



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

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

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation. Public participation is welcome in the following ways:

- Attend the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting: [https://us02web.zoom.us/webinar/register/WN\\_65qzxQcdS6CMae7q\\_Z-MUw](https://us02web.zoom.us/webinar/register/WN_65qzxQcdS6CMae7q_Z-MUw). After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access you may contact the Great Falls Public Library prior to the meeting at 453-9706 and they can assist with registration. This would need to be done by 5:30 on the evening of the meeting. The Mayor will provide direction during the meeting on how to alert staff that you have comments for the agenda item.
- Attend in person. The City will be following the Current Governor's Directives and the Public Health Officer Orders regarding public meetings conducted by, staffed by or held in the facilities of the city. Masks will be required, social distancing will be enforced, and the total number of persons in the meeting room will be limited to a maximum of 50. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Provide public comments in writing. Comments may be sent via mail to City Clerk, PO Box 5021, Great Falls MT 59403 or by email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Please ensure that comments arrive before 12:00 PM on Tuesday, February 16, 2021. Due to tracking and dissemination requirements, written communication must be received by that time in order to be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

## CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

### PROCLAMATIONS

Youth Art Month

### COMMUNITY HEALTH INITIATIVES

1. Update from City County Health Department - Anna Attaway, Communications Specialist.

### PETITIONS AND COMMUNICATIONS

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

### CITY MANAGER

4. 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.*

5. Minutes, February 2, 2021, City Commission Meeting.
6. Total Expenditures of \$2,797,756 for the period of January 16, 2021 through February 3, 2021, to include claims over \$25,000, in the amount of \$2,306,432.
7. Contracts List.
8. Grants List.
9. Approve the application submittal for a FEMA, Assistance to Firefighters Grant, by Great Falls Fire Rescue in the amount of \$1,300,000 for an Aerial Apparatus.
10. Set a public hearing for Resolution 10387, a Conditional Use Permit for a “Worship facility” land use upon the property addressed as 511 Central Avenue, for March 16, 2021.

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

### PUBLIC HEARINGS

11. Resolution 10384, Establishing Golf Fees.  
*Action: Conduct a public hearing and adopt or deny Res. 10384. (Presented by Steve Herrig)*

### OLD BUSINESS

12. Public Library Basement Flooding Mitigation Project. *Action: Approve or not approve contract cost overages in the amount of \$8053.80 and approve or not approve final payment for the Public Library Basement Flooding Mitigation Project in the amount of \$73,489.88 to Capcon LLC and \$742.32 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. (Presented by Susie McIntyre)*

## **NEW BUSINESS**

13. Irrigation Upgrades in Jaycee, Roosevelt, and Valleyview Parks. *Action: Award or not award a contract in the amount of \$422,970 to Advanced Lawn Care and authorize the City Manager to execute the construction contract documents. (Presented by Steve Herrig)*

## **ORDINANCES / RESOLUTIONS**

14. Resolution 10388, Amending Resolution 8895 Establishing District Boundaries for Neighborhood Councils. *Action: Adopt or deny Res. 10388. (Presented by Chuck Anderson)*
15. Resolution of Intention 10385, Intention to vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition. *Action: Adopt or deny the Resolution of Intention 10385 and set or not set a public hearing for March 16, 2021. (Presented by Craig Raymond)*

## **CITY COMMISSION**

16. Miscellaneous reports and announcements from the City Commission.
17. Legislative Initiatives.

## **ADJOURNMENT**

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



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

**Item:** Appointment to the Park and Recreation Board.  
**From:** City Manager’s Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Appoint One Member the Park and Recreation Board.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (appoint/not appoint) \_\_\_\_\_ for a three-year term through December 31, 2023, to the Park and Recreation Board.”

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

**Summary:**

June Sprout and Lynn Ulmer Oatman were appointed to the Board in January 2015, both serving two full terms and not eligible for reappointment. Advertising for the openings was done on December 11, 2020. The City received one application from Mr. Jacobs on January 4, 2021.

**Board Recommendation:**

The Park and Recreation Board met on February 8, 2021 and recommended appointing Dustin P. Jacobs to a three-year term and to continue advertising for the other opening.

**Background:**

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

Both Ms. Sprout and Ms. Ulmer Oatman will be unable to attend the Park and Recreation Board meeting in March, possibly causing quorum concerns, so the Board is recommending the City Commission consider appointing Mr. Jacobs and to continue to advertise for the remaining vacancy on the Board.

Continuing members:

Carol Bradley	4/7/2020 – 12/31/2021
Jen Creed	2/5/2019 – 12/31/2021
Gary Arno	4/7/2020 – 12/31/2021

Lonnie Hill 1/1/2016 – 12/31/2021  
Patrick Carroll 4/7/2020 – 12/31/2023

Departing Members:

June Sprout 1/5/2015 – 12/31/2020  
Lynn Ulmer Oatman 1/1/2015 – 12/31/2020

Citizen interested in serving:  
Dustin P. Jacobs

**Alternatives:**

The Commission could choose not to appoint Mr. Jacobs at this time and ask staff to continue advertising for both positions.



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

**RECEIVED**  
JAN 4 2021  
CITY MANAGER

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

Board/Commission Applying For: Parks and Recreation Advisory Board -or- Planning Advisory Board		Date of Application: 4 January 2021	
Name: Dustin P. Jacobs			
Home Address: 4604 12th Street NE Great Falls, MT 59404		Email address: dustin.pk.jacobs@gmail.com	
Home Phone: 406-531-1608	Work Phone: 406-531-1608	Cell Phone: 406-531-1608	
Occupation: Military, Chief Master Sergeant (Approved Retirement, 30 April 2021)		Employer: United States Air Force	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: I do not have any specific experience related to Parks and Recreation or Planning advisory boards. I do have significant experience and training in managing complex projects, leading teams, public speaking, and making data driven decisions.			
Educational Background: B.S., Management - Park University Masters in Public Administration (MPA), Government Administration - Wayland Baptist University Certificate, Project Management - Cornell University			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: I have volunteered for numerous activities to include youth sports programs, suicide awareness programs, veteran's outreach/advocacy programs, and homeless relief programs as board member/participating member.			
Previous and current public experience (elective or appointive): United States Air Force, Multiple Locations - (21 Years) Adjunct University Instructor, College of Business and Public Management - (3 Years)			
Membership in other community organizations: Youth Sports Coach - (Ice Hockey, Baseball, Basketball, Soccer)			

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

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


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

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

Please describe your interest in serving on this board/commission?  
As my family and I retire from military service and make our home in Montana we are invested in continuing to serve our community in a different capacity. We have 8 children (age range 8 months to 17 years old) and would like to help continue to make Great Falls a great place for families to live. On a personal level, I would enjoy the opportunity and challenge of serving on a board to assist city leaders/managers work for the community members of Great Falls.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  
I am an experienced/high energy leader/manager motivated to participate on a board and oversee projects and provide guidance to city leaders and communities. I have managed hundreds of people and complex multi-million/billion dollar projects for the Department of Defense. I would love to leverage this experience within our local community and assist in any way that I can.

Additional comments:  
Thank you for your review/consideration.

Signature  


Date:  
4 January 2021

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

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

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net

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

Regular City Commission Meeting

Mayor Kelly presiding

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

Civic Center Gibson Room 212

**PLEDGE OF ALLEGIANCE**

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

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

To honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation as follows:

- Attend in person. **The City will be following the Current Governor's Directives and the Public Health Officer Orders regarding public meetings conducted by, staffed by or held in the facilities of the city.** Masks will be required, social distancing will be enforced, and the total number of persons in the meeting room will be limited to a maximum of 50. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
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- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access, you may contact the Great Falls Public Library by 5:30 p.m. the day of the meeting at 453-9706 and they can assist with registration.
- Provide public comments in writing. Submit comments via mail addressed to City Clerk's Office, PO Box 5021, Great Falls, MT 59403 or by email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net) by 12:00 PM the day of the meeting.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

**AGENDA APPROVAL:** City Manager Greg Doyon requested Item 13 (Resolution of Intention 10385) be pulled from the agenda due to lack of proper public notice. Mayor Kelly requested that staff notify the people that submitted written correspondence for this agenda item. There were no proposed changes to the agenda by the City Commission. The agenda was approved as amended.



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

**PROCLAMATIONS:** Mayor Kelly read Scouting Anniversary Week (February 7-14, 2021) and Career & Technical Education Month for Great Falls Public Schools (February 2021).

**MILITARY UPDATES**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Colonel Trace Thomas**, 120<sup>th</sup> Airlift Wing, Montana Air National Guard (MANG), provided the following update:

- MANG's mission is to answer the calls of our nation and state with ready Airmen and precision aerial delivery anytime anywhere. The vision is a leading edge Airlift Wing known for its high performance Airmen and exceptional mission effectiveness.
- MANG provides community support in various ways, including:
  - 119 Airmen supported Covid response
  - STARBASE – 2,000 5<sup>th</sup> graders exposed to STEM
  - Danny Berg Memorial – 500+ meals annually prepared/provided to our community
  - Two Open Hangar events – 12 high schools/327 students
  - 32 flyovers/static displays
  - ESGR – 39 Boss Lift participants
- Developing Community Leaders:
  - ANG Tuition Assistance up to a Master's Degree
  - Cost effective healthcare for Drill Status Guardsmen
  - Leadership classes
  - Job skills training in over 100 different fields
  - Montanans helping Montanans

Mayor Kelly inquired about deployments in the past year.

Colonel Thomas responded that CENTCOM deployment occurred in the prior year. More recently, deployments supported the Covid relief effort around the state.

In response to Commissioner Robinson, Colonel Thomas reported that the status of the upgrades to the C-130's is not known yet.

**Colonel Russell Williford**, Malmstrom Air Force Base (MAFB), provided the following update:

- MAFB recently concluded a successful visit of the Vice Chief of Staff of the Air Force, General David Allvin, that included:
  - Previewed what MAFB's role will be in the future of the Air Force's modernization efforts. In particular, the Ground Based Strategic Deterrent (GBSD), replacement

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to the intercontinental ballistic missile program, and the future MH1-39 Grey Wolf helicopters that will replace the UH-1 Huey helicopters.

- Wing Operation Center inside the confines of the base is the first of its kind in the ICBM world in that all of the different things that a wing does is in one central location, has a common operating picture, and immediate access to leadership and to the subject matter experts.
- Chief Master Sergeant of the Air Force JoAnne Bass is scheduled for a similar visit next week.
- A Japan reporter from a major news publication is coming to MAFB to write a story about the ICBM's not only protecting America, but also providing that assurance to our allies.
- The Diversity and Inclusion Team scheduled many February events for African American Heritage Month.

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

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**CITY MANAGER**

**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon provided updates on the following:

COVID:

- Employee numbers improving. The Planning and Community Development Department is fully open and staffed.

AIM HIGH BIG SKY RECREATION CENTER (OF 1770)

- Office of Local Defense Community Cooperation (f/k/a OEA) approved the fourth location for the Aim High Big Sky Recreation Center
- There was no team meeting last week
  - The Design Team continues to meet with focus groups around the community to work on developing a site plan and initial drawings. Some of the focus groups meet about maintenance, recreational, competition and therapy swim groups, operations, and meetings with Fire Marshal
- NEPA comments were due to the City at end of January (environmental assessment done nationally as a result of the federal grant)
- Survey for site has been completed
- Considerable attention given to minimizing traffic and neighborhood impact, including access points to the facility, parking and landscaping, and conversations with Montana Department of Transportation
- There is concern from neighbors on the impact to Lions Park, traffic, and general visibility of the facility

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- The Commission will need to approve a Conditional Use Permit to locate the facility. Neighborhood Councils are being made aware that it is a public process and is anticipated to occur in March

**GREAT FALLS FIRE RESCUE UPDATE**

Diesel Exhaust System

- GFFR applied for and received an Assistance to Firefighters Grant for the diesel exhaust removal systems that have been installed at all stations

Fire Station #4 Status

- All patching and painting has been completed throughout the entire station
- The locker-room lockers have been received
- Plumbing is finalized
- Electrical and building final inspections are being scheduled for the week of the February 15<sup>th</sup>
- Flooring underway (apparatus last)
- Hoping to be reopened end of February or the first week of March
- Updating stations in anticipation of future station needs

**ADVISORY BOARDS OPENINGS**

- (2) Park and Recreation Advisory Board
- (2) Planning Advisory Board
- (1) Board of Adjustment/Appeals
- (1) Parking Advisory Commission
- (1) Mansfield Center for the Performing Arts Advisory Board
- (1) Audit Committee
- Advisory Commission on International Relationships - several openings

Mayor Kelly noted that Commissioner Moe volunteered to be on the interview panel for the Police Chief hire.

Manager Doyon commented that he would like to have two of the Commission members participate in certain interview sessions to provide feedback on the Chief appointment.

In response to Mayor Kelly, Commissioners Robinson and Tryon raised their hands indicating interest in also participating in the interview process.

**CONSENT AGENDA.**

4. Minutes, January 19, 2021, City Commission Meeting.
5. Total Expenditures of \$1,741,255 for the period of January 1, 2021 through January 20, 2021, to include claims over \$25,000, in the amount of \$1,208,588.

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6. Contracts List.
7. Grants List.
8. Set a public hearing for February 16, 2021 on Resolution 10384, Establishing Golf Fees.

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

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

Motion carried 5-0.

**PUBLIC HEARINGS**

9. **LEASE OF THE VISITOR CENTER (15 OVERLOOK DRIVE) WITH GREAT FALLS TOURISM.**

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

Park and Recreation Director Steve Herrig reported that the Park and Recreation Department issued a Request for Proposals for the Visitor Center located at 15 Overlook Drive on July 31, 2020 with a due date of August 26, 2020. On September 1, 2020, the deadline was extended to September 22, 2020 to allow parties interested in the building more time to prepare their proposal. Two proposals were received, neither of which were determined beneficial to the City and the Park and Recreation Department. Staff entered into negotiations with Great Falls Tourism to negotiate a lease that would be beneficial to both parties.

The start date of the lease has not yet been determined. The Great Falls Tourism is waiting for notification of a tourism grant that will facilitate the cost of the facility remodel. The notification was scheduled for a January 2021 release, but has since been moved to February 2021.

If approved, the term of the lease will terminate seven (7) years from the start date of the agreement. Over the term of the lease, Great Falls Montana Tourism will pay a graduated lease payment to the City of Great Falls. The lease payment will be \$1 for the first year, \$500 per month for year two, and \$1,000 per month for years three through seven. Utilities will be the responsibility of the Tourism group as well as any remodeling.

At the January 11, 2021 meeting, the Park and Recreation Advisory Board recommended the City Commission approve the lease of the Visitor Center to Great Falls Montana Tourism.

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Mayor Kelly asked if the Commission members had any clarifying questions.

Commissioner Houck inquired who would be responsible for irrigation.

Director Herrig clarified that the Tourism group is leasing the building. Park and Recreation would be responsible for irrigation and park maintenance.

In response to Commissioner Tryon, **Executive Director Rebecca Engum** commented that Great Falls Tourism does not receive funding from the City of Great Falls.

Speaking in support of the Lease of City-Owned Property located at 15 Overlook Drive to Great Falls Tourism was **Brett Doney**, Great Falls Development Authority. Mr. Doney noted that this is a good proposal for Great Falls Tourism and the City, and it is good to see the building put to use.

No one spoke in opposition to the Lease of City-Owned Property located at 15 Overlook Drive to Great Falls Tourism.

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

**Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission approve the Lease of the Visitor Center, city-owned property located at 15 Overlook Drive to Great Falls Tourism.**

Mayor Kelly asked if there was any discussion amongst the Commission members.

Mayor Kelly inquired if Great Falls Tourism could sublease the building.

Director Herrig responded that subleasing would require Management's approval.

Commissioner Tryon inquired if Great Falls Tourism was funded by the Chamber of Commerce or Great Falls Development Authority.

Great Falls Tourism **Executive Director Rebecca Engum** responded that the four funding streams for Great Falls Tourism are (1) combination facility use tax from the Montana Department of Revenue, (2) Tourism Business Improvement District assessments, (3) Membership in the Tourism Organization, and (4) Cooperative Marketing or joint marketing opportunities.

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

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**10. NON-ADMINISTRATIVE PLAT TO AGGREGATE LOTS 1-10 AND LOTS 24-26 OF BLOCK 1, LINCOLN HEIGHTS ADDITION TO GREAT FALLS, PROPERTY ADDRESSED AS 2500 10<sup>TH</sup> AVENUE SOUTH.**

Planning and Community Development Director Craig Raymond reported that Montana Commerce, LLC has submitted an application to aggregate Lots 1-10 and Lots 24-26 of Block 1 of the Lincoln Heights Addition to Great Falls. This request was submitted concurrently with a building permit to construct a new car wash facility located at 2500 10<sup>th</sup> Avenue South.

The aggregation of Lots 1-10 will ensure that the proposed new structures will not cross over the boundary lines of each individual lot, therefore conforming to City building setback requirements. Aggregation of Lots 24-26 will ensure that the stormwater facilities being developed with the project are under the ownership of one party. This simplifies long-term maintenance responsibility. The amended plat must be approved by the City Commission and recorded prior to a Certificate of Occupancy being issued by the City for the car wash development. The amended plat will be additionally reviewed by City/County Health Department and Cascade County Clerk and Recorder for compliance with the survey requirements as part of the standard plat review process.

At the conclusion of its regularly scheduled meeting held on December 22, 2020, the Planning Advisory Board recommended that the City Commission approve the applicant's request for the aggregation of Lots 1-10 and Lots 24-26 of Block 1, Lincoln Heights Addition. Staff recommends approval of the Non-Administrative Plat of the subject properties subject to certain Conditions of Approval.

**Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission approve the amended plat to aggregate Lots 1-10 and Lots 24-26 of Block 1, Lincoln Heights Addition to Great Falls as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

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

Commissioner Robinson inquired the meaning of non-administrative plat meant.

Director Raymond responded that five parcels could be processed administratively.

Commissioner Robinson inquired about the non-use alleyway.

Director Raymond responded that it remains an alleyway. The applicant is not requesting vacation of the alleyway.

Commissioner Tryon inquired the reaction of Neighborhood Council 5.

Director Raymond responded that the council had no objection, and was more interested in the commercial development.

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

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Motion carried 5-0.

**11. FOX FARM 20-INCH AND SOUTHWEST SIDE WATER MAIN REPLACEMENT PROJECT (OF 1494.9).**

Public Works Director Paul Skubinna reported that this project consists of replacing approximately 480 lineal feet of 20-inch water main and 885 lineal feet of 8-inch water main under Fox Farm Road, 16<sup>th</sup> Street Southwest and 13<sup>th</sup> Street Southwest. He explained efforts to minimize impact to citizens during construction.

The requested action is that the City Commission award a contract to the low bidder, United Materials, in the amount of \$470,850.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission award a contract in the amount of \$470,850 to United Materials of Great Falls, Inc. for the Fox Farm 20-inch and Southwest Side Water Main Replacements project, and authorize the City Manager to execute the contract documents.**

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

Mayor Kelly noted that the State has a Public Relations Officer that will make announcements about the project.

In response to Commissioner Tryon, Director Skubinna reported that work is scheduled to begin April 5, 2021.

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

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS**

**12. RESOLUTION 10383, AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE OF UP TO \$6,000,000 TAX INCREMENT URBAN RENEWAL BONDS, SERIES 2021 (DOWNTOWN URBAN RENEWAL DISTRICT); SUBJECT TO THE TERMS AND LIMITATIONS SET FORTH HEREIN.**

Finance Director Melissa Kinzler reported that on December 1, 2020, the City Commission adopted Resolution 10379 authorizing the expenditure of approximately \$8,829,810 from the Downtown Urban Renewal Tax Increment Financing District toward the Civic Center Façade Renovation Project.

Resolution 10383, will establish the terms, conditions and documentation for a private, negotiated sale of up to \$6,000,000 in Tax Increment Bonds. The purchase price, redemption features, and interest rate on the Bonds will be subject to the following conditions and limitations:

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- (1) the aggregate principal amount of the Bonds shall not exceed \$6,000,000;
- (2) the maximum true interest cost on the Series 2021 Bonds shall not exceed 4.50 percent;
- (3) the purchase price of the Series 2021 Bonds shall not be less than 99% of the principal amount thereof, exclusive of original issue premium or discount; and
- (4) the final maturity of the Series 2021 Bonds shall not be later than 20 years from their date of issuance.

Upon final approval of the interest rate, purchase price, and other terms and conditions of the sale of the Bonds, the City Manager, Finance Director, or the Deputy City Manager shall be authorized to enter into and execute a Bond Purchase Agreement on behalf of the City. The form of the Bonds and the final terms and conditions will be brought before the City Commission under a separate resolution for final approval.

The issuance of the 2021 bonds will extend the Downtown Urban Renewal Tax Increment District an additional 13 years.

Although the original architect's estimate of the project was \$5.5 million dollars, it is anticipated that Covid has had a significant effect on construction material costs as well as availability of labor. As such, staff has revised the estimate to \$6.2 million. Staff will have a better understanding of the actual costs soon, as the project is currently out for bid with a February 17<sup>th</sup> bid opening date. After the bid is opened, and should it exceed projected costs, staff will review options at that time and advise the City Commission accordingly.

**Commissioner Robinson moved, seconded by Commissioners Moe and Tryon, that the City Commission adopt Resolution 10383.**

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

**Brett Doney**, commented that Great Falls Development Authority supports this project.

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

Mayor Kelly noted that this is standard procedure for bond issuance going forward.

Mayor Kelly called for the vote.

Motion carried 5-0.

13. **RESOLUTION OF INTENTION 10385, INTENTION TO VACATE THE ALLEY EASEMENT LEGALLY DESCRIBED AS THE WEST 20 FEET OF LOTS 1B, 1D, 1C, 1FF, 1FA, 1FB, 1FC, 1FD, AND 1FE OF SUN RIVER PARK ADDITION IN GREAT FALLS, MONTANA.**

Pulled.



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

**CITY COMMISSION**

**14. LEGISLATIVE INITIATIVES.**

Mayor Kelly noted that the City is dealing with the legislature on a variety of issues, including monitoring HB 121 which is a County move to take the directive of the Public Health Officer and leave the decisions on how to go forward to elected officials, and also the taxation committee in trying to change the structure of the special districts throughout the State of Montana. The Great Falls Park District would not be affected by this legislation, but future districts would be affected.

**15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

In follow up to this evening's work session, Commissioner Tryon requested clarification on next steps with regard to the proposal of the Downtown Development Partnership taking over allocation of \$500,000 in TIF funds.

Mayor Kelly commented that Director Raymond was instructed to look at some of the other opportunities for use of the TIF funds that have been done around the state. Two aspects of the proposal are whether the Commission is good with using funds for the particular priorities that were identified (crime prevention, façade treatment, and ADA work). His understanding was the Commission was comfortable with those priorities in urban renewal districts. The Commission instructed Director Raymond to come up with a different governance scheme so the Commission can look at how those monies are allocated and monitored. The Commission did not authorize Director Raymond to institute the proposal, but to come back at a work session to walk us through the process. This will allow some time for the Commission to review and get familiar with the Missoula process utilizing a redevelopment agency and the hybrid model Director Raymond and DDP members put forward for Commission approval.

Commissioner Moe apologized for not being more careful in her comments made during the January 28, 2021 Special Work Session pertaining to drug abuse and mental illness. She did not mean to imply in any way that Great Falls, in general, is failing its children. She also responded to concerns she received about the Commission relying on what has been characterized as unreliable statistics as a basis for decision. She recognizes that statistics on commercial websites are generally unreliable. Crime statistics obtained from the FBI, Great Falls Police Department, and the State Crime Bureau are the most reliable sources. She would not want to give greater credence to a commercial website than to people who spend their lives understanding how the data is counted and what that data reflects. The conclusion from the reports received over the years do verify that, particularly in the area of substance abuse, Great Falls has an increasing crime rate that has been described by the Police Chief as "alarming." She reported that she received feedback from people that are already doing a great deal of work on the issue of crime in the community and they want to be at the table. United Way and the Downtown Safety Alliance have had a downtown safety plan since 2013. They are interested in remaining in the conversation.

Commissioner Tryon responded that he, too, received feedback about the nature of the commercial website statistics he presented at the Special Work Session. He reiterated that he was not presenting those statistics as FBI stats, but as the picture that is being painted on-line from those very highly used websites like City Data, Area Vibes, and Sperling's Best Places.

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

Commissioner Houck commented that she responded to people that were confused about what the Special Work Session was for. She explained that it was an annual planning session to set Commission priorities, keeping in line with the Commission's vision statement, so the City Manager and department heads can begin to put together the budget for the next fiscal year. She urged residents to get involved with their Neighborhood Councils.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of February 2, 2021, at 8:25p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: February 16, 2021**



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

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

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECK RUNS FROM NEW WORLD JAN. 21, 2021 - FEB. 3, 2021	554,092.59
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS JAN. 21, 2021 - FEB. 3, 2021	2,167,923.15
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 16, 2021 - JANUARY 29, 2021	75,740.02
<b>TOTAL: \$</b>	<u><u>2,797,755.76</u></u>

**GENERAL FUND**

<b>FIRE</b>			
WVH ENTERPRISES INC	OF 1727.5 FIRE STATION 4 RENOVATION		64,289.35

**SPECIAL REVENUE FUND**

<b>SUPPORT &amp; INNOVATION</b>			
GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	DECEMBER 2020 BID ASSESSMENT		33,515.29
GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT	DECEMEBER 2020 TBID ASSESSMENT		132,246.00

<b>LIBRARY</b>			
FABER SPECIALITY VEHICLES INC	2ND PAYMENT FOR NEW BOOKMOBILE (SPLT AMONG FUNDS)		50,322.00

<b>LIBRARY FOUNDATION</b>			
FABER SPECIALITY VEHICLES INC	2ND PAYMENT FOR NEW BOOKMOBILE (SPLT AMONG FUNDS)		9,000.00

<b>WEST BANK URBAN RENEWAL</b>			
<b>DOWNTOWN TID</b>			
STANDARD PARKING CORPORATION	PARKING PAYSTATIONS (SPLIT AMONG FUNDS)		21,323.75

**ENTERPRISE FUNDS**

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**WATER**

ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES, INC	OF 1637.1 WTP FILTRATION IMPROVEMENTS	41,804.91
SLETTEN CONSTRUCTION COMPANY	OF 1637.1 WTP FILTRATION IMPROVEMENTS	211,483.37

**SANITATION**

CASCADE ENGINEERING, INC.	580 - 96 GALLON REFUSE CONTAINERS	27,395.00
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**PARKING**

STANDARD PARKIG CORPORATION	PARKING PAYSTATIONS (SPLIT AMONG FUNDS)	149,266.25
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**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	EMPLOYEE INSURANCE DEDUCTIBLES AND PREMIUMS	925,980.15
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**INFORMATION TECHNOLOGY**

ZEURCHER TECHNOLOGIES, LLC	ANNUAL MAINTENANCE PER CONTRACT	73,806.99
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	58,226.50
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	46,713.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	49,439.52
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,338.12
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	122,547.45
US BANK	FEDERAL TAXES, FICA & MEDICARE	194,229.21
STATE OF MONTANA	4TH QUARTER UNEMPLOYMENT	27,505.25

**CLAIMS OVER \$25000 TOTAL:**

\$ 2,306,432.11

**CITY OF GREAT FALLS, MONTANA**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: February 16, 2021**

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

**PRESENTED BY:** Lisa Kunz, City Clerk

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

**MAYOR’ S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Park and Recreation	Pepsi-Cola	03/01/2021 – 02/28/2026	Paid to the City: \$5,610 2021 \$5,722 2022 \$5,836 2023 \$5,953 2024 \$6,072 2025	Addendum to Beverage Distribution Agreement for various services, concessions and vending machines CR: 011916.14

<b>B</b>	Public Works Street/Traffic Division	Montana Department of Transportation	07/01/2020 – 06/30/2021	N/A	Traffic Control Maintenance Agreement for State Fiscal Year 2021
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**CITY OF GREAT FALLS, MONTANA**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: February 16, 2021**

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

**PRESENTED BY:** Lisa Kunz, City Clerk

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH</b>	<b>PURPOSE</b>
<b>A</b>	Great Falls Fire Rescue (GFFR)	Montana Disaster and Emergency Services	FY 21/22	\$40,000	0%	FY 21 Homeland Security Sustainment Grant – As a state hazmat team, the purpose of the grant funds is to maintain, update, repair and replace hazmat response equipment used for hazardous material response in Great Falls, and around the state if activated as a state resource. The grant is to sustain GFFR as a viable, equipped team. The City of Great Falls is reimbursed for all funds spent to maintain its hazmat response capabilities and equipment.



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

**Item:** Application for a FEMA, Assistance to Firefighters Grant, by Great Falls Fire Rescue in the amount of \$1,300,000 for an Aerial Apparatus.

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

**Initiated By:** Great Falls Fire Rescue

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

**Action Requested:** Approval to apply for 2020 FEMA, Assistance to Firefighters Grant, for Aerial Apparatus.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/reject) the application submittal of a FEMA, Assistance to Firefighters Grant in the amount of \$1,300,000, to purchase a new fire aerial (ladder) truck.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the application to FEMA, Assistance to Firefighters Grant (AFG) for a new 107’ aerial apparatus to replace Great Falls Fire Rescue’s 1996 Smeal 75’ Quint.

**Summary:**

If allowed to pursue the AFG grant for a new 107’ Aerial Apparatus, the overall request from the City of Great Falls for apparatus and equipment would be \$1,300,000. If the City would be successful in securing this AFG grant, our match would be \$130,000. The tentative date for announcement if successful in being awarded the grant is set for late September or early October.

**Background:**

The 1996 Smeal 75’ Ladder Truck (Quint) has had some significant structural problems during its operational service time with GFFR. Some of these issues required transporting the vehicle back to the manufacturer in 2004 for frame and body strengthening. Unfortunately this apparatus was not specified correctly for weight and service requirements prior to its purchase. Since 2004, this apparatus has seen limited use as a reserve aerial apparatus for the citizens of this community. This has been in part due to increased mechanical cost to operate and unreliability to stay in service. The National Fire Protection Association (NFPA) 1901 Annex D “Guidelines for First-Line and Reserve Fire Apparatus” recommends the replacement of apparatus at 25 years. The replacement of this unit with a new 107-foot fully equipped



ladder truck (Quint) will improve the department's ability to serve the community and would be assigned as a frontline apparatus within our fleet. If the grant request was honored, the City would pay an estimated 10 cents on the dollar, that if spread out over the truck's service life of 25 years would cost around \$5,200 a year.

**Fiscal Impact:**

The vehicle's estimated cost is \$1,250,000 plus equipment \$50,000 for a total of \$1,300,000

- City estimated cost = \$130,000.
- Grant estimated amount = \$1,170,000.

**Alternatives:** Reject the submission of the grant application and pursue replacement through budgeting and the capital improvement program.

**Concurrences:**

Public Works – Central Garage

**Attachments/Exhibits:**

Application

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

Please identify your organization to be associated with this application.  
 All organization information in this section will come from the System for Award Management (SAM) profile for that organization.

### CITY OF GREAT FALLS

Information current from SAM.gov as of: **02/07/2021**

DUNS (includes DUNS+4): **060267093**

Employer Identification Number (EIN): **816001269**

Organization legal name: **CITY OF GREAT FALLS**

Organization (doing business as) name:

Mailing address: **PO BOX 5021 GREAT FALLS, MT 59403-5021**

Physical address: **2 PARK DR S ROOM 104 GREAT FALLS, MT 59401-4006**

Is your organization delinquent on any federal debt? **N**

SAM.gov registration status: **Active as of 2020-06-22 00:00:00.000 GMT**

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

## Applicant information

Please provide the following additional information about the applicant.

Applicant name **Great Falls Fire Rescue**

### Main address of location impacted by this grant

Main address 1 **105 9th St S**

Main address 2

City **Great Falls**

State/territory	<b>MT</b>
Zip code	<b>59487</b>
Zip extension	<b>3215</b>
In what county/parish is your organization physically located? If you have more than one station, in what county/parish is your main station located?	<b>Cascade</b>

## Applicant characteristics

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

Please provide the following additional information about the applicant.

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

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

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

How many active firefighters does your department have who perform firefighting duties? **62**

How many of your active firefighters are trained to the level of Firefighter I or equivalent? **62**

How many of your active firefighters are trained to the level of Firefighter II or equivalent? **62**

Are you requesting training funds in this application to bring 100% of your firefighters into compliance with NFPA 1001? **No**

Which of the following standards does your organization meet regarding physicals? If physicals are not required then do not select any option. (optional)

- Meets NFPA or 1582 standard
- Meets NTSB or DOT standard
- Meets State/local standard

How many members in your department are trained to the level of EMR or EMT, Advanced EMT or Paramedic? **66**

Does your department have a Community Paramedic program? **No**

How many stations are operated by your department? **4**

Does your organization protect critical infrastructure of the state? **Yes**

Please describe the critical infrastructure protected below.

**Malmstrom AFB and Montana Air National Guard are military installations that flank the City, connecting to City boundaries on the East and West ends of town. These military bases employ thousands of people and among many others, house the 819th RED HORSE Squadron and 341st Missile Wing tasked with defending "America with safe, secure, effective nuclear forces and combat-ready Airmen." Nuclear material and weapons are maintained on base and frequently moved through our community as part of their mission. For more than 125 years, Benefis Healthcare has served our community, provides critical care, is the home base for Mercy Flight air ambulance and is the Level II Trauma Center for 18 counties located in North Central Montana. Benefis is a regional healthcare facility that people from rural areas drive hours to get to in order to receive primary, palliative and emergency care. A hub of industry, Great Falls also plays host to three hydroelectric dams and multiple wind generation facilities that provide the power for all critical infrastructure. Burlington Northern Railroad has a large rail yard within city limits**

**and plays a crucial role in the transport of petrochemical products and fuel in and out of the Calumet Refinery, also located within our jurisdiction on the bank of the Missouri River.**

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

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

## Operating budget

What is your organizations operating budget (e.g., personnel, maintenance of apparatus, equipment, facilities, utility costs, purchasing expendable items, etc.) dedicated to expenditures for day-to-day activities for the current (at time of application) fiscal year, as well as the previous two fiscal years?

Current fiscal year: **2021**

Fiscal Year	Operating budget
2021	\$9,429,758.00
2020	\$9,359,271.00
2019	\$8,654,976.00

What percentage of the declared operating budget is dedicated to personnel costs (salary, benefits, overtime costs, etc.)? **82**

What percentage of the declared operating budget is derived from the following	2021	2020	2019
Taxes	95	95	95

What percentage of the declared operating budget is derived from the following	2021	2020	2019
Bond issues	0	0	0
EMS billing	0	0	0
Grants	0	0	0
Donations	0	0	0
Fund drives	5	5	5
Fee for service	0	0	0
Other	0	0	0
<b>Totals</b>	100 %	100 %	100 %

Describe your financial need and how consistent it is with the intent of the AFG Program. Include details describing your organization's financial distress such as summarizing budget constraints, unsuccessful attempts to secure other funding, and proving the financial distress is out of your control.

**In a region with chronic financial struggles due to drought, a flagging agricultural economy, and most recently the economic impact of COVID-19, the City of Great Falls continues to battle financially. As a department funded primarily through property taxes and the city's general fund, GFFR has suffered. In fact, over the past three to five fiscal years our department has been asked to get by with no budget increases and in some cases even with budget reductions. In 1991, as in many other states, Montana's legislature enacted a cap on cities' tax increases, limiting any increases to a rate that equals half the rate of inflation. As a result, most city budgets have struggled throughout our state. Given already-low property tax values, compared to national averages, our city has fought to keep up with necessary operating costs. With Air Force and National Guard bases bordering either end of our city, Great Falls relies heavily on military economic presence in our community. However, with budget cuts always**

eminent, these bases are continually on the "chopping block," which contributes to even greater economic uncertainty and reluctance of large businesses to invest here. Even while they are left in place, those military bases have been reduced in their size and mission, further impacting our local economy. In an effort to meet NFPA guidelines for fireground staffing, Great Falls Fire Rescue requested a public safety mill levy increase in order to help hire and retain additional firefighters. Given the national recession compounded by local economic struggles, the people of our City voted the levy increase down. The simple reality is that tax payers, both businesses and individuals, are tapped out financially. Until local, state and national economies rebound and consumer confidence increases, our City's tax base and resulting budgets will not increase. With local business and workers struggling to meet day-to-day financial needs, GFFR has little choice but to pursue federal assistance through funding such as the FEMA AFG process.

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

No

**Other funding sources**

This fiscal year, are you receiving Federal funding from any other grant program for the same purpose for which you are applying for this grant? **No**

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

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

**FEMA funds for State Hazardous Materials Team**

## Applicant and community trends

Please provide the following additional information about the applicant.

Injuries and fatalities	2020	2019	2018
What is the total number of fire-related civilian fatalities in your jurisdiction over the last three calendar years?	3	2	1
What is the total number of fire-related civilian injuries in your jurisdiction over the last three calendar years?	10	10	6
What is the total number of line of duty member fatalities in your jurisdiction over the last three calendar years?	1	0	0
What is the total number of line of duty member injuries in your jurisdiction over the last three calendar years?	4	1	5

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

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

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



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

Is your department facing a new risk, expanding service to a new area, or experiencing an increased call volume? **No**

## Community description

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

Type of jurisdiction served	<b>City</b>
What type of community does your organization serve?	<b>Suburban</b>
What is the square mileage of your first due response zone/jurisdiction served?	<b>26</b>
What percentage of your primary response area is protected by hydrants?	<b>90</b>

What percentage of your primary response area is for the following:	Percentage (must sum to 100%)
Agriculture, wildland, open space, or undeveloped properties	15
Commercial and industrial purposes	30
Residential purposes	55
<b>Total</b>	<b>100</b>

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

Do you have a seasonal increase in population? **No**

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

**Great Falls Fire Rescue (GFFR) is a career Fire and EMS department serving Great Falls, Montana, a city of 62,000 made up of significant areas of both urban and rural populations and demographics. Encompassing an area of 26 square miles, Great Falls has a perimeter measuring 65 linear miles, much of which can be described as Urban/Wildland interface. We are also surrounded by five rural, all-volunteer departments protecting the grasslands, croplands and open range that surround our city. Our ability to provide both mutual aid to surrounding departments and structural fire protection around the perimeters of our city is crucial. Staffed by 72 personnel, GFFR maintains four stations throughout our city, responding to roughly 8,500 calls for service in 2020. In each station, we staff a three-person engine company, with a ladder/tower in one of the stations. With a Battalion Chief in charge of each shift, our minimum manning is 13 personnel on-shift at any given time. With more than 8,000 calls each year for service, GFFR responds to structure fires, propane and natural gas emergencies and other hazmat emergencies, vehicle fires and collisions, including vehicle extrications, medical emergencies and public-service calls.**

**Our personnel comprise one of six regional hazmat response teams throughout Montana. GFFR also provides Mutual-Aid assistance to fire departments at Malmstrom Air Force Base (who routinely transport nuclear weapons and materials throughout our jurisdiction), located on the east end of our city, and the Montana Air National Guard fire department at our city's west end. Great Falls Fire Rescue also provides automatic aid to surrounding rural volunteer departments, and mutual aid upon request to all Volunteer Fire Departments in Cascade County. This commitment frequently results in our department responding alongside agencies from around the State and region to significant incidents. During the summer of 2017 our department provided mutual aid with 23 other responding state and rural departments for grass fires threatening our city. One incident in particular, was the largest wildland fire in the State at the time and required a large call-back of off-duty personnel in order to protect the city while others were fighting the encroaching grass fires. Great Falls has a business population that swells during daytime hours and may easily reach 70,000 during peak business hours. Our fire department protects a wide range of target hazards including industrial plants, warehouses, agricultural chemical plants and distributors, a refinery and an additional tank farm at our city's perimeter. We are also home to a seven-story regional hospital and trauma center, at least 30 elementary, middle and high schools along with a vocational college and a university. As the agricultural epicenter of Central Montana, Great Falls also three major grain elevators, two flour mills, a malting plant and a large agricultural feed mill within our response area that create unique challenges, including high dust-explosion hazards. There has been an increase flammable liquid and gas cargoes including various forms of crude oil that is transported in and out of our jurisdiction daily, in support of the refinery and other**

**commercial uses within our community. GFFR also responds to numerous grass fires and other perimeter fires for which we are not currently well equipped. We are attempting to improve our urban/wildland interface responses and protection, as well as our more traditional response capabilities and support of our mutual aid partners throughout Cascade County.**

## Call volume

<b>Summary</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Fire - NFIRS Series 100	141	110	120
Overpressure Rupture, Explosion, Overheat (No Fire) - NFIRS Series 200	6	4	4
Rescue & Emergency Medical Service Incident - NFIRS Series 300	5626	5809	5451
Hazardous Condition (No Fire) - NFIRS Series 400	276	289	219
Service Call - NFIRS Series 500	1007	907	931
Good Intent Call - NFIRS Series 600	918	970	925
False Alarm & Falls Call - NFIRS Series 700	391	390	381
Severe Weather & Natural Disaster - NFIRS Series 800	27	26	3
Special Incident Type - NFIRS Series 900	6	5	3
<b>Total</b>	<b>8398</b>	<b>8510</b>	<b>8037</b>

## Fire

<b>How many responses per year per category?</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
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<b>How many responses per year per category?</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
"Structure Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 111-120)	75	57	69
"Vehicle Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 130-138)	17	19	13
"Vegetation Fire" (Of the NFIRS Series 100 calls, NFIRS Codes 140-143)	19	15	14
Total	111	91	96
<b>Total acreage per year</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Total acreage of all vegetation fires	5	1	4

## Rescue and emergency medical service incidents

<b>How many responses per year per category?</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
"Motor Vehicle Accidents" (Of the NFIRS Series 300 calls, NFIRS Codes 322-324)	246	265	290
"Extrications from Vehicles" (Of the NFIRS Series 300 calls, NFIRS Code 352)	1	1	2
"Rescues" (Of the NFIRS Series 300 calls, NFIRS Code 300, 351, 353-381)	17	16	27
EMS-BLS Response Calls	3987	4067	3816
EMS-ALS Response Calls	1639	1742	1635
EMS-BLS Scheduled Transports	0	0	0
EMS-ALS Scheduled Transports	0	0	0
Community Paramedic Response Calls	0	0	0
Total	5890	6091	5770

## Mutual and automatic aid

How many responses per year per category?	2020	2019	2018
Amount of times the organization received Mutual Aid	4	5	6
Amount of times the organization received Automatic Aid	0	0	0
Amount of times the organization provided Mutual Aid	5	11	12
Amount of times the organization provided Automatic Aid	2	0	0
Of the Mutual and Automatic Aid responses, amount that were structure fires	11	16	18
Total	22	32	36

## Grant request details

Are you requesting a Micro Grant? A Micro Grant **No** is limited to \$50,000 in federal resources.

**Grant request details Grand total:  
\$1,300,000.00**

## Program area: Vehicle acquisition

**Total requested for Vehicle acquisition activity: \$1,300,000.00**

### Aerial Apparatus

QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
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1                      \$1,300,000.00              \$1,300,000.00              Equipment

**DESCRIPTION**

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

**More Details for Aerial Apparatus.**

Is the vehicle you propose to buy:	<b>Replacement of an existing apparatus</b>
Was the vehicle you're requesting to replace built prior to the applicable NFPA vehicle standard from 1992?	<b>No</b>
What is the mileage of the vehicle being replaced?	<b>57021</b>
What is the age of the vehicle being replaced?	<b>24</b>
Do you have a driver-training program equivalent to national or NFPA standards?	<b>Yes</b>
Are you requesting funding for training specific to the vehicle acquisition?	<b>No</b>
Will you obtain the appropriate training through other sources?	<b>Yes</b>
If awarded, will you permanently remove the vehicle to be replaced from your organization's emergency response service?	<b>Yes</b>
Enter the type and year of manufacture for	<b>HME Smeal Quint 1996</b>

vehicle being replaced.

Enter the VIN (Vehicle Identification Number) **44KFT4288TWZ18327**  
for the vehicle you are requesting to replace:

How long have you owned the vehicle you are **24**  
replacing?

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

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

How many vehicles of this type or class are **1**  
currently in your fleet?

How many vehicles of this type or class in **1**  
your fleet were manufactured prior to 2002?

Is this a converted vehicle? **No**

What is the number of calls the vehicle being **504**  
replaced supported last calendar year?

**More Details for Vehicle acquisition.**

**Narrative**

Project Description

**The project to purchase a 107' Pierce Ascendant Single Axle Heavy-Duty Aerial Ladder Quint will cost \$1,300,000. This is well beyond the means of the City's general fund and the Fire Department's Capital and Operating budget. The fact that Great Falls Fire Rescue (GFFR) recently implemented mandatory occupational physicals and firefighter fitness programs per NFPA 1582 at significant expense, has not allowed us**



the opportunity to purchase this essential apparatus. Great Falls Fire Rescue (GFFR) is seeking this AFG Grant to purchase a Quint to replace our 25 year old, worn out, 75' 1996 HME Smeal Quint. This apparatus has seen better days, having undergone several major repairs and maintenance as a result of a heavy response volume. After incurring multiple, significant issues including cracking brake drums and having the springs replaced multiple times, major repairs were needed in 2004 when the Quint was put on a flatbed and shipped back to the manufacturer. The frame and body were cracked in multiple places and despite significant work taking place before the apparatus was returned, it has never been "right". Because of its fragility and unreliability, the 75' 1996 Smeal has been relegated to limited duty as a reserve apparatus since 2005, leaving GFFR with only one frontline aerial to respond to the over 540 structures that exceed ground-ladder capabilities in our 26 square mile response area. Because the closest aerial apparatus potentially available for mutual aid are located in cities 90 to 100 miles away, our need for this Quint is dire. If awarded, this grant will provide the funds to purchase a 107' Pierce Ascendant Single Axle Heavy-Duty Aerial Ladder Quint, allowing us to resume adequate coverage of our response area, with an aerial apparatus present in areas densely populated with multi-story buildings on both ends of town. It would also include funding for proper equipment on that truck in order to meet the current and expected fire-service needs of our community and the surrounding region. In so doing, it would also provide a valued life-safety resource to help protect those districts with which we have mutual aid agreements. The cost for this apparatus shall be no more than \$1,300,000 and would include basic equipment and tools. These tools will allow

Cost/Benefit

the apparatus to fulfill its mission as a truck company and consist of items essential for rescue, forcible entry and ventilation. The basic apparatus shall be specified with a 1,500 gpm pump, 500-gallon water tank, ground-ladders and will meet NFPA 1901 standards. All GFFR drivers shall be trained under our current driver/operator training program, which complies with NFPA 1002 standards. Predictably, our needs are not the only financial issues in Great Falls. Projects to make critical repairs to City buildings, totaling several million dollars have depleted any facility capital that would be available for this project and any unexpected revenue that may come into City coffers would be immediately diverted to extending the service life of these buildings. In other words, without grant assistance it will be impossible to afford the Quint Aerial as proposed. If awarded, replacing our 1996 Smeal Quint -- which only has a 75-foot ladder -- with a 107-foot ladder purchased with AFG funds, will improve firefighter and community safety exponentially. The increase in ladder length and reach will improve the department's speed and efficiency in rescuing victims trapped in any of our many mid-rise and high-occupancy structures. Further, as an elevated master stream it will help in preventing conflagration fires in our city's downtown business district. Since the purchase of our department's last aerial platform, many renovations and construction projects within our response area have highlighted our need for a 107-foot ladder, including new and renovated multi-story medical facilities as great as eight commercial stories, several multi-story retirement and assisted-living facilities, numerous motels up to seven commercial stories, 6 story, multi-floor, multi-family low-income apartments and many others. Because entrapment and conflagration potential are huge in these heavily occupied, high-risk

target hazards, the presence of a 107-foot ladder, quint could be the difference between success and disaster. For example, in the case of a fire in our downtown area, only the presence of a large skylight that allowed for vertical ventilation prevented a conflagration that would have otherwise spread to a high-rise bank and office building that far exceeded our 75-foot ladders capability. Although the building of origin was a complete loss, the loss of that block would have devastated many more lives and the local economy. An additional benefit would be the equipping of this aerial for both low/high angle rescue and ice/river rescue. Each year we are called upon for rescues along the two major rivers that pass through our city and along the steep, treacherous bluffs that line them. Great Falls Fire Rescue maintains long-standing mutual and automatic aid agreements with both Malmstrom Air Force Base (MAFB) and Montana's Air National Guard (MTANG) fire departments, neither of which owns an aerial. GFFR's existing aerial equipment has been relied upon to provide an elevated rescue platform to reach the upper floors and roofs of large hangars and terminals at Malmstrom AFB, MANG and Great Falls International Airport. If awarded, the quint we'd purchase with AFG funds would be frequently used to support the mission of both Malmstrom Air Force Base and the Montana Air National Guard. According to NFPA standards and Insurance Service Organization (ISO), our city requires at least two ladder companies to meet distance and time requirements. Also, of our city's four fire districts, two have heavy industrial complexes, commercial and institutional occupancies that require a ladder-company response. That being said, our one aerial platform, would arrive too late and is not of sufficient length to be effective at many of these occupancies. This AFG funding project

would ensure that an aerial apparatus would be able to respond within the NFPA's 8-minute criterion. In 2019, GFFR responded to more than 8,500 calls for service, including 2,701 fire calls. Target occupancy analysis shows our city has a critical need for a 107-foot ladder quint, which we cannot afford without AFG funding. In order to gain maximum benefit from the grant funding, if awarded, this Grant would be administered in-house, without overhead or administrative costs by the Fire Chief.

## Statement of Effect

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

**this 107' ladder we endure the risk that our members will be unable to conduct a rescue in the very real and widely present situations such as those noted above. If our request were awarded, GFFR would find itself properly equipped for our primary mission, that of life safety within our community.**

## Vehicle inventory



Please provide the Model year, pumping capacity, and carrying capacity for each vehicle within your organization's inventory. The list of vehicles has been prepopulated based on your inputs to the Applicant and community trends section of this application.

Vehicle type or class	Model year (e.g. 2009)	Pumping capacity (gallons per minute)	Carrying capacity (gallons)
Tanker or tender	2000	500	2200
Engine or pumper	2016	1500	500
Engine or pumper	2016	1500	500
Engine or pumper	2019	1500	750
Engine or pumper	2004	1500	500
Engine or pumper	2004	1500	500
Engine or pumper	2004	1500	500
Ambulance	2016	0	0
Additional vehicle	2013	0	0
Additional vehicle	2004	0	0
Brush/quick attack	2017	0	0
Aerial apparatus	2009	2000	300
Aerial apparatus	1996	1250	500


Vehicle type or class	Model year (e.g. 2009)	Pumping capacity (gallons per minute)	Carrying capacity (gallons)
Rescue vehicle	2011	0	0

## Grant request summary

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

### Grant request summary

Activity	Number of items	Total cost
Vehicle acquisition	1	\$1,300,000.00
<b>Total</b>	1	\$1,300,000.00

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

Yes

## Budget summary

### Budget summary

Object class categories	Total
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00

<b>Object class categories</b>	<b>Total</b>
Equipment	\$1,300,000.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
<b>Total direct charges</b>	<b>\$1,300,000.00</b>
Indirect charges	\$0.00
<b>TOTAL</b>	<b>\$1,300,000.00</b>
<b>Non-federal resources</b>	
Applicant	\$118,181.82
State	\$0.00
Other sources	\$0.00
Remarks	
<b>Total Federal and Non-federal resources</b>	
Federal resources	\$1,181,818.18
Non-federal resources	\$118,181.82
<b>TOTAL</b>	<b>\$1,300,000.00</b>
Program income	\$0.00

## Contact information

No

**Secondary point of contact**

Please provide a secondary point of contact for this grant.

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

<b>Shane Klippenes</b> Deputy Chief	<b>Primary phone</b> 4067918967 Work	<b>Additional phones</b> 4067819136 Mobile
	<b>Fax</b> <a href="mailto:sklippenes@greatfallsmt.net">sklippenes@greatfallsmt.net</a>	4067999377 Mobile

## Assurance and certifications

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

### SF-424B: Assurances - Non-Construction Programs

OMB Number: 4040-0007  
Expiration Date: 02/28/2022

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

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

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to



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

- special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
  12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
  13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
  14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
  15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
  16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
  17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
  18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
  19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

## Certifications regarding lobbying

OMB Number: 4040-0013

Expiration Date: 02/28/2022

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

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

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

### Statement for Loan Guarantees and Loan Insurance

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

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

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

## SF-LLL: Disclosure of Lobbying Activities

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

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

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

## Notice of funding opportunity

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

## Accuracy of application

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

## Authorized Organizational Representative for the grant

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

## Authorization to submit application on behalf of applicant organization

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



Commission Meeting Date: February 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Setting a public hearing for a Conditional Use Permit for a “Worship facility” land use upon the property addressed as 511 Central Avenue and legally described as Lot 12-13, Block 316, Great Falls Original Townsite, Section 12, Township 20N, Range 3E, PMM, Cascade County, MT.

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

**Initiated By:** Abram Baca, The Potter’s House Great Falls, LLC

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

**Action Requested:** Set a public hearing for the Conditional Use Permit referenced above for March 16, 2021.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for March 16, 2021 on the Conditional Use Permit for a “Worship facility” land use upon the property addressed as 511 Central Avenue and legally described as Lot 12 -13, Block 316, Great Falls Original Townsite, Section 12, Township 20N, Range 3E, PMM, Cascade County, Montana”

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

**Staff Recommendation:**

Staff recommends the City Commission set a public hearing for March 16, 2021, on the Conditional Use Permit for a “Worship facility” land use upon the property addressed as 511 Central Avenue.

**Background:**

The applicant, Abram Baca, lead pastor of The Potter’s House, has submitted an application to request a Conditional Use Permit to allow for a Worship facility land use upon the property addressed as 511 Central Avenue. The subject property is zoned C-4 Central Business Core, wherein a Worship facility land use is permitted upon receiving approval of a Conditional Use Permit and fulfillment of any required conditions.

The subject property contains a building owned by Gary Hackett which has several other suites as well. The applicant has been using an interior suite as a meeting space for The Potter’s House since February of 2020. In March of 2020, the City received a Safety Inspection Certificate request (SIC) for the applicant to use the subject property as a Worship facility land use. The applicant and owner were unaware that the Worship facility land use was permitted only through a Conditional Use Permit in the C-4 Central Business Core zoning district. Additionally, the applicant had already signed a lease with the owner prior to filing

the SIC request. To allow the applicant some time to consider his options, the SIC was issued with a condition that The Potter's House was allowed to occupy the space until September 1, 2020, at which time the applicant would either need to relocate or apply for a Conditional Use Permit. The applicant believes the location best fits the mission of the church and has opted to apply for the required CUP to allow a longer term stay in their downtown location.

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

*Impacts:*

The applicant has been operating at his current location for almost one year. Because the applicant uses a small space within the building and has a small congregation, no complaints have been received by the City on issues such as parking or vehicle traffic. In 2020, the City Commission did approve a request for a proposed Worship facility at a nearby location – 427 Central Avenue. During initial discussion of that request, concerns were expressed about the impact of worship facilities on the future ability of bars and taverns in the downtown to obtain liquor licenses. In response, City staff developed Ordinance 3221, which superseded Montana State Code's 600 foot distance restriction between bars/taverns seeking liquor licenses and worship facilities. Ordinance 3221 was adopted by the City Commission and effectively allows worship facilities and establishments requiring a liquor license to operate in non-residential zoning districts with no distance requirements. As a result, staff finds that the requested CUP has no negative impacts.

*Transportation:*

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

*Proximity to Other Uses:*

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

**Fiscal Impact:**

Approval of the CUP would have no adverse financial impact upon the City of Great Falls. Allowing the building to have greater tenant occupancy only benefits the City.

**Alternatives:**

The City Commission could vote to not set a public hearing for March 16, 2021 and settle for a different date and time. A public hearing is required by the Official Code of the City of Great Falls (OCCGF) § 17.16.36.020(J).

**Concurrences:**

Representatives from the City's Public Works, Fire/Rescue, and Building Departments have reviewed the proposal and have no objections to the issuance of the Conditional Use Permit.

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

**Neighborhood Council Input:**

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

**Attachments/Exhibits:**

Resolution 10387

Basis of Decision

Aerial Map

Zoning Map

Site Photos

Applicant Narrative



RESOLUTION 10387

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW "WORSHIP FACILITY" LAND USE UPON A PARCEL OF LAND ADDRESSED AS 511 CENTRAL AVENUE , AND LEGALLY DESCRIBED AS LOTS 12 AND 13, BLOCK 316, TOWNSITE OF GREAT FALLS, CASCADE COUNTY, MT.

\* \* \* \* \*

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a "Worship facility" land use upon the property legally described as Lots 12 and 13, Block 316 of the Townsite of Great Falls, Cascade County, Montana (subject property); and,

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

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

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on January 26, 2021 to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a "Worship facility" land use be granted by the City Commission for the subject property, subject to the following conditions:

## CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Expiration:** The Conditional Use Permit shall expire one year after the date of issuance, if a Safety Inspection Certificate has not been issued. The Administrator may extend the expiration date by up to one year.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Acceptance of Conditions:** No Safety Inspection Certificate shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

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

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

That a Conditional Use Permit be granted for a “Worship facility” land use at the property addressed as 511 Central Avenue, Great Falls, Montana, and legally described as Lots 12 and 13, Block 316 of the Great Falls Original Addition, T20N, R3E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OOCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OOCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has

commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on March 16, 2021.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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

## CONDITIONAL USE BASIS OF DECISION

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

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

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

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

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

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

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

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

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

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

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

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

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

Adequate services and infrastructure are available to serve the worship facility. The building containing the proposed CUP already receives all City services.

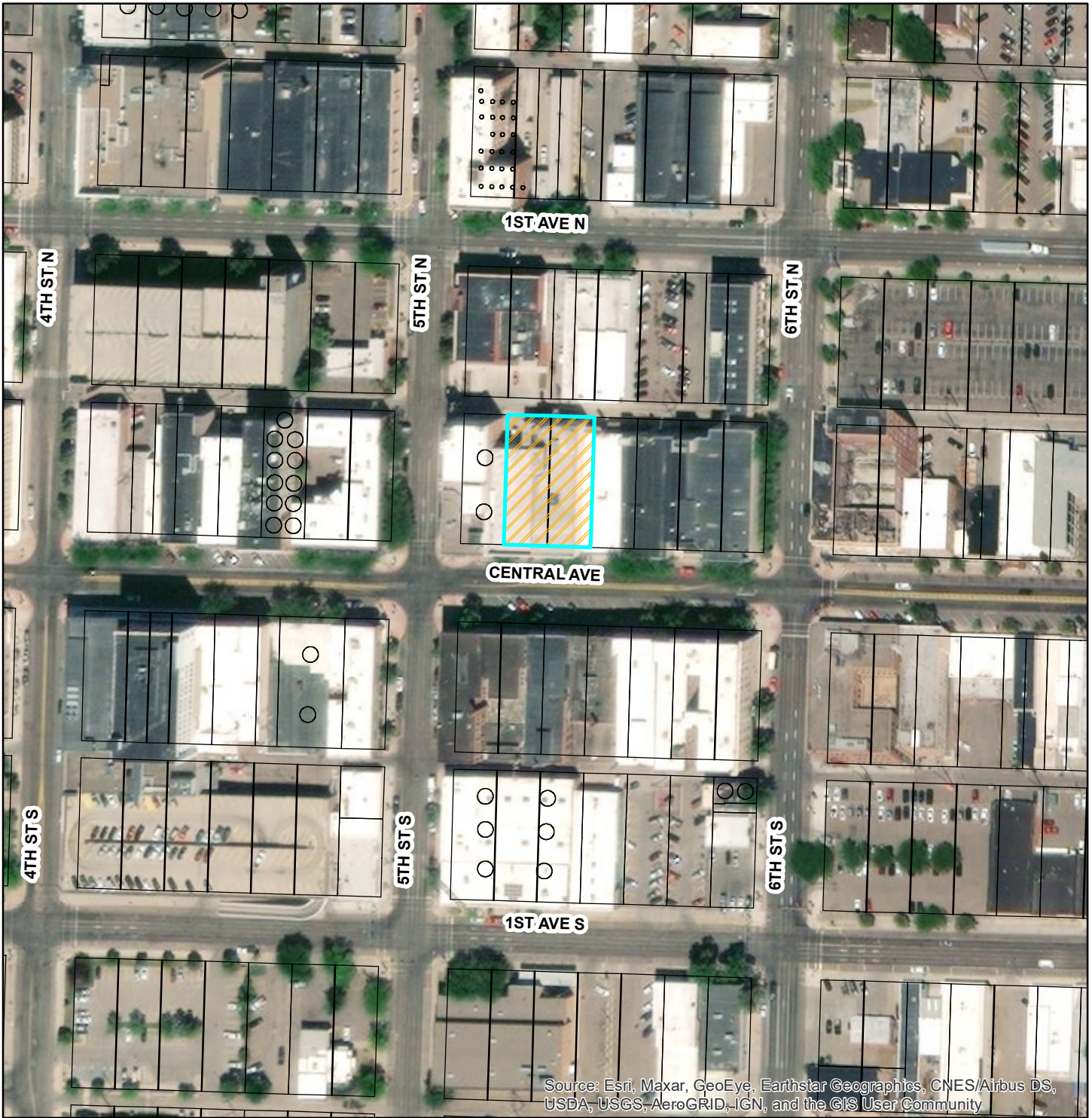
**6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.**


The Worship facility is used mainly on Sundays and Wednesday nights, times that have typically low-traffic volumes in the downtown. The congregants of the church are also encouraged to utilize the downtown parking garages in order to alleviate on-street parking concerns. As a result, there is no concern about ingress and egress for traffic congestion.

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

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

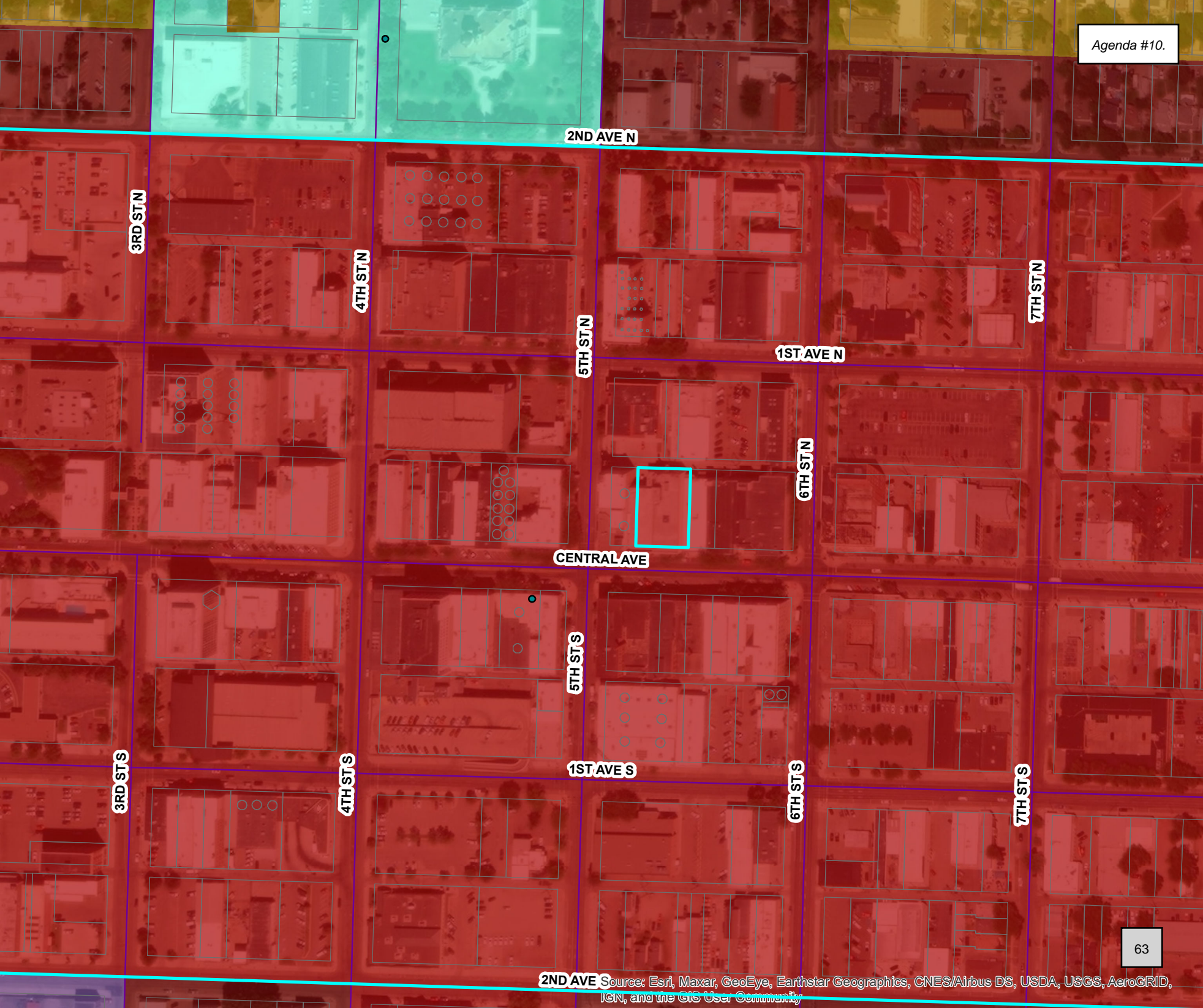
### EXHIBIT A



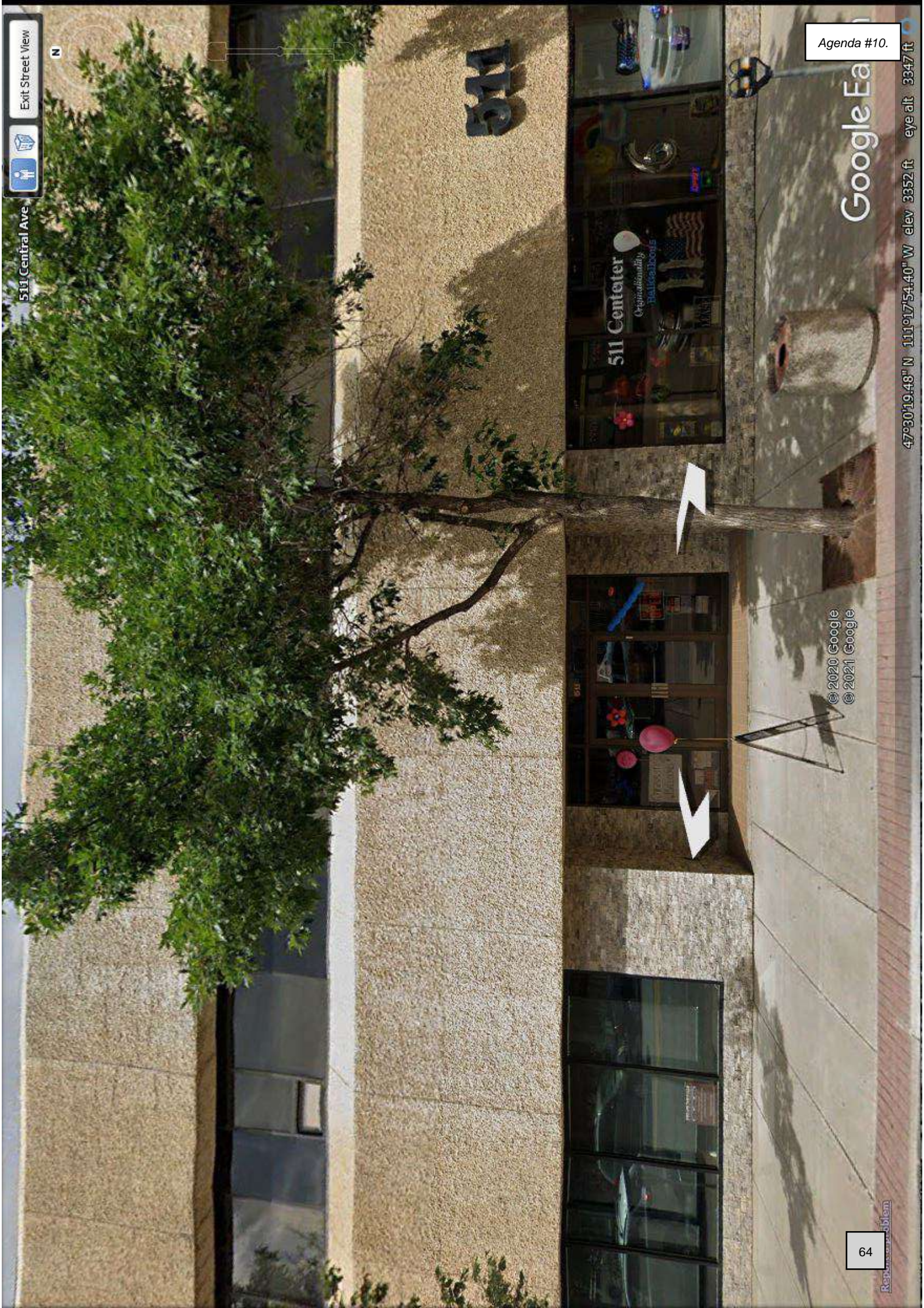
 Subject Property

 City Limits





N



Agenda #10.

Google Earth

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© 2021 Google

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



# Potter's House

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

## Conditional Use Permit

December 1, 2020

### Overview

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

Our vision as a church is;

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

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

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

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

2

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

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

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

#### Our Goals

1. The reason for the conditional use permit is because we were operating on a temporary permit on the grounds that we were located within 600 feet of a liquor establishment.  
  
Since the recent ordinance passed for a worship facility to be within 600 feet of a liquor establishment we wanted to continue our stay inside the 511 building to sustain our growth and central location to our congregation
2. The building owner Gary Hackett also has made accommodations (larger areas of use) should we continue to grow.
3. Our schedule of services Are all outside the majority of the normal operation hours of the downtown area therefore crowding and parking haven't been an issue in the last year.

3

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

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

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

## **In Concluding**

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



Commission Meeting Date: February 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10384 Golf Fees  
**From:** Park and Recreation Department  
**Initiated By:** Great Falls Golf LLC  
**Presented By:** Steve Herrig, Park and Recreation Director  
**Action Requested:** Conduct a Public Hearing and adopt Resolution 10384 Golf Fees

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:  

“I move that the City Commission (adopt/deny) Resolution 10384, establishing Golf Fees.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

**Staff Recommendation:** Staff recommends that the City Commission adopt Resolution 10384 to Establish Golf Fees. Resolution 10384 would repeal Resolution 10329 and set a new fee structure beginning with the 2021 golf season (April 1, 2021).

**Background:** In an effort to maintain current operations, anticipate future demands, and promote the golfing community, fees need to be established that will help offset expenditures relating to operation, administration, equipment replacement, capital improvement, debt, and labor costs associated with the Eagle Falls Golf Club (EF) and Anaconda Hills Golf Course (AH). Fees were last increased February 18, 2020, and therefore, Great Falls Golf LLC, along with staff recommend, the following:

1. Season Pass Fees
  - a. Increase EF adult season pass fees 3.65%, EF adult weekday only season pass fees 3.64%, AH adult season pass fees 4.07%, AH adult weekday only season pass fees 3.33%, joint adult full season pass 3.77%, joint adult weekday only season pass 4.07%, and joint junior weekday only 2.63%.

2. Green Fees
  - a. Increase EF 18 hole weekday fees by 3.03%, 18 hole weekend fees by 2.78%, twilight weekday fees by 5.26 %, twilight weekend fees 4.00%, 9 hole weekday fees by 5.00%, and 9 hole weekend fees by 5.00%, junior weekday 5.88%, and junior weekend 5.56%.
  - b. Increase AH 18 hole weekday fees by 3.70%, 18 hole weekend fees by 3.23%, twilight weekday fees by 5.56 %, twilight weekend fees 4.76%, 9 hole weekday fees by 11.76%, and 9 hole weekend fees by 4.76%, junior weekday 6.67%, and junior weekend 5.88%
3. Cart Rental Fees
  - a. Increase EF daily trail 18 hole fee by 6.67%, daily twilight fee 8.33%, and season trail fee by 6.35%.
  - b. Increase AH daily trail 18 hole fee by 6.67%, daily twilight fee by 8.33%, and season trail fee by 6.35%.
  - c. Increase EF push cart rental by 25.00%.
4. Cart Storage Fees
  - a. Increase storage fees for gas carts – No Increase
  - b. Increase storage fees for electric carts – No Increase

**Fiscal Impact:** The fiscal impact is undetermined at this time.

**Alternatives:** An alternative would be to not increase golf course fees.

**Concurrences:** On January 25, 2021, Great Falls Golf LLC and staff reviewed the proposed fees with members of the Golf Advisory Board. The Golf Board recommended that the City Commission approve the golf fees as presented.

**Attachments/Exhibits:** Resolution 10384 Golf Fees (2/16/21 - updated Resolution after posting to correct a typo on Adult Weekday Season Pass)

**RESOLUTION NO. 10384**

**A RESOLUTION TO ESTABLISH GOLF FEES FOR EAGLE FALLS GOLF CLUB AND ANACONDA HILLS GOLF COURSE**

\*\*\*\*\*

**WHEREAS**, the Park and Recreation Department’s primary focus, in partnership with Great Falls Golf LLC is to enhance the overall health and livability of our community; and

**WHEREAS**, the Great Falls Golf LLC staff, with support from the Great Falls Park and Recreation staff, have strived to operate quality facilities and programs at affordable prices and promote an extraordinary golfing experience in our community over the past 2 years; and

**WHEREAS**, the City Commission adopted Resolution 10329, “A Resolution to Establish Golf Fees for Eagle Falls Golf Club and Anaconda Hills Golf Course” on February 18, 2020; and

**WHEREAS**, having considered the cost of operation, administration, and maintenance of both golf courses under the responsibility and care of the Great Falls Golf LLC over the two years, it was understood that adjustments to fees would be forthcoming; and

**WHEREAS**, a notice of the Resolution to Establish Golf Course Fees was published in the *Great Falls Tribune*, a newspaper of general circulation in Cascade County, on February 4, 2021, and February 14, 2021, in the form and manner prescribed by MCA Section 7-1-4127; and

**WHEREAS**, the City Commission conducted a public hearing during a regular scheduled meeting of the City Commission on February 16, 2021, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., and did consider costs and public comment regarding the establishment of golf fees for Eagle Falls Golf Club and Anaconda Hills Golf Course.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**, that the fee structure for season passes, trails, greens, cart storage and rental are hereby established as follows:

<b>AH: Anaconda Hills Golf Course</b>	<b>EF: Eagle Falls Golf Club</b>					
	<b>EF 2020</b>	<b>EF 2021</b>	<b>AH 2020</b>	<b>AH 2021</b>	<b>Joint 2020</b>	<b>Joint 2021</b>
<b>SEASON PASS</b>						
Adult Full Season Pass	685.00	710.00	615.00	640.00	795.00	825.00
Adult Weekday Season Pass	550.00	<del>757</del> 0.00	450.00	465.00	615.00	640.00
Junior Full Season Pass	230.00	230.00	210.00	210.00	255.00	255.00
Junior Weekday Season Pass	180.00	180.00	170.00	17.00	190.00	195.00
<b>TRAIL FEE</b>	<b>EF 2020</b>	<b>EF 2021</b>	<b>AH 2020</b>	<b>AH 2021</b>	<b>Joint 2020</b>	<b>Joint 2021</b>
Daily Trail Fee	15.00	16.00	15.00	16.00	15.00	16.00

<b>Cart Storage Fees</b>		<b>EF 2020</b>	<b>EF 2021</b>
Gas		275.00	275.00
Electric		310.00	310.00

<b>GREEN FEES</b>	<b>EF 2020</b>	<b>EF 2021</b>	<b>AH 2020</b>	<b>AH 2021</b>
<b>18 Holes</b>				
Weekday	33.00	34.00	27.00	28.00
Weekend	36.00	37.00	31.00	32.00
<b>9 Holes</b>				
Weekday	20.00	21.00	17.00	19.00
Weekend	20.00	21.00	21.00	22.00
<b>Junior Golf Fee</b>				
Weekday	17.00	18.00	15.00	16.00
Weekend	18.00	19.00	17.00	18.00
<b>Twilight</b>				
Weekday after 1pm	19.00	20.00	18.00	19.00
Weekend after 1pm	25.00	26.00	21.00	22.00

<b>Cart Fees</b>	<b>EF 2020</b>	<b>EF 2021</b>	<b>AH 2020</b>	<b>AH 2021</b>			
9 Hole (per person*)	10.00	10.00	10.00	10.00			
18 Hole (per person*)	15.00	16.00	15.00	16.00			
Twilight (per person*)	12.00	13.00	12.00	13.00			
Season Trail Free		315.00	335.00	315.00	335.00	315.00	335.00
Annual Cart Pass		799.00	799.00	799.00	799.00	799.00	799.00

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA that Resolution 10329 is hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 16th day of February, 2021.

ATTEST:

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

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney





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

**Item:** Final Payment: Public Library Basement Flooding Mitigation Project for Capcon LLC, O.F. 1762.1.

**From:** Great Falls Public Library

**Initiated By:** Great Falls Public Library

**Presented By:** Susie McIntyre, Library Director

**Action Requested:** Approve increased contract amount and Final Payment.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) contract cost overages in the amount of \$8053.80 and (approve/not approve) final payment for the Public Library Basement Flooding Mitigation Project in the amount of \$73,489.88 to Capcon LLC and \$742.32 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

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**Staff Recommendation:**

Approve increased contract amount and Final Payment.

**Summary:**

City staff has verified that Capcon LLC has completed the Public Library Basement Flooding Mitigation Project in accordance with the plans. The original contract with Capcon was for \$66,178.40. The final cost of the project is \$74,232.20 which is \$8,053.80 over the originally contracted amount. City staff have reviewed the reasons for the cost overages and determined the work needed to be done in order to meet City inspection requirements and to ensure that the project successfully addressed all flooding and safety issues.

**Background:**

The Library has had severe flooding in the basement for years. Water was entering the building from multiple locations. The largest amount of water entered through the spaces surrounding a large basement pipe that empties our storm water from the roof. The area where the pipe penetrates the wall was compromised. During any large storms, the water re-entered the building from that space around the pipe. Water also entered into the basement through the expansion joints and cracks in the floor. Mitigation of this continued flooding was necessary to ensure the structural integrity of the building and to address health and safety concerns.

**Purpose:**

This project was initiated to stop the continued flooding of the Library basement. The basement is now dry.

**Project Work Scope:**

Capcon replaced the storm drain pipe from inside the Library, correctly connected the pipe to the water main in 2<sup>nd</sup> Avenue North and repaired the pipe wall penetration.

Capcon also installed a French drain and sump pump system to address the water seeping into the basement through the expansion joints and cracks in the floor.

**Cost Overages:**

Capcon encountered several issues that caused an increase in the project cost.

- The Library footings were not on the original job drawings. Capcon encountered footings while installing the French Drain. In order to work around the footings and not cause damage, they had to expand the area of concrete needed to be saw cut and removed.
- The original job drawings mistakenly showed asphalt instead of concrete on a portion of 2<sup>nd</sup> Avenue North. The City inspector correctly required Capcon to replace removed concrete with concrete rather than the less expensive asphalt.
- The repeated flooding in the basement caused damage to Library electrical outlets in the basement. In order to safely install the French drain system, unforeseen electrical work had to be done.
- Capcon found an unused water line under the Library right of way. The previous storm drain pipe had been incorrectly laid to dip underneath the water line. In order to prevent further problems with the storm drain, Capcon cut and removed the water line.

Once the Library received the final invoice with the cost overages, we consulted with City engineering, the engineer on the project (separate contract with TD&H) and Capcon. Staff was able to negotiate a reduction in the Capcon price of \$961.26 (\$74,232.20 instead of the original \$75,193.46.) Staff also negotiated a reduction of \$2,026.00 in the engineering fees. (separate contract)

**Conclusion:**

City staff recommends making the Final Payment. City staff has verified that Capcon has completed all the work in accordance with the plans and that all expenses are justified.

**Fiscal Impact:**

This project will be funded from an anonymous donation of \$85,000 designated for capital improvements. This project will not impact the Library Fund expenditures.

**Attachments/Exhibits:**

1. Final Payment Invoice

APPLICATION FOR PAYMENT NO. ONE

To: City of Great Falls (OWNER)  
From: Capcon LLC (CONTRACTOR)  
Contract: Great Falls Public Library Storm Drain Improvements, OF 1726.0  
Project: Storm Drain Improvements  
OWNER's Contract No. O. F. 1726.0 ENGINEER's Project No. TDH 20-077  
For Work accomplished through the date of: February 3, 2021

1.	<b>Original Contract Price:</b>	\$ <u>66,178.40</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ <u>0.00</u>
3.	Current Contract Price (1 plus 2):	\$ <u>66,178.40</u>
4.	Total completed \$ _____ and stored \$ _____ to date:	\$ <u>74,232.20</u>
5.	Retainage (per Agreement):	
	<u>0</u> % of Completed Work: \$ <u>0.00</u>	
	<u>0</u> % of stored material: \$ <u>0.00</u>	
	Total Retainage:	\$ <u>0</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$ <u>74,232.20</u>
7.	Less previous Applications for Payments:	\$ <u>0.00</u>
8.	Gross Amount Due this application: (6 minus 7):	\$ <u>74,232.20</u>
9.	Less <b>1% State Gross Receipts Tax:</b>	\$ <u>742.32</u>
10.	<b>DUE THIS APPLICATION (8 MINUS 9):</b>	\$ <u>73,489.88</u>

Accompanying Documentation:

CONTRACTOR's Certification:

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

Dated 2/3/2021

\_\_\_\_\_  
Capcon, LLC  
CONTRACTOR  
By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated \_\_\_\_\_ City of Great Falls

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

EJCDC No. 1910-8-E (1996 Edition)  
Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. **Modified by the City of Great Falls to add items 9 and 10.**

Great Falls Public Library Storm Drain Improvements, O. F. 1726.0  
Progress payments for Capcon Inc.

Item #	Description of Pay Items	Qty	Unit	Unit Price	Quantity for Pay Request 1		Amount for this Pay Request	Total Quantity Remaining	Quantity Completed %	Total Amount Paid	Total Bid Amount	Total Quantity Used
101	Mobilization	1	LS	\$3,150.00	1.00		\$3,150.00	0.00	100.00	\$3,150.00	\$3,150.00	1.00
102	Remove & Replace 4" Reinforced Concrete Slab	425	SF	\$38.15	503.00		\$19,189.45	(78.00)	118.35	\$19,189.45	\$16,213.75	503.00
103	4" Flexible Slotted Storm Drain Pipe, Including drainage aggregate	208	LF	\$38.80	207.00		\$8,031.60	1.00	99.52	\$8,031.60	\$8,070.40	207.00
104	Sump Pump Basin package including 2 pumps, control panel and wiring	1	EA	\$5,825.00	1.00		\$5,825.00	0.00	100.00	\$5,825.00	\$5,825.00	1.00
105	Demo Storm Drain Pipe	1	LS	\$850.00	1.00		\$850.00	0.00	100.00	\$850.00	\$850.00	1.00
106	Remove and Replace 4" Asphalt Pavement	19	SY	\$237.25	17.80		\$4,223.05	1.20	93.68	\$4,223.05	\$4,507.75	17.80
107	Remove and Replace Concrete Curb and Gutter	5	LF	\$201.60	14.50		\$2,923.20	(9.50)	290.00	\$2,923.20	\$1,008.00	14.50
108	Remove and Replace 4" Concrete Sidewalk	32	SF	\$42.00	76.00		\$3,192.00	(44.00)	237.50	\$3,192.00	\$1,344.00	76.00
109	8" SDR35 PVC Storm Drain including fittings for interior connection	52	LF	\$335.35	57.00		\$19,114.95	(5.00)	109.62	\$19,114.95	\$17,438.20	57.00
110	4" PVC 2-way Cleanout	1	EA	\$531.30	1.00		\$531.30	0.00	100.00	\$531.30	\$531.30	1.00
111	Traffic Control	1	LS	\$2,240.00	1.00		\$2,240.00	0.00	100.00	\$2,240.00	\$2,240.00	1.00
112	Miscellaneous Work	5,000	LS	\$1.00	4,961.65		\$4,961.65	38.35	99.23	\$4,961.65	\$5,000.00	4,961.65
							\$74,232.20				\$66,178.40	

	Amount for this Pay Request	Retainage
1	\$74,232.20	0%
2	\$0.00	0%
	\$0.00	
	\$0.00	
	\$0.00	
	\$0.00	

Current Pay Request	1		
Original Contract	\$66,178.40	\$66,178.40	\$66,178.40
Change Orders + or -	\$0.00	\$0.00	\$0.00
Current Contract Amount	\$66,178.40	\$66,178.40	\$66,178.40
Total Completed and Stored to Date	\$74,232.20	\$74,232.20	\$74,232.20
Retainage	\$0.00	\$0.00	\$0.00
Total Completed and Stored to Date less Retainage	\$74,232.20	\$74,232.20	\$74,232.20
Less Previous Payments	\$0.00	\$74,232.20	\$74,232.20
Gross Amount Due this Application	\$74,232.20	\$0.00	\$0.00
Less 1% State Withholding Tax	\$742.32	\$0.00	\$0.00
Total Amount Due this Pay Period	\$73,489.88	\$0.00	\$0.00

	113 CO	QTY	UNITS	UNIT PRICE	\$4,961.65
CO#1	Cut out old water line				\$0.00
	-brian labor	1	hr	\$75.00	\$0.00
	-hot saw	0.5	hr	\$55.00	\$0.00
					-\$75.00
					-\$27.50
					\$0.00
CO#2	Change pipe from SDR 35 to PVC DWV				\$0.00
	-11/18 receipt - less primer glue - NW Pipe	1	LS	\$562.76	\$0.00
	-11/23 receipt - less primer glue - NW Pipe	1	LS	\$145.99	\$0.00
					-\$562.76
					-\$145.99
					\$0.00
CO#3	Electrical safe outlets				\$0.00
	10/30 Jeff time to research electrical issues	1.5	hr	\$75.00	\$112.50
	bolt electrical	1	LS	\$546.25	\$546.25
					\$0.00
CO#4	Additonal connection for two sumps instead of 1 sump pit - Brian	2	hrs	\$75.00	\$0.00
					-\$150.00
					\$0.00
CO#5	6' of Valley gutter instead of asphalt	12	sf	\$63.00	\$756.00
					\$0.00
CO#6	13' x 4'-4" concrete 5.5-6" parking area instead of asphalt	56.3	SF	\$63.00	\$3,546.90
					\$0.00
CO#7	Additional Saw cutting in basement	1	LS	\$1,177.00	\$0.00
					-\$1,177.00
					\$0.00
	Goodwill Deductions				\$0.00
					-\$2,138.26
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
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					\$0.00
					\$0.00



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

**Item:** Park District: Irrigation Upgrades for Jaycee, Roosevelt, and Valleyview Parks, OF 1740.3

**From:** Park and Recreation

**Initiated By:** Park and Recreation

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

**Action Requested:** Consider Bid and Award the Contract

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$422,970 to Advanced Lawn Care for Irrigation Upgrades in Jaycee, Roosevelt, and Valleyview Parks, and authorize the City Manager to execute the construction contract documents.”

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

**Staff Recommendation:**

Staff recommends awarding a contract in the amount of \$422,970 to Advanced Lawn Care for Irrigation Upgrades in Jaycee, Roosevelt, and Valleyview Parks, and authorize the City Manager to execute the construction contract documents.

**Summary:**

This irrigation project was originally bid in 2020 to be funded by Park District dollars available at that time. Bids were received on June 2, 2020 with one bid received. The bid was substantially higher than the cost estimate and the allocated project funding. City Staff concluded that the COVID-19 pandemic and subsequent lack of labor force contributed to the lack of bids and high bid prices. The bid was rejected and plans were to rebid in late fall 2020 or early winter 2021, when it was anticipated the irrigation contractors would have adjusted to the new circumstances that the COVID-19 pandemic has created. By postponing the bid, additional dollars were added to the project made possible by Park District Year Three funds.

**Background:**

Workload Impacts

Design services were completed by TD&H Engineering under the direction of the Park and Recreation Department and City Engineering. TD&H will also provide project management services. A City Engineer will provide general contract management with the consultant and the contractor.

### Purpose

Installation of a fully automated irrigation systems in Jaycee, Roosevelt, and Valleyview Parks. The Parks are currently manually irrigated.

### Project Work Scope

Base Bid: Includes approximately 13.0 acres of irrigation improvements to Jaycee Park including three points of connection assemblies and associated fittings & equipment, irrigation pipe, valves and associated equipment, new controller including electrical connection, tree protection and site restoration.

Additive Bid Item 1: Includes approximately 3.3 acres of irrigation improvements to Roosevelt Park including one new point of connection assembly, irrigation pipe, valves and associated equipment, new controller including electrical connection, tree protection and site restoration.

Additive Bid Item 2: Includes approximately 7.5 acres of irrigation improvements to Valleyview Park including irrigation pipe, valves and associated equipment, new controller including electrical connection, tree protection and site restoration.

### Evaluation and Selection Process

Three (3) bids were received on February 3, 2020 with the base bid prices ranging from \$206,250 to \$238,808. Bid prices including base bid and two alternates ranged from \$422,970 to \$500,269. Advanced Lawn Care submitted the low bid. The base bid and alternates 1 and 2 are recommended for award.

### Conclusion

City staff recommends awarding the contract to Advanced Lawn Care in the amount of \$422,970 which includes the base bid and alternates 1 and 2.

### **Fiscal Impact:**

The attached bid tabulation summarizes the received bids. Funding is provided through Great Falls Park District No. 1.

### **Alternatives:**

The alternative would be to not award the contract, but this is not recommended by staff.

### **Concurrences:**

Park and Recreation staff and Public Works and Planning Engineering concur that the project is important and should be supported. In addition, the City's consultant, TD&H, concurs with staff and recommends award of the contract.

### **Attachments/Exhibits:**

Bid Tabulation

CITY OF GREAT FALLS

BID TABULATION SUMMARY

OFFICE FILE 1740.3.0  
IRRIGATION UPGRADES FOR JAYCEE, ROOSEVELT, AND VALLEYVIEW PARKS

PROJECT NUMBER PR 64906  
BIDS TAKEN AT CIVIC C BIDS TAKEN AT CIVIC CENTER  
DATE: DATE: 3-FEB-21  
TABULATED BY: TABULATED BY: DAVID GROSSE

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	ACKNOWLEDGE ADD. #3	ACKNOWLEDGE ADD. #4	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID	
1	GREENUP LAWN AND SPRINKLERS	YES	YES	YES	YES	YES	YES	YES	BASE	\$238,808.00
									ADD ALT. 1	\$141,171.00
									ADD ALT. 2	\$120,290.00
									TOTAL	\$500,269.00
2	DUSTY'S SPRINKLER SERVICE	YES	YES	YES	YES	YES	YES	YES	BASE	\$218,877.88
									ADD ALT. 1	\$133,355.51
									ADD ALT. 2	\$131,505.14
									TOTAL	\$483,738.53
3	ADVANCED LAWN CARE	YES	YES	YES	YES	YES	YES	YES	BASE	\$206,250.00
									ADD ALT.1	\$117,375.00
									ADD ALT. 2	\$99,345.00
									TOTAL	\$422,970.00





Commission Meeting Date: February 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10388, A Resolution by the Great Falls City Commission Amending Resolution 8895 Establishing District Boundaries For Neighborhood Councils.

**From:** Neighborhood Council Division

**Initiated By:** Lanni Klasner, Communications Specialist

**Presented By:** Chuck Anderson, Deputy City Manager

**Action Requested:** Adopt Resolution 10388.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10388.

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

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**Staff Recommendation:**

Staff recommends that the City Commission adopt Resolution 10388.

**Summary:**

On August 5, 1997, the City Commission adopted Resolution 8895, establishing district boundaries for Neighborhood Councils. The Resolution did not include language pertaining to subsequent annexations, that would in effect, also amend/extend the boundaries of Neighborhood Councils. Neighborhood Councils are kept apprised of proposed Resolutions to Extend the Boundaries of the City of Great Falls, and provide input for Planning Advisory Board consideration, and recommendations to the City Commission. The extending of the Neighborhood Council boundaries was thought to be part of the City’s annexation process. However, it has become known this was a false assumption. Amending Resolution 8895 will clear up ambiguities and provide a formal means of amending/extending neighborhood council boundaries as additional property is annexed into the City.

**Fiscal Impact:**

No fiscal impact is caused by approving this Resolution.

**Alternatives:**

The City Commission could choose to deny the adoption of Resolution 10388. If denied, the properties annexed into the City after 1997 would not be included or supported by Neighborhood Councils.

**Attachments/Exhibits:**

Resolution 10388

Exhibit A – 2021 Neighborhood Council Map

Exhibit B – 1997 Neighborhood Council Map

Resolution 8895

**RESOLUTION NO. 10388**

**A RESOLUTION AMENDING RESOLUTION 8895 ESTABLISHING  
DISTRICT BOUNDARIES FOR NEIGHBORHOOD COUNCILS**

**WHEREAS**, the Local Government Study Commission researched and recommended the implementation of neighborhood councils; and

**WHEREAS**, through referendum, the citizens of Great Falls approved the creation of neighborhood councils in November, 1996; and

**WHEREAS**, on August 5, 1997, the City Commission adopted Ordinance 2727 establishing neighborhood councils, and currently codified in the Official Code of the City of Great Falls (OCCGF) at § 2.19.010 – 2.19.100; and

**WHEREAS**, on August 5, 1997, the City Commission adopted Resolution 8895 establishing district boundaries for neighborhood councils. Said resolution lacked language pertaining to subsequent annexations that would, in effect, also amend/extend boundaries of neighborhood councils; and

**WHEREAS**, neighborhood councils are kept apprised of proposed Resolutions to Extend the Boundaries of the City of Great Falls and provide opinions for Planning Advisory Board consideration and recommendation to the City Commission; and

**WHEREAS**, to clear up ambiguities, City staff recommends amending Resolution 8895 to provide a more formal means of amending/extending neighborhood council boundaries as additional property is annexed into the City.

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

**SECTION 1:** Resolution 8895 is hereby amended to update the map for neighborhood council districts with the current boundaries as set forth in the attached Exhibit “A.” The current district boundaries are generally described as follows:

Neighborhood Council 1: The northern boundary is the Sun River, the southern is the City limit line, the eastern is the Missouri River, and the western is the City limit line

Neighborhood Council 2: The northern boundary is the Norwest Bypass, the southern is the Sun River, the eastern is the Missouri River, and the western is the City limit line

Neighborhood Council 3: The northern boundary is the City limit line, the southern is the Northwest Bypass, the eastern and western boundaries are the City limit line

Neighborhood Council 4: The northern and eastern boundaries are the City limit line, the southern boundary is 10<sup>th</sup> Avenue South, and the western is 36<sup>th</sup> Street

from 10<sup>th</sup> Avenue South north to 9<sup>th</sup> Avenue North, then east to 38<sup>th</sup> Street North, then north to the City limit line

Neighborhood Council 5: The northern boundary is 10<sup>th</sup> Avenue South, the eastern and southern boundaries are the City limit line, and the western boundary is 20<sup>th</sup> Street South

Neighborhood Council 6: The northern boundary is 10<sup>th</sup> Avenue South, the southern boundary is the City limit line, the eastern is 20<sup>th</sup> Street South, and the western is the Missouri River. This district also includes the incorporated areas of Castle Pines Addition and Riverside Townhomes Addition

Neighborhood Council 7: The northern and western boundaries are the Missouri River, the southern boundary is 10<sup>th</sup> Avenue South, the eastern boundary is 10<sup>th</sup> Street South from 10<sup>th</sup> Avenue South to 7<sup>th</sup> Avenue South, then east to 12<sup>th</sup> Street South and north to 7<sup>th</sup> Avenue North, then east to 15<sup>th</sup> Street North and north to the Missouri River

Neighborhood Council 8: The northern boundary is the Missouri River, the southern boundary is Central Avenue, the eastern boundary is 36<sup>th</sup> Street from Central Avenue north to 9<sup>th</sup> Avenue North then east to 38<sup>th</sup> Street and north to the Missouri River, the western boundary is 12<sup>th</sup> Street north from Central Avenue to 7<sup>th</sup> Avenue North, then east to 15<sup>th</sup> Street North, and then north to the Missouri River

Neighborhood Council 9: The northern boundary is Central Avenue, the southern boundary is 10<sup>th</sup> Avenue South, the eastern is 36<sup>th</sup> Street South, and the western is 10<sup>th</sup> Street South from 10<sup>th</sup> Avenue South to 7<sup>th</sup> Avenue South, then east to 12<sup>th</sup> Street South, and then north to Central Avenue

**SECTION 2:** An additional “Whereas” paragraph be added to subsequent Annexation Resolutions to Extend the Boundaries of the City of Great Falls, and to authorize and direct City staff to update the appropriate boundaries of the affected neighborhood council district(s).

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this \_\_\_\_ day of February, 2021.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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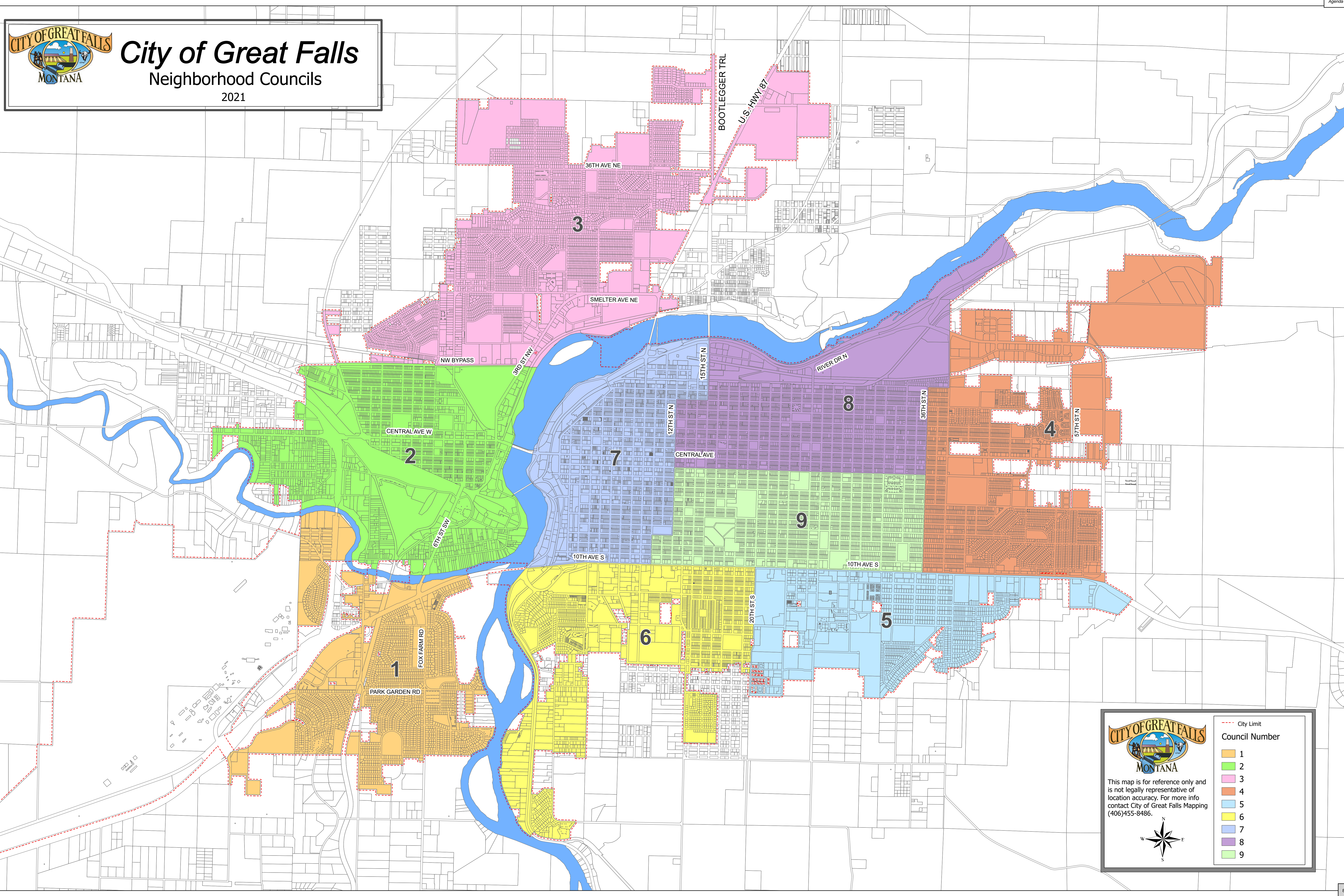

Sara R. Sexe, City Attorney



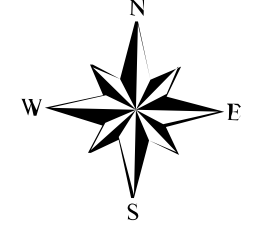
# City of Great Falls

## Neighborhood Councils

2021

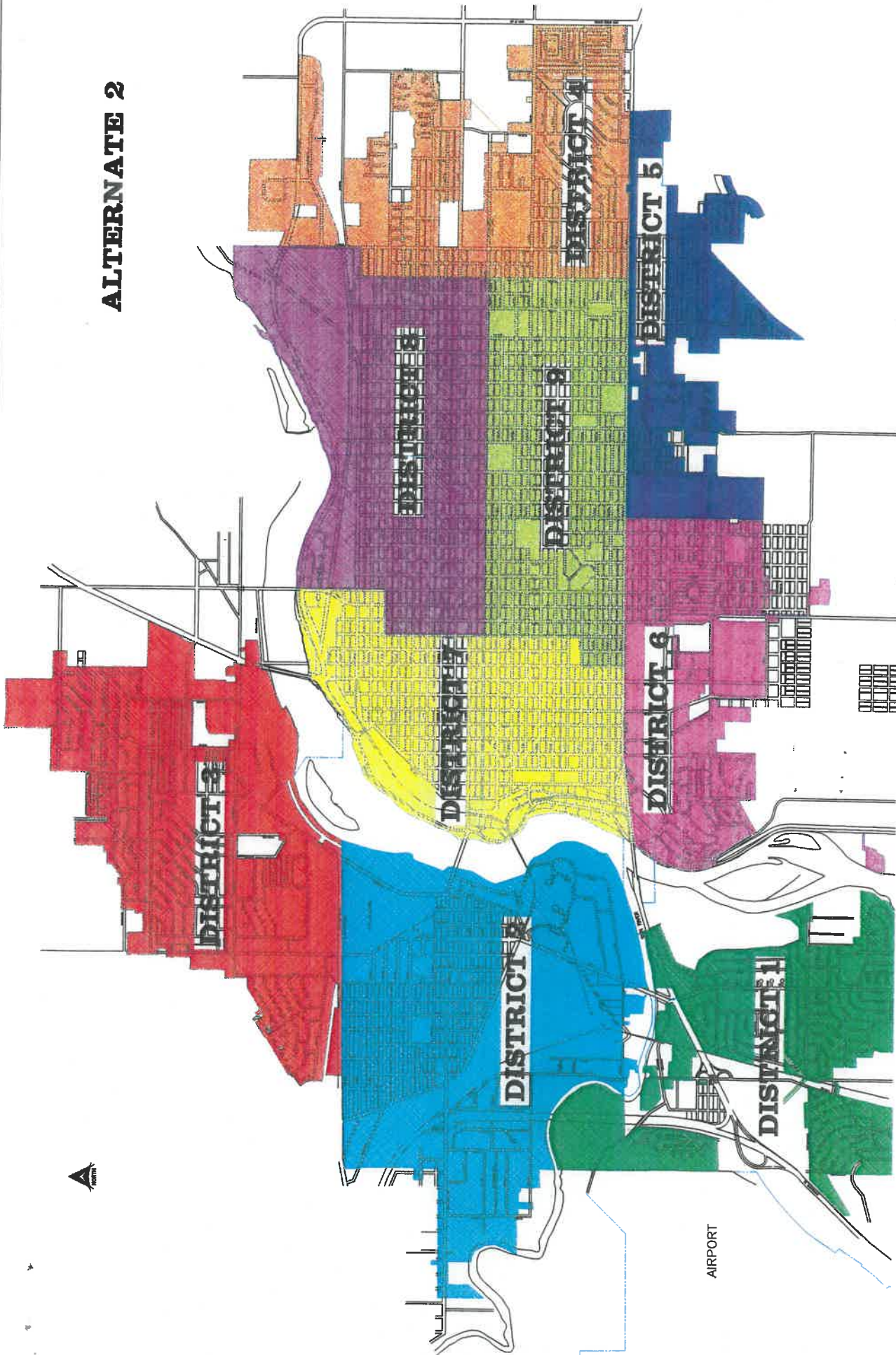



This map is for reference only and is not legally representative of location accuracy. For more info contact City of Great Falls Mapping (406)455-8486.



City Limit	
Council Number	
<span style="display:inline-block; width:10px; height:10px; background-color:orange; border:1px solid black;"></span>	1
<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	2
<span style="display:inline-block; width:10px; height:10px; background-color:lightpink; border:1px solid black;"></span>	3
<span style="display:inline-block; width:10px; height:10px; background-color:lightorange; border:1px solid black;"></span>	4
<span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span>	5
<span style="display:inline-block; width:10px; height:10px; background-color:yellow; border:1px solid black;"></span>	6
<span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span>	7
<span style="display:inline-block; width:10px; height:10px; background-color:purple; border:1px solid black;"></span>	8
<span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	9

**ALTERNATE 2**



## RESOLUTION 8895

### A RESOLUTION ESTABLISHING DISTRICT BOUNDARIES FOR NEIGHBORHOOD COUNCILS.

**WHEREAS,** the Local Government Study Commission researched and recommended the implementation of neighborhood councils; and

**WHEREAS,** through referendum, the citizens of Great Falls approved the creation of neighborhood councils in November 1996; and

**WHEREAS,** The City of Great Falls seeks to foster a partnership among the City Commission, City Staff, and community members and to create an environment in which citizens are afforded an opportunity to participate in City affairs in an advisory or advocate role; and

**WHEREAS,** The City of Great Falls believes that citizen participation is necessary and important in the process of governance. In order to foster communication between the City Commission, citizens of Great Falls and all facets of City government, Neighborhood Councils are hereby formed; and

**WHEREAS,** Ordinance 2727 provides that the neighborhood council boundaries shall be set by resolution.

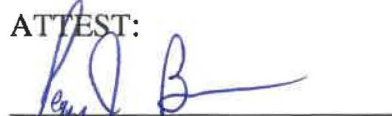
**NOW, THEREFORE, BE IT RESOLVED** by the Commission of the City of Great Falls, Montana, as follows:

That the boundaries for neighborhood councils, the full map and provisions of which are set forth in Exhibit A attached hereto and by this reference made a part hereof, is hereby enacted.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,** this 5th day of August, 1997.

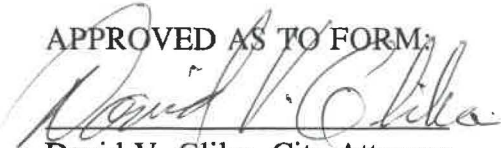
  
Bob Deming, Mayor

ATTEST:

  
Peggy J. Bourne, City Clerk



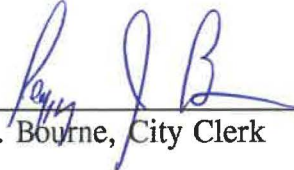
APPROVED AS TO FORM:

  
David V. Gliko, City Attorney

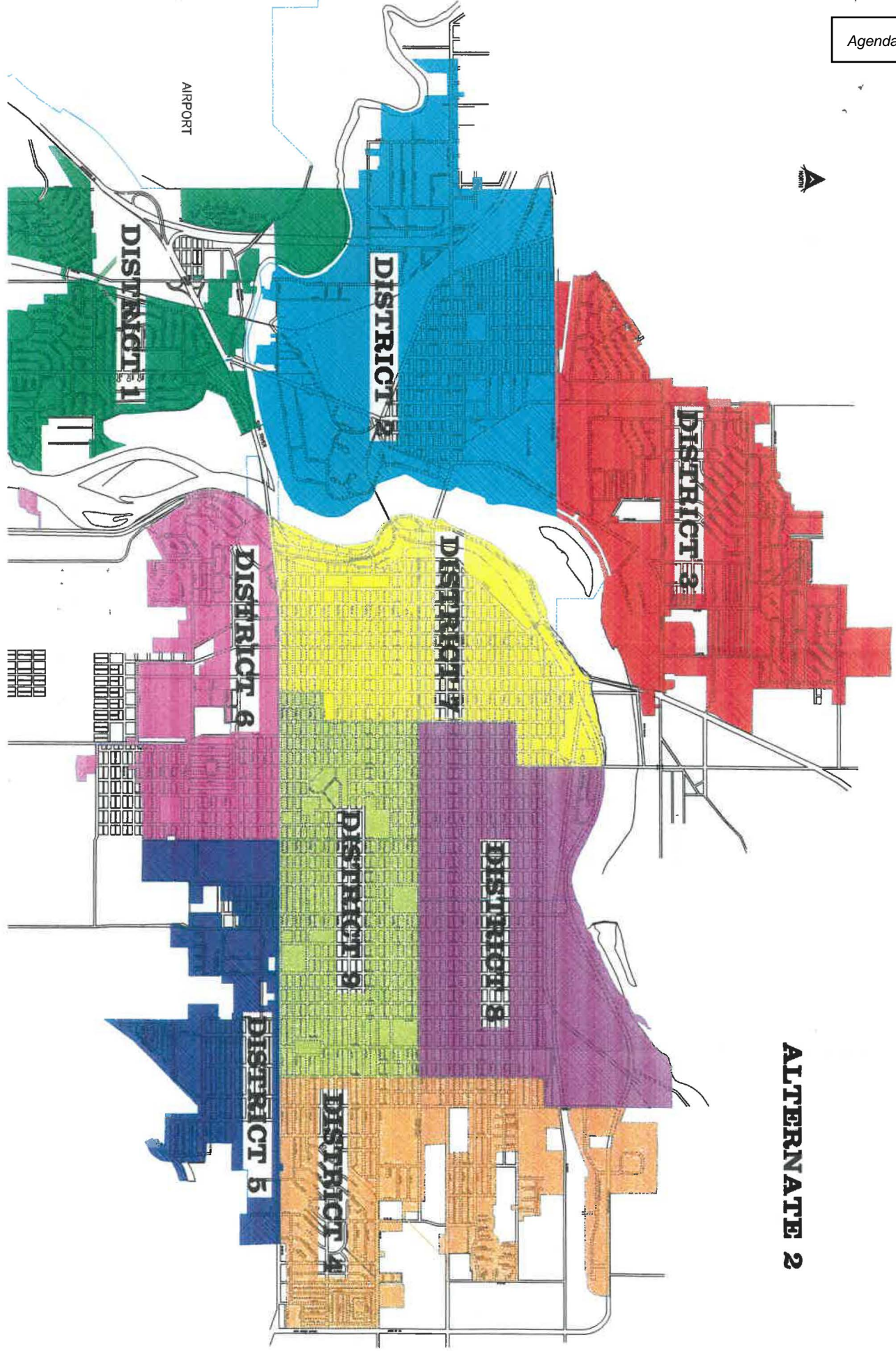
State of Montana                    )  
County of Cascade                : ss  
City of Great Falls                )

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 8895 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of August 1997, and approved by the Mayor of said City on the 5th day of August, 1997.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of August, 1997.

  
\_\_\_\_\_  
Peggy J. Bourne, City Clerk

(SEAL OF CITY)



**ALTERNATE 2**



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

**Item:** Resolution of Intention 10385, Intention to vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition in Great Falls, Montana.

**From:** Lonnie Hill, Planner 1

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

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

**Action Requested:** City Commission adopt Resolution of Intention 10385 and set a public hearing for March 16, 2021.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution of Intention 10385, and set a public hearing for March 16, 2021.”

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

**Staff Recommendation:**

Staff recommends adoption of Resolution of Intention 10385 to vacate the alley easement as described in this agenda report

**Summary:**

The Applicants, Gary and Nancy Martin, have submitted a Right-of-Way (ROW) Vacation Application to vacate the alley easement described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition. The vacation of the alley easement as public right-of-way would allow the homeowners of the lots described above to secure this portion of their lot and to restrict public access onto the rear of their lot.

**Background:**

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

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

According to Mont. Code Ann. § 7-3-4448, the owner must file a request for the intent to vacate any right of way. City staff must then present a Resolution of the Intent to vacate said right of way to the City Commission. If Resolution 10385 is adopted, the next step is for the Commission to set a date for a public hearing regarding the vacation of the right of way. Mont. Code Ann. requires a petition to be sent to each of the owners abutting the right of way property. Unless 51 percent of the affected property owners object to the proposed vacation, the Commission may, by resolution, declare such vacation. Staff notes that signatures were required to be obtained by the applicants as part of their petition to vacate. The applicants submitted 16 signatures of the 21 adjacent property owners to the alley easement.

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

**Utilities:**

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

**Fiscal Impact:**

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

**Alternatives:**

The City Commission could deny acceptance of Resolution of Intention 10385 on first reading and not set the public hearing. Additionally, the City Commission could deny Resolution 10386 at the public hearing. Due process typically requires that the City Commission hold a public hearing of whether or not the right of way vacation request is ultimately approved. The action of this agenda item is simply a preliminary step towards the notification and the hearing process to be set at a future date.

**Concurrences:**

Representatives from the City's Public Works, Legal Department, and Fire Departments have been notified of the Intent to Vacate the alley easement and have no objections to the request.

**Attachments/Exhibits:**

Resolution of Intention 10385  
 Exhibit A – Location Map  
 Applicant's Petition to Vacate  
 Comments from public

RESOLUTION 10385

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

\* \* \* \* \*

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

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

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

WHEREAS, Mont. Code Ann. § 7-3-4448 sets forth, in pertinent part: (1)...Before vacating any street or part thereof or narrowing any street, the commission shall first pass a resolution declaring its intention to do so; and

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

WHEREAS, it is determined that a twenty (20) foot wide utility easement will remain to accommodate public utilities; and

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

WHEREAS, Exhibit A shows the proposed portions of the vacated alley easement.

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

That Tuesday, the 16th day of March, 2021, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of the alley easement described above; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of Resolution 10386 to be: (1) published in the Great Falls Tribune, the newspaper published nearest such land, and (2) posted to the Great Falls Civic Center posting board and the Great Falls City website.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 16th day of February, 2021.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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

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

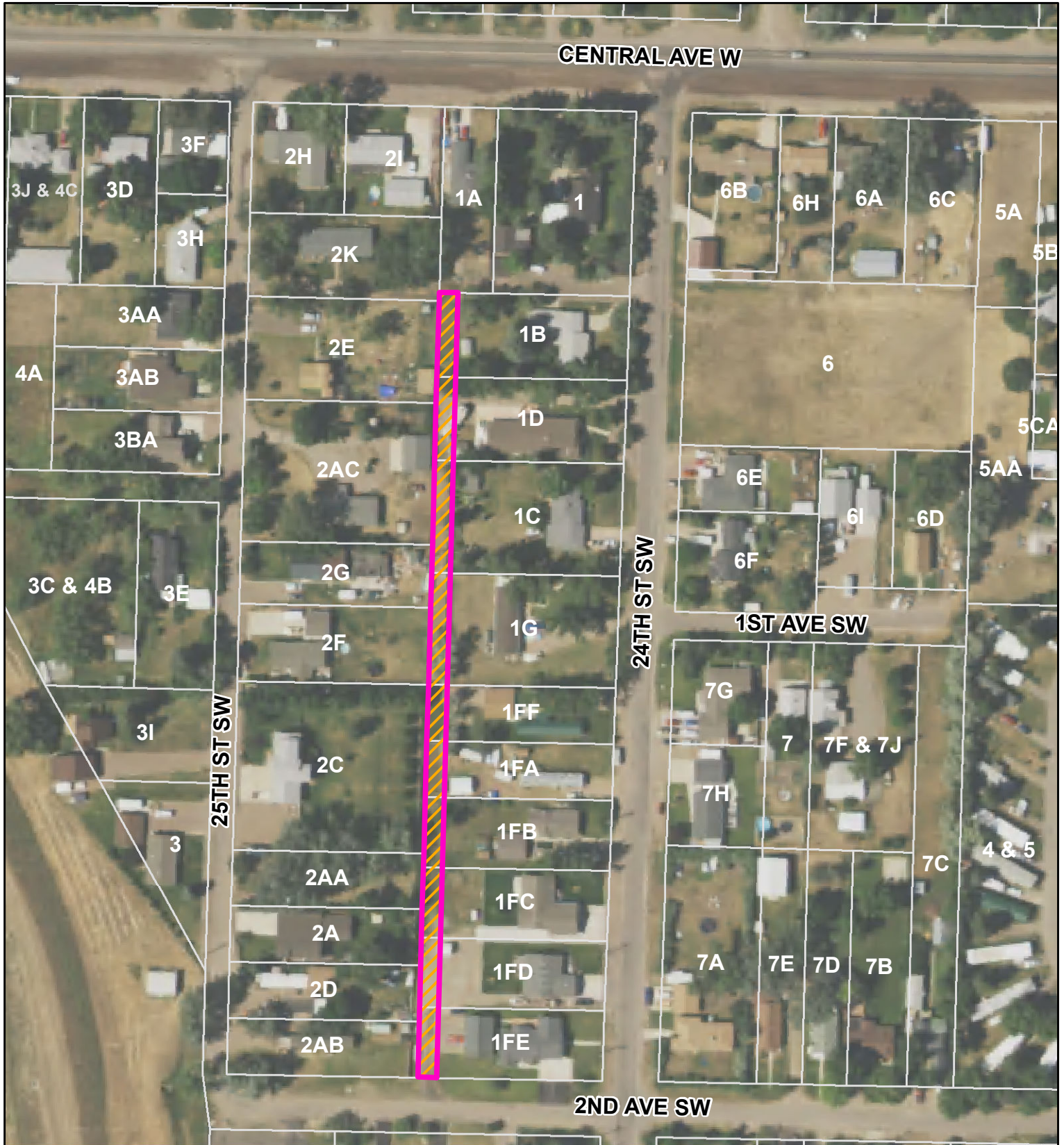
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Resolution 10385 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

# Exhibit A - Location Map of Proposed Vacation

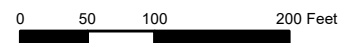
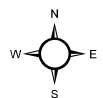
Notice of Intent to Vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Block 17 of Sun River Park Addition, Section 9, T20N, R3E, P.M.M., Cascade County, Montana



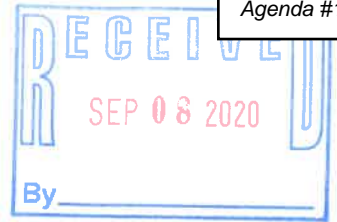
Resolution of Intention 10385 - Alley Easement Proposed for Vacation



Parcels with Lot Numbers



Date Stamp:



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

# RIGHT-OF-WAY (ROW) VACATION APPLICATION

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

## APPLICANT/REPRESENTATIVE:

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

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

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

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

**Mailing Address:**

**Phone:**

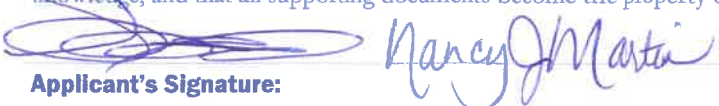
**Email:**

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

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

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

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

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

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



## ROW Vacation Application Checklist

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

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

## ROW Vacation Process

The following information includes a general outline of the process that will be followed for the City of Great Falls to consider an application for ROW Vacation.

### ✓ **Submit Application**

The applicant will prepare a complete application. Upon meeting with a staff member and having the application deemed complete, the applicant will pay the application fee and submit the application.

### ✓ **Staff Review and Neighborhood Council Presentation**

After a complete review by City staff, the applicant may be requested to provide supplemental information. Once City staff determines the application is complete, staff will contact the City's Neighborhood Council Coordinator to schedule the request to be heard by the Neighborhood Council. The applicant is required to attend the meeting and present the request.

### **Public Notice**

Staff will prepare and submit a Public Notice advertisement to the Great Falls Tribune, and the applicant will pay for the publication of said Notice. All abutting property owners will receive a mailed notice of the proposed vacation.

### **Resolution of Intent and Further Notice**

The City Commission will hold a meeting to consider passing a Resolution of Intent for the proposed vacation. After passage of the Resolution of Intent, staff will send notice by certified mail to all abutting property owners of the date of the public hearing.

### **Final Action**

The City Commission will take final action upon the requested vacation at a public hearing. If approved, final action may include conditions that the applicant must fulfill before the vacation becomes effective.

### **Subsequent Applicant Action**

The applicant is required to prepare an Amended Plat prepared to incorporate the vacated ROW into the abutting parcels and show any associated utility or access easements that may be necessary to replace the function of the vacated ROW. Preparation of the Amended Plat would require the services of a private land surveyor, at the applicant's cost and is required to be reviewed by City staff. After all required documents have been prepared, reviewed and approved, the resolution of vacation and any associated Amended Plat will be filed with the Cascade County Clerk & Recorder.



31 August, 2020

MEMORANDUM FOR THE CITY OF GREAT FALLS

FROM: GARY & NANCY MARTIN

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

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

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

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

Your consideration in this is greatly appreciated.

Sincerely,

Gary & Nancy Martin  
Owner, 124 24th St SW

Signature

Date

3 SEPT 2020

Vicky Luraas  
Owner, 120 24th St SW

9-8-20

Andrew & Rebecca Benbow  
Owner, 116 24th St SW

3 sept 2020

Karla Oealis  
Owner, 112 24th St SW

9/3/20

Wendy Morris  
Owner, 108 24th St SW

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Sharon Chafin  
Owner, 30th 24th St SW

9/3/20

Alan Graf  
Owner, 28 24th St SW

9-3-20

Ervin & Friedrun Lehman  
Owner, 24 24th St SW

9-5-20

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

Jerry Killion 21 SEP 2020

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

Roberta Kandilas 4 SEPT 20

Dorene Taylor  
Owner, 2400 Central Ave. W

Dorene Taylor 4 SEPT 2020

Bryan Brooks  
Owner, 2408 Central Ave. W

\_\_\_\_\_

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

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

Christina Shannon 4 SEP 20  
Shane Sorensen 4 SEPT 20

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

Lois Nelson 4 SEPT 20

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

Monte Gardipee 4 SEPT 20

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

Dena Thares 4 SEPT 2020

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

Clarence Vogel 5 Sep 20

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

Michael Walters 4 SEPT 20

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

Steve Schoeneman 4 SEP 2020

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

\_\_\_\_\_

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

\_\_\_\_\_

**From:** [Lisa C. Kunz](#)  
**To:** [Bob Kelly](#); [Mary Sheehy Moe](#); [Owen Robinson](#); [Rick Tryon](#); [Tracy Houck](#)  
**Cc:** [Greg Doyon](#); [Charles Anderson](#); [Krista Artis](#); [Craig Raymond](#)  
**Subject:** FW: Gibson room 212 @7pm Feb 2,2021  
**Date:** Monday, February 1, 2021 2:28:11 PM

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Good Afternoon – see comments below for consideration of Agenda Item 13.

*Lisa*

City Clerk/Records Manager  
 406.455.8451

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**From:** Lisa C. Kunz  
**Sent:** Monday, February 1, 2021 2:27 PM  
**To:** 'Steve C' <[ishkeez@gmail.com](mailto:ishkeez@gmail.com)>  
**Subject:** RE: Gibson room 212 @7pm Feb 2,2021

Hi Mr. Schoeneman – thank you for submitting comments pertaining to Agenda Item 13 for consideration by the City Commission tomorrow evening. Your comments will be shared with the City Commission and appropriate City staff. I want to clarify that, if adopted tomorrow evening, Resolution 10385 gives notice of the City's intention to take action at the March 2, 2021 Commission meeting to vacate or not vacate the alley easement.

Thank you.

*Lisa Kunz*

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

**From:** Steve C <[ishkeez@gmail.com](mailto:ishkeez@gmail.com)>  
**Sent:** Monday, February 1, 2021 2:12 PM  
**To:** commission <[commission@greatfallsmt.net](mailto:commission@greatfallsmt.net)>  
**Subject:** Gibson room 212 @7pm Feb 2,2021

I am writing in response to the meeting being held on Feb 2, 2021, at 7 pm in the Gibson room 212, Great Falls Civic center.

My name is Steve Schoeneman  
 Property Owner 121 25th Street SW

When we purchased this home 18 years ago, it had alley access to the rear of the property. The city did not maintain the alley, however it did exist.

I AM NOT IN FAVOR OF ANYTHING THAT WOULD CHANGE THIS.

ACCESS NEEDS TO REMAIN " AS IS " DUE TO PROPOERTY ACCESS FOR UPKEEP, POWER WIRE SERVICE, AND CABLE SERVICE, ALSO FOR FIRE AND POLICE SERVICES.

This should not even be brought up or held in a meeting or any other forms due to property owner ship locks the land.

Please do not consider this alley removal fact nor any other, while the property's are owned by residents.

Thank you, Steve

January 31, 2021

Dear Commissioners:

I am writing in regards to notice of Resolution of Intention 10385. I reside at 123 25<sup>th</sup> St SW Great Falls and have since 2001. My parents owned the property since 1978.

I am one of the owners that would suffer a hardship and be land locked if this requested Resolution were to be adopted. I nor my neighboring neighbors would not be able to access our back yards to do any landscaping or maintenance of our current landscape. The wood haulers have been harassed by these neighbors across the alley and will no longer deliver wood here until this is resolved. I have had the police called on me this last year (2020) three different times for trespassing. I have already submitted that letter to Lonnie. North Western Energy was called by the Martins to find the pins. What came out of that was Martins had to remove their chained up trailer to the NW Energy guild line to the pole next to my property. This would be problematic for insurance purposes also, ex: trees that have not been maintained to prevent damages from our frequent high winds. I seen my neighbors signature on Martins letter and he has no recollection of signing that as he to would be land locked by this request from Martins. I appreciate your consideration in this matter and to deny this requested Resolution.

Sincerely:

Roxann Settera



2 Railroad Square, Suite C • P.O. Box 1525  
Great Falls, Montana 59403-1525  
P: (406) 268-1000 • F: (406) 761-2610  
email@marralawfirm.com • marralawfirm.com

February 2, 2021

Great Falls City Commission  
P.O. Box 5021  
Great Falls, MT 59403

RE: Agenda #13  
Resolution of Intention 10385, Intention to vacate the alley easement legally described as the west 20 feet of Lots 1B, 1D, 1C, 1G, 1FF, 1FA, 1FB, 1FC, 1FD, and 1FE of Sun River Park Addition in Great Falls, Montana

Dear Commissioners,

I, William J. Levine, am an attorney writing on behalf of my client Roxann Settera in opposition to vacating the alley that accesses the rear of her lot. Ms. Settera is the owner of, and resides at, 123 25<sup>th</sup> Street SW, Great Falls, MT 59404, which is Lot 2D, Sun River Park Addition. She opposes vacating the alley for the following reasons:

1. Vacating the alley would be detrimental to her and her neighbors.
2. Vacating the alley is contrary to City policy.
3. Vacating this alley does not meet the standard of § 7-3-4447(2), MCA.
4. Vacating the alley would put her and her neighbors in a precarious legal position.
5. Vacating the alley would put NorthWestern energy in a precarious legal position.
6. Rather than vacating the whole alley, the Commission can vacate portions of the alley.

These reasons are more fully addressed, in turn, below.

**1. Vacating the alley would be detrimental to Ms. Settera and her neighbors.**

Ms. Settera relies on the alley to access the rear of her lot for deliveries of firewood and in order to access her rear yard for maintenance and repair purposes. Indeed, because of her alley access,

ATTORNEYS AT LAW      Barbara E. Bell (of counsel) • Kirk D. Evenson • Amber Henning • William J. Levine • Antonia P. Marra  
Joseph R. Marra (1924-2015) • Thomas A. Marra  
PARALEGALS      Roxie Halter • Brenda McGee • Donna M. Osterman  
LEGAL ASSISTANTS      Vicki Evjen • Sharon E. May  
ACCOUNTS      Connie Manning



Great Falls City Commission  
 February 2, 2021  
 re: Agenda #13, Resolution 10385  
 Page 2

she has built across almost the entire width of her lot. Vehicular access to the rear of her lot from 25<sup>th</sup> Street SW is impossible. Other neighbors also rely on the alley to provide access to the rear of their lots and have developed their lots in reliance on being able to have continued access from the alley. It is unfair for the City to take away alley access from Ms. Settera and her neighbors after the City allowed the lots facing 25<sup>th</sup> Street SW to be subdivided to their current, narrow dimensions and then allowed the owners to develop their lots so as to fill the width of the lots.

## **2. Vacating the alley is contrary to City policy.**

The Great Falls Municipal Code encourages property owners to access their lots from the alley: “Alleys may be used to provide access to the rear yard. When an alley is available, vehicular access to the lot is encouraged from the alley and not from the street.” § 17.32.100(A), Official Code of the City of Great Falls. Despite this clear policy, the City is now proposing to vacate an alley that is relied upon by Ms. Settera and others to access their lots. Although the alley is not used as the primary means of access, it still provides an invaluable alternative access route, especially for maintenance and repair purposes.

## **3. Vacating this alley does not meet the standard of § 7-3-4447(2), MCA.**

The legal standard to apply when deciding whether or not to vacate an alley is necessity: “When it deems necessary, the commission may cause any street, alley, or public highway to be opened, straightened, altered, diverted, narrowed, widened, or vacated.” § 7-3-4447(2), MCA. In this case, Petitioners Gary and Nancy Martin have not made any argument for why it is necessary to vacate the alley. Indeed, the petition does not offer any argument for why the alley should be vacated beyond the Martins’ recently having discovered that the City has an easement for the alley.

Before the City agrees to vacate this or any other alley or right of way, the City needs to carefully examine the benefits and burdens of keeping the alley in place versus vacating it. In this case, it appears that the only benefit to vacating the alley is that the Martins and some of their neighbors want the alley vacated for unspecified reasons. On the other hand, Ms. Settera and her neighbors want the alley to remain to continue to provide access to the rear of their lots for deliveries, maintenance and repairs, and emergencies. On balance, the benefits of keeping the alley in place outweigh the benefits of vacating the alley. Far from being necessary as required by statute, vacating the alley would be detrimental.

## **4. Vacating the alley would put Ms. Settera and her neighbors in a precarious legal position.**

As long as there remains a public easement for the alley, it is clear that Ms. Settera and her neighbors have the right to use the alley. Their rights could potentially be put in jeopardy if the alley were vacated. If the City vacates the alley, then the public’s right to use the alley would be eliminated, but “the right-of-way and easement therein of any lot owner is not impaired thereby.” § 7-3-4448(3), MCA. This provision appears to mean that a property owner whose lots adjoins a vacated alley has the same right to use a vacated alley as she enjoyed while the alley was a public alley. Unfortunately, it does not appear that this particular provision has been addressed by the

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 February 2, 2021  
 re: Agenda #13, Resolution 10385  
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Montana Supreme Court or by any District Court that I could find. Perhaps instead of unfettered access, the statute would force Ms. Settera to prove the existence and scope of a prescriptive easement. If the alley is vacated and the Martins attempt to prevent Ms. Settera from using the alley, Ms. Settera would be forced to go to court to prove her easement rights, and there would be no guarantee that she would prevail. The Martins have previously attempted to prevent Ms. Settera from using the alley, and so this is not idle speculation. The City should not jeopardize the continued access that Ms. Settera and her neighbors currently enjoy.

**5. Vacating the alley would put NorthWestern energy in a precarious legal position.**

Similar to Ms. Settera, vacating the alley would put NorthWestern Energy in an uncertain position. There is a NorthWestern powerline that runs the length of the alley and provides electricity to all property owners along the alley. The City is apparently proposing “for a 20 foot wide utility easement to remain to accommodate these public utilities.” It is unclear what the legal basis would be for the City to vacate the alley but grant in its place a utility easement. In all likelihood, NorthWestern Energy has a prescriptive easement for the powerline, but the City cannot unilaterally create a utility easement because it thinks it would be beneficial. Rather than coming up with “creative” solutions like unilaterally changing the scope and easement holder of a 70 year-old easement, the City can best protect its interests, NorthWestern’s interests, and the property owners by preserving the existing easement.

**6. Rather than vacating the whole alley, the Commission can vacate portions of the alley.**

The City should not vacate the alley at all. However, the City has the option of vacating parts of the alley only. For example, the original petition sought to vacate the entire alley, but that has since been modified to vacate only the north-south portion of the alley, in order to leave the east-west portion of the alley in place to provide continued access for 2402 Central Avenue West. The lots that border the alley vary significantly in size and in how they were developed. Some, like Ms. Settera’s are narrow and have been built up in such a way that vehicular access to the rear yard is not possible from the street. Others are wider or have easy vehicular access to the rear yard from the street. The importance of the alley therefore varies greatly from lot to lot. In general, the lots at the south end of the alley have a greater need for the alley than the lots in the middle. An alternative that the City should therefore consider would be to vacate only the middle portion of the alley, while retaining the southern portion of the alley.

Thank you for your consideration.

Very truly yours,

MARRA, EVENSON & LEVINE, P.C.



William J. Levine

Email: wlevine@marralawfirm.com