



**City Commission Agenda**  
**Civic Center, 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**January 2, 2019**

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

**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. Reappointment, Park and Recreation Board.
4. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

5. 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.*

6. Minutes, December 18, 2018, Commission Meeting.
7. Total Expenditures of \$3,078,795 for the period of December 6, 2018 through December 19, 2018, to include claims over \$5,000, in the amount of \$2,767,195.
8. Contracts List

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

**PUBLIC HEARINGS**

9. Lease Agreement with the Children's Museum of Montana for the property located at #22 Railroad Square.

*Action: Conduct a public hearing and approve or not approve the Lease Agreement. (Presented by Greg Doyon)*

10. Resolution 10274, Declaring Certain Property Located at 520 8th Avenue South, a Nuisance, Order the Nuisance be Abated and Authorize City Staff To Force Abatement if Necessary.

*Action: Conduct public hearing and adopt or deny Res.10274. (Presented by Craig Raymond)*

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

11. Resolution 10281, Delegating the Great Falls Public Works Department Authority to Establish and Maintain Traffic Control Devices.

*Action: Adopt or deny Res. 10281. (Presented by Joseph Cik)*

## **CITY COMMISSION**

12. Miscellaneous reports and announcements from the City Commission.
13. 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:** Reappointment, Park and Recreation Board.

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Reappoint one member to the Park and Recreation Board.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (reappoint/not reappoint) \_\_\_\_\_ to the Park and Recreation Board for a three year term through December 31, 2021 ”

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

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**Summary:**

Lonnie Hill was appointed to the Park and Recreation Board in January 2016 and has served ~~two full terms~~ **one full term**. His term expired on December 31, 2018. Mr. Hill is interested and eligible to serve another three year term.

Erin Madison Granger, Shirley Davis, and George Geise have terms that are set to expire December 31, 2018. They are not seeking additional terms. Advertising was done through the City's website and local media. Eight applications were received.

**Background:**

Purpose

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

Evaluation and Selection Process

Advertising was done on the City's website and through the local media. The Park and Recreation Board recommended reviewing the applications and to conduct interviews during their meeting in January 2019 before making recommendations. The termed Board members will stay on the Board until

new members are recommended and appointed by the City Commission.

Continuing members of this board are:

Katheryn Kotynski	2/6/2016 -- 12/31/2020
June Sprout	1/1/2015 -- 12/31/2020
Lynn Ulmer Oatman	1/1/2015 -- 12/31/2020

Interested in serving another term:

Lonnie Hill	1/1/2016 -- 12/31/2018
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Terms Expiring and not seeking reappointment:

Erin Madison Granger	1/1/2016 -- 12/31/2018
George Geise	1/1/2016 -- 12/31/2018
Shirley Davis	1/2/2013 -- 12/31/2018

Applications received from:

Jim Sargent  
Dan Manella  
Patrick Carroll  
Jen Creed  
Laramie Smovir  
Cameron Carpenter (has since withdrawn his application)  
Brianne Laurin  
Joshua Granger

**Alternatives:**

The City Commission could chose not to reappoint Mr. Hill and could appoint one of the applicants to fill the position.

**Concurrences:**

During the December 10, 2018 Park and Recreation Board meeting the Board recommended the reappointment of Lonnie Hill. The Board decided to postpone appointing new members until the January 2019 meeting and invite the applicants to attend the meeting.

**ATTACHMENTS:**

- Applications






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

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

Board/Commission Applying For:		Date of Application:	
Park and Rec Board		11/1/18	
Name:			
Jim Sargent			
Home Address:		Email address:	
2521 9th Ave So		sarge1150@msn.com	
Home Phone:	Work Phone:	Cell Phone:	
N/A	761-2800	406-450-1147	
Occupation:		Employer:	
Ag / Sports Director STARadio		STARadio	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: Worked at the Liberty County Road Department, Maintenance at the Liberty County Cemetery, Acting Chairman of the Cascade County Fair Advisory Board.			
Educational Background: High School Graduate, College at MSU Northern, Numerous class / work shops invarious fields			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: Chairman of the Cascade County Fair Board Advisory Board, Member of the MOA for 35 years, Member of the Coaches Association, Vice President of the Cascade County Farm Bureau, Membership Director of the MFU			
Previous and current public experience (elective or appointive):			
Membership in other community organizations:			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? <b>Fair Board</b>	
Are you currently serving on a Board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission?  Great Falls is our community, the park & recreation departments help keep this community growing stronger and I believe it brings much need revenue to the town, we need to keep moving in a positive direction.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission?	
Additional comments:	
Signature 	Date:  11/1/18

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

**Return this form to:**

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

Fax:  
 (406) 727-0005

Email:  
 kartis@greatfallsmt.net





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

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

Board/Commission Applying For: <i>Park and Rec Board</i>		Date of Application: <i>12/3/2018</i>	
Name: <i>Dan Manella</i>			
Home Address: <i>515 Fox Court</i>		Email address: <i>dmanella@cherry.creek.media.com</i>	
Home Phone: <i>0</i>	Work Phone: <i>406-761-7600</i>	Cell Phone: <i>312-237-1694</i>	
Occupation: <i>Broadcaster</i>		Employer: <i>Cherry Creek Media</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: <i>Many years experience and involvement with the recreational communities in the area. I've been involved in many projects and have been an advocate for local recreation as well as the Great Falls Park and Rec Department.</i>			
Educational Background: <i>High School Education: Loyola Academy, Wilmette, Illinois College Education: Southern Illinois University / Carbondale</i>			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: <i>Current involvement with Great Falls Public Schools including the Early Childhood Coalition, Great Falls Iceplex, and Lewis and Clark Interpretive Center Foundation and many previous civic and non-profit groups.</i>			
Previous and current public experience (elective or appointive): <i>No elected offices however very active in local political groups.</i>			
Membership in other community organizations:			



Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>I am interested in becoming more involved in our community in an advisory or official role. I've been a big supporter of D.F. Park &amp; Rec since first meeting some of the staff. I've also seen first hand, the role that D.F. Park &amp; Rec has with the youth members of the community and I want to help enhance those experiences for all.</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>I am an active and enthusiastic member of the community who, as a citizen and as a businessman, know I can make significant contributions. My unique role as a broadcaster allows me to do a great amount of good for Park &amp; Rec and the community at large.</i>	
Additional comments:	
Signature <i>[Signature]</i> <div style="background-color: black; width: 300px; height: 20px; margin-top: 5px;"></div>	Date: <i>12/3/18</i>

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

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


RECEIVED

NOV 26 2018

CITY MANAGER

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

Board/Commission Applying For: <i>Park + Rec</i>		Date of Application: <i>11-21-18</i>
Name: <i>PATRICK T. CARROLL</i>		
Home Address: <i>1717 11<sup>th</sup> Ave So, 6E</i>		Email address: <i>PTCARROLL42@yahoo.com</i>
Home Phone: <i>771-1306</i>	Work Phone: <i>—</i>	Cell Phone: <i>—</i>
Occupation: <i>CCHD SANITARIAN - Ret</i>		Employer: <i>CCHD</i>
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>2 previous terms on P+R BOARD. one term as CHAIRMAN P+R BOARD</i>		
Educational Background: <i>M.S. Environmental Health</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>2 previous terms P+R BOARD, one as CHAIRMAN</i>		
Previous and current public experience (elective or appointive):		
Membership in other community organizations:		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? P+R BOARD 2013-2017	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? Experience in Environmental situations, Subdivision. Keeps me on BOARD of whats going on in G.F.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? Two terms P+R BOARD	
Additional comments: I enjoyed my previous appointments!	
Signature 	Date: 11-21-18

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

<b>Board/Commission Applying For:</b> Park and Recreation Advisory Board		<b>Date of Application:</b> 11/30/18
<b>Name:</b> Jen Creed		
<b>Home Address:</b> 2009 4 <sup>th</sup> Ave. N. Great Falls, MT, 59401		<b>Email address:</b> jencreed.ot@gmail.com
<b>Home Phone:</b> (605) 490-2476	<b>Work Phone:</b> (406) 268-6668	<b>Cell Phone:</b> (605) 490-2476
<b>Occupation:</b> Occupational Therapist		<b>Employer:</b> Great Falls Public Schools
<b>Would your work schedule conflict with meeting dates?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain) No. My scheduled work hours are from 8:00 am to 4:00 pm. However, I have built-up time from working during the summer months that would allow me to take off time on Mondays to attend these meetings. My boss has pre-approved my attendance to the Park and Recreation board meetings, in the event I am selected and with use of earned time off.		
<b>Related experiences or background:</b> I worked as a recreational therapist aide at long-term care facility in college. Following college graduation, I worked in a group home as a direct support professional, which included coordinating group activities to local parks and community programs. As an occupational therapist, I have led a number of individual and group activities that promote participation in recreation, leisure, and play-based activities across community settings. I have also collaborated with community centers and YMCAs to develop programming for stroke survivors.		
<b>Educational Background:</b> Bachelor of Science (B.S.), Public Recreation, South Dakota State University Master of Science (M.S.), Occupational Therapy, University of South Dakota		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
<b>Previous and current service activities:</b>  I am currently a member of the Rotary Club of Great Falls and Action for Healthy Kids.		
<b>Previous and current public experience (elective or appointive):</b>  N/A		

**Membership in other community organizations:**

American Occupational Therapy Association (AOTA)

Montana School OT/PT Organization

Rehabilitation Engineering &amp; Assistive Technology Society of North America (RESNA)

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*Form updated November 2015**Page 1***Have you ever worked for or are you currently working for the City of Great Falls? Yes ☐ No ☒ If yes, where and when?****Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes ☐ No ☒ If yes, who, which department, and relationship?****Have you ever served on a City or County board? Yes ☐ No ☒ If yes, what board and when did you serve?****Are you currently serving on a Board? Yes ☐ No ☒ If yes, which board?****Please describe your interest in serving on this board/commission?**

My education and work experiences are largely tied to a passion for public recreation for individuals of all ages and abilities. I believe park and recreation departments are integral in every community because they are leaders in promoting health and well-being, fostering community engagement, and improving the quality of life for their residents. Access to public recreation programs and parks also helps new residents transition to a new community more efficiently. When I was a new resident to Great Falls in 2014, I remember how thankful I was to have access to nearly 60 miles of a trail system. Initially, I spent a lot of time on these trails alone. However, within a few months, I began occupying these trails with new friends and locals from the area.

I now consider Great Falls "home" and much of this is due to our park system because it gave me a place to meet new people and participate in meaningful recreation. I am interested in serving on the Park and Recreation Advisory board because I want to promote recreational opportunities for individuals of all ages and abilities in my community. It would be an honor to serve on this board and invest my time and expertise in a community that has done so much for me.

**Please describe your experience and/or background which you believe qualifies you for service on this board/commission?**

I am an occupational therapist and help individuals of varying abilities and ages in achieving improved functional independence and quality of life. Prior to moving to Montana in 2014, I was the director of programs and outreach for a non-profit organization in the Kansas City area that provided community-based services (e.g., health/wellness, communication skills, life skills, recreation and leisure) for stroke survivors and their families. Currently, I provide school-based occupational therapy services at Great Falls Public Schools. As an occupational therapist in the schools, my primary role is to improve participation in the school environment for children with disabilities. I address a variety of needs in the school setting, which has included collaborating with teachers, administration, and other medically related professionals in developing strategies and/or obtaining adaptive equipment to promote meaningful participation in play and recess for children with disabilities.



**Additional comments:**

Thank you for taking the time to consider my application.

Signature

Date:

11/30/18

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

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

Board/Commission Applying For: Park & Recreation Board		Date of Application: 12/04/2018	
Name: Laramie Smovir			
Home Address: 620 Skyline Drive Northeast, Great Falls, MT 59404		Email address: laramie.smovir@gfcmu.edu	
Home Phone:	Work Phone: 406-771-5132	Cell Phone: 406-239-9446	
Occupation: Enrollment Specialist		Employer: Great Falls College Montana State University	
Would your work schedule conflict with meeting dates? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If yes, please explain) I work Monday - Friday 8-5, however, I can make arrangements to attend the meetings once a month.			
Related experiences or background: I have the opportunity to assist with several Park and Recreation events in a volunteer capacity including the Ice Breaker and city easter egg hunt.			
Educational Background: I have completed an Associate of Arts degree and am currently working on a Bachelors in Marketing and Management.			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: Great Falls College Staff Senate Association - founding member and current president			
Previous and current public experience (elective or appointive): none			
Membership in other community organizations: none			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, who, which department, and relationship? Arthur Smovir, Park & Rec, husband	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? After reviewing the master plan for the park and recreation department, I am excited for the proposed changes and improvements. On the other hand, I see that we are a bit behind on the proposed schedule and I would like to help work towards completion of the proposed plan. Additionally, I feel that we have amazing parks that are under-utilized and would like to help find ways to make them a more integral part of our community.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? none	
Additional comments:	
Signature 	Date: 12/04/2018

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

Board/Commission Applying For: <b>PARKS BOARD</b>		Date of Application: <b>4 DECEMBER 2018</b>	
Name: <b>CAMERON M CARPENTER</b>			
Home Address: <b>3639 6<sup>TH</sup> AVE S</b>		Email address: <b>C.M.-carpenter@live.com</b>	
Home Phone: <b>N/A</b>	Work Phone: <b>406.836.1979</b>	Cell Phone: <b>406.788.4293</b>	
Occupation: <b>PROJECT ENGINEER</b>		Employer: <b>CAUMET MONTANA REFINING</b>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: <b>Experience w/ budgeting, estimating, project planning &amp; execution, feasibility studies. Have been involved with several clubs/organizations in the past.</b>			
Educational Background: <b>BS Petroleum Engineering Montana Tech 2014</b>			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: <b>VP of Society of Petroleum Engineers - MT Tech Chapter (2014-2015)</b> <b>• President of church council (current)</b> <b>• Volunteered at several Lion's Club events in the past</b>			
Previous and current public experience (elective or appointive): <b>None</b>			
Membership in other community organizations: <b>None</b>			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I grew up in Great Falls, utilizing many of the parks and pools in the area and have lived places that don't have the multitude of parks available; so I feel strongly about utilizing the parks & spaces to the best possible uses for the public.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I develop projects based on feasibility studies in my day-to-day occupation as well as planning and estimating for costs and maintenance requirements. I am familiar with many of the parks & amenities in the Great Falls area and am very good at thinking and executing objectively based on expenditures, required maintenance, or necessity; depending on the objective.	
Additional comments:	
Signature 	Date: 4 DECEMBER 2018

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

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

Board/Commission Applying For: <i>Park &amp; Recreation / Golf Advisory</i>		Date of Application: <i>12/4/2018</i>	
Name: <i>Brianne Laurin</i>			
Home Address: <i>1375 13th Ave SW #17</i>		Email address: <i>brianne.laurin@gmail</i>	
Home Phone: <i>n/a</i>	Work Phone: <i>727-8787 ext 355</i>	Cell Phone: <i>406-781-7071</i>	
Occupation: <i>Development Director</i>		Employer: <i>C.M. Russell Museum</i>	
Would your work schedule conflict with meeting dates? Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain) <i>yes &amp; no because I can plan for the meetings but may have travel or other work-related conflicts occasionally</i>			
Related experiences or background: <i>my background has primarily been in fundraising for higher education institutions</i>			
Educational Background: <i>University of Montana, Psychology 1999-2003</i> <i>Fordham University, various audited classes 2008-2011</i>			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: <i>volunteer @ Senior Center (Mrs. Claus)</i> <i>Rotary member</i> <i>former animal shelter volunteer (in GA)</i>			
Previous and current public experience (elective or appointive): <i>n/a</i>			
Membership in other community organizations: <i>Board Member, Great Falls Rising</i>			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, which board? Great Falls Rising (a 501(c)4) & People's Buddies (a 501(c)3)	
Please describe your interest in serving on this board/commission? I love great falls and playing outside and taking advantage of our parks so I'd be interested in learning how to be an advocate for other citizens while also an ambassador for the city of great falls!	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I'm born and raised in Great Falls and am proud to have returned after 11+ years out of state. I am great with people, patient, a problem-solver, and would love to be more involved with the city so I think I would be a great fit!	
Additional comments: As a young (relatively) member of the community, I think I would offer an important perspective and voice to the park and recreation board. Hope to be considered!	
Signature 	Date: 04 dec 2018

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

**Return this form to:**

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

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net

Great Falls Park and Recreation Board

December 10<sup>th</sup>, 2018

Name: Joshua Granger

Home Address: 3305 Coyote Lane

Great Falls, MT 59404

Email Address: joshuagranger@yahoo.com

Cell Phone: 406-422-9664

Work Phone: 406-791-4370

Occupation: Financial Advisor

Employer: Waddell and Reed

Meeting dates will not conflict with my work schedule.

Related Background:

I previously served as the committee chair for Business Networking Group #1 with the Great Falls Chamber of Commerce. I currently serve as a member of the Task Force for this year's Leadership Great Falls class through the Great Falls Chamber of Commerce. I also volunteer with Special Olympics in a volunteer coordination capacity to put on the summer games in Great Falls.

Educational Background:

I graduated with a degree in Business with concentrations in Marketing and Management from Carroll College in 2010. I currently hold a FINRA Series 7 and Series 66 licenses, Montana Life and Health Insurance Licenses as well as a Chartered Retirement Planning Counselor (CRPC) professional designation.

Previous and Current Service Activities:

Gore Hill Volunteer Fire Department approximately 2013-2016

Great Falls Chamber BNG Chair 2017-2018

Great Falls Leadership Great Falls Task Force 2018-2019

Special Olympics Montana Volunteer Coordination 2017-2020

I have not nor do I currently work for the City of Great Falls.



My wife, Erin Granger, currently serves on the Great Falls Park and Recreation Board.

I have not previously served on a City or County board.

I am not currently serving on any other boards.

I believe that I can benefit my community by serving on the Great Falls Park and Recreation Board. I think that the extensive access to recreational activities in Great Falls serves to attract and retain citizens to the community. I hope that my service on this board can further this interest and continue to build a vibrant and sustainable community for the future.

My previous work in a variety of service positions listed above qualify me to serve on the Park and Recreation Board. I understand the value of listening to sometimes differing opinions and working together to accomplish organizational goals.



*Agenda # 6.*  
*Commission Meeting Date: January 2, 2019*  
**City of Great Falls**  
**Commission Agenda Report**

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**Item:** Minutes, December 18, 2018, Commission Meeting.

**From:** City Clerk's Office

**Presented By:** City Commission

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**ATTACHMENTS:**

- ▢ Draft December 18, 2018 - - City Commission Meeting Minutes

# **JOURNAL OF COMMISSION PROCEEDINGS**

**December 18, 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, Mary Sheehy Moe, and Tracy Houck.

Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Planner II Erin Borland; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

## **AGENDA APPROVAL**

Deputy City Manager Chuck Anderson noted that the Minutes of the December 4 Commission meeting were updated after original posting to correct grammatical and non-substantive clerical errors; and, the date of the public hearing, January 2, 2019, was added to the agenda language for Item 17. No changes were proposed by the City Commission. The agenda was approved as submitted.

## **CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

None.

## **FIREFIGHTER OATH**

Firefighter Oaths - Travis Cik, Brett Castillo, Ryan Olson

## **PETITIONS AND COMMUNICATIONS**

### **1. Miscellaneous reports and announcements.**

**John Hubbard**, 615 7th Avenue South, inquired how long the public water system exceeded the maximum contaminant level, and if there was anything the public needed to do before drinking the water.

Mayor Kelly noted that those comments have been addressed during the past two Commission meetings. He suggested that Mr. Hubbard address further questions in writing to the Public Works Department.

## **NEIGHBORHOOD COUNCILS**

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

**Tim Austin**, NC 3, reported that the Council is opposed to increasing the speed limit on 36th Avenue NE, Bootlegger Trail, to 2nd Street NE. The Council will be requesting a 4-way stop sign and inquiring about other possibilities to reduce speed in certain areas of the neighborhood. The Council expressed concern about police vehicles speeding in the neighborhood without overhead lights on. The Council will address security issues and speeding at its next Council meeting with Officer Gerhart.

Commissioner Houck inquired the number of people in attendance at that meeting and was informed about 20.

## **BOARDS AND COMMISSIONS**

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

Commissioner Houck reported on her attendance at a recent Local Emergency Planning Committee (LEPC) meeting. This group will work together and be liaisons to some federal agencies to make it so we are always ready in and emergency to respond.

Commissioner Moe reported that, subsequent to the last work session on the changes proposed by the Parking Advisory Commission (PAC), the owner of Electric City Coffee hosted a meeting of interested downtown residents/business owners. It was a productive meeting that included helpful exchange of information and ideas. The next meeting of the PAC is scheduled for Thursday at 3:30 p.m.

### **4. Reappointment and Appointments, Great Falls Planning Advisory Board.**

**Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission reappoint Dave Bertelsen and appoint Kelly Buschmeyer and Samantha Shinaberger to the Great Falls Planning Advisory Board for three-year terms ending on December 31, 2021.**

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

Commissioner Bronson noted that the two appointees were recommended by the Planning Advisory Board, and that he is looking forward to working with them.

Mayor Kelly noted that the other great candidates' applications will be kept on file.

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

Motion carried 5-0

## **CITY MANAGER**

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

City Manager Greg Doyon encouraged people with concerns about City water to call the Public

Works Department for more specific information.

Park and Recreation Director Steve Herrig announced that:

- The department was awarded two Missouri Madison River Fund grants for West Bank Park projects.
- The first distribution of Park Maintenance District (PMD) funds was received last week. The Park and Recreation's webpage on the City's website will include current and completed PMD projects.
- The City partnered with the Montana School for the Deaf and Blind to offer public indoor swimming classes and lessons beginning mid-January. Fees will be based on usage to cover City costs. When the Natatorium closes, the lift will be transferred and installed at the Deaf and Blind School. When finalized, the schedule will be posted on the City's website and at the Natatorium.

Mayor Kelly suggested an open house/orientation be scheduled for the Natatorium users at the Montana School for the Deaf and Blind.

Commissioner Moe suggested that staff reach out to the Natatorium users that made public comment at the Commission meetings to make them aware of the schedule and orientation.

Manager Doyon reported that the Montana Defense Alliance held its annual strategic planning session yesterday and is outlining its program of work for the next year. There continues to be a flurry of pre-legislative activity.

Deputy City Manager Chuck Anderson announced that City Clerk Lisa Kunz received certification from the International Institute of Municipal Clerks.

Manager Doyon expressed appreciation to Kathy Mora and Kevin Hager for their many years of service and wished them well in their retirement.

## **CONSENT AGENDA**

6. Minutes, December 4, 2018, Commission meeting.
7. Total Expenditures of \$4,042,177 for the period of November 17, 2018 through December 5, 2018, to include claims over \$5,000, in the amount of \$3,838,470.
8. Contracts List.
9. Grants List.
10. Reschedule the regularly scheduled Commission meeting date of Tuesday, January 1, 2019, to Wednesday, January 2, 2019.
11. Approve a Utility Bill Printing and Mailing Services Agreement with DataProse.

12. Approve a Master Services and Metro Ethernet Agreement in the amount of \$110,232 per year for a 3 year term to Centurylink, Inc. for network services.
13. Approve the purchase of one 2017 Elgin Pelican 3-wheel mechanical sweeper for \$193,113, from Titan Machinery of Great Falls through Sourcewell purchasing program.
14. Approve Change Order No. 1 in the amount of \$6,972.56 and the Final Payment for the Lift Station #8 Removal, in the amount of \$11,135.15 to Central Excavation and \$112.48 to the State Miscellaneous Tax Fund and authorize the City Manager to execute the necessary documents and to make the payments. **OF 1722.2**
15. Approve Final Payment for the Gore Hill Pump Station Pump Replacement project in the amount of \$3,459.06 to Sletten Construction Company and \$34.94 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF1625**
16. Award a contract in the amount of \$83,000 to Horn Construction for the West Bank Park Phase 3 Project, and authorize the City Manager to execute the construction contract documents. **OF 1585.9**
17. Set a public hearing for January 2, 2019, for consideration of a Lease Agreement with the Children's Museum of Montana for the property located at #22 Railroad Square.

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

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**

18. **Resolution 10277, Approving a Conditional Use Permit for an "Indoor Sports and Recreation" land use upon the property located at 901 9th Street North.**

Planning and Community Development Planner II, Erin Borland, reported that this is a request to conduct a public hearing and consider adoption of Resolution 10277 to allow for the establishment of an "Indoor Sports and Recreation" land use upon the property located at 901 9th Street North.

The subject property contains several parcels that altogether encompass 3.24 acres and more than half a block in an area of town that mixes industrial, commercial, and residential uses within the vicinity. This location formerly housed the 65,000 square foot Pacific Galleries Warehouse. The building is broken up into three large suites. The main portion of the building has recently been renovated to allow a gymnastics center and 25,000 square foot storage space for Pasta Montana. The applicant has an interested tenant who would develop the space as a birthday/bounce house/laser tag facility.

Based on the square footage of space being proposed for the recreation use, 64 parking spaces would typically have to be provided for the tenant. However, because the anticipated number of customers is fairly low and the time of operation for the proposed tenant only partially overlaps with the gymnastics training facility, this large parking count is not needed.

Twenty-five (25) parking spaces has been dedicated to the recreation facility and is proposing to add another 15 new spaces. Eleven (11) additional spaces would be available for occasions where overflow would be necessary. The overflow spaces are located on the northwest portion of the property where gravel parking is already used by a neighboring business's employees. The proposed off-street parking and site plan were included with the agenda report. The owner of the property understands and is willing to provide additional parking in the future should other tenants occupy his building.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10277 was:

**Dan Bateman**, 3313 5th St NE, applicant and owner of the building, commented that he has grandiose designs for the building that he will be whittling away at. Getting tenants into the building will provide the needed revenue to expand the parking lot, landscaping and other beautification. He is excited about tenant businesses providing opportunities for diversion and fun for kids. He feels the gymnastic center, birthday party/bouncy house area, and laser tag opportunities will be beneficial to the kids in the community. Mr. Bateman concluded that everyone has been in favor of what he is trying to accomplish, including Neighborhood Council 7.

No one spoke in opposition to Resolution 10277.

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

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10277 for a Conditional Use Permit for an "Indoor Sports and Recreation" land use located at 901 9th Street North, subject to the applicant fulfilling the listed Conditions of Approval.**

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

Commissioner Houck noted that she is excited about this business being geared towards young people in the community.

Commissioner Moe noted a safety concern for children with the parking in front of the building being close to the street.

Mr. Bateman responded that there are only 11 of the 43 currently available parking spaces that are in front of the building. The majority of parking is on the north side of the building and not

adjacent to any roads. Fifteen additional parking spots will be added to this north parking area.

Commissioner Moe inquired if the entrance to the bouncy house area was facing 9th Street.

Mr. Bateman clarified that the common area entrance is on the north side of the building. There is an exit only door facing 9th Street, which is the west side of the building.

Commissioner Robinson inquired how much space was in the middle portion of the building.

Mr. Bateman responded that there is 15,000 square feet in the middle of the building, and 5,200 square feet of that is part of the laser tag area.

Commissioner Bronson commended Mr. Bateman for his vision and drive, and for the adaptive re-use of the building.

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

Motion carried 5-0

**OLD BUSINESS**

**NEW BUSINESS**

19. **Comprehensive Annual Financial Report (CAFR) and Audit Report, FY 2017-2018.**

Finance Director Melissa Kinzler reported that the City's audit committee met on December 7, 2018, and recommends that the City Commission accept the FY 2018 Comprehensive Annual Financial Report (CAFR), the Required Client Communication Letter, and the City's Responses to the Required Client Communication Letter.

The Required Client Communication Letter comments on any internal control recommendations related to the operations of the City. The letter notes that the auditors have no new recommendations for FY 2018 and one prior year recommendation and its current status. The prior year recommendation is in compliance and no longer recommended.

The CAFR is available at the Civic Center in the Finance Department, Room 104, and the City Clerk's Office, Room 204, and for review on the City's website.

Staff recommends that the City Commission accept the FY 2018 CAFR, Responses to the Required Client Communication Letter, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.

Sarah Stanger, Anderson ZurMuehlen & Co., P.C., reported that Anderson ZurMuehlen performs two audits - the City's financial statements, and an agreed upon procedures engagement for the City's building code program. Ms. Stanger summarized the audit results. There is a lot of information in the 200+ page document that is broken up into an introductory section, financial section, statistical section and single audit section. It is important for the City to submit the CAFR to the Government Finance Officers Association for its Certificate of Achievement program. The City has attained that Certificate of Achievement for Excellence in Financing Reporting for many years. Anderson ZurMuehlen presented the City with an unmodified audit opinion, which is a clean audit opinion. There were also no internal control or compliance findings to present.



**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission accept the FY 2017-2018 Comprehensive Annual Financial Report (CAFR), the Required Client Communication Letter as presented, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.**

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

Commissioner Houck noted that she is a member of the audit committee. She attended two meetings to review the draft report and to meet with Anderson ZurMuehlen. She concluded the CAFR is a wonderful report and comprehensively covers what was done in the City. Two members of the public are also on an audit committee.

Mayor Kelly noted that the City has been awarded the GFOA Certificate of Achievement every fiscal year since 1993/1994.

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

Motion carried 5-0

20. **Minor Subdivision - West Bank Landing, a subdivision of Lot 2 of Certificate of Survey #5113 initiated by Skip Rock LLC.**

Planning and Community Development Planner II, Erin Borland, reported that this item is a request to consider approval of the Amended Plat of the Minor Subdivision and accompanying Findings of Fact of Lot 2 of the West Bank Landing Development. West Bank Landing is a mixed-use development located on 3rd Street NW, north of the Cowboy's Bar and the West Bank One development. The project consists of six parcels totaling 12.5 acres. The first phase included the Spring Hill Suites/Marriott hotel. The second phase included the renovation of the existing barrel building into the Peak Health & Wellness Center which is also complete and open. The second phase also included two new mixed-use buildings, one of which is under construction, and an additional building which will include two quick service restaurants.

The applicant, Skip Rock, LLC, is seeking a minor subdivision to create four (4) lots with each proposed and existing building on its own lot. The proposed newly created lots conform to the M-2 Mixed Use Transitional district development standards outlined in the Land Development Code. Due to the configuration of the lots, parking and access will be shared between the owners of the lots. A shared parking, maintenance, and access agreement currently exists for the development. This agreement shall be revised to reflect the new lot configuration and potential change in ownership.

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve the Amended Plat of the Minor Subdivision of Lot 2 of West Bank Landing, as legally described in the Staff Report, and adopt the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

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

Motion carried 5-0

21. **Anaconda Hills and Eagle Falls Golf Course Management Agreement.**

Park and Recreation Director Steve Herrig reported that a Request for Proposals (RFP) was issued on August 24, 2018, for the management of the two golf courses. Two proposals were received - CourseCo, a company based out of California, and the local Great Falls Baseball Club. Both proposers interviewed with the City in October. At the November 7, 2018, work session, the Commission approved of staff's request to continue conversations with CourseCo.

With regard to the Management Agreement posted on the website, Director Herrig reported that: Page 1, Exhibit "A" will be pictures of the two golf facilities; page 6, Exhibit "X" will be a final budget/2018-2019 financial plan, and the reference to Section 6.14 in the third paragraph should read Section 6.15; Page 11, Exhibit "X" will be the necessary start-up costs, and Exhibit "Y" will be a full comprehensive inventory of current capital items.

With regard to Page 4 of the Addendum, Director Herrig pointed out that the Start-Up Costs will be corrected to (e.g. equipment for concessions) and staff is requesting that the one time fee of \$40,000 be changed to "up to/not to exceed \$80,000." Most of that amount will be equipment for a food and beverage operation.

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission approve a three-year Management Agreement with CourseCo beginning February 1, 2019.**

Mayor Kelly asked if there were any comments from the public. No one responded.

Mayor Kelly noted that there was a large attendance at the work session, and people were available after the work session to mingle with the CourseCo executives. Attendees of the work session were encouraged to attend the Commission meeting if they had any further questions or points they would like to make.

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

Commissioner Moe referred to Page 3 of the Management Agreement and pointed out that the words "which is" are misplaced in Section 4.1. She also received clarification that reference to the "City" in the Management Agreement means the City Manager.

Commissioners Robinson and Bronson commended City staff, and both are enthusiastic about this Management Agreement for continued operations of both courses.

At Commissioner Bronson's request, Director Herrig reiterated that its been agreed that it would be valuable for CourseCo and the Golf Advisory Board to continue to work together. CourseCo is also very enthusiastic about working with the current Leagues.

Commissioner Houck encouraged the public to listen to the recorded work session if they have additional questions. She expressed appreciation to Director Herrig for the hard work and decisions he has had to make.

Mayor Kelly noted this is the beginning of a great relationship. CourseCo seems to have a thorough understanding of its responsibility to the community and to recreation, and not just to golf, but to use of the facility and the land it encompasses to include more people throughout.

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

Motion carried 5-0

## **ORDINANCES/RESOLUTIONS**

22. **Ordinance 3195, Assigning I-2 Heavy Industrial zoning to a portion of a tract of land equaling +/- 6.254 acres addressed as 4415 River Drive North currently owned by Talcott Holdings Inc.**

Planning and Community Development Planner II, Erin Borland, reported that Talcott Construction is a local construction company that is located at 4415 River Drive North. This location contains both the company's business office as well as a larger shop building. These buildings are located on two properties, adjacent to each other, with the business office residing in the City and the shop being located in the County.

The applicant is proposing to annex the portion of the property that contains the shop into the City limits in conjunction with a boundary line adjustment that will revise the lot configuration to have the shop and office building on one lot. The remaining area will stay in the County jurisdiction.

The applicant is also requesting that I-2 Heavy Industrial zoning be established on the property to be annexed. This would be consistent with the surrounding properties in this location.

The requested action is that the City Commission accept Ordinance 3195 on first reading and set a public hearing for January 15, 2019.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3195 on first reading and set a public hearing for January 15, 2019.**

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

23. **Resolution 10275, Resolution of Intention to Vacate 1st Alley South within Block 354, Great Falls Original Townsite.**

Planning and Community Development Planner II, Erin Borland, reported that this item is a Resolution of Intent for vacation of an alley that was spurred by recent construction that is taking place as Montana Federal Credit Union works to expand its bank office building located at 15 14th Street South.

The Credit Union owns property on both sides of the alley. The western portion of the alley (approximately 300 lineal feet) was vacated in 1920. This leaves approximately 76 feet of remaining alley length that was retained by the City of Great Falls as access to the previous apartment building that was located on the site.

Since the Credit Union now owns all property north of the alley, including the lot north of the 76

foot alley section, the applicant asked the City about vacating the remaining section. City staff recommends in favor of the applicant's request subject to the applicant reserving a 20-foot wide easement for access to existing utilities.

According to Mont. Code Ann. 7-3-4448, the owner must file a request for the intent to vacate any right of way. City staff must then present a Resolution of the Intent to Vacate such right of way to the City Commission. The requested action is that the City Commission adopt Resolution 10275, and set a public hearing for January 15, 2019.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution of Intent 10275, and set a public hearing for January 15, 2019.**

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

Motion carried 5-0

## **CITY COMMISSION**

### **24. Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson reported:

- The City/County Commissions met with local legislators last Wednesday to share priorities and concerns. The legislative delegation has agreed to tentatively meet again on March 5, 2019, at 3:00 p.m., in the Gibson Room.
- He and Manager Doyon attended a meeting last Friday and were able to share some of those same concerns with Lt. Governor Cooney and staff.

Commissioner Moe read bible verse "Who can find a virtuous woman?" in tribute to community member Leslie Oakland who recently passed away.

Commissioner Robinson discussed attending a meeting regarding the State JMG Program - Jobs for Montana Graduates. He announced that Paris Gibson Education Center Senior, Jimmy McAllister, entered and won the oratory contest at the national level in Washington, D.C.

### **25. Commission Initiatives.**

None.

## **ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Robinson moved,**

seconded by Mayor Kelly, to adjourn the regular meeting of December 18, 2018, at 8:27 p.m.

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**Mayor Bob Kelly**

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**City Clerk Lisa Kunz**

**Minutes Approved:  
January 2, 2019**

DRAFT



**Item:** Total Expenditures of \$3,078,795 for the period of December 6, 2018 through December 19, 2018, to include claims over \$5,000, in the amount of \$2,767,195.

**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**  
**<http://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 DECEMBER 6, 2018 - DECEMBER 19, 2018	3,078,795.02
<b>TOTAL: \$</b>	<b><u>3,078,795.02</u></b>

**GENERAL FUND**

**OTHER ADMIN**

MUNICIPAL CODE CORPORATION	MUNICODE MEETING SUBSCRIPTION	7,000.00
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**FIRE**

BENEFIS HOSPITALS INC	OCCUPATIONAL PHYSICALS	14,736.52
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**SPECIAL REVENUE FUND**

**SUPPORT & INNOVATION**

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	NOVEMBER 2018 TAX DISTRIBUTION	96,367.86
GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT	NOVEMBER 2018 TAX DISTRIBUTION	127,595.50

**STREET DISTRICT**

WATER & ENVIRONMENTAL TECHNOLOGIES INC	OF 1476.6 VINYARD ROAD STORM WATER MANAGEMENT (SPLIT AMONG FUNDS)	5,447.99
KUGLIN CONSTRUCTION	OF 1730.6 ADA HANDICAP RAMPS GIANT SPRINGS SCHOOL PH 1	38,866.64
UNITED MATERIALS OF GREAT FALLS	3/8 CRUSHED SEAL COAT AGGREGATE	28,360.02
CRAPO LTD	500 TONS OF ROAD SALT	37,976.44

**SPECIAL REVENUE FUND ( CONT.)**

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**LIBRARY**

MCKINSTRY ESSENTION, LLC	BOILER REPLACEMENT	307,543.50
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**PLANNING & COMMUNITY DEVELOPMENT**

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	FY 2018 MONTANA MAIN STREET GRANT FOR PEDLET	8,000.00
GREAT FALLS TRANSIT DISTRICT	PASS THRU REIMBURSEMENT FOR TRANSIT PLANNING FROM UPWP FUNDS	21,567.12

**CENTRAL MONTANA AG TECH PARK TID**

TD&H ENGINEERING	OF 1658.1 CMATP TIF PHASE 3 STORM DRAIN	29,237.25
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**ENTERPRISE FUNDS**

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**WATER**

ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	OF 1625.8 ASBESTOS TESTING GORE HILL WATER TOWER & BOSTON HEIGHTS	34,364.50
LANDMARK STRUCTURES I, L.P.	OF 1625.2 GORE HILL TANK REPLACEMENT	78,402.91
FERGUSON ENTERPRISES INC	METER SUPPLIES	5,547.64

**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	241,274.04
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
CENTRAL EXCAVATION	OF 1722.2 LIFT STATION # 8 REMOVAL	10,355.43
STATE OF MONTANA	OF 1674.3 NW INTERCEPTOR REHAB 1% TAX	6,492.21
PLANNED AND ENGINEERED CONSTRUCTION	OF 1674.3 NW INTERCEPTOR REHAB	642,728.30

**STORM DRAIN**

WATER & ENVIRONMENTAL TECHNOLOGIES INC	OF 1476.6 VINYARD ROAD STORM WATER MANAGEMENT (SPLIT AMONG FUNDS)	14,476.11
BABB LAND SURVEYING INC	OF 1118.4 GIBSON FLATS STORM DRAINAGE SMITH PONDS	5,290.00

**INTERNAL SERVICES FUND**

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**INSURANCE & SAFETY**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	MONTHLY INSURANCE DEDUCTIBLE	8,327.38
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**INFORMATION TECHNOLOGY**

SHI INTERNATIONAL CORP	25 OFFICE 2016 STD LICENSES	6,825.75
ZUERCHER TECHNOLOGIES, LLC	1 YEAR ZUERCHER MAINTENANCE	66,945.12

**CENTRAL GARAGE**

KOIS BROTHERS EQUIPMENT	WAUSAU MODEL MF3.4 SNOWPLOWS	57,300.00
MOUNTAIN VIEW CO-OP	FUEL	13,624.51

**CC FACILITY SERVICES**

TILLERAAS LANDSCAPE NURSERY	CIVIC CENTER LANDSCAPE CONTRACT	16,500.00
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**TRUST AND AGENCY**

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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	49,107.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,848.33
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,503.31
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	66,328.73
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	135,320.05
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	12,649.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	214,469.32
AFLAC	EMPLOYEE CONTRIBUTIONS	10,060.28
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	15,639.11
MONTANA VEBA HRA	EMPLOYEE CONTRIBUTIONS	9,987.39

**UTILITY BILLS**

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ENERGY WEST RESOURCES INC	NOVEMBER 2018 MONTHLY CHARGES	23,260.31
NORTHWESTERN ENERGY	NOVEMBER 2018 SLD CHARGES	79,045.23
NORTHWESTERN ENERGY	NOVEMBER 2018 WATERPLANT CHARGE	8,080.65
HIGH PLAINS LANDFILL	NOVEMBER 2018 MONTHLY CHARGES	73,676.21
ENERGY KEEPERS INC	ELECTRICITY CHARGES FOR NOV 2018	51,567.75

**CLAIMS OVER \$5000 TOTAL:** \$ 2,767,195.41



**Item:** Contracts List

**From:** City Clerk's Office

**Presented By:** City Commission

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ATTACHMENTS:

- ▣ Contracts List

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 8**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: January 2, 2019**

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

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

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

**MAYOR'S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Public Works/ Engineering	Montana Department of Transportation (MDT)	12/11/2018- 12/31/2020	\$0	Construction Agreement for MDT to construct and/or reconstruct a certain highway in and through the City and County, the construction being known as Federal Aid Project No. UPP 5299(131), also known as Great Falls South – Urban, UPN 9511000; the construction will be over and upon Route U-5215 (13 <sup>th</sup> St S) from RP 3.011, north of the intersection with Fields Road, extending south, then

					west on 55 <sup>th</sup> Avenue South to the intersection with U-5207 at RP 3.966, and then continuing north on U-5207 from RP 3.877 to RP 0.154 <b>OF 1739</b>
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**Item:** Children's Museum of Montana Lease - #22 Railroad Square (a/k/a Zellarbach Building, T20N R3E S11).

**From:** Greg Doyon, City Manager

**Initiated By:** Greg Doyon, City Manager

**Presented By:** Greg Doyon, City Manager

**Action Requested:** Conduct public hearing and approve a Lease Agreement with the Children's Museum of Montana for the property located at #22 Railroad Square.

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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 (approve or not approve) a Lease Agreement with the Children's Museum of Montana for the property located at #22 Railroad Square. ”

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

**Staff Recommendation:**

Staff recommends the Commission conduct a public hearing and approve the Lease Agreement.

**Summary:**

The Children's Museum of Montana has leased the property formerly known as the Zellerbach Building located at #22 Railroad Square since September 1997. On December 2, 2003, the City Commission approved a lease agreement for 15 years with an automatic 5 year renewal. The original lease required the museum to pay all utility costs, maintenance and repairs of the building and its systems.

If approved, the renewal expires November 20, 2023 and does not include another automatic renewal term.

**Background:**

Over the past year, the city staff held several conversations with the Children's Museum Director and Board about the continued use of the Zellerbach Building. The city manager recommends approval of the revised lease with the understanding that the CMOM will pursue other location options over the term.

The Commission has received numerous presentations from staff over the past several years about the need for additional office space in the Civic Center. The City retained the services of an architect to rework space in the Gibson Room and renovate the Legal and HR Department's office areas. Use of the Gibson Room was rejected and there are no other areas within the building that could be feasibly renovated without encroaching into the Gibson or Missouri Rooms or the Convention Center.

Lease renewal with the CMOM accomplishes a few important things. First, it provides CMOM with five years to search for, locate, and occupy an alternative location. The Zellerbach building is needed to provide additional office space for city administration. Use of the building makes sense because the City already owns it and it is located adjacent to the city's administrative center/campus. Use of the Zellerbach building also allows the City to address space needs without additional encroachment of other commonly used areas in the Civic Center and eliminates the need to build an addition.

The Children's Museum has already started a promotion program to begin raising funds for a new permanent location (<https://www.childrensmuseumofmontana.org/donate>).

**Alternatives:**

City Commission could chose to not approve the lease agreement and ask staff to consider other lease terms with the Museum.

**ATTACHMENTS:**

- ▢ Lease Agreement

## **Lease Agreement**

**THIS AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, by and between the City of Great Falls, Montana, a municipal corporation hereinafter referred to as “Lessor” and Children’s Museum of Montana, Inc., herein referred to as “Lessee”, collectively referred to as the “Parties”.

WITNESSETH:

## **Leasehold**

That Lessor, for and in consideration of the rents to be paid and the covenants to be performed by Lessee, does hereby lease and let unto the Lessee a portion of city-owned property commonly known as 22 Railroad Square, Great Falls, Montana, along with the immediately adjacent parking spaces, to be used exclusively for the purpose of housing a children’s museum and associated activities.

## **Term**

The term of this lease shall be for five years beginning from and after the 1st day of December, 2018. The Lessee may terminate this agreement before November 20, 2023 by giving Lessor at least sixty days’ prior written notice of termination.

## **Rental**

In consideration of the terms and conditions herein, Lessee shall pay to Lessor, One Dollar (\$1.00) for each year of the lease of said premises, which shall be due on December 1 of each year that the lease is in effect.

## **Covenants of Lessee**

A. Lessee does hereby covenant and agree with Lessor that the Lessee will:

1. Use and occupy said premises in a careful and proper manner and not commit any waste thereon;
2. Not use or occupy said premises for any unlawful purpose and will conform and obey all present and future laws, ordinances, and all rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the premises;
3. Not assign the lease, sublet the premises, or any part thereof, without the prior written consent of the Lessor, which shall not be unreasonably withheld;
4. Not use or occupy said premises or permit the same to be used or occupied, for any purpose deemed hazardous on account of fire or otherwise;

5. Keep and maintain the leased premises, including but not limited to, the building and improvements, electrical, plumbing, HVAC, roof, windows and doors, and all appurtenances thereto, including, sidewalks adjacent thereto and parking lots, in good condition and repair, except as set forth in paragraph B.1. below;
6. Notify Lessor of any damage to the Leased premises within forty-eight hours after Lessee's knowledge of such damage;
7. Not require Lessor to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon, whether or not resulting from the negligence of Lessee, its employees, agents, or invitees. Said repairs, replacements, renewals or improvements shall be the sole responsibility of Lessee;
8. Agree that if Lessee at any time should fail, neglect or refuse to fulfill its obligation to repair and maintain the leased premises, Lessor may, but need not, enter the leased premises and make such repairs or alternations as in its opinion it may deem necessary, and may charge the costs of the same to Lessee to be paid upon the first day of the following month as part of the rental, and should said costs not be so paid, this Lease Agreement shall be considered in default;
9. Make no alterations or additions in or to said premises without consent of the Lessor and the costs and maintenance of any and all such alterations or additions shall be the sole responsibility of the Lessee, provided, however, that under no circumstances shall Lessee be permitted to destroy or break the main frame of the leased premises, without the prior written permission of Lessor;
10. Acknowledge familiarity with the condition of said leased premises and agree that no representation, statement or warranty, expressed or implied, has been made by or on behalf of Lessor as to such condition. In no event shall Lessor be liable for any defect in such property or for any limitation on its use. The taking of possession of the leased premises shall be conclusive evidence that Lessee accepts the same "as is" and that the leased premises were in good condition at the time possession took place;
11. Accept the leased premises in the condition in which they exist at the date of taking possession, without representation or warranty, express or implied, in fact or by law, by Lessor, and without recourse to the Lessor as to the nature, condition or unsuitability thereof, or as to the uses to which the Premises may be put;
12. Pay all charges for utilities used, rendered or supplied upon or in connection with the leased premises in a timely manner;
13. Throughout the term of this Lease Agreement, maintain in effect, and provide annual evidence of, personal liability insurance covering the leased premises in the amount of One Million Dollars (\$1,000,000.00) for injury to or death of any one person, in the amount of Two Million Dollars (\$2,000,000.00) for injury to or death of any number of



persons in one occurrence, and property damage liability in the amount of at least Five Hundred Thousand Dollars (\$500,000.00). Such insurance shall specifically insure Lessee against all liability assumed by it hereunder, as well as liability imposed by law, and shall insure both Lessor and Lessee, but shall be endorsed so as to create the same liability on the part of the insurer as though separate policies had been written for Lessor and Lessee;

14. Provide policies of insurance referred to in this Lease Agreement which shall be written in form satisfactory to Lessor and by insurance companies satisfactory to Lessor. Lessee shall pay all of the premiums and deliver evidence of such policies to Lessor;
15. In the event of failure of Lessee either to effect such insurance in the name hereinabove called for or to pay the premiums therefor, or to deliver evidence of said insurance to Lessor, agree that Lessor shall be entitled to, but shall have no obligation to, effect such insurance and pay the premiums therefor, which premiums shall be repayable to Lessor by Lessee with the next installment of rental due under this Lease Agreement, and Lessee's failure to repay the same shall carry with it the same consequences as failure to pay any installment of rental under this Lease Agreement;
16. Allow Lessor the right to enter the leased premises at all reasonable hours to examine the same or to make such repairs or temporary alterations as shall be deemed necessary for the safety or preservation of the leased premises. There shall be no rebate of rent nor liability for any loss of occupation or quiet enjoyment occasioned thereby. Lessor shall have the further right to exhibit the leased premises to prospective tenants or purchasers at all reasonable hours;
17. If alcohol is to be served on the premises, obtain prior written consent of Lessor, ensure that insurance coverage is obtained for such service, and comply with any and all laws, ordinances and regulations regarding such service;
18. Comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA;
19. Not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by state and/or federal law;
20. At the end of the Lease term, quit and surrender the premises hereby demised in as good condition as when received, reasonable wear and tear and damage by the elements excepted; and
21. Indemnify and save Lessor harmless from and against any loss, damage and liability occasioned by, growing out of, or arising or resulting from any default hereunder, or any tortious or negligent act on the part of Lessee or Lessee's agents or employees, and such indemnification shall survive the termination of the lease.

### **Covenants of Lessor**

B. Lessor does hereby covenant and agree with Lessee that the Lessor will:

1. Provide snow removal and landscaping maintenance during the term of the lease;
2. Not permit or allow any use of the leased property, without consent of the Lessee that would interfere with Lessee's permitted use of the premises. Notwithstanding of the foregoing, general use of the leased parking spaces for said property for parking purposes shall not constitute interference with Lessee's use of the property
3. Allow for the removal of fixtures built by Lessee which are unique to its exhibits and functions as a children's museum, to be removed upon termination of this Lease, unless the removal will cause damage to the building structure. However, standard fixtures, such as counters, walls, plumbing, heating/cooling, electrical and the like shall remain property of the Lessor and not be disturbed upon termination.

### **Mutual Covenants**

C. It is mutually agreed by and between the Parties that:

1. If Lessee shall pay the rental as hereinabove provided and shall keep, observe and perform all of the other covenants of this lease, Lessee shall, and may, peaceable and quietly, have, hold, and enjoy the said premises for the term of the leasehold;
2. Lessor is not and will never be liable to any creditor of Lessee or any claimant against the estate or property of Lessee for any debt, loss, contract or other obligation of Lessee. The relationship between Lessor and Lessee is solely that of landlord and tenant, and does not and never shall be deemed a partnership or joint venture;
3. This lease and all covenants and provisions herein contained, shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto, provided that no assignment by, from, through or under Lessee in violation of any of the provisions hereof shall vest in the assigns any right, title or interest whatsoever;
4. For any notice contemplated by this Lease, service by mail shall be deemed complete when the notice is enclosed in an envelope, duly sealed, with postage prepaid and deposited in the United States Post Office or any regular depository thereof, or Hand-Delivered, and directed to Lessor or Lessee at the addresses hereinabove provided.:

- a. Children's Museum of Montana, Inc.  
22 Railroad Square  
Great Falls, Montana 59401, or

b. City of Great Falls  
City Manager  
P.O. Box 5021  
Room 201, Civic Center  
Great Falls, Montana 59403

5. Any holding over after the expiration of the term of this Lease Agreement with the consent of Lessor shall be construed to be a tenancy from month to month and shall otherwise be on the terms and conditions herein specified, so far as applicable.
6. If Lessee shall at any time be in default in the performance of any of the covenants or provisions of this lease, and Lessee shall fail to remedy such default within ten (10) calendar days after written notice thereof from Lessor, it shall be lawful for Lessor to enter upon the premises, and again, repossess and enjoy the same as if this lease had not been made, and thereupon this lease and everything herein contained on the part of Lessor to be done and performed shall terminate, without prejudice, except the right of the Lessor to recover from the Lessee all rent due up to the time of such entry.
7. The waiver by Lessor of, or the failure of Lessor to take action with respect to, any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or subsequent breach of same, or any other term, covenant or condition herein contained.
8. Time is of the essence of this Lease Agreement, and of each and every provision hereof.

**IN WITNESS WHEREOF**, the parties hereto have caused their hands and seals to be fixed the day and year first hereinabove written.

CHILDREN'S MUSEUM OF MONTANA, INC.

\_\_\_\_\_

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

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

CITY OF GREAT FALLS, MONTANA

---

Bob Kelly, Mayor

Attest:

SEAL OF CITY

---

Lisa Kunz, City Clerk

Approved as to Form\*:

---

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.



**Item:** Resolution 10274, titled, "A Resolution Declaring Certain Property Located at 520 8th Avenue South, Lot 6 Block 499, Great Falls Original, Cascade County, Montana, a Nuisance, Order the Nuisance be Abated and Authorize City Staff To Force Abatement if Necessary.

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

**Initiated By:** Craig Raymond

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

**Action Requested:** Conduct a public hearing and adopt Resolution 10274 Declaring Certain property located at 520 8th Avenue South, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.

---

**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 10274, Declaring Certain property located at 520 8th Avenue South, Lot 6 Block 499, Great Falls Original, Cascade County, Montana, a Nuisance, order the Nuisance be abated and authorize City Staff to force abatement if necessary."

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

**Staff Recommendation:**

Staff recommends the City Commission adopt Resolution 10274 Declaring Certain property located at 520 8th Avenue South, Lot 6 Block 499, Great Falls Original, Cascade County, Montana, a Nuisance, order the Nuisance be abated and authorize City staff to force abatement if necessary.

**Background:**

Beginning in 2013, and continuing through October 2017, the Great Falls Planning and Community Development Department received multiple complaints about the condition and living conditions on the

property, and occupancy of a recreational vehicle located at 520 8th Avenue South, Lot 6 Block 499, Great Falls Original, Cascade County, Montana 59405.

Between 2013 and the present, the Department made all efforts to work with Mr. Brainard and Mr. Guidotti, the property owners. Violations in 2013 include occupying a recreational vehicle illegally on the property and non-compliant vehicles. Everything was brought into compliance at that time. Recently starting in 2017, the Department made several attempts to work with Mr. Brainard and Mr. Guidotti with telephone calls beginning October 13, 2017. Violation and notice letters were mailed October 17, 2017, November 1, 2017, August 10, 2018, and September 19, 2018 in hopes that City Code violations on the property would be cured. Follow-up inspections were conducted but compliance never occurred. City staff gave extra time to comply due to inclement outside temperatures in the winter of 2017, and the owners stated they were looking and/or searching for another place to park the recreational vehicle.

Based on eleven separate inspections conducted from the public right of way between October 13, 2017, and November 7, 2018, numerous violations were shown to exist consistent with the history of complaints. During the inspections, the following conditions were observed on the property:

1. Non-compliant vehicles including a red and white boat and white boat trailer;
2. Deferred repair needed on the south side of roof and valley metal on the residence;
3. Exterior weatherproofing of the residence and garage;
4. Occupying a recreational vehicle as a residence not in the required Zoning district;

Staff finds that these conditions constitute a Nuisance as defined by the Official Code of the City of Great Falls (OCCGF) 8.49.010. Additionally, many of the above cited conditions constitute OCCGF violations independent of the Nuisance as a whole.

A title report was examined by the Department on October 26, 2018. The report revealed that Garry F. Guidotti DBA SC Electric and William Brainard and Gail J Brainard, as Joint Tenants of the property. Pursuant to OCCGF 8.49.040, a Hearing Notice letter was mailed to Mr. Guidotti and Mr. & Mrs. Brainard on December 10, 2018. The letter informed Mr. Guidotti and Mr. & Mrs. Brainard of this Public Hearing and the potential consequences of the Commission adopting Resolution 10274. This letter was mailed certified, postage pre-paid, and return receipt requested. A copy of said letter was also attached to the property pursuant to OCCGF 8.49.030.

#### **Fiscal Impact:**

The total cost of the abatement of removal of non-compliant vehicles, completing the deferred repair needed on the south side of roof and valley metal on the residence, completing the exterior weatherproofing of the residence and garage, replacing missing siding, should Mr. Guidotti and Mr. & Mrs. Brainard fail to comply is unknown at this time. However, the continued presence of these conditions propagates blight and slum, thereby decreasing surrounding property values.

ATTACHMENTS:

- ▣ Resolution 10274
- ▣ Initial Violation Letter
- ▣ Second Letter
- ▣ Photo 1
- ▣ Photo 2
- ▣ Photo 3
- ▣ Photo 4
- ▣ Photo 5
- ▣ Photo 6
- ▣ Photo 7
- ▣ Photo 8
- ▣ Final Letter
- ▣ Newspaper Article

## **RESOLUTION 10274**

### **A RESOLUTION DECLARING CERTAIN PROPERTY LOCATED AT 520 8<sup>TH</sup> AVENUE SOUTH, LOT 6 BLOCK 499, GREAT FALLS ORIGINAL, CASCADE COUNTY, MONTANA, A NUISANCE, ORDER THE NUISANCE BE ABATED AND AUTHORIZE CITY STAFF TO FORCE ABATEMENT IF NECESSARY.**

**WHEREAS**, William & Gail J Brainard and Garry F Guidotti, (hereinafter “property owners”), owners of the real property and structures located at 520 8<sup>th</sup> Ave S, Lot 6 Block 499, Great Falls Original, Cascade County, Montana, and within the incorporated boundaries of the City of Great Falls, were given notice pursuant to the Official Code of the City of Great Falls (OCCGF) Section 8.49.040, of a hearing before the City Commission on January 2, 2019, wherein said property owners were informed the City Commission would proceed to hear the testimony of City personnel and the testimony of any other interested party, who may be present, and desire to testify respecting the condition of the property; and

**WHEREAS**, said property owners were informed that the City Commission upon the conclusion of the hearing, would by resolution, declare its findings, and may declare the property to be a Nuisance, and direct the owners to physically commence abatement of the Nuisance within ten (10) days, and to complete said abatement within thirty (30) days, by having the property repaired, demolished, removed or other appropriate act necessary to cure the Nuisance; and

**WHEREAS**, said property owner was informed that failure to abate the Nuisance would result in the property being the subject of repair, demolition, removal, or other appropriate act, as the case may be, by the City and the expenses thereof shall remain a lien on the property; and

**WHEREAS**, the City Commission has conducted the hearing on January 2, 2019, regarding the property pursuant to OCCGF Section 8.49.050, hearing the testimony of the City personnel and the testimony of any other interested party, who was present, and desired to testify respecting the condition of the property, removal or other appropriate action.

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

1. Staff and other interested parties having presented evidence of the condition of the subject property, and having described the condition of the subject property, the City Commission does hereby find the same to be a Nuisance pursuant to OCCGF Section 8.49.040, and hereby directs the owner(s) to commence abatement within ten (10) days of the date of this resolution to the satisfaction of the Great Falls Planning and Community Development Director, pursuant to OCCGF Section 8.49.050.



2. It is further ordered that, abatement, to the satisfaction of the Great Falls Planning and Community Development Director, be completed within thirty (30) days of the date of this resolution, pursuant to OCCGF Section 8.49.050.
3. It is further ordered that, if the owner fails to abate said Nuisance as ordered and within the time allowed, the City Staff is directed to take any and all steps necessary to abate the Nuisance with all expenses to be collected as a special assessment against the property.
4. This Resolution shall be in effect for a six (6) month period from the date below.
5. City staff shall serve the said property owners with a copy of this resolution by certified mail, postage prepaid, and return receipt requested, as required by Section 8.49.050, OCCGF.

**BE IT FURTHER RESOLVED BY SAID CITY COMMISSION** that this Resolution shall become effective immediately upon its passage and approval.

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana, on January 2, 2019.

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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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Joseph Cik, Assistant City Attorney



October 17, 2017

Case Number: 2017-00003045

Open Date: 10/11/2017

WILLIAM & GAIL J BRAINARD  
GARRY F GUIDOTTI  
3527 4<sup>TH</sup> AVE N  
GREAT FALLS, MT 59401

**Notice of Occupying a Recreation Vehicle/Unlicensed, Abandoned, Junk Vehicle/Rubbish and or Exterior Storage/Off-Street Parking Surfacing/Exterior Weatherproofing of structures Violation at 520 8TH AVE S**

**COMPLIANCE DATE: OCCUPYING RECREATIONAL VEHICLE (IMMEDIATELY), VEHICLES/RUBBISH/EXTERIOR STORAGE 10/30/2017**

Dear WILLIAM & GAIL J BRAINARD / GARRY F GUIDOTTI,

The Planning and Community Development Department has received a complaint regarding the use of your property located at the above mentioned address. The complaint states that there is a parked Recreational Vehicle (RV) on the lot and that someone is using the RV as a dwelling. Your property is zoned **R-9**. Per the Official Code of the City of Great Falls (OCCGF) camping is not a permitted use in the **R-9** zoning district. (See definitions below.) The occupying of the recreational vehicle must cease immediately.

**17.8.120 – General definitions:**

*"Campground" means a place and/or building, or portion thereof, that is used or is intended for public camping, where people can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a laundromat and retail sales for the convenience of campground guests. (Source: 50-52-101, MCA)*

*"Recreational vehicle" means a vehicular type unit primarily designed as a temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.*

*"Recreational vehicle park" means a tract of land available to and principally used by the public for camping, where people can park recreational vehicles for camping and sleeping purposes.*

Per 17.20.3.060 Table 20-1 campgrounds are only permitted in the C-3 and GFIA zoning districts and conditionally permitted in C-2 zoning district.

Section 10.61.030 of the Official City Codes of Great Falls (OCCGF) prohibits the location of unlicensed and/or inoperative vehicle(s) upon private property. **No later than October 30, 2017** we ask that such vehicles(s) be currently licensed and visibly operable, removed, located within a storage building or concealed by a cover specifically designed for such purpose, and be in compliance with all other applicable codes listed in this letter. Tarps are not acceptable substitutes for distinctly designed car covers. The City-County Health Department (406-454-6905) will remove such vehicles(s) for you free of charge upon your request. To receive services from the City-County Health Department you must be the registered owner of the vehicle and willing to sign off on release of it.

City of Great Falls Planning and Community Development  
Code Enforcement Division  
2 Park Drive South Room 112, Great Falls, MT 59401

Sections 8.50.010 & 8.51.030 of the Official Codes of the City of Great Falls (OCCGF) makes it unlawful for any person to allow rubbish / exterior storage to accumulate on property within the City. **No later than October 30, 2017**, we request the rubbish and/or exterior storage and/or salvage materials be located within a storage building or properly disposed of. Arrangements must be made with the City Sanitation Department Supervisor (406-771-1401) or your private waste collection provider for additional garbage pickups and charges, prior to the location of the rubbish in or around the alley container.

Section 17.36.2.030 of the Official Codes of the City of Great Falls (OCCGF)- Construction and maintenance requirements. A. Surfacing. Except as otherwise noted in 17.32.150 all off-street parking areas shall be surfaced and maintained with Portland cement concrete or asphaltic concrete in accordance with standards prescribed by the City Engineer.

*Items referenced are not inclusive:* **The City tried to contact you but was unsuccessful. A verbal complaint first came in on October 5, 2017 followed by a written complaint Oct 11th. Southwind motorhome seems to be occupied and has propane hooked up and electrical extension cords coming from the vehicle; this property isn't zoned for occupying any recreational vehicle either temporarily or permanently and this activity must cease immediately violations noted during the first and second inspection dates, near the front of the residence is wood, door and/or window, window(s) in the residence covered by wood and/or fabric, bicycle tire(s), mattress on the front porch, window screens not appropriately attached, the residence has peeling and/or deteriorating paint and needs to be weatherproofed appropriately as required by code, the boat and trailer don't show visible current registration nor is the boat covered properly, large amount of wood, and other items back near the alley by the boat and trailer, garage is in need of exterior weatherproofing, bucket(s), and other salvage and/or exterior storage on the property. This property is a nuisance and has become an eyesore to the community and must be brought into compliance.**

We are seeking voluntary compliance and then if that doesn't work, then we will be forced to achieve compliance through the formal legal process. **An inspection will be conducted for occupying the recreational vehicle no later than October 20, 2017 and monitored. An inspection for all other violations will be conducted on or after October 30, 2017** to insure the necessary corrective action has been taken. Failure to take corrective action will result in the Assistant City Attorney becoming involved.

We appreciate you working with the City on this matter. Please contact Planning and Community Development Office, 406-455-8574, if you have questions regarding this letter or the condition of your property.

Sincerely,



Heather Rohlf, Code Enforcement

C: Property File





November 1, 2017

Case Number: 2017-00003045  
Open Date: 10/11/2017

WILLIAM & GAIL J BRAINARD  
GARRY F GUIDOTTI  
3527 4<sup>TH</sup> AVE N  
GREAT FALLS, MT 59401

**Second Notice of Occupying a Recreational Vehicle, Unlicensed/Abandoned/Junk  
Vehicle/Rubbish and/or Exterior Storage Violation at 520 8TH AVE S**

**COMPLIANCE DATE: OCCUPYING A RECREATIONAL VEHICLE (IMMEDIATELY),  
VEHICLES/RUBBISH/EXTERIOR STORAGE NOVEMBER 14, 2017**

Dear WILLIAM & GAIL J BRAINARD / GARRY GUIDOTTI,

This letter shall serve as your Final Notice that Community Development has received a complaint concerning your property. Sections 8.50.010 & 8.51.030 of the Official City Codes of Great Falls (OCCGF) lists conditions prohibited on premises. You are hereby ordered to remedy any and all such noted violations by properly disposing of listed items or store such items indoors in a proper fashion no later than November 14, 2017 and cease occupying the motorhome immediately. Arrangements may be made with the City Sanitation Department Supervisor (406-771-1401) or your private waste collection provider for additional garbage pickups and charges, prior to the location of rubbish in or around the alley container.

Section 10.61.030 of the Official City Codes of Great Falls prohibits the location of unlicensed and/or inoperative vehicle(s) upon private property. No later than November 14, 2017 we ask that such vehicles(s) be currently licensed and visibly operable, removed, located within a storage building or concealed by a cover specifically designed for such purpose, and be in compliance with all other applicable codes. Tarps are not acceptable substitutes for distinctly designed covers. The City-County Health Department (406-454-6905) will remove such vehicles(s) for you free of charge upon your request. To receive services from the City-County Health Department you must be the registered owner of the vehicle and willing to sign off on release of it.

Items referenced are not inclusive: An inspection was performed 11/1/2017 and the City appreciates the efforts thus far to comply and shows progress but there is still violations on the property which includes but isn't limited to tire(s), wood behind the garage near the alley, the boat and trailer have been moved but the code specifically states vehicle covers are to be used (in this case a boat cover) and tarps aren't acceptable coverage, the Southwinds motorhome is still located on the property without visible license plates and the City has been advised it is still being illegally occupied and this was to cease immediately; the letter that was mailed out October 17th states this and including a conversation during a recent telephone call. As a reminder this property is zoned R-9 and a "campground" is only allowed in C-2 and C-3 zoning within city limits if approved by the City and State.

City of Great Falls Planning and Community Development  
Code Enforcement Division  
2 Park Drive South Room 112, Great Falls, MT 59401

We are seeking voluntary compliance and then if that doesn't work, then we will be forced to achieve compliance through the formal legal process. **An inspection will be conducted on or after November 15, 2017** for everything except "occupying the motorhome" which is immediate to insure the necessary corrective actions have been taken. No further notices will be given and this case will be turned over to the Assistant City Attorney for any legal action.

If you have questions, I may be contacted by telephone at 406-455-8574, by E-mail at [codeenforce@greatfallsmt.net](mailto:codeenforce@greatfallsmt.net) or in room 112, Community Development Department at the Civic Center, located at # 2 Park Drive and Central Avenue.

Respectfully,



Heather Rohlf, Code Enforcement

C: Property File

































Planning & Community Development  
Room 112  
2 Park Drive South  
Great Falls, MT 59401

August 10, 2018

William & Gail J Brainard  
Garry F Guidotti  
3527 4<sup>th</sup> Ave N  
Great Falls, MT 59401

Dear William & Gail J Brainard / Garry F Guidotti,

This letter shall serve as a **last attempt notice** concerning your property and regarding the conversation had in October 2017. Sections 8.50.010 & 8.51.030 & 17.36.2.030 / (17.32.150) of the Official City Codes of Great Falls (OCCGF) lists conditions prohibited on premises. As discussed in October 2017, you are hereby ordered to remedy any and all such noted violations by the individual(s) immediately ceasing occupying the motorhome as you advised the City in October 2017 that the occupant had somewhere in the county to take the motorhome to occupy, and to which it hasn't as of today's date, the boat and trailer are still in violation on the property; this must be completed no later than August 19, 2018.

Section 10.61.030 of the Official City Codes of Great Falls prohibits the location of unlicensed and/or inoperative vehicle(s) upon private property. **No later than August 19, 2018** again, we ask that such vehicles(s), boat and trailer, be currently licensed and visibly operable, removed, located within a storage building or concealed by a cover specifically designed for such purpose, and be in compliance with all other applicable codes. Tarps are not acceptable substitutes for distinctly designed car covers (boat and trailer). The City-County Health Department (406-454-6905) will remove such vehicles(s) for you free of charge upon your request. To receive services from the City-County Health Department you must be the registered owner of the vehicle and willing to sign off on release of it.

**Items referenced are not inclusive: The City made one last attempt August 9, 2018 to verify compliance at the property address, at which items are still in non-compliance as stated above.**

We have sought voluntary compliance and are making a last attempt, we will be forced to achieve compliance through the formal legal process if the property isn't brought into compliance by the date listed above. **The last inspection will be conducted August 20, 2018** to insure the necessary corrective actions have been taken. Failure to take corrective action with this notice letter as required by Sections 8.50.010 & 8.51.030 & 10.61.030 & 17.36.2.030 & 17.20.3.060 (Table 20-1 campgrounds are only permitted in the C-3 and GFIA zoning districts and conditionally permitted in C-2 zoning district, and must be an approved campground with the State of Montana) (OCCGF) will result in the immediate filing of a criminal nuisance complaint in City Court under Sections 1.04.070 and/or 8.50.020 (OCCGF). Once a complaint has been filed the minimum fine is \$250 with a maximum fine of \$500 and/or 6 months in the County Jail.

8-17-18(8:30) Garry Guidotti, [REDACTED] called. Bill just gave him this letter that was mailed out 8/10. Gave him an extension till 8/24/18 to find another place to live in motorhome. He will check Dicks RV. Will do final inspection 8/27/18.

If you have questions, I may be contacted by telephone at 406-455-8574, by E-mail at [codeenforce@greatfallsmt.net](mailto:codeenforce@greatfallsmt.net) or in room 112, Community Development Department at the Civic Center, located at # 2 Park Drive and Central Avenue.

Respectfully,

A black rectangular box redacting the signature of Heather Rohlf.

Heather Rohlf, Code Enforcement  
Building Inspectors Office

C: Property File



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## Profiting on misfortune: Tax liens, home loss and county finance

David Murray, [dmurray@greatfallstribune.com](mailto:dmurray@greatfallstribune.com)

Published 10:27 p.m. MT Sept. 29, 2016 | Updated 8:01 a.m. MT Sept. 30, 2016



(Photo: TRIBUNE PHOTO/ION SANDERS)

There's an old saying that nothing in life is certain but death and taxes. While death may come to us at any moment, our taxes arrive on a regular schedule.

Twice each year – once in November and again in May – treasurers from all 56 Montana counties prepare property tax notices on each of the nearly 600,000 privately owned homes, farms, businesses and undeveloped lots in the state.

A large majority of Montana property owners pay their property taxes regularly, if not reluctantly, knowing that failure to do so can result in serious consequences. Delinquent property taxes accrue ever increasing amounts of interest and penalties.

In Montana, if a property owner doesn't pay their taxes over a long enough period of time, the deed can be transferred to a third-party tax sale purchaser, often for pennies on the dollar. Wait too long, and the recalcitrant property owner may find the house they live in belongs to somebody else.

As recently as 2009, Gary Guidotti owned four houses in Great Falls. None were luxurious or even particularly well maintained, but the money Guidotti collected renting them out helped to pay his bills.

Great Falls teen stabbing: Here's what we know

(<http://www.greatfallstribune.com/videos/news/2016/09/29/91244916/?from=global&sessionKey=&autologin=>)

In the span of little more than six years, Guidotti has lost all four of his properties. They were either sold to a third-party investor in lieu of unpaid property taxes, or conveyed by quitclaim deed for the settlement of bad debt and outstanding attorney's fees.

Now in the twilight of his life, the 78-year-old master electrician has been reduced to living in an aging motor home parked in the backyard of a house he once owned. When the summer nights get too hot, Guidotti sleeps on a bed shoved inside an old wooden shed filled with scaffolding and electrical conduit. This winter he plans to keep warm with a pellet stove jerry-rigged into the side of his motor home.

"They say if you don't pay the taxes, you don't own it anymore," Guidotti said.

County attorney raises new issues on solar farm votes

(<http://www.greatfallstribune.com/story/news/local/2016/09/29/county-attorney-raises-new-issues-solar-farm-votes/91297470/>)

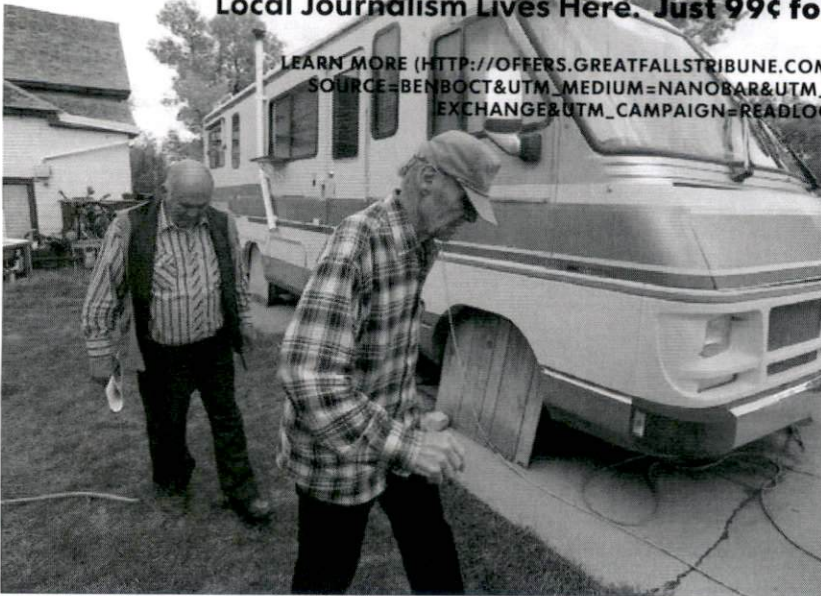
He seems confused, uncertain of how it ever got to this point. Standing outside a broken-down, two-story house he once owned, Guidotti wonders aloud if his name is still on the deed. A large yellow sign hangs on the door, warning any and all trespassers that they will be prosecuted.

"That's what happened," Guidotti said quietly. "Somebody else came in and paid the taxes, and now they own it. What the hell do you do about it?"

All of this is perfectly legal.

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Gary Guidotti, right, currently resides in this motor home parked in the backyard at 520 8th St. S. Guidotti used to own the property but over the past four years Guidotti lost this property and three others to tax lien sales. (Photo: TRIBUNE PHOTO/RIION SANDERS)

According to the National Consumer Law Center, every state in the country has laws authorizing the creation of a lien against residential property when the taxes don't get paid. The laws are not uniform, but their most punitive outcomes can be devastating.

Guidotti's financial troubles began at the outset of the recession in 2007. His tenants stopped paying rent so he stopped paying his property taxes. The delinquency notices started piling up.

Property records show that in July 2008, Cascade County issued a tax lien on Guidotti's house at 612 13th St. S. for unpaid property taxes equaling \$1,125.45. Seventeen months later the county sold the tax lien to the Sunrise Financial Group investment company for \$667.20. On Sept. 30, 2011, Sunrise Financial received a tax deed for the house.

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For an initial investment of less than \$700, Sunrise Financial acquired a property that was appraised in 2015 at a market value of \$139,300. Gary Guidotti got nothing.

"This can't be fair," Guidotti said. "It (the law) has to be changed, but what's the sense in fighting? The lawyers will have it all anyway. It's just the way it goes."

Many people agree.

Matt Pepos is Cascade County resident who has taken up changing Montana's tax lien laws as a personal crusade.

"It makes my blood boil when I hear about things like this," Pepos told the Cascade County commissioners regarding what happened to Gary Guidotti.

"It's like a vulture sitting on the fence waiting for you to screw up so he can take everything that you've got. I feel that Mr. Guidotti has been wronged and something has be done to change it."

State surplus auction tallies \$1M



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The case of Gary Guidotti is more than just a story about a man who lost his home because he didn't pay his taxes. **EXCHANGE&UTM\_CAMPAIGN=READLOCAL17)**

Gary Guidotti is now homeless and living on the edge of a sustainable existence. Pepos wonders what will happen to him in the years ahead when it becomes likely that Guidotti will no longer be able to care for himself. Will the state of Montana have to step in to provide housing, medical and social services at taxpayer expense?

Pepos asks if it wouldn't have been better for everyone if Guidotti had retained a reasonable portion of the value of his properties? Why should the investors of Sunrise Financial Group reap windfall profits from Guidotti's loss when at the end of the day it may well be Montana's taxpayers who will have to pay for his late-life expenses? Was the \$667 Cascade County received for Gary Guidotti's home really worth it?

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Gary Guidotti, left, enters the backyard at 520 8th St. S. where he currently resides in a parked motor home. Guidotti used to own the property but over the past four years he lost this property and three others to tax lien sales. (Photo: TRIBUNE PHOTO/ION SANDERS)

It's important to remember that county treasurers have very little discretion when it comes to property tax collections. The process and schedule for recovering delinquent taxes is dictated by state statute.

In Montana, property tax lien assignments become available after the taxes have gone delinquent for no fewer than two months. At that point, anyone with an interest in the property; be it a neighbor, rival or property investment company, can come in, pay the back taxes and obtain a lien on the property attached to them.

Once a tax lien has been sold, state law guarantees the holder of that lien a 10 percent annual return on their investment – plus an additional two-percent per annum that goes to the county to cover administrative costs. If the owner of the property does not reimburse the lien holder for the entire amount of the accumulating debt within three years, then a tax deed is issued turning ownership of the property over to the lien holder.

And someone has just lost their land to back taxes.

Property tax collection in Montana is unique in that it relies upon the profit motive of private individuals to enforce compliance.

If you fail to pay your state income tax, you can expect to be contacted by the Montana Department of Revenue, which could eventually seize your property and sell it for back taxes. But you're not going to get a letter from your neighbor down the street saying, "I've paid your state income taxes and if you don't pay me back I'm going to take possession of your house."

Montana's process for third-party property tax collection was established in the late 19th century and, according to Ronda Wiggers, a lobbyist for the County Treasurer's Association of Montana, the intent was to reduce the likelihood, or even the perception, that locally elected county officials were playing favorites when it came to tax collection.

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In simple terms, collecting taxes is not a popular task, and potentially seizing someone's property to pay for back taxes is even less so. In small communities where county commissioners are often well-known, it's not unusual for them to have a personal connection — or at least a public perception — that county officials are less inclined to collect back taxes from their family members, business partners and other influential members of the community than from someone who they had no personal connection to.

"This process was set up to make it possible for a third party to come in and do the collections," Wiggers said.

Not everyone is comfortable with this 120-year-old rationale for third-party tax collections.

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Gary Guidotti used to own this property at 618 3rd Ave. S., but over the past four years Guidotti lost this property and three others to tax lien sales. (Photo: TRIBUNE PHOTO/RION SANDERS)

"If there's a problem with an unscrupulous treasurer or county commissioner not collecting taxes, that's an issue of corruption that should be addressed by the courts," said Tom Jacobson, a state representative from Great Falls who has been working for the past two legislative sessions to revise Montana's system of tax liens and tax deeds.

"We shouldn't be inviting these companies to come in, whose only motive is to earn as big a profit as they can, to collect our taxes for us," Jacobson added. "It's predatory in nature. Good government should be about something more than just profits. We should be doing everything we possibly can to help these people stay in their homes."

According to Wiggers, less than 500 properties a year in Montana pass all the way through the three-year tax lien process and are forceably sold through a tax deed. Of these, just a small percentage are properties have significant commercial value.

"A lot of rundown buildings, pig sheds and contaminated soil," is how Wiggers characterized the large bulk of properties that are obtained by tax deed in any given year.

Many are "orphan properties" — chunks of land that for one reason or another have been separated from a larger parcel and are far too small for significant commercial development. Others have simply been abandoned by their former owners because the cost to maintain or repair them exceeds their current value.

The small number of occupied homes that do fall to tax deed in Montana are almost always free and clear of any mortgage.

"If there's a mortgage the bank is going to make sure the property taxes are being paid," Wiggers noted. "They're calculated into your mortgage payment. If for some reason you got a mortgage that allows you to escrow the property taxes on your own, which banks will sometimes do for an ag loan, the minute the bank finds out there's a tax lien the bank will go and pay it anyway and add it to your bill. These are primarily properties that have no mortgage on them."



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"What we've got to go through to get rid of a little piece of dirt that nobody wants is cost prohibitive," Cascade County Commissioner Joe Briggs said. "Half the parcels that we (Cascade County) own are abandoned. It's a huge burden on the county. We've got to do in order to sell them. We've got hundreds of pieces of dead property that we own, and most of them don't even have the availability of water."

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Tony and Ruth Rucinsky talk about the struggles they face after their home was sold for back taxes. (Photo: TRIBUNE PHOTO/RION SANDERS)

That was not the case with Tony and Ruth Rucinsky.

The Rucinskys bought a home in the Riverview District of Great Falls in 2007. A serious neck injury made it difficult for Tony to maintain steady employment, but the bills just kept coming. The Rucinskys put off paying their property taxes, not understanding the implication when they received repeated notices from the county that their taxes were delinquent and that a tax lien had been assigned against their house.

"Then we got a letter from this Montana Land Protection," Tony said of the official notice they received that their tax lien had been purchased by a property investment company. "It almost made it sound like they were there to help people having trouble with their taxes. That was my first thought."

Still the Rucinskys lagged in addressing the growing crisis that was engulfing their home. With only a few days left to resolve their tax debt, Tony Rucinsky made a last-ditch effort to obtain a loan from the bank and pay back what they owed.

"I had all the finances arranged," he said, "but it didn't match the tax debt that the county had recorded."

Once a property tax debt has been sold as a tax lien, Montana law prohibits the county from accepting anything but full payment for the entire amount of the debt and there are no provisions for making partial payments. Miscalculating the tax lien's full value was a fatal error.

The lien on the Rucinskys' house became a tax deed. A few days later a representative of Montana Land Protection abruptly entered Tony and Ruth Rucinsky's home.

"It was a Sunday morning and we were all in our pajamas," Ruth Rucinsky recalled. "I had my nightgown on and we were making breakfast for the boys when this guy pulls up in his jeep and walked right in. He didn't even knock, he just opened up our door and walked in. I was like, 'Who are you?' and then he says, 'We own this place now and if you want to live here you can rent it from us or buy it back at fair market value.'"

The Rucinskys' total tax debt plus interest and fees was less than \$20,000, but the entire market value of their \$185,000 home is now the legal property of Montana Land Protection.

"I laid on the couch downstairs the day after just sick — just literally sick," Tony Rucinsky said. "What do we do? Everything we had I put into this house. I understand that it's my own doing and I shouldn't have waited. I kick myself for procrastinating, but I don't think losing everything is just punishment for procrastinating either — is it?"

## Profiting on misfortune: Tax liens, home loss and county finance

Page 6 of 6

Jacobson doesn't believe so. He acknowledges that every property owner has an absolute responsibility to pay their taxes in a timely fashion, and that in some cases there may be no other alternative than to compel the sale of a property. However, Jacobson argues that any tax collection system that has the potential to strip people of the entire value of their property when the debt they owe is only a small fraction of what the property is worth, is morally wrong.

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"I think what really turns the stomachs of most folks is the absolute loss of property," he said. "The goal should be to make everybody whole: the county, the investor and to whatever degree is possible the property owner themselves. If you do lose your property, at least it should be sold, the debt extracted from the proceeds and whatever cash value remains go to the original owner. I've never talked to a single person who doesn't think that that's fair. That's what we really need to change."

### Tax lien sales drawing attention nationwide

All states have enacted laws that authorize both the creation of a lien against residential property when taxes on the property are not paid and the enforcement of this lien by a sale of the property. However, the increasing aggressiveness of investors in tax liens, coupled with a growing number of reports of people losing their homes based upon debts of a few hundred dollars have led to increasing scrutiny of property tax collection laws across the United States.

The National Tax Lien Association, a professional trade organization for the tax lien industry, reports that delinquencies on property tax total approximately \$15 billion annually and that about a third of these delinquencies are purchased by tax lien investors each year.

"The increased interest in tax sales has raised concerns that some of the companies and individual investors engage in questionable practices to profit from tax sales," a report from the National Consumer Law Center states. "The structure of tax sales in some states encourages collusion between investors, which often wreaks disastrous consequences on homeowners. Several big tax lien investment groups have been under investigation for antitrust violations and a few individuals have been convicted or entered plea agreements."

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**Item:** Resolution 10281, "A Resolution Delegating the Great Falls Public Works Department Authority to Establish and Maintain Traffic Control Devices."

**From:** Joseph P. Cik, Assistant City Attorney

**Initiated By:** Greg Doyon, City Manager

**Presented By:** Joseph P. Cik, Assistant City Attorney

**Action Requested:** Adopt Resolution 10281.

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/not adopt) Resolution 10281."

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

---

**Staff Recommendation:**

Staff recommends that the City Commission adopt Resolution 10281.

**Background:**

City staff has assembled input from different departments to continue with a comprehensive revision of the Code. As part of the ongoing OCCGF revision process, on September 18, 2018 the Commission adopted Ordinance 3188 Repealing and Replacing OCCGF Title 10, pertaining to vehicles and traffic. The newly established provisions of OCCGF Title 10 became effective October 18, 2018. Staff believes that further clarification and delegation of authority under the new provisions is necessary.

The recently enacted OCCGF §10.3.010 provides in pertinent part:

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. Id. at (A.).

By adopting the resolution under consideration, the Commission will be delegating authority and granting approval to the Great Falls Public Works Department to place and maintain traffic and parking control signs, signals, and devices when necessary and in compliance with all State, Federal, and local law and applicable MDT approval. This will allow the department to continue to establish traffic control measures efficiently requiring no further Commission administrative action.

**Fiscal Impact:**

None.

**Concurrences:**

Public Works

City Manager's Office

**ATTACHMENTS:**

- ▣ Resolution 10281

## **RESOLUTION 10281**

### **A RESOLUTION DELEGATING THE GREAT FALLS PUBLIC WORKS DEPARTMENT AUTHORITY TO ESTABLISH AND MAINTAIN TRAFFIC CONTROL DEVICES.**

\*\*\*\*\*

**WHEREAS**, the City Commission adopted Ordinance 3188, September 18, 2018; and

**WHEREAS**, Ordinance 3188 repealed and replaced Title 10 of the Official Code of the City of Great Falls (OCCGF) pertaining to Vehicles and Traffic; and

**WHEREAS**, OCCGF § 10.3.010 authorizes the Public Works Department, with the approval of the City Commission and The Montana Department of Transportation (MDT) when applicable, to 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 (MTCD); and

**WHEREAS**, the City Commission wishes to grant the Public Works Department authority to establish and maintain traffic and parking control devices with appropriate MDT approval in accordance with the MTCD without additional Commission administrative action.

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

1. The Great Falls Public Works Department, through its Director or designee, is hereby granted authority and approval by the City Commission to place and maintain traffic and parking control signs, signals, and devices when necessary and in compliance with all State, Federal, and local law and applicable MDT approval; and
2. This Resolution is adopted in the interest of public safety, health, and welfare.

**BE IT FURTHER RESOLVED BY SAID CITY COMMISSION** that this Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana, on January 2, 2019.

---

Bob Kelly, Mayor

ATTEST:

---

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

Joseph P. Cik, Assistant City Attorney