



**City Commission Agenda**  
**Civic Center 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**October 3, 2017**

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**PROCLAMATIONS**

Down Syndrome Awareness Month

**PETITIONS AND COMMUNICATIONS**

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

1. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

2. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

3. Miscellaneous reports and announcements from Boards and Commissions.
4. Appointment and reappointments, Parking Advisory Commission.
5. Reappointments, Board of Adjustment/Appeals.

**CITY MANAGER**

6. Miscellaneous reports and announcements from the 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.*

7. Minutes, September 19, 2017, City Commission Meeting.
8. Total Expenditures of \$2,711,284 for the period of September 1, 2017 through September 20, 2017, to include claims over \$5,000, in the amount of \$2,491,112.
9. Contracts List.
10. Lien Releases List.
11. Award a contract in the amount of \$54,373.80 to Geranios Enterprises LLC., for the Miscellaneous Drainage Improvements NW Side Alleys Phase 1, and authorize the City Manager to execute the construction contract documents.

12. Award a contract in the amount of \$114,998.90 to CIP Construction Technologies, Inc. for the West Bank Sanitary Sewer Manhole Lining, and authorize the City Manager to execute the construction contract documents.
13. Approve Improvement Deferral Agreement with SSG WP, LLC. for Westwood Addition, Block 1, Lot 2.
14. Approve or deny a Professional Services Agreement with CTA Group for architectural and engineering design services for the Civic Center Façade in a total amount not to exceed \$494,060.

**Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote**

## **PUBLIC HEARINGS**

15. Res. 10201, Lease agreement with the Great Falls International Airport Authority (GFIAA) for property located at 3015 Airport Drive, currently housing the Emergency Operations Center and to grant the GFIAA a Quit Claim Deed on property.  
Action: Conduct a public hearing and adopt or deny Res. 10201. ***(Presented by: Sara Sexe)***
16. Res. 10202, Donation of used fire equipment to the Town of Neihart for use by Neihart Volunteer Fire Department. Action: Conduct a public hearing and adopt or deny Res. 10202. ***(Presented by Stephen Hester)***
17. Res. 10206, Resolution approving the Application for the New and Expanding Industry Tax Benefit for Montana Egg LLC. for the expansion of Egg Processing Facility.  
Action: Conduct and public hearing and adopt or deny Res. 10206. ***(Presented by Craig Raymond)***
18. Res. 10209: A Resolution Approving a Conditional Use Permit to Allow Establishment of a “Contractor Type II” Land Use Upon a Parcel of Land Addressed as 600 2nd Street South. Action: Conduct public hearing and adopt or deny Res. 10209. ***(Presented by Craig Raymond)***
19. Ord. 3169, An Ordinance Repealing and Replacing Title 2, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Administration and Personnel Provisions. Action: Conduct public hearing and adopt or deny Ord. 3169. ***(Presented by Sara Sexe)***

## **OLD BUSINESS**

## **NEW BUSINESS**

20. TIF Application for Wayfinding Signage Project in the Downtown Urban Renewal District. Action: Approve or not approve the expenditure of Tax Increment Financing funds in the amount of \$25,000 for the development of a Wayfinding Signage Plan.  
***(Presented by Craig Raymond)***

## **ORDINANCES/RESOLUTIONS**

21. Res. 10210 –A Resolution in Support of a Grant Application to the Big Sky Trust Fund for a Wayfinding Signage Project in the Downtown Urban Renewal District. Action: Adopt or deny Res. 10210. ***(Presented by Craig Raymond)***
22. Ord. 3168, Repealing and Replacing Title 5, Of The Official Code Of The City Of

Great Falls (OCCGF), Pertaining To Business Licenses, Permits, and Safety Inspection Certificates. Action: Accept or not accept Ord. 3168 on first reading and set the public hearing for October 17, 2017. ***(Presented by Sara Sexe)***

23. Ord. 3171, An Ordinance Establishing Title 4, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Telecommunication Facilities. Action: Accept or not accept Ord. 3171 on first reading and set the public hearing for October 17, 2017. ***(Presented by Sara Sexe)***
24. Ord. 3172, An Ordinance Amending Chapters 30, 35, and 40, Of Title 15 Of The Official Code Of the City of Great Falls (OCCGF), Pertaining to Certain Business and Contracting Licenses. Action: Accept or not accept Ord. 3172 on first reading and set public hearing for October 17, 2017. ***(Presented by Sara Sexe)***

## **CITY COMMISSION**

25. Miscellaneous reports and announcements from the City Commission.
26. Commission Initiatives.

## **ADJOURNMENT**

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



**Item:** Appointment and Reappointments, Parking Advisory Commission

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint one member to the Parking Advisory Commission for a partial term beginning October 3, 2017 through April 30, 2019 and Reappoint two members for three-year terms through April 30, 2020.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ to the Parking Advisory Commission for the remainder of a three-year term beginning October 3, 2017 through April 30, 2019 and reappoint Dave Snuggs and William Mintsiveris to three-year terms through April 30, 2020.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission appoint Kellie Pierce and reappoint Dave Snuggs and William Mintsiveris to the Parking Advisory Commission.

**Summary:**

The Parking Advisory Commission is comprised of five members appointed by the City Commission. The Commission advises the City Commission, City Manager, and Planning and Community Development Staff on matters related to parking issues within the Parking Districts.

David Campbell has served two full terms with his final term expiring on April 30, 2016. He is not eligible for reappointment and the City has been advertising and seeking interest for positions since 2016. Mr. Campbell has continued to serve on the Commission due to various other vacancies. The terms for Dave Snuggs and William Mintsiveris expired on April 30, 2017. During the Parking Advisory Commission meeting on September 21, 2017 both expressed interest in serving additional terms. If appointed they would be reappointed for their first full three-year term. The Commission also recommended appointing Kellie Pierce to fill Mr. Campbell's seat.



Advertisement for several vacancies for this Commission have been posted on the City's Website and through local media. The City has received an application from Kellie Pierce on September 12, 2017.

<b>Parking Advisory Commission members</b>	<b>Term</b>
Dave Snuggs	2/2/16 -- 4/30/17
William Mintsiveris	2/2/16 -- 4/30/17
Charles Fulcher	10/6/09 -- 4/30/16
David Campbell	10/6/09 -- 4/30/16
Katie Hanning	8/15/17 -- 4/30/19

**Alternatives:**

1. The Commission could chose not to appoint the current applicant and continue the seek other interested applicants.
2. Not reappoint current members for additional terms and continue to seek other interested applicants.

**Concurrences:**

During the Parking Advisory Commission Meeting on September 21, 2017 the Board expressed support with appointing Kellie Pierce and reappointing Mr. Snuggs and Mr. Mintsiveris.

ATTACHMENTS:

- Kellie Pierce Application



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

RECEIVED

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

SEP 12 2017

Board/Commission Applying For: <i>Parking Advisory Commission</i>		Date of Application: <i>9/12/17</i> <b>CITY MANAGER</b>
Name: <i>Kellie Pierce</i>		
Home Address: <i>208 22nd Ave NW GF</i>		Email address: <i>info@downtowngreatfalls.net</i>
Home Phone: <i>N/A</i>	Work Phone: <i>453-6151</i>	Cell Phone: <i>406 581-2979</i>
Occupation: <i>Marketing/Non-profit</i>	Employer: <i>Downtown Great falls Assoc.</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>As the director of operations for the DGFA I work directly with business owners in the downtown parking districts. Board experience as well.</i>		
Educational Background: <i>Bachelors Degree in Business Management</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>Vice Chair on the Downtown Development Partnership Board member of the Great falls Community Foundation Boy scout Den leader</i>		
Previous and current public experience (elective or appointive): <i>None</i>		
Membership in other community organizations: <i>Active leader of Downtown Chicks</i>		

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

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

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

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

Previously listed (no City boards)

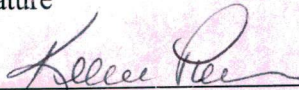
Please describe your interest in serving on this board/commission?

As an active member in the downtown business community I am frequently asked about the parking situation & I feel that I should be more informed & involved.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I currently work under the direction of a board, as well as serving on several boards (currently & past) I understand processes and procedures.

Additional comments:

Signature



Date:

9/12/17

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

**Return this form to:**

City Manager's Office  
P.O. Box 5021  
Great Falls, MT 59403

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net



**Item:** Reappointments, Board of Adjustment/Appeals

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Reappoint two members to the Board of Adjustment/Appeals

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission reappoint Jule Stuver and Kyle Palagi to the Board of Adjustment/Appeals for three-year terms through September 30, 2020.”

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

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**Staff Recommendation:**

It is recommended that the City Commission consider reappointing Jule Stuver and Kyle Palagi to the Board of Adjustment/Appeals for three-year terms through September 30, 2020.

**Summary:**

Mr. Stuver was appointed to the Board of Adjustment/Appeals for his first full three-year term on October 7, 2014 and Mr. Palagi was appointed for a partial term on April 19, 2016. The terms for both members expired on September 30, 2017. They would both like to continue serving as Board members.

Although Resolution 10059, states that the City does not need to advertise for the positions if members are interested in serving and are in good standing with the Board; the City did advertise to provide other interested parties the opportunity to apply. The advertisement closed on September 22, 2017 with no additional applications.

**Background:**

The Board of Adjustment/Appeals consists of five members appointed by the City Commission. The Board hears and decides appeals regarding zoning, housing, and building codes and ordinances; hears



and decides, requests for variances from standards set forth in zoning ordinances; hears and decides all other matters referred to the Board regarding zoning, housing, and building ordinances. Members serve three-year terms and, per Municipal Code, must reside within the City limits.

The International Building Code requires the Board of Adjustment's membership to be qualified by experience and training to pass on matters pertaining to building construction. The International Mechanical Code requires the Board of Adjustment's membership to include registered design professionals with structural engineering, electrical engineering, and architectural experience.

Continuing members of this board are:

David Saenz	1/19/16 – 9/30/18
Krista Smith	9/15/15 – 9/30/19
David J. Carlson	5/17/16 – 9/30/18

Members interested in Reappointment are:

Jule Stuver	10/7/14 – 9/30/17
Kyle Palagi	4/19/16 – 9/30/17

**Alternatives:**

The Commission could choose not to reappoint and readvertise to seek other citizen interest for the vacancies.



**Item:** Minutes, September 19, 2017, Commission Meeting

**From:** Darcy Dea, Deputy City Clerk

**Initiated By:** Darcy Dea, Deputy City Clerk

**Presented By:** Darcy Dea, Deputy City Clerk

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ATTACHMENTS:

- ▢ DRAFT Minutes, September 19, 2017

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Bob Jones, Bill Bronson, Tracy Houck and Fred Burow. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon commented that a proclamation for Vets4Vets Month was added to the agenda after original posting. No additional changes were proposed by the City Manager or City Commission. The agenda was approved.

**PROCLAMATION:** Commissioner Jones read Vets4Vets Proclamation.

**\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. \*\***

**PETITIONS AND COMMUNICATIONS****1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Richard Liebert**, 289 Boston Coulee Road, announced that the opening ceremony for Vets4Vets Stand Down is September 28<sup>th</sup> and September 29<sup>th</sup> at the Montana Expo Park. Mr. Liebert commended the Commission for their letter of support with regard to Charlottesville, Virginia. He further commented that he would like to see the City join with the Climate Paris Accord. Mr. Liebert concluded that the Cascade Conservation District is waiting to hear news regarding the Federal Emergency Management Agency (FEMA).

**Jeni Dodd**, 3245 8<sup>th</sup> Avenue North, commented she is angry about feeling discriminated against in Great Falls, and she opined that the Commission rubber stamps appointees to Advisory Boards and business contracts.

Mayor Kelly responded that businesses that do business with the City are an open and transparent situation and the City Commission talks about those processes during Commission meetings.

**NEIGHBORHOOD COUNCILS****2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS & COMMISSIONS****3. APPOINTMENTS, GREAT FALLS PLANNING ADVOSORY BOARD.**

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission appoint Patrick Sullivan to the remainder of a three-year term ending on December 31, 2017, to the Great Falls Planning Advisory Board.

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

Jeni Dodd, 3245 8<sup>th</sup> Avenue North, expressed concern with regard to the vagueness of the applicant's experiences on the application. She further opined that she was discriminated against by Mr. Sullivan and Commissioner Houck with regard to the Out West Art Show.

Commissioner Bronson responded that Mr. Sullivan's application was vetted by the Planning Advisory Board. The Planning Advisory Board made this recommendation.

Patrick Sullivan, 2912 2<sup>nd</sup> Avenue North, thanked the Commission for its consideration of his appointment. He reported that he did work for the Arvon project over a year ago. The Out West Art Foundation is a 501(c)3 non-profit and his job was helping all of the artists in the show.

Commissioner Houck clarified that she has not been involved with the Out West Art Show for the last couple of years. She had no authority over the organization.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

There were no miscellaneous reports and announcements from members of boards and commissions.

**CITY MANAGER****5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Doyon reported that he had attended the grand opening of the Montana Egg facility. City Manager Doyon congratulated the Hutterite Colonies for making an investment in the City.

Park and Recreation Director interviews for three candidates will be conducted on September 21<sup>st</sup> and September 22<sup>nd</sup>.



City Manager Doyon reported that he had two conference calls with the Association of Defense Communities with regard to the National Defense Authorization Act as well as a Base Realignment And Closure (BRAC). City Manager Doyon further reported that a BRAC was removed from the budget authority for the military, and explained that another run at a BRAC would be in 2019 in order for a BRAC to occur in 2021.

City Manager Doyon reported that the Annual City Audit is underway. He further reported that Human Resource Manager Gaye McInerney was his guest on the KGPR radio program, Great Falls Today.

City Manager Doyon as well as other City Staff attended a Webinar through the International City Manager's Association (ICMA) with regards to maintaining your best boards. A highlight of the Webinar was the challenge to get citizens to fill vacancies on Boards and Commissions.

There was a second session with Montana Public Employees Association (MPEA) with regard to labor negotiations, and he further mentioned that there would hopefully be a draft agreement to bring to the Commission in November.

#### **CONSENT AGENDA.**

6. Minutes, September 5, 2017, Commission meeting.
7. Total Expenditures of \$3,577,767 for the period of August 15, 2017 through September 6, 2017, to include claims over \$5,000, in the amount of \$3,157,425.
8. Contracts list.
9. Award a contract in the amount of \$113,498.00 to Phillips Construction, LLC. for the 3<sup>rd</sup> Avenue Southwest Lift Station #18 Force Main Replacement, and authorize the City Manager to execute the construction contract documents. **OF 1695.4**
10. Approve the purchase of one new 2018 AT237S cab, chassis, utility body and aerial lift truck for \$108,765 from Altec Industries, Inc., through NJPA (National Joint Powers Alliance).
11. Approve final payment for the 36<sup>th</sup> Avenue NE Improvements Phase 2 in the amount of \$45,228.19 to United Materials of Great Falls, Inc. and \$456.85 to the State of Montana Miscellaneous Tax Division and authorize the City Manager to execute the necessary documents and make the payments. **OF 1622.2**
12. Set a public hearing on Resolution 10206, Resolution approving the Application for the New and Expanding Industry Tax Benefit for Montana Egg LLC. For the expansion of Egg Processing Facility for October 3, 2017.

13. Set a public hearing on Resolution 10207, fixing the rates of Safety Inspection Certificate Fees in Title 5 of the Official Code of the City of Great Falls (OCCGF) for October 17, 2017.

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

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

Motion carried 5-0.

### **PUBLIC HEARINGS**

14. **RESOLUTION 10205, 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.**

Planning and Community Development Director Craig Raymond reported the agenda item is to conduct a public hearing regarding Resolution 10205 which provides for amending the fee schedule associated with the downtown parking program.

In December 2014, the City's Parking Advisory Commission brought forward several recommendations for funding strategies for the parking system. At the time, the City Commission elected to only implement some of the scheduled rate increases, preferring to re-evaluate after a period of time the effect of the increases, and whether additional increases would even be necessary. Although the Parking Advisory Commission has brought forth several recommendations for system improvements and policy changes, it has not completed a comprehensive budget assessment.

Based on the most recent budget performance reports, there is not sufficient revenue to cover deferred maintenance and fund needed facility improvements. Particularly in light of the exit of a large anchor tenant from the downtown. Based on research of other large Montana cities, Great Falls rate structure is significantly cheaper than any other city.

Planning and Community Development Director Raymond reported that Resolution 10205 addresses the original recommendation brought to the Commission in 2014 in order to marginally provide for some of the necessary funds while the Parking Advisory Commission and staff complete the budgetary review. It should be anticipated that additional revenue generating will be required.

Resolution 10205 also provides flexibility for the City Manager to execute agreements which may be negotiated that will incentivize either bulk or group discounts for customers who pre-pay for their parking leases for a year or more. The desired effect is that the parking program may be able to increase usage with incentive programs.

One additional element included in Resolution 10205 is recognition of the Pedlet program. Planning and Community Development Director Raymond further explained that a Pedlet is where a business owner temporarily consumes parking spots to construct an outdoor dining or

café space or pedestrian pathway around an outdoor café space. Staff is requesting the City Commission to approve a fee structure for the temporary lease of parking spaces when a Pedlet is constructed within the downtown parking district.

Mayor Kelly declared the public hearing open.

No one spoke in support of Resolution 10205.

Speaking in opposition to Resolution 10205 were:

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed opposition with regard to the proposed \$5.00 per month parking garage increase.

**Jeff Patterson**, 2213 Grape Court, commented that he is a business owner downtown and his business pays for employee parking lot spaces as a benefit. For business owners downtown that don't pay for employee parking, their employees have to pay with after tax dollars. He suggested the Commission consider ways to raise revenue and do it in a pre-tax way if at all possible.

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

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10205 establishing the rates, fees, and penalties associated with Title 10 of the Official Code of the City of Great Falls pertaining to the City's parking system.**

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

Commissioner Jones commented that he is disappointed that there was not more public input, and further mentioned that there needs to be more discussion, as well as Community Development would need to look at ways to save money.

Commissioner Burow concurred with Commissioner Jones. Commissioner Burow commented that the Parking program is not a revenue generator for the City. He further noted that the situation is a tough balancing act, and wanted more community involvement.

Commissioner Bronson reported that he received more information and data about the proposal since the last meeting. Commissioner Bronson commented that he has reservations with regard to supporting Resolution 10205. Commissioner Bronson further expressed support with waiting to have the study completed by SP Plus, as well as seeing what direction the Parking Commission will take.

Commissioner Houck commented that some citizens are excited about something being done with the deferred maintenance.

Mayor Kelly expressed appreciation to Planning and Community Development for its efforts with regard to revenue increases.

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

Motion carried 4-1. Commissioner Bronson dissenting.

### OLD BUSINESS

### NEW BUSINESS

### ORDINANCES/RESOLUTIONS

15. **ORDINANCE 3169, REPEALING AND REPLACING TITLE 2 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ADMINISTRATION AND PERSONNEL PROVISIONS.**

City Attorney Sara Sexe reported Ordinance 3169 would repeal and replace the Official Code of the City of Great Falls (OCCGF) Title 2, pertaining to Administration and Personnel. City Attorney Sexe explained that the vast majority of the amendments are non-substantive. She reported that repealing the Youth Council, requiring all members of City boards, commissions, committees and councils to be City residents, as well as renaming the Fiscal Services Department were three substantive proposed changes. Ordinance 3169 proposes several changes to the Code of Ethics, and would establish an Ethics Committee.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3169 on first reading and set public hearing for October 3, 2017.**

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

**Owen Robinson**, 1029 17<sup>th</sup> Avenue SW, received clarification that the residency requirements for County appointees on the Airport Authority Board are not the same as City appointees.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, received clarification that there are separate Ordinances that deal with qualifications of the Municipal Court Judge.

Commissioner Bronson received clarification that Ordinance 3169 would require that any future Commission appointees to the Airport Authority Board would have to be a City resident.

Commissioner Bronson commented that the Ethics Committee should have to provide something in writing as to their decisions. City Attorney Sexe responded that the decisions made would be subject to the rules for open meetings.

Commissioner Burow expressed support with regard to requiring City appointees of the Airport Authority Board to be City residents.

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

Motion carried 5-0.

**16. RESOLUTION 10167, ESTABLISHING TRAINING REQUIREMENTS FOR ALL MEMBERS OF CITY BOARDS, COMMITTEES, COMMISSIONS, AND COUNCILS.**

City Attorney Sara Sexe reported that at the September 5, 2017 City Commission Work Session, staff presented proposed revisions to the Official Code of the City of Great Falls (OCCGF) Title 2, pertaining to personnel and administration.

At that meeting Commissioner Burow suggested that the City establish a requirement for training. Staff agrees that training done by staff or outside entities would be appropriate.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10167.**

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

Motion carried 5-0.

**17. RESOLUTION 10189, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT (BID).**

Fiscal Services Director Melissa Kinzler reported that the Business Improvement District (BID) was originally created in 1989, renewed in 1999 and re-created for a third term in 2009, each for periods of ten years by petition of the property owners within the District. The BID's overall purpose is to improve and revitalize the downtown area by utilizing and directing the assessment dollars collected through the BID tax assessment.

On July 18, 2017 the BID presented a proposed work plan and budget to the City Commission which was adopted by the City Commission.

The actual assessment for 2017/2018 based on the assessment formula will generate approximately \$246,000 in assessment revenue.

Staff recommends the City Commission adopt Resolution 10189 to levy and assess properties within the Business Improvement District (BID).

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10189.**

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

**John Hubbard**, 615 7<sup>th</sup> Avenue South, received clarification that the increase was requested by property owners in the district, and that the increase is paid for by the property owner's taxes.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

18. **RESOLUTION 10190, TO LEVY AND ASSESS PROPERTIES WITHING THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).**

Fiscal Services Director Melissa Kinzler reported that the Tourism Business Improvement District (TBID) was established in 2008 for a period of 10 years. Its overall purpose is to utilize assessments through the TBID tax assessment and direct those monies for the purpose of promoting tourism, conventions, trade shows and travel to the City of Great Falls.

The TBID presented a proposed work plan and budget to the City Commission. The City Commission adopted the Fiscal Year 2017/2018 Work Plan and Budget for the TBID.

The assessment amount requested by the TBID through their work plan and budget was \$400,000. The actual assessment for Fiscal Year 2017/2018 will generate \$389,882 in assessment revenue. The reduction of \$10,118 in this year's assessment revenue is attributed to decreased lodging during the assessment time frame.

Staff recommends the City Commission adopt Resolution 10190 to levy and assess properties within the Tourism Business Improvement District (TBID).

**Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10190.**

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

Motion carried 5-0.

**CITY COMMISSION**

19. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Bronson reported that he attended the Interim Legislative Committee with regard to dealing with revenue and transportation affairs. Commissioner Bronson further explained that the Committee will be reviewing and considering the issue of Tax Increment Financing (TIF).

Mayor Kelly reported that he had a meeting with the Governor, his Chief of Staff, the Lieutenant Governor, as well as other Mayors. Mayor Kelly further reported that the Governor discussed that there would be a further reduction of \$220,000,000 in the State's budget. The local Legislators will be in Helena on October 4<sup>th</sup> to give feedback to the Legislative Committees to work for the betterment of the state.

20. COMMISSION INITIATIVES.

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly adjourned the regular meeting of September 19, 2017, at 8:15 p.m.**

Motion carried 5-0.

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

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

Minutes Approved: October 3, 2017

DRAFT



**Item:** Total Expenditures of \$2,711,284 for the period of September 1, 2017 through September 20, 2017, to include claims over \$5,000, in the amount of \$2,491,112.

**From:** Fiscal Services

**Initiated By:** City Commission

**Presented By:** Melissa Kinzler, Fiscal Services Director

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ATTACHMENTS:

- 5000 Report





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

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
**[www.greatfallsmt.net/fiscalservices/check-register-fund](http://www.greatfallsmt.net/fiscalservices/check-register-fund)**

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

ACCOUNTS PAYABLE CHECK RUNS FROM SEPTEMBER 7, 2017 - SEPTEMBER 20, 2017	2,670,744.03
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 1, 2017 - SEPTEMBER 14, 2017	40,540.00
<b>TOTAL: \$</b>	<b>2,711,284.03</b>

**GENERAL FUND**

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**MUNICIPAL COURT**

DIS TECHNOLOGIES	SCANNING OF CITATIONS	5,328.72
TARUM LAW OFFICE & SHAUNA LAMEY	RESOLUTION OF DISPUTED CLAIM	6,013.68

**POLICE**

MOTOROLA INC	PORTABLE RADIOS	99,979.26
ARMSCOR CARTRIDGE INC	AMMO FOR GFPD	6,777.00

**SPECIAL REVENUE FUND**

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**LIGHTING DISTRICT**

CONSOLIDATED ELECTRICAL DIST	GLOBE POLE ASSY	7,174.00
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**POLICE SPECIAL REVENUE**

ROCKY MOUNTAIN UNMANNED SYSTEMS	CAMERA AND LENS FOR UAS PD	6,019.00
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**STREET DISTRICT**

GREAT FALLS SAND AND GRAVEL	ASPHALTIC CONCRETE	39,189.93
UNITED MATERIALS OF GREAT FALLS	OF 1641.1 13TH ST S RECONSTRUCTION (SPLIT AMONG FUNDS)	79,959.34

**SPECIAL REVENUE FUND (CONTINUED)**

KUGLIN CONSTRUCTION	OF 1700.1 2016 CDBG ADA HANDICAP RAMP FINAL(SPLIT AMONG FUNDS)	1,114.49
MTRE INC	OF 1679.4 19TH STREET/5TH AVE S CURB (SPLIT AMONG FUNDS)	20,262.77
KUGLIN CONSTRUCTION	OF 1697.2 HANDICAP RAMPS PHASE 2 3RD AVE S - 46TH ST S TO 57TH ST S (SPLIT AMONG FUNDS)	49,297.71
<b>FEDERAL BLOCK GRANTS</b>		
WADSWORTH BUILDERS COMPANY	NATATORIUM INTERIOR DOORS AND LOUVERS REPLACEMENT	13,124.20
<b>PERMITS</b>		
CITY MOTOR CO INC	2018 CHEVY EQUINOX LS	23,900.00
<b>ENTERPRISE FUNDS</b>		
<b>WATER</b>		
WILLIAMS CIVIL CONSTRUCTION	OF 1718 BEECH DR AND CHERRY DRIVE WATER MAIN REPLACEMENT	183,968.53
WILLIAMS CIVIL CONSTRUCTION	OF 1571.1 4TH AVE N WATER MAIN REPLACEMENT 15TH TO 27TH ST	59,995.90
UNITED MATERIALS OF GREAT FALLS	OF 1716 8TH AVE N WATER MAIN REPLACEMENT 18TH ST THRU 32ND ST & 34TH ST	206,805.12
BLACK & VEATCH CORPORATION	OF 1519.6 WTP IMP PH 1	97,460.83
EJ CARPENTRY LLC	OF 1455.6 PW BUILD FAC PLAN (SPLIT AMONG FUNDS)	4,701.82
ED BOLAND CONSTRUCTION INC	OF 1625.2 GORE HILL TANK REPL	228,273.46
<b>SEWER</b>		
EJ CARPENTRY LLC	OF 1455.6 PW BUILD FAC PLAN (SPLIT AMONG FUNDS)	71,280.00
<b>STORM DRAIN</b>		
EJ CARPENTRY LLC	OF 1455.6 PW BUILD FAC PLAN (SPLIT AMONG FUNDS)	4,356.53
KUGLIN CONSTRUCTION	OF 1700.1 2016 CDBG ADA HANDICAP RAMP FINAL(SPLIT AMONG FUNDS)	3,960.00
MTRE INC	OF 1679.4 19TH STREET/5TH AVE CURB (SPLIT AMONG FUNDS)	3,000.00
KUGLIN CONSTRUCTION	OF 1697.2 HANDICAP RAMPS PHASE 2 3RD AVE S - 46TH ST S TO 57TH ST S (SPLIT AMONG FUNDS)	6,395.40
<b>PARKING</b>		
STANDARD PARKING CORPORATION	JULY & AUGUST 2017 COMPENSATION	57,248.82

**ENTERPRISE FUNDS (CONTINUED)**

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**GOLF COURSES**

JOHNSON DISTRIBUTING	2017 CLUB CAR FLEET	74,742.00
K & N ELECTRIC MOTORS INC	PUMP REPAIR ANACONDA	5,069.00

**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

LEIF ASSOCIATES INC	ACTUARIAL SERVICES GASB 45 VALUATION	6,500.00
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**INFORMATION TECHNOLOGY**

DELL MARKETING	30 OPTIPLEX 3050 SFF FOR ERS REPLACEMENT	22,777.50
ZUERCHER TECHNOLOGIES, LLC	SOFTWARE SUITE 30 PERCENT	122,784.70

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	FUEL-DIESEL	31,894.18
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	35,871.56
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	46,689.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,024.75
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	53,327.51
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	66,560.51
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	127,820.19
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	14,412.93
US BANK	FEDERAL TAXES, FICA & MEDICARE	218,707.04
AFLAC	EMPLOYEE CONTRIBUTIONS	11,498.04
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,346.34

**CASTLE PINES TRUST**

UNITED MATERIALS OF GREAT FALLS	OF 1641.1 13TH ST S RECONSTRUCTION (SPLIT AMONG FUNDS)	115,063.45
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**UTILITY BILLS**

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ENERGY WEST RESOURCES INC	AUGUST 2017 MONTHLY CHARGES	7,320.14
NORTHWESTERN ENERGY	AUGUST 2017 SLD CHARGES	9,080.17
NORTHWESTERN ENERGY	TRANSMISSION CHARGES FOR JUNE 2017	11,430.46
MONTANA WASTE SYSTEMS INC	AUGUST 2017 MONTHLY CHARGES	79,995.12
TALEN TREASURE STATE	AUGUST 2017 MONTHLY CHARGES	122,611.20

<b>CLAIMS OVER \$5000 TOTAL:</b>		<b>\$ <u>2,491,112.30</u></b>
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**Item:** Contracts List

**From:** Darcy Dea, Deputy City Clerk

**Initiated By:** Various City Staff

**Presented By:** Darcy Dea, Deputy City Clerk

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ATTACHMENTS:

- ▢ Contracts List

CITY OF GREAT FALLS, MONTANA

AGENDA: 9

COMMUNICATION TO THE CITY COMMISSION

DATE: October 3, 2017

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

**PRESENTED BY:** Darcy Dea, Deputy 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
<b>A</b>	Planning and Community Development	United Materials	10/03/2017-01/01/2018	\$40,000	Public Works Construction Agreement for Civic Center parking area crack seal <b>OF 1525.4</b>
<b>B</b>	Planning and Community	AT Klemens	10/03/2017-01/01/2018	\$21,271	Agreement for Convention Center flex duct repair

	Development				
<b>C</b>	Information Technology/Engineering	GPD PC Consulting Engineers	10/03/2017-06/01/2018	\$6,000	Professional Services Agreement to provide electrical design and construction management for HVAC system at Great Falls Civic Center <b>OF 1690.2</b>
<b>D</b>	Park and Recreation	Electric City BMX Association	01/01/2018-12/31/2021	Jan. 1, 2018 = \$201.59 Jan. 1, 2019 = \$207.64 Jan. 1, 2020 = \$213.87 Jan. 1, 2021 = \$220.29	Use Agreement for a portion of Highland Park, located in the City of Great Falls at 1021 21 <sup>st</sup> Avenue South for the purpose of conducting a BMX (Moto cross) racing program
<b>E</b>	Fiscal Services	New World, a Tyler erp solution	9/11/2017-12/09/2017	\$2,550	Asset Management Training Quote number: QUO-24165-G4N8S9
<b>F</b>	Fiscal Services	New World, a Tyler erp solution	09/11/2017-12/09/2017	\$2,550	New World Governmental Accounting Standards Board (GASB) Training Quote number: QUO-22985-S8XOP6
<b>G</b>	Mansfield Theater Concessions Agreement	Pegasus LLC	09/01/2017-08/31/2019	Pay City 20% of its gross sales for each event.	Ratification of Mansfield Theater Concessions Agreement for concessionaire services to all scheduled events identified by City



**Item:** Lien Releases List

**From:** Darcy Dea, Deputy City Clerk

**Initiated By:** Various City Staff

**Presented By:** Darcy Dea, Deputy City Clerk

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ATTACHMENTS:

- ▢ Lien Releases List

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

**AGENDA: 10  
DATE: October 3, 2017**

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

**PRESENTED BY:** Darcy Dea, Deputy City Clerk

**ACTION REQUESTED:** Ratification of Lien Releases through the Consent Agenda

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**LIEN RELEASES**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Fiscal Services	Shannon Wadsworth	Current	2520.31.531.43590	\$200	Partial Release of Resolution #9280 for Levying and Assessing the Cost of Removal and Disposal of Nuisance Weeds at Lot 8-10, Block 2, Finlays Supp to Prospect Park Addition, Parcel # 2015100





**Item:** Miscellaneous Drainage Improvements NW Side Alleys Phase 1, Office File 1666.3

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Consider Bids and Approve Contract for Office File 1666.3

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$54,373.80 to Geranios Enterprises LLC., for the Miscellaneous Drainage Improvements NW Side Alleys Phase 1, and authorize the City Manager to execute the construction contract documents."

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

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**Staff Recommendation:**

Approve construction contract award.

**Summary:**

This project was initiated to reduce storm water ponding issues along 4th Alley Northwest between Vaughn Road and 15th Street Northwest. Flat grades and low areas in the alley have created ponding issues throughout the alley. Some areas of ponding have depths of 6-inches or more.

**Background:**

Workload Impacts:

Design phase engineering and plans and specifications were completed by the City Engineering staff with assistance from City Street Division and Utilities. City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The primary objective of this project is to provide adequate drainage and reduce storm water ponding in

the alley.

Project Work Scope:

Work to be performed under this contract includes the following: Approximately 440-feet of 12-inch SDR 35 PVC storm pipe; approximately 20 lineal feet of integral concrete curb and gutter; two 24-inch storm drain riser inlets; one 5 foot diameter manhole; and 200 square feet of sod.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune. Five bids were received on September 20, 2017 with the bids ranging between \$54,373.80 and \$78,960.00. Geranios Enterprises LLC., submitted the low bid.

Conclusion:

City staff recommends awarding the contract to Geranios Enterprises LLC., in the amount of \$54,373.80.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. City storm drain funding will be used to fund this project.

**Alternatives:**

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

ATTACHMENTS:

- Bid Tab

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

BID TABULATION SUMMARY

OFFICE FILE 1666.3  
 MISC. DRAINAGE IMP NW SIDE ALLEYS PHASE I

BIDS TAKEN AT CIVIC CENTER

DATE: 20-SEP-17

TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	BOLAND CONSTRUCTION PO BOX 7107 GREAT FALLS, MT 59406	N/A	N/A				DID NOT BID
2	PHILLIPS CONSTRUCTION 2607 9TH AVENUE NW GREAT FALLS, MT 59404	N/A	N/A	√	√	√	\$67,948.00
3	KUGLIN CONSTRUCTION P.O. BOX 491 BLACK EAGLE, MT 59414	N/A	N/A	√	√	√	\$69,550.00
4	CENTRAL PLUMBING 3701 RIVER DRIVE NORTH GREAT FALLS, MT 59405	N/A	N/A	√	√	√	\$76,545.00
5	GERANIOS ENTERPRISES PO BOX 2543 GREAT FALLS, MT 59403	N/A	N/A	√	√	√	\$54,373.80
6	M&D CONSTRUCTION PO BOX 2728 GREAT FALLS, MT 59403	N/A	N/A	√	√	√	\$78,960.00
7							
8							
9							
10							



**Item:** Construction Contract Award: West Bank Sanitary Sewer Manhole Lining, O.F. 1695.6

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

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

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (award/not award) a contract in the amount of \$114,998.90 to CIP Construction Technologies, Inc. for the West Bank Sanitary Sewer Manhole Lining, and authorize the City Manager to execute the construction contract documents.”

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

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**Staff Recommendation:**

Approve construction contract award.

**Background:**

Significant Impacts

Eighteen manholes in the West Bank Park area that are part of the sanitary sewer collection system's west interceptor line have experienced significant deterioration caused by microbiologically induced corrosion (MIC). The primary cause for the MIC are sulfur reducing bacteria that thrive in these anaerobic sewer conditions and produce H<sub>2</sub>S gas that corrodes the exposed concrete in the system. These sewer pipes were protected by a pipe lining project 6 years ago, leaving the manholes as the only unprotected system component. Lining these manholes will restore their structural integrity and protect the entire system from further damage caused by MIC.

Citizen Participation

A portion of the work will be conducted in West Bank Park and may require brief detours for pedestrian and bike traffic along the River's Edge Trail. One manhole is located in Central Avenue West, and will require a lane closure for completion.

### Workload Impacts

City engineering staff prepared plans and specifications, and will provide construction phase engineering services and project inspection.

### Project Work Scope

This project will clean, patch and completely line 235 vertical feet in 18 manholes using a liner designed to prevent corrosion experienced in high H2S environments.

### Evaluation and Selection Process

One bid was received from CIP Construction Technologies, Inc. and opened on September 20, 2017. The bid provided was in the amount of \$114,998.90. Allied Trenchless and Big Sky Development purchased plans, but did not return bids.

### Conclusion

City Staff recommends awarding the construction contract to CIP Construction Technologies, Inc. in the amount of \$114,998.90.

### **Fiscal Impact:**

The attached bid tabulation summarizes the one bid that was received. This project will be funded through the Sewer Capital Fund.

### **Alternatives:**

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

### ATTACHMENTS:

- OF 1695.6 Bid Tab

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

BID TABULATION SUMMARY  
 OFFICE FILE 1695.6  
 WEST BANK SS MANHOLE LINING

BIDS TAKEN AT CIVIC CENTER  
 DATE: 20-SEP-17  
 TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	CIP CONST. TECHNOLOGIES 134 1ST AVENUE WEST KALISPELL, MT 59901	√	√	√	√	√	\$114,998.90
2	BIG SKY DEVELOPMENT 10063 N NAVION DRIVE HAYDEN, ID 83835						DID NOT BID
3	ALLIED TRENCHLESS 246 WEST MANSON HWY #124 CHELAN, WA 98816						DID NOT BID
4							
5							
6							
7							
8							
9							
10							



**Item:** Improvement Deferral Agreement for Westwood Addition, Block 1, Lot 2, located in the Section 2, T20N, R3E, P.M. Cascade County, MT.

**From:** Erin Borland, Planner II, Planning and Community Development

**Initiated By:** SSG WP, LLC

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

**Action Requested:** City Commission approve the Improvement Deferral Agreement for deferred improvements for the subject property.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/deny) the Improvement Deferral Agreement for Westwood Addition, Block 1, Lot 2."

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

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**Staff Recommendation:**

Staff recommends approval of the Improvement Deferral Agreement for deferred improvements for the subject property.

**Summary:**

The Owner has been issued a permit to construct a new 10,055 square foot Ulta Beauty building and related improvements as an addition to the existing shopping center. 17.32.310 of the Official Code of the City of Great Falls (OCCGF) requires a sidewalk to be installed along the entire property frontage of 14th Ave NW. 17.44.1.030 of the OCCGF also requires boulevard trees to be installed along the entire frontage of 14th Ave NW prior to the issuance of a Certificate of Occupancy, unless an improvement agreement is filed and accepted by the City.

The owner has requested that the City defer the sidewalk improvement, as well as the boulevard tree requirement, along 14th Ave NW since there are no sidewalks and trees installed on the adjacent properties.

The owner is willing to construct the improvements if sidewalk and boulevard trees are installed on the

adjacent properties in the future as outlined in the attached agreement. Per 17.68.040 of the OCCGF this agreement is authorized.

There are three reasons why staff supports this deferral: 1) lack of nearby sidewalk and boulevard trees, 2) the fact that 14th Ave NW is actually on the rear of the property behind the shopping center, and 3) Ulta Beauty would only be one of three tenants on the property, which means that sidewalk and tree installation creates an unexpected burden on the owner and adjoining tenants.

**Fiscal Impact:**

There are no fiscal impacts to the City in conjunction with this agreement.

**Alternatives:**

The City Commission may, in its discretion, deny this agreement and require SSG WP, LLC to construct full improvements as stipulated by code.

**Concurrences:**

Representatives from the City's Public Works Department have been involved throughout the review of this agreement.

ATTACHMENTS:

- ▢ Improvement Deferral Agreement
- ▢ Exhibit A
- ▢ Exhibit B
- ▢ Exhibit C



**IMPROVEMENT DEFERRAL AGREEMENT FOR ULTA DEVELOPMENT PROJECT  
AT WESTWOOD PLAZA**

This IMPROVEMENT DEFERRAL AGREEMENT (the “Agreement”) is made and entered into this \_\_\_ day of October 2017, by and between the City of Great Falls, a Montana municipal corporation (the “City”), and SSG WP, LLC (the “Owner”) for real property comprising Lot 2, Block 1 of Westwood Addition No. 2, located in Section 2, Township 20 North, Range 3 East, P.M. MT, Cascade County, Montana (the “Property”). The date written above shall be the date of the parties’ mutual execution on this Agreement.

**RECITALS**

WHEREAS, execution of this Agreement is authorized by 17.68.040, et seq. of the Official Code of the City of Great Falls (the “OCCGF”);

WHEREAS, the Owner has been issued a permit to construct a new 10,055 square foot Ulta building and related improvements as an addition to the existing shopping center on the Property (the “Development”);

WHEREAS, 17.44.2.040 of the OCCGF requires boulevard trees to be installed along the Property immediately adjacent to 14th Ave NW (the “Improvement Area”), which Improvement Area is generally depicted on the Site Plan attached hereto as **Exhibit A**;

WHEREAS, 17.32.210 of the OCCGF requires a sidewalk to be installed along the Improvement Area;

WHEREAS, both the Owner and City acknowledge that sidewalks and boulevard trees are missing along significant portions of 14th Ave NW, including properties immediately north, east and west;

WHEREAS, the Owner has requested that the City defer the sidewalk improvement and the boulevard trees along 14th Ave NW because such improvements were not required for the previous project located on the property and because nearby properties do not contain these same public improvements;

WHEREAS, the Owner is willing to construct sidewalk and plant boulevard trees along 14th Ave NW in the future if development on adjacent property results in sidewalk and boulevard trees being installed on the adjacent properties (the “Adjacent Properties”), which Adjacent Properties are generally depicted on **Exhibit B** hereto;

WHEREAS, the parties desire to set forth when and how Owner shall construct or install the these future improvements for the Development; identify those required improvements by incorporating the approved plans, specifications and standards for the Development into this Agreement, when such plans, specifications, and standards are prepared; provide for the inspection of the required improvements before they are accepted by the City; and establish how necessary changes in the plans upon which this Agreement is based will be submitted for review and approval by the City; and

WHEREAS, the building permit for the Development was approved by the Great Falls Planning and Community Development Department on March 20, 2017, including the lot shown on the site plan **Exhibit A**, and the adjoining rights-of-way within which improvements will be made.

Now, therefore, the parties hereto agree as follows:

## **AGREEMENT**

**Section 1.** *The Property.* The Property is shown on the site plan in **Exhibit A**.

A. *Zoning.* The Property is zoned General Commercial (“C-2”) pursuant to the Zoning Map and Land Development Code.

**Section 2.** *The Development.* The Development is for the use of Lot 2 as an Ulta Store which is proposed as an expansion of the shopping center known as Westwood Plaza with landscaping, fixtures and associated improvements on these lots as required by Building Permit # 2017-00000256 and attached hereto as **Exhibit C**, and incorporated by reference, as such approval may be amended in the future.

**Section 3.** *Definitions.* As used in this Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in 17.8.120 of the OCCGF, except:

A. “Administrator” shall mean the City Manager or his or her designee.

B. “Certificate of Occupancy” shall mean either a certificate issued after inspections by the City authorizing the Owner to use a specified building, or the final inspection if a formal certificate is not issued. Certificate of Occupancy does not include a temporary certificate or authorization allowing limited occupancy of the building for purposes of stocking and preparation but not including occupancy by the general public.

**Section 4.** *Development is a Private Undertaking.* It is agreed among the parties that the Development is a private development and that the City has no interest therein except as authorized in the exercise of its governmental public duty function.

**Section 5.** *Development Under this Agreement.* The Development will be developed under the jurisdiction of the City pursuant to the terms of this Agreement.

**Section 6.** *Vested Rights.* This Agreement creates a vested right that protects the Development, and the Owner, from any changes in the OCCGF and all other applicable development regulations, plans and policies that may occur during development, including but not limited to, the Growth Policy, Zoning Map, Land Development Code, the Stormwater Drainage Design Manual, Water Master Plan, Long-Range Transportation Plan, and the Southeast Great Falls Wastewater Master Plan. During the term of this Agreement, unless sooner terminated in accordance with the terms hereof, in developing the Property consistent with the Development described herein, the Owner is assured, and the City agrees, that the development rights, obligations, terms, and conditions specified in this Agreement, are fully vested in the Owner and may not be changed or modified by the City, except as expressly consented by the

Owner. Changes to the Development that are proposed after the City issues a Certificate of Occupancy for the Development must comply with the then current OCCGF, unless such changes are approved pursuant to **Section 8** below.

**Section 7. *Deferred Public Improvements.*** The deferred public improvements along 14th Ave NW, shall consist of boulevard trees and a sidewalk along Lot 2, of similar nature to those same public tree and sidewalk improvements made, or to be made, upon the Adjacent Properties. This Agreement shall not require construction of these improvements prior to the Development's Certificate of Occupancy associated with Building Permit # 2017-00000256 or prior to the development of the Adjacent Properties. However, the City reserves the right, at its discretion, to require these improvements in the future if, and when, sidewalk and boulevard trees are required for development on the Adjacent Properties. If required, these improvements must be executed in compliance with the standards of the OCCGF, be installed by the Owner or by the City at the Owner's expense, and owned and maintained by the Owner. The future boulevard tree and sidewalk improvements that are required for compliance with the OCCGF and this Agreement are shown on **Exhibit A**.

**Section 8. *Plan and Permit Modifications.*** The City recognizes that minor modifications are often necessary as construction proceeds and the Administrator is hereby authorized to permit minor modifications to the approved final plans, as provided below in this Section. Such modifications shall not require an amendment to this Agreement:

**A. *Revised Plans.*** Before making changes, the Owner must submit revised plans to the Administrator for review. Failure to provide revised plans sets before the proposed change is made, is a breach of this Agreement and a violation of the OCCGF. The Administrator shall review the revised plans and make a determination as to the nature of the requested modification within fifteen (15) days from receipt subject to the following standards:

**i. *Dimensional Changes.*** The Administrator may permit minor dimensional changes provided that they do not result in a violation of the Agreement for this Development or the applicable development standards pursuant to the OCCGF as outlined herein or qualify as a Substantial Change pursuant to **Section 8.B**.

**ii. *Public Works Changes.*** The Administrator may, after consultation with and approval of the City Engineer, permit changes in the location and specifications of the required public improvements.

**B. *Substantial Change.*** Substantial changes are not permitted by this Agreement. Any change that is not a substantial change shall be deemed a minor change. For the purposes of this subsection, a "Substantial Change" shall include a change to the:

**i.** Approved use as provided for in the Permit;

- ii. Location or extent of the area proposed to be cleared, graded or otherwise disturbed for Building Permit # 2017-00000256 by more than seven and one-half (7.5) percent of the square footage of the Property;
- iii. Location, extent or design of any of the required public improvements as provided for in **Section 7**, except where a minor change is approved as provided for in **Section 8A**;
- iv. Number of lots, buildings, or structures, as provided for in the Building Permit; or
- v. Size of any lot, building or structure by more than ten (10) percent of the gross floor area.

**Section 9.** *Security for Public Improvements.* If, and when, the public improvements are required by the City pursuant to the terms of **Section 7** of the Agreement, the Owner shall provide the City with either cash in escrow, a performance bond, an irrevocable letter of credit, or another form of security mutually acceptable to Owner and the Administrator in an amount equal to one hundred thirty-five (135) percent of the costs of the public improvements. This will allow the City to contract for and complete the improvements if the Owner fails to do so. The security shall be returned or released upon acceptance of the required improvements and issuance of a Certificate of Approval for the Development, except that a portion of the required security will be retained by the City during the warranty period for the required public improvements, as described in **Section 10**.

**Section 10.** *Warranties.* If the public improvements are required by the City pursuant to the terms of **Section 7** of this Agreement, the Owner shall be responsible for the repair or replacement of any faults in the materials or workmanship of the required public improvements installed that will be maintained by the City for a period of two years, from the date those improvements are accepted for maintenance by the City (“Warranty Period”). This warranty shall be enforced by the City, retaining 10% of the security required by **Section 9** for the Warranty Period. At the conclusion of the Warranty Period, the City shall release the remaining sums. The City shall provide notice to the Owner pursuant to **Section 23** of this Agreement within thirty (30) days of the conclusion of the Warranty Period to facilitate the timely return of any sum due.

**Section 11.** *Site Conditions.* Pursuant to OCCGF 17.68.040, the Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including but not limited to flooding and expansive soils, that may affect the installation of improvements on the site and that the plans submitted account for all such conditions. The Owner indemnifies, defends and holds the City harmless for natural conditions and for any faults in its own assessment of those conditions.

**Section 12.** *Inspections.* Under this Agreement, the City will perform inspections of the property and improvements, provide approvals or Certificates of Occupancy, and review plans for compliance with applicable regulations and/or laws. However, in doing so, the City is not providing a substantive review of the plans, property and/or improvements, the City is only

performing a general public duty and does not assume any specific duty to Owner or third parties. The City's review, approvals, and/or inspections are not an endorsement of the plan or construction. Owner is exclusively responsible for ensuring that its plans and construction comply with applicable regulations and/or laws. Owner must rely on its own experts as to the sufficiency of the development or individual properties therein. Neither the Owner nor any third party may rely upon the City's limited review or approval anticipated herein.

**Section 13.** *Release and Indemnification.* The Owner indemnifies, defends, releases and holds harmless the City, and its officials, officers, agents, servants and employees, against any loss or damage to property or any injury to or death of any person arising out of or resulting from the construction, installation, operation, ownership or maintenance of the project or which is proximately caused by the Owner, its agents, officers, and/or assigns; provided that the indemnity shall not apply if and to the extent such loss or damage is caused by the gross negligence or willful misconduct of the City, its agents or employees.

**Section 14.** *Terms of Agreement.* The terms of this Agreement, including but not limited to the vesting described in **Section 6**, shall apply in perpetuity unless (i) the public improvements specified in **Section 7** are required by the City and have been executed satisfactorily by the Owner, or (ii) unless a Replacement Agreement is executed to the satisfaction of both parties.

**Section 15.** *Execution of Agreement.* The Administrator's signature on this Agreement shall follow within eighty-five (85) days of the City Commission's final action on the Approvals. This Agreement shall automatically terminate in the event the Agreement is not signed by the City within such time period.

**Section 16.** *Default.*

**A.** *Cures Taking More than Thirty Days.* No party shall be in default under this Agreement unless it has failed to perform, as required under this Agreement, for a period of thirty (30) days after written notice of default from the other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may necessarily be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably be cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure.

**B.** *Rights of the City.* The Owner acknowledges that failure to install the improvements required in **Section 7** of this Agreement, in accordance with the approved plans, is a breach and may void this Agreement, if the Owner fails to cure consistent with this Agreement. In the event that the City is not in default under this Agreement, the City shall have all rights and remedies provided by law or equity, including but not limited to, those provided in the OCCGF (including penalties) and specific performance.

**C.** *No Third-Party Beneficiaries.* This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

**Section 17.** *Covenants Running with the Land, Easements.* This Agreement and the approvals by the City, on which it is based, run with the land. This Agreement applies to any

party to whom that land is conveyed by any means, in whole or in part, and is binding on them as if they were the Owner who has signed below. To the extent that the public improvements are to be located on the private property, the Developer will grant to the City from time to time such easements, rights-of-way and similar licenses the City may reasonably request.

**Section 18.** *Termination.* This Agreement shall terminate only in accordance with the terms hereof, or if the Owner's obligations in connection therewith are satisfied as determined by the City. Upon termination of this Agreement, the City shall record a notice of such in a form satisfactory to both parties that the Agreement has been terminated.

**Section 19.** *Assignment and Assumption.* The Owner shall have the right to sell, assign, or transfer this Agreement with all its rights, title, and interests therein to any person, firm, corporation, or other entity at any time during the term of this Agreement. The Owner shall provide the City with written notice of any intent to sell, assign, or transfer all, or a portion of, the Property, at least thirty (30) days in advance of such action.

**Section 20.** *Releases.* The Owner and any subsequent landowner, successor, or assign may free itself from further obligations relating to sold, assigned, or transferred property, provided that the buyer, assignee, or transferee expressly assumes the obligations under this Agreement.

**Section 21.** *Amendment to Agreement.* This Agreement may be amended by mutual consent of the parties, provided that any such amendments shall follow the process established by law and the OCCGF for the adoption or modification of an improvement agreement.

**Section 22.** *Specific Performance.* The parties specifically agree that damages are not an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Agreement by any party in default hereof.

**Section 23.** *Notices.* All communications, notices, and demands of any kind that a party under this Agreement requires or desires to give to any other party shall be in writing and either: (a) delivered personal, (b) sent by facsimile transmission with any additional copy mailed first-class mail, (c) or by national overnight courier, or (d) deposited in the U.S. Mail, certified mail postage prepaid, return receipt requested and addressed as follows:

**If to the City:** Director of Planning & Community Development  
PO Box 5021  
Great Falls, MT 59403  
Phone: 406-455-8530

**With a Copy to:** City Attorney  
PO Box 5021  
Great Falls, MT 59403  
Phone: 406-455-8422

**If to the Owner:** SSG WP, LLC  
2200 Park Avenue

Building C, Suite 200  
Park City, Utah, 84060

Notice by hand delivery or facsimile shall be effective upon receipt, provided that notice by facsimile shall be accompanied by mailed notice as set forth herein and shall be evidenced by a machine-printed confirmation of successful transmission of facsimile, or by signed receipt of hand delivery. If deposited with an overnight courier, notice shall be deemed delivered one (1) day after deposited. If deposited in the mail, certified mail, return receipt requested, notice shall be deemed delivered three (3) days after deposited. The parties hereto may, from time to time, advise the other of new addresses for such notices, demands, or correspondence.

Notices to subsequent owners shall be required to be given by the City only for those owners who have given the City written notice of their address for such notice.

**Section 24.** *Applicable Law.* This Agreement shall be construed and enforced in accordance with the laws of the State of Montana. Venue for any action shall lie in Montana State Eighth Judicial District Court or other Montana Judicial District Courts of competent jurisdiction.

**Section 25.** *Attorneys' Fees.* In the event either party hereto brings an action at law, or other proceeding, against the other party to enforce any of the terms, covenants, or conditions hereof or any instrument executed pursuant to this Agreement, or by reason of any breach or default hereunder, the party prevailing in any such action or proceeding shall be paid all costs and reasonable attorneys' fees by the other party, and in the event any judgment is secured by such prevailing party, all such costs and attorneys' fees shall be included in such judgment. The reasonableness of such costs and attorneys' fees shall be determined by the court and not a jury.

**Section 26.** *Authority.* Each party respectively represents and warrants that it has the power and authority, and is duly authorized, to enter into this Agreement on the terms and conditions herein stated, and to deliver and perform its obligations under this Agreement.

**Section 27.** *Headings.* The headings to this Agreement are inserted for reference only and shall not be construed to expand, limit, or otherwise modify the terms and conditions of this Agreement.

**Section 28.** *Entire Agreement.* The Agreement represents the entire agreement of the parties with respect to the subject matter thereof. There are no other agreements, oral or written, except as expressly set forth herein and this Agreement supersedes all previous agreements, oral and written.

**Section 29.** *No Waiver.* The failure to enforce any particular provision of this Agreement, on any particular occasion, shall not be deemed a waiver by any party of any of its rights hereunder, nor shall it be deemed to be a waiver of subsequent or continuing breaches of that provision, unless such a waiver be expressed in a writing by the party to be bound.

**Section 30.** *Severability.* If any phrase, provision, or section of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any

statute of the State of Montana which became effective after the effective date of this Agreement, and either party in good faith determines that such provision or provisions are material to its entering into this Agreement, that party may elect to terminate this Agreement as to all of its obligations remaining unperformed.

**Section 31. Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original.

**DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

**City of Great Falls, Montana**

**SSG WP, LLC**

By \_\_\_\_\_

By  \_\_\_\_\_

**Gregory T. Doyon, City Manager**

**Print Name:** Greg Swedelson

**Print Title:** Managing Member

**ATTEST:**

**(Seal of the City)**

\_\_\_\_\_

**Darcy Dea, Deputy City Clerk**

**APPROVED AS TO FORM**

By \_\_\_\_\_

**Sara R. Sexe, City Attorney**

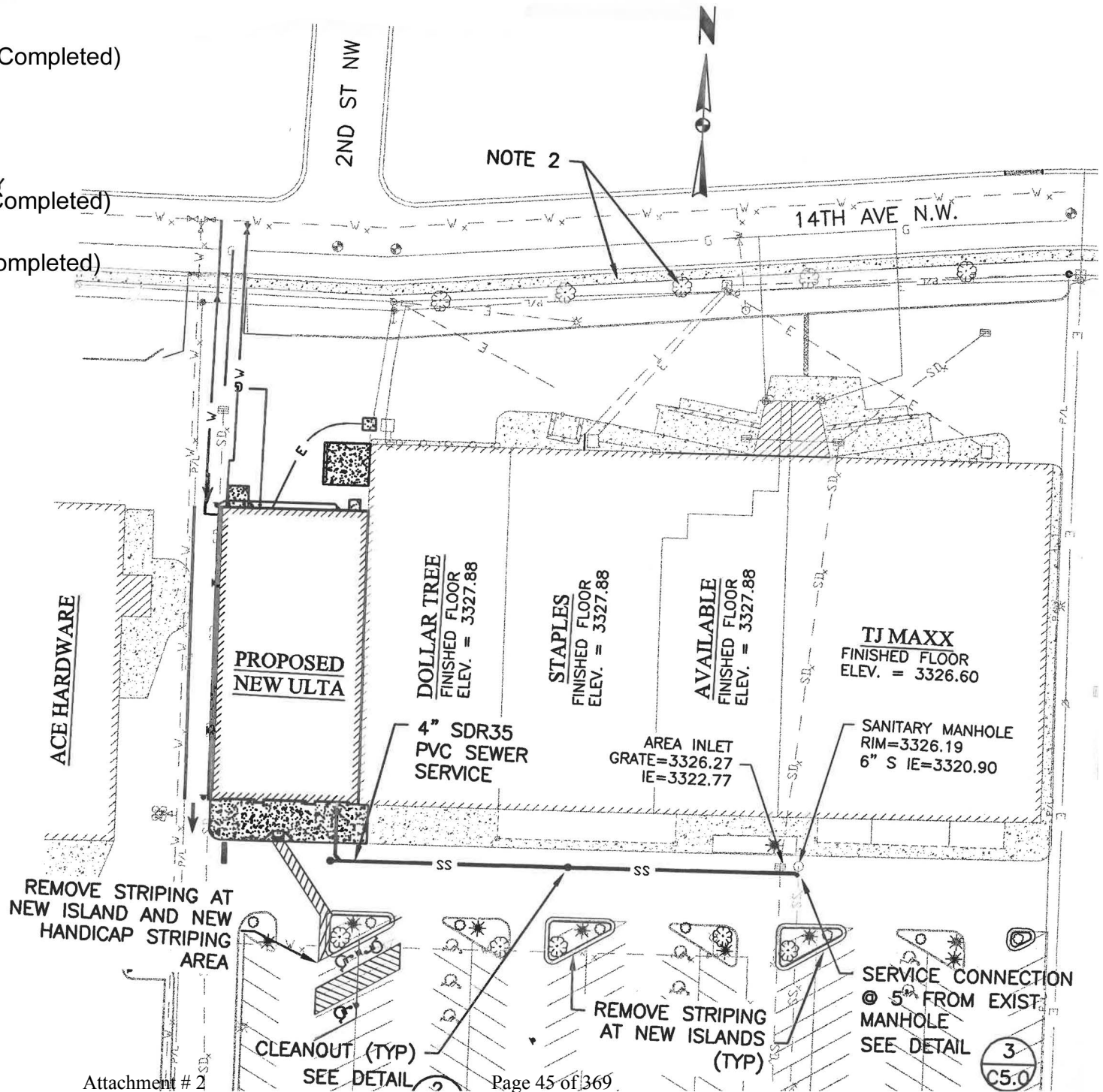
\* By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls.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



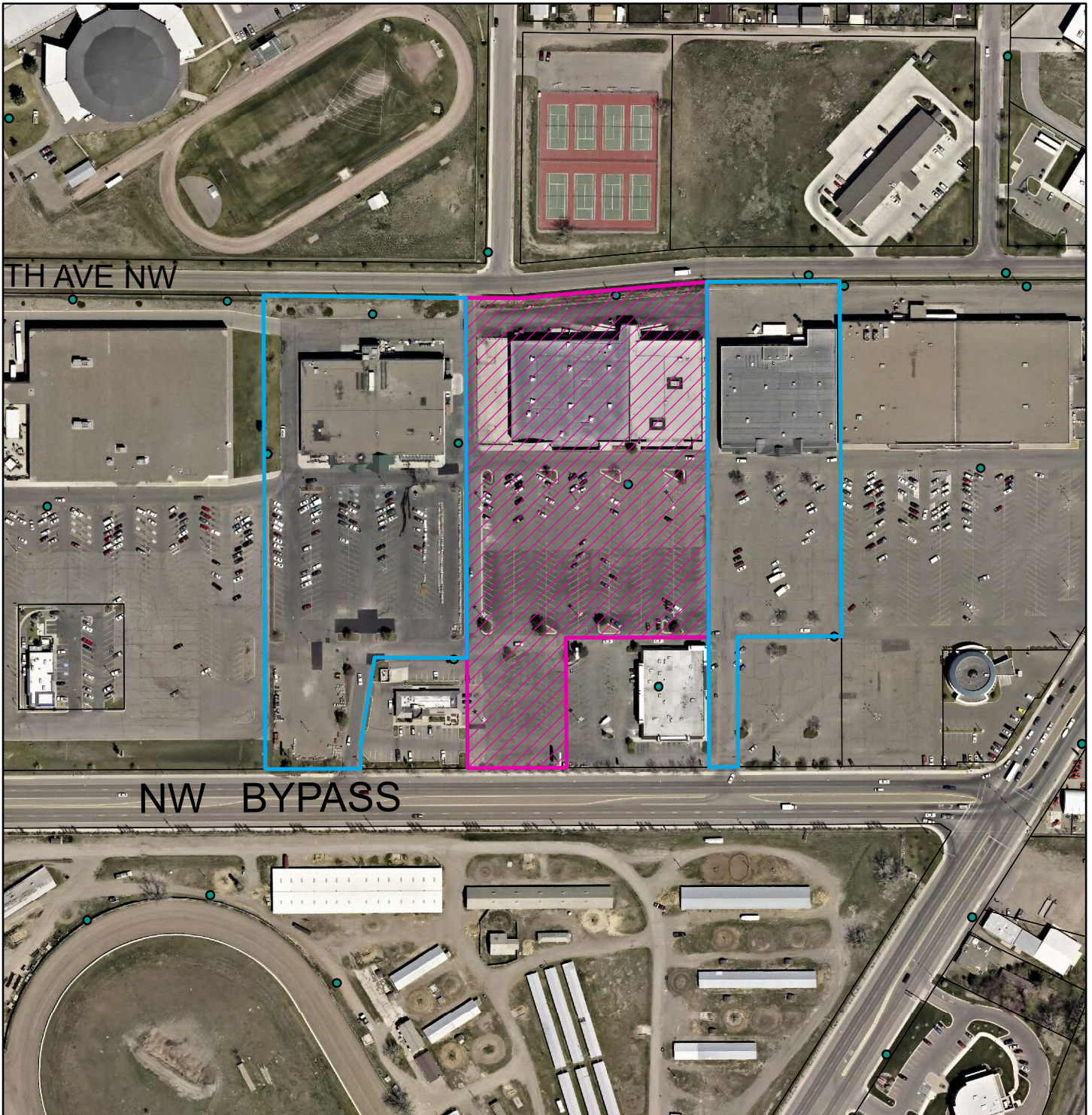
**EXHIBIT A**  
 (Site Plan from the approved Building Permit Set)

**NOTES:**

1. NEW ISLAND LANDSCAPING SHALL MATCH EXISTING. SEE DETAIL ON SHEET C5.1. (Completed)
2. FUTURE SIDEWALK AND TREES ONLY REQUIRED TO CONNECT TO FUTURE DEVELOPMENT THAT FOLLOW THE TERMS OF THE OWNER-CITY AGREEMENT.
3. ELECTRICAL SERVICE WILL BE DESIGNED BY SHELL ELECTRICAL ENGINEER UNDER A SEPARATE PERMIT. (Completed)
4. FIELD VERIFY EXISTING 12" PVC SD & GRADE ROOF LEADER HEADER @ 1.0% MIN. (Completed)



# EXHIBIT B



-  Adjacent Properties
-  Development
-  City Limits
-  Tracts of Land





# EXHIBIT C

Building Inspection Division 2 Park Drive South Great Falls, MT 59401 (406) 455-8430 Main Office (406) 771-1258 Engineering

**Permit No.** 2017-00000256  
**Issue Date** 4/13/2017  
**Expiration Date:** 2/17/2018  
**Permit Type:** B-COMMERCIAL NEW



**Parcel number:** 0001856800  
**Subdivision:** WW2  
**Zone Code:** C-2  
**Legal Description:**

**Property Address:** 209 NW BYPASS STE 2  
**Property Owner:** SSG WP LLC ETAL  
**Owner's Address:** PO BOX 7551  
SANTA MARIA, CA 93456

WESTWOOD 2ND LOT 2 BLK 1

**Contractor:** INNOVATIVE CONSTRUCTION SOLUTIONS INC

**Estimated Improvement Value:** \$ 1161050.00

**Permit Comments:** SHELL PACKAGE FOR ULTA BEAUTY

Permit Conditions:	Date	Date Due	Dept	Condition Code	Condition
Dustin Prinzing	03/21/2017			APPROVAL CONDITIONS	APPROVED SUBJECT TO FIELD INSPECTION. APPROVED PLANS SHALL REMAIN ONSITE AT ALL TIMES SUBJECT TO INSPECTION. SHELL ONLY, DEFERRED

**Permit Charges:**

Charge Code	Charge Description	Charge	Paid	Balance
BL PLAN REV COMM	BLDG PLAN REVIEW COMMERCIAL	\$4,637.91	\$4,637.91	\$0.00
BLDG PERMIT	BUILDING PERMIT	\$7,135.24	\$7,135.24	\$0.00
ZONING PERMIT	ZONING PERMIT	\$100.00	\$100.00	\$0.00
	TOTALS:	\$11,873.15	\$11,873.15	\$0.00

**ACKNOWLEDGMENT OF PERMIT HOLDER**

As the permit holder of this permit, I understand that it is my responsibility to call for, and ensure that all work is inspected and approved, prior to concealment and or use. Further, that failure to obtain a written approval in any 180 day block shall cause this permit to become null and void and without final written approval, use and or occupancy is not approved.

By initiating any work under this permit, permit holder agrees that 1) it is responsible to comply with any and all applicable local, state and federal laws, policies and/or regulations, regardless of whether identified during plan review or inspection and 2) it will pay any and all fees and costs associated with the work anticipated under this permit, including but not limited to reinstating affected property to its condition before work commenced.



**Item:** Professional Services Agreement- Civic Center Exterior Envelope Rehabilitation OF 1525.2

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

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

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

**Action Requested:** Approve Professional Services Agreement for architectural and engineering design services.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve or deny a Professional Services Agreement with CTA Group for architectural and engineering design services in a total amount of \$494,060 for two phases.”

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

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**Staff Recommendation:**

Approve Professional Services Agreement for architectural and engineering design services.

**Summary:**

The City of Great Falls has conducted preliminary studies and testing related to the renovation of the exterior façade of the Civic Center. The façade has been failing, allowing water intrusion behind the exterior envelope of the building, causing further damage to the historically significant building. Reports and testing done to date indicate that a major renovation is necessary to maintain the integrity and safety of the structure. The attached Professional Services Agreement provides for the necessary construction plans and documents in order to perform the required renovation.

**Fiscal Impact:**

The fiscal impact of this agreement is \$494,060 in two phases. Phase I will cost no more than \$358,642. Phase II will cost no more than \$135,418.

**Alternatives:**

The Commission could elect to deny this agreement. It should be noted that further delay in the project increases the risk to public safety as well as increased costs.

ATTACHMENTS:

- ▣ Professional Services Agreement
- ▣ Scope of Work

**PROFESSIONAL SERVICES AGREEMENT**  
**CIVIC CENTER EXTERIOR ENVELOPE REHABILITATION**

**THIS AGREEMENT** is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as “City,” and **CTA GROUP**, 219 2nd Ave. S. Great Falls, Montana hereinafter referred to as “Consultant.”

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

1. **Purpose:** City agrees to hire Consultant as an independent contractor to perform for City services described in the Scope of Services attached hereto as Exhibit “A” and by this reference made a part hereof.

2. **Term of Agreement:** This Agreement is effective upon the date of its execution through June 30, 2018. Both parties reserve the right to cancel this Agreement by providing a written thirty (30) day notice to the other party. The parties may extend this agreement in writing prior to its termination.

3. **Scope of Work:** Consultant will perform the work and provide the services in accordance with the requirements of the Scope of Services. It is understood and agreed to by the City and the Consultant that the scope of work within Exhibit "A" will be performed in two phases. Subject to the provisions of Section 2 of this agreement, the City may, at its discretion, suspend the project at any time. The City will not be obligated to pay for any subsequent phases which have not been approved and for which work by the consultant has not been performed.

4. **Payment:** Upon completion of both phases, City agrees to pay Consultant amounts not to exceed Four Hundred Ninety Four Thousand and Sixty Dollars (\$494,060) for services performed pursuant to the Scope of Work, as follows: Phase I cost not to exceed Three Hundred Fifty Eight Thousand, Six Hundred and Forty Two Dollars (\$358,642) to be paid in full at the completion of Phase I; and Phase II cost not to exceed One Hundred Thirty Five Thousand, four Hundred and Eighteen Dollars (\$135,418). Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after approved written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra costs in writing.

5. **Independent Contractor Status:** The parties agree that Consultant is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Consultant is not subject to the terms and provisions of the City’s personnel policies handbook and may not be considered a City employee for workers’ compensation or any other purpose. Consultant is not authorized to represent the City or otherwise bind the City in any dealings between Consultant and any third parties.

Consultant shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Consultant shall maintain workers' compensation coverage for all members and employees of Consultant's business, except for those members who are exempted by law.

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

**6. Indemnification:** To the fullest extent permitted by law, Consultant shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Consultant's performance of this Agreement and Consultant's work on the Project or work of any subcontractor or supplier to Consultant.

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

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

1.	Commercial General Liability (bodily injury and property damage)	\$1,000,000 per occurrence \$2,000,000 aggregate
2.	Products and Completed Operations	\$2,000,000
3.	Automobile Liability	\$1,000,000 combined single limit
4.	Workers' Compensation	Not less than statutory limits
5.	Employers' Liability	\$1,000,000
6.	Professional Liability (E&O)	\$1,000,000 per occurrence

(only if applicable)

\$2,000,000 aggregate

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

Additional Insured Endorsement Example:

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY  
CG 20 26 07 04

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED – DESIGNATED  
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

**Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

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



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

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

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

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

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

14. **Liaison:** City's designated liaison with Consultant is Craig Raymond and Consultant's designated liaison with City is Anthony Houtz.

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

16. **Binding:** This Agreement and all of the covenants hereof shall inure to the benefit and be binding upon the City of Great Falls and the Consultant respectively and their partners, successors, assigns and legal representatives. Neither the City nor the Consultant shall have the right to assign, transfer or sublet their interest or obligations hereunder without written consent of the other party.

17. **Amendments:** Any amendment or modification of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of the Agreement.

**IN WITNESS WHEREOF,** Consultant and City have caused this Agreement to be executed and intend to be legally bound thereby as of the date set forth below.

**CITY OF GREAT FALLS, MONTANA**

**CONSULTANT**

By \_\_\_\_\_  
Gregory T. Doyon, City Manager

By \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

ATTEST:

(Seal of the City)

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

\* APPROVED AS TO FORM:

By \_\_\_\_\_  
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.



**SCOPE OF WORK**

The City of Great Falls Civic Center (COGF) is seeking professional services to provide construction design services regarding rehabilitation of the existing facility in order to primarily satisfy structural deficiencies identified in the existing exterior veneer, but to secondarily prepare and update the veneer to better accommodate energy and weather needs for the future.

The existing Civic Center was constructed c.1939 and results from recently completed veneer analysis indicate the veneer to be a layered precast concrete panel. The building is primarily a three-story facility with a basement and is covered by a low-slope roof system. Construction of the existing building is primarily concrete and steel, and the roof is a joisted roof structure. Construction work in the anticipated areas will likely result in a multi-phased construction project.

The intended Scope of Work for this phase of the project is as follows:

1. Investigation Phase – Develop a detailed platform of existing conditions upon which the City of Great Falls can begin to ascertain costs and full scope of the project needs. This would include all exterior materials, including the roofing systems.
2. Architectural design documentation for both the exterior veneer renovation as well as the roof replacement.
3. Structural System design, ensuring compliance of the new veneer attachment protocol with current seismic and structural code requirements.
4. Mechanical System design, addressing the potential of removing and reinstalling equipment for roof replacement.
5. Electrical System design, addressing the need to remove light fixtures and electrical devices to allow for structural veneer rehabilitation and roof replacement.
6. Historic Preservation report and oversight, ensuring adherence to Secretary of the Interior standards, and review of both the existing detailing and proposed detailing of the new veneer.
7. As-built measurement and digital input of the existing facility as it is currently laid out.
8. 3-dimensional models of the proposed addition in context with the existing building.
9. Preliminary opinion of probable construction costs, including the parking lot renovation.
10. Bidding Assistance throughout the bid period.
11. Construction Administration and oversight during the construction period.

**PROJECT APPROACH AND UNDERSTANDING**

CTA understands the project to be technical contract documentation including specifications for rehabilitating the exterior veneer of the existing Great Falls Civic Center and replacing in their entirety, existing low-slope roof systems. There may be portions of the exterior veneer that will remain in place, pending full review of all panels individually. At this point, it is understood that most of the brick and the granite panels will remain in place. It is also understood that the decorative frieze and the decorative pillars at the front entry will also remain in place, protected during construction. CTA will seek a comprehensive solution to the exterior veneer that will incorporate current structural, energy, and drainage requirements. However, since we are working with an historic 78-year old structure, some compromises may have to be made by the City of Great Falls regarding path forward and costs associated with the work. Similarly, CTA will provide coordinated construction documentation for roof replacement that works with the veneer system to provide a unified weather barrier for the structure. CTA understands preliminary budget for the full project scope of work totals approximately \$7 million in construction cost.





### **SCOPE OF SERVICES**

The following Scope of Services demonstrates how individual portions of the design work will inform the remainder of the project and fulfill the Scope of Work provided above.

### **Base Drawings**

CTA will use original drawings of the building and site provided by the City as a base upon which to assess the building and site and to develop conceptual designs. CTA will also field verify and field measure multiple critical dimensions to ensure an accurate base model. The base model created for this project will be built in 3D modeling software and developed to accurately reflect existing conditions.



### **Field Assessment**

CTA's architectural, historical, envelope, structural, electrical, and mechanical team will examine the building – for components included in the Scope of Work. We will visually inspect all exposed materials and systems for their conditions and how they relate to the overall condition of the building. The inspections will be based on those building components accessible to view. Hidden areas needing access will be coordinated with the City of Great Falls to be able to view structural connections on an as-needed basis. CTA will measure existing door, window, and wall locations relative to the exterior of the building in order to maintain a precise exhibit indicating full scope of work and renovation/demolition activities. Further, CTA will provide full photographic drone capture of the existing structure. Upon further development of the scope of construction work, CTA will also provide hazardous materials assessment services for the structure prior to renovation work taking place. The intent of the field assessment is to confirm the extent of renovation involved, and to identify any other deficiencies that should be addressed as part of the project. Due to the complex nature of the project, this assessment will also serve as a base upon which cost and value judgments can be made by the City of Great Falls, and as a presentation document for public review.

### **Historic Analysis**

CTA will prepare an analysis and report regarding the historic nature of the structure and its appurtenances. This document will serve to continue to guide the design team as restoration/rehabilitation processes are developed.

### **Construction Document Design**

CTA will develop construction documents for the full scope of work for the project, incorporating the items indicated above, in order to procure permit and facilitate construction.

### **Opinion of Probable Cost**

CTA's team will develop opinions of probable cost for the work recommended in the report. These costs will be based upon 2017 R.S. Means Cost Estimating data and CTA's in-house cost estimating database. CTA will provide opinions of probable cost at the midpoint of design, prior to bidding, and on specific items of construction as needed to make value judgements throughout the design process.



**PROFESSIONAL TEAM - QUALIFICATIONS**

CTA's professional team will work closely with the COGF team, and be guided by the architectural expertise of Anthony Houtz, AIA. As project manager, Mr. Houtz will be intimately involved in the project, managing the other team members, coordinating and guiding design suggestions, and developing final recommendations. Our professional team will be comprised of the following key members, all of whom have worked together on similar structures. All team members are with CTA, unless noted otherwise:

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Envelope Specialist:	Robert Jones, PE
Environmental Engineering:	J. Scott Vosen





**FEE PROPOSAL**

The CTA team has determined the following level of effort for the Scope of Services described above. The following cost proposal is based upon our knowledge of the project and experience with similar projects, and is inclusive of all associated costs, including estimated reimbursable expenses associated with printing:

Professional Fees (personnel labor)	
Architecture (Roof, Veneer, Historical Preservation)	\$327,000
Structural Engineering	\$91,560
Hazardous Materials Assessments	\$8,000
Electrical Engineering	\$18,800
Mechanical Engineering	\$32,450
Graphics/Clerical Support	\$7,750
Reimbursable Expenses	\$8,500
<b>TOTAL</b>	<b>\$494,060</b>

**PHASED FEE PROPOSAL**

Project fee is proposed to be broken out per the following schedule:

Phase One :

Investigation and Document Procurement Phase	\$ 45,847
Hazardous Materials Assessment	8,000
Schematic Design	40,114
Design Development	98,150
Construction Documents	124,187
Construction Documents 2 (Quality Assurance and Final Documents)	37,844
CD Reimbursable Expenses - Allowance	4,500
<b>TOTAL</b>	<b>\$ 358,642</b>

Phase Two :

Bidding and Permit Assistance	23,653
Construction Administration	107,765
CA Reimbursable Expenses - Allowance	4,000
<b>TOTAL</b>	<b>\$ 135,418</b>

**REIMBURSABLE EXPENSES**

In addition to the professional fees involved in the performance of Architectural Services, the CTA team shall be compensated for out-of-pocket expenses incurred in the interest of the project. These fees which include, but are not limited to the following, are provided for in the Fee Schedule above:

Reproduction (photo copies & large document printing), materials testing, travel, messenger, and postage.

Reimbursable expenses shall be billed at 1.10 times the actual cost incurred unless otherwise indicated above.



**SCOPE OF WORK**

The City of Great Falls Civic Center (COGF) is seeking professional services to provide construction design services regarding rehabilitation of the existing facility in order to primarily satisfy structural deficiencies identified in the existing exterior veneer, but to secondarily prepare and update the veneer to better accommodate energy and weather needs for the future.

The existing Civic Center was constructed c.1939 and results from recently completed veneer analysis indicate the veneer to be a layered precast concrete panel. The building is primarily a three-story facility with a basement and is covered by a low-slope roof system. Construction of the existing building is primarily concrete and steel, and the roof is a joisted roof structure. Construction work in the anticipated areas will likely result in a multi-phased construction project.

The intended Scope of Work for this phase of the project is as follows:

1. Investigation Phase – Develop a detailed platform of existing conditions upon which the City of Great Falls can begin to ascertain costs and full scope of the project needs. This would include all exterior materials, including the roofing systems.
2. Architectural design documentation for both the exterior veneer renovation as well as the roof replacement.
3. Structural System design, ensuring compliance of the new veneer attachment protocol with current seismic and structural code requirements.
4. Mechanical System design, addressing the potential of removing and reinstalling equipment for roof replacement.
5. Electrical System design, addressing the need to remove light fixtures and electrical devices to allow for structural veneer rehabilitation and roof replacement.
6. Historic Preservation report and oversight, ensuring adherence to Secretary of the Interior standards, and review of both the existing detailing and proposed detailing of the new veneer.
7. As-built measurement and digital input of the existing facility as it is currently laid out.
8. 3-dimensional models of the proposed addition in context with the existing building.
9. Preliminary opinion of probable construction costs, including the parking lot renovation.
10. Bidding Assistance throughout the bid period.
11. Construction Administration and oversight during the construction period.

**PROJECT APPROACH AND UNDERSTANDING**

CTA understands the project to be technical contract documentation including specifications for rehabilitating the exterior veneer of the existing Great Falls Civic Center and replacing in their entirety, existing low-slope roof systems. There may be portions of the exterior veneer that will remain in place, pending full review of all panels individually. At this point, it is understood that most of the brick and the granite panels will remain in place. It is also understood that the decorative frieze and the decorative pillars at the front entry will also remain in place, protected during construction. CTA will seek a comprehensive solution to the exterior veneer that will incorporate current structural, energy, and drainage requirements. However, since we are working with an historic 78-year old structure, some compromises may have to be made by the City of Great Falls regarding path forward and costs associated with the work. Similarly, CTA will provide coordinated construction documentation for roof replacement that works with the veneer system to provide a unified weather barrier for the structure. CTA understands preliminary budget for the full project scope of work totals approximately \$7 million in construction cost.





### **SCOPE OF SERVICES**

The following Scope of Services demonstrates how individual portions of the design work will inform the remainder of the project and fulfill the Scope of Work provided above.

### **Base Drawings**

CTA will use original drawings of the building and site provided by the City as a base upon which to assess the building and site and to develop conceptual designs. CTA will also field verify and field measure multiple critical dimensions to ensure an accurate base model. The base model created for this project will be built in 3D modeling software and developed to accurately reflect existing conditions.



### **Field Assessment**

CTA's architectural, historical, envelope, structural, electrical, and mechanical team will examine the building – for components included in the Scope of Work. We will visually inspect all exposed materials and systems for their conditions and how they relate to the overall condition of the building. The inspections will be based on those building components accessible to view. Hidden areas needing access will be coordinated with the City of Great Falls to be able to view structural connections on an as-needed basis. CTA will measure existing door, window, and wall locations relative to the exterior of the building in order to maintain a precise exhibit indicating full scope of work and renovation/demolition activities. Further, CTA will provide full photographic drone capture of the existing structure. Upon further development of the scope of construction work, CTA will also provide hazardous materials assessment services for the structure prior to renovation work taking place. The intent of the field assessment is to confirm the extent of renovation involved, and to identify any other deficiencies that should be addressed as part of the project. Due to the complex nature of the project, this assessment will also serve as a base upon which cost and value judgments can be made by the City of Great Falls, and as a presentation document for public review.

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**Item:** Conduct Public Hearing to consider Resolution 10201, “A Resolution Conveying Certain Property Located at Lots 1 And 2 of The Airport Minor Subdivision, a Tract of Land Being Tract 1 of Certificate of Survey #2271, Located in The NW1/4 and NE1/4 OF SECTION 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, And Establishing a Lease Agreement for City Occupation of The Same.”

**From:** Sara Sexe, City Attorney

**Initiated By:** Sara Sexe, City Attorney

**Presented By:** Sara Sexe, City Attorney

**Action Requested:** Conduct a Public Hearing to consider Resolution 10201, and afterward authorize the City to grant the Great Falls International Airport Authority (GFIAA) a Quit Claim Deed on the property located at 3015 Airport Drive, currently housing the Emergency Operations Center, and to enter into a lease agreement with GFIAA for the property .

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**Public Hearing:**

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 10201, ‘A Resolution Conveying Certain Property Located at Lots 1 And 2 of The Airport Minor Subdivision, a Tract of Land Being Tract 1 of Certificate of Survey #2271, Located in The NW1/4 and NE1/4 OF SECTION 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, and Establishing a Lease Agreement for City Occupation of The Same.’”

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

OCCGF 3.04.010 requires a four-fifths vote of the City Commission for the property conveyance.

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**Staff Recommendation:**

Staff recommends that the Commission approve Resolution 10201 after conducting the public hearing.

**Background:**

On January 15, 1980, the City and County Commissions adopted Resolution 7451 creating a Regional Airport Authority, pursuant to Mont. Code Ann. §67-11-103. On that same date, Resolution 7455 was adopted, abolishing the Great Falls Municipal Airport Authority.

Approximately five years later a community task force was formed to submit a competitive proposal to the Federal Aviation Administration (FAA). The purpose of the proposal was to create an FAA Automated Flight Services Station (AFSS), on the subject property of the proposed lease. That proposal was accepted by the FAA.

Based on the FAA's acceptance of the proposal, the building that currently houses the Great Falls Emergency Operations Center (EOC) was constructed. Despite significant investment into the building and land, the AFSS never became fully staffed, and the full operation of the station never fully materialized. The AFSS then sat vacant for many years, but in 2014 was converted into the City's Emergency Operations Center (EOC). This includes 911 dispatch operations for all of Cascade County.

Separate FAA grant funding was secured to purchase the real property upon which the EOC now sits. Provisions in the signed grant agreement for the purchase of the property included that the airport sponsor (at that time the City of Great Falls and Cascade County) would not, "not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the property shown [in the application] . . . for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary." Additionally, under FAA Order 5190.6B, "A sponsor is federally obligated to obtain FAA consent to delete any land described and shown on the Exhibit A. [of the Airport's master plan]. FAA consent shall be granted only if it is determined that the property is not needed for present or foreseeable public airport purposes." (Bracketing supplied.)

In 1997, the Great Falls International Airport Authority (GFIAA) began processes to annex real estate operated by the airport into the City. In that process, title to around 1,800 acres was transferred by the City and County to the GFIAA via Quit Claim Deed, and the AFSS building was transferred by the GFIAA and County via Quit Claim Deed to the City. The City and County, as sponsors of the airport at the time, could have requested permission of the United States Secretary of Transportation to release the FAA grant obligations. However, this release was never requested, nor had the AFSS property been removed from Exhibit A to the Airport Master Plan. Both of these were required by Chapter 22 of FAA Order 5190.6B and the grant terms, in order to release the City/County from the grant obligations and allow the City/County the authority to convey the property to the City via the 1997 Deed.

In 2001, the City and County adopted Joint Resolution 9152 transferring sponsorship of the airport grant assurances to the GFIAA. In 2002, the FAA recognized GFIAA as the airport sponsor.

In early 2016, GFIAA was attempting to aggregate all its property and discovered that the Cascade County Clerk and Recorder's office had the City of Great Falls as record owner of the real property on which the EOC sits, as a result of the 1997 Quit Claim Deed. However, the GFIAA had consistently claimed ownership of the property on the Exhibit A to the Airport Master Plan.

Throughout the course of 2016 and 2017, City, GFIAA and FAA representatives discussed the issue, the

FAA grant obligations, and the possibility of releasing the subject property from the grant agreement obligations. Consent of the sponsor would have been required for the FAA to consider granting such release. However, GFIAA, as the current airport sponsor, would not agree to the release, indicating that it could not state that the property would not be needed for foreseeable public airport purposes. FAA representatives indicated that as such, the City would not be released from the grant obligations on the property, i.e. the property could not be owned by the City. Therefore, the City staff focused on obtaining a favorable lease for the property.

The proposed lease is attached as Exhibit B to this report and has been signed by the GFIAA Director. The initial term of the proposed agreement is thirty years, with two additional five (5) year renewal options. The rental amount for the initial term is \$104,400 (payable by the City's construction costs of a new roadway in the area). The lease may only be terminated for default within during the first five years and, thereafter, by forty-eight month's written notice by either party. If Airport terminates the lease, it retains all site improvements and shall pay to the City:

1. Any unamortized portion remaining of the Verified costs of the road construction; and
2. A \$2,000,000 Termination Payment if termination occurs within first fifteen (15) years of initial 30 year lease term, or
3. A \$1,000,000 Termination Payment if termination occurs in the second fifteen (15) years of the initial 30 year lease term.

Concurrent with lease execution, GFIAA requires the City to execute a Quit Claim deed to the property, to clear the title of the previously recorded 1997 Quit Claim deed, that the parties did not have authority to give without FAA consent. The form of proposed Quit Claim Deed is attached as Exhibit A to the is Agenda Report. The OCCGF 3.04.010 requires a four-fifths vote of the City Commission for this transfer.

A Commission work session was conducted on this matter August 1, 2017. During the work session, a summary of the history of this issue was provided to the City Commission. On September 5, 2017, the City Commission set Resolution 10201 for public hearing on October 3, 2017. On September 17, 2017, notice of the time and place for the public hearing was published in the Great Falls Tribune, pursuant to OCCGF 3.04.030.

**Fiscal Impact:**

The lease agreement requires that \$104,400 in costs be expended by the City, in the construction of a new roadway in the area. This amount is the consideration for lease payments for the initial thirty year lease term.

**Alternatives:**

The Commission could not enter into the lease and direct staff to further attempt to obtain FAA approval of the release of grant assurance obligations. Staff does not recommend this alternative.

**Concurrences:**

Great Falls Police Department;  
City Manager's Office;  
Planning and Community Development;

Public Works; and  
Great Falls International Airport Authority.

ATTACHMENTS:

- ▣ Resolution 10201
- ▣ Res. 10201 Exhibit "A"
- ▣ Res. 10201 Exhibit B

**RESOLUTION NO. 10201**

**A RESOLUTION CONVEYING CERTAIN PROPERTY LOCATED AT LOTS 1 AND 2 OF THE AIRPORT MINOR SUBDIVISION, A TRACT OF LAND BEING TRACT 1 OF CERTIFICATE OF SURVEY #2271, LOCATED IN THE NW1/4 AND NE1/4 OF SECTION 21, T20N, R3E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND ESTABLISHING A LEASE AGREEMENT FOR CITY OCCUPATION OF THE SAME.**

**WHEREAS**, the City of Great Falls, Montana, owns the property legally described above; and

**WHEREAS**, the City of Great Falls has established an Emergency Operations Center (EOC) on the Property; and

**WHEREAS**, because of failure of contractual obligations with the Federal Aviation Administration the property was never legally conveyed to the City of Great Falls; and

**WHEREAS**, the City Commission wishes to continue operations at the EOC and cure the legal deficiencies with the conveyance of the property; and

**WHEREAS**, the City Commission wishes to enter into a lease agreement with the Great Falls International Airport Authority to accomplish the above listed goals.

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

1. The Great Falls City Mayor is hereby authorized to convey by Quit Claim Deed any ownership interest in the property legally described as, Lots 1 and 2 of the Airport Drive Minor Subdivision, a tract of land being Tract 1 of Certificate of Survey #2271, located in the NW1/4 and NE1/4 of Section 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, said Quit Claim Deed is attached hereto as Exhibit "A" and is hereby incorporated herein;
2. The City Manager is hereby authorized to enter in to a lease agreement with the Great Falls International Airport Authority for City Occupation of the above legally described property for the purpose of the continued operation of the City EOC;
3. The terms of said lease agreement are more described in attached Exhibit "B" and by reference are hereby incorporated herein; and
4. **EFFECTIVE DATE:** This Resolution shall be effective upon adoption.

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana, this 3<sup>rd</sup>, day of October, 2017.



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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney

RETURN TO: Ward E. Taleff  
Taleff & Murphy, P.C.  
P. O. Box 609  
Great Falls, MT 59403

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QUIT CLAIM DEED

THIS INDENTURE is made this \_\_\_ day of September, 2017, between the CITY OF GREAT FALLS, MONTANA, a municipality with principal offices located at 2 Park Drive South, Great Falls, Montana 59401, the party of the first part, and THE GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY, 2800 Terminal Drive, Great Falls, Montana 59404-5599, the party of the second part.

WITNESSETH

That the said party of the first part, for and in consideration of the sum of One Dollar (\$1.00) to it in hand paid and other good and valuable consideration by the said party of the second part, receipt of which is hereby acknowledged, does hereby convey, remise, release and forever quitclaim unto the party of the second part all of its right, title and interest in and to the real property situated in the County of Cascade and State of Montana, more particularly described as follows:

Lots 1 and 2 of the Airport Drive Minor Subdivision, a tract of land being Tract 1 of Certificate of Survey #2271, located in the NW1/4 and NE1/4 of Section 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana.

Prior deed reference: P-2012-000016 PL,

together with all the tenements, hereditaments, and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the said premises and every part and parcel thereof.

TO HAVE .AND TO HOLD, all and singular the said premises, with the appurtenances thereto belonging, unto the said party of the second part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set its hand and seal the day and year first above.

**CITY OF GREAT FALLS, MONTANA**

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

**ATTEST**

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

**CITY SEAL**

**APPROVED FOR LEGAL CONTENT:**

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



**GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY**

**AND**

**CITY OF GREAT FALLS**

**LEASE AGREEMENT**

**September 1, 2017 – August 31, 2047**

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**THE GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY**  
**AND**  
**CITY OF GREAT FALLS**  
**LEASE AGREEMENT**

This Lease Agreement ("Agreement") is made and entered into as of the 1<sup>st</sup> day of September, 2017, by and between the Great Falls International Airport Authority, a regional airport authority owning and operating the Great Falls International Airport, 2800 Terminal Drive, Great Falls, Montana 59404 ("the Authority") and the City of Great Falls, Montana, a municipality with principal offices located at 2 Park Drive South, Great Falls, Montana ("City").

Whereas, the Authority owns and operates the Great Falls International Airport ("the Airport") and the property on which it is located; and

Whereas, City owns that certain improvement on the Airport described as the 911 Emergency Communications Center (ECC) which houses the Emergency Operations Center (EOC) and the Emergency Coordination Center (ECoC). The EOC and the ECoC operate for the benefit of the City, Cascade County, Malmstrom Air Force Base, the Montana Air National Guard (MANG), and (to some extent) the Authority; and

Whereas the Authority and the City as public entities have a common interest in cooperating to efficiently utilize public funds and to benefit of the public; and

Whereas the City contends it provides services and benefits to the Authority as part of that cooperative interest, including but not limited to:

1. Supporting the Authority's public safety officers in their activities pursuant to the Authority's security and disaster plans;
2. Joint training police and fire exercises for, including preparation of Situation Manual;
3. Fire/rescue services for in-flight emergencies, ground emergencies or airport or aircraft disasters;
4. Fire code enforcement for terminal and other airport property renovations;
5. Assistance with planning and coordination in conjunction with the Local Emergency Planning Committee; and

6. Coordination with street and traffic control for maintenance of City-owned property, including City reimbursement of assessments.

Whereas, the Authority contends it provides services and benefits to the City as part of that cooperative interest, including but not limited to:

1. Performing maintenance, repair, expansion and snow removal of all roads within airport boundaries serving FedEx, MANG and the public's use of airport facilities, including over 360,000 annual commercial service passengers;
2. Performing maintenance, repair, expansion and snow removal of the airport entry road providing access to airport facilities and the ECC;
3. Partnering with the City on maintaining and expanding the missions of MANG located at the Airport, including providing MANG with over 500 acres for their base in exchange for firefighting services;
4. Providing MANG better access by fully funding the entry and exit road expansion and intersection improvements to provide more capacity for the MANG entry and exit gate and the terminal loop exit;
5. Coordination with the City on the closure of Airport Avenue B as part of the Authority's plans, which project will enhance capacity to the MANG intersections while retaining access by local property owners who had used Airport Avenue B;
6. Providing significant economic development to the region, estimated at more than 2,100 jobs and \$250,000,000 annually by the Montana Department of Transportation;
7. Encouraging growth in property tax collections by fostering tenant development at the airport; and
8. Incorporating into its master plan future improvements to the Airport that will benefit the region's citizens.

Whereas, the City has made a substantial investment in the ECC and the parties desire to provide for transfer or disposition of the ECC should certain events occur during the term of this Agreement; and

Whereas, as part of the continuing cooperative interests of the parties the Authority desires to lease to the City, on a long-term basis, that portion of the Airport on which the ECC is located, and the City desires to lease the same from the Authority; and

Whereas, the parties desire to memorialize their agreement in writing.

Now, therefore, it is hereby agreed by and between the parties as follows:

1. Property and Term. The Authority hereby leases to the City the property described on "Exhibit A" attached hereto. This Lease commences as of the date hereof and is for a term of thirty years, or until August 31, 2047 ("the Initial Term").

2. Renewal Option. If this Agreement is not in default at the expiration of the Initial Term, the City shall have an option to renew this Agreement for two additional five (5) year terms on the same terms and conditions as the Initial Term, except for the rent and renewal term period. Exercise of each option must be made by providing written notice to the Authority not less than six (6) months prior to the expiration of the then applicable term.

3. Permitted Uses and City's Obligations. The premises may be used by the City in its sole discretion for any lawful public purpose.

City agrees that no hazardous or unlawful materials, or fertilizers or explosives, will be permitted in or stored upon the leased premises, other than in the usual course of use and operation of City public safety, emergency and administrative buildings. Except as prohibited by law, the Authority will, upon notice, have reasonable rights of access and inspection to enforce the provisions of this Agreement. For purposes of this Agreement, "hazardous materials" shall mean asbestos or any toxic, dangerous or hazardous waste, substance or material under the Comprehensive Environmental Response, Compensation and Liability Act or the Resource Conservation and Recovery Act, as these laws are now in effect or as may be hereafter amended, or any other federal state or local statute, law, rule, ordinance, regulation or code which addresses such topics.

City agrees to cause to be removed from the leased premises, at City's expense, all waste, garbage and rubbish. City agrees not to deposit the same, except temporarily in connection with the collection for removal, on any part of the leased premises or other Airport property.

City agrees to pay all costs of utilities, maintenance, snow removal and other such services that may be necessary or required in the use, operation or maintenance of the leased premises and all City-owned improvements; provided, however, that City is hereby given the right to connect to electrical utility sources as City deems necessary or as may be required, with such connection to be at City's sole expense and cost.

4. Rental Fees. In exchange for use of the leased premises during the Initial Term, and as sole rent for the leased property, the City agrees to construct for the Authority the new entry road as shown in Exhibit B hereto at a cost to the City not to exceed \$104,400. If the cost to the City to complete the new entry road exceeds that amount, the Authority shall pay to the City the amount of the excess cost provided the City provides the Authority a verified total cost tabulation for the project within ninety (90) days following project completion ("the Verified Costs"). Other than the construction of the new entry road, the City undertakes no responsibility to provide or ensure access to other properties which



may be served by the new entry road.

Should this Agreement be terminated prior to expiration of the Initial Term pursuant to Section 6, the Authority shall pay the City the unamortized portion of the Verified Costs as calculated on a straight-line basis over the Initial Term ("the Unamortized Cost Payment"). Such Unamortized Cost Payment shall be due within 60 days of lease termination.

The Rental Rate during any Additional Term shall equal the lowest ground rental rate paid per square foot of leased area by a commercial non-airfield tenant at the time of the Agreement expiration and shall be paid annually in advance of the first business day of February each year. The current rental rate which was used to calculate the term of the lease given the cost of the new entry road is \$.12 per square foot annually.

5. Termination, Default, Assignment and Transfer. Absent early termination as permitted herein, this Agreement will terminate at the end of the Initial Term unless the option for an extension is exercised. Upon termination, whether at the end of the applicable term or early termination for any cause or reason, City will have no further right or interest in the leased real property.

The default by a party in the performance of any covenant or agreement required of it under this Agreement and the failure of that party to remedy such default within ninety (90) days following written notice from the non-defaulting party will constitute an act of default under this Agreement that provides a basis for termination unless timely cured.

Failure of a party to declare a termination upon the occurrence of a default or defaults will not operate as a waiver of that or any other default or preclude that party from terminating this Agreement based upon such failure.

City may not assign or transfer this Agreement or sublease the premises without the prior written consent of the Authority, which consent will not be unreasonably withheld.

During each term under this Agreement and upon termination of this Agreement, the City shall retain ownership of the ECC building and site improvements on the leased premises. The disposition of said building and site improvements shall follow the procedures in Section 6 below.

6. Early Termination. For the first five years of the Term, either party may only terminate this Agreement under the provisions below. After the initial five-year period, it is recognized that development of the Airport or the City's future needs may require termination or modification of this Agreement prior to the scheduled expiration date. Therefore, it is agreed by and between the parties that each party shall have the right to terminate this Agreement upon providing forty-eight (48) months' notice if, as to the Authority, in its sole discretion, material portions or the entirety of the leased premises are required for an aviation-related major capital improvement that is depicted on an approved

airport master plan, or, as to the City, should conditions arise which in the sole discretion of the City make it advisable to the City to terminate this Agreement.

If termination is caused by the Authority's determination and termination requires removal of all or a portion of the existing ECC or the inability to use the ECC for the City's purposes, then the Authority shall pay to the City a "Termination Payment" of \$2,000,000 if termination occurs within the first fifteen years of the Initial Term I. If the termination occurs based on the Authority's determination, after the first fifteen years of the Initial Term but prior to the expiration date of the Initial Term, the Authority shall pay the City \$1,000,000.

If the City terminates this Agreement within the first fifteen years of the Initial Term the City may salvage the ECC and site improvements and remove them at the City's cost and discretion or attempt to sell them. The City shall retain all proceeds of such salvage, sale or disposal. If the City terminates this Agreement as set forth herein, in its determination the City shall be allowed a period of sixty (60) months to effect a sale or assignment of the ECC and site improvements and the Authority agrees to cooperate with City in its sale or assignment efforts.

In the event of termination by the Authority based on its determination of need for the leased property and upon payment of the indicated amount, the ownership of all permanent site improvements shall vest with the Authority. Any payment based on the Authority's determination to terminate this Agreement prior to its scheduled expiration due to need for the premises are in addition to, and not in lieu of, the Unamortized Cost Payment that may be due under this Agreement.

In the event of termination of this Agreement, all rights and obligations hereunder (with the exception of any undischarged rights and obligations that accrued prior to the effective date of such termination and replacement cost obligations) shall thereupon terminate, and if City is not in default under any of the provisions of this Agreement on the effective date of termination, any prepaid rent by City shall, to the extent allocable to any period subsequent to the effective date of the termination, be refunded to City, within thirty (30) calendar days thereafter.

7. Title to Improvements. Title to any building, facility or permanent improvements on the leased premises shall remain with the City except as herein provided. During the Term of this Agreement, the City shall have the right to sell the improvements and assign this Agreement pursuant to Sections 5 and 6 hereto. Upon expiration of this Agreement pursuant to the Term and/or Renewal Terms identified in Paragraphs 1 and 2 above, providing the City is not in default, the Agreement has not been terminated, or has terminated based on the Authority's determination of need of the leased premises and the Authority has not made the required payment, the City shall have the option to attempt to negotiate a new lease agreement (the Authority being under no obligation to discuss, negotiate or accept any proposal) or to notify Authority of its intent to sell or remove the improvements on the leased premises. In the event that more than sixty (60) days elapses

after expiration or termination of this Agreement and none of the foregoing events or conditions has occurred, title to remaining facilities shall vest in the Authority. This sixty (60) day period may be extended by mutual written agreement, and requests for extension will not be unreasonably withheld by Authority.

8. Default. If either Party fails or refuses to perform or observe any of the covenants contained herein, and such default shall continue for a period of ninety (90) days after the non-defaulting party has notified in writing the defaulting party of the default hereunder, then in any of said cases or events, the parties may, at their option, pursue any other applicable remedy available under the laws of the State of Montana. In the case of City's default, the Authority may, at its option, immediately or at any time thereafter, without demand or notice, enter into and upon said leased property without prejudice to or waiver of any remedy which otherwise might be available. In this connection, it is agreed that failure of either party to declare this lease agreement terminated upon the default of the other for any of the reasons set out be a waiver or estoppel shall not operate to bar or destroy the right of the non-defaulting party to declare this Agreement null and void by reason of any subsequent violation of the terms of this Agreement.

9. Remedies Cumulative. The remedies available herein shall not be deemed exclusive, and either party may, at its option, pursue any other applicable remedy available under the laws of Montana.

10. Improvements and Maintenance. In addition to those currently existing on the real property, the City may make and maintain improvements to the leased premises. Absent application of any other provision of this Agreement, fixtures attached to the leased premises (such as antennae, generators, etc.) will, on termination of the Agreement, remain and become the property of the Authority unless the City removes the fixtures and returns the leased premises to their pre-improved condition, reasonable wear and tear excepted.

City shall throughout the term of this Agreement at its own cost and without any expense to Lessor, keep and maintain the leased premises in good condition and repair. The Authority shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon. City further agrees to repair and restore damage to the demised premises caused by the negligence of City, its officers, employees and agents, or any sublessee, tenant or assignee of City and its officers, employees and agents.

11. Special Conditions. City shall comply with all applicable federal, state and local laws, rules and regulations affecting its use of the leased premises, the conduct of its affairs and the safe and efficient operation of the Airport.

With the Authority's prior written consent, and consistent with Authority rules and requirements, City shall have the right to place such signs or advertising in or on the leased

premises as City may deem appropriate in the conduct of its business.

12. Insurance or Risk Pool Indemnity Coverage. The City may, at its sole option, obtain insurance or statutory risk pool indemnity coverage for liability for the interests of the Authority in the leased premises.

City will be responsible for obtaining any coverage for City's property and interests under this Agreement. In the event City obtains fire and extended peril coverage for the property of the Authority, the Authority will be included as an additional insured or covered party under any such policy.

In addition to such property coverage as City may procure, City will obtain and maintain during the term hereof the following coverage and in the following minimum amounts:

public liability coverage - \$1,000,000.00  
(personal injury and property damage)  
premises coverage - \$ 500,000.00

Upon request of Authority, City agrees to provide the Authority with current certificates of coverage naming the Authority as an additional insured under such policy or policies and ensure that such policy or policies, certificate and information contain a thirty-day cancellation notice, the policy number or numbers, dates of coverage, limits of liability and perils covered.

Provided, however, on every five (5) year anniversary of the initial date of this Agreement the Authority shall be entitled to revisit the forgoing insurance requirements and notify the City that the requirements are modified to meet then current reasonable standards of coverage.

13. Indemnification. To the extent that the law allows, including but not limited to the application of Mont. Code Ann. §2-9-108, the Parties agree to indemnify and hold harmless the other, its directors, agents and employees from all claims, liens, suits and actions of every name and description brought against them, or any of them, which may result, for or on account of, any injuries or damage received or sustained by any person or property, by or from the acts of the indemnifying party, its agents, servants or employees, in connection with the lease, use or occupancy of the leased premises, unless such injury or damage is caused solely by the actions of the other party, its agents or employees.

14. Liens. The Parties shall keep the leased premises free and clear of any and all contractor's liens and other liens for or arising out of or in connection with any work or labor done, services performed or materials or appliances used or furnished for or in connection with any operations of that Party, including any alterations, improvements, repairs or redecoration which that Party may make or permit or cause to be made on the leased

premises.

15. Nondiscrimination. In connection with this Agreement, the Parties agree that no person on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin shall be excluded from participation in, denied benefits of or be otherwise subject to discrimination in the performance of this Agreement. The Parties acknowledge that it is the policy of the Department of Transportation that minority business enterprises as defined in 49 C.F.R., Part 23, shall have the maximum opportunity to participate in the performance of agreements as defined in 49 C.F.R. 23.5. Consequently, this Lease is subject to 49 C.F.R., Part 23, as applicable. Furthermore, in the construction of any improvements on, over or under the leased premises and the furnishing of services thereon, no person on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability or national origin shall be excluded from participation in, denied the benefits of or otherwise be subject to discrimination. The City shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-Discrimination in Federally-assisted programs of the Department of Transportation, Effectuation of Title VI of the Civil Rights Acts of 1964, and as said Regulations may be amended.

16. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the Authority and City relative to the matters referred to herein. All prior negotiations, agreements or understandings are superseded hereby.

17. Mediation. The parties agree to attempt to resolve any dispute, claim or controversy arising out of or relating to this Agreement by mediation conducted through a third party, the identity upon which the parties agree. The parties further agree that their respective good faith participation in mediation is a condition precedent to pursuing any other available legal or equitable remedy, including litigation, arbitration or other dispute resolution procedures.

18. Attorney Fees. In the event of a dispute or disagreement in regard to this Agreement, including the right to indemnification or the right to attorney fees incurred in seeking indemnification, the prevailing party will be entitled to recover as a cost of suit or action its reasonable attorney fees and costs.

19. Governing Law and Venue. This Agreement is to be construed in accordance with the laws of Montana. Venue for any proceedings hereunder shall be in Cascade County, Montana.

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

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

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

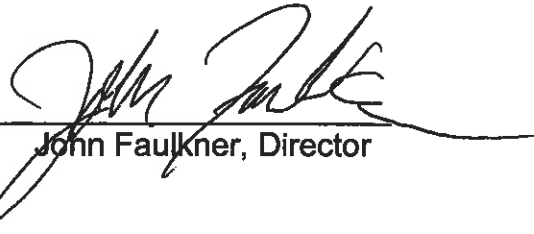
23. Notices. Any notices or demands to be served upon the parties hereto shall be in writing and shall be deposited in the United States mail, sent certified, return receipt requested, addressed to the parties at the addresses first above written or such other place as the parties may hereafter designate in writing.

24. Binding Effect. This Lease shall be binding upon and shall inure to the benefit of the parties hereto and to their respective successors and assigns.

25. Time of the Essence. Time is of the essence of this Agreement, and of each and every provision hereof.

Dated the date and year first above written.

GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY:

By   
John Faulkner, Director

CITY OF GREAT FALLS

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

ATTEST:

(Seal of the City)

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

REVIEWED 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.



EXHIBIT A

Lot 1 of the Airport Drive Minor Subdivision, a tract of land being Tract 1 of Certificate of Survey #2271, located in the NW1/4 and NE1/4 of Section 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana.

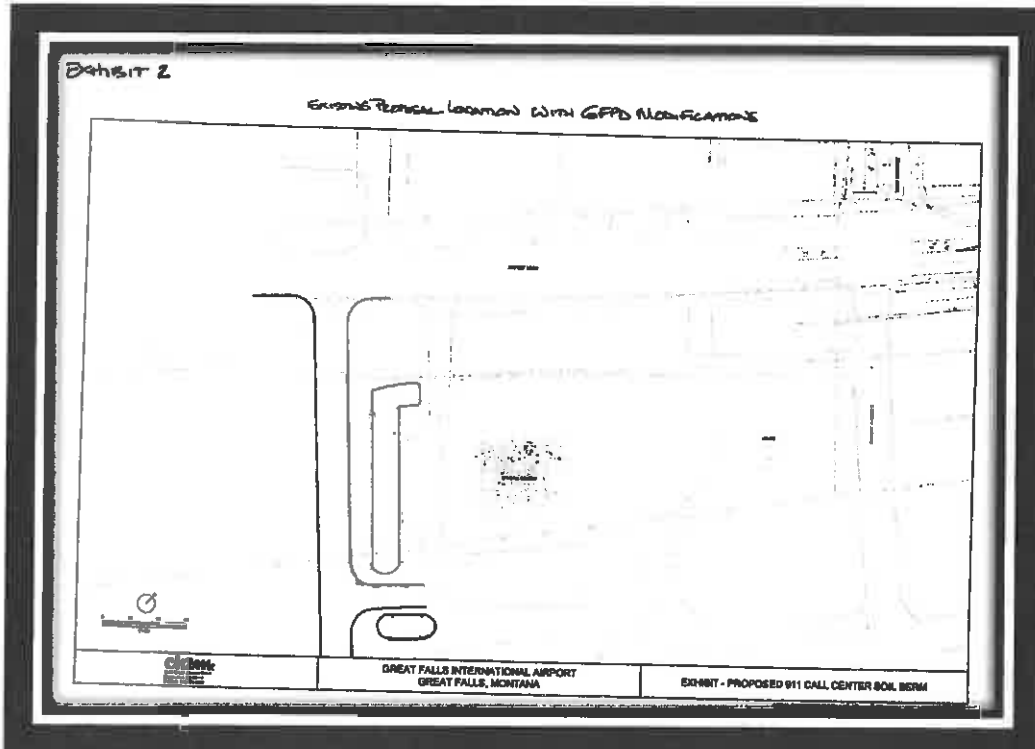
Prior deed reference: P-2012-000016 PL.





Security earthen berms constructed along the east side of the new roadway, with input and approval of the City, and in compliance with the Official Code of the City of Great Falls (OCCGF) land development codes, meeting the following conditions:

1. Two berms being constructed to allow for a new access road to the ECC as illustrated below as Exhibit 2:



2. A 3:1 grade ratio with 4' above ground earthen berms, or appropriate ratio of height to width to allow for proper maintenance of the berms;
3. Landscaping and irrigation of the berms depicted in Exhibit 2 according to OCCGF land development code standards for berms;
4. Appropriate snow fencing along the new roadway and/or the berms in order to prevent snow accumulation in the new ECC access road, the ECC parking lots and the new roadway; and
5. Airport, and/or its successors, assigns or lessees, undertake the cost of berms construction and maintenance.



**Item:** Resolution No. 10202 Approving Donation of Used Equipment to the Town of Neihart for Use By Neihart Volunteer Fire Department.

**From:** Stephen A. Hester

**Initiated By:** Stephen A. Hester

**Presented By:** Stephen A. Hester

**Action Requested:** Conduct a Public Hearing to consider Resolution 10202, which would authorize the City Manager to donate used equipment specifically one (1) 1989 Ford L9000 1250 GPM Fire Engine, Vehicle Identification Number 1FDYS90L9KVA46245.

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 10202.

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

Staff recommends that a public hearing be conducted and that the Commission approve Resolution 10202 to authorize the City Manager to donate the fire engine to the City of Neihart.

**Summary:**

The City of Great Falls decommissioned the 1989 Ford L9000 Fire Engine. It is no longer capable of meeting the demands of an urban firefighting environment and should have been retired in 2009. The Neihart Volunteer Fire Department (VFD) advised the City that it had a critical need for a fire engine to protect people and property in Neihart. In July of 2017 the City loaned Neihart the apparatus based on the Fire Service Mutual Aid Agreement between the two departments. The Neihart VFD explained that it had no financial means of purchasing a new or used fire engine. The City of Great Falls Fleet Manager and Fire Chief realized the benefit this vehicle would provide to the people of Neihart

based on the critical fire weather the state and this area has experienced, and Neihart's being considered an example of a wildland urban interface area.

**Background:**

Staff recognized that the best use for this retired fire apparatus would be to donate the vehicle to a community with a desperate need for a fire truck that has the pumping capacity to extinguish a structure fire.

The Community of Neihart resides in the middle of the Little Belt Mountains, it has a significant wildland interface risk year-round, especially during one to the driest years on record. Since the apparatus was loaned to them, the response about how much they appreciated its use has been overwhelming. The 1989 Ford L9000 would have a tremendous impact on public safety in Neihart and because they are unable to contribute anything financially to its purchase City Staff recommends gifting the truck. Trying to sell a fire apparatus that is no longer compliant with current National Fire Protection Standards and with 27 years of hard service would be difficult. If it could be sold the apparatus' estimated worth is less than \$4,000.00 dollars, however, the Engine's value to the Community of Neihart is priceless. Additionally, Neihart's having functional equipment will assist in its being able to respond to mutual aid requests under the Mutual Aid Agreement.

There are three other City fire apparatus that shall be sold in the future. The two retired 1990 Laverne Fire Engines are in varying levels of disrepair and shall be sold for parts at an estimate value of \$3,000.00. Also the retired ambulance shall be sold at an estimated value of \$1,500.00.

**Fiscal Impact:**

Due to the condition of the truck the City would have a difficult time selling the vehicle. After spending time researching this, Staff found no other fire apparatus for sale of this age and condition as comparables, but estimated the value (if it could be sold) at about \$4,000.00.

**Alternatives:**

The Commission could direct staff to ask the Neihart Volunteer Fire Department to return the apparatus and have the City try to sell the vehicle.

**Concurrences:**

The Fleet Manager has evaluated the condition of the equipment and concurs with donation.

ATTACHMENTS:

- Res. 10202

**RESOLUTION NO. 10202**

**A RESOLUTION APPROVING THE DONATION OF USED EQUIPMENT TO THE TOWN OF NEIHART FOR USE BY THE NEIHART VOLUNTEER FIRE DEPARTMENT**

**WHEREAS**, pursuant to the Official Code of the City of Great Falls (OCCGF) 3.04.080, the City may sell, trade, grant, donate or lease for any period of time any real or personal property to a governmental entity by negotiation without an appraisal or advertising for bids. If by grant or donation, the real or personal property must be retained for a direct or perpetual benefit or use. Requirements, as specified in Sections 3.04.010, 3.04.020 and 3.04.030 remain applicable; and

**WHEREAS**, Great Falls Fire Rescue has decommissioned a 1989 Ford L-9000 1250 GPM Fire Engine, Vehicle Identification Number: 1FDYS90L9KVA46245. The engine is no longer needed for use by the City of Great Falls Fire Department at present or in the foreseeable future; and

**WHEREAS**, the Neihart Volunteer Fire Department (VFD) has advised Great Falls Fire Rescue it has a critical need for a fire engine to protect homes and businesses in its district; and

**WHEREAS**, Neihart VFD has no financial means of purchasing a new or used fire engine; and

**WHEREAS**, Neihart VFD and Great Falls Fire Rescue have a mutual aid agreement to render fire, rescue and EMS services when requested. The fire engine would remain in the county and available for mutual aid assistance; and

**WHEREAS**, adoption of this resolution requires a four-fifths (4/5) vote of all the members of the City Commission pursuant to OCCGF 3.04.010. OCCGF 3.04.020 is not applicable as said personal property is not property held in trust for park purposes. Pursuant to the requirements of OCCGF 3.04.030, the Town of Neihart shall pay the publication costs of the required notice of public hearing.

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

1. The donation of used equipment, specifically one (1) 1989 Ford L-9000 1250 GPM Fire Engine, Vehicle Identification Number: 1FDYS90L9KVA46245, to the Town of Neihart for use by the Neihart Volunteer Fire Department, is hereby approved;
2. In return, the Town of Neihart shall pay publication costs of the required notice of public hearing;
3. Pursuant to the mutual aid agreement entered into between the Neihart VFD and Great Falls Fire Rescue, the fire engine shall remain in the county and available for mutual aid assistance.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this  
\_\_\_\_\_ day of October, 2017.

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

ATTEST:

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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





**Item:** Resolution 10206- A RESOLUTION APPROVING THE APPLICATION FOR THE NEW OR EXPANDING INDUSTRY TAX BENEFIT FOR MONTANA EGG LLC., 600 KINGSBURY ROAD, VALIER, MT, FOR THE EXPANSION OF EGG PROCESSING FACILITY PRIMARILY LOCATED ON LOT 11, LOTS 11, 12, 13A NORTH PARK ADDITION, LOCATED IN SEC. 04, T20N, R4E, CASCADE COUNTY, MONTANA, PURSUANT TO SECTIONS 15-24-1401 AND 15-24-1402 MONTANA CODE ANNOTATED.

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

**Initiated By:** Montana Egg, LLC

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

**Action Requested:** City Commission adopt Resolution 10206

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 10206."

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

**Staff Recommendation:**

Staff recommends that the City Commission conduct the public hearing and adopt Resolution 10206 approving the Tax Abatement for New and Expanding Industry for Montana Egg, LLC.

**Summary:**

Based on the analysis provided below and pursuant to Section 15-24-1401 Montana Code Annotated, Staff recommends approval of Resolution 10206 granting a tax benefit for Montana Egg LLC., Great Falls, Montana.

Historically, Staff has supported abatement requests and generally, is supportive of utilizing this economic development tool. However, careful consideration must be given to the checks and balances of incentivizing business expansion at the expense of identified budgetary needs, especially as it pertains to high priority public safety needs.

Consideration of these factors, along with the specific guiding questions from Resolution 10119 regarding tax abatements, require a higher level of discussion about whether or not the benefit to Montana Egg outweighs the potential adverse effects to the community.

**Background:**

Montana Egg LLC., received permits to begin construction of an egg processing facility in Great Falls in August 2016. The facility, which is nearing completion at this time, is a \$7 million dollar, 54,600 square foot facility dedicated to the processing and distribution of eggs for the grocery market. The applicant is requesting approval of a New or Expanding Industry Tax Benefit based on the value of the new industrial complex.

During the processing of this application, the Montana Department of Revenue was consulted in order to provide the best possible analysis of the fiscal impact and regulatory procedures related to tax abatements. The amount of ad valorem taxes due is calculated by multiplying the taxable value by the applicable mills. Note that any tax benefit is limited to the increase in taxable value created by the improvements.

Section 15-24-1402, MCA, provides local government the option of giving Tax Benefits for New or Expanding Industry. Resolution 10206 has been prepared to comply with the requirements of Sections 15-24-1401 and 15-24-1402 MCA. Section 15-24-1402 MCA reads:

15-24-1402. New or expanding industry -- assessment -- notification. (1) In the first 5 years after a construction permit is issued, qualifying improvements or modernized processes that represent new industry or expansion of an existing industry, as designated in the approving resolution, must be taxed at 50% of their taxable value. Subject to 15-10-420, each year thereafter, the percentage must be increased by equal percentages until the full taxable value is attained in the 10th year. In subsequent years, the property must be taxed at 100% of its taxable value.

Approval of the application will allow the applicant the benefit of being taxed at 50% of the taxable value each year for the first five years after acquisition, and thereafter the percentage must be increased by equal percentages each year as outlined in the following schedule:

<i>Estimates Provided by Montana Egg and Department of Revenue</i>			
Tax Year	Taxes w/out incentive	Taxes with incentive	Reduction in taxes due to incentive
2018	\$105,090	\$60,486	\$(44,603)
2019	\$104,707	\$60,266	\$(44,441)
2020	\$104,298	\$60,031	\$(44,268)
2021	\$103,757	\$59,719	\$(44,038)
2022	\$102,214	\$58,831	\$(43,383)
2023	\$101,567	\$67,080	\$(34,487)
2024	\$100,489	\$74,899	\$(25,591)

2025	\$98,222	\$81,547	\$(16,675)
2026	\$95,833	\$87,698	\$(8,135)
2027	\$94,393	\$94,393	-
10 Yr. Total	\$1,010,571	\$704,951	\$(305,620)

**Note: this schedule only reflects city tax revenue impacts and does not account for school district, county or state impacts.**

The law governing this incentive was amended in 1985, requiring that each local governing body (City and County) may approve the Tax Benefit on a project by project basis. If one local government body approves the tax benefit and the other does not, the benefit will apply only to the mills levied by the approving governing body. In addition, tax benefits do not include any relief from state-wide levies, and local government approval of the application must be made by resolution.

In December 2015, the City Commission adopted Resolution 10119 establishing certain criteria for the evaluation of tax benefit requests. The following is the criteria by which each application is to be evaluated for approval, modification or denial, along with a brief staff comment for Commission consideration of the merits of the project as it pertains to each criteria:

**a. Whether the City’s financial condition at the time of the application or consideration of the application warrants granting the application;**

*Staff Comment:* The City's current financial condition could be characterized as “in recovery” or in “catch-up” mode. Strides have been made in stabilizing fund balances; however, various operational needs and capital projects have been deferred. These deferred items remain unfunded and there is no other identifiable revenue source other than general fund tax dollars to fill these voids.

As outlined in the City Manager’s FY2017 Administrative Capital Improvement Plan, the 2016 Park and Recreation Master Plan, and the 2014 and 2016 Civic Center Façade Report, City facilities suffer from decades of deferred maintenance problems. Operationally, significant public safety needs exist as outlined in prior budget transmittal letters to the Commission.

Staff finds that approval of this tax abatement application will have a negative impact to the General Fund over a ten year period of time potentially requiring the City Commission to explore alternative revenue sources more aggressively (such as the park assessment district and others) to address identified needs and meet new service requirements for the City.

**b. Whether the application meets all pertinent statutory criteria for the particular project;**

*Staff Comment:* The application meets all statutory eligibility criteria. Montana Egg, LLC., has submitted all required documentation and the application is deemed to comply.

**c. Whether the property taxes or other taxes and/or assessments on the property are current;**

*Staff Comment:* All property taxes and assessments on the property are current.

**d. Whether the project may unreasonably affect the tax base of the City;**

*Staff Comment:* The project and subsequent expanding industry has had and will continue to have a

significant positive effect on the overall tax base of the City. If the tax benefit is approved, the direct benefit of the increased tax base to the City will be decreased for a total of ten years in an amount in excess of \$305,620, potentially deferring needed revenue for General Fund operations, projects, and capital needs.

**e. Whether the project would impact employment opportunities within the City;**

*Staff Comment:* The construction of the new facility and expansion of the operation will have a very positive impact on employment opportunities within the City. According to data provided by Montana Egg, LLC., the new facility will create approximately 24 new jobs in the City of Great Falls.

**f. Whether the project is located within a Tax Increment Financing (TIF) or Targeted Economic Development (TED) District;**

*Staff Comment:* The project is not located within any of the established TIF districts and therefore is not likely to have any negative effects to future TIF projects.

**g. Whether the project has already received additional financial assistance from the City or other authorities having jurisdiction;**

*Staff Comment:* Montana Egg LLC. has received a \$90,000 loan benefit through the Cities' Community Development Block Grant program.

**h. As to applications filed pursuant to Mont. Code Ann. §15-24-1601 et seq., whether the Montana State Historic Preservation Office has provided design review assistance and certification for qualifying properties;**

*Staff Comment:* This consideration is not applicable under this specific request.

**i. Whether the project will create affordable housing opportunities;**

*Staff Comment:* The project is not anticipated to provide or create affordable housing opportunities directly.

**j. Whether the project will encourage additional, unsubsidized development in the area of the project, either directly or indirectly, through “spin-off” development;**

*Staff Comment:* The industrial expansion by Montana Egg is highly likely to result in additional “spin-off” development. It is not possible to quantify the exact impact of post construction benefit, but we do know that the expansion of egg processing capacity out of Great Falls has already supported expansion of suppliers businesses as well as construction of additional buildings in the North Central Montana region.

**k. Whether the project will facilitate the development process and achieve development on sites which would not be developed without assistance, or would not be developed at a level of acceptable quality;**

*Staff Comment:* There were no significant or unusual barriers to development on this particular site. However, the site remained vacant for some time and this development does represent a win for Great Falls. That being said, it is doubtful that the tax benefit is financially necessary to complete the

expansion. There is no indication as to the extent Montana Egg considered the approval of this specific benefit in making its decision to expand in Great Falls.

**l. Whether the project would encourage redevelopment of commercial and industrial areas in the City of Great Falls, resulting in a higher level and quality of re-investment;**

*Staff Comment:* Additional industrial development is somewhat likely as a result of the Montana Egg expansion.

**m. Whether the project would encourage removal of blight, or the rehabilitation of a high profile or priority site;**

*Staff Comment:* This project is not likely to have any effect on the removal of blight in the immediate area.

**n. Whether the application is sought in whole or in part because of increased costs of redevelopment, such as clean-up of a contaminated site, demolition expenses, and the like, over and above costs normally incurred in development;**

*Staff Comment:* The subject property was not subject to any unusual costs over and above those customarily incurred in the development of industrial property.

**o. Whether the project could be developed without the benefit of a tax abatement; i.e., but for the allowance of a tax abatement, the project would not be developed or pursued;**

*Staff Comment:* It is believed that the project was not dependent on the abatement request in order to be successful. Additional incentives previously mentioned also played a role in making the project successful.

**p. Whether conferring the tax benefit will create an adverse impact on existing state, county or municipal services;**

*Staff Comment:* Granting the tax benefit will have an impact on funding of municipal services for a period of ten years. The total cost to the City is approximately \$305,620. Estimated impacts to the school, county, and state are not calculated or considered in this report.

**q. Whether the project contributes to the implementation of other policies adopted by the City, including, but not limited to, the City's Growth Policy;**

*Staff Comment:* Industrial growth significantly contributes to the goals of the Growth Policy. While the Growth Policy recognizes tax abatements as a tool in the City's economic development strategy, it also notes that it is an incentive that should be used wisely. In other words, abatement decisions should be individually considered and weighed in terms of both user benefits and fiscal impacts.

**r. Whether the project would meet other criteria as would be considered reasonable for the best interests of the City;**

*Staff Comment:* Supporting the development of the subject property specifically and expanding industry generally is in the best interest of the City.

**Fiscal Impact:**

Approval of the application will allow the new beneficial use taxes generated from the project to gradually be added to the applicant's property taxes over a ten year period. Initially being taxed at 50% of the taxable value in years 1-5, then paying an increasing amount for the remaining five years until being taxed at 100% after year ten. The total fiscal impact to the City over the ten year period will be a decrease of approximately \$305,620 in tax revenue.

**Alternatives:**

The City Commission may deny Resolution 10206 and not grant the tax abatement.

**ATTACHMENTS:**

- ▢ Montana Egg Tax Abatement Application
- ▢ Resolution 10206
- ▢ Resolution 10119



MONTANA CAB-1 Rev 10 16

### New or Expanding Industry Classification Application 15-24-1401 & 15-24-1402, MCA and ARM 42.19.1235

The applicant completes this page.

County Cascade

Name of Applicant Montana Egg, LLC

Mailing Address 600 Kingsbury Road  
Valley, MT 59486

Legal Description of Affected Property Lot 16 Block S North Park LOTS 11-16 North Park

1. Date construction permit issued 8/30/16  
(If no permit is required, specify the date when certificate was issued in lieu of building permit.)

2. This application covers the (expansion/new) construction of the Egg Plant - Where Regional Hutterite Colonies bring their eggs to be inspected, graded, packaged. plant.

3. List the qualifying property below.  
A new building 260 x 200 located at North Park on 9.11 acres

A new office building 20 x 80 - same location

A garden

Attach site plat, plot plan, construction prints and detailed equipment list identifying the above property, along with complete installed costs for each qualifying component.

4. Complete this section only if the application is for a firm that:
- engages in transportation, warehousing or distribution of commercial products, if 50% or more of the gross receipts are earned from outside the state; or
  - earns 50% or more of its annual gross income from out-of-state sales.

Type of business	<u>Egg Processing + Distribution Plant</u>	
Total gross sales or receipts	<u>Wilcox</u> \$ <u>45,600,000</u>	<u>MTEC</u> * <u>16,300,000</u>
Total gross income	\$ <u>45,600,000</u>	<u>to Wilcox</u> <u>16,300,000</u>
Sales and receipts from outside of Montana	\$ <u>31,920,000</u>	<u>11,410,000</u>
Income earned from sales outside of Montana (attach income statements)	\$ <u>31,920,000</u>	<u>11,410,000</u>
	* Processing fees earned <u>700,954</u>	

Signature of Applicant Milke Kleinsasser  
Print Name Milke S. Kleinsasser Date 3-13-17

Copies - Local Department of Revenue office, County Clerk and Recorder, County Commissioners and Applicant



The taxing jurisdiction completes this page.

A public hearing on the matter of *New or Expanding Industry* resolution for \_\_\_\_\_  
\_\_\_\_\_ plant was held at the \_\_\_\_\_ County  
Courthouse at \_\_\_\_\_ AM/PM, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

1. Due notice as defined in 76-15-103, MCA was given. True and exact copies of said notices were provided.

Yes \_\_\_\_\_ No \_\_\_\_\_

2. The statutory \$50,000 investment requirement for expansion or modernization has been met.

Yes \_\_\_\_\_ No \_\_\_\_\_

3. The statutory \$125,000 investment requirement for new improvements or modernized processes has been met. Yes \_\_\_\_\_ No \_\_\_\_\_

This application is made under the provisions of 15-24-1402, MCA, and by the resolution adopted by the \_\_\_\_\_ of \_\_\_\_\_ County,  
(Taxing Jurisdiction)  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

We, the undersigned, \_\_\_\_\_ of \_\_\_\_\_  
(Title) (Taxing Jurisdiction)  
(approve/disapprove) this application for \_\_\_\_\_.

We find that it (does/does not) conform to the criteria as set forth in the resolution adopted by this \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Approved tax incentive to be implemented beginning in \_\_\_\_\_  
(Assessment Year)

Name \_\_\_\_\_ Title \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_

## Overview

Montana Egg, LLC owns an egg collection, processing and distribution facility located in Great Falls, Montana. Eggs are produced and collected from regional Hutterite Colonies whom own Montana Eggs, LLC.

Recently, the decision was made to expand the plant and grader system by purchasing land in the North Star Development Park while keeping and operating the current plant for pasteurized eggs. A new building will be built and a new grader system will be purchased. Regional Hutterite Colonies are adding at least 10-15 barns to help supply the new facility.

Wilcox Farms operates the plant for Montana Eggs, LLC. Montana Eggs, LLC earns a processing fee from Wilcox for owning the building and grader. Approximately 70% of the eggs are sold out of State through the Costco retail chain.

Currently, Wilcox Farms purchases approximately \$16,300,000 worth of eggs from the regional Hutterite Colonies and Montana Eggs, LLC earns roughly \$700,000 in processing fees. A total of 18 workers operate the current facility and the facility processes 11,600,000 dozen eggs.

The new plant will be able to process 23,800,000 dozen eggs and Wilcox intends to hire 24 additional employees. The jobs provided will be at decent pay and come with benefits.

The facility will cost approximate \$7,000,000 and the main piece of equipment the egg grade is approximately \$2,000,000 with another \$500,000 to install it.

In regard to City resolution 10119 we believe we meet all the criteria to be considered for this abatement;

a. Whether the City's financial condition at the time of the application or consideration of the application warrants granting the application;

- We believe this will add to the City's taxable base providing new jobs and tax base and should be considered a win/win situation by the City.

b. Whether the application meets all pertinent statutory criteria for the particular project;

- We meet all the statutory criteria. Mainly a majority of the eggs are sold outside the State using the Costco retail stores. We believe currently there are 5 Montana Costco Stores and at least 12 out of State.

c. Whether the property taxes or other taxes and/or assessments on the property are current;

- To the best of our knowledge all taxes and fees are current.

d. Whether the project may unreasonably affect the tax base of the City.

- Our project will add to the City tax base. We are not in direct competition with other local businesses to an extent that our project should only add to overall business in Great Falls.

e. Whether the project would impact employment opportunities within the City;

- Our project will add good jobs to the City

f. Whether the project is located within a Tax Increment Financing (TIF) or Targeted Economic Development (TED) District.

- Our project is not located in a TIF or a TED

g. Whether the project has already received additional financial assistance from the City or other authorities having jurisdiction:

- Montana Eggs, LLC received tax abatement on its current site.

h. As to applications filed pursuant to Mont. Code Ann §15-24-1601 et seq., whether the Montana state historic preservation office has provided design review assistance and certification for qualifying properties

- N/A

i. Whether the project will create affordable housing opportunities;

- N/A

j. Whether the project will encourage additional, unsubsidized development in the area of the of the project, either directly or indirectly, through "spin-off" development;

- None directly noted, but indirectly, will be a very nice addition to the Park with a very professional looking plant and will be kept in a clean and pleasant manner.

k. Whether the project will facilitate the development process and achieve development on sites which would not be developed without assistance, or would not be developed at level of acceptable quality;

-We think our project helps to complete the North Star Park with a very suitable business and will encourage others to invest in Great Falls and the area.

l. Whether the project would encourage redevelopment of commercial and industrial areas in the City of Great Falls, resulting in a higher level and quality of re-investment;

-We think our business will provide a base that will continue to show that Great Falls is a regional business center. The hope would be that other businesses will follow suit seeing how Montana Egg, LLC has started and grown and that other businesses could do the same in Great Falls.

m. Whether the project would encourage removal of blight, or the rehabilitation of a high profile or priority site;

- N/A

o. Whether the project could be developed without the benefit of a tax abatement; i.e. but for the allowance of a tax abatement, the project would not be developed or pursued;

- We have started the project and think the project is a very viable project. We would hope the City would view this as a win/win bringing positive business and jobs creating a tax base for the future. Also granting our request would encourage others to see Great Falls as business friendly and will view projects positively and want to help take part in the growth of business in our community.

p. Whether conferring the tax benefit will create an adverse impact on existing state, county or municipal services.

- We don't believe we will create an adverse impact on existing state, county or municipal services.

q. Whether the project contributes to the implementation of other policies adopted by the City, including, but not limited to, the City's Growth Policy; and/or

- We would hope that our project would be viewed positively in regard to the City's Growth Policy, etc..

r. Whether the project would meet other criteria as would be considered reasonable for the best interests of the City.

- We believe that our project would be considered positive growth for the City and in the best interest to support businesses like ours.

*Moo*

**MOBA**

*Egg Grader  
for new Plant*

*Sec. 13-*

*2,315,000 Euro's  
1.06 \$ US  
2,453,900 Installees*

Montana Egg LLC  
1015 38th Street North  
594001 Great Falls  
Montana  
U.S.A.

Date : 13-12-2016  
Tel : +31 (0) 342 455 643  
Ref : PX530 + MR50 (ex order 121330-3 + 280003136)  
Fax : +31-3  
Re : Orde  
E : Anthx

*Main piece of  
Equipment*

Dear Sir/Madam,

Referring to your inquiry, dated 22-3-2016, we are pleased to send you our order confirmation for a:

**Equipment specification**

**Moba Omnia PX 530**  
fully automatic egg grading- and packing machine  
with a max. capacity of 190.000 eggs/hour.

For details see lay-out # 311-8577-12, a right-hand configuration.

**General features**

A highly efficient washdown egg grading machine of the latest hygienic technology. The system includes:

- Individual egg handling system
- Full stainless steel frame construction
- Parts that come into contact with eggs are manufactured of industrial food approved materials
- A foamable and high pressure cleanable infeed system
- Cleaning In Place system for weighing carriers
- Cleaning In Place system for egg carriers in main transport frame
- Washdown transfer system
- Cleaning Out Place cassette system for receiver sets
- Cleaning Out Place system for buffer sets in easy to remove drawer-concept
- Cleaning Out Place drop sets
- Downwash packing lanes
- Master control system (running Linux) for reliable performance
- Information centre with Man Machine Interface computer (running Windows) and printer
- One touch screen on each side of the machine per block of packing lanes for easy monitoring
- Provision for positioning inkjet printer cabinets, which is protected during machine downwash
- UPS system for central computer functions, timing and weighing system
- Surge protection for spikes in mains supply caused by lightning

**Infeed side**

**FL Loader**

A loader of the FL series to unload eggs from both plastic and paper trays on to the rollers of the infeed conveyor. By means of "common speed loading" technology, where the loader head momentarily moves in the same speed and direction as the rollers during the moment of transferring the eggs, this is done in the most gentle way. The loader is easy to clean thanks to its open, foamable and high pressure cleanable foodtec construction.

Moba B.V., P.O. Box 7, 3770 AA Borneveld • Stationsweg 117, The Netherlands • T: +31 (0) 342 455 655 • F: +31 (0) 342 455 755 • E: info@moba.nl  
www.moba.nl • Trade register 090422296 • V.A.T. no. NL 0040 640 57.B.01 • Rabobank/Rotterdam no. 38.18.32.767 • BIC RABONL2U • IBAN NL77 RABO 038 1832767

# **MOBA**

## Standard features:

- A preloader to load the stacks of 6 trays
- Supplier shift system to indicate the start of a new supplier batch of eggs
- A turning unit to orientate the stacks
- Offgrade box to count offgrade eggs if removed manually from the loader
- Suction grip heads to unload the trays from the stacks
- A suction head that loads eggs from trays on to the rollers using "common speed loading"
- 2 reject conveyors for wet trays and or trays with stuck eggs
- 2 empty tray stackers
- Control panel
- Suitable to handle pulp and plastic trays

## Infeed conveyor

2x9 row wide infeed conveyor, with low-impact Normal rollers.

## Orientator

"Multi Drum™"-orientator to orientate the eggs on the infeed conveyor, placing all air-cells in same direction.

## Provision Egg washer

Provision to integrate an eggwasher in the infeed conveyor consisting of Moba infeed rollers and chain.

## Kuhl egg washer/dryer, typeSB 500 - 18M short

A 100% stainless steel Egg Washer. Through means of a combination of spray and brush systems the Kuhl washer provides the best possible results in egg washing presently available on the market. The Kuhl washer is equipped with adjustable brushes which allow it to clean various egg sizes. The brushes are self cleaning which prevents bacteria build up. The Kuhl washer is integrated in the infeed conveyor.

This washer is equipped with:

- Dryer
- Stainless steel nozzles, chain, shafts
- Self cleaning scallop brushes and end of egg brushes
- Adjustable brush system which allows it to clean various egg sizes
- Electrical cabinet
- Rinse control group and metering pump
- External heat exchanger
- Rotating screen to separate automatically the shell parts from the wash water and transport these parts outside the washer.
- Vapor exhaust fan to exhaust the moistened air out of the washer
- Air knife at the end of the washer to pre-dry the eggs

## EggInspector

By means of camera's and special LED lighting, an advanced vision computer program detects leaking- and dirty eggs on the infeed system of the Omnia. Leaking eggs can immediately be rejected underneath the weighing system and dirty eggs can be sorted on an offgrade lane.

For performance specification, see enclosed technical specification sheet.

## Crack Detector

Magneto-acoustical system, located above the egg flow, to detect even the smallest hairline cracks. The smart link to the Omnia enables you to easily produce different output qualities, if necessary. This system is also capable to remove eggs with very poor shell quality.

For performance specification, see enclosed technical specification sheet.

## UV-Disinfection

In Omnia PX multiple UV-disinfection systems are integrated. By means of Ultra Violet light, growth of micro-organisms caused by recent contamination is reduced significantly during the operation of the

# **MOBA**

- 0,7 M³ per hour
- Minimal pressure 6 bar / 87 psi
- Maximum dew point 2°C; an air dryer is recommended

**Moba Omnia PX 530**  
**fully automatic egg grading- and packing machine**  
**with a max. capacity of 190.000 eggs/hour.**

**MR 50 De-palletiser**  
**for de-palletizing pallets of the eggs**

According to enclosed specification.

Total price EUR 2.315.000,00

**Price:** Said prices are exclusive of V.A.T. and strictly net, to be paid to Rabobank in Rotterdam. Our bank data are mentioned at the bottom of this letter. The cost involved such as collection, credits, payment guarantees etc. are for purchaser account.

**Exchange rate:** This price of the Washer has been calculated based on the exchange rate on 13-12-2016, being \*Exchange rate EUR to USD is 0,89. The final price in EUR will be determined on the date of order and per the exchange rate valid on that date.

**Delivery:** DDP 1015 38th Street North, Great Falls, according to "Incoterms 2010".

**Payment:** 20% down payment already paid on order US-121330-3 + 280003136 and invoice number: 21615737  
 70% 15 days before agreed delivery time ex works Barneveld  
 10% after assembly, however, not later than 30 days after date of transport document.

**Delivery time:** June 15, 2017, provided we have received your written order, down-payment, necessary technical specifications and design parameters within one week after order confirmation date.

**Installation:** Installation and start-up of the mentioned equipment by Moba-Engineers is included in above-mentioned total price. For specification of the installation and start-up details see enclosed assembly, training and commissioning sheet.

**Warranty:** 12 months with a maximum of 2.500 operating hours of the machine, (actual operating hours according to the counter of the operating hours) and becomes effective after assembly and corresponding commissioning of the machine at your company, however within 4 weeks after shipment of the machine to your company at the latest. After commissioning, a Protocol of Acceptance will have to be signed by a, duly authorized employee of your company after which the warranty period takes effect.

The warranty only comprises the parts to be replaced including the required assembly hours. Work under warranty should take place under normal operating hours. Wear parts and improper use are excluded from warranty.





# Document A101™ – 2007

*Building*

*u*

## Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum

AGREEMENT made as of the 19th day of July in the year 2016  
(In words, indicate day, month and year.)

BETWEEN the Owner:  
(Name, legal status, address and other information)

Montana Eggs, LLC  
c/o Kingsburg Colony  
600 Kingsburg Road  
PO Box 777  
Valier, MT 59486  
Phone: (406) 472-3330

and the Contractor:  
(Name, legal status, address and other information)

Guy Tabacco Construction  
1400 25th Street NE  
PO Box 550  
Black Eagle, MT 59414  
Phone: (406) 727-7556

for the following Project:  
(Name, location and detailed description)

Montana Egg New Plant on 38<sup>th</sup> Street and North Park Boulevard

The Architect:  
(Name, legal status, address and other information)

CTA Architects Engineers  
219 2nd Avenue South  
Great Falls, MT 59405  
Phone: (406) 452-3321

The Owner and Contractor agree as follows.

**ADDITIONS AND DELETIONS:**  
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™-2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

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User Notes:

(1263693360)

TABLE OF ARTICLES

- 1 THE CONTRACT DOCUMENTS
- 2 THE WORK OF THIS CONTRACT
- 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- 4 CONTRACT SUM
- 5 PAYMENTS
- 6 DISPUTE RESOLUTION
- 7 TERMINATION OR SUSPENSION
- 8 MISCELLANEOUS PROVISIONS
- 9 ENUMERATION OF CONTRACT DOCUMENTS
- 10 INSURANCE AND BONDS

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner. *(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)*

| Commencement by Notice to Proceed, July 19<sup>th</sup>, 2016

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

| N/A

§ 3.2 The Contract Time shall be measured from the date of commencement.

| § 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than three hundred five days ( 305 ) days from the date of commencement, or as follows: *(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)*

Portion of Work  
N/A

Substantial Completion Date

, subject to adjustments of this Contract Time as provided in the Contract Documents.  
(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)

N/A

**ARTICLE 4 CONTRACT SUM**

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be six million eight hundred sixty eight thousand six hundred fourteen and zero cents (\$ 6,868,614.00 ), subject to additions and deductions as provided in the Contract Documents.

See Attachment "A"

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:  
(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

None Accepted

§ 4.3 Unit prices, if any:  
(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price Per Unit (\$0.00)
N/A		

§ 4.4 Allowances included in the Contract Sum, if any:  
(Identify allowance and state exclusions, if any, from the allowance price.)

Item	Price
N/A	

**ARTICLE 5 PAYMENTS**

**§ 5.1 PROGRESS PAYMENTS**

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

The 25<sup>th</sup> day of each month.

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the 1st day of a month, the Owner shall make payment of the certified amount to the Contractor not later than the 15th day of the same month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than fifteen ( 15 ) days after the Architect receives the Application for Payment.

(Federal, state or local laws may require payment within a certain period of time.)

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of five percent (5%). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™-2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of five percent ( 5 %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201-2007.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and  
*(Section 9.8.5 of AIA Document A201-2007 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)*
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.3 of AIA Document A201-2007.

§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

*(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)*

By mutual agreement of both parties.

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

## § 5.2 FINAL PAYMENT

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201-2007, and to satisfy other requirements, if any, which extend beyond final payment; and
- .2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

Init.

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User Notes:

(1263693360)

4

**ARTICLE 6 DISPUTE RESOLUTION**

**§ 6.1 INITIAL DECISION MAKER**

The Architect will serve as Initial Decision Maker pursuant to Section 15.2 of AIA Document A201-2007, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision Maker. *(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)*

**§ 6.2 BINDING DISPUTE RESOLUTION**

For any Claim subject to, but not resolved by, mediation pursuant to Section 15.3 of AIA Document A201-2007, the method of binding dispute resolution shall be as follows:

*(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)*

Arbitration pursuant to Section 15.4 of AIA Document A201-2007

Litigation in a court of competent jurisdiction

Other *(Specify)*

**ARTICLE 7 TERMINATION OR SUSPENSION**

**§ 7.1** The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-2007.

**§ 7.2** The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-2007.

**ARTICLE 8 MISCELLANEOUS PROVISIONS**

**§ 8.1** Where reference is made in this Agreement to a provision of AIA Document A201-2007 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

**§ 8.2** Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.

*(Insert rate of interest agreed upon, if any.)*

1.5% 18% Annual

**§ 8.3** The Owner's representative:

*(Name, address and other information)*

Mike Kleinsasser  
Montana Eggs, LLC  
PO Box 777  
Valier, MT 59486  
Phone: (406) 949-2738

**§ 8.4** The Contractor's representative:

*(Name, address and other information)*

Guy Mike Tabacco  
PO Box 550

Black Eagle, MT 59414  
Phone: (406) 727-7556

§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

N/A

#### ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101-2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
----------	-------	------	-------

§ 9.1.4 The Specifications:

*(Either list the Specifications here or refer to an exhibit attached to this Agreement.)*

See Attachment "B"

Section	Title	Date	Pages
---------	-------	------	-------

§ 9.1.5 The Drawings:

*(Either list the Drawings here or refer to an exhibit attached to this Agreement.)*

See Attachment "C"

Number	Title	Date
--------	-------	------

§ 9.1.6 The Addenda, if any:

Number	Date	Pages
N/A		

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:

.1 AIA Document E201™-2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:

.2 Other documents, if any, listed below:

*(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201-2007 provides that bidding requirements such as advertisement or invitation to bid,*

Init. AIA Document A101™ - 2007. Copyright © 1915, 1918, 1925, 1937, 1951, 1958, 1961, 1963, 1967, 1974, 1977, 1987, 1991, 1997 and 2007 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. This document was produced by AIA software at 08:25:52 on 07/18/2016 under Order No.5638325655\_1 which expires on 12/31/2016, and is not for resale. User Notes: (1263693360)

*Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)*

**ARTICLE 10 INSURANCE AND BONDS**

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A201-2007.

*(State bonding requirements, if any, and limits of liability for insurance required in Article 11 of AIA Document A201-2007.)*

Type of insurance or bond	Limit of liability or bond amount (\$0.00)
N/A	N/A

This Agreement entered into as of the day and year first written above.

Mike S. Kleinsasser  
 OWNER (Signature) *sec. trea*

Mike Kleinsasser, President  
 (Printed name and title)

*JOHN J. WIFF*  
John J. Wiff *mtl mgr.*

Guy M. Tabacco  
 CONTRACTOR (Signature)

Guy M. Tabacco, President  
 (Printed name and title)

*55,800 sq ft.  
 160 x 200  
 50 x 200  
 50 x 200  
 20 x 80*



LAWD

File No.: 590897-GF  
 Printed: 05/20/2016, 3:46 PM  
 Officer/Escrow Officer: Jeanne Strizich/kf  
 Settlement Location:  
 110 2nd Street South, Great Falls, MT 59401

**First American Title Company**  
 110 2nd Street South • Great Falls, MT 59401  
 Phone: (406)761-8796 Fax: (406)453-1070  
**Final Settlement Statement**



Property Address: 38th Street North, Great Falls, MT 59405  
 Buyer: Montana Eggs, LLC  
 Seller: Tobacco Investments, LLC  
 Lender:  
 Settlement Date: 05/20/2016  
 Disbursement Date: 05/20/2016

Description	Buyer	
	Debit	Credit
<b>Financial</b>		
Sale Price	450,000.00	
Deposit: Receipt No. 24613 on 05/11/2016 by Montana Eggs, LLC		10,000.00
<b>Prorations/Adjustments</b>		
City/Town Taxes 05/20/16 to 07/01/16 @\$8,854.65/yr	1,018.89	
County Taxes 01/01/16 to 05/20/16 @\$2,863.64/yr		1,098.38
<b>Title Charges &amp; Escrow / Settlement Charges</b>		
Settlement or Closing Fee to First American Title Company	300.00	
<b>Government Recording and Transfer Charges</b>		
Recording Fee-Deed	21.00	
<b>Subtotals</b>		440,241.51
Due From Buyer	451,339.89	451,339.89
<b>Totals</b>		

**Acknowledgement**

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction, and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize First American Title Company to cause the funds to be disbursed in accordance with this statement.

PH. (406) 454-6850

**CASCADE COUNTY - STATE OF MONTANA**  
P.O. Box 2549, Great Falls, MT 59403

PARCEL NO.

MONTANA EGGS LLC

Levy Dist: 1C-1 Real Estate for Tax Year 2016

0001182500

Statement#: 19057

MARKET VALUE: 316,956

MILL LEVY: 678.200 TAXABLE VALUE:

5,990

LAND DESCRIPTION	FUND DESCRIPTION	1ST HALF	2ND HALF	TOTAL DUE
( 10) 02-3016-04-2-04-38-0000 Acres: 9.110 LOT: 16 BLOCK: 5 NORTH PARK NORTH PARK BLOCK 5 Mark:  LOTS 11-16  SITUS: 1015 38TH ST N	CONSERVATION	6.65	6.65	13.30
	LIGHTING	395.45	395.44	790.89
	STREET	2,917.31	2,917.31	5,834.62
	BRIDGE FUND	31.30	31.30	62.60
	CITY-GT FALLS	500.94	500.94	1,001.88
	COMP INS	5.03	5.03	10.06
	DISTRICT SCHOOL	547.39	547.39	1,094.78
	ELEM EQUAL	98.84	98.84	197.68
	ELEM RETIREMENT	86.02	86.02	172.04
	EMERG MED SRVCE	0.75	0.75	1.50
	EXTENSION SRVCE	3.18	3.18	6.36
	GENERAL FAIR	19.20	19.20	38.40
	GENERAL FUND	150.83	150.83	301.66
	GF HIGH TUITION	2.43	2.43	4.86
	GF SOCCER PARK	5.69	5.69	11.38
	HIGH SCH RETIRE	45.67	45.67	91.34
	HIGH SCHOOL	65.89	65.89	131.78
	JUDICIAL	13.15	13.15	26.30
	MENTAL HEALTH	1.59	1.59	3.18
	MOSQ CONTROL	1.50	1.50	3.00
	MUSEUMS	3.65	3.65	7.30
	PER MED COUNTY	28.48	28.48	56.96
	PER MED GF	78.29	78.29	156.58
	PUBLIC SAFETY	108.54	108.54	217.08
	SCH TRANSPORT	9.70	9.70	19.40
	SEARCH AND RESCUE	0.90	0.90	1.80
	SENIOR CITIZEN	4.49	4.49	8.98
	SPEC TRANSPORT	3.20	3.20	6.40
ST EQUALIZATION	119.80	119.80	239.60	
SWIMMING POOL	8.81	8.81	17.62	
TRANSIT DISTRICT	58.70	58.70	117.40	
UNIVERSITY	17.97	17.97	35.94	
VO-TECH CENTER	4.49	4.49	8.98	
WEED CONTROL	4.79	4.79	9.58	

A complete legal description and tax breakdown is available at <http://tax.csa-inc.net/cascadeMT/>

NO SECOND HALF NOTICE WILL BE SENT. YOUR CHECK IS YOUR RECEIPT. STUBS (BELOW) MUST ACCOMPANY PAYMENT. FOR A COPY OF YOUR TAX RECEIPT INCLUDE A SELF ADDRESSED STAMPED ENVELOPE

<b>PAY</b>	\$5,350.62	\$5,350.61	\$10,701.23
	DUE 12/30/2016	DUE 05/31/2017	OR PAY TOTAL ON:

**SEE REVERSE SIDE FOR IMPORTANT INFORMATION**

THIS IS A BREAKDOWN OF WHERE YOUR GENERAL TAX DOLLARS GO.	STATE	COUNTY	SCHOOL	CITY	OTHER
	896.78	761.16	1,099.64	1,304.86	6,638.81

*For To*  
*Ross Norman*  
*From*  
*Mike Kleinmasser*  
*MT. Eggs*  
*(New Plant)*

**2nd TAX YEAR 2016**

MONTANA EGGS LLC  
600 KINGSBURY RD  
VALIER MT 59486

RETURN STUB WITH PAYMENT TO  
CASCADE COUNTY TREASURER  
P.O. BOX 2549  
GREAT FALLS, MT 59403

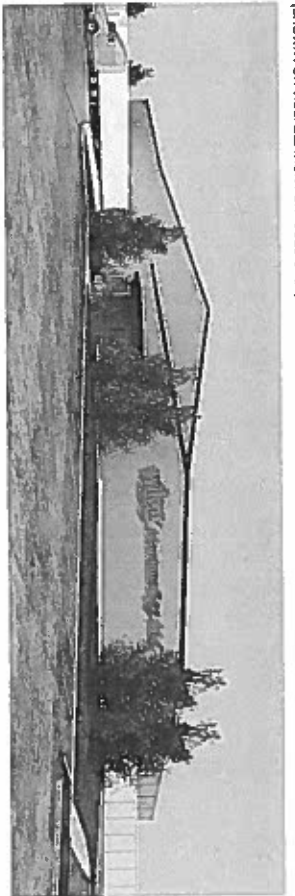


2ND HALF
\$5,350.61
DUE 05/31/2017

\*0001182500\*

0001182500000535061000000003

EXTERIOR VIEW  
(SHOWN FOR VISUALIZATION PURPOSES ONLY)



MAY 31 2016  
MONTANA EGG LLC,  
GREAT FALLS MONTANA  
NEW EGG PLANT FACILITY  
CONSTRUCTION DOCUMENTS BID SET

**ARCHITECT/ENGINEER**  
PROJECT MANAGER  
Helen Byrnes  
218 2ND AVE S  
GREAT FALLS, MT 59405  
(406) 452-3321  
FAX (406) 454-1873

**CONSULTANT**  
614 Park Drive South  
Great Falls, MT 59405  
(406) 582-2600

**GENERAL CONTRACTOR**  
OWNER  
Guy Toozoo Construction Co.  
1400 25th Ave  
Blaine, MT 59414  
(406) 771-1558  
MONTANA EGG LLC  
1401 Sucker Road  
Great Falls, MT 59405



SHEET INDEX

Civil	Architectural	Plumbing	Mechanical	Electrical
C-1	A101	P101	M101	E101
C-2	A102	P102	M102	E102
C-3	A103	P103	M103	E103
C-4	A104	P104	M104	E104
C-5	A105	P105	M105	E105
C-6	A106	P106	M106	E106
C-7	A107	P107	M107	E107
C-8	A108	P108	M108	E108
C-9	A109	P109	M109	E109
C-10	A110	P110	M110	E110
C-11	A111	P111	M111	E111
C-12	A112	P112	M112	E112
C-13	A113	P113	M113	E113
C-14	A114	P114	M114	E114
C-15	A115	P115	M115	E115
C-16	A116	P116	M116	E116
C-17	A117	P117	M117	E117
C-18	A118	P118	M118	E118
C-19	A119	P119	M119	E119
C-20	A120	P120	M120	E120
C-21	A121	P121	M121	E121
C-22	A122	P122	M122	E122
C-23	A123	P123	M123	E123
C-24	A124	P124	M124	E124
C-25	A125	P125	M125	E125
C-26	A126	P126	M126	E126
C-27	A127	P127	M127	E127
C-28	A128	P128	M128	E128
C-29	A129	P129	M129	E129
C-30	A130	P130	M130	E130
C-31	A131	P131	M131	E131
C-32	A132	P132	M132	E132
C-33	A133	P133	M133	E133
C-34	A134	P134	M134	E134
C-35	A135	P135	M135	E135
C-36	A136	P136	M136	E136
C-37	A137	P137	M137	E137
C-38	A138	P138	M138	E138
C-39	A139	P139	M139	E139
C-40	A140	P140	M140	E140
C-41	A141	P141	M141	E141
C-42	A142	P142	M142	E142
C-43	A143	P143	M143	E143
C-44	A144	P144	M144	E144
C-45	A145	P145	M145	E145
C-46	A146	P146	M146	E146
C-47	A147	P147	M147	E147
C-48	A148	P148	M148	E148
C-49	A149	P149	M149	E149
C-50	A150	P150	M150	E150
C-51	A151	P151	M151	E151
C-52	A152	P152	M152	E152
C-53	A153	P153	M153	E153
C-54	A154	P154	M154	E154
C-55	A155	P155	M155	E155
C-56	A156	P156	M156	E156
C-57	A157	P157	M157	E157
C-58	A158	P158	M158	E158
C-59	A159	P159	M159	E159
C-60	A160	P160	M160	E160
C-61	A161	P161	M161	E161
C-62	A162	P162	M162	E162
C-63	A163	P163	M163	E163
C-64	A164	P164	M164	E164
C-65	A165	P165	M165	E165
C-66	A166	P166	M166	E166
C-67	A167	P167	M167	E167
C-68	A168	P168	M168	E168
C-69	A169	P169	M169	E169
C-70	A170	P170	M170	E170
C-71	A171	P171	M171	E171
C-72	A172	P172	M172	E172
C-73	A173	P173	M173	E173
C-74	A174	P174	M174	E174
C-75	A175	P175	M175	E175
C-76	A176	P176	M176	E176
C-77	A177	P177	M177	E177
C-78	A178	P178	M178	E178
C-79	A179	P179	M179	E179
C-80	A180	P180	M180	E180
C-81	A181	P181	M181	E181
C-82	A182	P182	M182	E182
C-83	A183	P183	M183	E183
C-84	A184	P184	M184	E184
C-85	A185	P185	M185	E185
C-86	A186	P186	M186	E186
C-87	A187	P187	M187	E187
C-88	A188	P188	M188	E188
C-89	A189	P189	M189	E189
C-90	A190	P190	M190	E190
C-91	A191	P191	M191	E191
C-92	A192	P192	M192	E192
C-93	A193	P193	M193	E193
C-94	A194	P194	M194	E194
C-95	A195	P195	M195	E195
C-96	A196	P196	M196	E196
C-97	A197	P197	M197	E197
C-98	A198	P198	M198	E198
C-99	A199	P199	M199	E199
C-100	A200	P200	M200	E200

Discipline	Revision	Date
OWNER	1	MAY 31 2016
LANDSCAPE	1	MAY 31 2016
ARCHITECTURE	1	MAY 31 2016
STRUCTURAL	1	MAY 31 2016
MECHANICAL	1	MAY 31 2016
PLUMBING	1	MAY 31 2016
ELECTRICAL	1	MAY 31 2016

NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

T1100

MONTANA EGG LLC  
GREAT FALLS MONTANA  
NEW EGG PLANT FACILITY





PLUMBING FIXTURE & CONNECTION SCHEDULE

Table with columns for fixture type, quantity, and connection details. Includes items like 'ELECTRIC APPROVED WATER HEATER', 'COLD WATER SIZING CHART', and 'HOT WATER SIZING CHART'.

WATER HAMMER ARRESTORS

Table with columns for pipe size, material, and quantity for water hammer arrestors.

POTABLE WATER EXPANSION TANK SCHEDULE

Table with columns for tank size, material, and quantity for potable water expansion tanks.

COLD WATER SIZING CHART (8 FPS)

HOT WATER SIZING CHART (5 FPS)

WATER CALCULATIONS

PLUMBING SYSTEM SPECIFICATIONS

PLUMBING NOTES

WASTE PIPING CALC

PLUMBING ABBREVIATIONS

PLUMBING ABBREVIATIONS

PLUMBING NOTES

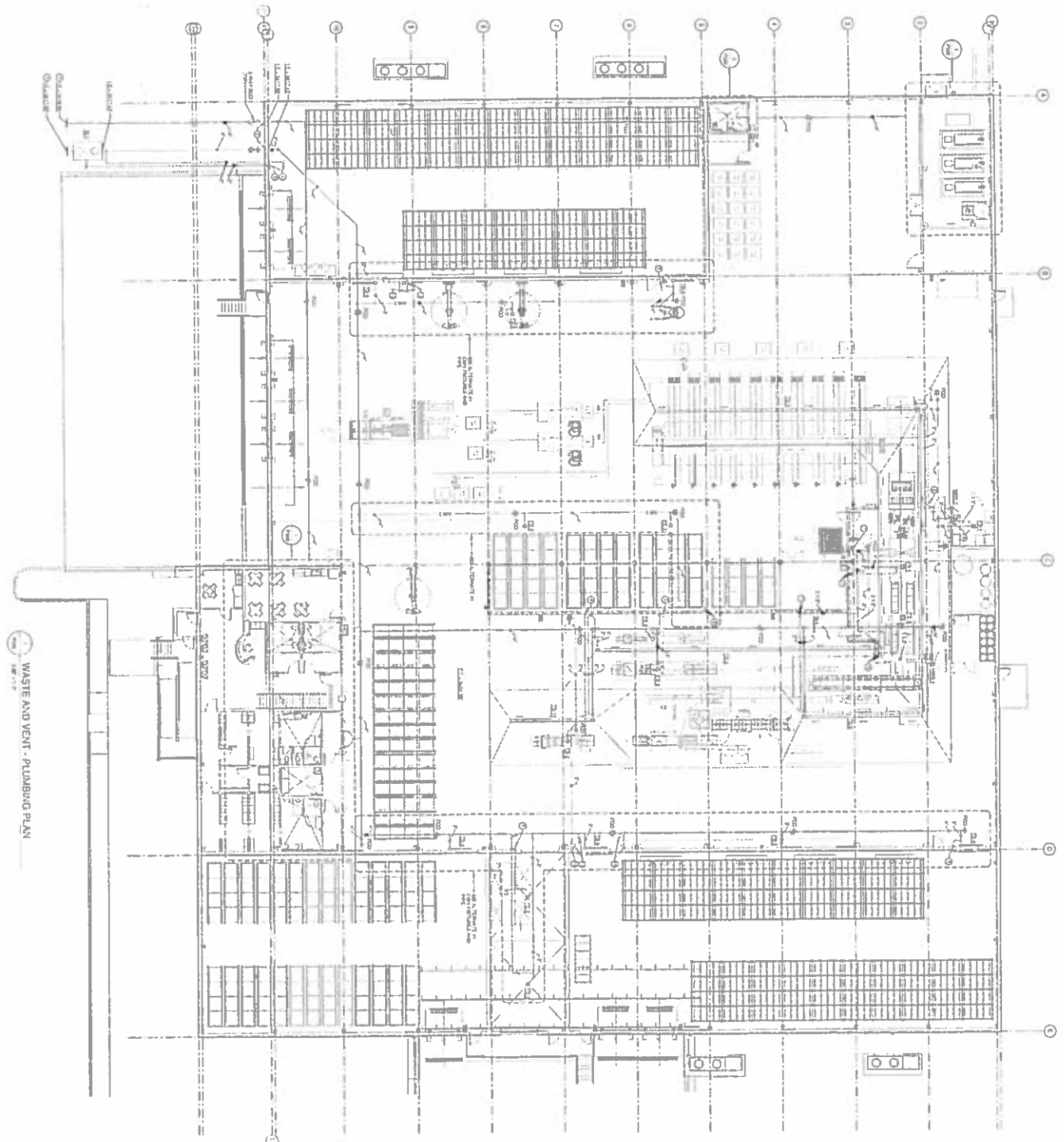
WASTE PIPING CALC

PLUMBING ABBREVIATIONS

PLUMBING ABBREVIATIONS

CONTRACTOR BID SET
PLUMBING SCHEDULES AND DETAILS
P001

GREAT FALLS, MONTANA
NEW EGG PLANT FACILITY



WASTE AND VENT - PLUMBING PLAN

**GENERAL NOTES**

1. SEE GENERAL NOTES TO SHEET P100 FOR NOTES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA PLUMBING CODE.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA ELECTRICAL CODE.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA MECHANICAL CODE.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA FIRE CODE.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA SAFETY CODE.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA ENVIRONMENTAL CODE.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA HEALTH CODE.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA EDUCATION CODE.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA ARTS AND CULTURE CODE.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA LABOR CODE.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA BUSINESS CODE.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA PROFESSIONAL CODE.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA REGULATORY CODE.

**SHEET WORKNOTES**

1. SEE GENERAL NOTES TO SHEET P100 FOR NOTES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA PLUMBING CODE.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA ELECTRICAL CODE.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA MECHANICAL CODE.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA FIRE CODE.
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14. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA REGULATORY CODE.

MONTANA EGG  
 GREAT FALLS, MONTANA  
**NEW EGG PLANT FACILITY**

CONTRACTOR BID SET  
 WASTE AND VENT  
 PLUMBING PLAN  
**P100**



Wilcox Family Farms is a 100 year old farm that sits on 1,500 acres of sustainable farmland along the Nisqually River in the foothills of Mt Rainier. Wilcox Family Farms was founded in 1909 by Judson and Elizabeth Wilcox who set out to build a family business and ultimately a lifelong legacy. Since its beginnings, Wilcox Farms has been known for supplying high quality, farm fresh eggs to families and businesses in the Pacific Northwest.



Today the fourth generation of the Wilcox Family continues in the tradition of sustainable farming and community outreach. Andy, Brent and Chris Wilcox proudly run the business their parents, grandparents and great grandparents built. The Wilcox Family is committed to supplying your family and local businesses with quality organic and cage-free egg.

Wilcox Family Farms' commitment to sustainability launched the company in 2005 as a transitioning farm in the cage free and organic movement while they convert to cage-free systems and organic raising methods. Wilcox chickens will all have outdoor access to roam freely and eat organically. The goal of Wilcox Farms is to become the premier organic cage-free egg producer in the Pacific Northwest through unbeatable products and support in the community. This change is in response to the growing demand for organic and cage-free eggs as well as the company's desire to sustain the land, community and company for the future.





Families enjoy visiting Wilcox Farms for special events. They enjoy the natural setting of a real, 100 year old family farm. Call to schedule a tour of our the original home and property where Judson and Elizabeth Wilcox raised their children and began their business and legacy. Watch our website, and the communities, for our annual events, call us about group tours, and browse our website to learn more about where your eggs come from!

# Wilcox Family Farms



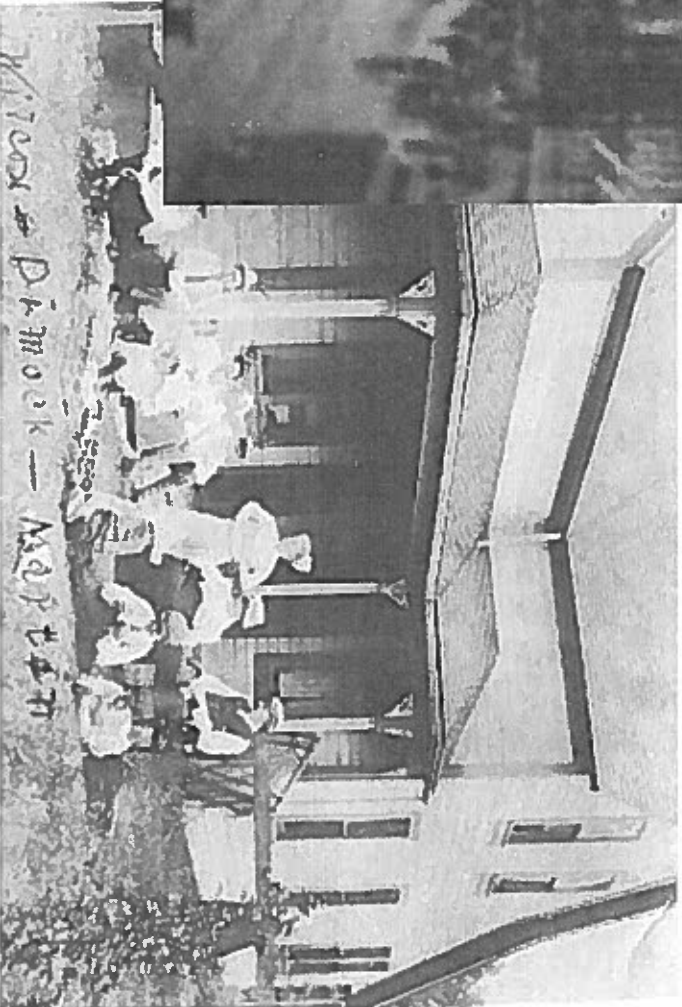
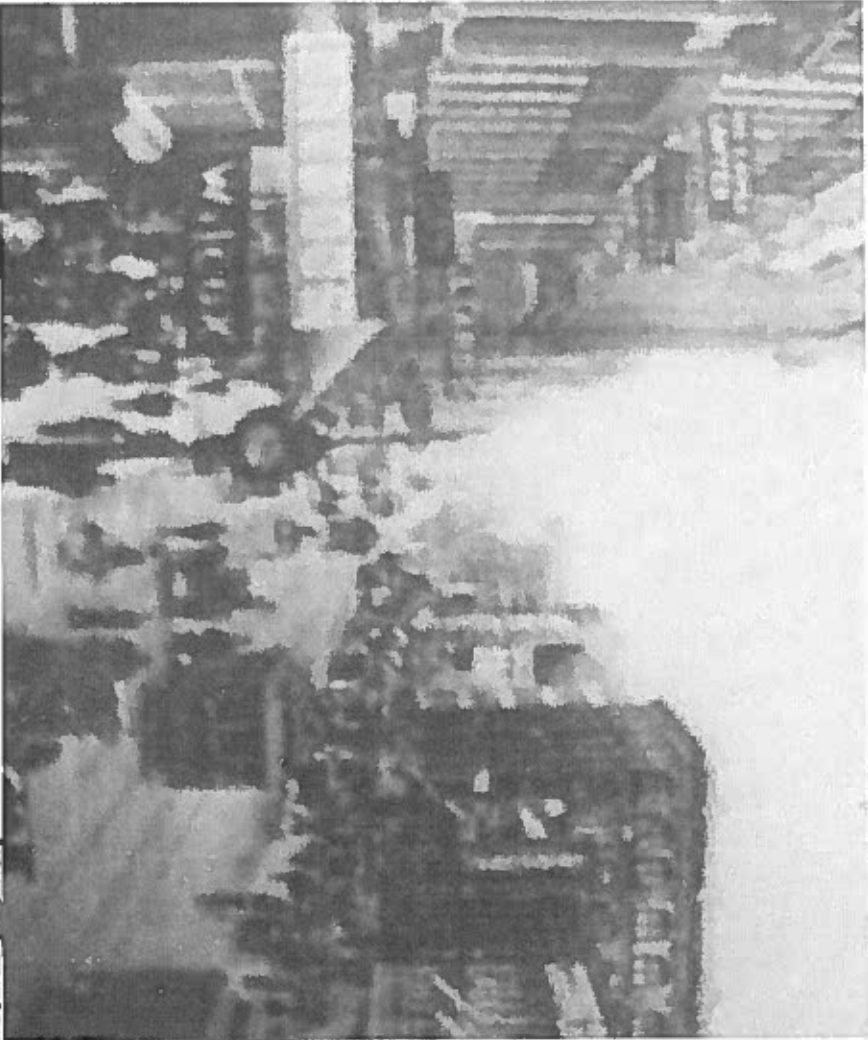
# Judson and Elizabeth Wilcox

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# Wilcox Family Farms – History

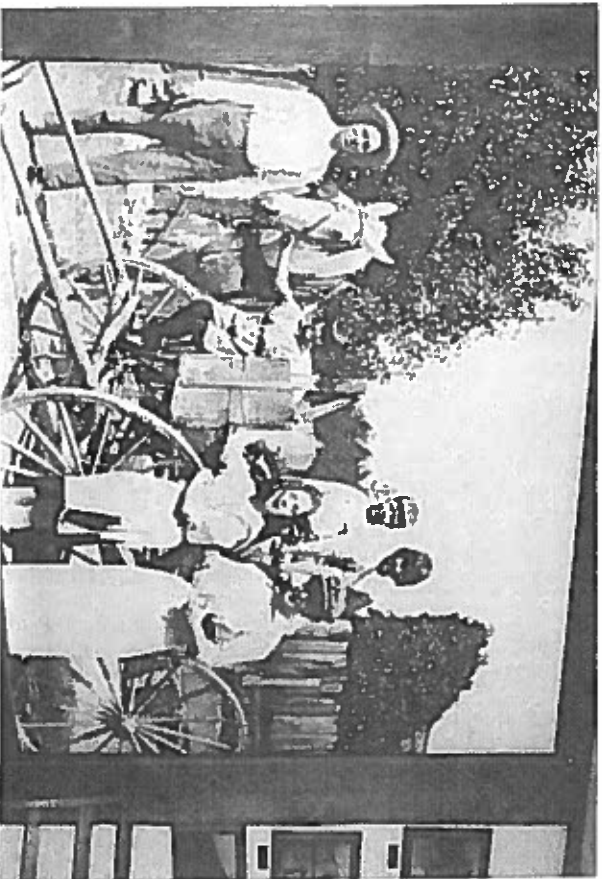
“Betty, I have  
bought a  
Farm”



# Wilcox Family Farm - A Vision

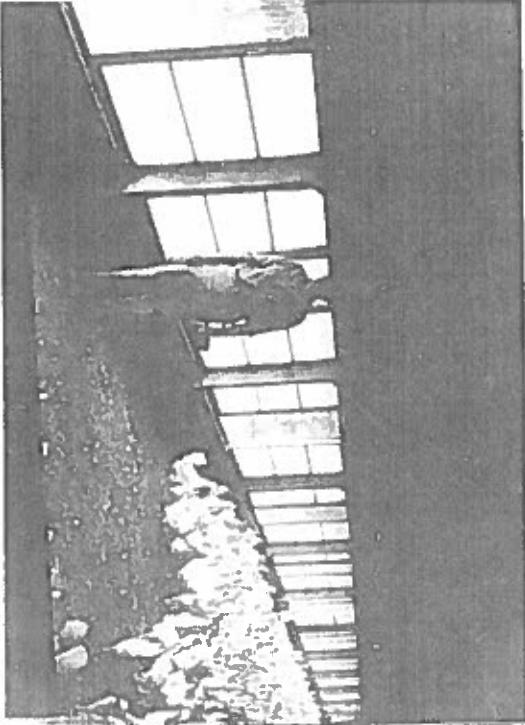


- Founded in 1909 by Judson & Elizabeth (Betty) Wilcox
- Attended poultry raising class at WSU extension in Puyallup Washington

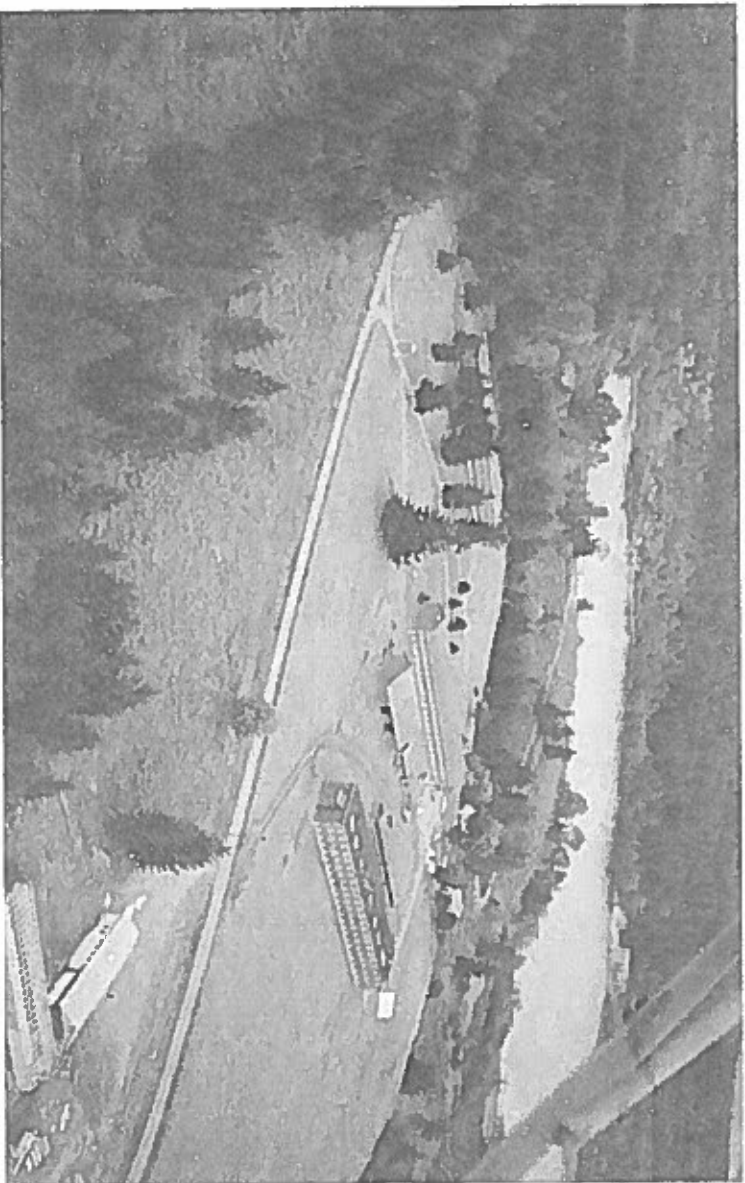




# Back to the Beginning . . .

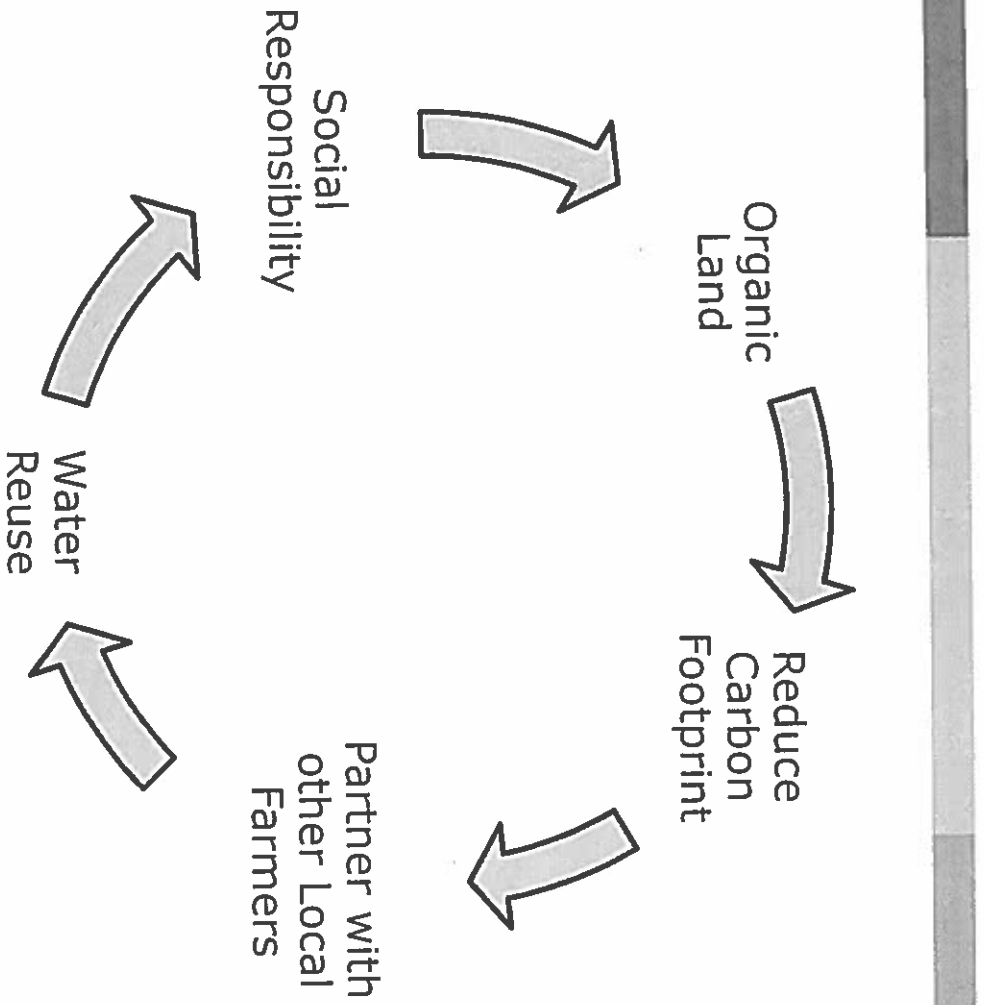


# Wilcox Family Farm – History



- 1931 Son Truman joined farm partnership
- “Dairy started in the 1970’s as an addition to the poultry.”

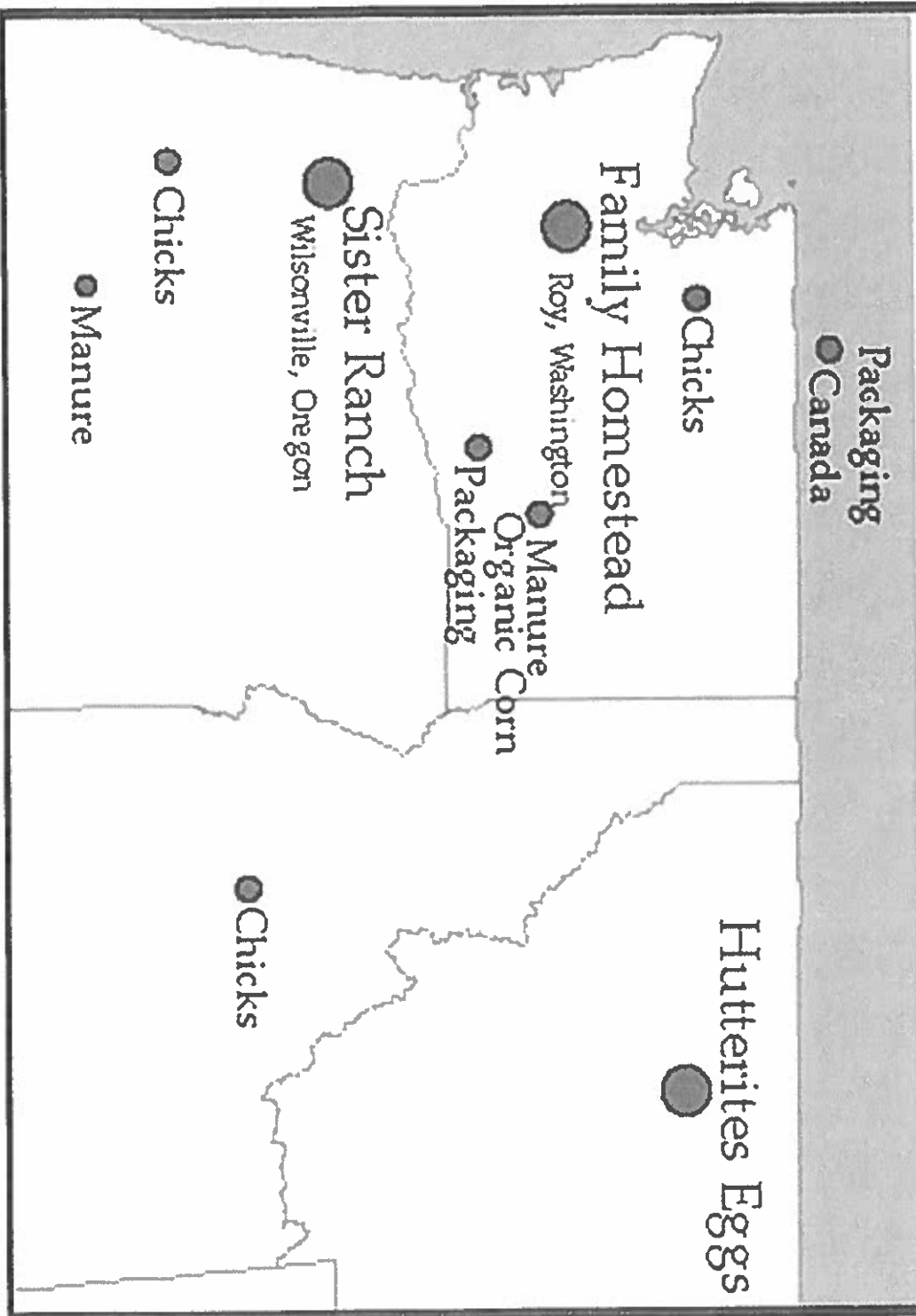
# Wilcox Responsibility





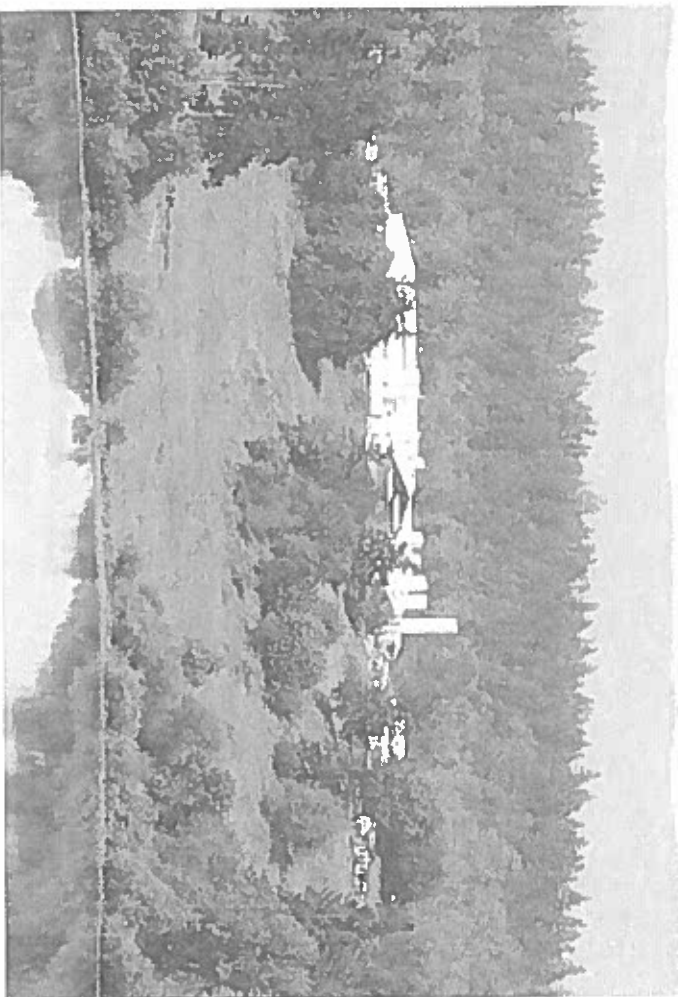
**Wilcox** Since 1909  
Family Farms

# WILCOX FARMS CARBON FOOTPRINT



# Our Wilcox Family Farm Facilities

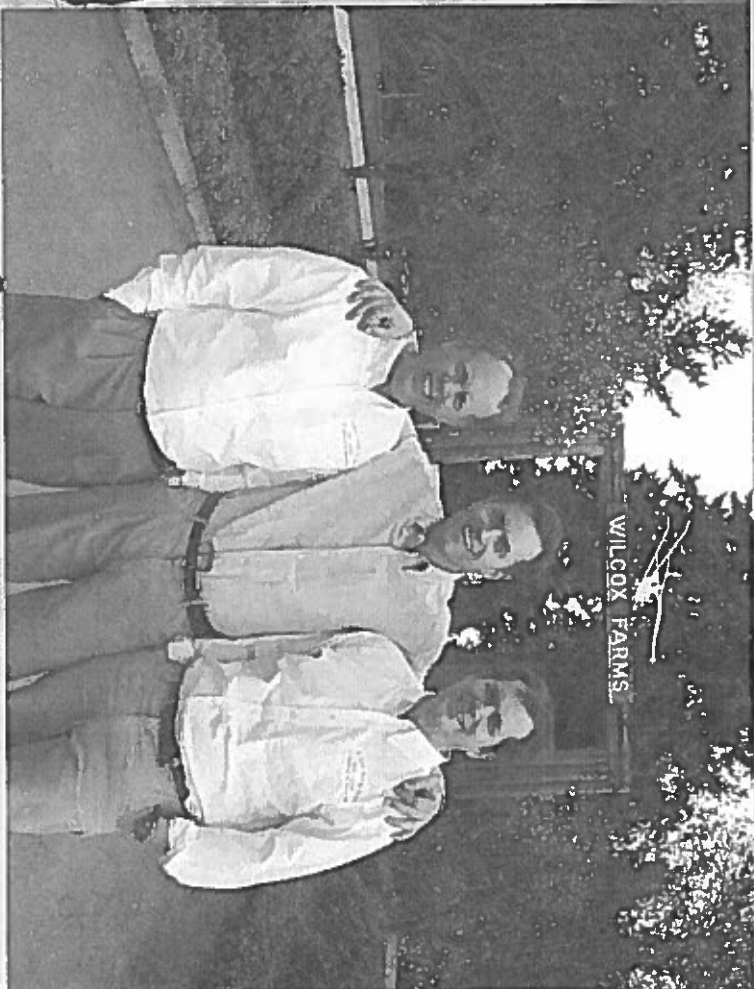
- Egg Processing Plant
- Liquid Egg Plant
- Hardboiled Egg Plant
- Feed Mill
- All Waste water is treated and recycled then utilized on our organic fields



*Another effort in reducing our carbon footprint*



# Wilcox Leadership Team

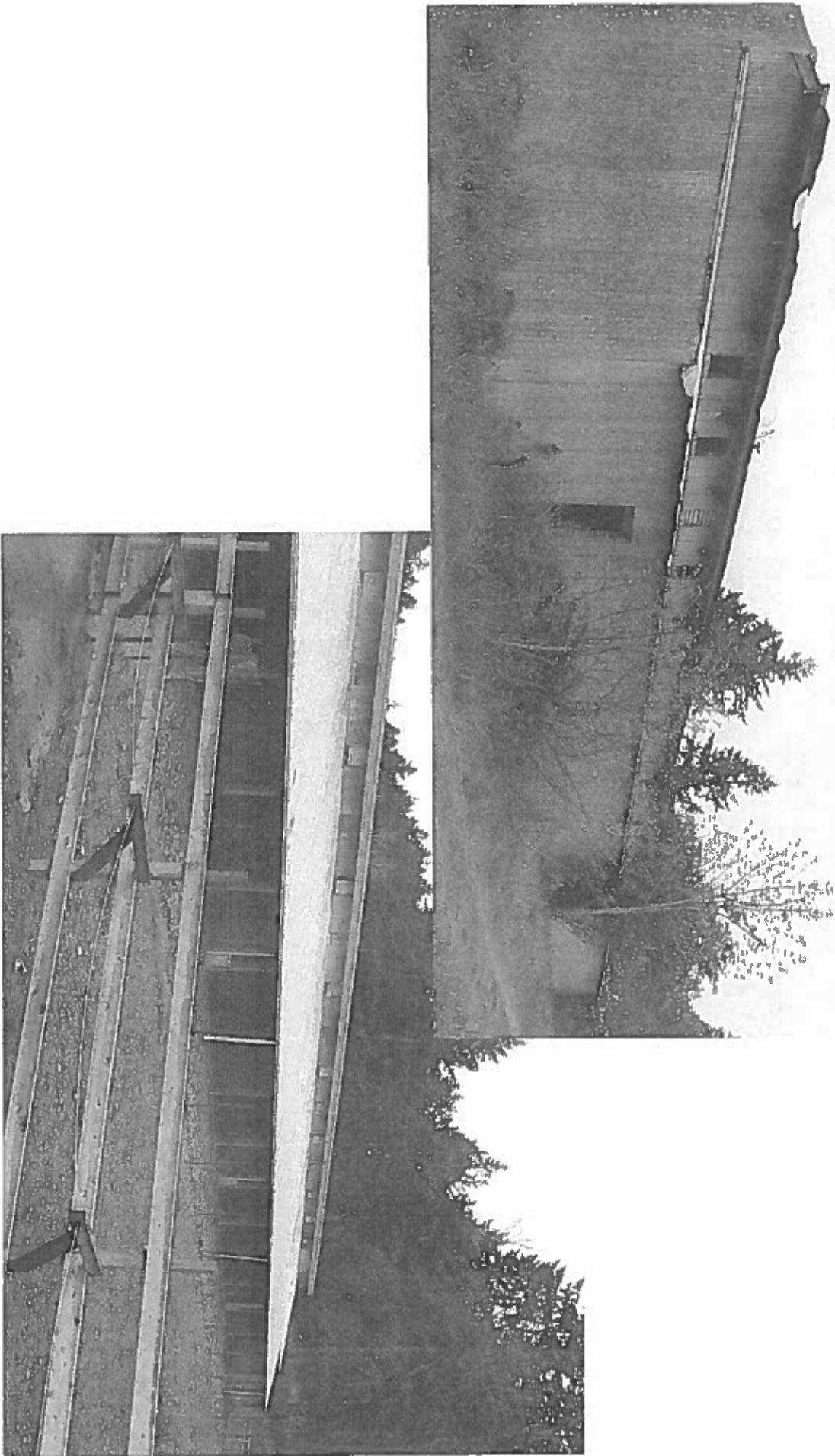


# Wilcox Organic Cage Free Today



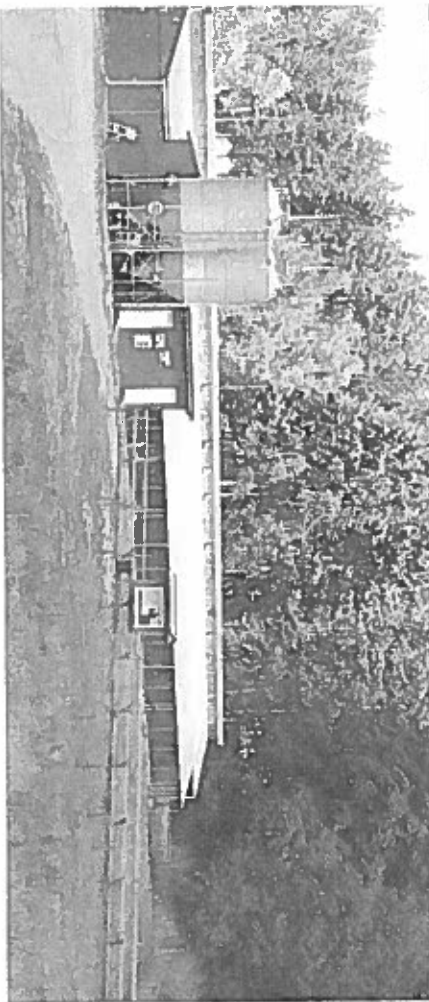
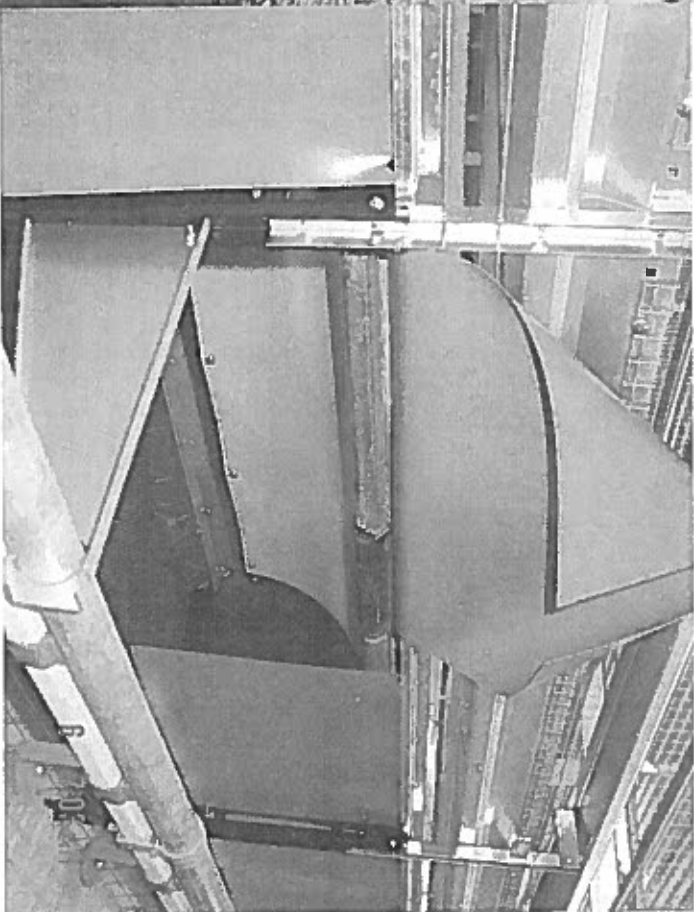


# Organic House Remodels

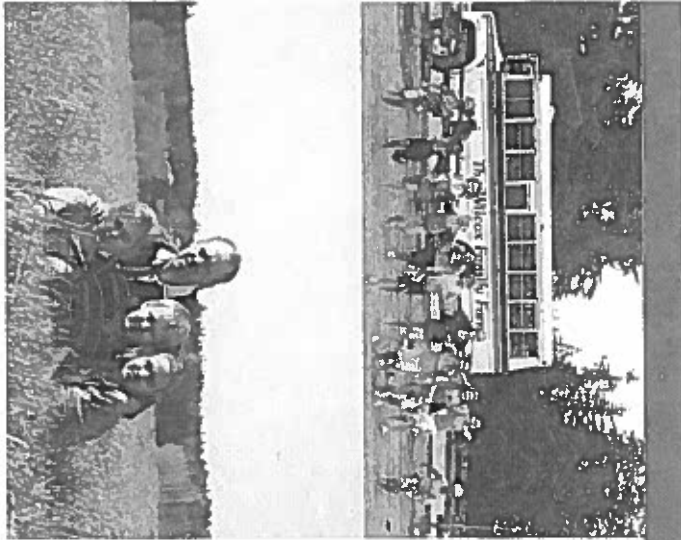


# Our Chicken Houses

- ▣ State of the art chicken houses



# Wilcox Family Today



Today Wilcox Farms is still all about family



RESOLUTION 10206

A RESOLUTION APPROVING THE APPLICATION FOR THE  
NEW OR EXPANDING INDUSTRY TAX BENEFIT FOR  
MONTANA EGG LLC., 600 KINGSBURY ROAD, VALIER, MT,  
FOR THE EXPANSION OF EGG PROCESSING FACILITY  
PRIMARILY LOCATED ON LOT 11, LOTS 11, 12, 13A NORTH  
PARK ADDITION, LOCATED IN SEC. 04, T20N, R4E, CASCADE  
COUNTY, MONTANA, PURSUANT TO SECTIONS 15-24-1401  
AND 15-24-1402 MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, the State of Montana has provided enabling legislation to encourage new industry or expansion of existing industry, and;

WHEREAS, said encouragement allows for new or expanding industries to be taxed at 50% of their taxable value for the first five years, and;

WHEREAS, in years six through ten, the taxes will increase by equal percentages until the full taxable value is attained in the tenth year, and;

WHEREAS, Sections 15-24-1401 and 15-24-1402, MCA, as amended provides the opportunity for local governing bodies to give Tax Benefits for New or Expanding Industry, and;

WHEREAS, the City Commission passed Resolution 10119 on December 1, 2015, providing criteria for the evaluation of projects requesting tax benefits pursuant to Sections 15-24-1401 and 15-24-1402 MCA, and;

WHEREAS, in order for a taxpayer to receive the tax benefits, the City Commission, having jurisdiction, must approve by separate resolution for each project, following due notice as defined in Section 17-1-4127 MCA and a public hearing, and;

WHEREAS, Montana Egg, LLC located at 1015 38th St N, Great Falls, Montana, has expanded a egg processing facility, and;



WHEREAS, Montana Egg LLC, has submitted an application for a New or Expanding Industry Tax Benefit pursuant to Sections 15-24-1401 and 15-24-1402 MCA.

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

That the City Commission of the City of Great Falls does hereby approve said application for New or Expanding Industry Tax Benefit pursuant to Sections 15-24-1401 and 15-24-1402 MCA amended.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd Day of October 2017.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara Sexe, City Attorney

## RESOLUTION NO. 10119

### A RESOLUTION ESTABLISHING CRITERIA FOR EVALUATING TAX ABATEMENT OR BENEFIT REQUESTS

**WHEREAS**, the State of Montana has provided enabling legislation to guide the administration of a property tax abatement program for new or expanding industry under Mont. Code Ann. §15-24-1401 *et seq.*; and

**WHEREAS**, the State of Montana has further provided enabling legislation to guide the administration of a property tax abatement or benefit program for remodeling, reconstruction or expansion of buildings or structures under Mont. Code Ann. §15-24-1501 *et seq.*; and

**WHEREAS**, the State of Montana has further provided enabling legislation to guide the administration of a property tax abatement program for the restoration, rehabilitation, expansion and new construction of certified residential and commercial property located within the national register of historic districts and properties listed in the National Register of Historic Places under Mont. Code Ann. §15-24-1601 *et seq.*; and

**WHEREAS**, it is deemed to be in the public interest to encourage and promote within the City of Great Falls:

the remodeling, reconstruction of buildings or structures,

the development of new industry or expanding industry, and

the restoration, rehabilitation, expansion and new construction of certified residential and commercial property located within the national register of historic districts and properties listed in the National Register of Historic Places; and

**WHEREAS**, Montana law provides the City Commission the authority to use its discretion in determining which properties will be afforded property tax abatements; and

**WHEREAS**, the following policies will guide the City Commission in evaluating whether or not to confer upon qualifying applicants an abatement of property taxes.

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

1. The purpose of this Resolution is to establish a guide for the City of Great Falls for processing and reviewing applications for property tax abatement under the provisions of the aforementioned statutes. The fundamental purpose of property tax abatements is to encourage desirable development, redevelopment or improvements which clearly demonstrate a need for assistance and a public benefit. Applications for property tax abatement will be evaluated on a case-by-case basis, taking into consideration established policies, project criteria, and demand on City services in relation to the potential benefits from the project. Meeting policy criteria will not guarantee the granting of property tax abatements on applications. Approval or denial of one project is not intended to establish precedent for approval or denial of another project.

2. The City of Great Falls will, in its discretion, evaluate and then approve, modify, or deny requests for tax benefits based upon one or more of the following factors, as applicable:
- a. Whether the City's financial condition at the time of the application or consideration of the application warrants granting the application;
  - b. Whether the application meets all pertinent statutory criteria for the particular project;
  - c. Whether the property taxes or other taxes and/or assessments on the property are current;
  - d. Whether the project may unreasonably affect the tax base of the City;
  - e. Whether the project would impact employment opportunities within the City;
  - f. Whether the project is located within a Tax Increment Financing (TIF) or Targeted Economic Development (TED) District;
  - g. Whether the project has already received additional financial assistance from the City or other authorities having jurisdiction;
  - h. As to applications filed pursuant to Mont. Code Ann. §15-24-1601 *et seq.*, whether the Montana state historic preservation office has provided design review assistance and certification for qualifying properties;
  - i. Whether the project will create affordable housing opportunities;
  - j. Whether the project will encourage additional, unsubsidized development in the area of the project, either directly or indirectly, through "spin-off" development;
  - k. Whether the project will facilitate the development process and achieve development on sites which would not be developed without assistance, or would not be developed at a level of acceptable quality;
  - l. Whether the project would encourage redevelopment of commercial and industrial areas in the City of Great Falls, resulting in a higher level and quality of re-investment;
  - m. Whether the project would encourage removal of blight, or the rehabilitation of a high profile or priority site;
  - n. Whether the application is sought in whole or in part because of increased costs of redevelopment, such as clean-up of a contaminated site, demolition expenses, and the like, over and above costs normally incurred in development;
  - o. Whether the project could be developed without the benefit of a tax abatement; i.e., but for the allowance of a tax abatement, the project would not be developed or pursued;

p. Whether conferring the tax benefit will create an adverse impact on existing state, county or municipal services;

q. Whether the project contributes to the implementation of other policies adopted by the City, including, but not limited to, the City's Growth Policy; and/or

r. Whether the project would meet other criteria as would be considered reasonable for the best interests of the City.

This Resolution shall become effective upon adoption and shall supersede Resolution Nos. 8728, 8967 and 9004.

PASSED and ADOPTED by the City Commission of the City of Great Falls, Montana, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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



**Item:** Resolution 10209: A Resolution Approving a Conditional Use Permit to Allow Establishment of a “Contractor Type II” Land Use Upon a Parcel of Land Addressed as 600 2nd Street South and Legally Described as Lot 2, Block 9, Broadwater Bay Business Park Addition, Section 11, T20N, R3E, PMM, Cascade County, MT.

**From:** Leslie Schwab, Planner II, Planning and Community Development

**Initiated By:** Greg Corn -Falls Mechanical, LLC

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

**Action Requested:** City Commission conduct a public hearing and adopt Resolution 10209.

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 10209.”
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 
- 

**Staff Recommendation:**

The Zoning Commission, after holding its public hearing on September 12, 2017, recommended approval of the Conditional Use Permit, subject to the stated conditions.

**Summary:**

The applicant, Falls Mechanical Services LLC, has submitted an application requesting a Conditional Use Permit to allow for the establishment of a “Contractor Type II” land use upon the property located at 600 2nd St. South and legally described as Lot 2, Block 9, Broadwater Bay Business Park Addition, Sec. 11, T20N, R3E, PMM, Cascade County, Montana (Subject Property).

The Subject Property is presently zoned M-2 Mixed-use transitional, wherein a Contractor Yard Type II land use can be permitted upon receiving approval of a Conditional Use Permit and fulfillment of any

required conditions.

A “Contractor Yard” is defined in Title 17 as “a place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.” A Contractor Yard Type II is considered compatible in size and scope with industrial and commercial activities, as opposed to smaller-scale businesses that would have no substantial impacts to a residential neighborhood.

## **Background:**

### Project Description

The Subject Property is a +/-37,897 square-foot lot located at 600 2nd St South, a former paper wholesaling/warehousing business. Approximately half of the lot, 17,000 square feet, contains a one-story, unreinforced-brick masonry warehouse. The rear of the site facing Park Drive is unimproved. The site is located south of the downtown commercial core in a mixed, retail, office and industrial neighborhood adjacent to an active rail corridor. There are multiple commercial and institutional land uses surrounding the Subject Property, including professional services, a salon/school, a metal and equipment fabrication business and a history museum.

The applicant wishes to relocate an existing business, Falls Mechanical Services, to the subject property. The business contains plumbing, heating, and air-conditioning installation and repair services. The business operations require vehicles and trailers for service calls, a storage area for vehicles, and a business office. The owner doesn’t anticipate a great deal of foot traffic to the business, as they primarily provide services off-site. The relocation of the business to the new site will entail site improvements to include landscaping, regrading/resurfacing of the currently unimproved back area for parking/storage needs, a detention pond and drainage improvements, installation of a privacy fence around the vehicle storage area, and new ADA parking and ramp access into the rear of the building. No exterior modifications to the existing building are planned at this time.

### Impacts

A more detailed analysis of impacts is included in the attached Basis of Decision.

### Improvements

To comply with Title 17, Chapter 28 Design Review, Exhibit 28-1, staff recommended a condition that the back outdoor storage area be attractively screened. This is a Design Standard for material storage areas within the M-2 zoning district. For that condition, the Zoning Commission indicated that a chain link fence with vertical slats was an acceptable treatment. All other improvements associated with development will comply with relevant requirements found in the Official Code of the City of Great Falls (OCCGF). These include the following:

- Sidewalk installation on Park Drive
- Boulevard tree installation on Park Drive
- Additional landscaping on the rear portion of the property
- Improvements on the rear portion of the property for vehicle storage and parking
- ADA parking and ramp leading to an accessible route through the building
- Landscaping improvements on the front of the property, facing 2nd Street
- A detention pond and drainage improvements

### Proximity to Other Uses

The Subject Property is within the Mixed-Use transitional (M-2) zoning district. Land uses surrounding

the parcel are all within this same zoning district. The character of the neighborhood is in transition, with a wide variety of light industrial, professional, and institutional uses.

**Fiscal Impact:**

Approval of the CUP would have no adverse financial impact upon the City of Great Falls. Approval would be expected to result in the adaptive reuse of the Great Falls Paper Company building.

**Alternatives:**

1. The City Commission may decide to not adopt Resolution 10209 at the public hearing.
2. The Commission may suggest additional conditions for staff consideration.

**Concurrences:**

Agency Coordination

Representatives from the City's Public Works, Police, and Fire/Rescue Departments have reviewed the proposal and have no objections to issuance of the Conditional Use Permit. Engineering and Public Works Environmental Division staff are working with the Applicant to finalize the design of their storm water treatment program and facilities. No building permit will be issued until such plans are approved.

Public and Neighborhood Council Notification

Public Notice for the City Commission Public Hearing was published in the Great Falls Tribune on September 24, 2017. Letters were sent to property owners within 150 feet of the Subject Property, and a sign notifying the public hearing was posted on the site 15 days prior to the hearing. Neighborhood Council #7 heard a presentation from the applicant on July 10, 2017. The Council supports the proposed CUP. To date, staff has not received public comment regarding this project.

ATTACHMENTS:

- Resolution 10209
- Conditions of Approval
- 600 2nd St S CUP Basis of Decision
- 600 2nd St S\_Site Photos
- Zoning Map
- 600 2nd St S CUP Application
- CUP Exhibit
- Draft Site Plan

**RESOLUTION 10209**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW ESTABLISHMENT OF A “CONTRACTOR TYPE II” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 600 2<sup>ND</sup> STREET SOUTH AND LEGALLY DESCRIBED AS LOT 2, BLOCK 9, BROADWATER BAY BUSINESS PARK ADDITION, SECTION 11, T20N, R3E, PMM, CASCADE COUNTY, MT.**

\* \* \* \* \*

**WHEREAS**, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Contractor Type II” land use upon the property legally described as Lot 2, Block 9, Broadwater Bay Business Park Addition, Sec. 11, T20N, R3E, PMM, Cascade County, Montana (subject property); and,

**WHEREAS**, the subject property is presently zoned M-2 Mixed Use Transitional, wherein a “Contractor Type II” land use is permitted upon receiving approval of a Conditional Use Permit; and,

**WHEREAS**, the proposed Conditional Use Permit for the establishment of a “Contractor Type II” 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 September 12, 2017 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit for a “Contractor Type II” land use be granted for the subject property, subject to the following conditions:



## CONDITIONS

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. Compliance with Title 17, Chapter 28, Exhibit 28-1: The following Design Review standard shall be met before any building permit is issued: *Exterior storage of materials. Exterior storage of materials in an M-2 zoning district shall be attractively screened.*
3. Expiration: The Conditional Use Permit shall expire one year 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.
4. Abandonment: If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
5. 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.
6. Acceptance of Conditions: No zoning or building permit shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

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

That a Conditional Use Permit be granted for a “Contractor Type II” land use at the property addressed as 600 2<sup>nd</sup> Street South, Great Falls, Montana, and legally described as Lot 2, Block 9, Broadwater Bay Business Park Addition, Sec. 11, T20N, R3E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls,  
Montana, on October 3, 2017.

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

ATTEST:

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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

Conditions of Approval:

600 2<sup>nd</sup> Street S

DRAFT

October 3, 2017

Staff recommends approval of the CUP, subject to the following conditions:

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. Compliance with Title 17, Chapter 28, Exhibit 28-1: The following Design Review standard shall be met before any building permit is issued: *Exterior storage of materials. Exterior storage of materials in an M-2 zoning district shall be attractively screened.*
3. Expiration: The Conditional Use Permit shall expire one year 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.
4. Abandonment: If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
5. 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.
6. Acceptance of Conditions: No zoning or building permit shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

**600 2<sup>nd</sup> Street South**  
**CONDITIONAL USE PERMIT - BASIS OF DECISION**  
**October 3, 2017**

The City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Contractor Type II” land use upon the property legally described as Lot 2, Block 9, Broadwater Bay Business Park Addition, Sec. 11, T20N, R3E, PMM, Cascade County, Montana (Subject Property). In order to approve said Permit, the Official Code of the City of Great Falls Section 17.16.36.040 requires demonstration that certain stated requirements have been satisfied. Therefore, this Basis of Decision has been prepared to analyze, determine and memorialize satisfaction of the required criteria.

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

Allowing for the relocation of a local business in an area of the city designated for a mix of uses will help stabilize the neighborhood and fulfill the following objectives from the City’s Growth Policy:

Phy 4.1 – Encourage a balanced mix of land uses through-out the City.

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

Phy 4.3 – Optimize the efficiency and use of the City’s Public facilities and utilities.

Eco3.5 - Continue efforts to support and develop small businesses in Great Falls.

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

The CUP would have no detrimental impact upon the health, safety, morals, comfort or general welfare of the community. Specifically, the safety of the area will be improved by installation of sidewalk along Park Drive South. General welfare will be enhanced by both the property improvements being proposed as well as the new activity generated by a re-utilized building.

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 land use designation of Mixed-Use Transitional supports the transition over time from a once-thriving industrial, railroad corridor with large tracts of land and large warehouse-type structures to a blend of light-industrial businesses, professional services, and other, compatible uses. The existing structure, a warehouse built in 1936, is easily adapted to other uses, such as the proposed business office and contractor yard.

The new use will require little or no exterior modification to the existing building. Site improvements, which include privacy fencing around the parking area and landscaping in the front and rear of the property, will help beautify the streetscape and support property values in the neighborhood. Furthermore, this conditional use would not adversely impact the use, enjoyment or property value of any property in the immediate vicinity. Vehicular access for the business vehicles will be primarily from the Park Drive entrance, which is considered the rear of the property. Traffic on this roadway is minimal and will be minimally increased by

the new business.

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

The proposed project will not impede the normal and ordinary development and improvement of surrounding properties. Adjacent properties are already developed. Owners of properties within 150feet have been notified about the proposal, and City staff has received no questions or comments regarding proposal specifics.

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

Adequate services and infrastructure already exist. Full sidewalks, water, sewer and paved roads are in place adjacent to the Subject Property. Additional stormwater detention, drainage infrastructure, and water quality improvements are required for redevelopment of this property.

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

The project would generate little traffic, and will have no discernible impact upon the area road network. Existing driveway accesses are located on both 2<sup>nd</sup> St South (front of the business) and Park Drive (rear of the property). Service vehicles and trailers will be coming and going from Park Drive, primarily. One or two customers per day will access the property from the parking stalls located in front of the old loading docks on 2<sup>nd</sup> St. South.

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.*

Site drainage, parking, ADA access, landscaping, lighting, and utility upgrades will be in conformance with all applicable Title 17 requirements. The fencing proposal must additionally comply with the M-2 zoning district requirement for attractive screening.

600 2nd St. S: SITE PHOTOS

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Looking north along the east property line on 2<sup>nd</sup> St. South



Looking southwest along 2<sup>nd</sup> St. South

600 2nd St. S: SITE PHOTOS

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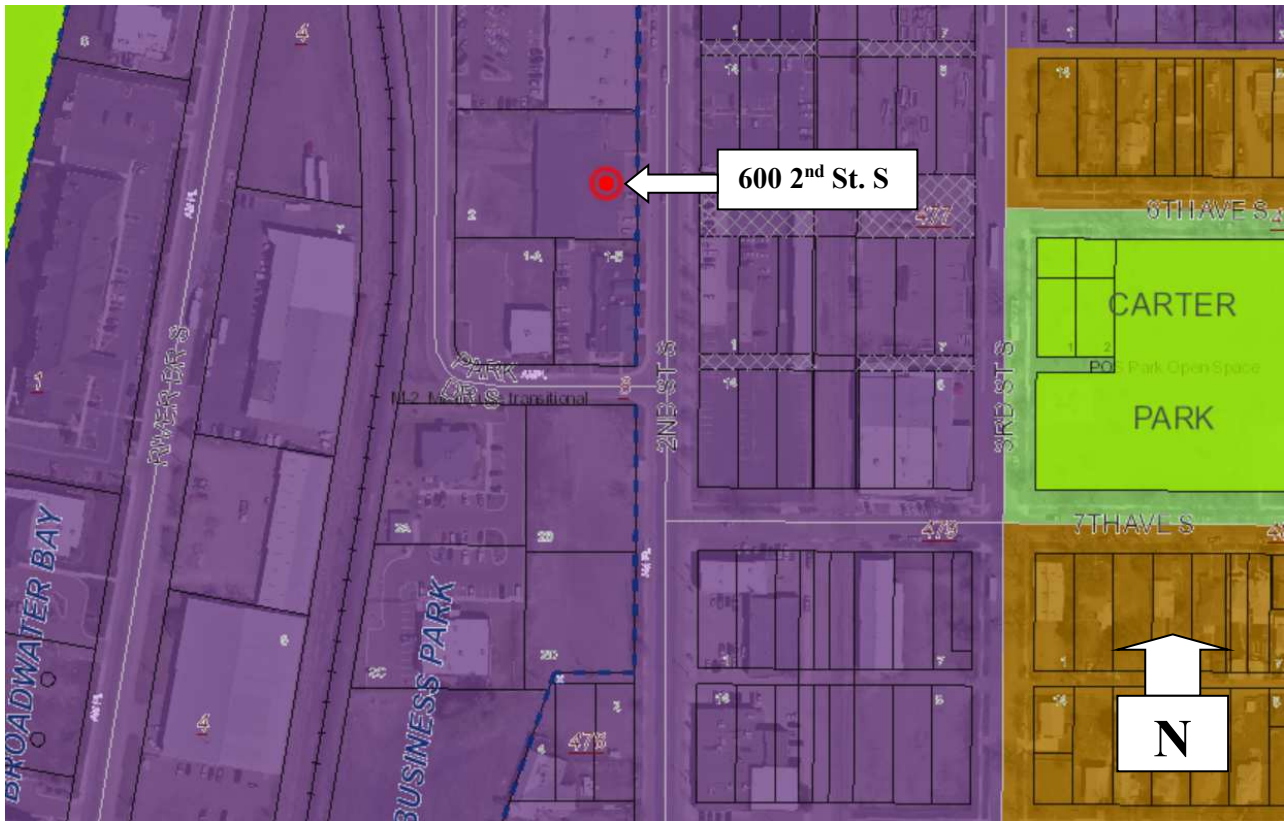


Looking northeast from Park Drive South

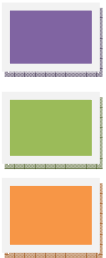


Looking southeast from Park Drive South





**ZONING MAP**



**M-2 -Mixed-Use Transitional**

**PLI -Public Lands and Institutional**

**R-9 -Mixed Residential**



CITY OF GREAT FALLS  
PLANNING & COMMUNITY DEVELOPMENT DEPT.  
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
406.455.8415 • WWW.GREATFALLSMT.NET

## DEVELOPMENT APPLICATION

Submittal Date: 7-25-17

Application Number: \_\_\_\_\_

Paid (Official Use ONLY):

- Annexation: \$500
- Preliminary Plat, Major: \$1,500 + \$50/lot
- Revised Preliminary Plat: \$1,000
- Final Plat, Major: \$1,500 + \$25/lot
- Minor Subdivision: \$1,250
- Amended Plat, Administrative: \$200
- Amended Plat, Non-administrative: \$1,000
- Zoning Map Amendment: \$2,000
- Conditional Use Permit: \$1,500
- Planned Unit Development: \$2,000
- Vacate Public Right-of-Way: \$1,250
- Public Hearing Notice

Broadwater Bay Business Park Addition, Block 9, Lot 2

Name of Project / Development:

Falls Mechanical

Owner Name:

400 Central Avenue W, Great Falls, MT 59404

Mailing Address:

452-3826

Phone:

Email:

FILE@gc@FALLSMECHANICAL.COM

Woith Engineering, Inc.

Representative Name:

P.O. Box 7326, Great Falls, MT 59406

Mailing Address:

761-1955

Phone:

spencer@woitheng.com

Email:

### PROPERTY DESCRIPTION / LOCATION:

<u>Lot 2</u>	<u>Section 11</u>	<u>T20N / Block 9</u>	<u>R3E / Broadwater Bay Business Park</u>
Mark/Lot:	Section:	Township/Block:	Range/Addition:

600 2nd Street S, Great Falls, Mt 59405

Street Address:

### ZONING:

<u>M-2 Mixed Use Transitional</u>	<u>M-2 Mixed Use Transitional</u>
Current:	Proposed:

### LAND USE:

<u>Commercial</u>	<u>Commercial</u>
Current:	Proposed:

*CONTRACTOR YARD II* (with arrow pointing to Proposed Commercial)

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

Property Owner's Signature:

Date:

George A. Chord for Woith Engineering

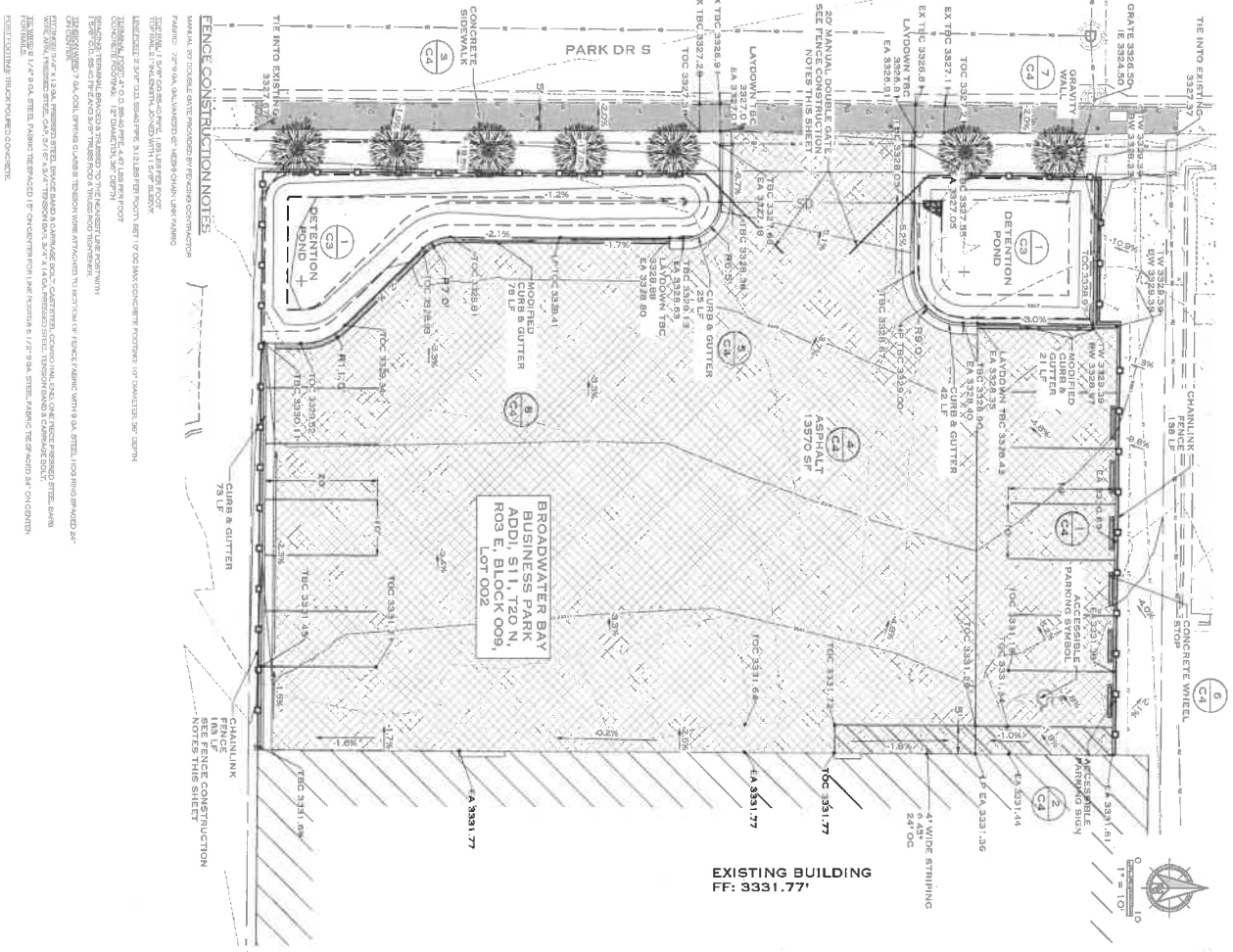
7-25-17  
7-21-2017

Representative's Signature:

Date:





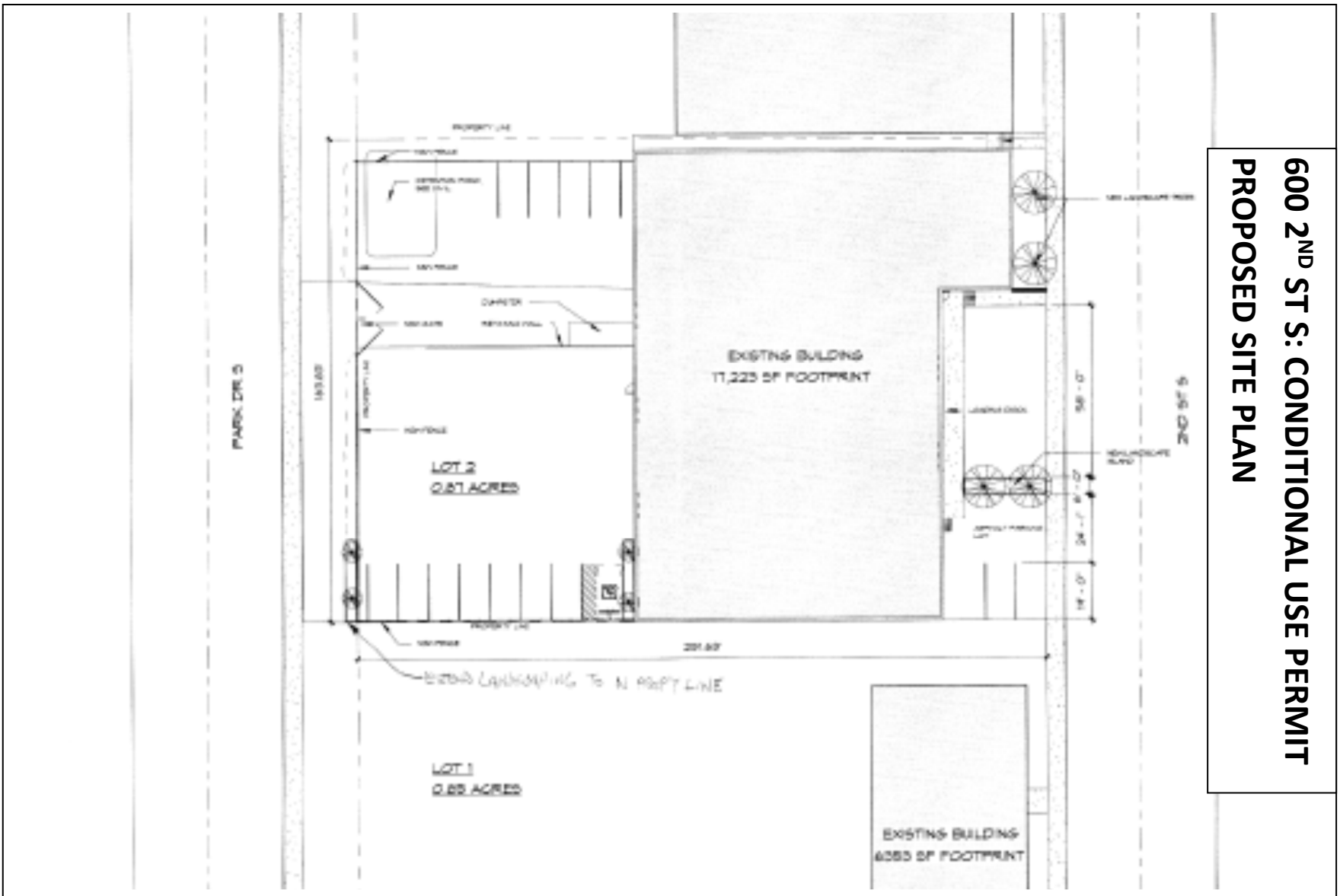


- ### GENERAL SITE NOTES
1. BEFORE IMPROVING ANY EXISTING UTILITY LINE, THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES BY EXCAVATING TO THE BOTTOM OF THE UTILITY. THE EXCAVATION SHALL BE REPAIRED TO ORIGINAL GRADE OR BETTER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS, MONTANA, AND THE STATE OF MONTANA.
  2. ALL UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. ANY DAMAGE TO UTILITIES SHALL BE REPAIRED TO ORIGINAL GRADE OR BETTER.
  3. ALL WORK SHALL BE IN ACCORDANCE WITH THE MONTANA ENGINEERING AND SURVEYING BOARD (M.E.S.B.) STANDARDS AND THE MONTANA PROFESSIONAL ENGINEERING AND SURVEYING ACT.
  4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS, MONTANA, AND THE STATE OF MONTANA.
  5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS, MONTANA, AND THE STATE OF MONTANA.
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  26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS, MONTANA, AND THE STATE OF MONTANA.
  27. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF FALLS, MONTANA, AND THE STATE OF MONTANA.





**600 2<sup>ND</sup> ST S: CONDITIONAL USE PERMIT  
PROPOSED SITE PLAN**





**Item:** Ordinance 3169, “An Ordinance Repealing and Replacing Title 2, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Administration and Personnel Provisions.”

**From:** Joseph P. Cik, Assistant City Attorney

**Initiated By:** Sara R. Sexe, City Attorney

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Conduct a public hearing and adopt Ordinance 3169.

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**Public Hearing:**

1. Mayor opens and conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3169.”

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

**Staff Recommendation:**

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3169.

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, to conflicts with State and/or Federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration is to repeal and replace OCCGF Title 2, pertaining to the General Administration and Personnel. The vast majority of the amendments are non-substantive. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, to correct

typographical errors, and to reformat subsections.

The first proposed substantive change is repealing the Youth Council. The Youth Council was established by Ord. 3045, in 2009, and has not been an active functioning Council. Given the lack of participation and interest in this Council, staff recommends that the City Commission repeal the Youth Council by adopting Ordinance 3169.

The next substantive proposed change is to require all members of City boards, commissions, and councils to be City residents, with the exception of the Golf Advisory Board. Additionally, individuals interested in participating in City boards, commissions, or councils would be required to be qualified electors. Because the City Boards and Commissions make pertinent recommendations to the City Commission regarding City policy and allocation of City resources, it is reasonable to expect that those members be residents and qualified to vote in accordance with state and federal law.

Another proposed substantive change is renaming the “Fiscal Services Department” to “Finance Department”. This proposed change was requested by the department director and does not impact that department’s responsibilities in any way.

Finally, Ordinance 3169 proposes several changes to the Code of Ethics. Several issues have arisen recently regarding the appearance of conflicts of interest. In response to these issues, Ordinance 3169 would establish provisions in the City code requiring all City public officers including City board and commission members, and elected officials to file with the City Clerk a disclosure of any potential conflicts of interest. Additionally, Ordinance 3169 would establish an Ethics Committee which would consist of three independent resident members, appointed by the City Commission, for not more than three (3) consecutive three (3) year terms (with initial staggered terms to allow for continuity). This Committee would work in conjunction with the City Attorney’s Office to resolve any actual or potential conflicts of interest involving City officials.

The Exhibits to Ordinance 3169 have had some substantive revisions since first reading, along with some non-substantive updates include additional typographical and grammatical corrections. The updated exhibits to this Agenda Report incorporate these revisions. Ord. 3169 Exhibit “A” (Updated from First Reading) depicts the proposed Code provisions which are compared to the current provisions. Ord. 3169 Exhibit “B” (Updated from First Reading), attached to this agenda report, is a document illustrating proposed changes in a clean copy.

As shown in the Exhibits, the substantive update includes the recognition of the Human Resources Department in OCCGF Title 2, Chapter 4. Currently, the City of Great Falls is operating a human resources department responsible for managing, under the direction of the City manager, all personnel issues, benefits administration, organizational training, and risk management. Risk management will be recognized as assigned to the Human Resources Department instead of the Finance Department. Additionally, the Information Technology will be under Deputy City Manager supervision.

Ordinance 3169 was accepted unanimously on first reading. A speaker at the podium inquired as to whether the requirement that all members of advisory boards, commissions, councils and committees be residents of the City would apply to the county appointed members of the Great Falls International Airport Advisory Board (GFIAAB). The Commission and the speaker were advised that said requirement would not apply to county appointed members. Another speaker inquired as to whether the



ordinance would have any impact on “Judges”. The speaker and Commission were advised that other OCCGF provisions apply to the Municipal Court Judge.

Commissioner Bronson inquired as to the impact on City appointments to the GFIAAB. The Commission was advised that future appointees would be required to be City residents, but that sitting appointees would not be affected by the proposed ordinance change. Commissioner Bronson also requested that findings made by the Great Falls Ethics Committee be in writing, and language has been added in the updated Exhibits to reflect that request.

**Fiscal Impact:**

None.

**Concurrences:**

City Manager  
Fiscal Services Director  
Park and Recreation Interim Director

ATTACHMENTS:

- ▣ Ordinance 3169
- ▣ Ord. 3169 Exhibit "A" (Updated from First Reading)
- ▣ Ord. 3169 Exhibit "B" (Updated from First Reading)

**ORDINANCE 3169**

**AN ORDINANCE REPEALING AND REPLACING TITLE 2 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ADMINISTRATION AND PERSONNEL PROVISIONS.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 2 of the OCCGF outlining Provisions pertaining to Administration and Personnel in the OCCGF; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 2, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies contained in OCCGF Title 2; and

**WHEREAS**, the City Commission wishes to repeal current OCCGF provisions establishing a Youth Council, as there is lack of interest and participation in this Council; and

**WHEREAS**, the City Commission wishes to require that members of City boards, commissions, committees, and councils, with the exception of the Golf Advisory Board, be City residents and qualified electors; and

**WHEREAS**, the City Commission wishes to change the name of the “Fiscal Services Department” to “Finance Department”; and

**WHEREAS**, the City Commission wishes to require all City officials to disclose any potential conflicts of interest and establish a Great Falls Ethics Committee to resolve any potential or actual conflicts of interest.

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

Section 1. The revisions of OCCGF Title 2 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 September 19, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 3, 2017.

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

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

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

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

I, Darcy Dea, City Deputy 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 City Commission, Ordinance 3169 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

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(CITY SEAL)

## **Title 2 ADMINISTRATION AND PERSONNEL**

### **Chapter**

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Chapter ~~41~~ - CITY COMMISSION

Chapter ~~82~~ - CITY MANAGER

Chapter ~~143~~ - MUNICIPAL COURT

Chapter ~~164~~ - ADMINISTRATIVE DEPARTMENTS

Chapter ~~185~~ - EMPLOYEE HOLIDAYS

Chapter ~~206~~ - OFFICER'S BONDS

Chapter ~~227~~ - ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Chapter ~~268~~ - MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD

Chapter ~~289~~ - BOARD OF ADJUSTMENT

Chapter ~~3010~~ - DESIGN REVIEW BOARD

Chapter ~~3211~~ - PARK AND RECREATION BOARD

Chapter ~~3612~~ - GOLF ADVISORY BOARD

Chapter ~~4013~~ - HISTORIC PRESERVATION ADVISORY COMMISSION

Chapter ~~4414~~ - LOAN ADVISORY BOARD

Chapter ~~4615~~ - PLANNING ADVISORY BOARD

Chapter ~~4716~~ - ZONING COMMISSION

Chapter ~~4817~~ - PARKING ADVISORY COMMISSION

Chapter ~~4918~~ - GREAT FALLS PUBLIC LIBRARY

Chapter ~~5019~~ - NEIGHBORHOOD COUNCILS

Chapter ~~5120~~ - YOUTH COUNCIL

Chapter ~~5221~~ - CODE OF ETHICS

Chapter ~~5422~~ - INDEMNIFICATION

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

Chapter ~~5623~~ - BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

**Chapter 41 CITY COMMISSION**

**Sections:**

~~2.4.010 Established.~~

~~2.4.015 Salary.~~

**2.1.010 Established.**

**2.1.020 Salary.**

**2.41.010 Established.**

The Charter of the City of Great Falls (Charter) establishes and promulgates the powers and duties of the City Commission.

~~(Ord. 2652, 1993).~~

~~2.4.015~~**1.020 Salary.**

The salary of each Commissioner shall be three hundred twelve dollars (\$312.00) per month. The salary of the Mayor shall be four hundred sixty-eight dollars (\$468.00) per month.

~~(Ord. 2814, 2001; Ord. 2652, 1993; Ord. 2818, 1988)~~

**Chapter 82 CITY MANAGER**

**Sections:**

~~2.8.010 Appointment - generally.~~

~~2.2.8~~**010 Appointment - generally.**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.2.010 Appointment - generally.**

The provisions for the appointment of a City Manager and his/ or her powers and duties are established by the Charter.

~~(Ord. 2652, 1993).~~

**Chapter 143 MUNICIPAL COURT**

**Sections:**

~~2.14.010 Established.~~

~~2.14.020 Appeal to District Court.~~

~~2.14.030 Municipal Court Judge.~~

~~2.14.040 Municipal Court Clerk.~~

**2.3.010 Established.**

**2.3.020 Appeal to District Court.**

**2.3.030 Municipal Court Judge.**

**2.3.040 Municipal Court Clerk.**

**2.143.010 Established.**

The Municipal Court of the City of Great Falls, Montana, is hereby established pursuant to Title 3, Chapter 6, Montana Code Annotated (MCA). The Municipal Court shall be a court of record by electronic recording or stenographic transcription and shall assume continuing jurisdiction over all pending Municipal Court cases from and after February 1, 1998.

~~(Ord.~~

~~2725, 1997; Ord. 2652, 1993).~~

**2.143.020 Appeal to District Court.**

Appeals of Municipal Court judgments or orders must be made to District Court and are confined to review of the record and questions of law. A party may appeal a Municipal Court judgment if:

- A. ~~The~~**In criminal causes of action, the amount of controversy exceeds ~~two~~three hundred dollars (\$~~200~~300.00); or,**
- B. The judgment includes incarceration; or,
- C. **In civil causes of action, the amount of controversy exceeds one thousand dollars (\$1,000).**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

- D. Upon petition of an aggrieved party, the District Court may, in the interests of justice, accept appellate jurisdiction notwithstanding the amount in controversy.

**2.143.030 Municipal Court Judge.**

- A. There shall be one (1) Municipal Court Judge elected to a four- **(4)** year term pursuant to Title 3, Chapter, 6, MCA. The qualifications of a Municipal Court Judge shall be as required by Montana law to include:
1. The same qualifications as a judge of District Court as set forth in Article VII, Section 9, of the Montana Constitution ~~except a Municipal Court Judge need only be admitted to the practice of law in Montana for at least three (3) years prior to the date of the election; and;~~
  2. A Municipal Court Judge shall be a resident and voter in the City of Great Falls at the time of his or her election; and,
  3. A Municipal Court Judge shall be certified as provided in MCA ~~§§3-1-1502 to 3-1-1503~~, prior to assuming office.
- B. The salary of the Municipal Court Judge shall be set by **Commission** resolution.

~~(Ord. 2725, 1997; Ord. 2652, 1993~~

~~; Ord. 2604, 1991; Ord. 2034, 1978; Ord. 1904 §6, 1976).~~

**2.143.040 Municipal Court Clerk.**

The position of a Municipal Court Clerk is hereby established pursuant to Title 3, Chapter 6, MCA, to administer and retain court records by paper or electronic filing or storage. The salary of the Municipal Court Clerk shall be set by **Commission** resolution.

**Chapter 164 ADMINISTRATIVE DEPARTMENTS**

**Sections:**

~~2.16.010 Established.~~

~~2.16.015 Deputy City Manager.~~

~~2.16.020 City Clerk.~~

~~2.16.030 Legal Department.~~

~~2.16.045 Fiscal Services Department.~~

~~2.16.050 Public Works Department.~~

~~2.16.060 Fire Department.~~

~~2.16.070 Police Department.~~

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

~~2.16.080 Planning and Community Development Department.~~

~~2.16.090 Park and Recreation Department.~~

~~2.16.100 Reserved.~~

**2.4.010 Established.**

**2.4.020 Deputy City Manager.**

**2.4.030 City Clerk.**

**2.4.040 Legal Department.**

**2.4.050 Finance Department.**

**2.4.060 Public Works Department.**

**2.4.070 Fire Rescue Department.**

**2.4.080 Police Department.**

**2.4.090 Planning and Community Development Department.**

**2.4.100 Park and Recreation Department.**

**2.4.110 Human Resources Department.**

~~2.164.010~~ **Established.**

The administrative departments of the City are hereby established. Each department is subject to the control and supervision of the City Manager who may transfer, eliminate, or add to department functions.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~2.16.015~~

**2.4.020 Deputy City Manager.**

The City Manager shall appoint a Deputy City Manager who shall serve as acting City Manager in the absence of the City Manager assuming all responsibilities as outlined in the Charter. The Deputy City Manager shall ~~oversee management of the Great Falls Housing Authority and the Human Resource and Budgeting functions,~~ **supervise information technology services within control** of the City. ~~The, and~~ **the** Deputy City Manager shall ~~perform such~~**oversee** other **management** duties by direction of the City Manager or as required by law.

~~(Ord. 2825, 2002).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~



**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.16.0204.030 City Clerk.**

The City Manager shall appoint a City Clerk who shall keep a history of the City of Great Falls, maintain public records, and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993).~~

**2.16.0304.040 Legal Department.**

A **Legal Department of Law** is hereby created. The City Manager shall appoint a City Attorney, qualified under Montana law, to administer the **Legal Department of Law**. The Department shall render legal services in all civil and administrative matters for the City ~~and~~, prosecute all charges in Municipal Court, and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479~~

~~2(part), 1987).~~

**2.16.045 — Fiscal Services. 4.050 Finance Department.**

A ~~Fiscal Services~~**Finance** Department is hereby created. **Within this Code, this department may also be referred to as the Fiscal Services Department.** The City Manager shall appoint a director to administer said **Finance** Department. The Department shall render accounting, revenue collection, including utility billing, court receipts and accounts receivable, accounts payable, debt issuance, investment services, **and** payroll, ~~risk management and information processing~~ services to the City and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2825, 2002; Ord. 2703, 1996.)~~

**2.16.0504.060 Public Works Department.**

A Public Works Department is hereby created. The City Manager shall appoint a Director to administer the Public Works Department. The Department shall administer capital improvements, maintenance, operations, and utilities and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479~~

~~2(part), 1987).~~

**2.16.060.4.070 Fire Rescue Department.**

A Fire **Rescue** Department is hereby created. The City Manager shall appoint a Fire Chief to administer the Fire **Rescue** Department. The Department shall provide fire ~~fighting~~, rescue operation, fire

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

investigation, and fire prevention services for the City and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~2.16.070~~

**2.4.080 Police Department.**

A Police Department is hereby created. The City Manager shall appoint a Police Chief to administer the Police Department. The Department shall enforce the laws of the City and State to protect life and property, to control traffic, and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~2.16.080~~

**2.4.090 Planning and Community Development Department.**

A Planning and Community Development Department is hereby created. The City Manager shall appoint a Director to administer the Planning and Community Development Department. The Department shall ~~render land use and transportation planning services and facilitate, promote and ensure orderly land development in the City; facilitate, promote and ensure quality development in the City; administer related federal programs; provide a neighborhood council liaison; and perform such other duties by direction of the City Manager or as required by law.:~~

**A. land use and transportation planning services and facilitate, promote, and ensure orderly land development in the City;**

B. ~~(Ord. 2727, 1997; Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~2.16.090~~ **facilitate, promote, and ensure quality development in the City;**

**C. administer related federal programs; and**

**D. perform such other duties by direction of the City Manager or as required by law.**

**2.4.100 Park and Recreation Department.**

A Park and Recreation Department is hereby created. The City Manager shall appoint a Director to administer the Park and Recreation Department. The Department shall manage all parks and recreational facilities ~~and, programs, and,~~ and perform such other duties by direction of the City Manager or as required by law.

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~**2.16.100 Reserved.**~~

~~**Editor's note**— Ord. No. 3057, § 1, adopted August 17, 2010, repealed § 2.16.100, which pertained to the planning department. See also the Code Comparative Table.~~

**2.4.110 Human Resources Department.**

A Human Resources Department is hereby created. The City Manager shall appoint a Director to administer the Human Resources Department. The Department shall manage, under the City Manager's direction, City personnel policy issues and development, benefits administration, organizational training, risk management, and perform such other duties by direction of the City Manager or as required by law.

**Chapter 185 EMPLOYEE HOLIDAYS**

**Sections:**

~~2.18.010 Holidays listed.~~

**2.5.010 Holidays listed.**

~~**2.185.010**~~ **Holidays listed.**

- A. The employee holidays for all City employees are as follows:
1. New Year's Day, January 1;
  2. Martin Luther King Jr. Day, ~~3<sup>rd</sup>~~ **the third** Monday in January;
  3. President's Day, ~~3<sup>rd</sup>~~ **the third** Monday in February;
  4. Memorial Day, **the** last Monday in May;
  5. Independence Day, July 4;
  6. Labor Day, **the** first Monday in September;
  7. Veterans Day, November 11;
  8. Thanksgiving Holiday, fourth Thursday and Friday in November;
  9. Christmas Day, December 25; **and**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

10. Every day in which a general election is held throughout the State (General Election Day).

- B. ~~Designated~~ **designated** holidays ~~falling~~ **fall** on an employee's regular days-off. ~~Employees, that employee~~ shall either be entitled to receive a day off with pay ~~on~~ the day preceding the holiday off, **or** on another day following the holiday in the same pay period.

(Ord. 2781, 2000).

**Chapter 206 OFFICER'S BONDS**

**Sections:**

~~2.20.010 Required—amount.~~

~~2.20.020 Form.~~

~~2.20.030 Conditions.~~

**2.6.010 Required—amount.**

**2.6.020 Form.**

**2.6.030 Conditions.**

**2.206.010 Required—amount.**

Except when otherwise provided by law, all City employees, before discharging their official duties, for the duration of their term or employment, shall be bonded by the City for one hundred thousand dollars (\$100,000.00).

(Ord. 2652, 1993; ~~Prior code §1-11-8~~).

**2.206.020 Form.**

- A. Official bonds must be filed in the Human Resources Department.
- B. Unless otherwise provided, all official bonds must be joint and several and made payable to the City ~~in such penalty~~ and with such conditions as required in Section 2.206.030.
- C. The principal and sureties upon any official bond are also, in all cases, liable for the neglect, default, or misconduct in office of any City employee.

(Ord. 2652, 1993; ~~Prior code §1-11-1~~).

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.206.030 Conditions.**

The condition of every official bond must be that the principal shall well, truly, and faithfully perform all official duties ~~then~~ required by law and also such additional duties as may be imposed by any law of the State subsequently enacted, ~~and~~ by any law of the City subsequently enacted, and that the principal will account for ~~and~~, pay over, and deliver to the person or officer, entitled to receive the same, all moneys or other properties that may come into the hands as such officer.

~~(Ord. 2652, 1993; Prior code §1-11-4).~~

**Chapter 227 ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS**

**Sections:**

~~2.22.010 Creation.~~

~~2.22.020 Purpose.~~

~~2.22.030 Members.~~

~~2.22.040 Duties.~~

**2.7.010 Creation.**

**2.7.020 Purpose.**

**2.7.030 Members.**

**2.7.040 Duties.**

**2.227.010 Creation.**

An Advisory Commission on International Relationships is hereby created to serve in an advisory capacity to the City Commission.

~~(Ord. 2788, 2000).~~

**2.227.020 Purpose.**

The purpose of the Advisory Commission shall **be to** provide support, coordination, and exchange of information for international programs in the community. The group shall develop its own mission statement.

~~(Ord. 2788, 2000).~~

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.227.030 Members.**

The Advisory Commission shall consist of nine (9) to eleven (11) members appointed by the City Commission. **Commission members must be qualified electors and residents of the City.** Each of the members shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All of the members of the Board shall serve without compensation, and are subject to removal by the City Commission for cause upon written charges and after public hearing.

~~(Ord. 2863, 2004; Ord. 2788, 2000).~~

**2.227.040 Duties.**

It shall be the duty of the Advisory Commission to:

- A. Provide support for the Sister Cities program in consultation and cooperation with its Board of Directors;
- B. Serve as a sounding board and a resource of advice and support for the Resource Cities partnership with Naryn. ~~Help develop a program for continuation after the funded program ends.~~ **cities located in other countries;**
- CC. Help develop a program for continuation after the funded program ends;**
- D. Develop resources for and help facilitate educational exchanges particularly at the higher education level;
- ~~DE.~~ Facilitate the community wide exchange of information among international programs;
- ~~EF.~~ Develop community resources to support international programs; **and**
- ~~FG.~~ Review and **submit proposals and** make recommendations; ~~may prepare and submit proposals~~ to the City Commission regarding international programs and relationships.

~~(Ord. 2788, 2000).~~

**Chapter 268 MANSFIELD CENTER FOR THE PERFORMING ARTS  
ADVISORY BOARD**

**Sections:**

~~2.26.010 Creation.~~

~~2.26.020 Purpose.~~

~~2.26.030 Membership appointment compensation.~~

~~2.26.040 Terms.~~

~~2.26.050 Duties.~~

~~2.26.060 Reporting.~~

**2.8.010 Creation.**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.8.020 Purpose.**

**2.8.030 Membership—appointment—compensation.**

**2.8.040 Terms.**

**2.8.050 Duties.**

**2.8.060 Reporting.**

**2.268.010 Creation.**

There is created a Mansfield Center for the Performing Arts Advisory Board, which shall hereafter be referred to as "Board-" **in this Chapter.**

(Ord.

~~2928, 2006; Ord. 2729, 1997).~~

**2.268.020 Purpose.**

The Board shall advise the City Commission, and City Manager, on matters related to the successful operation of Mansfield Center for the Performing Arts including the use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics.

(Ord. ~~2928, 2006; Ord. 2729, 1997).~~

**2.268.030 Membership—appointment—compensation.**

The Board shall consist of five (5) to seven (7) members appointed by the City Commission. **Members must be qualified electors and City residents.** The members shall serve without compensation. The City Commission shall attempt a balance in membership with representation from ~~these areas: performing arts, conventions and meetings, and civic leaders.~~ **the following areas:**

**A. Performing arts;**

B. ~~(Ord. 2928, 2006; Ord. 2813, 2001; Ord. 2729, 1997).~~

**Conventions and meetings; and**

**C. Civic leaders.**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.268.040 Terms.**

The staggered terms of office shall be three (3) years.

~~(Ord. 2928, 2006; Ord. 2729, 1997).~~

**2.268.050 Duties.**

**The Duties of the Board include but are not limited to:**

- A. The Board shall serve in an advisory capacity regarding the Mansfield Center for the Performing Arts and public meeting rooms; **and**
- B. The Board shall assist in identifying funding strategies for a capital improvement plan and, special events, which may include fund-raising, and foundation development;

~~C. The duties of the Board shall not necessarily be limited to those items identified above.~~

~~(Ord. 2928, 2006; Ord. 2729, 1997).~~

**2.268.060 Reporting.**

The Board shall make available copies of regular- meeting minutes as well as an annual report to the City Commission and City Manager.

~~(Ord. 2928, 2006; Ord. 2729, 1997).~~

**Chapter 289 BOARD OF ADJUSTMENT**

**Sections:**

Repealed.

~~(Ordinance 2958, 2007).~~ See Title 17.12.5 Board of Adjustment

**Chapter 3010 DESIGN REVIEW BOARD**

**Sections:**

Repealed.

~~(Ord. 2958, 2007)~~ See Title 17.12.3 Design Review Board



Exhibit "A" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

**Chapter 3211 PARK AND RECREATION BOARD**

**Sections:**

~~2.32.010 Creation.~~

~~2.32.020 Purpose.~~

~~2.32.030 Membership—appointment—compensation.~~

~~2.32.040 Term of office.~~

~~2.32.050 Duties.~~

**2.11.010 Creation.**

**2.11.020 Purpose.**

**2.11.030 Membership—appointment—compensation.**

**2.11.040 Term of office.**

**2.11.050 Duties.**

**2.3211.010 Creation.**

A Park and Recreation Board is hereby created. **The Park and Recreation Board may be referred to in this chapter as "Board".**

~~(Ord. 2652, 1993; Prior code §~~

~~2-4-1).~~

**2.32.11.020 Purpose.**

The **Park and Recreation** Board shall advise the City Commission and the City Manager on all matters related to the ~~Park~~**Parks** and Recreation program of the City, and ~~exercisese~~**exercise** certain functions in regard to the disposition and acquisition of park land and/or facilities as set forth in Section 2.~~32~~**11.050**.

~~(Ord. 2652, 1993; Prior code §2-4-2).~~

~~2.32~~

**2.11.030 Membership—appointment—compensation.**

The Board shall consist of seven (7) members, residents of the City **and qualified electors**, appointed by the City Commission. The members shall serve without compensation.

~~(Ord. 2652, 1993; Prior code 2-4-3).~~

~~2.32~~

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.11.040 Term of office.**

The staggered terms of office shall be three (3) years from and after January 1~~st~~<sup>1</sup>, of the year of appointment.

~~(Ord. 2652, 1993; Prior code~~

~~2-4-4).~~

**~~2.32.11.050~~ Duties.**

The Board shall review and **prepare proposals and** make recommendations ~~and may prepare and submit proposals~~ to the City Commission.

~~(Ord. 2652, 1993).~~

**Chapter 3612 GOLF ADVISORY BOARD**

**Sections:**

~~2.36.010 Creation.~~

~~2.36.020 Purpose.~~

~~2.36.030 Memberships.~~

~~2.36.040 Terms.~~

~~2.36.050 Duties.~~

**2.12.010 Creation.**

**2.12.020 Purpose.**

**2.12.030 Memberships.**

**2.12.040 Terms.**

**2.12.050 Duties.**

**~~2.36~~2.010 Creation.**

A Golf Advisory Board is hereby created which shall hereafter be referred to **in this Chapter** as "Board."

~~(Ord. 2652, 1993; Ord. 2648, 1993).~~

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.3612.020 Purpose.**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and ~~Park~~**Parks** and Recreation Department staff on all matters related to the operation of the municipal golf courses.

~~(Ord. 2652, 1993).~~

**2.3612.030 Memberships.**

The Board shall consist of five (5) members ~~of the City~~ who shall be appointed by the City Commission. Membership will consist of one (1) member representing the City's Men's Golf Associations, one (1) member representing the City's Women's Golf Association, one (1) member representing ~~the Malmstrom Golf Association~~**Air Force Base**, and two (2) members representing non-league golfers. The Chairman of the Park and Recreation Board or a designated representative from the Board will be an ex officio member of the Board. **All members must be qualified electors.**

~~(Ord. 2652, 1993).~~

**2.3612.040 Terms.**

The term of office of each member of the Board shall be three (3) years from and after March 1, of the year in which the member is appointed, except two (2) members of the first Board who shall hold office for a period of two (2) years from and after the first day of March 1, 1993.

~~(Ord. 2652, 1993).~~

**2.3612.050 Duties.**

The Board shall serve in an advisory capacity regarding the operation of the municipal golf courses, specifically ~~as regards to:~~**regarding:**

- A. Fees and charges, tournament requests policies, procedures, and rules;
- B. Capital improvements or projects;
- C. Promotion of usage at the golf courses; **and**
- D. All other matters relating to the golf courses which may be assigned or requested by the City Commission or the City Manager.

~~(Ord. 2652, 1993).~~

Exhibit "A" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

**Chapter 4013 HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

Repealed.

~~(Ord. 2958, 2007) See Title 17.12.4 Historic Preservation Advisory Board~~

**Chapter 4414 LOAN ADVISORY BOARD**

**Sections:**

~~2.44.010 Creation.~~

~~2.44.020 Purpose.~~

~~2.44.030 Members.~~

~~2.44.040 Duties.~~

**2.14.010 Creation.**

**2.14.020 Purpose.**

**2.14.030 Members.**

**2.14.040 Duties.**

**2.4414.010 Creation.**

A Loan Advisory Board is hereby created to serve in an advisory capacity to the City Commission.

~~(Ord. 2652, 1993).~~

**2.4414.020 Purpose.**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to changes to existing loans, **and** primarily Tax Increment Loans. ~~In addition, to~~ **Additionally, the Loan Advisory may** advise on matters relating to lending funds for economic development.

~~(Ord. 2652, 1993).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.4414.030 Members.**

The Board shall be ad-hoc and appointed by the City Commission when needed. **All members shall be qualified electors and residents of the City.**

~~(Ord.~~

~~2683, 1995; Ord. 2652, 1993).~~

**2.4414.040 Duties.**

It shall be the duty of the Board to review economic development proposals involving the use of available funds and make recommendations to the City Commission and City Manager.

~~(Ord. 2652, 1993).~~

**Chapter 4615 PLANNING ADVISORY BOARD**

**Sections:**

Repealed.

~~(Ord. 2958, 2007)~~ See Title 17.12.1 Planning Advisory Board

**Chapter 4716 ZONING COMMISSION**

**Sections:**

Repealed.

~~(Ord. 2958, 2007)~~ See Title 17.12.2 Zoning Commission

**Chapter 4817 PARKING ADVISORY COMMISSION**

**Sections:**

~~2.48.010 Creation.~~

~~2.48.020 Purpose.~~

~~2.48.030 Members.~~

~~2.48.040 Duties.~~

**2.17.010 Creation.**

**2.17.020 Purpose.**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.17.030 Members.**

**2.17.040 Duties.**

**2.4817.010 Creation.**

A Parking Advisory Commission is hereby created to serve in an advisory capacity to the City Commission and City Manager.

~~(Ord. 2652, 1993).~~

**2.4817.020 Purpose.**

The purpose of the ~~Board~~**Parking Advisory Commission** shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to parking issues within the Parking Districts.

~~(Ord. 2652, 1993).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~2.48~~

**2.17.030 Members.**

The Parking Advisory Commission shall consist of five (5) members, residents of the City, **and qualified electors**, appointed by the City Commission whose staggered terms shall be for three (3) years. A sixth, ex-officio member, shall be appointed by the Business Improvement District.

~~(Ord. 2683, 1995; Ord. 2652, 1993).~~

**2.4817.040 Duties.**

It shall be the duty of the Parking Advisory Commission to review the Great Falls Parking Program and make recommendations to the City Commission and City Manager.

~~(Ord. 2652, 1993).~~

Exhibit "A" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

**Chapter 4918 GREAT FALLS PUBLIC LIBRARY**

**Sections:**

~~2.49.010 Legislative findings.~~

~~2.49.020 Establishment.~~

~~2.49.030 Purpose.~~

~~2.49.040 Tax levy—Special library fund.~~

~~2.49.050 Library Board of Trustees.~~

~~2.49.060 Trustees—Powers and duties.~~

~~2.49.070 City authority to contract with Board of Trustees for library services.~~

**2.18.010 Legislative findings.**

**2.18.020 Establishment.**

**2.18.030 Purpose.**

**2.18.040 Tax levy—Special library fund.**

**2.18.050 Library Board of Trustees.**

**2.18.060 Trustees—Powers and duties.**

**2.18.070 City authority to contract with Board of Trustees for library services.**

**2.4918.010 Legislative findings.**

**The Commission makes the following legislative findings regarding the Great Falls Public Library:**

- A. Since 1890, when Paris and Valeria Gibson, and Robert Vaughn, contributed toward the establishment of the first library in this city, the people of Great Falls have enjoyed the benefits of a free public library-;
- B. The City of Great Falls assumed operation of the library in 1892, and in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day-;
- C. The 1910 ordinance is antiquated in several particulars, and is in need of revision, although independent management and control of the library, through an appointed Board of Trustees, as provided by law, should be maintained-;
- D. The need for independent management of the library must be balanced with the City Commission's authority under both state law and the City Charter to approve the budget and mill levy for the library-;
- E. To accomplish this balance, there is a need to establish a structured relationship between the Board of Trustees and the City Commission-; **and**
- EF. The City Commission welcomes the continued cooperation of other public bodies, including the State of Montana and Cascade County, in the operation of the public library, as well as contributions from individuals and foundations.

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

**2.4918.020 Establishment.**

The first library was established in Great Falls in 1890. The City assumed operation of the library in 1892 and, in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day. Pursuant to Mont. Code Ann. § 22-1-303(1) and Article VII, Section 3 of the Charter of the City of Great Falls, the Great Falls Public Library is hereby established in the Official Code of the City of Great Falls.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

**2.4918.030 Purpose.**

A free public library allows residents the fullest opportunity to enrich and inform themselves through reading, as well as social, cultural, recreational, and educational activities.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

**2.4918.040 Tax levy—Special library fund.**

- A. Subject to provisions of state law and the Charter of the City of Great Falls, the City Commission may levy in the same manner, and at the same time, as other taxes are levied a tax for the support of public library services.
- B. The City Commission may, by resolution, submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in state law.
- C. Upon a petition being filed with the City Commission and signed by not less than five (5) percent of the resident taxpayers of the City of Great Falls requesting an election for the purpose of imposing a mill levy, the City Commission shall submit to a vote of the qualified electors at an election, conducted as provided by state law, the question of imposing the mill levy.
- D. The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.
- E. Money may not be paid out of the public library fund, by the **Finance** Department of ~~Fiscal Services~~ of the City of Great Falls, except by order or warrant of the Library Board of Trustees, or its authorized designee with approval by the Library Board.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~



**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.4918.050 Library Board of Trustees.**

- A. The City Commission shall appoint an advisory board to govern and manage the Great Falls Public Library to be known as the "Great Falls Library Board of Trustees," hereafter **in this chapter may be** referred to as the "Board."
- B. The Board shall consist of five (5) members. In addition, one (1) member of the City Commission shall be appointed by the City Commission to sit on the Board as an ex officio, non-voting member. **Board members will be qualified electors and residents of the City.**
- C. Members of the Board shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- D. Trustees shall hold office for five (5) years from the date of appointment by the City Commission ~~and, or~~ until their successors are appointed. Appointments shall be governed by state law. All trustees serving on the Library Board of Trustees, in existence at the time Ordinance 3140 becomes effective, shall retain their offices for the duration of their appointments. If a Board member vacates that member's seat, a successor member shall be appointed to fill the remainder of that member's appointment, which term shall not be considered a full term under Mont. Code Ann. § 22-1-308.
- E. In July of each year, or the next regularly scheduled Board meeting afterward, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for one (1) year terms. Vacancies on the Board of Trustees must be filled for the unexpired term in the same manner as original appointments.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

**2.4918.060 Trustees—Powers and duties.**

- A. The Board has those powers and duties as provided by Mont. Code Ann. §§ 22-1-309 and ~~22-1-311~~, including, but not limited to, the management and control of the Great Falls Public Library.
- B. In accordance with Article VII, Section 3, of the City Charter, the Board is also considered advisory with respect to the City Commission in the exercise of its duties. The Board may advise the City Commission on such matters as it deems necessary and appropriate, and the City Commission may seek Board advice and comment on such matters as it deems necessary and appropriate.
- ~~C. Pursuant to state law, the Board may exclude from the use of the Great Falls Public Library any and all persons who shall willfully violate the rules of the Great Falls Public Library.~~ **C. Subject to the provisions of OCCGF 1.4.070, the Board may extend the privileges and use of the Great Falls Public Library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.**
- D. The Board shall keep a record of its transactions, and shall make a report to the City Commission at least once each calendar year, addressing the business transacted during that year.
- E. The Board may exact and enforce reasonable fines and penalties to be assessed for violations of Great Falls Public Library rules, policies, and regulations.

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

**2.4918.070 City authority to contract with Board of Trustees for library services.**

- A. The City, through its Manager, with the approval of the City Commission, may contract with the Board to provide various services, including, but not limited to, personnel services.
- B. Any and all contracts between the City and the Board in effect as of the date of adoption of Ordinance 3140 shall remain in full force and effect.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

**Chapter 5019 NEIGHBORHOOD COUNCILS**

**Sections:**

~~2.50.010 Establishment.~~

~~2.50.020 Purpose.~~

~~2.50.030 District boundaries.~~

~~2.50.040 Council elections.~~

~~2.50.050 Duties and powers.~~

~~2.50.060 Organization.~~

~~2.50.070 By-Laws.~~

~~2.50.080 Open meetings and public records.~~

~~2.50.090 Great Falls Citizen's Council.~~

~~2.50.100 City resources.~~

**2.19.010 Establishment.**

**2.19.020 Purpose.**

**2.19.030 District boundaries.**

**2.19.040 Council elections.**

**2.19.050 Duties and powers.**

**2.19.060 Organization.**

**2.19.070 By-Laws.**

**2.19.080 Open meetings and public records.**

**2.19.090 Great Falls Citizen's Council.**

**2.19.100 City resources.**

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.5019.010 Establishment.**

Pursuant to the Charter for the City of Great Falls, a program of neighborhood councils is hereby established.

~~(Ord. 2727, 1997)~~

**2.5019.020 Purpose.**

The purpose of the neighborhood council program is to provide a means for the citizens of Great Falls to actively participate in their local government through a formal organization working at the neighborhood level.

**2.5019.030 District boundaries.**

- A. The City Commission shall divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district pursuant to the Great Falls City Charter.
- B. The district boundaries shall be established by a resolution of the City Commission.
- C. Neighborhood councils may petition the City Commission to amend district boundaries for good cause consistent with the purpose and intent of this chapter.

**2.5019.040 Council elections.**

- A. Each neighborhood **council** district shall have a council comprised of five (5) resident members; who must live within their designated neighborhood council district for which they were elected, ~~as defined in M.C.A. 1-1-251,~~ for their term of office; such members shall be elected to two (2) year terms at the election held in conjunction with the City general election.
- B. Nominees for election to a neighborhood council must be qualified electors and residents of their designated neighborhood district.
- C. The filing period for neighborhood councils shall open **and close on** the same date as the filing period for mayoral and commission candidates. ~~The filing period for neighborhood council candidates shall close forty-five (45) days prior to the general election.~~ Neighborhood council candidates are not subject to primary elections.

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.5019.050 Duties and powers.**

- A. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies. They may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents. Topics and issues for council involvement may include, but are not limited to the following:
1. Public finance;
  2. Public works;
  3. Public safety;
  4. Social services;
  5. Transportation;
  6. Economic development;
  7. Planning and zoning;
  8. Public health and sanitation;
  9. Parks and recreation; **and**
  10. Environmental issues.
- B. Neighborhood Councils may also work cooperatively, in an advisory capacity with, other governmental and quasi-governmental entities such as school districts, county government and the transit district.
- C. As advisory bodies, neighborhood councils shall not:
1. Appropriate or commit City resources;
  2. Enact or enforce City Codes or ordinances;
  3. Engage in law enforcement;
  4. Assume a supervisory role or directorship over any City employee; ~~nor~~
  5. Interfere in any way with a City employee in the performance of his/her duties.

**2.5019.060 Organization.**

- A. Each council shall ~~organize with~~ **select from its members**, a chairman, secretary, ~~and an~~ official delegate to attend City Commission meetings, **and appoint a Vice Chair or other officers as it deems necessary.**
- B. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. **In the event that a council cannot agree upon the appointment of a replacement member, the City Commission shall do so.**
- C. ~~Within~~ **On or before January 30 after each election, or within** thirty (30) days after ~~each election~~ **new council member(s) elected in a special election receive the oath(s) of, and are sworn into, office**, each neighborhood council shall meet to organize as provided in this section.

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

- D. Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E. Neighborhood ~~Councils~~**councils**, and the Great Falls Citizen's Council, are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

**2.5019.070 By-Laws.**

- A. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B. The City Clerk shall provide model by-laws for use by the councils in drafting their own by-laws.
- C. By-laws shall be reviewed by the office of the City Attorney and certified for consistency with the provisions of the Great Falls City Charter, the City Codes and the laws of Montana.
- D. A copy of the by-laws shall be on file in the office of the City Clerk.

**2.5019.080 Open meetings and public records.**

- A. All meetings of the neighborhood councils shall be open to the public.
- B. All records maintained by the council shall be available for public inspection.

**2.5019.090 Great Falls Citizen's Council.**

- A. The purpose of the Great Falls Citizen's Council (GFCC) is to act as a forum to address issues of community wide concern and to resolve disputes among the individual neighborhood councils.
- B. ~~Organization.~~**The GFCC shall organize as follows:**
  - 1. ~~The~~**the** GFCC shall consist of one (1) member from each neighborhood council and two (2) members of the Great Falls City Commission who shall be appointed by the Mayor;
  - 2. ~~The~~**the** GFCC shall determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of ~~the~~**the** Charter **of the City of Great Falls, this Code**, or the laws of ~~the~~**the** State of Montana; **and**
  - 3. ~~In~~**in** addition to the membership set forth in subsection B, any council representing any unincorporated neighborhood or community may petition the GFCC for membership.

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.5019.100 City resources.**

- A. The City Commission, at its discretion, may provide funding and other resources to neighborhood councils and to the Great Falls Citizen's Council.
- B. A neighborhood liaison function is hereby established within the ~~Planning and Community Development Department~~. **City Manager's Office.**
- C. The City of Great Falls shall not be liable for any obligations incurred by the councils or the GFCC unless expressly approved by the City Commission.

(Ord. No. 3057, § 1, 8-17-2010)

**Chapter 5120 YOUTH COUNCIL**

**Sections:**

~~2.51.010 Establishment.~~

~~2.51.020 Purpose.~~

~~2.51.030 Membership/Appointment/Terms.~~

~~2.51.040 Duties and Powers.~~

~~2.51.050 Organization.~~

~~2.51.060 By-Laws.~~

~~2.51.070 Open meetings and public records.~~

**2.51.010 — Establishment.**

Pursuant to Article VII, Section 3 of the Charter for the City of Great Falls, a Youth Council is hereby established.

(Ord. No. 3045, § 1, 9-1-2009)

**2.51.020 — Purpose.**

The Great Falls Youth Council is dedicated to making the voice of the Great Falls Youth heard. Goals include bettering the community as a whole, making Great Falls safer and more enjoyable, and providing chances for youth to express themselves, become familiar with City government, and showcase their contributions. By inspiring youth and adults through their maturity, patience, open-mindedness and respect, the members of the Great Falls Youth Council will be leaders to unite the youth of the community.

(Ord. No. 3045, § 1, 9-1-2009)

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

**2.51.030 — Membership/Appointment/Terms.**

~~A. — The age range for membership in the Youth Council is 14 to 19 years of age. If a member turns twenty (20) during an appointment to the Youth Council, the member will be allowed to complete the year with the Council.~~

**Repealed.**

~~B. — The limit on voting members is thirty (30).~~

~~C. — Annual elections will be held in December with no limits on term appointments.~~

~~D. — Officers must attend seventy-five (75) percent of scheduled meetings to retain voting privileges, with the exception of personal emergencies.~~

~~E. — Volunteer positions for those interested in the Youth Council after the 30 voting positions have been filled are open to all fourteen (14) to nineteen (19) year old interested parties, with the purpose of assistance in special projects.~~

~~F. — Applications to the Youth Council will be reviewed by the Officers. Applications will first go through the Neighborhood Council Coordinator for removal of personal identification information for an impartial assessment.~~

(Ord. No. 3045, § 1, 9-1-2009)

**2.51.040 — Duties and Powers.**

~~The Youth Council will be composed of thirty (30) voting members, with six (6) Officers managing six (6) key areas of the Youth Council. These six (6) positions are as follows:~~

~~Minister of Finance (Treasurer):~~

- ~~• Tracks cash deposits and withdrawals.~~
- ~~• Announces balance at each meeting.~~
- ~~• Budgets projects in cooperation with the Neighborhood Council Coordinator.~~

~~Knight or Lady of Internal Activities (Youth Council Social Coordinator):~~

- ~~• Organizes internal Youth Council Social Events.~~
- ~~• Reserves and makes payment to facilities.~~

~~Earl or Countess of Records (Secretary):~~

- ~~• Archival of official documents related to Youth Council.~~
- ~~• Takes minutes of scheduled Youth Council business meetings.~~
- ~~• Maintains log of activities other than scheduled business meetings.~~
- ~~• Cooperates with other members to produce business meeting agenda.~~

**Exhibit "A" (Updated From First Reading)**

Title 2 ADMINISTRATION AND PERSONNEL

- ~~• Documents attendance.~~

~~Duke or Duchess of External Projects (Youth Council Community Projects Coordinator):~~

- ~~• Plans community and fundraising events in cooperation with other members.~~
- ~~• Corresponds with appropriate facilities, directors, members of the community for projects.~~

~~Grand Chairperson (Chair):~~

- ~~• Spokesperson for Youth Council to the media and other entities.~~
- ~~• Calls meetings to order and presides over agenda.~~

~~Duke or Duchess of Advertisement (Public Relations):~~

- ~~• Produces promotional material for public events.~~
- ~~• Oversees maintenance and initial formation of website.~~
- ~~• Produces announcements and recruitment material for new applicants.~~

~~(Ord. No. 3045, § 1, 9-1-2009)~~

**2.51.050 — Organization.**

~~The Youth Council will be comprised of no more than thirty (30) voting members, and six (6) presiding officers. Interested youth other than the thirty (30) voting members are invited to participate in special projects on a voluntary basis. The six (6) board members will have no more power or voting privileges than the other twenty-four (24) voting members but will serve as lead organizers on projects in which the entire Youth Council has input. The Youth Council, started by the Weed and Seed Initiative through the Community Development Office, will move to management under the Neighborhood Council Coordinator in the Community Development Office after the end of the Weed and Seed grant in 2010.~~

~~(Ord. No. 3045, § 1, 9-1-2009)~~

**2.51.060 — By-Laws.**

- ~~A. The Youth Council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.~~

~~B. A copy of the by-laws shall be on file in the office of the City Clerk.~~

~~(Ord. No. 3045, § 1, 9-1-2009)~~

**2.51.070 — Open meetings and public records.**

- ~~A. All meetings of the Youth Council shall be open to the public.~~
- ~~B. All records maintained by the Youth Council shall be available for public inspection.~~



**Exhibit "A" (Updated From First Reading)**

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(Ord. No. 3045, § 1, 9-1-2009)

**Chapter 5221 CODE OF ETHICS**

**Sections:**

~~2.52.010 Title.~~

~~2.52.020 Findings.~~

~~2.52.030 Purpose and authority.~~

~~2.52.040 Definitions.~~

~~2.52.050 Ethical standards.~~

~~2.52.060 Nepotism.~~

~~2.52.070 Distribution.~~

**2.522.21.010 Title.**

**2.21.020 Findings.**

**2.21.030 Purpose and authority.**

**2.21.040 Definitions.**

**2.21.050 Ethical standards.**

**2.21.060 Great Falls Ethics Committee established.**

**2.21.070 Committee purpose.**

**2.21.080 Committee membership.**

**2.21.090 Committee meeting schedule.**

**2.21.100 Committee duties.**

**2.21.110 Nepotism.**

**2.21.120 Distribution.**

**2.21.010 Title.**

This chapter shall be known and may be cited as the "City of Great Falls Code of Ethics."

~~2.5221.020 Findings.~~

The City Commission of the City of Great Falls finds and declares that:

## Exhibit "A" (Updated From First Reading)

### Title 2 ADMINISTRATION AND PERSONNEL

- A. Public office and employment are a public trust;
- B. The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives; **and**
- C. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to ~~appraise~~**appraise** their officers and employees of the behavior which is expected of them while conducting such duties.

#### **2.5221.030 Purpose and authority.**

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for officers and employees of the City of Great Falls shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties. Such ethical standards shall inspire and stimulate each officer and employee to:

- A. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective;
- B. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant;
- C. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that each public servant may merit the respect and confidence of elected officials, of other officials and employees, and of the public; **and**
- D. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

#### **2.5221.040 Definitions.**

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity;
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer;
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union;

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- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
  - 1. Member of the City Commission-;
  - 2. City Manager-;
  - 3. Deputy City Manager-;
  - 4. Director, Department of ~~Fiscal Services~~**Finance**;
  - 5. Director, Department of Planning and Community Development-;
  - 6. Director, Department of Public Works-;
  - 7. Director, Department of Parks and Recreation-;
  - 8. Chief of Police-;
  - 9. City Clerk-;
  - 10. City Attorney-;
  - 11. Municipal Judge-;
  - 12. Fire Chief-;
  - 13. **Library** Director, ~~Library~~-; or
  - 14. **A member of any City board, council, committee, or commission.**
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

~~(Ord. 2703, 1996)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**2.5221.050 Ethical standards.**

~~Officers~~**In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers** and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he

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or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment;

- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him **or her**, directly or indirectly, in the discharge of his or her official duties. ~~In this regard,~~ the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls. ~~The only other exceptions shall be;~~ **except** in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, **or his or her immediate family**;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve ~~or~~, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person. ~~The only exception shall be;~~ **except** where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;

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O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; **and**

~~2.52.060P.~~ **All officers, whether elected and appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.**

**2.21.060 Great Falls Ethics Committee established.**

**The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."**

**2.21.070 Committee purpose.**

**The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.**

**2.21.080 Committee membership.**

**A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall not be City employees. The senior member of the committee shall serve as the committee chairperson. As is reasonably possible, the members shall have experience and or training in the following:**

- 1. Public administration;**
- 2. Governmental operation;**
- 3. Political practices; or**
- 4. Legal practice.**

**B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years,**

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**and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.**

**2.21.090 Committee meeting schedule.**

**The Committee shall meet on an as needed basis, in the City Commission Chambers, on the first Wednesday of the month after a matter has been referred to the Committee pursuant to this Chapter, or by direction of the City Manager. Committee meetings shall be open to the public, pursuant to Mont. Code Ann. Titles 2, and 7, and Committee meeting minutes shall be maintained by the City Clerk.**

**2.21.100 Committee duties.**

**The Committee shall meet and be presented testimony regarding matters referred to it. Based on the information and testimony presented, the Committee shall:**

- A. Make a written finding, filed with the City Clerk, as to whether there is an appearance of a violation of any provision on Mont. Code Ann. Title 2, Chapter 2, or a violation of this chapter;**
- B. Make a written finding, filed with the City Clerk, as to whether the appearance of a violation rises to a level of an actual violation; and**
- C. Make a written recommendation, filed with the City Clerk, in consultation with the City Attorney's Office, as to the correct course of action to eliminate any violation and/or reduce the appearance of any violation.**

**2.21.110 Nepotism.**

**All personnel matters shall be administered on the basis of merit and through regular management procedure ~~except~~.**

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;**

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1. "Consanguinity" means blood relation and degrees are determined as follows:
    - i. Parent and child are of the first degree; ~~grandparents~~
    - ii. **Grandparents**, grandchildren, brothers and sisters are of the second degree; ~~uncles~~
    - iii. **Uncles**, aunts, nephews, nieces and great grandparents are of the third degree; ~~firstand~~
    - iv. **First** cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
  2. "Affinity" means a relationship by marriage and the degrees are determined as follows: ~~husband~~
    - i. **Husband** and wife are of the first degree; ~~brothersand~~
    - ii. **Brothers**-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department. ~~The above shall include but not be limited to the following: City Commission, Board of Adjustment, Board of Health, Housing Authority, Library Board, Park and Recreation Board, Parking Commission, Planning Board, Police Commission.~~
- C. **The above shall include but not be limited to the following:**
1. **City Commission;**
  2. ~~52.070~~ **Board of Adjustment;**
  3. **Board of Health;**
  4. **Housing Authority;**
  5. **Library Board;**
  6. **Park and Recreation Board;**
  7. **Parking Commission;**
  8. **Planning Board and Zoning Commission;**
  9. **Police Commission;**
  10. **Business Improvement District;**
  11. **Tourism Business Improvement District; and**
  12. **Great Falls Ethics Committee.**

**2.21.120 Distribution.**

The City Clerk shall cause a copy of this Code of ~~ethics ordinance~~ **Ethics** to be distributed to every public officer and employee of the City within thirty (30) days after enactment ~~of this ordinance~~. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of ~~this~~ **his or her** office or employment.

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**Chapter 5422 INDEMNIFICATION**

**Sections:**

~~2.54.010 Indemnification.~~

**2.22.010 Indemnification.**

**2.5422.010 Indemnification.**

~~In any civic action brought against any public official or employee of the City of Great Falls alleging a violation of Initiative 75, the City of Great Falls shall defend the action on behalf of the official or employee and indemnify the official or employee for any liability resulting from the alleged violation of Initiative 75.~~

~~(Ord. 2747, 1998).~~ **Repealed.**

**Chapter 5623 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE**

**Sections:**

~~2.56.010 Scope.~~

~~2.56.020 Removal of members of boards, commissions and councils.~~

**2.23.010 Scope.**

**2.23.020 Removal of members of boards, commissions and councils.**

**2.5623.010 Scope.**

The provisions of this chapter shall apply to all boards, commissions, **committees**, and councils **elected or** appointed by the City Commission except ~~as follows: Where~~ **where** a conflicting provision appears in state statutes or in City ordinances relating to a particular board, commission, **committee**, or council, the specific statute or ordinance shall apply.

~~(Ord. 2793, 2001)~~



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**2.5623.020 Removal of members of boards, commissions, committees, and councils.**

A member of any board or, commission, **committee**, or council, ~~wherein~~ **including Neighborhood Council**, may be removed from office, by majority vote of the City Commission, if:

- A. **The member** misses more than one-third (-1/3-) of the regular meetings in a calendar year without a health or medical excuse;
- B. **The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall lose his/her status as a be made pursuant to MCA Title 53, Chapter 21;**
- C. **The member neglects or refuses to discharge the member's duties;**
- D. **The member ceases to be a resident of such the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;**
- E. **The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on a board, council, or commission; or**
- F. **Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.**

**If a member is to be removed from any board, commission, or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a, the member will be provided written notice of removal, stating the reasons therein to such member at least for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to a the City Commission hearing thereon before the City Commission, should such member request a hearing on the where said removal. will be subject to the vote of the Commission.**

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~~(Ord. 3169, 2017; Ord. 3153, 2017; Ord. 3149, 2017; Ord. 3140, 2016; Ord. 3045, 2009; Ord. 2968, 2007; Ord. 2928, 2006; Ord. 2918, 2005; Ord. 2747, 1998; Ord. 2735, 1998; Ord. 2729, 1997; Ord. 2725, 1997; Ord. 2722, 1997; Ord. 2703, 1996; Ord. 2683, 1995; Ord. 2652, 1993; Ord. 2604, 1991; Ord. 2793, 2001).~~

2563, 1990; Ord. 2479, 1987; Ord. 2444, 1986; Ord. 2267, 1981; Ord. 2228, 1980; Ord. 2210, 1980; Ord. 2200, 1980; Ord. 2199, 1980; Ord. 2190, 1980; Ord. 2172, 1979; Ord. 2037, 1978; Ord. 2035, 1978; Ord. 1977, 1876; Ord. 1910, 1976; Ord. 1909, 1976; Ord. 1908, 1976; Ord. 1907, 1976; Ord. 1906, 1976; Ord. 1905, 1976; Ord. 1859, 1975; Ord. 1858, 1975; Ord. 1843, 1974).

## **Title 2 ADMINISTRATION AND PERSONNEL**

### **Chapter**

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Chapter 1 - CITY COMMISSION

Chapter 2 - CITY MANAGER

Chapter 3 - MUNICIPAL COURT

Chapter 4 - ADMINISTRATIVE DEPARTMENTS

Chapter 5 - EMPLOYEE HOLIDAYS

Chapter 6 - OFFICER'S BONDS

Chapter 7 - ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Chapter 8 - MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD

Chapter 9 - BOARD OF ADJUSTMENT

Chapter 10 - DESIGN REVIEW BOARD

Chapter 11 - PARK AND RECREATION BOARD

Chapter 12 - GOLF ADVISORY BOARD

Chapter 13 - HISTORIC PRESERVATION ADVISORY COMMISSION

Chapter 14 - LOAN ADVISORY BOARD

Chapter 15 - PLANNING ADVISORY BOARD

Chapter 16 - ZONING COMMISSION

Chapter 17 - PARKING ADVISORY COMMISSION

Chapter 18 - GREAT FALLS PUBLIC LIBRARY

Chapter 19 - NEIGHBORHOOD COUNCILS

Chapter 20 - YOUTH COUNCIL

Chapter 21 - CODE OF ETHICS

Chapter 22 - INDEMNIFICATION

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 23 - BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

**Chapter 1 CITY COMMISSION**

**Sections:**

2.1.010 Established.

2.1.020 Salary.

**2.1.010 Established.**

The Charter of the City of Great Falls (Charter) establishes and promulgates the powers and duties of the City Commission.

**2.1.020 Salary.**

The salary of each Commissioner shall be three hundred twelve dollars (\$312.00) per month. The salary of the Mayor shall be four hundred sixty-eight dollars (\$468.00) per month.

**Chapter 2 CITY MANAGER**

**Sections:**

2.2.010 Appointment - generally.

**2.2.010 Appointment - generally.**

The provisions for the appointment of a City Manager and his or her powers and duties are established by the Charter.

**Chapter 3 MUNICIPAL COURT**

**Sections:**

Title 2 ADMINISTRATION AND PERSONNEL

2.3.010 Established.

2.3.020 Appeal to District Court.

2.3.030 Municipal Court Judge.

2.3.040 Municipal Court Clerk.

**2.3.010 Established.**

The Municipal Court of the City of Great Falls, Montana, is hereby established pursuant to Title 3, Chapter 6, Montana Code Annotated (MCA). The Municipal Court shall be a court of record by electronic recording or stenographic transcription and shall assume continuing jurisdiction over all pending Municipal Court cases from and after February 1, 1998.

**2.3.020 Appeal to District Court.**

Appeals of Municipal Court judgments or orders must be made to District Court and are confined to review of the record and questions of law. A party may appeal a Municipal Court judgment if:

- A. In criminal causes of action, the amount of controversy exceeds three hundred dollars (\$300.00); or
- B. The judgment includes incarceration; or
- C. In civil causes of action, the amount of controversy exceeds one thousand dollars (\$1,000).
- D. Upon petition of an aggrieved party, the District Court may, in the interests of justice, accept appellate jurisdiction notwithstanding the amount in controversy.

**2.3.030 Municipal Court Judge.**

- A. There shall be one (1) Municipal Court Judge elected to a four (4) year term pursuant to Title 3, Chapter, 6, MCA. The qualifications of a Municipal Court Judge shall be as required by Montana law to include:
  - 1. The same qualifications as a judge of District Court as set forth in Article VII, Section 9, of the Montana Constitution;
  - 2. A Municipal Court Judge shall be a resident and voter in the City of Great Falls at the time of his or her election; and
  - 3. A Municipal Court Judge shall be certified as provided in MCA §§3-1-1502-1503, prior to assuming office.
- B. The salary of the Municipal Court Judge shall be set by Commission resolution.

Title 2 ADMINISTRATION AND PERSONNEL

**2.3.040 Municipal Court Clerk.**

The position of a Municipal Court Clerk is hereby established pursuant to Title 3, Chapter 6, MCA, to administer and retain court records by paper or electronic filing or storage. The salary of the Municipal Court Clerk shall be set by Commission resolution.

**Chapter 4 ADMINISTRATIVE DEPARTMENTS**

**Sections:**

- 2.4.010 Established.
- 2.4.020 Deputy City Manager.
- 2.4.030 City Clerk.
- 2.4.040 Legal Department.
- 2.4.050 Finance Department.
- 2.4.060 Public Works Department.
- 2.4.070 Fire Rescue Department.
- 2.4.080 Police Department.
- 2.4.090 Planning and Community Development Department.
- 2.4.100 Park and Recreation Department.
- 2.4.110 Human Resources Department.

**2.4.010 Established.**

The administrative departments of the City are hereby established. Each department is subject to the control and supervision of the City Manager who may transfer, eliminate, or add to department functions.

**2.4.020 Deputy City Manager.**

The City Manager shall appoint a Deputy City Manager who shall serve as acting City Manager in the absence of the City Manager assuming all responsibilities as outlined in the Charter. The Deputy City Manager shall, supervise information technology services within control of the City, and the Deputy City Manager shall oversee other management duties by direction of the City Manager or as required by law.

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**2.4.030 City Clerk.**

The City Manager shall appoint a City Clerk who shall keep a history of the City of Great Falls, maintain public records, and perform such other duties by direction of the City Manager or as required by law.

**2.4.040 Legal Department.**

A Legal Department is hereby created. The City Manager shall appoint a City Attorney, qualified under Montana law, to administer the Legal Department. The Department shall render legal services in all civil and administrative matters for the City, prosecute all charges in Municipal Court, and perform such other duties by direction of the City Manager or as required by law.

**2.4.050 Finance Department.**

A Finance Department is hereby created. Within this Code, this department may also be referred to as the Fiscal Services Department. The City Manager shall appoint a director to administer said Finance Department. The Department shall render accounting, revenue collection, including utility billing, court receipts and accounts receivable, accounts payable, debt issuance, investment services, and payroll services to the City and perform such other duties by direction of the City Manager or as required by law.

**2.4.060 Public Works Department.**

A Public Works Department is hereby created. The City Manager shall appoint a Director to administer the Public Works Department. The Department shall administer capital improvements, maintenance, operations, and utilities and perform such other duties by direction of the City Manager or as required by law.

**2.4.070 Fire Rescue Department.**

A Fire Rescue Department is hereby created. The City Manager shall appoint a Fire Chief to administer the Fire Rescue Department. The Department shall provide fire-fighting, rescue operation, fire investigation, and fire prevention services for the City and perform such other duties by direction of the City Manager or as required by law.

**2.4.080 Police Department.**

A Police Department is hereby created. The City Manager shall appoint a Police Chief to administer the Police Department. The Department shall enforce the laws of the City and State to protect life and

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property, to control traffic, and perform such other duties by direction of the City Manager or as required by law.

**2.4.090 Planning and Community Development Department.**

A Planning and Community Development Department is hereby created. The City Manager shall appoint a Director to administer the Planning and Community Development Department. The Department shall render:

- A. land use and transportation planning services and facilitate, promote, and ensure orderly land development in the City;
- B. facilitate, promote, and ensure quality development in the City;
- C. administer related federal programs; and
- D. perform such other duties by direction of the City Manager or as required by law.

**2.4.100 Park and Recreation Department.**

A Park and Recreation Department is hereby created. The City Manager shall appoint a Director to administer the Park and Recreation Department. The Department shall manage all parks and recreational facilities, programs, and perform such other duties by direction of the City Manager or as required by law.

**2.4.110 Human Resources Department.**

A Human Resources Department is hereby created. The City Manager shall appoint a Director to administer the Human Resources Department. The Department shall manage, under the City Manager's direction, City personnel policy issues and development, benefits administration, organizational training, risk management, and perform such other duties by direction of the City Manager or as required by law.

**Chapter 5 EMPLOYEE HOLIDAYS**

**Sections:**

2.5.010 Holidays listed.

Title 2 ADMINISTRATION AND PERSONNEL

**2.5.010 Holidays listed.**

- A. The employee holidays for all City employees are as follows:
  - 1. New Year's Day, January 1;
  - 2. Martin Luther King Jr. Day, the third Monday in January;
  - 3. President's Day, the third Monday in February;
  - 4. Memorial Day, the last Monday in May;
  - 5. Independence Day, July 4;
  - 6. Labor Day, the first Monday in September;
  - 7. Veterans Day, November 11;
  - 8. Thanksgiving Holiday, fourth Thursday and Friday in November;
  - 9. Christmas Day, December 25; and
  - 10. Every day in which a general election is held throughout the State (General Election Day).
- B. If designated holidays fall on an employee's regular days-off, that employee shall either be entitled to receive a day off with pay on the day preceding the holiday off, or on another day following the holiday in the same pay period.

**Chapter 6 OFFICER'S BONDS**

**Sections:**

2.6.010 Required—amount.

2.6.020 Form.

2.6.030 Conditions.

**2.6.010 Required—amount.**

Except when otherwise provided by law, all City employees, before discharging their official duties, for the duration of their term or employment, shall be bonded by the City for one hundred thousand dollars (\$100,000.00).

**2.6.020 Form.**

- A. Official bonds must be filed in the Human Resources Department.



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- B. Unless otherwise provided, all official bonds must be joint and several and made payable to the City and with such conditions as required in Section 2.6.030.
- C. The principal and sureties upon any official bond are also, in all cases, liable for the neglect, default, or misconduct in office of any City employee.

**2.6.030 Conditions.**

The condition of every official bond must be that the principal shall well, truly, and faithfully perform all official duties required by law and also such additional duties as may be imposed by any law of the State subsequently enacted, by any law of the City subsequently enacted, and that the principal will account for, pay over, and deliver to the person or officer, entitled to receive the same, all moneys or other properties that may come into the hands as such officer.

**Chapter 7 ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS**

**Sections:**

- 2.7.010 Creation.
- 2.7.020 Purpose.
- 2.7.030 Members.
- 2.7.040 Duties.

**2.7.010 Creation.**

An Advisory Commission on International Relationships is hereby created to serve in an advisory capacity to the City Commission.

**2.7.020 Purpose.**

The purpose of the Advisory Commission shall be to provide support, coordination, and exchange of information for international programs in the community. The group shall develop its own mission statement.

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**2.7.030 Members.**

The Advisory Commission shall consist of nine (9) to eleven (11) members appointed by the City Commission. Commission members must be qualified electors and residents of the City. Each of the members shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All of the members of the Board shall serve without compensation, and are subject to removal by the City Commission for cause upon written charges and after public hearing.

**2.7.040 Duties.**

It shall be the duty of the Advisory Commission to:

- A. Provide support for the Sister Cities program in consultation and cooperation with its Board of Directors;
- B. Serve as a sounding board and a resource of advice and support for the Resource Cities partnership with cities located in other countries;
- C. Help develop a program for continuation after the funded program ends;
- D. Develop resources for and help facilitate educational exchanges particularly at the higher education level;
- E. Facilitate the community wide exchange of information among international programs;
- F. Develop community resources to support international programs; and
- G. Review and submit proposals and make recommendations to the City Commission regarding international programs and relationships.

**Chapter 8 MANSFIELD CENTER FOR THE PERFORMING ARTS  
ADVISORY BOARD**

**Sections:**

2.8.010 Creation.

2.8.020 Purpose.

2.8.030 Membership—appointment—compensation.

2.8.040 Terms.

2.8.050 Duties.

2.8.060 Reporting.

Title 2 ADMINISTRATION AND PERSONNEL

**2.8.010 Creation.**

There is created a Mansfield Center for the Performing Arts Advisory Board, which shall hereafter be referred to as "Board" in this Chapter.

**2.8.020 Purpose.**

The Board shall advise the City Commission, and City Manager, on matters related to the successful operation of Mansfield Center for the Performing Arts including the use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics.

**2.8.030 Membership—appointment—compensation.**

The Board shall consist of five (5) to seven (7) members appointed by the City Commission. Members must be qualified electors and City residents. The members shall serve without compensation. The City Commission shall attempt a balance in membership with representation from the following areas:

- A. Performing arts;
- B. Conventions and meetings; and
- C. Civic leaders.

**2.8.040 Terms.**

The staggered terms of office shall be three (3) years.

**2.8.050 Duties.**

The Duties of the Board include but are not limited to:

- A. The Board shall serve in an advisory capacity regarding the Mansfield Center for the Performing Arts and public meeting rooms; and
- B. The Board shall assist in identifying funding strategies for a capital improvement plan, special events, which may include fund-raising, and foundation development;

**2.8.060 Reporting.**

The Board shall make available copies of regular meeting minutes as well as an annual report to the City Commission and City Manager.

## **Chapter 9 BOARD OF ADJUSTMENT**

### **Sections:**

Repealed.

See Title 17. Board of Adjustment

## **Chapter 10 DESIGN REVIEW BOARD**

### **Sections:**

Repealed.

See Title 17. Design Review Board

## **Chapter 11 PARK AND RECREATION BOARD**

### **Sections:**

2.11.010 Creation.

2.11.020 Purpose.

2.11.030 Membership—appointment—compensation.

2.11.040 Term of office.

2.11.050 Duties.

### **2.11.010 Creation.**

A Park and Recreation Board is hereby created. The Park and Recreation Board may be referred to in this chapter as "Board".

### **2.11.020 Purpose.**

The Park and Recreation Board shall advise the City Commission and the City Manager on all matters related to the Parks and Recreation program of the City, and exercise certain functions in regard to the disposition and acquisition of park land and/or facilities as set forth in Section 2.11.050.

Title 2 ADMINISTRATION AND PERSONNEL

**2.11.030 Membership—appointment—compensation.**

The Board shall consist of seven (7) members, residents of the City and qualified electors, appointed by the City Commission. The members shall serve without compensation.

**2.11.040 Term of office.**

The staggered terms of office shall be three (3) years from and after January 1, of the year of appointment.

**2.11.050 Duties.**

The Board shall review and prepare proposals and make recommendations to the City Commission.

**Chapter 12 GOLF ADVISORY BOARD**

**Sections:**

2.12.010 Creation.

2.12.020 Purpose.

2.12.030 Memberships.

2.12.040 Terms.

2.12.050 Duties.

**2.12.010 Creation.**

A Golf Advisory Board is hereby created which shall hereafter be referred to in this Chapter as "Board."

Title 2 ADMINISTRATION AND PERSONNEL

**2.12.020 Purpose.**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Parks and Recreation Department staff on all matters related to the operation of the municipal golf courses.

**2.12.030 Memberships.**

The Board shall consist of five (5) members who shall be appointed by the City Commission. Membership will consist of one (1) member representing the City's Men's Golf Associations, one (1) member representing the City's Women's Golf Association, one (1) member representing Malmstrom Air Force Base, and two (2) members representing non-league golfers. The Chairman of the Park and Recreation Board or a designated representative from the Board will be an ex officio member of the Board. All members must be qualified electors.

**2.12.040 Terms.**

The term of office of each member of the Board shall be three (3) years from and after March 1, of the year in which the member is appointed, except two (2) members of the first Board who shall hold office for a period of two (2) years from and after the first day of March 1, 1993.

**2.12.050 Duties.**

The Board shall serve in an advisory capacity regarding the operation of the municipal golf courses, specifically regarding:

- A. Fees and charges, tournament requests policies, procedures, and rules;
- B. Capital improvements or projects;
- C. Promotion of usage at the golf courses; and
- D. All other matters relating to the golf courses which may be assigned or requested by the City Commission or the City Manager.

**Chapter 13 HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

Repealed.

## **Chapter 14 LOAN ADVISORY BOARD**

### **Sections:**

2.14.010 Creation.

2.14.020 Purpose.

2.14.030 Members.

2.14.040 Duties.

### **2.14.010 Creation.**

A Loan Advisory Board is hereby created to serve in an advisory capacity to the City Commission.

### **2.14.020 Purpose.**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to changes to existing loans and primarily Tax Increment Loans. Additionally, the Loan Advisory may advise on matters relating to lending funds for economic development.

### **2.14.030 Members.**

The Board shall be ad-hoc and appointed by the City Commission when needed. All members shall be qualified electors and residents of the City.

### **2.14.040 Duties.**

It shall be the duty of the Board to review economic development proposals involving the use of available funds and make recommendations to the City Commission and City Manager.

## **Chapter 15 PLANNING ADVISORY BOARD**

### **Sections:**

Title 2 ADMINISTRATION AND PERSONNEL

Repealed.

See Title 17. Planning Advisory Board

## **Chapter 16 ZONING COMMISSION**

### **Sections:**

Repealed.

See Title 17. Zoning Commission

## **Chapter 17 PARKING ADVISORY COMMISSION**

### **Sections:**

2.17.010 Creation.

2.17.020 Purpose.

2.17.030 Members.

2.17.040 Duties.

### **2.17.010 Creation.**

A Parking Advisory Commission is hereby created to serve in an advisory capacity to the City Commission and City Manager.

### **2.17.020 Purpose.**

The purpose of the Parking Advisory Commission shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to parking issues within the Parking Districts.

### **2.17.030 Members.**

The Parking Advisory Commission shall consist of five (5) members, residents of the City, and qualified electors, appointed by the City Commission whose staggered terms shall be for three (3) years. A sixth, ex-officio member, shall be appointed by the Business Improvement District.



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**2.17.040 Duties.**

It shall be the duty of the Parking Advisory Commission to review the Great Falls Parking Program and make recommendations to the City Commission and City Manager.

**Chapter 18 GREAT FALLS PUBLIC LIBRARY**

**Sections:**

2.18.010 Legislative findings.

2.18.020 Establishment.

2.18.030 Purpose.

2.18.040 Tax levy—Special library fund.

2.18.050 Library Board of Trustees.

2.18.060 Trustees—Powers and duties.

2.18.070 City authority to contract with Board of Trustees for library services.

**2.18.010 Legislative findings.**

The Commission makes the following legislative findings regarding the Great Falls Public Library:

- A. Since 1890, when Paris and Valeria Gibson, and Robert Vaughn, contributed toward the establishment of the first library in this city, the people of Great Falls have enjoyed the benefits of a free public library;
- B. The City of Great Falls assumed operation of the library in 1892, and in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day;
- C. The 1910 ordinance is antiquated in several particulars, and is in need of revision, although independent management and control of the library, through an appointed Board of Trustees, as provided by law, should be maintained;
- D. The need for independent management of the library must be balanced with the City Commission's authority under both state law and the City Charter to approve the budget and mill levy for the library;
- E. To accomplish this balance, there is a need to establish a structured relationship between the Board of Trustees and the City Commission; and
- F. The City Commission welcomes the continued cooperation of other public bodies, including the State of Montana and Cascade County, in the operation of the public library, as well as contributions from individuals and foundations.

Title 2 ADMINISTRATION AND PERSONNEL

**2.18.020 Establishment.**

The first library was established in Great Falls in 1890. The City assumed operation of the library in 1892 and, in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day. Pursuant to Mont. Code Ann. § 22-1-303(1) and Article VII, Section 3 of the Charter of the City of Great Falls, the Great Falls Public Library is hereby established in the Official Code of the City of Great Falls.

**2.18.030 Purpose.**

A free public library allows residents the fullest opportunity to enrich and inform themselves through reading, as well as social, cultural, recreational, and educational activities.

**2.18.040 Tax levy—Special library fund.**

- A. Subject to provisions of state law and the Charter of the City of Great Falls, the City Commission may levy in the same manner, and at the same time, as other taxes are levied a tax for the support of public library services.
- B. The City Commission may, by resolution, submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in state law.
- C. Upon a petition being filed with the City Commission and signed by not less than five (5) percent of the resident taxpayers of the City of Great Falls requesting an election for the purpose of imposing a mill levy, the City Commission shall submit to a vote of the qualified electors at an election, conducted as provided by state law, the question of imposing the mill levy.
- D. The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.
- E. Money may not be paid out of the public library fund, by the Finance Department of the City of Great Falls, except by order or warrant of the Library Board of Trustees, or its authorized designee with approval by the Library Board.

**2.18.050 Library Board of Trustees.**

- A. The City Commission shall appoint an advisory board to govern and manage the Great Falls Public Library to be known as the "Great Falls Library Board of Trustees," hereafter in this chapter may be referred to as the "Board."
- B. The Board shall consist of five (5) members. In addition, one (1) member of the City Commission shall be appointed by the City Commission to sit on the Board as an ex officio, non-voting member. Board members will be qualified electors and residents of the City.

Title 2 ADMINISTRATION AND PERSONNEL

- C. Members of the Board shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- D. Trustees shall hold office for five (5) years from the date of appointment by the City Commission, or until their successors are appointed. Appointments shall be governed by state law. All trustees serving on the Library Board of Trustees, in existence at the time Ordinance 3140 becomes effective, shall retain their offices for the duration of their appointments. If a Board member vacates that member's seat, a successor member shall be appointed to fill the remainder of that member's appointment, which term shall not be considered a full term under Mont. Code Ann. § 22-1-308.
- E. In July of each year, or the next regularly scheduled Board meeting afterward, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for one (1) year terms. Vacancies on the Board of Trustees must be filled for the unexpired term in the same manner as original appointments.

**2.18.060 Trustees—Powers and duties.**

- A. The Board has those powers and duties as provided by Mont. Code Ann. §§ 22-1-309 and 311, including, but not limited to, the management and control of the Great Falls Public Library.
- B. In accordance with Article VII, Section 3, of the City Charter, the Board is also considered advisory with respect to the City Commission in the exercise of its duties. The Board may advise the City Commission on such matters as it deems necessary and appropriate, and the City Commission may seek Board advice and comment on such matters as it deems necessary and appropriate.
- C. Subject to the provisions of OCCGF 1.4.070, the Board may extend the privileges and use of the Great Falls Public Library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.
- D. The Board shall keep a record of its transactions, and shall make a report to the City Commission at least once each calendar year, addressing the business transacted during that year.
- E. The Board may exact and enforce reasonable fines and penalties to be assessed for violations of Great Falls Public Library rules, policies, and regulations.

**2.18.070 City authority to contract with Board of Trustees for library services.**

- A. The City, through its Manager, with the approval of the City Commission, may contract with the Board to provide various services including, but not limited to, personnel services.
- B. Any and all contracts between the City and the Board in effect as of the date of adoption of Ordinance 3140 shall remain in full force and effect.

## **Chapter 19 NEIGHBORHOOD COUNCILS**

### **Sections:**

- 2.19.010 Establishment.
- 2.19.020 Purpose.
- 2.19.030 District boundaries.
- 2.19.040 Council elections.
- 2.19.050 Duties and powers.
- 2.19.060 Organization.
- 2.19.070 By-Laws.
- 2.19.080 Open meetings and public records.
- 2.19.090 Great Falls Citizen's Council.
- 2.19.100 City resources.

### **2.19.010 Establishment.**

Pursuant to the Charter for the City of Great Falls, a program of neighborhood councils is hereby established.

### **2.19.020 Purpose.**

The purpose of the neighborhood council program is to provide a means for the citizens of Great Falls to actively participate in their local government through a formal organization working at the neighborhood level.

### **2.19.030 District boundaries.**

- A. The City Commission shall divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district pursuant to the Great Falls City Charter.
- B. The district boundaries shall be established by a resolution of the City Commission.
- C. Neighborhood councils may petition the City Commission to amend district boundaries for good cause consistent with the purpose and intent of this chapter.

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**2.19.040 Council elections.**

- A. Each neighborhood council district shall have a council comprised of five (5) resident members who must live within their designated neighborhood council district for which they were elected for their term of office; such members shall be elected to two (2) year terms at the election held in conjunction with the City general election.
- B. Nominees for election to a neighborhood council must be qualified electors and residents of their designated neighborhood district.
- C. The filing period for neighborhood councils shall open and close on the same date as the filing period for mayoral and commission candidates. Neighborhood council candidates are not subject to primary elections.

**2.19.050 Duties and powers.**

- A. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies. They may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents. Topics and issues for council involvement may include, but are not limited to the following:
  - 1. Public finance;
  - 2. Public works;
  - 3. Public safety;
  - 4. Social services;
  - 5. Transportation;
  - 6. Economic development;
  - 7. Planning and zoning;
  - 8. Public health and sanitation;
  - 9. Parks and recreation; and
  - 10. Environmental issues.
- B. Neighborhood Councils may also work cooperatively, in an advisory capacity with, other governmental and quasi-governmental entities such as school districts, county government and the transit district.
- C. As advisory bodies, neighborhood councils shall not:
  - 1. Appropriate or commit City resources;
  - 2. Enact or enforce City Codes or ordinances;
  - 3. Engage in law enforcement;
  - 4. Assume a supervisory role or directorship over any City employee; or
  - 5. Interfere in any way with a City employee in the performance of his/her duties.

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**2.19.060 Organization.**

- A. Each council shall select from its members, a chairman, secretary, an official delegate to attend City Commission meetings, and appoint a Vice Chair or other officers as it deems necessary.
- B. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. In the event that a council cannot agree upon the appointment of a replacement member, the City Commission shall do so.
- C. On or before January 30 after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into, office, each neighborhood council shall meet to organize as provided in this section.
- D. Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E. Neighborhood councils, and the Great Falls Citizen's Council, are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

**2.19.070 By-Laws.**

- A. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B. The City Clerk shall provide model by-laws for use by the councils in drafting their own by-laws.
- C. By-laws shall be reviewed by the office of the City Attorney and certified for consistency with the provisions of the Great Falls City Charter, the City Codes and the laws of Montana.
- D. A copy of the by-laws shall be on file in the office of the City Clerk.

**2.19.080 Open meetings and public records.**

- A. All meetings of the neighborhood councils shall be open to the public.
- B. All records maintained by the council shall be available for public inspection.

**2.19.090 Great Falls Citizen's Council.**

- A. The purpose of the Great Falls Citizen's Council (GFCC) is to act as a forum to address issues of community wide concern and to resolve disputes among the individual neighborhood councils.
- B. The GFCC shall organize as follows:

Title 2 ADMINISTRATION AND PERSONNEL

1. the GFCC shall consist of one (1) member from each neighborhood council and two (2) members of the Great Falls City Commission who shall be appointed by the Mayor;
2. the GFCC shall determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of the Charter of the City of Great Falls, this Code, or the laws of the State of Montana; and
3. in addition to the membership set forth in subsection B, any council representing any unincorporated neighborhood or community may petition the GFCC for membership.

**2.19.100 City resources.**

- A. The City Commission, at its discretion, may provide funding and other resources to neighborhood councils and to the Great Falls Citizen's Council.
- B. A neighborhood liaison function is hereby established within the City Manager's Office.
- C. The City of Great Falls shall not be liable for any obligations incurred by the councils or the GFCC unless expressly approved by the City Commission.

**Chapter 20 YOUTH COUNCIL**

**Sections:**

Repealed.

**Chapter 21 CODE OF ETHICS**

**Sections:**

2.21.010 Title.

2.21.020 Findings.

2.21.030 Purpose and authority.

2.21.040 Definitions.

2.21.050 Ethical standards.

2.21.060 Great Falls Ethics Committee established.

2.21.070 Committee purpose.

Title 2 ADMINISTRATION AND PERSONNEL

2.21.080 Committee membership.

2.21.090 Committee meeting schedule.

2.21.100 Committee duties.

2.21.110 Nepotism.

2.21.120 Distribution.

**2.21.010 Title.**

This chapter shall be known and may be cited as the "City of Great Falls Code of Ethics."

**2.21.020 Findings.**

The City Commission of the City of Great Falls finds and declares that:

- A. Public office and employment are a public trust;
- B. The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives; and
- C. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting such duties.

**2.21.030 Purpose and authority.**

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for officers and employees of the City of Great Falls shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties. Such ethical standards shall inspire and stimulate each officer and employee to:

- A. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective;
- B. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant;
- C. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that each public servant may merit the respect and confidence of elected officials, of other officials and employees, and of the public; and
- D. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.



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**2.21.040 Definitions.**

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
  - 1. Member of the City Commission;
  - 2. City Manager;
  - 3. Deputy City Manager;
  - 4. Director, Department of Finance;
  - 5. Director, Department of Planning and Community Development;
  - 6. Director, Department of Public Works;
  - 7. Director, Department of Parks and Recreation;
  - 8. Chief of Police;
  - 9. City Clerk;
  - 10. City Attorney;
  - 11. Municipal Judge;
  - 12. Fire Chief;
  - 13. Library Director; or
  - 14. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

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**2.21.050 Ethical standards.**

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;

Exhibit "B" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;
- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; and
- P. All officers, whether elected and appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

Title 2 ADMINISTRATION AND PERSONNEL

**2.21.060 Great Falls Ethics Committee established.**

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."

**2.21.070 Committee purpose.**

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

**2.21.080 Committee membership.**

- A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall not be City employees. The senior member of the committee shall serve as the committee chairperson. As is reasonably possible, the members shall have experience and or training in the following:
  - 1. Public administration;
  - 2. Governmental operation;
  - 3. Political practices; or
  - 4. Legal practice.
- B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.

**2.21.090 Committee meeting schedule.**

Exhibit "B" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

The Committee shall meet on an as needed basis, in the City Commission Chambers, on the first Wednesday of the month after a matter has been referred to the Committee pursuant to this Chapter, or by direction of the City Manager. Committee meetings shall be open to the public, pursuant to Mont. Code Ann. Titles 2, and 7, and Committee meeting minutes shall be maintained by the City Clerk.

**2.21.100 Committee duties.**

The Committee shall meet and be presented testimony regarding matters referred to it. Based on the information and testimony presented, the Committee shall:

- A. Make a written finding, filed with the City Clerk, as to whether there is an appearance of a violation of any provision on Mont. Code Ann. Title 2, Chapter 2, or a violation of this chapter;
- B. Make a written finding, filed with the City Clerk, as to whether the appearance of a violation rises to a level of an actual violation; and
- C. Make a written recommendation, filed with the City Clerk, in consultation with the City Attorney's Office, as to the correct course of action to eliminate any violation and/or reduce the appearance of any violation.

**2.21.110 Nepotism.**

All personnel matters shall be administered on the basis of merit and through regular management procedure.

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
  - 1. "Consanguinity" means blood relation and degrees are determined as follows:
    - i. Parent and child are of the first degree;
    - ii. Grandparents, grandchildren, brothers and sisters are of the second degree;
    - iii. Uncles, aunts, nephews, nieces and great grandparents are of the third degree; and
    - iv. First cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
  - 2. "Affinity" means a relationship by marriage and the degrees are determined as follows:

Exhibit "B" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

- i. Husband and wife are of the first degree; and
  - ii. Brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department.
- C. The above shall include but not be limited to the following:
  - 1. City Commission;
  - 2. Board of Adjustment;
  - 3. Board of Health;
  - 4. Housing Authority;
  - 5. Library Board;
  - 6. Park and Recreation Board;
  - 7. Parking Commission;
  - 8. Planning Board and Zoning Commission;
  - 9. Police Commission;
  - 10. Business Improvement District;
  - 11. Tourism Business Improvement District; and
  - 12. Great Falls Ethics Committee.

**2.21.120 Distribution.**

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

**Chapter 22 INDEMNIFICATION**

**Sections:**

2.22.010 Indemnification.

**2.22.010 Indemnification.**

Repealed.

## **Chapter 23 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE**

### **Sections:**

2.23.010 Scope.

2.23.020 Removal of members of boards, commissions and councils.

### **2.23.010 Scope.**

The provisions of this chapter shall apply to all boards, commissions, committees, and councils elected or appointed by the City Commission except where a conflicting provision appears in state statutes or in City ordinances relating to a particular board, commission, committee, or council, the specific statute or ordinance shall apply.

### **2.23.020 Removal of members of boards, commissions, committees, and councils.**

A member of any board, commission, committee, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

- A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
- B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;
- C. The member neglects or refuses to discharge the member's duties;
- D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;
- E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on a board, council, or commission; or
- F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.

If a member is to be removed from any board, commission, or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

Exhibit "B" (Updated From First Reading)

Title 2 ADMINISTRATION AND PERSONNEL

(Ord. 3169, 2017; Ord. 3153, 2017; Ord. 3149, 2017; Ord. 3140, 2016; Ord. 3045, 2009; Ord. 2968, 2007; Ord. 2928, 2006; Ord. 2918, 2005; Ord. 2747, 1998; Ord. 2735, 1998; Ord. 2729, 1997; Ord. 2725, 1997; Ord. 2722, 1997; Ord. 2703, 1996; Ord. 2683, 1995; Ord. 2652, 1993; Ord. 2604, 1991; Ord. 2563, 1990; Ord. 2479, 1987; Ord. 2444, 1986; Ord. 2267, 1981; Ord. 2228, 1980; Ord. 2210, 1980; Ord. 2200, 1980; Ord. 2199, 1980; Ord. 2190, 1980; Ord. 2172, 1979; Ord. 2037, 1978; Ord. 2035, 1978; Ord. 1977, 1876; Ord. 1910, 1976; Ord. 1909, 1976; Ord. 1908, 1976; Ord. 1907, 1976; Ord. 1906, 1976; Ord. 1905, 1976; Ord. 1859, 1975; Ord. 1858, 1975; Ord. 1843, 1974).





**Item:** TIF Application for Wayfinding Signage Project in the Downtown Urban Renewal District

**From:** Leslie Schwab, Planner II, Planning and Community Development

**Initiated By:** Planning and Community Development

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

**Action Requested:** City Commission approval of the proposed TIF application for expenditure of TIF funds in support of the proposed Wayfinding Signage Project.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the expenditure of Tax Increment Financing funds in the amount of \$25,000 for the development of a Wayfinding Signage Plan.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission support and approve the TIF application for funds in the amount of \$25,000 for the development of a Wayfinding signage plan for the City of Great Falls.

**Summary:**

City of Great Falls Planning and Community Development requests the allocation of \$25,000 in Tax Increment Financing (TIF) funds to use as cash match for a Department of Commerce (or similar) grant award. The combined funding will be used to hire a consultant to develop a Wayfinding signage plan for the Downtown, including the Downtown Urban Renewal District.

**Background:**

Wayfinding signage is an essential component of a multi-pronged approach to increasing visitation and facilitating economic revitalization in Downtown Great Falls. The goals of this project are: 1) To increase visitation in the Downtown Urban Renewal District and adjacent neighborhoods; 2) support re-investment in downtown properties and businesses; 3) increase revenue generated by parking structures and on-street metered parking; 4) create opportunities to highlight significant historic buildings and

districts; and 5) showcase the Missouri River corridor and river trail system connections.

The initial phase of this project will focus on developing a strategy –an overall Wayfinding plan –which takes into consideration different forms of communication (not just signs), modes of travel, points of arrival, and travel routes of first-time visitors, with the goal of establishing connections between destinations and points of arrival through a comprehensive Wayfinding system.

The requested TIF funds will be used as a cash match for a Montana State Department of Commerce grant (Big Sky Trust Fund). A consultant will be hired to help prepare the Wayfinding Plan, culminating in a list of sign locations, content for each sign highlighting visitor destinations, and a cohesive design for the various sign types. The plan will strive to be consistent with previously-established community branding in the Downtown Urban Renewal District and the Great Falls Montana Tourism Office.

Successful Wayfinding programs extend a welcoming gesture to visitors and residents and contribute to an enhanced pedestrian experience. The image of Downtown Great Falls is critical to its success and revitalization, and a Wayfinding system (including directional signage, gateways, iconic landmarks, and community branding) will orient visitors to the community and assist them in navigating their way to local destinations and attractions. People form an opinion about places in as little as 15 seconds, and negative first impressions can be difficult to repair.

Since 2004, every major planning initiative undertaken by Great Falls has identified Wayfinding as a priority. In the summer of 2017, Great Falls Montana Tourism launched a new branding and tourism initiative to engage visitors interested in arts and adventure. The proposed Wayfinding project presents an opportunity to engage the community, businesses, local governments –and residents –to develop a plan that highlights those elements that offer a unique Great Falls experience to tourists, visitors, and established residents.

### **Fiscal Impact:**

A complete and easy-to-navigate system of vehicular and pedestrian Wayfinding signs will work in conjunction with the new branding and promotion of Great Falls, directing visitors to lodging, parking, and the unique and authentic experiences offered by downtown (and regional) assets and destinations. As a result, local businesses in the downtown will directly benefit.

In the Spring of 2017, Great Falls Montana Tourism developed a new branding and marketing strategy for Great Falls. Visitor surveys conducted as part of this initiative showed that the Lewis & Clark Interpretive Center, C.M. Russell Museum, the falls, Glacier National Park, the Missouri River, and the outdoors were primary destinations. The new branding and marketing strategy is to promote Great Falls as a “Base camp for Arts and Adventure”.

In Missoula, the economic impact of the nonprofit arts and culture industry was measured as part of “Arts & Economic Prosperity 5”, Americans for the Arts’ fifth economic impact study of the nation’s nonprofit arts and cultural organizations and their audiences. The study found that local businesses that cater to arts and culture audiences reap the rewards of this economic activity. The study also found that “Nonresident attendees spent an average of 184 percent more per person than local attendees (\$53.45 vs. \$18.83) as a result of their attendance to cultural events.”

As the direct impact to the City’s downtown TIF, the requested \$25,000 to match the Trust Fund grant comprises just slightly less than 9 percent of the current balance of \$280,854.98 in the fund. It should be

noted that actual future sign fabrication and installation will require a significant cost, with TIF funds being a possible source of some funding.

**Alternatives:**

The City Commission could recommend denial of the expenditure of TIF funds.

**Concurrences:**

The attached TIF application for a Wayfinding Signage Plan was approved by the Downtown Development Partnership Board of Directors on August 23, 2017.

**ATTACHMENTS:**

- ▣ TIF Application for Funds-Wayfinding Signage
- ▣ Downtown Development Partnership Meeting Minutes (Aug. 23, 2017)

# **CITY OF GREAT FALLS**



## **TAX INCREMENT FINANCING (TIF)**

### **APPLICATION FOR FUNDS**

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

Project Name: Wayfinding Project: Great Falls

Date Submitted: August 2017

Name of TIF District: Downtown URD

**APPLICANT INFORMATION**

Name: City of Great Falls

Address: Planning and Community Development, PO Box 5021, Great Falls, MT 59403

Telephone: 406-552-8435

**DEVELOPMENT INFORMATION**

1. Building Address: This is a city-wide planning project. No specific building is identified.

2. Legal Description: N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Ownership: N/A

Address: N/A

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

Name: N/A

Address: N/A

5. Existing/Proposed Businesses: N/A

Business Description: N/A

\_\_\_\_\_  
\_\_\_\_\_

6. Employment: Existing FTE Jobs: N/A

New Permanent FTE Jobs created by project: 0 Construction FTE jobs: Unknown

7. Architectural/Engineering Firm: To be determined based on an RFQ process

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).  
(see attached Project Narrative)

9. Please provide rehabilitation/construction plans (attach schematics, site and landscaping plans).  
This is a planning project. No plans or schematics are complete at this time.

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).

Phase One -October, 2017 through September, 2018: Secure matching grant funds; RFQ to find a Consultant and develop contract; engage steering committee members with the help of a consultant to 1) establish an overall strategy, 2) develop schematic program design, 3) Sign programming, 4) Design development/refinement, 5) Consultant produces overall signage documentation/construction documents

Phase Two: Implementation: Sign manufacturing and installation. TBD, based on results of steps 1 through 5.

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

City of Great Falls will seek additional grant funding as part of Phase One, including Big Sky Trust Fund grant award and possibly other local funding sources in addition to the TIF funds.

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.*)

TIF funds will be utilized as a cash match for other grant awards. The project will need TIF funds immediately to secure the other funding. The overall budget for Phase One is set at \$75,000, tentatively, based on grant award dates and consultant Notice to Proceed, the anticipated timing for the TIF funds will be January, 2018 through December, 2018.

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

TIF funds comprise 33% of the overall \$75,000 project budget.

**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. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
<b>Subtotal</b>		\$ _____

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

1. _____	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
6. _____	\$ _____	
7. _____	\$ _____	
<b>Subtotal</b>		\$ _____

**Equipment Costs**  
*(Total value of equipment)*

1. _____	\$ _____	
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
<b>Subtotal</b>		\$ _____

**Total Project Development Costs** \$ \_\_\_\_\_

**ELIGIBLE TIF ACTIVITIES**

**Land Acquisition**

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

**Demolition & Removal of Structures**

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
<b>Subtotal</b>	_____	_____	_____

**Relocation of Occupants**

1.	_____	_____	_____
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**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.)*

The design study will eventually result in the installation of Wayfinding signs in the downtown area as well as possible key destination points within the community.

1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
<b>Subtotal</b>	_____	_____	_____

**Fees (associated with eligible activities)**

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

1.	_____ \$75,000	_____ \$25,000	_____ January, 2018
2.	_____	_____	_____
3.	_____	_____	_____



**CERTIFICATION**

I (we), Craig Raymond (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 Director, Planning and Community Development

Address Civic Center, Great Falls, MT 59403

Date August 5, 2017

Signature \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

# DOWNTOWN GREAT FALLS WAYFINDING PROJECT NARRATIVE

August 23, 2017

## INTRODUCTION

Wayfinding programs help communities tell their story to both visitors and residents, alike. Downtown is home to multiple cultural, recreational, public, natural and commercial amenities, yet many residents and guests are unaware of these amenities or simply do not know where to find them or how to reach them. Wayfinding tools utilized at different locations and scales, from vehicular scale down to pedestrian scale, guide visitors to their destination quickly and intuitively. Wayfinding signage, gateways and landmark identification, websites (digital Wayfinding), maps, visitor information centers, and comprehensive community branding help communities increase visitation and get people out of their cars and into local destinations and businesses. People form an opinion about places in as little as 15 seconds, and negative first impressions can be difficult to repair.

## BENEFITS TO THE PUBLIC

Since 2004, every major planning initiative undertaken by Great Falls has identified Wayfinding as an essential component of a multi-pronged approach to increasing visitation and economic revitalization in the Downtown. The goal of this project is to leverage public funds (TIF funds, grants, and City staff participation) to increase visitation in the Downtown Urban Renewal District and adjacent neighborhoods. Increased visitation will support re-investment in downtown properties and businesses; result in increased revenue generated by parking structures and on-street parking; create opportunities to highlight significant historic buildings and districts, and showcase the river corridor and trail system connections.

Successful wayfinding programs extend a welcoming gesture to visitors and residents and contribute to an enhanced pedestrian experience. The image of Downtown is critical to its success and revitalization. There are specific issues and physical obstacles in Downtown Great Falls that Wayfinding can help overcome. Through directional signage, gateways, iconic landmarks, and community branding the following issues can be addressed:

- The railroad is a barrier to circulation in the downtown.
- There are connectivity issues between downtown and adjacent neighborhoods from a bike/ped perspective.
- The River itself is both an amenity and a physical barrier.

Following is a brief summary of the planning documents initiated by Great Falls that refer to Wayfinding as part of a comprehensive approach to economic revitalization in the Downtown. These planning efforts incorporated stakeholder groups, steering committees, local and state agency reviewers, and public charrettes during their development.

### **Downtown Master Plan (DMP, 2011):**

The DMP creates a vision and outlines strategies, actions, partnerships and timeframes that will facilitate the redevelopment of a regional destination. The 82 strategies within the DMP are

each designed to capitalize on downtown’s assets and proactively address downtown’s issues. The strategies all seek to create a downtown that has a balance of amenities, housing and transportation options, goods and services and cultural, entertainment and educational opportunities.

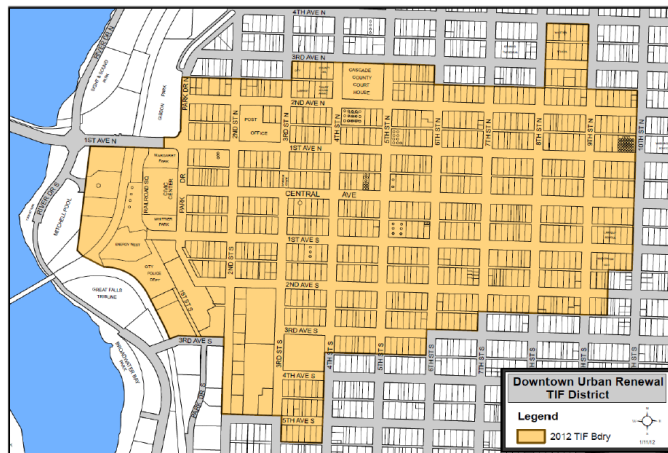
**Goal 1 -Connected Downtown:**

Objective 5: Develop a Comprehensive Downtown Wayfinding System

- Pursue funding options to hire a design professional to work with the community to develop a comprehensive wayfinding program.
- Incorporate a series of named or themed pathways that connect Downtown amenities and destinations.
- Supplement proposed wayfinding program with printed maps and brochures, digital and audio tours and websites and apps to guide visitors through Downtown.

**Downtown Urban Renewal District Plan (DURP, 2012)**

In 2012, the City Commission adopted the Downtown Master Plan goals and objectives as the guiding document for urban redevelopment in the Downtown TIF district. The establishment of a Downtown urban renewal district and plan, including a provision to establish a TIF district, was a key recommendation of the DMP. It was anticipated that the establishment of the district and the provision of TIF funds would allow the City to catalyze and incentivize private development through a series of strategic investments and improvements to implement the strategies and recommendations outlined in the DMP, and increase the tax base of the district.



- The URD contains portions of three National Register-listed Historic Districts
- The URD overlaps the Primary and Secondary Impact Areas of the Missouri River Urban Corridor Plan
- Most of the Downtown Assets identified in the DMP, including downtown parks, Rivers Edge Trail, Riverfront area, historic district, central business district, parking structures, art shops, and art galleries are within the Downtown URD.

**The City of Great Falls Downtown Access, Circulation, and Streetscape Plan: Streetscape Concept and Design elements (2013)**

This planning document identified design and implementation of a comprehensive gateway and Wayfinding project for Downtown Great Falls as a primary recommendation. Although not an

adopted plan, this document was a study that looked at solutions to specific challenges to redevelopment and operation of public Rights-of-Way in the downtown area. The authors recommended that the Wayfinding signage provide continuity from gateways to corridors to commercial centers to neighborhoods, with City and historic downtown district branding. The plan offers a conceptual sign program with suggested destinations, gateway opportunities, directional signage, and primary wayfinding zones. The authors recognized that Wayfinding is part of an overall strategy to enhance downtown circulation and streetscape enhancement which will increase the livability and overall economic health of Great Falls.

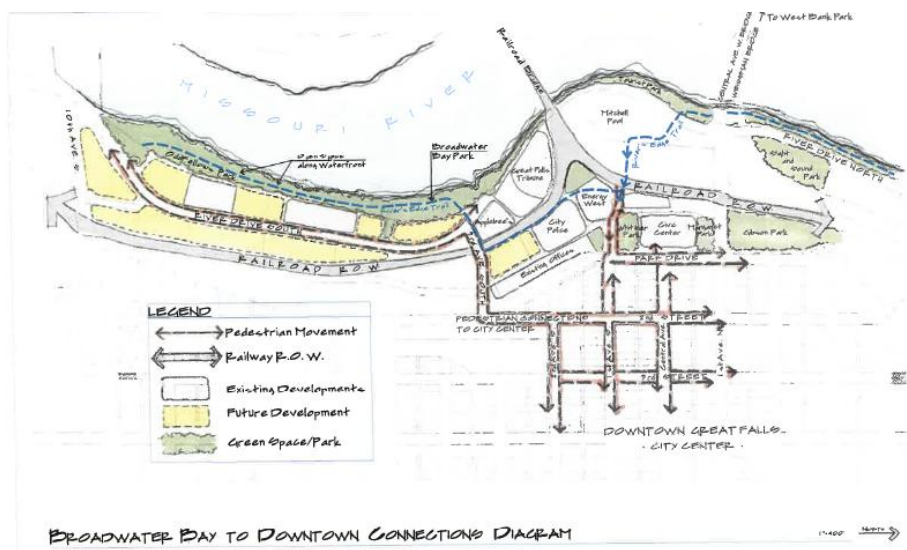
**Imagine Great Falls: Growth Policy (2013)**

In 2013, the Imagine Great Falls planning process (Growth Policy Update) endeavored to “reinforce and mutually support the renewal of the City’s downtown.” The Growth Policy recommended that the City’s Planning Department continue to explore ways to encourage and promote historic commercial, mixed-use, and infill development opportunities. It also encouraged the use of Wayfinding as part of its economic strategy:

- Eco 3.6.3 –encourage urban amenities such as art, outdoor eating, wayfinding, and streetscape as downtown enhancements.

**Missouri River Urban Corridor Plan (2005):**

The Missouri River Urban Corridor Plan recognized that the transportation corridors and connectivity between Broadwater Bay to Downtown, especially pedestrian movements and development along River Drive South are important: “Existing parks and development at Broadwater Bay is a tremendous asset to downtown Great Falls. However, the railroad corridor and the alignment of other existing structures inhibit an easy flow of pedestrian traffic between downtown and the river’s edge....the links from the river to downtown should be clearly marked by **wayfinding signs, preferably depicting some identifiable logo or “brand identity” for downtown area.**”



#### DEMONSTRATED NEED FOR TIF FUNDS

While the need for Wayfinding in Great Falls has been recognized for years as a priority, no funding has been identified to complete the project, to date. TIF funds will be an essential public investment to start and complete the project. During the first phase, TIF funds will be used as a cash match for a grant application request to be submitted later this year. If the grant is obtained and the design process completed, a comprehensive package of signage will be ready for construction and installation. At that point, additional funding will be sought to complete the implementation of Phase Two.

#### LIKELIHOOD OF SUCCESS

In addition to TIF funds, the City will contribute in-kind staff support and pursue additional grant funding to complete the initial planning and design (Phase One) of this project. The City of Great Falls, Planning and Community Development Department, is committed to leading the project through to implementation and installation. As demonstrated in the previous section, PCD has demonstrated that it has the professional staff and administrative support necessary to ensure success of this project.

As a follow up to this project, it will be possible to measure the success of the project through customer experience surveys following the Wayfinding system's initial implementation. Additional factors that are measurable include parking lot occupancy rates (before and after), hotel room occupancy rates, repeat visitations, website visits, and revenue generated by on-street parking in the downtown.

#### PROJECT SCOPE

**Phase One:** City Planning Staff and a steering committee (including DDP, BID, and TBID) will work with a consulting team to develop the overall look of the signage and determine the destinations to be included in the program. Phase One will include the following steps:

1. Master Plan/Strategy
2. Schematic Design
3. Sign Programming
4. Design Development
5. Documentation /Construction Docs

**Phase Two:** Manufacture and Installation of Vehicular Signs, Pedestrian Signs, Gateways, and Kiosks.

#### PROJECT OUTREACH AND AGENCY COLLABORATION

As part of the overall project development during Phase One, the City will initiate consultation with stakeholders, interested parties, and agencies (Public Works, neighborhood councils, Cascade County, Montana Department of Transportation) to solicit input and gain support from various stakeholders and user groups for the project.

**PROJECT SCHEDULE**

**Phase One:** (January, 2018 through December, 2018)

The design development process will take twelve months (one year) and accomplish the six steps outlined above.

**PROJECT BUDGET & FUNDING SOURCES**

Phase One:

Overall Project Budget = \$75,000\*

City Staff Time Contribution:	\$25,000
TIF Funds:	\$25,000
<u>Grant Funding:</u>	<u>\$25,000</u>
Total:	\$75,000*

\*It is possible that additional local agency partner funds or grant funds may be secured if necessary to pay for the Wayfinding design consultant.

**Minutes**  
**Downtown Development Partnership of Great Falls, Inc.**  
**Meeting Location – NeighborWorks Learning Center - 509 1<sup>st</sup> Ave South**  
**August 23, 2017**

**Board members present:** Brett Doney, Kellie Pierce, Joan Redeen, Sheila Rice, Barbara Murfield, Craig Raymond, Erin Borland, Garry Hackett, Gudrun Linden, Jane Weber, Shane Etwiler

**Board members absent:** Greg Doyon, Jason Brantley, Tom Micuda

**Guests present:** Carol Bronson, Will Combs, Brad Eatherly, Leslie Schwab

Brett called the meeting to order at 9:01am.

1. **Introductions** – Introductions were made by all present, including one thing that we can get done in the next 12 months that will make a difference downtown. Joan, see Davidson Plaza changed; Kellie, more pedlets/outdoor dining; Sheila, financing in place for the Rocky Mountain building; Barbara, bigger, better Farmer’s Market; Gudrun, upkeep of houses; Erin, groups team up on Downtown events to make them bigger; Brad, family friendly nightlife; Craig, Rocky Mountain building and pedlets/outdoor dining; Leslie, people on the streets, residents downtown; Will, Downtown return to the epicenter of the City, more restaurants; Brett, Downtown events focused on driving traffic downtown, downtown promotion; Carol, preserve unique character of buildings; Jane, revitalize the 600 block of Central; and Shane, bring more people to GF, tourism, better job of marketing downtown.
2. **Consent Agenda - Approval of Minutes** – Barbara motioned to approve the 7/26/17 meeting minutes, as provided. Shane seconded. **Motion passed unanimously.**
3. **Financials** –
  - 1) Sheila presented 7/31 financials, noting it was the first month of the new fiscal year and there’d been no activity. Sheila provided a copy of the TIF financial. Barbara sent out membership dues invoices for the new fiscal year; Brett noted that membership dues are coming in and asked that the mailing address be changed to the PO Box.
4. **Major Project Updates** –
  - 1) **Governance – Brett Doney, GFDA**
    - a. Montana Main Street Grant FY18– Joan reported that the grant application was submitted on 8/15 for the creation of a pedlet program; the request was made for \$20,000 with a match of \$10,000.
  - 2) **Design – Joan Redeen, BID**
    - a. **Wayfinding** – Leslie advised that she is pursuing a TIF application for funding the wayfinding planning process. Joan motioned to approve the TIF application for wayfinding planning for \$25,000; to be used as a 1:1 cash match for state grant funding. Kellie seconded. **Motion passed unanimously.** City staff in-kind support will be \$25,000, for a total wayfinding planning budget of \$75,000. Brett recommended that Rebecca Engum present to the DDP the new tourism strategy; he will invite her.
    - b. **Parking** – Craig reported that the North garage is clean and clear of graffiti; there are two new members on the Commission, there remain openings on the Commission. Commission has agreed with a contract with Sp+ to provide additional consulting work in review of the parking program. Preliminary work has been done by L’Heureux Page Werner on potential improvements to both garages; securing the garages and modernizing the equipment. Total estimate for the improvements was \$1.2M and the Commission is now exploring how to generate these funds. Everyone was asked to continue to try to get members to volunteer to serve on the Parking Commission.
    - c. **Public Art** –
      - i. Joan reported that the traffic signal box project is moving forward and new artwork should be installed in the next few weeks. The boxes are located on 2<sup>nd</sup> Ave N on the corners of 5<sup>th</sup> Street and 6<sup>th</sup> Street. Joan added that she’d like to see an art project done in Davidson Plaza;

some form of sculpture. She mentioned that she and Carol Bronson are working on cleaning up the Urban Art Project area with Jean Price and with Craig Raymond.

- d. **Pedlet** – Discussed above under Main Street Grant. Sheila noted that the economic value of the pedlet is reflected in the hiring of five new staff members and those they are short on supply.

### 3) **Promotion – Kellie Pierce, DGFA**

Kellie reported that the last Music on the Mo happens tomorrow; downtown businesses have been involved as vendors, as well as Farmer Market vendors and new businesses. The summer events have been a success. September 16<sup>th</sup> is the Motoberfest and Mo Fun Run. Brett encouraged DGFA to promote shopping, living, working and entertaining downtown. Sheila inquired how the Sidewalk Sale went with the Farmers Market moving onto Central. It was noted that there was some success and they learned some things to go forward next year. Discussion followed on getting the side streets closed; it was noted that for Cruisin' the Drag and for Christmas Stroll and many parades the side streets are closed. Brett recommended that the DDP advocate for street closure, in the interest of safety.

### 4) **Economic Restructuring – Brett Doney, GFDA**

- a. **Brownfield Assessments** – Brett reported that GFDA plans to apply for another Brownfields Assessment grant as they have spent over 90% of the funds in the first 18 months. They will be requesting support letters to be submitted with their grant.
- b. **Major Development Opportunities** – Brett reported that the old community theater building in the 100 block of Central has been purchased by a local person who plans to redevelop it. Brett added that GFDA is not really engaged with developers downtown and they would like to be. Discussion followed on the Rocky Mountain and the Wells Fargo building. He reported that GFDA has release their proposed new strategic plan for input from their investors.

## 5. **Initiative Updates –**

- 1) **BACI** – Kellie reported there is nothing new to report; last word was BACI was planning on an event connected to the First Friday Art Walk in September.
- 2) **NHA** – Jane reported that they have reached their funding requirement for the feasibility study conducted with support from the TBID and Northwestern Energy as well as many individuals; the RFP has been sent out. The feasibility study will take 12 months; they hope to award the contract in October. Jane added that Brett has joined the board of directors.
- 3) **Project Reinvest Neighborhoods** – Sheila reported that this is funds from NeighborWorks America and has allowed NWGF to launch the Beargrass pocket neighborhood at the old Kranz property; it will be 14 homes with detached garages and common areas. They expect to file a planning application in the next 30 days; foundations next spring. They will build 3 model homes and landscape and pre-sell the other homes. It was noted that this is the first major new residential construction project downtown. Carol reported that the other part of the grant is connected to safety; two things of note include that the neighborhood councils have asked for the code enforcement brochure to be updated and a list that is a one-stop resource for who offers what in a brochure format.
- 4) **Montana Downtown Conference** – Brett reported that two events are coming up in October; the evening of October 18<sup>th</sup> and morning of October 19<sup>th</sup> is the Showcase reflecting opportunities; the Washington School, Wells Fargo and NEW are all opportunities but we can also look at bringing a specific type of business downtown as an opportunity. There will be an invite only dinner Wednesday evening. The 10<sup>th</sup> Annual Downtown Conference will run from lunch on October 19<sup>th</sup> to lunch on October 20<sup>th</sup>. A statewide call out has been made for developers to speak at the conference. Sheila is working on sponsorships; Joan is handling registration - registration is open and early bird rates end on 8/31, forms were provided to all present.
- 5) **Downtown Safety Alliance** – Joan reported that the Safety Alliance meets every other Tuesday at 9am in the NeighborWorks Learning Center; they are working on a Goal Matrix, different organizations/people have taken on various tasks. The new Coins for a Cause 2.0 program will be unveiled soon; a group of volunteers has been doing alley clean-up's on a monthly basis; they are working on creating an Adopt-A-Block program for a friendly cleanliness competition; and they are working on identifying areas that need to be addressed. Sheila reported that Benefis and NWGF are submitting a grant for supportive services wrapped around housing, working with



homeless. Joan reported that Ben Wight, with the Red Cross, now serves as the liaison between the Downtown Safety Alliance and the Homeless Task Force, Neil Fortier with NWGF is also involved in this committee.

#### **6. Downtown Partner Action Updates –**

- Jane reported that the City and County are moving forward on hiring a full-time historic preservation officer; the position is replacing Ellen and is an increase in hours to a full-time position. The new position will be based in Community Planning at the City.
- Sheila reported that NWGF is looking at renovation of an apartment building downtown; they've applied for a grant to be able to put together the financing package, they will know if they get the grant in December.
- Brett reported that GFDA has published the household survey; they hope to use to create jobs for low and moderate income people.
- Shane reported that the world movie premiere of the CM Russell movie is Saturday, September 9<sup>th</sup>; movie shows at 6pm at the Civic Center. He added that the new class of Leadership Great Falls just had their retreat and Kellie spoke.
- Erin reported that donations were collected for the Grace Home; kids were coloring pictures to send to troops overseas, and they were painting rocks to send as well. They had a scarecrow hunt. A coloring contest will start this coming Saturday and will run until the end of September. She is looking for prizes for the kids who participate in these events. New ideas are being generated for next year.
- Carol reported that Business Watch is September 12<sup>th</sup>; it is the start of the Crime Prevention of Environmental Design sessions. Adam Hunt will be doing his presentation from June.
- Joan reported that September 15<sup>th</sup> is National PARKing Day; no location has been identified yet. The BID approved façade grants for the Strain building; the parking garage as well as the tower; an outdoor living grant was approved for the Strain with two green areas in the parking garage. Two business incentive grants have been funded for new businesses; one moving into the Strain and the other moving into Dunn Brown.

#### **7. Public Comment –** No public comment at this time.

**The next meeting of the Downtown Development Partnership has been scheduled for Wednesday, September 27<sup>th</sup> at 9am in the NeighborWorks Learning Center at 509 1<sup>st</sup> Ave South.**

The meeting was adjourned at 10:46am.



**Item:** Resolution 10210 –A Resolution in Support of a Grant Application to the Big Sky Trust Fund for a Wayfinding Signage Project in the Downtown Urban Renewal District.

**From:** Leslie Schwab, Planner II, Planning and Community Development

**Initiated By:** Planning and Community Development

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

**Action Requested:** Adopt Resolution 10210 in support of an application to the Big Sky Trust Fund for the proposed Wayfinding Signage Project.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10210.”

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

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**Staff Recommendation:**

City Commission adopt Resolution 10210 in support of an application to the Big Sky Trust Fund (BSTF) Program, administered by the Department of Commerce, for planning grant funds to hire a consultant to develop a Wayfinding Signage Plan for Downtown Great Falls and adjacent neighborhoods.

**Summary:**

The City of Great Falls will pursue grant monies from the Big Sky Trust Fund to pair with TIF funds and City staff hours (in-kind and cash match) to develop a Wayfinding Signage Plan for the Downtown and adjacent neighborhoods. The funds will be used to hire a consultant to prepare the plan.

**Background:**

Big Sky Economic Development Trust Fund Program

The Big Sky Economic Development Trust Fund (BSTF) program is a state-funded program created by the 2005 Legislature. The program’s legislative purpose (Section 90-1-202, MCA) is to assist in economic development for Montana that will:

- Create good-paying jobs for Montana residents,
- Promote long-term, stable economic growth in Montana,
- Encourage local economic development organizations,
- Create partnerships between the state, local governments, tribal governments, and local economic development organizations that are interested in pursuing these same economic development goals,
- Retain or expand existing businesses,
- Provide a better life for future generations through greater economic growth and prosperity in Montana,
- Encourage workforce development, including workforce training and job creation, in High-Poverty Counties by providing targeted assistance, and
- Manufacturing ammunition components is a qualified economic development purpose.

Planning Grant Projects: Eligible uses of planning grant funds include funding for the reimbursement of the following expenses:

- **Support for business improvement districts and central business district re-development,**
- Industrial development,
- Feasibility studies,
- Creation and maintenance of baseline community profiles,
- Matching funds for federal funds,
- Preproduction costs for film or media, and
- Administrative expenses, including personnel and operating expenses are allowable expenses for which the BSTF fund may be used, but should not exceed 8% (to a maximum of \$2,000) or \$750, whichever is greater, of the total award unless otherwise specified by the Department.

City staff believes that the Wayfinding Signage Project would be an excellent candidate for the highlighted grant expense category.

#### Wayfinding Signage Plan: Project Description

Wayfinding signage is an essential component of a multi-pronged approach to increasing visitation and facilitating economic revitalization in Downtown Great Falls. The goals of this project are: 1) to increase visitation in the Downtown Urban Renewal District and adjacent neighborhoods; 2) support re-investment in downtown properties and businesses; 3) increase revenue generated by parking structures and on-street metered parking; 4) create opportunities to highlight significant historic buildings and districts; and 5) showcase the Missouri River corridor and river trail system connections.

The initial phase of this project will focus on developing a strategy –an overall Wayfinding plan –which takes into consideration different forms of communication (not just signs), modes of travel, points of arrival, and travel routes of first-time visitors, with the goal of establishing connections between destinations and points of arrival through a comprehensive Wayfinding system. A consultant will be hired to help prepare the Wayfinding plan, culminating in a list of sign locations; content for each sign highlighting visitor destinations; and a cohesive design for the various sign types. The plan will strive to be consistent with previously-established community branding in the Downtown Urban Renewal District and the Great Falls Montana Tourism Office.

Successful Wayfinding programs extend a welcoming gesture to visitors and residents and contribute to an enhanced pedestrian experience. The image of Downtown Great Falls is critical to its success and revitalization, and a Wayfinding system (including directional signage, gateways, iconic landmarks, and community branding) will orient visitors to the community and assist them in navigating their way to local destinations and attractions. People form an opinion about places in as little as 15 seconds, and

negative first impressions can be difficult to repair.

Since 2004, every major planning initiative undertaken by Great Falls has identified Wayfinding as a priority. In the summer of 2017, Great Falls Montana Tourism launched a new branding and tourism initiative to engage visitors interested in arts and adventure. The proposed Wayfinding project presents an opportunity to engage the community, businesses, local governments –and residents –to develop a plan that highlights those elements that offer a unique Great Falls experience to tourists, visitors, and established residents.

**Fiscal Impact:**

A complete and easy-to-navigate system of vehicular and pedestrian Wayfinding signs will work in conjunction with the new branding and promotion of Great Falls, directing visitors to lodging, parking, and the unique and authentic experiences offered by downtown (and regional) assets and destinations. As a result, local businesses in the downtown will directly benefit.

In the Spring of 2017, Great Falls Montana Tourism developed a new branding and marketing strategy for Great Falls, promoting Great Falls as a “Base camp for Arts and Adventure”. In Missoula, the economic impact of the nonprofit arts and culture industry was measured as part of “Arts & Economic Prosperity 5”, Americans for the Arts’ fifth economic impact study of the nation’s nonprofit arts and cultural organizations and their audiences. The study found that local businesses that cater to arts and culture audiences reap the rewards of this economic activity. The study also found that “Nonresident attendees spent an average of 184 percent more per person than local attendees (\$53.45 vs. \$18.83) as a result of their attendance to cultural events.”

As for the direct impacts, an estimated \$25,000 of budgeted in-kind staff work will be provided by the City. This would be accompanied by \$25,000 of TIF funds (if approved) and \$25,000 of BSTF monies. The \$50,000 of TIF and grant funds would be used for consultant payment. The combined funding will pay for a consultant to complete the following tasks:

1. Master Plan/Strategy Development
2. Schematic Design
3. Sign Programming
4. Design Refinement
5. Documentation/Construction Documents

**Alternatives:**

The City Commission could choose to not support the grant application and wayfinding project.

**Concurrences:**

Support for the development of the Wayfinding Signage Plan was obtained from the Downtown Development Partnership’s Board of Directors by Planning and Community Development staff on August 23, 2017.

ATTACHMENTS:

- Draft Resolution 10210 (BSTF grant application)
- DRAFT Big Sky Trust Fund Planning Grant Application

**RESOLUTION NO. 10210**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, RELATING TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT'S APPLICATION TO THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM ADMINISTERED BY THE STATE OF MONTANA DEPARTMENT OF COMMERCE**

**WHEREAS**, the City of Great Falls is committed to facilitating economic development in the City and the region; and

**WHEREAS**, the City Commission is committed to investing public funds in the Downtown Urban Renewal District, thus positively impacting the economy of the entire region; and

**WHEREAS**, the Downtown Development Partnership reviewed and approved the expenditure of Tax Increment Finance (TIF) funds in the amount of \$25,000 on August 23, 2017 for the development of a Wayfinding Signage Plan for the Downtown and adjacent neighborhoods; and

**WHEREAS**, the City Commission has determined that expenditure of TIF funds in the amount of \$25,000 for a Wayfinding Signage Plan for Great Falls supports economic development, especially in the Downtown Urban Renewal District; and

**WHEREAS**, the Montana Department of Commerce administers the Big Sky Economic Development Trust Fund Planning Grant program, which is a state-funded program to create good paying jobs for Montana residents, promote long-term, stable economic growth in Montana, create partnerships, expand existing businesses and provide a better life for future generations through greater economic growth and prosperity in Montana; and

**WHEREAS**, the City Commission hereby authorizes the Planning and Community Development Department to administer, on behalf of the City of Great Falls in all aspects of the Economic Development Grant, and provide administrative support and other responsibility for the management and appropriate reporting to the Montana Department of Commerce.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Great Falls, Montana, that the City submit an application to the Big Sky Economic Development Trust Fund Program to assist in the development of a Wayfinding Signage Plan for the City of Great Falls.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
October 3, 2017.

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

ATTEST:

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk  
(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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

**APPLICATION FORM – PLANNING PROJECTS  
MONTANA DEPARTMENT OF COMMERCE  
BIG SKY ECONOMIC DEVELOPMENT TRUST FUND (BSTF)  
PLANNING PROJECTS  
DRAFT**

*Please reference the Application Guidelines for a complete explanation of required application information.*

I. APPLICANT INFORMATION - CRDC/EDO/TRIBAL GOVERNMENT	
Name of Eligible Applicant	City of Great Falls
Authorized Contract Signatory (Full Name & Title)	Craig Raymond, Director, Planning and Community Development
Email Address of Contract Signatory	craymond@greatfallsmt.net
Daily Contact Person (Name & Title)	Leslie Schwab, Planner II
Address (Street, City and 9-Digit Zip Code)	PO Box 5021 Civic Center Great Falls, MT 59403-5021
Phone Number	406-455-8435
Email Address	lschwab@greatfallsmt.net
Fax Number	

II. PROJECT SUMMARY INFORMATION	
Name of Project	Great Falls Wayfinding Signage Project
Proposed Use of BSTF Funds: Eligible Activities Listed in Section II. C of the Application Guidelines	Pay for Consultant Services to develop signage system for the Urban Renewal District and the Downtown
Physical Address of the Project	
County	
Total Project Cost It is recommended that cost estimates be included with the application to document the cost of the proposed project.	\$75,000
Amount of BSTF Funds Requested The amount of BSTF Funds should not typically exceed \$26,250. \$25,000 for project assistance and up to \$1,250 (5%) for eligible administrative activities.	\$25,000
Type of Assistance Requested (Grant or Loan)	<b>Grant</b>
Total Cash Match As stated in Section V. Application Review of the Guidelines --matching funds are expected and will be considered when reviewing the merit of the application.	<b>\$25,000</b>
Name & Physical Address of Assisted Business (If Applicable)	
Contact Person for the Assisted Business	
Phone number of Contact Person for the Assisted Business	
Email address of Contact Person for the Assisted Business	
NAICS code of Assisted Business (If Applicable)	



Total Number of New Jobs to be Created (if Applicable)	
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**III. PARTNER ORGANIZATION(S) (IF APPLICABLE)**

*Local economic development organizations may be involved in implementing and administering a project if the eligible applicant agrees to such an arrangement. If a partner EDO will be involved in the project, please provide the information in this section.*

Organization	Downtown Development Partnership
Contact Person (Full Name & Title)	Brett Doney, Chairperson
Address (Street, City and 9-Digit Zip Code)	509 1 <sup>st</sup> Avenue South Great Falls, MT 59403
Phone Number	406-771-9020
Email Address	bdoney@gfdevelopment.org
What are the partner organizations responsibilities relative to completing the proposed project?	Steering Committee and funding

**IV. PROJECT**

*Please describe, in detail, the proposed project:*

Wayfinding signage is an essential component of a multi-pronged approach to increasing visitation and facilitating economic revitalization in Downtown Great Falls. The goals of this project are: 1) To increase visitation in the Downtown Urban Renewal District and adjacent neighborhoods; 2) support re-investment in downtown properties and businesses; 3) increase revenue generated by parking structures and on-street metered parking; 4) create opportunities to highlight significant historic buildings and districts; and 5) showcase the Missouri River corridor and river trail system connections.

The initial phase of this project will focus on developing a strategy –an overall wayfinding philosophy –which takes into consideration different forms of communication (not just signs), modes of travel, and points of arrival and travel routes of first-time visitors, with the goal of establishing *connections* between destinations and points of arrival through a comprehensive Wayfinding system. A consultant will be hired to help prepare the Wayfinding plan, culminating in a list of sign locations, content for each sign highlighting visitor destinations, and a cohesive design for the various sign types. The plan will strive to be consistent with previously-established community branding in the Downtown Urban Renewal District and the Great Falls Montana Tourism Office.

Since 2004, every major planning initiative undertaken by Great Falls has identified Wayfinding as a priority. In the summer of 2017, Great Falls Montana Tourism launched a new branding and tourism initiative to engage visitors interested in arts and adventure. The proposed Wayfinding project presents an opportunity to engage the community, businesses, local governments –and residents –to develop a plan that highlights those elements that offer a unique Great Falls experience to tourists, visitors, and established residents.

*Please describe the Assisted Business:*

**Businesses, non-profits, public spaces in and around Downtown Great Falls**

*Please describe what activities the BSTF funds will be used for:*

The BSTF funds will be combined with Tax Increment Financing (cash match) and City of Great Falls staff support & project management (in-kind contribution) to develop the Wayfinding Plan. The combined funding will pay for a consultant to complete the following tasks:

1. Master Plan/Strategy Development
2. Schematic Design
3. Sign Programming
4. Design Development
5. Documentation /Construction Documents

*Identify the entities involved in completing the proposed project, including management of the project/staff plan:*

City of Great Falls Planning and Community Development staff (Leslie Schwab, Planner II) will manage the consultant and overall project development. A steering committee comprised of the Downtown Development Partnership, a County representative, City Public Works, neighborhood council representatives, Cascade County, and Montana Department of Transportation will insure a coordinated implementation with all required approvals and permits.

*Provide an Implementation Plan or Timeline for the proposed activities from start-up through closeout:*

**Wayfinding Plan Development:**

Tasks/Deliverables	Deliverable Dates
Develop Scope of Work	12-15-2017
Interview Consultant Candidates	1-15-2018
Hire Consultant	1-30-2018
Notice to Proceed	2-01-2018
1. Master Plan/Strategy Development	3-30-2018
2. Schematic Design	6-29-2018
3. Sign Programming	9-29-2018
4. Design Refinement	10-31-2018
5. Documentation /Construction Documents	12-31-2018
Final Product Delivery	1-31-2018

*Specify if outside profession services will be procured:*

A consulting firm will be hired to complete tasks 1-5 listed above.

*Please provide any relevant historic information on this project or the region it could support:*

**Downtown Master Plan (DMP, 2011):**

The DMP creates a vision and outlines strategies, actions, partnerships and timeframes that will facilitate the redevelopment of a regional destination. The 82 strategies within the DMP are each designed to capitalize on downtown's assets and proactively address downtown's issues. The strategies all seek to create a downtown that has a balance of amenities, housing and transportation options, goods and services and cultural, entertainment and educational opportunities.

**Goal 1 -Connected Downtown:**

Objective 5: Develop a Comprehensive Downtown Wayfinding System

- Pursue funding options to hire a design professional to work with the community to develop a comprehensive wayfinding program.
- Incorporate a series of named or themed pathways that connect Downtown amenities and destinations.
- Supplement proposed wayfinding program with printed maps and brochures, digital and audio tours and websites and apps to guide visitors through Downtown.

**Downtown Urban Renewal District Plan (DURP, 2012)**

In 2012, the City Commission adopted the Downtown Master Plan goals and objectives as the guiding document for urban redevelopment in the Downtown TIF district. The establishment of a Downtown urban renewal district and plan, including a provision to establish a TIF district, was a key recommendation of the DMP. It was anticipated that the establishment of the district and the provision of TIF funds would allow the City to catalyze and incentivize private development through a series of strategic investments and improvements to implement the strategies and recommendations outlined in the DMP, and increase the tax base of the district.

**The City of Great Falls Downtown Access, Circulation, and Streetscape Plan:  
Streetscape Concept and Design elements (2013)**

This planning document identified design and implementation of a comprehensive gateway and Wayfinding project for Downtown Great Falls as a primary recommendation. Although not an adopted plan, this document was a study that looked at solutions to specific challenges to redevelopment and operation of public Rights-of-Way in the downtown area. The authors recommended that the Wayfinding signage provide continuity from gateways to corridors to commercial centers to neighborhoods, with City and historic downtown district branding. The plan offers a conceptual sign program with suggested destinations, gateway opportunities, directional signage, and primary wayfinding zones. The authors recognized that Wayfinding is part of an overall strategy to enhance downtown circulation and streetscape enhancement which will increase the livability and overall economic health of Great Falls.

**Imagine Great Falls: Growth Policy (2013)**

In 2013, the Imagine Great Falls planning process (Growth Policy Update) endeavored to "reinforce and mutually support the renewal of the City's downtown." The Growth Policy recommended that the City's Planning Department continue to explore ways to encourage and promote historic commercial, mixed-use, and infill development opportunities. It also encouraged the use of Wayfinding as part of its economic strategy:

- Eco 3.6.3 –encourage urban amenities such as art, outdoor eating, wayfinding, and streetscape as downtown enhancements.

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#### V. PROJECT OBJECTIVES

*Please describe, in detail, the objectives of the project. (What are the objectives?)*

The goal of this project is to leverage public funds (TIF funds, grants, and City staff participation) to increase visitation in the Downtown Urban Renewal District and adjacent neighborhoods. Increased visitation will support re-investment in downtown properties and businesses; result in increased revenue generated by parking structures and on-street parking; create opportunities to highlight significant historic buildings and districts, and showcase the river corridor and trail system connections.

#### VI. PROJECT DELIVERABLES

*Please describe, in detail, the deliverables of the project. Include a bulleted list detailing what will be delivered to the Department demonstrating objectives were met at the end of the project. (What are the deliverables?)*

- **A program of signs**, including a comprehensive strategy for developing sign content and sign locations.
- **A Design philosophy** that connects the different sign types, consistent with ongoing community branding efforts.
- **Construction drawings** for vehicular (directional) signs, pedestrian (directional) signage, information kiosks, and interpretive signage.

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#### VII. PROJECT ECONOMIC IMPACT STATEMENT

*Please provide a summary of the impacts (both positive and negative) the project would have on the state, regional and community economy.*

In the Spring of 2017, Great Falls Montana Tourism developed a new branding and marketing strategy for Great Falls. The biggest **challenges** identified by this study were a lack of a tourism identity, unified voice and message, and active marketing and promotion. Visitor surveys showed that the Lewis & Clark Interpretive Center, C.M. Russell Museum, the falls, Glacier NP, the Missouri River, and the outdoors were **primary destinations**. As a result, the new branding and marketing strategy is to promote Great Falls as a “**Basecamp for Arts and Adventure**”.

In Missoula, the economic impact of the nonprofit arts and culture industry was measured as part of “Arts & Economic Prosperity 5”, *Americans for the Arts*’ fifth economic impact study of the nation’s nonprofit arts and cultural organizations and their audiences. The study found that local businesses that cater to arts and culture audiences reap the rewards of this economic activity. **The study also found that “Nonresident attendees spent an average of 184 percent more per person than local attendees (\$53.45 vs. \$18.83) as a result of their attendance to cultural events.”**

Coupled with the new branding and promotion of Great Falls, a complete and easy-to-navigate system of vehicular and pedestrian Wayfinding signage will direct visitors to lodging, parking, and the unique and authentic experiences offered by the community’s assets and destinations. As a result, local businesses in the downtown will directly benefit.

VII. PROJECT SOURCES & USES OF FUNDS					
	SOURCE: BSTF	SOURCE: Match TIF	SOURCE: City Staff Support	SOURCE:	TOTAL PROJECT COST:
Administration (up to 8%, 750 min, \$2,000 max)			25,000		25,000
Professional Services	25,000	25,000			50,000
Other:					
<b>TOTAL PLANNING PROJECT</b>	\$25,000	\$25,000	\$25,000	\$	\$75,000

**List cash and in-kind contributions separately.**

BUDGET NARRATIVE
<i>Provide a total project cost breakdown</i>
<i>Provide a narrative including the source, use, and status (ie. On hand, awarded, committed, applied for, etc.) for all funds to be utilized in satisfying the program matching funds requirement.</i>
<i>Provide a description with documentation that details how all project costs are verified, specifying how and by whom they are determined (i.e. who prepared the cost estimates, equipment lists, etc.) and describe that the cost estimates are reasonable and complete.</i>

Provide a total project cost breakdown. List separately any cash and in-kind contributions to the project. Provide a narrative describing each cost line item listed above. This should include a description of each activity that will need to be undertaken in order to complete the project, the source of funding, the status of the funds, and the responsible entity. Include cost estimates and/or quotes for any professional services or vendors to be utilized and letters of commitment for entities providing matching funds.

<p><b>Note:</b> The Department will withhold ten percent (10%) of the total amount awarded until the Department verifies that all tasks outlined in the contract have been completed and approved by the Department.</p>
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VIII. CERTIFICATION BY CRDC, ELIGIBLE EDO, or TRIBAL GOVERNMENT

As the responsible authorized agent of \_\_\_\_\_, I hereby submit this Big Sky Economic Development Trust Fund Application, and will comply with all requirements set out in the BSTF program guidelines in the implementation of this project.

The information presented in this application is, to the best of my knowledge, true, complete and accurately represents the proposed project. I understand that additional information and documentation may be required. In addition, I understand that the applicant and the assisted business receiving BSTF financial assistance are liable for the full amount of the award that is advanced by the Department if the assisted business: misrepresents itself or its claims, fails to inject the required amount of match into the project as specified in the executed contract. I understand that additional information and documentation may be required.

\_\_\_\_\_ will accept responsibility for management of the project and compliance with Big Sky Economic Development Trust Fund regulations, and is the authorized contact for the release of additional information and/or documentation regarding this application.

Name

(typed): \_\_\_\_\_

Title (typed): \_\_\_\_\_

Authorized Representative

Signature: \_\_\_\_\_

X

Date: \_\_\_\_\_



**Item:** Ordinance 3168, “An Ordinance Repealing and Replacing Title 5, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Business Licenses, Permits, and Safety Inspection Certificates.”

**From:** Joseph P. Cik, Assistant City Attorney

**Initiated By:** Sara R. Sexe, City Attorney

**Presented By:** Sara R. Sexe, Assistant City Attorney

**Action Requested:** Accept Ordinance 3168 on first reading and set public hearing for October 17, 2017.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3168 on first reading and set the public hearing for October 17, 2017.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3168 on first reading and set the public hearing for October 17, 2017.

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, to conflicts with state and/or federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration would repeal and replace OCCGF Title 5, pertaining to the Business License and Safety Inspection Certificate regulations. The vast majority of the proposed amendments are non-substantive. Non-substantive changes include chapter re-designation to put

chapters in correct numeric order, to correct typographical errors, and to reformat subsections.

The first proposed substantive change is repealing telecommunication facilities regulations for reassignment into a newly created OCCGF Title 4. Staff is reviewing these regulations for future substantive changes. This process may be thorough and detailed, and staff wishes to substantively address other provisions of OCCGF Title 5 in the interim.

The next substantive proposed change is to clarify language regarding businesses that are required to obtain and maintain a Safety Inspection Certificate (SIC). Throughout 2017, staff has recognized issues with SIC enforcement. The City of Great Falls does not require general business licenses. However, to ensure that businesses operating within the City limits are in compliance with uniform safety codes, an SIC is required for all businesses operating within the City limits. The proposed changes will clarify the code as to what businesses will be required to obtain and maintain SIC's.

Another proposed substantive change is incorporating all regulations regarding special business licenses and permits into OCCGF Title 5. As the Code is currently written, many special business license regulations are incorporated into Title 15. Ordinance 3168 would add those provisions to Title 5. This would make it simpler for business owners and operators to find the licensing and permitting regulations for operating their businesses.

Finally, Ordinance 3168 would establish clear penalty provisions for businesses operating within the incorporated City limits without proper SIC's, permits, or licenses. This will assist City staff in enforcing the provisions of Title 5 and promote public safety.

Ord. 3168 Exhibit "A" is a document illustrating proposed changes as compared to the existing provisions. Exhibit "B", attached to this agenda report, illustrates the proposed Code provisions which would replace the current provisions in a clean format.

**Fiscal Impact:**

None

**Alternatives:**

1. The City Commission could not accept Ordinance 3168 on first reading and not set public hearing; or
2. The City Commission could provide additional suggested revisions for staff consideration.

**Concurrences:**

Great Falls Fire Rescue  
Planning and Community Development  
Public Works Department



ATTACHMENTS:

- ▣ Ordinance 3168
- ▣ Ord. 3168 Exhibit "A"
- ▣ Ord. 3168 Exhibit "B"

**ORDINANCE 3168**

**AN ORDINANCE REPEALING AND REPLACING TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES PROVISIONS.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 5 of the OCCGF outlining Provisions pertaining to Business License and Safety Inspection Certificate in the OCCGF; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 5, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies contained in OCCGF Title 5; and

**WHEREAS**, the City Commission wishes to repeal current OCCGF provisions establishing telecommunication facilities regulations, to be reassigned to a separate Title within the OCCGF; and

**WHEREAS**, the City Commission wishes to clarify language regarding businesses requiring Safety Inspection Certificates (SIC); and

**WHEREAS**, the City Commission wishes to incorporate all contracting and special business licensing into OCCGF Title 5; and

**WHEREAS**, the City Commission wishes to establish clear penalty provisions for businesses operating within the incorporated City limits without proper SIC's, permits, or licenses; and

**WHEREAS**, the City Commission wishes to establish consistency within the OCCGF, and where applicable the Montana Code Annotated.

**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 October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

\_\_\_\_\_  
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 3168 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

**Chapter 1 GENERAL BUSINESS LICENSE AND SAFETY INSPECTION CERTIFICATE PROCEDURE**

**Sections:**

~~5.1.010 Definitions.~~

~~5.1.020 Application of regulations.~~

~~5.1.030 Authority.~~

~~5.1.040 Procedure for issuance of safety inspection certificate or special licenses.~~

~~5.1.050 Safety inspection certificate and special business license fees.~~

~~5.1.060 Safety inspection certificate and special business license duration — renewal.~~

~~5.1.070 Late charge.~~

~~5.1.080 Duties of licensee or certificate holder.~~

~~5.1.090 Certificate or special license — revocation or suspension.~~

~~5.1.100 Appeal.~~

~~5.1.110 Severability.~~

**5.1.010 Definitions.**

**5.1.020 Application of regulations.**

**5.1.030 Authority and Appeals.**

**5.1.040 Procedure for issuance of certificates, permits or special licenses.**

**5.1.050 Certificate, Permit and special business license fees.**

**5.1.060 Certificate, permits and special business license duration — renewal.**

**5.1.070 Late charge.**

**5.1.080 Duties of license, permit or certificate holder.**

**5.1.090 Certificate, permit or special license — revocation or suspension.**

**5.1.100 Appeal.**

**5.1.110 Severability.**

**5.1.010 Definitions.**

The following words and phrases when used in this ~~title~~ Title shall have the following meanings:-

(Ord. 2672, 1995)

- A. "Buildings or Offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a Uniform Safety Code violation.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~(Ord. 2764, 2000)~~

- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, **including multi-family dwelling units of four (4) or more units**, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, social organizations and fraternal organizations.
- C. **Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.**
- D. "Home Occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building, which will not infringe upon the ~~rights~~ **rights** of neighboring residents to enjoy the peaceful occupancy of their ~~home-homes~~.
- E. **"Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020-5.2.040.**
- F. "Non-Resident Vendor" is any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and soliciting, selling, or taking orders for future delivery of any goods, wares, or merchandise.
  - 1. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the City limits. ~~No vendor shall park a vehicle or any other moveable or temporary entity on any public street, alley or private lot for more than four (4) hours in any eight (8) hour period at one (1) location. The parking of a vehicle or other movable entity within three hundred (300) feet of the original location is considered one (1) location.~~
  - 2. This all-inclusive definition applies to vendors coming into Great Falls to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits.

~~(Ord. 2764, 2000; Ord. 2745, 1998).~~

- G. "Nonprofit organization" is any group ~~which does not distribute pecuniary gains, profits or dividends, and a pecuniary gain is not the objective of the organization. Nonprofit organizations or groups must be~~ **which is** recognized as such by the United States Internal Revenue Service ~~and/or~~ the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any ~~building~~ **buildings** or ~~structure~~ **structures**, situated on a permanent structural foundation that ~~meets~~ **meet** the engineering requirements in the Uniform Building Code and ~~is~~ **is** permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~(Ord. 2764, 2000)~~

- I. "Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, ~~factors, or any kind of personal~~ representatives of any thereof, in any capacity, acting either for him or herself, or for any other person, under ~~either personal~~ **designation**, appointment, or **otherwise** pursuant to law.
- J. "Premises" means ~~any~~ office, **property**, retail space ~~or~~, structure **or portion thereof** occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.

~~(Ord. 2745, 1998)~~

- K. "Safety Inspection Certificate" is a certificate for a ~~premises~~ **business**, or occupation, at a specific ~~premise~~ **premises** acknowledging inspection for Uniform Safety Codes, or other ordinances and regulations, enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used, to regulate or infringe upon the conduct of a business or profession and is not intended, and shall not be used, to regulate, infringe or prohibit the practice of religion or religious beliefs.

~~(Ord. 2745, 1998)~~

- L. "Property Manager" means a "person" who rents or leases rental units, **including but not limited to, multi-family dwellings**, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite ~~or~~, office, **or premises** used in, **or available for**, the business operation ~~and open to the public~~.

~~(Ord. 2745, 1998)~~

- N. "Temporary premises" means any buildings, structure, vehicles, or other mobile ~~entities~~ **structures temporarily occupied for business which are** without a foundation and ~~not permanently connected~~ **permanent connection** to City water and sewer service ~~temporarily occupied for business~~. A temporary premises can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premises ~~does~~ **do** not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event **which is** authorized by the City ~~Commission~~.

~~(Ord. 2764, 2000)~~

- O. "Non-Resident Merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells ~~or~~, offers to sell, or exhibits for sale, such stock of goods, wares ~~or~~, articles of merchandise ~~or~~, notions, or other articles of trade. ~~A non-resident merchant can operation out of temporary premises for a period of ninety (90) calendar days in any twelve month period.~~

~~(Ord. 2764, 2000; Ord. 2745, 1998)~~

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- P. "Year" for specific Special Business Licenses and Safety Inspection Certificate purposes, means a period of time of twelve (12) months commencing each year on January 1<sup>st</sup> and ending December 31<sup>st</sup> of the same year.

~~(Ord. 2764, 2000)~~

- Q. "Non-Resident Service Contractor" is any person, not residing within the City limits of Great Falls, engaged or employed in the business of providing services for hire. This includes persons engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.

~~(Ord. 2764, 2000)~~

- R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the ~~Codes~~ **International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been** adopted by the City of Great Falls and referenced in ~~Title~~ **OCCGF Titles 15, 16** and Title 17.

~~(Ord. 2874, 2004)~~

5.1.020 Application of regulations.

- A. A certificate and special business license shall be obtained in the manner prescribed herein for each branch establishment, including off-site warehouses ~~and~~, distributing plants, **multi-family dwellings of four (4) or more units, or any** location of the business engaged in, as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with and incidental to an authorized business shall not be deemed to be separate places of business or branch establishment.

~~(Ord. 2865, 2003; Ord. 2764, 2000)~~

- B. No certificate or special license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.
- C. All family/group day care facilities and all-day care centers shall obtain a Safety Inspection Certificate **and shall supply copies of applicable Montana State Licenses to the Great Falls Fire Rescue Department.**

~~(Ord. 2745, 1998; Ord. 2672, 1995).~~

- D. **All independently owned and operated businesses located within a single building, shall each obtain a Safety Inspection Certificate.**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.1.030 Authority and Appeals.

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this title.

- (Ord. 2672, 1995).
- A. Unless otherwise specified in this Title, if an application for a license, certificate, or permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision to the City Manager in writing within fifteen (15) calendar days. The City Manager or designee shall review the application and uphold, reverse, or revise the decision on the application. If applicant makes no such appeal, the initial determination shall stand.
  - B. If the City Manager upholds or revises the determination of the application for a license, certificate, or permit, the applicant may appeal the decision to the City Commission in writing within fifteen (15) calendar days. The Commission shall review the application in a public meeting and uphold, reverse or revise the decision on the application. If applicant makes no such appeal, the City Manager's determination will stand.
  - C. Unless otherwise specified in this Title, appeals to the City Commission of the denial, revocation or suspension of Safety Inspection Certificates, Special Business licenses, Home Occupation Certificates, or other licenses or permits under this title shall comply with the provisions of 1.2.040.

5.1.040 Procedure for issuance of ~~safety inspection certificate~~certificates, permits or special licenses.

- AA. Safety inspection certificates shall be issued by the Great Falls Fire Rescue Department pursuant to the provisions of this Title.
- B. Home Occupancy certificates, special licenses and other certificates, permits and licenses shall be issued by the Planning and Community Development Department pursuant to the provisions of this Title.
- C. Prior to issuing a certificate, **permit**, or special business license, the applicant shall:
  - 1. Be in compliance with all Zoning, ~~Building and Fire~~**Uniform Safety** Codes and have permanent water and sewer service provided by the City (non-resident licenses exempted-);
- (Ord. 2764, 2000)
- 2. Submit a completed application accompanied by the full amount of the applicable fee-;
- B3. **Be current in the payment of all City fees and assessments; and**
- 4. **Have no other outstanding obligations to the City.**
- D. The applicant may change location provided:



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Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

1. The applicant complies with all Zoning, ~~Building and Fire~~ **Uniform Safety** Codes; **and**
2. The applicant obtains a new certificate, **permit**, or special business license for the change of location.

~~(Ord. 2764, 2000)~~

~~C. The applicant may transfer the certificate or special business license to another person in accordance with established procedures.~~

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

~~5.1.050 — Safety inspection certificate and~~ **E. If a newly established business is determined by GFFR staff to require a safety inspection certificate, said business shall apply for a safety inspection certificate and complete all the procedures pursuant to this section within 60 days of that determination. Failure to do so shall constitute a violation of Section 5.2.010 of this Title.**

**5.1.050 Certificate, Permit and special business license fees.**

- A. All certificate, **permit** or special business license fees shall be defined by resolution adopted by the City Commission. Such fees shall reasonably relate to the cost of issuing the certificate or special license and the additional cost of inspections.
- B. New businesses, excluding Non-Resident Merchants, established within the last ninety (90) days of the calendar year shall not pay the initial annual renewal fee.

~~(Ord. 2764, 2000; Ord. 2745, 1998)~~

C. No rebate or refund of any certificate, **permit**, or special business license fee, or part thereof, shall be made.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~ **D. Offices or buildings that are owned and operated by the United States Government, The State of Montana, or Cascade County may be subject to**

~~5.1.060 — Safety inspection~~ **but are exempt from applicable fees under this Title. However, this exemption does not apply to privately owned businesses operating on exempt property.**

**5.1.060 certificateCertificate, permits and special business license duration — renewal.**

- A. All certificates, **permits** or special business licenses **issued pursuant to this Title** shall expire on December ~~31st~~**31** of the year in which such certificate, **permit** or special business license is issued, unless otherwise specified.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~5.1.070 Late charge.~~

- AB. Failure to renew ~~the~~a certificate, permit or special business license **and to remit all applicable fees within sixty (60) days after expiration** shall result in a delinquent charge ~~as determined by resolution. immediate revocation of said certificate, permit, or license.~~
- BC. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation.

5.1.070 Late charge.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

**Failure to renew the safety inspection certificate or special business license by December 31 of the year in which such certificate, permit, or special business license is issued, shall result in a delinquent charge as determined by Commission resolution.**

**5.1.080 Duties of licensee, permit or certificate holder.**

- A. Every licensee, **licensee, permit,** or certificate holder under this ~~title~~**Title** shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this ~~title~~**Title**.
- B. Every licensee, **permit,** or certificate holder under this ~~title~~**Title** shall post the certificate or special license on the premises or carried on the person where an individual license is required.

~~(Ord. 2672, 1995)~~

- C. **The certificate, permit, or license holder may transfer the certificate, permit or special business license to another business, operating at the same location, in accordance with established City procedures.**

**5.1.090 Certificate, permit or special license — revocation or suspension.**

- A. The certificate, **permit,** or special license may be revoked or suspended when the ~~licensee~~**licensee, permit** or certificate holder violates this ~~title~~**Title**.
- B. The following procedure will be followed in revoking or suspending a certificate or license:
  - 1. A written notice shall be ~~provided~~**mailed or personally delivered** to the ~~licensee~~**licensee, permit,** or certificate holder, **by the City staff,** at least fifteen (15) **calendar** days prior to revocation or suspension. ~~The notice shall state the reason(s) for the action.;~~
  - 2. The ~~licensee~~**notice shall state the reason(s) for the action;**

## Exhibit "A"

### Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

3. **Within fifteen (15) calendar days of the date of the written notice, the license, permit, or certificate holder may request a review of the proposed action—within fifteen (15) days of the receipt of notice;**
  34. **When a review is requested, a meeting shall be set between City staff, the City Manager or designee, and the requesting party—license, permit, or certificate holder; and**
  5. **Following the review, the City Manager or designee will determine, in writing if a suspension or revocation is warranted.**
- C. If conditions are determined to cause an immediate threat to health or safety, the **City Manager or designee** shall immediately suspend the certificate or special business license until such condition is remedied.

~~(Ord. 2764, 2000; Ord. 2762, 1995)~~

#### 5.1.100 Appeal.

~~Any licensee or certificate holder shall have the right to file a written appeal to the City Commission.~~

**Except as stated in this Title, all appeals of a suspension or revocation of a license, permit or certificate granted, shall be filed in writing by any license, permit, or certificate holder to the City Commission within fifteen (15) calendar days of the date of the written determination to suspend or revoke the certificate, permit or license.**

#### 5.1.110 Severability.

If any part of this ~~title~~**Title** is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity, **or constitutionality** of the remaining portions thereof.

## Chapter 2 SAFETY INSPECTION CERTIFICATE

### Sections:

- 5.2.010 Safety inspection certificate.
- 5.2.020 Home occupation certificate.
- 5.2.030 Issuance — revocation of certificate.
- 5.2.040 Home occupation requirements.

**Exhibit "A"**

**Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES**

**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 and other ordinances and regulations enacted 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.**

**5.2.020 Home occupation certificate.**

**The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls through the Planning and Community Development Department.**

**5.2.030 Issuance — revocation of certificate.**

- A. Applications for Home Occupation Certificates shall include: □**
  - 1. A site plan indicating what portion of the dwelling will be used for the business; and**
  - 2. A complete description of the type of business to be conducted.**
- B. The Home Occupation Certificate holder may appeal the denial or revocation of a Home Occupation Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.**

**Exhibit "A"**

**Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES**

- C. Review and/or revocation of the Home Occupation certificate shall occur:**
  - 1. Upon receipt of a written request for revocation from any two (2) adjacent property owners, a hearing shall be held by the Board of Adjustment. The finding of the Board of Adjustment shall be presented to the City Commission and, unless a majority of the City Commissioners disagree, shall become binding sixty (60) days after presentation to the City Commission; or**
  - 2. Upon verification of any violation of this chapter, the City shall review the certificate in question. Upon the finding that the Home Occupation is no longer compatible with the neighborhood, violates the terms of the Home Occupation Certificate, the said Home Occupation Certificate shall be revoked.**
- D. It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Great Falls without a valid Home Occupation 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.**
- F. A business operating, within a dwelling, within the incorporated City limits and without a valid Home Occupation Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.**

**5.2.040 Home occupation requirements.**

Home Occupations may be permitted wherein the use meets the following requirements and the applicant provides proof of said compliance:

- A. Appearance. The activity must be conducted in a manner so as not to give an outward appearance, nor manifest any characteristics of, a business in the ordinary meaning of the terms, nor shall it create undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.**
- B. Employees. That portion of the Home Occupation conducted at the dwelling unit must be carried on by at least one (1) resident of the dwelling unit. In addition, non-resident employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week and when no more than two (2) employees are present at one (1) time.**
- C. Location. For Home Occupations in which services are rendered at the customer's location, the use of the dwelling unit shall be limited to the office portion of the business.**
- D. Secondary use. The Home Occupation must be incidental and secondary to the use of the dwelling unit as a residence.**
- E. Area. A maximum of thirty (30) percent of the dwelling may be dedicated to the Home Occupation.**
- F. Exterior Use. No exterior storage of material, equipment, or any variation from the residential character of the principal building shall be permitted.**
- G. Noise, etc. No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced by the Home Occupation activities permitted by the Certificate.**

**Exhibit "A"**

**Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES**

- H. Delivery.** No material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I. Weight.** No materials or commodities shall be placed within the building which exceed the allowable floor loading of forty (40) pounds per square foot.
- J. Parking.** No parking of customers' vehicles shall be permitted in a manner of frequency so as to cause a disturbance or inconvenience to neighboring residents or so as to necessitate off-street parking. Business vehicles shall not exceed one (1) ton rated capacity, shall not utilize on-street parking, and shall be parked on the premises identified in the Home Occupation Certificate.
- K. Sign.** No exterior sign or display shall be permitted, except for one (1) non-illuminated name plate, or Home Occupation sign. Signs for Home Occupations allowed in residential homes are allowed one (1) non-illuminated sign, no larger than six (6) square feet in area per face and six (6) feet in height. Signs must be placed a minimum of twelve (12) feet from the back of the curb, and in compliance with 17.32.160.
- L. Garage.** The Home Occupation cannot be conducted upon the area provided to fulfill the off-street parking requirements for the dwelling unit on the lot, including but not limited to garage space.

**Chapter 3 SPECIAL BUSINESS AND CONSTRUCTION LICENSES, CERTIFICATES, AND PERMITS**

**Articles:**

**Article 1 - COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES**

**Article 2 - COMMERCIAL GARBAGE LICENSE**

**Article 3 - PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS**

**Article 4 - ALCOHOLIC BEVERAGES**

**Article 5 - NON-RESIDENT VENDOR LICENSE**

**Article 6 - FALSE ALARMS**

**Article 7 - EMERGENCY MEDICAL SERVICES LICENSES**

**Article 8 – PLUMBING CONTRACTOR’S LICENSE**

**Article 9 – PLUMBER CERTIFICATE**

**Article 10 – MEDICAL GAS SYSTEMS**

**Exhibit "A"**

**Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES**

**Article 11 – FUEL GAS PIPING SYSTEMS**

**Article 12 – ELECTRICAL CONTRACTING**

**Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES**

**Sections:**

**5.3.1.010 Purpose.**

**5.3.1.020 Mechanically-operated devices depicting sexual activities.**

**5.3.1.030 License required.**

**5.3.1.010 Purpose.**

The purpose of this article is to recognize the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City, and additional expense to the City, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.

**5.3.1.020 Mechanically-operated devices depicting sexual activities.**

**Definitions.** The following words and phrases when used in this article shall have the following meanings:

- A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.
- B. "Specified Anatomical Areas" include:
  - 1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or
  - 2. Human male genitals, even if completely and opaquely covered.
- C. "Specified Sexual Activities" include:
  - 1. Human genitals in a state of sexual stimulation or arousal;
  - 2. Acts of human masturbation, sexual intercourse, sodomy; or,
  - 3. Fondling of human genitals, pubic region, buttock, or female breast.

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- D. The license application shall include, but not be limited to, a complete list of the devices owned by the person or business subject to this licensing with an indication thereon of the location of each machine.**

**5.3.1.030 License required.**

- A. It shall be unlawful for any business to have, or operate, devices depicting sexual activities for which a license or permit is required without such license being first procured and kept in effect at all such times as required by this chapter.**
- B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.**
- C. The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.**
- D. Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.**

**Article 2 COMMERCIAL GARBAGE LICENSE**

**Sections:**

**5.3.2.010 Commercial garbage license.**

**5.3.2.010 Commercial garbage license.**

- A. No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in the City without first obtaining a commercial garbage license.**
- B. All equipment used by the collector under a City commercial garbage license for collection and hauling of refuse, shall be constructed and maintained to prevent leakage, spillage, or overflow. All portions of the collection vehicle shall be kept clean and sanitary, and shall be clearly identified by assigned equipment number and with the firm and local telephone number affixed thereto.**
- C. A commercial garbage collector shall have applied for, and received, the proper Montana Rail Commission (MRC) permit.**
- D. A current list of all services provided shall be submitted to the City Public Works Department, containing the following information:**
  - 1. The names and addresses of each residence served;**
  - 2. The names and addresses of each commercial establishment, including multifamily dwellings containing three (3) or more separate dwelling units;**



**Exhibit "A"**

**Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES**

3. The number and size of the containers at each commercial site;
  4. The number of times each container is picked up per week; and
  5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.
- D. The City reserves the right to deny, or revoke, a commercial garbage license for just cause, upon written complaint, with regard to the conduct of the service provider, quality of services rendered, or business and/or marketing practices.

**Article 3 PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS**  
**Sections:**

**5.3.3.010 Definitions.**

**5.3.3.020 Register required.**

**5.3.3.030 Duration articles must be held.**

**5.3.3.040 Violation; penalty.**

**5.3.3.050 Extensions; exclusions.**

**5.3.3.010 Definitions.**

The following words and phrases when used in this article shall have the following meanings:

- A. "Customer" means any person or entity who deposits, pledges, sells, trades, barter, consigns, or exchanges personal property, secondhand goods, wares, merchandise, or other valuable things to an operator as set forth in this section.
- B. The term "Operator" includes the following:
  1. "Pawnbroker" which means any person or entity who loans money on deposit, pledge of personal property or any valuable thing, or who deals in the purchasing of personal property, or valuable things, on condition of selling the same back at a stipulated price, whether he does the same for himself or as an agent of some person or firm or corporation, who by any means, method, or device loans money for personal property when the same is deposited for security or is deposited for any other purpose; and
  2. "Secondhand Dealer" or "Valuable Article Dealer" which means any person or entity who, within the City, as a business; engages in the purchase, sale, trade, barter, consignment, recycling, or exchange of secondhand goods, wares or merchandise; or any person who keeps any store, shop, room, or place where secondhand goods, wares, or merchandise of any kind or description are bought, sold, traded, bartered, consigned, recycled, or exchanged is defined as a secondhand dealer or valuable article dealer within the meaning of this chapter; provided, however, that this chapter shall not apply to bona fide trade or turn-ins of secondhand goods, wares or

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merchandise or other goods where no cash is transferred or paid by the merchant.

**5.3.3.020 Register required.**

Any operator who engages in the activities set forth in 5.3.3.010 shall keep a legible written register, or record, of all property purchased or taken under that section, along with:

- A. A description of each article, including, but not limited to, identification number, serial number, model number, brand name, or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones;
- B. The customer's name and date of birth;
- C. The customer's current address; and
- D. The customer's identification from one of the following:
  - 1. A valid state identification card;
  - 2. A valid state driver's license;
  - 3. A military identification card;
  - 4. A valid passport;
  - 5. An alien registration card; or
  - 6. An official identification document lawfully issued by a state or federal government.
- E. Records shall be retained for a period of two (2) years from the initial transaction. Such register shall be subject to examination by the Great Falls Police Department (GFPD), or other state or federal law enforcement agency, at any and all times.
- F. On a periodic basis, no later than 5:00 p.m. on Friday of each week's transactions, every operator shall file, upload, or record all registers or records of transactions, to an electronic database as designated by the Chief of Police or agent of the GFPD. If the transactions have not been entered into electronic database according to this section, the GFPD shall stop any further transactions by the operator, until the operator is in compliance.

**5.3.3.030 Duration articles must be held.**

For seven (7) days following the electronic filing of the register or record of a transaction into the GFPD database under this section, operators shall not dispose of the property purchased or taken, alter the property from the form in which it was received, or transfer the property to another location.

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**5.3.3.040 Violation; penalty.**

- A. Subject to subsection (B.) of this section, each operator who violates this chapter shall be fined one hundred dollars (\$100.00) for each item received by operator, that the customer illegally obtained, or did not have authority to deposit, pledge, sell, trade, barter, consign, or exchange, or otherwise provide to operator.
- B. This fine will be waived if the operator has properly and timely reported the item or items into the police database.
- C. All fines collected under this section will be directed to the Police Department for maintenance of the designated database.

**5.3.3.050 Extensions; exclusions.**

The Chief of Police, or designee, may for good cause shown, grant an operator a written extension to the deadlines herein, or an exclusion from these requirements based upon the type or value of property.

**Article 4 ALCOHOLIC BEVERAGES**

**Sections:**

**5.3.4.010 Definitions.**

**5.3.4.020 Alcoholic beverage license required.**

**5.3.4.030 Special alcoholic beverage license required.**

**5.3.4.040 Catering license required.**

**5.3.4.050 Teen night license.**

**5.3.4.060 Sales within six hundred feet of a church or school.**

**5.3.4.010 Definitions.**

The following words and phrases when used in this article shall have the following meanings:

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;

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- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of un-malted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "Beer" means:
1. an alcoholic malt beverage containing not more than 8.75% of alcohol by volume; or
  2. an alcoholic beverage containing not more than 14% alcohol by volume:
    - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
    - ii. in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
- E. "License" means a license issued by this City to a qualified person, under which it is lawful either for the licensee to brew, sell or dispense beer or to sell and dispense liquor, respectively, as provided in this chapter.
- F. "Premises" means the building or specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the retailer operates a sidewalk café, open-air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from said building. Where a retailer conducts as a single business enterprise two (2) or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one (1) bar to another without leaving the premises, the various bars shall be regarded as but one (1) premises for which but one (1) license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.
- G. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- H. "Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.
- I. "Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than one-half of one (0.5) percent but not more than twenty-four (24) percent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

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**5.3.4.020 Alcoholic beverage license required.**

- A. Any person or business brewing, selling, or dispensing beer, wine, liquor, or other alcoholic beverage must obtain a City alcoholic beverage license in addition to other permits or licenses which may be required.**
- B. Such license shall authorize the conduct of business under one of the following specific categories:**
  - 1. beer;**
  - 2. beer and wine; or**
  - 3. all-alcoholic beverages.**
- C. This section does not pertain to individuals' home brewing for personal consumption.**

**5.3.4.030 Special event alcoholic beverage license required.**

**A Special Event Alcoholic Beverage License or Permit is required in addition to the State's special permit or license for beer or beer and wine. The Special Alcoholic Beverage License shall be in effect for the period established by the State and will expire at the end of that period.**

**5.3.4.040 Catering license required.**

**Any person or business providing off-premises food or non-alcoholic beverages to third parties must obtain a City Catering license in addition to other permits or licenses required under this Title. This does not pertain to individuals' home food or non-alcoholic beverage preparation for personal consumption.**

**5.3.4.050 Additional Catering endorsement required.**

- A. An Alcohol Beverage license, or a Special Event Alcoholic Beverage License, and a Catering License or Endorsement are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or licenses;**
- B. Any alcoholic beverages licensee may obtain an Special Event Alcoholic Beverage License or Permit with a Catering Endorsement, as applicable, for all the catering and/or sale of alcoholic beverages, to persons attending a special event, upon premises within the City not otherwise licensed for the sale of alcoholic beverages;**
- C. Any Alcoholic Beverages licensee and/or Special Event Alcoholic Beverage licensee, with an Alcoholic Catering Endorsement, shall at least seventy-two hours prior to each special event, submit a license application describing the location of the event, the nature of the event, and the period during which the event is to be held; and**

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- D. **Special Event Alcoholic and/or Catering Licensees will indemnify, defend and hold harmless the City from any and all claims, damages, losses and expenses arising from the event. The Licensee shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, and list the City as an additional named insured under the policy. Documentation of such insurance must be provided to the City at least 72 hours prior to the event.**

**5.3.4.060 Teen night license.**

A license will be issued by the Planning and Community Development Department, or other authorized designee, to any person for any premises within the City, where beer or liquor is sold, for the purpose of establishing and conducting a teen night where:

- A. **Any and all Alcoholic Beverages on the premises have been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night;**
- B. **All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night;**
- C. **The only patrons permitted on the premises other than the proprietor, his employees, and parents of patrons shall be individuals verifying identification through current high school identification and/or driver's license cards between 6:00 p.m. and thirty (30) minutes prior to curfew and anyone verifying their age over eighteen (18) after curfew on designated days of the week;**
- D. **Registration of the name, age, and address of the licensee's employees (a minimum of four (4)) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three (3) times per hour while the premises is open as a teen night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, Alcoholic Beverages, weapons, or any other dangerous substances are excluded from the premises except Alcoholic Beverages that may have otherwise been locked away and secured thereon.**
- E. **Anyone under the influence of drugs or alcohol shall be excluded from the premises. Where any violations of this Code or laws of the State of Montana are observed, security personnel shall immediately notify the GFPD.**
- F. **For so long as the premises is open as a teen night, smoking of tobacco or vapor products as defined under the Montana Code Annotated, including Mont. Code Ann. §16-11-302, shall be prohibited on the premises, and notice thereof shall be conspicuously posted.**
- G. **If an establishment is unable to abide by these provisions, the City teen night license may be revoked in accordance with licensing procedures.**

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**Article 5 NON-RESIDENT VENDOR LICENSE**

**Sections:**

**5.3.5.010 Non-resident vendor license required.**

**5.3.5.020 Non-resident merchant special business license required.**

**5.3.5.030 Non-resident service contractor special business license required.**

**5.3.5.010 Non-resident vendor license required.**

- A. Each individual engaging in Non-Resident Vendor business or commercial enterprise within the City, must first obtain a Non-Resident Vendor license. The Non-Resident Vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale.**
- B. No vendor shall park a vehicle, or any other movable temporary device, on any public street, alley, or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle, or other moveable device within three hundred (300) feet of the original location is considered one (1) location.**
- C. The Non-resident Vendor License can be obtained from the Planning and Community Development Department during regular working hours.**
- D. A short-term Non-Resident Vendor License may be granted on a short-term basis and shall be good for one (1) week from the date of issuance. A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.**
- E. The City reserves the right to deny or revoke a license, upon receiving written citizen complaints regarding the vendor, merchandise, or practices.**

**5.3.5.020 Non-resident merchant special business license required.**

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Merchant must first obtain a Non-Resident Merchant special business license from the City of Great Falls. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise.**
- B. A Non-Resident Merchant may apply for a Non-Resident Merchant special business license from the Planning and Community Development Department during normal business hours.**
- C. The license is valid for a period of six (6) months and may be renewed once thereafter during in any twelve-month period.**
- D. The City reserves the right to deny or revoke, upon written complaint, a Non-Resident Merchant special business license for just cause with regard to the**

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**conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.**

**5.3.5.030 Non-resident service contractor special business license required.**

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Service Contractor, must first obtain a Non-Resident Service Contractor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service.**
- B. A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor special business license from the Planning and Community Development Department during normal business hours.**
- C. This Non-Resident Service Contractor special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.**
- D. The City reserves the right to deny, or revoke, a Non-Resident Service Contractor license for just cause, upon written complaint, with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.**

**Article 6 FALSE ALARMS**

**Sections:**

**5.3.6.010 Definitions.**

**5.3.6.020 Audible alarm requirements.**

**5.3.6.030 Agent permit required.**

**5.3.6.040 Exemptions.**

**5.3.6.050 Penalty.**

**5.3.6.010 Definitions.**

**Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:**

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system.**
- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing,**



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moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in, or on, any building, structure, or facility.

- C. "Alarm system" means any mechanical or electrical device which is designed, or used for, the detection of an unauthorized entry into a building, structure, or facility; or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both; and which emits a sound or transmits a signal or message when actuated. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:**
- 1. direct dial telephone devices; and**
  - 2. audible alarms and proprietor alarms.**
- D. "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.**
- E. "False alarm" means an alarm signal actuated by inadvertence, negligence, or unintentional act necessitating response by the Great Falls Police Department, including alarms caused by the malfunction of the alarm system, except the following:**
- 1. alarms caused by repair of telephone or communication equipment or lines;**
  - 2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;**
  - 3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and**
  - 4. alarms caused by power outages.**
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.**
- G. "Subscriber" means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or for the servicing maintenance of an alarm system from an alarm business.**

**5.3.6.020 Audible alarm requirements.**

- A. Every person maintaining an audible alarm shall notify the Police Department with names and telephone numbers of the persons to be notified to render repairs of service, and secure the premises, during any hour of the day or night that the alarm is actuated.**
- B. Whenever any change occurs relating to the required written information, the applicant shall give written notice thereof to the Great Falls Police Department of such change.**

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**5.3.6.030 Alarm Agent permit required.**

- A. All persons engaged in alarm business to repair, service, alter, replace, remove, design, sell, lease, maintain, or install alarm systems, shall obtain an Alarm Agent Permit in accordance with the provisions of this title.
- B. The Alarm Agent permittee shall have in their possession an Alarm Agent permit while engaged in alarm related business or activities.

**5.3.6.040 Exemptions.**

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter do not include a person who engages in the manufacture for sale of an alarm system from a fixed location, and who neither visits the location where the alarm system is to be installed nor designs the scheme for physical location and installation of the alarm system in a specific location.

**5.3.6.050 Penalty.**

Where an alarm system actuates the following number of false alarms in any calendar year, the business or system owner will be charged as follows:

- A. False Alarms one (1) through three (3); written notice to permittee;
- B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).

**Article 7 EMERGENCY MEDICAL SERVICES LICENSES**

**Sections:**

**5.3.7.010 Definitions.**

**5.3.7.020 License required.**

**5.3.7.030 Criteria for license.**

**5.3.7.040 Cancellation of license.**

**5.3.7.050 Notice and hearing required.**

**5.3.7.060 Existing services.**

**5.3.7.070 Exemptions.**

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**5.3.7.010 Definitions.**

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Ambulance" means a privately or publicly owned motor vehicle, or aircraft that is maintained and used for the transportation of medical patients.
- B. "Emergency Medical Services" means a pre-hospital emergency medical transportation or treatment service provided by an ambulance or similar vehicle.
- C. "License Certificate" means the City Emergency Medical Services License issued, or renewed, to any person engaging in the ambulance service business. A new Emergency Medical Services license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.
- D. "License Year" means a fiscal year from July 1 through June 30 of each calendar year.
- E. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated. The term does not include a person who is non-ambulatory, and who needs transportation assistance solely because that person is confined to a wheel chair as the person's usual means of mobility.
- F. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.
- G. "Public Convenience and Necessity" means qualified, fit, able, and willing to perform and provide emergency medical service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the emergency medical service within the City.

**5.3.7.020 License required.**

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining an Emergency Medical Services license as provided in this chapter.
- B. All Emergency Medical Services licenses shall be valid for a City license year, or for the remainder thereof. An Emergency Medical Services license shall expire at the conclusion of each licensure year, and shall be renewable subject to the ability to meet the standards set by the City and the State Department of Health and Human Services, as to fitness and ability to provide emergency medical services.
- C. No Emergency Medical Services license shall be issued under this chapter, to any new applicant, unless the City Commission shall, after conducting a public hearing and review, finds that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing, and able to perform such public transportation, and to operate in compliance with Montana state law and the provisions of this chapter.

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- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of an Emergency Medical Services License certificate of public convenience and necessity stating the name and address of the applicant, the location of the emergency medical service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another emergency medical service provider, the application shall be denied. Existing emergency medical services providers may continue to operate within the City, provided they comply with the provisions of this chapter and are in compliance with Montana state law.**
- E. There must be paid to the City, with each application for, or renewal of, an Emergency Medical Services license, a license fee that shall be set by City Commission resolution.**
- F. An Emergency Medical Services license is not transferable.**
- G. An Emergency Medical Services license is non-exclusive.**

**5.3.7.030 Criteria for license.**

**Any person desiring to obtain an Emergency Medical Services license required by this chapter shall demonstrate the ability to meet the requirements of Title 8, Chapter 9 of this Code.**

**5.3.7.040 Revocation of license.**

**The City may revoke an Emergency Medical Services license, if it finds that the licensee has:**

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls Emergency Communications Center Policy Manual; and**
- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City.**

**5.3.7.050 Notice and hearing required.**

- A. The City may deny or revoke an Emergency Medical Services license subject to:
  - 1. delivery to the applicant or licensee of a written statement of the grounds for denial or revocation of the subject license; and**
  - 2. the opportunity for the applicant or licensee to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or revoked.****

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- B. Within ten (10) days of the written statement of grounds for denial or revocation, any applicant or licensee desiring a hearing before the City Commission shall make written application to the City Clerk's office requesting a hearing and stating the reasons for the applicant or licensee's request.**

**5.3.7.060 Exemptions.**

The provisions and requirements of this chapter shall not apply to:

- A. The Great Falls Fire Rescue Department, except as provided in Montana state licensing requirements from the State's Board of Medical Examiners and the Department of Health and Environmental Services;**
- B. Any person providing emergency medical services outside the City, who in the course of providing such services, transports a patient from outside the City into, or through, the City; and**
- C. Any person providing emergency medical services within the City, who is providing such services at the request of the City, pursuant to a written mutual aid agreement, between the City and the person.**

**Article 8 PLUMBING CONTRACTOR'S LICENSE**

**Sections:**

- 5.3.8.010 Plumbing Contractor licensing.**
- 5.3.8.020 Licensing application.**
- 5.3.8.030 Insurance and bond.**
- 5.3.8.040 License term.**
- 5.3.8.050 License fee.**

**5.3.8.010 Plumbing contractor licensing.**

**Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance, or repair of plumbing and drainage systems is required to have a plumbing contractor's license.**

**5.3.8.020 Licensing application.**

**An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.**

**5.3.8.030 Insurance and bond.**

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All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued.

**5.3.8.040 License term.**

- A. Except as provided in subsection (B.) of this part, all licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.
- B. Applications after December 1, will receive licenses valid for the remainder of the year plus the next calendar year.

**5.3.8.050 License fee.**

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution.

**Article 9 PLUMBER LICENSING**

**Sections:**

**5.3.9.010 Plumber certificate required.**

**5.3.9.020 Certificate fee.**

**5.3.9.010 Plumber certificate required.**

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate issued by the Planning and Community Development Department. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.9.020 Certificate fee.**

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution.

**Article 10 MEDICAL GAS SYSTEMS**

**Sections:**

**5.3.10.010 Contractor licensing.**

**5.3.10.020 Application.**

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- 5.3.10.030 Insurance and bond.**
- 5.3.10.040 Medical gas contractor license fee.**
- 5.3.10.050 Medical gas systems certificate required.**
- 5.3.10.060 Medical gas contractor certificate fee.**

**5.3.10.010 Contractor licensing.**

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractor's license issued by the Planning and Community Development Department. Medical gas is defined by Title 15 of this Code. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.10.020 Application.**

An applicant for a medical gas systems contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.

**5.3.10.030 Insurance and bond.**

An applicant for a medical gas systems contractor's license shall meet the requirements of 5.3.8.030.

**5.3.10.040 Medical gas contractor license fee.**

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.

**5.3.10.050 Medical gas systems certificate required.**

Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate.

**5.3.10.060 Medical gas contractor certificate fee.**

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set

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by City Commission resolution. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**Article 11 FUEL GAS PIPING SYSTEMS**

**Sections:**

- 5.3.11.010 Gas fitting contractor licensing.**
- 5.3.11.020 License application.**
- 5.3.11.030 Insurance and bond.**
- 5.3.11.040 Gas fitting contractor's license fee.**
- 5.3.11.050 Gas fitter's certificate.**
- 5.3.11.060 Certificate application.**
- 5.3.11.070 Gas fitting certificate fee.**

**5.3.11.010 Gas fitting contractor licensing.**

Any person, firm, corporation, or any other entity who engages in the business of installation, alteration, maintenance, or repair of gas piping systems is required to have a gas fitting contractor's license issued by the Planning and Community Development Department. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.11.020 License application.**

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm, corporation, or entity is the holder of a current gas fitters certificate.

**5.3.11.030 Insurance and bond.**

An applicant for a gas fitting contractor's license shall meet the requirements of 5.3.8.030.

**5.3.11.040 Gas fitting contractor's license fee.**

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.

**5.3.11.050 Gas fitter's certificate.**



## Exhibit "A"

### Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitter's certificate. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

#### 5.3.11.060 Certificate application.

- A. A person or entity desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant.
- B. A fee of twenty dollars (\$20.00) shall be paid for each examination.
- C. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official.
- D. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination.
- E. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two (2) years.

#### 5.3.11.070 Gas fitting certificate fee.

Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal.

## Article 12 ELECTRICAL CONTRACTING

### Sections:

- 5.3.12.010 Electrical contractor's license.
- 5.3.12.020 Electrical contractor's license application.
- 5.3.12.030 Insurance and bond.
- 5.3.12.040 Electrical contractor's license fee.
- 5.3.12.050 Individual wiring certificate.
- 5.3.12.060 Individual wiring certificate application.
- 5.3.12.070 Individual wiring certificate fee.

**Exhibit "A"**

**Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES**

**5.3.12.010 Electrical contractor's license.**

Any person, firm, corporation, or other entity engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License issued by the Planning and Community Development Department. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City. Licenses and Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.12.020 Electrical contractor's license application.**

- A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that:**
  - 1. all work is under the direction, control, and supervision of a licensed master electrician; or**
  - 2. under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five (5) living units in a single structure. Journeyman, master, and residential electricians are as defined and licensed under authority of the Mont Code Annotated and hold a current contractor's license issued by the State.**
- B. The applicant shall also file an insurance policy or certificate as required by Section 5.3.12.030.**

**5.3.12.030 Insurance and bond.**

- A. All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.**
- B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two (2) years of business. If performance under the bond is satisfactory, the City may release the contractor from further posting of the bond.**
- C. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Adjustment shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.**

## Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

### 5.3.12.040 Electrical contractor's license fee.

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.

### 5.3.12.050 Individual wiring certificate.

Any person who is, or in the future may become, engaged in the trade or calling of a journeyman or residential electrician in the City is required to have an individual wiring certificate issued by the Planning and Community Development Department.

### 5.3.12.060 Individual wiring certificate application.

An applicant for an individual wiring certificate shall submit evidence to the Building Official that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Mont. Code Ann. Title 37.

### 5.3.12.070 Individual wiring certificate fee.

The fee shall be established by resolution of the City Commission.

## Chapter 16 CATV REGULATIONS

Sections:

Repealed.

## Chapter 20 RESERVED

Editor's note— Ord. No. 3115, § 2, adopted Dec. 17, 2013, repealed Tit. 5, Chapter 20, which pertained to establishing and operating an electric utility and derived from Ord. 2861, 2003; and Ord. 2925, 2005.

(Ord. 3168, 2017; Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. ~~2865, 2003~~; Ord. ~~2764, 2000~~; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1).

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

**Chapter 1 GENERAL BUSINESS LICENSE AND SAFETY INSPECTION  
CERTIFICATE PROCEDURE**

**Sections:**

- 5.1.010 Definitions.
- 5.1.020 Application of regulations.
- 5.1.030 Authority and Appeals.
- 5.1.040 Procedure for issuance of certificates, permits or special licenses.
- 5.1.050 Certificate, Permit and special business license fees.
- 5.1.060 Certificate, permits and special business license duration — renewal.
- 5.1.070 Late charge.
- 5.1.080 Duties of license, permit or certificate holder.
- 5.1.090 Certificate, permit or special license — revocation or suspension.
- 5.1.100 Appeal.
- 5.1.110 Severability.

**5.1.010 Definitions.**

The following words and phrases when used in this Title shall have the following meanings:

- A. "Buildings or Offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a Uniform Safety Code violation.
- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, including multi-family dwelling units of four (4) or more units, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, social organizations and fraternal organizations.
- C. Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.
- D. "Home Occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building, which will not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.

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Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- E. "Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020-5.2.040.
- F. "Non-Resident Vendor" is any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and soliciting, selling, or taking orders for future delivery of any goods, wares, or merchandise.
  - 1. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the City limits.
  - 2. This all-inclusive definition applies to vendors coming into Great Falls to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits.
- G. "Nonprofit organization" is any group or organization which is recognized as such by the United States Internal Revenue Service or the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any buildings or structures, situated on a permanent structural foundation that meet the engineering requirements in the Uniform Building Code and are permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.
- I. "Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, or representatives thereof, in any capacity, acting either for him or herself, or for any other person, under designation, appointment, or otherwise pursuant to law.
- J. "Premises" means any office, property, retail space, structure or portion thereof occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.
- K. "Safety Inspection Certificate" is a certificate for a business, or occupation, at a specific premises acknowledging inspection for Uniform Safety Codes, or other ordinances and regulations, enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used, to regulate or infringe upon the conduct of a business or profession and is not intended, and shall not be used, to regulate, infringe or prohibit the practice of religion or religious beliefs.
- L. "Property Manager" means a "person" who rents or leases rental units, including but not limited to, multi-family dwellings, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite, office, or premises used in, or available for, the business operation.
- N. "Temporary premises" means any buildings, structure, vehicles, or other mobile structures temporarily occupied for business which are without a foundation and permanent connection to City water and sewer service. A temporary premises can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premises do not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event which is authorized by the City.

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### Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- O. "Non-Resident Merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells, offers to sell, or exhibits for sale, such stock of goods, wares, articles of merchandise, notions, or other articles of trade.
- P. "Year" for specific Special Business Licenses and Safety Inspection Certificate purposes, means a period of time of twelve (12) months commencing each year on January 1 and ending December 31 of the same year.
- Q. "Non-Resident Service Contractor" is any person, not residing within the City limits of Great Falls, engaged or employed in the business of providing services for hire. This includes persons engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.
- R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been adopted by the City of Great Falls and referenced in OCCGF Titles 15, 16 and Title 17.

#### **5.1.020 Application of regulations.**

- A. A certificate and special business license shall be obtained in the manner prescribed herein for each branch establishment, including off-site warehouses, distributing plants, multi-family dwellings of four (4) or more units, or any location of the business engaged in, as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with and incidental to an authorized business shall not be deemed to be separate places of business or branch establishment.
- B. No certificate or special license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.
- C. All family/group day care facilities and all-day care centers shall obtain a Safety Inspection Certificate and shall supply copies of applicable Montana State Licenses to the Great Falls Fire Rescue Department.
- D. All independently owned and operated businesses located within a single building, shall each obtain a Safety Inspection Certificate.

#### **5.1.030 Authority and Appeals.**

- A. Unless otherwise specified in this Title, if an application for a license, certificate, or permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision to the City Manager in writing within fifteen (15) calendar days. The City Manager or designee shall review the application and uphold, reverse, or revise the

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decision on the application. If applicant makes no such appeal, the initial determination shall stand.

- B. If the City Manager upholds or revises the determination of the application for a license, certificate, or permit, the applicant may appeal the decision to the City Commission in writing within fifteen (15) calendar days. The Commission shall review the application in a public meeting and uphold, reverse or revise the decision on the application. If applicant makes no such appeal, the City Manager's determination will stand.
- C. Unless otherwise specified in this Title, appeals to the City Commission of the denial, revocation or suspension of Safety Inspection Certificates, Special Business licenses, Home Occupation Certificates, or other licenses or permits under this title shall comply with the provisions of 1.2.040.

**5.1.040 Procedure for issuance of certificates, permits or special licenses.**

- A. Safety inspection certificates shall be issued by the Great Falls Fire Rescue Department pursuant to the provisions of this Title.
- B. Home Occupancy certificates, special licenses and other certificates, permits and licenses shall be issued by the Planning and Community Development Department pursuant to the provisions of this Title.
- C. Prior to issuing a certificate, permit, or special business license, the applicant shall:
  - 1. Be in compliance with all Zoning and Uniform Safety Codes and have permanent water and sewer service provided by the City (non-resident licenses exempted);
  - 2. Submit a completed application accompanied by the full amount of the applicable fee;
  - 3. Be current in the payment of all City fees and assessments; and
  - 4. Have no other outstanding obligations to the City.
- D. The applicant may change location provided:
  - 1. The applicant complies with all Zoning and Uniform Safety Codes; and
  - 2. The applicant obtains a new certificate, permit, or special business license for the change of location.
- E. If a newly established business is determined by GFFR staff to require a safety inspection certificate, said business shall apply for a safety inspection certificate and complete all the procedures pursuant to this section within 60 days of that determination. Failure to do so shall constitute a violation of Section 5.2.010 of this Title.

**5.1.050 Certificate, Permit and special business license fees.**

- A. All certificate, permit or special business license fees shall be defined by resolution adopted by the City Commission. Such fees shall reasonably relate to the cost of issuing the certificate or special license and the additional cost of inspections.

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- B. New businesses, excluding Non-Resident Merchants, established within the last ninety (90) days of the calendar year shall not pay the initial annual renewal fee.
- C. No rebate or refund of any certificate, permit, or special business license fee, or part thereof, shall be made.
- D. Offices or buildings that are owned and operated by the United States Government, The State of Montana, or Cascade County may be subject to inspection but are exempt from applicable fees under this Title. However, this exemption does not apply to privately owned businesses operating on exempt property.

**5.1.060 Certificate, permits and special business license duration — renewal.**

- A. All certificates, permits or special business licenses issued pursuant to this Title shall expire on December 31 of the year in which such certificate, permit or special business license is issued, unless otherwise specified.
- B. Failure to renew a certificate, permit or special business license and to remit all applicable fees within sixty (60) days after expiration shall result in immediate revocation of said certificate, permit, or license.
- C. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation.

**5.1.070 Late charge.**

Failure to renew the safety inspection certificate or special business license by December 31 of the year in which such certificate, permit, or special business license is issued, shall result in a delinquent charge as determined by Commission resolution.

**5.1.080 Duties of license, permit or certificate holder.**

- A. Every license, permit, or certificate holder under this Title shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this Title.
- B. Every licensee, permit, or certificate holder under this Title shall post the certificate or special license on the premises or carried on the person where an individual license is required.
- C. The certificate, permit, or license holder may transfer the certificate, permit or special business license to another business, operating at the same location, in accordance with established City procedures.



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#### **5.1.090 Certificate, permit or special license — revocation or suspension.**

- A. The certificate, permit, or special license may be revoked or suspended when the license, permit or certificate holder violates this Title.
- B. The following procedure will be followed in revoking or suspending a certificate or license:
  - 1. A written notice shall be mailed or personally delivered to the license, permit, or certificate holder, by the City staff, at least fifteen (15) calendar days prior to revocation or suspension;
  - 2. The notice shall state the reason(s) for the action;
  - 3. Within fifteen (15) calendar days of the date of the written notice, the license, permit, or certificate holder may request a review of the proposed action;
  - 4. When a review is requested, a meeting shall be set between City staff, the City Manager or designee, and the requesting license, permit, or certificate holder; and
  - 5. Following the review, the City Manager or designee will determine, in writing if a suspension or revocation is warranted.
- C. If conditions are determined to cause an immediate threat to health or safety, the City Manager or designee shall immediately suspend the certificate or special business license until such condition is remedied.

#### **5.1.100 Appeal.**

Except as stated in this Title, all appeals of a suspension or revocation of a license, permit or certificate granted, shall be filed in writing by any license, permit, or certificate holder to the City Commission within fifteen (15) calendar days of the date of the written determination to suspend or revoke the certificate, permit or license.

#### **5.1.110 Severability.**

If any part of this Title is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity, or constitutionality of the remaining portions thereof.

## **Chapter 2 SAFETY INSPECTION CERTIFICATE**

### **Sections:**

- 5.2.010 Safety inspection certificate.
- 5.2.020 Home occupation certificate.
- 5.2.030 Issuance — revocation of certificate.
- 5.2.040 Home occupation requirements.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

**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 and other ordinances and regulations enacted 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.

**5.2.020 Home occupation certificate.**

The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls through the Planning and Community Development Department.

**5.2.030 Issuance — revocation of certificate.**

- A. Applications for Home Occupation Certificates shall include:
  - 1. A site plan indicating what portion of the dwelling will be used for the business; and
  - 2. A complete description of the type of business to be conducted.

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Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. The Home Occupation Certificate holder may appeal the denial or revocation of a Home Occupation Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.
- C. Review and/or revocation of the Home Occupation certificate shall occur:
  - 1. Upon receipt of a written request for revocation from any two (2) adjacent property owners, a hearing shall be held by the Board of Adjustment. The finding of the Board of Adjustment shall be presented to the City Commission and, unless a majority of the City Commissioners disagree, shall become binding sixty (60) days after presentation to the City Commission; or
  - 2. Upon verification of any violation of this chapter, the City shall review the certificate in question. Upon the finding that the Home Occupation is no longer compatible with the neighborhood, violates the terms of the Home Occupation Certificate, the said Home Occupation Certificate shall be revoked.
- D. It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Great Falls without a valid Home Occupation 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.
- F. A business operating, within a dwelling, within the incorporated City limits and without a valid Home Occupation Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

**5.2.040 Home occupation requirements.**

Home Occupations may be permitted wherein the use meets the following requirements and the applicant provides proof of said compliance:

- A. **Appearance.** The activity must be conducted in a manner so as not to give an outward appearance, nor manifest any characteristics of, a business in the ordinary meaning of the terms, nor shall it create undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.
- B. **Employees.** That portion of the Home Occupation conducted at the dwelling unit must be carried on by at least one (1) resident of the dwelling unit. In addition, non-resident employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week and when no more than two (2) employees are present at one (1) time.
- C. **Location.** For Home Occupations in which services are rendered at the customer's location, the use of the dwelling unit shall be limited to the office portion of the business.
- D. **Secondary use.** The Home Occupation must be incidental and secondary to the use of the dwelling unit as a residence.
- E. **Area.** A maximum of thirty (30) percent of the dwelling may be dedicated to the Home Occupation.
- F. **Exterior Use.** No exterior storage of material, equipment, or any variation from the residential character of the principal building shall be permitted.
- G. **Noise, etc.** No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced by the Home Occupation activities permitted by the Certificate.

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- H. **Delivery.** No material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I. **Weight.** No materials or commodities shall be placed within the building which exceed the allowable floor loading of forty (40) pounds per square foot.
- J. **Parking.** No parking of customers' vehicles shall be permitted in a manner of frequency so as to cause a disturbance or inconvenience to neighboring residents or so as to necessitate off-street parking. Business vehicles shall not exceed one (1) ton rated capacity, shall not utilize on-street parking, and shall be parked on the premises identified in the Home Occupation Certificate.
- K. **Sign.** No exterior sign or display shall be permitted, except for one (1) non-illuminated name plate, or Home Occupation sign. Signs for Home Occupations allowed in residential homes are allowed one (1) non-illuminated sign, no larger than six (6) square feet in area per face and six (6) feet in height. Signs must be placed a minimum of twelve (12) feet from the back of the curb, and in compliance with 17.32.160.
- L. **Garage.** The Home Occupation cannot be conducted upon the area provided to fulfill the off-street parking requirements for the dwelling unit on the lot, including but not limited to garage space.

**Chapter 3 SPECIAL BUSINESS AND CONSTRUCTION LICENSES, CERTIFICATES, AND PERMITS**

**Articles:**

Article 1 - COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Article 2 - COMMERCIAL GARBAGE LICENSE

Article 3 - PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS

Article 4 - ALCOHOLIC BEVERAGES

Article 5 - NON-RESIDENT VENDOR LICENSE

Article 6 - FALSE ALARMS

Article 7 - EMERGENCY MEDICAL SERVICES LICENSES

Article 8 – PLUMBING CONTRACTOR’S LICENSE

Article 9 – PLUMBER CERTIFICATE

Article 10 – MEDICAL GAS SYSTEMS

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

**Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES**

**Sections:**

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

**5.3.1.010 Purpose.**

The purpose of this article is to recognize the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City, and additional expense to the City, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.

**5.3.1.020 Mechanically-operated devices depicting sexual activities.**

Definitions. The following words and phrases when used in this article shall have the following meanings:

- A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.
- B. "Specified Anatomical Areas" include:
  - 1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or
  - 2. Human male genitals, even if completely and opaquely covered.
- C. "Specified Sexual Activities" include:
  - 1. Human genitals in a state of sexual stimulation or arousal;
  - 2. Acts of human masturbation, sexual intercourse, sodomy; or,
  - 3. Fondling of human genitals, pubic region, buttock, or female breast.
- D. The license application shall include, but not be limited to, a complete list of the devices owned by the person or business subject to this licensing with an indication thereon of the location of each machine.

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**5.3.1.030 License required.**

- A. It shall be unlawful for any business to have, or operate, devices depicting sexual activities for which a license or permit is required without such license being first procured and kept in effect at all such times as required by this chapter.
- B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.
- C. The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.
- D. Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

**Article 2 COMMERCIAL GARBAGE LICENSE**

**Sections:**

5.3.2.010 Commercial garbage license.

**5.3.2.010 Commercial garbage license.**

- A. No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in the City without first obtaining a commercial garbage license.
- B. All equipment used by the collector under a City commercial garbage license for collection and hauling of refuse, shall be constructed and maintained to prevent leakage, spillage, or overflow. All portions of the collection vehicle shall be kept clean and sanitary, and shall be clearly identified by assigned equipment number and with the firm and local telephone number affixed thereto.
- C. A commercial garbage collector shall have applied for, and received, the proper Montana Rail Commission (MRC) permit.
- D. A current list of all services provided shall be submitted to the City Public Works Department, containing the following information:
  - 1. The names and addresses of each residence served;
  - 2. The names and addresses of each commercial establishment, including multifamily dwellings containing three (3) or more separate dwelling units;
  - 3. The number and size of the containers at each commercial site;
  - 4. The number of times each container is picked up per week; and
  - 5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.

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- D. The City reserves the right to deny, or revoke, a commercial garbage license for just cause, upon written complaint, with regard to the conduct of the service provider, quality of services rendered, or business and/or marketing practices.

**Article 3 PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS**  
**Sections:**

5.3.3.010 Definitions.

5.3.3.020 Register required.

5.3.3.030 Duration articles must be held.

5.3.3.040 Violation; penalty.

5.3.3.050 Extensions; exclusions.

**5.3.3.010 Definitions.**

The following words and phrases when used in this article shall have the following meanings:

- A. "Customer" means any person or entity who deposits, pledges, sells, trades, barter, consigns, or exchanges personal property, secondhand goods, wares, merchandise, or other valuable things to an operator as set forth in this section.
- B. The term "Operator" includes the following:
  - 1. "Pawnbroker" which means any person or entity who loans money on deposit, pledge of personal property or any valuable thing, or who deals in the purchasing of personal property, or valuable things, on condition of selling the same back at a stipulated price, whether he does the same for himself or as an agent of some person or firm or corporation, who by any means, method, or device loans money for personal property when the same is deposited for security or is deposited for any other purpose; and
  - 2. "Secondhand Dealer" or "Valuable Article Dealer" which means any person or entity who, within the City, as a business; engages in the purchase, sale, trade, barter, consignment, recycling, or exchange of secondhand goods, wares or merchandise; or any person who keeps any store, shop, room, or place where secondhand goods, wares, or merchandise of any kind or description are bought, sold, traded, bartered, consigned, recycled, or exchanged is defined as a secondhand dealer or valuable article dealer within the meaning of this chapter; provided, however, that this chapter shall not apply to bona fide trade or turn-ins of secondhand goods, wares or merchandise or other goods where no cash is transferred or paid by the merchant.

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**5.3.3.020 Register required.**

Any operator who engages in the activities set forth in 5.3.3.010 shall keep a legible written register, or record, of all property purchased or taken under that section, along with:

- A. A description of each article, including, but not limited to, identification number, serial number, model number, brand name, or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones;
- B. The customer's name and date of birth;
- C. The customer's current address; and
- D. The customer's identification from one of the following:
  - 1. A valid state identification card;
  - 2. A valid state driver's license;
  - 3. A military identification card;
  - 4. A valid passport;
  - 5. An alien registration card; or
  - 6. An official identification document lawfully issued by a state or federal government.
- E. Records shall be retained for a period of two (2) years from the initial transaction. Such register shall be subject to examination by the Great Falls Police Department (GFPD), or other state or federal law enforcement agency, at any and all times.
- F. On a periodic basis, no later than 5:00 p.m. on Friday of each week's transactions, every operator shall file, upload, or record all registers or records of transactions, to an electronic database as designated by the Chief of Police or agent of the GFPD. If the transactions have not been entered into electronic database according to this section, the GFPD shall stop any further transactions by the operator, until the operator is in compliance.

**5.3.3.030 Duration articles must be held.**

For seven (7) days following the electronic filing of the register or record of a transaction into the GFPD database under this section, operators shall not dispose of the property purchased or taken, alter the property from the form in which it was received, or transfer the property to another location.

**5.3.3.040 Violation; penalty.**

- A. Subject to subsection (B.) of this section, each operator who violates this chapter shall be fined one hundred dollars (\$100.00) for each item received by operator, that the customer illegally obtained, or did not have authority to deposit, pledge, sell, trade, barter, consign, or exchange, or otherwise provide to operator.



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- B. This fine will be waived if the operator has properly and timely reported the item or items into the police database.
- C. All fines collected under this section will be directed to the Police Department for maintenance of the designated database.

**5.3.3.050 Extensions; exclusions.**

The Chief of Police, or designee, may for good cause shown, grant an operator a written extension to the deadlines herein, or an exclusion from these requirements based upon the type or value of property.

**Article 4 ALCOHOLIC BEVERAGES**

**Sections:**

5.3.4.010 Definitions.

5.3.4.020 Alcoholic beverage license required.

5.3.4.030 Special alcoholic beverage license required.

5.3.4.040 Catering license required.

5.3.4.050 Teen night license.

5.3.4.060 Sales within six hundred feet of a church or school.

**5.3.4.010 Definitions.**

The following words and phrases when used in this article shall have the following meanings:

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;
- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of un-malted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "Beer" means:

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1. an alcoholic malt beverage containing not more than 8.75% of alcohol by volume; or
  2. an alcoholic beverage containing not more than 14% alcohol by volume:
    - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
    - ii. in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
- E. "License" means a license issued by this City to a qualified person, under which it is lawful either for the licensee to brew, sell or dispense beer or to sell and dispense liquor, respectively, as provided in this chapter.
- F. "Premises" means the building or specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the retailer operates a sidewalk café, open-air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from said building. Where a retailer conducts as a single business enterprise two (2) or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one (1) bar to another without leaving the premises, the various bars shall be regarded as but one (1) premises for which but one (1) license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.
- G. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- H. "Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.
- I. "Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than one-half of one (0.5) percent but not more than twenty-four (24) percent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

**5.3.4.020 Alcoholic beverage license required.**

- A. Any person or business brewing, selling, or dispensing beer, wine, liquor, or other alcoholic beverage must obtain a City alcoholic beverage license in addition to other permits or licenses which may be required.

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- B. Such license shall authorize the conduct of business under one of the following specific categories:
  - 1. beer;
  - 2. beer and wine; or
  - 3. all-alcoholic beverages.
- C. This section does not pertain to individuals' home brewing for personal consumption.

**5.3.4.030 Special event alcoholic beverage license required.**

A Special Event Alcoholic Beverage License or Permit is required in addition to the State's special permit or license for beer or beer and wine. The Special Alcoholic Beverage License shall be in effect for the period established by the State and will expire at the end of that period.

**5.3.4.040 Catering license required.**

Any person or business providing off-premises food or non-alcoholic beverages to third parties must obtain a City Catering license in addition to other permits or licenses required under this Title. This does not pertain to individuals' home food or non-alcoholic beverage preparation for personal consumption.

**5.3.4.050 Additional Catering endorsement required.**

- A. An Alcohol Beverage license, or a Special Event Alcoholic Beverage License, and a Catering License or Endorsement are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or licenses;
- B. Any alcoholic beverages licensee may obtain an Special Event Alcoholic Beverage License or Permit with a Catering Endorsement, as applicable, for all the catering and/or sale of alcoholic beverages, to persons attending a special event, upon premises within the City not otherwise licensed for the sale of alcoholic beverages;
- C. Any Alcoholic Beverages licensee and/or Special Event Alcoholic Beverage licensee, with an Alcoholic Catering Endorsement, shall at least seventy-two hours prior to each special event, submit a license application describing the location of the event, the nature of the event, and the period during which the event is to be held; and
- D. Special Event Alcoholic and/or Catering Licensees will indemnify, defend and hold harmless the City from any and all claims, damages, losses and expenses arising from the event. The Licensee shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, and list the City as an additional named insured under the policy. Documentation of such insurance must be provided to the City at least 72 hours prior to the event.

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**5.3.4.060 Teen night license.**

A license will be issued by the Planning and Community Development Department, or other authorized designee, to any person for any premises within the City, where beer or liquor is sold, for the purpose of establishing and conducting a teen night where:

- A. Any and all Alcoholic Beverages on the premises have been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night;
- B. All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night;
- C. The only patrons permitted on the premises other than the proprietor, his employees, and parents of patrons shall be individuals verifying identification through current high school identification and/or driver's license cards between 6:00 p.m. and thirty (30) minutes prior to curfew and anyone verifying their age over eighteen (18) after curfew on designated days of the week;
- D. Registration of the name, age, and address of the licensee's employees (a minimum of four (4)) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three (3) times per hour while the premises is open as a teen night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, Alcoholic Beverages, weapons, or any other dangerous substances are excluded from the premises except Alcoholic Beverages that may have otherwise been locked away and secured thereon.
- E. Anyone under the influence of drugs or alcohol shall be excluded from the premises. Where any violations of this Code or laws of the State of Montana are observed, security personnel shall immediately notify the GFPD.
- F. For so long as the premises is open as a teen night, smoking of tobacco or vapor products as defined under the Montana Code Annotated, including Mont. Code Ann. §16-11-302, shall be prohibited on the premises, and notice thereof shall be conspicuously posted.
- G. If an establishment is unable to abide by these provisions, the City teen night license may be revoked in accordance with licensing procedures.

**Article 5 NON-RESIDENT VENDOR LICENSE**

**Sections:**

5.3.5.010 Non-resident vendor license required.

5.3.5.020 Non-resident merchant special business license required.

5.3.5.030 Non-resident service contractor special business license required.

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**5.3.5.010 Non-resident vendor license required.**

- A. Each individual engaging in Non-Resident Vendor business or commercial enterprise within the City, must first obtain a Non-Resident Vendor license. The Non-Resident Vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale.
- B. No vendor shall park a vehicle, or any other movable temporary device, on any public street, alley, or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle, or other moveable device within three hundred (300) feet of the original location is considered one (1) location.
- C. The Non-resident Vendor License can be obtained from the Planning and Community Development Department during regular working hours.
- D. A short-term Non-Resident Vendor License may be granted on a short-term basis and shall be good for one (1) week from the date of issuance. A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.
- E. The City reserves the right to deny or revoke a license, upon receiving written citizen complaints regarding the vendor, merchandise, or practices.

**5.3.5.020 Non-resident merchant special business license required.**

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Merchant must first obtain a Non-Resident Merchant special business license from the City of Great Falls. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise.
- B. A Non-Resident Merchant may apply for a Non-Resident Merchant special business license from the Planning and Community Development Department during normal business hours.
- C. The license is valid for a period of six (6) months and may be renewed once thereafter during in any twelve-month period.
- D. The City reserves the right to deny or revoke, upon written complaint, a Non-Resident Merchant special business license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

**5.3.5.030 Non-resident service contractor special business license required.**

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Service Contractor, must first obtain a Non-Resident Service Contractor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service.

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- B. A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor special business license from the Planning and Community Development Department during normal business hours.
- C. This Non-Resident Service Contractor special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
- D. The City reserves the right to deny, or revoke, a Non-Resident Service Contractor license for just cause, upon written complaint, with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.

## **Article 6 FALSE ALARMS**

### **Sections:**

5.3.6.010 Definitions.

5.3.6.020 Audible alarm requirements.

5.3.6.030 Agent permit required.

5.3.6.040 Exemptions.

5.3.6.050 Penalty.

### **5.3.6.010 Definitions.**

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system.
- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in, or on, any building, structure, or facility.
- C. "Alarm system" means any mechanical or electrical device which is designed, or used for, the detection of an unauthorized entry into a building, structure, or facility; or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both; and which emits a sound or transmits a signal or message when actuated. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:
  - 1. direct dial telephone devices; and

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2. audible alarms and proprietor alarms.
- D. "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.
- E. "False alarm" means an alarm signal actuated by inadvertence, negligence, or unintentional act necessitating response by the Great Falls Police Department, including alarms caused by the malfunction of the alarm system, except the following:
1. alarms caused by repair of telephone or communication equipment or lines;
  2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;
  3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and
  4. alarms caused by power outages.
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- G. "Subscriber" means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or for the servicing maintenance of an alarm system from an alarm business.

**5.3.6.020 Audible alarm requirements.**

- A. Every person maintaining an audible alarm shall notify the Police Department with names and telephone numbers of the persons to be notified to render repairs of service, and secure the premises, during any hour of the day or night that the alarm is actuated.
- B. Whenever any change occurs relating to the required written information, the applicant shall give written notice thereof to the Great Falls Police Department of such change.

**5.3.6.030 Alarm Agent permit required.**

- A. All persons engaged in alarm business to repair, service, alter, replace, remove, design, sell, lease, maintain, or install alarm systems, shall obtain an Alarm Agent Permit in accordance with the provisions of this title.
- B. The Alarm Agent permittee shall have in their possession an Alarm Agent permit while engaged in alarm related business or activities.

**5.3.6.040 Exemptions.**

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter do not include a person who engages in the manufacture for sale of an alarm system from a fixed location, and who neither visits the location

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where the alarm system is to be installed nor designs the scheme for physical location and installation of the alarm system in a specific location.

**5.3.6.050 Penalty.**

Where an alarm system actuates the following number of false alarms in any calendar year, the business or system owner will be charged as follows:

- A. False Alarms one (1) through three (3); written notice to permittee;
- B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).

**Article 7 EMERGENCY MEDICAL SERVICES LICENSES**

**Sections:**

5.3.7.010 Definitions.

5.3.7.020 License required.

5.3.7.030 Criteria for license.

5.3.7.040 Cancellation of license.

5.3.7.050 Notice and hearing required.

5.3.7.060 Existing services.

5.3.7.070 Exemptions.

**5.3.7.010 Definitions.**

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Ambulance" means a privately or publicly owned motor vehicle, or aircraft that is maintained and used for the transportation of medical patients.
- B. "Emergency Medical Services" means a pre-hospital emergency medical transportation or treatment service provided by an ambulance or similar vehicle.
- C. "License Certificate" means the City Emergency Medical Services License issued, or renewed, to any person engaging in the ambulance service business. A new Emergency Medical Services license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.
- D. "License Year" means a fiscal year from July 1 through June 30 of each calendar year.
- E. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated. The term does not include a person who is non-ambulatory, and who needs



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transportation assistance solely because that person is confined to a wheel chair as the person's usual means of mobility.

- F. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.
- G. "Public Convenience and Necessity" means qualified, fit, able, and willing to perform and provide emergency medical service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the emergency medical service within the City.

#### **5.3.7.020 License required.**

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining an Emergency Medical Services license as provided in this chapter.
- B. All Emergency Medical Services licenses shall be valid for a City license year, or for the remainder thereof. An Emergency Medical Services license shall expire at the conclusion of each licensure year, and shall be renewable subject to the ability to meet the standards set by the City and the State Department of Health and Human Services, as to fitness and ability to provide emergency medical services.
- C. No Emergency Medical Services license shall be issued under this chapter, to any new applicant, unless the City Commission shall, after conducting a public hearing and review, finds that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing, and able to perform such public transportation, and to operate in compliance with Montana state law and the provisions of this chapter.
- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of an Emergency Medical Services License certificate of public convenience and necessity stating the name and address of the applicant, the location of the emergency medical service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another emergency medical service provider, the application shall be denied. Existing emergency medical services providers may continue to operate within the City, provided they comply with the provisions of this chapter and are in compliance with Montana state law.
- E. There must be paid to the City, with each application for, or renewal of, an Emergency Medical Services license, a license fee that shall be set by City Commission resolution.
- F. An Emergency Medical Services license is not transferable.
- G. An Emergency Medical Services license is non-exclusive.

#### **5.3.7.030 Criteria for license.**

Any person desiring to obtain an Emergency Medical Services license required by this chapter shall demonstrate the ability to meet the requirements of Title 8, Chapter 9 of this Code.

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**5.3.7.040 Revocation of license.**

The City may revoke an Emergency Medical Services license, if it finds that the licensee has:

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls Emergency Communications Center Policy Manual; and
- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City.

**5.3.7.050 Notice and hearing required.**

- A. The City may deny or revoke an Emergency Medical Services license subject to:
  - 1. delivery to the applicant or licensee of a written statement of the grounds for denial or revocation of the subject license; and
  - 2. the opportunity for the applicant or licensee to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or revoked.
- B. Within ten (10) days of the written statement of grounds for denial or revocation, any applicant or licensee desiring a hearing before the City Commission shall make written application to the City Clerk's office requesting a hearing and stating the reasons for the applicant or licensee's request.

**5.3.7.060 Exemptions.**

The provisions and requirements of this chapter shall not apply to:

- A. The Great Falls Fire Rescue Department, except as provided in Montana state licensing requirements from the State's Board of Medical Examiners and the Department of Health and Environmental Services;
- B. Any person providing emergency medical services outside the City, who in the course of providing such services, transports a patient from outside the City into, or through, the City; and
- C. Any person providing emergency medical services within the City, who is providing such services at the request of the City, pursuant to a written mutual aid agreement, between the City and the person.

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**Article 8 PLUMBING CONTRACTOR'S LICENSE**

**Sections:**

- 5.3.8.010 Plumbing Contractor licensing.
- 5.3.8.020 Licensing application.
- 5.3.8.030 Insurance and bond.
- 5.3.8.040 License term.
- 5.3.8.050 License fee.

**5.3.8.010 Plumbing contractor licensing.**

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance, or repair of plumbing and drainage systems is required to have a plumbing contractor's license.

**5.3.8.020 Licensing application.**

An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.

**5.3.8.030 Insurance and bond.**

All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued.

**5.3.8.040 License term.**

- A. Except as provided in subsection (B.) of this part, all licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.
- B. Applications after December 1, will receive licenses valid for the remainder of the year plus the next calendar year.

**5.3.8.050 License fee.**

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution.

**Article 9 PLUMBER LICENSING**

**Sections:**

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5.3.9.010 Plumber certificate required.

5.3.9.020 Certificate fee.

**5.3.9.010 Plumber certificate required.**

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate issued by the Planning and Community Development Department. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.9.020 Certificate fee.**

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution.

**Article 10 MEDICAL GAS SYSTEMS**

**Sections:**

5.3.10.010 Contractor licensing.

5.3.10.020 Application.

5.3.10.030 Insurance and bond.

5.3.10.040 Medical gas contractor license fee.

5.3.10.050 Medical gas systems certificate required.

5.3.10.060 Medical gas contractor certificate fee.

**5.3.10.010 Contractor licensing.**

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractor's license issued by the Planning and Community Development Department. Medical gas is defined by Title 15 of this Code. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.10.020 Application.**

An applicant for a medical gas systems contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.

**5.3.10.030 Insurance and bond.**

An applicant for a medical gas systems contractor's license shall meet the requirements of 5.3.8.030.

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**5.3.10.040 Medical gas contractor license fee.**

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.

**5.3.10.050 Medical gas systems certificate required.**

Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate.

**5.3.10.060 Medical gas contractor certificate fee.**

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**Article 11 FUEL GAS PIPING SYSTEMS**

**Sections:**

- 5.3.11.010 Gas fitting contractor licensing.
- 5.3.11.020 License application.
- 5.3.11.030 Insurance and bond.
- 5.3.11.040 Gas fitting contractor's license fee.
- 5.3.11.050 Gas fitter's certificate.
- 5.3.11.060 Certificate application.
- 5.3.11.070 Gas fitting certificate fee.

**5.3.11.010 Gas fitting contractor licensing.**

Any person, firm, corporation, or any other entity who engages in the business of installation, alteration, maintenance, or repair of gas piping systems is required to have a gas fitting contractor's license issued by the Planning and Community Development Department. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.11.020 License application.**

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An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm, corporation, or entity is the holder of a current gas fitters certificate.

**5.3.11.030 Insurance and bond.**

An applicant for a gas fitting contractor's license shall meet the requirements of 5.3.8.030.

**5.3.11.040 Gas fitting contractor's license fee.**

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.

**5.3.11.050 Gas fitter's certificate.**

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitter's certificate. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.11.060 Certificate application.**

- A. A person or entity desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant.
- B. A fee of twenty dollars (\$20.00) shall be paid for each examination.
- C. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official.
- D. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination.
- E. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two (2) years.

**5.3.11.070 Gas fitting certificate fee.**

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal.

**Article 12 ELECTRICAL CONTRACTING**

**Sections:**

- 5.3.12.010 Electrical contractor's license.
- 5.3.12.020 Electrical contractor's license application.
- 5.3.12.030 Insurance and bond.
- 5.3.12.040 Electrical contractor's license fee.
- 5.3.12.050 Individual wiring certificate.
- 5.3.12.060 Individual wiring certificate application.
- 5.3.12.070 Individual wiring certificate fee.

**5.3.12.010 Electrical contractor's license.**

Any person, firm, corporation, or other entity engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License issued by the Planning and Community Development Department. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City. Licenses and Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

**5.3.12.020 Electrical contractor's license application.**

- A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that:
  - 1. all work is under the direction, control, and supervision of a licensed master electrician; or
  - 2. under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five (5) living units in a single structure. Journeyman, master, and residential electricians are as defined and licensed under authority of the Mont Code Annotated and hold a current contractor's license issued by the State.
- B. The applicant shall also file an insurance policy or certificate as required by Section 5.3.12.030.

**5.3.12.030 Insurance and bond.**

## Exhibit "B"

### Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- A. All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.
- B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two (2) years of business. If performance under the bond is satisfactory, the City may release the contractor from further posting of the bond.
- C. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Adjustment shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.

#### **5.3.12.040 Electrical contractor's license fee.**

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.

#### **5.3.12.050 Individual wiring certificate.**

Any person who is, or in the future may become, engaged in the trade or calling of a journeyman or residential electrician in the City is required to have an individual wiring certificate issued by the Planning and Community Development Department.

#### **5.3.12.060 Individual wiring certificate application.**

An applicant for an individual wiring certificate shall submit evidence to the Building Official that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Mont. Code Ann. Title 37.

#### **5.3.12.070 Individual wiring certificate fee.**

The fee shall be established by resolution of the City Commission.

## **Chapter 16 CATV REGULATIONS**

### **Sections:**



Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Repealed.

**Chapter 20    RESERVED**

**Editor's note**— Ord. No. 3115, § 2, adopted Dec. 17, 2013, repealed Tit. 5, Chapter 20, which pertained to establishing and operating an electric utility and derived from Ord. 2861, 2003; and Ord. 2925, 2005.

(Ord. 3168, 2017; Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2865, 2003; Ord. 2764, 2000; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1).



**Item:** Ordinance 3171, “An Ordinance Establishing Title 4, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Telecommunication Facilities.”

**From:** Joseph P. Cik, Assistant City Attorney

**Initiated By:** Sara R. Sexe, City Attorney

**Presented By:** Sara R. Sexe, Assistant City Attorney

**Action Requested:** Accept Ordinance 3171 on first reading and set public hearing for October 17, 2017.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3171 on first reading and set the public hearing for October 17, 2017.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3171 on first reading and set the public hearing for October 17, 2017.

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with state and federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration would establish Title 4 of the OCCGF titled “Telecommunication Facilities”. Currently, the OCCGF has no Title 4.

The Commission is also, at this time, considering Ordinance 3168 that would repeal and replace OCCGF Title 5. When staff began consideration to the revisions to Title 5, discussion began regarding

regulations contained therein pertaining to “Telecommunications Facilities.” It was determined that having these regulations in Title 5 was not appropriate. OCCGF Title 5 pertains to business licenses, permits, and safety inspection certificates. The telecommunication facilities regulations are substantive infrastructure regulations that would be more appropriately located in a separate title.

Additionally, staff wishes to enact the substantive changes proposed in Ordinance 3168 before the end of the 2017 calendar year. Staff intends to conduct a detailed and thorough review of the OCCGF telecommunication facilities regulations, in the interim, to determine if significant changes are needed. By adopting Ordinance 3171, the Commission will allow for the current regulations to remain in place while giving staff sufficient time for an appropriate review.

Ord. 3171 Exhibit “A” is a document illustrating proposed OCCGF Title 4 in its entirety.

**Alternatives:**

1. The Commission could not accept Ordinance 3171 on first reading and not set public hearing; or
2. The Commission could suggest revisions for staff consideration.

ATTACHMENTS:

- Ordinance 3171
- Ord. 3171 Exhibit "A"

**ORDINANCE 3171**

**AN ORDINANCE ESTABLISHING TITLE 4 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO TELECOMMUNICATION FACILITIES.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 5 of the OCCGF outlining provisions pertaining to Business License and Safety Inspection Certificate; and

**WHEREAS**, OCCGF Title 5 also contains regulations regarding telecommunication facilities; and

**WHEREAS**, the City Commission believes regulations regarding telecommunication facilities would be more appropriately located in a separate title within the OCCGF; and

**WHEREAS**, a Title 4 of the OCCGF does not currently exist; and

**WHEREAS**, the City Commission wishes to continue to regulate the construction and maintenance of telecommunication facilities within the incorporated City limits.

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

Section 1. The City Commission hereby establishes OCCGF Title 4 titled "Telecommunication Facilities".

Section 2. All regulations regarding telecommunication facilities shall be written as depicted in Exhibit "A" attached hereto; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

\_\_\_\_\_  
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 3171 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

## **Title 4 TELECOMMUNICATION FACILITIES**

### **Chapter**

Chapter 1 – GENERAL PROVISIONS

Chapter 2 – TELECOMMUNICATION FACILITY REGULATIONS

## **Chapter 1 GENERAL PROVISIONS**

### **Sections:**

4.1.010 Purpose.

4.1.020 Definitions.

4.1.030 Exempt Facilities

4.1.040 General requirements.

4.1.050 Registration of telecommunications carriers and providers.

4.1.060 Use agreement.

4.1.070 Non-exclusive grant.

4.1.080 Rights granted.

4.1.090 Exempt facilities - basic requirements.

### **4.1.010 Purpose.**

- A. The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of Great Falls while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations and encouraging managed development of telecommunications infrastructure.
- B. It is furthermore intended that, to all extent permitted by law, the City shall apply these regulations to specifically accomplish the following:
  - 1. Protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation;
  - 2. Ensure against the creation of visual blight within or along the City's scenic corridors and ridgelines;
  - 3. Retain local responsibility for, and control over, the use of public rights-of-way and easements to protect citizens and enhance the quality of their lives;
  - 4. Protect the inhabitants of Great Falls from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);
  - 5. Protect the environmental resources of Great Falls;

Exhibit "A"  
Title 4 TELECOMMUNICATION FACILITIES

6. Ensure that a competitive and broad range of telecommunications services and high-quality telecommunications infrastructure are provided to serve the business community;
7. Create and preserve telecommunication facilities that will serve as an important, and effective, part of Great Falls' emergency response network;
8. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities, while at the same time, protecting the legitimate interests of Great Falls citizens; and
9. Provide for the charging of reasonable, competitively neutral, and non-discriminatory fees for use of the public right-of-way by telecommunication providers.

**4.1.020 Definitions.**

Unless otherwise specified, the following words and phrases when used in this Article shall have the following meanings:

- A. "Antenna" means any system or specific device the surface of which is used to capture an incoming, and/or to transmit, an outgoing radio frequency signal. Antennas include the following types:
  1. "Building Mounted Antenna" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than ten (10) feet tall and six (6) inches in diameter, or structure other than a telecommunication tower.
  2. "Directional Antenna" (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.
  3. "Ground Mounted Antenna" means any antenna with its base, single or multiple posts, placed directly on the ground.
  4. "Omni-directional Antenna" transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this Title, an omni-directional antenna is up to fifteen (15) feet in height and up to four (4) inches in diameter.
  5. "Parabolic Antenna" (also known as a "satellite dish" antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic, or radio frequency communication/signals, in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.
  6. "Portable Antenna" means any device used to transmit and/or receive electromagnetic, or radio frequency, communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.
  7. "Vertical Antenna" means a vertical type antenna, without horizontal cross-sections greater than one-half (½) inch in diameter.
- B. "Co-location" - see telecommunication facility - co-located.

Exhibit "A"  
Title 4 TELECOMMUNICATION FACILITIES

- C. "Commercial Use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other consideration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.
- D. "Direct Broadcast Satellite Service" (DBS) is a system in which signals are transmitted directly from a satellite to a small (not exceeding eighteen (18) inches) home receiving dish. DBS competes with cable television.
- E. "Equipment Building, Shelter or Cabinet" means a cabinet, or building, used to house equipment used by telecommunication providers to house equipment at a facility.
- F. "Inhabited Area" means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.
- G. "Lattice Tower" means a self-supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.
- H. "Monopole" means a wireless communication facility which consists of a monopolar structure erected on the ground to support wireless communication antennas and connecting appurtenances.
- I. "NIER" means non-ionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).
- J. "Public Service Use or Facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste or storm water management, public education, parks and recreation, fire and police protection, solid waste management, transportation, or utilities.
- K. "Public Way" means, and includes, all public streets and utility easements, now and hereafter owned by the City, but only to the extent of the City's right, title, interest, or authority to grant a license to occupy and use such streets or easements for telecommunications facilities.
- L. "Quasi-Public Use" means a use serving the public at large, and operated by a private entity under a non-exclusive franchise, or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.
- M. "Readily Visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.
- O. "Related Equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.
- P. "Satellite Earth Station" means a telecommunication facility consisting of more than a single satellite dish, smaller than ten (10) feet in diameter, that transmits to and/or receives signals from an orbiting satellite.
- Q. "Silhouette" means a representation of the outline of the towers and antenna associated with a telecommunication facility, as seen from an elevation perspective.
- R. "Structure Ridgeline" means the line along the top of a roof or top of a structure, if it has no roof.



Exhibit "A"

Title 4 TELECOMMUNICATION FACILITIES

- S. "Telecommunication Facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
- T. "Co-located Telecommunication Facility" means a telecommunication facility comprised of a single telecommunication tower or building supporting one (1) or more antennas, dishes, or similar devices owned or used by more than one (1) public or private entity.
- U. "Commercial Telecommunication Facility" means a telecommunication facility that is operated primarily for a business purpose or purposes.
- V. "Multiple User Telecommunication Facility" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public or private entity, excluding research and development industries with antennas to serve internal uses only.
- W. "Non-Commercial Telecommunications Facility" means a telecommunication facility that is operated solely for a non-commercial purpose.
- X. "Telecommunications Tower" means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one or more antenna, dishes arrays, etc. shall be considered a telecommunications tower.
- Y. "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves, and waste. Waste includes materials to be recycled, reconditioned, or reclaimed.

**4.1.030 Exempt telecommunication facilities.**

- A. "Exempt Telecommunications Facilities" include, but are not limited to, the following unless located within a recognized Historic District:
  - 1. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located, with an antenna height not exceeding twenty-five (25) feet for the ground surface;
  - 2. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five (35) feet;
  - 3. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed eighty (80) feet;
  - 4. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six (36) inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel;
  - 5. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this section;

Exhibit "A"  
Title 4 TELECOMMUNICATION FACILITIES

6. Mobile services providing public information coverage of news events of a temporary nature;
7. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning and Community Development Director; and
8. City government owned or public service use/facility owned (as described in 4.1.020(J.)) and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, waste water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, public education and transportation with heights not exceeding thirty-five (35) feet.

**4.1.040 General requirements.**

The following requirements shall be met for all non-exempt Telecommunications Facilities in any zoning district:

- A. Obtain any applicable permit requirements of any agencies which have jurisdiction over the project;
- B. All the requirements established by the other chapters of the OCCGF that are not in conflict with the requirements contained in this chapter;
- C. Compliance with the Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;
- D. Compliance with any applicable Airport land use compatibility criteria or policies and Federal Aviation Administration regulations;
- E. Compliance with any applicable easements, or similar restrictions, on the subject property including adopted PUD standards;
- F. Facilities and antennas cannot be located in any required yard setback area of the zoning district in which it is located;
- G. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure;
- H. All commercial telecommunication facilities and antennas shall comply, at all times, with all Federal Communications Commission (FCC) rules, regulations, and standards;
- I. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function; and
- J. All telecommunications carriers and providers engaged in the business of transmitting, supplying, or furnishing of telecommunications originating, or terminating, in the City shall register with the City pursuant to section 4.1.050 of this chapter.

**4.1.050 Registration of telecommunications carriers and providers.**

- A. All telecommunications carriers and providers that offer, or provide, any telecommunications services for a fee directly to the public, either within the City of Great Falls, or outside the corporate limits from telecommunications facilities within the City,

Exhibit "A"  
Title 4 TELECOMMUNICATION FACILITIES

shall register with the City pursuant to this article on forms to be provided by the Planning and Community Development Director, which shall include the following:

1. the identity and legal status of the registrant, including any affiliates;
  2. the name, address, and telephone number of the officer, agent, or employee responsible for the accuracy of the registration statement;
  3. a narrative and map description of registrant's existing, or proposed, telecommunications facilities within the City of Great Falls;
  4. a description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses, or institutions within the City;
  5. information sufficient to determine that the applicant has applied for and received any construction permit, operating license, or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the City; and
  6. such other information as the Planning and Community Development Director may reasonably require.
- B. Each application for registration as a telecommunications carrier or provider shall be accompanied by a non-resident business certificate fee as set forth by City Commission resolution.
- C. The purpose of registration under this section is to:
1. provide the City with accurate and current information concerning the telecommunications carriers and providers who offer, or provide, telecommunications services within the City, or that own or operate telecommunication facilities with the City;
  2. assist the City in enforcement of this chapter;
  3. assist the City in the collection and enforcement of any license fees or charges that may be due the City, and
  4. assist the City in monitoring compliance with local, state, and federal laws.
- D. Each registrant shall inform the City, within sixty (60) days of any change of the information set forth in section 4.1.050.

**4.1.060 Use agreement.**

No permit approval granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy public property of the City will be granted.

**4.1.070 Non-exclusive grant.**

No approval granted under this section shall confer any exclusive right, privilege, license, or exclusive franchise to occupy or use the public rights of way or easements of the City for delivery of telecommunications services or any other purposes.

Exhibit "A"  
Title 4 TELECOMMUNICATION FACILITIES

**4.1.080 Rights granted.**

No approval granted under this section shall convey any right, title, or interest in the public rights of way or easements, but shall be deemed approval only to use and occupy the public ways for the limited purposes and terms stated in the approval. Further, no approval shall be construed as any warranty of title.

**4.1.090 Exempt facilities - basic requirements.**

Exempt facilities defined in Section 4.1.030 of this chapter may be installed, erected, maintained, and/or operated in any residential zoning district except recognized Historic Districts, where such antennas are permitted under this Title, without benefit of a building permit or other entitlement process, provided all the following conditions are met:

- A. The antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;
- B. In a residential zone, no more than one (1) satellite dish eight (8) feet or less in diameter, is allowed on the parcel and, no more than three (3) support structures for licensed amateur radio operators are allowed on a parcel; and
- C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

**Chapter 2 TELECOMMUNICATION FACILITY REGULATION**

**Sections:**

- 4.2.010 Telecommunications facilities - minimum application requirements.
- 4.2.020 Telecommunications facilities - standard agreements required.
- 4.2.030 Telecommunications facilities - life permits.
- 4.2.040 Telecommunication facilities - structural requirements
- 4.2.050 Telecommunications facilities - basic tower and building design.
- 4.2.060 Telecommunication facilities - location.
- 4.2.070 Telecommunication facilities - height determination.
- 4.2.080 Telecommunication facilities - co-located and multiple-user facilities.
- 4.2.090 Telecommunications facilities - lighting.
- 4.2.100 Telecommunications facilities - roads and parking.
- 4.2.110 Telecommunications facilities - vegetation protection and facility screening.
- 4.2.120 Telecommunication facilities - fire prevention.
- 4.2.130 Telecommunication facilities - environmental resource protection.
- 4.2.140 Telecommunications - noise and traffic.
- 4.2.150 Telecommunication facilities - visual compatibility.

Exhibit "A"  
Title 4 TELECOMUNICATION FACILITIES

- 4.2.160 Telecommunications facilities - NIER exposure.
- 4.2.170 Telecommunication facilities - exemptions.
- 4.2.180 Telecommunication facilities - public notice.
- 4.2.190 Ambiguity.
- 4.2.200 Appeal.
- 4.2.210 Statutory severability.

**4.2.010 Telecommunications facilities - minimum application requirements.**

The following are the minimum application criteria applicable to all non-exempt telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, or other conditions may also be necessary. All non-exempt Telecommunications Facilities shall comply with the following:

- A. The Planning and Community Development Director shall establish, and maintain, a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to:
  - 1. completed supplemental project information forms;
  - 2. a specific maximum requested gross cross-sectional area, or silhouette, of the facility;
  - 3. service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages;
  - 4. visual impact analysis;
  - 5. NIER (non-ionizing electromagnetic radiation) exposure studies;
  - 6. title reports identifying legal access, security considerations, lists of other nearby telecommunication facilities known to the City;
  - 7. master plan for all related facilities within the City limits and within one-quarter (¼) mile there from; and
  - 8. facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the Director.
- B. The Planning and Community Development Director may release an applicant from having to provide one (1) or more of the pieces of information on this list, upon a finding that in the specific case involved, said information is not necessary to process, or make a decision regarding, the application being submitted;
- C. The Planning and Community Development Director is explicitly authorized, at his/her discretion to employ on behalf of the City, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need, or unavailability of alternatives, is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City.
- D. A permit shall be issued by the Planning and Community Development Department when the minimum application requirements have been met.

Exhibit "A"  
Title 4 TELECOMMUNICATION FACILITIES

**4.2.020 Telecommunications facilities - standard agreements required.**

- A. A maintenance/facility removal agreement signed by the applicant shall be submitted to the Planning and Community Development Director, prior to approval of the building permit or other entitlement, for use authorizing the establishment or modification of any telecommunications facility which includes:
  - 1. a telecommunication tower;
  - 2. one (1) or more new buildings/equipment enclosures larger in aggregate than three hundred (300) square feet;
  - 3. more than three (3) satellite dishes of any size; or
  - 4. a satellite dish larger than four (4) feet in diameter.
- B. Said agreement shall bind the applicant, and the applicant's successors-in-interest, to properly maintain the exterior appearance of, and ultimately the removal of, the facility in compliance with the provisions of this chapter and any conditions of approval.
- C. The agreement shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform.
- D. The agreement shall also specifically authorize the City and/or its agents to enter onto the property and undertake any performance pursuant to the agreement under the following conditions:
  - 1. The Planning and Community Development Director has first provided the applicant the following written notices:
    - i. an initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least forty-five (45) calendar days to complete it; and
    - ii. a follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the City's intent to commence the required work within ten (10) working days.
- E. The applicant may file an appeal pursuant to section 4.2.200 within fourteen (14) working days of the notice required under this Title. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work; if the appeal is dismissed or final action taken in favor of the City.
- F. All costs incurred by the City to undertake any work required to be performed by the applicant, pursuant to the agreement, referred to in Section 4.1.060 including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The agreement shall specifically require the applicant to immediately cease operation of the telecommunication facility involved, if the applicant fails to pay the moneys demanded within ten (10) working days. It shall further require that operation remain suspended until such costs are paid in full.
- G. The standard agreement required by Section 4.1.060 shall include, but not be limited to, the following stipulations agreed to by the applicant:
  - 1. Owners of telecommunication facilities shall be strictly liable for any and all sudden, accidental, and gradual pollution resulting from their use within the City of Great Falls. This liability shall include cleanup, intentional injury, or damage to persons or property. Additionally, telecommunication facilities lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations.

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2. The telecommunication facility provider shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state law, federal regulations, and/or local ordinances. The City shall promptly notify the provider(s) of any such claim, action, or proceeding. The City shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

**4.2.030 Telecommunications facilities - life permits.**

- A. A permit issued pursuant to this chapter, authorizing establishment of a non-exempt telecommunication facility, shall be reviewed every year.
- B. Costs associated with the review process shall be borne by the telecommunication facility owner/provider.
- C. Grounds for revocation of the permit shall be limited to a finding that:
  1. the use involved is no longer allowed in the applicable zoning district;
  2. the facility fails to comply with the relevant requirements of this Title as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Planning and Community Development Director that the facility will be brought into compliance within one hundred twenty (120) calendar days;
  3. the permittee has failed to comply with the conditions-of-approval imposed;
  4. the facility has not been properly maintained; or
  5. the facility has not been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of universal service at affordable rates.
- D. The grounds for appeal of issuance of a renewal shall be limited to a showing that one (1) or more of the situations listed above do in fact exist or that the notice required under this Title was not provided.
- E. If a permit for use is not renewed, it shall automatically become null and void without notice or hearing two (2) years after it is issued or upon cessation of use for more than a year and a day, whichever comes first.
- F. Unless a new permit or entitlement of use is issued, within one hundred twenty (120) calendar days, thereafter all improvements installed including their foundations down to three (3) feet below ground surface shall be removed from the property, and the site shall be restored to its natural pre-construction state within one hundred twenty (120) calendar days of non-renewal or abandonment.
- G. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Planning and Community Development Director that these sections of road are necessary to serve some other allowed use of the property, that is permitted, or is currently present or to provide access to adjoining parcels.

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**4.2.040 Telecommunication facilities - structural requirements**

- A. No telecommunication facility shall be designed, and/or sited, such that it poses a potential hazard to nearby residences or surrounding properties or improvements.
- B. Any non-exempt telecommunication tower, located at a distance of less than one hundred ten (110) percent of its height from an inhabited area or other tower shall be designed, and maintained to withstand without failure, the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging.
- C. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural engineer, licensed by the State of Montana, describing;
  - 1. The tower structure;
  - 2. Specifying the number and type of antennas it is designed to accommodate; and
  - 3. Providing the basis for the calculations done, and documenting the actual calculations performed.
- D. Proof of ongoing compliance shall be provided via submission to the Planning and Community Development Director at least every five (5) (self-supporting and guyed towers)/ten (10) (monopoles) years of an inspection report prepared by a Montana-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the Building Official may require repair or, if a serious safety problem exists, removal of the tower.

**4.2.050 Telecommunications facilities - basic tower and building design.**

All non-exempt telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. All the following measures shall be implemented:

- A. Telecommunication towers shall be constructed out of metal, or other non-flammable material, unless specifically conditioned by the City to be otherwise;
- B. Telecommunication towers taller than thirty-five (35) feet shall be monopoles or guyed/lattice towers, except where satisfactory evidence is submitted to the Planning and Community Development Director that a self-supporting tower is required to provide the height, and/or capacity, necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes;
- C. Satellite dishes, other than microwave dishes, shall be of mesh construction, except where technical evidence is acceptable to the Planning and Community Development Director is submitted showing that this is infeasible;
- D. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible;



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- E. Telecommunication support facilities shall be no taller than one (1) story (fifteen (15) feet) in height and shall be treated to look like a building or facility typically found in the area;
- F. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile;
- G. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site, shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall minimize their visibility to the greatest extent feasible;
- H. Improvements, which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes, while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location;
- I. The project description, and permit, shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility;
- J. The silhouette shall be measured from the "worst case" elevation perspective;
- K. The City shall have the authority to require special design of the telecommunication facilities, where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features);
- L. Antennas, and supporting electrical/mechanical equipment, installed on the rooftop or above a structure shall be screened, constructed, and/or colored to match the structure to which they are attached; and
- M. Telecommunication facilities shall ensure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

**4.2.060 Telecommunication facilities - location.**

- A. Telecommunication facilities (antennas and towers) are permitted in residential districts when they are designed as an architecturally compatible accessory element to an existing non-residential use such as schools, churches, etc. and antennas mounted on existing non-residential structures (subject to location and height restrictions). These permitted antennas/towers shall be limited to forty-five (45) feet in height above original grade and are subject to site plan approval by the Design Review Board.
- B. Antennas and towers are permitted in Commercial (LB, GC, B1, B2, B3, B4 & CLM), Public Lands Institutional (PLI) and Industrial Districts subject to the following height limitations:
  - 1. Towers/antennas are permitted to a maximum height of one hundred (100) feet in Industrial Districts;
  - 2. Fifty (50) additional feet may be added to accommodate co-location, if the applicant submits information certifying the capacity of the tower for two (2) additional providers and a letter of intent, from the applicant, indicating their intent to share space;
  - 3. A lightning rod, not to exceed ten (10) feet, shall not be included within the height limitations;
  - 4. A setback, equal to twenty-five (25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board;

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5. Ground mounted towers/antennas, permitted in Commercial and PLI Districts, are limited to a maximum height of forty-five (45) feet;
  6. A setback, equal to twenty-five (25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board; and
  7. Permitted telecommunications facilities, in Commercial and PLI Districts, that are building mounted can have a tower/antenna height equal to the distance to the nearest edge of the roof.
- C. All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. All of the following measures shall be implemented for all exempt telecommunications facilities, as defined in Section 4.1.030:
1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport, or any helipad, unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;
  2. No telecommunication facility shall be installed at a location where special painting, or lighting, will be required by the FAA regulations, unless technical evidence acceptable to the Planning and Community Development Director is submitted showing that this is the only technically feasible location for this facility;
  3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Highway I-15, a public trail, public park, or other outdoor recreation area, or in property designated as a Floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;
  4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half ( $\frac{1}{2}$ ) mile from another readily visible uncamouflaged or unscreened telecommunication facility, unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the Planning and Community Development Director is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one (1) of these former sites;
  5. No telecommunication facility, that is readily visible from off-site, shall be installed on a site that is not already developed with telecommunication facilities, or other public or quasi-public uses, unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Planning and Community Development Director is submitted, showing a clear need for this facility, and the unfeasibility of co-locating it on one (1) of these former sites;
  6. Telecommunication towers shall be set back at least twenty-five (25) percent of the tower height from all property lines;
  7. Any tower or antenna located less than one hundred ten (100) percent of its height from an inhabited area must meet the requirements set forth in Section 4.2.130; and
  8. Guy wire anchors shall be set back at least twenty (20) feet from any property line.

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**4.2.070 Telecommunication facilities - height determination.**

- A. The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto.
- B. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted.
- C. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

**4.2.080 Telecommunication facilities - co-located and multiple-user facilities.**

- A. An analysis shall be prepared by, or on behalf of, the applicant, which identifies all reasonable, technically feasible, and alternative locations or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas.
- B. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
- C. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers, and necessary appurtenances, including but not limited to, parking areas, access roads, utilities, and equipment buildings shall be shared by site users when, in the determination of the Planning and Community Development Director, it will minimize overall visual impact to the community.
- D. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity.
- E. Requests for utilization of facility space and responses to such requests shall be made in a timely manner, in writing, and copies shall be provided to the City's permit files. Unresolved disputes may be mediated by the Board of Adjustment/Appeal.
- F. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility, or if it became necessary for the host to go off-line for a significant period of time.
- G. Approval for the establishment of facilities improved with an existing microwave band, or other public service use or facility, which creates interference or interference is anticipated, as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

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**4.2.090 Telecommunications facilities - lighting.**

All telecommunication facilities shall be unlit, except for the following:

- A. A manually-operated, or motion-detector controlled, light above the equipment shed door which shall be kept off except when personnel are actually present at night;
- B. The minimum tower lighting required under FAA regulation; and
- C. Where tower lighting is required, it shall be shielded, or directed to the greatest extent possible, in such a manner as to minimize the amount of light that falls onto nearby properties.

**4.2.100 Telecommunications facilities - roads and parking.**

All non-exempt telecommunication facilities shall be served by the minimum roads and parking areas necessary. The following measures shall be implemented:

- A. Existing roads shall be used for access, built using Portland or asphaltic concrete, and be upgraded the minimum amount necessary to meet standards specified by the Director of Public Works, or designee, and applicable OCCGF provisions;
- B. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses;
- C. Newly constructed roads shall meet the width and structural requirements of the Director of Public Works or designee;
- D. Existing parking areas shall, whenever possible, be used; and
- C. Any new parking areas constructed shall be kept to a minimum and will be done in Portland or asphaltic concrete.

**4.2.110 Telecommunications facilities - vegetation protection and facility screening.**

All telecommunications facilities shall be installed in such a manner to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas;
- B. The landscape plan shall be subject to approval during the site plan review process;
- C. All trees, larger than four (4) inches in diameter shall be identified in the landscape plan with indication of species type, diameter at four and one-half (4½) feet high, and whether it is to be retained or removed with project development;
- D. Existing trees, and other screening vegetation in the vicinity of the facility, along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter;

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- E. All areas disturbed during project construction other than the access road and parking areas required under Section 4.2.100 shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Planning and Community Development Director or designee;
- D. Any existing trees or significant vegetation on the site, or along the affected access area, that die shall be replaced with native trees and vegetation of a size and species acceptable to the Planning and Community Development Director or designee; and
- E. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power or telecommunication lines serving it.

**4.2.120 Telecommunication facilities - fire prevention.**

All telecommunication facilities shall be designed, and operated in such a manner, to minimize the risk of igniting a fire or intensifying one (1) that otherwise occurs. The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
- B. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures;
- C. Rapid entry systems shall be installed; and
- D. All tree trimmings, and trash generated by construction of the facility, shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.

**4.2.130 Telecommunication facilities - environmental resource protection.**

All telecommunication facilities shall be sited to minimize the effect on environmental resources. The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. No telecommunications facility, or related improvements, shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;
- B. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;
- C. The facility shall comply with all applicable Floodplain Hazard Management Regulations and Storm Drainage Control regulations;
- D. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;
- E. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and
- F. Drainage, erosion, and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways;

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- G. Structures and roads on slopes of ten (10) percent or greater shall be avoided;
- H. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten (10) percent; and
- I. Natural vegetation and topography shall be retained to the extent feasible.

**4.2.140 Telecommunications - noise and traffic.**

All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. The following measures shall be implemented for all non-exempt:

- A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the Planning and Community Development Director or designee;
- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes;
- C. If the facility is located within one hundred (100) feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of fifty (50) dB at the property line and an interior noise level of a Ldn of forty-five (45) dB;
- D. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.; and
- C. Traffic shall be kept to an absolute minimum, but in no case more than two (2) round trips per day on an average annualized basis once construction is complete.

**4.2.150 Telecommunication facilities - visual compatibility.**

The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. Facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible, considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community;
- B. The facility shall be designed to blend with the any existing supporting structure and does not substantially alter the character of the structure or local area;
- C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner;
- D. A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by, or on behalf of, the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the Planning and Community Development Director or designee;

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- E. Consideration shall be given to views from public areas as well as from private residences;
- F. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service; and
- G. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

**4.2.160 Telecommunications facilities - NIER exposure.**

The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. No telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in Section 4.1.030 that exceed the ANSI (American National Standards Institute) C95. 1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, County, the State of Montana, or the federal government.
- B. Initial compliance with this requirement shall be demonstrated for any facility within four hundred (400) feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed eighty (80) percent of the NIER standard established by this Section, the applicant shall hire a qualified electrical engineer licensed by the State of Montana to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Planning and Community Development Director or designee. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require at the applicant's expense, independent verification of the results of the analysis.
- C. Every telecommunication facility within four hundred (400) feet of an inhabited area, and all broadcast radio and television facilities, shall demonstrate continued compliance with the NIER standard established by this section. Every five (5) years, a report listing each transmitter and antenna present at the facility, and the effective radiated power radiated, shall be submitted to the Planning and Community Development Director or designee. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared.
- D. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels, in either of these cases, exceed eighty (80) percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State of Montana to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Planning and Community Development Director within five (5)

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years of facility approval and every five (5) years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety (90) days of the date said change becomes effective.

- D. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.

**4.2.170 Telecommunication facilities - exemptions.**

- A. Exceptions to the requirements specified within this chapter may be granted by the City Commission. Such a permit may only be approved if the City Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard under consideration in the specific instance will not increase the visibility of the facility or decrease public safety.
- B. Tower setback requirements may be waived under any of the following circumstances:
  - 1. The facility is proposed to be co-located onto an existing, legally-established telecommunication tower; and
  - 2. Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- C. Telecommunication facilities existing, or operating, in violation of this chapter, without and exception pursuant to this section are hereby declared to be a nuisance as defined by OCCGF Title 8, Chapter 49.

**4.2.180 Telecommunication facilities - public notice.**

In addition to the notices required within section 4.2.140, the following special noticing shall be provided:

- A. Notice of consideration on a permit authorizing the establishment or modification, of a telecommunication facility shall be provided to the operators of all telecommunication facilities, registered with the City of Great Falls pursuant to Section 4.1.060, within one (1) mile of the subject parcel via mailing of the standard legal notice prepared; and
- B. Notice of the permit approval authorizing the establishment or modification of, or the renewal of a permit for, a telecommunication facility or minor antenna needing site plan review, shall be mailed to all adjacent property owners within three hundred (300) feet. Mailing of said notice shall start a fourteen (14) calendar day appeal period.

**4.2.190 Ambiguity.**

In order to achieve consistent and efficient coordination and enforcement in the administration of this chapter, the Planning and Community Development Director, or designee, shall have the power and duty to interpret this chapter to members of the public, to City departments and other branches of City government, including preliminary negotiation with, and advice to, applicants for administrative approval, subject to the policy of the City Commission. Said duties shall be carried out in consultation with the Director of Public Works and the City Manager.



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**4.2.200 Appeal.**

Any person who disagrees with a ruling or interpretation of the Planning and Community Development Director or designee regarding this chapter, unless otherwise specified in this Title, may appeal the matter to the Board of Adjustment/Appeal subject to the following conditions:

- A. Said appeal shall be made in writing within fourteen (14) calendar days of the ruling or interpretation;
- B. The Planning and Community Development Director, or designee, will then cause the matter to be placed on the agenda of the Board of Adjustment/Appeal, if no appeal is made within that time, the ruling or interpretation shall be final;
- C. The appeal shall set forth in writing the grounds for the appeal and the relief sought by the appellant;
- D. The hearing shall be scheduled within sixty (60) calendar days;
- E. The Planning and Community Development Director, or designee, shall notify in writing all persons who have demonstrated their interest in this matter of the time and place of the meeting on the appeal at least ten (10) calendar days prior to the meeting;
- F. The Planning and Community Development Director or designee shall transmit the application, and all exhibits therewith, to the Board of Adjustment/Appeal for consideration;
- G. For the purposes of this section, a ruling is a discretionary action, e.g., on a permit or a site plan and architectural review; and an interpretation refers to the determination of the intent and application of provisions of this chapter;
- H. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal;
- I. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 4.2.190 of this chapter; and
- J. For the purposes of this Title, the applicant shall bear the burden of proof in any proceedings brought to the Board of Adjustment.

**4.2.210 Statutory severability.**

If any section, subsection, sentence, clause or phrase, or word of this chapter is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 3171, 2017).



**Item:** Ordinance 3172, “An Ordinance Amending Chapters 30, 35, and 40, Of Title 15 Of The Official Code Of the City of Great Falls (OCCGF), Pertaining to Certain Business and Contracting Licenses.”

**From:** Joseph P. Cik, Assistant City Attorney

**Initiated By:** Sara R. Sexe, City Attorney

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Accept Ordinance 3172 on first reading and set public hearing for October 17, 2017.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3172 on first reading and set the public hearing for October 17, 2017.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3172 on first reading and set the public hearing for October 17, 2017.

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with State and federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration, if approved, would amend OCCGF Title 15, Chapters 30, 35, and 40 relating to the OCCGF plumbing code, fuel gas code, and electrical code. With the adoption of the Ordinance under consideration, the licensing provisions in these particular chapters will be repealed. The purpose of repealing these provisions is for reassignment to OCCGF Title 5.

The Commission, at this time, is also considering Ordinance 3168 which will repeal the current OCCGF Title 5 and replace it with substantive changes. One of the substantive changes proposed by Ordinance 3168, is incorporating the licensing provisions that would be repealed by the Ordinance under consideration into Title 5. Staff requests this change because provisions related to business licensing and permitting are more appropriate for Title 5, “Business Licenses, Permits, and Safety Inspection Certificates”.

Ord. 3172 Exhibit “A” provides the proposed amendments to OCCGF Title 15, Chapter 30. Ord. 3172 Exhibit “B” provides the proposed amendments to OCCGF Title 15, Chapter 35. Ord. 3172 Exhibit “C” provides the proposed amendments to OCCGF Title 15, Chapter 40.

**Alternatives:**

1. The Commission could not accept Ord. 3172 on first reading and set public hearing; or
2. The Commission could suggest additional revisions for staff consideration.

ATTACHMENTS:

- ▢ Ordinance 3172
- ▢ Ord. 3172 Exhibit "A"
- ▢ Ord. 3172 Exhibit "B"
- ▢ Ord. 3172 Exhibit "C"

**ORDINANCE 3172**

**AN ORDINANCE AMENDING CHAPTERS 30, 35, AND 40, OF TITLE 15 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO CERTAIN BUSINESS AND CONTRACTING LICENSES.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 15 of the OCCGF outlining provisions pertaining to Buildings and Construction; and

**WHEREAS**, the City Commission established Title 5 of the OCCGF pertaining to Business Licenses, Permits, and Safety Inspection Certificates; and

**WHEREAS**, provisions provided in OCCGF Title 15 Chapters 30, 35, and 40 pertain to contracting and special business licenses; and

**WHEREAS**, the City Commission concludes that these provisions would be more appropriately located in OCCGF Title 5.

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

Section 1. OCCGF Title 15, Chapter 30 shall be amended as depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. OCCGF Title 15, Chapter 35, shall be amended as depicted in Exhibit "B" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 3. OCCGF Title 15, Chapter 40, shall be amended as depicted in Exhibit "C" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**;

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

\_\_\_\_\_  
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 3172 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

**Exhibit "A"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

**Chapter 30 PLUMBING CODE**

**Sections:**

~~15.30.010 Adoption.~~

~~15.30.012 Definition.~~

~~15.30.016 Permit fees.~~

~~15.30.020 Plumbing requirements.~~

~~15.30.021 Contractor licensing.~~

~~15.30.022 Application.~~

~~15.30.023 Insurance and bond.~~

~~15.30.024 License term.~~

~~15.30.025 Fee.~~

~~15.30.026 Permit issuance.~~

~~15.30.030 Plumber's licensing.~~

~~15.30.031 Fee—plumber's license.~~

~~15.30.050 Homeowner's permit.~~

~~15.30.051 Medical gas requirements.~~

~~15.30.052 Contractor licensing.~~

~~15.30.053 Application.~~

~~15.30.054 Insurance and bond.~~

~~15.30.055 Fee.~~

~~15.30.056 Medical gas systems licensing.~~

~~15.30.057 Fee—medical gas systems licensing.~~

~~15.30.060 Violation—penalty.~~

**15.30.010 Adoption.**

**15.30.012 Definition.**

**15.30.016 Permit fees.**

**15.30.020 Plumbing requirements.**

**15.30.021 Contractor licensing.**

**15.30.022 Application.**

**15.30.023 Insurance and bond.**

**15.30.024 License term.**

**15.30.025 Fee.**

**15.30.026 Permit issuance.**

**Exhibit "A"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

**15.30.030 Plumber's licensing.**

**15.30.031 Fee—plumber's license.**

**15.30.050 Homeowner's permit.**

**15.30.051 Medical gas requirements.**

**15.30.052 Contractor licensing.**

**15.30.053 Application.**

**15.30.054 Insurance and bond.**

**15.30.055 Fee.**

**15.30.056 Medical gas systems licensing.**

**15.30.057 Fee—medical gas systems licensing.**

**15.30.060 Violation—penalty.**

**15.30.010 Adoption.**

The Plumbing Code shall be the same edition as adopted by the State. The Plumbing Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Plumbing Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Association of Plumbing and Mechanical Officials (IAPMO), 20001 Walnut Drive South, Walnut, CA 91789-2825.

(Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, 2001; Ord. 2781, 2000; Ord. 2748, 1998; Ord. 2711, 1996; Ord. 2651, 1993; Ord. 2624, 1992; Ord. 2540, 1989).

(Ord. No. 3057, § 1, 8-17-2010)

**15.30.012 Definition.**

Authority having jurisdiction referred to in this Code shall be the Building Official as defined in the International Building Code.

(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.016 Permit fees.**

Section 103.4 Fees: Shall be as specified by City Commission resolution.

(Ord. 2874, 2004; Ord. 2818, 2002).

**Exhibit "A"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

**15.30.020 Plumbing requirements.**

For purposes of definition plumbing shall involve all sections of the Uniform Plumbing Code, except Chapter 12, Fuel gas piping.

(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.021 Contractor licensing.**

~~Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of plumbing and drainage systems is required to have a plumbing contractor's license.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2540, 1989).

**15.30.022 Application.**

~~An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.023 Insurance and bond.**

~~All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2801; 2001; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

(Ord. No. 3057, § 1, 8-17-2010)

**15.30.024 License term.**

~~All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year. Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).



**Exhibit "A"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

**15.30.025 Fee.**

~~The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution for the term specified in Section 15.30.024.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.026 Permit issuance.**

Permits shall be issued only to plumbing contractors or homeowners meeting the requirements of this chapter, or Title 37, Chapter 69 of MCA. ( Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.030 Plumber's licensing.**

~~Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.031 Fee—plumber's license.**

~~A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such license shall be valid as per Section 15.30.024.~~**Repealed. See Title 5.**

(Ord. **3172**; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2566 §2, 1990; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.050 Homeowner's permit.**

An owner of a single-family residence used exclusively for personal use, may install all sanitary plumbing or potable water supply piping. The standard fee schedule applies to all permits obtained under this article of the Code.

(Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.051 Medical gas requirements.**

For purposes of definition medical gas systems shall involve only NFPA 99C Gas and Vacuum Systems current edition.

(Ord. 2926, 2006; Ord. 2874, 2004; Ord. 2761, 1999)

**Exhibit "A"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

**15.30.052 Contractor licensing.**

~~Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractors license.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.053 Application.**

~~An applicant for a medical gas systems contractors license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.054 Insurance and bond.**

~~An applicant for a medical gas systems contractor's license shall meet the requirements of Section 15.30.023.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.055 Fee.**

~~The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.056 Medical gas systems licensing.**

~~Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.057 Fee—medical gas systems licensing.**

~~A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such certificate shall be valid as per section 15.30.024.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

**Exhibit "A"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

**15.30.060 Violation—penalty.**

Any person, firm or corporation found guilty of violating any of the applicable provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**Exhibit "B"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

**Chapter 35 INTERNATIONAL FUEL GAS CODE**

**Sections:**

~~15.35.010 Adoption.~~

~~15.35.012 Definition.~~

~~15.35.020 Permit fees.~~

~~15.35.021 Fuel Gas piping requirements.~~

~~15.35.022 Contractor licensing.~~

~~15.35.023 Application.~~

~~15.35.024 Insurance and bond.~~

~~15.35.030 Fee.~~

~~15.35.031 Gas fitters licensing.~~

~~15.35.040 Application.~~

~~15.35.041 Fee—gas fitters license.~~

~~15.35.042 License term.~~

~~15.35.050 Permit issuance.~~

~~15.35.060 Violation—penalty.~~

**15.35.010 Adoption.**

**15.35.012 Definition.**

**15.35.020 Permit fees.**

**15.35.021 Fuel Gas piping requirements.**

**15.35.022 Contractor licensing.**

**15.35.023 Application.**

**15.35.024 Insurance and bond.**

**15.35.030 Fee.**

**15.35.031 Gas fitters licensing.**

**15.35.040 Application.**

**15.35.041 Fee—gas fitters license.**

**15.35.042 License term.**

**15.35.050 Permit issuance.**

**15.35.060 Violation—penalty.**

**Exhibit "B"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

**15.35.010 Adoption.**

The Fuel Gas Code shall be the same edition as adopted by the State. The Fuel Gas Code is adopted by administrative action per Section 24.301.202 of the administrative Rules of Montana. The Fuel Gas Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

(Ord. No. 3057, § 1, 8-17-2010)

**15.35.012 Definition.**

The code official referred to in this Code shall be the Building Official as defined in the International Building Code.

(Ord. 2874, 2004)

**15.35.020 Permit fees.**

Section 106.5.2 Fee schedule. Shall be as specified by City Commission resolution.

(Ord. 2874, 2004)

**15.35.021 Fuel Gas piping requirements.**

For purposes of definition fuel gas piping shall involve only the International Fuel Gas Code.

(Ord. 2874, 2004)

**15.35.022 Contractor licensing.**

~~Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of gas piping systems is required to have a gas fitting contractor's license.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.023 Application.**

~~An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current gas fitters certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

**Exhibit "B"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

**15.35.024 Insurance and bond.**

~~An applicant for a gas fitting contractor's license shall meet the requirements of Section 15.30.023.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991)

**15.35.030 Fee.**

~~The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.031 Gas fitters licensing.**

~~Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitters certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.040 Application.**

~~A person desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant. A fee of twenty dollars (\$20.00) shall be paid for each examination. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two (2) years.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

**15.35.041 Fee—gas fitters license.**

~~Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal. Such license shall be valid as per Section 15.30.024.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

**Exhibit "B"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

**15.35.042 License term.**

~~All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.050 Permit issuance.**

Only a gas fitting contractor licensed ~~under~~**pursuant to Title 5 of this chapter** shall be eligible to obtain a permit for fuel gas piping systems.

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.060 Violation—penalty.**

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

Exhibit "C"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

**Chapter 40 ELECTRICAL CODE**

**Sections:**

~~15.40.010 Adoption.~~

~~15.40.020 Electrical contractor's license.~~

~~15.40.021 Application for City electrical contractor's license.~~

~~15.40.022 Insurance and bond.~~

~~15.40.023 License term.~~

~~15.40.024 Fee.~~

~~15.40.030 Homeowner electrical permit.~~

~~15.40.031 Application—homeowner's permit.~~

~~15.40.040 Individual wiring certificate.~~

~~15.40.041 Application—individual wiring certificate.~~

~~15.40.042 Fee—individual wiring certificate.~~

~~15.40.050 Electrical permit issuance.~~

~~15.40.051 Permit fees.~~

~~15.40.060 Violation—penalty.~~

**15.40.010 Adoption.**

**15.40.020 Electrical contractor's license.**

**15.40.021 Application for City electrical contractor's license.**

**15.40.022 Insurance and bond.**

**15.40.023 License term.**

**15.40.024 Fee.**

**15.40.030 Homeowner electrical permit.**

**15.40.031 Application—homeowner's permit.**

**15.40.040 Individual wiring certificate.**

**15.40.041 Application—individual wiring certificate.**

**15.40.042 Fee—individual wiring certificate.**

**15.40.050 Electrical permit issuance.**

**15.40.051 Permit fees.**

**15.40.060 Violation—penalty.**



## Exhibit "C"

### Title 15 - BUILDINGS AND CONSTRUCTION

#### Chapter 40 ELECTRICAL CODE

##### 15.40.010 Adoption.

The Electrical Code shall be the same edition as adopted by the State. The Electrical Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Electrical Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the National Fire Protection Association, Inc., #1 Battery march Park, Quincy, Massachusetts, 02269, www.necdirect.org.

(Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810 (Exh. A), 2001; Ord. 2723, 1997; Ord. 2666, 1994; Ord. 2651, 1993; Ord. 2592, 1991).

(Ord. No. 3057, § 1, 8-17-2010)

##### 15.40.020 Electrical contractor's license.

~~Any person, firm, or corporation engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

##### 15.40.021 Application for City electrical contractor's license.

~~A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that: (1) all work is under the direction, control, and supervision of a licensed master electrician, or (2) under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five (5) living units in a single structure. Journeyman, master and residential electricians are as defined and licensed under authority of Montana Codes Annotated 37-68 and hold a current contractor's license issued by the State.~~

~~B. The applicant shall also file an insurance policy or certificate as required by Section 15.40.022.~~

**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

##### 15.40.022 Insurance and bond.

~~A. All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.~~

~~B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two (2) years of business. If performance under the bond is~~

**Exhibit "C"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

~~satisfactory, the Board of Appeals may release the contractor from further posting of the bond. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Appeals shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991).

(Ord. No. 3057, § 1, 8-17-2010)

**15.40.023 License term.**

~~All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.~~

~~Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.024 Fee.**

~~The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.030 Homeowner electrical permit.**

An individual may obtain an electrical permit for doing electrical work on his own property or residence; provided, that said property or residence is maintained for his own use. The electrical work shall be done by the owner or a member of the family residing at the same address. Any other individual(s) performing work under the electrical permit are in violation of this Code.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.031 Application—homeowner's permit.**

Every person desiring a homeowner's permit under the provisions of Section 15.40.030 shall first file an application for registration, which application shall set forth the location of the building where the work is proposed to be done, state that the applicant is the owner of said building, and attest to understanding applicable provisions of this chapter and electrical codes. Permit fees shall be established by City Commission resolution.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**Exhibit "C"**

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

**15.40.040 Individual wiring certificate.**

~~Any person who is or in the future may become engaged in the trade or calling of a journeyman or residential electrician in the installation or repair of electrical equipment in the City is required to have an individual wiring certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.041 Application—individual wiring certificate.**

~~An applicant for an individual wiring certificate shall submit evidence that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Chapter 37, Montana Codes Annotated.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.042 Fee—individual wiring certificate.**

~~The fee shall be established by resolution of the City Commission.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.050 Electrical permit issuance.**

Electrical permits may be issued only to a person, firm or corporation qualified or licensed under Chapter 68, Montana Codes Annotated and this chapter or to individuals qualifying as homeowners in Section 15.40.030.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.051 Permit fees.**

Electrical permit fees shall be collected as set by City Commission resolution.

(Ord. 2874, 2004)

**15.40.060 Violation—penalty.**

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).