



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
September 19, 2023
7:00 PM**

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 participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to City Clerk, PO Box 5021, Great Falls, MT 59403, or via email to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. 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 TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

PROCLAMATIONS

Domestic Violence Awareness and Prevention Month

COMMUNITY INITIATIVES

1. Miscellaneous Reports and announcements from City County Health Department.

PETITIONS AND COMMUNICATIONS

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

2. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

3. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

4. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

5. Miscellaneous reports and announcements from City Manager.

CONSENT AGENDA

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

- [6.](#) Minutes, September 5, 2023, City Commission Meeting.
- [7.](#) Total Expenditures of \$4,837,276 for the period of August 24, 2023 through September 6, 2023, to include claims over \$25,000, in the amount of \$4,218,578.
- [8.](#) Contracts List.
- [9.](#) Award a General Contractor Construction Manager (GCCM) contract to Prospect Construction, Inc. in the amount of \$265,215 for Preconstruction Services for the Lift Station No. 1 Repairs and Supplemental Force Main project and approve the documented reasons for the selection of Prospect Construction, Inc. to serve as GCCM.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member. After motion is made, Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

PUBLIC HEARINGS

- [10.](#) Resolution 10525, Revising City of Great Falls Animal Shelter Related Service Fees. *Action: Conduct a public hearing and adopt or deny Res. 10525. (Presented by Chuck Anderson)*

OLD BUSINESS

- [11.](#) CDBG Revolving Loan Funds for the Madison Apartments Project, 1109 6th Avenue North. *Action: Approve or deny rescinding CDBG Revolving Loan Funds for project. (Presented by Tom Hazen)*

NEW BUSINESS

ORDINANCES / RESOLUTIONS

- [12.](#) Ordinance 3262, to rezone the property addressed as 2505 8th Avenue North from R-3 Single-family High Density to C-1 Neighborhood Commercial. *Action: Accept or not accept Ord. 3262 on first reading and set or not set a public hearing for October 17, 2023. (Presented by Brock Cherry)*
- [13.](#) Resolution 10512, to Levy and Assess Properties within the Business Improvement District. *Action: Adopt or deny Res. 10512. (Presented by Melissa Kinzler)*
- [14.](#) Resolution 10513, to Levy and Assess Properties within the Tourism Business Improvement District. *Action: Adopt or deny Res. 10513. (Presented by Melissa Kinzler)*
- [15.](#) Resolution 10528, to designate the Finance Director as the Certifying Official for HUD-funded Programs. *Action: Adopt or deny Res. 10528. (Presented by Tom Hazen)*
- [16.](#) Resolution 10529, relating to \$645,000 Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District), Series 2023, Authorizing the sale and prescribing the forms and terms thereof and the security therefor. *Action: Adopt or deny Res. 10529. (Presented by Melissa Kinzler)*

17. Resolution 10530, to finance certain proposed improvements; establishing compliance with reimbursement bond regulations under the Internal Revenue Code. *Action: Adopt or deny Res. 10530. (Presented by Melissa Kinzler)*

CITY COMMISSION

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

ADJOURNMENT

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

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

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

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Regular City Commission Meeting

Mayor Kelly presiding
 Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Planning and Community Development Director Brock Cherry; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herring; City Attorney David Dennis; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

AGENDA APPROVAL: City Manager Greg Doyon noted a typographical error in the agenda wording for item 18. There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Commissioner McKenney noted that development fees set forth in agenda item 14 could affect his line of work as a realtor, but there is no personal gain or loss. He intends to participate and vote on said item.

PROCLAMATIONS: Vets4Vets Month [September 2023]. The 18th Annual Stand Down event is scheduled for September 15-16, 2023. Angela Jakkala, Saint Vincent de Paul, announced that a soft opening for Grace Haven, a transitional home for female Veterans, is scheduled for September 18th, and a grand opening for Veterans Day at 1220 17th Street South.

MILITARY UPDATES

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MALMSTROM AIR FORCE BASE (MAFB).**

Colonel Barry Little, 341st Missile Wing Commander, provided the following updates:

- At the conclusion of the 900 samples for the Missile Community Cancer Study assessments of air, water, and soil quality at each of the 45 missile alert facilities, 832 found no detected radon polychlorinated biphenyls (PCBs) and 64 samples detected PCBs were below the standard set by the EPA for mitigation. There were no airborne PCBs detected in any of the tests at any of the locations. Mitigation has been completed on two surface reports at MAFB. There are no known links to any cancers at this point. From his perspective, he is meeting his commitment to the airmen, which is to provide a clean, safe environment and to be completely open and transparent about the actions that MAFB is taking and what we know about the hazards. The Air Force involved the School of Aerospace Medicine to conduct a wide-ranging study in order to build that data set that is needed in order to understand what they are seeing in this missile community cancer phenomenon. He shares

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the concerns the airmen and families have about potential risks to their health, and he is committed to a clean and safe environment for every one of the airmen at MAFB.

- On August 24-25, 2023, AP news reporter Tara Copp visited all of the places that MAFB operates and was provided complete access to everything, consistent with his desire to be open and transparent with the airmen and the public.
- Gen. Bussiere, Commander of Global Strike Command, will be visiting MAFB on October 3-5, 2023, coinciding with the groundbreaking for the weapons generation facility. This is the first of many projects that will go on at MAFB related to bringing Sentinel online, and it will replace the existing weapons storage area.
- A town hall meeting is scheduled tomorrow night at MAFB.
- An annual 911-remembrance ceremony will be held on September 11, 2023 on the base, and there will be a silent walk at 7:45 a.m.
- An annual POW MIA remembrance ceremony will be held on September 15, 2023.
- The Red Eagle Medical exercise will be held September 21, 2023, that will include triage decontamination treatment and patient tracking.
- A 48-hour integrated response plan exercise involving the community will be held in October in Fergus County.
- The Air Force ball will be held September 23, 2023 at the Heritage Inn.

2.

PETITIONS AND COMMUNICATIONS

Jeni Dodd, City resident, read and provided a prepared statement alleging missing meeting minutes of various boards and commissions from the City's website.

Josh Butterfly, City resident, discussed handouts of various accusations pertaining to his involvement with utilizing the kitchen and participating in the Bingo program at the Senior Center.

Julie Bass, City resident, commented that about 30-days ago a petition was filed alleging that the language in the Library mill levy ballot was misleading with wrong numbers and believes the Library levy should be voided and brought back to a ballot in 2024. The taxable value of the homes went up and the City is already getting money on the levies that have passed. She suggested that the Commission dismiss the City public safety levy, ask Benefis about building the City a fire station, and the nonprofits to pitch in to help the people that pay taxes.

Terry Bjork, City resident, submitted written comments pertaining to the approach road to the Anaconda Hills Golf Course parking lot being full of potholes, and gaps in the screening on the north side of the driving range.

NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

BOARDS AND COMMISSIONS

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4. APPOINTMENT TO THE AUDIT COMMITTEE.

Mayor Kelly reported that Shanna Christopherson was appointed to the audit committee for a partial term on May 17, 2022 through June 30 of this year. She was eligible for an additional term but she decided to step down from the committee. The City advertised for the vacancy on the City's website and local media. Three applications were received.

The audit committee, including members Mayor Kelly and Commissioner McKenney, met on August 16, 2023. After having conducted interviews of two of the three candidates, it was the consensus of the committee to recommend Ms. Jewitt for the appointment. The third candidate, Zac Griffin, was unable to make the meeting and be interviewed.

Mayor Kelly moved, seconded by Commissioner McKenney, that the City Commission appoint Christine Jewett to the Audit Committee to fill a private citizen position for a three-year term through June 30, 2026.

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

Jeni Dodd, City resident, commented that the Commission should hold to its past insistence that applicants have a financial background for appointment to the Audit Committee. She quoted from minutes wherein prior Audit Committee appointments were made and members of the Commission noting that the Audit Committee should collectively possess technical expertise in accounting, auditing and financial reporting to fulfill duties.

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

Commissioner Wolff commented that, to make sure the process was consistent, the Commission recently decided that all of the board openings be advertised, people go through an interview process, and then any recommendations that come to the Commission from those boards and commissions would just be one component of the decision that the Commission makes.

Commissioner McKenney commented that the Commission is looking for citizen participation and certainly are hopeful that applicants have some expertise on what the committee is about. With regard to the Audit Committee, the applicant does not necessarily have to be a CPA, but be able to read and understand a balance sheet, a financial statement, and has some experience to ask the right questions and see red flags.

Commissioner Tryon pointed out that recommendations for appointments do not come from staff, but from the boards that have openings. He reviews applications in detail and looks at whether or not an applicant would be a fit for that particular board. He does not base his approval or disapproval of somebody who applies for a board solely on a recommendation from that board or committee, but does put a lot of credence in those recommendations because those are the people that deal with the issues every time they meet.

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

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Motion carried 5-0.

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced newly sworn in Great Falls Police Department officers were Jamie Carr, Logan Reiman, Aaron Staman, and Patrick Paraiso.

He also reviewed occupancy numbers and improved statistics of the Great Falls Animal Shelter pertaining to adoptions and return to home rates.

CONSENT AGENDA.

7. Minutes, August 15, 2023, City Commission Meeting.
8. Total Expenditures of \$6,812,956 for the period of August 3, 2023 through August 23, 2023, to include claims over \$25,000, in the amount of \$5,795,385.
9. Grants List.
10. Approve the Agreement for Mutual Aid for suppression of fires and the management of other emergency incidents between Great Falls Fire Rescue and Montana Air National Guard (MTANG) Fire Department.
11. Approve the final payment for the Missouri River North Bank Stabilization Phase 1, in the amount of \$34,386.44 to Winkler Excavating, Inc., and \$347.34 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments.
OF 1693.0
12. Award the bid of \$179,257.00 to United Electric, LLC for the Public Works Backup Generator & Electrical Upgrades and authorize the City Manager to execute the contract documents. **OF 1733.9**

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0.

PUBLIC HEARINGS

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13. RESOLUTION 10519, TO ESTABLISH ENGINEERING DIVISION REVIEW FEES FOR THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT.

Mayor Kelly declared the public hearing open and asked for presentation of the agenda report.

Public Works Director Chris Gaub reported that engineering review fees and construction inspections are done to ensure public infrastructure is designed and installed correctly, is compliant with federal and state codes, and City design standards for long-term sustainability and maintenance.

At the August 1, 2023, Commission meeting, staff requested that the Commission set a public hearing for Resolution 10519. Since then, Public Works and Planning and Community Development hosted two open house meetings. Staff received good feedback from the development and design community that centered on having predictability and fairness in the fees. Staff responded to that feedback by modifying the fee proposal as follows:

- (1) When a third party engineer is used to assist in engineering division review, the City will pay the third party costs, not the applicant. The applicant will pay the City at the City's adopted fee rates. The Department does not intend to use third party review except in exceptional circumstances.
- (2) The engineer's estimate used in calculating the infrastructure review fee was modified to account for the significant cost escalations in public infrastructure projects since 2020. Adoption of Resolution 10519 would modify the way that four fees are assessed to cover the review of development applications for engineering compliance and conformance with the City's standards. The four fees would cover the cost to review private projects that include some or all of the following - a private storm water report, private utility service lines and improvements in the right-of-way for a single family residential building permit, private utility service lines and improvements in the right-of-way for a commercial building permit, and improvements in the right-of-way associated with a parking lot permit.

Currently, through the Planning and Community Development Department, project applications are reviewed by a third party engineering consulting firm. That firm tracks their hours spent and applies their hourly rates, typically in the \$150 to \$180 per hour range. This cost is then passed directly to the project applicant. Adoption of 10519 would change that process as follows - starting October 5, 2023, the Public Works Engineering Division would perform most of these four types of reviews in house. The proposed review fees are based on the estimated average time it takes to complete the review multiplied by our engineering division's rate at \$108 per hour. This rate is less than the third party consultant's hourly rate. The City will retain the consultant in the event of staff shortages, unforeseen spikes in development applications or regulatory requirements.

He will also continue to validate the Engineering Division's review fees during the annual budget process to insure cost recovery for these fees is covered by developers instead of ratepayers and that the new permit fees continue to be fair to the development community.

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The requested action is that the City Commission conduct the public hearing and adopt Resolution 10519.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10519.

Brad Talcott, 2801 4th Avenue North, commented that he understands costs go up and wished his costs only went up 8% the last couple of years. He is in favor of the City covering its costs to make the whole budget work.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10519.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10519, establishing Engineering Division Review Fees for the Planning and Community Development Department and the Public Works Department.

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

Commissioner Tryon commented that one of the components he likes in Resolutions 10519, 10521 and 10522 is the predictability factor. The Commission members hear constantly from the development community that predictability is the most important aspect of this process. He encouraged staff to pursue specific, identifiable ways to help mitigate the costs to private developers, such as removing a tree requirement as an example, to make it more affordable for them to do business here so they don't go elsewhere.

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

Motion carried 5-0.

14. RESOLUTION 10521, TO AMEND PLANNING AND COMMUNITY DEVELOPMENT LAND DEVELOPMENT APPLICATION FEES IN THE CITY OF GREAT FALLS.

Mayor Kelly declared the public hearing open and asked for presentation of the agenda report.

Planning and Community Development Director Brock Cherry reported that during his interview process, he was never told that when he met the development community the first thing he would be bringing them was increases in fees. He expressed gratitude to the development community for being patient, pragmatic, and coming to the table with a sense of collaboration to find a way to make things work.

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What makes it difficult for a locality is the obligation to the taxpayers that their property taxes are not overly subsidizing development. He pointed out that this item, as well as the engineering fees, are living breathing items, and will not be set on a shelf and not looked at again and again. The fees will be reevaluated with actual data that will be compiled on an annual basis. As of now, staff has determined fees in order to balance the budget and insure that the services provided are adequately being paid for.

To determine Land Use Development fees, staff took a hard look at the full burden cost of staff to review and process these items. Essentially, some projects were certainly outliers that staff time was not adequately being compensated for. Thus, staff reached a determination when comparing our fees with other regions in the area. In order to be competitive and still do right by Great Falls' taxpayers, there would need to be certain increases as set forth in the agenda packet.

One thing that has accelerated the reasoning of why these items needed to be discussed today is due to the State Legislature. New legislation prohibits the City from collecting certain dollars when it comes to licensing that staff believes will result in a potential revenue loss of approximately \$70,000.

Planning Division staff recognizes that for the past couple of years the division has been subsidized by the General Fund and understands this is unsustainable. To rectify this, Planning Division staff will be providing more value to the development community by being project managers of all of their applications and assuring that staff is being clear, concise, and as expedient as possible. Doing so will allow the Department to use building division fees to help make up for these shortfalls. Even with the proposed increase in fees, the Planning Division still has existing shortfalls. Staff will continue to look at processes to see where the fat can be trimmed and where they can be more expedient to provide further value to the developer.

Fees have not been raised since 2014. A lot has happened with inflation. In order to pay for growth, staff recommends the proposed fees be approved.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10521.

Brad Talcott, 2801 4th Avenue North, commented that he understands costs go up and this request is representative of that.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10521.

Katie Hanning, on behalf of the Home Builders Association, 327 2nd Street South, commented that the Association advocates for affordable housing. The Association opposes Resolution 10521 and 10522 due to: (1) price increases of any type are passed down to the consumer. The Association would welcome working with City staff to reduce other requirements, such as landscaping; (2) these increases will continue to make housing unattainable for many residents; and (3) the lack of

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collaboration between City staff and the building industry regarding these Resolutions before the Commission tonight. She concluded that she would hope that the dialogue going forward would stop the Association from having to oppose these fee resolutions.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10521.

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

Commissioner McKenney discussed the history of gaming and how it came to be regulated by the Gambling Control Division. The Gambling Control Division went to the leaders of the industry, and the leaders went out and talked to all of the people that had machines. It took many months of negotiation.

His point is that the regulators reached out to the industry long before they made a decision and the industry got on board. That was true collaboration. He is not seeing that here. He is seeing that the industry came in at the last minute, had a couple of quick meetings and called it collaboration. He is not against the fees, but thinks a better job could have been done collaborating with the development community further in advance. He is going to vote no because of the process.

Mayor Kelly commented that there has been an ongoing dialogue with the development community for at least 10 years that he is aware of. He has attended many development meetings where it got to the point that there was so much objection, all the planning that was in place was suspended. This is chapter 18 of a book that has been in the writing for at least 10 years. Yes, we ought to be collaborative as early as possible. But, in his opinion, this situation is the final resolution to a conversation that has not happened effectively since 2014.

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

Motion carried 4-1 (Commissioner McKenney dissenting).

15. RESOLUTION 10522, TO RAISE PERMIT FEES FOR BUILDING, PLUMBING, MECHANICAL, ELECTRICAL AND OTHER RELATED PERMIT PROCESSES BY EIGHT PERCENT (8%) IN THE CITY OF GREAT FALLS.

Mayor Kelly declared the public hearing open and asked for presentation of the agenda report.

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Planning and Community Development Director Brock Cherry reported that this proposed increase in fees is somewhat distinct from the land use development fees. The last time fees were increased was in 2014. However, in 2018, a resolution was adopted to reduce fees by 5% across the board per State legislation that required surplus in the Building Fund go towards a reduction. Considering the 5% reduction, the proposed fee increases in Resolution 10522 results in an increase of only 3% over the last nine years. He does hear the partners in the development community, and knows that these are costs that get passed on to the consumers. As someone who has recently purchased a house, he recognizes that Great Falls desperately needs more supply.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10522.

Brad Talcott, 2801 4th Avenue North, commented that these fees are quoted and predictable and he understands the increases in costs and fees. Having said that, these are not the costs he worries about as a developer. What he does worry about is that there are gray areas and the challenge is that certain costs that are not readily apparent to staff as they make their decisions cost developers a lot of money. He thinks the City is missing out on potential projects in the City of Great Falls because of the unpredictability of staff decisions made without developer participation. As he sees those decisions being made, he thinks opportunities for people to invest in this community are missed. In his opinion, the tax base is not what it could be because of missed opportunity.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10522.

On behalf of the Home Builders Association, 327 2nd Street South, see **Katie Hanning's** comments in Agenda Item 14.

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

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10522.

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

Commissioner Wolff thinks there is probably some room to ask staff to look at the landscaping or similar requirements. Her concern, as far as the landscaping requirements, is that our water supply is not what it used to be and it is only going to continue to be less. Lawns have to be maintained and watered and are using resources that maybe we should not be using. The fertilizer that is being applied to lawns to keep them green runs off and ultimately ends up in the water stream.

Commissioner Tryon commented that Mr. Talcott's point is well taken. The City needs to continue the effort that it has made over the past 10 years with the development review process and to make sure everybody is brought to the table for collaboration. He noted that 10 to 12 years ago he, as the Government Affairs Director for the Great Falls Association of Realtors, and Katie Hanning with

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the Home Builders Association, worked to put together a collaborative effort with City staff and all of the developers involved to start solving some of these issues. He thinks the City has come a long way, but has a long way to go. He suggested renewing that effort, bringing some new energy to the development review process, and making sure the City is doing everything it can do for development in this community.

Manager Doyon commented that what the Commission is hearing tonight is often technically complicated, and it is a bit more than what may appear as is being represented. Some standards are required by the federal government or state government. The City has come a long way in development review in the last five to eight years and it is a process that staff recognizes will need to continue to be looked at. But, he also hears many things about how easy it is to do business in Great Falls as well, compared to what is happening in some other communities. It is not that staff is unaware of the concerns of the development community. Frankly, he does not know that there is anything that the City could do that would ultimately satisfy developers short of not requiring any standards. If the Commission has some ideas regarding regulations that are apparently onerous, then the Commission could ask staff to amend the code.

Commissioner McKenney commented that tremendous strides with Planning and Community Development have been made. He also hears positive comments about the changes. He suggested not taking the foot off the gas because capital will go where it can be best used. Entrepreneurs and developers do not need us. They can go elsewhere. We need them.

The City has to make every effort to be a business friendly and safe community. Reputable developers do not want unsafe buildings. The City has to do its job in the proper way, but the developer certainly can be part of the collaboration. The City's collaboration efforts have room for improvement. He suggested starting much earlier and bringing these folks to the table because they want what we want - development in our community.

Commissioner Hinebauch commented that even though the development review process has improved and we are getting good feedback, does not mean we are going to stop improving. He does not really care about the comparisons to other communities. He wants it to be the best here.

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

Motion carried 5-0.

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16. RESOLUTION 10527, APPROVING A REQUEST FROM THE GREAT FALLS PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT APPLICATION TO USE UP TO \$31,052 OF DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE UPGRADE OF NON-COMPLIANT PEDESTRIAN CURB RAMPS ON CENTRAL AVENUE FROM PARK DRIVE TO 6TH STREET.

Mayor Kelly declared the public hearing open and asked for presentation of the agenda report.

Planning and Community Development Director Brock Cherry reported that this item is a request to use Downtown Urban Renewal Tax Increment Financing for upgrades to downtown infrastructure. Central Avenue has a large concentration of pedestrian travel and a lot of businesses on Central. Unfortunately, certain curb ramps do not meet current ADA standards, especially for those who are visually impaired. This project conforms to the Downtown Urban Renewal Plan.

Senior Transportation Planner Andrew Finch was successful in obtaining federal tax dollars that require a match, which is 13.42% of all of the acquired funds. The total project cost is approximately \$230,000. The City's portion, via these TIF District funds, will provide approximately \$30,000 to meet our obligation to those who need these updated crosswalks, and is also great for the Great Falls' taxpayers.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10527. There being no one to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioners Hinebauch and Tryon, that the City Commission adopt Resolution 10527.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

17. RESOLUTION 10526, APPROVING A REQUEST FROM THE GREAT FALLS PUBLIC WORKS DEPARTMENT TO USE UP TO \$243,000 OF DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE INSTALLATION OF STREETScape AND COMPLIANT PEDESTRIAN CURB RAMPS ON THE EAST SIDE OF 7TH ST. S. FROM CENTRAL AVE. TO 1ST AVE. S. (OF 1786.2)

Mayor Kelly declared the public hearing open and asked for presentation of the agenda report.

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Planning and Community Development Director Brock Cherry reported that the City does not have federal grant monies available for this project. Page 151 of the agenda packet portrays the current condition of the pedestrian walkway in desperate need of repair and seriously dilapidated. In order to bring this project to matching streetscape fruition, a private entity (Sip 'N Dip) agreed to go without two parking spaces for improvements to the pedestrian walkway and for the entire downtown area.

The Downtown Development Partnership supports this project and the use of TIF funds.

Mayor Kelly asked if the Commissioners had any questions of staff.

Commissioner Tryon inquired about the negative balance in the TIF fund.

Deputy Planning and Community Development Director Tom Micuda explained that a couple of approved TIF projects are long term. One example is the Downtown Storm Water project that has a \$2.5 million dollar allocation is a five-year commitment. In those cases, the funds will be dipped into over a series of years. The agenda report sets forth the whole commitment of allocating the \$2.5 million dollars, but not spending it today. The numbers will be juggled every year depending on what requests the Commission approves.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10526.

Rick Wolke, City resident, received confirmation that it is a one-block streetscape project that will cost \$243,000. This streetscape is a more expensive paver system than a standard concrete sidewalk, with installation of period lighting and electrical, and tree grates and trees. He also commented that he wished the City were not so easy as a government to spend money that will be coming down the pike eventually, and to be more prudent on spending money that the City doesn't have in the bank.

Deputy Planning and Community Director Micuda responded that the City of Great Falls gets two guaranteed increment payments into that TIF District in June and December. The payment the City expects to receive at the end of this year will probably be double the value of this project. Based on the timing, he also pointed out that this project will most likely start next year. In conclusion, there will be money in the bank and there already is money in the bank to juggle project timing.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10526.

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

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Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

18. INDOOR AQUATICS AND RECREATION CENTER, CHANGE ORDER NO. 4 [OF 1770].

Park and Recreation Director Steve Herrig reported that this item is Change Order No. 4 for Commission consideration. Staff has recommended that the Commission approve this Change Order in the amount of \$588,052.50 for the Indoor Aquatics and Recreation Center. Within the Change Order are six items:

1. Ridgefold Gym Divider	\$ 2,973.59
2. Site & Excavation work	\$ (2,188.12)
3. Alternate #7 – Acoustic Panels	\$143,629.55
4. Tile work in pool areas	\$ 2,055.01
5. Alternate #20 – Kiddie Frog Slide	\$ 47,754.12
6. Alternate #3 – Splash Pad	<u>\$393,828.35</u>
Total	\$588,052.50

Change Order No. 4 will be funded through dollars raised through the formal fundraising campaign.

LPW Architecture and TD&H Engineering also recommended approval of these changes.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve Change Order No. 4 to Swank Enterprises in the amount of \$588,052.50 for the Indoor Aquatics and Recreation Center, and authorize the City Manager to execute the change order documents.

Mayor Kelly asked if there any comments from the public.

Jeni Dodd, City resident, commented that the City is paying monthly for a firm to raise money and requested a report on how much money has been raised to date. This change order puts the Center’s construction costs more than half a million dollars above the original budget. She previously commented the City was not being realistic about projected costs, and thought the City was misleading the public because everyone was aware of inflation created by the federal administration. She also noted prior controversy pertaining to LPW Architecture and TD&H Engineering providing the preliminary design pro bono for the City’s grant application submittal to the federal government, and then being awarded the Aquatic Center contract.

Director Herrig responded that a press conference would be held September 13th at 4:00 PM at the new Recreation Center to let the public know the status of the fund raising efforts.

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

Commissioner Tryon referred to the fiscal impact on page 154 of the agenda packet and inquired about the possibility of supplemental funds from the Park District or other Park and Recreation funds being referred to.

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Director Herrig responded that when this project started two years ago, the decision was made to push back year four projects from the Park District so those funds, in addition to the fundraising, would be there to use if needed. To date, those funds have not been needed. Currently, seven of the alternates have already been included, along with the large slide that was added with the base bid. If the fundraising efforts continue going in the same path, then those Park District dollars will go back into other Park District projects.

Commissioner Hinebauch inquired if it was correct that the reason the consultant is holding off on the announcement on fundraising efforts is due to the nature of some of the sponsorships.

Director Herrig responded in the affirmative and added that a committee was established that has approached businesses and folks to see what their threshold was to be partners in this project. The press conference will be to publicly acknowledge some of those donors and announce their fundraising efforts. Those efforts have already resulted in a little over half of what the City set for a goal.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. RESOLUTION 10525, REVISING CITY OF GREAT FALLS ANIMAL SHELTER RELATED SERVICE FEES.

Deputy City Manager Chuck Anderson reported that this item is a request to set a public hearing on Resolution 10525 for September 19, 2023. Resolution 10525 would revise a number of established fees collected by the City of Great Falls Animal Shelter. The fee changes reflect increasing costs of providing services to the public while recouping some of the costs to provide those services. This resolution also includes restructuring animal registration to move away from an annual licensing to a lifetime only licensing which has been found to increase participation nationwide.

Resolution 10125, adopted in 2015, specifically addressed three categories of cremation services. The Animal Shelter converted to a hydro incinerator in 2021; individual cremations were not a cost effective method to continue. Currently, a segregated cremation process does return animals' ashes to their owners in a memorial type package. The remaining animal related licensing and service fees have not been adjusted since the adoption of Resolution 10049 in 2014.

Fee increases were discussed during the FY24 budget process and were supported by the City Manager and the Finance Department.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission set a public hearing on Resolution 10525 for September 19, 2023.

Mayor Kelly asked if there any comments from the public.

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Jeni Dodd, City resident, inquired if the Animal Shelter received any Covid funds to help with operations, and if the Animal Shelter accepts animals from the county. She suggested trying to get Cascade County to take some responsibility to help with the Animal Shelter funding.

Deputy City Manager Anderson responded that the Animal Shelter has submitted \$30,000 in receipts so far reimbursement with ARPA funds.

Cascade County does not currently provide any monetary support to the Animal Shelter. The Animal Shelter does not take animals from the county citizens, but does take them from the Cascade County Sheriff's Office. Part of the fee structure in Resolution 10525 includes a fee for the Sheriff's Office to pay for the cost of care.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

20. RESOLUTION 10511, ANNUAL TAX LEVY.

Finance Director Melissa Kinzler reported that the City Commission is required to fix an annual tax levy by setting mills to generate property tax revenues that will balance the General Fund budget and other levy supported funds. The City received its taxable valuation from the Montana Department of Revenue (MTDOR) on August 7, 2023. With this valuation, the City can now compute and set its annual mill levy.

The total mill levy for Tax Year 2023 (FY 2024) is 200.72 mills totaling \$26,457,995. This includes mills for the general levy (previously and newly taxable property), Permissive Medical Levy, the Great Falls Public Library mill levy, and the Soccer Park General Obligation Bond levy. Last year the City levied 214.05 mills totaling \$22,111,402. This is a reduction in mills of 13.33, even with an additional 15 mills for the Library.

This year's newly taxable property reported by the MTDOR will generate additional revenue of \$1,510,213. During the FY 2024 budget adoption process, the Finance Department projected the City's newly taxable property revenue would be \$400,000. The projection was based on a 22-year average of newly taxable property. No particular development project can be identified for this newly taxable property revenue. This additional revenue of \$1,110,213 not included in the FY 24 Adopted Budget will be used to offset any uncollected taxes throughout the year, offset any appeals or protests, and balance revenue and expenses in the General Fund. The FY 24 General Fund Budget was adopted with a shortfall of \$998,064 in expenses over revenue. CARES money was going to be used to balance the budget. But, this increased revenue would balance revenues and expenses of the General Fund for FY 24. Any excess revenue would contribute to the General Fund unreserved fund balance. The fund balance policy is 22% and the Adopted Budget projected ending fund balance is 17.6%.

The City anticipates property assessment appeals and protests which means the City will not definitively know how much of this new projected tax revenue will be available until those appeals and protests are processed. The City is aware of one appeal that has been settled. Since there was

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no taxing jurisdiction in Cascade County that had a change in taxable value of more than 1%, there was no need to recertify valuations from that appeal.

Included in the total levy of 200.72 mills are the following:

1.25 mills for the soccer park debt service payments. This will generate \$164,770 that will cover debt payments and expenses in the soccer park fund. This is an increase of \$2,500. This will be the last year for this mill levy.

30.06 mills for the permissive medical levy will generate \$3,962,345. This is an increase from last year of \$353,043.

17 mills for the Great Falls Public Library will generate \$2,240,872. On June 6, 2023 a levy of up to 70 mills, an increase of 15 mills, was approved by voters for the operation, maintenance and capital needs of the Great Falls Public Library. This is an increase of \$2,340,272.

152.41 mills for the City of Great Falls general purpose levy. This will generate \$20,090,008. This includes \$1,510,213 for the increase for newly taxable property and \$446,080 for the inflationary adjustment.

During the FY 2024 budget process, the City Commission adopted the budget utilizing the full inflationary factor available and the full permissive medical levy available. Based on the new certified mill value the increase to a property owner with a \$100,000 market value home is \$8.19/yr., \$300,000 market value home is \$24.56/yr., and \$600,000 market value home is \$49.10/yr. These amounts are less than what was presented during the budget process using last year's mill value. The increase for the 15 additional mills approved by the voters for the Great Falls Public Library Mill Levy is \$20.25 for a \$100,000 market value home, \$60.75 for a \$300,000 market value home, and \$121.50 for a \$600,000 market value home.

The FY 2024 Budget was adopted July 18, 2023. Setting the mill levy for Tax Year 2023 (FY 2024) is the last step in the adoption of the FY 2024 City of Great Falls Budget.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10511.

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

Jeni Dodd, City resident, commented that despite a Library budget shortfall of \$120,000 for FY 24, the Library asked for \$1.5 million per year forever with the Library levy. Adopted Resolution 10488 set forth: shall the City of Great Falls be authorized to amend Article I, Section 3 of the Charter of the City of Great Falls to levy up to 17 mills, an increase of 15 mills, raising approximately \$1,594,500 for the purpose of providing funds for the operation, maintenance and capital needs of the Great Falls public Library. Due to the increase in certified valuation by the Montana Department of Revenue, she suggested the City levy fewer mills now for the Library to raise the \$1.5 million dollars, rather than the maximum allowed 17 mills to raise \$2.2 million. To her, actions like this prove the City is untrustworthy.

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Ms. Dodd concluded that the taxpayers are already burdened by six TIF Districts in Great Falls that force property taxpayers to pick up the lost revenue due to the TIF Districts.

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

Commissioner Tryon noted that, generally speaking, if the valuation goes up citywide, the Commission could reduce the mills. Director Kinzler agreed. Commissioner Tryon commented that his understanding was the Library asked for an increase of \$1,594,000 to its already standing yearly budget. He inquired if the Library's annual budget, with the new 15 mills, would be \$2,240,000.

Director Kinzler responded that the Library asked for up to 17 mills, which is different than asking for a dollar amount. As the mill value goes up the Library could raise more money.

Commissioner Tryon commented that he understands the extra money is going to balance the General Fund.

Director Kinzler commented that it is important to remember that the extra money is from newly taxable property and not because of the valuation increases.

Commissioner Tryon noted the remarkable increase of newly taxable property.

Director Kinzler reported that it is actually the biggest increase in newly taxable property since the City started tracking it in 2002.

Commissioner Tryon commented that this is what the Commission has been talking about for years. It is proof that, if we want the tax burden for taxpayers to stabilize or go down, we need a bunch of newly taxable property. We need to grow the tax base. Director Kinzler agreed.

Commissioner Tryon inquired about reducing the number of mills for the Library.

Director Kinzler responded that is up to the Commission to set the Library mill. She suggested taking into consideration that this is the first year of the Library mill levy. The City only gets tax revenues in December and June. The extra revenue would be needed to cash flow operations and all those new things that the Library promised the taxpayers. Additionally, due to appeals and protests, the City may not receive all of the revenue that it is actually certifying. She suggested the Commission mill the most that it can for the Library and for the City of Great Falls.

Commissioner Tryon concluded that he understands it is a mill and not a dollar amount that the Library requested. But, he has an issue with this, and thinks that the Commission should be trying to get some relief for taxpayers.

Mayor Kelly clarified that the Library never wanted to get a windfall. The budgets that were presented were for a certain dollar amount. Because of the mill structure, the 17 mills will take care of not only those dollars but also establish the reserve funds that Melissa spoke about, which is an important first step. In the future, the Library may not have to levy the 17 mills. So, there is an opportunity to reduce the number of mills at every budget after considering the amount in the

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reserves, the amount being expended and where the Library is in the process of fulfilling the promises that it made to the people who voted for it.

Commissioner Hinebauch received confirmation that the Commission could never permanently reduce the Library's 17 mills. That would have to go to the voters. But, the Commission could choose to not take the full 17 mills.

Mayor Kelly commented that the budget is a yearlong process. Budget meetings are posted and the attendance is virtually zero by the public. The Commission seeks the public's participation. There is a budget calculator on the Finance webpage to see where all the money is currently budgeted to, to make adjustments if you do not like those priorities, and there is a place to write in ideas. He suggested coming to the budget meetings and delivering thoughts in person.

Commissioner Wolff commented that the Commission should be very excited about the fact that the community is growing. The tax base is growing and this year will be able to cover the deficit.

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

Motion carried 5-0.

CITY COMMISSION

21. COMMISSION INITIATIVES.

None.

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Hinebauch announced that there has been white supremacist graffiti around town the past 10 days. Staff is actively working on getting information on the people that are defacing public property and business property. It will not be tolerated in Great Falls.

Commissioner Wolff congratulated the Public Works Department for completion of the North Bank Stabilization of the River's Edge Trail project. She also thanked Director Gaub for a tour of the Wastewater Plant and to the Police Department for allowing her to be a ride along last Friday.

She also announced that all of the Neighborhood Councils would be holding meetings regarding the Public Safety Levy and encouraged attendance. The City will be hosting a Public Safety Town Hall meeting on September 18, 2023.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of September 5, 2023, at 9:26 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: September 19, 2023

DRAFT



Commission Meeting Date: Sept 19th, 2023
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

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

PRESENTED BY: Finance Director

ACTION REQUESTED: Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECKS FROM NEW WORLD	08/24/2023-09/06/2023	729,911.77
ACCOUNTS PAYABLE CHECKS FROM MUNIS	08/24/2023-09/06/2023	3,782,204.17
MUNICIPAL COURT CHECKS	08/24/2023-09/06/2023	60,547.19
MISCELLANEOUS ACCOUNTS PAYABLE WIRES	08/24/2023-09/06/2023	264,612.37
TOTAL: \$		<u><u>4,837,275.50</u></u>

GENERAL FUND

CITY/COUNTY HEALTH SUBSIDY

CITY COUNTY HEALTH DEPARTMENT ANNUAL CITY SUPPORT CCHD OPERATIONS 125,000.00

OTHER ADMIN

WENDT INC PUBLIC SAFETY LEVY EDU CAMPAIGN AUG 31,384.34

SPECIAL REVENUE FUNDS

COVID RECOVERY

DOOR SYSTEMS OF MT GREAT FALLS 1797.0 OVERHEAD DOOR REPLACE FD/PMT2 154,152.87

GAS TAX BARSAA

UNITED MATERIALS OF GREAT FALLS 1432.2 SW SIDE STREET RECONSTRUCT/PMT (SPLIT AMONG FUNDS) 96,404.88

STREET DISTRICT

UNITED MATERIALS OF GREAT FALLS 1432.2 SW SIDE STREET RECONSTRUCT/PMT (SPLIT AMONG FUNDS) 5,073.94

GREAT FALLS SAND AND GRAVEL TYPE B & C HOT MIX ASPHALT 14,000 TONS 26,308.20

GREAT FALLS SAND AND GRAVEL TYPE B & C HOT MIX ASPHALT 14,000 TONS 25,752.39

PARK DISTRICT

SWANK ENTERPRISES INDOOR AQUATIC & REC CONSTRUCTION 689,418.10

DEBT SERVICE FUNDS

CAPITAL PROJECT FUNDS

DOWNTOWN TID

TALISMAN CONSTRUCTION SERVICES	CIVIC CENTER FACADE JULY 2023	123,925.88
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ENTERPRISE FUNDS

WATER

SLETTEN CONSTRUCTION	1698.1 PROF ENG SERV WTP SOLID MIT/PMT2 (SPLIT AMONG FUNDS)	146,312.93
GERANIOS ENTERPRISES INC	OF 1432.4 SW SIDE WMR PHASE III/PMT 8	270,285.94
PROSPECT CONSTRUCTION	OF 1637.6 WTP FILTERS PHASE 2/FINAL PAY	239,915.07
72 HOUR LLC	2023 FORD F150 4X4 8 FT BOX (WATER D)	47,315.71

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	306,297.54
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	306,297.54
SLETTEN CONSTRUCTION	1698.1 PROF ENG SERV WTP SOLID MIT/PMT2 (SPLIT AMONG FUNDS)	146,312.94
SLETTEN CONSTRUCTION	1731.3 WWTP CLARIFIER REHAB/PMT 7	130,541.40
72 HOUR LLC	2023 FORD F150 4X4 6.5 FT BOX (ENVIRO)	46,433.98

SANITATION

JACKSON GROUP PETERBILT	548 TANDEM AXLE ROLL OFF TRUCK #914	162,748.00
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PARKING

STANDARD PARKING CORP	3RD YEAR SP PLUS CONTRACT	32,604.78
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INTERNAL SERVICE FUNDS

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	UNLEAD FUEL121929 GAL DIESEL152332 GAL	30,513.35
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TRUST AND AGENCY FUNDS

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	47,144.69
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	52,350.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	54,436.57
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	70,052.67
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	141,597.28
US BANK	FEDERAL TAXES, FICA & MEDICARE	105,680.45
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	26,819.96
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	163,612.82
LIUNA NATIONAL PENSION FUND	EMPLOYEE & EMPLOYER CONTRIBUTIONS	35,068.89

UTILITY BILLS

ENERGY KEEPERS	ELECTRIC CHARGES AUGUST 2023	267,061.55
HIGH PLAINS LANDFILL	LANDFILL CHARGES AUGUST 2023	111,752.84

CLAIMS OVER \$25,000 TOTAL: \$ 4,218,577.50

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

DATE: September 19, 2023

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 - Engineering	Homes 4 You, LLC (Jason L. Gibson)	09/19/2023 – 12/31/2025	\$79,433.33	Public Works Construction Agreement to remove, replace and install metal siding, roof panels, overhead doors, hardware, trim and accessories, and for building repair on Public Works Storage Building 3 at the Public Works Complex (OF 1814.0)
B	Public Works - Engineering	Thomas Dean & Hoskins Inc. (TD&H) Engineering	09/19/2023 – until terminated by either party upon 30 day written notice	\$58,622	Professional Services Agreement (PSA) to reconstruct the street, sidewalks, and associated terminal intersections of East Fiesta Street between Ferguson Drive and Fox Farm Road (OF 1787.0)

C	Public Works - Engineering	Thomas Dean & Hoskins Inc. (TD&H) Engineering	09/19/2023 – until terminated by either party upon 30 day written notice	\$64,914	Professional Services Agreement (PSA) to reconstruct the street, sidewalks, and associated terminal intersection of 7 th Avenue NW between 12 th Street NW and 14 th Street NW (OF 1806.1)
D	Information Technology (IT)	Spectrum Enterprise Charter Communications Operating, LLC	36 months	\$1,250/month	Spectrum Enterprise Service Agreement to provide Ethernet connectivity between the Civic Center (2 Park Drive South) and the new Aquatics/Rec Center (900 29 th Street South) (OF 1770.0)



Commission Meeting Date: September 19, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Alternative Project Delivery Contract Award – General Contractor Construction Manager Services: Lift Station No. 1 Repairs and Supplemental Force Main, OF 1758.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff Gaub, Public Works Director

Action Requested: Award a General Contractor Construction Manager (GCCM) contract to Prospect Construction, Inc. for Preconstruction Services for the Lift Station No. 1 Repairs and Supplemental Force Main project and approve the documented reasons for the selection of Prospect Construction, Inc. to serve as GCCM

Suggested Motion:

1. Commissioner moves:

 “I move that the City Commission (award/not award) a GCCM contract to Prospect Construction, Inc. for Phase One Preconstruction Services in the amount of \$265,215.00 for the Lift Station No. 1 Repairs and Supplemental Force Main Project.”
2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends the City Commission award a GCCM contract to Prospect Construction, Inc. for Preconstruction Services for the Lift Station No. 1 Repairs and Supplemental Force Main Project.

Background: The existing Lift Station No. 1 (LS1) force main was constructed in 1979 and is the only river crossing for this section of the City’s sewer collection system. LS1 serves the area including the original downtown, east to and including Malmstrom Air Force Base, Agritech Industrial Park, and south to 10th Avenue South. It pumps approximately one third of the City’s sewage across the Missouri River to the Wastewater Treatment Plant (WWTP), via the LS1 force main. The existing LS1 force main was constructed under emergency conditions in response to a failure of the 1959-installed crossing.

The failure of the 1959 crossing resulted in a protracted, direct, and uncontrolled discharge of untreated sewage to the Missouri River. The construction of a redundant force main provides resilience and reliability in this segment of City-critical infrastructure, which helps the City minimize/prevent the risk of service interruption, regulatory exposure and environmental damage associated with having a single point of failure.

This project will implement recommendations from the June 2021 *“Feasibility Study for Sewage Lift Station No. 1 Supplemental Force Main”*, including installation of a redundant force main crossing the Missouri River and improvements and repairs to LS1 across the Missouri River to the City’s WWTP. The proposed design will also provide connections to the pumping station and the head works at the WWTP. Services will include: conducting geo-technical evaluations; verifying utility conflicts; floodplain analysis; permitting; producing the engineering drawings and specifications; and obtaining approval from local and state review agencies.

In January of 2022, the City Commission approved a *Professional Services Agreement* with TD&H for Design Phase Services for the Lift Station No. 1 Repairs and Supplemental Force Main Project. Based on their experience with similar projects, TD&H advised that the City’s Project would be a good candidate for an Alternative Project Delivery Contract as specifically allowed for under §18-2-501 *et seq.*, MCA. Rather than utilize the traditional Design-Bid-Build (DBB) project delivery method, the Alternative Project Delivery method of GCCM allows for a range of benefits including: much earlier collaboration between the general contractor and subcontractors and material suppliers; a more aggressive project completion schedule; early procurement of construction materials; and opportunities for managing project risk and negotiating the project price.

On April 4, 2023, the City Commission approved Resolution 10487 indicating that the LS1 Repairs and Supplemental Force Main Project meets the appropriate statutory criteria under §18-2-502, MCA to allow for the use of the GCCM alternative project delivery method. Staff then initiated a process for soliciting proposals from qualified firms interested in serving as GCCM for the Project and established a process for scoring those proposals based on the statutory criteria required for the award of a GCCM contract §18-2-503, MCA.

Workload Impacts: TD&H will continue to develop engineering drawings and specifications, and obtaining approval from local and state review agencies.

Prospect Construction Inc., will complete a review of available design documents and also provide suggestions and recommendations to design, project coordination, sequencing and scheduling concepts. They will recommend strategies for the division of proposed work into discrete packages, phasing design and early authorization to construct specific activities. They will also collaborate with the City and Design Consultant to prepare design, scope of work, and if applicable, regulatory approval schedule for each package.

City Engineering will perform contract administration duties throughout the project. Veolia Waste Water Plant staff and City Engineering staff will help provide incremental direction and feedback to guide the design activities. City Fiscal Services will provide grant administration services.

Evaluation and Selection Process:

The Request for Proposals (RFP) was advertised three times in the Great Falls Tribune. Two Proposals were received on June 6, 2023. The selection committee then reviewed, assessed and scored the RFP's. Interviews were held, evaluated and scored on July 6, 2023. Subsequently, reference checks were made and the final total scoring tabulated.

A Selection Committee consisting of City staff, the City Mayor in an observation role, and a representative from TD&H was established to conduct the review and ranking process. The members of the Selection Committee utilized the established scoring/ranking process to review and score proposals from two candidate firms, Prospect Construction, Inc. and Dick Anderson Construction. After reviewing the proposals and conducting interviews, staff recommends that the City Commission award a GCCM contract to Prospect Construction, Inc. for preconstruction services in the amount of \$265,215.00 for the Lift Station No. 1 Repairs and Supplemental Force Main Project for the following documented reasons:

- The City utilized a competitive solicitation and ranking process based on criteria that includes, but was not limited to, the statutory criteria set forth in §18-2-503, MCA:
 - History and experience with similar projects
 - Financial health, resource availability and commitment
 - Personnel and office locations
 - Project approach mechanics including administration, value engineering, plan review, scheduling, estimating, subcontracting and change order avoidance
 - Project costs for preconstruction phase services, GCCM fee and General Conditions Expenses
- The City utilized a multi-member Selection Committee to undertake the review, scoring and interview steps contemplated by the competitive solicitation process.
- At the conclusion of the review, scoring and interview process as conducted by that Selection Committee, Prospect Construction, Inc. accumulated the highest total score in the process

Conclusion:

Upon approval of the Preconstruction Services GCCM contract to Prospect Construction, Inc., City staff and our design consultants (TD&H) will begin utilizing Prospect's services for the scoped items identified in the contract document included with this Agenda Report. Upon successful implementation of the scoped items, staff will bring the second component of the GCCM contract structure – a contract for Construction Phase Services – to the City Commission for review and approval. That separate Construction Phase Services contract will include the total cost for the actual construction work necessary for the LS1 Repairs and Supplemental Force Main Project.

Fiscal Impacts: The project has been selected, prioritized and executed in accordance with the Public Works Capital Improvements Program. State ARPA Minimum Allocation Grant funds, State ARPA Competitive Grant funds, and City sewer treatment funds are programmed for funding this project. On October 8, 2021, this project was selected to receive \$2,000,000 in funding through the ARPA Competitive Grant program. On September 20th, 2022 the Commission approved utilization of \$3,854,585 in Minimum Allocation Grant funds to be allotted to this project. Utilization of the proposed GCCM project delivery method is anticipated to result in increased collaboration, contributing to reduced financial risk and to a successful project delivery.

Alternatives: The Commission could choose not to award a GCCM contract to Prospect Construction, Inc. for Preconstruction Services for the LS1 Repairs and Supplemental Force Main Project. In that event, staff would move forward through the completion of the full design phase with TD&H and pursue delivery of the project through a traditional Design-Bid-Build approach.

This could lead to missing the December 31, 2026 deadline for utilizing \$2,000,000 in ARPA grant funds, while delaying resolution to a single point of failure in the City's critical infrastructure, and/or burdening the City with expenses intended to be covered by grant funding.

Concurrences: The Public Works Department, TD&H and Veolia support the recommended contract award.

Attachments/Exhibits:

GCCM Contract Documents
RFQ/RFP Scoring Sheet
Project Vicinity Map

**PRECONSTRUCTION PHASE SERVICES CONTRACT
SEWAGE LIFT STATION NO. 1 & SUPPLEMENTAL FORCEMAIN
IMPROVEMENTS (OF 1758.1)**

THIS AGREEMENT is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as “City,” and **Prospect Construction, Inc., 2605 W. Broadway St. B, Missoula, MT 59808,** hereinafter referred to as General Contractor Construction Manager (“GCCM”).

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City has awarded a contract to **Prospect Construction, Inc.** to serve as GCCM for the City’s **Sewage Lift Station No. 1 & Supplemental Forcemain Improvements** (“Project”) and this Agreement is for the Preconstruction Phase Services portion of the Project.

2. **Term of Agreement:** This Agreement is effective upon the date of its execution and will be deemed complete upon the Parties agreement to and execution of a Construction Services contract for the Project. Both parties reserve the right to terminate this Preconstruction Services Contract, however, by providing a written sixty (60) day notice to the other party.

3. **Scope of Work:** GCCM will perform the work and provide the services more particularly described on the attached Exhibit A – Scope of Services.

4. **Payment:** City agrees to pay GCCM a total lump sum amount of

TWO HUNDRED SIXTY-FIVE THOUSAND TWO HUNDRED FIFTEEN DOLLARS (\$265,215.00) for services described in the attached Exhibit A – Scope of Services and costs identified in the attached Exhibit B – Preconstruction Phase Compensation. Any alteration or deviation from the described work that involves extra costs will be performed by GCCM only after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

5. **Independent Contractor Status:** The parties agree that GCCM is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. GCCM 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. Except as may be specifically provided for in the Scope of Services, GCCM is not authorized to represent the City or otherwise bind the City in any dealings between GCCM and any third parties.

GCCM 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. GCCM shall maintain workers’ compensation coverage for all members and

employees of GCCM’s business, except for those members who are exempted by law.

GCCM shall furnish the City with copies showing one of the following: **(1)** a binder for workers’ compensation coverage by an insurer licensed and authorized to provide workers’ compensation insurance in the State of Montana; or **(2)** proof of exemption from workers’ compensation granted by law for independent contractors.

6. Indemnification: To the fullest extent permitted by law, GCCM shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to GCCM’s performance of this Preconstruction Services Agreement. The indemnification obligations of this Section must not be construed to negate, abridge, or reduce any common-law or statutory rights of the City which would otherwise exist. GCCM’s indemnity under this Section shall be without regard to and without any right to contribution from any insurance maintained by City. GCCM also waives any and all claims and recourse against the City or its officers, agents or employees, including the right of contribution for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to the performance of this Agreement except responsibility for its own fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent, according to 28-2-702, MCA. These obligations shall survive termination of this Agreement and the services performed hereunder.

7. Insurance: GCCM shall purchase and maintain insurance coverage as set forth below. The insurance policy, except Workers’ Compensation, must name the City, (including its elected or appointed officers, officials, employees, or volunteers) and Design Consultant, as additional insureds or contain a blanket additional insured endorsement and be written on a “primary—noncontributory basis.” GCCM will provide the City with applicable additional insured endorsement documentation. Each coverage shall be obtained from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the state of Montana, with a minimum of “A.M. Best Rating” of A-, VI, as will protect the GCCM, the various acts of subcontractors, the City and its officers, employees, agents, and representatives from claims for bodily injury and/or property damage which may arise from operations and completed operations under this Agreement. All insurance coverage shall remain in effect throughout the life of this Agreement and for a minimum of one (1) year following the date of expiration of GCCM’s warranties. All insurance policies, except Workers’ Compensation, must contain a provision or endorsement that the coverage afforded will not be canceled, materially changed, or renewal refused until at least thirty (30) days prior written notice has been given to Consultant, City, and all other additional insureds to whom a certificate of insurance has been issued. All insurance documentation shall be in a form acceptable to the City.

*** Insurance Coverage at least in the following amounts is required:**

1.	Commercial General Liability occurrence (bodily injury and property damage)	\$1,000,000 per \$2,000,000 aggregate
2.	Products and Completed Operations	\$2,000,000

- | | | |
|----|-----------------------|-----------------------------------|
| 3. | Automobile Liability | \$1,500,000 combined single limit |
| 4. | Workers' Compensation | Not less than statutory limits |
| 5. | Employers' Liability | \$1,000,000 |

GCCM may provide applicable excess or umbrella coverage to supplement GCCM's existing insurance coverage, if GCCM's existing policy limits do not satisfy the coverage requirements as set forth above.

*** If a request is made to waive certain insurance requirements, insert the insurance item # and corresponding description from the list above: __**

LEGAL REVIEW INITIALS: **Approved** _____ **Denied** _____

8. Professional Service: GCCM agrees that all services and work performed hereunder will be accomplished in a professional manner.

9. Compliance with Laws: GCCM agrees to comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA. As applicable, GCCM agrees to purchase a City safety inspection certificate or special business license.

10. Nondiscrimination: GCCM agrees that all hiring by GCCM of persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by state and/or federal law.

11. 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.

12. Modification and Assignability: This document contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party, which are not contained in this written Agreement, may be considered valid or binding. This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The GCCM may not subcontract or assign GCCM's rights, including the right to compensation or duties arising hereunder, without the prior written consent of City.

13. **Ownership and Publication of Materials:** All reports, information, data, and other materials prepared by the GCCM pursuant to this Agreement are the property of the City. The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use without written verification or adaptation by the GCCM for the specific purpose intended will be at the City’s sole risk and without liability or legal exposure to the GCCM. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City.

14. **Liaison:** City’s designated liaison with GCCM is Russell Brewer, PE and GCCM’s designated liaison with City is Nick Patch, CPC.

15. **Applicability:** This Agreement shall be governed and construed in accordance with the laws of the State of Montana.

IN WITNESS WHEREOF, GCCM and City have caused this Preconstruction Services Contract to be executed as of the dates set forth below.

CITY OF GREAT FALLS, MONTANA
OWNER

Prospect Construction, Inc.,
GCCM

By: _____

By: Nick Patch

Print Name: _____

Print Name: Nick Patch

Print Title: _____

Print Title: VP Civil / Water Resources

Date: _____

Date: 9/1/23

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

APPROVED AS TO FORM:

By _____ David G. Dennis, 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.

**SEWAGE LIFT STATION NO. 1 & SUPPLEMENTAL FORCEMAIN IMPROVEMENTS, OF 1758.1
PRECONSTRUCTION PHASE SERVICES CONTRACT
EXHIBIT A – SCOPE OF SERVICES**

Prospect Construction, Inc., in its capacity as General Contractor Construction Manager (GCCM) for the City of Great Falls **Sewage Lift Station No. 1 & Supplemental Forcemain Improvements** (“Project”), will provide the services described herein under the PRECONSTRUCTION PHASE SERVICES CONTRACT. *For purposes of further defining the GCCM responsibilities under this Contract, “Project” activities shall be as described in the RFQ/RFP Documents.*

1.01 Project Management

A. Participate in Project Meetings

1. Participate in Project kick-off meeting. Be prepared to discuss GCCM’s team and organization structure, assignments for responsibilities and GCCM plan for implementing Preconstruction Services.
2. Participate in periodic meetings with City and Design Consultant to review progress, coordinate efforts, and discuss planned activities for the next period. It is anticipated that these progress meetings will occur monthly and following completion of 60% and 90% milestone Project Documents.

B. Provide administration of Agreement for GCCM Preconstruction Phase Services, including applications for payment, progress reporting, management of GCCM staff, schedule for services, and deliverables.

1. *Maintain a record of all significant design changes, including anticipated cost and schedule impacts, and submit to Owner following Design Document milestones.*
2. *GCCM project document templates shall include a placeholder for Value Engineering (VE) opportunities.*

1.02 Review of Preliminary Design Documents

A. Immediately complete a thorough review of available Preliminary Design Documents.

1. *Identify potential design conflicts or discrepancies* and provide suggestions and recommendations with respect to Preliminary Design research, analysis, recommendations, project coordination, sequencing and scheduling concepts in accordance with Paragraph 1.03.D and 1.03.H below.
2. Recommend strategies for the division of Work into discrete packages, phasing design and early authorization to construct specific activities (fast tracking). If City agrees with suggestions to expedite independent project improvements, work collaboratively with the City and Design Consultant to prepare a preliminary scope along with a design, and if applicable, regulatory approval schedule for each package.

1.03 Design Related Preconstruction Services

A. Attend periodic design meetings to provide consultation on aspects of the design that will impact the Budget, schedule, and quality of the completed Work.

- B. The GCCM will provide to the Owner any CAD drawings, 3D renderings, or detail drawings that the GCCM produces for their own benefit in managing the project. Any documents produced by the GCCM are not to be misconstrued as design documents.
- C. Advise, assist, and provide recommendations on all aspects of preliminary and final design of the Work. Provide consultation for site use and improvements, and the selection of materials, building systems, and equipment.
- D. Clarify any assumptions with the Design Consultant and provide recommendations for: construction feasibility; actions designed to minimize adverse effects of labor or material shortages; schedule requirements for procurement, installation, and construction completion; and all factors related to construction cost including estimates for design approach or material alternatives, preliminary budgets, and possible opportunities for savings.
 - 1. *Estimates shall include a recommended contingency allowance.*
 - 2. *Prepare a unit cost estimate for final Design Document milestone prior to GMP preparation.*
- E. Review in-progress Design Documents, including those variously described as Preliminary Design, and 60% and 90% Drawings and Specifications, identify potential design conflicts or discrepancies, and provide suggestions and recommendations for constructability, material, component and equipment selection and availability. Provide timely counsel for modifications to improve:
 - 1. Ability to price the Work:
 - a. Identify Work elements that may be difficult to price as presented in the Design Documents. Provide suggestions to reduce risk and pricing from Subcontractors and Suppliers.
 - b. Provide suggestions for preparing Bid Packages to simplify pricing efforts by Subcontractors. Bid Packages will not be prepared specific to construction trades.
 - c. Determine whether specified products are readily available and notify Design Consultant if equal or substitute materials are also available, along with any potential benefits.
 - 2. Constructability, including sequencing or coordination:
 - a. Preliminary design example approach and any subsequent updates prepared by the Design Consultant;
 - b. Adequacy of details for construction;
 - c. Potential conflicts during construction;
 - d. Feasibility of construction;
 - e. Construction sequencing;
 - f. Subcontractor and Supplier coordination, including-consultation with the City on technical specification content, and distribution of specifications to subcontractors and suppliers.
 - g. Contractual coordination and identification of conflicts or concerns among Construction Documents, including the GCCM Construction Phase Contract and Attachments, Appendices & Exhibits (Contract Documents).

3. Operability:
 - a. Ability to minimize disruptions to existing operations;
 - b. Ability to complete construction connections to existing facilities or utilities;
 - c. Modifications to facilitate initial start-up and/or performance testing; and
 - d. Ability of City to operate/maintain the facility when completed.
 4. Requirements for Subcontractor, equipment and materials procurement.
 5. Completeness, consistency, and clarity.
- F. Subsurface conditions and Underground Facilities
1. Review information made available by City.
 - a. Review information pertaining to subsurface or physical conditions within the project corridor. Inform City of additional examinations, investigations, explorations, testing, or studies (Supplemental Investigations) of subsurface or physical conditions the GCCM concludes would be beneficial if conducted prior to commencement of construction.
 - b. Review information pertaining to Underground Facilities. Collaborate with the Design Consultant to improve the accuracy and completeness of information regarding Underground Facilities that Design Consultant incorporates into the Project Drawings and Specifications.
 2. Perform the following field investigations to further identify subsurface conditions likely to impact construction operations and cost:
 - a. Existing forcemain exploratory excavation at approximate point of connection in River Drive.
 - b. Investigations necessary to prepare accurate trench shoring and groundwater dewatering GMP costs.
 - c. Supplemental investigations suggested by the GCCM and accepted by the City will be approved by Contract Amendment in accordance with the Payment provisions set forth in the Preconstruction Phase Services Contract and Paragraph 1.14 of this Exhibit A – Scope of Services.
- G. Provide written review comments in accordance with the processes or procedures agreed to by the City.
- H. Report to City and Design Consultant any elements of the design that appear to be in conflict or require further development.
- I. Review and provide an assessment of whether the project design can be executed within the City Budget, allotted Contract Time, and with available labor, equipment, and materials.
- J. The GCCM role is considered advisory. Design concept and all project materials, components, equipment, etc. will be at the discretion of the City and Design Consultant.

1.04 Construction Management Plan

- A. Provide a written Construction Management Plan that incorporates the following elements:
 - 1. GCCM's Construction Phase organization, including assigned responsibilities and level of authority within Project management;
 - 2. Communications Plan including document distribution, electronic file type and transfer protocol, Action Item and Decision Registers, frequency of reporting and project controls;
 - 3. Document Management Plan that incorporates Communications Plan and specifies repository mechanism and associated City/Design Consultant access;
 - 4. Construction contract administration;
 - 5. Cost management;
 - 6. Time management;
 - 7. Quality management;
 - 8. Risk management;
 - 9. Safety management;
 - 10. Site management and environmental controls;
 - 11. Regulatory requirements and permits; and
 - 12. Procurement strategy
- B. Work with the City to incorporate requirements of the Sample GCCM Construction Phase Contract and Sample General Conditions of the GCCM Construction Contract into the Construction Management Plan. Reference provisions of the Sample Documents, as necessary.
- C. Submit a Draft Construction Management Plan for City review and comment.
- D. Respond to City comments, reconcile revisions and publish Final Construction Management Plan.

1.05 Construction Contract Administration

- A. Work with the City to address requirements of the Sample GCCM Construction Phase Contract and Sample General Conditions of the GCCM Construction Contract into the GCCM Contract administration. Reference provisions of the Sample Documents, as necessary.
- B. Coordination
 - 1. Facilitate and administer progress meetings, provide records as requested by the City.
 - 2. Plan, schedule, and document meetings held with Subcontractors and Suppliers. Invite representatives from the City and Design Consultant.

1.06 Cost Management

- A. Work with Design Consultant to update the Budget with supporting data for review by the City at the following intervals:
 - 1. Preliminary Design Documents immediately following GCCM procurement.
 - 2. Completion of 60% and 90% Design Development Documents following City review.

3. At any other appropriate interval agreed to by the City and GCCM during the preparation of the Contract Documents to determine that changes to the design can be constructed within the Budget.
- B. Assess current construction market to determine risk associated with cost fluctuation, including volatility of selected materials or equipment that may result in exceeding the Budget. Identify any activity costs that may have decreased and whether savings can assist with balancing the Budget. Prepare a variance analysis between previous and current project cost estimates and provide Budget adjustment recommendations. Coordinate with the City to consider efficiency, useful life, maintenance, energy and operations as part of the cost analysis.
 - C. GCCM shall also provide a summary of administrative and ancillary costs expected in the GMP for Budget updates.
- 1.07 Schedule Management
- A. Provide a preliminary master schedule for the GCCM Preconstruction and Construction Phase Contracts. Include reasonable allowances for review and approval by the City, governmental authorities having jurisdiction over the Project, including the City of Great Falls Public Works and Building Departments, Montana Department of Environmental Quality, Montana Department of Transportation and all permits the GCCM must secure. Structure the preliminary master schedule to allow incorporation of a detailed construction schedule as the Project becomes further defined.
 - B. At a minimum, update the preliminary master schedule following Design Consultant issuing 60% and 90% Design Documents. Updates shall incorporate proposed activity sequences and durations, milestone dates for approvals, GMP Proposal delivery, shop drawing processing allowances, materials and/or equipment extended procurement periods and City occupancy requirements.
 - C. Following each preliminary master schedule update, notify the City of any recognized delays relative to the original schedule along with recommendations to offset impacts to the final project completion date.
 - D. Revise the master schedule after the GMP is established.
- 1.08 Quality Management
- A. Prepare GCCM's Quality Control Plan (QCP) as follows:
 1. Describe the quality control organization and lines of authority. Quality control plan shall identify quality control manager and other key individuals involved in GCCM's quality control effort. If quality control manager is to serve in other capacities, identify those responsibilities and time spent in each role. Describe the qualifications of the quality control manager (in resume format) to demonstrate applicable experience in a similar capacity.
 2. Provide names and qualifications, in resume format, of other persons assigned a quality control function. Define the role and authority of each person and activities for which they are responsible.
 3. Describe GCCM's approach to managing quality during construction. Describe how GCCM will integrate quality control procedures into execution of the Work,

identify testing and inspection required to monitor in-progress quality and integrate acceptance testing required by the Contract Documents.

4. Include a testing plan. Identify the organization responsible for each type of testing in accordance with City direction and the Contract Documents.
5. Describe GCCM approach for managing defective Work, including notification and documentation procedures, development and implementation of corrective action plans and documentation that corrective action resulted in a product that complies with the Contract Documents.
6. Describe the approach for scheduling, reviewing, certifying, and managing documentation provided by Subcontractors and Suppliers. Include the approach for managing the quality of submittals, documentation procedures, and process for tracking and maintaining current records.

1.09 Risk Management

- A. Analyze construction risks and develop appropriate risk management strategies to minimize associated costs.
- B. Identify additional information that will benefit risk assessment.
- C. Provide recommendations for appropriate allocation of construction risks.
- D. Review legal requirements for Subcontractor and equipment procurement for risk impacts.
- E. Suggest procurement strategies to minimize risk.

1.10 Safety Management

- A. Provide a project-specific Health and Safety Plan to address the concerns associated with construction activities and potential hazards, in compliance with applicable Laws and Regulations. Structure the manual to allow for regular updates.
- B. At a minimum, the Health and Safety Plan shall include the following:
 1. Background information identifying the GCCM, Project description, and location;
 2. Management accountability structure with authority to implement safety plans, stop work, or other safety-related decisions;
 3. Role of safety representative;
 4. Qualifications and certifications safety representatives (resume format);
 5. Objectives of the Health and Safety Plan;
 6. Administration and enforcement of the Health and Safety Plan;
 7. Applicability of the Health and Safety Plan to various personnel categories, including the workforce, visitors, City and Design Consultant staff;
 8. List of conditions at the Site that may pose a hazard, hazard types, and those potentially exposed;
 9. Procedures for first aid and medical attention;
 10. Emergency notifications procedures based on hazard type which specify the entity to be notified for each situation;
 11. Site access control requirements to prohibit unauthorized persons from entering the Site;

12. Orientation and training requirements for workers, visitors, and City representatives;
13. Hazard communications and awareness plan;
14. Required safety certifications for each type of work;
15. GCCM's safety training program and effort to create and maintain a culture of safety;
16. GCCM's written safety guidelines for project-specific hazards;
17. Plan for conducting safety inspection, the audit frequency and schedule;
18. Accident/incident reporting procedures including monthly reporting.

C. Incorporate City and/or Veolia Water site safety requirements as appropriate.

1.11 Site Management and Environmental Controls

- A. Develop a plan for managing the Site during construction. The plan should address, at a minimum, management of the following:
1. Office space for GCCM and Subcontractors;
 2. Water, sanitation, electrical, internet, and other utilities for GCCM and Subcontractor operations at the Site;
 3. Storage facilities, parking and construction staging;
 4. Protection of existing structures, trees and other landscaping, buildings, utilities, and underground facilities;
 5. Site security, site safety, and emergency response;
 6. Temporary roads, temporary signage, barricades, fencing, and other devices to manage traffic to and within the Site, including provisions for delivery of materials and equipment, and maintenance during construction;
 7. Environmental conditions including storm water management, pollution control, care of water, soil management, and other temporary controls and removal when no longer required;
 8. Protecting reference data and control points; and
 9. Cleanup, containment and disposal of waste materials.
- B. Review plan with the City to identify potential conflicts with operating other facilities, on-going and anticipated construction by other entities. Revise, if necessary.

1.12 Regulatory Requirements and Permits

- A. Research and review regulatory requirements and permits required for construction. Develop a plan for securing and/or addressing applicable Laws, regulations and permits. Summarize requirements, entities responsible, supplemental documentation and costs for securing and complying with all permit requirements.
- B. Incorporate the associated costs into GCCM Preconstruction cost estimates and GMP. Notify City of all related costs for inclusion in the Budget.
- C. At a minimum, the following applications, jurisdictional approvals and/or permits, along with associated fees, will be the responsibility of the GCCM:
1. Groundwater Dewatering General Permit for Storm Water Discharges Associated with Construction Activity from the Montana Department of Environmental Quality (DEQ)
 2. General Permit for Construction Dewatering from the Montana Department of Environmental Quality (DEQ)

3. Approved Traffic Control Plan (TCP) and City of Great Falls Right-of-Way Permit or Montana Department of Transportation Encroachment Permit, depending on location of the Work.
 4. Lift Station No. 1 Repairs City of Great Falls Building Permit
 5. Lift Station No. 1 Repairs City of Great Falls Electrical Permit
 6. Lift Station No. 1 Repairs City of Great Falls Plumbing Permit
 7. Lift Station No. 1 Repairs City of Great Falls Mechanical Permit
- D. The Design Consultant will procure licenses and permits associated with permanent property use, traditional floodplain permitting and MDEQ approval of the Design Report, Construction Drawings and Specifications.
- 1.13 Supplemental GCCM Assistance
- A. In addition to activities defined above, GCCM shall complete the following project-specific Preconstruction Phases Services:
 1. Stormwater Pump column condition investigation and pump refurbish or replacement recommendations.
 2. Investigate alternatives for Stormwater Pump Ball Check Valves and provide findings.
 3. Evaluate bypass piping scenarios and provide recommendations and cost impacts associated with installing permanent piping and isolation valves for future use.
 4. Inspect wet-well flow chambers and summarize construction challenges, operational impacts and costs related to installing channel overflow control measures.
 5. Review proposed Backup Generator equipment and installation details for delivery schedule, site location and configuration, temporary facility outage impacts, sequencing, and any other apparent issues. Provide recommendations for addressing any identified concerns.
 6. Procure Horizontal Directional Drilling (HDD) in general accordance with Section 4.4 of the RFQ/RFP and provisions of the Construction Phase Contract between Owner and General Contractor/Construction Manager.
 7. Existing forcemain exploratory excavation at approximate point of connection in River Drive.
 8. Field investigations necessary to prepare accurate trench shoring and groundwater dewatering GMP costs.
- 1.14 Payment
- A. The GCCM will be compensated for the PRECONSTRUCTION PHASE SERVICES described above in the amount set forth in Exhibit "B", attached hereto.
 - B. As expressed in Article 4 of the PRECONSTRUCTION PHASE SERVICES CONTRACT, any modification to activities defined in this Exhibit A - Scope of Services that adjust the total GCCM compensation identified in *Exhibit "B"* shall only be authorized by Contract Amendment executed by both parties.

**SEWAGE LIFT STATION NO. 1 & SUPPLEMENTAL FORCEMAIN IMPROVEMENTS, OF 1758.1
EXHIBIT B – PRECONSTRUCTION PHASE COMPENSATION**

Prospect Construction, Inc., in its capacity as General Contractor Construction Manager (GCCM) for the City of Great Falls **Sewage Lift Station No. 1 & Supplemental Forcemain Improvements** (“Project”), will provide the following services under the PRECONSTRUCTION PHASE SERVICES CONTRACT:

1. Payment Terms

- A. Owner will compensate GCCM for Preconstruction Services provided in Exhibit A – Scope of Services, at the lump sum (stipulated price) provided in Table 1, included herein.
- B. The Lump Sum price includes compensation for GCCM’s services, and services of GCCM Subconsultants, if any. The Lump Sum price accounts for labor costs, equipment, materials, overhead, profit, expenses, permitting, fees and any other cost necessary to complete activities identified in Exhibit A – Scope of Services.
- C. As expressed in Article 4 of the PRECONSTRUCTION PHASE SERVICES CONTRACT, any modification to activities defined in this Exhibit A - Scope of Services that adjust the total GCCM compensation identified in this Exhibit B – Preconstruction Phase Compensation shall only be authorized by Contract Amendment executed by both parties.

2. Preparation and Submittal of Invoices

- A. GCCM will prepare and submit invoices for GCCM Services to Owner on a monthly basis in a format acceptable to Owner.
- B. The amount invoiced each billing period will be based on the GCCM's estimate of the percentage of the total GCCM Services completed during the billing period.
- C. GCCM will provide documentation acceptable to the Owner to verify charges included in invoices.

3. Cost Summary – Table 1

TABLE 1 - COMPENSATION FOR GCCM PRECONSTRUCTION SERVICES		
1.00	PRECONSTRUCTION PHASE SERVICES	FIXED FEE
1.01	Project Management	\$8,800.00
1.02	Review of Preliminary Design Documents	\$4,400.00
1.03	Design Related Preconstruction Services	\$8,800.00
HDD SUBCONTRACTOR DIRECT EXPENSE		\$4,600.00
1.04	Construction Management Plan	\$2,200.00
1.05	Construction Contract Administration	\$6,600.00
1.06	Cost Management	\$25,300.00
1.07	Schedule Management	\$7,700.00
1.08	Quality Management	\$2,200.00
1.09	Risk Management	\$1,100.00
1.10	Safety Management	\$1,100.00
1.11	Site Management and Environmental Control	\$1,100.00
1.12	Regulatory Requirements and Permits	\$7,700.00
1.13	Supplemental GC/CM Assistance	
	1.13.1 Stormwater Pump Investigation	\$2,200.00
	1.13.2 Stormwater Pump Ball Check Valve Investigation	\$2,200.00
	1.13.3 Bypass Pumping Evaluation	\$2,200.00
	1.13.4 Wet-well Flow Chamber Inspection	\$2,200.00
	1.13.5 Backup Generator Review	\$2,200.00
	1.13.6 HDD Subcontractor Procurement	\$1,100.00
	1.13.7 Existing Forcemain Exploratory Excavation	\$78,434.00
	1.13.8 Trench Shoring & Dewatering Investigations	\$93,081.00
TOTAL GCCM PRECONSTRUCTION PHASE SERVICES =		\$265,215.00

August 21st, 2023

Proposal G.F. 206-001

City Engineering Office
The City of Great Falls
1025 25th Ave NE
Great Falls, MT

Attn: Mr. Russel Brewer

Re: Proposal for Supplemental GC/CM Activities 1.13.7 - Existing Forcemain Exploratory Excavation and 1.13.8 - Trench Shoring & Dewatering Investigation - O.F. 1758.1

Dear Mr. Brewer,

Prospect Construction is pleased to provide the following proposal for Supplemental GC/CM activities 1.13.7 – Existing Forcemain Exploratory Excavation and 1.13.8 - Trench Shoring & Dewatering Investigations. This proposal aims to provide clarification on the scope and anticipated cost of these activities.

Supplemental GC/CM Activity 1.13.7 - Existing Forcemain Exploratory Excavation

Objectives

The primary objective of exploratory excavation in River Drive is to ensure the final design accounts for existing infrastructure conditions in critical project areas. Multiple record drawings of the existing force main alignment show differing or incomplete spacial information, causing doubt as to the accuracy of the records. Developing accurate records of the existing main near the pump station will facilitate the design and installation of the bypass piping, which will require extensive planning in order to minimize system downtime. Reducing potential unexpected conditions associated with bypass commissioning will mitigate schedule disruptions resulting from late-stage design or procurement alterations.

Scope

- 1) Assist the City in determining the precise location of the existing forcemain in River Dr.
- 2) Identify any potential challenges to modifying existing infrastructure; including encasements, abandoned structures, or record-drawing deviations
- 3) Photograph and take measurements of existing pipe, joints, and fittings, and provide them to the city and City's consultants

Activity Description

- 1) After receiving authorization to proceed, Prospect Construction will coordinate the activity schedule with the City’s personnel and design consultants. PCI proposes that the layout of the excavation area be performed by the City or the City’s consultant.
- 2) PCI will mobilize traffic control to temporarily divert traffic to a detour on 8th Ave N (Figure 1.1 below). The detour will be set up the morning the work is to proceed. Utility Locates will be called in prior to equipment mobilization.
- 3) Asphalt will be saw cut at the perimeter of the proposed excavation limits (Figure 1.2 below) and asphalt spoils will be disposed of offsite
- 4) Excavation will proceed starting near the existing vault
- 5) Once the pipe is located at the existing vault, excavation will continue toward the center of River Drive.
- 6) Additional effort to dig around the pipe may require hydro-excavation or the use of hand tools to avoid damaging the existing main
- 7) The force main will be exposed approximately 20’ along its length, centered on the proposed bypass point of connection
- 8) Hydro-vac trucks will remain onsite to assist with the evacuation of infiltrating water
- 9) PCI will measure the pipe alignment, grade, photograph the exposed pipe and associated fittings, and provide information to the City and City’s consultants
- 10) Visual inspection/photographs and measurements will be recorded and distributed with the final Field Investigation Report.

Work by Others

- Layout of excavation areas
- Testing on the main other than visual inspection (if necessary)

Pricing Proposal - Activity 1.13.7 - Existing Forcemain Exploratory Excavation

We are pleased to present the following cost proposal for the scope outlined above.

Activity 1.13.7 - Existing Forcemain Exploratory Excavation\$78,434

Included in this Proposal:

- Mobilization/De-mobilization
- Traffic Control
- Supervision and Documentation
- Labor and Equipment
- Shoring
- Dewatering
- Asphalt Paving and Base Materials
- Proctor and Compaction Testing

Figures 1.1 and 1.2 - Activity 1.13.7

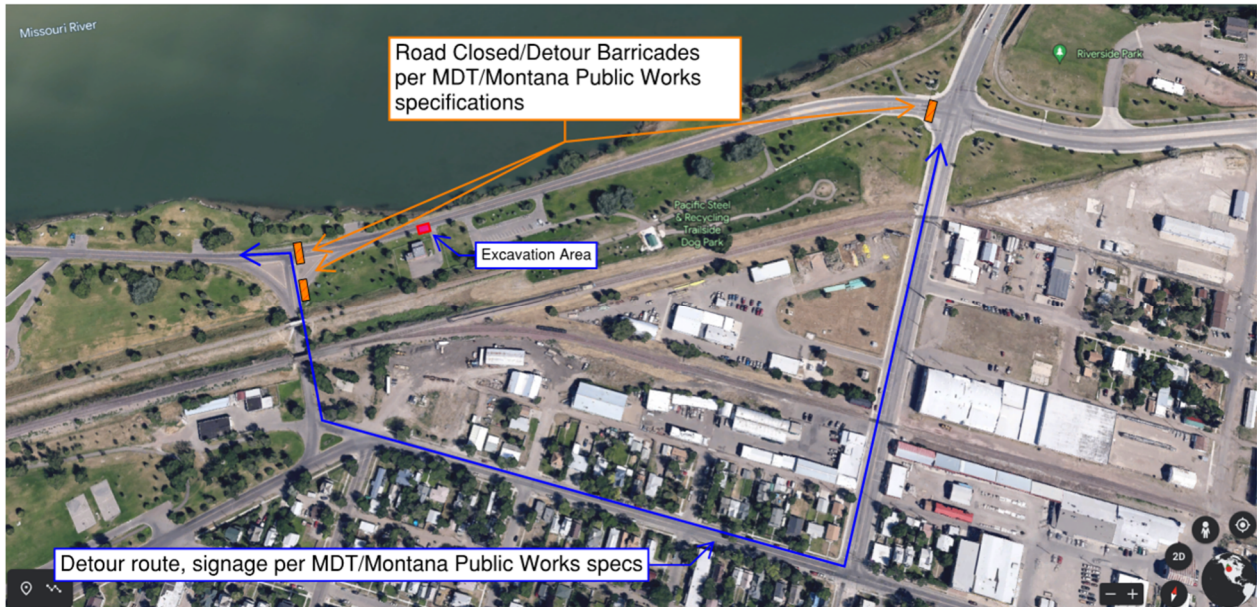


Figure 1.1 - Proposed Traffic Control Detour Route

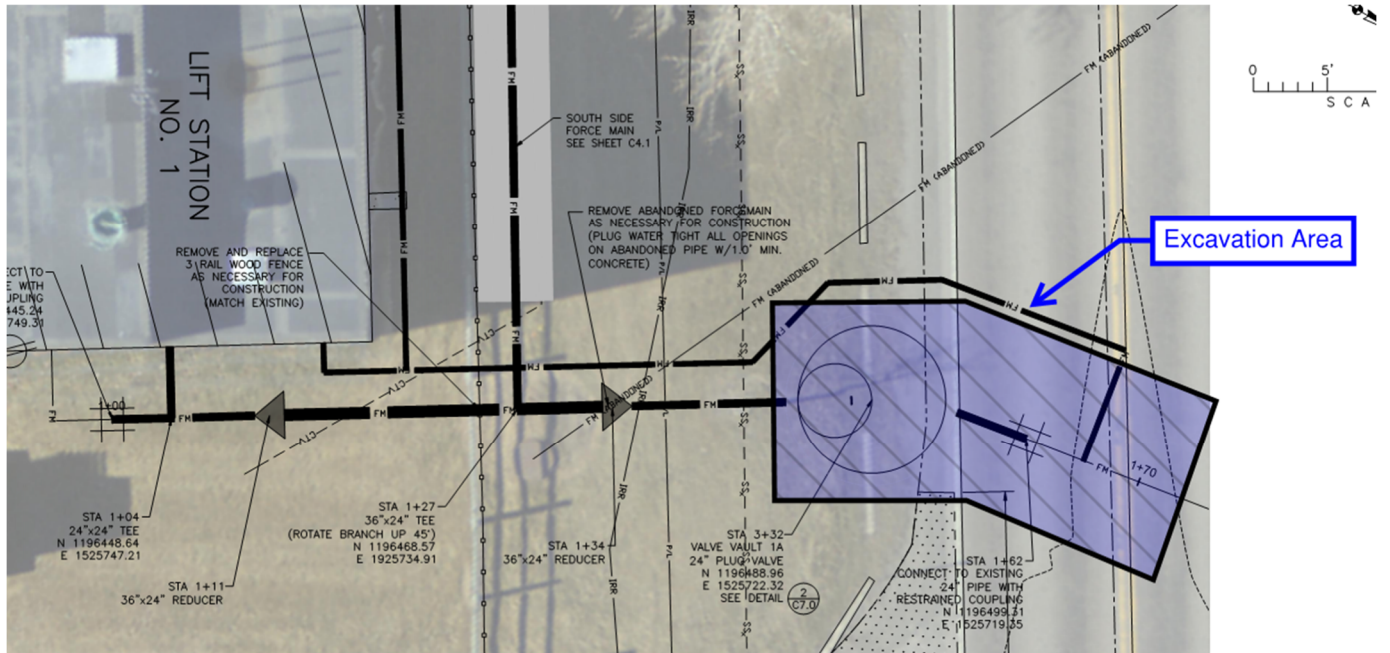


Figure 1.2 - Proposed Excavation Area

Supplemental GC/CM Activity 1.13.8 - Trench Shoring & Dewatering Investigation

Objective

Investigation into groundwater conditions at the site will provide more comprehensive and reliable information for the contractor to develop a guaranteed maximum price for trench shoring and dewatering. Effort required for dewatering is highly dependent on site-specific factors such as groundwater flow rates, soil permeability, water quality, hydrogeological formations, and seasonal water table fluctuations. Construction projects that bid with a greater quantity of unknown factors typically see significant price increases, as contractors price in inherent and perceived risk. Gathering more accurate information concerning groundwater conditions will allow the contractor to develop tailored solutions, provides more time to evaluate cost strategies, and offers clarity as to treatment requirements to comply with local discharge regulations.

Scope

- Complete exploratory excavations to assist the City's design consultant in evaluating soil and groundwater conditions at strategic locations on the project (Exhibit A)
- Recording observations of groundwater infiltration into exploratory excavations (Exhibit A)
- Collect groundwater samples and turn over to city for contaminate testing

Description of Work

After receiving authorization to proceed, Prospect Construction will coordinate the activity schedule with the City's personnel and design consultants. It is the intent of this proposal that the City's design consultant will provide survey markings to identify the proposed drilling pit and proposed receiving pit.

Prospect will excavate in the areas indicated in Exhibit A to observe soil and groundwater conditions. Specific depths of interest are identified below for each excavation location. Prospect will dig to the depths identified and observe groundwater characteristics over a period of 24hrs. Additionally, Prospect Construction will collect groundwater samples and provide to the city water quality testing.

After completing exploratory excavations, Prospect will backfill using onsite spoil materials, and restore landscaping to its original condition.

Drilling Pit Excavation (WWTP)

Referencing the 'Log of Soil Boring B-5' (2020), it appears that groundwater was encountered at a depth of 9' (elev. 3,294.5 ft). The 30% Design Report indicates the approximate river elevation to be 3,293 ft. The proposed force main invert elevation is shown at approximately 3,292 ft. It is reasonable to assume the drilling pit will require over-excavation by a foot or more, to allow placement of a rock bedding work area. It is anticipated that water intrusion will likely be observed in the clayey sand strata between depths 9' and 11.5', with infiltration expected to increase noticeably once the excavation proceeds below the river elevation.

Beneath the layer of clayey sand is a stratum between depths 14.0' and 18.4', shown as claystone interbedded with sandstone. While the proposed force main does not directly extend into this strata, encasement or reaction blocks will likely require excavation to this depth. It is recommended that this formation is included in the observation of flow characteristics with a specific focus on potential 'bubbling' action, when water percolates upwards into an excavation.

Prior research performed in the Feasibility Study found that prior infrastructure projects within and east of the Great Falls Water Treatment Plant encountered hydrocarbons migrating toward the Missouri River, contaminating both soils and groundwater within the treatment plant property. Additional contamination sources were found in the treatment plant vicinity, including heavy metal contamination originating from the Burlington Northern Sante Fe infrastructure to the north of the work area. Laboratory testing of all potential contaminants should be obtained for bidding contractors to avoid a potential delay due to unforeseen contamination in the groundwater.

Exit Pit Excavation (Riverside Park)

The B-2 Boring conducted in September 2020 is located near the proposed exit pit. Groundwater is shown at a depth of 4.5' here. Below the groundwater table, there is a topsoil layer sitting over fat clay. The layer has the potential to be an avenue for infiltration as water flows over the top of the low-permeability clay strata underneath. Significant excavation into the fat clay strata is likely unnecessary as the material appears to remain uniform down to the sandstone/claystone bedrock, however excavating a couple of feet into the clay would provide insight into its hydraulic conductivity.

No specific sources of contamination were identified for this location in the Feasibility Study, however, recent projects in the vicinity of the lift station encountered manmade refuse, ash, and traces of diesel fuel. The presence of approximately 10' of fill in the project area increases the likelihood of encountering contaminants. While impractical to test for every possible contaminant regulated under the Circular DEQ-7 Standards, it would likely be beneficial to obtain general testing of the groundwater such as readings on VOCs, Hydrocarbons, and Total Dissolved Solids. The cost of water quality testing now is negligible in comparison to a potential delay while the project is underway, due to unforeseen contaminants.

Existing Main Point of Connection (Lift Station No. 1)

No boring logs were found near the Lift Station. It is proposed that the exploratory excavation around the existing main is observed for groundwater characteristics concurrent to locating the bypass piping point of connection. This would allow information to be gathered on the groundwater characteristics near the lift station while minimizing the amount of excavation required.

Work by Others

- Layout of proposed exploratory excavations
- Water Quality Testing

Pricing Proposal - Activity 1.13.8 - Trench Shoring & Dewatering Exploratory Excavation

We are pleased to present the following cost proposal for the scope outlined above.

Activity 1.13.8 - Trench Shoring & Dewatering.....\$93,081

Included in this Proposal:

- Mobilization/De-mobilization
- Protection of Existing Conditions/Traffic Control
- Supervision and Documentation
- Labor and Equipment
- Shoring
- Dewatering
- Asphalt Paving and Base Materials
- Proctor and Compaction Testing

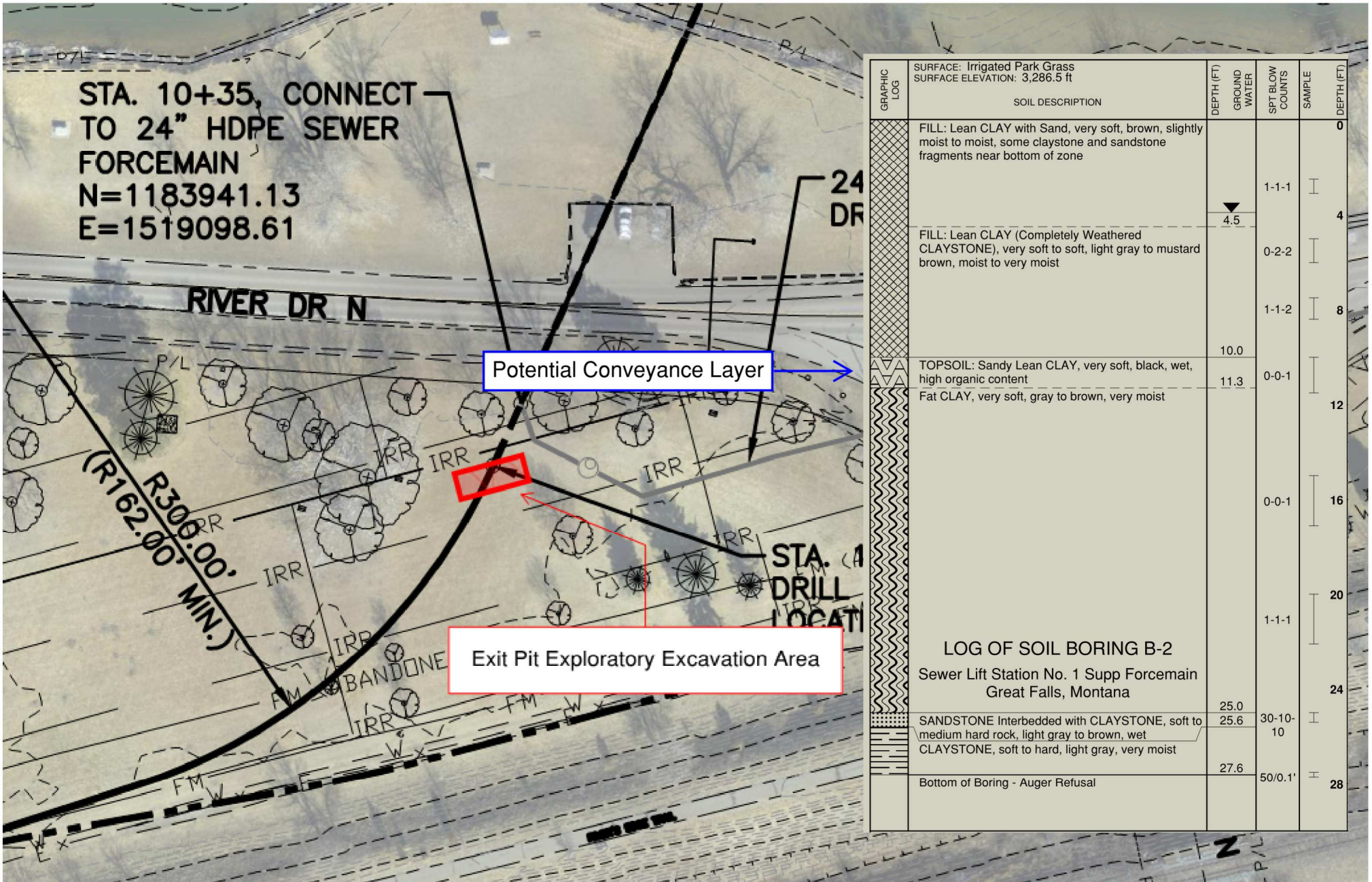
Prospect Construction is pleased to provide this proposal for supplemental GC/CM activities 1.13.7 and 1.13.8. Please do not hesitate to reach out if there are any questions.

Sincerely,

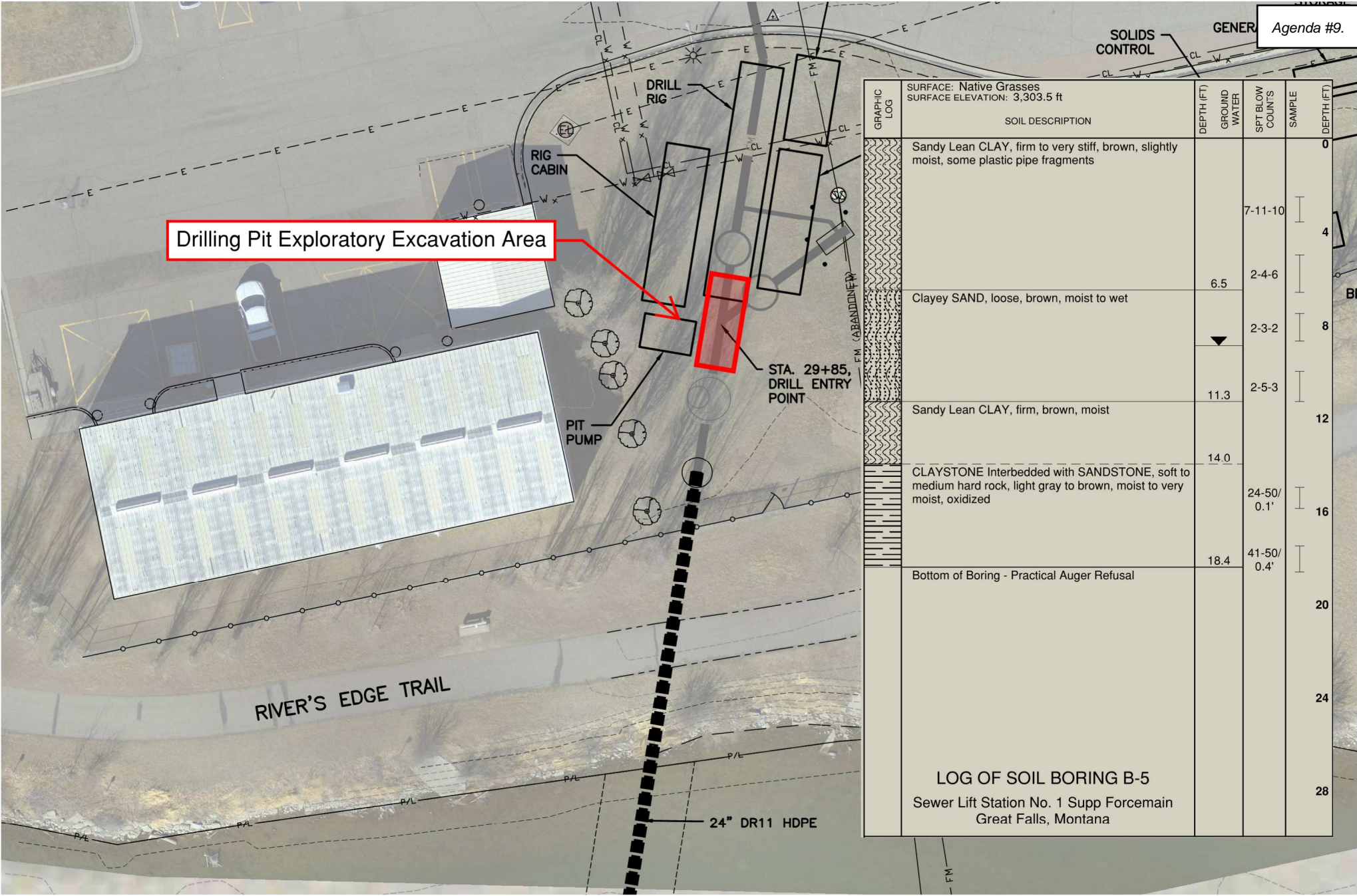


Ethan Starbuck
Project Manager
PROSPECT CONSTRUCTION, INC.

Proposal G.F. 206-001



Exit Pit Exploratory Excavation



Drilling Pit Exploratory Excavation

GCCM INTERVIEW COMMITTEE INDIVIDUAL & AVERAGE TOTAL SCORES																						
CONTRACTOR	RUSS BREWER			DUSTIN NETT			CHRISTOPF GAUB			BOB KELLY			JESSE PATTON			KEITH NELSON			JASON FLADLAND			GROUP TOTAL AVERAGE SCORE
	PROPOSAL	INTERVIEW	TOTAL	PROPOSAL	INTERVIEW	TOTAL	PROPOSAL	INTERVIEW	TOTAL	PROPOSAL	INTERVIEW	TOTAL	PROPOSAL	INTERVIEW	TOTAL	PROPOSAL	INTERVIEW	TOTAL	PROPOSAL	INTERVIEW	TOTAL	
DICKINSON CONSTRUCTION	79.00	37.00	116.00	80.50	34.00	114.50	90.00	41.00	131.00	AS7/1W	88.00	37.00	125.00	76.00	41.00	117.00	76.00	42.00	118.00			120.32
PROSPECT CONSTRUCTION	72.00	40.00	112.00	79.80	37.00	116.80	82.00	43.00	125.00	AS7/1W	91.00	40.00	131.00	80.00	44.00	124.00	86.00	48.00	134.00			123.80

1758.1 Lift Station No. 1 Repairs and Supplemental Force Main





Commission Meeting Date: September 19, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10525, Revising City of Great Falls Animal Shelter Related Service Fees

From: City of Great Falls Animal Shelter

Initiated By: Amelia Steffes Caldwell, Animal Shelter Operations Manager

Presented By: Chuck Anderson, Deputy City Manager

Action Requested: Conduct a Public Hearing and adopt Resolution 10525.

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) a Resolution 10525.”

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

Staff Recommendation: Conduct a public hearing to consider revising the City of Great Falls Animal Shelter service fees to better reflect the cost of the services offered. Staff recommends restructuring the animal registration/licensing categories, raising fees, and removing the individual cremations service category.

Summary: Resolution 10525 revises a number of the established fees collected by the City of Great Falls Animal Shelter. The proposed fee changes reflect the increasing costs of providing services to the public while recouping some of the costs to provide those services. This resolution includes restructuring animal registration to move away from annual licensing to a lifetime only license, which has been found to increase licensing participation nationwide. Additionally, a Community Law Enforcement Fee will be recorded in this resolution. This fee has been in place for more than 10-years, but staff is unable to find any resolution establishing the current \$30 fee. This fee will cover some of the costs to intake, perform health exams, kennel, and to cover for the 3-4 day hold period for animals brought into the shelter from the Cascade County Sheriff’s Office and MT Highway Patrol. This fee will not apply to the Great Falls Police Department.

Background: The City of Great Falls Animal Shelter is an open admission Municipal Animal Shelter, which serves the City of Great Falls and Cascade County. The mission of the shelter is to ensure the health, safety, and welfare of the animals and citizens of the Great Falls community through education about responsible pet ownership.

Resolution 10125, adopted November 17, 2015, specifically addressed cremation fees, three categories of cremations were created at that time: General, Segregated, and Individual. With the 2021 conversion to the hydro-incinerator individual cremations are not cost effective and do not make this a viable option. The segregated cremation process does return individual animals ashes to the owner in a Memorial Package. The remaining animal related license and service fees, have not been adjusted since adoption of Resolution 10049 on January 21, 2014.

The animal registration structure will change from an annual licensing model to a lifetime only option, contributing to an increase in compliance to the city animal registration ordinance. Records indicate only about 10% of our annual licenses are renewed on an annual basis.

Concurrences: Fee increases were discussed at the FY24 budget process and supported by the City Manager and Finance Department.

Fiscal Impact: The proposed fee increases reflect increases in the operational costs to the City of Great Falls Animal Shelter, and a conservative estimate of \$20,000 in new revenue is believed possible. Increases in fees will inject monies into the Animal Shelter revenue stream to offset the cost for services provided to the community.

Alternatives: The Commission could choose to deny Resolution 10525 and keep the fees, revenues, cremation service categories, and animal registration structure for the Animal Shelter the same.

Attachments:

Resolution 10525 & Exhibit A

Current Fees Adopted through Resolution 10125

RESOLUTION NO. 10525

A RESOLUTION REVISING CITY OF GREAT FALLS ANIMAL SHELTER RELATED FEES AND SERVICES IN ACCORDANCE WITH TITLE 6 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) SUPERSEDING RESOLUTION 10125

WHEREAS, the City Commission adopted Resolution 10125 on November 17, 2015, specifically addressing cremation fees, incentive licensing program for veterinarians, and increased the adoption fee for small animals. The remaining animal related license and services have not been adjusted since adoption of Resolution 10049 on January 21, 2014; and

WHEREAS, the Great Falls Animal Shelter is an open-admission, municipal animal shelter operated by the City of Great Falls, which provides a safe haven for stray, abandoned and owner surrendered animals in Great Falls, Cascade County and the surrounding areas; and

WHEREAS, the Great Falls Animal Shelter's Mission is to *ensure the health, safety and welfare of the animals and citizens of our community through the education of responsible pet owners*; and

WHEREAS, the Great Falls Animal Shelter provides a number of services including animal protection, pet adoptions, cremation services for veterinarians and private citizens, as well as licensing and microchipping. The Shelter also has volunteer opportunities for community members to get involved with the animals, events, and other activities throughout the year; and

WHEREAS, the City of Great Falls Police Department handles all Animal Control issues. Animal Control Officers are responsible for the collection, impoundment and initial care of stray or vicious dogs, cats and other animals, enforcing City ordinances and State laws relating to the control of animals and helps to control the domesticated animal population; and

WHEREAS, the staff at the Great Falls Animal Shelter and the Animal Control Officers work together to improve animal welfare and the quality of life for animals in the Great Falls community; and

WHEREAS, having considered the current costs of the operation and administration of the Great Falls Animal Shelter since the last fee adjustments in 2014 and 2015, it is deemed necessary and appropriate to adjust fees associated therewith for the proper administration and operation of the Great Falls Animal Shelter.

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

That the Animal Shelter Related Fees and Services and Definitions attached hereto as Exhibit "A" are hereby adopted; and

This Resolution shall become effective upon adoption superseding Resolution 10125.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
September 19, 2023.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

**Resolution 10525
Exhibit "A"**

**City of Great Falls Animal Shelter
Fees & Services**

Adoption Fees

Dog Adoptions	\$150
Cat/Kitten Adoptions	\$55
Other Small Domestic Animals	\$55
Small Domestic Birds	\$15
Spay/Neuter Deposit	\$50 Kittens/Cats - \$100 Puppies/Dogs
Rabies Deposit	\$15 Kittens & Puppies Only
Adoption Promotion Fee	Varies during adoption promotions

Licenses & Fees – General Public Rates

Nametag	\$12
Microchip	\$25
Surrender Fee	\$30 per animal or \$40 a litter
Animal Registration Lifetime	\$45

Licenses – Veterinary & Non-Profit Rates

Local veterinarians as well as local non-profits (who adopt animals), may participate in the Shelter’s Licensing Program. By agreeing to participate in the program, participants may sell licenses at the rate approved by the City Commission and receive 20% of the total revenue collected from their license sales.

Service Animals and governmental police dogs should be registered with the City of Great Falls, but will not be charged for such registration.

Redemption Fees

Administration Fee (One-Time)	\$15
Triage/Vaccination Fee	\$30
Rabies Deposit (One-Time)	\$20
Veterinary Bills to Owner	Variable (based on services rendered)
Cost of Care (Daily)	\$20
Cost of Care - Court Mandated Cases (Daily)	\$25
Court Mandated Euthanasia	\$75

Cremation Services

General cremation – This service involves disposal only.
(No Ashes Returned)

0-30 Pounds	\$50
31-70 Pounds	\$100
71+ Pounds	\$135

Segregated Cremation
(Ashes Returned)

0-15 Pounds	\$75
16-50 Pounds	\$150
51-90 Pounds	\$225
91-150 Pounds	\$250
151—200 Pounds	\$300

Cremation Services for local veterinarians 10% Discount off of Public Rates

Cremation fees with ashes returned include an urn, lapel pin, paw print and cremation certificate.

Cremation Services are not available for animals over 200 pounds.

Animal Control

Licenses, Fees & Permits

Wild Animal License Certificate (Initial Registration)	\$250
Wild Animal License Annual Certificate (Renewal)	\$200
Multiple Animal Permit – 6 or Less Animals (2 year Permit)	\$60
Multiple Animal Permit – 7 or More Animals (2 year Permit)	\$100
Multiple Animal Hobby Breeder Permit (Annual)	\$200
Commercial Kennels	Coordinated through Planning & Community Development
Bee Hive Owner/Bee Keeper Registration (One-Time)	\$60
Bee Hive(s) License (Annual)	\$15 per hive

Community Law Enforcement

Intake, Kenneling, Hold, and Health Charge \$140 per animal

Great Falls Animal Shelter Definitions

Administration Fee - This fee helps offset the cost of staff time involved in the administrative process for the intake of animals brought into the Shelter. This process includes entering the animals basic information into the shelter management system, researching for owner information, contacting the owner or next of kin by phone or certified letter, and providing the necessary customer service to get the animal reclaimed.

Adoption Fees – The adoption fees for dogs and cats include spaying/neutering of the animal, a micro-chip, vaccinations and a nametag.

Adoption Promotion Fee - The Shelter may hold adoption promotion events throughout the year. The amount of the Adoption Promotion Fee may vary to allow dogs and cats to be adopted from the Shelter at a discounted rate. Oftentimes, the promotional rate will be offset by the Guardian Angel Fund, sponsorships, or partnerships with national animal welfare organizations. The Adoption Promotion Fee will be used based on space, on an as needed basis, or when partnerships are available.

Animal Registration (also known as animal licenses) - Under the Official Code of the City of Great Falls (OCCGF) any person keeping or harboring any dog or domestic cat over four (4) months of age must register the animal by paying a registration fee. Proof of rabies vaccinations are required.

Court Mandated Euthanasia - In the event of court mandated euthanasia, this fee is charged to the pet owner and covers the cost of the contracted veterinarian who provides the service, decapitation if necessary (required in bite cases), rabies testing and the general disposal and processing of the animal.

Cost of Care - The cost of care offsets the daily expenses associated with the caring of animals; it includes the cost of staff time, food, water, and sheltering.

Cost of Care - Court Mandated Cases – In most situations animals in the care of the Shelter due to court mandate tend to be aggressive and/or bite cases and their daily care can involve at least two staff members, they have longer stay times, need to be isolated from other animals, and require double sided compartment housing for the safety of the animal and staff.

Cremation Services – The Shelter offers pet cremation services to the Great Falls community, local veterinary offices and the surrounding areas. Owners have the option of selecting general or segregated cremation options. The processing fee covers the cost of the urn, lapel pin, paw print, and cremation certificate (the processing fee is not charged to those who select General Cremation).

Microchip - A pet microchip is a small electronic device, usually about the size of a grain of rice, implanted under the skin of a pet, typically between the shoulder blades. The primary purpose of a pet microchip is to provide a permanent and unique identification method for pets, allowing them to be easily identified and reunited with their owners if they become lost or separated.

Nametags - Dog and cat nametags are sold at the Shelter for a nominal fee in an effort to support owners to comply with the Tag-Collar Ordinance.

Other Small Domestic Animals/Small Birds – From time to time the Shelter receives other domestic small animals, which may be available to the public for adoption. Small domestic animals include but are not limited to birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats and domestic pigs. However, if a small domestic animal is brought into the Shelter, and redeemed by their owner, the owner will be subject to the appropriate redemption/cost of care fees.

Rabies Deposit - The owner of any dog or cat which does not have proof of rabies vaccination at reclaim must pay a refundable fee. The fee will be refunded when the owner provides proof of vaccination. A rabies deposit is also required if the animal is less than 4 months old at the time of adoption.

Redemption - The owner of any pet animal which has been under the care of the Shelter and which is no longer subject to court ordered impoundment, may redeem the pet, upon proving ownership and paying a registration fee (for unregistered pet animals). In addition, the owner may redeem the animal upon proving ownership and upon the payment of applicable

fees, including: 1) Administration, 2) Triage/Vaccination, 3) Daily Cost of Care, for each day or partial day that the animal has been held at the Shelter, 4) Rabies Deposit, if the animal is not vaccinated, and 5) any Veterinary Bills incurred while the animal is held at the Shelter.

Spay/Neuter Deposit - Under Montana Law (MCA § 7-23-4202) any publicly operated animal shelter may not offer for adoption any cat or dog that has not been spayed or neutered; unless a deposit for spaying or neutering the animal has been paid. In the event that a pet is adopted before spay/neuter has occurred a Spay/Neuter deposit must be collected.

The spay/neuter deposit will be returned to new pet owner once documentation is provided showing the dog or cat is altered. Under Montana Law the spay/neuter deposit must be forfeited if the spaying or neutering is not done within 30 days if the cat or dog is more than 6 months old at the time of adoption; or by the time the animal reaches the age of 6 months if the animal is less than 6 months old at the time of adoption; or within 30 days of the adoption, whichever is longer.

Surrender Fee – A surrender fee will be charged to an owner who surrenders an unwanted animal(s) to the Shelter. An additional fee will be charged to those owners who surrender a litter to the Shelter. The fee helps offset the initial intake/processing cost of the animal and general cost of care.

Triage/Vaccination Fee - This fee includes a basic health assessment, the administration of Da2PPv (distemper/parvo), bordatella (kennel cough) vaccinations, and de-worming for dogs and the FvRCP (feline distemper) vaccinations and deworming for cats. Vaccinations are administered to all animals upon intake into the Shelter, with few exceptions, to avoid major outbreaks of disease.

Veterinary Bills – The pet owner is responsible at time of redemption for any veterinary services and associated costs if their animal receives care while at the Shelter.

Animal Control Definitions

Bee Hive Owner/Bee Keeper Registration & Licensing – Any person wishing to maintain honeybees on their property must submit a one-time registration fee to be recognized as a “bee keeper or bee hive owner” and license their bee hives each year, including the first year. All hives shall be registered and licensed with Animal Control prior to April 1 of each year. No more than five (5) hives of honeybees are allowed on each one-quarter acre of property or less.

Commercial Kennels - A Commercial Kennel Permit is required for any individual who wishes to engage in the boarding and/or breeding of dogs, cats, reptiles, or any other pet animal for compensation. This process is currently coordinated through the Planning and Community Development Department and applicants are required to receive a Safety Inspection Certificate (SIC) before opening for business. Commercial kennels are only allowed in approved zoning districts outlined in Title 17 of the City Code (those zoning districts include C-2, C-3, GFIA and I-1).

Multiple Animal Permits – A Multiple Animal Permit is required for any person, family, or household owning or harboring more than two (2) dogs over six (6) months of age and two (2) cats over six (6) months of age for more than thirty (30) days. Multiple Animal Permits are issued on a two (2) year basis. Those residents who have purchased and hold lifetime Multiple Animal Permits will continue to have their permit honored as long as the terms of the original permits continue to be met.

Multiple Animal Hobby Breeder Permit – A Multiple Animal Hobby Breeder Permit is required for any person, family, or household owning or harboring more dogs and cats than are permitted by City Code and who intend to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter.

Wild Animals License Certificate – Anyone who wishes to keep a wild animal in their home or on their property is required to obtain a Wild Animal License Certificate. An inspection of the property must be completed by an Animal Control Officer before the certificate can be granted. Renewals are required within sixty (60) days of the expiration day of the initial application.

Resolution 10125
Exhibit "A"
Adopted November 17, 2015
City of Great Falls Animal Shelter
Fees & Services

Great Falls Animal Shelter (Shelter)

Adoption Fees

Dog Adoptions	\$140
Cat Adoptions	\$50
Other Small Domestic Animals	\$50
Small Domestic Birds	\$5
Spay/Neuter Deposit	\$50 Kittens/Cats - \$100 Puppies/Dogs
Rabies Deposit	\$15 Kittens & Puppies Only
Adoption Promotion Fee	Varies during adoption promotions

Licenses & Fees – General Public Rates

Nametag	\$10
Surrender Fee	\$20 per animal or \$30 a litter
Yearly Animal Registration (Altered)	\$15
Yearly Animal Registration (Unaltered)	\$30
Lifetime Animal Registration (Altered Only)	\$75

Licenses – Veterinary & Non-Profit Rates

Local veterinarians as well as local non-profits (who adopt animals), may participate in the Shelter’s Licensing Program. By agreeing to participate in the program, participants may sell licenses at the rate approved by the City Commission and receive 20% of the total revenue collected from their license sales.

Animal Registrations are also known as Animal Licenses and are valid for twelve (12) months from the date of purchase. Service/Companion Animals and governmental police dogs should be registered with the City of Great Falls, but will not be charged for such registration.

Redemption Fees

Administration Fee (One-Time)	\$12
Triage/Vaccination Fee	\$20
Rabies Deposit (One-Time)	\$15
Veterinary Bills to Owner	Variable (based on services rendered)
Cost of Care (Daily)	\$10
Cost of Care - Court Mandated Cases (Daily)	\$15
Court Mandated Euthanasia	\$50

Cremation Services

General Cremations (No Ashes Returned)

0-30 Pounds	\$25
31-70 Pounds	\$50
71+ Pounds	\$80

General cremation – This service involves disposal only.

Segregated Cremations (Ashes Returned)

0-15 Pounds	\$50
16-50 Pounds	\$100
51-90 Pounds	\$150
91-150 Pounds	\$200
151-200 Pounds	\$250

Segregated cremations – more than one animal is placed in the incinerator at a time, but they are separated so the owner receives only their animal’s ashes back.

Individual Cremations (Ashes Returned)

0-15 Pounds	\$150
16-50 Pounds	\$200
51-90 Pounds	\$250
91-150 Pounds	\$300
151—200 Pounds	\$350

Individual Cremations – one animal in the incinerator at a time, and the owner receives their animal’s ashes back.

Cremation Services for local veterinarians 10% Discount off of Public Rates

Segregated and Individual cremation fees include an urn, lapel pin, paw print and cremation certificate.

Cremation Services are not available for animals over 200 pounds.

Animal Control

Licenses, Fees & Permits

Wild Animal License Certificate (Initial Registration)	\$200
Wild Animal License Annual Certificate (Renewal)	\$150
Multiple Animal Permit – 6 or Less Animals (2 year Permit)	\$40
Multiple Animal Permit – 7 or More Animals (2 year Permit)	\$75
Multiple Animal Hobby Breeder Permit (Annual)	\$150
Commercial Kennels	Coordinated through Planning & Community Development
Bee Hive Owner/Bee Keeper Registration (One-Time)	\$40
Bee Hive(s) License (Annual)	\$10 per hive

Great Falls Animal Shelter Definitions

Administration Fee – This fee helps off-set the cost of staff time involved in the intake process of animals brought into the Shelter and includes the costs associated with setting an animal up with shelter, food, water and bedding.

Adoption Fees – The adoption fees for dogs and cats include spaying/neutering of the animal, a micro-chip, vaccinations and a nametag.

Adoption Promotion Fee - The Shelter may hold adoption promotion events throughout the year. The amount of the Adoption Promotion Fee may vary to allow dogs and cats to be adopted from the Shelter at a discounted rate. Oftentimes, the promotional rate will be offset by the Guardian Angel Fund and the Adoption Fund. The Adoption Promotion Fee will be used based on space or on an as needed basis.

Animal Registration (also known as animal licenses) – Under the Official Code of the City of Great Falls (OCCGF) any person keeping or harboring any dog or domestic cat over six (6) months of age must register the animal by paying a registration fee. The Shelter sells both annual and lifetime registrations, proof of vaccinations are required. The cost of registration varies based on whether or not the animal is altered. Lifetime registrations are only available to be purchased for those animals that are altered. Registrations are valid for a period of twelve (12) months from the date of purchase. Animal registrations are sometimes referred to as animal licenses.

Court Mandated Euthanasia – In the event of court mandated euthanasia, this fee is charged to the pet owner and covers the cost of the contracted veterinarian who provides the service, decapitation if necessary (required in bite cases), rabies testing and the general disposal and processing of the animal.

Cost of Care – The cost of care covers the daily expenses associated with the caring of animals; it includes the cost of staff time, food, water and shelter as well as basic utility expenses (heat, electricity, water, etc.). It is calculated at \$10 a day.

Cost of Care - Court Mandated Cases – In the event that an animal is brought into the Shelter due to a court mandate the daily cost of care for that animal will be charged at a daily rate of \$15 a day. This covers the daily expenses associated with caring for the animal including staff time, food, water and shelter as well as basic utility expenses (heat, electricity, water, etc.). In most situations animals in the care of the Shelter due to court mandate tend to be aggressive and/or bite cases and involve at least two staff members, have longer stay times, and need to be isolated from other animals.

Cremation Services – The Shelter offers pet cremation services to the Great Falls community, local veterinary offices and the surrounding areas. Owners have the option of selecting general, segregated or individual cremation options. The processing fee covers the cost of the urn, lapel pin, paw print and cremation certificate (the processing fee is not charged to those who select General Cremation).

Nametags – Dog and cat nametags are sold at the Shelter for a nominal fee.

Other Small Domestic Animals/Small Birds – From time to time the Shelter receives other domestic small animals, which may be available to the public for adoption. Small domestic animals include but are not limited to birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats and domestic pigs. However, if a small domestic animal is brought into the Shelter, and redeemed by their owner, the owner will be subject to the appropriate redemption/cost of care fees.

Rabies Deposit - The owner of any dog or cat which does not have proof of rabies vaccination must pay a fifteen dollar (\$15) refundable fee. The fee will be refunded when the owner provides proof of vaccination. A rabies deposit is required if the animal is less than 6 months old at the time of adoption.

Redemption - The owner of any pet animal which has been under the care of the Shelter and which is no longer subject to court ordered impoundment, may redeem the pet, upon proving ownership and paying a registration fee (for unregistered pet animals). In addition, the owner may redeem the animal upon proving ownership and upon the payment of applicable fees, including: 1) administration, 2) Triage/Vaccination, 3) daily cost of care for each day or partial day that the animal

has been held at the Shelter, 4) anti-rabies vaccination if the animal is not so vaccinated, and 5) any veterinary costs incurred while the animal is held at the Shelter.

Spay/Neuter Deposit - Under Montana Law (MCAS 7-23-4202) any publicly operated animal shelter may not offer for adoption any cat or dog that has not been spayed or neutered; unless a deposit for spaying or neutering the animal has been paid. The Shelter requires a spay/neuter deposit for animals that are 6 months of age or younger (too young to be spayed at the time of adoption).

The cost of spaying/neutering all other dogs and cats is included in the adoption fee. Those animals not already altered at the time of adoption will be transported to a veterinarian who is participating in the Shelter's Guardian Angel Program to be spayed/neutered.

A spay/neuter deposit is also required if a new adoptee selects to take the animal home immediately (before being spayed/neutered) or in the event the new adoptee lives outside the City limits.

The spay/neuter deposit will be returned to new pet owner once documentation is provided showing the dog or cat is altered. Under Montana Law the spay/neuter deposit must be forfeited if the spaying or neutering is not done within 30 days if the cat or dog is more than 6 months old at the time of adoption; or by the time the animal reaches the age of 6 months if the animal is less than 6 months old at the time of adoption; or within 30 days of the adoption, whichever is longer.

Surrender Fee – A surrender fee will be charged to an owner who surrenders an unwanted animal(s) to the Shelter. An additional fee will be charged to those owners who surrender a litter to the Shelter. The fee helps offset the initial intake/processing cost of the animal and general cost of care.

Surrendered Animal – Upon surrender of an animal, the animal becomes the property of the Shelter and the animal's former owner cannot determine the disposition of the animal. The Shelter will perform its own assessment of the surrendered animal according to its policies and procedures and determine the disposition of the animal. The Shelter does not euthanize or cremate upon request.

Service or Companion Animals – Under OCCGF and Federal Law, Service Animals are defined as animals that are individually trained to do work or perform tasks for people with disabilities. Companion Animals are animals required by a person with a disability to ameliorate the disabling condition. In order for an animal to be identified as a Service or Companion Animal, sufficient information must be provided to the Shelter from a health care or other professional, so that the Shelter may review the request for designation of Service or Companion Animal as a disability accommodation. Upon designation that the animal is a Service or Companion Animal, that animal should be registered, but a registration fee will not be charged. However, if a Service or Companion Animal is in the care of the Shelter, appropriate fees will be charged.

Triage/Vaccination Fee - This fee includes a basic health assessment (temperature, weight, eyes, ears, etc.) as well as the Da2PPv (distemper/parvo), bordatella (kennel cough) vaccinations and de-worming for dogs and the FvRCP (feline distemper) vaccinations and deworming for cats. Vaccinations will not be administered and the applicable fee will not be charged until the 72-hour time has passed.

Vaccinations – Under OCCGF it is unlawful for any person to keep, maintain or harbor any dog, cat, ferret or horse over six (6) months of age unless it has had a current anti-rabies vaccine administered under the direction of the public health officer by a licensed veterinarian or with any other vaccine approved by the public health officer and the state veterinarian.

Veterinary Care/Bills – The pet owner is responsible at time of redemption for any veterinary services and associated costs if their animal receives care at the Shelter.

Animal Control Definitions

Bee Hive Owner/Bee Keeper Registration & Licensing – Any person wishing to maintain honeybees on their property must submit a one-time registration fee of \$40 to be recognized as a “bee keeper or bee hive owner” and license their bee hives at the rate of \$10 per hive each year, including the first year. All hives shall be registered and licensed with Animal Control prior to April 1 of each year. No more than five (5) hives of honeybees are allowed on each one-quarter acre of property or less.

Commercial Kennels - A Commercial Kennel Permit is required for any individual who wishes to engage in the boarding and/or breeding of dogs, cats, reptiles, or any other pet animal for compensation. This process is currently coordinated through the Planning and Community Development Department and applicants are required to receive a Safety Inspection Certificate (SIC) before opening for business. Commercial kennels are only allowed in approved zoning districts outlined in Title 17 of the City Code (those zoning districts include C-2, C-3, GFIA and I-1).

Multiple Animal Permits – A Multiple Animal Permit is required for any person, family, or household owning or harboring more than two (2) dogs over six (6) months of age and two (2) cats over six (6) months of age for more than thirty (30) days. Multiple Animal Permits are issued on a two (2) year basis. Those residents who have purchased and hold lifetime Multiple Animal Permits will continue to have their permit honored as long as the terms of the original permits continue to be met.

Multiple Animal Hobby Breeder Permit – A Multiple Animal Hobby Breeder Permit is required for any person, family, or household owning or harboring more dogs and cats than are permitted by City Code and who intend to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter.

Wild Animals License Certificate – Anyone who wishes to keep a wild animal in their home or on their property is required to obtain a Wild Animal License Certificate. An inspection of the property must be completed by an Animal Control Officer before the certificate can be granted. A one-time fee of \$200 and an annual renewal fee of \$150 is required. Renewals are required within sixty (60) days of the expiration day of the initial application.



Commission Meeting Date: September 19, 2023
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Rescind CDBG Revolving Loan Funds for the Madison Apartments Project – 1109 6th Avenue North

From: Tom Hazen, Grant Administrator

Initiated By: Finance Department

Presented By: Tom Hazen, Grant Administrator

Action Requested: City Commission Rescind CDBG Revolving Loan Funds for the Madison Apartments Project

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) rescinding CDBG Revolving Loan Funds for the Madison Apartments Project.”

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

Staff Recommendation: Rescind CDBG Revolving Loan Funds for the Madison Apartments Project.

Summary:

In August 2022, the City Commission approved 1.2 million in CDBG Revolving Loan Fund (RLF) to Dan Bateman, for the Madison Apartments Project located at 1109 6th Avenue North. The property is 1.26 acres in size, zoned Multi-family High Density, and contains a vacant, 5-story building that was constructed in 1929. For many years, it was utilized as an assisted living facility, Cambridge Court, until the operators closed their business in 2019. The project includes significant renovation and updating of the building’s infrastructure; including installation of fire protection systems, windows, water and sewer service lines, and updating electrical service to enable conversion into 50 apartment units. The award was approved by the City Commission at the August 16th, 2022 meeting.

Due to complexities in the project affecting the applicant’s timelines, the City will not be able to meet our CDBG program requirements. Therefore, City staff recommends rescinding the award of the RLF funds at this time in order to focus our CDBG funds on other projects that can be accomplished in this year’s funding cycle. City staff is encouraging the applicant to continue forward with the project and apply for RLF funds at a later date when the project design is further along.

Fiscal Impact

Rescinding the funds for this project will allow City staff to prioritize projects that can be accomplished within this year’s funding cycle, thus reducing our overall CDBG fund balance.

Alternatives:

The City Commission could choose not to rescind the RLF funds for this project. This, however, would keep the City's CDBG funds above the acceptable limits of the program requirements.

Concurrences:

This action is supported by the staff of the Finance Department and PCD. The applicant is aware of the program requirements, and agrees that this is the best course of action at this time.

Attachments/Exhibits:

None



Commission Meeting Date: September 19, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

- Item:** Ordinance 3262 – An Ordinance by the City Commission of the City of Great Falls to rezone the property addressed as 2505 8th Avenue North and legally described as Lots 13-14, Block 98 of the Eleventh Addition to the City of Great Falls, Section 6, T20N, R4E, P.M.M., Cascade County, Montana, from R-3 Single-family High Density to C-1 Neighborhood Commercial.
- From:** Sara Doermann, Planner I, Planning and Community Development
- Initiated By:** Robert Tacke, Owner
- Presented By:** Brock Cherry, Director, Planning and Community Development
- Action Requested:** City Commission accept Ordinance 3262 on first reading and set a public hearing for October 17, 2023.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3262 on first reading and set a public hearing for October 17, 2023.”

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

Staff Recommendation:

The Zoning Commission recommended that the City Commission approve the applicant’s request for a Zoning Map Amendment at the conclusion of a public hearing held on August 22, 2023. In addition, staff recommends approval with the following conditions:

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. **Land Use & Zoning.** The proposed plans shall conform to the C-1 Neighborhood Commercial zoning district development standards contained within the Official Code of the City of Great Falls.
3. **Engineering Review.** The final engineering drawings and specifications for improvements to the subject property shall be submitted to the City Public Works Department for review and approval.

Background:

The applicant, Robert Tacke, has submitted an application to request a Zoning Map Amendment to rezone the subject property from R-3 Single-family High Density to C-1 Neighborhood Commercial for the development of a 12-plex apartment building. The subject property is located at 2505 8th Avenue North on a +/- 0.34 acre vacant lot at the northeast corner of 25th Street North and 8th Avenue North. The land use of a multi-family residence is not permitted in the R-3 zoning district, whereas it is permitted by right in the requested C-1 zoning district. In addition to the zoning map amendment, the applicant will be required to aggregate Lots 13 and 14 to accommodate the proposed building footprint. The applicant will be required to submit an administrative plat application and have the plat filed before the building may be occupied.

Zoning Map Amendment Request:

The subject property is currently within the R-3 Single-family High Density zoning district. Properties to the north are within the I-1 Light Industrial zoning district, the properties to the east and south are within the R-3 Single-family High Density zoning district, and the property to the west is within the C-1 Neighborhood Commercial zoning district.

Staff finds the City's 2013 Growth Policy Update supports the proposed zoning map amendment to facilitate more dense development, particularly to provide needed housing. Specifically, the Growth Policy lists multiple social policies regarding housing, such as encouraging a variety of housing types and densities so that residents can choose by price or rent, location and place of work. In addition, the Environmental and Physical sections of the Growth Policy prioritize infill development. This rezoning proposal maximizes existing infrastructure by developing an underutilized vacant parcel for a more intense land use which is compatible with the scale and character of the neighborhood. Further, the proposed project is located at the corner of 8th Avenue North and 25th Street North, both of which function as collector streets. Generally, intersections of higher classification streets are appropriate for higher intensity zoning and land use. In this case, the location of a potential 12-plex apartment building adjacent to higher classification streets is advantageous to connect these residents to the greater community.

If the applicant chooses to use the C-1 zoning for an apartment project, staff analyzed potential traffic impacts from the proposed development of a 12-plex. This analysis indicates that traffic generated will have a nominal effect to the surrounding neighborhood. Using a trip generation rate from the ITE Trip Generation Manual, 11th Ed., a development of this type would be expected to generate an average of 6.74 trips per dwelling unit per day, for a total estimated average of 81 trips per day. Traffic from the proposed development during "peak hour" – the hour of the day generating the highest traffic – is expected to be generated at the rate of 0.51 vehicles per dwelling unit for a one hour period generally between 4 and 6 PM. For the 12 unit complex, this equates to 7 vehicles during that hour. As shown in Table 1 below, the maximum estimated growth and maximum estimated peak hour growth account for less than a 2% increase to the total amount of traffic on both 8th Avenue North and 25th Street North. In conclusion, the existing network has sufficient capacity to accommodate the traffic that would be generated by the proposed development. Staff finds no additional traffic control would be necessary to accommodate the estimated growth caused by the development of the project.

Table 1.

Street Segment	Daily Volume (Date)	Maximum Estimated Growth	% Daily Volume Growth	Peak Hour Volume	Maximum Estimated Peak Hour Growth	% Peak Hour Growth
8 th Ave N (between 23 rd St N & 24 th St N)	4,663 (2023)	81	1.7%	402 (2023)	7	1.7%
25 th St N (south of RR Bridge)	4,632 (2022)	81	1.8%	468 (2022)	7	1.5%

Note: All figures are “vehicle trips” on the stated street segments

The basis for decision on zoning map amendments, i.e. rezoning or zone changes, is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact – Zoning Map Amendment.

Neighborhood Council Input and Public Input:

The subject property is located in Neighborhood Council #8. Representatives of the applicant presented information to Council #8 at its regularly scheduled meeting on August 22, 2023. The Council voted unanimously to support the proposed Zoning Map Amendment.

After issuance of the Zoning Commission packet, staff did receive emails from concerned adjoining property owners. One of those owners also attended the Zoning Commission meeting and expressed opposition to the rezoning request. Both the emails and public testimony focused on the following concerns: 1) traffic congestion on both 25th Street and 8th Avenue North, 2) lack of available street parking, and 3) low water pressure. At the Zoning Commission meeting, staff addressed these concerns by providing information to the Commission members. First, staff noted in its presentation that both daily and peak hour traffic would increase less than two percent if a 12-plex project was built at the property proposed for rezoning. Second, staff addressed the question of inadequate street parking by verifying the potential apartment project would not make the situation any worse because code required parking would have to be provided. Finally, staff checked with City Engineering staff on the water pressure question. Water pressure has not identified as a problem in this area, the project (if constructed) would be required to connect to an oversized 12 inch water main.

Fiscal Impact:

Approval of the C-1 zoning request is expected to result in the construction of a 12-plex apartment building on the vacant parcel, which would increase the value of the property. This, in turn, would result in increased revenue to the City and other entities whose revenue is based upon property valuation. The cost of utility connections and all site improvements will be borne by the applicant.

Concurrences:

Representatives from the City’s Public Works Department and Fire Department have been involved in the review process for this application. Review of the building permit for the potential 12-plex structure on the subject property will require review from other City departments at the time of building permit submittal. In addition, the transportation planner completed a traffic study analysis for the potential project

to make sure that the surrounding street network could easily incorporate the transportation impact of the rezoning request.

Alternatives:

The City Commission could decline to set the public hearing for Ordinance 3262 for the Zoning Map Amendment. Due process normally requires that the City Commission schedule public hearings to hear requests of this type.

Attachments/Exhibits:

- Ordinance 3262
- Exhibit A
- Findings of Fact – Zoning
- Aerial Map
- Zoning Map
- Exhibit B – Allowable Uses, Lot Area and Dimensional Standards
- Narrative
- Preliminary Plans

ORDINANCE 3262

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS: LOTS 13-14, BLOCK 98 OF THE ELEVENTH ADDITION TO THE CITY OF GREAT FALLS, SECTION 6, T20N, R4E, PMM, CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY TO C-1 NEIGHBORHOOD COMMERCIAL.

* * * * *

WHEREAS, the subject properties, located at 2505 8th Avenue North and legally described above, are presently zoned R-3 Single-family High Density; and

WHEREAS, the property owner, Robert Tacke, has petitioned the City of Great Falls to rezone said properties to the C-1 Neighborhood Commercial zoning district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on August 22, 2023, to consider said rezoning from R-3 Single-family high density to C-1 Neighborhood Commercial zoning district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as Lots 13-14, Block 98 of the Eleventh Addition to the City of Great Falls, Section 6, T20N, R4E, P.M.M., Cascade County, Montana; and

WHEREAS, notice of assigning said zoning classification to the subject properties was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 17th day of October, 2023, 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 properties meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said 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: Lots 13-14, Block 98 of the Eleventh Addition to the City of Great Falls, Section 6, T20 N, R4E, P.M.M., Cascade County, Montana, be rezoned to C-1 Neighborhood Commercial as shown.

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 19, 2023.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2023.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

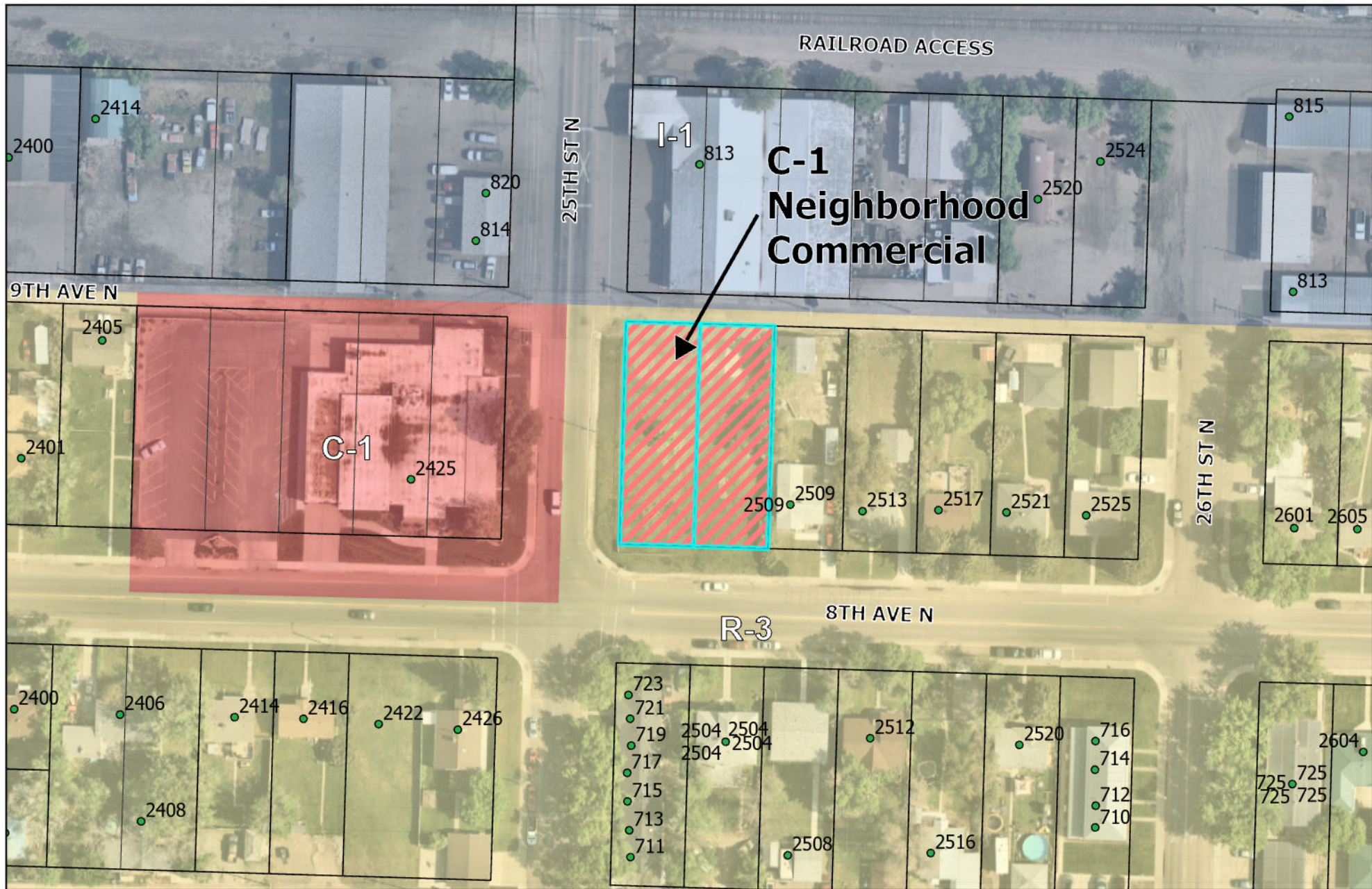
State of Montana)
County of Cascade : ss
City of Great Falls)




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 3262 on the Great Falls Civic Center posting board and the Great Falls City website.

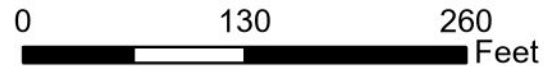
Lisa Kunz, City Clerk

(CITY SEAL)

Ordinance 3262 - Exhibit A



-  Subject Property
-  City Limit
-  Parcels



FINDINGS OF FACT – ZONING MAP AMENDMENT

Lots 13-14, Block 98 of the Eleventh Addition to the City of Great Falls, Section 6, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana.

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 property from R-3 Single-family High Density to C-1 Neighborhood Commercial will allow the applicant to construct a 12-plex apartment building. The land use of Multi-family residential is not permitted within the R-3 zoning district, whereas it is permitted by right in the C-1 zoning district.

Staff finds the City’s Growth Policy supports the proposed zoning map amendment to facilitate more dense development, particularly to provide needed housing. The zoning map amendment request is consistent with several of the Plan’s policies including:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the City.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.

Environmental – Urban Form

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

Physical - Land Use

- Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- Phy4.1.4 Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City’s existing infrastructure.

The proposed zoning map amendment will enable these policies to be addressed and further the implementation of the Growth Policy.

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 property is located in Neighborhood Council #8. Pertinent information was provided to the Council on Thursday, July 20th, for review and comment. In addition, notice of the proposed zoning map amendment was sent to adjoining property owners within 150 feet of the subject property and a sign was placed upon the premise pursuant to the notice requirements of the OCCGF. At this time, City staff has not received any comments on the proposed zoning map amendment.

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

The subject property does not lie within any adopted plan or sub-area planning areas. However, the proposed development of a 12-plex apartment building on the subject property will be consistent with the Long Range Transportation because it will maximize development at the intersection of two collector level streets.

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 commercial zoning to the west. In addition, it is consistent with the character of the surrounding neighborhood. All pertinent codes required for development of the subject property will be addressed during the building permit review. Conditions of approval are proposed so that any proposal on the subject property 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 area.

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 this property. The proposed apartment building will require water and sewer services to be extended from the utility mains that surround the property. Public safety will be addressed during building permit review to make sure safe access is provided to the surrounding streets.

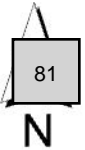
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to enforce the amendment if it is approved. The zoning map amendment will only affect the subject property and will be developed in a manner consistent with Title 17 of the OCCGF.

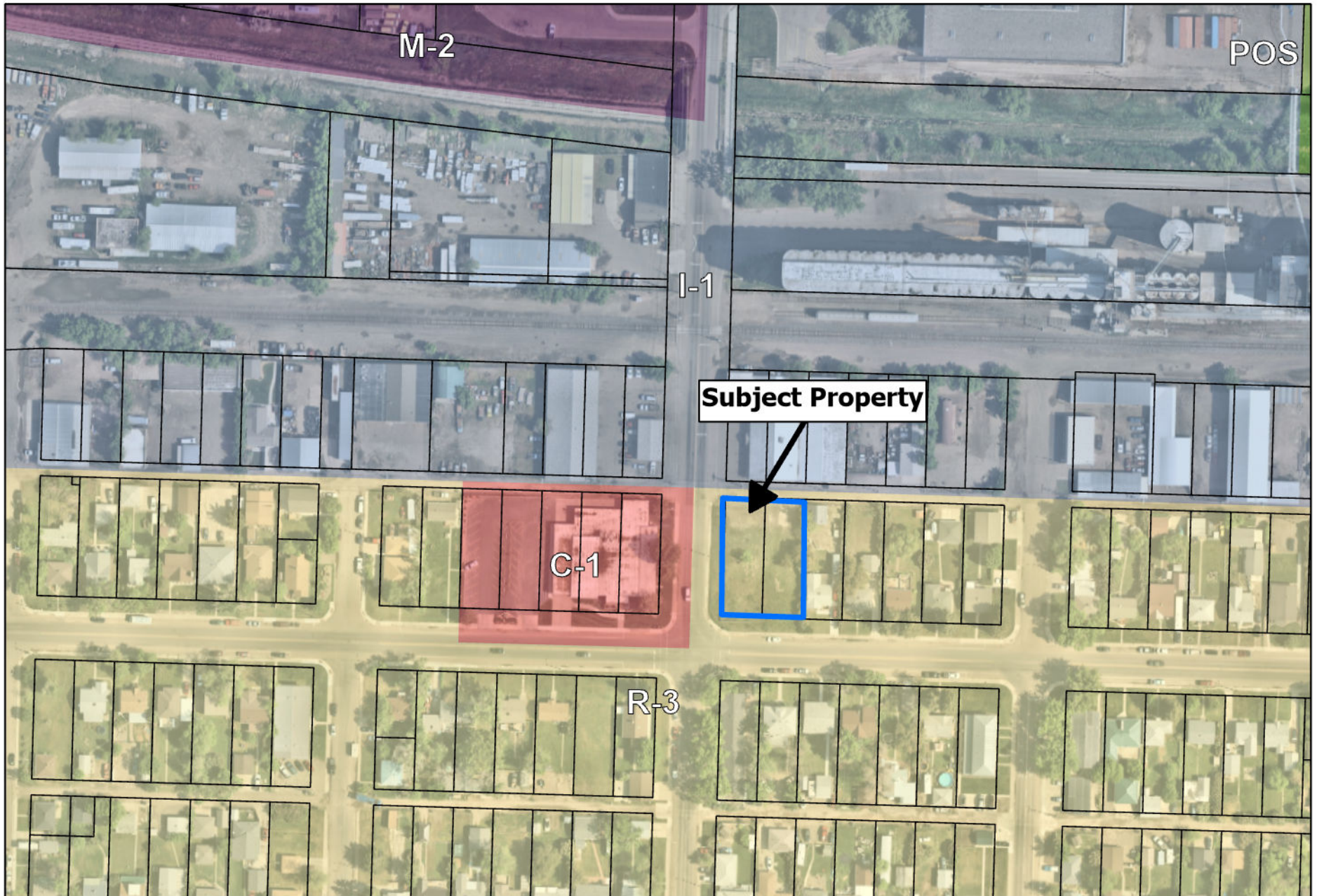
Aerial Map



0 45 90 180 Feet



Zoning Map



Zoning

- R-3 Single-family High Density
- C-1 Neighborhood Commercial

- M-2 Mixed-use Transitional
- I-1 Light Industrial
- POS Parks and Open Space

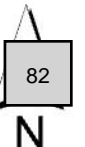
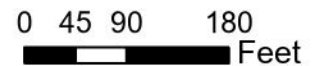


Exhibit 20-1. Principal Uses by District

Use	R-3	C-1	Special Standards
Agricultural Uses			
Agriculture, horticulture, nursery	-	-	17.20.6.005
Marijuana cultivation	-	-	
Residential Uses			
Mobile home/park	-	-	17.20.6.010
Residence, single-family detached	P	P	
Residence, zero lot line	P	-	17.20.6.020
Residence, two-family	C	P	
Residence, multi-family	-	P	17.20.6.040
Residence, townhouse	C	-	17.20.6.050
Residence, manufactured/factory-built	P	P	17.20.6.060
Retirement home	C	P	
Special Care Facilities			
Community residential facility, type I	P	-	
Community residential facility, type II	C	-	
Day care center	C	P	
Emergency shelter	-	C	
Family day care home	P	P	
Group day care home	P	P	
Nursing home	C	P	
Overnight Accommodations			
Campground	-	-	17.20.6.070
Hotel/motel	-	P	
Food and Beverage Sales			
Micro-brewery	-	-	17.20.6.080
Restaurant	-	P	17.20.6.080
Tavern	-	P	17.20.6.080

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

General Storage			
Agricultural commodity storage facility	-	-	
Climate controlled indoor storage	-	P	
Fuel tank farm	-	-	
Marijuana transporter	-	-	
Mini-storage facility	-	-	17.20.6.130
Freight terminal	-	-	
Warehouse	-	-	
Indoor Recreation/Sports/Entertainment			
Casino	-	-	
Indoor entertainment	-	-	
Indoor sports and recreation	-	-	
Outdoor Recreation/Sports/Entertainment			
Golf course/driving range	C	-	
Miniature golf	-	-	
Outdoor entertainment	-	-	
Park	P	P	
Recreational trail	P	P	
Community Services/Uses			
Administrative governmental center	-	P	
Animal shelter	-	-	17.20.6.160
Cemetery	C	-	17.20.6.170
Civic use facility	C	-	
Community center	C	C	
Community cultural facility	C	P	
Community garden	P	C	17.20.6.175
Public safety facility	C	C	
Worship facility	C	P	17.20.6.180
Health Care			
Health care clinic	-	P	

Health care facility	-	-	
Health care sales and services	-	P	
Education			
Commercial education facility	-	P	
Educational facility (K—12)	C	C	17.20.6.200
Educational facility (higher education)	-	C	
Instructional facility	-	P	
Solid Waste, Recycling and Composting			
Composting facility	-	-	17.20.6.210
Recycling center	-	-	17.20.6.220
Solid waste transfer station	-	-	17.20.6.230
Telecommunications			
Amateur radio station	P	-	17.20.6.240
Telecommunication facility			17.20.6.250
Concealed facility	C	P	
Unconcealed facility	-	C	
Co-located facility	-	P	
Utilities			
Utility installation	C	C	
Transportation			
Airport	-	-	
Bus transit terminal	-	-	
Heli-pad	-	-	17.20.6.260
Parking lot, principal use	-	P	
Parking structure	-	-	
Railroad yard	-	-	
Taxi cab dispatch terminal	-	-	
Contractor Yards			
Contractor yard, type I	-	-	17.20.6.270
Contractor yard, type II	-	-	17.20.6.280

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

- The use is not permitted in the district
- C The use is allowed through the conditional use process
- P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate
(Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3221 , 2020; Ord. 3166, 2017; Ord. 3087, 2012; Ord. 3068, 2011; Ord. 3056, 2010)

Exhibit 20-2. Accessory uses by district

Use	R-3	C-1	Special Standards
Accessory living space	P	P	17.20.7.010
Agriculture, livestock	-	-	17.20.7.080
ATM, exterior	-	P	17.20.7.020
Bed and breakfast	C	C	17.20.7.030
Fences	P	P	17.20.7.040
Gaming, accessory	-	-	17.20.7.050
Garage, private	P	P	17.20.7.060
Home occupation	P	P	17.20.7.070
Private stable/barn	-	-	17.20.7.080
Residence, accessory	-	P	17.20.7.085
Roadside farmer's market	-	-	17.20.7.090
Storage containers	-	-	17.20.7.100
Wind-powered electricity systems	P	P	17.20.7.110

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

(Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3087, 2012; Ord. 3056, 2010; Ord. 3034, 2009)

Exhibit 20-3. Temporary uses by district (see 17.20.8.010 for Special Standards)

Use	R-3	C-1	Special Standards
Garage sales	P	P	17.20.8.015
Itinerant outdoor sales	-	-	17.20.8.020
On-site construction office	P	P	17.20.8.030
On-site real estate sales office	P	-	17.20.8.040
Outdoor entertainment, temporary	-	-	
Sidewalk café	-	P	17.20.8.050
Sidewalk food vendor	-	-	17.20.8.060

- The use is not permitted in the district
- C The use is allowed in the district through the conditional use process
- P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate (Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3221 , 2020; Ord. 3056, 2010)

Article 4 LOT AREA AND DIMENSIONAL STANDARDS

Sections:

17.20.4.010 Generally.

Lots and buildings shall conform to the dimensional standards specified in Exhibit 20-4.

17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. 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 width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts

(See footnotes below for additional standards)

Standard	R-3
Residential density	-
Minimum lot size for newly created lots	7,500 sq. feet
Minimum lot width for newly created lots	60 feet
Lot proportion for newly created lots (maximum depth to width)	2.5:1
Maximum building height of principal building	35 feet
Minimum front yard setback [2]	20 feet
Minimum side yard setback [3]	Principal building: 6 feet each side
Minimum rear yard setback	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over
Maximum lot coverage of principal and accessory structures	Corner lot: 55% Other types: 50%
Maximum building height	24 feet
Minimum front yard setback [5]	20 feet, but may not be closer to the front lot line than the principal structure
Minimum side yard setback	5 feet
Minimum rear yard setback	5 feet

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060. (Ord. 3232 , 2021)

[2] 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. (Ord. 3232 , 2021; Ord. 2950, 2007)

[3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. (Ord. 3232 , 2021)

[4] For townhomes, see Section 17.20.6.050 for additional and superseding requirements. (Ord. 3232 , 2021)

[5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback. (Ord. 3232 , 2021)

Exhibit 20-4 (continued). Development standards for other zoning districts

Standard	C-1
Residential density	n/a
Minimum lot size for newly created lots	7,500 sq. feet
Minimum lot width for newly created lots	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a
Maximum building height of principal building	35 feet
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building
Minimum front yard setback of principal and accessory buildings	15 feet
Minimum side yard setback of principal and accessory buildings	10 feet each side
Minimum rear yard setback of principal and accessory buildings	15 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 50% Other lots: 40%

(Ord. 3232 , 2021; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)



June 28, 2023

Narrative Request for Lot Rezoning **2505 8th Ave N. Great Falls, MT 59401**

To Whom it may Concern:

On behalf of the owner Robert Tacke, we are requesting a zoning change to the lot located at 2505 8th Ave N. From R-2 to C-1. The owner would like to develop the vacant lot to contain a 12-unit apartment building. The lot is currently zoned for single family use only. The design team met with City Planning during a pre-application meeting to discuss the use of this lot for a multi-unit apartment. At the planning department's request, we are looking to rezone to a C-1 as the nearest higher density residential zoning is several blocks away. Rezoning as a C-1 allows the construction of apartments on the lot and ties in with the lot immediately to the west which is also zoned C-1.

The lot has been bare for several decades. The developer owns two lots to the north and northwest and would like to see vacant lot finally developed. Rezoning this lot allows for a little flexibility and would help assist the owner in being able to construct something on the site.

Thank You,

Tyson Kraft

Dream • Design • Build



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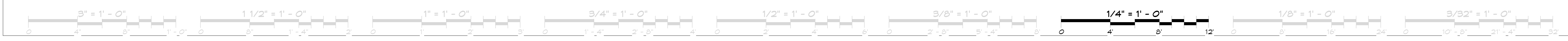
TACKE APARTMENTS

2505 8TH AVE N, GREAT FALLS, MT 59401

REVISION SCHEDULE		
#	DESCRIPTION	DATE

3D VIEWS	
ISSUED FOR	CONSTRUCTION
<input type="checkbox"/> NOT FOR CONST.	<input checked="" type="checkbox"/>

Project: 23-033
 Date: 6-26-23
 Drawn by: TCK
 Checked by: DEN





Commission Meeting Date: September 19, 2023
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10512 to Levy and Assess Properties within the Business Improvement District

From: Melissa Kinzler, Finance Director

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission Adopt Resolution 10512

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10512.”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10512 to levy and assess properties within the Business Improvement District (BID).

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

The Business Improvement District's overall purpose is to utilize assessment dollars through the BID to improve and revitalize the downtown area. If there are any material increases or decreases in the actual assessment from the approved budget, the BID's Board will either request a budget amendment from the City Commission or the Board will include the amount of revenue whether it be an increase, or decrease, in their Budget and Work Plan for the coming Fiscal Year.

On July 18, 2023, as required by State Statute 7-12-1132 (3) MCA, the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district that best ensures the assessment on each lot or parcel is equitable in proportion to the benefits to be received for Fiscal Year 2023/2024. Following the public hearing held on July 18, 2023, the City Commission moved to adopt the FY 2024 Work Plan and Budget for the BID.

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

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

The actual assessment for 2023/2024 based on the above assessment formula will generate \$305,450.46 in assessment revenue. This is an increase of \$39,272.54 from the previous year due to the increase in market values of the properties in the District. The 2023/2024 assessment per lot or parcel is indicated on the assessment projection summary Exhibit "A" incorporated herein and made a part of Resolution 10512.

Alternatives: The City Commission could choose to deny Resolution 10512 to assess the property owners within the BID. However, on July 18, 2023, the City Commission approved the BID Budget which identifies the BID assessment as 49% of the operating revenues. Denial of Resolution 10512 will prevent the BID from carrying out the City Commission previously approved budget.

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

Attachments/Exhibits:

Resolution 10512

Resolution 10512 Exhibit "A"

BID Map

RESOLUTION 10512

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

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

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

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

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

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

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

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

Section 1 – Adoption of Work Plan and Budget

On July 18, 2023, the City Commission of the City of Great Falls held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district.

Section 2 – Assessment Method

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

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

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

The assessment requested for Fiscal Year 2023 is based on the above assessment formula and will generate THREE HUNDRED FIVE THOUSAND FOUR HUNDRED FIFTY AND 46/100 DOLLARS (\$305,450.46) in assessment revenue. Due to overwhelming support for a Business Improvement District and concurrence with the assessment formula, the City Commission of the City of Great Falls hereby approves the levying of the assessment as indicated on the assessment projection summary attached to this resolution as Exhibit "A".

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2023 and May 31, 2024.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 19th day of September, 2023.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT
ASSESSMENTS FOR FISCAL YEAR 2024, TAX YEAR 2023
RESOLUTION #10512 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
1	156750 CHS INC	GFO		\$ 200	15,000	\$ 225.00	116,250	619,630	735,880	\$ 1,214.20	\$ 1,639.20
2	156950 COMMUNITY HEALTH CARE CENTER INC	GFO		\$ 200	37,500	\$ 562.50	155,250	613,650	768,900	\$ 1,268.69	\$ 2,031.19
3	157400 COX DOUGLAS J & KENT D	GFO		\$ 200	7,500	\$ 112.50	77,250	172,650	249,900	\$ 412.34	\$ 724.84
4	157450 517 LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	529,870	626,620	\$ 1,033.92	\$ 1,458.92
5	157500 RYSTED PETER L LIVING TRUST	GFO		\$ 200	11,250	\$ 168.75	87,000	208,900	295,900	\$ 488.24	\$ 856.99
6	157600 KUNZ JASON R	GFO		\$ 200	3,750	\$ 56.25	67,500	281,100	348,600	\$ 575.19	\$ 831.44
7	157650 BRANDENBERGER NED R & JENNIFER	GFO		\$ 200	3,750	\$ 56.25	67,500	22,300	89,800	\$ 148.17	\$ 404.42
8	157750 EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		\$ 200	22,500	\$ 337.50	174,750	2,808,450	2,983,200	\$ 4,922.28	\$ 5,459.78
9	157810 EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		\$ 200	7,500	\$ 112.50	77,250	205,250	282,500	\$ 466.13	\$ 778.63
10	158100 THE PENNANT BUILDING LLC	GFO		\$ 200	7,509	\$ 112.64	77,250	662,750	740,000	\$ 1,221.00	\$ 1,533.64
11	158150 HANSON MICHAEL	GFO		\$ 200	7,507	\$ 112.61	77,250	361,710	438,960	\$ 724.28	\$ 1,036.89
12	158250 DESCHENES GARY S ETAL	GFO		\$ 200	4,200	\$ 63.00	68,670	495,830	564,500	\$ 931.43	\$ 1,194.43
13	158300 DSB TOWER LLC	GFO		\$ 200	15,037	\$ 225.56	96,750	21,480	118,230	\$ 195.08	\$ 620.63
14	158950 BIG SKY SELECT PROPERTIES LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	2,387,750	2,484,500	\$ 4,099.43	\$ 4,524.43
15	159150 CAMBRIDGE INVESTORS ONE LP	GFO		\$ 200	37,546	\$ 563.19	155,250	1,186,650	1,341,900	\$ 2,214.14	\$ 2,977.33
16	159225 BUCHANAN-BYRNE BUILDING PARTNERSHIP	GFO		\$ 200	22,500	\$ 337.50	116,250	1,280,150	1,396,400	\$ 2,304.06	\$ 2,841.56
17	159450 CENTRAL MONTANA PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	160,850	238,100	\$ 392.87	\$ 705.37
18	159500 RAMSEY ANN C	GFO		\$ 200	11,250	\$ 168.75	87,000	279,700	366,700	\$ 605.06	\$ 973.81
19	159550 BENSLEY MARJORIE M	GFO		\$ 200	3,750	\$ 56.25	67,500	37,000	104,500	\$ 172.43	\$ 428.68
20	159600 BENSLEY MARJORIE M	GFO		\$ 200	3,750	\$ 56.25	67,500	91,700	159,200	\$ 262.68	\$ 518.93
21	159650 BECKER HOMES LLC	GFO		\$ 200	3,750	\$ 56.25	67,500	238,530	306,030	\$ 504.95	\$ 761.20
22	159700 CONTEXT LLC	GFO		\$ 200	3,750	\$ 56.25	67,500	177,350	244,850	\$ 404.00	\$ 660.25
23	159725 BUCHANAN-BYRNE BUILDING PARTNERSHIP	GFO		\$ 200	11,295	\$ 169.43	87,000	14,490	101,490	\$ 167.46	\$ 536.88
24	159735 CONTEXT LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	219,050	296,300	\$ 488.90	\$ 801.40
25	159800 RELIGIOUS CONGRATATION OF BERLINER CONG	GFO		\$ 200	52,490	\$ 787.35	194,250	1,652,410	1,846,660	\$ 3,046.99	\$ 4,034.34
26	159850 DAVIDSON INVESTMENTS LLC	GFO		\$ 200	67,500	\$ 1,012.50	291,000	10,822,100	11,113,100	\$ 18,336.62	\$ 19,549.12
27	160300 PASSION & GRIT LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	696,620	793,370	\$ 1,309.06	\$ 1,734.06
28	160450 POBLANO PROPERTIES LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	535,150	631,900	\$ 1,042.64	\$ 1,467.64
29	160500 321 CENTRAL LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	506,780	603,530	\$ 995.82	\$ 1,420.82
30	160550 LERAY PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	350,750	428,000	\$ 706.20	\$ 1,018.70
31	160600 METROPOLITAN LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	338,940	416,190	\$ 686.71	\$ 999.21
32	160650 BECKMANS BUILDING LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	410,370	487,620	\$ 804.57	\$ 1,117.07
33	160900 STOCKMAN BANK OF MONTANA	GFO		\$ 200	15,000	\$ 225.00	96,750	119,700	216,450	\$ 357.14	\$ 782.14
34	160950 BALTHAZAR ENTERPRISES LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	550,550	647,300	\$ 1,068.05	\$ 1,493.05
35	161050 HACKETT GARRY L & CHERYL D	GFO		\$ 200	7,500	\$ 112.50	77,250	909,320	986,570	\$ 1,627.84	\$ 1,940.34
36	161100 KAUFMAN MARY ANN & IRA M JR	GFO		\$ 200	7,500	\$ 112.50	77,250	437,450	514,700	\$ 849.26	\$ 1,161.76
37	161150 LEE ALAN B	GFO		\$ 200	3,750	\$ 56.25	67,500	94,600	162,100	\$ 267.47	\$ 523.72
38	161200 BIG BROTHERS HOLDING COMPANY LLC	GFO		\$ 200	3,750	\$ 56.25	67,500	63,200	130,700	\$ 215.66	\$ 471.91
39	161250 BIG BROTHERS HOLDING COMPANY LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	348,150	425,400	\$ 701.91	\$ 1,014.41
40	161300 STOCKMAN BANK OF MONTANA	GFO		\$ 200	15,000	\$ 225.00	96,750	2,077,450	2,174,200	\$ 3,587.43	\$ 4,012.43
41	161450 KELMAN DAVID & ZACHARY	GFO		\$ 200	3,750	\$ 56.25	67,500	111,900	179,400	\$ 296.01	\$ 552.26
42	161600 LITTLE WILLIAM L & SHONNA L	GFO		\$ 200	22,500	\$ 337.50	116,250	303,750	420,000	\$ 693.00	\$ 1,230.50
43	161650 SILVER STATE PARTNERS LLC	GFO		\$ 200	11,250	\$ 168.75	87,000	475,200	562,200	\$ 927.63	\$ 1,296.38

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT
ASSESSMENTS FOR FISCAL YEAR 2024, TAX YEAR 2023
RESOLUTION #10512 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
44	161700 MONTANA TIMES SQUARE LLC	GFO		\$ 200	22,500	\$ 337.50	116,250	844,450	960,700	\$ 1,585.16	\$ 2,122.66
45	161750 SHEVA LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	144,970	222,220	\$ 366.66	\$ 679.16
46	161800 HACKETT GARRY L & CHERYL D	GFO		\$ 200	15,000	\$ 225.00	96,750	385,260	482,010	\$ 795.32	\$ 1,220.32
47	162050 STARRY NIGHT HOSPITALITY LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	668,040	764,790	\$ 1,261.90	\$ 1,686.90
48	162100 TLMF INC	GFO		\$ 200	7,500	\$ 112.50	77,250	247,350	324,600	\$ 535.59	\$ 848.09
49	162150 LARSON EDWARD L	GFO		\$ 200	4,500	\$ 67.50	69,450	55,150	124,600	\$ 205.59	\$ 473.09
50	162200 LARSON EDWARD L	GFO		\$ 200	3,000	\$ 45.00	65,550	46,050	111,600	\$ 184.14	\$ 429.14
51	162250 HACKETT GARRY L & CHERYL D	GFO		\$ 200	7,500	\$ 112.50	77,250	1,136,190	1,213,440	\$ 2,002.18	\$ 2,314.68
52	162300 COMMUNITY HEALTH CARE CENTER INC	GFO		\$ 200	15,000	\$ 225.00	96,750	240,470	337,220	\$ 556.41	\$ 981.41
53	162350 H & H APARTMENTS LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	460,950	538,200	\$ 888.03	\$ 1,200.53
54	162400 MYERS & MYERS RENTALS	GFO		\$ 200	7,500	\$ 112.50	77,250	215,050	292,300	\$ 482.30	\$ 794.80
55	162450 SPECIAL OLYMPICS MONTANA INC	GFO		\$ 200	7,500	\$ 112.50	77,250	450,450	527,700	\$ 870.71	\$ 1,183.21
56	162500 JOSEPH SANTANA PROPERTIES LLC	GFO		\$ 200	29,969	\$ 449.54	135,750	738,550	874,300	\$ 1,442.60	\$ 2,092.13
57	162700 THE PRACTICE HOLDING LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	332,350	409,600	\$ 675.84	\$ 988.34
58	162750 MTC LIFESTYLE LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	1,166,550	1,243,800	\$ 2,052.27	\$ 2,364.77
59	162900 CITY BAR INC	GFO		\$ 200	22,477	\$ 337.16	116,250	318,350	434,600	\$ 717.09	\$ 1,254.25
60	162950 CITY BAR INC	GFO		\$ 200	7,500	\$ 112.50	77,250	83,750	161,000	\$ 265.65	\$ 578.15
61	163000 L & E DEVELOPMENT INC	GFO		\$ 200	7,500	\$ 112.50	77,250	9,840	87,090	\$ 143.70	\$ 456.20
62	188500 BIG SKY DEVELOPMENT ENTERPRISES INC	GFO		\$ 200	7,500	\$ 112.50	77,250	61,550	138,800	\$ 229.02	\$ 541.52
63	188550 BIG SKY DEVELOPMENT ENTERPRISES INC	GFO		\$ 200	7,500	\$ 112.50	77,250	7,140	84,390	\$ 139.24	\$ 451.74
64	188600 KERMITZ LLC	GFO		\$ 200	11,238	\$ 168.57	87,000	409,400	496,400	\$ 819.06	\$ 1,187.63
65	188650 LERAY PROPERTIES LLC	GFO		\$ 200	3,750	\$ 56.25	67,500	86,500	154,000	\$ 254.10	\$ 510.35
66	188700 ROBERTSON KIRBI KAE	GFO		\$ 200	1,780	\$ 26.70	62,430	73,070	135,500	\$ 223.58	\$ 450.28
67	188750 MY VIOLA PROPERTIES LLC	GFO		\$ 200	3,668	\$ 55.02	67,110	156,590	223,700	\$ 369.11	\$ 624.13
68	188800 KAPPHAN BRIAN R & LINDA S	GFO		\$ 200	352	\$ 5.28	63,210	53,580	116,790	\$ 192.70	\$ 397.98
69	188850 SHIMA DOUGLAS	GFO		\$ 200	3,750	\$ 56.25	67,500	10,800	78,300	\$ 129.20	\$ 385.45
70	188900 MTC LIFESTYLE LLC	GFO		\$ 200	11,250	\$ 168.75	87,000	14,490	101,490	\$ 167.46	\$ 536.21
71	189050 BIG SKY DEVELOPMENT ENTERPRISES INC	GFO		\$ 200	18,750	\$ 281.25	106,500	25,300	131,800	\$ 217.47	\$ 698.72
72	189075 BIG SKY DEVELOPEMENT ENT	GFO		\$ 200	33,739	\$ 506.09	145,500	2,841,500	2,987,000	\$ 4,928.55	\$ 5,634.64
73	189100 STROMBERG ROBERT C & MARY D	GFO		\$ 200	45,000	\$ 675.00	174,750	2,943,250	3,118,000	\$ 5,144.70	\$ 6,019.70
74	189150 TUNGSTEN PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	969,410	1,046,660	\$ 1,726.99	\$ 2,039.49
75	189200 BEBBINGTON MICHELLE	GFO		\$ 200	7,500	\$ 112.50	77,250	177,550	254,800	\$ 420.42	\$ 732.92
76	189250 SPENCER TIMOTHY W	GFO		\$ 200	3,750	\$ 56.25	67,500	159,400	226,900	\$ 374.39	\$ 630.64
77	189300 NORDRUM ORVILLE M & JOSEPHINE A	GFO		\$ 200	3,750	\$ 56.25	67,500	58,200	125,700	\$ 207.41	\$ 463.66
78	189350 HARRIS DAVID ALLAN	GFO		\$ 200	3,750	\$ 56.25	67,500	160,800	228,300	\$ 376.70	\$ 632.95
79	189400 DEVLIN LLC	GFO		\$ 200	3,750	\$ 56.25	67,500	70,800	138,300	\$ 228.20	\$ 484.45
80	189450 SPENCER TIMOTHY	GFO		\$ 200	7,500	\$ 112.50	77,250	292,650	369,900	\$ 610.34	\$ 922.84
81	189500 CENTER FOR MENTAL HEALTH INC OF GF MT	GFO		\$ 200	15,000	\$ 225.00	96,750	810,450	907,200	\$ 1,496.88	\$ 1,921.88
82	189550 CENTER FOR MENTAL HEALTH INC OF GF MT	GFO		\$ 200	7,500	\$ 112.50	77,250	577,950	655,200	\$ 1,081.08	\$ 1,393.58
83	189700 FLY AWAY LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	672,450	769,200	\$ 1,269.18	\$ 1,694.18
84	189750 SCHUBARTH SANDRA	GFO		\$ 200	7,500	\$ 112.50	77,250	380,250	457,500	\$ 754.88	\$ 1,067.38
85	189800 NOISHT PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	314,850	392,100	\$ 646.97	\$ 959.47
86	189850 WEST HOLLYWOOD COWBOY HOTEL LLC ETAL	GFO		\$ 200	7,500	\$ 112.50	77,250	368,580	445,830	\$ 735.62	\$ 1,048.12

**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT
ASSESSMENTS FOR FISCAL YEAR 2024, TAX YEAR 2023
RESOLUTION #10512 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
87	189900 ELMORE ROBERTS LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	2,670,770	2,767,520	\$ 4,566.41	\$ 4,991.41
88	190000 WVH ENTERPRISES LLC	GFO		\$ 200	566	\$ 8.49	58,920	2,430	61,350	\$ 101.23	\$ 309.72
89	190050 KEILMAN & TRUNKLE ENTERPRISES LLC	GFO		\$ 200	5,535	\$ 83.03	72,180	276,720	348,900	\$ 575.69	\$ 858.71
90	190150 ELMORE ROBERTS LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	8,640	85,890	\$ 141.72	\$ 454.22
91	190200 ELMORE ROBERTS LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	8,640	85,890	\$ 141.72	\$ 454.22
92	190250 CENTER FOR MENTAL HEALTH	GFO		\$ 200	7,500	\$ 112.50	77,250	698,550	775,800	\$ 1,280.07	\$ 1,592.57
93	190350 MADILL JASON C & TAMARA L	GFO		\$ 200	67,500	\$ 1,012.50	241,050	4,644,650	4,885,700	\$ 8,061.41	\$ 9,273.91
94	190450 BIG SKY SELECT MIGHT MO LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	1,111,350	1,188,600	\$ 1,961.19	\$ 2,273.69
95	190500 GREAT FALLS CENTRAL LLC	GFO		\$ 200	3,750	\$ 56.25	67,500	354,100	421,600	\$ 695.64	\$ 951.89
96	190600 M & L RENTALS LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	1,412,780	1,490,030	\$ 2,458.55	\$ 2,771.05
97	190650 SEMANSKY JOHN S & LISA SWAN	GFO		\$ 200	3,750	\$ 56.25	67,500	284,110	351,610	\$ 580.16	\$ 836.41
98	190700 WONG MING & SU	GFO		\$ 200	3,750	\$ 56.25	67,500	232,600	300,100	\$ 495.17	\$ 751.42
99	190800 FIRST BUILDING CORPORATION	GFO		\$ 200	22,500	\$ 337.50	116,250	-	116,250	\$ 191.81	\$ 729.31
100	190950 ATLANTIC FINANCIAL GROUP LTD	GFO		\$ 200	-	\$ -	-	7,076,400	7,076,400	\$ 11,676.06	\$ 11,876.06
101	191050 ALLEY STEPHEN J	GFO		\$ 200	15,000	\$ 225.00	96,750	1,184,200	1,280,950	\$ 2,113.57	\$ 2,538.57
102	191100 WHITE BELLY PROPERTIES LLC	GFO		\$ 200	7,492	\$ 112.38	77,250	779,550	856,800	\$ 1,413.72	\$ 1,726.10
103	191150 JOVICK LEPARD LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	748,650	825,900	\$ 1,362.74	\$ 1,675.24
104	191300 FIRST NATIONAL BANK	GFO		\$ 200	15,000	\$ 225.00	96,750	17,710	114,460	\$ 188.86	\$ 613.86
105	191400 RICHARDS PHILLIP	GFO		\$ 200	15,000	\$ 225.00	96,750	678,650	775,400	\$ 1,279.41	\$ 1,704.41
106	191450 TOVSON LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	332,090	409,340	\$ 675.41	\$ 987.91
107	191500 CYRUS INVESTMENTS LLC	GFO		\$ 200	30,000	\$ 450.00	135,750	2,048,530	2,184,280	\$ 3,604.06	\$ 4,254.06
108	191550 FIRST NATIONAL BANK	GFO		\$ 200	52,500	\$ 787.50	194,250	490,190	684,440	\$ 1,129.33	\$ 2,116.83
109	191600 MONTANA INSTITUTE OF FAMILY LIVING	GFO		\$ 200	22,500	\$ 337.50	116,250	4,888,500	5,004,750	\$ 8,257.84	\$ 8,795.34
110	191700 MURPHY REAL ESTATE LLC	GFO		\$ 200	18,750	\$ 281.25	106,500	725,900	832,400	\$ 1,373.46	\$ 1,854.71
111	191750 MURPHY TIMOTHY M & DEBORAH S	GFO		\$ 200	11,250	\$ 168.75	87,000	84,900	171,900	\$ 283.64	\$ 652.39
112	191950 MONTANA INSTITUTE OF FAMILY LIVING	GFO		\$ 200	15,000	\$ 225.00	96,750	6,310	103,060	\$ 170.05	\$ 595.05
113	192100 BLANKENSHIP BOBBI	GFO		\$ 200	15,333	\$ 230.00	103,422	1,883,778	1,987,200	\$ 3,278.88	\$ 3,708.88
114	192150 GAELIC PROPERTIES INC	GFO		\$ 200	11,250	\$ 168.75	87,000	605,800	692,800	\$ 1,143.12	\$ 1,511.87
115	192200 ARVON BLOCK DEVELOPMENT VENTURE LLC	GFO		\$ 200	11,237	\$ 168.56	87,000	2,659,600	2,746,600	\$ 4,531.89	\$ 4,900.45
116	192300 MURPHY REAL ESTATE LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	3,578,950	3,675,700	\$ 6,064.91	\$ 6,489.91
117	192350 WEIGAND JOHN W & PEGGY LOU ETAL	GFO		\$ 200	15,000	\$ 225.00	96,750	824,850	921,600	\$ 1,520.64	\$ 1,945.64
118	192450 JENNINGS LAND LIMITED PARTNERSHIP	GFO		\$ 200	7,500	\$ 112.50	77,250	137,650	214,900	\$ 354.59	\$ 667.09
119	192500 ODHREACT PROPERTIES LLC	GFO		\$ 200	20,016	\$ 300.24	107,842	325,658	433,500	\$ 715.28	\$ 1,215.52
120	192700 MURPHY REAL ESTATE LLC	GFO		\$ 200	46,237	\$ 693.56	178,026	49,850	227,876	\$ 376.00	\$ 1,269.55
121	192850 MURPHY REAL ESTATE LLC	GFO		\$ 200	6,229	\$ 93.44	73,974	399,426	473,400	\$ 781.11	\$ 1,074.55
122	192950 LAWYERS GUNS & MONEY LLC	GFO		\$ 200	9,017	\$ 135.26	81,150	1,296,750	1,377,900	\$ 2,273.54	\$ 2,608.79
123	193050 CTA BUILDING LLP	GFO		\$ 200	12,606	\$ 189.09	90,510	3,085,290	3,175,800	\$ 5,240.07	\$ 5,629.16
124	193100 CTA BUILDING LLP ETAL	GFO		\$ 200	1,800	\$ 27.00	62,430	-	62,430	\$ 103.01	\$ 330.01
125	193150 KELMAN ZOLLIE ETAL	GFO		\$ 200	14,100	\$ 211.50	94,410	239,490	333,900	\$ 550.94	\$ 962.44
126	193200 KELMAN ZOLLIE ETAL	GFO		\$ 200	15,000	\$ 225.00	96,750	792,650	889,400	\$ 1,467.51	\$ 1,892.51
127	193250 WHITE BELLY PROPERTIES LLC	GFO		\$ 200	7,500	\$ 112.50	77,250	284,850	362,100	\$ 597.47	\$ 909.97
128	193300 MARZETTA MICHAEL	GFO		\$ 200	7,500	\$ 112.50	77,250	401,650	478,900	\$ 790.19	\$ 1,102.69
129	193350 FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		\$ 200	7,500	\$ 112.50	77,250	361,450	438,700	\$ 723.86	\$ 1,036.36

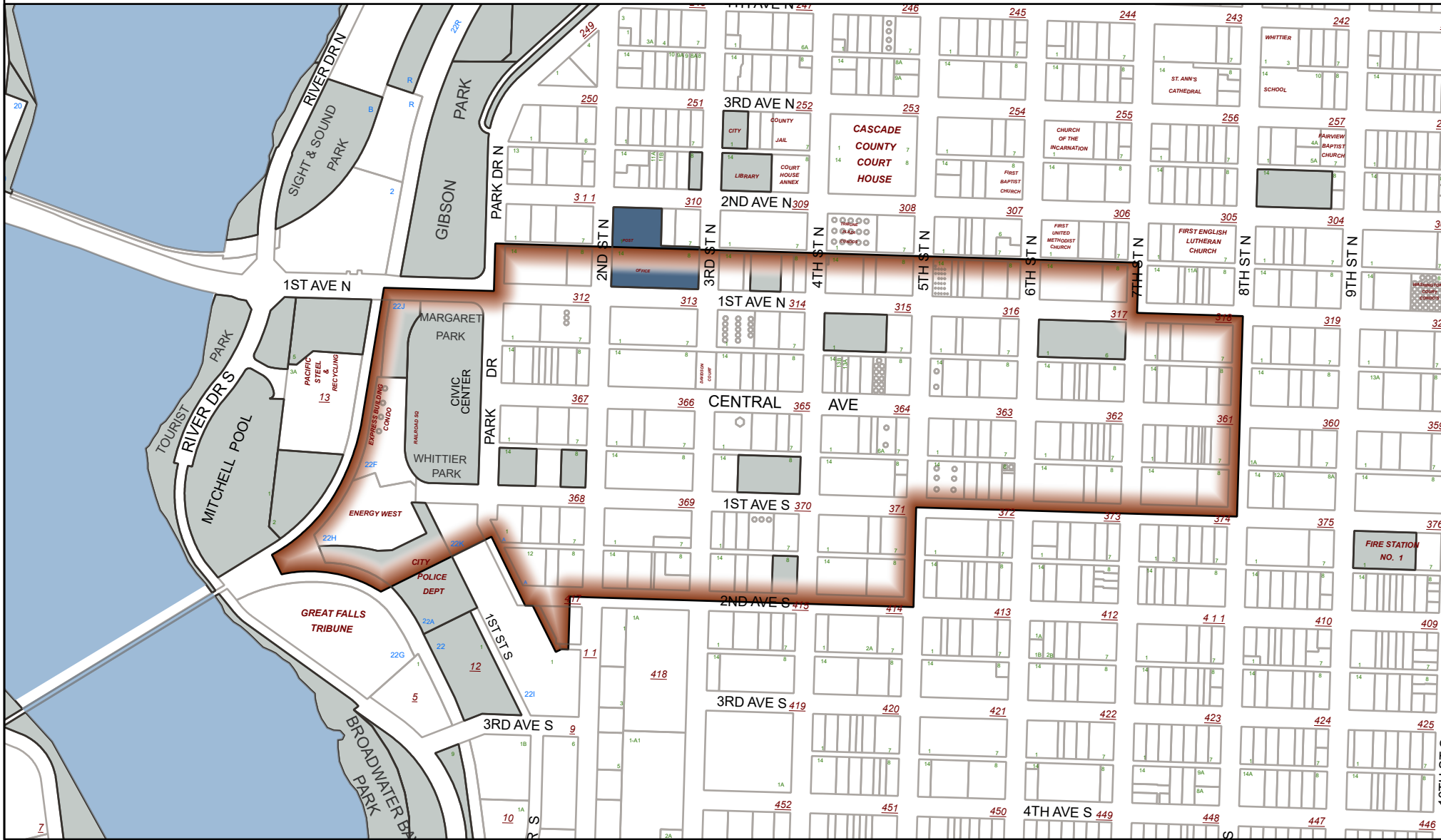
**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT
ASSESSMENTS FOR FISCAL YEAR 2024, TAX YEAR 2023
RESOLUTION #10512 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
130	193450 GREAT FALLS TRANSIT DISTRICT	GFO		\$ 200	15,000	\$ 225.00	96,750	330,910	427,660	\$ 705.64	\$ 1,130.64
131	193550 GREAT FALLS RESCUE MISSION	GFO		\$ 200	15,000	\$ 225.00	96,750	744,390	841,140	\$ 1,387.88	\$ 1,812.88
132	193650 FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		\$ 200	7,500	\$ 112.50	77,250	349,250	426,500	\$ 703.73	\$ 1,016.23
133	193700 WHITE BELLY PROPERTIES LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	23,770	120,520	\$ 198.86	\$ 623.86
134	193900 NEIGHBORHOOD HOUSING SERVICES INC	GFO		\$ 200	7,500	\$ 112.50	77,250	21,810	99,060	\$ 163.45	\$ 475.95
135	193950 PLACID RENTALS LLC	GFO		\$ 200	15,000	\$ 225.00	96,750	214,950	311,700	\$ 514.31	\$ 939.31
136	224650 PORTNEY ABBY KELMAN	GFO		\$ 200	19,483	\$ 292.25	110,494	518,406	628,900	\$ 1,037.69	\$ 1,529.93
137	616205 WHITCOMB BRENDAN	503		\$ 200	574	\$ 8.61	4,437	178,863	183,300	\$ 302.45	\$ 511.06
138	616210 FRANK PLUMLEE FAMILY TRUST	503	125	\$ 50	450	\$ 6.75	3,480	213,720	217,200	\$ 358.38	\$ 415.13
139	616215 HAGAN ROGER A	503	125	\$ 50	308	\$ 4.62	2,384	162,516	164,900	\$ 272.09	\$ 326.71
140	616220 FINLAYSON JAMES D	503	125	\$ 50	291	\$ 4.37	2,253	164,747	167,000	\$ 275.55	\$ 329.92
141	616225 HALVERSON TERRI S	503	125	\$ 50	500	\$ 7.50	3,863	224,837	228,700	\$ 377.36	\$ 434.86
142	616230 SAVAGE JEFFREY J ETAL	503	125	\$ 50	476	\$ 7.14	3,680	219,520	223,200	\$ 368.28	\$ 425.42
143	616235 WHITCOMB BRENDAN	503	125	\$ 50	469	\$ 7.04	3,628	217,972	221,600	\$ 365.64	\$ 422.68
144	616240 BENNETTS MARJORIE	503	125	\$ 50	268	\$ 4.02	2,071	152,929	155,000	\$ 255.75	\$ 309.77
145	616245 KUBAS HEATHER	503	125	\$ 50	416	\$ 6.24	3,219	181,581	184,800	\$ 304.92	\$ 361.16
146	616250 WHITCOMB BRENDAN	503		\$ 200	608	\$ 9.12	4,698	258,602	263,300	\$ 434.45	\$ 643.57
147	616255 WHITCOMB BRENDAN	503		\$ 200	311	\$ 4.67	2,401	92,299	94,700	\$ 156.26	\$ 360.92
148	616260 WHITCOMB BRENDAN	503		\$ 200	441	\$ 6.62	3,410	186,690	190,100	\$ 313.67	\$ 520.28
149	616265 WHITCOMB BRENDAN	503		\$ 200	444	\$ 6.66	3,436	191,164	194,600	\$ 321.09	\$ 527.75
150	616270 COMMUNITY HEALTH CARE CENTER INC	503		\$ 200	574	\$ 8.61	4,437	164,063	168,500	\$ 278.03	\$ 486.64
151	616275 UNDERWOOD JASON M	503	125	\$ 50	450	\$ 6.75	3,480	198,320	201,800	\$ 332.97	\$ 389.72
152	616280 GREEN BROOKS ETAL	503	125	\$ 50	549	\$ 8.24	4,246	245,054	249,300	\$ 411.35	\$ 469.58
153	616285 BISTODEAU JUDY K & GARY	503	125	\$ 50	444	\$ 6.66	3,436	217,364	220,800	\$ 364.32	\$ 420.98
154	616290 YEON JENEE S	503	125	\$ 50	417	\$ 6.26	3,228	201,172	204,400	\$ 337.26	\$ 393.52
155	616295 ROBERTS DUSTIN E	503	125	\$ 50	509	\$ 7.64	3,932	235,768	239,700	\$ 395.51	\$ 453.14
156	616300 JOHNSON CAROLINE B	503	125	\$ 50	416	\$ 6.24	3,219	199,981	203,200	\$ 335.28	\$ 391.52
157	616305 QUINN SUSAN E	503	125	\$ 50	549	\$ 8.24	4,246	244,054	248,300	\$ 409.70	\$ 467.93
158	616310 EULTGEN DARREN & CINDY	503	125	\$ 50	444	\$ 6.66	3,436	216,464	219,900	\$ 362.84	\$ 419.50
159	616315 EULTGEN DARREN & CINDY	503	125	\$ 50	417	\$ 6.26	3,228	199,772	203,000	\$ 334.95	\$ 391.21
160	616320 BURGAN VALERIE G	503	125	\$ 50	509	\$ 7.64	3,932	235,568	239,500	\$ 395.18	\$ 452.81
161	616325 WAKEMAN NORMAN S JR & MELYNN K	503	125	\$ 50	416	\$ 6.24	3,219	199,181	202,400	\$ 333.96	\$ 390.20
162	617100 WILLIAMS DONALD E TRUST ETAL	FP1		\$ 200	6,665	\$ 99.98	68,521	958,079	1,026,600	\$ 1,693.89	\$ 1,993.87
163	617150 WARD KRAIG ALLAN	FP1		\$ 200	871	\$ 13.07	8,729	232,171	240,900	\$ 397.49	\$ 610.55
164	620650 ROGERS DARYL D	CAP		\$ 200	3,615	\$ 54.23	23,249	126,851	150,100	\$ 247.67	\$ 501.89
165	620660 WILSON THOMAS M JR & KATHLEEN A	CAP		\$ 200	4,574	\$ 68.61	29,460	198,140	227,600	\$ 375.54	\$ 644.15
166	620670 MEADOWLARK HOME CARE LLC	CAP		\$ 200	6,839	\$ 102.59	44,041	192,059	236,100	\$ 389.57	\$ 692.15
167	628625 SEIDLITZ JOHN E JR ETAL	HBC		\$ 200	713	\$ 10.70	30,760	58,740	89,500	\$ 147.68	\$ 358.37
168	628630 CORDEIRO CHRIS A	HBC		\$ 200	713	\$ 10.70	30,760	58,740	89,500	\$ 147.68	\$ 358.37
169	647400 A&E RENTALS LLC	EBC		\$ 200	10,336	\$ 155.04	74,555	598,045	672,600	\$ 1,109.79	\$ 1,464.83
170	647402 UAZ BUILDING PARTNERSHIP	EBC		\$ 200	4,386	\$ 65.79	36,122	311,478	347,600	\$ 573.54	\$ 839.33
171	647404 RAILROAD SQUARE LLC	EBC		\$ 200	11,903	\$ 178.55	81,487	524,113	605,600	\$ 999.24	\$ 1,377.79
172	647406 UAZ BUILDING PARTNERSHIP	EBC		\$ 200	4,699	\$ 70.49	36,603	316,997	353,600	\$ 583.44	\$ 853.93




**GREAT FALLS BUSINESS IMPROVEMENT DISTRICT
ASSESSMENTS FOR FISCAL YEAR 2024, TAX YEAR 2023
RESOLUTION #10512 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	FLAT FEE	TOTAL SQ.FT.	SQ.FT. COST 0.015	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
173	650100 MARTIN SCHULKE & ST JOHN LLP	HBB		\$ 200	10,000	\$ 150.00	45,250	397,160	442,410	\$ 729.98	\$ 1,079.98
174	650200 MARTIN SCHULKE & ST JOHN LLP	HBB		\$ 200	10,000	\$ 150.00	45,250	397,160	442,410	\$ 729.98	\$ 1,079.98
175	650300 MARTIN SCHULKE & ST JOHN LLP	HBB		\$ 200	10,000	\$ 150.00	45,250	397,160	442,410	\$ 729.98	\$ 1,079.98
176	651010 MEYER KATTIE & KIRKLEN A	JHC		\$ 200	936	\$ 14.04	9,641	278,059	287,700	\$ 474.71	\$ 688.75
177	651020 MONTCARE INC	JHC		\$ 200	588	\$ 8.82	6,056	43,087	49,143	\$ 81.09	\$ 289.91
178	651030 CONNER DENNIS & JANIS	JHC		\$ 200	542	\$ 8.13	6,056	164,944	171,000	\$ 282.15	\$ 490.28
179	651040 OT ENTERPRISES LLC	JHC		\$ 200	560	\$ 8.40	5,763	211,837	217,600	\$ 359.04	\$ 567.44
180	651050 GARDNER JAMES F	JHC		\$ 200	596	\$ 8.94	6,134	225,466	231,600	\$ 382.14	\$ 591.08
181	651090 NORTH DATA CENTER LLC	JHC		\$ 200	1,430	\$ 21.45	14,732	416,568	431,300	\$ 711.65	\$ 933.10
182	651100 OLSON KENNETH R & ILINDA M ETAL	JHC		\$ 200	2,770	\$ 41.55	6,458	237,342	243,800	\$ 402.27	\$ 643.82
183	651115 MARR LIVING TRUST	LJC	125	\$ 50	474	\$ 7.11	4,944	361,856	366,800	\$ 605.22	\$ 662.33
184	651120 MCCURRY BEATRICE C	LJC	125	\$ 50	474	\$ 7.11	4,944	247,656	252,600	\$ 416.79	\$ 473.90
185	651125 SALONEN WILLIAM W & SUSAN L	LJC	125	\$ 50	474	\$ 7.11	4,944	212,456	217,400	\$ 358.71	\$ 415.82
186	651501 L'HEUREUX PAGE WERNER PC	KAT		\$ 200	7,601	\$ 114.02	42,152	800,948	843,100	\$ 1,391.12	\$ 1,705.13
187	651502 MONTANA HOMEOWNERSHIP NETWORK INC	KAT		\$ 200	1,668	\$ 25.02	6,603	180,397	187,000	\$ 308.55	\$ 533.57
188	651503 SILVERTIP LLC	KAT		\$ 200	2,224	\$ 33.36	12,555	238,545	251,100	\$ 414.32	\$ 647.68
189	651504 NEIGHBORHOOD HOUSING SERVICES INC	KAT		\$ 200	1,112	\$ 16.68	4,369	139,150	143,519	\$ 236.81	\$ 453.49
190	651505 NEIGHBORHOOD HOUSING SERVICES INC	KAT		\$ 200	2,966	\$ 44.49	11,621	317,479	329,100	\$ 543.02	\$ 787.51
191	651506 NEIGHBORHOOD HOUSING SERVICES INC	KAT		\$ 200	2,966	\$ 44.49	20,884	570,516	591,400	\$ 975.81	\$ 1,220.30
192	1888310 MCMANUS PROPERTIES LLC	R3E		\$ 200	31,363	\$ 470.45	139,294	922,606	1,061,900	\$ 1,752.14	\$ 2,422.58
193	2019175 ENERGY WEST MONTANA INC	GF		\$ 200	91,000	\$ 1,365.00	-	4,196,967	4,196,967	\$ 6,925.00	\$ 8,490.00
194	2020119 DSB TOWER LLC	DSB		\$ 200	15,000	\$ 225.00	20,228	429,960	450,188	\$ 742.81	\$ 1,167.81
195	2020120 DSB TOWER LLC	DSB		\$ 200	5,944	\$ 89.16	8,138	406,678	414,816	\$ 684.45	\$ 973.61
196	2020121 FRANCIS MARIE PSALM 27:17 LLC	DSB		\$ 200	9,056	\$ 135.84	12,788	552,612	565,400	\$ 932.91	\$ 1,268.75
197	2020122 SCHULTE DIRK AGENCY	DSB		\$ 200	5,483	\$ 82.25	8,138	405,162	413,300	\$ 681.95	\$ 964.19
198	2020123 DSB TOWER LLC	DSB		\$ 200	2,831	\$ 42.47	4,185	149,190	153,375	\$ 253.07	\$ 495.53
199	2020124 DSB TOWER LLC	DSB		\$ 200	2,797	\$ 41.96	3,604	140,050	143,654	\$ 237.03	\$ 478.98
200	2020125 DSB TOWER LLC	DSB		\$ 200	1,862	\$ 27.93	2,790	73,970	76,760	\$ 126.65	\$ 354.58
201	2020126 KSJ PROPERTIES LLC	DSB		\$ 200	6,083	\$ 91.25	8,138	559,562	567,700	\$ 936.71	\$ 1,227.95
202	2020127 DSB TOWER LLC	DSB		\$ 200	1,914	\$ 28.71	2,674	134,126	136,800	\$ 225.72	\$ 454.43
203	2020128 DSB TOWER LLC	DSB		\$ 200	2,153	\$ 32.30	3,022	93,840	96,862	\$ 159.82	\$ 392.12
204	2020129 DSB TOWER LLC	DSB		\$ 200	2,491	\$ 37.37	3,488	125,140	128,628	\$ 212.24	\$ 449.60
205	2020130 GILLEON RESERVATION LLC	DSB		\$ 200	5,618	\$ 84.27	8,138	352,728	360,866	\$ 595.43	\$ 879.70
206	2020131 DSB TOWER LLC	DSB		\$ 200	11,221	\$ 168.32	2,325	112,670	114,995	\$ 189.74	\$ 558.06
207	2020134 DSB TOWER LLC	DSB		\$ 200	7,023	\$ 105.35	15,694	286,006	301,700	\$ 497.81	\$ 803.15
208	2020190 HANSERJAC LLC	JHC		\$ 200	938	\$ 14.07	2,194	80,306	82,500	\$ 136.13	\$ 350.20
209	2020196 STSA PARTNERS LLC	FBC		\$ 200	8,455	\$ 126.83	69,847	1,638,180	1,708,027	\$ 2,818.24	\$ 3,145.07
210	2020197 HICKS ENDEAVORS LLC	FBC		\$ 200	2,165	\$ 32.48	17,462	378,238	395,700	\$ 652.91	\$ 885.38
211	2023025 STREIT HOLDINGS LLC	JHC		\$ 200	2,586	\$ 38.79	-	176,500	176,500	\$ 291.23	\$ 530.02
212	2023073 GSF HOLDINGS LLC	DSB		\$ 200	1,075	\$ 16.13	3,255	175,445	178,700	\$ 294.86	\$ 510.98
213	2023074 GSF HOLDINGS LLC	DSB		\$ 200	1,585	\$ 23.78	349	16,251	16,600	\$ 27.39	\$ 251.17
213	TOTALS			\$ 39,300	2,071,046	\$ 31,065.69	\$ 13,634,471	\$ 128,841,145	142,475,616	\$ 235,084.77	\$ 305,450.46

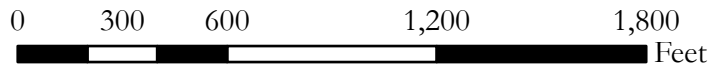
Exhibit A: Newly Expanded Business Improvement District



Legend

-  BID
-  City Properties
-  Federal Government Properties

2/16/2022



Map exhibit is for reference only and is not survey grade. For questions, please contact the City of Great Falls Mapping & GIS Department.



Commission Meeting Date: September 19, 2023
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10513 to Levy and Assess Properties within the Tourism Business Improvement District

From: Melissa Kinzler, Finance Director

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission Adopt Resolution 10513

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10513.”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10513 to levy and assess properties within the Tourism Business Improvement District (TBID).

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

On July 18, 2023, as required by State Statute 7-12-1132 (3) MCA, the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district that best ensures the assessment on each property is equitable and in proportion to the benefits to be received for Fiscal Year 2023/2024. Following the public hearing held on July 18, 2023, the City Commission moved to adopt the 2023/2024 Work Plan and Budget for the TBID.

Fiscal Impact:

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

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

30 as prescribed in Mont. Code Ann. Section 7-12-1133(f). The new assessment method began on July 1, 2018. Assessment data is collected by an outside accounting firm through quarterly reporting from each property and is billed in arrears.

The assessment amount requested by the TBID through their Work Plan and Budget was \$765,508. The actual assessment for Fiscal Year 2023/2024 based on the above assessment formula will generate \$769,457 in assessment revenue. Last year, the total assessment billed was \$757,388. The increase of \$12,069 over last year's assessment is attributed to an increase in lodging for the assessment period that ended June 30, 2023. The 2023/2024 assessment per property is indicated on the assessment projection summary as Exhibit "A" incorporated herein and made a part of Resolution 10513.

Alternatives: The City Commission could choose to deny Resolution 10513 to assess the property owners in the TBID. However, on July 18, 2023, the City Commission approved the TBID Budget which identifies the TBID assessment as 68% of the operating revenues. Denial of Resolution 10513 will prevent the TBID from carrying out the City Commission previously approved budget.

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

Attachments/Exhibits:

- Resolution 10513
- Resolution 10513 Exhibit "A"

RESOLUTION 10513**A RESOLUTION LEVYING AN ASSESSMENT ON ALL PROPERTIES
WITHIN THE GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT
(TBID) NO. 1307**

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

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

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

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

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

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

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

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

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

Section 1 – Adoption of Work Plan and Budget

On July 18, 2023, the City Commission held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district.

Section 2 – Assessment Method

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

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

The assessment requested for Fiscal Year 2023/2024 is based on the above assessment formula and will generate SEVEN HUNDRED SIXTY-NINE THOUSAND FOUR HUNDRED FIFTY-SEVEN DOLLARS (\$769,457) in assessment revenue due to the assessment time frame.

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o’clock p.m. on November 30, 2023 and May 31, 2024.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 19th day of September, 2023.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

**TOURISM BUSINESS IMPROVEMENT DISTRICT
ASSESSMENTS FOR TAX YEAR 2023, FISCAL YEAR 2024
RESOLUTION #10513 - EXHIBIT "A"**

PARCEL NO.	PROPERTY OWNER	BUSINESS NAME	SUB DIV	LOT	BLOCK	PROPERTY ADDRESS	TBID ASSESSMENT
1	1734800 3 HIGH INC	AIRWAY MOTEL	UNA	1	8	1800 14TH ST SW	EXEMPT
2	314000 FORBES PROPERTIES INC.	ALBERTA MOTEL & ANNEX COURT	GF5	LOT 8 - E15' & E15' OF W35' OF N80' LOT 9	607	1101 CENTRAL AVE W	\$ 1,033.00
3	716000 BRGF ENTERPRISES LLC	BEST RESTING GREAT FALLS INN	COW	1	1	5001 RIVER DR N	\$ 528.00
4	1083100 HERITAGE INN INC	BEST WESTERN HERITAGE INN	MNT	2-7	1	1700 FOX FARM RD	\$ 57,178.00
5	311500 MEHTA MARK ETAL	CENTRAL MOTEL	GF5	11-14	603	715 CENTAL AVE	\$ 667.00
6	898070 I15 HOTELS LLC	COMFORT INN & SUITES	GMP	8	1	1801 MARKET PLACE DR	\$ 28,928.00
7	1894100 VOLK ROY D & DIANE N	CRESTVIEW INN & SUITES				500 13TH AVE S	EXEMPT
8	1900110 GREAT FALLS CRYSTAL INN LLC	CRYSTAL INN	FJT	1	1	3701 31ST ST SW	\$ 32,472.00
9	1861800 COOPERS TROOPERS LIMITED PARTNERSHIP	DAYS INN	WW4	1	1	101 14TH AVE NW	\$ 28,044.00
10	191500 CYRUS INVESTMENTS LLC	TRAVELDOGE	GFO	4-7	366	220 CENTRAL AVE	\$ 32,046.00
11	526020 BRE ESA PROPERTIES LLC	EXTENDED STAY AMERICA	BBP	3	1	800 RIVER DR S	\$ 22,094.00
12	824600 OZZY LLC	GREAT FALLS COMFORT INN	G15	10	2	1120 9TH ST S	\$ 22,398.00
13	278000 KRYSTAL LLC A MONTANA LIMITED LIABILITY	JKR, LLC	GF1	1- 7	513	1000 9TH AVE S	\$ 22,048.00
14	898060 GREAT FALLS HOSPITALITY LLC	GREAT FALLS HOLIDAY INN	GMP	7AA	1	1625 MARKET PLACE DR	\$ 45,064.00
15	722415 GREAT FALLS INN	EXPRESS HOTEL & SUITES	DE2	2	1	1400 28TH ST S	\$ 29,696.00
16	1897650 GREAT FALLS LODGING INVESTORS	HAMPTON INN		SEC 15, TWSHP 20, RANGE 3E		2301 14TH ST SW	\$ 42,996.00
17	972810 RUSSELL COUNTRY INVESTORS LLC	HILTON GARDEN INN	HGI	2	1	2520 14TH ST SW	\$ 48,032.00
18	821600 DHILLON HOTELS INC	HOLIDAY INN	G15	15	1	400 10TH AVE S	\$ 59,968.00
19	192200 ARVON BLOCK DEVELOPMENT VENTURE LLC	HOTEL ARVON	GFO	E1/2 LOT 4 - ALL OF LOT 5	368	116 1ST AVE S	\$ 16,434.00
20	122950 MEHTA PROPERTIES LLP	IMPERIAL INN	GFO	13-14	255	601 2ND AVE N	\$ 785.00
21	526040 GREAT FALLS INN-VESTMENTS LLC	BEST WESTERN PLUS RIVERFRONT HOTEL & SUITES	BBP	5	1	600 RIVER DR S	\$ 45,628.00
22	NA MALMSTROM INN & SUITES	MALMSTROM INN & SUITES				7028 4TH AVE N	EXEMPT
23	157350 TWEDT SURVIVORS TRUST ETAL	MID-TOWN MOTEL	GFO	5-6	307	526 2ND AVE N	\$ 7,014.00
24	1083400 VOLK ROY D & DIANE N	MOTEL 6	MNT	1	2	2 TREASURE STATE DR	\$ 16,090.00
25	189075 BIG SKY DEVELOPMENT ENT	O'HAIRE MOTOR INN	GFO	W/2 LOT 10 & LOTS 11-14	361	17 7TH ST S	\$ 20,230.00
26	979200 MEHTA MUKESH N	PLAZA INN	HL1	5, 6, 7	1	1224 10TH AVE S	\$ 1,486.00
27	185550 MEHTA PROPERTIES PARTNERSHIP ETAL	ROYAL MOTEL	BF1	1-3	355	1300 CENTRAL AVE	-
28	1832800 1521 LLC	STARLIT MOTEL	WGF	W40' 4 & 5-12	34	1521 1ST AVE NW	EXEMPT
29	1881302 RIVERSIDE HOTEL PARTNERS LLC	SPRINGHILL SUITES		IN NWSWSE SC, T20N,R3E PAR 2 COS 4516 IN SESW & IN GOV 7		421 3RD ST NW	\$ 64,596.00
30	1888950 VIRK HOSPITALITY GREAT FALLS LLC	STAYBRIDGE SUITES				201 3RD ST NW	\$ 41,926.00
31	979300 REESE VALENTINE HOMES LLC	SUPER 8	HL1	8-14	3	1214 13TH ST S	\$ 37,276.00
32	1047100 MEHTA MUKESH N	WESTERN MOTEL a.k.a. SKI'S	LIN	11-19	2	2420 10TH AVE S	\$ 916.00
33	2018007 GREAT FALLS HOTEL RE LLC	SLEEP INN & MAINSTAY SUITES	COU		3	520 COUNTRY CLUB BLVD	\$ 43,884.00
33	TOTALS						\$ 769,457.00



Commission Meeting Date: September 19, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10528 - A Resolution by the City Commission designating the Finance Director as the Certifying Official for HUD-funded Programs

From: Tom Hazen, Grant Administrator

Initiated By: Finance Department

Presented By: Tom Hazen, Grant Administrator

Action Requested: City Commission Adopt Resolution 10528

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10528.”

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

Staff Recommendation: Adoption of Resolution 10528.

Summary:

As of July 2023, The City’s Community Development Block Grant (CDBG) Program was transferred from the Planning and Community Development (PCD) Department to the Finance Department for administrative purposes. With this change, the City needs to update the City’s Certifying Official to the Finance Director, Melissa Kinzler. The Certifying Official will sign environmental review documents conducted by CDBG program staff. The Housing and Urban Development Department (HUD) requires that any activity receiving federal funding be accompanied by a thorough environmental review to make sure the project has no negative environmental impacts. In April 2023, the City Commission adopted Resolution 10501 to update the Certifying Official to Interim Director of PCD, Tom Micuda. Now that a new Director of PCD has been hired and the program has shifted to the Finance Department, the Certifying Official needs to be updated to the Director of Finance.

Fiscal Impact

There are no financial impacts associated with the adoption of Resolution 10528, this is simply an administrative function to ensure compliance with program requirements.

Alternatives:

The City Commission could choose not to adopt Resolution 10528. This would mean the City would not be able to submit environmental reviews for projects that would otherwise receive federal funding.

Concurrences:

This action is supported by the staff of the Finance Department and PCD.

Attachments/Exhibits:

Resolution 10528

RESOLUTION 10528

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, DESIGNATING THE FINANCE DIRECTOR OF THE CITY OF GREAT FALLS AS THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR HUD FUNDED PROGRAMS – CDBG AND HOME

* * * * *

WHEREAS, the United States Department of Housing and Urban Development and the United States Environmental Protection Agency require the City of Great Falls to comply with certain signatory and reporting requirements for environmental reviews associated with projects funded by Community Development Block Grant and HOME Investment Partnerships Funds; and

WHEREAS, in order to fulfill its obligations under 24 CFR Part 58, the City as a “Responsible Entity” must designate a “Certifying Officer” to certify compliance with the National Environmental Policy Act and other relevant federal laws; and

WHEREAS, in order to administer federal Community Development Block Grant and HOME Investment Partnerships Funds, the City must certify to HUD that the Mayor, or his/her designee in his/her official capacity, consents to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action and that these responsibilities have been satisfied; and

WHEREAS, the legal effect of the certification is that upon its approval, the City of Great Falls may use the Community Development Block Grant and HOME Investment Partnerships funds, and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969 and other environmental responsibilities listed in 24 CFR Parts 50 and 58; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana that for any potential CDBG or HOME-funded project where the project is: 1) exempt by definition pursuant to 24 CFR § 58.34, 2) categorically excluded and not subject to 24 CFR Part 58, or 3) categorically excluded and subject to review with 24 CFR § 58.5 but no compliance/consultation with regulatory authorities is required, the City designates the Mayor of the City of Great Falls or the City of Great Falls Finance Director as the Certifying Officer. As the Certifying Officer, the Mayor of the City of Great Falls or the City of Great Falls Finance Director may do all acts necessary to approve the submission of the environmental review documents to the federal government and certify compliance in accordance with this resolution; and

BE IT FURTHER RESOLVED that for any potential CDBG or HOME-funded project where either: 1) the project is categorically excluded and subject to review with 24 CFR § 58.5 and compliance/consultation is required or 2) the project requires an environmental assessment and/or environmental impact statement, the City designates the Mayor of the City of Great Falls or the City of Great Falls Finance Director as the Certifying Officer. As the Certifying Officer, the Mayor of the City of Great Falls or the City of Great Falls Finance Director may do all acts necessary to approve the submission of the environmental review documents to the federal government and certify compliance in accordance with this resolution; and Page 2 of 2

BE IT FURTHER RESOLVED that for any project where an environmental review was submitted to the federal government prior to September 19, 2023, and where any potentially CDBG or HOME funded project was: 1) exempt by definition pursuant to 24 CFR § 58.34, 2) categorically excluded and not subject to 24 CFR § 58.5, or 3) categorically excluded and subject to review with 24 CFR § 58.5 but no compliance/consultation with regulatory authorities was required, the City ratifies all actions, signatory approvals, and certifications by employees of the City that were necessary to complete those environmental reviews submitted to the federal government. The City designates any such employee as a Certifying Officer for the City of Great Falls for the projects acted upon and certified by the employee prior to September 19, 2023.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, September 19, 2023.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney



Commission Meeting Date: September 19, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10529, Resolution relating to \$645,000 Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District), Series 2023, Authorizing the sale and prescribing the forms and terms thereof and the security therefor

From: Melissa Kinzler, Finance Director

Initiated By: Great Falls International Airport Authority Development Agreement

Presented By: Melissa Kinzler, Finance Director

Action Requested: Adopt Resolution 10529

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/ deny) Resolution 10529.”

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

Staff Recommendation: Staff recommends that the City Commission adopt Resolution No. 10529.

Background: In May of 2021, the City Commission adopted Resolution 10399, which approved the Great Falls Airport Authority’s (Authority) request for Tax Increment Financing (TIF) funds from the Great Falls International Airport Tax Increment Financing Industrial TIF District to aid in the cost of infrastructure improvements. This request was in coordination with a project that would construct improvements including water service lines, sewer service lines, storm sewer improvements, electric/data services lines, and two roadway access points. The improvements are now constructed and accepted by the City, and will be used to serve the future construction of buildings to be used for industrial warehouse bays.

After the City Commission’s approval of the development agreement recorded on May 19, 2021, which allocated \$762,510 for the projects, the construction and bidding process resulted in higher dollar amounts than estimated in the original request. The Authority requested additional TIF reimbursement to cover the inflated costs. The revised request by the Authority asked for a total reimbursement of \$1,091,238. Amendment No. 1 to the development agreement was approved by the City Commission on December 6, 2022. In the amended development agreement, the City agreed to (i) reimburse the Authority for \$400,000 of costs of the Infrastructure Improvements with Tax Increment funds on hand and (ii) issue Bonds payable from the Tax Increment in a principal amount sufficient to pay or reimburse the Authority for up to

\$691,238 of Infrastructure Improvements, to fund a deposit to the reserve account and to pay costs of issuance. The City has reimbursed the Authority the \$400,000 from the Tax Increment funds on hand. The amount the City will reimburse the Airport in issuing the Bonds will be \$521,183.80. The total reimbursed amount for Infrastructure Improvements to the Authority will be \$921,183.00.

Resolution 10520, established the terms, and limitations of the sale. The City Manager and the Fiscal Services Director, or the Deputy City Manager in the absence or unavailability of either, were authorized to determine the conditions pertaining to the negotiated sale of the Series 2023 Bonds, including whether the Series 2023 Bonds will be sold in a public offering or a private placement. The Series 2023 Bonds were sold in a public offering, D.A. Davidson & Co., of Great Falls, Montana (“Davidson”) served as underwriter for the public sale of the Series 2023 Bonds.

The purchase price, redemption features, and interest rate on the Bonds were subjected to the following conditions and limitations:

- (1) the aggregate principal amount of the Series 2023 Bonds shall not exceed \$850,000.
- (2) the average coupon rate on the Series 2023 Bonds shall not exceed 6.0%
- (3) the purchase price of the Series 2023 Bonds shall not be less than 98.5% of the principal amount thereof; and
- (4) the final maturity of the Series 2023 Bonds shall not be later than 17 years from their date of issuance.

Resolution 10529 determines the form and details, authorizing the sale and delivery for the payment for a negotiated sale of \$645,000 Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District), Series 2023. All terms and limitations of Resolution 10520 were met. The average coupon rate of the bonds is 5.0%, which is well below the 6.0% set forth in Resolution 10520. The final maturity of the Bonds is 14 years from the date of issuance (7/1/2037) with the option to call remaining Bonds after 7 years (7/1/2030).

Fiscal Impact: The fiscal impact of issuing \$645,000 of revenue bonds is estimated to be an average debt service of \$65,579.97 a year through Fiscal Year 2038 in the Airport Tax Increment Fund. The Total Annual Debt Service will be \$902,635.42.

Alternatives: The City Commission could elect to deny the Resolution. This action would prevent the Authority from receiving reimbursement to wholly cover the costs of the project previously approved through the Development Agreements.

Concurrences: City Finance and Planning staff, as well as the City’s outside legal counsel have reviewed and approved the request.

Attachments/Exhibits:

Resolution 10529

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 10529, entitled: "RESOLUTION RELATING TO \$645,000 TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT REVENUE BONDS (GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT), SERIES 2023; AUTHORIZING THE SALE AND PRESCRIBING THE FORMS AND TERMS THEREOF AND THE SECURITY THEREFOR" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on September 19, 2023, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commission Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 19th day of September, 2023.

(SEAL)

City Clerk

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[Not a part of this Resolution; for convenience of reference only.]

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RESOLUTION NO. 10529

RESOLUTION RELATING TO \$645,000 TAX INCREMENT
INDUSTRIAL INFRASTRUCTURE DEVELOPMENT
REVENUE BONDS (GREAT FALLS INTERNATIONAL
AIRPORT TAX INCREMENT FINANCING INDUSTRIAL
DISTRICT), SERIES 2023; AUTHORIZING THE SALE AND
PRESCRIBING THE FORMS AND TERMS THEREOF AND
THE SECURITY THEREFOR

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Definitions, Authorizations and Findings.

1.01. Definitions. The terms defined in this Section 1.01 shall for all purposes of this Resolution have the meanings herein specified, unless the context clearly otherwise requires:

Accountant means a Person engaged in the practice of accounting as a certified public accountant, whether or not employed by the City.

Act means Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as it existed on December 31, 2012.

Additional Bonds means any Bonds issued pursuant to Sections 4.01 through 4.03.

Bond Account means the account so designated in the Tax Increment Debt Service Account.

Bond Counsel means any firm of nationally recognized bond counsel experienced in matters relating to tax-exempt financing, selected by the City.

Bond Register means the register maintained for the purpose of registering the ownership, transfer and exchange of the Bonds of any series.

Bonds means the Series 2023 Bonds and any Additional Bonds.

Business Day means, with respect to the Bonds of any series, any day other than a Saturday, Sunday or other day on which the Registrar for such series of Bonds is not open for business.

City means the City of Great Falls, Montana, or its successors.

Code means the Internal Revenue Code of 1986.

Commission means the City Commission of the City or any successor governing body thereof.

Construction Account means the account so designated in the Tax Increment Capital Project Account.

Defeasance Obligations means obligations for payment of the principal of and interest on which the United States has pledged its full faith and credit, or money market funds invested in such obligations, which are not subject to redemption or prepayment other than at the option of the holder thereof.

District means the City's Great Falls International Airport Tax Increment Financing Industrial District created and established pursuant to the Act and the Ordinance, as such district may be enlarged or reduced in accordance with the Act.

Fiscal Year means the period commencing on the first day of July of any year and ending on the last day of June of the next calendar year, or any other twelve-month period authorized by law and specified by this Commission as the City's Fiscal Year.

Independent means, when used with respect to any specified Person, such a Person who (i) is in fact independent; (ii) does not have any direct financial interest or any material indirect financial interest in the City, other than the payment to be received under a contract for services to be performed by such Person; and (iii) is not connected with the City as an officer, employee, promoter, trustee, partner, director, underwriter or person performing similar functions.

Interest Account means the subaccount so designated in the Bond Account.

Interest Payment Date means the Stated Maturity of an installment of interest on any of the Bonds.

Ordinance means Ordinance No. 3022, adopted by the Commission on November 5, 2008, as amended and supplemented by Ordinance No. 3043, adopted by the Commission on September 1, 2009, as it may be further amended or supplemented from time to time in accordance with the Act.

Original Purchaser means, with respect to any series of Bonds, the Person who purchases such series of Bonds from the City when first issued. The Original Purchaser of the Series 2023 Bonds is D.A. Davidson & Co. of Great Falls, Montana.

Outstanding means, with reference to Bonds, as of the date of determination, all Bonds theretofore issued and delivered under this Resolution except:

(i) Bonds theretofore cancelled by the City or delivered to the City cancelled or for cancellation;

(ii) Bonds and portions of Bonds for whose payment or redemption money or Defeasance Obligations (as provided in Section 11.04) shall have been theretofore deposited in trust for the Owners of such Bonds; provided, however, that if such Bonds are to be redeemed, notice of such redemption shall have been duly given pursuant to this Resolution or irrevocable instructions to call such Bonds for redemption at a stated Redemption Date shall have been given by the City; and

(iii) Bonds in exchange for or in lieu of which other Bonds shall have been issued and delivered pursuant to this Resolution;

provided, however, that in determining whether the Owners of the requisite principal amount of Outstanding Bonds have given any request, demand, authorization, direction, notice, consent or waiver hereunder, Bonds owned by the City shall be disregarded and deemed not to be Outstanding.

Owner means, with respect to any Bond, the Person in whose name such Bond is registered in the Bond Register.

Person means any individual, corporation, partnership, joint venture, limited liability company, limited liability partnership, association, joint stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

Plan means the City’s Great Falls International Airport Tax Increment Financing Industrial District Plan adopted by the Commission pursuant to the Ordinance, as it may be amended or supplemented from time to time in accordance with the Act.

Principal Account means the subaccount so designated in the Bond Account.

Principal and Interest Requirements means, with respect to any Bonds and for any Fiscal Year or other specified period, the amount required to pay the principal of and interest on such Bonds during such Fiscal Year or other period, determined on the assumption that each Serial Bond is to be paid on its Stated Maturity and each Term Bond is to be paid on the Sinking Fund Payment Dates according to the mandatory redemption requirements established for such Term Bond by the applicable section of this Resolution or any Supplemental Resolution.

Principal Payment Date means the Stated Maturity of principal of any Serial Bond and the Sinking Fund Payment Date for any Term Bond.

Project means the 2023 Project and any other industrial infrastructure development project undertaken under the Act in or for the benefit of the District, the costs of which are to be paid, in whole or in part, from the proceeds of Bonds.

Redemption Date when used with respect to any Bond to be redeemed means the date on which it is to be redeemed.

Redemption Price when used with respect to any Bond to be redeemed means the price at which it is to be redeemed.

Registrar means the Person, if any, appointed by the City to act as bond registrar, transfer agent and paying agent for a series of Bonds. With respect to the Series 2023 Bonds, the Registrar shall be appointed as set forth in Section 3.05.

Regulations means the Treasury Regulations promulgated under the Code.

Reserve Account means the account so designated in the Tax Increment Debt Service Account.

Reserve Requirement means, as of the date of calculation, an amount equal to the least of (i) ten percent (10%) of the original principal amount of the Bonds; (ii) the maximum Principal and Interest Requirements on Outstanding Bonds for the then current or any future Fiscal Year; or (iii) 125% of the average Principal and Interest Requirements on the Bonds payable in any Fiscal Year.

Resolution means this Resolution No. 10529 as originally adopted or as it may from time to time be amended or supplemented pursuant to the applicable provisions hereof.

Serial Bonds means Bonds which are not Term Bonds.

Series 2023 Bonds means the City’s Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District), Series 2023, issued in the original aggregate principal amount of \$645,000.

Sinking Fund Payment Date means a date set forth in any applicable provision of this Resolution or a Supplemental Resolution for the making of a mandatory principal payment for the redemption of a Term Bond.

State means the State of Montana.

Stated Maturity when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond as the fixed date on which principal of such Bond or such installment of interest is due and payable.

Subordinate Obligations means any bonds, notes or obligations of the City issued on a subordinate basis to the Bonds as to the Tax Increment pursuant to Section 4.04.

Supplemental Resolution means any resolution supplemental to this Resolution adopted pursuant to Section 10.

Tax Increment means the amount received by the City pursuant to the Act from the extension of levies of Taxes (expressed in mills) against the incremental taxable value (as defined in the Act) of all Taxable Property, and shall include all payments in lieu of Taxes attributable to the incremental taxable value and all payments received by the City designated as replacement revenues for lost Tax Increment, as provided in Section 8.08.

Tax Increment Capital Project Account means the account so designated in the Tax Increment Accounts.

Tax Increment Debt Service Account means the account so designated in the Tax Increment Accounts.

Tax Increment Development Account means the account so designated in the Tax Increment Accounts.

Tax Increment Accounts means the accounts established pursuant to Section 5.

Taxable Property means all real and personal property located in the District and subject to Taxes, including land, improvements and equipment.

Taxes means all taxes levied on an ad valorem basis by any Taxing Body against the Taxable Property (exclusive of the six mill levy for university purposes levied by the State), and shall include all payments in lieu of taxes received by the City with respect to Taxable Property.

Taxing Body means the City; the County of Cascade, Montana; the countywide school districts; the Great Falls High School and Elementary School Districts; the State; and any other political subdivision or governmental unit which may hereafter levy Taxes against Taxable Property within the District.

Term Bond means any Bond for the payment of the principal of which mandatory payments are required by this Resolution or Supplemental Resolution to be made at times and in amounts sufficient to redeem all or a portion of such Bond prior to its Stated Maturity.

2023 Project shall have the meaning set forth in Section 1.03.

1.02. Rules of Construction. Unless the context otherwise requires or except as otherwise expressly provided:

(a) All references in this Resolution to designated sections and other subdivisions are to the designated sections and other subdivisions of this Resolution as originally adopted.

(b) The words “herein,” “hereof” and “hereunder” and other words of similar import without reference to any particular section or subdivision refer to this Resolution as a whole and not to any particular section or other subdivision unless the context clearly indicates otherwise.

(c) The terms defined in this Resolution include the plural as well as the singular.

(d) All accounting terms not otherwise defined herein have the meanings assigned to them in accordance with generally accepted accounting principles applicable to governmental entities.

(e) All computations provided herein shall be made in accordance with generally accepted accounting principles applicable to governmental entities consistently applied.

(f) “Or” is not intended to be exclusive, but is intended to contemplate or encompass one or more or all of the terms or alternatives conjoined.

1.03. Authorization; Recitals. Pursuant to the Act, the City was authorized to create industrial districts, undertake industrial infrastructure development projects therein, provide for

the segregation and collection of tax increment with respect to taxes collected in such areas, issue its bonds to pay the costs of such projects and to refund bonds previously issued under the Act and pledge to the repayment of the bonds the tax increment and other revenues derived from projects undertaken within the industrial district. In 2013, the Montana legislature enacted Senate Bill 239 (“SB 239”), which made various changes to Montana Code Annotated, Title 7, Chapter 15, Part 42, including repealing the authority of municipalities to create industrial districts, effective July 1, 2013. However, Section 25 of SB 239 provides that industrial districts established under the Act may continue to operate and to issue bonds under the Act as it existed on December 31, 2012, except that the municipality may not amend the plan or boundaries of the district or expand in any manner the projects contained in the plan without providing notice to and receiving the approval of the Department of Revenue.

The Commission, pursuant to the Act and the Ordinance, created the District and adopted the Plan for the purpose of undertaking and financing or reimbursing costs of industrial infrastructure development projects therein. The Plan provides for the segregation and collection of tax increment with respect to the District. The District and the Plan have been duly and validly created and adopted in accordance with the Act and are in full force and effect. Since the effective date of SB 239, the City has not amended the Plan or the boundaries of the District or expanded the projects contained in the Plan.

The Great Falls International Airport Authority, a regional airport authority created by the City and Cascade County, Montana (the “Authority”), is undertaking a multi-year, multi-phase development project on a 300-acre site in the District located at 4201 Ulm North Frontage Road Great Falls, Montana 59404, consisting of the construction of large metal warehouse buildings to be leased and/or sold primarily to third parties engaged in secondary, value-adding industries (the “Airport Project”). Pursuant to the Act and the Ordinance, the City (i) designated and approved the Airport Project as an industrial development project and (ii) authorized the use of tax increment with respect to the District in an amount not to exceed \$1,091,238 to pay or reimburse the Authority for the costs of certain qualified improvements associated with the Airport Project, consisting of design and construction of electric/data service lines, water lines, sewer lines, storm sewer improvements, and roadway approaches (collectively, the “2023 Project”).

The City and the Authority entered into a Development Agreement, dated as of May 19, 2021, as amended and supplemented by Amendment No. 1 to Development Agreement dated as of November 28, 2022 (the “Development Agreement”), pursuant to which the City agreed to pay or reimburse the Authority for up to \$1,091,238 of costs of the 2023 Project, of which \$400,000 has been paid to the Authority as of the date hereof from Tax Increment on hand. Pursuant to the Development Agreement, the City has agreed to issue bonds payable from Tax Increment in a principal amount sufficient to pay or reimburse the Authority in the amount of \$521,183.80, representing the remaining costs of the 2023 Project. The Authority has represented to the City that it has satisfied all preconditions to the issuance of such bonds as set forth in the Development Agreement.

1.04. Authorization and Sale of Series 2023 Bonds. Pursuant to Resolution No. 10520 adopted August 1, 2023 (the “Parameters Resolution”), this Commission determined that it is in the best interests of the City to issue its Series 2023 Bonds for the purpose of paying or

reimbursing the Authority for costs of the 2023 Project, funding a deposit to the Reserve Account, and paying costs of issuance of the Series 2023 Bonds. Pursuant to the Parameters Resolution, this Commission authorized the negotiated sale of the Series 2023 Bonds to the Original Purchaser and authorized the City Manager and the City Fiscal Services Director to enter into the Bond Purchase Agreement, dated as of September 11, 2023, with the Original Purchaser (the “Bond Purchase Agreement”), pursuant to which the Original Purchaser agreed to purchase the Series 2023 Bonds at the aggregate purchase price of \$643,149.90 (representing the par amount of the Series 2023 Bonds, less underwriter’s compensation of \$9,675.00 and plus a net original issue premium of \$7,824.90), subject to the terms and conditions of the Bond Purchase Agreement and this Resolution. The sale of the Bonds to the Original Purchaser is hereby ratified and confirmed.

1.05. Application of Series 2023 Bond Proceeds. Proceeds of the Series 2023 Bonds will be applied as follows:

Deposit to Construction Account	\$521,183.80
Costs of Issuance	57,466.10
Underwriter’s Discount	9,675.00
Deposit to Reserve Account	64,500.00
Total Financed	\$652,824.90

1.06. Estimate of Tax Increment. Upon the issuance of the Series 2023 Bonds, there are no other obligations of the City in respect of the Tax Increment. Based on Tax Increment in the amount of \$202,183 received by the City in Fiscal Year 2023, the City estimates that Tax Increment to be received from the District will be at least \$202,183 per year. The maximum Principal and Interest Requirements on the Series 2023 Bonds is \$66,500, as shown on the debt service schedule attached as Exhibit A hereto.

1.07. Findings and Determinations. It is hereby found, determined and declared by this Commission as follows:

- (a) no persons were displaced from their housing by the Airport Project or the 2023 Project;
- (b) the Plan and the 2023 Project conform to the comprehensive plan or parts thereof of the City as a whole;
- (c) the Plan and the 2023 Project will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment in the District by private enterprise;
- (d) the 2023 Project is authorized under the Plan and constitutes an industrial infrastructure development project within the meaning of the Act;
- (e) a sound and adequate financial program exists for the 2023 Project;

(f) the estimated Tax Increment to be received by the City, as set forth in Section 1.06, and pledged to the payment of the Series 2023 Bonds will be sufficient to pay the Principal and Interest Requirements thereon when due;

(g) it is in the best interests of the City to issue and sell the Series 2023 Bonds in order to pay or reimburse the Authority for costs of the 2023 Project as provided in this Resolution; and

(h) the findings and determinations made by this Commission in the Ordinance are hereby ratified and confirmed.

All acts, conditions and things required by the Constitution and laws of the State, including the Act, in order to pledge the Tax Increment to the payment of the Bonds, to make the Series 2023 Bonds valid and binding special, limited obligations of the City in accordance with their terms and in accordance with the terms of this Resolution have been done, do exist, have happened and have been performed in regular and due form, time and manner as so required.

Section 2. The Bonds.

2.01. General Title. The general title of the Bonds of all series shall be “Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District),” with appropriate additions for refunding Bonds or Subordinate Obligations and to distinguish Bonds of each series from Bonds of other series.

2.02. General Limitations; Issuable in Series. The aggregate principal amount of Bonds that may be authenticated and delivered and Outstanding under this Resolution is not limited, except as provided in Section 4 and except as may be limited by law.

The Bonds may be issued in series as from time to time authorized by the City.

The Bonds are special, limited obligations of the City. The Bonds are not general obligations of the City and neither the general credit nor the taxing power of the City, Cascade County or the State is pledged to the payment of the Bonds or the interest thereon. Principal of, premium, if any, and interest on the Bonds (except to the extent expressly payable out of proceeds of the Bonds) are payable solely from the Tax Increment or other sources which may be pledged to the payment of any series of Bonds. Cascade County and the State shall in no event be liable for the payment of the principal of, premium, if any, or interest on the Bonds or the performance of any pledge of any kind whatsoever that may be undertaken by the City with respect thereto. Neither this Resolution, the Bonds, nor any of the agreements or obligations of the City contained herein or therein shall be construed to constitute an indebtedness of the City, Cascade County or the State within the meaning of any constitutional or statutory provisions whatsoever.

If any Stated Maturity, Redemption Date or Sinking Fund Payment Date shall be on a day which is not a Business Day, then payment of principal of, premium, if any, or interest due on such day may be made on the next succeeding Business Day, with the same force and effect as if made on such Stated Maturity, Redemption Date or Sinking Fund Payment Date (whether or not

such next succeeding Business Day occurs in a succeeding month), and no interest shall accrue for the intervening period.

2.03. Terms of a Particular Series. Each series of Bonds (other than the Series 2023 Bonds, as to which specific provision is made in Section 3) shall be created by a Supplemental Resolution and pursuant to Section 4. The City may, at the time of the creation of any series of Bonds or at any time thereafter make, and the Bonds of that series may also contain, provision for a sinking, amortization, improvement or other analogous fund. All Bonds of the same series shall be substantially identical except as to denomination and the differences specified herein or in a Supplemental Resolution between interest rates, Stated Maturities and redemption provisions.

2.04. Form and Denominations. The form of the Bonds (other than the Series 2023 Bonds, as to which specific provision is made in Section 3) shall be established by the Supplemental Resolution creating such series.

The Bonds of any series shall be issuable as fully registered Bonds, in such denominations as shall be provided in the Supplemental Resolution creating such series (other than the Series 2023 Bonds, as to which specific provision is made in Section 3). In the absence of any such provision with respect to the Bonds of any particular series, Bonds shall be in denominations of \$5,000 or any integral multiple thereof, of single Stated Maturities.

2.05. Execution and Delivery. Each Bond shall be executed on behalf of the City by the officials of the City specified in a Supplemental Resolution (other than the Series 2023 Bonds, as to which specific provision is made in Section 3). The signature of any official may be facsimile, if permitted by applicable law. Bonds bearing the manual or facsimile signatures of individuals who were at any time the proper officials of the City shall bind the City, notwithstanding that such individuals or any of them have ceased to hold such offices prior to the delivery of such Bonds or did not hold such offices at the date of such Bonds.

At any time and from time to time, the City may deliver Bonds executed by the proper officers of the City to the Registrar for authentication, and the Registrar shall authenticate and deliver such Bonds as specified in a Supplemental Resolution (other than the Series 2023 Bonds, as to which specific provision is made in Section 3).

Section 3. Bond Terms, Execution and Delivery.

3.01. Term of Series 2023 Bonds. The Series 2023 Bonds shall be designated “Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District), Series 2023.” The Series 2023 Bonds shall be in denominations of \$5,000 or any integral multiple thereof of single maturities. The Series 2023 Bonds shall mature, subject to redemption as hereinafter provided, on July 1 in the years and amounts listed below, and shall bear interest from date of original issue until paid or duly called for redemption (including mandatory sinking fund redemption as to the Term Bond maturing in 2037) at the rates shown opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2024	\$ 40,000	5.000%
2025	35,000	5.000
2026	35,000	5.000
2027	35,000	5.000
2028	40,000	5.000
2029	40,000	5.000
2030	45,000	5.000
2031	45,000	5.000
2032	50,000	5.000
2033	50,000	5.000
2037*	230,000	5.000

*Term Bonds subject to mandatory sinking fund redemption as set forth in Section 3.07 below.

Interest shall be calculated on the basis of a 360-day year composed of twelve 30-day months.

3.02. Registered Form, Interest Payment Dates. The Series 2023 Bonds shall be issuable only in fully registered form, and the ownership of the Series 2023 Bonds shall be transferred only upon the Bond Register. The interest on the Series 2023 Bonds shall be payable on January 1 and July 1 in each year, commencing January 1, 2024. Interest on the Series 2023 Bonds shall be payable to the Owners thereof as of the close of business on the 15th day of the month immediately preceding each Interest Payment Date, whether or not such day is a Business Day. Interest on, and upon presentation and surrender thereof, the principal of each Series 2023 Bond shall be payable by check or draft issued by the Registrar described herein.

3.03. Dated Date. Each Series 2023 Bond shall be dated, as originally issued, as of September 26, 2023, and upon authentication of any Series 2023 Bond the Registrar shall indicate thereon the date of such authentication.

3.04. Registration. The City shall appoint, and shall maintain, a bond registrar, transfer agent and paying agent (the “Registrar”). The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Bond Register. The Registrar shall keep at its designated corporate trust office a Bond Register in which the Registrar shall provide for the registration of ownership of Series 2023 Bonds and the registration of transfers and exchanges of Series 2023 Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Series 2023 Bonds. Upon surrender to the Registrar for transfer of any Series 2023 Bond duly endorsed by the Owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Owner thereof or by an attorney duly authorized by the Owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one

or more new Series 2023 Bonds of the same series and a like aggregate principal amount, interest rate and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of transfer of any Series 2023 Bond or portion thereof selected or called for redemption.

(c) Exchange of Series 2023 Bonds. Whenever any Series 2023 Bond is surrendered by the Owner for exchange, the Registrar shall authenticate and deliver one or more new Series 2023 Bonds of the same series and a like aggregate principal amount, interest rate and maturity, as requested by the Owner or the Owner's attorney in writing.

(d) Cancellation. All Series 2023 Bonds surrendered upon any transfer or exchange shall be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Series 2023 Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Series 2023 Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the Person in whose name any Series 2023 Bond is at any time registered in the Bond Register as the absolute owner of such Series 2023 Bond, whether such Series 2023 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Series 2023 Bond and for all other purposes, and all such payments so made to any such registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability of the City upon such Series 2023 Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Series 2023 Bonds (except for an exchange upon a partial redemption of a Series 2023 Bond), the Registrar may impose a charge upon the Owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Series 2023 Bonds. In case any Series 2023 Bond shall become mutilated or be lost, stolen or destroyed, the Registrar shall deliver a new Series 2023 Bond of the same series and a like aggregate principal amount, interest rate and maturity in exchange and substitution for and upon cancellation of any such mutilated Series 2023 Bond or in lieu of and in substitution for any such Series 2023 Bond lost, stolen or destroyed, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Series 2023 Bond lost, stolen or destroyed, upon filing with the Registrar of evidence satisfactory to it that such Series 2023 Bond was lost, stolen or destroyed, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be

named as obligees. All Series 2023 Bonds so surrendered to the Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City. If the mutilated, lost, stolen or destroyed Series 2023 Bond has already matured or such Series 2023 Bond has been called for redemption in accordance with its terms, it shall not be necessary to issue a new Series 2023 Bond prior to payment.

3.05. Appointment of Initial Registrar. The City hereby appoints U.S. Bank Trust Company, National Association, of Salt Lake City, Utah, to act as the Registrar. The City reserves the right to appoint a successor Registrar, but the City agrees to pay the reasonable and customary charges of the Registrar for the services performed. Upon merger or consolidation of a bank or trust company that is acting as the Registrar, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City reserves the right to remove any Registrar upon 30 days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Series 2023 Bonds in its possession as Registrar to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

3.06. Optional Redemption. The Series 2023 Bonds with Stated Maturities in the years 2024 through 2030 are not subject to redemption prior to their Stated Maturities. The Series 2023 Bonds with Stated Maturities on or after July 1, 2031 are subject to redemption on July 1, 2030 and any date thereafter, at the option of the City, in whole or in part, and if in part from such Stated Maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner as directed by the City), at a Redemption Price equal to the principal amount thereof and interest accrued to the Redemption Date, without premium.

The Redemption Date and the principal amount of the Series 2023 Bonds to be redeemed shall be fixed by the Fiscal Services Director who shall give notice thereof to the Registrar at least 35 days prior to the Redemption Date or such lesser period as the Registrar accepts. The Registrar, at least 30 days prior to the designated Redemption Date, shall cause notice of redemption to be given, by first class mail or by other means required by the securities depository, to the Owners of each Series 2023 Bond to be redeemed at their addresses as they appear on the Bond Register, but no defect in or failure to give such notice shall affect the validity of proceedings for the redemption of any Series 2023 Bond not affected by such defect or failure. The notice of redemption shall specify the Redemption Date, Redemption Price, the numbers, the Stated Maturities, interest rates and CUSIP numbers of the Series 2023 Bonds or portions thereof to be redeemed and the place at which the Series 2023 Bonds are to be surrendered for payment, which is the designated corporate trust office of the Registrar. Official notice of redemption having been given as aforesaid, the Series 2023 Bonds or portions thereof so to be redeemed shall, on the Redemption Date, become due and payable at the Redemption Price therein specified and from and after such date (unless the City shall default in the payment of the Redemption Price) such Series 2023 Bonds or portions thereof shall cease to bear interest.

Any notice of optional redemption of Series 2023 Bonds may state that redemption is conditioned upon the receipt by the Registrar on or prior to the date fixed for such redemption of money sufficient to pay the redemption price of the Series 2023 Bonds to be redeemed or upon

the satisfaction of any other condition stated in the notice, and that if such money is not so received or such condition not so satisfied, such notice shall be of no force and effect, and the City shall not be required to redeem such Series 2023 Bonds. In the event that a notice of redemption contains such a condition and such money is not so received or such condition is not so satisfied, the redemption will not be made and the Registrar will, within a reasonable time thereafter, give notice in the manner in which the notice of redemption was given, that such money was not so received or such condition not so satisfied and that such redemption was not made.

3.07. Mandatory Sinking Fund Redemption. The Series 2023 Bonds having a Stated Maturity in 2037 are Term Bonds and are subject to mandatory sinking fund redemption prior to maturity on July 1 in the respective years and the respective principal amounts set forth below in \$5,000 principal amounts selected by the Registrar, by lot or other manner as directed by the City, at a Redemption Price equal to the principal amount thereof to be redeemed plus interest accrued to the Redemption Date:

2037 Term Bond	
July 1	Sinking Fund Payment Amount
2034	\$55,000
2035	55,000
2036	60,000
2037*	60,000

*Stated Maturity.

If the Term Bonds having a Stated Maturity in 2037 are not previously purchased by the City in the open market or prepaid, \$60,000, in principal amount of such Term Bonds would remain to mature in 2037. The principal amount of such Term Bonds required to be redeemed on the above Sinking Fund Payment Dates shall be reduced by the principal amount of such Term Bonds theretofore redeemed at the option of the City and as to which the City has not previously applied amounts to reduce the principal amount of such Term Bonds on a Sinking Fund Payment Date.

3.08. Execution and Delivery. The Series 2023 Bonds shall be forthwith prepared for execution under the direction of the City Clerk and shall be executed on behalf of the City by the signatures of the Mayor, the City Manager, the Fiscal Services Director and the City Clerk, provided that said signatures may be printed, engraved or lithographed facsimiles thereof. The seal of the City need not be imprinted on or affixed to any Series 2023 Bond. In case any officer whose signature or a facsimile of whose signature shall appear on the Series 2023 Bonds shall cease to be such officer before the delivery thereof, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Series 2023 Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Resolution unless and until a certificate of authentication on such Series 2023 Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on

different Series 2023 Bonds need not be signed by the same representative. The executed certificate of authentication on each Series 2023 Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Series 2023 Bonds have been fully executed and authenticated, they shall be delivered by the Registrar to the Original Purchaser upon payment of the purchase price in accordance with the Bond Purchase Agreement, and the Original Purchaser shall not be obligated to see to the application of the purchase price.

3.09. Securities Depository for the Series 2023 Bonds.

(a) For purposes of this Section 3.09, the following terms shall have the following meanings:

“Beneficial Owner” means, whenever used with respect to a Series 2023 Bond of which DTC (as hereinafter defined) or its nominee is the Owner, the Person (or subrogee of the Person) recorded as the beneficial owner of such Series 2023 Bond on the records of the Participant (as hereinafter defined) in whose name DTC holds such Series 2023 Bond.

“Cede & Co.” means Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Series 2023 Bonds.

“DTC” means The Depository Trust Company of New York, New York.

“Participant” means any broker-dealer, bank or other financial institution for which DTC holds Series 2023 Bonds as securities depository.

“Representation Letter” means the Blanket Issuer Letter of Representations pursuant to which the City agrees to comply with DTC’s Operational Arrangements.

(b) The Series 2023 Bonds shall be initially issued as separately authenticated fully registered Series 2023 Bonds, and one Series 2023 Bond shall be issued in the principal amount of each Stated Maturity of the Series 2023 Bonds. Upon initial issuance, the ownership of all Series 2023 Bonds shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive Owner of the Series 2023 Bonds registered in its name for the purposes of payment of the principal of or interest on the Series 2023 Bonds, selecting the Series 2023 Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to Owners of Series 2023 Bonds under this Resolution, registering the transfer of Series 2023 Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any Person claiming a beneficial ownership interest in the Series 2023 Bonds under or through DTC or any Participant, or any other Person which is not shown on the Bond Register as being an Owner, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Series 2023 Bonds, with respect to any notice which is permitted or required to be given to Owners under this Resolution, with respect to the selection by DTC or any Participant of

any Person to receive payment in the event of a partial redemption of the Series 2023 Bonds, or with respect to any consent given or other action taken by DTC as Owner of the Series 2023 Bonds. So long as any Series 2023 Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Series 2023 Bond, and shall give all notices with respect to such Series 2023 Bond, only to Cede & Co. in accordance with the Representation Letter, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Series 2023 Bonds to the extent of the sum or sums so paid. Unless the services of DTC as securities depository with respect to the Series 2023 Bonds are terminated as provided in subsection (c) hereof, no Person other than DTC shall receive an authenticated Series 2023 Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Series 2023 Bonds will be transferable to such new nominee in accordance with subsection (e) hereof.

(c) In the event the City determines to discontinue the book-entry-only system for the Series 2023 Bonds, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Series 2023 Bonds in the form of certificates. In such event, the Series 2023 Bonds will be transferable in accordance with subsection (e) hereof. DTC may determine to discontinue providing its services with respect to the Series 2023 Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Series 2023 Bonds will be transferable in accordance with subsection (e) hereof.

(d) The Representation Letter sets forth certain matters with respect to, among other things, notices, consents and approvals by Owners and Beneficial Owners and payments on the Series 2023 Bonds. The Registrar shall have the same rights with respect to its actions thereunder as it has with respect to its actions under this Resolution.

(e) In the event that any transfer or exchange of Series 2023 Bonds is permitted under subsection (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Series 2023 Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Resolution. In the event Series 2023 Bonds in the form of certificates are issued to Owners other than Cede & Co., its successor as nominee for DTC as Owner of all the Series 2023 Bonds, or another securities depository as Owner of all the Series 2023 Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the preparation of such Series 2023 Bonds in the form of Series 2023 Bond certificates and the method of payment of principal of and interest on such Series 2023 Bonds in the form of Series 2023 Bond certificates.

3.10. Form of Series 2023 Bonds. The Series 2023 Bonds shall be prepared in substantially the form set forth in Exhibit B hereto and by this reference is made a part hereof.

3.11. Application of Proceeds of Series 2023 Bonds. Simultaneously with the delivery of the Series 2023 Bonds, the Fiscal Services Director shall apply the proceeds of the Series 2023 Bonds received from the Original Purchaser as follows:

- (a) \$521,183.80 shall be deposited in the Construction Account to pay or reimburse the Authority for costs of the 2023 Project;
- (b) \$57,466.10 shall be deposited in the Construction Account to be used to pay costs of issuance of the Series 2023 Bonds; and
- (c) \$64,500.00 shall be deposited in the Reserve Account in order to cause the balance therein to equal the Reserve Requirement, giving effect to the issuance of the Series 2023 Bonds.

Section 4. Additional Bonds.

4.01. General Provisions. In addition to the Series 2023 Bonds, whose issuance and delivery is provided for in Section 3, Additional Bonds may at any time and from time to time be issued, sold and delivered by the City but only upon compliance with the conditions of Sections 4.02 and 4.03, whichever may be applicable, and upon filing with the City Clerk the following:

- (a) A Supplemental Resolution authorizing the issuance of such series of Additional Bonds and the sale thereof to the Original Purchaser or Purchasers named therein for the purchase price set forth therein. In connection with any Additional Bonds issued under Section 4.02, the Supplemental Resolution authorizing the issuance of such series of Additional Bonds shall describe in brief and general terms the Projects to be acquired, constructed, altered or improved and provide an estimate of the costs thereof.
- (b) A certificate executed by the City Manager and the Fiscal Services Director stating that upon the issuance of such series of Additional Bonds, no default hereunder has occurred and is continuing which would not be cured upon the issuance of such series of Additional Bonds and application of the proceeds thereof.
- (c) An opinion of Bond Counsel (who may rely on factual representations of the City and which opinion may be qualified by customary qualifications and exceptions), addressed to the City, stating that:
 - (i) all conditions precedent provided for in this Resolution relating to the issuance and delivery of such series of Additional Bonds have been complied with, including any conditions precedent specified in this Section 4.01; and
 - (ii) the series of Additional Bonds when issued and delivered by the City will be valid and binding special, limited obligations of the City in accordance with their terms and entitled to the benefits of and secured by this Resolution.

Any Additional Bonds shall be dated, shall bear interest at a rate or rates, shall have Stated Maturities, and may be subject to redemption at such times and prices and on such terms and conditions, all as may be provided by the Supplemental Resolution authorizing their issuance. All Additional Bonds issued pursuant to Sections 4.02 and 4.03 shall be payable and secured ratably and equally and on a parity with the Series 2023 Bonds and any Additional Bonds theretofore issued, entitled to the same benefits and security of this Resolution.

4.02. Additional Bonds to Pay the Cost of Projects. Additional Bonds may be issued under this Section 4.02, at one time or from time to time, subject to the conditions provided in Section 4.01 and this Section 4.02, for the purpose of providing funds, with any other funds available and committed therefor, for paying the cost of one or more Projects and any costs of issuance or other expenses in connection with such financing.

Prior to the execution and delivery of any series of Additional Bonds under this Section 4.02, there shall be filed with the City Clerk:

(a) a certificate executed by the City Manager and the Fiscal Services Director stating: (i) the estimated cost of the Projects being financed thereby, including an allowance for contingencies and all costs of issuance, fees, expenses and financing costs, (ii) the amount, if any, which will be required to be deposited in the Reserve Account in connection with the issuance of the Additional Bonds, (iii) the amount, if any, which will be required to be credited to the Bond Account to pay interest on the Additional Bonds prior to collection of sufficient Tax Increment available therefor, (iv) the amount of Tax Increment received by the City in the last completed Fiscal Year, (v) the amount of the maximum Principal and Interest Requirements on the Outstanding Bonds and the Additional Bonds proposed to be issued for any future Fiscal Year during the term of the Outstanding Bonds, and (vi) that the principal amount of such Additional Bonds is sufficient to provide for the payment of all estimated costs of Projects to be financed thereby and credits to the Reserve Account and the Bond Account as set forth above; and

(b) a certificate executed by the City Manager and the Fiscal Services Director stating that:

(i) the Tax Increment received by the City in the last completed Fiscal Year was equal to at least 140% of the maximum Principal and Interest Requirements for any future calendar year (during the term of the Outstanding Bonds) with respect to Outstanding Bonds and the Additional Bonds proposed to be issued; or

(ii) the Tax Increment received by the City in the last completed Fiscal Year, adjusted as provided below, was equal to at least 140% of the maximum Principal and Interest Requirements for any future calendar year (during the term of the Outstanding Bonds) with respect to the Outstanding Bonds and the Additional Bonds proposed to be issued.

For the purpose of calculating the adjustment referenced in Section 4.02(b)(ii), the Tax Increment received by the City in the last completed Fiscal Year may be adjusted by adding 90% of any increase in Tax Increment as a result of applying the aggregate tax rates of the Taxing Bodies effective for the then-current Fiscal Year (or, if tax rates are not yet available for the then-current Fiscal Year, the aggregate tax rates of the Taxing Bodies effective for the last completed Fiscal Year) to then-current taxable value of the District as of the date of calculation, as estimated by the Fiscal Services Director, based on information from the Department of Revenue, including any projects completed or underway in the District, the taxable values of which are not yet included in the actual taxable value (as defined in the Act) of the District.

This Commission shall approve and confirm the findings and estimates set forth in the above-described certificates in the Supplemental Resolution authorizing the issuance of the Additional Bonds.

4.03. Additional Bonds for Refunding Purposes. Additional Bonds may be issued under this Section 4.03, at one time or from time to time, subject to the conditions provided in Section 4.01 and this Section 4.03, for the purpose of providing funds, with any other funds available and committed therefor, for paying at, or redeeming prior to, their Stated Maturities any Outstanding Bonds, including the payment of any redemption premium thereon and interest which will accrue on such Bonds to any Redemption Date or the Stated Maturities thereof, and any expenses in connection with such financing. Such Additional Bonds shall be designated substantially as the Bonds to be refunded, with the addition of the term “refunding.”

Prior to the execution and delivery of any series of Additional Bonds under this Section 4.03, there shall be filed with the City Clerk:

(a) such documents as shall be required to show that provisions have been duly made in accordance with this Resolution for the redemption of all of the Outstanding Bonds to be refunded; and

(b) Either (i) a certificate executed by the City Manager and the Fiscal Services Director stating that the proceeds (excluding accrued interest but including any premium) of the Additional Bonds plus any moneys to be withdrawn from the Bond Account for such purpose, together with any other funds deposited for such purpose, will be not less than an amount sufficient to pay the Redemption Price on the Outstanding Bonds to be refunded, or (ii) a report of an Independent Accountant to the effect that from such proceeds there shall be deposited in trust Defeasance Obligations, the principal of and the interest on which when due and payable (or redeemable at the option of the holder thereof) will provide, together with any other moneys which shall have been deposited in trust irrevocably for such purpose, but without reinvestment, sufficient moneys to pay such principal, redemption premium and interest.

If Additional Bonds are issued to refund Subordinate Obligations issued pursuant to Section 4.04, the conditions for the issuance of Additional Bonds pursuant to Section 4.02 must be satisfied in lieu of this Section 4.03.

4.04. Subordinate Obligations. Except as provided in Sections 4.01, 4.02 and 4.03, no bonds, notes or other evidence of indebtedness of the City will be issued under or secured by the provisions of this Resolution, and no bonds, notes or other evidence of indebtedness will be made payable from the Bond Account, unless the pledge and appropriation of Tax Increment for the payment and security of such bonds, notes or other evidence of indebtedness is expressly subordinated to the pledge and appropriation made for the benefit and security of the Series 2023 Bonds and all Additional Bonds (“Subordinate Obligations”). In the event of the issuance of any such Subordinate Obligations, the principal, premium, if any, and interest thereon will be made payable from one or more additional accounts created within the Tax Increment Accounts for that purpose, and the balance of funds at any time on hand in any such accounts shall be available and shall be transferred whenever needed to meet the current requirements of the Bond Account and Reserve Account set forth in Sections 5.04 and 5.05.

Section 5. The Tax Increment Accounts.

5.01. Bond Proceeds and Tax Increment Pledged and Appropriated. The City hereby establishes on its books and records three accounts designated as the Tax Increment Capital Project Account, the Tax Increment Debt Service Account and the Tax Increment Development Account (collectively, the “Tax Increment Accounts”). The Tax Increment Accounts shall be maintained as separate and special bookkeeping accounts on the official books and records of the City until all Bonds have been fully paid, or the City’s obligation with reference to all Bonds has been discharged as provided in this Resolution.

All proceeds of Bonds and all other funds hereafter received or appropriated for purposes of the Projects are appropriated to the Tax Increment Accounts (except amounts otherwise appropriated in a Supplemental Resolution or received from Additional Bonds issued to refund Outstanding Bonds pursuant to Section 4.03). All Tax Increment is irrevocably pledged and appropriated and shall be credited as received to the Tax Increment Debt Service Account. Outstanding Bonds shall be secured by a first pledge of and lien on all of the Tax Increment and all other moneys from time to time in the Tax Increment Accounts in the manner and to the extent provided in this Section 5. The Tax Increment Accounts shall be subdivided into separate accounts as designated and described in Sections 5.03 to 5.06.

5.02. Tax Increment Receipts. All Tax Increment received by the City and credited to the Tax Increment Debt Service Account, as required in Section 5.01, shall be credited as received as follows: (a) first, to the Interest Account, until the balance on hand in the Interest Account is at least equal to all interest on Bonds due and payable from the Interest Account within the next six full calendar months; (b) second, after any credit to the Interest Account required by the preceding clause, to the Principal Account, until the balance on hand in the Principal Account is at least equal to all principal of and premium, if any, on Bonds due and payable from the Principal Account (including amounts due and payable on a Sinking Fund Payment Date) within the next twelve full calendar months; (c) third, after any credit to the Interest Account or the Principal Account required by the preceding clauses, to the Reserve Account until the balance on hand in the Reserve Account is equal to the Reserve Requirement; and (d) fourth, after any credit to the Interest Account, the Principal Account or the Reserve Account required by the preceding clauses, to the Tax Increment Development Account.

5.03. Construction Account. For each Project there shall be a separate Construction Account within the Tax Increment Capital Project Account, to be used only to pay allowed costs as incurred, which under accepted accounting principles are costs of the particular Project, including but not limited to payments due for work and materials performed and delivered under construction contracts, architectural, engineering, inspection, supervision, fiscal and legal expenses, the cost of lands and easements, interest accruing on Bonds during the period of construction of a Project financed thereby and for a period of time thereafter authorized by the Act and deemed necessary by this Commission, if and to the extent that the Interest Account is not sufficient for payment of such interest, reimbursement of any loans or advances made from other City funds, and all other expenses incurred in connection with the acquisition, construction and financing of the Project, including costs of issuance of Bonds or Subordinate Obligations. To the Construction Account shall be credited as received all proceeds of Bonds issued to finance such Project, except amounts otherwise appropriated in Section 3.11 or in a Supplemental Resolution or received from Additional Bonds issued to refund Outstanding Bonds pursuant to Section 4.03, all other funds appropriated by the City for the Project, and all income received from the investment of the Construction Account. Upon completion of any Project and payment of the costs thereof, the City may transfer any money then remaining in the Construction Account for that Project to the Interest Account and/or the Principal Account.

5.04. Bond Account. The Bond Account is hereby established as a special account within the Tax Increment Debt Service Account. There are hereby established within the Bond Account two separate subaccounts, designated as the Interest Account and the Principal Account.

(a) Interest Account. There shall be credited to the Interest Account the following amounts: (i) any amount specified in any Supplemental Resolution to be credited to the Interest Account; (ii) from the Tax Increment as received by the City, the amount specified in clause (a) of Section 5.02; and (iii) any amounts transferred from the Construction Account as provided in Section 5.03.

On or before each Interest Payment Date, the City shall withdraw from the Interest Account an amount sufficient to pay the interest coming due on the Bonds on such Interest Payment Date, and shall use such amount to pay, or make provision with the Registrar for the payment of, interest on the Bonds on such Interest Payment Date.

If on any Interest Payment Date the balance in the Interest Account is not sufficient to pay the total amount of interest due on such Interest Payment Date, the City shall transfer any money then on hand in the Tax Increment Development Account, the Reserve Account or the Principal Account, in the order listed and in an amount equal to such deficiency, to the Interest Account.

All income derived from the investment of amounts in the Interest Account shall be credited as received to the Interest Account.

(b) Principal Account. There shall be credited to the Principal Account the following amounts: (i) any amount specified in a Supplemental Resolution to be credited to the Principal Account; (ii) from the Tax Increment as received by the City, the amount

specified in clause (b) of Section 5.02; and (iii) any amounts transferred from the Construction Account as provided in Section 5.03.

Amounts on hand in the Principal Account shall be used on any Interest Payment Date to make up a deficiency in the Interest Account, if and to the extent required by the third paragraph of subsection (a) hereof.

On or before each Principal Payment Date, the City shall withdraw from the Principal Account an amount sufficient to pay the principal due on the Bonds on such Principal Payment Date, and shall use such amount to pay, or make provision with the Registrar for the payment of, principal of the Bonds on such Principal Payment Date.

If on any Principal Payment Date the balance in the Principal Account is not sufficient to pay the total amount of principal due on such Principal Payment Date, the City shall transfer any money then on hand in the Tax Increment Development Account or the Reserve Account, in the order listed and in an amount equal to such deficiency, to the Principal Account.

All income derived from the investment of amounts in the Principal Account shall be credited as received to the Principal Account.

5.05. Reserve Account. The Reserve Account is hereby established as a special account within the Tax Increment Debt Service Account. There shall be credited to the Reserve Account the following amounts: (i) \$64,500 from proceeds of the Series 2023 Bonds, as provided in Section 3.11; (ii) any amount specified in any Supplemental Resolution to be credited to the Reserve Account; (iii) from the Tax Increment as received by the City, the amount specified in clause (c) of Section 5.02; and (iv) any other amounts appropriated from time to time to the Reserve Account.

If on any Interest Payment Date or on any Principal Payment Date there shall exist, after the transfers thereto of any money then on hand in the Tax Increment Development Account a deficiency in the Interest Account or Principal Account, the City shall transfer from the Reserve Account to such account an amount equal to such deficiency.

All income derived from the investment of amounts in the Reserve Account shall be credited as received to the Reserve Account until such time as the balance in the Reserve Account is equal to the Reserve Requirement, and thereafter all such investment income as received shall be transferred to the Interest Account and/or Principal Account.

Money in the Reserve Account shall be used only to pay when due principal of, premium, if any, and interest on Outstanding Bonds when the balance on hand in the Bond Account is insufficient therefor; provided that on any date when the balance then on hand in the Bond Account allocable to a series of Bonds, plus the balance then on hand in the Reserve Account allocable to the series of Bonds, is sufficient with other money available to pay or discharge all Outstanding Bonds of that series and the interest accrued thereon in full, and the balance thereafter on hand in the Reserve Account will be at least equal to the Reserve Requirement for all Outstanding Bonds not to be discharged, it may be used for that purpose.

If at any time the balance in the Reserve Account exceeds the Reserve Requirement, the City shall transfer such excess to the Principal Account.

5.06. Tax Increment Development Account. There shall be credited to the Tax Increment Development Account any and all Tax Increment remaining after the required credits to the Bond Account and Reserve Account and any investment income and other moneys in any of the accounts within the Tax Increment Accounts in excess of the requirements of said accounts and which the City determines in its discretion to transfer to the Tax Increment Development Account. Money from time to time on hand in the Tax Increment Development Account shall be transferred to the Bond Account and Reserve Account as provided by Sections 5.04 and 5.05 and may be used for any of the following purposes and not otherwise:

- (a) to be transferred to the Construction Account to pay costs authorized to be paid therefrom;
- (b) to pay eligible costs and expenses pursuant to and as authorized by the Act;
- (c) to pay, redeem, discharge or otherwise secure Subordinate Obligations in accordance with the provisions of this Resolution or any Supplemental Resolution;
- (d) to purchase Bonds on the open market;
- (e) to redeem or discharge Bonds prior to their Stated Maturities in accordance with this Resolution or any Supplemental Resolution;
- (f) to make payments of arbitrage rebate to the United States of America pursuant to Section 148(f) of the Code in respect of any series of Bonds or Subordinate Obligations; and
- (g) to pay other Taxing Bodies a portion of the annual Tax Increment received by the City, pursuant to an agreement with respect thereto as authorized by the Act; provided, however, no such agreement shall require or permit the City to remit to any other Taxing Bodies any portion of the annual Tax Increment received in a Fiscal Year and on deposit in the Tax Increment Development Account unless (1) the Bond Account is funded as described above; (2) the balance in the Reserve Account as of the date of the remittance is not less than the Reserve Requirement; and (3) there is no default under the provisions of this Resolution as evidenced by a certificate of the Fiscal Services Director filed with the City Clerk as of the date of remittance.

5.07. Investments. The Fiscal Services Director shall cause all moneys from time to time in the Tax Increment Accounts to be deposited as received with one or more depository banks duly qualified in accordance with the provisions of Montana Code Annotated, Section 7-6-201, as amended, and shall cause the balances in such accounts, except any part thereof covered by federal deposit insurance, to be secured by the pledge of bonds or securities of the kinds required by law, and no money shall at any time be withdrawn from such deposit accounts except for the purposes of the Tax Increment Accounts as defined and authorized by this Resolution. The funds to the credit of the several accounts within the Tax Increment Accounts

may be commingled in one or more deposit accounts. The balance on hand in any of the accounts of the Tax Increment Accounts may at any time be invested and reinvested in Qualified Investments as provided below, maturing and bearing interest payable at the times and in the amounts estimated to be required to provide cash when needed for the purposes of the respective accounts; provided that the Reserve Account and Tax Increment Development Account shall be invested in Qualified Investments maturing not later than five years from the date of investment. Income from the investment of the moneys in the various accounts shall be credited thereto. Subject to the provisions of law now or hereafter controlling investment of such funds, money on hand in any of the accounts of the Tax Increment Accounts may be invested in any of the following Qualified Investments, but no others:

- (a) direct obligations of or obligations guaranteed by the United States of America;
- (b) bank time deposits or certificates of deposit secured by obligations and securities described in clause (a) above; and
- (c) the short-term investment pool administered by the Board of Investments of the State or any successor investment pool created pursuant to Montana law.

Section 6. Continuing Disclosure. Because the Series 2023 Bonds are being issued in a principal amount that is less than \$1,000,000, the Series 2023 Bonds are not an “offering” within the meaning of Rule 15c2-12, promulgated under the Securities Exchange Act of 1934 (the “Rule”), and the requirements of the Rule do not apply to the Series 2023 Bonds. However, for as long as the Series 2023 Bonds are Outstanding, the City covenants to provide to EMMA its annual financial statements and/or ACFR on or about March 31 of each year for the previously completed fiscal year. This covenant shall terminate upon the payment, defeasance or redemption in full of all Series 2023 Bonds.

Section 7. Tax Covenants and Certifications.

7.01. Use of 2023 Project. The 2023 Project is and will be owned and operated by the City. No user of the 2023 Project is granted any concession, license or special arrangement with respect to the 2023 Project. The City shall not enter into any lease, use or other agreement or arrangement with any non-governmental Person relating to the use of the 2023 Project or security for the payment of the Series 2023 Bonds which might cause the Series 2023 Bonds to be considered “private activity bonds” or “private loan bonds” within the meaning of Section 141 the Code. No “impermissible agreement” as defined in Section 1.141-4(e)(4)(ii) of the Regulations, has been or will be entered into by the Commission in respect of the Tax Increment or otherwise to secure the Series 2023 Bonds.

7.02. General Covenant. The City covenants and agrees with the Owners from time to time of the Series 2023 Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Series 2023 Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Regulations, and covenants to take any and all actions within its powers to ensure that

the interest on the Series 2023 Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations.

7.03. Arbitrage Certification. The Fiscal Services Director, being among the officers of the City charged with the responsibility for issuing the Series 2023 Bonds pursuant to this Resolution, is authorized and directed to execute and deliver to the Original Purchaser a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Series 2023 Bonds, it is reasonably expected that the proceeds of the Series 2023 Bonds will not be used in a manner that would cause the Series 2023 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code and the Regulations.

7.04. Arbitrage Rebate Exception.

(a) The City hereby represents that the Series 2023 Bonds qualify for the exception for small governmental units to the arbitrage rebate provisions contained in Section 148(f) of the Code. Specifically, the City represents:

(i) Substantially all (not less than 95%) of the proceeds of the Series 2023 Bonds (except for amounts to be applied to the payment of costs of issuance) will be used for local governmental activities of the City.

(ii) The aggregate face amount of all “tax-exempt bonds” (including warrants, contracts, leases and other indebtedness, but excluding private activity bonds) issued by or on behalf of the City and all subordinate entities thereof during 2023 is not reasonably expected to exceed \$5,000,000. To date in 2023, the City has not issued any tax-exempt bonds.

(b) If notwithstanding the provisions of paragraph (a) of this Section 7.04, the arbitrage rebate provisions of Section 148(f) of the Code apply to the Series 2023 Bonds, the City hereby covenants and agrees to make the determinations, retain records, and rebate to the United States the amounts at the times and in the manner required by said Section 148(f).

7.05. Information Reporting. The City shall file with the Secretary of the Treasury, not later than November 15, 2023, a statement concerning the Series 2023 Bonds containing the information required by Section 149(e) of the Code.

7.06. “Qualified Tax-Exempt Obligations.” Pursuant to Section 265(b)(3)(B)(ii) of the Code, the City hereby designates the Series 2023 Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code. The City has not designated any obligations in 2023, other than the Series 2023 Bonds, under Section 265(b)(3). The City hereby represents that it does not anticipate that obligations bearing interest not includable in gross income for purposes of federal income taxation under Section 103 of the Code (including refunding obligations as provided in Section 265(b)(3) of the Code and including “qualified 501(c)(3) bonds” but excluding other “private activity bonds,” as defined in Sections 141(a) and 145(a) of

the Code) will be issued by or on behalf of the City and all “subordinate entities” of the City in 2023 in an amount greater than \$10,000,000.

Section 8. Other Covenants of City.

8.01. Punctual Payment. The City will duly and punctually pay or cause to be paid the principal of, premium, if any, and interest on the Bonds in accordance with the terms of this Resolution and any applicable Supplemental Resolution and of the Bonds, and it will faithfully observe and perform all of the conditions, covenants and requirements of this Resolution and all Supplemental Resolutions and of the Bonds. Nothing herein contained shall prevent the City from making advances of its own moneys however derived to any of the uses or purposes referred to herein, nor shall anything herein be deemed or constitute a pledge or appropriation of funds or assets of the City other than those expressly pledged or appropriated hereby. The City further covenants that it will promptly deposit or cause to be deposited all Tax Increment it receives into the Tax Increment Debt Service Account, as set forth in Section 5.02.

8.02. Accumulation of Claims of Interest. In order to prevent any accumulation of claims for interest after maturity, the City will not, directly or indirectly, extend or consent to the extension of the time for the payment of any claim for interest on any of the Bonds and will not, directly or indirectly, be a party to or approve any such arrangements by purchasing or funding said claims for interest or in any other manner. In case any such claim for interest shall be extended or funded, whether or not with the consent of the City, such interest so extended or funded shall not be entitled, in case of default hereunder, to the benefits of this Resolution, except subject to the prior payment in full of the principal of all of the Bonds then outstanding and of all claims for interest which shall not have been so extended or funded.

8.03. Against Encumbrances. The City will not encumber, pledge or place any charge or lien upon any of the Tax Increment superior to or on a parity with the pledge and lien herein created for the benefit of the Bonds.

8.04. Books and Accounts; Financial Statements. The City will keep, or cause to be kept, proper books of record and accounts, separate from all other records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the Tax Increment and the Tax Increment Accounts. Such books of record and accounts shall be at all times during business hours subject to the inspection of the Owners of not less than ten percent (10%) of the principal amount of Outstanding Bonds, or their representatives authorized in writing.

8.05. Further Assurances. The City will adopt, make, execute and deliver any and all such further resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention or to facilitate the performance of this Resolution, and for the better assuring and confirming unto the Owners of the rights and benefits provided in this Resolution.

8.06. Amendment of Ordinance. Except to authorize additional Projects, the City will not amend or modify the Ordinance or reduce the size of the District if an effect thereof will be to materially and adversely affect the security of the Outstanding Bonds.

8.07. Increase in Base Taxable Value. The City shall not increase the “base taxable value” of the District pursuant to Section 7-15-4287 of the Act so long as any Bonds are Outstanding.

8.08. Pledge of Replacement Revenues. In the event the Constitution or laws of the State are amended to abolish or substantially reduce or eliminate real or personal property taxation and State law then or thereafter provides to the City an alternate or supplemental source or sources of revenue specifically to replace or supplement reduced or eliminated Tax Increment, then the City pledges, and covenants to appropriate annually, subject to the limitations of then applicable law, to the Bond Account from such alternate or supplemental revenues an amount that will, with money on hand in the Bond Account or available to be transferred to the Bond Account during such Fiscal Year, be sufficient to pay the principal of, premium, if any, and interest on the Outstanding Bonds payable in that Fiscal Year.

Section 9. Owners’ Rights. No Owner of any Bond issued and secured under the provisions of this Resolution shall have the right to institute any proceeding, judicial or otherwise, for the enforcement of the covenants herein contained, without the written concurrence of the Owners of not less than 25% in aggregate principal amount of all Outstanding Bonds; but the Owners of such aggregate principal amount of Outstanding Bonds may, either at law or in equity, by suit, action or other proceedings, protect and enforce the rights of all Owners of Bonds and compel the performance of any and all of the covenants required herein to be performed by the City and its officers and employees. The Owner of a majority in aggregate principal amount of all Outstanding Bonds shall have the right to direct the time, method and place of conducting any proceedings for any remedy available to the Owners or the exercise of any power conferred on them, and the right to waive a default in the performance of any such covenant, and its consequences, except a default in the payment of the principal of or interest on any Bond when due. Nothing herein shall impair the absolute and unconditional right of the Owner of each Bond to receive payment of the principal of and interest on any Bond as such principal and interest respectively become due, and to institute suit for the enforcement of any such payment. In the event of default in any such payment, any court having jurisdiction of the action may appoint a receiver to administer the Tax Increment Accounts and to collect and segregate and apply the Tax Increment and other revenues pledged thereto as provided by this Resolution or any Supplemental Resolution and the Act.

Section 10. Supplemental Resolutions.

10.01. General. Notwithstanding Section 9.02, the City reserves the right to adopt Supplemental Resolutions from time to time and at any time, for the purpose of curing any ambiguity or of curing, correcting or supplementing any defective provision contained herein, or of making such provisions with regard to matters or questions arising hereunder as the City may deem necessary or desirable and not inconsistent with this Resolution, and which shall not adversely affect the interests of the Owners of Bonds issued hereunder, or for the purpose of adding to the covenants and agreements herein contained, or to the Tax Increment herein pledged, other covenants and agreements thereafter to be observed and additional revenues or income thereafter appropriated to the Tax Increment Accounts, or for the purpose of surrendering any right or power herein reserved to or conferred upon the City, or for the purpose of authorizing the creation and issuance of a series of Additional Bonds or Subordinate Obligations,

as provided in and subject to the conditions and requirements of Section 4. Any such Supplemental Resolution may be adopted without notice to or the consent of the Owner of any of the Bonds issued hereunder.

10.02. Consent of Owners. With the consent of the Owners of a majority in principal amount of Outstanding Bonds affected thereby as provided in Section 9.04, the City may from time to time and at any time adopt a Supplemental Resolution for the purpose of amending this Resolution by adding any provisions hereto or changing in any manner or eliminating any of the provisions hereof or of any Supplemental Resolution, except that no Supplemental Resolution shall be adopted at any time, without the consent of the Owners of all Outstanding Bonds affected thereby, if it would extend the time of payment of interest thereon, would reduce the amount of the principal thereof or redemption premium thereon, would give to any Bond or Bonds any privilege over any other Bond or Bonds (except for the privilege accorded Bonds over Subordinate Obligations), would reduce the sources of Tax Increment or other revenues or income appropriated to the Tax Increment Accounts, or would reduce the percentage in principal amount of such Bonds required to authorize or consent to any such Supplemental Resolution.

10.03. Notice. Notice of a Supplemental Resolution to be adopted pursuant to Section 9.02 shall be mailed by first-class mail, postage prepaid, or given by such other means as required by the securities depository, to the Owners of all Outstanding Bonds affected thereby at their addresses appearing in the Bond Register and shall become effective only upon the filing of written consents with the City Clerk, signed by the Owners of the requisite aggregate principal amount of Outstanding Bonds affected thereby. Any written consent to the Supplemental Resolution may be embodied in and evidenced by one or any number of concurrent written instruments of substantially similar tenor signed by Owners thereof in person or by agent duly appointed in writing, and shall become effective when delivered to the City Clerk. Any consent by the Owner of any Bond shall bind that Owner and every future Owner of the same Bond with respect to any Supplemental Resolution adopted by the City pursuant to such consent; provided that any Owner may revoke its consent with reference to any Bond by written notice received by the City Clerk before the Supplemental Resolution has become effective. In the event that unrevoked consents of the Owners of the requisite aggregate principal amount of Bonds have not been received by the City Clerk within one year after the mailing of notice of the Supplemental Resolution, the Supplemental Resolution and all consents theretofore received shall be of no further force and effect.

10.04. Manner of Consent. Proof of the execution of any consent, or of a writing appointing any agent to execute the same, or of the ownership by any Person of Bonds, shall be sufficient for any purpose of this Resolution and shall be conclusive in favor of the City if made in the manner provided in this Section 9.04. The fact and date of the execution by any Person of any such consent or appointment may be proved by the affidavit of a witness of such execution or by the certification of any notary public or other officer authorized by law to take acknowledgment of deeds, certifying that the Person signing it acknowledged to them the execution thereof. The fact and date of execution of any such consent may also be proved in any other manner which the City may deem sufficient; but the City may nevertheless, in its discretion, require further proof in cases where it deems further proof desirable. The ownership of any Bonds shall be proved by the Bond Register.

Section 11. Defeasance or Discharge.

11.01. General. When the liability of the City on any Bonds issued under and secured by this Resolution and all interest thereon has been discharged as provided in this Section 10, all pledges, covenants and other rights granted by this Resolution to the Owners of such Bonds shall cease.

11.02. Maturity. The City may discharge its liability with reference to all Bonds and interest thereon which are due on any date by depositing with the Registrar on or before the date a sum sufficient for the payment thereof in full; or if any Bond or interest thereon shall not be paid when due, the City may nevertheless discharge its liability with reference thereto by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

11.03. Redemption. The City may also discharge its liability with reference to any Bonds which are called for redemption on any date in accordance with their terms, by depositing with the Registrar on or before that date an amount equal to the principal, premium, if any, and interest which are then due thereon; provided that notice of such redemption has been duly given or irrevocably provided for as provided in this Resolution or any Supplemental Resolution relating thereto.

11.04. Escrow. The City may also at any time discharge its liability in its entirety with reference to any Bond subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or Defeasance Obligations which are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to provide funds sufficient to pay all principal, premium, if any, and interest to become due on such Bond at its Stated Maturity or, if such Bond is prepayable and notice of redemption thereof has been given or irrevocably provided for as provided in this Resolution or any Supplemental Resolution relating thereto, to such earlier Redemption Date.

Section 12. Certification of Proceedings. The officers of the City are hereby authorized and directed to prepare and furnish to the Original Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records of the City, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Series 2023 Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

Section 13. Repeals and Effective Date.

13.01. Repeal. All provisions of other resolutions and other actions and proceedings of the City and this Commission that are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

13.02. Effective Date. This Resolution shall take effect immediately upon its passage and adoption by this Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 19th day of September, 2023.

Bob Kelly, Mayor

Attest: _____
Lisa Kunz, City Clerk

(SEAL)

EXHIBIT A

Debt Service Schedule

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
01/01/2024			8,510.42	8,510.42	
07/01/2024	40,000	5.000%	16,125.00	56,125.00	64,635.42
01/01/2025			15,125.00	15,125.00	
07/01/2025	35,000	5.000%	15,125.00	50,125.00	65,250.00
01/01/2026			14,250.00	14,250.00	
07/01/2026	35,000	5.000%	14,250.00	49,250.00	63,500.00
01/01/2027			13,375.00	13,375.00	
07/01/2027	35,000	5.000%	13,375.00	48,375.00	61,750.00
01/01/2028			12,500.00	12,500.00	
07/01/2028	40,000	5.000%	12,500.00	52,500.00	65,000.00
01/01/2029			11,500.00	11,500.00	
07/01/2029	40,000	5.000%	11,500.00	51,500.00	63,000.00
01/01/2030			10,500.00	10,500.00	
07/01/2030	45,000	5.000%	10,500.00	55,500.00	66,000.00
01/01/2031			9,375.00	9,375.00	
07/01/2031	45,000	5.000%	9,375.00	54,375.00	63,750.00
01/01/2032			8,250.00	8,250.00	
07/01/2032	50,000	5.000%	8,250.00	58,250.00	66,500.00
01/01/2033			7,000.00	7,000.00	
07/01/2033	50,000	5.000%	7,000.00	57,000.00	64,000.00
01/01/2034			5,750.00	5,750.00	
07/01/2034	55,000	5.000%	5,750.00	60,750.00	66,500.00
01/01/2035			4,375.00	4,375.00	
07/01/2035	55,000	5.000%	4,375.00	59,375.00	63,750.00
01/01/2036			3,000.00	3,000.00	
07/01/2036	60,000	5.000%	3,000.00	63,000.00	66,000.00
01/01/2037			1,500.00	1,500.00	
07/01/2037	60,000	5.000%	1,500.00	61,500.00	63,000.00
	645,000		257,635.42	902,635.42	902,635.42

EXHIBIT B

UNITED STATES OF AMERICA
STATE OF MONTANA
COUNTY OF CASCADE

CITY OF GREAT FALLS, MONTANA

**TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT REVENUE
BONDS (GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT
FINANCING INDUSTRIAL DISTRICT),
SERIES 2023**

No. _____ \$ _____

<u>Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	July 1,	September 26, 2023	390467

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS AND NO/100

FOR VALUE RECEIVED, THE CITY OF GREAT FALLS, CASCADE COUNTY, STATE OF MONTANA (the "City"), acknowledges itself to be specially indebted and hereby promises to pay to the registered owner named above or registered assigns the principal amount specified above on the maturity date specified above or, if this Bond is prepayable as stated below, on an earlier date on which this Bond shall have been duly called for redemption, with interest hereon from the date of original issue hereof, or such later date to which interest hereon has been paid or duly provided for, until the principal amount is paid or until this Bond, if redeemable, has been duly called for redemption, at the annual rate specified above. Principal of this Bond is payable upon presentation and surrender hereof to U.S. Bank Trust Company, National Association, as registrar, transfer agent and paying agent, or its successor designated under the Resolution described herein (the "Registrar") at its operations center in St. Paul, Minnesota. The interest on this Bond shall be payable on January 1 and July 1 in each year, commencing January 1, 2024. Interest on the Series 2023 Bonds shall be payable to the owners of record thereof as such appear on the Bond Register as of the close of business on the 15th day of the month immediately preceding each interest payment date, whether or not such day is a Business Day. Interest on, and upon presentation and surrender thereof, the principal of each Bond shall be payable by check or draft issued by the Registrar described herein.

The principal of and interest on this Bond are payable in lawful money of the United States of America. Interest shall be calculated on the basis of a 360-day year composed of twelve 30-day months.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

This Bond is one of a duly authorized issue of Bonds of the City designated as “Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District)” (collectively, the “Bonds”), issued and to be issued in one or more series under, and all equally and ratably secured by Resolution No. 10529, adopted by the City Commission on September 19, 2023 (as amended or supplemented in accordance with the provisions thereof, the “Resolution”), to which Resolution, copies of which are on file with the City, reference is hereby made for a description of the nature and extent of the security, the respective rights thereunder of the Owners of the Bonds and the City and the terms upon which the Bonds are to be issued and delivered. This Bond is one of the series specified in its title, issued in the aggregate principal amount of \$645,000 (the “Series 2023 Bonds”), all of like date of original issue and tenor except as to serial number, denomination, date, interest rate, maturity date and redemption privilege. The Series 2023 Bonds are issued by the City for the purpose of financing a portion of the costs of an industrial infrastructure development project (as defined in the Act) within the City’s Great Falls International Airport Tax Increment Financing Industrial District (the “District”), funding a deposit to the Reserve Account and paying costs of issuance of the Series 2023 Bonds. Capitalized terms used herein but not otherwise defined shall have the respective meanings given such terms in the Resolution.

The Series 2023 Bonds are issued pursuant to and in full compliance with the Constitution and laws of the State of Montana, particularly Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43 (2012) (the “Act”), and pursuant to the Resolution. The Bonds are payable solely, equally and ratably from Tax Increment received by the City and resulting from the extension of ad valorem taxes levied by certain Taxing Bodies against the incremental taxable value of taxable property within the District pursuant to the Act, except that under certain conditions as described in the Resolution, the Bonds may be payable from replacement revenues, if any, provided in the event of the abolition or substantial elimination of property taxation in Montana.

The Bonds are not general obligations of the City and the City’s general credit and taxing powers are not pledged to the payment of the Bonds or the interest thereon. The Bonds shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitations.

The Series 2023 Bonds with Stated Maturities in the years 2024 through 2030 are not subject to redemption prior to their Stated Maturities. The Series 2023 Bonds with Stated Maturities on or after July 1, 2031 are subject to redemption on July 1, 2030 and any date thereafter, at the option of the City, in whole or in part, and if in part from such Stated Maturities and in such principal amounts as the City may designate in writing to the Registrar (or, if no designation is made, in inverse order of maturities and within a maturity in \$5,000 principal amounts selected by the Registrar by lot or other manner as directed by the City), at a Redemption

Price equal to the principal amount thereof and interest accrued to the Redemption Date, without premium.

The Series 2023 Bonds having a Stated Maturity in 2037 are Term Bonds and are subject to mandatory sinking fund redemption prior to maturity on July 1 in the respective years and the respective principal amounts set forth below in \$5,000 principal amounts selected by the Registrar, by lot or other manner as directed by the City, at a Redemption Price equal to the principal amount thereof to be redeemed plus interest accrued to the Redemption Date:

2037 Term Bond	
July 1	Sinking Fund Payment Amount
2034	\$55,000
2035	55,000
2036	60,000
2037*	60,000

*Stated Maturity.

If the Term Bonds having a Stated Maturity in 2037 are not previously purchased by the City in the open market or prepaid, \$60,000, in principal amount of such Term Bonds would remain to mature in 2037. The principal amount of such Term Bonds required to be redeemed on the above Sinking Fund Payment Dates shall be reduced by the principal amount of such Term Bonds theretofore redeemed at the option of the City and as to which the City has not previously applied amounts to reduce the principal amount of such Term Bonds on a Sinking Fund Payment Date.

As provided in the Resolution and subject to certain limitations set forth therein, this Series 2023 Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his attorney; and may also be surrendered in exchange for Series 2023 Bonds of other authorized denominations. Upon any such transfer or exchange, the City will cause a new Series 2023 Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the Person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

The Series 2023 Bonds have been designated by City as “qualified tax-exempt obligations” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Montana and ordinances and resolutions of the City to be done, to exist, to happen and to be performed in order to make this Series 2023 Bond a valid and binding special, limited obligation of the City in accordance with its terms have been done, do exist, have happened and have been performed as so required; that this Series 2023 Bond has been issued by the City in connection with an industrial infrastructure development project (as defined in the Act); that the City, in and by the Resolution, has validly made and entered into covenants and agreements with and for the benefit of the Owners from time to time of all Bonds issued thereunder, including covenants that it will pledge, appropriate and credit the Tax Increment to the Tax Increment Debt Service Account of the City; that Additional Bonds may be issued and made payable from the Tax Increment Debt Service Account on a parity with the Series 2023 Bonds upon certain conditions set forth in the Resolution, but no obligation will be otherwise incurred and made payable from the Tax Increment, unless the lien thereof shall be expressly made subordinate to the lien of the Series 2023 Bonds on the Tax Increment; that all provisions for the security of the Owners of the Bonds as set forth in the Resolution will be punctually and faithfully performed as therein stipulated; and that the issuance of the Series 2023 Bonds does not cause the obligations of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by the manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of Great Falls, Montana, by its City Commission, has caused this Bond to be executed by the facsimile signatures of the Mayor, the City Manager, the Fiscal Services Director and the City Clerk, and by a printed facsimile of the official seal of the City.

CITY OF GREAT FALLS, MONTANA

(Facsimile Signature)
MAYOR

(Facsimile Signature)
CITY MANAGER

(Facsimile Seal)

(Facsimile Signature)
FISCAL SERVICES DIRECTOR

(Facsimile Signature)
CITY CLERK

Dated:

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned herein.

U.S. BANK TRUST COMPANY,
NATIONAL ASSOCIATION,
as Registrar, Transfer Agent, and
Paying Agent

By _____
Authorized Signature



Commission Meeting Date: September 19, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10530, Resolution relating to financing certain proposed improvements; establishing compliance with reimbursement bond regulations under the Internal Revenue Code

From: Melissa Kinzler, Finance Director

Initiated By: Finance Department, Public Works Department

Presented By: Melissa Kinzler, Finance Director

Action Requested: Adoption of Resolution 10530

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10530.”

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

Staff Recommendation: Staff recommends adoption of Resolution 10530.

Summary: Resolution 10530 is a reimbursement resolution for costs associated with certain improvements to The Great Falls Water system including its Lead Service Line Replacement Pilot Project “Pilot Project”). The project consists of replacing 20 lead service lines within the City limits with copper service line pipe and related improvements. This resolution will allow the reimbursement by bond proceeds (DNRC loan) prior to the bond (DNRC loans) issuance.

Background: Former Great Falls Public Works Director Paul Skubinna and Nate Weisenberger from Advance Engineering and Environmental Services, Inc (AE2S) presented the implications of the new Environmental Protection Agency (EPA) national primary drinking water regulations to the City Commission at the March 1, 2022. Particular emphasis was placed on the Lead and Copper Rule (the Rule). This Rule requires the eventual identification and replacement of all active lead service lines. At the May 16, 2023, City Commission Work Session Public Works Engineer Mark Juras presented an update on the EPA’s lead and copper rule revision. Mr. Juras discussed the \$28 million State Revolving Loan Fund loans through the Montana Department of Natural Resources as a possible funding source for a project designed to achieve compliance with the Rule. At the August 15, 2023 City Commission Work Session, the current Pilot Project was presented to the City Commission. The Pilot Project will cost an estimated \$300,000. The resolution authorizing the issuance and fixing terms and conditions for the estimated \$300,000 will be presented at a future date.

Fiscal Impact: Adoption of this resolution will allow the Water Fund to be reimbursed for costs of improvements of the lead service line replacement pilot project.

Alternatives: If this resolution is denied, improvements of the lead service line replacement pilot project prior to the improvement bonds being issued could not be reimbursed and would be paid out of the Water Fund's current budget.

Concurrences: The Public Works Department, Finance Department, and Dorsey and Whitney

Attachments/Exhibits:

Resolution 10530

Presentation Materials from August 15, 2023 Work Session

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 10530, entitled: "RESOLUTION RELATING TO FINANCING CERTAIN PROPOSED IMPROVEMENTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on September 19, 2023 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commission Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand and seal officially this 19th day of September, 2023.

(SEAL)

City Clerk

RESOLUTION NO. 10530RESOLUTION RELATING TO FINANCING OF CERTAIN
PROPOSED IMPROVEMENTS; ESTABLISHING COMPLIANCE
WITH REIMBURSEMENT BOND REGULATIONS UNDER THE
INTERNAL REVENUE CODE

BE IT RESOLVED by the City Commission of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01 The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

1.02 The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Section 2. Official Intent Declaration.

2.01 The City proposes to undertake certain improvements to its water system, including its lead service line replacement pilot project (the “Project”), which consists of replacing fully 20 lead service lines within the City limits, replacing all the lead service line piping with copper service line pipe, and related improvements.

2.02 Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

2.03 The City reasonably expects to reimburse some or all of the expenditures made for costs of the Project out of proceeds of bonds in an estimated maximum aggregate principal amount of approximately \$300,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of

issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

Section 3. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. City moneys on hand in the water revenue account and other grant funding may be available to pay for additional costs of the Project in excess of the process of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

Section 4. Reimbursement Allocations. The City Fiscal Services Director shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Project and shall specifically identify the actual original expenditure being reimbursed.

Passed and adopted by the City Commission of the City of Great Falls, Montana, on this 19th day of September, 2023.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

CITY OF GREAT FALLS LEAD SERVICE LINE REPLACEMENT (LSLR) PILOT PROJECT

August 15, 2023

Mark Juras, PE
Engineering Division - Public Works Department

Goals

- ID objective/scope of pilot project
- Recommend method of participant selection
- Recommend funding sources
- Discuss recommendations and project timeline

OCCGF 13.6.010 "All the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer."

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Why is Public Works considering a LSLR Pilot Project?


LSLR likely mandated by EPA in 2025

- 2024 Lead and Copper Rule Improvements (LCRI)
 - Likely more stringent than LCRR


Make use of available funding

- Infrastructure bill ~\$28m / year to MT for 5 years
- SRF loan w/60% forgiveness (up to \$2m per project)




Lead Pipe 

- A magnet will not stick to a lead pipe.
- Scratch the pipe with a coin. If the scraped area is shiny silver and flakes off, the service line is lead.

Copper Pipe 

- A magnet will not stick to a copper pipe.
- Scratch the pipe with a penny. If the scraped area is copper in color, like a penny, your service line is copper.

Galvanized Steel Pipe 

- If a magnet sticks to the surface, your service line is galvanized steel.
- A scratch test is not needed. If you scratch the pipe, it will remain a dull gray.

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Why is Public Works considering a LSLR Pilot Project?

Prudent planning for the future

- Develop templates, agreements, etc.
- Refine process for future projects
- Remove Tier 1 sampling locations

Approximate Totals as of May 2023		
• Non-Lead	14,846	(67.8%)
• Lead	142	(0.6%)
• Galvanized	502	(2.3%)
• *Unknown	6,423	(29.3%)
• Total	21,913	

*Unknown lines are considered as lead until proven otherwise

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LSLR Pilot Project

Scope

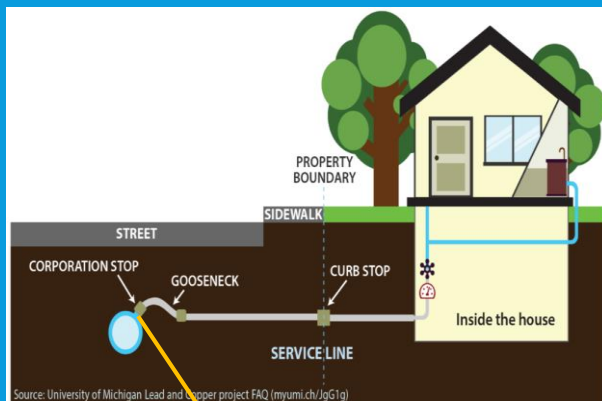
- Full replacement of 20 known LSLs

\$300,000 budget estimate

- Design ~\$70,000
 - Coordination ~\$20,000
 - Design & Bidding ~50,000
- Construction ~\$200,000
- Admin & Inspection ~\$30,000

Schedule

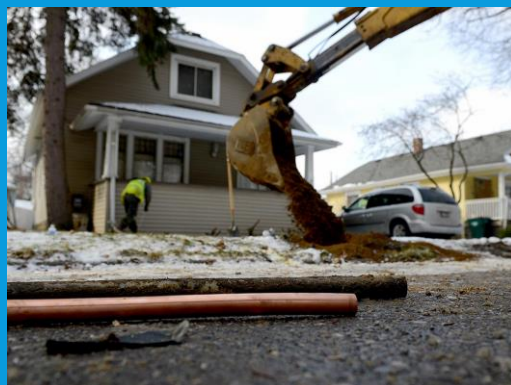
- Design late 2023
- Bid early 2024
- Build summer 2024



LSLR Pilot Project

Recommended Participant Selection

1. 30 tap sampling volunteers
2. Highest 20 lead concentrations
3. CDBG eligible, grant 40% match
4. Non-CDBG, owner 40% match
5. If less than 20 volunteers, mail letters, first come first serve basis



Pilot Project Cost Estimate Breakdown

Cost Estimates				
	SRF Loan Forgiveness (60%)	Water Enterprise Fund	CDBG Grant or Homeowner	Total Per Home
Design	\$2,100	\$1,400	-	\$3,500
Construction	\$6,000	-	\$4,000	\$10,000
Admin & Inspection	\$900	\$600	-	\$1,500
Totals				
Per Home	\$9,000	\$2,000	\$4,000	\$15,000
Total Project (20 Homes)	\$180,000	\$40,000	\$80,000	\$300,000

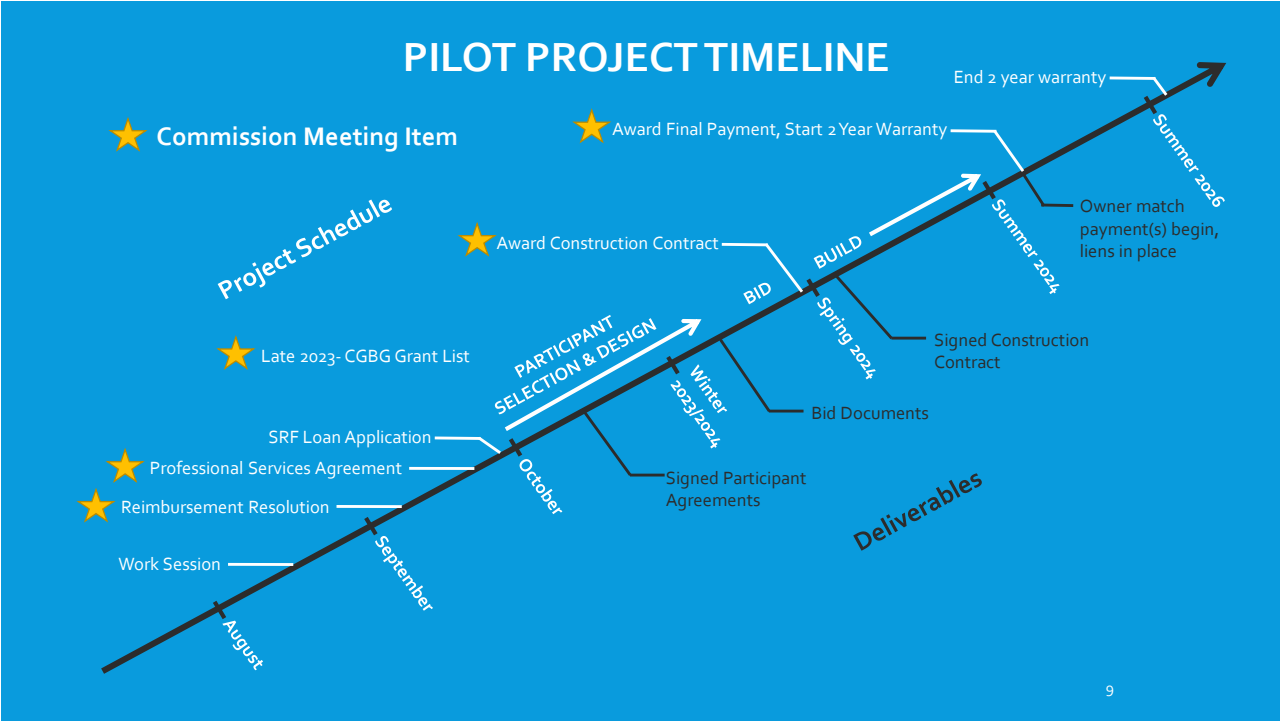
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LSLR Pilot Project

Recommended Participant Payment Logistics

- Signed owner/City Agreement
- Bid information delivered to owner
- Final owner cost share (40%) based on actual quantities and payment terms:
 - Interest free loan assessed on monthly water bill or paid in full at completion
 - Agreement terms filed as lien on property (unless paid in full)

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Future Hypothetical Scenarios (Pending EPA Final Policy)

Assume 200 Lead, 800 Galvanized Service Lines

- 1) Maximize SRF Loan Forgiveness
 - \$15m SRF Loan for 1000 lines, \$15,000/line
 - \$9m forgiveness (5 projects)
 - \$2m water enterprise fund
 - \$4m CDBG grant or owner
- 2) Known Lead Removal w/ SRF Forgiveness
 - \$3m SRF Loan for 200 lines, \$15,000/line
 - \$1.8m forgiveness
 - \$0.4m water enterprise fund
 - \$0.8m CDBG grant or owner
- 3) Other

