified in the local subdivision regulations. The local government has complied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

EASEMENT FOR UTILITIES

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

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the site is available from various streets and avenues. Access may change based on the future expansion. These are all existing roads that are currently in City limits and are maintained by the City of Great Falls.



C.M. Russell Museum

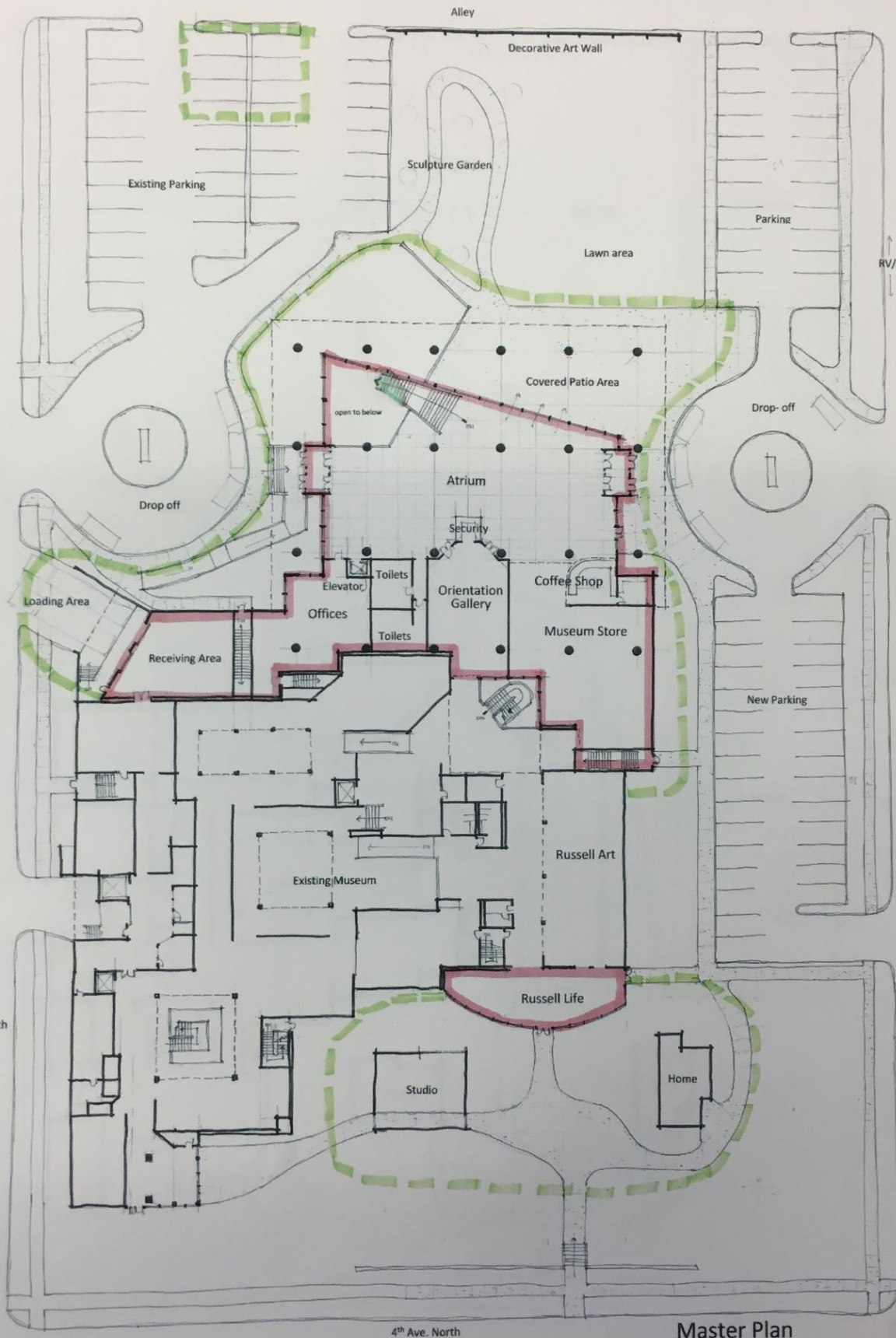
Site Plan/Main Level

Master Plan
Phase One

1-01-00

1/16"=1'-0"





C.M. Russell Museum

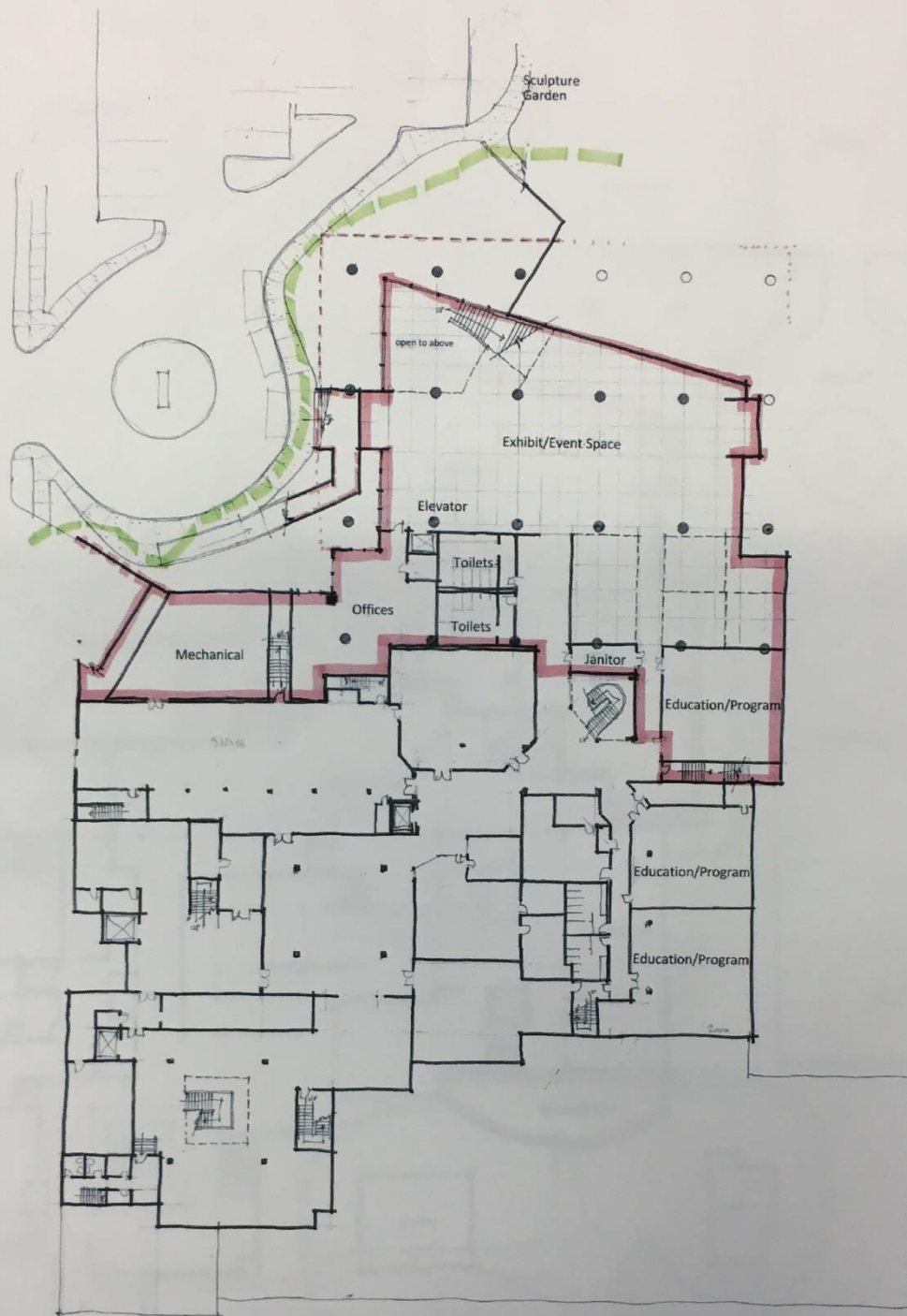
Site Plan/Main Level

**Master Plan
Phase Two**

1/16" = 1'-0"

12-24-20





C.M. Russell Museum

Lower Level

1/16"=1'-0"

Master Plan





MEMORANDUM FOR RECORD

DATE: February 19, 2020
FROM: Thomas Figarelle, Executive Director
RE: Preliminary Renderings – Northward Expansion

Enclosed are three preliminary renderings that reflect a northward expansion concept for the C.M. Russell Museum. These are still subject to further refinement and formal endorsement by the C.M. Russell Museum Board of Directors. June 2020 is the anticipated approval date for designs within a comprehensive campus master plan that is being developed by an integrated group of board members, Museum staff, community members, neighborhood residents and artists.

The three enclosed renderings include the following features:

PHASE 1 – Outdoor Redevelopment

- Increased parking
- Additional green space
- Larger outdoor sculpture area
- Preparator’s studio and non-fine art storage facilitate on the northwest corner of 12th Street and 5th Avenue North

PHASE 2 – Upper Level

- Large atrium to serve as a new Museum entrance
- Orientation Gallery
- New loading dock designed to mitigate delivery truck impact on 12th Street
- Rearranged galleries within existing facility to enhance an integrated interpretation of Russell’s life and art
- Additional storage within the existing facility and new staff offices

PHASE 2 – Lower Level

- Multi-use space for events and temporary/touring exhibitions
- Additional education programming space
- Remodel current staff offices into expanded research center
- Renovate current research center into gallery or artist-in-resident studio

Also planned within Phases 1 and 2 are upgrades and deferred maintenance projects for the existing facility. This will include, but is not limited to the removal of skylights above galleries, the replacement of aged ceilings, new flooring and the installation of enhanced systems for security and environmental controls.

All these efforts are subject to the availability of financial support. Presently, the Museum has the needed funds to complete most, if not all of Phase 1. Phase 2, which will ultimately feature a prioritization of sub-phases, will require a financial feasibility study to identify a timeline for implementation. This analysis will occur in the spring of 2020.

Overall, this project will transform the C.M. Russell Museum campus and elevate the institution as a national center for Western art and culture. We gladly welcome continued input and perspective.

**Public Comments Submitted from Dana Freshly via Facebook due to email complication
(Citizen was contacted via email after to verify that comments were received)**

What kind of building will the zoning changes allow?

- I have a driveway in the front of my house. In the 13 years that I have lived there almost every time there is an event at the museum patrons block my driveway. If there are now bigger events Where are the patrons going to park? How are residents going to be able to park in front of (or near) their homes when events last all day long?
- Will there be signage indicating that it is resident parking or purple lines similar to near GFHS?
- The museum has outside events now and they play loud music or have concerts. Are these going to increase? How will the neighborhood know when these “events” will be happening?

I am concerned with the permanent closure of 5th Ave North between 12th and 13th Streets.

- Has there been a study to determine how much traffic will end up being diverted by closing this section of the Avenue? Such as pneumatic road tubes at various times of year to get an accurate picture of traffic flow.

- Residents who live on 5th Avenue North (and other avenues in the area) already have limitations of access to their homes due to the one way streets of 14th and 15th. These were known issues before moving in or purchasing our homes. Closing a portion of 5th Avenue will further limit access to our homes.
- Does there have to be a permanent closure to 5th Avenue? Could the Museum not apply for permits to close the street when events will be taking place? If this were the case, then residents would only be inconvenienced sporadically, not every day. This would be similar to when a road is closed for road construction or water maintenance.
- I believe 5th Ave North used to be one of the streets that the old railcar system operated on. Is there historical significance to this?

Utilities

- In 2019 the city contracted with a company to send out a letter about water/sewer line replacement warranties. Several letters from these companies came to residents indicating that our sewer and water lines were aging. These letters also indicated that depending on where the break in line was, it would be the homeowners responsibility to replace the pipes. This is why they were selling the insurance coverage as it could be very expensive. With the expansion what kind of new usage will our “old pipes” be experiencing. If they are going to fail soon as the warranties letter suggests, and the museum has added use, will they be responsible for all of the repairs and maintenance for the entire flow from the museum to the main line, as well as to the main city line hubs that have been replaced more recently?

Safety and Security

- Will there be added security or police presence during events to ensure that the neighborhood is still “safe”?
- Will the museum clean up after any outside events any debris that is left by patrons walking to their vehicles?