



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Virtual Meeting by Zoom
April 20, 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_mCMuHSQ-STy-uHOso0dV_Q
- 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. *If you wish to comment on agenda items, press *9 to raise your hand. When identified, press *6 to unmute yourself.*
- Attend in person. Masks are recommended and social distancing will be enforced. Public 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. 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, April 20, 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

Arbor Day and Earth Day

COMMUNITY HEALTH INITIATIVES

1. Update from Great Falls Public Schools - Tom Moore.

PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/BOARDS AND COMMISSIONS

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

CITY MANAGER

3. Miscellaneous reports and announcements from City Manager.

CONSENT AGENDA

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

4. Minutes, April 6, 2021, City Commission Meeting.
5. Total Expenditures of \$1,650,043 for the period of March 17, 2021 through April 7, 2021, to include claims over \$25,000, in the amount of \$1,193,138.
6. Contracts List.
7. Set a public hearing for May 4, 2021, to receive public comment on the needs within the community related to the use of CDBG and HOME funds.
8. Set a public hearing for May 4, 2021, to consider Resolution 10398, Approving STSA Partners' application for use of Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the construction of a temporary sidewalk and reconstruction of a public sidewalk and curb for the Newberry Event & Concert Hall addressed as 420 Central Avenue and approving associated Development Agreement; as well as consideration of Alternative Resolution 10398, which reflects the applicant's full request.
9. Set a public hearing for May 18, 2021, to consider Resolution 10399, Approving an Industrial Development Project proposed by the Great Falls International Airport Authority within the Great Falls International Airport District; approving the application for use of tax increment revenues and tax increment revenue bonds to pay, reimburse or finance the costs of associated infrastructure improvements, making a reimbursement declaration and approving the associated Development Agreement.

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

PUBLIC HEARINGS

10. Resolution 10390, Approving a request from the Great Falls Business Improvement District (BID) to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the cost of trimming, maintaining, and replacing boulevard trees in the Downtown Urban Renewal District. *Action: Conduct a public hearing and adopt or deny Res. 10390 and approve or not approve the Tax Increment Grant Agreement. (Presented by Craig Raymond)*

OLD BUSINESS

NEW BUSINESS

11. 2021/2022 Community Development Block Grant Citizen Participation Plan. *Action: Adopt or deny the Citizen Participation Plan. (Presented by Craig Raymond)*

ORDINANCES / RESOLUTIONS

12. Ordinance 3227, Amending Title 5, Chapter 2, Section 010 of the Official Code Of The City Of Great Falls (OCCGF), Pertaining To Safety Inspection Certificates. *Action: Accept or not accept Ord. 3227 on first reading and set or not set a public hearing for May 4, 2021. (Presented by Sara R. Sexe)*
13. Ordinance 3228, Establishing authority to levy assessments to pay costs of City of Great Falls Park District Number 1. *Action: Accept or not accept Ord. 3228 on first reading and set or not set a second reading for May 4, 2021. (Presented by Melissa Kinzler)*
14. Resolution 10397, Approving an Application to amend an Urban Renewal Project and Infrastructure Improvements within the West Bank Urban Renewal Area and approving the application from West Bank LLC to use \$1,175,380 of West Bank Tax Increment Financing Funds for reimbursement of certified costs at West Bank Landing. *Action: Adopt or deny Res. 10397 and approve or not approve Amendment No. 4 to Development Agreement. (Presented by Craig Raymond)*
15. Aim High Big Sky Indoor Aquatic and Recreation Facility – Lions Park.
 - I. Resolution 10400, Approve a conditional use permit to allow an “Indoor Sports and Recreation” land use in the Parks and Open Space (POS) zoning district at the property addressed as 900 29th Street South. *Action: Set or not set a public hearing for Res. 10400 for May 18, 2021. (Presented by Craig Raymond)*
 - II. Resolution of Intent 10401, Intention to vacate 28th Street South between 8th Avenue South and 10th Avenue South, 9th Avenue South and 9th Alley South between 27th Street South and 29th Street South and 10th Alley South between 27th Street South and 28th Street South. *Action: Adopt or deny Res. of Intent 10401 and set or not set a public hearing for May 18, 2021. (Presented by Craig Raymond)*
16. Resolution 10403, Rescinding Resolution 10341, Affirming a Local Emergency and Acknowledging and defining City Manager’s Power to Declare and Emergency and the City Manager’s Exercise of that Authority. *Action: Adopt or deny Res. 10403. (Presented by Sara R. Sexe)*

CITY COMMISSION

17. Miscellaneous reports and announcements from the City Commission.
18. 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.

JOURNAL OF COMMISSION PROCEEDINGS
April 6, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Civic Center Gibson Room 212

PLEDGE OF ALLEGIANCE

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

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

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

- Attend in person. The City will be following the Cascade County Board of Health and the Public Health Officer Orders. Masks will be required and social distancing will be enforced. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Attend the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting:
https://us02web.zoom.us/webinar/register/WN_EWszkMTDQM-YCOo6nKMGVA
 After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access, you may contact the Great Falls Public Library by 5:30 p.m. the day of the meeting at 453-9706 and they can assist with registration.
- Provide public comments in writing. Submit comments via mail addressed to City Clerk's Office, PO Box 5021, Great Falls, MT 59403 or by email to: commission@greatfallsmt.net 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 noted that the Proclamation category was excluded from the agenda, and that the date on page 18 of the March 16th Minutes was corrected after original posting. There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

JOURNAL OF COMMISSION PROCEEDINGS
April 6, 2021

PROCLAMATIONS: Public Safety Telecommunicators Week.

COMMUNITY HEALTH INITIATIVES

1. MILITARY UPDATES.

Colonel Trace Thomas, 120th Airlift Wing, Montana Air National Guard (MANG), provided the following updates:

- MANG suffered a tragic loss with the passing of Tyler Weir. He and his wife had a huge impact on the community. He thanked everyone that supported, contributed and assisted the Weir family during this time of crises.
- More travel and training is taking place with the C130's, and they are wrapping up the night flight training sessions.
- A three-day large scale exercise is planned this weekend with more flying and ground events.
- Anyone wishing for a fly-by for an upcoming holiday should complete the paperwork now.
- There isn't a definitive date yet for the arrival of the H-3 planes that will be replacing the H-1's.

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

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Brett Doney, Great Falls Development Authority (GFDA), appearing via Zoom announced that The Newbury, a new events center, would be opening in Downtown Great Falls that will have capacity for up to 1,000 people.

He also reported that it was disturbing to hear that SB 278 was amended on the house floor this week that added an unrelated section that would make it difficult for 501c3 or 501c4 organizations to support or oppose local government actions. If the bill is passed, every time he speaks to the Commission about a project or action the Commission may take, GFDA would be required to file a report with the Attorney General and disclose all of GFDA's donors of \$50 or more for the prior year, which would be a tremendous administrative burden.

Commissioner Moe reported that the Library Board has elected to have a community forum and she has volunteered to serve on a task force pertaining to the renaming of the library to honor Alma Smith Jacobs.

She also reported that the Parking Advisory Commission has done yeoman's service for the new downtown parking program and efforts to educate the public.

3. APPOINTMENT TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS.

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission appoint Rodney Blake for the remainder of a five-year term through June 30, 2022 to the Great Falls Housing Authority Board of Commissioners.

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

Commissioner Moe expressed appreciation to Mr. Blake for his continued interest in serving.

Mayor Kelly called for the vote.

Motion carried 5-0.

Due to setbacks from the pandemic, Commissioner Robinson reported that the Census 2020 results for Montana wouldn't be made available until mid to late August, and in a useable format by September 30th.

CITY MANAGER**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon provided updates on the following:

- The farewell reception for Police Chief Dave Bowen was well attended and fitting for his 30-year career with the Great Falls Police Department.
 - Interviews of five internal candidates were conducted for the position of Chief of Police. Three candidates are being advanced to the second stage of the process: Captain Rob Moccasin, Captain Jeff Newton, and Lieutenant Doug Otto.
 - The next phase includes three panels consisting of the department head team, representatives from Neighborhood Councils, and a focused community panel with various representatives from around the city.
 - He and Deputy City Manager Chuck Anderson will conduct the final interview next week.
- City Attorney Sara Sexe has announced her retirement for September 2021. He expressed appreciation to her for her service and the advance notice, and reported that recruitment will begin immediately.
- Mike Grison is the Interim Water Plant Manager.
- The City Manager's Office and the Finance Department have been tracking conversations about guidelines related to use of the America Rescue Plan dollars.
 - He is hoping there will be guidance from the US Treasury before the May 18th City Commission work session. He will advance some initial thoughts and scenarios to the Commission about potential uses of the money.

JOURNAL OF COMMISSION PROCEEDINGS
April 6, 2021

- There are multiple sources of funding to a wide variety of organizations. He requested that community members first research funding that may be available to their organization/business before asking the City for money.
- Beginning April 19th, the Great Falls Public Library hours will be Tuesday through Saturday 11:00 am to 6:00 pm; the pickup window will be open Monday through Saturday 9:00 am to 5:00 pm; and phone hours are Monday 9:00 am - 5:00 pm; Tuesday through Saturday 9:00 am to 6:00 pm.
- Parking went live with implementing new equipment and software in addition to the resumption of paid parking on Friday April 2nd. Generally, it has been going well but there have been a couple of glitches to work out. If citizens experience any troubles, they should call SP+ staff at 727-7828 or Tammy Baber at 455-8414.
- Samantha Long was hired as the new Historic Preservation Officer.
- Robin Beatty was hired as the new Legal Assistant in the City Attorney's Office.
- Registration for the virtual annual Ice Breaker road race began April 1st. Additional details can be found on the Park and Recreation webpage.

With regard to the use of various funds, Commissioner Moe suggested there is a need for a navigator for the public and non-profits, and the City may have that same need as it works with various community partners to determine the best allocation of resources.

Manager Doyon responded that he has reached out to partners in the community. The first thing is to make sure any funding the City may be getting is leveraged to the fullest extent possible. He wants it done with a level of coordination to be able to complement each other's efforts. There may be opportunities to leverage each other's allocation to make a dent in a common community issue or concern. He has also suggested to key community partners that staff be assigned to meet weekly to exchange information. It may take a reallocation or an additional staff person to monitor the City's allocation and to track and monitor what is required by the federal government.

Commissioner Houck suggested retaining an accountant or someone familiar with the reporting process. She also encouraged participation in the Ice Breaker.

CONSENT AGENDA.

5. Minutes, March 16, 2021, City Commission Meeting.
6. Total Expenditures of \$3,092,881 for the period of February 27, 2021 through March 24, 2021, to include claims over \$25,000, in the amount of \$2,453,507.
7. Grants List.
8. Adopt Resolution 10394, correcting a clerical error in the heading of Resolution 10377.

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

9. Approve the purchase of a precast concrete restroom from CXT, Inc. an L.B. Foster Company of Spokane, WA through Sourcewell, formerly known as NJPA, for \$152,265 to be placed in Lions Park. **OF 1740.7**
10. Set a public hearing for April 20, 2021 on Resolution 10390 for the Great Falls Business Improvement District's application to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the cost of trimming, maintaining, and replacing boulevard trees in the Downtown Urban Renewal District.
11. Approve a Professional Services Agreement in the amount of \$130,600 with WWC Engineering for the Missouri River Bank Stabilization Project, and authorize the City Manager to execute the professional services agreement. **OF 1693**
12. Award a contract in the amount of \$569,485 to Central Plumbing and Excavation for the Southside Water Main Replacements – Phase I, and authorize the City Manager to execute the contract documents. **OF 1648**
13. Postpone Public Hearing on Resolution 10392, Amending section (4)C of Resolution 10375 establishing the rates, fees and penalties associated with title 10 of the Official Code of the City of Great Falls (OCCGF) pertaining to the City's parking system to May 4, 2021.

Commissioner Robinson moved, seconded by Commissioner Moe, that the Great Falls City Commission approve the Consent Agenda as presented.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

14. **INDEPENDENCE BANK MINOR SUBDIVISION AND THE 10TH STREET BRIDGE MINOR SUBDIVISION AND A LAND EXCHANGE BETWEEN INDEPENDENCE BANK AND THE CITY OF GREAT FALLS.**

A. Exchange Agreement.

B. Independence Bank and 10th Street Bridge Minor Subdivisions.

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

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

Planning and Community Development Director Craig Raymond reported that for years there has been visions of providing enhanced trail connections on each side of the river through the restoration of the 10th Street Bridge. The project has taken several years to bring it to this point and we find ourselves in a position to secure land on the south side of the river which could be used as a connecting point to our renowned River's Edge Trail system.

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

The property that the City would convey to the bank will not include property immediately off River Drive. Without knowing what specific improvements may be contemplated, staff feels this is critical land to preserve for possible transportation improvements.

This has been a complex project that has demanded significant amount of staff time to ensure the public's interest is served. Professional appraisals have been performed on the subject properties and the value of property being exchanged have been deemed essentially equal. Staff supports the proposed subdivisions and land swap with the bank.

Mayor Kelly asked if the Commission members had any clarifying questions. No one responded.

Appearing via Zoom and speaking in support of the Exchange Agreement and minor subdivisions were:

Brett Doney, Great Falls Development Authority, thanked all of the parties involved and looks forward to more quality redevelopment along the riverfront.

Bruce Pollington, President, Rivers Edge Trail Foundation Board of Directors, commented this will provide for a permanent connection to the trail, and a safe scenic river crossing isolated from traffic. He looks forward to working with the City to plan the new trail connector and to work on making the funding available for the project.

Arlyne Reichert, 1409 4th Avenue South, President, Preservation Cascade, a non-profit organization that has been dedicated to preserving the historic 10th Street Bridge for over 25 years. The organization has raised over \$2 million dollars through donations, grants and events, without any direct local taxes. What a great gift it would be for the City Commission to help the organization connect both sides of the bridge that will become an integral part of the River's Edge Trail. Ms. Reichert concluded that at age 95, she would very much like to cross the historic 10th Street Bridge before she crosses any other bridges.

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

Dr. Cheryl Reichert, 51 Prospect Drive, added that predecessors to the City Commission made this journey possible by forming one of the very first public-private partnerships ever to be created in the United States. This partnership to benefit the bridge continues between the City, the National Trust for Historic Preservation, and Preservation Cascade. Saving and restoring the bridge has been, literally, a marathon with many, many hurdles. A favorable vote tonight removes the last significant hurdle, putting the goal of a repurposed historic pedestrian bridge within sight.

Carolyn Craven, 101 14th Avenue South, thanked City officials for their involvement in making this much anticipated pedestrian crossing happen.

Written communication in support of the Exchange Agreement and Minor Subdivisions was received from:

Bruce Pollington, President, Rivers Edge Trail Foundation Board of Directors, urged the Commission's approval of both mutually beneficial subdivisions and the associated land exchange. The alignment of the River's Edge Trail will improve safety by eliminating a dangerous corner at the Ninth Street Underpass, provide permanent trail access to the South end of the Tenth Street Bridge (the bridge will provide a safer and more enjoyable river crossing at that location), and enhance trail user experiences along that stretch of River's Edge Trail.

R.W. Dohrman, City resident, urged the Commission's approval, adding that it has been 25 years of struggle to accomplish this progress, and that this move is wonderful.

Bill Hunter, 124 Riverview 6W, encouraged the Commission's favorable vote for the proposed land swap and minor subdivision.

Carolyn Craven, 101 14th Avenue South, urged the Commission's support of this land exchange agreement.

No one spoke in opposition to the Exchange Agreement and minor subdivisions.

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

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Exchange Agreement of City-owned property which is anticipated to be subdivided from a larger parcel and will be described as Lot 1 of the 10th Street Bridge Minor Subdivision in exchange for Independence Bank owned property which is anticipated to be subdivided from a larger parcel and will be described as Lot 2 of the Independence Bank Minor Subdivision, and authorize the City Manager to execute the agreement.

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

Commissioner Robinson commented this is one of the most exciting things that has happened since he has been on the Commission. He thanked everyone that got involved, and concluded it is an exciting and great thing for Great Falls.

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

Commissioner Tryon requested background information about Independence Bank.

Tamariel Christopher, Independence Bank, commented that Independence Bank is a local Montana bank with headquarters out of Havre, and branches all across the hi-line. Great Falls is the bank's first metropolitan city to move to. They have been in Great Falls a couple of years with a loan production office and deposit production office, operating out of the second floor of the Milwaukee Station. They are excited to offer a full service branch to the Great Falls community.

Commissioner Houck noted the Independence Bank logo is on other buildings, and asked if the bank already had other buildings in the community.

Ms. Christopher clarified that the bank leases its space in the Milwaukee Station building.

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

Motion carried 5-0.

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission approve the Independence Bank Minor Subdivision as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the 10th Street Bridge Minor Subdivision as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

Motion carried 5-0.

NEW BUSINESS**ORDINANCES / RESOLUTIONS**

15. RESOLUTION 10393, ADOPTING THE CITY OF GREAT FALLS WAYFINDING PLAN AND MEMORANDUM OF UNDERSTANDING.

Planning and Community Development Director Craig Raymond reported that for years the City has had in its guiding plans and documents the goal of developing a cohesive wayfinding plan to guide visitors and residents to the downtown core as well as multiple other amenities such as

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

museums, River's Edge Trail trailheads, parks, Malmstrom Air Force Base, and several other locations. It is intended that by providing prominent, appealing signage, many who would otherwise simply travel through Great Falls or those who are not familiar with the area, will learn about the services, destinations, and points of interest that are available.

Five goals in the Wayfinding Plan include:

- 1) Establish clear and consistent citywide signage geared toward vehicles and pedestrians that connect residents and visitors with downtown Great Falls and the area's cultural, natural, and recreational amenities;
- 2) Incorporate elements from existing logo/branding efforts into the sign design;
- 3) Incorporate a variety of signs that reinforce a "sense of place and identity" providing visitors and residents with an understanding of where to find existing amenities and destinations;
- 4) Develop signs that add to Great Falls' aesthetics without creating clutter or discord; and
- 5) Ensure signs comply with all applicable local, state, and federal sign regulations.

The Memorandum of Understanding (MOU) sets forth the responsibilities of initial installation and maintenance. Director Raymond thanked Public Works Director Skubinna, Street & Traffic Manager Jorgensen, the City's sign crew, and the Downtown Development Partnership for their commitment and efforts to make this work.

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10393.

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

Brett Doney, Great Falls Development Authority, appearing via Zoom thanked City staff and Joan Redeen for working through all of the issues. This project is another step forward for Great Falls.

Written communication was received from **Shyla Patera**, 1013 7th Avenue NW, applauding the City for pursuing grants to assist in wayfinding. As an advocate for wayfinding and other accessible opportunities, she hopes the City will continue community discussions regarding accessible, universally designed housing stock, and accessible and continuous sidewalks.

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

Commissioner Houck commented that this project has been marinating for many years, and was done cohesively. This project will attract tourism and assist residents in knowing more about what is in the community.

Commissioner Moe inquired about liability if the signage was not installed or maintained correctly.

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

Director Raymond responded that City staff would be reviewing the signage plans and inspecting the installations.

City Attorney Sara Sexe added if there is not an indemnification provision in the MOU, the City could request indemnification by the Business Improvement District if something happened in the future and they created the issue.

Commissioner Tryon requested clarification of items #9 and #10 in the MOU.

Director Raymond responded that the DDP would oversee the funding, installation and maintenance during the first life cycle (7-10 years) period. After that, maintenance of the signage will be turned over to the City subject to another written agreement that must be approved by the City Commission. Tax Increment Finance District funds may be used to fund the replacement of the sign inventory.

Manager Doyon added that the general fund is the other source of funding to refurbish the signs.

Mayor Kelly commented that there is an intangible benefit that comes from professionally done signage alerting people to where the amenities are. This is a long-term benefit to the community as a whole.

Director Raymond added that MOU item #14 also addresses future maintenance and funding.

Commissioner Robinson commented that he was sad to see that Memorial Stadium and both of the Great Falls Public High Schools were not added to the sports and entertainment category.

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

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Memorandum of Understanding.

Mayor Kelly asked if there were any further comments from the public or discussion amongst the Commission members.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

16. RESOLUTION 10395, ESTABLISHING A CRIME TASK FORCE.

Commissioner Tryon reported that the Commission requested that he work with the City Manager to pursue establishing a task force to address crime issues in Great Falls. The purpose of the crime task force would ultimately be to make recommendations to the City Commission and community to address crime issues immediately.

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

Initial meetings were conducted in anticipation of establishing a Task Force. Commissioner Tryon and Manager Doyon met with Chief Bowen, the three department Police Captains, a representative from the High Intensity Drug Trafficking Area (HIDTA) program and the local Drug Enforcement Administration (DEA) representative to begin understanding the current crime and the drug connection in Great Falls. In addition, Manager Doyon and Commissioner Tryon met with Judge Bolstad, City Attorney Sexe and County Attorney Racki, Chief Prosecutor Anthon and Deputy Chief Wayne Bye with Probation and Parole to obtain a judicial perspective.

As a result of these discussions and Commission discussions during goal setting sessions, Commissioner Tryon proposed a special advisory board or panel of seven (7) City residents, with the necessary background, training, education and experience in social sciences related to crime, to study the issues for three to six months, report to the City Manager, and provide concrete proposals for Commission consideration on how to deal with these issues. A proposal could potentially include a safety levy to fund resources to deal with the issues.

If the task force is in place quickly, he suggested expediting some of the task force recommendations so that the Commission can incorporate priority recommendations into this year's budget process.

Manager Doyon will make recommends on the composition of the task force to the Commission. To guarantee quorums at these meetings, he also suggested that four of the seven-member task force be City employees. The protection of life and property is amongst the highest priorities of the City, so the cost of employee time would be considered as something they should be doing and are paid to do.

Manager Doyon added that the difference with this task force is pre-work has already been done to educate ourselves on some of the current issues that first responders and others are facing. That pre-work will need to continue as an educational process with whomever is on the task force. Other representatives from downtown businesses or industry, the Chamber of Commerce, or groups that support or work with the mentally ill that may not have a seat on the task force will be invited to be part of the conversations and have opportunity to provide input from their perspectives.

With regard to the budget, he thinks the hard part for the task force will be determining where to make the most effect and have the greatest impact to curb some of the issues the City is seeing. As an example, if the task force suggestion was to add personnel to the Police Department, the City is in a much better position to take that recommendation and do something with it fairly quickly due to the City's current financial situation.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10395.

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

Appearing via Zoom and speaking in support of Resolution 10395 was **Bruce Pollington**. He commented that law enforcement is something that is near and dear to all of us. However, trying to get some idea on how to effectively distribute resources and where those resources come from is a tough job. He thanked the Commission for considering this resolution.

JOURNAL OF COMMISSION PROCEEDINGS
April 6, 2021

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

With regard to City staff serving on the task force, Mayor Kelly commented it is his recommendation that Manager Doyon recommend the seven individuals. He thinks one of the benefits to the credibility of this task force will be some expertise that some City employees may have especially from the law enforcement division, but also some outside influence looking in. He would like to defer to Manager Doyon's recommendation for City staff that are pertinent and have the ability to attend meetings.

Commissioner Houck commented she thinks everyone wants answers and suggestions sooner than later, but it may not be feasible by budget time. The Commission can consider placeholders in July and consider a budget amendment mid-year if need be. She suggested City employees Mark Willmarth and Susie McIntyre act as facilitators for the task force. She also suggested that the Commission be provided the task force meeting minutes and be updated at future work sessions.

Commissioner Moe commented that it is crucially important that the majority of the task force members not be City employees. It should be outside eyes looking in internally, and that the City employees be relied on to share their expertise and experiences with the task force. She spoke in opposition to shortening the timeframe, noting it's unrealistic to think the Commission would have any recommendations from the task force by the July budget timeframe. A concern she has heard is the task force is not large enough to have meaning. She thinks that can be addressed by having meetings that focus on one particular item at a time.

Commissioner Moe requested clarification regarding whether the two members of the Commission to serve as ex officio members were included in the seven members, or in addition to the seven-member task force.

Commissioner Tryon clarified that the task force would include seven members, and up to two members of the Commission to serve as ex officio, non-voting members.

Mayor Kelly commented that it is noted in the resolution that the meetings will be publicly noticed and minutes taken. Should more Commission members wish to attend meetings, notify the City Clerk so she is aware of a possible quorum issue.

Commissioner Robinson suggested an item be added on the Commission agendas for task force updates if there is something to be reported.

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

Commissioner Tryon summarized that the idea is to have a task force of people who have expertise or experience and that they are focused on providing actionable recommendations to the Commission.

Motion carried 5-0.

JOURNAL OF COMMISSION PROCEEDINGS

April 6, 2021

17. RESOLUTION 10396, RELATING TO \$5,995,000 CITY OF GREAT FALLS, MONTANA, TAX INCREMENT URBAN RENEWAL REVENUE BONDS (DOWNTOWN URBAN RENEWAL DISTRICT), SERIES 2021; AUTHORIZING THE SALE AND PRESCRIBING THE FORMS AND TERMS THEREOF AND THE SECURITY THEREFOR.

Finance Director Melissa Kinzler reported that staff had presented to the City Commission at the December 1, 2020 City Commission meeting a resolution authorizing the expenditure of funds from the Downtown Urban Renewal Tax Increment Financing District toward the Civic Center Façade Renovation Project. The City Commission held a public hearing and adopted Resolution 10379, authorizing approximately \$8,829,810 (includes interest on the debt) of funds from the Downtown Urban Renewal Tax Increment Financing toward the project.

Resolution 10383, adopted on February 2, 2021, established 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 were subjected to the following conditions and limitations:

- (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%;
- (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.

Resolution 10396 will determine the form and details, authorizing the sale and delivery for the payment for a private, negotiated sale of \$5,995,000 City of Great Falls, Montana, Tax Increment Urban Renewal Revenue Bonds (Downtown Urban Renewal District), Series 2021.

On March 23, 2021, D.A. Davidson & Company and the City entered into a Bond Purchase Agreement, regarding the purchase and sale of the renewal and refunding bonds in the aggregate principal amount of \$5,995,000 at an aggregate purchase price of \$5,961,901.75. The true interest cost of the bonds is 2.986%, which meets the condition set forth in Resolution 10383 to not exceed 4.5%. The total debt service amount that will be paid is \$7,920,870.30. This is well below the \$8,829,810 approximate amount approved by the City Commission on December 1, 2020 for the façade project. The maximum annual debt service is \$414,150. The closing and delivery of the funds will take place April 15, 2021. The issuance of the 2021 bonds will extend the Downtown Urban Renewal District an additional thirteen years.

Commissioner Moe moved, seconded by Commissioners Robinson and Tryon, that the City Commission adopt Resolution 10396.

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

JOURNAL OF COMMISSION PROCEEDINGS

April 6, 2021

Brett Doney, Great Falls Development Authority, appearing via Zoom urged the Commission to move forward with this project.

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

Commissioner Houck commented that she wished there would have been more included in this project, specifically the Mansfield Center, but is excited this project can move forward, and that it is not putting additional pressure on the City or taxpayers.

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

Motion carried 5-0.

OLD BUSINESS

Commissioner Robinson stepped away from the meeting at 8:58 pm and returned at 8:59 pm.

18. **CONTRACT AWARD - CIVIC CENTER FAÇADE PROJECT (OF 1525.2).**

Planning and Community Development Director Craig Raymond reported that City staff has been working on planning a façade renovation of the Civic Center in earnest at least since 2011. The City Commission has made significant investments in the project to this point through awarding design and construction drawing contracts and putting the project out for competitive bid.

The City conducted the bid opening on March 3rd. Six qualified bids were received ranging in price from \$7.9 million to \$5.4 million.

This project will replace large portions of the cast stone façade with new cast stone to match the existing pieces that will remain. The front stairs will be replaced and some mechanical upgrades to modern, high efficiency mechanical equipment will occur. All roof membranes will be removed, mechanical units on the roof will be removed to raise mechanical curbs, roof drains will be replaced, new roof membrane installed, and mechanical units will be re-set for the roof covering the entire Civic Center. He suggested an early opportunistic pitch for COVID funds as an opportunity to invest some of those funds into increased energy efficiency by replacing more of the aging mechanical equipment of the Civic Center while it is being removed from the roof anyway. As much as we dislike and try to avoid change orders, given the circumstances, this may be a good opportunity to consider that.

Construction would be conducted in 4 phases, in 578 calendar days and briefly described as follows:

- Phase one: East entry temporary protection phase. Work on this phase shall commence and be substantially complete and ready for use after the Notice to Proceed and prior to any building envelope work progressing
- Phase two: Envelope repair, façade cast stone and cast stone trim replacement and backup wall improvements/reinforcement (all sides).
- Phase three: East entry stair and accessories replacement/repair.
- Phase four: Roof replacement

JOURNAL OF COMMISSION PROCEEDINGS

April 6, 2021

Commissioner Houck moved, seconded by Commissioner Tryon, that the City Commission award the construction contract in the amount of \$5,411,682 to Talisman Construction Services, Inc. for the Civic Center Façade and roof replacement, and authorize the City Manager to execute the construction contract documents.

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

Appreciation was expressed to Director Raymond for his due diligence to this point.

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

Motion carried 5-0.

19. WATER TREATMENT PLANT FILTRATION IMPROVEMENTS, PHASE I (OF 1637.1).

Public Works Director Paul Skubinna reported that the requested action for this item is for the Commission to consider and approve final pay for Sletten Construction for the Water Treatment Plant Filtration Improvements Phase I project. There has been notable Commission interest in this project due to a substantial change order that was incurred. Understand that this final pay action this evening is for the construction contractor, Sletten Construction, and not the parts supplier of the valves, actuators and other various construction materials that were delivered late, resulting in the bulk of the change order. The City contracted with the materials supplier vendor directly and separately from the construction contractor.

With that, Sletten achieved substantial completion of the project on December 31, 2020, and has completed all of the punch list items. The total payment to Sletten is \$32,940 less than the total amount of the contract including Change Order 1. With this final payment the total compensation to Sletten, including all change orders, will be \$4,173,210, which remains about \$263,000 below the next lowest bidder.

The new filters are performing well with 30% longer run times and about 25 to 40 % less treated water consumed to clean the filters. There were some bumps along the way but this first phase of the project was a success. Had it not been for the schedule delays caused by the late material delivery the project would have still required a change but the cost over-run would have been only 0.4% of the total construction cost.

Public Works and the City Attorney remain engaged in negotiations with the valve supplier to arrive at an adequate resolution to the project expenses that were incurred due to the late delivery of components.

Staff recommends approval of final pay to the Construction Contractor, Sletten Construction.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission approve Final Payment for the Water Treatment Plant Filtration Improvements, Phase I, in

JOURNAL OF COMMISSION PROCEEDINGS**April 6, 2021**

the amount of \$204,156.81 to Sletten Construction and \$2,062.19 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.

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

Commissioner Tryon requested clarification regarding where the money came from for this project.

Director Skubinna responded that the primary source of funding for this project was the Water Utility Enterprise Fund, that is generated through the rates collected from users within the system.

Commissioner Tryon inquired if an increase in rates to the consumers is anticipated.

Director Skubinna responded that no rate increases are contemplated for this or last year.

Commissioner Tryon expressed appreciation for the work being done to recover more than 10% of the change order from Core and Main, and requested that the Commission continue to be updated.

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

Motion carried 5-0.

CITY COMMISSION**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS**

Commissioner Moe acknowledged City Attorney Sara Sexe for the terrific job she has done for the City and Commission members. There will be a time to say good-bye, but it's never too soon to say thank you.

21. LEGISLATIVE INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of April 6, 2021, at 9:16 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: April 20, 2021



Commission Meeting Date: April 20, 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 MARCH 25, 2021 - APRIL 7, 2021 | 516,138.11 |
| ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS MARCH 25, 2021 - APRIL 7, 2021 | 1,016,500.75 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 17, 2021 - MARCH 31, 2021 | 117,403.68 |
| TOTAL: \$ | <u><u>1,650,042.54</u></u> |

GENERAL FUND

FIRE

| | | |
|---------------------------|------------------------------|-----------|
| STRYKER SALES CORPORATION | LIFEPAK LEASE PAYMENT 5 OF 5 | 27,365.44 |
|---------------------------|------------------------------|-----------|

SPECIAL REVENUE FUND

PERMITS

| | | |
|------------------------|----------------|------------|
| TYLER TECHNOLOGIES INC | ENERGOV 3 YEAR | 117,135.00 |
|------------------------|----------------|------------|

CENTRAL MONTANA AG TECH PARK TID

| | | |
|----------|--------------------------------------|-----------|
| MRTE INC | OF 1658.1 CMATP TIF PH 3 STORM DRAIN | 31,681.98 |
|----------|--------------------------------------|-----------|

CAPITAL PROJECTS

GENERAL CAPITAL

| | |
|--|-----------|
| WASDSWORTH BUILDERS COMPANY INC FINANCE OFFICE REMODEL | 60,175.25 |
|--|-----------|

ENTERPRISE FUNDS

WATER

| | | |
|---|---------------------------------------|-----------|
| ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC. | OF 1637.1 WTP FILTRATION IMPROVEMENTS | 36,308.55 |
|---|---------------------------------------|-----------|

SANITATION

| | | |
|----------------|-----------------------|------------|
| CURBTENDER INC | PETERBUILT SIDELOADER | 254,303.00 |
|----------------|-----------------------|------------|

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

| | | |
|---------------------|---------------------------------|------------|
| CITY OF GREAT FALLS | FINES & FORFEITURES COLLECTIONS | 101,973.30 |
|---------------------|---------------------------------|------------|

PAYROLL CLEARING

| | | |
|-------------------------------|--|------------|
| STATE TREASURER | MONTANA TAXES | 45,730.00 |
| FIREFIGHTER RETIREMENT | FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 48,202.73 |
| STATEWIDE POLICE RESERVE FUND | POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 66,236.57 |
| PUBLIC EMPLOYEE RETIREMENT | PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS | 124,235.62 |
| US BANK | FEDERAL TAXES, FICA & MEDICARE | 193,563.57 |

UTILITY BILLS

| | | |
|---------------------|------------------------|-----------|
| NORTHWESTERN ENERGY | MARCH 2021 SLD CHARGES | 86,226.83 |
|---------------------|------------------------|-----------|

CLAIMS OVER \$25000 TOTAL:

\$ 1,193,137.84

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: April 20, 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

| | DEPARTMENT | OTHER PARTY (PERSON OR ENTITY) | PERIOD | AMOUNT | PURPOSE |
|----------|--------------------------------|---|---------------------------|--------------------------|--|
| A | Park & Recreation | Great Falls School District 1 | 01/01/2021- 12/31/2025 | \$4,000/each per year | Memorandum of Understanding Maintenance of Public Tennis Courts |
| B | Public Works/ Environmental | CDM Smith, Inc. | 05/01/2021- 04/08/2022 | NA | Professional Services Agreement Extension –extends the term for on-call assistance of the Wastewater Pretreatment Program including federal and/or state requirements and new or renewals of industrial wastewater discharge permit applications OF 1735.0 (CR: 060220.6B) |



Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: CDBG & HOME Grant Annual Action Plan Public Needs Hearing

From: Planning and Community Development Department

Initiated By: Lisa Andis, CDBG Program Specialist, Planning & Community Development

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

Action Requested: Set the Public Needs Hearing for May 4, 2021

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for May 4, 2021, to receive public comment on the needs within the community related to the use of CDBG and HOME funds.”

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 May 4, 2021, as the public hearing date for citizen comments regarding needs of the community that may be addressed with Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds.

Summary: Holding a Public Needs Hearing to receive community input on the needs within the community is a requirement outlined in the City’s Citizen Participation Plan submitted with the City’s Five Year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The Public Needs Hearing is the first formal opportunity for the public as well as subrecipient agencies to impact the priorities the City will outline in the development of its Annual Action Plan submission to HUD.

Background: CDBG and HOME programs are federal programs administered by HUD to help fund local community development programs including affordable housing, public service agency assistance, economic development and public infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in Great Falls. State and local governments receive funding from HUD based on a formula derived from population and housing statistics. HUD requires public input, especially input from lower income citizens and the agencies representing them, on issues and needs of the community. The Commission will be asked to give consideration to citizen comments received during this public hearing when determining funding priorities for the Community Development Block Grant Program (CDBG) and the HOME Grant Program.

Fiscal Impact: Conducting the public hearing is a pre-condition for the City to receive its annual allocation of CDBG and HOME grant funds from HUD. For the current fiscal year, the City received \$808,208 in CDBG funds and \$280,370 of HOME funds. Although the expected allocation of funds for the next fiscal year is not yet known, it is reasonable to assume that funding amounts will be consistent with current and past fiscal years.

Alternatives: The City Commission could elect to not hold a public hearing and thereby decide to delay or not accept CDBG and HOME funding for FY 2021/2022.



Commission Meeting Date: April 20, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

- Item:** Set a public hearing for Resolution 10398 – Request from STSA Partners to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the cost of construction of temporary sidewalk and reconstruction a public sidewalk and curb of The Newberry Event & Concert Hall for the building addressed as 420 Central Avenue; as well as consideration of Alternative Resolution 10398, which reflects the applicant’s full request.
- From:** Lonnie Hill, Planner I, Planning and Community Development
- Initiated By:** STSA Partners
- Presented By:** Craig Raymond, Director, Planning and Community Development
- Action Requested:** Set a public hearing for May 4, 2021 for the request to use Downtown Urban Renewal District Tax Increment Financing referenced above.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for May 4, 2021, to consider Resolution 10398, Approving STSA Partners’ application for use of Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the construction of a temporary sidewalk and reconstruction of a public sidewalk and curb for the Newberry Event & Concert Hall addressed as 420 Central Avenue and approving associated Development Agreement; as well as consideration of Alternative Resolution 10398, which reflects the applicant’s full request.”

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

Staff Recommendation: Staff recommends approval of Resolution 10398 for expending up \$9,100 specifically for the reconstruction of sidewalk, curb and construction of temporary sidewalk adjoining the proposed project site along Central Avenue.

Summary: STSA Partners is proposing a renovation project of the existing building located at 420 Central Avenue for the development of a medium scale event and concert hall facility. STSA Partners aims to host over 90 events and bring over 60,000 people to downtown Great Falls each year. The applicant has chosen to apply for TIF funding in addition to a previously awarded tax abatement to offset some of the redevelopment costs for the project.

Applicant’s Request: The renovation project for The Newberry is substantial and includes items such as curb and sidewalk repair, construction of temporary sidewalk, installation of fire suppression, structural

repair, ADA compliance, and roof repair. STSTA Partners' has requested a total of \$171,200 of TIF funds to offset these costs.

Montana TIF Regulations: Creation and administration of Tax Increment Financing (TIF) Districts is governed by the Montana State Urban Renewal statutes (Title 7, Chapter 15, Parts 42 and 43, MCA). The applicant states that the requested costs are allowable TIF expenses pursuant to MCA 7-15-4288.

Downtown Urban Renewal Plan and Requested TIF Funding Allocation Decisions: In order for the municipality to approve TIF funding requests, such requests must be determined to be in compliance with the local jurisdiction's Urban Renewal Plan, as well as be eligible for TIF funding in accordance with the MCA Statutes noted in the previous section. To aid in the City Commission's recommendation, the City's Tax Increment Application Process establishes twelve specific criteria to assess the merits of a project in relation to the Downtown Urban Renewal Plan. Staff has reviewed the applicant's request based on the review criteria noted below, the Downtown Urban Renewal District Plan, and guidance from the City's outside TIF legal counsel.

City of Great Falls TIF Review Criteria:

1. **Public Infrastructure Improvements** - Public infrastructure improvements have the benefit of improving and impacting an entire district. Each district may have its own Capital Improvement Plan, which may include things such as roadway improvements, storm drains, sewer and waterlines, railroads, etc.

Staff Analysis: The proposed renovation project includes the reconstruction of sidewalk and curb, as well as temporary sidewalks to be used during construction. Improving safe pedestrian circulation is listed as a strategy within Downtown Master Plan as well as the Downtown Urban Renewal Plan. This request of the applicant is an eligible public infrastructure expense. For the elements of the request associated with the applicant's private property, staff and the City's Legal Counsel do not view these building renovations as public infrastructure. City staff has discussed this precise issue with the City Commission and received positive direction to research and propose a legislative program that could allow for TIF funding to be allocated for fire suppression and ADA compliance upgrades to downtown buildings. Until such a legislative program is developed, staff recommends that the City Commission limit its public infrastructure allocation to the proposed sidewalk, curb and temporary sidewalk improvements.

2. **Economic Stimulus** - The amount of economic activity to be generated within a district through the development is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of any one development is 10% of the construction/rehabilitation costs, exclusive of acquisition costs. Projects demonstrating extraordinary benefit to Districts or the community may, at the discretion of City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project's economic stimulus in the District and the community.

Staff Analysis: The applicant's investment in the renovation project is \$1,508,344. Funding for the sidewalk, curb, and temporary sidewalk improvements total \$9,100, which is well below the 10% threshold. The applicant's total request of \$171,200 is 11.4% of the total renovation project cost, which exceeds the 10% maximum limit set by the City Commission in 2008. The City Commission has the discretion to award funding above the 10% threshold. Additionally, initial drafts of a new Downtown TIF Program has recommended having funding caps for most projects

but will also likely have discretionary options built into the program to give the Commission latitude to support exceptional projects. Staff is of the opinion that this project could potentially could have been considered in that light had the new program been adopted.

3. **Tax Generation** – The increase in taxable value due to the new district development, including construction/rehabilitation, as estimated by the County Assessor’s office to determine tax increment generation.

Staff Analysis: This redevelopment project will stimulate activity downtown and as stated by the applicants, bring tens of thousands of individuals to downtown Great Falls each year. This will increase the taxable value of the building which will increase the tax increment for the Downtown TIF District. Additionally, Downtown Master Plan participants identified a small-scale entertainment venue to serve as a core of downtown around which additional attractions can locate as a major goal. This venue can provide as a catalyst to make Downtown more of a regional destination for entertainment.

4. **Employment Generation** – Total employment generated by the district development is assessed in terms of permanent and part-time jobs, and construction jobs.

Staff Analysis: According to the information provided, if the project moves forward, 12-15 full-time equivalent (FTE) jobs would be created as part of The Newberry. An additional 25-35 FTE jobs would be associated with the construction of the project.

5. **Elimination of Blight** – The development’s direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the appropriate district plan.

Staff Analysis: The poor condition of the sidewalk along Central Avenue qualifies for TIF funding under this criterion. However, until a program for evaluating building improvement requests on private property is created, staff does not recommend that the City Commission consider funding the applicant’s requested building improvements as a blight removal project.

6. **Special or Unique Opportunities** – The extent to which the district’s development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provisions of an unmet community need is an example of special or unique opportunities.

Staff Analysis: This project directly addresses specific district and community goals. As previously stated, the Downtown Master Plan identified a major goal of an entertainment venue to serve as a core of downtown around which additional attractions can locate. The proposed project has the potential to be a catalyst to make Downtown more of a regional destination for entertainment. This would benefit the entire downtown district. The City Commission could consider funding private building improvements in advance of a legislative program being developed, or commit to future funding if such activities do become eligible. However, staff recommends the Commission take a more conservative TIF funding approach until the program and legislative guidance is adopted.

7. **Impact Assessment** – The extent of both positive and negative environmental impacts, appropriateness of the developer’s project design, and impact on existing businesses or residents.

Staff Analysis: There are no public environmental impacts associated with the applicant's request. The renovation of the building as well as public sidewalk improvement will have a positive impact on surrounding businesses and pedestrians on Central Avenue.

8. **Financial Assistance** – Other forms of financing available to the Applicant, Lender participation, industrial development revenue bonds, and state and federal grant monies, for example are examined to assess the need for TIF assistance.

Staff Analysis: The applicant has been awarded a tax abatement for the project. Traditionally, approving tax abatements in a TIF district should not be approved without careful consideration. Double dipping is generally not encouraged. However, given the potential positive impact that the project represents, staff is recommending the approval of the TIF request in addition to the tax abatement that was already awarded.

9. **Development's Feasibility** – A determination of feasibility is made on the strength of the Applicant's demonstration of market demand for the development in the district and is contained primarily on the pro forma and financing commitments.

Staff Analysis: STSA Partners has had other successful projects in downtown Great Falls and the community as a whole. The ownership group includes existing small business owners and design professionals who have shown great enthusiasm and demonstrated prior successes that have benefited the community. The applicant is attempting to improve the feasibility and ultimate success of the project by combining private investment with TIF funding and a tax abatement.

10. **Developer Ability to Perform** – An assessment of the Applicant's capability to undertake the relative complexities of the development based on past performance on similar projects.

Staff Analysis: As stated in Criteria #9, the Applicants have successfully developed other projects within downtown Great Falls and includes small business owners and a design professional within the ownership group.

11. **Timely Compensation** – The feasibility of completing the development according to the Applicant's development schedule.

Staff Analysis: The applicants have stated that it would like to begin construction as soon as possible. A building permit application has been submitted to the City and the project is currently in review.

12. **Payment of Taxes** – All property taxes, special improvement district assessments and other assessments on the project property must be paid to date.

Staff Analysis: Tax payments are current for the property.

Determination of Appropriateness: The sidewalk, curb and temporary sidewalk portions of the request from STSA Partners was discussed with legal counsel and found to be eligible according to Montana Code Annotated (MCA) guidance as well as conformance with the Downtown Urban Renewal Plan. If Resolution 10398 is approved by the City Commission, the applicant is required to complete the project per a Development Agreement that will be provided for the public hearing. All projects utilizing TIF

funding are required to meet the previously stated requirements, which include competitive bidding, prevailing wages rates, and preference for Montana residents.

Staff has prepared Alternate Resolution 10398, which contains the remaining request for installation of fire suppression, structural repair, ADA compliance, and roof repair. This resolution was discussed with legal counsel, and as referenced in this agenda report, both staff and legal counsel consider the applicant's request to be ineligible for funding under state and local review criteria until a program is established that explicitly list these activities as eligible items.

Fiscal Impact: The City's Downtown TIF fund has a current cash balance of \$2,411,041. There is adequate funding in the TIF district to fulfill the request.

Alternatives: The City Commission could not set the public hearing for Resolution 10398. Due process normally required that the City Commission schedule requested public hearings to hear requests of this type.

Concurrences: The City's outside legal counsel has determined that the applicant's request of sidewalk, curb and temporary sidewalk is eligible for TIF funding consideration.

Attachments/Exhibits:

- Resolution 10398
- Alternative Resolution 10398
- Application Narrative
- Application
- DDP Letter of Support

The Development Agreement is still being drafted by outside legal counsel and will be provided with the meeting documents for the public hearing.

RESOLUTION 10398

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, APPROVING STSA PARTNERS' APPLICATION FOR USE OF GREAT FALLS DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING (TIF) DISTRICT FUNDS

* * * * *

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended, an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and apply all or a portion of the tax increment derived from such district to the payment of costs of such urban renewal projects; and

WHEREAS, the City Commission, pursuant to Resolution No. 9961, duly adopted on March 6, 2012, created an urban renewal area as the Downtown Urban Renewal District and pursuant to Ordinance No. 3088, duly adopted on May 15, 2012 after a duly called and noticed public hearing thereon adopted the Downtown Urban Renewal Plan containing a tax increment financing provision; and

WHEREAS, in April 2013, the City Commission approved the revised Tax Increment Application and Forms that outline eligible activities under state statute, the application process to be followed, and criteria to be used when evaluating applications; and

WHEREAS, the purpose of the Downtown Tax Increment Financing District is to stimulate revitalization and redevelopment of the Central Business District; and

WHEREAS, STSA Partners has proposed the redevelopment of a property in the Great Falls Downtown Urban Renewal District, with eligible tax increment financing expenses and has applied for such funds; and

WHEREAS, City Staff has assessed the project in relation to the goals and objectives of the Great Falls Downtown Urban Renewal District Plan, evaluated the project based on the evaluation criteria, and determined that expenditure of TIF funds in the amount of \$9,100 is

warranted for the purpose of paying for the construction of temporary sidewalk and reconstruction of a public sidewalk and curb along Central Avenue bordering the subject property.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana, that STSA Partners' Application for use of Great Falls Downtown Urban Renewal Tax Increment (TIF) District Funds is approved in the amount of \$9,100 for the purpose of paying for the construction of temporary sidewalk and reconstruction of a public sidewalk and curb along Central Avenue bordering the subject property.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, May 4, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

ALTERNATIVE RESOLUTION 10398

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, APPROVING STSA PARTNERS' APPLICATION FOR USE OF GREAT FALLS DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING (TIF) DISTRICT FUNDS

* * * * *

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended, an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and apply all or a portion of the tax increment derived from such district to the payment of costs of such urban renewal projects; and

WHEREAS, the City Commission, pursuant to Resolution No. 9961, duly adopted on March 6, 2012, created an urban renewal area as the Downtown Urban Renewal District and pursuant to Ordinance No. 3088, duly adopted on May 15, 2012 after a duly called and noticed public hearing thereon adopted the Downtown Urban Renewal Plan containing a tax increment financing provision; and

WHEREAS, in April 2013, the City Commission approved the revised Tax Increment Application and Forms that outline eligible activities under state statute, the application process to be followed, and criteria to be used when evaluating applications; and

WHEREAS, the purpose of the Downtown Tax Increment Financing District is to stimulate revitalization and redevelopment of the central business district; and

WHEREAS, STSA Partners has proposed the redevelopment of a property in the Downtown Urban Renewal District, with eligible tax increment financing expenses and has applied for such funds; and

WHEREAS, STSA Partners is requesting that the City of Great Falls expend TIF funds in the amount of \$171,200 for the purpose of paying for the reconstruction of a public sidewalk along Central Avenue, installation of fire suppression, structural repair, roof repair and ADA compliance at the subject property.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana, that STSA Partners' Application for use of Downtown Great Falls Downtown Urban Renewal Tax Increment (TIF) District Funds is approved in the amount of \$171,200 for the purpose of paying for the reconstruction of a public sidewalk along Central Avenue, installation of fire suppression, structural repair, roof repair and ADA compliance at the subject property.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, May 4, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Business Plan

Project Overview:

Create a unique and flexible downtown entertainment space with the goal of providing a wide variety of community based entertainment with a fair return to investors.

Mission Statement:

To provide a wide variety of community based entertainment with a fair return to investors.

Ownership Experience:

- This ownership group has a track record of success both in the community and in downtown Great Falls with such projects as The Mighty Mo Brewing Company, LPW Architecture, Ferrin's Furniture, The Great Falls Voyagers, Enbar Craft Cocktail Lounge, The Block Bar and Grill, The Downtown Summer Jam Concert Series and more
- This ownership group has already promoted over 50 concerts & festivals
- Scott Reasoner has been the GM/President of The Great Falls Voyagers for 10 years hosting well over 1,000 events ranging from baseball & picnics to private events, weddings and concerts
- Tim Peterson already has previous experience in a bar that focused on live music and entertainment
- Both Andy Ferrin and Seth Swingley have helped organize all Music on the Mo events as well as the current DGFA Alive @ 5, Music on the Mo series. They have also been integral in the creation of the Downtown Summer Jam Concerts and 4th of July Hootenanny

Business Strategy:

- Promote 96 ticketed events in house year one
 - This gives us control of pricing, foot traffic and atmosphere of the event space in the community
 - By keeping the average cost of talent for each show at approx. \$4,000 we avoid high risk concerts as we better understand the market and ticket pricing for these sized events
 - Allows us to keep 100% of ticket sales, control fees and not have any split on alcohol sales during each event
 - We would consider allowing outside promoted shows for the right artist and agreement but are budgeting to promote every show in house (this is similar to other venues this size in Montana)
- Aggressively pursue non-profit events, fundraisers and concerts

- Be more community oriented and flexible in working with these groups, providing a consistent business for our space while also helping improve the Great Falls Community
- In year one set up this event space will be the foremost event space for weddings, private parties and corporate luncheons
- This is a great rentable overflow space and bad weather back up for events already being put on by The Celtic Cowboy, The Mighty Mo, Enbar & The Great Falls Downtown Association
- In being the most accessible, often used and community oriented events space in Great Falls will quickly separate itself from anything else in the immediate area
- We will also have the ability to work with other similar venues in Montana that are already successful for routing concerts and events to help bring our expenses down

THE NEWBERRY DESIGN

The Bar Side



A seven day a week bar allows for constant promotion and ease of ticket purchase on site while generating revenue. The bar concept while still in work spreads into the event space. This allows the entire space (bar & event side) to serve drinks during an event.

Event Space



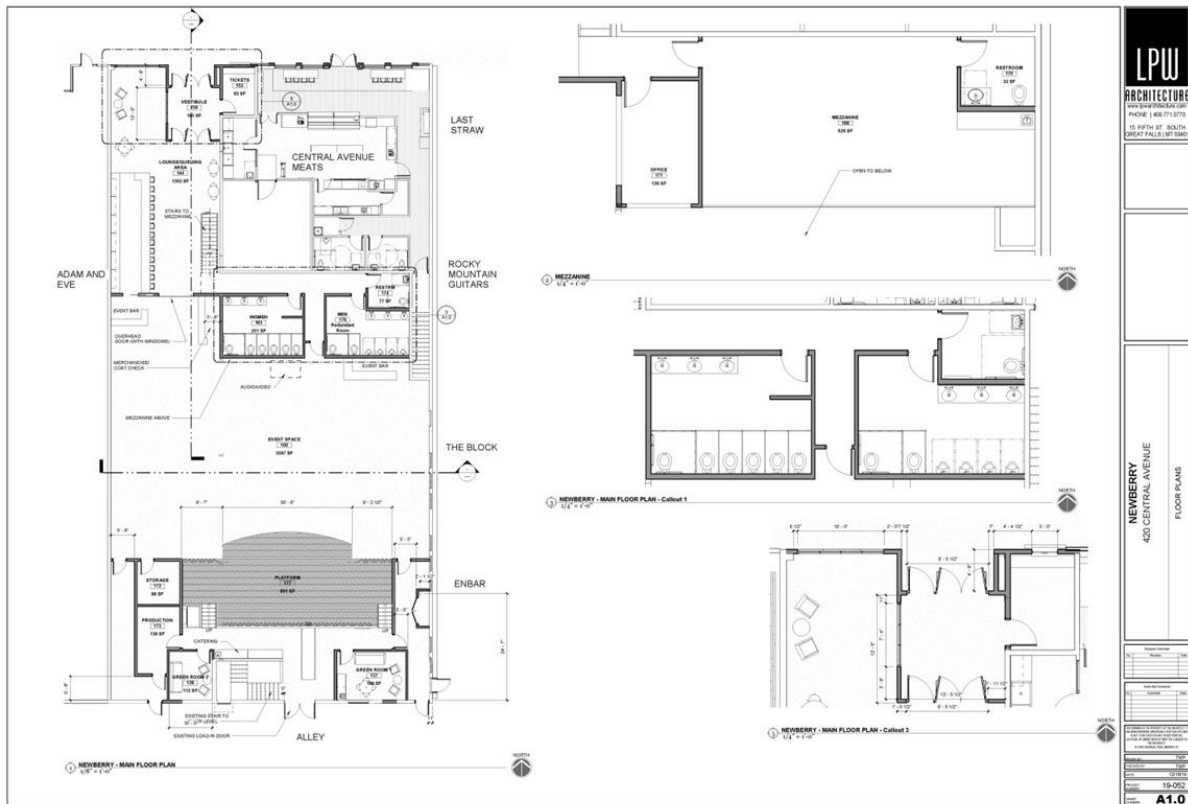
Flat floor concept makes for an easily usable space with seating for 250+ people and a flat floor area that can hold over 900. Perfect for a wide variety of events that already take place in the market.

Location



The central avenue location allows for great exposure as well as a walk up ticket booth for people to purchase tickets for any and all events.

Floor Plan



Summary:

The Newberry will be a unique business for Great Falls but not for the area. The Newberry will find its advantage in its flexibility. By building a business with a wide variety of revenue streams; ticketed events, weddings, rentals and bar income; The Newberry will not be married to one product for its success. This is also a need based business for our community. Over the last ten years Scott Reasoner and the investment team have successfully run similar ticketed events with great success, this has allowed our investment team to test the market while gaining expertise and contacts in the industry. This project has been many years coming for both our city and the team behind The Newberry. It is the perfect time, with the perfect location and business structure for success.

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: The Newberry Event & Concert Hall

Date Submitted: 2/10/2021

Name of TIF District: Downtown Urban Renewal District

APPLICANT INFORMATION

Name: STSA Partners (Andy Ferrin representing)

Address: 420 Central Ave Great Falls, MT 59401

Telephone: _____

DEVELOPMENT INFORMATION

1. Building Address: 420 Central Ave

2. Legal Description: _____

3. Ownership: STSA Partners

Address: 420 Central Ave.

4. If property is not owned by the Applicant, list leasehold interest: (*Attach evidentiary materials*).

Name: _____

Address: _____

5. Existing/Proposed Businesses: The Newberry Event & Concert Hall

Business Description: The Newberry will be a medium scale event and concert hall in the heart of downtown Great Falls. This will be a modern space with a front ticket booth and bar and a large flat floor space in the back. The Newberry will host over ninety events each year and bring over 60,000 people into downtown Great Falls. Events will range from private corporate events and weddings to up large scale concerts. The Newberry is a locally owned business with the goal of providing a wide range of affordable entertainment to our community.

6. Employment: Existing FTE Jobs: 0

New Permanent FTE Jobs created by project: 12-15 Construction FTE jobs: 25-35

7. Architectural/Engineering Firm: LPW Architecture

Address: 15 5th St. South

Representative: Tim Peterson (Also a partner in The Newberry)

CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS

8. Please provide a description of the Total Project Development (attach a narrative explanation).

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).

10. What is the development schedule or estimated completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

If the requested TIF funds are approved the project will begin in February of 2021 and be completed by August of 2021.

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so, what type?

We have already received a tax abatement for this project. If needed we would forgo the abatement approval for our TIF funding requested to be approved in full.

12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.*)

For funding on this project we can up front all current costs if approved for TIF funding, this will be done with the help of our current banking partners. This allow us to be reimbursed by the TIF at anytime between approval and completion of the project.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.

The total amount requested for this project is \$197,700. This total includes the items listed below and broken out between demolition, sidewalk repair, infrastructure needs, fire suppression and ADA compliance. These are all needs that either currently fit into the TIF guidelines or are expenses that are both unique to downtown while also serving a public need. By bringing a building such as 420 Central Ave. up to code and taking a building with many infrastructure needs and improving those we will be both eliminating blight and creating a safer downtown district. The total ask is approximately 10% of the total budget and with the value of the building increasing from under \$300,000 in taxable valuation to over \$1,000,000 this will be a great financial investment for the City of Great Falls.

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements (Itemized)

| | | |
|--------------------------------------|----------------------|---------------------|
| 1. <u>Building Cost</u> | \$ <u>224,785.20</u> | |
| 2. <u>Demolition Cost</u> | \$ <u>16,500</u> | |
| 3. <u>Sidewalk Repair/Protection</u> | \$ <u>9,100</u> | |
| 4. _____ | \$ _____ | |
| 5. _____ | \$ _____ | |
| Subtotal | | \$250,385.20 |

Construction/Rehabilitation Costs (Use general construction trade divisions)

(Total value of improvements)

| | | |
|--------------------------------------|-------------------|--------------------|
| 1. <u>Façade Repair</u> | \$ <u>70,000</u> | |
| 2. <u>Fire Suppression</u> | \$ <u>29,300</u> | |
| 3. <u>Structural Repair</u> | \$ <u>37,800</u> | |
| 4. <u>Roof- Structural Repair</u> | \$ <u>25,000</u> | |
| 5. <u>ADA Compliance</u> | \$ <u>20,000</u> | |
| 6. <u>General Construction</u> | \$ <u>696,430</u> | |
| 7. <u>Drawings & Design</u> | \$ <u>74,429</u> | |
| 8. <u>Code Required Roof Upgrade</u> | \$ <u>50,000</u> | |
| Subtotal | | \$1,002,959 |

Equipment Costs

(Total value of equipment)

| | | |
|------------------------------|-------------------|------------------|
| 1. <u>Furniture</u> | \$ <u>50,000</u> | |
| 2. <u>Audio / Production</u> | \$ <u>200,000</u> | |
| 3. <u>Music/Backline</u> | \$ <u>5,000</u> | |
| 4. <u>Software</u> | \$ <u>15,000</u> | |
| 5. _____ | \$ _____ | |
| Subtotal | | \$270,000 |

Total Project Development Costs **\$1,508,344.20**

ELIGIBLE TIF ACTIVITIES

Land Acquisition

| | Total | Amount Requested from TIF | Timing for Funds |
|----|-------|------------------------------|---------------------|
| 1. | _____ | _____ | _____ |

Demolition & Removal of Structures

| | | | |
|-----------------|-------------------------------------|-----------------|-----------------|
| 1. | <u>Demolition/Removal of Blight</u> | <u>\$16,500</u> | <u>8/1/2021</u> |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| Subtotal | _____ | _____ | _____ |

Relocation of Occupants

| | | | |
|----|-------|-------|-------|
| 1. | _____ | _____ | _____ |
|----|-------|-------|-------|

Public Improvements

(acquisitions, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, etc.)

| | | | |
|-----------------|--|-------------------------|------------------------|
| 1. | <u>Curb/Sidewalk Repair</u> | <u>\$6,000</u> | <u>8/1/2021</u> |
| 2. | <u>Temporary Sidewalk</u> | <u>\$3,100</u> | <u>8/1/2021</u> |
| 3. | <u>Fire Suppression Installation</u> | <u>\$29,300</u> | <u>8/1/2021</u> |
| 4. | <u>Structural Repair</u> | <u>\$62,800</u> | <u>8/1/2021</u> |
| 5. | <u>ADA Compliance</u> | <u>\$20,000</u> | <u>8/1/2021</u> |
| 6. | <u>Roof Repair – New Code Requirements</u> | <u>\$50,000</u> | <u>8/1/2021</u> |
| Subtotal | _____ | <u>\$171,200</u> | <u>8/1/2021</u> |

Fees (associated with eligible activities)

| | | | |
|----|---|-----------------|-----------------|
| 1. | <u>Drawings & Design (\$74,429)</u> | <u>\$10,000</u> | <u>8/1/2021</u> |
| 2 | _____ | _____ | _____ |

CERTIFICATION

I (we), Andy Ferrin (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature Andy Ferrin

Title Partner

Address 420 Central Ave.

Date 2/10/2021

Signature _____

Title _____

Address _____

Date _____



CITY OF GREAT FALLS APPLICATION AND PROCESS FOR TAX INCREMENT FINANCING FUNDS

IMPORTANT: The material included below outlines the Tax Increment Financing application process and the responsibilities of the Applicant and the City of Great Falls. The Planning and Community Development Department is charged with processing all applications and accomplishing the plans established with creation of each district. Private projects requesting Tax Increment financial assistance will be evaluated by the Great Falls Planning Advisory Board. The Board will prepare a recommendation to the City Commission concerning each individual request using the criteria outlined in this document. Please review this information carefully before submitting the application forms or finalizing your development plans.

Failure to receive approval of a completed application BEFORE construction begins may affect the Applicant's eligibility for Tax Increment Financing assistance from the City of Great Falls.

INTRODUCTION

The City of Great Falls is responsible for administering the urban renewal program in Great Falls, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 parts 42 and 43, Montana Code Annotated). Tax Increment Financing (TIF) is an important element of the program as it provides the City with a means to finance urban renewal, industrial, technology or aerospace activities. The TIF program operates by first establishing a base year taxable value for all properties within the appropriate district. All increases in property taxes in the district above this base valuation, due to new development or reappraisals, are assigned to the City to be used to finance eligible activities within the district.

The City has adopted five TIF districts:

Central Montana Agri-Tech Park

Boundaries Amended – May 7, 2013 (Ord. 3106)
 Boundaries Amended – December 4, 2007 (Ord. 2996)
 Original Adoption Date – May 17, 2005 (Ord. 2911)
 Base Year – January 1, 2005

West Bank Urban Renewal District

Adopted – March 20, 2007 (Ord. 2967)
 Base Year – January 1, 2007

Great Falls International Airport Tax Increment Industrial District

Boundaries Amended - September 1, 2009 (Ord. 3043)

Original Adoption Date – November 5, 2008 (Ord. 3022) and boundaries were amended

Base Year – January 1, 2008

Downtown Urban Renewal District

Adopted – May 15, 2012 (Ord. 3088)

Base Year – January 1, 2012

East Industrial Park Tax Increment Financing District

Adopted – May 7, 2013 (Ord. 3105)

Base year: January 1, 2013

Applicants for TIF assistance are subject to program eligibility analysis and project review criteria listed below. In addition, project applications will be accepted and processed in the order in which they are received and approved based on the availability of funds in consideration of goals of the plan for the appropriate district.

ELIGIBLE TIF ACTIVITIES

7-15-4288, M.C.A defines how tax increments can be used by the municipality to pay costs of or incurred in connection with an urban renewal project, industrial infrastructure development project, technology infrastructure development project or aerospace transportation and technology infrastructure development project and includes:

1. Land acquisition, including acquisition of infrastructure-deficient areas and assemblage of land for development by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at fair value.
2. Demolition and removal of structures.
3. Relocation of occupants.
4. Public improvements such as the acquisition, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, waterlines, waterways, sewage and water treatment facilities, natural gas lines, electrical lines, telecommunication lines, rail lines, rail spurs, bridges, publicly owned buildings and other public improvements.
5. Costs incurred in the exercise of urban renewal powers allowed under 7-15-4233, M.C.A.

APPLICATION PROCESS

Applicants seeking TIF assistance from the City must submit a written application for each TIF-assisted project.

The following procedure has been developed to allow for a thorough and public review of TIF funding requests.

1. Initial Contact. Contact the Planning and Community Development Department, Room 112 in the Civic Center, to discuss the project and determine eligibility for TIF assistance.
2. Prepare a Written Application. The Applicant must submit a complete written application for each funding request. Additional information may be required of Applicants by staff when deemed necessary for the evaluation process. City of Great Falls initiated and administered projects are required to complete an application. (City projects should complete the following sections of the application—Application for Funds, Eligible Activities and the Certification Page.)
3. Staff Review. Upon submittal of all necessary information, a staff group consisting of Fiscal Services, Planning and Community Development, Park & Recreation, and Public Works department heads and the Deputy City Manager will review the merits of the project and the need for funding. The Planning and Community Development Department staff will prepare a staff report and recommendation for the Planning Advisory Board and/or Downtown Development Partnership.
4. Advisory Board. The staff recommendation will be considered by the Planning Advisory Board or Downtown Development Partnership. The Downtown Development Partnership will consider all applications submitted for the Downtown Urban Renewal District, the Planning Advisory Board will consider all other TIF applications. The advisory boards, will in turn prepare a recommendation to the City Commission for final approval. At any point in the review process the staff, the Planning Advisory Board, Downtown Development Partnership or the City Commission may request more information of the Applicant or solicit comments on the project from other public agencies.
5. City Commission Review and Approval. The City Commission will review the project, will consider the recommendation from the Planning Advisory Board and/or Downtown Development Partnership will approve or reject the funding request or any part thereof along with any special terms of TIF assistance.
6. Development Agreement. If TIF assistance is approved, the City and the Applicant must execute a legally binding Development Agreement which establishes the terms and conditions of the TIF assistance. Among the terms and conditions, the Agreement shall specify the schedule for the start and completion of the project, may require the Applicant to guarantee repayment of TIF assistance

if the terms of the Agreement are violated by the Applicant and may require an agreement for payment of an annual tax deficiency fee pursuant to §7-15-4294, MCA. The Development Agreement shall also specify whether the Applicant or City will be responsible for bidding or obtaining cost estimates and selecting contractors for funded activities. If receiving TIF dollars, the applicant is required to follow requirements for public construction contracts as pertains to payment and performance bonding and standard prevailing rate of wages. The Development Agreement must be approved by the City Commission. Projects initiated and/or administered by the City of Great Falls are not required to complete a Development Agreement.

IMPORTANT NOTE: Costs to be paid with TIF monies may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the appropriate district plan. To measure the public benefit derived from the project, the City evaluates projects based on the following criteria. Each district development is judged on its own merit; therefore, no weight is given to any of the criteria. The City Commission may establish additional criteria per district that would provide specific funding priorities.

1. Public Infrastructure Improvements – Public infrastructure improvements have the benefit of improving and impacting an entire district. Each district may have its own Capital Improvement Plan, which may include things such as roadway improvements, storm drains, sewer and water lines, railroads, etc.
2. Economic Stimulus – The amount of economic activity to be generated within the district through the development is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of participation in any one development is 10% of the construction/rehabilitation costs, exclusive of acquisition cost. Development projects clearly demonstrating extraordinary benefit to districts or the community may, at the discretion of the City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project’s economic stimulus in the district and the community.
3. Tax Generation – The increase in taxable value due to new district development, including construction/rehabilitation, as estimated by the County Assessor’s office to determine tax increment generation.
4. Employment Generation – Total employment generated by the district development as assessed in terms of new permanent and part-time jobs, and

construction jobs.

5. Elimination of Blight (applies to Urban Renewal Districts) – The development’s direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the appropriate district plan.
6. Special or Unique Opportunities – The extent to which the district’s development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provision of an unmet community need is an example of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the development’s project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the Applicant. Lender participation, industrial development revenue bonds, and state and federal grant monies, for example, are examined to assess the need for TIF assistance.
9. Development’s Feasibility – A determination of feasibility is made based on the strength of the Applicant’s demonstration of market demand for the development in the district as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the Applicant’s capability to undertake the relative complexities of the development based on past performance on similar projects.
11. Timely Completion – The feasibility of completing the development according to the Applicant’s development schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.

CITY OF GREAT FALLS



TAX INCREMENT FINANCING (TIF)

APPLICATION FOR FUNDS



Downtown Development Partnership of Great Falls, Inc.
 #318 Central Avenue, Great Falls, MT 59401
 406-727-5430

March 24, 2021

The Downtown Development Partnership of Great Falls supports the TIF Application submitted by STSA Partners of 420 Central Ave, as presented, in its entirety.

We support the use of TIF funds for items such as public safety which includes fire suppression and ADA compliance. We believe this use of TIF funds could prove to be a valuable tool to assist with development in Downtown Great Falls. We encourage the City Commission to support these uses of TIF funds, as other Montana communities have done before us.

The Downtown Development Partnership is a public/private partnership formed as a non-profit 501 (c) 3 corporation. We were created with the endorsement of the Great Falls City Commission to bring the community together to revitalize downtown Great Falls by supporting implementation of the City's Downtown Master Plan. The Partnership includes the Great Falls Business Improvement District, Downtown Great Falls Association, Downtown Neighborhood Council, NeighborWorks Great Falls, Great Falls Development Authority, Parking Commission, Great Falls Farmers Market, Great Falls Public Schools, City of Great Falls, Cascade County, Great Falls Area Chamber of Commerce and many other community organizations, residents, businesses that support downtown revitalization.

We thank the City Commission for your consideration of STSA Partners TIF application and urge that you approve the application, as submitted, in its entirety.

Sincerely,

Joan Redeen

Joan Redeen, DDP Secretary
 Community Director
 Great Falls Business Improvement District



Commission Meeting Date: April 20, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Set a public hearing for Resolution 10399, a Great Falls International Airport Tax Increment Financing Funding Application

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

Initiated By: Great Falls Airport Authority

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

Action Requested: City Commission set a public hearing for May 18, 2021 to consider Resolution 10399

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for May 18, 2021 to consider Resolution 10399, Approving an Industrial Development Project proposed by the Great Falls International Airport Authority within the Great Falls International Airport District; approving the application for use of tax increment revenues and tax increment revenue bonds to pay, reimburse or finance the costs of associated infrastructure improvements, making a reimbursement declaration and approving the associated Development Agreement.”

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

Staff Recommendation: Staff recommends setting the public hearing for May 18, 2021. Staff also recommends approval of the proposed TIF funding request based on the findings of the required criteria. The Planning Advisory Board recommended approval of the TIF request at its meeting held on February 23, 2021.

Background: Tax increment financing (TIF) is a mechanism that allows communities to use new tax dollars resulting from increasing taxable value for reinvestment within the geographic area in which they are derived for a period of 15 years, or up to 40 years if the incremental taxes are pledged to the repayment of a bond. The City of Great Falls currently has five TIF districts.

Prior to 1989, tax increments could only be used for rehabilitation efforts within urban renewal areas, but Montana legislature amended the Montana Urban Renewal Law to enable municipalities to create industrial TIF districts to assist in the development and retention of secondary, value-adding industries. Since then, Montana has defined “secondary, value-adding industries” as those industries that transform raw resources into processed substances from which industrial or consumer products may be manufactured.

In 2013, the State created Targeted Economic Development Districts (TEDDs), and replaced the previously allowed industrial TIF districts. While new Tax Increment Financing Industrial Districts cannot be created any longer, existing TIFIDs may continue their existence until they sunset. Montana Code Annotated no longer addresses TIFID criteria, but the districts that still exist are required to follow the original criteria and regulations, rather than taking on their newer counterparts' (TEDDs) more flexible standards.

The Great Falls International Airport Tax Increment Financing Industrial District Plan (GFIA TIFID) was adopted by the Great Falls City Commission on November 5, 2008. The boundaries were amended on September 1, 2009. The GFIA TIFID encompasses property surrounding the airport, as depicted in the attached map. The purpose of creating the GFIA TIFID was to meet the needs and interests of GFIA which included fostering the development of secondary, value adding industries in the City of Great Falls as part of its overall mission to promote aviation related economic development, to improve area employment opportunities, and expand the tax base.

Summary: The applicant, the Great Falls International Airport Authority, is seeking TIF funds to begin development of a 300-acre area west of the Cascade County Detention Center, north of the I-15 corridor and south of the Ulm North Frontage Road. The area is owned by the Airport and was identified in the Airport Authority Master Plan Update for aviation commercial development. TIF funds are being requested to support construction of the following infrastructure improvements:

1. Water service lines
2. Sewer service lines
3. Storm sewer improvements, including a new detention pond
4. Electric/data service lines
5. Two roadway access points into the site and a circulation road that would both support the proposed development and open up additional area for future development

The infrastructure improvements will be constructed on land that is currently owned, and will continue to be owned, by the Airport. The infrastructure improvements will be constructed to support a phased industrial development project consisting of industrial condo spaces. They will be large metal buildings subdivided into condominium bay spaces that will be marketed and leased or sold to businesses and individuals. The buildings will be capable of accommodating businesses looking for anywhere between 1,250 square foot bays to an entire 30,000 square foot building. The first phase of development will include construction of the infrastructure improvements as well as construction of a single building containing 3-8 full drive-through bays, which could be further divided into 6-16 half-bays. At this point, one building tenant is known and would utilize two of the building bays. This tenant is Falls Truck Wash. This would be a drive-through wash facility catering to: 1) trucks entering Canada that are required to be washed prior to entry into the country, and 2) trucks carrying crops, food products, and livestock that must be washed between loads to avoid contamination. Remaining owners/tenants will be dependent on market demand, with the Airport estimating that there is enough market demand to construct three buildings for industrial users over the next ten years.

The applicant plans to start construction of the infrastructure improvements in the spring of this year. This will require an investment of \$973,028 prior to building construction. The applicant is seeking \$110,000 of available funds from the GFIA TIFID to reimburse eligible infrastructure improvement design (\$70,000) and construction (\$40,000). Additionally, the applicant has requested that the City bond against current and future TIF increment revenue to reimburse the Airport for an additional \$652,780 of eligible

construction costs. This creates a total request of \$762,780 for TIF funding. The overall investment in the project over a 20-year development period, including the GFIA TIFID contribution, is estimated to be \$12,626,667.

Review Criteria:

Preliminary Findings

After thorough review and evaluation of the Project as represented by the applicant's written proposal, City staff has determined:

- No persons will be displaced from their housing by the Project or the infrastructure improvements.
- The Project and the infrastructure improvements substantially satisfy the review criteria of the funding application process and meet the purpose and goals of the State Law, the GFIA TIFID and Plan.
- If the applicant is able to follow through on leasing/selling buildings to value-added manufacturing users, the Project would constitute an industrial infrastructure development project in accordance with the Act.
- The infrastructure improvements constitute infrastructure improvements for the purpose of encouraging the growth and retention of secondary, value-adding industries in accordance with the Act.
- A sound and adequate financial program exists for the financing of the infrastructure improvements.

Montana Code Annotated (MCA) TIF Regulations

The creation and administration of TIF districts are governed by State Law. According to Montana Code Annotated (MCA) Section 7-15-4298 (2013), provides as follows:

- (1) infrastructure-deficient areas exist in the municipalities of the state and constitute a serious impediment to the development of infrastructure-intensive, secondary, value-adding economic development in Montana;
- (2) municipalities lack sufficient capital to rectify the infrastructure shortage in infrastructure-deficient areas, thus impeding the ability of municipalities to achieve economic growth through the development of secondary, value-adding industries;
- (3) the creation of industrial infrastructure is a matter of state policy and state concern because the state and its municipalities will continue to suffer economic dislocation due to the lack of secondary, value-adding industries; and
- (4) the state's tax increment financing laws should be used to encourage the creation of areas in which needed industrial infrastructure for secondary, value-adding industries could be developed.

MCA Section 7-15-4288 (2013), provides that tax increment with respect to industrial development districts can only be used for the following purposes: The tax increment may be used by the local government to pay for the following costs of or incurred in connection with an industrial infrastructure development project:

1. land acquisition;
2. demolition and removal of structures;
3. relocation of occupants;

4. the acquisition construction, and improvement of infrastructure and industrial infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunication lines, rail lines, rail spurs, bridges, spaceports for reusable launch vehicles with associated runways and launch, recovery, fuel manufacturing, and cargo holding facilities, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;
5. costs incurred in connection with the redevelopment activities allowed under 7-15-4233;
6. acquisition of infrastructure-deficient areas or portions of areas;
7. administrative costs associated with the management of the industrial district;
8. assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;
9. the compilation and analysis of pertinent information required to adequately determine the needs of the infrastructure needs of secondary, value-adding industries in the industrial district;
10. the connection of the industrial district to existing infrastructure outside the area or district;
11. the provision of direct assistance, through industrial infrastructure development projects, to secondary value-adding industries to assist in meeting their infrastructure and land needs within the district; and
12. the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

City of Great Falls TIF Review Criteria

In order for the City Commission to approve any TIF funding request, the request must also meet the criteria recommended in the GFIA TIFID Plan, as well as be eligible for TIF participation in accordance with MCA guidelines noted in this report. To aid in this determination, the City of Great Falls' Tax Increment Application Process established twelve specific criteria to assess the merits of projects against the Plan. Those criteria are:

- 1) Public Infrastructure Improvements – Public infrastructure improvements have the benefit of improving and impacting an entire district. Each district may have its own Capital Improvement Plan, which may include things such as roadway improvements, storm drains, sewer and waterlines, railroads, etc.

Staff Analysis – Staff finds that the proposed improvements will benefit and positively impact the GFIA TIFID. There is a lack of any storm water infrastructure near the site. While there is a water main and sewer main near the site along the north side of Ulm Frontage Road North, the 300 acres has no driveway approaches or utility service lines. By funding these infrastructure improvements, the City will not only support the applicant's current development request but lay the foundation for future development of the southwest area of the Airport's property. No infrastructure will be turned over to the City of Great Falls, but the infrastructure will still be owned by a public entity – the Airport.

- 2) Economic Stimulus – The amount of economic activity to be generated within a district through the development is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of any one development is 10% of the

construction/rehabilitation costs, exclusive of acquisition costs. Projects demonstrating extraordinary benefit to Districts or the community may, at the discretion of City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project's economic stimulus in the District and the community.

Staff Analysis – The applicant's request is under the 10% threshold outlined in this criteria. The construction of new infrastructure will provide support for not only the proposed industrial development, but for any future projects as well. As a result, businesses and individuals will see increasingly feasible development costs. This will jump-start even more interest and attraction to the currently vacant property.

- 3) Tax Generation – The increase in taxable value due to the new district development, including construction/rehabilitation, as estimated by the County Assessor's office to determine tax increment generation.

Staff Analysis – The Great Falls International Airport is a property tax exempt entity, but the potential of the buildings to be leased or owned by other entities does create the potential for increased assessed valuation. With the improvement of public infrastructure, future development within the GFIA TIFID will continue to become more feasible and potentially create additional assessed property tax and beneficial use tax valuation for the GFIA TIFID.

- 4) Employment Generation – Total employment generated by the district development is assessed in terms of permanent and part-time jobs, and construction jobs.

Staff Analysis – The Airport Authority has estimated that twelve construction jobs will be created with the Project. Additional permanent and part-time jobs will be created with new development; each tenant within the proposed buildings will create new employment opportunities.

- 5) Elimination of Blight – The development's direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the appropriate district plan.

Staff Analysis – The purpose of an Industrial TIF district is to attract and retain secondary-value adding, manufacturing industries through the development of industrial infrastructure. The applicant's proposal to add utility service lines, electric and fiber infrastructure, storm water detention, and access driveways will fulfill the objectives of the TIF district to providing supporting infrastructure to encourage industrial development.

- 6) Special or Unique Opportunities – The extent to which the district's development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provisions of an unmet community need is an example of special or unique opportunities.

Staff Analysis – The GFIA TIFID provides many unique challenges and opportunities. Because of the proximity to active runways, commercial development can be difficult, thus it is an ideal area for industrial users. Such users could naturally benefit from the proximity to I-15, the Canadian border, and the FedEx hub. The development will also give necessary access to air freight and related opportunities that other properties cannot provide. The applicant is modeling the project on similar industrial developments near airports in the Rocky Mountain region; for instance, one that is underway in Bozeman near its airport.

That project has been successful in attracting manufacturers, fabricators and other industrial users. While the applicant's first truck wash user is not a manufacturing business, the applicant asserts that the Project represents an opportunity to eventually attract secondary, value-adding industries given the overall nature of the Project and the infrastructure improvements.

- 7) Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the developer's project design, and impact on existing businesses or residents.

Staff Analysis – Part of the uniqueness of this proposal is that the area is almost entirely vacant, with the exception of the Cascade County Detention Center located to the east of the subject site. The proposed industrial bays would only have positive impacts on the area, attracting more businesses and development through increased public infrastructure access. Any potential environmental impact will be mitigated through adherence to local, state and federal regulations.

- 8) Financial Assistance – Other forms of financing available to the Applicant, Lender participation, industrial development revenue bonds, and state and federal grant monies, for example are examined to assess the need for TIF assistance.

Staff Analysis – The Airport Authority will not be asking for any tax abatements, grants, tax credits, or other financial assistance. The cost of the Project will be funded by the Airport and its private investment partner.

- 9) Development's Feasibility – A determination of feasibility is made on the strength of the Applicant's demonstration of market demand for the development in the district and is contained primarily on the pro forma and financing commitments.

Staff Analysis – As noted earlier in the agenda report, the Authority has indicated that a truck wash will occupy two bays within the first building. The Authority also anticipates that there will be enough market demand for three buildings within the first ten years. The applicant has represented that it will actively seek secondary, value-adding industries as tenants/owners of the various building bays. This is based on the applicant's confidence that the Authority will achieve similar success as is occurring in Bozeman as well as other communities that have been studied. The draft Development Agreement included with the agenda report outlines the Airport's burden to market the site and attract such users as a requirement for TIF funding.

- 10) Developer Ability to Perform – An assessment of the Applicant's capability to undertake the relative complexities of the development based on past performance on similar projects.

Staff Analysis – The Airport regularly completes several million dollars of capital projects each year based on facility master plan needs. The Airport also received funding approval and recently executed a TIF funded project in 2018 involving infrastructure construction to support its Southwest General Aviation Complex.

- 11) Timely Compensation – The feasibility of completing the development according to the Applicant's development schedule.

Staff Analysis – Staff believes that the applicant will be able to meet the development schedule as noted within the application. The Airport Authority plans to commence development of infrastructure in Spring

2021 and Phase I building construction in Summer 2021. Dick Anderson Construction has already been retained as the project contractor and a possible investor in the project.

- 12) Payment of Taxes – All property taxes, special improvement district assessments and other assessments on the project property must be paid to date.

Staff Analysis – There are currently no outstanding tax issues within the district.

Fiscal Impact: Since so much of the property in the GFIA TIFID is tax exempt, the balance of funds in the GFIA TIFID is relatively low – approximately \$118,000. The applicant is requesting the vast majority of this balance - \$110,000 to be reimbursed for infrastructure design costs and a small amount of the construction costs. City TIF districts receive increment payments twice each year. With the pending development of Love’s Travel Stop & Country Store, there will be additional increment created in the GFIA TIFID. With this noted, the GFIA TIFID is nearing its sunset year of 2023. Because of the impending sunset of the TIF and relatively low balance, the applicant has requested that the City extend the life of the GFIA TIFID and incur debt to bond for the remaining public improvement costs. The bonding evaluation process has not yet occurred, but would be thoroughly vetted through the City Commission.

Alternatives: The City Commission could choose not to set the public hearing for this item. This would prevent the TIF request from being considered through a public hearing process.

Concurrences: The Applicant’s request for TIF funding has been reviewed by the City’s Finance and Legal Departments, as well as the City’s Manager’s Office. The City’s outside legal counsel firm Dorsey & Whitney LLP has worked extensively with City staff on reviewing the Project’s eligibility for TIF funding as well as the Development Agreement.

Attachments/Exhibits:

Resolution 10399

TIF Application

Airport TIF Development Agreement

Airport TIF Plan – Ordinance 3022

Location Map

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. 10399 entitled: "RESOLUTION APPROVING AN INDUSTRIAL DEVELOPMENT PROJECT IN THE GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT; APPROVING THE USE OF TAX INCREMENT REVENUES AND TAX INCREMENT REVENUE BONDS TO PAY, REIMBURSE OR FINANCE COSTS OF ASSOCIATED INFRASTRUCTURE IMPROVEMENTS; AND MAKING A REIMBURSEMENT DECLARATION WITH RESPECT THERETO" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on May 18, 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: _____

_____; voted against the same: _____
_____; abstained from voting thereon: _____
_____; or were absent: _____.

WITNESS my hand and seal officially this ____ day of _____, 2021.

City Clerk

RESOLUTION NO. 10399

RESOLUTION APPROVING AN INDUSTRIAL
DEVELOPMENT PROJECT IN THE GREAT FALLS
INTERNATIONAL AIRPORT TAX INCREMENT FINANCING
INDUSTRIAL DISTRICT; APPROVING THE USE OF TAX
INCREMENT REVENUES AND TAX INCREMENT
REVENUE BONDS TO PAY, REIMBURSE OR FINANCE
COSTS OF ASSOCIATED INFRASTRUCTURE
IMPROVEMENTS; AND MAKING A REIMBURSEMENT
DECLARATION WITH RESPECT THERETO

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

Section 1. Recitals.

1.01. Under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), an industrial district may be established so that a municipality may undertake industrial infrastructure projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, issue its bonds to pay the costs of such projects, and pledge to the repayment of the bonds all or a portion of the tax increment derived from such district.

1.02. The Commission, pursuant to Ordinance No. 3022, duly adopted on November 5, 2008, and revised by Ordinance No. 3043, duly adopted on September 1, 2009 (as such may be further amended and supplemented, (the “Ordinance”), created an industrial district known as the Great Falls International Airport Tax Increment Financing Industrial District (the “District”) and adopted the Great Falls International Airport Tax Increment Financing Industrial District Plan (the “Plan”) containing a tax increment financing provision. As set forth in the Plan, the purpose of the District is to attract, grow and retain secondary, value-adding industries and the City has identified numerous infrastructure improvements necessary in order to further the objectives of the City and the Authority with respect to the development of the District.

1.03. The Great Falls International Airport Authority, a regional airport authority created by the City and Cascade County, Montana (the “Authority”), proposes to undertake a multi-year, multi-phase development project on a 300-acre site in the District located at 4201 Ulm North Frontage Road Great Falls, Montana 59404, which shall consist of the construction of large metal warehouse buildings to be initially owned by the Airport and a private investment partner and which will be subdivided into smaller bays, converted into condominium units and leased and/or sold primarily to third parties engaged in secondary, value-adding industries in furtherance of the purposes of the District as set forth in the Plan (the “Project”). The first phase of the Project will consist of the construction of a single Warehouse Building.

1.04. The Authority submitted a City of Great Falls Tax Increment Financing (TIF) Application for Funds dated February 12, 2021 for tax increment financing assistance with respect to certain qualified improvements associated with the Project, consisting of design and

construction of electric/data service lines, water lines, sewer lines, storm sewer improvements, and roadway approaches (the “Infrastructure Improvements”), at an estimated cost of \$762,510.

1.05. The City’s Fiscal Services, Planning, Community Development, Park and Recreation and Public Works department heads and the Assistant City Manager (the “City Staff”) have jointly reviewed and evaluated the Project and the Infrastructure Improvements and made a report and recommendation (the “City Staff Report”) to the effect that the Project and the Infrastructure Improvements would be beneficial to the public and would result in the rehabilitation and redevelopment of the District, that the Infrastructure Improvements are eligible for tax increment financing in accordance with the Act and the purpose and goals of the District and the Plan, and that the City enter into a development agreement with the Authority with respect to the Project and the Infrastructure Improvements substantially in the form attached hereto as Exhibit A (the “Development Agreement”).

1.06. On February 23, 2021, the City Planning Board (the “Planning Board”) received, reviewed and considered the City Staff Report, as well as information from a representative of the Developer and has made recommendation to the Commission to the effect that Project conforms to the City’s comprehensive plan and the City’s Growth Policy adopted in accordance with Title 76, Chapter 1, and that the Project and Infrastructure Improvements should be approved as an industrial development project and that tax increment revenues of the District be used to finance the Infrastructure Improvements.

Section 2. Findings. Based on the foregoing representations and subject to the public hearing called for herein, the Commission hereby finds, with respect to the Project (including the Infrastructure Improvements), as follows:

- (a) no persons will be displaced from their housing by the Project (including the Infrastructure Improvements);
- (b) the Plan and the Project (including the Infrastructure Improvements) conform to the City’s growth policy;
- (c) the Plan and the Project (including the Infrastructure Improvements) will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment in the District by private enterprise; and
- (d) taking into account the use of tax increment revenues and the proceeds of tax increment revenue bonds, there is a sound and adequate financial program for the payment, reimbursement and financing by the City of the costs of the Infrastructure Improvements; and
- (e) the Project (including the Infrastructure Improvements) constitutes an industrial development project within the meaning of the Act and the Plan.

Section 3. Approval of the Project as an Industrial Development Project. The Commission hereby approves the Project as an industrial development project under the Act and the Plan. The Project, including the Infrastructure Improvements, is contemplated by and within the scope of the Plan, and the Infrastructure Improvements are eligible for tax increment financing under the Act.

Section 4. Approval of Development Agreement. The Commission hereby approves the Development Agreement. The City Manager and City Clerk are hereby authorized to execute and deliver the Development Agreement, substantially in the form presented to the Commission, with such changes (including to the exhibits attached thereto) as may be approved by the City Manager, in consultation with Dorsey & Whitney LLP, as bond counsel, which approval shall be deemed made by the execution thereof. The execution of the Development Agreement shall be a condition precedent to the reimbursement of the Infrastructure Improvements.

The City intends to pay or reimburse the Authority for costs of the Infrastructure Improvements using tax increment revenues on hand and proceeds of tax increment revenue bonds to be issued by the City (the “Bonds”) in accordance with the terms and conditions set forth in the Development Agreement. The payment terms of any such Bonds (including principal amount, interest rates and maturity schedule) shall be reflected in a bond resolution to be approved and adopted by Council, and shall take into account the tax increment revenue of the District expected to be received by the City and available to pay debt service.

Section 5. Reimbursement Expenditures.

5.01. Regulations. The City may issue tax-exempt Bonds in one or more series (the “Bonds”) to finance all or a portion of the costs of the Infrastructure Improvements and pay costs associated with the financing. The United States Department of Treasury has promulgated regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the Authority for project expenditures paid by the Authority prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Infrastructure Improvements have been paid by the City before the date 60 days before the date of adoption of this Resolution.

5.03. Declaration of Intent. The City reasonably expects that it may reimburse the expenditures made for the Infrastructure Improvements out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$652,780 after the date of payment of all or a portion of the costs of the Infrastructure Improvements. All reimbursed expenditures shall be

capital expenditures, a cost of issuance of the bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

5.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the portion of the Infrastructure Improvements to be financed with the proceeds of Bonds, other than pursuant to the issuance of the Bonds. The statement of intent contained in this Resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.05. Reimbursement Allocations. The City's Finance Director shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Infrastructure Improvements. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Infrastructure Improvements and shall specifically identify the actual original expenditure being reimbursed.

Passed and adopted by the City Commission of the City of Great Falls, Montana, on this 18th day of May, 2021.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

EXHIBIT A
DEVELOPMENT AGREEMENT

CITY OF GREAT FALLS



**TAX INCREMENT FINANCING
(TIF)**

APPLICATION FOR FUNDS

CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS

Project Name: Airport Light Industrial Park Condominium Development
Date Submitted: _____
Name of TIF District: Great Falls International Airport Tax Increment Industrial District

APPLICANT INFORMATION

Name: Great Falls International Airport Authority
Address: 2800 Terminal Drive, Great Falls, MT 59404
Telephone: 406-727-3404

DEVELOPMENT INFORMATION

- 1. Building Address: 4201 Ulm N Frontage Rd Great Falls, Mt 59404
- 2. Legal Description: Geocode:02-3015-20-4-01-01-0000
Legal Description: S20, T20 N, R03 E, PARCEL 2 OF COS #5051 SEC 20, 29 & 30 MK 6A
- 3. Ownership: Airport -Owned

Address: 2800 Terminal Drive, Great Falls Montana 59404

- 4. If property is not owned by the Applicant, list leasehold interest: (*Attach evidentiary materials*).
Name: _____
Address: _____

- 5. Existing/Proposed Businesses: Mixed-use warehouse and logistics

Business Description: The Authority plans a joint-venture to construct metal warehouse buildings which would be subdivided and sold/leased to end users.

- 6. Employment: Existing FTE Jobs: 12 Airport employees

New Permanent FTE Jobs created by project: _____ Construction FTE jobs: 12

- 7. Architectural/Engineering Firm: JACOBS CH2M

Address: 9189 s Jamaica Street Englewood CO 80112

Representative: Christopher Dodge

8. Please provide a description of the Total Project Development.

TOTAL PROJECT DEVELOPMENT DESCRIPTION

The Site: The Airport Authority Master Plan Update identified 300-acres along I-15 in the southwestern portion of the airport for aviation compatible commercial development. This area has height restrictions associate with the end of Runway 35-17 and will have some noise impact due to its proximity to active runways. According to Federal Aviation Administration planning standards, this area can generally accommodate buildings of under 75 feet and uses that include most indoor commercial activities that are not noise sensitive (i.e., schools).

The subject site currently has no utility access and only casual farm access approaches via the existing Ulm North Frontage Road owned Montana Department of Transportation (“MDT”). TIF dollars are proposed to construct all utilities (water, sanitary sewer, stormwater control, electric and data). There is no City stormwater infrastructure anywhere near the site, so a stormwater pond would be constructed. Also, TIF funds are requested to construct two access points into the site from the Frontage Road and a circulation road between the entrances. MDT regulations require minimum separation of nearly a quarter mile between allowable entrance points. We anticipate the need for two entrances to allow circulation of large trucks and for life-safety access in the event of an accident in an intersection given the high-speed limit on the Frontage road. The new TIF funded circulation road would be extended in the future for development on vacant land to the west of the initial site and would become the primary roadway connecting developments along the large 100+ acre track located on the south side of the Frontage Road.

The Project: The Authority is currently seeking to develop large metal buildings that would be approximately 80 feet deep by 300 feet long. These buildings would be subdivided into smaller bays and sold or leased to businesses and individuals. Similar “industrial” condo developments exist in many cities; often near airports. The large free span metal buildings will accommodate businesses seeking a 1,250 square foot bay up to a whole 30,000 square foot building.

The development concept of condo industrial space capitalizes on economies of scale by combining multiple businesses into large open-concept buildings that seek to maximize the advantage of common infrastructure like roads, utilities, oil-water separators etc. A condo association will maintain common building elements like roofs, walls, truck corals, etc. Even the building materials of metal roofs and paneling is designed to minimize long-term costs for small businesses.

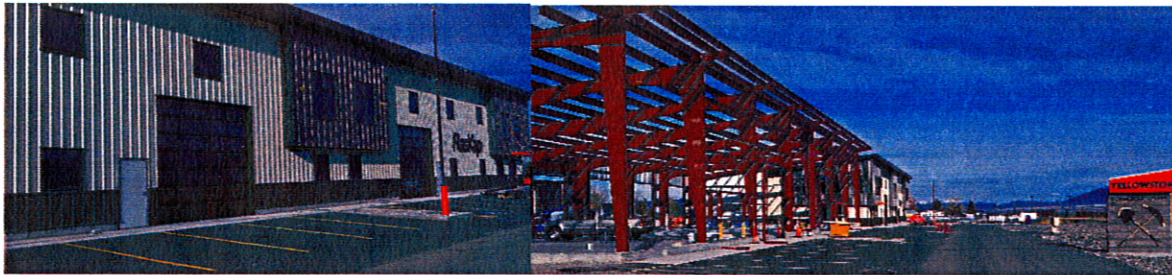
The goal of this development is to provide a new small space option in the Great Falls trade area for small industrial companies. Having researched the regional commercial real estate market, few options exist for small industrial shops. For example, a metal fabricator may not be able to locate in a wood framed garage due to fire risk and most available listings on the market are far too large and expensive for a single employee operation or even a company with several employees. Further, smaller businesses often don’t have the time or expertise to act as their own developer and locate small properly zoned land, design and permit a facility and oversee construction. This timeline can take years.

We believe that our location and open concept construction allows us to target several unique market niches in the region. Metal fabrication (i.e., welders, artists, tool and dye) will benefit from the building’s high bay open area and planned 440 power availability. Small assembly operations will benefit from proximity to both I-15, the Canadian border and Montana’s only FedEx hub. In today’s economy, many components are made overseas. Ultra-small manufacturing operations often source components from China via sites like Alibaba and often they sell their end product direct to consumers via eBay or even craigslist. These operations depend on access to air freight.

Our development concept is validated by an ongoing new development in Bozeman near their airport. The development currently consists of about a dozen 60 x 300-foot metal buildings. A number of industrial users have located in this development. The largest tenant, Flaskap, occupies an entire

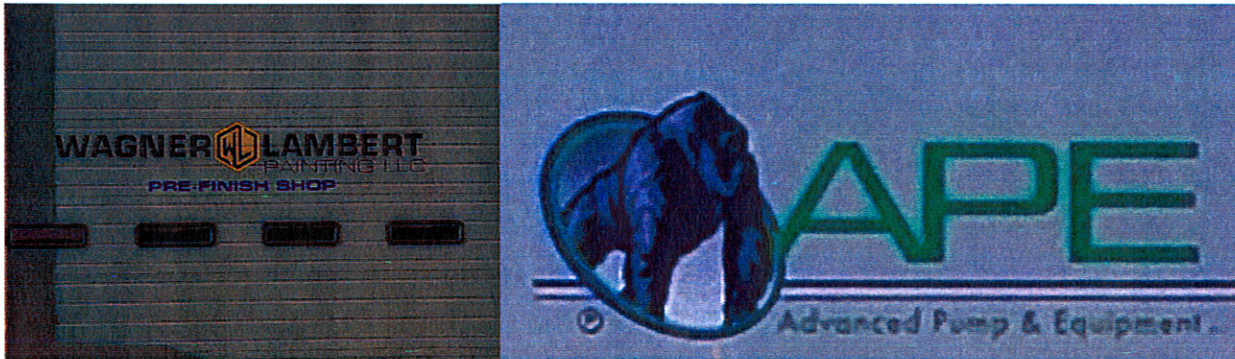
building and another half. They make liquor dispensing and measuring toppers for tumblers. A small company, this is their assembly location and corporate headquarters, taking advantage of airport proximity for both shipping product and receiving materials. The Bozeman development also houses:

- An industrial coating operation
- An industrial pump and controls shop that designs and builds sewer lift stations, dewatering systems, agricultural pump systems, etc.
- A building sign fabricator that makes aluminum frame lighted building signs using LED's (likely sourced from China and using air freight)
- A trench shoring and forms shop that will assemble and rent safety equipment for construction sites.
- Even a fruit produce distribution operation.



Flaskap

New Building Underway



Industrial coating booth

Pump and controls company

The flexibility and relative affordability of this development, particularly in the Montana market will be the key to finding tenants. Ideally, initial tenants will grow, buy a larger unit and be able to sell or lease their initial unit to another startup; thus, creating owner equity in their company. Overtime, there may be operations that can take advantage of the Foreign Trade Zone and US Customs availability at the Airport to lower the cost of their import or export operation. This development aims to allow local industry to capitalize on proximity to the existing logistics cluster that already exists at the airport exit which includes multi-modal transportation options, US Customs and multiple service providers catering to these industries (i.e., I-State Trucking, Fleet Maintenance).

Because the site for this project is so large, there really isn't a limit on the ultimate build out of this development other than market demand. The Authority anticipates that there will be enough demand for three buildings in the first ten years. At least initially, the first phase of development will be built speculatively before tenants have been identified. The first phase of development that is intended to begin in 2021 would consist of three to eight full drive-through bays (30 ft x 80 ft), which could be further divided into six to sixteen half-bays.

The Authority was approached by one tenant who wants to purchase the first double bay (30 ft x 80

ft). This tenant, Falls Truck Wash, plans to construct a truck wash. Currently, there isn't a public truck wash in Great Falls to serve our industrial users. As detailed in their attached project description, existing regulations require all trucks entering Canada to be washed prior to entry. In addition, all vehicles transporting agricultural crops, food products or livestock must be washed between loads to avoid contamination. Despite the active business in these trades in Great Falls, there is no drive-through wash facility.

Other types of development will likely take place on the remaining acreage over time. It is anticipated that future developments would tie into both the utilities and roadways that are proposed to be developed with the requested TIF funds.

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).

See Attached.

10. What is the development schedule or estimated completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

Infrastructure will begin in the spring of 2021
 Phase I building development will start in the summer of 2021
 (Full development in 20 years)

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief?

No

12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.*)

Roadway Approach and Utility Construction – Phase 1

The Airport plans to commence development of utilities, site preparation (grading, etc.) and roadway approaches off of the Frontage Road in Spring 2021 to meet the timeline of our current end user. The design process will identify how much of the utility and roadway infrastructure is should be developed in the first phase versus phasing the infrastructure for future buildings.

Current construction estimates indicate that infrastructure investments of \$973,028 need to be made prior to the development of a single industrial bay. Design and construction administration costs are estimated to be an additional 10% or \$97,000 (\$70,000 Infrastructure design plus \$27,000 truck circulation design). Significant water and sewer mains are located across the Frontage Road from this site; however, MDT has a "no cut" policy that will require directional boring to access the lines. In total, site utilities, including stormwater are estimated to cost over \$450,000. Access point construction and roadways are estimated to cost \$240,000 and truck circulation around the building will add another \$281,000. We anticipate the truck circulation costs may not be TIF eligible.

The Airport would like to use the funds that currently exist in the TIF District to reimburse early costs of the project such as design of infrastructure which we estimate to cost \$70,000; however, additional funds will be required for construction and the Authority would like to bond the annual TIF proceeds to provide the funding needed to complete the infrastructure improvements. If the TIF is approved, the Airport Authority would fund early construction costs and be reimbursed from Bond proceeds once they are available if necessary.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being

requested to be financed by the TIF District.

The airport is requesting to be reimbursed in the amount of \$110,000 from funds existing in the TIF account. We hope to issue bonds for an additional \$652,780 in infrastructure costs.

-2-

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements (Itemized)

| | | |
|--------------------------|----|---------|
| 1. Value of Land | \$ | |
| 2. Infrastructure Design | \$ | 70,000 |
| 3. Electrical Extension | \$ | 31,867 |
| 3. Gas Extensions | \$ | 30,120 |
| 4. Water Extension | \$ | 75,625 |
| 5. Sanitary Sewer | \$ | 76,100 |
| 6. Stormwater | \$ | 212,055 |
| 7. Data/communication | \$ | 26,600 |

Subtotal **\$522,367**

Construction/Rehabilitation Costs (Use general construction trade divisions)
(Total value of improvements)

| | | | |
|------------------------------------|----|-----------|----|
| 1. Roadways and Entrance Flatwork | \$ | 240,143 | |
| 2. Truck Circulation Pavement | \$ | 280,518 | |
| 3. Building #1 Phase I (3 units) | \$ | 900,000 | |
| 3. Building #1 Phase II (4 units) | \$ | 1,200,000 | |
| 4. Building #1 Phase III (6 units) | \$ | 1,800,000 | |
| 5. Building #2 | \$ | 4,000,000 | |
| 6. Building #3 | \$ | 4,000,000 | |
| 7. Truck Circulation Design | \$ | 27,000 | \$ |

Subtotal **\$ 12,447,661**

Equipment Costs N/A
(Total value of equipment)

| | | |
|----------|----|-------|
| 1. _____ | \$ | _____ |
| 2. _____ | \$ | _____ |
| 3. _____ | \$ | _____ |
| 4. _____ | \$ | _____ |
| 5. _____ | \$ | _____ |

Subtotal **\$ _____**

Total Project Development Costs

\$ 12,626,667

-3-

ELIGIBLE TIF ACTIVITIES

Land Acquisition

| | Total | Amount Requested from TIF | Timing for Funds |
|----|-------|------------------------------|---------------------|
| 1. | _____ | _____ | _____ |

Demolition & Removal of Structures

| | | | |
|-----------------|-------|-------|-------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| Subtotal | _____ | _____ | _____ |

Relocation of Occupants

| | | | |
|----|-------|-------|-------|
| 1. | _____ | _____ | _____ |
|----|-------|-------|-------|

Public Improvements

(acquisitions, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, etc.)

1. Electric
2. Waterlines
3. Sewer
4. Storm sewer improvements
5. Roadway approaches
6. Internal Streets

Subtotal \$692,780

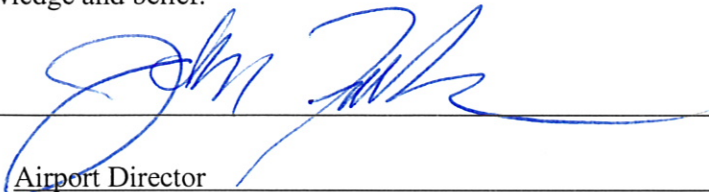
Fees (associated with eligible activities)

(A&E design/supervision, permits & other fees) \$70,000

- 1. Jacobs CH2M (A & E) **\$70,000**
- 2.
- 3.

CERTIFICATION

I (we), John Faulkner (please print),
certify that the statements and estimates within this Application as well as any and all documentation
submitted as attachments to this Application or under separate cover are true and correct to the best of
my (our) knowledge and belief.

Signature 

Title Airport Director

Address 2800 Terminal Drive, Great Falls, Mt 59404

Date 2/12/21

Signature _____

Title _____

Address _____

Date _____

Falls Truck Wash

Project Description

Project Definition: Falls Truck Wash will provide a fast-convenient place for truck drivers, construction equipment and large vehicle owners to wash their equipment. We will also provide service to all large and small vehicles.

- **Facilities:** Falls Truck Wash plans to construct a large-scale wash facility in a 30 ft x 80 ft metal building located in the Great Falls Airport Logistics Park. The constructed facility will need to meet all City and State requirements.
- **Falls Truck Wash Ownership**
Makenzie Rummel
Shane Rummel

Market Need: Logistics is one of the fastest growing segments in the World economy. Within our region, Great Falls is a particularly strategic logistics location as the first major city inside the Canadian Border and as home to Montana's only FedEx hub facility. Unlike many regions, not only does our area rely on logistics to supply our goods, our region is also a massive exporter of agricultural goods both live and crops. For all of these reasons, over-the-road transport is an important growth industry in our region.

Within our community, Gore Hill is a cross-road of the trucking industry. Exit 277 houses two major truck stops that pump 2 million gallons each and a third facility (“Love’s”) soon to start construction. I-State and Fleet Maintenance also operate large truck repair facilities at the Airport. One of United Material’s largest gravel pits is located off of Exit 277. In addition, a locally-owned independent trucking business is located here. Finally, both FedEx and UPS operate their air freight operations on opposite sides of I-15.

For the above reasons, Gore Hill is the community’s primary cluster of interstate commerce logistics and a significant amount of both domestic and international freight are patronizing this exit today. Currently no truck wash facility exists within Great Falls although a competing facility is currently in planning.

- **Regulatory Requirements:** We are happy to serve anyone who wants a clean vehicle, but in addition to latent demand for clean vehicles; there are strict regulatory requirements governing cleaning of transport vehicles. For example:
 - All international transport trucks must be washed prior to entering Canada. It is important for Great Falls to offer this service to ensure that export drivers and returning Canadian trucks can meet their regulatory requirement to engage in import/export services.

- Any produce carrying truck must be washed between switching types of produce. These are strict requirements to avoid cross contamination of food products.

- Livestock hauling trucks must be washed after hauling to meet state and federal sanitation guidelines.

- Many federal and state material requirements for asphalt and concrete have very tight specifications that require transport equipment to be washed between hauling construction material including gravels, concretes, etc.

For these reasons, truck washing is an important enabling service that needs to be available in the Great Falls community in order to meet regulatory requirements of our interstate commerce operators.

Truck washing services are vital to health and growth of both our interstate commerce and our import/export businesses servicing and located in this region. This need will grow as our regional commerce grows and becomes even more reliant on logistics and trucking to provide our goods and move our products to market.

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is dated as of May ____, 2021, between the CITY OF GREAT FALLS, a municipal corporation of the State of Montana (the “**City**”), and the GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY, a regional airport authority created by the City and Cascade County, Montana (the “**Authority**”) for the ownership and operation of the Great Falls International Airport (the “**Airport**”).

WITNESSETH:

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “**Act**”), an industrial district may be established so that a municipality may undertake industrial infrastructure projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, issue its bonds to pay the costs of such projects, and pledge to the repayment of the bonds all or a portion of the tax increment derived from such district; and

WHEREAS, the City Commission, pursuant to Ordinance No. 3022, duly adopted on November 5, 2008, and revised by Ordinance No. 3043, duly adopted on September 1, 2009 (as such may be further amended and supplemented, (the “**Ordinance**”), created an industrial district known as the Great Falls International Airport Tax Increment Financing Industrial District (the “**District**”) and adopted the Great Falls International Airport Tax Increment Financing Industrial District Plan (the “**Plan**”) containing a tax increment financing provision; and

WHEREAS, as set forth in the Plan, the purpose of the District is to attract, grow and retain secondary, value-adding industries and the City has identified numerous infrastructure improvements necessary in order to further the objectives of the City and the Authority with respect to the development of the District; and

WHEREAS, the Authority proposes to undertake a multi-year, multi-phase development project on a 300-acre site in the District located at 4201 Ulm North Frontage Road Great Falls, Montana 59404, which shall consist of the construction of large metal warehouse buildings (the “**Warehouse Buildings**”) to be initially owned by the Airport and a private investment partner and which will be subdivided into smaller bays (the “**Warehouse Bays**”), converted into condominium units and leased and/or sold primarily to third parties engaged in Secondary Industries (as defined herein) in furtherance of the purposes of the District as set forth in the Plan (the “**Project**”); and the first phase of the Project will consist of the construction of a single Warehouse Building for such purposes (the “**2021 Project**”).

WHEREAS, the Authority submitted a City of Great Falls Tax Increment Financing (TIF) Application for Funds dated February 12, 2021 (the “**Application**”) for tax increment financing assistance with respect to certain qualified improvements associated with the Project, consisting of design and construction of electric/data service lines, water lines, sewer lines, storm sewer improvements, and roadway approaches as further described on Exhibit A hereto (the “**Infrastructure Improvements**”); and

WHEREAS, the City has determined, based on representations of the Authority, that the Project and the Infrastructure Improvements constitute an industrial development project (as defined in the Act) under the Act and the Plan and that the Infrastructure Improvements are authorized by the Plan, and pursuant to Resolution No. 10399, duly adopted on May 18, 2021, the City is authorized to enter into this Agreement which sets forth the obligations of the City and the Authority with respect thereto.

NOW THEREFORE, the City and the Authority, each in consideration of the representations, covenants and agreements of the other, as set forth herein, mutually represent, covenant and agree as follows:

Section 1. Definitions; Rules of Interpretation; Exhibits.

1.1. Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context clearly requires otherwise, the following terms have the meanings assigned to them, respectively:

“**Act**” has the meaning given such term in the recitals.

“**Actual Taxable Value**” means the taxable value (as defined in the Act) of the Taxable Property as shown on or calculated from the assessment roll last equalized before the date of reference.

“**Agreement**” means this Agreement, including any amendment hereof or supplement hereto entered into in accordance with the provisions hereof.

“**Authority**” has the meaning given such term in the preamble.

“**Base Taxable Value**” means the Actual Taxable Value as of January 1, 2008, as such value is adjusted from time to time in accordance with the Act.

“**Bond Resolution**” means a resolution to be adopted by the Commission pursuant to which the Bonds shall be issued.

“**Bonds**” means the Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District) to be issued by the City pursuant to this Agreement and the Bond Resolution.

“**City**” means the City of Great Falls, Montana, or any successors to its functions under this Agreement.

“**Commission**” means the City Commission or any successor governing body of the City, however denominated by statute.

“**Department of Revenue**” means the State of Montana Department of Revenue.

“**District**” has the meaning given such term in the recitals.

“Environmental Laws and Regulations” means and includes the Federal Comprehensive Environmental Compensation Response and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §§ 9601 et seq.; the Federal Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.; the Clean Water Act, 33 U.S.C. § 1321 et seq.; and the Clean Air Act, 42 U.S.C. §§ 7401 et seq., all as the same may be from time to time amended, and any other federal, State, county, municipal, local, or other statute, code, law, ordinance, regulation, requirement, or rule which may relate to or deal with human health or the environment including without limitation all regulations promulgated by a regulatory body pursuant to any such statute, code, law, or ordinance.

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

“Incremental Taxable Value” means the amount, if any, by which the Actual Taxable Value, as of the date of reference, exceeds the Base Taxable Value.

“Indemnified Parties” has the meaning given such term in Section 6.1 hereof.

“Infrastructure Improvements” means those improvements in the District described on Exhibit A hereto.

“Land Use Regulations” means all federal, State and local laws, rules, regulations, ordinances and plans relating to or governing the development or use of the Project Site or the Project, including under the Act with respect to Secondary Industries.

“Ordinance” has the meaning given such term in the recitals.

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

“Plan” has the meaning given such term in the recitals.

“Prevailing Wage Rates” has the meaning given such term in Section 3.3 hereof.

“Project” has the meaning given such term in the recitals.

“Project Site” has the meaning given such term in Section 2.2 hereof.

“Secondary Industries” means those industries that transform raw resources into processed substances from which industrial or consumer products may be manufactured.

“State” means the State of Montana.

“Tax Increment” means the amount received by the City pursuant to the Act from the extension of levies of Taxes against the Incremental Taxable Value of the Taxable Property and

will include all payments in lieu of Taxes or beneficial use taxes attributable to the Incremental Taxable Value.

“**Taxable Property**” means all real and personal property located in the District and subject to Taxes.

“**Taxes**” means all taxes levied on an ad valorem basis by any Taxing Jurisdiction against the Taxable Property and includes all payments in lieu of taxes or beneficial use taxes received by the City with respect to the Incremental Taxable Value of the Taxable Property.

“**Taxing Jurisdiction**” means the State, the City, any school district, local government, municipal corporation, political subdivision, or other government entity that levies, during any Fiscal Year during which the tax increment provision of the District is effective under the Act, ad valorem taxes against real or personal property in the District.

“**2021 Project**” has the meaning given such term in the recitals.

“**Unavoidable Delay**” means a delay resulting from a cause over which the party required to perform does not have control and which cannot or could not have been avoided by the exercise of reasonable care, including but not limited to acts of God, accidents, war, civil unrest, embargoes, strikes, unavailability of raw materials or manufactured goods, litigation and the delays of the other party or its contractors, agents, or employees in the performance of their duties under or incident to this Agreement.

1.2. Rules of Interpretation.

(a) The words “herein,” “hereof” and words of similar import, without reference to any particular section or subdivision, refer to this Agreement as a whole rather than to any particular section or subdivision hereof.

(b) References herein to any particular section or subdivision hereof are to the section or subdivision of this Agreement as originally executed unless otherwise indicated.

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

1.3. Exhibits. The following Exhibits are attached to and by reference made a part of this Agreement:

Exhibit A—Infrastructure Improvements

Exhibit B—2021 Project Costs and Sources of Funds

Exhibit C—Form of Authority Requisition

Section 2. Representations, Covenants and Agreements.

2.1. City Representations. The City hereby represents, covenants and agrees as follows:

(a) Subject to the terms and conditions of this Agreement, the City is committed to paying or reimbursing the Authority \$762,510 with respect to the costs of design, engineering, construction and installation of the Infrastructure Improvements as set forth on Exhibit A hereto.

(b) The City is authorized by law to enter into this Agreement, apply Tax Increment funds on hand and, upon adoption of the Bond Resolution, issue Bonds in order to carry out its commitments hereunder.

(c) The State Department of Revenue has advised the City that as of January 1, 2008 the Base Taxable Value of the District was \$107,149.

2.2. Authority Representations. The Authority hereby represents, covenants and agrees as follows:

(a) The Authority is a regional airport authority created by the City and Cascade County, Montana pursuant to Joint Resolution No. 7451 (City) and 80-1 (County) (the “**Joint Resolution**”) for the operation of the Great Falls International Airport pursuant to the provisions of Section 67-11-103, Montana Code Annotated.

(b) The representations and warranties of the Authority in the Application are true and correct as of the date hereof, including with respect to the total investment to be made by the Authority and its private investment partner with respect to the Project and the Infrastructure Improvements.

(c) The Project and the Infrastructure Improvements constitute an industrial development project (as defined in the Act) under the Act and the Plan. Development of the Project will assist the Authority in attracting, growing, and retaining Secondary Industries by providing flexible, cost-effective, industrial buildings that can be subdivided into 1,250 to 30,000+ square foot Warehouse Bays sharing common infrastructure. The industrial buildings will include high ceilings, welding-capable electric, oil -water separators and other industrial features. This type of industrial space is underserved in the City. The Warehouse Bays will be leased and/or sold primarily to third parties engaged in Secondary Industries in furtherance of the purposes of the District as set forth in the Plan.

(d) The Authority has good and marketable title to the land upon which the Project and the Infrastructure Improvements shall be constructed and installed (the “**Project Site**”), free and clear of all liens, encumbrances and defects except such as do not materially affect the value of the Project Site or materially interfere with the use made and proposed to be made of the Project Site by the Authority.

(e) The Authority estimates the total cost of the Infrastructure Improvements is \$762,510 as described in Exhibit A hereto, the total cost of the 2021 Project is \$1,330,000 as described in Exhibit B hereto, and the total cost of the Project is \$12,447,661.

(f) The Authority is not aware of any facts the existence of which would cause the Authority to be in violation of any Environmental Laws and Regulations applicable to the Project Site, the Project, or the Infrastructure Improvements. The Authority has not received from any local, State, or federal official any notice or communication indicating that the activities of the Authority may be or will be in violation of any Environmental Laws and Regulations applicable to the Project Site, the Project or the Infrastructure Improvements.

(g) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement is prohibited or limited by, conflicts with or results in a breach of the terms, conditions or provisions of the Joint Resolution or any other resolution of the Authority or any evidence of indebtedness, agreement or instrument of whatever nature to which the Authority is now a party or by which it is bound, or constitutes a default under any of the foregoing.

(h) There is no action, suit, investigation or proceeding now pending or, to the knowledge of the Authority, threatened against or affecting the Authority or its business, operations, properties or condition (financial or otherwise) before or by any governmental department, commission, board, authority or agency, or any court, arbitrator, mediator or grand jury, that could, individually or in the aggregate, materially and adversely affect the ability of the Authority to complete the Project.

Section 3. Authority's Undertakings.

3.1. Construction of Project and Infrastructure Improvements. The Authority hereby agrees and commits to the City that it will diligently prosecute to completion the construction of the Project and the Infrastructure Improvements in accordance with the Application, this Agreement, the plans submitted to the City and all applicable federal, State and local laws, rules, regulations and ordinances relating to or governing the development or use of the Project and the Infrastructure Improvements, including applicable Land Use Regulations and Environmental Laws and Regulations. The Authority agrees and commits to the City that construction of the Infrastructure Improvements shall be completed by December 31, 2022 and the 2021 Project shall be completed by December 31, 2023, subject in each case to Unavoidable Delays. The total costs of the Infrastructure Improvements and the 2021 Project are shown on Exhibit A and Exhibit B hereto, respectively. The Authority has the financial capacity to complete the Infrastructure Improvements and the 2021 Project, and the Authority agrees to pay all such costs thereof. If there is an increase in the costs of the Infrastructure Improvements or the 2021 Project from that shown on Exhibit A and Exhibit B hereto that cannot be covered by the contingency amount, the Authority shall notify the City of the increase and submit additional evidence in a form acceptable to the City that the Authority has the financial capacity and/or financial commitments to cover such additional costs and complete the Infrastructure Improvements and the 2021 Project. The Authority acknowledges and agrees that the City is not

responsible for installing, constructing or otherwise providing the Project or the Infrastructure Improvements.

3.2. Preparation, Review and Approval of Construction Plans. In connection with the Project, the Authority, at its sole expense, shall prepare and submit construction plans, drawings, and related documents for each portion of the Project and the Infrastructure Improvements to the appropriate City officials for architectural, engineering or land use review and written approval or permits. The Authority acknowledges that no review or approval by City officials may be in any way construed by the Authority to replace, override or be in lieu of any required review, inspection, or approval by the City Planning and Community Development Office, the City Public Works Department, or any other building construction official review or approvals required by any State laws or local ordinances or regulations.

3.3. Competitive Bidding; Prevailing Wage Rates; and Preference for Montana Residents. The Authority and the City are each obligated to follow certain laws with respect to the expenditure of public funds, which includes Tax Increment funds. The Authority agrees that in the awarding of contracts or subcontracts for the Infrastructure Improvements that (i) it will and it will cause its contractors to competitively bid the contracts and subcontracts for each of component of the Infrastructure Improvements; (ii) it will and it will cause its contractors and subcontractors to pay the Prevailing Wage Rates on such contracts or subcontracts related to the Infrastructure Improvements; (iii) it will and it will cause its contractors and subcontractors will give preference to the employment of bona fide residents of the State, as required by Montana Code Annotated Section 18-2-403 and as such term is defined by Montana Code Annotated Section 18-2-401(1) and the Administrative Rules of the State, including but not limited to A.R.M. 24.17.147, obliging the Authority and its contractors and subcontractors to hire 50% bona fide Montana residents with respect to the installation and construction of the Infrastructure Improvements; and (iv) when making assignments of work, it will and it will cause its contractors and subcontractors to use workers both skilled in their trade and specialized in their field of work for all work to which they are assigned. The Authority will provide to the City all documentation requested to verify the compliance of the Authority, its contractors and subcontractors with the foregoing requirements. Failure of the contractors and subcontractors to pay the Prevailing Wage Rates on the Infrastructure Improvements shall be considered a breach of this Agreement and the City shall be entitled to exercise any and all measures to assure compliance and retroactive compensation plus interest to employees not paid in accordance with this Agreement, and recovery of any penalty or fine assessed by the State attributed to any failure to pay the Prevailing Wage Rates. Additionally, the Authority acknowledges that a violation of these requirements shall result in the City not being able to pay or reimburse the Authority for costs of the Infrastructure Improvements. **“Prevailing Wage Rates”** means (i) Montana Prevailing Wage Rate for public works projects are published from time to time by and available from the Montana Department of Labor and Industry, Research and Analysis Bureau, P.O. Box 1728, Helena, Montana 59624, telephone number (800) 541-3904; and (ii) applicable Federal Prevailing Wage Rates for public works projects are published from time to time by and available from <https://www.dol.gov/whd/govcontracts/PrevailingWageResources.htm>.

3.4. Ownership. The Project will initially be owned by the Airport and a private investment partner. The Warehouse Bays will be leased and/or sold primarily to third parties

engaged in Secondary Industries in furtherance of the purposes of the District as set forth in the Plan. Notwithstanding the foregoing, at all times during the term of this Agreement the Authority shall own the Project Site and the Infrastructure Improvements and shall not sell, assign, convey, transfer, lease, encumber or otherwise dispose of the Project Site or the Infrastructure Improvements without the written consent of the City, subject in each case to ownership of any of the Infrastructure Improvements by the applicable utility service.

3.5. Operation and Maintenance. At all times during the term of this Agreement, the Authority will operate and maintain, preserve and keep the Project Site, the Project and the Infrastructure Improvements, or cause the Project Site, the Project and the Infrastructure Improvements to be operated, maintained, preserved and kept, for the purposes for which it was constructed, and with the appurtenances and every part and parcel thereof, in good repair and condition.

3.6. Utilities. The Authority shall not interfere with or permit interference with, or construct or permit construction of any improvements over, any public street or utility easement without the prior written approval of the City. All connections to public utility lines and facilities shall be subject to approval of the City and any private utility company involved. The Authority at its own expense shall replace any public facilities or utilities damaged by the Authority, its agents or by others acting on behalf of or under the direction or control of the Authority or its agent, or by any tenant or other owner of all or any portion of the Project.

3.7. Easements. To the extent that the Infrastructure Improvements are to be located on Authority property, the Authority will grant, and will cause all tenants and other owners of all or any portion of the Project to grant, to the City from time to time such easements, rights-of-way and similar licenses the City may reasonably request.

3.8. Permits; Environmental Laws and Regulations. The Authority will obtain or cause to be obtained, in a timely manner and at the Authority's sole cost and expense, all required permits, licenses and approvals, and will meet and will cause all tenants and other owners of all or any portion of the Project to meet all requirements of all local, State and federal laws, rules, regulations and ordinances which must be obtained or met, in each case in connection with the acquisition and construction of the Project and the Infrastructure Improvements. Without limiting the foregoing, the Authority will request and obtain, or caused to be requested and obtained, from the City or other appropriate governmental authority, all necessary variances, conditional use permits and zoning changes with respect to the Project and the Infrastructure Improvements. The Authority will comply and will contractually obligate all tenants and other owners of all or any portion of the Project to comply in all material respects with all Environmental Laws and Regulations (as hereinafter defined) applicable to the construction, acquisition and operation of the Project and the Infrastructure Improvements, will obtain and will cause all tenants and other owners of all or any portion of the Project to obtain any and all necessary environmental reviews, licenses or clearances under, and will comply and will cause all tenants and other owners of all or any portion of the Project to comply in all material respects with, Environmental Laws and Regulations.

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

3.10. Worker's Compensation Insurance. The Authority shall provide in its construction contracts with respect to the Project and the Infrastructure Improvements that each contractor and subcontractor is to be covered by a Worker's Compensation insurance program with the State, a private insurance carrier, or an approved self-insurance plan in accordance with State law.

Section 4. City Undertakings. Subject to the terms and conditions of this Agreement, the City agrees to (i) reimburse the Authority for \$110,000 of costs of the Infrastructure Improvements with Tax Increment funds on hand ("**Cash Reimbursement**") and (ii) issue Bonds payable from Tax Increment in a principal amount sufficient to pay or reimburse the Authority for \$652,510 of costs of the Infrastructure Improvements, to fund a deposit to the reserve account required by the Bond Resolution and to pay costs of issuance of the Bonds. The City estimates that the aggregate principal amount of the Bonds necessary to cover the costs set forth in clause (ii) above is approximately \$800,000. The City's commitment to issue the Bonds is subject to the fulfillment of each and all of the following additional conditions precedent:

(a) There shall be sufficient Tax Increment to issue the Bonds (and pay debt service thereon) in an aggregate principal amount sufficient to pay or reimburse the Authority for \$652,510 of costs of the Infrastructure Improvements, to fund a deposit to a reserve account required by the Bond Resolution and to pay costs of issuance of the Bonds, and to provide coverage up to 140% of the maximum annual debt service requirements required under the Bond Resolution as determined by the City. In addition, the Authority understands and agrees that the City currently has, and may in the future have, binding commitments with respect to the use of Tax Increment, and the obligations of the City to issue Bonds shall not have priority over any such other binding commitments in effect on the date of execution of this Agreement.

(b) The Bonds shall be marketable at interest rates acceptable to the City. The Authority understands that the City does not guarantee the marketability of the Bonds or the interest rate(s) thereon.

(c) No court or governmental or regulatory agency shall have enacted or issued any judgment, injunction, statute, rule, regulation or other order, nor shall any action suit, proceeding or investigation before any court or governmental or regulatory authority be pending, which prohibits or would prohibit, in whole or in part, the consummation of the proposed transactions.

(d) All required State and local governmental, regulatory and other third-party approvals or consents shall have been obtained.

(e) The City shall have received an opinion of Bond Counsel as to the tax-exempt status of interest on the Bonds.

(f) All of the Authority's representations as set forth in this Agreement shall be true and correct and the Authority shall not be breach of any covenant or undertaking as set forth in this Agreement.

Section 5. Payment or Reimbursement for Infrastructure Improvements.

5.1. Each payment or reimbursement request by the Authority with respect to the Infrastructure Improvements shall be subject to the following conditions and in accordance with the following procedures:

(a) With respect to the portion of the Infrastructure Improvements payable from the Cash Reimbursement, the Authority shall have completed sufficient categories of Infrastructure Improvements in their entirety and totaling not less than \$110,000 in the aggregate (for example, all of the sanitary sewer improvements plus all of the water extension improvements) and the City shall have delivered to the Authority written acceptance of such completed categories of Infrastructure Improvements (which may be in the form of a Certificate of Completion or such other format as required by the City).

(b) With respect to the portion of the Infrastructure Improvements payable from proceeds of the Bonds, the Infrastructure Improvements shall have been completed in their entirety, the City shall have delivered to the Authority written acceptance of the Infrastructure Improvements (which may be in the form of a Certificate of Completion or such other format as required by the City), and the City shall have issued the Bonds.

(c) Any payment or reimbursement by the City for costs of the Infrastructure Improvements will be based on paid or outstanding invoices for costs incurred by the Authority, its contractors and subcontractors or utility companies. The City may reject, in its sole discretion, any invoice to the extent it is not part of the Infrastructure Improvements.

(d) All of the Authority's representations as set forth in this Agreement shall be true and correct and the Authority shall not be breach of any covenant or undertaking as set forth in this Agreement.

(e) The request for payment or reimbursement must be accompanied by a signed draw request substantially in a form attached as Exhibit C hereto and acceptable to the City, accompanied by the invoices and lien waivers (if relevant) from the contractors or subcontractors performing the work to be paid or reimbursed.

(f) The City will cause payment or reimbursement for all properly submitted and allowable expenses to be paid within 30 days of satisfaction of the requirements of this Section 5, subject to compliance with City accounts payable procedures.

5.2. The Authority acknowledges that the City's commitment to pay or reimburse the Authority for costs of the Infrastructure Improvements is a limited obligation of the City payable solely from the Tax Increment. Such commitment is not a general obligation of the City and neither the general credit nor the taxing power of the City, Cascade County or the State is pledged to the payment thereof. Neither the Ordinance, this Agreement nor any other agreement

or obligation of the City contained herein or therein shall be construed to constitute an indebtedness of the City, Cascade County or the State within the meaning of any constitutional or statutory provisions whatsoever. The Authority understands that the City has no control over the amount of Tax Increment that may be available to pay such commitment and that no other City funds will be available or used to pay such commitment.

Section 6. Release and Indemnification; Insurance.

6.1. Release and Indemnification. The Authority releases the City and all Commission members, officers, agents, servants and employees thereof (the “**Indemnified Parties**”) from, and covenants and agrees that the Indemnified Parties shall not be liable for, and agrees to indemnify, defend and hold harmless the Indemnified Parties against, any loss, damage, cost (including reasonable attorneys’ fees), claim, demand, suit, action or other proceeding whatsoever (i) arising or purportedly arising out of, or resulting or purportedly resulting from, any breach or violation by the Authority of any representation, agreement, condition or covenant of this Agreement, the construction and installation of the Project and the Infrastructure Improvements, the ownership, maintenance and operation of the Project Site, the Project and the Infrastructure Improvements, or the presence on any portion of the Project Site of any dangerous, toxic or hazardous pollutants, contaminants, chemicals, waste, materials or substances or (ii) which is caused by the Authority or its officers, agents, contractors, subcontractors, consultants or employees or any tenant or other owner of all or any portion of the Project; except that such indemnification shall not apply to the extent that the loss, damage or cost is determined by a court of competent jurisdiction to have been caused by the negligence, willful misconduct or bad faith of the Indemnified Party.

6.2. Insurance. The Authority shall keep, or cause its private investment partner and/or the applicable owner or lessee of the Warehouse Bays to keep, the Warehouse Bays insured against such risks and in such amounts, with such deductible provisions, as are customary in connection with facilities of the type and size comparable to the unit.

Section 7. General Provisions.

7.1. Conflicts of Interest; City’s Representatives Not Individually Liable. No member, officer, agent, servant or employee of the City or the Authority shall have any personal interest, direct or indirect, in this Agreement, the Project or the Infrastructure Improvements, nor shall any such member, officer or employee participate in any decision relating to this Agreement that affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested. No member, officer or employee of the City shall be personally liable to Authority in the event of any default under or breach of this Agreement by the City, or for any amount that may become due to Authority for any obligation issued under or arising from the terms of this Agreement.

7.2. Rights Cumulative. The rights and remedies of the parties hereto, whether provided by law or by this Agreement, shall be cumulative, and the exercise by any party hereto of any one or more of such remedies shall not preclude the exercise by such party, at the same or different times, of any other remedy for the same default or breach or of any of its remedies for

any other default or breach of the party subject to the limitation of remedies provided herein. No waiver made by such party with respect to the performance or the manner or time thereof, of any obligation under this Agreement, shall be considered a waiver with respect to the particular obligation of the other party or a condition to its own obligation beyond those expressly waived in writing and to the extent thereof, or a waiver in any respect in regard to any other rights of the party making the waiver of any obligations of the other party. Delay by a party hereto instituting or prosecuting any cause of action or claim hereunder shall not be deemed a waiver of any rights hereunder.

7.3. Injunction; Specific Performance. The parties hereto agree that, in the event of a breach of this Agreement by any party or its successors or assigns, the non-breaching party would suffer irreparable harm. Therefore, in the event any party or its successors or assigns fails to comply with the provisions of this Agreement, the parties expressly agree that the non-breaching party may pursue any remedy at law or in equity, including without limitation, the remedies of injunction and specific performance. In addition, in the event of a breach of this Agreement by the Authority, including the failure of the Authority and/or its private investment partner to sell or lease the Warehouse Bays primarily to third parties engaged in Secondary Industries, the City may require that the Authority return all amounts paid by the City to or for the benefit of the Authority hereunder.

7.4. Term of Agreement. This Agreement will remain in effect until the date upon which there are no Bonds outstanding and all obligations under this Agreement have been satisfied or discharged; provided that the Authority understands that if Bonds are not issued on or before November 5, 2023, the District will expire and all obligations of the City hereunder shall terminate. Notwithstanding, Sections 6.1 and 7 shall in all events survive the termination of this Agreement.

7.5. Limitation on City Liability. No agreements or provisions contained in this Agreement nor any agreement, covenant or undertaking by the City contained in this Agreement or any other document executed by the City in connection with the Infrastructure Improvements will give rise to any pecuniary liability of the City or a charge against its general credit or taxing powers, or will obligate the City financially in any way except with respect to Tax Increment. No failure of the City to comply with any term, condition, covenant or agreement herein will subject the City to liability for any claim for damages, costs or other financial or pecuniary charge except to the extent that the same can be paid or recovered from Tax Increment; and no execution on any claim, demand, cause of action or judgment will be levied upon or collected from the general credit, general funds or taxing powers of the City (except as such constitute Tax Increment). Nothing herein will preclude a proper party in interest from seeking and obtaining specific performance against the City for any failure to comply with any term, condition, covenant or agreement herein; provided that no costs, expenses or other monetary relief will be recoverable from the City except as may be payable from Tax Increment.

7.6. Notices. All notices, certificates or other communications required to be given to the City or the Authority hereunder shall be sufficiently given and shall be deemed given when delivered or deposited in the United States mail in certified form with postage fully prepaid and addressed as follows:

If to the City: City of Great Falls
P.O. Box 5021
Great Falls, Montana 59403
Attn: Finance Director

If to the Authority: Great Falls International Airport Authority
2800 Terminal Drive
Great Falls, Montana 59404
Attn: Airport Director

The City and the Authority, by notice given hereunder, may designate different addresses to which subsequent notices, certificates or other communications should be sent.

7.7. Assignment. This Agreement is unique between the City and the Authority and no party may assign any rights or privileges or delegate any duties or obligations under this Agreement, including to any tenant or other owner of all or any portion of the Project, without first obtaining the written consent of the other parties hereto.

7.8. Binding Effect. The right and obligations set forth in this Agreement shall inure to the benefit of and shall be binding upon the City and the Authority and their respective successors and assigns.

7.9. Prior Agreements. This Agreement supersedes, merges and voids any and all prior discussions, negotiations, agreements and undertakings between the parties hereto with respect to the subject matter of this Agreement. The parties waive and release each other from any claims, actions, or causes of action that relate in any manner to any prior discussions, negotiations, agreements and undertakings between the parties with respect to the subject matter of this Agreement.

7.10. Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

7.11. Amendments, Changes and Modifications. This Agreement may be amended or any of its terms modified only by written amendment authorized and executed by the City and the Authority.

7.12. Governing Law. This agreement and the legal relations between the parties hereto will be governed by and construed in accordance with the laws of the State of Montana, without giving effect to any choice of law statutes, rules, or principles. All legal actions arising from this Agreement shall be filed in the District Court of the State of Montana in and for Cascade County, Montana.

7.13. Further Assurances and Corrective Instruments. The City and the Authority agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required or advisable for correcting any inadequate or incorrect description of the

Project or the Infrastructure Improvements or for carrying out any of the provisions of this Agreement.

7.14. Execution Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

7.15. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope of intent of any provisions or Sections of this Agreement.

[remainder of page left intentionally blank]

IN WITNESS WHEREOF, the parties hereto have caused this Development Agreement to be executed as of the ____ day of _____, 2021.

CITY OF GREAT FALLS, MONTANA

[SEAL]

By _____
Gregory T. Doyon, City Manager

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

GREAT FALLS INTERNATIONAL
AIRPORT AUTHORITY

Name: John Faulkner
Title: Airport Director

STATE OF MONTANA)
 : ss.
COUNTY OF CASCADE)

This instrument was acknowledged before me on _____, 2021 by
_____ of Great Falls International Airport Authority, on behalf of said
Authority.

(Notarial Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My Commission Expires:

EXHIBIT A
INFRASTRUCTURE IMPROVEMENTS

| | <u>Estimated Expense</u> |
|--------------------------------|--------------------------|
| Infrastructure Design | \$70,000 |
| Electrical Extension | \$31,867 |
| Gas Extensions | \$30,120 |
| Water Extensions | \$75,625 |
| Sanitary Sewer | \$76,100 |
| Stormwater | \$212,055 |
| Data/communications | \$26,600 |
| Roadways and Entrance Flatwork | \$240,143 |

EXHIBIT B

2021 PROJECT COSTS AND SOURCES OF FUNDS

| GREAT FALLS INTERNATIONAL AIRPORT | | | | | | |
|---|--------------|---|-------------|-----------------|------------------|----------------------|
| WAREHOUSE COMMERCIAL DEVELOPMENT | | | | | | |
| PRELIMINARY - CONSTRUCTION COST ESTIMATE | | | | | | |
| February 11, 2020 | | | | | | |
| STORMWATER IMPROVEMENTS | | | | | | |
| BID ITEM | SPEC. | DESCRIPTION | UNIT | QUANTITY | UNIT COST | EXTENDED COST |
| 1 | P-152 | Unclassified Excavation | CY | 3,811 | \$45.00 | \$171,495.00 |
| 2 | D-701 | 18 Inch RCP (Class III) | LF | 162 | \$180.00 | \$29,160.00 |
| 3 | D-701 | 18 Inch Flared End Section (Class III) | EA | 6 | \$1,900.00 | \$11,400.00 |
| SUBTOTAL = | | | | | | \$212,055.00 |
| SITE UTILITIES | | | | | | |
| BID ITEM | SPEC. | DESCRIPTION | UNIT | QUANTITY | UNIT COST | EXTENDED COST |
| 1 | MPWSS 02660 | 12" PVC Waterline | LF | 269 | \$125.00 | \$33,625.00 |
| 2 | MPWSS 02660 | 12" Gate Valve | EA | 1 | \$3,500.00 | \$3,500.00 |
| 3 | MPWSS 02660 | Connect to Existing Waterline | EA | 1 | \$5,500.00 | \$5,500.00 |
| 4 | MPWSS 02660 | Waterline Directional Bore | EA | 1 | \$25,000.00 | \$25,000.00 |
| 5 | MPWSS 02660 | Fire Hydrant Assembly (Includes Valves) | EA | 1 | \$8,000.00 | \$8,000.00 |
| 6 | MPWSS 02660 | 6" PVC Sanitary Sewer Service | LF | 280 | \$70.00 | \$19,600.00 |
| 7 | MPWSS 02730 | Sewerline Directional Bore | EA | 1 | \$35,000.00 | \$35,000.00 |
| 8 | MPWSS 02730 | Install Sand/Oil Interceptor | EA | 1 | \$15,000.00 | \$15,000.00 |

| | | | | | | |
|---|----------------|------------------------------------|-------------|-----------------|----------------------|--------------------------|
| 9 | MPWSS 02730 | 4' DIA. Sanitary Sewer Manhole | EA | 1 | \$6,500.00 | \$6,500.00 |
| 10 | --- | 2" Gas Line | LF | 502 | \$60.00 | \$30,120.00 |
| 11 | L-110 | 4" PVC DEB Primary Conduit | LF | 299 | \$33.00 | \$9,867.00 |
| 12 | --- | Install NW Energy Transformer | EA | 1 | \$22,000.00 | \$22,000.00 |
| 13 | --- | 2" Conduit for COMM Extension | EA | 240 | \$40.00 | \$9,600.00 |
| 14 | --- | COMM Pedestal | EA | 2 | \$1,000.00 | \$2,000.00 |
| 15 | --- | COMM Directional Bore | EA | 1 | \$15,000.00 | \$15,000.00 |
| SUBTOTAL = | | | | | | \$240,312.00 |
| ENTRY ROADWAYS | | | | | | |
| BID ITEM | SPEC. | DESCRIPTION | UNIT | QUANTITY | UNIT COST | EXTENDED COST |
| 1 | P-152 | Unclassified Excavation | CY | 1,379 | \$45.00 | \$62,055.00 |
| 2 | 02235-1 | 3/4 Inch Minus Crushed Base Course | CY | 935 | \$50.00 | \$46,750.00 |
| 3 | 02502-1 | Asphalt Tack Coat | GAL | 344 | \$4.50 | \$1,548.00 |
| 4 | 02510-1 | Asphalt Concrete Pavement | TON | 1,266 | \$65.00 | \$82,290.00 |
| 5 | 02510-2 | Asphalt Cement | TON | 76 | \$625.00 | \$47,500.00 |
| SUBTOTAL = | | | | | | \$240,143.00 |
| AUTHORITY FUNDED TRUCK CIRCULATION | | | | | | |
| BID ITEM | SPEC. | DESCRIPTION | UNIT | QUANTITY | UNIT COST | EXTENDED COST |
| 1 | P-152 | Unclassified Excavation | CY | 1,545 | \$45.00 | \$69,525.00 |
| 2 | 02235-1 | 3/4 Inch Minus Crushed Base Course | CY | 1,050 | \$50.00 | \$52,500.00 |
| 3 | 02502-1 | Asphalt Tack Coat | GAL | 415 | \$4.50 | \$1,867.50 |
| 4 | 02510-1 | Asphalt Concrete Pavement | TON | 1,525 | \$65.00 | \$99,125.00 |
| 5 | 02510-2 | Asphalt Cement | TON | 92 | \$625.00 | \$57,500.00 |
| SUBTOTAL = | | | | | | \$280,517.50 |
| TOTAL = | | | | | | \$973,027.50 |

EXHIBIT C

AUTHORITY REQUISITION FORM

TO: City of Great Falls, Montana (the “City”)
 FROM: Great Falls International Airport Authority (the “Authority”)
 SUBJECT: Reimbursements for Infrastructure Improvements

This represents Authority Requisition No. ____ in the total amount of \$_____ for payment of the Infrastructure Improvements.

The undersigned, as Authorized Authority Representative, intends that this certificate will satisfy the requirements of Section 3 of the Development Agreement, dated as of [____], 2021 between the City and the Authority, and does hereby certify on behalf of the Authority that:

- (a) the expenditures for which reimbursement is requested are listed in summary form in the attached schedule;
- (b) the amounts requested have been paid by the Authority for property or to contractors, subcontractors, materialmen, engineers, architects or other persons who will perform or have performed necessary or appropriate services or will supply or have supplied necessary or appropriate materials for the acquisition, construction, renovation, equipping and installation of the Infrastructure Improvements, as the case may be, and that, to the best of my knowledge, the fair value of such property, services, or materials is not exceeded by the amounts requested to be paid;
- (c) the cost of work to be reimbursed has been competitively bid and the contractor or subcontractor has paid the Montana prevailing wage for such work;
- (d) no part of the several amounts requested to be reimbursed, as stated in such certificate, has been or is the basis for the reimbursement of any money in any previous or pending request; and
- (e) the reimbursement of the amounts requested will not result in a breach of any of the covenants of the Authority contained in the Agreement.

Dated: _____, 20__

Great Falls International Airport Authority

By: _____
Authorized Authority Representative

Schedule to Authority Requisition No. _____

Payee

Purpose

Amount

ORDINANCE 3022

AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING INDUSTRIAL DISTRICT PROGRAM TO ASSIST IN FINANCING NECESSARY INDUSTRIAL INFRASTRUCTURE TO ENCOURAGE THE ATTRACTION, GROWTH AND RETENTION OF SECONDARY, VALUE-ADDING INDUSTRIES; PROVIDING FOR DEFINITION OF TERMS; ESTABLISHING THE COSTS WHICH MAY BE PAID BY TAX INCREMENT FINANCING INDUSTRIAL DISTRICTS; CREATING AND APPROVING THE GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT; ESTABLISHING THE BOUNDARIES THEREOF AND APPROVING THE PLAN; ESTABLISHING JANUARY 1, 2008 AS THE BASE TAXABLE YEAR; PROVIDING FOR THE REPEAL OF ALL PARTS OF ORDINANCES AND RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

* * * * *

WHEREAS, the Great Falls International Airport Authority is interested in fostering the development of secondary, value-adding industries in the City of Great Falls as part of its overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base; and,

WHEREAS, the creation of a Tax Increment Financing Industrial District, as authorized in Sections 7-15-4282 through 4293, MCA, will help fund the supportive public infrastructure needed for the development of secondary, value-adding industries at the Airport; and,

WHEREAS, the City of Great Falls is interested in using Tax Increment Financing as a tool to foster economic and community development.

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

Section 1. Definitions. The following terms wherever used or referred to in this Ordinance shall have the following meanings:

- (1) "Tax increment financing industrial district" means a district designated as such by the City Commission in accordance with the provisions of this Ordinance, consisting of a continuous area within an accurately described boundary, zoned for light or heavy industrial use in accordance with the Great Falls *Growth Policy*, and is found to be deficient in infrastructure improvements for industrial development.
- (2) "Actual taxable value" means the taxable value of taxable property at any time, as calculated from the assessment roll last equalized.

- (3) “Base taxable value” means the actual taxable value of all taxable property within a tax increment financing industrial district prior to the effective date of a tax increment financing provision. This value may be adjusted as provided in Sections 7-15-4287 or 7-15-4293, MCA.
- (4) “Great Falls International Airport Tax Increment Financing Industrial District” means the tax increment industrial infrastructure district created by this Ordinance.
- (5) “Incremental taxable value” means the amount, if any, by which the actual taxable value at any time exceeds the base taxable value of all property within a tax increment financing industrial district.
- (6) “Tax increment” means the collections realized from extending the tax levies, expressed in mills, of all taxing bodies which the tax increment financing industrial district or a part thereof is located, against the incremental taxable value.
- (7) “Taxes” means all taxes levied by a taxing body against property on an ad valorem basis.
- (8) “Industrial district” means a tax increment financing industrial district.
- (9) “Industrial infrastructure development project” means a project undertaken within or for an industrial district that consists of any or all of the activities authorized by Section 7-15-4288, MCA.
- (10) “Act” means Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated.

Section 2. Findings. Based on representations made to the City Commission to date and taking into consideration all comments received, including those made at a public hearing duly held on November 5, 2008, after notice was given, the City Commission does hereby make the following findings, determinations and declarations regarding the Great Falls International Airport Tax Increment Financing Industrial District, which is hereinafter referred to as the District:

- (1) the property to be included in the District consists of a continuous area with an accurately described boundary;
- (2) the property to be included in the District was zoned “AI Airport Industrial” district by the City Commission upon approval of an amendment to Section 17.20.2.040.A.18 of the City of Great Falls Land Development Code on September 16, 2008, with an effective date of October 16, 2008;
- (3) the property to be included in the District was zoned for industrial use in accordance with the Great Falls *Growth Policy*;
- (4) the property to be included in the District does not contain property included within an existing urban renewal area district;

(5) the property to be included in the District is deficient in public infrastructure for industrial development and will likely not be developed to its potential, without the provision of public infrastructure improvements;

(6) the Act requires that prior to final adoption of this Ordinance, the Commission shall hold a public hearing on the creation of the proposed District. Pursuant to such authority, notice of a public hearing in substantially the form presented in, and attached hereto as, Exhibit "A" was advertised to be held on November 5, 2008, at 7:00 P.M., in the City Commission Chambers in the Civic Center Building, Great Falls, Montana.

Section 3. Establishment of the District. The Great Falls International Airport Tax Increment Financing Industrial District is hereby established.

Section 4. Boundaries. A legal description and map of the District are attached hereto as Exhibit "B".

Section 5. District Plan. A plan describing existing infrastructure, existing infrastructure deficiencies, and industrial development activities to be undertaken within the District is attached as Exhibit "C".

Section 6. Base Year. For the purpose of calculating the incremental taxable value for each year of the life of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the District, as of January 1, 2008.

Section 7. Tax Increment Provision. The City is hereby authorized to segregate, as received, the tax increment derived in the District, and use and deposit such increment into the District Fund for use as authorized by the Act and as authorized herein or by the City Commission from time to time.

Section 8. Costs That May be Paid From Tax Increments. The tax increments received from the District may be used to directly pay costs of approved industrial infrastructure development projects, or to pay debt service on bonds issued to finance industrial infrastructure development improvements as defined under the Act as may from time to time be approved by the City Commission. The City Commission hereby authorizes the use of tax increment in the District to be used to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Act, and subject to any limitations imposed by the Montana Constitution.

Section 9. Term of the Tax Increment Financing Provision. The tax increment financing provision of the District will terminate upon the earlier of:

- (a) the fifteenth year following the creation of the District; or
- (b) the payment or provision for payment in full or discharge of all loans, and the payment of interest thereon, for which the tax increment has been pledged.

After termination of the tax increment financing provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the District, but shall be paid into funds of the taxing bodies levying taxes within the District.

Section 10. Effect of Industrial Infrastructure Development Project. The creation of an industrial infrastructure development project or the approval of an industrial infrastructure development project does not affect, abrogate or supersede any rules, ordinances, or regulations of the City relating to zoning, building permits, or any other matters.

Section 11. Effective Date. This Ordinance shall be in full force and effect upon passage and adoption by the City Commission.

Section 12. Conflict with Other Ordinances and Resolutions. All parts of ordinances and resolutions in conflict herewith are hereby repealed.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 5th day of November, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, 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 hereby certify that the forgoing Ordinance 3022 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on the 5th day of November, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 5th day of November, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the City Commission, Ordinance 3022 of the City of Great Falls, in three conspicuous places within the limits of said City to wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A"**PUBLIC HEARING NOTICE**

Notice is hereby given that the City Commission of the City of Great Falls, Montana, will hold a public hearing on Ordinance 3022 on November 5, 2008, at 7:00 P.M., in the Commission Chambers of the Civic Center Building, #2 Park Drive South, Great Falls, Montana.

Said Ordinance was accepted for consideration on first reading and is to establish the Great Falls International Airport Tax Increment Financing Industrial District for the purpose of encouraging industrial growth by providing a financial mechanism to install necessary infrastructure improvements. The proposed District includes all of the incorporated properties of the Great Falls International Airport and contains 1979 acres.

The City is authorized by Title 7, Chapter 15, Part 42, Montana Code Annotated, to establish a tax increment financial industrial district and to use the tax increment generated within the district to finance the costs of certain infrastructure improvements in order to encourage the attraction, growth and retention of secondary value-adding industries.

Copies of said Ordinance, which contains a legal description and a map of the proposed District, can be obtained at the City Clerk's Office, Civic Center Building, Great Falls, Montana.

Any interested person may appear at the public hearing and speak in favor of or against Ordinance 3022 or submit in writing any comments to the City Clerk prior to or during said hearing.

If special accommodations for disabilities are needed, please call 771-1180, Ext 438 or TDD 454-0495.

/s/ Lisa Kunz, City Clerk

PUBLICATION DATES: October 19 & 26, 2008

Exhibit 2. Legal Description of the Great Falls International Airport TIFID

Legal Description

The proposed Great Falls International Airport TIFID includes all that real property in the City of Great Falls, County of Cascade, State of Montana, which lies within the following described boundary, as of October 2008. The described boundary is coincidental to the legal description for the Great Falls International Airport.

“The POINT OF BEGINNING is at the southeast corner of Section 8, Township 20 North, Range 3 East; thence along the east line of said section, North 00°20'17" West, a distance of 1313.50 feet; thence North 89°49'00" West, a distance of 205.05 feet; thence North 89°49'52" West, a distance of 1130.62 feet; thence North 53°35'22" West, a distance of 237.30 feet; thence South 07°55'24" West, a distance of 472.63 feet; thence North 89°48'47" West, a distance of 1035.78 feet; thence South 00°13'51" West, a distance of 986.89 feet to the northwest corner of the Northeast Quarter of Section 17, Township 20 North, Range 3 East; thence along the west line of said Northeast Quarter of said section, South 00°31'52" West, a distance of 2642.24 feet to the northeast corner of the East Half of the Southwest Quarter of the above said Section 17; thence along the north line of said aliquot part, North 89°49'46" West, a distance of 1328.89 feet to the northwest corner of said aliquot part; thence along the west line of said aliquot part, South 00°19'55" West, a distance of 2630.17 feet to the north line of Section 20, Township 20 North, Range 3 East; thence along the north line of said Section 20, North 89°38'19" West, a distance of 738.21 feet; thence South 00°09'43" East, a distance of 2641.70 feet to the north line of the Southwest Quarter of the above said Section 20; thence along the north line of said Southwest Quarter, North 89°22'25" West, a distance of 580.06 feet to the northwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter, South 00°18'14" East, a distance of 821.55 feet; thence South 45°01'17" West, a distance 42.19 feet; thence South 45°00'59" West, a distance of 2417.04 feet to the north line of Section 30, Township 20 North, Range 3 East; thence along the north line of said Section 30, North 87°38'03" West, a distance of 905.29 feet to the northwest corner of the Northeast Quarter of said Section 30, Township 20 North, Range 3 East; thence along the west line of said aliquot part, South 00°46'52" East, a distance of 1630.31 feet to the southerly right-of-way line of Highway Project No. FAP 218-(6); thence along said southerly right-of-way line, South 69°25'46" West, a distance of 2152.03 feet to the west line of the above said Section 30; thence along said west line of said section, South 01°09'05" West, a distance of 182.26 feet to the northwest corner of the Southwest Quarter of said Section 30, Township 20 North, Range 3 East; thence along the west line of said aliquot part, South 01°04'33" West, a distance of 360.99 feet to the northwesterly right-of-way line of Interstate 15 (Project Number I15-5 (29) 259); thence along said northwesterly right-of-way line, North 84°59'39" East, a distance of

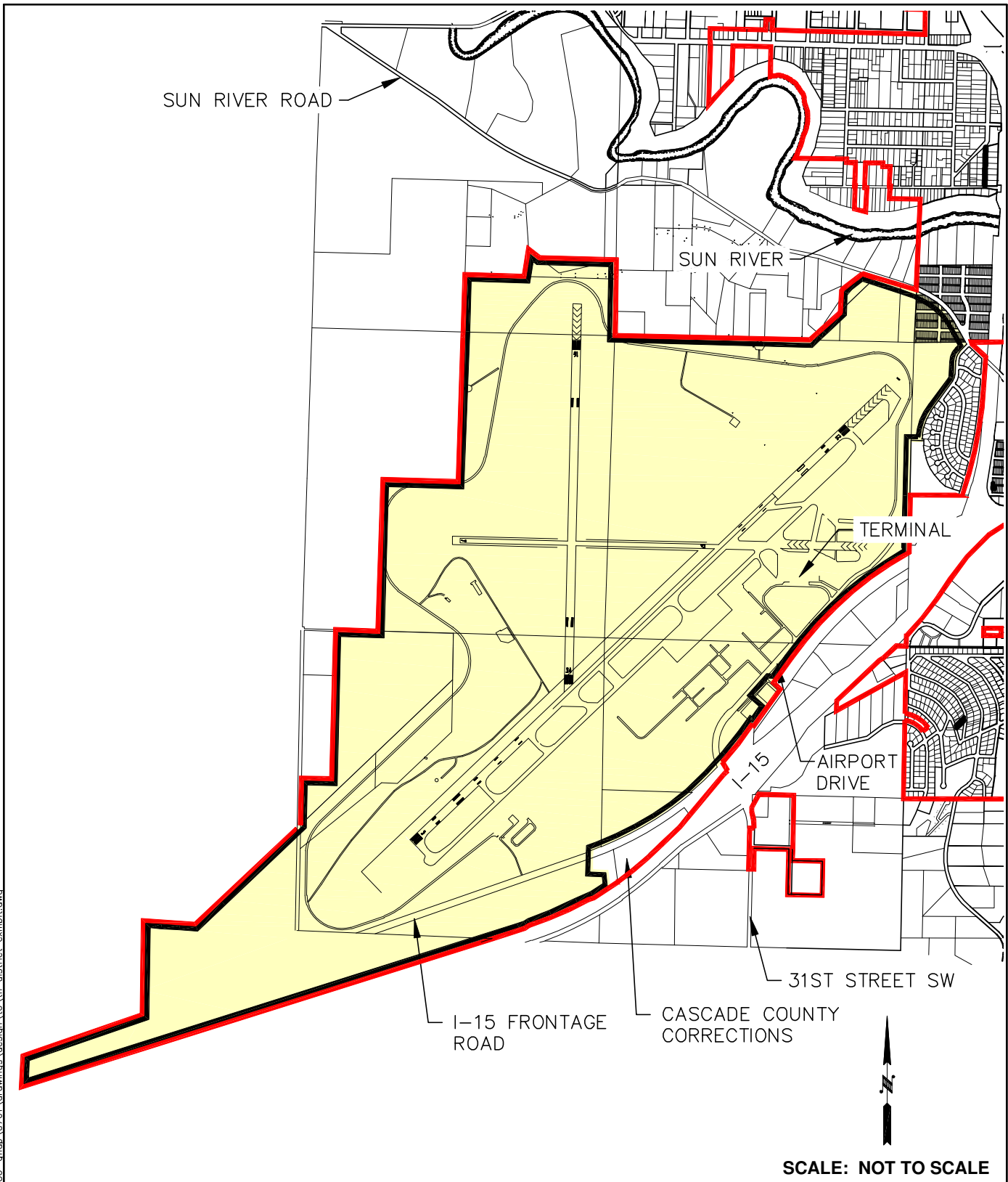
82.19 feet; thence continuing along said northwesterly right-of-way line, North $70^{\circ}58'05''$ East, a distance of 9112.64 feet; thence continuing along said northwesterly right-of-way line, North $54^{\circ}02'36''$ East, a distance of 88.14 feet to the beginning of a 5580.00 foot radius curve, concave northwesterly, having a radial bearing of North $19^{\circ}53'25''$ West; thence continuing along said northwesterly right-of-way line and along said curve, through a central angle of $10^{\circ}59'56''$, an arc length of 1071.17 feet; thence continuing along said northwesterly right-of-way line, North $72^{\circ}53'03''$ East, a distance of 100.64 feet to the beginning of a 5605.00 foot radius curve, concave northwesterly, having a radial bearing of North $31^{\circ}53'24''$ West; thence continuing along said northwesterly right-of-way line, along said curve and through a central angle of $5^{\circ}10'01''$, an arc length of 505.45 feet; thence leaving said northwesterly right-of-way of Interstate 15, North $08^{\circ}28'52''$ West, a distance of 555.23 feet; thence North $08^{\circ}02'28''$ West, a distance of 14.62 feet to a point on the southeasterly right-of-way line of Highway Project No. FAP 218-(5), said point being on a 5790.00 foot radius curve concave northwesterly, having a radial bearing of North $24^{\circ}34'19''$ West; thence northeasterly along said right-of-way line and along said curve, through a central angle of $18^{\circ}17'38''$, an arc length of 1848.69 feet to the south line of the northwest quarter of Section 21, Township 20 North, Range 3 East; thence along said south line of said aliquot part, North $89^{\circ}52'17''$ West, a distance of 206.72 feet to a point on the northwesterly right-of-way line of the above said Highway Project No. FAP 218-(5), said point being on a 5650.00 foot radius curve concave northwesterly, having a radial bearing of North $41^{\circ}23'33''$ West; thence northeasterly along said right-of-way line and along said curve, through a central angle of $5^{\circ}38'10''$, an arc length of 555.78 feet to the southeast corner of Montana Air National Guard Lease Tract A101-4; thence along the boundary of said lease tract for the following ten courses: North $89^{\circ}35'45''$ West, a distance of 449.33 feet, North $00^{\circ}00'37''$ West, a distance of 100.00 feet, North $89^{\circ}26'05''$ West, a distance of 198.25 feet, South $00^{\circ}53'29''$ West, a distance of 100.00 feet, North $89^{\circ}39'46''$ West, a distance of 269.35 feet, South $00^{\circ}40'38''$ West, a distance of 392.96 feet, North $89^{\circ}52'17''$ West, a distance of 967.70 feet, North $08^{\circ}38'53''$ West, a distance of 431.10 feet, North $00^{\circ}28'25''$ West, a distance of 1214.58 feet, and North $45^{\circ}00'56''$ East, a distance of 1007.13 feet to the southwest corner of Montana Air National Guard Lease Tract A101-1; thence along the northwesterly boundary of said lease tract for the following two courses: North $44^{\circ}54'22''$ East, a distance of 430.02 feet, and North $44^{\circ}59'13''$ East, a distance of 1338.04 feet to the southwest corner of Montana Air National Guard Lease Tract A101-5; thence along the boundary of said lease tract for the following four courses: North $45^{\circ}00'30''$ East, a distance of 214.96 feet, South $44^{\circ}26'54''$ East, a distance of 250.03 feet, North $45^{\circ}32'51''$ East, a distance of 73.21 feet, and South $44^{\circ}25'04''$ East, a distance of 173.20 feet; thence South $52^{\circ}10'36''$ East, a distance of 21.49 feet, to a point on the above said Lease Tract A101-1; thence along the boundary of said lease tract for the following two courses: South $44^{\circ}34'18''$ East, a



distance of 380.00 feet, and South $45^{\circ}25'42''$ West, a distance of 554.17 feet to the northerly corner of Montana Air National Guard Lease Tract JKSE 20030012; thence along the boundary of said lease tract for the following four courses: South $44^{\circ}56'17''$ East, a distance of 791.25 feet, South $40^{\circ}33'56''$ West, a distance of 283.11 feet, North $44^{\circ}34'18''$ West, a distance of 314.93 feet, and South $44^{\circ}53'33''$ West, a distance of 460.42 feet to a point on the above_said Lease Tract A101-4; thence along the boundary of said lease tract for the following two courses: South $43^{\circ}57'15''$ East, a distance of 686.00 feet, and South $00^{\circ}20'52''$ West, a distance of 181.47 feet to a point on the northwesterly right-of-way line of the above_said Highway Project No. FAP 218-(5); thence along said right-of-way, South $34^{\circ}22'30''$ West, a distance of 54.86 feet to the southwesterly line of that parcel denoted as Tract 1 on Certificate of Survey Number 2271, records of Cascade County, Montana; thence along said southwesterly line of said Tract 1, South $49^{\circ}22'42''$ East, a distance of 40.60 feet to the southeasterly corner thereof; thence along the southeasterly line of said Tract 1, the following three courses: North $34^{\circ}15'32''$ East, a distance of 156.30 feet; North $34^{\circ}23'29''$ East, a distance of 208.58 feet; and North $34^{\circ}24'09''$ East, a distance of 74.13 feet to the northeasterly corner thereof; thence along the northeasterly line of said Tract 1, North $49^{\circ}18'30''$ West, a distance of 273.50 feet to the northwesterly corner thereof, said point being the southwesterly corner of that parcel denoted as Tract 2 on Certificate of Survey Number 2271, records of Cascade County, Montana; thence along the northerly line of said Tract 2, North $40^{\circ}39'51''$ East, a distance of 251.54 feet to the northwesterly corner thereof; thence North $40^{\circ}38'20''$ East, a distance of 87.15 feet to the north line of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 21, Township 20 North, Range 3 East, as denoted on Certificate of Survey Number 1351, records of Cascade County, Montana; thence along said north line, South $89^{\circ}17'57''$ East, a distance of 88.41 feet to the northwesterly right-of-way line of the now partially abandoned Highway Project No. FAP 218-(5); thence along said line North $34^{\circ}19'05''$ East, a distance of 464.71 feet to the beginning of a 6450.48 foot radius curve, concave southeasterly, having a radial bearing of South $55^{\circ}41'57''$ East; thence along said right-of-way line and along said curve through a central angle of $24^{\circ}42'43''$, an arc length of 2782.13 feet to the east line of Section 16, Township 20 North, Range 3 East; thence along the east line of said Section 16, North $00^{\circ}09'45''$ West, a distance of 1011.66 feet, and North $00^{\circ}07'19''$ West, a distance of 950.12 feet to the northwest corner of that area denoted as "Park" on the West Hill Subdivision, the copy of which is on file with Cascade County, Montana; thence along the north line of said "Park", South $89^{\circ}48'05''$ East, a distance of 188.49 feet to a point on the westerly right-of-way line of 4th West Hill Drive; said point being on a 1015.00 foot radius curve, concave easterly, having a radial bearing of South $89^{\circ}28'58''$ East, thence northeasterly along said westerly right-of-way and along said curve through a central angle of $35^{\circ}06'22''$, an arc length of 621.91 feet; thence continuing along said westerly right-of-way, North $35^{\circ}23'00''$ East, a distance of 578.09 feet to the

beginning of a 200.00 foot radius curve, concave northwesterly, having a radial bearing of North 54°37'56" West; thence continuing northerly along said westerly right-of-way and along said curve through a central angle of 35°03'56", an arc length of 122.40 feet; thence continuing along said westerly right-of-way, North 00°16'15" East, a distance of 234.13 feet to the beginning of a 249.63 foot radius curve, concave southeasterly, having a radial bearing of South 89°52'12" East continuing northeasterly along said westerly right-of-way and along said curve through a central angle of 43°02'26", an arc length of 187.52 feet; thence continuing along said westerly right-of-way North 43°10'14" East, a distance of 172.45 feet to the southwesterly right-of-way line of the Sun River Highway; thence northwesterly along said southwesterly right-of-way line, North 48°34'36" West, a distance of 52.26 feet to the south line of Section 10, Township 20 North, Range 3 East; thence along said south line of Section 10, South 88°15'19" West, a distance of 36.95 feet to the southeast corner of Lot 17, Block 14 of Sun River Addition, the copy of which is on file with Cascade County, Montana; thence along the east line of said Lot 17, North 00°15'55" East, a distance of 26.32 feet; thence North 00°15'55" East, a distance of 16.00 feet to the southeast corner of Lot 16 of said Block 14 of Sun River Addition; thence along the east line of Lot 16, North 00°15'55" East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 16 through 13 of Block 14 of Sun River Addition; North 89°44'05" West, a distance of 100.00 feet to the northwest corner of said Lot 13; thence North 00°15'55" East, a distance of 60.00 feet to the southeast corner of Lot 21, Block 11 of Sun River Addition; thence along the east line of said Lot 21, North 00°15'55" East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 21 through 19 of Block 11 of Sun River Addition, North 89°44'05" West, a distance of 75.00 feet to the northwest corner of said Lot 19; thence North 00°15'55" East, a distance of 16.00 feet to the southeast corner of Lot 9, Block 11 of Sun River Addition; thence along the east line of said Lot 9, North 00°15'55" East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 9 through 3 of Block 11 of Sun River Addition, North 89°44'05" West, a distance of 174.94 feet to the Northwest corner of said Lot 3; thence North 00°09'32" East, a distance of 60.00 feet to the southeast corner of Lot 31, Block 8; thence along the east line of said Lot 31, North 00°09'32" East, a distance of 120.03 feet to the northeast corner thereof; thence along the north line of Lots 31 and 32, Block 8 of Sun River Addition; North 89°45'32" West, a distance of 50.03 feet to the northwest corner of said Lot 32; thence North 89°47'14" West, a distance of 60.00 feet to the northeast corner of Lot 16 of Block 9 of Sun River Addition; thence North 57°20'43" West, a distance of 29.80 feet to the southeast corner of Lot 14 of Block 9 of Sun River Addition; thence along the east line of said Lot 14, North 00°09'43" East, a distance of 3.07 feet to a point on the southwesterly right-of-way line of Sun River Road, said point being on a 1060.00 foot radius curve, concave southwesterly, having a radial bearing of South 35°08'31" West; thence northwesterly along said southwesterly right-of-way line and along said

curve through a central angle of $03^{\circ}15'07''$, an arc length of 60.17 feet to the east line of Lot 12 of Block 9 of Sun River Addition; thence along said east line of said Lot 12, North $00^{\circ}11'29''$ East, a distance of 83.84 feet to the northeast corner thereof; thence along the north line of Lots 12 through 1, Block 9 of Sun River Addition, North $89^{\circ}50'17''$ West, a distance of 301.23 feet to the northwest corner of said Lot 1; thence North $89^{\circ}50'17''$ West, a distance of 12.67 feet to the west line of Section 10, Township 20 North, Range 3 East; thence along said west line North $01^{\circ}15'30''$ East, a distance of 120.38 feet to the centerline of a 60.00 foot wide County Road, thence along said centerline of said County Road North $64^{\circ}42'36''$ West, a distance of 1.41 feet; thence continuing along said centerline of said County Road, North $74^{\circ}26'53''$ West, a distance of 288.60 feet and North $73^{\circ}40'45''$ West, a distance of 426.62 feet; thence leaving said County Road centerline, South $45^{\circ}20'37''$ West, a distance of 510.64 feet; thence South $14^{\circ}17'23''$ West, a distance of 914.33 feet; thence South $74^{\circ}13'45''$ West a distance of 258.66 feet; thence North $61^{\circ}01'43''$ West a distance of 357.82 feet to the north line of Section 16, Township 20 North, Range 3 East; thence along said north line North $89^{\circ}59'48''$ West, a distance of 793.10 feet, and North $89^{\circ}59'12''$ West, a distance of 2612.01 feet to the POINT OF BEGINNING, and containing 1978.898 acres of land.

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|  | DISTRICT BOUNDARY |
|  | CITY LIMITS |

**PROPOSED GREAT
FALLS AIRPORT TIFID
DISTRICT**


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|--|
|  Phone: (406)452-8600 Fax: (406)452-8700 |
| FIGURE 1 |

Exhibit "C"

Great Falls International Airport

Tax Increment Financing Industrial District Plan

1. INTRODUCTION

The Great Falls International Airport (GFIA) Authority is interested in fostering the development of secondary, value adding industries in the City of Great Falls as part of its overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base. This effort will be facilitated through the creation of a Tax Increment Financing Industrial District or TIFID, which will encompass the entire Airport property.

History of the Great Falls International Airport

The GFIA was developed in response to an initiative of the U.S. Department of Commerce in 1928. The City acquired 640 acres of land and construction was started on Runway 16/34, which was completed in June 1929. By 1939 the airport facilities included four runways, a large hangar, and an administration building.



Early Air Mail Plane

In 1939, the Great Falls Airport Commission appealed to Harry H. Woodring, Secretary of War, to locate an Air Corps squadron at Great Falls. In 1941, the Civil Aeronautics Authority provided money for the further development of the Great Falls Municipal Airport, which was known then as Gore Field.

During World War II, the airport was leased by the U.S. War Department and used as a base for the 7th Ferrying Command. During the war years, more than 7,500 bombers and fighter aircraft passed through Great Falls on their way to the war fronts in Europe and the Pacific. While using the airport as an airbase, the U.S. Army acquired an additional 740 acres of land and built many buildings and other facilities.



First Terminal

In June 1948, the U.S. War Department deeded the airport back to the City of Great Falls with the stipulation that the facility could revert to military control in the event of a

national emergency. The airport was released from this clause in 1961. In 1975, the terminal at the GFIA was replaced and all runways, aprons, and taxiways updated. With use of Federal Aviation Administration (FAA) matching funds, the Airport Authority performs annual operations, maintenance, and capital improvements.¹ In addition to commercial, freight and private air services, the GFIA houses the 120th Fighter Group of the Montana Air National Guard (MANG) on 138 acres just southwest of the Terminal area.

Today, the GFIA is governed by a Regional Airport Authority, which recognizes the economic influence that airports have on the areas they serve. To this end, the Great Falls International Airport Authority (Authority) has reconstructed 80% of its existing infrastructure and expanded its aviation infrastructure to support the development of 29 new hangers. FedEx Cargo has established a 79,000 square foot regional hub at the Airport and since 2000, the Authority has helped to foster the creation of 300 new jobs of which 200 are primary sector jobs.

In 2006, privately owned businesses located on airport property generated \$685,000 in property taxes that benefit city and county governments, as well as area schools. This amount represents a 78% increase since 2003. However, airport area infrastructure is near its capacity. As a result, the Authority is faced with limitations on new development due to a lack of developable sites with sufficient utilities, roads and general infrastructure improvements. Installing additional infrastructure would allow the Authority to continue growing the tax base for the community. However, there are no viable revenue sources to install the infrastructure necessary to leverage growth of secondary, value adding industries.

Tax Increment Financing for Industrial Development

At the request of and in concert with the Airport Authority, the City of Great Falls intends to establish a Tax Increment Financing Industrial District (TIFID) at the Great Falls International Airport. The base year for the purposes of measuring any incremental value will be 2008 and the base value will be calculated as of January 1, 2008.

Tax increment financing is a mechanism that allows communities to use new tax dollars resulting from increasing taxable value for reinvestment within the geographic area in which they are derived. Until 1989, tax increments could only be used for rehabilitation efforts within urban renewal areas, which were usually blighted central business districts. In 1989, the Montana Legislature amended the Montana Urban Renewal Law to enable municipalities to create special industrial districts which could employ tax

¹ Great Falls International Airport History, http://www.gtfairport.com/airport_info/history.html

increment financing to assist in the development and retention of secondary, value-adding industries. In doing so, the Legislature noted that the State of Montana wishes to encourage secondary, value-adding industrial manufacturing that uses Montana timber, mineral, oil and gas, coal and agricultural resources in the production of goods in the State. The legislation recognized that secondary, value-adding industries, in order to be competitive in today's world economy, require expensive infrastructure that is beyond the means of most Montana communities. Senate Bill 472 resulted in Section 7-15-4299 Montana Code Annotated (MCA), originally codified in 1989 and amended in 2007. This law enables communities to assist in industrial development in areas that are deemed to be infrastructure deficient. Tax increment financing may now be used for improvements as defined in 7-15-4288 MCA.

In March of 2008, the Montana Department of Revenue, under its administrative rule making authority, more specifically defined "secondary industries" as those that use mechanical or chemical processes to transform materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual. These industries engage in the:

- processing of raw materials, such as minerals, ore, oil, gas, coal, agricultural products, and forestry products; or
- processing of semi-finished products that are used by the industry as a raw material in further manufacturing.

"Value-added" is defined as an increase in the worth of the raw or semi-finished product that results from a mechanical or chemical transformation and may not be attributable to a mere increase in existing production.

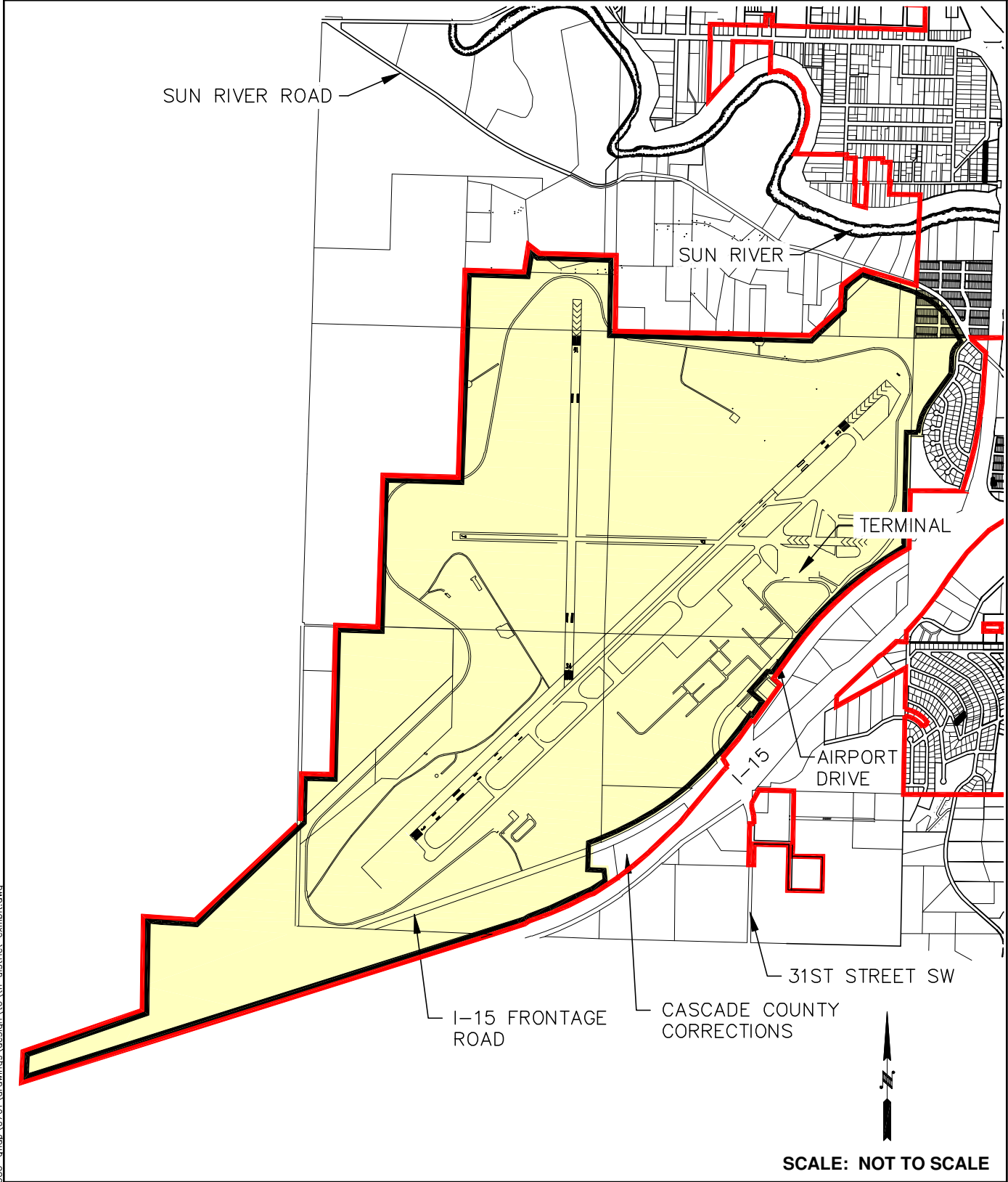
In order to make use of this innovative economic development strategy, the City of Great Falls must adopt an industrial development plan which defines the specific geographic area within which the tax increment will be measured and reinvested. Further, the plan must outline those activities that the local government intends to undertake in order to successfully develop (or retain) value-adding industrial activity.

2. DISTRICT DESCRIPTION



The GFIA is situated at the western limits of Great Falls, Montana in Cascade County and is located entirely within the Great Falls corporate limits.

Location Map


Figure 1 illustrates the proposed area of the Great Falls International Airport TIFID. (A separate Exhibit B contains the legal description of the Airport).



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|  | DISTRICT BOUNDARY |
|  | CITY LIMITS |

PROPOSED GREAT FALLS AIRPORT TIFID DISTRICT

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|--|
|  Phone: (406)452-8600 Fax: (406)452-8700 |
| FIGURE 1 |

3. EXISTING INFRASTRUCTURE ANALYSIS

The existing infrastructure at the GFIA includes a combination of public and private utility services built in response to growth and needs at the Airport. These are summarized in Figures 2-5.

Figure 2 shows current City water and sanitary sewer utilities. The Airport's location and elevation, well above all treatment facilities, dictates the location of lift stations and the distances required to service mains. Key water connections exist at three separate locations into the GFIA. All sanitary sewer lines are channeled into the single sewer main connection, just north of the Airport Interchange on Interstate 15.

Figures 3A and 3B show both the public roads and the City storm drain facilities. The Airport generally drains toward the north, and provides on-site storm water detention which is a permitted-industrial release site, through the Montana Department of Environmental Quality (DEQ). Storm water is discharged at the north end of the Airport into the Sun River. The single connection to the road network is at I-15 Interchange # 277 with Airport Drive.

As the sole access road into the GFIA, Airport Drive also provides traffic distribution for the majority of airside and all landside facilities. Airport Drive is primarily a two-lane, urban street with some supplemental turning lanes. Design and operating speeds are less than 35 miles per hour (mph). Airport Drive serves as the sole emergency access to and from the Airport and currently serves all vehicle types, with a mix ranging from large semi-trailers to passenger cars. The I-15 Frontage Road also provides access to the undeveloped, southern portion of the Airport lands, on a two-lane rural roadway. In an agreement with the City of Great Falls, the GFIA provides street maintenance on Airport Drive and other, public streets that serve the terminal and freight areas.

The Airport Perimeter Road circumnavigates the fenced (secured, airside of the Airport). Due to aviation security requirements, this roadway is considered a private roadway and has no public access. It is primarily a narrow, two-lane, paved surface with no signing, striping or shoulders.

Natural gas service lines provided by Energy West are shown in Figure 4. This current system extends along Airport Road from the Terminal/MANG areas to the north Airport boundary, terminating at the FedEx facility.

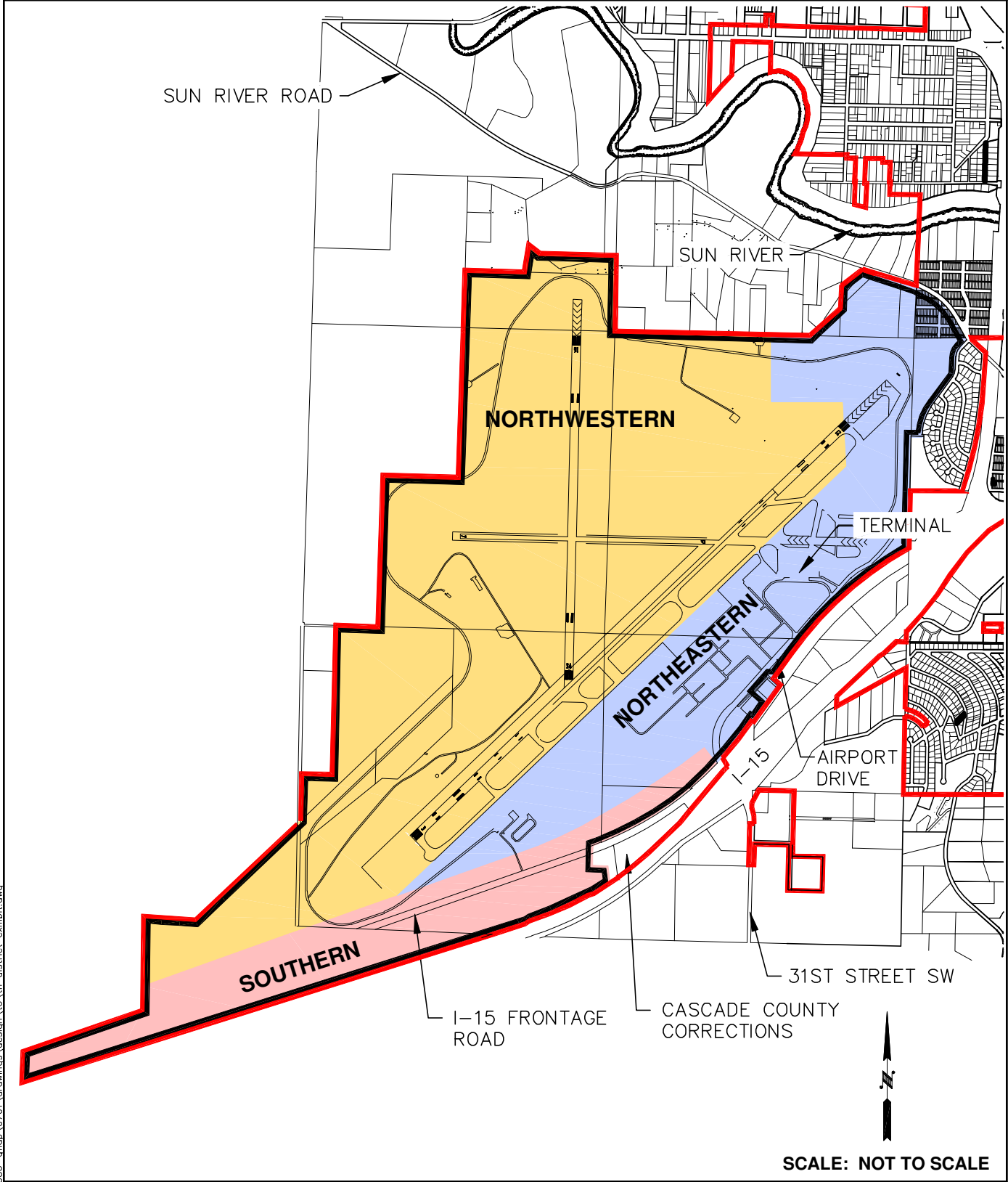
Figure 5 shows Northwestern Energy's electric lines and available communication service. Although numerous electric lines are shown along the runways, these service

lines are not considered for extension to future development. Local and long-distance telephone connections are currently available at the Terminal and developed areas. Both fiber optic and cable connections exist on the east (non-airport) side of I-15 with some fiber lines extending to specific buildings (MANG, Federal Aviation Administration, etc) within the GFIA.




4. INFRASTRUCTURE DEFICIENCIES FOR TARGETED SECONDARY, VALUE-ADDING INDUSTRIES

The development of secondary, value-adding industries in the TIFID will require adequate infrastructure -- roads, sewer, water, electricity and communications. A review of the existing infrastructure and the infrastructure needed for the development of secondary, value-adding industries within the TIFID reveals the following deficiencies, which are presented by sub area within the proposed TIFID.

Figure 6 shows three geographic areas within the TIFID that currently provide similar infrastructure services. These areas were established to summarize the infrastructure deficiencies for the development of secondary, value adding industries within the TIFID.



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|---|--|
|  | DISTRICT BOUNDARY |
|  | CITY LIMITS |
|  | INFRASTRUCTURE DISCUSSION AREAS |

PROPOSED GREAT FALLS AIRPORT TIFID DISTRICT

SE **Stalling Engineers, Inc.**
 Phone: (406)452-8600 Fax: (406)452-8700

FIGURE 6

Deficiencies by Area

The Northeastern Area (from the I-15 interchange, north to the FedEx complex) of the TIFID is well served by all infrastructure, except roads and communication infrastructure. The road infrastructure is limited by the lack of dual access and the capacity limits of a single, two-lane, low-speed road for all Airport access.

- Cable and fiber-optic service do not exist as services have not been extended across the Interstate to serve any of the Airport or TIFID areas at the time of this evaluation.

The Southern Area (generally south of Airport Drive and directly along the I-15 Frontage Road) has service connections at the east edge, but few extensions along the Frontage Road corridor.

- Electricity, telephone, water and sanitary sewer services are available at the east edge but would require main (or transmission line) extensions along the Frontage Road corridor.
- Gas and storm sewer would need to be connected to existing distribution systems. Gas would likely connect to existing systems in the Northeastern Area via an extension along the Frontage Road corridor. Storm systems could connect into either the Northeastern or Northwestern Areas, depending upon design needs.
- The road infrastructure provides reasonable access through this area but does not have intersection improvements (turn lanes, driveway approaches, traffic signals, lighting or roundabouts). Because the Frontage Road is under the Montana Department of Transportation (MDT) jurisdiction, additional access changes will be required to meet MDT access and design standards. The road infrastructure is also limited as Airport Drive provides the only emergency access (the Frontage Road does extend further south, but requires additional travel time that eliminates its feasibility as an emergency response route).
- Cable and fiber-optic service do not exist as services have not been extended across the Interstate to serve any of the Airport or TIFID areas at the time of this evaluation.

The Northwestern Area (all areas west of the main runway) essentially has no infrastructure suitable for industrial development. New connections to all infrastructure would be required for industry, including major extensions for:

- Water mains and service (including possible upgrading of Gore Hill systems for fire demand, which could include pump station, storage and distribution)
- Sanitary mains and distribution (including the possible addition of a lift station)
- Storm Drain Systems
- Roadway Systems (access to development and improvements to Frontage Road and/or Airport Drive)

- Gas (main and distribution lines)
- Electrical Service (transmission and distribution lines)
- Telephone Service
- Cable and fiber-optic service do not exist as services have not been extended across the interstate to serve any of the airport or TIFID areas at the time of this writing.

5. INDUSTRIAL DEVELOPMENT ACTIVITIES TO BE UNDERTAKEN

Once the TIFID is established, the Great Falls International Airport Authority, in concert with the City of Great Falls, will work to foster industrial economic development within the District. This program will be multifaceted and will include market analysis, capital improvement planning, industry recruitment, and project financing and implementation.

Identification of secondary, value-adding industries

The Authority has identified industries that could be targeted for development within the proposed TIFID. This list of industries is based on the following analysis, as provided by the Authority:

...industry groups, or clusters, have been identified as target industries for on-airport development. These industry clusters have a propensity to locate business activities on airports or immediately adjacent to airports, depending on airport land availability. Industry clusters were identified based on airport development trends throughout North America. It should be noted that these industry clusters are not specifically related to airport and aircraft services or visitor industry services. Rather, these industry clusters locate on an airport to take advantage of access to airside facilities such as air cargo facilities, aircraft aprons, taxiways and runways. By locating on the airport, these industries reduce, if not eliminate, time in trucking cross-city or –region, as well as being well positioned to receive air cargo and personnel.

The list of potential industries is presented in Table 1, as follows.

| Table 1. Potential Industries for Attraction | |
|--|---|
| NAICS Code | Industry |
| 334511 | Search, Detection, Navigation, Guidance, Aeronautical, & Nautical System & Instrument Manufacturing |
| 336411 | Aircraft Manufacturing and Refurbishing |
| 336412 | Aircraft Engine and Engine Parts Manufacturing |
| 336413 | Other Aircraft Parts and Auxiliary Equipment Manufacturing |
| 336414 | Guided Missile and Space Vehicle Manufacturing |
| 336415 | Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing |
| 336419 | Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing |
| 334111 | Electronic Computer Manufacturing |
| 334112 | Computer Storage Device Manufacturing |
| 334113 | Computer Terminal Manufacturing |
| 334119 | Other Computer Peripheral Equipment Manufacturing |
| 334210 | Telephone Apparatus Manufacturing |
| 334220 | Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing |
| 334290 | Other Communications Equipment Manufacturing |
| 334310 | Audio and Video Equipment Manufacturing |
| 334412 | Bare Printed Circuit Board Manufacturing |
| 334413 | Semiconductor and Related Device Manufacturing |
| 334414 | Electronic Capacitor Manufacturing |
| 334418 | Printed Circuit Assembly (Electronic Assembly) Manufacturing |
| 334419 | Other Electronic Component Manufacturing |
| 333295 | Semiconductor Machinery Manufacturing |

Further research and analysis will be required to determine which of these industries can be actively recruited based on market conditions and Great Falls' unique position in the market place. Issues such as energy costs related to operations and transportation, distance from markets and overall industry trends, as well as infrastructure requirements will help determine industries to be targeted.

Capital Improvements Planning and Implementation

The Great Falls International Airport Authority will undertake the necessary planning required to identify more particularly the infrastructure required to support the development of targeted secondary, value-adding industries. This planning effort will address necessary capital improvements and the associated costs. Infrastructure design

and development could include roads and other transportation infrastructure, pedestrian ways, sewage pre-treatment, sewer lines, water mains, utilities, street lighting and buildings.

TIFID Program Design

Once targeted industries and required capital improvements have been more clearly identified, the next step will be to develop the mechanisms to implement the overall TIFID program. Given that private industrial development will generate the property taxes necessary to finance a portion of the infrastructure development, recruitment and infrastructure development must occur hand in hand. It is likely that construction of public infrastructure will be financed through the sale of Tax Increment Bonds in combination with other state and federal funding programs. Tax increment financing mechanisms can include:

- Tax Increment Bonds – Tax increment revenues would be pledged to pay bond principal and interest annually. The size and term of the bond would depend on tax increment revenues available from private sector taxpayers within the TIFID. While Montana law provides that tax increment districts may only be authorized for 15 years, the time period may be extended to coincide with the term of a tax increment bond, but no longer than an additional 25 years. In most cases, it will be necessary for the private taxpayer(s) to enter into an agreement with the City of Great Falls to assure, for the term of the bond, the annual payment of all property taxes due or an equivalent amount if the taxpayer no longer holds property in the district. The amount of tax increment realized each year must be enough to cover all bond payments due, as well as an adequate reserve.
- Annual Tax Increment Appropriations – The City of Great Falls may finance smaller public infrastructure improvements from its annual tax increment receipts by appropriation. Funds available each year would be determined by the size of the annual increment and any prior commitments (such as bond debt service requirements and administrative costs).
- Conventional Financing – The City of Great Falls may borrow funds from commercial lending institutions in order to finance public infrastructure improvements. Principal and interest on the loan will be paid by annual tax increment revenues. A conventional loan agreement will not, however, extend the authorized 15 year time period for a TIFID.

Per 7-15-4291 MCA, the City of Great Falls may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288 MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds.

Industry Recruitment

Once the District is established, local staff and resources and/or consultant services could be used to assist in the development of business plans, market studies and general research to recruit secondary, value-adding industries to the TIFID. Once the District starts generating revenue, TIFID funds may be directed to these activities as well.

Partnership Development

The TIFID program will rely on cooperative efforts among the City of Great Falls, the Airport Authority and other development organizations to achieve its goal of fostering industrial development. In many cases, these cooperative partners will work jointly on market analyses, business recruitment and capital improvements planning. Also, as noted above, it will be necessary to work with other local, state and federal entities in providing additional financing and matching funds to build industrial infrastructure in the TIFID. Potential partnerships can be forged using a variety of programs and funding mechanisms. A sampling of these includes:

Programs

- The Treasure State Endowment Program (Montana)
- Community Development Block Grant (U.S. Department of Urban Development)
- The Montana Intercap Program
- Economic Development Administration (U.S. Department of Commerce)
- *Water, Wastewater and Solid Waste Action Coordinating Team* (a group of professionals from state, federal, and non-profit organizations that finance, regulate, or provide technical assistance for community water and wastewater systems)
- Community Transportation Enhancement Program – Under 23 USC 133 (d) (2) (Federal Code), 10 percent of the Surface Transportation Program monies are awarded to each state for transportation enhancements.

Funding Mechanisms

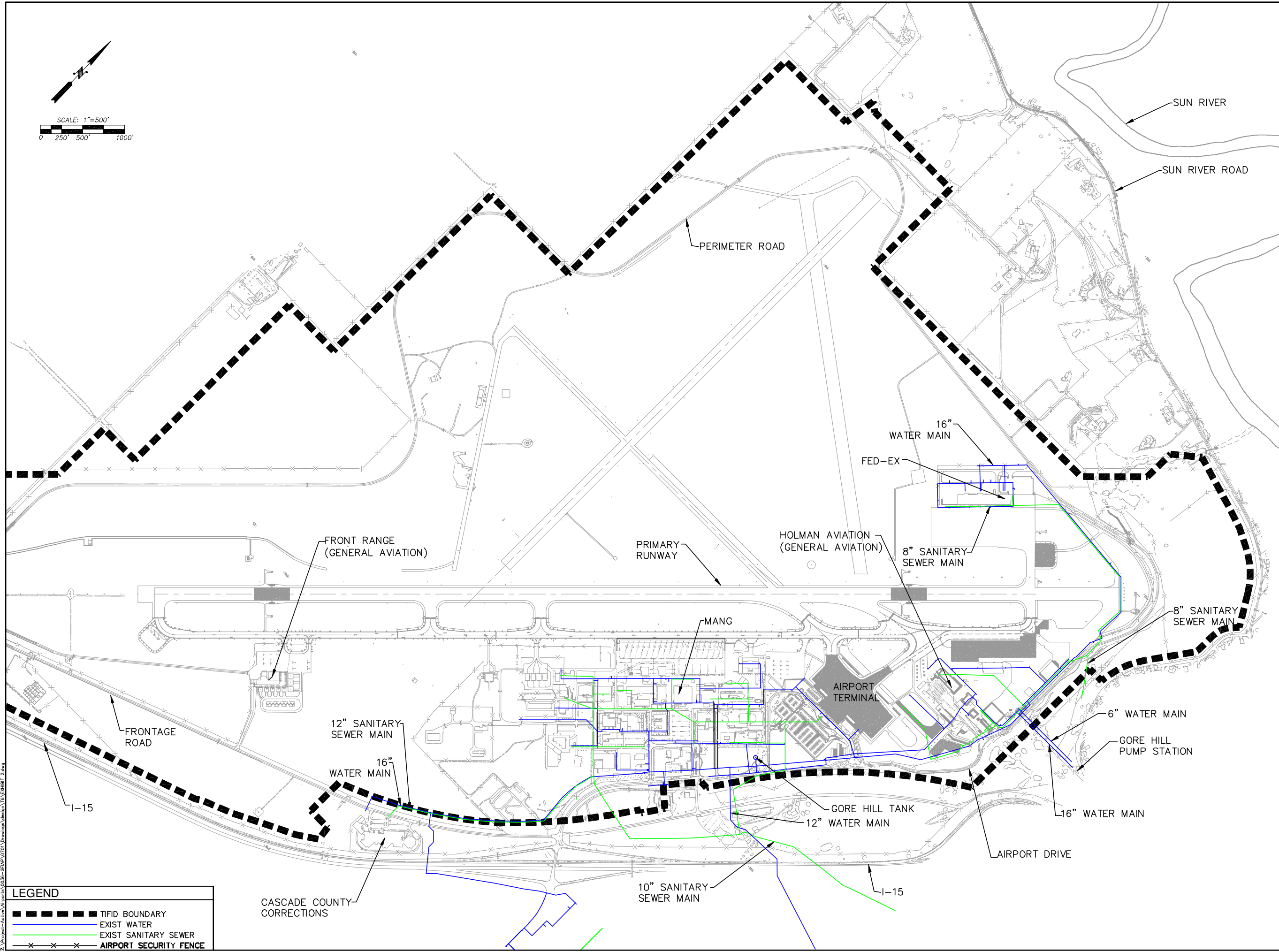
- Local mill levies for transportation infrastructure (7-14-4101 MCA)
- Transportation Improvement Authority (7-14-1001, MCA)
- Special Improvement Districts (7-12-4101 MCA)
- Debt Financing – Cities can make use of various kinds of debt financing to fund industrial development projects. These include general obligation bonds, special improvement district bonds and revenue bonds as well as Tax Increment Financing Bonds.
- State Fuel Tax (15-70-101MCA)

SE
Stelling
Engineers, INC.
614 Park Drive South
Great Falls, MT 59405
Phone: (406)452-8600
Fax: (406)452-8700

**GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
GREAT FALLS, MONTANA**

**EXISTING
INFRASTRUCTURE
EXHIBIT
WATER & SEWER**

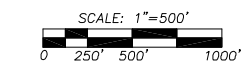
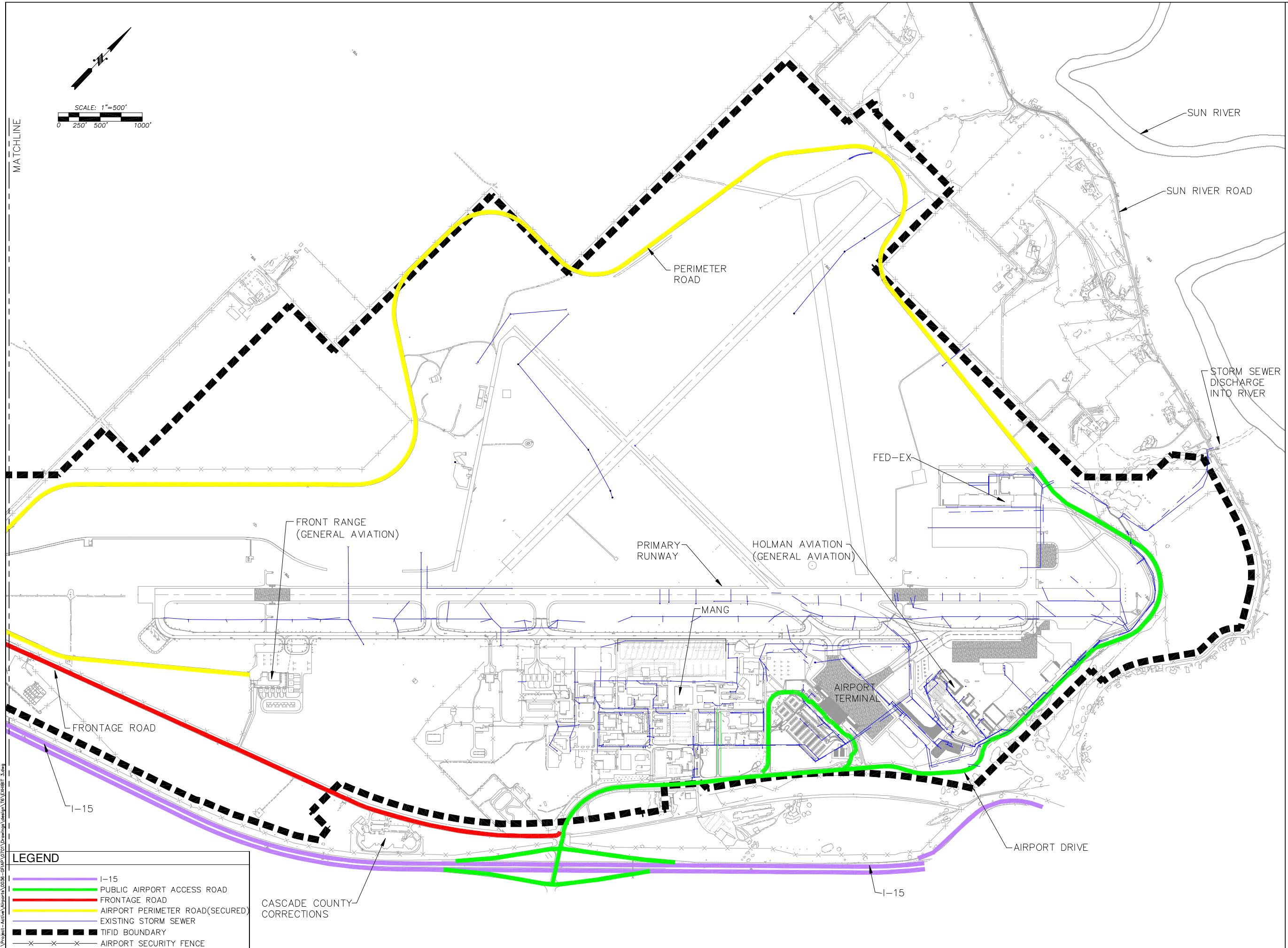
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Cadd Date: 8/2011 (Drawn by:)
Designed by: J.D.W. (Checked by:)
Plot scale: P.M. Date: AS SHOWN
Sheet number: 122
FIGURE 2



LEGEND

- TIFID BOUNDARY
- EXIST WATER
- EXIST SANITARY SEWER
- x x x AIRPORT SECURITY FENCE

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MATCHLINE

LEGEND

| | |
|--|----------------------------------|
| | I-15 |
| | PUBLIC AIRPORT ACCESS ROAD |
| | FRONTAGE ROAD |
| | AIRPORT PERIMETER ROAD (SECURED) |
| | EXISTING STORM SEWER |
| | TIFD BOUNDARY |
| | AIRPORT SECURITY FENCE |

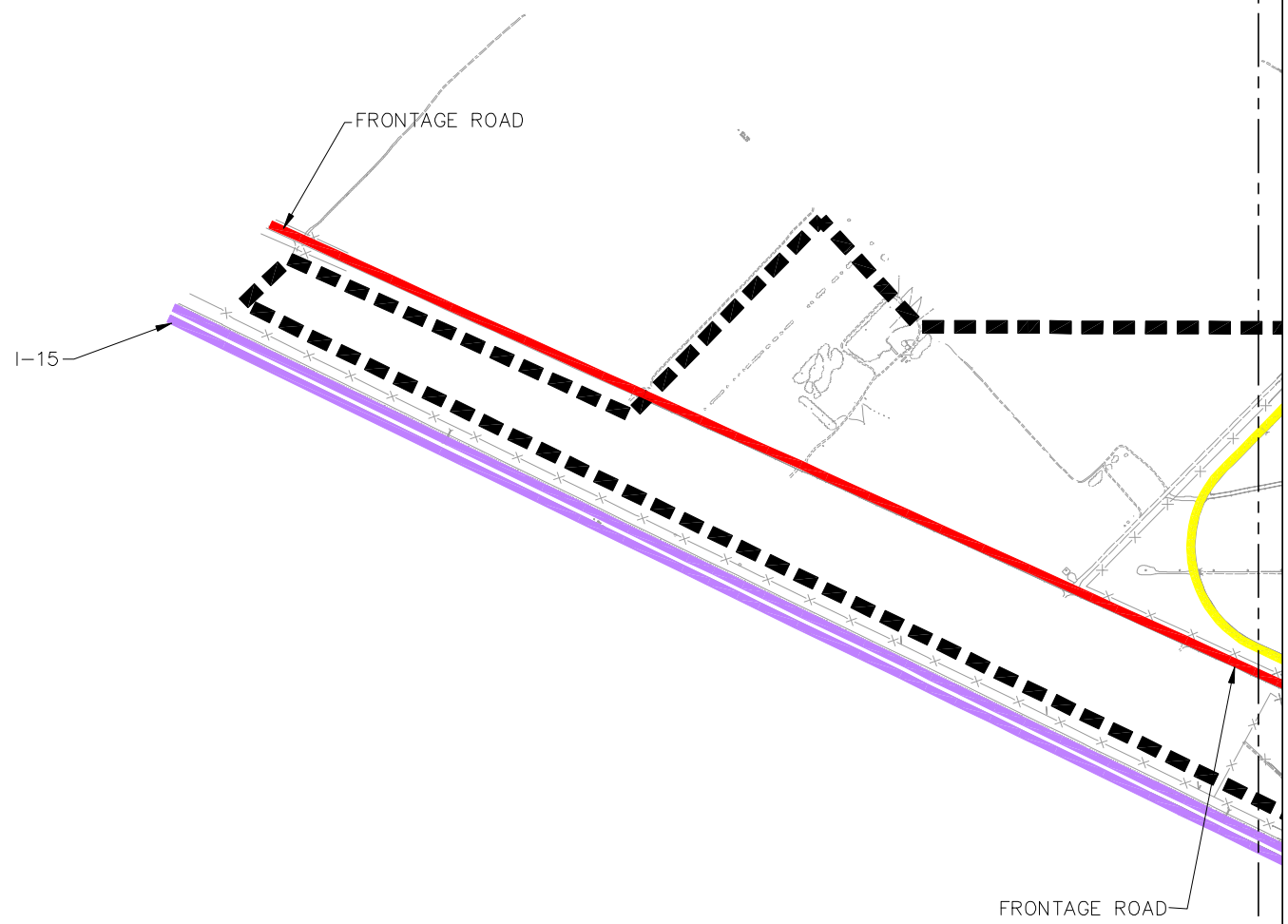
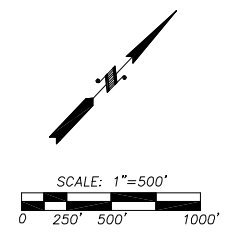
CASCADE COUNTY CORRECTIONS

SE
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 614 Park Drive South
 Great Falls, MT 59405
 Phone: (406)452-8600
 Fax: (406)452-8700

GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
 GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
ROADS & STORM
DRAINAGE

Project Number: 0036-0701-T6
 Cadd. Date: 11/15/11
 Exhibit: 3.00
 Designed by: PWH
 Checked by: PWH
 Date: 11/15/11
 Sheet number: 123
 FIGURE 3



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| LEGEND | |
|--------|----------------------------------|
| | I-15 |
| | PUBLIC AIRPORT ACCESS ROAD |
| | FRONTAGE ROAD |
| | AIRPORT PERIMETER ROAD (SECURED) |
| | EXISTING STORM SEWER |
| | TIFID BOUNDARY |
| | AIRPORT SECURITY FENCE |

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GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
 GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
ROADS & STORM
DRAINAGE

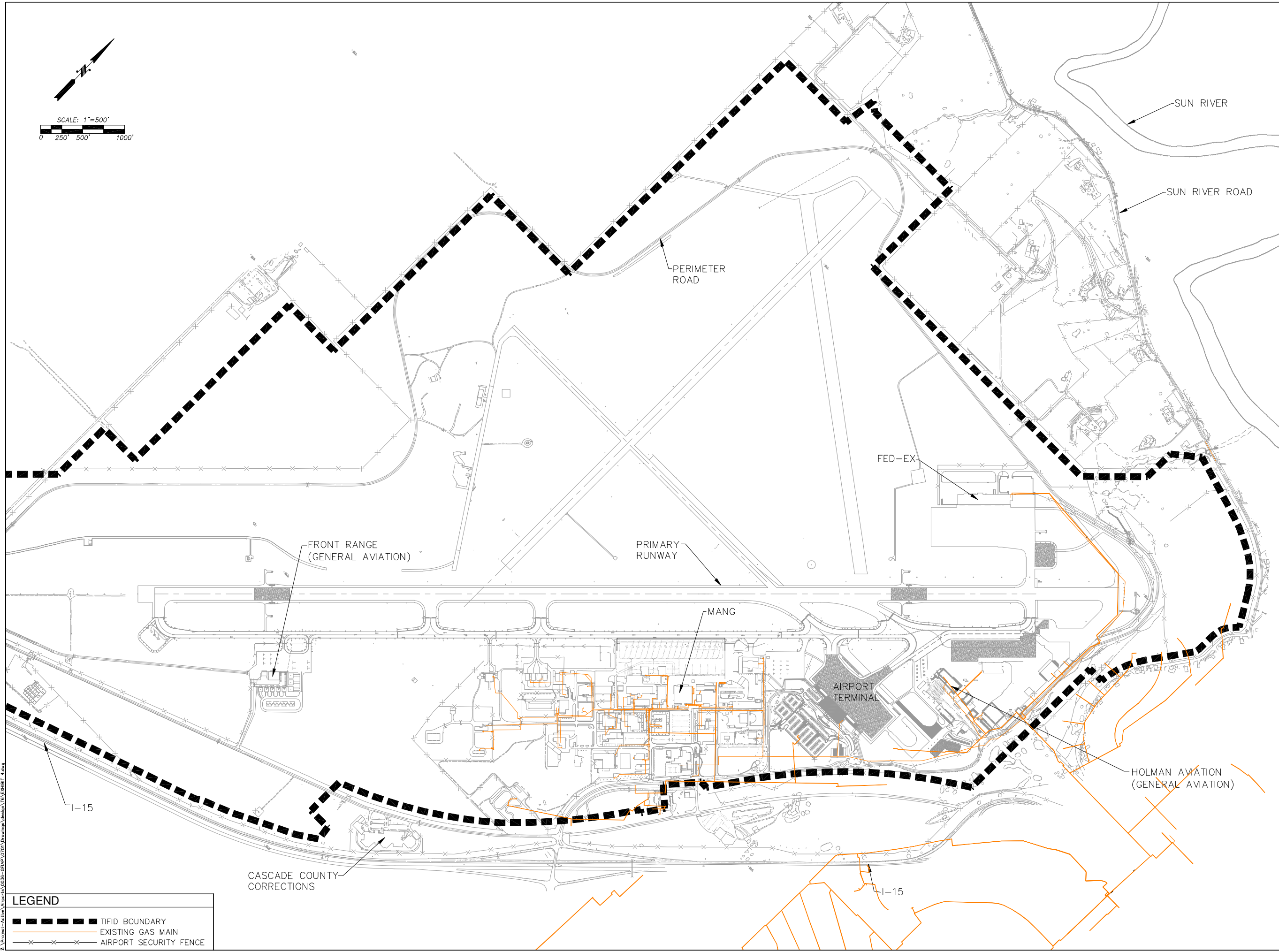
Project Number: 0036-0701-T6
 Cadd. by: [blank] Drawn by: [blank]
 Designed by: PWH Checked by: [blank]
 Plot scale: AS SHOWN Date: [blank]
 Sheet number: FIGURE 3



GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
NATURAL GAS

Project Number: 0036-0701-T6
Cadd. Date: 4/20/11
Designed by: PWH
Plot scale: AS SHOWN
Date: 4/20/11
Sheet number: 125
FIGURE 4



LEGEND

- TIFID BOUNDARY
- EXISTING GAS MAIN
- AIRPORT SECURITY FENCE

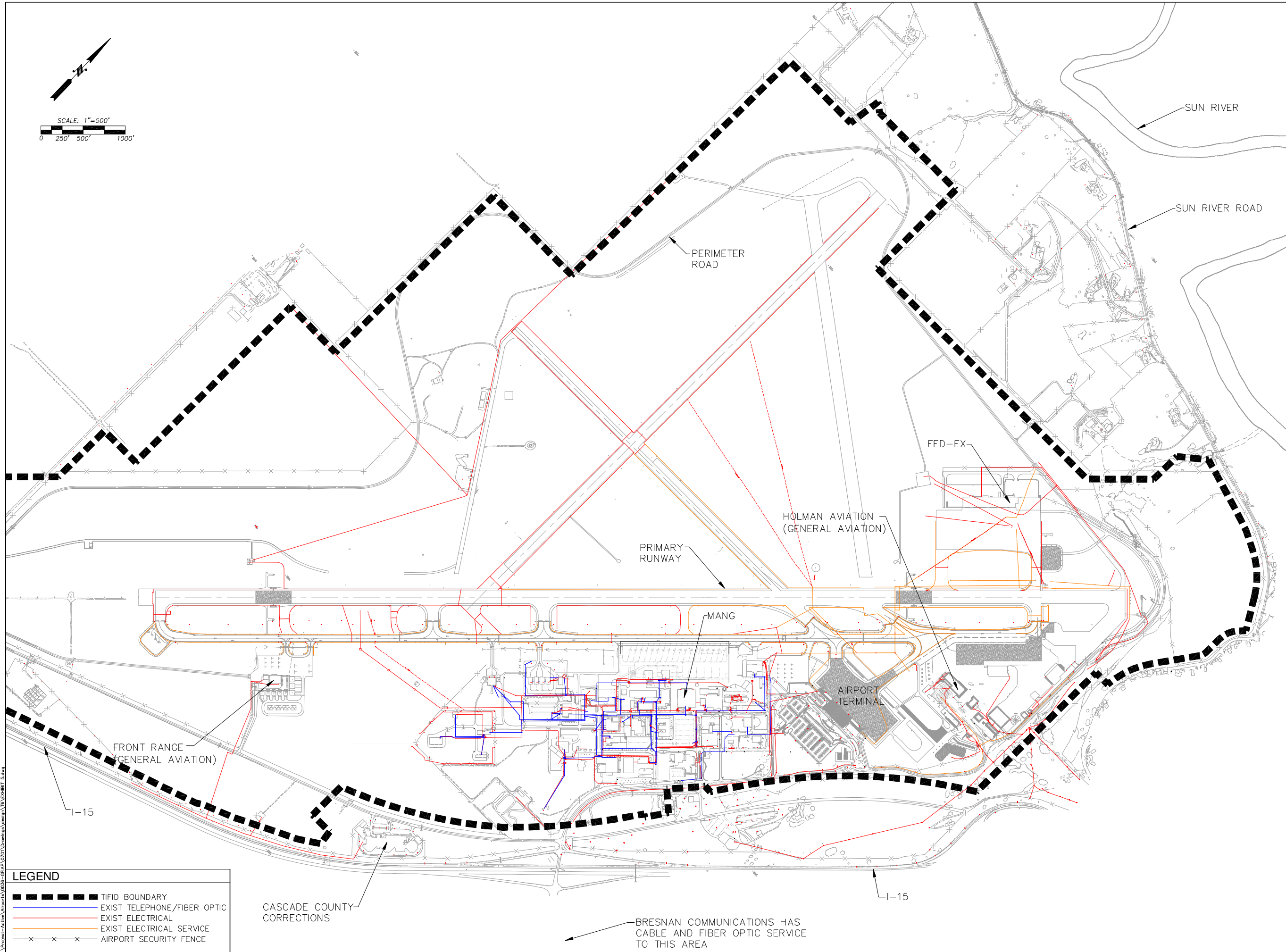
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GREAT FALLS INTERNATIONAL AIRPORT
TIFID DISTRICT
GREAT FALLS, MONTANA

EXISTING
INFRASTRUCTURE
EXHIBIT
ELECTRICAL &
COMMUNICATIONS

Project Number: 0036-0701-T6
Cadd. Date: 5/20/11
Designed by: PWH
PLOT scale: AS SHOWN
Date: 5/20/11
Sheet number: 126
FIGURE 5



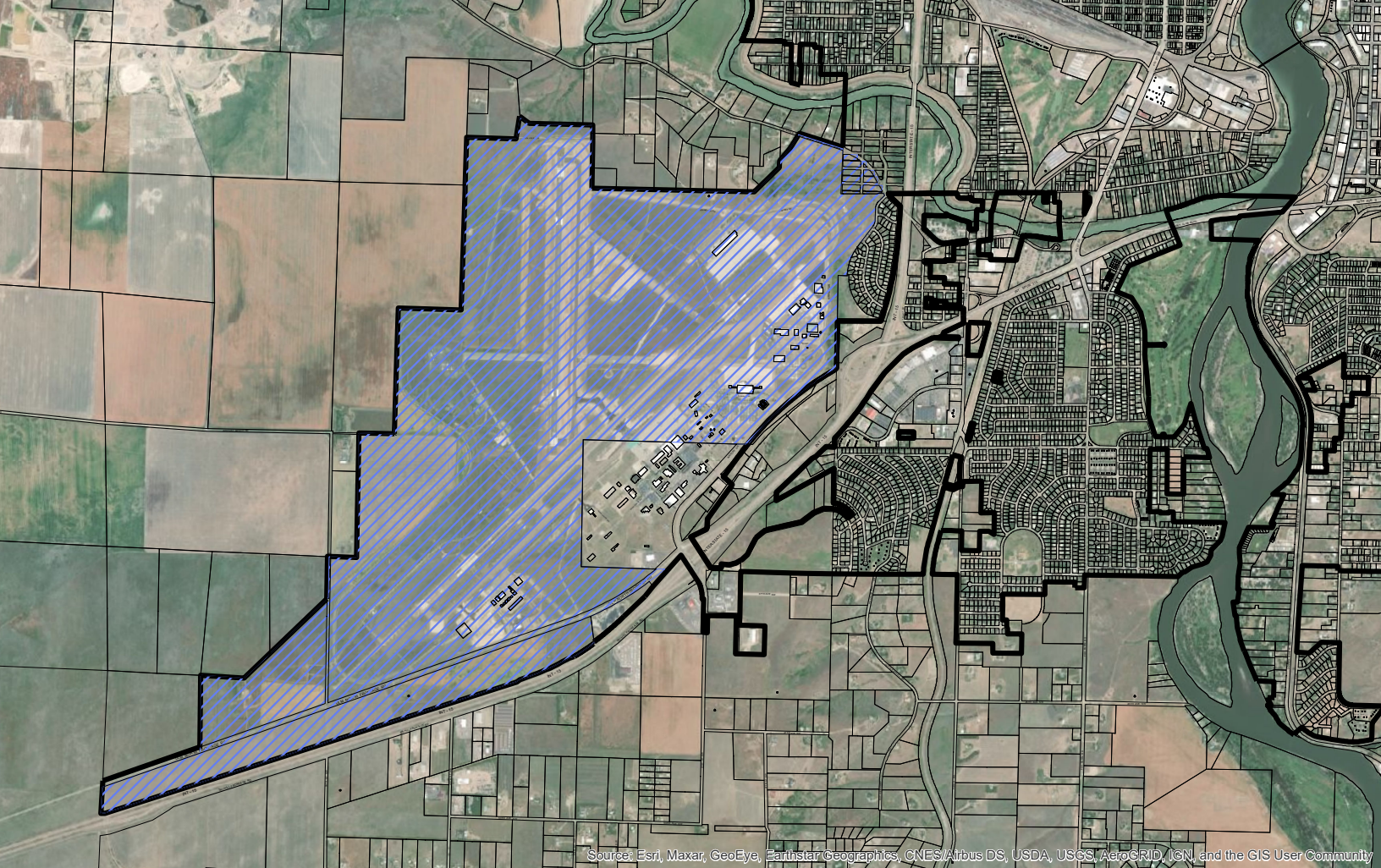
LEGEND

- TIFID BOUNDARY
- EXIST TELEPHONE/FIBER OPTIC
- EXIST ELECTRICAL
- EXIST ELECTRICAL SERVICE
- AIRPORT SECURITY FENCE

CASCADE COUNTY CORRECTIONS

BRESNAN COMMUNICATIONS HAS CABLE AND FIBER OPTIC SERVICE TO THIS AREA

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Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10390 – Resolution approving a request from the Great Falls Business Improvement District (BID) to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the cost of trimming, maintaining, and replacing boulevard trees in the Downtown Urban Renewal District.

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

Initiated By: Great Falls Business Improvement District

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

Action Requested: Approve Resolution 10390 and the submitted Agreement pertaining to the Downtown Urban Renewal project.

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 10390 and (approve/not approve) the Tax Increment Grant Agreement for boulevard tree maintenance, trimming, and replacement.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends approval of Resolution 10390 for expending up to \$125,000 at up to \$25,000 per year for five years, for a request from the BID to use Downtown TIF funds for the cost of trimming, maintaining, and replacement of boulevard trees in the Downtown Urban Renewal District.

Summary: The BID works on behalf of the downtown property owners and the Downtown Development Partnership. The Official Code of the City of Great Falls (OCCGF) 12.1.020 and 17.44.1.040 require that the adjoining property owners of the boulevard have the responsibility to maintain trees or vegetation in the boulevard or landscaping section adjoining their premises. The BID would like to maintain the boulevard tree inventory within the Downtown Urban Renewal District boundaries. This work would include tree-trimming and replacement of any trees that are deemed unhealthy, as well as maintenance of

and replacement of sidewalk tree grates as necessary. The BID will work closely with the City Forester and Public Works in this regard.

Applicant's Request: The BID is seeking up to \$125,000 over 5 years at up to \$25,000 per year which is the estimated cost of the maintenance of the boulevard trees and replacement of any unhealthy trees and grates within the Downtown Urban Renewal District boundaries. BID will be asking for reimbursements after completion of the work each year. The project would begin in the spring of 2021 and run through 2026.

Montana TIF Regulations: Creation and administration of Tax Increment Financing (TIF) Districts is governed by the Montana State Urban Renewal statutes (Title 7, Chapter 15, Parts 42 and 43, MCA). The applicant feels that the requested costs are allowable TIF expenses pursuant to MCA 7-15-4288:

Costs that may be paid by tax increment financing. The tax increments may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

- (1) land acquisition;*
- (2) demolition and removal of structures;*
- (3) relocation of occupants;*
- (4) the acquisition, construction, and improvement of public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;*
- (5) costs incurred in connection with the redevelopment activities allowed under 7-15-4233;*
- (6) acquisition of infrastructure-deficient areas or portions of areas;*
- (7) administrative costs associated with the management of the urban renewal area or targeted economic development district;*
- (8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;*
- (9) the compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;*
- (10) the connection of the urban renewal area or targeted economic development district to existing infrastructure outside the area or district;*

(11) *the provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and*

(12) *the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.*

Downtown Urban Renewal Plan and Requested TIF Funding Allocation Decisions: In order for the municipality to approve TIF funding requests, such requests must be determined to be in compliance with the local jurisdiction’s Urban Renewal Plan, as well as be eligible for TIF funding in accordance with the MCA statutes noted in the previous section. To aid in the City Commission’s decision, the City’s Tax Increment Application Process establishes twelve specific criteria to assess the merits of a project in relation to the Downtown Urban Renewal Plan. Staff has reviewed the applicant’s request based on the review criteria noted below, the Downtown Urban Renewal District Plan, and guidance from the City’s outside TIF legal counsel.

City of Great Falls TIF Review Criteria:

1. **Public Infrastructure Improvements** - Public infrastructure improvements have the benefit of improving and impacting an entire district. Each district may have its own Capital Improvement Plan, which may include things such as roadway improvements, storm drains, sewer and waterlines, railroads, etc.

Staff Analysis: The applicant’s request is not the typical transportation or utility project that the City or a private developer typically brings forward for TIF funding under the category of public infrastructure. The Great Falls Downtown Urban Renewal Plan allows for TIF funds to be used to “Ensure streetscape improvements that are designed to enhance pedestrian safety and pleasure by providing space for pedestrian needs and uses.” As a result, maintaining and replacing the boulevard trees qualifies as an eligible project. The boulevard trees are also located within the public rights-of-way which establishes the “public” element and benefit.

2. **Economic Stimulus** - The amount of economic activity to be generated within a district through the development is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of any one development is 10% of the construction/rehabilitation costs, exclusive of acquisition costs. Projects demonstrating extraordinary benefit to Districts or the community may, at the discretion of City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project’s economic stimulus in the District and the community.

Staff Analysis: Having a well-maintained and inviting streetscape will encourage more visitors and consumers to downtown which will help stimulate community vibrancy and the City’s economy.

3. **Tax Generation** – The increase in taxable value due to the new district development, including construction/rehabilitation, as estimated by the County Assessor’s office to determine tax increment generation.

Staff Analysis: The maintenance of the boulevard trees will not generate any significant taxable value to the district. However, improvements to the streetscape will enhance the District and complement current and future developments, which will increase tax revenue.

4. **Employment Generation** – Total employment generated by the district development is assessed in terms of permanent and part-time jobs, and construction jobs.

Staff Analysis: A contractor will be hired to perform the needed maintenance work for the boulevard trees over the course of five years. It is unknown at this time exactly how many jobs this will help support.

5. **Elimination of Blight** – The development’s direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the appropriate district plan.

Staff Analysis: The project is necessary to maintain the aesthetics of the streetscape that the City has worked hard to build upon. If the streetscape were to deteriorate, the chance for blight within the Downtown Urban Renewal District would increase as time goes on.

6. **Special or Unique Opportunities** – The extent to which the district’s development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provisions of an unmet community need is an example of special or unique opportunities.

Staff Analysis:

Trees are an essential element of the City’s streetscape plan as evidenced within the Downtown Master Plan and the substantial monetary investment of the City, the BID, and the State of Montana CTEP funds. Clearly this supports a key community goal.

7. **Impact Assessment** – The extent of both positive and negative environmental impacts, appropriateness of the developer’s project design, and impact on existing businesses or residents.

Staff Analysis: Maintaining and, if necessary, replacing the boulevard trees will only have positive impacts on the environment and have positive impacts on existing businesses and residents.

8. **Financial Assistance** – Other forms of financing available to the Applicant, Lender participation, industrial development revenue bonds, and state and federal grant monies, for example are examined to assess the need for TIF assistance.

Staff Analysis: The BID is a quasi-governmental not-for-profit agency and has limited financial resources. The ability to utilize TIF funds will enable the BID to focus and prioritize on other elements of its business objectives.

9. **Development’s Feasibility** – A determination of feasibility is made on the strength of the Applicant’s demonstration of market demand for the development in the district and is contained primarily on the pro forma and financing commitments.

Staff Analysis: This specific request supports the entire Downtown Urban Renewal District as opposed to one specific business or development. The resurgence and increased vibrancy of the district since the implementation of the Downtown Master Plan supports the feasibility of supporting a beautiful and well-maintained boulevard and streetscape.

10. Developer Ability to Perform – An assessment of the Applicant’s capability to undertake the relative complexities of the development based on past performance on similar projects.

Staff Analysis: The Applicant has received and managed multiple grants and other TIF allocation funds. The Applicant has shown that it is capable of completing a project within a manner that was appropriate and timely.

11. Timely Compensation – The feasibility of completing the development according to the Applicant’s development schedule.

Staff Analysis: The applicant had stated that it would like to begin work on the trees during the spring of 2021. The BID will work on the trees through a five-year period, culminating in 2026.

12. Payment of Taxes – All property taxes, special improvement district assessments and other assessments on the project property must be paid to date.

Staff Analysis: Government property is exempt from taxation.

Determination of Appropriateness: In discussions with outside legal counsel, Staff has concluded that the request for TIF funds is appropriate. MCA 7-15-4288 (4) includes, “the acquisition, construction, and improvement of public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off street parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred,” as an eligible TIF activity under this category. The City believes that the maintenance and replacement of boulevard trees would fall under the category of infrastructure considering that they are required of developers and are located within the Public Right-of-Way. Under the title “CONNECTED,” the Great Falls Downtown Urban Renewal Plan allows for TIF funds to be used to “Ensure streetscape improvements that are designed to enhance pedestrian safety and pleasure by providing space for pedestrian needs and uses.” As a result, maintaining the boulevard trees qualifies as an eligible project.

Fiscal Impact: The City’s Downtown TIF fund has a current cash balance of \$2,411,041. Annually the TIF receives approximately \$1,500,000. On October 6, 2020, the City Commission approved Ordinance 3222, which amended and restated the urban renewal plan for the Downtown Urban Renewal District and approved the Civic Center façade project as an urban renewal project. The maximum annual payment for the debt for the Civic Center is approximately \$414,150, which leaves approximately \$1,086,000. As a result, there is clearly adequate funding in the TIF district to fulfill the request.

Alternatives: The City Commission may choose to deny the TIF request or approve only a portion of the TIF reimbursement.

Concurrences: The City’s outside legal counsel has reviewed the application and determined that the applicant’s request is eligible for TIF funding consideration. The Downtown Development Partnership held a meeting on February 24, 2021, and voted unanimously to recommend approval of the BID’s request.

Attachments/Exhibits:

- Resolution 10390
- Tax Increment Grant Agreement
- Application
- Application Amendment
- DDP Letter of Support

RESOLUTION 10390

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, APPROVING THE BUSINESS IMPROVEMENT DISTRICT'S APPLICATION FOR USE OF DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING (TIF) DISTRICT FUNDS

* * * * *

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended, an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and apply all or a portion of the tax increment derived from such district to the payment of costs of such urban renewal projects; and

WHEREAS, the City Commission, pursuant to Resolution No. 9961, duly adopted on March 6, 2012, created an urban renewal area as the Downtown Urban Renewal District; and

WHEREAS, pursuant to Ordinance No. 3088, duly adopted on May 15, 2012 after a duly called and noticed public hearing thereon adopted the Downtown Urban Renewal Plan containing a tax increment financing provision and pursuant to Ordinance 3222, duly adopted on October 6, 2020 after a duly called and noticed public thereon adopted a revision to the Downtown Urban Renewal Plan; and

WHEREAS, in April 2013, the City Commission approved the revised Tax Increment Application and Forms that outline eligible activities under state statute, the application process to be followed, and criteria to be used when evaluating applications; and,

WHEREAS, the purpose of the Downtown Tax Increment Financing District is to stimulate revitalization and redevelopment of the Central Business District; and,

WHEREAS, Great Falls Business Improvement District has proposed the maintenance and replacement of boulevard trees within the Downtown Urban Renewal District, with eligible tax increment financing expenses and has applied for such funds; and

WHEREAS, City Staff has assessed the project in relation to the goals and objectives of the Downtown Urban Renewal District Plan, evaluated the project based on the evaluation criteria, and determined that expenditure of TIF funds up to the amount of \$125,000 to be paid out in installments of up to \$25,000 per year for 5 years, is warranted for the purpose of paying for the maintenance and, if necessary, replacement of boulevard trees and sidewalk tree grates within the Downtown Urban Renewal District.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Great Falls, Montana, that the Business Improvement District’s Application for use of Downtown Urban Renewal Tax Increment Financing District Funds is approved in the amount of up to \$25,000 for five years (up to \$125,000 total) for the purpose of paying for the maintenance and, if necessary, replacement of boulevard trees and sidewalk tree grates within the Downtown Urban Renewal District.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, April 20, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

TAX INCREMENT GRANT AGREEMENT

THIS TAX INCREMENT GRANT AGREEMENT is dated as of _____, 2021 (this “**Agreement**”), between the CITY OF GREAT FALLS, a municipal corporation of the State of Montana (the “**City**”), and GREAT FALLS BUSINESS IMPROVEMENT DISTRICT (the “**Grantee**”).

WITNESSETH:

WHEREAS, under the provisions of the Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “**Act**”), an urban renewal district may be established so that a municipality may undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to taxes collected in such district, and pay or reimburse the costs of such urban renewal projects; and

WHEREAS, the City Commission of the City (the “**Commission**”), pursuant to Ordinance No. 3088 adopted by the Commission on May 15, 2012, as amended by Ordinance No. 3222 adopted by the Commission on October 6, 2020 (the “**Ordinance**”), created the Downtown Urban Renewal District (the “**District**”) and adopted the Downtown Urban Renewal Plan (the “**Plan**”) containing a tax increment financing provision; and

WHEREAS, the Grantee submitted an Application for City of Great Falls Tax Increment Financing (TIF) Funds dated January 25, 2021 (the “**Application**”) for tax increment financing assistance with respect to a streetscape project consisting of tree trimming, tree well maintenance, and replacement of trees in need within the boundaries of the District, all in coordination with the City Forester (the “**Project**”).

WHEREAS, the City has determined that the Project constitutes an urban renewal project under and pursuant to the Act and the Plan and that it is appropriate to pay or reimburse the Grantee for the costs of the Project with tax increment (as defined in the Act) of the District (“**Tax Increment**”), subject to the terms and conditions set forth in this Agreement.

NOW THEREFORE, the City and the Grantee, each in consideration of the representations, covenants and agreements of the other, as set forth herein, mutually represent, covenant and agree as follows:

Section 1. Grantee’s Undertakings.

1.1. Competitive Bidding; Prevailing Wage Rates; and Preference for Montana Residents. The Grantee understands that the City is obligated to follow certain laws with respect to the expenditure of public funds, which includes Tax Increment. The Grantee agrees that in the awarding of contracts or subcontracts for the Project that (i) it will and it will cause its contractors to competitively bid the contracts and subcontracts for each of component of the Project; (ii) it will and it will cause its contractors and subcontractors to pay the Prevailing Wage Rates on such contracts or subcontracts related to the Project; (iii) it will and it will cause its contractors and subcontractors will give preference to the employment of bona fide residents of the State of Montana (the “**State**”), as required by Montana Code Annotated Section 18-2-403 and as such term is defined by Montana Code Annotated Section 18-2-401(1) and the Administrative Rules of the State, including but not limited to A.R.M. 24.17.147, obliging the Grantee and its contractors and subcontractors to hire 50% bona fide State residents with respect to the installation and construction of the Project; and (iv) when making assignments of work, it will and it will cause its contractors and subcontractors to use workers both skilled in their trade and specialized in their field of work for all work to which they are assigned. The Grantee will provide to the City all documentation requested to verify the compliance of the Grantee and its contractor and subcontractors with the foregoing

requirements. Failure of the Grantee and its contractor and subcontractors to pay the Prevailing Wage Rates with respect to the Project shall be considered a breach of this Agreement and the City shall be entitled to exercise any and all measures to assure compliance and retroactive compensation plus interest to employees not paid in accordance with this Agreement, and recovery of any penalty or fine assessed by the State attributed to any failure to pay Prevailing Wage Rates. Additionally, the Grantee acknowledges that a violation of these requirements shall result the City not being able to pay or reimburse the Grantee for costs of the Project. “**Prevailing Wage Rates**” means (i) Montana Prevailing Wage Rate for public works projects are published from time to time by and available from the Montana Department of Labor and Industry, Research and Analysis Bureau, P.O. Box 1728, Helena, Montana 59624, telephone number (800) 541-3904; and (ii) applicable Federal Prevailing Wage Rates for public works projects are published from time to time by and available from <https://www.dol.gov/whd/govcontracts/PrevailingWageResources.htm>.

1.2. Permits. The Grantee will obtain in a timely manner all required permits, licenses and approvals, and will meet all requirements of all federal, State and local laws, rules, regulations and ordinances, which must be obtained or met in connection with the Project.

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

Section 2. Reimbursement. The Grantee shall undertake the Project over a five-year period, and the City agrees to pay or reimburse the Grantee for costs of the Project in five annual installments not exceed \$25,000 per year and \$125,000 in the aggregate. Reimbursement for costs of the Project will be based on expenses actually paid or incurred by the Grantee. In connection with each request for payment or reimbursement with respect to the Project, the Grantee shall submit a certificate substantially in the form attached as Exhibit A hereto, along with copies of all invoices and other documentation related to such request. The City may reject, in its sole discretion, any invoice to the extent it is not related to the Project. The obligation of the City to pay or reimburse the Grantee for costs of the Project shall be further subject to (i) the availability, in the sole discretion of the City, of sufficient Tax Increment for purposes of such payment or reimbursement and (ii) compliance by Grantee with its representations, warranties and undertakings as set forth in this Agreement.

Section 3. Limitation of Liability; Release and Indemnification;

3.1. Limitation on City Liability. No agreements or provisions contained in this Agreement nor any agreement, covenant or undertaking by the City contained in this Agreement or any other document executed by the City in connection with the Project will give rise to any pecuniary liability of the City or a charge against its general credit or taxing powers, or will obligate the City financially in any way except with respect to the Tax Increment.

3.2. Release and Indemnification. The Grantee releases the City and all Commission members, and all officers, agents, servants and employees of the City (the “**Indemnified Parties**”) from, and covenants and agrees that the Indemnified Parties shall not be liable for, and agrees to indemnify, defend and hold harmless the Indemnified Parties against, any loss, damage, cost (including reasonable attorneys’ fees), claim, demand, suit, action or other proceeding whatsoever arising or purportedly arising out of, or resulting or purportedly resulting from, the Project. No member, officer or employee of the City shall be personally liable to the Grantee in the event of any default under or breach of this Agreement by the City, or for any amount that may become due to the Grantee for any obligation issued under or arising from the terms of this Agreement.

Section 4. General Provisions. No party may assign any rights or privileges or delegate any duties or obligations under this Agreement without first obtaining the written consent of the other party hereto. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof. This Agreement may be amended or any of its terms modified only by written amendment authorized and executed by the City and the Grantee. This Agreement and the legal relations between the parties hereto will be governed by and construed in accordance with the laws of the State of Montana, without giving effect to any choice of law statutes, rules, or principles. All legal actions arising from this Agreement shall be filed in the District Court of the State of Montana in and for Cascade County, Montana or in the United States District Court with jurisdiction in Cascade County, Montana. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

[remainder of page left intentionally blank]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the _____ day of _____, 2021.

CITY OF GREAT FALLS, MONTANA

[SEAL]

By _____
Gregory T. Doyon, City Manager

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

GREAT FALLS BUSINESS IMPROVEMENT
DISTRICT

Name:
Title:

EXHIBIT A

REIMBURSEMENT REQUEST

TO: City of Great Falls, Montana (the "City")
FROM: Great Falls Business Improvement District (the "Grantee")
SUBJECT: Project Payment and Reimbursement

The undersigned, as an authorized representative of the Grantee, intends that this certificate will satisfy the requirements of Section 2 of the Tax Increment Grant Agreement, dated as of [____], 2021, between the City and the Grantee (the "Agreement"), and does hereby certify on behalf of the Grantee that:

- (a) the Project expenditures for which payment or reimbursement are requested, are attached hereto, including copies of all invoices and other supporting documentation;
(b) the amounts requested have been paid or incurred by the Grantee with respect to the Project and, to the best of my knowledge, the fair value of such services or materials is not exceeded by the amounts requested to be paid or reimbursed;
(c) the cost of work to be paid or reimbursed has been competitively bid and the Grantee, contractor or subcontractor has paid Montana Prevailing Wage Rates for such work; and
(d) no part of the amounts requested to be paid or reimbursed, as stated in this certificate, has been or is the basis for payment or reimbursement in any previous or pending request.

Dated: _____, 20__

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT

By: _____
Name: _____



CITY OF GREAT FALLS APPLICATION AND PROCESS FOR TAX INCREMENT FINANCING FUNDS

IMPORTANT: The material included below outlines the Tax Increment Financing application process and the responsibilities of the Applicant and the City of Great Falls. The Planning and Community Development Department is charged with processing all applications and accomplishing the plans established with creation of each district. Private projects requesting Tax Increment financial assistance will be evaluated by the Great Falls Planning Advisory Board. The Board will prepare a recommendation to the City Commission concerning each individual request using the criteria outlined in this document. Please review this information carefully before submitting the application forms or finalizing your development plans.

Failure to receive approval of a completed application BEFORE construction begins may affect the Applicant's eligibility for Tax Increment Financing assistance from the City of Great Falls.

INTRODUCTION

The City of Great Falls is responsible for administering the urban renewal program in Great Falls, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 parts 42 and 43, Montana Code Annotated). Tax Increment Financing (TIF) is an important element of the program as it provides the City with a means to finance urban renewal, industrial, technology or aerospace activities. The TIF program operates by first establishing a base year taxable value for all properties within the appropriate district. All increases in property taxes in the district above this base valuation, due to new development or reappraisals, are assigned to the City to be used to finance eligible activities within the district.

The City has adopted five TIF districts:

Central Montana Agri-Tech Park

Boundaries Amended – May 7, 2013 (Ord. 3106)
 Boundaries Amended – December 4, 2007 (Ord. 2996)
 Original Adoption Date – May 17, 2005 (Ord. 2911)
 Base Year – January 1, 2005

West Bank Urban Renewal District

Adopted – March 20, 2007 (Ord. 2967)
 Base Year – January 1, 2007

Great Falls International Airport Tax Increment Industrial District

Boundaries Amended - September 1, 2009 (Ord. 3043)

Original Adoption Date – November 5, 2008 (Ord. 3022) and boundaries were amended

Base Year – January 1, 2008

Downtown Urban Renewal District

Adopted – May 15, 2012 (Ord. 3088)

Base Year – January 1, 2012

East Industrial Park Tax Increment Financing District

Adopted – May 7, 2013 (Ord. 3105)

Base year: January 1, 2013

Applicants for TIF assistance are subject to program eligibility analysis and project review criteria listed below. In addition, project applications will be accepted and processed in the order in which they are received and approved based on the availability of funds in consideration of goals of the plan for the appropriate district.

ELIGIBLE TIF ACTIVITIES

7-15-4288, M.C.A defines how tax increments can be used by the municipality to pay costs of or incurred in connection with an urban renewal project, industrial infrastructure development project, technology infrastructure development project or aerospace transportation and technology infrastructure development project and includes:

1. Land acquisition, including acquisition of infrastructure-deficient areas and assemblage of land for development by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at fair value.
2. Demolition and removal of structures.
3. Relocation of occupants.
4. Public improvements such as the acquisition, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, waterlines, waterways, sewage and water treatment facilities, natural gas lines, electrical lines, telecommunication lines, rail lines, rail spurs, bridges, publicly owned buildings and other public improvements.
5. Costs incurred in the exercise of urban renewal powers allowed under 7-15-4233, M.C.A.

APPLICATION PROCESS

Applicants seeking TIF assistance from the City must submit a written application for each TIF-assisted project.

The following procedure has been developed to allow for a thorough and public review of TIF funding requests.

1. Initial Contact. Contact the Planning and Community Development Department, Room 112 in the Civic Center, to discuss the project and determine eligibility for TIF assistance.
2. Prepare a Written Application. The Applicant must submit a complete written application for each funding request. Additional information may be required of Applicants by staff when deemed necessary for the evaluation process. City of Great Falls initiated and administered projects are required to complete an application. (City projects should complete the following sections of the application—Application for Funds, Eligible Activities and the Certification Page.)
3. Staff Review. Upon submittal of all necessary information, a staff group consisting of Fiscal Services, Planning and Community Development, Park & Recreation, and Public Works department heads and the Deputy City Manager will review the merits of the project and the need for funding. The Planning and Community Development Department staff will prepare a staff report and recommendation for the Planning Advisory Board and/or Downtown Development Partnership.
4. Advisory Board. The staff recommendation will be considered by the Planning Advisory Board or Downtown Development Partnership. The Downtown Development Partnership will consider all applications submitted for the Downtown Urban Renewal District; the Planning Advisory Board will consider all other TIF applications. The advisory boards will in turn prepare a recommendation to the City Commission for final approval. At any point in the review process the staff, the Planning Advisory Board, Downtown Development Partnership or the City Commission may request more information of the Applicant or solicit comments on the project from other public agencies.
5. City Commission Review and Approval. The City Commission will review the project, will consider the recommendation from the Planning Advisory Board and/or Downtown Development Partnership will approve or reject the funding request or any part thereof along with any special terms of TIF assistance.
6. Development Agreement. If TIF assistance is approved, the City and the Applicant must execute a legally binding Development Agreement which establishes the terms and conditions of the TIF assistance. Among the terms and conditions, the Agreement shall specify the schedule for the start and completion of the project, may require the Applicant to guarantee repayment of TIF assistance

if the terms of the Agreement are violated by the Applicant and may require an agreement for payment of an annual tax deficiency fee pursuant to §7-15-4294, MCA. The Development Agreement shall also specify whether the Applicant or City will be responsible for bidding or obtaining cost estimates and selecting contractors for funded activities. If receiving TIF dollars, the applicant is required to follow requirements for public construction contracts as pertains to payment and performance bonding and standard prevailing rate of wages. The Development Agreement must be approved by the City Commission. Projects initiated and/or administered by the City of Great Falls are not required to complete a Development Agreement.

IMPORTANT NOTE: Costs to be paid with TIF monies may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the appropriate district plan. To measure the public benefit derived from the project, the City evaluates projects based on the following criteria. Each district development is judged on its own merit; therefore, no weight is given to any of the criteria. The City Commission may establish additional criteria per district that would provide specific funding priorities.

1. Public Infrastructure Improvements – Public infrastructure improvements have the benefit of improving and impacting an entire district. Each district may have its own Capital Improvement Plan, which may include things such as roadway improvements, storm drains, sewer and water lines, railroads, etc.
2. Economic Stimulus – The amount of economic activity to be generated within the district through the development is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of participation in any one development is 10% of the construction/rehabilitation costs, exclusive of acquisition cost. Development projects clearly demonstrating extraordinary benefit to districts or the community may, at the discretion of the City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project's economic stimulus in the district and the community.
3. Tax Generation – The increase in taxable value due to new district development, including construction/rehabilitation, as estimated by the County Assessor's office to determine tax increment generation.
4. Employment Generation – Total employment generated by the district development as assessed in terms of new permanent and part-time jobs, and

construction jobs.

5. Elimination of Blight (applies to Urban Renewal Districts) – The development’s direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the appropriate district plan.
6. Special or Unique Opportunities – The extent to which the district’s development represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provision of an unmet community need is an example of special and unique opportunities.
7. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the development’s project design, and impact on existing businesses or residents.
8. Financial Assistance – Other forms of financing available to the Applicant. Lender participation, industrial development revenue bonds, and state and federal grant monies, for example, are examined to assess the need for TIF assistance.
9. Development’s Feasibility – A determination of feasibility is made based on the strength of the Applicant’s demonstration of market demand for the development in the district as contained primarily on the pro forma and financing commitments.
10. Developer Ability to Perform – An assessment of the Applicant’s capability to undertake the relative complexities of the development based on past performance on similar projects.
11. Timely Completion – The feasibility of completing the development according to the Applicant’s development schedule.
12. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.

CITY OF GREAT FALLS



TAX INCREMENT FINANCING (TIF)

APPLICATION FOR FUNDS

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: Downtown Tree Trimming & Replacement

Date Submitted: _____

Name of TIF District: Downtown Urban Renewal District

APPLICANT INFORMATION

Name: Great Falls Business Improvement District

Address: 318 Central Avenue, Great Falls 59401

Telephone: 406.727.5430

DEVELOPMENT INFORMATION

1. Building Address: N/A

2. Legal Description: N/A

3. Ownership: All downtown property owners within the Master Plan boundaries

Address: _____

4. If property is not owned by the Applicant, list leasehold interest: (*Attach evidentiary materials*).

Name: _____

Address: _____

5. Existing/Proposed Businesses: _____

Business Description: _____

6. Employment: Existing FTE Jobs: _____

New Permanent FTE Jobs created by project: _____ Construction FTE jobs: _____

7. Architectural/Engineering Firm: _____

Address: _____

Representative: _____

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

8. Please provide a description of the Total Project Development (attach a narrative explanation).

According to the National Trust for Historic Preservation, “A walkable retail district is more than a place where people run their errands. Central business districts are the heart and soul of communities...Gardeners and philosophers have celebrated the pleasures of trees and nature for centuries, noting the role of plants in aesthetics, cultural symbolism, and therapy...Studies during the last 40 years on humans and landscapes generally find that people of all ages and cultural backgrounds prefer natural views to built settings and that urban spaces with trees receive higher ratings for visual quality.” Main Street news No. 263 August 2009

Long before these scientific studies were conducted proving the effect of urban trees, Paris Gibson, the Founder of our great City, called for the planting of trees within our City.

In 2020, the City of Great Falls completed its 40th year of receiving the designation of Tree City USA. The importance of our trees in the Downtown Core can't be understated.

The Official Code of the City of Great Falls (OCCGF), particularly 12.4.010 and 12.40.020 and 17.44.2.040, dictate that the adjoining property owners have the responsibility to maintain trees or vegetation in the boulevard or landscaping section adjoining their premises.

In 2017, City staff conducted a thorough survey of the trees in the Downtown core. Simply using the boundaries of Park Drive to 7th Street, 1st Ave South to 1st Ave North, the City inventoried 390 trees; 297 of those trees require tree grate repair; almost all of the trees require tree well work; tree trimming and replacement will be evaluated annually during this upcoming five-year process.

The Great Falls Business Improvement District (BID), on behalf of the downtown property owners and the Downtown Development Partnership, would like to utilize TIF funding from the Downtown Urban Renewal District to take care of tree trimming, tree well work and replacement of trees in need, within the Downtown Master Plan boundaries, on behalf of the property owners. BID will work closely with the City Forrester throughout this project.

This project will be conducted over a five-year time period, at a maximum annually of \$25K per year for a total maximum of \$125K. The Downtown Master Plan boundaries include the area of River Drive up to 15th Street, 5th Ave South to 5th Ave North. The project will begin in the spring of 2021 in the BID boundaries and will advance to encompass the entire Downtown Master Plan boundaries over a five-year time period. Annually, the BID will solicit for bids within a designated area within the Master Plan boundaries, soliciting for any necessary tree trimming, tree well work and tree replacement.

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).
N/A

10. What is the development schedule or estimated completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

Upon approval, the project will commence in Spring 2021 and will run annually for five years, completing in Spring 2026.

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so,

what type?

N/A

12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.*)

Tree trimming and tree replacement work will be budgeted to not exceed \$25K annually.

Public bids will be solicited for annually, with the designated area changing each year until the entire Master Plan boundary area is completed.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

Land and Site Preparation Improvements (Itemized)

| | | |
|-------------------------|----------|----------|
| 1. <u>Value of Land</u> | \$ _____ | |
| 2. _____ | \$ _____ | |
| 3. _____ | \$ _____ | |
| 4. _____ | \$ _____ | |
| 5. _____ | \$ _____ | |
| Subtotal | | \$ _____ |

Construction/Rehabilitation Costs (Use general construction trade divisions) (Total value of improvements)

| | | |
|-----------------|----------|----------|
| 1. _____ | \$ _____ | |
| 2. _____ | \$ _____ | |
| 3. _____ | \$ _____ | |
| 4. _____ | \$ _____ | |
| 5. _____ | \$ _____ | |
| 6. _____ | \$ _____ | |
| 7. _____ | \$ _____ | |
| Subtotal | | \$ _____ |

Equipment Costs (Total value of equipment)

| | | |
|-----------------|----------|----------|
| 1. _____ | \$ _____ | |
| 2. _____ | \$ _____ | |
| 3. _____ | \$ _____ | |
| 4. _____ | \$ _____ | |
| 5. _____ | \$ _____ | |
| Subtotal | | \$ _____ |

Total Project Development Costs \$ _____

ELIGIBLE TIF ACTIVITIES

Land Acquisition

| | Total | Amount Requested from TIF | Timing for Funds |
|----|-----------------|------------------------------|--|
| 1. | \$125,000 _____ | \$125,000 _____ | \$25,000 annually for five years _____ |

Demolition & Removal of Structures

| | | | |
|-----------------|-------|-------|-------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| Subtotal | _____ | _____ | _____ |

Relocation of Occupants

| | | | |
|----|-------|-------|-------|
| 1. | _____ | _____ | _____ |
|----|-------|-------|-------|

Public Improvements

(acquisitions, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, etc.)

| | | | |
|-----------------|-------|-------|-------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| Subtotal | _____ | _____ | _____ |

Fees (associated with eligible activities)

(A&E design/supervision, permits & other fees)

| | | | |
|----|-------|-------|-------|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |

CERTIFICATION

I (we), Joan Redeen (please print),
certify that the statements and estimates within this Application as well as any and all documentation
submitted as attachments to this Application or under separate cover are true and correct to the best of
my (our) knowledge and belief.

Signature _____

Title Community Director

Address 318 Central Ave, Great Falls 59401

Date _____

Signature _____

Title _____

Address _____

Date _____



Great Falls Business Improvement District

318 Central Ave • Great Falls, MT 59401 • (406) 727-5430 • (406) 727-5431 FAX • info@greatfallsbid.com

www.GreatFallsBID.com

March 2021

An amendment to the original TIF Application for Downtown Tree Trimming & Replacement is necessary as the original application noted, in error, that the work would be done within the Downtown Master Plan Boundaries.

The original application is amended as follows:

Development Information:

3. Ownership – All downtown property owners within the Downtown Urban Renewal District boundaries

8. Please provide a description of the Total Project Development:

... The Great Falls Business Improvement District (BID), on behalf of the downtown property owners and the Downtown Development Partnership, would like to utilize TIF funding from the Downtown Urban Renewal District to take care of tree trimming, tree well work and replacement of trees in need, within the Downtown Urban Renewal District boundaries, on behalf of the property owners. BID will work closely with the City Forrester throughout this project.

This project will be conducted over a five-year time period, not to exceed \$25K per year for a total maximum of \$125K. The Downtown Urban Renewal District boundaries will be the area in which this tree work takes place. A map of the Downtown Urban is attached to this amendment to the TIF application. The project will begin in the spring of 2021 in the BID boundaries and will advance to encompass the entire Downtown Urban Renewal District boundaries over a five-year time period. Working with the City Forrester and City staff, the BID will solicit for bids and secure a five-year contract with a licensed, bonded & insured tree vendor. The vendor will be tasked with working within the Downtown Urban Renewal District boundaries. Their contract will include any necessary tree trimming, tree well & grate work and tree replacement.

All tree work done will be within, and not exceeding, the Downtown Urban Renewal District boundaries.

Thank you for your consideration of this request.

Sincerely,

Joan Redeen
Joan Redeen
Community Director





Downtown Development Partnership of Great Falls, Inc.
#318 Central Avenue, Great Falls, MT 59401
406-727-5430

February 24, 2021

The Downtown Development Partnership (DDP) of Great Falls supports the TIF Application submitted by the Great Falls Business Improvement District (BID) for tree work downtown to be done over the next five years.

We support the use of TIF funds for tree work within the downtown master plan boundaries. We encourage the City Commission to support this use of TIF funds, as they did back in 2009 when the BID applied for TIF funds for the same use.

The Downtown Development Partnership is a public/private partnership formed as a non-profit 501 (c) 3 corporation. We were created with the endorsement of the Great Falls City Commission to bring the community together to revitalize downtown Great Falls by supporting implementation of the City's Downtown Master Plan. The Partnership includes the Great Falls Business Improvement District, Downtown Great Falls Association, Downtown Neighborhood Council, NeighborWorks Great Falls, Great Falls Development Authority, Parking Commission, Great Falls Farmers Market, Great Falls Public Schools, City of Great Falls, Cascade County, Great Falls Area Chamber of Commerce and many other community organizations, residents, businesses that support downtown revitalization.

We thank the City Commission for your consideration of the BID's TIF application and encourage your approval of the application, as presented.

Sincerely,

Kellie Pierce

Kellie Pierce, DDP Board Chair
Director of Operations
Downtown Great Falls Association



Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: 2021/2022 Citizen Participation Plan
From: Planning and Community Development Department
Initiated By: Tom Micuda, Deputy Director, Planning and Community Development
Presented By: Craig Raymond, Director
Action Requested: Adopt the Citizen Participation Plan

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) the Citizen Participation Plan.”

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

Staff Recommendation: Staff recommends that the City Commission adopt the Citizen Participation Plan.

Summary: In order for the City of Great Falls to maintain its status as an Entitlement Community to receive Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds from the federal government, the City must have an adopted Citizen Participation Plan. This Plan is designed to provide a means for the public to have access to program information and, more importantly, to encourage them to participate in setting priorities for how federal funds are spent in the community. The Citizen Participation Plan must be reviewed and adopted by the City Commission as part of the City’s process to adopt its Annual Action Plan. Once the City Commission reviews the Plan and also conducts its Public Needs Hearing proposed for May 4, City staff will submit the Annual Action Plan for the Commission’s consideration.

Key Components of the Citizen Participation Plan: The updated Citizen Participation Plan is attached for the Commission’s review. The Plan addresses the following key elements of public participation:

- Involvement of Low to Moderate Income individuals in the development of required program documents such as the: 1) Annual Action Plan, 2) 5-year Consolidated Plan, and 3) Consolidated Annual Performance and Evaluation Report (CAPER);
- Type and number of City Commission public hearings that are required in order for citizens to be involved in the development of the Annual Action Plan;
- Legal notice requirements as well as media publicity obligations to promote public hearings;

- How the City is required to incorporate and respond to public comments as well as complaints/grievances pertaining to program documents;
- Procedures for informing the public regarding minor amendments and substantial amendments to program documents; and
- Expedited public involvement procedures related to amending Plans to facilitate the expenditure of CARES Act CDBG funds

Fiscal Impact: Adoption of the Citizen Participation Plan document has no specific financial impact for the City of Great Falls. However, adoption of this Plan is a requirement of the program to maintain its standing with HUD and allow the City to continue to receive CDBG and HOME funds.

Alternatives: The City could deny the submitted Citizen Participation Plan or delay consideration of the document. Delaying consideration of the Plan could jeopardize the City's ability to submit the upcoming Annual Action Plan by the required June 30 deadline.

Concurrences and Public Comments: The development of the Citizen Participation Plan does not require concurrences from other City departments. The Plan is reviewed by HUD as part of the program's ongoing monitoring process. Additionally, the Citizen Participation Plan was made available to the public for their input. Three comments from the public were received and have been included as an attachment to the agenda report and the Plan.

Attachments/Exhibits:

2021/2022 Citizen Participation Plan
Public Comment Emails

CITY OF GREAT FALLS CITIZEN PARTICIPATION PLAN
 for COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
 and HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)
 UPDATED MARCH 2021

PURPOSE

The United States Department of Housing and Urban Development (HUD) requires the City of Great Falls to develop and follow a Citizen Participation Plan as a condition of receiving funds under the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) as outlined in Section 24 of the Code of Federal Regulations Part 91.105. The Plan must describe the local annual process as well as address key elements mandated by HUD. The City's program year begins July 1 and ends June 30.

The Citizen Participation Plan contains the City of Great Falls' policies and procedures for involving the community in:

- The development of the Citizen Participation Plan, Annual Action Plan and the Consolidated Plan;
- The review of the Consolidated Annual Performance and Evaluation Report (CAPER); and
- Any substantial amendments to the Consolidated Plan.

The Citizen Participation Plan will assure that all residents are afforded adequate opportunities to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and have questions or complaints answered in a timely and responsive manner.

KEY ELEMENTS OF CITIZEN PARTICIPATION

Encouragement of Citizen Participation

The City will provide for and encourage citizen participation, emphasizing the involvement of low to moderate income residents in areas where housing and community development funds may be spent, particularly those in slum and blighted areas. The City will also inform and offer opportunities for comment to residents of low to moderate income neighborhoods (neighborhoods having 51% or higher low to moderate income populations). The City will encourage the participation of public/assisted housing residents being served by the Great Falls Housing Authority and Opportunities, Inc.

The City will make reasonable efforts to consult with other public, private, and non-profit agencies that provide housing, health service, and social services. In particular, agencies to be consulted will be those that focus on service to children/families with children, elderly persons, racial/ethnic minorities, persons with disabilities, female heads of household, non-English speaking persons, and other persons in need of services. The City will encourage input and solicit comments from Neighborhood Councils and will notify the Councils about public hearings related to development of the Consolidated Plan or Annual Action Plan. The city will encourage community input for the Annual Action Plan through a minimum of one public meeting and a minimum of two public hearings. Additionally, during the development of the 5-

year Consolidated Plan, the City will utilize community surveys, focus groups, and other public forums as methods of obtaining community input and assessing community needs. Policies involving access to public meetings and information are outlined in following sections of this Plan.

When preparing the portions of the Consolidated Plan or Annual Action Plan regarding lead-based paint hazards, the City will consult with the Great Falls Housing Authority certified lead-based paint risk assessor to define what specific activities will be undertaken to mitigate and abate lead-based paint in housing units subsidized to be affordable for low to moderate income households. Activities required for lead-based paint hazards will also be addressed in non-profit facilities which receive CDBG grant funds as sub-recipients of the City where children spend the amount of time which meets the minimum threshold criteria.

The City Commission is the final citizen policy body that reviews and takes action on the Citizen Participation Plan, Annual Action Plan, and Consolidated Plan. After receipt and consideration of public comments, the City Commission votes on these Plans. During all City Commission meetings, citizens have the opportunity to provide public comment.

Access to Meetings

The City will afford adequate, timely notification so that residents can attend local meetings and public forums and be involved in decision making at various stages of the program. The City will provide reasonable accommodations for persons with disabilities to all public hearings and meetings. Reasonable accommodations include but are not limited to holding meetings in handicapped accessible buildings and providing for language interpreters, when requested.

Access to Information

The City will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan, Annual Action Plan and all of their components, and the City's planned use of financial assistance received under the relevant federal programs during the upcoming program year. The public will have the opportunity to receive information, review and submit comments on any proposed submission, including the Consolidated Plan adoption by the City Commission and any plan amendments. Information on the required 30-day comment period related to any proposed submission amendments, or adoption of the Consolidated Plan and Annual Action Plan will be available to the public.

Information will also be available on the range of programs and the amount of funding assistance the City expects to receive proposed to benefit low to moderate income residents. These groups will have access to the City's plans to minimize displacement of residents and businesses and assist those displaced because of these activities. The City will also provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to all processes associated with the CAPER.

Information and public records will be available during regular business hours in the City Planning and Community Development Department. Special arrangements will be available to accommodate access to information for persons with disabilities.

The final version of the current Consolidated Plan and current Annual Action Plan will be available on the City's website on an ongoing basis.

Technical Assistance

The City will provide appropriate technical assistance to all groups that request assistance in developing proposals for financial assistance under any of the programs covered by the Consolidated Plan.

Public Hearings

The City Commission will hold at least two public hearings during each program year cycle to obtain citizens' opinions.

The hearings must be conveniently timed for people who are likely to benefit from program funds. The hearings must be accessible to people with disabilities, and adequately publicized with sufficient information about the subject of the hearing to encourage informed comment. Material presented at the public hearings will be made available in electronic format on the City's website. The public hearings will occur on a weekday evening in the Civic Center, which is centrally located, easily accessible with adequate parking, and handicap accessible. Individuals with specific special needs should contact the City before public hearing dates to make arrangements if they wish to attend.

The first public hearing will give citizens the opportunity to comment and provide input on the following:

- Any housing and non-housing community development needs they have identified
- Development of proposed activities
- How funding proposals may meet community development needs in Great Falls
- Performance of the City in administering and distributing federal funds

The second public hearing will offer the opportunity for the citizens to comment on the following:

- Adoption of the Consolidated Plan or Annual Action Plan
- Use of federal funds
- Performance of the administration and implementation of funded projects

Notification to the public will be published at a minimum 14 days in advance of all public hearings. This will include publishing at least two legal notices not less than six days apart in a publication designated by the City of Great Falls for legal notices. In addition, a press release will be sent out to local media, and the information will be posted on the City's website and social media outlets. Direct emails will be sent

to all individuals, agencies, and government departments which have expressed an interest in or have received CDBG or HOME grant funds in previous years.

Publication of the Consolidated Plan/Annual Action Plan/CAPER

The City will publish its proposed Consolidated Plan/Annual Action Plan/CAPER documents so that affected residents have sufficient opportunity to review them and provide comments. The requirement for publishing will be met by making copies of the proposed plan available at the Great Falls Public Library, the City's Planning and Community Development Office, and on the City's website. The City will provide a reasonable number of free copies of the Consolidated Plan/Annual Action Plan/CAPER to citizens and groups upon request.

Comments

A period of not less than 30 days will be provided to the public for review and comment on the proposed Consolidated Plan and/or Annual Action Plan prior to submission to HUD. A period of no less than 15 days will be provided to the public for review and comment on the CAPER prior to submission to HUD. Notices of periods for public comment and review will be published in a publication designated by the City of Great Falls for legal notices and on the City's website and social media platforms. Citizens may comment on the adoption of the Citizen Participation Plan every five years or any time the Citizen Participation Plan has substantial revisions or has been re-written. Prior to adopting the Citizen Participation Plan, the City will distribute the plan for review and comment for a 15-day period.

The City will consider any comments or views of residents, public agencies, units of general local government, and other interested parties concerning the Consolidated Plan and/or Annual Action Plan, any amendments to these plans, and the CAPER and attach a summary of such comments to the final submissions. Comments can be submitted to the Planning and Community Development Department via written submission, phone, email, or oral comment at public hearings. The Montana Relay number will be included in notifications to facilitate comments from citizens who are deaf, hard-of-hearing, or have speech disabilities.

Complaints and Grievances

The City will consider any complaints and grievances from citizens, agencies, units of general local government, or other interested parties concerning the Consolidated Plan or Annual Action Plan, any amendments to these plans, and the CAPER. Complaints and grievances can be submitted to the Planning and Community Development Department via written submission, phone, email, or oral comment at public hearings. The Montana Relay number will be included in notifications to facilitate complaints and grievances from citizens who are deaf, hard-of-hearing, or have speech disabilities.

The Planning and Community Development Department will address any complaints and grievances with written responses within 15 working days, where practical. Depending on the nature of the complaint and grievance, staff may refer the issue to the City Manager or the City Commission if the response from staff is unsatisfactory to the complainant. As appropriate, a summary of responses will be attached to

the final submissions of the Consolidated Plan, Consolidated Plan amendments, Annual Action Plan, and CAPER.

Non-English Speaking Residents

The City will provide translation services for non-English speaking residents at public hearings upon request and within reason.

Substantial Amendments

Substantial changes in the City's planned or actual program activities will require an amendment to the Consolidated Plan or Annual Action Plan. The following criteria determines what constitutes a substantial change and governs Consolidated Plan or Annual Action Plan amendments:

- Change in allocation priorities or method of distribution of more than 50%
- Carrying out new program activities, not identified in the Consolidated Plan or Annual Action Plan
- Change in purpose, scope, location or beneficiaries of activities identified in the Consolidated Plan or Annual Action Plan

The City will provide a notice, published twice, in a publication designated by the City of Great Falls for legal notices and have notifications on the City's website. The City will also make available any substantial amendments to the Consolidated Plan or Annual Action Plan for citizen comment for a 30-day period.

Minor Amendment

Minor amendments represent any changes to the Consolidated Plan or Annual Action Plan that do not qualify as "substantial amendments." Minor amendments require the signature of the Planning and Community Development Director or Deputy Director but do not require public notice of 30 days or City Commission approval.

SOLICITATION OF CITIZEN COMMENTS ON THE CITIZEN PARTICIPATION PLAN

Prior to the adoption of the Citizen Participation Plan and approval by the City Commission, a notice will be published twice in a publication designated by the City of Great Falls for legal notices. Notices of the Citizen Participation Plan and/or any amendments to this Plan will be available for a 15-day comment period and will designate the sites where a citizen may obtain a copy of the Plan. These sites will include the City's website and the City Planning & Community Development Department. State relay 711 and reasonable accommodations are available upon request.

The City will consider all written and oral comments or views of residents received during the public comment period. The final Plan will include a summary of public comments and a summary of any comments not accepted and the reasons therefore.

SOLICITATION OF CITIZEN COMMENTS IN PREPARING THE CONSOLIDATED PLAN OR THE ANNUAL ACTION PLAN

The City will contact local affordable housing and public service agencies, the Great Falls Housing Authority and the Neighborhood Councils to obtain information and comments to make citizens aware of the Consolidated Plan or Annual Action Plan process. The City will make reasonable efforts to consult with other public, private and non-profit agencies that provide housing, health service, and social services. In particular, agencies to be consulted will be those that focus on service to children/families with children, elderly persons, racial/ethnic minorities, persons with disabilities, female heads of household, non-English speaking persons, and other persons in need of services. State relay 711 and reasonable accommodations are available upon request.

The proposed Consolidated Plan or Annual Action Plan will be available to all citizens via the City's website, the Great Falls Public Library, and the City Planning and Community Development Department. Citizens will be informed about the availability of the proposed Consolidated Plan or Annual Action Plan by notifications on the City's website, published notices in a publication designated by the City of Great Falls for legal notices, and emailed notices to a wide variety of public service agencies. Notification will describe the availability of the Plan and the 30-day period to receive public comment.

The City Commission will conduct at least two public hearings requesting input from citizens and representatives of low to moderate income level people on grant policies and as to the needs of the community, including but not limited to housing, community development, infrastructure, economic development and homeless assistance.

The City will provide a reasonable number of free copies of the Consolidated Plan or Annual Action Plan to citizens and groups upon request. Electronic copies will be made available for download from the City's website. All information and public records will be available during regular business hours in the City's Planning and Community Development Department. Special arrangements will be available to accommodate access to information for persons with disabilities and/or limited English proficiency upon request and within reason, including alternative formats for important documents associated with the public participation process.

EXPEDITED AMENDMENT PROCESS FOR RESPONSE TO DISASTER RELIEF

On June 1, 2020, and in response to the coronavirus (COVID-19) pandemic, the City's Citizen Participation Plan was updated to include the following revisions allowable by HUD. These revisions do not change current citizen participation policies but have been modified to allow for necessary expedited actions during times of declared disaster or emergencies.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) has made available additional funding through the Community Development Block Grant Coronavirus (CDBG-CV) program. The CARES Act adds additional flexibility for both CDBG-CV grants and, in some cases, for the annual Program Year 2019 and 2020 CDBG grants due to hardship associated with the COVID-19 pandemic:

- the public comment period is reduced to not less than 5 days;
- grantees may use virtual public hearings when necessary for public health reasons;
- the public services cap is suspended during the emergency; and
- states and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

Virtual Hearings

If virtual hearings are used, real-time responses and accommodation for persons with disabilities and/or with limited English proficiency will be made available to the greatest extent possible. Also, the virtual hearing method will only be used in lieu of an in-person hearing if national or local health authorities recommend social distancing and limit public gatherings for public health reasons.

Waivers

The CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and Program Year PY 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

Amendments

For projects utilizing CDBG funding under Program Year (PY) 2019 and 2020, and the CARES Act CDBG-CV funding, the City of Great Falls may provide a 5-day notice/comment period for proposed amendments necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

Thomas Micuda

From: Randall Knowles <knowlesmontana@juno.com>
Sent: Monday, March 29, 2021 9:44 AM
To: Tonya Shumaker
Subject: CDBG Home Citizen Participation Plan

Tonya Shumaker, City of Great Falls Planning and Community Development Department, P.O. Box 5021, Great Falls, MT 59403-5021, or tshumaker@greatfallsmt.net

FIRST: I do not know what a CAPER unless they are used in cooking... There needs to be an index of Acronyms at the end of the document – we use word processors and it is very easy to spell out ALL phrases vs. acronyms ... Let us not be so lazy...

The Family Promise Group of Great Falls needs to be INVITED to all meetings [housing is Health Care]

– Randall Gene Knowles, 3017 Ninth Avenue South, Great Falls, MT 59405-3421 voice, cell, & text 406-799-1547 KnowlesMontana@Juno.com

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Thomas Micuda

From: Shyla Patera <shycpat@icloud.com>
Sent: Monday, March 29, 2021 10:56 AM
To: Tonya Shumaker
Subject: Citizen participation plan comments

My name is Shyla Patera. I am an Independent Living Specialist employed by North Central Independent Living Services, Inc. and a citizen of Great Falls as well as a resident with a disability. I wish to speak and submit comments on our local Community Citizens Participation plan. COVID-19 has added new components not only to our local and state Annual Action and Consolidated Plans, but also our citizen participation plan which will be submitted to HUD along with our Annual Action and Consolidated Plans.

HUD has provided opportunities for Flexibilities our rental and community assistance programs. NCILS hopes that community participation is enhanced to allow for remote participation and telework participation through our Great Falls Public Library, Great Falls Housing Authority, and our local HRDC Opportunities Inc. NCILS believes that Great Falls could benefit from local workshops or Community Roundtables on fair housing, rental issues, and landlord tenant law. A Community hotlines for fair housing, planning, and community accessibility issues definitely should benefit The City of Great Falls. Thank you for your time.

Shyla Patera Independent Living Specialist North Central Independent Living Services, Inc.
1120 25th Avenue North East
Black Eagle, Montana 59414
406 452-9834
spatera@ncils.org
Sent from my iPhone

Thomas Micuda

From: SHEILA RICE <sheilaricemt@outlook.com>
Sent: Monday, April 5, 2021 10:48 PM
To: Tonya Shumaker
Subject: Participation plan

Thank you for this opportunity to comment on the plan. Regarding citizen surveys, a true random survey will more accurately reflect the needs of the community, as opposed to surveys without a scientific basis. A true random survey would be more costly, but could be more financially feasible this year, when the additional COVID-CD administrative funds are available.

Sheila Rice
913 3rd Av N
496-868-7933

Sent from my iPhone



Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Ordinance 3227, “An Ordinance Amending Title 5, Chapter 2, Section 010 of the Official Code Of The City Of Great Falls (OCCGF), Pertaining To Safety Inspection Certificates.”

From: Legal Department

Initiated By: Great Falls Fire Rescue

Presented By: Sara R. Sexe, City Attorney

Action Requested: Accept Ordinance 3227 on first reading and set public hearing for May 4, 2021.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission accept/not accept Ordinance 3227 on first reading and set/not set public hearing for May 4, 2021.”

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

Staff Recommendation: Staff recommends that the Commission accept Ordinance 3227 on first reading and set the public hearing for May 4, 2021.

Summary: Great Falls Fire Rescue (GFFR) has identified a need to have the option to use a collection agency to send businesses to collections for outstanding delinquent Safety Inspection Certificate (SIC) Fees.

Background: The process of getting Great Falls businesses to renew their SICs requires significant staff time. SICs expire annually on December 31st, with thirty day renewal notices sent out on or around December 1st. If renewals are not received by December 31st, a \$30 late fee is attached to the SIC. The second round of renewal notices with the late fees attached are sent out on or around February 1st, due at the end of February. The third round of renewal notices are sent out on or March 1st, and no further late fee is assessed at this point.

Concurrently, GFFR Fire Prevention Bureau (FPB) staff members receive a list of delinquent businesses, typically numbering in the couple hundred. The FPB then attempts to make contact face-to-face, via phone, or by email, with each delinquent business. Staff either makes contact, or delivers a letter documenting the need for renewal, and another 30 days is given to renew the SIC. On or around April 1st, FPB staff will once again visit those business that have not yet renewed their SIC. At this time, the FPB

hand-delivers or sends a certified letter giving 15 days to comply with renewal. At the conclusion of the 15 days, if the SIC is still not renewed, the FPB then turns the SIC renewal process over to the Legal Department to initiate the legal steps outlined in Title 5. In years past, the Legal Department has used FPB staff to deliver affidavits issued for business non-renewals.

The proposed changes include the addition of Section G., allowing the City to refer businesses to collections and more generic language and updated language to replace the reference to “Uniform Safety Codes.”

Ord. 3227 Exhibit “A” is a document illustrating the provisions that will replace the current OCCGF §5.2.010 with added language in **bold** and removed language in ~~strikeout~~.

Fiscal Impact: The indirect fiscal impact is to create efficiencies in the FPB processes to allow GFFR staff to devote time to other activities. There will be future charges, usually on a percentage basis, for the delinquent business accounts that are sent to collection.

Alternatives: The Commission may choose not to accept Ordinance 3227 on first reading and not set the public hearing for May 4, 2021. The Commission could also choose to table the item to a date certain to provide additional suggested amendments.

Concurrences:

City Manager’s Office

City Clerk’s Office

Public Works Department

Planning and Community Development Department

Great Falls Fire Rescue Department

Attachments/Exhibits:

Ordinance 3227

Exhibit “A”

ORDINANCE 3227

AN ORDINANCE AMENDING TITLE 5, CHAPTER 2, SECTION 010 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO SAFETY INSPECTION CERTIFICATES.

* * * * *

WHEREAS, the City Commission established Title 5 of the OCCGF outlining Provisions pertaining to Business Licenses and Safety Inspection Certificates in the OCCGF; and

WHEREAS, the City Commission wishes to clarify and update language regarding businesses requiring Safety Inspection Certificates (SIC); and

WHEREAS, the City Commission wishes to allow for enhanced and more efficient collections of delinquent SIC accounts via modifications to OCCGF Title 5; and

WHEREAS, the City Commission wishes to establish clear penalty and collection provisions for businesses operating within the incorporated City limits without proper SICs, permits, or licenses.

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

Section 1. The revisions of OCCGF Title 5 are depicted in Exhibit “A” attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading April 20, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading May 4, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3227 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Chapter 2 SAFETY INSPECTION CERTIFICATE AND HOME OCCUPATION CERTIFICATE

5.2.010 Safety inspection certificate.

- A. Every business, in a building or office, in the jurisdictional limits of the City of Great Falls shall be required to obtain a Safety Inspection Certificate to ensure that the building, store, or office complies with ~~Uniform Safety Codes~~ **applicable building, fire, or safety codes**, and other ordinances and regulations **that have been enacted by the City** for the purpose of protecting the health, safety, and welfare of the public.
- B. A Safety Inspection Certificate fee is authorized.
- C. In any multiple business, suite/office structure:
 - 1. Each independently owned and operated business with a separate business address, within said building or structure, shall be required to obtain a certificate; and
 - 2. The building owner/agent shall obtain a certificate for indoor commonly accessed areas.
- D. For multi-family dwelling units of four (4) or more units, only the indoor commonly accessed areas shall require a certificate.
- E. It is unlawful for any person to operate a business within the incorporated City limits without a valid Safety Inspection Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both. Additionally, the Court within its discretion, may order the business to cease all operation until it complies with this Title.
- F. A business operating within the incorporated City limits without a valid Safety Inspection Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.
- G. In addition to any penalties listed in this Chapter, the City may refer any outstanding delinquent Safety Inspection Certificate Fees, pursuant to this Chapter, to collections by a collection agency authorized to conduct business in Montana.**

(Ord. 3227, 2021; Ord. 3168, 2017).



Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Ordinance 3228, Ordinance establishing authority to levy assessments to pay costs of City of Great Falls Park District Number 1

From: Melissa Kinzler, Finance Director

Initiated By: Financing of match for the design, construction, and furnishing of a recreation and aquatic facility

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission accept Ordinance 3228 on first reading and set the second reading on May, 2021.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3228 on first reading and (set/not set) second reading for May 4, 2021.”

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

Staff Recommendation: Staff recommends accepting Ordinance 3228 on first reading and setting second reading for May 4, 2021.

Summary: Ordinance 3228 is an ordinance establishing authority to levy assessments to pay costs of City of Great Falls Park District Number 1 including revenue bonds for the design, construction, and furnishing of a recreation and aquatic facility.

Background: At the June 16, 2020 work session, Staff had presented to the City Commission on the submission of a proposal that would allow the City to receive matching funds from the Office of Economic Adjustment for a \$20,000,000 indoor recreation and aquatic facility. The City would receive \$10,000,000 toward the recreation and aquatic facility. The City Commission was informed at that meeting that the City would hear back on the proposal in August and would need to submit the grant application in a short timeframe, if successful. The City was short-listed and submitted the grant application on August 26, 2020. At the September 15, 2020 City Commission meeting the City Commission authorized the City Manager to accept the DCIP grant if awarded, in the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility. The City received notification on September 18, 2020 that the grant was awarded. On October 6, 2020, Resolution 10371 was adopted by the City Commission allowing the reimbursement by bond proceeds for costs that have occurred prior to the bond issuance.

Ordinance 3228 is the next step in issuing the revenue bonds to cover the \$10,000,000 match for the new Aim High/Big Sky Recreation Facility. The ordinance establishes authority to levy assessments to pay costs of the City of Great Falls Park District Number 1 including revenue bonds for the design, construction, furnishing of a recreation and aquatic facility.

The resolution authorizing the issuance and fixing terms and condition for the estimated \$10,000,000 improvements will be presented on May 4, 2021.

Fiscal Impact: The fiscal impact of issuing \$10,000,000 of revenue bonds is estimated to be an average debt service of \$722,753 to \$729,107 a year through Fiscal Year 2038 in the Park Maintenance District. The final debt service amount is dependent on the interest rate and such parameters will be set with the resolution presented on May 4, 2021.

Alternatives: If this ordinance is not accepted, the new recreation and aquatic facility would not be built. The financing of the match for the facility could not go forward.

Concurrences: The Park & Recreation Department, Planning Department, Legal Department, City Manager's office and Finance Department, with Dorsey and Whitney, LLP have worked together on this resolution.

Attachments/Exhibits: Ordinance 3228

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an Ordinance entitled: "ORDINANCE ESTABLISHING AUTHORITY TO LEVY ASSESSMENTS TO PAY COSTS OF CITY OF GREAT FALLS PARK DISTRICT NUMBER 1" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission at a meeting on April 20, 2021 and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this ____ day of April, 2021.

(SEAL)

Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted by the City Commission at a meeting on May 4, 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

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

WITNESS my hand and seal officially this ____ day of May, 2021.

(SEAL)

Lisa Kunz, City Clerk

ORDINANCE NO. 3228

ORDINANCE ESTABLISHING AUTHORITY TO LEVY
ASSESSMENTS TO PAY COSTS OF CITY OF GREAT FALLS PARK
DISTRICT NUMBER 1

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

Section 1. Recitals.

1.01. The Act. Pursuant to Montana Code Annotated, Title 7, Chapter 11, Part 10, as amended (the “Act”), local governments are authorized to create special districts whenever the public convenience and necessity may require. Under the Act, a “special district” may be authorized by law to perform a single function or a limited number of functions, including but not limited to park districts. The Act further authorizes the entity administering a special district to, among other things, implement a program and order improvements designed to fulfill the purposes of the special district, and to borrow money by the issuance of general obligation bonds or revenue bonds for the lease, purchase, and maintenance of land, facilities and buildings and the funding of projects. The governing body of a local government creating a special district is required by the Act to make assessments or impose fees for the costs of the special district, and to levy such assessments against the benefited lots or parcels of land within the special district.

1.02. Creation of the City of Great Falls Park District Number 1. On June 6, 2017, following an initial public hearing, the Commission adopted Resolution No. 10191 (the “Resolution of Intention”), declaring it to be the intention of the Commission to create a special district for the purpose of providing certain services with respect to City parks and recreational facilities (as further described in Section 1.03). Following receipt of protests from property owners responsible for costs of the proposed special assessments in an amount greater than 10% and less than 50%, the Commission adopted Resolution No. 10223 on February 6, 2018, ordering a referendum on the question of creating the special district. Following the approval of a majority of the electors of the City at an election duly held on May 8, 2018, the Commission adopted Resolution No. 10238 on June 5, 2018 (the “Final Resolution”), creating the City of Great Falls Park District Number 1 (the “District”).

1.03. The Project; the Bonds. The District was created for the purpose of providing services including but not limited to: maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land; implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein; and/or any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department, including but not limited to public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City.

In furtherance of the District's purposes, the City has determined to undertake the design, construction, equipping and furnishing of a 50,000 square foot recreation center, including a lap pool, therapeutic pool, a recreational/training pool, general open fitness areas, an indoor gym space, drop-off child care, classrooms and ancillary support facilities (collectively, the "Project"). The Project is a service for purposes of the Final Resolution. The City has been awarded \$10,000,000 in federal grant funds to pay a portion of the costs of the Project.

The City plans to issue revenue bonds in one or more series (collectively, the "Bonds") under the Act and in accordance with the provisions of Title 7, Chapter 7, Part 44, Montana Code Annotated ("M.C.A."), to fund a portion of the costs of the Project. The District is an undertaking within the meaning of Section 7-7-4402, M.C.A., and the Project constitutes an improvement of the District for purposes of Section 7-7-4426, M.C.A. The Bonds shall be revenue bonds, payable from assessments against the property in the District.

Section 2. The Assessments. Pursuant to the Act and in accordance with Section 7-7-4424, M.C.A., the Commission hereby authorizes the City to levy special district assessments for the District. Pursuant to Section 7-11-1024 of the Act, the City shall make assessments for the costs and expenses of the District based upon a budget determined by the Commission. The Commission will include in the budget for each year an amount necessary to pay debt service on any outstanding Bonds and to pay any other costs of the District as may be necessary or desirable. Revenue derived from assessments levied in the District will be revenue of the District for which the Bonds are issued and will be collected by the City in amounts sufficient for the District to be "self-supporting" under Section 7-7-4424, Montana Code Annotated. The amount of assessments levied under this Ordinance will be determined from time to time by subsequent resolutions of the City.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
on this 4th day of May, 2021.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Commission Meeting Date: April 20, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10397 – A request from West Bank LLC for the reimbursement of \$1,175,380 of West Bank Tax Increment Financing Funds

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

Initiated By: West Bank LLC

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

Action Requested: City Commission adopts Resolution 10397

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10397 (approve/not approve) an Amendment of an Urban Renewal Project and (approve/not approve) Amendment No. 4 to Development Agreement with West Bank LLC to receive \$1,175,380 of West Bank Tax Increment Financing District funds for the reimbursement of certified costs at West Bank Landing.”

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

Staff Recommendation: Staff recommends that the City Commission approve Resolution 10397, a resolution to authorize the use of West Bank Urban Renewal District TIF funds for reimbursement of certified costs from the West Bank Landing development.

Background: The West Bank Urban Renewal Plan and Tax Increment Financing (TIF) District were adopted by the Great Falls City Commission in 2007, and encompass property on the west bank of the Missouri River on either side of the Central Avenue West Bridge. The purpose of creating the West Bank TIF was to address blighted conditions that had diminished the environmental, economic, and cultural well-being of the West Bank area over time, and foster economic development, job creation, and improve overall environmental quality.

West Bank Landing has been an ongoing development since 2016 that has included not only the attraction and construction of new businesses, but also demolition, remediation, and improvement throughout the entire site. The new development has included, so far, the construction of a hotel, office building, restaurant, new bank, and the remodel of a building for a health club. The applicant has had \$2,642,614 of TIF funds approved in the past to help cover the costs of the necessary improvements. In 2019, the City certified all of the eligible Tax Increment Financing costs. The improvements that were certified included work done on sewer and water lines, burying and extending power lines, expanding storm drains,

environmental remediation, and improving accesses. So far, the City has paid West Bank LLC \$1,050,000 of his original request, and has the remaining \$1,592,614 financed with bonds.

TIF Application

The applicant, West Bank LLC, has submitted an application requesting \$1,175,380 of West Bank Urban Renewal TIF District funds for the reimbursement of the certified, approved costs associated with the West Bank Landing development. These certified costs have already been determined, by the Commission, to meet all requirements and criteria needed for Tax Increment Financing. The original 2016 TIF application projected costs at \$2,642,614, but the actual certified costs by the City were \$3,817,994. The applicant is asking for the difference between the estimated and actual costs. Most of the difference in costs is due to the environmental cleanup that was required – the actual costs were higher than estimated, and the installation of utilities become more costly due to the materials needed because of contaminates.

Fiscal Impact: The current cash balance of the West Bank Tax Increment Financing District is approximately \$770,000, and it has a debt service payment of about \$200,000. In May 2021, the district will receive another \$400,000 in revenue. The City Planning and Finance departments have determined that with the available money within the TIF, the City would split payments to the applicant into two equal parts of \$587,690. Dependent upon the approval of City Commission, the first payment would occur in June 2021, and the second in June 2022. This will also be dependent upon the tax increment collected within the district.

Alternatives: The City Commission could deny the TIF funding request.

Concurrences: The Applicant's request for TIF funding has been reviewed by the City's Finance Department, as well as the City's outside legal counsel from Dorsey & Whitney LLP.

Attachments/Exhibits:

- Resolution 10397
- TIF Application
- Development Agreement; Fourth Amendment
- West Bank TIF Summary
- West Bank Urban Renewal District Plan
- West Bank TIF Map

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. [____] entitled: "RESOLUTION APPROVING AMENDMENT OF AN URBAN RENEWAL PROJECT (WEST BANK LANDING PROJECT) AND INFRASTRUCTURE IMPROVEMENTS IN THE WEST BANK URBAN RENEWAL AREA AND AUTHORIZING THE USE OF ADDITIONAL TAX INCREMENT REVENUES TO PAY OR REIMBURSE COSTS OF SUCH INFRASTRUCTURE IMPROVEMENTS" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on [____], 2021, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: _____

_____ ; voted against the same: _____
_____ ; abstained from voting thereon: _____
_____ ; or were absent: _____.

WITNESS my hand and seal officially this ____ day of _____, 2021.

City Clerk

RESOLUTION NO. 10397

RESOLUTION APPROVING AMENDMENT OF AN URBAN RENEWAL PROJECT (WEST BANK LANDING PROJECT) AND INFRASTRUCTURE IMPROVEMENTS IN THE WEST BANK URBAN RENEWAL AREA AND AUTHORIZING THE USE OF ADDITIONAL TAX INCREMENT REVENUES TO PAY OR REIMBURSE COSTS OF SUCH INFRASTRUCTURE IMPROVEMENTS

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

Section 1. Recitals.

1.01. Pursuant to Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), and Ordinance No. 2967 adopted on March 20, 2007, as amended by Ordinance No. 3027 adopted on December 16, 2008, Ordinance No. 3145 adopted on August 2, 2016, and Ordinance No. 3209 adopted on November 5, 2019 (collectively, the “Ordinance”), the City created the City of Great Falls West Bank Urban Renewal District (the “District”) as an urban renewal area and approved the West Bank Urban Renewal Plan for the District (the “Urban Renewal Plan”). The Urban Renewal Plan provides for the segregation and collection of tax increment (as defined in the Act) with respect to the District (the “Tax Increment”).

1.02. Pursuant to the Act and the Ordinance, the City has (i) designated and approved a project as an urban renewal project, consisting of a 12.5 acre, multi-phase, mixed-use commercial development in the District, including construction of a four story 127-room hotel and future sites for restaurants, office buildings, retail shops and residential condominiums, located at the West Bank Landing generally on the east side of 3rd Street NW, along and to the northeast of 4th Avenue NW (the “West Bank Landing Project”) and (ii) authorized the use of Tax Increment to pay or reimburse West Bank LLC (the “Developer”) for the costs of certain qualified improvements associated with the West Bank Landing Project, consisting of environmental remediation, removal of existing buildings, design, engineering and relocation of overhead power and telecom utilities, and design, engineering, construction and installation and extension of water, sanitary sewer and storm sewer utilities (collectively, the “Infrastructure Improvements”).

1.03. The City and the Developer entered into a Development Agreement, dated as of August 2, 2016, as amended and supplemented by Amendment No. 1 to Development Agreement dated as of October 1, 2018, Amendment No. 2 to Development Agreement dated as of October 15, 2019, and Amendment No. 3 to the Development Agreement dated as of February 19, 2020 (collectively, the “Development Agreement”), with respect to the West Bank Landing Project and the Infrastructure Improvements. Pursuant to the Development Agreement, the City agreed to pay or reimburse the Developer for costs of the Infrastructure Improvements in the amount of \$2,642,614 (the “Original Reimbursement Amount”). The City has heretofore paid or reimbursed the Developer the Original Reimbursement Amount in full with (i) Tax Increment revenue on hand in the amount of \$1,050,000 and (ii) proceeds of the City’s Tax Increment

Urban Renewal Revenue and Refunding Bonds (West Bank Urban Renewal District), Series 2020 (the “Series 2020 Bonds”) in the amount of \$1,592,614.

1.04 The Developer has represented that the costs of the Infrastructure Improvements exceeded \$6,000,000 and has submitted a City of Great Falls Tax Increment Financing (TIF) Application for Funds dated February 5, 2021 (the “Application”) requesting additional tax increment financing assistance with respect to the costs of the Infrastructure Improvements in the amount of \$1,175,380 (the “Additional Reimbursement Amount”).

1.05. The City’s Fiscal Services, Planning, Community Development, Park and Recreation and Public Works department heads and the Assistant City Manager (the “City Staff”) have jointly reviewed and evaluated the West Bank Landing Project and the Infrastructure Improvements and made a report and recommendation (the “City Staff Report”) to the effect that the West Bank Landing Project and the Infrastructure Improvements are beneficial to the public and have resulted in the rehabilitation and redevelopment of the District, that the Infrastructure Improvements are eligible for tax increment financing in accordance with the Act and the purpose and goals of the District and the Plan, and that the City enter into an amendment to the Development Agreement in order to provide for reimbursement to the Developer of the Additional Reimbursement Amount with respect to the Infrastructure Improvements, substantially in the form attached hereto as Exhibit A (the “Amendment”). Pursuant to such Amendment, the total reimbursement to the Developer with respect to the Infrastructure Improvements is \$3,817,994.

Section 3. Findings. Based on the representations of the Developer, the Commission hereby finds, with respect to the West Bank Landing Project and the Infrastructure Improvements, as follows:

- (a) no persons will be displaced from their housing by the West Bank Landing Project or the Infrastructure Improvements;
- (b) the West Bank Landing Project and the Infrastructure Improvements substantially satisfy the review criteria of the funding application process and meet the purpose and goals of the Act, the District and the Plan;
- (c) the Plan, as modified to include the West Bank Landing Project and the Infrastructure Improvements, conforms to the comprehensive plan or parts thereof for the City as a whole;
- (d) the Infrastructure Improvements constitute public improvements in accordance with the Act;
- (e) the Plan, as modified to include the West Bank Landing Project and the Infrastructure Improvements, will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise; and
- (f) a sound and adequate financial program exists for the financing of the costs of the Infrastructure Improvements (including the Additional Reimbursement Amount) using Tax

Increment, taking into account Tax Increment revenue expected to be received by the City and available to pay debt service on the Series 2020 Bonds and other obligations of the City.

Section 4. Approval of Amendment to the Development Agreement. The Commission hereby approves the Amendment to the Development Agreement. The City Manager and City Clerk are hereby authorized to execute and deliver the Amendment, substantially in the form presented to the Commission, with such changes (including to the exhibits attached thereto) as may be approved by the City Manager, in consultation with Dorsey & Whitney LLP, as bond counsel, which approval shall be deemed made by the execution thereof. The execution of the Amendment shall be a condition precedent to the payment or reimbursement of the Additional Reimbursement Amount.

Section 5. Effective Date. This Resolution shall take effect immediately upon its passage and adoption by this Commission.

Passed and adopted by the City Commission of the City of Great Falls, Montana, on this 20th day of April, 2021.

Bob Kelly, Mayor

Attest:

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

EXHIBIT A

AMENDMENT TO DEVELOPMENT AGREEMENT

Feb. 5, 2021

Alaina Mattimiro, Planner I
Planning and Community Development Department
City of Great Falls

RE: West Bank Landing Tax Increment Financing Draw Request

Dear Ms. Mattimiro,

Please find enclosed the TIF reimbursement request we discussed with you last month. As noted at the time, this request is not for any new work or expenses. Rather it is for TIF-eligible expenses already certified by the City of Great Falls, but for which we have not yet sought reimbursement.

In our original TIF application in 2016, we were required to provide estimates for TIF-eligible work to be performed. We knew and expressed at the time that some of the estimates could be considerably inaccurate, as the extent of ground contamination had not yet been fully quantified.

In fact, environmental remediation was a much larger expense than originally estimated. Not only was the cleanup itself much costlier, so was the relocation of public utilities. The main cost increase was because the underlying contamination required use of ductile iron pipe and fittings in lieu of the standard installation of PVC pipe.

Based on the early estimates, our original TIF application was for \$2,642,614. Our actual costs were more than \$6 million. The City certified actual costs of \$3,817, 994. (See attached spreadsheet.) This request is for \$1,175,380 – the difference between what the City certified and what has already been paid. We do not intend to seek further reimbursement of TIF funds from this phase of work. We would be happy to work out a payment plan with the City that does not require further bonding.

As you are aware from previous applications, West Bank has substantially completed Phases I and II of the development, with total costs far exceeding the \$32 million in the original agreement. The environmental remediation removed a contamination source point that was leaching pollutants into West Bank Park and the Missouri River. This cleanup allowed for construction of a hotel, office building and restaurant, as well as the renovation of a previously empty warehouse into a fitness center. A new bank is currently under construction.

The work done at West Bank This work meets the goals of the TIF program in many ways:

- Public Infrastructure Improvements. Improvements include burying and extending the power line, expanding storm drains, sewer and water lines, and cable/IT lines, removing unused rail line and improving public access to the site.

- Economic Stimulus. New jobs were created with the addition of new businesses, while jobs were added with the expansion of existing businesses into new office space. Construction of the current buildings employed scores of employees for more than three years, with work continuing at the new bank.
- Tax Generation. Four new buildings are now on the tax rolls, and more buildings will be added.
- Elimination of Blight: We removed eyesore buildings, spent millions on environmental remediation, built three new buildings to LEED-design energy efficiency standards, repurposed an abandoned warehouse, and created unique and attractive landscaping. This work transformed a former contaminated industrial site into a popular and inviting destination for businesses, customers and visitors.

We believe West Bank Landing exemplifies the high-quality development hoped for by locals when they created the West Bank Urban Renewal District, as well as the goals of the Tax Increment Financing program.

Thank you for your consideration.

Sincerely,



Brad Talcott
West Bank LLC

CITY OF GREAT FALLS



**TAX INCREMENT FINANCING
(TIF)**

APPLICATION FOR FUNDS

**WEST BANK
LANDING**

Submitted Feb. 5, 2021

CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS

Project Name: West Bank Landing

Date Submitted: February 5, 2021

Name of TIF District: West Bank Urban Renewal District

APPLICANT INFORMATION

Name: Brad Talcott for West Bank LLC

Address: P.O. Box 2493, Great Falls, MT 59403

Telephone: 406-761-0018

DEVELOPMENT INFORMATION

- 1. Building Address: 415 3rd St. NW and surrounding area
- 2. Legal Description: See Exhibit A – Legal Description of the Land
- 3. Ownership: West Bank LLC

Address: P.O. Box 2493, Great Falls, MT 59403

4. If property is not owned by the Applicant, list leasehold interest: N/A

5. Existing/Proposed Businesses: N/A
Business Description: So far new development has included construction of a hotel (SpringHill Suites), an office building (The Portage), a restaurant (Five on Black) and remodel of an existing structure into a health club (Peak at West Bank). A new bank (Citizens Alliance Bank) is under construction.

New Permanent FTE Jobs created by project: 75+ Construction FTE jobs: 100+

6. Architectural/Engineering Firm: Wedgwood Architectural Service and L'Heureux Page Werner

Address: 7600 NE 41st St., Vancouver, WA 98622 and 15 5th St. S., Great Falls, MT 59401

Representative: Andy Bremmeyer (Wedgwood) and Timothy Peterson (LPW)

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

7. Please provide a description of the Total Project Development (attach a narrative explanation).

West Bank Landing entailed the cleanup and redevelopment of blighted and contaminated lots that run parallel to West Bank Park. This project was listed by the City as its top redevelopment priority, but was untouched for years because of the daunting environmental cleanup required. Prior to cleanup, a contaminated source point continually leached underground pollutants into West Bank Park and the Missouri River. That source point was removed and cleaned as part of the TIF-eligible environmental remediation. A mixed-use development was planned and is well underway. So far, eight businesses have established locations at West Bank, with a ninth to be added when Citizens Alliance Bank opens later this year. Most of these are new businesses.

The TIF-related work on this phase of West Bank Landing was previously approved, performed and certified.

8. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).
See earlier application, attached.
9. What is the development schedule or estimated completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

This request is for TIF reimbursement for work already approved through an original application, completed and certified by the City. The original estimate for work at West Bank was \$2,642,614. The total certified by the City was \$3,817,994. Our request is for the difference, \$1,175,380. (Our actual costs were \$6,145,883.) The bulk of the difference between the original estimate and the amount certified is related to environmental cleanup. Not only were cleanup costs higher than estimated, but installing city utilities was substantially higher because of the materials required due to the underlying contamination.

See attached spreadsheet.

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so, what type? **No**
12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.*)
Work on this phase was previously approved by the City, paid by the developer and certified by the City.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.
Work on this phase was previously approved by the City, paid by the developer and certified by the City.

TOTAL PROJECT DEVELOPMENT COSTS

The total project development cost is the cost to develop the entire project/site, and should include the cost of the TIF improvements.

See May 16, 2016 Original Application for TIF Funds, Attached

NOTE: A scanned copy of the certified TIF package (originally submitted in March 2019, is being provided separately on an electronic storage device.

CERTIFICATION

I, **Brad Talcott**, certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature Brad Talcott

Title Managing Member, West Bank LLC

Address P.O. Box 2493, Great Falls, MT 59403

Date Feb. 5, 2021

**West Bank Landing
TIF Application**

| Items | Original Estimated Amounts | Actual TIF-Eligible Costs Certified By City of GF | Actual Costs Incurred |
|--|----------------------------------|---|--------------------------|
| Demolition and Removal of Structures | | | |
| Remove Structures | \$ 150,000 | \$ 140,832 | \$ 148,403 |
| Asbestos Remediation | \$ 25,000 | \$ 3,765 | \$ 3,765 |
| Subtotal | \$ 175,000 | \$ 144,597 | \$ 152,168 |
| Relocation of Public Utilities | | | |
| City Utilities | \$ 327,614 | \$ 1,298,691 | \$ 1,298,691 |
| Other (Gas, Power, Telecom) | \$ 700,000 | \$ 512,735 | \$ 725,000 |
| Subtotal | \$ 1,027,614 | \$ 1,811,426 | \$ 2,023,691 |
| Enviormental Remediation | | | |
| Petroleum Remediation Phase 1 | \$ 1,200,000 | \$ 1,621,324 | \$ 1,877,340 |
| Petroleum Remediation Phase 2 | \$ - | \$ - | \$ 1,165,976 |
| Penta Cleanup | \$ - | \$ - | \$ 9,585 |
| Subtotal | \$ 1,200,000 | \$ 1,621,324 | \$ 3,052,901 |
| Fees | | | |
| A/E Fees | \$ 50,000 | \$ 95,217 | \$ 399,054 |
| Enviormental Consultants | \$ 115,000 | \$ 145,430 | \$ 518,069 |
| DEQ Permitting/Administration | \$ 75,000 | \$ - | \$ - |
| Subtotal | \$ 240,000 | \$ 240,647 | \$ 917,123 |
| Total Request for TIF Eligible Activities WBL | \$ 2,642,614 | \$ 3,817,994 | \$ 6,145,883 |

CITY OF GREAT FALLS



**TAX INCREMENT FINANCING
(TIF)**

APPLICATION FOR FUNDS

**WEST BANK
LANDING**

Revision Date: May 16, 2016

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

Project Name: West Bank Landing

Date Submitted (Original): Feb. 17, 2016

Date Submitted (Revised): May 16, 2016

Name of TIF District: West Bank Urban Renewal District

APPLICANT INFORMATION

Name: West Bank LLC
Address: P.O. Box 2493, Great Falls, MT 59403
Telephone: 406-761-0018

DEVELOPMENT INFORMATION

1. Building Address: 415 3rd St. NW and Surrounding Area

2. Legal Description:

Parcel 1: Certificate of Survey No. 1092, located in the SE1/4 of Section 2, Twp.20N., R. 3E., M.P.M., Cascade County, Montana, filed Aug. 30, 1978, records of Cascade County, Montana.

Parcel 2: Certificate of Survey No. 2529, located in the SE1/4 of Section 2, Twp. 20N., R. 3E., P.M.M., Cascade County, Montana, filed Aug. 23, 1990, records of Cascade County, Montana.

Parcel 3: Parcels No. 4, 9 and 10, including that triangular parcel lying to the Northeast of said Parcel 10 to be included in Amended Certificate of Survey to be filed, all in Certificate of Survey No. S-0004615, located in the SW1/4 and Governments Lots 6 and 7 in Section 2 and Government Lot 2 of Section 11, all located in Township 20 North, Range 3 East, M.P.M. Great Falls, Cascade County, Montana, filed June 11, 2009, records of Cascade County, Montana.

Parcel 4: A triangular tract of land located in the SE1/4 of Section 2, Township 20 North, Range 3 East, PMM, Cascade County, Montana, lying southeasterly of Certificate of Survey 1092, filed August 30, 1978, and northeasterly of Certificate of Survey No. S-0004615, filed June 11, 2009, and westerly of Certificate of Survey No. 2529, filed August 23, 1990, records of Cascade County, Montana.

3. Ownership: West Bank LLC

Address: P.O. Box 2493, Great Falls, MT 59403

4. If property is not owned by the Applicant, list leasehold interest: (*Attach evidentiary materials*).

Name: N/A

5. Existing/Proposed Businesses: The existing business/tenant is relocating to the Agri-Tech Park and expanding.

6.

New Business Description: The first phase includes construction of a new hotel, rehab of historic barrel building for potential retail use, and infrastructure improvements to allow access to the hotel and building sites for future proposed commercial space. Phase 1 will include the new 132 room Marriott Springhill Suites Hotel. Phase 2 concepts are being marketed and tenants are still being identified.

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

7. Employment: Existing FTE Jobs: 0; New Permanent FTE Jobs created by Phase 1 & 2: 42;
Construction FTE jobs: 75
8. **Architectural/Engineering Firm:** Wedgewood Architectural Services & L'Huereux Page Werner
Address(es): 7600 NE 41st Street, Vancouver, WA 98662 & 15 5th Street South, Great Falls, Montana 59401
Representative: Andy Bremmeyer (Wedgewood) & Timothy Peterson (LPW)
9. Please provide a description of the Total Project Development (attach a narrative explanation).

Please See Attachment 1.

10. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).

The rehabilitation portion of the project includes demolition of existing structures and cleanup of soil contaminants from prior owners/users. Please see Attachment 2 for site plans, which show details of buildings proposed for construction. The anchor tenant will be a new hotel, and construction on that business will proceed this spring, as will renovation of the historic barrel building and demolition of other existing structures.

11. What is the development schedule or estimated completion date for the Total Project Development? The Total Project Development is best defined as the entire development, not just the TIF improvements (please include project phasing if appropriate).

The project will be phased over five years, beginning immediately. Phase 1 and 2 will begin Spring of 2016, Phase 3 is anticipated to start mid-2017.

11. Do you plan on asking for any other tax abatements, grants, tax credits or other forms of relief? If so, what type? No
12. Please describe your funding needs and the anticipated timing schedule for your identified Eligible TIF Activities (example: *I will be fronting the costs of all identified TIF improvements and would like to be reimbursed incrementally as TIF funds become available; I am interested in utilizing bond financing to complete the identified project improvements and would like to be reimbursed with TIF funds as they become available, I need TIF funds immediately to complete the identified TIF improvements, etc.*)

There are not enough funds in the West Bank TIF District to cover the anticipated improvements in Phase 1 & 2. We anticipate that bridge financing will be needed to carry the costs for the improvements during the early development period, but expect that permanent bond financing will be required. Permanent financing will need to include interest costs.

13. Please indicate the amount of Public Infrastructure Need and the amount of Public Infrastructure being requested to be financed by the TIF District.

Phase 1 and 2 Construction at West Bank Landing includes the following public infrastructure improvements: 1) environmental remediation, 2) demolition of existing buildings, 3) relocating overhead power and telecom utilities, 4) installation of and extension of domestic water, sanitary and storm sewer, and 5) new public access roads, sidewalks and parking areas. Please see breakdown of work and costs within application.

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

TOTAL PROJECT DEVELOPMENT COSTS

*The total project development cost is the cost to develop the entire project/site,
and should include the cost of the TIF improvements.*

Land and Site Preparation Improvements (Itemized)

| | | | |
|---|-----------------------------|-------------|------------------------------|
| 1 | Value of Land (312,266 SF) | \$4,996,256 | |
| 2 | Public Utility Relocation | \$700,000 | |
| 3 | Remediation | \$1,600,000 | |
| 4 | Grading & Site Improvements | \$1,688,856 | |
| 5 | Landscaping | \$298,974 | |
| 6 | | | Subtotal: \$9,284,086 |

Construction/Rehabilitation Costs (Use general construction trade divisions)
(Total value of improvements)

| | | | |
|----|--------------|--------------|-------------------------------|
| 7 | Div 1 | \$1,237,200 | |
| 8 | Div 3-6 | \$3,397,865 | |
| 9 | DIV 7-8 | \$1,488,568 | |
| 10 | DIV 9-10 | \$2,959,410 | |
| 11 | Div 13,15,16 | \$12,273,747 | |
| 12 | | | Subtotal: \$21,356,790 |

Equipment Costs

(Total value of equipment)

| | | | |
|----|------|-------------|------------------------------|
| 13 | FF&E | \$1,935,700 | |
| 14 | | | Subtotal: \$1,935,700 |

Total Project Development Costs for Phase 1 & 2

| | | | |
|----|--|--|---------------------------|
| 15 | | | TOTAL \$32,576,576 |
|----|--|--|---------------------------|

Note: All cost estimates are Rough Order of Magnitude (ROM).

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

ELIGIBLE TIF ACTIVITIES

Land Acquisition

| 1 | ITEM | TOTAL | AMT REQ FROM TIF | TIMING |
|---|----------------------------|------------------|------------------|--------|
| 2 | Land Cost (Excluding Fees) | \$2,000,000 | \$0 | |
| 3 | | Subtotal: | \$0 | |

Demolition & Removal of Structures

| | | | | |
|---|-----------------------|------------------|------------------|---------|
| 4 | Remove (E) Structures | \$150,000 | \$150,000 | Q2 2016 |
| 5 | Asbestos Remediation | \$25,000 | \$25,000 | Q2 2016 |
| 6 | | Subtotal: | \$175,000 | |

Explanation: The DEQ will require asbestos remediation under the CECRA rules, which accounts for the variance between our original application and this application.

Relocation of Occupants

| | | | | |
|---|------------|------------------|------------|--|
| 7 | Relocation | \$0 | \$0 | |
| 8 | | Subtotal: | \$0 | |

Public Improvements

(acquisitions, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, etc.)

| | | | | |
|----|-----------------|------------------|--------------------|---------|
| 9 | City Utility | \$327,614 | \$327,614 | Q2 2016 |
| 10 | Power & Telecom | \$700,000 | \$700,000 | Q2 2016 |
| 11 | | Subtotal: | \$1,027,614 | |

Explanation: Our overall public utility cost estimate has decreased based on pricing we've received from power and telecom providers.

Environmental Remediation

| | | | | |
|----|-----------------------------|------------------|--------------------|---------|
| 12 | Petro Remediation Phase 2A* | \$1,600,000 | \$1,200,000 | Q2 2016 |
| 14 | | Subtotal: | \$1,200,000 | |

***See attached CAP Exhibit**

Explanation: The original estimate for remediation was based on the previous work completed by Cascade County, which was priced in 2008. Our estimated excavation quantities at time of original TIF application were ~10k CY. After compiling the new CAP, we found that our estimated excavation quantities increased to ~26k CY, and our testing requirements have become more stringent under the CECRA rules.

Fees (associated with eligible activities)

(A&E design/supervision, permits & other fees)

| | | | | |
|----|---------------------------|-----------|-----------|---------|
| 15 | A/E Fees | \$50,000 | \$50,000 | Q2 2016 |
| 16 | Environmental Consultants | \$115,000 | \$115,000 | Q2 2016 |

**CITY OF GREAT FALLS
TAX INCREMENT FINANCING (TIF)
APPLICATION FOR FUNDS**

| | | | | |
|----|-------------------------------|----------|----------------------------|---------|
| 17 | DEQ Permitting/Administration | \$75,000 | \$75,000 | |
| 18 | | | Subtotal: \$240,000 | Q2 2016 |

Total Request for TIF Eligible Activities for Phase 1 & 2

| | | | | |
|----|--|--|--|--------------------------|
| 19 | | | | TOTAL \$2,642,614 |
|----|--|--|--|--------------------------|

Note: All cost estimates are Rough Order of Magnitude (ROM).

CERTIFICATION

I, Brad Talcott certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my knowledge and belief.

Signature: _____

Title: Member, West Bank LLC

Address: P.O. Box 2493, Great Falls, MT 59403

Date: May 16, 2016

AMENDMENT NO. 4 TO DEVELOPMENT AGREEMENT

THIS AMENDMENT NO. 4 TO DEVELOPMENT AGREEMENT is dated as of [_____], 2021 (this “**Amendment**”), between the CITY OF GREAT FALLS, a municipal corporation of the State of Montana (the “**City**”), and WEST BANK LLC, a Montana limited liability company (the “**Developer**”).

WITNESSETH:

WHEREAS, a DEVELOPMENT AGREEMENT dated as of August 2, 2016, as amended by Amendment No. 1 to Development Agreement dated as of October 2, 2018, Amendment No. 2 to Development Agreement dated as of October 15, 2019, and Amendment No. 3 to Development Agreement dated as of February 19, 2020 (collectively, the “**Development Agreement**”), was entered into by and between the City and the Developer; and

WHEREAS, the City and the Developer desire to make certain amendments to the Development Agreement, as more specifically stated herein; and

NOW THEREFORE, the City and the Developer, each in consideration of the representations, covenants and agreements of the other, as set forth herein, mutually represent, covenant and agree as follows:

Section 1. Amendment of Development Agreement.

1.1. Section 2.1(c) of Development Agreement. Section 2.1(c) of the Development Agreement is amended and restated in its entirety as follows:

“(c) The City is committed to reimbursing the Developer for \$3,817,994 of costs of the Infrastructure Improvements as set forth on Exhibit B hereto.”

1.2. Section 4 of Development Agreement. Section 4 of the Development Agreement are amended and restated in its entirety as follows:

“Section 4. City Undertakings. Subject to the terms and conditions of this Agreement, the City agrees to (i) reimburse the Developer for costs of the Infrastructure Improvements with Tax Increment in the amount of \$2,225,380 and (ii) issue Bonds payable from Tax Increment in a principal amount sufficient to pay or reimburse the Developer for \$1,592,614 of costs of the Infrastructure Improvements, to fund a deposit to the reserve account required by the Bond Resolution and to pay costs of issuance of the Bonds. The City estimates that the aggregate principal amount of the Bonds necessary to cover such costs is approximately \$2,000,000. The Developer understands that the City does not presently have sufficient bonding capacity to issue the Bonds, such bonding capacity being dependent upon the receipt by the City of sufficient annual Tax Increment.

The City’s obligation to issue the Bonds is subject to the fulfillment of each and all of the following additional conditions precedent:

(a) There shall be sufficient Tax Increment to issue the Bonds (and pay debt service thereon) in an aggregate principal amount sufficient to pay or reimburse the Developer for \$1,592,614 of the costs of the Infrastructure Improvements, to fund a deposit to the reserve account required by the Bond Resolution and to pay costs of issuance of the Bonds, and to provide coverage equal to at least 140% of the maximum annual debt service requirements required under the Bond Resolution. In addition, the Developer understands and agrees that the City currently has, and may in the future have, binding commitments with respect to the use of Tax Increment, and the obligations of the City to issue Bonds shall not have priority over any such other binding commitments.

(b) The Bonds shall be marketable at interest rates acceptable to the City. The Developer understands that the City does not guarantee the marketability of the Bonds or the interest rate thereon.

(c) No court or governmental or regulatory agency shall have enacted or issued any judgment, injunction, statute, rule, regulation or other order, nor shall any action suit, proceeding or investigation before any court or governmental or regulatory authority be pending, which prohibits or would prohibit, in whole or in part, the consummation of the proposed transactions.

(d) All required State and local governmental, regulatory and other third-party approvals or consents shall have been obtained.

(e) The City shall have received an opinion of Bond Counsel as to the tax-exempt status of interest on the Bonds.”

1.3. Exhibit B of Development Agreement. Exhibit B to the Development Agreement is amended and restated in its entirety by Exhibit B hereto.

Section 2. Payment of Reimbursement Obligation. On April 18, 2019 and October 24, 2019, the City reimbursed the Developer for costs of the Infrastructure Improvements in the amounts of \$700,000 and \$350,000, respectively, pursuant to clause (i) of Section 4 of the Development Agreement. On April 28, 2020, the City reimbursed the Developer for costs of the Infrastructure Improvements in the amount of \$1,592,614 pursuant to clause (ii) of Section 4 of the Development Agreement. The parties agree that \$1,175,380 remains available pursuant to clause (i) of Section 4 of the Development Agreement, as amended hereby, for reimbursement to the Developer for costs of the Infrastructure Improvements, subject to the satisfaction of all conditions precedent to reimbursement as set forth in the Development Agreement, as amended hereby. The City shall reimburse the Developer for such remaining amount as and when the City has Tax Increment funds on hand and available therefor, as shall be determined by the City Manager and Fiscal Services Director.

Section 3. General Provisions.

3.1. No Additional Amendments. Except as set forth in Section 1 hereof, the terms and conditions of the Development Agreement shall otherwise remain unchanged with no additional amendment.

3.2. Execution Counterparts. This Amendment may be simultaneously executed in several counterparts, each of which will be an original and all of which will constitute one and the same instrument.

[remainder of page left intentionally blank]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the ____ day of _____.

CITY OF GREAT FALLS, MONTANA

[SEAL]

By _____
City Manager

Attest:

City Clerk

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

WEST BANK LLC

Name:
Title:

STATE OF MONTANA)
 : ss.
COUNTY OF CASCADE)

This instrument was acknowledged before me on _____ by
_____ of West Bank LLC, on behalf of said limited liability company.

(Notarial Seal)

Printed Name: _____
Notary Public for the State of Montana
Residing at _____, Montana
My Commission Expires: _____

EXHIBIT B
INFRASTRUCTURE IMPROVEMENTS

| | TOTAL | AMT REQ FROM TIF | |
|--|--------------|---------------------|--------------------|
| Demolition & Removal of Structures | | | |
| Remove (E) Structures | \$148,403 | \$140,832 | |
| Asbestos Remediation | \$ 3,765 | \$ 3,765 | |
| Subtotal: | | \$144,597 | |
| Relocation of Public Improvements | | | |
| City Utility | \$1,298,681 | \$1,298,691 | |
| Power & Telecom | \$ 725,000 | \$ 512,735 | |
| Subtotal: | | \$1,811,426 | |
| Environmental Remediation | | | |
| Petro Remediation | \$1,877,340 | \$1, 621,324 | |
| Subtotal: | | \$1,621,324 | |
| Fees (associated with eligible activities) | | | |
| A/E Fees | \$399,054 | \$ 95,217 | |
| Environmental Consultants | \$518,069 | \$145,430 | |
| Subtotal: | | \$240,647 | |
| Total Request for TIF Eligible Activities for Phase 1 & 2 | | | |
| | TOTAL | | \$3,817,994 |

City of Great Falls

West Bank Urban Renewal Tax Increment District Summary * Updated as of 4/13/2021

| Name of Tax Increment District | URD or TEDD | Year District Established | Year of District Sunset | TIF Bonds Issued | Bonds Outstanding | Bond Coverage Requirement | Requires Upfront Costs of Developer | Beginning Taxable Value (Base Year) | Current Taxable Value Tax Year 2020 | Incremental Taxable Value as of FY 2021 | Total Tax Increment Revenue raised as of 4/13/2021 | FY 2021 Actual Revenue as of 4/13/2021 |
|--------------------------------|-------------|---------------------------|-------------------------|------------------|-------------------|---------------------------|-------------------------------------|-------------------------------------|-------------------------------------|---|--|--|
| West Bank Urban Renewal | URD | 2007 | 2040 | Yes | \$3,590,000 | 1.4 * | Yes | \$292,536 | \$1,401,317 | \$1,108,781 | \$4,990,318 | \$448,139 |

* Annual Revenues must be 140% of the maximum annual debt service

| | | |
|--|--------------------|------------------|
| Total of Redirected General Fund Revenue (27% of Tax Increment Revenue) | \$1,347,386 | \$120,998 |
|--|--------------------|------------------|

History of TIF Funding Requests Approved for West Bank, LLC

| Development Agreement Amendment # | Date Paid | Amount | Form of payment |
|-----------------------------------|---------------------|-----------------------|-----------------|
| West Bank, LLC | 3/1/2012 | \$753,141.00 | Debt service |
| West Bank, LLC #1 | 4/18/2019 | \$700,000.00 | Cash on hand |
| West Bank, LLC #2 | 10/24/2019 | \$350,000.00 | Cash on hand |
| West Bank, LLC #3 | 4/28/2020 | \$1,592,614.00 | Debt service |
| | | <u>\$2,642,614.00</u> | |
| New agreement | | | |
| West Bank, LLC #4 | Estimated 6/30/2021 | \$587,690.00 | Cash on hand |
| West Bank, LLC #4 | Estimate 6/30/2022 | \$587,690.00 | Cash on hand |
| | | <u>\$1,175,380.00</u> | |
| Total | | <u>\$4,571,135.00</u> | |

| Bonds Outstanding | Detail |
|-------------------|---|
| \$3,590,000 | \$570,000.00 Original Development Agreement with West Bank LLC (remaining balance of approved amount \$753,141) |
| | \$1,592,614.00 West Bank LLC Amendment #3 |
| | \$1,427,386.00 Federal Courthouse/4th Ave NW Project |

West Bank Urban Renewal Plan Great Falls, Montana



2007

Acknowledgements

We wish to thank the following for their contributions to the West Bank Urban Renewal Plan:

- Great Falls City Commission
- Great Falls Planning, Community Development, Fiscal Services, and Public Works Departments
- City Manager's Office
- Great Falls Neighborhood Council #2
- Great Falls Economic Development Authority
- West Bank Area Property Owners and Stakeholders
- Great Falls Planning Board

Planning Oversight:

- Benjamin Rangel, Great Falls Planning Director

Project Consultant:

- Janet Cornish, Community Development Services of Montana

West Bank Urban Renewal Plan ~ Table of Contents

| <u>Section</u> | <u>Page Number</u> |
|--|--------------------|
| Chapter 1. Introduction | 1 |
| Statement of Purpose | 3 |
| Chapter 2. Description of the Urban Renewal District | 5 |
| Legal Description | 5 |
| Area History | 5 |
| Existing Characteristics | 7 |
| Chapter 3. Key Findings | 10 |
| Area Assets and Opportunities | 10 |
| Challenges | 11 |
| Blighted Conditions in the West Bank Urban Renewal Dist. | 12 |
| Chapter 4. Goals and Strategies of the West Bank Urban Renewal Plan | 15 |
| Remediation of Environmental Pollutants | 15 |
| Public Infrastructure Improvements | 17 |
| Community and Economic Development | 21 |
| Historic/Cultural Resources | 23 |
| Natural Resources | 25 |
| Chapter 5. Planning Approach – The Defining Elements | 26 |
| Sub Area Planning – Phased Approach | 26 |
| Thoughtful Design | 26 |
| Intergovernmental Cooperation | 26 |
| Public Investment | 27 |
| Planning Consistency | 27 |
| Chapter 6. Implementation | 28 |
| Administration | 28 |
| Program Funding | 30 |
| Tax Increment Financing Provision | 30 |
| Other Funding Mechanisms | 30 |
| West Bank Urban Renewal Program Evaluation | 39 |

Table of Appendices:

- A. Resolution of Blight
- B. Parcel Data
- C. Public Utilities
- D. Allowable Uses of Tax Increment Funds

Chapter 1. Introduction

The City of Great Falls, Montana is embarking on a program of urban renewal for the area known as West Bank, bounded on the West by 3rd Street NW/SW, on the East by the center line of the Missouri River, on the North by a point just north of 14th Avenue NW and on the South by a point just south of 5th Avenue SW. (See Figure 1, below.) The area, which has been designated by the Great Falls City Commission as the West Bank Urban Renewal District is in transition. Historically, the District was characterized by heavy industrial uses. However, as the City has grown, industrial development has shifted to the city's periphery. At the same time, the community is promoting a more diversified and integrated development within the city's core, focusing on mixed uses – recreational, commercial and residential. The West Bank's proximity to the River and associated parkland, as well as to a major roadway (3rd Street NW/SW), makes it a logical place to encourage new mixed-use development in concert with efforts to revitalize downtown Great Falls. The revitalization of the West Bank area is being undertaken in cooperation with efforts to address contamination of an area within the District, formerly occupied by a brewery and an oil refinery and currently occupied by the County Shop complex and a specialty seed mill.

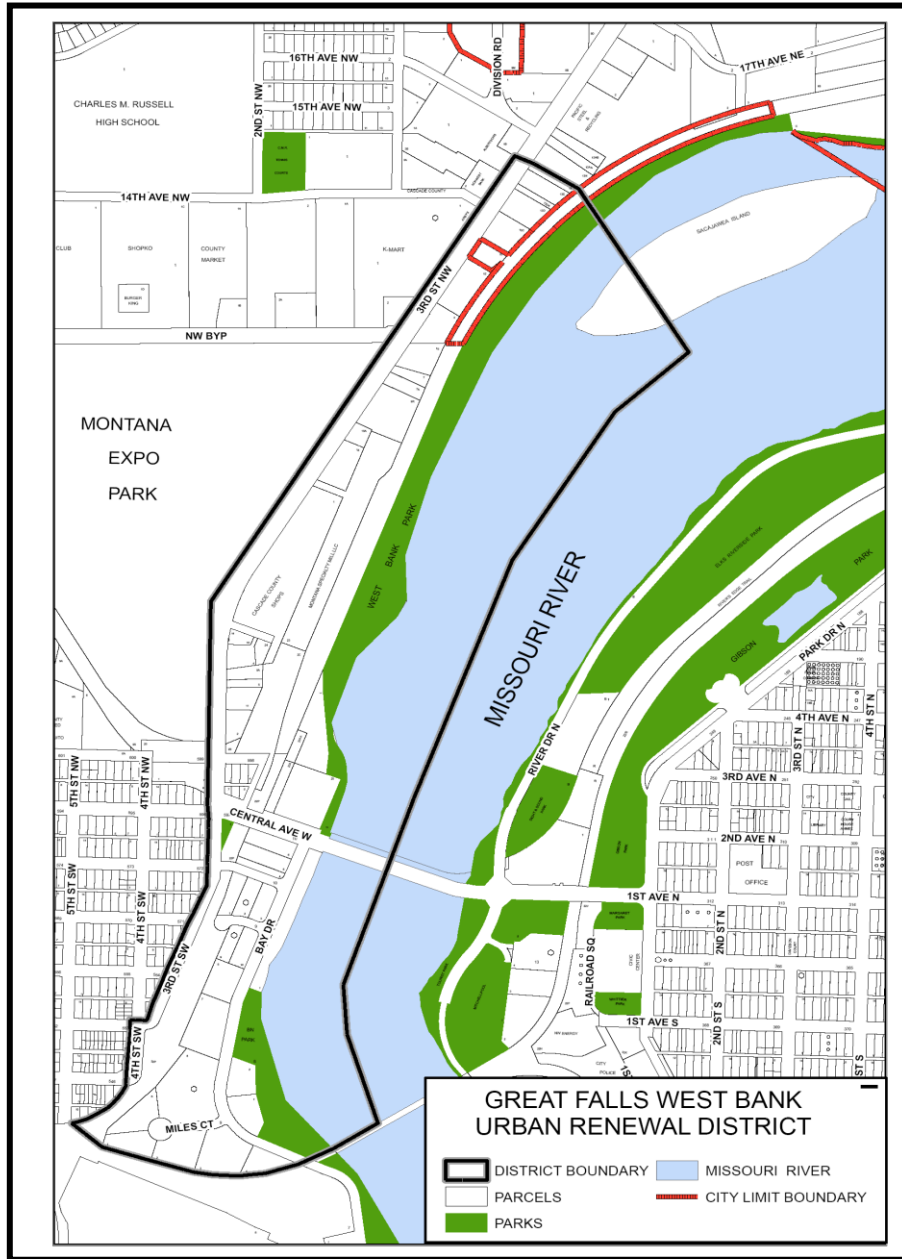
This urban renewal effort is being undertaken in accordance with the Montana Urban Renewal Law which provides for the renewal of "blighted" areas in 7-15-42 and 7-15-43, MCA, as follows:

- 7-15-4209.** Development of workable urban renewal program. (1) A municipality, for the purposes of this part and part 43, may formulate a workable program for utilizing appropriate private and public resources:
- (a) to eliminate and prevent the development or spread of blighted areas;
 - (b) to encourage needed urban rehabilitation;
 - (c) to provide for the redevelopment of such areas; or
 - (d) to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program.
- (2) Such workable program may include, without limitation, provision for:
- (a) the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards;
 - (b) the rehabilitation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements; by encouraging voluntary rehabilitation; and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and
 - (c) the clearance and redevelopment of blighted areas or portions thereof.

On November 8, 2006, the Great Falls City Commission authorized an investigation of the West Bank area. The purpose of the investigation was to determine the presence and extent of blight within the area as defined by the Montana Urban Renewal Law (7-15, Parts 42 and 43 MCA) as a first step in preparing a *West Bank Urban Renewal Plan*. The investigation culminated in a "Finding of Blight", that was adopted by Resolution 9626 (attached as Appendix A) by the Great Falls City Commission on December 5, 2006. In particular, the Resolution identified the following blighted conditions:

1. Physical deterioration of buildings and properties
 - Many of the structures in the defined area are in poor repair and properties are poorly maintained. City building permit information indicates that the majority of existing structures have not been substantially improved for at least twenty years.
2. Inappropriate or mixed uses of land or buildings
 - The presence of existing heavy industrial uses within the defined area is incompatible with retail, commercial, residential and parkland development. This land use conflict has proven to be a disincentive to the improvement of properties within the area by private enterprise.
3. Defective street layout
 - Much of the area is without streets, sidewalks, curbs, or gutters resulting in poor traffic circulation and storm drainage problems.
4. Unsanitary and unsafe conditions
 - Portions of the defined area are included in the list of priority sites maintained by the Montana Department of Environmental Quality under the Comprehensive Environmental Cleanup and Responsibility Act (CECRA) and are designated a Brownfield site as defined by the U.S. Environmental Protection Agency. Contamination on the site is associated with historic industrial activity and has affected both the soil and groundwater and threatens to contaminate the Missouri River.

Figure 1. Great Falls West Bank Urban Renewal District



Statement of Purpose

Changes in land use in the West Bank area, in conjunction with the proposed removal of contamination associated with historic industrial activities, provides an opportunity for area redevelopment through public-private partnerships. The City of Great Falls has chosen to participate in this redevelopment effort through the creation of an urban renewal program, including a tax increment financing (TIF) provision to help fund public investment in the area.

This Urban Renewal Plan provides direction to the City of Great Falls in fostering the revitalization and economic development of the West Bank Urban Renewal District. The Plan provides a “platform” for redevelopment activities that will be undertaken by a variety of public and private entities over the next several decades. More particularly, this Plan recommends a series of programs and projects that will be undertaken by the local government to encourage reinvestment in the District and to address blighted conditions that have diminished the environmental, economic and cultural well-being of the West Bank area over time.

Although the Montana Urban Renewal Law recognizes that eliminating urban blight is a matter of public interest, this Plan has been developed, based on the underlying principle that it is the citizens who work, reside and own property in the West Bank Renewal District who will be engaged directly in the revitalization effort. Further, the Plan has been prepared with respect to three Guiding Principles as follows:

- The plan for the West Bank Urban Renewal District should foster economic development and job creation.
- The improvement of the overall environmental quality of the West Bank Urban Renewal District is critical.
- Protection and enhancement of the West Bank Park and the Missouri River, which form the eastern boundary of the District are key in the redevelopment of the West Bank Urban Renewal District.

The West Bank Urban Renewal Plan outlines the approach that the City of Great Falls will take in responding to blighted conditions within the District. The Plan recommends ways to comprehensively address the problems and opportunities that face the area. However, the Plan recognizes that this area is in transition and therefore prescribes a large measure of flexibility in devising solutions and provides for ongoing planning on the part of the City, the residents, the businesses and property owners.

Chapter 2. Description of the Urban Renewal District

Legal Description of the West Bank Urban Renewal District

The West Bank Urban Renewal District includes all that real property in the City of Great Falls, County of Cascade, State of Montana, which lies within the following described boundary, excluding any unincorporated property, as of October 2006:

“The POINT OF BEGINNING is at the intersection of the north right of way line of 4th Avenue SW and the east right of way line of 4th Street SW; thence northeasterly along the west right of way line of 3rd Street SW and 3rd Street NW to its intersection with the northwest/southeast projection of the north property line of the parcel of land legally described as Mark No.13, Section 2, Township 20 North, Range 3 East (Geo-code #3015-02-1-10-06); thence southeasterly along the northwest/southeast projection of the north property line of the parcel of land legally described as Mark No.13, Section 2, Township 20 North, Range 3 East (Geo-code #3015-02-1-10-06) to the centerline of the Missouri River; thence southwesterly/southeasterly along the centerline of the Missouri River to the north edge of the BNSF Railway/Missouri River Bridge; thence southwesterly along the north edge of the BNSF Railway/Missouri River Bridge and the north right of way line of the BNSF Railway main line (coincidental with the south property line of Lots 1-4, Block 9, BN Car Shop Addition to Great Falls) to its extended connection with the south end of the east right of way line of 5th Street SW (coincidental with the southwest corner of Lot 10, Block 546, 6th Addition to Great Falls); thence northeasterly along the west right of way line of the BNSF Railway spur line (coincidental with the south/southeast boundary of Block 546, 6th Addition to Great Falls) to the intersection of the south right of way line of 5th Avenue SW and the west right of way line of 4th Street SW; thence north along the west right of way line of 4th Street SW to its intersection with the north right of way line of 4th Avenue SW; thence east to the POINT OF BEGINNING.”

Area History

Historically, the west side of the Missouri River in Great Falls was the home of Montana’s largest gasoline refinery, built by the Great Falls Sunburst Oil and Refinery Company. The refinery began operations in early 1923 along the 300 and 400 block of 3rd Street Northwest and was subsequently purchased by the California Eastern Oil Company in 1927. Cascade County took possession of the property in 1936 after California Eastern failed to pay gasoline license taxes and associated delinquent fees. By 1938 Cascade County had constructed its shops (Figure 2) at the site (Great Falls Tribune, December 16, 2001).



Figure 2 Cascade County Shops

The West Bank area includes the site of the former Montana Brewing Company complex, built in 1893-94, just north of Central Avenue West, along the Missouri River. In 1933, it became the malt plant for the Great Falls Brewery, Inc., finally closing in 1968. (Figure 3.) The last remnants of the site were finally removed in July of 2006 to make way for a new 54,000 square foot Federal Courthouse (July 11, 2006, Sun River News).

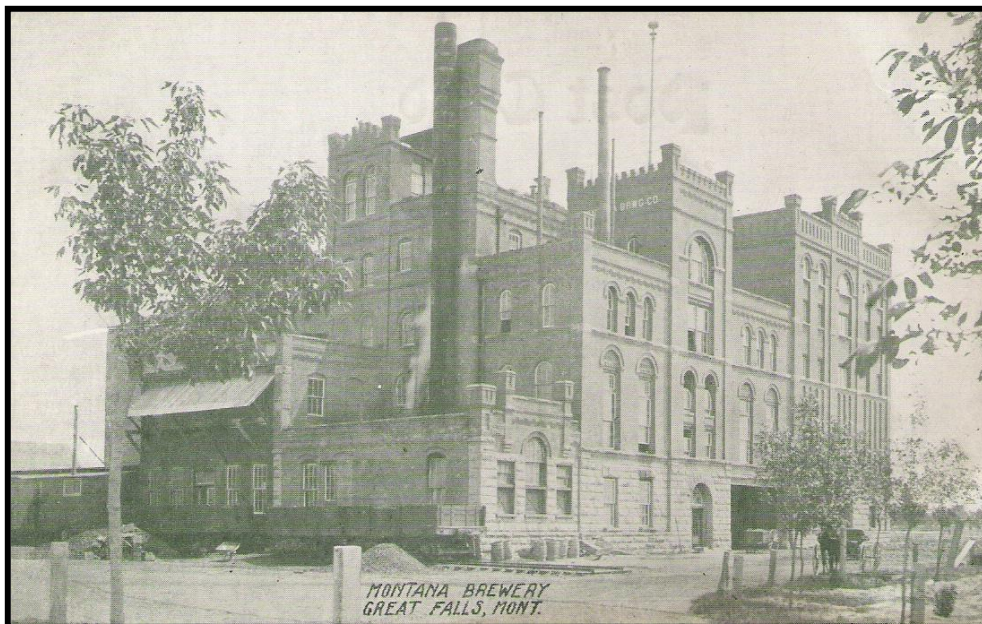


Figure 3. Montana Brewery.

Existing Characteristics

The West Bank Urban Renewal District continues to be largely characterized by industrial and warehouse uses. It also contains a small number of residences and a variety of retail and service oriented businesses, including a veterinary clinic, the Cowboy's Bar and the J Bar T Tavern. The area just south of the County Shops and Montana Specialty Mills includes the site where the new Federal Courthouse will be built. South of Central Avenue West, the District is more sparsely developed, but includes the Montana Association of Electrical Cooperatives offices as well as a former highway department structure, now held privately (Figure 4). The northern end of the District is directly adjacent to a growing commercial area. It includes the Stockman Bank, built within the last few years and will include a new Walgreens Pharmacy, already under construction.



Figure 4. Former Highway Department Building

The District encompasses portions of two Census Tracts (See Table 1) and 51 parcels. A list of the properties by parcel is included in Appendix B.

| Census Tract | Census Block Group | Block Number | Population | Housing Units |
|---------------------|---------------------------|---------------------|-------------------|----------------------|
| 16 | 2 | 2000 | 0 | 0 |
| 16 | 2 | 2017* | 45 | 15 |
| 16 | 5 | 5001 | 8 | 3 |
| 16 | 5 | 5002 | 0 | 0 |
| 16 | 5 | 5004 | 0 | 0 |
| 16 | 5 | 5005 | 0 | 0 |
| 18 | 3 | 3000* | 4 | 2 |
| 18 | 3 | 3019** | 0 | 0 |
| 18 | 3 | 3020* | 0 | 0 |
| Totals | | | 57 | 20 |

Source: U.S. Census (2000 Information)

Notes: * Only a portion of this block is in the Urban Renewal District

** This is the parcel that is not incorporated into the City of Great Falls

Census designations are noted in Figure 5.

Zoning Designation

The City of Great Falls has zoned the West Bank area M-2, *Mixed-use Transitional*. The Great Falls Zoning Ordinance describes an M-2 zone as follows: “This zoning designation is intended to promote a transition over time to a predominately mixed-use land use pattern. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. Current industrial uses and warehouses are not considered nonconforming. As such, current industrial uses and warehouses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met.”

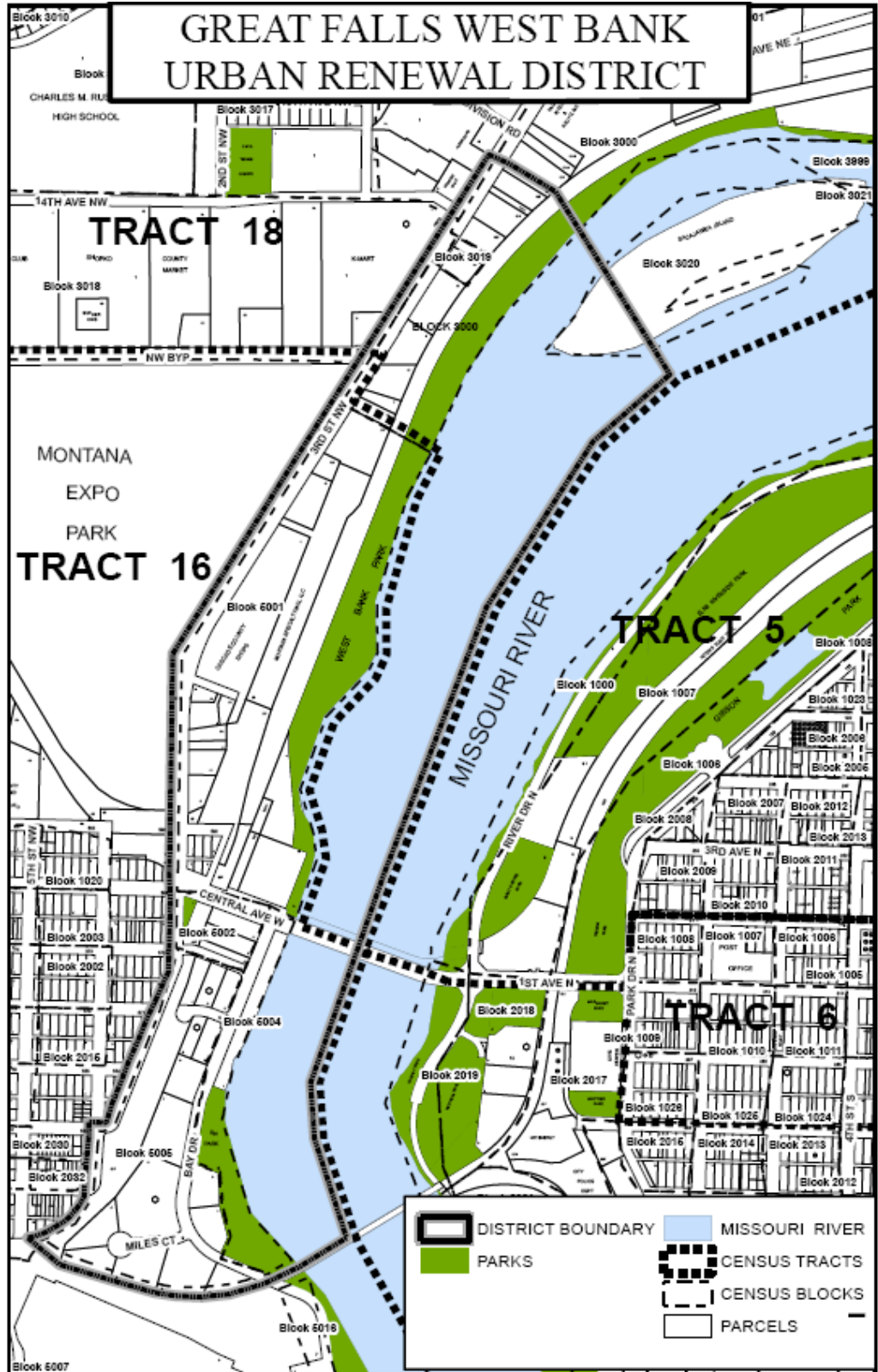


Figure 5. Census Designations

Chapter 3. Key Findings

This chapter of the Urban Renewal Plan provides an overview of the challenges and opportunities associated with the redevelopment of the West Bank Urban Renewal District. Information presented here has been gleaned from interviews and meetings with area property owners and residents, local government staff, Neighborhood Council #2 and other area stakeholders. While the West Bank Urban Renewal District can be characterized as blighted, the area has a number of recognized assets that will help foster redevelopment. For example, there is wide-spread support for area revitalization among property owners, stakeholders and the community in general.

Area Assets and Opportunities

The Missouri River and West Bank Park

The West Bank Urban Renewal District is bounded on the east by West Bank Park and the Missouri River which provide important scenic, natural, historic and recreational resources to residents and visitors. As noted in the 2004 *Missouri River Urban Corridor Plan*, the River is “a major community asset for enhanced livability, growth and economic development”. The District’s proximity to the river, in combination with West Bank Park can attract new development. The *Corridor Plan* also points out that the “Riverfront...creates real estate value [associated with its] proximity to water, views and public open space.”

Proximity to Downtown/Combating Urban Sprawl

The City’s plan to undertake the renewal of the West Bank area can be viewed as part of the overall effort to revitalize the city’s central business district and to discourage urban sprawl in general. As noted in the 2002 Great Falls Development Authority’s proposal to EPA for Brownfield Assessment grant funds, the redevelopment of “lands that have existing infrastructure...makes good planning sense, and it keeps redevelopment affordable and reduces urban sprawl. It also creates jobs in the city, close to where people live.”

Proximity to Transportation Corridors

The West Bank area is situated along two critical four-lane arterials – Central Avenue West and 3rd Street NW, which provide important links between downtown Great Falls, Interstate 15, the airport and the fairgrounds. The area has experienced increased traffic counts on 3rd Street Northwest and the Northwest Bypass, offering opportunities for successful development. The 2003 *Great Falls Area Transportation Plan* identifies 3rd Street Northwest as a major traffic corridor that is experiencing heavy traffic volumes.

Finally, railroad service is provided on an as needed basis to service Montana Specialty Mills and Montana Refining Company.

Existing and Proposed Area Development

As noted above, the West Bank Urban Renewal District is experiencing a change in land use, from heavy industrial to mixed uses. The new Federal Building, to be located on the former brewery property and the Walgreens Pharmacy, which is under construction in the northern portion of the District, will provide two important anchors for the District. The area is also home to a number of retail and service businesses. Finally, the Montana Expo Park borders the District on the west, providing an important traffic generator, as well as a potential partner in redevelopment efforts.

Challenges

Clean-up of Contaminants

The Third Street Northwest Groundwater Site is located within the West Bank Urban Renewal District and includes the County Shops, Montana Specialty Mills, portions of the BNSF Railway spur and West Bank Park. The Site is listed on the State of Montana’s “Mini- Superfund Sites” because of petrochemical related contamination. Figure 6 shows the contaminated portion of the District.

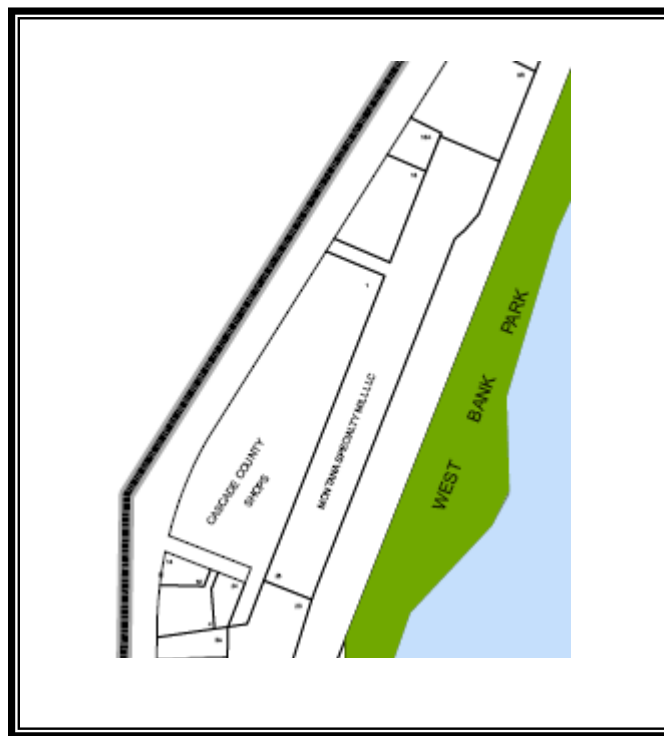


Figure 6. Contaminated Area

Clean-up of these contaminants will occur sequentially. For example, contaminants cannot be removed from West Bank Park until the County Shops and Montana Specialty Mill areas are addressed, because they are the “upstream” source of the pollutants. (See Table 2, Remediation Schedule in Chapter 4.) Redevelopment cannot occur in these areas until clean-up is complete.

Lot Size

Some of the properties within the urban renewal district are too small to accommodate new office or commercial development. Prior to significant redevelopment occurring, some of the smaller parcels of land will have to be consolidated, particularly those at the southern end of the District.

Access

While the District is adjacent to major arterials, access to and within the West Bank area is limited. In addition to the absence of roads, the railroad tracks that run north-south and parallel to the riverfront make it difficult to address the District’s transportation needs of vehicles and pedestrians. In particular, the sidetrack which currently serves Montana Specialty Mills, and which will no longer be needed once the mill is relocated, limits east-west access through a large portion of the District. Overall, the area lacks the necessary infrastructure to link recreational and commercial uses, which will ultimately be key to the successful redevelopment of the District.

Blighted Conditions in the West Bank Urban Renewal District

A Finding of Blight report for the West Bank Urban Renewal District was prepared in November of 2006. The following excerpts provide a general overview of blighted conditions in the District.

Physical deterioration of buildings

Although most of the buildings within the proposed West Bank Urban Renewal District are in use, the area generally has a deteriorating appearance. Many structures are in poor repair and properties are often poorly maintained, cluttered with refuse and waste storage areas.

According to building permit information prepared by the Great Falls Community Development Department, the majority of structures in the proposed district were constructed prior to the 1980s and many were constructed in the 1950s. While age alone does not indicate deterioration, permit information indicates that few major improvements have been made in recent decades.

Inappropriate or mixed uses of land or buildings

The eastern edge of the West Bank Urban Renewal District includes portions of West Bank Park, an important recreation and scenic resource for the City of Great Falls. The park is located adjacent to areas that have been blighted by industrial pollution and refuse storage sites. These detract from and diminish the quality of the park. The District includes a number of retail and service establishments, reflective of the land uses on those properties adjacent to the urban renewal district. The presence of heavy industrial activities in close proximity to these less intensive uses creates incompatibilities associated with industrial noise, odor and dust.

The West Bank Urban Renewal District also includes a small number of homes. The presence of heavy industrial sites in close proximity to residences can result in the devaluation of property over time. A review of residential property values within the district indicates that while the land values have increased slightly, the value of improvements has stagnated between 2000 and 2006.

Public Infrastructure/Defective or Inadequate Street Layout

The sewer and water lines within the district were installed primarily in the 1960's and 1970's to serve the commercial and large industrial users in the area. There are also some large sewer trunk lines which traverse the area from south to north. They are generally in good condition and would be able to accommodate new commercial, office and residential development. (See Appendix C, Public Utilities.) The streets that are in the area serve the perimeter of the planning area well, but are virtually non-existent in the interior, especially on the north end of the district. Access is very poor to the area between the River and the railroad tracks. Of the roads that do exist, some require paving, while others should be realigned. The district is characterized by large industrial and heavy commercial uses and in some cases, there is no public access to individual sites via roads. For example, better access is needed to West Bank Park and the new Federal Building that is slated for construction to the north of Central Avenue West. Overall the interior of the area lacks sidewalks, curbs and gutters, landscaping and adequate lighting.

Unhealthy or Unsafe Conditions

The West Bank Urban Renewal District includes the Third Street Northwest Groundwater Site, which is listed on the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA) listing of "Mini-Superfund" priority sites. According to the Montana Department of Environmental Quality, contaminants at the site include benzene, toluene, ethylbenzene, xylene, chlorinated solvents and phenols. (Great Falls Tribune, December 16, 2001)

In 2002, the Great Falls Development Authority applied for and obtained a U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grant as a first step in facilitating the redevelopment of the West Bank area. Brownfields are defined as those properties for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. (<http://www.epa.gov/brownfields/>)

The proposal to EPA noted that the potential for in-fill development and reuse of lands in the West Bank area had been “marginalized” by the environmental pollution, creating a “lost opportunity” for reinvestment in the area. (Great Falls Riverfront Redevelopment Project...Final Grant Proposal).

Chapter 4. Goals and Strategies of the West Bank Urban Renewal Plan

This chapter presents the goals and strategies of the West Bank Urban Renewal Plan by category of concern.

Remediation of Environmental Pollutants

The West Bank Urban Renewal District includes the Third Street Northwest Groundwater Site, which is listed on the Montana Comprehensive Environmental Cleanup and Responsibility Act (CECRA) listing of “Mini-Superfund” priority sites. CECRA provides the Montana Department of Environmental Quality with similar authorities as provided under the federal Superfund Act. CECRA ranks these sites as maximum, high, medium, low and operation and maintenance priority based on the severity of contamination at the facility and the actual and potential impacts of contamination to public health, safety, and welfare and the environment. The Third Street Northwest Groundwater Site has been listed with a ranking of medium. (<http://www.deq.state.mt.us/StateSuperfund/index.asp>). According to the Montana Department of Environmental Quality, contaminants at the site include benzene, toluene, ethylbenzene, xylene, chlorinated solvents and phenols. (Great Falls, *Tribune*, December 16, 2001)

In 2002, the Great Falls Development Authority applied for and obtained a U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grant as a first step in facilitating the redevelopment of the West Bank area. Brownfields are defined as those properties for which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. (<http://www.epa.gov/brownfields/>). The proposal noted that the grant would help “facilitate development through completion of environmental assessments on properties in the area...and would identify the nature and severity of contamination on the properties and allow for the selection of cleanup remedies”. (*Finding of Blight Report*, 2006)

Cascade County is largely responsible for the removal of contaminants from the Third Street Northwest Groundwater Site which includes the site of the County Shops and Montana Specialty Mills (Figure 7). The clean-up of contaminants should occur sequentially. The clean-up phases are summarized below in Table 2. (Commencement dates, as provided by Cascade County, are approximate.)

| Table 2. Remediation Schedule for the Third Street Northwest Groundwater Site | | |
|---|--|-------------------------------|
| Phase | Corrective Action | Proposed Date of Commencement |
| I | Remove contaminants from Cascade County Road and Bridge Department Shop (southern end of property) | November, 2007 |
| II | Remove contaminants from Montana Specialty Mills site | Late, 2008 |
| III | Clean-up Burlington Northern Santa Fe Railroad (BNSF) right of way | 2009 |
| IV | Clean-up West Bank Park area | 2010 |
| V | Remove contaminants from the Cascade County Solid Waste District Shop (northern end of property) | 2007-2008 |
| VI | Clean-up northeast area of County Shop | 2007-2008 |

The *Great Falls Growth Policy* notes that Brownfields are currently “dealt with on a case-by-case basis, with clean-up usually funded as part of the cost of redeveloping the property”. The removal of contaminants in the West Bank Urban Renewal District by Cascade County will enable the property to be redeveloped for non-industrial uses. While the City of Great Falls is not responsible for contaminant removal, the Urban Renewal Plan must reflect the timing of clean-up activities.



Figure 7. Montana Specialty Mills

Goal: Foster development in the West Bank Urban Renewal District in phases with respect to the availability of land following the removal of contaminants.

Strategies:

- Communicate regularly with Cascade County to enable the coordination of development activities as contaminants are removed.
- Work with Cascade County in determining an approach to clean-up non-county properties including the BNSF railroad and West Bank Park.

Public Infrastructure Improvements

Sewer and Water Services

The sewer and water lines within the West Bank Urban Renewal District were installed primarily in the 1960's and 1970's to serve the commercial and large industrial users in the area. There are also some large sewer trunk lines which traverse the area from south to north. They are generally in good condition and would be able to accommodate new development. However, due to the lack of streets, curbs and sidewalks in the area, the storm drain system is inadequate and will have to be addressed.

Goal: Ensure that all land uses within the West Bank Urban Renewal District have safe water supplies, environmentally sound wastewater disposal systems, solid waste recycling/collection programs, and stormwater management systems that protect the public health, safety and welfare.” (*Great Falls Growth Policy, 2005*)

Strategies:

- Work with the City of Great Falls Public Works Department to assure that the sewer and water infrastructure is appropriate for the scale and type of proposed development in the West Bank Urban Renewal District.
- Evaluate the current condition of the storm drain system with respect to proposed development within the West Bank Urban Renewal District and make improvements accordingly.

Area Access – Pedestrian and Vehicular

The streets in the area serve the perimeter of the Urban Renewal District well, but are virtually non-existent in the interior, especially on the north end of the District. Access is very poor to the area between the River and the railroad tracks. Of the roads that do exist, some require paving, while others should be realigned. The District is characterized by large industrial and heavy commercial uses and in some cases there is no public road access to individual sites. Better access is needed to West Bank Park and

the new Federal Building that is slated for construction to the north of Central Avenue West. In addition to the absence of roads within the District, it is difficult to access 3rd Street Northwest and Central Avenue West via a left turn from the existing roads within the District. The entire interior of the District lacks sidewalks, curbs and gutters. (*Finding of Blight Report*)

Goal: Provide a safe, efficient, accessible and cost-effective transportation system that offers viable choices for moving people and goods throughout the West Bank Urban Renewal District. (*Great Falls Growth Policy*)

Strategies:

- Identify and construct road system improvements for the West Bank Urban Renewal District that serve existing and proposed uses and address:
 - Access to and within the District
 - Sidewalks/Trails
 - Curbs
 - Gutters and Storm Drains
- Install traffic control signals and other safety features to improve access at appropriate locations.
- Work with BNSF to identify ways to provide access across the railroad right-of-way for both vehicles and pedestrians.
- Work with BNSF to determine the feasibility of removing the sidetrack rail serving Montana Specialty Mills to accommodate better access to the area.
- Provide for pedestrian access to and within the West Bank Urban Renewal District, providing links to Montana ExpoPark, West Bank Park, River's Edge Trail and nearby residential areas.

Park Development

West Bank Park (Figure 8) is an important area and community resource. Protection and enhancement of the Park is a key component in the redevelopment of the West Bank Urban Renewal District. More particularly, the Park is located within the Primary Impact Area, as defined in the *Great Falls Missouri River Urban Corridor Plan* (2004), "which includes those lands that have strong relationships to the river..." The Plan, which was called for in the 1999 *Great Falls City-County Comprehensive Plan* (now the *Great Falls Growth Policy, 2005*) presents a vision for what is possible in this corridor and includes general recommendations for access to the river, trails and the maintenance of public land. A companion document, the *Missouri River Urban Corridor Inventory & Assessment* (September 2002) characterizes existing conditions in the Corridor and makes recommendations for appropriate stabilization and recreational improvements.

The West Bank Park has also been identified by Great Falls Neighborhood Council #2 as an important neighborhood asset that contributes to the quality of life in the area and ties well to the Montana Expo Park. Area property owners have noted that West Bank Park and the riverfront help contribute to adjacent property values and provide an attractive setting for tenants and customers.



Figure 8. West Bank Park (Missouri River Corridor Plan)

Goal: Maintain and Improve West Bank Park within the West Bank Urban Renewal District.

Strategies:

- Prepare and Implement a Park Improvement Plan that addresses:
 - Pedestrian and Vehicular Access
 - Vegetation and Habitat
 - Trail & Pedestrian Use Within the Park
 - Connections to the River's Edge Trail System
 - Park Amenities and Facilities
 - Maintenance
 - Implementation Tools and Resources
- Work with adjacent property owners and developers to address Park access, visual integration with adjoining development/uses, and maintenance.

Area Design Features, Including Lighting and Landscaping

The *Missouri River Urban Corridor Plan* observes that "...there is a hodgepodge of poor quality design elements. In some areas, Quonset hut-style buildings and other structures of little aesthetic or architectural value, a surplus of unattractive and prominent signage, and a lack of unifying design details like street lighting and landscaping have resulted in a chaotic, unappealing environment. Development of this type discourages investment and upgrade to area properties." Design concepts such as buffering, shared open spaces, connection to public spaces, preservation of river views, street trees, and mixed uses are all encouraged to promote area identity, marketability and area vibrancy.

In addition, the *Great Falls Growth Policy* notes that it is the policy of the City to "encourage and promote street tree planting throughout the community and as a matter of policy, consider street trees as public infrastructure with priorities for preservation, replacement and maintenance".

Landscaping undertaken in association with development of streets, sidewalks and trails will serve to enhance the West Bank Urban Renewal District. In addition, the area will need adequate lighting to provide a safe and welcoming environment.

Goal: Urban Renewal Projects should be designed in a manner that is respectful of the area's natural and cultural setting with particular attention to landscaping and lighting.

Strategies:

- Develop and implement an urban tree planting program for the West Bank Urban Renewal District in association with the development of streets and sidewalks and in conjunction with the City Parks & Recreation Department that defines appropriate species, planting cycles and maintenance. Per the *Great Falls Growth Policy*, the City should prepare and implement a comprehensive planting, management and maintenance plan for street trees in the public rights-of-way.
- Identify an appropriate light standard that can be used throughout the District in conjunction with public improvements and private development.
- Encourage the preparation and adoption by area property owners of area-wide development standards to provide for cohesive development with a unique identity. Such standards could be used by developers when preparing plans and by the City's Design Review Board when considering proposed developments. This could be accomplished through the creation of neighborhood conservation overlay district.

Community and Economic Development

The *Great Falls Growth Policy* identifies a series of economic development goals, including the following that directly relate to the West Bank Urban Renewal District. These are:

- Diversify the base economy
- Enhance, strengthen and expand the existing economic base
- Encourage businesses and industries that will utilize existing infrastructure

The redevelopment of the West Bank Urban Renewal District can strengthen the economic base of Great Falls while taking advantage of existing sewer and water infrastructure within the urban core. This approach helps to counter urban sprawl and the associated costs in providing public services.

Fostering Private Development

The West Bank Urban Renewal Plan calls for public improvements in the West Bank Urban Renewal District in support of new investment. The role of the private sector will be critical in the redevelopment process. Private investments made in the area will, in turn, provide the City with the necessary financial resources (via Tax Increment Financing and other mechanisms) to develop public infrastructure that will contribute to the overall revitalization of the area.

This Urban Renewal Plan provides the necessary administrative structure to direct community resources to renewal activities within the District. However, it will be the private sector that undertakes specific site planning and development activities on privately owned lands. To achieve a high quality of design, representatives of private property owners, including Cascade County and area developers will work together to prepare a development master plan that will reflect the following underlying principles:

- ✓ Public access to West Bank Park and other riverfront parks will be incorporated into area design schemes.
- ✓ Lighting, street design and other landscaping features will be consistent throughout the District. Unifying architectural features and signage is also encouraged.
- ✓ Development will be phased in accordance with the contaminated soils clean-up schedule, as developed by Cascade County and the Montana Department of Environmental Quality.

Goal: Encourage thoughtful, well designed private development activity.

Strategies:

- Encourage the preparation of a development master plan for the West Bank District by property owners and developers that recognizes the sequential nature of the removal of pollutants from the area.
- Encourage the preparation of a development master plan that addresses the various sub-areas within the Urban Renewal District as follows:
 - The area to the south of the Cascade County Shops (including the area south of Central Avenue
 - The area that includes both the Cascade County Shops and the Montana Specialty Mills (MSM)
 - The area to the north of the Shops and MSM
- Consider the use of protective covenants in addition to existing zoning provisions to assure high quality development within the area
- Facilitate thoughtful project design that focuses on enhancing and protecting the area's natural and scenic resources
- Work with the private sector to identify public infrastructure needs for the area.
- Work with BNSF to determine the feasibility of removing the sidetrack rail serving Montana Specialty Mills to create more privately-owned land for development
- Foster cooperative efforts among public and private entities to achieve the goals of the Urban Renewal Plan
- Work with property owners and developers to identify opportunities to realign Bay Drive to facilitate redevelopment

Working in Partnership with Downtown

The City's plan to undertake the renewal of the West Bank District is part of an overall effort to revitalize the City's urban core and to discourage urban sprawl in general. The redevelopment of the West Bank District will serve to both expand and enhance Great Falls' urban center. The proposed private and public investment in the West Bank District will enable the City's core business area to encompass both sides of the Missouri River, taking full advantage of this important asset.

Goal: Coordinate the West Bank Urban Renewal program with ongoing efforts to revitalize Downtown Great Falls.

Strategies:

- Coordinate planning efforts between the West Bank District and Downtown.

- Identify joint activities, such as the creation of transportation and recreation services that connect Downtown and the West Bank District.

Historic/Cultural Resources

Historically, the west side of the Missouri River in Great Falls was the home of Montana's largest gasoline refinery, built by the Great Falls Sunburst Oil and Refinery Company. The refinery began operations in early 1923 along the 300 and 400 blocks of 3rd Street Northwest and was subsequently purchased by the California Eastern Oil Company in 1927. Cascade County took possession of the property in 1936 after California Eastern failed to pay gasoline license taxes and associated delinquent fees. By 1938, Cascade County had constructed its road and bridge department shops at the site (Great Falls, *Tribune*, December 16, 2001). The West Bank District also included the site of the former Montana Brewing Company complex, built in 1893-94, just north of Central Avenue West, along the Missouri River. In 1933, it became the malt plant for the Great Falls Breweries, Inc., which closed in 1968. The last remnants of the site were removed in July, 2006 to make way for a new 54,000 square foot Federal Courthouse (*Sun River News*, July 11, 2006).

Today, there are 51 parcels in the West Bank Urban Renewal District, including a small number of residences and a variety of retail and service oriented businesses, such as, a veterinary clinic, J Bar T Tavern, and the Cowboy's Bar. Overall, the West Bank District is undergoing a transition from heavy industrial uses to commercial and retail uses, reflective of development that is occurring on adjacent properties, particularly along 3rd Street NW/SW. As this transition continues, it will be important to take stock of the remaining historic properties and to plan carefully for their interpretation, preservation and appropriate integration into area development. For example, the Montana Cowboy's Association is interested in having the Cowboy's Bar and associated museum placed on the National Register of Historic Places. (See Figure 9, below.) Additionally, the Missouri River and Sacagawea Island are important natural, cultural and historic resources that should be included in any area assessments. Other properties may be eligible for listing as well. Most federal and state grant programs require applicants to address potential impacts on properties eligible for listing in the National Register. An inventory of historic resources would help assure more thoughtful development.

Goal: Assess, preserve and interpret historic and cultural resources within the West Bank Urban Renewal District.

Strategies:

- Conduct an inventory of historic and cultural resources within the West Bank Urban Renewal District
- Work with private property owners to preserve historic sites
- Develop a pedestrian oriented interpretive program to include information concerning:
 - Existing sites of historic or cultural interest
 - Former occupants of the area
 - Environmental history of the area
 - History of the River



Figure 9. Cowboy's Bar

Natural Resources

The Missouri River and the associated West Bank Park are the defining features of the West Bank Urban Renewal District. Not only do these resources make the area more attractive for investment and overall community renewal, but they are intrinsic to the quality of life in the City of Great Falls and the surrounding region. They offer scenic and recreational opportunities for both residents and visitors to Great Falls.

The area along the River has undergone a significant transition. As recently as 20 years ago, the current West Bank Park was the site of a construction waste dump. The area was “reclaimed” through a major effort to remove the waste and restore the river front area, providing an important recreation resource for the people of Great Falls. The Park is now part of the city wide park system and a key component of the public corridor along the Missouri River.

The Missouri River Urban Corridor Plan identifies guiding principles and “communicates a vision for economic vitality” associated with the River while, at the same time recognizing “that the River is a vital part of a large ecosystem and that the environmental integrity of the River must be protected.” The following Urban Renewal Plan Goal is taken directly from the *Missouri River Urban Corridor Plan*.

Goal: Promote beneficial, sustainable economic development that utilizes the River as an amenity while preserving and enhancing its ecological integrity and asset values.

Strategies

- Restore, enhance and protect water quality, natural shoreline vegetation and wetlands in association with improvements to West Bank Park and the River’s Edge Trail
- Assure that the environmental health of the River will not be compromised by development
- Work with property owners to develop shoreline protection programs in conjunction with their development activities

Chapter 5. Planning Approach – The Defining Elements

The design and implementation of the West Bank Urban Renewal Plan is being undertaken in a manner that is reflective of sound public policy and thoughtful planning. To this end, a number of “defining” elements have been identified that will characterize the projects and activities undertaken in connection with the revitalization and redevelopment of the West Bank area.

Sub Area Planning – Phased Development

The West Bank Urban Renewal District is likely to be developed in stages. The sequential nature of the removal of contaminants from the area currently occupied by the County Shops and Montana Specialty Mills will dictate, to some extent, which lands are redeveloped first. Given that the removal of contaminants will not be completed for approximately three years, the areas to the north and south of the Third Street Northwest Groundwater Site will likely be developed first. The building of the new Federal Courthouse to the south and the new Walgreens Pharmacy to the north provide examples of likely development patterns. Private development and public infrastructure improvements should be designed in a manner that will allow for phased implementation.

Thoughtful Design

The location of the West Bank Urban Renewal District, adjacent to the Missouri River and West Bank Park, requires that projects are designed in a manner that is sensitive to the area’s natural resources. The River and the Park add value to the lands within the District by providing an aesthetically pleasing environment within which reinvestment can occur. Urban renewal projects should serve to complement these resources rather than create a development pattern that diminishes their value. Thoughtful, well-designed development will, in turn, enhance the natural setting, drawing additional investment.

Intergovernmental Cooperation

The successful implementation of the West Bank Urban Renewal Plan will rely on cooperation between the City of Great Falls, Cascade County and the State of Montana. Cascade County, over the next several years, will be working with the Montana Department of Environmental Quality to address contaminated soils in the central portions of the West Bank Urban Renewal District. Following clean-up, the County will exercise its options regarding redevelopment of its properties. It will be important for Cascade County to be involved with other property owners in the West Bank Urban Renewal District, as well as the City of Great Falls in planning for the District’s redevelopment. The County’s participation in the development master planning

process for the area will be particularly critical. The proximity of the Montana Expo Park with the Renewal District is also a key factor in redevelopment. The Expo Park provides an important area asset that can help contribute to the District's revitalization.

Public Investment

The revitalization of the West Bank Urban Renewal District will require cooperation between the public and private sectors. As noted above, the City of Great Falls intends to invest in public infrastructure improvements in order to foster private investment. Public improvement projects will be undertaken in support of private development and with respect to area master plans developed by area property owners and investors. Funding for public infrastructure improvements will come from a number of sources including, but not limited to Tax Increment Financing (TIF). Specific projects will be undertaken in accordance with the Montana Urban Renewal Law, 7-15-42 and 7-15-43, MCA.

Planning Consistency

Conformity with the Growth Policy

This Urban Renewal Plan must conform to the Great Falls, *Growth Policy*, adopted in 2005, per 7-15-4213, MCA. Where appropriate, specific reference has been made to the *Growth Policy*, particularly in Chapter 4 of this Plan. *On February 27, 2007, the Great Falls City Planning Board reviewed this Urban Renewal Plan and found it to be in conformance with the Growth Policy, per statutory requirements.*

Other Planning Documents

In the preparation of the West Bank Urban Renewal Plan, a variety of other planning documents were consulted to assure that the Urban Renewal Plan would work in concert with other efforts to plan for the future of Great Falls. These included:

- Missouri River Urban Corridor Inventory and Assessment (2002)
- Great Falls Area Transportation Plan (2003)
- Missouri River Urban Corridor Plan (2004)

Chapter 6. Implementation

The West Bank Urban Renewal Plan sets a direction for redevelopment and revitalization of the West Bank Urban Renewal District. Upon its adoption, this Plan will serve as the official policy guide for public action. However, these policies can only be transformed to action through an effective implementation program. Key to implementation will be sound processes of administration, financing and program evaluation.

Administration

The administration of the redevelopment effort outlined in this plan will be the responsibility of the Great Falls City Commission. Under 7-15- 4232, the City Commission may choose to create a separate urban renewal agency or authorize an existing department to implement this Urban Renewal Plan. However, it is the intent of the Commission to retain the responsibility and authority for administering the West Bank Urban Renewal Program. Various city departments will be authorized by the Commission to undertake specific tasks associated with implementation as necessary.

Each year the City of Great Falls, or the authorized department will prepare an annual work program and budget and will list the activities and costs of the activities for the coming fiscal year, as well as the method of financing those activities. This program and budget may be amended during the course of the fiscal year, in light of funding and program changes. All budgets and revised budgets shall be reviewed and approved by the City of Great Falls. Urban renewal activities undertaken by the City of Great Falls will be in accordance with Montana State statute. (See specific provisions below.)

7-15-4233. Powers which may be exercised by urban renewal agency or authorized department. (1) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

- (a) to formulate and coordinate a workable program as specified in [7-15-4209](#);
- (b) to prepare urban renewal plans;
- (c) to prepare recommended modifications to an urban renewal project plan;
- (d) to undertake and carry out urban renewal projects as required by the local governing body;
- (e) to make and execute contracts as specified in [7-15-4251](#), [7-15-4254](#), [7-15-4255](#), and [7-15-4281](#), with the exception of contracts for the purchase or sale of real or personal property;
- (f) to disseminate blight clearance and urban renewal information;
- (g) to exercise the powers prescribed by [7-15-4255](#), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- (h) to enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in [7-15-4257](#);
- (i) to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- (j) to insure real or personal property as provided in [7-15-4258](#);
- (k) to effectuate the plans provided for in [7-15-4254](#);
- (l) to prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- (m) to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
- (n) to conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- (o) to negotiate for the acquisition of land;
- (p) to study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto;
- (q) to organize, coordinate, and direct the administration of the provisions of this part and part 43;
- (r) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

(2) Any powers granted in this part or part 43 that are not included in subsection (1) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

Program Funding

Tax Increment Financing Provision

The implementation of the West Bank Urban Renewal Plan will include the use of Tax Increment Financing (TIF). Under Section 7-15-4282 of the Montana Urban Renewal Law communities may establish tax increment districts for the purposes of revitalizing blighted neighborhoods and central business districts. Tax increment financing directs new property tax dollars resulting from increases in the market value of real property to the area where the real property is located. The base property tax (before any improvements to real property) continues to be distributed to the local governments and school districts. However, tax dollars that accrue from increases in property values (from rehabilitation, new construction, etc.) are available for urban renewal projects as defined by the Montana Urban Renewal Law. More particularly, costs which may be paid using TIF dollars are included in 7-15-4288, MCA. (See Appendix D.)

A tax increment program is authorized for 15 years or longer if the tax increment revenue is pledged to the payment of tax increment bonds. 7-15-4289, MCA provides for the use of tax increments for bond payments. The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds which the municipality may issue for the purpose of providing funds to pay such costs.

The City of Great Falls will establish a Tax Increment Financing program for the West Bank Urban Renewal District, as defined in Chapter 2 of this Urban Renewal Plan. The base year for the purposes of measuring any incremental value will be January 1, 2007.

Per 7-15-4291, MCA, the City of Great Falls may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in 7-15-4288, MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds.

Other Financing Mechanisms

There are a number of financial assistance programs that can be used in the revitalization of the West Bank Urban Renewal District in addition to Tax Increment Financing. Financing strategies for addressing urban renewal needs identified in this Plan will likely include combining various funding sources. For example, a local special improvement district might be used in combination with a Montana Board of Investment Intercap loan to match federal or state dollars. The following is a summary of programs available to fund urban renewal projects

Transportation Infrastructure

This section describes funds and funding sources that are available to finance urban renewal transportation related projects. These funding methods, such as local option taxes, improvement districts and other types of bonds, enable local citizens to participate in funding projects. In general, however, the ability to use additional property tax levies to fund urban renewal is governed by Montana Statute under 15-10-402 MCA that limits taxes to 1996 levels.

A. Bridge and Road Mills (Property Taxes)

Montana law provides for cities (7-14-4101, MCA) to manage transportation infrastructure. Counties are specifically responsible for all the bridges in a county, including those within cities and towns, except those managed by the Montana Department of Transportation. Municipalities may establish a city road fund under 7-14-4113 MCA.

B. Transportation Improvement Authority

Established under 7-14-1001, MCA, the purpose of a transportation improvement authority is to blend the interests of local, state, and federal governments with the interests of the general public and the business community to build, modify, or improve transportation facilities and systems within its jurisdiction. A county and a municipality within a county may, by joint resolution, create a transportation improvement authority. The Authority may enter into contracts and accept local, state, federal and private funds to undertake transportation projects.

C. Community Transportation Enhancement Program

Under 23 USC 133 (d) (2) (Federal Code) 10 percent of the Surface Transportation Program monies are awarded to each state for transportation enhancements. Montana is unique in that enhancements are made available to communities under the Community Transportation Enhancement Program (CTEP) administered by the Montana Department of Transportation. The MDT distributes these funds for all counties and cities that are 1st, 2nd, and 3rd class cities, and tribal governments. Local governments are responsible for providing the required 13 percent of project costs as non-federal match for their transportation enhancement projects.

In order to receive funding, transportation enhancement projects must be included in the local Transportation Improvement Program (TIP) and the Statewide Transportation Improvement Program. Eligible CTEP categories include:

- Pedestrian and bicycle facilities
- Historic preservation

- Acquisition of scenic easements and historic or scenic sites
- Archaeological planning and research
- Mitigation of water pollution due to highway runoff or reduce vehicle-caused
- Wildlife mortality while maintaining habitat connectivity
- Scenic or historic highway programs including provisions of tourist and welcome center facilities
- Landscaping and other scenic beautification
- Preservation of abandoned railway corridors (including the conversion and use for bicycle or pedestrian trails)
- Rehabilitation and operation of historic transportation buildings, structures or facilities (including railroads)
- Control and removal of outdoor advertising
- Establishment of transportation museums
- Provisions of safety and educational activities for pedestrians and bicyclists

Projects addressing these categories and that are linked to the transportation system by proximity, function or impact, and where required, meet the "historic" criteria, may be eligible for enhancement funding. For example, where an historic bridge must be replaced because of structural deficiencies, enhancement funds might be used to preserve the original bridge as part of an interpretive trail.

D. State Fuel Tax

Under 15-70-101, MCA, Montana assesses a tax of \$.27 per gallon on gasoline and diesel fuel used for transportation purposes. Each incorporated city and town receives a portion of the total tax funds allocated to cities and towns based on:

- 1) The ratio of the population within each city and town to the total population in all cities and towns in the State;
- 2) The ratio of the street mileage within each city and town to the total street mileage in all incorporated cities and towns in the State. The street mileage is exclusive of the Interstate, National Highway, and Primary Systems.

All fuel tax funds allocated to city governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city streets and alleys. Priorities for the use of these funds are established by the cities receiving them.

Debt Financing – All Types of Projects

Cities can make use of various kinds of debt financing to fund urban renewal projects. These include general obligation bonds, special improvement district bonds and

revenue bonds as well as Tax Increment Financing Bonds. Debt financing enables local governments to finance major infrastructure projects using future revenue from special assessments, user fees, and other forms of revenue. Under 7-7-4101, MCA, a city or town council has power to incur indebtedness by borrowing money, issuing bonds, issuing notes, entering into leases, entering into lease-purchase agreements, or entering into installment purchase contracts for the following purposes:

- (1) acquiring land for and designing and erecting public buildings;
- (2) acquiring land for and designing and constructing sewers, sewage treatment and disposal plants, waterworks, reservoirs, reservoir sites, and lighting plants;
- (3) supplying the city or town with water by contract and the construction or purchase of canals or ditches and water rights for supplying the city or town with water;
- (4) designing and constructing bridges, docks, wharves, breakwaters, piers, jetties, and moles;
- (5) acquiring, opening, or widening any street and improving the street by constructing, reconstructing, and repairing pavement, gutters, curbs, and vehicle parking strips and to pay all or any portion of the cost relating to the project;
- (6) purchasing or leasing fire apparatus, street and other equipment, and personal property, including without limitation, vehicles, telephone systems, and photocopy and office equipment, including computer hardware and software;
- (7) building, purchasing, designing, constructing, and maintaining devices intended to protect the safety of the public from open ditches carrying irrigation or other water;
- (8) funding outstanding warrants and maturing bonds; and
- (9) repaying tax protests lost by the city, town, or other municipal corporation.

The local government incurs various administrative costs in conjunction with issuing bonds. These costs include the retention of legal counsel and financial consultants, the establishment of reserve funds and the preparation of the prospectus and various required documents. These bonds provide tax-free interest earnings to purchasers and are therefore subject to detailed scrutiny under both state and federal law. The citations in the Montana Code are listed below, for each type of bond described.

A. *Special Improvement Districts*

Under 7-12-4101, MCA, cities and towns can create special improvement districts for a number of activities including:

- The acquisition, construction or reconstruction of public streets and roads
- The acquisition, construction or reconstruction of sidewalks, culverts, bridges, gutters, curbs, steps and parks including the planting of trees

- The construction or reconstruction of sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances
- The construction of sewer and water systems including fire hydrants
- The acquisition and improvement of land to be designated as public park or open-space land
- The conversion of overhead utilities to underground locations in accordance with 69-4-311 through 69-4-314, MCA
- The purchase, installation, maintenance, and management of alternative energy production facilities

B. General Obligation Bonds

General obligation bonds are backed by the full faith and credit of the city and must be approved by the voters in an election. General obligation bonds are generally payable from ad valorem taxes (based on the value of property) and expressed in mills. General obligation bonds are attractive to bond buyers because they have voter approval and are not as vulnerable to fluctuations in revenue. Cities are assigned a bond debt limit based on a percentage of taxable valuation. General obligation bonds must fall within this limit.

C. Revenue Bonds

Under 7-7-4401, MCA, a city or town may issue revenue bonds to finance any project or activity authorized

Railroad Crossing Related Programs

A. STPRP - Rail/Highway Crossing Protective Devices Program

The purpose of the Federal Rail/Highway Crossing – Protective Devices Program is to identify high hazard rail crossing sites and install new rail crossing signals. MDT's Rail - Highway Safety manager is responsible for surveying, identifying and prioritizing those railroad crossings that require new protective devices or upgrading of existing devices. The funds are distributed on a statewide basis determined by a priority list ranked by a hazard index. The Federal/State ratio is 90% Federal and 10% State.

B. STPRR - Rail/Highway Crossing Elimination of Hazard Program

The purpose of the Federal Rail/Highway Crossing – Elimination of Hazard Program is to identify high hazard rail crossing sites and construct new rail/highway grade crossings. The program also uses funds to rehabilitate existing grade separations.

Grade separation projects are funded with 90% Federal funds and 10% State funds. Since funding for this program is limited, STPRR funds are often used in combination with other Federal funding sources to fund costly grade separation projects.

Eligible expenditures include the separation or protection at grade crossings, reconstruction of existing crossings and relocation of highways to eliminate crossings.

Projects for this program are selected by identifying those sites where only a grade separation will eliminate an identified hazard or where an existing grade separation exists but needs rehabilitation or replacement.

Funding for Public Improvements (Sewer, Water, Roads, Community Facilities, Parks)

A. Treasure State Endowment Program ~ Montana Department of Commerce

The Montana Treasure State Endowment Program (TSEP) is a state-funded program, authorized under 90-6-701 through 710, MCA, and is administered by the Montana Department of Commerce (MDOC). It is designed to assist local governments in financing capital improvements to sewer and water facilities. Funds are derived from the Montana coal severance tax and made available to local governments as matching grants, loans and grant/loan combinations. TSEP also provides matching grants of up to \$15,000 to local governments for preliminary engineering study costs.

TSEP funds may not be used for annual operation and maintenance; the purchase of non-permanent furnishings; or for refinancing existing debt, except when required in conjunction with the financing of a new TSEP project. Grant requests cannot exceed \$500,000 and the local government must typically provide a dollar for dollar match that can include other grant funds. Matching funds can be public or private funds provided by a TSEP applicant to directly support the cost of eligible project activities. There are a number of ways in which local governments can provide matching funds for bridge projects. Eligible types of matching funds include:

- local general funds or other cash;
- proceeds from the sale of general obligation, revenue, special assessment or other bonds;
- entitlement or formula-based federal or state funds such as federal highway funds or payments in lieu of taxes;
- loan or grant funds from a state or federal program (including TSEP loans);
- funds expended for engineering studies, reports, and plans, or other reasonable expenses expended for the preparation of the application, directly related to the proposed project during the period 24 months prior to the TSEP application deadline;

- funds expended after the TSEP application deadline, but before being approved by the Legislature, for project management, final engineering design, and other reasonable expenses necessary to prepare the project as proposed in the TSEP application for the construction phase;
- the value of land or materials provided by the applicant, if appraised within a two-year period preceding the application deadline. The appraisal must be:
 - an impartially written statement that adequately describes the land or materials, and states an opinion of defined value as of a specific date;
 - supported by an analysis of relevant market information; and
 - prepared by a qualified appraiser independent from the applicant.
- the value of labor performed by the applicant's employees on the proposed project, after the TSEP project has been approved for funding and a TSEP contract has been signed, as long as the employee is paid at his or her standard hourly rate of pay and the time worked is adequately documented; and
- the value of machinery used in the process of constructing the project that is owned (or leased) and operated by the applicant. The value of the use of the machinery will be determined using the Federal Emergency Management Agency (FEMA) equipment rate schedules.

B. The Montana Intercap Program ~ Montana Board of Investments

The INTERCAP Program is a low cost, variable-rate program that lends money to Montana local governments, state agencies and the university system for the purpose of financing or refinancing the acquisition and installation of equipment or personal and real property and infrastructure improvements. The Board of Investments issues tax-exempt bonds and loans the proceeds to eligible borrowers. In addition to long-term financing, INTERCAP is an excellent source for interim financing.

Funding is always available with no specific cycle. Allocations of \$200,000 and under are considered and approved by the Board of Investments staff. Allocations in excess of \$200,000 are considered and approved by the Board. Funds are released on an on-going basis as the project is completed. The program provides loans at a variable rate plus a one percent loan origination fee on loans over one year and for a term of 5 or 10 years depending on the borrower's legal authority. Short-term loans of less than a year are also available. Interest and principal payments are due bi-annually (February 15 and August 15 of each year). Loans may be pre-paid without penalty with 30 days notice. Types of financing include installment purchase loans, general fund loans, general obligation bonds, revenue bonds and special improvement district and rural improvement district bonds. Gas tax revenues may not be used to service debt. Projects that will use rural improvement district payments to cover the annual debt are

limited to a total loan of \$300,000. Intercap funds may be used in association with other grant and loan programs as well as local sources.

C. Community Development Block Grant (CDBG)- US Department of Urban Development (HUD)

This program provides annual grants on a formula basis to entitled cities and counties to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for low- and moderate-income persons. The program is authorized under Title 1 of the Housing and Community Development Act of 1974, Public Law 93-383, as amended; [42 U.S.C.-5301 et seq.](#)

HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Entitlement communities develop their own programs and funding priorities. However, grantees must give maximum feasible priority to activities which benefit low- and moderate-income persons. A grantee may also carry out activities which aid in the prevention or elimination of slums or blight. Additionally, grantees may fund activities when the grantee certifies that the activities meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. CDBG funds may not be used for activities which do not meet these broad national objectives.

Eligible grantees are as follows:

- principal cities of Metropolitan Statistical Areas (MSAs);
- other metropolitan cities with populations of at least 50,000; and
- qualified urban counties with populations of at least 200,000 (excluding the population of entitled cities) are entitled to receive annual grants.

HUD determines the amount of each entitlement grant by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas. CDBG funds may be used for activities which include, but are not limited to:

- acquisition of real property;
- relocation and demolition;
- rehabilitation of residential and non-residential structures;
- construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes;
- public services, within certain limits;
- activities relating to energy conservation and renewable energy resources; and
- provision of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities.

D. Public Works Program ~ Economic Development Administration

The Economic Development Administration (EDA) is an agency within the U.S. Department of Commerce. The purpose of the Public Works Program is to assist communities with the funding of public works and development facilities that contribute to the creation or retention of private sector jobs and to the alleviation of unemployment and underemployment. Such assistance is designed to help communities achieve lasting improvement by stabilizing and diversifying local economies, and improving local living conditions and the economic environment of the area.

Grants are awarded up to a participation level of 80 percent but the average EDA grant covers approximately 50 percent of project costs. Acceptable sources of match include cash, local general obligation or revenue bonds; Community Development Block Grants, TSEP grants and loans, entitlement funds, Rural Development loans; and other public and private financing, including donations.

Projects must result in private sector job and business development in order to be considered for funding. Eligible applicants under this program include any state, or political subdivision thereof, Indian tribe (and other U.S. political entities), private or public nonprofit organization or association representing any redevelopment area if the project is within an EDA-designated redevelopment area. Redevelopment areas, other than those designated under the Public Works Impact Program must have a current EDA-approved Overall Economic Development Program (OEDP) in place.

E. Water, Wastewater and Solid Waste Action Coordinating Team

In 1982, a group of professionals from state, federal, and non-profit organizations that finance, regulate, or provide technical assistance for community water and wastewater systems, decided to start meeting in order to coordinate and enhance their efforts. This group calls itself the "Water, Wastewater and Solid Waste Action Coordinating Team"

or W2ASACT for short. W2ASACT meets several times a year to find ways to improve our state's environmental infrastructure. All of the programs represented in W2ASACT have different missions and meet unique needs. However, it has been the common elements shared by the funding programs that have been the driving force of W2 SACT. These programs provide money (grants or loans), take applications from communities to fund their projects, and administer those monies once the project is funded. While W2ASACT cannot change all of the state or federal requirements, it can identify unnecessary duplication of requirements that make compliance difficult for communities.

Voluntary Programs

In some cases, homeowner associations, business groups or other property owners may finance urban renewal projects voluntary basis.

West Bank Urban Renewal Program Evaluation

The West Bank Urban Renewal Plan will be evaluated on a yearly basis in conjunction with the preparation of the annual report. Measures that may be used in evaluating program success include:

- Increases in the property tax base
- Creation of jobs within the Urban Renewal District
- Elimination of blighted conditions
- The extent of redevelopment in previously contaminated areas
- Use of the public spaces within the District including the West Bank Park and the riverfront trail system

Success will also be measured in terms of the overall guiding principles noted in Chapter 1 of this plan and restated here:

- The plan for the West Bank Urban Renewal District should foster economic development and job creation.
- The improvement of the overall environmental quality of the West Bank Urban Renewal District is critical.
- Protection and enhancement of West Bank Park and the Missouri River, which form the eastern boundary of the District are key in the redevelopment of the West Bank Urban Renewal District.

The plan provides flexibility to accommodate a variety of approaches. However, changes over time may necessitate more formal amendments to the Urban Renewal Plan. The Urban Renewal Plan may be modified by ordinance under 7-15-4221, MCA.



Figure 10. Urban Renewal Area from the north

APPENDIX A. RESOLUTION OF BLIGHT

RESOLUTION 9626

A RESOLUTION DECLARING A BLIGHTED AREA EXISTS WITHIN THE CITY OF GREAT FALLS, MONTANA AND THAT THE REDEVELOPMENT OF THAT AREA IS NECESSARY IN THE INTEREST OF PUBLIC HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF GREAT FALLS AND TO DETERMINE THE BOUNDARIES OF THAT AREA

WHEREAS, the State of Montana has provided for the redevelopment of those portions of its cities which constitute a menace to public health and safety, constitute an economic and social liability and substantially impair the sound growth of a municipality; and,

WHEREAS, the procedure provided in Title 7, Chapter 15, Parts 42 and 43 of the Montana Codes Annotated authorizes municipalities to exercise statutory urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects, after the municipality has made a finding that a blighted area exists that substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability and/or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use; and,

WHEREAS, on November 8, 2006, the City Commission directed the study to determine the existence of blight within the urban area; and,

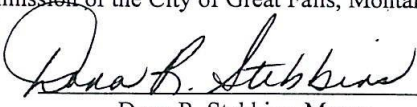
WHEREAS, the City of Great Falls has conducted the study (attached as Exhibit "A" to this Resolution) to determine the existence of blight in an area known as the West Bank and generally described as bounded on the West by 3rd Street NW/SW, on the East by the center line of the Missouri River, on the North by a point just north of 14th Avenue NW and on the South by a point just south of 5th Avenue SW and excludes any unincorporated property, as of October 2006, and in particular found:


- 1. Physical deterioration of buildings and properties
 - o Many of the structures in the defined area are in poor repair and properties are poorly maintained. Building permit information indicates that the majority of existing structures have not been substantially improved for at least twenty years.
- 2. Inappropriate or mixed uses of land or buildings
 - o The presence of existing heavy industrial uses within the defined area is incompatible with retail, commercial, residential and parkland development. This land use conflict has proven to be a disincentive to the improvement of properties within the area by private enterprise.
- 3. Defective street layout
 - o Much of the area is without streets, sidewalks, curbs, or gutters resulting in poor traffic circulation and storm drainage problems.
- 4. Unsanitary and unsafe conditions
 - o Portions of the defined area are included in the list of priority sites maintained by the Montana Department of Environmental Quality under the Comprehensive Environmental Cleanup and Responsibility Act (CECRA) and are designated a Brownfield site as defined by the U.S. Environmental Protection Agency. Contamination on the site is associated with historic industrial activity and has affected both the soil and groundwater and threatens to contaminate the Missouri River.

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

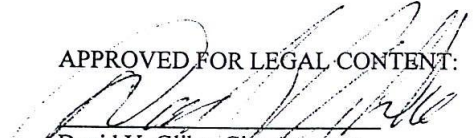
That the City Commission finds that blight exists within the City of Great Falls in the area described in Exhibit "A" of this Resolution under the definition contained in Section 7-15-4206 (2), M.C.A. and that rehabilitation and redevelopment of such area (pursuant to the Montana Urban Renewal Law) is necessary and desirable in the interest of the public health, safety, and welfare of the residents of the City of Great Falls and that this rehabilitation and redevelopment be made with a commitment to quality improvement and a commitment to property owner and community involvement in decision making.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of December, 2006.


Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

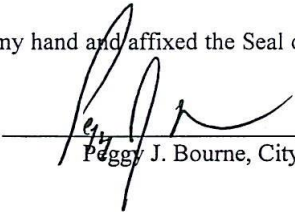
(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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 9626 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 5th Day of December, 2006, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of December, 2006.

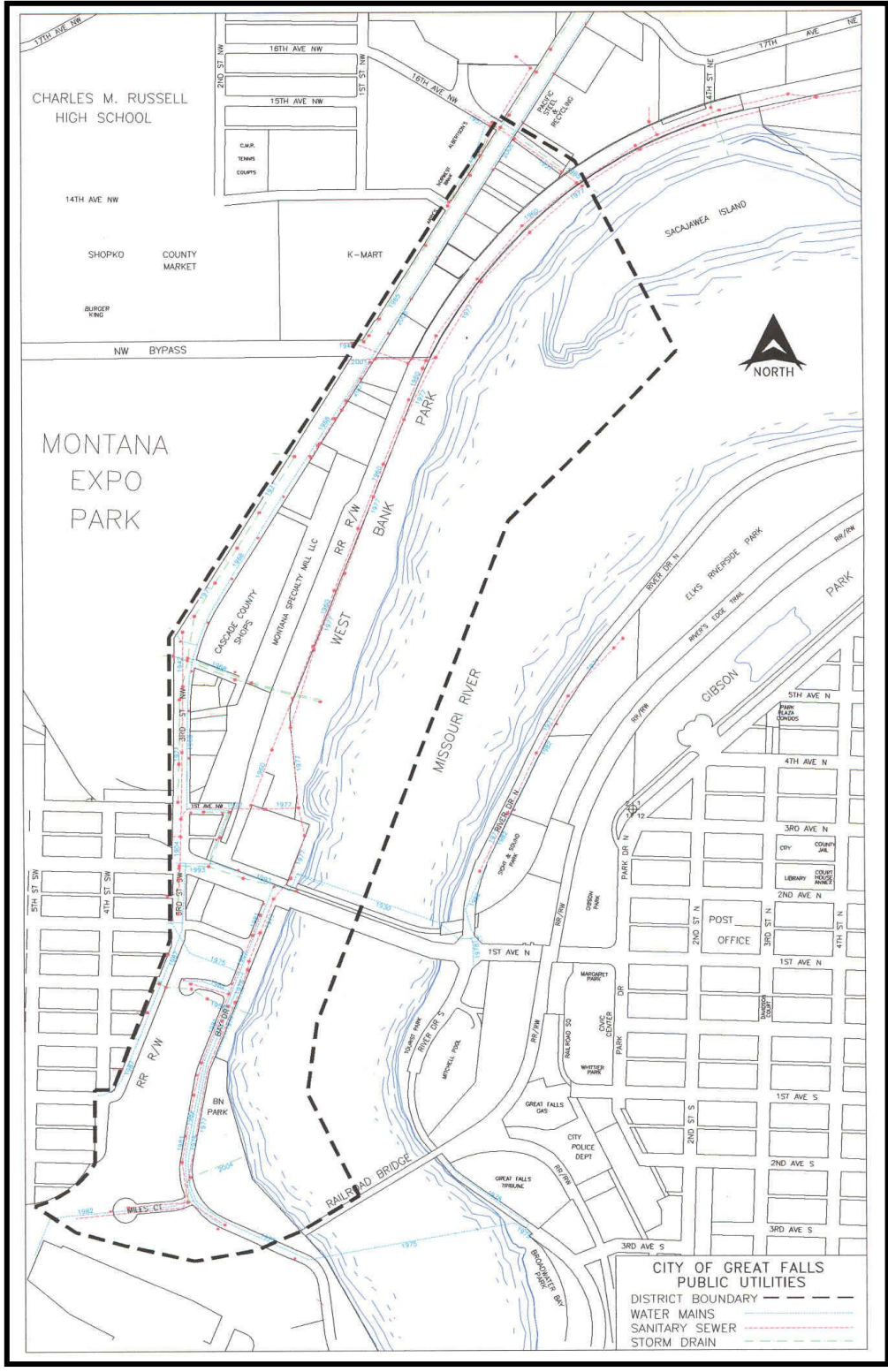

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPENDIX B – WEST BANK URBAN RENEWAL DISTRICT PARCEL DATA

| OWNER OF RECORD | BUSINESS NAME/OCCUPANCY | STREET |
|--|--------------------------------------|------------------|
| GRH GLENWOOD LLC ETAL | WALGREENS (under construction) | 3RD ST NW |
| CITY OF GREAT FALLS | SACAJAWIA ISLAND | |
| GRH GLENWOOD LLC ETAL | WALGREENS (under construction) | |
| GRH GLENWOOD LLC ETAL | WALGREENS (under construction) | 3RD ST NW |
| ROGERS JEWELERS INC ETAL | ROGERS JEWELERS | 3RD ST NW |
| BYPASS PROPERTY LLC (Outside City Limits) | BREEN OIL COMPANY | 3RD ST NW |
| HENDERSON MICHAEL S & WILLIAM L | JOHNSON DISTRIBUTING | 3RD ST NW |
| HENDERSON MICHAEL S & WILLIAM L | | 3RD ST NW |
| HENDERSON MICHAEL S ETAL | | 3RD ST NW |
| HENDERSON MICHAEL S ETAL | | 3RD ST NW |
| HILL RUSSELL & CATHERINE B | | 3RD ST NW |
| STOCKMAN BANK OF MONTANA | STOCKMAN BANK OF MONTANA | 3RD ST NW |
| KRALICH JOANNE | | |
| MONTANA SPECIALTY MILLS LLC | MONTANA SPECIALTY MILLS LLC | 3RD ST NW |
| JOHNSON MOLLIE L ETAL | J BAR T INC | 3RD ST NW |
| CASCADE COUNTY | CASCADE COUNTY SHOP COMPLEX | 3RD ST NW |
| MONTANA COWBOYS ASSOCIATION INC | COWBOY'S BAR | 3RD ST NW |
| MONTANA COWBOYS ASSN INC | COWBOY'S BAR | 3RD ST NW |
| MONTANA COWBOYS ASSOCIATION | COWBOY'S BAR | 4TH AVE NW |
| TALCOTT JAMES CONSTRUCTION INC | | 1ST AVE NW |
| FALLCAMP LLC | | 3RD ST NW |
| MITCHELL DEVELOPMENT & INVESTMENTS LLC | | CENTRAL AVE W |
| FALLCAMP LLC | | |
| FALLCAMP LLC | | 3RD ST NW |
| TALCOTT PROPERTIES LLC | | 3RD ST NW |
| TALCOTT JAMES CONSTRUCTION CO | | |
| BURLINGTON NORTHERN SANTA FE RAILROAD CO | RIGHT OF WAY | BAY DR |
| CITY OF GREAT FALLS (West Bank Park - South End) | WEST BANK PARK | PARK-WEST BANK |
| SCHUMAN HENRY & ALICE | | 3RD ST NW |
| HIGH PLAINS PIZZA INC | | 3RD ST NW |
| MYHRE ADVERTISING | | CENTRAL AVE W |
| MONTANA DEPT OF TRANSPORTATION | RIGHT OF WAY | |
| BUMBARGER FRED & PATRICIA S | PAYLESS FURNITURE | CENTRAL AVE W |
| HOLMAN GRAIN (Brick Building) | | BAY DR |
| JORGENSEN ROBERT F JR | | 2ND AVE SW |
| HOLMAN GRAIN COMPANY | | |
| HOLMAN GRAIN COMPANY | | BAY DR |
| OKSNESS BERT | | 2ND AVE SW |
| BN LEASING CORPORATION | | |
| ROBERTSON ENTERPRISES LLC | | BAY DR |
| MARTIN JOHN L | | 2ND AVE SW |
| CITY OF GREAT FALLS (BN Park) | BN PARK | PARK-GARDEN HOME |
| BN LEASING CORPORATION | | BAY DR |
| BURLINGTON NORTHERN SANTA FE RAILROAD CO | | |
| MONTANA ELECTRIC COOPERATIVES ASSO ETAL | MONTANA ELECTRIC COOPERATIVES ASSOC. | BAY DR |
| BURLINGTON NORTHERN SANTA FE RAILROAD CO | | BAY DR |
| BN LEASING CORPORATION | | |
| BN LEASING CORPORATION | | MILES CT |
| BN LEASING CORPORATION | | |
| BN LEASING CORPORATION | | |
| BN LEASING CORPORATION | | |
| CITY OF GREAT FALLS (West Bank Park - North End) | WEST BANK PARK | |

APPENDIX C. PUBLIC UTILITIES IN THE WEST BANK URBAN RENEWAL DISTRICT



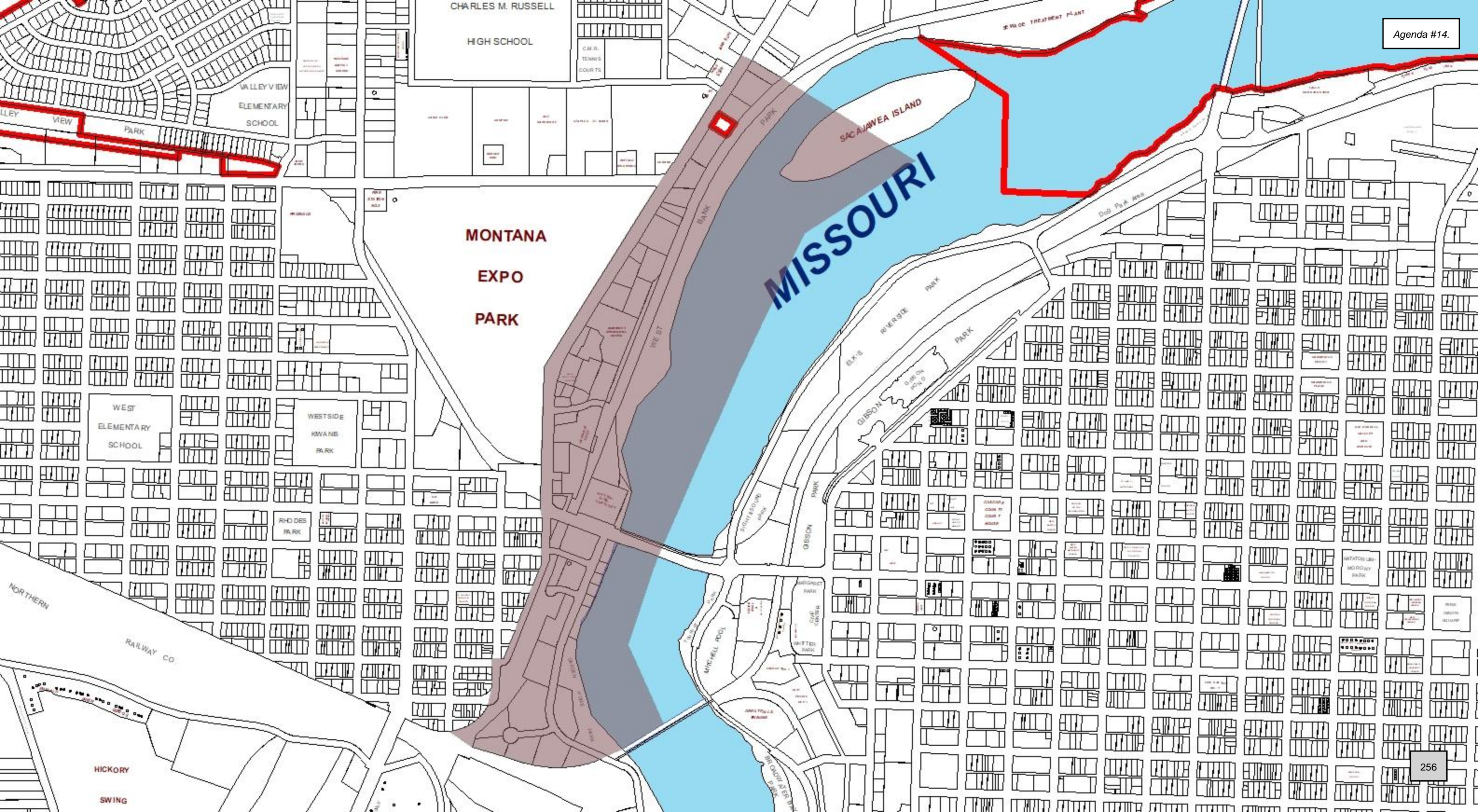
APPENDIX D

ALLOWABLE USES OF TAX INCREMENT FUNDS

(Note: This is under revision by the 2007 Montana Legislature)

7-15-4288. Costs that may be paid by tax increment financing. The tax increments may be used by the municipality to pay the following costs of or incurred in connection with an urban renewal project, industrial infrastructure development project, technology infrastructure development project, or aerospace transportation and technology infrastructure development project:

- (1) land acquisition;
- (2) demolition and removal of structures;
- (3) relocation of occupants;
- (4) the acquisition, construction, and improvement of infrastructure, industrial infrastructure, technology infrastructure, or aerospace transportation and technology infrastructure that includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, spaceports for reusable launch vehicles with associated runways and launch, recovery, fuel manufacturing, and cargo holding facilities, publicly owned buildings, and any public improvements authorized by parts 41 through 45 of chapter 12, parts 42 and 43 of chapter 13, and part 47 of chapter 14 and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;
- (5) costs incurred in connection with the redevelopment activities allowed under [7-15-4233](#);
- (6) acquisition of infrastructure-deficient areas or portions of areas;
- (7) administrative costs associated with the management of the urban renewal area, industrial district, technology district, or aerospace transportation and technology district;
- (8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at its fair value;
- (9) the compilation and analysis of pertinent information required to adequately determine the infrastructure needs of secondary, value-adding industries in the industrial district, the needs of a technology infrastructure development project in the technology district, or the needs of an aerospace transportation and technology infrastructure development project in the aerospace transportation and technology district;
- (10) the connection of the urban renewal area, industrial district, technology district, or aerospace transportation and technology district to existing infrastructure outside the district;
- (11) the provision of direct assistance, through industrial infrastructure development projects, technology development projects, or aerospace transportation and technology infrastructure development projects, to secondary, value-adding industries to assist in meeting their infrastructure and land needs within the district; and
- (12) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.



MONTANA
EXPO
PARK

MISSOURI

SACAJAWEA ISLAND

SEWAGE TREATMENT PLANT

VALLEY VIEW
ELEMENTARY
SCHOOL

WEST
ELEMENTARY
SCHOOL

WESTSIDE
KWANS
PARK

RHO DES
PARK

BLK'S
RIVERSIDE
PARK

GIBSON
FIELD

GIBSON
PARK

MITCHELL
POOL

ANGEL
PARK

CODE
CENTER

WHITTED
PARK

ORVILLE
PARK

WATSON
LIBRARY
PARK

POSSIBLE
WOODS

WATSON
LIBRARY
PARK

WATSON
LIBRARY
PARK

HICKORY
SWING



Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10400 – A resolution to approve a conditional use permit to allow a “Indoor Sports and Recreation” land use in the Parks and Open Space (POS) zoning district at the property addressed as 900 29th Street South and Resolution of Intent 10401 – Intention to vacate 28th Street South between 8th Avenue South and 10th Avenue South, 9th Avenue South and 9th Alley South between 27th Street South and 29th Street South and 10th Alley South between 27th Street South and 28th Street South. OF 1770

From: Erin Borland, Planner III, Planning and Community Development Department

Initiated By: City of Great Falls Park and Recreation Department

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

Action Requested: City Commission adopt Resolution of Intent 10401 and set a public hearing for May 18, 2021.

Suggested Motion:

Commissioner moves:

- I. “I move that the City Commission (set/not set) a public hearing for May 18, 2021 to hear Resolution 10400 for a conditional use permit to allow an Indoor Sports and Recreation land use at the property addressed as 900 29th Street South.”

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

Commissioner moves:

- II. “I move that the City Commission (adopt/deny) Resolution of Intent 10401, and set a public hearing for May 18, 2021.”

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

Staff Recommendation:

At the conclusion of a public hearing held on March 23, 2021, the Zoning Commission recommended that the City Commission approve the applicant’s request for a conditional use permit. Additionally, the Planning Advisory Board recommended that the City Commission approve the applicant’s request to

aggregate the parcels into two parcels including the rights-of-way to be vacated contingent upon the City Commission's decision.

Staff recommends approval of the Conditional Use Permit and the Non-Administrative Plat with the following conditions:

Conditions of Approval for Conditional Use Permit:

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Expiration:** The Conditional Use Permit shall expire two years after the date of issuance, if a Certificate of Occupancy has not been issued. The Director of Planning and Community Development may extend the expiration date by up to one year if substantial work is ongoing. The Director of Planning and Community Development may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Development Standards:** The proposed project shall be developed in compliance with the Development standards as set forth in Exhibit 20-4 in the Land Use Chapter of Title 17 - the Land Development Code. The proposed project will follow the standards for the PLI Public Lands and Institutional zoning district.
6. **Parking:** The minimum required parking on site will be set at 130 spaces with the possibility of expanding up to 180 spaces within the project area.
7. **Landscaping:** The City's landscaping requirements will be as follows:
 - Ten boulevard trees will be required along the project's 29th Street frontage, but placement shall be allowed within both the boulevard and project area
 - The off street vehicular area landscaping requirements may be met through additional landscaping provided outside the boundary of the proposed parking area.
 - The rate of planting required shall be 25 trees and 100 shrubs including perennial substitutions at a ratio of 2:1.
8. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

Conditions of Approval for the Non-Administrative Plat and Vacation of Rights-of-way:

1. **Amended Plat:** The applicants shall provide a revised Amended Plat of the subject properties which shall incorporate corrections of any errors or omissions noted by Staff.

Background:

After an extensive public participation process, the City of Great Falls adopted a new Park and Recreation Master Plan in October of 2016. This Plan provides a detailed analysis of the community's park and facility inventory as well as both facility and maintenance needs for the department. One of the most critical facilities identified was the need for a Multi-generational Center that would replace the existing natatorium and recreation center.

In June of 2020, the City of Great Falls seized upon a unique opportunity to submit an application to the former Office of Economic Adjustment, now known as the Office of Local Defense Community Cooperation (OLDCC), for a Defense Community Infrastructure Program (DCIP) grant to fulfill the Master Plan recommendation for this key facility need. The application was for a 10 million dollar grant with a 10 million dollar match to build a new indoor aquatic and recreation center for the city. This facility would replace the old natatorium that has been shut down and combine it with a recreation center in one new facility. The emphasis of the grant is to create a City and Malmstrom Air Force Base partnership to accomplish the following goals for the community: 1) create a training facility for Airmen to alleviate the cost of Temporary Duty (TDY) training for required water rescue, 2) improve the quality of life for Airmen and their families as well as residents in the community and, 3) bring the community together as a whole.

In September 2020, the City received word that it was officially awarded the grant for 10 million dollars. City Staff proceeded with a Request for Proposals (RFP) process and selected a design team to start the site selection and design of the facility. Per the grant's required schedule, construction must start within a year after the grant is awarded.

After research, preliminary design, cost analysis and soil testing was performed on multiple sites for the facility, the Lions Park property has been selected as the best fit for the facility. The advantages of the Lions Park property include its central location, multiple opportunities for site access, and the type of foundation system that can be used due to suitable soils.

Lions Park was established as a city park in 1952 by Resolution 4410. According to a park system inventory prepared by the City Clerk and the City Engineers Office in 1961, Lions Park was tentatively planned to have a swimming pool. The park is located between 27th Street South and 29th Street South, and 8th Avenue South and 10th Avenue South. The park is approximately 14 acres with several amenities such as the Lions Club Memorial, tennis courts, a swing set and a pavilion.

The proposal for the new Indoor Aquatics and Recreation Center includes a facility just under 45,000 square feet with two levels. The facility will provide a lap pool, recreation pool with zero depth entry, a full size gym with two cross courts, child watch area, multi-purpose rooms, a party room, a fitness area with a walking track, and other amenities to support the programs that the Park and Recreation Department have to offer.

Intent to Vacate – Resolution 10401:

The Resolution of Intent for the applicant's request to vacate 28th Street South between 8th Avenue South and 10th Avenue South, 9th Avenue South and 9th Alley South between 27th Street South and 29th Street South and 10th Alley South between 27th Street South and 28th Street South is required in conjunction with the request to aggregate all the lots with a non-administrative plat. Staff has spoken with the applicant

about existing city utilities that will be affected by the vacation. A 20-foot wide easement is not required for access to existing public utilities due to the City owning the land in which the vacations are taking place. An exhibit has been attached to this agenda report to show the rights-of-way to be vacated per the Resolution of Intent.

According to Section 7-3-4448, Montana Code Annotated (M.C.A), the owner must file a request for the intent to vacate any right of way. If the enclosed Resolution of Intent is adopted by the City Commission, the Commission must set a date for a public hearing regarding the vacation of right of way. M.C.A. requires a petition to be sent to each of the owners abutting the right of way property. Unless 51 percent of the affected property owners object to the proposed vacation, the Commission may, by ordinance, declare such vacation. Staff notes that the applicant is the only property owner on either side of the right of way.

Public Notice for the Planning Advisory Board/Zoning Commission’s public hearing was published in the Great Falls Tribune on March 7, 2021. To date, Planning and Community Development as well as the Park and Recreation Department have received several inquiries from residents requesting general information about the project, those asking questions about the design and conditional use permit process, as well as community members giving comments for and against the project. The Park and Recreation Department has also created a FAQ page on the City website for the Indoor Aquatic and Recreation Center project. The public notice and hearing schedule has been included on that page.

Conditional Use Permit Request – Resolution 10400:

The applicant is requesting a conditional use permit to allow an “Indoor Sports and Recreation” land use in the Parks and Open Space (POS) zoning district at the property addressed as 900 29th Street South. Each zoning district that is established in the City has uses that are permitted outright, conditionally permitted through a public review process to determine project suitability, or not allowed in the district. All use categories are located in the Land Use chart in Title 17 – Land Development Code, Chapter 20. The table below shows the requested use and how it is permitted, conditionally permitted or not allowed in each zoning district.

Exhibit 20-1. Principal Uses by District

| Use | R-1 | R-2 | R-3 | R-5 | R-6 | R-9 | R-10 | C-1 | C-2 | C-3 | C-4 | C-5 | M-1 | M-2 | PLI | POS | GFIA | I-1 | I-2 |
|------------------------------|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|
| Indoor sports and recreation | - | - | - | - | - | - | - | - | P | - | P | C | C | C | C | C | P | P | - |

- The use is not permitted in the district

C The use is allowed through the conditional use process

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

If a use is conditionally permitted, Staff reviews the proposal based on the development standards for the zoning district the requirements set forth in the Land Development Code, and finally the impact of the proposal on City utilities and other public services, the surrounding transportation network, as well as the

use of adjoining properties. Special conditions can be established by Staff or the City Commission to ensure that the conditional use is compatible with the surrounding context of the neighborhood.

Exhibit 20-4 in Title 17 of the Land Development Code sets the standard for all zoning districts for lot sizes, building heights and setbacks. The Parks and Open Space zoning district is the only district that does not have development standards due to the district’s purpose to facilitate open space and City park and recreation areas. Therefore, the development standards of the Public Lands and Institutional (PLI) zoning district are the most applicable standards to apply to the proposed conditional use. Below is a table showing the development standards for the proposed project in relationship to the standards established for the PLI zoning district.

Development Standards based on Exhibit 20-4

| | Proposed Project Specific Standards (POS) | PLI |
|---|--|---|
| Minimum lot size for newly created lots | 11.808 acres | 7,500 sq. feet |
| Minimum lot width for newly created lots | 551.10 feet | 50 feet |
| Maximum building height of principal building | 36’-9” height | 100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right |
| Maximum building height of accessory building | Possible outdoor storage for MAFB/MANG will not exceed 24 feet | 24 feet, but may not be higher than the uppermost elevation of the principal building |
| Minimum front yard setback of principal and accessory buildings | 25 feet (Building) 2 feet (Parking) | 25 feet |
| Minimum side yard setback of principal and accessory buildings | 207 feet (North) 144 (South to alley) | 10 feet each side |
| Minimum rear yard setback of principal and accessory buildings | 459 feet | 1/10 of lot depth but not less than 1/10 of building height |
| Maximum lot coverage of principal and accessory buildings | 7.7% | Corner lot: 70% Other lots: 60% |

The review of the project by Staff is designed to analyze the impact of the project on both City services and surrounding neighborhood context. The basis for 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, Zoning Commission recommendation, or additional information demonstrates that the decision of the City Commission shall at a minimum consider the criteria which are attached as Findings of Fact - Conditional Use.

Based on the Findings of Fact/Basis of Decision and Staff review of the project, several conditions of approval have been incorporated into the request to help minimize the impact of the facility and to preserve as much park space as possible.

Non-Administrative Plat Request:

Concurrent with the request for the Conditional Use Permit, the applicant proposes to aggregate all the parcels still platted in the park as well as the proposed vacated right-of-way into two parcels. One of the parcels will contain the majority of the park including the proposed Indoor Aquatic and Recreation Center development. The second will accommodate a future lease parcel that would require a rezone of the property if the City chooses to facilitate a commercial development to supplement the new recreation center. The draft amended plat showing the aggregation has been attached for review. The draft amended plat vacates the right-of-way of 28th Street South, 9th Avenue South, 9th Alley South and a portion of 10th Alley South; and then aggregates all of the vacated rights-of-way into the main parcel for the park. The draft plat requires Planning Advisory Board and City Commission review due to Montana Code Annotated (MCA) 76-3-207 (2) which states:

"within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder."

Staff has prepared Findings of Fact based on the criteria for a subdivision. Additionally, pursuant to the OCCGF, Staff has reviewed the plat for compliance with the survey requirements of this Title and State law, provisions of easements for the location and installation of any planned utilities, and review of physical and legal access to the parcels. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the criteria that are attached as Findings of Fact/Basis of Decision – Subdivision.

Impacts of the proposed Conditional Use on Public Infrastructure:

City Streets: Access to the facility will be from 29th St South, with anticipated primary traffic from 10th Ave South. There are three proposed access points, the primary access that aligns with 9th Ave South, and two secondary access points that align with the alleys to the north and south of 9th Ave South. Circulation through the site has also been design to minimize any possible thru traffic movements to the businesses to the South. The design team has analyzed alternative points of access, but at this time do not find them necessary for the project.

The design team met with Montana Department of Transportation (MDT) with the applicant and appropriate City Staff to discuss possible access from Lions Park to 10th Avenue South. MDT concerns about direct access to 10th Avenue South prohibited an in depth analysis of modifications to 10th Avenue South that would have allowed such access. The additional impact to the park was not preferred by the City.

Water: The facility is proposed to be located on a portion of the site where an existing 6” public water main is located. The existing main will be realigned around the south side of the new facility. The new main will be upsized to an 8” line and will tie back into the existing main in 29th St S.

Sanitary Sewer: The new facility will need to be served by a new sewer service line. Existing sewer mains are located to the north and south of the proposed building and run to the east and west. A new service line will be installed to tie into one of the mains on either side of the new facility.

Stormwater Management: The building is situated on the high point of the site and the post developed runoff will be directed away from the building to the north, south, and east. The runoff will be conveyed as surface runoff via curb and gutter and then will be collected and detained onsite to be released at pre-development rates.

Traffic Analysis:

A full traffic analysis developed by Senior Transportation Planner, Andrew Finch, has been included as an attachment to this agenda report. The report incorporates traffic counts and a summary memo provided by the Public Works Department. Recommendations from the traffic analysis are as follows:

1. Provision of bicycle parking and/or secure bicycle storage is recommended to reduce the number of vehicular trips. Such facilities should be installed in compliance with Title 17, Chapter 36 of City Code.
2. Full connections between the Center project and the trails in Lions Park should be made and designed for direct and safe pedestrian and bicycle travel. This is especially important since the existing parking lot for Park users would be replaced by parking adjacent to the Center.
3. Traffic control at nearby intersections should be reviewed and, if necessary, installed soon after opening of the Center, especially at the 8th Avenue South and 29th Street South and at 9th Avenue South and 29th Street South intersections. Given the projected increase in traffic on 29th Street South, it is likely that traffic control at these intersections could be necessary after opening of the Center. Intersections further to the east along 9th Avenue South should also be monitored for future traffic control needs, if warranted.
4. Full ADA curb ramps at all corners surrounding Lions Park should be installed as soon as monies are available to provide safe and convenient pedestrian connections for all users.
5. After opening of the Center, prohibition of parking on one or both sides of portions of 29th Street South may be warranted due to the narrowness of the street. Traffic movements along this street segment should be reviewed soon after opening.
6. Safety and delays at 29th Street South and 10th Avenue South should be monitored. If future conditions warrant the need, signalization may be an option that could be pursued with the Montana Department of Transportation.

Neighborhood Council Input:

The subject properties are located in Neighborhood Council #9. The applicant and design team presented information on the project to Council #9 on February 11, 2021. The Council as well as community members asked questions and give comment on the project. Planning and Community Development Staff then presented the Conditional Use Permit application to the Council. The Council voted to approve the Conditional Use Permit. The applicant also attended the Neighborhood Council meeting on March 11, 2021 to provide an update to the Council and answer additional questions from the community and Council.

Public Questions and Comment from the Planning Advisory/Zoning Commission Public Hearing:

A public hearing was conducted on March 23, 2021 as a requirement of the Conditional Use Permit process for the subject project. Several questions were asked from community members as well as the Planning Advisory Board/Zoning Commission members. Staff as well as the design team and applicant answered the questions and then public comments were made by proponents and opponents. The full record of these questions and comments are dictated in the minutes of the meeting and have been attached to this agenda report.

Fiscal Impact:

The City was awarded a 10 million dollar grant from the Office of Local Defense Community Cooperation (OLDCC) for their Defense Community Infrastructure Program (DCIP). This grant is required to be matched with funds from the City. The City will match this grant with funds from the Great Falls Park District #1. This will be accomplished by bonding against the District for the funds.

Alternatives:

The City Commission could decline to set the public hearing for Resolution 10400 for the conditional use permit. Additionally, the City Commission could deny Resolution 10339. Due process normally requires that the City Commission schedule public hearings to hear requests of this type.

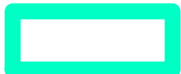
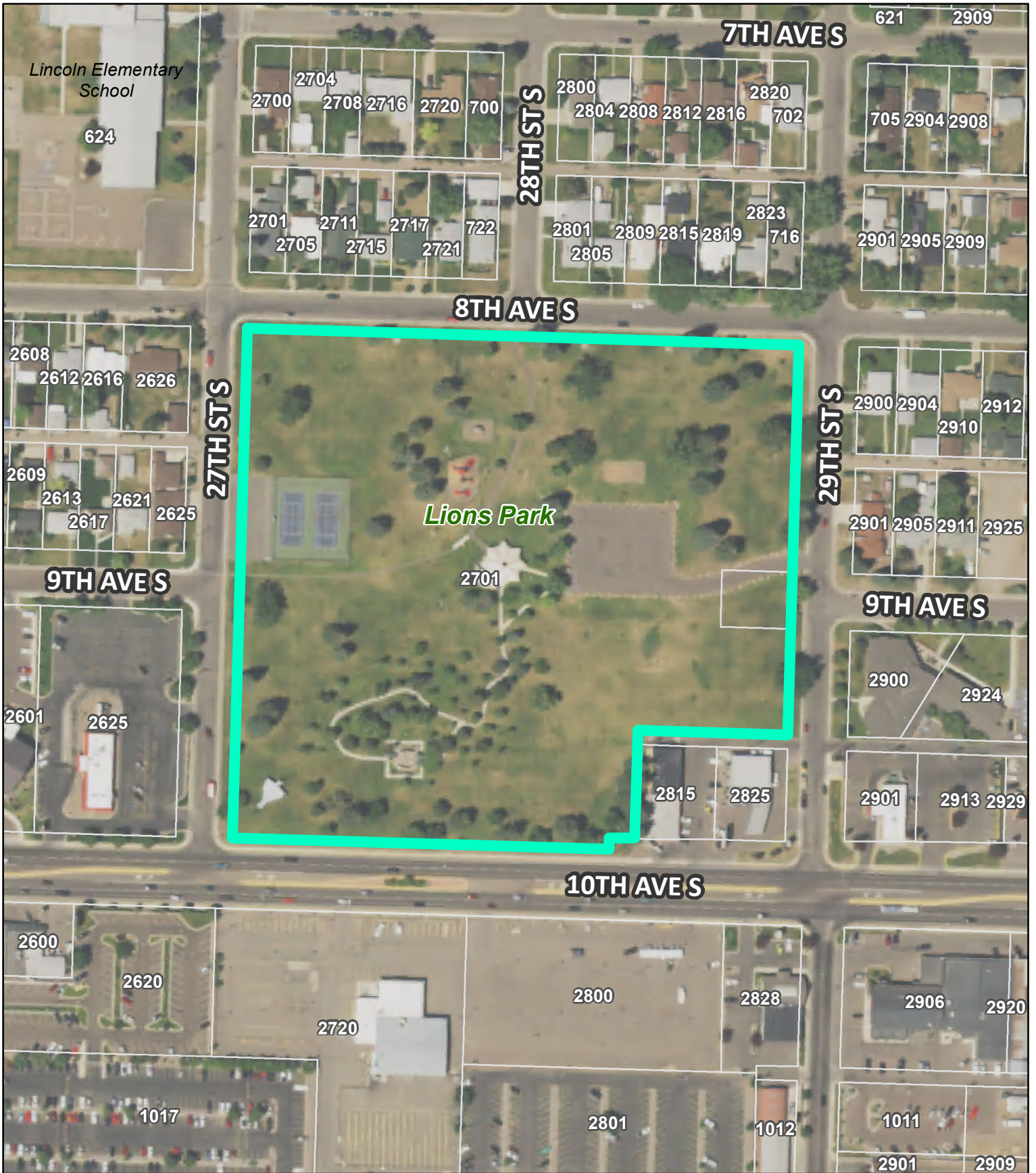
Concurrences:

Representatives from City's Park and Recreation, Public Works, City Manager's Office, Fire and Legal Departments have been involved throughout the design process as well as the review process of this application. All comments have been taken into consideration for the recommendation of the project. Also, representatives from Malmstrom Air Force Base and the Montana Department of Transportation have been involved throughout the design process and their comments have been taken into consideration as well.

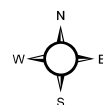
Attachments/Exhibits:

- Location Map
- Zoning Map
- Resolution 10400
- Findings of Fact/Basis of Decision – Conditional Use Permit
- Site Plan
- Resolution 10401 – Intent to Vacate
- Petition Request for right-of-way vacation
- Exhibit of rights-of-way to vacate
- Findings of Fact/Basis of Decision – Subdivision
- Draft Amended Plat
- Building Floor Plans and Renderings
- Traffic Analysis
- Minutes from the March 23, 2021 Planning Advisory Board/Zoning Commission
- Citizens Submitted comments for the Public Hearing – March 23, 2021

Location Map



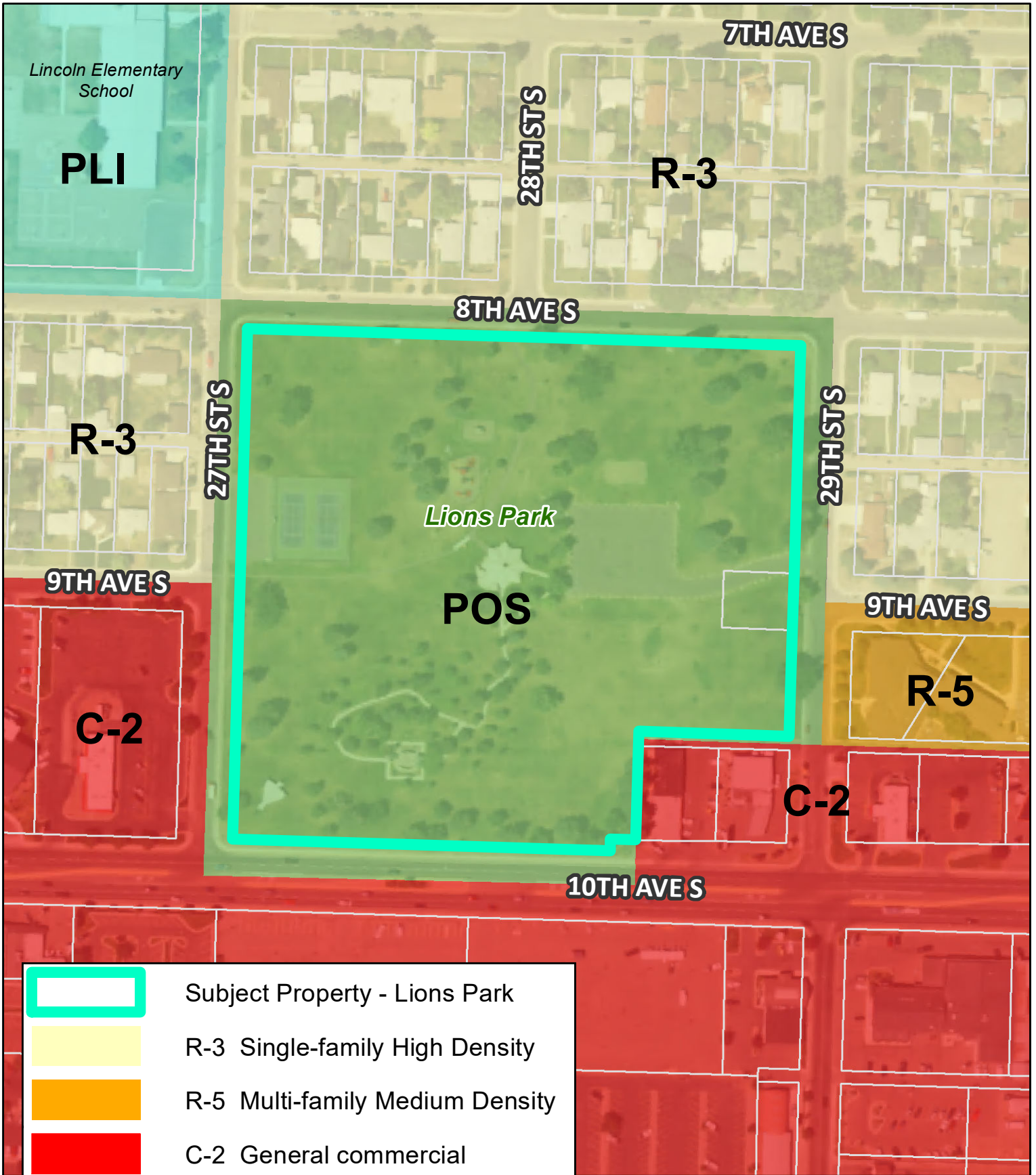
Subject Property - Lions Park








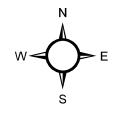
Date: 3/18/2021
 Drawn By: Planning



Zoning Map



| | |
|--|------------------------------------|
|  | Subject Property - Lions Park |
|  | R-3 Single-family High Density |
|  | R-5 Multi-family Medium Density |
|  | C-2 General commercial |
|  | PLI Public Lands and Institutional |
|  | POS Parks and Open Space |



Date: 3/4/2021
 Drawn By: Planning



RESOLUTION 10400

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “INDOOR SPORTS AND RECREATION” LAND USE IN THE PARKS AND OPEN SPACE ZONING DISTRICT UPON A PARCEL OF LAND ADDRESSED AS 900 29TH STREET SOUTH, GREAT FALLS, MONTANA.

* * * * *

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Indoor Sports and Recreation” land use upon the property addressed as 900 29th Street South, Great Falls, Montana (subject property); and,

WHEREAS, the subject property is presently zoned POS Parks and Open Space, wherein a "Indoor Sports and Recreation" land use is permitted upon receiving approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the establishment of a “Indoor Sports and Recreation” 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 March 23, 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 “Indoor Sports and Recreation” land use be granted by the City Commission for the subject property, subject to the following conditions:

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

- 1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
- 2. **Expiration:** The Conditional Use Permit shall expire two years after the date of issuance, if a Certificate of Occupancy has not been issued. The

Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Temporary Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.

3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Development Standards:** The proposed project shall be developed in compliance with the Development standards as set forth in Exhibit 20-4 in the Land Use Chapter of Title 17 - the Land Development Code. The proposed project will follow the standards for the PLI Public Lands and Institutional zoning district.
6. **Parking:** The minimum required parking on site will be set at 130 spaces with the possibility of expanding up to 180 spaces within the project area.
7. **Landscaping:** The City's landscaping requirements will be as follows:
 - Ten boulevard trees will be required along the project's 29th Street frontage, but placement shall be allowed within both the boulevard and project area
 - The off street vehicular area landscaping requirements may be met through additional landscaping provided outside the boundary of the proposed parking area.
 - The rate of planting required shall be 25 trees and 100 shrubs including perennial substitutions at a ratio of 2:1.
8. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

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

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

That a Conditional Use Permit be granted for a “Indoor Sports and Recreation” land use at the property addressed as 900 29th Street South, Great Falls, 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 two (2) 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 May 18, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting a conditional use permit to allow an “Indoor Sports and Recreation” land use in the Parks and Open Space (POS) zoning district.

PRIMARY REVIEW CRITERIA:

The basis for 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, Zoning Commission recommendation, or additional information demonstrates that the decision of City Commission shall at a minimum consider the following criteria:

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

The proposed conditional use is consistent with the overall intent and purpose of the 2013 City of Great Falls Growth Policy Update. This project is strongly supported by the Social, Economic and Physical portions of the Growth Policy.

Social (Excerpt below taken from Page 38 of the Plan)

“The Social element includes population, health and wellness, housing, and local community services such as police, fire, and parks, as well as the contribution of non-profits. This element is intended to address the broad holistic well-being of the City’s residents at large. The Social element recognizes that the biggest asset the City has is its people and their well-being.” The approval of the conditional use would promote several goals and policies associated with the Social element especially looking at the wellness piece of this element. The Growth policy states under wellness that “Neighborhood design has a role in promoting a healthy community, we should encourage built environments in which residents have more opportunities to be physically active and connected.”

The conditional use is also supported by the following social policies as well:

- SOC1.2 Employ innovative strategies to promote, enhance and utilize the City’s parks.
- SOC1.2.1 Continue to provide quality recreational programs and facilities to meet the current and future needs of area residents.
- SOC1.2.3 Pilot the use of native or low maintenance, xeric, or native vegetation to manage and reduce the maintenance needs for parks.
- SOC1.3 Develop and maintain the City's community facilities and cultural resources.
- SOC1.3.3 Partner with other governmental and non-governmental entities to coordinate improvement projects, promote joint uses, avoid duplication, and maximize the public benefit of facilities and services.
- SOC1.3.4 Ensure that affected citizens, agencies, and other interested parties are given adequate notice and opportunity for meaningful participation in decisions on locating or expanding community facilities and services.
- SOC1.6 Work cooperatively with the community at-large and the City’s neighborhoods.

- SOC1.6.1 Ensure that community facilities are designed, constructed, and maintained as attractive social and environmental assets in the neighborhoods where they are located.

Economic

This project is an excellent opportunity to grow and develop the relationship with key partners in the community including the community's military partners. The conditional use also supports the following economic policies outlined in the City's Growth Policy:

- ECO 3.1 Support, cooperate, expand and adjust, if necessary, to the current and future military mission in Great Falls.
- ECO3.1.1 Support, cooperate and maintain coordination with Malmstrom Air Force Base and the Montana National Guard (MANG).
- ECO3.1.4 Develop and maintain collaborative relationships with key stakeholders impacted by the military.
- ECO3.1.8 Increase the attractiveness of Great Falls as a destination location for retirees, including military veterans.
- ECO3.6 Promote Great Falls as a destination location and expand the City's assets and amenities.

Physical (Excerpt below taken from Page 98 of the Plan)

"The Physical portion of the Growth Policy Update includes the built environment of the City, and those elements, both natural and man-made, that influence the way the City looks and functions. Some of these factors include the design and lay-out of the City, its design, the City's development standards, and the infrastructure of the City."

This project will enable the City to utilize and enhance a park with a facility that will benefit the whole community. The City will be able to utilize existing utilities and enhance the infrastructure system within both the park and surrounding area. The conditional use also supports the following physical policies as well:

- PHY4.1 Encourage a balanced mix of land uses through-out the City.
- PHY4.1.2 Expand neighborhood commercial uses, mixed-use development and local food choices where appropriate.

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

The approval of the conditional use permit would allow for a new facility to be built that would fill various voids in the city including replacing the closed natatorium and executing a partnership with Malmstrom Air Force Base to provide a training facility that is lacking in Great Falls. Even though the facility will take up a portion of the park, it will give the community a new facility with many health benefits. As noted in the Growth Policy, "Lack of physical activity is a central risk factor for obesity, as well as heart disease, cancer and stroke. The Park and Recreation Department creates active and passive recreational opportunities for the public at

large to engage in healthy and beneficial activities.”

This facility will enable the Park and Recreation Department to continue providing recreational opportunities to the community as well as increase opportunities due to greater programming capacity. The National Recreation and Park Association states that, “Increased access to places for physical activity lead to a 25% increase in people exercising 3 or more days a week.” The applicant has worked with the design to ensure that not only will the facility provide the programing the community needs but also that the design will preserve as much park space as possible to create a facility that enhances the park instead of detracts from the park. Therefore, Staff finds that the approval of the conditional use permit will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

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

The approval of the conditional use will not be injurious to the use and enjoyment of other properties in the area. The facility is strategically placed closer to the commercial uses of the area. The parking has been designed to disperse the parking throughout the site to minimize large areas of asphalt and preserve as much greenspace as possible adjacent to the residential units in the area. The swing sets that will be disturbed will be relocated so that the use of them will still be available in the park. The facility was placed in an area of the park that would not interfere with other elements of the park that are used on a daily basis such as the memorial, trails, and the pavilion.

According to a report by the *Trust for Public Land*, “More than 30 studies have shown that parks have a positive impact on nearby residential property values”. The applicant understands how important a park is to the neighbors and how it can have an impact on their property value. By enhancing the park with this facility as well as the additional trees and shrubs that will be added to the park, the proposed conditional use will have a positive impact on the property values within the neighborhood.

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

As mentioned in the agenda report, Lions Park was established in 1952 by Resolution 4410. According to a park system inventory prepared by the City Clerk and the City Engineers Office in 1961, Lions Park was tentatively planned for a swimming pool. While the proposed use will allow a significantly sized active recreation facility to be constructed in the park, a significant portion of the park will remain untouched to continue the park’s more passive recreation function. Also, the surrounding areas are completely built out and therefore the conditional use will not impede development. Rather, the presence of both active and passive recreational opportunities may increase the desirability of nearby residential areas and promote increased property investment.

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

As noted in the agenda report, the proposed conditional use is being designed to utilize the existing water and sewer mains that have already been constructed on the property. A portion of the existing 6" water will require a replacement with a new 8" inch main. As noted in the agenda report, the project site is located along four existing streets and there will be multiple entry and exit points into the facility from 29th Street South. As for stormwater, water quality measures will be provided through landscaping design and detention ponds. The detention ponds will also keep runoff rate to pre-development conditions before it is released into the City's storm drain system to the east of the site.

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.

As mentioned above, access has been designed to come off of 29th Street South in order to anticipate the majority of the traffic coming from 10th Ave S and to reduce the amount of traffic dispersing into the adjacent neighborhood. Parking facilities have been provided to also minimize on street parking in the neighborhood. A traffic analysis been provided and included in this agenda report. The analysis looks at the existing conditions of the area with data collected by the Street and Traffic Division of the Public Works Department. As noted in the analysis, there are some issues that will require the City to monitor traffic as well as consider construction of improvements. These include installation of nearby ADA ramps, monitoring of on-street parking activity along 29th Street South, as well as traffic count collection at various intersections along the 29th Street South corridor. These are reasonable issues for the City to address going forward, while still allowing for the conditional use to be approved and for the recreation center to be constructed and start its operation.

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.

All developments must meet the development standards set forth in Title 17 – Land Development Code, Exhibit 20-4. This exhibit sets standards for zoning districts including lot sizes, building heights and setbacks. The Parks and Open Space zoning district is the only district that does not have development standards due to the nature of the zoning district and the limited uses allowed or conditionally allow in the zoning district. Therefore, the development standards of the Public Lands and Institutional zoning district will be applied to this development. The conditional use requests exceeds the basic requirements of the PLI district. Also due to the nature of the project and the goal to preserve as much park space as possible, Staff has worked with the applicant to add conditions that are specifically tailored for the project.

Great Falls Recreation Center: Conceptual Site Plan

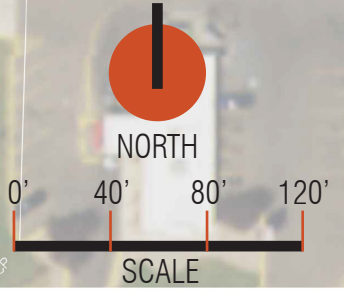


Malmstrom Air Force Base

--- Lion's Park Property Boundary

Parking:
 Required: 1/300 sq. ft. = 150
 Provided: 155 Spaces
 ADA: 6 (6 Required)
 Drop-off: 14 Spaces

-  Existing Deciduous Trees (To Remain)
-  Existing Coniferous Trees (To Remain)
-  Proposed Deciduous Trees (Various)



RESOLUTION 10401

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 28TH STREET SOUTH BETWEEN 8TH AVENUE SOUTH AND 10TH AVENUE SOUTH, 9TH AVENUE SOUTH AND 9TH ALLEY SOUTH BETWEEN 27TH STREET SOUTH AND 29TH STREET SOUTH, AND 10TH ALLEY SOUTH BETWEEN 27TH STREET SOUTH AND 28TH STREET SOUTH, LOCATED IN THE BLACK EAGLE FALLS ADDITION AND SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. § 7-3-4448, AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

* * * * *

WHEREAS, the Plat of Black Eagle Falls Addition and Second Supplement to Pappin Heights Addition dedicated an eighty (80) foot wide right-of-way for 28th Street South between 8th Avenue South and 10th Avenue South, an eighty (80) foot wide right-of-way for 9th Avenue South between 27th Street South and 29th Street South and twenty (20) foot wide right-of-way for 9th Alley South and 10th Alley South between 27th Street South and 29th Street South; and

WHEREAS, The City of Great Falls, owns the properties on both sides of said rights-of-ways and has submitted a petition to have said rights-of-way as stated above to be vacated; 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 retention of said right-of-way serves no practical or functional traffic related purpose or for access by the public due to dedicated park land; and

WHEREAS, the right-of-way therein of any owner is not impaired by the requested vacation.

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

That Tuesday, the 18th day of May, 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 as described; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of this Resolution 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 20th day of April, 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 10401 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

The Park and Recreation Department is asking the City Commission of the City of Great Falls to vacate the following Streets and Alleys located in Lions Park:

1. 9th Avenue South between 27th Street South and 29th Street South
2. 28th Street South between 8th Avenue South and 10th Avenue South
3. 9th Alley South between 27th Street South and 29th Street South
4. 10th Alley South from 27th Street South easterly to the east edge of Lot 2 & 9, Block 49, Black Eagle Falls Addition

The procedure to vacate streets is outline in the Montana Code Annotated 7-3-4448 and requires a petition in writing from the Owners of the lots on the street or alley; and approve by a majority vote of the council. The undersigned represent 100% of the Owners that are making the request to vacate.

The Streets and Alleys are described as:

9th Ave South:

Including all of the City of Great Falls 9th Avenue South right-of-way located between the Easterly right-of-way boundary of 27th Street South and the Westerly right-of-way boundary of 29th Street South, being adjacent to Blocks 47-50 of the Black Eagle Falls Addition, Block 2 of the Second Supplement to Pappin Heights Addition, and the Park Dedication of the Second Supplement to Pappin Heights Addition, located in the SW1/4 of Section 8, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana.

28th Street South:

Including all of the City of Great Falls 28th Street South right-of-way located between the Southerly right-of-way boundary of 8th Avenue South and the Northerly right-of-way boundary of 10th Avenue South, being adjacent to Blocks 47-50 of the Black Eagle Falls Addition, located in the SW1/4 of Section 8, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana.

9th Alley South:

Including all of the City of Great Falls 9th Alley South right-of-way located between the Easterly right-of-way boundary of 27th Street South and the Westerly boundary line of the Park Dedication of the Second Supplement to Pappin Heights Addition, being in Blocks 47-48 of the Black Eagle Falls Addition, located in the SW1/4 of Section 8, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana.

10th Alley South:

Including all of the City of Great Falls 10th Alley South right-of-way located between the Easterly right-of-way boundary of 27th Street South and the Easterly boundary line of Lots 2 & 9, Block 49, of the Second Supplement to Pappin Heights Addition, being in Blocks 49-50 of the Black Eagle Falls Addition, located in the SW1/4 of Section 8, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana.

We appreciate your consideration in this matter.

Steve Herrig, CPRP

Director, Park and Recreation

1700 River Dr. North

Great Falls, MT 59403

[\(406\) 771-1265](tel:4067711265)

sherrig@greatfallsmt.net

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

Lots 1-14, Block 47, Lots 1-10, Block 48, Lots 1-5, 9-10, Block 49, and Lots 1-14, Block 50, Black Eagle Falls Addition, Lot 8A, Block 49 of the Amended Plat of Lots 7 and 8, Block 49, Black Eagle Falls Addition, Lot 1, Block 2, and the Park Dedicated Lot, Second Supplement to Pappin Heights Addition, including those portions of the streets and alleys to be vacated located in SW1/4 of Section 8, Township 20 North, Range 4 East, PMM, City of Great Falls, Cascade County, MT. (PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: The non-administrative plat proposes to aggregate all lots remaining in Lions Park into two lots. Lot 1A is proposed to contain most of the park including the proposed Indoor Aquatic and Recreation Center. Lot 2A is being created for the possibility of a future lease lot that would need rezoned to accommodate a potential commercial use. The proposed parcels are surrounded by City streets and avenues to the north, east, and west, as well as 10th Ave S. Due to the area being built out except for the park, the proposed aggregation will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services: The lots to be aggregated are a part of Lions Park, which was dedicated as a park in 1952. The park has several amenities including the memorial, tennis courts, swing sets and the pavilion. There are existing sewer mains running east and west through the park located in the platted alleys that are proposed to be vacated. There is also an existing water main that is located in the platted avenue running east and west that is also proposed to be vacated. One of the existing sewer mains will be tapped into to provide service for the proposed Indoor Aquatic and Recreation Center. A portion of the water main will be relocated to accommodate the proposed location of the building. All proposals for the alterations of the mains will be reviewed and approved through the Public Works Department.

The property proposed for this subdivision is also currently receiving law enforcement and fire protection service from the City of Great Falls, and the aggregation does not impact these current services. The design team has worked with the Fire Marshal on access to the proposed building during design development to ensure that protection services are adequate.

Effect on the Natural Environment: The proposed aggregation is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. The proposed development will be required to meet all DEQ and City standards regarding stormwater management.

Effect on Wildlife and Wildlife Habitat: The proposed aggregation is surrounded by existing development, with commercial buildings to the east, west and southeast, an elementary school to the northwest and residential homes to the west, east and north. This is not in an area of significant wildlife habitat beyond occasional migrating fowl. A significant portion of the existing park property will remain unchanged, even after subdivision and development of the proposed recreation center.

Effect on Public Health and Safety: Based on available information, the subdivision does not create any abnormal natural hazards nor potential man-made hazards. The aggregation itself will not have a negative effect on Public Health and Safety. As noted above, the parcels being created include the existing park and the proposed indoor aquatic and recreation center. Both of these facilities have or will have a positive public health impact.

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

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

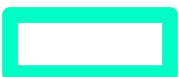
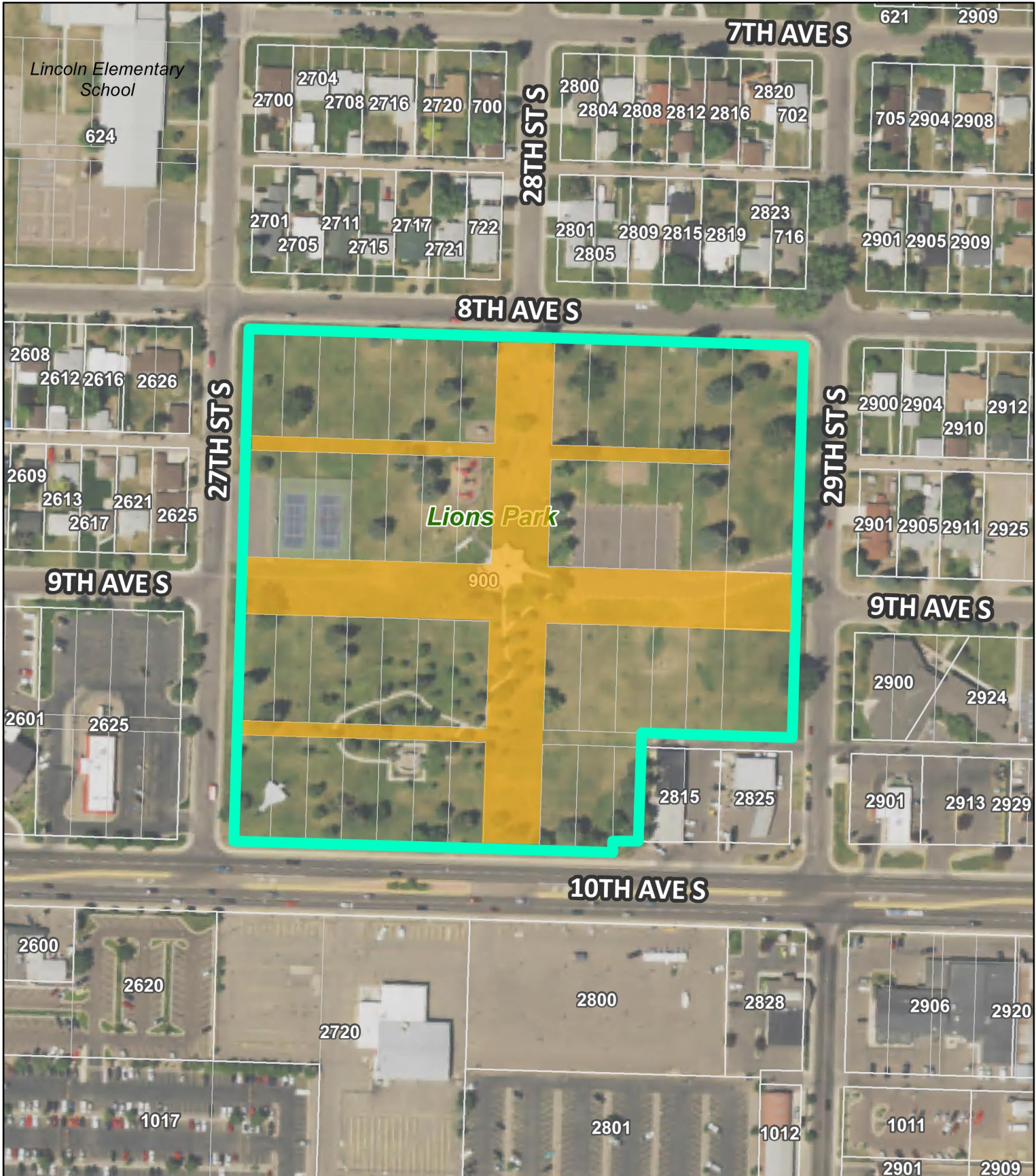
EASEMENT FOR UTILITIES

The proposed plat will be reviewed by City Utilities Staff to determine any necessary utility easements needed to accommodate the existing water and sewer mains that run through the property.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subject property is available on all four sides. The two parcels proposed for aggregation will both have frontage on public streets and can be accessed via a public alley that currently provides services to commercial businesses located at the intersection of 29th Street South and 10th Avenue South.

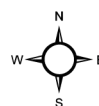
Rights-of-way Exhibit



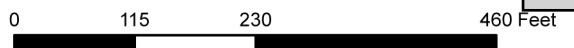
Subject Property - Lions Park



Rights-of-way to be vacated

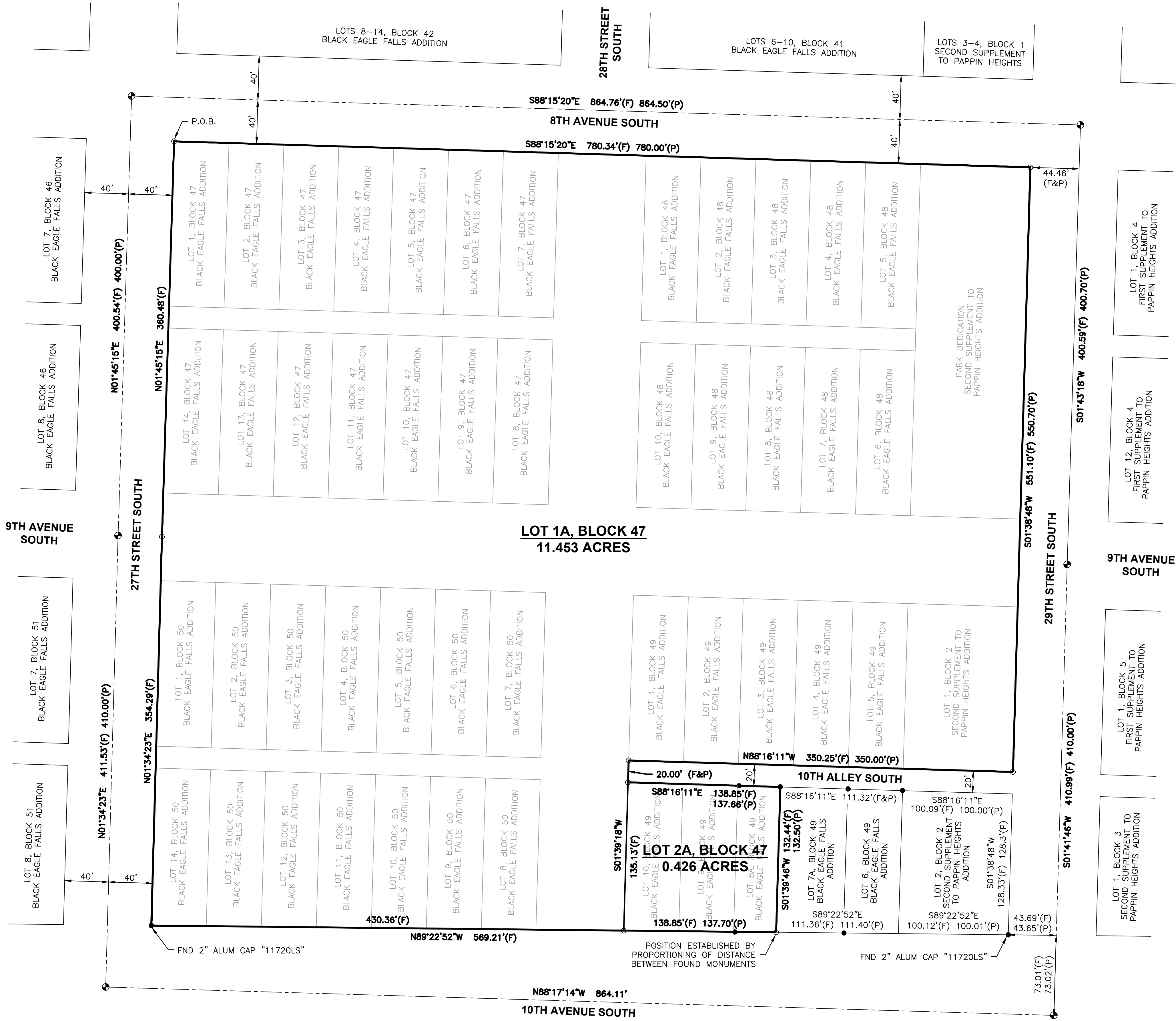


Drawn By: Planning



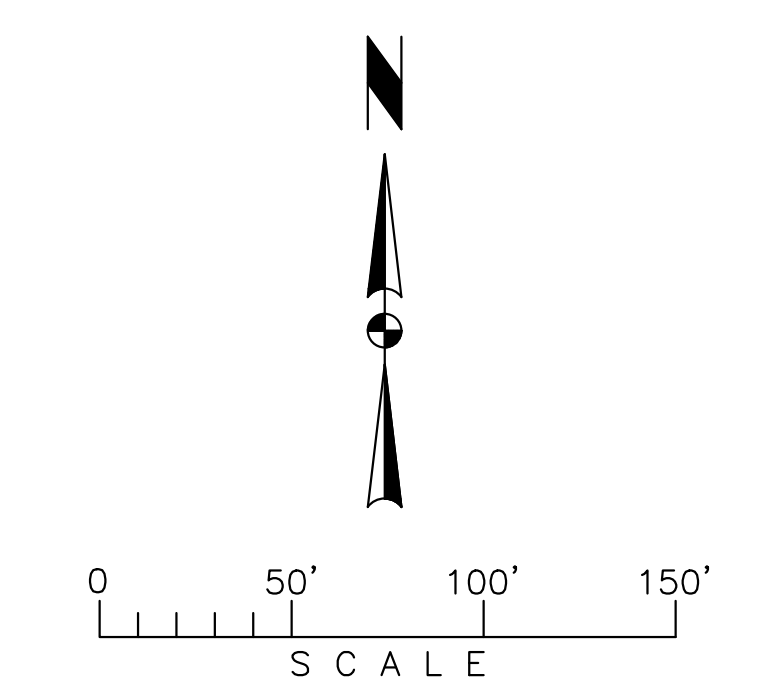
280

AN AMENDED PLAT OF
 LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION,
 LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION,
 LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION,
 INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????????????
 LOCATED IN SW1/4 OF SECTION 8, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA



LEGEND

- FND PROPERTY PIN
- FND BPC "SIDOR 39515"
UNLESS NOTED OTHERWISE
- ⊙ FND CENTERLINE MONUMENT
- BRASS CAP IN MON BOX
- SET PROPERTY PIN
- 18"x5/8" REBAR/YPC 15625LS
- SUBDIVISION BOUNDARY
- LOT LINE
- LOT LINE BEING DELETED THIS PLAT
- - - EXISTING EASEMENT CREATED BY VACATED STREETS AND/OR ALLEYS
- - - NEW EASEMENT THIS PLAT
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- P.O.B. POINT OF BEGINNING
- LOT 1 LOT BEING AGGREGATED THIS PLAT



THE FOLLOWING STREETS AND ALLEYS WERE VACATED BY THE NOTED ORDINANCE AND/OR RESOLUTION, WITH THE RESERVATION THAT THE STREET OR ALLEY BECOME AN EASEMENT TO THE CITY OF GREAT FALLS, FOR MUNICIPAL FACILITIES AND RIGHT OF ACCESS, ALONG WITH THE RIGHT TO GRANT USE AND ACCESS TO ANY PUBLIC SERVICE COMPANY:

ORDINANCE NO. XXXXXXXX
 - 9TH AVENUE SOUTH, FROM THE EAST LINE OF 27TH STREET SOUTH TO THE WEST LINE OF 29TH STREET SOUTH.

RESOLUTION NO. XXXXXXXX
 - 9TH AVENUE SOUTH, FROM THE EAST LINE OF 27TH STREET SOUTH TO THE WEST LINE OF 29TH STREET SOUTH.

- EASEMENT NOTES:**
1. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS AMENDED PLAT.
 2. ONLY EXISTING EASEMENTS SHOWN ON THIS PLAT ARE THE VACATED STREET AND/OR ALLEY LOCATIONS. CURRENT EASEMENT RIGHTS MAY DEPEND UPON EXISTING UTILITIES IN PLACE AND UTILITY OWNERSHIP.
 3. WITH THE FILING OF THIS AMENDED PLAT, SEVERAL NEW EASEMENTS TO THE CITY OF GREAT FALLS WILL BE CREATED AND ACCEPTED.
 4. WITH THE FILING OF THIS AMENDED PLAT, THE CITY OF GREAT FALLS IS APPROVING AND GIVING UP EASEMENT RIGHTS TO THE FOLLOWING VACATED STREETS LOCATIONS:
 - a. XXXXXXXX, BETWEEN XXXXXXXX AND XXXXXXXX
 - b. XXXXXXXX, BETWEEN XXXXXXXX AND XXXXXXXX

LANDOWNER: CITY OF GREAT FALLS

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

PURPOSE OF SURVEY:
 1. TO AGGREGATE 48 LOTS WITHIN THE BLACK EAGLE FALLS ADDITION, THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, AND THE SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE VACATED STREETS AND ALLEYS, INTO 2 NEW AMENDED LOTS.
 2. TO CREATE NEW CITY OF GREAT FALLS UTILITY EASEMENTS

| | | | |
|---|------------------|----------------|------------------|
| TD&H Engineering | DRAWN BY: DRK | DATE: 3-4-21 | QUALITY CHECK: X |
| | SURVEYED BY: KFV | JOB NO. 20-091 | FIELDBOOK X |
| GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE | | MONTANA | |
| LEWISTON | | IDAHO | |
| WATFORD CITY | | NORTH DAKOTA | |

AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ?????????????????????? LOCATED IN SW1/4 OF SECTION 8, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

CERTIFICATE OF EXCLUSION

I, the undersigned property owner, do hereby certify that this accompanying plat is excluded from subdivision review, pursuant to ARM 17.36.605(3), stating "Aggregations of parcels are not subdivisions subject to review, except that an aggregation is subject to review under 76-4-130, MCA, if any parcel included in the aggregation has a previous approval issued under Title 76, chapter 4, Part 1, MCA".

CERTIFICATE OF CONSENT

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

A tract of land being Lots 1-14, Block 47, Lots 1-10, Block 48, Lots 1-5, 9-10, Block 49, and Lots 1-14, Block 50, Black Eagle Falls Addition, Lot 8A, Block 49, of the Amended Plat of Lots 7 and 8, Block 49, Black Eagle Falls Addition, and Lot 1, Block 2, and the dedicated Park Lot, Second Supplement to Pappin Heights Addition, including those portions of the streets and alleys vacated by Ordinance/Resolution No. ??????????????, located in the SW1/4 of Section 8, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:

Beginning at the intersection of the Southerly right-of-way line of 8th Avenue South and the Easterly right-of-way line of 27th Street South; thence South 88°15'20" East along said Southerly right-of-way line, a distance of 780.34 feet to the intersection of the Westerly right-of-way line of 29th Street South; thence South 01°38'48" West along said Westerly right-of-way line, a distance of 551.10 feet to the intersection of the Northerly right-of-way line of 10th Alley South; thence North 88°16'11" West along said Northerly right-of-way line, a distance of 350.25 feet to the Easterly right-of-way line of 28th Street South, thence South 01°39'18" West along said Easterly right-of-way line, a distance of 20.00 feet to the Southerly right-of-way line of said 10th Alley South; thence South 88°16'11" East along said Southerly right-of-way line, a distance of 138.85 feet to the Northeast corner of Lot 8A, Block 49, of the Amended Plat of Lots 7 and 8, Block 49, Black Eagle Falls Addition; thence South 01°39'46" West along the Easterly boundary line of said Lot 8A, a distance of 132.44 feet to the Southeast corner of said Lot 8A and being a point on the Northerly right-of-way line of 10th Avenue South; thence North 89°22'52" West along said Northerly right-of-way line, a distance of 569.21 feet to the intersection of the Easterly right-of-way line of 27th Street South; thence North 01°34'23" East along said Easterly right-of-way line, a distance of 354.29 feet; thence North 01°45'15" East along said Easterly right-of-way line, a distance of 360.48 feet to the Point of Beginning and containing 11.879 acres, along with and subject to any existing easements.

The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????, to the City of Great Falls, Cascade County, Montana, and the public easements shown on said plat are hereby granted and donated to the use of the public forever.

Acceptance of shown new City of Great Falls easements:

A perpetual easement benefiting the City of Great Falls for the construction, maintenance, enlarging, reducing, replacing, or removal of underground utilities including above ground fire hydrants, valve boxes, and lids for accessing underground utilities, together with all necessary appurtenances thereto, in, under, through and across the real property shown on this plat together with right to excavate and refill ditches and/or trenches throughout the location of said general utilities. The City of Great Falls or its designee agrees that in the event of any excavation within said easement for purpose of maintenance or repair, the area shall be backfilled and/or restore the surface to its then existing condition. For the protection of said easement, the property owner shall not make or construct any buildings, retaining walls, trees, shrubs, bushes, or other structures that would impair the maintenance or operation of the utilities placed therein. Asphalt and Portland cement concrete paving, grass, traffic signs, mail boxes, fences, irrigation sprinkler systems are permissible improvements within the land covered by this easement. This grant of easement shall run with the land and shall be binding upon and shall inure to the benefit of the City of Great Falls, Montana its successors and assigns.

To the fullest extent permitted by law, the property owner shall indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to property owner's use of the real property described herein, except for the City's actions under this grant of easement.

Dated this _____ day of _____, A.D., 2021

CITY OF GREAT FALLS

Printed Name _____

Title _____

State of Montana)
; ss
County of Cascade)

On this _____ day of _____, 2021, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, _____, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal)

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

CERTIFICATE OF EXEMPTION

I, the undersigned property owner, do hereby certify that this accompanying plat is exempt from subdivision review, pursuant to Section 76-3-207(1)(f) M.C.A., stating the following aggregations of tracts are not subdivisions; "aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas".

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Paul Skubinna, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????, and the survey it represents, find that same conforms to regulations governing the plating of lands and presently platted adjacent land, as near as circumstances will permit, do hereby approve the same.

Dated this ____ day of _____, 2021.

PAUL SKUBINNA, Public Works Director
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting held on the _____ day of _____, _____.

GREGORY T. DOYON, City Manager
City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, Peter Fontana, President of the Great Falls Planning Board, City of Great Falls, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????, has been submitted to the said Great Falls Planning Board, for examination by them and was approved at its regular meeting held on the _____ day of _____, _____.

Peter Fontana, President
Great Falls Planning Board

Craig Raymond, Secretary
Great Falls Planning Board

LANDOWNER: CITY OF GREAT FALLS

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

PURPOSE OF SURVEY:
1. TO AGGREGATE 48 LOTS WITHIN THE BLACK EAGLE FALLS ADDITION, THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, AND THE SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE VACATED STREETS AND ALLEYS, INTO 2 NEW AMENDED LOTS.
2. TO CREATE NEW CITY OF GREAT FALLS UTILITY EASEMENTS

EASEMENT NOTES:

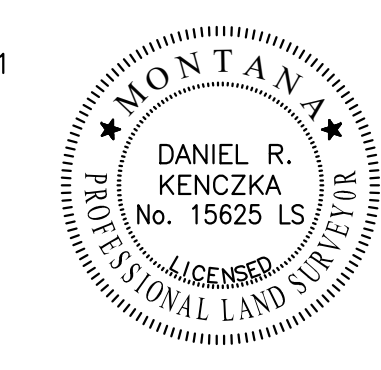
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3. WITH THE FILING OF THIS AMENDED PLAT, SEVERAL NEW EASEMENTS TO THE CITY OF GREAT FALLS WILL BE CREATED AND ACCEPTED.
4. WITH THE FILING OF THIS AMENDED PLAT, THE CITY OF GREAT FALLS IS APPROVING AND GIVING UP EASEMENT RIGHTS TO THE FOLLOWING VACATED STREETS LOCATIONS:
a. XXXXXXXX, BETWEEN XXXXXXXX AND XXXXXXXX
b. XXXXXXXX, BETWEEN XXXXXXXX AND XXXXXXXX

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that I supervised this Plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????, and platted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this _____ day of _____, A.D., 2021

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



CERTIFICATE OF COUNTY TREASURER

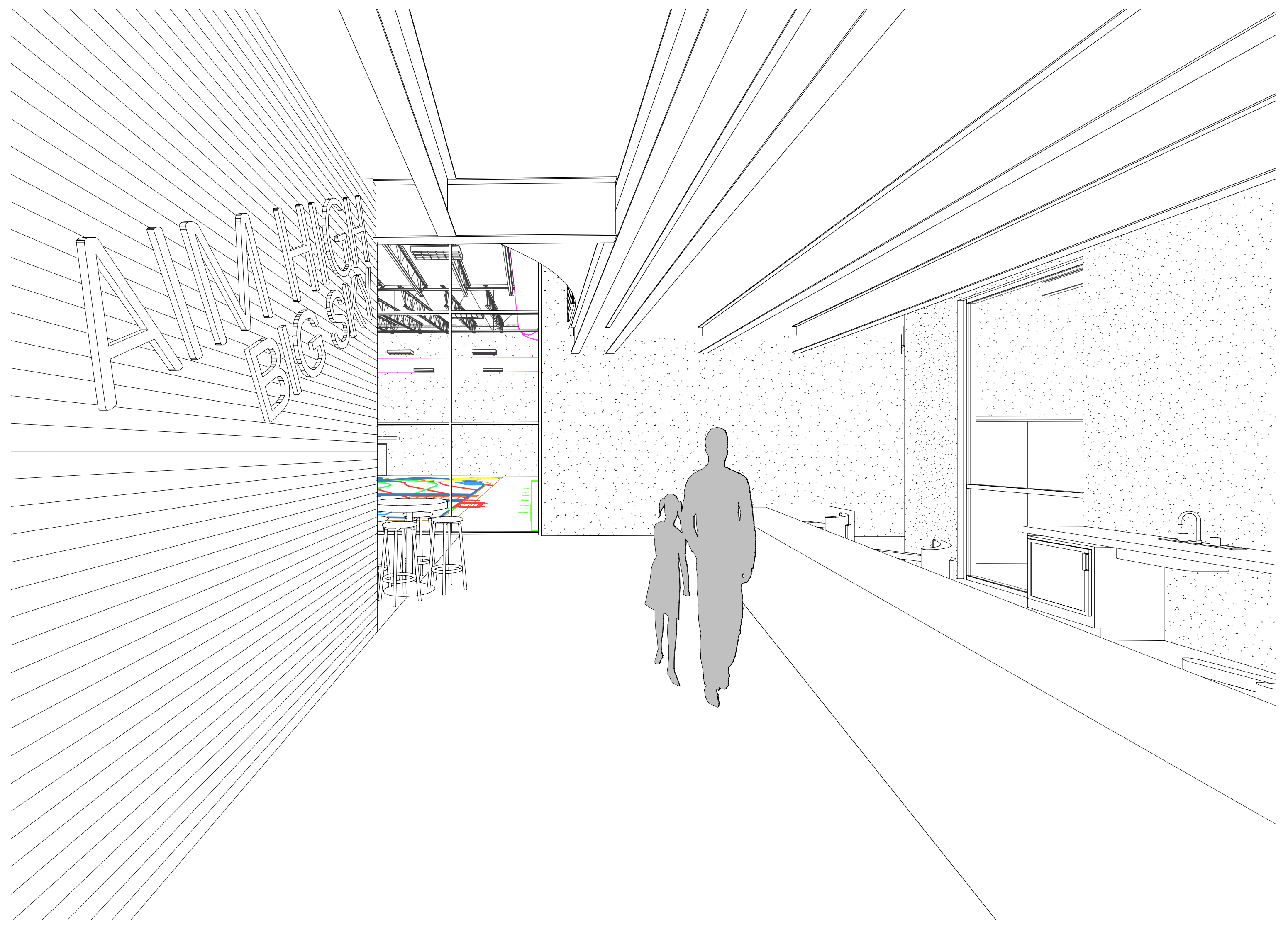
I, Diane C. Heikkila, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 47, LOTS 1-10, BLOCK 48, LOTS 1-5, 9-10, BLOCK 49, AND LOTS 1-14, BLOCK 50, BLACK EAGLE FALLS ADDITION, LOT 8A, BLOCK 49, OF THE AMENDED PLAT OF LOTS 7 AND 8, BLOCK 49, BLACK EAGLE FALLS ADDITION, LOT 1, BLOCK 2, AND THE PARK DEDICATED LOT, SECOND SUPPLEMENT TO PAPPIN HEIGHTS ADDITION, INCLUDING THOSE PORTIONS OF THE STREETS AND ALLEYS VACATED BY ORDINANCE/RESOLUTION NO. ??????????????, and find that the current taxes are not delinquent.

Dated this _____ day of _____, A.D., 2021

County Treasurer, Cascade County, Montana

TD&H Engineering logo and survey data table including Drawn By, Date, Job No, and Quality Check status.

PRELIMINARY
 NOT FOR
 CONSTRUCTION



1 ENTRY DOOR VIEW

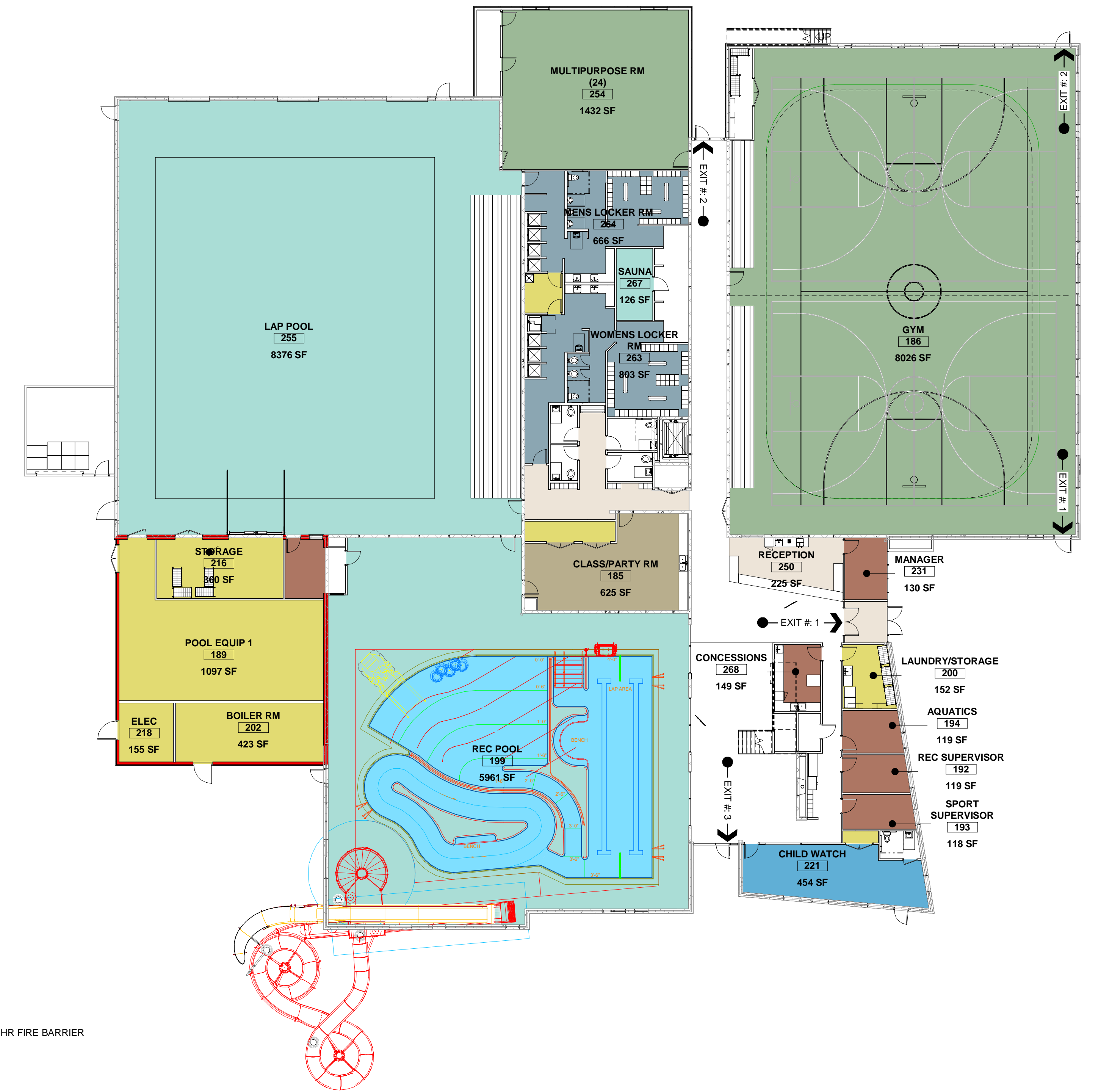


3 VIEW FROM SOUTH END OF CORRIDOR

| Room & Occupancy Schedule | | | | | |
|---------------------------|-------------|------------|------------|----------------------|-----------|
| Room Name | Room Number | Area | Level | Occupant Load Factor | Occupancy |
| STORAGE | 236 | Not Placed | Not Placed | 300 | |
| STORAGE | 269 | Not Placed | Not Placed | | |
| STORAGE | 272 | Not Placed | Not Placed | | |
| Room | 273 | Not Placed | Not Placed | | |
| TRACK | 274 | Not Placed | Not Placed | | |
| RECEPTION | 276 | Not Placed | Not Placed | | |
| Not Placed: 6 | | 0 SF | | | 0 |

| | | | | | |
|----------------------|-----|----------|---------|-----|-----|
| CLASS/PARTY RM | 185 | 625 SF | LEVEL 1 | 20 | 32 |
| GYM | 186 | 8026 SF | LEVEL 1 | 50 | 161 |
| POOL EQUIP 1 | 189 | 1097 SF | LEVEL 1 | 300 | 4 |
| REC SUPERVISOR | 192 | 119 SF | LEVEL 1 | 150 | 1 |
| SPORT SUPERVISOR | 193 | 118 SF | LEVEL 1 | 150 | 1 |
| AQUATICS | 194 | 119 SF | LEVEL 1 | 150 | 1 |
| REC POOL | 199 | 5961 SF | LEVEL 1 | 0 | |
| LAUNDRY/STORAGE | 200 | 152 SF | LEVEL 1 | 150 | 2 |
| BOILER RM | 202 | 423 SF | LEVEL 1 | 300 | 2 |
| STORAGE | 216 | 360 SF | LEVEL 1 | 300 | 2 |
| ELEC | 218 | 155 SF | LEVEL 1 | 300 | |
| CHILD WATCH | 221 | 454 SF | LEVEL 1 | 35 | 13 |
| MANAGER | 231 | 130 SF | LEVEL 1 | 150 | 1 |
| STORAGE | 237 | 20 SF | LEVEL 1 | 300 | 1 |
| GUARD OFFICE | 238 | 110 SF | LEVEL 1 | 150 | 1 |
| STORAGE | 239 | 88 SF | LEVEL 1 | 300 | 1 |
| RECEPTION | 250 | 225 SF | LEVEL 1 | 0 | |
| MULTIPURPOSE RM (24) | 254 | 1432 SF | LEVEL 1 | 50 | 29 |
| LAP POOL | 255 | 8376 SF | LEVEL 1 | 0 | |
| VEST | 256 | 87 SF | LEVEL 1 | 0 | |
| RR | 257 | 52 SF | LEVEL 1 | 0 | |
| WOMENS LOCKER RM | 263 | 803 SF | LEVEL 1 | 50 | 17 |
| MENS LOCKER RM | 264 | 666 SF | LEVEL 1 | 50 | 14 |
| JAN | 265 | 72 SF | LEVEL 1 | 300 | 1 |
| CIRC | 266 | 362 SF | LEVEL 1 | 0 | |
| SAUNA | 267 | 126 SF | LEVEL 1 | 50 | 3 |
| CONCESSIONS | 268 | 149 SF | LEVEL 1 | | |
| STORAGE | 270 | 100 SF | LEVEL 1 | | |
| STORAGE | 271 | 41 SF | LEVEL 1 | | |
| STORAGE SHED | 275 | 366 SF | LEVEL 1 | | |
| LEVEL 1: 30 | | 30815 SF | | | 288 |
| FITNESS AREA | 171 | 7590 SF | LEVEL 2 | 50 | 152 |
| MECHANICAL | 227 | 1684 SF | LEVEL 2 | 300 | 6 |
| STOR | 246 | 55 SF | LEVEL 2 | 300 | 1 |
| RR | 252 | 48 SF | LEVEL 2 | 0 | |
| RR | 253 | 50 SF | LEVEL 2 | 0 | |
| MAINT | 277 | 34 SF | LEVEL 2 | 0 | |
| LEVEL 2: 6 | | 9460 SF | | | 159 |
| Grand total: 42 | | 40275 SF | | | 447 |

| Area Schedule (Gross Building) | | |
|--------------------------------|----------|----------|
| Level | Area | Comments |
| LEVEL 1 | 35213 SF | |
| LEVEL 2 | 10068 SF | |
| Grand total: 2 | 45280 SF | |



Indoor Aquatic and Recreation Facility
 Great Falls, Montana
 ORIENTATION PLANS - LEVEL 1

1 HR FIRE BARRIER
 5 CODE LEGEND
 3/8" = 1'-0"

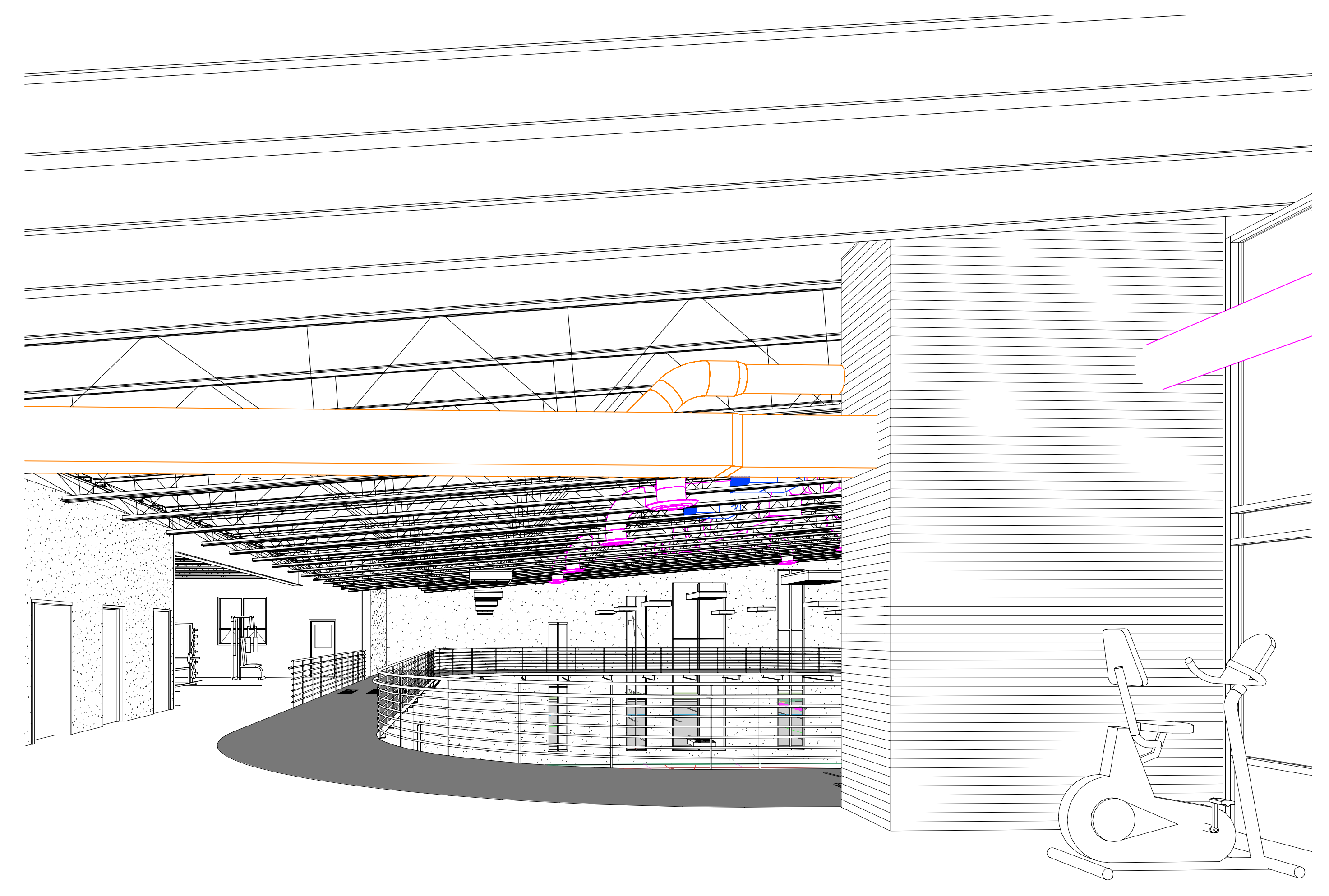
| Revision Schedule | | |
|-------------------|----------|------|
| No. | Revision | Date |
| | | |
| | | |

| Submittals | | |
|------------|------|--|
| No. | Date | |
| | | |
| | | |

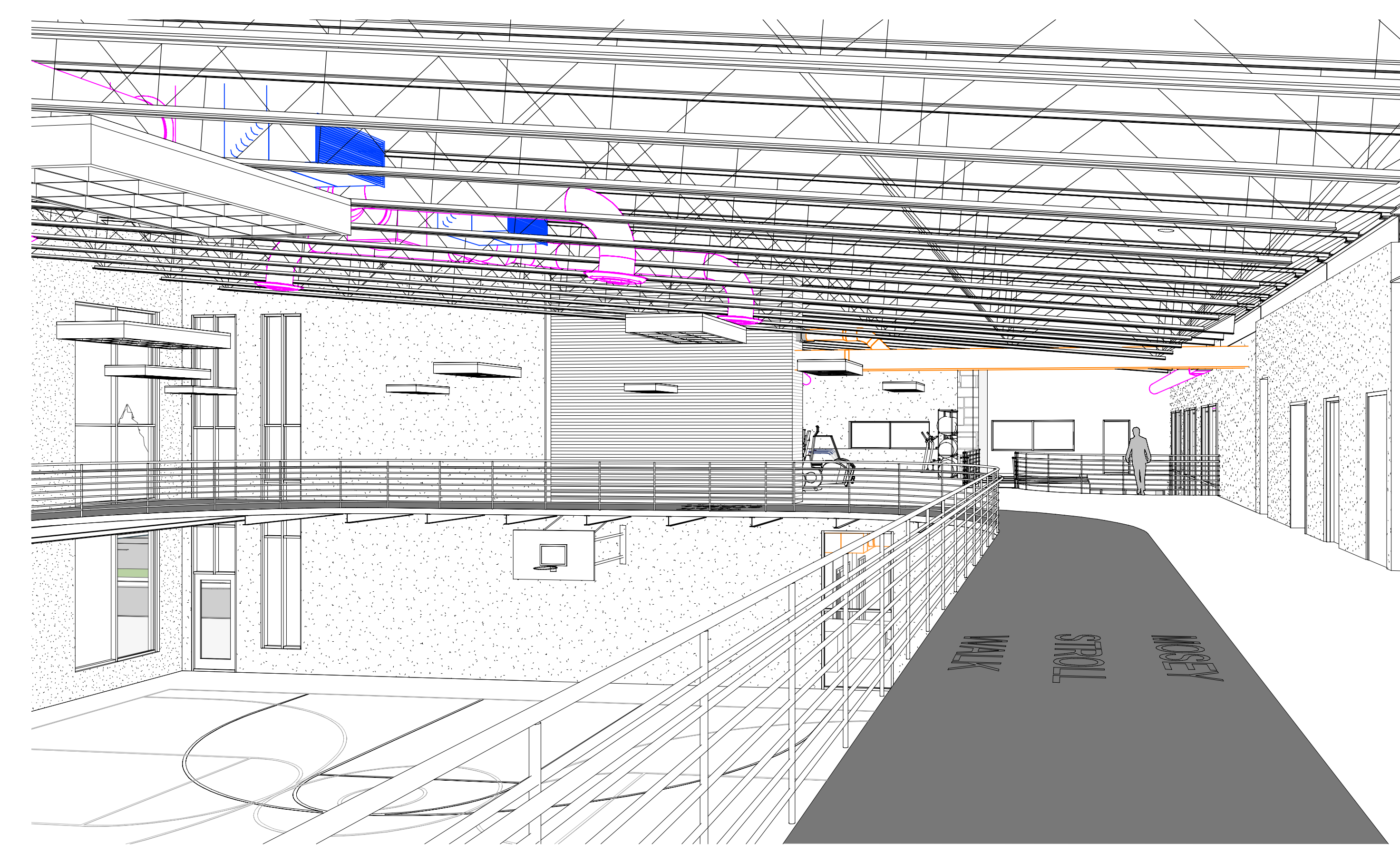
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| | |
|-----------------|----------|
| DESIGN BY: | DMG |
| CHECKED BY: | Checker |
| DATE: | 03/19/21 |
| PROJECT NUMBER: | 20-019 |
| SHEET NUMBER: | AO.1 |

PRELIMINARY
 NOT FOR
 CONSTRUCTION



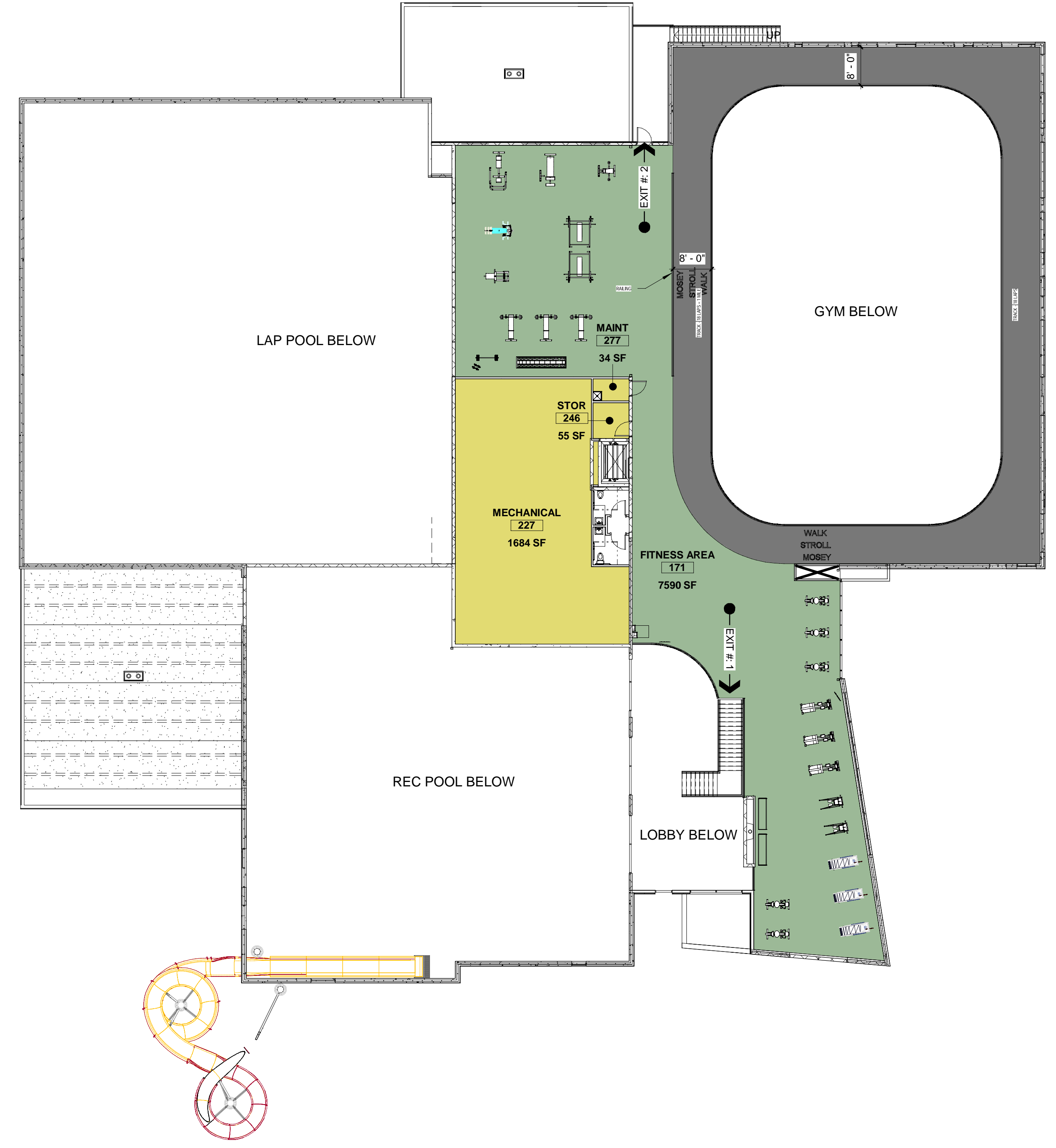
2 VIEW AT TOP OF STAIRS



3 VIEW FROM TRACK

| Room & Occupancy Schedule | | | | | |
|---------------------------|-------------|------------|------------|----------------------|-----------|
| Room Name | Room Number | Area | Level | Occupant Load Factor | Occupancy |
| STORAGE | 236 | Not Placed | Not Placed | 300 | |
| STORAGE | 269 | Not Placed | Not Placed | | |
| STORAGE | 272 | Not Placed | Not Placed | | |
| Room | 273 | Not Placed | Not Placed | | |
| TRACK | 274 | Not Placed | Not Placed | | |
| RECEPTION | 276 | Not Placed | Not Placed | | |
| Not Placed: 6 | 0 SF | | | | 0 |
| CLASS/PARTY RM | 185 | 625 SF | LEVEL 1 | 20 | 32 |
| GYM | 186 | 8026 SF | LEVEL 1 | 50 | 161 |
| POOL EQUIP 1 | 189 | 1097 SF | LEVEL 1 | 300 | 4 |
| REC SUPERVISOR | 192 | 119 SF | LEVEL 1 | 150 | 1 |
| SPORT SUPERVISOR | 193 | 118 SF | LEVEL 1 | 150 | 1 |
| AQUATICS | 194 | 119 SF | LEVEL 1 | 150 | 1 |
| REC POOL | 199 | 5961 SF | LEVEL 1 | 0 | 1 |
| LAUNDRY/STORAGE | 200 | 152 SF | LEVEL 1 | 150 | 2 |
| BOILER RM | 202 | 423 SF | LEVEL 1 | 300 | 2 |
| STORAGE | 216 | 360 SF | LEVEL 1 | 300 | 2 |
| ELEC | 218 | 155 SF | LEVEL 1 | 300 | 1 |
| CHILD WATCH | 221 | 454 SF | LEVEL 1 | 35 | 13 |
| MANAGER | 231 | 130 SF | LEVEL 1 | 150 | 1 |
| STORAGE | 237 | 20 SF | LEVEL 1 | 300 | 1 |
| GUARD OFFICE | 238 | 110 SF | LEVEL 1 | 150 | 1 |
| STORAGE | 239 | 86 SF | LEVEL 1 | 300 | 1 |
| RECEPTION | 250 | 225 SF | LEVEL 1 | 0 | 1 |
| MULTIPURPOSE RM (24) | 254 | 1432 SF | LEVEL 1 | 50 | 29 |
| LAP POOL | 255 | 8376 SF | LEVEL 1 | 0 | |
| VEST | 256 | 87 SF | LEVEL 1 | 0 | |
| RR | 257 | 52 SF | LEVEL 1 | 0 | |
| WOMENS LOCKER RM | 263 | 803 SF | LEVEL 1 | 50 | 17 |
| MENS LOCKER RM | 264 | 666 SF | LEVEL 1 | 50 | 14 |
| JAN | 265 | 72 SF | LEVEL 1 | 300 | 1 |
| CIRC | 266 | 362 SF | LEVEL 1 | 0 | |
| SAUNA | 267 | 128 SF | LEVEL 1 | 50 | 3 |
| CONCESSIONS | 268 | 149 SF | LEVEL 1 | | |
| STORAGE | 270 | 100 SF | LEVEL 1 | | |
| STORAGE | 271 | 41 SF | LEVEL 1 | | |
| STORAGE SHED | 275 | 366 SF | LEVEL 1 | | |
| LEVEL 1: 30 | | 30816 SF | | | 288 |
| FITNESS AREA | 171 | 7590 SF | LEVEL 2 | 50 | 152 |
| MECHANICAL | 227 | 1684 SF | LEVEL 2 | 300 | 6 |
| STOR | 246 | 55 SF | LEVEL 2 | 300 | 1 |
| RR | 252 | 49 SF | LEVEL 2 | 0 | |
| RR | 253 | 50 SF | LEVEL 2 | 0 | |
| MAINT | 277 | 34 SF | LEVEL 2 | | |
| LEVEL 2: 6 | | 9460 SF | | | 159 |
| Grand total: 42 | | 40275 SF | | | 447 |

| Area Schedule (Gross Building) | | |
|--------------------------------|----------|----------|
| Level | Area | Comments |
| LEVEL 1 | 35213 SF | |
| LEVEL 2 | 10068 SF | |
| Grand total: 2 | 45280 SF | |



1 CODE PLAN - LEVEL 2
 1/16" = 1'-0"

Indoor Aquatic and Recreation Facility
 Great Falls, Montana

ORIENTATION PLANS - LEVEL 2

| Revision Schedule | | |
|-------------------|----------|------|
| No. | Revision | Date |
| | | |
| | | |
| | | |

| Submittals | | |
|------------|--|------|
| No. | | Date |
| | | |
| | | |
| | | |

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| | |
|-----------------|----------|
| DESIGNED BY: | DMG |
| CHECKED BY: | Checker |
| DATE: | 03/19/21 |
| PROJECT NUMBER: | 20-019 |
| SHEET NUMBER: | AO.2 |





Traffic Analysis - Community Recreation/Aquatics Center

Background/Project Description/Location: A 44,348 square foot Community Recreation Center has been proposed by the City of Great Falls Park & Recreation Department along the east side of Lions Park, adjacent to 29th Street South between 8th Avenue South and 10th Avenue South. A Conditional Use is required to construct this facility at this location.

Existing Facilities: Lions Park is a regional park occupying four square blocks with the exception of two lots on the southeast corner. Lions Park is a typical developed urban park, with trees and landscaping, open space, play equipment, a memorial, a vintage airplane display, a picnic pavilion, restrooms, two tennis courts, parking lots and trails.

Streets: The street network surrounding Lions Park is fully built to urban standards, including pavement, curb/gutter, sidewalk and traffic control. On three sides (north, east and west) the streets are Local roadways that carry low volumes of traffic. On the south, 10th Avenue South is a Principal Arterial, carrying high volumes of traffic through the community and designated as part of the National Highway System.

One short alley segment (10th Alley South) exists behind the two private (commercial) uses in the southeast corner.

Parking: On-street parking is available adjacent to the Park on three sides: a two-block stretch along 8th Avenue South, a two-block stretch along 27th Street South, and a 1½ block stretch along 29th Street South. No parking is allowed on the south side of Lions Park along 10th Avenue South.

A small parking lot exists next to the tennis courts along 27th Street South, and a larger lot serving the Park exists on the east, accessed from 29th Street South near the T-intersection with 9th Avenue South.

Sidewalks and Trails: Typical 5-foot sidewalks surround Lions Park and extend into the surrounding neighborhoods.

Accessible ramps are lacking on most corners, except for 10th Avenue South. Striped and signed pedestrian crossings exist at the northwest corner of the Park at the intersection of 27th Street South and 8th Avenue South to facilitate safe movements to Lincoln Elementary School at that location, which is approximately two blocks away from the proposed site of the Center.

The Public Works Department recently performed a speed study and traffic analysis of conditions at the intersection of 29th Street South and 8th Avenue South. The recommendations from the study included installing speed limit signs, but no other needs were identified. A summary of the study is attached.

A trail winds through the Park, connecting to the picnic pavilion from the west, the north, and the parking lot on the east.

Existing Traffic Volumes: Average Daily Traffic counts have been collected on area streets as shown in Table 1.

TABLE 1

| STREET SEGMENT | DAILY VOLUME (DATE) | PM PEAK HOUR VOLUME |
|--|---------------------|---------------------|
| 8 th Ave S (between 27 th & 28 th Sts) | 966 (2021) | 120 (2021) |
| 29 th St S (between 8 th & 9 th Aves S) | 782 (2021) | 90 (2021) |
| 10 th Ave S (between 27 th & 29 th Streets S) | 30,509 (2019) | n/a |

Proposed site access:

1. Driveways: Three approaches to the Center’s parking lots are proposed – two on 29th Street South and one access via an improved and slightly widened 10th Alley South that also connects to 29th Street South.
2. 10th Alley South: The alley would be improved and widened and would continue to provide access to the two commercial lots to the south.
3. Pedestrian access would be from existing sidewalks and an existing trail through Lions Park from the west and north.

Daily Trip Generation:

Two different methods were utilized to estimate vehicular trips generated by the proposed Center, and the highest was used to estimate the maximum estimated potential impact upon the street network. The likely scenario is that the actual trips would be somewhere in between the two, or even less assuming the pedestrian connections to the neighborhood would attract non-vehicular trips. However, using the highest figures will ensure that the impact of higher-traffic special events is reviewed.

Consultant-generated estimates: The project consultant, PROS Consulting, estimated daily visitation to be between 300 and 500 visits. Converting this to trips, and assuming a highest-impact scenario of each visit being via a single-occupancy vehicle, this amounts to a high-side estimate of 1,000 daily trip ends (coming and going). Assuming adding an additional 10% of the trips covers such additional trips made by employees and deliveries, the total daily trips can be estimated as 1,100 daily trips generated by the site using this method.

This compares closely to the trip calculation that can be estimated using industry case studies, calculated below.

Trip Generation Manual estimates: The *Trip Generation Manual* 9th Edition, Institute of Traffic Engineers (ITE), defines a “Recreational Community Center” as:

“Recreational community centers are stand-alone public facilities similar to and including YMCAs. These facilities often include classes and clubs for adults and children; a day care or nursery school; meeting rooms; swimming pools and whirlpools; saunas; tennis, racquetball, handball, basketball and volleyball courts; outdoor athletic fields/courts; exercise classes; weightlifting and gymnastics equipment; locker rooms; and a restaurant or snack bar. Public access is typically allowed, but a fee may be charged.”

Using an average trip generation from the ITE Manual, based upon actual studies, the following is the methodology for providing an estimate for trips generated by the site.

Average Vehicle Trip Ends on a Weekday (Daily Trip Generation), per 1000 Sq. Ft. Gross Floor Area:

$$44.348 (1000 \text{ sf}) \times 33.82 (\text{average daily trip ends}) = \underline{1,500 \text{ average daily trip ends}}$$

Peak Hour Traffic:

Consultant-generated estimates: The project consultant, PROS Consulting, estimated peak hour visitation to be variable, but that evening traffic (3 PM – 8 PM) would account for 50% of the daily trips. From this guidance, an average hourly trips over this 5-hour period would be:

$$550 \text{ trips}/5 = \underline{110 \text{ average PM peak hour trip ends (evening)}}$$

Trip Generation Manual estimates: The ITE *Trip Generation Manual* 9th Edition, provides the following calculation methodology:

Average Vehicle Trip Ends on a Weekday PM Peak Hour of Adjacent Street Traffic, per 1000 Sq. Feet Gross Floor Area:

$$44.348 (1000 \text{ sf}) \times 2.74 (\text{average PM peak hour – 4 to 6 PM - of adjacent street traffic trip ends}) = \underline{122 \text{ average PM peak hour trip ends (evening)}}$$

Trip Distribution: All of the vehicular trips generated by the site would use the various driveways onto 29th Street South, or would park on-street and use the various sidewalks and trails to reach the Center. Additional pedestrian and bicycle usages is expected, but no estimations of numbers are available.

Traffic coming to and leaving the site would likely be dispersed – some using 9th Avenue South to access 32nd Street South – a Collector street with a signal to allow safe access to 10th Avenue South. Other drivers would use the local street network to the north – 8th Avenue North going east or west, and 29th Street South further north. It is likely the majority of trips would use the intersection of 29th and 10th Avenue South, as that is the most direct connection to a Major Arterial that would serve as the most efficient access to the site from throughout the community.

For the purpose of estimating increase in traffic among the various roadway segments, the following percentages have been used, with growth numbers shown:

1. 29th Street South, north of 9th Avenue South: 25% of trips = 375 daily trips (31 PM peak)
2. 29th Street South, south of 9th Avenue South: 45% of trips = 675 daily trips (55 PM peak)
3. 9th Avenue South, east of 29th Street South: 30% of trips = 450 daily trips (38 PM peak)

To estimate the number of new trips beyond the intersection of 29th Street South and 8th Avenue South, the estimated number of new trips on 29th Street South north of 9th Avenue South is further divided into the following:

4. 8th Avenue South, east of 29th Street South: 40% = 150 daily trips (13 PM peak)
5. 8th Avenue South, west of 29th Street South: 50% = 188 daily trips (16 PM peak)
6. 29th Street South, north of 29th Street South: 10% = 38 daily trips (3 PM peak)

Actual trip dispersion is difficult to predict, and it would likely take some time for patrons to fall into a consistent pattern as drivers become accustomed to settling into preferred routes to find their way to and from the center. To ensure the site would have the least negative impact upon the neighborhood, the City of Great Falls Public Works Department has offered to collect traffic volumes after development - if the CUP is approved - to see if any concerning trends surface that may require additional traffic control.

Projected Growth: Using the projected trips and trip distribution percentages, the potential change in traffic is shown in Table 2 below. Note that all numbers are vehicle trips per day or vehicle trips per hour.

TABLE 2

| STREET SEGMENT | DAILY VOLUME (DATE) | PROJECTED GROWTH | PROJECTED DAILY VOLUME | PEAK HOUR VOLUME | PROJECTED GROWTH | PROJECTED PEAK HR VOLUME |
|---|---------------------|------------------|------------------------|------------------|------------------|--------------------------|
| 8 th Ave S (between 27 th & 28 th Streets S) | 966 (2021) | 188 | 1,154 | 120 | 16 | 136 |
| 29 th St S (between 8 th & 9 th Aves S) | 782 (2021) | 375 | 1,157 | 143 | 27 | 170 |
| 10 th Ave S (between 27 th & 29 th Streets S) | 30,509 (2019) | 600* | 31,109* | n/a | n/a | n/a |
| 9 th Ave S (east of 29 th St S) | n/a | 450 | n/a | N/A | 38 | n/a |

**assumes maximum potential growth (if all new southbound vehicles turned or came from west)*

Based upon the projected increases, 29th Street South and 8th Avenue South around Lions Park could carry around 1,500 vehicles per day with 8th Avenue South traffic possibly increasing by around 20%. However, this increase is expected to be only 16 additional vehicles at peak hour. Traffic on 29th Street South, just south of 8th Avenue North, would increase by 48%, with a PM peak-hour increase of 27, or one every two minutes, on average. Traffic increases are expected to be noticeable, but no congestion or capacity problems would be expected, as the total numbers are average for a local roadway. The increase in traffic on 10th Avenue South would be negligible.

Pedestrian and Bicycle Facilities: Public sidewalks surround Lions Park and extend into the surrounding neighborhood. On-site sidewalks are proposed, and should be closely and carefully reviewed for connectivity to the main sidewalks as well as existing Lions Park trails.

No specific bicycle route improvements are required, but placement of bike racks or secure bicycle storage on-site is encouraged to attract non-motorized trips and, therefore, reduce vehicular trips.

Recommendations/Conclusions: The existing street network has sufficient capacity to accommodate the traffic that would be generated by the proposed development. This analysis of current and future traffic can be summarized into the following **main findings**:

- Local streets have adequate capacity to accommodate the projected future traffic. Even though the increase in traffic volumes would be small, the immediate neighbors would likely notice the increase. Intersection traffic controls should be considered, if warranted.
- Pedestrian access is ideal, connecting the proposed site with the community in all directions. However, intersections in the immediate vicinity of the Center do not have ADA ramps at the sidewalk corners, and should be improved.
- Safety and congestion at 29th Street South and 10th Avenue South is dependent upon driver behavior, as sufficient alternative routes exist.

A few other **observations** are worth noting:

1. Traffic volumes to and from the south along 29th Street South are expected to be manageable. There is a possibility that access into the 29th Street South driveway into the Glass Doctor business on the northwest corner of 29th Street South and 10th Avenue South could be reduced at peak times, but the business has alternate access off both the alley and 10th Avenue South so would still have access to their business.
2. 9th Avenue South would see increased traffic, and there could be a need for traffic control at intersections leading to 32nd Street South.
3. The functionality and safety of the intersection of 29th Street South would depend upon the route choices of drivers, and would vary greatly depending upon the amount of traffic on 10th Avenue South and availability of gaps. The proposed location of the Center has enough alternate routes that drivers would be able to avoid this intersection at peak hour times.

Based upon the review of current conditions and future projected volumes, the following **recommendations** are provided:

1. Provision of bicycle parking and/or secure bicycle storage is recommended to reduce the number of vehicular trips. Such facilities would be installed in compliance with Title 17, Chapter 36 of City Code.
2. Full connections between the site and the trails in Lions Park should be made and designed for direct and safe pedestrian and bicycle travel. This is especially important since the existing parking lot for Park users would be replaced by parking adjacent to the Center. The proposed site plan is missing a few key connections and, in one case, shows a primary trail connection passing through a basketball court.
3. Traffic control at nearby intersections should be reviewed and, if warranted, installed soon after opening the Center, especially at 8th Avenue South and 29th Street South and at 9th Avenue South and 29th Street South. Given the projected increase in traffic on 29th Street South, it is likely that traffic control at these intersections could be necessary soon after opening the Center. Intersections further to the east along 9th Avenue South should also be monitored for future traffic control needs, if warranted.
4. Full curb ramps at all corners surrounding Lions Park should be installed as soon as monies are available to provide safe and convenient pedestrian connections for all users.
5. After opening of the Center, prohibition of parking on one or both sides of portions of 29th Street South may be warranted due to the narrowness of the street. Traffic movements along this street segment should be reviewed soon after opening.
6. Safety and delays at 29th Street South and 10th Avenue South should be monitored. If future conditions warrant the need, signalization may be an option that could be pursued with the Montana Department of Transportation.

March 16, 2021

**City of Great Falls
Public Works Department**

INTER-OFFICE MEMORANDUM

March 26, 2021

**TO: Kenny Jorgensen, Street/Traffic Manager
Paul Skubinna, Public Works Director**

FROM: Austin Schultz, Traffic Division Foreman

SUBJECT: 29th St S and 8th Ave S- Traffic Study

Date: 3/5/2020

* * * * *

In response to the City of Great Falls request about the Traffic impacts @ 29th St S and 8th Ave S. The study involved collecting 48 hour entering volume counts, peak hour volumes, turning movements, crash history, pedestrian activity, critical approach speed study, and speed data(provided earlier)

The intersection has no control at the current time. Crash data indicated there had only been 3 crashes in 3 years of history (2017-2020).

The City of Great Falls conducted a speed study on February 23rd – February 24th on 29th St S between 8th and 9th Ave S, and also on 8th Ave S between 28th and 29th St S. The 85th percentile speed for both locations was 26 mph. The MUTCD (Manual on Uniform Traffic Control Devices) recommends that agencies set speed limits within 5 mi/h of the 85th percentile speed of free-flowing traffic. The 85th percentile speed is the speed that 85 percent of drivers travel at or below and is one of the best indicators of a reasonable and safe speed. There are “School Speed Limit 25”/”Fines Higher” signs on 8th Ave S, east of 26th St S (eastbound) and on 8th Ave S between 27th and 28th St S (westbound).

Pedestrian activity was observed during the peak hour (2pm to 4pm) on February 17th and 18th and there was no activity crossing any of the approaches of the intersection.

A critical approach speed study was conducted on all of the approaches at the intersection. All of the approaches have adequate sight distance, but on the north approach (southbound) looking right, there are trees on the northwest corner of the intersection that are trimmed adequately by the homeowner. This seems to be the only corner that has an issue with any sight obstructions.

We did not conduct a sight distance study at this intersection because of it being so wide open on all of the approaches.

Entering volume counts were conducted on February 17th and 18th and show that the Average Daily Traffic entering the intersection is 1,162 vehicles. The major street is 8th Ave S with an average daily traffic of 639 vehicles and 29th Street S is the minor street with an ADT of 523 vehicles. The peak hour is from 2pm to 3pm with the west approach carrying the highest volume (59 vehicles)(average), followed by the south approach (36 vehicles)(average). 8th Ave S averages 54 vehicles per hour for the highest 8 hours (reference C.1). 29th St S averages 37 vehicles per hour for the same 8 hours.

- A. Intersection does not meet minimum crash history criteria
- B. Intersection does not meet minimum volume & delay criteria
- C. Intersection does not have any significant obstructions to consider assigning right of way

The criteria considered for a multi-way stop (found in the MUTCD) are as follows;

Section 2B.07 Multiway Stop Applications

Support:

Multiway stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multiway stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multiway stop control is used where the volume of traffic on the intersecting roads is approximately equal.

Guidance:

The decision to install multiway stop control should be based on an engineering study.

The following criteria should be considered in the engineering study for a multiway STOP sign installation:

- A. *Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
- B. *A crash problem, as indicated by 5 or more reported crashes in a 12-month period that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.*
- C. *Minimum volumes:*
 1. *The vehicular volume entering the intersection from the **major street** approaches (total of both approaches) averages at least **300 vehicles per hour for any 8 hours** of an average day, and*
 2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the **minor street** approaches (total of both approaches) averages at least **200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but***
 3. *If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.*
- D. *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

Option:

Other criteria that may be considered in an engineering study include:

- A. *The need to control left-turn conflicts;*
- B. *The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;*
- C. *Locations where a road user, after stopping, cannot see conflicting traffic and is not able to reasonably safely negotiate the intersection unless conflicting cross traffic is also required to stop; and*
- D. *An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop control would improve traffic operational characteristics of the intersection.*

Turning movements during the peak hour on the west and south approaches are below;

| | |
|--|---|
| West approach – 55% Straight (eastbound) 41% Right 0.03% Left | South approach – 67% Straight (northbound) 33% Left 0% Right |
|--|---|

In conclusion, assigning any right of way at this time would not be an option due to the volume data, adequate sight distance, and minimal crash history. We would recommend possibly installing speed limit signs on 29th St S and possibly on 8th Ave S. The intersection should continue to be monitored for changes in volume and delay after the proposed aquatic center is built and not rely on projected numbers.

**MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
March 23, 2021**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:00 p.m. The meeting was held via Zoom in the Gibson Room, at the Civic Center.

ROLL CALL & ATTENDANCE

Due to the COVID-19 health concerns, the format of the Planning Advisory Board/Zoning Commission meeting is being conducted in a virtual video-conferencing environment. In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), public participation is welcomed and encouraged as follows:

- Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Gibson Room according to applicable health guidelines.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, March 23, 2021 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

Planning Board Members present electronically via Zoom:

Dave Bertelsen, Chair
Charles Pankratz, Vice Chair
Lindsey Bullock
Tory Mills
Samantha Shinaberger

Planning Board Members absent:

Kelly Buschmeyer

Planning Staff Members present:

Craig Raymond, Director Planning and Community Development
Tom Micuda, Deputy Director Planning and Community Development
Erin Borland, Planner III
Jamie Nygard, Sr. Admin Assistant

Other Staff present:

Sara Sexe, City Attorney
 Steve Herrig, Director Park and Recreation

Mr. Raymond affirmed a quorum of the Board was present.

MINUTES

Chair Dave Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on March 9, 2021. Seeing none, Mr. Pankratz moved to approve the minutes. Ms. Shinaberger seconded, and all being in favor, the minutes were approved.

BOARD ACTIONS REQUIRING A PUBLIC HEARING

Request for a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South and legally described as South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20, R4E, P.M.M., Cascade County, Montana

Mr. Raymond stated that the applicant and consultant requested that the project be rescinded from the agenda and would be presented at a later meeting.

Request for a Conditional Use Permit to allow an “Indoor Sports and Recreation Center” land use in the Parks and Open Space (POS) zoning district for the property addressed as 900 29th Street South (Lions Park), and approval of a Non-Administrative Plat to aggregate multiple parcels and right-of-way proposed to be vacated.

Mr. Raymond stated that the project has received a lot of public comment raising a number of issues that are not related to what the Board is considering today. What is being presented is a land use recommendation to the City Commission, and the Planning Board has seven areas of criteria for the Basis of Decision that should be focused on today.

Erin Borland, Planner III, presented to the board. She stated that in October of 2016 the City adopted a new Park and Recreation Master Plan. The plan provides a detailed analysis of the community’s park and facility inventory as well as both facility and maintenance needs. One of the visionary recommendations was to construct a large multi-generational center that would replace the current recreation center as well as the Natatorium. The Natatorium was closed, and the City is moving forward on a new recreation facility. She stated that in June of 2020, the City Submitted an application to the former Office of Economic Adjustment, now the Office of Local Defense Community Cooperation (OLDCC), for a Defense Community Infrastructure Program (DCIP) grant. It gave the City an opportunity to team up with Malmstrom Air Force Base in order to apply for a 10 million dollar grant with a 10 million dollar match to build a new indoor aquatic and recreation center for the city. Ms. Borland stated that the main emphasis of the grant is to create a City and Malmstrom Air Force Base partnership. Malmstrom Air Force Base currently does not have a training facility so one of the main goals of the partnership is to create a training facility for Airmen to alleviate the cost of Temporary Duty (TDY) training for required water rescue. The facility would also improve the quality of life for Airmen and their families, as well as residents in the community, and to bring the community together as a whole. In September of 2020, the City was notified that they were approved for the 10 million dollars in grant money.

The City went forward with the RFP process to receive proposals. There were several different architects and engineering teams that submitted proposals to design the new facility. There were also several sites throughout the City that were looked at for potential development sites, and the City took suggestions from Malmstrom Air Force Base. Ultimately, the City Commission accepted the staff's recommendation to look at Lion's Park.

Ms. Borland stated that Lion's Park was established in 1952 by Resolution 4410. She stated that based on a park system inventory in 1961, the park was tentatively planned to have a swimming pool. She stated that the park is located between 27th Street South and 29th Street South and 8th Avenue South and 10th Avenue South. She stated that the park is approximately 14 acres with several amenities such as the Lions Club Memorial, tennis courts, a swing set and a pavilion. Ms. Borland presented Site Photos of Lions Park.

Ms. Borland stated that the applicant is requesting a Conditional Use Permit to allow an Indoor Sports and Recreation land use in the Parks and Open Space (POS) zoning district. Ms. Borland presented a Site Plan of the projected project in the park. She stated that the Recreation Center will be closer to the commercial area off of 29th Street South in order to try to reduce neighborhood impacts and keep as much open space as possible. The entrance will come off of 9th Avenue South with parking dispersed around the facility.

Ms. Borland also stated that there are Development Standards Based on Exhibit 20-4 for each zoning district, but that there are not any for the Parks and Open Space zoning district. As a result, staff looked at the Public Lands and Institutional zoning district standards as the most similar to the type of project being proposed. She presented a comparison between the two zoning districts.

Ms. Borland presented the Findings of Fact/Basis of Decision and stated that the full findings were in the Agenda Packet. The project is consistent with the following findings outlined in the Growth Policy:

- Social: The Social element recognized that the biggest asset the City has is its people and their well-being.
- Economic: An excellent opportunity to grow and develop the relationship with key partners in the community including the community's military partners.
- Physical: The project will enable the City to utilize and enhance a park with a facility that will benefit the whole community. The City will be able to utilize existing utilities and enhance the infrastructure system within both the park and surrounding area.

Ms. Borland stated that another Findings of Fact/Basis of Decision is the establishment, maintenance, or operation of the conditionally use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare. The project is consistent with the following findings:

- Allow for a new facility would fill voids in the city; replacing the closed natatorium; executing a partnership with Malmstrom Air Force Base to provide a training facility that is lacking in Great Falls
- Will give the community a new facility with many health benefits.
- Facility will enable the Park and Recreation Department to continue providing recreational opportunities to the community as well as increase opportunities due to greater programming capacity.

Ms. Borland stated that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values with the neighborhood. The project is consistent with the following findings:

- The facility is strategically placed closer to the commercial uses of the area
- Parking has been designed to disperse the parking throughout the site, minimize large areas of asphalt and preserve as much greenspace as possible
- The facility is placed in an area that would not interfere with other elements of the park such as the memorial, trails, and the pavilion

Ms. Borland stated the Findings of Fact/Basis of Decision that 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 project is consistent with the following findings:

- Access is to come off of 29th Street South in order to anticipate the majority of the traffic coming from 10th Avenue South and to reduce the amount of traffic dispersing into the adjacent neighborhood
- Parking facilities have been provided to minimize on-street parking in the neighborhood
- Traffic Analysis: Installation of nearby ADA ramps, monitoring of on-street parking activity along 29th Street South, as well as traffic count collection at various intersections along the 29th Street South corridor.

Ms. Borland stated that after the traffic analysis was done, it was found that the existing street network does have sufficient capacity to accommodate the traffic that will be generated by the proposed development. The pedestrian access is ideal in the park and the safety and congestion on 29th Street South as well as 10th Avenue South will be dependent on driver behavior. The Public Works Department will go out again and get new data, once the facility is built.

Ms. Borland also gave a presentation of the requested Non-Administrative Plat. She stated that one parcel will contain the majority of the park, including the proposed Indoor Aquatic and Recreation Center development, and the second one will accommodate a future lease parcel if the City chooses to facilitate a commercial development to supplement the new recreation center. She stated that the City is not going to vacate the alley (10th Alley South) between the 28th Street South right-of-way and 29th Street South since the alley is needed for access to the existing commercial properties on the South and for access for a future facility.

Ms. Borland presented the Findings of Fact/Basis of Decision for the Non-Administrative Plat. Effect on Local Services. The project is consistent with the following findings:

- Existing sewer mains running east and west through the park are located in the platted alleys that are proposed to be vacated
- Existing water main that is located in the platted avenue running east and west that is also proposed to be vacated
- A portion of the water main will be relocated to accommodate the proposed location of the building
- One of the existing sewer mains will be tapped into to provide service for the proposed Indoor Aquatic and Recreation Center
- All proposals for the alterations of the mains will be reviewed and approved through the Public Works Department

Ms. Borland stated that the subject properties are located in Neighborhood Council #4. The applicant and design team did present information as well as the Conditional Use Permit request to the Council on February 11, 2021. The Council did vote to approve the Conditional Use Permit. The applicant also attended another Neighborhood Council Meeting on March 11, 2021 to provide an update. She stated that staff does recommend approval of the Conditional Use Permit and the Non-Administrative Plat with the following conditions:
 Conditions of Approval for Conditional Use Permit:

- Development Stands: The proposed project shall be developed in compliance with the Development standards as set forth in Exhibit 20-4 in the Land Use Chapter of Title 17- the Land Development Code. The proposed project will follow the standards for the PLI Public Lands and Institutional zoning district.
- Parking: The minimum required parking on site will be set at 130 spaces with the possibility of expanding up to 180 spaces within the project area.
- Landscaping: The City's landscaping requirements will be as follows: Ten boulevard trees will be required along the project's 29th Street frontage, but placement shall be allowed within both the boulevard and project area. The off street vehicular area landscaping requirements may be met through additional landscaping provided outside the boundary of the proposed parking area. The rate of planting required shall be 25 trees and 100 shrubs including perennial substitutions at a ratio of 2:1.

PETITIONER'S PRESENTATION

Timothy Peterson, LPW Architecture, presented an overview of the site location selection. He stated that the original site was going to be on 57th Street but the building foundation for development on the lot was going to be over \$2 million and the facility would be a much smaller footprint than was needed. They looked at North Kiwanis Park, but Malmstrom thought the park was too far away from the base and asked the City to look at Lions Park because of the accessibility from 10th Avenue South. Mr. Peterson stated that there are six parks within a one mile radius around Lions Park They also contacted the school district and they said that there are 962 school aged children within that one mile walking distance.

Mr. Peterson presented the project parameters and stated that the project timeframe is unusually condensed due to the Department of Defense grant. The building needs to be shovel ready for construction activity by September 1, 2021. The total grants that were submitted were 130 nationwide and of those, 16 were shortlisted and awarded the funds. The design team was selected after the award of the grant and began due diligence. The project has been presented at Neighborhood Council Meetings on three occasions. Updates about the project are presented to the City Commissioners bi-weekly. The design team did get input from swim groups, a Malmstrom spouses club, green energy group, runners, kayakers, coaches, and referees. The information has been published on the City FAQ site, in the Electric, the Great Falls Tribune, and on KRTV.

Mr. Peterson presented a project schedule and stated that the pace of the project is stipulated by the Department of Defense Grant. The bidding for the job will start in late July 2021.

Mr. Peterson presented the considerations for the Lion's Park Site:

- Accessibility is more centralized and promotes greater community access,
- Malmstrom Air Force Base recommends the location as compared to North Kiwanis Park and felt it offered better access for Airmen

- Parking overflow accessibility is available using the Lincoln Elementary School Parking lot on the weekends
- Site development leaves 8 acres of park land
- The City acquired 10 acres of additional undeveloped land on the east side of Great Falls
- Use of the facility will likely deter criminal activity in Lions Park
- Commercial properties on three sides of the park
- Design is driven by programming that will help generate sustainable revenue

Jana Cooper, TD&H Engineering, presented the project's Site Plan showing alternatives that were evaluated during the design process. One of the accesses evaluated was from 8th Avenue South, but adding that street access to the project would cut through a large part of the Lion's Park greenspace. Access from 10th Avenue South was also analyzed. The Montana Department of Transportation was open to the option, but was concerned with safety and illegal maneuvers associated with motorists turning left out onto 10th Avenue South. MDT also wanted to make sure that no new storm water was added onto 10th Avenue South. The Montana Department of Transportation told the design team that they have no plans to modify the 29th Street South and 10th Avenue South intersection with a traffic signal. The design team also felt that they would not have time to get an access onto 10th Avenue South approved before the September 1, 2021 shovel ready date, as the process would take longer. Ms. Cooper also presented the Site Plan option that was evaluated showing an increased northern buffer along 8th Avenue South and reduced parking on the northern side of the project site - 140 parking spaces. There could be potential for patrons to park out in the neighborhood if there is less parking, and the layout of the parking lot created a dead-end so for vehicular and fire access.

Ms. Cooper presented the preferred Site Plan. The primary access will be off of 9th Avenue South. There will be two secondary access points that both align to the alleys north and south of the building. The parking lot will be 155 spaces. Six spaces will be ADA spaces and there will be bus drop off for events. There will still be a large separation between the neighborhood to the north of about 100 feet and the plan does provide continuous park land without bisecting. The parking lot will be designed to blend in with the park. Trash will be located on the south side of the building off of the alley access. There is sewer and water accessible for use. The landscaping design will be protecting twelve trees in the park. Fourteen trees will be removed and two trees will be relocated. There will be twenty five new trees planted. There is a splash pad and half-court basketball court planned for outside amenities. There will be spaces for food trucks. The swings do fall in the building area, so they will be relocated closer to the playground. There is a new restroom that is planned in the park and an update to the pavilion by the Lions Club that are not a part of the proposed project. The design team feels that it is the best overall plan to serve the community.

Dani Griebe, LPW Architecture, presented renderings of the proposed facility 1st floor plan which will be about 35,000 square feet and the 2nd floor plan which will be about 10,000 square feet. She presented some proposed parking lot views of the project and views from all sides of the proposed facility. She stated that they are currently in the Design Deliverable Phase and they are expecting to submit the full package on May 1, 2021. At that point, there will be an updated project cost estimate and the project is currently within budget.

PUBLIC QUESTIONS

Robert Alfred, 3000 Lower River Road #16, noted that his family owns the business at 2815 10th Avenue South. He wanted to know how the project will affect his business as well as the parking for customers at the businesses around his. He indicated that he had met with the City and noted that the City will probably need to put up a barrier for the existing garbage dumpster that is located in the alley that is proposed to be widened.

Lance Johnson, 2815 8th Avenue South, is concerned about traffic and parking. He stated that there are wrecks all the time in the area and that there is not one stop sign or yield sign on 29th Street South by the park. He thinks that the City should not wait to see what happens with the traffic before anything is done.

Rebecca Scott, 2819 7th Avenue South, expressed concern about traffic speed. It is already a problem now. She wanted to know about the lighting around the facility as well. She also noted that litter was a problem as well as tree vandalism. She also wanted to know who will be responsible for these issues as it has been a struggle to get problems resolved between the Lions Club and the City. Now Malmstrom Air Force Base is being put in the mix.

Burke Tyree, 2819 8th Avenue South, asked if the project was already approved for Lions Park and wanted to know if the City looked at the Opportunity Zones within the City. He stated also that the traffic is bad and needs to be looked at.

Eric Webster, 2805 8th Avenue South, asked about putting a cut across 28th Street and 10th Avenue South to alleviate some of the traffic concerns.

Doug Mahlum, 1800 Benefis Court, Peak Health and Wellness, asked how using the existing Great Falls Park District funds and bonding against it will affect the repair and maintenance of existing parks and will it be taking place.

Marty Steiner, via telephone, 515 27th Street South, asked about increase in traffic because the Benefis Women's and Children's facility is going to be right in the same area across 10th Avenue South. He wanted to know if 29th Street South could be widened into the park to accommodate the increased amount of traffic.

BOARD QUESTIONS

Tory Mills asked if there will be an opportunity for people that have opinions about the construction to voice their concerns at a later date. He also asked about the new parcel being created with the subdivision that would potentially be leased. He wanted to know if the parcel would be used for a restaurant.

Mr. Raymond responded to the Opportunity Zone question and stated that it would not have been considered for this City project primarily because of the type of benefit the Opportunity Zone represents is a benefit for private financing for private individuals. The only Opportunity Zone created is located in the downtown area of Great Falls.

Ms. Borland responded to the questions about the traffic. She stated that the traffic analysis is located in the Agenda Packet and stated that it would be put on the Park and Recreation FAQ website. The study took a look at existing traffic conditions on adjoining roads, and data was

collected by the City's Public Works Department. There are traffic generation numbers in the analysis from the consultant as well as the numbers from the ITE [Institute of Traffic Engineers] manual which were analyzed by the City's Senior Transportation Planner. In looking at the activity in the area, it was decided after all of the analysis that the streets would be able to handle the traffic increases generated by the project. There are specific guidelines recommended in the analysis such as that a 4-way stop sign may need to be installed at the intersection at 8th Avenue South and 29th Street South and the area will be monitored for that. Speed was looked at on 8th Avenue South and 28th and 29th Street South. The 85percentile speed, average speed of 85% of all vehicles, was 26 miles per hour. It should continue to be monitored though and speed limit signs can be installed in the area. On-street parking is open to the public and if there begins to be problems she asked the public to let the City know.

Jana Cooper, the landscape architect for the project, addressed the access onto 10th Avenue South and stated that they met with MDT regarding the access. MDT was adamant about not allowing any left hand turns from the property onto 10th Avenue South.

Mr. Herrig responded to Mr. Mills question about the lease property being created by the subdivision request. He stated it could be a revenue stream, but at the current time there are no plans for the commercial property. Ms. Borland stated that when something comes forward on the proposed commercial lot, they would have to go through the public process to get it zoned and approved.

Mr. Herrig addressed the lighting questions and stated that the park is currently closed at sundown. If issues are happening in the park after that, the Police Department should be notified. He stated that the facility will be open in the evenings, so that should assist with safety. He stated that there will be cameras outside the building that should deter vandalism. Lighting will be on the outside and should not spill out into the neighborhood. He stated that in regards to the bond, they are within their parameters and will still be attacking the maintenance needs in the park, but just at a lower level.

Mr. Peterson expanded on the lighting question and stated that the City does have requirements for down lighting, so it should not spill out into the neighborhood at all. He also responded to Mr. Mills question about the construction and stated that it is not the typical process to bring in citizens to talk about how a building is constructed but said that Mr. Mills could come into their office any time and talk to the design team about his ideas. He said that there would be time at the City Commission meeting as well to add any comments.

PROPONENTS

Robert Alfred, 3000 Lower River Road #16, is encouraged by the lighting and security that will be provided with the project as they have had two break-ins in their office and have people sleeping in the area under trees.

Doug Mahlum, lives in Big Fork but does have a business at 1800 Benefis Court, Peak Health and Wellness, thinks that Great Falls needed to replace the Natatorium and aging basketball

courts. He stated their main concern is making sure the project is successful and making sure that everyone in Great Falls can benefit from the project.

Ms. Borland read two emails that were received from Mr. Mahlum earlier in the day that will be attached on the website as part of the official record.

Nathan Reiff, via phone, 405 3rd Street NW Suite 203, stated that the Great Falls Development Authority supports the Conditional Use Permit and Non-Administrative plat. They feel it is a great project that will benefit the community and the neighborhood around it.

OPPONENTS

Philip Faccenda, via phone, stated that he is an architect and a property owner two blocks away from Lions Park and sees several problems with the Conditional Use Permit. He stated that it is a passive park and an asset to the neighborhood. It is the only unobstructed park of its size. He stated that the rendering can be misleading and that the building is too tall and way out of scale with the surrounding neighborhood and the surrounding commercial structures. He stated that there was not much thought given to the location and stated that it was very easy to see upon examination of USGS depth to bedrock map from 1965 that the first three sites selected for the new facility were not anywhere close to being conducive to this kind of development. The park is going to lose 14 mature trees and a third of the park area in the proposed project. In addition to the disturbance for the building, there will be two retention ponds and there will be an asphalt parking lot that is going to act like a heat sink. He is concerned because this property is on 9th Avenue South and the traffic is horrible as the street is very narrow and there will be more traffic now as people will use 9th Avenue South as a means to get to the Aquatic Center. He stated that commercial encroachment is already an issue for the neighborhood because of its proximity to 10th Avenue South, and he doesn't see how the closeness to 29th Street South with the proposed parking lot is anywhere close to being ideal. He stated that he is in favor of the Aquatics and Recreation Center, just not on the Lions Park property.

Marty Steiner, via phone, 515 27th Street South, is in support of the project, but just not at the Lion's Park location. It is a big building and with the new clinic being built across the street the traffic will be out of control. He is concerned about the safety for the children in the neighborhood and the traffic.

BOARD DISCUSSION AND ACTION

Mr. Bertelsen stated that he can appreciate neighbors' concerns as far as traffic but when you are looking at a project of this size, it is difficult to locate. He thinks Lions Park, with its size, and still being able to offer well over 50% of the park space relatively untouched, and being in proximity to 10th Avenue South, is a good compromise. The project itself lends greatly to increase the visual appeal of the park from the road and it presents a great partnership between the Department of Defense and Malmstrom Air Force Base.

Ms. Shinaberger stated that she works in the healthcare corridor and that there is quite a bit of traffic on 29th Street South headed north around 5:00 P.M. There are a lot of people that are trying to cross or turn left at the intersection onto 10th Avenue South and so it does get really congested. She would recommend that the City look into it.

MOTION: That the Zoning Commission recommend the City Commission approve the request for the Conditional Use Permit for the subject property as legally described in the Staff Report and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Mills
Second: Ms. Shinaberger

VOTE: All in favor, the motion carried

MOTION: That the Planning Advisory Board recommend the City Commission approve the Non-Administrative Plat for the subject property as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Shinaberger
Second: Mr. Pankratz

VOTE: All in favor, the motion carried

COMMUNICATIONS

Mr. Raymond stated that the first Agenda Item that was scheduled for the meeting will be scheduled for next month.

PUBLIC COMMENT

NONE.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 5:08 p.m.

CHAIRMAN

SECRETARY

Jamie Nygard

From: Jaye Johnson <jjohnson@foothillschristian.org>
Sent: Wednesday, March 17, 2021 4:24 PM
To: Jamie Nygard
Subject: CUP - Lions Park- Recreation Center

Dear Great Falls Planning Advisory Board and Zoning Commission Members,

My Name is Jaye Johnson I reside at 2815 8th Ave South. I am currently across from the swings in Lions Park that will soon become a parking lot. Over the past 25 years of living across from this beautiful park I have enjoyed watching thousands of people enjoy Lions Park literally year round. Great Falls is a wonderful City thanks to the planning of it. Our green spaces are wonderful and we have many small green spaces in the city and then we have 2 beautiful large green spaces that stand out to me, which are Gibson Park and Lions Park. With Lions Park located on a busy artery through the city. It stands out as a green oasis in the middle of banks, casinos, fast-food, grocery & drug stores.

I am against the re-zoning of Lions Park to allow for the building of a Indoor Sports and Recreation Center. If we start compromising our green spaces in the city it messes with the overall beautiful design put together when the planning of our city started. Green spaces have a purpose for recreation and they help keep the city cooler. The city should preserve these spaces for the residents of Great Falls.

Thank you for your time.

Sincerely,
Jaye Johnson
406-899-4040

Jamie Nygard

From: Doug Mahlum <dpmahlum@gmail.com>
Sent: Tuesday, March 23, 2021 9:28 AM
To: Jamie Nygard
Subject: public comment for the CUP meeting March 23, 2021
Attachments: CUP Meeting 1.pdf; CUP Meeting 2..pdf

Hello:

Please accept this into the public records for the CUP meeting March 23, 2021. There are 2 attachments, marked as CUP Meeting 1 and CUP Meeting 2. Please include both. If you need more information, or there is a problem complying with this request, please let me know, either through this email address or my mobile phone at 406-250-6388.

My address is:

850 Holt Drive

Bigfork, Montana 59911

I have had a business in Great Falls, the Peak Health and Wellness, for the past 19 years.

thank you
Doug Mahlum

--

Doug Mahlum
Montana Athletic Club
Planetary Fitness Consulting
dpmahlum@gmail.com
wk: 406-837-2582
cell: 406-250-6388

CUP Meeting for the Indoor Sports and Recreation Center
Public Comment
March 23, 2021

Where will the \$10 million the City of Great Falls has to provide, as a match to the \$10 million DCIP grant, come from?

The City of Great Falls Park and Recreation Master Plan from 2016 has been brought up as a guide for this project, but upon further investigation, questions arise: The 176 page report identified the current/future park and rec needs for the City. Included in that was a recommendation for the Capital Improvement Program that called for \$12,614,160 in **Critical Improvements** to the City Park system (see exhibit #1 - Critical Improvements).

This led to the Great Falls Park District 1 Tax Assessment, passed in 2018 (exhibit #2 - Park District Info). These funds were earmarked to be spent **ONLY** on City park maintenance and accessibility issues. The **Most Supported Actions**, from the Master Plan, showed the desire to repair aging neighborhood parks as the overwhelming need by Great Falls citizens (see exhibit #3 - Support).

The City of Great Falls has decided to take these funds, earmarked to “repair and improve” City Parks and spend the vast majority as matching funds on the Aim High Big Sky Rec Center. It does not matter if they are directly using the funds or bonding against the funds from the Assessment, they are still unusable for the required City Park maintenance. Simply put, the Great Falls City Parks have just taken a back seat to a project that was not even approved by the voting public. So, the logical question is: when do City parks finally get “Critical Improvements” and how is that paid? Another tax assessment? Any way you look at it, Great Falls residents are being taxed for a new Rec Center that they did not know about, provide input on, or approve.

Doug Mahlum
Ownership group for the Peak Health and Wellness



Exhibit #1 - Critical Improvements

1.5.8 CAPITAL IMPROVEMENTS

In order to plan and prioritize capital investments, the consulting team recommends that the Park and Recreation Department applies specific guiding principles that balances the maintenance of current assets over the development of new facilities. The departmental CIP framework is also utilized to determine and plan CIP projects and make budget decisions that are sustainable over time. These criteria (e.g., safety compliance, commitment, efficiency, revenue) and priorities are also focused on maintaining the integrity of the current infrastructure and facilities before expanding and/or enhancing programs and facilities.

The synthesis of data from this planning process indicates strong support for this concept of prioritization. Even with the indications of a modest economic turnaround, funding is not sufficient to take care of all existing assets and build new facilities.

The result is the recommendation to develop a three-tier plan that acknowledges a stark fiscal reality, leading to the continuous rebalancing of priorities and their associated expenditures. Each tier reflects different assumptions about available resources.

- The **Critical Alternative** has plans for prioritized spending within existing budget targets. The intention of this alternative is to refocus and make the most of existing resources with the primary goal being for the department to maintain services. The actions associated with the Fiscally Constrained Alternative address deferred maintenance at existing facilities and is funded through existing tax dollars.
- The **Sustainable Alternative** describes the extra services or capital improvement that should be undertaken when additional funding is available. This includes strategically enhancing existing programs, beginning new alternative programs, adding new positions, or making other strategic changes that would require additional operational or capital funding. In coordination with the City Manager's Office and City Commission, the Park and Recreation Department would evaluate and analyze potential sources of additional revenue, including but not limited to capital bond funding, partnerships, program income, grants, and existing or new taxes.
- The **Visionary Alternative** represents the complete set of services and facilities desired by the community. It is fiscally unconstrained but can help provide policy guidance by illustrating the ultimate goals of the community, and by providing a long-range look to address future needs and deficiencies. In this Master, the Vision Alternative addresses aging facilities to make improvements in operational effectiveness and the overall sustainability of the park and recreation system. Funding for vision projects would be derived from partnerships, private investments and new tax dollars.

Exhibit #1 - Critical Improvements

8.1 CRITICAL RECOMMENDATIONS - MAINTAINING WHAT WE HAVE

This section outlines the projects and estimated capital costs of each that focus on the lifecycle replacement of existing facilities and amenities.

| CAPITAL IMPROVEMENT PROGRAM | |
|---|---------------------|
| CRITICAL | |
| PARK/FACILITY | COST |
| American's Little League | \$102,575 |
| Belview Park | \$5,750 |
| Bloomington Park | \$3,950 |
| Boston Heights Park | \$114,010 |
| Carter Park | \$33,540 |
| Centene Stadium | \$2,500 |
| Charles Russel Park | \$1,020,000 |
| Chowen Springs Park | \$6,500 |
| Clara Park | \$398,520 |
| Community Hall Park-Westside Orchard Garden | \$4,600 |
| Don Olson 90ft Baseball Field | \$6,000 |
| Dudley Anderson Park | \$6,350 |
| Eagles Crossing Park | \$65,020 |
| Elks Riverside Park | \$8,000 |
| Fox Hollow Park | \$4,000 |
| Garden Home Park | \$6,000 |
| Gibson Park | \$2,935,000 |
| Grande Vista Park | \$102,575 |
| Graybill Park | \$69,900 |
| Highland Multi-Sport Complex | \$1,235,000 |
| Highland Portion - Electric City BMX Park | \$3,000 |
| Hylande Heights Park | \$85,875 |
| Jaycee Gallatin Park | \$625,000 |
| Jaycee Pool | \$100,000 |
| Kiwanis North Park | \$95,270 |
| Kiwanis West Park | \$90,000 |
| Kranz Park | \$205,510 |
| Lions Park | \$300,000 |
| Madison Park | \$7,420 |
| Mitchell Pool - Electric City Water Park | \$500,000 |
| Meadowlark Park | \$1,000 |
| Memorial Park | \$110,510 |
| Natorium | \$600,000 |
| Noah's Ark Park | \$46,170 |
| Oddfellows Park | \$205,000 |
| Overlook Park | \$114,900 |
| Pinski Park | \$457,480 |
| Rhodes Park | \$118,110 |
| River's Edge Trail | \$100,000 |
| Riverview Little League Park | \$14,900 |
| Riverview Park | \$194,790 |
| Roosevelt Park | \$110,510 |
| Sacajawea Park | \$183,300 |
| Skyline Heights Park | \$275,670 |
| Skyline Park | \$269,130 |
| Sunnyside Park | \$5,010 |
| Valleyview Park | \$390,440 |
| Verde Park | \$387,875 |
| Wadsworth Park Site Specific Master Plan | \$100,000 |
| Warden Park | \$18,000 |
| Water Tower Pool | \$50,000 |
| West Bank Park | \$445,000 |
| TOTAL | \$12,614,160 |

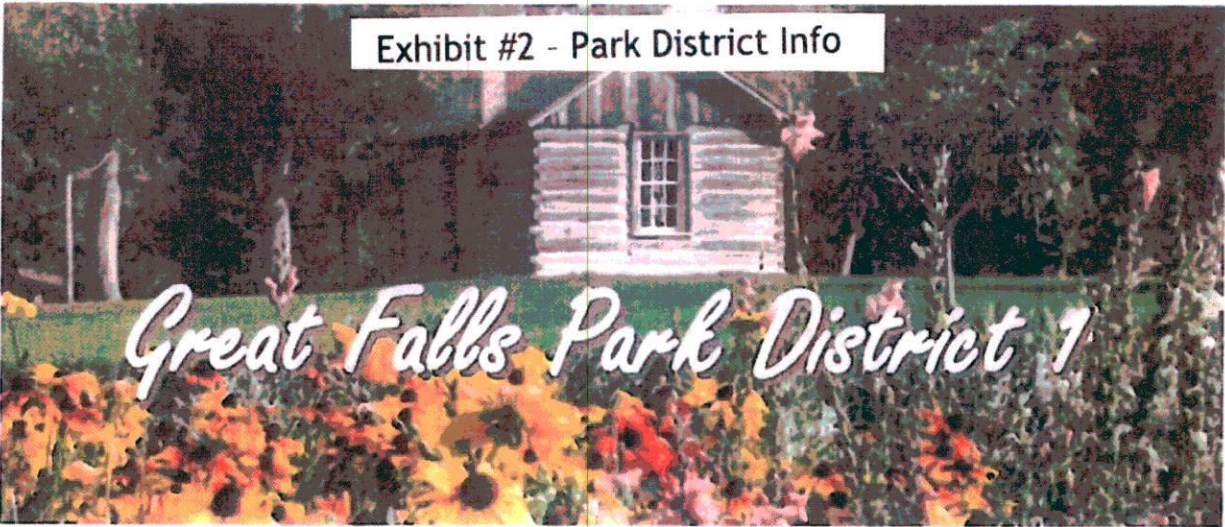
Exhibit #1 - Critical Improvements

8.2 SUSTAINABLE RECOMMENDATIONS - IMPROVING WHAT WE HAVE

Options described in this section provide the extra services or capital improvement that could be undertaken when additional funding is available to meet need(s) with a focus on enhancements to existing facilities. The following provides a summary of the sustainable options recommended by the consulting team.

| CAPITAL IMPROVEMENT PROGRAM | |
|---|--------------------|
| SUSTAINABLE | |
| PROJECT | COST |
| Convert 6 existing Tennis Courts to Pickleball Courts | \$100,000 |
| Add 5 Large Covered Picnic Shelters at the following parks: | \$500,000 |
| *Gibson Park | |
| *Grande Vista Park | |
| *Jaycee Park | |
| *Kiwanis Park | |
| *Meadowlark Park | |
| Add 2 Dog Parks at the following parks | \$150,000 |
| *Clara Park | |
| *Montana Park | |
| Develop Site Specific Master Plans for the following parks | \$350,000 |
| *Garden Home Park | |
| *Skyline Park | |
| *Wadsworth Park | |
| Conduct an Athletic Field Master Plan | \$50,000 |
| TOTAL | \$1,150,000 |

Exhibit #2 - Park District Info



On May 8, voters will be asked to consider creating a Park District to address \$12.6 million in deferred maintenance identified in the Park and Recreation Master Plan: <https://greatfallsmt.net/recreation>. If the creation of the Park District is approved by the voters, the proposed assessment amount for the District would be \$1.5 million annually for the first three years. The assessment method would be based on taxable property value. The estimated 2018 assessment for a property with a 2017 market value of \$100,000 would be \$1.91 per month.

Maintenance Problems and Consequences

- \$12.6 million in critical projects should be addressed in the next five years. Delaying maintenance increases costs of repairs and the critical projects list will continue to grow.
- Park trails, sports courts and other park facilities that deteriorate and become unsafe may be closed.
- Trees that aren't maintained create safety hazards, damage property, will become unhealthy and over time will die. Trees should be trimmed every 4-7 years and are currently being trimmed on a 30-35 year schedule.
- City parks are watered by aging and inefficient irrigation systems including manual systems that require significant staff hours and higher water usage.

Accessibility and Safety Issues

- 7 of 8 park bathrooms have ADA accessibility issues and need repairs and maintenance.
- Only 3 of 30 parks with play structures have ADA accessible sidewalks.
- 7 of 18 parks with walking trails have paths that are in poor condition including Gibson Park and Elks Riverside trails.
- 15 of 17 sports courts need repairs.
- The bath house at the Electric City Water Park needs major repairs and ADA accessibility improvements.

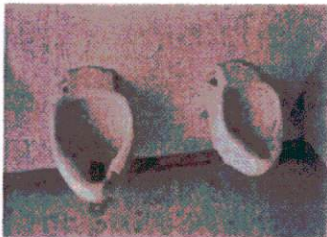


Exhibit #2 - Park District Info

What is a Park District?

A Park District is a special purpose district which would allow the City to assess funds to be used for parks, forestry and trails for capital improvements, staff and operations. Funds may also be used for maintenance and improvements to recreation and aquatics facilities; but may not be used for programming.

What will the money be spent on?

Projects planned for the first three years include, but are not limited to:

- ADA restroom improvements for various parks
- ADA sidewalks to play structures
- Electric City Water Park bath house improvements
- Replacement of Elk's Riverside Park Trail
- Overlay of Gibson Park Trail
- Resurface sports courts (basketball, tennis/pickleball)
- Multi Sports dugouts/backstops
- Picnic pavilion
- Trail improvements
- Irrigation upgrades
- Tree trimming and replacement

What happens if the Park District doesn't pass?

The Park and Recreation Master Plan identified \$12.6 million in deferred or critical maintenance projects to be completed within the next five years. Deferred maintenance will continue with eventual closures of facilities and play equipment that are deemed unsafe. There will be a significant reduction of services including mowing, watering and tree maintenance with the community parks receiving more services than neighborhood parks.

Why doesn't the City sell park land?

The one time funds from the sale of park land would do little to help offset the \$12.6 million in deferred maintenance. In addition, most of the land is not conducive for any purpose other than open space which would make it difficult to sell. Some pieces are dedicated as park land and cannot be sold. Sale of park land requires a 4/5 vote of the City Commission.

For up to date information on the Park District call 771-1265,
Monday - Friday, 8am - 5pm
or visit <https://greatfallsmt.net>

VOTE MAY 8, 2018

PARK FACTS

82%
of people use
GF parks

57
city parks

69%
of people used
GF trails last year

53
miles of
River's Edge Trail

79%
of people oppose
selling park land

36,000
trees in
boulevards and
parks

Exhibit #2 - Park District Info

Great Falls Park District 1 FAQ

- 1.) What is a park district?
 - a. **A park district is a form of local special-purpose district for providing and/or maintaining public parks and recreation in or near its geographic boundaries.**
- 2.) How much will it cost the average homeowner?
 - a. **The assessment is based on taxable value which is set by the Montana Department of Revenue. The estimated cost for homeowners is \$22.92 a year for a property with a market value of \$100,000. Residents can call the City Finance Office at 455-8477 or the Park and Recreation Office at 771-1265 for an estimate.**
- 3.) Do any other cities in Montana have park districts? If so, which ones?
 - a. **Missoula, Billings, Colstrip**
- 4.) Why does Park & Recreation need more money?
 - a. **The purpose of the Park District is to address the \$12.6 million dollars in deferred maintenance and some operational needs identified in the Park Master Plan. It is not the intent to expand the existing park system, but to maintain it.**
 - b. **The Park and Recreation Master Plan is available online at:**
<https://greatfallsmt.net/recreation>.
- 5.) Why haven't any of the undeveloped parks been developed or sold.
 - a. **Sale of all undeveloped park land would only generate approximately \$370,478; most of the property is not conducive for any purpose except open space, which would make it difficult to sell. Some pieces of park property were provided to the City as dedicated park land and therefore, could not be sold.**
 - b. **Sale of the property would relieve the city of maintenance and insuring the property, but would do little to help offset the \$12.6 million in deferred maintenance.**
- 6.) Are there any circumstances under which Park and Recreation is willing to sell existing developed or undeveloped parks?

Exhibit #2 - Park District Info

- a. Sale of park land requires a public process with community input (Montana Code 3.04.030).
- b. The final determination would be made by the City Commission and requires a 4/5 vote (Montana Code 3.04.010).
- c. In addition, there is a concern with selling park land because it would be a loss of green space that can't be replaced.

7.) There have been lots of ads on the radio about Park and Recreation lately. How much is the city paying for those ads?

- a. The radio spots that have been running on all Central Montana radio stations have been running for almost two years. There has been no cost to the City for the radio spots. According to Central Montana Radio's General Manager, they are happy to provide support to the community and Park and Recreation, and to supply this pro bono service. (In addition, prior to running these radio spots, they have run weekly psa's for Park and Recreation.)

8.) What are the alternatives if the park district is not approved.

If the District is not created, potential options to address the issues identified in the Master Plan include, but may not be limited to:

- Significant increase in general fund support.
- Continued deferral of maintenance; closure of facilities or equipment that are unsafe.
- Potential sale of City park land.
- Significant reduction of services – tiered maintenance of parks. Heavily used parks will be maintained more regularly than less used parks. Maintenance includes watering, mowing, equipment repair, and tree maintenance.
- Development of new parks would only be possible with local park assessments in subdivision covenants to include park construction and ongoing maintenance.

Date Created: March 2018



Exhibit #3 - Support

- **Most Supported Actions:** Twenty-eight percent (28%) of respondents indicated they were the most willing to fund the repair of aging neighborhood parks. Other items respondents are the most willing to fund include: improve existing trail system (29%), develop new walking and biking trails (19%), develop a new aquatic/recreation center (15%), develop an outdoor adventure area (15%), improve existing outdoor pools/water park (14%), and improve existing playgrounds (13%).

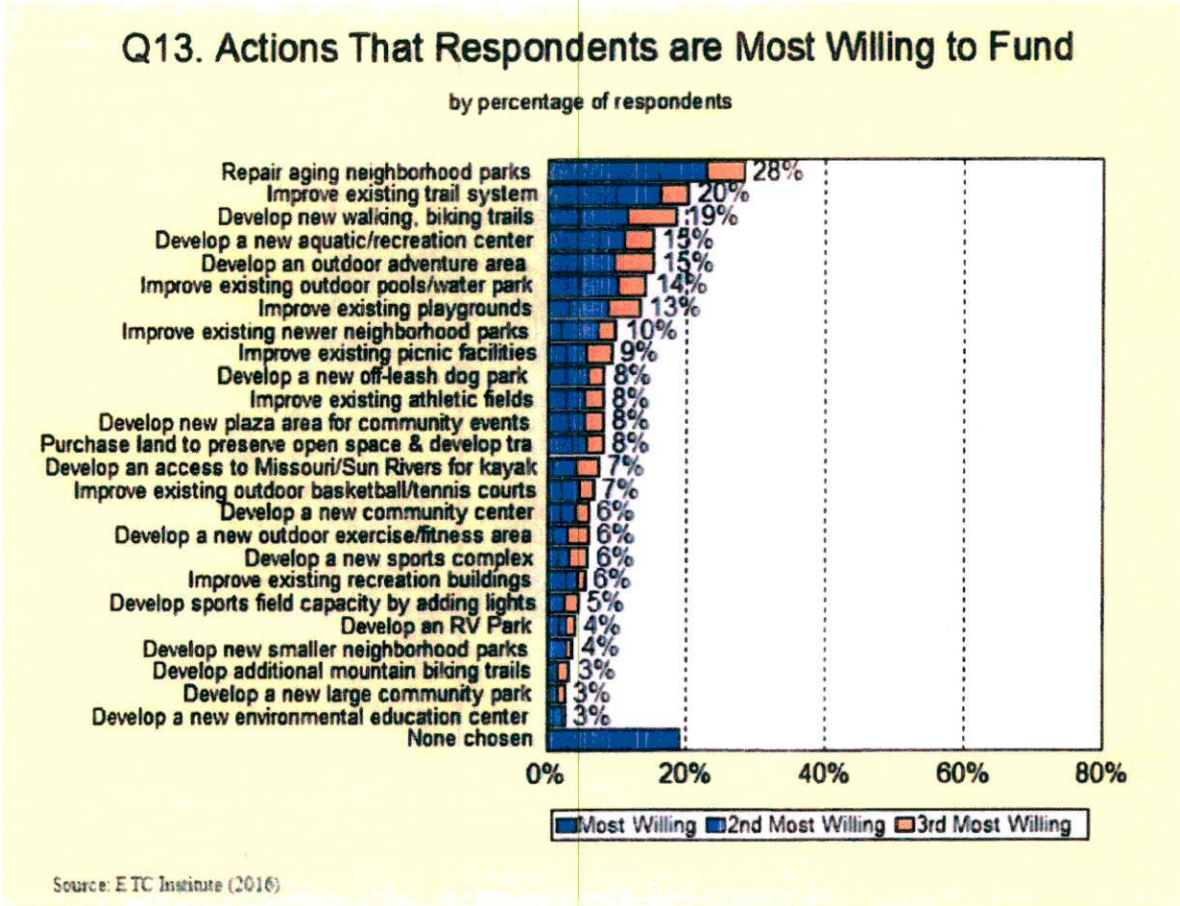


Exhibit #3 - Support

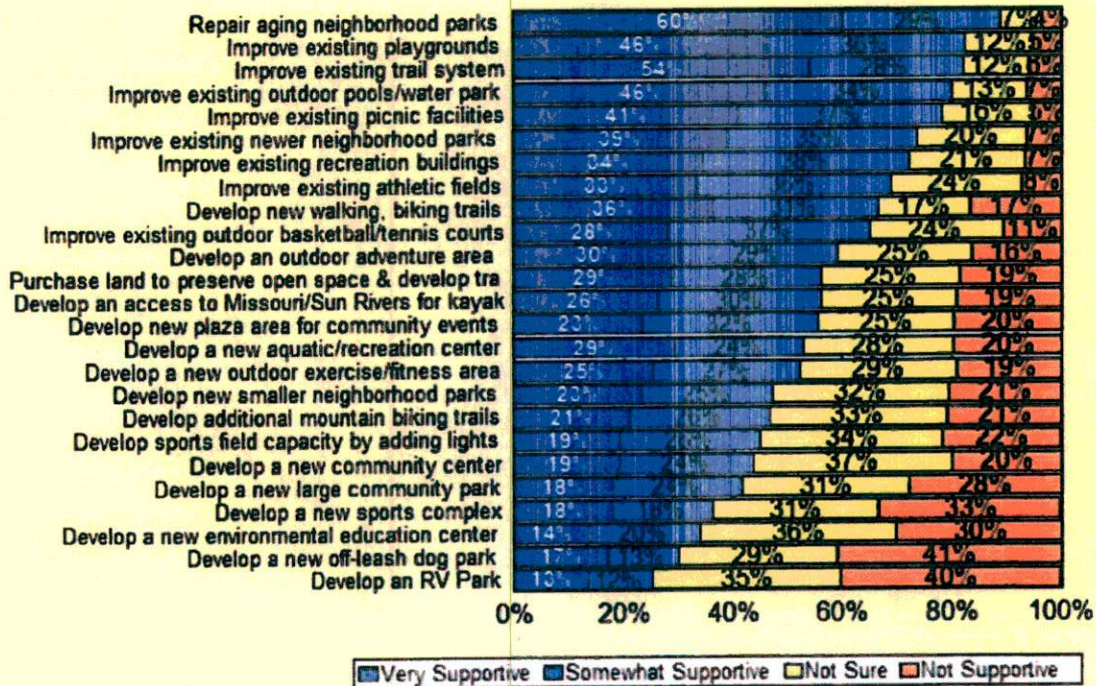
4.3.8 SUPPORT TO IMPROVE PARKS, TRAILS AND THE RECREATION SYSTEM

Respondents were asked to indicate their level of support for 25 potential actions that the City of Great Falls could take to improve the parks, trails, and recreation system.

- **Supported Actions:** Based on the percentage of respondents who indicated they were either “very supportive” or “somewhat supportive”, 89% indicated repair aging neighborhood parks. Other most supported actions include: Improve existing playgrounds (82%), improve existing trail system (82%), improve existing outdoor pools/water park (80%), and improve existing picnic facilities (78%).

Q12. Respondent Level of Support for New/Improved Parks, Trails, and Recreation System

by percentage of respondents



Source: ETC Institute (2016)

CUP Meeting for the Indoor Sports and Recreation Center

Public Comment

March 23, 2021

If I went before a Bank, Government Guarantee Program, business, or any sort of financial institution and asked for \$20 million to build an architecturally awesome Recreation Center, the very first thing they would say is:

“How will you pay for this and show us your business plan to keep it viable in the future”.

The paying for, I can understand - a \$10 million Department of Defense Grant, matched with another \$10 million achieved through a financial sleight of hand. So, you will really do not have a capital investment to pay back, but you do have to pay for the bond taken out against the Park District Tax Assessment at some point.

What I don't understand is how you plan on paying for day-to-day operations, without increasing taxes to all Great Falls residents (I have experience in this process, having run a fitness consulting business, throughout the US, for the past 30 years).

Over the previous few weeks, I have asked (as well as several of my staff) the City for the financial proforma and/or the budgetary Profit and Loss for the Aim High Big Sky Rec Center. To date, we have only received extremely vague answers and promises to answer by City. Mostly, they just ignore our questions, hoping we will go away. The closest we have come to answers is at public meetings, where some City official repeats the mantra of “We have taken the income and expenses for the Natatorium and gymnasium, then based the new Rec Center income and expenses on those numbers”. Really? The only commonality between the Nat and the Rec Center is a hole in the ground with a bit of warm pool water contained within. But even with those questions, no numbers are produced, just ambiguous statements.

I can tell you, with the utmost confidence, had I approached ANY financial institution asking for \$20 million and gave them those answers, I would be out on my ear faster that you could say “We don't give out free lunches here, buddy”.

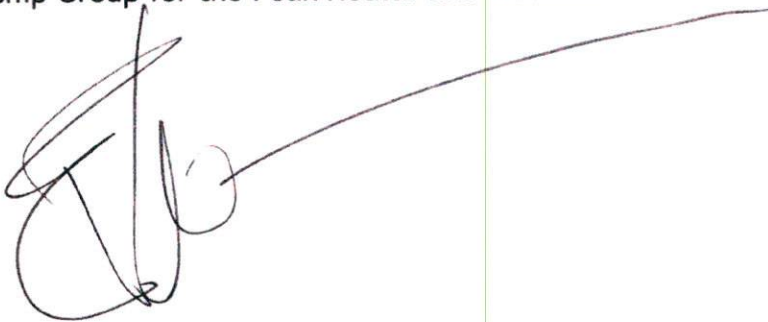
The City of Great Falls should be treated no differently. The City works for the people of Great Falls and spends the money given to them by these people. If a project pushed by the City (and NOT voted on by the people) is built, using taxpayer funds, claimed to be financially viable, and then loses vast amounts of funds - where will those funds come from? Will the City Staff and Commissioners, who aggressively promoted this project, reach into their pockets to make up the difference? Of course not - they only have the responsibility to spend your money! Their only option is to reach into YOUR pocket and makeup the shortfall with YOUR tax dollars - whether you use the facility or not! But the best part? Once built, there will be no choice at all about raising your taxes to support this facility - or you face losing your shiny new Rec

Center (and all the bonding that went with it). Starting to sound a little like the Highwood Generating Station?

The people of Great Falls deserve to see the financial details of a project they are paying for, both in construction and operation. They deserve the right to have an informed opinion on a project that may affect their lives. What they do not deserve is to have the Aim High Big Sky Rec Center shoved down their throat, because a few government officials feel it is "good for them".

So, I ask: When will full financial disclosure take place for the construction and operation of Aim High Big Sky Center be available? Remember, citizens of Great Falls, your elected officials work for YOU and owe YOU answers to these questions.

Doug Mahlum
Ownership Group for the Peak Health and Wellness

A handwritten signature in black ink, appearing to be 'DM', with a long horizontal line extending to the right from the end of the signature.

Jamie Nygard

From: Randall Knowles <knowlesmontana@juno.com>
Sent: Tuesday, March 23, 2021 2:30 PM
To: Jamie Nygard
Subject: Aquatic Park Comments

The Class Room / Party Room needs to be located near the shallowest portion of the pool; it is the smaller children who are going to hold the most parties at the pool and they often times have younger siblings... AND the party room needs to open up to the pool – no long distance area for a child to get a running start to enter or re-enter the pool... The architects have a good example of a well thought out complex located at Kamas UT

The Locker room appears to be TO Small, is there going to be adequate lockers if the entire 6th grade of any elementary school decides to hold a party? At Kamas the locker room accommodates the high school, middle school, and club swim teams PLUS the needs of day use public ...

Great Falls does will NOT get an opportunity for a do Over for a very long time ... We must steal as many good ideas as possible

It also appears that the underground spring, running down west down 9th Ave So, will run directly under the center of the building ... This spring runs all the way to Parkdale and is about 6 feet below my side walk.....

The avenue which is NOT in the traffic study is 9th Ave South, people are already accustomed to turning on 32nd for Star Bucks –which is already creating traffic congestion- and 32nd to 29th is a smooth straight shot, If people cannot buy coffee at the Center they will be buying it at Star Bucks ...

I think the Child watch area should be closer to the pool so these customers can see the action in the poolrandy

– Randall Gene Knowles, 3017 Ninth Avenue South, Great Falls, MT 59405-3421 voice, cell, & text **406-799-1547 KnowlesMontana@Juno.com**

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- **Soldiers Held at Gunpoint While Moving Vaccines**
- **Senator on Biden's \$3T Plan: 'We Need to Get It Done'**

Jamie Nygard

From: Randall Knowles <knowlesmontana@juno.com>
Sent: Tuesday, March 23, 2021 4:33 PM
To: Jamie Nygard
Subject: Auquatic Center

I called the number in the Agenda and WAS NOT allowed to speak?? I redialed and still no Luck...

For traffic We need to look at 32nd street and 30th street off of 10th ave so. 32nd is already a mess due to Star Bucks

On 32nd street we need to look at 9th and 8th ave south - these are long smooth blocks which encourage speeding

I am not excited about more signage to clutter up the view

There will NOT be any view to the South or East of the building due to existing buildings and the geography of 9th Ave so.

Pam & Bob Alfred's business obstructs the view of the water slide of east flowing 10th ave so Therefore NOT a big deal...

- **Provide public comments via email. Comments may be sent via email before 12:00 PM on Tue 2021, to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the sub include the name and address of the commenter. Written communication received by that time with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration agenda item and before final vote on the matter; and, will be so noted in the official record of t**
- **Call-in. The public may call in during specific public comment periods at 406-761-4786. All cal queued system and are asked to remain on hold and be patient. Calls will be taken in the order received. Callers will be restricted to customary time limits. This is a pilot service to test the fea: expanded public participation by phone. We ask for your patience in the event there are techni**

OPENING MEETING

1. Call to Order - 3:00 P.M.

– Randall Gene Knowles, 3017 Ninth Avenue South, Great Falls, MT 59405-3421 voice, cell, & text **406-799-1547 KnowlesMontana@Juno.com**

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Jamie Nygard

From: Randall Knowles <knowlesmontana@juno.com>
Sent: Tuesday, March 23, 2021 4:42 PM
To: Jamie Nygard
Subject: Knowles Proponents comments

Phone number did not work again;



**Planning Advisory Board/Zoning Commission Agenda
 2 Park Drive South, Great Falls, MT
 Gibson Room, Civic Center
 March 23, 2021 3:00 PM**

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

- Planning Advisory Board/Zoning Commission members and City staff will attend the meeting via a remote location, using a virtual meeting method.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public comment will be taken during the meeting. Public participation is welcome in the following ways:
 - Attend in person. Refrain from attending in person if you are not feeling well. The City will require social distancing at the meeting, and may limit the number of persons in the Gibson Room according to applicable health guidelines.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, March 23, 2021, to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
 - Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.

OPENING MEETING

– Randall Gene Knowles, 3017 Ninth Avenue South, Great Falls, MT 59405-3421 voice, cell, & text **406-799-1547** KnowlesMontana@Juno.com

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Commission Meeting Date: April 20, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10403, Rescinding Resolution 10341

From: Sara R. Sexe, City Attorney

Initiated By: Legal Department

Presented By: Sara R. Sexe, City Attorney

Action Requested: City Commission adopt Resolution 10403.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10403.”

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

Staff Recommendation: Staff recommends that the City Commission adopt Resolution 10403, rescinding Resolution 10341.

Background: A State of Emergency was declared in the incorporated City limits of Great Falls on March 19, 2020, by the principal executive officer for the City of Great Falls pursuant to Mont. Code Ann. 10-3-402. The City Commission adopted Resolution 10341 on March 23, 2020 authorizing the City Manager to waive enforcement of City Ordinances as necessary to effectively address the emergency. Issued Executive Orders are summarized below and full orders are posted on the City’s website at: <https://greatfallsmt.net/citymanager/executive-orders-response-covid-19>. Summaries of these are:

Executive Order 2020-1

Order suspending enforcement of Sections 10.9.030, 10.9.040 and 17.20.6.060, and related provisions of the Official Code of the City of Great Falls (OCCGF) pertaining to parking and residing in recreational vehicles.

Executive Order 2020-2

Order suspending general enforcement of sections of the Official Code of the City of Great Falls (OCCGF) which conflict with the Governor's Stay Home Directive, and suspending enforcement of OCCGF 8.2.220, 13.2.070, and related provisions pertaining to utility billing.

Executive Order 2020-3

Order suspending multi-animal permit and multiple animal hobby breeder permit inspections pursuant to the Official Code of the City of Great Falls (OCCGF) Section 6.1.090, and related provisions.

Executive Order 2020-4

Order enforcing the Governor's Directive Implementing Executive Orders 2-2020 And 3-2020 And Providing Guidance For The Phased Reopening Of Montana And Establishing Conditions For Phase One, suspend enforcement of any provisions of the Official Code of the City of Great Falls, (OCCGF) which are contrary to such Directive, and suspension of late fees for certificates and permits.

Executive Order 2020-5

Order suspending general enforcement of portions of Resolution 10312, setting fees for the Mansfield Center for the Performing Arts, which consists of the Mansfield Theater, Mansfield Convention Center and meeting rooms by allowing a 25% reduction in room rental fees from June 1, 2020 through August 31, 2020.

Executive Order 2020-6

Order amending Executive Order 2020-1 by reinstating enforcement of the Official Code of the City of Great Falls (OCCGF) § 10.9.030 and 10.9.040, and all other OCCGF provisions related to metered and timed parking spaces in the Downtown Parking District. All other provisions of Executive Order 2020-1 remain in effect.

On January 13, 2021, the Montana Governor rescinded Executive Orders declaring that a statewide emergency runs concurrent to the President of the United States' emergency declaration, and the Cascade City County Health Department also adopted Revised COVID-19 Control Measures on January 20, 2021. The need for the City Manager's immediate emergency powers under Resolution 10341 and §7-34-4101 appears to have been reduced, and the inability to convene a quorum of the City Commission has been diminished.

Issued Administrative Orders 6-20, 7-20, 8-20 and 9-20 related to employee travel and quarantines will also be rescinded by the City Manager. Summaries of these are:

Administrative Order 6-20

Order limiting non-essential work related travel in/or out of state during the State of Emergency.

Administrative Order 7-20

Order related to Montana Governor Steve Bullock's Directive Implementing Executive Orders 2-2020 and 3-2020 providing mandatory quarantine for certain travelers arriving from another state or country requirement to provide notification of travel to supervisor and department director.

Administrative Order 8-20

Order Related to COVID-19 Phase One Reopening issued on April 24, 2020 regarding the mandatory self-quarantines and required notifications as set forth in Administrative Order 7-20 being relaxed.

Administrative Order 9-20

Order removing mandatory self-quarantines and required notifications set forth in Administrative Orders 7-20 and 8-20 effective June 1, 2020.

The City Manager continues to have the authority to declare an emergency under the provisions of MCA §10-3-402, and the City Manager's Emergency Proclamation and Order, dated March 19, 2020, continues to be in place. If approved, Resolution 10403 will rescind the additional powers delineated in Resolution 10341 and §7-34-4101. The City Manager, as dictated by the City Charter, is the supervisory head of employees. If Resolution 10403 is approved, the City Manager will rescind the Executive and Administrative Orders listed above which have the effect of suspending enforcement of various City operations. The City Manager will continue to act in the public interest as set forth under law.

Fiscal Impact: None.

Alternatives: Not adopt Resolution 10403 and leave the City Manager's emergency authority in place.

Concurrences:

Administration

Attachments/Exhibits:

Resolution 10403

RESOLUTION NO. 10403

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, RESCINDING RESOLUTION 10341

WHEREAS, a pandemic of the Coronavirus Disease (“COVID-19”) occurred across the United States and over the globe; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic that is controllable via precautionary measures to stop the spread of the disease; and

WHEREAS, the Governor of the State of Montana declared a State of Emergency on March 12, 2020; and

WHEREAS, the President of the United States declared the COVID-19 disease a pandemic of sufficient severity and magnitude to warrant an emergency declaration, on March 13, 2020; and

WHEREAS, MCA §7-34-4101, permits the City Commission to “do all other acts which may be necessary for the promotion of health, and to prevent the spread of infectious or contagious diseases” within the City; and

WHEREAS, the Great Falls City Commission adopted Resolution 10341 on March 23, 2020 authorizing the City Manager to waive enforcement of City Ordinances and take other actions as were necessary to effectively address the emergency; and

WHEREAS, the City undertook reasonable precautions and the City Commission and the City Manager worked together to timely address issues resulting from the pandemic to slow the spread of COVID-19 and protect vulnerable City citizens, including but not limited to the issuance of Executive and Administrative Orders in response to the emergency; and

WHEREAS, on January 13, 2021, the Montana Governor rescinded Montana Executive Orders 2-2020 and 3-2020 and issued Executive Order 2-2021, declaring that a

statewide emergency runs concurrent to the emergency declaration of the President of the United States; and

WHEREAS, the Cascade City County Health Department adopted Revised COVID-19 Control Measures on January 20, 2021, based upon the Governor’s Executive Order 2-2021; and

WHEREAS, the need for the City Manager’s immediate emergency powers under Resolution 10341 appears to have been reduced by the precautions and actions taken for the continuation of essential and necessary governmental services; and

WHEREAS, the need for the actions delineated in Resolution 10341 appears to have diminished, as the City’s actions and the response to the pandemic have decreased the possibility that the emergency may create an inability to convene a quorum of the City Commission, either completely or in a timely manner; and

WHEREAS, the City Commission and City Manager will continue to maintain and continue governmental services during the pandemic.

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

Section 1. The authority of the City Manager to declare an emergency is based on MCA §10-3-402;

Section 2. The City Manager’s Emergency Proclamation and Order, dated March 19, 2020, continues to be hereby affirmed.

Section 3. The powers which were delineated in Resolution 10341 as those in addition to the authority granted to the City Manager by §7-34-4101, are hereby rescinded and the City Commission and City Manager will continue to act in the public interest as set forth under law.

PASSED AND ADOPTED, by the City Commission of the City of Great Falls,
Montana, this 20th day of April, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk
City Clerk

(SEAL OF THE CITY)

APPROVED TO AS FORM:

Sara R. Sexe, City Attorney