



**City Commission Agenda  
Civic Center, 2 Park Drive South, Great Falls, MT  
Commission Chambers Room 206  
September 18, 2018**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

**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.

**CITY MANAGER**

4. 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.*

5. Minutes, September 4, 2018, Commission Meeting.
6. Total Expenditures of \$1,687,361 for the period of August 15, 2018 through September 5, 2018, to include claims over \$5,000, in the amount of \$1,300,669.
7. Contracts List.
8. Approve Change Order #1 in the amount of \$148.64 for the ADA Handicap Ramps 2nd Street NW project, and Approve final payment in the amount of \$16,372.40 to United Materials of Great Falls and \$165.37 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments.
9. Not award a contract for the Public Works Facilities Repairs project at this time and recommend staff re-bid the project in early 2019.

10. Approve the Amendment to the Citywide 911 Emergency Ambulance Services Contract with Great Falls Emergency Services.

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

## **PUBLIC HEARINGS**

11. Resolution 10255, Establish Residential and Commercial Water, Sewer, and Storm Drain Utility Service rates effective October 1, 2018.  
*Action: Conduct public hearing and adopt or deny Res. 10255. (Presented by Jim Rearden and Melissa Kinzler)*
12. Wheat Ridge Estates, Phase 1. *Action: Conduct joint public hearing. (Presented by Craig Raymond)*
  - I. Resolution 10268, annexing a 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162. *Action: Adopt or deny Res. 10268 and the accompanying Findings of Fact.*
  - II. Ordinance 3180, establishing Planned Unit Development zoning and the accompanying Findings of Fact. *Action: Adopt or deny Ord. 3180 and the accompanying Findings of Fact.*
  - III. Preliminary Plat for the 40-lot Major Subdivision and the accompanying Findings of Fact. *Action: Approve or deny the Preliminary Plat and Findings of Fact.*
13. Ordinance 3188, Repealing and Replacing Title 10, of The Official Code of The City of Great Falls (OCCGF), Pertaining To Vehicles and Traffic.  
*Action: Conduct public hearing and adopt or deny Ord. 3188. (Presented by Sara Sexe)*

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

14. Resolution 10248, Levy and Assess Properties within the Business Improvement District.  
*Action: Adopt or deny Res. 10248. (Presented by Melissa Kinzler)*
15. Resolution 10249, Levy and Assess Properties within the Tourism Business Improvement District.  
*Action: Adopt or deny Res. 10249. (Presented by Melissa Kinzler)*
16. Resolution 10269, repealing Resolution 10241 adopted August 21, 2018; Resolution 10270, fixing the Annual Tax Levy.  
*Action: Adopt or deny Res. 10269 and adopt or deny Res. 10270. (Presented by Melissa Kinzler)*
17. Ordinance 3192, Amending Title 17, Chapter 16, Article 2, Section 050 of The Official Code of The City of Great Falls (OCCGF), Pertaining to Burden of Proof.  
*Action: Adopt or deny Ord. 3192. (Presented by Sara Sexe)*
18. Ordinance 3193, to assign PUD Planned Unit Development zoning to the properties legally described as Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech



**Park Minor Subdivision.**

*Action: Accept or deny Ord. 3193 on first reading and set a public hearing for October 16, 2018. (Presented by Craig Raymond)*

**CITY COMMISSION**

19. Miscellaneous reports and announcements from the City Commission.
20. 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. If a video recording is available it will be posted on the City's website at <https://greatfallsmt.net> after the meeting. 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:** Minutes, September 4, 2018, City Commission Meeting

**From:** City Clerk's Office

**Presented By:** City Commission

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ATTACHMENTS:

- ▣ Draft Minutes, September 4, 2018 Commission Meeting

**JOURNAL OF COMMISSION PROCEEDINGS**

**September 4, 2018**

**Regular City Commission Meeting  
Commission Chambers Room 206**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

City Commission members present: Bob Kelly, Bill Bronson, Owen Robinson, Tracy Houck and Mary Sheehy Moe. Also present were Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Planning and Community Development Director Craig Raymond; Library Director Kathy Mora; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and Police Chief Dave Bowen.

**AGENDA APPROVAL**

No changes were proposed by the Deputy City Manager or City Commission. The agenda was approved as submitted.

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

Commissioner Bronson announced that he would be abstaining from the vote and participation in discussion with regard to Agenda Item 13.

**PROCLAMATIONS**

Constitution Week, Down Syndrome Awareness Month and Vets4Vets Month.

Mayor Kelly announced that the Vets4Vets Stand Down would be on September 28 and 29 at the Montana Expo Park.

**PETITIONS AND COMMUNICATIONS**

1. **Miscellaneous reports and announcements.**

**Aaron Weissman**, 315 4th Avenue North, commented that it is important to have a municipal aquatics program that provides recreational, as well as athletic opportunities, for the community. Mr. Weissman requested that the Commission present a detailed replacement plan before closing the Natatorium.

**Shyla Patera**, 1013 7th Avenue NW, commented that she would like to continue a community conversation about either keeping the Natatorium open or replacing it.

**Bob Sechena**, 1526 Central Avenue, expressed concern that citizens will not have the opportunity to learn how to swim if the Natatorium closes.

**Pam Peck**, 916 7th Avenue North, commented that having an indoor municipal pool is important to the health of the community.

**Diane Trescott**, 820 2nd Avenue SW, commented that the Natatorium is the only place available for citizens to get exercise.

**Barbara Linn**, 1507 High Street, commented that no other swimming facilities have an easy access into the pool, and having the Natatorium open during the winter months is important.

**Lori Wurtz**, 57 Hardy Creek Lane, Cascade, MT, explained that she drives from Cascade to swim at the Natatorium, and that others outside the community appreciate the pool. Ms. Wurtz referred to a previous study that outlined the recommendations needed to keep the Natatorium in good shape, and inquired the status of how many of the recommendations were followed.

**Barbara Bozung**, 5501 Songbird Lane, commented that the Natatorium is the only pool that has dedicated swim time for citizens with disabilities.

**Becky Monroe**, 1801 2nd Avenue North, explained that the Natatorium is the only pool deep enough for Malmstrom Air Force to do scuba lessons. Ms. Monroe expressed concern with citizens losing jobs at the Natatorium.

**Bob Stingley**, 221 4th Avenue North, Great Falls High School (GFHS) Pool Manager, commented that the Natatorium, Peak and GFHS are the only three indoor pools in the community, and that each pool serves a diverse population. Mr. Stingley explained that GFHS would try to accommodate the citizens that utilized the Natatorium.

**Hildreth Grimes**, 926 Avenue B NW, commented that swimming has helped her to be able to walk, and would like the Natatorium to remain open.

**John Hubbard**, 615 7th Avenue South, pointed out that Mr. Ron Gessaman had passed away, and noted that he was a good, honest man. Mr. Hubbard expressed opposition with regard to water rate increases. With regard to the Natatorium, Mr. Hubbard opined that it would be cheaper to repair than to build a new facility.

**Karen and Mike Kaszula**, 2416 2nd Avenue North, commented that it is important to have an indoor community pool.

**Chris Hunter**, 2600 4th Avenue South, commented that the Natatorium is a gathering place for the community, and keeps kids off the street. Mr. Hunter opined that a community this size should be able to keep an indoor pool open all year long.

**Carlie Boland**, 1215 6th Avenue North, Montana State Senate, representing District 12, reported that she was contacted by several citizens about the importance of the Natatorium. Senator Boland encouraged the Commission to consider the pool at the Montana School for the Deaf and Blind as possible solution.

**Donna Williams**, 2916 2nd Avenue North, thanked the Commission for its hard work with regard to passing the budget. With regard to the assessment process of the budget, Ms. Williams encouraged the Commission to consider the resources that are available, as well as to utilize money from the budget efficiently in order to serve all citizens fairly.

**Corrine Tucker**, 4233 3rd Avenue North, commented that there are several citizens that depend on the Natatorium for exercise. Ms. Tucker expressed concern with regard to the high cost to swim at the Peak.

Mayor Kelly explained that closing the Natatorium had been discussed at prior meetings, as well as budget meetings. Keeping the Natatorium functioning is a public safety issue, as well as a financial issue. Referring to a previous speakers comments about how many recommendations were followed from a previous study, Mayor Kelly responded that the Clerk's office could be contacted to research the request.

Referring to Senator Boland's comments, Mayor Kelly reported that considering the pool at the Montana School for the Deaf and Blind as an alternative to provide exercise, therapy, and lessons, is one of many solutions staff is looking into.

Commissioner Houck commented that previous Natatorium fundraising money could still be utilized for finding an alternate solution.

Referring to the August 30, 2018 memorandum from Manager Doyon regarding the City Aquatics Program options, Commissioner Moe commented that the report verified that putting more money into the Natatorium in order to make it safe was throwing good money after bad. Commissioner Moe added that she feels an obligation to the community who rely on an indoor pool for health, and explained that the City is working hard to find an interim plan.

## **NEIGHBORHOOD COUNCILS**

### **2. Miscellaneous reports and announcements from Neighborhood Councils.**

**Shyla Patera**, 1013 7th Avenue NW, reported that Neighborhood Council 2 had taken a break over the summer, and would be meeting on September 12 at 7:00 p.m. at West Elementary School.

## **BOARDS AND COMMISSIONS**

### **3. Reappointment, Design Review Board.**

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission reappoint Tyson Kraft to the Design Review Board for a three-year term through March 31, 2021.**

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

Commissioner Bronson commented that Mr. Kraft takes his job very seriously and contributes to the successful operation of the Design Review Board.

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

Motion carried 5-0

### **4. Miscellaneous reports and announcements from Boards and Commissions.**

**Joan Redeen**, Great Falls Business Improvement District (BID), 318 Central Avenue, provided

and discussed the BID's ten year report. Ms. Redeen reported that in 2009 the total tax valuation of all of the properties located within the BID boundaries was \$65,433,684 and most recently was \$110,547,999 in 2018. The BID boundaries have not changed, however individual parcels are now Residential Condominiums.

## **CITY MANAGER**

### 5. Miscellaneous reports and announcements from the City Manager.

Deputy City Manager Chuck Anderson announced that:

- The second session of City 101 was held August 30th and the third session will be held September 27th.
- Two positions are available for the Board of Adjustments.
- The Police Department will be swearing in two new officers, Christopher Brown and Anthony Formell on September 5th.
- The Cascade County Humane Society thanked the Animal Shelter for providing volunteers for its spay neuter clinic.
- City Manager Greg Doyon is on vacation until September 10th.
- The adjusted certified taxable valuation was received from the Montana Department of Revenue; however, as a result of the change, Resolution 10241 will be rescinded at the September 18th Commission meeting.

Deputy Manager Anderson discussed the August 30, 2018 memorandum from Manager Doyon regarding the City Aquatics Program options, and announced that the memorandum would be available in the Manager's Weekly Packet.

### CONSENT AGENDA

6. Minutes, August 21, 2018, Commission Meeting.
7. Total Expenditures of \$2,417,739 for the period of August 1, 2018 through August 22, 2018, to include claims over \$5,000, in the amount of \$2,151,804.
8. Contracts List.
9. Approve the purchase of one new 2019 Toro Groundsmaster 5900-D mower for \$93,414.55, including trade-in, from Midland Implement Company, Inc., of Billings, through National IPA (National Intergovernmental Purchasing Alliance Company).

10. Approve the purchase of two Freightliner M2-106 bucket trucks for a total of \$231,900 from Altec NUECO.
  
11. Approve final payment for the West Bank Sanitary Sewer Manhole Lining, in the amount of \$13,207.14 to CIP Construction Technologies and \$133.41 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1695.6**

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

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

Motion carried 5-0

**PUBLIC HEARINGS**

12. **Resolution 10247, to Levy and Assess the Great Falls Park District Number 1.**

Finance Director Melissa Kinzler reported that on June 5, 2018, the Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. According to Mont. Code Ann.(MCA), prior to annually levying assessments the Commission must adopt a budget and Resolution establishing the annual assessment for the District. The annual assessment will be based on a taxable value of each parcel in the district. The annual assessment for FY 2019 will be \$1.5 million, and the estimated annual assessment for a \$100,000 market value property would be \$22.92.

Commissioner Robinson stepped out at 8:30 p.m. and returned at 8:32 p.m.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10247 was:

**Tim Hodges**, 108 32nd Avenue NE, commented that it is critical to start making a difference in the parks.

Speaking in opposition to Resolution 10247 was:

**John Hubbard**, 615 7th Avenue South, expressed opposition to an increase in taxes.

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

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City**

**Commission adopt Resolution 10247.**

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

Commissioner Houck commented that Resolution 10247 is the beginning of a social investment in the community.

Mayor Kelly reiterated that the assessment is for one year, and will be assessed every year as long as the Park District is in place.

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

Motion carried 5-0

13. **Medical Tech Major Subdivision, Preliminary Plat and Accompanying Findings of Fact.**

Planning and Community Development Director Craig Raymond reported that the applicant, NeighborWorks Great Falls (NWGF) is proposing the annexation, establishment of Planned Unit Development (PUD) zoning, and preliminary plat of a major subdivision on two parcels of land that total approximately 20.5 acres. The subject properties are undeveloped land located in Cascade County adjacent to Great Falls along 20th Street South and 24th Avenue South. The applicant is proposing an 85-lot subdivision, fully developed with the establishment of several proposed roadways and alleys to access the lots, sidewalks to create pedestrian circulation, and City utilities to provide services to the subject properties.

There are two distinct types of lots with specific goals and market targets for each type. At least 50 of the proposed 85 lots will be fairly typical single family dwellings which are called "alley-loaded." The balance of the lots will have what is known as "cottage style" homes located on them that are designed primarily for entry level first time home buyers or empty nesters who do not wish to maintain large homes or properties. The lots which these homes are to be located are under the typical R-3 zoning minimum lot size requirement. This and the desire for a variety of product types are the reason why the applicant is requesting PUD zoning. The PUD zoning designation provides the Commission the opportunity to allow a tailored approach to incentivize the development of certain identified residential needs in the city. In this case, a higher density than what ordinarily might be sought will help incentivize affordable workforce housing and home ownership goals. What makes developments like this work are multiple points of access to the City's existing and future transportation network, however the subdivision has one issue which staff finds to be concerning. The location of the subdivision is located in an area that has a roughly 7 and a half minute emergency response time.

Staff and the developer have worked through a detailed Improvement Agreement which defines the roles and responsibilities of the developer and the City. The Agreement spells out what improvements are required by the City and who shall pay for them. For the most part, the developer shall pay for all street, water, sewer and storm water improvements which are necessary to support this development. The City will pay for upsizing of utility lines as may be specifically requested by the City for utility continuity and future growth. The City also intends to purchase one of the subject lots to keep in reserve for a possible future water pump station that may be needed in the future.

Commissioner Bronson stepped out at 8:35 p.m. and returned at 8:38 p.m.



Mayor Kelly declared the public hearing open.

Speaking in support of the Preliminary Plat was:

**Sherrie Arey**, NeighborWorks Great Falls, 509 1st Avenue South, expressed appreciation to City staff, and Planning and Community Development Planner Erin Borland for their diligence working through the project. Ms. Arey commented that the 85-lot subdivision will help with housing stock in the community.

No one spoke in opposition to the Preliminary Plat.

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

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Preliminary Plat for the Medical Tech Subdivision and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.**

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

Commissioner Houck received clarification that the Kranz property concept was utilized for the Medical Tech Major Subdivision.

Commissioner Robinson expressed concern with regard to the emergency response time, and commented that when expanding new areas, public safety for the City needs to be well addressed.

Commissioner Moe expressed concern of possible congestion with parking exacerbating the emergency response time, however there is an improvement in the streets with the multiple avenues of egress.

Mayor Kelly received clarification that the City intends to purchase one of the subject lots to keep in reserve for a possible water pump station that may be needed in the future.

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

Motion carried 4-0-1 (Commissioner Bronson abstaining)

## **OLD BUSINESS**

## **NEW BUSINESS**

### 14. **Library Boiler and Controls Replacement Project.**

**OF**  
**621.1**

Planning and Community Development Director Craig Raymond reported that in August, 2017, the City entered into a contract with McKinstry to perform an energy audit of numerous City facilities including the Civic Center, Library, Downtown Parking Facilities, Police Station and

Fire Stations. The audit resulted in a large and comprehensive list of energy savings projects as well as required improvements due to years of deferred maintenance, safety and code compliance issues. After the initial audit was completed, staff worked with McKinstry to focus and prioritize a list of improvements. McKinstry subsequently solicited competitive bids from area sub-contractors based on the prioritized list of projects. The City could not tackle the entire list of projects due to budget constraints, and this particular project is critical in nature if the Library is to remain viable and open to the public. The initial competitive bids have expired due to the amount of time that has lapsed since they were originally submitted. New bids were obtained and the correct amounts are reflected in the contract.

Commissioner Houck stepped out at 8:50 p.m. and returned at 8:53 p.m.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission award a contract for the Library Boiler and Controls Replacement Project to McKinstry Essention, LLC in the amount of \$459,000 and authorize the City Manager to execute said contract.**

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

Commissioner Bronson reported that the project was being funded through reserves that the Library had been accumulating for the past few years, and commented that the project is much needed.

Commissioner Robinson commented that starting the project is urgent since the Library would be without heat.

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

Motion carried 5-0

## **ORDINANCES/RESOLUTIONS**

15. **Ordinance 3188, Repealing and Replacing Title 10, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Vehicles and Traffic.**

City Attorney Sara Sexe reported that in an effort to update the Official Code of the City of Great Falls (OCCGF), staff has assembled input from the different departments to continue a comprehensive revision of the Code. Ordinance 3188 would repeal and replace OCCGF Title 10, pertaining to vehicles and traffic. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, typographical errors, and reformatting of subsections.

The first proposed substantive change is relocating all definitions applicable to the Title to Chapter 1. Staff is proposing this change to improve readability and organization. The next substantive proposed change is adopting specific penalty provisions throughout the Title. Other proposed substantive changes include updating payment options for parking meters and amending parking violations to include violation of parking facility lease rules.

Ordinance 3188 proposes to require Montana Department of Transportation (MDT) approval

for traffic control devices placed on MDT rights-of-way. Another proposed substantive change is to allow the City Parking Administrator, in consultation with the Parking Advisory Commission, to add meters in Commission established parking districts. Ordinance 3188 would allow the Parking Administrator to remove commercial loading zones when loading zones are creating traffic hazards, as well as allowing the Public Works Department, in conjunction with the Police Department, to remove vehicles that are parked in construction zones.

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3188 on first reading and set the public hearing for September 18, 2018.**

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

Commissioner Robinson requested that Eighth Avenue North be changed to a through street, and eventually change the speed limit from 25 mph up to 30 mph, and that he would discuss syntax concerns with City Attorney Sexe.

City Attorney Sexe responded that syntax changes could be discussed and certain changes could be incorporated into Ordinance 3188.

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

Motion carried 5-0

16. **Ordinance 3192, Amending Title 17, Chapter 16, Article 2, Section 050 of The Official Code of The City of Great Falls (OCCGF), Pertaining to Burden of Proof.**

City Attorney Sara Sexe reported that the Board of Adjustment (BOA) is the quasi-judicial body that hears appeals regarding Land Use Decisions, as well as appeal decisions regarding allocation of Community Development Block Grant funds. The burden of proof conducted by the BOA is established by the Official Code of the City of Great Falls (OCCGF).

The proposed amendment would require the individual or applicant appealing a decision to the BOA to maintain the burden of proving the decision which is being appealed should be reversed or modified.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3192 on first reading and set the second reading for September 18, 2018.**

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

Motion carried 5-0

**CITY COMMISSION**

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

None

18. **Commission Initiatives.**

None

**ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Houck, to adjourn the regular meeting of September 4, 2018, at 9:05 p.m.**

Motion carried 5-0

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**Mayor Bob Kelly**

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**City Clerk Lisa Kunz**

**Minutes Approved:  
September 18, 2018**

**DRAFT**



**Item:** Total Expenditures of \$1,687,361 for the period of August 15, 2018 through September 5, 2018, to include claims over \$5,000, in the amount of \$1,300,669.

**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:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECK RUNS FROM AUGUST 23, 2018 - SEPTEMBER 5, 2018	1,641,776.51
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 15, 2018 - AUGUST 31, 2018	45,584.00
<b>TOTAL: \$</b>	<b>1,687,360.51</b>

**GENERAL FUND**

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**POLICE**

A T KLEMENS	INSTALL NEW RTU AT PD	9,163.00
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**SPECIAL REVENUE FUND**

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**SUPPORT & INNOVATION**

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	JULY 2018 TAX DISTRIBUTION	12,568.59
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**911 SPECIAL REVENUE**

CENTURYLINK	DISPATCH MONTHLY LINE CHARGES	5,840.80
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**STREET DISTRICT**

GREAT FALLS SAND & GRAVEL	ASPHALTIC CONCRETE MATERIAL	67,434.52
ENNIS-FLINT INC	PAVEMENT MARKING SUPPLIES	16,921.98
WATER & ENVIRONMENTAL TECHNOLOGIES INC	OF 1476.6 VINYARD ROAD STORM WATER MANAGEMENT (SPLIT AMONG FUNDS)	5,362.86
KUGLIN CONSTRUCTION	OF 1730.2 ADA HANDICAP RAMPS	71,209.49

**LIBRARY**

OCLC ONLINE COMPUTER LIBRARY CENTER INC	FY 2019 SERVICE CONTRACT	5,905.63
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**ENTERPRISE FUNDS**

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**WATER**

TD&H ENGINEERING	OF1494.6 WATER MAIN CROSSINGS UNDER THE UPPER MISSOURI & SUN RIVER	36,908.92
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF 1699 WATER/SEWER COST OF SERVICE STUDY (SPLIT AMONG FUNDS)	8,797.12
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF1625 WATER STORAGE TANK EVALUATION PHASE 1	34,251.09
CARTEGRAPH SYSTEMS	SOFTWARE USER PACK SUBSCRIPTION (SPLIT AMONG FUNDS)	1,225.00
CARTEGRAPH SYSTEMS	SHARED HOSTING (SPLIT AMONG FUNDS)	50.00
INDUSTRIAL AUTOMATION CONSULTING	OF 1519.6 WTP IMPROVEMENTS PHASE 1 UV & CHEMICAL BLDG, SURGE TANK & ELECTRICAL BLDG	27,231.35
BLACK & VEATCH CORP	OF 1519.6 WTP IMPROVEMENT PHASE 1 CONSTRUCTION	67,703.13
LANDMARK STRUCTURES	OF 1625.2 GORE HILL TANK REPLACEMENT	225,357.91

**SEWER**

CIP CONSTRUCTION TECHNOLOGIES	OF 1695.6 WEST BANK SANITARY SEWER MANHOLE LINING	5,931.73
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF 1699 WATER/SEWER COST OF SERVICE STUDY (SPLIT AMONG FUNDS)	8,797.13
CARTEGRAPH SYSTEMS	SOFTWARE USER PACK SUBSCRIPTION (SPLIT AMONG FUNDS)	1,225.00
CARTEGRAPH SYSTEMS	SHARED HOSTING (SPLIT AMONG FUNDS)	50.00

**STORM DRAIN**

WATER & ENVIRONMENTAL TECHNOLOGIES INC	OF 1476.6 VINYARD ROAD STORM WATER MANAGEMENT (SPLIT AMONG FUNDS)	17,177.14
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**SWIMMING POOLS**

CTA ARCHITECTS ENGINEERS	OF 1393.7 NATATORIUM FAÇADE EVALUATION	5,087.79
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**RECREATION**

BIG SKY BUS LINES, INC	SUMMER CAMPS BUS TRANSPORTATION	6,630.00
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**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

LEIF ASSOCIATES INC	ACTUARIAL SERVICES GASB 75	7,500.00
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**INFORMATION TECHNOLOGY**

SITEIMPROVE, INC.	1 YEAR SITEIMPROVE SUBSCRIPTION	8,740.00
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**CENTRAL GARAGE**

NORTHWEST FUEL SYSTEMS	OF1455.9 PW FUEL TANK PURCHASE/ INSTALL	61,689.21
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MOUNTAIN VIEW CO-OP	FUEL	21,212.40
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**PUBLIC WORKS ADMINISTRATION**

CARTEGRAPH SYSTEMS	SOFTWARE USER PACK SUBSCRIPTION (SPLIT AMONG FUNDS)	50.00
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CARTEGRAPH SYSTEMS	SHARED HOSTING (SPLIT AMONG FUNDS)	4,900.00
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	33,147.50
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	54,028.00
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ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,149.22
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US BANK	FEDERAL TAXES, FICA & MEDICARE	237,105.31
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AFLAC	EMPLOYEE CONTRIBUTIONS	10,304.36
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LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	30,094.09
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WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	17,555.13
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MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	28,738.09
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NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	27,770.72
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MONTANA VEBA HRA	EMPLOYEE CONTRIBUTIONS	11,597.72
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**UTILITY BILLS**

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NORTHWESTERN ENERGY	AUGUST 2018 MONTHLY SLD CHARGES	64,831.30
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NORTHWESTERN ENERGY	JUNE 2018 TRANSMISSION CHARGES	8,923.79
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NORTHWESTERN ENERGY	JULY 2018 WATER PLANT CHARGES	23,502.26
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**CLAIMS OVER \$5000 TOTAL:**

\$	<u>1,300,669.28</u>
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**Item:** Contracts List

**From:** City Clerk's Office

**Initiated By:** Various Departments

**Presented By:** City Commission

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ATTACHMENTS:

- ▣ Contracts List

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 7**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: September 18, 2018**

**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:** Lisa Kunz, City Clerk

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

**MAYOR’ S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Great Falls Police Department	Ron Smith & Associates, Inc.	09/18/2018-10/31/2018	\$2,400	Professional Services Agreement to provide a training session on the Fundamentals of Crime Scene Examination and Evidence Collection, October 22-26, 2018
<b>B</b>	Great Falls Police Department	Ron Smith & Associates, Inc.	09/18/2018 – 09/28/2018	\$1,600	Professional Services Agreement to provide a training session on Forensic Examination of Violent Crime Scenes, September 24-26, 2018

<b>C</b>	Planning and Community Development	Kendall G. & Maxima S. Cox	09/18/2018	N/A	Public Roadway Easement providing for a temporary vehicular turnaround and access for residents of West Ridge Phase VIII, beginning at the northwest corner of Lot 9, Block 6, West Ridge Addition Phase VIII to the City of Great Falls, and shall be vacated upon mutual agreement of the parties, in writing, upon the extension of Choteau Avenue NE to the west of the plat of West Ridge Addition Phase VIII
<b>D</b>	Administration – City – 190	Municipal Code Corporation (Municode)	Annual Subscription with auto renewal	\$7,000/yr	Master Subscription Agreement for online meeting and agenda management services and support
<b>E</b>	Public Works	Great Falls Public Schools District 1 & A	Permanent	N/A	Maintenance Agreement for Private Stormwater Treatment System located at Sun Addition, Block 001, C M Russell School, in the NW1/4 of Section 2, T20N, R3E, PM MT, Cascade County, Montana, to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system associated with the 2018 CM Russell High School project

F	Public Works	726 10 <sup>th</sup> Avenue Association, Inc.	Permanent	N/A	Maintenance Agreement for Private Stormwater Treatment System located at Lots 3 & 4, Fifteenth Addition to Great Falls, NE¼ of Section 13, T20N, R3E, PM MT, Cascade County, Montana, (COS#5125/Special Warranty Deed #R0357039) to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system for Planet Fitness/Bostons Restaurant
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**Item:** Change Order #1 and Final Payment - ADA Handicap Ramps 2nd Street NW, OF 1730.1

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Change Order #1 and Final Pay Request for Office File 1730.1

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/not approve) Change Order #1 in the amount of \$148.64 for the ADA Handicap Ramps 2nd Street NW, and (approve/not approve) Final Payment in the amount of \$16,372.40 to United Materials of Great Falls and \$165.37 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

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**Staff Recommendation:**

Approve Change Order #1 and Final Payment Request.

**Summary:**

This project installed sixteen curb ramps and sidewalk to establish an ADA accessible route in a high priority area as defined by the Public Right of Way ADA Transition Plan. Additionally the project included replacement of curb and gutter and the installation of valley gutters within the project limits along 2nd Street NW from Smelter Avenue to 17th Avenue NW.

**Background:**

Citizen Participation:

The construction activity required temporary closure of 2nd Street NW and the CMR High School faculty parking lot entrance and exit. The closures were planned around the school year to interfere as little as possible with school activity. Access to residences and businesses adjacent to construction zones was maintained. Great Falls Public Schools was kept informed throughout the project.

### Workload Impacts:

The design phase engineering, plans and specifications were completed by the City Engineering staff with assistance from the City Street Division. City Engineering staff provided construction phase engineering services and project inspection.

### Purpose:

The primary objective of this project was to install sidewalk ramps at three intersections along 2nd Street NW. These ramps are compliant with ADA requirements. In addition to the sidewalk ramp installations, a driveway entrance was reconstructed for the CMR High School faculty parking lot. Valley gutters were also installed and repaired as part of the project. Due to these installations, a portion of 2nd Street NW and the adjacent intersections was reconstructed and 2nd street NW was milled and overlaid from 17th Avenue to Smelter Avenue.

### Project Work Scope:

This project consisted of replacing approximately 660 lineal feet of integral concrete curb and gutter, 1,430 square feet of four (4) -inch concrete sidewalk, 1,730 square feet of six (6) -inch concrete sidewalk, 16 truncated domes, 1,815 square feet of six (6) -inch reinforced concrete valley gutter installation and modification, and 2,620 square feet of sod replacement. The project was completed in two mobilizations to ensure that access to the CMR faculty parking lot was maintained while school was in session and to allow the Great Falls Public School's contractor to have unrestricted access through the summer months for building construction.

### Evaluation and Selection Process:

Five (5) bids were received on August 23, 2017 with the bid prices ranging from \$84,538.00 to \$175,542.00. United Materials of Great Falls submitted the low bid. The City Engineering staff recommended award to United Materials and the City Commission awarded the contract on September 5, 2017.

### Final Payment:

The final project cost is \$84,686.64 which is \$148.64 greater than the amount that was originally awarded and approved. More sod than was anticipated was needed at the entrance to the faculty parking lot and on a private lot to correctly grade the lawns. The Change Order will provide the contractor compensation for the additional sod and associated labor.

### Conclusion:

City staff recommends making the Final Payment and recommends approving the Change Order for the ADA Handicap Ramps on 2nd Street NW to United Materials of Great Falls.

City staff verified that the contractor has completed all work and punch list items in accordance with the plans and the contract. The project was completed within the contract time. The two year warranty period started at the time of substantial completion, which was August 28, 2018.

### **Fiscal Impact:**

Funding for this project is from the City street repair and maintenance funds.

### **Alternatives:**

The City Commission could vote to deny the Final Payment and Change Order #1.

ATTACHMENTS:

- ▣ OF 1730.1 final pay and change order #1

**APPLICATION FOR PAYMENT NO. – Final Pay Request**

To: City of Great Falls (OWNER)  
 From: United Materials of Great Falls (CONTRACTOR)  
 Contract: ADA Handicap Ramps 2<sup>nd</sup> St NW  
 Project: ADA Handicap Ramps  
 OWNER's Contract No. OF 1730.1 ENGINEER's Project No. PW341803  
 For Work accomplished through the date of: August 28, 2018.

1.	Original Contract Price:	\$ 84,538.00	
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ <del>0.00</del> 148.64	MS
3.	Current Contract Price (1 plus 2):	\$ <del>84,538.00</del> 84,686.64	
4.	Total completed and stored to date:	\$ 84,686.64	
5.	Retainage (per Agreement):		
	<u>0</u> % of Completed Work: \$ 0.00		
	<u>0</u> % of stored material: \$ _____		
	Total Retainage:	\$ 0.00	
6.	Total completed and stored to date less retainage (4 minus 5):	\$ 84,686.64	
7.	Less previous Applications for Payments:	\$ 68,148.86	
8.	Gross Amount Due this application: (6 minus 7):	\$ 16,537.78	
9.	Less 1% State Gross Receipts Tax:	\$ 165.38	
10.	<b>DUE THIS APPLICATION (8 MINUS 9):</b>	<b>\$ 16,372.40</b>	


Accompanying Documentation:  
 Pay Application quantities sheet

**CONTRACTOR'S Certification:**

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

Dated 8-29-18 United Materials of Great Falls  
 CONTRACTOR  
 By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 8/29/18 City of Great Falls Public Works  
 ENGINEER  
 By: 

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



# Change Order

No. ONE

Date of issuance: August 31, 2018 Effective Date: August 28, 2018

Project: <u>OF 1730.1 ADA Handicap Ramps 2<sup>nd</sup> Street NW</u>	Owner: <u>City of Great Falls</u>	Owner's Contract No.: <u>O. F. 1730.1</u>
Contractor: <u>United Materials of Great Falls, Inc.</u>		Date of Contract: <u>9/8/17</u>
Contractor: <u>United Materials of Great Falls, Inc.</u>		Engineer's Project No.: <u>PW341803</u>

The Contract Documents are modified as follows upon execution of this Change Order:  
Description: Additional time materials and labor needed to complete sod/landscaping.

Attachments: (List documents supporting change):  
Pay Tracking Sheet

**CHANGE IN CONTRACT PRICE:**  
Original Contract Price: \$84,538.00

\$ 146.64

[Increase] [Decrease] from previously approved Change Orders No. 0 to No. 1 :

\$ 146.64

Contract Price prior to this Change Order:

\$ 84,538.00

[Increase] [Decrease] of this Change Order:

\$ 146.64

Contract Price Incorporating this Change Order:

\$ 84,686.64

**CHANGE IN CONTRACT TIMES:**  
Original Contract Times:

Working days  Calendar days

Substantial completion (days or date): 51  
Ready for final payment (days or date): 8/28/18

[Increase] [Decrease] from previously approved Change Orders

No. 0 to No. 1 :  
Substantial completion (days): +0

Ready for final payment (days): \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days or date): 51

Ready for final payment (days or date): 48

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): -3

Ready for final payment (days or date): 8/28/18

Contract Times with all approved Change Orders:

Substantial completion (days or date): 48

Ready for final payment (days or date): 8/28/18

RECOMMENDED:

By: \_\_\_\_\_  
Engineer (Professional Signature)

Date: 8/31/18

Approved by Funding Agency (if applicable): \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: 8/31/18

ACCEPTED:

By: \_\_\_\_\_  
Contractor (Authorized Signature)

Date: 8/31/18

Date: \_\_\_\_\_



**Item:** Construction Contract Award: Public Works Facilities Repairs - O.F. 1733

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Not award contract and re-bid project early next year

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (award/not award) a contract for the Public Works Facilities Repairs project and recommend staff (re-bid/ not re-bid) the project in early 2019.”

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

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**Staff Recommendation:**

Staff recommends not awarding a contract and re-bidding the project early next year.

**Background:**

Significant Impacts

This project will replace the roofs, exterior sheathing, doors, windows, and include other miscellaneous improvements to the Public Works Central Garage, Sanitation/Streets and Wash Rack Buildings.

Citizen Participation

The construction activities will have little impact on Citizen’s access to Public Works Facilities for standard services offered in these buildings.

Workload Impacts

Nelson Architects has and will continue to provide professional services for the project. At the time of construction, Engineering Staff will assist Nelson Architects with construction inspection and perform administration duties.

Purpose

The items being replaced and repaired during this project have either reached the end of their intended

service life or have been damaged and are in need of repair. The roofs on the buildings are over 40 years old and due for replacement. The windows, personnel doors and overhead doors are original to the buildings and are in poor conditions after years of use. There are many locations on the doors and siding where heavy utility vehicles have damaged areas of the metal siding. New evaporative coolers, mechanical dampers, and insulation will improve environmental working conditions. Improvements to these facilities will update the color scheme to match other recently refurbished public works facilities.

#### Project Work Scope

Improvements in this project include removing and replacing the metal roofs, roof insulation, rain gutters, downspouts, fascia, soffits and skylights; replacement of metal siding/stucco on exterior walls; removing and replacing garage and entryway doors and windows; installing evaporative coolers and other various mechanical equipment; and miscellaneous work including patching, weather stripping, caulking, and painting.

#### Evaluation and Selection Process

The project was initially bid on August 8, 2018 with no bids being submitted. Staff recommended, and the Commission approved, re-advertising and re-bidding the project.

Two bids were received and opened on September 5, 2018. The bids ranged from \$1,132,769.00 to \$1,374,574.00, with Geranios Enterprises providing the low bid.

Both bids exceeded the project budget by more than \$300,000.

#### Conclusion

Nelson Architects has indicated that the higher than expected bids are likely due to current high steel prices, contractor commitment to other projects and bidding at this time of the year. City Staff recommends not awarding the contract at this time and rebidding the project early next year when the bidding climate will likely be more favorable.

#### **Fiscal Impact:**

The attached bid tabulation summarizes the received bids. This project is programmed to be funded through the Central Garage, Sanitation, Streets and Public Works Administration Facility Improvement Funds.

By not awarding a contract, there will be no impacts to those funds at this time. If awarded, those funds would be severely depleted.

#### **Alternatives:**

The City Commission could vote to award the construction contract or cancel the project.

#### **Attachment/Exhibits:**

1. Bid tabulation

#### ATTACHMENTS:

- ▣ Bid Tabulation Summary

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

BID TABULATION SUMMARY  
 City of Great Falls Public Works Facilities Repairs  
 O.F. 1733

Project Number PW361808  
 Bid Received at Civic Center  
 Date: September 5, 2018  
 Tabulated By: Jim Young

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid	Deductive Alternative 1	Deductive Alternative 2	Deductive Alternative 3
1	EJ Carpentry 151 6th Ln NE Fairfiled MT 59436	X	N/A		N/A	X	X	\$1,374,574.00	N/A	\$118,940	\$40,828.80
2	Geranios Enterprises PO Box 2543 Great Falls MT 59403	X	N/A		N/A	X	X	\$1,132,769.00	N/A	\$77,851.00	\$21,460.00
3			N/A		N/A				N/A		
4			N/A		N/A				N/A		
5			N/A		N/A				N/A		
6			N/A		N/A				N/A		
7			N/A		N/A				N/A		
8			N/A		N/A				N/A		
9			N/A		N/A				N/A		
10	<b>Engineer's Estimate</b>										



**Item:** Amendment to the Citywide 911 Emergency Ambulance Services Contract with Great Falls Emergency Services

**From:** Stephen A. Hester, Fire Chief

**Initiated By:** Stephen A. Hester, Fire Chief

**Presented By:** Stephen A. Hester, Fire Chief

**Action Requested:** Approve the Amendment to the Citywide 911 Emergency Ambulance Services Contract with Great Falls Emergency Services (GFES).

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve or disapprove) the Amendment to the Citywide 911 Emergency Ambulance Services Contract with Great Falls Emergency Services.”

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

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**Staff Recommendation:**

Staff recommends approval of the amendment.

**Summary:**

Great Falls Emergency Services, (GFES) has requested a temporary change to section 2.2A and Exhibit B of the contract. The change will allow for up to one ambulance per shift to be staffed with two Emergency Medical Technicians and respond to calls at the basic life support level rather than the advanced life support level.

**Background:**

According to Section 2.2A of the performance contract, the contractor had agreed that City emergency 911 ambulance transports shall all be at the Advanced Life Support (ALS) level. According to section 11.4 of the contract, failure in providing ALS ambulance transport on the part of the contractor would be considered a major breach of the contract.

The Contractor asked the City to consider a change to the staffing requirement to allow up to one Basic Life Support (BLS) ambulance (two EMTs) when the Contractor could not find paramedics to staff their

ambulances. They would continue to staff at least two ALS ambulances during this period.

In the event that a Contractor's BLS ambulance is at the scene of an advanced life support (ALS) incident, the City shall provide a paramedic for transport. This is possible because Great Falls Fire Rescue (GFFR) has provided ALS non-transport services to the community since 2000. In addition, GFFR has provided mutual care and transport to ensure continuity of care for critical patients.

The City EMS system has used Emergency Medical Dispatch (EMD) protocol for several years to provide initial triage of patients and allow for a tiered response. EMD differentiates between ALS incidents and BLS incidents and could be used to send the correct level of service to EMS calls.

Historically, during times when calls exceed GFES resources (surge events), GFFR has provided ALS ambulance patient transport. This currently occurs approximately 6 times each month. These situations have required GFFR firefighter/paramedics to transport patients to local Emergency Departments.

According to GFES' General Manager, there are a variety of circumstances that have created a shortage of paramedics making it impossible to staff all three ambulances on a daily basis. The explanation for paramedics shortages was due to vacancies, long term health issues, and the inability to recruit additional paramedics. They have no estimate as to when vacancies shall be filled or when the contractor can abide by the contract as agreed.

The current contract is through May 21, 2019. This amendment, if approved, would provide an opportunity for the City to evaluate the City's EMS system and determine the actual service needs for Advanced and Basic Life Support services.

Changes to exhibit B would allow fees to be assessed when the City provides a paramedic to support patients being transported by GFES. The fee would be \$100.00 per intercept. If the City transports a patient using the City Ambulances, the fee would be \$500.00 for each incident that meets the identified criteria for emergency transport.

**Fiscal Impact:**

The City may experience additional overtime to ensure enough paramedics are assigned to shift to have 3 paramedics on duty. The Fire Department also has experienced a decline in paramedics with only 16 paramedic positions filled out of 24 authorized. Also in 2019 GFFR shall be temporarily short two paramedics who will be deployed with the Air National Guard mission out of the Country.

**Alternatives:**

Commission could chose to deny the amendment and hold Great Falls Emergency Services accountable for a major breach of the contract.

**Concurrences:**

The City Attorney has reviewed the proposed contract amendment.

**ATTACHMENTS:**

- ▢ Amendment EMS Transport Contract Sec. 2.2A
- ▢ Correspondence

**AMENDMENT NUMBER 1**  
**TO THE**  
**AGREEMENT WITH GREAT FALLS EMERGENCY SERVICES AND THE CITY OF**  
**GREAT FALLS, MONTANA FOR CITYWIDE 911 EMERGENCY AMBULANCE**  
**SERVICES**

**THIS AMENDMENT** is entered into as of September \_\_\_\_, 2018, by and between, the City of Great Falls, a Municipal Corporation, hereinafter referred to as “City,” and Great Falls Emergency Services, Inc., hereinafter referred to as “Contractor.” The parties agree as follows:

1. The City and Contractor entered into an Agreement for Citywide 911 Emergency Ambulance Services (Contract) on May 21, 2014. The term of said Contract is set to expire May 21, 2019.

2. The Contractor has advised the City that it cannot meet its obligations under the Contract, because of staffing shortages; a failure to provide ALS ambulance transport on the part of the Contractor could be considered a major breach of contract according to the Contract at Section 11.4.

3. In the interests of public safety and the adequate provision of emergency services, the City recognizes the need to consider a short-term trial amendment to the terms and conditions of the Contract as stated herein, and thus agrees to a short-term trial amendment to the terms and conditions of the Contract, without waiving any other rights under the existing Contract.

4. Enforcement of the terms of Section 2.2.A. of the Contract is suspended, and the terms are replaced by the following, to apply during the remainder of the Contract term:

Provide a minimum two ALS staffed and equipped ambulances to provide pre-hospital emergency medical care and transport services to emergency medical calls within the City twenty-four (24) hours each day, seven (7) days a week, without regard to the patient's financial status. Any additional ambulances above the minimum of two can be staffed at the BLS level. If a GFFR paramedic is provided to increase care level of BLS ambulance to ALS level and conducts transport to a receiving facility, the GFFR will be the Authority Having Jurisdiction (AHJ) of EMS care.

5. The following language is added to the Contract terms, to apply during the remainder of the Contract term:

**Exhibit B: ALS Intercept**

The Contractor agrees to pay a \$100.00 dollar fee to the City each time GFFR Firefighter/Paramedics, in their discretion, increase service delivery of the ambulance to ALS level for patient care.

6. All other conditions and provisions of the Contract remain in full force and effect, and are hereby ratified and affirmed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment Number 1 the day and year first above written.

**GREAT FALLS EMERGENCY SERVICES, INC.**

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

Its: \_\_\_\_\_

**CITY OF GREAT FALLS**

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

Gregory T. Doyon, City Manager



Attest:

By: \_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of the City)

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.



City Manager's Office

Memorandum

To: Mayor Kelly and City Commissioners  
From: Gregory T. Doyon – City Manager [REDACTED]  
Re: Great Falls EMS Paramedic Shortage Update  
Date: August 15, 2018

Please find attached four (4) documents relating to Great Falls EMS' notification that the company has a paramedic shortage. The staffing shortage causes an unintended operational change which means that GFEMS not able to meet the current terms of the City's existing EMS transport contract.

The documents include:

- July 17, 2018 - GFEMS notification of staffing shortage
- July 27, 2018 – City of Great Falls response to staffing shortage
- July 31, 2018 – GFFR response to fill staffing void
- August 1, 2018 – GFEMS revised deployment plan

The City is unclear about the duration of the shortage. GFEMS and GFFR are working closely and will keep each other apprised of any additional changes (good or bad). In the meantime, the City has placed GFFR on notice that it has not waived its ability to declare a breach of contract and will do so if necessary.

Staff will continue to monitor the situation closely. We'll make every effort to make sure that initial medical response process and transport remain at near current levels. It is too early to tell whether not this model will be sustainable for an extended duration.

Please let me know if you have any questions.

Gtd



## Great Falls Emergency Services

17 July 2018

TO: Chief Hester  
EMS System Administrator

FROM: Justin Grohs  
General Manager

Chief Hester,

We have been monitoring the trend of the current national paramedic shortage, and are observing a local trend of fewer paramedics available for employment in the State of Montana and in our area.

GFES is currently contending with this paramedic deficit. We continue to have an ability to staff multiple BLS units, but may have challenges staffing all trucks at an ALS level over the next few months. In the interest of staying ahead of this issue, we would like to open a dialogue with you to address both short term and long term solutions. We want to ensure that the community of Great Falls continues to receive the top-notch EMS response to which they are accustomed, and that as a system we are utilizing resources appropriately, i.e. that patients who truly need an ALS response get that level of response.

GFES is committed to providing excellent EMS response to all our response areas. We look forward to working with you proactively to address these issues before they significantly affect our system.

Respectfully,

A black rectangular box redacting the signature of Justin Grohs.

Justin Grohs

C: David Kuhn

*Great Falls Emergency Services 514 9<sup>th</sup> Ave South, Great Falls, Montana 59405*  
*406.453.5300 greatfalls-ems.com*



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P.O. Box 5021, 59403-5021

July 27, 2018

Great Falls Emergency Services  
Attn: Justin Grohs  
514 9<sup>th</sup> Avenue South  
Great Falls, Montana 59405

RE: July 17, 2018 Notice

SENT VIA EMAIL TO: [jgrohs@gfes.net](mailto:jgrohs@gfes.net)

Dear Mr. Grohs:

I have been provided with your July 17, 2018 letter indicating that you may have staff shortages at the "ALS level over the next few months" and appreciate your advising the City of this issue. We too want to ensure that Great Falls and the community receives excellent EMS response to all areas served.

Obviously, your letter is quite concerning to the City and as such, we feel the need to remind you of some of the pertinent requirements of the current contract between Great Falls Emergency Services (GFES) and the City of Great Falls.

Please recall that the 2014 Emergency Services Contract (Contract) at Section 2.2.A., along with the Deployment Plan dated 7/2012, require the 24/7/365 availability of two ALS paramedic ambulances in service with a third crew on call, all which are able to respond to 90% of all calls in nine minutes or less. In your letter, you indicate that the staffing challenges may occur in the next few months. If this occurs, causing GFES to be unable to meet its contractual obligations, we would expect that GFES will advise the City as soon as possible, but in no case later than within two business days, according to Section 2.2.M. of the Contract.

Justin Grohs  
July 27, 2018  
Page 2

Recall as well:

### **5.1 Clinical and Staffing Standards**

City expects that the provision of emergency ambulance services shall conform to the highest professional standards and shall comply with all applicable State laws and regulations, and City EMS policies, procedures, and field treatment guidelines. All persons employed by the Contractor in the performance of work under this Agreement shall be competent and shall hold appropriate and currently valid certificates, licenses or accreditations in their respective trade or profession. The Contractor shall be held accountable for its employees' licensure, performance and actions. Changes resulting in a negative fiscal impact to the contractor will be analyzed before implementation.

- A. Ambulance Staffing – Contractor shall, at all times, staff each ambulance with at least one person who is certified and licensed in the State of Montana as a Paramedic and one person who is certified and licensed in the State of Montana as an Emergency Medical technician (EMT). Staffing exceptions will be allowed only during times of disaster declaration.

Please be advised that in the event that GFES advises the City that it is unable to meet its responsibilities under the Contract, the City will likely consider such action to constitute a Major Breach of the Contract (as referred to in Section 11) as violating the contract in multiple areas, including but not limited to the Sections referenced above. In such case, a thirty day notice to cure the violations will be sent to you, pursuant to Section 11.1.A. of the Contract.

If the staffing issues are not corrected within the thirty day time period following, the City will have no choice but to demand payment of the performance security as required of Section 9.1, the provision of ambulances and equipment under Section 11.2, minimum liquidated damages under Section 11.5, among other contractual remedies.


Finally, please note that the current security in the form of an Irrevocable Standby Letter of Credit has an expiration date of July 31, 2018. We require a copy of the new security be provided before such expiration, pursuant to the Contract.

We request that you undertake all efforts available to ensure that the staffing shortages which you have referenced do not cause GFES to be unable to fulfill its contractual obligations. To assist in this regard, the City is available to discuss potential service strategies to assist GFES, including evaluating a short term amendment to the existing Contract. However, by such evaluation and assistance, the City will not waive any existing rights it may have under the Contract. We simply want to work together to ensure that our citizens receive the best possible emergency medical service.

Justin Grohs  
July 27, 2018  
Page 3

Thank you.

Sincerely,



Gregory T. Doyon

cc: Deputy City Manager Chuck Anderson  
City Attorney Sara R. Sexe  
Fire Chief Steve Hester  
Assistant Fire Chief Jeremy Jones  
EMS Advisory Board



**GREAT FALLS FIRE RESCUE  
105 9<sup>TH</sup> STREET SOUTH  
GREAT FALLS, MONTANA 59401  
WWW.GREATFALLSMT.NET/FIRE  
(406) 727-8070**

**DATE: 7/31/2018**

**TO: City Manager Greg Doyon**

**FROM: AC Jones**

**RE: Paramedic shortage**

On July 16<sup>th</sup>, 2018, Great Falls Emergency Services Manager (GFES) Justin Grohs informed Fire Chief Steve Hester and me that GFES will be facing Paramedic staffing shortages in the near future. The "near future" is now upon us, with GFES informing us that they will no longer be able to provide paramedic coverage on all ambulances stipulated by the contract, beginning August 11, 2018. GFES states that this shortage is due to Staff members moving away, pursuing other employment and maternity leave. This struggle mirrors a nationwide trend of Paramedics being in high demand, resulting in difficulty attracting, hiring and retaining them in many EMS systems. Justin advised us that he believes he can keep two 24 hour ambulances staffed to the ALS level, but stated that he will not be able to keep that level of service all of the time with GFES' third ambulance. The performance agreement between the City of Great Falls and Great Falls Emergency Services states that all ambulances will have at a minimum (1) Paramedic that is licensed with the State of Montana (section 5.1,A) for 911 response. Without a variance to the current contract, GFES would not be able to provide (3) ambulances for response within the City.

After notifying you of the situation, we initiated conversations with GFES, working cooperatively to find a solution that would ensure adequate ALS coverage was maintained for the citizens of Great Falls during this period. Great Falls Fire Rescue (GFFR) has provided ALS service since 2000, utilizing dual role Engine companies that can handle any type of emergency from structure fires to medical emergencies. This type of versatility and the ability to provide Advanced Life Support care to customers in need of emergency medical service has always been the response model for our department, the standard we strive to meet for our community and has worked well because of City's support over time. By granting a variance to the existing Ambulance performance contract, allowing GFES to respond to 911 calls with a Basic Life Support (BLS) ambulance, we can begin to utilize a true Emergency Medical Dispatch (EMD) system and right resourcing protocols. These changes would allow for a more sustainable, long-term partnership with GFES and Dispatch sending an appropriately staffed ambulance to the appropriate call level. The BLS ambulance would respond to all BLS calls as they are processed through dispatch, leaving the ALS ambulance more readily available for ALS calls. When the 911 system is busy with a heavy call

load and more than two ALS calls are ongoing, GFFR would utilize a Paramedic from the responding GFFR ALS Engine Company to provide the ALS level of care on a GFES BLS ambulance. This practice has been ongoing for many years, but in the past, GFES has always had a Paramedic as part of their ambulance staffing. We also will continue to utilize our ambulance (Rescue) for transport services as needed, during surge events. GFFR currently has four platoons staffed with four Paramedics each allowing for all Engine companies staffed at the ALS level. Our interim model during this shortage period is to keep all outside fire stations (2, 3, and 4) at the ALS level and allowing Fire Station 1 to be BLS when we have a Paramedic off on vacation, sick or injury. To maintain this level of service, occasional Paramedic hirebacks will be required when vacation, sick leave or injury drops the platoon below three Paramedics. The cost for this could remain neutral if we are "hiring back" to maintain minimum manning requirements or the cost of wages if we are hiring back above the minimum manning requirement. This will be tracked during the interim period for an accurate representation of expenses for this commitment.

GFES has agreed to pay \$100.00 ALS Fee every time GFFR utilizes one of our paramedics on a GFES BLS ambulance to complete an ALS transport to the Emergency Department (ED). This will be tracked and enforced monthly during normal performance contract management. ALS patient's that are being cared for by a GFFR Paramedic will be billed by GFES BLS rate.

The Great Falls 911 system Medical director, Dave Simpson, MD, is aware of and in agreement with this arrangement and believes that it will help stabilize our communities EMS system while providing better prehospital emergency resource management for the citizens of Great Falls. When GFFR provides the Paramedic to conduct an ALS transport to the ED, GFFR will be the Authority Having Jurisdiction (AHJ) of all prehospital care given to the patient.

During times, that GFFR is part of transporting a patient to the ED, the remainder of that Engine Company will remain in partial service status and available to handle additional EMS calls in that district until that Paramedic or EMT is returned to their Engine Company, allowing it to return to full service status. This practice has been ongoing in our department since we began providing EMS service.





**Great Falls Emergency Services**

1 August 2018

TO: Chief Hester  
EMS System Administrator

FROM: Justin Grohs  
General Manager

Chief Hester,

This letter is a follow-up to my letter dated 17 July 2018.

Effective 11 August 2018, GFES will be deploying three trucks daily, including two (2) ALS level trucks (ALS 1 and ALS 2) and one (1) truck that will be ALS some days and BLS other days (ALS 3 or BLS 3). The third truck will be on-duty 0800-1000 (0000 on weekends) and will be in an on-call status from 0700-0800, and from shift end to 0700 the next day.

Effective September 1, and until further notice, the third truck will be staffed consistently at a BLS level (BLS 3).

Respectfully,

A solid black rectangular box redacting the signature of Justin Grohs.

Justin Grohs

**Great Falls Emergency Services 514 9<sup>th</sup> Ave South, Great Falls, Montana 59405**  
**406.453.5300 [greatfalls-ems.com](http://greatfalls-ems.com)**



**Item:** Resolution 10255 Public Hearing to Establish Residential and Commercial Water, Sewer, and Storm Drain Utility Service rates effective October 1, 2018

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Public Works and Finance Department

**Presented By:** Jim Rearden, Public Works Director & Melissa Kinzler, Finance Director

**Action Requested:** Conduct Public Hearing

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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 10255 establishing residential and commercial water, sewer, and storm drain utility service rates effective October 1, 2018.”

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

**Summary:**

Each year, staff reviews and analyzes the financing needs of the water, sewer, and storm drain funds. The City contracted with Advanced Engineering and Environmental Services, Inc. (AE2S) for a water and sewer utility rate study based on a comprehensive review of the City’s water and sewer funds and budgets, Water Master Plan, Wastewater Facilities Plan, customer classes, current usage data and future planned growth of the City. The study was conducted to ensure revenue adequacy, cost of service and rate planning analyses and evaluated current and future costs and compared them to the industry standards for Montana and our region. The results included the following information:

1. A comparison of current water and sewer system costs (operations, capital improvements, and

- bonded debt) against appropriate industry benchmarks.
2. Recommended baseline rate structures required to fund water and sewer systems and considerations for annual inflationary, indexed adjustments to rates needed to maintain each utility.
  3. Recommended ways of communicating utility system costs including recommendations for restructuring utility bill format.
  4. Equity for all types of property ownership including single and multi-family units, MaltEurop, Calumet, Montana Refining, Black Eagle and Malmstrom Air Force Base.

### **Background:**

Adjustments in utility rates are necessary to provide adequate revenue to finance the capital improvements program, meet debt service coverage requirements and to maintain appropriate reserves. The rate projections to meet future revenue requirements and gradually address cost of service for the various user classes have changed the way in which the proposed rates are being presented.

In order to correct existing inequities for water, staff is recommending a change in fixed charges to align the fees with the American Water Works Association (AWWA) and to adjust essential water use from 300 cf to 600 cf per month. With the adjustment in essential water use, the residential user class consuming 300 cf of water will see a slight increase. The commercial class will see an increase of 5% to correct existing inequities in this user group. Staff recommends eliminating the tiered rate for residential sewer consumption in order to be more consistent with common wastewater industry practices and level out the rate. This will correct existing inequities in the residential user group. Staff recommends increasing commercial sewer rates to fix existing inequities in the commercial user group. Staff recommends a 10% increase in storm drain rates.

For Residential customers, an average water bill would decrease \$1.71 per month or 9%, from \$19.35 per month to \$17.64 per month. An average sewer bill would increase \$.23 per month or 1%, from \$23.49 to \$23.72 per month. An average storm drain bill would increase \$.57 per month or 10%, from \$5.69 to \$6.26 per month. The average monthly Residential utility bill would decrease \$.91 or 2%.

For Commercial customers, an average water bill would increase \$2.72 per month or 5%, from \$51.74 to \$54.46 per month. An average sewer bill would increase \$2.09 per month or 3%, from \$72.03 to \$74.12 per month. An average storm drain bill would increase \$.67 per month or 10%, from \$6.69 to \$7.36 per month. The average monthly Commercial utility bill would increase \$5.48 or 4% to adjust inequities in the Commercial user group.

The rate increase for water is due to approximately \$102.8 million in capital improvements needed over the next 10 years. The significant projects include Ongoing Watermain Replacement \$30.6M, WTP Electrical Upgrades (Phase 1 & 2) \$22.6M, North/South River Crossings \$11.5M, WTP Filter Media Replacement & Upgrade (Phase 1, 2 & 3) \$9.6M and WTP Sludge Processing Improvements \$5M. Over the next 10 years, operating expense is projected to grow from \$6.2M to \$9.8M. The projected cost escalation for key operational expenses is due to chemicals, power, labor and general inflation.

Fire hydrants are integral to the water system as a whole, and are included as a monthly charge within the rate structure rather than a once a year special assessment. Staff recommends a gradual per meter size correction strategy with differing increases applied by meter sizes to gradually correct ratios to ensure that the total revenue is in line with the cost of service. Therefore, staff recommends a 10% increase or \$.31 per month for 1" meters and a 6% increase or \$.71 per month for 2" meters,.

The rate increase for sewer is due to approximately \$45.4 million in capital improvements needed over the next 10 years. The significant projects include Ongoing Sewer Rehabilitation \$11M, WWTP Westside Pump Station Improvements \$1.75M, Lift Station No. 1 Rehabilitation \$3M and Nutrient Discharge Improvements \$10M. Over the next 10 years, operating expense is projected to grow from \$5.9M to \$8.6M. The projected cost escalation for key operational expenses is due to chemicals, power, labor and general inflation.

The rate increase for storm drain is due to the approximately \$23.2 million in capital improvements needed over the next 10 years.

Specific Conductance (\$12), Total Coliform & E coli MPN (\$26), and Ammonia Totals as N (\$22) are tests no longer performed by the Water Treatment Plant (WTP). Appendix A was updated subsequent to the Commission setting the public hearing at its meeting on August 21, 2018, to accurately reflect WTP fees.

**Fiscal Impact:**

The last water and sewer cost of service study was done in 2001. After adjusting rates to the study conducted in 2018, the average monthly Residential utility bill would decrease 2% or \$.91 per month. The average monthly Commercial utility bill would increase 4% or \$5.48 per month. Comparisons of current versus proposed charges, rate and fee structures are attached.

**Alternatives:**

The City Commission could choose to deny Resolution 10255 and not adjust the rates.

**Concurrences:**

Representatives from Public Works and the Finance Department worked together with AE2S throughout the process to develop fair and equitable rates for all user classes based on the level of service provided, reset the rate structure based on the amount of time that has passed since the last comprehensive study, benchmark existing and future rates considering affordability and competitiveness and to ensure rate increases are sufficient to achieve long term water and sewer utility funding objectives.

ATTACHMENTS:

- ▣ RES 10255
- ▣ PUBLIC NOTICE
- ▣ APPENDIX A CURRENT VS PROPOSED RATES
- ▣ 2018 UTILITY RATE REVIEW CALENDAR

**RESOLUTION NO. 10255**

**A RESOLUTION ESTABLISHING RESIDENTIAL AND COMMERCIAL  
WATER, SEWER, AND STORM DRAIN UTILITY SERVICE RATES  
EFFECTIVE OCTOBER 1, 2018**

**WHEREAS**, an annual review is performed of the water and wastewater cost of service for the municipal water and wastewater utilities, and rate and fee schedules prepared to generate sufficient revenue to pay all costs for the operation and maintenance, administration, and routine functions of the existing and such future facilities as may be established within the service area;

**WHEREAS**, the cost of service review indicates a need for extension, repair, improvement, and continued operation and maintenance of existing and proposed water and wastewater system facilities for the providing of water and wastewater services to the inhabitants of the City of Great Falls; and

**WHEREAS**, pursuant to Title 13 of the Official Code of the City of Great Falls, the City of Great Falls is authorized to regulate the City's municipal water and wastewater utility and to establish all rates, fees and charges for use of the utility systems or for permits, licenses, connections or inspections; and

**WHEREAS**, it is essential to the public health, welfare and safety of the inhabitants of the City of Great Falls to provide an adequate public water and wastewater system and to provide adequate funding to meet the cost of constructing, maintaining, and operating the same; and

**WHEREAS**, notice having been provided as required by law, the City Commission of the City of Great Falls conducted a public hearing on Tuesday, September 18, 2018, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., and did consider the cost of operation, equipment, facilities, debt service, and capital improvements for the Water, Sewer, and Storm Drain Utility systems.

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

Water, Sewer, and Storm Drain Utility Service Rates are hereby established as set forth in Appendix A, attached hereto and made a part hereof.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 18<sup>th</sup> day of September, 2018.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Joseph Cik, Assistant City Attorney

**PUBLIC NOTICE  
PUBLIC HEARING ON RESOLUTION 10255  
TO ESTABLISH WATER, SEWER, AND STORM DRAIN  
RESIDENTIAL AND COMMERCIAL UTILITY SERVICE RATES**

The City of Great Falls is proposing to raise residential and commercial water, sewer and storm drain utility service rates, effective October 1, 2018. The increases are necessary to provide adequate revenue to finance the capital improvements program, to meet debt service coverage requirements and to maintain appropriate reserves.

**Typical Residential Customers**

Residential customers with a lot size of 7,500 square feet and a 3/4" meter who use 600 cubic feet of water per month and have a winter quarter average of 600 cubic feet per month to calculate their sewer rate would see rate increases as follows:

- A water bill would decrease \$1.71 or 9%, from \$19.35 to \$17.64 per month;
- A sewer bill would increase \$.23 or 1.0%, from \$23.49 to \$23.72 per month; and
- A storm drain bill would increase \$.57 or 10%, from \$5.69 to \$6.26 per month.

The average monthly Residential utility bill would decrease \$.91 or 2%.

**Typical Commercial Customers**

Commercial customers with a lot size of 7,500 square feet with a 1" meter and consumption of 2,400 cubic feet of water and sewer per month would see rate increases as follows:

- A water bill would increase \$2.72 or 5%, from \$51.74 to \$54.46 per month;
- A sewer bill would increase \$2.09 or 3%, from \$72.03 to \$74.12 per month; and
- A storm drain bill would increase \$.67 or 10%, from \$6.69 to \$7.36 per month.

The average monthly Commercial utility bill would increase \$5.48 or 4%.

**Public Hearing**

The public hearing will be held on Tuesday, September 18, 2018, at 7:00 pm in the Civic Center Commission Chambers, 2 Park Drive S. Please mail any comments to City Clerk, City of Great Falls, PO Box 5021, Great Falls, MT 59403.

For further information, contact a City of Great Falls Utility Billing Clerk at (406) 727-7660 or Room 104 of the Civic Center, 8:00 am to 5:00 pm.



**CITY OF GREAT FALLS, MONTANA**

**Resolution 10255, Appendix A**

**Current Rates vs. Proposed Rates**

pg 1 of 3

Combined Water & Sewer	Quantity Charges CCF / Mo.			Monthly Service Charges												
				Not Meter Based	Meter Based - Service Line Size (inches)											see 6" if "na"
	1st 300 cf	Over 300 cf	Over 600 cf		(3/4") 0.75	1	1.25	1.50	2	3	4	6	8	10	12	
<b>RESIDENTIAL WATER</b>																
2017 Regular Residential	1.47	2.46		7.56	8.06	14.61	14.61	18.52	49.37	71.44	143.98	216.74	306.47	452.25		
2018 Regular Residential	1.68	1.68	2.81	7.56	8.62	14.61	14.61	19.26	55.79	78.58	143.98	216.74	306.47	452.25		
2017 Low Income Residential	1.33	2.21		6.81	7.25	13.14	13.14	16.65	44.42	64.31	129.59	195.06	275.84	407.03		
2018 Low Income Residential	1.51	1.51	2.53	6.81	7.76	13.14	13.14	17.32	50.19	70.74	129.59	195.06	275.84	407.03		
(90 % of Regular Residential)																
Fire Hydrant																
2017 Monthly				2.70	3.08	8.56	8.56	11.83	37.51	56.02	116.52					
2018 Monthly				2.70	3.39	8.56	8.56	12.54	37.51	56.02	116.52					
2017 Annual				32.40	37.03	102.70	102.70	142.00	450.08	672.27	1,398.20					
2018 Annual				32.40	40.68	102.70	102.70	150.48	450.08	672.27	1,398.20					
<b>SEWER</b>																
2017 Regular Residential	1.86	3.08		8.67												
2018 Regular Residential	2.48	2.48	2.48	8.84												
2017 Low Income Residential	1.68	2.78		7.79												
2018 Low Income Residential	2.23	2.23	2.23	7.95												
(90 % of Regular Residential)																
<b>COMMERCIAL WATER</b>																
2017 Regular Commercial	1.82	1.82		7.56	8.06	14.61	14.61	18.52	49.37	71.44	143.98	216.74	306.47	452.25		
2018 Regular Commercial	1.91	1.91	1.91	7.56	8.62	14.61	14.61	19.26	55.79	78.58	143.98	216.74	306.47	452.25		
2017 Black Eagle	1.89	1.89		2 - 8" meters @ 216.74												
2018 Black Eagle	1.97	1.97	1.97													
2017 Malmstrom AFB	2.10	2.10		1 - 8" plus 1 - 10" meter 216.74 plus 306.47												
2018 Malmstrom AFB	2.21	2.21	2.21	1 - 8" plus 1 - 10" meter 216.74 plus 306.47												
2017 Raw Water	0.31	0.31														
2018 Raw Water	0.33	0.33	0.33													
Fire Hydrant																
2017 Monthly				2.70	3.08	8.56	8.56	11.83	37.51	56.02	116.52					
2018 Monthly				2.70	3.39	8.56	8.56	12.54	37.51	56.02	116.52					
2017 Annual				32.30	37.03	102.70	102.70	142.00	450.08	672.27	1,398.20					
2018 Annual				32.40	40.68	102.70	102.70	150.48	450.08	672.27	1,398.20					
Fire Lines																
2017 Monthly				na	na	na	na	2.88	4.38	6.77	12.04	16.31	na	41.99		
2018 Monthly				na	na	na	na	1.80	4.38	7.24	21.07	44.85	na	130.17		
2017 Annual				na	na	na	na	34.58	52.53	81.24	144.48	195.76	na	503.85		
2018 Annual				na	na	na	na	21.60	52.53	86.88	252.84	538.20	na	1,562.04		
<b>SEWER</b>																
2017 Regular Commercial	2.64	2.64		8.67												
2018 Regular Commercial	2.72	2.72	2.72	8.84												
2017 Black Eagle	2.64	2.64		8.67												
2018 Black Eagle	2.72	2.72	2.72	8.84												
2017 Malmstrom AFB	2.30	2.30		8.67												
2018 Malmstrom AFB	2.39	2.39	2.39	8.84												
2017 MaltEurop	1.84	1.84		7.87												
2018 MaltEurop	1.90	1.90	1.90	8.03												



CITY OF GREAT FALLS, MONTANA

Resolution 10255, Appendix A

Current Fees vs. Proposed Fees

pg 2 of 3

PRE-TREATMENT SEWER CHARGES

2017 Regular Charges  
2018 Regular Charges  
2017 BOD > 0 mg/L  
2018 BOD > 0 mg/L  
2017 TSS > 0 mg/L  
2018 TSS > 0 mg/L

Quantity Charges CCF / Mo.		Not Meter Based
0.70	0.70	0.00
1.29	1.29	8.67
1.35	1.35	8.84
per pound		0.545
per pound		0.332
per pound		0.373
per pound		0.490

SEWER EXTRA STRENGTH CHARGES

BOD > 200 mg/L

2017 Regular Commercial  
2018 Regular Commercial  
inc Malmstrom AFB & Black Eagle  
2017 MaltEurop  
2018 MaltEurop

per pound	0.545
per pound	0.332
per pound	0.332
per pound	0.332

TSS > 250 mg/L

2017 Regular Commercial  
2018 Regular Commercial  
inc Malmstrom AFB & Black Eagle  
2017 MaltEurop  
2018 MaltEurop

per pound	0.373
per pound	0.490
per pound	0.313
per pound	0.490

Water Service Line Size (inches)

	(3/4")	1.00	1.50	2.00	4.00	6.00	8.00	12.00
<b>CONNECTION FEES</b>								
<b>WATER</b>								
2017	\$504	\$559	\$680	\$736	\$1,420	\$2,201	\$3,680	\$7,976
2018	\$519	\$576	\$700	\$758	\$1,463	\$2,267	\$3,790	\$7,697

Fee shall be ADDED TO: General Plumbing Permit for extension to new buildings; or, Inspection Permits for larger diameter pipe.

SEWER

Single Family Residential

2017	\$ 262
2018	\$ 270

Commercial & Multi Family Units

2017	\$ 262	\$ 489	\$ 960	\$ 2,015	\$ 6,019	\$ 9,998	\$ 15,358	\$ 29,508
2018	\$ 270	\$ 504	\$ 989	\$ 2,075	\$ 7,126	\$ 10,268	\$ 15,798	\$ 30,393

Connection Fees are for connection of service line to WATER AND SEWER mains, and do not include installation or general plumbing permits. There is no fee to connect to the STORM SEWER SYSTEM.

Call City of Great Falls Community Development for more information @ 406-453-8430

Inspections and the associated fees are for the inspection and approval of all water and sewer service work and connections under OCCGF, Title 13 Call City of Great Falls Engineering for more information @ 406-771-1258

Where one meter serves one multi-purpose development, either mobile home, multiple family housing units, local business, commercial, industrial, residential use zones or variance, the connection charge will be based upon the size of the water tap. If there is no water tap, the charge will be based upon the sewage being discharged on the same ratio as for other sewer connections.

(3/4")	1.00	1.50	2.00	4.00	6.00	8.00	12.00
--------	------	------	------	------	------	------	-------

TAPPING FEES (Water)

Fee for any new or replacement tap being made on a water main.

1 to 5 taps Fee per Tap:

2017	\$ 540	\$ 567	\$ 855	\$ 1,078	\$ 506	\$ 531	\$ 553	\$ 595
2018	\$ 556	\$ 584	\$ 880	\$ 1,111	\$ 524	\$ 547	\$ 569	\$ 613

6 or more taps Fee per Tap:

2017	\$ 483	\$ 529	\$ 855	\$ 1,078	N/A	N/A	N/A	N/A
2018	\$ 497	\$ 545	\$ 880	\$ 1,111	N/A	N/A	N/A	N/A

INCLUDED in this fee is installation of a corporation stop on the main, and furnishing of corporation stop, curb stop and box. NOT INCLUDED, and to be BILLED EXTRA, is the cost of saddles, clamps and other extraneous fitting required for the tap.

TURN ON/OFF

After Hours

After Hours

Flat fee of:

2017	\$ 75	2017	\$ 100	REOCCURRENCE FOR NON-PAY	2017	\$ 150	2017	\$ 200
2018	\$ 75	2018	\$ 100	REOCCURRENCE FOR NON-PAY	2018	\$ 150	2018	\$ 200

WATER TREATMENT PLANT (WTP)

Laboratory Fees

	Akalinity	Hardness	pH	Specific Conductance	Total Coliform & E. coli. P/A	Total Coliform & E. coli. MPN	Turbidity	HPC	Ammonia, Total as N	Ammonia, Free	Chlorine, Free Residual	Chlorine, Total Residual
2017	\$ 20.50	\$ 28.50	\$ 10.25	\$ 10.75	\$ 22.00	N/A	\$ 12.00	\$ 40.00	\$ 20.25	\$ 20.25	\$ 12.50	\$ 14.00
2018	\$ 22.00	\$ 28.50	\$ 12.00	\$ 10.75	\$ 24.00	N/A	\$ 14.00	\$ 45.00	\$ 20.25	\$ 20.25	\$ 12.50	\$ 14.00

\* Tests no longer performed at the Water Treatment Plant.

WASTEWATER TREATMENT PLANT (WWTP)

Industrial Discharge Permit Application Fees

(Based upon Wastewater Discharge Quantity)

Gallons per Day (GPD)

	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS
2017	\$ 128.00	\$ 207.00	\$ 265.00	\$ 265.00	\$ 78.00
2018	\$ 132.00	\$ 213.00	\$ 273.00	\$ 273.00	\$ 80.00

Hauled Waste Disposal Fees

0 to 100 Gallons

2017 No Charge discharged directly from the recreational vehicle and must not exceed 100 gallons  
2018 No Charge Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons  
Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons  
will be levied for each load delivered.  
2017 \$ 28.25 per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered  
2018 \$ 36.50 per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered.

Additional Fees

Additional fees may be charged for necessary testing prior to acceptance of wastes classified as non-domestic or industrial in nature.

Delinquent Penalty 1.5% after 60 days.

**CITY OF GREAT FALLS, MONTANA**  
**Resolution 10255, Appendix A**  
**Current Rates vs. Proposed Rates**  
 pg 3 of 3

**STORM DRAIN**  
 2017 10.00%  
 2018 10.00%

		Sq Ft Cap	
<b>A</b>	<b>Single Family Res.</b>	<b>15,000</b>	
2017	Base	1.7567443080	Per Sq Ft 0.0005270233
2018	Base	1.9324187388	Per Sq Ft 0.0005797256
<b>B</b>	<b>Multiple Residential</b>	<b>0</b>	
2017	Base	1.7567443080	Per Sq Ft 0.0006587791
2018	Base	1.9324187388	Per Sq Ft 0.0007246570
<b>C</b>	<b>Commercial</b>	<b>0</b>	
2017	Base	1.7567443080	Per Sq Ft 0.0008564129
2018	Base	1.9324187388	Per Sq Ft 0.0009420542
<b>D</b>	<b>Heavy Commercial</b>	<b>0</b>	
2017	Base	1.7567443080	Per Sq Ft 0.0011858024
2018	Base	1.9324187388	Per Sq Ft 0.0013043826
<b>E</b>	<b>Unimproved Areas</b>	<b>10,000</b>	
2017	Base	1.7567443080	Per Sq Ft 0.0001317558
2018	Base	1.9324187388	Per Sq Ft 0.0001449314



**2018 UTILITY RATE REVIEW CALENDAR**

July						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August						
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			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

September						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	2	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

DATE	TASK	RESPONSIBILITY
7/17/2018	PRESENTATION OF RATE ANALYSIS City Commission Work Session	Commission Finance / Public Works
8/21/2018	STORM DRAIN PRESENTATION City Commission Work Session	Commission Finance / Public Works
8/21/2018	SET PUBLIC HEARING City Commission Meeting	Commission Finance / Public Works
8/25/2018	1st PUBLICATION OF NOTICE IN GF TRIBUNE	Great Falls Tribune
9/2/2018	2nd PUBLICATION OF NOTICE IN GF TRIBUNE	Great Falls Tribune
9/5/2018	WEEK 2 PUBLIC NOTICE INSERTED IN UTILITY BILLS AND EMAIL SENT TO EBILL CUSTOMERS	Finance
9/5/2018	WEEK 3 MAILED	Finance
9/5/2018	WEEK 4 MAILED	Finance
9/5/2018	WEEK 1 MAILED	Finance
9/9/2018	3rd PUBLICATION OF NOTICE IN GF TRIBUNE	Great Falls Tribune
9/18/2018	PUBLIC HEARING/FINAL ACTION City Commission Meeting	Commission Finance / Public Works
10/1/2018	EFFECTIVE DATE FOR RATE INCREASES	Finance



**Item:** Public Hearing - Resolution 10268 to annex a 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162, Ordinance 3180 to establish Planned Unit Development zoning, and Preliminary Plat for a Major Subdivision to create 40 lots for Wheat Ridge Estates, Phase I

**From:** Tom Micuda, Deputy Director, Planning and Community Development

**Initiated By:** KYSO Corporation

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

**Action Requested:** City Commission (adopt/deny) Resolution 10268, (adopt/deny) Ordinance 3180, (approve/deny) the Preliminary Plat for Major Subdivision, and the Findings of Fact.

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**Public Hearing:**

1. Mayor 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:**

Commissioner moves:

I. "I move that the City Commission (adopt/deny) Resolution 10268 to annex the 21.10 acre tract identified as Parcel 1 on Certificate of Survey #5162 and the accompanying Findings of Fact."

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

and if Resolution 10268 is adopted, proceed to suggested Motions II and III; however, if Resolution 10268 is not adopted, Motions II and III are moot and need not be addressed;

II. "I move that the City Commission (adopt/deny) Ordinance 3180 establishing Planned Unit Development zoning and the accompanying Findings of Fact."

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

and:

III. "I move that the City Commission (approve/deny) the Preliminary Plat for the 40-lot Major Subdivision and the accompanying Findings of Fact."

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

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**Staff Recommendation:**

Staff recommends denial of the proposed annexation, Planned Unit Development zoning request, and Preliminary Plat for a Major Subdivision of the subject property, based on the Findings of Fact.

**Summary:**

The applicant, KYSO Corporation, is requesting annexation, zoning, and subdivision of a 21.10 acre parcel located south of the East Great Falls Retail Center anchored by the Walmart Superstore as Phase I of the Wheat Ridge Estates development. The 21.10 acre parcel is one of three parcels that comprise 227.63 acres owned by the applicant. The applicant's 227.63 acres are bordered by the Walmart store and vacant commercially zoned property to the north, the KOA Campground and vacant property to the west, vacant property to the south, and vacant property to the east. The northeast portion of the 227.63 acres adjoining US Highway 89 and the Malmstrom Air Force Base contains a 10.21 acre Airfield Restrictive Easement not being disturbed for development. This decreases the total potential development area to 217.42 acres.

The 21.10 acre parcel and two other remaining tracts are located within the Cascade County Planning Jurisdiction. These tracts are zoned Agricultural, allowing development to single family detached units or two-unit dwellings on parcels that must be at least 20 acres in size. Because the 21.10 acre parcel is contiguous to the City limits as a result of the East Great Falls Retail Center annexation, it is eligible to be considered for a developer-initiated annexation request.

The applicant has long had a vision of developing the entire 200+ acre area for a master planned community featuring different types of residential housing products, mixed use parcels immediately adjoining the East Great Falls Retail Center, a Town Center featuring some higher density housing and commercial services, and numerous pocket parks and linear greenways. Because of this concept, the applicant is requesting Planned Unit Development (PUD) zoning for the 21.10 acre tract to be annexed. The applicant's proposal for this tract also includes subdivision to create three mixed use lots. Although these lots would be zoned PUD, the development of the lots is proposed to be modeled almost precisely according to the standards and allowed uses of the City's M-1 Mixed-use zoning district. This district allows a range of residential housing types, some retail uses, office uses, institutional uses, and light manufacturing. The combined area of the mixed use lots is 1.82 acres.

The applicant also wishes to subdivide another portion of the 21.10 acres for 37 single family detached home lots. All of the proposed lots would be at least 11,500 square feet and most resemble development one would find in the City's R-2 Single-family medium density zoning district, which requires 11,000 square foot residential lots. The remaining development standards for this portion of the proposed PUD, such as lot width, building heights, setbacks, and lot coverage percentage, are requested to be a mix of standards found in the City's R-1, R-2, and R-3 zoning districts. Although the proposed use of the lots will be for single family detached homes, the applicant is requesting permitted uses consistent with the R-1 zoning district. The combined area of the residential lots is 12.50 acres, with the remaining acreage being devoted to streets (public and private) and greenspace.

The applicant's request for annexation, establishment of PUD zoning, and a Preliminary Plat to subdivide the mixed use and single family home lots requires consideration by both the Planning Advisory Board/Zoning Commission and City Commission. Staff analysis of applicable review issues



is provided in the background section of the report.

Due to the challenges created by the applicant's request, as well as the difference of opinion between the Planning Advisory Board/Zoning Commission and City staff, two meetings were needed to reach a recommendation. First, a public hearing was conducted by the Planning Advisory Board/Zoning Commission on March 27, 2018. After the close of the public hearing, the item was tabled for a later date because of the Planning Advisory Board/Zoning Commission members' desire to take additional time to evaluate a significant amount of new information which was presented by the applicant at the March 27 meeting.

At the April 24, 2018 meeting of the Planning Advisory Board/Zoning Commission, both City staff and the applicant provided additional presentations and materials as follow-up to the previous month's public hearing. After hearing additional testimony, the Board rejected the staff's recommendation of denial and recommended to the City Commission that the requested annexation, establishment of PUD zoning, and subdivision be approved. The Board's recommendations on all three requests were not unanimous, with the votes being 6-3 in favor of annexation, 6-3 in favor of establishing PUD zoning, and 5-4 in favor of the preliminary subdivision plat. At the meeting, City staff assisted the Board in developing alternative findings of fact to support these recommendations. The alternative findings plus the staff's original findings of denial are being provided for the City Commission's review.

### **Background:**

The applicant has been developing property within Great Falls for many years. Specifically, the applicant has developed the Berkner Heights residential subdivision as well as the East Ridge residential subdivision in the southeast portion of the community. The applicant has been interested in developing the larger 227.63 acre parcel since 2005. For various reasons, including City concerns about the potential impacts of development on Malmstrom Air Force Base, no development proposal has moved forward for public hearing review.

Annexation is discretionary, not mandatory. The City is not required to approve every application to annex property, but rather to evaluate requests for annexation on their individual merits as they relate to the City's interests - particularly the ability for the City to provide essential services and the compatibility of the project with the principles and goals of the City's growth policy. If a weighing of the merits does not support annexation, the City may disapprove the application pursuant to MCA §7-2-4601(3).

The City's evaluation of the applicant's annexation, zoning, and subdivision requests requires the City Commission to accept specific Findings of Fact for each request. The basis for decision for an annexation by petition request is listed in the Official Code of the City of Great Falls (OCCGF) §17.16.7.050. The basis of decision on Planned Unit Development requests is listed in OCCGF §17.16.29.050 and the basis for decision to approve, conditionally approve, or deny a proposed subdivision is based on the proposed subdivision meeting the requirements of 76-3-608 MCA. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact.

In its own evaluation and development of proposed Findings of Fact, City staff discussed the proposed project with other City departments, defense counsel for a lawsuit against the City on an adjacent parcel, as well as representatives from Malmstrom Air Force Base. These discussions revealed the presence of the following challenges:

**Public Safety Service:** Because the 21.10 acre parcel is only contiguous to the City limits on the parcel's north side and because the property is located at the southeast boundary of Great Falls, it presents challenges for police, fire, and emergency services. In the event of a fire or EMS call, the typical response to an incident on this parcel would come from City Fire Station #3 located at 3325 Central Avenue. According to Great Falls Fire Rescue (GFFR), the current average response time to provide service to the closest edge of the adjoining Walmart property is approximately six to seven minutes. A 4 minute response time is the industry standard for service according to the National Fire Protection Association. Please see a color-coded response time map provided by the Fire Department as an attachment to this report.

During the Planning Board hearing, the applicant argued that the GFFR response time map did not support Staff's indication that the emergency response time to the proposed development was six to seven minutes. Staff agrees that the map itself does not indicate a six to seven minute time. The response time map was illustrative based upon data from 2014-16, which was two to four years old. Around the time Walmart opened, GFFR performed a test run to determine the response time, and it took GFFR seven minutes and twenty seconds to respond to the store. Additionally, eight 2018 calls from the Walmart store, two of which were non-emergent, had an average response time of six and a half to seven minutes. The response time is the time en route to the time GFFR arrives on scene.

Additionally, information provided in July 2018 to GFFR by the City's contracted private ambulance service provider, which referenced a nationwide paramedic shortage, adds to the City's concern regarding overstressing its emergency response capabilities. As a result of this shortage, GFFR believed it had no choice but to present Item No. 10 to the Commission in this Agenda packet, in the interests of public safety and the adequate provision of emergency services.

While the attached map shows other areas already in the City that have equal or even longer response times, there are some other aspects about the parcel's locational context and proposed access design that cause additional challenges. First, the submitted Phase I Subdivision Plan only shows a single public street access for the 37 single family lots and 3 mixed use lots using a proposed extension of 57th Street South. The 2012 International Fire Code (IFC), Appendix D, requires two separate and approved fire apparatus access roads when the number of dwelling units exceeds 30. The applicant has initiated the permit process with the Montana Department of Transportation to get an emergency access approach onto Highway 89. An exhibit showing the proposed approach location is included as an attachment to this report. The applicant has incorporated the emergency access into the proposed Phase I plan and committed to its construction.

The City-adopted 2012 International Fire Code (D.102.1) pertains to the applicant's proposed secondary access drive. This section reads:

*D102.1 Access and Loading.* Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

The applicant's proposed emergency access drive utilizing a millings surface was evaluated by City Engineering and GFFR Staff. Both departments have indicated that the asphalt milling is not acceptable for a number of reasons, including, but not limited to:

1. An asphalt-milling surface will not provide a durable emergency access point, especially

considering Great Falls' climate and ground conditions. Further, the applicant indicates that the access road would need to be seeded to prevent non-emergency use. This seeding requires water and maintenance for grass to become established, and such rooting will degrade the integrity of the milled surface;

2. An asphalt-milled surface requires significantly more maintenance than an asphalt surface; and
3. An asphalt-milled surface will not be as resistant to degradation after precipitation. Rain or snowfall will lower the ability of the roadway to bear the weight of at least a 75,000 pound fire engine.

Complicating the City service issue even further is the parcel's location in reference to properties to the west. The parcel borders a developed property, the KOA Campground. However, that property is not annexed into the City and is served by a private drive which does not connect to the applicant's parcel. The nearest existing east-west oriented public street to the west of the parcel (13th Avenue South) is over 1/2 mile from the applicant's property. The Annexation Improvement Agreement for the East Great Falls Retail Center (which includes the new Walmart) required dedication of a 60-foot wide right of way between the applicant's property and the Walmart property. If the applicant's property is annexed and future phases of the larger acreage are considered for development, the applicant should be required to construct a small portion of 13th Avenue South. However, the full construction of 13th Avenue South from 57th Street to another viable connection point into the City limits would require the cooperation of other private parties, over which the City has no control.

Based on the proposed design, locational context and limiting factors that the City has no control over, full build out of the master planned community will create adverse transportation impacts. This will particularly be true when adjacent commercial properties are developed. It is incumbent on the City to require effective transportation connectivity to mitigate current and future growth. This proposal completely dismisses appropriate transportation design and connectivity.

In summary, the City Fire and Engineering Departments have legitimate concerns over the functionality of the proposed secondary emergency access drive, and all staff are concerned about the difficulty in creating a viable public street connection into the City to provide much needed additional access.

The applicant correctly indicates that the City may levy impact fees under MCA §7-6-1601 *et seq.* to address improvements to public safety service. While the City Staff agrees that the City Commission has the discretion to levy impact fees, the applicant's position does not consider four salient points:

1. The City Commission has been adverse to assess impact fees for the past thirty or so years;
2. Impact Fee levies are tools available when the City chooses to exercise its discretion if it determines that an annexation is in the City's best interests. Given the issues particular to this application, Staff does not recommend annexation here; and
3. The City would still be required to fund the construction of the necessary emergency services infrastructure, then relying on impact fee revenue that will ebb and flow based on market conditions and resulting construction activity.
4. Notwithstanding the analytical burden imposed in creating an impact fee service area report, under §7-6-1602(7)(e), impact fees are not permitted to include operational or maintenance expenses. In consideration of the already stretched public safety services, this would be an



additional unfunded burden that the City is not equipped to undertake at this time.

**Stormwater Management:** The applicant has provided a preliminary stormwater drainage submission to the City for the entire master plan area. This plan proposes a series of detention ponds designed to hold the post-development rate of flow to slightly less than the pre-development flow rate currently occurring for the property. The applicant is proposing a fairly large detention pond that would temporarily remain in the County's jurisdiction and has been designed to capture and detain storm drainage from the proposed Phase I subdivision as well as future development phases 2-9 (almost the northern half of the entire property).

Much like with the public safety issue, the challenge for the City is the property's location. Phase I as well as the larger proposed master plan area is located at the top of a drainage basin that flows into an area known as "Gibson Flats." As discussed in great detail during Planning Board deliberations, the City is currently defending claims against itself where over \$2,000,000 in damages have been claimed by L. Johnson Corporation. These claims are based upon alleged damage to the Corporation's property resulting from drainage issues from prior developments in the Berkner Heights, Whispering Ridge, Charles Russell, Christensen, East Ridge, and East Great Falls Retail Center Additions. The L. Johnson farm ground is directly south and west of the applicant's proposed development as can be seen in an attached map exhibit which was also displayed for the Planning Board.

Although the applicant's detention plan addresses reduction in stormwater flow rate, it does not mitigate for the increased total volume of water resulting from the conversion of farm ground to impervious surfaces. The plan also creates a concentration of the stormwater discharge point rather than dispersed points of natural flow. Finally, the applicant's plan also does not account for the potential of a resulting increase in groundwater flows. Detention involves temporary storage of stormwater allowing for the water to evaporate or drain through the walls of the pond. Even with the applicant's proposal to reduce flow rate, the result may increase issues in the downstream area, potentially exacerbating an issue already in litigation.

This potential exacerbation is apparently evident to the plaintiff in the L. Johnson litigation, as the lawyer representing the L. Johnson Corporation even attended the Planning Board meetings and has requested that the City provide informal discovery, copies of documents, and the recording of the March 27 meeting. Simply, if this annexation application is approved, the City anticipates that the Plaintiff will claim that there are increased damages in its case, potentially resulting from this development. L. Johnson recently disclosed an expert opinion in the litigation which stated that "any additional recharge to the shallow groundwater will cause the water table to rise higher than it would normally and stay higher for longer periods."

To assist the City Commission in understanding the financial impact of this ongoing litigation, the City requested an update on legal expenses from its outside Counsel in the L. Johnson litigation. To date MMIA has expended significant amounts of expert and legal fees in defense of this case as it involves complex concepts requiring testimony from multiple experts.

City Engineering staff has proposed the applicant's retention of stormwater through a lined pond system (where the stormwater would evaporate and not drain through the pond walls) or diversion through artificial piping of the stormwater to the next drainage basin to the north, as alternatives to the detention plan offered by the applicant. However, the applicant contends that such alternatives adversely affect downstream water rights and that the City (not the applicant) would have to obtain permits for such water rights use with retention or diversion.

If this application is approved and the land is annexed, the City will be faced either with an exacerbation of an existing issue already in litigation or the potential of additional water rights litigation. Staff believes that the stormwater issues alone are sufficient for the City to exercise its discretion to deny annexation of this property, in light of the unique characteristics of applicant's property.

**Impacts Associated with Malmstrom Air Force Base:** Once again, the property's location creates an annexation and development challenge because of its proximity to Malmstrom Air Force Base (MAFB). City staff members have talked to both representatives of MAFB, as well as Montana Air National Guard (MANG) about the potential development of the master plan area. Additionally, staff members have discussed the specific Phase I annexation and development proposal with Malmstrom representatives.

After MAFB had its historical flying mission officially realigned in 1995 due to a BRAC, Base Realignment and Closure, regular discussions have occurred among the MAFB, City, and County officials over how to strike an appropriate balance between how to protect the existing and future operational capabilities of the Air Base, while still allowing for appropriate development on the east side of the community on lands proximate to the Base's runway.

Discussions on this issue gained focus during the planning and development of what is known as the Joint Land Use Study (JLUS). Resolution 9965 pertaining to this study was adopted by the City Commission on May 1, 2012. The last recital before the proclamation states, "Whereas, the City of Great Falls finds the recommendations contained in the JLUS may protect the mission and future missions of Malmstrom, encourage compatible land use around the base and help to sustain growth within the City and Cascade County." The City Commission accepted the report and indicated that it may be used as a resource in developing future land use decisions.

The JLUS identifies a significant portion of the larger master plan area within what is known as Accident Potential Zone I (APZ). Please see a map attachment developed by the City overlaying the Phase I project, larger parcel, and APZ. According to the map results, approximately 89 percent of the larger parcel is within the APZ. For the proposed 21.10 acre annexation and subdivision request, slightly less than 30 percent of the acreage is shown within the APZ.

The following excerpt from pages 3-8 of the JLUS provides some guidance regarding land use planning in areas proximate to the Air Base:

#### COMPATIBLE USES

**Open Space** – This use typically has few structures and excludes residential and other developed uses.

**Agricultural** – This use typically restricts the number of structures and allows for limited or very low density inhabitable structures and other developed uses.

**Commercial** – This use is compatible when not within a designated military safety zone and buildings and structures are below a specified building height.

**Industrial** – This type of use typically may be compatible because industrial uses have many of the same characteristics as military uses (e.g. noise, dust, steam, smoke, safety, etc.). Industrial uses located near military *housing*, however, can be incompatible but impacts may be mitigated depending on the specific use.

#### INCOMPATIBLE USES

**Medium to High Density Residential** – These uses are not compatible within close proximity to military facilities because high numbers of people are permanently congregated in small areas. In general, residential uses are discouraged near military facilities because of increased safety risks, noise exposure and the typical heights of high density buildings, which can interfere with low-level flights.

**Schools, Childcare Centers, Assisted Living Complexes** – These uses encourage the congregation of people and tend to be noise sensitive.

**Public Institutions** – These uses encourage the congregation of people and tend to be noise sensitive.

**Office Buildings** – These uses encourage the congregation of people.

The JLUS is a land use planning document that has not resulted in revisions to the City's Land Development Code or zoning maps. Staff is providing this summary to the City Commission because the document should be considered in the evaluation of the applicant's annexation request.

Currently, there are helicopter training sorties flying over the subject property owned by the applicant. Staff has been advised that the MAFB and the MANG units are also collaborating to consider developing a future C-130 flying mission that would involve the construction of what is called an "Assault Landing Strip" that is proposed to be located just east of the current runway. The planning for this landing strip is in the Environmental Assessment process. Although staff acknowledges that the higher volume noise contours of the Environmental Assessment are not shown to encroach on the applicant's annexation area, staff remains concerned about the possibility of noise complaints and expected sound mitigation requests from future residents of the proposed development. Staff has advised the applicant on multiple occasions to proactively identify proper noise mitigation techniques into the construction design for both the mixed use buildings and residential dwellings. To date, the applicant has refused to cooperate on this issue in its petition for annexation. If the Commission overrules the staff recommendation and votes in favor the project, this mitigation should be considered as a condition of approval.

The applicant states that City staff is using the Joint Land Use Study (JLUS) as a regulatory document. However, this is not correct. Staff is referencing the JLUS for guidance to consider in evaluating this annexation request in the area evaluated by the JLUS. Simply because the JLUS was not adopted as a regulatory document, but one providing guidance (similar to the City's Growth Policy), does not mean that the JLUS should be ignored. The JLUS provides the City with guidance as to how its decisions may affect the long term viability and mission of MAFB.

The applicant further asserts that the use of the JLUS impacts its property rights. However, this position is misplaced. The analysis here is whether this specific annexation is in the City's interests. Annexation is a discretionary decision the City can make under applicable Montana law. A rejection of the annexation request would not impact the applicants' property rights, as the City has no jurisdiction over the property if annexation does not occur.

On this point, a document and public statement were provided by Cascade County Commissioner Joe Briggs at the March Planning Advisory Board/Zoning Commission meeting. He described the Application as an attempt to "circumvent the existing County Zoning," as the property is currently zoned in Cascade County for Agricultural uses and that zoning was established to avoid encroachment and potential disruption of the MAFB mission. If that were the case, the zoning action was taken by the governing body with the power to restrict the applicants' property, Cascade County.

Further, Lt. Col. Mignery, MAFB Base Engineer, provided City staff with a Bullet Background Paper On Encroachment Impacts from Development of Compatible Lands which is attached as Memo from MAFB. This includes the applicant's 21.10 acre property. A summary of points from the Bullet Background Paper includes:

1. Undeveloped lands southwest of Malmstrom AFB are currently compatible, however, the potential exists for residential and/or commercial development that could impact military operations;
2. Several assets would be impacted by the potential development area, including helicopter movement areas, Drop Zones and proposed Assault Landing Zone; and
3. Development could have an impact to Helicopter operations and C-130H operations.

The Bullet Background Paper also discusses that development could have the following negative impacts:

1. Light pollution effects on multiple arrival and departure flight tracks of the Helicopter operations,
2. Flights at 500 feet above ground and aircraft noise posing a nuisance to the proposed development,
3. That the location of the approach and departure zones for the active drop zones and proposed assault landing zones may be impacted by development.

In addition to the summary points provided by Lt. Col. Mignery, please also note the comments provided to the City from Assistant Secretary of the Air Force for Installations, Environment and Energy, John W. Henderson. In response to a contact from the City, the Assistant Secretary noted general USAF concerns about installation encroachment, incompatible development, and its potential negative impacts on operational effectiveness and influence on future basing decisions. An email from the Assistant Secretary has been provided as an attachment to this report (Additional Public Hearing Attachment 1).

An additional issue that was discussed at some length during the Planning Board meetings for the request is the economic impact associated with the potential property tax benefits of adding 37 new single family homes into the City. Supporters of the project indicated that the potential added property tax value as well as the need to provide more available residential lots should be important considerations in this annexation decision. Attached to this report is an exhibit estimating the total amount of tax property revenue anticipated from the addition of 37 new residential lots into the City (Additional Public Hearing Attachment 1). The total amount of revenue will depend on the ultimate market value of the proposed homes, but the City asserts that this value is not substantial and must be compared to hard costs such as public street/traffic control maintenance, public utility maintenance, and sanitation service (if provided by the City), as well as public safety service costs. Furthermore, Commissioners should also consider the property tax benefits of new development in reference to the economic impact of Malmstrom Air Force Base.

Please see the attached material in the packet that quantifies this impact (Additional Public Hearing Attachment 1 and 2). Across the United States, the issue of how communities should address land development decisions for properties that are in the vicinity of military bases is being considered. Staff has included an exhibit from the National Association of Realtors to indicate the importance of good planning and zoning decisions for communities like Great Falls which host military installations

(Additional Public Hearing Attachment 1).

As for the issue of Great Falls having enough vacant lots zoned to allow single family housing, City Planning and Mapping staffs worked to quantify this number. The current inventory of vacant lots that are zoned to allow single family homes is 765. The approximately acreage of these lots is 329 acres.

**Other Issues and Review Comments: During the City's review of the proposed annexation, PUD, and preliminary plat, the City has identified a short list of additional issues that should be discussed by the City Commission if it approves the proposal. These include:**

**1. Annexation Improvement Agreement** - Because City staff and the applicant both prefer a City Commission decision on the annexation before working on a detailed Annexation Improvement Agreement, any decision to approve the project should be conditioned on the City and applicant developing a separate Improvement Agreement that would have to be approved by City Commission. The Improvement Agreement will address all required public improvements, any off-site improvements, and reimbursements owed to the owner or paid out by the owner for previously installed infrastructure.

**2. Transportation Connectivity** - If the entire master plan area is developed, more streets should be stubbed to perimeter property lines - particularly 57th Street South, 2) Additionally, the applicant should be required to construct 13th Avenue South to a public street connection within City limits as part of additional development of the master plan area.

**3. Utilities** - Significantly more detailed discussions are required between the applicant and Public Works concerning the design of sewer, water, and stormwater facilities.

**Fiscal Impact:**

The applicant contends that the proposed development of the 21.10 acres would have a positive fiscal impact to the City because of property taxes generated from the proposed single family and mixed use parcels which will be developed. Staff contends that such revenues are more than outweighed by the following negative factors:

- 1) the potential of added complication and damage claims related to the on-going Gibson Flats litigation;
- 2) the potential for inadequate public safety response, poor roadway connectivity, and maintenance concerns associated with the proposed emergency response access drive; and
- 3) the development impacts to both the current and potential long-term missions of Malmstrom Air Force Base and Montana Air National Guard, with such impacts being in conflict with the policy guidance of the JLUS.

**Alternatives:**

If there are justifiable reasons to do so, the City Commission could take the same action as the Planning Board/Zoning Commission and approve the requested annexation, PUD zoning, and Preliminary Plat for the 40-lot subdivision. The Planning Board/Zoning Commission findings are included as attachments, and the City Commission could utilize those findings or develop new findings if it wishes to approve the project as an alternative to the staff recommendation. If the Commission approves the project, the

Commission should also consider potential conditions of approval. Potential topics for conditions, such as the development of an Annexation Improvement Agreement and noise mitigation, are noted in this report.

**Concurrences:**

The Fire Department, Public Works Department, Legal Department, and City Manager's Office have been consulted extensively on this petition and concur with the staff's recommendation against the applicant's request for annexation, PUD zoning, and subdivision based on negative impacts to public safety, downstream stormwater concerns, and the short and long-term impacts to Malmstrom Air Force Base.

## ATTACHMENTS:

- 1) Resolution 10268
- 2) Resolution 10268 - Attachment A - COS#5162
- 3) Vicinity Map
- 4) Existing Conditions
- 5) Annexation - Findings of Fact - Staff Proposed
- 6) Annexation - Alternative Findings of Fact - Planning Board Recommended
- 7) Ordinance 3180
- 8) Ordinance 3180 - Attachment A
- 9) Ordinance 3180 - Attachment B
- 10) Ordinance 3180 - Attachment C
- 11) Purpose and Intent Narrative
- 12) Conceptual Site Plan
- 13) Overall Site Plan
- 14) PUD Lot Design
- 15) Road Section
- 16) Monument Examples
- 17) Planned Unit Development - Findings of Fact - Staff Proposed
- 18) Planned Unit Development - Alternative Findings of Fact - Planning Board Recommended
- 19) Phase I Site Plan
- 20) Subdivision - Findings of Fact - Staff Proposed
- 21) Subdivision - Alternative Findings of Fact - Planning Board Recommended
- 22) MAFB Accident Potential Zone Map
- 23) Memo from MAFB
- 24) Exhibit - City of Great Falls Growth Policy
- 25) Fire Response Time
- 26) Drainage Map
- 27) PAB Minutes 3-27-18
- 28) Information Submitted at PAB Public Hearing 3-27-18
- 29) PAB Minutes 4-24-18
- 30) Information Submitted at PAB 4-24-18
- 31) Additional Public Hearing Attachment 1
- 32) Additional Public Hearing Attachment 2
- 33) Email from Assistant Secretary Henderson
- 34) Letter from Cascade County Commissioners
- 35) Letter from Loren Smith with Great Falls KOA

**RESOLUTION 10268**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF THE CITY OF GREAT FALLS TO INCLUDE PARCEL 1 OF CERTIFICATE OF SURVEY #5162, A 21.10 ACRE TRACT LOCATED IN THE W 1/2 SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PMM, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED.**

\* \* \* \* \*

**WHEREAS**, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and

**WHEREAS**, there is contiguous to said City, but without the boundaries thereof, a certain tract of land situated in the County of Cascade, State of Montana, and described as follows:

Parcel 1 of Certificate of Survey #5162; a 21.10 acre tract located in the W 1/2 Section 15, Township 20 North, Range 4 East, PMM, Cascade County, Montana;

as attached hereto marked Attachment “A”, and by this reference made a part hereof; and

**WHEREAS**, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and

**WHEREAS**, the owner of the hereinabove described property has submitted a petition to have the subject property annexed to the City of Great Falls; and



**WHEREAS**, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said property into the City of Great Falls; and

**WHEREAS**, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46, Annexation by Petition, and all conditions, acts, and actions required to be performed precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be, and the same are hereby extended so as to embrace and include within the corporate limits of said city, all of the land hereinabove described, included as: "Parcel 1 of Certificate of Survey #5162; a 21.10 acre tract located in the W 1/2 Section 15, Township 20 North, Range 4 East, PMM, Cascade County, Montana," as shown on attached Attachment "A."

**BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate boundaries of the City of Great Falls, Montana, to include said tract of land; and

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of September, 2018.

---

Bob Kelly, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

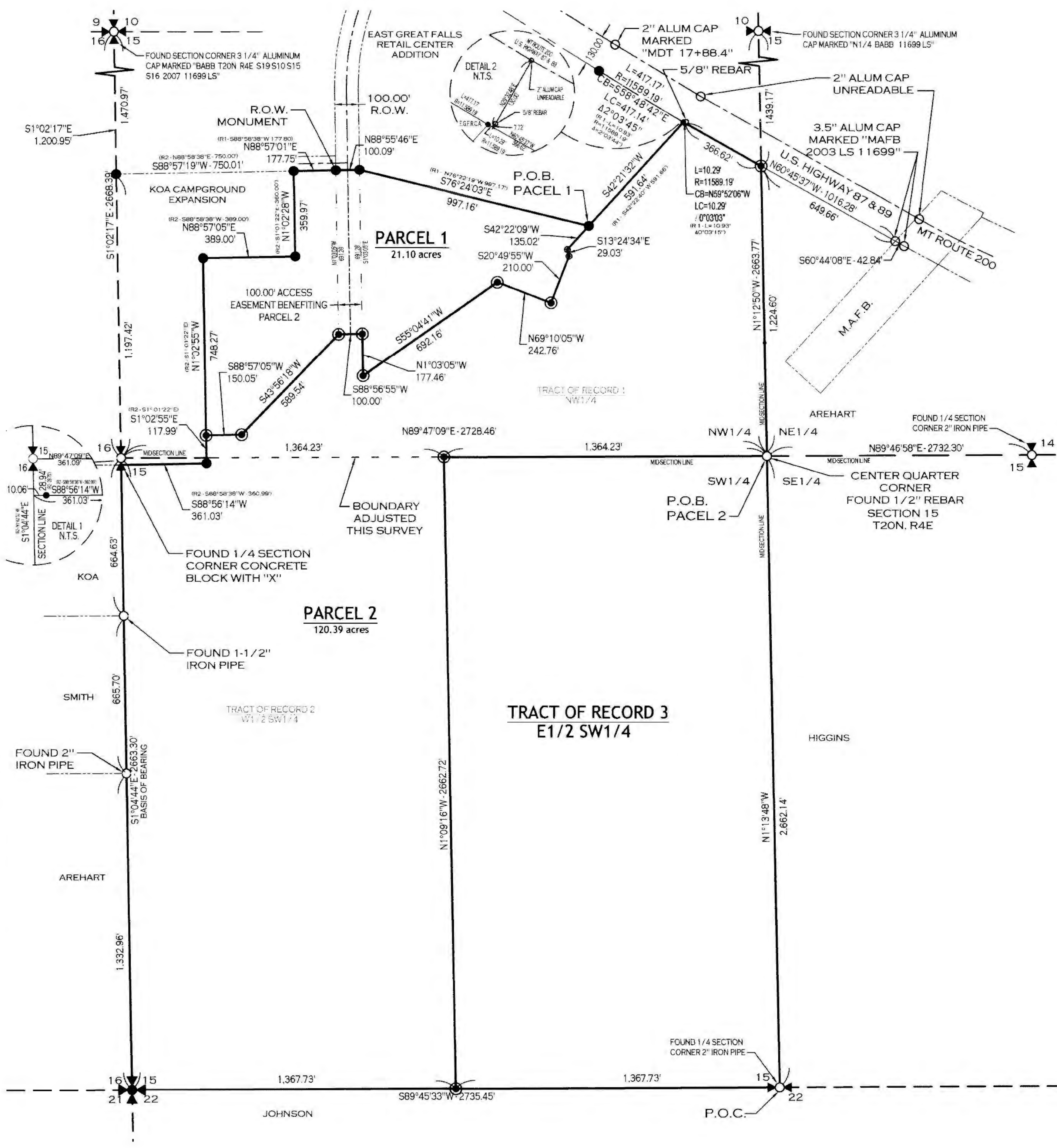
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Sara R. Sexe, City Attorney



# CERTIFICATE OF SURVEY #5162

LOCATED IN THE W 1/2 SECTION 15, T.20N., R.4E., P.M., MT  
CASCADE COUNTY, MONTANA



**LEGEND**

POINT OF COMMENCEMENT	P.O.C.
POINT OF BEGINNING	P.O.B.
SECTION LINE	---
CURRENT SURVEY LINE	---
ADJACENT PROPERTY LINE	---
ROADWAY CENTERLINE	---
ACCESS EASEMENT	---

- FOUND MONUMENT AS NOTED ○
- SET A 5/8" Ø REBAR W/ 2" ALUMINUM CAP "WOITH ENGINEERING PLS 19235" ●
- FOUND RED PLASTIC CAP BABB 11699 L5 ●
- FOUND QUARTER CORNER ⊗
- FOUND SECTION CORNER ⊕
- SET A 5/8" Ø REBAR W/ 2" ALUMINUM CAP "WOITH ENGINEERING T20N R4E S15 S16 S21 S22 PLS 19235" ⊕
- RECORD PL 2007-0000024 (R1)
- RECORD CS 0004836 (R2)

**SURVEY NOTES**

THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE COMMON BOUNDARY BETWEEN TWO TRACTS OF RECORD.

THE BASIS OF BEARINGS FOR THIS SURVEY IS REFERENCED TO A DIRECT GPS MEASUREMENT FROM GEODETIC NORTH (USING WGS 84), RESULTING IN A BEARING OF S1°04'44" E BETWEEN THE MONUMENTED QUARTER SECTION CORNER COMMON SECTIONS 15 AND 16, TOWNSHIP 20 NORTH, RANGE 4 EAST AND THE MONUMENTED SECTION CORNER COMMON TO SECTIONS 15, 16, 21, 22, TOWNSHIP 20 NORTH, RANGE 4 EAST, AS SHOWN HEREON.

NO UNDERGROUND UTILITIES OR SUBSURFACE IMPROVEMENTS WERE MAPPED AS PART OF THIS SURVEY.

MULTIPLE FENCE LINES, UTILITIES, AND ROADWAYS EXIST, TAKE NOTE THAT THEY DO EXIST AND ARE NOT SHOWN HEREON.

EASEMENTS OF SIGHT AND RECORD NOT SHOWN HEREON MAY EXIST.

**CERTIFICATE OF OWNER**

THAT WE THE UNDERSIGNED OWNERS DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED THE FOREGOING TRACTS OF LAND AS SHOWN AND MORE PARTICULARLY DESCRIBED HEREON.

THAT SAID SURVEY HAS BEEN PERFORMED WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS OF SAID LANDS;

THAT WE, KYSO CORPORATION, CURRENTLY OWN TWO TRACTS OF RECORD, RECORDED AS FOLLOWS:

**TRACT OF RECORD 1**

PART OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE FOUR (4) EAST, OF THE PRINCIPAL MERIDIAN OF MONTANA;

CONVEYED BY THAT DEED RECORDED ON PAGE 1160 OF BOOK 328 OF DEEDS, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, CASCADE COUNTY, MONTANA.

AND

**TRACT OF RECORD 2**

PART OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER (W 1/2 NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE FOUR (4) EAST, OF THE PRINCIPAL MERIDIAN OF MONTANA;

CONVEYED BY THAT DEED RECORDED ON PAGE 1160 OF BOOK 328 OF DEEDS, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, CASCADE COUNTY, MONTANA.

THAT WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE DESIRE THE COMMON LINE BETWEEN THE AFOREMENTIONED TRACTS OF RECORD TO BE RELOCATED IN ACCORDANCE WITH THIS MAP CREATING PARCEL 1 AND PARCEL 2 AS DEPICTED AND SECONDARILY DESCRIBED HEREON.

THAT PARCEL 1 AND PARCEL 2 ARE SUBJECT TO ANY OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, AND CONDITIONS OF SIGHT AND/OR RECORD INCLUDING, BUT NOT LIMITED TO THOSE SHOWN HEREON.

**DESCRIPTION OF PARCEL 1**

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN OF MONTANA (P.M.M.T), CASCADE COUNTY, MONTANA, AS SHOWN HEREON.

SAID PARCEL 1 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 15 AND 22 OF TOWNSHIP 20 NORTH, RANGE 4 EAST;

THENCE, N 1°13'48" W, 2662.14 FEET, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15 TO A POINT, BEING THE CENTER ONE-QUARTER OF SAID SECTION;

THENCE, N 1°12'50" W, 1224.60 FEET, ALONG SAID MID-SECTION LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THAT STATE HIGHWAY COMMONLY KNOWN AS STATE HIGHWAY 200;

THENCE, N 60°45'37" W, 366.62 FEET, ALONG SAID RIGHT-OF-WAY TO A POINT;

THENCE, ALONG SAID RIGHT-OF-WAY FOLLOWING A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.29 FEET, A RADIUS OF 11598.19 FEET, A CHORD BEARING OF N 59°52'06" W, A LONG CHORD OF 10.29', AND A Δ OF 0° 03'03" FOR A DISTANCE OF 10.29 FEET, TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, S 42°21'32" W, 591.64 FEET, ALONG SAID BOUNDARY TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, S 42°22'09" W, 135.02 FEET, TO A POINT;

THENCE, S 13°24'34" E, 29.03 FEET, TO A POINT;

THENCE, S 20°49'55" W, 210.00 FEET, TO A POINT;

THENCE, N 69°10'05" W, 242.76 FEET, TO A POINT;

THENCE, S 55°04'41" W, 692.16 FEET, TO A POINT;

THENCE, N 1°03'05" W, 177.46 FEET, TO A POINT;

THENCE, S 88°56'55" W, 100.00 FEET, TO A POINT;

THENCE, S 43°56'18" W, 589.54 FEET, TO A POINT;

THENCE, S 88°57'05" W, 150.05 FEET, TO A POINT OF INTERSECTION WITH THE BOUNDARY OF THE KOA CAMPGROUND EXPANSION;

THENCE, N 1°02'55" E, 748.27 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 88°57'05" E, 389.00 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 1°02'28" W, 359.97 FEET, ALONG SAID BOUNDARY TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, N 88°57'01" E, 177.75 FEET, ALONG SAID BOUNDARY TO THE SOUTHWESTERLY CORNER OF THAT ROAD COMMONLY KNOWN AS 57<sup>TH</sup> STREET SOUTH;

THENCE, N 88°55'46" E, 100.09 FEET, TO THE SOUTHEASTERLY CORNER OF THAT ROAD COMMONLY KNOWN AS 57<sup>TH</sup> STREET SOUTH;

THENCE, S 76°24'03" E, 997.16 FEET, ALONG SAID BOUNDARY TO THE POINT OF BEGINNING;

SAID PARCEL 1 ENCOMPASSES 21.10 ACRES.

**DESCRIPTION OF PARCEL 2**

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) AND A PORTION OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER (W 1/2 SW 1/4) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN OF MONTANA (P.M.M.T), CASCADE COUNTY, MONTANA, AS SHOWN HEREON.

SAID PARCEL 2 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 15 AND 22 OF TOWNSHIP 20 NORTH, RANGE 4 EAST;

THENCE, N 1°13'48" W, 2662.14 FEET, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15 TO A POINT, BEING THE CENTER ONE-QUARTER OF SAID SECTION, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, N 1°12'50" W, 1224.60 FEET, ALONG SAID MID-SECTION LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THAT STATE HIGHWAY COMMONLY KNOWN AS STATE HIGHWAY 200;

THENCE, N 60°45'37" W, 366.62 FEET, ALONG SAID RIGHT-OF-WAY TO A POINT;

THENCE, ALONG SAID RIGHT-OF-WAY FOLLOWING A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.29 FEET, A RADIUS OF 11598.19 FEET, A CHORD BEARING OF N 59°52'06" W, A LONG CHORD OF 10.29', AND A Δ OF 0° 03'03" FOR A DISTANCE OF 10.29 FEET, TO A POINT OF INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, S 42°21'32" W, 591.64 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, S 42°22'09" W, 135.02 FEET, TO A POINT;

THENCE, S 13°24'34" E, 29.03 FEET, TO A POINT;

THENCE, S 20°49'55" W, 210.00 FEET, TO A POINT;

THENCE, N 69°10'05" W, 242.76 FEET, TO A POINT;

THENCE, S 55°04'41" W, 692.16 FEET, TO A POINT;

THENCE, N 1°03'05" W, 177.46 FEET, TO A POINT;

THENCE, S 88°56'55" W, 100.00 FEET, TO A POINT;

THENCE, S 43°56'18" W, 589.54 FEET, TO A POINT;

THENCE, S 88°57'05" W, 150.05 FEET, TO A POINT OF INTERSECTION WITH THE BOUNDARY OF THE KOA CAMPGROUND EXPANSION;

THENCE, S 1°02'55" E, 117.99 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 88°56'14" W, 361.03 FEET, ALONG SAID BOUNDARY TO A POINT OF INTERSECTION WITH THE SECTION LINE COMMON TO SECTIONS 15 AND 16;

THENCE, S 01°04'44" E, 2663.30 FEET, ALONG SAID SECTION LINE TO A POINT, BEING THE SECTION CORNER COMMON TO SECTIONS 15, 16, 21 AND 22;

THENCE, S 89°45'33" W, 1367.73 FEET, ALONG THE SECTION LINE COMMON TO SECTIONS 15 AND 22 TO A POINT, BEING THE WEST ONE-SIXTEENTH CORNER COMMON TO SECTIONS 15 AND 22;

THENCE, N 01°09'18" W, 2662.72 FEET, TO A POINT, BEING THE SOUTHWEST ONE-SIXTEENTH CORNER OF SECTION 15;

THENCE, N 89°47'09" E, 1364.23 FEET, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING;

SAID PARCEL 2 ENCOMPASSES 120.39 ACRES.

WE HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH MCA 76-3-207(1)(A): "DIVISIONS MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF RELOCATING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES."

WE FURTHER CERTIFY THAT THIS SURVEY IS EXCLUDED FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THAT PARCEL 1 AND PARCEL 2 EACH CONTAIN MORE THAN 20 ACRES AND THUS DO NOT MEET THE DEFINITION OF A SUBDIVISION PURSUANT TO MCA 76-4-102(17). "SUBDIVISION" MEANS A DIVISION OF LAND OR LAND SO DIVIDED THAT CREATES ONE OR MORE PARCELS CONTAINING LESS THAN 20 ACRES, EXCLUSIVE OF PUBLIC ROADWAYS, IN ORDER THAT THE TITLE TO OR POSSESSION OF THE PARCELS MAY BE SOLD, RENTED, LEASED, OR OTHERWISE CONVEYED AND INCLUDES ANY RESUBDIVISION AND ANY CONDOMINIUM OR AREA, REGARDLESS OF SIZE, THAT PROVIDES PERMANENT MULTIPLE SPACE FOR RECREATIONAL CAMPING VEHICLES OR MOBILE HOMES."

DATED THE 29<sup>th</sup> DAY OF JUNE, 2018

**KYSO CORPORATION**

[Signature]

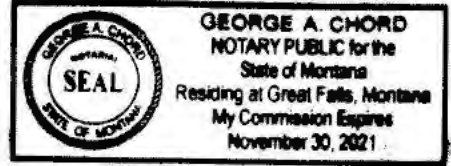
DANA HEUSTIS, AUTHORIZED OFFICER

STATE OF MONTANA )  
                                  ) SS  
COUNTY OF CASCADE )

ON THIS 29<sup>th</sup> DAY OF JUNE, 2018, BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF MONTANA, PERSONAL APPEARED DANA HEUSTIS, AN AUTHORIZED OFFICER OF KYSO CORPORATION, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING CERTIFICATE OF SURVEY AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

[Signature]

NOTARY PUBLIC, STATE OF MONTANA

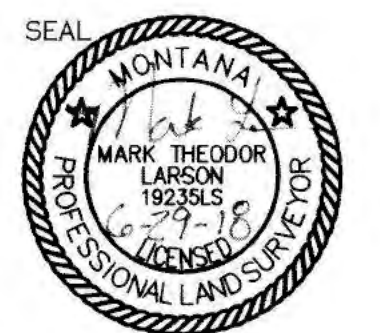


**CERTIFICATE OF SURVEYOR**

I, MARK THEODOR LARSON, PROFESSIONAL LAND SURVEYOR, MONTANA LICENCE NO. 19235LS, DO HEREBY CERTIFY THAT IN MARCH, 2018 I SURVEYED THE TRACTS OF LAND LOCATED IN THE W 1/2 OF SECTION 15, T20N, R4E, P.M.M.T, CASCADE COUNTY, MONTANA AS SHOWN AND DESCRIBED IN THIS CERTIFICATE OF SURVEY AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, PART 4, MCA.

[Signature]

MARK THEODOR LARSON, PLS  
Montana Reg. No. 19235



**CERTIFICATE OF COUNTY TREASURER**

I, JAMIE BAILEY, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS COVERING THE AREAS INCLUDED IN THE ACCOMPANYING CERTIFICATE OF SURVEY AND FIND THAT THE TAXES ON THE SAME HAVE BEEN PAID FOR THE LAST FIVE YEARS. DATED THIS 2<sup>nd</sup> DAY OF JULY, 2018.

[Signature]

JAMIE BAILEY, CASCADE COUNTY TREASURER  
Deputy



EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT  
TREASURER'S STAMP YES \_\_\_ NO \_\_\_  
DATE \_\_\_\_\_  
BY \_\_\_\_\_  
CASCADE COUNTY PLANNING DIVISION

1/4	SEC	TSP	
15	T20N	R4E	

**WOITH ENGINEERING, INC.**  
ENGINEERS & SURVEYORS  
P.O. BOX 7325, GREAT FALLS, MONTANA 59406

JOHN 1404  
F.B.N.D. G.P.S.  
FILE: 1404-WRE-C05  
DRAWN: D.W.G.C.  
DATE: 05-07-18

**1**

**S-0005162 CS**

Total Pages: 1 R 28 00 By: March 27/22/2018 10:37:38 AM  
Cascade County, File #1, Room # Clerk & Recorder

EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT  
TREASURER'S STAMP YES \_\_\_ NO \_\_\_  
DATE June 29 2018  
BY [Signature]  
CASCADE COUNTY PLANNING DIVISION





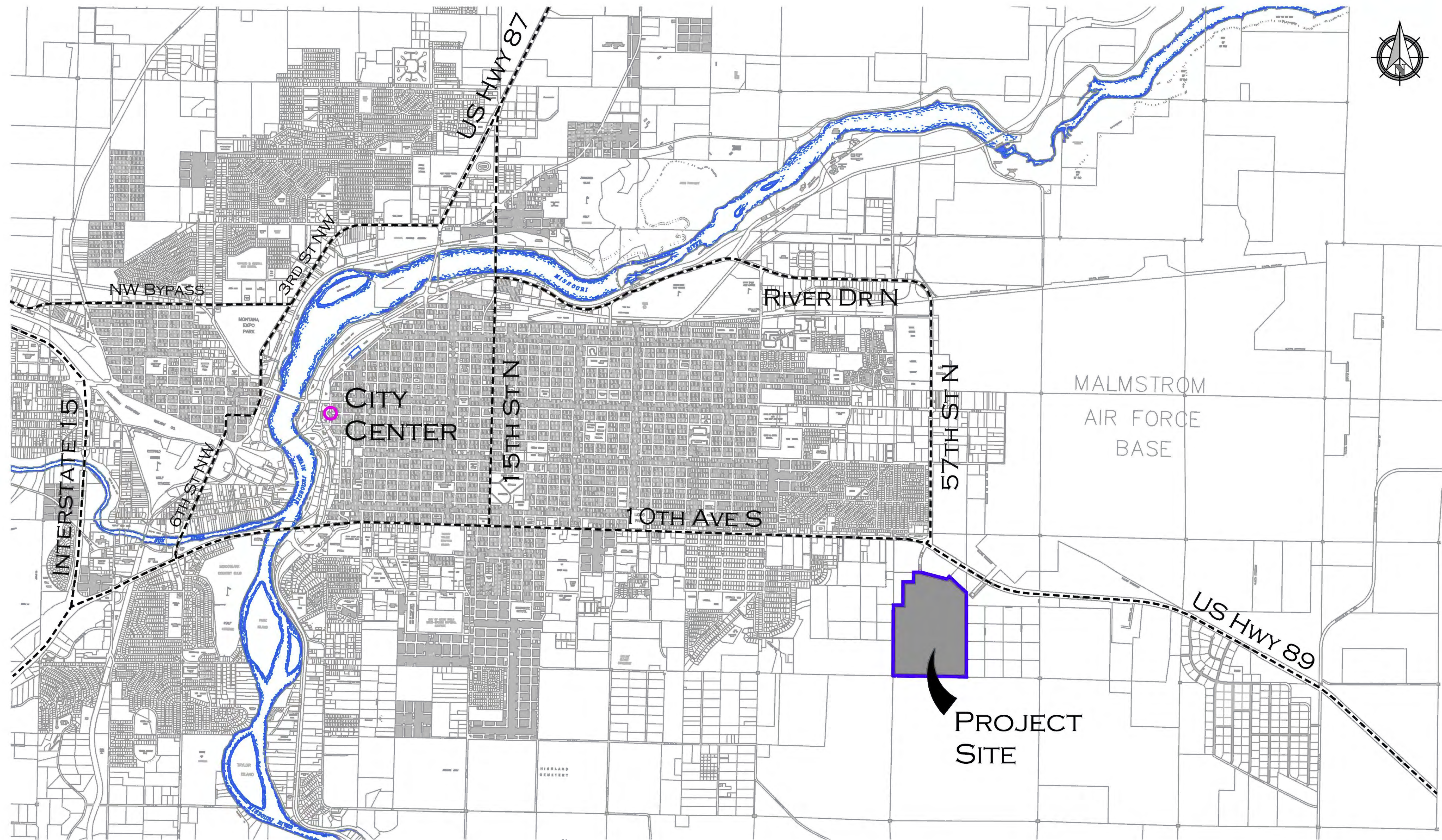
# VICINITY / REGIONAL TRANSPORTATION MAP



**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**

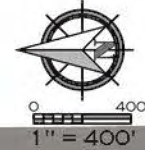
WHEAT RIDGE ESTATES - PH 1  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT

3





# EXISTING CONDITIONS



RICHARD N HIGGINS  
PO BOX 322  
ULM, MT 59485-0322  
S15, T20 N, R04 E  
IN SE/4 MKS 4, 5, 10-15  
ACRES 83.42

EXISTING AIRFIELD  
RESTRICTIVE  
EASEMENT  
10.21 ACRES

KYSO CORPORATION  
2901 4TH AVE/N  
GREAT FALLS, MT 59401-2913  
GREAT FALLS RETAIL CENTER ADDITION  
BLOCK 002, LOT 001, ACRES 21.521

KYSO CORPORATION  
2901 4TH AVE N  
GREAT FALLS, MT 59401-2913  
S15, T20 N, R04 E, IN W/2, MK 3

### AREA TABLE

TOTAL = 227.63 ACRES

EXISTING AIRFIELD  
RESTRICTIVE EASEMENT  
= 10.21 ACRES

TOTAL = 217.42 ACRES

JOHNSON L INC.  
123 GIBSON FLATS RD  
GREAT FALLS, MT 59405-9104  
S22, T20 N, R04 E, ALL MK 3  
ACRES: 640.00

WAL-MART REAL ESTATE BUSINESS TRUST  
2001 SE 10TH ST  
BENTONVILLE, AR 72712-6489  
GREAT FALLS RETAIL CENTER ADDITION,  
BLOCK 001, LOT 001, ACRES 26.224

KOA CAMPGROUND  
EXPANSION

GREAT FALLS KOA CAMPGROUND LLC  
1500 51ST ST S  
GREAT FALLS, MT 59405-5625  
S16, T20 N, R04 E, PARCEL A  
COS #4836 IN W2 SEC 15 & E2E2 SEC 16  
& ALL OF THE NENESE OF  
SEC 16, MK 2FF & 2F, ACRES 34.335

PATRICIA AREHART ETAL  
405 HARBORVIEW DR  
PROSPERITY, SC 29127-9715  
S16, T20 N, R04 E, 3349, PARCEL 000  
IN N25W4, SE4SW4, S2SE4 MK 1J L5 9.863L  
ACRES: 140.657

LOREN D SMITH  
1500 51ST ST S  
GREAT FALLS, MT 59405-5626  
S16, T20 N, R04 E, SENESE MK 2J  
ACRES: 9.35



**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**

WHEAT RIDGE ESTATES - PH1  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT



## FINDINGS OF FACT – ANNEXATION

### PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in Official Code of the City of Great Falls §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the following criteria:

**1. The subject property is contiguous to the existing City limits.**

The 21.10 acre site proposed for annexation is contiguous to existing City limits to the north.

**2. The proposed annexation is consistent with the City's growth policy.**

The proposed project is not consistent with the overall intent and purpose of the *City of Great Falls Growth Policy Update*. The annexation is supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

In contrast, the annexation is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:

Soc1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.

While staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location context creates significant challenges for the provision of stormwater and public safety services. With regards to the Plan's guidance on supporting the current and future military mission of Malmstrom Air Force Base and the Montana Air National Guard, page 154 of the Plan

document has been included as an attachment. Staff notes the following policy guidance as being most applicable to the Planning Board's consideration of this finding:

Eco3.1.2 - Support the Malmstrom Air Force Base *Joint Land Use Study* (2012), also referred to as the JLUS study, and participate in the joint coordinating committee so as to implement the report's recommendations.

Eco3.1.3 - Should there be a change in the current mission and role of the military at Great Falls, follow the recommendations of the Office of Economic Adjustment (OEA) in responding to this condition so that the City is well positioned and prepared to respond to any change of status, be it new missions, adjustments, downsizing or closure.

**3. The proposed annexation is consistent with applicable neighborhood plans, if any.**

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5, and the Council voted in favor of the project.

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

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan. This annexation is consistent with the goals and purpose of the Plan through the extension of 57th Street South.

**5. The City has, or will have, the capacity to provide public services to the subject property.**

The 21.10 acre parcel's location outside the southeastern boundary of the City's corporate limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction – to the north, 2) the developer hasn't shown or committed to constructing a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the parcel being considered for annexation. As a result, staff cannot make a positive finding that the City has the capacity to provide public services.

**6. The subject property has been or will be improved to City standards.**

The developer has demonstrated the feasibility to connect and extend City water service. While the developer's preliminary proposal for installation of a force main and temporary lift station still requires additional design, providing sanitary sewer service seems to be feasible. The proposed roadways also will meet typical design standards.

However, the subject property is not being improved to the standards acceptable to the Engineering Department or Fire Department. For Engineering, the property's location upstream from the Gibson Flats area requires a preliminary plan to re-route or retainage of all stormwater for the annexed parcel. For the Fire Department, their standards for a second fire apparatus route and response times have not been addressed.

- 7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.**

An Improvement Agreement is being deferred in order to first address the issue of whether or not the parcel should be annexed. The owner is anticipating financial responsibility of installing street and utility infrastructure. The owner has not committed to installing a complying secondary ingress and egress route for fire protection and improved connectivity. Additionally, no agreement has been reached regarding the Engineering Department's stormwater recommendations.

- 8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.**

A Certificate of Survey has been recorded for the subject property.

- 9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.**

These services can be feasibly provided to the subject property.

- 10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.**

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

- 11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA.)**

The subject property is not located in another city or town.

- 12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)**

The subject property has been utilized for agriculture, but the developer is willingly giving up this land use option to seek annexation into the City.



## FINDINGS OF FACT – ANNEXATION

### PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in Official Code of the City of Great Falls §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the following criteria:

**1. The subject property is contiguous to the existing City limits.**

The 21.10 acre site proposed for annexation is contiguous to existing City limits to the north.

**2. The proposed annexation is consistent with the City's growth policy.**

The proposed project is ~~not~~ consistent with the overall intent and purpose of the *City of Great Falls Growth Policy Update*. The annexation is supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

~~In contrast, the annexation is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts.~~

~~Soc1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.~~

~~Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.~~

~~Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.~~

~~Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.~~

~~While sStaff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location context creates significant challenges for the provision of stormwater and public safety services. With regards to the Plan's guidance on supporting the current and future military mission of Malmstrom Air Force Base and the Montana Air National Guard, page 154 of the Plan~~

~~document has been included as an attachment. Staff notes the following policy guidance as being most applicable to the Planning Board's consideration of this finding:~~

~~— Eco3.1.2 - Support the Malmstrom Air Force Base *Joint Land Use Study* (2012), also referred to as the JLUS study, and participate in the joint coordinating committee so as to implement the report's recommendations.~~

~~— Eco3.1.3 - Should there be a change in the mission and role of the military at Great Falls, follow the recommendations of the Office of Economic Adjustment (OEA) in responding to this condition so that the City is well positioned and prepared to respond to any change of status, be it new missions, adjustments, downsizing or closure.~~

**3. The proposed annexation is consistent with applicable neighborhood plans, if any.**

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5, and the Council voted in favor of the project.

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

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan. This annexation is consistent with the goals and purpose of the Plan through the extension of 57th Street South.

**5. The City has, or will have, the capacity to provide public services to the subject property.**

~~This finding is met. The 21.10 acre parcel's location outside the southeastern boundary of the City's corporation limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction — to the north, 2) the developer hasn't shown or committed to constructing a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the parcel being considered for annexation. As a result, staff cannot make a positive finding that the City has the capacity to provide public services.~~

**6. The subject property has been or will be improved to City standards.**

The developer has demonstrated the feasibility to connect and extend City water service. While the developer's preliminary proposal for installation of a force main and temporary lift station still requires additional design, providing sanitary sewer service

seems to be feasible. The proposed roadways also will meet typical design standards. ~~However, the subject property is not being improved to the standards acceptable to the Engineering Department or Fire Department. For Engineering, the property's location upstream from the Gibson Flats area requires a preliminary plan to re-route or retainage of all stormwater for the annexed parcel. For the Fire Department, their standards for a second fire apparatus route have not been addressed.~~

- 7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.**

~~An Improvement Agreement will be required to address developer and City responsibilities.is being deferred in order to first address the issue of whether or not the parcel should be annexed. The owner is anticipating financial responsibility of installing street and utility infrastructure. The owner has not committed to installing a complying secondary ingress and egress route for fire protection and improved connectivity. Additionally, no agreement has been reached regarding the Engineering Department's stormwater recommendations.~~

- 8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.**

A Certificate of Survey has been recorded for the subject property.

- 9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.**

These services can be feasibly provided to the subject property.

- 10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.**

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

- 11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)**

The subject property is not located in another city or town.

- 12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)**

The subject property has been utilized for agriculture, but the developer is willingly giving up this land use option to seek annexation into the City.

ORDINANCE 3180

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO THE PROPERTY LEGALLY DESCRIBED AS: PARCEL 1 OF CERTIFICATE OF SURVEY #5162; A 21.10 ACRE TRACT LOCATED IN THE W1/2 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. MT, CASCADE COUNTY, MONTANA

\* \* \* \* \*

**WHEREAS**, KYSO CORPORATION is the owner of record and has petitioned the City of Great Falls to annex and subdivide the subject property, consisting of ±21.10 acres, as legally described above; and,

**WHEREAS**, KYSO CORPORATION has petitioned said property to be assigned a City zoning classification of PUD Planned Unit Development district, upon annexation to the City; and,

**WHEREAS**, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 18th day of September, 2018, before final passage of said Ordinance herein; and,

**WHEREAS**, following said public hearing, it was found and decided that said zoning designation be made; and,

**WHEREAS**, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.29.050; and,

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on April 24, 2018, to consider said zoning and at the conclusion of said hearing passed a motion recommending the City Commission zone the property legally described as Parcel 1 of Certificate of Survey #5162; A 21.10 Acre Tract located in the W1/2 of Section 15, Township 20 North, Range 4 East P.M. MT, Cascade County, Montana to PUD Planned Unit Development district.

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

Section 1. It is determined that the herein requested zoning assignment will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.29.50 of the Land Development Code of the City of Great Falls.

Section 2. That the property legally described as: Parcel 1 of Certificate of Survey #5162; A 21.10 Acre Tract located in the W1/2 of Section 15, Township 20 North, Range 4 East P.M.

MT, Cascade County, Montana be designated as PUD Planned Unit Development district, subject to the development standards attached hereto as Attachment A and the Allowable Land Uses attached hereto as Attachment B, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Except for the development standards in Attachment A and Allowable Land Uses in Attachment B, where the OCCGF regulations apply to a specific zoning district, M-1 Mixed-use district regulations shall apply to the lots designated as “Mixed Use M-1” in the Phase I area of Attachment C and R-2 Single-family medium density district regulations shall apply to the lots designated as “Single Family Residential PUD” in the same attachment.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 7, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 18, 2018.

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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 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 3180 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

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Lisa Kunz, City Clerk

# Ordinance 3180 - Attachment A

<i>Wheat Ridge Estates</i>		
<b>PUD ZONING STANDARDS</b>		
<b>Standard</b>	<b>SINGLE FAMILY PUD</b>	<b>M-1</b>
Residential density	-	500 sf of lot area per dwelling unit
Minimum lot size for newly created lots	11,500	7,500
Minimum lot width for newly created lots	60	50
Lot proportions for newly created lots (maximum depth to width)	2.5:1 or <	N/A
Maximum building height of principal building	35 feet	35 Feet
Maximum building height of detached garage	24 feet but not higher than principal building	N/A
Maximum building height of other accessory structures and buildings	12 feet	24 feet but not higher than principal building
Minimum front yard setback	30 feet	NONE
Minimum rear yard set back	10 feet	10 feet
Accessory structures and buildings rear yard set back	2 feet	10 feet
Minimum side yard set back	10 feet	NONE
Maximum lot coverage of principal and accessory buildings	50%	CORNER LOT 70%, OTHER 65%

# Ordinance 3180 - Attachment B

## *Wheat Ridge Estates*



PRINCIPAL USES	
Use	PUD
<b>Agricultural Uses</b>	
Agriculture, horticulture, nursery	P

Residential Uses	
Mobile home/park	-
Residence, single-family detached	P
Residence, zero lot line	-
Residence, two-family	-
Residence, multi-family	-
Residence, townhouse	-
Residence, manufactured/factory-built	P
Retirement home	-

Special Care Facilities	
Community residential facility, type I	P
Community residential facility, type II	C
Day care center	C
Emergency shelter	-
Family day care home	P
Group day care home	P
Nursing home	-

Overnight Accommodations	
Campground	-
Hotel/motel	-



# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Food and Beverage Sales	
Micro-brewery	-
Restaurant	-
Tavern	-

General Sales	
Agriculture sales	-
Auction sales	-
Construction materials sales	-
Convenience sales	C
General sales	-
Manufactured housing sales	-
Off-site liquor sales	-
Secondhand sales	-
Shopping center	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

General Services	
Administrative services	-
Commercial kennel	-
Financial services	-
Funeral home	-
General services	-
Professional services	-
Sexually-oriented business	-
Veterinary clinic, large animal	-
Veterinary clinic, small animal	-

Rental and General Repair	
Large equipment rental	-
Small equipment rental	-
General repair	-

Vehicle Trade and Service	
Vehicle fuel sales	-
Vehicle repair	-
Vehicle sales and rental	-
Vehicle services	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

General Storage	
Agricultural commodity storage facility	-
Climate controlled indoor storage	-
Fuel tank farm	-
Mini-storage facility	-
Freight terminal	-
Warehouse	-

Indoor Recreation/Sports/Entertainment	
Casino, type I	-
Casino, type II	-
Indoor entertainment	-
Indoor sports and recreation	-

Outdoor Recreation/Sports/Entertainment	
Golf course/driving range	C
Miniature golf	-
Outdoor entertainment	-
Park	P
Recreational trail	P

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Community Services/Uses	
Administrative governmental center	-
Animal shelter	-
Cemetery	C
Civic use facility	C
Community center	C
Community cultural facility	C
Community garden	P
Public safety facility	C
Worship facility	C

Health Care	
Health care clinic	-
Health care facility	-
Health care sales and services	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Education	
Commercial education facility	-
Educational facility (K—12)	C
Educational facility (higher education)	-
Instructional facility	-

Solid Waste, Recycling and Composting	
Composting facility	-
Recycling center	-
Solid waste transfer station	-

Telecommunications	
Amateur radio station	P
Telecommunication facility	
Concealed facility	C
Unconcealed facility	-
Co-located facility	-

# Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Utilities	
Utility installation	C

Transportation	
Airport	-
Bus transit terminal	-
Heli-pad	-
Parking lot, principal use	-
Parking structure	-
Railroad yard	-
Taxi cab dispatch terminal	-

Contractor Yards	
Contractor yard, type I	C
Contractor yard, type II	-

Industrial/Manufacturing	
Artisan shop	-
Industrial, heavy	-
Industrial, light	-
Industrial park	-
Junkyard	-
Light manufacturing and assembly	-
Motor vehicle graveyard	-
Motor vehicle wrecking facility	-

# Wheat Ridge Estates



ACCESSORY USES	
Use	PUD
Accessory living space	P
Agriculture, livestock	P
ATM, exterior	-
Bed and breakfast	C
Fences	P
Gaming, accessory	-
Garage, private	P
Home occupation	P
Private stable/barn	P
Residence, accessory	-
Roadside farmer's market	P
Storage containers	-
Wind-powered electricity systems	P



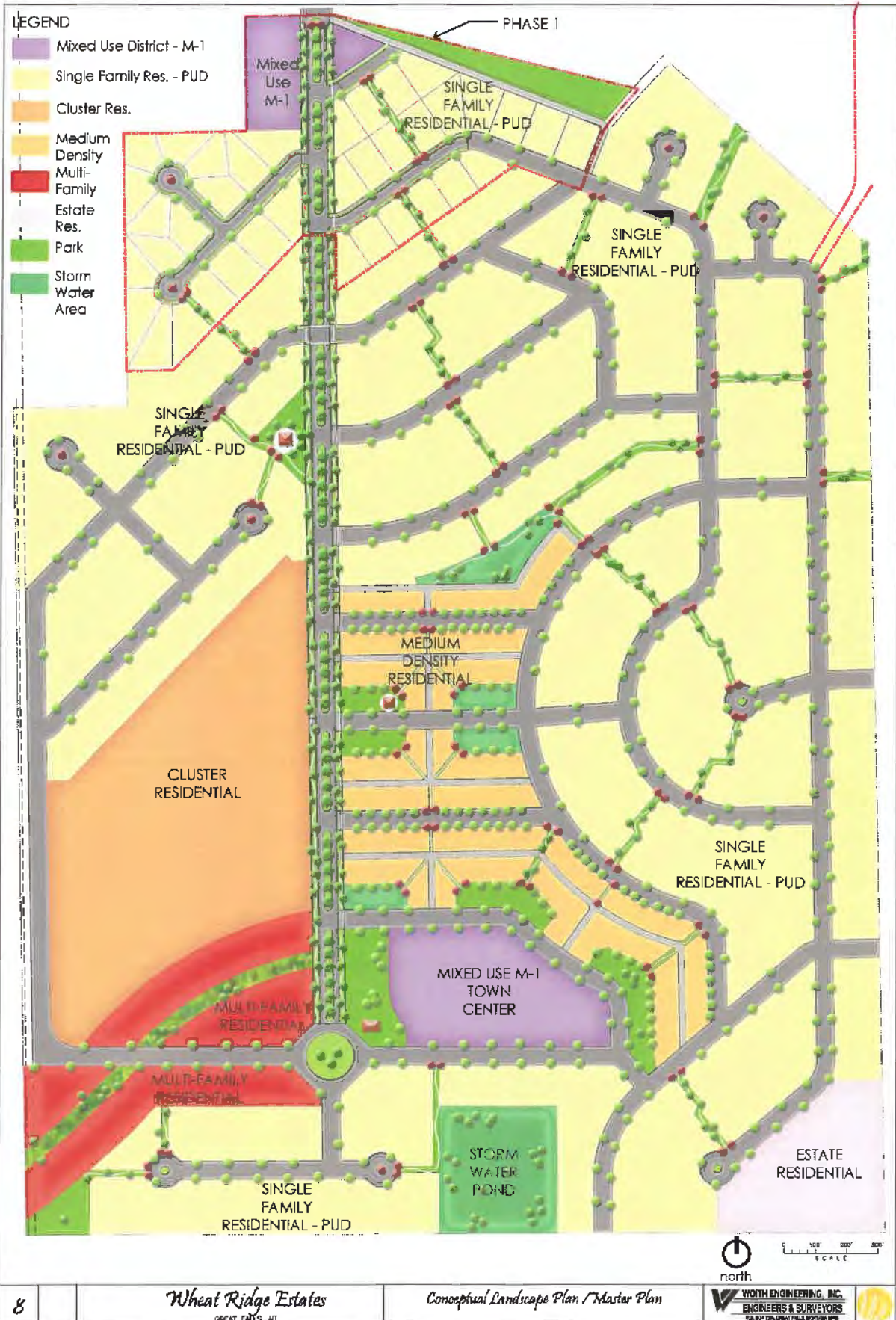
# Wheat Ridge Estates



TEMPORARY USES	
Use	PUD
Garage sales	P
Itinerant outdoor sales	-
On-site construction office	P
On-site real estate sales office	P
Outdoor entertainment, temporary	-
Sidewalk café	-
Sidewalk food vendor	-



# Ordinance 3180 - Attachment C





We have annotated the City of Great Falls Development Application checklist, form date 5/1/14, to assist you and your staff in evaluating the submission. The following is intended to supplement the checklist annotation:

**PURPOSE AND INTENT**

**a) Project Overview and Goals**

The proposed residential and mixed-use community, offering homes within walking distance from newly developed commercial and retail locations, inviting trails and wide sidewalks, an overall park-like setting, and interconnecting streets that reach out to the community at large, sets the standard for communities to come in Great Falls. For these reasons, the applicant respectfully requests a PUD zoning to help further promote flexibility in development design and to permit planned diversification while at the same time creating a community rich with functional and beneficial open spaces, both natural and proposed.

**b) Overall design concept to include, use categories, themes, or other significant features**

The location of the development and the topography of the existing property drove the design and layout of the proposed development. A connected neighborhood / community was the primary design concept with a desire to provide diverse housing options in order to be inviting to all prospective home buyers / tenants. Lots with higher elevations and those along the perimeter were conceptually designed to be view lots to take advantage of the natural property to the south of the development. Moving towards the center of the community the density of the proposed development increases. It would include alley-loaded town house, a gated community, and a multifamily parcel surrounding a town center type of commercial area that would be the eventual focal point of the development for community events and activities.

As the development is constructed the focus of the design was to maintain a sense of continuity and accessibility for non-motorized traffic. The central parkway is the foundation of this and serves as the main corridor from the entrance to the community down to the town center.

**Land Use Plan**

**a) Description of proposed land use categories, include acreages and location if more than one land use category is proposed**

The overall concept of the development was to include multiple land uses in order to provide more of a community feeling. In the conceptual layout of the site the largest use category will be residential (~197 acres) with varying densities represented. Commercial / Mixed Use areas (~7 acres) were included at the entrance to the development as well as in the middle of the project to serve as a focal point for activities.

**b) Brief discussion of the Conceptual Site Plan**

The main idea of the layout of the site was to extend 57th Street from the northern boundary all the way to the south to the Town Center area and that would serve to give access directly to the center of the site for non-residents while giving residents local access that was a step up from the standard roadway. Density of the residential areas starts out low along the north and east boundaries with the view lot concept and gradually increases towards the center of the site where the higher-density, alley-loaded townhome concept is introduced surrounding the Town Center areas.

Natural topography was followed as closely as possible and drainage pathways were analyzed and used as the basis of the layout of the pathway system throughout the site. Non-motorized access around the site as well as to the commercial area to the north of the development was a primary focus of the design not only to provide local residents with alternative transportation methods to and from the site but also to make the neighborhood accessible and inviting to visitors.

**Site Conditions and Location**

**a) Acreage**

The overall site proposed for the development contains 227.63 acres. The portion of the overall site that is proposed as Phase 1 is 20.98 acres.

**b) Location in relation to major intersections or areas of regional significance**

The development is located to the south of the 57th Street and 10th Avenue South intersection which is a signalized intersection to accommodate the commercial developments that will be constructed on the lots on the adjacent properties to the north of the site.

**c) Topography and natural features**

The elevations on the site are highest on the north boundary and slope downward as you move to the south with some higher areas along the east side of the property. There are multiple drainage pathways on the site that convey storm water from the north and northeast areas in a south and southwesterly direction.

**Zoning and Land Use Compatibility**

**a) Describe existing zoning on and adjacent to site, to include conformance with the objectives, policies, design guidelines, and planned land uses and intensities of all applicable planning areas**

The site proposed for development is currently used for agriculture and is located outside of the Great Falls city limits. The current zoning assigned to the lot is A which is the same as the zoning assigned to the adjacent lots to the southwest. The lots to the west are zoned MH.

**b) Describe existing land uses on and adjacent to site**

Properties to the east, south, and southwest have similar land uses to the subject property which is used as an agricultural field. The property to the west is a KOA Campground and the properties to the north are commercial properties that are in the process of being developed.

**c) Describe existing and adjacent character**

Development of the site will be a major transformation of the site from a bare land to a new and exciting neighborhood and community that will bring new life and energy to this side of town in addition to the new commercial developments that are proposed to be constructed to the north.

**List of Uses**

**a) Permitted Uses**

Land uses for this development will follow the proposed PUD zoning regulations

**Development Standards**

**a) Density and number of dwelling units**

Phase 1 of the development will contain 3 mixed use and 37 single-family residential parcels.

Future proposed phases will have low density single-family residential, pockets of medium to high density residential, mixed-use, commercial, multi-family, private community, and estate lot parcels. Based on preliminary master plan site layouts of the entire parcel there could ultimately be more than 500 lots created.

- b) Minimum lot width/depth
- c) Building setbacks/build to lines ( See attached PUD Zoning Standards table for items b - h )
- d) Landscape setbacks
- e) Building separation
- f) Height

**g) Lot coverage**

- Assumed maximum building footprint of 50' x 50' = 2,500 sf
- Assumed a 25' wide driveway from setback to lot line = 500 sf
- Total lot coverage area = 3,000 sf (used 3,500 sf in storm calcs)

**h) Division of Uses**

**Design Guidelines**

The Guidelines for Design Review section of the Zoning Ordinance establishes minimum design guidelines for development. The PUD Narrative is expected to exceed these standards by meeting the Objectives outlined in the Planned Unit Development Basis of Decision (17.16.29.050)

**Signs**

**a) Location**

An entry feature is proposed on the north end of the parkway and road signage will be placed at each intersection closely following standard City of Great Falls standards.

**b) Size**

Road signs will closely follow City standards for size.

**Infrastructure**

**a) Circulation Systems (streets, pedestrian circulation, trails, etc.)**

Road layout has been based on a master site plan that can be seen on the overall site layout plan. An overall pedestrian / bicycle trail system has been incorporated into the master plan which includes a dedicated bike lane on both sides of the entire length of the parkway from the north boundary to the Town Center.

Road layout was configured to follow the existing topography of the site while focusing the travel through the site to the town center on the south end of the site which is the main feature of the development.

**b) Grading and Drainage**

The Phase 1 site grading has been designed to closely follow existing topography where possible. The north end of the Parkway will be lowered from the existing grades to minimize the road grade and it will include drainage channels on both the east and west sides that will be the main collection method for runoff and will convey runoff to the south through a number of culverts and temporary swales to the proposed detention pond which has been designed to control flows from the first 9 preliminary phases.

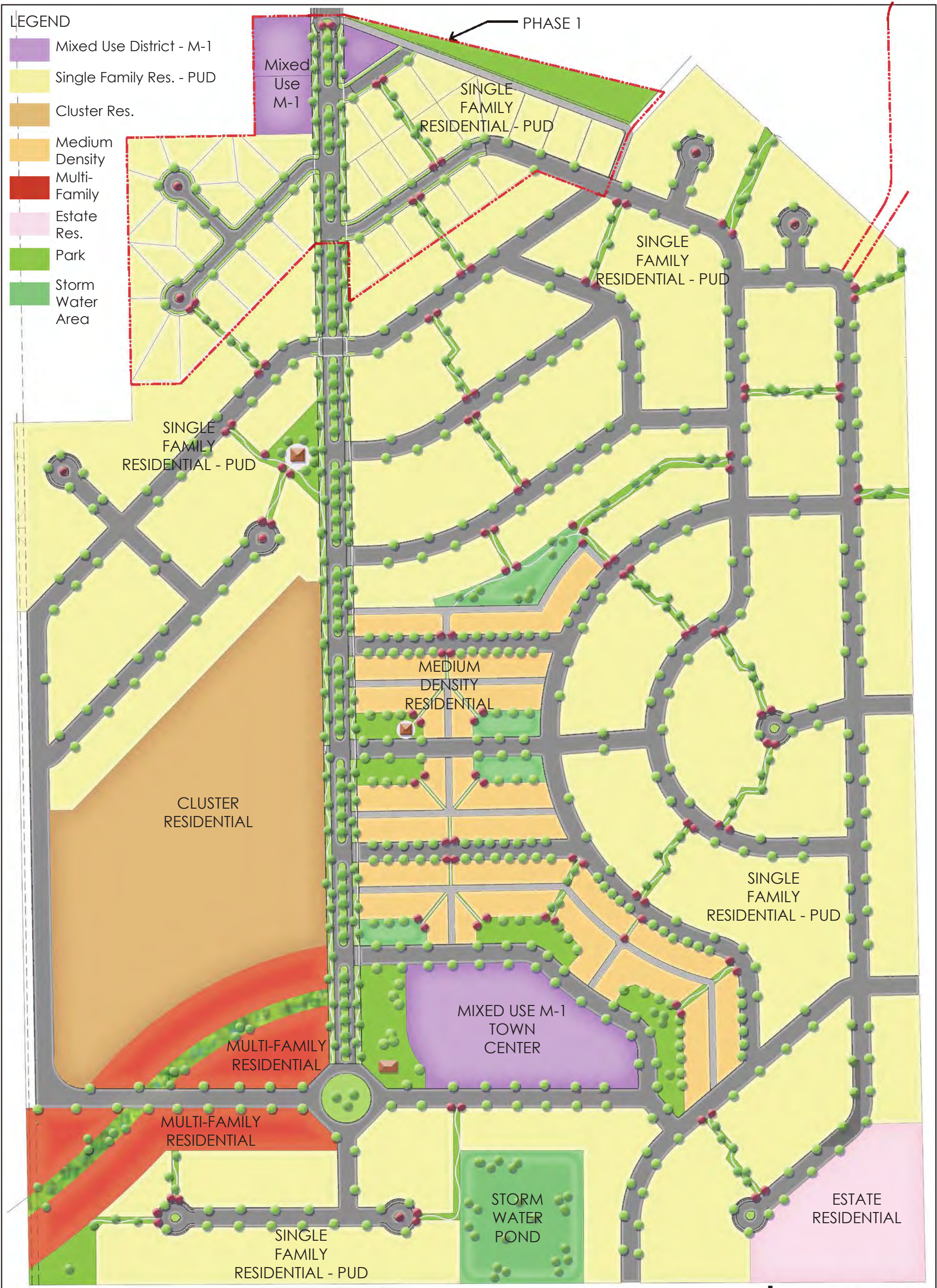


**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**

**WHEAT RIDGE ESTATES - PH 1  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT**









# Wheat Ridge Estates

A PLANNED UNIT DEVELOPMENT IN  
THE CITY OF GREAT FALLS, MONTANA  
SECTION 15, T20N, R4E, PMM,  
CASCADE COUNTY, MONTANA  
C&W DEVELOPMENT /  
KYSO CORPORATION

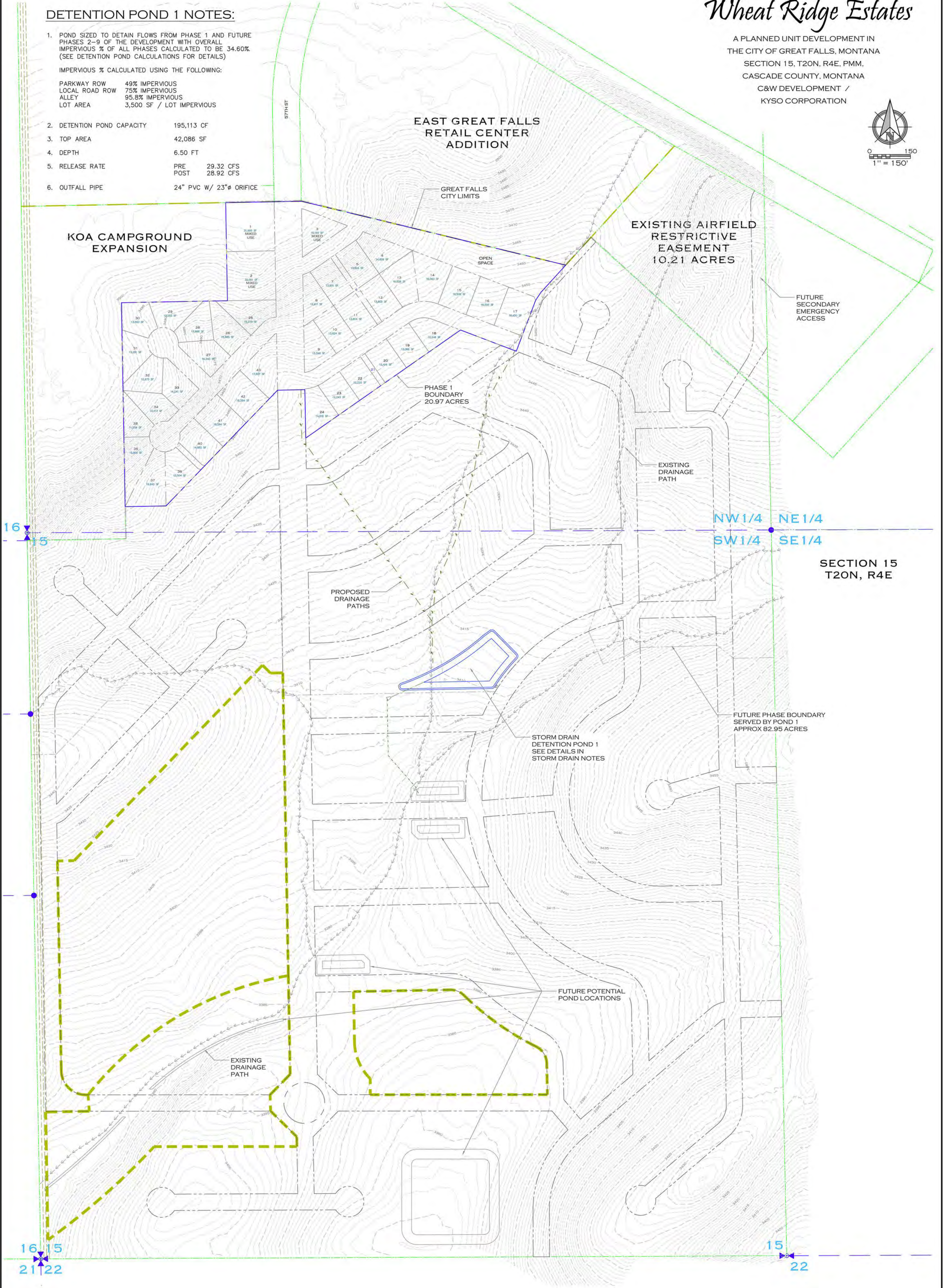


## DETENTION POND 1 NOTES:

1. POND SIZED TO DETAIN FLOWS FROM PHASE 1 AND FUTURE PHASES 2-9 OF THE DEVELOPMENT WITH OVERALL IMPERVIOUS % OF ALL PHASES CALCULATED TO BE 34.60% (SEE DETENTION POND CALCULATIONS FOR DETAILS)  
IMPERVIOUS % CALCULATED USING THE FOLLOWING:  

PARKWAY ROW	49% IMPERVIOUS
LOCAL ROAD ROW	75% IMPERVIOUS
ALLEY	95.8% IMPERVIOUS
LOT AREA	3,500 SF / LOT IMPERVIOUS
2. DETENTION POND CAPACITY 195,113 CF
3. TOP AREA 42,086 SF
4. DEPTH 6.50 FT
5. RELEASE RATE  

PRE	29.32 CFS
POST	28.92 CFS
6. OUTFALL PIPE 24" PVC W/ 23" Ø ORIFICE



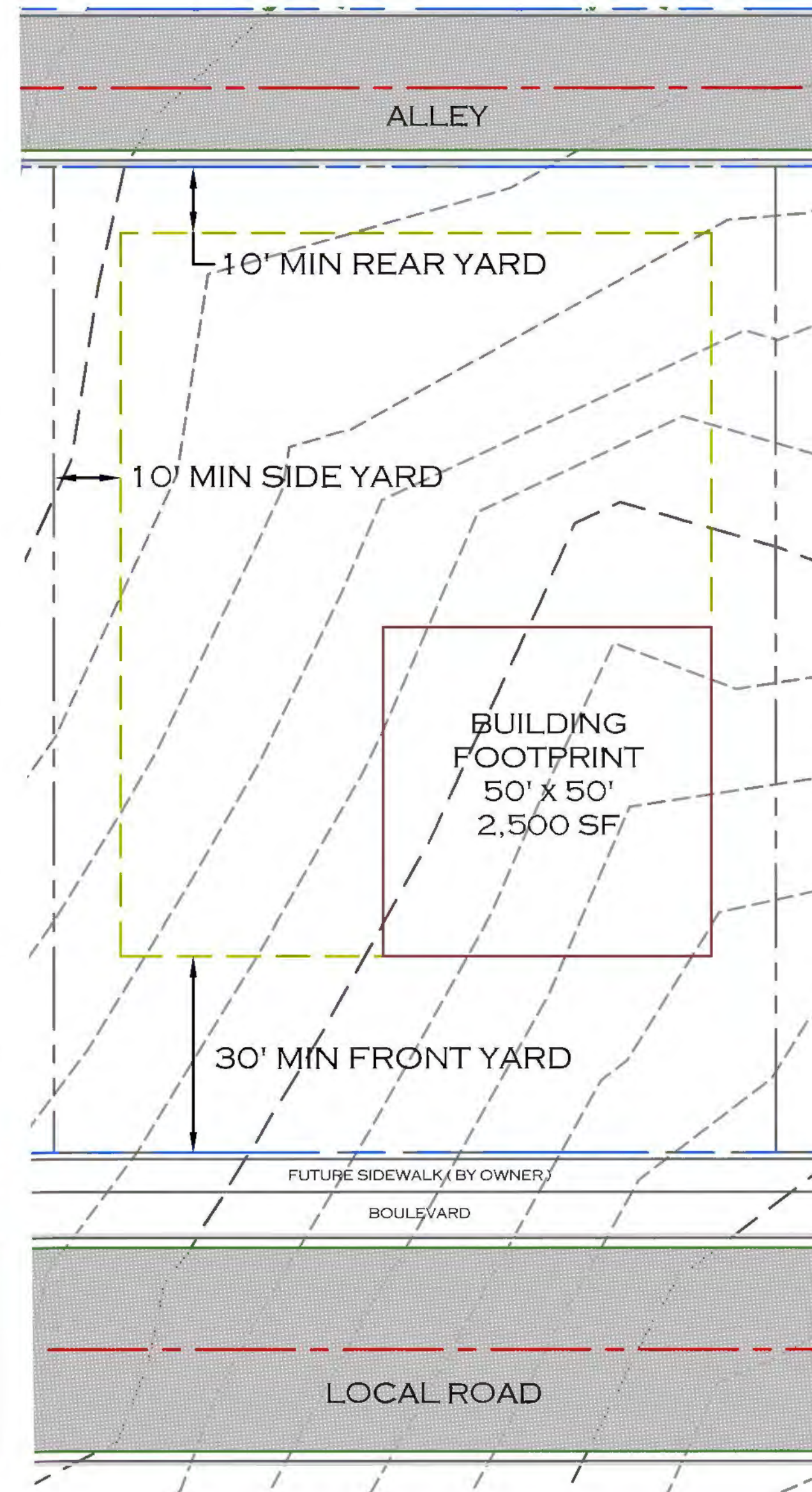
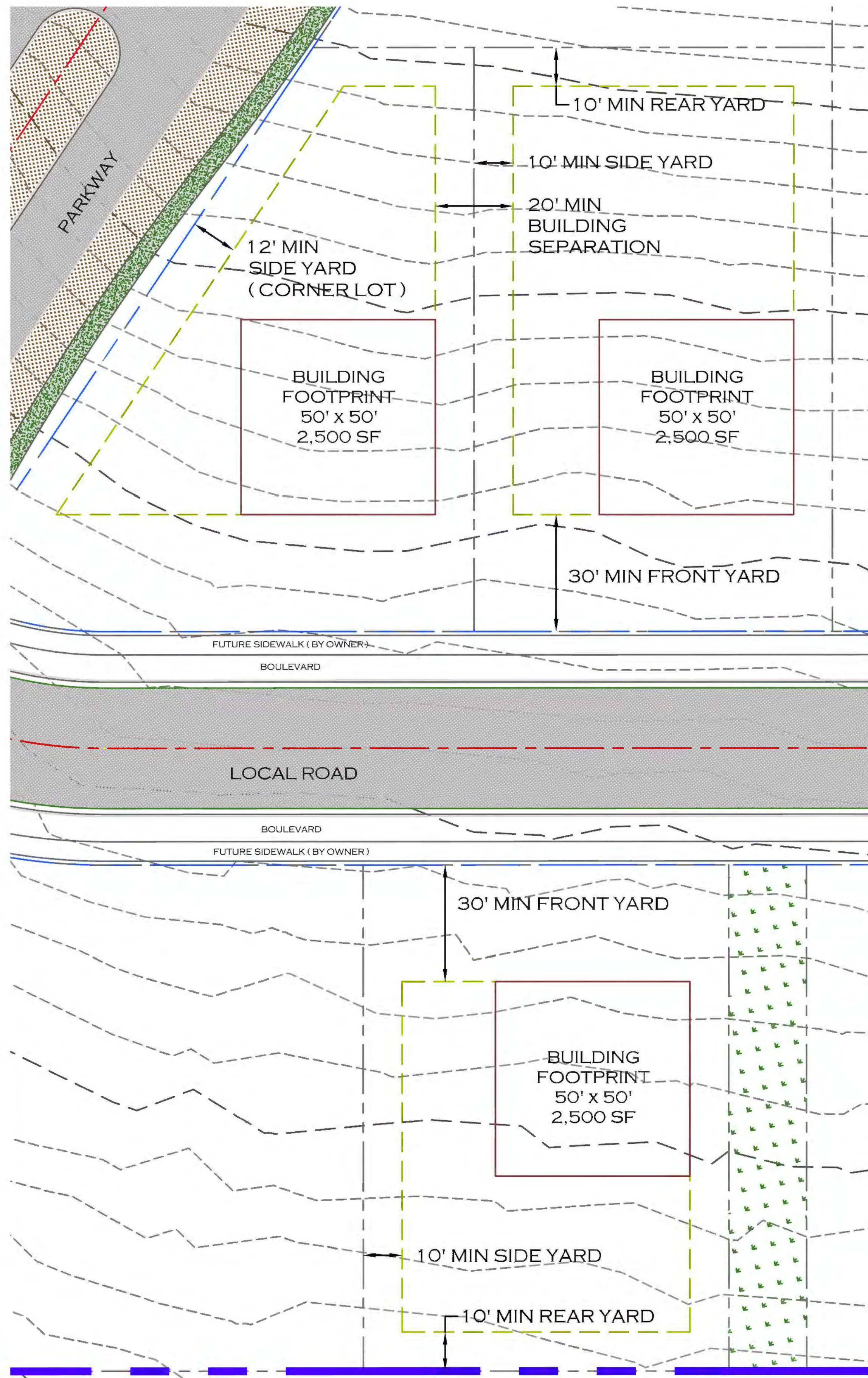




# LOT DESIGN - SINGLE FAMILY (SF)

THE PHASE 1 SF HOMES WILL BE ONE OF A KIND DESIGNS BUILT BY LOCAL CUSTOM HOME BUILDERS. LOCATED ON THE NORTH END OF THE DEVELOPMENT ON THE HIGHER ELEVATIONS, THESE EXCLUSIVE HOMES WILL CONSIST OF VARIOUS ARCHITECTURE FROM CRAFTSMAN TO MODERN DESIGNED TO TAKE ADVANTAGE OF THE POTENTIAL VIEWS. THE PHASE 1 SF HOMES WILL BE THE LARGEST IN THE COMMUNITY.

DEPTH	130' MIN, 150' MAX
FRONT YARD SETBACK	30' MIN
SIDE YARD SETBACK	10' MIN
SIDE STREET SETBACK (CORNER LOTS)	12' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK
GARAGE	ALL TYPES ALLOWED REAR (ALLEY), OR SIDE ENCOURAGED







100'  
Parkway Right-of-Way







## **BASIS OF DECISION – PLANNED UNIT DEVELOPMENT**

### **PRIMARY REVIEW CRITERIA:**

The basis for decision on planned unit developments is listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

#### **1. The development project is consistent with the City's Growth Policy;**

The proposed PUD development has some elements of consistency with the City's Growth Policy. Specifically, it provides a nice transition from the commercial development of the East Great Falls Retail Center with mixed use parcels decreasing in density to ¼ acre homes with excellent rural views. The proposal is also supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

However, the PUD is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:

Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.

While staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location creates significant challenges for the provision of stormwater and public safety services.

#### **2. The development project is consistent with applicable neighborhood plans, if any;**

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5 on February 19, 2018, and the Council voted unanimously in favor of the project.



**3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;**

Any development within the City limits requires a review of how the development will impact the public health, safety and welfare. For public safety, the location and design of the PUD create negative impacts to public safety response. The Fire Department is very concerned about providing adequate and timely emergency service to the area (further stretching already limited emergency response), and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.

**4. The development project 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;**

As noted in the staff report and other findings, the Engineering Department has concerns that the development project, with its stormwater detention proposal, could diminish and impair adjoining Gibson Flats property to the south, already the subject of litigation.

**5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

Staff cannot make a positive finding for this criterion. If the PUD proposal is approved, it will be despite challenges related to public service provision, drainage impacts, and compatibility with Malmstrom Air Force Base. These issues are even more magnified on the remaining 200 plus acres controlled by the applicant, which are not subject to the pending application, but have been identified for future development. Additionally, parts of this property and portions of properties to the east and west overlap with the Accident Potential Zone identified in the Joint Land Use Study and also drain into the already sensitive area of Gibson Flats. A more orderly development pattern would build out areas along 10<sup>th</sup> Avenue South to the north and extend the City limits at the existing terminus of 13<sup>th</sup> Avenue South.

**6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;**

Because of the limited amount of developed property nearby, there is not any established neighborhood context to govern the design of buildings and structures. Although architectural designs have not been provided, the applicant has indicated that the proposed residential homes will have a price point of approximately \$400,000 and be quite large in size. All homes would be constructed to the customized needs of the homeowner.

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

As noted in the agenda report and other findings, staff cannot conclude that the PUD addresses this criterion. Downstream drainage issues identified by the Engineering Department have not been addressed and both fire access needs and overall transportation connectivity have not been planned in the PUD proposal.

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

Because the area of the City south of 10<sup>th</sup> Avenue South and on either side of 57<sup>th</sup> Street South is so lightly developed at the current time, development of the proposed 21.10 acre PUD would not cause traffic congestion on public streets. The applicant's proposal to extend 57<sup>th</sup> Street South coupled with the new traffic signal at the 57<sup>th</sup>/10<sup>th</sup> Avenue South intersection will address congestion. A positive aspect of the proposed PUD is that access to homes will not come from the 57<sup>th</sup> Street extension.

## BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

### PRIMARY REVIEW CRITERIA:

The basis for decision on planned unit developments is listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

#### 1. The development project is consistent with the City's Growth Policy;

The proposed PUD development has some elements of consistency with the City's Growth Policy. Specifically, it provides a nice transition from the commercial development of the East Great Falls Retail Center with mixed use parcels decreasing in density to ¼ acre homes with excellent rural views. The proposal is also supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

~~However, the PUD is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:~~

~~Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.~~

~~Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.~~

~~Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.~~

~~While staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location creates significant challenges for the provision of stormwater and public safety services.~~

#### 2. The development project is consistent with applicable neighborhood plans, if any;

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5 on February 19, 2018, and the Council voted unanimously in favor of the project.

**3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;**

Any development within the City limits requires a review of how the development will impact the public health, safety and welfare. ~~These factors have been considered. For public safety, the location and design of the PUD create negative impacts to public safety response. The Fire Department is very concerned about providing adequate and timely emergency service to the area (further stretching already limited emergency response), and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.~~

**4. The development project 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;**

~~There is no such injury. As noted in the staff report and other findings, the Engineering Department has concerns that the development project, with its stormwater detention proposal, could diminish and impair adjoining Gibson Flats property to the south, already the subject of litigation.~~

**5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

~~This finding has been met. Staff cannot make a positive finding for this criterion. If the PUD proposal is approved, it will be despite challenges related to public service provision, drainage impacts, and compatibility with Malmstrom Air Force Base. These issues are even more magnified on the remaining 200 plus acres controlled by the applicant, which are not subject to the pending application, but have been identified for future development. Additionally, parts of this property and portions of properties to the east and west overlap with the Accident Potential Zone identified in the Joint Land Use Study and also drain into the already sensitive area of Gibson Flats. A more orderly development pattern would build out areas along 10<sup>th</sup> Avenue South to the north and extend the City limits at the existing terminus of 13<sup>th</sup> Avenue South.~~

**6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;**

Because of the limited amount of developed property nearby, there is not any established neighborhood context to govern the design of buildings and structures. Although architectural designs have not been provided, the applicant has indicated that the proposed residential homes will have a price point of approximately \$400,000 and be quite large in size. All homes would be constructed to the customized needs of the homeowner.

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

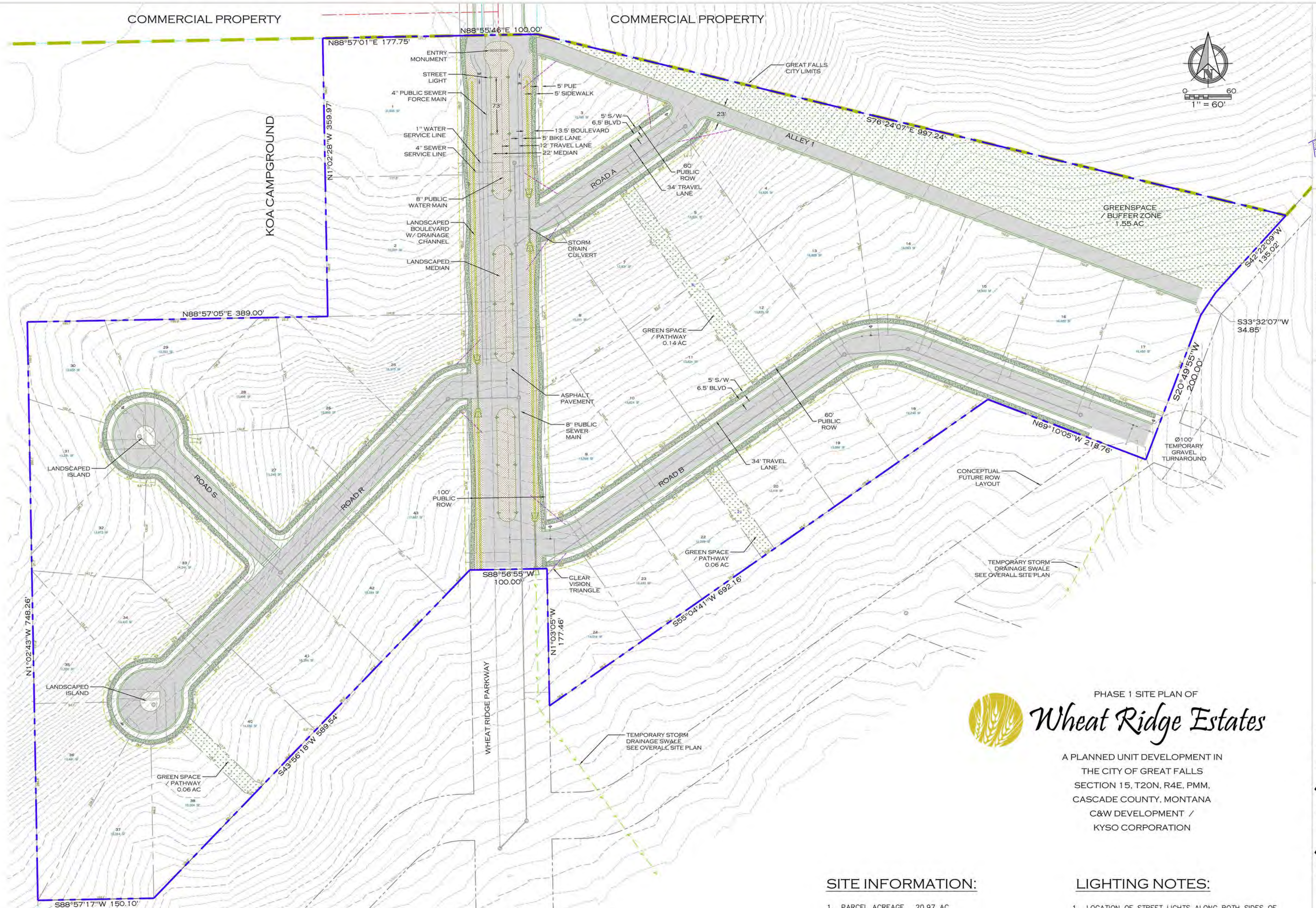
~~This finding has been met. As noted in the agenda report and other findings, staff cannot~~

~~conclude that the PUD addresses this criterion. Downstream drainage issues identified by the Engineering Department have not been addressed and both fire access needs and overall transportation connectivity have not been planned in the PUD proposal.~~

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

Because the area of the City south of 10<sup>th</sup> Avenue South and on either side of 57<sup>th</sup> Street South is so lightly developed at the current time, development of the proposed 21.10 acre PUD would not cause traffic congestion on public streets. The applicant's proposal to extend 57<sup>th</sup> Street South coupled with the new traffic signal at the 57<sup>th</sup>/10<sup>th</sup> Avenue South intersection will address congestion. A positive aspect of the proposed PUD is that access to homes will not come from the 57<sup>th</sup> Street extension.





1404  
 JOB #:  
 FB: .....  
 DRAWN: RCB  
 DESIGN: RCB  
 QA: .....  
 DATE: 2/14/2018

**MONTANA**  
 RYAN C. BUFFINGTON  
 LICENSED PROFESSIONAL ENGINEER

DATE  
 DESCRIPTION  
 A

**WOTH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**  
 GREAT FALLS • MISSOULA • WOTHENG.COM • 406-761-1955

PHASE 1 SITE PLAN OF  
**Wheat Ridge Estates**

A PLANNED UNIT DEVELOPMENT IN  
 THE CITY OF GREAT FALLS  
 SECTION 15, T20N, R4E, PMM,  
 CASCADE COUNTY, MONTANA  
 C&W DEVELOPMENT /  
 KYSO CORPORATION

**GENERAL NOTES:**

- EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.
- ALL ONSITE UTILITY IMPROVEMENTS SHALL CONFORM TO THE PLUMBING COPE (UPC) AND ALL ADMINISTRATIVE RULES OF MONTANA AND MODIFICATIONS TO THE UPC.
- ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL, 2010, INCLUDING ALL ADDENDUMS, AND THE CITY OF GREAT FALLS STANDARDS.
- NO WORK SHALL BE CONDUCTED UNTIL THE PLANS HAVE BEEN APPROVED BY CITY OF GREAT FALLS AND THE CONTRACTOR HAS THE PERMITS IN HAND.
- UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE OF MONTANA AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.
- ALL EARTHWORK, TRENCHING, GRADING, FILLING, ETC., SHALL BE PERFORMED IN ACCORDANCE WITH GEOTECHNICAL INVESTIGATION REPORT RECOMMENDATIONS PREPARED FOR THIS PROJECT.

**SITE INFORMATION:**

1. PARCEL ACREAGE	20.97 AC
2. ZONING	
EXISTING	SR-1 (CASCADE COUNTY)
PROPOSED	R-2 (COGF)
3. LAND USE	
EXISTING	AGRICULTURAL 20.97 AC
PROPOSED	MIXED USE 1.82 AC RESIDENTIAL 12.50 AC PUBLIC ROW 4.52 AC PRIVATE ROAD 0.52 AC GREENSPACE 1.61 AC
6. EASEMENTS	5' PUBLIC UTILITY EASEMENT (PUE) - LOCATION FOR ALL DRY UTILITIES AND GAS MAINS

**LIGHTING NOTES:**

- LOCATION OF STREET LIGHTS ALONG BOTH SIDES OF PARKWAY AS SHOWN ON PLAN
- SPECIFICATIONS
  - TYPE: CREE XSP SERIES
  - SPACING: 73' OC, BOTH SIDES OF MEDIAN
  - HEIGHT: 25'
  - CRI: MIN 70
  - INITIAL LUMEN RATING: 3,784
  - TOTAL WATTAGE: 53

*Wheat Ridge Estates*  
 GREAT FALLS, MONTANA



SITE PLAN - PHASE 1



**FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT – Wheat Ridge Estates,  
Phase I**

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

**PRIMARY REVIEW CRITERIA:**

**Effect on Agriculture and Agricultural Water User Facilities:** Although the 21.10 acre subdivision being considered for three mixed use lots and 37 single family home lots is actually zoned Agricultural in the County's jurisdiction, the property has long been considered for City annexation and development by the applicant. The County's Agricultural zoning designation is driven by the property's location near Malmstrom Air Force Base, as much as the current farming or ranching activity.

**Effect on Local Services:** As noted in the annexation and PUD findings, the parcel's location outside the southeastern boundary of the City's corporate limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction – to the north, 2) the developer's subdivision layout doesn't show or commit to a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the proposed subdivision site. As a result, staff cannot make a positive finding for the subdivision's effect on local services.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils. In fact, the applicant has indicated that the soils on the property are some of the best for construction within the community. No specific environmental constraints have been found on the Phase I development site, although the presence of some steep slopes will require consideration in the design of the 57<sup>th</sup> Street extension. The only negative impact related to this criterion is the potential for water volume impact to the Gibson Flats area directly adjacent to the master plan area. The City's Engineering Department has recommended that stormwater from the proposed subdivision be pumped northward beyond the basin draining to Gibson Flats. As an alternative, Engineering has suggested total stormwater retention in a lined pond where water could only leave the property through evaporation. As noted in the staff report, there is an ongoing litigation issue involving an adjacent property owner to the master plan area. As a result, staff cannot definitely make a positive finding for this criterion.

**Effect on Wildlife and Wildlife Habitat:** This is not in an area of significant wildlife habitat beyond occasional migrating fowl, deer and ground animals. There are no wooded areas or other important habitats.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. Staff has identified one potential negative impact of the subdivision to public safety and one related to public health.

For public safety, the location and design factors outlined in the *Effect on Public Services* criterion all create negative impacts to public safety response. The Fire Department is very concerned about providing adequate service, and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.

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

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

#### **EASEMENT FOR UTILITIES**

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision. Although the project is in the preliminary stages of design, there is no reason to believe that all required easements cannot be provided.

#### **LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed development will be from the extension of 57<sup>th</sup> Street South. As a result, the proposed subdivision meets the minimum legal standard for access. As for access for both public service provision and overall transportation connectivity, the proposal is deficient because it does not adequately address code required fire apparatus access as well as any future needs for 13<sup>th</sup> Avenue South connectivity to the west.



**FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT – Wheat Ridge Estates,  
Phase I**

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

**PRIMARY REVIEW CRITERIA:**

**Effect on Agriculture and Agricultural Water User Facilities:** Although the 21.10 acre subdivision being considered for three mixed use lots and 37 single family home lots is actually zoned Agricultural in the County's jurisdiction, the property has long been considered for City annexation and development by the applicant. The County's Agricultural zoning designation is driven by the property's location near Malmstrom Air Force Base, as much as the current farming or ranching activity.

**Effect on Local Services:** ~~There are no negative impacts. The developer is providing all required utilities and roadway access. As noted in the annexation and PUD findings, the parcel's location outside the southeastern boundary of the City's corporate limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction — to the north, 2) the developer's subdivision layout doesn't show or commit to a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the proposed subdivision site. As a result, staff cannot make a positive finding for the subdivision's effect on local services.~~

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils. In fact, the applicant has indicated that the soils on the property are some of the best for construction within the community. No specific environmental constraints have been found on the Phase I development site, although the presence of some steep slopes will require consideration in the design of the 57<sup>th</sup> Street extension. ~~The only negative impact related to this criterion is the potential for water volume impact to the Gibson Flats area directly adjacent to the master plan area. The City's Engineering Department has recommended that stormwater from the proposed subdivision be pumped northward beyond the basin draining to Gibson Flats. As an alternative, Engineering has suggested total stormwater retention in a lined pond where water could only leave the property through evaporation. As noted in the staff report, there is an ongoing litigation issue involving an adjacent property owner to the master plan area. As a result, staff cannot definitely make a positive finding for this criterion.~~

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~~potential negative impact of the subdivision to public safety and one related to public health. For public safety, the location and design factors outlined in the *Effect on Public Services* criterion all create negative impacts to public safety response. The Fire Department is very concerned about providing adequate service, and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.~~

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#### **EASEMENT FOR UTILITIES**

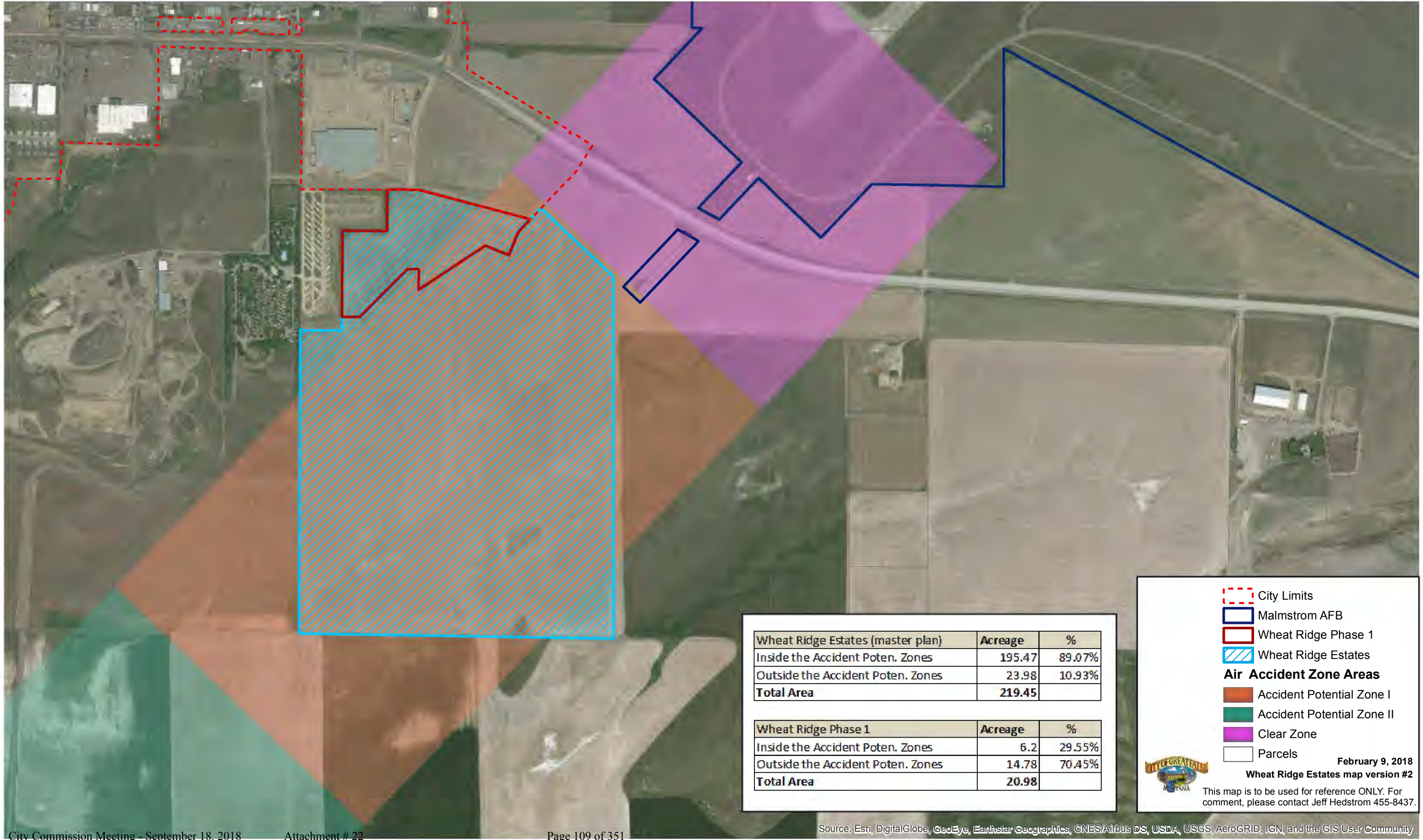
The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision. Although the project is in the preliminary stages of design, there is no reason to believe that all required easements cannot be provided.

#### **LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed development will be from the extension of 57<sup>th</sup> Street South. As a result, the proposed subdivision meets the minimum legal standard for access. ~~As for access for both public service provision and overall transportation connectivity, the proposal is deficient because it does not adequately address code required fire apparatus access as well as any future needs for 13<sup>th</sup> Avenue South connectivity to the west.~~



# Wheat Ridge Estates



Wheat Ridge Estates (master plan)	Acreage	%
Inside the Accident Poten. Zones	195.47	89.07%
Outside the Accident Poten. Zones	23.98	10.93%
<b>Total Area</b>	<b>219.45</b>	

Wheat Ridge Phase 1	Acreage	%
Inside the Accident Poten. Zones	6.2	29.55%
Outside the Accident Poten. Zones	14.78	70.45%
<b>Total Area</b>	<b>20.98</b>	

- City Limits
- Malmstrom AFB
- Wheat Ridge Phase 1
- Wheat Ridge Estates

**Air Accident Zone Areas**

- Accident Potential Zone I
- Accident Potential Zone II
- Clear Zone
- Parcels

February 9, 2018  
Wheat Ridge Estates map version #2

This map is to be used for reference ONLY. For comment, please contact Jeff Hedstrom 455-8437.



## **BULLET BACKGROUND PAPER**

### **ON**

## **ENCROACHMENT IMPACTS FROM DEVELOPMENT OF COMPATIBLE LANDS**

### **PURPOSE**

To provide information on the impacts to military operations from the development of compatible lands southwest of Malmstrom AFB

### **BACKGROUND**

- Undeveloped lands southwest of Malmstrom AFB are currently compatible, however, the potential exists for residential and/or commercial development that could impact military operations
- Assets impacted by potential development
  - 110-acre Helicopter Movement Area
  - 625-acre Drop Zone (DZ)
  - 4,800-ft long x 60-ft wide proposed Assault Landing Zone (ALZ)
- Usage or throughput of capabilities impacted
  - UH-1N Helicopter operations
    - 1,232 flight orders per year (FY16)
    - 1,696 sorties per year (FY16 – sorties include main base and missile field)
    - 42 functional check flights per year (FY16)
    - Flight Hour Program increased by 25% in FY18 (3,200-hrs to 4,000-hrs)
  - C-130H operations
    - 500 training bundle/sandbag drops per year
    - 500 heavy drops per year
    - 500 projected sorties per year, if the ALZ is constructed

### **DISCUSSION**

- Development could impact multiple arrival and departure flight tracks of the UH-1N
  - Anticipated light pollution from development will impair the ability to monitor aircraft in formation during nighttime operations
  - UH-1Ns fly at 500-ft Above Ground Level (AGL) southwest of Malmstrom AFB
  - The area is not located within modeled noise contours ranging from 65 dB Day-Night average sound Level (DNL) to 80 dB DNL, however, aircraft noise will pose a nuisance to this area with nighttime events considered more annoying to residential areas
    - Development could lead to increased noise complaints and drive avoidance requirements and/or time of day restrictions

Mr. Chris Murphy/341 CES/CEIE/cjm/20 Feb 18

- The approach and departure zones to both the active DZ and the proposed ALZ could be impacted by development
  - C-130Hs currently execute 500 heavy drops and 500 training bundle/sandbag drops per year with 500 sorties per year projected for the ALZ
  - Other C-130 units could utilize the ALZ for training, if constructed
  - Development could lead to noise complaints and drive avoidance requirements and/or time of day restrictions
  
- There is planned construction of a new Weapons Storage Facility, located on the south side of Malmstrom AFB

**RECOMMENDATION**

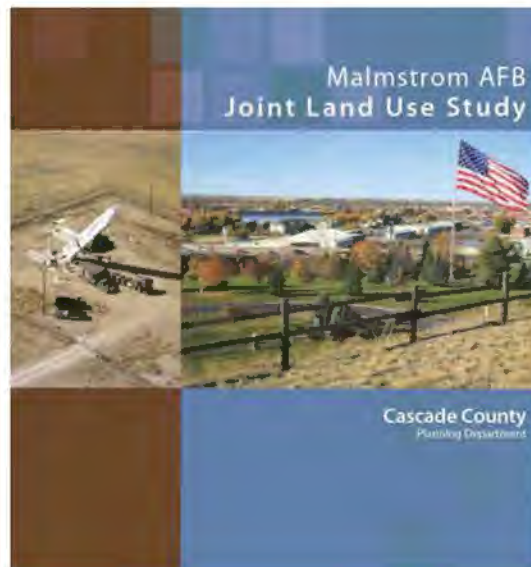
None, for information only.

**Support the Military Mission in Great Falls**

**ECO 3.1 Support, cooperate, expand and adjust, if necessary, to the current and future military mission in Great Falls.**

**Policies**

- Eco3.1.1 Support, cooperate and maintain coordination with Malmstrom Air Force Base and the Montana National Guard (MANG).
- Eco3.1.2 Support the Malmstrom Air Force Base *Joint Land Use Study* (2012), also referred to as the JLUS study, and participate in the joint coordinating committee so as to implement the report's recommendations.
- Eco3.1.3 Should there be a change in the mission and role of the military at Great Falls, follow the recommendations of the Office of Economic Adjustment (OEA) in responding to this condition so that the City is well positioned and prepared to respond to any change of status, be it new missions, adjustments, downsizing or closure.
- Eco3.1.4 Develop and maintain collaborative relationships with key stakeholders impacted by the military.
- Eco3.1.5 Educate the public regarding issues related to the military, and their contribution to the local economy, needs, and current status.
- Eco3.1.6 Continue to evaluate taking action to annex Malmstrom Air Force Base.
- Eco3.1.7 Encourage enhanced use leases, and other suitable public-private partnerships, where appropriate.
- Eco3.1.8 Increase the attractiveness of Great Falls as a destination location for retirees, including military veterans.



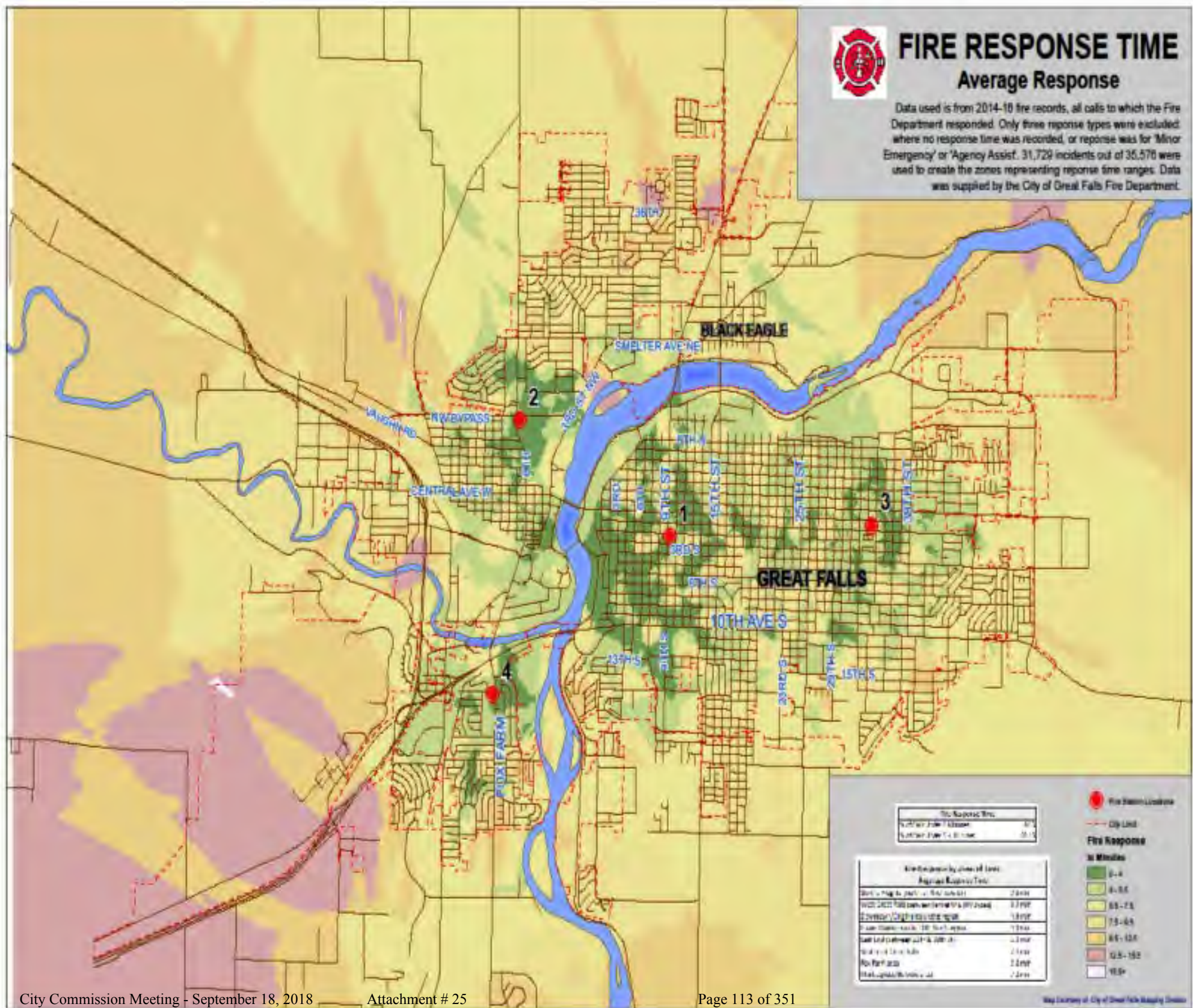




# FIRE RESPONSE TIME

## Average Response

Data used is from 2014-16 fire records, all calls to which the Fire Department responded. Only three response types were excluded where no response time was recorded, or response was for 'Minor Emergency' or 'Agency Assist'. 31,729 incidents out of 35,576 were used to create the zones representing response time ranges. Data was supplied by the City of Great Falls Fire Department.



Fire Response Time	
Number of Fire Calls	31,729
Number of Fire Stations	4

Average Response Time by Zone	
Zone 1 (Central)	2.8 min
Zone 2 (North)	3.1 min
Zone 3 (East)	3.5 min
Zone 4 (South)	3.2 min
Zone 5 (West)	3.8 min
Zone 6 (Northwest)	4.2 min
Zone 7 (Southwest)	4.5 min
Zone 8 (Far West)	5.1 min
Zone 9 (Far Northwest)	5.8 min
Zone 10 (Far Southwest)	6.5 min
Zone 11 (Far West)	7.2 min
Zone 12 (Far Northwest)	8.1 min
Zone 13 (Far Southwest)	9.2 min
Zone 14 (Far West)	10.5 min
Zone 15 (Far Northwest)	12.1 min
Zone 16 (Far Southwest)	14.2 min
Zone 17 (Far West)	16.8 min
Zone 18 (Far Northwest)	20.1 min
Zone 19 (Far Southwest)	24.5 min
Zone 20 (Far West)	30.2 min

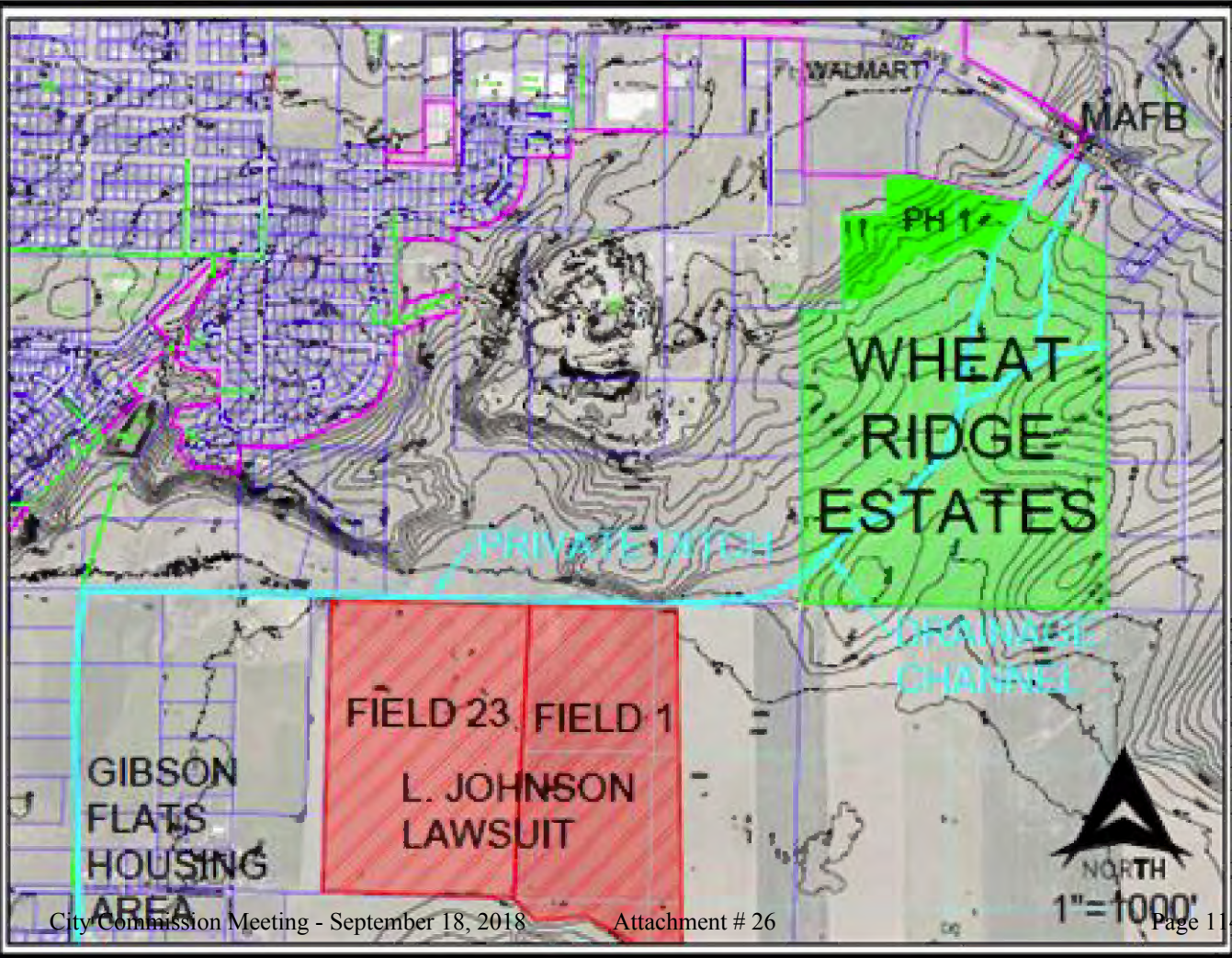
**Fire Station Location**

**City Limit**

**Fire Response in Minutes**

- 0-4
- 4-5.5
- 5.5-7.5
- 7.5-9.5
- 9.5-12.5
- 12.5-16.5
- 16.5+





WALMART

MAFB

PH 1

WHEAT  
RIDGE  
ESTATES

PRIVATE DITCH

DRAINAGE  
CHANNEL

FIELD 23 FIELD 1

L. JOHNSON  
LAWSUIT

GIBSON  
FLATS  
HOUSING  
AREA





**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
March 27, 2018**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Vice Chair Mike Wedekind at 3:00 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Michael Wedekind, Vice Chair  
Dave Bertelsen  
Scot Davis  
Anthony Houtz  
Tory Mills  
Charles Pankratz  
Patrick Sullivan  
Amanda Thompson

Planning Board Members absent:

Pete Fontana, Chair

Planning Staff Members present:

Thomas Micuda, Deputy Director P&CD  
Erin Borland, Planner II  
Connie Tryon, Sr. Admin Asst

Other Staff present:

Sara Sexe, City Attorney  
Steve Hester, Fire Chief  
Dave Dobbs, City Engineer  
Jim Rearden, Director Public Works  
Dirk Johnson, Fire Marshal

Mr. Micuda affirmed a quorum of the Board was present.

**MINUTES**

Vice Chair Mike Wedekind asked if there were any comments or corrections to the minutes of the meeting held on February 27, 2018. Seeing none, Mr. Davis moved to approve the minutes. Mr. Houtz seconded, and all being in favor, the minutes were approved.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

### **Annexation, Zoning, and Preliminary Plat for Wheat Ridge Estates Phase I**

Tom Micuda, Deputy Director of PCD, said the subject property is a 20.98 acre parcel directly south of the East Great Falls Retail Center. The applicant, KYSO Corporation, is requesting annexation and an assignment of Planned Unit Development (PUD) zoning. Mr. Micuda explained the parcel is currently in County planning jurisdiction zoned Agricultural, and the proposed preliminary plat request is for a major subdivision to create three mixed use lots and 37 single family home lots, for a total of 40 lots. Mr. Micuda reviewed the Aerial Map and explained the 20.98 acre phase proposed is part of a much larger parcel of land that is about 227 acres. The property is contiguous to City limits on the north side of the parcel, with the majority of the parcel surrounded by County jurisdiction.

The applicant has an overall conceptual plan for the entire 227 acres, minus 10.21 acres, which is an Airfield Restrictive Easement that cannot be developed. The applicant proposes extending 57<sup>th</sup> Street South, incorporating linear greenways and pocket parks, having a series of detention ponds, and creating a gravel emergency access drive to Highway 89.

Mr. Micuda reviewed the transportation challenges associated with the project. Currently, the only proposed public access into the development is by 57<sup>th</sup> Street South, and a second public access is recommended by Public Works due to the size of the development. The emergency secondary gravel access proposed by the applicant for public safety is not consistent with Fire recommendations, and is not part of Phase I development. The nearest public street system is approximately ½ mile away.

Dave Dobbs, City Engineer, discussed the drainage challenges associated with the proposed project. He noted an area of land southwest of the subject property currently pending litigation with the City of Great Falls due to drainage issues onto nearby property, causing flooding and crop loss. He explained the current proposal for a detention pond will have potential impacts on the sensitive downstream system. The City's Engineering Department recommends retention or diversion, but the applicant is not in favor of either approach. In light of current pending litigation and the potential for further litigation no matter what stormwater management system is used, Mr. Dobbs said it is not in the City's best interest to annex this property into the City.

Stever Hester, Fire Chief, discussed the challenges associated with public safety and fire. He said the first major concern of this particular development is time and distance; fire station #3 is almost 3 miles from the development and would take over 7 minutes to get to. The national standard for response time is 4 minutes. He discussed the concerns of potential fires given the location, as well as access in and out of the development. He explained the proposed gravel access raises concerns about being able to support a 75,000 pound fire truck, especially in the spring time.

Mr. Micuda presented some major impacts of the development in relation to Malmstrom Air Force Base. Potentially residential and commercial development could impact current and proposed base operations. A memo provided from the base expressed concerns on light pollution, noise concerns, as well as the C130H missions. Finally Mr. Micuda explained the Accident Potential Zone, which is a zone that was identified by a significant study that occurred in association with the Joint Land Use Study (JLUS). The majority of the 227 acre property is directly in the Accident Potential Zone, which is a much bigger concern for residential and commercial development due to the potential for aircraft accidents.

Mr. Micuda explained staff is recommending denial of the proposed project due to the challenges of fire protection, stormwater impacts, access into the development, and conflicts with the Accident Potential Zone and Malmstrom Air Force Base.

### **PETITIONER'S PRESENTATION**

Spencer Woith, 1725 41<sup>st</sup> St South, C&W Development, discussed stormdrain standards, and said they did go above and beyond City standards when creating the stormdrain plan; he also emphasized having to be careful of violating individual water rights. He reviewed the proposed lots and their view and size configuration. He also discussed the single entrance into the development, and the ability to create an entry feature for the development.

Dana Heustis, 2901 4<sup>th</sup> Avenue North, said he represents KYSO Corporation. He voiced his disagreement with staff's decision to recommend denial, and his disagreement with the Accidental Potential Zone prohibiting development. Mr. Heustis provided a written statement with exhibits detailing his concerns with staff's recommendation and supporting his right to develop. He also emphasized there is no current flying mission at the base, thus development should not be prohibited.

Abigail St. Lawrence, PO Box 2019, Helena, MT, attorney for C&W Development, outlined a memo she handed out to the Board in response to the staff report. She reviewed her disagreement with staff's concerns on fire response time, the access road, stormwater management, and Malmstrom Air Force Base.

### **PUBLIC QUESTION AND ANSWER SESSION**

Terry Thompson, 401 13<sup>th</sup> Avenue South, asked if the Malmstrom or Black Eagle Fire Departments would respond to this subdivision in the event of a fire, whether or not the City has requested construction cease north of town due to the difficulty fighting the Vineyard Fire, and what the statistics were on noise complaints for residents in the flight path of commercial jets and C130s.

Mr. Pankratz asked if the City has adopted the 2012 International Fire Code, and Ms. Sexe responded yes.

Chief Hester responded to Ms. Thompson's question regarding who specifically would respond to the proposed subdivision in the event of a fire. It would be the City's responsibility to respond to a fire, but there are mutual aid agreements with other entities such as Malmstrom. However, the City still has to be on the scene first before requesting mutual aid help.

Mr. Micuda said construction has not ceased in the developments north of town due to the Vineyard Fire. As far as standard commercial air traffic complaints, Mr. Micuda said it may be appropriate to contact the airport regarding those complaints.

Mr. Pankratz confirmed that even with mutual aid agreements in the event of a fire, the response time remains the same because it is Great Falls' jurisdiction, so they must respond first. Mutual aid agreements do not speed up response time.

There was discussion on the capacity of fire services for a growing Great Falls.

Mr. Houtz asked for clarification on when the access road would be constructed. Mr. Woith said it is proposed for Phase I. Mr. Wedekind asked what the proposed surface would be, and Mr. Woith said ground asphalt.

Mr. Bertelsen asked for further clarification on the applicant's proposed stormwater plan, and whether it was designed to current standards. Mr. Dobbs explained the applicant's proposal and why the City cannot recommend their method due to the pending litigation with adjoining property, and the increased impacts on that property.

## **PUBLIC COMMENT**

Eric Ray, 3401 1<sup>st</sup> Avenue South, expressed his support of the project and his disagreement in prohibiting development.

Terry Thompson, 401 13<sup>th</sup> Avenue South, expressed her support of the project and the owner's right to develop this property.

Jolene Schalper, 300 Central Avenue, expressed her support of the project and the need for housing in Great Falls.

Rick Higgins, Ulm, expressed his support for the project, and said he does not believe the negative possibilities outweigh the benefits of the project.

Kirk Timmer, 4104 15<sup>th</sup> Avenue South, expressed his support for the project, and emphasized the importance of the City working to help make it happen.

Lee Janetski, 83 Sun River Road, expressed his support for the project in order to start growing Great Falls again.

David Weissman, 100 1<sup>st</sup> Avenue North, expressed his opposition to the development, and emphasized that this development would ensure that Malmstrom will never be considered for future missions.

Joe Briggs, 5900 Western Drive, expressed his opposition to the project and emphasized the importance of the JLUS and the Accident Potential Zone.

Spencer Woith, 1725 41<sup>st</sup> Street South, said it has been 13 years since they have been trying to develop this property, and expressed the importance of this development and diversifying the economy for our community.

Laura Huestis, 2901 4<sup>th</sup> Avenue North, expressed her support for the project.

Mr. Sullivan asked what the general price point for each home would be. Mr. Woith said the first phase would be higher end homes, but as they progress through the development they will try to hit different price points.

Ms. Thompson asked if there were already interested parties in purchasing the lots in Phase I, and Mr. Woith said there are a number of people who have expressed interest.



Mr. Pankratz asked if retaining all of the stormwater was possible, and Mr. Woith said from an engineering standpoint, yes, but with a massive cost associated. From a legal standpoint, his concerns are with water rights. Mr. Wedekind asked if there was a way for the developer and City to compromise on the stormwater plan, and Mr. Woith said he believes there are some options. There was more discussion on stormwater ponds and the concerns with this development.

### **BOARD DISCUSSION AND ACTION**

MOTION: That the Planning Advisory Board table the vote until April 24, 2018.

Made by: Mr. Houtz  
Second: Mr. Sullivan

VOTE: Mr. Bertelsen voted in opposition, and the remaining 7 members voted in favor. The motion carried.

### **COMMUNICATIONS**

#### Next Meeting Agenda – Tuesday, April 10, 2018

- None

#### Petitions & Applications Received:

- 3125 8<sup>th</sup> Avenue North- CUP request for two-unit dwelling in single family zoning district

Mr. Micuda said the Rockcross Commons project, the Buffalo Crossing subdivision preliminary plat, and the Terrascapes CUP have all been approved by the City Commission.

### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

There being no further business, Vice Chair Mike Wedekind adjourned the meeting at 6:06 p.m.

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CHAIRMAN

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SECRETARY

FILE NAME: GFSTAFF REPORT

MY NAME IS DANA HUESTIS, MY ADDRESS IS 2901 FOURTH AVENUE NORTH, GREAT FALLS.

I REPRESENT MYSELF AND KYSO CORPORATION

KYSO CORPORATION IS THE PROPERTY OWNER FOR THE PROPOSED WHEAT RIDGE ESTATES, A 20.98 ACRE DEVELOPMENT.

THE CITY OF GREAT FALLS COMMUNITY PLANNING DEPARTMENT HAS DENIED OUR REQUEST FOR ANNEXATION AND ZONING.

THE STAFF REPORT STATES THAT "POTENTIAL CONFLICTS WITH MALMSTROM AIR FORCE BASE ARE ALSO A CAUSE OF CONCERN TO CITY STAFF."

PLEASE CONSIDER:

MALMSTROM'S RUNWAY WAS DEACTIVATED IN 1997, BY AN ACT OF CONGRESS, TWENTY YEARS AGO, AND THE AIR FORCE HAS NO PLANS TO REACTIVATE THE RUNWAY.

THE STAFF REPORT IS INACCURATE IN THAT IT STATES THAT THE AIR FORCE " IS WORKING TO DEVELOP AN ASSAULT LANDING ZONE ON BASE". THE ENVIRONMENTAL ASSESSMENT AND "FINDING OF NO SIGNIFICANT IMPACT (FONSI)' FOR THE ALZ HAVE FAILED AND THERE IS NO REPLACEMENT PROPOSED.

THE STAFF REPORT GOES ON TO CONTEND THAT THERE IS AN ACCIDENT POTENTIAL ZONE ON THIS 21 ACRE PARCEL. THE STAFF REPORT IS WRONG. MY PROPERTY HAS A CLEAR TITLE, THERE IS NO SUCH APZ THEREON. IF THERE WERE, IT WOULD BE A RECORDED EASEMENT OBTAINED IN A LEGAL PROCEEDING SUCH AS EMINENT DOMAIN.

EMINENT DOMAIN IS APPROPRIATE WHEN THE GOVERNMENT WISHES TO ACQUIRE PRIVATE PROPERTY FOR A PUBLIC USE!

THE STAFF WOULD TAKE THE WHEAT RIDGE PROPERTY FOR A FLYING MISSION "ACCIDENT POTENTIAL ZONE" WHEN THERE IS NO FLYING MISSION AFTER TWO DECADES OF BASE CLOSURE AND REALIGNMENT.

THE STAFF REPORT STATES THAT THE CITY COMMISSION IN 2012 ADOPTED THE JLUS STUDY.

THE CITY OF GREAT FALLS JOURNAL OF COMMISSION PROCEEDINGS DATED 5/01/2012 STATES THAT:

THE JLUS COMMITTEE WAS ONLY ADVISORY

THE RESOLUTION 9965 STATES THAT THE DOCUMENT IS TO BE USED AS REFERENCE MATERIAL.

THE DOCUMENT HAS NO REGULATORY AUTHORITY.

THE RESOLUTION IS NOT INCLUDED IN THE CITY'S GROWTH POLICY

THE DOCUMENT DOES NOT CALL FOR RE-ZONING.

MAYOR WINTERS SAID "THERE IS A FUTURE COURSE FOR MR. HUESTIS TO PROTECT HIS INTERESTS".

I AM PROTECTING MY INTERESTS NOW.

TO ILLUSTRATE THE WRONGFUL REACH OF THE JLUS, CONSIDER THAT IT INCLUDES 1033 ACRES OF ACCIDENT POTENTIAL ZONES AT EACH END OF THE CLOSED RUNWAY.

THE AIRFIELD AT MAFB WAS CLOSED BY AN ACT OF CONGRESS IN 1995.  
IT CAN ONLY BE REOPENED BY AN ACT OF CONGRESS.

THE FEDERAL AVIATION ADMINISTRATION BY IT'S DIRECTIVE HAS RULED:

MALMSTROM IS A HELI PORT.

MALMSTROM HAS TWO HELIPADS, EACH 100' BY 100'.

MALMSTROM IS CLOSED TO ALL FIXED WING AIRCRAFT.

APPROACH AND DEPARTURE FOR HELICOPTERS IS 026 DEGREES, WHICH IS NORTHEAST OF THE HELIPORT NOT SOUTHWEST TOWARD WHEAT RIDGE DEVELOPMENT.

THERE IS NO MILITARY HELICOPTER TRAVEL OVER THE PROPOSED WHEAT RIDGE DEVELOPMENT.

MERCY HELICOPTER OVER FLIGHTS ARE WELCOME!

BOB CORWIN, C & W DEVELOPMENT AND I PRESENTED A LETTER OF CONTRACTURAL INTENT TO DEVELOP MY LAND INTO RESIDENTIAL LOTS ADDRESSED TO CITY PLANNING DEPARTMENT DATED NOVEMBER 10, 2005.  
HERE WE ARE, 12 YEARS LATER, CONTINUOUSLY PETITIONING THE CITY OF GREAT FALLS FOR ANNEXATION AND ZONING APPROVAL.

WE RECEIVED A LETTER FROM THE PLANNING DIRECTOR DATED JANUARY 23, 2006 THAT MALMSTROM OFFICIALS HAVE

INDICATED THE ACCIDENT POTENTIAL ZONES ARE NO LONGER IN EFFECT BECAUSE THE RUNWAY IS CLOSED.

THE CITY STAFF REPORT CALLS FOR THE USE OF PRIVATE PROPERTY RIGHTS FOR A PUBLIC PURPOSE. YOU WOULD TAKE THE WHEAT RIDGE PROPERTY FOR A FLYING MISSION "ACCIDENT POTENTIAL ZONE" WHEN THERE IS NO FLYING MISSION.

THAT IS TAKING PRIVATE PROPERTY FOR A PUBLIC PURPOSE. TO DO SO YOU MUST GO TO A PROPER COURT OF JURISDICTION AND OBTAIN A CERTIFICATE OF NECESSITY. THERE IS NO NECESSITY FOR SOME "FUTURE USE". MY WHEAT RIDGE PROPERTY TITLE IS CLEAR OF ANY RECORDED RESTRICTIONS. THERE ARE NONE. ARMED WITH YOUR NECESSITY ORDER, YOU THEN APPRAISE THE PRIVATE PROPERTY VALUE, THEN YOU PAY TO ACQUIRE SAME.

THERE IS NO PROVISION FOR YOU TO SIEZE THE PROPERTY.

CASCADE COUNTY IN 2008 ORDERED AN APPRAISAL FOR PRIVATE PROPERTY TO BE ACQUIRED FOR REAL PROPERTY RIGHTS INCOMPATIBLE WITH A "PROPOSED ACCIDENT POTENTIAL ZONE" SOUTH OF THE RUNWAY AT MALMSTROM,AFB THE APPRAISAL ESTABLISHED A VALUE OF \$3,265,000. THE PERMISSIVE BOND ISSUE ELECTION FAILED BY 20,000 VOTES TO 12,000 VOTES. THE VOTERS REJECTED THE IDEA OF AN "ACCIDENT POTENTIAL ZONE."

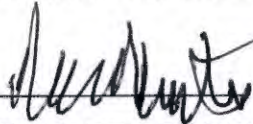
THE GREAT FALLS TRIBUNE ON SUNDAY,SEPTEMBER 2017 FEATURED A PICTURE AND THE QUESTION"

"WILL MALMSTROM AIRSTRIP GROUND DEVELOPMENT?"

I PROPOSE A DIFFERENT QUESTION , " WILL YOU HERE TODAY SUPPORT THE PEOPLE OF GREAT FALLS WHO WANT A VIBRANT, ENERGETIC FUTURE FOR EAST GREAT FALLS?"

FOR ALL THE RIGHT REASONS, I URGE YOU TO APPROVE WHEAT RIDGE ESTATES DEVELOPMENT.

THANK YOU FOR YOUR CONSIDERATION.



THIS TESTIMONY AT THIS PUBLIC HEARING INCLUDES SEVEN ATTACHMENTS WHICH DOCUMENT STATEMENTS HEREIN:

1. CERTIFIED LETTER TO MALMSTROM AFB, 4 MAY 2017, RE: ENVIRONMENTAL ASSESSMENT & FONSI FOR A C-130 ALZ AT MAFB.
2. FIGURE 8-4A, JLUS PROPOSED MILITARY RUNWAY APZ AREA, 1033 ACRES AT EACH END.
3. CITY OF GREAT FALLS JOURNAL OF COMMISSION PROCEEDINGS, MAY 1, 2012
4. FAA DIRECTIVE, 26 MAY 2016 RE: KGFA, MALMSTRON AFB HELIPORT
5. CORWIN / KYSO HUESTIS LETTER TO G.F. PLANNING DEPARTMENT, 10 NOV 2005
6. BEN RANGEL, PLANNING DIRECTOR, LETTER TO HUESTIS RE" "MAFB OFFICIALS HAVE INDICATED THE ZONES REFERENCED THEREIN ARE NO LONGER IN EFFECT BECAUSE THE RUNWAY IS CLOSED".
7. COUNTY TQ PUT BASE RUNWAY ON THE BALLOT, G.F. TRIBUNE AUGUST 12, 2008

PLEASE INCLUDE THESE DOCUMENTS REFERENCED IN MY REMARKS IN THE MINUTES OF THIS PUBLIC HEARING IN THE SAME MANNER AS IF THEY WERE SPOKEN..



FILE NAME: C-130 ALZ

A-1

DELIVERED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

2901 FOURTH AVENUE NORTH  
GREAT FALLS, MT 59401  
4 MAY 2017

MR. ROBERT BROWN  
341 CES / CEIE  
39 78TH STREET NORTH  
MALMSTROM AIR FORCE BASE, MONTANA 59402

RE: ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED CONSTRUCTION OF A C - 130 ASSAULT LANDING ZONE, MALMSTROM AFB, MONTANA  
&  
DRAFT FONSI

NOTICE; THIS IS A WRITTEN PROTEST AGAINST YOUR EA & FONSI DRAFTS.

MY NAME IS DANA HUESTIS, I REPRESENT MYSELF AND KYSO CORPORATION WHICH I OWN SOLELY

F. O. N. S. I.

FINDING OF NO SIGNIFICANT IMPACT.

THE UNITED STATES AIR FORCE HAS DETERMINED THAT IMPLEMENTATION OF THE PROPOSED ACTION WOULD HAVE NO SIGNIFICANT ADVERSE DIRECT, INDIRECT, OR CUMULATIVE EFFECTS ON THE QUALITY OF THE HUMAN OR NATURAL ENVIRONMENT.

IN FACT, THE "PROPOSED ACTION" IS UNKNOWING AND UNCARING AND UNRESPONSIVE TO ITS OBLIGATION TO PRESENT THE REQUISITE NEGATIVE IMPACTS ON THE QUALITY OF THE HUMAN AND NATURAL ENVIRONMENT, AS FOLLOWS:

THE MALMSTROM AFB AIRFIELD HAS BEEN CLOSED FOR 20 YEARS THE CLOSURE WAS APPROVED BY THE UNITED STATES CONGRESS COMPLYING WITH THE FEDERAL COMMISSION DETERMINATION TO DO SO.

THE FEDERAL AVIATION ADMINISTRATION HAS DECLARED THE MALMSTROM AFB AIRFIELD CLOSED TO ALL FIXED WING AIRCRAFT.

THE PROPOSED ALZ IS IN FACT A RUNWAY ACCORDING TO FIGURE 2.1, P.20 OF THE EA. P.77, STATES THE RUNWAY WILL BE 4,800 FEET... THE PROPOSED ALZ SCALES NEARLY 6,000 FEET IN LENGTH ON FIGURE 2.1, P. 20 THE PROPOSED RUNWAY LAYS CLAIM TO THE "EXISTING TAXIWAYS" WHICH WILL BE RE-OPENED. RE-OPENING THE TAXIWAYS FACILITATES REOPENING THE CLOSED FLIGHT LINE.

THE EA ON P. ES-1 STATES THAT THE CLEAR ZONES, TRANSITIONAL AREA, APPROACH ZONES AND OVERRUNS WILL BE RE-OPENED. P. 75 SAYS EQUIPMENT AND MATERIAL STAGING WILL OCCUR ON THE BRACED RUNWAY.

INFORMATION PUBLISHED IN THE GREAT FALLS TRIBUNE ON 18 JULY 2014, DOCUMENTS THAT MANG'S C-130H MODELS NEED AVIONICS UPGRADES BY 2020 TO COMPLY WITH FEDERAL AVIATION ADMINISTRATION AND INTERNATIONAL CIVIL AVIATION ORGANIZATION COMMUNICATION, NAVIGATION & SURVEILLANCE/AIR TRAFFIC MANAGEMENT MANDATES".

"IF THE AVIONICS UPGRADES ARE NOT COMPLETED BY 2020, THE C-130 WILL NOT BE ABLE TO OPERATE IN SIGNIFICANT PORTIONS OF DOMESTIC AND INTERNATIONAL AIRSPACE, ACCORDING TO A LETTER TO CONGRESS FROM THE ADJUTANTS GENERAL ASSOCIATION OF THE UNITED STATES". THE MONTANA ADJUTANT GENERAL SIGNED THE LETTER.

THE U.S. HOUSE OF REPRESENTATIVES PASSED A VERSION OF THE NATIONAL DEFENSE AUTHORIZATION ACT THAT PROHIBITS FUNDING FOR ANY NATIONAL GUARD UNITS FOR UPGRADING C-130H MODELS. "INSTEAD, THEY WOULD PREFER TO PURCHASE THE NEWER C-130J MODEL".

THEREFORE, FOR THE LAST THREE YEARS AT LEAST, AND FOR THE NEXT 3 YEARS TO 2020 WITHOUT FUNDING THAT HAS BEEN REFUSED, THE C-130H AIRPLANES WILL BE CONDUCTING LOW-LEVEL ASSAULT LANDINGS AND TAKE-OFFS, DAY AND NIGHT, WITH CONDEMNED AVIONICS

THE PROPOSED FONSI NOTICE INCLUDES AN INVITATION TO OTHER, OUTSIDE MONTANA, NATIONAL GUARD UNITS TO COME TO MALMSTROM AND USE THE RUNWAY. LEFT UNSAID, WHAT AIRCRAFT MIGHT THE OTHER NATIONAL GUARD UNITS BE FLYING? WHAT ARE THE IMPACTS OF INVITING THESE OTHER UNITS ON THE HUMAN AND NATURAL ENVIRONMENT HERE?

THE PROPOSED EA AND FONSI CONVENIENTLY IGNORES THE PRESENCE OF THE NUCLEAR WARHEAD ASSEMBLY AND STORAGE AREA ABSOLUTELY ADJACENT TO THE "ASSAULT LANDING ZONE". THE EA AND FONSI ARE UNKNOWING, UNCARING AND UNRESPONSIVE. THE CONSEQUENCES OF THIS FATAL FLAW WOULD BE UNTHINKABLE. THE EA AND FONSI ARE SILENT. SHAME, REPEAT SHAME, ON THE AUTHORS AND PARTICIPANTS IN THIS SO-CALLED STUDY.

WITNESS THE MAFB DECISION TO ALLOW AN AERIAL ACROBATICS TEAM FROM CANADA TO FLY OVER THE CLOSED RUNWAY. ONE AIRCRAFT WENT OUT OF CONTROL AND CRASHED A SHORT DISTANCE FROM THE NUCLEAR AREA.

WITNESS THE NOVEMBER 4, 2008 BALLOT ISSUE PROPOSING TO ACQUIRE REAL PROPERTY RIGHTS IN ORDER TO LIMIT DEVELOPMENT INCOMPATIBLE WITH THE ACCIDENT POTENTIAL ZONE SOUTH OF THE (CLOSED) RUNWAY AT MALMSTROM AFB. THE VOTERS RESPONDED NO BY A 20,000 TO 12,000 MARGIN. THE RUNWAY IS CLOSED AND NO SUBSEQUENT AIRCRAFT WILL OPERATE THERE THEY REASONED. MY "ACCIDENT POTENTIAL ZONE" WAS APPRAISED AT THAT TIME FOR \$3,265,000. THE VOTE REINFORCES THE NEGATIVE INVERSE CONDEMNATION STANDING THAT ACCIDENT POTENTIAL ZONES ARE TAKINGS.

NOTICE THAT MY LAND HAS NO CLOUDS UPON THE TITLE. ANY ATTEMPT TO ACQUIRE MY PROPERTY RIGHTS FOR LESS THAN FULL HIGHEST AND BEST USE WILL BE ADJUDICATED. ANY ATTEMPT TO DENY MY PEACEFUL, QUIET USE OF MY PRIVATE PROPERTY WILL BE ADJUDICATED.

DURING THE 20 YEARS THAT THE MALMSTROM AIRFIELD HAS BEEN CLOSED BY MULTIPLE AUTHORITIES, THERE HAVE BEEN EFFORTS TO RESTRICT MY PRIVATE PROPERTY OWNERSHIP. MANY HAVE RISEN TO THE REQUISITE "RIPENESS", BUT HAVE BEEN ACCORDED PATIENCE.

THERE HAVE BEEN ACCUSATIONS OF ENCROACHMENT.  
THERE HAVE BEEN ACCUSATIONS OF INCOMPATIBILITY.

THERE HAVE BEEN "STUDIES" SUCH AS AICUZ

THERE IS NOW THE STUDY KNOWN AS JLUS, JOINT LAND USE STUDY. THE WORD JOINT IS AN OXYMORON IMPLYING THAT THE MILITARY CAN USE MY PROPERTY... BUT THERE IS NO USE OR PUBLIC OBLIGATION REQUIREMENT TO COMPENSATE THE LANDOWNER FOR THE TAKING?



I BELIEVE THERE IS AN ASSAULT LANDING ZONE IN PLACE AT GREAT FALLS INTERNATIONAL AIRPORT. I BELIEVE THE FACILITY AT GFIAP HAS SUFFICIENT ACCIDENT POTENTIAL ZONES AND CLEAR ZONES AND AIR TRAFFIC CONTROL IN PLACE TO FULLY SUPPORT THEIR ALZ. THE ALZ AT GFIAP IS CRITICISED AFTER EXPENDING THE COSTS OF ESTABLISHING THE ALZ, AS HAVING TOO MUCH LIGHT AT NIGHT FOR THEIR PURPOSES.

WOULD APPROPRIATE EYEWEAR OR VIRTUAL REALITY CORRECT THIS PROBLEM? HOW ABOUT THE "HOOD" USED TO TRAIN PILOTS FOR IFR CONDITIONS? THERE IS AN AIR TRAFFIC CONTROL TOWER ADJACENT TO THE ALZ, COULD THE TOWER MODIFY THE ALZ LIGHTING FOR THE TIME TO APPROACH OR TAKEOFF? THE EA AND FONSI ARE SILENT EVEN ON THE EXISTENCE OF THE GFIAP ALZ. WHAT ABOUT THE WASTE OF TAXPAYER DOLLARS ?

THE EA AND FONSI ARE SILENT ABOUT "THE HUMAN ENVIRONMENT" OUTSIDE THE MALMSTROM FENCE, AND THE EXISTENCE OF THE EAST GREAT FALLS RETAIL CENTER. WAL-MART CORPORATION OPENED A BRAND NEW SUPERSTORE AT EGFC ON MARCH 15, 2017. THE STORE MERCHANDISES 200,000 S.F. THE STORE EMPLOYS OVER 350 EMPLOYEES AND PAYS TENS OF THOUSANDS OF DOLLARS IN ANNUAL PROPERTY TAXES WHICH FUND PUBLIC SERVICES IN GREAT FALLS.

THE EA AND FONSI ARE SILENT AS TO THE FOLLOW-ON RETAIL LAND ANNEXED AND ZONED GENERAL COMMERCIAL TO COMPLEMENT WAL-MART. THIS PROPERTY HAS BEEN COMPROMISED FOR RETAIL WITH THE ALZ ABSOLUTELY ADJACENT TO A RETAILERS INVESTMENT. NIGHT AND DAY, LOW ALTITUDE, NOISE ABOVE ANY REASONABLE LIMIT, ETC. I OWN THIS RETAIL PROPERTY ADJACENT TO THE NEW WAL-MART SUPERCENTER. I HAVE BEEN IMPACTED NOW BY THIS ALZ RUNWAY, I MUST TOTALLY DISCLOSE THIS TAKING OF THE PEACEFUL, QUIET POSSESSION OF MY INVESTMENT PROPERTY.

KYSO HAS PAID OVER \$10,000 PER YEAR IN PROPERTY TAX AND STREET ASSESSMENTS TOTALLING \$90,000.00 TO DATE FOR BLOCK 2, EGFC. THIS EA & FONSI NOW SAY THAT THIS LAND IS COMPROMISED BY THE ALZ!!!

I SWEAR THAT THE FIRST INKLING THAT THIS ALZ IS PROPOSED WAS WHEN I READ THE LEGAL NOTICE IN THE GREAT FALLS TRIBUNE ON 25 APRIL 2017. BE ADVISED THAT ON 13 APRIL 2017, I HANDCARRIED A CHECK FOR THOUSANDS OF DOLLARS TO CITY OF GREAT FALLS COMMUNITY DEVELOPMENT, GIVING THE CHECK TO THE DIRECTOR. THERE WAS ABSOLUTELY NO DISCLOSURE OF THE ALZ. THE PAYMENT WAS FOR THE ANNEXATION AND ZONING APPLICATION FROM KYSO CORPORATION AND C & W DEVELOPMENT CORPORATION FOR WHEAT RIDGE ESTATES RESIDENTIAL SUB-DIVISION. THERE HAS BEEN NO DISCLOSURE OF THE ALZ SCHEME. THIS IS BEYOND UNETHICAL!

OUR MARKETING OPPORTUNITY WINDOW BEGINS WITH THE GRAND OPENING OF WAL-MART. AGAIN TOTAL DISCLOSURE OF THE RESIDENTIAL PROPERTY RENDERS THE RESIDENTIAL PROPERTY COMPROMISED. THIS IS AN INVERSE PRE-MEDITATED TAKING OF OUR RESIDENTIAL BUSINESS.

WHEN WAL-MART MADE THEIR INVESTMENT DECISION TO LOCATE IN EGFC. THEY HAD A REASONABLE EXPECTATION THAT FOLLOW-ON RETAIL AND SURROUNDING RESIDENTIAL HOMES WOULD ENHANCE THEIR BUSINESS.

YOUR EA AND FONSI ARE SILENT AS TO THIS "IMPACT" UPON THE HUMAN (KYSO/HUESTIS, AND C & W/CORWIN AND WOITH) ENVIRONMENT AND ALL THE MANY OTHER SIMILARLY SITUATED PROPERTY OWNERS.

YOUR EA AND FONSI ARE PAINFULLY, NARROWLY FOCUSED UPON THE SO-CALLED MERITS OF THIS WRONG-HEADED, REDUNDANT SCHEME. THE EA AND FONSI ARE PERHAPS DIRECTED TO A DESIRED FINDING INSPITE OF THE REQUISITE "STUDY" DIRECTIVE. THERE ARE FEW IF ANY RELEVANT CITATIONS FOR OFF-BASE "HUMAN" HOPES AND DREAMS FOR THEIR LIFE'S WORK INVESTMENTS.

KYSO AND DANA HUESTIS, TOGETHER WITH C & W DEVELOPMENT CORP. AND ROBERT CORWIN AND SPENCER WOITH DEMAND HEREWITH THAT THIS EA AND FONSI CONDEMNATION MUST BE COMPENSATED ACCORDING TO EMINENT DOMAIN TAKING RULES AND REQUIREMENTS.

DISCLOSURE HAS PLACED KYSO CORPORATON INVESTMENT IN EGFC, BLOCK 2, \$6,158,295.00 AT RISK.  
DISCLOSURE HAS PLACED KYSO CORPORATION PUBLIC IMPROVEMENTS OBLIGATION, \$862,190.40 REPAYMENT AT RISK.  
DISCLOSURE AND CITY OF GREAT FALLS COMMUNITY DEVELOPMENT TAKING OF KYSO CORPORATION RESIDENTIAL PROPERTY VALUE, \$7,696,850.00 AT RISK.

REFER TO "EAST GREAT FALLS RETAIL CENTER DEVELOPMENT LAND, 21.54 ACRES, FOR SALE" DOCUMENT HEREWITH.

FOR DOCUMENTATION THAT THE AMOUNTS SHOWN ARE REASONABLE, REFER TO WAL-MART OUTPARCELS FOR SALE DOCUMENT HEREWITH, SHOWING 4.35 ACRES FOR \$2,375,000 OR \$12.54 / S.F.

FOR THE RECORD C & W DEVELOPMENT AND KYSO CORPORATION HAVE BEEN IN RESIDENTIAL DEVELOPMENT CONTRACT SINCE NOVEMBER 10, 2005. SEE NOTARIZED LETTER TO CITY PLANNING DEPARTMENT DOCUMENTATION.

FOR THE RECORD SEE CITY OF GREAT FALLS PLANNING DEPARTMENT LETTER DATED JANUARY 23, 2006, LAST SENTENCE "HOWEVER, MAFB OFFICIALS HAVE INDICATED THE ZONES REFERENCED THEREIN ARE NO LONGER IN EFFECT, BECAUSE THE RUNWAY IS CLOSED".

THIS DOCUMENTATION IS PROVIDED TO ESTABLISH OUR EXPECTATION THAT OUR PRIVATE PROPERTY WOULD BE ACCORDED PROPER DUE PROCESS. THIS EXPECTATION IS NOW DESTROYED.

SEE KYSO CORPORATION LETTER DATED 4 JANUARY 2013 DOCUMENTING DAY BY DAY THE ABUSE OF OF DUE PROCESS BY THE CITY OF GREAT FALLS AND OTHERS. THIS CALLS FOR CONDEMNATION PROCEEDINGS.

THIS EA AND FONSI WERE PREPARED ON BEHALF OF MALMSTROM AFB, MONTANA, PREPARED FOR U.S. ARMY CORPS OF ENGINEERS, MOBILE ALABAMA DISTRICT. MONTANA IS NOT EVEN IN THE JURISDICTION OF CORPS OF ENGINEERS, MOBILE DISTRICT. THE CONSULTANT IS BASED IN MOBILE, ALABAMA. A MONTANA BASED CONSULTANT PERHAPS WOULD HAVE A MORE APPROPRIATE DUTY OF HUMAN AND NATURAL ENVIRONMENT!

THE CITY OF GREAT FALLS, BY THE WRONGFUL ACTIONS OF ITS COMMUNITY DEVELOPMENT DEPARTMENT AND BY ITS JLUS STUDY GROUP PARTICIPATION, ADOPTION AND IMPLEMENTATION CREATING ACCIDENT POTENTIAL AND CLEAR ZONES UPON MY PRIVATE PROPERTY WITHOUT COMPENSATION, ARE JOINED IN THIS DEMAND LETTER FOR DUE PROCESS AND CONDEMNATION

HEREWITH IS A "MEMORANDUM" FROM THE CITY OF GREAT FALLS COMMUNITY DEVELOPMENT DEPARTMENT, DATED 27 APRIL 2017. THE DOCUMENT IS TITLED "WHEAT RIDGE ESTATES-PHASE 1, "COMPLETENESS" REVIEW OF SUBMITTED APPLICATION. IN THIS CONTEXT, "COMPLETENESS" MEANS IN ACCORDANCE WITH THE JLUS. PARA. 5c SAYS "...THE CITY ANTICIPATES NO JUSTIFICATION TO SUPPORT ANNEXATION OF THE PHASE 1 DEVELOPMENT AS WELL AS THE LARGER MASTER PLANNED AREA". THESE WORDS PLAINLY CONSTITUTE DENIAL OF OUR APPLICATION.

WE HAVE EXHAUSTED OUR ADMINISTRATIVE REMEDIES. OUR ACTION IS "RIPE!"

THE ENTIRE DOCUMENT IS INAPPROPRIATE, WITNESS THAT MY CHECK FOR THE ANNEXATION AND ZONING APPLICATION WAS DELIVERED ON 13 APRIL 2017 AND REJECTED 27 APRIL, KYSO CORPORATION PROPERLY SHOULD BE AN ADDRESSEE INASMUCH AS IT PAID FOR THE APPLICATION AND OWNS THE LAND.

PARAGRAPH 5, IMPACTS OF DEVELOPMENT TO MALMSTROM AFB  
MY APPLICATION IS ADDRESSED TO THE COMMUNITY OF GREAT FALLS PETITIONING FOR ANNEXATION AND ZONING. SUCH A SUB-DIVISION CREATES RESIDENTIAL HOMESITES, JOBS AND TAX BASE., SAY 450 HOMESITES AT \$4,000 PROPERTY TAXATION IS \$1,800,000 PER YEAR.

THE MEMORANDUM BEGS THAT IN PARA. 4.2) THE CITY'S FIRE AND EMERGENCY RESPONSE IS ALREADY STRETCHED BEYOND RECOMMENDED LEVELS. THE DISAPPROVAL IS COUNTER INTUITIVE BECAUSE OUR INVESTMENT WOULD HELP, NOT HINDER, RESPONSE.



THE MEMORANDUM REQUIRES THE APPLICANTS TO PREPARE A NOISE STUDY FOR A NOISE SOURCE THAT IT DID NOT CREATE AND IS OPPOSED FOR SAFETY AND ALL REASONS HEREIN.

THE MEMORANDUM AT PARA. 5a, CITES THE JLUS STUDY AS ENCOURAGING COMPATIBLE LAND USE AROUND THE BASE AND HELP SUSTAIN GROWTH. PARA 5b APPARENTLY NOT AWARE THE THE MALMSTROM AFB AIRFIELD IS CLOSED BY BRAC. THE C STANDS FOR CLOSURE! THE F.A.A. HAS CLOSED AIRFIELD TO FIXED WING AIRCRAFT.

IF THE AUTHOR OF THE MEMORANDUM HAD EVEN A SHRED OF PRIVATE PROPERTY'S PLACE IN OUR COMMUNITY, THIS MEMORANDUM WOULD NEVER HAVE BEEN WRITTEN.

THE TWO WEEK TIME LAPSE BETWEEN MY PAYMENT AND THIS CONDEMNATION IS ARROGANT, UNKNOWING, UNCARING, AND UNREPOSIVE..

THE EA AT P.24, SOCIOECONOMICS STATES NO APPRECIABLE EFFECTS! THE PARAGRAPH CONTINUES " THE TERM SOCIOECONOMICS DESCRIBES DEMOGRAPHICS ASSOCIATED WITH THE HUMAN ENVIRONMENT, SUCH AS EMPLOYMENT, INDUSTRY, INCOME, POPULATION, HOUSING AND SCHOOLS." THE UNACCEPTABLE IMPACTS DESCRIBED ABOVE CONDEMN THE EA ASSESSMENT. SHAME ON THE AUTHORS OF SUCH AN OUTRAGEOUS ASSERTION.

THE EA AT PAGE 38 DESCRIBES THE SAD STATE OF AFFAIRS AT WHITMORE RAVINE, REFERRING TO SOLUTIONS AGREED BY STAKEHOLDERS. THE SOLUTIONS ,IN PART, REFER TO CORRECTIONS THAT NEVER, REPEAT NEVER HAPPENED, SUCH AS PIPELINES AROUND THE ERODED PORTIONS OF THE WEST AND MIDDLE FORKS OF WHITMORE RAVINE. UNCONTROLLED RUNOFF FROM MAFB HAVE LEFT A SCAR UPON THE EARTH. HUNDREDS OF THOUSANDS OF TONS OF SEDIMENT HAVE BEEN DISCHARGED INTO THE MISSOURI RIVER OVER DECADES. SHAME! THE SEDIMENT STILL FLOWS INTO THE MISSOURI RIVER TO THIS DAY!

THE AUTHORS OF THIS EA AND FONSI HAVE NEVER CONTACTED THE ADJACENT PROPERTY OWNERS, THE NEIGHBORS, TO ASCERTAIN THE REALITY. APPARENTLY FROM ALABAMA ALL THAT IS SURVEYED IS BENIGN. NOT!!!

THIS NEEDS JUDICIAL REVIEW.

I RESERVE THE RIGHT TO REVISE AND EXTEND MY ANALYSIS, ESPEC IALLY AS THE 30 DAY ARBITRARY DEADLINE FOR COMMENT IS NOT SUFFICIENT FOR RESPONDING TO IS UNFORESEEN THREAT TO MY PRIVATE PROPERTY. THE LACK OF DISCLOSURE AS TO YOUR SECRET PREPARATION OF THIS STUDY DONE IN ALABAMA IS BEYOND UNETHICAL.

LEST YOU MISUNDERSAND MY DEVOTION TO THE MILITARY OF OUR NATION, I SERVED THREE YEARS AND FIVE MONTHS ACTIVE DUTY AS AN AIR FORCE CIVIL ENGINEER OFFICER. HOW ABOUT YOU, THE READER HEREOF?

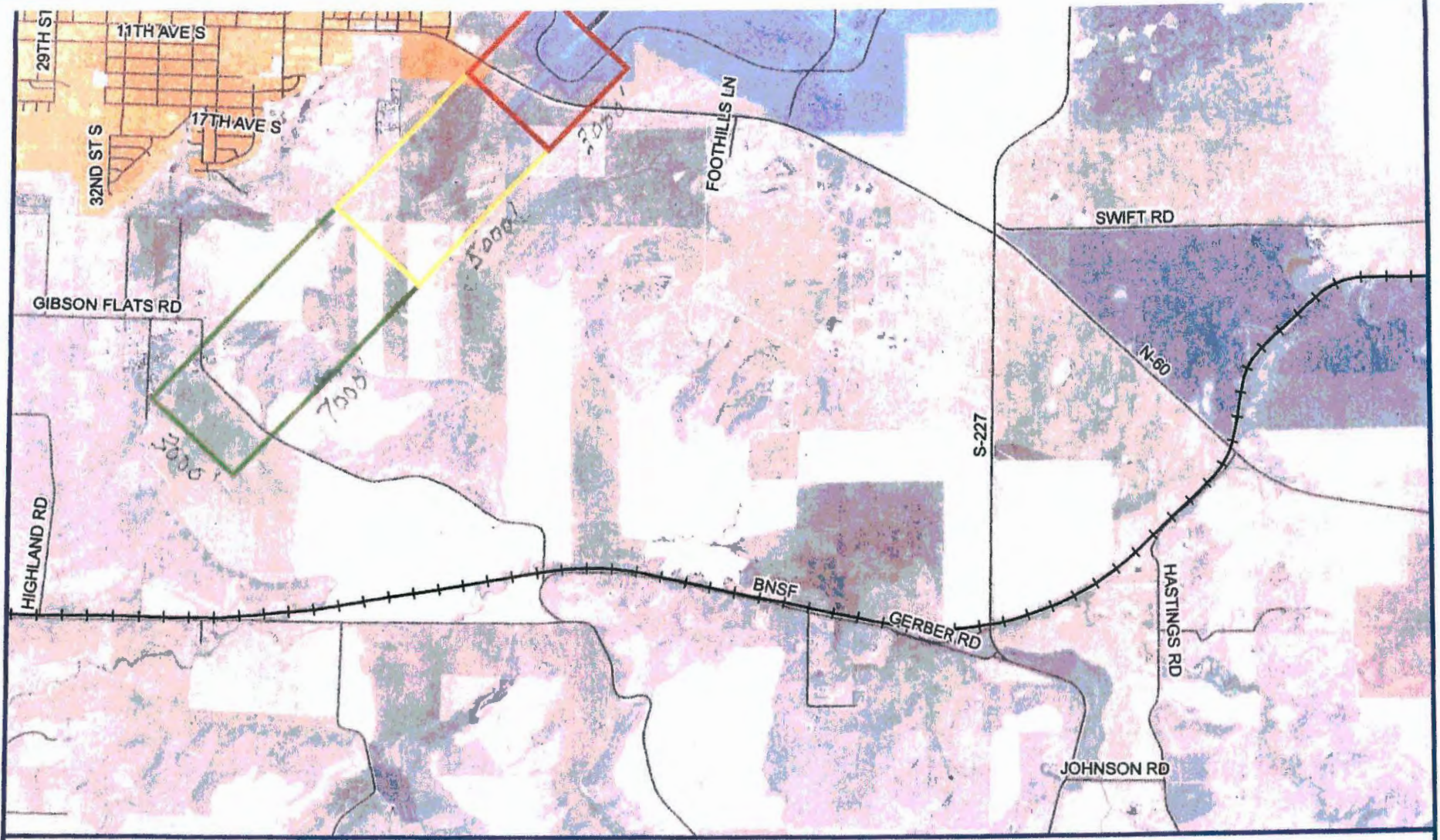
SUBMITTED BY:

---

DANA HUESTIS, PRESIDENT  
P. E. #2934



A-2



- Legend**
- Clear Zone
  - Accident Potential Zone I
  - Accident Potential Zone II
  - Malmstrom AFB
  - City of Great Falls
  - Airfield Surface Area
  - Road
  - Railroad

1028 1/2 x 15,000 = 15,425,000 S.F.  
 $3000' \times 15,000' = 45,000,000 \text{ S.F.}$   
 $= 1033 \text{ Acres}$

Source: MAFB



Figure 8-4A  
 Military Runway Accident Potential Zones Conditional Development Area



Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

## NEW BUSINESS

### ORDINANCES/RESOLUTIONS

6. **ORDINANCE 3088, ADOPTING THE GREAT FALLS DOWNTOWN URBAN RENEWAL PLAN, INCLUDING A TAX INCREMENT FINANCING PROVISION PURSUANT TO SECTIONS 7-15-42 AND 43, MCA.**

Planning and Community Development Director Mike Haynes reported Ordinance 3088 is a request to set a public hearing for May 15, 2012, to consider Ordinance 3088 that would adopt a Downtown Urban Renewal District, including a provision to establish a Downtown Tax Increment Financing (TIF) District. The Downtown Master Plan called for establishing a TIF District as the primary funding mechanism for targeted public improvements Downtown.

At their meeting of April 10, 2012, the Planning Advisory Board unanimously found the Downtown Urban Renewal Plan to be in conformance with the Growth Policy. On March 6, 2012, the City Commission approved Resolution 9961 that acknowledged the existence of conditions that discourage economic development Downtown and established boundaries of an Urban Renewal District.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3088 on first reading and set a public hearing for May 15, 2012.**

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

Mayor Winters questioned the signature on Resolution 9961. Commissioner Jones signed Resolution 9961 as Mayor Pro Tempore on March 6, 2012.

Mayor Winters asked if there were any inquiries from the public.

**Mike Witsoe, 510 11<sup>th</sup> Street South, asked if 1<sup>st</sup> Avenue South will be turned into a two-way street.**

Commissioner Bronson responded Ordinance 3088 has nothing to do with determination of the one-way.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

7. **RESOLUTION 9965, ACCEPT MALMSTROM AIR FORCE BASE JOINT LAND USE STUDY FINAL DOCUMENT.**



Planning and Community Development Director Mike Haynes reported the general purpose of JLUS studies are to promote cooperation between military installations and surrounding localities in order to strengthen military missions and provide for more compatible land uses and development near installations. The City Commission supported Cascade County seeking a grant through the U.S. Department of Defense, Office of Economic Adjustment (OEA) for the JLUS, and the City's participation in the JLUS process with Resolution 9799, adopted in late 2008. Cascade County did secure the OEA grant to fund the Malmstrom JLUS process, and in February 2010, Matrix Design Group was selected as project consultants and the JLUS process was initiated. A Policy Committee and a Technical Committee were established to guide and support the process, with members representing Cascade County and the other six counties in the Missile Complex area, the City of Great Falls, MAFB, landowners, and other interested parties. The JLUS process took two years to complete and resulted in the JLUS Final Report. On March 28, 2012, Cascade County Commissioners accepted the Final Report by adopting Resolution 12-23. Acceptance of the Final Report does not equate to regulation and does not impact private property rights of any landowners. It is expected that, if Resolution 9965 is adopted, next steps would be for Cascade County to establish a Coordinating Committee, including a representative from the City of Great Falls, to formalize cooperation between MAFB and local governments. At that time, discussions may be held to consider the range of possible implementation strategies. Should those strategies include any land use regulations, the respective jurisdictions would hold public hearings to consider those specific proposals.

*Have any land use regs been adopted?*

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9965 accepting the Malmstrom Air Force Base Joint Land Use Study (JLUS) final document.

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

Commissioners Burow and Jones reserved comment after public discussion.

Mayor Winters asked if there were any inquiries from the public.

Steve Malicott, President/CEO of the Great Falls Area Chamber of Commerce, noted he was appointed to the Policy Committee on the issue. He noted the JLUS is designed to avoid encroachment issues. The Policy Committee requested a statement be included to approve the concept to protect MAFB and private property owners. He recommended acceptance of the JLUS.

Joe Briggs, Cascade County Commissioner, expressed support of Resolution 9965 to accept JLUS as a completed document for use as reference material. He noted the document has no regulatory authority. He believes acceptance of JLUS will send a strong message to the military that the Great Falls community desires to keep its military mission.

Dan Huestis, 2901 4<sup>th</sup> Avenue North, noted the JLUS will be incorporated into the City of Great Falls Growth Policy. He discussed three policy determinations recommended by JLUS. He requested JLUS not be adopted nor included in the City of Great Falls Growth Policy. He provided copies of maps of the Military Airport Overlay District; a map of MAFB and overlay zones showing accident potential zones; and a map of incompatible zoning around MAFB. The maps are included in the JLUS.



Mayor Winters asked Commissioner Briggs for comment.

Commissioner Briggs responded Resolution 9965 does not mention the Growth Policy. The overlay district is described by FAA and begins at 50 feet above the runway at angles. JLUS describes incompatible lands because of proximity to housing, but does not call for re-zoning.

Mayor Winters questioned the next step of the JLUS.

Commissioner Briggs responded the City Planning and Community Development Department will present recommendations to the Commission.

Mayor Winters questioned if Mr. Huestis can build houses on the property he referenced.

Commissioner Briggs responded the area is within the County and zoned agricultural which allows one house per 20 acres.

Commissioner Bronson commented that the agreement to enter into the JLUS process was because of concern for MAFB, MANG, and all military missions surrounding Cascade County. He believes it is prudent to develop information to determine potential impacts on those operations.

Mayor Winters asked what process Mr. Huestis can put in place to protect his property.

Commissioner Briggs responded the City Commission would have to hold a public hearing to change his zoning.

Commissioner Jones questioned if only one landowner was on the Policy Committee.

Commissioner Briggs responded all committee members were landowners, however, one position was included for a landowner in proximity to MAFB.

Commissioner Jones questioned the membership of the committee going forward.

Commissioner Briggs the committee will likely include one member each from the County and the City; a representative of the other six rural counties; and a representative of MAFB.

Commissioner Burow noted that Mr. Huestis indicated his request in 2008 to have his property annexed into the City has not happened pending the JLUS study. He expressed concern that accepting JLUS sends a message the City plans to use and follow the study.

Commissioner Briggs does not believe acceptance of the study as a reference document infers use. JLUS was designed so each entity can take what is valuable and present it through the public processes.

Mr. Haynes commented he was not aware of the annexation request in 2008 by Mr. Huestis.

Commissioner Jolley reported the annexation request was in 2005, and that Mr. Huestis provided her a copy of a letter inquiring about annexation along with other documents.



Commissioner Bronson noted documents referenced by two Commissioners that he had not received. He stated he did not know what was being referenced.

Mr. Huestis stated Commissioner Bronson did not return a phone call and that was why he did not receive the information.

Commissioner Bronson stated issues should be presented at public meetings so everyone can hear the response.

Mr. Huestis further discussed the JLUS study, implementation process, and zoning issues.

Ron Gessaman, 1006 36<sup>th</sup> Avenue NE, questioned if there will be public access to meetings of the proposed JLUS committee.

Commissioner Briggs responded the meetings would be advertised.

Mr. Gessaman asked for clarification that the committee is only an advisory committee to make recommendations.

Mayor Winters and Commissioner Bronson stated that is correct.

John Hubbard, 615 7<sup>th</sup> Avenue South, discussed the possibility of a land grab.

Mayor Winters commented he would have preferred language to show the JLUS is only a resource document.

Commissioner Bronson noted paragraph 1.5 on page 1-11, regarding the JLUS implementation, addresses that concern.

Commissioner Burow stated Resolution 9965 could be tabled for further study.

Commissioner Jones noted that he believed the document had been discussed well enough and that a vote could be taken.

Mayor Winters agreed because there is a future course for Mr. Huestis to follow to protect his interests.


There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

### CONSENT AGENDA

8. Minutes, April 17, 2012, Commission meeting.
9. Total expenditures of \$2,273,852 for the period of April 7-25, 2012, to include claims over \$5,000, in the amount of \$2,023,906.

A-4



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[NavAids](#)
[Airspace Fixes](#)
[Aviation Fuel](#)
[AIRBOSS](#)
[iPhone App](#)
[My AirNav](#)

1532 users online

**KGFA Malmstrom Air Force Base Heliport**  
Great Falls, Montana, USA



<b>GOING TO GREAT FALLS?</b>	<input type="checkbox"/> Reserve a Hotel Room
------------------------------	--

**FAA INFORMATION EFFECTIVE 26 MAY 2016**

**Location**

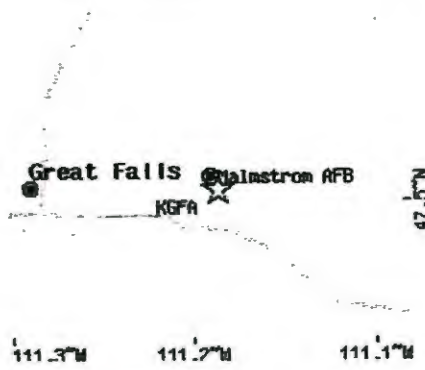
FAA Identifier: GFA  
 Lat/Long: 47-30-16.8000N / 111-11-14.4000W  
 47-30.280000N / 111-11.240000W  
 47.5046667 / -111.1873333  
 (estimated)  
 Elevation: 3472 ft. / 1058 m (estimated)  
 Variation: 17E (1985)  
 From city: 3 miles E of GREAT FALLS, MT  
 Time zone: UTC -6 (UTC -7 during Standard Time)  
 Zip code: 59402




Upgrade Your Experience.

**Heliport Operations**

Heliport use: Private use. Permission required prior to landing  
 Activation date: 03/1943  
 Sectional chart: \_\_\_\_\_  
 Control tower: no  
 ARTCC: SALT LAKE CITY CENTER  
 FSS: GREAT FALLS FLIGHT SERVICE STATION  
 NOTAMs facility: GTF (NOTAM-D service available)  
 Attendance:  
 Segmented circle: no  
 International operations: customs landing rights airport



**Heliport Communications**

CTAF: 271.9  
 GREAT FALLS APPROACH: 128.6  
 GREAT FALLS DEPARTURE: 128.6  
 BLADE OPS: 271.9  
 COMD POST: 311.0 321.0  
 PMSV METRO: 239.8  
 WX ASOS at GTF (8 nm W): PHONE 406-452-9844  
 • WX DSN 632-2710. FULL SVC AVBL 1200-2200Z++ MON-FRI. OT CTC DAVIS-MONTHAN AFB, 25TH OWS DSN 228-6588/6598/6599.

Road maps at: \_\_\_\_\_

Aerial photo



**Nearby radio navigation aids**

VOR radial/distance                      VOR name Freq Var  
 054/9.7                      GREAT FALLS VORTAC 115.10 16E

NDB name Hdg/Dist Freq Var ID  
 029/11.2 371 13E ITU .. - . . .

**Heliport Services**

Airframe service: NONE  
 Powerplant service: NONE  
 Bottled oxygen: NONE

**Runway Information**

**Helipad H1**

Dimensions: 100 x 100 ft. / 30 x 30 m  
 Surface: asphalt  
 Traffic pattern: left                      left

**Helipad H2**

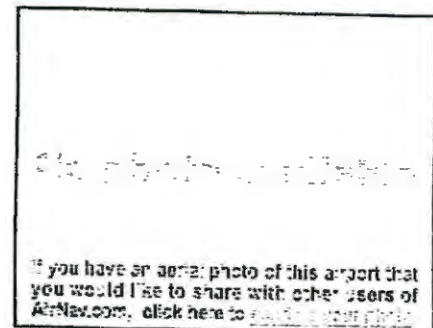
Dimensions: 100 x 100 ft. / 30 x 30 m  
 Surface: concrete  
 Traffic pattern: left                      left

**Heliport Ownership and Management from official FAA records**

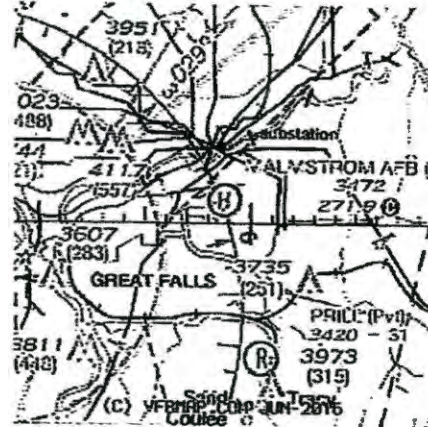
Ownership: U.S. Air Force  
 Owner: USAF  
                   MALMSTROM AFB  
                   GREAT FALLS, MT 59402  
 Manager: BASE OPERATIONS  
                   MALMSTROM AFB  
                   GREAT FALLS, MT 59402

**Additional Remarks**

- LGT - PERIMETER, LDG AND APCH LGT AVBL. LDG DRCT AND APCH LGT ORIENTED 026 DEG.
- FUEL - J8
- RSTD - R/W ACFT ON OFFL BUS ONLY, CLSD TO ALL F/W ACFT. PPR FR 40TH HELICOPTER FLT DSN 632-3250.
- CAUTION - 57 FT TWR LCTD .5 NM NE.
- TRAN ALERT - NO SVC AVBL WO PRIOR COORD WITH COPTER MAINT DSN 632-6356.
- CTC 40TH HELICOPTER SQUADRON FOR OPR HR. SEE FLIP AP/1 SUPPLEMENTARY ARPT REMARK.
- ORANGE BARRIERS MARK BOUNDARIES OF HELIPORT.
- HELIPORT LTD TO TWO HELIPADS AND SLIDE AREA BETWEEN R AND Q. OTHER AREAS OF OLD AFLD LITTERED WITH OBST AND ACFT NOT AUTHORIZED FOR LDG OR DEP.



**Sectional chart**



**Airport distance calculator**

Flying to Malmstrom Air Force Base Heliport? Find the distance to fly.

From  to KGFA

**Sunrise and sunset**

	Times for 14-Jul-2016	
	Local (UTC-6)	Zulu (UTC)
Morning civil twilight	05:05	11:05
Sunrise	05:44	11:44
Sunset	21:17	03:17
Evening civil twilight	21:56	03:56

**Current date and time**

Zulu (UTC)                      14-Jul-2016 21:29:39  
 Local (UTC-6)                      14-Jul-2016 15:29:39

**METAR**

KGFA 142058Z AUTO 35009G12KT 10SM FEW075 BKN095 23/05 A3018 RMK AO2 SLP216 T02250046 56003 TSNO \$  
 142053Z 36007KT 10SM SCT085 8nm W 24/04 A3018 RMK AO2 SLP203 T02390039 56003 \$

**TAF**

KGFA 141902Z 1419/1601 32012KT 9999 FEW055 SCT070 QNH3010INS BECMG 1423/1424 02008KT 9999 SCT070 QNH3010INS BECMG 1502/1503 06008KT 9999 FEW250 QNH2998INS BECMG 1519/1520 12010G15KT 9999 VCTS SCT065CB SCT100 BKN200



A-5

**EXHIBIT I**

November 10, 2005

**C & W Development Inc.**  
1725 41st. Street South  
Great Falls, Mt. 59405

**City Planning Department**

I am writing this letter on behalf of C & W Development, Inc. This letter is a follow-up to our previous conversations, and its purpose is to officially inform you that it is our intention to annex a portion of the property on the East end of the City of Great Falls. It is our intention to master plan and develop the land into high end residential lots. C & W Development is currently in contact with the land owner, Kysco Corporation, to purchase this land and is acting with their permission in this submittal.

The subject property is the remainder of the West 1/2 of Section 15, excluding any portion lying North of U.S Highway 87 / 89, and excluding any portions that are currently deemed Commercial development. The subject property is approximately 242 acres. A more accurate legal description and Master Plan will follow shortly behind this letter.

Should you have any questions or concerns on this matter please feel free to contact me at (406) - 761- 1955.

Sincerely,



Bob Corwin, President  
C & W Development



Dana Huestis, President  
Kysco Corporation

JOANN PAINTER  
*Joann Painter*  
NOTARY PUBLIC for the State of Montana  
Residing at Great Falls, Montana  
My Commission Expires 9-5-2006



A-6



P. O. Box 5021, 59403-5021

Planning Department

January 23, 2006

Mr. Dan Huestis  
1001 River Drive North  
Great Falls, MT 59405

Dear Mr. Huestis:

The purpose of this letter is to clarify, for the record, the proximity of the proposed Wal-Mart site and adjoining commercial sites with the restrictive easements for Malmstrom Air Force Base.

Based on my understanding of the location of the restrictive easements, neither the proposed Wal-Mart site nor the two adjoining commercial sites are located within the restrictive easements acquired by the United States government in 1958.

The referenced easements encompass an area that is smaller in size than the boundaries of an area that has been referred to as a "Clear Zone." This latter clear zone was described in a 1994 Air Installation Compatible Use Zone (AICUZ) study, which was referenced and used at the time as a guide in making land use decisions in the vicinity of MAFB. However, MAFB officials have indicated the zones referenced therein are no longer in effect because the runway is closed.

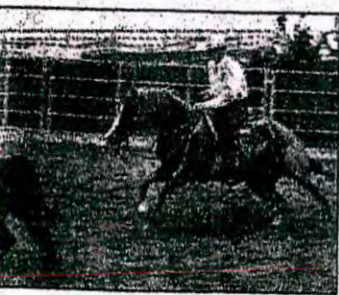
Sincerely,

Benjamin M. Rangel  
Planning Director

BMR/bmr



off competition



ExpoPark cutting event equine know-how /1M

# GREAT FALLS TRIBUNE

MONTANA'S NEWSPAPER

## Bush looks to exempt major facilities from Endangered Species Act /2A



### Three for three

Phelps earns another gold: Olympics action /Sports

August 12, 2008

Great Falls, Montana

www.greatfallstribune.com

75 cents

# County to put base runway on ballot

► Commissioners to ask voters for authority to issue bonds for land buy that could protect future missions

By KARL PUCKETT  
Tribune Staff Writer

Cascade County commissioners are planning to give residents the chance to vote Nov. 4 on whether the

bonds to finance the purchase of valuable land near a Malmstrom Air Force Base runway that's being eyed for housing development.

"At this point, we do want to

Lance Olson said. The plan could be stopped if buyers are unwilling, or the price is too high, Olson said. He said county officials have been discussing the idea with affected developers and landowners.

The purpose of securing the land would be to keep it free of housing development, thereby improving the chances of the base winning a future flying mis-

**STORY CHAT**   
Comment on this article at [www.greatfallstribune.com](http://www.greatfallstribune.com)

said the investment by the county, if approved by voters, might not pay off in the short term but "in the long term it would be a strong investment."

country is a problem, and it limits the use of facilities," she said. The idea of buying the land split residents who testified on the idea in April. Some said the runway was hindering tax-generating development in the area. Commissioner Joe Briggs said he's expecting the bond issue to be "somewhere over \$6 million" but an exact number was not available Monday afternoon.

xt meet at the 325 ion to of issu- in ase of near 'orce he ould week e not



**COUNTY OFFICES CONTINUED**

FOR GREAT FALLS TRANSIT DISTRICT SUPERVISOR VOTE FOR TWO (2)

- MARION S. SMITH
- CARL J. DONOVAN
- SALLY L. MACMILLAN
- 
- 

**CONSTITUTIONAL AMENDMENTS, REFERENDUMS & INITIATIVES**

**INSTRUCTIONS TO VOTERS**  
 BLACKEN THE OVAL  OPPOSITE THE WORD "FOR" IF YOU WISH TO VOTE IN FAVOR OF THE FOLLOWING AMENDMENT OR ISSUE OR BLACKEN THE OVAL  OPPOSITE THE WORD "AGAINST" IF YOU WISH TO VOTE AGAINST THE AMENDMENT OR ISSUE.

**CONSTITUTIONAL AMENDMENT NO. 44**

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO ALLOW UP TO 25 PERCENT OF CERTAIN PUBLIC FUNDS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

THE 2007 LEGISLATURE SUBMITTED THIS PROPOSAL FOR A VOTE. THIS MEASURE WOULD AMEND THE MONTANA CONSTITUTION TO ALLOW UP TO 25 PERCENT OF ALL STATE TRUST FUND ASSETS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK. CURRENTLY, THE CONSTITUTION ALLOWS ONLY RETIREMENT FUNDS AND WORKERS' COMPENSATION INSURANCE FUNDS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK.

IN THE SHORT TERM, IT IS EXPECTED THAT INCOME WILL BE REDUCED WHILE TRUST MONIES ARE TRANSFERRED FROM BONDS TO STOCKS. IN THE LONG TERM, IF HISTORICAL INVESTMENT PERFORMANCE CONTINUES, TRUST FUND INCOME MAY INCREASE BECAUSE AGGREGATE STOCK VALUES ARE EXPECTED TO APPRECIATE, WHILE BOND VALUES DO NOT.

- FOR ALLOWING UP TO 25% OF ALL PUBLIC FUNDS PRESENTLY RESTRICTED TO FIXED INCOME INVESTMENTS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK

**CONSTITUTIONAL AMENDMENTS, REFERENDUMS & INITIATIVES CONTINUED**

**LEGISLATIVE REFERENDUM NO. 118**

AN ACT REFERRED BY THE LEGISLATURE

AN ACT SUBMITTING A 6-MILL LEVY FOR SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE ELECTORATE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

THE 2007 LEGISLATURE SUBMITTED THIS PROPOSAL FOR A VOTE. THIS PROPOSAL ASKS MONTANA VOTERS TO CONTINUE THE 6-MILL LEVY TO SUPPORT THE UNIVERSITY SYSTEM. WITHOUT VOTER APPROVAL, THE CURRENT 6-MILL LEVY TO SUPPORT THE UNIVERSITY SYSTEM WILL EXPIRE IN JANUARY 2009. IF PASSED, THIS PROPOSAL WOULD BE EFFECTIVE ON JANUARY 1, 2009 AND TERMINATE JANUARY 1, 2019.

ACCORDING TO 2009 REVENUE ESTIMATES, THE PROJECTED ANNUAL REVENUE FROM THE 6-MILL LEVY IS \$12,505,000 FOR 2007 AND IS ESTIMATED TO GROW AT AN AVERAGE GROWTH RATE OF 3.36% EACH YEAR THROUGH TAX YEAR 2018.

- FOR IMPOSING A LEVY OF 6 MILLS FOR THE SUPPORT OF THE MONTANA UNIVERSITY SYSTEM.
- AGAINST IMPOSING A LEVY OF 6 MILLS FOR THE SUPPORT OF THE MONTANA UNIVERSITY SYSTEM.

**INITIATIVE NO. 155**

A LAW PROPOSED BY INITIATIVE PETITION

I-155 ESTABLISHES THE HEALTHY MONTANA KIDS PLAN TO EXPAND AND COORDINATE HEALTH COVERAGE FOR UNINSURED CHILDREN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP), THE MONTANA MEDICAID PROGRAM, AND EMPLOYER-SPONSORED HEALTH INSURANCE. THE STATE HEALTH DEPARTMENT MAY: RAISE INCOME ELIGIBILITY LEVELS FOR CHILDREN UNDER CHIP AND MEDICAID; SIMPLIFY TRANSITIONS BETWEEN CHIP AND MEDICAID COVERAGE; PROVIDE ASSISTANCE FOR CHILDREN IN EMPLOYER-SPONSORED INSURANCE; AND WORK WITH HEALTH CARE PROVIDERS, SCHOOLS, ORGANIZATIONS, AND AGENCIES TO ENCOURAGE ENROLLMENT OF UNINSURED CHILDREN. FUNDING FOR I-155 WILL COME FROM A SHARE OF THE INSURANCE PREMIUM TAX AND FEDERAL MATCHING FUNDS.

I-155 COSTS AN ESTIMATED \$22 MILLION OF STATE FUNDS, PAID FROM THE TREASURY WITH A SHARE OF CURRENT REVENUES FROM THE INSURANCE PREMIUM TAX. ACTUAL EXPENDITURES WILL DEPEND ON OTHER FACTORS, INCLUDING THE AMOUNT OF FEDERAL MATCHING DOLLARS AND ENROLLMENT.

- FOR EXPANDING CHIP AND MEDICAID ELIGIBILITY FOR UNIN-

**BALLOT ISSUES**

**CASCADE COUNTY GENERAL OBLIGATION BOND**

BECAUSE THE BONDS WOULD BE PAYABLE FROM PROPERTY TAXES LEVIED ON ALL TAXABLE PROPERTY IN CASCADE COUNTY, BY VOTING "BONDS-YES" YOU ARE VOTING FOR A PROPERTY TAX INCREASE TO PAY PRINCIPAL OF AND INTEREST ON THE BONDS SO LONG AS THEY ARE OUTSTANDING. THE COUNTY ESTIMATES THAT THE ANNUAL INCREASE IN PROPERTY TAXES THAT WOULD RESULT FROM THE ISSUANCE DURING THE 20-YEAR TERM OF THE BONDS, WILL BE APPROXIMATELY \$362,220. THE ANNUAL TAX INCREASE ON A HOUSE VALUED AT \$100,000 WOULD BE \$9.11, AND THE ANNUAL TAX INCREASE ON A HOUSE VALUED AT \$200,000 WOULD BE \$18.23. THIS IS AN ESTIMATE ONLY AND WAS BASED ON MARKET CONDITIONS AT THE TIME THIS ELECTION WAS AUTHORIZED. THE INTEREST RATES BORNE BY THE BONDS WOULD BE DETERMINED AT THE TIME THE BONDS ARE SOLD; SUCH INTEREST RATES MAY BE HIGHER OR LOWER THAN THE ESTIMATED INTEREST RATE AND RESULTANT ESTIMATED ANNUAL DEBT SERVICE COST.

SHALL THE BOARD OF COUNTY COMMISSIONERS (THE "BOARD") OF CASCADE COUNTY, MONTANA BE AUTHORIZED TO SELL GENERAL OBLIGATION BONDS OF THE COUNTY IN THE AMOUNT OF THREE MILLION TWO HUNDRED SIXTY FIVE THOUSAND AND NO/100 DOLLARS (\$3,265,000) BEARING INTEREST AT A RATE TO BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS, PAYABLE SEMIANNUALLY, DURING A PERIOD OF NOT MORE THAN 20 YEARS, AND REDEEMABLE ON ANY INTEREST PAYMENT DATE AFTER ONE-HALF THE TERM, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY RIGHTS IN ORDER TO LIMIT DEVELOPMENT INCOMPATIBLE WITH THE ACCIDENT POTENTIAL ZONE SOUTH OF THE RUNWAY AT MALMSTROM AIR FORCE BASE, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS?

- BONDS-YES 12,000 Votes
- BONDS-NO 20,000 Votes

END OF BALLOT





**Abigail J. St. Lawrence**  
*Attorney at Law*

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**To: City of Great Falls, Planning Advisory Board/Zoning Commission**  
**From: KYSO Corporation and C&W Development**  
**Date: March 27, 2018**  
**Re: Wheat Ridge Estates—Phase 1**

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The purpose of this memorandum is to provide a response to the Planning Advisory Board/Zoning Commission (hereinafter referred to as "Board/Commission") Agenda Report prepared by Deputy Planning and Community Development Director Tom Micuda and to also provide additional information to the Board/Commission for use in making the determination on KYSO Corporation's and C&W Development (hereinafter referred to as "KYSO" and "C&W," respectively and "developer") request for annexation of a 20.98-acre parcel located directly south of the East Great Falls Retail Center and legally described in draft Certificate of Survey, assignment of Planned Unit Development zoning upon annexation, and Preliminary Plat for a Major Subdivision for a project known as Wheat Ridge Estates, Phase I (hereinafter referred to as "Wheat Ridge" or "Subject Property"). The developer respectfully presents the following information for the Board/Commission's consideration and requests that the Board/Commission reject staff recommendations. Further, the developer respectfully requests that the Board recommend that the City Commission adopt a resolution to annex the Subject Property based on revised Findings of Fact, that the Commission recommend the City Commission adopt the assignment of a zoning designation of Planned Unit Development upon the Subject Property based on revised Findings of Fact, and that the Board recommend the City Commission adopt the Preliminary Plat for Wheat Ridge based on revised Findings of Fact.

### **Response to Staff Report**

The staff report presented to the Board/Commission focuses on three primary areas of identified concern as the basis for the staff recommendation to deny annexation, the PUD zoning request, and Preliminary Plat for Wheat Ridge: public safety service, stormwater management, and impacts associated with Malmstrom Air Force Base (hereinafter referred to as "MAFB"). Staff also identifies other issues and review comments that need to be addressed should the Board/Commission recommend in favor of the developer's proposal. All three primary areas of concern as well as the additional issues and review comments are addressed below.

### **Public Safety Service**

The public safety services analysis provided by staff is flawed in four fundamental ways. First, while staff emphasizes the industry standard of a four-minute response time, the fact is that according to the map of average response time within current Great Falls city limit based on data from 2014-2016, no ground adjacent to Wheat Ridge that is presently within city limits has a response time even close to four minutes. The staff report claims that response time to the adjoining Walmart property is six to seven minutes, but the accompanying map demonstrates



that this is not accurate. The fact is that Wheat Ridge is being held to a response time expectation that even adjacent land currently within city limits does not meet. Second, the staff report is inaccurate in its description both of what the developer was and remains willing to provide for fire access roads. The staff report states that the developer has not formally incorporated emergency access into the proposed Phase I plan and committed to construction. The developer is in the process of obtaining a permit from the Montana Department of Transportation (“MDT”) for emergency access from Highway 89, which staff acknowledges and has been aware of since June 2017. Communication within the last month from Jon Burnett with MDT Planning has required that the emergency access be gated to ensure the public will not use the approach. An email from Mr. Burnett as of the morning of March 27<sup>th</sup> requires the access to also be seeded to prevent use by non-emergency vehicles. It is solely because the permit has not been finalized that such access is not yet formally incorporated into the proposed Phase I plan. However, the access is reflected on the northeast corner of the Phase I plan and is merely awaiting final approval from MDT. Upon approval, access will be constructed with crash gates so that such access is for emergency purposes only. The developer proposes that this access road be completed with asphalt millings or crushed asphalt surface, which is in compliance with D102.1 of the 2012 International Fire Code, as that code does not expressly require paving. However, MDT requirements may dictate further adjustments to the finished road surface. The access will be constructed as part of Phase I to MDT specifications.

Third, the staff report states that if Wheat Ridge is approved and additional future phases of the master plan are considered for annexation, “due consideration should be paid to constructing 13<sup>th</sup> Avenue South within [the 60-foot] dedicated right of way to facilitate not only emergency services, but general City service delivery and overall transportation connectivity for the entire master plan.” Staff report, p. 12 (Mar. 27, 2018). When Walmart was constructed in the East Great Falls Retail Center, funds were paid into escrow for construction of 13<sup>th</sup> Avenue South within the dedicated right-of-way. Additionally, the developer understands and is willing to contribute their proportionate share of the constructions costs for the frontage of 13<sup>th</sup> Avenue South within Wheat Ridge. “Due consideration” has already been paid, and the City simply needs to utilize the funds already available and those funds the developer will pay for the construction of 13<sup>th</sup> Avenue South. Further, if and when additional future phases of the master plan are considered for annexation, should the need arise for further development of 13<sup>th</sup> Avenue South, that factor can be addressed at that time. The entire point of phased development is to allow for infrastructure and development to take place over time rather than all being required up-front. The staff report raising the issue of 13<sup>th</sup> Avenue South construction that may be necessary with future phases is unwarranted at this time.

Finally, the entire premise of the staff report analysis on the impact of Wheat Ridge on public safety services fails to take into consideration both what the developer has already offered in terms of additional public safety considerations as well as additional resources that will be available to the City. In its June 2017 communication with planning staff, the developer



indicated that under Mont. Code Ann. Title 7, Chp. 6, Part 16, the City is authorized to levy impact fees to fund additional services capacity required as a result of development, including public safety services, provided that the City follow statutorily proscribed procedure. The developer pointed out the fact that even if current public safety services capacity is insufficient, the City has the ability to levy fees to remedy that insufficiency. Indeed, the entire point of impact fees is to provide for additional service capacity as required by new development. In the summer of 2017, the developer even went so far as to offer up land for an additional fire station within Wheat Ridge to address public safety service capacity. Further, staff analysis wholly fails to take into account resources that will be made available to the City because of the added tax base, resulting in a severely skewed view of the post-development capacity to address public safety services. In the simplest terms, staff analysis only takes into consideration additional demands on public safety services as a result of Wheat Ridge, but does not account for added resources that will be at the City's disposal as a result of the development.

#### **Stormwater Management**

The preliminary stormwater drainage submission and preliminary SSA model verify release rates from the proposed pond design, which is designed to handle the first nine phases of Wheat Ridge, are well within allowable limits. In fact, the developer has taken on the financial burden of exceeding City standards in an effort to mitigate offsite issues for the City. The proposed design exceeds development requirements for rate of flow. The model detains the 100-year storm while releasing pre-development five-year flow rates, which exceeds current City design standards and ensures that downstream impacts are eliminated. Consequently, the staff report concerns regarding impacts on the "sensitive downstream system" are unwarranted.

Even if the staff report analysis regarding impacts on the downstream system were accurate, the approaches the staff report recommends—retention of Phase I stormwater in a lined pond or pumping it into the next drainage to the north—both present additional considerations for the City in terms of water rights. Retaining stormwater on site or essentially facilitating an inter-basin transfer could require water rights permitting. As the beneficial use of water is actually for the City, it is arguable that the City, not the developer, would need to obtain this permit.

#### **Impacts Associated with MAFB**

The staff report extensively cites to the Joint Land Use Study (hereinafter referred to as "JLUS"), particularly relying on that portion of the JLUS which identifies medium to high density residential development as incompatible with a future flying mission for MAFB. Although the staff report acknowledges that the JLUS has not resulted in revisions to the City's Land Development Code or zoning maps, the report still presents the JLUS as a document that should be considered in the Board/Commission making its determination on Wheat Ridge. This is absolutely inappropriate given the terms on which the City accepted the JLUS.



In the discussion of the resolution to accept the JLUS, the May 1, 2012 journal of commission proceedings reported as follows:

Acceptance of the Final Report does not equate to regulation and does not impact private property rights of any landowners. It is expected that, if Resolution 9965 is adopted, next steps would be for Cascade County to establish a Coordinating Committee, including a representative from the City of Great Falls, to formalize cooperation between MAFB and local governments. At that time, discussions may be held to consider the range of possible implementation strategies. Should those strategies include any land use regulations, the respective jurisdictions would hold public hearings to consider those specific proposals.

Journal of Commission Proceedings, 2012.63. Further, the JLUS itself notes that "the final document is **not** an adopted plan." JLUS. 1.5, page 1-11; *see also*, Journal of Commission Proceedings, 2012.65. To date, no public hearings have been held to adopt specific land use regulations resulting from the JLUS. Despite that fact, the staff report utilizes the JLUS as if it does set out specific regulations with which Wheat Ridge must comply in order to accommodate unknown future missions at MAFB. Given that any future missions are an unknown factor, it is impossible for Wheat Ridge to accommodate an unidentified potential future use. Absent specific land use regulations resulting from the JLUS, which are not in place, there is no basis on which to use the JLUS as a rationale for denying annexation, PUD approval, or preliminary plat.

Further, as cited above, in approving Resolution 9965 adopting the JLUS, the City Commission expressly stated that acceptance of the JLUS "does not impact private property rights of any landowners." Staff report reliance on the JLUS to recommend denial to the Board/Commission is in direct contravention to that statement. Specifically, the staff report recommends that the JLUS "should be considered in evaluation of [KYSO's] annexation request." Staff report at 30. The Board/Commission should reject staff's use of the JLUS in contravention of the express limiting terms of the City's acceptance of the JLUS.

The staff report also cites to a recent proposal to establish an assault landing strip for operation of C-130 aircraft and the impacts associated with such operation as incompatible with Wheat Ridge. This statement is in direct contravention to the April 2017 draft EA prepared for the assault landing strip. That document includes a finding of no significant impact ("FONSI"), which states in regard to land use that the proposed construction and operation of an assault landing zone for C-130 aircraft will have no impact on zoning in the surrounding area. *See*, FONSI-2. Further, the draft EA concluded that as to temporary construction noise,

Although the proposed construction would generate short-term noise, the residences nearest the Proposed Action area are approximately 2,800 feet to the northwest. Given the type of construction activities (sporadic during daytime hours, short-term, etc.) and the distance from the proposed construction to the closest residence (2,800 feet), no significant impacts to residences would occur.

Draft EA p. 72. In analyzing operational noise, the draft EA concluded that impacts above the current 65 day-night sound level ("DNL") would not extend beyond Malmstrom's boundaries. Specifically, "approximately 43 acres would be impacted above the 65 DNL as a result of the



ALZ [assault landing zone] operations with the exposure confined to the approach end of the airfield in a 180-degree, 600-foot radial contour line that does not extend beyond the boundaries of the airfield or Malmstrom AFB (Montana ANG, 2013)." Draft EA at 72. Finally, the draft EA concluded "the 65 dB contour is not expected to extend outside the Malmstrom AFB fenceline; noise is not expected to exceed ambient levels in the surrounding area." *Id.*

The staff report makes much of the fact that the developer has not identified noise mitigation techniques and recommends that the Board consider such mitigation as a condition of approval. Based on the above statements from the draft EA, it is quite clear that off-base noise impacts were not addressed because of the conclusion that the noise impacts did not extend beyond the MAFB fenceline. Given that conclusion, it would logically follow that there are no noise impacts to Wheat Ridge and, consequently no noise mitigation measures needed. The developer has repeatedly requested guidance on exactly what it should be mitigating for, given the conclusions of the draft EA that there are no off-base noise impacts. No such guidance has been forthcoming. Assuming the FONSI is correct, for the City to now use the proposed assault landing zone operation as rationale for essentially rejecting the PUD is not only contrary to the FONSI, but also contrary to prior City declarations and resolutions regarding the JLUS.

#### **Other Issues and Review Comments**

##### **1. Annexation improvement agreement**

The developer concurs with staff comments regarding an annexation improvement agreement, which the developer has previously requested.

##### **2. Street naming**

The developer consents to identifying the proposed street extension as "57<sup>th</sup> Street South" rather than "Wheat Ridge Parkway."

##### **3. Median for proposed 57<sup>th</sup> Street extension**

That City Parks and Recreation does not have staff capacity to maintain medians has already been accounted for in that the developer plans already require the Wheat Ridge homeowners' association to provide for median maintenance. The staff report also comments that the proposed drainage swales "are not desirable for street subgrade and road section integrity." However, biomembrane filtration swales are required for MS4 stormwater quality. Road section integrity will be designed and constructed to geotechnical requirements to maximize serviceability and durability .

##### **4. Transportation connectivity**

The staff report notes that if and when the entire master plan is developed, additional streets should be stubbed to perimeter property lines. As with staff report comments on construction of 13<sup>th</sup> Avenue South in future phases, this is a consideration that can be addressed during additional phase development. The staff report comment regarding making the emergency access drive a full access drive for increased resident connectivity is in excess of requirements.



Additionally, MDT has recently installed a control device for safety purposes. Finally, the staff report comment that the local street for the 19 lots east of 57<sup>th</sup> Street South should be connected to the alley running north of the proposed residential units is already accounted for in the master plan. Specifically, it is reflected in Phase 2, but the developer will construct it in Phase I.

#### **5. Utilities**

The staff report notes the need for continuing conversation between the developer and Public Works on the details of the proposed lift station and sewer force main construction. The developer remains willing to participate in said discussions. Additionally, the developer has relocated the proposed water line extension on 57<sup>th</sup> Street South outside of the proposed median as requested in the staff report. (see exhibit presented to Planning Board).

#### **Fiscal Impact**

The staff report statement on fiscal impact takes completely out of context the developer's statements on property tax benefits. The statements made by the developer's representative at the February 19 Neighborhood Council meeting were expressly couched in the disclaimer that they were a casual estimate only and that the \$1 million fiscal impact over time was a bare minimum only. For the staff report to insinuate that property tax benefits will be insufficient to meet added public service demands based on this preliminary and casual statement is inaccurate and unwarranted.



## CASCADE COUNTY

### Board of County Commissioners

325 2nd Avenue North

Great Falls, MT 59401

Tel. 406.454.6810

Fax 406.454.6945

commission@cascadecountymt.gov

www.cascadecountymt.gov

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### Testimony before the City of Great Falls Planning Advisory Board, Zoning Commission

#### 03/27/2017 in the matter of the Annexation of a 20.98 acre parcel – Wheat Ridge Estates

Presented by Joe Briggs, Cascade County Commission and Chairman of the Malmstrom AFB JLUS

Members of the Board, let me begin by thanking you for your service on this body. I know from firsthand experience that service on a board dealing with land use and zoning can be particularly challenging. I am here today in my role as Chairman of the Malmstrom JLUS and as one of your three Cascade County Commissioners.

The issue before you today has much broader implications than the size of the parcel would indicate because it represents the first of several proposed actions within the Clear Zone and Accident potential zones of Malmstrom AFB.

The staff report that you have received is well researched and well written and contains much of the pertinent information from the JLUS regarding this proposed development. Accordingly, I will only highlight a couple of those points and provide a bit of background on the JLUS process.

The Joint Land Use Study is a cooperative venture between the City of Great Falls, Cascade County, Chouteau County, Fergus County, Judith Basin County, Lewis and Clark County, Teton County, Wheatland County, Malmstrom AFB and the Department of Defense. Although the formal portion of the study has been completed, the document and its findings are used routinely throughout the Malmstrom AFB complex to help guide compatible use and development of civilian facilities. **In short, the JLUS was crafted to allow the participating jurisdictions to make informed decisions regarding how their land use decisions might affect the long-term viability of the base and its mission.**

The staff report you have received correctly points out that the proposed development violates several of the JLUS recommendations as well creating encroachment within the Accident Potential Zones. The staff report also contains an excerpt from the Policies of the City of Great Falls (Eco 3.1.2) which calls for support and implementation of the recommendations contained in the JLUS.

It is likely that the developer will point out that there is no current flying mission using the runway and for that reason the restrictions currently in place should be ignored. However, the issues with this proposed site's proximity to Malmstrom are far deeper than just the presence or absence of a fixed wing mission landing on the currently unused runway.

There are currently C-130 missions being flown over Malmstrom by the Montana Air National Guard and these flights utilize the existing Accident Potential Zones to maximize public safety on their



approach to their designated drop zone on Malmstrom. There is a very active helicopter squadron routinely utilizing the unencumbered Accident Potential Zones for access to their facilities on Malmstrom.

Several years ago, Cascade County began to require all new subdivisions near Malmstrom to contain disclosure statements regarding the noise of both existing and potential military missions. Since that time, light pollution has become an increasing issue for the military so in addition to the other issues raised by the staff report, the construction of a high-density housing development near the base also presents a challenge to the existing as well as future missions.

I would also note that in addition to a desire for city services, the applicant comes to you seeking annexation in order to circumvent the existing County Zoning. The existing county zoning allows only Agricultural uses and was established in order to avoid encroachment and possible disruption of the mission of Malmstrom AFB.

In conclusion let me reiterate that I believe the City's planning staff has provided you with a very good report outlining the logistical concerns of the city annexing these parcels. I would urge you to accept the findings of fact contained in the report and deny the proposed annexation.

Thank you again for your volunteer service and for your consideration of my concerns,

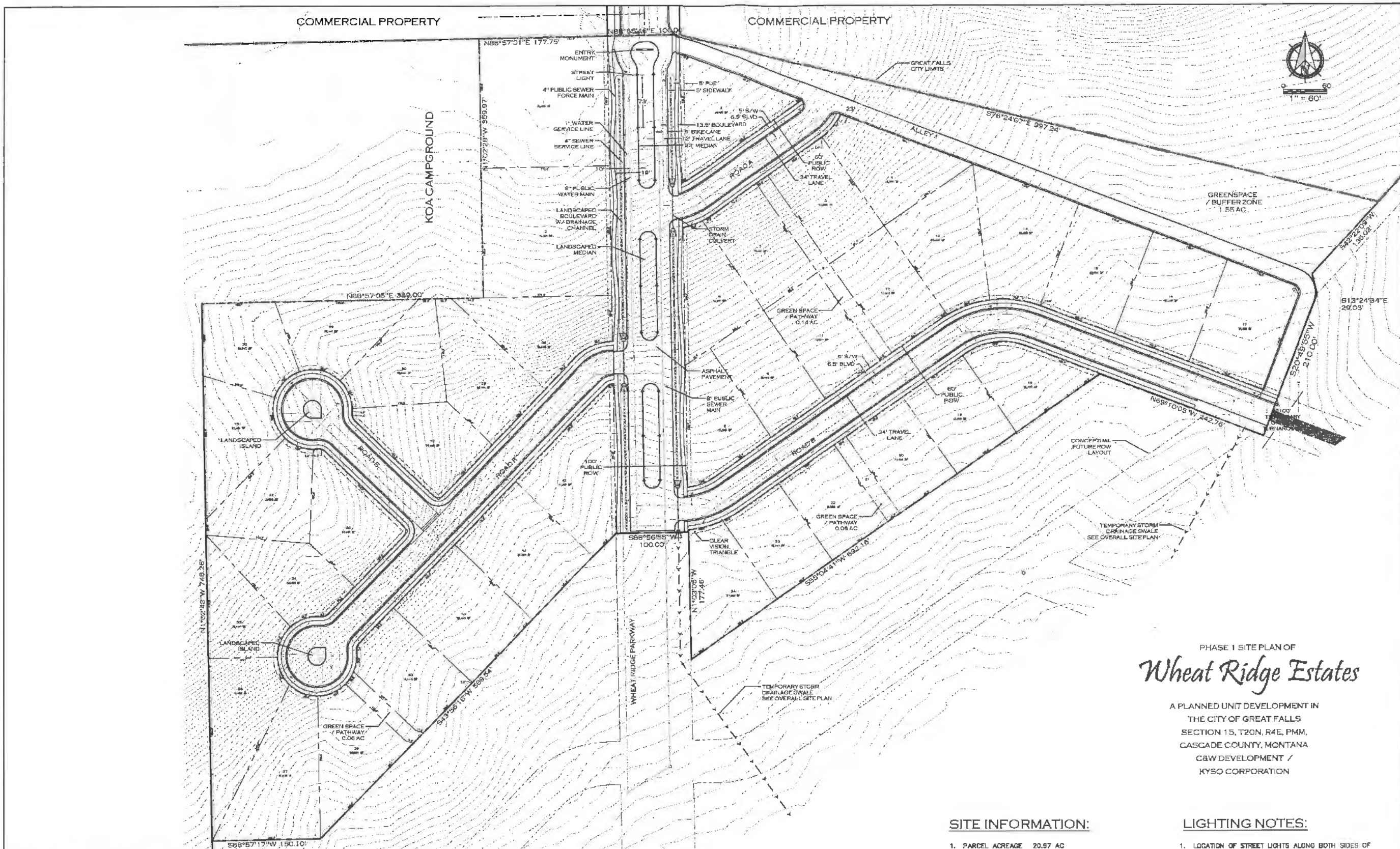


Joe Briggs

Cascade County Commission  
Chairman of the Malmstrom JLUS







JOB # 1404  
 DATE 2/14/2018  
 DESIGNER RCB  
 CHECKER RCB  
 PROJECT GREAT FALLS  
 CLIENT KYSO CORPORATION

DATE	DESCRIPTION

**WORTH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**  
 GREAT FALLS - MISSOULA - MONTANA  
 404-577-5100  
 COPYRIGHT © WORTH ENGINEERING, INC. 2017

PHASE 1 SITE PLAN OF  
*Wheat Ridge Estates*

A PLANNED UNIT DEVELOPMENT IN  
 THE CITY OF GREAT FALLS  
 SECTION 15, T20N, R4E, PMM,  
 CASCADE COUNTY, MONTANA  
 C&W DEVELOPMENT /  
 KYSO CORPORATION

*Wheat Ridge Estates*  
 GREAT FALLS, MONTANA  
 SITE PLAN - PHASE 1

**GENERAL NOTES**

- EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.
- ALL ONSITE UTILITY IMPROVEMENTS SHALL CONFORM TO THE PLUMBING CODE (UPC) AND ALL ADMINISTRATIVE RULES OF MONTANA AND MODIFICATIONS TO THE UPC.
- ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL 2010, INCLUDING ALL ADDENDUMS, AND THE CITY OF GREAT FALLS STANDARDS.
- NO WORK SHALL BE CONDUCTED UNTIL THE PLANS HAVE BEEN APPROVED BY CITY OF GREAT FALLS AND THE CONTRACTOR HAS THE PERMITS IN HAND.
- UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE OF MONTANA AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.
- ALL EARTHWORK, TRENCHING, GRADING, FILLING, ETC., SHALL BE PERFORMED IN ACCORDANCE WITH GEOTECHNICAL INVESTIGATION REPORT RECOMMENDATIONS PREPARED FOR THIS PROJECT.

**SITE INFORMATION:**

1. PARCEL ACREAGE	20.97 AC
2. ZONING	SR-1 (CASCADE COUNTY) R-2 (COG)
3. LAND USE	EXISTING: AGRICULTURAL 20.98 AC PROPOSED: MIXED USE 1.82 AC, RESIDENTIAL 12.50 AC, PUBLIC ROW 4.52 AC, PRIVATE ROAD 0.32 AC, GREENSPACE 1.82 AC
6. EASEMENTS	5' PUBLIC UTILITY EASEMENT (PUE) - LOCATION FOR ALL DRY UTILITIES AND GAS MAINS

**LIGHTING NOTES:**

- LOCATION OF STREET LIGHTS ALONG BOTH SIDES OF PARKWAY AS SHOWN ON PLAN
- SPECIFICATIONS:
  - TYPE: CREE XSP SERIES
  - SPACING: 75' OC, BOTH SIDES OF MEDIAN
  - HEIGHT: 25'
  - MIN 70'
  - INITIAL LUMEN RATING: 3,764
  - TOTAL WATTAGE: 53

6

# Wheat Ridge Estates Phase 1

FEBRUARY 2018

C&W DEVELOPMENT, INC.  
1725 41ST ST S  
GREAT FALLS, MT 59405  
406-761-1955  
FAX 406-761-1546

KYSO CORPORATION  
2901 4TH AVE N  
GREAT FALLS, MT 59401  
406-453-2137



WOITH ENGINEERING, INC.  
ENGINEERS & SURVEYORS

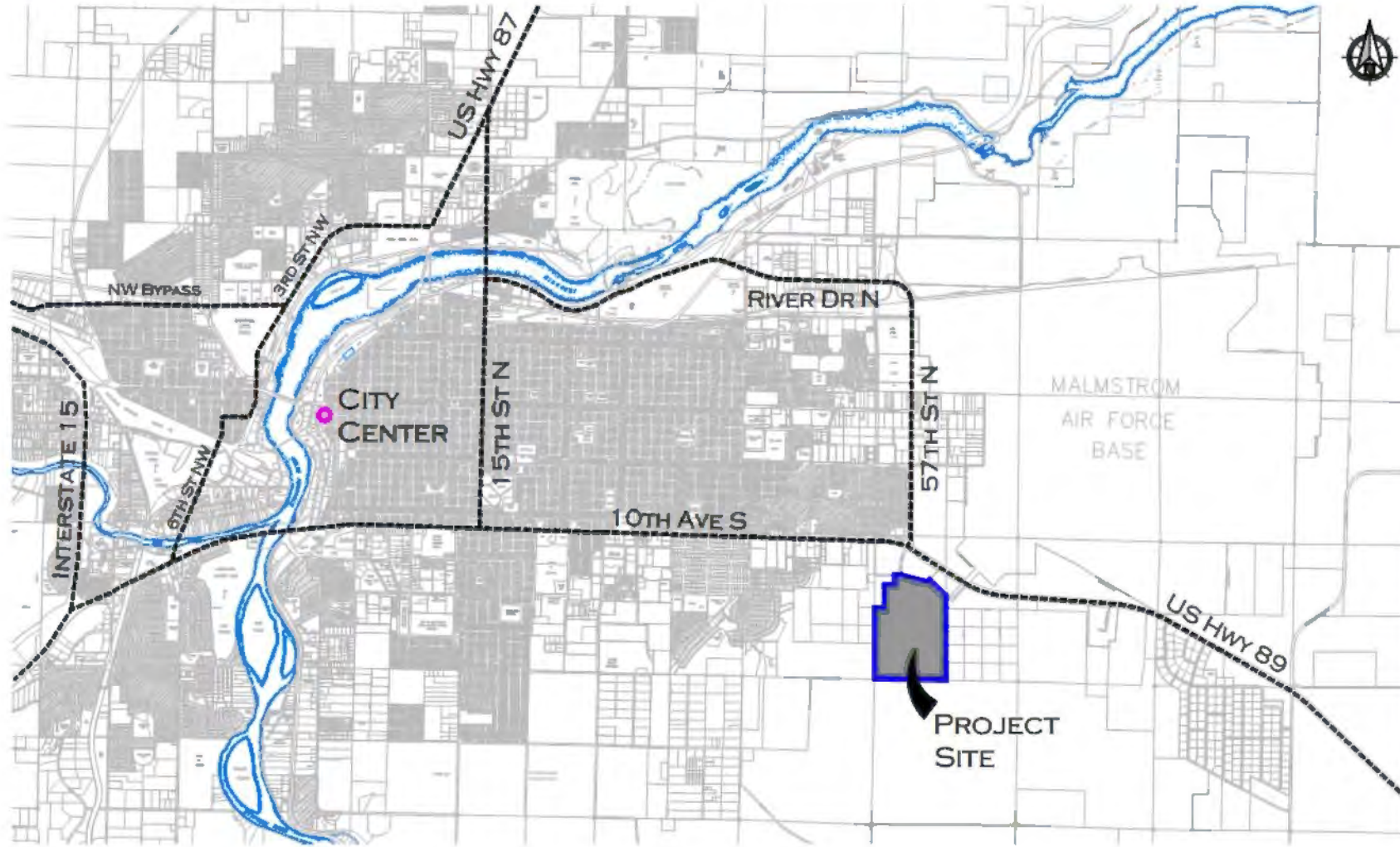
WHEAT RIDGE ESTATES - PH 1  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT

1





# VICINITY / REGIONAL TRANSPORTATION MAP

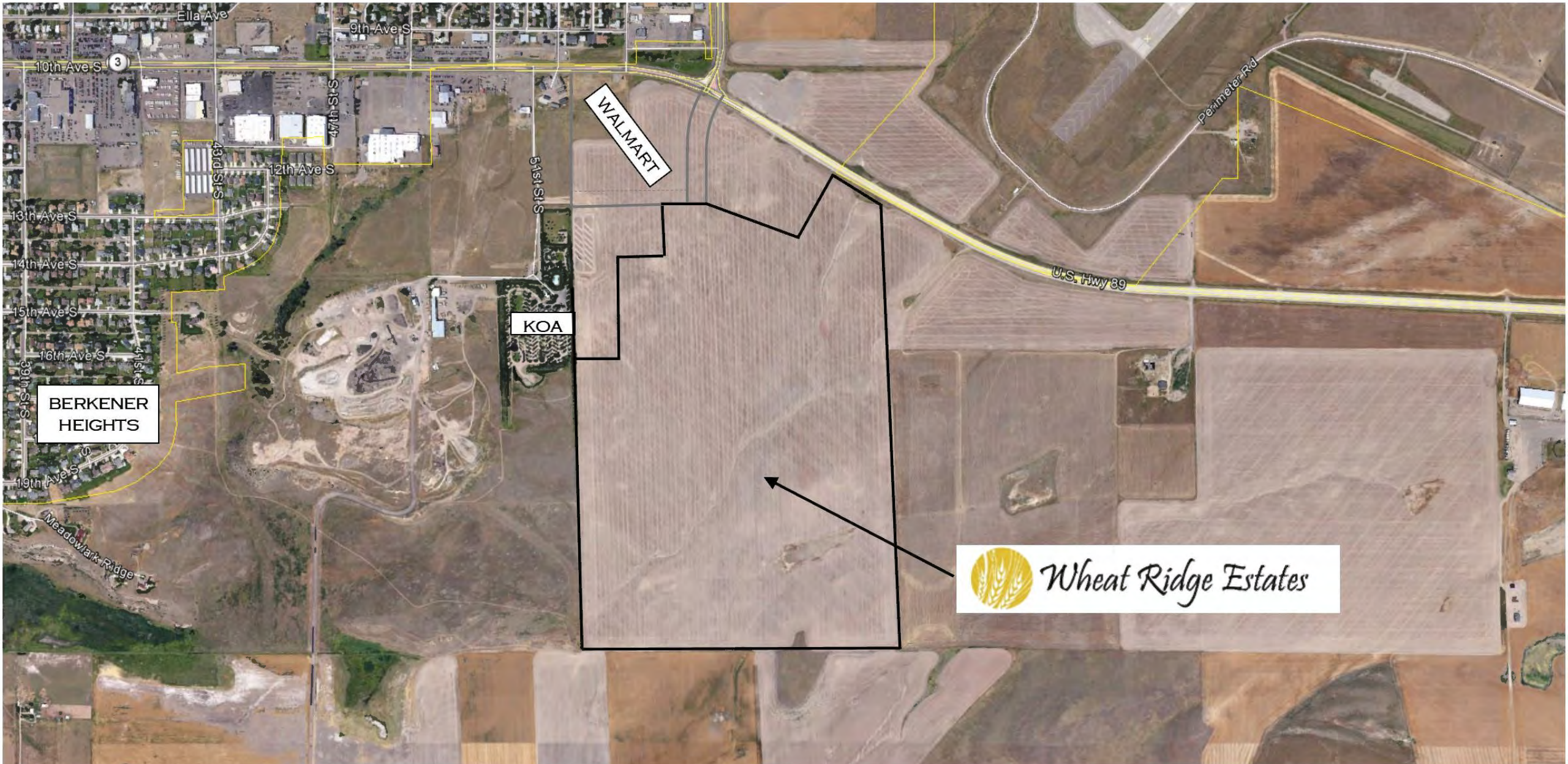


**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**

WHEAT RIDGE ESTATES - PH 1  
 PLANNED UNIT DEVELOPMENT  
 GREAT FALLS, MT







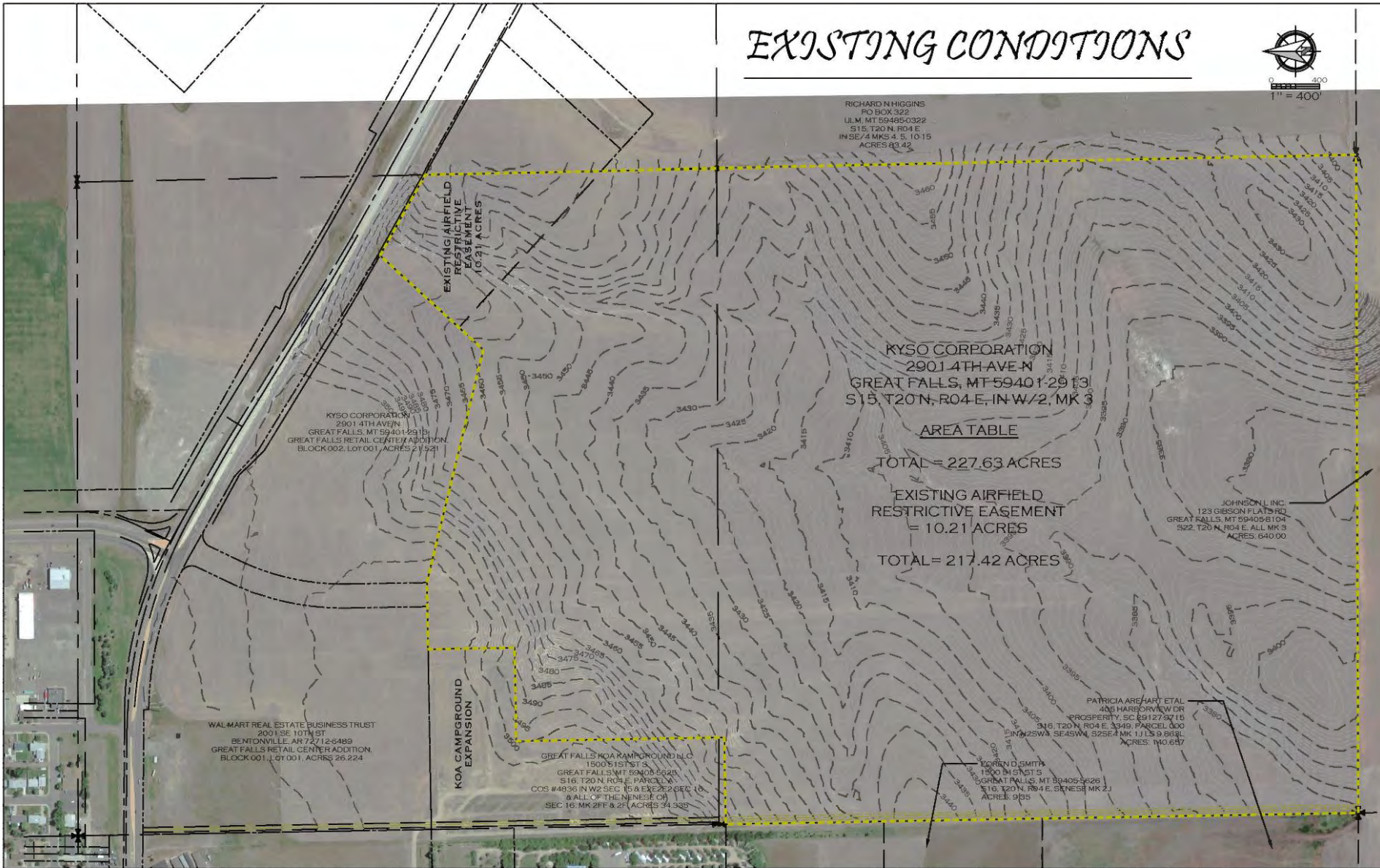


# EXISTING CONDITIONS



**WOTH ENGINEERING, INC.**  
ENGINEERS & SURVEYORS

WHEAT RIDGE ESTATES - PH 1  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT









# Wheat Ridge Estates

A PLANNED UNIT DEVELOPMENT IN  
THE CITY OF GREAT FALLS, MONTANA  
SECTION 15, T20N, R4E, PMM,  
CASCADE COUNTY, MONTANA  
CW DEVELOPMENT /  
KYSO CORPORATION



## DETENTION POND 1 NOTES:

1. POND SIZED TO RETAIN FLOWS FROM PHASE 1 AND FUTURE PHASES 2-9 OF THE DEVELOPMENT WITH DOWNSIDE IMPERVIOUS % OF ALL PHASES CALCULATED TO BE 34.40% (SEE DETENTION POND CALCULATIONS FOR DETAILS). IMPERVIOUS % CALCULATED USING THE FOLLOWING:  

PAVEMENT ROW	40% IMPERVIOUS
LOCAL ROAD ROW	75% IMPERVIOUS
ALLEY	85.4% IMPERVIOUS
LOT AREA	3,500 SF / LOT IMPERVIOUS
2. DETENTION POND CAPACITY 100,113 OF
3. TOP AREA 42,006 SF
4. DEPTH 6.50 FT
5. RELEASE RATE PRE 28.32 CFS  
POST 28.02 CFS
6. OUTFALL PIPE 24" PVC W/ 23" Ø ORIFICE

## EAST GREAT FALLS RETAIL CENTER ADDITION

EXISTING AIRFIELD  
RESTRICTIVE  
EASEMENT  
10.21 ACRES

KOA CAMPGROUND  
EXPANSION

FUTURE  
SECONDARY  
PARKING  
AREAS

17.00 AC  
RESIDUAL  
DUST ACRES

EXISTING  
DRAINAGE  
DITCH

NW1/4 NE1/4  
BW1/4 SE1/4

SECTION 15  
T20N, R4E

PROPOSED  
ENCLOSURE  
FENCE

FUTURE  
PARKING  
AREAS  
ADJACENT  
TO  
EXISTING  
PARKING  
AREAS

FUTURE  
PARKING  
AREAS  
ADJACENT  
TO  
EXISTING  
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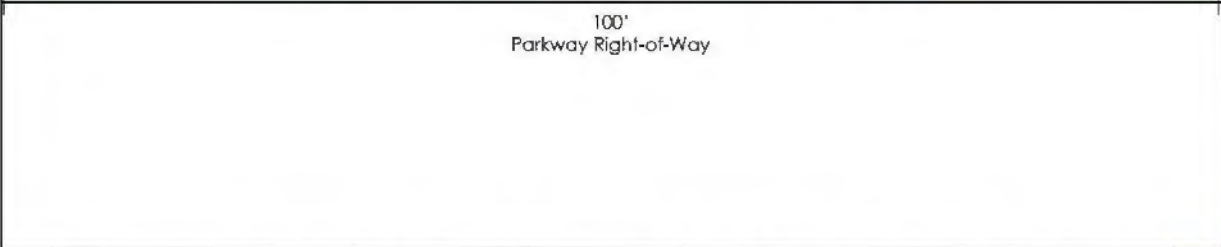
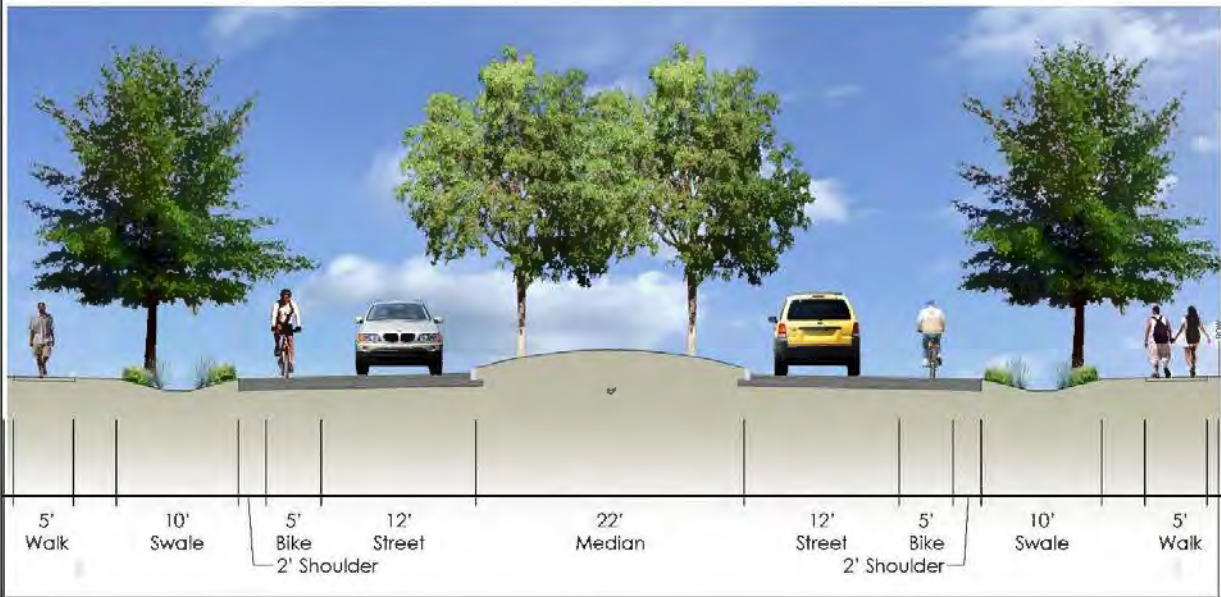


LEGEND

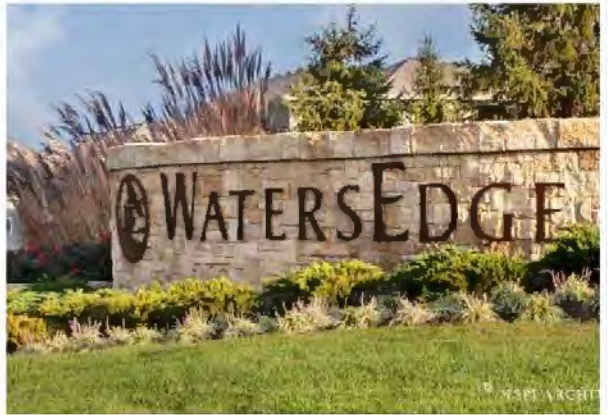
- Mixed Use
- Single Family Res.
- Cluster Res.
- Medium Density
- Multi-Family
- Estate Res.
- Park
- Storm Water Area













**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
April 24, 2018**

**CALL TO ORDER**

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Pete Fontana at 3:00 p.m. in the Commission Chambers of the Civic Center.

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Pete Fontana, Chair  
Michael Wedekind, Vice Chair  
Dave Bertelsen  
Scot Davis  
Anthony Houtz  
Tory Mills  
Charles Pankratz  
Patrick Sullivan  
Amanda Thompson

Planning Board Members absent:

None

Planning Staff Members present:

Craig Raymond, Director P&CD  
Thomas Micuda, Deputy Director P&CD  
Erin Borland, Planner II  
Brad Eatherly, Planner I  
Connie Tryon, Sr. Admin Asst

Other Staff present:

Sara Sexe, City Attorney  
Steve Hester, Fire Chief  
Dave Dobbs, City Engineer  
Dirk Johnson, Fire Marshal

Mr. Raymond affirmed a quorum of the Board was present.

## **MINUTES**

Chair Pete Fontana asked if there were any comments or corrections to the minutes of the meeting held on March 27, 2018. Seeing none, Mr. Sullivan moved to approve the minutes. Mr. Davis seconded, and all being in favor, the minutes were approved.

### **BOARD ACTIONS REQUIRING PUBLIC HEARING**

#### **CUP Request 3125 8<sup>th</sup> Avenue North**

Brad Eatherly, Planner I, said the request is for a Conditional Use Permit (CUP) for a Residence, Two-Family land use in what is currently zoned R-3 Single-family high density. He reviewed the zoning map, site photos, and proposed site plan. The existing sidewalk will be required to be repaired during development.

Mr. Eatherly said the proposal is consistent with the City's Growth Policy, adequate utilities will be provided, and the conditional use will not impede upon normal and orderly development. City staff does recommend approval of the CUP, and Mr. Eatherly offered to answer any questions.

#### **PETITIONER'S PRESENTATION**

Tom Skovron, 112 Riverview Dr. East, said the house that was on the lot was razed and they are ready to move forward with something new.

#### **PUBLIC QUESTION AND ANSWER SESSION**

There were no questions from the Board or the public.

#### **PUBLIC COMMENT**

Harold Hamon, 3115 8<sup>th</sup> Ave North, spoke in favor of the proposed project.

#### **BOARD DISCUSSION AND ACTION**

**MOTION:** That the Zoning Commission recommends the City Commission approve the Conditional Use Permit subject to the applicant fulfilling the listed Conditions of Approval.

**Made by:** Mr. Sullivan  
**Second:** Mr. Davis

**VOTE:** All in favor, the motion carried.

### **BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

#### **Wheat Ridge Estates**

Tom Micuda, Deputy Director of P&CD, gave a brief background on the project and said the public hearing portion was completed at the March 27 meeting. He reviewed the order of procedure for



removing this item from tabled status, and said staff and the applicant will both give brief remarks, and then answer any questions from the Board.

Ms. Thompson disclosed that her mother-in-law did make public comment regarding the proposed project during the public hearing, but she had not discussed the project with her. She also disclosed that her employer owns land directly across from the proposed project.

**MOTION:** That the Planning Advisory Board remove the agenda item from the table for discussion purposes and further action.

Made by: Mr. Wedekind  
Second: Mr. Houtz

**VOTE:** All in favor, the motion carried.

Mr. Micuda said new information was provided to the Board at the meeting on the 27<sup>th</sup>, and they were made available as part of this meeting's packet. After evaluation of all the additional information, the staff recommendation remains the same due to the unique location challenges of the proposed project. Mr. Micuda reiterated specific public safety issues including emergency response time, the emergency access road and durability concerns of the proposed surface, as well as the nearest public street access being over ½ mile away.

Pending litigation in the amount of \$2 million for alleged flooding damage to properties directly southwest of the proposed project is also a concern for City staff. The applicant is proposing stormwater detention at a rate above and beyond what is required; however, this controls rate, not volume of water being released.

The third major concern for staff is the location of the project being adjacent to Malmstrom Air Force Base. The Accident Potential Zone that was identified by the Joint Land Use Study (JLUS), the impact on current and future flying missions, as well as light and noise impacts from any residential or commercial development are additional reasons why staff feels the project should not move forward at this time due to potential impacts to the Air Base.

### **PETITIONER COMMENTS**

Abigail St. Lawrence, representing KYSO Corporation, said in regards to emergency response time, staff is holding the proposed development to a standard that current development is not being held to. She also reviewed a geotechnical report evaluating the capacity of the proposed emergency access road surface that stated it is capable of holding 75,000 pounds. Ms. St. Lawrence discussed impact fees and the ability of the City to levy those fees to address public safety issues.

Ms. St. Lawrence stated that while she can appreciate the City's concern for litigation, the bottom line with the stormwater management issue is that the City is holding the developer liable for a liability that has not yet occurred. She discussed water rights in regards to staff's insistence on retention versus detention, and explained the developer cannot apply for a water right for a retention pond.

Ms. St. Lawrence discussed the issues with Malmstrom Air Force Base, and disputed staff's

position on the effect of development on current and future missions. She also touched on the edge development concern noted in the staff report and stated that in the approval of the east Walmart, the City anticipated growth in the direction of Wheat Ridge.

### **BOARD QUESTION AND ANSWER SESSION**

Mr. Sullivan asked for clarification on whether this is truly the only direction the City can, and will, grow. Mr. Micuda said no.

Mr. Fontana inquired about funding for the 13<sup>th</sup> Ave South connector and said Ms. St. Lawrence testified that there was money in escrow but the City refuted that. He asked if Walmart had paid upfront and was anticipating reimbursement by subsequent developers. Ms. St. Lawrence said they were mistaken about money being in escrow, but they are willing to pay their proportionate share. Mr. Fontana asked staff if Walmart paid up front. Mr. Micuda said the Improvement Agreement pertains to reimbursement of water lines, and there is no mention of street reimbursement. There was discussion on the dedicated right-of-way and the City's ability to fully connect the street.

Mr. Pankratz asked for clarification from Ms. St. Lawrence on what a particular handout that was just provided to Board members was supposed to show. She stated the southeast Great Falls Wastewater Master Plan before them was part of the approval of east Walmart, which proves the City's anticipation of further development in the direction of Wheat Ridge Estates. Mr. Pankratz asked staff if that was accurate. Mr. Dobbs, City Engineer, said a water main was upsized with the knowledge that there could be further potential development. He also stated this was before the litigation began in that area.

Mr. Pankratz inquired about anticipated groundwater flows in a residential development. Ms. St. Lawrence explained the effects of a change in agricultural use to a residential use. Spencer Woith, Woith Engineering, explained further about time of concentration and delays in stormwater.

Mr. Dobbs elaborated on the groundwater issues and said the applicant has not satisfactorily addressed the stormwater problems.

Mr. Fontana pointed out that the JLUS does not discuss low density residential development, and asked if the opinion was that residential development was okay, as long as it was not medium or high density. Mr. Micuda explained the concern is creating resident populations, but there is no definition in the JLUS on what density is acceptable.

Mr. Mills asked if there was an air tower control currently on Malmstrom, and whether flying missions could be done without one, and the answer was No to both.

Mr. Pankratz inquired further about existing water rights, and said he felt as though it would benefit the litigating property to retain the stormwater from Wheat Ridge. Ms. St. Lawrence said the concern with the retention proposal of City staff is that the water never reaches them because it evaporates, thus infringing upon water rights.

Mr. Fontana referred to comments submitted at the public hearing on March 27 by County Commissioner Briggs, that said the applicant is attempting to circumvent County zoning regulations, and asked Ms. St. Lawrence if this application had ever been in front of or denied by the County. She said No.



Mr. Sullivan asked there were crops on this parcel currently being agriculturally watered. Mr. Woith said there are no water rights associated with the property for specific irrigation of crops, other than natural rainfall. Mr. Sullivan also asked Mr. Woith to confirm this will not be a gated community, and Mr. Woith said no.

Mr. Fontana asked if citizens would be able to exit on the emergency access road if need be. Chief Hester said Yes, but because it exits onto a highway, MDT and the Highway Patrol would also be involved in that determination.

Mr. Houtz asked that Mr. Micuda review staff Findings of Fact regarding the annexation. Mr. Micuda reviewed the Findings of Fact as listed in the staff report, and expanded upon the reasoning for the recommendation for denial on each one.

Mr. Houtz asked Mr. Dobbs if the applicant was able to deal with the rate and the flow of the stormwater plan, would the City be more on board with the proposal. Mr. Dobbs said the proposed plan has the rate reduced, however, more gallons of water will flow downhill into the area of current litigation. Mr. Micuda said a City staff recommendation was provided for a stormwater plan of total retention, but the applicant had concerns with water rights.

There was discussion on staff's reasoning behind a negative recommendation, and Mr. Fontana said he felt the majority of the arguments were weak.

There was more discussion on stormwater challenges and the feasibility to detain the water and pump it elsewhere.

Mr. Wedekind asked Mr. Woith why they did not want to adhere to the City's recommendations on the stormwater plan. Mr. Woith said expense, as well it being a water rights issue. Mr. Wedekind asked if once the property is annexed, does the City then take on the responsibility of any legal issue that may arise, and Mr. Woith said potentially Yes.

Mr. Mills asked if there would be an analysis done after each phase of development on water rights affecting downstream. Mr. Woith said before every phase the same storm drain analysis is done.

Mr. Wedekind asked staff if the property is annexed, who owns any liability moving forward. Ms. Sexe said the City could be sued in the future by the downstream water users.

Mr. Sullivan asked Chief Hester if annexing this property would affect the City's ISO rating, and Chief Hester said No, mileage 5 miles away or greater affects the rating.

### **BOARD DISCUSSION AND ACTION**

**MOTION:** That the Planning Advisory Board recommend the City Commission deny a resolution to annex the Subject Property, based on the accompanying Findings of Fact.

Made by: Mr. Bertelsen  
Second: Mr. Sullivan

Loren Smith, 1500 51<sup>st</sup> Street South, noted that he has owned the KOA Campground adjacent to the project for many years. He expressed his support of the project and encouraged the Board to allow development of the proposed project.

Katie Hanning, 327 2<sup>nd</sup> Street South, said not every vacant piece of land can be built on. She expressed her support of the project, and her disappointment of fear of litigation being what she felt was the driving force behind the City's negative recommendation.

Lauren Smith, 51<sup>st</sup> Street South, explained the east Walmart development was developed with anticipation of future development in the surrounding areas.

Terry Thompson, 401 13<sup>th</sup> Avenue South, expressed her support of the project and disagreement with the staff recommendation that the project cannot develop due to Malmstrom Air Force Base. She stated her view that the development process in Great Falls is viewed negatively, and asked that the Board help shift that view and approve the project.

Mr. Bertelsen said the Planning Advisory Board has recommended approval of many projects involving surrounding developments, and does not believe that is viewed as negative by the community. Mr. Bertelsen likes the proposed project, but does not like the location and believes the proximity to the base and the Accident Potential Zone is a huge concern. This will send the wrong message to the Department of Defense.

Mr. Sullivan noted that the 2018 Department of Defense budget includes over 400 billion dollars in base infrastructure in the United States, and at this time it is unknown how much of those funds will be dedicated to Malmstrom Air Force Base.

Mr. Wedekind said he does feel the community expresses difficulty in developing within the City, but he agrees with Mr. Bertelsen in that the Board approves the majority of the projects presented to them. He also expressed his desire to protect the future of the base.

Mr. Davis said this is a very contentious issue, and said it should be considered that if there is no current mission on the base, there is no Accident Potential Zone. He also expressed his opinion that this is an opportunity that needs to be seriously considered.

Mr. Houtz added that he likes the development, but his concerns are the unknowns surrounding the way forward.

Ms. Thompson expressed her support of the project and views it as a way of positive growth.

Mr. Pankratz said there is a lot of room to find solutions to stormwater issues in regards to the entire 227 acre project. He said he does not believe development should be stopped in that area simply for the hope of a future possibility of a flying mission on the base, but expressed his appreciation for the military.

Mr. Mills said he agreed with Mr. Davis and Mr. Pankratz, and felt the first Phase is small enough to start and see where things develop from there.

Mr. Fontana stated he felt the staff reasons for recommendation for denial are a bit weak, and the developer should not be held hostage due to pending City litigation. He also said the JLUS is an advisory, aged document, and should not be used as guidance.



Mr. Houtz asked if the motion were to be changed to approve the annexation, would it include approval of the stormwater plan or secondary access point. Mr. Raymond said that would be more appropriate to address in the motion for Plat recommendation.

VOTE: Mr. Bertelsen, Mr. Sullivan, and Mr. Wedekind voted in favor of the motion. The remaining Board members voted in opposition. The motion failed 3-6.

There was procedural discussion, and Ms. Sexe suggested a recess in order to amend the Findings of Fact to reflect the Board's anticipated new motion to approve the project.

The Board took a 25 minute recess for staff and Mr. Davis to develop amended Findings of Fact.

MOTION: That the Planning Advisory Board recommend the City Commission adopt a resolution to annex the Subject Property, based on the accompanying Findings of Fact as determined by the Board (see attached amended Findings of Fact- Annexation). Mr. Davis read these findings into the record.

Made by: Mr. Davis  
Second: Ms. Thompson

Ms. St. Lawrence stated she agreed with the amended Findings of Fact.

VOTE: Mr. Bertelsen, Mr. Sullivan, and Mr. Wedekind voted in opposition of the motion. The remaining Board members voted in favor. The motion carried 6-3.

MOTION: That the Zoning Commission recommend the City Commission adopt the assignment of a zoning designation of Planned Unit Development upon the Subject Property, based on the accompanying Findings of Fact (see attached amended Basis of Decision-PUD). Mr. Davis read these findings into the record.

Made by: Mr. Davis  
Second: Ms. Thompson

Ms. St. Lawrence stated she agreed with the amended Findings.

VOTE: Mr. Bertelsen, Mr. Sullivan, and Mr. Wedekind voted in opposition of the motion. The remaining Board members voted in favor. The motion carried 6-3.

MOTION: That the Planning Advisory Board recommend the City Commission adopt the Preliminary Plat for Wheat Ridge Estates, Phase I, based on the accompanying Findings of Fact (see attached amended Finding of Fact- Montana Subdivision and Platting Act). Mr. Davis read these findings into the record

Made by: Mr. Davis  
Second: Mr. Mills

Ms. St. Lawrence stated she agreed with the amended Findings.

Mr. Sullivan explained his reasons for siding with City staff in voting against the motions.

Mr. Houtz stated he would like to see more work done with stormwater and emergency access.

VOTE: Mr. Bertelsen, Mr. Houtz, Mr. Sullivan, and Mr. Wedekind voted in opposition of the motion. The remaining Board members voted in favor. The motion carried 5-4.

## COMMUNICATIONS

### Next Meeting Agenda – Tuesday, May 8, 2018

- PUD Amendment for Jewel Addition

### Petitions & Applications Received:

- None

## PUBLIC COMMENT

Dan Huestis, 2901 4<sup>th</sup> Avenue North, thanked the Board for their deliberate and thoughtful considerations.

## ADJOURNMENT

There being no further business, Chair Pete Fontana adjourned the meeting at 6:03 p.m.

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CHAIRMAN

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SECRETARY





**Abigail J. St. Lawrence**  
*Attorney at Law*

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**To: City of Great Falls, Planning Advisory Board/Zoning Commission**  
**From: KYSO Corporation and C&W Development**  
**Date: April 24, 2018**  
**Re: Wheat Ridge Estates—Phase 1**

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The purpose of this memorandum is to provide additional response to the Planning Advisory Board/Zoning Commission (hereinafter referred to as “Board/Commission”) supplemental Agenda Report prepared by Deputy Planning and Community Development Director Tom Micuda and to also provide additional information to the Board/Commission for use in making the determination on KYSO Corporation’s and C&W Development (hereinafter referred to as “KYSO” and “C&W,” respectively and “Developer”) request for annexation of a 20.98-acre parcel located directly south of the East Great Falls Retail Center and legally described in draft Certificate of Survey, assignment of Planned Unit Development zoning upon annexation, and Preliminary Plat for a Major Subdivision for a project known as Wheat Ridge Estates, Phase I (hereinafter referred to as “Wheat Ridge” or “Subject Property”). The Developer respectfully presents the following information for the Board/Commission’s consideration and requests that the Board/Commission reject staff recommendations. Further, the developer respectfully requests that the Board recommend that the City Commission adopt a resolution to annex the Subject Property based on revised Findings of Fact, that the Commission recommend the City Commission adopt the assignment of a zoning designation of Planned Unit Development upon the Subject Property based on revised Findings of Fact, and that the Board recommend the City Commission adopt the Preliminary Plat for Wheat Ridge based on revised Findings of Fact.

#### **Response to Staff Report**

The Developer refers to its previous responses to the earlier Agenda Report, as much of that is still relevant. However, because the decision was tabled at the March 24, 2018 meeting, planning staff took the interim time period to prepare additional response to the Developer’s submittal to the Board/Commission in March. Unfortunately, planning staff has taken on an adversarial and advocacy role rather than merely advisory, so the Developer is compelled to respond. The additional Agenda Report continues to focus on three primary areas of identified concern as the basis for the staff recommendation to deny annexation, the PUD zoning request, and Preliminary Plat for Wheat Ridge: public safety service, stormwater management, and impacts associated with Malmstrom Air Force Base (hereinafter referred to as “MAFB”). All three primary areas of concern as well as the additional issues and review comments are addressed below.

#### **Public Safety Service**

The additional Agenda Report identifies that 2018 calls to the East Walmart store averaged a response time of six and a half to seven minutes, yet also continues to insist that response time to Wheat Ridge needs to be four minutes or less. The bottom line is that the Developer is being

held to a standard that current development cannot, does not, and is not required to meet without further explanation. This insistence is nothing short of arbitrary.

The additional Agenda Report also complains of the proposed asphalt-milled surface and seeding for the emergency access road, citing concerns that the road surface cannot support the 75,000 pounds required for the fire engine access. First, Cascade County subdivision standards allow for gravel roadways to provide all access, including emergency access. While the Developer acknowledges these are county, not city, standards, it is indicative of the capacity of the roadway. (See exhibit) Second, geotechnical review has verified that the proposed asphalt-milled surface is capable of supporting 75,000 pounds. (see exhibit). Specifically, Big Sky Subsurface determined, "Based on current information and presumptive subsurface conditions, the proposed emergency access road can likely be constructed with a crushed base course gravel surface of nine inches." (See April 24, 2018 memo, p. 4). Finally, the Montana Department of Transportation conditions for the approach permit obtained by the Developer require seeding of the disturbed areas within the right-of-way for the emergency approach. (see exhibit)

While the Developer appreciates the clarification on the City's arrangement with Walmart, the fact that the agreement was to pay for development subject to later reimbursement by subsequent developers rather than paid into escrow is irrelevant. As was stated in the Developer's March 27<sup>th</sup> submittal to the Board/Commission, the Developer understands and is willing to contribute their proportionate share of the construction costs for the frontage of 13<sup>th</sup> Avenue South within Wheat Ridge, which is exactly what was anticipated by the City's arrangement with Walmart. Further, as was stated previously, if and when additional future phases of the master plan are considered for annexation, should the need arise for further development of 13<sup>th</sup> Avenue South, that factor can be addressed at that time. The entire point of phased development is to allow for infrastructure and development to take place over time rather than all being required up-front. The staff report raising the issue of 13<sup>th</sup> Avenue South construction that may be necessary with future phases is unwarranted at this time.

Finally, as to impact fees, the Developer understands and appreciates that the City is generally averse to impact fees. However, the fact is that it is within the City's purview to levy such fees to the extent allowed by law. And while it is also correct that impact fees are not permitted for ongoing operational and maintenance expenses, Mont. Code Ann. §7-6-1603(7)(b)(i) does allow for capital improvements, which is the primary complaint.

#### **Stormwater Management**

The supplemental Agenda Report essentially attempts to make the Developer responsible for the City's liability in existing litigation, liability which has yet to be determined and for which the City presumably has a legal defense. The fact is that the Developer is meeting and exceeding city design standards for release rates. That the city design standards have raised



liability concerns for the City does not negate the fact that the Developer is meeting and exceeding city standards.

Additionally, as was stated in the Developer's comments to the Board/Commission during the March 27<sup>th</sup> hearing, Planning staff insistence on retention would require the City to obtain a beneficial water use permit to retain and evaporate water. The beneficial use is not for the Developer's purposes, but for the City's purposes, so the Developer cannot apply for a water right for a retention pond. Additionally, by retaining water that would otherwise be conveyed downstream, the retention system has the potential to adversely impact other existing water rights, which the Montana Water Use Act does not permit.

All that said, the bottom line is the City is looking for solutions to a City-created issue on the Gibson Flats area. Currently, the Developer is charged \$250 per acre storm sewer fee as per existing city standard. The Developer would be willing to pay \$500 per acre with the additional \$250 designated specifically for funding a solution.

#### **Impacts Associated with MAFB**

The supplemental Agenda Report insists that the Joint Land Use Study (hereinafter referred to as "JLUS") is not being used as a regulatory document, but merely "as guidance to consider in evaluating this annexation request in the area evaluated by the JLUS." This is semantics; the ultimate effect of Planning staff's reliance on the JLUS is regulatory in nature, which is expressly prohibited in the terms on which the City accepted the JLUS. The Developer refers the Board/Commission back to the detailed comments provided previously at the March 27<sup>th</sup> hearing.

Additionally, while the supplemental Agenda Report cites to a Bullet Background Paper as rationale for finding impacts to MAFB operation as a result of Wheat Ridge development, the supplemental Agenda Report wholly ignores the fact that the April 2017 draft EA prepared for the assault landing strip included a finding of no significant impact ("FONSI"). In that draft EA, the FONSI stated in regard to land use that the proposed construction and operation of an assault landing zone for C-130 aircraft will have no impact on zoning in the surrounding area. See, FONSI-2. Assuming the FONSI is correct, for the City to now use the proposed assault landing zone operation and other unknown and non-existent potential future uses of MAFB (which would require congressional action in recommissioning the runway) as rationale for essentially rejecting the PUD is not only contrary to the FONSI, but also contrary to prior City declarations and resolutions regarding the JLUS.

Finally, the supplemental Agenda Report cites to assertions by County Commissioner Joe Briggs that the Developer is attempting to "circumvent the existing County Zoning." Setting aside the unwarranted casting of dispersions on the Developer's intent, county zoning has nothing to do with the decision before the Board/Commission. The question is whether the application is merited under City regulation.

### **Other Issues and Review Comments**

In the March Agenda Report, planning staff identified five other issues, all of which the Developer addressed at the March 27<sup>th</sup> hearing, and none of which are mentioned again in the supplemental agenda report. The only remaining issue is fiscal impact. The supplemental Agenda Report states that future costs are “unknown” and “complex to analyze.” Based on this rationale, the Developer has no way of responding to fiscal impacts, as there is no known impact to respond to. To suggest denial of the application based on unknown impacts or analysis yet to be done is arbitrary at best.

Finally, the supplemental Agenda Report comments on the costs of “edge development.” However, when the City issued the findings of fact for the East Walmart conditional use permit, it specifically anticipated development moving the direction of Wheat Ridge.

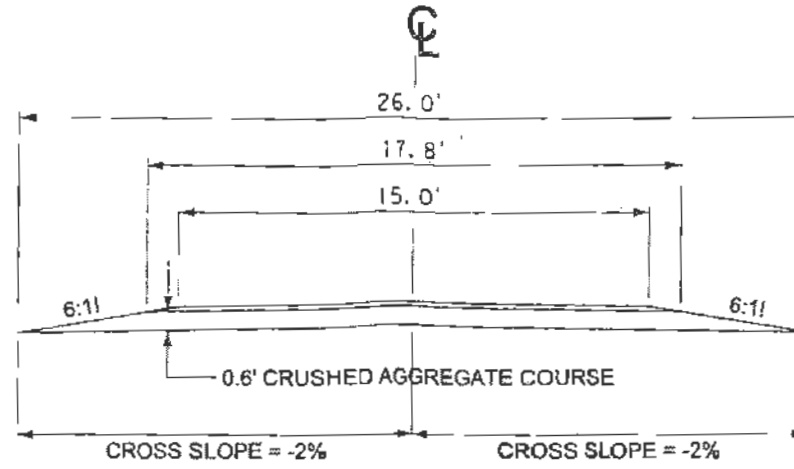
As a result of the proposed large format retail store undertaking its proportional share of the infrastructure extensions necessary to serve the subject property, it is reasonable to believe that a new surge of development and improvement of the surrounding properties could occur shortly thereafter.

There are four properties along the south side of 10<sup>th</sup> Avenue South which are immediately to the west of the subject property that are still located in the County. Extending infrastructure immediately in front of the properties may incentivize the owners to annex and develop. In addition, inquiries about development have been made for the property located immediately east across the 57<sup>th</sup> Street South right-of-way.

The extension of infrastructure in approval of the East Walmart including both transportation infrastructure and up-sizing of the southeast Great Falls wastewater master plan specifically in anticipation of the Wheat Ridge development. (see exhibit). In approving the East Walmart development, the City anticipated and perhaps even hoped for development to extend the direction of Wheat Ridge. To infer that “edge development” is now no longer desirable without further explanation is contrary to the City’s indicated direction in approval of the East Walmart.

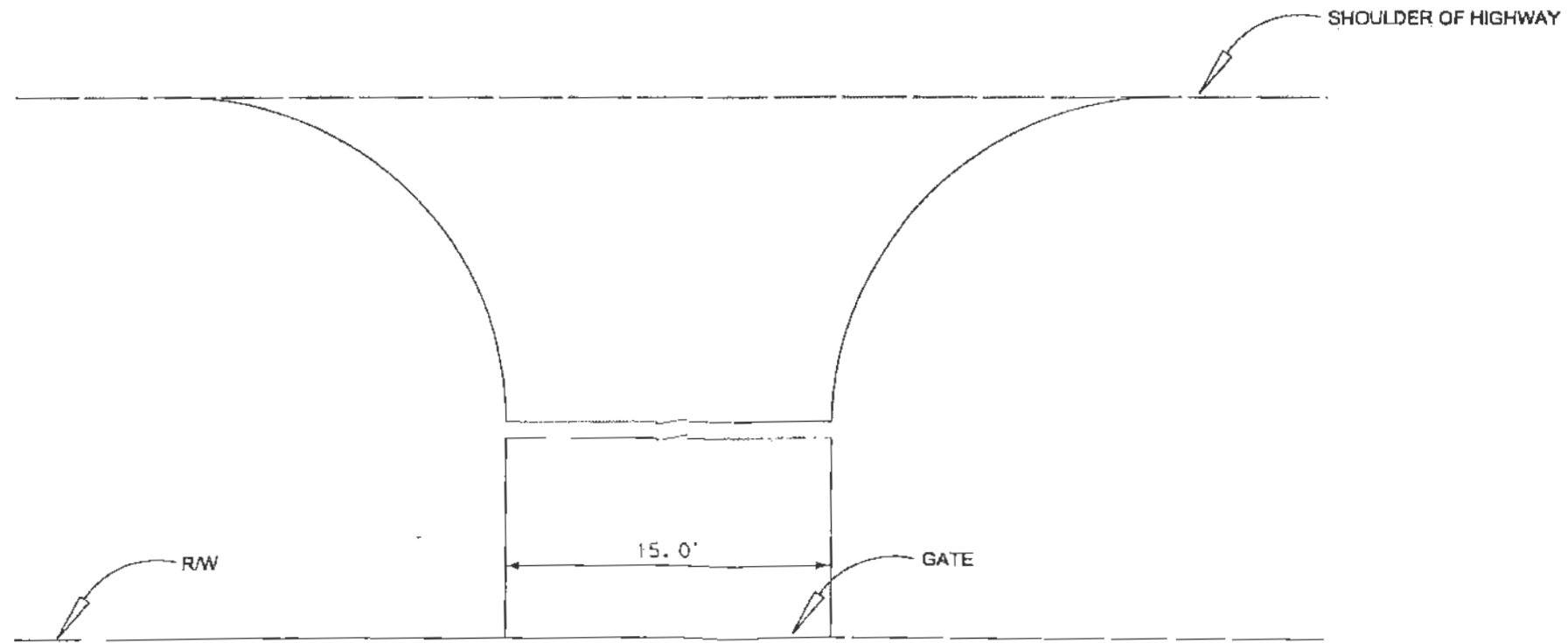


# EMERGENCY APPROACH



2 INCH MINIMUM TOPSOIL  
 SEED ALL DISTURBED AREAS  
 GATE WILL BE LOCATED AT RIGHT OF WAY LINE

## PLAN



	MONTANA DEPARTMENT OF TRANSPORTATION	C:\DGM\9999RDPV001.DGN 4/5/2018 3:52:55 PM	u6036	DESIGNED BY		REVIEWED BY		CHECKED BY	

April 24, 2018

Woith Engineering  
1725 41st St S  
Great Falls, MT 59405

Attention: Spencer Woith

Subject: Geotechnical Memorandum  
Wheat Ridge Estates Emergency Access Road  
Great Falls, Montana

Mr. Woith:

Per your request, I have prepared the following geotechnical memorandum for conceptual planning of an emergency access road to your proposed subdivision development on the east end of Great Falls, Montana. It is my understanding that you are in the initial planning stages of the development and as such, no specific geotechnical investigation or testing has been conducted for this portion of the project. Discussion and data presented herein is intended to provide limited geotechnical information based on presumptive subsurface material conditions for your use in conceptual design.

***Introduction***

On April 23, 2018, you contacted my office to request geotechnical consulting services for conceptual surfacing design of an emergency access road to your proposed subdivision on the southeast end of Great Falls. The Wheat Ridge Estates subdivision has been proposed south of USH 89 and the East Side Walmart location. I have assumed access to the development would likely be established from 51st Street South or from the east Walmart Entrance along 57th Street South. It is my understanding that an emergency access road will be required for the development, primarily for fire truck access. This emergency road access has been proposed along USH 89, and based on information provided, public access will be restricted with "knock down gates" at the USH 89 approach and the connection to the subdivision. Furthermore, you have related that the Montana Department of Transportation may require that the approach be seeded to provide a vegetative cover, further deterring public access. This letter briefly summarizes my preliminary analysis, geotechnical considerations, and conceptual recommendations for the surfacing design of the roadway.

***Presumptive Subsurface Conditions***

The site lies on the east end of Great Falls, south of the new Walmart location and US Highway 89. Topography of the general area is gently rolling to slightly hummocky with occasional



southwesterly trending drainages. The project area is currently stubble and past land use has been agricultural.

Based on prior work in the general area, surficial project geology is expected to consist of a thin veneer of organic/tilled/disturbed material and overburden soils including lean/fat clay overlying weathered fluvial till and less weathered, desiccated lodgment glacial till deposited during Pleistocene continental glaciation. Below the high plasticity glacial soils, interbedded Cretaceous age sandstone and shale of the Kootenai Formation are anticipated. Near surface clay and sand soils are expected to be relatively weak, normally to slightly overconsolidated, and weathered; exhibiting both expansive and compressible behavior. High plasticity (fat) clay soils underlying surficial materials are expected to be typically firm to stiff, moist to slightly moist, overconsolidated (by past glacial ice and/or post glacial drying), highly moisture sensitive/swell prone, and relatively weak/poor bearing materials under surfacing design conditions. Except for possible seasonal/perched water (particularly in or near drainages), groundwater is not anticipated within the upper 10+/- feet.

#### ***Preliminary Pavement Surfacing Analysis and Conceptual Recommendations***

The following analysis has been conducted based on presumptive subsurface conditions and will require geotechnical testing, analysis, and confirmation of loading requirements for final design and recommendations. As such, the following discussion is intended to be used for preliminary planning purposes only. Based on the requested concept for an emergency access road, gravel surfacing has been assumed to provide support for occasional emergency vehicle traffic. Preliminary analysis has been conducted for aggregate surfacing using procedures outlined in the 1993 AASHTO Guide for Design of Pavement Structures along with local Montana Department of Transportation (MDT) standards and our experience for selection of modulus values for possible for pavement components.

You have indicated that the roadway must be designed to support a 75,000 pound fire truck with unknown, but limited repetitions. This type of traffic loading is not specifically covered in typical design methodology where vehicle traffic would typically be converted to Equivalent Single Axle Wheel (ESALS) and the total ESALS would be calculated over a defined service life along with acceptable surface degradation (rutting, potholing, uneven surface profile, etc.) to arrive at design section thicknesses. It is my opinion that driveability during the worst seasonal conditions (i.e. spring and fall when the surface is likely to be the wettest/lowest strength) is the controlling design parameter over TESAL predictions. As such, we have utilized the AASHTO Low Volume Road design catalog as a basis for surfacing thickness design. This approach is recommended where detailed information is unavailable. The design vehicle is presumed to consist of a 12 to 18 kip single drive axle with tandem dual rear axle configuration and an intermediate set of single drop axles. The assumed design vehicle, under an average frequency of 1 repetition per month for a design life of 20 years would fall below the Low traffic level as defined by AASHTO (using parameters for adjusting axle combination ESALS as would be applicable for flexible pavement design.) The controlling subgrade material is expected to be a fat clay soil with a soaked California Bearing ratio of 1 to 2 percent which is indicative of a very poor roadbed material. Using a Low traffic level (10,000 to 30,000 TESALS), a Very Poor roadbed support quality, and a Climactic Region of VI, the AASHTO guide indicates a minimum aggregate surfacing thickness of 9 inches. The material for which this analysis has been based is limited to a high quality aggregate base course with a minimum effective resilient modulus of 30,000 psi. It should be noted that for traffic volumes in excess of 30,000 TESALS, the

AASHTO Low Volume Road design tables indicates that a "Higher type pavement design is required" and more rigorous analysis methods are to be used.

A high quality, crushed, 1-1/2 inch minus base course (meeting MDT base course requirements or Montana Public Works gradations with the addition of a minimum 50 percent fractured face requirement) is preferred for gravel; however, other materials may be used if they can be shown to meet the minimum resilient modulus. The top 6-inches of the surfacing section can be constructed with 3/4 inch crushed road base material for ease of grading and increased surface elevation control/rideability. Screened/processed asphalt millings (or blended millings and aggregate) may be suitable for portions of the pavement section; however, the modulus of the millings would need to be determined from test data to determine an appropriate reduction in section strength (therefore addition in thickness) relative to the minimum 9 inch gravel section. For preliminary estimating purposes, it may be practical to assume an increase in thickness of approximately 50 percent for portions of the section constructed with millings. I recommend a minimum 6-inch base course gravel section; therefore, 5 additional inches of asphalt millings (screened to a maximum size of 1.5 inches) could be considered. It should be noted that straight asphalt millings may "set" over time which can lead to difficulty in blading and non-uniform performance including potholing and rutting and the density of compacted millings will be lower than a typical base course aggregate thereby increasing permeability. The roadbed must be prepared by stripping disturbed/previously tilled material, scarifying the presumed fat clay subgrade, and constructing an embankment/roadbed subgrade in minimum 12 inch loose lifts to a minimum compacted density of 95 percent of the ASTM D698 maximum dry density (at or slightly above optimum moisture content), followed by pavement section placement (also to a minimum 95 percent of the maximum ASTM D698 dry density.)

Aggregate surfacing design assumes that routine maintenance including periodic/seasonal blading and scarification/compaction of the aggregate surface will be performed; however, if the road remains essentially "unused" for long periods of time blading will likely not be required. Pavement surface drainage is also an integral part of pavement performance. Infiltrated moisture is a primary source for periodic or long-term saturation of pavement subgrade and will often lead to material segregation, subgrade softening, and increased frost heave potential ultimately leading to poor pavement performance, rutting, and subgrade strength reduction. Positive surface and storm drainage systems along with a regular pavement evaluation and maintenance program including grading, recompaction, and addition of aggregate (as needed) is recommended. The most critical condition for the roadway is likely to occur during wet months where the subgrade is saturated and is weakest. To reduce seasonal occurrences of subgrade saturation, it would be prudent to elevate the roadway embankment and provide drainage away from the roadway prism. Elevating the roadway on the order of 1 to 2 feet above prevailing grade, providing adequate shoulders, and constructing ditches (with under road culverts as necessary) to move water away from the roadway are recommended for the roadway design. Another alternative/improvement would be to increase the gravel section and/or to install a geotextile separation fabric (possibly in conjunction with a geogrid) to mitigate material mixing and strengthen the roadbed/pavement section interface. Application of a high strength geotextile separation fabric has been shown to reduce wheel rutting, reduce material intermixing and gravel loss at the base/subgrade interface, and to provide some strength/reinforcement at the base of the pavement section. Based on recent MDT research projects, I recommend consideration be given to the use of Mirafi RS580i or Geotex 801 geotextile fabrics if desired.



**Conclusion**

In summary, based on current information and presumptive subsurface conditions, the proposed emergency access road can likely be constructed with a crushed base course gravel surfacing section of 9 inches (to be verified by an appropriate geotechnical investigation.) Alternative materials, such as asphalt millings or uncrushed (pit run) gravel may be used as a portion of this section; however, some additional thickness (based on the resilient modulus of the proposed materials) will be required. It is recommended that the roadway be elevated from adjacent grade and that grading be conducted to minimize the potential for standing water on or along the roadway. The roadbed should be crowned and adequate shoulders should be provided. At your request, I can develop preliminary recommendations for subgrade preparation, material density recommendations, and preliminary assessment of alternative surfacing materials.

This memorandum has been prepared based on presumptive subsurface conditions and limited data for roadway requirements and is not a complete Geotechnical Assessment or Geotechnical Report. Preliminary analysis and concepts provided herein are intended to be used for preliminary planning and cost estimation purposes only. Further geotechnical investigation, analysis, and reporting will be required prior to design completion and construction. I appreciate the opportunity to work with you on this project. Please contact my office with any questions or concerns, or with notice to proceed with further engineering work.

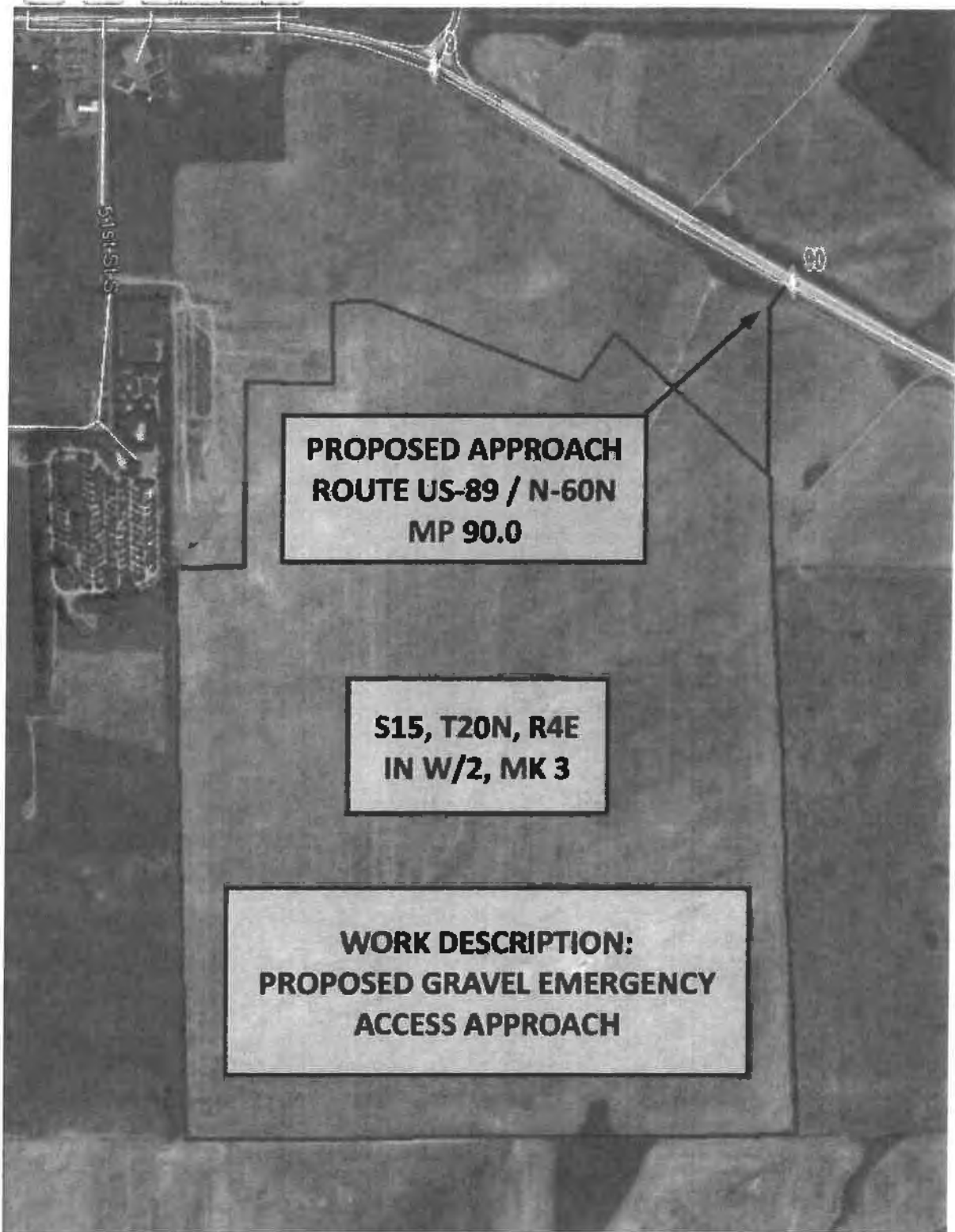
Sincerely,



Jon J. Hefner  
Senior Geotechnical Engineer

Email distribution only  
Enclosures: General Site Plan

**WHEAT RIDGE—US HWY 89  
APPROACH LOCATION**







Great people.  
Great camping.™

# Great Falls KOA

1500 51st. Street South • Great Falls, MT 59405  
Phone: (406) 727-3191  
Reservations: (800) 562-6584  
Email: [manager@greatfallskoa.com](mailto:manager@greatfallskoa.com)  
[www.koa.com](http://www.koa.com)

April 13, 2018

## Great Falls Planning Advisory Board/Zoning Commission

**Subject: Annexation of Wheat Ridge Estates – Phase 1, Planned Unit Development.**

### For use in Public Hearing April 13, 2018 – KYSO Corporation

My name is Loren Smith, and I am the owner of the Great Falls KOA Campground and Prairie Kraft Specialties. I am a direct neighbor to the West of this proposed development, sharing a land boundary with KYSO Corporation.

I am completely in support of this Development proposal, and strongly recommend its approval. I would like to make known my support for this project.

It seems a major concern is: Malmstrom and its closed runway. I am a current pilot and aircraft owner and do a LOT of business flying throughout the United States. Our business requires we visit KOA Campgrounds, and we have for 40+ years. As such, I offer the following very realistic comments:

1. There will never be a flying mission coming to Malmstrom. It's ludicrous to think there ever will be. "Flying Missions" are on the decline in the Air Force, and have been for many years.
2. One of the military's largest issues is taking care of their personnel, and they do a great job. In reality, "personnel" generally means a husband and wife (often with a family), typically with only one of the pair enlisted in the military. In the case of Great Falls, military means the Air Force. Both the husband and wife are generally professional people (in the case of a flying mission, think pilots/navigation) and both wish to have meaningful employment. As such, major metropolitan areas offer a significant advantage for the non-military partner. This ability to have gainful and meaningful employment in their area of interest or expertise supersedes the idea of sunny days and "flying space." Airplanes of today are all weather airplanes and travel at speeds of 500+ mph.
3. I have had the privilege of flying into practically every state in the Union on multiple occasions, and almost every state has a major military base that has been closed over the past 20-30 years. In short, there are a LOT of big unused runways and facilities – think Glasgow, MT, in nearly all states.
4. Local communities see this high dollar abandoned military base and think, "There must be a use for this." The reality is, there isn't. Sad, but true. A Military Air Force Base is a Military Air Force Base, not a residential home site.
5. There absolutely, positively should be no impediment to this project in order to "Protect the Base."



Great people.  
Great camping.™

## Great Falls KOA

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Phone: (406) 727-3191

Reservations: (800) 562-6584

Email: [manager@greatfallskoa.com](mailto:manager@greatfallskoa.com)

[www.koa.com](http://www.koa.com)

The taxpayers in Great Falls will benefit from this proposed development. When implemented, it will bring significant increase in property taxes to the State of Montana, Cascade County and the City of Great Falls. A "Runway Protection Zone," or a closed runway (20+ years) brings NO increase in taxes paid. Every property owner in Cascade County should be in favor of this project.

Thank you for your consideration. Please feel free to call if I may be of any help.

Sincerely,

Loren Smith

Owner, Great Falls KOA Campground

Owner, Prairie Kraft Specialties

1500 51<sup>st</sup> St S

Great Falls, MT 59405

(406) 727-3192



Taxable Revenue amount using FY 2018 mill levies and values (if considered newly taxable property)

Market Value	Amount of City Revenue using General Fund Mills	Number of Parcels	Total Amount of Revenue
200,000.00	446.61	37	\$16,524.57
250,000.00	558.26	37	\$20,655.62
300,000.00	669.91	37	\$24,786.67
350,000.00	781.56	37	\$28,917.72
400,000.00	893.21	37	\$33,048.77
450,000.00	1,004.87	37	\$37,180.19
500,000.00	1,116.52	37	\$41,311.24
550,000.00	1,228.17	37	\$45,442.29
600,000.00	1,339.82	37	\$49,573.34
650,000.00	1,451.47	37	\$53,704.39
700,000.00	1,563.12	37	\$57,835.44
750,000.00	1,674.78	37	\$61,966.86
800,000.00	1,786.43	37	\$66,097.91

# MALMSTROM AFB ECONOMIC IMPACT DATA SHEET



## FISCAL YEAR 2016

Since 1962, the 34th Missile Wing has served as the strategic backstop for our nation.

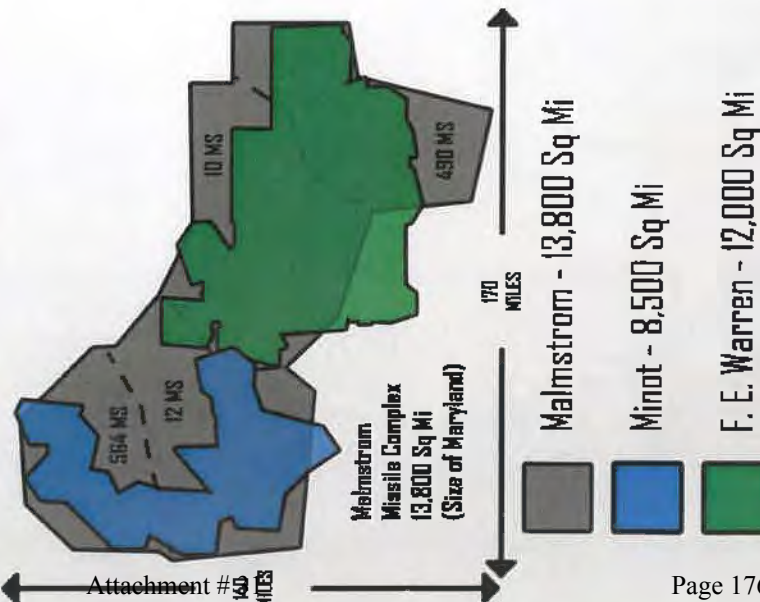
Our mission:

**“Defend America with safe, secure, effective nuclear forces and combat-ready Airmen”**

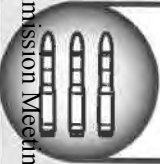
We provide combat capability:

- ICBMs are always ready
- ICBMs provide strategic freedom to operate
- ICBMs keep enemies at bay
- ICBMs deter others from acquiring nuclear weapons


The 34th Missile Wing is one of three Air Force Bases that operates and maintains the Minuteman III Intercontinental Ballistic Missile (ICBM) and reports directly to 20th Air Force, F. E. Warren Air Force Base, Wyo.









MISSILE DATA		
Number of MINUTEMAN IIIs		150
Farthest LF/MAF (Miles)		152/139
Closest LF/MAF (Miles)		16/2




AIRCRAFT (UH-1N Iroquois)		
Number Assigned		8
Flying Hours		3,330
MEDEVAC & Search and Rescue Hours		24
Actual Rescues		4
Rescue Assists		1



VEHICLE DATA			
	341 MW		819 RHS
General Purpose	198		51
Base Maintenance	N/A		81
Special Purpose	276		18
Non Registered	71		83
GSA (Leased)	159		16
TOTAL	704		249



MILES OF ROAD		
Paved Roads		2010
Unpaved Roads		4182
TE Rated Gravel Roads		816
TE Rated Paved Roads		568
Missile Complex in Sq. Miles		13,800
Miles Driven		6,266,010




CAPITAL ASSETS		
Public Domain		491
Owned		3,902
Easement		
	19,676	
Lease/License/Permits	4,763	
TOTAL		28,852
Buildings (Not Otherwise Included)		
On Base Facilities		233
Off Base Facilities		268
Total		501




ECONOMIC IMPACT		
Annual Payroll		
Military		\$173,375,085
Federal Civilian		\$40,062,203
Other Civilian		\$12,682,673
TOTAL		\$226,119,961
Annual Expenditures		
Construction		\$12,764,087
Services		\$9,033,644
Materials/Equipment/Health/Other		\$52,729,463
TOTAL		\$74,527,184
Indirect Jobs		1,571
Average Annual Pay Multiplier*		\$42,491
Est Ann Dollar Value of Jobs		\$66,752,837
TOTAL EST ANN IMPACT		\$367,399,992


Compiled by  
**341st Comptroller Squadron**  
 731-4168




PERSONNEL			
AF Personnel	MIL	CIV	TOTAL
Assigned	3,424	636	4,060
Active Duty Dependents			3,276
Non Appropriated		111	111
Contract/Private Business		643	643




EDUCATION	
K-2 Military Dependents Enrolled in GF Schools	991
Federal Impact Aid	\$590,568
Off-Duty Education	
Associate Degree/CCAG	183
Bachelor	49
Masters	0
Total Degrees Earned	232
Total Enrollments	2,183
Tuition Assistance	\$1,633,759



CONTRIBUTIONS	
Combined Federal Campaign	\$93,000
AFAF	\$42,000
Community Contributions**	
Meals Delivered to Elderly/Injured	2253
Red Kettle Volunteers for Salvation Army	325
Units of Blood Donated to Red Cross	411



UTILITIES CONSUMED	
Water	\$692,573
Heating Fuel	\$1,526,765
Sewage	\$359,212
Electricity	\$6,427,930
Fuels (Diesel)	\$122,150
Contracting	\$965,831
TOTAL	\$10,094,461



CONSTRUCTION AND SERVICE CONTRACTS	
Military Construction Program	\$0
Non-Appropriated Fund	\$0
O&M	\$11,970,930
A&E	\$119,400
Environmental Construction	\$0
Misc/Repair/Rental	\$8,214,872
TOTAL	\$20,978,959

\*Avg of 2012 Montana Per Capita Income for Cascade, Chouteau and Teton Counties. Bureau of Economic Analysis (BEA), and US. Census Bureau 2012

\*\*Sources - Great Falls Meals on Wheels, Salvation Army and Great Falls American Red Cross


### VEHICLE DATA

<u>341 MW</u>	
General Purpose	186
Base Maintenance	188
Special Purpose	125
Non Registered	40
GSA (Leased)	159
<b>TOTAL</b>	<b>698</b>

<u>819 RBS</u>	
General Purpose	29
Base Maintenance	72
Special Purpose	51
Non Registered	73
GSA (Leased)	16
<b>TOTAL</b>	<b>241</b>

Miles Driven 5,179,412





**Commander's  
Data Card**

---



**FISCAL  
YEAR 2017**

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Compiled by  
341st Comptroller Squadron  
Ext 4168

### MISSILE DATA

Number of MINUTEMAN IIIs	150
Farthest LF/MAF (Miles)	152/139
Closest LF/MAF (Miles)	16/18

Miles of Roads

Paved Roads	2,010
Unpaved Roads	4,182
TE Rated Gravel Roads	816
TE Rated Paved Roads	568


Missile Complex in Sq Mile 13,800

---

### AIRCRAFT DATA

UH-1H Iroquois

Number Assigned	8
Flying Hours	2,811
MEDEVAC & Search and Rescue Hours	36
Actual Rescues	5
Rescue Assists	1



### ECONOMIC IMPACT

<u>Annual Payroll</u>	
Military	\$168,185,349
Fed Civilian	\$46,554,080
Other Civilian	\$8,179,429
<b>Total</b>	<b>\$222,918,858</b>

<u>Annual Expenditures</u>	
Construction	\$14,156,326
Services	\$23,154,545
Materials/Equip/Health/Other	\$24,322,834
<b>Total</b>	<b>\$71,633,695</b>

**Direct Impact** **\$298,644,327**

---

Indirect Jobs 1,364  
Average Annual Pay Multiplier \*\$43,978

Est Ann Dollar Value of Jobs \$59,985,537

\*Avg of 2012 Montana Per Capita Income for Cascade, Chouteau, and Teton Counties. Bureau of Economic Analysis (BEA), and U.S. Census Bureau 2012

**Total Est Ann Impact** **\$354,538,090**


### CAPITAL ASSETS

LAND (Acres)

Public Domain	491
Owned	3,902
Easement	19,696
Lease/License/Permits	4,763
<b>TOTAL</b>	<b>28,852</b>

BUILDINGS  
(not otherwise included)

On Base Facilities	237
Off Base Facilities	268
<b>TOTAL</b>	<b>505</b>




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**Commander's  
Data Card**

---



**FISCAL  
YEAR 2017**

---

Compiled by  
341st Comptroller Squadron  
Ext 4168

### MISSILE DATA

Number of Launch Facilities (LFs)	150
Farthest LF/MAF (Miles)	152/139
Closest LF/MAF (Miles)	16/18

Miles of Roads

Paved Roads	2,010
Unpaved Roads	4,182
TE Rated Gravel Roads	816
TE Rated Paved Roads	568


Missile Complex in Sq Mile 13,800

---

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(not otherwise included)


On Base Facilities	237
Off Base Facilities	268
<b>TOTAL</b>	<b>505</b>





### PERSONNEL

AF PERSONNEL	ML	CIV	TOTAL
Assigned	3370	599	3,969
Active Duty Dependents			2,616
<b>OTHER</b>			
Non Appropriated		127	127
Contract/Private Business		210	210



Note: All Data on this card is as of 30 Sep 16 for Fiscal Year 2016 (01 Oct 15 to 30 Sept 16) unless otherwise noted.


### GOVERNMENT HOUSING

Authorized Dorm/Bed Spaces 732

**BILLETING**

Visiting Quarters 53  
TLF (1 Bedroom) 15  
TLF (2 Bedroom) 15

PRIVATIZED Houses 1,116




### CONSTRUCTION CONTRACTS

Mil Family Housing (BBC)	\$0
Military Construction Program	\$0
Non-Appropriated Fund	\$0
O & M	\$11,205,491
A&E:	\$1,732,193
Environmental A&E	\$198,047
Environmental Construction	\$1,020,595
<b>TOTAL</b>	<b>\$14,156,326</b>



### UTILITIES CONSUMED

Water	\$652,114
Heating Fuel	\$1,611,996
Sewage	\$485,455
Electricity	\$6,301,304
Coal	\$288,298
<b>TOTAL</b>	<b>\$9,339,167</b>



### EDUCATION

For K-12 Military Dependents Enrolled in Great Falls Schools : 860  
Federal Impact Aid: \$520,376

**Off-Duty Education**

Associate Degree/CCAF	213
Bachelor	35
<b>Total Degrees Earned</b>	<b>248</b>

**Total Enrollments** 2,193  
**Tuition Assistance** \$1,642,168

### CONTRIBUTIONS


Combined Federal Campaign	\$77,892
AFAF	\$26,045

**COMMUNITY CONTRIBUTIONS**

- Delivered 1,023 Meals to Elderly/Injured (Source - Great Falls Meals on Wheels)
- 290 Red Kettle Volunteers for the Salvation Army (Source - Salvation Army)
- Donated 272 Units of Blood to Red Cross (Source - Great Falls American Red Cross)

### PERSONNEL

AF PERSONNEL	ML	CIV	TOTAL
Assigned	3370	599	3,969
Active Duty Dependents			2,626
<b>OTHER</b>			
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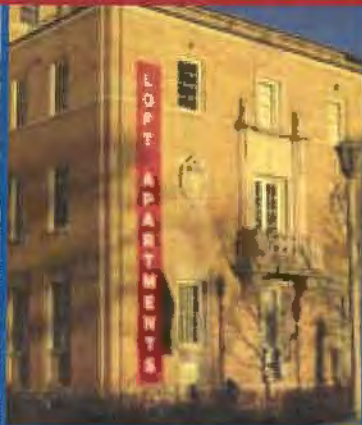
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# Beyond the Fence



A REALTORS® Guide to Military Base Closure, Realignment and Encroachment



NATIONAL ASSOCIATION OF REALTORS®

*The Voice For Real Estate*

City Commission Meeting - September 18, 2018

Attachment # 31

Real Strength.  
Real Advantages.

Page 180 of 351



# Beyond the Fence

**A REALTORS® Guide to Military Base Closure, Realignment and Encroachment**



NATIONAL ASSOCIATION OF REALTORS®

*The Voice For Real Estate®*

**Real Strength.  
Real Advantages.**

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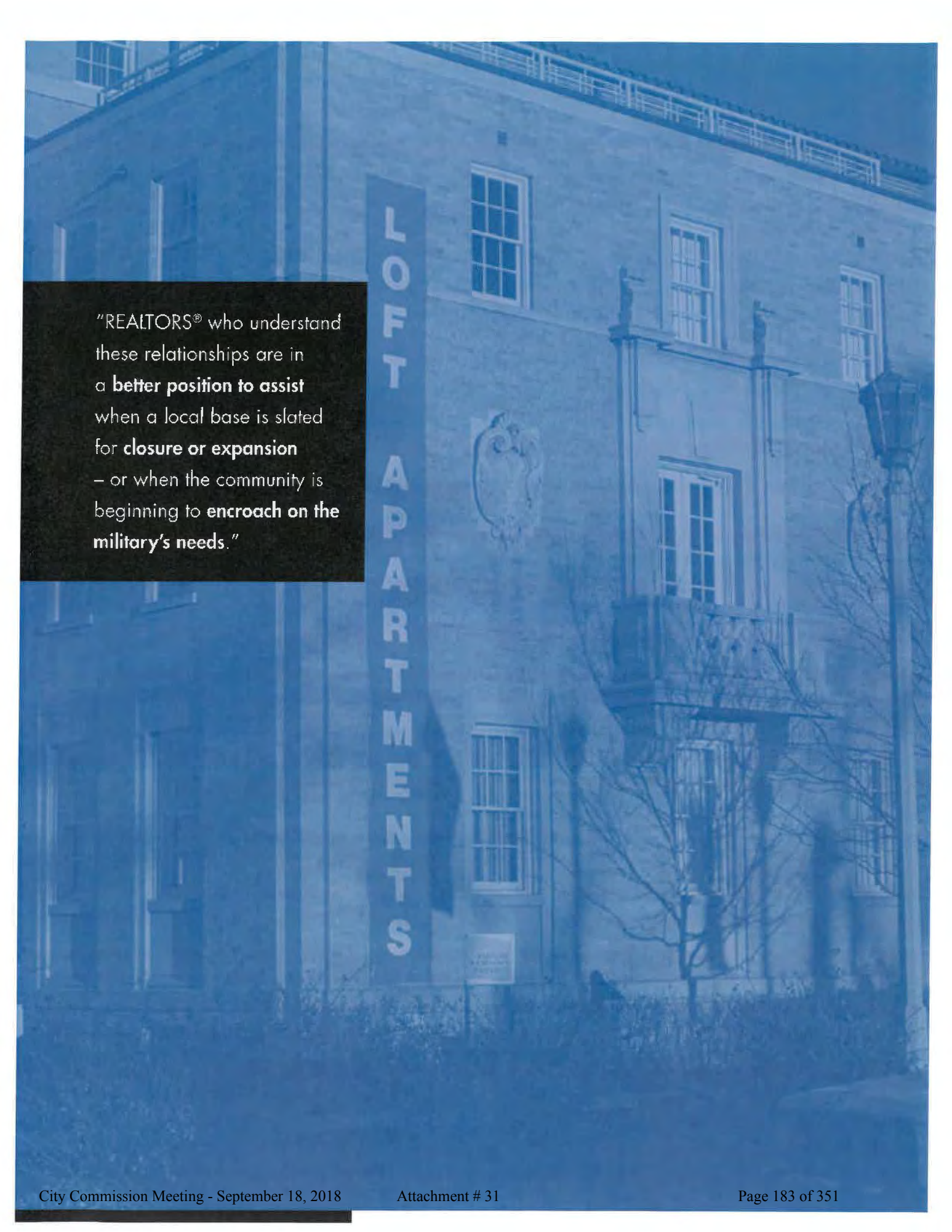
Prepared under the direction of the NAR State and Local Issues Committee  
Mike Flynn, 2006 Chairman  
Ken Jackson, 2006 Vice-Chair

*Principal Author:* Barbara McCann, McCann Consulting

*NAR Project Manager:* Bob McNamara

©National Association of REALTORS®, 2006





"REALTORS® who understand these relationships are in a **better position to assist** when a local base is slated for **closure or expansion** – or when the community is beginning to **encroach on the military's needs.**"

## Base Encroachment

**W**hile communities grapple with changing military needs, the military must also cope with growth in the communities that surround them – growth that has begun to encroach on bases and their military mission. High-performance jets, tanks, and live ammunition simply don't mix well with housing and other civilian uses. But the problem is far more than an annoyance, according to Jan Larkin, Outreach Coordinator for the Department of Defense. "If we cannot get a handle on this problem, it could be the end of the military as we know it."

Why such a dire prediction? The modern US military is based on the premise that frequent, rigorous training under live fire conditions is the only way to save lives in warfare. Research from the Vietnam War found that most errors come when a soldier, pilot, or other fighter is new to the chaos of battle – and that those who survive five engagements are likely to make it through the entire war. By conducting realistic training exercises using live ammunition, the Army, Air Force and Navy all seek to condition their personnel for the real thing. The practice has resulted in fewer deaths and a dramatic decrease in the loss of planes.

But such live fire training exercises require a lot of space – and more and more bases are being squeezed by sprawling development that comes almost up to their fences.

Neighbors who are too close to military bases or training and testing ranges face the noise of high-performance fighter jets, the rumble of tanks, and the boom and crackle of guns, cannons and bombs. These residents also face risks – from the crash of a jet, or from a bullet or missile going astray. The military has adapted with what are known as "work arounds" – such as

changing flight patterns and restricting training exercises at night. But such solutions reduce their ability to train effectively.

### What Encroachment means for real estate professionals

This all may sound like bad news for real estate professionals. But understanding encroachment issues is essential if a military base is nearby. REALTORS® can help mitigate the impact of encroachment by helping homebuyers understand the military's needs and working with the base to help preserve good relations. "Training and readiness are extraordinarily important to national defense, and bases are essential for training," says Mike Davis, who manages the Encroachment Prevention program at the Office of Economic Assistance. "We need to protect those bases because encroachment can doom a base to closure."

### What is a Joint Land Use (JLUS) Study?

The Office of Economic Adjustment funds these studies, which bring together leaders from the base and the surrounding communities to determine the extent of encroachment problems and come up with a plan for mitigating them.



## Common methods for mitigating encroachment

- **Rezone property to prevent incompatible uses.** Local governments can alter zoning codes and comprehensive plans, or can create special overlay districts. Some states have designated regions surrounding military bases as 'areas of critical concern' to allow state jurisdiction.
- **Set aside affected areas.** Local or state governments or conservation groups often purchase property for parks or purchase development rights. The military has recently begun partnering on these purchases. This sometimes involves demolition of existing buildings.
- **Require disclosure of encroachment issues.** Arizona and Virginia are examples of states that are now requiring disclosure of noise zones and accident potential zones to buyers prior to sale and in contracts.
- **Obtain "Avigation" Easements.** This is the aviation equivalent of a navigation easement. It gives the airfield (civilian or military) the legal right to fly through the airspace above the property (including the right to make noise).
- **Require sound attenuation.** Local governments can require double-paned windows, insulation, and other measures that reduce outdoor noise by 25 to 35 decibels. This can be a requirement for new homes; state or local governments may also find funding for retrofits.
- **Plan growth to conserve land.** Smart growth developments that mix uses and bring homes closer together can help avoid the need to build in areas affected by base operations.

Real estate professionals who sell near bases should start by arming themselves with information. The Department of Defense conducts publicly-available studies on how their activities may affect the local community. REALTORS® can find out about the designated noise and safety zones surrounding bases by checking with their local planning department for AICUZ and RAICUZ documents – Air or Range Installation Compatible Use Zones. Air bases also designate Accident Potential Zones (APZs). Some REALTOR® associations have reprinted these maps for their members and for homebuyers.

A few jurisdictions have begun to require that noise and other base intrusions be disclosed to potential homebuyers well before reaching the closing table. "Enhanced real estate disclosure for prospective purchasers is an extraordinarily effective tool," says Davis. "Generally this has been resisted by the real estate industry and by sellers because it is seen as diminishing the value of property. We've found just the opposite. It doesn't affect the value, it just helps buyers make a better and more informed decision." Escambia County near the Pensacola Naval Air Station now requires disclosure in all listing agreements, and in marketing materials before execution of a contract.

Some communities are working with the military on Joint Land Use Studies (JLUS), in which military and civilian planners systematically plan responses to the encroachment issues particular to their community. Real estate professionals can participate in these planning meetings.

In addition, the military has identified sprawling subdivisions that eat up land as a culprit in encroachment – because they more quickly push development right up to the base fence. Real estate professionals can support and promote innovative land use plans that use mixed-use and compact development to conserve land.





## DMA Youth Programs

Building a Stronger Montana For Tomorrow



### MTNG Youth Challenge Academy

is focused on at-risk youth, 16-18 years of age who are no longer enrolled in high school. During an intense 5 month residence program and 12 month mentoring program, Youth Challenge provides the tools

& experiences to graduate productive, employable, law abiding and taxpaying citizens.

- ◆ 36 classes & 2696 graduates since inception in 1999!
- ◆ The Academy's 73% Overall HiSet/GED success rate exceeds the national average.
- ◆ Maintains an over 80% long-term placement rate of students four years after graduation.
- ◆ Academy staff are personally involved in assisting cadets develop their Post-Residential Action Plans (PRAP) to reinforce commitment to long-term success.
- ◆ 41 graduates returned to high school after completing Challenge last year.
- ◆ 9 cadets achieved their CNA certification in the last year.
- ◆ 33 cadets received professional certifications in other vocational areas in the last year.
- ◆ 144,025 hours of community service have been performed by Academy cadets, equating to a value of



STARBASE Montana has two locations, one in Helena at Fort Harrison & one at the 120<sup>th</sup> AW in

Great Falls. STARBASE offers a premier educational program that provides a challenging "hands-on, minds-on" learning experience for elementary school children to raise their interest & improve knowledge & skills with emphasis in Science, Technology, Engineering & Math (STEM). STARBASE is one of the few programs in the United States that teaches CAD/3D Engineering Design to elementary aged students. STARBASE exposes students & teachers to real world applications of math & science through inquiry based learning, simulations & experiments while complimented with the positive role models found on military bases.

- ◆ 8636 students have attended Ft Harrison since 2007 from Helena, East Helena, Lincoln, Townsend & Montana City along with several private schools.
- ◆ 5528 students have attended the 120th AW since its inception in 2012 from Great Falls, Augusta, Cascade, Highwood, Centerville along with several private schools.
- ◆ FY17 the STARBASE team hosted STEM Summer camps for children of military families at both sites. In addition, the team took their STEM camp on the road to Ronan and Browning.
- ◆ The program is staffed by 3 State employees and 5 contract employees from the Helena & Great Falls School Districts.
- ◆ STARBASE is 100% funded by the Department of Defense through the National Defense Authorization Act.
- ◆ FY17 brought \$765,000 education dollars to Montana City Commission Meeting September 16, 2017

## ECONOMIC IMPACT

### NATIONAL GUARD BUREAU FUNDING

Full-time Payroll	\$55,629,750.17
Traditional Guard Pay	\$22,571,685.38
<b>Total ARNG Payroll</b>	<b>\$78,201,435.55</b>
Subsistence & Lodging	\$1,595,505.82
<b>Total Personnel Dollars</b>	<b>\$79,796,941.37</b>

Operations & Maintenance	\$29,305,024.46
<b>Total ARNG Impact</b>	<b>\$109,101,965.83</b>

### Air National Guard

Full-time Payroll	\$29,046,002.04
Traditional Guard Pay	\$13,835,490.02
<b>Total Payroll</b>	<b>\$42,881,492.06</b>

Subsistence & Lodging	\$252,718.12
<b>Total Personnel Dollars</b>	<b>\$43,134,210.18</b>

Operations & Maintenance	\$8,163,371.09
<b>Total ANG Impact</b>	<b>\$51,297,581.27</b>

<b>Total National Guard</b>	<b>\$160,399,547.10</b>
-----------------------------	-------------------------

### Department of Military Affairs (DMA)

Agency	Expenditures	State %/	Federal %/
<b>Army NG*</b> (Included in ARNG O&M)	17,811,328	1,725,201 10%	16,086,127 90%
<b>Air NG*</b> (Included in ANG O&M)	4,928,520	422,209 9%	4,506,310 91%
<b>Disaster &amp; Emergency Services</b>	11,674,340	1,483,483 13%	10,190,857 87%
<b>Veterans Affairs</b>	2,569,698	2,569,698 100%	0
<b>Challenge Academy</b>	4,531,571	1,039,883 23%	3,491,688 77%
<b>Directors Office</b>	1,256,191	862,745 69%	393,446 31%
<b>MT Military Family Relief Fund</b>	42,000	42,000	0
<b>NG Scholarship</b>	240,417	240,417	0
<b>STARBASE</b>	634,826	0	634,826
<b>NG Construction</b>	15,350,445	0	15,350,445
<b>Disaster Fund</b>	11,232,946	1,778,287 16%	9,454,659 84%
<b>DMA Operations:</b>	<b>\$70,272,282</b>	<b>10,163,923 14%</b>	<b>60,108,358 86%</b>

\* - DMA Executes \$26,140,117 of NG's O&M for State Employee Salaries, Facility Sustainment, Cooperative Agreements & Utilities

**Total Federal Impact of DMA & NG to Montana** **\$207,931,981**

Attachment #22

Page 18 of 351

## LOCAL IMPACT: NATIONAL GUARD FY17 Personnel Payroll by COMMUNITY

Area	Total Income	Area	Total Income
Anaconda	\$965,054	Helena	\$45,925,988
Bel/Boz	\$6,158,595	Kalispell	\$6,344,696
Billings	\$10,132,987	Lewistown	\$773,948
Butte	\$3,622,473	Libby	\$590,053
Culbertson	\$506,169	Livingston	\$2,437,399
Dillon	\$1,349,355	Malta	\$901,626
Glasgow	\$679,232	Miles City	\$1,112,765
Great Falls	\$27,700,407	Missoula	\$7,046,537
Havre	\$1,702,250	Sidney	\$229,324
Outside MT	\$2,724,457	Rest of MT	\$179,614
		<b>Total</b>	<b>\$121,082,927</b>

### A Strong Workforce Builds Strong Communities

**Montana Employer Support of the Guard & Reserve** is a DoD agency that develops & maintains employer support through Education, Mediation & Recognition. MT ESGR has 2 fulltime employees & 27 volunteers to help find & retain quality jobs for the skilled Guardsmen in our communities. Paramount to their mission is encouraging employment of Citizen-Warriors who bring integrity, global perspective & proven leadership to the civilian workforce. **Together, We All Served!** Learn more at [www.MontanaESGR.org](http://www.MontanaESGR.org) or [www.ESGR.mil](http://www.ESGR.mil)

### Montana DMA Personnel by Location

City	ARNG	ANG	VA	DES	Other
Anaconda	41	5			
Belgrade	261	43	2		
Billings	348	40	4	1	
Butte	68	13	1		
Clyde Park					1
Culbertson	25	3			
Dillon	55	1			\$3.15 <sup>1</sup>
Glasgow	34				
Great Falls	85	626	3	1	2 <sup>3</sup>
Havre	41	9	2		
Helena	987	53	8.5	19	172.1 <sup>3</sup>
Kalispell	172	26	3		
Lewistown	48	1		1	
Libby	19	2			
Livingston	89	5			
Malta	62				
Miles City	52	1	2		
Missoula	185	89	5.5		
Roundup					1
Sidney	20				
Thompson Falls		3		1	
Out of State		67			

1=Challenge Program (50ft/6pt), 2=Directors Office 3=STARBASE

# MONTANA NATIONAL GUARD & DEPARTMENT OF MILITARY AFFAIRS

## 2018 Economic Impact Statement



## Missions

**Always Ready - Always There**

### Federal

*Serve as the primary federal reserve force in support of national security objectives, when called upon by the President*

### State

*Protect life and property, preservation of peace, order, and public safety for Montana's citizens, when called upon by the Governor*

### Community

*Participate in local, state, and national programs that add value to America*

Prepared for 2018 this brochure is current as of Dec 31, 2017



## Montana Army & Air National Guard

### Americans Protecting America



The Montana National Guard (MTNG) is a unique, community-based organization that consists of over 3,800 Citizen-Soldiers & Airmen assigned to units in over 20 communities. The Guard is financially supported in large part through federal funding in the form of military pay and allowances, purchase of goods & services, and through capital investments in equipment & infrastructure. Federal funding for Guard activities bolsters the state economy as the revenue is turned over several times in countless business segments of local communities.



**Montana Army National Guard (MTARNG)**  
Soldiers continue to be strong contributors in overseas contingency operations armed with state of the art equipment. Since 9/11, 3,597 Montana Soldiers have mobilized in support of all major contingency operations including NOBLE EAGLE, ENDURING FREEDOM, IRAQI FREEDOM, FREEDOM SENTINEL, RESOLUTE SUPPORT, OPERATION SPARTAN SHIELD & EUROPEAN REASSURANCE INITIATIVE. In 2017 over 43 Soldiers deployed in support of overseas operations. Over the last 17 years of combat & combat support operations, the MTNG continues its commitment to enhancing unit readiness levels in order to improve the skills to better serve Montanan's when called upon to support civil authorities.



**Montana Air National Guard (MTANG)** deployed 223 MTANG members to Qatar, Kuwait, Afghanistan, Puerto Rico, Germany, Hungary, Israel and Korea in support of Operations Freedom Sentinel and Exercises Swift Response, Coronet Oak, and Silver Arrow. The 120th Airlift Wing performed airlift operations around the world flying 3,868 hours, 2,426 sorties, transporting 17,111 passengers and moving 9,658 tons of cargo. In addition, 34 Airmen supported operations at Malmstrom AFB on MPA tours and deployed to all seven continents to include Antarctica. Airmen are assigned across 21 states and 80 communities within Montana.

The 219<sup>th</sup> REDHORSE deployed 23 Airmen to Israel.

## Emergency Response & Civil Support

### Montanans Serving Montana

The Montana National Guard deployed a total of 857 guardsmen on State Active Duty in support state and local resources in wildland firefighting efforts between August 6th and September 29th 2017. Army Aviation flew over 490 hours and dropped more than 3.7 million gallons of water during the 2017 wildland fire season.

The 83rd Civil Support Team provides support to HAZMAT teams and agencies throughout Montana to identify and handle unknown chemical agents, white powder incidents and any other potential chemical, biological or radiological scenarios. Since 2011 they have responded to 5 incidents & 23 requests for assistance with threat reduction at large events. In 2017 they assisted with security at the Boston Marathon and Men's NCAA final four tournament.

The 120th AW Fire Department provides fire & emergency services at the Great Falls International Airport. They are an integral part of the Great Falls Incident Response Force through mutual aid agreements with city & county responders. In FY2017 they responded to 44 mutual aid calls & over 125 other airport, medical or aviation related calls.

The MTANG Explosive Ordnance Disposal (EOD) unit responded to 10 calls for assistance in removing unexploded, military grade, ordnance from private & government lands during 2017. The EOD team supported two Presidential Secret Service Support missions.

## Construction & Sustainment

### Positive Impact on Businesses & Communities

**Facilities & Military Construction (MILCON):** New missions, technology & equipment require construction & renovations. These **federally funded** projects bolster local economies through material purchases & job creation within the state.

**Some of the past, ongoing and planned projects include:**

FY 14	\$2.8M 120 AW 5 projects, fire station, SA range, parking ramps, hangar door & comms facility
FY 15	\$26M Helena Airport Aviation Readiness Center \$5M 120 AW terminal, engine shop, hangar, CP \$2.5M Ft Harrison Dining Facility
FY 16	\$22.7M 120th AW Fuel cell corrosion facility & Med/Jag/Chaplain facility
FY 17	\$2.8M 120th AW Logistics Readiness Supply Facility
FY 18	\$2.4M 120th AW Medical Readiness Facility
FY 19	\$15 M Malta Readiness Center \$9M 120th AW Aircraft Apron Expansion

**Sustainment** of facilities also fuels community businesses & utilities. On average MTNG spends approximately \$4.8M annually with local contractors on operations & maintenance.

Attachment # 32

## Dept of Military Affairs Divisions & Programs

### Director's Office

Directs state resources to enhance the preparedness level of the Montana National Guard (Army and Air), Disaster and Emergency Services, ChalleNGE Program, STARBASE, & Veterans Affairs to perform their respective missions at the state & federal level.

- ◆ Coordinates efforts between MTNG and state government agencies during statewide disasters
- ◆ Maintains a \$110 million annual department-wide budget on behalf of the Adjutant General
- ◆ Provides accounting assistance to 9 divisions & programs
- ◆ Awards an average of 65 contracts/yr with an average value of \$3.5M and renews 100-130 contracts/yr
- ◆ The Information Support Section supports 2B5 employees using 415 computers, 24 servers, 19 networks at 21 sites
- ◆ Manages a comprehensive Human Resource management service for over 200 state employees,



### Disaster & Emergency Services

Coordinates with other state agencies to help prepare Montana for future disasters and emergencies. Partnerships with local, tribal, federal, volunteer agencies, & private industry demonstrate diversity and commitment by providing them with funding, training, and resources.

In Montana, diverse topography, high risk for multiple hazards, and a mobile population present numerous challenges. As DES continues to seek out those areas that are susceptible to hazards, the risks continue to evolve and emergency management careers become more complex.

#### What you should know:

- ◆ Since MTDES was formed in 1974, it has facilitated the response to 67 federal declarations, providing \$216.9M in federal funding, and \$38.7M in state funding
- ◆ Additionally, MTDES has facilitated response to over 149 State declarations, providing \$11.9M in federal funding to State, Local, & Tribal jurisdictions since 1974
- ◆ MTDES handles approximately 320 calls per year
- ◆ MTDES develops & maintains many programs that educate, train, prepare & empower our partners & citizens for the next disaster
- ◆ MTDES is the State Administrative Agency responsible for administering Homeland Security funding
- ◆ MTDES is currently implementing the national standard for National Incident Management System (NIMS) compliance
- ◆ MTDES is an active participant in the Emergency Management Assistance Compact (EMAC), a mutual aid agreement between states to share resources during disasters & emergencies. EMAC facilitates the maximum use of all available resources within the member states' inventories.
- ◆ Since 2006 MTDES has improved Montana's Homeland Security posture with \$64.5M of grant funding.

## Dept of Military Affairs Divisions & Programs

### Veterans Affairs

Provides statewide support to approximately 100,000 veterans and 160,000 family members who access earned veterans federal & state entitlements & benefits.

- ◆ Ten statewide Veterans Service Offices located in Belgrade, Billings, Butte, Great Falls, Havre, Helena, Kalispell, Lewistown, Miles City, and Missoula.
- ◆ Manages the State's three Veterans' cemeteries located at Fort Harrison (Helena), Miles City and Missoula.
- ◆ \$168 of Federal VA money goes to MT Vets for every \$1 of State General Fund & Special Revenue Investment.
- ◆ Partnership with Motor Vehicle Division managing "Veteran" state drivers license program.

VA Service Office	Veteran Income Generation:
Belgrade	\$18,950,843
Billings	32,648,560
Butte	10,779,284
Great Falls	33,792,773
Havre	11,137,592
Helena	14,850,526
Kalispell	27,773,845
Lewistown	3,933,077
Miles City	7,156,801
Missoula	27,839,438

Federal \$ to MT Vets: **\$187,862,739**

### Montana Military Family Relief Fund

The Montana Military Relief Fund (MMRF), signed into law in 2007 by Governor Brian Schweitzer, provides monetary grants to families of Montana Guard & Reserve component members who, on or after April 28, 2007, are on active duty for federal service in a contingency operation. MMRF grants are intended to help Montana families defray the costs of food, housing, utilities, medical services, and other expenses that become difficult to afford when a wage earner has temporarily left civilian employment and placed on active duty. During FY17 the department paid grants to military families totaling \$42,000.



### State Partnership Program

The Montana-Kyrgyz Republic State Partnership Program (SPP) is a federally-funded joint initiative between

Kyrgyz Republic, the Department of State, DoD and Montana. SPP directly supports the interests of the United States by engaging partner nations through military and civilian contacts at all levels. The effectiveness of the program lies in its ability to leverage the unique abilities and connections of Montana's Citizen Soldiers. All activities are coordinated through the U.S. Ambassador and DoD.

The current lack of a Defense Cooperation Agreement with the Kyrgyz Republic has limited SPP activity, with one event conducted in FY17 (\$35,000). We expect activity to increase in FY18 and further improve in FY19 and FY20.

## Krista Artis

---

**From:** Henderson, John W HON USAF SAF-IE (US) <john.w.henderson48.civ@mail.mil>  
**Sent:** Saturday, July 14, 2018 12:41 PM  
**To:** Greg Doyon  
**Subject:** RE: [Non-DoD Source] Community Visit Follow-Up

No problem with you sharing; have a great weekend.

v/r

John

-----Original Message-----

**From:** Greg Doyon [mailto:gdoyon@greatfallsmt.net]  
**Sent:** Friday, July 13, 2018 3:40 PM  
**To:** Henderson, John W HON USAF SAF-IE (US) <john.w.henderson48.civ@mail.mil>  
**Subject:** RE: [Non-DoD Source] Community Visit Follow-Up

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

---

Thank you Secretary Henderson for the response. May I share with the City Commissioners as well?

Have a terrific weekend!

- Gtd

Gregory T. Doyon

City Manager

City of Great Falls, Montana

Office (406)455-8450



Caution-www.greatfallsmt.net < Caution-http://www.greatfallsmt.net/ >

From: Henderson, John W HON USAF SAF-IE (US)  
<john.w.henderson48.civ@mail.mil>  
Sent: Friday, July 13, 2018 11:53 AM  
To: Greg Doyon <gdoyon@greatfallsmt.net>  
Cc: Novotny, Ryan J Lt Col USAF SAF-IE (US) <ryan.j.novotny2.mil@mail.mil>  
Subject: RE: [Non-DoD Source] Community Visit Follow-Up

Mr. Doyon,

Thanks for the note and feedback; really appreciate your effort here.

It was an honor to meet you, and we look forward to serving with you in the future. Thanks for all that you do for our Airmen, their families, and our Nation.

I think you read my encroachment concerns well; this is a real safety concern for the Air Force at our bases across the country. Once incompatible development gets started, it is very difficult to stop it which negatively impacts our ability to operate effectively and certainly influences future basing and infrastructure decisions.

I'll look forward to our paths crossing again soon.

Thanks again,

v/r

John

From: Greg Doyon <gdoyon@greatfallsmt.net <  
Caution-mailto:gdoyon@greatfallsmt.net > >  
Sent: Thursday, June 21, 2018 10:37 AM  
To: USAF Pentagon SAF-IE Mailbox Workflow  
<usaf.pentagon.saf-ie.mbx.workflow@mail.mil <  
Caution-mailto:usaf.pentagon.saf-ie.mbx.workflow@mail.mil > >  
Cc: Moriarty, Robert E SES USAF AFCEC (US) <robert.moriarty.3@us.af.mil <  
Caution-mailto:robert.moriarty.3@us.af.mil > >  
Subject: [Non-DoD Source] Community Visit Follow-Up  
Importance: High

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

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Dear Assistant Secretary Henderson:

Thank you for taking the time to visit with me on Wednesday, June 20, 2018 at the Association of Defense Communities Annual Summit.

We had an opportunity to visit about housing, Joint Land Use, GBSD, and encroachment. When we visited about Malmstrom Air Force encroachment, there appeared to be concern about the impact on the installation and a concern that maybe the community did not understand the full impact of allowing the proposed development. The concern appeared to extend to both current missions (whether it be helicopter operations, GBSD, MTANG training partnership) and/or possible future mission needs.

I've attached the Bullet Background Paper provided by the installation. The paper was used by the local Planning Board and will be considered by the City Commission when it receives the application for formal consideration.

As I've stressed to both MTANG and MAFB, any concerns the Air Force has about the proposed development needs to provide as soon as possible so that the elected officials may make an objective and well informed decision. If I misread your concern, please let me know. Should you need additional



information, please contact me directly at the number below.

Thank you.

<!--[if !supportLists]--> <!--[endif]-->Gtd

Gregory T. Doyon

City Manager

City of Great Falls, Montana

Office (406)455-8450

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Caution-Caution-<http://www.greatfallsmt.net/> >

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## CASCADE COUNTY

**Board of County Commissioners**  
325 2nd Avenue North  
Great Falls, MT 59401  
Tel. 406.454.6810  
Fax 406.454.6945  
commission@cascadecountymt.gov  
www.cascadecountymt.gov

9/13/2018

The Honorable Mayor and Commissioners  
City of Great Falls  
P.O. Box 5021  
Great Falls, MT 59403

Dear Mayor Kelly and Commissioners,

Cascade County and the City of Great Falls have a long tradition of cooperation in a variety of arenas spanning the gambit from law enforcement, street maintenance, Fire suppression and land use policy. It has become increasingly common for developments planned for annexation into the city to utilize the County subdivision process to expedite the overall project. Some notable examples of this cooperative path would include subdivisions such as AgriTech Park, Castle Pines, Rock Crest and Thaniel Addition. It is therefore odd that we now need to come before you to formally ask that you not grant the requested annexation of the proposed Wheat Ridge Estates.

Unlike the afore mentioned joint processes being used successfully to create new housing and industrial development within the City of Great Falls, this process has not been collaborative in nature. On the contrary, a prime reason that the developer seeks city annexation is to circumvent the existing county land development regulation and zoning on this parcel. Simply put, the building of high density housing on this parcel is not allowed under Cascade County Zoning and would violate Goal 4 of the Cascade County Growth Policy. More importantly it would violate the long-standing Accident Potential Zone and Clear Zone associated with the runway at Malmstrom AFB.

The construction of the proposed subdivision would effectively negate the APZ on the South end of the runway and destroy the existing flight safety corridor that currently exists. Cascade County has diligently worked to manage the encroachment surrounding Malmstrom AFB and keeping the APZs clear is an important part of that effort. The City of Great Falls has always been a partner with us in making certain that both the current mission as well as future potential of Malmstrom AFB is not impeded by unnecessary urban development around the base. We certainly hope that you will continue that partnership by denying this annexation request.

We recognize that denying an annexation request such as this may not be an easy action to take and that your decision is discretionary on whether or not you believe the action is in the best interest of the City of Great Falls.

As you review the City Staff report, you will find a number of issues of concern to your staff regarding the granting of the request for annexation. You will find memos of concern regarding potential impacts



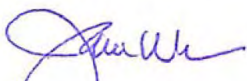
on the existing mission at Malmstrom from the Helicopter squadron and you will read testimony from two retired Major Generals who were both previously Commanders of Wing 1 expressing their concern over the impacts of allowing this encroachment to occur. You will find letters of concern from the members of our congressional delegation as well as the Board of Directors of the Great Falls Area Chamber of Commerce.

We are hopeful that when you weigh the multiple negatives of this particular annexation and the potential risk to Malmstrom's future that it represents against the positive of a few high dollar view homes that you will conclude that it is not in the city's best long-term interest to grant this annexation request.

Under the current situation, this parcel and indeed this dispute over the land use regulations in place on this parcel lies outside of your jurisdiction. The County has not requested that you take on this issue through the annexation process, instead, the developer has asked you to circumvent county authority by annexation. The County requests that you honor our authority in this matter and continue to let the county protect the APZ flight safety corridor from encroachment as we have for many years.

No one can accurately predict the future needs of the base nor what mission profiles may be under consideration for our base. However, there is no compelling public need at this point to foreclose the potential use of the runway by encroaching on the APZ Safety corridor. The military needs community partners who remain flexible and able to support future missions not partners who needlessly preclude future options.

The Cascade County Commission



Jane Weber  
Chair



Joe Briggs  
Commissioner



Jim Larson  
Commissioner



## CASCADE COUNTY

### Board of County Commissioners

325 2nd Avenue North

Great Falls, MT 59401

Tel. 406.454.6810

Fax 406.454.6945

commission@cascadecountymt.gov

www.cascadecountymt.gov

### JLUS Background Briefing before the City of Great Falls Commission

#### 09/18/2018 in the matter of the Annexation of a 20.98 acre parcel – Wheat Ridge Estates

Presented by Joe Briggs, Cascade County Commission and Chairman of the Malmstrom AFB JLUS

#### What is the JLUS?

Several of you were not members of the Commission were not members of the commission when the JLUS (Joint Land Use Study) was initiated so allow me to give you a very brief overview of the study and the process.

The Joint Land Use Study is a cooperative venture between the City of Great Falls, Cascade County, Chouteau County, Fergus County, Judith Basin County, Lewis and Clark County, Teton County, Wheatland County, Malmstrom AFB and the Department of Defense. Although the formal portion of the study has been completed, the document and its findings are used routinely throughout the Malmstrom AFB complex to help guide compatible use and development of civilian facilities. **In short, the JLUS was crafted to aid the participating jurisdictions in making informed decisions regarding land use and how those decisions might affect the long-term viability of MAFB, its current mission and potential future missions.**

The roles and responsibilities of the partnering agencies are delineated throughout the JLUS document but basically, the Department of Defense provides the 90% of the funding for the effort through the OEA, Malmstrom agrees to share as much information as they can in regard to the mission impacts of land use decisions in the study area and the jurisdictions agree to utilize the JLUS as a guide in making decisions and agree as appropriate to incorporate the recommendations of the study into their land use regulations.

#### Who were the stakeholders in the Malmstrom AFB JLUS?

Stakeholders include individuals, groups, organizations, and governmental entities interested in, affected by, or affecting the outcome of the Malmstrom AFB JLUS. Involving stakeholders early on is instrumental in the identification of important issues to be addressed and resolved through the JLUS process. Stakeholders for the Malmstrom AFB JLUS included, but were not limited to:

- Cascade County, Chouteau County, Fergus County, Lewis and Clark County, Judith Basin County, Teton County, Wheatland County
- City of Great Falls
- DoD officials (including OEA representatives) and military installation personnel
- Local, regional, and state planning, regulatory, and land management agencies
- The public (including residents and landowners)



- Environmental advocacy organizations
- Nongovernmental organizations (NGOs) such as the Great Falls Area Chamber and GF Realtors
- Other special interest groups (including local educational institutions and school districts)

**What Actions have been taken as a result of the JLUS?**

Since Malmstrom AFB and the one hundred sixty-five (165) individual missile related facilities are all outside of the City of Great Falls, thus far the work of implementation of the JLUS recommendations has been done Cascade County and the other six missile counties. These efforts have included the successful passage of the Military Area Compatibility Act MCA 10-1-1501 - which provides limited zoning authority specifically to protect military assets from encroachment which impacts not only existing missions but also future missions.

Following the completion of the JLUS document, Cascade County, DOD and MAFB and the other missiles counties undertook a successful effort to map areas of potential concern for Malmstrom AFB throughout the missile field that were not already identified within the JLUS documents themselves. This effort resulted in a compatible use map that allows developers throughout the region to know in advance whether or not a parcel of land might be of concern to Malmstrom’s missions.

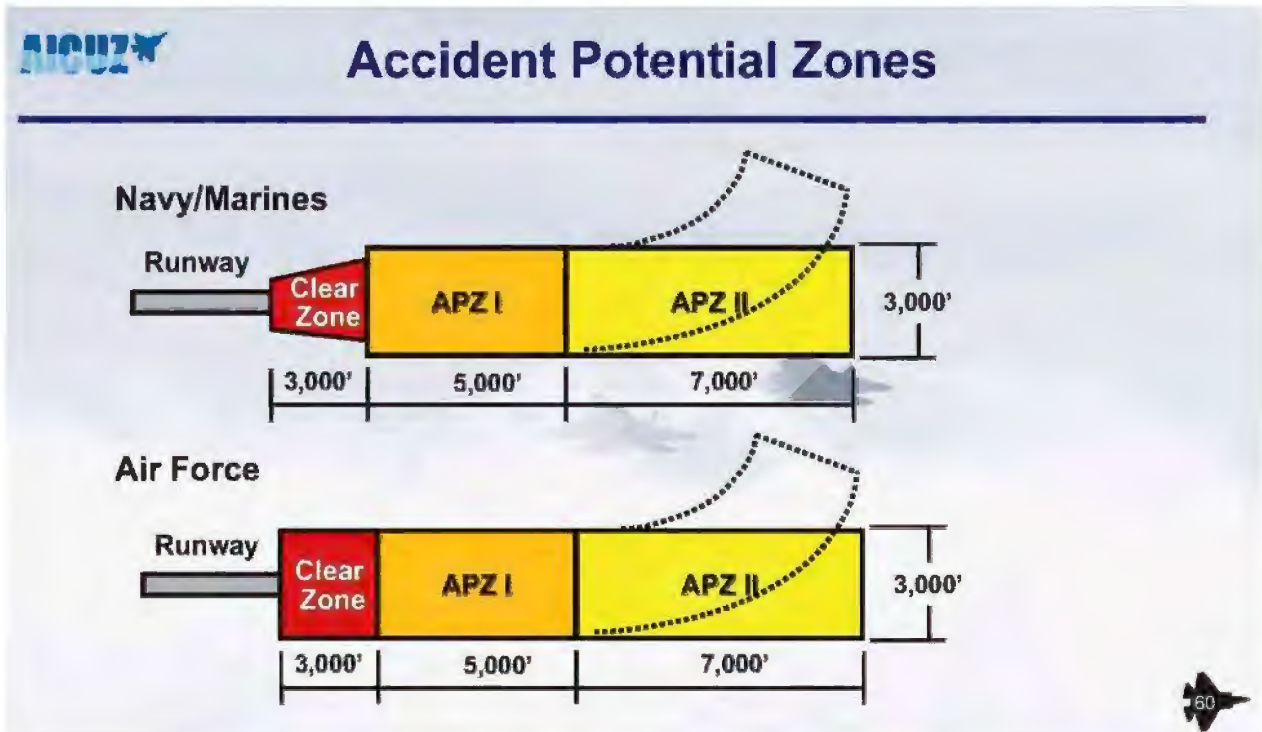
Additionally, as a result of the JLUS, Cascade County has added a Military height overlay, a noise overlay as well as including a definition for and delineation of the boundaries of the Clear Zone, Accident Potential Zone I and II within our zoning regulations and zoning maps. The Cascade County Growth plan has also been modified to reference many of the recommendations contained within the JLUS. These include but are not limited to the following stated goal of the Cascade County Growth Policy:

<p><b>GOAL 4</b>      <i>Retain the presence of the US Military in Cascade County</i></p> <p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.</li> <li>B. Promote the location of additional military missions in Cascade County.</li> <li>C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.</li> <li>D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.</li> </ul>
---

Montana law requires the governing body within the area covered by a growth policy to be guided by and give consideration to the general policy and pattern of development set out in the growth policy when acting on public infrastructure, zoning regulations and special use permits.

## What Are the Clear Zone and Accident Potential Zones?

Simply put, the Clear Zone and APZ I & II are the areas where an aircraft is most likely to crash on departure or landing. They are established at all US Military Bases that have a runway and are designed to be safety path for incoming and outgoing aircraft to minimize the danger to civilian population. The construction of any buildings within the Clear Zone is prohibited and development within APZ I and II needs to be of a low population density nature. Cascade County has protected the APZs from encroachment by zoning this area to "Agricultural" which closely mimics the population density allowed within the Accident Potential Zones.



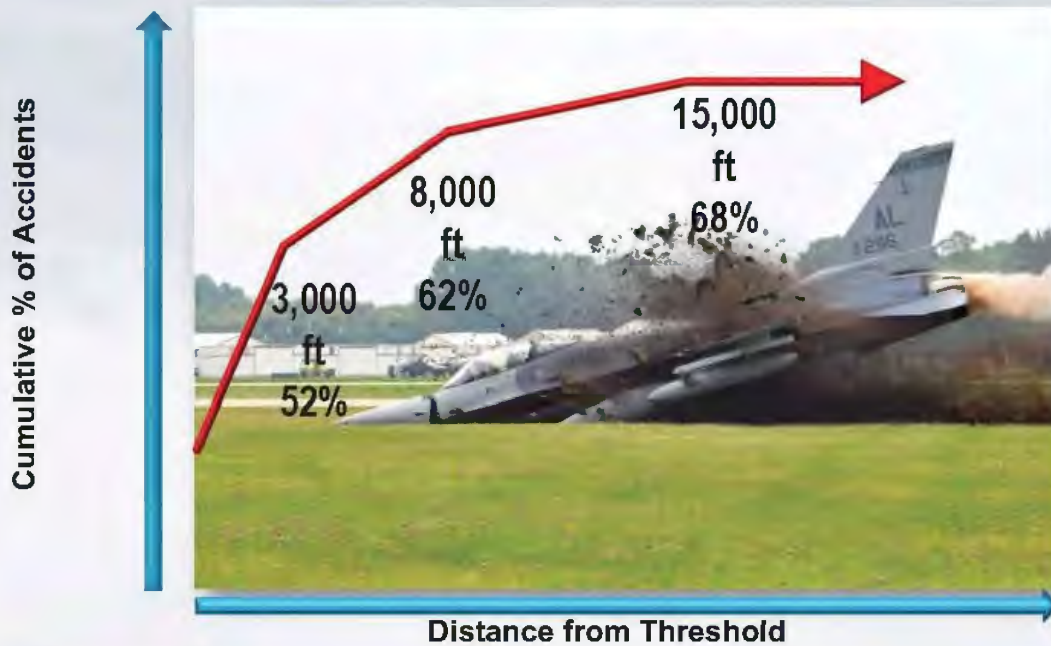
The figure above shows the configuration of the Air Force Clear Zone and APZs currently in use at Malmstrom and around the nation since 1973.

The military considers these safety paths to be a critical part of mission basing decisions and has previously required communities which have allowed encroachment to buy back and raise homes within the APZs. While there are several examples of communities that have been given such an ultimatum, the most well-known examples are both in Virginia. The City of Virginia Beach (Oceana Naval Air Station) and Hampton VA (Langley AFB) have both received notice of mission termination and both have responded aggressively to stop the loss of their missions due to encroachment.

The Department of Defense has limited direct land use authority and as such relies on its partner communities to use their local land use authority to protect missions from encroachment. Communities that fail to take required actions are not viewed in a favorable light in decisions about where missions are located and may as in the two cases above invite base closure.



## Mishap Analysis



The figure above shows the statistics used by the DOD to determine the size of the APZ requirements, you will note the 68% of mishaps happen with the APZs.

The City of Virginia Beach is one many examples of communities that endangered their missions by failing to control the encroachment around their bases. In 2005 Virginia Beach was notified that Naval Air Station Oceana would be closed due to the encroachment of the Clear Zone and APZs at the end of the runways. Recognizing the catastrophic impact this would have on their regional economy the city council drastically altered their land use regulations in the APZs to reduce the population density and created ordinances that allowed the city to buy back properties within the APZs. The buybacks began in 2007 and by 2010 the city had accomplished its goal to reduce encroachment adequately to save their mission. Likewise, The City of Hampton VA was also placed notice that the encroachment around their base was of concern to DOD. They also have initiated a buy back process on properties within their APZs to reduce the encroachment and preserve the mission.

**The total acreage acquired by Virginia Beach in the APZ-1 and Clear Zone through FY'10 was 63.48 acres (2,765,408 sq. ft.). The city has spent \$47,306,922 to acquire this property.**

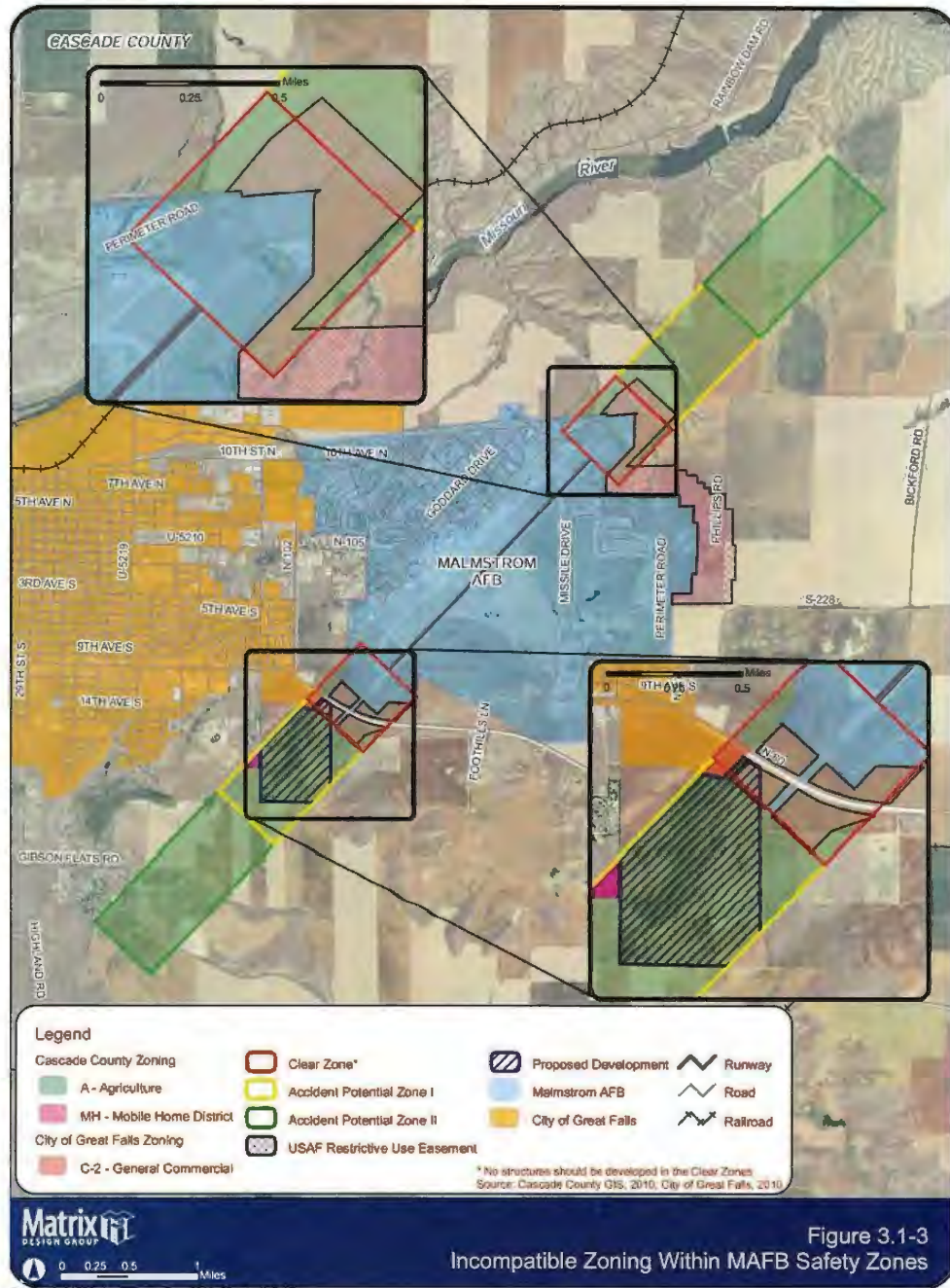
[http://www.yesoceana.com/new-2014/wp-content/uploads/2014/05/NAS\\_Oceana\\_Encroachment\\_3rd\\_Progress\\_Report.pdf](http://www.yesoceana.com/new-2014/wp-content/uploads/2014/05/NAS_Oceana_Encroachment_3rd_Progress_Report.pdf)

**How does this information relate to Wheat Ridge Estates?**

The proposed development for Wheat Ridge Estates is directly in violation of the Cascade County Zoning for the area, violates Goal 4 of the Cascade County Growth Policy and is specifically noted in the JLUS as an incompatible use that could endanger both the existing and future missions at Malmstrom AFB. Unfortunately, the site chosen for this proposed subdivision is almost all within either the Clear Zone or APZ I.

The black rectangle with diagonal stripes shown below displays the location of the proposed Wheat Ridge Estates and its location relative to the light green of APZ I. It also covers a portion of the Clear Zone which the USAF holds an easement on to prevent development. Only the most SE and NW tips of the proposed development lie outside of the APZ and Clear Zone.

In short, it is most unlikely that the County would permit development of high density housing such as this on this site so the developer has approached the city for annexation in order to remove the County land use regulations which prohibit this sort of development within the Clear Zone and APZ.





### **Do the APZs still matter?**

Proponents of the annexation and construction of Wheat Ridge Estates will correctly point out that it has been many years since the runway has been used for fixed wing operations at Malmstrom. This does not however that the existing APZs no longer have value. There are ongoing daily flight operations at Malmstrom AFB utilizing helicopters. In addition, the Montana Air National Guard utilizes Malmstrom AFB for training purposes by practicing precision drops of supplies from the C130s into target areas on the SE quadrant of the base. In addition to these existing flight operations, plans exist for the creation of an assault runway parallel to the existing runway for MTANG to utilize for training. Currently this proposal is on hold awaiting funding, but it remains a possible existing use of Malmstrom Airspace.

The goal of the APZs are to create and preserve safety corridors for the military to utilize to approach and depart from their airspace. They are important not only to the existing military operations but also as a safety enhancement for our citizens by providing a designated route for military aircraft that does not overfly densely populated areas. So long as there are any flight operations at Malmstrom it is appropriate to provide such a safety corridor.

If you look at the previous figure (3.1.3) you will note that the base is fully blocked to the West by developed areas of the City of Great Falls. You will note that the Agritech park blocks the NW section of the base and the section East of the proposed site of Wheat Ridge Estates is blocked by the Foothills Ranch subdivision. All of these existing subdivisions have been built so as to not destroy the flight operation safety corridor that has existed since the "East Base" was originally built. As the city expands it is important that a safety corridor be maintained and as it currently stands we have one that also provides that opportunity for the reactivation of the runway. A logical question would be if the city closes the existing safety corridor through the annexation and subdivision process, where will a new one be created?

### **What does the future of Malmstrom look like?**

This is the fundamental question that none of us can answer with absolute confidence. Right now we are scheduled to receive an as of yet undesignated missile system (GBSD) to replace the existing Minuteman system. The timeframe for the installation of this new system is not yet known nor are the specific requirements to build and implement the system.

**If the program is fully funded each of the three existing missile wings will be upgraded to the new system.** If funding is reduced or a new treaty limiting the number of ballistic missiles is signed, we may or may not receive the upgrade. Not receiving the upgrade would end the existing mission at Malmstrom. What if any new missions we would be eligible to receive would depend on whether or not we had a viable runway with APZs and Clear zones intact. The protection of the APZs and Clear zone are critical to maintaining the flexibility to receive a flying mission either as an additional mission or as a replacement to the ICBMs. It has also been noted that having the ability to reopen the Malmstrom runway during the construction phase of the GBSD may be a factor in deciding which base gets upgraded first. Given the possibility that not all three bases will ultimately be upgraded, being first is important to our economic future.

# Great Falls KOA



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[www.koa.com](http://www.koa.com)

September 14, 2018

Great Falls City Commission

**Subject: Annexation of Wheat Ridge Estates – Phase 1, Planned Unit Development.**

**For use in Public Hearing September 18, 2018 – KYSO Corporation**

My name is Loren Smith, and I am the owner of the Great Falls KOA Campground and Prairie Kraft Specialties. I am a direct neighbor to the West of this proposed development, sharing a land boundary with KYSO Corporation.

I am in support of this Development proposal, and strongly recommend its approval.

It seems a major concern is: Malmstrom and its closed runway. I am a current pilot and aircraft owner and do a LOT of business flying throughout the United States. Our business requires we visit KOA Campgrounds, and we have for 40+ years. As such, I offer the following very realistic comments:

1. There will never be a flying mission coming to Malmstrom. It's ludicrous to think there ever will be. "Flying Missions" are on the decline in the Air Force and have been for many years.
2. One of the military's largest issues is taking care of their personnel, and they do a great job. In reality, "personnel" generally means a husband and wife (often with a family), typically with only one of the pair enlisted in the military. In the case of Great Falls, military means the Air Force. Both the husband and wife are generally professional people (in the case of a flying mission, think pilots/navigators) and both wish to have meaningful employment. As such, major metropolitan areas offer a significant advantage for the non-military partner. This ability to have gainful and meaningful employment in their area of interest or expertise supersedes the idea of 500+ mph.
3. I have had the privilege of flying into practically every state in the Union on multiple occasions, and almost every state has a major military base that has been closed over the past 20-30 years. In short, there are a LOT of big unused runways and facilities – think Glasgow, MT, in nearly all states.
4. Local communities see this "High Dollar Abandoned Military Base" and think, "There must be a use for this." The reality is, there isn't. Sad, but true. A Military Air Force Base is a Military Air Force Base, not a residential home site.
5. There absolutely, positively should be no impediment to this project in order to "Protect the Base."
6. Today's Aircraft are extremely reliable including Military Aircraft. In addition to being reliable they are very well maintained and taken care of. As such, you very seldom hear of an Aircraft crashing, which is good news for all. Today's Military Aircraft are extremely expensive, and the



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[www.koa.com](http://www.koa.com)

loss of one is a huge financial cost hence the Military goes to great lengths to avoid it. Knowing this, they also know the potential of an accident off the end of a Runway is extremely low.

7. By way of example: The Colorado Springs Airport is a joint use Airport, shared by both the Airforce and the Civilian. Hence, there is an "Airforce Side" and a "Civilian Side" to this Airport. There is a fair amount of "Airforce Flying" at this Airport including Student Flying as this is the home of the Airforce Academy. Off the end of one of the Runways, (Military side) the Airforce has built a Daycare Center for the Military folks! The Military knows the probability of an accident is so low that it is not a major consideration what lies off the end of a Runway.

The taxpayers in Great Falls will benefit from this proposed development. When implemented, it will bring significant increase in property taxes to the State of Montana, Cascade County and the City of Great Falls. A "Runway Protection Zone," for a closed runway (20+ years) brings NO increase in taxes paid. Every property owner in Cascade County should be in favor of this project.

Thank you for your consideration. Please feel free to call if I may be of any help.

Sincerely,

Loren Smith

Owner, Great Falls KOA Campground

Owner, Prairie Kraft Specialties

1500 51<sup>st</sup> St S

Great Falls, MT 59405

(406) 727-3192



**Item:** Ordinance 3188, "An Ordinance Repealing and Replacing Title 10, of The Official Code of The City of Great Falls (OCCGF), Pertaining To Vehicles and Traffic".

**From:** Legal Department

**Initiated By:** Legal Department

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

**Action Requested:** Conduct a public hearing and adopt Ordinance 3188

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**Public Hearing:**

1. Mayor 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 3188."

2. Mayor requests 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 3188.

**Background:**

In an effort to update the OCCGF, City staff has assembled input from the different departments to continue a comprehensive revision of the Code. The Ordinance under consideration would repeal and replace OCCGF Title 10, pertaining to vehicles and traffic. The vast majority of the amendments are non-substantive. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, typographical errors, and reformatting of subsections.

The first proposed substantive change is relocating all definitions applicable to the Title to Chapter 1. Staff is proposing this change to improve readability and organization.

The next substantive proposed change is adopting specific penalty provisions throughout the Title. This



will eliminate confusion about potential vehicle-related OCCGF violations. The change will also improve efficiency in the ongoing OCCGF Code Enforcement process.

Other proposed substantive changes include updating payment options for parking meters and amending parking violations to include violation of parking facility lease rules. Recently, there have been complications regarding enforcement of parking facility violations. This change will help enforcement officials, including prosecutors, to more effectively enforce OCCGF parking restrictions.

Additionally, Ord. 3188 proposes to require Montana Department of Transportation (MDT) approval for traffic control devices placed on MDT rights-of-way. This change is proposed to be consistent with current practice and applicable State law and regulations.

Another proposed substantive change is to allow the City Parking Administrator, in consultation with the Parking Advisory Commission, to add meters in City Commission established parking districts. As the Title currently reads, the Parking Administrator has the authority to remove meters in established districts, but the Administrator does not have the authority to add meters. This change is requested to allow the Administrator the authority to add meters in established districts without presenting a formal resolution to the City Commission.

The Ordinance under consideration would also allow the Parking Administrator to remove commercial loading zones when loading zones are creating traffic hazards. These changes are necessary to efficiently eliminate ongoing traffic safety hazards.

Finally, the Ordinance under consideration would allow the Public Works Department, in conjunction with the Great Falls Police Department, to remove vehicles that are parked in construction zones. The Ordinance establishes a procedure that must be followed in moving vehicles to another location. This amendment is proposed to bring the Title consistent with current practice.

The Ordinance under consideration was accepted unanimously on first reading. Additional amendments were added to after first reading. These amendments include moving the definition of snowmobile to the proposed definitions section in Chapter 1. Also, the definition of "OCCGF", the Official Code of the City of Great Falls, was added to the definition section. Additionally, Commissioners Robinson and Moe suggested additional grammatical and format corrections which were incorporated into the current version, and Eighth Avenue North was designated as a through street.

The ultimate goal of the Ordinance under consideration is to create consistency within the OCCGF, and where applicable, the Montana Code Annotated and the ARM. If Ord. 3188 is adopted, it will improve application of the vehicle and traffic provisions of the OCCGF.

Ord. 3188 Exhibit "A" is a document illustrating the provisions that will replace the current OCCGF Title 10. Exhibit "B", attached to this agenda report, illustrates the proposed Code in compared format, if accepted.

#### ATTACHMENTS:

- Ordinance 3188
- Ord. 3188 Exhibit "A" (Updated from First Reading)
- Ord. 3188 Exhibit "B" (Updated from First Reading)

**ORDINANCE 3188**

**AN ORDINANCE REPEALING AND REPLACING TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO VEHICLES AND TRAFFIC.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 10 of the OCCGF outlining provisions pertaining to Vehicles and Traffic; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 10, 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 10; and

**WHEREAS**, the City Commission wishes to make substantive amendments to OCCGF Title 10; and

**WHEREAS**, the amendments include substantive changes to regulations including, but not limited to, parking violations, parking district administration, abandoned or junked vehicles on public property, and vehicles parked in construction zones; and

**WHEREAS**, the City Commission wishes to establish clear penalty provisions for vehicle and traffic violations; 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 CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

Section 1. OCCGF Title 10 is hereby repealed and replaced as depicted by Exhibit “A” attached hereto and by reference incorporated herein; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after public hearing and final adoption by the City Commission.



ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 4, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 18, 2018.

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

ATTEST:

(CITY SEAL)

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

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Joseph P. Cik, Assistant 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 3188 on the Great Falls Civic Center posting board and the Great Falls City website.

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

(CITY SEAL)

Title 10 VEHICLES AND TRAFFIC

**Title 10 VEHICLES AND TRAFFIC**

**Chapter**

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Chapter 1 - DEFINITIONS

Chapter 2 - APPLICABILITY

Chapter 3 - TRAFFIC CONTROL DEVICES AND PARKING METERS

Chapter 4 - STOP INTERSECTIONS

Chapter 5 - ONE-WAY STREETS AND ALLEYS

Chapter 6 - FOUR-LANE STREETS AND ROADWAYS

Chapter 7 - SPEED RESTRICTIONS

Chapter 8 - MISCELLANEOUS DRIVING RULES

Chapter 9 - STOPPING, STANDING, AND PARKING

Chapter 10 - VEHICLE IMMOBILIZATION

Chapter 11 - COMMERCIAL VEHICLES

Chapter 12 - ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS

Chapter 13 - ABANDONED, WRECKED, JUNKED, OR DISMANTLED VEHICLES ON PRIVATE PROPERTY

Chapter 14 - SNOWMOBILES

Chapter 15 - MOTORCYCLES

Chapter 16 - HANDICAPPED ZONE

Chapter 17 - TRAILERS

Chapter 18 - TOLL LOCATIONS

Chapter 19 - LIABILITY FOR STREET DAMAGE

Chapter 20 - EXCESS SIZE AND WEIGHT PERMITS

Chapter 21 – PARKING VIOLATIONS



Title 10 VEHICLES AND TRAFFIC

**Chapter 1 DEFINITIONS**

Section:

10.1.010 Definitions.

**10.1.010 Definitions.**

Unless otherwise specified in this Title, the following definitions apply:

- A. "Abandoned vehicle" means any of the following:
  - 1. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and is rendered inoperable;
  - 2. A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;
  - 3. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight (48) hours;
  - 4. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days; or
  - 5. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.
- B. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two (2) or more wheels and having handlebars and a seat.
- C. "Central Business District" means the C-4 Central Business Core Zoning District.
- D. "Commercial motor vehicle" any vehicle meeting the definition provided by Mont. Code Ann. § 61-1-101.
- E. "Freight Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading goods. Freight loading zones are established following the procedures adopted in this Title. This term also includes delivery zones in the metered parking district.
- F. "Handicapped Parking Zone" means a portion of a public right-of-way that is designated for use only by vehicles that have a handicapped parking permit or plate. Handicapped parking zones are established following the procedures adopted in this Title.
- G. "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the incorporated City limits, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or which has any one (1) or more of the following characteristics:
  - 1. Lacks an engine, wheel, tire, properly installed battery or other structural part which renders the vehicle inoperable for use as designed by the manufacturer;

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

2. Has a broken or missing fender, door, bumper, hood, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, or alternator;
  3. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
  4. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it;
  5. Has become a point of collection for stagnant water;
  6. Contains junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste, or other hazardous material in it or is primarily used for storage of any materials;
  7. Has become a source of danger for children through possible entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass, or other rigid materials;
  8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
  9. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law; or
  10. Because of its defective, deteriorated, or obsolete condition, in any other way constitutes a nuisance or a threat to the public's health or safety.
- H. "Law enforcement authority" means a peace officer or any City, State, or Federal department or agency member operating in his or her professional capacity within the incorporated City limits.
- I. "Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the incorporated City limits.
- J. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of the Merriam-Webster Dictionary.
- K. "OCCGF" means the Official Code of the City of Great Falls.
- L. "Operator" means any person who operates or is in actual physical control of the operation of vehicle.
- M. "Parking Administrator" means the City employee or contractor tasked by the City Manager with the management of the City's parking facilities. Within this Title this person may also be referred to as "The Administrator".
- N. "Parking Official" means peace officers and other persons designated by the City Manager to enforce the provisions of this Title.
- O. "Parking Meter" means any device installed for the regulation of the time allowed for parking as provided by this Title.
- P. "Part" means any mechanical, structural, body, or decorative component of any vehicle, machinery, or trailer.



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- Q. "Passenger Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading people. This specifically includes school bus loading zones. Passenger loading zones are established following the procedures adopted in this Title.
- R. "Person" means any individual, partnership, association or corporation, or other legal entity.
- S. "Snowmobile" means any self-propelled vehicle designed primarily for travel on the snow or ice, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under Montana State law.
- T. "Trailer" means any vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle. The term includes devices intended for recreational camping purposes carried in the bed of a pick-up truck.
- U. "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street. The term includes, but is not limited to:
1. An automobile;
  2. Truck;
  3. Van;
  4. Sport utility vehicle;
  5. Recreational vehicle;
  6. Watercraft;
  7. Boat;
  8. Jet ski;
  9. Snowmobile;
  10. ATV;
  11. Aircraft, or
  12. Parts thereof.

## **Chapter 2 APPLICABILITY**

### **Sections:**

10.2.010 Pushcarts and animals.

10.2.020 Toy vehicles and devices—restrictions—exception.

Title 10 VEHICLES AND TRAFFIC

**10.2.010 Pushcarts and animals.**

Any person propelling any pushcart, riding an animal, or driving any animal-drawn vehicle shall be subject to the provisions of this Title.

**10.2.020 Toy vehicles and devices—restrictions—exception.**

- A. It is unlawful for any person upon roller skates, toy vehicle, or similar device to be upon any roadway except while crossing a street on a crosswalk. Such person shall be granted all rights and shall be subject to all the duties applicable to pedestrians.
- B. A violation of this section is punishable by a fine of fifty dollars (\$50.00).

**Chapter 3 TRAFFIC CONTROL DEVICES AND PARKING METERS**

**Sections:**

10.3.010 Installation of traffic control devices and parking meters.

10.3.020 Obedience required.

10.3.030 Interference with signals.

10.3.040 Crosswalks, traffic lanes, and parking spaces.

10.3.050 Standards and specifications.

10.3.060 No-passing zones—establishment authority.

10.3.070 Lane designation signs—erection.

**10.3.010 Installation of traffic control devices and parking meters.**

- A. The Public Works Department, with the approval of the City Commission and The Montana Department of Transportation when applicable, shall place and maintain traffic and parking control signs, signals, and devices when and as required under the OCCGF, pursuant to the recommendations of the Manual on Traffic Control Devices, and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the OCCGF or under State law, or to guide or warn traffic.
- B. In parking meter zones established pursuant to this Title, the Planning and Community Development Director, or designee, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. The Planning and Community Development Director shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters.
- C. Upon the expiration of the lawful time limit, the right of the occupying vehicle to occupy such space ceases and the operator, owner, possessor, or manager thereof, shall be subject to the penalties provided in this Title.

Title 10 VEHICLES AND TRAFFIC

**10.3.020 Obedience required.**

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of the City, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

**10.3.030 Interference with signals.**

- A. It is unlawful for any person without legal authorization to attempt to or alter, deface, injure, knock down, or remove any official traffic-control device, railroad sign, or any other part thereof.
- B. It is unlawful for any person to damage, disable, or destroy any parking meter.
- C. A violation of this section is punishable by a term not to exceed six (6) months in jail, a fine of not more than five hundred dollars (\$500.00), or both.

**10.3.040 Crosswalks, traffic lanes, and parking spaces.**

The Public Works Department is authorized to:

- A. Install and maintain by appropriate devices, marks, or lines upon the surface of the roadway crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and
- B. Mark lanes for traffic on street pavements at such places as he or she may deem advisable, consistent with the OCCGF.

**10.3.050 Standards and specifications.**

All traffic control signs, signals, and devices shall conform to the standards and guidelines set forth by the Manual on Uniform Traffic Control Devices.

**10.3.060 No-passing zones—establishment authority.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and provide appropriate signage.

**10.3.070 Lane designation signs—erection.**

Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.

**Chapter 4 STOP INTERSECTIONS**

**Sections:**

10.4.010 Designated.



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

10.4.020 Stop sign erection—authority.

**10.4.010 Designated.**

The following streets and parts of streets are through streets at stop intersections for the purpose of this Chapter:

- A. Second Avenue North from Park Drive to east City limits;
- B. Park Drive from Second Avenue South to Eighth Avenue North;
- C. First Avenue North from Thirty-Seventh Street to west end of First Avenue North Bridge;
- D. Central Avenue West from west end of First Avenue North Bridge to west City limits;
- E. Sixth Street Southwest from Central Avenue West to south City limits;
- F. Third Street Northwest and Smelter Avenue from Central Avenue West to northeast City limits;
- G. Tenth Avenue South from west City limits to east City limits;
- H. Ninth Street from Tenth Avenue South to River Drive North;
- I. Fourteenth and Fifteenth Streets couplet from Tenth Avenue South to River Drive North;
- J. Central Avenue from Ninth Street to Forth-sixth Street;
- K. Second Street from Tenth Avenue South to First Avenue South;
- L. River Drive inside City limits;
- M. Twenty-fifth and Twenty-sixth Streets couplet from Tenth Avenue South to River Drive North;
- N. Twenty-sixth Street South from Tenth Avenue South to the south City limits;
- O. Fifth and Sixth Street couplets from Central Avenue to Tenth Avenue South;
- P. Second Avenue South from Second Street to Fifteenth Street;
- Q. First Avenue South from Park Drive to Fifteenth Street;
- R. Thirteenth Avenue South from Fourth Street to Twentieth Street;
- S. Thirty-second Street South from Central Avenue to Tenth Avenue South;
- T. Thirteenth Street South from Tenth Avenue South to south City limits;
- U. Fox Farm Road from Tenth Avenue South to south City limits;
- V. Upper River Road from River Road loop to south City limits; and
- W. Eighth Avenue North from Park Drive North to Thirty-Eighth Street North.

**10.4.020 Stop sign erection—authority.**

Whenever the OCCGF designates and describes a through street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through street or intersection that portion thereof described and designated as such by the OCCGF.

Title 10 VEHICLES AND TRAFFIC

**Chapter 5 ONE-WAY STREETS AND ALLEYS**

**Sections:**

10.5.010 Sign placement and maintenance.

10.5.020 Direction designated.

**10.5.010 Sign placement and maintenance.**

Whenever the OCCGF designates a one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

**10.5.020 Direction designated.**

- A. Upon those streets, parts of streets, and alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction. Movement in the opposite direction is prohibited.
- B. In accordance with Section 10.5.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues.

<u>Street, Avenue or Alley</u>	<u>Permitted direction</u>
First Avenue North Park Drive to Thirty-seventh Street	Eastbound
First Avenue South Park Drive to Fifteenth Street	Westbound
Second Avenue South Second Street to Fifteenth Street	Eastbound
Second Avenue North Park Drive to Thirty-seventh Street	Westbound
Fifth Street Eighth Avenue North to Tenth Avenue South	Southbound

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

Sixth Street Eighth Avenue North to Tenth Avenue South	Northbound
Fourteenth Street Twelfth Avenue North to Tenth Avenue South	Southbound
Fifteenth Street Twelfth Avenue North to Tenth Avenue South	Northbound
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North	Southbound
Twenty-fifth Alley Northeast Sixth Street Northeast to Ninth Street Northeast	Westbound
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North	Northbound
Park Drive First Avenue South to Second Street	Southbound

**Chapter 6 FOUR-LANE STREETS AND ROADWAYS**

**Sections:**

10.6.010 Designated marking regulations.

**10.6.010 Designated marking regulations.**

- A. The following streets and avenues or portions thereof, located within the incorporated City limits, are designated as four-lane streets and roadways:
1. Central Avenue:  
From the east line of Ninth Street to the west line of Fifteenth Street;
  2. Tenth Avenue South:  
From the west City limits to the east City limits;



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

3. Central Avenue West:  
From the west abutment of the First Avenue North Bridge to west line of Interstate 15;
  4. Fourteenth and Fifteenth Streets North:  
From the south line of Twelfth Avenue North to the south abutment of the Fifteenth Street North Bridge;
  5. First Avenue North:  
From west abutment of First Avenue North Bridge to west line of Park Drive;
  6. Park Drive:  
From south line of First Avenue North to north line of First Avenue South;
  7. Sixth Street SW:  
From Central Avenue West, south to City limit;
  8. Northwest Bypass:  
From Third Street Northwest, west to City limits;
  9. Third Street Northwest and Smelter Avenue:  
From Central Avenue West, northeast to City limits;
  10. Ninth Street North:  
From 8th Avenue North to south abutment of Tenth Street North Bridge;
  11. Tenth Street North:  
From north abutment of Tenth Street North Bridge, north to City limits;
  12. Fox Farm Road:  
From Tenth Avenue South to Alder Drive; and
  13. River Drive:  
From Tenth Street North to Fifteenth Street North.
- B. The Public Works Department is directed to mark appropriately all such four-lane streets or roadways and to keep the same properly marked and designated for four-lane traffic.
- C. All vehicles proceeding on any four-lane street or roadway must be driven wholly within a single lane and the driving of any vehicle so as to straddle two (2) lanes of traffic, except in passing from one (1) lane to the other, is prohibited.

## **Chapter 7 SPEED RESTRICTIONS**

### **Sections:**

10.7.010 Established—specific streets.

10.7.020 Established - alleys.

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

**10.7.010 Established—specific streets.**

In accordance with Mont. Code Ann. § 61-8-306, no person shall drive a motor vehicle at a speed greater than the speed as set forth in the following schedule:

<u>Street and Avenue</u>	<u>Maximum M.P.H.</u>
Central Avenue Ninth Street to Fifteenth Street	25
Central Avenue Fifteenth Street to Thirty-eighth Street	30
First Avenue South Ninth Street to Fifteenth Street	30
Second Avenue South Ninth Street to Fifteenth Street	30
Second Street South Tenth Avenue South to south line of First Avenue South	30
Park Drive First Avenue North to Eighth Avenue North	30
Parkdale Housing All streets within the following boundaries: Bounded on the north by the north line of Fifth Avenue South; on the east by the west line of Eighteenth Street and Chowen Park; on the south by the north line of Eighth Avenue South and Chowen Park; and on the west by the east line of Fifteenth Street	15
Eighth Avenue North Park Drive to Twenty-fifth Street All trucks only	20

Title 10 VEHICLES AND TRAFFIC

**10.7.020 Established - alleys.**

The limit for all alleys within the incorporated City limits is fifteen (15) miles per hour.

**Chapter 8 MISCELLANEOUS DRIVING RULES**

**Sections:**

10.8.010 Driving on sidewalk prohibited—exception.

10.8.020 Boarding or exiting from moving vehicles prohibited.

10.8.030 Passenger regulations.

10.8.040 Violation—misdemeanor—penalty.

10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.

**10.8.010 Driving on sidewalk prohibited—exception.**

- A. The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway.
- B. This section does not apply to City authorized vehicles performing sidewalk maintenance or snow removal.

**10.8.020 Boarding or exiting from moving vehicles prohibited.**

It is unlawful for any person to board or exit any vehicle while the vehicle is in motion.

**10.8.030 Passenger regulations.**

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty.

**10.8.040 Violation—misdemeanor—penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.

**10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.**

- A. No person operating a motorized vehicle or a bicycle on a public highway within the incorporated City limits shall use a mobile telephone to engage a call and/or use any other hand-held electronic communication device to compose, send, view or retrieve email, a text message, or other electronic data.



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- B. "Hand-held electronic communication device" includes wireless or cellular phones, laptop and notebook computers, GPS and navigational systems, pagers, electronic games, and any other device that would permit wireless communications to and from the user of the device.
- C. This section does not apply to the following:
1. Any person reporting a health, fire, safety, or police emergency;
  2. Governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other person operating an "authorized emergency vehicle" as defined in Mont. Code Ann. § 61-8-102(2)(a);
  3. Operators or passengers of a motorized vehicle using a hand-held electronic communication device while in a parking lane or space out of moving traffic lanes;
  4. Persons using a "hands-free device", defined as, an external device that connects to a wireless telephone, wireless or electronic communication device that allows use of the hands-free device; and
  5. Drivers using two-way radios while in the performance and scope of their work-related duties, or drivers holding a valid amateur radio operator license issued by the Federal Communications Commission while using a two-way radio.
- D. The penalties for a violation of this section are as follows:
1. A first conviction for a violation of this section, shall be punishable by a fine not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00);
  2. A second conviction, within 24 months after the first conviction, for a violation of this section, shall be punishable by a fine not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). The Defendant shall further participate in twenty (20) hours of Court-approved community service to be completed within ninety (90) days of the date of the second conviction. The Defendant shall provide completion of community service to the Great Falls Municipal Court; and
  3. A third or subsequent conviction, within 24 months after the first conviction, for a violation of this section, shall be punishable by a fine not less than four hundred dollars (\$400.00) or more than five hundred dollars (\$500.00). The Defendant shall further participate in forty (40) hours of community service to be completed within ninety (90) days of the date of conviction. Additional penalties may include forfeiture of license plates of the vehicle, driven at the time of the offense, or forfeiture of the Defendant's driver's license for a period not to exceed 180 days, or both.

## **Chapter 9 STOPPING, STANDING, AND PARKING**

### **Sections:**

10.9.010 Stopping, standing or parking close to curb.

10.9.020 Lights on parked vehicles.

10.9.030 Parking at meters.

10.9.040 Paying for parking.

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- 10.9.050 Stopping or parking on public streets and alleys.
- 10.9.060 Parking in alleys.
- 10.9.070 Parking for certain purposes prohibited.
- 10.9.080 Parking of commercial vehicles.
- 10.9.090 Compliance with signs required.
- 10.9.100 Curb or pavement markings.
- 10.9.110 Parking controlled adjacent to schools.
- 10.9.120 Parking controlled on narrow traffic ways.
- 10.9.130 Parking controlled during certain hours of the day and/or days of the week.
- 10.9.140 Stopping, standing or parking controlled in hazardous or congested places.
- 10.9.150 Stopping, standing or parking controlled along arterial and collector traffic ways.
- 10.9.160 On-street loading and parking zones.
- 10.9.170 Parking management districts.
- 10.9.180 Review of applications for loading and parking zones on public streets.
- 10.9.190 Application fees for the establishment of loading and parking zones.
- 10.9.200 Use of loading and parking zones on public streets.
- 10.9.210 Passenger loading zones serving schools.
- 10.9.220 Delivery permits.
- 10.9.230 Meter bags.
- 10.9.240 Residential parking in parking management districts.
- 10.9.250 Administration of parking management districts.
- 10.9.260 Parking meter enforcement periods and time limits.
- 10.9.270 Courtesy parking.
- 10.9.280 Unauthorized parking in off-street parking facilities prohibited.
- 10.9.290 Rates charged on City owned or operated off-street parking lots, garages, and parking meters.
- 10.9.300 Parking in construction zones.

**10.9.010 Stopping, standing or parking close to curb.**

Unless otherwise provided in this Chapter, it is unlawful for any person to stop, stand, or park a vehicle, other than a motorcycle, in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing, or parked and with the wheels of the vehicle within eighteen (18) inches of the curb or edge of the traffic way.

Title 10 VEHICLES AND TRAFFIC

**10.9.020 Lights on parked vehicles.**

Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**10.9.030 Parking at meters.**

- A. Except as directed by an officer or representative of Great Falls Fire Rescue (GFFR) Department, Great Falls Police Department (GFPD) officer or representative, or a City parking official, vehicles using metered parking spaces shall park within the area and at the angle delineated by the pavement markings.
- B. When pavement markings are obscured by snow, wear, or other conditions and there is angle parking, vehicles shall be parked to the left side or right side of the appropriate meter.
- C. Where there is parallel parking, vehicles shall be parked front end to or rear end to, within eighteen (18) inches of the appropriate meter, and within eighteen (18) inches of the curb. Failure to comply with this section is a violation of this Title, subject to the penalties and fees authorized by Chapter 21 of this Title.

**10.9.040 Paying for parking.**

- A. Upon parking in a metered parking space, the occupants of the vehicle shall immediately pay for parking using coins of the United States or any other means provided for payment by the City, including a mobile electronic device application.
- B. The available means of payment shall be indicated on the meter and/or signs posted on the adjoining sidewalk. The occupants may display a free parking pass issued by the City. Failure to pay for parking or to display a pass is a violation of this Title subject to the penalties and fees authorized by Chapter 21 of this Title.
- C. A valid free parking pass bears the signature of the Parking Administrator, the City Manager, or the City's authorized agent, and an expiration date. Attempted use of a pass that does not bear an authorized signature and an expiration date is a violation of this Title, subject to the penalties and fees authorized by Chapter 21 of this Title.
- D. Vehicle occupants may use unexpired time on a parking meter, but the unexpired time counts toward the applicable time limit.

**10.9.050 Stopping or parking on public streets and alleys.**

Except when temporarily necessary to avoid conflict with other traffic, when so directed by a GFFR or GFPD officer or representative, City parking official, or where a parking space is clearly delineated by pavement markings, it is a violation of this Title, punishable by Chapter 21 of this Title, to park a vehicle in any of the following places:

- A. In front of, across from, or within five (5) feet of a public or private driveway, an alley, or as otherwise indicated by pavement markings and/or official signs, which may prohibit parking in a larger area adjacent to the driveway or alley;
- B. Within a signed and/or marked fire hydrant zone, or if the fire hydrant zone is not signed and/or marked, within ten (10) feet of a fire hydrant;
- C. Within thirty (30) feet in front of any crosswalk (marked or unmarked) at an intersection;
- D. Within twenty (20) feet beyond any crosswalk (marked or unmarked) at an intersection;



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- E. Within thirty (30) feet in front of or twenty (20) feet beyond any mid-block crosswalk;
- F. Upon the paved or main traveled part of a street or alley when it is practical to stop or park in a delineated parking space, on the shoulder, or otherwise safely out of the flow of traffic;
- G. In a traffic lane for the purpose of discharging or receiving passengers, in which case both the driver of the vehicle and the passenger may be cited for a violation;
- H. In a marked or signed fire lane;
- I. In violation of parking City parking facility rules or lease agreement; or
- J. Any other place where official signs, pavement, or curb markings prohibit parking.

**10.9.060 Parking in alleys.**

- A. It is unlawful to stop, stand, or park any vehicle or trailer in any alley unless parallel to and within eighteen (18) inches of the alley line and leaving at least ten (10) feet of roadway for movement of through traffic.
- B. It is unlawful to stop, stand, or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.
- C. It is unlawful to stop, stand, or park any vehicle or trailer in any alley at any time in the area which may be designated Central Business District; except commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department.
- D. It is unlawful to stop, stand, or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow.

**10.9.070 Parking for certain purposes prohibited.**

It is unlawful for any person to do any of the following while a vehicle is parked upon any traffic way of the City:

- A. Display more than one (1) vehicle for sale or advertising of such vehicle on the vehicle itself; or
- B. Grease, paint, or repair any vehicle for non-emergency purposes.

**10.9.080 Parking of commercial vehicles.**

It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four (24) hours, unless otherwise provided in this Title.

**10.9.090 Compliance with signs required.**

When official signs controlling parking are erected upon such traffic ways as authorized by this Title, no person shall stop, stand, or park a vehicle upon any traffic way in violation of any sign.

Title 10 VEHICLES AND TRAFFIC

**10.9.100 Curb or pavement markings.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to approve curb or pavement markings. No markings shall be applied without prior approval from the Public Works Department.

**10.9.110 Parking controlled adjacent to schools.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when stopping, standing, or parking would, in the Department's opinion, interfere with traffic or create a hazard to health or safety.

**10.9.120 Parking controlled on narrow traffic ways.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions.

**10.9.130 Parking controlled during certain hours of the day and/or days of the week.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary.

**10.9.140 Stopping, standing, or parking controlled in hazardous or congested places.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control the stopping, standing, or parking of vehicles that would create a hazard to health or safety or that would cause unusual delay to traffic along certain traffic ways.

**10.9.150 Stopping, standing, or parking controlled along arterial and collector traffic ways.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority.

**10.9.160 On-street loading and parking zones.**

- A. On-street loading and parking zones may be established following the procedure adopted in the Chapter.
- B. The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain parking control signs and/or curb or pavement markings on public streets for on-street loading and parking zones serving properties within the incorporated City limits, including freight or passenger loading zones, handicapped parking zones, and bus parking zones serving schools.

Title 10 VEHICLES AND TRAFFIC

**10.9.170 Parking management districts.**

- A. The City may establish parking management districts in which time limits, parking meters, or both, are used to encourage turnover in the use of parking spaces and/or to ensure that adequate parking is available to businesses and residents. Delivery permits, meter bags, and monthly meter passes may be used to facilitate the administration of these districts.
- B. The Public Works Department is authorized to install and maintain parking control signs and/or curb or pavement markings designating parking management districts.

**10.9.180 Review of applications for loading and parking zones on public streets.**

- A. The Administrator shall provide forms upon which applications for the establishment of loading or parking zones, including handicapped parking zones, may be filed. Upon receipt of an application accompanied by the application fee established pursuant to Commission resolution, the Administrator shall refer the application to the Public Works and Planning and Community Development Departments for review and comment and then, based on those comments:
  - 1. Approve;
  - 2. Conditionally approve; or
  - 3. Deny the application, with any conditions imposed or reasons for denial stated in writing.
- B. In addition to the application fee, applicants will be responsible for the actual costs the City incurs in making and erecting signs or installing curb or pavement markings to delineate the loading or parking zone.
- C. The extent and location of loading and parking zones may be limited by the Administrator to ensure traffic and pedestrian circulation and safety. The Administrator is not required to approve an application for a loading or parking zone that interferes with safe circulation.
- D. Loading and parking zones will not be permitted on a public street where the Administrator determines that there is adequate space for loading and parking on the applicant's property.
- E. The Administrator's decision may be appealed to the Board of Adjustment following the procedures established in OCCGF Title 17.

**10.9.190 Application fees for the establishment of loading and parking zones.**

Application fees for the establishment of loading and parking zones shall be set by Commission resolution with the objective of recovering administrative costs.

**10.9.200 Use of loading and parking zones on public streets.**

- A. It is unlawful for any vehicle to stop or park in any loading or parking zone established pursuant to this Chapter for any purpose except that for which the zone was established.
- B. It is unlawful for vehicles or materials to be parked or stored in a loading zone except where the Administrator permits the temporary use of a loading zone for the parking of equipment or storage of materials during construction.



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- C. The Administrator may, after seeking the advice of the Parking Advisory Commission, remove any loading or parking zone that:
  - 1. Is subject to repeated violations by the applicant requesting its establishment;
  - 2. Is creating a traffic hazard or congestion;
  - 3. Is no longer in use; or
  - 4. Is otherwise failing to function for its intended purpose.

**10.9.210 Passenger loading zones serving schools.**

Section 10.9.200 shall be enforced in passenger loading zones serving schools only between 7:00 a.m. and 5:00 p.m. on school days or when weekend, summer, or evening sessions served by busses are held.

**10.9.220 Delivery permits.**

- A. Delivery permits allow parking in freight loading zones or in any lawful parking space in a parking management district without additional payment only while a vehicle is making deliveries.
- B. All vehicles that regularly make deliveries within a parking management district shall display a delivery permit issued by the City in a way that is clearly visible to parking enforcement personnel. The Administrator may issue more specific instructions for the display of these permits.
- C. Delivery permits must be renewed on or before January 1 each year. The cost of a delivery permit will be set by Commission resolution.
- D. Use of a delivery permit to attempt to avoid paying for parking when not making a delivery is a violation of this Title.

**10.9.230 Meter bags.**

- A. Meter bags may be issued temporarily to reserve metered parking spaces for maintenance or construction activities, while moving, or for other activities being conducted by or for the adjoining property owner that require reserved parking at a particular location within a parking management district.
- B. The daily cost of meter bags will be set by Commission resolution.
- C. Using a meter bag to attempt to avoid paying for parking when not engaged in the activities for which the meter bag was issued is a violation of this Title.

**10.9.240 Residential parking in parking management districts.**

- A. Residential parking areas are shown on the Official Parking Management District Map of the City of Great Falls that is filed with the Planning and Community Development Department. After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add residential parking areas in any parking management district.
- B. It is unlawful to stop or park a vehicle for longer than the time limit established by the signs posted in a residential parking area.

Title 10 VEHICLES AND TRAFFIC

- C. Residents of the district may, upon submitting proof of their residence in a residential parking area, obtain a residential parking permit that exempts them from the posted time limit. Fees for such permits shall be set by Commission resolution.
- D. Residential parking permits are specific to the vehicle plate number shown on the application for the permit and must be used within one block of the place of residence given on that application. Residential parking permits may not be used at metered parking spaces. Penalties for violations of this section are as set by Commission resolution.

**10.9.250 Administration of parking management districts.**

- A. Parking management districts are shown on the Official Parking Management District Map of the City of Great Falls that is filed with the Planning and Community Development Department. After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add parking management districts.
- B. Parking meters may be installed within parking management districts. Meters need not, however, be used throughout these districts. The Administrator, in consultation with the Parking Advisory Commission, may remove parking meters that are not needed to maintain parking turnover or where the cost of servicing a meter exceeds the revenue it generates. The Administrator, in consultation with the Parking Advisory Commission, may add meters in an established management district. Where meters are not used within the metered parking districts, time limits may be posted and enforced using signs.
- C. The Administrator may also issue monthly parking passes that can be used at meters in areas where meters are underutilized. The fee for monthly parking passes shall be set by Commission resolution.

**10.9.260 Parking meter enforcement periods and time limits.**

- A. The rates and time limits for parking in parking management districts shall be set by Commission resolution.
- B. Any type of meter may be used within a parking management district at the discretion of the Administrator, with recommendations from the Parking Advisory Commission.
- C. Enforcement of the parking rates and time limits established by the Commission shall be in effect from 9:00 a.m. to 5:00 p.m. on all days except Saturdays, Sundays, and City holidays or as otherwise provided by Commission resolution. The Administrator may temporarily suspend parking meter enforcement for downtown events, holidays, or construction projects.
- D. It is unlawful to park a vehicle in a parking management district for a period of time longer than the limit that is adopted by the Commission and posted on the meter and/or signs placed by the City. Spaces may be used without regard to the posted time limit on Saturdays, Sundays, and City holidays, except where otherwise posted.
- E. The time limits authorized herein are enforced, among other ways, by chalking tires. Consistent with the purpose of time limits, as stated in A., above, a vehicle that has not been moved far enough to erase the chalk mark is still in violation of the time limits.
- F. An exception to the posted time limits is hereby granted to individuals with disabilities as provided in Mont. Code Ann. Title 49, Chapter 4, to use any metered space without regard to the sign-posted time limit.

Title 10 VEHICLES AND TRAFFIC

**10.9.270 Courtesy parking.**

Upon request by the adjoining property owner or tenant and approval of the Administrator, metered spaces may be designated as courtesy parking, allowing the removal of the meters and their replacement with a sign stating that parking is being provided by the adjoining business. The number and location of spaces that may be thus designated will be determined by the Administrator. The fee for designating spaces as courtesy parking shall be set by Commission resolution and payable each year prior to January 1.

**10.9.280 Unauthorized parking in off-street parking facilities prohibited.**

- A. It is unlawful for any person to stop or park a vehicle in any parking space in an off-street parking facility that is owned or leased by the City unless the occupants of that vehicle have paid the required fee.
- B. Parking spaces controlled by parking meters in off-street parking facilities owned or leased by the City shall be subject to the same rates, time limits, and periods of enforcement as other parking meters, unless otherwise provided by Commission resolution.

**10.9.290 Rates charged on City owned or operated off-street parking lots, garages, and parking meters.**

Rates for City-owned or City-operated off-street parking lots, garages, and parking meters shall be set by Commission resolution.

**10.9.300 Parking in construction zones.**

The Public Works Department is authorized to relocate vehicles parked in active construction zones. Prior to relocation the Department shall:

- A. Place a no parking notice in the construction zone twenty-four (24) hours prior to construction beginning;
- B. Provide notice to the GFPD that a vehicle is located in the construction zone and must be removed; and
- C. GFPD shall attempt to locate the registered owner of the vehicle.
- D. If the registered owner is not located, or the vehicle is not removed from the construction zone within twenty-four (24) hours, the Public Works Department shall remove the vehicle from the construction zone, and the costs of said removal shall be charged to the registered owner.

**Chapter 10 VEHICLE IMMOBILIZATION**

**Sections:**

10.10.010 Authorization to use vehicle immobilizer.

10.10.020 Procedure for vehicle immobilization.

10.10.030 Removal of violation vehicle.

10.10.040 Release to the owner.



Title 10 VEHICLES AND TRAFFIC

10.10.050 Hearing on immobilization.

**10.10.010 Authorization to use vehicle immobilizer.**

- A. Members of the GFPD, or other Parking Administrator authorized persons, are authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a City parking space located in the downtown residential district, the parking meter district, or any City owned off-street pay-to-park facility that has five (5) or more parking tickets unpaid or delinquent thirty (30) days or more.
- B. Prior to any vehicle immobilization, the Planning and Community Development Department's Parking Division is required to either:
  - 1. Mail the registered owner of the vehicle a final notice for five (5) or more of the unpaid or delinquent parking tickets; or
  - 2. File a complaint in Great Falls Municipal Court charging the registered owner with unpaid parking tickets on the vehicle, and no individual has appeared for arraignment on the complaint.

**10.10.020 Procedure for vehicle immobilization.**

- A. If parking officials, as defined this Chapter, choose to immobilize a vehicle with a boot as allowed by Chapter, then the on-site officers immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle.
- B. The written notice will inform the owner, driver, or person in charge of such vehicle that:
  - 1. The vehicle has been immobilized by the City pursuant to this Chapter;
  - 2. Release from such immobilization may be obtained at a designated place;
  - 3. Unless arrangements are made for the release of such vehicle within forty-eight (48) hours, the vehicle will be towed and impounded pursuant to this Chapter; and
  - 4. Removing or attempting to remove the immobilization device before a release is obtained is unlawful.
- C. An immobilized vehicle shall not be released by the City until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by this Chapter.
- D. If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the GFPD shall have the vehicle towed and impounded.

**10.10.030 Removal of violation vehicle.**

- A. The City is authorized to remove a vehicle or tow a vehicle from parking spaces located in the areas listed in section 10.10.010 to the designated tow site when a vehicle with an

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained.

- B. Whenever an officer removes a vehicle from a street or City parking space as authorized in this section, and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the vehicle owner, the officer shall give notice in writing to the owner of the removal, the violations, and the place where the vehicle has been relocated.
- C. If a vehicle is stored at a designated tow site, a copy of the notice shall be given to the proprietor of the tow site. The party towing the vehicle shall immediately notify the GFPD dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.
- D. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send a report of the removal to the Montana Department of Transportation Motor Vehicle Division and shall file a copy of the notice with the proprietor of the designated tow site. The notice shall include a complete description of the vehicle, the date, time, and place from which removed, the violations, and name of the tow site.
- E. The cost of towing or removing the vehicle and costs of storing the vehicle shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before it is released.
- F. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in Municipal Court for the violation(s).

**10.10.040 Release to the owner.**

- A. A vehicle immobilized for unpaid parking tickets shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle, and the vehicle immobilization equipment shall be removed upon payment of all overdue and unpaid parking tickets and the immobilization fee. The fee may be paid in the form of a refundable bond, pending the outcome of any hearing requested pursuant to section 10.10.050(D).
- B. A vehicle towed and impounded for unpaid parking citations, and in accordance with section 10.10.030, can only be released pursuant to a written order from the Municipal Court that all penalties, fines, or forfeitures owed by the registered owner have been satisfied by full payment or the posting of a bond pending a hearing.

**10.10.050 Hearing on immobilization.**

- A. After a vehicle has been immobilized pursuant to this Chapter, the registered owner, and any other person(s) who reasonably appear to have an interest in the vehicle, is entitled to have speedy hearing with the Parking Administrator or a designee to determine if the vehicle was immobilized in accordance with this Chapter.
- B. If the Parking Administrator or designee finds that the immobilization was invalid or unjustified, he or she will order the vehicle to be immediately released, and the owner or any other person(s) who have an interest in the vehicle shall not be held liable for the immobilization fee.

Title 10 VEHICLES AND TRAFFIC

- C. If the Parking Administrator finds that the immobilization was valid and justified, he or she may order that the immobilization device remains on the vehicle until payment is received for the immobilization fee and all overdue and unpaid parking tickets.
- D. The decision of the Parking Administrator may be appealed to the City Manager's Office within fifteen (15) calendar days. The City Manager or designee shall affirm, modify, or reverse the decision of the Parking Administrator by written finding. An adverse finding by the City Manager may be appealed, in writing, within (15) calendar days to the City Commission. The City Commission, after hearing testimony on the matter, shall issue a written finding affirming, modifying, or reversing the decision of the City Manager.

## **Chapter 11 COMMERCIAL VEHICLES**

### **Sections:**

10.11.010 Commercial vehicles—prohibited where.

10.11.020 Commercial vehicles—parking prohibited where—exception.

10.11.030 Restriction of vehicles—determined by City Commission—signs to be erected.

### **10.11.010 Commercial vehicles—prohibited where.**

- A. It is unlawful for any person to drive or operate, or for the owner to cause or knowingly permit to be driven or operated any commercial vehicle not involved in local service as defined in subsection B., of this section, upon any City public way except upon the truck routes designated as follows:
  - 1. Tenth Avenue South from the west City limits to the east City limits;
  - 2. The Northeast Bypass from the intersection at Fifty-seventh Street and Tenth Avenue South, north and then westerly to the Ninth Street Bridge;
  - 3. River Drive from its connection with Tenth Avenue South at or near the Warden Bridge to the First Avenue North Bridge;
    - i. First Avenue North from Park Drive westerly through the First Avenue North Bridge; and
    - ii. Central Avenue West from the west end of the First Avenue North Bridge to the west City limits on the Vaughn Highway;
  - 4. Third Street Northwest and Smelter Avenue from Central Avenue West to the northeasterly City limits;
  - 5. Second Street from the Tenth Avenue South approaches north to First Avenue South;
  - 6. First Avenue South from Second Street, west to Park Drive; and
    - i. Park Drive from First Avenue South to First Avenue North;
  - 7. Sixth Street Southwest from Central Avenue West to Tenth Avenue South; and
  - 8. River Drive from First Avenue North to the Ninth Street Bridge.



Title 10 VEHICLES AND TRAFFIC

**10.11.020 Commercial vehicles—parking prohibited where—exception.**

It is unlawful for any person to park a commercial vehicle on any City public way, or outside of that area which may be designated as the Central Business District, except for an emergency or for loading and unloading purposes.

**10.11.030 Restriction of vehicles—determined by City Commission—signs to be erected.**

- A. The City Commission may by ordinance, prohibit the operation of vehicles upon any such streets, avenues, or highways, or impose restrictions as to the weight of vehicles to be operated upon any street, whenever any street by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed.
- B. The Public Works Department shall erect signs pursuant to the ordinance at each end of that portion of any street affected thereby, and the ordinance shall not be effective unless and until signs are erected and maintained.

**Chapter 12 ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS**

**Sections:**

10.12.010 Purpose.

10.12.020 Exemptions.

10.12.030 Junk vehicle deemed nuisance.

10.12.040 Administration and enforcement.

10.12.050 Notices of intention to abate and remove; mailing; form of notices.

10.12.060 Appeal.

10.12.070 Abatement and removal.

10.12.080 Illegal off-street parking.

10.12.090 Continuing notice.

10.12.100 Penalty.

**10.12.010 Purpose.**

The City Commission hereby finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property is hereby found to:

- A. Create a condition tending to reduce the value of private property;

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- B. Promote blight and deterioration;
- C. Invite criminal activity;
- D. Create fire hazards;
- E. Constitute an attractive nuisance creating a hazard to the health and safety of minors; and
- F. Create a harbor for rodents and insects potentially injurious to the health, safety, and general welfare.
- G. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof on public property, except as expressly hereinafter permitted, is hereby declared to constitute a Nuisance, which may be abated in accordance with the provisions of OCCGF Title 8, Chapter 49.

**10.12.020 Exemptions.**

This Chapter shall not apply to the following:

- A. When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the City's zoning regulations; or
- B. A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the Montana Department of Transportation, or its equivalent in a sister state, shall not be deemed a junk vehicle unless the owner or operator of said vehicle fails to repair or properly cover the same.

**10.12.030 Junk vehicle deemed nuisance.**

The keeping, maintaining, or allowing a junk vehicle to be on public property, except as provided by Section 10.12.020, shall constitute a Nuisance as defined by OCCGF Title 8, Chapter 49.

**10.12.040 Administration and enforcement.**

- A. Except as otherwise provided, the provisions of this Chapter shall be administered and enforced by the Planning and Community Development Director and/or the Police Chief, or their respective designees, hereinafter collectively referred to as "enforcement officer."
- B. The enforcement officer and any person designated by the enforcement officer to abate the nuisance, pursuant to the OCCGF or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this Chapter.

**10.12.050 Notices of intention to abate and remove; mailing; form of notices.**

- A. A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a Nuisance shall be given to the owner of the vehicle, if known. The notice shall be in a form promulgated by the issuing enforcement officer, and shall provide the following information at a minimum:

Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

1. A description of the vehicle or parts which constitute(s) a Nuisance under the provisions of the OCCGF;
  2. That the Nuisance must be abated within ten (10) days, (exclusive of weekends and federally mandated holidays) the junk vehicle must be either:
    - i. Brought into a condition that it no longer is defined as a junk vehicle;
    - ii. Placed in a proper enclosure; or
    - iii. Removed from the property and properly disposed of or removed from the City; and
  3. Failure to properly abate said Nuisance as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement officer or his/her designee as set forth by the OCCGF.
- B. The notice required by this section shall be served in any one (1) of the following manners:
1. By regular mail to the last registered-owner of said vehicle, if ascertainable, at the address listed in the State's records concerning ownership of the vehicle, and service shall be deemed to have been perfected the day after the notice is mailed; or
  2. If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle, and service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle.

**10.12.060 Appeal.**

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the City Manager ten (10) calendar days after service of notice as required by this Chapter. The City Manager or designee shall within fifteen (15) calendar days make a written finding affirming, reversing or modifying the enforcement officer's decision.

**10.12.070 Abatement and removal.**

- A. The responsible party, after service of notice is perfected, shall abate the Nuisance within ten (10) calendar days. Abatement shall consist of:
1. Providing for the current registration of the vehicle including the affixing the registration plate or current sticker to the vehicle;
  2. Repairing any and all conditions which cause the vehicle to be a Nuisance under the provisions of the OCCGF; and
  3. Having all of the required equipment and parts for the vehicle which was described in the notice; or
  4. Removing the vehicle or causing the vehicle to a legally authorized location.
- B. If the responsible parties fail to abate the Nuisance as prescribed, or after such abatement has been affirmed by the City Manager, the City, through the enforcement officer may abate such Nuisance by causing the junk vehicle(s) to be removed, impounded and sold, or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of abatement and the administrative fee provided by this Chapter shall be charged to the responsible parties, jointly and severally.



Title 10 VEHICLES AND TRAFFIC

**10.12.080 Illegal off-street parking.**

- A. No person shall park a vehicle upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee, or person in charge of said property or facility.
- B. No person shall park a vehicle upon publicly owned real property in violation of any legally authorized signage.
- C. Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

**10.12.090 Continuing notice.**

A notice issued pursuant to this Chapter shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one (1) year from the date of service and is valid for all locations within the incorporated City limits. No further notice by an enforcement officer or ten-day period to abate is necessary to abate a Nuisance created by said vehicle(s) within the one-year period.

**10.12.100 Penalty.**

Parking any vehicle in violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 13 ABANDONED, WRECKED, JUNKED OR DISMANTLED VEHICLES ON PRIVATE PROPERTY**

**Sections:**

10.13.010 A condition prohibited.

10.13.020 Repair.

**10.13.010 A condition prohibited.**

An abandoned or junked vehicle on a private, non-permitted, premises is hereby declared a condition prohibited pursuant to OCCGF Title 8, Chapter 51.

**10.13.020 Repair.**

Vehicles may be repaired by non-commercial property owners or occupants in public view. Said repairs must be pursued to completion. Dismantled vehicles must be covered when not being repaired. Vehicles not fully repaired within twenty (20) calendar days are presumed to be abandoned.

Title 10 VEHICLES AND TRAFFIC

**Chapter 14 SNOWMOBILES**

**Sections:**

10.14.010 Prohibited where.

10.14.020 Penalty.

**10.14.010 Prohibited where.**

It is unlawful for any person or operator to drive any snowmobile upon any public rights-of-way within the incorporated City limits, or upon any public parks or public grounds within the City.

**10.14.020 Penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 15 MOTORCYCLES**

**Sections:**

10.15.010 Driving on sidewalks and in public parks or grounds prohibited.

10.15.020 Penalty.

**10.15.010 Driving on sidewalks and in public parks or grounds prohibited.**

It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon sidewalks within the City or upon that portion of any public park or public grounds where no roadway is provided.

**10.15.020 Penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 16 HANDICAPPED ZONE**

**Sections:**

10.16.010 Handicapped zone.

Title 10 VEHICLES AND TRAFFIC

**10.16.010 Handicapped zone.**

- A. No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:
  - 1. Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of a physically handicapped person; and
  - 2. The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the City or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or City.
- B. Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.
- C. In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D. A violation of this section is punishable by a fine set by Commission resolution.

**Chapter 17 TRAILERS**

**Sections:**

10.17.010 Occupancy regulations.

10.17.020 Penalty.

**10.17.010 Occupancy regulations.**

No trailer, as defined by this Title, shall be occupied either permanently or temporarily as a dwelling place or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by OCCGF Title 17 or other applicable Federal or State law.

**10.17.020 Penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 18 TOLL LOCATIONS**

**Sections:**

10.18.010 Tolls prohibited.

10.18.020 Penalty.



Title 10 VEHICLES AND TRAFFIC

**10.18.010 Tolls prohibited.**

It is unlawful for any person, firm, corporation or organization, charitable or otherwise, to occupy, stand in, and/or use any portion of any public right-of-way for the purpose of establishing a toll location through which vehicular traffic must pass in order to collect funds or make any other contact or solicitation from the driver or occupant of any vehicle using the public street, highway or bridge within the City without prior written authorization from the City Manager.

**10.18.020 Penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 19 LIABILITY FOR STREET DAMAGE**

**Sections:**

10.19.010 Applicability.

10.19.020 Owner and driver of vehicle jointly liable.

10.19.030 Civil action.

**10.19.010 Applicability.**

Any person driving any vehicle, object, or device upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving, or moving of the vehicle, object, or device, or as a result of operating, driving or moving any vehicle, object, or device weighing in excess of the maximum weight in this Title except as otherwise provided or permitted.

**10.19.020 Owner and driver of vehicle jointly liable.**

- A. Whenever such driver is not the owner of such vehicle, object, or device, but is operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.
- B. The Public Works Director may, in his or her discretion, authorize an individual liable for damage pursuant to this Chapter to repair any damage caused to the same or better condition before the damage was caused or to any other legally mandated condition.

**10.19.030 Civil action.**

Such damage may be recovered in a civil action brought by the City in a Court of competent jurisdiction.

Title 10 VEHICLES AND TRAFFIC

**Chapter 20 EXCESS SIZE AND WEIGHT PERMITS**

**Sections:**

10.20.010 Issuance conditions.

10.20.020 Penalty.

**10.20.010 Issuance—conditions.**

The City Engineer is authorized to issue, revoke, or deny permits for the operation of vehicles of excess size and weight pursuant to adopted written policy on file at the Great Falls Public Works Department. A permit issued pursuant to this Chapter shall describe any applicable conditions for the operation of the vehicle subject to the permit.

**10.20.020 Penalty.**

- A. Any person who knowingly or willfully misrepresents the size or weight of any load in obtaining a permit pursuant to this Chapter, does not follow the conditions of the permit, or operates any vehicle requiring a permit pursuant to this Chapter without a permit, is guilty of a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), six months in jail, or both.
- B. Every permit issued pursuant to this Chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by law enforcement.

**Chapter 21 PARKING VIOLATIONS**

**Sections:**

10.21.010 Illegally parked vehicle notice.

10.21.020 Illegally parked vehicle notice of failure to comply.

10.21.030 Illegally parked vehicle presumption.

10.21.040 Illegally parked vehicle warrant issued when.

10.21.050 Disposition of fines and parking meter revenue.

10.21.060 Fines and forfeitures official misuse.

10.21.070 Penalties and administrative fees.

Title 10 VEHICLES AND TRAFFIC

**10.21.010 Illegally parked vehicle notice.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any State or local restrictions, the Parking Official finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and post written notice of the violation on the vehicle indicating any applicable penalties and the place where any applicable fines may be paid or contested.

**10.21.020 Illegally parked vehicle notice of failure to comply.**

If an alleged violator of the restrictions on stopping, standing, or parking under legally authorized restriction does not appear in response to a notice affixed to such motor vehicle within the time set forth in the notice, the City shall implement the following process:

- A. The penalty for a violation of this section occurring in a parking management district must be paid within thirty (30) calendar days of the date of the citation. If payment is not received within that time, an administrative fee will be added to the violation. The penalties and fees will be set by Commission resolution.
- B. After thirty (30) days without payment, a statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- C. After sixty (60) days without payment, a second statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- D. After ninety (90) days without payment, a third statement that is clearly marked as a pre-collection notice of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- E. After one hundred twenty (120) days without payment, the amount due for the violation and the administrative fee will be referred to a collection agency. If the payment through collection efforts is not received within ten (10) months of the date of the citation, the City may request an arrest warrant and proceed with an action through the Municipal Court as provided by this Chapter.
- F. Proceedings through the Municipal Court for enforcement of this Title must be filed within one (1) year of the date of the citation.

**10.21.030 Illegally parked vehicle presumption.**

If any vehicle is found stopped or parked in any manner violative of legally authorized restrictions, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to applicable penalties.

**10.21.040 Illegally parked vehicle warrant issued when.**

In the event any person fails to comply with a notice served on the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the Municipal Court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, Municipal Court may, at its discretion, issue a warrant of arrest.



Exhibit "A" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

**10.21.050 Disposition of fines and parking meter revenue.**

- A. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title shall be paid to the Planning and Community Development Department and deposited in the parking fund, to be expended to defray the expenses of:
  - 1. Proper regulation of traffic;
  - 2. Parking upon City public streets;
  - 3. Supervision, regulation, and control of parking vehicles; and
  - 4. The purchase, supervision, operation, maintenance, control and use of parking meters.
- B. All revenue obtained from and through the use of parking meters shall be appropriated by the City to pay for the operation and maintenance of on-street and off-street parking facilities.

**10.21.060 Fines and forfeitures official misuse.**

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this Chapter, shall constitute misconduct in office and shall be grounds for removal therefrom.

**10.21.070 Penalties and administrative fees.**

Penalties and administrative fees for violations of this Title shall be set by Commission resolution.

(Ord. 3188, 2018; Ord. 3146, 2016; Ord. 3122, 2014; Ord. 3090, 2012; Ord. 3057, 2010; Ord. 3042, 2009; Ord. 2951, 2006; Ord. 2867, 2004; Ord. 2819, 2002; Ord. 2815, 2002; Ord. 2802, 2001; Ord. 2790, 2000; Ord. 2757, 1999; Ord. 2708, 1996; Ord. 2707, 1996; Ord. 2676, 1995; Ord. 2646, 1994; Ord. 2640, 1994; Ord. 2633, 1992; Ord. 2521, 1989; Ord. 2520, 1989; Ord. 2469, 1987; Ord. 2457, 1987; Ord. 2456, 1987; Ord. 2446, 1987; Ord. 2443, 1986; Ord. 2442, 1986; Ord. 2383, 1985; Ord. 2353, 1984; Ord. 2321, 1983; Ord. 2305, 1982; Ord. 2283, 1981; Ord. 2245, 1981; Ord. 2219, 1980; Ord. 2189, 1980; Ord. 2188, 1980; Ord. 2186, 1980; Ord. 2052, 1979; Ord. 2021, 1977; Ord. 1987, 1976; Ord. 1974, 1976; Ord. 1627, 1969; Ord. 1471, 1964; Ord. 1454, 1963; Ord. 1217, 1956; Prior codes §§ 10-1-19; 10-2-1(M); 10-2-2(D), 10-2-2(E); 10-2-3(C), 10-2-3(I); 10-2-5(A), 10-2-5(B); 10-2-7(A), 10-2-7(B), 10-2-7(C); 10-2-8(A), 10-2-8(B); 10-2-9(F), 10-2-9(G), 10-2-9(L), 10-2-9(M), 10-2-9(Z); 10-2-10(2); 10-2-11; 10-2-12(A), 10-2-12(D), 10-2-12(E); 10-2-13(A), 10-2-13(B), 10-2-13(C), 10-2-13(D); 10-2-14, 10-2-14(A), 10-2-14(B), 10-2-14(C), 10-2-14(E), 10-2-14(F), 10-2-14(G)(1), 10-2-14(G)(2), 10-2-14(G)(3), 10-2-14(G)(4), 10-2-14(G)(5), 10-2-14(G)(6); 10-2-16(F), 10-2-16(H), 10-2-16(I), 10-2-16(J); 10-2-20(A), 10-2-20(B); 10-2-26(A); 10-2-27(A), 10-2-27(B), 10-2-27(D); 10-2-28; 10-2-29(A), 10-2-29(B), 10-2-29(C); 10-2-30(A), 10-2-30(B); 10-2-33)

Title 10 VEHICLES AND TRAFFIC

**Title 10 VEHICLES AND TRAFFIC**

**Chapter**

Chapter ~~31~~ - DEFINITIONS

Chapter ~~92~~ - APPLICABILITY

Chapter ~~213~~ - TRAFFIC CONTROL DEVICES AND PARKING METERS

Chapter ~~274~~ - STOP INTERSECTIONS

Chapter ~~305~~ - ONE-WAY STREETS AND ALLEYS

Chapter ~~336~~ - FOUR-LANE STREETS AND ROADWAYS

Chapter ~~367~~ - SPEED RESTRICTIONS

Chapter ~~398~~ - MISCELLANEOUS DRIVING RULES

Chapter ~~489~~ - STOPPING, STANDING, AND PARKING

Chapter ~~5010~~ - VEHICLE IMMOBILIZATION

Chapter ~~5711~~ - COMMERCIAL VEHICLES

Chapter ~~6012~~ - ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS

Chapter ~~6113~~ - ABANDONED, WRECKED, JUNKED, OR DISMANTLED VEHICLES ON PRIVATE PROPERTY

Chapter ~~6614~~ - SNOWMOBILES

Chapter ~~6915~~ - MOTORCYCLES

Chapter ~~71 - HANDICAP~~ **16 - HANDICAPPED ZONE**

Chapter ~~72 - BICYCLES~~

Chapter ~~7317~~ - TRAILERS

Chapter ~~7518~~ - TOLL LOCATIONS

Chapter ~~7819~~ - LIABILITY FOR STREET DAMAGE

Chapter ~~8420~~ - EXCESS SIZE AND WEIGHT PERMITS

**Chapter 21 – PARKING VIOLATIONS**

Title 10 VEHICLES AND TRAFFIC

Chapter ~~87~~ VIOLATION PENALTY

**Chapter 31 DEFINITIONS**

Section:

~~10.3.010 Definitions.~~

**10.1.010 Definitions.**

**10.31.010 Definitions.**

Unless otherwise specified or a different meaning is plainly intended in this Title, the following definitions apply throughout this title:

~~Administrator~~**A. "Abandoned vehicle" means any of the City employees following:**

1. **A vehicle that has been left unattended on public property for more than forty-eight (48) hours and is rendered inoperable;**
2. **A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;**
3. **A vehicle that has been unlawfully parked on private real property or contractor tasked by has been placed on private property without the City Manager with consent of the management real property owner or person in control of the City's parking facilities property for more than forty-eight (48) hours;**

~~(Ord. No. 3122, § 1, 12-2-2014)~~

4. **A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days; or**
5. **Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.**

**B. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two (2) or more wheels and having handlebars and a seat.**

~~(Ord. No. 3122, § 1, 12-2-2014; Ord. 2646 (part), 1994)~~

**C. "Central Business District" means the C-4 Central Business Core Zoning District.**

~~(Ord. No. 3122, § 1, 12-2-2014; Prior code § 10-2-1(M)(part))~~



Title 10 VEHICLES AND TRAFFIC

- D. **"Commercial motor vehicle"** any vehicle meeting the definition provided by Mont. Code Ann. § 61-1-101.
- E. "Freight Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading goods. Freight loading zones are established following the procedures adopted in this ~~chapter~~ **Title**. This term also includes delivery zones in the metered parking district.

~~(Ord. No. 3122, § 1, 12-2-2014)~~

- ~~Handicap~~F. **"Handicapped Parking Zone"** means a portion of a public right-of-way that is designated for use only by vehicles that have a ~~handicap~~ **handicapped** parking permit or plate. ~~Handicap~~**Handicapped** parking zones are established following the procedures adopted in this ~~title~~ **Title**.

~~(Ord. No. 3122, § 1, 12-2-2014)~~

- G. "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the incorporated City limits, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or which has any one (1) or more of the following characteristics:
1. Lacks an engine, wheel, tire, properly installed battery or other structural part which renders the vehicle inoperable for use as designed by the manufacturer;
  2. Has a broken or missing fender, door, bumper, hood, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, or alternator;
  3. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
  4. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it;
  5. Has become a point of collection for stagnant water;
  6. Contains junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste, or other hazardous material in it or is primarily used for storage of any materials;
  7. Has become a source of danger for children through possible entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass, or other rigid materials;
  8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
  9. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law; or

Title 10 VEHICLES AND TRAFFIC

10. Because of its defective, deteriorated, or obsolete condition, in any other way constitutes a nuisance or a threat to the public's health or safety.
- H. "Law enforcement authority" means a peace officer or any City, State, or Federal department or agency member operating in his or her professional capacity within the incorporated City limits.
- I. "Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the incorporated City limits.
- J. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of the Merriam-Webster Dictionary.
- K. "OCCGF" means the Official Code of the City of Great Falls.
- L. "Operator" means any person who operates or is in actual physical control of the operation of vehicle.
- M. "Parking Administrator" means the City employee or contractor tasked by the City Manager with the management of the City's parking facilities. Within this Title this person may also be referred to as "The Administrator".
- N. "Parking Official" means peace officers and other persons designated by the City Manager to enforce the provisions of this Title.
- O. "Parking Meter" means any device installed for the regulation of the time allowed for parking as provided by ~~10.48.270~~ of this ~~title~~ Title.

~~(Ord. No. 3122, § 1, 12-2-2014; Prior code § 10-2-1(M)(part))~~

- P. "Part" means any mechanical, structural, body, or decorative component of any vehicle, machinery, or trailer.
- Q. "Passenger Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading people. This specifically includes school bus loading zones. Passenger loading zones are established following the procedures adopted in this ~~title~~ Title.

~~(Ord. No. 3122, §-R.~~ "Person" means any individual, partnership, association or corporation, or other legal entity.

- S. "Snowmobile" means any self-propelled vehicle designed primarily for travel on the snow or ice, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under Montana State law.
- T. "Trailer" means any vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle. The term includes devices intended for recreational camping purposes carried in the bed of a pick-up truck.
- U. "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street. The term includes, but is not limited to:
1. An automobile;
  2. Truck;

Title 10 VEHICLES AND TRAFFIC

3. Van;
4. Sport utility vehicle;
5. Recreational vehicle;
6. Watercraft;
7. Boat;
8. Jet ski;
9. Snowmobile;
10. ATV;
11. Aircraft, or
- ~~12-2-2014).~~ Parts thereof.

## Chapter 92 APPLICABILITY

### Sections:

~~10.9.010 Pushcarts and animals.~~

~~10.9.020 Toy vehicles and devices—restrictions—exception.~~

**10.2.010 Pushcarts and animals.**

**10.2.020 Toy vehicles and devices—restrictions—exception.**

### **10.92.010 Pushcarts and animals.**

~~Every~~**Any** person propelling any pushcart or, riding an animal upon a roadway and ~~every person,~~ or driving any animal-drawn vehicle shall be subject to the provisions of this ~~title~~**Title**.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-2(D)).~~

### **10.9.020 Toy vehicles and devices—restrictions—exception.**

- A. It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to be upon any roadway except while crossing a street on a crosswalk, and when so crossing such. **Such** person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians.

~~(Ord. 2646 §(part), 1994; Prior code §10-2-2(E)).~~

- B. **A violation of this section is punishable by a fine of fifty dollars (\$50.00).**



## Chapter 213 TRAFFIC CONTROL DEVICES AND PARKING METERS

### Sections:

~~10.21.010 Installation—traffic control devices—parking meters.~~

~~10.21.020 Obedience required.~~

~~10.21.030 Interference with signals.~~

~~10.21.040 Crosswalks, traffic lanes and parking spaces—designation authority.~~

~~10.21.050 Standards and specifications.~~

~~10.21.060 No-passing zones—establishment authority.~~

~~10.21.070 Lane designation signs—erection.~~

**10.3.010 Installation of traffic control devices and parking meters.**

**10.3.020 Obedience required.**

**10.3.030 Interference with signals.**

**10.3.040 Crosswalks, traffic lanes, and parking spaces.**

**10.3.050 Standards and specifications.**

**10.3.060 No-passing zones—establishment authority.**

**10.3.070 Lane designation signs—erection.**

### **10.213.010 Installation— of traffic control devices— and parking meters.**

A.— The Public Works Department, with the approval of the City Commission **and The Montana Department of Transportation when applicable**, shall place and maintain traffic and parking control signs, signals, and devices when and as required under the ~~traffic laws of this City, and per~~ **OCCGF, pursuant to the** recommendations of the Manual on Traffic Control Devices, ~~to make effective the provisions of the laws,~~ and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the ~~traffic laws of this City~~ **OCCGF** or under State law, or to guide or warn traffic.

B.— ~~Parking Meters.~~ In parking meter zones ~~to be established as provided in Chapter 10.48~~ **pursuant to this Title**, the Planning and Community Development Director, or designee, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. The Planning and Community Development Director shall be responsible for the regulation, control, operation, maintenance ~~and use of such parking meters.~~ Upon the expiration of the lawful time limit, ~~the right of such vehicle to occupy such space ceases and the operator, owner, possessor or manager thereof, shall be subject to the penalties provided in Chapter 10.87,~~ **and use of such parking meters.**

~~(Ord. No. 3057, § 1, 8-17-2010)~~ **C. Upon the expiration of the lawful time limit, the right of the occupying vehicle to occupy such space ceases and the operator, owner, possessor, or manager thereof, shall be subject to the penalties provided in this Title.**

Title 10 VEHICLES AND TRAFFIC

**10.213.020 Obedience required.**

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of ~~this~~**the** City, unless otherwise directed by a ~~Police Officer~~**law enforcement officer**, subject to the exceptions granted the driver of an authorized emergency vehicle.

~~(Ord. 2646 §(part), 1994; Prior code §10-2-3(C)).~~

**10.21.030 Interference with signals.**

- A. It is unlawful for any person without ~~lawful authority~~**legal authorization** to attempt to or ~~in fact~~ alter, deface, injure, knock down, or remove any official traffic-control device or any, railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof, nor shall such.
- B. **It is unlawful for any** person ~~deposit or cause to be deposited in~~**damage, disable, or destroy** any parking meter ~~any slugs, device or metal substance or other substitute for lawful coins or approved tokens.~~

~~(Ord. 2646 §(part), 1994; Prior code §10-2-3(I)).~~

**10.21C. A violation of this section is punishable by a term not to exceed six (6) months in jail, a fine of not more than five hundred dollars (\$500.00), or both.**

**10.3.040 Crosswalks, traffic lanes, and parking spaces—~~designation authority.~~**

The Public Works Department is authorized, ~~with the approval of the City Commission,~~ to:

- A.— Install and maintain by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; **and**
- B.— Mark lanes for traffic on street pavements at such places as he **or she** may deem advisable, consistent with the ~~traffic laws of this City~~**OCCGF**.

**10.213.050 Standards and specifications.**

All traffic control signs, signals, and devices shall conform to the standards and guidelines set forth by the ~~manual~~**Manual** on Uniform Traffic Control Devices.

~~(Ord. 2646 §(part), 1994)~~

**10.213.060 No-passing zones—~~establishment authority.~~**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and ~~may, by appropriate signs and markings on the roadway,~~ indicate the beginning and end of such zones and ~~when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof~~**provide appropriate signage.**

Title 10 VEHICLES AND TRAFFIC

~~(Ord. 2646 §(part), 1994; Prior code §10-2-20(A)).~~

**10.210.3.070 Lane designation signs—erection.**

Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, ~~and drivers of vehicles shall obey the directions of every such sign.~~

~~(Ord. 2646 § (part), 1994; Prior code §0-2-20(B)).~~

**Chapter 274 STOP INTERSECTIONS**

**Sections:**

~~10.27.010 Designated.~~

~~10.27.020 Stop sign erection—authority.~~

**10.4.010 Designated.**

**10.4.020 Stop sign erection—authority.**

**10.274.010 Designated.**

The following streets and parts of streets ~~so described~~ are through ~~and preferential~~ streets **at stop intersections** for the purpose of this ~~chapter~~**Chapter**:

- A.— Second Avenue North from Park Drive to east City limits;
- B.— Park Drive from Second Avenue South to Eighth Avenue North;
- C.— First Avenue North from Thirty-Seventh Street to west end of First Avenue North Bridge;
- D.— Central Avenue West from west end of First Avenue North Bridge to west City limits;
- E.— Sixth Street Southwest from Central Avenue West to south City limits;
- F.— Third Street Northwest and Smelter Avenue from Central Avenue West to northeast City limits;
- G.— Tenth Avenue South from west City limits to east City limits;
- H.— Ninth Street from Tenth Avenue South to River Drive North;
- I.— Fourteenth and Fifteenth Streets couplet from Tenth Avenue South to River Drive North;
- J.— Central Avenue from Ninth ~~Streets~~**Street** to Forth-sixth Street;
- K.— Second Street from Tenth Avenue South to First Avenue South;
- L.— River Drive ~~all inside of~~ City limits;
- M.— Twenty-fifth and Twenty-sixth Streets couplet from Tenth Avenue South to River Drive North;



Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- N.— Twenty-sixth Street South from Tenth Avenue South to the south City limits;
- O.— Fifth and Sixth Street couplets from Central Avenue to Tenth Avenue South;
- P.— Second Avenue South from Second Street to Fifteenth Street;
- Q.— First Avenue South from Park Drive to Fifteenth Street.;
- R.— Thirteenth Avenue South from Fourth Street to Twentieth Street;
- S.— Thirty-second Street South from Central Avenue to Tenth Avenue South;
- T.— Thirteenth Street South from Tenth Avenue South to south City limits;
- U.— Fox Farm Road from Tenth Avenue South to south City limits;
- V.— Upper River Road from River Road loop to south City limits--; **and**  
(~~Prior code §W.~~ **Eighth Avenue North from Park Drive North to Thirty-Eighth Street North.**

~~10-2-8(A)).~~

~~10.27.4.020~~ **Stop sign erection—authority.**

Whenever ~~any law of this City~~ **the OCCGF** designates and describes a through-~~or preferential~~ street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through-~~or preferential~~ street or intersection that portion thereof described and designated as such by ~~any law of this City~~ **the OCCGF**.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-8(B)).~~

**Chapter 305 ONE-WAY STREETS AND ALLEYS**

**Sections:**

~~10.30.010 Sign placement and maintenance.~~

~~10.30.020 Direction designated.~~

**10.5.010 Sign placement and maintenance.**

**10.5.020 Direction designated.**

~~10.305.010~~ **Sign placement and maintenance.**

Whenever ~~any laws of this City designate any~~ **the OCCGF designates a** one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, ~~and no such regulation shall be effective unless such signs are in place.~~ Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-7(A)).~~

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

**10.30.5.020 Direction designated.**

- A.— Upon those streets ~~and~~, parts of streets, and ~~in those~~ alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction ~~when signs indicating the direction of traffic are erected and maintained at every intersection where movement.~~ **Movement** in the opposite direction is prohibited.
- B.— In accordance with Section 10.305.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues.

~~(Ord. 2867, 2004)~~

<u>Street, Avenue or Alley</u>	<u>Permitted direction</u>
First Avenue North Park Drive to Thirty-seventh Street	<u>Eastbound</u>
<del>(Ord. 1217, 1956)</del>	<del>Eastbound</del>
First Avenue South Park Drive to Fifteenth Street	<u>Westbound</u>
<del>(Ord. 1217, 1956)</del>	<del>Westbound</del>
Second Avenue South Second Street to Fifteenth Street	<u>Eastbound</u>
<del>(Ord. 1217, 1956)</del>	<del>Eastbound</del>
Second Avenue North Park Drive to Thirty-seventh Street	<u>Westbound</u>
<del>(Ord. 1217, 1956)</del>	<del>Westbound</del>
Fifth Street Eighth Avenue North to Tenth Avenue South	<u>Southbound</u>
<del>(Ord. 1471, 1964)</del>	<del>Southbound</del>
Sixth Street Eighth Avenue North to Tenth Avenue South	<u>Northbound</u>

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

<del>{Ord. 1471, 1964}</del>	<del>Northbound</del>
Fourteenth Street Twelfth Avenue North to Tenth Avenue South	<u>Southbound</u>
<del>{Ord. 1454, 1963}</del>	<del>Southbound</del>
Fifteenth Street Twelfth Avenue North to Tenth Avenue South	<u>Northbound</u>
<del>{Ord. 1454, 1963}</del>	<del>Northbound</del>
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North	<u>Southbound</u>
<del>{Ord. 1627, 1969}</del>	<del>Southbound</del>
Twenty-fifth Alley Northeast Sixth Street Northeast to Ninth Street Northeast	<u>Westbound</u>
<del>{Ord. 3042, 2009}</del>	<del>Westbound</del>
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North	<u>Northbound</u>
<del>{Ord. 1627, 1969}</del>	<del>Northbound</del>
Park Drive First Avenue South to Second Street	Southbound

~~{Ord. 2867, 2004; Ord. 2646 §(part), 1994; Prior code §10-2-7(B)}.~~

~~{Ord. No. 3042, § 1, 8-4-2009}~~

**Chapter 336 FOUR-LANE STREETS AND ROADWAYS**

**Sections:**



Title 10 VEHICLES AND TRAFFIC

~~10.33.010 Designated marking regulations.~~

**10.6.010 Designated marking regulations.**

~~10.336.010~~ **Designated marking regulations.**

A.— The following streets and avenues or portions thereof, located within the **incorporated** City limits, are designated as four-lane streets and roadways:

1. Central Avenue:  
From the east line of Ninth Street to the west line of Fifteenth Street;
2. Tenth Avenue South:  
From the west City limits to the east City limits;
3. Central Avenue West:  
From the west abutment of the First Avenue North Bridge to west line of Interstate 15;
4. Fourteenth and Fifteenth Streets North:  
From the south line of Twelfth Avenue North to the south abutment of the Fifteenth Street North Bridge;
5. First Avenue North-:  
From west abutment of First Avenue North Bridge to west line of Park Drive;
6. Park Drive:  
From south line of First Avenue North to north line of First Avenue South;
7. Sixth Street SW:  
From Central Avenue West, south to City limit;
8. Northwest Bypass:  
From Third Street Northwest, west to City limits;
9. Third Street Northwest/ **and** Smelter Avenue:  
From Central Avenue West, northeast to City limits;
10. Ninth Street North:  
From 8th Avenue North to south abutment of Tenth Street North Bridge;
11. Tenth Street North:  
From north abutment of Tenth Street North Bridge, north to City limits;
12. Fox Farm Road:  
From Tenth Avenue South to Alder Drive; **and**
13. River Drive:  
From Tenth Street North to Fifteenth Street North.

B.— The Public Works Department is directed to mark appropriately all such four-lane streets or roadways and to keep the same properly marked and ~~laned~~ **designated** for four-lane traffic.

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

C.— All vehicles proceeding on any four-lane street or roadway must be driven wholly within a single lane and the driving of any vehicle so as to straddle two (2) lanes of traffic, except in passing from one (1) lane to the other, is prohibited.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-7(C)(2-4)).~~

**Chapter 367 SPEED RESTRICTIONS**

**Sections:**

~~10.36.010 Established—specific streets.~~

~~10.36.020 Established - alleys.~~

**10.7.010 Established—specific streets.**

**10.7.020 Established - alleys.**

**10.367.010 Established—specific streets.**

In accordance with ~~Section~~**Mont. Code Ann. § 61-8-306, MCA,** and when signs are erected giving notice thereof, no person shall drive a motor vehicle at a speed greater than or less than the speed as set forth in the following schedule on the street or parts of streets as follows:

<u>Street and Avenue</u>	<u>Minimum Maximum M.P.H. M.P.H.</u>
Central Avenue Ninth Street to Fifteenth Street	25
Central Avenue Fifteenth Street to Thirty-eighth Street	30
First Avenue South Ninth Street to Fifteenth Street	30
Second Avenue South Ninth Street to Fifteenth Street	30

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

Second Street South Tenth Avenue South to south line of First Avenue South	30
Park Drive First Avenue North to Eighth Avenue North	30
Parkdale Housing All streets within the following boundaries: Bounded on the north by the north line of Fifth Avenue South; on the east by the west line of Eighteenth Street and Chowen Park; on the south by the north line of Eighth Avenue South and Chowen Park; and on the west by the east line of Fifteenth Street	15
<del>(Ord. 2633, 1992)</del>	<del>15</del>
Eighth Avenue North Park Drive to Twenty-fifth Street All trucks only	20
All other vehicles	25

~~(Ord. 2646 §(part), 1994; Ord. 2446 §2, 1987; Prior code §~~

~~10-2-5(B)).~~

**10.36.7.020 Established - alleys.**

The limit for all alleys within the **incorporated** City limits shall be **fifteen (15)** miles per hour.

~~(Ord. 2802, 2001; Ord 2446, 1987; prior code §10-2-5(A)).~~

**Chapter 398 MISCELLANEOUS DRIVING RULES**

**Sections:**

~~10.39.055 Loud noises—prohibited.~~

~~10.39.060 Processions—parades—permits required when.~~



Title 10 VEHICLES AND TRAFFIC

~~10.39.070 Driving on sidewalk prohibited—exception.~~

~~10.39.080 Boarding or alighting from moving vehicles prohibited.~~

~~10.39.090 Passenger regulations.~~

~~10.39.100 Violation—misdemeanor—penalty.~~

~~10.39.110 Use of electronic communication devices while operating a motorized vehicle or a bicycle.~~

**10.39.055 — Loud noises—prohibited.**

Refer to OCCGF 8.5610.8.010 Driving on sidewalk prohibited—exception.

**10.8.020 Boarding or exiting from moving vehicles prohibited.**

**10.8.030(C)– Passenger regulations.**

~~(Ord. 10.8.040 Violation—misdemeanor—penalty.~~

**10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.**

~~2790, 2000; Ord. 2640 § (part), 1994).~~

**10.39.060 — Processions—parades—permits required when.**

~~No funeral procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles or any marching band and drum and bugle corps, except the forces of the United States Army or Navy, the military forces of this State, or the forces of the Police and Fire Departments shall occupy, march or proceed along any street unless application is made and approved by the City administration and a permit issued by the Park & Recreation Department. Such application must meet the requirements of the City Parade policy and such other regulations as are set forth in this chapter which may apply.~~

~~(Ord. 2245, 1981; Prior code §10-2-9(F)).~~

**10.39.0708.010 Driving on sidewalk prohibited—exception.**

- A. The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway.

~~(Prior code §10-2-9(G)).~~

**10.39.080B. This section does not apply to City authorized vehicles performing sidewalk maintenance or snow removal.**

Title 10 VEHICLES AND TRAFFIC

**10.8.020 Boarding or ~~alighting~~ exiting from moving vehicles prohibited.**

It is unlawful for any person to board or ~~alight from~~ exit any vehicle while ~~such~~ the vehicle is in motion.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-9(L)).~~

**~~10.39.090~~10.8.030 Passenger regulations.**

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in the space intended for merchandise.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-9(M)).~~

**~~10.39.100~~10.8.040 Violation—misdemeanor—penalty.**

~~Every person convicted of a misdemeanor for the~~A violation of any provisions of this chapter shall be punishedChapter is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for), a term not more than to exceed six (6) months in jail, or by both such fine and imprisonment.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-9(Z)).~~

**~~10.39.110~~10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.**

**~~1. Electronic communication device usage while driving prohibited.~~**

(a)—A. No person operating a motorized vehicle or a bicycle on a public highway within the cityincorporated City limits of Great Falls shall use a mobile telephone to engage a call and/or use any other hand-held electronic communication device to compose, send, view or retrieve email, a text message, or other electronic data.

(b)—B. "Hand-held electronic communication device" includes wireless or cellular phones, laptop and notebook computers, GPS and navigational systems, pagers, electronic games, and any other device that would permit wireless communications to and from the user of the device.

~~(c) Exceptions.~~

(1)—C. This provision shallsection does not apply to anythe following:

1. Any person reporting a health, fire, safety, or police emergency-;

~~(2) This provision shall not apply to governmental.~~2. Governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other person operating an "authorized emergency vehicle" as defined in MontanaMont. Code Annotated Sec. Ann. § 61-8-102(2)(a)-;

~~(3) This provision shall not apply to operators.~~ Operators or passengers of a motorized vehicle using a hand-held electronic communication device while in a parking lane or space out of moving traffic lanes-;

Title 10 VEHICLES AND TRAFFIC

(4) ~~This provision shall not apply to persons.~~ **Persons** using a "hands-free device." A "hands free device" is", **defined as**, an external device that connects to a wireless telephone, wireless or electronic communication device that allows use of the hands-free device.; **and**

(5) ~~This provision shall not apply to drivers.~~ **Drivers** using two-way radios while in the performance and scope of their work-related duties, or ~~to~~ drivers holding a valid amateur radio operator license issued by the Federal Communications Commission while using a two-way radio.

2. ~~**Penalty: D.** The penalty(ies) **penalties** for a person who is found to have committed a violation of Section 10.39.110 shall be~~ **this section are** as follows:

(a) ~~1.~~ **1.** A first conviction for a violation of ~~Section 10.39.110~~ **this section**, shall be punishable by a fine not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00).;

(b) ~~2.~~ **2.** A second conviction, within 24 months after the first conviction, for a violation of ~~Section 10.39.110~~ **this section**, shall be punishable by a fine not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). The Defendant shall further participate in twenty (20) hours of Court--approved community service to be completed within ninety (90) days of the date of the second conviction. The Defendant shall provide completion of community service to the Great Falls Municipal Court.; **and**

(c) ~~3.~~ **3.** A third or subsequent conviction, within 24 months after the first conviction, for a violation of ~~Section 10.39.110~~ **this section**, shall be punishable by a fine not less than four hundred dollars (\$400.00) ~~and~~ **or** more than five hundred dollars (\$500.00). The Defendant shall further participate in forty (40) hours of community service to be completed within ninety (90) days of the date of conviction. Additional penalties may include forfeiture of license plates of the vehicle, driven at the time of the offense, or forfeiture of the Defendant's driver's license for a period not to exceed 180 days, or both.

~~(Ord. 3146, 2016; Ord. 3090, § 1(Exh. A), 7-3-2012, eff. 8-2-2012)~~

## Chapter 489 STOPPING, STANDING, AND PARKING

### Sections:

~~10.48.010 Stopping, standing or parking close to curb.~~

~~10.48.040 Lights on parked vehicles.~~

~~10.48.050 Parking at meters.~~

~~10.48.055 Paying for parking.~~

~~10.48.060 Stopping or parking on public streets and alleys.~~

~~10.48.070 Parking in alleys.~~

~~10.48.080 Parking for certain purposes prohibited.~~

~~10.48.090 Parking of commercial vehicles.~~

~~10.48.100 Compliance with signs required.~~



Title 10 VEHICLES AND TRAFFIC

- ~~10.48.105 Curb or pavement markings.~~
- ~~10.48.110 Parking controlled adjacent to schools.~~
- ~~10.48.120 Parking controlled on narrow trafficways.~~
- ~~10.48.130 Parking controlled during certain hours of the day and/or days of the week.~~
- ~~10.48.150 Stopping, standing or parking controlled in hazardous or congested places.~~
- ~~10.48.160 Stopping, standing or parking controlled along arterial and collector trafficways.~~
- ~~10.48.170 On-street loading and parking zones.~~
- ~~10.48.175 Parking management districts.~~
- ~~10.48.180 Review of applications for loading and parking zones on public streets.~~
- ~~10.48.190 Application fees for the establishment of loading and parking zones.~~
- ~~10.48.200 Use of loading and parking zones on public streets.~~
- ~~10.48.220 Passenger loading zones serving schools.~~
- ~~10.48.230 Delivery permits.~~
- ~~10.48.240 Meter bags.~~
- ~~10.48.250 Residential parking in parking management districts.~~
- ~~10.48.260 Administration of parking management districts.~~
- ~~10.48.270 Parking meter enforcement periods and time limits.~~
- ~~10.48.280 Courtesy parking.~~
- ~~10.48.290 Unauthorized parking in off-street parking facilities prohibited.~~
- ~~10.48.300 Rates charged on City owned/operated off-street parking lots and garages.~~

- 10.4810.9.010 Stopping, standing or parking close to curb.**
- 10.9.020 Lights on parked vehicles.**
- 10.9.030 Parking at meters.**
- 10.9.040 Paying for parking.**
- 10.9.050 Stopping or parking on public streets and alleys.**
- 10.9.060 Parking in alleys.**
- 10.9.070 Parking for certain purposes prohibited.**
- 10.9.080 Parking of commercial vehicles.**
- 10.9.090 Compliance with signs required.**
- 10.9.100 Curb or pavement markings.**
- 10.9.110 Parking controlled adjacent to schools.**
- 10.9.120 Parking controlled on narrow traffic ways.**
- 10.9.130 Parking controlled during certain hours of the day and/or days of the week.**

Title 10 VEHICLES AND TRAFFIC

- 10.9.140 Stopping, standing or parking controlled in hazardous or congested places.
- 10.9.150 Stopping, standing or parking controlled along arterial and collector traffic ways.
- 10.9.160 On-street loading and parking zones.
- 10.9.170 Parking management districts.
- 10.9.180 Review of applications for loading and parking zones on public streets.
- 10.9.190 Application fees for the establishment of loading and parking zones.
- 10.9.200 Use of loading and parking zones on public streets.
- 10.9.210 Passenger loading zones serving schools.
- 10.9.220 Delivery permits.
- 10.9.230 Meter bags.
- 10.9.240 Residential parking in parking management districts.
- 10.9.250 Administration of parking management districts.
- 10.9.260 Parking meter enforcement periods and time limits.
- 10.9.270 Courtesy parking.
- 10.9.280 Unauthorized parking in off-street parking facilities prohibited.
- 10.9.290 Rates charged on City owned or operated off-street parking lots, garages, and parking meters.
- 10.9.300 Parking in construction zones.

**10.9.010 Stopping, standing or parking close to curb.**

~~Unless otherwise provided in this Chapter, it is unlawful for any person to stop, stand, or park a vehicle, other than a motorcycle, in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing, or parked and with the wheels of the vehicle within eighteen (18) inches of the curb or edge of the traffic way except as otherwise provided in Section 10.48.050.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 1987 2(part), 1976: prior code 10-2-12(A))~~

~~10.48.040~~**10.9.020 Lights on parked vehicles.**

Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

~~(Ord. 1987 §2(part), 1976: prior code §10-2-12(d))~~

~~10.48.050~~**9.030 Parking at meters.**

- A. Except as directed by an officer or representative of the Great Falls Fire or Rescue (GFFR) Department, Great Falls Police Department, Department (GFPD) officer or

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

**representative, or a City parking attendants official**, vehicles using metered parking spaces shall park within the area and at the angle delineated by the pavement markings.

- B.** When ~~these~~**pavement** markings are obscured by snow, wear, or other conditions and there is angle parking, vehicles shall be parked to the left side or right side of the appropriate meter.
- C.** Where there is parallel parking, vehicles shall be parked front end to or rear end to, within eighteen (18) inches of the appropriate meter, and within eighteen (18) inches of the curb. Failure to comply with this section is a violation of this ~~Code~~**Title**, subject to the penalties and fees authorized by ~~Section 10.87.090~~**Chapter 21** of this ~~title~~**Title**.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 1987 §2(part), 1976: prior code §10-2-12(E))~~

~~10.48.055~~**9.040** **Paying for parking.**

- A.—** Upon parking in a metered parking space, the occupants of the vehicle shall immediately pay for parking using coins of the United States or any other means provided for payment by the City-, **including a mobile electronic device application.**
- B.** The available means of payment shall be indicated on the meter and/or signs posted on the adjoining sidewalk. ~~Alternatively, the~~**The** occupants may display a free parking pass issued by the City. Failure to pay for parking or to display a pass is a violation of this ~~Code~~**Title** subject to the penalties and fees authorized by ~~Section 10.87.090~~**Chapter 21** of this ~~title~~**Title**.
- ~~B.—~~**C.** A valid free parking pass bears the signature of the **Parking** Administrator, the City Manager, or the City's authorized agent, and an expiration date. Attempted use of a pass that does not bear an authorized signature and an expiration date is a violation of this ~~Code~~**Title**, subject to the penalties and fees authorized by ~~Section 10.87.090~~**Chapter 21** of this ~~title~~**Title**.
- ~~C.—~~**D.** ~~It is lawful to~~ **Vehicle occupants may** use unexpired time on a parking meter, but the unexpired time counts toward the applicable time limit.

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~10.48.060~~**9.050** **Stopping or parking on public streets and alleys.**

Except when temporarily necessary to avoid conflict with other traffic, when so directed by ~~an~~ **GFFR or GFPD officer of the Fire or Police Departments** or **representative**, City parking ~~attendants~~**official**, or where a parking space is clearly delineated by pavement markings, it is a violation of this ~~Code~~**Title**, **punishable by Chapter 21 of this Title**, to park a vehicle in any of the following places:

- A.—** In front of ~~(, across)~~ **from**, or within five (5) feet of a public or private driveway ~~or~~, an alley, or as otherwise indicated by pavement markings and/or official signs, which may prohibit parking in a larger area adjacent to the driveway or alley-;
- B.—** Within a signed and/or marked fire hydrant zone, or, if the fire hydrant zone is not signed and/or marked, within ten (10) feet of a fire hydrant-;
- C.—** Within thirty (30) feet in front of any crosswalk (marked or unmarked) at an intersection-;
- D.—** Within twenty (20) feet beyond any crosswalk (marked or unmarked) at an intersection-;



Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- E.— Within thirty (30) feet in front of or twenty (20) feet beyond any mid-block crosswalk-;
  - F.— Upon the paved or main traveled part of a street or alley when it is practical to stop or park in a delineated parking space, on the shoulder, or otherwise safely out of the flow of traffic-;
  - G.— In a traffic lane for the purpose of discharging or receiving passengers, in which case both the driver of the vehicle and the passenger may be cited for a violation-;
  - H.— In a marked or signed fire lane-;
  - I.— **In violation of parking City parking facility rules or lease agreement; or**
  - J.— Any other place where official signs, pavement, or curb markings prohibit parking.
- ~~J.— The violations listed above are subject to the penalties and fees authorized by Section 10.87.090 of this title.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2676 § (part), 1995; Ord. 2646 §(part), 1994; Ord. 2353 §1, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-13(A))~~

**10.48.0709.060 Parking in alleys.**

- A.— It is unlawful to stop, stand, or park any vehicle or trailer in any alley unless ~~the same shall be~~ parallel to and within eighteen (18) inches of the alley line and leaving at least ten (10) feet of roadway for movement of through traffic.
- B.— It is unlawful to stop, stand, or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.
- C.— It is unlawful to stop, stand, or park any vehicle or trailer in any alley at any time in the area which may ~~from time to time~~ be designated ~~central business district; save and excepting only~~ **Central Business District; except** commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department.
- D.— It is unlawful to stop, stand, or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow.

~~(Ord. 1987 §2(part), 1976: prior code §10-2-13(B))~~

**10.48.08010.9.070 Parking for certain purposes prohibited.**

It is unlawful for any person to do any of the following while a vehicle is parked upon any traffic way of the City:

- A.— Display more than one (1) vehicle for sale or advertising of such vehicle on the vehicle itself-; **or**
- B.— Grease, paint, or repair ~~such any vehicle, except repairs necessitated by an~~ **for non-emergency purposes.**

~~(Ord. 2283, 1981: Ord. 1987 §2(part), 1976: prior code §10-2-13(C))~~

Title 10 VEHICLES AND TRAFFIC

~~10.48.090~~**10.9.080** **Parking of commercial vehicles.**

It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four (24) hours, unless otherwise provided ~~for herein~~ **in this Title.**

~~(Ord. 1987 §2(part), 1976: prior code §10-2-13(D))~~

~~10.48.100~~**10.9.090** **Compliance with signs required.**

When official signs controlling parking are erected upon such traffic ways as authorized ~~herein~~ **by this Title,** no person shall stop, stand, or park a vehicle upon any ~~such~~ traffic way in violation of any ~~such~~ sign.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 1987 §2(part), 1976: prior code §10-2-14(part))~~

~~10.48.105~~**9.100** **Curb or pavement markings.**

The Public Works Department, **with appropriate Montana Department of Transportation approval,** is authorized to approve curb or pavement markings. No ~~such~~ markings shall be applied without prior approval from the Public Works Department.

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~10.489~~**.110** **Parking controlled adjacent to schools.**

The Public Works Department, **with appropriate Montana Department of Transportation approval,** is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when ~~such~~ stopping, standing, or parking would, in the Department's opinion, interfere with traffic or create a ~~hazardous situation~~ **hazard to health or safety.**

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(A))~~

~~10.48.9~~**.120** **Parking controlled on narrow ~~trafficway~~ traffic ways.**

The Public Works Department, **with appropriate Montana Department of Transportation approval,** is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions.

~~(Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(B))~~

~~10.48~~**10.9.130** **Parking controlled during certain hours of the day and/or days of the week.**

The Public Works Department, **with appropriate Montana Department of Transportation approval,** is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary.

Title 10 VEHICLES AND TRAFFIC

~~(Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(C))~~

~~10.48.150.9.140~~ **Stopping, standing, or parking controlled in hazardous or congested places.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control the stopping, standing, or parking of vehicles that would create an ~~especially hazardous condition~~ **hazard to health or safety** or that would cause unusual delay to traffic along certain traffic ways.

~~(Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(E))~~

~~10.48.160.9.150~~ **Stopping, standing, or parking controlled along arterial and collector trafficwaystraffic ways.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority.

~~(Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §-10-2-14(F))~~

~~10.48.170.9.160~~ **On-street loading and parking zones.**

- A.— On-street loading and parking zones may be established following the procedure adopted in ~~Section 10.48.180, below~~ **the Chapter**.
- B.— The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain parking control signs and/or curb or pavement markings on public streets for on-street loading and parking zones serving properties within the **incorporated City limits**, including freight or passenger loading zones, ~~handicap~~**handicapped** parking zones, and bus parking zones serving schools.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 §(part), 1994; Ord. 2520 §1, 1989; Ord. 2021 §1, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G)(1))~~

~~10.48.175.9.170~~ **Parking management districts.**

- A.— The City may establish parking management districts in which time limits ~~or~~, parking meters, or both, are used to encourage turnover in the use of parking spaces and/or to ensure that adequate parking is available to businesses and residents. Delivery permits, meter bags, and monthly meter passes may be used to facilitate the administration of these districts.
- B.— The Public Works Department is authorized to install and maintain parking control signs and/or curb or pavement markings designating parking management districts.

~~(Ord. No. 3122, § 2, 12-2-2014)~~



Title 10 VEHICLES AND TRAFFIC

**10.489.180 Review of applications for loading and parking zones on public streets.**

- A.— The Administrator shall provide forms upon which applications for the establishment of loading or parking zones, including ~~handicap~~**handicapped** parking zones, may be filed. Upon receipt of ~~such~~ an application accompanied by the application fee established pursuant to ~~Section 10.48.190, below~~**Commission resolution**, the Administrator shall refer the application to the Public Works and Planning and Community Development Departments for review and comment and then, based on those comments:
1. **Approve;**
  2. **Conditionally approve, conditionally approve,; or deny**
  3. **Deny** the application, with any conditions imposed or reasons for denial stated in writing.
- B. In addition to the application fee, applicants will be responsible for the actual costs the City incurs in making and erecting signs or installing curb or pavement markings to delineate the loading or parking zone.
- ~~B.—~~C. The extent and location of loading and parking zones may be limited by the Administrator to ensure traffic and pedestrian circulation and safety. The Administrator is not required to approve an application for a loading or parking zone that interferes with safe circulation.
- ~~C.—~~D. Loading and parking zones will not be permitted on a public street where the Administrator determines that there is adequate space for loading and parking on the applicant's property.
- ~~D.—~~E. The Administrator's decision may be appealed to the Board of Adjustment following the procedures established in ~~Title 17, Chapter 16, Article 34 of the Official Code of the City of Great Falls~~**OCCGF Title 17**.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976; prior code §10-2-14(G)(2))~~

**10.4810.9.190 Application fees for the establishment of loading and parking zones.**

Application fees for the establishment of loading and parking zones shall be set by **Commission** resolution of the ~~City Commission~~ with the objective of recovering the administrative costs involved. ~~For the convenience of applicants, the Commission may elect to set a flat fee for the installation of residential handicap parking zones.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 § (part), 1994; 2443 §3, 1986; Ord. 2353 §3, 4, 1984; Ord. 2305 §1, 1982; Ord. 2021 §2, 1977; Ord. 1987 §2(part), 1976; prior code §10-2-14(G)(3))~~

**10.48.9.200 Use of loading and parking zones on public streets.**

- A.— It is ~~a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title,~~**unlawful** for any vehicle to stop or park in any loading or parking zone established ~~as provided in~~**pursuant to this chapter**~~Chapter~~ for any purpose except that for which the zone was established.
- B. It is ~~also a violation~~**unlawful** for vehicles or materials to be parked or stored in a loading zone except where the Administrator permits the temporary use of a loading zone for the parking of equipment or storage of materials during construction.

Title 10 VEHICLES AND TRAFFIC

~~B.—~~**C.** The Administrator may, after seeking the advice of the Parking Advisory Commission, remove any loading or parking zone that ~~is subject to repeated violations by the applicant requesting its establishment, that is creating a traffic hazard or congestion, that is no longer in use, or that is otherwise failing to function for its intended purpose.:~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 §(part), 1994; prior code §10-2-14(G)(4)(part))~~

**10.48.2201. Is subject to repeated violations by the applicant requesting its establishment;**

- 2. Is creating a traffic hazard or congestion;**
- 3. Is no longer in use; or**
- 4. Is otherwise failing to function for its intended purpose.**

**10.9.210 Passenger loading zones serving schools.**

Section 10.489.200 shall be enforced in passenger loading zones serving schools only between 7:00 a.m. and 5:00 p.m. on school days ~~during the school year or, when weekend, summer, or evening sessions served by busses are held, and when school is in session.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2951, 2006)~~

**10.48.2309.220 Delivery permits.**

- A.— Delivery permits allow parking in freight loading zones or in any lawful parking space in a parking management district without additional payment only while a vehicle is making deliveries.
- B.— All vehicles that regularly make deliveries within a parking management district shall display a delivery permit issued by the City in a way that is clearly visible to parking enforcement personnel. The Administrator may issue more specific instructions for the display of these permits.
- C.— Delivery permits must be renewed ~~each year, on or before the anniversary date of their issuance.~~ **January 1 each year.** The cost of a delivery permit will be set by **Commission** ~~resolution of the City Commission.~~
- D.— Use of a delivery permit to attempt to avoid paying for parking when not making a delivery is a violation of this ~~section, subject to the penalties and fees authorized by Section 10.87.090 of this title~~ **Title.**

~~(Ord. No. 3122, § 2, 12-2-2014)~~

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.48.230, and adding a new § 10.48.230. Former § 10.48.230 pertained to passenger loading zones, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; and Ord. 2951 of 2006.

Title 10 VEHICLES AND TRAFFIC

~~10.48.240 — Meter bags.~~

**10.9.230 Meter bags.**

- A.— Meter bags may be issued ~~to~~ temporarily **to** reserve metered parking spaces for maintenance or construction activities, while moving, or for other activities being conducted by or for the adjoining property owner that require reserved parking at a particular location within a parking management district.
- B.— The daily cost of meter bags will be set by **Commission** resolution of the ~~City Commission.~~
- C.— Using a meter bag to attempt to avoid paying for parking when not engaged in the activities for which the meter bag was issued is a violation of this section, ~~subject to the penalties and fees authorized by Section 10.87.090 of this title. It is also a violation to park a vehicle in a parking space with a meter bag without the meter bag applicant's permission.~~ **Title.**

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~**Editor's note** — Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.489.240, and adding a new § 10.48.240. Former § 10.48.240 pertained to freight loading zones, and derived from the prior code, § 10-2-14(G)(4); and Ord. 1987 of 1976.~~

**10.48.250 Residential parking in parking management districts.**

- A.— Residential parking areas are shown on the Official Parking Management District Map of the City of Great Falls that is ~~appended to this title.~~ **filed with the Planning and Community Development Department.** After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add residential parking areas in any parking management district.
- B.— ~~It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title,~~ **It is unlawful** to stop or park a vehicle for longer than the time limit established by the signs posted in a residential parking area ~~except that residents.~~
- C. **Residents** of the district, ~~whether owners or lessees,~~ may, upon submitting proof of their residence in a residential parking area, obtain a residential parking permit that exempts them from the posted time limit. ~~The City Commission may set a fee that covers the administrative costs of issuing the residential parking permits.~~ **Fees for such permits shall be set by Commission resolution.**
- C.—**D** Residential parking permits are specific to the vehicle plate number shown on the application for the permit and must be used within one block of the place of residence given on that application. Residential parking permits may not be used at metered parking spaces. Penalties for violations of this section are as set by **Commission** resolution of the ~~City Commission.~~

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~**Editor's note** — Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.489.250, and adding a new § 10.48.250. Former § 10.48.250 pertained to delivery zones, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; Ord. 2646 of 1994; and Ord. No. 3057, adopted August 17, 2010.~~



Title 10 VEHICLES AND TRAFFIC

**10.48.260 Administration of parking management districts.**

- A.— Parking management districts are shown on the Official Parking Management District Map of the City of Great Falls that is ~~appended to this title.~~ **filed with the Planning and Community Development Department.** After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add parking management districts. ~~These changes shall be promptly added to the Official Parking Management District Map of the City of Great Falls that is appended to this title.~~
- B.— Parking meters may be installed within parking management districts. Meters need not, however, be used throughout these districts. The Administrator, in consultation with the Parking Advisory Commission, may remove parking meters that are not needed to maintain parking turnover or where the cost of servicing a meter exceeds the revenue it generates. **The Administrator, in consultation with the Parking Advisory Commission, may add meters in an established management district.** Where meters are not used within the metered parking districts, time limits may be posted and enforced using signs.
- C.— The Administrator may also issue monthly parking passes that can be used at meters in areas where meters are underutilized. The fee for monthly parking passes shall be set by **Commission** ~~resolution of the Commission.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2189, 1980; Ord. 1987 §2 (part), 1976; prior code §10-2-14(G)(5))~~

**Editor's note**— ~~Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.48.9.260, and renumbered former § 10.48.280 as a new § 10.48.260. Former § 10.48.260 pertained to daily use zones and meter bags, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; Ord. 2353 of 1984; Ord. 2520 of 1989; Ord. 2572 of 1990; and Ord. 2646 of 1994.~~

**10.48.270 Parking meter enforcement periods and time limits.**

- A.— ~~Time limits on curb parking, whether metered or not, are established to promote parking turnover for the convenience of shoppers and the benefit of downtown businesses.~~  
The rates and time limits for parking in parking management districts shall be as ~~established~~ **set** by **Commission** ~~resolution of the City Commission.~~
- B.— Any type of meter may be used within a parking management district at the discretion of the Administrator, with recommendations from the Parking Advisory Commission.
- C.— Enforcement of the parking rates and time limits established by the Commission shall be in effect from 9:00 a.m. to 5:00 p.m. on all days except **Saturdays**, Sundays, and City holidays or as otherwise provided by **Commission** ~~resolution of the Commission.~~ The Administrator may temporarily suspend parking meter enforcement for downtown events, holidays, or construction projects.
- D.— ~~It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title,~~ **It is unlawful** to park a vehicle in a parking management district for a period of time longer than the limit that is adopted by the Commission and posted on the meter and/or signs placed by the City. Spaces may be used without regard to the posted time limit on **Saturdays**, Sundays, and City holidays, except where otherwise posted.
- E.— The time limits authorized herein are enforced, among other ways, by chalking tires. Consistent with the purpose of time limits, as stated in A., above, a vehicle that has not

Title 10 VEHICLES AND TRAFFIC

been moved far enough to erase the chalk mark is still in violation of the time limits ~~and this Code.~~

- F.— An exception to the posted time limits is hereby granted to individuals with disabilities as ~~defined~~**provided** in Mont. Code Ann. Title 49, Chapter 4, to use any metered space without regard to the sign-posted time limit.

(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 § (part), 1994; Ord. 2520 §4, 1989; Ord. 2353 §9, 10, 1984; Ord. 2052 §1, 1979; Ord. 2021 §4, 1977; Ord. 1987 §2(part), 1976; prior code §10-2-14(G)(6))

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.48.270, and renumbered former § 10.48.290 as a new § 10.48.270. Former § 10.48.270 pertained to residential zones, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; Ord. 2353 of 1984; Ord. 2646 of 1994; and Ord. No. 3057, adopted August 17, 2010.

**10.48.28010.9.270** Courtesy parking.

Upon request by the adjoining property owner or tenant and approval of the Administrator, metered spaces may be designated as courtesy parking, allowing the removal of the meters and their replacement with a sign stating that parking is being provided by the adjoining business. The number and location of spaces that may be thus designated will be determined by the Administrator. The fee for designating spaces as courtesy parking shall be set by **Commission** resolution of the City Commission and payable each year on the anniversary date of the application. ~~The City will continue prior to enforce the applicable time limit on courtesy parking spaces~~**January 1.**

(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 § (part), 1994; Ord. 2443 § 1, 1986; Ord. 2353 §11, 1984)

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by renumbering former § 10.48.280 as a new § 10.48.260, and renumbered former § 10.48.291 as a new § 10.48.280.

**10.48.2909.280** Unauthorized parking in off-street parking facilities prohibited.

- A.— It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title, **A. It is unlawful** for any person to stop or park a vehicle in any parking space in an off-street parking facility that is owned or leased by the City unless the occupants of that vehicle have paid the required fee.
- B.— Parking spaces controlled by parking meters in off-street parking facilities owned or leased by the City shall be subject to the same rates, time limits, and periods of enforcement as other parking meters, unless otherwise provided by **Commission** resolution ~~of the Commission.~~

(Ord. No. 3122, § 2, 12-2-2014; Ord. 2457 § 1, 1987; Ord. 2383 § 2, 1985; Ord. 2353 § 12, 1984; Ord. 2188, 1980)

Title 10 VEHICLES AND TRAFFIC

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by renumbering former § 10.489.290 as a new § 10.48.270, and renumbered former § 10.48.300 as a new § 10.48.290.

**10.48.300- Rates charged on City owned/~~operated off-street parking lots and garages.~~**

The City Manager shall, on recommendation of the Parking Advisory Commission, establish the hourly, daily, and monthly lease rates charged for parking in City owned or **or operated off-street parking lots or, garages-, and parking meters.**

(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 § (part), 1994; Ord. 2521, 1989)

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by renumbering former § 10.48.300 as a new § 10.48.290, and renumbered former § 10.48.310 as a new § 10.48.300.

Rates for City-owned or City-operated off-street parking lots, garages, and parking meters shall be set by Commission resolution.

**10.9.300 Parking in construction zones.**

The Public Works Department is authorized to relocate vehicles parked in active construction zones. Prior to relocation the Department shall:

- A. Place a no parking notice in the construction zone twenty-four (24) hours prior to construction beginning;
- B. Provide notice to the GFPD that a vehicle is located in the construction zone and must be removed; and
- C. GFPD shall attempt to locate the registered owner of the vehicle.
- D. If the registered owner is not located, or the vehicle is not removed from the construction zone within twenty-four (24) hours, the Public Works Department shall remove the vehicle from the construction zone, and the costs of said removal shall be charged to the registered owner.

**Chapter 5010 VEHICLE IMMOBILIZATION**

**Sections:**

~~10.50.010 Authorization to use vehicle immobilizer.~~

~~10.50.020 Procedure for vehicle immobilization.~~

~~10.50.030 Removal of violation vehicle.~~



Title 10 VEHICLES AND TRAFFIC

~~10.50.040 Release to the owner.~~

~~10.50.050 Hearing on immobilization.~~

~~10.50.060 Cost liability.~~

**10.10.010 Authorization to use vehicle immobilizer.**

**10.10.020 Procedure for vehicle immobilization.**

**10.10.030 Removal of violation vehicle.**

~~10.50~~**10.10.040 Release to the owner.**

**10.10.050 Hearing on immobilization.**

**10.10.010 Authorization to use vehicle immobilizer.**

- A.** Members of the ~~City Police Department~~**GFPD, or other Parking Administrator authorized persons**, are authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a ~~city~~**City** parking space located in the downtown residential district, the parking meter district, or any ~~city~~**City** owned off-street pay-to-park facility ~~lot,~~ and that has five (5) or more parking tickets unpaid ~~or delinquent thirty (30) days or more,~~ provided that.
- B. Prior to any vehicle immobilization,** the Planning and Community Development Department's Parking Division ~~has~~**is required to** either ~~(a) mailed:~~
- 1. Mail** the registered owner of the vehicle a final notice for five (5) or more of the unpaid ~~or delinquent parking tickets; or (b) has filed~~
  - 2. File** a complaint in ~~court~~**Great Falls Municipal Court** charging the registered owner with unpaid parking tickets on the vehicle, and no individual has appeared for arraignment on the complaint.

~~(Ord. 2815, 2002).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~10.50~~**10.10.020 Procedure for vehicle immobilization.**

- A.** If parking officials, as defined in ~~section 10.87.010~~**this Chapter**, choose to immobilize a vehicle with a boot as allowed by ~~section 10.50.040~~**Chapter**, then the on-site officers immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle.
- B.** The written notice will inform the owner, driver, or person in charge of such vehicle: that ~~the:~~

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

1. ~~The~~ **The** vehicle has been immobilized by the City for ~~violation of one (1) or more provisions of~~ **pursuant to this Chapter 10.48**; ~~that release~~;
  2. **Release** from such immobilization may be obtained at a designated place; ~~that unless~~
  3. **Unless** arrangements are made for the release of such vehicle within forty-eight (48) hours, the vehicle will be **towed and impounded** ~~and towed as provided in section 10.50.030~~ **pursuant to this Chapter**; ~~and that removing~~
  4. **Removing** or attempting to remove the immobilization device before a release is obtained is unlawful.
- C. An immobilized vehicle shall not be released by the City until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by ~~section 10.50.040~~ **this Chapter**.
- D. If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the ~~parking official~~ **GFPD** shall have the vehicle **towed and impounded** ~~and towed as provided in section 10.50.030~~.

~~(Ord. 2815, 2002).~~

**10.5010.030 Removal of violation vehicle.**

- A.— The City is authorized to remove a vehicle or tow a vehicle from parking spaces located in the areas listed in section 10.5010.010 to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained.

~~(Ord. 2815, 2002).~~

- B.— Whenever an officer removes a vehicle from a street or City parking space as authorized in this section, and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the ~~vehicle~~ **owner thereof, such, the** officer shall give notice in writing to ~~such~~ **the** owner of the ~~fact of such removal, the violations, and the reasons thereof and of the place to which such~~ **where the** vehicle has been ~~removed.~~ **relocated.**
- C. If ~~any such~~ **a** vehicle is stored at a designated tow site, a copy of ~~such~~ **the** notice shall be given to the proprietor of ~~such~~ **garage. Further, the** ~~tow site.~~ **The** party towing the vehicle shall immediately notify the ~~police department~~ **GFPD** dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.

~~(Ord. 2815, 2002).~~

- ~~C.—~~ **D.** Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner ~~as hereinafter provided~~, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall ~~send or cause to be sent written reports~~ **a report** of ~~such~~ **the** removal by mail to the ~~state department whose duty it is to register motor vehicles,~~ **to the Montana Department of Transportation Motor**

Title 10 VEHICLES AND TRAFFIC

**Vehicle Division** and shall file a copy of ~~such~~**the** notice with the proprietor of the designated tow site ~~in which the vehicle may be stored. Such. The~~ notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal **violations**, and name of the ~~garage or place where the vehicle is stored~~**tow site**.

~~(Ord. 2815, 2002).~~

~~D. — Any officer is authorized to take possession of any motor vehicle owned by any person that has violated, as to the vehicle, any of the provisions of Chapter 10.48, and has the authority to remove such vehicle from the streets and parking facilities in the areas designated in section 10.50.010, and to store and keep possession thereof until the owner of such vehicle appears and claims the same. E. The cost of towing or removing such~~**the** vehicle and costs of storing the ~~same~~**vehicle** shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before ~~the same shall be~~ **it is** released. ~~The vehicle will be stored in a designated tow site. The owner of a vehicle impounded and towed due to unpaid parking tickets must secure the release of the vehicle as required by section 10.50.040(B).~~

~~(Ord. 2815, 2002).~~

~~E. —~~ **F.** The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in ~~connection with such~~ **Municipal Court for the** violation(s).

~~(Ord. 2815, 2002).~~

**10.5010.040 Release to the owner.**

A. — A vehicle immobilized for unpaid parking tickets shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle, and the vehicle immobilization equipment **shall be** removed, upon payment of all overdue and unpaid parking tickets and the immobilization fee. The fee may be paid in the form of a refundable bond, pending the outcome of any hearing requested pursuant to section 10.50**10.050**(D).

~~(Ord. 2815, 2002).~~

B. — A vehicle **towed and** impounded ~~and towed~~ for unpaid parking citations, and in accordance with section 10.50**10.030**, can only be released pursuant to a written order from the Municipal Court that all penalties, fines, or forfeitures owed by the registered owner have been satisfied by full payment or the posting of a bond pending a hearing.

~~(Ord. 2815, 2002).~~

**10.5010.050 Hearing on immobilization.**

A. — After a vehicle has been immobilized pursuant to this ~~chapter~~ **Chapter**, the registered owner, and any other person(s) who reasonably appear to have an interest in the vehicle, is entitled to have speedy hearing with the Parking ~~Official~~ **Administrator** or a ~~designated~~



Title 10 VEHICLES AND TRAFFIC

representative **designee** to determine if the vehicle was immobilized in accordance with sections 10.50.010 and 10.50.020 **this Chapter**.

~~(Ord. 2815, 2002).~~

- B.— If the Parking ~~Official~~ **Administrator or designee** finds that the immobilization was invalid or unjustified, he/ or she will order the vehicle to be immediately released, and the owner or any other person(s) who have an interest in the vehicle shall not be held liable for the immobilization fee.

~~(Ord. 2815, 2002).~~

- C.— If the Parking ~~Official~~ **Administrator** finds that the immobilization was valid and justified, he/ or she ~~will~~ **may** order that the immobilization device remains on the vehicle until payment is received for the immobilization fee and all overdue and unpaid parking tickets. ~~However, pursuant to section 10.50.030 A., when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained, the vehicle will be towed and impounded.~~

~~(Ord. 2815, 2002).~~

- D.— ~~The decision of the Parking Official shall be the final decision by the City. Any person aggrieved by a decision can request a hearing in Municipal Court. The court shall attempt to have the hearing as soon as all parties can be present, preferably on the day the immobilization or towing occurred; but in no instance shall the hearing be any later than three (3) business days after towing has occurred. If the Municipal Court judge determines that the immobilization or towing was in violation of sections 10.50.010, 10.50.020 and/or 10.50.030, then the court may order the City to pay or reimburse the fees for immobilization or storage.~~

~~(Ord. 2815, 2002).~~

**10.50.060 — Cost liability.**

~~The cost of removal and storage of any vehicle moved or towed pursuant to this chapter shall be paid by the owner or operator of the vehicle unless the Great Falls Municipal Court orders otherwise.~~

~~(Ord. 2815, 2002).~~

- D. **The decision of the Parking Administrator may be appealed to the City Manager's Office within fifteen (15) calendar days. The City Manager or designee shall affirm, modify, or reverse the decision of the Parking Administrator by written finding. An adverse finding by the City Manager may be appealed, in writing, within (15) calendar days to the City Commission. The City Commission, after hearing testimony on the matter, shall issue a written finding affirming, modifying, or reversing the decision of the City Manager.**

Title 10 VEHICLES AND TRAFFIC

**Chapter 5711 COMMERCIAL VEHICLES**

**Sections:**

~~10.57.010 Definitions.~~

~~10.57.020 Trucks—prohibited where.~~

~~10.57.040 Trucks—parking prohibited where—exception.~~

~~10.57.050 Restriction of vehicles—determined by City Commission—signs to be erected.~~

**10.57.010 Definitions.**

~~"Truck" and other "commercial~~**10.11.010 Commercial vehicles—prohibited where.**

~~10.11.020 Commercial vehicles" include motor buses.—parking prohibited where—exception.~~

~~(Ord. 1974 §1(part), 1976: prior code §10-2-27(A)).~~

~~10.57.020 Trucks~~**10.11.030 Restriction of vehicles—determined by City Commission—signs to be erected.**

**10.11.010 Commercial vehicles—prohibited where.**

A.— It is unlawful ~~and constitutes a public offense~~ for any person to drive or operate, or for the owner to cause or knowingly permit to be driven or operated any ~~truck,~~ **commercial vehicle** not involved in local service as defined in subsection B., of this ~~Section~~**section**, upon ~~the streets and avenues of the~~ **any City public way** except upon the truck routes designated as follows:

- 1.— Tenth Avenue South from the west City limits to the east City limits;
- 2.— The Northeast Bypass from the intersection at Fifty-seventh Street and Tenth Avenue South, north and then westerly to the ~~Tenth~~**Ninth** Street Bridge;
- 3.— River Drive from its connection with Tenth Avenue South at or near the Warden Bridge to the First Avenue North Bridge;
  - i. First Avenue North from Park Drive westerly through the First Avenue North Bridge; **and**
  - ii. Central Avenue West from the west end of the First Avenue North Bridge to the west City limits on the Vaughn Highway;
- 4.— Third Street Northwest and Smelter Avenue from Central Avenue West to the northeasterly City limits;
- 5.— Second Street from the Tenth Avenue South approaches north to First Avenue South;
- 6.— First Avenue South from Second Street, west to Park Drive; **and**

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- i. Park Drive from First Avenue South to First Avenue North;
- 7.— Sixth Street Southwest from Central Avenue West to Tenth Avenue South; **and**
- 8.— River Drive from First Avenue North to the ~~Tenth~~**Ninth** Street Bridge;

~~B.— For the purpose of this section, the following definitions and terms shall apply:~~

~~"Truck" means any motor vehicle designed, used or maintained primarily for the transportation of property, which has a gross vehicle weight of over ten thousand (10,000) pounds.~~

~~"Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the City.~~

~~C.— In any hearing in Municipal Court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited street or avenue shall be prima facie evidence of violation of 10.57.11.020.~~

~~(Ord. 2646 § (part), 1994; Ord. 1974 §1(part), 1976; prior code §10 2 27(B) (part); Ord. 2219 1980).~~

~~10.57.040~~ ~~Trucks~~ **Commercial vehicles—parking prohibited where—exception.**

~~It is unlawful and constitutes a public offense for any person to park a truck (as defined in Section 10.57.020) on any street~~**City public way**, or avenue within the City, and outside of that area which may from time to time by the City ordinance be designated as the ~~central business district~~**Central Business District**, except for an emergency or for loading and unloading purposes.

~~(Ord. 1974 §1(part), 1976; prior code §10 2 27(D)).~~

~~10.57.050~~**10.11.030** **Restriction of vehicles—determined by City Commission—signs to be erected.**

- A.— The City Commission may, by ~~law or resolution~~**ordinance**, prohibit the operation of vehicles upon any such streets, avenues, or highways, or impose restrictions as to the weight of vehicles to be operated upon any ~~such street~~, whenever any street by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed ~~unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.~~
- B.— The City Commission, in enacting any such ~~law or resolution~~**Public Works Department** shall erect ~~or cause to be erected and maintained~~ signs ~~designating~~**pursuant to the provisions of the law or resolution** ~~ordinance~~ at each end of that portion of any street affected thereby, and the ~~law or resolution~~**ordinance** shall not be effective unless and until ~~such signs are erected and maintained.~~

~~(Prior code §10 2 28).~~



Title 10 VEHICLES AND TRAFFIC

**Chapter 1012 ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS**

**Sections:**

~~10.60.010 Purpose.~~

~~10.60.020 Definitions.~~

~~10.60.030 Exemptions.~~

~~10.60.040 Junk vehicle deemed nuisance.~~

~~10.60.050 Administration and enforcement.~~

~~10.60.060 Administration costs.~~

~~10.60.070 Notices of intention to abate and remove; mailing; form of notices.~~

~~10.60.080 Appeal.~~

~~10.60.090 Abatement and removal.~~

~~10.60.100 Illegal off-street parking.~~

~~10.60.110 Continuing notice.~~

~~10.60.120 Penalty.~~

~~10.60.130 Non-exclusively of this chapter.~~

~~10.60~~**10.12.010 Purpose.**

**10.12.020 Exemptions.**

**10.12.030 Junk vehicle deemed nuisance.**

**10.12.040 Administration and enforcement.**

**10.12.050 Notices of intention to abate and remove; mailing; form of notices.**

**10.12.060 Appeal.**

**10.12.070 Abatement and removal.**

**10.12.080 Illegal off-street parking.**

**10.12.090 Continuing notice.**

**10.12.100 Penalty.**

**10.12.010 Purpose.**

The City Commission of the City of Great Falls hereby makes, finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property or illegally parked on private property is hereby found to create:

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- A. **Create** a condition tending to reduce the value of private property, ~~to promote;~~
- B. **Promote** blight and deterioration, ~~to invite plundering, to create;~~
- C. **Invite criminal activity;**
- D. **Create** fire hazards, ~~to constitute;~~
- E. **Constitute** an attractive nuisance creating a hazard to the health and safety of minors, ~~to create; and~~
- F. **Create** a harbor for rodents and insects, ~~and to be~~ **potentially** injurious to the health, safety, and general welfare.
- G. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on public property ~~or illegally parked on private property~~, except as expressly hereinafter permitted, is hereby declared to constitute a ~~public nuisance~~ **Nuisance**, which may be abated as such in accordance with the provisions of ~~this chapter~~ **OCCGF Title 8, Chapter 49.**

(Ord. 2819, 2002)

**10.6012.020 Definitions.**

~~For the purpose of this chapter the following definitions shall apply:~~

~~"Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, recreational vehicle, camper, motorcycle, trailer, watercraft, boat, canoe, jet skis, snowmobiles, ATV's or aircraft.~~

~~"Machinery" is synonymous with and means the same as "machine" as defined by the current edition of Webster's New Collegiate Dictionary.~~

~~"Trailer" means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.~~

~~"Parts" means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.~~

~~"Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the corporate limits of the City of Great Falls, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one (1) or more of the following characteristics:~~

- A. ~~Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one (1) vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;~~
- B. ~~Has a broken or missing fender, door, bumper, hood, exterior door handle, running board, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, alternator or other structural piece;~~

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- ~~C. Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;~~
- ~~D. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it.~~
- ~~E. Has become a point of collection for stagnant water;~~
- ~~F. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;~~
- ~~G. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;~~
- ~~H. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;~~
- ~~I. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law;~~
- ~~J. Is an abandoned vehicle; or~~
- ~~K. Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.~~

~~"Abandoned vehicle" means any of the following. For the purposes of this subsection, the word "vehicle" includes a vehicle, machinery, trailer or parts thereof:~~

- ~~A. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration, plates, or one (1) or more wheels/tires or other parts which renders the vehicle totally inoperable;~~
- ~~B. A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;~~
- ~~C. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight (48) hours;~~
- ~~D. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days. However, a law enforcement authority may declare the vehicle abandoned within the five-day period by commencing the notification process in Mont. Code Annotated Title 61 Chapter 8 (2001).~~
- ~~E. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.~~

~~"Law enforcement authority" means a peace officer or any City, state or federal department or agency operating with arrest authority in Great Falls, Montana.~~

~~"Responsible parties if ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the State of Montana Department of Motor Vehicles or a sister state division of transportation or motor vehicles.~~

**10.60.030 — Exemptions.**

This ~~chapter~~**Chapter** shall not apply to the following:



Title 10 VEHICLES AND TRAFFIC

- A.— When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the City's zoning regulations; **or**
- B.— A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the ~~state department of transportation~~ **Montana Department of Transportation**, or its equivalent in a sister state, shall not be deemed a junk vehicle unless the owner/ **or** operator of said vehicle fails to repair **or properly cover** the same ~~within a reasonable period of time after said collision.~~
- C.— ~~Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law. (See Title 8 regarding Criminal Nuisances.)~~
- D.— ~~Nothing in the chapter and none of these exemptions alter any zoning regulations for the land on which the vehicle is located. (See Title 17 for zoning regulations)~~

**10.60.04012.030 Junk vehicle deemed nuisance.**

The keeping, maintaining, or allowing a junk vehicle to be on public ~~or illegally parked on private~~ property, except as provided by Section 10.60.030 ~~above~~ **12.020**, shall constitute a nuisance. ~~The owner of a junk vehicle shall be responsible for the maintaining or keeping of a nuisance.~~ **Nuisance as defined by OCCGF Title 8, Chapter 49.**

**10.60.05012.040 Administration and enforcement.**

- A. Except as otherwise provided ~~in this chapter~~, the provisions of this ~~chapter~~ **Chapter** shall be administered and enforced by the Planning and Community Development Director and/or the Police Chief, or their respective designees, hereinafter collectively referred to as "enforcement officer."
- B. The enforcement officer and any person designated by the enforcement officer to abate the nuisance, pursuant to ~~this code~~ **the OCCGF** or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this ~~chapter~~ **Chapter**.

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.60.060 Administration costs.**

~~The City Commission shall determine and fix the administrative fee, an amount to be assessed as administrative costs under this chapter. Said administrative fee shall be in addition to the actual costs incurred regarding towing, storage and disposal of the vehicle. The administrative fee shall be set by resolution.~~

**10.60.07012.050 Notices of intention to abate and remove; mailing; form of notices.**

- A.— A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a ~~public nuisance~~ **Nuisance** shall be given to the owner of the land ~~and/or to the owner of the vehicle, if known.~~ The ~~notices of intention~~ **notice** shall be in a form promulgated by the ~~Planning and Community Development Director~~ **issuing enforcement officer**, and shall provide the following information at a minimum:

Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- 1.— A description of the vehicle or parts which constitute(s) a ~~nuisance~~**Nuisance** under the provisions of the ~~Great Falls Municipal Code;~~**OCCGF**;
  - 2.— That the ~~nuisance~~**Nuisance** must be abated within ten (10) days, (exclusive of weekends and federally mandated holidays) ~~to wit:~~ the junk vehicle must be either:
    - i.—Brought into a condition that it no longer is defined as a junk vehicle;;
    - ii.— Placed in a proper enclosure;; or
    - iii.— Removed from the property and properly disposed of or removed from the City; and
  - 3.— Failure to properly abate said ~~nuisance~~**Nuisance** as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement ~~authority~~**officer** or his/her ~~duly designated agent~~**designee** as set forth by the ~~municipal code~~**OCCGF**.
- B.— The notice required by this section shall be served in any one (1) of the following manners:
- 1.— ~~Posting notice on or near the junk vehicle(s) in question and by certified~~**1. By regular mail, return receipt requested** to the last registered-owner of said vehicle, if ascertainable, at the address listed in the ~~state's~~**State's** records concerning ownership of the vehicle ~~(for the purposes of this provision, and service shall be deemed to have been perfected the day after the notice is mailed);;~~ or
  - 2.— If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle(s) in ~~(for the purposes of this provision, and service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle)-.~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.60.08012.060 Appeal.**

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the ~~Planning and Community Development Director ten (10) days (exclusive of weekends and federally mandated holidays) days after service of notice as required by Section 10.60.070 above.~~ Such appeal shall be heard by the Municipal Court Judge which may affirm, amend or reverse the notice/order or take other action deemed appropriate. The Clerk of Municipal Court shall give ~~at least five-day written notice of the time and place of the hearing to the appellant by first-class mail or personal service~~**City Manager ten (10) calendar days after service of notice as required by this Chapter. The City Manager or designee shall within fifteen (15) calendar days make a written finding affirming, reversing or modifying the enforcement officer's decision.**

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.60.09012.070 Abatement and removal.**

- A.— The responsible party, after service of notice is perfected, shall abate the ~~nuisance~~**Nuisance** within ten (10) **calendar days** ~~(exclusive of weekends and federally mandated holidays) days of service being perfected.~~ Abatement shall consist of:
  - 1.— Providing for the current registration of ~~each and every~~**the** vehicle including the affixing the registration plate or current sticker to the vehicle;

Title 10 VEHICLES AND TRAFFIC

- 2.— Repairing any and all conditions which cause ~~such~~the vehicle(s) to be a ~~nuisance~~**Nuisance** under the provisions of the ~~Municipal Code~~**OCCGF**; and
  - 3.— Having all of the required equipment and parts for ~~each~~the vehicle which was described in the notice; or
  - 4.— Removing the ~~junk~~vehicle or causing the ~~junk~~vehicle to be removed to a licensed dismantler, salvage yard, licensed vehicle dealer, a junk dealer, an auto body shop or to any other **legally authorized** location provided the same complies with all applicable provisions of the Municipal Code.
- B.— If the responsible parties fail to abate the ~~nuisance~~**Nuisance** as prescribed, or after such abatement has been affirmed by the ~~Court on appeal~~**City Manager**, the City, through the enforcement officer, may abate such ~~nuisance~~**Nuisance** by causing the junk vehicle(s) to be removed, impounded and sold, or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of ~~such~~abatement and the administrative fee provided by this ~~chapter~~**Chapter** shall be charged to the responsible parties, jointly and severally.

~~10.60.100~~**12.080** **Illegal off-street parking.**

- A.— No person shall park a vehicle ~~onto or~~ upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee, or person in charge of said property or facility.
- B.— No person shall park a vehicle ~~onto or~~ upon publicly owned real property or area developed as an off-street parking facility, if said property is not properly designated and signed for parking of private vehicles; ~~contrary to~~ **in violation of** any signs set forth upon said property or facility; or ~~contrary to the laws of the State of Montana, County of Cascade or the City of Great Falls without proper consent of said state, county or City.~~ **legally authorized signage.**
- C.— Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

~~10.60.110~~**12.090** **Continuing notice.**

A notice issued as ~~provided in Section 10.60.070 above~~ **pursuant to this Chapter** shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one (1) year from the date of service and is valid for all locations within the **incorporated** City of ~~Great Falls.~~ **limits.** No further notice by an enforcement officer or ten-day period to abate is necessary to abate a ~~nuisance~~**Nuisance** created by said vehicle(s) within the one-year period.

~~10.60.120~~**12.100** **Penalty.**

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this Code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

~~10.60.130~~ **Non-exclusively of this chapter.**

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City of Great Falls. It shall supplement and be in addition to the other regulatory codes, statutes,



Title 10 VEHICLES AND TRAFFIC

~~and ordinances heretofore or hereafter enacted by the City, the state, or any other legal entity or agency having jurisdiction.~~

**Chapter 61** ~~Parking any vehicle in violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.~~

**Chapter 13 ABANDONED, WRECKED, JUNKED OR DISMANTLED  
VEHICLES ON PRIVATE PROPERTY**

**Sections:**

~~10.61.010 Definitions.~~

~~10.61.020 Enforcement.~~

~~10.61.030 Prohibited.~~

~~10.61.040 Permitted in a building.~~

~~10.61.050 Repair.~~

~~10.61.060 Person responsible.~~

~~10.61.070 Notice.~~

~~10.61.080 Violation and penalty.~~

**10.61.010 — Definitions.**

~~The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise noted:~~

~~When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.~~

~~"Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon p property, including trailers, semi-trailers, travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation. "Vehicle" shall not include a bicycle, but shall include motorbikes, motorcycles, motor-scooters, tractors, go-carts and golf carts.~~

~~"Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle described in 61-1-102, MCA, which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.~~

~~"Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in Subsection B of this section which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.~~

Title 10 VEHICLES AND TRAFFIC

~~"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~"Private property" means any real property within the City which is privately owned.~~

~~(Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.020 — Enforcement.**

~~A. **Authority.** The Planning and Community Development Director or duly authorized representative, is authorized and directed to enforce all the provisions of this chapter, and all enforcement agencies of the City shall cooperate in this regard.~~

~~B. **Right of entry.** The Planning and Community Development Director or a duly authorized representative's right of entry in the enforcement of this chapter shall be in accordance with Section 17.16.46.020B.4 and 17.16.46.080 of this Code.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.61.030 — Prohibited.**

~~No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the City limits for a period in excess of seventy-two (72) hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in an appropriate zone, pursuant to the zoning laws of the City or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, M.C.A. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this chapter, or placed within a building.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.040 — Permitted in a building.**

~~Storage, service, restoration and repair of an abandoned, wrecked, junked or dismantled vehicle or motor vehicle which is conducted within the confines of a building shall be permitted provided that such vehicle or motor vehicle is the property of the owner or occupier of the lot and provided that the storage service, service, restoration or repair is not a commercial use of the property.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

Title 10 VEHICLES AND TRAFFIC

**10.61.050 — Repair.**

~~This chapter shall not be construed to prevent any occupant of premises within the City limits from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed there from for a period in excess of twenty (20) days, while remaining exposed to public view, shall be deemed to be prima facie evidence that the vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.060 — Person responsible.**

~~The owner of any private property within the City limits shall be absolutely responsible for any violation of the chapter.~~

~~(Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.070 — Notice.**

~~Whenever it comes to the attention of the Planning and Community Development Director that a nuisance exists within the City limits due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the City limits, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of the property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.~~

~~A. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner at the last known address as exists upon the records of City. An alternative notice may be served in the same manner as other legal process is served in the State.~~

~~B. The Planning and Community Development Director shall give the notice for the removal of the items which constitute the nuisance at least fourteen (14) days before the time of compliance with the notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles, or parts thereof upon the private property, which constitutes the nuisance and shall order the removal of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefore as set forth in this chapter. The notice shall contain the name, address and telephone number of the Planning and Community Development Department for contact by the occupant or owner.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.61.080 — Violation and penalty.**

~~A. Failure of the person or persons responsible for the removal or covering of abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof to remove or cover the same within the time specified in the notice, after the same has been served as provided in this chapter, constitutes~~



Title 10 VEHICLES AND TRAFFIC

~~a violation of the chapter which shall be punishable by a fine not to exceed five hundred dollars (\$500.00). It is specifically provided that each day a violation continues after the time for removal or covering specified in the notice, constitutes a separate offense, thereby subjecting the person or persons in violation thereof to a daily fine until the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof are removed from the private property, or covered, as provided in the notice.~~

~~B. In any action or proceeding brought for the violation of this chapter, as defined in this chapter, the reasonable cost and expense to City in connection with the mailing or serving of notice and the inspection of the private property in question, shall be awarded to City as part of the court's sentence.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

~~Chapter 66 SNOWMOBILES <sup>H</sup>~~

~~10.13.010 A condition prohibited.~~

~~10.13.020 Repair.~~

**10.13.010 A condition prohibited.**

**An abandoned or junked vehicle on a private, non-permitted, premises is hereby declared a condition prohibited pursuant to OCCGF Title 8, Chapter 51.**

**10.13.020 Repair.**

**Vehicles may be repaired by non-commercial property owners or occupants in public view. Said repairs must be pursued to completion. Dismantled vehicles must be covered when not being repaired. Vehicles not fully repaired within twenty (20) calendar days are presumed to be abandoned.**

**Chapter 14 SNOWMOBILES**

**Sections:**

~~10.66.010 Definitions.~~

~~10.66.020 Prohibited where.~~

**10.14.010 Prohibited where.**

**10.14.020 Penalty.**

Title 10 VEHICLES AND TRAFFIC

**10.66.14.010 Definitions.**

~~"Operator" includes every person who operates or is in actual physical control of the operation of the snowmobile.~~

~~"Person" includes any individual, partnership, association or corporation, or any other body or groups of persons, whether incorporated or not, and regardless of the degree of formal organization.~~

~~"Snowmobile" includes any self-propelled vehicle designed primarily for travel on the snow or ice or natural terrain, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under the laws of the State.~~

~~(Prior code §10-2-30(A)).~~

**10.66.020 Prohibited where.**

It is unlawful for any person or operator to drive any snowmobile upon any public ~~streets, avenues, highways, roadways, alleys or sidewalks~~ **rights-of-way** within the **incorporated City limits**, or upon any public parks or public grounds within the City.

~~(Prior code §10-2-30(B)).~~

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FOOTNOTE(S):

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~~(1)~~

~~For statutory provisions regarding snowmobiles, see RCM 53-1012 et seq. ([Back](#))~~

**10.14.020 Penalty.**

**A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.**

**Chapter 6915 MOTORCYCLES**

Sections:

Section:

~~10.69.020 Driving on sidewalks and in public parks or grounds prohibited.~~

Title 10 VEHICLES AND TRAFFIC

**10.15.010 Driving on sidewalks and in public parks or grounds prohibited.**

**10.6915.020 Penalty.**

**10.15.010 Driving on sidewalks and in public parks or grounds prohibited.**

It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon the sidewalks within the City or upon that portion of any public park or public grounds where no roadway is provided.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-10 (2)).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**Chapter 71 — HANDICAP ZONE**

Section:

10.71.010 Handicap zone.

**10.7110.15.020 Penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 16 HANDICAPPED ZONE**

Sections:

**10.16.010 Handicapped zone.**

**10.16.010 ~~Handicap~~Handicapped zone.**

A.— No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:



Exhibit "B" (Updated from First Reading)

Title 10 VEHICLES AND TRAFFIC

- 1.— Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of ~~such a~~ physically handicapped person; and
  - 2.— The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the City or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or City.
- B.— Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.
- C.— In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D.— A violation of this section ~~shall constitute~~ **is punishable by a misdemeanor. Vehicles in violation may be removed, impounded, and kept in custody at the direction of the Chief of Police fine set by Commission resolution.**

~~(Ord. 2676, 1995; Ord. 2646, 1994; Ord. 2353, 1984; Ord. 2031, 1977).~~

## **Chapter 72 — BICYCLES**

### **Section:**

~~10.72.010 Riding on sidewalks — prohibited where — regulation.~~

### **10.72.010 — Riding on sidewalks — prohibited where — regulation.**

- A.— ~~It is unlawful for any person to ride a bicycle upon a sidewalk within the central business district east of the west line of Park Drive.~~
- B.— ~~Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.~~

~~(Ord. 2646 § (part), 1994; Prior code §10-1-19).~~

- C.— ~~Bicycles operated as part of the City bike patrol program are exempt from 10.72.010(A).~~

~~(Ord. 2708; 1996)~~

## **Chapter 7317 TRAILERS**

### **Section:**

~~10.73.010 Occupancy regulations.~~

Title 10 VEHICLES AND TRAFFIC

**Sections:**

**10.17.010 Occupancy regulations.**

~~10.73~~**10.020 Penalty.**

**10.17.010 Occupancy regulations.**

No trailer, as defined in ~~Section 10.15.010, subsection 32-2105,~~ or motor vehicle as defined in ~~Section 10.15.010, subsection 32-2101(b),~~ **by this Title**, shall be occupied either permanently or temporarily as a dwelling place, or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by law. **OCCGF Title 17 or other applicable Federal or State law.**

~~(Ord. 1984, 1976: prior code §10-2-33).~~

**10.17.020 Penalty.**

A violation of this Chapter ~~75~~ **is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.**

**Chapter 18 TOLL LOCATIONS**

**Sections:**

~~**Sections:**~~

~~10.75.010 Prohibited.~~

~~10.75.020 Exception.~~

**10.18.010 Tolls prohibited.**

**10.18.020 Penalty.**

~~10.75~~**10.010 Prohibited Tolls prohibited.**

It is unlawful for any person, firm, corporation or organization, charitable or otherwise, to occupy, stand in, and/or use any portion of any public ~~street, highway or bridge~~ **right-of-way** for the purpose of establishing a toll location through which vehicular traffic must pass in order to collect funds or make any other contact

Title 10 VEHICLES AND TRAFFIC

or solicitation from the driver or occupant of any vehicle using the public street, highway or bridge within the City: **without prior written authorization from the City Manager.**

~~(Prior code §10-2-11).~~

**10.75.18.020 — Exception Penalty.**

The City Manager may approve a toll request provided that:

A. ~~The requesters are sworn public safety officers trained in emergency scene management, accident prevention, traffic control, personnel and public safety, advanced medical training, and are experienced in the appropriate methods to set up and operate a safe tolling exercise.~~

~~(Ord. 2757, 1999).~~

B. ~~The requesters submit a traffic plan which includes the date, time and location for the tolling activity, traffic control descriptions for each location, and a one million dollar (\$1,000,000.00) general liability policy naming the City as additional insured.~~

C. ~~No more than one (1) toll will be granted per calendar year.~~

**Chapter 78A** violation of this Chapter is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 19 LIABILITY FOR STREET DAMAGE**

**Sections:**

~~10.78.010 Applicability.~~

~~10.78.020 Owner and driver of vehicle jointly liable.~~

~~10.78.030 Civil action.~~

**10.19.010 Applicability.**

**10.19.020 Owner and driver of vehicle jointly liable.**

**10.19.030 Civil action.**

**10.7819.010 Applicability.**

Any person driving any vehicle, object, or ~~contrivance~~ **device** upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving, or moving of ~~such~~ **the** vehicle, object, or ~~contrivance~~ **device**, or as a result of operating, driving or moving any vehicle, object, or ~~contrivance~~ **device** weighing in excess of the maximum weight in this ~~title~~ **Title** except



Title 10 VEHICLES AND TRAFFIC

Chapters 10.51 and 10.72 but is authorized by a special permit issued as **otherwise** provided in this title except Chapters 10.51 and 10.72 **or permitted**.

~~(Prior code §10-2-29(A)).~~

**10.78.19.020 Owner and driver of vehicle jointly liable.**

- A. Whenever such driver is not the owner of such vehicle, object, or ~~contrivance~~ **device**, but is ~~so~~ operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any ~~such~~ damage.

~~(Prior code §B.~~ **The Public Works Director may, in his or her discretion, authorize an individual liable for damage pursuant to this Chapter to repair any damage caused to the same or better condition before the damage was caused or to any other legally mandated condition.**

~~10-2-29(B)).~~

**10.78.19.030 Civil action.**

Such damage may be recovered in a civil action brought by the ~~authorities~~ **City** in ~~control~~ **a Court** of such ~~streets or street structure~~ **competent jurisdiction**.

~~(Prior code §10-2-29(C)).~~

**Chapter 8420 EXCESS SIZE AND WEIGHT PERMITS**

**Sections:**

~~10.84.010 Issuance—conditions.~~

~~10.84.020 Display—violation—penalty.~~

**10.20.010 Issuance conditions.**

**10.20.020 Penalty.**

**10.8420.010 Issuance—conditions.**

~~The City Engineer is authorized to issue or withhold such special permit at his discretion, or if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public streets indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against damage to the road foundation, surfaces or structures or safety or traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any street or road structure.~~

Title 10 VEHICLES AND TRAFFIC

~~(Ord. 2646 § (part), 1994; Prior code §~~**The City Engineer is authorized to issue, revoke, or deny permits for the operation of vehicles of excess size and weight pursuant to adopted written policy on file at the Great Falls Public Works Department. A permit issued pursuant to this Chapter shall describe any applicable conditions for the operation of the vehicle subject to the permit.**

~~10-2-26(A))~~

**10.84.20.020 ~~Display violation penalty~~Penalty.**

- A.— Any person who knowingly ~~and~~ willfully misrepresents the size or weight of any load in obtaining a ~~special permit or~~**pursuant to this Chapter**, does not follow the ~~requirement and conditions of the special permit, or who operates any vehicle, the gross weight of which is in excess of the maximum for such vehicle may be eligible for license,~~ **requiring a permit pursuant to this Chapter** without ~~first obtaining a special~~ permit, is guilty of a misdemeanor. **punishable by a fine not to exceed five-hundred dollars (\$500.00), six months in jail, or both.**
- B.— Every ~~special permit issued under~~**pursuant to this chapter**~~Chapter~~ shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by ~~the Police Officer~~**law enforcement.**
- C.— ~~A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in this chapter shall specify the amount of the over-weight which the defendant is allowed to have had upon the vehicle or combination of vehicles.~~

~~(Ord. 2646 § (part), 1994; Ord. 2186, 1980)~~

**Chapter 87 ~~VIOLET VIOLATION~~ VIOLATION PENALTY**

**~~Sections:~~**

~~10.87.010 Definitions.~~

~~10.87.030 Illegally parked vehicle notice procedure.~~

~~10.87.040 Illegally parked vehicle notice failure to comply.~~

~~10.87.050 Illegally parked vehicle presumption.~~

~~10.87.060 Illegally parked vehicle warrant issued when.~~

~~10.87.070 Disposition of fines and parking meter revenue.~~

~~10.87.080 Fines and forfeitures official misuse.~~

~~10.87.090 Penalties and administrative fees.~~

10.87

Title 10 VEHICLES AND TRAFFIC

**Chapter 21 PARKING VIOLATIONS**

**Sections:**

- 10.21.010 Illegally parked vehicle notice.
- 10.21.020 Illegally parked vehicle notice of failure to comply.
- 10.21.030 Illegally parked vehicle presumption.
- 10.21.040 Illegally parked vehicle warrant issued when.
- 10.21.050 Disposition of fines and parking meter revenue.
- 10.21.060 Fines and forfeitures official misuse.
- 10.21.070 Penalties and administrative fees.

**10.21.010 Definitions.**

~~"Parking Official" for purposes of Title 10, Chapter 87 means: peace officers and other persons designated by the City Commission.~~

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2646 § (part), 1994)~~

**10.87.030 — Illegally parked vehicle — notice — procedure.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any ~~of the~~ **State or local** restrictions imposed by the laws of this City or by State law, the Parking Official finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and shall conspicuously affix to such vehicle a notice in writing on a form provided by the City for the owner to answer to or pay the charge against the driver within the time set forth in the notice during the hours and at a place specified in the notice **post written notice of the violation on the vehicle indicating any applicable penalties and the place where any applicable fines may be paid or contested.**

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2646 § (part), 1994)~~

**10.87.04021.020 Illegally parked vehicle — notice — of failure to comply.**

If ~~an~~ **alleged** violator of the restrictions on stopping, standing, or parking under ~~the traffic laws~~ **legally authorized restriction** does not appear in response to a notice affixed to such motor vehicle within the time set forth in the notice, the City shall implement the following process:

1. ~~A.~~ **A.** The penalty for a violation of this section occurring in a parking management district must be paid within thirty (30) calendar days of the date of the citation. If payment is not received within that time, an administrative fee will be added to the violation. The penalties and fees will be set by **Commission** resolution of the City Commission, as provided by Section 10.87.090 of this chapter.



Title 10 VEHICLES AND TRAFFIC

- 2.—**B.** After thirty (30) days without payment, a statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- 3.—**C.** After sixty (60) days without payment, a second statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- 4.—**D.** After ninety (90) days without payment, a third statement that is clearly marked as a pre-collection notice of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- 5.—**E.** After one hundred twenty (120) days without payment, the amount due for the violation and the administrative fee will be referred to a collection agency. If the payment through collection efforts is not received within ten (10) months of the date of the citation, the City may request an arrest warrant and proceed with an action through the Municipal Court as provided by ~~other sections of this chapter~~**Chapter**.
- 6.—**F.** Proceedings through the Municipal Court for enforcement of this ~~title~~**Title** must be filed within one (1) year of the date of the citation.

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2646 § (part), 1994; Prior code §10-2-16(F))~~

**10.87.050.21.030 Illegally parked vehicle— presumption.**

If any vehicle is found stopped or parked in any manner violative of ~~the provisions of Title 10 of the Official Code of the City of Great Falls~~**legally authorized restrictions**, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to ~~the penalty therefor~~**applicable penalties**.

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2321 § 1, 1983)~~

**10.87.060.21.040 Illegally parked vehicle— warrant issued when.**

In the event any person fails to comply with a notice ~~so given~~**reserved on** the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the ~~municipal court~~**Municipal Court**, or if any person fails or refuses to deposit bail as required and within the time permitted by law, Municipal Court may, at its discretion, issue a warrant of arrest.

~~(Ord. No. 3122, § 3, 12-2-2014; Prior code §-10-2-16(H))~~

**10.87.070.21.050 Disposition of fines and parking meter revenue.**

- A.— All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title ~~except Chapter 10.72~~ shall be paid to the Planning and Community Development Department and deposited in the parking fund, to be expended to defray the ~~expense of proper regulation of traffic and parking upon the public streets of the City, to provide for the cost of supervision, regulation, and control of parking vehicles and to cover the cost of purchase, supervision, operation, maintenance, control and use of parking meters.~~**expenses of:**

Title 10 VEHICLES AND TRAFFIC

1. Proper regulation of traffic;
2. Parking upon City public streets;
3. Supervision, regulation, and control of parking vehicles; and
4. The purchase, supervision, operation, maintenance, control and use of parking meters.

B.— All revenue obtained from and through the use of parking meters shall be appropriated by the City to pay for the operation and maintenance of on-street and off-street parking facilities.

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 (part), 1994; Prior Code § 10-2-16(I))~~

~~10.87.080.21.060~~ **10.21.060 Fines and forfeitures— official misuse.**

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this ~~chapter~~ **Chapter**, shall constitute misconduct in office and shall be grounds for removal therefrom.

~~(Prior code § 10-2-16(J))~~

~~10.87.090.10.21.070~~ **10.21.070 Penalties and administrative fees.**

Penalties and administrative fees for violations of this ~~title~~ **Title** shall be set by **Commission** resolution ~~of the City Commission.~~

~~(Ord. 3188, 2018; Ord. 3146, 2016; Ord. 3122, 2014; Ord. 3090, 2012; Ord. 3057, 2010; Ord. 3042, 2009; Ord. 2951, 2006; Ord. 2867, 2004; Ord. 2819, 2002; Ord. 2815, 2002; Ord. 2802, 2001; Ord. 2790, 2000; Ord. 2757, 1999; Ord. 2708, 1996; Ord. 2707, 1996; Ord. 2676, 1995; Ord. 2646, 1994; Ord. 2640, 1994; Ord. 2633, 1992; Ord. 2521, 1989; Ord. 2520, 1989; Ord. 2469, 1987; Ord. 2457, 1987; Ord. 2456, 1987; Ord. 2446, 1987; Ord. 2443, 1986; Ord. 2442, 1986; Ord. 2383, 1985; Ord. 2353, 1984; Ord. 2321, 1983; Ord. 2305, 1982; Ord. 2283, 1981; Ord. 2245, 1981; Ord. 2219 1980; Ord. 2189, 1980; Ord. No. 3122, § 3, 12-2-2014; Ord. 2188, 1980; Ord. 2186, 1980; Ord. 2052, 1979; Ord. 2021, 1977; Ord. 1987, 1976; Ord. 1974, 1976; Ord. 1627, 1969; Ord. 1471, 1964; Ord. 1454, 1963; Ord. 1217, 1956; Prior codes §§ 10-1-19; 10-2-1(M); 10-2-2(D), 10-2-2(E); 10-2-3(C), 10-2-3(I); 10-2-5(A), 10-2-5(B); 10-2-7(A), 10-2-7(B), 10-2-7(C); 10-2-8(A), 10-2-8(B); 10-2-9(F), 10-2-9(G), 10-2-9(L), 10-2-9(M), 10-2-9(Z); 10-2-10(2); 10-2-11; 10-2-12(A), 10-2-12(D), 10-2-12(E); 10-2-13(A), 10-2-13(B), 10-2-13(C), 10-2-13(D); 10-2-14, 10-2-14(A), 10-2-14(B), 10-2-14(C), 10-2-14(E), 10-2-14(F), 10-2-14(G)(1), 10-2-14(G)(2), 10-2-14(G)(3), 10-2-14(G)(4), 10-2-14(G)(5), 10-2-14(G)(6); 10-2-16(F), 10-2-16(H), 10-2-16(I), 10-2-16(J); 10-2-20(A), 10-2-20(B); 10-2-26(A); 10-2-27(A), 10-2-27(B), 10-2-27(D); 10-2-28; 10-2-29(A), 10-2-29(B), 10-2-29(C); 10-2-30(A), 10-2-30(B); 10-2-33)2707, 1996; Ord. 2646 (part), 1994; Ord. 2469 § 1, 1987; Ord. 2456 § 1, 1987; Ord. 2443 § 2, 1986; Ord. 2321 § 2, 1983).~~



**Item:** Resolution 10248 to Levy and Assess Properties within the Business Improvement District

**From:** Judy Burg, Taxes and Assessments

**Initiated By:** Annual Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission Adopt Resolution 10248

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10248."

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

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**Staff Recommendation:**

Staff recommends the City Commission adopt Resolution 10248 to levy and assess properties within the Business Improvement District (BID).

**Background:**

The 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. The current BID has not changed in the areas of the district boundaries since its origination date. During Fiscal Year 2016/2017, the BID initiated a new tax assessment formula as requested by property owners, to include a more equitable rate of \$50 to be used on residential properties designated as Residential Condominiums. The new assessment formula began on July 1, 2016.

On July 17, 2018, as required by MCA Section 7-12-1132 (3) , the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district that best ensures the assessment on each lot or parcel is equitable in proportion to the benefits to be received for Fiscal Year 2018/2019. Following the public hearing held on July 17, 2018, the City Commission moved to adopt the 2018/2019 Work Plan and Budget for the BID.



**Fiscal Impact:**

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

- a flat fee of \$200.00 for each lot or parcel
- a flat fee of \$50.00 for each lot or parcel with a designated Land Use Code of 125 which is a Residential Condominium
- an assessment of \$.00165 times the market valuation as provided for by the Montana State Legislature; and
- an assessment of \$.015 times the square footage of the land area.

The actual assessment for 2018/2019 based on the above assessment formula will generate \$244,964.84 in assessment revenue. The assessment revenue as shown on Exhibit "A" is \$3,035.16 less than the BID adopted Budget for Fiscal Year 2019 as approved by the City Commission. The reduction in this year's assessment revenue can be attributed to decreased market valuations. The 2018/2019 assessment per lot or parcel is indicated on the assessment projection summary Exhibit "A" incorporated herein and made a part of Resolution 10248.

**Alternatives:**

The City Commission could choose not to adopt Resolution 10248 to assess the property owners within the BID. However, on July 17, 2018, the City Commission approved the BID Budget which identifies the BID assessment as 40% of the operating revenues. Denial of Resolution 10248 will prevent the BID from carrying out the BID's Budget which was previously approved by the City Commission.

**Concurrences:**

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

**ATTACHMENTS:**

- Resolution 10248
- Resolution 10248 Exhibit "A"
- Map of BID Boundaries

## RESOLUTION 10248

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

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

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

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

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

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

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

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

#### Section 1 – Adoption of Work Plan and Budget

On July 17, 2018, the City Commission of the City of Great Falls held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district.

#### Section 2 – Assessment Method

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

- a flat fee of \$200.00 for each lot or parcel,
- a flat fee of \$50.00 for each lot or parcel with a designated Land Use Code of 125 which is a Residential Condominium

- an assessment of \$.00165 times the phase-in market valuation as provided for by the Montana State Legislatures, and an
- assessment of \$.015 times the square footage of the land area.

The assessment requested for 2018/2019 is based on the above assessment formula and will generate TWO HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED SIXTY-FOUR AND 84/100 DOLLARS (\$244,964.84) in assessment revenue. Due to overwhelming support for a Business Improvement District and concurrence with the assessment formula, the City Commission of the City of Great Falls hereby approves the levying of the assessment as indicated on the assessment projection summary attached to this resolution as Exhibit "A".

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 18<sup>th</sup> day of September, 2018.

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

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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



GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FY 2019  
RESOLUTION #10248 - EXHIBIT "A"

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT.	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION	TOTAL B.I.D. ANNUAL ASSESSMENT
								COST 0.015				COST 0.00165	
1	156750 CHS INC	GFO		7,8,9	306	\$ 200	15,000	\$ 225.00	107,625	515,470	623,095	\$ 1,028.11	\$ 1,453.11
2	156950 SEVENS PRIME LLC	GFO		10-14	306	\$ 200	37,500	\$ 562.50	168,375	563,125	731,500	\$ 1,206.98	\$ 1,969.48
3	157400 COX DOUGLAS J & KENT D	GFO		8	307	\$ 200	7,500	\$ 112.50	46,875	148,620	195,495	\$ 322.57	\$ 635.07
4	157450 517 LLC	GFO		9,10	307	\$ 200	15,000	\$ 225.00	77,250	542,860	620,110	\$ 1,023.18	\$ 1,448.18
5	157500 RYSTED PETE	GFO		11	307	\$ 200	11,250	\$ 168.75	62,063	212,337	274,400	\$ 452.76	\$ 821.51
6	157600 KUNZ JASON R	GFO		W1/2 12	307	\$ 200	3,750	\$ 56.25	31,688	102,560	134,248	\$ 221.51	\$ 477.76
7	157650 BRANDENBERGER NED R & JENNIFER	GFO		E1/2 13	307	\$ 200	3,750	\$ 56.25	31,688	53,812	85,500	\$ 141.08	\$ 397.33
8	157750 EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		5-10	308	\$ 200	22,500	\$ 337.50	198,750	2,771,750	2,970,500	\$ 4,901.33	\$ 5,438.83
9	157810 EASTER SEALS GOODWILL N ROCKY MTN INC	GFO		11	308	\$ 200	7,500	\$ 112.50	46,875	175,500	222,375	\$ 366.92	\$ 679.42
10	158100 THE PENNANT BUILDING LLC	GFO		8	309	\$ 200	7,500	\$ 112.64	46,875	716,425	763,300	\$ 1,259.45	\$ 1,572.08
11	158150 HANSON MICHAEL	GFO		9	309	\$ 200	7,507	\$ 112.61	46,875	277,525	324,400	\$ 535.26	\$ 847.87
12	158250 DESCHENES GARY S ETAL	GFO		W28'12	309	\$ 200	4,200	\$ 63.00	33,510	454,890	488,400	\$ 805.86	\$ 1,068.86
13	158300 DSB TOWER LLC	GFO		13,14	309	\$ 200	15,037	\$ 225.56	77,250	13,560	90,810	\$ 149.84	\$ 575.39
14	158950 TIGER SPRING PROPERTIES	GFO		8-9	311	\$ 200	15,000	\$ 225.00	77,250	1,475,850	1,553,100	\$ 2,562.62	\$ 2,987.62
15	159150 CAMBRIDGE INVESTORS ONE LP	GFO		11-14	311	\$ 200	37,546	\$ 563.19	168,375	1,511,625	1,680,000	\$ 2,772.00	\$ 3,535.19
16	159225 BUCHANAN-BYRNE BUILDING PARTNERSHIP	GFO		1,2,3	312	\$ 200	22,500	\$ 337.50	107,625	1,100,675	1,208,300	\$ 1,993.70	\$ 2,531.20
17	159450 REDEAU NICK & VERONICA	GFO		8	312	\$ 200	7,500	\$ 112.50	46,875	200,225	247,100	\$ 407.72	\$ 720.22
18	159500 RAMSEY ANN C	GFO		9,E1/2 10	312	\$ 200	11,250	\$ 168.75	62,063	189,637	251,700	\$ 415.31	\$ 784.06
19	159550 BENSLEY MARJORIE M	GFO		W1/2 10	312	\$ 200	3,750	\$ 56.25	31,688	11,512	43,200	\$ 71.28	\$ 327.53
20	159600 BENSLEY MARJORIE M	GFO		E1/2 11	312	\$ 200	3,750	\$ 56.25	31,688	34,012	65,700	\$ 108.41	\$ 364.66
21	159650 BENSLEY MARJORIE	GFO		W1/2 11	312	\$ 200	3,750	\$ 56.25	31,688	97,812	129,500	\$ 213.68	\$ 469.93
22	159700 CONTEXT LLC	GFO		E1/2 12	312	\$ 200	3,750	\$ 56.25	31,688	37,870	69,558	\$ 114.77	\$ 371.02
23	159725 BUCHANAN BYRNE BUILDING PARTNERSHIP	GFO		W1/2 12 all 13	312	\$ 200	11,295	\$ 169.43	62,063	9,120	71,183	\$ 117.45	\$ 486.88
24	159735 BUCHANAN-BYRNE BUILDING PARTNERSHIP	GFO		14	312	\$ 200	7,500	\$ 112.50	46,875	209,425	256,300	\$ 422.90	\$ 735.40
25	159800 RELIGIOUS CONGRATATION OF BERLINER CONG	GFO		1-7	313	\$ 200	52,490	\$ 787.35	229,125	1,470,875	1,700,000	\$ 2,805.00	\$ 3,792.35
26	159850 DAVIDSON INVESTMENT PARTNERSHIP LLP	GFO		8-14	313	\$ 200	67,500	\$ 1,012.50	306,375	8,478,925	8,785,300	\$ 14,495.75	\$ 15,708.25
27	160200 DSB TOWER LLC	GFO		1-3	314	\$ 200	22,500	\$ 337.50	107,625	872,375	980,000	\$ 1,617.00	\$ 2,154.50
28	160300 EKLUNDS APPLIANCE & TV	GFO		4-5	314	\$ 200	15,000	\$ 225.00	77,250	595,570	672,820	\$ 1,110.15	\$ 1,535.15
29	160450 POBLANO PROPERTIES LLC	GFO		7	314	\$ 200	15,000	\$ 225.00	77,250	546,350	623,600	\$ 1,028.94	\$ 1,453.94
30	160500 321 ASSOCIATES LLC	GFO		8,9	314	\$ 200	15,000	\$ 225.00	77,250	2,796,400	2,873,650	\$ 4,741.52	\$ 5,166.52
31	160550 LERAY PROPERTIES LLC	GFO		10	314	\$ 200	7,500	\$ 112.50	46,875	365,025	411,900	\$ 679.64	\$ 992.14
32	160600 MARSH HOLDINGS LLC	GFO		11	314	\$ 200	7,500	\$ 112.50	46,875	322,225	369,100	\$ 609.02	\$ 921.52
33	160650 BECKMANS BUILDING LLC	GFO		12	314	\$ 200	7,500	\$ 112.50	46,875	340,025	386,900	\$ 638.39	\$ 950.89
34	160900 STOCKMAN BANK OF MONTANA	GFO		6,7	315	\$ 200	15,000	\$ 225.00	77,250	228,710	305,960	\$ 504.83	\$ 929.83
35	160950 BALTHAZAR ENTERPRISES LLC	GFO		8,9	315	\$ 200	15,000	\$ 225.00	77,250	397,150	474,400	\$ 782.76	\$ 1,207.76
36	161050 HACKETT GARRY L & CHERYL D	GFO		11	315	\$ 200	7,500	\$ 112.50	46,875	729,125	776,000	\$ 1,280.40	\$ 1,592.90
37	161100 KAUFMAN MARY ANN & IRA M JR	GFO		12	315	\$ 200	7,500	\$ 112.50	46,875	358,025	404,900	\$ 668.09	\$ 980.59
38	161150 LEE ALAN B	GFO		13A	A315	\$ 200	3,750	\$ 56.25	31,688	112,012	143,700	\$ 237.11	\$ 493.36
39	161200 ENGE RICHARD C	GFO		13B	B315	\$ 200	3,750	\$ 56.25	31,688	72,470	104,158	\$ 171.86	\$ 428.11
40	161250 BIG BROTHERS HOLDING COMPANY LLC	GFO		14	315	\$ 200	7,500	\$ 112.50	46,875	297,925	344,800	\$ 568.92	\$ 881.42
41	161300 STOCKMAN BANK OF MONTANA	GFO		1,2	316	\$ 200	15,000	\$ 225.00	77,250	1,539,720	1,616,970	\$ 2,668.00	\$ 3,093.00
42	161450 MASON MARILYN ETAL	GFO		W1/2 3	316	\$ 200	3,750	\$ 56.25	31,688	116,020	147,708	\$ 243.72	\$ 499.97
43	161600 LITTLE WILLIAM L & SHONNA L	GFO		E1/2 3-5 W1/2 6	316	\$ 200	22,500	\$ 337.50	107,625	584,475	692,100	\$ 1,141.97	\$ 1,679.47
44	161650 SILVER STATE PARTNERS LLC	GFO		E1/2 6,7	316	\$ 200	11,250	\$ 168.75	62,063	326,537	388,600	\$ 641.19	\$ 1,009.94
45	161700 MONTANA TIMES SQUARE LLC	GFO		8-10	316	\$ 200	22,500	\$ 337.50	107,625	729,175	836,800	\$ 1,380.72	\$ 1,918.22
46	161750 EVERSON HAROLD O & VICKI S	GFO		11	316	\$ 200	7,500	\$ 112.50	46,875	212,125	259,000	\$ 427.35	\$ 739.85
47	161800 HACKETT GARRY L & CHERYL D	GFO		12 & 13	316	\$ 200	15,000	\$ 225.00	77,250	188,450	265,700	\$ 438.41	\$ 863.41
48	162050 JOSCO PROPERTIES INC	GFO		8,9	317	\$ 200	15,000	\$ 225.00	77,250	1,225,050	1,302,300	\$ 2,148.80	\$ 2,573.80
49	162100 LEMIRE LESLIE	GFO		10	317	\$ 200	7,500	\$ 112.50	46,875	128,125	175,000	\$ 288.75	\$ 601.25
50	162150 LARSON EDWARD L	GFO		E30' 11	317	\$ 200	4,500	\$ 67.50	34,725	89,575	124,300	\$ 205.10	\$ 472.60
51	162200 LARSON EDWARD L	GFO		W20' 11	317	\$ 200	3,000	\$ 45.00	28,650	53,350	82,000	\$ 135.30	\$ 380.30

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FY 2019  
RESOLUTION #10248 - EXHIBIT "A"

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT.		MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
								COST 0.015						
52	162250 HACKETT GARRY L & CHERYL D	GFO		12	317	\$ 200	7,500	\$ 112.50		46,875	758,525	805,400	\$ 1,328.91	\$ 1,641.41
53	162300 ROCKY MTN BLDG DEVELOPMENT VENTURE LLC	GFO		13,14	317	\$ 200	15,000	\$ 225.00		77,250	93,810	171,060	\$ 282.25	\$ 707.25
54	189100 STROMBERG ROBERT C & MARY D	GFO		1,2 & 11-14	362	\$ 200	45,000	\$ 675.00		198,750	1,953,550	2,152,300	\$ 3,551.30	\$ 4,426.30
55	189150 MURPHY REAL ESTATE LLC	GFO		3	362	\$ 200	7,500	\$ 112.50		46,875	667,325	714,200	\$ 1,178.43	\$ 1,490.93
56	189200 KISER PROPERTIES LLC	GFO		4	362	\$ 200	7,500	\$ 112.50		46,875	135,625	182,500	\$ 301.13	\$ 613.63
57	189250 SPENCER TIMOTHY W	GFO		E1/2 5	362	\$ 200	3,750	\$ 56.25		31,688	128,480	160,168	\$ 264.28	\$ 520.53
58	189300 NORDRUM ORVILLE M & JOSEPHINE A	GFO		W1/2 5	362	\$ 200	3,750	\$ 56.25		31,688	75,790	107,478	\$ 177.34	\$ 433.59
59	189350 HARRIS DEBRA ANN & DAVID ALAN	GFO		E1/2 6	362	\$ 200	3,750	\$ 56.25		31,688	131,812	163,500	\$ 269.78	\$ 526.03
60	189400 HAUGEN LESLIE N & V ARLENE	GFO		W1/2 6	362	\$ 200	3,750	\$ 56.25		31,688	131,180	162,868	\$ 268.73	\$ 524.98
61	189450 SPENCER TIMOTHY	GFO		7	362	\$ 200	7,500	\$ 112.50		46,875	237,910	284,785	\$ 469.90	\$ 782.40
62	189500 CENTER FOR MENTAL HEALTH INC OF GF MT	GFO		8,9	362	\$ 200	15,000	\$ 225.00		77,250	707,750	785,000	\$ 1,295.25	\$ 1,720.25
63	189550 CENTER FOR MENTAL HEALTH INC OF GF MT	GFO		10	362	\$ 200	7,500	\$ 112.50		46,875	520,125	567,000	\$ 935.55	\$ 1,248.05
64	189700 FLY AWAY LLC	GFO		1,2	363	\$ 200	15,000	\$ 225.00		77,250	246,450	323,700	\$ 534.11	\$ 959.11
65	189750 SCHUBARTH SANDRA	GFO		3	363	\$ 200	7,500	\$ 112.50		46,875	299,220	346,095	\$ 571.06	\$ 883.56
66	189800 NOISHT PROPERTIES LLC	GFO		4	363	\$ 200	7,500	\$ 112.50		46,875	222,825	269,700	\$ 445.01	\$ 757.51
67	189850 HEISHMAN CARL D ETAL	GFO		5	363	\$ 200	7,500	\$ 112.50		46,875	330,190	377,065	\$ 622.16	\$ 934.66
68	189900 ELMORE ROBERTS LLC	GFO		6,7	363	\$ 200	15,000	\$ 225.00		77,250	2,312,350	2,389,600	\$ 3,942.84	\$ 4,367.84
69	190000 WVH ENTERPRISES LLC	GFO		PT8	363	\$ 200	566	\$ 8.49		18,323	1,720	20,043	\$ 33.07	\$ 241.56
70	190050 KEILMAN & TRUNKLE ENTERPRISES LLC	GFO		PT8	363	\$ 200	5,535	\$ 83.03		38,978	227,322	266,300	\$ 439.40	\$ 722.42
71	190150 ELMORE ROBERTS LLC	GFO		9	363	\$ 200	7,500	\$ 112.50		46,875	7,650	54,525	\$ 89.97	\$ 402.47
72	190200 ELMORE ROBERTS LLC	GFO		10	363	\$ 200	7,500	\$ 112.50		46,875	7,650	54,525	\$ 89.97	\$ 402.47
73	190250 CENTER FOR MENTAL HEALTH	GFO		11	363	\$ 200	7,500	\$ 112.50		46,875	505,660	552,535	\$ 911.68	\$ 1,224.18
74	190350 MADILL JASON C & TAMARA L	GFO		1-3,9-14	364	\$ 200	67,500	\$ 1,012.50		302,025	1,009,175	1,311,200	\$ 2,163.48	\$ 3,375.98
75	190450 MONTANA LANDWORKS LLC	GFO		4	364	\$ 200	7,500	\$ 112.50		46,875	309,150	356,025	\$ 587.44	\$ 899.94
76	190500 GREAT FALLS CENTRAL LLC	GFO		W1/2 5	364	\$ 200	3,750	\$ 56.25		31,688	269,412	301,100	\$ 496.82	\$ 753.07
77	190550 HICKS ENDEAVORS	GFO		E1/2 5,6	364	\$ 200	11,250	\$ 168.75		62,063	365,537	427,600	\$ 705.54	\$ 1,074.29
78	190600 M & L RENTALS LLC	GFO		7	364	\$ 200	7,500	\$ 112.50		46,875	1,261,070	1,307,945	\$ 2,158.11	\$ 2,470.61
79	190650 SEMANSKY JOHN S & LISA SWAN	GFO		N1/2 8	364	\$ 200	3,750	\$ 56.25		31,688	129,350	161,038	\$ 265.71	\$ 521.96
80	190700 WONG MING & SU	GFO		S1/2 8	364	\$ 200	3,750	\$ 56.25		31,688	189,012	220,700	\$ 364.16	\$ 620.41
81	190800 FIRST BUILDING CORPORATION	GFO		1-3	365	\$ 200	22,500	\$ 337.50		107,625	-	107,625	\$ 177.58	\$ 715.08
82	190950 ATLANTIC FINANCIAL GROUP LTD	GFO		IMPS 1-3	365	\$ 200	-	\$ -		-	6,312,395	6,312,395	\$ 10,415.45	\$ 10,615.45
83	191050 ALLEY STEPHEN J	GFO		4,5	365	\$ 200	15,000	\$ 225.00		77,250	926,250	1,003,500	\$ 1,655.78	\$ 2,080.78
84	191100 WHITE BELLY PROPERTIES LLC	GFO		6	365	\$ 200	7,492	\$ 112.38		46,875	598,825	645,700	\$ 1,065.41	\$ 1,377.79
85	191150 JOVICK LEPARD LLC	GFO		7	365	\$ 200	7,500	\$ 112.50		46,875	680,525	727,400	\$ 1,200.21	\$ 1,512.71
86	191300 FIRST NATIONAL BANK	GFO		13-14	365	\$ 200	15,000	\$ 225.00		77,250	20,930	98,180	\$ 162.00	\$ 587.00
87	191400 RICHARDS PHILLIP	GFO		1,2	366	\$ 200	15,000	\$ 225.00		77,250	478,150	555,400	\$ 916.41	\$ 1,341.41
88	191450 TOVSON LLC	GFO		3	366	\$ 200	7,500	\$ 112.50		46,875	236,890	283,765	\$ 468.21	\$ 780.71
89	191500 JJS WORLD ENTERPRISES LLC	GFO		4-7	366	\$ 200	30,000	\$ 450.00		138,000	1,062,000	1,200,000	\$ 1,980.00	\$ 2,630.00
90	191550 FIRST NATIONAL BANK	GFO		8-14	366	\$ 200	52,500	\$ 787.50		229,125	756,840	985,965	\$ 1,626.84	\$ 2,614.34
91	191600 MONTANA INSTITUTE OF FAMILY LIVING	GFO		1-3	367	\$ 200	22,500	\$ 337.50		107,625	3,582,740	3,690,365	\$ 6,089.10	\$ 6,626.60
92	191700 MURPHY REAL ESTATE LLC	GFO		4,5 W1/2 6	367	\$ 200	18,750	\$ 281.25		92,438	560,062	652,500	\$ 1,076.63	\$ 1,557.88
93	191750 MURPHY TIMOTHY M & DEBORAH S	GFO		E1/2 6,7	367	\$ 200	11,250	\$ 168.75		62,063	66,937	129,000	\$ 212.85	\$ 581.60
94	191950 MONTANA INSTITUTE OF FAMILY LIVING	GFO		10,11	367	\$ 200	15,000	\$ 225.00		77,250	3,960	81,210	\$ 134.00	\$ 559.00
95	192100 BLANKENSHIP BOBBI	GFO		1,2	368 AA	\$ 200	15,333	\$ 230.00		87,642	1,402,958	1,490,600	\$ 2,459.49	\$ 2,889.49
96	192150 GLACIER STATE ELECTRIC SUPPLY COMPANY	GFO		3 W1/2 4	368	\$ 200	11,250	\$ 168.75		62,063	511,637	573,700	\$ 946.61	\$ 1,315.36
97	192200 ARVON BLOCK DEVELOPMENT VENTURE LLC	GFO		E1/2 4,5	368	\$ 200	11,237	\$ 168.56		62,063	3,529,337	3,591,400	\$ 5,925.81	\$ 6,294.37
98	192300 MURPHY REAL ESTATE LLC	GFO		6,7	368	\$ 200	15,000	\$ 225.00		77,250	2,580,600	2,657,850	\$ 4,385.45	\$ 4,810.45
99	192350 WEIGAND JOHN W & PEGGY LOU ETAL	GFO		8 & 9	368	\$ 200	15,000	\$ 225.00		77,250	758,950	836,200	\$ 1,379.73	\$ 1,804.73
100	192450 JENNINGS LAND LIMITED PARTNERSHIP	GFO		10	368	\$ 200	7,500	\$ 112.50		46,875	101,810	148,685	\$ 245.33	\$ 557.83
101	192500 OIHRECHT PROPERTIES LLC	GFO		11,12	368	\$ 200	20,016	\$ 300.24		94,527	280,820	375,347	\$ 619.32	\$ 1,119.56
102	192700 MURPHY REAL ESTATE LLC	GFO		4 & PT 5-7	369	\$ 200	46,241	\$ 693.62		173,235	29,980	203,215	\$ 335.30	\$ 1,228.92
103	192850 MURPHY REAL ESTATE LLC	GFO		S41.6'5'-7	369	\$ 200	6,229	\$ 93.44		41,711	294,650	336,361	\$ 555.00	\$ 848.43
104	192950 LAWYERS GUNS & MONEY LLC	GFO		N90' 8-9	369	\$ 200	9,017	\$ 135.26		52,950	1,108,150	1,161,100	\$ 1,915.82	\$ 2,251.07

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
 ASSESSMENTS FY 2019  
 RESOLUTION #10248 - EXHIBIT "A"

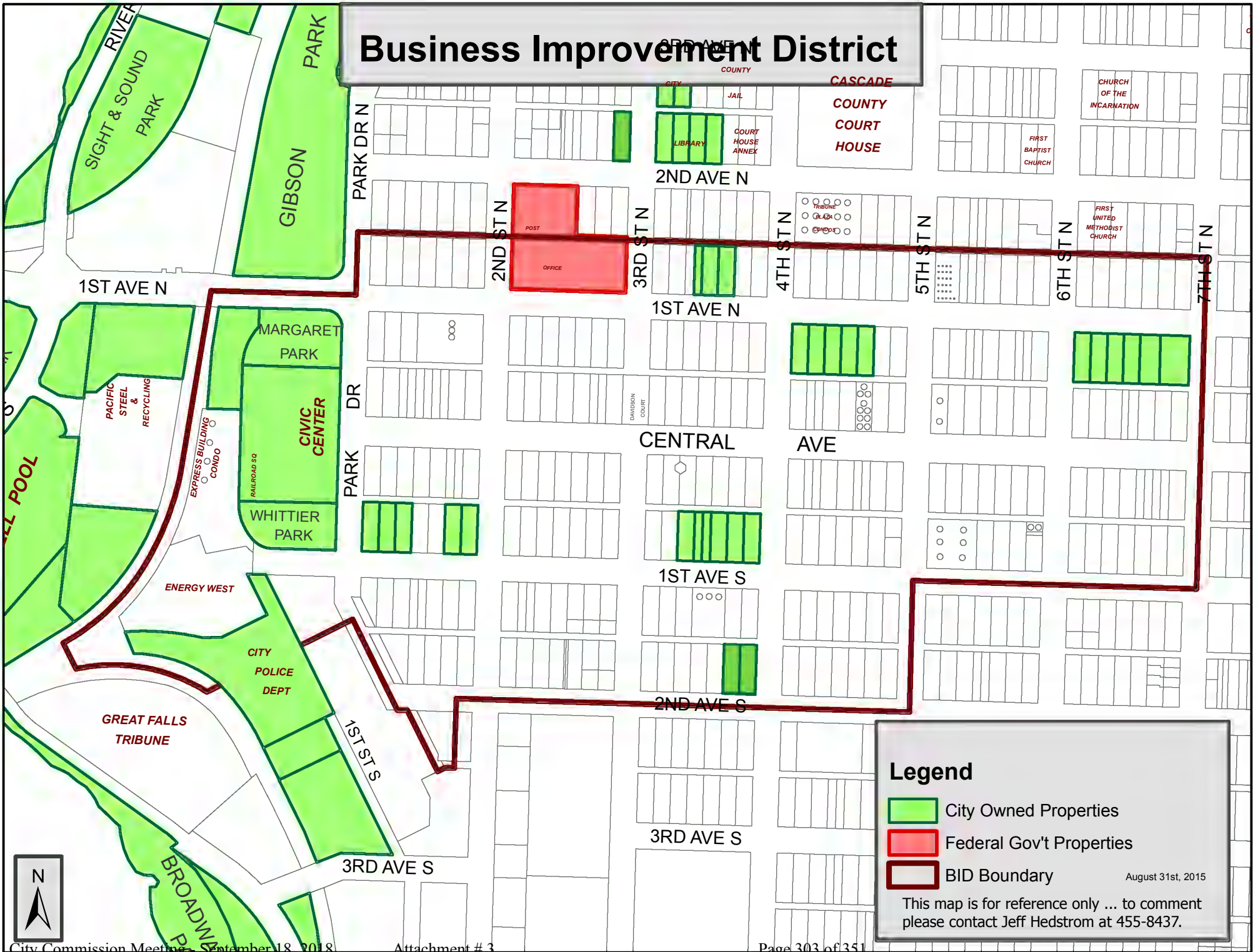
PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT.		MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION COST 0.00165	TOTAL B.I.D. ANNUAL ASSESSMENT
								COST 0.015						
105	193050 CTA BUILDING LLP	GFO		S60' 8-9,E44'10	369	\$ 200	12,606	\$ 189.09		67,530	2,614,570	2,682,100	\$ 4,425.47	\$ 4,814.56
106	193100 CTA BUILDING LLP ETAL	GFO		W6'10E6'OF 11	369	\$ 200	1,800	\$ 27.00		23,790	-	23,790	\$ 39.25	\$ 266.25
107	193150 KELMAN ZOLLIE ETAL	GFO		W6'10 & 11,12	369	\$ 200	14,100	\$ 211.50		73,605	192,490	266,095	\$ 439.06	\$ 850.56
108	193200 KELMAN ZOLLIE ETAL	GFO		13,14	369	\$ 200	15,000	\$ 225.00		77,250	738,750	816,000	\$ 1,346.40	\$ 1,771.40
109	193250 THIRD STREET BUILDING EST LLC	GFO		1	370	\$ 200	7,500	\$ 112.50		46,875	553,125	600,000	\$ 990.00	\$ 1,302.50
110	193300 ROTHSCILLER VERNON	GFO		2	370	\$ 200	7,500	\$ 112.50		46,875	322,125	369,000	\$ 608.85	\$ 921.35
111	193350 FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		3	370	\$ 200	7,500	\$ 112.50		46,875	291,125	338,000	\$ 557.70	\$ 870.20
112	193450 GREAT FALLS TRANSIT DISTRICT	GFO		6,7	370	\$ 200	15,000	\$ 225.00		77,250	258,230	335,480	\$ 553.54	\$ 978.54
113	193550 GREAT FALLS RESCUE MISSION	GFO		10, 11	370	\$ 200	15,000	\$ 225.00		77,250	659,320	736,570	\$ 1,215.34	\$ 1,640.34
114	193650 FERRIN WILLIAM E & MARY SUZANNE TRUST	GFO		12	370	\$ 200	7,500	\$ 112.50		46,875	262,725	309,600	\$ 510.84	\$ 823.34
115	193700 INTERMOUNTAIN MANAGEMENT & MARKETING INC	GFO		13,14	370	\$ 200	15,000	\$ 225.00		77,250	15,030	92,280	\$ 152.26	\$ 577.26
116	193900 NEIGHBORHOOD HOUSING SERVICES INC	GFO		5	371	\$ 200	7,500	\$ 112.50		46,875	13,660	60,535	\$ 99.88	\$ 412.38
117	193950 PLACID RENTALS LLC	GFO		6,7	371	\$ 200	15,000	\$ 225.00		77,250	167,690	244,940	\$ 404.15	\$ 829.15
118	194100 CASCADE COUNTY ETAL	GFO		8-10	371	\$ 200	60,000	\$ 900.00		259,500	2,126,700	2,386,200	\$ 3,937.23	\$ 5,037.23
119	224650 PORTNEY ABBY KELMAN	GFO		1-3	417	\$ 200	19,483	\$ 292.25		98,658	445,342	544,000	\$ 897.60	\$ 1,389.85
120	616205 STAM TODD R ETAL	503			UNIT 101	\$ 200	574	\$ 8.61		3,165	173,970	177,135	\$ 292.27	\$ 500.88
121	616210 FRANK-PLUMLEE KAREN V & ROBERT P	503	125		UNIT 301	\$ 50	450	\$ 6.75		2,483	175,017	177,500	\$ 292.88	\$ 349.63
122	616215 HAGAN ROGER A	503	125		UNIT 401	\$ 50	308	\$ 4.62		1,701	132,399	134,100	\$ 221.27	\$ 275.89
123	616220 ROBERTS AARON P	503	125		UNIT 402	\$ 50	291	\$ 4.37		1,607	128,893	130,500	\$ 215.33	\$ 269.69
124	616225 WORKMAN THOMAS R	503	125		UNIT 403	\$ 50	500	\$ 7.50		2,756	180,140	182,896	\$ 301.78	\$ 359.28
125	616230 JOHNSTON JOHN T & ANGELA L	503	125		UNIT 404	\$ 50	476	\$ 7.14		2,625	174,910	177,535	\$ 292.93	\$ 350.07
126	616235 ROY RUSSEL E & GWEN E	503	125		UNIT 405	\$ 50	469	\$ 7.04		2,588	172,512	175,100	\$ 288.92	\$ 345.95
127	616240 TAMCKE JANET A ETAL	503	125		UNIT 406	\$ 50	268	\$ 4.02		1,477	124,023	125,500	\$ 207.08	\$ 261.10
128	616245 KUBAS HEATHER	503	125		UNIT 407	\$ 50	416	\$ 6.24		2,296	148,604	150,900	\$ 248.99	\$ 305.23
129	616250 STAM TODD R	503			UNIT 103	\$ 200	608	\$ 9.12		3,351	228,800	232,151	\$ 383.05	\$ 592.17
130	616255 STAM TODD R	503			UNIT 105	\$ 200	311	\$ 4.67		1,713	102,087	103,800	\$ 171.27	\$ 375.94
131	616260 STAM TODD R	503			UNIT 107	\$ 200	441	\$ 6.62		2,433	173,267	175,700	\$ 289.91	\$ 496.52
132	616265 STAM TODD R	503			UNIT 109	\$ 200	444	\$ 6.66		2,451	141,449	143,900	\$ 237.44	\$ 444.10
133	616270 SICK PROPERTIES LLC	503			UNIT 111	\$ 200	574	\$ 8.61		3,165	188,260	191,425	\$ 315.85	\$ 524.46
134	616275 UNDERWOOD JASON M	503	125		UNIT 201	\$ 50	450	\$ 6.75		2,483	171,140	173,623	\$ 286.48	\$ 343.23
135	616280 DIAMOND R ELAINE ETAL	503	125		UNIT 202	\$ 50	549	\$ 8.24		3,029	197,260	200,289	\$ 330.48	\$ 388.71
136	616285 BILBRAY-KOHN NOAH B & ERIN K	503	125		UNIT 203	\$ 50	444	\$ 6.66		2,451	167,149	169,600	\$ 279.84	\$ 336.50
137	616290 YEON JENEE S	503	125		UNIT 204	\$ 50	417	\$ 6.26		2,303	162,730	165,033	\$ 272.30	\$ 328.56
138	616295 ROBERTS DUSTIN E	503	125		UNIT 205	\$ 50	509	\$ 7.64		2,805	186,290	189,095	\$ 312.01	\$ 369.64
139	616300 SUK JONG HOON	503	125		UNIT 206	\$ 50	416	\$ 6.24		2,296	158,604	160,900	\$ 265.49	\$ 321.73
140	616305 QUINN SUSAN E	503	125		UNIT 302	\$ 50	549	\$ 8.24		3,029	197,260	200,289	\$ 330.48	\$ 388.71
141	616310 EULTGEN DARREN & CINDY	503	125		UNIT 303	\$ 50	444	\$ 6.66		2,451	170,570	173,021	\$ 285.48	\$ 342.14
142	616315 EULTGEN DARREN & CINDY	503	125		UNIT 304	\$ 50	417	\$ 6.26		2,303	162,310	164,613	\$ 271.61	\$ 327.87
143	616320 BURGAN VALERIE G	503	125		UNIT 305	\$ 50	509	\$ 7.64		2,805	186,290	189,095	\$ 312.01	\$ 369.64
144	616325 FITLE DEREK J	503	125		UNIT 306	\$ 50	416	\$ 6.24		2,296	158,104	160,400	\$ 264.66	\$ 320.90
145	617100 WILLIAMS DONALD E TRUST ETAL	FP1			UNIT A	\$ 200	6,665	\$ 99.98		41,578	1,202,469	1,244,047	\$ 2,052.68	\$ 2,352.65
146	617150 WARD KRAIG ALLAN	FP1			UNIT B	\$ 200	871	\$ 13.07		5,297	174,903	180,200	\$ 297.33	\$ 510.40
147	620650 WADSWORTH SHANNON	CAP			UNIT A	\$ 200	3,615	\$ 54.23		18,563	90,437	109,000	\$ 179.85	\$ 434.08
148	620660 WILSON TOM	CAP			UNIT B	\$ 200	4,574	\$ 68.61		23,523	141,677	165,200	\$ 272.58	\$ 541.19
149	620670 QHG LLP	CAP			UNIT C	\$ 200	6,839	\$ 102.59		35,164	136,236	171,400	\$ 282.81	\$ 585.40
150	628625 SEIDLITZ JOHN E JR & PAMELA	HBC			UNIT 1A	\$ 200	713	\$ 10.70		11,186	63,814	75,000	\$ 123.75	\$ 334.45
151	628630 CORDEIRO, CHRIS A	HBC			UNIT 2A	\$ 200	713	\$ 10.70		11,186	71,314	82,500	\$ 136.13	\$ 346.82
152	647400 A&E RENTALS LLC	EBC			UNIT A	\$ 200	10,336	\$ 155.04		101,427	441,275	542,702	\$ 895.46	\$ 1,250.50
153	647402 UAZ BUILDING PARTNERSHIP	EBC			UNIT B	\$ 200	4,386	\$ 65.79		49,142	310,458	359,600	\$ 593.34	\$ 859.13
154	647404 RAILROAD SQUARE LLC	EBC			UNIT C	\$ 200	11,903	\$ 178.55		110,857	447,343	558,200	\$ 921.03	\$ 1,299.58
155	647406 UAZ BUILDING PARTNERSHIP	EBC			UNIT D	\$ 200	4,699	\$ 70.49		49,795	316,005	365,800	\$ 603.57	\$ 874.06
156	650100 MARTIN SCHULKE & ST JOHN LLP	HBB			UNIT A	\$ 200	10,000	\$ 150.00		46,000	359,116	405,116	\$ 668.44	\$ 1,018.44
157	650200 MARTIN SCHULKE & ST JOHN LLP	HBB			UNIT A1	\$ 200	10,000	\$ 150.00		46,000	359,116	405,116	\$ 668.44	\$ 1,018.44
158	650300 MARTIN SCHULKE & ST JOHN LLP	HBB			UNIT B	\$ 200	10,000	\$ 150.00		46,000	359,116	405,116	\$ 668.44	\$ 1,018.44

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT  
ASSESSMENTS FY 2019  
RESOLUTION #10248 - EXHIBIT "A"

PARCEL NO.	PROPERTY OWNER	SUB DIV	Land Use Code (125)	LOT	BLOCK	FLAT FEE	TOTAL SQ.FT.	SQ.FT.	MARKET VAL. LAND	MARKET VAL. IMPS.	VALUATION TOTAL	VALUATION	TOTAL B.I.D. ANNUAL ASSESSMENT
								COST 0.015				COST 0.00165	
159	651010 MEYER KATTIE & KIRKLEN A	JHC			UNIT 1A	\$ 200	936	\$ 14.04	5,906	320,394	326,300	\$ 538.40	\$ 752.44
160	651020 MONTCARE INC	JHC			UNIT M1B	\$ 200	588	\$ 8.82	3,656	29,915	33,571	\$ 55.39	\$ 264.21
161	651030 CONNER DENNIS & JANIS	JHC			UNIT 1C	\$ 200	542	\$ 8.13	2,719	86,681	89,400	\$ 147.51	\$ 355.64
162	651040 ROCKET CLONE LLC	JHC			UNIT 2A	\$ 200	560	\$ 8.40	3,234	155,066	158,300	\$ 261.20	\$ 469.60
163	651050 SUTTON DANNIE R SR	JHC			UNIT 2B	\$ 200	596	\$ 8.94	4,453	285,747	290,200	\$ 478.83	\$ 687.77
164	651090 BIALECKI ROBER	JHC			UNIT 3A	\$ 200	1,430	\$ 21.45	10,080	472,320	482,400	\$ 795.96	\$ 1,017.41
165	651100 OLSON KENNETH R ETAL	JHC			UNIT 4A	\$ 200	1,424	\$ 21.36	9,000	473,400	482,400	\$ 795.96	\$ 1,017.32
166	651115 MARR LIVING TRUST	LJC	125		UNIT 501	\$ 50	474	\$ 7.11	3,000	328,380	331,380	\$ 546.78	\$ 603.89
167	651120 MCCURRY BEATRICE C	LJC	125		UNIT 502	\$ 50	474	\$ 7.11	3,000	238,056	241,056	\$ 397.74	\$ 454.85
168	651125 SALONEN WILLIAM W & SUSAN L	LJC	125		UNIT 503	\$ 50	474	\$ 7.11	3,000	184,100	187,100	\$ 308.72	\$ 365.83
169	651501 L'HEUREUX PAGE WERNER PC	KAT			UNIT 1	\$ 200	7,601	\$ 114.02	39,025	690,475	729,500	\$ 1,203.68	\$ 1,517.69
170	651502 MONTANA HOMEOWNERSHIP NETWORK INC	KAT			UNIT 2	\$ 200	1,668	\$ 25.02	8,653	153,147	161,800	\$ 266.97	\$ 491.99
171	651503 SILVERTIP LLC	KAT			UNIT 3	\$ 200	2,224	\$ 33.36	11,624	205,676	217,300	\$ 358.55	\$ 591.91
172	651504 NEIGHBORHOOD HOUSING SERVICES INC	KAT			UNIT 4	\$ 200	1,112	\$ 16.68	5,726	122,374	128,100	\$ 211.37	\$ 428.05
173	651505 NEIGHBORHOOD HOUSING SERVICES INC	KAT			UNIT 5	\$ 200	2,966	\$ 44.49	15,229	269,571	284,800	\$ 469.92	\$ 714.41
174	651506 DANSON DEVELOPMENT ETAL	KAT			UNIT 6	\$ 200	2,966	\$ 44.49	27,369	484,331	511,700	\$ 844.31	\$ 1,088.80
175	1888300 ENERGY WEST MONTANA INC	SEC 11, T20N, R3E			22H	\$ 200	91,000	\$ 1,365.00	385,158	1,338,700	1,723,858	\$ 2,844.37	\$ 4,409.37
176	1888310 MCMANUS PROPERTIES LLC	SEC 11, T20N, R3E			22K	\$ 200	31,363	\$ 470.45	226,564	596,880	823,444	\$ 1,358.68	\$ 2,029.13
177	1921200 NORTHWESTERN CORP TRANSMISSION & DISTR	GF		W1/2-12&13		\$ 200	26,250	\$ 393.75		2,276,650	2,276,650	\$ 3,756.47	\$ 4,350.22
178	1921700 CENTURYLINK INC	GF		14		\$ 200	30,000	\$ 450.00		1,709,060	1,709,060	\$ 2,819.95	\$ 3,469.95
<b>178</b>	<b>TOTALS</b>					<b>\$32,300</b>	<b>1,915,201</b>	<b>\$ 28,728.03</b>	<b>\$ 10,036,735</b>	<b>\$ 101,440,129</b>	<b>111,476,864</b>	<b>\$ 183,936.83</b>	<b>\$ 244,964.84</b>



# Business Improvement District



**Legend**

- City Owned Properties
- Federal Gov't Properties
- BID Boundary

August 31st, 2015

This map is for reference only ... to comment please contact Jeff Hedstrom at 455-8437.



**Item:** Resolution 10249 to Levy and Assess Properties within the Tourism Business Improvement District

**From:** Judy Burg, Taxes and Assessments

**Initiated By:** Annual Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission Adopt Resolution 10249

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10249."

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

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**Staff Recommendation:**

Staff recommends the City Commission adopt Resolution 10249 to levy and assess properties within the Tourism Business Improvement District (TBID).

**Background:**

The TBID was originally created in 2008 and was renewed for a second term in February, 2018 for a period of ten years by petition of the property owners in the District. The District's overall purpose is to promote tourism, conventions, trade shows and travel to the City of Great Falls by utilizing and directing the assessment dollars collected through the TBID tax assessment.

On July 17, 2018, as required by MCA Section 7-12-1132(3), the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district that best ensures the assessment on each property is equitable and in proportion to the benefits to be received for Fiscal Year 2018/2019. Following the public hearing held on July 17, 2018, the City Commission moved to adopt the 2018/2019 Work Plan and Budget for the TBID.

**Fiscal Impact:**

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

- The applicable hotels shall be subject to an annual assessment of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133 (c) MCA

The assessment amount requested by the TBID through their Work Plan and Budget was \$404,000. The actual assessment for 2018/2019 based on the above assessment formula will generate \$380,373 in assessment revenue. The reduction of \$23,627 in this year's assessment revenue is attributed to decreased lodging during the assessment time frame. The 2018/2019 assessment per property is indicated on the assessment projection summary as Exhibit "A" incorporated herein and made a part of Resolution 10249.

When the TBID was renewed for a second term in February, 2018 for a period of ten years, a new assessment method was presented. However, due to the assessment time frame which runs from July 1, 2017 through June 30, 2018, this year's assessment revenue is based on the prior method because the new method as presented during the renewal process will not begin until July 1, 2018.

**Alternatives:**

The City Commission could choose to deny Resolution 10249 in assess the property owners within the TBID. However, on July 17, 2018, the City Commission approved the TBID Budget which identifies the TBID assessment as 66% of the operating revenues. Denial of Resolution 10249 will prevent the TBID from carrying out the TBID Budget previously approved by the City Commission.

**Concurrences:**

The TBID partners with several organizations, such as the 4-Seasons Sports Foundation, Great Falls Public Schools, and the Great Falls Convention and Visitors Bureau to carry out the overall purpose of promoting tourism, conventions, trade shows and travel to the City of Great Falls. Finance staff is responsible for assessing and collecting the revenues.

ATTACHMENTS:

- Resolution 10249

## **RESOLUTION 10249**

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

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

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

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

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

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

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

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



property embraced within the boundaries of such a district; and,

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

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

Section 1 – Adoption of Work Plan and Budget

On July 17, 2018, the City Commission held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district.

Section 2 – Assessment Method

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

The assessment formula recommended to the City Commission will be a flat fee of one dollar (\$1.00) per occupied room night as prescribed in Section 7-12-1133(c) MCA.

The assessment requested for Fiscal Year 2018/2019 is based on the above assessment formula and will generate THREE HUNDRED EIGHTY THOUSAND THREE HUNDRED SEVENTY-THREE DOLLARS (\$380,373) in assessment revenue due to the assessment time frame.

During the renewal process for the TBID a new assessment method was approved and the new method is scheduled to begin July 1, 2018 as follows:

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

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

Exhibit “A”<sup>1</sup>.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o’clock p.m. on November 30, 2018 and May 31, 2019.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 18<sup>th</sup> day of September, 2018.

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

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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

\_\_\_\_\_  
1 Exhibit not available online; on file in City Clerk’s Office.



**Item:** Resolutions 10269 and 10270, Annual Tax Levy

**From:** Gregory T. Doyon, City Manager

**Initiated By:** Revised Taxable Valuations from the Montana Department of Revenue

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** Adopt Resolution 10269, repealing Resolution 10241 adopted August 21, 2018; and, Adopt Resolution 10270

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10269.”

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

AND

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10270.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission adopt Resolution 10269, which repeals Resolution 10241 adopted by the City Commission on August 21, 2018; and, that the City Commission adopt Resolution 10270 and finalize the Fiscal Year 2019 Adopted Budget without any adjustments.

**Summary:**

The City Commission is required to fix an annual tax levy by setting mills to generate property tax revenues to fund city operations. The City received its original taxable valuation from the Montana

Department of Revenue (MTDOR) on July 30, 2018, and a revised valuation on August 6, 2018. With this valuation, the City computed its annual mill levy. At its August 21, 2018 meeting, the City Commission adopted Resolution 10241 to fix the annual tax levy in mills for the fiscal year beginning July 1, 2018 and ending June 30, 2019.

On August 31, 2018, Cascade County Commissioner Joe Briggs notified the City that the County Commission received notice from the Montana Department of Revenue that the revised valuation had a major error in the 2018 Taxable Market Value and 2018 Total Taxable Value. The Total Taxable Value that was in error was \$111,473,256. The revised value received on September 4, 2018, was \$99,201,290. This means that without the recertification of the mills, the City would lose \$12,271.97 per mill (\$1,837,959 in total).

During the FY 2019 Budget Adoption Process, the Finance Department projected the City's newly taxable property revenue would be \$400,000. The projection was based on the seventeen year average of newly taxable property. The newly taxable revenue reported by MTDOR is actually \$689,968. With this new valuation the newly taxable revenue will be \$781,414, a \$91,446 increase.

### **Background:**

The amount of newly taxable property revenue means that the City will have slightly more tax revenue than projected of \$381,414 (2% of total General Fund tax revenue). The City anticipates property assessment appeals/abatement requests which means the City will not definitively know how much of this new projected tax revenue will be available until those appeals/abatement requests are processed.

For example, in Fiscal Year 2018 the newly taxable property revenue was certified to be \$437,295, and the City has still not received this additional revenue.

The newly taxable property increases the taxable value per mill from \$94,164 in FY 2018 to \$97,185 in FY 2019. The increase in value also indicates that the Great Falls tax base has expanded.

One immediate benefit to the City's budget is to the Great Falls Public Library. The library receives nine (9) mills under its agreement with the City. With the newly taxable value, this translates into an additional \$27,189 from FY2018. But this change in mill value will result in a decrease of \$110,448 from the original certification for the library for FY 2019.

Included in the mills are the following:

### **Debt Service**

- 1.76 mills for soccer park debt service payments (\$6,908 increase from last year)

The annual soccer park debt payments with expenses total \$169,751, which are included in the \$19,557,045 mill levy total.

The soccer park bonds were issued June 14, 2004, for \$2,500,000 for twenty years and refinanced in April 2014. The outstanding balance of the soccer bonds as of June 30, 2018 was \$910,000. The bond maturity date is July 1, 2024. Fiscal Year 2017 was the last year for the swimming pool debt.

### **Permissive Medical Levy**



- 29.86 mills (\$300,000 increase from last year)

**Total Mill Levy Summary**

Last year’s mill levy for Tax Year 2017 (FY 2018) certified revenue of \$18,341,320. The differences between the mill levy of \$18.3 million (what the City milled last year) and \$19,557,045 (what the City will mill this year) include the following:

*General*

- \$781,414 for newly taxable property, a \$91,446 increase from first certification.
- \$127,721 for the inflationary adjustment,
- \$300,000 for the “Permissive Medical Levy”, and,
- \$(318) from previous taxable value adjustments.

*Voted General Obligation Debt*

- \$6,908 for the increase in the revenue needed for the soccer park debt.

**Fiscal Impact:**

The total mill levy for Tax Year 2018 (FY 2019) is 201.24 mills totaling \$19,557,045. The new taxable value revenue of \$781,414 may result in a slight increase of \$381,414 in undesignated fund balance for the General Fund if received by the City in FY 2019. The recertification does not change the projected impact for taxpayers.

As proposed, the projected impact on a \$100,000 home with a taxable market value is as follows:

Inflationary Adjustment (\$127,721)	\$ 1.84
Permissive Medical Levy (\$300,000)	<u>\$ 4.30</u>
Total	\$ 6.14

**Alternatives:**

State law requires that the City adopt a FY 2019 Budget which includes setting the annual mill levy amounts on or before the first Thursday after the first Tuesday in September or 30 days after receiving taxable valuation from the Montana Department of Revenue, whichever is later.

The City Commission could reduce the amount of its levies – either the inflationary adjustment or the Permissive Medical Levy. The City Commission could also accept the tax levies as presented, allow any tax appeals/abatement requests to run their course, and after the first of the year reconsider any needed budget adjustments. This timeframe also provides the City Commission with ample time to review, consider, and prioritize deferred capital and operational needs which may be addressed by the slight increase of the General Fund fund balance. Budget adjustments can then be made as necessary with review from city department heads and the public.

**Concurrences:**

The FY 2019 Budget was adopted July 17, 2018. Recertifying the mills for Tax Year 2018 (FY 2019) should be the last step in the adoption of the FY 2019 City of Great Falls Budget.

ATTACHMENTS:

- ▣ Resolution 10269 Repealing Resolution 10241
- ▣ Resolution 10270
- ▣ Resolution 10270 Appendix A
- ▣ 2018 Certified Taxable Valuation
- ▣ Taxable Valuation History

## **RESOLUTION 10269**

### **A RESOLUTION REPEALING RESOLUTION 10241 TITLED: “RESOLUTION TO FIX ANNUAL TAX LEVY - A RESOLUTION PROVIDING FOR THE ANNUAL TAX LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019”**

**WHEREAS**, the City Commission is required to fix an annual tax levy by setting mills to generate property tax revenues to fund city operations; and

**WHEREAS**, after receiving the Revised 2018 Certified Taxable Valuation Information from the Montana Department of Revenue (MTDOR) on August 6, 2018, City staff considered newly taxable property, inflationary adjustment, permissive medical levy and debt service to compute the annual mill levy amounts for City Commission consideration; and

**WHEREAS**, at its regular meeting held August 21, 2018, the City Commission adopted Resolution 10241, as required to complete the last step in adoption of the City of Great Falls' FY 2019 Budget; and

**WHEREAS**, Resolution 10241 was recorded with the Cascade County Clerk and Recorder (R0360033 GRS), and a copy hand delivered to the Cascade County Treasurer on August 24, 2018; and

**WHEREAS**, on August 31, 2018, Cascade County Commissioner Joe Briggs notified Finance Director Melissa Kinzler via email that the County Commission received notice from the MTDOR that it made a significant error in its 2018 Certified Taxable Valuation Information provided to the taxing jurisdictions and, as such, a 2018 revised certification of values would be forthcoming from the MTDOR for the governing bodies of local entities to base mill levy calculations; and

**WHEREAS**, on September 4, 2018, Finance Director Melissa Kinzler received the “Revised 9/4/2018 2018 Certified Taxable Valuation Information” via email from the MTDOR.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Great Falls, Montana, that Resolution 10241 adopted August 21, 2018, and recorded with the Cascade County Clerk and Recorder (R0360033 GRS) on August 24, 2018, is hereby repealed.

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana, on this 18<sup>th</sup> day of September, 2018.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney



**RESOLUTION NO. 10270**  
**RESOLUTION TO FIX ANNUAL TAX LEVY**  
**A RESOLUTION PROVIDING FOR THE ANNUAL TAX**  
**LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING**  
**JULY 1, 2018 AND ENDING JUNE 30, 2019**

**WHEREAS,** Montana Code Annotated (MCA), 7-1-114, states "(1) A local government with self-governing powers is subject to ...(g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments...(3) (b) The provisions of 15-10-420 apply to self-governing local government units."

**WHEREAS,** The City of Great Falls, Montana adopted a self-governing charter in 1986. Article I, Section 3 of the Charter of the City of Great Falls, Montana states: "The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana Law."

**WHEREAS,** Section 7-6-4036, MCA, requires the City Commission to fix the tax levy for each taxing jurisdiction by the later of the first Thursday after the first Tuesday in September or within 30 calendar days after receiving certified taxable values. Certified taxable values were received July 30, 2018. Revised values were received August 6, 2018, and again on September 4, 2018.

**WHEREAS,** Section 15-10-420, MCA provides:

- (1)(a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property plus one-half the average rate of inflation for the prior 3 years.
- (2) ... plus any additional levies authorized by the voters ...
- (9) (a) The provisions of subsection (1) do not prevent or restrict:...(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.

**WHEREAS,** Section 15-10-201, MCA, requires the City Commission to fix its tax levy in mills and tenths and hundredths of mills.

**WHEREAS,** The Department of Revenue's certified taxable value for the City of Great Falls is \$99,201,290 which equates to \$99,201 per mill; when the incremental value of the tax increment finance district is removed the value is \$97,185 per mill. This includes \$781,414 or \$4,607 per mill, of newly taxable property.

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

**Section 1. - Determination of Mill Levy Limit**

- Appendix A shows the determination of the total mill levy limit of 169.62 mills.
- An additional 29.86 “Permissive Medical Levy” is allowed under 15-10-420(9)(a)(vi) for increased health insurance premiums not included in the Appendix A calculation.
- An additional 1.76 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 4, 2003, a \$2.5 million general obligation bond was approved by voters for construction of a soccer park. It has been determined that 1.76 mills for soccer park debt service payments is needed for Fiscal Year 2019.

**Section 2. - Tax Levy Amounts**

A 201.24 mill levy will generate:

- a. \$ 15,703,127 from the \$92,578 certified value per mill for Previously Taxable Property;
- b. \$ 781,414 from the \$4,607 certified value per mill for Newly Taxable Property;
- c. \$ 2,901,751 from the \$97,185 certified value per mill for increased Health Insurance premiums “Permissive Medical Levy”,
- d. \$ 170,753 from the \$97,185 certified value per mill for soccer park debt service payments, and,
- e. \$19,557,045 in total City tax for 2018 Tax Year from the \$97,185 total certified value per mill.

This does not reflect delinquent collections or tax increments withheld.

**Section 3. - Tax Levy Required and Set**

- a. 169.62 mill levy- The City Commission has determined a \$16,484,541 tax levy, requiring a 169.62 mill levy, is necessary to balance the General Fund Budget.
- b. 29.86 mill levy- The City Commission has determined a \$2,901,751 “Permissive Medical Levy”, requiring a 29.86 mill levy, is necessary for increased health premium costs to balance the General Fund Budget.
- c. 1.76 mill levy- The City Commission has determined a \$170,753 tax levy, requiring a 1.76 mill levy, is necessary for the soccer park debt service payment.
- d. Total 201.24 - The City Commission of the City of Great Falls, Montana hereby fixes the tax levy for the fiscal year July 1, 2018 through June 30, 2019 at 201.24 mills.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
September 18, 2018.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

# Determination of Tax Revenue and Mill Levy Limitations

Section 15-10-420, MCA  
Aggregate of all Funds

FYE June 30, 2019

City of Great Falls, Resolution 10270, Appendix A

	Enter amounts in yellow cells	Auto-Calculation (If completing manually enter amounts as instructed)
Enter Ad valorem tax revenue <u>ACTUALLY assessed in the prior year</u> (from Prior Year's form Line 17)	\$ 15,575,724	\$ 15,575,724
Add: Current year inflation adjustment @ 0.82%		\$ 127,721
Subtract: Ad valorem tax revenue <u>ACTUALLY assessed in the prior year</u> for Class 1 and 2 property, (net and gross proceeds) (from Prior Year's form Line 20)- (enter as negative)		\$ -
Adjusted ad valorem tax revenue		\$ 15,703,445
<b><u>ENTERING TAXABLE VALUES</u></b>		
Enter 'Total Taxable Value' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 2	\$ 99,201,290	\$ 99,201.290
Subtract: 'Total Incremental Value' of all tax increment financing districts (TIF Districts) - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 6 (enter as negative)	\$ (2,016,163)	\$ (2,016.163)
Taxable value per mill (after adjustment for removal of TIF per mill incremental district value)		\$ 97,185.127
Subtract: 'Total Value of Newly Taxable Property' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 3 (enter as negative)	\$ (4,606,852)	\$ (4,606.852)
Subtract: 'Taxable Value of Net and Gross Proceeds, (Class 1 & 2 properties)' - from Department of Revenue <i>Certified Taxable Valuation Information</i> form, line # 5 (enter as negative)	\$ -	\$ -
Adjusted Taxable value per mill		\$ 92,578.275
CURRENT YEAR calculated mill levy		169.62
CURRENT YEAR calculated ad valorem tax revenue		\$ 16,484,541
<b><u>CURRENT YEAR AUTHORIZED LEVY/ASSESSMENT</u></b>		
Enter total number of carry forward mills from prior year (from Prior Year's form Line 22)	0.00	0.00
Total current year authorized mill levy, including Prior Years' carry forward mills		169.62
Total current year authorized ad valorem tax revenue assessment		\$ 16,484,541
<b><u>CURRENT YEAR ACTUALLY LEVIED/ASSESSED</u></b>		
Enter number of mills actually levied in current year (Number should equal total <u>non-voted</u> mills, which includes the number of carry forward mills, actually imposed per the final approved current year budget document. <u>Do Not</u> include voted or permissive mills imposed in the current year.)	169.62	169.62
Total ad valorem tax revenue actually assessed in current year		\$ 16,484,541
<b><u>RECAPITULATION OF ACTUAL:</u></b>		
Ad valorem tax revenue actually assessed		\$ 15,703,127
Ad valorem tax revenue actually assessed for newly taxable property		\$ 781,414
Ad valorem tax revenue actually assessed for Class 1 & 2 properties (net-gross proceeds)		\$ -
Total ad valorem tax revenue actually assessed in current year		\$ 16,484,541
Total carry forward mills that may be levied in a subsequent year (Number should be equal to or greater than zero. A (negative) number indicates an over levy.)		0.00





Revised 9/4/2018

MONTANA  
Form AB-72T  
Rev. 3-12

**2018 Certified Taxable Valuation Information**  
(15-10-202, MCA)  
**Cascade County**  
CITY OF GREAT FALLS

**Certified values are now available online at [property.mt.gov/cov](http://property.mt.gov/cov)**

1. 2018 Total Market Value <sup>1</sup> .....	\$	5,761,235,361
2. 2018 Total Taxable Value <sup>2</sup> .....	\$	99,201,290
3. 2018 Taxable Value of Newly Taxable Property.....	\$	4,606,852
4. 2018 Taxable Value less Incremental Taxable Value <sup>3</sup> .....	\$	97,185,127
5. 2018 Taxable Value of Net and Gross Proceeds <sup>4</sup> (Class 1 and Class 2).....	\$	-

6. TIF Districts

Tax Increment District Name	Current Taxable Value <sup>2</sup>	Base Taxable Value	Incremental Value
INT'L MALTING PLANT	802,165	362,124	440,041
WEST BANK RENEWAL	1,065,439	292,536	772,903
GF INT'L AIRPORT	155,466	107,149	48,317
GF DOWNTOWN URBAN	3,933,236	3,643,698	289,538
EAST INDUSTRIAL PARK	467,686	2,322	465,364

Total Incremental Value \$ 2,016,163

Preparer Joan Vining

Date 9/4/2018

<sup>1</sup>Market value does not include class 1 and class 2 value

<sup>2</sup>Taxable value is calculated after abatements have been applied

<sup>3</sup>This value is the taxable value less total incremental value of all tax increment financing districts

<sup>4</sup>The taxable value of class 1 and class 2 is included in the taxable value totals

**For Information Purposes Only**

2018 taxable value of centrally assessed property having a market value of \$1 million or more, which has transferred to a different ownership in compliance with 15-10-202(2), MCA.

I. Value Included in "newly taxable" property	\$	-
II. Total value exclusive of "newly taxable" property	\$	-

City of Great Falls Taxable Valuation History

Tax Levy Year	Fiscal Year	Total Taxable Value**	Tax Increment Districts						Net Taxable Value	% Increase (Decrease) Prior Year Net Taxable Value	New Property Value	% Increase (Decrease) Prior Year Newly Taxable Property	Levy in Mills
			Downtown	Pasta MT/ General Mills	Int'l Malting Plant	West Bank Urban Renewal Plan	Great Falls Int'l Airport	East Industrial Park					
2001	FY 2002	\$65,437,840	\$4,511,569	\$552,276	NA	NA	NA	NA	\$60,373,995	0.33%	\$1,011,770	-47.8%	111.32
2002	FY 2003	\$65,117,051	\$4,364,549	\$595,357	NA	NA	NA	NA	\$60,157,145	-0.36%	\$1,302,597	28.7%	119.00
2003	FY 2004	\$65,328,553	\$4,102,725	\$700,009	NA	NA	NA	NA	\$60,525,819	0.61%	\$1,041,336	-20.1%	124.33
2004	FY 2005	\$66,377,650	\$3,343,580	NA	NA	NA	NA	NA	\$63,034,070	4.14%	\$2,030,124	95.0%	131.64
2005	FY 2006	\$68,609,562	\$3,402,127	NA	NA	NA	NA	NA	\$65,207,435	3.45%	\$2,748,377	35.4%	138.27
2006	FY 2007	\$70,990,415	\$3,832,568	NA	\$141,345	NA	NA	NA	\$67,016,502	2.77%	\$2,873,541	4.6%	140.94
2007	FY 2008	\$73,776,332	\$4,064,883	NA	\$225,476	NA	NA	NA	\$69,485,973	3.68%	\$2,387,436	-16.9%	158.21
2008	FY 2009	\$76,405,690	\$4,107,804	NA	\$294,210	\$30,733	NA	NA	\$71,972,943	3.58%	\$2,138,961	-10.4%	162.68
2009	FY 2010	\$76,862,700	NA	NA	\$309,168	\$205,857	NA	NA	\$76,347,675	6.08%	\$6,947,574	224.8%	169.04
2010	FY 2011	\$78,275,702	NA	NA	\$195,477	\$574,725	\$728	NA	\$77,504,772	1.52%	\$2,931,771	-57.8%	173.10
2011	FY 2012	\$78,709,035	NA	NA	\$176,312	\$553,480	\$ 6,659	NA	\$77,972,584	0.60%	\$5,295,716	80.6%	183.24
2012	FY 2013	\$77,852,991	NA	NA	\$157,225	\$557,385	\$ 6,333	NA	\$77,132,048	-1.08%	\$1,278,348	-75.9%	193.57
2013	FY 2014	\$78,054,590	\$105	NA	\$155,000	\$560,136	\$11,171	NA	\$77,328,178	0.25%	\$787,945	-38.4%	198.74
2014	FY 2015	\$76,098,354	\$41,765	NA	\$386,390	\$575,135	\$11,275	\$ 31,452	\$75,052,337	-2.94%	\$312,611	-60.3%	204.54
2015	FY 2016	\$88,577,771	\$444,316	NA	\$504,796	\$579,885	\$42,030	\$ 42,557	\$86,964,187	15.87%	\$5,072,060	1522.5%	190.29
2016	FY 2017	\$91,113,880	\$0	NA	\$512,371	\$537,828	\$43,717	\$ 41,662	\$89,978,302	3.47%	\$5,238,618	3.3%	198.24
2017	FY 2018	\$95,822,493	\$252,609	NA	\$383,849	\$654,253	\$47,867	\$319,573	\$94,164,342	4.65%	\$2,643,701	-49.5%	194.78
2018	FY 2019	\$99,201,290	\$289,538	NA	\$440,041	\$772,903	\$48,317	\$465,364	\$97,185,127	3.21%	\$4,606,852	74.3%	201.24

Note: Starting in 1999 mill levies were "floated" in order to achieve the statutorily limited tax revenues.  
 Voters approved a 2 mill increase for the Library in November, 2000.  
 Voters approved a \$2.5 million general obligation bond for a soccer park November 4, 2003.  
 Voters approved a \$2.27 million general obligation bond for repair and improvement of city pool facilities November 7, 2006.

\*\*Total taxable value at time of certification



**Item:** Ordinance 3192, "An Ordinance Amending Title 17, Chapter 16, Article 2, Section 050 of The Official Code of The City of Great Falls (OCCGF), Pertaining to Burden of Proof".

**From:** Legal Department

**Initiated By:** Legal Department

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

**Action Requested:** Adopt Ordinance 3192 on second reading.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/not adopt) Ordinance 3192."

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

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**Staff Recommendation:**

Staff recommends that the City Commission adopt Ordinance 3192.

**Background:**

The Great Falls Board of Adjustment (BOA) is the quasi-judicial body that hears appeals regarding Land Use Decisions including variances and appeals regarding allocation of Community Development Block Grant allocations decisions. The burden of proof for proceedings conducted by the BOA is established by OCCGF §17.16.2.050.

The Ordinance under consideration would amend OCCGF §17.16.2.050. The proposed amendment would require the individual or applicant appealing a decision to the BOA to maintain the burden of proving the decision which is being appealed should be reversed or modified. The BOA is a quasi-judicial appellate body. This amendment is appropriate because, traditionally, a party to a judicial or quasi-judicial action has the burden of showing that the decision of the authority being appealed from should be overturned or modified.

Ordinance 3192 was accepted unanimously on first reading. There was no Commission discussion or public comment at the first reading. However Commissioner Moe provided Legal staff with some comments on the draft and the Legal Department has updated Ord. 3192 Exhibit "A" following first

reading. Subsection (A.) was amended replacing “this Title” with “the Official Code of The City of Great Falls (OCCGF)”. Subsection (B.) was amended to insert “is inconsistent with the OCCGF, should be reversed, and/or how it should be modified”. Subsection (C.) was amended to replace “this Title” with “OCCGF”. These amendments are appropriate to improve procedural consistency.

Ordinance 3192 Exhibit “A” illustrates the proposed additional language to OCCGF §17.16.2.050 in **bold** and removed language in ~~strike through~~. Ordinance 3192 Exhibit “B”, attached to this report, illustrates the changes if accepted in clean format.

**Fiscal Impact:**

None.

**Concurrences:**

City Manager's Office  
Planning and Community Development  
City Clerk's Office

ATTACHMENTS:

- ▣ Ordinance 3192
- ▣ Ord. 3192 Exhibit "A" (Updated from First Reading)
- ▣ Ord. 3192 Exhibit "B" (Updated from First Reading)



**ORDINANCE 3192**

**AN ORDINANCE AMENDING TITLE 17, CHAPTER 16, ARTICLE 2, SECTION 050 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO BURDEN OF PROOF**

\*\*\*\*\*

**WHEREAS**, OCCGF § 17.16.050 specifies what party bears the burden of proof in Land Use application decisions and Board of Adjustment appeal proceedings; and

**WHEREAS**, when an administrative unit or department decision is appealed to the Great Falls Board of Adjustment, the administrative unit or department bears the burden of proof that such decision is correct; and

**WHEREAS**, the City Commission wishes to require the applicant or individual appealing such a decision to bear the burden of proof that the administrative unit or department decision should be modified or reversed.

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

Section 1. Title 17, Chapter 16, Article 2, Section 050, of the OCCGF pertaining to burden of proof shall be amended as depicted by Exhibit "A", attached hereto, which removes any language indicated by a ~~strike-out~~ and adds any language which is **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.

APPROVED by the City Commission on first reading September 4, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 18, 2018.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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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 3192 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 Courthouse;
- On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

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Lisa Kunz, City Clerk

Exhibit "A" (Updated from First Reading)

Title 17 LAND DEVELOPMENT CODE

Chapter 16 – ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Article 2 - GENERALLY

**17.16.2.050 Burden of proof.**

- A. ~~During application process.~~ During the application processes, the applicant has the burden of proof to show that the proposed **action or** development is consistent with ~~this Title.~~ **the Official Code of the City of Great Falls (OCCGF).**
- B. ~~During appeal of an administrative decision.~~ In instances where an applicant **or individual** appeals an administrative decision to the Board of Adjustment, the ~~administrative unit or department making said decision~~ **applicant or individual** has the burden of proof to show that the **administrative unit or department** decision is ~~consistent~~ **inconsistent with this Title. the OCCGF, should be reversed, and/or how it should be modified.**
- C. ~~During enforcement proceedings.~~ During enforcement proceedings, the administrative unit or department taking enforcement action has the burden of proof to show that the action or development is in violation of ~~this Title~~ **the OCCGF.**

Exhibit "B" (Updated from First Reading)

Title 17 LAND DEVELOPMENT CODE

Chapter 16 – ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Article 2 - GENERALLY

**17.16.2.050 Burden of proof.**

- A. During the application processes, the applicant has the burden of proof to show that the proposed development is consistent with the Official Code of the City of Great Falls (OCCGF).
- B. In instances where an applicant or individual appeals an administrative decision to the Board of Adjustment, the applicant or individual has the burden of proof to show that the administrative unit or department decision is inconsistent with the OCCGF, should be reversed, and/or how it should be modified.
- C. During enforcement proceedings, the administrative unit or department taking enforcement action has the burden of proof to show that the action or development is in violation of the OCCGF.





**Item:** Ordinance 3193 - An Ordinance by the City Commission of the City of Great Falls to assign PUD Planned Unit Development zoning to the properties legally described as Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision.

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

**Initiated By:** NWGF Development, LLC

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

**Action Requested:** City Commission accept Ordinance 3193 on first reading and set a public hearing for October 16, 2018.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3193 on first reading and set a public hearing for October 16, 2018."

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

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**Staff Recommendation:**

Staff recommends approval of the applicant's proposed PUD zoning request. At the conclusion of a public hearing held on August 14, 2018, the Zoning Commission recommended the City Commission approve the establishment of zoning for the subject properties to PUD Planned Unit Development, subject to the fulfillment of the following Conditions of Approval:

**Conditions of Approval for Planned Unit Development:**

**1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

**2. Final Plat.** Provide a Final Plat of the subject properties which shall incorporate corrections of any errors or omissions noted by Staff.

**3. Utilities.** The final engineering drawings and specifications for public improvements for the subject

properties shall be submitted to the City Public Works Department for review and approval.

**4. Land Use & Zoning.** The development standards and land uses for the subject properties shall be consistent with the submitted PUD Planned Unit Development zoning ordinance submitted by the applicant.

**5. Subsequent modifications and additions.** If after establishment of the PUD, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed changes would not alter a finding, the owner shall obtain all other permits as may be required.

### **Summary:**

The applicant, NeighborWorks Great Falls (NWGF), is proposing the annexation, establishment of Planned Unit Development (PUD) zoning, and a major subdivision for two parcels of land that total approximately 20.5 acres. The subject properties are undeveloped land located in Cascade County adjacent to Great Falls along 20th Street South and 24th Avenue South. The applicant is proposing an 85-lot subdivision, fully developed with the establishment of several proposed roadways and alleys to access the lots, sidewalks to create pedestrian circulation, and City utilities to provide services to the subject properties. Development of the site will be a major transformation of the properties from bare land to a new residential neighborhood.

The proposed residential community includes 50 lots dedicated to the NWGF Mutual Self-Help Program. Each year over the next five years, ten families will work together to construct their own homes in a program executed by NWGF and funded by the United States Department of Agriculture Rural Development Agency. The NWGF Mutual Self-Help program has been successfully providing homeownership for low to low/moderate income families since 2005 and has resulted in 124 homes being constructed. NWGF is currently working in the Thaniel Addition subdivision to construct this housing product, but is beginning to run out of available lots. Additionally, it has been difficult to keep home prices affordable due to the size of lots that were created in the Thaniel Addition subdivision.

In addition to the proposed 50 Mutual Self-Help lots, another 33 lots will be developed into one and two-bedroom Cottage style homes ranging from 800 square feet to approximately 1200 square feet. The Cottage homes could be developed in four phases over the next five years. Three model homes will be developed in Phase 1 of the Cottage project in the summer of 2019. As demand for new affordable housing continues to grow, these smaller homes are geared to active adults looking to downsize or young couples just starting out.

During the public hearing for the Planning Advisory Board/ Zoning Commission on August 14, 2018, several questions and concerns were brought up by the public. These included concerns about increased traffic, dust control in the area, and sidewalk requirements for several neighboring property owners due to the installation and dedication of 20th Street South with the applicant's project. All concerns were addressed by Staff with the information that was available at that time. A question was asked by a local citizen in that area if the elementary school could accommodate the increased volume of students that this subdivision could potentially have. Staff has since contacted the Great Falls Public Schools and verified that Sunnyside Elementary School is not at capacity and they welcome new homes in the area. If there was a large increase in students because of the proposed development, the School would adjust

to accommodate.

## **Background:**

### **Assignment of Zoning: Planned Unit Development (PUD)**

The applicant proposes lot layouts that are generally alley-accessed for the Mutual Self-help homes with detached garages, and lot layouts that are street-accessed for the Cottage style homes with attached garages. In order to create a development that is feasible for the affordable homes that are being proposed, the applicant is proposing lots that range from 5,948 square feet to 6,989 square feet. The proposed lot sizes, as well as minimum lot widths and setbacks, are more constrained than the most closely related zoning district in the Land Development Code - the R-3 Single-family high density district. Therefore, to accommodate the proposed development standards, the applicant has requested a Planned Unit Development zoning designation. The use of the PUD zoning district allows for a residential development to be established with unique development standards, pursuant to OCCGF §17.20.2.040 Establishment and purpose of districts, which states:

A Planned Unit Development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval.

A full land use and development standards proposal has been submitted by the applicant along with a conceptual site plan and typical lot layout for the various types of house products being proposed. The City Commission will be considering the proposed PUD zoning as well as annexation and the final plat at a public hearing set after first reading of the ordinance.

The basis for decision on Planned Unit Development requests is listed in OCCGF §17.16.29.050. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact/Basis of Decision – Planned Unit Development.

## **Improvements**

### **Roadways and Alleys**

Pursuant to the attached Improvement Agreement, the applicant proposes to construct 20th Street South, 21st Avenue South, 22nd Avenue South, 22nd Street South, 23rd Avenue South, and three (3) cul-de-sacs in order to provide access to the proposed lots in the subdivision. In addition, alleys are also shown on the site plan to access lots with detached garages. The roadways and alleys are to be constructed consistent with City standards. All necessary property for the construction and maintenance of City streets and alleys shall be dedicated to the public on final plats that will be recorded with the Cascade County Clerk and Recorder. All street and alley improvements are to be owned and maintained by the City upon completion.

### **Traffic Analysis**

According to the ITE Trip Generation Manual (9th Edition), the average trip generation rate for a single family detached housing unit is 9.52 trips per occupied dwelling unit on a weekday. For the 83 homes proposed in the subdivision, this equates to approximately 790 daily trips.

The trip distribution percentages for vehicles entering/exiting the proposed subdivision are estimated to be:

- 15% north on 20th Street South (119 vehicle trips per day)
- 15% east on 21st Avenue South (119 vehicle trips per day)
- 15% east on 23rd Avenue South (119 vehicle trips per day)
- 15% south on 22nd Street South (119 vehicle trips per day)
- 40% south on 20th Street South (316 vehicle trips per day)
- Negligible traffic will be using the unpaved 20th, 21st, 22nd, and 23rd Avenues to the west (County jurisdiction).

The existing and proposed roadway layout is expected to have sufficient capacity to accommodate traffic generated by the proposed subdivision. Several improvements were required to accompany the project, which have been agreed to by the applicant. This includes construction of 20th Street South as a collector in order to accommodate expected future traffic volumes. The applicant is also required to construct a small portion of 20th Street South just north of the property to connect the new street to 20th Avenue South. The City will facilitate reimbursement to the applicant for this construction. Additionally, stop signs must be installed at the avenues meeting 20th Street South as well as the streets meeting 24th Avenue South. A full traffic analysis by Andrew Finch, Senior Transportation Planner, is attached for review.

#### Local Services

The subject properties are on the southern periphery of the City limits and currently located in the rural county fire district. In this district, emergency services are not as robust as is typically found within City limits. Due to the location of the subdivision, the emergency services response time in this area would be roughly between seven and eight minutes. This is beyond what is considered ideal for City emergency service response. This is an issue that is concerning to Staff and cannot be ignored. In light of this concern, the development is required to provide multiple points of public access for emergency services. These multiple street access points will also aid in evacuation of the subdivision if it is necessary for an emergency situation.

#### Utilities

The applicant is responsible for the installation of all public utilities in order to serve the proposed subdivision. These public utilities include: 1) the installation of a looped and upsized public water main, including the addition of fire hydrants and all water service lines stubbed to all lots shown on the preliminary plat, and 2) extension of the public sanitary sewer main and installation of all sewer service lines stubbed to all lots as shown on the preliminary plat. These improvements are to be installed consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division. Additionally, the applicant shall provide the opportunity to the City to purchase a lot that will facilitate possible future construction of a water booster station.

#### Stormwater Management

The applicant is responsible for the installation of stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls Public Works Department. The applicant is proposing to construct a stormwater detention pond on Lot 85 of the development. This lot will be dedicated to the City during the final plat process of Phase I. The applicant is also proposing to extend and construct new stormwater pipe to convey stormwater from the development to the detention pond.

#### Open Space

The applicant has also been required to provide an open space parcel to provide passive recreational opportunities for future residents. This open space parcel shall be maintained by the applicant.



### **Neighborhood Council Input**

The subject properties are located in Neighborhood Council #5. The applicant presented the project at Neighborhood Council #5 on August 20, 2018. Staff also attended the meeting. The Council was concerned with the traffic increase in the area as well as the small lot sizes that would be allowed under the PUD zoning request. The Council voted to not take action on the item.

### **Fiscal Impact:**

Services will be provided by the City, and the cost of infrastructure improvements will be borne by the applicant per the agreed upon terms of the attached Improvement Agreement. The City will reimburse the applicant for the proportionate share of costs of public improvements as outlined in the Improvement Agreement. The annexation and subdivision will provide 85 new residential lots, which to a limited extent as compared to commercial or other development, will increase the City's tax base and minimally increase revenue.

### **Alternatives:**

The City Commission could deny acceptance of Ordinance 3193 on first reading and not set the public hearing.

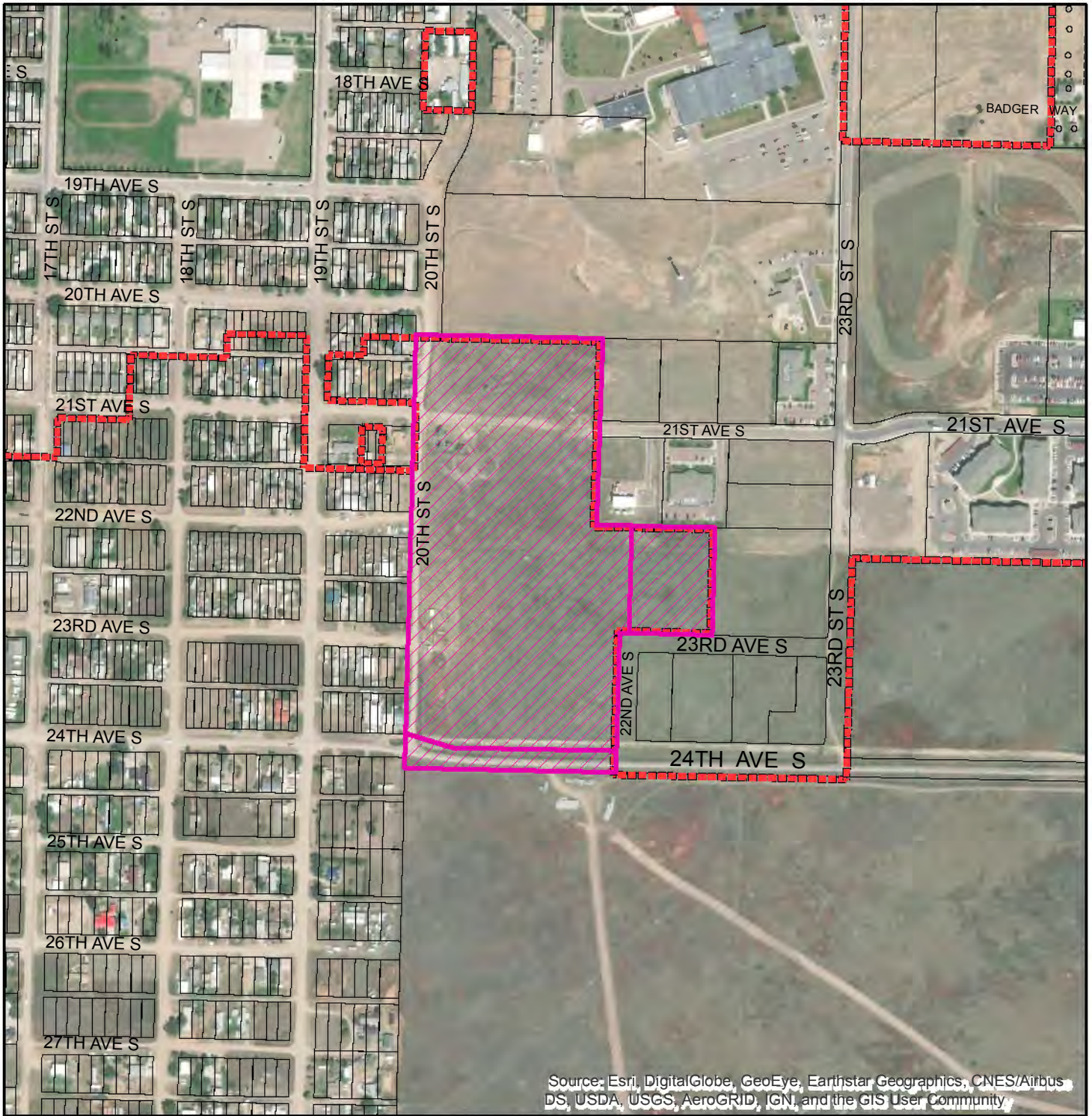
### **Concurrences:**




Representatives from the City's Public Works, Legal, Park and Recreation, and Fire/Rescue Departments have been involved throughout the review and approval process for this project, and will continue throughout the permit approval process. Both the Engineering and Environmental Divisions of Public Works have collaborated on the submitted Improvement Agreement as well as the design of the proposed infrastructure improvements.

### **ATTACHMENTS:**

- ❑ Aerial Map
- ❑ Zoning Map
- ❑ Vicinity Map
- ❑ Ordinance 3193
- ❑ Ordinance 3193 Exhibit A
- ❑ Existing Conditions
- ❑ Project Narrative
- ❑ Findings of Fact/Basis of Decision - Planned Unit Development
- ❑ Site Plan
- ❑ Typical Lot Design - Mutual Self Help
- ❑ Typical Lot Design - Cottages
- ❑ Typical Road Section
- ❑ Traffic Analysis

# AERIAL MAP

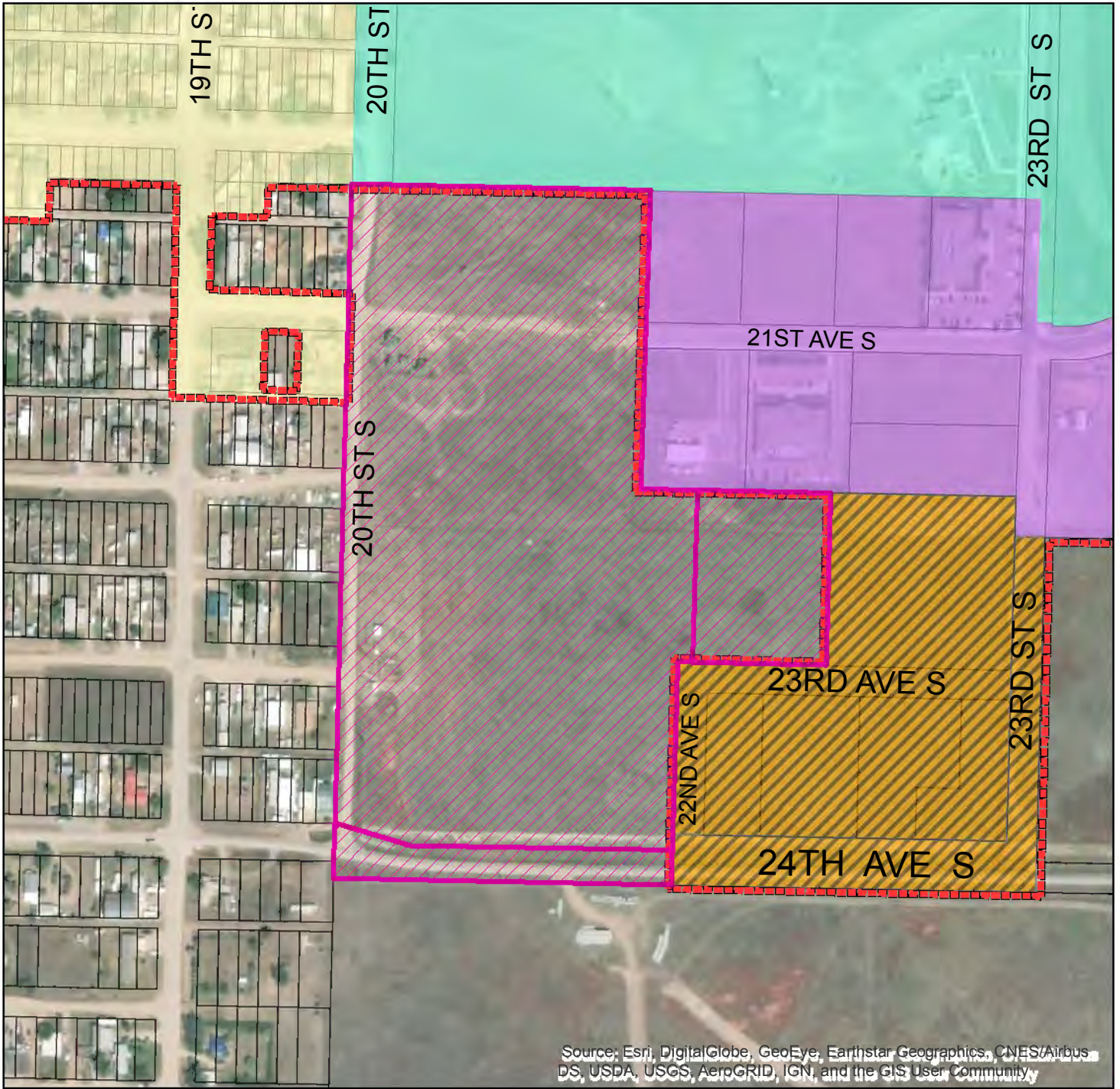


-  Subject Properties
-  Adjoining 24th ROW
-  Tracts of Land





# ZONING MAP



-  Subject Properties
-  Adjoining 24th ROW
-  R-3 Single-family High Density
-  PUD Planned Unit Development
-  M-1 Mixed-use District
-  PLI Public Lands and Institutional
-  U Unincorporated Enclave

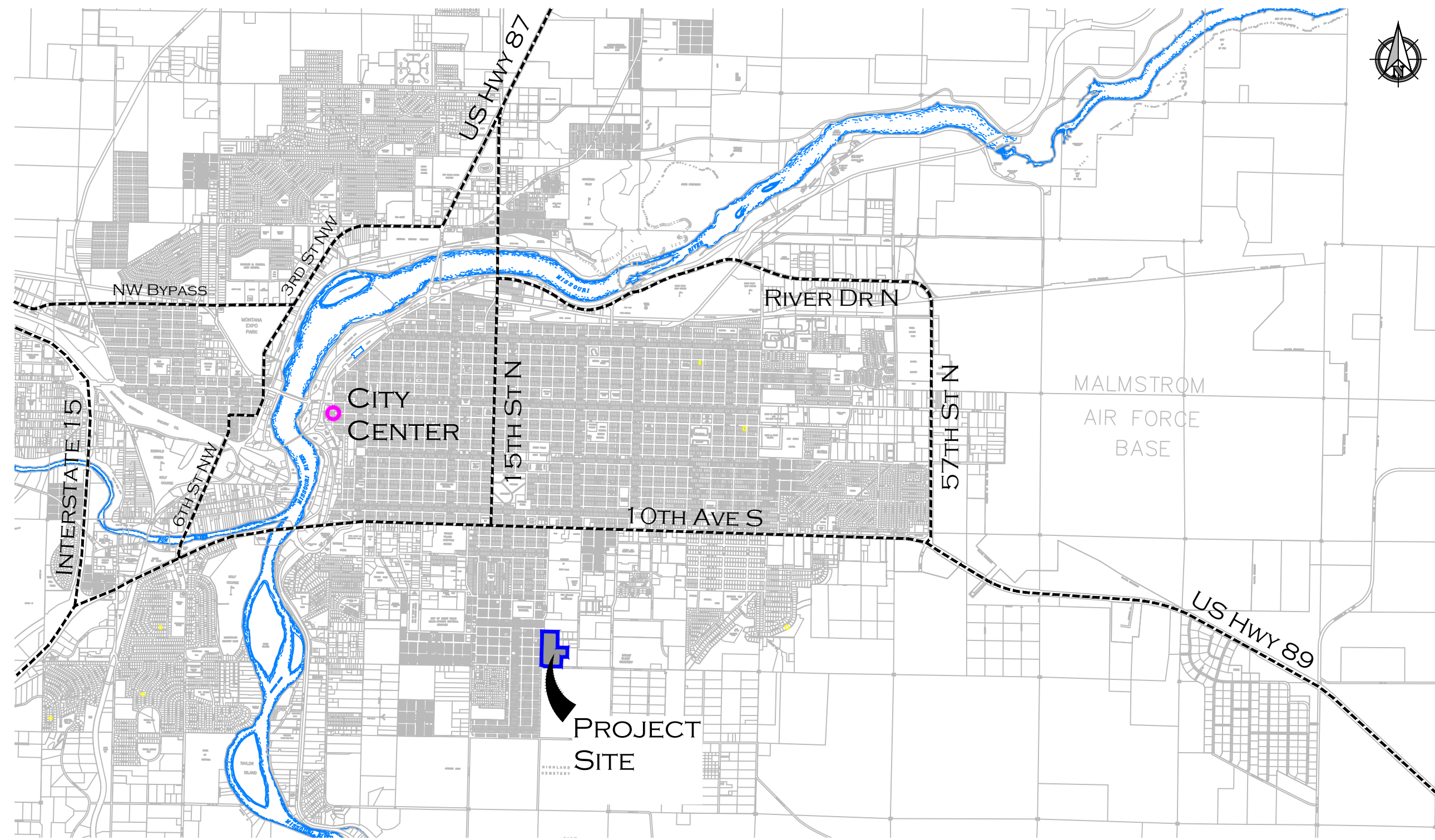
320 160 0 320 Feet







# VICINITY / REGIONAL TRANSPORTATION MAP



MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT





**ORDINANCE 3193**

**AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT TO THE PROPERTIES LEGALLY DESCRIBED AS: LOT 4B AND 4C OF THE AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION LOCATED IN THE SW1/4 SE1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. CASCADE COUNTY, MONTANA AND THE ADJOINING RIGHT-OF-WAY OF 24<sup>TH</sup> AVENUE SOUTH.**

\* \* \* \* \*

**WHEREAS**, the property owner, NWGF Development, LLC, has petitioned the City of Great Falls to annex the subject properties, consisting of ±20.5 acres, as legally described above; and,

**WHEREAS**, NWGF Development, LLC has petitioned the City of Great Falls to assign a zoning classification of PUD Planned Unit Development to the subject properties, upon annexation to the City; and,

**WHEREAS**, the Great Falls Zoning Commission conducted a public hearing on August 14, 2018, to consider said assignment of zoning of PUD Planned Unit Development district and, at the conclusion of said hearing, passed a motion recommending the City Commission assign said zoning to the properties legally described as Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision located in the SW1/4 SE 1/4 of Section 18, T20N, R4E, P.M.M., Cascade County, Montana; and,

**WHEREAS**, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 16th day of October, 2018, before final passage of said Ordinance herein; and,

**WHEREAS**, following said public hearing, it was found and decided that the assignment of PUD zoning on said properties meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.29.050, and that the said zoning designation be made.

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

Section 1. It is determined that the herein requested PUD zoning request meets the criteria and guidelines cited in Mont. Code Ann. §76-2-304, and Section 17.16.29.050 of the OCCGF.

Section 2. That the zoning classification of “PUD Planned Unit Development” be assigned to the properties legally described as: Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision located in the SW1/4 SE 1/4 of Section 18, T20N, R4E, P.M.M., Cascade County, Montana, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Except for the development standards in Attachment A, where the OCCGF regulations apply to a specific zoning district, the R-3 Single-family high density district regulations shall apply to the properties within the PUD.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 18, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 16, 2018.

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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

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 City Commission, Ordinance 3193 on the Great Falls Civic Center posting board and the Great Falls City website.

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Lisa Kunz, City Clerk

(CITY SEAL)

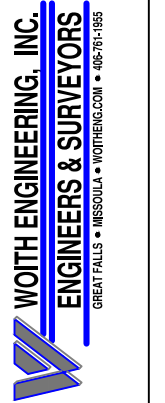
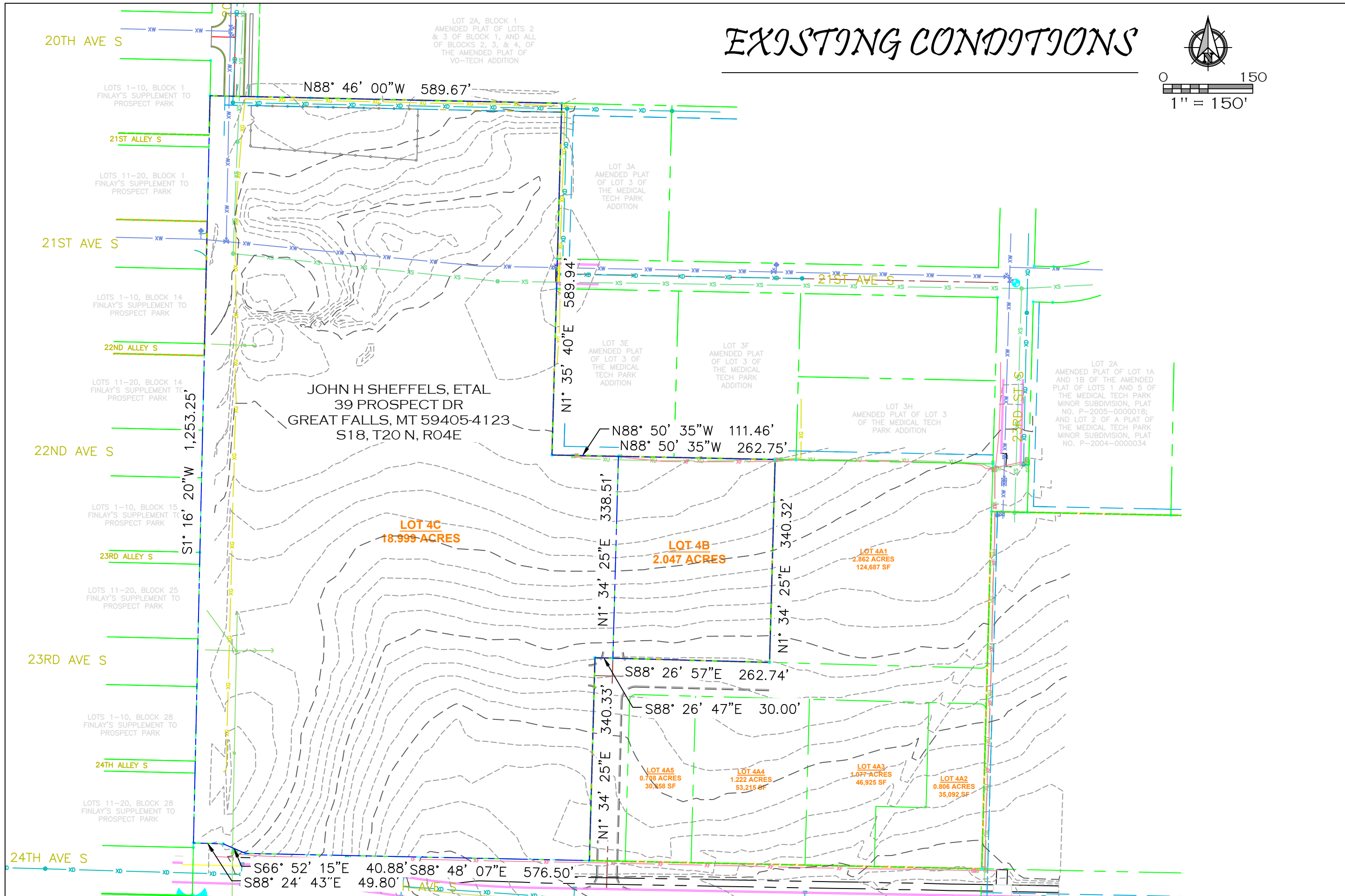
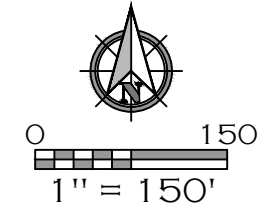
# Med Tech Park Subdivision

## PUD ZONING STANDARDS

Standard	PUD	R-3
Residential density	-	-
Minimum lot size for newly created lots	5,800	7,500
Minimum lot width for newly created CUL-DE-SAC lots	27	60
Minimum lot width for newly created MUTUAL SELF-HELP lots	52	60
Minimum lot width for newly created COTTAGE lots	44	60
Lot proportions for newly created CUL-DE-SAC lots (max depth to width)	4.2:1	2.5:1
Lot proportions for newly created MUTUAL SELF-HELP lots (max depth to width)	3.3:1	2.5:1
Lot proportions for newly created COTTAGE lots (max depth to width)	2.7:1	2.5:1
Maximum building height of principal building	35 feet	35 Feet
Maximum building height of detached garage	24 feet but not higher than principal building	24 feet but not higher than principal building
Maximum building height of other accessory structures and buildings	12 feet	12 feet
Minimum front yard setback	20 feet	20 feet
Minimum rear yard set back	10 feet	10 feet for lots less than 150 ft in depth; 15 feet for lots over 150 feet in depth
Minimum rear yard set back - CUL-DE-SAC	5 feet	
Accessory structures and buildings rear yard set back	5 feet	2 feet
Minimum side yard set back	6 feet	6 feet
Minimum WEST side yard set back - LOT 1	1 foot	-
Maximum lot coverage of principal and accessory buildings	CORNER LOT 55%, OTHER 50%	CORNER LOT 55%, OTHER 50%
BOULEVARD TREES REQUIRED	1	2
PARKING REQUIREMENT	1 OFF STREET	2 OFF STREET



# EXISTING CONDITIONS



MED TECH PARK  
 PLANNED UNIT DEVELOPMENT  
 GREAT FALLS, MT

4

We have annotated the City of Great Falls Development Application checklist, form date 5/1/14, to assist you and your staff in evaluating the submission. The following is intended to supplement the checklist annotation:

**PURPOSE AND INTENT**

**a) Project Overview and Goals**

The proposed residential community will offer homes in a new neighborhood adjacent to a developing area of town. The project will be adjacent to a newly improved roadway to the south with wide sidewalks for walking or jogging and the improvements will improve the character of the area by adding stormwater control measures as well as landscaping to an existing vacant lot. Existing streets that are currently broken up will be connected to provide easier routes for circulation. For these reasons and more, the applicant respectfully requests a PUD zoning to help further promote flexibility in development design.

**b) Overall design concept to include, use categories, themes, or other significant features**

The location of the development and the topography of the existing property drove the design and layout of the proposed development. A connected neighborhood / community was the primary design concept with a desire to provide two different housing options for prospective home buyers. Included lot layouts are alley-loaded single family homes with detached garages for the NWGF Mutual Self-help (MSH) housing program, and the other option for homes will be Cottage style homes which are ranch style with attached garages.

**Land Use Plan**

**a) Description of proposed land use categories, include acreages and location if more than one land use category is proposed**

The overall concept of the project is to develop streets and infrastructure for residential homes.

**b) Brief discussion of the Conceptual Site Plan**

The main idea of the layout of the site was to improve 20th Street S from the 24<sup>th</sup> Ave S all the way to the north property line which would provide access from the newly improved 24<sup>th</sup> Ave S roadway to the new home sites and provide access to the existing residents that was a step up from the existing gravel roadway. Cottage home sites will be located along the north end and the most southern and eastern boundaries with the MSH concept lots located in the center blocks of the site.

Natural topography was followed as closely as possible and roadways were laid out to connect existing roads together throughout the site. Non-motorized access around the site will be provided with boulevard sidewalk on all roads.

**Site Conditions and Location**

**a) Acreage**

The overall site proposed for the development contains 20.60 acres.

**b) Location in relation to major intersections or areas of regional significance**

The development is located to the north of 24th Ave South which was recently improved as a part of an MDT project. Other higher density residential projects have been constructed or are in the process of being built to the east of the proposed site along with the associated infrastructure improvements.

**c) Topography and natural features**

The elevations on the site are highest on the south boundary and slope downward as you move to the north with some higher areas along the east side of the property. Drainage on the site conveys stormwater from the southeast to the northwest.

**Zoning and Land Use Compatibility**

**a) Describe existing zoning on and adjacent to site, to include conformance with the objectives, policies, design guidelines, and planned land uses and intensities of all applicable planning areas**

The current zoning assigned to the proposed lots are county urban residential which is the same as the zoning assigned to the adjacent lots to the west.

**b) Describe existing land uses on and adjacent to site**

The site proposed for development is currently vacant land used for pasture and is located outside of the Great Falls city limits. Properties to the west have similar land use to the subject property but have been developed in the county as home sites. The properties to the east have been annexed into the City and are being developed into apartment buildings. North of the site a parcel owned by the Great Falls College that is mostly vacant with one school building on the far east end adjacent to 23<sup>rd</sup> St S.

**c) Describe existing and adjacent character**

Development of the site will be a major transformation of the site from a bare land to a new and exciting neighborhood and community that will bring new life and energy to this side of town in addition to the new residential developments that are proposed to be constructed to the east.

**List of Uses**

**a) Permitted Uses**

Land uses for this development will follow the permitted zoning regulations for R-3 zoning. The primary use will be single family detached but any use designated in R-3 will be allowed. Also we are in discussion with the City of Great Falls to sell them one of the MSH lots to use as a water system booster pump station so this will be included as a specific conditional use.

**Development Standards**

**a) Density and number of dwelling units**

The development will contain 83 residential parcels, one open space parcel, and another open space parcel for the storm water pond.

**b) Minimum lot width/depth**

( See attached PUD Zoning Standards table

**c) Building setbacks/build to lines**

for items b - h )

**d) Landscape setbacks**

**e) Building separation**

**f) Height**

**g) Lot coverage**

- Assumed maximum building footprints:	MSH	30' x 52'	= 1,560 sf
	COTTAGE	30.75' x 42'	= 1,291.5 sf
- Assumed a 25 x 25 detached garage for MSH homes with a 20' wide driveway from setback to alley (12)			= 865 sf
- Assumed a 16' wide driveway for Cottages from setback to sidewalk (21)			= 336 sf

**Total lot impervious coverage area**

MSH	2,425 sf
COTTAGE	1,628 sf

**h) Division of Uses** N/A

**Design Guidelines**

The Guidelines for Design Review section of the Zoning Ordinance establishes minimum design guidelines for development. The PUD Narrative is expected to exceed these standards by meeting the Objectives outlined in the Planned Unit Development Basis of Decision (17.16.29.050)

**Signs**

**a) Location**

Road signage will be placed at each intersection closely following standard City of Great Falls standards.

**b) Size**

Road signs will closely follow City standards for size.

**Infrastructure**

**a) Circulation Systems (streets, pedestrian circulation, trails, etc.)**

Road layout can be seen on the overall site layout plan and was configured to follow the existing pattern of the surrounding sites. An overall pedestrian boulevard sidewalk system following City standards has been incorporated into the site plan.

**b) Grading and Drainage**

The site has been graded to closely follow existing topography where possible. 20<sup>th</sup> Ave S will be lowered from the existing grades to allow for surface drainage to the northwest corner of the site which will be the primary method for runoff collection and conveyance. Runoff will be directed to street gutters which will convey it to the northwest to the proposed underground storm drain collection system. This system will convey flows to the proposed detention pond on the north end of 20<sup>th</sup> St S.

**c) Water and Wastewater Services**

Public water main will be extended onto the site from a new system that will be installed for the residential developments to the east of the project as well as being extended from an existing system previously installed through the north end of the site.

A public wastewater system will also be constructed that will collect flows and gravity drain them to the northwest into an existing public sanitary sewer system.

**Phasing Plan**

**a) If no Phasing plan is proposed, state that there is no Phasing Plan**

Site construction phasing will be determined by NeighborWorks in conjunction with the City of Great Falls and will be as shown on the Preliminary Plat.



MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT



## FINDINGS OF FACT/BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision located in the SW1/4 SE1/4 of Section 18, T20N, R4E, P.M.M., Cascade County, Montana and the adjoining right-of-way of 24th Avenue South.

### PRIMARY REVIEW CRITERIA:

The basis for decision on planned unit developments is listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

#### 1. The development project is consistent with the City's growth policy;

The proposed development is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is strongly supported by the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a diverse, safe, and affordable supply of housing in the City; and 2) encourage a balanced mix of land uses throughout the City.

Additionally, the development specifically supports the following goals and policies:

#### Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.
- Soc1.4.9 Continue to ensure that the City promotes equal opportunity housing and access to housing for all residents and is in compliance with Federal and State requirements aimed at preventing housing discrimination.
- Soc1.4.12 When annexing land for residential development, consider the timing, phasing, and connectivity of housing and infrastructure development.

#### Physical – Land Use

- Phy4.1.4 Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.
- Phy4.1.7 Encourage vehicular access to lots from alleys so as so maintain the safety and design attributes of traditional streets in the City.

#### Physical – Zoning

- Phy4.2 Implement the City's land use codes to protect the health, safety and welfare of its residents.
- Phy4.2.5 Promote orderly development and the rational extension of infrastructure and City services.

### Physical - Efficient Infrastructure

- Phy4.3 Optimize the efficiency and use of the City's public facilities and utilities.
- Phy4.3.2 Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

### Physical – Transportation and Mobility

- Phy4.4 Increase mobility and the access of citizens to transportation alternatives throughout the City.
- Phy4.4.4 Create a built environment that promotes easy access to safe walking, biking and other opportunities for physical activity.

The Growth Policy identifies that the City needs balanced, compatible growth, while at the same time sets the task to review the zoning districts that are proposed for each development. As stated in the agenda report, a Planned Unit Development (PUD) district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Even though each district is unique and has its own set of development standards, it is still reviewed for compatibility with the goals and principles of the growth policy.

#### **2. The development project is consistent with applicable neighborhood plans, if any;**

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #5. The applicant presented the project at Neighborhood Council #5 on August 20, 2018. Staff also attended the meeting. The Council was concerned with the traffic increase in the area as well as the small lot sizes that would be allowed under the PUD zoning request. The Council voted to not take action on the item.

#### **3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;**

Any development proposed to be annexed and developed is required to be reviewed for how the development will impact the public health, safety and general welfare. It is not anticipated that the proposed PUD will have any negative impact. Public health issues have been addressed through the provision of City utilities. To an extent, public safety will be enhanced on the subject properties as it is currently located in the rural county fire district where emergency services are not as robust as is typically found in an urban area. That being said, the first phase of the development will provide multiple points of public access to the development for these services, but since the subject properties are on the southern periphery of the City limits, response times are beyond what is considered ideal in the urban context. In light of that, the City will need to be aware of budgeting priorities and consider careful long-range planning to ensure proper levels of service as the community continues to grow.

#### **4. The development project 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 proposed PUD provide two types of housing types, the Mutual Self-help homes and single-family Cottage homes, both of which have been outlined in the agenda report. The project will increase density in the area but will provide homes in an area that is currently an expanding residential area. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood. New infrastructure, roadways and alleys, sidewalks, and open space will be constructed and provided in this area with compatibly scaled homes which will improve the vacant property.

**5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;**

The proposed PUD is located in an area that is proposed to expand the City limits in an area with proposed multi-family residential to the east, as well as an existing residential subdivision in the county to the west. Therefore, the proposed PUD is not anticipated to impede on the normal and orderly development and improvement of the surrounding property for uses permitted.

**6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;**

The proposed PUD development is proposed in area that will extend the City limit line. The surrounding structures are currently single-family homes in the county and vacant land. With the proposal of this development and the recent multi-family development proposed to the east a new neighborhood will be created that is compatible with desired character of the neighborhoods that exist throughout the City.

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

The Owner has worked with the various City departments for the proposal of all City services. The City Public Works Department has verified that the capacity is adequate to provide these services. A full description of the various public services and improvements that will be provided to the development has been outlined in the agenda report as well as in the attached Improvement Agreement.

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

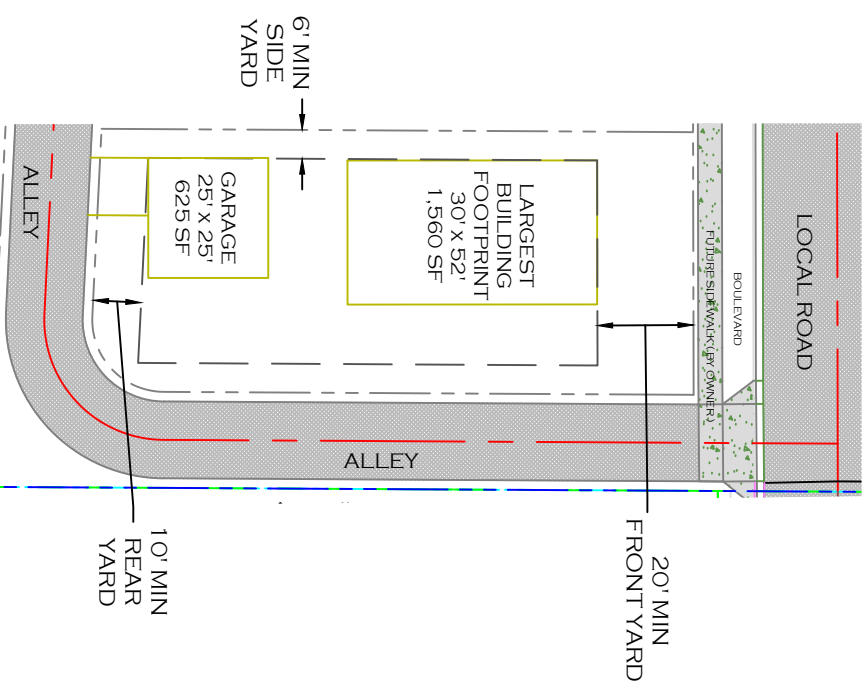
The proposed improvements for all proposed roads in the development are consistent with City transportation planning documents. A full traffic analysis has been included in the agenda report.



## LOT DESIGN - MUTUAL SELF HELP (MSH) (ALLEY LOADED)

THE MSH ALLEY LOADED HOMES WILL BE BUILT BY NWGF WITH ASSISTANCE BY THE PROPOSED HOMEOWNER. LOCATED IN THE INTERIOR BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF AN ASSORTMENT OF FLOOR PLANS DEVELOPED BY NWGF AND WILL BE ALLEY LOADED WITH DETACHED GARAGES FACING PROPOSED ALLEYS.

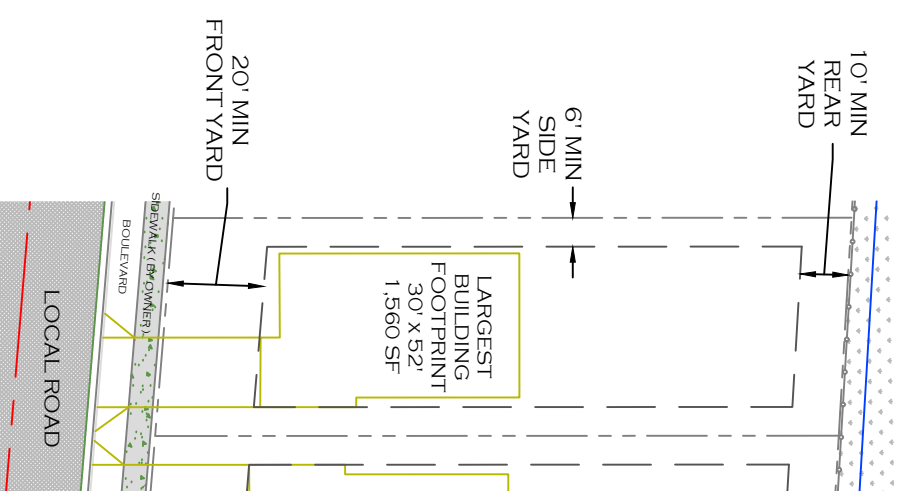
DEPTH	120' MIN, 135' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9'. TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	REAR (ALLEY)



## LOT DESIGN - MUTUAL SELF HELP (MSH) (NO ALLEY)

THESE MSH HOMES WILL BE BUILT BY NWGF WITH ASSISTANCE BY THE PROPOSED HOMEOWNER. LOCATED ON THE EXTERIOR BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF A COUPLE OF SPECIFIC FLOOR PLANS DEVELOPED BY NWGF AND WILL BE FRONT LOADED WITH ATTACHED GARAGES FACING PROPOSED LOCAL ROADWAYS.

DEPTH	141' MIN, 146' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9'. TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	FRONT (ATTACHED)



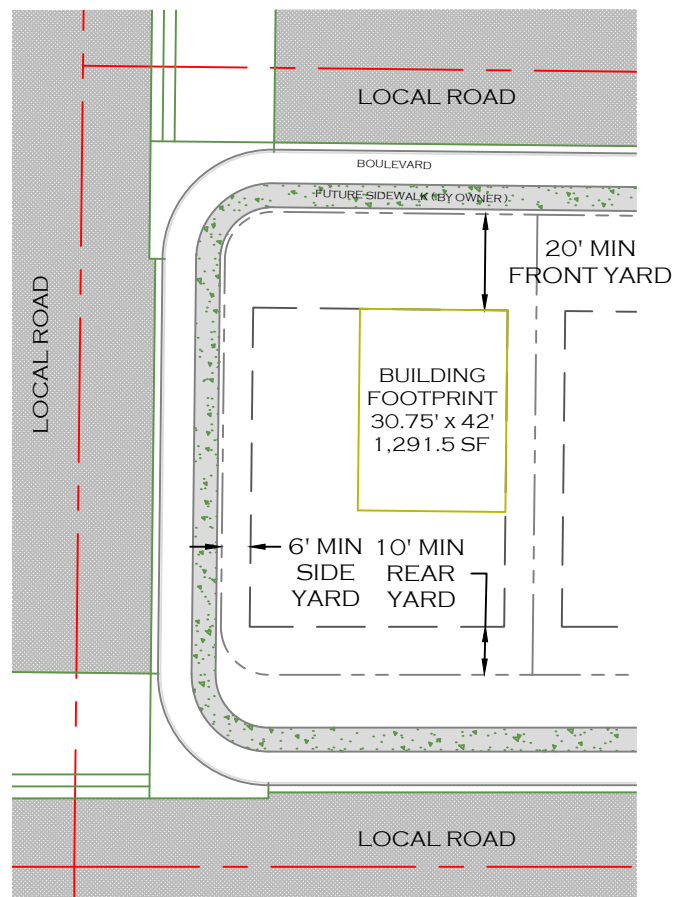
MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT



## LOT DESIGN - COTTAGE

THE COTTAGE HOMES WILL BE BUILT BY NWGF. LOCATED IN THE NORTH, SOUTH, AND EAST BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF A STANDARD OF FLOOR PLAN DEVELOPED BY NWGF AND WILL HAVE SINGLE CAR GARAGES FACING THE STREET.

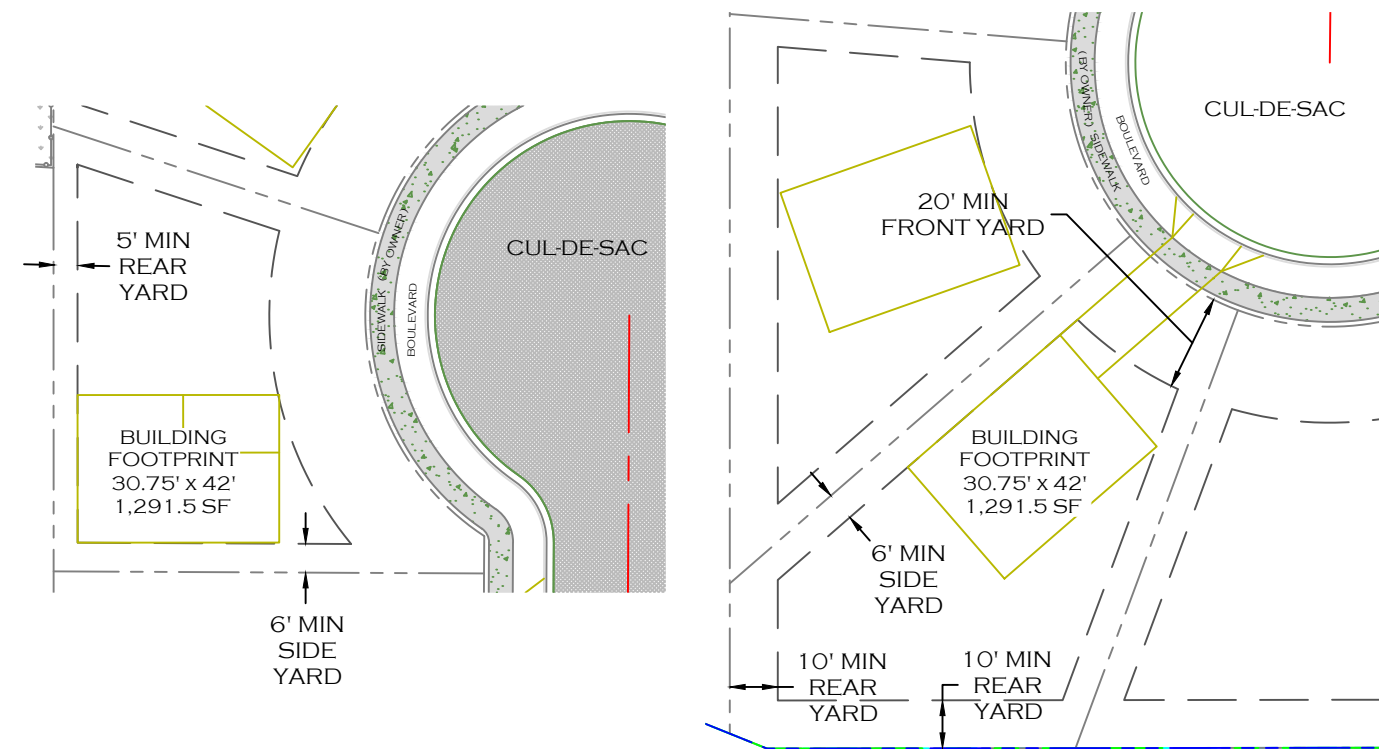
DEPTH	132' MIN, 162' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9', TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	FRONT (SINGLE CAR)



## LOT DESIGN - CUL-DE-SAC

THE HOMES IN THE CUL-DE-SAC AREAS WILL BE COTTAGE HOMES AND WILL BE BUILT BY NWGF. LOCATED IN THE NORTH, SOUTH, AND EAST BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF A STANDARD OF FLOOR PLAN DEVELOPED BY NWGF AND WILL HAVE SINGLE CAR GARAGES FACING THE STREET.

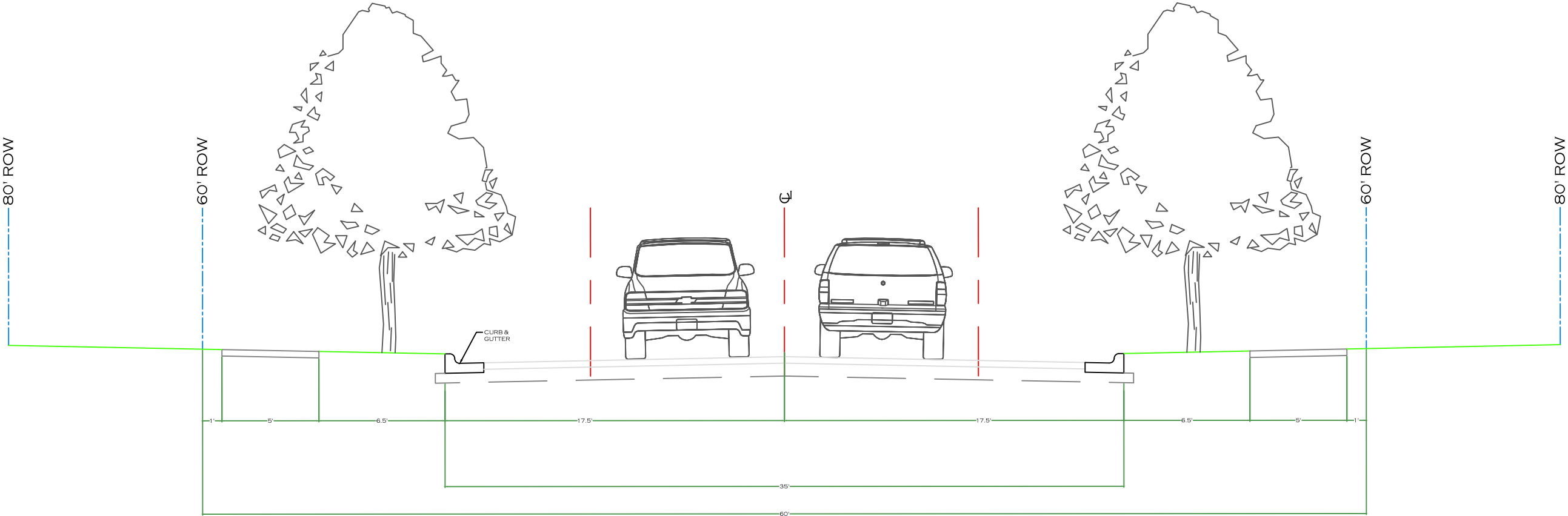
DEPTH	69' MIN, 115' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	5' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9', TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	FRONT (SINGLE CAR)





# TYPICAL ROADWAY SECTION

STANDARD CITY LOCAL ROAD DESIGN LAYOUT  
 WILL BE USED THROUGHOUT THE PROJECT. THE  
 LOCAL ROADWAY TYPICAL SECTION WILL BE USED  
 WITHIN THE 80' ARTERIAL RIGHT-OF-WAY AS WELL.



LOCAL STREET SECTION

## Med Tech Park Subdivision Traffic Analysis

Proposed Development Characteristics: A small-lot, single-family Planned Unit Development is proposed for subdivision and annexation upon a parcel of land lying generally north of 24<sup>th</sup> Avenue South, between 20<sup>th</sup> Street South and 22<sup>nd</sup> Street South. The first phase (Phase 1) will include 18 lots along the full northern edge of the subdivision, along with all streets, alleys, and water mains, sanitary sewer mains and storm water management improvements for the entire subdivision. Future phases will be developed according to the phasing schedule shown on the attached Exhibit A. At full build-out, the subdivision will include 83 single-family homes.

Existing Conditions: The parcels immediately to the east are scheduled to be developed as a multi-family complex referred to as “Rockcross Commons”, which will construct 23<sup>rd</sup> Street South from 21<sup>st</sup> Avenue South to 24<sup>th</sup> Avenue South; and, 23<sup>rd</sup> Avenue South from the extended 23<sup>rd</sup> Street South to (and including) a new segment of 22<sup>nd</sup> Street South between 23<sup>rd</sup> and 24<sup>th</sup> Avenues South. Construction is scheduled to start in late summer 2018.

To the west, sub-standard gravel roadways and alleys exist within a semi-rural subdivision outside the incorporated City limits. Existing unpaved roadways connecting to the proposed subdivision include 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> Avenues South. A sub-standard 20<sup>th</sup> Street South runs down the west side of the property, upon a recently-created easement. As the street was not a legal roadway until the easement was created in 2017, it has never been developed or maintained to any standard.

To the north, 20<sup>th</sup> Street South connects to a paved City street, 19<sup>th</sup> Avenue South, as well as the unpaved City street 20<sup>th</sup> Avenue South. 20<sup>th</sup> Street South is shown as a future Collector roadway in the Great Falls Long Range Transportation Plan’s “Future Roadway Network” map.

Finally, the recently improved major collector roadway, 24<sup>th</sup> Avenue South, abuts the proposed subdivision on the south. Along with reconstruction of 24<sup>th</sup> Avenue South, a 10-foot paved pedestrian/bicycle path was constructed on the north side of the right-of-way, running the length of the property.

The new trail along 24<sup>th</sup> Avenue South is the only bicycle or pedestrian facility in the area. However, the Rockcross Commons development will install sidewalks that connect to 23<sup>rd</sup> Street South. The nearest sidewalk on the west side of the proposed subdivision is on the north side of the intersection of 19<sup>th</sup> Avenue South and 20<sup>th</sup> Street South.

Future Improvements: Other than the streets and sidewalks to be constructed within the Rockcross Commons development, no roadway, bicycle or pedestrian improvements are planned in the area.

Trip Generation: From the ITE Trip Generation Manual (9<sup>th</sup> edition), the average trip generation rate for single-family detached housing units is 9.52 trips per occupied dwelling unit on a weekday. For the 83 homes proposed in the subdivision, this equates to approximately 790 daily trips.

### Trip Distribution:

Primary access to and from the proposed subdivision would be mainly the north/south 20<sup>th</sup> Street South on the west; the north/south 23<sup>rd</sup> Street South on the east; the east/west 24<sup>th</sup> Avenue South;

and, the east/west 21<sup>st</sup> Avenue South. Little traffic is anticipated to use the gravel roads west of the subdivision.

Because drivers' route decisions are based upon various factors such as direction of their destination, travel time, safety, and convenience (i.e., minimal turning movements, stopping/starting or other influences that require fluctuations in speed), drivers are expected to take one of multiple routes to access/exit the proposed subdivision and these routes are expected to vary from trip to trip.

The trip distribution percentages for vehicles entering/exiting the proposed subdivision are estimated to be:

- 15% north on 20<sup>th</sup> Street South (119 vehicle trips per day)
- 15% east on 21<sup>st</sup> Avenue South (119 vehicle trips per day)
- 15% east on 23<sup>rd</sup> Avenue South (119 vehicle trips per day)
- 15% south on 22<sup>nd</sup> Street South (119 vehicle trips per day)
- 40% south on 20<sup>th</sup> Street South (316 vehicle trips per day)
- Negligible traffic using the unpaved 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> Avenues to the west

#### Distribution Notes:

1. Many of the trips north on 20<sup>th</sup> Street South are expected to be elementary school-related, as there are no direct routes to the community. If 20<sup>th</sup> Street South is ever constructed as a through-street northward, connecting to the segment past the universities, this roadway will carry more trips.
2. If the gravel streets to the east are ever paved, they will attract a bit more traffic, though not a significant amount.
3. Construction of the new roadways in the area will provide improved access to and from the rural neighborhood to the west. However, the number of vehicles accessing the proposed subdivision's streets from the west is not expected to be significant. It is expected that 20<sup>th</sup> Street South will attract a small amount of trips serving properties from outside the subdivision.
4. 23<sup>rd</sup> Avenue South and 21<sup>st</sup> Avenue South within the proposed subdivision will also attract some trips from both the new Rockcross Commons as well as the Talus apartments located to the east on 21<sup>st</sup> Avenue South. Most of the trips from these properties to the east would most likely be associated with Sunnyside Elementary School located to the northwest of the proposed subdivision.
5. 24<sup>th</sup> Avenue South, as the most direct and highest-speed roadway, is expected to be the main travel route between the proposed subdivision and the greater community, channeling vehicles west to 13<sup>th</sup> Street South and east to 26<sup>th</sup> Street South.

#### Transit and Non-motorized Travel:

Sidewalks will be constructed along each lot frontage at the time of home construction, and will connect to an existing sidewalk network. No extension of transit service to the development is proposed, as the area is outside of the Transit District boundary. Bicycle travel is expected to utilize

the shared-use path along 24<sup>th</sup> Avenue South, providing direct bicycle access to the proposed subdivision.

Analysis, Conclusions and Recommendations:

The existing transportation network and proposed roadway layout is expected to have sufficient capacity to accommodate traffic generated by the proposed subdivision. The nearness of the newly reconstructed 24<sup>th</sup> Avenue South and the pending extension of 23<sup>rd</sup> Street South will provide easy access to and from the development. Lack of paving of the streets to the west will discourage traffic through the existing neighborhood, and the shared use path along 24<sup>th</sup> Avenue South will allow bicyclists and pedestrians to safely travel to and from their homes. However, a “gap” in paving and sidewalks at the northwest corner of the proposed subdivision (on 20<sup>th</sup> Street South) is a safety and maintenance concern, as it would be the main connection to the elementary school serving the neighborhood.

24<sup>th</sup> Avenue South carries around 2,064 AADT (Annual Average Daily Traffic). With the widening and reconstruction of 24<sup>th</sup> Avenue South to minor arterial standards, there is ample capacity on the roadway to accommodate additional trips from both the proposed and the adjoining Rockcross Commons developments.

The following recommendations are based upon review of the proposed development and analysis of its impact upon the transportation network:

- Paving of 20<sup>th</sup> Street South between the subdivision boundary and the paved section of 19<sup>th</sup> Avenue South should occur during Phase I. This should include sidewalk along the east side of the street to the existing sidewalk on 19<sup>th</sup> Avenue South, to provide a safe route for school children.
- 20<sup>th</sup> Street South should be constructed as a collector, to accommodate expected future traffic volumes.
- Utility service lines must be installed prior to paving of the streets, to preserve the long-term integrity of the new streets.
- Alleys must be paved, to City standards. Dry utilities in the alleys should be installed prior to paving of the alleys.
- Stop signs should be installed at the avenues meeting 20<sup>th</sup> Street South and the streets meeting 24<sup>th</sup> Avenue South, and should be considered at other intersections in the neighborhood.
- Sidewalks must be installed adjacent to any non-residential lots within the proposed subdivision at the time of paving of the roadways and installation of curb and gutter.



